



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: September 17, 2018
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

			Pages
1.	CALL TO ORDER	12:30 PM - 12:30 PM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS	12:30 PM - 12:45 PM	
4.	GL-RZ-2018.2 (Mignault)	12:45 PM - 1:15 PM	
4.1	GL-RZ-2017.2 (Mignault) Donation Information - Staff Report (attached)		4 - 19
5.	COMMUNITY INFORMATION MEETING	1:15 PM - 2:00 PM	
5.1	Galiano Island Local Trust Committee Bylaws No. 267 & 268 (Mignault)		
6.	PUBLIC HEARING	2:00 PM - 2:30 PM	
6.1	Recess for Public Hearing		
6.1.1	<u>Galiano Island Local Trust Committee Bylaws No. 267 & 268 (Mignault)</u>		
6.2	Recall to order		
7.	MINUTES	2:30 PM - 2:40 PM	
7.1	Local Trust Committee Minutes Dated July 9, 2018 (for Adoption)		20 - 31
7.2	Public Hearing Record Dated July 9, 2018 (for Receipt)		32 - 35
7.3	Section 26 Resolutions Without Meeting Report		
	none		
7.4	Advisory Planning Commission Minutes		
	none		

8.	BUSINESS ARISING FROM MINUTES	
8.1	Follow-up Action List Dated September 2018	
9.	DELEGATIONS	2:45 PM - 3:45 PM
9.1	Richard Dewinetz – Affordable Housing Project	
10.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
11.	APPLICATIONS AND REFERRALS	
11.1	GL-RZ-2018.2 (Mignault) - Staff Report & Bylaws No.267 & 268	
	See report under item 4.1	
11.2	GL-RZ-2017.1 (Stevens) s. 219 covenant - Staff Report (attached)	36 - 74
12.	LOCAL TRUST COMMITTEE PROJECTS	3:45 PM - 4:15 PM
12.1	Telecommunication Strategy Project - Staff Report (attached)	75 - 76
13.	REPORTS	
13.1	Work Program Reports (attached)	4:15 PM - 4:30 PM
13.1.1	<u>Top Priorities Report Dated September 2018</u>	77 - 77
13.1.2	<u>Projects List Report Dated September 2018</u>	78 - 79
13.2	Applications Report Dated September 2018 (attached)	80 - 83
13.3	Trustee and Local Expense Report Dated June 2018 (attached)	84 - 84
13.4	Adopted Policies and Standing Resolutions (attached)	85 - 86
13.5	Local Trust Committee Webpage	
13.6	Chair's Report	
13.7	Trustee Report	
13.8	Electoral Area Director's Report	
13.9	Islands Trust Conservancy Board Report Dated July 2018 (attached)	87 - 88

- | | | |
|-------------|--|--------------------------|
| 14. | NEW BUSINESS | 4:30 PM - 5:15 PM |
| 14.1 | Islands Trust Conservancy, Incorporating the Regional Conservation Plan into Land Use Planning - Staff Briefing (attached) | 89 - 92 |
| 14.2 | Retail Cannabis Licensing - Staff Report (attached) | 93 - 99 |
| 14.3 | Housing Needs Assessment Report - Staff Report (attached) | 100 - 102 |
| 14.4 | Trust Programs Committee, Service Integration - Staff Briefing (attached) | 103 - 103 |
| 15. | UPCOMING MEETINGS | |
| 15.1 | Next Regular Meeting Scheduled for October 15, 2018, at the North Community Hall, Galiano Island | |
| 16. | TOWN HALL | 5:15 PM - 5:30 PM |
| 17. | CLOSED MEETING | |
| | None | |
| 18. | ADJOURNMENT | 5:30 PM - 5:30 PM |



DATE OF MEETING: September 17, 2018

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Rezoning of 720 Active Pass Road
Applicant: Bernard Mignault
Location: 720 Active Pass Road – Lot 1, District Lot 8, Galiano Island, Cowichan
District, Plan VIP75578

RECOMMENDATION

1. That the Galiano Island Local Trust Committee Bylaw No. 267, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2017”, be read a second time.
2. That the Galiano Island Local Trust Committee Bylaw No. 268, cited as “Galiano Island Land Use Bylaw, 1999, Amendment No. 1, 2017”, be read a second time.
3. That the Galiano Island Local Trust Committee Bylaw No. 267, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2017”, be read a third time.
4. That the Galiano Island Local Trust Committee Bylaw No. 268, cited as “Galiano Island Land Use Bylaw, 1999, Amendment No. 1, 2017”, be read a third time.
5. That Galiano Island Local Trust Committee proposed Bylaws No. 267 and 268 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
6. That Galiano Island Local Trust Committee proposed Bylaw No. 267 be forwarded to the Minister of Municipal Affairs and Housing for approval.

REPORT SUMMARY

The purpose of this report is to provide the Galiano Island Local Trust Committee (LTC) with information regarding land donation in 2003 requested by the LTC, and following the hearing, to consider further readings of the bylaws and forwarding of the bylaws to Executive Committee and the Minister following the close of the bylaw hearing.

BACKGROUND

At the June 11, 2018 Galiano Island LTC regular meeting, the following resolution was passed:

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

The applicant provided staff and the LTC with a tax receipt document that included the fair market and purchase price of a parcel. This document also mentioned some form of land donation. Unfortunately the document did not include specific information regarding the exact parcel purchased or donated, the amount of land, or a date of the land exchange. At the July 9, 2018 Galiano Island LTC regular meeting the document was discussed and the LTC was requested more information regarding the land donation and purchase. The LTC passed the following resolutions at the July meeting:

GL-2018-43

It was moved and seconded that the Galiano Island Local Trust Committee schedule a Community Information Meeting and Public Hearing for the Mignault application.

CARRIED

GL-2018-44

It was Moved and Seconded,
that the Galiano Island Local Trust Committee request that staff outline specifics of the land donation related to the Mignault application.

CARRIED

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

ANALYSIS

Land Donation History

At previous meetings, the Galiano Island LTC requested from the applicant information regarding previous land donation. The applicant stated that in 2003 Lot A was purchased by the Ministry of Water, Land, and Air Protection for \$821,250.00. This was supported by a tax document provided by the applicant. In the same year, Lot B was donated to the Ministry of Water, Land, and Air Protection (now the Ministry of Environment) due to its scenic values along a natural ridge.

Staff received an email from Ken Morrison, Manager of Planning and Land Administration with BC Parks, confirming the applicant's information (see Attachment 1 – email dated August 16, 2018). The email states that the Province acquired both Lot A and B (total of 23.68 ha in area) in 2003 from Mr. Bernard Mignault. In addition, Lot A was purchased for \$821,250.00 and Lot B was donated. Mr. Morrison also provided two Form A Land Title Act documents attached to the email outlining the following information in relation to:

Lot A, District Lot 8, Cowichan District, Plan VIP75577:

- Market Value of \$821,250.00
- Purchased for \$821,250.00 (consideration of \$821,250.00).
- Transferor: Bernard Mignault
- Transferee: Minister of Water, Land and Air Protection
- Document dated: July 28, 2003

Lot B, District Lot 8, Cowichan District, Plan VIP75577:

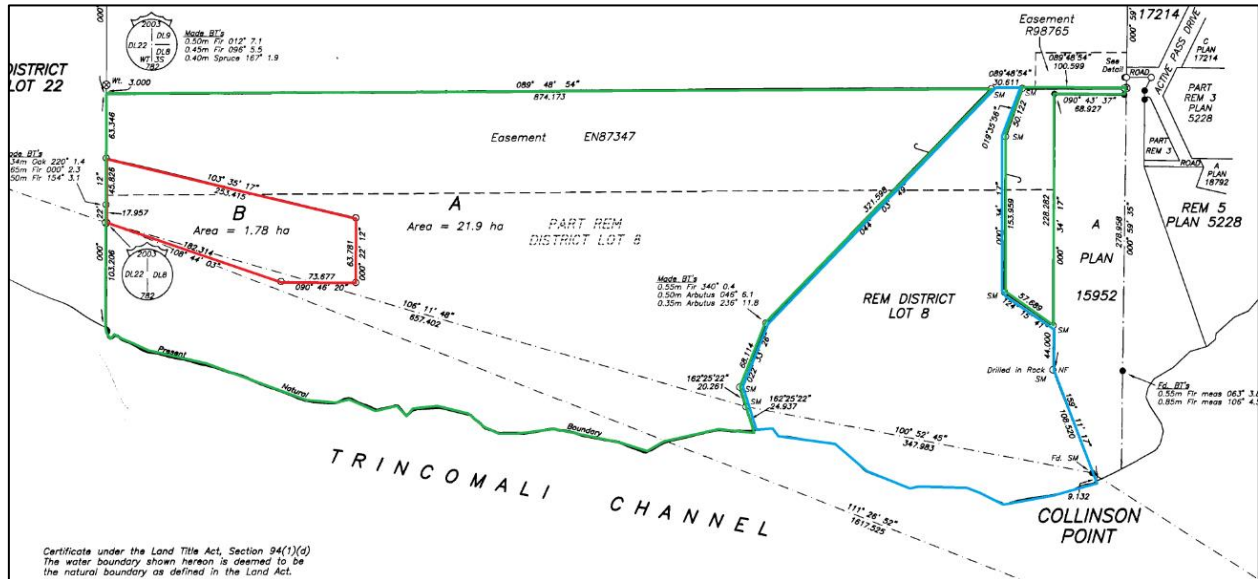
- Market Value of \$26,450.00
- Purchased for \$1 (consideration of \$1). This would indicate a donation.
- Transferor: Bernard Mignault
- Transferee: Minister of Water, Land and Air Protection

- Document dated: July 28, 2003

Based on the information above from the applicant and from BC Parks, staff are at the conclusion that Lot A (21.9 ha in area) was purchased for \$821,250 and Lot B (1.78 ha in area) was donated to the Ministry of Water, Land and Air Protection in 2003.

Map of Donated & Purchased Land

(Lot A outlined in green, Lot B in red, and Mignault property in blue)



Referral Responses

Staff have followed through on the direction provided by the LTC at the previous meeting to conduct agency and First Nations referrals. Responses were requested by August 17, 2018, and responses have been received from:

- Galiano Island Parks & Recreation Commission - approval subject to the continued existence of a public access trail between the Mount Galiano property and Collinson Point Provincial Park where the trail may enter onto the subject property in accordance with Schedule E of the Galiano Official Community Plan.

Staff comments: The rezoning application will have no impact on the existing public trail that crosses the subject property.

- Vancouver Island Health Authority - approval subject to the short term vacation rental may be required to meet the following requirements:
 1. Food - If food intended for public consumption is sold, offered for sale, supplied, handled, prepared, packaged, displayed, served, processed, stored, transported or dispensed they must comply with the BC Food Premises Regulations
 2. Drinking water- Any drinking water provided to the rentals must comply with the Drinking Water Protection Act and Drinking Water Protection Regulations,
 3. Onsite wastewater disposal- Disposal of domestic sewage must be done in accordance with the Sewage System Regulations.
 4. Subdivision- Any future subdivisions of this property will need to comply with the Vancouver Island Health Authority Subdivision Standards.

Staff comments: If the property owner operates a Short Term Vacation Rental (STVR) in compliance with the Land Use Bylaw Home Occupation Regulations, then the property owner must satisfy himself that all VIHA requirements have been met.

- Ministry of Transportation and Infrastructure – interests unaffected.
- Thetis Island LTC – interests unaffected.
- Galiano Island Fire Department - interests unaffected.

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.

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

ALTERNATIVES

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

1. Amend the bylaw

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

2. Deny the application

The LTC may deny the application and proceed no further.

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance.

4. Receive for information

The LTC may receive the report for information

NEXT STEPS

If the LTC chooses to proceed:

- Give send and third readings of the bylaws and
- Refer to EC and the Minister.

Submitted By:	Kim Stockdill Island Planner	September 4, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	September 5, 2018

ATTACHMENTS

1. Email from K. Morrison dated August 16, 2018
2. Plan VIP75577
3. Bylaws 267 & 268

Kim Stockdill

From: Morrison, Ken ENV:EX <Ken.Morrison@gov.bc.ca>
Sent: Thursday, August 16, 2018 8:05 AM
To: Kim Stockdill
Cc: Taylor, Jared ENV:EX; Cadden, Don ENV:EX
Subject: RE: Lot B, DL 8, VIP75577 - Galiano Island
Attachments: Collinson Pt TSF Docs.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

We have searched our records respecting this transaction and, unfortunately, our records appear to be incomplete. Our records indicate that the Province acquired Lots A and B, District Lot 8 (23.68 hectares) in 2003 from Bernard Mignault. Based on the review of the records we have been able to locate, we believe that your summary below respecting Lot A (purchased for \$821,250) and Lot B (donated) is correct. This view is supported by the 2 Form A documents attached.

Ken Morrison

Manager, Planning and Land Administration
BC Parks | Provincial Services Branch | Ministry of Environment and Climate Change Strategy
New phone number: 778 698 4264
4th Floor - 525 Superior Street | Victoria, BC | V8V 1Y7

From: Kim Stockdill [<mailto:kstockdill@islandstrust.bc.ca>]
Sent: Monday, August 13, 2018 3:50 PM
To: Morrison, Ken ENV:EX
Subject: Lot B, DL 8, VIP75577 - Galiano Island

Hi Ken,

I'm trying to hunt down information regarding a BC Parks parcel (PID 025-710-150) – Lot B, District Lot 8, Galiano Island, Cowichan District, Plan VIP75577 on Galiano Island. I'm trying to determine how BC Parks acquired this land; either by donation or purchase. From my understanding the property owner, Bernard Mignault, owned the parent parcel. He then subdivided the lot into three parcels:

Lot A – 21.9 ha of BC park land – BC Park apparently purchased this land from Mr. Mignault for \$821,250.00 in 2003.

Lot B – 1.78 ha of BC park land – Mr. Mignault apparently donated this land to BC Parks in 2003.

Remainder lot – this was retained by Mr. Mignault.

Are you able to confirm that Lot B was in fact donated to BC Parks in 2003? If you're unable to, could you please provide me with a contact who may be able to question.

Thank you,

Kim Stockdill

Island Planner

Islands Trust

200 – 1627 Fort Street

Victoria, BC V8R 1H8

Office: (250) 405-5194 Fax: (250) 405-5155

Enquiry BC Toll-Free 1-800-663-7867

Or from the lower mainland (604) 660-2421

Websites: www.islandstrust.bc.ca | www.islandstrustfund.bc.ca

Preserving Island communities, culture and environment since 1974

**LAND TITLE ACT
FORM A**
(Section 185(1))

28 JUL 2003 14 08

EV082819

Province of
British Columbia

FREEHOLD TRANSFER

(This area for Land Title Office Use)

Page 1 of 1 page

01 03/07/28 14:08:31 01 VI
FEE SIMPLE FREE

505074
\$0.00

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

**V. Ann Wilson, Barrister & Solicitor, Legal Services Branch, Ministry of Attorney General,
602 - 1175 Douglas Street, Victoria, BC V8V 1X4
Telephone: (250) 356-8466**

V. A. Wilson Submitted by Karen Hughes Corp.
(Signature of Solicitor or Authorized Agent)

2. (a) PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND: *
(PID) (LEGAL DESCRIPTION)

No Parcel Identifier Lot A, District Lot 8, Cowichan District, Plan VIP 75577
025710 141
(b) MARKET VALUE: \$821,250.00

3. CONSIDERATION: \$821,250.00

01 03/07/28 14:08:17 01 VI
FEE SIMPLE 505074
\$55.00

4. TRANSFEROR(S): **BERNARD MIGNAULT**

01 03/07/28 14:08:24 01 VI
FEE SIMPLE 505074
\$55.00

5. FREEHOLD ESTATE TRANSFERRED: Fee simple

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

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, represented by the
Minister of Water, Land and Air Protection, Parliament Buildings, Victoria, BC, V8V 1X4

7. EXECUTION(S): ** The transferor(s) accept(s) the above consideration and understand(s) that this instrument operates to transfer the freehold estate in the land described above to the transferee(s).

Officer Signature(s)

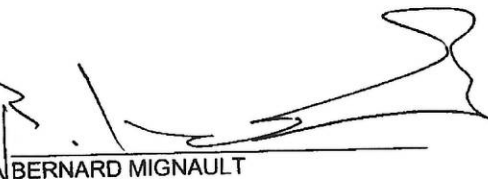


LESLIE B. JAMIESON
Barrister & Solicitor
402-707 Fort Street
Victoria, B.C. V8W 2T6

Execution Date

Y	M	D
03	07	23

Party(ies) Signature(s)



BERNARD MIGNAULT

OFFICER CERTIFICATION:

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

- * If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
- ** If space insufficient, continue executions on additional page(s) in Form D.

28 JUL 2003 14 08

EV082820

LAND TITLE ACT
FORM A
 (Section 185(1))

Province of
 British Columbia

FREEHOLD TRANSFER

(This area for Land Title Office Use)

Page 1 of 1 page

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

V. Ann Wilson, Barrister & Solicitor, Legal Services Branch, Ministry of Attorney General,
602 - 1175 Douglas Street, Victoria, BC V8V 1X4
Telephone: (250) 356-8466

V. Ann Wilson
 (Signature of Solicitor or Authorized Agent)

Submitted by Karen Hughes Corp.

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

(PID)

(LEGAL DESCRIPTION)

~~No Parcel Identifier~~
 025 710 158

Lot B, District Lot 8, Cowichan District, Plan VIP 75577

(b) MARKET VALUE: \$26,450.00

3. CONSIDERATION: \$1.00

01 03/07/28 14:08:52 01 VI
 FEE SIMPLE FREE

505074
 \$0.00

4. TRANSFEROR(S): **BERNARD MIGNAULT**

5. FREEHOLD ESTATE TRANSFERRED: Fee simple

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

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, represented by the
 Minister of Water, Land and Air Protection, Parliament Buildings, Victoria, BC, V8V 1X4

7. EXECUTION(S): ** The transferor(s) accept(s) the above consideration and understand(s) that this instrument operates to transfer the freehold estate in the land described above to the transferee(s).

Officer Signature(s)

LESLIE B. JAMIESON
 Barrister & Solicitor
 402-707 Fort Street
 Victoria, B.C. V8W 2T1

Execution Date

Y	M	D
03	06	18

Party(ies) Signature(s)

Bernard Mignault
 BERNARD MIGNAULT

OFFICER CERTIFICATION:

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

- * If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
 ** If space insufficient, continue executions on additional page(s) in Form D.

**REFERENCE PLAN OF PART OF DISTRICT LOT 8,
GALIANO ISLAND, COWICHAN DISTRICT, EXCEPT
THAT PART IN PLAN 15952.**

(Pursuant to Section 94(1)(h) of the Land Title Act.)

B.C.G.S. 928.084

Scale = 1:2500

LEGEND:

Old bearings are derived from differential
leveling observations and are referred to the
center meridian of UTM Zone 10 (123° West longitude).
To obtain local astronomic bearings referred to the
meridian through the NW corner of District Lot 8,
subtract 0°16'55".

The UTM coordinates and estimated network horizontal
accuracy are derived from GPS single frequency
surveying data to North American Active Control Point.
This plan shows ground level measured distances.
Prior to computing UTM coordinates, multiply ground
distances by a combined scale factor of 0.999996.
All distances are in metres and decimals thereof.

- Denotes standard capped post found.
- Denotes standard iron post found.
- ⊙ Denotes standard capped post placed.
- Denotes standard iron post placed.
- A Denotes traverse hub placed.

Bearings to bearing trees are grid.

DISTRICT LOT 23

Fe. aluminum post and SM

0.40m FV meas 280° 4.1

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

0.40m FV meas 180° 2.0

DISTRICT LOT 20
REM PARCEL A
(DD 66281-1)
PLAN
VIP72500

DISTRICT LOT 21

DISTRICT LOT 10

DISTRICT LOT 9

DISTRICT LOT 22

Area = 1.78 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Area = 21.9 ha

Certificate under the Land Title Act, Section 94(1)(d)

The water boundary shown herein is deemed to be

the natural boundary as defined in the Land Act.

For Minister of Sustainable Resource Management

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

Victoria, B.C. May 27, 2003 File 0363265

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 267

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. 1, 2018”.

2. SCHEDULES

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

Chair

Secretary

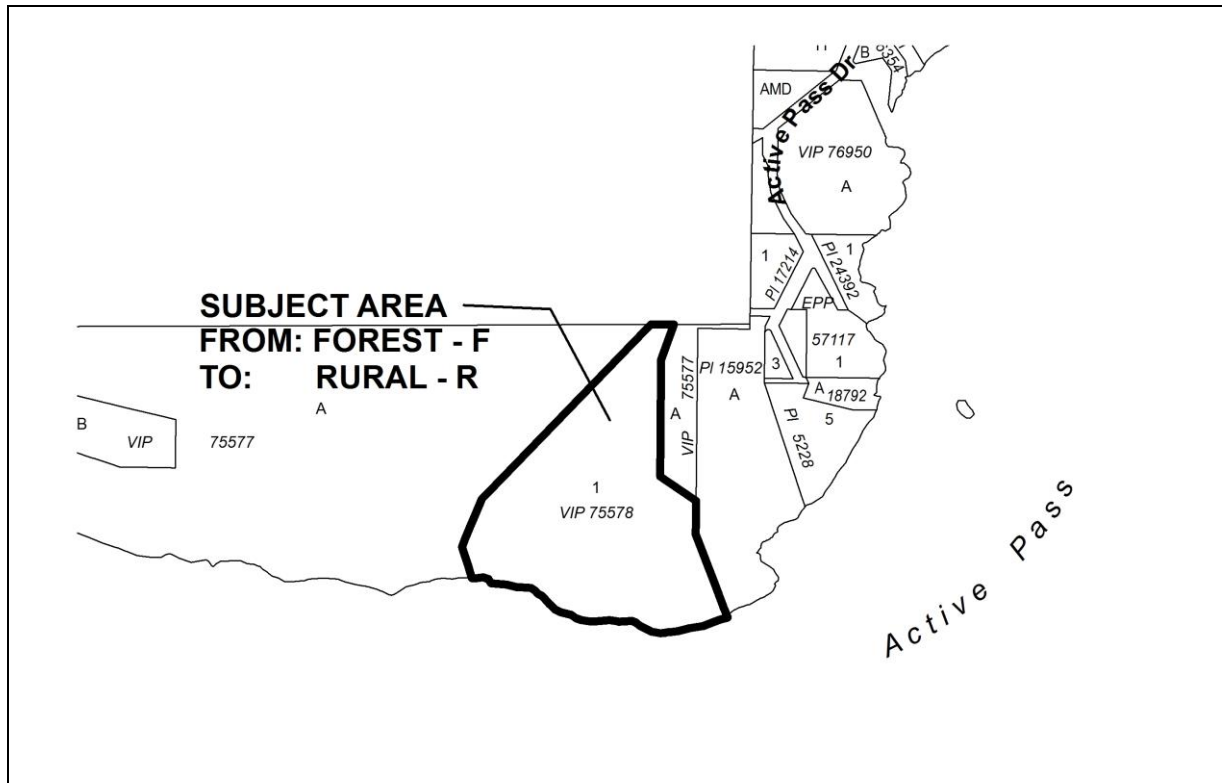
**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 267**

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 Lot 1, District Lot 8, Galiano Island, Cowichan District, Plan VIP75578 (PID 025-710-231) as shown on Plan No. 1 attached to and forming part of this bylaw,

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 267

PLAN NO. 1



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 268

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. 1, 2018”.

2. SCHEDULES

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

READ A FIRST TIME THIS	11 TH	DAY OF	JUNE	2018
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 268**

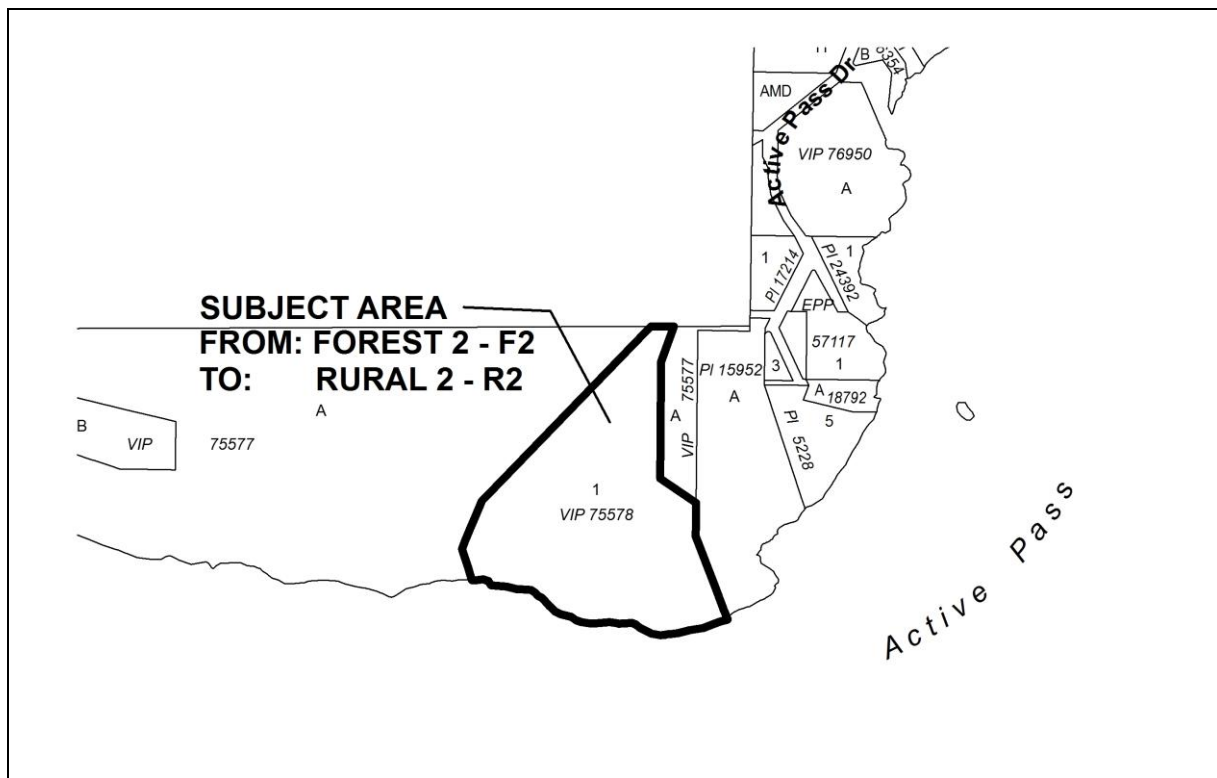
SCHEDULE NO. 1

1. Bylaw No. 127 is amended as follows:

2.1 **Schedule “B” – (Zoning Sheet South)** is amended by changing the zoning classification of Lot 1, District Lot 8, Galiano Island, Cowichan District, Plan VIP75578 (PID 025-710-231) from Forestry 2 (F2) to Rural 2 (R2) as shown on Plan No. 1 attached to and forming part of this bylaw.

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 268

PLAN NO. 1





DRAFT

Galiano Island Local Trust Committee Minutes of Regular Meeting

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

Members Present: Laura Busheikin, Chair
Sandy Pottle, Local Trustee
George Harris, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Colleen Doty, Recorder

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:30 p.m. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- The Mignault application, GL-RZ-2017.2 was added as Item 11.4.

By general consent the agenda was approved as amended. Agreement was made to deal with Item 11.4 immediately.

A brief recess was called at 12:35pm.
The meeting reconvened at 12:40pm.

11.4 GL-RZ-2017.2 (Mignault)

Applicants Line-Marie St. Jacques and Bernard Mignault provided a copy of an unsigned Tax Receipt to the Local Trust Committee (LTC).

Planner Stockdill noted it was up to the LTC to decide if the information provided satisfies LTC's requirements. One option was to accept the information; the other option was to decide whether to schedule a Public Hearing (PH) for this application.

The applicants were asked whether they knew the exact amount of land donated and whether the information provided reflected a sale and a donation. Mr. Mignault indicated that the donation part is approximately 4.5 acres and that the Tax Receipt shows both a sale and a donation. He stated that the land appears on Islands Trust maps as Lot B. The applicant indicated they had donated another part of the property as a public right-of-way and also dedicated a right-of-way for the trail that goes in and out of

the property on the way to the park, as a walking trail, as well as a full right-of-way for the public.

It was noted the word “donation” appears several times on the Tax Receipt provided. Trustee Pottle requested more information and asked for a staff report. She did not feel ready to proceed to a Community Information Meeting (CIM) and PH.

Mr. Mignault noted that the Ministry of Water, Land, and Air Protection bought the property. He stated he also has a receipt of him declaring it on his income tax for the year (2003). Mr. Mignault was not aware of any other information available.

Trustee Harris noted that the LTC needs to hear from the public what they think of this rezoning. He would support a PH and CIM in September; staff and the applicants would have another 8 weeks, until then, to find more information.

Chair Busheikin noted the following pieces of information were needed: total size of land, information about Lot B, values of Lot B, details about the transaction(s), and role of Water, Land, and Air Protection. She asked whether staff could flesh out the required information and then schedule a CIM and PH via Resolution-without-Meeting (RWM).

Planners agreed they could do that, noting the challenge with RWMs is that there is no discussion.

Louise Decario noted that, during her term as a Trustee, she had to step aside a number of times because of conflicts of interest. She asked whether Trustee Harris had a conflict of interest on the Mignault file, whether he still owned things with Mignault and if he needed to obtain legal advice.

Trustee Harris responded that, in 1993, nine of them bought a saw-mill together. Those who are still living are able to use the saw-mill, if they can find it.

Trustee Pottle enquired whether the paperwork provided by the applicant is acceptable proof of land donation and whether it satisfies the resolution of the LTC (GL-2018-37); considering other F2 properties that might wish to rezone, does the Mignault arrangement constitute a land donation?

Regional Planning Manager (RPM) Kojima noted that the rezoning application is not predicated on the land donation, it came up later in the process.

Chair Busheikin noted it would be up to the LTC to render that decision as to whether this constitutes a land donation. She asked whether this information is important enough to delay the process.

GL-2018-43

It was Moved and Seconded,

that the Galiano Island Local Trust Committee schedule a Community Information Meeting and Public Hearing for application GL-RZ-2017.2 (Mignault).

CARRIED

GL-2018-44

It was Moved and Seconded,

that the Galiano Island Local Trust Committee request that staff outline specifics of the land donation related to application GL-RZ-2017.2 (Mignault).

CARRIED

3. COVENANT

3.1 GL-RZ-2017.1 (Stevens) Covenant - Staff Report

Staff summarized the information provided in the agenda package.

Discussion included the following:

- Applicant Fred Stevens was asked how important it was to have hours of operation on weekends and statutory holidays. What was the real need?
- Mr. Stevens noted that a lot of people come from off-island on the weekend. While he tries to avoid weekend work, other companies on island are not restricted in their hours of operation; he felt that to have their hours restricted would put them at a competitive disadvantage.
- In response to the question of whether a delivery (ie: gravel and sand) could be arranged for a weekday, the applicant noted they try to arrange that, but, they also receive many calls through the weekend.

4. COMMUNITY INFORMATION MEETING

4.1 Galiano Island Local Trust Committee Bylaws No. 265 & 266

Chair Busheikin called the meeting to order at 1:25pm. She stated that a Community Information Meeting (CIM) gives the public an opportunity to ask questions.

Staff provided an overview of the information in the agenda package.

Sheila Anderson, referring to the proposed draft covenant, asked why there are two separate segments identified, when the routes in question are all needed? Article 6 has been drafted such that, when one option is taken, the transportation part of it is discharged. Ms. Anderson expressed concern that what the community needs may be eliminated once Ministry of Transportation and Infrastructure (MOTI) acts on one option.

RPM Kojima said it is a one-time option when MOTI takes what it needs. Whatever is not needed may be taken by another body as a Statutory Right of Way. MOTI can take both segments or a portion.

Trustee Pottle asked what happens if the province takes transportation option 1? RPM Kojima stated that Segment 2 then becomes a trail. Someone has to want to take it on. They cannot force an agency to take something on.

Trustee Pottle asked whether, in order to achieve access across DL 37, it may have been better to have a dedication?

Louise Decario asked whether the LTC could recommend that both segments be accepted by MOTI as dedications for emergency access or highway.

RPM Kojima indicated that the covenant could do this.

Louise Decario asked if, in most major rezoning applications, the LTC did site visits. In this case, were the dwelling site and road dedication sites visited?

Trustee Harris noted he had visited the site with the former planner. Trustee Pottle and Chair Busheikin had not.

Akasha Forest thanked staff for the larger maps. She asked whether the covenant could be changed after the Public Hearing and if that would be a public process.

RPM Kojima noted that after the Public Hearing, the LTC and staff can discuss matters, but not receive more public information.

Akasha Forest asked if it were possible to remove the discharge mechanism to make it clear that the main concern about emergency relief be protected. We don't want to lose emergency accesses.

RPM Kojima thought it was possible.

Diana Lilly asked why Trustee Pottle and Chair Busheikin did not conduct site visits.

Chair Busheikin noted that, the day they went to Galiano, they did not have advance permission from the owner. There is a cost to site visits and she does not do site visits for every rezoning on all the islands. She also felt she had enough information.

Trustee Pottle indicated she did not ask to do a site visit and would have been uncomfortable visiting the property.

Kiyo Okuda asked why the proponent is not using Georgia View Road.

Fred Stevens noted that Georgia View Road is not constructed. There is lots of liability related to it. It is not useable as no one maintains it.

Kiyo Okuda asked whether the applicants were servicing the roads they are using now? In Local bylaw 266, section 9.6 (B)(1), why is the export of gravel not mentioned in

permitted uses? Mr. Okuda clarified that by “exporting” he meant transporting the resources off the property.

RPM Kojima explained that zoning does not regulate how people travel on highways.

Sheila Anderson enquired about the details of the land shown in Segment 1.

Peter Thompson, BCLS had surveyed the area and noted that Segment 1 is overgrown but is quite practical as a route. He confirmed that Segment 1 lines up practically with what’s shown there.

Sheila Anderson asked that if Segment 1 were taken as an emergency lane, and Segment 2 as a road dedication, who would make that go through?

RPM Kojima responded that depends on the intervening lots and would be part of their rezoning process.

Sheila Anderson asked if there had been consideration of asking the applicant to open up Segment 2 as a driveway. She stated that the LTC agreed to let the applicants move the driveway down.

Louise Decario asked if the LTC were familiar with the rationale of the Road Network Plan and if they had read the report written by Richard James & Associates about the RNP? She referred to recommendations about the Gustin Road route.

Trustee Harris noted that the RNP is a regular discussion at his home. Emergency access and lack of continuous routing is a main concern. He noted that mistakes have been made.

Trustee Pottle noted that she has read it and brought a copy to the meeting. She noted that the RNP is something they are trying to achieve long term.

Chair Busheikin noted she has also read it.

Louise Decario enquired why there wasn’t a separate Community Information Meeting scheduled for this application.

Chair Busheikin, although she was not present at the last LTC meeting when the timing of a CIM was discussed, referred to the upcoming elections as part of the reason.

Trustee Pottle stated she had not been of the understanding from the last LTC that a Public Hearing would be scheduled for today. She was unprepared for that news and had been upset to learn that it had been scheduled for the same date as the LTC meeting of today’s date, July 9th.

Chair Busheikin closed the Community Information Meeting at 2:13pm.

A break was called at 2:14pm.

5. PUBLIC HEARING

5.1 Recess for Public Hearing

The Public Hearing was called to order at 2:24pm.

See separate Public Hearing Record dated July 9, 2018.

5.2 Recall to order

Chair Busheikin recalled the regular meeting to order at 3:21pm.

6. TOWN HALL AND QUESTIONS

Kiyo Okuda referred to the Mignault application, asking how or if the amenities were provided (by donation or sale). He is in favour of the application and disposition of his land, stating that the total potential allowable housing has been reduced significantly.

Sheila Anderson asked when the community would know what covenant the LTC will go forward with on DL 37. She wants transparency.

It was noted by the LTC that all decisions of LTC are public. The outcome will be public. Chair Busheikin indicated a mail-out could be considered.

Tom Hennessy would like the LTC to give the Mignault application extra consideration, stating that Mr. Mignault was one of the forest lot owners that were not treated respectfully. After he bought the property the LTC decided to eliminate the residency right.

Stephen Rybak noted his preference, as Chair of the former Special Advisory Planning Commission on telecommunications, that staff take the template that has been vetted by industry, as the base template, and, looking at what was done by our LTC, "Galiano-ize" the template.

Dave Cochran, 2445 Montague Road spoke in support of the Mignault application.

A **member of the public** expressed support for the Mignault application.

7. MINUTES

7.1 Local Trust Committee Minutes Dated June 11, 2018 (for Adoption)

By general consent the Local Trust Committee meeting minutes of June 11, 2018 were adopted.

7.2 Section 26 Resolutions Without Meeting Report

None

7.3 Advisory Planning Commission Draft Minutes dated June 12, 2018

Received for information.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List Dated July 2018

Received for information.

9. DELEGATIONS

None

10. CORRESPONDENCE

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

11. APPLICATIONS AND REFERRALS

11.1 GL-RZ-2017.1 (Stevens) - Staff Memo & Bylaws No. 265 & 266

See report under Item 4.1

As several written submissions had been provided to the LTC, Chair Busheikin called a recess so that staff and Trustees could review the submissions.

A recess was called at 3:35 p.m.

At 3:42 p.m. the meeting was reconvened.

Staff were asked whether they had further comments based on what they heard. The following was discussed:

- RPM Kojima indicated that recommendation 5 (in the Staff Report prepared and submitted June 28, 2018) was agreeable to the applicant.
- Staff suggested the covenant be changed such that if any one segment is taken as a highway, the remaining segments could be both trail and emergency access statutory right-of-way.
- Having a transportation advisory committee work with MOTI; staff noted that would be a project beyond the scope of the rezoning application.
- Sending the covenant to the Advisory Planning Commission for comment.

GL-2018-45

It was Moved and Seconded,

that the Galiano Island Local Trust Committee refer the covenant to the Galiano Island Advisory Planning Commission.

MOTION FAILS
(Pottle in Favour)

Trustee Harris noted that sending the covenant to the APC would delay the application into the next session; thus, he could not support the motion.

GL-2018-46

It was Moved and Seconded,

that the Galiano Island Local Trust Committee amend the covenant so that Segment 2 be included as a future emergency access if not dedicated as a highway.

CARRIED

RPM Kojima noted that the statutory right-of-way is 20 meters wide and has to allow for emergency access.

GL-2018-47

It was Moved and Seconded,

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.

CARRIED

Chair Busheikin asked staff if it were technically feasible to request the applicant to maintain those future dedications (reservations).

RPM Kojima indicated that the covenant now states there are to be no structures on the reservation areas: Section 2.2, page 25 of agenda package, states “No building” or encumbrances on the Reservation Area.

Chair Busheikin noted that the hours of operation are fairly liberal. Industrial activities, as noted in OCP, need to have frontage on a major road. Although many of the current neighbours do not have issues, it is still a major concern.

GL-2018-48

It was Moved and Seconded,

that the Galiano Island Local Trust Committee amend the covenant to limit Sunday usage to emergencies only.

CARRIED

GL-2018-49

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 third time.

CARRIED

GL-2018-50

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 third time.

CARRIED

GL-2018-51

It was Moved and Seconded,

that the Galiano Island Local Committee proposed Bylaws No. 265 and 266 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

CARRIED

GL-2018-52

It was Moved and Seconded,

that the Galiano Island Local Trust Committee proposed Bylaw No. 265 be forwarded to the Minister of Municipal Affairs and Housing for approval.

CARRIED

With respect to recommendation #6 in the Staff Report prepared and submitted June 28, 2018, the Local Trust Committee would like to see a further revised covenant.

GL-2018-53

It was Moved and Seconded,

that staff bring back an amended draft covenant to the Local Trust Committee.

CARRIED

11.2 GL-TUP-2018.1 (Carolsfeld) - Staff Report

GL-2018-54

It was Moved and Seconded,

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

CARRIED

11.3 GL-ALR-2017.1 (Kramer) - Staff Memo

Received for information.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Telecommunications Strategy - Staff Report

GL-2018-55

It was Moved and Seconded,

that the Galiano Island Local Trust Committee request staff to compare the Galiano Island Draft Antenna System Siting & Consultation Protocol with the LPC Model Antenna Strategy and report back to the LTC with recommendations to customize the LPC Antenna Strategy accordingly.

CARRIED

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report Dated July 2018

More information on dock review will be provided at the next meeting.

13.1.2 Projects List Report Dated July 2018

Information as provided.

13.2 Applications Report Dated July 2018

Information as provided.

13.3 Trustee and Local Expense Report

None

13.4 Adopted Policies and Standing Resolutions

Information as provided.

13.5 Local Trust Committee Webpage

None

13.6 Chair's Report

Chair Busheikin reported that she attended Trust Council.

13.7 Trustee Report

Trustee Pottle reported she has been extremely busy reading the Road Network Plan and has been impressed with the amount of work that went into that. She attended Trust Council on Saturna. She has been talking to community members about affordable housing and affordable rental housing.

Trustee Harris noted that they received news that the Agricultural Land Commission has excluded the Galiano Green property and the covenant has been registered. They are

moving ahead with subdivision. After September 4, there is a strict protocol about not initiating new projects. He is not running again for Trustee. He requested the minutes reflect that it has been an honour, a privilege, and a pleasure, to work with Islands Trust staff, co-Trustees and community for his term.

13.8 Electoral Area Director's Report

None

13.9 Trust Fund Board Report Dated May 2018

Information as provided.

14. NEW BUSINESS

14.1 Galiano Green Community Management Committee Members - Staff Memo

GL-2018-56

It was Moved and Seconded,

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.

CARRIED

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for September 17, 2018, at the South Hall, Galiano Island

16. TOWN HALL

Tom Hennessy commended Islands Trust staff and Trustees with their patience in dealing with the applications.

17. CLOSED MEETING (Distributed Under Separate Cover)

17.1 Motion to Close the Meeting

GL-2018-57

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) (a & d) for the purpose of considering:

-Adoption of In-Camera Meeting Minutes Dated June 11, 2018;

-BOV Memberships;

AND that the recorder and staff attend the meeting.

CARRIED

17.2 Recall to Order

The meeting was recalled to order at 4:48 p.m.

17.3 Rise and Report

Chair Busheikin rose and reported that the Trustees adopted in-camera meeting minutes of June 11, 2018 and received information with respect to BOV memberships.

18. ADJOURNMENT

By general consent the meeting was adjourned at 4:49 p.m.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder



DRAFT

Public Hearing
Record Subject to Approval
By the Local Trust Committee

Galiano Island Local Trust Committee Record of Public Hearing Bylaws No. 265 & 266

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

Members Present: Laura Busheikin, Chair
Sandy Pottle, Local Trustee
George Harris, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Colleen Doty, Recorder

Others Present: Approximately 25 members of the public present.

5. PUBLIC HEARING

Chair Busheikin called the Public Hearing to order at 2:24 p.m. She gave notice and stated procedure and rules for the hearing. Each speaker was given four minutes.

Trustee Harris questioned whether he had a conflict of interest because he has used Stevens' services in the past.

Chair Busheikin explained conflict of interest guidelines for elected officials, noting jurisprudence on "communities of interest", where services are provided to many people in a community. The concept of "communities of interest" is distinctly different from conflict of interest where there is a specific, narrow interest.

5.1.1 Galiano Island Local Trust Committee Bylaws No. 265 & 266

Bernard Mignault spoke in favour of the Stevens' rezoning application. In his 30 years of being on Galiano, he has often worked with Mr. Stevens and has found him an extremely honest, skilled, and hard worker. He is very much in favour of the rezoning that suits him and the rest of the community.

Line Marie St. Jacques asked whether anyone in the room had a conflict of interest with the Stevens as a neighbour.

Chair Busheikin clarified that, in general terms, elected decision makers are the ones who potentially have conflicts of interest. Neighbours with specific interests are invited to comment on how the application potentially affects them.

Stephen Rybak noted that, from the outset, he has supported the Stevens' rezoning proposal. However, he is starting to have questions about the covenant and what it would potentially do to the Road Network Plan (RNP), if the Ministry of Transportation and Infrastructure (MOTI) accepted Segment 1 and went ahead. He requested Trustees take another look at the covenant to maintain integrity of the RNP; he requested staff respond adequately to Trustee Pottle's questions.

Doug Latta, 1029 Montague Road, spoke in favour of the rezoning and agreed with the need to look at emergency access. He does not think that individual land owners should be responsible for upgrading a road that will serve the whole public. He doesn't think it's a fair burden. He agrees with the plan to have a split zone. He understands from the planner that we are not giving up the option if MOTI takes one option or the other.

Kiyo Okuda felt this particular application has been hurried and the RNP is not being adequately considered. He stated that industrial grade roads are needed. Mr. Okuda argued that this process should be stopped until there is an industrial road, not an emergency laneway.

Roger Pettit, 222 Vineyard Way, spoke in support of the Stevens application, referring to the need for gravel, excavation and trucking. He stated the rezoning rights a wrong of the past. Galiano has had years to deal with the RNP. He was on the North Galiano Fire commission for over 12 years and never once asked what their needs were. Anything they achieved was because they took the initiative themselves to achieve it. He stated that no one ever asked what their needs were. With respect to Georgia View, he stated that no one has taken the initiative to get the road open. He questioned all the bickering over one lot, and one segment of it, when Galiano has several miles of need. The Road Network Plan should be tackled by a project.

Diana Lilly, 174 Morgan Road, read her letter in agreement with the rezoning. Speaking as a former Galiano on-call registered nurse, she has been well aware of the difficulties faced by the Community Emergency Response team. She expressed concern about a lack of a statutory right-of-way through the lot. Galiano needs unimpeded emergency access on the eastern side. She urged the LTC to consider this issue. She found the meeting today extremely informative. She was concerned there was not enough information prior to today. She felt the process was rushed.

Mike Hoebel, 798 Georgeson Bay Road, stated he was fully in support of the application for rezoning. With respect to the RNP, he stated it was time for the community to have another look at the RNP, to re-think and self-educate.

Sheila Anderson read a submission from Don Anderson, her husband. He does not support any advancement of the proposed bylaws because of unresolved issues. The current draft covenant does not address the RNP, but offers MOTI a choice. Article 6 is closing procedure wording such that highway provisions will be discharged. The taking of Segment 1 by MOTI would trigger that the extension of Georgia View Road would never happen. Mr. Anderson does not think the emergency lane right-of-way should be

left to MOTI to determine, but believes that the LTC should take greater responsibility for this. Mr. Anderson wants the applicant to reconstruct the access and requested that some limits be placed on the trucking to reduce hours of operation. He has been discouraged by the way the application has been dealt with, stating it had not been openly disclosed in clear language to the entire community.

Tom Mommsen read a letter from Risa Smith who objects to the bylaws as they stand. The RNP is an important part of the Official Community Plan (OCP). Her letter spoke to the need for a back-up in case of emergency and she was surprised to see that the bylaws do not have a covenant for the future dedication of the road according to the RNP. In general, she supports the rezoning but not with the current covenant.

Akasha Forest, 2231 Montague, referred to a letter she had written regarding the rezoning process which she finds troubling. She would like the LTC to revisit the covenant, particularly, the mechanism by which MOTI has the possibility to discharge Segment 2 dealing with emergency access. She emphasized the importance of road dedications being given at the critical time of rezoning.

Rose Marie Umana stated that no consideration has been given to property owners next to Georgia View Road. Public safety is important. Health issues should not be impeded by locked gates. She referred to the large fire 12 years ago. Sticks Allison residents feel very vulnerable.

Joanne Randall submitted a letter on behalf of someone else. In general, she supported the application but has concerns about the RNP.

Louise Decario echoed points made by Akasha Forest. While she supports the rezoning, this would be a significant change to a Forestry Lot, so there should be a major community benefit. Now is the chance to obtain a piece of emergency access road. Georgia View has always been an access road, and Gustin Road, the emergency road. All the other agencies approved the RNP. As long ago as 2003 in Richard James' report, the Georgia View Road was identified as a future major public road. She asked why these points had not been discussed in any prior LTC meeting, since everyone has expressed the importance of having more emergency access roads. Increased uses of an F1 lot, in exchange for a community amenity seems fair to her. In terms of reviewing the RNP, she agreed it's a good idea, but thought a review should happen before changes are made to it.

Tom Hennessy, 637 Southwind Road, spoke in favour of the application. He is concerned about the length of time it takes to resolve these rezoning issues. Many forestry lot owners have gotten sick over these rezonings. He urged the LTC to try hard to resolve things in a timely way.

Kiyo Okuda spoke against the rezoning, stating it should be stopped. Georgia View Road is part of the RNP, and if that road were useable it would be the preferred road. He would like to see more action with regard to the RNP on the part of the Trustees. He would like to see the proponent improve the road as a benefit to the island.

Sheila Anderson requested that the LTC not close the PH until such time as they have a revised covenant. She stated that the LTC owes the community full disclosure about what the covenant would look like and the implications of the covenant. She is concerned that the connectivity of any adjustments in location are consistent with the RNP. She stated it was important to get a statutory right of way (SRW) at the time of rezoning, and to not take the SRW when the opportunity presents is shameful.

By General Consent, there being no further speakers, the Public Hearing was adjourned at 3:20 p.m.

The regular business meeting was recalled to order at 3:20 p.m.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder



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

DATE OF MEETING: September 17, 2018
TO: Galiano Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team

SUBJECT: GL-RZ-2017.1 (Stevens) - Section 219 Covenant
Applicant: Fred and Isobel Stevens
Location: 303 Betty Ann Drive

RECOMMENDATION

1. That the Galiano Island Local Trust Committee accept the draft covenant, attached to the staff report in the agenda of the September 17, 2018 LTC meeting, 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 locations shown on the plans prepared by Peter Thomson, BCLS, prohibit future subdivision of the lot, and restrict 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 the revised draft s. 219 covenant related to the rezoning application.

BACKGROUND

At the regular meeting of July 9, 2018 the Galiano Island Local Trust Committee (LTC) held a public hearing on Bylaws 265 and 266, and following the close of the hearing gave further reading to the bylaws and in relation to the proposed covenant adopted the following resolutions:

GL-2018-46

It was moved and seconded that the Galiano Island Local Trust Committee amend the covenant so that Segment 2 be included as a future emergency access if not dedicated as a highway.

CARRIED

GL-2018-47

It was Moved and Seconded, 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.

CARRIED

GL-2018-48

It was Moved and Seconded, that the Galiano Island Local Trust Committee amend the covenant to limit Sunday usage to emergencies only.

The bylaws were referred to the Executive Committee of Islands Trust, and were approved on August 15th. The OCP amendment (Bylaw 265) has been forwarded to the Minister of Municipal Affairs and Housing for approval.

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

ANALYSIS

s. 219 Covenant

The applicant entered into a cost recovery agreement for legal counsel to prepare a draft covenant that would include following key elements:

- Establish reserved areas for future highway dedication and/or emergency access routes.
- Provide an option to purchase (for a dollar) the reservation area by the Province.
- Provide for the Province to acquire the reservation area as a highway.
- Allow 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 or as a trail.
- Prohibit future subdivision and restrict hours of operation of the business.

The version of the covenant reviewed by the LTC at the July 9th meeting included options for the reservation area identified as segment 2 to be granted as a statutory right-of-way for a trail in the event it is not required as highway in the future, and that segment 1 would be granted as a statutory right-of-way for emergency access in the event it is not required as a highway in the future. This was consistent with the designations on Schedule C of the OCP (Road Network Plan) and related policies. However, in response to concerns expressed at the public hearing, the LTC adopted the resolutions noted above, essentially requiring that any reservation areas not dedicated as highway in the future, be granted as a statutory right-of-way for both emergency access and trails. The covenant has been modified to reflect this resolution, in addition modifications have been made limit operations on Sundays. Specifically, the following provisions have been modified by legal counsel:

- Article 7 (Grant of Statutory Right of Way) has been revised to simply state that any portion of the reservation area that is not dedicated as highway shall be granted as a statutory right-of-way for emergency access (7.1) and as a statutory right-of-way for trail purposes (7.2). As a result of this change it is no longer necessary to distinguish the portions of the reservation area in different segments.
- Article 8 (Restrictions on Subdivision and Commercial Use) has been revised by including a restriction on business operations on Sunday (8.3).

Ministry of Transportation and Infrastructure (MoTI) staff have also reviewed the revised covenant and have no concerns.

Post Public Hearing

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, require a statutory right-of-way for trails, restrict future subdivision, and restrict hours of operation. The specifics of the covenant can be discussed by the LTC following the hearing and revisions can be made. However, like a bylaw, the LTC should not hear new information or public input on the covenant, but can receive advice from staff.

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.

NEXT STEPS

If the LTC chooses to proceed, the next steps would be:

- Endorsement of the s.219 covenant by resolution
- The covenant is signed by all parties
- Following approval of Bylaw 265 by the Minister:
 - Registration of the covenant
 - Consideration of adoption of the bylaws by the LTC

Submitted By:	Robert Kojima Regional Planning Manager	August 29, 2018
---------------	--	-----------------

ATTACHMENTS

1. s.219 covenant
2. Bylaws 265 and 266

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

THIS AGREEMENT dated for reference the ____ day of August, 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 in Right of the Province of British Columbia, as represented
by Minister of Transportation and Infrastructure,

Parliament Buildings
Victoria, BC
V8V 1X4

(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. portions of the Lands (the “Reservation Area”) outlined in heavy black line and identified as “COVENANT” on the reference plans prepared by Peter Thomson B.C.L.S. 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”, are 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 the Lands 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 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 the event that the Province exercises the Transportation Option in respect of a portion of the Reservation Area, the Owners shall grant a statutory right of way for emergency

vehicular access in respect of the remaining portions of the Reservation Area in the form of Schedule “C”.

- 7.2 In the event that the Province exercises the Transportation Option in respect of a portion of the Reservation Area, the Owners shall grant a statutory right of way for trail purposes in respect of the remaining portions of the Reservation Area in the form of Schedule “D”.
- 7.3 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 as permitted by the Land Use Bylaw from time to time.
- 8.3 The Owner covenants with the Local Trust Committee not to operate any business on the Lands on any Sunday, or 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 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 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.
- 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.

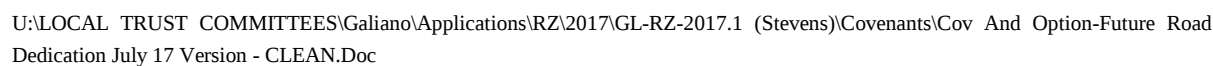
11.22 Interpretation.

- (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.

DRAFT

Reference Plans



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 those portions of the Land, not less than 20 m in width, that are marked as "COVENANT" on Reference Plans EPP57477 and EPP57478, reduced copies of which are attached to and form 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.

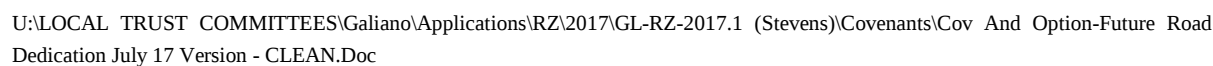
13. No amendment of this Agreement, is valid or binding unless in writing and executed by the parties.

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.





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 those portions of the Land, not less than 20 m in width, that are marked as "COVENANT" on Reference Plans EPP57477 and EPP57478, reduced copies of which are attached to and form 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.



DRAFT

END OF DOCUMENT

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 5TH DAY OF FEBRUARY 2018

READ A SECOND TIME THIS 11TH DAY OF JUNE 2018

PUBLIC HEARING HELD THIS 9TH DAY OF JULY 2018

READ A THIRD TIME THIS 9TH DAY OF JULY 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
15TH DAY OF AUGUST 2018

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS _____
DAY OF 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

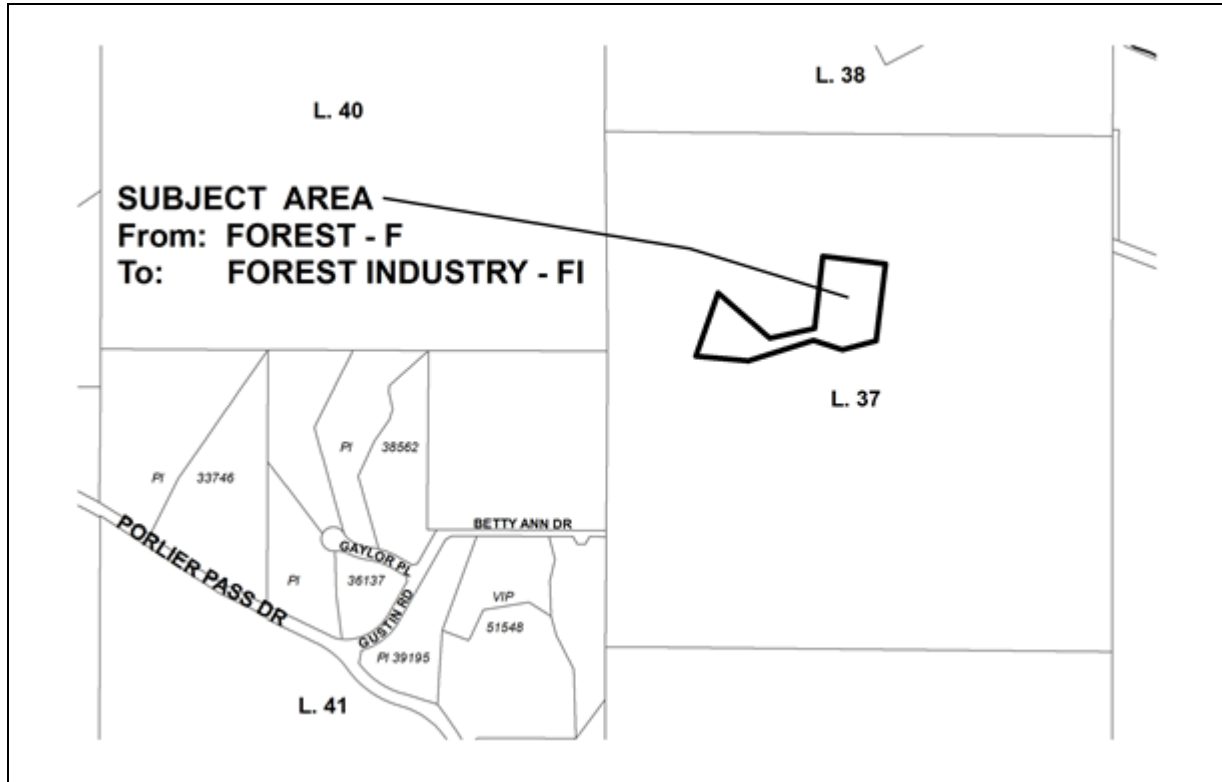
**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 265**

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 9TH DAY OF JULY 2018

READ A THIRD TIME THIS 9TH DAY OF JULY 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
15TH DAY OF AUGUST 2018

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**

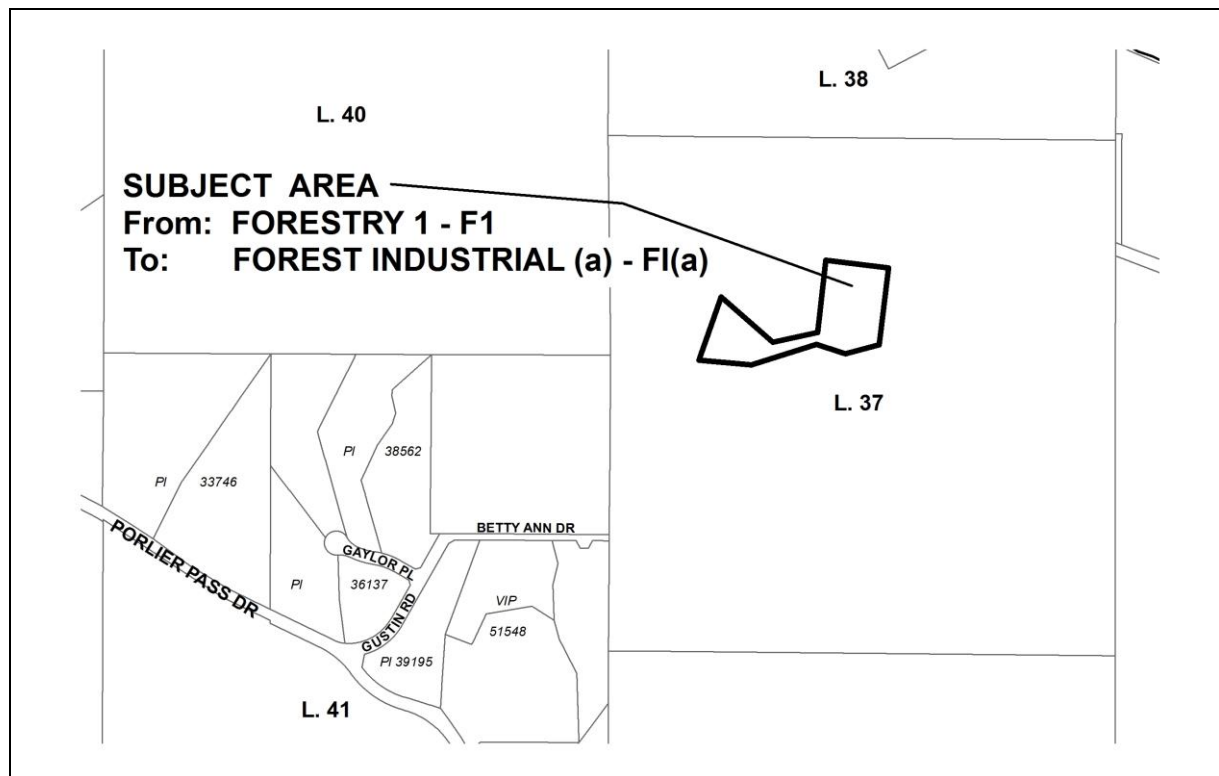
SCHEDULE NO. 2

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





DATE OF MEETING: September 17, 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 adopt the Galiano Island Antenna System Siting & Consultation Protocol as the tool for the review and consideration of antenna system proposals within the Galiano Island Local Trust Area.**

REPORT SUMMARY

The purpose of this staff report is to present the Galiano Island Antenna System Siting & Consultation Protocol. A copy of the protocol can be found on the Telecommunication Project website here: [Antenna System Protocol](#)

BACKGROUND

At the July 9, 2018 regular LTC meeting, staff brought forward the LPC Model Strategy for Antenna Systems and Consultation Protocol which was presented to the Local Planning Committee on May 24, 2018 and presented at Trust Council on June 19, 2018. The LTC gave direction, with agreeance from the former Chair of the SAPC, to make changes to the LPC protocol by customizing it in a Galiano context by using recommendations from the SAPC Final Report. The following was the resolution given at the July 9, 2018 meeting:

GL-2018-55

It was Moved and Seconded,

that the Galiano Island Local Trust Committee request staff to compare the Galiano Island Draft Antenna System Siting & Consultation Protocol with the LPC Model Antenna Strategy and report back to the LTC with recommendations to customize the LPC Antenna Strategy accordingly.

CARRIED

During a previous meeting it was brought to staff's attention that Section 4.6.6 of the SAPC Final Report was omitted from the September 11, 2017 edition of the draft protocol. Staff has reviewed Section 4.6.6 and have incorporated aspects of this section into the new protocol.

ANALYSIS

The LPC Model Strategy for Antenna Systems and Consultation Protocol was used as a template while incorporating specific guidelines and policies from the Special Advisory Planning Commission's (SAPC) Final Recommendation Report dated March 2017. Most of the changes made to the LPC protocol template were administrative in nature with the exception of larger amendments primarily derived from the SAPC Final Report

(SAPC draft protocol) which have been outlined in track changes. If the LTC adopts the protocol as is, all track changes will be accepted. A copy of the Galiano Island Antenna System Siting & Consultation Protocol with track changes can be found here: [Protocol with Track Changes](#)

Rationale for Recommendation

Staff recommend adopting the Galiano Island Antenna System Siting & Consultation Protocol as it is based on a template reviewed by Jeff Stanhope from the Innovation, Science and Economic Development Canada (ISED) and includes recommendations and specific policies from the SAPC Final Recommendation Report and the SAPC draft protocol. If the LTC decides to adopt the attached protocol, it will be used as the tool for the review and consideration of antenna system proposals within the Galiano Island Local Trust Area. Also, the resolution for adoption will be added to the Galiano Island LTC Policies & Standing Resolutions.

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 draft protocol or the SAPC draft protocol; or
- 4. Proceed no further with this project.

Draft resolutions for Option Nos. 2 and 4 are outlined below. Staff are recommending option No. 1 and the draft resolution is on Page 1 of the staff report.

1. Adoption of Galiano Island Antenna System Siting & Consultation Protocol with amendments:

If the LTC wishes to adopt the protocol but with amendments, the following resolution is recommended:

That the Galiano Island Local Trust Committee adopt the Galiano Island Antenna System Siting & Consultation Protocol 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.

2. Proceed no further with this project

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	September 7, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	September 7, 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: September 7, 2018

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2018.1	Galiano Community Housing Association Planner: Kim Stockdill	22-Aug-2018	Galiano Green Housing 20 Lot Subdivision
Planning Status			
Status Date: 07-Sep-2018 Waiting for RAR report.			
Status Date: 22-Aug-2018 Open File Process Cheque			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2018.1	GALIANO COMMUNITY HOUSING ASSOCIATION Planner: Kim Stockdill	15-Aug-2018	Non-profit housing - 20 units
Planning Status			
Status Date: 24-Aug-2018 File Opened. Receipt Issued. Handed to planner.			
File Number	Applicant Name	Date Received	Purpose
GL-DVP-2018.2	ERIK S MEDEN Planner: Phil Testemale	29-Aug-2018	4121 Porlier Pass Rd
Planning Status			
Status Date: 31-Aug-2018 created application, processing fee, copied LTC and forwarded to Planner			

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



Islands Trust

Print Date: September 7, 2018

Applications

GL-DVP-2018.3 JOHN P COATES 29-Aug-2018 1645 Sturdies Bay Rd

Planner: Kim Stockdill

Planning Status

Status Date: 31-Aug-2018

created application, processing fee, copied LTC, and forwarded to Planner

Rezoning

File Number	Applicant Name	Date Received	Purpose
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

Applications

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 Planner: Robert Kojima	02-Aug-2017	Rezone DL37 from F1 to allow residential and industrial use
Planning Status			

Status Date: 15-Aug-2018

EC approval of bylaws, Bylaw 265 forwarded to Minister

Status Date: 15-Aug-2018

Moti approval in principle of draft covenant

Status Date: 16-Jul-2018

Revised covenant prepared by legal counsel, referred to MoTI and applicant for comment

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2017.2	BERNARD MIGNAULT Planner: Kim Stockdill	02-Nov-2017	Rezone from F1 to RR2
Planning Status			

Status Date: 07-Sep-2018

Further information on land donation received.

Status Date: 07-Sep-2018

CIM and PH scheduled for September 17/18.

Status Date: 11-Jun-2018

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

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2017.2	PETER THOMSON Planner: Kim Stockdill	22-Dec-2017	409 Porlier Pass Drive - proposed 20-lot bare land strata subdivision

Applications

Planning Status

Status Date: 09-Aug-2018

SD referral response sent to MOTI. Applicant required to apply for a DP and DVP.

Status Date: 19-Jul-2018

Emailed Applicant's completed Subd Ref Review form to LTC cc Planner, MoTI; gave folder to Planner.

Status Date: 18-Jul-2018

Created and emailed receipt letter and copy of receipt to Applicant; mailed originals.

Islands Trust
 LTC EXP SUMMARY REPORT F2019
 Invoices posted to Month ending June 2018

625 Galiano	Invoices posted to Month ending June 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	750.00	0.00	750.00
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	5,500.00	1,373.06	4,126.94
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	1,065.60	-565.60
65220-625	LTC - Local Exp - Communications	250.00	294.02	-44.02
65230-625	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>6,750.00</u>	<u>2,732.68</u>	<u>4,017.32</u>
Projects				
73001-625-4051	Galiano Affordable Housing	3,000.00	313.20	2,686.80
73001-625-4065	Galiano Dock Review	8,000.00	400.28	7,599.72
TOTAL Project Expenses		<u>11,000.00</u>	<u>713.48</u>	<u>10,286.52</u>

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).

U:\LOCAL TRUST COMMITTEES\Galiano\Policies and Standing Resolutions\Policies and standing resolutions Mar 18 .doc



Islands Trust Conservancy Board Report to Local Trust Committees and Bowen Island Municipality July 2018

Islands Trust Conservancy Manager – Temporary Assignment with BC Parks

The Islands Trust Conservancy Manager, Jennifer Eliason, advised the board she is leaving for a temporary assignment with BC Parks for the next eight months. The board praised Jennifer for her hard work the last ten years and thanked her for her dedication. She will be missed.

Board Vacancy

The board of the Islands Trust Conservancy is thrilled to have received a list of candidates from the Crown Agency and Board Resourcing Office for a vacant board position for an appointed member. The vacancy is due to the completion of Ron Bertrand's appointed term with the board. The board sincerely thanks Ron for his commitment and valuable contributions to the Islands Trust Conservancy over his term.

Letter from Minister Robinson re: ITF Five-Year Plan 2018-2022

The board received and reviewed a response letter from Minister Robinson on the ITF Five-Year Plan that included congratulations on the recent name change.

Audited Financial Statements

The board received and approved the Audited Financial Statements for the 2017-2018 fiscal year. The KPMG auditor's opinion was consistent with previous years.

Local Trust Committee Briefing on Regional Conservation Plan

The board requested staff to circulate the Regional Conservation Plan briefing document to Local Trust Committees and Bowen Island Municipality, and to bring it back to the board's September meeting for further direction.

Summary of Current Island-by-Island Activities

Denman

The board approved the finalised management plan for the Morrison Marsh Nature Reserve, dated July 17, 2018. Board members discussed the report's findings, including intervening in naturally occurring events such as beaver dams, and discussed invasive species removal, First Nations relations, stewardship programs and information sharing.

Lasqueti

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). The campaign is over 40 per cent of the way to a \$250,000 goal.

Salt Spring Island

The board considered and approved a request from the Salt Spring Island Conservancy for a waiver to the Andreas Vogt Nature Reserve Covenant to girdle Douglas-fir trees that are encroaching on the Garry Oak meadows in the nature reserve to protect against future impacts of climate change on Garry oak meadows habitat. The board suggested public communication regarding management techniques to ease possible concerns from the public.

Thetis

Staff continue to negotiate a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Public consultation dates are in the process of being organized with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust to inform the management plan for the protected area.

*Please feel free to contact members of the board of the Trust Fund Conservancy or Islands Trust Conservancy staff for more details. Note: The Islands Trust Fund has changed its legal name to the **Islands Trust Conservancy**. We are in the process of switching over all references to the Islands Trust Fund/Trust Fund Board to the new name. Look for a public launch of our new website and social media in the fall.*

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca



BRIEFING

To: Local Trust Committees and Bowen Island Municipality **For the Meeting of:** September 17, 2018

From: Islands Trust Conservancy **Date Prepared:** July 17, 2018

SUBJECT: Incorporating the Regional Conservation Plan into Land Use Planning

PURPOSE: The Islands Trust Conservancy is providing all local trust committees and Bowen Island Municipality with a briefing to provide information on the ways the Islands Trust Conservancy's 2018-2027 Regional Conservation Plan and associated mapping and data can be incorporated into Official Community Plans, Land Use Bylaws and local planning initiatives and projects.

BACKGROUND:

In March, Trust Council endorsed the Islands Trust Fund's Regional Conservation Plan. At its April 2018 meeting, the Trust Fund Board (now Islands Trust Conservancy) passed the following resolution:

That the Trust Fund Board direct staff to provide a briefing to all local trust committees and Bowen Island Municipality requesting that consideration be given to incorporating elements of the 2018-2027 Regional Conservation Plan (including associated data and mapping) into Official Community Plans.

The Regional Conservation Plan contains significant information about regional conservation priorities that could be considered when making land use planning decisions. This information is informed by conservation area modelling, which uses multiple data sets regarding biodiversity priorities and threats to ecosystems. The information is available by local trust area/island municipality.

Why do we have a Regional Conservation Plan?

The rich diversity of life in the Islands Trust Area makes the region ecologically significant, not only locally, but globally. Most of the region is within the Coastal Douglas-fir zone, one of the rarest of British Columbia's 16 biogeoclimatic zones. The Douglas-fir ecosystems of this zone, including Garry oak and associated ecosystems, are globally rare – in the entire world they occur only on the east coast of southern Vancouver Island, the islands of the Georgia Basin, and a small area of the mainland. The Islands Trust Area is also home to several other sensitive and rare ecosystems and hundreds of rare terrestrial and marine plants and animals.

Despite its ecological significance, biodiversity in the Islands Trust Area is exposed to significant threats. With over 68% of the Islands Trust Area in private land ownership and over 3.3 million people living in the surrounding areas, the pressures to develop and change the natural landscape in the islands are substantial.

Because of the significance of the ecosystems found in the Islands Trust Area and the threats they are under, conservation planning is an important tool to ensure that the natural beauty that draws so many to the region is not lost. Since 2005, the work of the Islands Trust Conservancy has been guided by regional conservation plans. These plans have also, in some cases, supported the planning work of the Islands Trust.

What's in the Regional Conservation Plan?

The Regional Conservation Plan provides background on the ecosystems in the Islands Trust Area, evaluates their current status, identifies priorities and threats, and sets goals and objectives for the Islands Trust Conservancy for the next ten years. The goals identified in the 2018-2027 Regional Conservation Plan are:

1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities
2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals
3. Continue to secure and manage Islands Trust Conservancy lands and conservation covenants to maximize ecological integrity
4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

There are island profiles in Appendix II of the RCP with information specific to each local trust committee area and Bowen Island.

How can the Regional Conservation Plan support land use planning?

The Regional Conservation Plan can help trustees and planners identify opportunities and inform priorities for land use planning activities across the Islands Trust. During the 2018-2022 local government term, each Islands Trust LTC/IM will identify top priorities for land use planning activities and should ensure that existing Official Community Plans and Land Use Bylaws meet the goals of the Islands Trust Policy Statement and support the goals of the Regional Conservation Plan.

LTCs and BIM can use the following table to identify land use planning projects to initiate during the 2018-2022 term to advance the Islands Trust Policy Statement Goal: *to Foster preservation and protection of the Trust Area's ecosystems* and the directive policies:

Directive Policy	Available resources (Regional Conservation Plan, mapping, etc.):	What can LTCs/IM do with this information?
3.1 Ecosystems		
3.1.3 LTCs/IMs shall, in their OCPs and regulatory bylaws <i>address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.</i>	The Regional Conservation Plan highlights the following as biodiversity priorities for the region: • Sensitive ecosystems • Healthy forests • Species and ecosystems at risk • Marine shorelines and nearshore areas • Islets and small islands • Size, corridors and connectivity to other protected areas Available information and data/mapping to support these directive policies: • updated Sensitive	Development of maps; Official Community Plan (OCP) policy language and Land Use Bylaw (LUB) regulations that: • Identify and protect environmentally sensitive areas • Identify and protect significant natural sites/features/landforms • Support the development of protected area networks (or "greenways") • Identify contiguous forest cover Designate Development Permit Areas (DPAs) to protect environmentally sensitive areas
3.1.4 LTCs/IMs shall, in their OCPs and regulatory bylaws <i>address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.</i>		

	Ecosystem Mapping • Species at Risk/Critical Habitat Mapping • Ecosystem Disturbance Mapping • Priority Lands for Conservation (regional scale)	and significant natural features Prioritize bylaw investigation and enforcement on matters negatively impacting ecosystem health
3.2 Forest Ecosystems		
3.2.2 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development and land-use.</i>	Available information and data/mapping to support this directive policy: • Mapping of Forested Ecosystems, including forest type and age • Regional Conservation Plan: Biodiversity Priorities; Forest Ecosystem descriptions and statistics • RCP Island Profiles: Sensitive Ecosystems, Forest Ecosystems and Ecosystem Disturbance for each LTA/BIM	Designate DPAs to protect unfragmented forest ecosystems Reduce site coverage density in land use bylaws Negotiate covenants to protect contiguous forest as conditions of rezoning Integrate conservation subdivision principles into land use bylaw requirements for subdivision (lot clustering, density transfer, conservation planning) Prioritize bylaw investigation and enforcement on matters negatively impacting forest ecosystems Adopt Tree Protection Bylaws (for municipalities)
3.3 Freshwater and Wetland Ecosystems and Riparian Zones		
3.3.2 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.</i>	Available information and data/mapping to support this directive policy: • Mapping of Sensitive Ecosystems, including wetlands, freshwater and riparian • RCP: Island Profiles - Sensitive Ecosystems • Watershed mapping • Water courses mapping (TRIM) • Riparian Areas Regulation data/mapping in select areas	Designate DPA's to protect sensitive freshwater, wetland and riparian areas Implement the <i>Riparian Areas Regulation (RAR)</i> including protection of non RAR watercourses Develop LUB setbacks from water bodies Develop LUB landscape buffers along water bodies Implement freshwater planning tools and regulations available in the <i>Water Sustainability Act</i> Develop aquifer mapping and water budgets

		Designate DPAs for water conservation for all new construction/development Prioritize bylaw investigation and enforcement on matters negatively impacting freshwater, wetland and riparian ecosystems
3.4 Coastal and Marine Ecosystems		
3.4.4 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the protection of sensitive coastal areas.</i>	Available information and data/mapping to support these directive policies: • Eelgrass mapping • Forage fish habitat mapping (for some islands) • Species at Risk Critical Habitat Mapping – Southern Resident Orca • Shorezone mapping • New Sand Ecosystems Mapping • Dock mapping (point data)	Include mapping of marine ecosystems in OCPs and policies for regulation of development in sensitive coastal areas Designate DPAs to protect sensitive coastal areas and the intertidal zone Include DPA guidelines that address fragmentation of the coastline by subdivision Amend LUBs to create landscape buffers along the shoreline Increase LUB setbacks from the natural boundary of the sea based on the provincial 2100 sea level rise predictions Amend LUBs to limit development of private docks/structures in the marine zones Prioritize bylaw investigation and enforcement on matters negatively impacting coastal and marine ecosystems
3.4.5 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the planning for and regulation of development in coastal regions to protect natural coastal processes.</i>		

ATTACHMENT(S):

No attachments. For reference, the 2018-2027 Regional Conservation Plan is available online [here](#).

FOLLOW-UP:

- Consider this briefing when establishing work program priorities
- Request planning advice on how to integrate conservation data and mapping resources when considering applications, projects, etc.
- Local trust committees/island municipalities wishing to create specific maps using conservation modeling (land prioritization based on multiple data sets) or ecosystem mapping should request assistance from ITC and GIS staff.

Prepared By: Jennifer Eliason, Islands Trust Conservancy Manager

Reviewed By/Date: Regional Planning Managers and Director of Local Planning Services/July 3, 2018
Clare Frater, Director of Trust Area Services/July 9, 2018
Islands Trust Conservancy Board/July 17, 2018

File No.: 6500-20
(LTC Cannabis Regulation)

DATE OF MEETING: September 4, 2018

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

FROM: Robert Kojima, Regional Planning Manager
Southern Team

COPY: David Marlor, Director of Local Planning Services

SUBJECT: Regulation of Cannabis Production and Retail Sales and Non-Medical Cannabis Retail License Application Fees

RECOMMENDATION

1. That the Galiano Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

2. That the Galiano Island Local Trust Committee request that staff prepare a draft bylaw to amend the fees bylaw to specify a separate fee for Liquor and Cannabis Regulation Branch non-medical cannabis retail license applications in the amount of \$2,000.

REPORT SUMMARY

This report provides information to local trust committees regarding the proposed *Cannabis Act* and describes options for the regulation of cannabis production and non-medical cannabis retail sales. The LTC is asked to consider:

- Adopting a standing resolution to process Liquor and Cannabis Regulation Branch (LCRB) non-medical cannabis retail applications;
- Amending the LTC fees bylaw to include a specific fee for the processing of LCRB non-medical cannabis retail applications;
- As an option, reviewing its land use regulations applicable to cannabis production and retail sales.

BACKGROUND

Regulatory Framework

Cannabis Act

The *Cannabis Act*¹ provides a framework for the production, distribution, sale and possession of cannabis, which would be jointly regulated by federal, provincial and local governments across Canada. Under the *Cannabis Act*, the federal government's primary responsibilities include licensing both medical and non-medical cannabis producers, regulating the industry (advertising, marketing, and promotion), and determining health and safety standards (e.g. potency and ingredients). Provinces and territories would license and oversee the distribution and retail sale of cannabis.²

Until the *Cannabis Act* comes into force October 17, 2018, the *Access to Cannabis for Medical Purposes Regulation (ACMPR)* released 2016³ remains the authority for lawful cannabis production and possession; cannabis may only be grown by registered persons or licensed producers for medical purposes; and retail distribution of cannabis in dispensaries and storefronts is illegal.⁴

The *Cannabis Act* includes a broad definition of cannabis:

- Any part of the cannabis plant, other than mature stalks that do not contain leaves, flowers or seeds, the cannabis plant fibre, or the plant root.
- Any substance or mixture of substances that contains or has on it any part of a cannabis plant.
- Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Marihuana is a form of cannabis. "Cannabis" is preferable to "marihuana" for the regulatory context.⁵

¹ Proposed *Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/royal-assent>

² FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

³ The *Access to Cannabis for Medical Purposes Regulation* replaced the *Marihuana for Medical Purposes Regulation*.

⁴ FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

⁵ IBID.

BC Cannabis Control and Licensing Act

The *BC Cannabis Control and Licensing Act (BCCLA)*, proclaimed on May 31, 2018, establishes provincial control over the sale, supply and possession of non-medical cannabis, and establishes licensing of private cannabis retailers, including registration and training requirements for those who will work in cannabis retail. The *Act* outlines restrictions on the possession, personal cultivation and consumption of cannabis by adults and prohibitions for minors.

The *BCCLA* requires notification to the local government or Indigenous nation for the area in which a retail establishment is proposed to be located or is located.

Upon receipt of notification, the applicable local government must take into account any prescribed criteria and, in the prescribed circumstances, gather the views of residents by one or more of the following methods:

- a) By receiving written comments in response to a public notice of the application;
- b) By conducting a public hearing in respect of the application;
- c) By holding a referendum;
- d) By using another method the local government or Indigenous nation considers appropriate.

The *BCCLA* further states that a licence must not be issued or amended unless the local government for the area gives a recommendation that the licence be issued or amended.⁶

In BC, the wholesale distribution of non-medical cannabis will be solely through the Liquor Distribution Branch (LDB). The LDB will be the operator of government-run retail stores and the Liquor and Cannabis Regulation Branch (LCRB) will be responsible for licensing and monitoring the retail sector using a mixed public/private model.

Local Government Land Use Authority

Local governments have delegated authority from the Province, through the *Local Government Act (LGA)*, to regulate, through zoning regulations, the location, size, and siting of cannabis businesses.

Both the production of medical marihuana, and as of July 2018, cannabis production for retail sale, are now a permitted farm use in the ALR under the *Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation*. However, this regulation was amended on July 13, 2018 by removing the outright permission and replacing it with a provision allowing “the lawful production of cannabis” if produced either outdoors in a field, or inside a structure that (i) has a soil base or (ii) existed or was being constructed for the purpose of growing crops before July 13, 2018.

ANALYSIS

Issues and Opportunities

Land Use (Zoning) Authority

Local trust committees are responsible for consideration for the types and locations of land uses in their communities, and specific regulations to mitigate the potential for land use conflict. In accordance with the proposed Cannabis Act, LTCs have the ability to regulate the location, size, and siting of cannabis production and retail sales. This may occur in a variety of ways:

⁶ *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

1. Permissive zoning

Cannabis retail sales would theoretically be permitted in all zones where retail uses are permitted (potentially including home occupations where retail sales are permitted, subject to the criteria of the LCRB) where the applicable Land Use Bylaw permits retail sales and the definition of retail sales is broad or absent.

Similarly, LUB regulations may allow cannabis production anywhere agriculture is permitted (depending on the LUB definition of agriculture and in which zones agriculture is permitted). Cannabis production is, as noted earlier, an outright permitted use in the ALR with only limited ability to regulate structures.

2. Prohibitive Zoning

Cannabis retail sales could be prohibited in all zones (other than the ALR) if the applicable Land Use Bylaw included a regulation such as “Cannabis retail sales are prohibited in all zones” and a distinct definition of “cannabis retail sales”.

Cannabis production could be prohibited outside the ALR (although the federal government will retain exclusive authority to license producers).

3. Discretionary Zoning

Cannabis retail sales may be permitted in select zones (e.g. commercial zones) and/or a minimum distance from other cannabis retail sales establishments or other land uses (e.g. dwellings, schools, parks, museums, libraries, or medical facilities).

Cannabis production outside the ALR could be limited to select zones. Within the ALR, LTCs may regulate the siting and size of cannabis production facilities.

The LTC should consider whether or not it would like to pursue LUB amendments to strengthen its regulatory control with respect to the zoning and siting of cannabis retail sales or cannabis production facilities outside the ALR. This may occur through a resolution to add an LUB review project to the projects list or top priorities list.

Fees Bylaw

LTCs have the ability to charge fees for processing applications for LCRB non-medical cannabis retail licenses or license amendments. All southern LTCs currently require an \$825 fee for “Liquor Control Licensing Branch” applications.

The application fees collected for review of LCRB applications are used to offset staff time and notification costs in relation to the review of the applications. Generally, the fees collected for LCRB applications are insufficient to cover the costs of processing applications where the views of residents are gathered, prior to the LTC making a recommendation to the LCRB.

Staff recommend that each LTC enact a distinct and higher fee for LCRB cannabis retail applications, in anticipation of a high degree of public interest and corresponding staff resources and costs to process these applications. For reference, the Regional District of Nanaimo has amended its fees bylaw to include a fee of \$4,000 for processing non-medical cannabis license applications. LTCs and the public may, however, view inordinately high fees as being unfair or intentionally prohibitive. For this reason, staff are recommending a lesser fee in the amount of \$2,000; this is more in line with the 2004 Trust Council Model Fee for LCRB applications, following a CPI adjustment, and would offset some costs associated with staff application review, public notification, and conducting a public meeting.

Staff can proceed with the preparation of a draft bylaw to amend the LTC fees bylaw; this would require minimal staff time. Such a bylaw amendment would require three readings, and approval by the Executive Committee prior to final adoption. No public hearing would be required.

As an aside, LTCs may consider whether or not there are other application fees which are either absent or require adjustment and could be included in a fees bylaw amendment.

Consultation Requirements

The *BCCLA* does impose a responsibility onto local governments to consider applications referred through a notice by the Liquor Control and Licensing Branch (LCRB) in accordance the *BCCLA*. In doing this, each LTC should turn its mind to the “prescribed criteria”, and option to gather the views of local residents under “prescribed circumstances”.

The evaluation criteria and/or a policy for considering such applications may be formalized through the adoption of a standing resolution. Staff have recommended the following standing resolution, which may be amended (either prior to initial adoption or from time to time):

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

RATIONALE FOR RECOMMENDATION

Local trust committees must be referred notice of any cannabis license proposals, and are obligated to respond to such notices. Because a specific consultation process is not prescribed through provincial legislation or LTC bylaws, staff are recommending that LTCs adopt a standing resolution to deal with these types of applications. LTCs would have the flexibility to readily amend such a standing resolution over time to adapt to their community’s unique needs. Furthermore, because of the likelihood that these applications will attract significant public interest and involve significant staff resources to process, staff are recommending that LTCs amend their

fees bylaws to include a specific fee for LCRB cannabis retail applications, which is distinct from and higher than liquor license applications.

ALTERNATIVES

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

1. Adopt an Amended Standing Resolution

Should the LTC wish to proceed with a standing resolution, it may adopt an amended resolution in lieu of the recommended resolution.

2. Proceed with Land Use Bylaw Amendments

The LTC may wish to pursue amendments to its LUB. This would require that a project be added to the projects list or top priorities list and for the project to be scoped and funded. Staff still recommend that a standing resolution be passed to address applications which may be received prior to adoption of LUB amendments. Should the LTC wish to pursue an LUB review project, the following resolution may be passed:

That the Galiano Island Local Trust Committee add to its [Projects/Top Priorities List], "Review of land use regulations for cannabis production and retail sales".

3. Request further information

NEXT STEPS

A standing resolution adopted by the LTC would take effect immediately. Fees bylaw amendments would require preparation of an administrative bylaw amendment, three readings, and approval by the Executive Committee prior to adoption.

Submitted By:	Robert Kojima, Regional Planning Manager	August 22, 2018
---------------	--	-----------------

REFERENCES

- *Proposed Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/third-reading>
- Federation of Canadian Municipalities. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>
- Agricultural Land Commission. Information Bulletin 04: Cannabis Production in the ALR. https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/information_bulletin_04_cannabis_production_in_the_alr.pdf
- Liquor and Cannabis Regulation Branch: Local Governments' Role in Licensing Non-Medical Cannabis Retail Sales. https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/local_government_role_in_licensing_cannabis_retail_stores.pdf
- *Access to Cannabis for Medical Purposes Regulation* <http://laws.justice.gc.ca/eng/regulations/SOR-2016-230/page-1.html>
- *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

- Cannabis licensing website: <https://justice.gov.bc.ca/cannabislicensing/>



DATE OF MEETING: September 17, 2018
TO: Galiano Island Local Trust Committee
FROM: David Marlor, Director
Local Planning Services
SUBJECT: Housing Needs Assessment Report

RECOMMENDATION

1. That the Galiano Island Local Trust Committee receive the "Southern Gulf Islands Housing Needs Assessment", report by JG Consulting Services Ltd dated February 2018; and
2. That the Galiano Island Local Trust Committee request Staff to publish the "Southern Gulf Islands Housing Needs Assessment", report by JG Consulting Services Ltd dated February 2018 on the Islands Trust website.

REPORT SUMMARY

The purpose of this report is to provide a Housing Needs Report to the Local Trust Committee and to meet the requirements of the new legislation on Housing Needs Reports.

BACKGROUND

In the 2017/18 Fiscal Year the Capital Regional District (CRD) undertook Housing Needs Assessments for Galiano, Mayne, North Pender, Saturna, and South Pender islands using similar methodology undertaken on a 2015 Salt Spring housing needs assessment. The final report was submitted to Trust Council in June 2018.

The Southern Gulf Islands Housing Needs Assessment (attached) used both qualitative and quantitative research methods; the surveys were met with very high response rates. Like the results in the Northern region, the report finds that affordable and adequate housing is unattainable for many Southern Gulf Island residents. As noted in the staff report from the Capital Regional District (attached as appendix 2(a)), the particular findings include:

- *A gap in the availability of timely housing data between Census periods, particularly on the rental market on the Southern Gulf Islands;*
- *Rental supply is low and unit numbers are decreasing;*
- *A high proportion (44%) of renters paying more than 30% of their income on shelter costs with 44 renters who answered a survey indicating they were paying more than 50% of their income on shelter costs;*
- *Home ownership becoming increasingly out of reach for many households in the area. The median household income is \$54,000 annually, but it would take an income of over \$99,000 annually to afford a home sold at the median sale price of \$580,000 (February 2018);*
- *A very low and declining rate of permanent residency in the area with dwellings increasingly being used as vacation or short-term vacation purposes;*

- *High incidence of low income households; and*
- *Households with children and seniors showing particular vulnerability to housing stress.*

Islands Trust Community Housing Strategy

Improving the availability of affordable, accessible, and appropriate housing has been a strategic priority for Islands Trust Council over the 2014-2018 political term. Over the course of the term, this has been largely pursued through the work of Local Planning Committee:

1. June 2013, Local Planning Committee hosted a community housing forum with over 70 participants from across the region. The forum showcased examples of affordable/community housing throughout the Trust Area.
2. Completed a [baseline inventory](#) of housing policies and regulations for each LTA across the Trust Area
3. Completed the final report: [Community Housing in the Islands Trust Area](#) and advanced through Trust Council 15 recommendations for action.
4. Completed Housing Needs Assessment for the Northern and Southern regions. Islands Trust now has a complete data set identifying housing needs in each region.
5. Established the administrative capacity for the administration of housing agreements by Islands Trust:
 - A housing agreement guide for planners
 - A housing agreement reference list
 - An application guide for affordable housing proponents
 - A roles and responsibilities checklist
 - Housing Agreement Templates
 - Information Brochure (on-going)
 - Monitoring Procedure (for Leg. Clerks or potential new Project Coordinator job)
 - Annual Monitoring Letter Template
 - Monitoring and Enforcing Guide

Trust council has directed staff to update the Community Housing report and consider creating a Trust wide community housing strategy designed to meet the needs identified in the Housing Needs Assessments. Such a strategy could include recommendations for Local Trust Committee land use planning processes, Trust Council advocacy, and communications to be pursued by Trust Council in the 2018-2022 political term.

Provincial Housing Needs Reports Legislation

In Spring 2018 the Provincial Government gave Royal Assent to Bill 18, 2018, amendments to the Local Government Act that requires that local governments, including local trust committees, adopt housing needs reports, update those reports every five years, and consider those reports when undertaking Official Community Plan text or mapping amendments that relate to housing.

Bill 18, 2018 comes into effect on adoption of regulation by the Lieutenant Governor-in-council, which is expected sometime in 2018.

The transitional section of the Bill 18, 2018 states that adoption of a housing needs report under Section 585.31(3)(a) of the legislation does not apply if a local government, on or after January 2, 2018 and before this section comes into force, receives, by resolution, an interim housing needs report, and publishes the interim housing needs report. Under the transitional section of Bill 18, 2018, this interim housing needs report is deemed to be the first housing needs report.

ALTERNATIVES

1. Not Receive or Publish the Housing Needs Assessment

Not receive or publish the “Housing Needs Assessment, Northern Region of Islands Trust “Southern Gulf Islands Housing Needs Assessment” report by JG Consulting Services Ltd dated February 2018. The Local Trust Committee would have to undertake a housing needs report within three years of the enactment of Bill 18, 2018 (which is expected by regulation this year).

NEXT STEPS

Staff will publish the report to the Islands Trust website, and update staff reports to ensure that consideration of the Housing Needs Assessment is undertaken for Official Community Plan text and mapping amendments that affect housing.

Local Trust Committees can consider making housing a top priority and engaging a community process that considers how land use bylaws and official community plans can be amended to respond to the needs identified in the reports.

Submitted By:	David Marlor, Director of Local Planning Services	July 5, 2018
---------------	---	--------------

LINKS

1. [“Southern Gulf Islands Housing Needs Assessment”, report by JG Consulting Services Ltd dated February 2018](#)

BRIEFING

To: Local Trust Committees/Bowen Island Municipality **For the Meeting of:** Various

From: Trust Programs Committee **Date Prepared:** July 16, 2018

SUBJECT: Service Integration

PURPOSE: To request input from local trust committees/Bowen Island Municipality about any service integration concerns.

BACKGROUND: The Trust Programs Committee working group has been meeting to consider potential improvements to service delivery by the various government service providers, including the Islands Trust, to Salt Spring Island and the wider Trust area. This work was initiated in response to the incorporation process on Salt Spring Island in 2017, and specifically, to address a critique of the governance model on Salt Spring Island that is characterized by multiple agencies delivering community services in a non-coordinated manner. Trust Council (TC) has tasked the working group with: ***Identifying potential governance or operational changes that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area.***

TPC would like local trust committees and Bowen Island Municipality to create inventories of barriers experienced in engaging service providers and other agencies and to provide those responses to TPC via the Director of Trust Area Services. A suggested resolution for conveying any concerns is as follows:

That the XX Island LTC/BIM advises Trust Programs Committee that the LTC/BIM has experienced barriers to engaging service providers/other agencies when addressing the following topics:

- 1.
- 2.
- 3.

ATTACHMENT(S):

1. None.

FOLLOW-UP: TPC will consider responses received by August 20, 2018 meeting. At its August 20, 2018 meeting, TPC will discuss how to handle responses received after August 20.

Prepared By: Clare Frater, Director, Trust Area Services

Reviewed By/Date: Brian Crumblehulme, TPC Chair
David Marlor, Director, Local Planning Services