



Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: June 9, 2014
Time: 12:30 pm
Location: North Community Hall
20925 Porlier Pass Road
Galiano Island, BC
V0N 1P0

Pages

1. Call to Order 12:30 PM - 12:50 PM
2. Approval of the Agenda
 - 2.1 Questions on Agenda Items
3. Town Hall
4. Community Information Meeting
none
5. Public Hearing
none
6. Previous Meetings 12:50 PM - 1:00 PM
 - 6.1 Local Trust Committee Minutes for Adoption
 - 6.1.1 Galiano Island Local Trust Committee Meeting Minutes of May 5, 2014 (attached) 4 - 14
For Consideration to Adopt
 - 6.2 Public Hearing Record and Community Information Meeting
none
 - 6.3 Section 26 Resolutions without Meeting
none
 - 6.4 Advisory Planning Commission
none

7.	Business Arising from the Report	
7.1	Follow-up Action Report (attached)	15 - 17
	FUAL Report dated May 2014	
8.	Delegations	
	none	
9.	Correspondence	
	none	
10.	Applications, Permits, Bylaws and Referrals	1:00 PM - 2:00 PM
10.1	GL-RZ-2011.1 (GLCHT) Memo - Feasibility Report Update (attached)	18 - 25
10.2	GL-RZ-2011.2 (Dewinetz) - Covenant Discharge Memo (attached)	26 - 56
	-----BREAK-----2:00 PM	
11.	Local Trust Committee Projects	2:15 PM - 3:00 PM
11.1	Groundwater DPA - Factsheet and Next Steps (attached)	57 - 60
11.2	Short Term Vacation Rental (STVR) Update - Memo (attached)	61 - 68
11.3	Contractor Home Base - Memo (attached)	69 - 70
11.4	GL-TUP-2014.1 (Galiano Conservancy Association) (attached)	71 - 93
12.	Reports	3:00 PM - 4:00 PM
12.1	Work Program Reports	
12.1.1	Work Program Report Dated May 2014 (attached)	94 - 95
12.1.2	Federal Marihuana for Medical Purposes Regulation - Staff Report (attached)	96 - 103
12.2	Applications Reports (attached)	104 - 108
	Application Report dated May 2014	
12.3	Expense/Budget Reports (attached)	109 - 109
	LTC Expense Report dated May 2014	
12.4	Bylaw Enforcement	
	none	
12.5	Policies and Standing Resolutions Report	110 - 111

(attached)

12.6 Galiano Island LTC Web Page for Review

The Galiano Island Local Trust Committee Web Page can be found at:

www.islandstrust.bc.ca/islands/local-trust-areas/galiano

12.7 Chair's Report

12.8 Trustee Report

13. Other Business

4:00 PM - 4:30 PM

13.1 Upcoming Meetings

The next meeting of the Galiano Island Local Trust Committee will be held July 7, 2014, at 12:30 pm, at the Galiano Island South Community Hall.

13.2 Special LTC Meeting Request - Memo (attached)

112 - 112

14. Town Hall Meeting

15. Adjournment

4:30 PM - 4:30 PM

**MINUTES OF THE GALIANO ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON MONDAY, MAY 5, 2014, AT 12:30 PM
AT THE SOUTH ISLAND COMMUNITY HALL,
GALIANO ISLAND, B.C.**

<u>PRESENT:</u>	Ken Hancock	Chair
	Louise Decario	Local Trustee
	Sandy Pottle	Local Trustee
	Kris Nichols	Island Planner
	David Millership	Recording Secretary

There were approximately twenty (20) members of the public present.

1. CALL TO ORDER

Chair Hancock called the meeting to order at 12:35 p.m. Introductions were made and the meeting introduced.

Chair Hancock stated appreciation and acknowledgment that today's meeting is taking place on the traditional territories of the Coast Salish people.

2. APPROVAL OF THE AGENDA

Chair Hancock asked for any additions or changes to the agenda; no amendments were made.

The agenda was Approved by consent.

2.1 Questions on Agenda Items

None

3. TOWN HALL

Chair Hancock invited the public to make comment; no comments were made and he closed the Town Hall meeting.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. PREVIOUS MEETINGS

6.1 Local Trust Committee Minutes for Adoption

6.1.1 Galiano Island Local Trust Committee Meeting Minutes of April 7, 2014

Amendments:

- Page 2, item 3, second to last paragraph – replace the words “will gladly” with “would gladly”.
- Page 4, item 10.1.1, fifth paragraph, two thirds down – replace the words “docks ordinarily” with “docks potentially”.

The Minutes of April 7, 2014 Local Trust Committee Meeting were Adopted as amended by consent.

6.2 Public Hearing Record and Community Information Meeting

None

6.3 Section 26 Resolutions without Meeting

RWM Report dated April 2014 provided for information.

One resolution In Favour via resolution without meeting (RWM) regarding the Chair being authorized to execute a section 219 covenant(s) required as a condition of final approval of subdivision application GL-SUB-2012.1.

6.4 Advisory Planning Commission

None

7. BUSINESS ARISING FROM THE REPORT

7.1 Follow-up Action Report

Planner Nichols provided information from FUAL Report dated April 2014 and items were discussed with regards to status and action.

Specific to item No. 12 – Planner Nichols reported that Status is now “done”.

Specific to item No. 15 – Planner Nichols will update Activity wording by replacing “lands west” with “lands east”.

Specific to item No. 11 – Planner Nichols reported that he spoke with the applicant, that there has been some liaison(s) between the applicant and the Crown and that the applicant stated that the neighbours were aware of what was happening. Planner Nichols stated that he provided the applicant with information and informed him that a revised application needs to be received.

8. DELEGATIONS

8.1 Galiano Land and Community Housing Trust – Galiano Green

Chair Hancock introduced Rob Barrs, Principal of Rob Barrs and Associates.

Mr. Barrs provided information from Revised Galiano Green Affordable Home Ownership Draft Feasibility Plan dated May 1, 2014, and presented the following key findings: data interpretation; need and demand; feasibility; project overview; defining affordability; income thresholds; site plan; lot layouts; site infrastructure; build options; tenure; applicant eligibility; annual revenues / operating costs; building costs; affordability; approvals needed; and studies completed.

He requested, on the behalf of Galiano Land and Community Housing Trust (GLCHT), that the Local Trust Committee (LTC) schedule a second Community Information Meeting (CIM) and have a Public Hearing (PH) in June 2014.

He stated that the Revised May 1, 2014, Draft Feasibility Plan is available for download via the Islands Trust website: <http://www.islandstrust.bc.ca/media/269050/galianogreenfeasplanmay2014.pdf> and Chair Hancock said that a printed version of such would also be made available to the public at the Galiano Library.

Chair Hancock invited the Trustees and public to ask questions and/or make comment.

Trustee Decario and Trustee Pottle stated that they would ask questions at a later date, when they have had a chance to read the entire revised report.

There was some discussion regarding: process; Planner Nichols needing to do a report for LTC review; Draft Feasibility Plan dated May 1, 2014 and relevant reports needing to be referred to the Capital Regional District (CRD) for comment; the GLCHT housing agreement; and LTC desire to have all information and referral comments finalized prior to a Community Information Meeting and Public Hearing scheduling.

Tom Hennessy stated that GLCHT has 13 potential applicants from Galiano and that viability is very important.

Doug Latta stated that it should be easier for GLCHT to attract applicants once all information has been finalized.

There was some discussion regarding renting versus owning and the ownership model being preferred.

Andrew Loveridge stated support for the GLCHT ownership model because ownership instills pride and generally results in people treating things better.

Avis Seads asked how many of the 13 potential applicants from Galiano would qualify.

Doug Latta responded that GLCHT is not sure yet because applicants are still subject to a means (income) test and other vetting processes.

There being no further questions and/or comments, Chair Hancock thanked Mr. Barrs for his presentation and asked the Trustees and public to contact Planner Nichols and/or Mr. Barrs directly if additional questions arise.

9. CORRESPONDENCE

Note: correspondence received concerning applications and/or projects is considered with the application/project.

None

10. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

10.1 GL-DVP-2013.3 (Williams) – Staff Report

Planner Nichols provided information from Staff Report dated April 24, 2014, (File No.: GL-DVP-2013.3 (Williams)) Re: Reconsideration of Development Variance Permit Application GL-DVP-2013.3 (Williams).

David Williams was in attendance and spoke on behalf of the application.

Ralph Moyle, a member of the public who has visited the applicant's property, was in attendance and stated support for the application.

The following discussions took place: the intention of meeting minutes being to capture LTC resolutions and discussion points not a verbatim meeting record; natural boundary of the sea; staff report comments; professional report by John Harper, P. Geo, PhD.; erosion; vegetation and wildlife; safety concerns; potential impact(s) of seawall deconstruction; foreshore access; soft shore structures being environmentally friendly while also providing access to the foreshore; and application history.

Trustee Decario stated concern that the applicant built the seawall, deck and stairs without permission.

Trustee Pottle stated concern that the seawall was built in order to give the applicant's back yard level ground.

There was further discussion: regarding the professional report; the seawall not having had any observable effect on the intertidal; the seawall being compromising of riparian ecological function along the walled portion of the property; the ability to use fencing in order to address safety concerns; there being public access to the foreshore nearby; the deck and stairs encroaching a setback area; removal of the deck and stairs; the applicant's ability to install soft shore structures in order to gain access to the foreshore from his property; and the need to consider precedent.

GL-2014-033

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Development Variance Permit GL-DVP-2013.3 (Williams) be amended by deleting variances for the deck (Part 2d), and variance for the stairs (Part e).

CARRIED

GL-2014-034

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Development Variance Permit GL-DVP-2013.3 (Williams) be amended by removing the deck and stairs from Schedules A and B.

CARRIED

GL-2014-035

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Development Variance Permit GL-DVP-2013.3 (Williams) as amended be Approved.

CARRIED

Chair Hancock encouraged the applicant and public to refer to the Official Community Plan (OCP), which details recommended options for shoreline approaches when addressing erosion.

10.2 GL-RZ-2013.1 / GL-SUB-2013.1 (Landworks) - Memo

Planner Nichols provided information from Memorandum dated April 24, 2014, (File No.: GL-RZ-2013.1/GL-SUB-2013.1) Re: Update from April 7, 2014, Galiano Island Local Trust Committee Resolutions and a revised map.

Kelly Gesner and Bowie Keefer were in attendance and spoke on behalf of the application.

Michael Hoebel was in attendance and spoke on behalf of the Galiano Island Parks and Recreation Commission (GIPRC).

There was some discussion: regarding designation of land(s) east of the main road; BC Parks; GIPRC; CRD; Ministry of Transportation and Infrastructure (MoTI); possible creation of an eighth lot; LTC wanting access to the ocean as a community benefit; access to the ocean possibly being via the northern boundary; process related to gaining ocean access possibly being lengthy; GIPRC being very interested in acquiring parkland(s)/ocean access; BC Parks preferring parkland(s) not to be split; community concern(s) regarding BC Parks commitment to management plans; LTC not necessarily wanting all of Galiano's north end parkland(s) to be under BC Parks management; potential need for a meeting with BC Parks as well as CRD; application history; LTC desire for the application to move forward; applicant's objective/responsibility being to gain community support; rezoning process; subdivision process; items required prior to a PH being scheduled; Preliminary Layout Approval (PLA); Development Permit (DP) application; and road allowance.

GL-2014-036

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee directs staff to inform the applicant of GL-SUB-2013.1 that the Galiano Island Local Trust Committee approves dedication of a road allowance on the northern boundary of the proposed subdivision.

CARRIED

There was further discussion regarding meeting with the CRD about the designation of parkland(s) in question.

There was some discussion regarding process and the need for a forestry covenant(s) – Planner Nichols stated that the applicant is aware of such and working on it.

Note: there was a break at 2:40 p.m. and the meeting reconvened at 3:10 p.m.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Short Term Vacation Rentals (STVR) – Staff Report

Planner Nichols provided information from Staff Report dated April 24, 2014, (File No.: 6500-20-STVR) Re: Short Term Vacation Rental (STVR) Project – Draft Land Use and Official Community Plan Bylaw Amendments.

There was some discussion regarding: home occupation; Temporary Use Permits (TUPs) for owners who don't live on Galiano; and possible Land Use Bylaw (LUB) amendments.

GL-2014-037

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee directs staff to amend Draft Bylaw No. 247 by: 1. Amending section 1. a) by replacing the words “in front of” with the word “after”; 2. Amending subsection 1. b) 3.1.3 by adding the words “On properties with a principal dwelling and legal cottage” before the words “the following additional regulations” and by deleting the word “the” after the words “apply to” and by deleting the words “of a cottage” after the words “short term rental”; 3. Amending subsection 1. b) 3.13(1) by adding the words “dwelling or” before the words “cottage per lot”; 4. Amending section 1. c) by adding the words “dwelling or” before the words “cottage as temporary commercial” and by adding the words “dwelling or” after the words “For this purpose, a”; 5. Amending section 1. b) by adding subsection 3.13(2) that says “No more than four beds may be used to accommodate paying guests for short term vacation rental.”.

CARRIED

GL-2014-038

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Draft Bylaw No. 247, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2014” as amended be given First Reading.

CARRIED

There was some discussion regarding possible OCP amendments and the LTC directed Planner Nichols to add Roman numeral “II” in front of “5.3” under Schedule 1 section A. 1.

GL-2014-039

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Draft Bylaw No. 248, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2014” as amended be given First Reading.

CARRIED

GL-2014-040

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Proposed Bylaw No. 247 and Proposed Bylaw No. 248 be referred to the Galiano Island Advisory Planning Commission and other appropriate agencies including water districts.

CARRIED

GL-2014-041

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee directs staff to schedule a Public Hearing for July 2014 for Proposed Bylaw No. 247 and Proposed Bylaw No. 248.

CARRIED

The LTC agreed by consent to address item 11.3 prior to item 11.2.

11.3 Contractor Home Base Report – Memo

Planner Nichols provided information from Memorandum dated April 23, 2014, (File No.: 6500-20-LUB Contractor Home Base Review)
Re: Contractor Home Base – Project Charter and Focus Group Terms of Reference.

GL-2014-042

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee directs staff to amend Draft Project Charter > Project Scope > Out of Scope by adding “(focus group)” at the end of bullet point number two (2).

CARRIED

GL-2014-043

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Draft Project Charter for the Contractor Home Base Review as amended be Approved.

CARRIED

GL-2014-044

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Terms of Reference entitled “Contractor Home Base Review Terms of Reference the Focus Group Reviewing Contractor Home Base” be Approved.

CARRIED

GL-2014-045

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee directs staff to initiate the process for advertising for a Focus Group to be appointed either by Resolution Without Meeting or at the next Local Trust Committee Meeting.

CARRIED

11.2 Groundwater Development Permit Area (DPA) Revision – Staff Report

As amended, this item was addressed prior to item 17.

11.3 Contractor Home Base Report

As amended, this item was addressed prior to item 11.2.

12. REPORTS

12.1 Work Program Reports

As amended, deferred.

12.2 Applications Reports

As amended, deferred.

12.3 Expense/Budget Reports

As amended, deferred.

12.4 Bylaw Enforcement

As amended, deferred.

12.5 Policies and Standing Resolutions Report

As amended, deferred.

12.6 Galiano Island LTC Web Page for Review

As amended, deferred.

12.7 Chair's Report

As amended, deferred.

12.8 Trustee Report

As amended, deferred.

13. OTHER BUSINESS

13.1 Upcoming Meetings

The next meeting of the Galiano Island Local Trust Committee will be held Monday, June 9, 2014, at 12:30 pm, at the North Community Hall, Galiano Island.

The meeting is scheduled as stated.

14. TOWN HALL MEETING

Chair Hancock invited the public to make comment.

Dave Gerlach stated support for process moving forward regarding Contractor Home Base.

There being no further comments, Chair Hancock closed the Town Hall meeting.

15. MOTION TO CLOSE MEETING

GL-2014-046

It was MOVED and SECONDED,

That pursuant to Section 90(d), (f) and (g) of the Community Charter, the Galiano Island Local Trust Committee resolves to close the meeting to the public for the purpose of Adopting April 7, 2014, Galiano LTC In-Camera Minutes and to consider Bylaw Enforcement, pending litigation; and further that Bylaw Enforcement Manager Drew, staff and Recording Secretary remain present.

CARRIED

Note: the public was asked to adjourn at 4:55 p.m.

See separate In Camera Meeting minutes dated May 5, 2014.

Note: the public reconvened at 5:20 p.m.

16. RECALL TO ORDER

Chair Hancock stated that the LTC had nothing to report.

The LTC agreed by consent to address item 11.2 prior to item 17.

11.2 Groundwater Development Permit Area (DPA) Revision – Staff Report

Planner Nichols provided information from Staff Report dated April 24, 2014, (File No.: 6500-20-Groundwater Protection DPA Policy Review) Re: Revised Elevated Groundwater Catchment Area Development Permit Area Bylaw.

There was some discussion regarding possible amendments and the LTC directed Planner Nichols to replace the words “Where the a qualified” with “Where a qualified” under section 4.7 subsection 3.

GL-2014-047

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee directs staff to prepare a fact sheet explaining changes contemplated by Draft Bylaw No. 246.

CARRIED

GL-2014-048

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Draft Bylaw No.246, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2014” be given First Reading.

CARRIED

There was some discussion regarding process.

GL-2014-049

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Proposed Bylaw No. 246 be referred to the Galiano Island Advisory Planning Commission.

CARRIED

GL-2014-050

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee directs staff to schedule a Community Information Meeting and a Public Hearing for Proposed Bylaw No. 246.

CARRIED

The LTC agreed by consent to defer item 12.

17. ADJOURNMENT

GL-2014-051

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee meeting be adjourned at approximately 5:35 p.m.

RECORDER

CHAIR



Follow Up Action Report w/ Target Date

Galiano Island Dec-03-2012

No.	Activity	Responsibility	Target Date	Status
1	Retreat Cove Farm (Covenant Amendment) Staff working with Province to resolve issue.	Kris Nichols	Jul-07-2014	On Going

Nov-18-2013

No.	Activity	Responsibility	Target Date	Status
2	GL-RZ-2013.1 (Landworks) CIM and PH to be scheduled once a subdivision PLA has been received. Staff to initiate a cost recovery agreement as required and to work with applicant on F3 sustainability covenant. Staff to obtain a Letter of Understanding from BC Parks Staff to advise the applicant and MOTI of the agreed to northern boundary as the location for the designated access to the water.	Kris Nichols	Jun-09-2014	On Going

Feb-03-2014

No.	Activity	Responsibility	Target Date	Status
3	Ground Water DP Revision First reading was given to the bylaw - DONE Staff to develop a fact sheet on the difference between the proposed bylaw and the original. That staff schedule a CIM and PH That staff send out notification to property owners once the fact sheet is approved by the LTC.	Sharon Lloyd-deRosario Kris Nichols	Jun-09-2014	On Going

4	Community Benefit Discussion - Forest Lands To determine a policy to direct decisions made on community benefit and Forest lands rezoning and how it relates to who is the recipient and the process required.	Louise Decario Kris Nichols Sandy Pottle	Jul-07-2014	On Going
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Apr-05-2014

No.	Activity	Responsibility	Target Date	Status
5	Galiano Island Local Trust Committee Meeting Minutes of April 7, 2014 adopted as amended, posted to web. Post reports and submissions to the website.	Lori Foster	Jun-09-2014	Done

Apr-07-2014

No.	Activity	Responsibility	Target Date	Status
6	GL-DP-2013.2 (Ghai) Staff to amend GL-DP-2013.2 to reflect original orientation of the dock (90 degrees from shoreline) in the original tenure and to notify FLNRO	Kris Nichols	May-05-2014	On Going

May-05-2014

No.	Activity	Responsibility	Target Date	Status
7	Short Term Vacation Rentals That Bylaw 247 was given first reading as amended - DONE Bylaw 248 was given first reading - DONE CIM and PH scheduled for July Agencies, APC and water districts to be sent referrals	Kim Farris Sharon Lloyd-deRosario Kris Nichols	Jun-09-2014	Done
8	Contractor Home Base Project Charter was approved as amended Focus Group Terms of Reference were approved Staff to initiate advertising for members to be appointed by the LTC	Kris Nichols	Jun-09-2014	Done
9	GL-RZ-2011.1 (GLCHT) That staff prepare a progress report based on submissions made at the May meeting.	Kris Nichols	Jun-09-2014	Done

10	GL-DVP-2013.3 (Williams)	Kim Farris Sharon Lloyd-deRosario Kris Nichols	Jun-09-2014	Done
	That GL-DVP-2013.3 be issued as amended. A copy be forwarded to CRD building. That the applicant be notified about the removal of the deck and stairs and any other regulations as a result.			



Memorandum

Date May 30, 2014 File Number GL-RZ-2011.1 (Galiano Land and Community Housing)

To Galiano Island Local Trust Committee
For the Meeting of June 9, 2014

From Kris Nichols, Island Planner

Re Galiano Land and Community Housing Trust Application Update

Purpose:

To provide the Galiano Local Trust Committee an update on the status of the application and a possible direction for next steps.

Background:

At the May 5, 2014 Local Trust Committee meeting, Robert Barrs, Consultant for GLCHT, presented the most recent version of the Feasibility Study (May 1, 2014) (<http://www.islandstrust.bc.ca/media/271709/ggfeasibilityplantrackchangesmay.pdf>) and a Need and Demand Study (http://www.islandstrust.bc.ca/media/269053/finalneedsdemandsassessment_galianoisland_april28.pdf) to the LTC. Staff nor the LTC had time to review the information prior to the meeting. It is evident that a great deal of work has gone into the preparation of these reports. The reports are very beneficial in terms of answering questions raised previously by the LTC, staff and the Capital Regional District (CRD).

Update:

Due to the interest and comments received from the CRD when dealing with the first draft of the Feasibility Study (November 13, 2013) staff have referred the latest version to them for review and comment. Staff have not heard back at the time of writing this report. Prior to proceeding to another CIM or a Public Hearing staff want to hear any comments from the CRD on both the Feasibility Study and the Need and Demand study submitted.

Housing Agreement

In addition, as was mentioned in previous reports, the Housing Agreement will have to be acceptable to the LTC as it is a critical component to this project. This has not progressed independently as it is linked to the project development. The applicant has stated that there are amendments that they are proposing to the Housing Agreement. Staff have requested a revised draft of the Housing Agreement from the applicant so that it can be reviewed as to any changes. The Housing Agreement will be adopted by separate bylaw. Staff are

also working with the CRD as they have indicated that they are willing to take a lead role in the administration of this agreement. The Housing Agreement and the details surrounding its administration will have to be developed prior to a CIM and Public Hearing.

Bylaws Nos. 233 and 234

Attached to this report are copies of the proposed bylaws at first reading. Any amendments to the draft bylaws should be proposed prior to the CIM and Public Hearing so that the public has an opportunity to comment on them. The applicant will also have to make sure that the draft bylaws still meet their needs given the substantial amount of information (in-depth project development) that has been developed since First Reading. It is important that these bylaws reflect the development specifically.

Community Information Meeting and Public Hearing

A Community Information Meeting was held on November 16, 2013. The applicant presented the draft Feasibility Study at that time. As a result, the LTC, staff and the CRD provided comments on the study. The applicant reviewed the comments and responded with a revised feasibility study dated May 1, 2014. A second CIM will not be scheduled until the Feasibility Report is reviewed in its entirety by the LTC, staff and CRD staff.

Next Steps:

Staff are planning to have the feasibility report and need and demand study reviewed prior to the July 7, 2014 LTC meeting. A report will be submitted at that meeting addressing any outstanding concerns and recommending a date for a CIM and Public Hearing in the fall. This will include any comments by the CRD. Staff are also planning to have a revised draft of the Housing Agreement reviewed by the LTC, staff and CRD staff prepared at this time. In addition, any amendments required to the proposed bylaws as a result of project development since the bylaws were given First Reading (July 9, 2012) will be proposed at the July 7, 2014 LTC meeting.

pc Robert Kojima, Regional Planning Manager

Attachments:

1. Bylaw No. 233 – OCP
2. Bylaw No. 234 – Land Use Bylaw

PROPOSED**GALIANO ISLAND LOCAL TRUST COMMITTEE****BYLAW NO. 233**

**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. 15, 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 9th day of July , 2012

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.

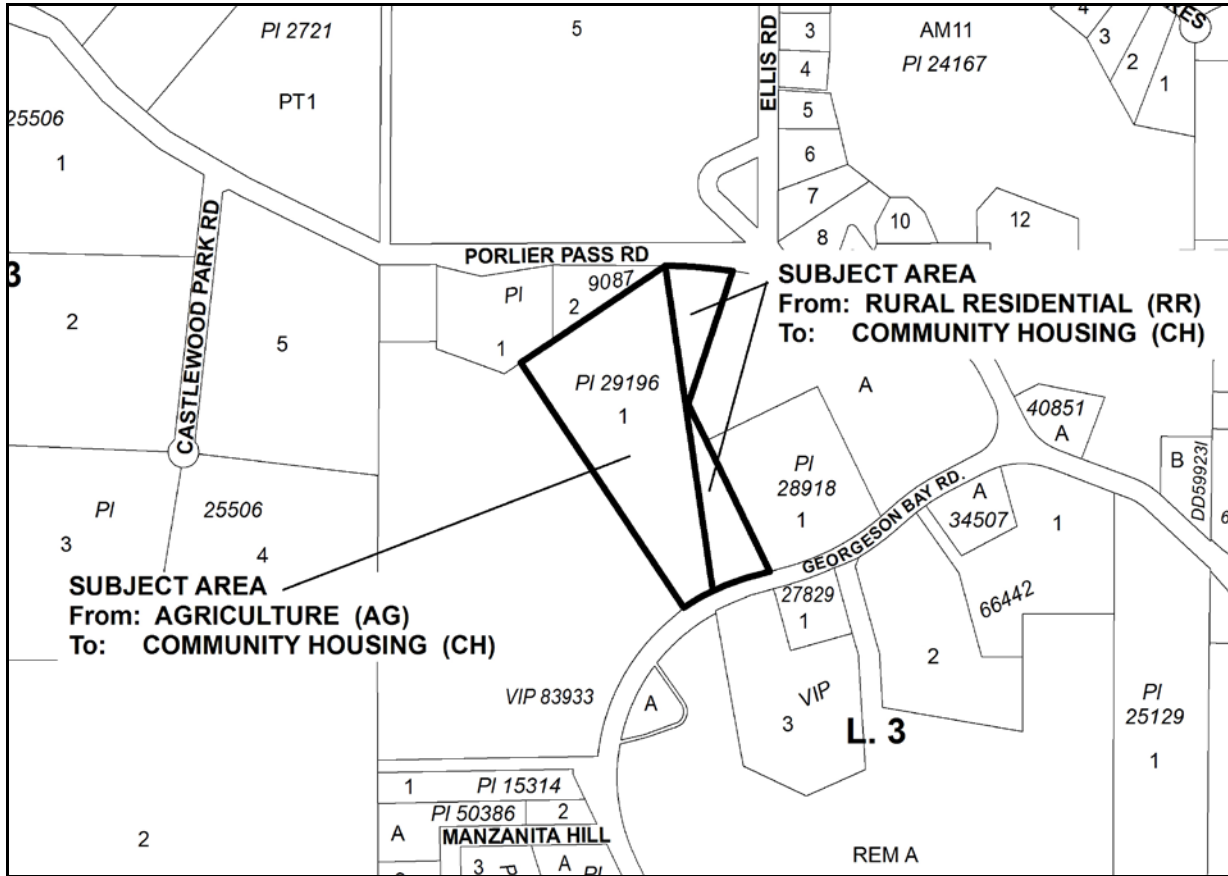
ADOPTED this day of , 20.

DEPUTY SECRETARY

CHAIR

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 233
SCHEDULE 1**

1. Schedule B (Land Use Designations) is amended for a portion of the lands legally described Lot 1, District Lot 3, Galiano Island, Cowichan District, Plan VIP29196 as depicted on the map below.



GALIANO ISLAND LOCAL TRUST COMMITTEE

PROPOSED

BYLAW NO. 234

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:

1. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
 - a) By amending section 2.17 by adding the words “This setback does not apply to buildings and structures in the Community Housing 1 zone” immediately following the words “of the Agricultural (AG) zone.”.
 - b) By adding “Community Housing 1 (CH1)” in Section 4.1 after “Health and Wellness (HW)”.
 - c) By adding the following after Section 8.5:

“8.6 Community Housing 1 – CH1

Permitted Uses

- 8.6.1 In the Community Housing 1 zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses are prohibited.

8.6.1.1 Dwellings for the provision of affordable housing.

8.6.1.2 Home occupations

Permitted Density

- 8.6.2 The density of development must not exceed 20 dwellings.
- 8.6.3 Maximum floor area of a residence must not exceed 111 square metres.
- 8.6.4 One accessory building not exceeding a floor area of 18.5 square metres is permitted in respect of each permitted dwelling.
- 8.6.5 Two communal accessory buildings not exceeding a total combined floor area of 278 square metres.

Permitted Height

- 8.6.6 No building or structure for a use permitted by this section may exceed 9 metres in height.

Minimum Setbacks

- 8.6.7 Buildings and structures must be sited at least 7.5 metres from all lot lines.

Minimum Lot Size

- 8.6.8 No lot having an area less than 10 hectares may be created by subdivision.

d) Section 13.22 is amended by adding the words “or in an area zoned Community Housing 1” immediately following the words “on Schedule C”.

e) Map Schedule “B”, is amended as follows:

(i) By changing the zoning of a portion of the lands legally described as Lot 1, District Lot 3, Plan 29196, Galiano Island, Cowichan District from the Rural Residential - (RR) zone to the Community Housing 1 (CH1) zone as shown on Plan No. 1 which is attached to and forms part of this bylaw.

(ii) By adding Community Housing 1 (CH1) to the map legend.

B. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011”.

READ A FIRST TIME THIS	9th	DAY OF	July	2012
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
ADOPTED THIS		DAY OF		20
_____ DEPUTY SECRETARY		_____ CHAIRPERSON		

SUBJECT AREA
From: AGRICULTURE (AG)
To: COMMUNITY HOUSING 1 (CH1)

SUBJECT AREA
From: RURAL RESIDENTIAL (RR)
To: COMMUNITY HOUSING 1 (CH1)

L. 3

MANZANITA HILL

CASTLEWOOD PARK RD

PORLIER PASS RD

GEORGESON BAY RD.

ELLIS RD

PI 2721

PT1

25506

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Memorandum

Date May 27, 2014 File Number GL-RZ-2011.3/GL-SUB-2012.2/Bylaws 235/236 (Winmark)

To Galiano Island Local Trust Committee
For the Meeting of June 9, 2014

From Kris Nichols, Island Planner

Re Granting Galiano Local Trust Committee Chair Signing Authority for Covenant Discharges

At the July 15, 2013 Local Trust Committee two resolutions were passed dealing with two applications GL-SUB-2007.5/Bylaw 227 (LandPlan Group) and GL-RZ-2011.3/GL-SUB-2012.2/Bylaws 235/236 (Winmark). The resolutions were specific to permitting the LTC Chair to sign covenants to be registered prior to bylaw adoption or to discharge covenants related to lands being transferred to BC Parks. Since that time both applications have been completed. As a result of the completion and preparing the residential lots for sale and transfer on parkland to BC Parks the owners would like to discharge some covenants (See Attachment 1) that are either no longer relevant or don't apply to specific lots.

The owner of GL-RZ-2011.3/GL-SUB-2012.2/Bylaws 235/236 (Winmark) has requested that a tree cutting covenant (Covenants EJ34805 and EJ34755) be discharged from the lands being transferred to the provincial crown and those that are residential. They also requested the discharge of the Wetland Covenant (CA3321096) that pertains to specifically residential lots 1, 2, 4, 5, 6 and 12, but had been registered on the entire property prior to subdivision and therefore require discharge from those lots that it does not apply to. They have requested discharge of Covenant CA3321095 which deals with the fact that the lands are to be subdivided as per a plan attached to the covenant, that lands will be transferred to the provincial crown and that a gate not be built on the easement. Staff will ensure that the gate restriction will still apply to the property once the covenant is discharged. The applicants lawyer has indicated that they will register a new covenant pertaining to the gate issue.

The covenants are attached for information (See Attachment 1). Staff are recommending that the LTC appoints the Chair to sign the covenant discharges mentioned above and others that may arise regarding these applications and the cleaning up of the titles. Staff will ensure that the LTC is kept apprised of any future covenant discharges.

Recommendation:

THAT the Galiano Local Trust Committee appoint the Chair to sign the discharge of covenants from lands being transferred to the provincial crown or as part of the residential zoned properties as per the applications GL-RZ-2011.3/GL-SUB-2012.2/Bylaws 235/236 (Winmark).

pc Robert Kojima, Regional Planning Manager

Attachments

1. Covenants to be discharged.
2. Subdivision

ATTACHMENT 1

Status: Registered

Doc #: EJ34755

RCVD: 1995-04-03 RQST: 2013-07-12 09:49:03

EJ034756

95 AP-3 09 24 9

EJ034756

RECEIVED
LAND TITLE OFFICE
VICTORIALAND TITLE ACT
FORM C
(Section 219.81)
Province of British Columbia
GENERAL INSTRUMENT - PART 1

PAGE 1 OF 6 PAGES

Reference No.: 2073tre3.COV

1. APPLICATION:

Richard D. Wright, BCLS, CLS, Notary Public
715 Canada Avenue, Duncan, BC V9L 1V1
Phone 748-5883

Signature of Applicant, Solicitor or Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION OF LANDS:*

NO PID NUMBER Lot 20, District Lots 69 and 71, Galiano Island, Cowichan District, Plan VIP 61020

NO PID NUMBERS Lots 21, 22, 24 and 25, District Lot 69, Galiano Island, Cowichan District, Plan VIP 61020

NO PID NUMBER Lot 23, District Lots 69 and 65, Galiano Island, Cowichan District, Plan VIP 61020

3. NATURE OF INTEREST:*

Description	Document Reference	Person Entitled to Interest
SEE SCHEDULE		

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms D.F. No.

(b) Express Charge Terms X Annexed as Part 2

(c) Release There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

SEE SCHEDULE

6. TRANSFEREE(S):*

SEE SCHEDULE

04/03/95 A53374 CHARGE 100.00.

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

8. EXECUTIONS(S):* This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

OFFICER SIGNATURES

EXECUTION DATE

PARTY(IES) SIGNATURE(S)

JOHN D. RUSSELL
Barrister & Solicitor
THOMSON & ELLIOTT
8th FLOOR - 1285 W. BROADWAY
VANCOUVER, B.C. V6H 3X8
731-1161

TRESCO DEVELOPMENTS LTD.
(INCORPORATION NO. 434218) by
its authorized signatory(ies):

MARK CONSIGLIO

(AS TRANSFEROR)

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c.116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

LAND TITLE ACT

2

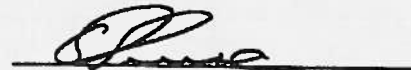
LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED



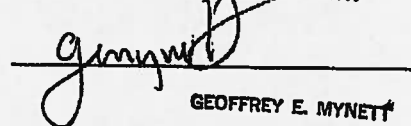
94, 12, 9

MACMILLAN BLOEDEL LIMITED by
its authorized signatory(ies):

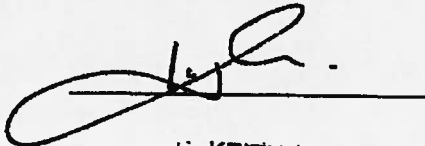
CLIVE V. NYLANDER
Corporate Solicitor
CATHEDRAL PLACE
925 WEST GEORGIA ST.
VANCOUVER, B.C. V6G 3L2



CHARLES S. SMITH



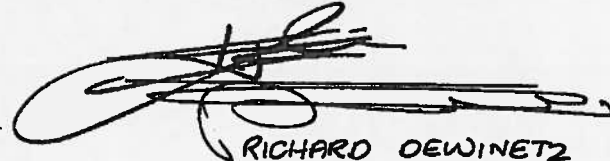
GEOFFREY E. MYNETT



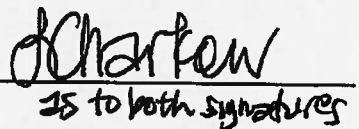
95, 01, 09

WINMARK HOLDINGS LTD. by its
authorized signatory(ies):

KEITH THOMPSON
Carrister & Solicitor
THOMPSON & ELLIOTT
8th FLOOR
1285 W BROADWAY
VANCOUVER, B.C. V6E 3G2



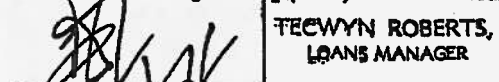
RICHARD OEWINETZ



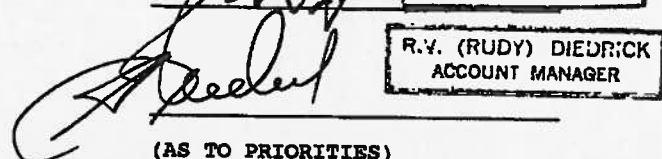
94, 12, 8

NATIONAL BANK OF CANADA by its
authorized signatory(ies):

LESLEY R. CHARKOV
Barrister & Solicitor
2100-1075 West Georgia Street
Vancouver, B.C. V6E 3G2
Ph (604) 631-4798



TECWYN ROBERTS,
LOANS MANAGER



R.V. (RUDY) DIEHRICK
ACCOUNT MANAGER

(AS TO PRIORITIES)

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c.116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

3

3

FORM E
SCHEDULE

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

3. NATURE OF INTEREST:*

Description	Document Reference	Person Entitled to Interest
EJ34755 COVENANT SECTION 215 over Part in Plan VIP61026	ENTIRE DOCUMENT Page 5, Para. 4 (a)	TRANSFEREE
34756 <i>pink</i> PRIORITY AGREEMENT granting Covenant EJ34755 priority over Mortgage EH20856	Page 5 Para. 8	TRANSFEREE
PRIORITY AGREEMENT granting Covenant EJ34755 priority over Mortgage EH20857, With Assignment of Rents EH20858	Page 6 Para. 9	TRANSFEREE
PRIORITY AGREEMENT granting Covenant EJ34755 priority over Mortgage EH52035	Page 6 Para. 10	TRANSFEREE

5. TRANSFEROR(S):*

TRECO DEVELOPMENTS LTD., (INC. NO. 434218) (covenant)
MACMILLAN BLOOMER LIMITED (Priority)
WINMARK HOLDINGS LTD., (Priority)
NATIONAL BANK OF CANADA (Priority)

6. TRANSFEREE(S):*

GALIANO ISLAND LOCAL TRUST COMMITTEE, a Corporation under the Islands Trust Act,
 S.B.C. 1989 c. 68 with an office in care of Islands Trust, 2nd Floor, 1627 Fort
 Street, Victoria, B.C. V8R 1H8

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TERMS OF INSTRUMENT - PART 2
COVENANT

WHEREAS:

1. The Transferor is the registered owner of all and singular that certain piece, parcel, or tract of land and premises, situate, lying and being in the Province of British Columbia and being more particularly known and described as:

NO P.I.D. NUMBER
Lot 20
District Lots 69 and 71
Galiano Island
Cowichan District
Plan VIP 61020

AND

NO P.I.D. NUMBERS
Lots 21, 22, 24 and 25
District Lot 69
Galiano Island
Cowichan District
Plan VIP 61020

AND

NO P.I.D. NUMBER
Lot 23
District Lots 69 and 65
Galiano Island
Cowichan District
Plan VIP 61020

(hereinafter collectively referred to as the "Lands")

2. The Transferor has requested approval to subdivide part of District Lots 65 and 69 and the remainder of District Lot 71, Galiano Island, Cowichan District, in a manner as shown on Plan VIP 61020 and, as a condition of granting approval to the subdivision, the Transferee has requested that the Transferor enter into a covenant over that part of the Lands designated as "Covenant Area" on a Reference Plan of Covenant of Part Of Lot 20, District Lots 71 and 69; Part of Lots 21, 22, 24 and 25, District Lot 69; Part of Lot 23,

Covenant
Plan
11P61026

5

District Lots 69 and 65, Galiano Island, Cowichan District, Plan VIP 61020, prepared by Richard D. Wright, BCLS, completed and certified correct on the 6th day of December, 1994, a print of which is annexed hereto, (hereinafter referred to as the "Covenant Area") pursuant to Section 215 of the Land Title Act in the terms hereinafter set forth.

3. Section 215 of the Land Title Act provides that there may be annexed to any land a condition or covenant that the land, or any specified portion thereof, is not to be built upon or is not to be used in a particular manner.

4. WITNESSETH THAT in consideration of the sum of One Dollar (\$1.00) and other valuable consideration now paid by the Transferee to the Transferor (the receipt and sufficiency whereof is hereby acknowledged) the Transferor COVENANTS AND AGREES to a Covenant on the following terms:

a. HEREAFTER, there shall be no cutting, felling or removal of evergreen trees within the Covenant Area WITH THE EXCEPTION that nothing herein contained shall restrict or prohibit the cutting, felling or removal of evergreen trees for the purposes of constructing, installing and maintaining wells, waterlines, driveways, pipes and poles for the purposes of transmission, distribution of electric energy, communication and television, a public trail network, clearing building sites and the curtilage appurtenant thereto and sewage disposal fields.

5. IT IS EXPRESSLY UNDERSTOOD AND AGREED that the covenant herein contained shall run with the land and shall be binding upon the Transferor and all persons claiming through, under or in trust for it.

6. WHEREVER the singular or masculine are used throughout this Indenture the same shall be construed as meaning the plural, feminine, or body politic or corporate where the context or the parties hereto so require.

7. THIS AGREEMENT shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

8. WE, MACMILLAN BLOEDEL LIMITED, in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada, the receipt and sufficiency of which is hereby acknowledged, hereby grant of the aforementioned Covenant in priority to charges registered in our favour under numbers EH20856.

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9. WE, WINMARK HOLDINGS LTD, in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada, the receipt and sufficiency of which is hereby acknowledged, hereby grant of the aforementioned Covenant in priority to charges registered in our favour under numbers EH20857 and Assignment of Rents EH20858.

10. WE, NATIONAL BANK OF CANADA, in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada, the receipt and sufficiency of which is hereby acknowledged, hereby grant of the aforementioned Covenant in priority to charges registered in our favour under numbers EH52035.

END OF DOCUMENT

95 AP -3 09 24 8

EJ034755 - 56

RECEIVED

LAND TITLE OFFICE
VICTORIALAND TITLE ACT
FORM 11 (a)

(Section 99 (1)(e), (i) and (k))

VIP61026

#50 OTHER PLAN

APPLICATION FOR DEPOSIT OF REFERENCE OR EXPLANATORY
PLAN (CHARGE)

I, (full name, address and occupation) _____

R. KEITH THOMPSON
Barrister & Solicitor
THOMPSON & ELLIOTT
8th FLOOR
1285 W. BROADWAY
VANCOUVER, B.C. V6H 3X8
731-1181

owner of a registered charge (or agent of (full name, address and occupation) _____

Treeco Developments Ltd., (Incorporation No. 434218)
800 - 1285 West Broadway, Vancouver, BC V6H 3X8

the owner of a registered charge) apply to deposit a reference plan of:

Covenant of Part of Lot 20, District Lots 71 and 69; Part of Lots 21, 22, 24 and 25, District Lot
69; Part of Lot 23, District Lots 69 and 65, Plans 388-22, Galiano Island, Cowichan District,
Plan VIP 61026

I enclose:

04/03/95 A5337b OT/PLAN 50.00

1. The reference plan.
2. The reproductions of the plan required by section 67(u).
3. Fees of \$ _____

Dated the 30 day of March, 1995.

Signature

Signature

The eligible residence as defined by the Home Purchase Assistance Act is located on lot _____
created by this plan.B.C.L.S. or solicitor for
the owners

35

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LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED

[Signature]
CLIVE V. NYLANDER
CATHEDRAL SQUARE
925 WEST GEORGIA ST.
VANCOUVER, B.C. V6C 3E7

94, 12, 9

MACMILLAN BLOEDEL LIMITED by
its authorized signatory(ies):

[Signature]
CHARLES S. SMITH
GEOFFREY E. MYNETT

[Signature]
8th FLOOR
1285 W. BROADWAY
VANCOUVER, B.C. V6H 3A8
731-1181

95, 01, 09

WINMARK HOLDINGS LTD. by its
authorized signatory(ies):

[Signature]
RICHARD DEWNETZ

[Signature]
LESLEY R. CHARKOW
Barrister & Solicitor
2100 - 1075 West Georgia Street
Vancouver, B.C. V6E 3G2
(604) 681-4786

94, 12, 8

NATIONAL BANK OF CANADA by its
authorized signatory(ies):
LEWYN ROBERTS,
LOANS MANAGER

[Signature]
LOANS MANAGER

GEORGE MOUZOURAKIS
Barristers & Solicitors
706 - 1285 W. BROADWAY
VANCOUVER, B.C. V6H 3X8
(604) 734-4554

95, 01, 06

REGAL PACIFIC MORTGAGE
CORPORATION (INC. NO. 434,545)
by its authorized
signatory(ies):

[Signature]
ALAN C. LONG

GEORGE MOUZOURAKIS
Barristers & Solicitors
706 - 1285 W. BROADWAY
VANCOUVER, B.C. V6H 3X8
(604) 734-4554

95, 01, 05

WITNESSED AS TO EXECUTION ONLY.
NO ADVICE SOUGHT OR GIVEN.

[Signature]
HARVEY BERENBAUM
ESTHER BERENBAUM

(AS TO PRIORITIES)

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c.116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

3

Land Title Act

FORM E
SCHEDULE

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

2. PARCEL IDENTIFIER (S) AND LEGAL DESCRIPTION OF LANDS:*

NO PID NUMBER	Lot 26, District Lot 65, 68 and 69, Galiano Island, Cowichan District, Plan VIP61030
NO PID NUMBERS	Lots 27 To 30, District Lot 65, Galiano Island, Cowichan District, Plan VIP61030
NO PID NUMBER	Lot 32, District Lots 65 and 68, Galiano Island, Cowichan District, Plan VIP61030
NO PID NUMBER	Lot 31, District Lots 65 and 66, Galiano Island, Cowichan District, Plan VIP61030

3. NATURE OF INTEREST:*

Description	Document Reference	Person Entitled to Interest
COVENANT SECTION 215	ENTIRE DOCUMENT	TRANSFEE
over part in Plan VIP61034	Page 5, Para. 4 (a)	
PRIORITY AGREEMENT		TRANSFEE
over Lot 26 granting Covenant	Page 7, Para. 8	
EJ34805, priority over Mortgage	Page 7, Para. 9	
EH20856 extended by EJ34604;	Page 7, Para. 10	
Mortgage EH20857 extended by	Page 7, Para. 11	
EJ34606; Assignment of Rents	Page 7, Para. 12	
EH20858 extended by EJ34607;		
Mortgage EH52035 extended by		
EJ34605; Mortgage EH82324,		
modified by EJ4227 extended		
by EJ34971; Mortgage EH82325,		
modified by EH138158 extended		
by EJ34611		
PRIORITY AGREEMENT		TRANSFEE
over Lot 27, 28, 29 and 30 granting Covenant		
EJ34805, priority over Mortgage	Page 7, Para. 8	
EH20856; Mortgage EH20857;	Page 7, Para. 9	
Assignment of Rents EH20858;	Page 7, Para. 10	
Mortgage EH52035		
PRIORITY AGREEMENT		TRANSFEE
over Lot 31 granting Covenant	Page 7, Para. 8	
EJ34805, priority over Mortgage	Page 7, Para. 9	
EH20856 extended by EJ34604;	Page 7, Para. 10	
Mortgage EH20857;	Page 7, Para. 11	
Assignment of Rents EH20858;		
Mortgage EH52035		

Land Title Act

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Land Title Act

FORM E
SCHEDULE

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

3. NATURE OF INTEREST:*

Description	Document Reference	Person Entitled to Interest
-------------	--------------------	-----------------------------

PRIORITY AGREEMENT

TRANSFEREE

over Lot 32 granting Covenant Page 7 Para. 8
 EJ34806, priority over Mortgage Page 7 Para. 9
 EH20856 extended by EJ34604; Page 7 Para. 10
 Mortgage EH20857 extended EJ34606; Page 7 Para. 11
 Assignment of Rents EH20858 extended Page 7 Para. 12
 by EJ34607; Mortgage EH52035 extended
 EJ34605; Mortgage EH82324, modified
 by EJ4227 extended by EJ34971;
 Mortgage EH82325, modified by
 EH138158 extended by EJ34611

5. TRANSFEROR(S):*

TRESCO DEVELOPMENTS LTD., (INC. NO. 434218) (Covenant)
MACMILLAN BLONDEL LIMITED (Priority)
WINMARK HOLDINGS LTD. (Priority)
NATIONAL BANK OF CANADA (Priority)
REGAL PACIFIC MORTGAGE CORPORATION (INC. NO. 434,545) (Priority)
HARVEY BERENBAUM AND ESTHER BERENBAUM (Priority)

6. TRANSFEREE(S):*

GALIANO ISLAND LOCAL TRUST COMMITTEE, a Corporation under the Islands Trust Act,
 S.B.C. 1989 c. 68 with an office in care of Islands Trust, 2nd Floor, 1627 Fort
 Street, Victoria, B.C. V8R 1H8

TERMS OF INSTRUMENT - PART 2
COVENANT

WHEREAS:

1. The Transferor is the registered owner of all and singular that certain piece, parcel, or tract of land and premises, situate, lying and being in the Province of British Columbia and being more particularly known and described as:

NO P.I.D. NUMBER
Lot 26
District Lots 65, 68 and 69
Galiano Island
Cowichan District
Plan VIP 61030

AND

NO P.I.D. NUMBERS
Lots 27, 28, 29, and 30
District Lot 65
Galiano Island
Cowichan District
Plan VIP 61030

AND

NO P.I.D. NUMBER
Lot 32
District Lot 68
Galiano Island
Cowichan District
Plan VIP 61030

AND

NO P.I.D. NUMBER
Lot 31
District Lots 65 and 68
Galiano Island
Cowichan District
Plan VIP 61030

(hereinafter collectively referred to as the "Lands")

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2. The Transferor has requested approval to subdivide the remainders of District Lot 65 and 69, Part of District Lot 68 and Part of Parcel D (DD821091) of Lot 66 Galiano Island, Cowichan District, in a manner as shown on Plan VIP 61030 and, as a condition of granting approval to the subdivision, the Transferee has requested that the Transferor enter into a covenant over that part of the Lands designated as "Covenant Area" on a Reference Plan of Covenant of Part of Lot 26, District Lots 65, 68 and 69; Part of Lots 27 to 30, District Lot 65, Part of Lot 32, District Lots 65 and 68 and Part of Lot 31, District Lots 65 and 66, Galiano Island, Cowichan District, Plan VIP 61034 prepared by Richard D. Wright, BCLS, completed and certified correct on the 6th day of December, 1994, a print of which is annexed hereto (hereinafter referred to as the "Covenant Area") pursuant to Section 215 of the Land Title Act in the terms hereinafter set forth.

3. Section 215 of the Land Title Act provides that there may be annexed to any land a condition or covenant that the land, or any specified portion thereof, is not to be built upon or is not to be used in a particular manner.

4. WITNESSETH THAT in consideration of the sum of One Dollar (\$1.00) and other valuable consideration now paid by the Transferee to the Transferor (the receipt and sufficiency whereof is hereby acknowledged) the Transferor COVENANTS AND AGREES to a Covenant on the following terms:

a. HEREAFTER, there shall be no cutting, felling or removal of evergreen trees within the Covenant Area WITH THE EXCEPTION that nothing herein contained shall restrict or prohibit the cutting, felling or removal of evergreen trees for the purposes of constructing, installing and maintaining wells, waterlines, driveways, pipes and poles for the purposes of transmission, distribution of electric energy, communication and television, a public trail network, clearing building sites and the curtilage appurtenant thereto and sewage disposal fields.

5. IT IS EXPRESSLY UNDERSTOOD AND AGREED that the covenant herein contained shall run with the land and shall be binding upon the Transferor and all persons claiming through, under or in trust for it.

6. WHEREVER the singular or masculine are used throughout this Indenture the same shall be construed as meaning the plural, feminine, or body politic or corporate where the context or the parties hereto so require.

05-17-1995 15:57

7486213

WPT&F DUNCAN

P.04

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7. THIS AGREEMENT shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

8. WE, MACMILLAN BLONDEL LIMITED, in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada, the receipt and sufficiency of which is hereby acknowledged, hereby grant of the aforementioned Covenant in priority to charges registered in our favour under numbers EH20856 extended by EJ34604.

9. WE, WINMARK HOLDINGS LTD, in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada, the receipt and sufficiency of which is hereby acknowledged, hereby grant of the aforementioned Covenant in priority to charges registered in our favour under numbers EH20857, EJ34606, EH20858 and EJ34607.

10. WE, NATIONAL BANK OF CANADA, in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada, the receipt and sufficiency of which is hereby acknowledged, hereby grant of the aforementioned Covenant in priority to charges registered in our favour under numbers EH52035 and EJ34605.

11. WE, REGAL PACIFIC MORTGAGE CORPORATION, in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada, the receipt and sufficiency of which is hereby acknowledged, hereby grant of the aforementioned Covenant in priority to charges registered in our favour under numbers EH82325, EH138158 and EJ34611.

12. WE, HARVEY AND ESTHER BERENBAUM, in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada, the receipt and sufficiency of which is hereby acknowledged, hereby grant of the aforementioned Covenant in priority to charges registered in our favour under numbers EH82324, EJ4227 AND EJ34971.

END OF DOCUMENT

95 AP -3 09 32 5

RECEIVED
LAND TITLE OFFICE
VICTORIA

EJ034806

VIP61034

LAND TITLE ACT
FORM 11 (a)

(Section 99 (1)(e), (j) and (k))

\$50 other Plan

APPLICATION FOR DEPOSIT OF REFERENCE OR EXPLANATORY
PLAN (CHARGE)R. KEITH THOMPSON
Barrister & Solicitor
THOMPSON & ELLIOTT
8th FLOOR
1285 W. BROADWAY
VANCOUVER, B.C. V6H 3X8
781-1181

I, (full name, address and occupation) _____

owner of a registered charge (or agent of (full name, address and occupation) _____

Treeco Developments Ltd. (Incorporation No. 434218)
800 - 1285 West Broadway, Vancouver, BC V6H 3X8

the owner of a registered charge) apply to deposit a reference plan of:

Covenant of Part of Lot 26, District Lots 65, 68, and 69; Part of Lots 27 to 30, District Lot 65;
Part of Lot 32, District Lots 65 and 68; and Part of Lot 31, District Lots 65 and 66; Galiano
Island, Cowichan District, Plan VIP 61034

I enclose:

04/03/95 A5337b 0T/PLAN 50.00

1. The reference plan.
2. The reproductions of the plan required by section 67(u).
3. Fees of \$_____

Dated the 23 day of Mar, 1995.

VIP61034

Signature

Signature

The eligible residence as defined by the Home Purchase Assistance Act is located on lot ____
created by this plan.B.C.L.S. or solicitor for
the owners

Aug-29-2013 13:44:13.002

CA3321096

LAND TITLE ACT

FORM C (Section 233) CHARGE

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 13 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Julian Thomas
Webster Kenney
82EEW7

Digitally signed by Julian Thomas
 Webster Kenney 82EEW7
 DN: c=CA, cn=Julian Thomas Webster
 Kenney 82EEW7, o=Lawyer,
 ou=Verify ID at www.ltr.ca/LKUP.cfm?id=82EEW7
 Date: 2013.08.29 13:38:28 -0700

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

MESSNER KENNEY LLP

Barristers and Solicitors, Notaries Public

PO Box 819, 201 - 438 Birch Avenue

100 Mile House

BC V0K 2E0

Our File: 2383-001

LTO Number: 10559

Phone Number: 250-395-3881

Document Fees: \$73.50

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

SEE SCHEDULE

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

WINMARK CAPITAL INC., INCORPORATION NO. 299688

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

SEE SCHEDULE

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Megan S. Knight

Notary Public

#103-1656 Martin Drive

Surrey, BC V4A 6E7

Tel: 604-531-6655

Execution Date

Y	M	D
13	07	26

Transferor(s) Signature(s)

**WINMARK CAPITAL INC., by its
 authorized signatory(ies):**

Print Name:

Richard Dewinetz, President

Print Name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM D**
EXECUTIONS CONTINUED
PAGE 2 of 13 pages
Officer Signature(s)
Execution Date
Transferor / Borrower / Party Signature(s)

 Carmen Ida Thiel

Commissioner for Taking Affidavits in BC

200-1627 Fort Street

Victoria, BC V8R 1H8

 Commission Expires February 28,
 2014

Y
M
D

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 GALIANO ISLAND LOCAL TRUST
 COMMITTEE, by its authorized
 signatory(ies):

 Print Name: Ken Hancock

 Print Name:

OFFICER CERTIFICATION:

 Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM E****SCHEDULE****PAGE 3 OF 13 PAGES****2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND**STC for each PID listed below? YES ☐

[PID]	[LEGAL DESCRIPTION – must fit in a single text line]
023-042-699	LOT 25 DISTRICT LOT 69 GALIANO ISLAND COWICHAN DISTRICT PLAN VIP61020
023-042-869	LOT 32 DISTRICT LOT 65 AND 68 GALIANO ISLAND COWICHAN DISTRICT PLAN VIP61030
009-624-996	DL 68 GALIANO ISLAND COWICHAN DISTRICT EXCEPT PARTS IN PLANS VIP61030 AND VIP76636
023-042-630	LOT 20 DISTRICT LOT 69 AND 71 GALIANO ISLAND COWICHAN DISTRICT PLAN VIP61020
023-042-648	LOT 21 DISTRICT LOT 69 GALIANO ISLAND COWICHAN DISTRICT PLAN VIP61020
023-042-681	LOT 24 DISTRICT LOT 69 GALIANO ISLAND COWICHAN DISTRICT PLAN VIP61020

**LAND TITLE ACT
FORM E****SCHEDULE****PAGE 4 OF 13 PAGES**

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

6. TRANSFEREE(S):

**GALIANO ISLAND LOCAL TRUST COMMITTEE,
a corporation under the Islands Trust Act, R.S.B.C. 1996, c.239,
SUITE 200, 1627 FORT STREET
VICTORIA, BC V8R 1H8**

PART 2— TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference the ____ day of _____, 20__ is

BETWEEN:

WINMARK CAPITAL INC., INC. NO. 299688, of
402-15050 Prospect Avenue,
White Rock, BC V4B 2B4

(the "Owner")

AND:

GALIANO ISLAND LOCAL TRUST COMMITTEE,
a corporation under the Islands Trust Act, R.S.B.C. 1996, c.239,
with an office at Suite 200, 1627 Fort Street,
Victoria, BC V8R 1H8

(the "Local Trust Committee")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of those parcels of land located on Galiano Island, British Columbia which is legally described and with Parcel Identifier as follows:

(PID)	(LEGAL DESCRIPTION)
023-042-699	Lot 25 District Lot 69 Galiano Island Cowichan District Plan VIP61020
023-042-869	Lot 32 District Lot 65 and 68 Galiano Island Cowichan District Plan VIP61030
009-624-996	District Lot 68 Galiano Island Cowichan District except Parts in Plans VIP61030 and VIP76636
023-042-630	Lot 20 District Lot 69 and 71 Galiano Island Cowichan District Plan VIP61020
023-042-648	Lot 21 District Lot 69 Galiano Island Cowichan District Plan VIP61020

023-042-681

Lot 24 District Lot 69 Galiano Island Cowichan District
Plan VIP61020

(the "Lands");

- B. The Owner proposes to subdivide the Lands, according to a proposed plan of subdivision, to create, inter alia, 12 residential parcels substantially as shown and numbered 1 through 12 inclusive in the proposed plan of subdivision attached to and forming part of this Agreement as Schedule "A" (the "New Residential Parcels");
- C. The proposed plan of subdivision includes five (5) areas identified as "Wetlands", as shown on Schedule "A" (the "Wetland Areas") within the boundaries of certain of the New Residential Parcels;
- D. The Wetland Areas contain significant natural area values including surface water bodies, flora, fauna and natural features of importance to the Owner, the Local Trust Committee and the public;
- E. The Owner intends to grant and the Local Trust Committee wish to accept a covenant under s.219 of the Land Title Act (British Columbia) to regulate the use of the Wetland Areas in the interests of ensuring the preservation and protection of the natural state of the Wetland Areas;
- F. The Local Trust Committee is authorized to accept covenants under section 219 of the Land Title Act (British Columbia); and
- G. Section 219 of the Land Title Act (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specified feature on the land.

In consideration of the payment of two dollars (\$2.00) now paid by the Local Trust Committee to the Owner, the receipt and sufficiency of which is hereby acknowledged by the Owner, and in consideration of the promises exchanged below, the parties covenant and agree as follows, in accordance with section 219 of the Land Title Act (British Columbia):

1. Interpretation

1.1 In this Agreement

- (a) **"Covenant Area Lot"** means a New Residential Parcel within which a Wetland Area is located;

- (b) **"Wetland Areas"** has the meaning described in Recital C and includes any part or parts of the Wetland Areas;
- (c) **"Lands"** has the meaning described in Recital A;
- (d) **"Local Trust Committee"** means Galiano Island Local Trust Committee, a corporation under the Islands Trust Act. R.S.B.C. 1996, c.239;
- (e) **"Notice of Breach"** means a notice of breach given under Section 5.2 of this Agreement.

2. Restriction on Use

- 2.1 Except as expressly permitted in this Agreement, the Owner shall not do anything, or allow anything to be done on the Lands, that does or could reasonably be expected to destroy, impair, diminish, negatively affect, or alter the Wetland Areas from their natural state.
- 2.2 Without restricting the generality of Section 2.1, the Owner shall not, except with the prior written approval of the Local Trust Committee, cause or allow:
 - (a) silts, leachates, fills or other deleterious substances to be released as a result of human activity into any watercourse on the Wetland Areas;
 - (b) soil, gravel or rock to be disturbed, explored for minerals, moved or removed from or deposited in or on the Wetland Areas;
 - (c) the alteration or interference with the hydrology of the Wetland Areas as a result of human activity, including the diversion of natural drainage or flow of water in, on or through the Wetland Areas;
 - (d) fill, rubbish, ashes, garbage, waste or other material foreign to the Wetland Areas to be deposited in, on or under the Wetland Areas;
 - (e) pesticides, herbicides, fungicides or insecticides to be applied to or introduced onto the Wetland Areas;
 - (f) native plants, including trees and shrubs, to be cut down, destroyed, damaged, defoliated, or removed from the any part of the Wetland Areas;

- (g) the construction, building, or affixing of any buildings, structures, fixtures or improvements on the Wetland Areas;
- (h) fishing, hunting, gathering, or grazing domestic animals, to be carried out on the Wetland Areas;
- (l) the construction of any new roads or trails on the Wetland Areas; or
- j) fires to be ignited in or on the Wetland Areas.

The Local Trust Committee will not unreasonably withhold or delay any such prior written approval. In particular and without limiting the generality of the foregoing, if the Owner presents a plan intended to improve the health, vigour or regeneration of the Wetland Areas or to abate the hazard of fire, harmful insects or disease, the Local Trust Committee will give due consideration to such plan and will not unreasonably withhold approval.

3. Owner's Reserved Rights

- 3.1 Subject to Part 2, the Owner reserves all of its rights with respect to the Wetland Areas, including the right to use, occupy and maintain the Wetland Areas in any way that is not expressly restricted or prohibited by this Agreement, so long as the use, occupation or maintenance is consistent with the intent of this Agreement.
- 3.2 The Owner may trim, prune, cut down, or remove any non-native invasive plants from the Wetland Areas.
- 3.3 Nothing in this Agreement restricts or affects the right of the Owner or any other party to do anything reasonably necessary to:
 - (a) prevent potential injury or death to any individual; or
 - (b) prevent, abate or mitigate any damage or loss to any real or personal property,

provided that the Owner shall send notice of such action to the Local Trust Committee within 30 days after taking any such action.

4. No Effect On Laws or Powers

- 4.1 This Agreement does not:

- (a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Lands;
- (b) impose on the Local Trust Committee any duty of care or other legal duty of any kind to the Owner or to anyone else; or
- (c) oblige the Local Trust Committee to enforce this Agreement

5. Enforcement

5.1 The Owner agrees that the public interest in the preservation and protection of the natural state of the Wetland Areas favours an order for specific performance of the Owner's obligations in this Agreement, and that damages are not an adequate remedy for the Local Trust Committee in the event of any breach by the Owner.

5.2 If the Local Trust Committee, in its sole discretion, believes that the Owner has neglected or refused to perform any of the obligations set out in this Agreement or is in breach of any term of this Agreement, the Local Trust Committee may give a Notice of Breach to the Owner setting out particulars of the breach, including the Local Trust Committee's estimated maximum costs of remedying the breach.

5.3 On receipt of a Notice of Breach, the Owner must:

- (a) immediately cease all activities giving rise to the breach; and
- (b) within 60 days remedy the breach or make arrangements satisfactory to the Local Trust Committee to remedy the breach, including with respect to the time within which the breach must be remedied

provided that the Owner will not be considered to be in default under Section 5.3(b) if the nature of the breach is one that cannot be readily remedied within the 60-day remedy period and the Owner is diligently working towards remedying the breach.

5.4 For clarity, the requirement in Section 5.3 to remedy a breach requires the Owner to undertake such rehabilitation or restoration necessary to remedy any damage done to the Wetland Areas contrary this Agreement, at the Owner's sole expense.

5.5 If the Owner does not comply with the requirements of Section 5.3 within the time required or agreed upon, the Local Trust Committee may enter

upon the Land and take any required actions to cease any activities giving rise to the breach, and to remedy the breach or carry out the arrangements referred to in Section 5.3. The Owner must reimburse the Local Trust Committee for any reasonable expenses incurred in taking any action under this Section 5.5, up to the estimated maximum costs of remedying the breach as set out in the Notice of Breach.

6. Indemnity

The Owner hereby indemnifies and saves harmless the Local Trust Committee, and their employees and agents, from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Local Trust Committee may at any time suffer or incur arising out of or related to this Agreement or any breach of it, except to the extent that any such arises due to the negligence or breach of this agreement by an indemnified party.

7. Limitation on Obligations

7.1 The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner, or which the Owner specifically permits or allows, in respect of such registered interest in the Lands as the Owner may hold from time to time and such limitation applies to the Indemnity granted under Section 6 hereof. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Lands and then only to the extent of that interest.

7.2 The Owner is not liable for:

- (a) alterations to the Wetland Areas resulting from acts of nature, or causes beyond the Owner's reasonable control, including accidental fire, flood, or storm, and trespass and vandalism;
- (b) any prudent action taken by the Owner under emergency conditions to prevent, abate, or mitigate significant injury to the Wetland Areas resulting from acts of nature, including accidental fire, flood, or storm; or
- (c) injury or alteration to the Wetland Areas caused by the Local Trust Committee.

8. No Liability in Tort

The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of this Agreement. The intent of this Section 8 is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

9. Covenant Runs With the Land

- 9.1 Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the Land Title Act (British Columbia) in respect of the Lands. This Agreement burdens the Lands and runs with the Lands and binds the successors in title to the Lands. This Agreement burdens and charges all of the Lands and any parcels into which they are subdivided by any means and any parcel into which the Land are consolidated.
- 9.2 Notwithstanding the provisions of Section 9.1 of this Agreement, in the event that the Lands are subdivided then the Owner or an owner for the time being of any New Residential Parcel which is not a Covenant Area Lot may require the Local Trust Committee to provide a registrable discharge of this Agreement with respect to such New Residential Parcel only and the Local Trust Committee hereby agrees to provide such discharge upon request.
- 9.3 A discharge may be obtained under Section 9.2 by presenting a registrable discharge document to the Local Trust Committee for execution and the cost of preparation and registration of the document shall be for the account of the parties requiring the discharge.

10. Registration

The Owner agrees to do everything reasonably necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and other financial encumbrances registered or pending registration in the Victoria Land Title Office at the time of application for registration of this Agreement.

11. Waiver

An alleged waiver of any breach of the Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Local Trust

Committee of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

12. Severance

If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force and unaffected by that holding or by the severance of that part.

13. No Other Agreements

This Agreement is the entire agreement between the parties regarding its subject matter and it terminates and supersedes all other agreements and arrangements between the parties regarding its subject matter.

14. Binding of Successors

This Agreement binds the parties to it and their respective successors, assigns, heirs, executors and administrators.

15. Further Acts

The Owner will do everything reasonably necessary to give effect to the intent of the Agreement, including execution of further instruments.

16. Deed and Contract

By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

17. Execution Using Form C

As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed the Land Title Act (British Columbia) Form C which is attached hereto and which forms part of this Agreement.

(next page is Schedule "A")

SCHEDULE "A"

PLAN TO ACCOMPANY COVENANT OVER
LOT 20, DISTRICT LOTS 69 AND 70, PLAN VP81020,
LOTS 21, 24 AND 25, DISTRICT LOT 69 PLAN VP81020,
LOT 32, DISTRICT LOTS 85 AND 88 PLAN VP81030, AND
DISTRICT LOT 88 EXCEPT PLANS VP81030 AND VP78836,
GALIANO ISLAND, COWICHAN DISTRICT

BCGS 228.083
Scale 1:2500



LEGEND:

- Proposed Park (existing survey)
- Proposed Park (new survey)
- Wetlands
- Proposed RR Zone
- Common driveway (easement)
- Individual driveways

PRESENT AREAS	
LOT 20	8.52 ha
LOT 21	8.16 ha
LOT 24	8.10 ha
LOT 25	1.34 ha
LOT 32	8.27 ha
DL 68 REM	43.08 ha
TOTAL:	89.59 ha

PROPOSED AREAS	
LOT 20	8.52 ha
LOT 21	8.16 ha
LOT 24	8.10 ha
LOT A	42.47 ha
TOTAL PARK	63.24 ha
RR ZONE	26.34 ha
TOTAL:	89.59 ha

NOTES:

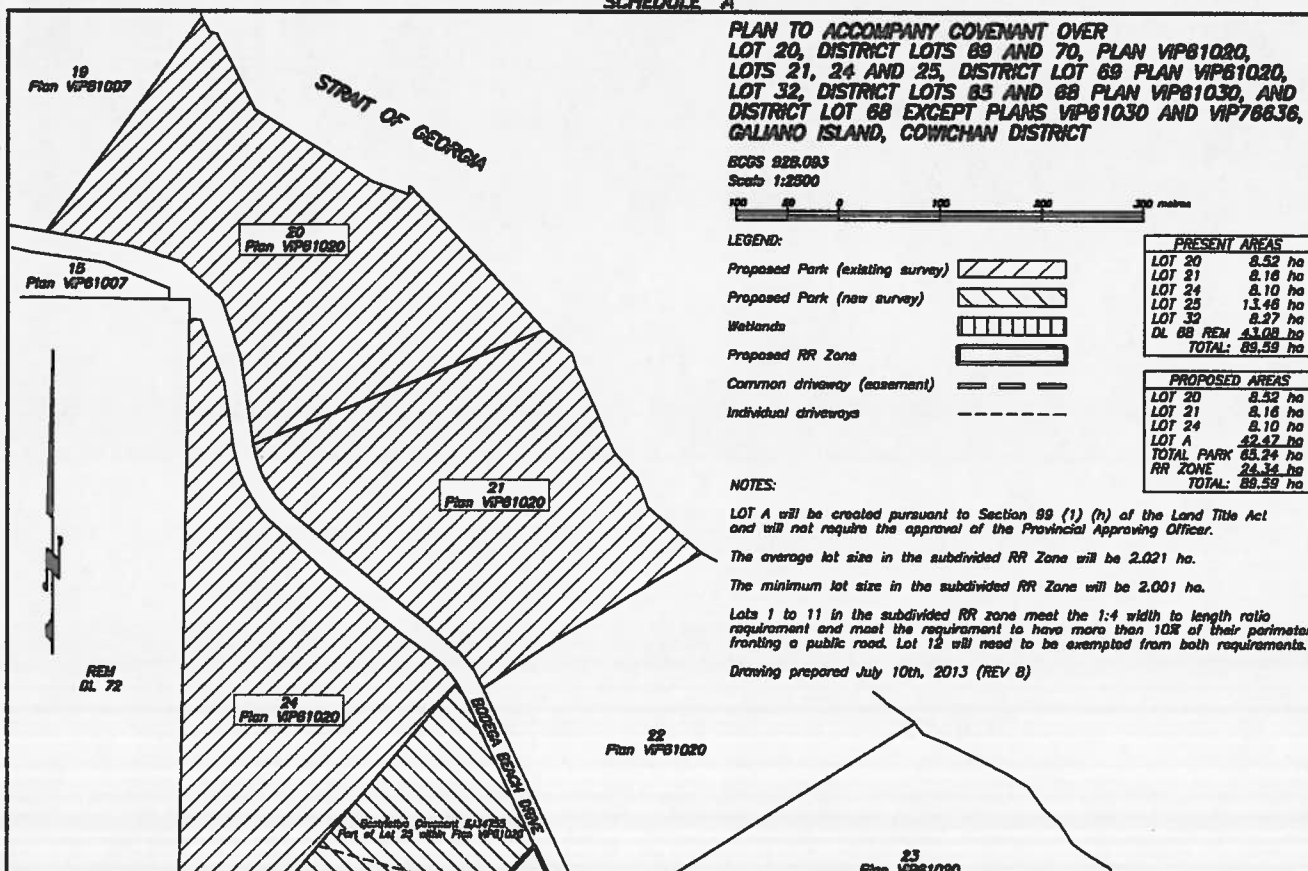
LOT A will be created pursuant to Section 89 (1) (h) of the Land Title Act and will not require the approval of the Provincial Approving Officer.

The average lot size in the subdivided RR Zone will be 2.021 ha.

The minimum lot size in the subdivided RR Zone will be 2.001 ha.

Lots 1 to 11 in the subdivided RR zone meet the 1:4 width to length ratio requirement and meet the requirement to have more than 10% of their perimeter fronting a public road. Lot 12 will need to be exempted from both requirements.

Drawing prepared July 10th, 2013 (REV 8)



Scale 1:2500



Proposed Park (existing survey)

Proposed Park (new survey)

Proposed RR Zone

Wetlands

Moderate steep slope hazard

Developable area

Common driveway (easement)

Individual driveways (existing)

Individual driveways proposed)

Wells

Wells

©

PRESENT AREAS	
LOT 20	8.52 ha
LOT 21	8.16 ha
LOT 24	8.10 ha
LOT 25	13.46 ha
LOT 32	8.27 ha
DL 68 REM	<u>43.08 ha</u>
TOTAL:	89.59 ha

PROPOSED AREAS	
LOT 20	8.52 ha
LOT 21	8.16 ha
LOT 24	8.10 ha
LOT A	<u>42.47 ha</u>
TOTAL PARK	67.24 ha
RR ZONE	<u>22.34 ha</u>
TOTAL:	89.59 ha

NOTES:

LOT A will be created pursuant to Section 99 (1) (h) of the Land Title Act and will not require the approval of the Provincial Approving Officer

The average lot size in the subdivided RR Zone will be 2.023 ha

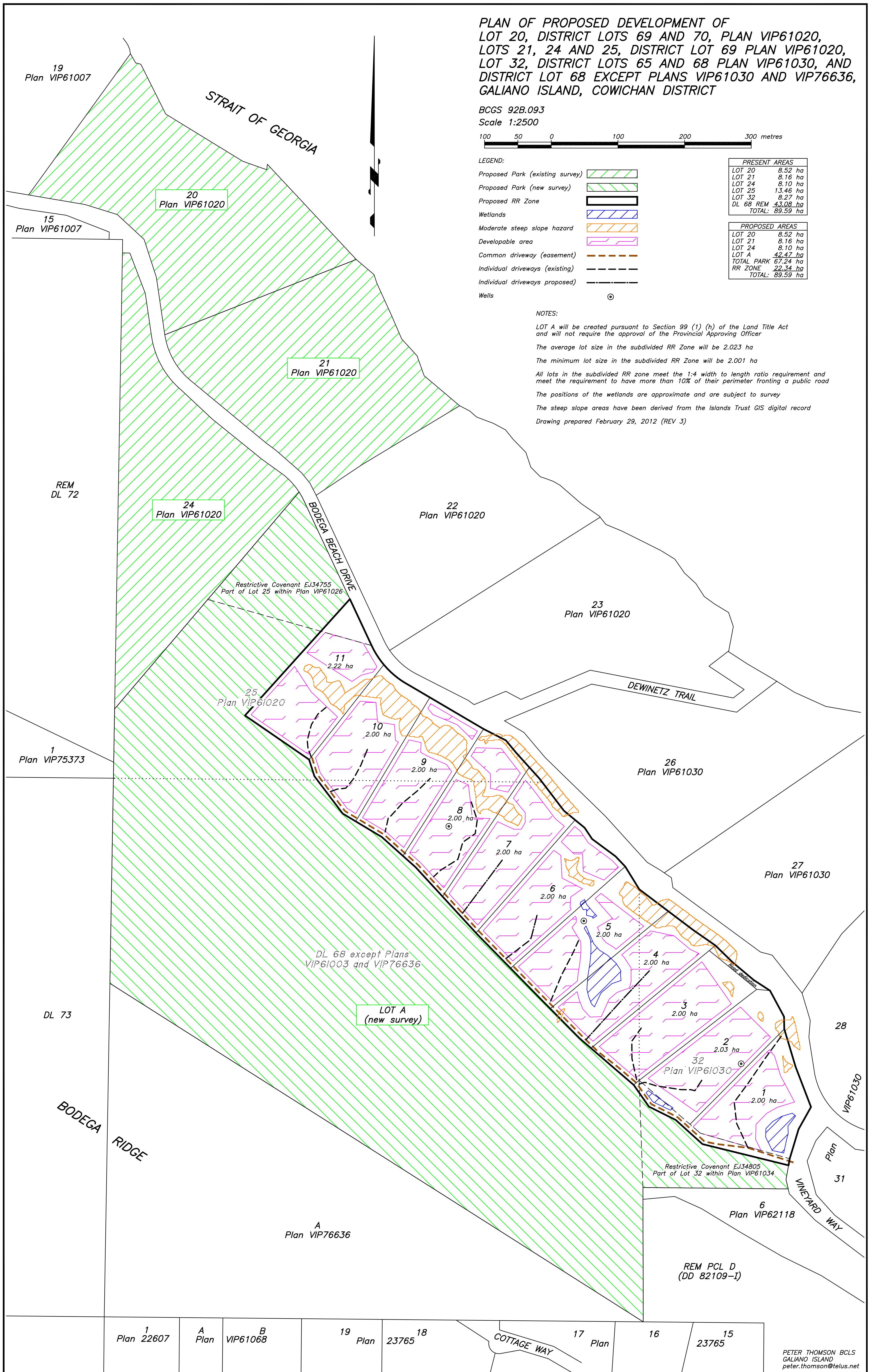
The minimum lot size in the subdivided RR Zone will be 2.001 ha

All lots in the subdivided RR zone meet the 1:4 width to length ratio requirement and meet the requirement to have more than 10% of their perimeter fronting a public road

The positions of the wetlands are approximate and are subject to survey

The steep slope areas have been derived from the Islands Trust GIS digital record

Drawing prepared February 29, 2012 (REV 3)



PETER THOMSON BCLS
GALIANO ISLAND
peter.thomson@telus.net



Memorandum

Date May 28, 2014 File Number 6500-20-Groundwater Protection DPA Policy Review

To Galiano Island Local Trust Committee
For the meeting of June 9, 2014

From Kris Nichols, Island Planner

Re Groundwater Development Permit Area Draft Fact Sheet

At the May 5, 2014 LTC meeting, staff were directed to develop a fact sheet explaining the difference between the existing Development Permit Area (DPA) and the proposed DPA. Staff have provided a copy of the draft fact sheet as Attachment 1 for review of the LTC.

Proposed DPA 4:

The intent of the Development Permit Area remains the same as it continues to remain applicable to those areas over the 140 m elevation as it is shown in Schedule G of the Galiano Official Community Plan (OCP).

The revised bylaw has been updated with a number of additions:

- Addition of legislative authority 4.2
- Addition of Special Conditions and Objectives that Justify the Designation section 4.3
- Addition of Applicability section 4.5
- Addition Development Permit Exemptions section 4.6
- Addition of an improved and more detailed Guidelines section 4.7

The intent of the revised bylaw is to improve clarity and applicability by establishing where and how the DPA applies and where it doesn't through adding an improved Guidelines section and Exemption Section. The addition of an improved Guidelines section helps to improve clarity on what is required through the DPA. Please see the website for background reports and information: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/groundwater-study.aspx>

Once reviewed by the LTC, staff will send it out to the property owners affected and place it on the website along with advertising for a Community Information Meeting and Public Hearing scheduled for Saturday, July 5, 2014 at the Lions Hall, 992 Burrill Road starting at 1:00 pm. Proposed Bylaw No. 246 was given first reading in May and was sent to referral agencies including the Galiano Island Advisory Planning Commission.

Recommendation:

That the Galiano Island Local Trust Committee directs staff to send out the Groundwater Development Permit Area Fact Sheet to all property owners with land in the DPA 4 and to place the fact sheet on the website in advance of the Public Hearing.

pc Robert Kojima, Regional Planning Manager

Attachment 1 – Draft Fact Sheet – Difference between Existing and Proposed DPA 4



FACT SHEET

Updates to the Galiano Island Groundwater DPA 4 Bylaw

What is Groundwater Development Permit Area (DPA) 4?

British Columbia's *Local Government Act* enables communities to designate parts of their planning area as Development Permit Areas (DPAs) so they can set objectives and guidelines for development within those areas. The [Galiano Island Official Community Plan](#) designates seven DPAs generally designed to protect sensitive ecosystems or to guide development in areas with special circumstances.

The Elevated Groundwater Protection DPA – or Groundwater DPA, for short – was adopted by the Galiano Island Local Trust Committee (LTC) in 2000 in order to guide development within areas identified as groundwater recharge areas for downslope groundwater regions. Only those portions of the catchment areas having shallow soils and being particularly sensitive to development for that reason are included in the development permit area. No building construction, demolition, land alteration, or subdivision of land may occur in this DPA without a Development Permit being issued.

Why are groundwater recharge areas important?

In addition to providing potable water for Island residents through private wells and a water supply for local farms and businesses, groundwater plays an important role in maintaining base flows in rivers and streams, which are critical in providing wildlife habitat and maintaining fish spawning areas and wetlands. There are a number of issues that impact the quality and quantity of groundwater such as:

- saline intrusion
- land use impacts (i.e. types and amount of uses)
- well interference
- surface contamination
- liquid waste (i.e. septic system)
- natural conditions such as topography, recharge rates, soils, vegetation cover, and geology
- seasonal water shortages
- climate change

The protection of existing groundwater supplies is significantly easier than finding alternative water sources on the islands. As the Island continues to develop, the protection of a safe adequate water source will become increasingly important. Reaching the full potential of water conservation requires comprehensive and long-term strategic planning, and the implementation of sustainable water and land use practices.

Why does the DPA Bylaw need to be updated?

The original Groundwater DPA contained very few provisions, which created uncertainty among landowners and planners, and led to interpretation that could have compromised the groundwater resource. The intent of the revised bylaw is to improve clarity and applicability by establishing where and how the DPA applies (and where it doesn't) through an improved Guidelines section and Exemption section.

What has changed?

Several of the changes are statutory in nature, and involve the addition of language regarding the authority of the Local Trust Committee to establish the DPA, and the policies and objectives that informed its design. The sections that have the most relevance for property owners are the addition of Exemptions from the DPA, and improvements to the DPA Guidelines.

The exemptions cover a range of land uses or modifications that are unlikely to impact groundwater recharge, that are required for reasons of health and safety, or that are subject to other land use regulations (e.g. farms, forest management, conservation covenants).

The Guidelines are the criteria that are consulted by the LTC when determining whether to issue a Development Permit. All the Guidelines are designed to protect the quality and quantity of groundwater in the proscribed catchment areas. The Guidelines include measures to control siting of structures and landscaping, construction practices, compliance with management practices recommended in a hydro-geologist or engineer's report (if required), and measures for monitoring and mitigation. Also included are provisions that the LTC may choose to include as a condition of the Permit.

The [proposed amendments](#) can be reviewed on the Groundwater DPA 4 Bylaw project website.

How do the changes affect me?

With the exemptions noted above, the DPA applies to properties that are located above an elevation of 140 metres, as shown in [Schedule G](#) of the Galiano Island Official Community Plan. The properties that were subject to the existing DPA have not changed with the new proposed DPA. Any landowner who has property that is wholly or partially located within the DPA must obtain a Development Permit from the Islands Trust before undertaking development activities identified in the OCP. Again, the guidelines and exemptions are established in the DPA.

The regular maintenance of existing buildings and landscaping, as well as any development that takes place outside of the boundaries of the DPA, does not require a Development Permit. Depending on the development, additional permits (e.g. a building permit) may be required as well.

How can I find more information or provide my feedback?

The Islands Trust website is an excellent resource for information about the existing Elevated Groundwater Protection DPA, [the Bylaw review project](#), and [groundwater protection](#) in general.

In order to remain updated on the status of the Bylaw review, be sure to follow the [News](#) on the LTC web page, and consider attending the Community Information Meeting and Public Hearing scheduled for Saturday, July 5, 2014 at the Lions Hall, 992 Burrill Road starting at 1:00 pm.

For more information or to provide your feedback about the project, contact Galiano Island Planner Kris Nichols at 250-405-5170 or knichols@islandstrust.bc.ca.



Memorandum

Date: May 29, 2014

File Number: GL 6500-20 STVR

To: Galiano Island Local Trust Committee
For the meeting of June 9, 2014

From: Kim Farris
Planner 1

Re: **Short Term Vacation Rental (STVR) Project Update**

Purpose

This memo will provide an update on the status of the Short Term Vacation Rental (STVR) project and to provide information on the agency referrals, Community Information Meeting, and Public Hearing. Background information on the project and previous staff reports are available under 'Projects & Initiatives' on the Galiano Island LTC webpage and are also available by clicking on the following link: [Galiano STVR Project Information](#)

Previous Meetings

At the May 5th, 2014 regular meeting staff presented draft Land Use Bylaw (LUB) amendments (Bylaw No. 247) and Official Community Plan (OCP) amendments (Bylaw No. 248) for STVRs on Galiano Island. The Local Trust Committee (LTC) passed the following resolutions:

- a. *That the Galiano Island Local Trust Committee directs staff to amend Draft Bylaw No. 247 by: 1. Amending section 1. a) by replacing the words "in front of" with the word "after"; 2. Amending subsection 1. b) 3.1.3 by adding the words "On properties with a principal dwelling and legal cottage" before the words "the following additional regulations" and by deleting the word "the" after the words "apply to" and by deleting the words "of a cottage" after the words "short term rental"; 3. Amending subsection 1. b) 3.13(1) by adding the words "dwelling or" before the words "cottage per lot"; 4. Amending section 1. c) by adding the words "dwelling or" before the words "cottage as temporary commercial" and by adding the words "dwelling or" after the words "For this purpose, a"; 5. Amending section 1. b) by adding subsection 3.13(2) that says "No more than four beds may be used to accommodate paying guests for short term vacation rental."*
- b. *That Galiano Island Local Trust Committee Draft Bylaw No. 247, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2014" as amended be given First Reading.*

- c. *That Galiano Island Local Trust Committee Draft Bylaw No. 248, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2014" as amended be given First Reading.*
- d. *That Galiano Island Local Trust Committee Proposed Bylaw No. 247 and Proposed Bylaw No. 248 be referred to the Galiano Island Advisory Planning Commission and other appropriate agencies including water districts.*
- e. *That the Galiano Island Local Trust Committee directs staff to schedule a Public Hearing for July 2014 for Proposed Bylaw No. 247 and Proposed Bylaw No. 248.*

Amendments were made to proposed Bylaw No. 247 and proposed Bylaw No. 248 based on the resolutions of the Galiano Island LTC at the May 5th, 2014 LTC meeting. The proposed amendments dealt with the LUB amendment to permit the STVR as a home occupation to occur in either the cottage or the main dwelling on a single property. The proposed bylaws are attached to this memo.

Project Update

Agency Referrals:

The proposed bylaw referrals were recently sent to agencies. The agencies have 30 days to provide a response. At the time of writing this memo, no referral responses have been received. The collected referral responses will be forward to the Galiano Island LTC at a subsequent LTC meeting.

Community Information Meetings & Public Hearing:

A Community Information Meeting (CIM) was held on March 8, 2014 to gather comments from the community on the STVR project. There were approximately 50 community members in attendance. As the bylaws were not drafted at the first CIM, staff are recommending scheduling a second CIM to gather comments on the proposed bylaws.

The Galiano LTC has the option to hold the CIM and Public Hearing during the same meeting or to hold them separately. Staff recommends holding the CIM and Public Hearing together at a special meeting on Saturday, July 5th, 2014. This will allow adequate time to discuss the bylaws and to accommodate a larger attendance. This also provides the Galiano Island LTC with the opportunity to give second or third reading to the proposed bylaws at the July 7th, 2014 meeting. This would permit the OCP Bylaw to get the necessary approval by the Executive Committee and the Ministry prior to the next scheduled LTC meeting on September 8, 2014.

Recommendation:

THAT the Galiano Island Local Trust Committee direct staff to schedule a special meeting to be held on July 5, 2014 for the purpose of a community information meeting and a public hearing for Bylaw Nos. 247 and 248.

pc Robert Kojima, Regional Planning Manager
 Kris Nichols, Island Planner

Attachments:

1. Proposed Bylaw No. 247
2. Proposed Bylaw No. 248

BYLAW NO. 247

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:

1. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
 - a) By amending Section 3.1 by adding the words “and short term vacation rental home occupations” after the words “bed and breakfast home occupations”.
 - b) By adding Section 3.13:
 - 3.13 On properties with a principle dwelling and a legal cottage the following additional regulations apply short term rental as a home occupation:
 - 3.13(1) no more than one dwelling or cottage per lot may be used as a short term vacation rental at any one time.
 - 3.13(2) No more than four beds may be used to accommodate paying guests for short term vacation rental
 - c) By amending Section 17.1 (Interpretation) by adding the following definition in alphabetical order and subsequently changing all definition numbering:

“short term vacation rental” means the use of a dwelling or *cottage* as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier. For this purpose, a dwelling or *cottage* used as *short term vacation rental* shall be considered an accessory *home occupation* subject to the regulations established in Section 3.”
2. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2014”.

READ A FIRST TIME this 5th day of May, 2014.

READ A SECOND TIME this _____ day of _____, 201_.

PUBLIC HEARING HELD 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

A BYLAW TO AMEND THE GALIANO ISLAND OFFICIAL COMMUNITY PLAN

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. 2, 2014."

2. SCHEDULES

Schedules A (Policy Document) of Galiano Island Official Community Plan No. 108, 1995 are amended as indicated on Schedule 1, attached to and forming part of this amending 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 5th day of May , 2014.

READ A SECOND TIME this day of , 201_.

PUBLIC HEARING HELD 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_.

| APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL

DEVELOPMENT this day of , 201_.

ADOPTED this day of , 201_.

DEPUTY SECRETARY

CHAIRPERSON

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 248**

SCHEDULE 1

A. Schedule A of the Galiano Island Local Trust Committee Bylaw No. 108, cited as, "Galiano Island Official Community Plan Bylaw No. 108, 1995" is amended as follows:

1. By deleting Section 5.3 Visitor Accommodation Policies a) and b) and replacing it with the following:

"a) Where Bed and Breakfast, Short Term Vacation Rental, and Commercial Vacation Rental are permitted, the residential character of the site shall be maintained."

"b) Bed and Breakfast with 1 to 3 rental rooms accommodating up to three persons per room shall be accessory to a residential use."

2. By amending Section 5.3 Visitor Accommodation Policy d) by inserting ", Short Term Vacation Rental, and Commercial Vacation Rental" after the words "Bed and Breakfast".
3. By deleting Section VII (Temporary Use Permits) in its entirety and replacing it with the following:

"SECTION VII - TEMPORARY USE PERMITS

BL224

1. Circumstances

- i. The Local Trust Committee may issue Temporary Permits for all areas covered by this Plan.
- ii. The Local Trust Committee may consider preparing amendments to Galiano Island Local Trust Committee Impact Assessment Bylaw No. 58, 1998 for adoption by Trust Council to require development approval information for Temporary Use Permit Applications through adoption of a development approval information bylaw.

2. Objectives

- i. Permits for temporary uses may be issued for short term uses or as a test of the compatibility of the proposed land use, which may not have been anticipated, with existing uses.
- ii. Permits can be issued for any period up to three years and could be considered for renewal once for any further period up to three years.
- iii. In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a temporary use permit for a commercial vacation rental:
 - a) for the purpose of a temporary use permit, "commercial vacation rental" means the use of a *residence* as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier;

- b) the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals;
- c) the Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence;
- d) the Local Trust Committee may require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
- e) the landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use;
- f) the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles;
- g) in addition to any other conditions the LTC may consider appropriate, the permit may:
 - require that the owner or other contact be available on Galiano by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit;
 - require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit;
 - require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area;
 - establish a maximum number of people that can stay;
 - establish a maximum number of guests per bedroom;
 - prohibit camping or occupancy of RVs on the property;
 - restrict advertising to one unilluminated sign, with a maximum area;
 - prohibit the rental or provision of motorized personal watercraft;
 - prohibit outdoor fires;
 - establish the dates during which the use may occur; and
 - include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received; and
- h) a temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued."



Memorandum

Date May 28, 2014 File Number 6500-20-LUB Contractor Home Base Review

To Galiano Island Local Trust Committee
For June 9, 2014 Meeting

From Kris Nichols
Island Planner

Re Contractor Home Base Review - Update

At the May 5, 2015 LTC Meeting the following resolutions were passed:

1. *That the Galiano Island Local Trust Committee directs staff to amend Draft Project Charter - Project Scope -Out of Scope by adding "(focus group)" at the end of bullet point number two (2).*
2. *That the Galiano Island Local Trust Committee Draft Project Charter for the Contractor Home Base Review as amended be Approved.*
3. *That the Galiano Island Local Trust Committee Terms of Reference entitled "Contractor Home Base Review Terms of Reference the Focus Group Reviewing Contractor Home Base" be Approved.*
4. *That the Galiano Island Local Trust Committee directs staff to initiate the process for advertising for a Focus Group to be appointed either by Resolution Without Meeting or at the next Local Trust Committee Meeting.*

Staff have updated the website placing the Project Charter and the Terms of Reference for the Focus Group on the site. In addition, a copy of the 'the active page' advertisement (See Attachment 1) calling for volunteers for the Focus Group is on the website (<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/contractor-home-base.aspx>). Given the timing of the advertisement only being in the June edition of 'the active page', staff have not had any volunteer submissions at the time of writing this report. The deadline for submissions is June 27th in order to allow interested persons enough time to respond. It is anticipated that the appointments will be considered by the LTC after that through RWM or at the July 7, 2014 LTC meeting as a late agenda item. At that time, it is likely that the proposed timing stated in the Project Charter will have to be amended.

pc Robert Kojima, Regional Project Manager

Attachment 1 – Copy of The Active Page advertisement.



GALIANO ISLAND LOCAL TRUST COMMITTEE

CONTRACTOR HOME BASE REVIEW - SEEKING FOCUS GROUP VOLUNTEERS

The Galiano Island Local Trust Committee (LTC) is commencing a review of the regulations pertaining to contractor home base businesses. As part of this process, the LTC has committed to having community consultation initiated through the establishment of a Focus Group. Islands Trust staff have, over the past year, prepared various reports in an attempt to address contractor home base use businesses located in residential areas. Participants in the Focus Group will be asked to examine the specific topic in more detail and make specific suggestions and recommendations to the LTC. The Focus Group should seek to provide recommendations that are options that can be implemented by the LTC through its policies and regulations, or which can be endorsed or adopted by the LTC as broad objectives.

The Galiano Island Local Trust Committee is seeking expressions of interest for positions on the Focus Group. Please send your expression of interest and any related experience, by June 27, 2014 to:

**Galiano Island Local Trust Committee: c/o Lori Foster, Islands Trust, Suite 200 - 1627 Fort Street, Victoria, BC V8R 1H8
fax: (250) 405-5155 or email: lfoster@islandstrust.bc.ca**

Key background documents, including Focus Group terms of reference, can be viewed on-line at the Galiano Island page on the Islands Trust website: www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/contractor-home-base. For more information please contact Kris Nichols, Island Planner at 250-405-5170 or knichols@islandstrust.bc.ca

File No.: GL-TUP-2014.1

To: Galiano Island Local Trust Committee
for the meeting of June 9, 2014

From: Kerry Thompson, Co-op Planner I
Kris Nichols, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Staff Report for GL-TUP-2014.1 (Galiano Conservancy Association)

Owner: Galiano Conservancy Association

Applicant: Ken Millard, Director, Galiano Conservancy Association

Location: 10825 Porlier Pass Drive

Legal: District Lot 57, Galiano Island, Cowichan District, PID: 002 025 175

THE PROPOSAL:

This proposal seeks the granting of a Temporary Use Permit (TUP) in order to conduct educational and retreat programming activities and associated overnight camping uses for up to 36 people on the subject property. The proposed uses would be facilitated by the Galiano Conservancy Association (GCA), who purchased the subject property in February 2012. Educational programming would be the primary use on the subject property, with associated overnight camping and related infrastructure. An existing TUP permitting the above uses was granted in 2012; the purpose of the current proposal is to supplement the existing TUP to allow additional structures (i.e. outhouses, tent platforms, shower facilities, non-permanent bunk houses, multi-use building) on the site. The change is a result of input by those that have used the site and are looking for additional services (i.e. bunkhouses, etc.) and as a result of the ability to acquire a building that would suit the needs of the proposed uses. This proposal is meant to serve as a precursor to a future rezoning of the property for a permanent Restorative Learning Centre.

SITE CONTEXT:

The subject property is 76.08 hectares (188 acres), with 2 kilometres of waterfront, located on the western side of Galiano Island, south of Retreat Cove on Porlier Pass Road. The property is split zoned Rural 2 (R2) and Agriculture (AG), as per Figure 2 below. As part of their educational programming, the applicants will be using the agriculture zoned portion of the property for farming. Surrounding properties include the Trust Fund Board-owned Trincolmali Nature Sanctuary to the south east; two Forest 1 (F1) zoned properties to the north and north east, and a split zoned R2/AG property located to the north west. The property slopes from the north east corner out towards the shore, and contains two flatter plateau areas which traverse the property from north west to south east. The property rises to a maximum elevation of 160m above sea

level at the north eastern corner. A Rock Fish conservation area is located off-shore. As part of the previous TUP application staff conducted a site visit on March 21, 2012, and confirmed the presence of two streams both subject to Riparian Development Permit Area guidelines.

Prior to the first TUP application, the site had been actively logged and was farmed in the past. The site contains several temporary buildings and structures, many of which are on pallets and in various states of disrepair. Galiano Conservancy is working to remove the unsafe structures as the property becomes more active with the proposed use. It is anticipated that an existing residence and a storage shed might remain for use of a caretaker, or another more appropriate site might be chosen. A site visit in March 2014 shows that the eastern most camping area designated in the original TUP is currently being used for camping activities associated with the proposed educational programming, and is being improved in preparation for further development to be permitted through the proposed TUP.

Figure 1: Subject Area

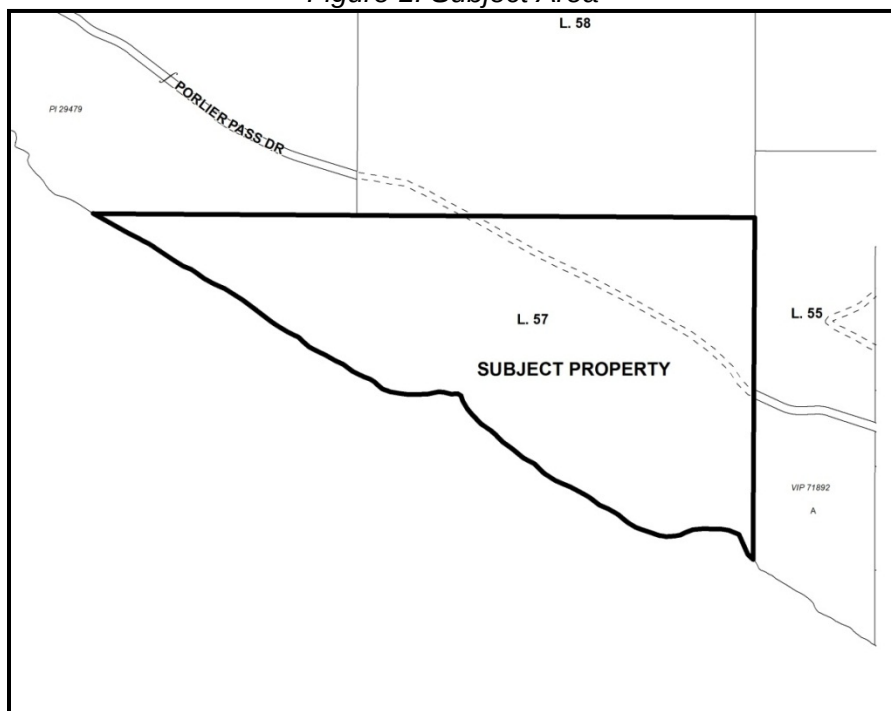


Figure 2: Zoning Map

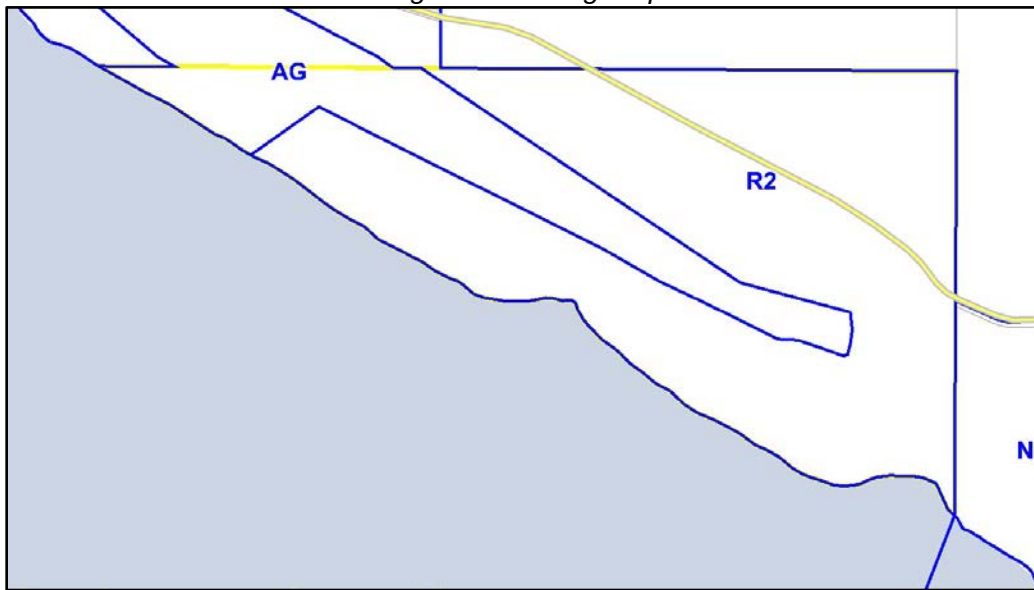


Figure 3: Topography of the Subject Area (2m Contour Intervals)

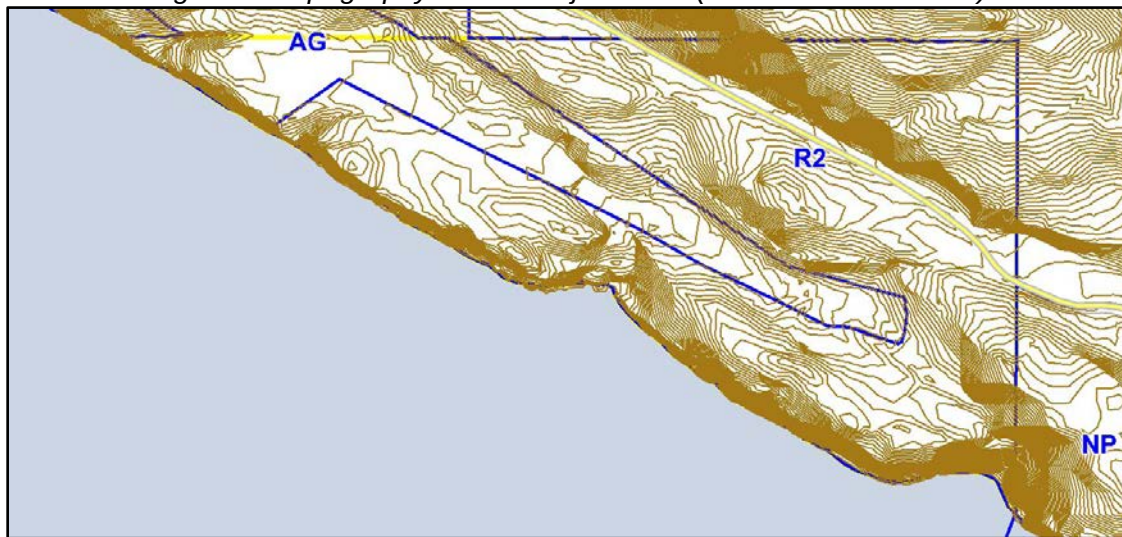


Figure 4: Orthophoto



Figure 5: Proposed Primary Camping Area (2012)



Figure 6: Primary Camping Area (2014)



Figure 7: Looking South from Well Location (2012)



Figure 8: Footprint of Proposed Kitchen/Dining/Classroom Building (2014)



Figure 9: Kitchen/Dining/Classroom Building (Elevations)

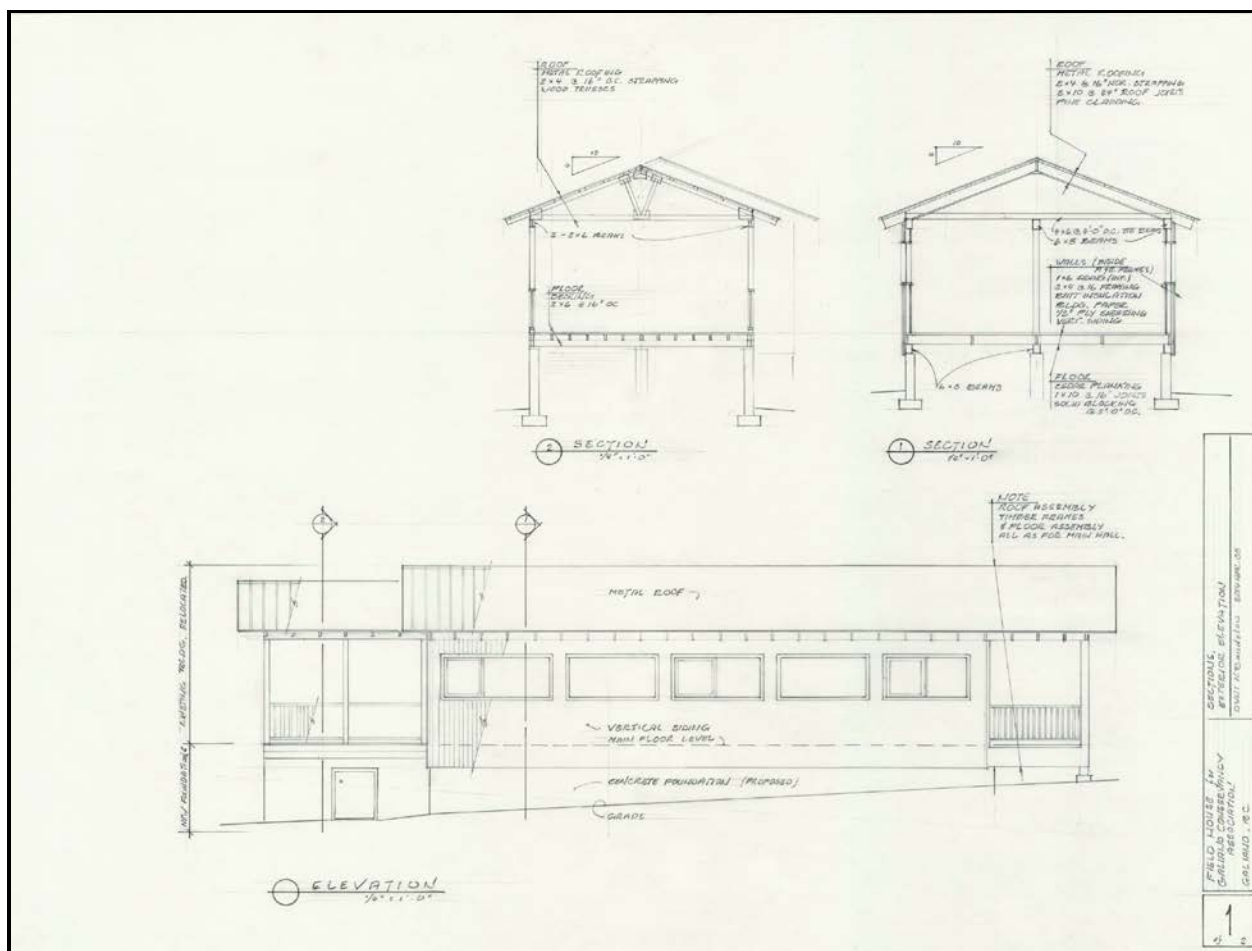
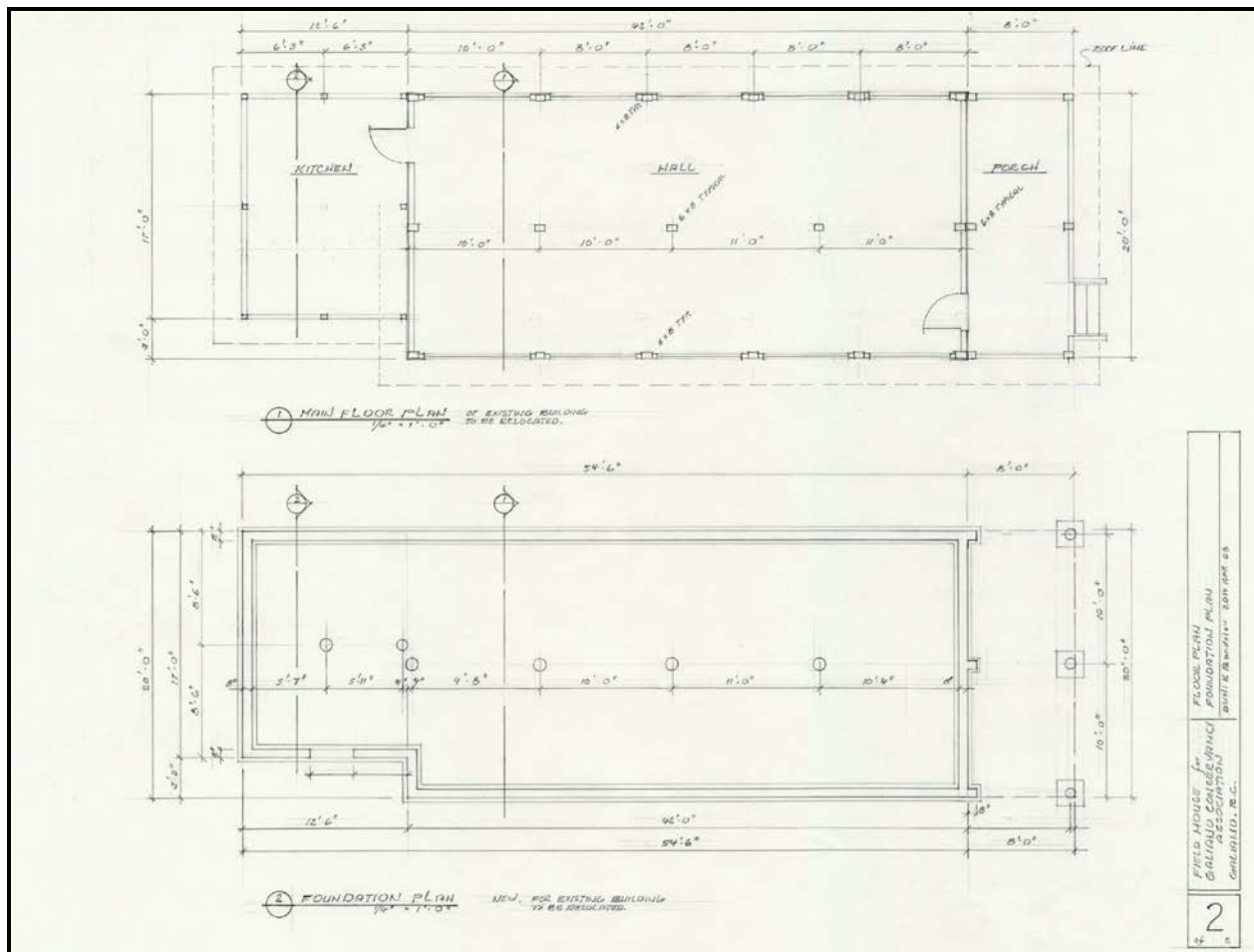


Figure 10: Kitchen/Dining/Classroom Building (floorplans)



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

There are a number of goals, policies and recommendations that are applicable to this property given the ecosystems (forest and marine) that are present. Given the resources on the property (agricultural land, forests, wildlife and vegetation, and coastal areas and marine shorelands), the policy statement contains goals, policies and recommendations around their stewardship.

Official Community Plan:

The property is designated Rural (R) and Agriculture (AG). The intent of the Rural designation is to allow for larger lot developments to provide opportunities for a variety of rural activities without impinging on neighbours. The Agriculture designation is to work in concert with lands within the Agricultural Land Reserve (ALR). The OCP contains a number of objectives, policies and advocacy policies to support agricultural use of the land.

There are four development permit areas located on the property (see Figures 8-11) that the owners will have to take into consideration as the property is made ready for the intended use. For the most part it is understood that the intended uses do not impact the development permit areas. In particular, the camping area where the new structures are proposed to be located is generally located outside the boundaries of the DPAs. However, the latter must be considered when any alteration to the site is occurring such as the construction of private access roads to the proposed campgrounds. If any alteration is to occur in a development permit area, generally, an application is required prior to proceeding with the development.

Figure 10: Steep Slope Hazard (DPA 7)

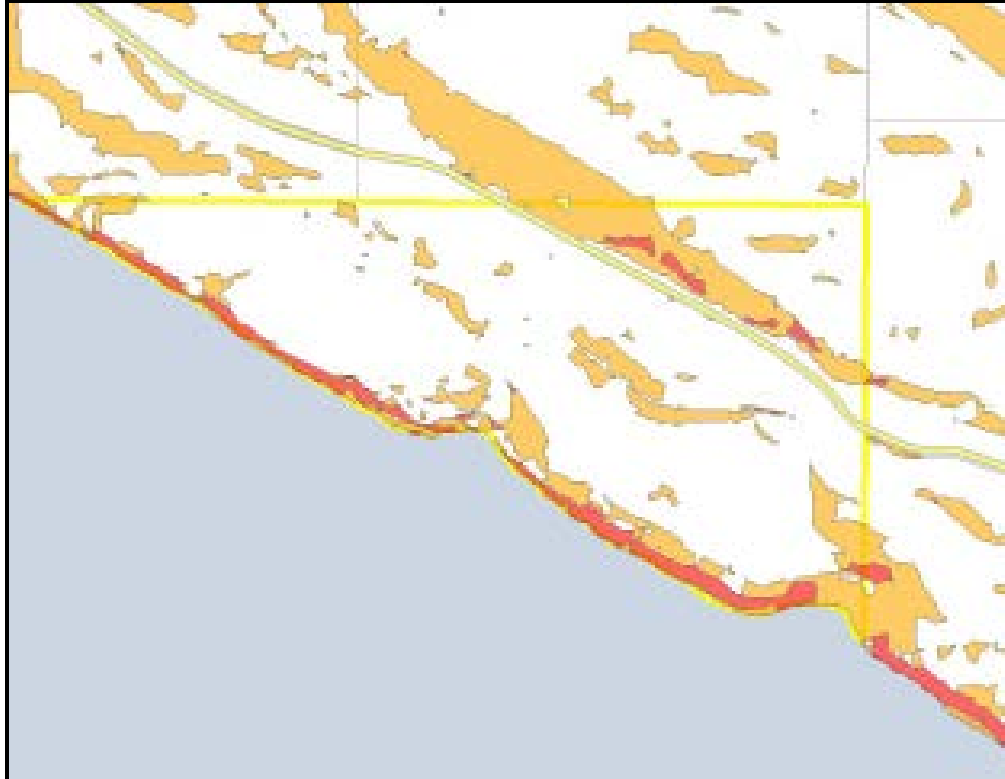


Figure 11: Sensitive Ecosystem (DPA 5)

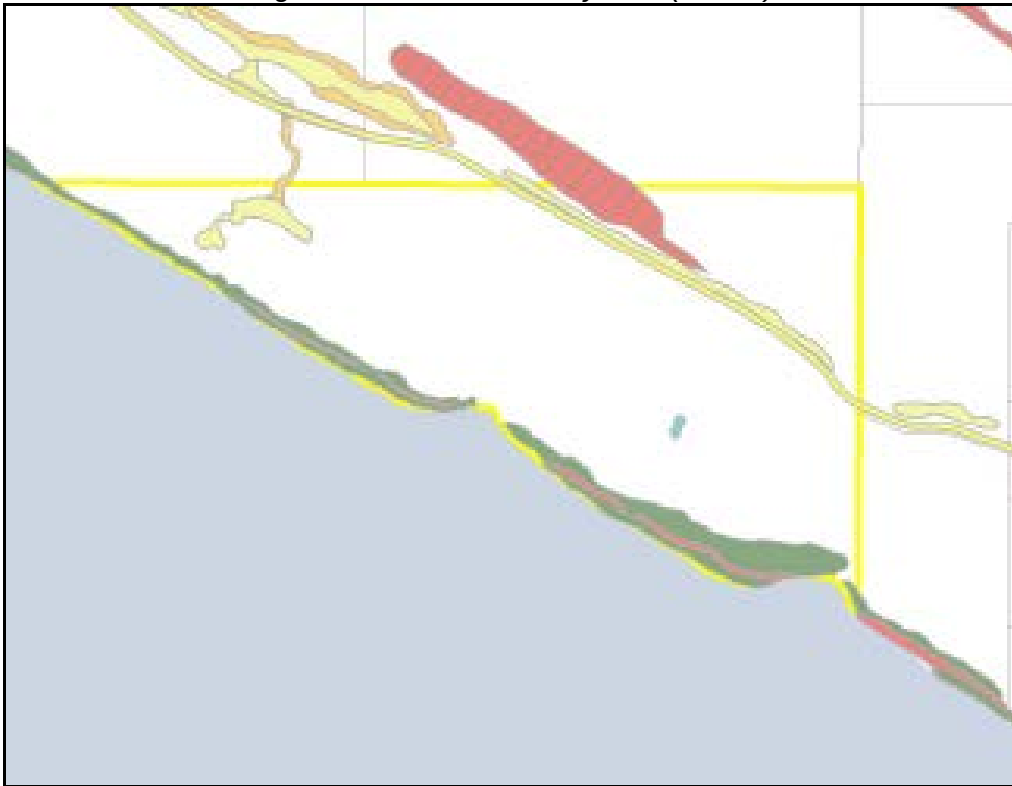


Figure 12: Riparian (DPA 1)

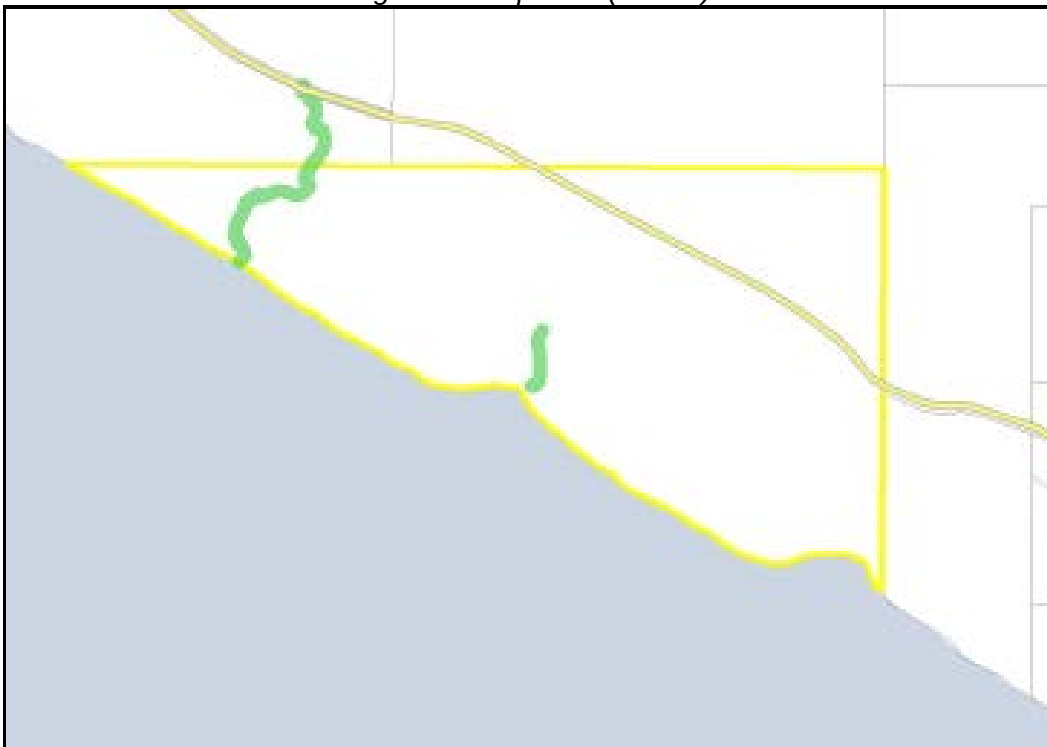


Figure 13: Elevated Groundwater Catchment (DPA 4)



Land Use Bylaw:

The subject property is split zoned Rural 2 (R2) and Agriculture (AG). The purpose of the application is to allow educational and camping uses that are not permitted within these zones.

Islands Trust Fund:

There are no Trust Fund Board covenants on the property. The Islands Trust Fund does own the adjacent Trincolmali Nature Sanctuary. The Islands Trust Fund supported the original application GL-TUP-2012.1, with which the current application is substantially consistent.

Regional Conservation Plan (RCP):

Galiano Island has been identified as an area for moderate conservation focus. The proposed use of the property for environmental education is consistent with the RCP goal to "Promote community participation in conservation within the Islands Trust Area through effective stewardship and management of private lands, information sharing and support of conservation education". The proposal does not conflict with biodiversity priorities, as represented by the Sensitive Ecosystems DPA.

Sensitive Ecosystems and Hazard Areas:

The property contains several sensitive ecosystems, including cliffs, fresh water, wetlands, riparian habitat, and woodlands (see Figure 11). These are generally addressed in the Sensitive Ecosystems DPA.

The steep slope hazard mapping does show some areas of high, medium and low hazards on the property, particularly along the shoreline. These are generally addressed in the Steep Slope DPA.

Figure 14: Steep Slope Hazard Mapping



Archaeological Sites:

There are no registered archaeological sites on the property or in close proximity. Notwithstanding the foregoing, and by copy of this report, the owners are advised that the unearthing of any archaeological resource should be reported to the BC Archaeology Branch.

Covenants:

There are no registered covenants on title.

Bylaw Enforcement:

There are no bylaw enforcement files associated with this property.

Climate Change Mitigation and Adaptation:

The property has been logged in the recent past and it is anticipated that the construction of the campgrounds will not further disturb the forested/vegetated areas as many areas have already been cleared as part of the logging. As with any coastal properties, sea level rise and/or storm surges may be a concern, but proposed development is on the upland away from the shoreline.

Shoreline:

The shoreline is an undisturbed area containing old growth Douglas-fir, Arbutus and Garry Oak with associated ecosystems. The shoreline is comprised completely of steep sea cliff.

Other:

The central plateau area (portion of the property zoned AG) is contained within the Agricultural Land Reserve. Any potential development within this area may be subject to the *Agricultural Land Commission Act*.

COMMUNITY INFORMATION MEETING(S):

Temporary Use Permits do not require Community Information Meetings or public hearings. The permit is advertised in the local newspaper and the surrounding property owners are notified prior to final consideration by the LTC at a regularly scheduled meeting.

RESULTS OF CIRCULATION:

The notification period for this application began on May 26, 2014, and will continue until June 6, 2014. At the writing of this report, staff have received no public submissions. Should staff receive any submissions prior to the June 9, 2014 LTC meeting, these will be presented at that time.

STAFF COMMENTS:

Section 920.2 of the British Columbia *Local Government Act* states (see Appendix 1) that an Official Community Plan or a zoning (land use) bylaw may provide general conditions and designate areas where temporary use permits (TUP) may be allowed. The Galiano Official Community Plan Bylaw No. 108 states that the Local Trust Committee may issue temporary use permits for all areas covered by the plan (i.e. all of Galiano Island).

A Temporary Use Permit (TUP) is a flexible planning tool used to permit and regulate a use on a property that would otherwise not be permitted due to the current zoning. The Islands Trust has developed an application guide for TUPs which can be accessed from the [Islands Trust website](#). This guide outlines what a TUP is, when it is required, and the application process. A TUP can be issued for a period of up to 3 years, with a possibility of renewal for up to an additional 3 years. The granting of the permit, the conditions of the permit, the length of the permit, and whether or not it will be granted renewal are all at the discretion of the LTC. Any construction, demolition or land alteration associated with a TUP may not commence until a temporary use permit is obtained for the project.

The purpose of this TUP – to test whether or not the proposed use is appropriate at the subject site, in advance of an anticipated future rezoning – is the same as that of the previously granted permit (GL-TUP-2012.1). The current application is being submitted in order to effectively supplement the existing TUP to permit additional structures on the property. Specifically, in the “Camping Area” per Schedule B of the Draft Permit (Appendix 2), the applicants seek to

- Increase the number of outhouses from two to four;
- Establish non-permanent bunk houses with a total floor area of up to 80 square metres; and
- Increase to size of the kitchen/dining structure from 60 square metres to 120 square metres to allow sufficient space for classroom-type activities. The applicants have secured the donation of a structure with these dimensions built specifically for these purposes.

The applicants are also constructing an information kiosk proximate to the Porlier Pass Road entrance (see Figure 15).

Figure 15: Information Kiosk under Construction



Additionally, the plan (as permitted in the 2012 TUP) to establish an auxiliary camping site, and associated facilities, has been abandoned and is no longer included in the current proposal.

The proposed TUP attached as Appendix 2 outlines the specific conditions for this property. It outlines the conditions for the environmental education and retreat programming, the associated camping, and general use of the lot. It sets out conditions such as the number of participants at any one time, the layout of the camping areas and the permitted uses.

The existing TUP remains valid will expire in May 2015. The applicants still plan to rezone the property (residential portion) prior to the temporary use permit expiring (i.e. within 3 years) in order to establish a permanent Galiano Restorative Learning Center on-site in the future. The owners are aware that as this is a temporary use permit, and that after 3 years they may have to remove any structures/alterations associated with the temporary use if the permit is not renewed or a rezoning granted.

Should the conditions of the TUP not be followed they will be enforced as would a zoning infraction through Bylaw Enforcement. That being said, the owners have every intention to follow the conditions of the TUP to provide an opportunity for environmental educational programming now and well into the future.

Given the conditions of the TUP and the Galiano Conservancy Association's reputation on the Island for protecting its environmental integrity (ecosystems, habitats, forests and wetlands), staff are recommending that the temporary use permit be approved for a three (3) year term.

OPTIONS

The Galiano Island Local Trust Committee can consider the following options:

1. To issue the TUP as drafted and attached to this report.
2. To not issue the TUP.
3. To issue the TUP with amendments that explicitly state the difference between the current TUP and the Proposed TUP.

RECOMMENDATIONS:

THAT Temporary Use Permit GL-TUP-2014.1 (Galiano Conservancy Association) **BE APPROVED.**

Prepared and Submitted by:



Kerry Thompson, Co-op Planner I

May 27, 2014

Date

Kris Nichols

Kris Nichols, Island Planner

May 27, 2014

Date

Concurred in by:



Robert Kojima, RPM

May 28, 2014

Date

Appendix 1 – Exerpt from Local Government Act Section 920 (2) and 921

920.2 For the purposes of section 921,

- (a) an official community plan, or
- (b) a zoning bylaw

may designate areas where temporary uses may be allowed and may specify general conditions regarding the issue of temporary use permits in those areas.

Temporary use permits

921 (1) On application by an owner of land, a local government may issue a temporary use permit

- (a) by resolution, in relation to land within an area designated under section 920.2, or
- (b) by bylaw, in relation to land within an area outside a municipality, if there is no official community plan in effect for the area.

(2) [Repealed 2000-7-167.]

(3) A temporary use permit may do one or more of the following:

- (a) allow a use not permitted by a zoning bylaw;
- (b) specify conditions under which the temporary use may be carried on;
- (c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

(4) If a local government proposes to pass a resolution allowing a temporary use permit to be issued, it must give notice in accordance with subsections (5) and (6).

(5) The notice must

- (a) state
 - (i) in general terms, the purpose of the proposed permit,
 - (ii) the land or lands that are the subject of the proposed permit,

(iii) the place where and the times and dates when copies of the proposed permit may be inspected, and

(iv) the date, time and place when the resolution will be considered, and

(b) be published in a newspaper at least 3 and not more than 14 days before the adoption of the resolution to issue the permit.

(6) Section 892 (4) to (7) applies to the notice.

(7) Sections 890, 891, 892, 894 and 913 apply to a bylaw under subsection (1) (b).

(8) As a condition of the issue of a permit, a local government may require the owner of the land to give an undertaking to

(a) demolish or remove a building or structure, and

(b) restore land described in the permit to a condition specified in the permit by a date specified in the permit.

(9) An undertaking under subsection (8) must be attached to and forms part of the permit.

(10) If the owner of the land fails to comply with all of the undertakings given under subsection (8), the local government may enter on the land and carry out the demolition, removal or restoration at the expense of the owner.

(11) The owner of land in respect of which a temporary use permit has been issued has the right to put the land to the use described in the permit until

(a) the date that the permit expires, or

(b) 3 years after the permit was issued,

whichever occurs first.

(12) In addition to any security required under section 925 (1), a local government may require, as a condition of issuing the permit, that the owner of the land give to the local government security to guarantee the performance of the terms of the permit, and the permit may provide for

(a) the form of the security, and

(b) the means for determining

- (i) when there is default under the permit, and
- (ii) the amount of the security that forfeits to the local government in the event of default.

(13) A person to whom a temporary use permit has been issued may apply to have the permit renewed, and subsections (8) to (12) apply.

(14) A permit issued under this section may be renewed only once.

(15) If a local government delegates the power to issue a temporary use permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter.

Appendix 2 – Proposed Temporary Use Permit



Islands Trust

PROPOSED

**GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2014.1 (Galiano Conservancy Association)**

10825 Porlier Pass Road

To: Galiano Conservancy Association

1. This Permit applies to the land described below:

District Lot 57, Galiano Island, Cowichan District, PID 002-025-175 shown on Schedule "A", which is attached to and forms part of this Permit.

2. This Permit is issued for the purpose of permitting the owner to conduct the following uses on their property:

- a) environmental education and retreat programming; and
- b) overnight camping directly associated with the use in 2a) above.

3. and is subject to the following conditions:

Environmental Education and Retreat programming shall be subject to the following condition:

- a) shall be limited to passive recreation, retreat and outdoor education activities requiring no additional buildings or structures other than those directly associated with permitted use 2b);

Overnight Camping associated with Environmental Education and Retreat Programming shall be subject to the following conditions:

- b) the "Camping Area" shall be limited to the 1.44 hectare area as specified in Schedule 'B';
- c) the general lay out plan shall be sited substantially in accordance with Schedule 'C';
- d) the maximum number of participants permitted to take part is thirty-six (36);
- e) the following buildings and structures, and no others are permitted in the "Camping Area" in accordance with Schedule C:
 - 18 tent platform structures no larger than 9 square metres
 - 4 outhouses
 - shower facilities, up to 30 square metres in size and 5 metres in height;
 - 1 kitchen/dining/classroom building up to 150 square metres in size and up to 9 metres in height
 - Non-permanent bunk houses (wall tents or yurts) with a total of up to 80 square metres

- 1 fully contained fire pit, identified in Schedule C;
- f) overnight camping must only occur in the "Camping Area ";

General Property Use on the Residential 2 zoned portion of the land shall be subject to the following conditions:

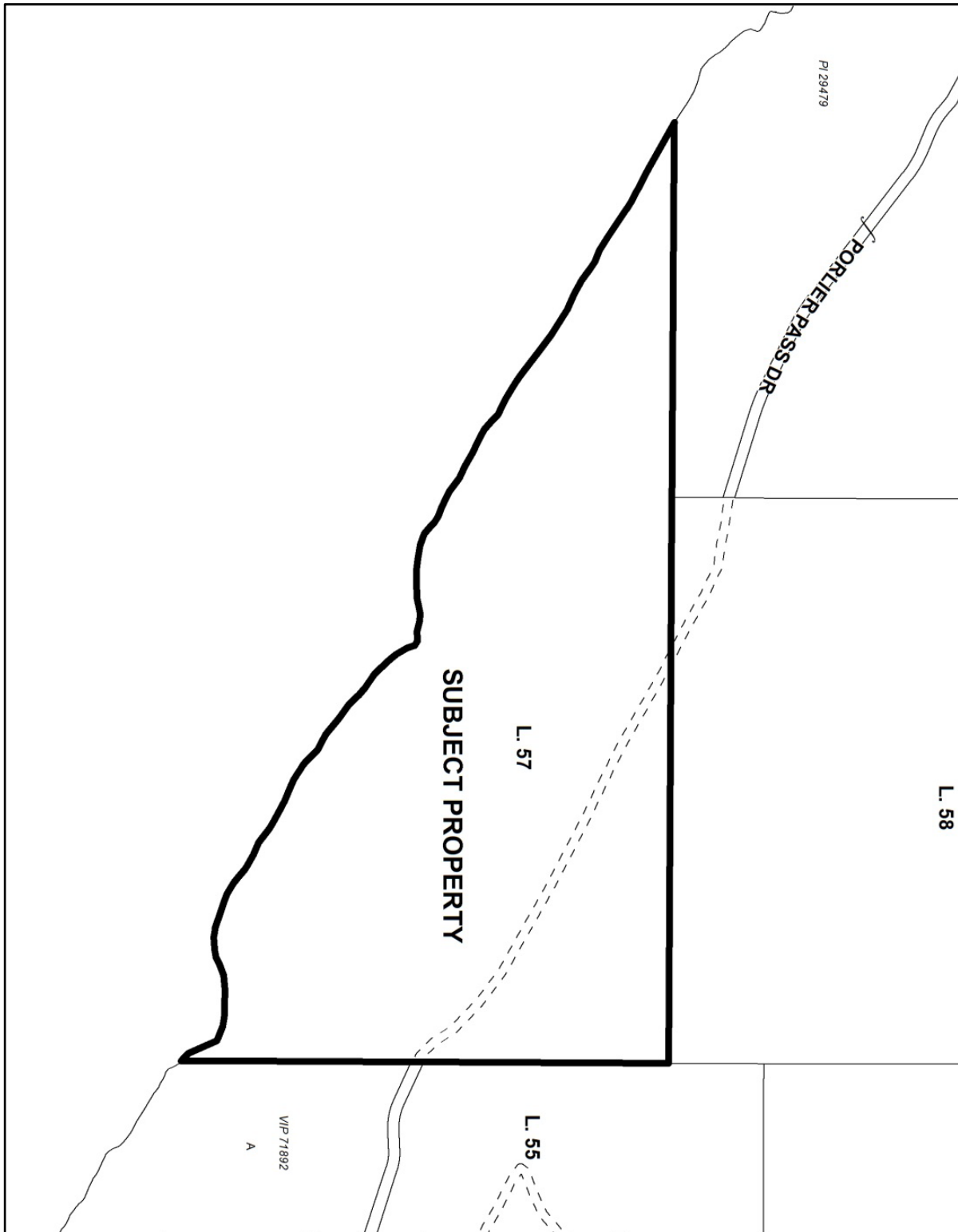
- g) the owners are restricted to a maximum of one (1) non-illuminated information kiosk structure, as shown in Schedule 'B', not to exceed 10 square metres in area, 5 metres in height, and must be sited a minimum of 6 metres from Porlier Pass Road;
 - h) despite Land Use Bylaw provisions, the owner must provide parking space/design for a minimum of two (2) vehicles on the property, and parking must be otherwise consistent with the parking regulations set out in the Galiano Island Land Use Bylaw;
 - i) use of recreational vehicles are prohibited;
 - j) one residence is permitted for use as a caretaker's residence and no other residential uses are permitted on the property for the duration of this permit;
 - k) one existing storage shed is permitted for accessory use, and no other accessory uses are permitted on the property for the duration of this permit;
 - l) elevated water storage tanks (storage cistern) are permitted to provide gravity fed water to the camping area; and
4. This permit will remain in place until such time that it expires or a successful rezoning has been obtained by the owner.
5. This Permit expires on June x, 2017.
6. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS xth DAY OF June, 2014.

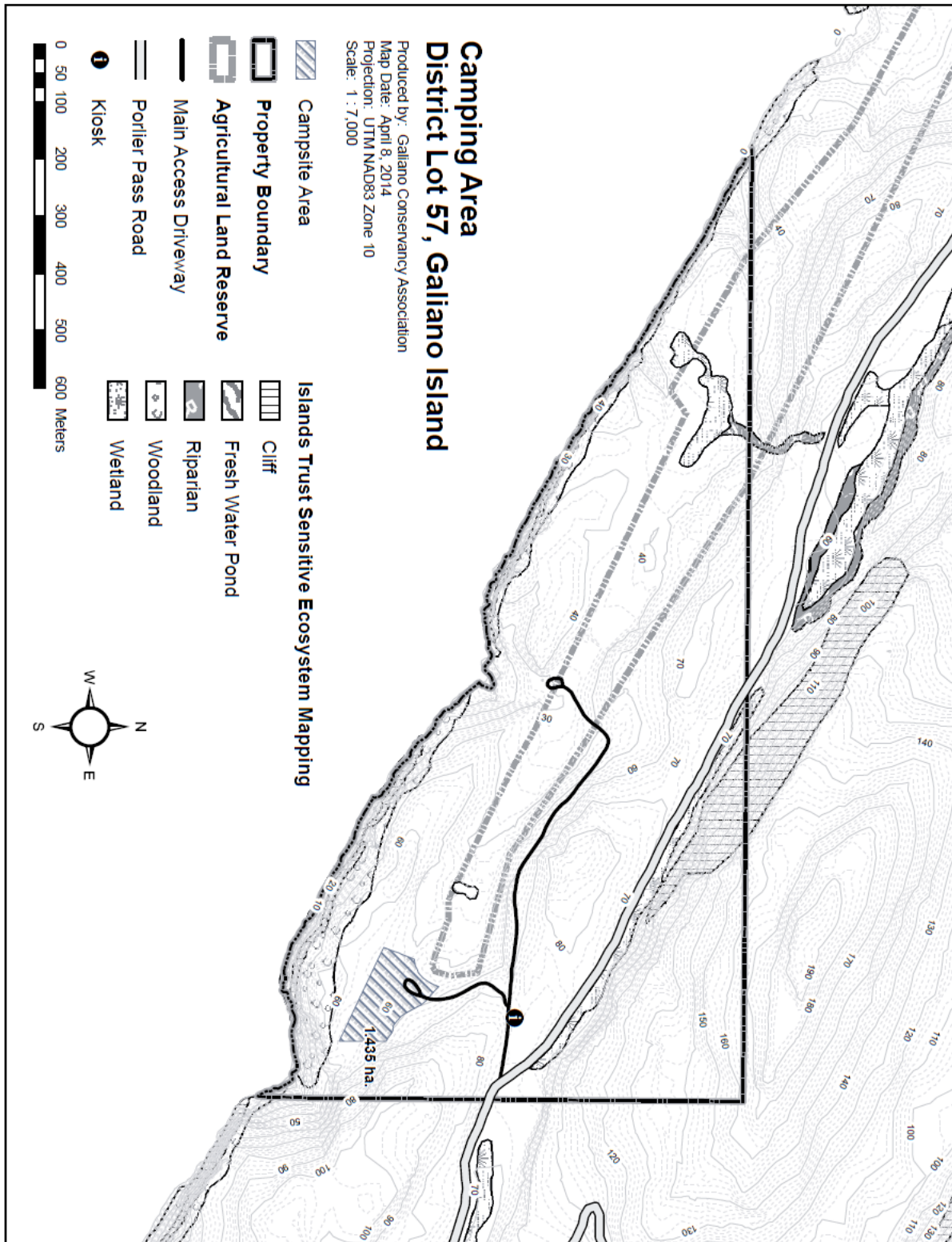
Deputy Secretary, Islands Trust

Date Issued

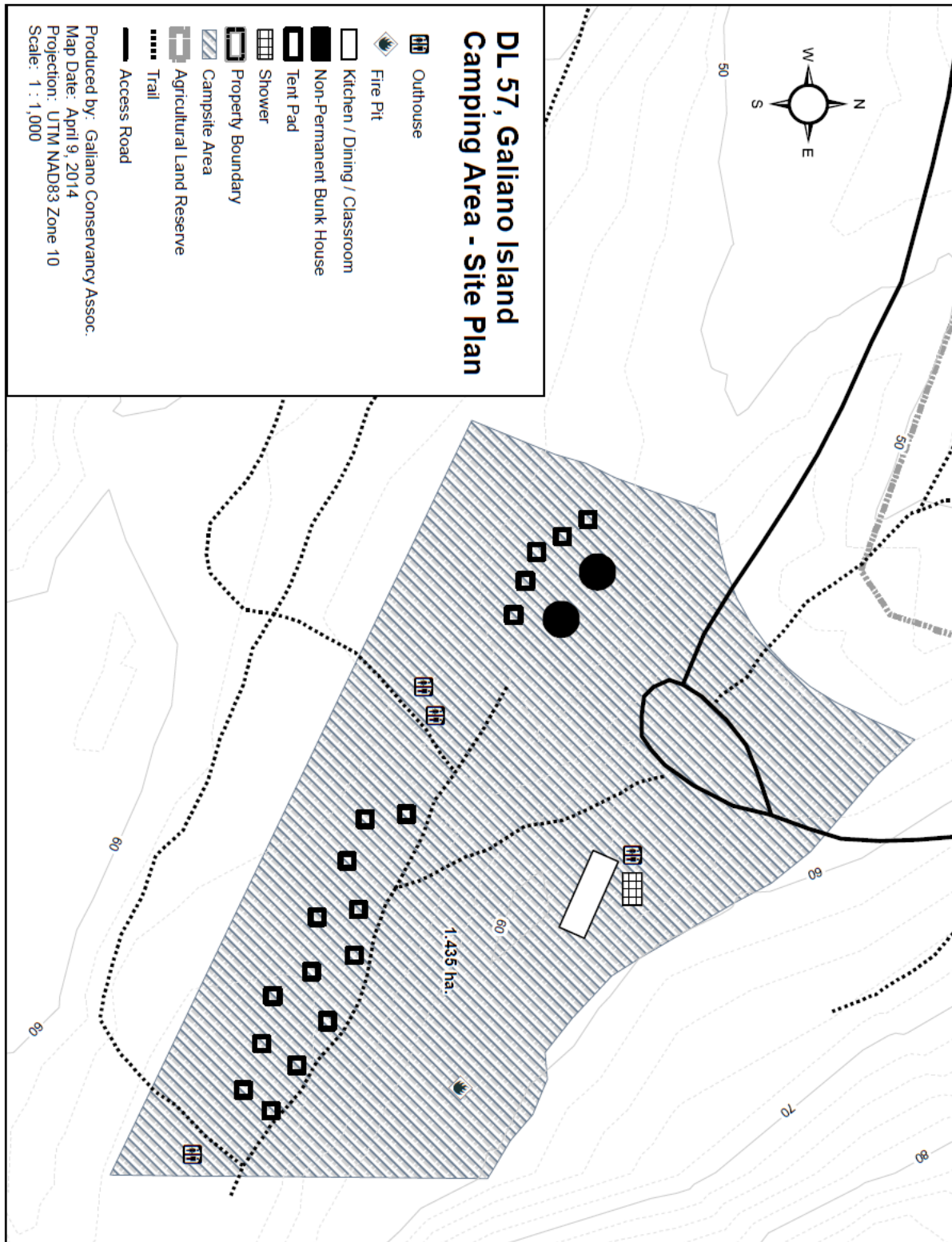
GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-TUP-2014.1
SCHEDULE A



GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-TUP-2014.1
SCHEDULE B



GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-TUP-2014.1
SCHEDULE C





Top Priorities

Galiano Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Visitor Accommodation	To look at existing policy, research issues and possible solutions on Galiano.	May-06-2013	Kris Nichols	Oct-06-2014	On Going
2	Ground Water Protection DPA Policy Review	Review detailed recommendations of Waterline Report, review existing DPA and LUB provisions, prepare options for amendments.	Apr-16-2012	Kris Nichols	Oct-06-2014	On Going
3	Contractor Home Base	To look at options of permitting contractor yards.	Feb-03-2014	Kris Nichols	Dec-01-2014	On Going

Projects

Galiano Island

No.	Description	Activity	Received/Initiated	Status
1	Soil Removal and Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw	Sep-12-2011	On Going
2	Amendments to Forest designation and F1 zone -	consider options for amendments to Forest Land Designation and policies and F1 zoning for lands without Managed Forest Status. Draft bylaws have been prepared, project deferred at meeting of April/12	Apr-16-2012	On Going
3	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the LUB.	Nov-18-2013	On Going
4	Parking Issues	Issue for discussion with MoTI and public parking issues generated from associated islands. (see correspondence from P. Midgely on agenda of Apr/12)	Jul-23-2012	On Going
5	Bike Trails and Camping	Letter dated July 8, 2013 received from Galiano Parks and Recreation Commission regarding bike safety on Galiano roads (See Transportation policy U of Section 1.1) and for the allowance of non-commercial camping on private lots.	Jul-15-2013	On Going
6	Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	Nov-18-2013	On Going
7	Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	Nov-18-2013	On Going
8	Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	Nov-18-2013	On Going

Date: May 26, 2014

File No.: 6500 -20

To: Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee

From: Robert Kojima, Regional Planning Manager
Marnie Eggen, Planner 1

CC: Regional Planning Managers
Southern Team Island Planners
David Marlor, Director of Local Planning Services

Re: New Federal *Marihuana for Medical Purposes Regulation*

THE PROPOSAL:

The purpose of this report is to provide Local Trust Committees with the following:

- an overview of the new *Marihuana for Medical Purposes Regulation*;
- an overview of its implications for the Islands Trust Southern Region;
- a summary of the zones in Southern Region local trust areas that could currently permit medical marihuana production; and
- options on how to proceed

A version of this report has been provided to Northern Region Local Trust Committees.

BACKGROUND:

Implementation of the new Federal *Marihuana for Medical Purposes Regulations* (MMPR) is underway. The new regulations (June 2013) came into force on April 1, 2014. However, as a result of a Federal Court Order, brought down March 21, 2014, those operating under the old regulations, *Medical Marihuana Access Program* (MMAR), are allowed to continue to produce medical marihuana past the original expiry date of March 31, 2014. The Order, however, does not affect the right of commercial medical marihuana producers to proceed with applications to Health Canada for licenses under the MMPR.

The new system relies on a more secure supply and distribution system that is based on federally licensed production facilities.

The key elements of the federal MMPR program are the following:

1. Production in residential dwellings will no longer be permitted.
2. All aspects of medical marihuana growth, cultivation, processing, storage, research and development, shipping/distribution and administrative office functions are to be centralized and contained within an enclosed, indoor, secure facility, which must contain a restricted-access area and 24/7 video surveillance monitoring.
3. A commercial licensed producer will have the ability to conduct research and development, test and produce a variety of strains.
4. Only dried marihuana may be produced and sold.
5. Storefronts and retail outlets will not be permitted.
6. All medical marihuana distribution will be by a secured courier to a registered client.
7. Key facility personnel must hold valid security clearance, issued by Health Canada.
8. Applicants for a commercial medical marihuana production license must provide notice (including location details) to the local government, and police and fire.
9. Health Canada will ensure that a Facility meets security, safety, quality control, record keeping, inventory and monitoring requirements to avoid theft. Health Canada is not bound to ensure compliance with local government zoning when issuing licenses.

Generally, the proposed changes will move the industry from many small producers to fewer larger commercial producers. *Marihuana for Medical Purposes Regulation* may be found at: <http://gazette.gc.ca/rp-pr/p2/2013/2013-06-19/html/sor-dors119-eng.php>

Health Canada

Health Canada indicates, as of November, 2013, that it has received over 250 applications from individuals or companies seeking to become certified producers. Under the new regulation, applicants for a production licence are required to notify the local government, local police force and local fire officials of intention to apply to Health Canada.

As defined within the Regulation,

“local government” includes the government of

- o *(a) an incorporated or unincorporated city, metropolitan area, town, village or municipality;”*

Health Canada has indicated that it will not publically release the location of production sites. In the licencing process, it is looking to assure that producers are familiar with and able to comply with local government land use, development and servicing provisions. Health Canada does enable producers to publicize the location, and recognizes that an application to amend zoning or for a variance permit requires notification of the location.

Agricultural Land Commission

The British Columbia Agricultural Land Commission (ALC) has released an information bulletin stating that “if a land owner is lawfully sanctioned to produce marihuana for medical purposes, the farming of said plant in the Agricultural Land Reserve (ALR) is permitted and would be interpreted by the Agricultural Land Commission as being consistent with the definition of “farm

use” under the ALC Act.” Production of the plant indoors is considered farming, similar to a vegetable greenhouse operation. A small business office, testing lab, processing and drying, packaging/shipping areas, cloning room and anything else directly related to the growing and processing of the plant are considered to be accessory uses associated with farm use. Determining an accessory use is contingent on the use being necessary and commensurate with the primary function of the property/building to produce an agricultural product. If a land use activity is proposed that is not specifically related to the growing of an agricultural product including a stand-alone research and development facility, an application to the Land Commission for non-farm use would be required.

Anecdotally, the Land Commission advises that a standard production and distribution facility may range from 10,000 to 50,000 square feet in size. Similarly to other indoor plant production, common nuisances for surrounding property owners may include odors, noise associated with air ventilation and generators, and night time lighting.

The Information Bulletin may be found at:

http://www.alc.gov.bc.ca/publications/ALC_Info_Bulletin_Marijuana_Amended_Jan_2014.pdf

Union of BC Municipalities

The Union of BC Municipalities (UBCM) wrote to the federal Health Minister in June 2013 to draw attention to gaps in the federal licensing process that could allow an application to be approved which does not meet local government regulations. Responding to this concern, Health Canada is initiating phone confirmation directly to local governments to ensure that it has received notice of the application. Staff are not aware of any licenses issued under the new regulations to date within the Islands Trust Area. Islands Trust has received a handful of notices of intent; none have been received for locations within the Southern Region.

Notice of intent to Local Governments

Health Canada has designed a program that provides improved security of production and responds to the medical needs of Canadians. Implementing the program across Canada has not enabled federal authorities to tailor its process to each unique level of local government.

Health Canada requires that applicants, prior to submitting an application, must “provide written notice to local authorities to inform them of their intention to submit an application”. It also states that notice must be delivered to a senior official of the local government, of the RCMP, and of the local fire authority. To date, two notices of intent have been received for the Northern Region and the letter of response, copied to Health Canada, has included the following information:

- provisions of the applicable Land Use Bylaw, any applicable Development Permit Area provisions;
- reference to other agencies that work in cooperation with Islands Trust to manage development and servicing within the Trust Area; and
- a request that Health Canada refer the completed application with site plan for confirmation of compliance with the applicable Local Trust Committee bylaws.

Further information from Health Canada indicates that Health Canada won't be referring the completed application to local governments. As a result, staff will be requesting a full set of site

plans from the applicant. As further information is provided from Health Canada, these processes may change. Local trust committees are not being copied or otherwise notified of these responses to notices of intent.

Health Canada is working with the Federation of Canadian Municipalities to develop a Fact Sheet. It has not confirmed if local elected officials are to be advised of the application, nor has it reconciled how the perspectives of the locally elected officials would be gathered if the location and address is protected by federal privacy and security provisions. At best, the comments of a local trust committee may be considered in-camera under section 90(1)(m) of the *Community Charter*.

Local Government Development and Servicing Regulations

Land use bylaws in each individual local trust area provide regulations concerning land use. Servicing of new development may be governed by bylaws of an applicable regional district, water purveyor, fire service area, or improvement district.

Islands Trust Policy Statement

The Policy Statement provides a general strategy for land use planning in partnership with provincial and federal agencies to achieve Object of the Islands Trust (Reference BC *Islands Trust Act* and *Islands Trust Policy Statement*, 1993). Specific strategies addressed include ecosystem protection, stewardship of resources, and sustainable communities. Within the policy statement, there is commitment that some uses are not suited to the Trust Area.

The production of marihuana for medicinal purposes is not addressed explicitly in the Policy Statement. Several policies address all forms of development and essential servicing such as transportation or water supply, and environmental quality such as the following:

3.1.9 Trust Council encourages actions and programs of other government agencies which... prevent pollution of the air, land and fresh and marine waters of the Trust Area.

4.1.2 Trust Council shall consult with the Ministry of Agriculture and the British Columbia Land Reserve Commission to request that agricultural policies applied to the Trust Area are appropriate to the nature of agriculture within the Trust Area, including, but not limited to, the smaller island scale of agricultural activities.

4.4.1 It is Trust Council's policy that islands in the Trust Area should be self-sufficient in regard to their supply of freshwater.

5.1.2 It is Trust Council's policy that the intensity of noise and lighting in and through the Trust Area should be compatible with community character.

STAFF COMMENTS:

Medical marihuana production under the MMPR could include the following activities:

- Growing and harvesting
- Testing
- Research
- Processing

- Packing and storage
- Shipping and distribution
- Administration

Due to the nature of the above activities and the requirements for secure facilities, the impacts of the activity could be considered more akin to an industrial land use due to the scale and characteristics of the buildings. Depending on the bylaw, medical marihuana could be an outright permitted use in some industrial zones; however, in order to be permitted, the definition would have to address all aspects of the use, including growing and harvesting. As it is considered an agricultural land use by the Agricultural Land Commission (ALC), by the same principle it would also be permitted outright in zones where agriculture is a permitted use. As the ALC has recognized the licensed production of medical marihuana as a “farm use” under the *ALC Act*, medical marihuana production facilities are permitted on all lands that are located in the Agricultural Land Reserve. Local governments can, however, regulate the use within the ALR; for example, significant setbacks could be established. Local trust committees consider whether amending their bylaws to regulate the use within the ALR and to address the production of medical marihuana use in zones outside the ALR. Additionally, as outlined in the Islands Trust Policy Statement above, the production of medical marihuana may not be an appropriate use for some areas; for example, small lots, smaller islands that are solely residential in character, or islands that have no ALR or industrial zoned lands. Also, consideration should be given to the likelihood of such operations on islands where services are limited, such as no connection to power, no ferry service, limited water supply.

It is difficult to anticipate if any producers will ever be licensed in the Southern local trust areas. Although Health Canada has received at least 250 applications, it is also very hard to predict how many producers will fill the market in Canada. Health Canada has not imposed any limits, but is taking the approach of letting the market decide.

Many BC local governments have adopted or are currently adopting bylaw amendments addressing the new MMPR. The zones where this use is generally being permitted are industrial and agricultural. Setbacks and minimum parcel size are key components of bylaw amendments. Setbacks are generally being set at 30 m and larger, and minimum parcel size ranges from approximately 2 ha to 260 ha.

Zones that Currently Permit the Production of Medical Marihuana in the Southern Region

The following outlines the various land use bylaws and zones where the production of medical marihuana, licensed under the MMPR, would be permitted currently in the land use bylaws in the Southern Region. Generally the use would be permitted in zones where agriculture is a permitted use, along with accessory uses.

Galiano Island Local Trust Area

Galiano Island Land Use Bylaw No. 127 would permit the production of medical marihuana under the new MMPR in the Rural 2 (R2), Rural 3 (R3) and Agriculture (AG) zones as a “Farm Use”, in combination with provisions for accessory uses. The Light Industrial (L1) and Forest Industrial (FI) zones would not permit the use.

Mayne Island Local Trust Area

The current Mayne Island LUB No. 146 would permit the production of medical marihuana licensed under the MMPR in the following zones based on the definition of “agriculture” along with the accessory use provisions:

- Miners Bay Rural Comprehensive (MRBC)
- Rural (R)
- Upland (UP)
- Agriculture (A)
- Country Guest House Commercial (C5)

The Mayne Island industrial zone (I1) would not permit medical marihuana production.

North Pender Island Local Trust Area

The current North Pender Island LUB No. 103, 1996 would permit the production of medical marihuana licensed under the MMPR in the following zones based on the definition of “agriculture,” and its link to the ALCA:

- Rural (R)
- Rural Comprehensive One (RC1)
- Rural Comprehensive Two (RC2)
- Agriculture (AG)

The industrial zones would not permit the use.

The North Pender Associated Islands LUB No. 148 would permit the production of medical marihuana licensed under the MMPR in the following zones based on the definition of “agriculture” and extensive ALR lands:

- Rural Residential (RR)
- Agriculture (A)
- Agriculture Two (A2)
- Industrial One (I1)
- Forestry One (F1)
- Community Service One, Two and Three (S1, S2, S3)
- Forrest Island Comprehensive Development Zone (CD 1)
- James Island Comprehensive Development Zone (CD 3)

Saturna Island Local Trust Area

The current Saturna Island LUB No. 78 would permit the production of medical marihuana licensed under the MMPR as a “farm use” in the following zones:

- Rural Residential (RR) – on parcels 1.0 hectare or larger
- Rural General (RG) – on parcels 1.0 hectare or larger
- Rural Agricultural Sales (RAS)
- Rural Comprehensive Development (RCD)
- Farmland (F)
- Farm Resort (F1)
- Farm Retreat (F2)
- Forest Reserve (FR) on lands also within the ALR
- Forest General (FG) on lands also within the ALR

South Pender Island Local Trust Area

The current South Pender Island LUB No. 92 would permit the production of medical marihuana licensed under the MMPR in the following zones where “agriculture” is a permitted use, in combination with the accessory use provisions:

- Rural Residential One, Two and Three (RR1, RR2 & RR3)
- Agriculture (A)

SUMMARY OF OPTIONS:

Staff recommends that local trust committees consider and direct staff on their preferred approach in respect of the new MMPR. Local Trust Committees have the following options:

- a) **Status Quo:** This could be an appropriate response where no notifications have been received and it is unlikely that a medical marihuana production facility under the new MMPR would be approved.
- b) **Add to the projects list:** This would allow an LTC to consider future amendments, balancing the likelihood of a medical marihuana production facility being applied for under the MMPR in future with the other projects on an LTC’s work program.
- c) **Add to the top priorities list and direct staff to provide more information:** If the LTC chooses this option based on concerns about potential impacts, staff should be directed to report back with options.

RECOMMENDATIONS:

1. **THAT**, with regard to the production of medical marihuana under the new *Marihuana for Medical Purposes Regulation*, the (*insert Island*) Local Trust Committee not consider amendments to the (*insert Island name*) Island Bylaw No. (*insert no.*) at this time.

OR

2. **THAT** the *(insert Island)* Local Trust Committee direct staff to add to the projects list the production of medical marihuana under the *Marihuana for Medical Purposes Regulation*.

OR

3. **THAT** the *(insert Island)* Local Trust Committee direct staff to add to their top priorities list an amendment to the *(insert Island name)* Island Bylaw No. *(insert no.)* regarding the production of medical marihuana under the *Marihuana for Medical Purposes Regulation* and direct staff to provide further information on options for limiting and regulating the use.

Prepared and Submitted by:

Marnie Eggen

Marnie Eggen, Planner 1

April 28, 2014

Date

RKj

Robert Kojima
Regional Planning Manager

May 26, 2014

Date

Applications w/ Status - Galiano Island Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2013.2	Ghai c/o David McKerrell	May-07-2013	22525 PORLIER PASSAGE DR Combination DP/DVP to construct a marine walkway to a dock - to vary required setback of the boundary to the sea to within 2 m.
Planner: Kris Nichols			

Planning Status

Status Date: May-05-2014

Staff working with FLNRO and applicant

Status Date: Apr-07-2014

LTC passed a resolution stating issuance of DP for a dock location at a right angle to shoreline and not where the current lease is located.

Status Date: Mar-28-2014

New report from Hemmera Environmental Consultancy to be provided for the April 7, 2014 LTC Meeting.

File Number	Applicant Name	Date Received	Purpose
GL-DP-2013.6	Landworks Consultants Inc.	Dec-13-2013	4150 BODEGA BEACH DR
Planner: Kris Nichols			

Planning Status

Status Date: Dec-20-2013

Awaiting processing until approved subdivision PLA.

Status Date: Dec-18-2013

Opened file and gave to Planner

File Number	Applicant Name	Date Received	Purpose
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GL-DP-2014.1

John and Elizabeth Olson

Apr-07-2014

368 SOUTHWIND DR
To build a dock

Planner: Kerry Thompson

Planning Status

Status Date: May-29-2014

Requested additional information from consultant

Status Date: May-14-2014

Permit and notification drafted

Status Date: Apr-07-2014

Opened this main DP file and cross-ref to GL-DVP-2014.2

File Number	Applicant Name	Date Received	Purpose
GL-DP-2014.2	Orion Finnie	May-30-2014	267 PORLIER PASSAGE DR For a commercial development permit for the construction and operation of a food trailer/shed

Planner: Kerry Thompson

Planning Status

Status Date: May-30-2014

opened file, called applicant, title is coming, sent receipt of fees, gave to Planner, and notified LTC

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2013.1	Michael Norgang	Jan-22-2013	70 Bluff Rd To vary the front lot setback line to accomodate existing dwelling.

Planner: Kim Farris

Planning Status

Status Date: May-09-2014

Emailed application closure letter to applicant. If no response by June 30, 2014, the application will be closed.

Status Date: Dec-18-2013

Waiting for updated site plan as applicant must conform to maximum lot coverage. Site plan expected early 2014.

Status Date: Feb-26-2013

Waiting for site survey from applicant

File Number	Applicant Name	Date Received	Purpose
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GL-DVP-2014.2

John and Elizabeth Olson

Apr-07-2014

368 SOUTHWIND DR
To build a dock

Planner: Kerry Thompson

Planning Status

Status Date: Apr-07-2014

see GL-DP-2014.1

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2011.1	Galiano Land and Community Housing c/o Tom Hennessy Planner: Kris Nichols	Oct-06-2011	Rezone Agriculture and Residential to Community Facility-Affordable housing.

Planning Status

Status Date: May-06-2014

Staff to review final feasibility study submitted May 1, 2014. Staff awaiting CRD comments and draft Housing Agreement prior to scheduling CIM and PH.

Status Date: Dec-09-2013

Staff awaiting final feasibility study

Status Date: Nov-14-2013

CIM held on Nov 16, Draft Feasibility study submitted

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2013.1	Landworks Consultants Planner: Kris Nichols	Apr-16-2013	DL 79 - To amend the OCP and LUB to permit a rezoning to F3, RR, NP from an F1 zoned lot.

Planning Status

Status Date: Nov-18-2013

Bylaws given first reading. Awaiting issuance of PLA prior to CIM and PH

Status Date: Sep-09-2013

Submission updated to use just DL 79. Submission recommended to proceed to bylaw development.

Status Date: Jun-14-2013

Preliminary Report written for July 15th LTC

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2012.1	Louis Gothier c/o Ron Taylor Planner: Kim Farris	May-01-2012	275 BLUFF RD & 351 BLUFF RD A boundary Adjustment

Planning Status

Status Date: May-26-2014

Covenant signed and returned to lawyer for registration

Status Date: Mar-25-2014

Covenant received - staff reviewing covenant

Status Date: Feb-26-2013

Waiting for S.219 covenant to be drafted by applicant

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2013.1	Kelly Gesner, Landworks Consultants Planner: Kris Nichols	Nov-29-2013	4150 BODEGA BEACH DR To create a conventional subdivision of 7 lots including remainder.

Planning Status

Status Date: Apr-25-2014

Applicant revised subdivision plan with new access to shore/dedicated road access for RR lots.

Status Date: Jan-17-2014

Comments sent to MoTI awaiting PLA

Status Date: Dec-23-2013

Application submitted to planner to initiate review

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2014.1	Galiano Conservancy Association Planner: Kerry Thompson	Apr-09-2014	10825 PORLIER PASSAGE DR To allow camping use and construction of supporting facilities.

Planning Status

Status Date: May-27-2014

TUP drafted and report to be considered at June 9th LTC meeting

Status Date: Apr-14-2014

Opened file. Note that EC resolved to pay the fees for this application

Status Date: Apr-14-2014

Resolution: EC 216-2013 to pay fees for application

Islands Trust
LTC EXP SUMMARY REPORT F 2015
Invoices posted to Month ending May 2014

625 Galiano	Invoices posted to Month ending May 2014	Budget	Spent	Balance
65000-625	LTC "Trustee Expenses"	500.00	0.00	500.00
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	2,500.00	956.56	1,543.44
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	64.59	435.41
65220-625	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-625	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>4,050.00</u>	<u>1,021.15</u>	<u>3,028.85</u>
Projects				
73001-625-2002	Galiano OCP/LUB	3,000.00	0.00	3,000.00
73001-625-4002	Galiano Groundwater Protection	2,500.00	0.00	2,500.00
73001-625-4019	Galiano Short Term Vacation Rental (STVR) Review	2,500.00	0.00	2,500.00
TOTAL Project Expenses		<u>8,000.00</u>	<u>0.00</u>	<u>8,000.00</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: April 7, 2014

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 11, 2009 / Amended February 3, 2014	GL-LTC-85-09 Amended:	Parks Commission Referral	That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment
2.	October 18, 2010	GL-LTC-115-10	Publishing Notices beyond legal requirements	THAT the Galiano Island Local Trust Committee will advertise Public Hearing Notices in either the Active Page Magazine or Islands Tides Newspaper in addition to the legally required advertising in the Driftwood Newspaper.
3.	October 17, 2011	GL-LTC-205-11	Special Occasion Liquor Licenses	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.

No	Meeting Date	Resolution No.	Issue	Policy
4.	September 17, 2012	GL-LTC-100-12	Short Term Vacation Rentals	THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Short Term Vacation Rentals that have one or more of the following characteristics will be subject to enforcement: 1. There are issues related to health and safety; 2. There is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR; 3. The owner of the property uses more than one property on Galiano Island as a STVR. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Galiano Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time; THAT the policy remains in effect until such time as the regulatory review is complete.
5.	February 3, 2014		Applications with Open Bylaw Enforcement files	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: 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.
6.	April 7, 2014	GL-2014-029	Community Wells as a Community Benefit	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.

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Memorandum

Date May 30, 2014

File Numbers 6500-20-Groundwater
Protection DPA Policy
Review, GL 6500-20
STVR, GL-RZ-2013.1
(Landworks)

To Galiano Island Local Trust Committee
For the meeting of June 9, 2014

From Kris Nichols, Island Planner

Re Request to Hold a Special Meeting on July 5, 2014

Purpose:

To schedule a Special Meeting to be held on Saturday, July 5, 2014 at the Lions Hall, 992 Burrill Road starting with an Open House at 12:30. The intent would be to have the Special Meeting deal with possibly three Community Information Meetings (CIM) and three related Public Hearings based on two project areas (Revised Groundwater DPA 4 (Bylaw No. 246) and Short Term Vacation Rentals (Bylaw Nos. 247 and 248) and tentatively a rezoning application (GL-RZ-2013.1(Bylaws No 244 and 245), but at the time of writing this memo the information required was not received. All the previously mentioned bylaws have received first reading and referrals have been sent out.

Staff are recommending that a Special Meeting be scheduled on Saturday July 5, 2014 to hold a CIM and PH for two separate project areas and one possible rezoning application (tentative). The rezoning application will be dependent on whether enough information has been submitted to consider the application ready to proceed. This will be determined at the June 9, 2014 LTC meeting.

Recommendation:

THAT the Galiano Island Local Trust Committee request that staff organize a special meeting to be held on July 5, 2014 for the purpose of a community information meetings and a public hearings for Bylaw Nos. 246, 247 and 248 and possibly Bylaw Nos. 244 and 245.

pc Robert Kojima, Regional Planning Manager