



Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: July 9, 2018
Time: 12:30 pm
Location: Galiano North Community Hall
22790 Porlier Pass Road, Galiano Island, BC

			Pages
1.	CALL TO ORDER	12:30 PM - 12:40 PM	
2.	APPROVAL OF AGENDA		
3.	COVENANT	12:40 PM - 1:15 PM	
3.1	GL-RZ-2017.1 (Stevens) Covenant - Staff Report (attached)		4 - 53
4.	COMMUNITY INFORMATION MEETING	1:15 PM - 2:00 PM	
4.1	Galiano Island Local Trust Committee Bylaws No. 265 & 266		
5.	PUBLIC HEARING	2:00 PM - 2:30 PM	
5.1	Recess for Public Hearing		
5.1.1	<u>Galiano Island Local Trust Committee Bylaws No. 165 & 166</u>		
5.2	Recall to order		
6.	TOWN HALL AND QUESTIONS	2:30 PM - 2:45 PM	
7.	MINUTES	2:45 PM - 3:00 PM	
7.1	Local Trust Committee Minutes Dated June 11, 2018 (for Adoption)		54 - 62
7.2	Section 26 Resolutions Without Meeting Report		
	none		
7.3	Advisory Planning Commission Draft Minutes dated June 12, 2018		63 - 68
8.	BUSINESS ARISING FROM MINUTES		
8.1	Follow-up Action List Dated July 2018		69 - 69

9.	DELEGATIONS		
	none		
10.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
	none		
11.	APPLICATIONS AND REFERRALS	3:00 PM - 4:00 PM	
11.1	GL-RZ-2017.1 (Stevens) - Staff Memo & Bylaws No. 265 & 266		
	See report under Item 4.1		
11.2	GL-TUP-2018.1 (Carolsfeld) - Staff Report (attached)		70 - 89
11.3	GL-ALR-2017.1 (Kramer) - Staff Memo (attached)		90 - 91
12.	LOCAL TRUST COMMITTEE PROJECTS	4:00 PM - 4:20 PM	
12.1	Telecommunications Strategy - Staff Report (attached)		92 - 95
13.	REPORTS	4:20 PM - 4:45 PM	
13.1	Work Program Reports (attached)		
	13.1.1 <u>Top Priorities Report Dated July 2018</u>		96 - 96
	13.1.2 <u>Projects List Report Dated July 2018</u>		97 - 98
13.2	Applications Report Dated July 2018 (attached)		99 - 102
13.3	Trustee and Local Expense Report		
	none		
13.4	Adopted Policies and Standing Resolutions (attached)		103 - 104
13.5	Local Trust Committee Webpage		
13.6	Chair's Report		
13.7	Trustee Report		
13.8	Electoral Area Director's Report		
13.9	Trust Fund Board Report Dated May 2018 (attached)		105 - 106

14. NEW BUSINESS 4:45 PM - 5:00 PM
- 14.1 Galiano Green Community Management Committee Members - Staff Memo (attached) 107 - 109
15. UPCOMING MEETINGS
- 15.1 Next Regular Meeting Scheduled for September 17, 2018, at the South Hall, Galiano Island
16. TOWN HALL 5:00 PM - 5:15 PM
17. CLOSED MEETING (Distributed Under Separate Cover) 5:15 PM - 5:30 PM
- 17.1 Motion to Close the Meeting
- That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (a & d) for the purpose of considering:*
- *Adoption of In-Camera Meeting Minutes Dated May 7, 2018*
 - *BOV Memberships*
- AND that the recorder and staff attend the meeting.*
- 17.2 Recall to Order
- 17.3 Rise and Report
18. ADJOURNMENT 5:30 PM - 5:30 PM



File No.: GL-RZ-2017.1 (Stevens)

DATE OF MEETING: July 9, 2018
TO: Galiano Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team

SUBJECT: Rezoning of a Portion of District Lot 37
Applicant: Fred and Isobel Stevens
Location: 303 Betty Ann Drive

RECOMMENDATION

1. That the Galiano Island Local Trust Committee Bylaw No. 265, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2017”, be read a third time.
2. That the Galiano Island Local Trust Committee Bylaw No. 266, cited as “Galiano Island Land Use Bylaw, 1999, Amendment No. 2, 2017”, be read a third time.
3. That Galiano Island Local Trust Committee proposed Bylaws No. 265 and 266 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
4. That Galiano Island Local Trust Committee proposed Bylaw No. 265 be forwarded to the Minister of Municipal Affairs and Housing for approval.
5. That the draft covenant be revised to include Segment 1 as a potential future statutory right-of-way for trail purposes in addition to Segment 2.
6. That the Galiano Island Local Trust Committee accept a revised draft covenant under section 219 of the Land Title Act from the registered owners of District Lot 37, Galiano Island, Cowichan District that would reserve future highway dedication and statutory rights-of-way in the location shown on the plans prepared by Peter Thomson, BCLS, and attached to the staff report of June 28, 2018, and which prohibits future subdivision of the lot, and restricts hours of operation, and designate the Chair of the Local Trust Committee to sign the covenant.

REPORT SUMMARY

The purpose of this report is to provide the Galiano Island Local Trust Committee (LTC) with options on revising the terms of the draft s. 219 covenant prior to the scheduled hearing, and following the hearing, to consider third reading of the bylaws and forwarding of the bylaws to Executive Committee and the Minister following the close of the bylaw hearing.

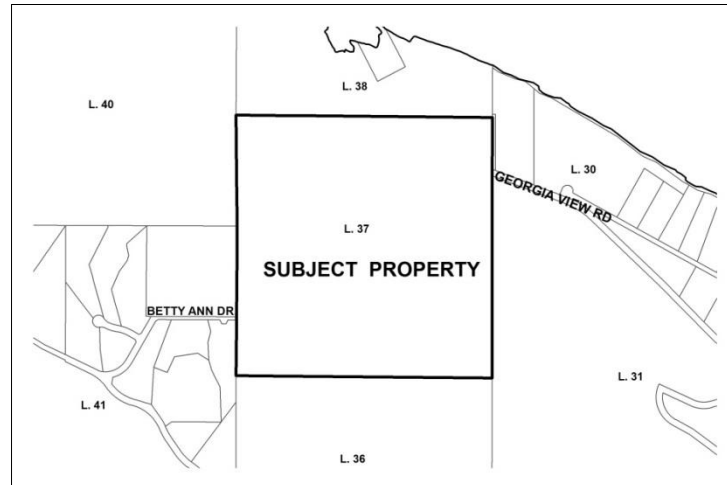
BACKGROUND

At the regular meeting of June 11, 2018 the Galiano Island Local Trust Committee (LTC) amended the zoning bylaw, gave second reading as amended, directed scheduling of a hearing, and adopted the following resolution:

GL-2018-34

It was moved and seconded that the Galiano Island Local Trust Committee request staff to provide advice on a list of proposed amendments to the covenant to be provided by trustees, and that the applicant be consulted on those changes prior to returning the application to the next LTC meeting.

Background and analysis of the application is available in previous staff reports posted on the [webpage](#).



ANALYSIS

Draft Covenant

The applicant has entered into a cost recovery agreement for legal counsel to prepare the draft covenant for LTC consideration (please see attached). The covenant includes the following key elements:

- Establish reserved areas for future highway dedication and/or emergency access routes.
- Provides an option to purchase (for a dollar) the reservation area by the Province.
- Provides for the Province to acquire the reservation area as a highway.
- Allows for portions of the reserved area that may not be required by the Ministry for a highway, to be granted as a statutory right of way for emergency access and/or as a trail.
- Prohibits future subdivision and restricts hours of operation of the business.

Since the last meeting, the following revision has been made to the covenant:

- The applicant's surveyor has prepared two registerable plans, one for each of the reserved areas (referred to as Segment 1 and Segment 2 in the covenant). The covenant has been revised to reference these plan numbers (copies of the plans are also attached to this report).

In response to the LTC resolution, Trustee Pottle has provided a list of proposed changes to the terms of the covenant (copy attached), and summarized below along with staff comments:

1. Amend Schedule C (Statutory Right of Way for emergency access) to include reference to other hazards :
Done: the original draft of the covenant referenced "wildfire" hazards in relation to emergency access routes; this has been revised to read "wildfire or other hazards".

2. Amend the covenant so that Segment 2 (Georgia View extension) would be the only option for dedication and that Segment 1 (easement road) only be a Statutory Right of way for emergency access. *This is possible and would be consistent with the designations on Schedule C (Road Network Plan) of the OCP. However, this would narrow the options for future highway access to lands to the west and south, and may not be supported by MoTI. Currently the draft covenant would allow MoTI to exercise a right to require dedication of Segment 1 if required; if MoTI does not exercise that right then Segment 1 would be granted as a statutory right of way. MoTI would only require dedication if needed for access to lands beyond: the Ministry will not take on any dedication that is not needed. While the RNP generally identifies routes across lands, these are based on former logging roads and the routes shown on the plan are not the only, and indeed may not be the most practical routes to actually develop roads in the future. Segment 1 would provide access to DL40 along an existing and maintained internal road that connects with an existing road on DL40, and provides MoTI with the option to have it dedicated if highway access is required to DL 40 and lands beyond in the future. Also, dedication would not necessarily preclude future use of Segment 1 as an emergency access route: dedication is one means of securing access, a statutory right-of-way is an alternate means of securing access; the segment could be dedicated in the future but licensed to a body such as the CRD to operate and maintain as an emergency access route (just as the Parks Commission operates and maintains trails on dedicated ocean accesses).*
3. Revise plan to extend Segment 2 (Georgia View) west to the boundary with District Lot 40. *In the current reservation Segment 1 would provide access to DL40 along an existing maintained driveway. According to the applicant it connects to DL40 in a location where there is an existing road through that lot that also provides access to lands beyond to both the south and the west. Extending the Segment 2 future dedication west to the boundary of DL 40 along the northern lot line of DL 37 would not follow an existing maintained road, according to the applicant's information it would include grades of 12% to 18%, which would be unlikely to be accepted by MoTI when there is an existing, maintained alternative access to that lot, if required, within the Segment 1 area.*
4. SRW for emergency access to be granted to the LTC as condition of rezoning. *The applicant has indicated they would not support this option but are prepared to enter into the covenant to grant the rights of way concurrently with dedication of highway to access lands beyond. Practically, Segment 2 (Georgia View extension) is not fully maintained or constructed and would not currently be accessible as an emergency access route. Segment 1 would not connect at either end to a highway or existing statutory right-of-way. Consequently, it would not be practical to have the statutory rights-of-way granted until there is subdivision of lands beyond to connect to. Finally, the statutory rights-of-way are intended to be held by a body with the jurisdiction and means to administer the instruments, such as the CRD. The CRD would be unlikely to agree to take on an isolated statutory right-of-way until needed for access to development beyond. The current draft covenant attaches the future statutory rights-of-way agreements and reserves the area for future need.*
5. Segment 2 (Georgia View) to be granted as SRW immediately until dedicated *As above, the applicant is not prepared to grant a statutory right-of-way until required by subdivision of lands beyond. Also, this segment is not identified as an emergency access route on the Road Network*

Plan, and is not currently maintained or constructed along much of the length of the area and so would not be practical to operate as an emergency access route currently.

6. All SRWs to be potential SRWs for trails

Currently, the draft covenant would require that if all of Segment 2 is not required by MoTI as highway dedication, that it be granted as a statutory right of way for trail purposes. This is consistent with the OCP Parks and Trails Schedule and comments of the Parks Commission chair; essentially if all of Segment 2 is dedicated as highway in the future, then a trail can be developed within the dedication under license of occupation by the Parks Commission, but if not all of the route is dedicated, then a statutory right-of-way could provide an alternative trail route. The current draft covenant does not include the option of Segment 1 having a statutory right-of-way for a trail if that segment is not dedicated as highway, the LTC should consider revising the covenant to include the option of granting a statutory right-of-way over Segment 1 for a trail in the future, which would consistent with the OCP Parks and Trails schedule. The applicant is agreeable to this change.

7. Hours of operation to not include weekends or stats

The current draft covenant restricts commercial operations to between the hours of 6:00 am and 7:00 pm. The proposed revision is to also exclude weekends and statutory holidays. The applicants are not supportive of this change, stating that while they do not generally operate on weekends, they have occasional jobs that require them to operate then and that restricting operations on weekends would place their business at a competitive disadvantage.

8. Remove 'farming' from exemptions to hours of operation

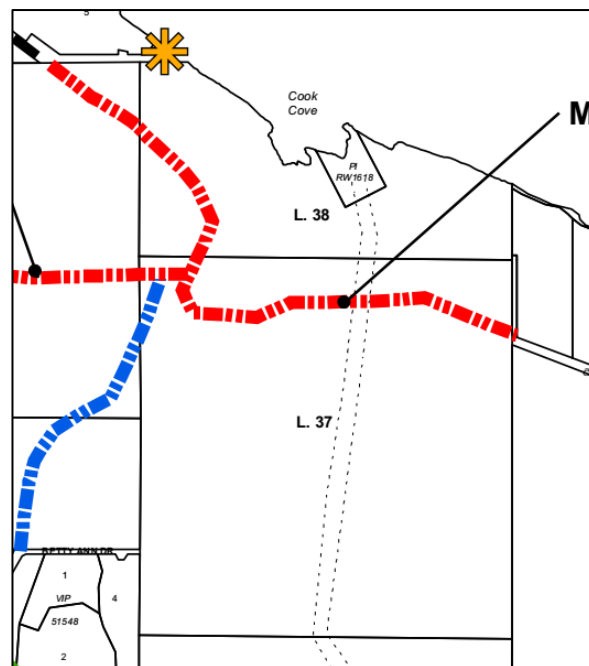
The draft covenant provided exemptions for the restrictions on hours of operation for forestry and farming activities. This wording was based on the wording in the CRD Noise Bylaw. As the zoning does not permit farming on the property, the covenant has been revised to remove it as an exemption. The applicant was agreeable to this change.

OCP Policy

Trustee Pottle has also requested that staff comment on the Road Network Plan and the proposed reservation areas. Previous staff reports have commented on the OCP policies, but specifically:

- The Road Network Plan is delineated on Schedule C of the OCP, with the future highways and emergency access routes identified. Notations on the map schedule state that:
 - Proposed highway routes are approximate only.
 - The final detail of any highway route location is dependent upon further investigation at time of zoning change or subdivision.
 - Emergency access routes are approximate only. The final detail of any emergency access route is dependent upon further investigation at time of rezoning or subdivision
- The Land Transportation policies relevant to the Road Network Plan in the OCP include the following:

- i) the locations of proposed highways and emergency access routes shall be considered approximate locations;
 - ii) locations of proposed highways and emergency access routes shall be confirmed at time of rezoning, subdivision or building permit;
 - iii) highway and emergency access route connections at property boundaries should be consistent with the approximate locations identified on Schedule 'C', unless more detailed site investigation of all lots concerned identifies a more suitable point of connection consistent with the general continuity of routes through adjacent lots as identified on Schedule 'C';
- Both the Schedule C map notations and the OCP policies are consistent in stating that the future highway and emergency access route locations shown on the map schedule are approximate and should be determined at time of rezoning based on site attributes.
 - On DL 37, Schedule C indicates that there should be a minor rural highway from Georgia View across the northern portion of the lot, connecting with a future road running north through DL 38 to the lands beyond and also connecting to DL 40 to the west, and an emergency access route running north-south, ultimately accessing the highway to the south. The OCP policies provide flexibility in how the specifics of the future road layout would occur, and specifically that the connections should be “consistent with the general continuity of routes”; in other words, the future highways and emergency access routes should seek to practically achieve the objectives of providing the desired connections rather than necessarily rigidly adhere to the routes shown on the map.



Summary:

The minor changes to include reference to hazards other than wildfire and to remove “farming” from the exemptions to the hours of operation have been made to the draft covenant. Of the other potential changes listed above, revising the covenant to include the statutory right of way trail option for Segment 1 is recommended. Requiring that statutory rights-of-way be granted as a condition of rezoning is not

recommended and the applicant is not prepared to do so. And in terms of the location of the proposed roads: the covenant as currently drafted would provide future highway connections to DL 38 and DL 40, as well as provide an emergency access statutory right-of-way option if highway dedication is not required in the future, in locations that are practical and feasible. This appears consistent with the intent of the Road Network Plan as shown on Schedule C and with the policy wording in the OCP that locations shown on the schedule are approximate and should attempt to achieve the continuity of routes; however, the LTC should satisfy itself that the proposed layout is acceptable.

Post Public Hearing

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters.

The procedural steps following the close of the hearing are as follows:

1. Consideration of Third Reading (this may include amendments to alter a bylaw).
2. Forwarding of the bylaw to Executive Committee for approval.
3. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
4. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

A similar principle applies to a covenant: prior to the hearing the LTC has stated its intention that it would make final approval of the bylaws conditional upon the granting of a covenant that would reserve future highway dedication and emergency access routes, potentially require a statutory right-of-way for trails, restrict future subdivision, and restrict hours of operation. The specifics of the covenant can be discussed following the hearing. However, like a bylaw, the LTC should not hear new information or public input on the covenant, but can receive advice from staff.

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

Alternatives

Amend the bylaw

The LTC may consider amending the proposed bylaws, provided the amendments would not alter use or increase density

Deny the application

The LTC may deny the application and proceed no further.

Hold the application in abeyance

The LTC may choose to hold the application in abeyance.

Receive for information

The LTC may receive the report for information.

NEXT STEPS

If the LTC chooses to proceed:

- Endorse the draft s.219 covenant, and provide any direction on revisions
- Give third reading of the bylaws and refer to EC and the Minister

Submitted By:	Robert Kojima Regional Planning Manager	June 28, 2018
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ATTACHMENTS

1. Bylaws 265, 266
2. Draft plans EPP57477 and EPP57478
3. List of potential covenant revisions
4. Draft s.219 covenant

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 265

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

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, 2017”.

2. Galiano Island Local Trust Committee Bylaw No.108, cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, is amended as shown on Schedule 1, attached to and forming part of this bylaw

READ A FIRST TIME THIS	5 th	DAY OF	FEBRUARY	2018
READ A SECOND TIME THIS	11 th	DAY OF	JUNE	2018
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS		DAY OF		20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

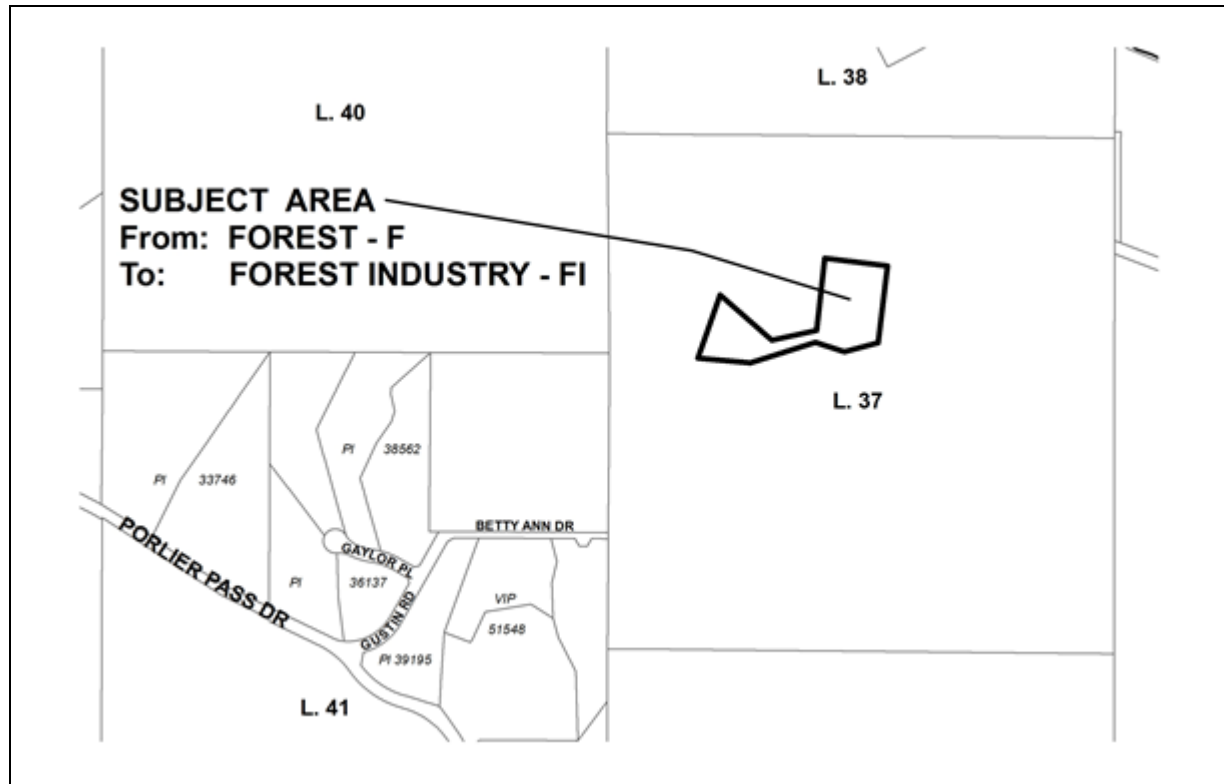
**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 265**

SCHEDULE 1

1. The Galiano Island Official Community Plan No. 108, 1995, is amended as follows:
 - 1.1 Schedule "B" – LAND USE DESIGNATIONS is amended by changing the land use designation of a portion of District Lot 37, Galiano Island, Cowichan District (PID 006-622-527) as shown on Plan No. 1 attached to and forming part of this bylaw,

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 265

PLAN NO. 1



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 266

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 Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw, 1999, Amendment No. 2, 2017”.

2. Galiano Island Local Trust Committee Bylaw No. 127, cited as “Galiano Island Land Use Bylaw, 1999,” is amended as shown on Schedules No. 1 and 2 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 5TH DAY OF FEBRUARY 2018

READ A SECOND TIME THIS 11TH DAY OF JUNE 2018

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 266**

SCHEDULE NO. 1

1. Bylaw No 127 is amended as follows:

1.1 Section 4.1 of Part 4, "CREATION AND EXTENT OF ZONES" is amended by the insertion of a new zone entry Forest Industrial (A) (FI(A)) below Forest Industrial.

1.2 Section 9, ECONOMIC ACTIVITY ZONES is amended by the insertion of a new Zone 9.6 (B) as follows:

"9.6(B) Forest Industrial Zone A – FI(A)

The intent of the FI(A) zone is to permit limited industrial uses and an accessory dwelling within a prescribed area of a forest lot.

Permitted Uses

9.6(B)1 In the Forest Industrial FI(A) 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.

9.6(B).1.1 excavation contractors' workshops and yards

9.6(B).1.2 gravel processing and storage

9.6(B).1.3 one self-contained accessory dwelling unit for the owner or operator of a principal use

Permitted Density

9.6(B).2 Lot coverage must not exceed 20% of any zoned area.

9.6(B).3 Not more than one dwelling is permitted on each lot.

Permitted Height

9.6(B).4 No building or structure for a use permitted by this section may exceed 9 metres in height. Accessory buildings and structures must not exceed one storey and a height of 5 metres

Minimum Setbacks

9.6(B).5 Buildings and structures must be sited at least 6.0 metres from a zone boundary

Minimum Lot Size

9.6(B).7 No lot having an area less than 2.24-hectare may be created by subdivision."

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 266**

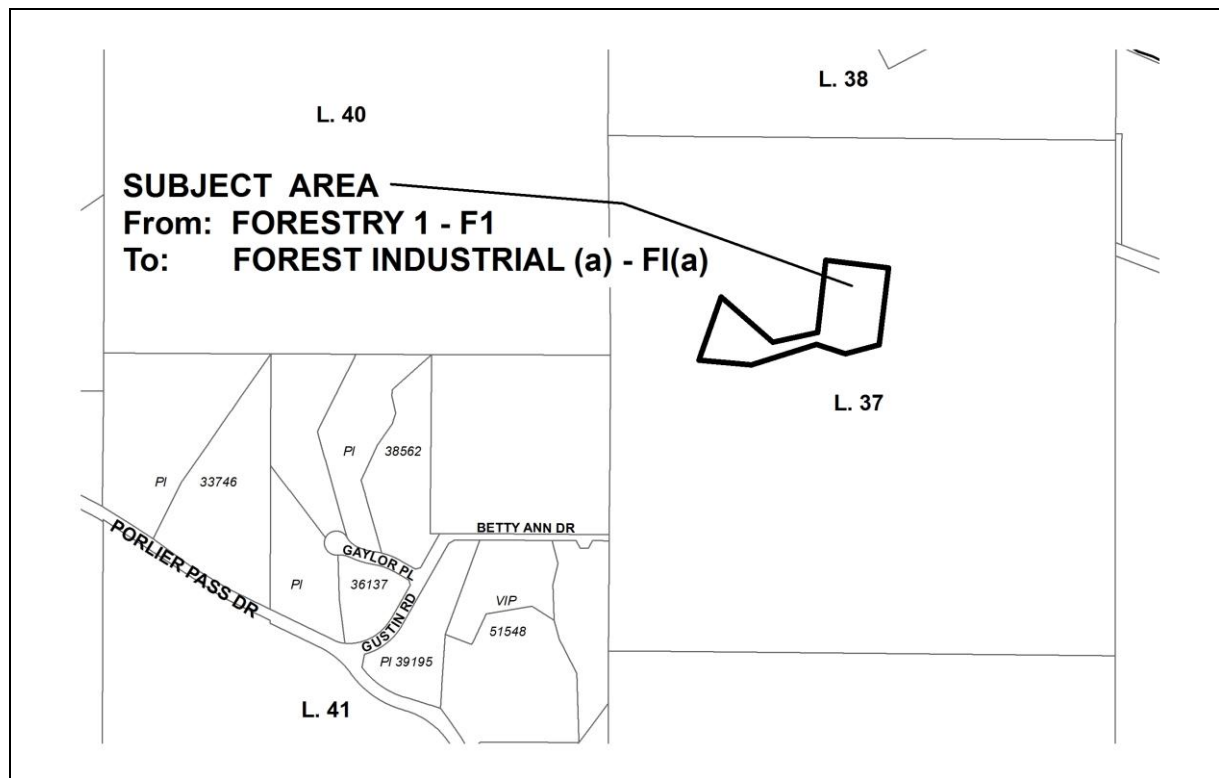
SCHEDULE NO. 2

2. Bylaw No. 127 is amended as follows:

2.1 **Schedule “B” – (Zoning Sheet South)** is amended by changing the zoning classification of a portion of District Lot 37, Galiano Island, Cowichan District (PID 009-622-527) from Forest 1 (F1) to Forest Industrial (FI(A)) as shown on Plan No. 1 attached to and forming part of this bylaw.

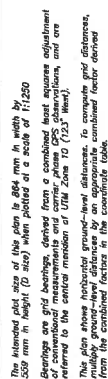
**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 266**

PLAN NO. 1



PLAN EPP57477
DRAFT

Scale 1:1250



(2) denotes control station placed
 (1) denotes standard capped post found
 • denotes standard iron post found
 O denotes standard iron post placed
 () denotes georeferenced station name



DRAFT

This plan lies within the Capital Regional District
The field survey represented by this plan was
completed on the day of
Peter E. Thomson, BCLS 472
PETER THOMSON BCLS CLS
Gallina Island, BC
peter.thomson@telus.net

REFERENCE PLAN OF PART OF DISTRICT LOT 37,
GALJANO ISLAND, COWICHAN DISTRICT
PURSUANT TO SECTION 99 (1) (c) OF THE LAND TITLE ACT
FOR COVENANT PURPOSES

BCGS 92B.093

Scale 1:1250
50 25 0 50 100 150 metres

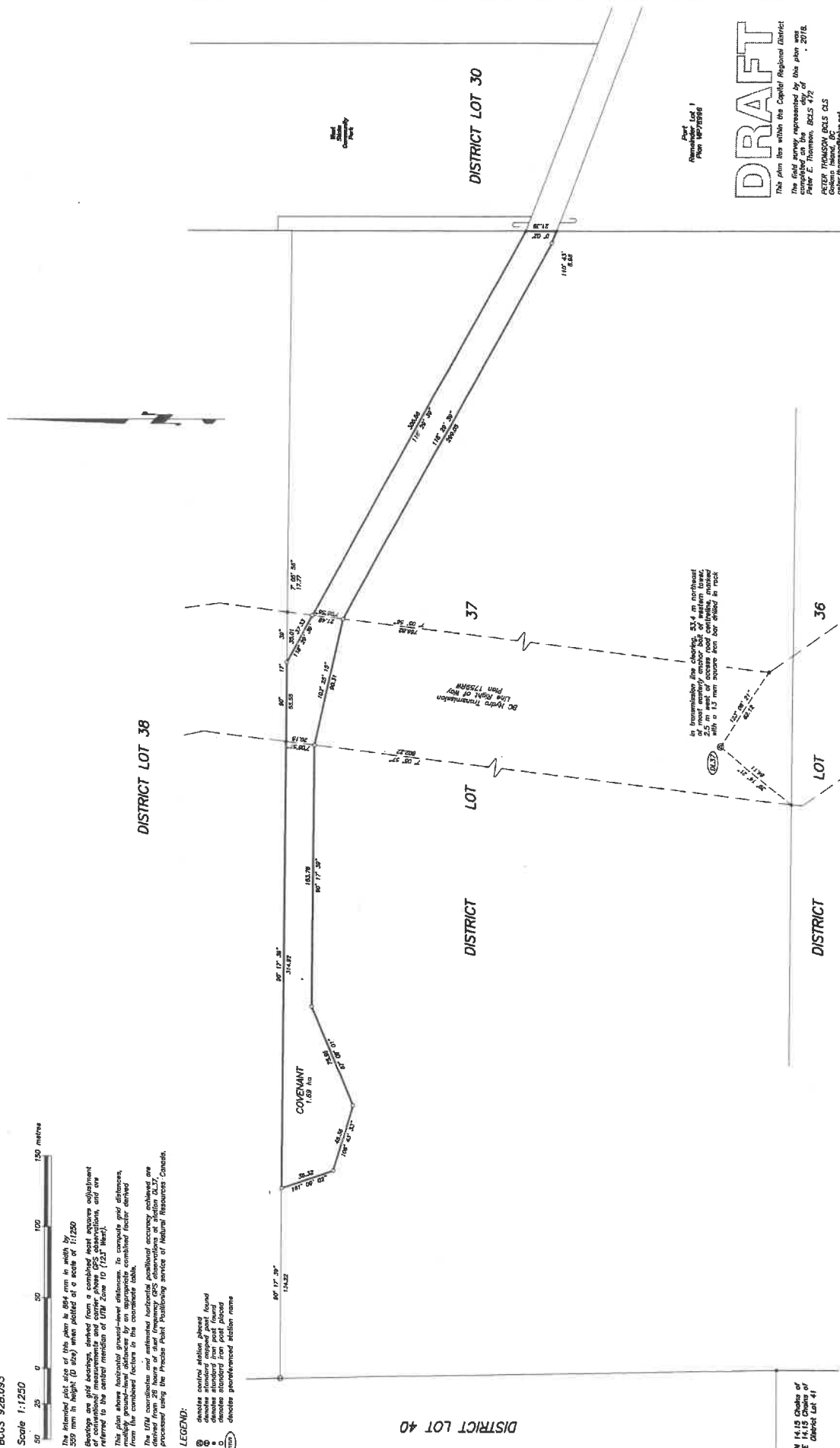
The intended plot size of this plan is 884 m by 359 m in height (D area) when plotted at a scale of 1:1250.

Boundaries are grid bearings, derived from a combined least squares adjustment of conventional measurements and carrier phase GPS observations, and are referred to the center meridian of UTM Zone 10 (12S Mean).

This plan shows horizontal ground-level distances. To compute grid distances, the UTM coordinates and adjusted horizontal positional accuracy values are derived from 20 hours of dual frequency GPS observations at station Q.17, processed using the Precise Point Positioning service of Natural Resources Canada.

LEGEND:
 denotes control station placed
 denotes standard equipped point
 denotes standard equipped point
 denotes standard equipped point
 denotes georeferenced station name

PLAN EPP57478
DRAFT



Pier
Remains of Pier 1
from 1972-1976

DRAFT

This plan lies within the Capital Regional District
The field survey represented by this plan was
completed on the day of
Peter E. Thomson, BCLS 472
PETER THOMSON BCLS CLS
peter.thomson@hlab.net

14.15.2018
E 14.15.2018
District Lot 41

FROM: Trustee S. Pottle

DATE: June 18, 2018

RE: DL 37 Road Network Plan and Land Use

In the interests of improved understanding of the issues and greater transparency....

I move that the GILTC request staff to prepare a report for the GILTC clearly explaining the OCP Road Network Plan (RNP) as it currently exists and the difference between the RNP and the Draft Land Use and Highway Reservation Covenant and Option to Purchase presented in Staff Report for the June 9/18 GILTC meeting.

In order to amend the draft covenant to ensure it will achieve SRWs and public road dedications more consistent with the OCP RNP...

I move that Schedule C of the covenant be amended to include other disasters besides wildfire.

I move that the Segment 2 Transportation Option be the only Transportation Option available in the covenant and that Segment 2 be amended to include the link providing future road access for the upper parts of District Lots 40, 44, 45 and 48.

I move that the Segment 1 reservation area and the Schedule A map as depicted in the draft covenant be amended to reflect that Segment 1 is only to be a SRW for an Emergency Access route as per the OCP Road Network Plan Schedule C map.

I move that the GILTC request staff to prepare a SRW granting Emergency Access across DL 37 following the path of the amended Segment 2 future road at the time of rezoning.

I move that the amended Segment 2 should be purchased by MOTI for conversion to a public road dedication AND be held as Statutory Right of Way for emergency route use only until that conversion to a public road dedication takes place.

I move that all Statutory Rights of Way for Emergency Lane Routes be in addition considered for use as public trail routes.

In consideration of managing the impacts of the proposed light industrial zoning ...

I move that the permitted hours of operation NOT include weekends and statutory holidays, except for in the case of emergency call outs.

I move that the hours of operation provision be included in the bylaw as well as in the covenant

I move that the GILTC request staff to explain why farming is included in the exceptions to hours of operation

TERMS OF INSTRUMENT – PART 2
LAND USE AND HIGHWAY RESERVATION COVENANT AND
OPTION TO PURCHASE

THIS AGREEMENT dated for reference the ____ day of June, 2018

BETWEEN:

Frederick James Stevens and Isobel Kathleen Stevens
(as to an undivided 1/3 interest as joint tenants)
Box 246
Galiano Island, BC
V0N 1P0

("Stevens")

and

DL37 Holdings Ltd., Inc. No. BC0386527
(as to an undivided 2/3 interest)
201-2377 Bevan Avenue
Sidney, BC
V8L 4M9

("DL37")

(Stevens and DL37 are collectively referred to as the "Owner")

AND:

Galiano Island Local Trust Committee
S19, RR
Georgeson Bay Road
Galiano Island, BC
V0N 1P0

("Local Trust Committee")

and

Her Majesty the Queen, as represented by Ministry of Transportation and Infrastructure
PO Box 9850 Stn Prov Govt
Victoria, BC
V8W 9T5

(the “Province”)

(Local Trust Committee and the Province are collectively referred to as the “Grantees”)

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Local Trust Committee in the Province of British Columbia, being more particularly known and described as:

PID: 009-622-527

District Lot 37, Galiano Island, Cowichan District

(hereinafter called the “Lands”);

- B. The Owner has applied to the Local Trust Committee to amend the Galiano Island Land Use Bylaw in respect of the Lands so as to enable the Owner to carry on certain commercial uses of the Lands and the Owner has agreed to restrict the commercial use of the Lands as more particularly set out in this Agreement;
- C. It is an objective of the Galiano Island Official Community Plan (the “OCP”) to achieve, over the long term, planned road and emergency access routes based on a road network plan contained in the OCP (the “Galiano Island Road Network Plan”), and the Galiano Island Road Network Plan indicates a portion of the road network within the Lands;
- D. It is a policy of the OCP that the locations of proposed highways and emergency access routes be confirmed at the time of rezoning, and the Local Trust Committee has confirmed that the Reservation Area as defined in this Agreement is a portion of the road network that the OCP seeks to achieve;
- E. It is a policy of the OCP that land that is rezoned to any economic activity zone should have direct frontage and suitable access on a highway classified as Main Rural or Minor Rural, and the portion of the Lands that the Owner has applied to rezone has no such frontage or access but will have such frontage and access at such time as the Reservation Area is dedicated as highway and a roadway is constructed in the Reservation Area;

- F. Section 219 of the *Land Title Act*, R.S.B.C. 1996, c.250, as amended, permits the registration of a covenant of a negative or positive nature in favour of the Local Trust Committee, in respect of the use of land or buildings, the building on land, or the subdivision of land;
- G. The Owner wishes to reserve the Reservation Area for highway purposes on the terms and conditions contained in this Agreement;
- H. The Owner also agrees to grant to the Province an option to purchase the reserved portion of the Lands in accordance with the terms of this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the premises and promises of this Agreement, the sum of \$1.00 paid by each of the Province and the Local Trust Committee to the Owner, and other good and valuable consideration (the receipt and sufficiency of which are hereby expressly acknowledged by the parties), and pursuant to section 219 of the *Land Title Act*, the parties covenant and agree as follows:

ARTICLE 1 INTERPRETATION

1.1 **Definitions.** In this Agreement, the following terms shall have the meanings set out below unless the context requires otherwise:

- (a) **“Agreement”** means this agreement and all schedules annexed hereto and any amendments hereto or modifications hereof and the terms “hereto”, “herein”, “hereby” and other similar terms are used in reference to this Agreement;
- (b) **“Business Day”** means any day other than Saturday, Sunday, any statutory holiday in the Province of British Columbia or any day on which banks generally are not open for business in Victoria, British Columbia;
- (c) **“LTO”** means the Victoria Land Title Office;
- (d) **“Permitted Encumbrances”** means the following encumbrances registered against the Lands:
 - (i) rights of way registered in favour of British Columbia Hydro and Power Authority under Nos. B73284, L6542, and L6543;
 - (ii) any charges or encumbrance as may be required as a condition of Subdivision (as hereinafter defined); and
 - (iii) the reservations and exceptions contained in the original grant from the Crown; and

- (e) “**Person**” is to be broadly interpreted and includes an individual, a corporation, a partnership, a trust, an unincorporated organization, the government of a country or any political subdivision thereof, or any agency or department of any such government.

ARTICLE 2 HIGHWAY RESERVATION

- 2.1 **Reservation Area.** The Owner, as the owner in fee simple of the Lands, covenants and agrees with the Grantees that the 2.165 ha. portion of the Lands (the “Reservation Area”) outlined in heavy black line and identified as “covenant” on the reference/explanatory plans prepared by Peter Thomson B.C.L.S. completed on _____, and deposited concurrently with this Agreement in the LTO under numbers EPP57477 and EPP57478 reduced copies of which are attached to this Agreement as Schedule “A”, is hereby reserved for public highway purposes (the “Highway Reservation Covenant”).
- 2.2 **No Building.** The Owner covenants, promises and agrees that except as expressly permitted by this Agreement, the Reservation Area shall not be developed, encumbered or improved in any way and the Owner shall not cause or permit any construction to be done on or within the Reservation Area.
- 2.3 **Permitted Use.** Nothing in this Agreement prevents the Owner from maintaining on the Reservation Area such buildings, structures, mobile homes and utilities as are, at the date of this Agreement, already erected, placed, installed or maintained thereon (the “Existing Improvements”), on the condition that, if required by the Province in the event the Province exercises the option granted to it in section 3.1 herein, the Owner will be solely responsible for the cost of and will remove the Existing Improvements in accordance with section 2.4. The Owner shall use the Lands in all respects as though the Reservation Area was at all times a dedicated and constructed highway and in particular without restricting the generality of the foregoing, the Owner shall in its use and development of the Lands, comply with the front, side and rear yard setback requirements for buildings or structures constructed upon the Lands set out in the relevant provisions of the Galiano Island Land Use Bylaw as amended from time to time, in all respects as though the Reservation Area was at all times a dedicated and constructed highway.
- 2.4 **Removal of Existing Improvements.** Should the Province give notice to the Owner, the Owner shall, within 60 days of written notice from the Grantee, remove or cause the removal of any and all Existing Improvements then existing on, in, over, under or above the Reservation Area, except as exempted in writing by the Province.
- 2.5 **Removal by Province.** If the Owner fails or refuses to remove any Existing Improvements as provided in section 2.4, the Province may, through its agents and employees, enter onto the Lands at all reasonable times to effect the removal of the

Improvements and the costs of removal incurred by the Province shall be a debt owed by the Owner to the Province.

ARTICLE 3 GRANT OF OPTION TO ACQUIRE RESERVATION AREA

- 3.1 **Option.** The Owner hereby grants, under seal, to the Province, the sole and exclusive option (the “Transportation Option”), irrevocable within the time for exercise by the Province herein limited, to acquire the Lands.
- 3.2 **Transportation Option Payment.** At the time of exercising the Transportation Option, the Province will pay to the Owner one dollar (\$1.00).
- 3.3 **Non-Exercise of Option.** The Transportation Option will be null and void and no longer binding upon the parties hereto and the Transportation Option Payment will be retained by the Owner as consideration for the grant of the Transportation Option, if the Transportation Option is not exercised within the time and the manner herein set forth.

ARTICLE 4 EXERCISE OF TRANSPORTATION OPTION

- 4.1 **Exercise of Option.** The Transportation Option may be exercised by the Province for the purpose of providing highway access to lands beyond at any time during the period commencing on the date of registration of this Agreement in the LTO and ending at midnight on the date which is the fiftieth (50th) anniversary of the date of registration of this Agreement in the LTO, by the Province giving written notice to the Owner (in the manner required for the giving of notices herein).
- 4.2 **Extension of Option.** The parties may, by mutual agreement, prior to the date of expiry of the Transportation Option, extend the date for exercise of the Transportation Option.
- 4.3 **Non-Exercise of Option.** The parties acknowledge that the Province may elect not to exercise the Transportation Option for any reason.
- 4.4 **Site Profile.** The Owner will provide the Province with a site profile of the Lands, as required under the *Environmental Management Act* or any successor legislation, within five business days of the date the Transportation Option is exercised by the Province.

ARTICLE 5 COMPLETION

- 5.1 **Binding Contract.** If the Transportation Option is exercised in the manner herein provided, this Agreement will become a binding contract of purchase and sale of the Reservation Area on the terms and conditions of this Agreement.
- 5.2 **Completion Date.** The sale will be completed upon the terms herein contained on the date (the “Transportation Completion Date”) chosen by the Province, provided that the

Transportation Completion Date must be at least 10 days after satisfaction of the condition precedent and the Transportation Completion Date must not be more than 182 days after the date on which the Province exercises the Transportation Option.

- 5.3 **Purchase Price.** The purchase price (“Purchase Price”) for the Reservation Area will be one dollar (\$1.00).
- 5.4 **Condition Precedent: Subdivision.** It is a condition precedent to the purchase and sale that, within 182 days after the Province exercises the Transportation Option, a subdivision plan (the “Subdivision Plan”) be executed by all required signatories and approved by the Approving Officer and by any other approving authorities, to subdivide the Reservation Area from the Lands, or such portion of the Reservation Area as the Province may determine is required for highway purposes.

The Subdivision Plan shall be a highway dedication plan under section 107 of the *Land Title Act* and the Owner shall arrange for all chargeholders to execute the Subdivision Plan and the Permitted Encumbrances shall not appear on title, but the Province accepts that the works and undertakings of the Permitted Encumbrances are permitted on and within the Reservation Area.

Subdivision is a condition precedent for the benefit of both parties and this condition may not be waived.

- 5.5 **Effect of Condition.** If the above condition precedent is satisfied and the party benefiting from the condition gives notice to the other party by the date so specified, this Agreement will become an unconditional contract for the purchase and sale of the Reservation Area or portion thereof.
- 5.6 **Subdivision Obligations.** Upon the exercise of the Transportation Option by the Province, the Province shall, at its own cost, apply for subdivision approval and prepare the Subdivision Plan.
- 5.7 **Subdivision Requirements.** The Owner will execute the Subdivision Plan and cause it to be executed by all Persons required to sign it. The Owner will take all steps to facilitate the Subdivision, including the execution of registrable documents required by the Approving Officer. The Owner acknowledges that nothing in this Agreement commits the Approving Officer to approve the Subdivision Plan.
- 5.8 **Possession.** Upon completion of the sale and purchase of the Reservation Area or portion thereof, the Province will have vacant possession of the area free of all liens, charges and encumbrances, but subject to the works and undertakings of the Permitted Encumbrances.

- 5.9 **Adjustments.** The parties agree that there will be no adjustments as to taxes or any other matters normally adjusted between a vendor and purchaser on the sale of real property in British Columbia between them with regard to the transaction contemplated by this Agreement.
- 5.10 **Risk.** The Reservation Area will be at the Owner's risk until the acceptance of the Transfer (if applicable) and the Subdivision Plan for registration in the LTO and thereafter at the Province's risk.

ARTICLE 6 CLOSING PROCEDURE

- 6.1 **Closing Documents.** The Province will cause the Province's solicitors to prepare and present to the Owner or its solicitors a GST certificate signed by the Province in the form attached as Schedule "B" hereto and the following closing documents:
- (a) the Statutory Declaration (as defined in section 9.2(f));
 - (b) such other appropriate documents and assurances as may be requisite in the opinion of the Province's solicitors for more perfectly and absolutely transferring title to the Reservation Area or portion thereof to the Province.
- 6.2 **Delivery of Documents.** Before the Transportation Completion Date, the Owner will deliver or cause its solicitors to deliver to the Province's solicitors the closing documents to be executed by the Owner, all executed and in registrable form, as applicable.
- 6.3 **Closing Procedure.** The conveyance of the Reservation Area or portion thereof by the Owner to the Province will be completed in accordance with the following procedure:
- (a) after receipt of the documents from the Owner, the Province, at its own cost, will cause its solicitors to apply to register the following in the LTO on the Transportation Completion Date, upon receipt of a satisfactory pre-index search of the Lands:
 - (i) the Subdivision Plan;
 - (ii) discharge of the Transportation Option from the remainder of the Lands;
 - (iii) discharge of the Highway Reservation Covenant; and
 - (iv) other charges required as a condition of Subdivision;
 - (b) following the applications referred to in the subsection above and upon receipt by the Province's solicitors of a title search of the remainder of the Lands showing

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full registration of the Subdivision Plan, the Province will cause its solicitors to deliver to the Owner's solicitors a trust cheque for the Purchase Price.

ARTICLE 7 GRANT OF STATUTORY RIGHT OF WAY

- 7.1 In this Article 7, "Segment 1" means that portion of the Reservation Area that is shown on Schedule "A" outlined in heavy black line and identified as "covenant" on the reference/explanatory plans prepared by Peter Thomson B.C.L.S. completed on _____, and deposited concurrently with this Agreement in the LTO under numbers EPP57477 and "Segment 2" means that portion of the Reservation Area that is shown on Schedule "A" outlined in heavy black line and identified as "covenant" on the reference/explanatory plans prepared by Peter Thomson B.C.L.S. completed on _____, and deposited concurrently with this Agreement in the LTO under numbers EPP57478 .
- 7.2 In the event that the Province exercises the Transportation Option in respect of a portion of the Reservation Area that does not include Segment 1, the Owners shall grant a statutory right of way for emergency vehicular access in respect of Segment 1 in the form of Schedule "C".
- 7.3 In the event that the Province exercises the Transportation Option in respect of a portion of the Reservation Area that does not include Segment 2, the Owners shall grant a statutory right of way for trail purposes in respect of Segment 2 in the form of Schedule "D".
- 7.4 The statutory rights of way provided for in this Article 7 shall be granted to the Local Trust Committee for nominal consideration and in priority to all financial charges, within 30 days of the date on which the Province exercises the Transportation Option, and the cost of preparing and registering the required instruments in the LTO shall be for the Owner's account. The Owners acknowledge that the Local Trust Committee may transfer or assign any such statutory right of way to the Capital Regional District or another entity satisfactory to the Local Trust Committee or designate that entity as the initial grantee of the statutory right of way.

ARTICLE 8 RESTRICTIONS ON SUBDIVISION AND COMMERCIAL USE

- 8.1 The subdivision and land use covenants granted in this Article are hereinafter called the "Subdivision and Use Covenants".
- 8.2 The Owner covenants with the Local Trust Committee not to subdivide the Lands by subdivision plan, strata plan or otherwise, except as contemplated by Article 5 of this Agreement or in the event that the Local Trust Committee amends the Land Use Bylaw to permit subdivision.

- 8.3 The Owner covenants with the Local Trust Committee not to operate any business on the Lands outside the hours of 6:00 in the morning to 7:00 in the evening, provided that the Owner may, at any time:
- (a) operate one truck on the Lands, provided that it has a gross vehicle weight (GVW) not exceeding 10,000 kg;
 - (b) conduct forestry activities on the Lands;
 - (c) conduct any commercial activity on the Lands the timing or scheduling of which is dictated by emergency circumstances including the existence of forest fire hazards, weather conditions, ferry schedules or marine tides; and
 - (d) operate a signalling device such as a vehicle motion alarm, where such operation is necessary to maintain safety.

ARTICLE 9 OWNER'S COVENANTS AND REPRESENTATIONS AND WARRANTIES

9.1 **Owner's Covenants.** The Owner covenants and agrees that it will:

- (a) permit the Province and the Province's employees, engineers, agents, surveyors and advisors to carry out such inspections, tests, studies, surveys and other investigations of the Reservation Area as the Province may require (including for determining the Owner's compliance with the Highway Reservation Covenant) and will provide reasonable cooperation and assistance to the Province and its consultants in conducting such investigations;
- (b) cooperate with the Province and its consultants in allowing the Province, at the Province's sole cost and expense, to conduct environmental tests or audits of the Reservation Area and provide to the Province or its consultants all information in its possession or control or to its knowledge relating to those areas;
- (c) maintain in force insurance covering loss or damage to the Lands and covering public liability, in both cases against such risks and to such limits as are in accordance with prudent business practice and suitable to the Lands; and
- (d) preserve the Lands intact as would a prudent owner during the term of this Agreement.

9.2 **Owner's Representations and Warranties.** The Owner represents and warrants to the Province as representations and warranties that are true at the date hereof and will be true at the Transportation Completion Date that are to continue and to survive the purchase of the Reservation Area, regardless of any independent investigations that the Province may cause to be made, that, subject to the limitations, if any, expressed herein:

- (a) the Owner has good and marketable title to the Lands and the Province will have good and marketable title to the Reservation Area on the Transportation Completion Date, free and clear of all liens, claims, charges and encumbrances other than the Permitted Encumbrances;
- (b) DL37 is a body corporate duly incorporated and validly existing under the laws of British Columbia and duly qualified to own and sell the Reservation Area with full power and authority and capacity to enter into this Agreement and to carry out the transactions contemplated herein;
- (c) DL37 is in good standing with the Office of the Registrar of Companies for British Columbia, has made all necessary filings required by the *Business Corporations Act* (British Columbia) and has never been struck from the register of companies maintained by the Office of the Registrar of Companies for British Columbia;
- (d) DL37 has taken all necessary corporate actions on the part of the directors and shareholders to authorize and approve the execution and delivery of this Agreement and the completion of the transactions contemplated herein;
- (e) there is no action or proceeding pending or to the Owner's knowledge threatened against the Owner before any court, arbiter, arbitration panel or administrative tribunal or agency which, if decided adversely to the Owner, might materially affect the Owner's ability to perform the Owner's obligations hereunder;
- (f) the Owner is not a non-resident of Canada for the purposes of the *Income Tax Act* (Canada) and the Owner will provide the Province with a statutory declaration of this before the Completion Date (the "Statutory Declaration");
- (g) there is no action, suit, claim or litigation pending or threatened with respect to the Lands or the existing use or occupancy of them and no state of facts exists which could constitute the basis of any such action, suit, claim or litigation;
- (h) the Owner has not failed to disclose to the Province any material fact or information concerning the Lands of which the Owner is aware; and
- (i) to the best of its knowledge, the Lands are not and will not be contaminated, there are no environmental orders made in respect of the Lands and the Lands comply and will continue to comply with all environmental laws.

9.3 **Owner's Indemnity.** The Owner agrees to indemnify and save harmless the Province and its officers, employees, agents and others from all losses, actions, demands, claims, expenses and harm of any kind which the Province or its officers, employees, agents or others may directly or indirectly suffer in relation to environmental contamination of or

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from the Reservation Area caused or occurring before the Transportation Completion Date, and this indemnity will survive the transfer of the Reservation Area to the Province.

- 9.4 **No Encumbrances.** The Owner shall not grant or register or permit any new encumbrances of any kind on the Lands which affect or may affect the Reservation Area unless the Owner has obtained the prior written consent of the Province to such encumbrance, which consent may be unreasonably withheld. For clarity, the Province may withhold its consent unless the chargeholder agrees to enter into an agreement with the Province to sign the Subdivision Plan.

ARTICLE 10 REMEDIES

- 10.1 **Equitable Remedies.** The Owner acknowledges that a breach of its obligation to transfer the Reservation Area to the Province subject only to Permitted Encumbrances would result in loss to the Province and the Local Trust Committee and that neither party may adequately be compensated for such loss by monetary award. Accordingly, in the event of any such breach, in addition to all other remedies available to the Province or the Local Trust Committee at law or in equity, the Province and the Local Trust Committee shall be entitled as a matter of right to apply to a Court of competent jurisdiction, for such relief by way of specific performance or other equitable remedies, as may be appropriate to ensure compliance with the provisions of this Agreement.

ARTICLE 11 GENERAL

- 11.1 **Time.** Time will be of the essence of this Agreement and will remain of the essence notwithstanding the extension of any of the dates hereunder.
- 11.2 **Entire Agreement.** This Agreement sets forth the entire agreement and understanding of the parties with respect to the subject matter hereof and supersedes all prior agreements and understandings among the parties with respect to the matters herein, and there are no oral or written agreements, promises, warranties, terms, conditions, representations or collateral agreement whatsoever, express or implied, other than those contained in this Agreement.
- 11.3 **Survival of Representations and Warranties.** All representations, warranties, covenants and agreements made by the parties will survive the Transportation Completion Date and the transfer of the Reservation Area to the Province.
- 11.4 **Amendment.** This Agreement may be altered or amended only by an agreement in writing signed by the parties hereto.
- 11.5 **Notices.** Any notice or other writing required or permitted to be given under this Agreement or for the purposes of this Agreement to any party shall be sufficiently given

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if delivered by hand, or if sent by prepaid courier or if transmitted by facsimile to such party:

- (a) in the case of a notice to the Local Trust Committee, at:
Suite 200, 1627 Fort Street
Victoria, BC
V8R 1H8
- (b) in the case of a notice to the Province, at:
PO Box 9850 Stn Prov Govt
Victoria, BC
V8W 9T5
- (c) in the case of a notice to the Owner, the address of the Owner as shown on the title to the Lands or if the Owner is a corporation, to the registered address as shown on a B.C. Company Summary from the Corporate Registry,

or at such other address or addresses as the party to whom such notice or other writing is to be given shall have last notified the party giving the same in the manner provided in this section. Any notice or other writing sent in compliance with this section shall be deemed to have been given and received on the day it is so delivered unless that day is not a Business Day, in which case the notice shall be deemed to have been given and received on the next day that is a Business Day.

- 11.6 **Attornment.** Each of the parties attorns to the exclusive jurisdiction of the courts of the Province of British Columbia.
- 11.7 **Enurement.** This Agreement shall enure to the benefit of and be binding on the parties hereto and their respective successors and assigns.
- 11.8 **Further Assurances.** Each of the parties hereto shall, with reasonable diligence, do all such things and provide all such reasonable assurances and assistance as may be required to consummate the transactions contemplated hereby and each such party shall provide such further documents or instruments required by any other party as may reasonably be necessary or desirable to give effect to the terms and purpose of this Agreement and carry out its provisions, before or after the Transportation Completion Date.
- 11.9 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia and the federal laws of Canada as applicable.

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- 11.10 **No Public Law Duty.** Whenever in this Agreement the Local Trust Committee or the Province is required or entitled by the terms hereof to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, they may do so in accordance with the contractual provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise, shall have any application.
- 11.11 **Waiver.** No supplement, modification, waiver or termination of this Agreement shall be binding unless executed in writing by the party to be bound thereby. No waiver of any of the provisions of this Agreement shall be deemed to or shall constitute a waiver of any other provisions (whether or not similar) nor shall such waiver constitute a continuing waiver unless otherwise expressly provided.
- 11.12 **Statute References.** Any reference in this Agreement to any statute or any section thereof shall, unless otherwise expressly stated, be deemed to be a reference to such statute or section as amended, restated or re-enacted from time to time.
- 11.13 **Headings.** The headings appearing in this Agreement have been inserted for reference and as a matter of convenience and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision thereof.
- 11.14 **Illegality, Invalidity, etc.** In the event that one or more provisions, or any portion thereof, of this Agreement or any agreement, document or other instrument required to be delivered hereunder or pursuant hereto should be illegal, invalid or unenforceable in any respect under any applicable law, the validity, legality and enforceability of the remaining provisions hereof or thereof, or any remaining portion thereof, shall not be affected or impaired thereby.
- 11.15 **Covenant Runs with the Lands.** 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* in respect of the Lands and the Transportation Option, the Highway Reservation Covenant and the Subdivision and Use Covenant burden the Lands and run with them and bind the successors in title to the Lands. For certainty, unless the context expressly requires otherwise, the term “Owner” refers to the current and each future owner of the Lands. The Transportation Option, the Subdivision and Use Covenant and the Highway Reservation Covenant burden and charge all of the Lands and any parcel into which they are subdivided by any means and any parcel into which the Lands are consolidated.
- 11.16 **Registration.** The Owner agrees to do everything necessary, at the Owner’s expense, to ensure that the Subdivision and Use Covenant, Highway Reservation Covenant and Transportation Option are registered against title to the Lands with priority over all

financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of each charge.

- 11.17 **Deed and Contract.** By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.
- 11.18 **Joint and Several.** All covenants made by the Owner shall be construed as being several as well as joint.
- 11.19 **No Compensation.** The Owner shall not be entitled to any further compensation or payment for the highway reservation or the transfer/dedication of the Reservation Area as public highway or for any injurious affection or disturbances resulting therefrom or from the removal of any Existing Improvements. The Owner agrees that it shall not be entitled to any further consideration in value, compensation or to make a claim for any reduction in value, if any, to the remaining portion of the Lands or other lands of the Owner resulting from the acquisition or use of the Reservation Area as highway. Without limitation, the Owner shall not be entitled to and agrees not to seek compensation for business losses, loss of profit, loss of market value, relocation costs or other consequential loss by reason of the removal of Existing Improvements or transfer/dedication of the Reservation Area or by reason of the highway reservation in this Agreement.
- 11.20 **No Effect on Laws or Powers.** This Agreement does not:
- (a) affect or restrict the Province's ability to acquire any land or interest in land by expropriation or other legal means of acquisition;
 - (b) affect or restrict the discretion, rights, duties or powers of the Province or the Local Trust Committee under any enactment (as defined in the *Interpretation Act*) or at common law; or
 - (c) relieve the Owner from complying with any enactment or the common law.
- 11.21 **No Obligations on Grantees.** The rights given to the Province and the Local Trust Committee by this Agreement are permissive only and nothing in this Agreement:
- (a) imposes any duty of care or other legal duty of any kind on either of them to the Owner or to anyone else;
 - (b) obliges either of them to enforce this Agreement, which is a policy matter within their sole discretion; or
 - (c) obliges either of them to perform any act, or to incur any expense for any of the purposes set out in this Agreement.

11.22 Interpretation.

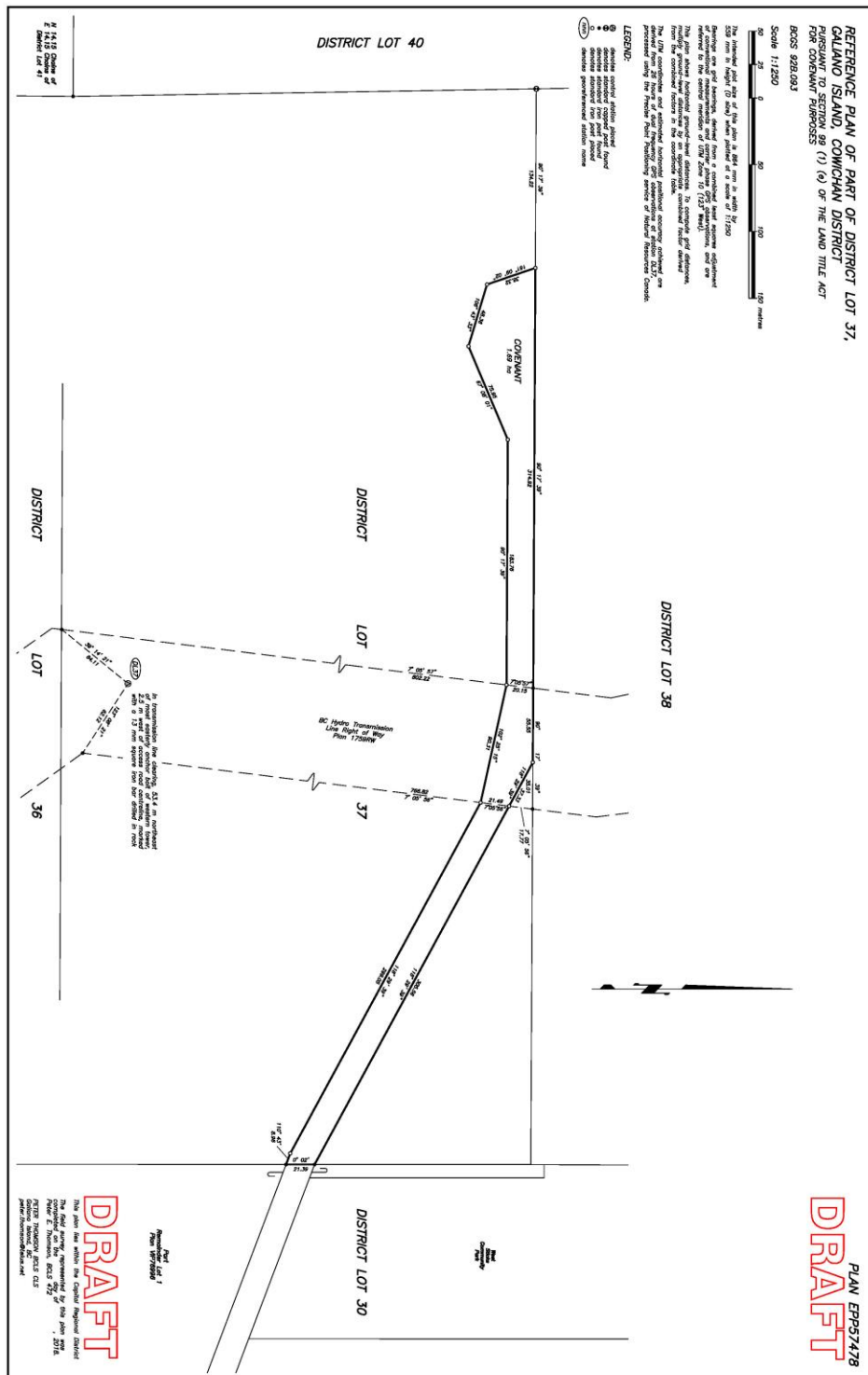
- (a) Wherever the singular or masculine or neuter is used in this Agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties so require.
- (b) The word “including” when following any general statement or term shall not be construed to limit the general statement or term to the specific items set forth following the general statement or term (or to similar terms) whether or not non-limiting language (such as “without limitation”) is used, but rather shall be construed to permit the general statement or term to refer to all other items that could reasonably fall within its broadest possible scope.

As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

SCHEDULE A

Plans of Proposed Subdivision of Reservation Area

DRAFT



SCHEDULE B

Goods and Services Tax Declaration

To: [insert name of owner] (the “Vendor”)

RE: An agreement between the _____ (the “Purchaser”) and the Vendor dated for reference _____, 20__ and being a Highway Reservation Covenant and Option to Purchase (the “Agreement”)

The Province hereby certifies that:

1. The Province is registered under Subdivision d of Division V of Part IX of the *Excise Tax Act* (“ETA”) for the collection and remittance of the goods and services tax (“GST”) and its registration number is _____.
2. The Province will remit directly to the Receiver General of Canada the GST payable, and file the prescribed Form GST 60 pursuant to subsection 228(4) of the ETA in connection with the sale and conveyance of the Property.
3. The Property transferred pursuant to the Agreement:
 - (a) is being purchased by the Province as principal for its own account and is not being purchased by the Province as an agent, trustee, or otherwise on behalf of or for another person; and
 - (b) does not constitute a supply of a residential complex made to an individual for the purposes of paragraph 221(2)(b) of the ETA.

Dated at _____ this _____ day of _____, 20__.

_____ by its authorized signatory:

Authorized Signatory

SCHEDULE C

**TERMS OF INSTRUMENT – PART 2
STATUTORY RIGHT OF WAY AGREEMENT**

THIS AGREEMENT dated for reference the ____ day of _____, 20__

BETWEEN:

(the “Grantor”)

AND:

(the “Grantee”)

GIVEN THAT:

A. The Grantor is the registered owner in fee simple of all that certain parcel or tract of land and premises situate on Galiano Island and more particularly known and described as:

PID: 009-622-527

District Lot 37, Galiano Island, Cowichan District

(the “Land”);

B. The Grantor wishes to grant to the Grantee a statutory right of way for emergency vehicular access, including vehicular access to and egress from lands on Galiano Island that may be otherwise inaccessible due to wildfire or other hazard;

C. This statutory right of way is necessary for the operation and maintenance of the Grantee’s undertaking;

NOW THEREFORE in consideration of the premises and payments of this Agreement and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged by both parties), pursuant to the provisions of Section 218 of the *Land Title Act*, the parties covenant and agree as follows:

1. The Grantor hereby grants, conveys and confirms to the Grantee, in perpetuity, the full, free and uninterrupted right, liberty, easement and statutory right of way (the “Statutory Right of Way”) for the Grantee, its officers, employees, contractors, licensees, agents, assigns and invitees, and

others of the Grantee, in common with the Grantor with respect to every part of the Land (the "SRW Area"):

- (a) to have unobstructed access over, on, and in the SRW Area for emergency vehicular access;
 - (b) to clear the SRW Area and keep it clear of anything which in the opinion of the Grantee constitutes or may constitute an obstruction to its use of the SRW Area; and
 - (c) to do all acts which in the opinion of the Grantee are incidental to the foregoing.
2. The Grantor shall:
- (a) not do or permit to be done any act or thing which in the opinion of the Grantee might interfere with or obstruct access to or the use of the SRW Area;
 - (b) trim or, if necessary, cut down any tree or other growth on the Land which in the opinion of the Grantee constitutes or may constitute a danger or obstruction to those using the SRW Area; and
 - (c) permit the Grantee to peaceably hold and enjoy the rights hereby granted.
3. The Grantee shall:
- (a) use the SRW Area so as to cause no unnecessary damage or disturbance to the Grantor, the Land or any improvement on the Land; and
 - (b) not be unreasonable in its opinions herein.
4. The Grantor may, at the Grantor's cost, prepare for the execution of the Grantee a modification of this Agreement for the purpose of restricting the SRW Area to that portion of the Land, not less than 20 m in width, that is indicated as lying between Bends 1 and 3 on the Plan of District Lot 37 attached to and forming part of this Agreement, and the Grantee shall execute such modification agreement provided that it complies with this section.
5. The Grantor indemnifies, saves harmless, releases and forever discharges the Grantee from and against all manner of actions, causes of action, claims, debts, suits, demands and promises whatsoever at law or at equity, whether known or unknown, which the Grantor now has or may at any time have by reason of the granting, existence or use of the Statutory Right of Way and SRW Area save and except to the extent caused by any negligence by the Grantee. This indemnity and release survives the termination of this Agreement.
6. Waiver of any default by either party shall not be deemed to be a waiver of any subsequent default by that party.

7. The Statutory Right of Way contained herein runs with the Land and each and every part into which the Land may be subdivided or consolidated by any means (including subdivision plan, reference or explanatory plan, strata plan, or lease), but no part of the fee of the Land passes to or is vested in the Grantee under or by this Agreement and the Grantor may fully use the Land subject only to the common law and the rights, obligations and restrictions expressly set out in this Agreement. This Agreement enures to the benefit of and is binding on the parties notwithstanding any rule of law or equity to the contrary.

8. Whenever it is required or desired that either party shall deliver or serve a notice on the other, delivery or service shall be deemed to be satisfactory if and deemed to have occurred when:

- (a) the Grantor has been served personally, on the date of service; or
- (b) mailed by prepaid registered mail, on the date received or on the sixth day after receipt of mailing by any Canada Post Office, whichever is the earlier, so long as the notice is mailed to the party at the address provided herein or to whatever address the parties from time to time in writing agree to.

9. Wherever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context so requires.

10. Every reference to each party is deemed to include the heirs, executors, administrators, successors, assigns, employees, agents, officers, licensees and invitees of such party wherever the context so requires or allows.

11. If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement.

13. No amendment of this Agreement, is valid or binding unless in writing and executed by the parties.

14. This Agreement shall be governed and construed in accordance with the laws of the Province of British Columbia.

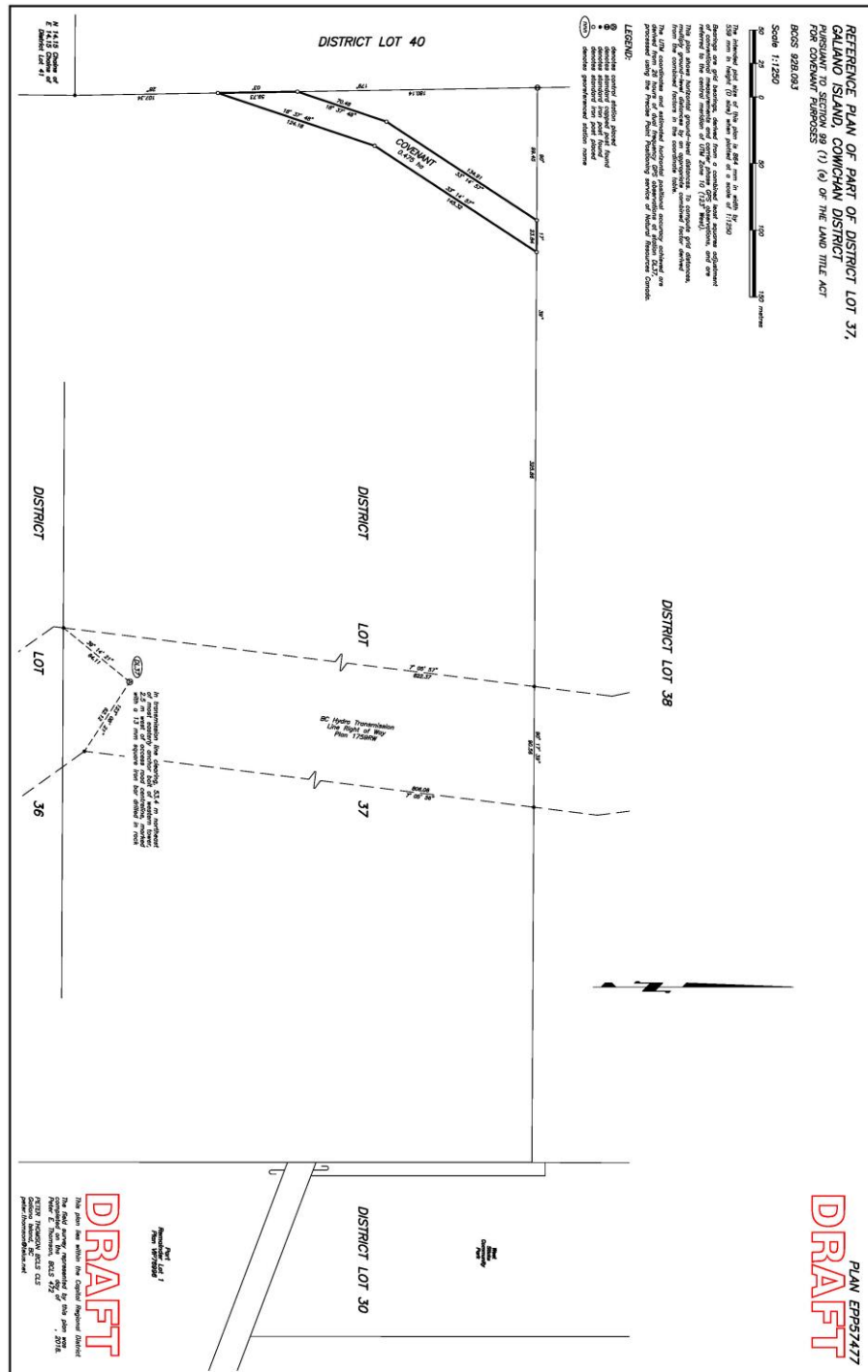
15. Wherever this Agreement creates a power or obligation of the Grantee to make a decision or to exercise any contractual right or remedy, the Grantee may do so in accordance with the provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, shall have any application.

As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by executing Part 1 of the *Land Title Act* Form C and Form D to which this Agreement is attached and which forms part of this Agreement.

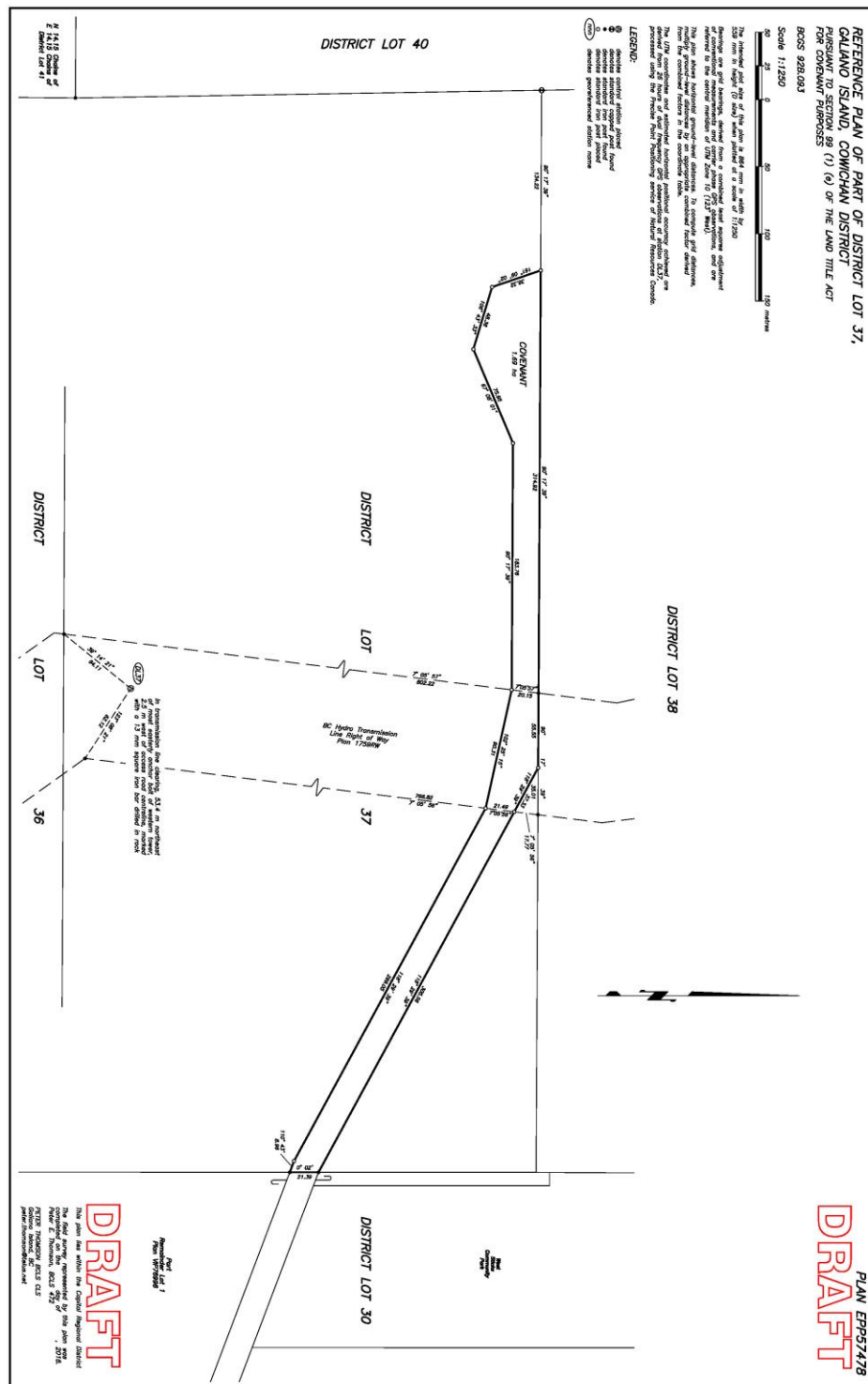
[Attach Plan of District Lot 37 prepared by Peter Thomson BCLS]

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[Attach Plan EPP57477 prepared by Peter Thomson BCLS]



[Attach Plan EPP57478 prepared by Peter Thomson BCLS]



SCHEDULE D

**TERMS OF INSTRUMENT – PART 2
STATUTORY RIGHT OF WAY AGREEMENT**

THIS AGREEMENT dated for reference the ____ day of _____, 20__

BETWEEN:

(the “Grantor”)

AND:

(the “Grantee”)

GIVEN THAT:

- D. The Grantor is the registered owner in fee simple of all that certain parcel or tract of land and premises situate on Galiano Island and more particularly known and described as:

PID: 009-622-527

District Lot 37, Galiano Island, Cowichan District

(the “Land”);

- E. The Grantor wishes to grant to the Grantee a statutory right of way for public trail access;
- F. This statutory right of way is necessary for the operation and maintenance of the Grantee’s undertaking;

NOW THEREFORE in consideration of the premises and payments of this Agreement and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged by both parties), pursuant to the provisions of Section 218 of the *Land Title Act*, the parties covenant and agree as follows:

1. The Grantor hereby grants, conveys and confirms to the Grantee, in perpetuity, the full, free and uninterrupted right, liberty, easement and statutory right of way (the “Statutory Right of Way”) for the Grantee, its officers, employees, contractors, licensees, agents, assigns and invitees, and others of the Grantee, in common with the Grantor with respect to every part of the Land (the “SRW Area”):

- (a) to have unobstructed access over, on, and in the SRW Area on foot or non-motorized bicycle;
 - (b) to clear the SRW Area and keep it clear of anything which in the opinion of the Grantee constitutes or may constitute an obstruction to its use of the SRW Area; and
 - (c) to do all acts which in the opinion of the Grantee are incidental to the foregoing.
- 2. The Grantor shall:
 - (a) not do or permit to be done any act or thing which in the opinion of the Grantee might interfere with or obstruct access to or the use of the SRW Area;
 - (b) trim or, if necessary, cut down any tree or other growth on the Land which in the opinion of the Grantee constitutes or may constitute a danger or obstruction to those using the SRW Area; and
 - (c) permit the Grantee to peaceably hold and enjoy the rights hereby granted.
- 3. The Grantee shall:
 - (a) use the SRW Area so as to cause no unnecessary damage or disturbance to the Grantor, the Land or any improvement on the Land; and
 - (b) not be unreasonable in its opinions herein.
- 4. The Grantor may, at the Grantor's cost, prepare for the execution of the Grantee a modification of this Agreement for the purpose of restricting the SRW Area to that portion of the Land, not less than 20 m in width, that is indicated as lying between Bends 3 and 9 on the Plan of District Lot 37 attached to and forming part of this Agreement, and the Grantee shall execute such modification agreement provided that it complies with this section.
- 5. The Grantor indemnifies, saves harmless, releases and forever discharges the Grantee from and against all manner of actions, causes of action, claims, debts, suits, demands and promises whatsoever at law or at equity, whether known or unknown, which the Grantor now has or may at any time have by reason of the granting, existence or use of the Statutory Right of Way and SRW Area save and except to the extent caused by any negligence by the Grantee. This indemnity and release survives the termination of this Agreement.
- 6. Waiver of any default by either party shall not be deemed to be a waiver of any subsequent default by that party.
- 7. The Statutory Right of Way contained herein runs with the Land and each and every part into which the Land may be subdivided or consolidated by any means (including subdivision plan,

reference or explanatory plan, strata plan, or lease), but no part of the fee of the Land passes to or is vested in the Grantee under or by this Agreement and the Grantor may fully use the Land subject only to the common law and the rights, obligations and restrictions expressly set out in this Agreement. This Agreement enures to the benefit of and is binding on the parties notwithstanding any rule of law or equity to the contrary.

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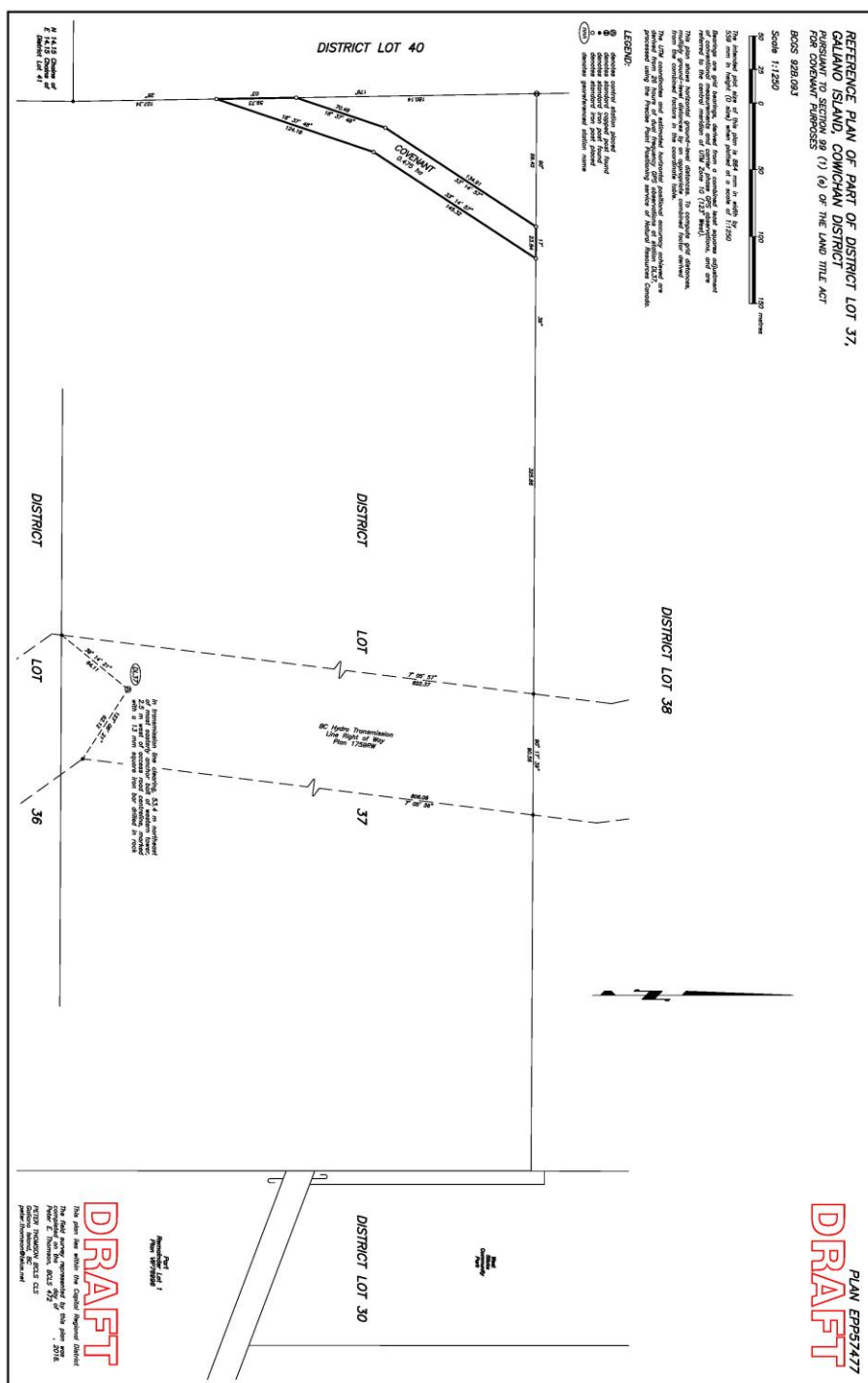
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15. Wherever this Agreement creates a power or obligation of the Grantee to make a decision or to exercise any contractual right or remedy, the Grantee may do so in accordance with the provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, shall have any application.

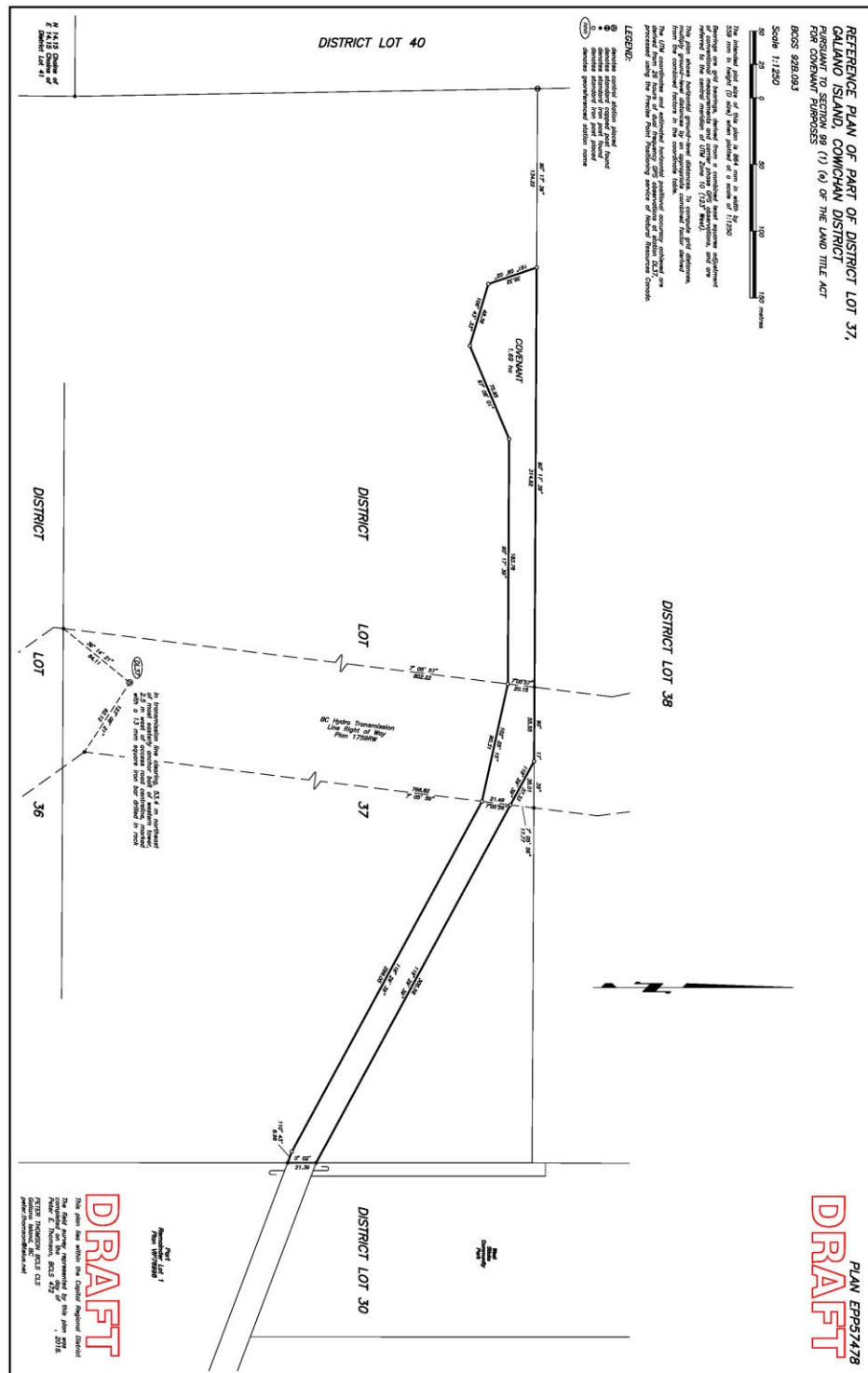
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[Attach Plan EPP57477 prepared by Peter Thomson BCLS]



[Attach Plan EPP57478 prepared by Peter Thomson BCLS]

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END OF DOCUMENT



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**Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee**

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: June 11, 2018
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

Members Present: George Grams, Alternate Chair
Sandy Pottle, Local Trustee
George Harris, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Colleen Doty, Recorder

1. CALL TO ORDER

Chair Grams called the meeting to order at 12:31 p.m. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

There were approximately 20 members of the public present.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Andrew Loveridge, referring to the Kramer application, noted that agriculturally-zoned land isn't always suited to agriculture.

Art Moses noted that he was misquoted in the minutes of May 7, 2018. Page 5 of the package should have read "District Lot 57" instead of "DL37" (line 3), and "DL57" should appear where it reads "DL 56" (line 4). He expressed disappointment with the Staff Reports concerning both the Stevens and the Mignault rezoning applications as he felt the work of the Advisory Planning Commission (APC) should have been given greater consideration.

Roger Pettit spoke in support of the planner's advice on both the Stevens application and the Mignault application.

Sam Mabberly, a local farmer, referred to the Kramer application and noted that the land is suitable to farming, grazing in particular. He noted that Galiano used to be extensively farmed generations ago. The upper lands of this island are suitable for all kinds of farming and he didn't want to minimize the significance of the possibilities of the land.

Paul Leblond spoke in favour of the Mignault application. He supported the planner's Staff Report. He noted that the APC, while it does good work, operates in an advisory capacity only. He encouraged the Trustees to support the application.

Kiyo Okuda spoke about both the Stevens and Mignault applications, agreeing with previous comments by Art Moses. He stated that most of the current forest land is attributable to

“benign neglect,” and felt that switching from Forestry to Residential zones was inappropriate. He was on the past Forest advisory committee. He spoke to the importance of access and service roads. He questioned the lack of fire mitigation efforts. He thinks the Stevens’ application should be rejected until there is a road. With respect to the Mignault application, he was concerned about setting a precedent.

A letter prepared by **Adriana Briand** was submitted in support of the Mignault application.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated May 7, 2018

The following amendments to the minutes were presented for consideration:

- On page 5 of the agenda package, the reference to DL37 (line 3) should appear as “DL 57.” On line 4, “DL 56” should also appear as “DL57.”

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions Without Meeting Report

None

6.3 Advisory Planning Commission Minutes Dated April 23 & 30 and May 8, 14 & 28, 2018

APC referral response dated May 8, 2018 re Mignault Rezoning application.

The APC minutes were received by the LTC.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated June 2018

Information as presented.

8. DELEGATIONS

None

9. CORRESPONDENCE

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

9.1 B. Troniak & C. O'Tool Letter Dated May 8, 2018 re: Discharge of Section 219 Covenant

Received for information.

10. APPLICATIONS AND REFERRALS

10.1 GL-ALR-2017.1 (Kramer) - Staff Report

The applicant was not present. Regional Planning Manager Robert Kojima summarized the staff report, noting that the applicant has not provided any supporting information, specifically, a Professional Agrologist report.

GL-2018-031

It was moved and seconded that the Galiano Island Local Trust Committee not authorize Agricultural Land Reserve inclusion application GL-ALR-2017.1 (Kramer) to proceed to Agricultural Land Commission.

CARRIED

It was noted that the LTC's decision could be revisited if further information were provided to the LTC.

10.2 Capital Regional District - Matthews Point Regional Park Draft Management Plan - Staff Memo & Attachments

The public may provide comments on the Draft Management Plan until midnight June 24, 2018

The LTC received the draft plan for information, as community consultation is still ongoing.

10.3 GL-RZ-2017.1 (Stevens) - Staff Report

The applicants were present. There was discussion with respect to possibly amending "Permitted Uses" 9.6 (B) 1.1 and 1.2 of the proposed Forest Industrial (FI (a)) zone.

Regional Planning Manager (RPM) Kojima noted the merits of containing the "sawmilling, planing and manufacturing of wood products" to the FI(a) zone, since that proposed zone is in the middle of the property and impacts from those activities would thus be buffered. Staff did not recommend changes to the proposed bylaw, favouring instead a concentration of siting of uses.

The applicants noted their preference for the wording of the proposed bylaws, as opposed to amending the uses of the proposed FI(a) zone to just excavation-related services.

Trustee Pottle noted the purpose of the bylaw amendment as bringing the property into compliance. Sawmilling and planing are not existing uses. In a Forest Industrial area, one is allowed to bring logs in from elsewhere to be milled. She noted it was not contemplated that new uses would be added. A new use would increase traffic on the road. It was suggested the neighbours might have to be consulted again, given that the new uses were not initially contemplated.

GL-2018-32

It was moved and seconded that the Galiano Island Local Trust Committee Bylaw No. 266 be amended by replacing the words “contractors’ workshops and yards” with the words “excavation contractors’ workshops and yards,” deleting the words “sawmilling, planning and manufacturing of wood products” under the heading “Permitted Uses,” and re-numbering accordingly.

CARRIED

GL-2018-33

It was moved and seconded that the Galiano Island Local Trust Committee Bylaw No. 266, cited as “Galiano Island Land Use Bylaw, 1999, Amendment No. 2, 2017,” be read a second time as amended.

CARRIED

It was noted by RPM Kojima that the draft covenant could be revised at any time in the process. Trustee Pottle expressed concerns with the proposed covenant. Chair Grams noted he was uncomfortable with making changes to a legal document without consultation. It was suggested a resolution be made, getting consultation and advice from staff so that the applicant has an opportunity for comment.

GL-2018-34

It was moved and seconded that the Galiano Island Local Trust Committee request staff to provide advice on a list of proposed amendments to the covenant to be provided by trustees, and that the applicant be consulted on those changes prior to returning the application to the next LTC meeting.

CARRIED

Proposed changes were to be provided in writing, by the trustees, to planning staff, hopefully within a week.

Staff noted that changes to the covenant could happen after a Public Hearing.

The following specific points with respect to the covenant were discussed:

- The importance of having safe egress and access for the major parts of the road network, and not just for non-motorized vehicles;
- The covenant could include the option of having a dedicated emergency access, if the LTC wished;
- The Road Network Plan showing a highway, not an emergency access;
- A second connection could be made if the applicant were amenable;
- The assumption being made that MOTI will want to extend Georgia View Road.

GL-2018-35

It was moved and seconded that the Galiano Island Local Trust Committee request staff to schedule a Public Hearing for Bylaws No. 265 and 266 and the time of the hearing be subsequent to the return to the LTC of the report dealing with potential changes to the covenant.

CARRIED

Trustee Pottle noted that she would respond to the report.

GL-2018-36

It was moved and seconded that the Galiano Island Local Trust Committee Bylaw No. 265, cited as "Galiano island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2017", be read a second time.

CARRIED

10.4 GL-RZ-2017.2 (Mignault) - Staff Report

The applicant was not present.

The following concerns were identified with respect to APC recommendations:

- OCP forest policies would need to be amended to include an additional residential use. Doing so goes beyond what is normally considered for a rezoning application.
- Staff disagree that the F2 zone allows for protection of forestry zone. F2 zoning does not establish a maximum lot coverage.
- Existing Development Permit Areas already protect mapped conservation values.
- If the applicants' property were kept in F2, the buildings would have to be accessory to timber production and harvesting.

Staff are recommending the LTC consider whether or not to proceed with rezoning to R2. The property would not be sub-dividable. It was noted that letters of support for the application are based on the understanding that a donation has been made to BC Parks.

GL-2018-37

It was moved and seconded that the Galiano Island Local Trust Committee request the applicant, in support of his application, to submit to the LTC documentation confirming the land transfer to BC Parks with respect to the size, location and other relevant information about that donation.

CARRIED

GL-2018-38

It was moved and seconded that the Galiano Island Local Trust Committee Bylaw No. 267, cited as "Galiano island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2018," be read a first time.

CARRIED

GL-2018-39

It was moved and seconded that the Galiano Island Local Trust Committee Bylaw No. 268, cited as "Galiano Island Land use Bylaw, 1999, Amendment No. 1, 2018", be read a first time.

CARRIED

GL-2018-40

It was moved and seconded that the Galiano Island Local Trust Committee has reviewed the Directives Only Policy Checklist and determined that proposed draft Bylaw Nos. 267 and 268 are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

GL-2018-41

It was moved and seconded that the Galiano Island Local Trust Committee directs staff to refer Bylaw Nos. 267 and 268 as per attached Attachment 4.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

None

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated June 2018

Information as presented.

12.1.2 Projects List Report Dated June 2018

Information as presented.

12.2 Applications Report Dated June 2018

Information as presented.

12.3 Trustee and Local Expense Report Dated March 2018

Information as presented.

12.4 Adopted Policies and Standing Resolutions

Information as presented.

12.5 Local Trust Committee Webpage

Information as presented.

12.6 Chair's Report

Alternate Chair Grams did not give a report.

12.7 Trustee Report

Trustee Harris reported on the last financial planning committee, which decided to put \$100,000 into a special reserve fund. They approved a 2% tax increase for next year. A special committee considered moving service to some of the islands but it was decided it was not practical to move services out of Victoria. The status quo was felt to be best.

The landlord has agreed to upgrade the office and renovations will be starting immediately. Staffing is an ongoing struggle, and that's partly why there's a surplus. First Nations (FN) specialist Fiona Macraill is finished her contract at the end of June. Direct outreach to FN's will happen. There is an upcoming Trust Council meeting on Saturna. The final meeting will be on Keats Island in September. Trustee Harris indicated he would not run again as Trustee. It has been an honour to serve. Trust Staff have reported that the Agricultural Land Commission (ALC) finally has been able to review the letter that has been delaying the registration of the Galiano Community Housing Association covenant; the ALC determined that the appeal period had expired.

Trustee Pottle intends to meet with people about affordable housing. She has been lobbied to rescind the bylaws but she will not. Trust Council will be meeting to discuss housing. On the agenda is how the Islands Trust deals with the ALC. The Solar Energy Co-op will be there too.

12.8 Trust Fund Board Report

None

13. NEW BUSINESS

13.1 George Loepky Request re: Crown Land/Provincially Managed Land on Gossip Island - Discussion

RPM Kojima noted there is a lot in the middle of Gossip Island which ended up as Crown Land, instead of Park. At some point, the CRD, who had been providing park service, realized this was not park land. Mr. Loepky would like to see it protected. Islands Trust Conservancy advice is that it is highly unlikely any crown land would be transferred to another agency, as crown lands are potentially treaty settlement lands.

With respect to how much protection that land has as Crown land, RPM Kojima noted the Crown provides some limited protection, and is "frozen" as potential treaty settlement lands. From a legal point of view, the Crown is immune from zoning. Any non-crown individual is subject to zoning. Logging is not regulated by zoning.

Residents are advised to be alert to any proposals by the crown, and participate in any notification or consultation process.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for July 9, 2018, at the North Community Hall, Galiano Island

15. TOWN HALL

Doug Latta, representing Galiano Community Housing Association, has received notification that their covenant has been accepted by the ALC for taking 8 acres out of Agricultural Land Reserve and into the Community Housing zoning. The covenant is in the process of being registered as they speak. The Association will request the LTC approve recommendations for the community management committee. RPM Kojima asked Mr. Latta to send him the information for the agenda.

Tom Hennessy reported the Galiano Community Housing Association has more people than they need for the community housing committee. With respect to the Mignault's application, he doesn't have strong feelings about how it should be determined. He noted that Mr. Mignault was one of the first to buy one of the forestry lots, and he believed the Mignault's were the only ones with a right to build a house on their land, whereas the other Forestry lot owners did not have that right. This right was later removed.

Steven Rybak, chair of the former Telecommunications APC, recommended that the pending report be sent to the APC, and that the APC call upon members of the former Special APC to make recommendations to expedite review back to the LTC. The LTC acknowledged this was a good idea.

Tom Hennessy voiced opposition to any new towers because of new technology called millimeter wave technology, which he stated was dangerous to human health, and for which research was lacking. He noted that the LTC has no jurisdiction to limit these towers. Trustee Pottle noted that the LTC have the right to shape a consultation process.

Dave Cochrane spoke in favour of Mignault's application.

Kiyo Okudo, a former member of the Telecommunications APC, noted that Industry Canada is responsible for the health of wildlife, not of humans. The mandate of the Islands Trust to preserve and protect speaks directly to the mandate of Industry Canada.

Tom Hennessy noted that Lloyds of London Insurance is no longer insuring for health impacts from millimeter wave technology.

Kiyo Okuda noted concerns about the Road Network Plan and the proposed covenant. He was concerned with the haste of the process with respect to the Stevens' application.

The meeting was closed to go In-Camera at 3:03 p.m.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close the Meeting

GL-2018-42

It was moved and seconded that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (d, f, i) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated May 7, 2018
- Appointment of LTC Back Up Minute Taker & APC Secretary

AND that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

The meeting was recalled to order at 3:08 pm.

16.3 Rise and Report

Chair Grams rose and reported that the trustees adopted in-camera meeting minutes of May 7, 2018 and that the LTC back-up minute-taker and APC secretary was appointed.

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:10 p.m.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder

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**Galiano Island
Advisory Planning Commission
Record of Meeting**



Date: June 12, 2018
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
1:00 p.m.

Members Present: Sheila Anderson (Chair)
Jenna Falk
Akasha Forest
Bowie Keefer
Dave Koster (arrived at 1:28pm)
Barry New
Judith Parrack

Members Absent: none

Staff Present: Colleen Doty, Recorder

Members of the Public: Joy Wilson



1. CALL TO ORDER

The meeting was called to order at 1:03 p.m.

2. APPROVAL OF THE AGENDA

By **general consent** the agenda was approved.

3. APPROVAL OF THE MINUTES

It was **moved** and **seconded** that the minutes of May 28, 2018 be adopted.

CARRIED

4. AFFORDABLE HOUSING

A. Page Drive Overview:

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Joy Wilson, board member of Page Drive, had been invited to attend the meeting and responded to questions from APC members.

Q: What is the demand for housing on Page Drive? How has demand fluctuated?

-Ms. Wilson noted there were eight (8) people currently on the waiting list. Previous years have seen fewer.

Q: Age minimum?

-65 years

Q: Is Page Drive just seniors' housing or affordable housing?

-Page Drive provides "reasonably affordable" housing for people who do not own property, and who currently live on Galiano Island.

Q: How long do people stay on waiting list?

-It depends. Some people stay on the list longer, depending on a variety of circumstances at the time. Individuals have to renew every year to be on the waiting list. There is a slow turn-over of residents.

Q: Is there much need for assisted living?

-From the ambulance point of view, people have to leave the island to get more care. Residents in need of home care at Page Drive need to make appropriate arrangements.

Q: Does Page Drive anticipate expanding or building two purpose-built assisted living units?

-The capacity of the board would determine whether expansion projects could be undertaken. Page Drive is looking for new board members. While there are grants available, board capacity shapes what is feasible.

Q: How many units are currently at Page Drive now?

-Currently there are 16 units, with capacity for 20. Residences are clustered in groups of four (4). Square footage is very small (in the neighbourhood of 400-500 sq ft depending on whether units were single or double-occupancy).

Q: Satisfaction levels?

-Residents appear to be satisfied. There are opportunities for residents to comment and provide input.

Q: What could be different?

- Secondary care, not necessarily full-time care. Would be nice to residents to have a higher level of care. VIHA would have to be involved, with nursing requirements.

Q: Does the property get any tax breaks?

-They do not pay property tax as a non-profit society.

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Q: Are there water issues?

-The water is treated. There are two wells. They have not run out of water. Residents are careful. Page Drive has started watering restrictions for the summer for the first time (this year) because of the dry spring.

Q: In terms of restrictions, do people have laundry days?

- Each unit has its own specified day and time. There is a lot of internal managing.

Q: How do the rents work?

-Rents are set. There will be an increase for new units that become available. It is necessary to build up the contingency fund. Hydro is extra. Laundry is included.

Q: If financing were not an issue, would more than 20 units be used?

- This is difficult to determine.

Q: What do residents like most? What might be some improvements?

-Residents enjoy the social living. Ms. Wilson was unaware of specific complaints.

Q: Of the tenants now, how many approximately have their own vehicles and drive?

-Units do not have their own parking spaces. Approximately less than half of residents have a vehicle. Most people rely on each other. Aging in Place program is used.

Q: In terms of location, if another purpose built complex were built, do you have any comments about where another place could be built?

-Current location is ideal.

Q: Do you think the list would be longer if they didn't have the restrictions about owning property?

- Yes.

Q: Do you think there's a need for housing for those who own property?

- Yes.

Ms. Wilson left the meeting at 1:40pm.

B. Comments on the Draft Affordable Housing Report:

Thanks went to APC member Judy Parrack for preparing the draft.

Specific points discussed included:

- a) It would be helpful to have workshops to teach people how to access subsidized housing funds and subsidies.
- b) Definition of affordable housing needs to be addressed.
- c) Rates of pay required to be able to afford to buy.

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- d) Perhaps having pop-outs (in the report) of statistics that are most impactful?
- e) Is it possible to take the numbers of percentage increase, and extrapolate those to show how many houses are needed?
- g) There is not one answer that will help the issue of affordable housing. A myriad of approaches will help.
- h) Perhaps greater flexibility from the Trust standpoint?
- i) Because of groundwater, and being on septic and wells, it is important to keep the density lower to protect the water resources. Having flexibility to allow for slightly more concentrated housing complexes requires consideration. Most of the information coming here is from urban areas where they have water systems.
- j) The mapping, page 7, shows where the aquifers are that are of moderate to high risk. Planning on the basis of that analysis.
- k) Concerns expressed for land that is donated but which may not be suitable for other reasons. Criteria around water management areas. Groundwater susceptibility areas. Importance of having a checklist for suitable land for development?
- l) Need for education about the OCP flexibility that is out there. There are opportunities out there.
- m) There was discussion with respect to the idea of an affordable housing society creating a "homes-on-wheels-site." Complicated here because of water restrictions. Is there a way through licensing? Someone could take out a license for creating a site for a mini home on wheels? But then it gets into other problems. How does one enforce affordable housing on a private lot? A covenant mechanism, where permission to build an extra, legal cottage, where the covenant holders are the trust of the housing society? But what would be the motivation from the owner? Lots of discussion around licensing, where people who take out the licenses could rent the space. Septic, power, well would be provided. Like Page Drive, except not permanent.

Tiny house village: one of the issues we have to work around is VIHA and water sources. Large infrastructure costs. Co-housing water resources are centralized. A work around is to have tiny houses as bedrooms. Research is needed in this area as to what VIHA would allow. Islands Trust and CRD would need to consult with VIHA.

- n) What changes could be made to bylaws that would allow for mobile home park:
 - It would be important to keep it fitting in a rural area.

DRAFT

Work on the APC Affordable Housing report is ongoing.

5. ELECTIONS FOR OFFICERS

By acclamation Sheila Anderson will continue as chair. Akasha Forest will be Vice-Chair. To share the workload on the writing of reports, the point-person on a referral would be rotated.

6. THE NEXT MEETING on this referral is to be determined.

7. ADJOURNMENT

By **general consent** the meeting was adjourned at 2:50 pm.

CHAIR

DATE

CERTIFIED CORRECT:

Colleen Doty, Recording Secretary

Follow Up Action Report

Galiano Island

11-Jun-2018

Activity	Responsibility	Target Date	Status
6.1 May 7 minutes adopted as amended	Lori Foster	25-Jun-2018	Done
10.1 GL-ALR-2017.1 (Kramer) - not authorized to proceed to ALC	Phil Testemale	18-Jun-2018	On Going
10.2 Matthews point regional park- received for information	Robert Kojima	18-Jun-2018	Done
10.3 GL-RZ-2017.2 (Stevens): 1.bylaw 266 amended, 2nd reading as amended, 2.bylaw 265 second reading, 3.staff requested to provide advice on potential changes to covenant, 4.public hearing to be scheduled for July 9th meeting, to follow receipt of staff report on covenant on agenda.	Sharon Lloyd-deRosario Robert Kojima	18-Jun-2018	Done
10.4 GL-RZ-2017.2 (Mignault): 1.applicant requested to submit documentation confirming land transfer to BC Parks in support of application. (request sent to applicant) 2.Bylaw 267 given first reading, - Done 3.bylaw 268 given first reading, - Done 4.directives checklist endorsed, refer bylaws 267, 268 to agencies and First Nations.	Sharon Lloyd-deRosario Kim Stockdill	29-Jun-2018	On Going
16.3 Rise and Report: in-camera minutes adopted as presented, APC secretary appointed	Sharon Lloyd-deRosario	18-Jun-2018	Done



File No.: GL-TUP-2018.1 Carolsfeld

DATE OF MEETING: July 9, 2018
TO: Galiano Island Local Trust Committee
FROM: Ian Cox, Planner 1
Local Planning Services
SUBJECT: Temporary Use Permit for a Commercial Vacation Rental
Applicant: Viet Bernd Ulrich Schnorr Von Carolsfeld
Location: 754 Burhill Road, Galiano

RECOMMENDATION

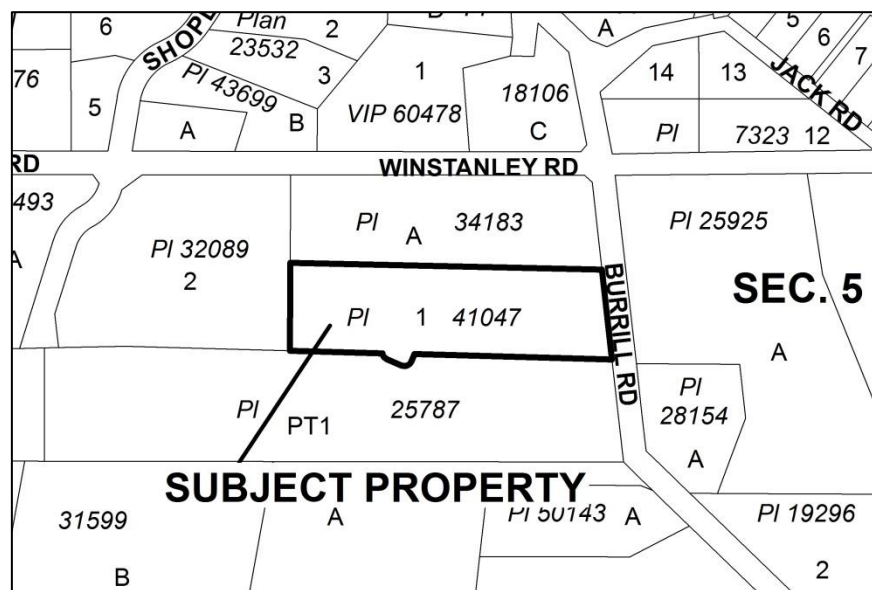
That the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-TUP-2018.1 as drafted with conditions.

REPORT SUMMARY

The purpose of the report is to consider a Temporary Use Permit (TUP) for a Commercial Vacation Rental within a dwelling unit. Staff recognizes the current moratorium on the issuance of new TUPs for vacation rentals, however this application was submitted just prior to the moratorium and as such was in progress at the time.

In summary, the above recommendation for the issuance of the TUP is supported as it has not been opposed by neighbouring property owners at the time of this report, the rationale is reasonable, it meets the specific guidelines of the OCP, and the guest capacity is reasonable given the size of the subject property and house. Additionally, the proposed permit provides conditions to mitigate the impact of increased water demand on groundwater in the area as the parcel lies within the South Galiano Water Management Area. (see Attachment 2 – Water Management Areas)

Figure One – Subject property



BACKGROUND

This application is the result of bylaw enforcement file GL-BE-2015.41

The proposal is for a TUP for a Commercial Vacation Rental use within an existing single family dwelling. (see Attachment 2 - Site Context).

The subject residence is 320 m² (3,444.45 sq. ft.) in size and contains three bedrooms, three bathrooms plus a den/studio. The house is sited on a 5 acre parcel. As described by the applicant, long term plans exist for a cottage by the road, but no such structure exists currently.

Also as described by the applicant, the rental is advertised on Airbnb and will progress to other platforms as required (Chamber of commerce, Instagram, Facebook, etc.) with a target demographic of “small family groups wanting a peaceful retreat” (from TUP application).

The proposed TUP is for a three (3) year term which could be renewed for a further three (3) years by application.

A copy of the proposed GL-TUP-2018.1 and a completed TUP checklist are attached.

ANALYSIS

Islands Trust Policy Statement:

- 4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for a commercial vacation rental within a dwelling unit is consistent with the above policies.

Official Community Plan (TUPs):

The property is designated as Rural (R) in the Galiano Island Official Community Plan No. 108, 1995 (OCP). The Guidelines for TUPs for Commercial Vacation Rentals are contained in the Official Community Plan. Conformity of the proposal with these guidelines is analyzed in Attachment 4 – TUP Checklist.

In summary, the proposal meets the applicable guidelines contained in the OCP.

Land Use Bylaw

The property is zoned as Rural Residential (RR) in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB).

The property is within the Water Management Area established in the LUB wherein a building permit for a dwelling would require a cistern for rainwater collection.

The LTC Standing Resolution from December 5, 2014 states:

Without fettering its discretion, the LTC provided the following guidance with respect to its consideration of TUP applications for Commercial Vacation Rentals:

- 1. A Commercial Vacation Rental use should only be considered in one dwelling per lot*
- 2. Permits being considered in Water Management Areas should include conditions requiring cisterns with a minimum capacity of 16,000 litres and a water meter.*
- 3. In order to assist in assessing cumulative impacts, staff are requested to continue to provide an updated map showing the location, status, and maximum number of guests of all Commercial Vacation Rental TUP applications*

Islands Trust Fund

This application has no considerations for the Islands Trust Conservancy (formerly Islands Trust Fund) and has no considerations for the Regional Conservation Plan at this time.

Issues and Opportunities:

TUP Objectives and Guidelines:

The attached 'TUP Checklist' (Attachment 4) analyzes the proposal for compliance with objectives and guidelines of the OCP. The proposal is compliant.

Water & Septic

The subject property is within the Water Management Area established in the LUB. The subject residence is 320 m² (3444.45 sq. ft.) in size and contains three bedrooms, three bathrooms, and a den/studio. There is limited potential for increased water usage resulting from the proposed temporary vacation rental use, as there will be no other residential use of the property. Given the direction provided by the LTC to require 16,000 litre rainwater storage capacity for commercial vacation rental approvals in the Water Management Area, it is not anticipated that there will be any significant cumulative impacts should this application be approved since the applicant intended to install a cistern before they were made aware of the LTC resolution and the condition as part of the proposed permit.

The residence is on a drilled well that has provided 6-7 gallons per minute flow since the current property owner purchased the parcel fifteen years ago.

Applicant's Rational for the Proposed Use

The applicant intends to rent the dwelling from mid May to mid October annually in order to make better use of their asset. No physical change or development to the property is proposed as part of the TUP application or subsequent use.

Response to Neighbour and Public Notification

At the time of writing, there has been no response to the notification process.

Permit Conditions

The proposed TUP incorporates most of the conditions that have been established in the OCP, including the requirement for the installation of a 16000 gallon cistern. The permit allows for a maximum of six (6) guests in the three bedrooms. See Attachment 7 – Proposed Temporary Use Permit.

Circulation/Consultation:

TUP Notices were circulated to surrounding property owners and residents, posted, and published in the Driftwood newspaper. The notification period will end at 4:30 p.m. July 6, 2018

As stated above, staff has received no submissions to date. Any comments received after the writing of this report will be separately distributed to the LTC and brought to the meeting.

Rationale for Recommendation

The rationale for the staff recommendation on Page 1 is that the TUP objectives and guidelines have been met; the applicant's rationale for applying is reasonable; it brings the use into compliance with the bylaws; the maximum number of guests is consistent with the OCP guidelines. The permit conditions mitigate the potential for issues to arise from the proposed use.

This is the fourth application for a CVR in this area of the island within the last two years (See Attachment 8 - Commercial Vacation Rental Location Map). Three TUPs have been approved and one was withdrawn. It is not anticipated that approval of the permit would result in a net change to potential impacts upon the area.

ALTERNATIVES

The LTC could consider the following alternatives to the above recommendation:

1. Request further information

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

Resolution:

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

2. Adding additional conditions

The LTC may wish to amend the permit by adding additional conditions. If selecting this alternative the LTC should specify the additional conditions.

Resolution:

That the Galiano Island Local Trust Committee request that the proposed permit be amended by the addition of the following conditions:
_____.

3. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee deny application GL-TUP-2018.1 (Carolsfeld).

Submitted By:	Ian Cox, Planner 1, Local Planning Services Island Planner	June 28, 2018
Concurrence:	Robert Kojima Regional Planning Manager	June 28, 2018

ATTACHMENTS

1. Site Context
2. Site Plan (a and b)
3. TUP Checklist
4. Water Management Areas
5. Notice
6. Proposed Temporary Use Permit
7. Commercial Vacation Rental Location Map

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 1, SECTIONS 4 AND 5, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 41047
PID	PID: 000-434-086
Civic Address	754 Burhill Road, Galiano

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential/Rural Residential

HISTORICAL ACTIVITY

File No.	Purpose
Bylaw enforcement file GL-BE-2015.41	Operating a short term vacation rental (STVR) without a permit.

POLICY/REGULATORY

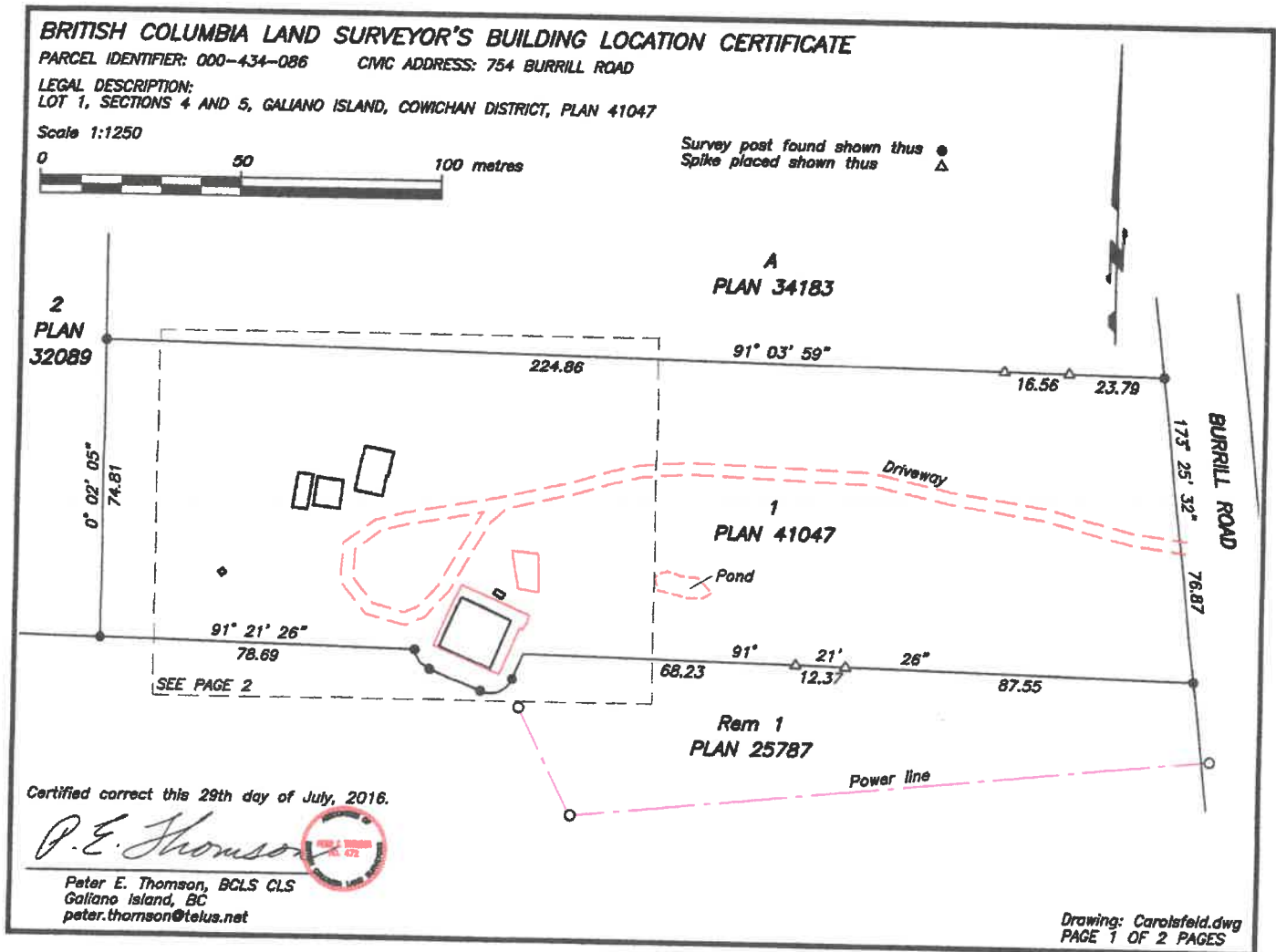
Official Community Plan Designations	The property is designated as Rural Residential (RR) in the Galiano Island Official Community Plan No. 108, 1995 (OCP). Note: there is no physical development associated with the application
Land Use Bylaw	The property is zoned as Rural Residential (RR) in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB).
Other Regulations	Subject property is within Water Management Area - LTC resolution to require applicant/operator to provide 16000 gallon cistern for TUP issuance
Covenants	Undersurface Rights only – No Charges, Liens or Interests
Bylaw Enforcement	See above – Historical Activity

SITE INFLUENCES

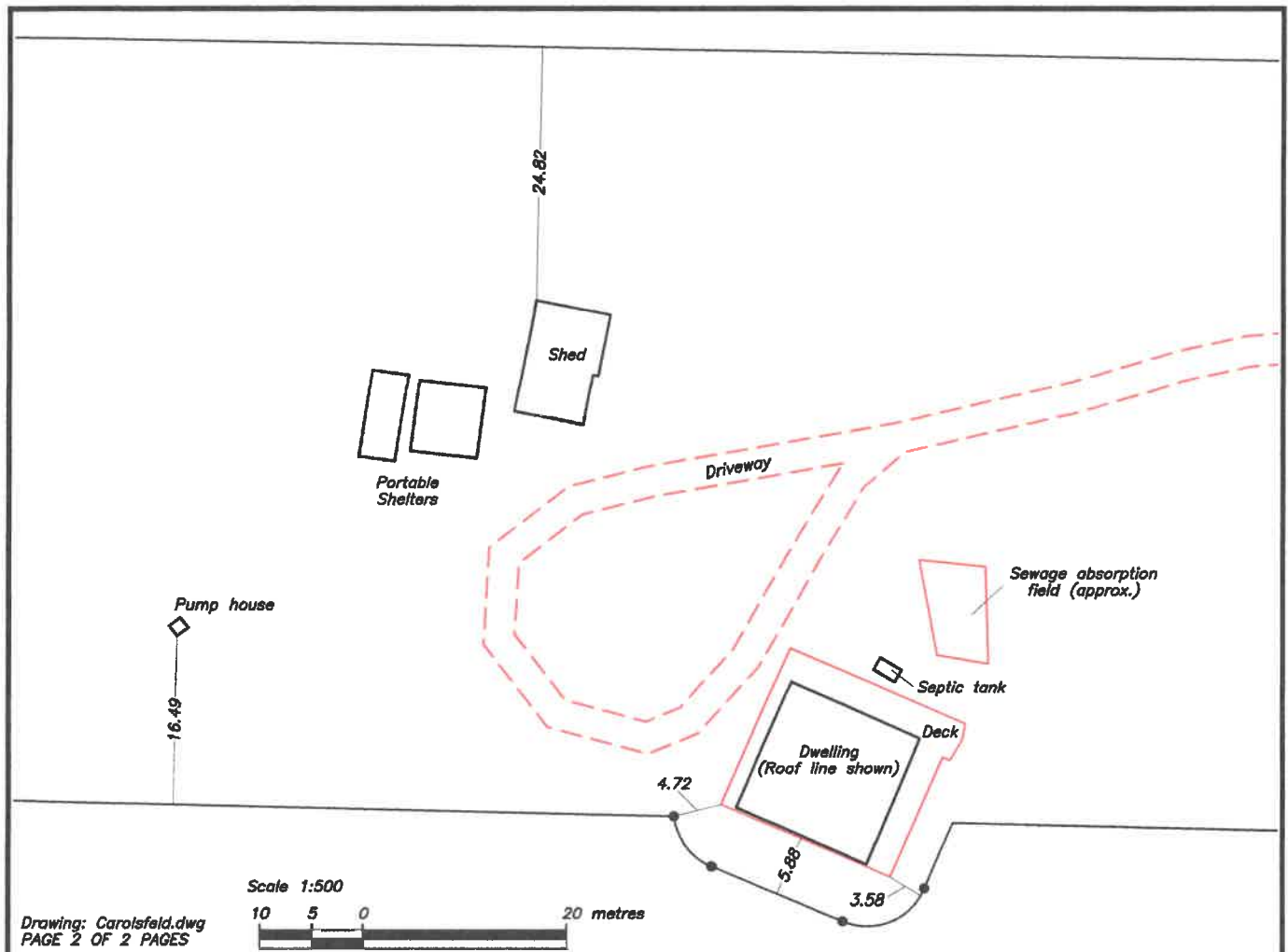
Islands Trust Fund	This application has no considerations for the Islands Trust Fund at this time.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan at this time.
Species at Risk	None mapped at this time.

Sensitive Ecosystems	None mapped at this time.
Hazard Areas	N/A
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres on the provincial RAAD database. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no development associated with this application therefore GHG emission changes resulting from approval and anticipated or possible climate change include mainly the increase in the use personal motor vehicles by guests travelling to the property and for transport on the island during their stay.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

Plan a



Plan b



ATTACHMENT 4: TUP CHECKLIST FOR COMMERCIAL VACATION RENTAL

GL-TUP-2018.1 (Carolsfeld)
754 Burhill Road, Galiano

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “commercial vacation rental” means the use of <i>residence</i> 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. Note: by standing resolution: the LTC will consider only one dwelling per lot for CVR use.	Complies, by definition of the use in TUP. Proposed permit is for three years. Applicant intends to operate from May to October annually.
b) Cumulative Effects - 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.	This is the fourth application for a CVR in this general area, and the first in the immediate neighbourhood where lots are approximately 4-5 acres in size. It is not anticipated that approval of the permit would result in a net change to potential impacts upon the area.
c) Residential Appearance - 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.	No alterations proposed
d) Neighbour Concerns - 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.	At the time of writing, notification has not generated any comments
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas or Elevated Groundwater Catchment DPA 4*: ▪ Cistern for storage of rainwater (16000 litres min);or, ▪ Letter from Professional Hydrologist with experience with Groundwater assessing a recent pump test for adequate quantity for use and no impacts on neighboring properties. ▪ Water Meter Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection	This property is within a Water Management Area and therefore a installation of a 16000 gallon cistern is included as a condition of the permit as/per LTC resolution from December 5, 2015. The dwelling is 320 m2 (3444.45 sq. ft.) in size and contains three bedrooms, three bathrooms, and a den/studio. The residence is on a drilled well that has provided 6-7 gallons per minute flow since the current property owner purchased the parcel fifteen years ago.

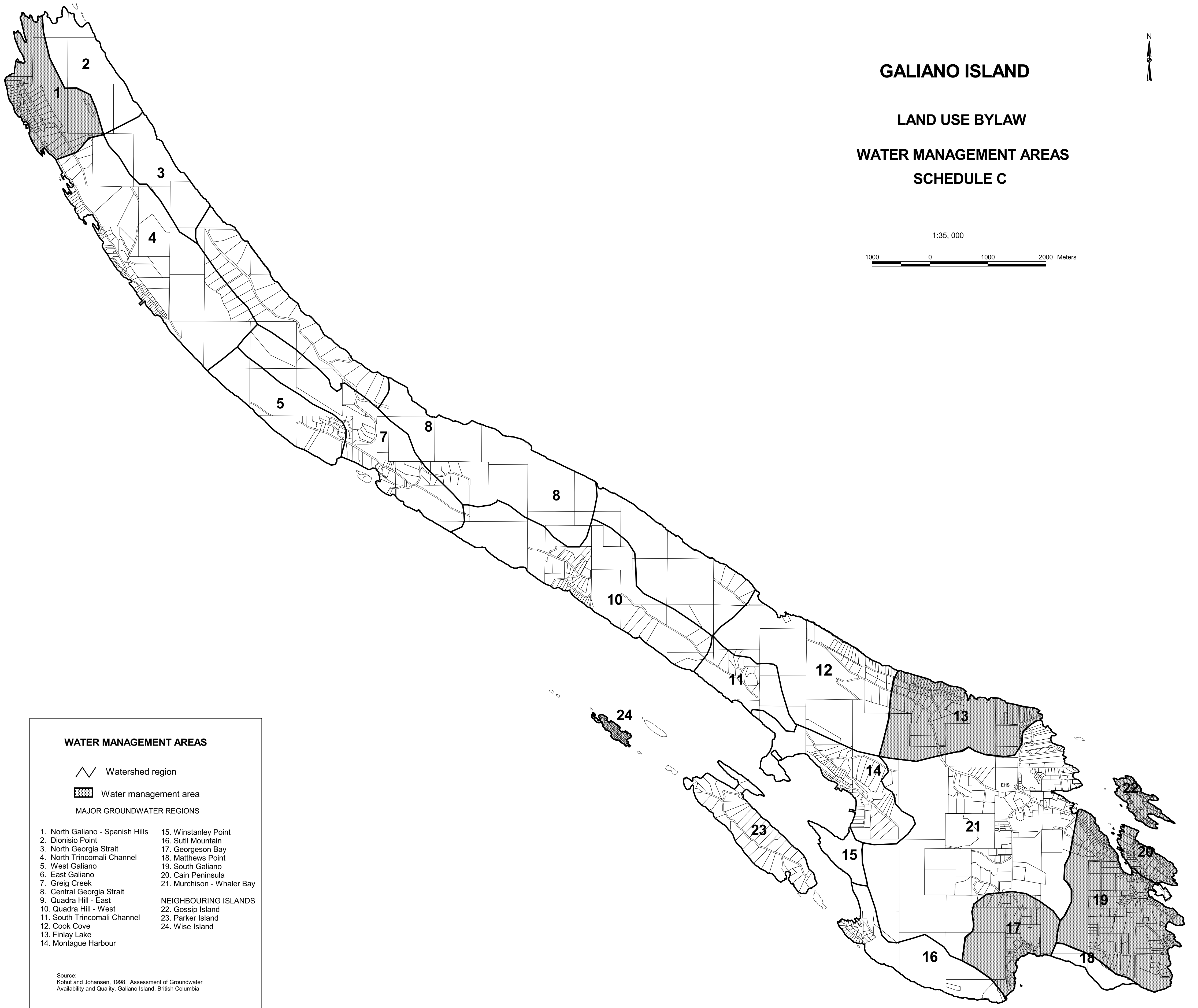
ATTACHMENT 4: TUP CHECKLIST FOR COMMERCIAL VACATION RENTAL

Guidelines	Comments
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Minimum four (4) spaces is a condition in Draft Permit.
Permit Conditions	
g) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	Condition in Draft Permit.
i. 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	
ii. 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	Condition in Draft Permit.
iii. require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area	Condition in Draft Permit.
iv. establish a maximum number of people that can stay	Maximum of 6 is a condition in Draft Permit.
v. establish a maximum number of guests per bedroom	Maximum of 2 is a condition in Draft Permit.
vi. prohibit camping or occupancy of RVs on the property	Condition in Draft Permit.
vii. restrict advertising to one unilluminated sign, with a maximum area	0.4 m ² , unilluminated and on subject property as a condition in Draft Permit.
viii. prohibit the rental or provision of motorized personal watercraft	Condition in Draft Permit.
ix. prohibit outdoor fires	Condition in Draft Permit.
x. establish the dates during which the use may occur	The residence is intended to be rented from May to October annually.
xi. include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received	Between 9 a.m. and 5 p.m. of any day as a condition in Draft Permit.
xii. require that the landowner/operator post for guests emergency service contact information and to provide a means for contacting them	Condition in Draft Permit.
xiii. require the landowner/operator to post	Condition in Draft Permit.

ATTACHMENT 4: TUP CHECKLIST FOR COMMERCIAL VACATION RENTAL

Guidelines	Comments
contact information and permit information at the entrance to the property	
<i>Agriculture Land Reserve</i>	
h) <i>Agriculture Land Reserve</i> - 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.	N/A

***Water Management Areas** – as established on Schedule C of the *Galiano Island Land Use Bylaw No. 127, 1999*





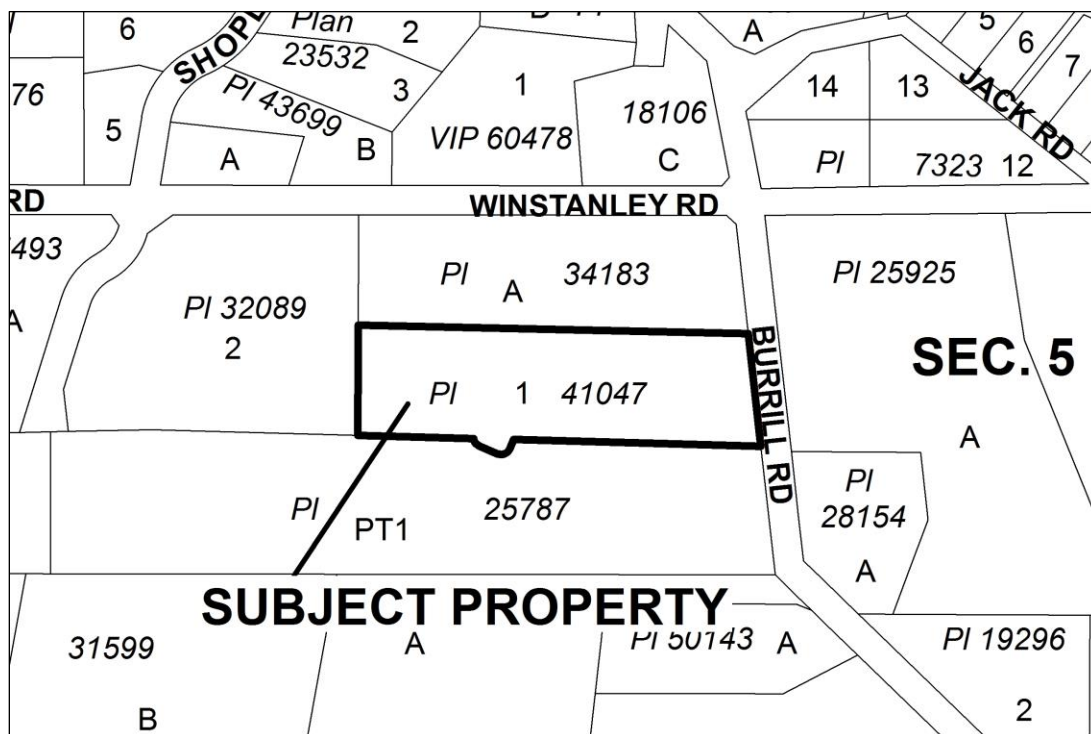
Islands Trust

**NOTICE
GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-TUP-2018.1**

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to LOT 1, SECTIONS 4 AND 5, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 41047 (PID: 000-434-086) – **754 Burrill Road**.

The purpose of this temporary use permit would be to permit a “commercial vacation rental” in the dwelling unit on the subject property. The establishment of the temporary use would be subject to a number of conditions specified in the permit. The permit would be issued for up to three years and the owner may apply to the Galiano Island Local Trust Committee to have it renewed once for up to an additional three years.

The general location of the subject property is shown in the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **June 25, 2018** and up to and including **July 6, 2018**.

For the convenience of the public only, and not to satisfy Section 494(1) (a) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing **June 25, 2018**.

Enquiries or comments should be directed to Kim Stockdill, Island Planner at 250-405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before **4:30 p.m., July 6, 2018**. The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 pm, July 9, 2018**, at the North Community Hall, 20925 Porlier Pass Road, Galiano Island, BC.

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

Sharon Lloyd-deRosario
Deputy Secretary

PROPOSED



Islands Trust

**GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2018.1 (CAROLSFELD)**

754 Burrill Road, Galiano Island

To: Viet Bernd Ulrich Schnorr von Carolsfeld

1. This Permit applies to the land described below:

LOT 1, SECTIONS 4 AND 5, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 41047 (PID: 000-434-086)

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

- a) a Commercial Vacation Rental within the Dwelling Unit as described in Schedule "A" (site plan a and b) attached and forming part of this permit

3. and is subject to the following conditions:

- a) the property owner or other contact person be available on Galiano Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and on island contact person must be provided to guests upon arrival;
- b) the property owner or Commercial Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact person's phone number, and a copy of the temporary use permit;
- c) the property owner or Commercial Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
- d) outdoor fires are prohibited;
- e) the maximum number of guests is limited to six (6) persons, two (2) per room;
- f) camping and occupancy of recreational vehicles is prohibited;
- g) a maximum of one unilluminated sign not exceeding a total sign area of 0.4 square metres advertising the Commercial Vacation Rental is permitted. The sign must be located on the lot occupied by the Commercial Vacation Rental use;
- h) the rental or provision of motorized personal watercraft is prohibited;
- i) the owner must provide onsite parking for a minimum of 4 vehicles on the property;
- j) the property owner is to install and maintain a cistern for onsite storage of 16000 litres of rainwater;
- k) the property owner or Commercial Vacation Rental operator must post for guests emergency service contact information and provide a means for contacting them;

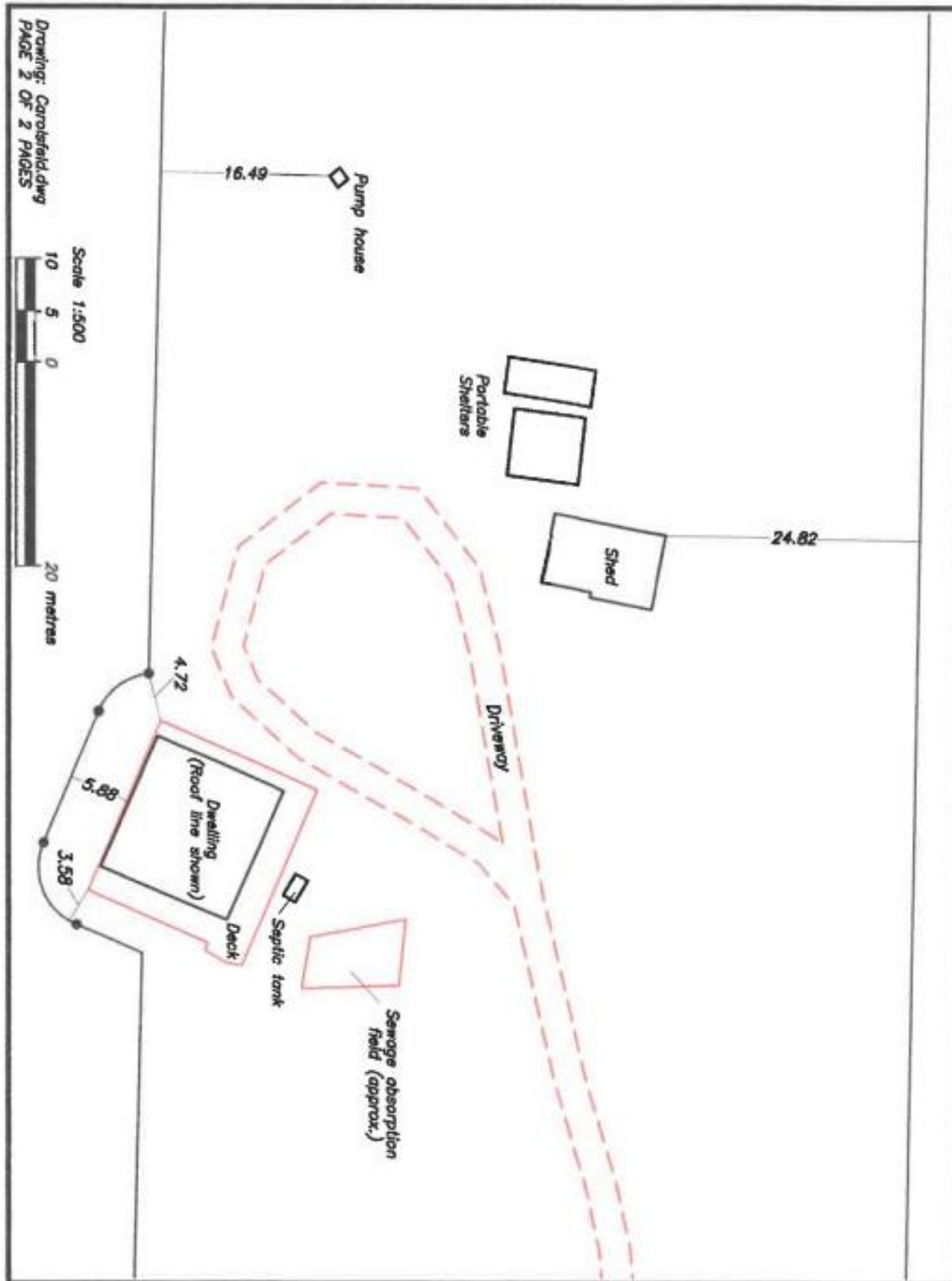
- l) the property owner or Commercial Vacation Rental operator must post the name and contact number of property owner and on-island contact person, and permit information at the entrance to the property; and
 - m) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint.
4. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS XXth DAY OF MONTH, 20XX.

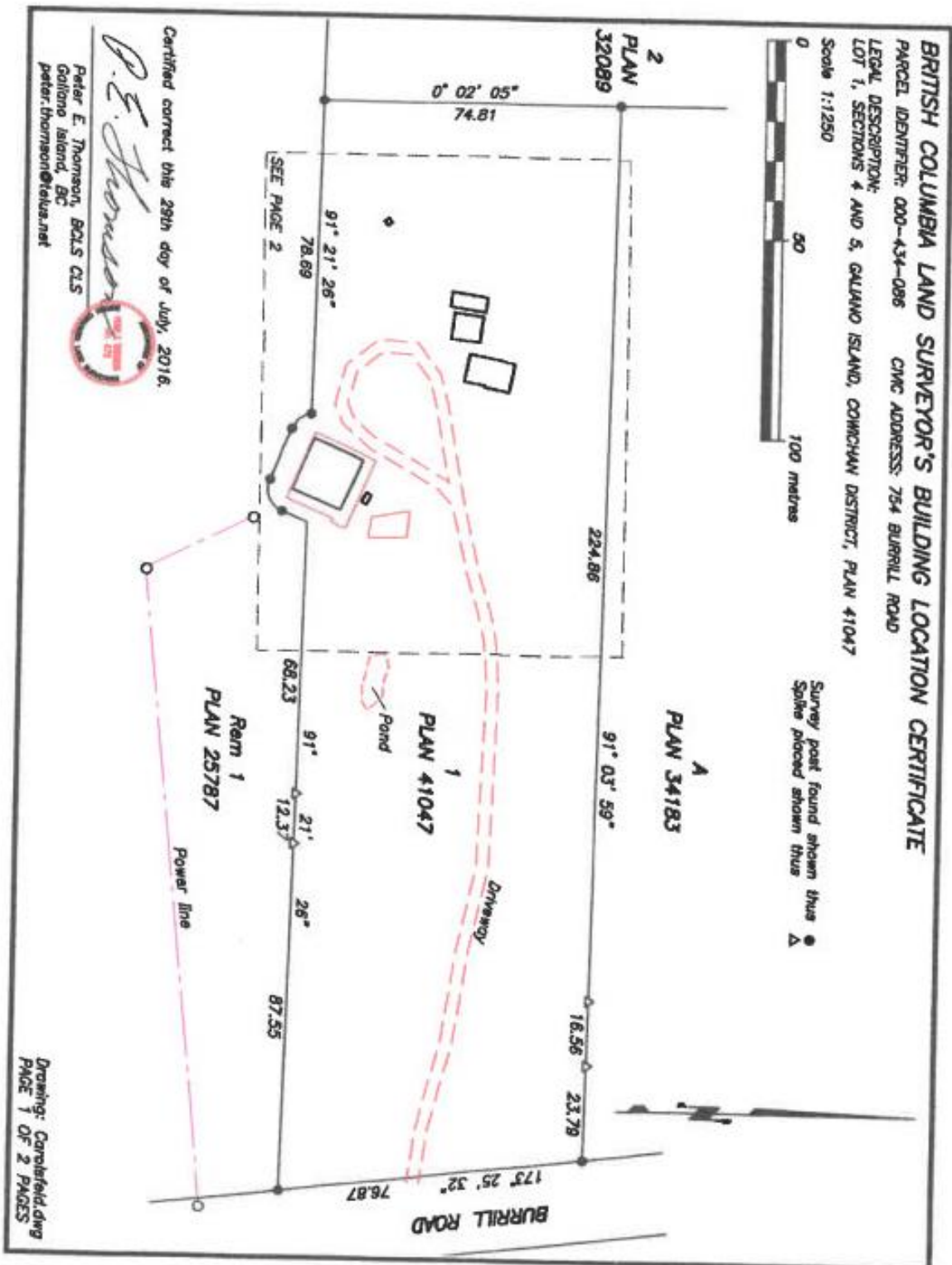
Deputy Secretary, Islands Trust

Date Issued

SCHEDULE "A" – Site Plan a and b



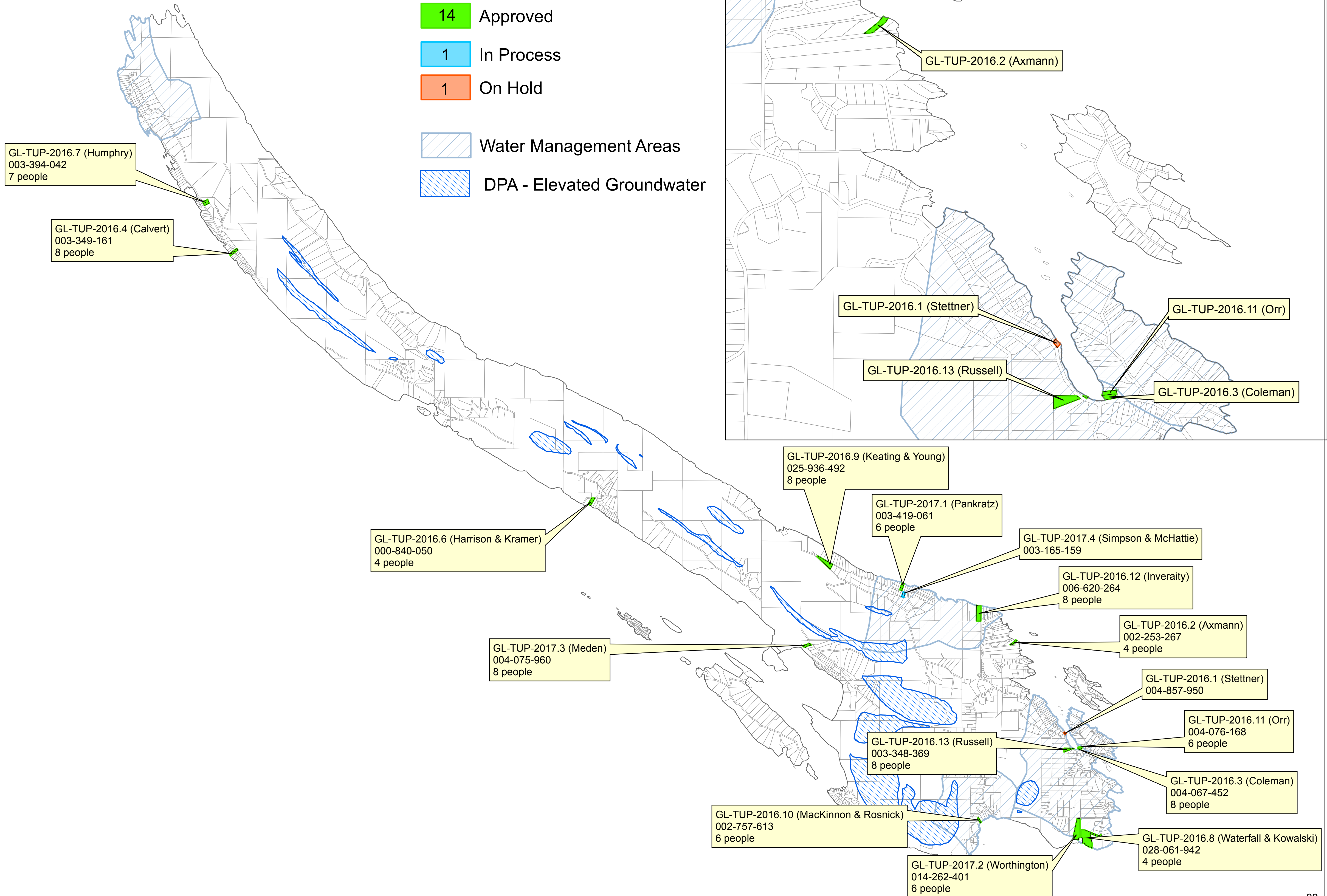
Site plan a



Site plan b

Temporary Use Permits (TUPs) for Commercial Vacation Rentals

Date: 1/3/2018





DATE OF MEETING: July 9, 2018
TO: Galiano Island Local Trust Committee
FROM: Phil Testemale, A/Planner 2
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: ALC Inclusion Application GL-ALR-2017.1 (Kramer) – Information Only

PURPOSE

The purpose of this memo is to:

- To update the Local Trust Committee on the status of application GL-ALR-2017.1 (Kramer), particularly the Agricultural Land Commission's (ALC) regulation on applications for inclusion, and staff's actions since the June 11, 2018 LTC meeting.

BACKGROUND

This application was reviewed by the Local Trust Committee (LTC) Background to the applications, including the staff report and attachments, is available on the Islands Trust website:

<http://www.islandstrust.bc.ca/media/345857/gl-rz-20172-staff-report-3-june-11-2018.pdf>

Specific File Activity:

The applications have been reviewed previously by the Local Trust Committee on June 11, 2018. At that meeting, the LTC passed the following resolution:

GL-2018-031

It was moved and seconded that the Galiano Island Local Trust Committee not authorize ALR inclusion application GL-ALR-2017.1 (Kramer) to proceed to Agricultural Land Commission.

CARRIED

Subsequent to the June LTC meeting, staff informed the applicant and the ALC Planner by e-mail of the above resolution. The ALC planner responded that the Agricultural Land Commission Act (ALCA) requires local governments to forward inclusion applications to the Commission. By her own admission, this is not stated or identified in any of the ALC's application process information that is posted online or otherwise. And, without prior knowledge, it is only derived in the following manner:

Section 34(5) the ALCA states the application types in which a Council/Board may refuse to forward an application to the Commission as being s. 25(3) or (3.1) or 30(4) or (4.1), which relates to subdivision, non-farm use and exclusion applications. Inclusion applications are not listed. Thereby it is the absence of this application type which requires inclusions to be forwarded to the Commission.

Notwithstanding the forgoing, Staff are of the opinion that the above resolution indicates clear intention of non-support by the LTC, and have forwarded the application to the ALC with the staff report and attachments from the June meeting.

NEXT STEPS

No further action is required by the LTC at this time.

Submitted By:	Phil Testemale, A/Planner 2	June 28, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	June 28, 2018

File No.: 6500-20-Telecommunication
Strategy

DATE OF MEETING: July 9, 2018
TO: Galiano Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Telecommunication Strategy Project

RECOMMENDATION

1. That the Galiano Island Local Trust Committee request staff to compare the LPC Model Antenna Strategy with the Galiano Island Draft Antenna System Siting & Consultation Protocol and report back to the LTC with recommendations to the Draft Antenna System Siting & Consultation Protocol.
2. That the Galiano Island Local Trust Committee request staff to add Section 4.6.6 of the SAPC Final Report to the Galiano Island Draft Antenna System Siting & Consultation Protocol.

REPORT SUMMARY

The purpose of this staff report is to provide an update to the Telecommunication Strategy Project and to present the Local Planning Committee (LPC) Model Strategy for Antenna Systems. The LPC Strategy can be found here: <http://www.islandstrust.bc.ca/media/346021/lpc-model-telecommunication-strategy.pdf>. The Galiano Island draft Antenna System Siting and Consultation Protocol prepared by the Special Advisory Planning Committee (SAPC) and Island Trust staff can be found on the Galiano Island Local Trust Committee (LTC) Project's website: <http://www.islandstrust.bc.ca/media/344492/draft-antenna-system-siting-consultation-policy-v11.pdf>.

BACKGROUND

On October 17, 2017 a Community Information Meeting (CIM) was conducted to facilitate public review and discussion regarding the Draft Antenna System Siting & Consultation Policy. As a result of the CIM, there were no formal recommendations for change which could be described as representing any form of consensus for amendments to the draft policy. At the December 4, 2017 regular LTC meeting, staff recommended to adopt the draft Antenna System Siting and Consultation Protocol. The Galiano Island LTC made the following resolution in light of the release of the LPC Model Strategy for Antenna Systems in 2018:

"GL-2017-098

It was MOVED and SECONDED,

that the Telecommunications Strategy Project be brought back to the Galiano Island Local Trust Committee after the Local Planning Committee brings forward its Model Telecommunications Strategy.

CARRIED"

In the minutes for the December 4, 2017 meeting a request by Chair Busheikin asked that the minutes show Stephen Rybak's (Chair of the SAPC) request that section 4.6.6 of the SAPC Final Report be reinstated.

ANALYSIS

LPC Model Antenna Strategy & Consultation Protocol

The LPC Model Strategy for Antenna Systems and Consultation Protocol was prepared by a consultant under contract with Islands Trust. The report provides a model consultation program, land use siting criteria, and model official community plan policies. The report also presents a literature review and summary of background materials that were reviewed as part of the report's creation. Jeff Stanhope from the Innovation, Science and Economic Development Canada (ISED) was interviewed and also provided comments on the draft antenna strategy and consultation protocol. No red flags were raised regarding consistency with the LPC protocol and the Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03). Input was also gathered from telecommunication cell service providers (Telus, Shaw, and Rogers).

The draft protocol was presented to the Local Planning Committee on May 24, 2018 and presented at Trust Council on June 19, 2018. Trust Council passed the following resolutions regarding the model strategy:

1. *That Islands Trust Council receive the Model Strategy for Antenna Systems dated May 3, 2018 for information and consideration of implementation.*
2. *That Islands Trust Council refer the Model Strategy for Antenna Systems dated May 3, 2018 to Local Trust Committees for information and consideration of implementation.*
3. *That Trust Council consider including the ability to charge fees for telecommunication applications as part of suggested amendments to provincial legislation.*

Galiano Island Draft Antenna System Siting & Consultation Protocol

At the December 4, 2017 it was stated by Chair Busheikin that the minutes should reflect the request from the SAPC Chair for Section 4.6.6 of the SAPC Final Report be reinstated to the draft protocol. Section 4.6.6 of the SAPC Final Report outlines the following requirements for the public consultation process that the proponent must meet:

- Requirements for what information should be available at the public information meeting hosted by the proponent;
- Requirements for follow up with the Galiano Island LTC after the public information meeting; specifically a package from the proponent summarizing the results of the public consultation process that includes a list of attendees, copies of correspondence received by the proponent, and letters of response from the proponent; and
- Deadlines for the proponent's public consultation process.

Staff believe Section 4.6.6 was accidentally removed from the draft protocol as it mentions the proponent's public consultation process but does not include any of the specific requirement outlined above. Staff recommend adding Section 4.6.6 back to the protocol to add clarity to the consultation process.

Rationale for Recommendation

Staff recommend not adopting the draft antenna system siting and consultation protocol at this time for two reasons. First, at the previous meeting it was mentioned that a section of the draft protocol be reviewed and possibly amended to reinstate Section 4.6.6 of the SAPC Final Report. Secondly, staff would like to review the LPC Model Strategy for Antenna Systems and compare it to the Galiano Island draft protocol as the LPC protocol was reviewed by ISED and cellular service representatives. This would help to determine if there are any major differences between the two documents and identify areas that could be enhanced. The outcome would be a

staff report for the September 2018 Galiano Island LTC meeting outlining potential recommendations to the Galiano Island Antenna System Siting and Consultation Protocol.

If the LTC has specific amendments to the draft protocol they should be outlined in a resolution.

ALTERNATIVES

The LTC has the following options:

1. Adopt the draft protocol as is (no amendments);
2. Adopt the draft protocol with amendments;
3. Adopt the LPC protocol as the Galiano Island protocol; or
4. Request staff to compare the LPC protocol with the draft protocol and report back with recommendations at the September LTC meeting; or

Draft resolutions for Option Nos. 1 to 3 are outlined below. Staff are recommending option No. 4 and the draft resolution is on Page 1 of the staff report. Staff are also recommending Section 4.6.6 of the SAPC Final Report also be added to the draft protocol.

1. Adoption of draft Antenna System Siting & Consultation Protocol

If the LTC believes that no further changes are required to the draft antenna system siting and consultation protocol prepared by the SAPC and staff, the LTC may wish to adopt the protocol as presented at the September 11, 2017 meeting. Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee adopt the draft Antenna System Siting & Consultation Policy presented at the September 11, 2017 regular meeting of the Galiano Island Local Trust Committee as the tool for the review and consideration of antenna system siting proposals within the Galiano Island Local Trust Area.

2. Adoption of draft Antenna System Siting & Consultation Protocol with amendments:

If the LTC wishes to adopt the protocol as presented at the September 11, 2017 meeting but with amendments, the following resolution is recommended:

That the Galiano Island Local Trust Committee adopt the draft Antenna System Siting & Consultation Protocol presented at the September 11, 2017 regular meeting of the Galiano Island Local Trust Committee as the tool for the review and consideration of antenna system siting proposals within the Galiano Island Local Trust Area with the following amendments to the protocol:

1.
2.

3. Adoption of LPC Model Antenna Strategy

The LTC has the option to adopt the LPC Model Antenna Strategy for consideration of antenna system proposals.

That the Galiano Island Local Trust Committee adopt the LPC Model Antenna Strategy as the tool for the review and consideration of antenna system siting proposals within the Galiano Island Local Trust Area.

Submitted By:	Kim Stockdill, Island Planner	June 26, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	June 28, 2018

Top Priorities

Galiano Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Telecommunication Strategy	Review telecommunication options, including policies for telecommunication towers, on Galiano Island.	01-Feb-2016	Kim Stockdill	01-Dec-2017
2	Affordable Housing Strategy	Special APC to review options	07-Mar-2016	Kim Stockdill	31-Oct-2018
3	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the LUB.	07-Mar-2016	Kim Stockdill	31-Oct-2018

**Projects****Galiano Island**

Description	Activity	R/Initiated
Soil Removal and Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw	12-Sep-2011
Comprehensive Watershed Planning	?	01-Oct-2016
Commercial Vacation Rental (TUP) Review	Review the Temporary Use Permit (TUP) guidelines in the Official Community Plan in relation to commercial vacation rentals.	05-Dec-2016
Review of split zonings.		05-Mar-2018
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	16-Apr-2012
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)	23-Jul-2012
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.	15-Jul-2013
Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	18-Nov-2013
Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	18-Nov-2013
Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	18-Nov-2013



Projects

Galiano Island

Description	Activity	R/Initiated
Land Use Bylaw Amendments	To review LUB for: any technical/administrative bylaw amendments (e.g. definition references and numbering), shoreline zoning wording, crown lot rezonings, and review park zoning (specifically to allow stairs in setbacks).	07-Jul-2014
Community Benefit Review for Forest Lands	Staff to prepare preliminary report for new LTC	08-Sep-2014
Consider amendments to re-designate and rezone crown owned Forest lots.- Bylaws 231, 232 at First Reading	re-refer to FLNRO for comment	



Islands Trust

Print Date: June 28, 2018

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
GL-ALR-2017.1	Issac Kramer, Daysgoneby.org Land Stewards Ltd Planner: Phil Testemale	08-Dec-2017	to include land in the ALR - cattle ranch
Planning Status			
Status Date: 19-Jun-2018 Applicant notified of LTCT decision and returned to PTA to close.			
Status Date: 11-Jun-2018 LTC does not authorize application to proceed to ALC			
Status Date: 01-May-2018 E-mailed applicant requesting information (as per previous requests), advising taking to June LTC.			

File Number	Applicant Name	Date Received	Purpose
GL-ALR-2017.2	GALIANO CONSERVANCY ASSOCIATION Planner: Kim Stockdill	22-Dec-2017	recreational trail
Planning Status			
Status Date: 06-Jun-2018 approval received from ALC			
Status Date: 02-Jan-2018 no comment required from Islands Trust. Await ALC decision to update file.			
Status Date: 22-Dec-2017 opened file			

Rezoning

File Number	Applicant Name	Date Received	Purpose
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Applications

GL-RZ-2014.1

Crystal Mountain
Society

28-Oct-2014

20300 PORLIER PASS RD

To allow for year round use of the Forest Retreat Centre

Planner: Kim Stockdill

Planning Status

Status Date: 01-May-2018

Applicants asked to have a preliminary subdivision layout plan prepared for review

Status Date: 25-Apr-2018

Applicants provide preliminary comments for staff review and s.99 subdivision for Trust Fund review

Status Date: 12-Mar-2018

Meeting with applicant representatives, more information and plans required before reporting back to LTC

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2016.2	GALIANO CONSERVANCY ASSOCIATION	08-Aug-2016	DL 57 10825 Porlier Pass Rd Rezoning from Rural to Environmental Education use and Nature Protection.
Planner: Kim Stockdill			

Planning Status

Status Date: 01-Jun-2018

Approval of trail SRW received from ALC with conditions.

Status Date: 24-Apr-2018

Forwarded to Minister's office

Status Date: 11-Apr-2018

Approved by EC

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2017.1	DL37 Holdings, F. Stevens & I. Stevens	02-Aug-2017	Rezone DL37 from F1 to allow residential and industrial use
Planner: Robert Kojima			

Planning Status

Applications

Status Date: 11-Jun-2018

Second reading as amended. Trustees to provide comments on draft covenant to be addressed in a staff report. Public hearing to be scheduled for July meeting

Status Date: 25-May-2018

Draft covenant received

Status Date: 27-Apr-2018

cost recovery funding received, direction to legal counsel to start work on covenant

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2017.2	BERNARD MIGNAULT	02-Nov-2017	Rezone from F1 to RR2

Planner: Kim Stockdill

Planning Status

Status Date: 11-Jun-2018

Bylaws given first reading, to be sent on referral. Applicant requested to provide evidence of land donation

Status Date: 08-Mar-2018

APC referral cover letter sent out with links to documents

Status Date: 05-Mar-2018

Application referred to APC at LTC meeting.

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2017.2	Peter Thomson	22-Dec-2017	Proposed 20 lot bare land strata subdivision.

Planner: Robert Kojima

Planning Status

Status Date: 01-Feb-2018

Application on hold pending registration of ALC covenant

Status Date: 12-Jan-2018

called applicant to send in fees

Applications

Status Date: 22-Dec-2017

referral received, processing application, await RPM planner assignment and fee request confirmation.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2018.1	CAROLSFELD	15-Mar-2018	STVR application
Planner: Ian Cox			
Planning Status			

Status Date: 28-Jun-2018

Notice circulated June 25, Proposed permit and Staff Report to July 9th LTC.

Status Date: 11-Jun-2018

Airbnb site still active - advertising 6 guests, <https://www.airbnb.ca/rooms/24022798?s=huOgQ13b>

Status Date: 07-Jun-2018

Ian drafting notice, permit, staff report

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: March 6, 2018

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.
4.	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.

No	Meeting Date	Resolution No.	Issue	Policy
5.	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.
6.	December 5, 2016	By consent	TUP for Commercial Vacation Rentals	Without fettering its discretion, the LTC provided the following guidance with respect to its consideration of TUP applications for Commercial Vacation Rentals: 1. A Commercial Vacation Rental use should only be considered in one dwelling per lot 2. Permits being considered in Water Management Areas should include conditions requiring cisterns with a minimum capacity of 16,000 litres and a water meter. 3. In order to assist in assessing cumulative impacts, staff are requested to continue to provide an updated map showing the location, status, and maximum number of guests of all Commercial Vacation Rental TUP applications.
7.	March 5, 2018	GL-2018-023	TUPs for Short Term Vacation Rental use	That the Galiano Island Local Trust Committee place a 12 month moratorium on the issuance of new temporary use permits for Short Term Vacation Rental (STVR).

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Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality May 2018

Islands Trust Fund Name Change

The TFB is thrilled to have received notice that the name change to Islands Trust Conservancy has been approved. Staff has prepared a Name Change Implementation Plan that outlines a two-staged approach to implement the name change over the next few months.

Medicine Beach Nature Sanctuary Management Plan

The TFB received and approved an updated management plan for the Medicine Beach Nature Sanctuary. The TFB requested that an article be submitted to the Pender Post to provide community awareness about the management issues for this popular location.

Approval of Parks Canada – Sidney Island Forest Restoration Proposal

The TFB reviewed information and provided support in principle for Parks Canada's Sidney Island Forest Restoration Proposal, which includes eradication of fallow deer.

2017-2018 Annual Report Submission

The TFB approved text for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.

Summary of Current Island-by-Island Activities

Denman

Staff are finalizing the revised management plan for Morrison Marsh Nature Reserve, to be completed by July 2018. Invasive species removal and trail clearing, sign installation, tree caging for forest restoration continues at all three TFB nature reserves on Denman.

Gabriola

Construction of a boardwalk around a large western red cedar tree at Elder Cedar

S'ul-hween X'pey Nature Reserve is now complete and volunteers have mulched the area with woodchips.

Gambier

Staff visited Keats Island to view the proposed Sandy Beach Nature Reserve. Restoration continues at Brigade Bay Bluffs and Long Bay Wetland Nature Reserves protecting and planting tree seedlings.

Lasqueti

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). A news release has been issued, and with a recent grant awarded to LINC, the campaign is 40 per cent of the way to a \$250,000 goal.

Thetis

Staff are negotiating a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Ecological information is in the process of being collected to inform the covenant baseline report and the management plan for the protected area.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca

MEMORANDUM

File No.: Bylaw 261 (GL Housing Agreements)

DATE OF MEETING: July 9, 2018
 TO: Galiano Island Local Trust Committee
 FROM: Robert Kojima
 Southern Team
 SUBJECT: Galiano Green – Community Management Committee

PURPOSE

The purpose of this memo is to provide the Local Trust Committee with the names of five proposed members of the Galiano Green Community Management Committee. The Housing Agreement between the Local Trust Committee and the Galiano Land and Community Housing Trust requires that a Community Management Committee (CMC) be established for the purpose of administering the terms of the housing agreement as an independent arms-length body. The specifics of the CMC are set out in Schedule F of the Housing Agreement (attached); under the terms of the agreement, the LTC is required to provide its consent to the appoint of the initial CMC members. The Galiano Community Housing Association Board has provided the following five names:

- Dave Ages
- Lorelei Allen
- Ed Andrusiak
- Carol Guin
- Mike Hoebel

The board has confirmed that they have advertised for the positions, and that the proposed members meet the criteria under 2(d), or in the case of any who are current members of the Galiano Community Housing Association, they have, or will, resign their membership if appointed. For clarity, the LTC may wish provide its consent by resolution, the following is recommended wording:

THAT the Galiano Island Local Trust Committee consents to the appointment of the following individuals to the Galiano Green Community Management Committee: Dave Ages, Lorelei Allen, Ed Andrusiak, Carol Guin, and Mike Hoebel.

Submitted By:	Robert Kojima, Regional Planning Manager	June 26, 2018
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ATTACHMENTS

1. Housing Agreement Schedule F

Schedule F

Community Management Committee

1. General Principles –

- a. The Community Management Committee (“CMC”) will be responsible for administering this Agreement, in accordance with the terms of this Agreement and generally guided by the following practices and principles in this Schedule.
- b. The CMC is a separate and independent arm’s length committee.
- c. The CMC, in undertaking all of its business, will operate in an open manner, consistent with the principles of procedural fairness, and including having all meetings open to the public, and consistent with Robert’s Rules of Order.

2. Composition of the first CMC

- a. The CMC will initially be comprised of five (5) individuals selected by the Owner and consented to by the LTC, on a reasonable basis, prior to the issuance of any occupancy permit for the Lands.
- b. The Owner will publish in a local newspaper a notice requesting applications for the CMC.
- c. Individuals selected for the first CMC will serve consecutive terms of one year, which, where a member is willing continue to serve, will automatically renew, subject to section 3(a) below.
- d. Individuals selected for the first CMC will meet the following criteria (the “CMC Member Qualifications”):
 - i. Resident on Galiano Island for at least the preceding three (3) years;
 - ii. Active in community affairs;
 - iii. Interested in promoting affordable housing;
 - iv. Knowledgeable about affordable housing issues on Galiano Island;
 - v. Not a member of the Local Trust Committee, or staff of the Islands Trust; and
 - vi. Not a director, member, or affiliate of the Galiano Land and Community Housing Trust.

3. Continuing composition of CMC

- a. Following the expiry of a given one year term of the initial members of CMC, the CMC may be comprised of Qualified Leaseholders resident on the Lands. Qualified Leaseholders may replace initial members of the CMC on a rolling basis as a Qualified Leaseholder becomes a resident of the Lands, and following the expiry of a given one year term.
- b. If at any time fewer than three (3) Qualified Leaseholders are available or willing to serve on the CMC, the Owner shall select, with the consent of the LTC, individuals who are not Qualified Leaseholders but who otherwise meet the CMC Member Qualifications.
- c. Members of the CMC will serve terms of one year.
- d. Quorum of the CMC shall be three (3) members.

4. Responsibilities of the CMC

- a. The CMC will receive, by February 15 of each year, statutory declarations from Qualified Leaseholders, Qualified Renters and the Owner, and where requested by the Local Trust Committee, forward same.
- b. The CMC will report to the Local Trust Committee any breaches of this Agreement in a timely manner.
- c. The CMC will cooperate with all requests of the Local Trust Committee with respect to the administration of this Agreement.
- d. Without limiting the generality of any obligations of the CMC contemplated in this Agreement, the CMC will be responsible for reviewing applications for Qualified Leaseholders and Qualified Renters and selecting same based on the criteria articulated herein.
- e. The CMC will endeavour to approve or deny applications for Qualified Leaseholders and Qualified Renters within two weeks of receiving same.

END OF DOCUMENT