



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: November 7, 2016
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

	Pages
1. CALL TO ORDER	12:30 PM - 12:35 PM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	12:35 PM - 1:00 PM
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	1:00 PM - 1:20 PM
6.1 Local Trust Committee Minutes Dated October 1, 2016 & September 19, 2016 (for Adoption)	4 - 14
6.1.1 <u>Galiano Island Local Trust Committee Public Hearing Records Dated September 19 & October 1, 2016 (for Receipt)</u>	15 - 28
6.2 Section 26 Resolutions Without Meeting Report Dated October 2016	29 - 29
6.3 Special Advisory Planning Commission Minutes Dated September 21 & 27, 2016 and October 4, 2016 (for Receipt)	30 - 41
7. BUSINESS ARISING FROM MINUTES	
7.1 Follow-up Action List Dated October 2016	42 - 43
8. DELEGATIONS	1:20 PM - 1:30 PM
8.1 Art Moses - Crystal Mountain Society Proposal	
8.2 Stephen Foster - Crystal Mountain Application (GL-RZ-2014.1)	

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

1:30 PM - 3:15 PM

- | | | |
|------|---|-----------|
| 10.1 | GL-TUP-2016.6 (Harrison & Kramer) - Staff Report | 44 - 57 |
| 10.2 | GL-TUP-2016.7 (Humphrey) - Staff Report | 58 - 70 |
| 10.3 | GL-TUP-2016.8 (Waterfall & Kowalski) - Staff Report | 71 - 84 |
| 10.4 | GL-TUP-2016.9 (Keating & Young) - Staff Report | 85 - 96 |
| 10.5 | GL-RZ-2011.1 (Galiano Green) - Staff Memo - Bylaws No. 233 & 234
For Further Consideration | 97 - 139 |
| 10.6 | GL-RZ-2014.1 (Crystal Mt.) - Staff Report | 140 - 156 |

11. LOCAL TRUST COMMITTEE PROJECTS

3:15 PM - 3:30 PM

- | | | |
|------|--|-----------|
| 11.1 | Telecommunications Strategy - Staff Report | 157 - 167 |
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12. REPORTS

3:30 PM - 4:15 PM

- | | | |
|--------|--|-----------|
| 12.1 | Work Program Reports (attached) | |
| 12.1.1 | <u>Top Priorities Report Dated October 2016</u> | 168 - 168 |
| 12.1.2 | <u>Projects List Report Dated October 2016</u> | 169 - 170 |
| 12.2 | Applications Report Dated October 2016 (attached) | 171 - 177 |
| 12.3 | Trustee and Local Expense Report Dated September 2016 (attached) | 178 - 178 |
| 12.4 | Adopted Policies and Standing Resolutions (attached) | 179 - 180 |
| 12.5 | Local Trust Committee Webpage | |
| 12.6 | Chair's Report | |
| 12.7 | Trustee Report | |
| 12.8 | Trust Fund Board Report Dated September 2016 (attached) | 181 - 182 |

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

- | | | |
|--------|--|--|
| 14.1 | Next Regular Meeting Scheduled for December 5, 2016 , at 12:30 pm, at the South Community Hall, Galiano Island | |
| 14.1.1 | <u>Timing of Winter Meetings - Discussion</u> | |

15. TOWN HALL 4:15 PM - 4:30 PM
16. CLOSED MEETING (Distributed Under Separate Cover) 4:30 PM - 5:00 PM
- 16.1 Motion to Close the Meeting
- That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (a, d & i) for the purpose of considering:*
- *Adoption of In-Camera Meeting Minutes Dated June 6, 2016 & August 29, 2016*
 - *Appointment of APC Members*
 - *Legal Opinion*
- AND that the recorder and staff attend the meeting.*
- 16.2 Recall to Order
- 16.3 Rise and Report
17. ADJOURNMENT 5:00 PM - 5:00 PM



DRAFT

Galiano Island Local Trust Committee Minutes of Special Meeting

Date: September 19, 2016
Location: Lions Park Society
992 Burrill Road, Galiano Island, BC

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

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

Others Present: Approximately 60 members of the public and no media

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:40pm. She acknowledged the meeting was taking place on un-ceded territory of Coast Salish First Nations.

2. APPROVAL OF AGENDA

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

3. COMMUNITY INFORMATION MEETING

3.1 Galiano Island Local Trust Committee Bylaw No. 233 & 234

Chair Busheikin explained that speakers would have four minutes. Regional Planning Manager (RPM) Robert Kojima reviewed the proposed bylaws.

Andrew Loveridge, Secretary of Galiano Land and Community Housing Trust (GLCHT), provided a summary.

Robert Barrs, Principal and Senior Planner with Modus, worked with GLCHT in developing a feasibility study and spoke in favour of the project. He summarized a number of different studies that have been done on subjects such as: agriculture, hydrology, architecture, sewage treatment, housing needs and demands. Two credit unions, VanCity and CCEC are willing to lend money to GLCHT to build infrastructure and lend money to leaseholders. The project is self-sufficient and will not require any taxes from community. Model can be exported to other communities. Proponents are determined not to affect aquifers of neighbours. Hydrologist concluded there would be “no impact” on neighbours.

Carolyn Jerome expressed concern for potential water shortages and asked whether Galiano Land Trust would pay for other people’s land or water studies.

Tom Hennessy, member of the board of GLCHT, indicated they could discuss this further.

Paul Leblond asked whether self-employed free-lancers were eligible to apply.

Jemma Lee, member of the GLCHT board, noted that artists and self-employed people are eligible, with proof of income.

There was a question as to whether rainwater catchment was individual or collected in common. RPM Kojima stated it would be individual. Hydrologist report noted there would be sufficient roof area to catch enough water for individual dwellings.

Diana Lilly asked when the well was drilled and what the measurement was.

Tom Hennessy noted it was drilled in the 1970s and provided details as to gallons-per-minute ratings; hydrologist thought it was feasible to meet their needs.

In response to questions from **Louise Decario**, RPM Kojima noted the following:

- Galiano Green, bare land strata, had not contacted CRD Housing Secretariat in the last year.
- The Housing Agreement (HA) will be held by LTC only as the CRD cannot hold the agreement.
- The Community Management Committee (CMC) would be administering the HA.
- The responsibility of the Islands Trust would be to receive annual declarations from the society, and individual declarations received by leaseholders. LTC would receive them, review, and file. As an aside, Trust Council is looking at housing agreements and how to manage and centralize them. If there were a breach, then like bylaw infractions, may be referred to LTC for consideration of legal action. Reports may be brought to LTC, but it would be fairly administrative in function.
- Section 15 of HA, LTC designate or assign management to a third party it *may* be referred in future to another larger group, perhaps, Capital Regional District (CRD) housing secretariat, or an island group if it decides it wants to take that over. RPM Kojima indicated management could be assigned at any time at the discretion of the LTC. It is up to LTC as to how the agreement is managed.

Trustee Pottle enquired as to where the LTC stood if CMC decides HA is too much to administer, or if the owner could not find five members to be part of this agreement.

RPM Kojima noted it was incumbent upon the owner to nominate people to CMC, up to five other individuals who have no financial interests in GLCHT. It was noted LTC is not liable for mortgage defaults.

Akasha Forest enquired about eligibility.

It was explained that up to 90% median income on southern Gulf islands amounts to approximately \$40,000. This amount is measured according to latest census and floats accordingly.

Allan Doty clarified whether sewage system would have CRD or Vancouver Island Health Authority (VIHA) inspections. RPM Kojima noted that provincial building codes apply; CRD administers building codes and has oversight on project.

Debbie Holmes understood that CRD will hold a HA but not under this model and questioned if this was correct. RPM Kojima noted CRD can have a function in housing agreements; they could get involved in areas of management, reviewing leaseholder applicants.

Trustee Pottle noted that CRD would work with proponents of Galiano Green (GG) and Islands Trust.

Diane Cragg asked for information about Section 11, page 21, HA, which refers to relationship with Canada Mortgage and Housing Corporation (CMHC) in case of default. RPM Kojima noted that if CMHC is required to insure any of the mortgages, the terms of the HA aren't binding on the CMHC. This is standard wording. Ms. Cragg recommended they change the wording of HA to remove "city."

In response to a question from **Brad Prevedoros** about the hydrologist survey not taking Galiano Estates' well into account RPM Kojima noted that the hydrologist's report reviewed the 10 closest wells to property.

Brad Prevedoros asked whether there had been any consideration of gardens, wells, or hot tubs.

Robert Barrs acknowledged concerns. GG aims to save water and only use well-water as a back-up in times of extreme drought. Housing units are so small. Most of the land is common land that will stay as forest.

Janice Prevedoros asked why there would be another dense subdivision beside an existing one (Galiano Estates) and if there was a regulation within LTC about not placing subdivisions side by side. RPM Kojima indicated there was not.

Members of the public asked about a second source of water needing to be in every dwelling; and heating systems in each home.

Tom Hennessy indicated they would not be pumping well water into every home and that rainwater can be engineered as a primary source; he also indicated that leaseholders must have an alternative system and must have a low emissions woodstove

Geoff Gaylor asked about size of houses and clarified accessory buildings.

There was discussion about the number of gallons per day of water that could be drawn from the well in case rainwater catchment systems are insufficient. It was noted that, at building inspection stage, there will need to be a source of storage capacity for potable water. 420 gallons per day will be max draw down.

Tom Hennessy indicated that GLCHT wanted to ensure there would be a mixture of different housing sizes, depending on lot sizes.

RPM Kojima referred to the covenant attached to the plan which shows the layout of the subdivision but does not prescribe specific house sizes. Cost of construction is related to dwelling size.

Louise Decario asked about whether there was enough capacity on small houses to catch enough rain to last through the year. Has a study been done on whether there is enough catchment on a small roof?

Robert Barrs noted hydrology study looked at this, assuming that smaller houses have fewer occupants. It should be entirely feasible to meet rainwater catchments. Storage can also be under the building.

Louise Decario noted the covenant outlines that there will be an evaluation after the first 6 houses are built and if the professional cannot certify the rainwater catchment is adequate, then, they may connect to a community system.

Tom Hennessy noted they were not in favour of going to a water system and would rather increase water collection surface to increase capacity. RPM Kojima noted that such a change to language could be made to the covenant.

In response to a question about timelines if the LTC approved the application today, RPM Kojima outlined the next steps may be another year assuming everything proceeds expeditiously: ministerial approval of OCP, bylaws adopted, proponents apply for bare-land subdivision, , plan is registered, individual lots are leased, leases are drafted and signed, building permits applied for. It was noted there was no alternative proposal before the LTC.

Debbie Holmes asked how LTC arrived at a density of 20 houses on 10 acres.

RPM Kojima indicated proponents have always proposed this. During the application process, there were a number of decision points that were considered. The question of density was considered by the LTC.

Akasha Forest referred to page 17 of Leasehold report and asked about the reference to “extras” and whether that included septic tanks that would be distributed into common wetland system. It was noted by staff that individual tanks are on individual lots.

Keith Carlson asked about the visual impact of having water tanks.

Robert Barrs noted that tanks could be under the buildings.

There was a question about whether proponents were in favour of phasing. RPM Kojima noted phasing plan was removed from covenant but could be added in.

Carolyn Jerome asked what size of tank a family of 4-5 needed.

Tom Hennessy noted that Galiano Green would be a model of conservation.

Carolyn Jerome asked about rights of people to have quiet.

RPM Kojima noted that owner could establish rules about construction timing.

Tom Hennessy noted that GLCHT wanted 10 applicants the first year. Phasing would happen in actuality. Septic system must be ready for first house.

There was a question as to whether there were restrictions as to how long someone could take to build. RPM Kojima indicated that, while there is no restriction on length of time, building permits only last 18 months, and after that, the permit lapses, so there is an incentive to build expeditiously.

Doug Latta noted one cannot get a mortgage until you have occupancy.

Michael Sharp enquired if there was a separate water supply for firefighting.

Tom Hennessy noted a requirement for 25,000 gallons. GG will maintain 5000 gallons in storage. **Doug Latta** noted GG will require homeowners have an extension at bottom of tanks to access water for fire protection. RPM Kojima noted that firefighting processes are integral to building.

Allan Doty asked whether the common building would have water catchment and storage, and if the common building would be built first as a means of ensuring adequate supply of water from rain catchment.

It was noted that every unit was required to have own bathing facilities.

There being no other questions, Chair Busheikin called the meeting to a close at 2:23 for a brief recess.

4. PUBLIC HEARING

4.1 Recess for Public Hearing

The Public Hearing was called to order at 2:35pm. See separate Public Hearing (PH) record dated September 19, 2016.

4.2 Recall to order

Chair Busheikin recalled the meeting to order at 5:35pm.

6. ADJOURNMENT

Chair Busheikin adjourned the meeting at 5:37pm and stated the Public Hearing would be reconvened 1st Oct., 2016 at 12:30pm, South Community Hall.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder



DRAFT

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: October 1, 2016
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

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

Others Present: Approximately 80 members of the public and no media

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:26pm. She acknowledged the Coast Salish First Nations upon whose territory we were meeting.

2. APPROVAL OF AGENDA

The following amendments to the agenda were presented for consideration:

- The Public Hearing, Item 5, would become Item No. 3
- Item No. 10.2 GL-DVP-2016.2 (Coburn) would become Item No. 4 and the agenda renumbered accordingly.

By general consent the agenda was approved as amended.

3. PUBLIC HEARING

3.1 Recess for Public Hearing

(Reconvened from Public Hearing Held September 19, 2016)

Please refer to separate Record of Public Hearing for October 1st, 2016.

3.2 Recall to Order

Chair Busheikin recalled the meeting to order at 4:46pm. There was a short break. The regular LTC meeting reconvened at 4:55pm.

4. APPLICATIONS AND REFERRALS

4.1 GL-RZ-2011.1 (GLCHT) – Staff Report

By general consent the Local Trust Committee agreed to defer this item (previously agenda item 10.1) Galiano Land Trust to the November 7th meeting.

4.2 GL-DVP-2016.2 (Coburn) – Staff Report

The staff report was reviewed. As a result of a neighbour's feedback, the applicant agreed to add one additional parking stall, bringing the total parking spaces to four. This change was deemed acceptable as no further response was received from the neighbour.

GL-2016-090

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2016.2 (Coburn) as revised.

CARRIED

5. COMMUNITY INFORMATION MEETING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated August 29, 2016 (for Adoption)

The following amendments to the minutes were presented for consideration:

- p. 14 a "definition" of a hut instead of "distinction"
- p. 15 of package in Item No. 16.3 Rise and Report, "The resolution was read" should be changed to: "The resolution to reconvene was read."

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions Without Meeting Report

none

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated September 2016

The CRD Director was unable to attend this meeting.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

9.1 Email from B. Russell Dated August 22, 2016 re LTC Minutes

(Referred from EC August 31, 2016, for consideration)

Chair Busheikin reported on minutes guidelines and technicalities about amending minutes after adoption. Mr. Russell felt strongly that the minutes should reflect why the meeting was recessed; in this particular case the Chair had recessed the meeting because members of the public spoke out of order. The Chair noted that minutes should not be subjective but, rather, were meant to be a record of decisions made.

10. LOCAL TRUST COMMITTEE PROJECTS

none

11. REPORTS

11.1 Work Program Reports (attached)

11.1.1 Top Priorities Report Dated September 2016

Information as presented.

11.1.2 Projects List Report Dated September 2016

Information as presented.

11.2 Applications Report Dated September 2016 (attached)

Reports are being prepared for approximately six applications for Temporary Use Permits (TUPs). There was brief discussion about whether to hold a separate meeting to address the TUP's and it was agreed that the applications would be addressed at future regular LTC meetings.

11.3 Trustee and Local Expense Report Dated July 2016 (attached)

Information as presented.

11.4 Adopted Policies and Standing Resolutions (attached)

Information as presented.

11.5 Local Trust Committee Webpage

n/a

11.6 Chair's Report

Chair Busheikin reported that half of Executive Committee (EC) went to Union of BC Municipalities meeting and she looked forward to hearing about it. There were resolutions around lobbying the Federal Government for housing funding. The Executive Committee meets next week and among other things will be receiving a comprehensive overview on how to create a relationship with First Nations based on principles of reconciliation.

12.7 Trustee Report

Trustee Harris reported on approximately 183 letters, and counting, that have been received with respect to Galiano Green (GG) and noted his appreciation to the writers. He updated that office hours have been busy. As a result of a motion, Trust brought in a professional facilitator to help create a vision of Islands Trust at the Quarterly meeting in Sidney. After a four-hour session there was no conclusion apart from a return to the mandate. San Juan Council presented their concerns and issues. It was a good three-day meeting.

Trustee Pottle noted GG has been much on people's minds. She has researched next steps if proposed bylaws go through and is considering many possibilities. She thanked everyone that participated in the public hearing and looks forward to next meeting.

Perspectives of the Visioning Session were shared by the group.

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for November 7, 2016 at the South Community Hall, Galiano Island

15. TOWN HALL

Akasha Forest commended Trustees for the work they do. She reported on attending Trust Council on September 13th. She requested if Watershed Planning could be added as a Special APC once the Telecommunications APC was in place.

Chair noted first step was to add this to the Projects List, and then, once something becomes open as a Top Priority it could be considered.

GL-2016-091

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee add comprehensive watershed planning to the Projects List.

CARRIED

Louise Decario noted she was heartened by the visioning session but she would have liked to have seen more emphasis on the environment.

Stephen Rybak hoped whoever was responsible for all the posters concerning the affordable housing proposed bylaws would now remove them. He thought it was illegal to staple posters to power poles.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 5:26 pm.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder



DRAFT

Galiano Island Local Trust Committee Record of Public Hearing

Date: September 19, 2016
Location: Lions Park Society
992 Burrill Road, Galiano Island, BC

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

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

Others Present: There were approximately 60 members of the public present.

Chair Busheikin called Public Hearing (PH) to order at 2:35pm and reviewed statutory requirements and rules of conduct. RPM Kojima summarized PH notice requirements.

4.1 Galiano Island Local Trust Committee Bylaws 233 & 234

Emma Davis, also speaking on behalf of **Avi Bryant**, supported proposed bylaws. They are neighbours of Galiano Green (GG) and are as likely to be affected as anyone by increased noise and light levels. They will likely suffer some inconveniences in order to have a diverse community and support GG.

Debbie Holmes has attended all LTC and Housing Trust meetings, and has read all information on proposal over last two years. Her letters to GG have gone unanswered. She expressed concern with regard to: 1) national and international investors; 2) LTC holding the housing agreement because LTC has neither expertise nor time, while CRD are experts in holding agreements; 3) sufficient protections for families; 4) corner-cutting to save costs; 5) groundwater recharge; 6) increased noise.

Tahirih Rockafella, neighbour of GG, thanked volunteers of Housing Trust. She expressed concern with regard to: 1) costs of building own home; 2) noise from after-hours construction; 3) increased noise in general; 4) water concerns; 5) being bordered by continual development; 6) ongoing maintenance.

She read **Avis Seeds'** letter which outlined concerns about GG proposal, especially with respect to water. She suggested a baseline water study be done, during summer, and to include D. Cragg's and Galiano Estates' properties.

Diane Cragg, owner of a neighbouring property, was a founding member of the Housing Trust and former Islands Trustee. She is a land administrator. She supports affordable housing and thought GG is on a good site. She noted that Bylaw 233 simply amends the map to create a new zone. She noted the set-back is to protect agricultural activity, but ironically does not protect from the highest density and requested that the LTC carefully consider changing the set-back. Hydrologist conducted a rainwater assessment, not a groundwater assessment. Was concerned GG could significantly reduce capacity of surrounding wells. She also expressed concern about: relying on volunteers to manage administration of GG and enforce rules; servicing and management costs specifically with regard to subdivision standards, road construction, engineered drainage, parkland dedication. She noted that none of these concerns are insurmountable, but that they need to be done right.

Rene Mahlow read a statement from **Heather MacRae**, a neighbour, who spoke against proposed bylaws. She has seen steady increase in traffic and noise in neighbourhood. She is concerned about: 1) water; 2) smoke which could settle in the valley; 3) quality of life for people living at GG who are very close to Rod and Gun Club and will be exposed to shooting noise; 4) abundance of rules and regulation for residents of GG; 5) neighbours' views of the project.

Doug Latta spoke in favour of the project. Affordable rental housing used to be an option. CMHC provided mortgages for groups like theirs to build rental housing throughout Canada. That option is no longer open. GLCHT had to come up with a solution. Galiano residents would not appreciate having a referendum to raise taxes for rental housing. Each year \$580 million of mortgage money comes into government Central Revenue Fund but does not go into rental housing solutions. Density is needed to afford housing. A business plan was done. They will probably never have 20 living there all the time. Realizes there are problems with 20 homes. Concerned that people are misconstruing how water collection works. He has been working on a solution for five years. There are limited options for affordable housing.

Tyson Harris spoke in support of proposed bylaws. He grew up on Galiano and noted how few of his classmates remain on Galiano because it is difficult to make a living here. Thought location of GG was good. He commended the effort that has gone into this, specifically with regards to addressing water issues.

Lorelei Allen spoke in support of proposed bylaws, noting economic benefits of affordable housing. She enjoys living in a cluster of houses. Spoke of climate change crisis. Project is ecologically sound and has addressed fears. She is excited about project, wants to give it a chance, and thanked Housing Trust for their work.

Jemma Lee is on the board of GLCHT and supports proposed bylaws. She has faced housing crises here on Galiano. She started a business here and moved into a tent. She was an applicant of GG until she built her own tiny home with a very small woodstove, greywater system, passive solar heating.

Diane Laronde, a GLCHT board member, spoke in favour of proposed bylaws. She thanked people who have written letters and those with concerns. Thinks the water is problematic and wants to find solutions. With respect to the hydrologist: he was hired to report on feasibility of using rainwater and was not retained to give them a favourable answer, but an honest one.

Lony Rockafella, a neighbour of GLCHT, spoke against the project noting concerns about traffic safety.

Diana Lilly noted the immediate neighbours' concerns which need to be addressed. She is supportive of co-op model and felt that a developer with experience building co-ops would be better than a build-it-yourself model.

Trustee Pottle noted she had attended the affordable housing forum in Cowichan and was told that the co-op model may be something they move to. GG could remain a strata or turn it into a co-op if they wanted.

Tom Hennessy spoke in favour of the project and provided a history of small houses on Galiano. He has concerns about community goals and Airbnb's approximately 70 short-term-vacation-rentals.

Brad Prevedoros has concerns about the project including that Galiano Estates' well was not included in hydrologist study and the driveway from the project is across from a school bus stop.

Janice Prevedoros spoke against proposed bylaws as they stand and noted concerns about water quality and that the covenants cannot be enforced. Thanked the affordable housing group for their work. Noted some challenges with respect to rainwater collection because it needs to be maintained, filters cleaned.

Andrew Loveridge spoke favourably of the Village as a good location.

Debbie Holmes spoke about concerns with respect to: 1) density; 2) position of LTC; 3) lack of privacy. She wanted to pursue Galiano Way as a site for affordable housing.

Letter by **Keith Holmes**, read by Debbie Holmes, spoke against proposed bylaws noting the following concerns: 1) environmental issues; 2) water quality; 3) affordability.

Elizabeth Latta spoke in favour of GG and proposed bylaws. This proposal has been thoughtfully considered. There are restrictions greater than those they themselves face. GG will appeal to people who do not aspire to large tracts of land.

Michael Beach spoke against proposed bylaws and noted several concerns : 1) having temporary dwellings during construction phase; 2) lack of consistency in buildings; 3) limitations of rainwater collection; 4) possible impacts on Galiano Estates Improvement District, Page Drive, Pub; 5) inadequate hydrology report; 6) density of 20 dwellings; 7) increased traffic; 8) pressures from developers.

Louise Decario has concerns about the proposal, specifically rainwater catchment for potable water and is worried about smaller houses. She supports affordable housing on this particular property, and was on GLCHT board, but cannot support the bylaws. . She would like to see studies done on size of catchment needed to sustain three people.

Stephen Rybak outlined his cautious support for the project and noted it will not be perfect. He is concerned about groundwater and water supply and thought the hydrologist report was thin and weak. There will be an opportunity within the project to make midterm corrections, at the post-six-unit evaluation. Several of the issues raised are common concerns. Didn't think traffic would be a concern because only four units will have access to Porlier Pass. Overall, thought the project should go forward. If this project is approved would strongly urge LTC to not make any further approvals for TUPs or rezonings within this area. He requested to move toward a watershed system to get a firmer handle on sustainable water resources.

Akasha Forest noted that low income populations need housing more. Leaseholders will be responsible for a portion of constructed wetland sewage treatment. He has concerns about creation of toxic wetlands and hopes that LTC will review concerns of neighbours and look at more reports of hydrologist and wetland sewage treatment experts.

Andrew Loveridge presented a petition of supporters.

Louise Decario noted concerns about reliability of wetland systems in areas of drought when flow to wetlands is diminished. Would like to see CRD involved in the HA. Spoke to importance of respecting neighbours' concerns and duty of care to make application as acceptable as possible to people in community.

Tom Hennessy spoke about lagoons versus horizontal sub-surface wetlands. GG's is horizontal sub-surface. Composting toilets are an option and minimize water-use. Enforcement is very important to them. They have 17 applicants right now and have stopped taking applicants. They have half the density of Page Drive. Financing is not a problem for common buildings. GG is an effort to put people into housing.

Arisa Forest expressed concern about contaminated wetlands, citing medications. He referred to skills and resources required to build a house.

Doug Latta: With respect to making it a community water system, the neighbours would not support that. There will be enough rain water. With respect to a situation where a leaseholder could not afford to finish their house, it is possible for the society to buy that house, finish it, and rent it until it can sell. They have rescue clauses to protect their money and don't want to create poverty.

Mike Hoebel spoke in favour of proposed bylaws. He urged LTC to give it a try and approve the bylaws. It's an innovative, unique project. A lot of work has been done. This island needs to take some chances to provide for the future.

Diane Laronde spoke in favour of project. GG doesn't want leaseholders to live in shacks. She is in favour of gathering equity. She explained three types of constructed wetlands. Many things will have to be considered as they emerge.

Brad Prevedoros commented, with respect to density concerns, that most Page Drive residents are single. He asked where the money from lease payments goes.

There was discussion about 35-year perpetually renewable leases.

Andrew Loveridge discussed dignity. People should have the ability to build something that appeals to them. He noted that toxins are an issue everywhere, for everyone to deal with.

Janice Prevedoros: with respect to problem-solving as one goes, for the skateboard park, they had to anticipate problems up front. For GG problems need to be considered up front because implications are serious and long-lasting and impact more people. She questioned what the CRD required to approve the project.

RPM Kojima clarified that the CRD approves building permits and the skateboard park may have been approved by the CRD because they provided some funding.

Janice Prevedoros volunteered to help GLCHT develop some solutions.

Kim Lenglet commented that a person building their own house is empowered. Anyone can do it with will. She supported giving people this opportunity.

Ed Andrusiak spoke in favour of proposed bylaws. An aspect of this project which needs to be considered is that GG is using leading edge green technologies; the way we did things in the past is not the way we're doing it here. Groundwater supply is shrinking. Fossil water is what we're pulling out and it takes generations to replace. Rainwater catchment is the way we need to go. Sewage treatment is essential. We flush drinking water down the toilet.

Roger Pettit agreed with proposed bylaws and noted shortage of affordable housing on the island. His farm was in short supply of labour and was thus unable to grow as much food as was possible. Not all details have to be worked out in advance. Use innovative solutions.

Michael Beach spoke about land clearing required for the development.

RPM Kojima noted it was not a Development Permit Area so there are no limitations on cutting trees.

Tom Hennessy noted that GG was very sensitive about that property and wanted to do as little as possible to compromise that environment.

Akasha Forest expressed concern about people who fall under the range addressed by this proposal. Urged LTC to take its time and look at needs, and, the issues around the HA unless one has the expertise to administer it. She questioned who had the skills and resources required to build and who is going to benefit from it. Thanked the GG committee members.

Doug Latta clarified that GG is not aiming at \$40,000. People who were low income could afford to build a 500 sq ft house.

At 5:35pm Chair Busheikin stated the Public Hearing is being recessed and will reconvene 1st Oct., 2016 at 12:30pm, at South Community Hall.

**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



DRAFT

**Public Hearing Record
Received For Information
By the Local Trust Committee**

Galiano Island Local Trust Committee Record of Public Hearing

Date: October 1, 2016
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

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

Others Present: Approximately 80 members of the public and no media present.

The Public Hearing, reconvened from the session held September 19, 2016, was called to order at 12:40pm. Chair Busheikin acknowledged Coast Salish First Nations upon whose territory we were meeting.

Chair Busheikin explained that comments heard previously on September 19th, 2016 would not be re-heard. She read the opening statement, explaining rules of conduct and that speakers would have four (4) minutes. A Speakers List was taken.

3.1 Galiano Island Local Trust Committee Bylaws 233 & 234

Ann Hennessy spoke in favour of Galiano Green (GG). She addressed the community process involved, referring to the Official Community Plan (OCP), where one of the issues was affordable housing. Galiano Land and Community Housing Trust (GLCHT) members were involved on OCP committee, and carefully considered things such as location, density, low-to-moderate income, Housing Agreement (HA), clustering of housing, rainwater catchment, and energy-efficient designs. OCP was roadmap. GG is half the density of Page Drive. HA was prepared and vetted by various legal counsels.

Dirk Ouellette withdrew his previous letter of support. He was on the economic development committee for the OCP and supports controlled growth. Page Drive was approved for more units. He is concerned about the aquifer, lack of CRD funding for GG, enforceability of HA.

Jean Krebs expressed concerns about lack of certainty and conflicting answers to questions, noting the lease and HAs are not yet finalized. She asked the LTC to delay approval of bylaws until they have received finalized versions of agreements. She wants affordable housing protections in place.

Barry New, a GG board member for 4-5 years, addressed the rental situation with Galiano Green. Owners may rent out their places. GLCHT did not want two-tiers of renters. Putting 20 units on the property is quite doable and not close to neighbours. He noted that one project cannot address all of Galiano's housing problems. He spoke in favour of GG and hoped LTC would approve proposed bylaws.

Stephen Akins spoke in favour of proposed bylaws, noting GG was not perfect, but that a lot of effort was put into making good things for the community. He noted the social engineering in this project and referred to there being more restrictions on this property than any other on Galiano. He stated that opportunities are not the same anymore for newcomers and that GG creates some opportunities.

Johanna New Moon spoke against proposed bylaws. Apart from proximity to amenities the site is not great. Although she signed a petition in support of GG she has concerns. Page Drive is planning another new building to add more units.

Annette Shaw fully supports GG, noting how hard the board has worked to fine-tune their plans noting it is a welcome alternative to empty houses owned by people who do not live here.

Paul Leblond spoke in favour of the project observing that the board has gone through all the hoops, and has had technical and legal expertise. At the recent newcomers' meeting, he was impressed by community's spirit of generosity and would like to see same spirit applied to people of our community who need affordable housing.

Heather McRae spoke against the project. She expressed concern about: water, environmental issues, access to Porlier Pass, economic feasibility, and density given Page Drive's building plans. She would like to see a list of owners.

Bill Russell expressed concerns about: lack of practicality or affordability of project, water supply, sewage treatment if there is maximum build-out. He wants to see low-cost housing, pre-built. He questioned the demand on the aquifer and felt that practical issues need to be addressed.

Joseli Rockfella spoke against the project, noting concerns about lack of timelines and scope creep. Appreciated the work that has gone into the project but has concerns about unknowns and requested a comprehensive plan that meets all needs and interests.

Rene Mahlow spoke against proposed bylaws noting concerns about loss of rural tranquility: increased noise, traffic and general busy-ness, particularly when other lands or options exist, ie Heritage Forest.

Janice Prevedoros spoke against the project. She referred to a recent provincial announcement that there is money available for affordable housing in BC. She expressed concern about water sustainability; when a new density or subdivision is being recommended, there must be proper water study and notification of neighbours. Their community well was not studied; she requested that it be investigated. She is also concerned about: respect for long-term residents, tree loss, impact of septic on neighbouring wells, garbage collection, and compost.

Jemma Lee spoke in favour of the project and asked LTC to approve proposed bylaws. She is on GLCHT board and thanked everyone who has been working on project. They chose this particular site because it complied with terms of OCP. Proposed site is almost three times the size of Page Drive, yet half the density. She referred to features of bare-land strata, various protections of the area, noting that rainwater catchment plan was a result of GLCHT being responsive to neighbours' concerns. Efficacy of rainwater catchment will be assessed before any more houses are built.

Andrew Loveridge spoke in favour of proposed bylaws. Concerned about negativity, he spoke favourably of owner-built housing as an option that will attract imaginative and enterprising people. Rolling topography of land will encourage imaginative design and better drainage. Concerned that GLCHT will be forced to continually redraw plans.

Trustee Sandy Pottle asked if GLCHT was familiar with Habitat for Humanity, where volunteers build houses and people end up with own home at the end, and whether GLCHT would consider becoming an associate?

Tom Hennessy spoke in favour of Galiano Green. With respect to garbage and recycling: these would be addressed by owner in the lease. The septic field will protect groundwater and was designed by foremost engineer who wrote the septic manual. GG feels a terrific responsibility to protect the trees and plans to limit the area of houses to small openings in the forest to accommodate small houses. Hydrologist is expert and made a decision not to test all the wells nearby as he felt that GG does not impact other wells in the neighbourhood. With respect to consultation, they ran a meeting with neighbours, community at whole, and with the applicants. CRD projects are very expensive. GG has credit unions that have agreed to fund.

Doug Latta spoke in favour of project. He addressed concerns about septic and wetland systems. He referred to detailed technical articles on the topic which all included how a wetland system was very good at removing contaminants. Septic engineer responded with a good report on toxin removal. All septic fields pollute. As the Treasurer of GG, he read a letter from CCEC and referred to Van City's letter of support.

Trustee Pottle asked about what CCEC's lending criteria is.

Doug Latta responded that the criteria were the same as for other applicants.

Elizabeth Latta spoke in favour of project and noted the foresight and planning that went into GG. She bears witness that they have consulted with several experts, professionals, LTC, community, and have done due diligence.

Dianne Laronde, a GG board member, spoke in favour of project. She referred to Habitat for Humanity as an intriguing model. She noted that all GG construction must be approved and inspected by CRD. WETT certified wood stoves and rainwater systems have to be approved. With respect to noise, the noisiest stage is to lock-up and GG wants to reach that stage as quickly as possible. She clarified that "Owner-built" does not have to be built by the owner.

Tahirih Rockafella spoke against the project and expressed concerns about affordability and long-term feasibility and questioned government support for project, citing CRD concerns.

Rene Mahlow noted that people with low-incomes should not be enticed to take on home ownership and outlined various expenses associated with home ownership. Concerned about land values going up, but not building values.

Mary Jean Elliot lives on property that borders GG. She was concerned that the fence built by GG was a sheep fence, not a dog fence, as she is concerned about dogs jumping the fence. She cited concerns about density, water running downhill toward her property, and pollution of two ponds.

Orissa Forest referred to impact of density on contributing to toxicity in wetlands, noting prevalence of chronic disease and increased use of medications. With respect to proposed bylaws 233 and 234, she thought it would be premature to approve them with so much outstanding information. There is no minimum lot size in proposed bylaw.

A break was called at 2:04pm.

Public Hearing reconvened at 2:28pm.

Kathleen Buckley spoke in support of the project and felt it was a positive, innovative project on which people have worked very hard. She hoped that concerns would be resolved as housing has been ongoing issue on Galiano. While not the entire solution, she felt GG is important.

Tahirih Rockafella outlined concerns about HA, CMC administration, and LTC role, asking how CMC would be expected to enforce non-compliance amongst neighbours.

Orissa Forest expressed concern about the number of lots and lot coverages; bylaw 234 is silent on these issues. The map included with proposed bylaw does not show lots, roads, set-backs, parks, covenant, parking, yet it is a complicated bylaw; has concerns that at least one lot would not be legally allowed to build anything additional on the lot due to set-backs. Houses could be three (3) metres away from each other. Questioned quality of life and noted that HA is not finalized.

MaryAnn Bose spoke against the project and was concerned mostly about affordability of building a home. She would support a pre-built project for rental.

Michael Beach spoke against the project and was concerned that proposed bylaws do not provide sufficient detail to guarantee the plan and requested that the bylaws protect the intention of the proposed project. The bylaw should stand on its own, not as amendment. He questioned the appeal of model and noted he would rather see a pre-built model for rental or purchase. He has concerns about project going on a long time.

Jemma Lee spoke in favour of project, and noted that what is proposed is not entirely new. The model is what was most appropriate to pursue. Strata are bound by common law, legislation, building practices and code. She referred to map of proposed density, noting, that current model preserves environment more than a Page Drive-type building.

Trustee Pottle asked whether the board discussed the process of rural subdivision.

Doug Latta noted that Robert Barrs, Principal and Senior Planner with Modus, who worked with GLCHT in developing a feasibility study, estimated it would cost a certain amount, which seemed practical. There are hoops to go through, but the expense would be manageable. CRD and Islands Trust would be part of approval process.

Lorelei Allen spoke in favour of project. She referred to climate change and that there is no minimum-sized home that could be built. She is also concerned about conservation; density, ecologically speaking, is more favourable around a node of commerce. She referred to numerous empty houses on Galiano, which, if occupied, would double population of Galiano.

Tom Hennessy noted general fears with respect to density. The only thing in OCP that allows more density is affordable housing, seniors housing, and housing for disabled. However, if forestry lots rezoned, subdivided, then built, increased density would occur with that build-out. He referred to Airbnb pressures on housing. He noted mixed messages with regard to idea of using Heritage Forest for affordable housing.

Michael Durkos spoke in favour of project and supports increased density noting that neighbours decided to live near commercial area. LTC needs to evaluate land use, not hypothetical land users.

Dianne Laronde noted GG does not intend to solve all problems, but rather, to address entry-level home ownership. She referred to impossibility of regulating empty houses.

Oleann Rockafella spoke against proposed bylaws and questioned affordability.

Libby McLelland spoke in favour of the project. She runs a business on island and thinks GG would be a good change and supports giving this innovative, ecologically-minded project a chance, as it provides people an option. She noted importance of LTC dealing with land use issues, not micromanaging people.

Justin Prevedoros is a carpenter who is concerned about: leaseholders' skill levels, project's aesthetics, and rainwater catchment. He spoke against the proposed project.

Bonnie MacGillivray spoke in favour of project. She considered herself someone who might want to build her own home. She will live on a modest pension and likes diversity in a community.

Gabriel Shoichet spoke against proposed bylaws. He clarified a letter from CGA supporting an ecologically-minded approach *in general*. He is concerned about water use and lack of regulations. Referred to pressure-treated power poles currently on GG land and questions their ability to enforce environmental measures. Rainwater collection estimates: \$20,000 or more for a non-engineered system.

Bernard Mignault spoke in favour of project and referred to young families that have had to move away due to housing issues. He noted concern about pre-judgments about aesthetics of project.

Tahirih Rockafella: thought proposed bylaws were incomplete as they are silent on maximum lot coverage, noted concerns about approach of working out details later, questioned location of a comprehensive zoning map, noted the , covenant is silent on tree cutting and water usage, and has concerns about removal of phasing plan. Referred to Denman and Hornby Community Housing models.

Akasha Forest referred to: 1) a report appended to her letter, providing some answers with respect to the septic system; 2) affordable houses on Galiano that have been bought by new and existing families, resulting in growing school population; 3) positive steps of LTC having looked at secondary suites and increased cottage sizes; 4) possibility that GG may not be able to deliver viable housing; 5) community being asked to accept some risk; 6) uncertainty that proposed bylaws will ensure 20 houses will be used for affordable housing; 7) role of LTC in managing HA.

Orissa Forest questioned definition of affordability. She outlined various costs associated with ownership at GG.

Tom Hennessy noted that some people will have savings or financial help and that they may build a smaller home than 500 sq ft. GG will not work on less than 20 densities because of infrastructure costs. GG took half the density of Page-Drive. GG has already compromised by reducing density. Costs will be covered by lease money coming in from approx. 20 densities. With respect to power poles lying on ground, they were left on ground because there had been a complaint that they didn't have rezoning yet. They then propped logs off the ground. Poles in the ground have toxins leaching out.

Line-Marie St. Jacques spoke in favour of the project. She finds living on Galiano to be very challenging and wants to see community work together. She thanked GG group.

Akasha Forest shared concerns about proposed bylaws: 1) questioned if they ensured affordable housing. There is lack of scaled drawing and siting - 7.5 metres to 1.5 metres between lots. Topographical layout of land is relevant because it will determine buildability. Hazardous cliff area may restrict certain parts of proposed development. Without proper mapping it appears 20 densities might be too great. 2) Is it viable and accessible? Recent staff report of Sept. 19th noted a bylaw after this Public Hearing may be altered based on information received provided amendments do not alter use, increase or decrease density, without a land-owners' consent.

Louise Decario referred to her time spent as a Trustee on the project. She cannot support proposed bylaws without further amendments. OCP water supply policy has not been addressed. Any application involving increase in density or intensity of use should involve a study of groundwater. It's a critical groundwater area. Kohut study was not a groundwater report. Covenant states LTC may require the dwellings be connected to a community water system. She questioned how GG fit with Land Use Bylaw water provisions. LTC should not hold HA as they lack capacity to add to their workload.

Akasha Forest noted HA is not subject to Public Hearing. 20 densities will not be removed. A new owner could approach LTC to consider redevelopment. Concern was expressed about role and liabilities of LTC as they will have to evaluate declarations of potential lease-holders. LTC may pass off HA to another 3rd party.

Tom Hennessy noted GG is determined not to jeopardize surrounding wells and mentioned seasonal use of different water sources. Referred to Elizabeth May's letter of support.

There was discussion about the nature of the Vancouver Island Health Authority waiver.

Andrew Loveridge noted that medications in water supply are an issue for everyone regardless of residential location.

Akasha Forest noted that bed 'n breakfasts are included in home occupations. GG would permit construction of three bedroom homes. She questioned whether the LTC were consulted in formation of HA. In addition to ensuring eligibility of potential lease-holders, LTC would have to inspect property and deal with declared breaches and may have to restrict occupancy. She has concerns that micromanagement and risks have been downloaded onto LTC. Questioned whether electors intended this in the absence of other options.

Louise Decario noted importance of taking informed risk based on research; expressed concern about lack of mention of Galiano residency criteria for eligibility in GG and wondered how that addresses housing need. Would like to see a 500 sq. foot cottage with rainwater catchment and prove they have enough water.

Staff noted it was not legal to restrict to residents only.

Trustee Pottle presented eligibility criteria for Salt Spring Island.

Gabriel Shoichet referred to the number of stated applicants and would like to hear from an applicant and see demand for this type of housing. He would like to learn about other options in light of information about a housing option with free land offered.

Jillian Shoichet was considering being an applicant prior to this meeting, but now, she was concerned about insufficient information presented and had second-thoughts.

Tom Hennessy referred to 17 applicants. In this small community applicants have not spoken up because they feel intimidated and are concerned about their businesses.

Barry New noted the land has been surveyed and mapped. Power lines have been penciled in; environmental survey has been done, but each housing site has not been surveyed because of the cost related at this stage. Lot lines and setbacks for strata lots are within allowable ranges; he didn't think 20 cars was excessive on 10 acres. Noted the land has to be rezoned first; the people who will be there will be diverse.

Lony Rockafella spoke against proposed bylaws and added density, felt that people will find housing if they have a will, noted concerns about subdivisions being profit driven, wants to preserve and protect forest, questioned the viability of the project, and would rather encourage tourism than density. Island as it is reminds people that things are worth protecting. Concerned GG will be a precedent for other high density subdivisions.

Geoff Gaylor spoke in favour of proposed bylaws and referred to his letter of support. The proposed site clearly meets criteria for affordable housing in OCP. Proponents are a community group with no personal gain. There is an urgent need for various types of housing on Galiano. He expressed concern about future community and lives of individuals if we do not have housing options and about the impact of STVR's. GLCHT has changed their proposal several times over the years in response to community concerns. He commended community members who have worked on this. Increased density in a place near facilities fits OCP. Anyone can be part of Strata community. Neighbours have an access point to have some control and this is an important aspect of the project, of which he is a strong supporter.

Andrew Loveridge referred to the bylaw allowing for home occupations which will benefit community.

Tom Hennessy spoke to history of increasing density for tourist accommodation. Galiano residents are the top priority for housing. As a neighbour, GG intends to totally respect the Rockafella's property and have offered to build a fence.

Lony Rockafella outlined further concerns: 1) efficacy of rainwater catchment in light of reduced rainfall; 2) potential for a new owner to come in and change the intent of the subdivision; 3) implications for Porlier traffic and the resulting first four-way intersection on Galiano. He referred to a company from Vancouver that would monitor speed and classification of vehicles coming through Porlier and Ellis intersection; 4) potential need for clear vision on roadway, for safety, which will require more tree removal. If he were to purchase the land he would sign a legal covenant to preserve and protect in perpetuity this land and not put in a driveway.

Dianne Laronde, with respect to Lony Rockafella's offer to purchase the land, clarified that assets of land can only be distributed to a charitable organization or non-profit that has as its mandate affordable housing.

There being no further comments Chair Busheikin closed the Public Hearing at 4:43pm.

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



Islands Trust

Galiano Island

Print Date: October 31, 2016

Resolutions Without Meeting

Resolution #	Action	Resolution Description	Resolution Date
2016-06	In Favour	THAT Galiano Island Local Trust Committee BEN Bylaw No. 258, cited as "Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011, Amendment No. 1, 2016" be Adopted.	12-Oct-2016

ADOPTED



**Galiano Island
Special APC Telecommunication Strategy
Meeting Minutes**

Date: September 21, 2016
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC

Members Present: ___ Kiyo Okuda
___ Stephen Rybak
___ Stephen Akins
___ Elizabeth Latta
___ Joan Robertson
___ Mike Hoebel

Regrets: ___ Peter Midgley

Staff Present: ___ Colleen Doty, Recorder



1. CALL TO ORDER

Recorder Colleen Doty called the meeting to order at 9:30am.

2. APPROVAL OF AGENDA

By **general consent**, the agenda was approved as presented.

2.1 Introductions:

The group introduced themselves and people explained their interests in the Special APC on Telecommunications.

2.2 Meeting Times:

It was agreed that meeting times would initially be weekly, every Tuesday morning at 9:30am.

3. ELECTION OF OFFICERS

The group decided to defer selection of Chair and Deputy Chair until all members were present.

4. TERMS OF REFERENCE

The group reviewed the Terms of Reference and shared their perspectives.

Item 12 d) was a concern: how far do we want to go? There was contention and much discussion about this item. How do we assess the gaps? Needs can be defined from different perspectives. It was noted that 12e) and 12 f) were specific to tower/antennae/wireless-based technologies, instead of being land-based; other technologies were not represented.

ADOPTED

Other ideas and questions that were raised:

1. Mike Hoebel reported that improved telecommunications is one of the priority areas of the Community Economic Sustainability Commission for the S. Gulf Islands.
Action: Mike has a baseline to share with respect to available communications. He noted it was very difficult to get information from providers.
2. Do we have resource people that we could have on hand?
3. Update other islands' situations as part of the environmental scan.
4. We can identify technologies that perhaps the Economic Development Commission has flagged as important for consideration.
5. We could have a caveat that every two years we review our recommendations as the committee acknowledges that the goals posts will move.
6. Can we get copies printed of Industry Canada mandate and Guidelines?
Action: Colleen to follow up.
7. What type of budget do we have for hard copies and a survey mail-out?
Action: Colleen to follow up.
8. Would this commission want to hold a public hearing given that this is about consultation to discuss gaps and needs and how people would like to be consulted?
9. A suggestion we elicit information via mail-out. Concern about respecting personal information.
10. Perhaps someone could cost out the survey for future consultation processes?
11. Consider putting together a package of information with respect to Rogers' 2015 telecommunications proposal. With respect to most recent application from Rogers, Stephen Rybak doesn't have finalized minutes of the Community Information Meeting and Public Hearing.
Action: Colleen to follow up.
12. **Action:** Mike Hoebel will look into the CREST information as part of the environmental scan.
13. There was discussion of part-timers, full-timers and visitors, and the extent to which each would need to be consulted.

The group felt they should consider the development on Mount Parke in terms of its impact on Galiano. There was discussion about radio density power and limits placed by Industry Canada.

14. **Action:** Joan will pursue information on Mount Parke technology.
15. **Action:** Mike will send a link for all cellular services.
16. **Action:** Colleen to coordinate an Orientation Session for APC members.

5. ADJOURNMENT

The meeting adjourned at 11:27am.

6. NEXT MEETING

Next meeting was scheduled for Tuesday, September 27th at 9:30am, subject to possibility that an Orientation Session might pre-empt that meeting time.

ADOPTED

CHAIR

DATE

CERTIFIED CORRECT:

Colleen Doty, Recording Secretary

ADOPTED



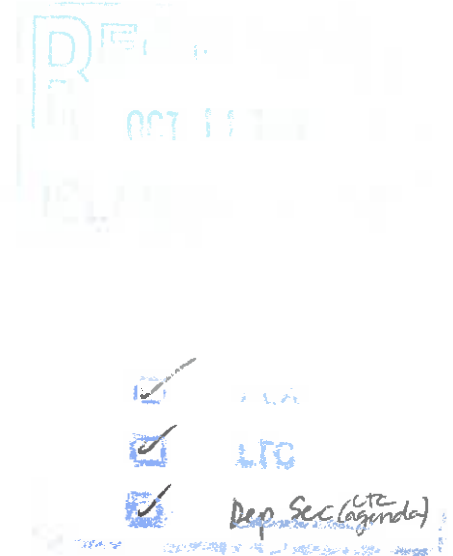
Islands Trust

Galiano Island Special APC: Telecommunication Strategy Record of Meeting

Date: September 27, 2016
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
12:30pm

Members Present: ___ Kiyo Okuda
___ Stephen Rybak
___ Stephen Akins
___ Elizabeth Latta
___ Joan Robertson
___ Mike Hoebel
___ Peter Midgley

Staff Present: ___ Kim Stockdill, Acting Planner 2
___ Colleen Doty, Recorder



1. CALL TO ORDER

Recorder Colleen Doty called the meeting to order at 12:31pm.

2. APPROVAL OF AGENDA

By **general consent**, the agenda was approved as presented.

3. ORIENTATION

Acting Planner 2 Kim Stockdill provided an orientation. Reviewed Bylaw No. 177. APC must not directly consult with other government agencies. We can ask questions as private citizens but not as APC.

- **Question: Does this include BCHydro? Kim said she would follow up and seek clarification. Are Crown Corporations government agencies?**
- It was noted we could get much of the information from public sources.
- **Question: Is there a distinction between consultation and asking for information? Kim will follow up.**
- Reviewed TOR and applicable Staff Reports, available online.
- If APC feels they must consult with the public, then APC must recommend to LTC to consult further with the public. The group considered whether they would have a motion to do this and no decision was made at this point.

ADOPTED

- Noted were: *Radiocommunication Act (RA)* and *Telecommunications Act (TA)*; Minister is responsible for both Acts and has delegated authority for *TA* to CRTC. Almost mutually exclusive.
- The scope of this APC is to outline siting protocols and consultation protocols and make recommendations to LTC.
- We may comment to LTC that we cannot obtain an accurate inventory. We do not have enough time, resources, or authority to pursue a thorough answer.
- We can deliver on antennae siting protocol, tailoring this to the local authority. Wider spectrum of telecommunications, though, is problematic.
- Can we come up with telecommunication strategy on siting protocol for Galiano without addressing other available technologies? I.e: If you want to put up an antennae over here or there, one must consider this and that. This APC's scope is not about specifying the technology.

\$1600 has been allocated to this APC.

- **Question: With respect to putting in a repeater on CREST tower to connect with Mnt Parke that was going to provide wireless internet for the school, we don't know which year this happened. Industry Canada sent a representative. School has a special package program, school network system. Pipe for the school brought in by Telus. Special Meeting at Lions Hall. Kim will follow up and try to find more information about this meeting.**

Documents Requested in Hard Copy:

- CIM minutes from March 14, 2015
- Hard copies of three documents and we can let Kim know Industry Canada link so she will copy it out. Telecommunications Act. Regulations are what are important. CRTC are the operational agency. Kim will send us electronic copies; hard copies will be here Thursday.

Residents first, then visitors?

4. ELECTION OF OFFICERS

By general consent Stephen Rybak was elected Chair of the Telecommunication Strategy Special APC.

By general consent Joan Robertson was elected Deputy Chair.

5. APPROVAL OF MINUTES

By general consent the Draft Minutes of September 21, 2016 were adopted as amended.

6. MEETING

Kim Stockdill is available by phone at 9:35am on Tuesday mornings. A/Planner 2 left the meeting at 1:25pm.

ADOPTED

Antennae Siting: Stephen Rybak read from applicable legislation. Can we tackle our objectives and recommend a telecommunications strategy, following the definition in the *Telecommunications Act*.

There was lots of discussion which included:

- How do we want to proceed: Antenna criteria or strategy? Members shared their perspectives.
- Importance of considering siting of telecommunication towers with the perspective of larger possibilities and not to limit our thinking. Fit the siting plan into the strategy.
- Mandate of Trust: residents, visitors next.
- Suggestion about dividing up tasks.
- Suggestion about doing "broad-brush" planning, then narrowing it to what we need.
- How to define benefit. Residents, visitors, province at large.
- Respecting Islands Trust bylaws.
- What community consultative procedures should happen for future proposals.
- Some members felt it important to develop the strategy then the siting protocols.
- Others felt that drafting guidelines for siting was a priority over strategy.
- Questions: Can we also do the inventory which is important for addressing gaps and needs. Where does 25 metre tower criteria fit into this? Are we interested in guidelines for towers less than 25 metres? This is an outstanding question.
- Concern about inadvertently encouraging shorter towers. APC could suggest we have some control over less than 25 meters.

Chair referred to Mike Hoebel's work with Gulf Islands Economic Sustainability Committee's work, which is mostly online. We should all review this. **Action:** Mike will email us the link. Focus is on broadband internet. CREST report will be sent out. As will maps.

Some possible survey questions:

- Do you own a cell-phone?
- If so, is the cell-phone service satisfactory where you are?
- Do you use VHS?
- Do you have land-line?
- Do you have wireless internet?
- If so, is it satisfactory?
- If not, why have you chosen not to avail yourself of the services?
- To understand the need: What are people looking forward to?
- Do we ask for geographic consideration?
- There are people on the grid and people off the grid.

Good governance to involve public. We need to consider the mechanics.

Chair asked the group to think about this for next Tuesday's meeting. **Kiyo Okuda, Stephen Akins and Peter Midgley** will provide an outline, preamble, sample of survey questions. Types of services, satisfaction, and preferences.

ADOPTED

Another issue was identified: residential capacity and coverage. How does this tie in with our mandate if a house is not official. Who is legal or who is not. It will be lumped in because there will be mail-outs and online survey.

7. ADJOURNMENT

The meeting adjourned at 2:33pm.

Recorder Colleen Doty to get a white board or flip chart for the group.

8. NEXT MEETING

Tuesday, October 4th at 9:30am.

CHAIR

DATE

CERTIFIED CORRECT:

Colleen Doty, Recording Secretary

ADOPTED

Galiano Island Special APC: Telecommunication Strategy Record of Meeting



Date: October 4, 2016
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
9:30am



Members Present: ___ Kiyo Okuda
___ Stephen Rybak
___ Stephen Akins
___ Elizabeth Latta
___ Joan Robertson
___ Mike Hoebel
___ Peter Midgley

Staff Present: ___ Kim Stockdill, Acting Planner 2
___ Colleen Doty, Recorder

Guests: One member of the public joined at 11:19am.

1. CALL TO ORDER

Chair Rybak called the meeting to order at 9:30am.

2. APPROVAL OF AGENDA

By **general consent**, the agenda was approved as amended:

- Draft Minutes would be moved to Item No. 3 and considered for adoption
- Draft surveys to be discussed as Item No. 5
- Discussion of Siting Criteria to follow after discussion of surveys. It was noted that siting policy should be consistent with *Islands Trust* mandate policy.

3. APPROVAL OF MINUTES

By **general consent** the Draft Minutes of September 27, 2016 were adopted as amended.

4. PHONE CALL FROM KIM (9:35am)

Acting Planner 2 Kim Stockdill joined the meeting by conference call at 9:35am. She reported back to the group on her findings with respect to questions raised the week before.

ADOPTED

- 4.1 **With respect to the issue of the APC “consulting” other government agencies** or crown corporations, she noted that seeking information is fine. But the APC is to avoid asking for their input or advice; dialoguing back and forth is to be avoided.

Question: Can we ask Telus when fibre optic might be online on Galiano?
A/planner 2 Stockdill indicated that yes, the APC could ask Telus. Always disclose that we are community members sitting on an Advisory Committee.

- 4.2 **Re: APC conducting/drafting a survey.** Looking at outline of charter, the LTC is hoping to schedule a CIM (March 2017) project charter. Chair Rybak asked if we could provide a survey to LTC along with a recommendation. A/Planner 2 Stockdill noted there was nothing to prevent us from doing that, apart from tight timelines.

With respect to collating information from survey: LTC would amend Work Project Charter; LTC would also resolve that Staff could work together with APC members. Usually Staff would organize that type of thing but not necessarily. The budget would be amended.

Chair Rybak indicated that the APC could have a survey in place at end of day.

- 4.3 A/Planner 2 Stockdill thought the OCP was silent on telecommunication siting, but she would confirm this and send the APC any information via Recorder Doty. An APC member asked what the implications might be of OCP .
- 4.4 APC members asked whether other LTC jurisdictions have handled siting policies. A/Planner 2 Stockdill will follow up with other planners (specifically Gabriola and Salt Spring Island) as to how implementation has gone.

5. MEETING

5.1 Needs and Gaps

The group discussed whether they wished to move forward with a survey and whether a survey could effectively assess needs and gaps. Terms of Reference refer to developing an inventory of existing services and structures, and also to evaluating gaps and perceived needs. The difficulty of estimating future needs was noted.

The survey is a more refined effort to get at perceived needs and gaps.

There was a suggestion to evaluate needs only.

The group reviewed draft surveys prepared by Peter Midgley and Stephen Akins and provided feedback, including:

- Questions about whether the end of Peter's survey fit with the rest.
- Positive response to the use of Google Forms.

ADOPTED

- Importance of capturing the geographic nuances of coverage. An option of giving address if one cannot get reception. We could go to eight or so zones. Maps available for each option. Emergency Program has neighbourhood zones throughout island. Each zone has a radio-communication link with others. Could base it on those zones. It would take Peter approx. 15 minutes to determine approx. eight geographic zones. Cell and internet reception can be very different within zones.
- Importance of capturing land line information: Does one have a land line? And then ask for the provider.
- Positive feedback on Peter's questions.
- For cell-phone-related questions, need to capture: service provider; use (primarily, secondary, emergency); quality of service
- Questions around level of granularity: how specific should the survey be?
- How satisfied are people with the service they receive?
- Consideration of asking whether people have changed/abandoned their service and if so, why.
- Comments section for current and future needs.
- Idea of WIFI/wireless free zones. The survey assumes that people want to have more connectivity. There should be a place to acknowledge desire for less connectivity.
- Might need to explain what is meant by connectivity.
- Question about whether to acknowledge that there is no perfect place for a radio-communications tower given topography of Galiano. Wherever such a structure is erected, there will never be perfect wireless coverage. Members thought this was a reasonable suggestion and perhaps it would help set realistic expectations.
- Re: antennae siting. Would one be happy with that in your neighbourhood? Discussion around this. Would the scope of the need be determined by that type of question?
- Can we identify a difference between need versus demand.

The group thanked Peter and Stephen A. for their work.

ACTION: Peter and Stephen A. agreed to work together on a revised draft (perhaps available online) and also consider:

- Delivery mechanisms for survey (ie: online, hard copy, mail-out)
- Timelines
- Collection
- Tabulation of data

ACTION: Chair Rybak would enquire about postal rates for mailbox delivery and possible return mail.

Members agreed they would prefer to present the LTC with a full package of info.

5.2 Telecommunications Act Discussion

ADOPTED

Scope: "residents first" and how does one define this? We have full-time and seasonal. Who qualifies? Residences cover this. Does one have a residence here on Galiano? Focused on the island, and not someone drifting by.

There was extensive discussion around prioritizing residents over visitors. It was noted that visitors are also important to residents, full and part-time, and economy. Connectivity on ferry is important to residents: residents, island businesses, visitors, province at large.

One member of the public attended: 11:19am

There was further discussion on:

- Economic Sustainability Commission: compare strategy that other groups are using to evaluate interests of rest of island at large.
- Distinguishing between neighbouring islands and rest of province, because what we decide on Galiano does have an impact on other Gulf Islands.
- Water-borne traffic and their ability to access various telecommunications. Do we want to say province at large or specify? LTC jurisdiction is only limited to Galiano and associated islands.
- Separating business needs from visitors' needs.

Chair Rybak suggested: residents, businesses, visitors, with LTC to weigh other islands in the mix. **ACTION:** He would wordsmith the priority populations.

5.3 Objectives of Telecommunications Act

ACTION: Chair Rybak asked everyone to look at Canadian telecommunications policy, No. 7, and review if for next time. What objectives should we try to mirror? Perhaps we could include it? Way to understand our technology needs that is practically available. Perhaps we put it into our survey preface as strategy.

5.4 Radio-communication Act

The group considered whether the siting template and protocol were useful to work from, to use as a basis for our model.

ACTION: All members to review p.15, section 6, actual template part of this. Focus on pages 14-32. This is a publication of the Federation of Canadian Municipalities. They interpreted the legislation and digested legal, policy, and regulatory material that comes from Industry Canada.

ACTION: Re: Salt Spring policy: Kim will tell us what practically came out of it. Do we endorse it, or fine-tune it. Deferred until next week.

5.5 CREST upgrade:

There was a lot of discussion about the CREST tower upgrade. The upgrade and installation of a new antennae will occur by end of 2017. The group was in favour of obtaining written information from CREST as to their plans and any

ADOPTED

consultative obligations. Are their improvements excluded from future tower siting criteria? Their progress reports are going to Southern Gulf Islands Emergency Management, part of CRD, and consists of fire-chiefs from all islands, emergency regional program.

ACTION: Mike Hoebel to follow-up with contacts and obtain more detailed information about this particular location, where and when. A statement as to whether they are excluded from Industry Canada. They do not need to publically consult, and they are excluded.

ACTION: Chair Rybak would wordsmith a preamble that could be used in the Special APC's information gathering. This would be used formally in letters that could be sent off to Telus or Shaw, etc. Include in our report to show due diligence.

There was discussion about Meeting Minutes of 21-Mar, 2003 and several questions were raised:

- Should APC ask Industry Canada if Mnt Parke is currently meeting Safety Code 6 requirements?
- The effects of EMR drop off drastically with distance, therefore, even if it still violates Safety Code 6 does it have any impact on Galiano whatsoever?
- Does it impact our strategy at all?
- Relevance to workers doing work?
- Are there any violations with that particular site and what are implications and are there any implications for Galiano?
- How can we be confident SC6 violation won't happen here?
- How often do they monitor sites?
- On Mnt Parke, they have different jurisdictions collocating. Radar is high. What about risk of transferring colocation if Galiano had a tower?

5. ADJOURNMENT

Meeting adjourned at 12:08pm.

6. NEXT MEETING

Tuesday, October 11th at 9:30am.

CHAIR

DATE

18-10-16

CERTIFIED CORRECT:

Colleen Doty, Recording Secretary

Follow Up Action Report

Galiano Island

07-Mar-2016

Activity	Responsibility	Target Date	Status
Crystal Mountain (GL-RZ-2014.1) 1.. Staff to follow up with Trust Fund staff regarding the timeline of the TFB/Crystal Mountain conservation covenant. May 2, 2016 LTC Meeting: 2. Applicant to explore additional community benefits options. (Done) July 4, 2016 LTC Meeting 3. Staff to explore and report back the legality of using a s.219 restricting the use of land for non-profit societies and the reference to non-profit societies in the draft OCP amendment bylaw. (Done)	Kim Stockdill	26-Aug-2016	Done
1. Staff to add Affordable Housing Strategy and Dock Review to Top Priorities - DONE 2. LTC (local trustees) to review Affordable Housing Toolkit to determine what aspects of Affordable Housing should be addressed.	Kim Stockdill	25-Mar-2016	On Going

02-May-2016

Activity	Responsibility	Target Date	Status
GL-TUP-2016.1 (Stettner) - application deferred until such time a draft covenant between the property owner and the Section Seven Water Works is agreed upon. (IN PROGRESS)	Kim Stockdill	01-Jul-2016	On Going

29-Aug-2016

Activity	Responsibility	Target Date	Status
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Follow Up Action Report

GL-DP-2016.3 (Barber) Staff to draft report outlining options to comply with DPA guidelines and additional DP conditions.	Kim Stockdill	30-Sep-2016	Done
GL-RZ-2016.1 (Wolstenholme) 1. Second Reading given to Bylaw Nos. 259 & 260. - Done 2. Third Reading given to Bylaw Nos. 259 & 260. - Done 3. Staff to refer Bylaw Nos. 259 & 260 to EC - Done 4. Staff to refer Bylaw No. 259 to Minister. - Done 5. Applicant must register s. 219 covenant with rainwater collection requirements as a condition of bylaw adoption. (In progress) 6. Applicant/property owner to install a meter to existing well in order to provide data to the Islands Trust with respect to water consumption as a condition of final approval.	Sharon Lloyd-deRosario Kim Stockdill	25-Nov-2016	On Going
GL-RZ-2016.2 (Galiano Conservancy) 1. Staff to draft LUB & OCP bylaws. (In progress) 2. Applicant must provide groundwater assessment report. (In progress)	Sharon Lloyd-deRosario Kim Stockdill	28-Oct-2016	On Going
Dock Review Project 1. Staff to draft an online survey regarding dock policies and regulations.(IN PROGRESS)	Kim Stockdill	30-Sep-2016	On Going

01-Oct-2016

Activity	Responsibility	Target Date	Status
6.1 Minutes of August 29th adopted as amended	Regina Robinson	07-Oct-2016	Done
10.2 GL-DVP-2016.2 (Coburn) approved	Sharon Lloyd-deRosario	07-Oct-2016	Done



File No.: GL-TUP- 2016.6 (Harrison & Kramer)

DATE OF MEETING: November 7, 2016
TO: Galiano Island Local Trust Committee
FROM: Phil Testemale A/Planner 2
Victoria Office
SUBJECT: Temporary Use Permit for an Commercial Vacation Rental
Applicant: Paul & Victoria Harrison; Wilfried & Verena Kramer
Location: 45 Alder Way

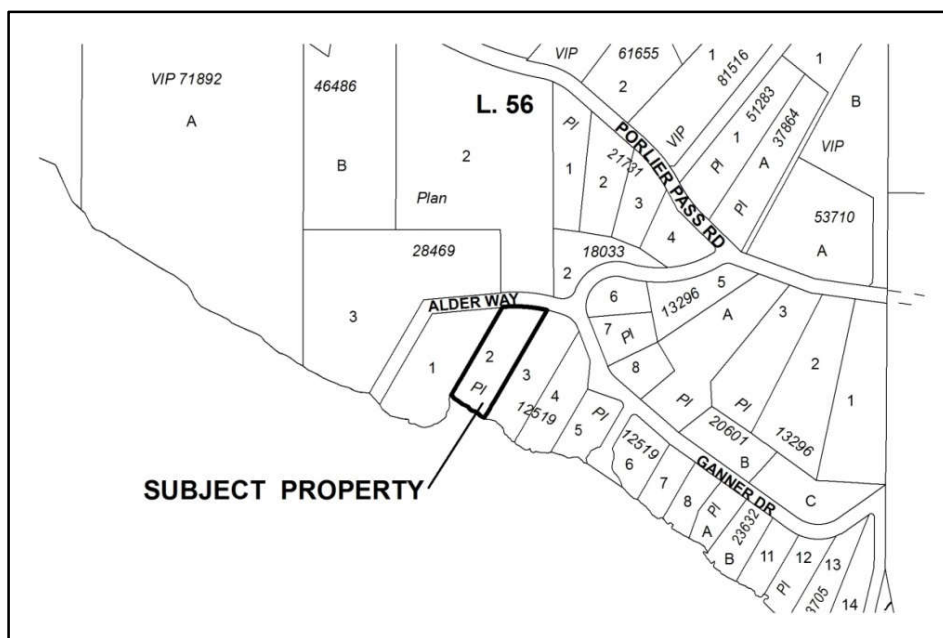
RECOMMENDATION

1. That the Galiano Island Local Trust Committee amends proposed Temporary Use Permit GL-TUP-2016.6 (Harrison & Kramer) to permit a maximum number of four (4) guests.
2. That the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-TUP-2016.6 (Harrison & Kramer) as amended.

REPORT SUMMARY

The purpose of the report is to consider a Temporary Use Permit (TUP) for a Commercial Vacation Rental within a dwelling unit.

In summary, the above recommendation for the issuance of the TUP is supported as it has not been opposed by any neighbouring property owners, the rationale is reasonable, it meets the specific guidelines of the OCP, and the guest capacity is limited. Additionally, the proposed permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance or, ultimately, for the LTC to not renew the TUP.



BACKGROUND

The applicant's stated reasons for the proposed temporary use are to be able to continue renting the dwelling occasionally when the shared owners are not using it. They have owned the property for 24 years and personal and rental use only occurs from April to the end of October annually. The dwelling is a one (1) bedroom house with an alcove sleeping area and rental is to a maximum of four (4) people. There are no other dwellings on the property.

There is no construction or land alteration associated with this application.

A copy of the proposed GL-TUP-2016.6 and a completed TUP checklist are attached.

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

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

Official Community Plan (TUPs):

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

The Guidelines for the TUPs for Commercial Vacation Rentals are contained in the Official Community Plan. Conformity of the proposal with those guidelines is analyzed in the 'TUP – Commercial Vacation Rental' Checklist - attached.

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

Land Use Bylaw:

The property is zoned as **Small Lot Residential (SLR)** in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB). The property is **not** within a Water Management Area established in the LUB.

Islands Trust Fund:

This application has no considerations for the Islands Trust Fund and has no considerations for the Regional Conservation Plan.

Issues and Opportunities:

TUP Objectives and Guidelines:

The attached 'TUP Checklist for Commercial Vacation Rental' analyzes the proposal and proposed TUP for compliance with objectives and guidelines of the OCP. The proposal is compliant.

Water & Septic

The subject property is not within a water service area and is not Water Management Area established in the LUB. The dwelling is small in size and is on a reasonably large lot. There is potential for increased water usage resulting from the use. The aggregate of multiple vacation rentals in the area should also be considered.

The applicant has stated that they have a well with a depth of 25 metres (80 ft.) and that they have not had any issues with capacity with personal and rental use over twenty four (24) years. Likewise, they have stated that they have not had any issues with the septic sewage disposal system. The BC Water Resources Atlas indicates the property's well (1968 records) show a yield of 6 gal./min. (27 l).

There is not a rainwater catchment system on the property. Although there is no condition for a rainwater catchment system in the proposed permit, the LTC could amend the permit to insert that condition on the basis

of the OCP guidelines for a commercial vacation rental. If a cistern is required, staff recommends that it meets the 16,000 litre capacity standard established in the LUB for water management areas, and that the condition have a grace period for installation within 12 months from the date of issuance of the permit.

The owners have stated that the septic system is sufficient for the STVR use.

Applicant's Rational for the Proposed Use

The applicant has stated they would like to continue to be able to occasional rent the dwelling in compliance with the bylaw regulations as the reason for the temporary use permit application. It is noted that the use has been continuing for approximately 24 years and the number of guests is limited.

Response to Neighbour and Public Notification

At the time of writing, there has been one response (positive – Attachment 5) to the notification process.

Permit Conditions

The proposed (amended) TUP incorporates most of the conditions that have been established in the OCP, with the exception of water conservation measures. The amended permit would allow a maximum of four (4) guests and a maximum number of two (2) guests per bedroom and provides the necessary conditions to ensure that the use does not have an unreasonable impact on the local area. The permit further establishes the ability to enforce compliance if issues arise and ultimately the LTC has the option to not renew the TUP.

Circulation/Consultation:

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on September 21, 2016. The notification period will end at 4:30 p.m. on September 30, 2016.

As stated above, staff has received one submission to date. Any other submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

Rationale for Recommendation:

The rational for the staff recommendation on Page 1 is: that the TUP objectives and guidelines have been met; the rationale for applying is reasonable and moves the use into compliance with the bylaws; there have been no concerns raised from neighbours in response to the proposal; and, the permit conditions mitigate the potential for issues to arise from the proposed use. Based on the small size of the dwelling and the low number of maximum guests, the water supply appears to be sufficient. Notwithstanding the latter, the LTC does have the alternative (below) to amend the permit to include a requirement for a cistern to mitigate the impacts of increased demand from the proposed use.

ALTERNATIVES

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

1. Amend the permit

The LTC may amend the proposed permit by requiring a condition that a rainwater catchment system with 16,000 litre capacity standard be installed.

Resolution:

That the Galiano Island Local Trust Committee amends Temporary Use Permit GL-TUP-2016.6 (Harrison & Kramer) by inserting the condition that a rainwater catchment system with 16,000 litre capacity standard be installed within twelve (12) months of the date of issuance of the permit.

2. Request further information

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

Resolution:

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

3. Deny the application

The LTC may deny the application. Resolution:

That the Galiano Island Local Trust Committee deny application GL-TUP-2016.6 (Harrison & Kramer) as it does not comply with guideline_____.

Submitted By:	Phil Testemale, A/Planner2	September 20, 2016
Concurrence:	Robert Kojima, Regional Planning Manager	September 26, 2016

ATTACHMENTS

1. Site Context
2. Maps
3. TUP Checklist
4. Notice
5. Correspondence
6. Proposed Temporary Use Permit GL-TUP-2016.6 (Harrison & Kramer)

ATTACHMENT 1: SITE CONTEXT

LOCATION

Legal Description	Lot 2, District Lot 56, Galiano Island, Cowichan District, Plan 12519
PID	000-840-050
Civic Address	45 Alder Way
Property Size	0.87 ha (2.15 ac.)
Site Description	The property is a waterfront location on the southern shoreline and middle of the island. It is well treed and private with a moderate area of clearing adjacent to the dwelling (see Attachment 2 – Maps) .

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
None	

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as Small Lot Residential (SLR) in the in the Galiano Island Official Community Plan No. 108, 1995 (OCP).
Land Use Bylaw	The property is zoned as Small Lot Residential (SLR) in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB).
Other Regulations	The property has the following Development Permit Areas (see mapping attached) designated on it: • DPA 2 – Shoreline and Marine • DPA5 – Sensitive Ecosystems • DPA 7 – Steep Slope Moderate Hazard Note: there is no development associated with the application.
Covenants	None
Bylaw Enforcement	The application is for compliance with the LTC enforcement strategy (property file: GL-BE-2016.6) for illegal STVRs on the island. There are no other enforcement issues recorded for the property.

SITE INFLUENCES

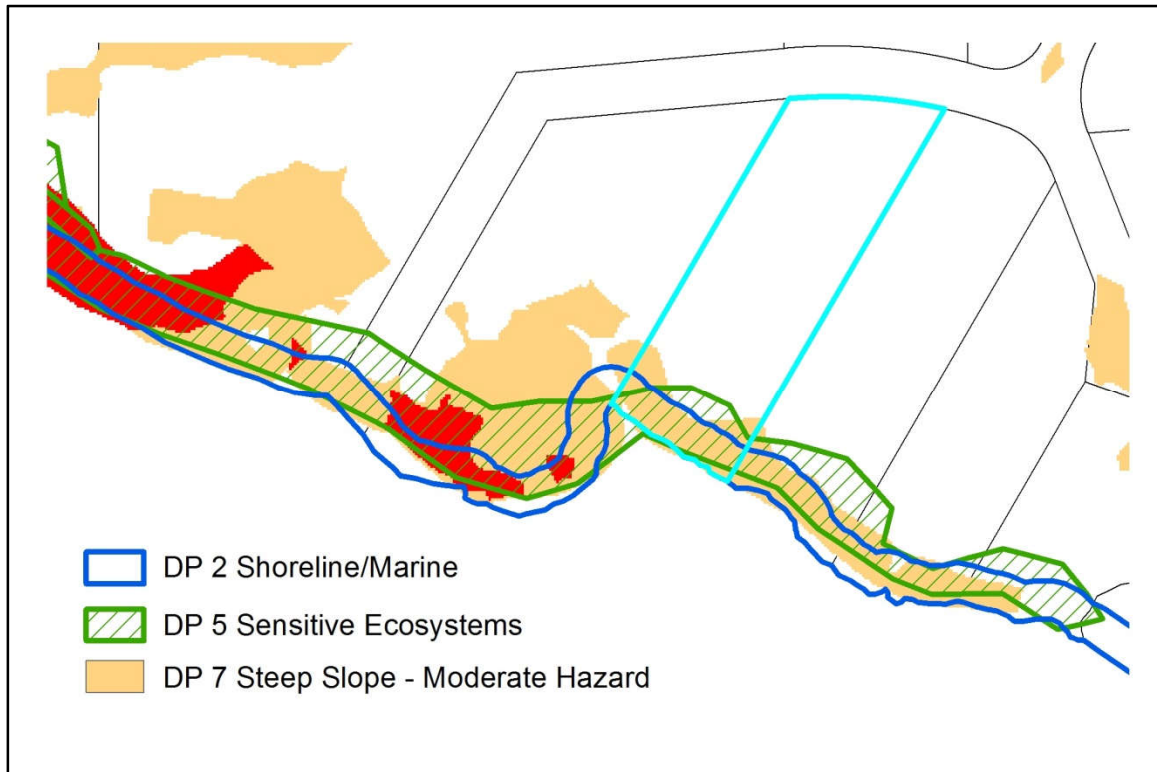
Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.

Species at Risk	N/A
Sensitive Ecosystems	The sensitive shoreline ecosystem and woodland ecosystems are identified in the OCP section, however, no development is proposed with this application.
Hazard Areas	As stated above, there are areas identified in the moderate steep slope hazard areas, however, no development is proposed with this application.
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres on the provincial RAAD database. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no development associated with this application therefore GHG emission changes resulting from approval and anticipated or possible climate change induced hazards are neutral.
Shoreline Classification	Rock Shoreline - Sea Cliff

ATTACHMENT 2: MAPPING
ZONING AND ORTHOPHOTO



DEVELOPMENT PERMIT AREAS



ATTACHMENT 3: TUP Checklist for Commercial Vacation Rental: GL-TUP-2016.6
(Harrison & Kramer) – 45 Alder Way

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “commercial vacation rental” means the use of a <i>residence</i> as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier	Complies, by definition of the use in TUP.
b) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	This is the first application for a STVR for this area of Galiano Island.
c) Residential Appearance - The Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.	No alterations proposed.
d) Neighbour Concerns - The Local Trust Committee may require mitigating measures to address neighbours’ concerns, such as retention of existing screening and fencing, or installation of additional screening.	At the time of writing, notification has not generated any comments.
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min) Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	Water: The property is not in a water management area. The property is serviced by a well with a depth of 25 metres (80 ft.) that provides sufficient capacity for the use. They have rented the cottage occasionally for 23 years. There is currently no cistern for storage of rainwater. The house is a small one bedroom and alcove. The property is reasonably large in size at 0.87 ha (2.15 ac).
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Minimum two (2) spaces is a condition in Draft Permit.

Guidelines	Comments
Permit Conditions	
g) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. require that the owner or other contact be available on Galiano by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit	Condition in Draft Permit.
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Condition in Draft Permit.
iii. require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area	Condition in Draft Permit.
iv. establish a maximum number of people that can stay	Applicant rents to a maximum of four (4) as a condition in Draft Permit (changed from six (6) as circulated for notice).
v. establish a maximum number of guests per bedroom	Maximum of two (2) as a condition in Draft Permit.
vi. prohibit camping or occupancy of RVs on the property	Condition in Draft Permit.
vii. restrict advertising to one unilluminated sign, with a maximum area	0.4 m ² , unilluminated and on subject property as a condition in Draft Permit.
viii. prohibit the rental or provision of motorized personal watercraft	Condition in Draft Permit.
ix. prohibit outdoor fires	Condition in Draft Permit.
x. establish the dates during which the use may occur	No condition for dates in Draft Permit. The owners only rent the cottage periodically between April and October.
xi. include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received	Between 9 a.m. and 5 p.m. of any day as a condition in Draft Permit.
xii. require that the landowner/operator post for guests emergency service contact information and to provide a means for contacting them	Condition in Draft Permit.
xiii. require the landowner/operator to post contact information and permit information at the entrance to the property	Condition in Draft Permit.
Agriculture Land Reserve	
h) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A

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

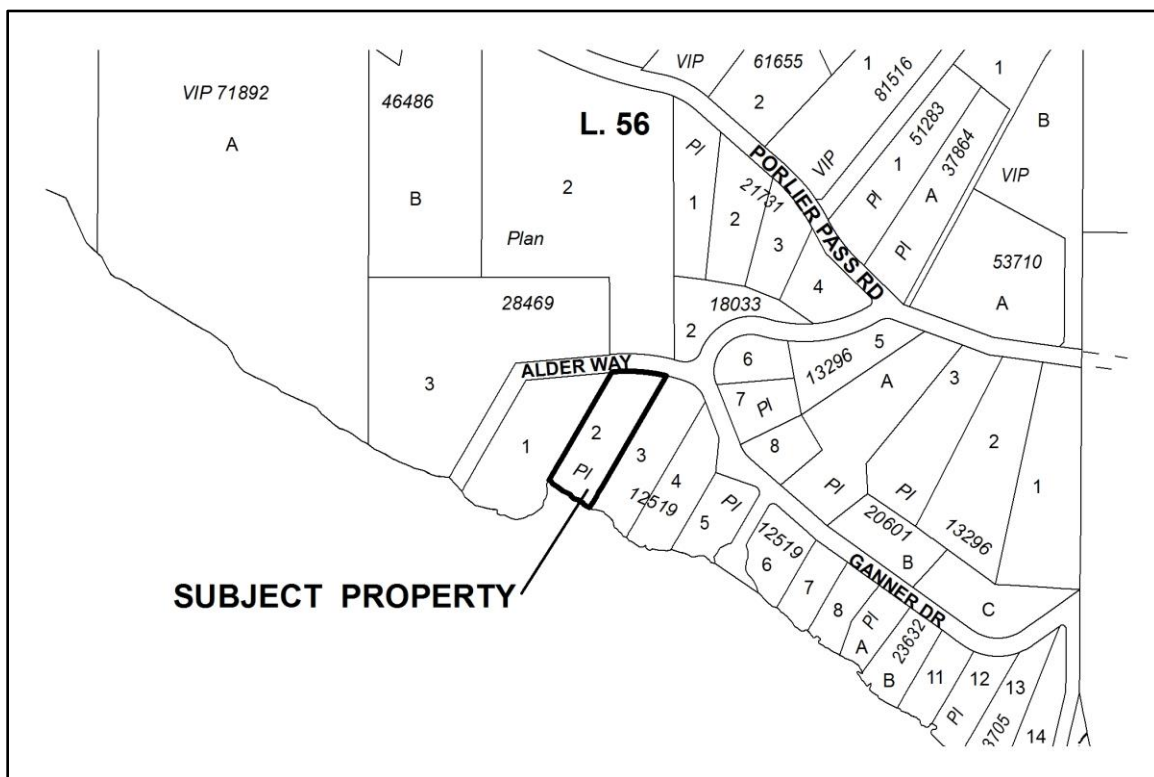
Islands Trust

NOTICE
GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-TUP-2016.6

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot 2, District Lot 56, Galiano Island, Cowichan District, Plan 12519 (PID: 000-840-050), 45 Alder Way.

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

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



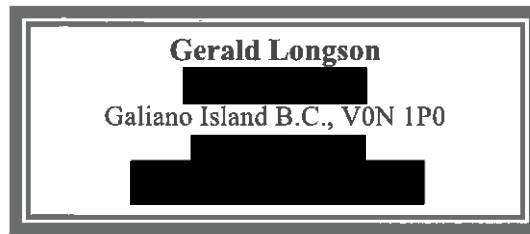
A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **September 19, 2016** and up to and including **September 30, 2016**.

For the convenience of the public only, and not to satisfy Section 494(1) (a) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing **September 19, 2016**.

Enquiries or comments should be directed to Kim Stockdill, A/Planner 2 at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before **4:30 p.m., September 30, 2016**. The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., October 1, 2016**, at the South Community Hall, 141 Sturdies Bay Road, Galiano Island, BC.

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

Sharon Lloyd-deRosario
Deputy Secretary



September 29, 2016

Islands Trust Office
200 – 1627 Fort Street
Victoria, B.C.
V8R 1H8

Attention: Kim Stockdill A/Planner 2

Re: **Temporary Use Permit – GL-TUP-2016.6**
45 Alder Way, Galiano Island, BC



Dear Ms. Stockdill

I am in receipt of the application for a "Temporary Use Permit" by Paul & Victoria Harrison and Wilfried & Verena Kramer. I currently own [redacted] to the south east of 45 Alder Way.

I have no concerns with the application for the "Temporary Use Permit". If all of the "Subject to Conditions" listed in the proposal are adhered to by the Harrisons and Kramers I will support the application.

It is important to the overall economy of Galiano Island that there be adequate short term vacation rentals available to visitors to the Island. #45 Alder Way will provide some of that must needed accommodation.

Yours truly



Gerald Longson

PROPOSED



Islands Trust

**GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2016.6 (Harrison & Kramer)**

45 Alder Way

To: Paul and Victoria Harrison
Wilfried and Verena Kramer

1. This Permit applies to the land described below:

Lot 2, District Lot 56, Galiano Island, Cowichan District, Plan 12519,
(PID: 000-840-050).

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

- a) a Commercial Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

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

- m) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint.
4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS Xth DAY OF MONTH, 201X.

Deputy Secretary, Islands Trust

Date Issued



File No.: GL-TUP- 2016.7
(Humphry)

DATE OF MEETING: November 7, 2016
TO: Galiano Island Local Trust Committee
FROM: Phil Testemale A/Planner 2
Victoria Office
SUBJECT: Temporary Use Permit for an Commercial Vacation Rental
Applicant: James Humphry and Amanda Harris
Location: 425 Clementine Lane

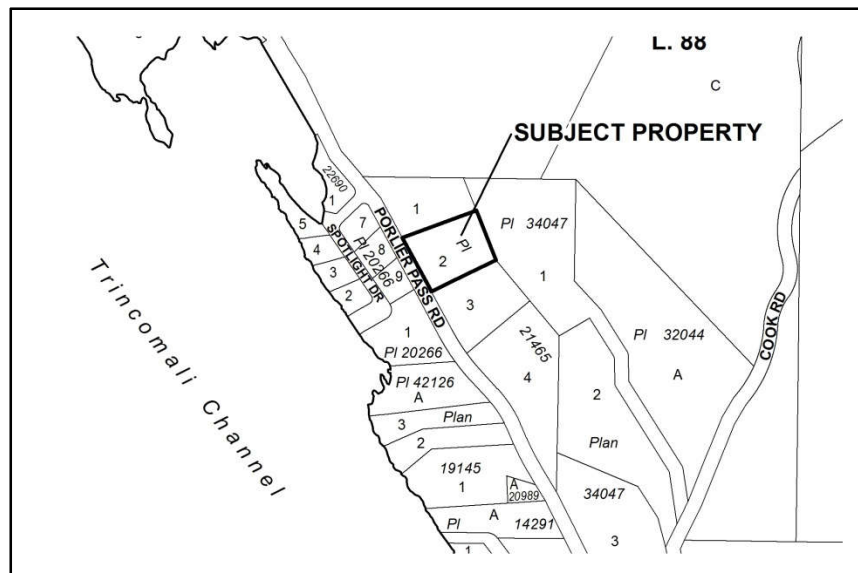
RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-TUP-2016.7 (Humphry).

REPORT SUMMARY

The purpose of the report is to consider a Temporary Use Permit (TUP) for a Commercial Vacation Rental within a dwelling unit.

In summary, the above recommendation for the issuance of the TUP is supported as it has not been opposed by any neighbouring property owners, the rational is reasonable, it meets the specific guidelines of the OCP, and the guest capacity is limited. Additionally, the proposed permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance or, ultimately, for the LTC to not renew the TUP.



BACKGROUND

The proposal is to allow for a TUP for a Commercial Vacation Rental use within an existing dwelling. The application is the result of the bylaw enforcement action for illegal short term vacation rentals on Galiano (see 'Site Context' - attached).

The applicant's stated reasons for the proposed temporary use are to be able to rent the house to people wanting to visit and experience Galiano Island. They have owned the property for approximately 20 years.

The dwelling is a 130 m² (1400 ft²) in size on two floors and rental is to a maximum of seven (7) people (max. 4-5 adults). There are no other dwellings on the property. They advertise primarily on VRBO, Airbnb and the Galiano Chamber of Commerce website.

There is no construction or land alteration associated with this application.

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

A copy of the proposed GL-TUP-2016.7 and a completed TUP checklist are attached.

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

- 4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

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

Official Community Plan (TUPs):

The property is designated as **Small Lot Residential (SLR)** in the in the Galiano Island Official Community Plan No. 108, 1995 (OCP). The Guidelines for the TUPs for Commercial Vacation Rentals are contained in the Official Community Plan. Conformity of the proposal with the guidelines for TUP applications for vacation rentals is analyzed in the 'TUP – Commercial Vacation Rental' Checklist - attached.

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

Land Use Bylaw:

The property is zoned as **Small Lot Residential (SLR)** in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB). The property is not within the Water Management Area established in the LUB.

Islands Trust Fund:

This application has no considerations for the Islands Trust Fund and has no considerations for the Regional Conservation Plan.

Issues and Opportunities:***TUP Objectives and Guidelines:***

The attached 'TUP Checklist for Commercial Vacation Rental' analyzes the proposal and proposed TUP for compliance with objectives and guidelines of the OCP. The proposal is compliant.

Water & Septic

The subject property not within a water service area and is not within a Water Management Area established in the LUB. The dwelling is small in size (130 m²/1400 ft²) and is on a reasonably large lot. There is potential for increased water usage resulting from the use. The aggregate of multiple vacation rentals in the area should also be considered.

The applicant has indicated they have never run short of water in (approx.) twenty (20) years. The BC Water Resources Atlas indicates the property's well had a yield of 1 gal./min. (4.5 l) and a depth of 53 feet (16 m).

There is not a rainwater water catchment system on the property. Although there is no condition for a rainwater catchment system in the proposed permit, the LTC could amend the permit to insert that condition on the basis of the OCP guidelines for a commercial vacation rental. If a cistern is required, staff recommends that it meets the 16,000 litre capacity standard established in the LUB for water management areas, and that the condition have a grace period for installation within 12 months from the date of issuance of the permit.

The septic system was inspected three (3) years ago by Fred Stevens and has always functioned well according to the owners.

Applicant's Rational for the Proposed Use

The applicant has stated that they would like to continue renting their house out to people wanting to visit and experience Galiano Island as the rational for the temporary use.

Response to Neighbour and Public Notification

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

Permit Conditions

The proposed TUP incorporates most of the conditions that have been established in the OCP, with the exception of water conservation measures. The permit allows for a maximum of seven (7) guests in three (3) bedrooms and provides the necessary conditions to ensure that the use does not have an unreasonable impact on the local area. The permit further establishes the ability to enforce compliance if issues arise and ultimately the LTC has the option to not renew the TUP.

Circulation/Consultation:

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on September 21, 2016. The notification period will end at 4:30 p.m. on September 30, 2016.

As stated above, staff has not received any submissions to date. Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

Rationale for Recommendation:

The rationale for the staff recommendation on Page 1 is: that the TUP objectives and guidelines have been met; the rationale for applying is reasonable and moves the use into compliance with the bylaws; there has been no concerns raised from neighbours in response to the proposal; and, the permit conditions mitigate the potential for issues to arise from the proposed use. Water supply appears to be sufficient, although only nominally so. The LTC does have the alternate (below) to amend the permit to include a requirement for a cistern to mitigate the impacts of increased demand from the proposed use.

ALTERNATIVES

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

1. Amend the permit

The LTC may amend the proposed permit by requiring a condition that a rainwater catchment system with 16,000 litre capacity standard be installed. If selecting this alternative, the LTC should describe the specific rationale for this request.

Resolution:

That the Galiano Island Local Trust Committee amends Temporary Use Permit GL-TUP-2016.7 (Humphry) by inserting the condition that a rainwater catchment system with 16,000 litre capacity standard be installed within twelve (12) months of the date of issuance of the permit.

2. Request further information

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

Resolution:

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

3. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee deny application GL-TUP-2016.

Submitted By:	Phil Testemale, A/Planner2	September 20, 2016
Concurrence:	Robert Kojima, Regional Planning Manager	September 26, 2016

ATTACHMENTS

[Reorder/add/delete/modify attachments as needed:

1. Site Context
2. Maps
3. TUP Checklist
4. Notice
5. Proposed Temporary Use Permit GL-TUP-2016.7 (Humphry)

ATTACHMENT 1: SITE CONTEXT

LOCATION

Legal Description	Lot 2, District Lot 89, Galiano Island, Cowichan District, Plan 21465
PID	003-394-042
Civic Address	425 Clementine Lane
Property Size	0.87 ha (2.15 ac.)
Site Description	The property is located above and to the east of Porlier Pass Road above Spotlight Cove. It is well treed and private with the small, two storey house is accessed from Clementine Lane. The dwelling is situated on the upper portion of the property that is moderately sloping. Closer to Porlier Pass Road, the steepness of the terrain increases.

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
None	

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as Small Lot Residential (SLR) in the in the Galiano Island Official Community Plan No. 108, 1995 (OCP).
Land Use Bylaw	The property is zoned as Small Lot Residential (SLR) in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB).
Other Regulations	The property has the following Development Permit Areas (see mapping attached) designated on it: • DPA 7 – Steep Slope Moderate Hazard Note: there is no development associated with the application.
Covenants	None
Bylaw Enforcement	The application is for compliance with the LTC enforcement strategy (property file: GL-BE-2015.22) for illegal STVRs on the island. There are no other enforcement issues recorded for the property.

SITE INFLUENCES

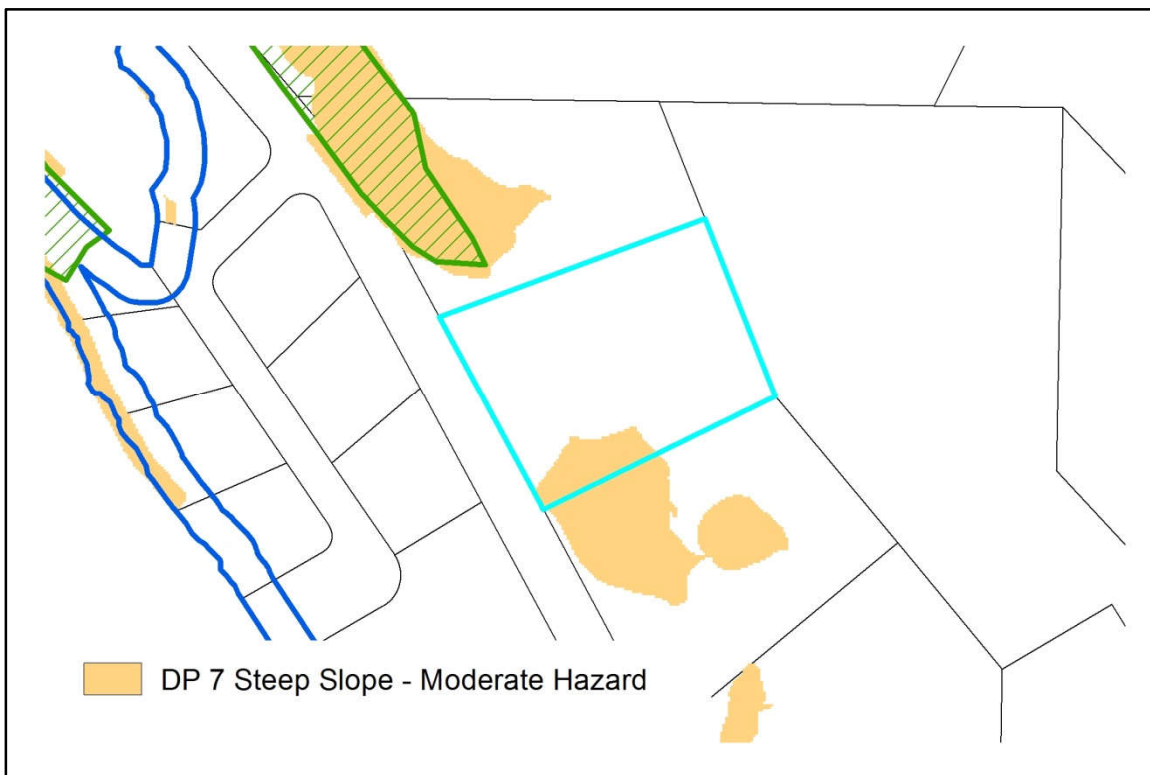
Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.

Species at Risk	N/A
Sensitive Ecosystems	N/A
Hazard Areas	As stated above, there are areas identified in the moderate steep slope hazard areas, however, no development is proposed with this application.
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres on the provincial RAAD database. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no development associated with this application therefore GHG emission changes resulting from approval and anticipated or possible climate change induced hazards are neutral.
Shoreline Classification	Not Applicable

ATTACHMENT 2: MAPPING
ZONING AND ORTHOPHOTO



DEVELOPMENT PERMIT AREAS



ATTACHMENT 3:

TUP Checklist for Commercial Vacation Rental: GL-TUP-2016.7 (Humphry) - 425 Clementine Lane

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “commercial vacation rental” means the use of a <i>residence</i> as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier	Complies, by definition of the use in TUP.
b) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	This is the first application for a STVR for this area of Galiano Island.
c) Residential Appearance - The Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.	No alterations proposed.
d) Neighbour Concerns - The Local Trust Committee may require mitigating measures to address neighbours’ concerns, such as retention of existing screening and fencing, or installation of additional screening.	At the time of writing, notification has not generated any comments.
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min) Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	Water: The property is not in a water management area. The property is serviced by a well that the owners submit provides sufficient capacity for the use. The well report from 1973 indicates a well had a yield of 1 gal./min. (4.5 l) and a depth of 53 feet (16 m). There is currently no cistern for storage of rainwater. The house is a house is 130 m² (1400 ft²) and they rent to a maximum of 7 people (max. 5 adults) The property is reasonably large in size at 0.87 ha (2.15 ac).
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Minimum two (2) spaces is a condition in Draft Permit. Have a

Guidelines	Comments
Permit Conditions	
g) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. require that the owner or other contact be available on Galiano by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit	Condition in Draft Permit.
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Condition in Draft Permit.
iii. require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area	Condition in Draft Permit.
iv. establish a maximum number of people that can stay	Maximum of seven (7) as a condition in Draft Permit.
v. establish a maximum number of guests per bedroom	Maximum of three (3) as a condition in Draft Permit.
vi. prohibit camping or occupancy of RVs on the property	Condition in Draft Permit.
vii. restrict advertising to one unilluminated sign, with a maximum area	
viii. prohibit the rental or provision of motorized personal watercraft	Condition in Draft Permit.
ix. prohibit outdoor fires	Condition in Draft Permit.
x. establish the dates during which the use may occur	No condition for dates in Draft Permit. Owners use the house for 2-3 months of the year and rent it for the rest.
xi. include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received	Between 9 a.m. and 5 p.m. of any day as a condition in Draft Permit.
xii. require that the landowner/operator post for guests emergency service contact information and to provide a means for contacting them	Condition in Draft Permit.
xiii. require the landowner/operator to post contact information and permit information at the entrance to the property	Condition in Draft Permit.
Agriculture Land Reserve	
h) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A

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

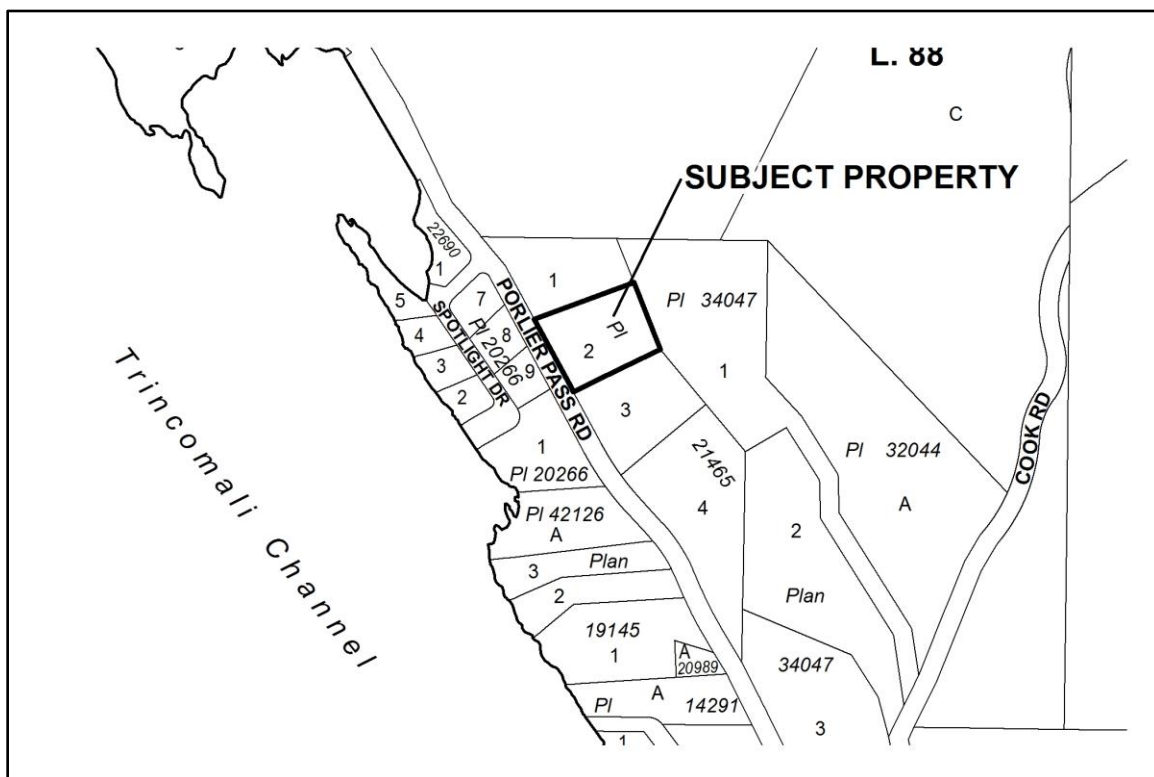


**NOTICE
GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-TUP-2016.7**

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot 2, District Lot 89, Galiano Island, Cowichan District, Plan 21465 (PID: 003-394-042), 425 Clementine Lane.

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

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **September 19, 2016** and up to and including **September 30, 2016**.

For the convenience of the public only, and not to satisfy Section 494(1) (a) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing **September 19, 2016**.

Enquiries or comments should be directed to Kim Stockdill, A/Planner 2 at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before **4:30 p.m., September 30, 2016**. The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., October 1, 2016**, at the South Community Hall, 141 Sturdies Bay Road, Galiano Island, BC.

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

PROPOSED



Islands Trust

**GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2016.7 (Humphry)**

425 Clementine Lane

To: James Humphry

1. This Permit applies to the land described below:

Lot 2, District Lot 89, Galiano Island, Cowichan District, Plan 21465
(PID: 003-394-042).

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

- a) a Commercial Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) the property owner or other contact person be available on Galiano Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and on island contact person must be provided to guests upon arrival;
 - b) the property owner or Commercial Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact persons phone number, and a copy of the temporary use permit;
 - c) the property owner or Commercial Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
 - d) the maximum number of guests is limited to seven (7) persons;
 - e) the maximum number of guests per bedroom is three (3) persons;
 - f) camping and occupancy of recreational vehicles are prohibited;
 - g) a maximum of one sign unilluminated not exceeding a total sign area of 0.4 square metres advertising the Commercial Vacation Rental is permitted. The sign must be located on the lot occupied by the Commercial Vacation Rental use;
 - h) the rental or provision of motorized personal watercraft is prohibited;
 - i) all outdoor fires are prohibited;
 - j) the owner must provide parking for a minimum of two (2) vehicles on the property;
 - k) the property owner or Commercial Vacation Rental operator must post for guests emergency service contact information and to provide a means for contacting them;
 - l) the property owner or Commercial Vacation Rental operator must post name and contact number of property owner and on island contact person, and permit information at the entrance to the property; and

- m) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint.
4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS Xth DAY OF MONTH, 201X.

Deputy Secretary, Islands Trust

Date Issued



File No.: GL-TUP- 2016.8 (Waterfall
& Kowalski

DATE OF MEETING: November 7, 2016
TO: Galiano Island Local Trust Committee
FROM: Phil Testemale A/Planner 2
Victoria Office
SUBJECT: Temporary Use Permit for an Commercial Vacation Rental
Applicant: Lawrence Waterfall and Janusz Kowalski
Location: 350 Mary Ann Point Road

RECOMMENDATIONS

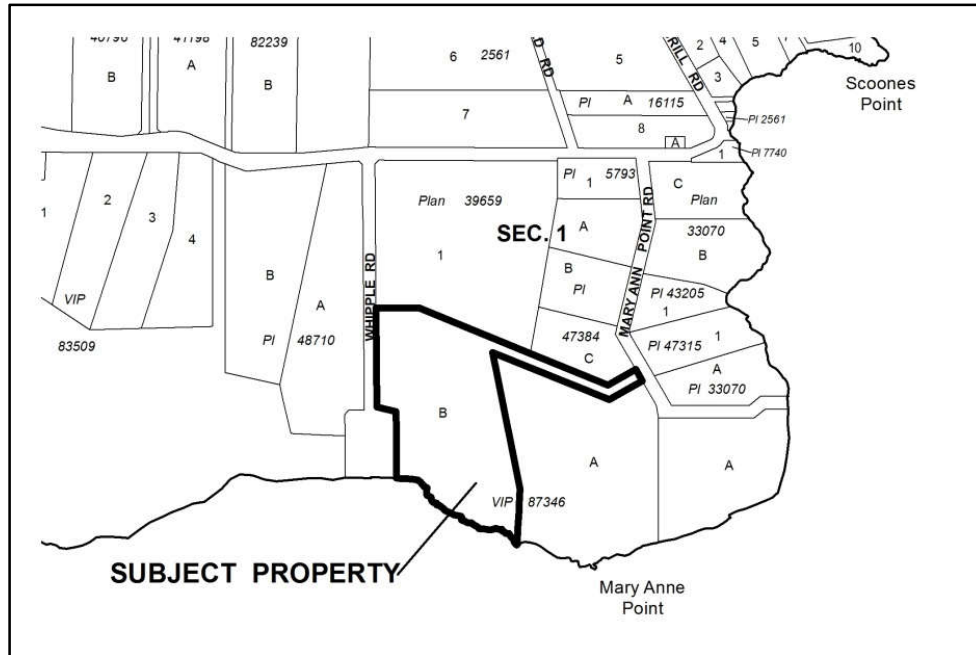
1. That the Galiano Island Local Trust Committee amend the proposed Temporary Use Permit 2016.8 (Waterfall & Kowalski) by inserting the requirement to provide a rainwater water catchment system for non-potable water with a storage capacity of 16, 000 litres within twelve (12) months of the date of issuance for the permit; And,
2. That the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit 2016.8 (Waterfall & Kowalski) as amended.

REPORT SUMMARY

The purpose of the report is to consider a Temporary Use Permit (TUP) for a Commercial Vacation Rental within a dwelling unit.

In summary, the above recommendations for the issuance of the TUP are supported as the proposed use has not been opposed by any neighbouring property owners, it meets most of the specific guidelines of the OCP, and the guest capacity is modest. Water supply is limited, but is largely mitigated by a sizeable storage capacity. However, staff is recommending that the permit be amended to require a supplemental rainwater catchment system for non-potable water.

Additionally, the proposed permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event issues arise, there is the ability to enforce compliance, or, ultimately, for the LTC to not renew the TUP.



BACKGROUND

The proposal is to allow for a TUP for a Commercial Vacation Rental use within an existing dwelling. The application is the result of the bylaw enforcement action for illegal short term vacation rentals on Galiano (see 'Site Context' - attached).

The applicant's stated reasons for the proposed temporary use are to comply with the mandated TUP process from the Islands Trust, and that it is a use that clearly contributes to the community's economic well-being people.

The dwelling is a 116 m² (1250 ft.² - 2 bedrooms & sleeping loft /1 ½ baths) in size and is rented to a maximum number of four (4) people. There are no other dwellings on the property. They advertise primarily on the Galiano Chamber of Commerce website, their own website, Airbnb and VRBO.

There is no construction or land alteration associated with this application.

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

A copy of the proposed GL-TUP-2016.8 and a completed TUP checklist are attached.

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

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

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

The application for a Temporary Use Permit to allow for commercial vacation rental within a dwelling unit is consistent with the above policies with the exception of 4.4.2. The proposed changes for rainwater catchment address the latter.

Official Community Plan (TUPs):

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

The Guidelines for the TUPs for Commercial Vacation Rentals are contained in the Official Community Plan. Conformity of the proposal with those guidelines is analyzed in the 'TUP – Commercial Vacation Rental' Checklist - attached.

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

Land Use Bylaw:

The property is zoned as **Small Lot Residential (SLR)** in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB).

The property is within the Water Management Area established in the LUB (see next section).

Islands Trust Fund:

This application has no considerations for the Islands Trust Fund and has no considerations for the Regional Conservation Plan.

Issues and Opportunities:

TUP Objectives and Guidelines:

The attached 'TUP Checklist for Commercial Vacation Rental' analyzes the proposal for compliance with objectives and guidelines of the OCP. Water management is discussed in the following section.

Water & Septic

The subject property is not within a water service area.

Notably, the subject property is within the Water Management Area established in the LUB. This area is identified as having issues of water shortages associated with aquifer depletion and recharge, and salt water intrusion. New dwellings constructed in the Management Area require a minimum 16,000 litre capacity rainwater catchment cistern be installed.

The dwelling is small in size, the maximum number of guests is four (4) and the property is large in size lot as are properties in the surrounding area. The well report for the subdivision (GL-SUB- 2008.1) indicates that the 152 metre well (550 ft.) had a yield of 1.13 litres per min. (0.3 U.S. g. /min.). The geoscientist specifically noted that

the well had “been used by two households for 19 years and had never had a water quantity or water quality issue. It should be noted that a well yield can often improve with pumping.” (pg. 2, Hodge Hydrogeology Consulting, May 11, 2009)

The owners have reported that they have a total storage capacity of 24, 456 litres (5379 imp. g.) in two (2) tanks which provides a substantial reserve.

Notwithstanding the foregoing, the rainwater catchment system on the property is limited to four (4) rainwater barrels. Staff is recommending the LTC amend the permit to insert the condition to provide well water storage with non-potable rainwater collected from rooftops in accordance with the OCP guidelines for water conservation for a commercial vacation rental. This system would be separate from, and in addition to, the existing water storage system for potable water and would alleviate some of the demand in an area with a known supply issue.

If a cistern is required, staff recommends that it meets the 16,000 litre capacity standard established in the LUB for water management areas, and that the condition have a grace period for installation within 12 months from the date of issuance of the permit. The Local Trust Committee also has the alternative (below) to require only a 8,000 litre capacity cistern.

The owners provided a septic permit from 1992 for the installation of the new system at that point.

Applicant’s Rational for the Proposed Use

The applicant has stated the uses would comply with the mandated TUP process from the Islands Trust and that it is a use that clearly contributes to the community’s economic well-being. The use has been continuing since late 2013.

Response to Neighbour and Public Notification

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

Permit Conditions

The proposed (amended) TUP incorporates most of the conditions that have been established in the OCP, including water conservation measures. The permit allows for a maximum of four (4) guests and a maximum number of two (2) guests per bedroom and provides the necessary conditions to ensure that the use does not have an unreasonable impact on the local area. The permit further establishes the ability to enforce compliance if issues arise and ultimately the LTC has the option to not renew the TUP.

Circulation/Consultation:

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on September 21, 2016. The notification period will end at 4:30 p.m. on September 30, 2016.

As stated above, staff has not received any submissions to date. Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

There is no public or agency consultation associated with a Temporary Use Permit application. In addition, there is no statutory notification required.

Rationale for Recommendation:

The rationale for the staff recommendation on Page 1 is that the TUP objectives and guidelines have been met; the applicant's rationale for applying is reasonable; it brings the use into compliance with the bylaws; to date there has been no concerns raised from neighbours in response to the proposal; and, the permit conditions mitigate the potential for issues to arise from the proposed use.

The dwelling is of a small size, has a low number of maximum guests, and has substantial storage capacity for well water. As the property is within a water management area and has a low yield well, an additional cistern (or cisterns) for non-potable water storage would further mitigate the potential impacts from the proposed use.

ALTERNATIVES

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

1. Amend the permit for a smaller cistern requirement

The LTC may choose to amend the proposed permit with the requirement that a rainwater catchment system with 8,000 litre capacity standard be installed.

Resolution:

That the Galiano Island Local Trust Committee amend the proposed Temporary Use Permit 2016.8 (Waterfall & Kowalski) by inserting the requirement to provide a rainwater water catchment system for non-potable water with a storage capacity of 8,000 litres within twelve (12) months of the date of issuance for the permit.

2. Not amend the permit & approve permit as circulated

The LTC may choose to not amend the proposed permit with the requirement that a rainwater catchment system be installed.

Resolution:

That the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit 2016.8 (Waterfall & Kowalski).

3. Request further information

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

Resolution:

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

4. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee deny application GL-TUP-2016

Submitted By:	Phil Testemale, A/Planner2	September 20, 2016
Concurrence:	Robert Kojima, Regional Planning Manager	September 28, 2016

ATTACHMENTS

1. Site Context
2. Maps
3. TUP Checklist
4. Notice
5. Proposed Temporary Use Permit GL-TUP-2016.8 9(Waterfall & Kowalski)

ATTACHMENT 1: SITE CONTEXT

LOCATION

Legal Description	Lot B, Section1, Galiano Island, Cowichan District, Plan VIP87346
PID	028-061-942
Civic Address	350 Mary Ann Point Road
Property Size	6.13 ha (15.15 ac).
Site Description	The property is located on Mary Anne Point in Active Pass on Galiano Island. It is well treed and private with a small house that is situated close to the top of the steep bluff overlooking Active Pass. The property slopes moderately and uniformly from north to south, except along the southern fringe that drops steeply to the shoreline. (see mapping attached).

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
None	GL-SUB-2008.1

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as Small Lot Residential (SLR) in the in the Galiano Island Official Community Plan No. 108, 1995 (OCP).
Land Use Bylaw	The property is zoned as Small Lot Residential (SLR) in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB).
Other Regulations	The property has the following Development Permit Areas (see mapping attached)designated on it: • DPA 2 – Shoreline and Marine • DPA5 – Sensitive Ecosystems • DPA 7 – Steep Slope Moderate Hazard • DPA 7 – Steep Slope High Hazard Note: there is no development associated with the application.
Covenants	There are LTC covenants that apply house size and density restrictions at the timer the time of an original subdivision (1983) and subsequent (1992). There is no effect for this application.
Bylaw Enforcement	The application is for compliance with the LTC enforcement strategy (property file: GL-BE-2015.26) for illegal STVRs on the island. There are no other enforcement issues recorded for the property.

SITE INFLUENCES

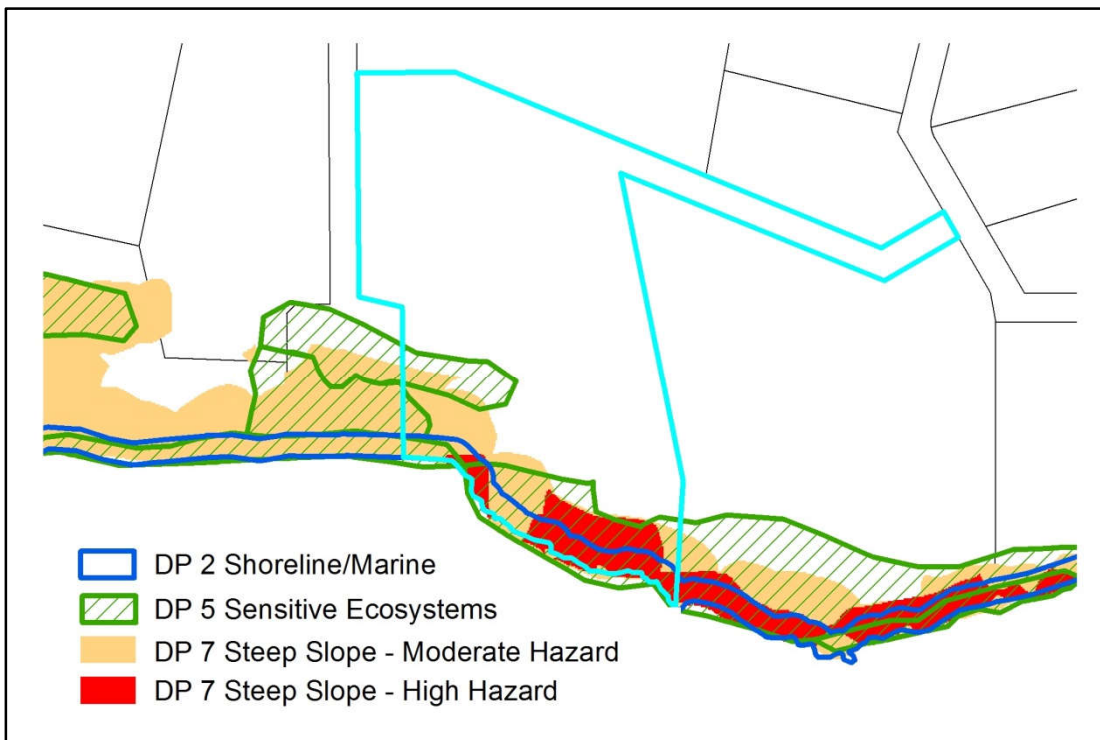
Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	N/A
Sensitive Ecosystems	N/A
Hazard Areas	As stated above, there are areas identified in the moderate and high steep slope hazard areas, however, no development is proposed with this application.
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres on the provincial RAAD database. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no development associated with this application therefore GHG emission changes resulting from approval and anticipated or possible climate change induced hazards are neutral.
Shoreline Classification	Rock Shoreline - Sea Cliff and Sediment Shoreline - Bluff

ATTACHMENT 2: MAPPING

ZONING & ORTHOPHOTO



DEVELOPMENT PERMIT AREAS



ATTACHMENT 3: TUP Checklist for Commercial Vacation Rental: GL-TUP-2016.8 (Waterfall & Kowaski)

350 Mary Ann Point Road

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “commercial vacation rental” means the use of a <i>residence</i> as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier	Complies, by definition of the use in TUP.
b) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	This is the first application for a STVR for this area of Galiano Island.
c) Residential Appearance - The Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.	No alterations proposed.
d) Neighbour Concerns - The Local Trust Committee may require mitigating measures to address neighbours’ concerns, such as retention of existing screening and fencing, or installation of additional screening.	At the time of writing, notification has not generated any comments.
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min) Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	Water: The property is in a water management area. The property is serviced by a well with a depth of 152 metres (500 ft.). They have an 5455 litres (1200 gal.) tank in the dwelling and a new additional (3 years) 18,911 litres (4,160 gal.) storage tank (total storage 24,456 litres/5379 gal.). The well report for the subdivision (GL-SUB- 2008.1) indicates that the well had a yield of 1.13 litres per min. (0.3 USgpm). The reporting geoscientist specifically noted that the well had “been used by two households for 19 years and had never had a water quantity or water quality issue. It should be noted that a well yield can often improve with pumping.” (pg. 2, Hodge Hydrogeology Consulting, May 11, 2009) There is currently no cistern for storage of rainwater (non-potable) with exception of four wooden rain barrels. The property is large in size at 6.13 ha (15.15 ac). The house is 116 m² (1250 ft² - 2 bedrooms & sleeping loft /1 ½ baths) and is rented to a max. of 4 people. Septic: The owners provided a 1992 septic permit and have reported that it functions well and was pumped in the spring.

Guidelines	Comments
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Minimum two (2) spaces is a condition in Draft Permit. The owners have indicated that they have three (3) spaces adjacent to the dwelling and a 500 m. long driveway.
Permit Conditions	
g) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. require that the owner or other contact be available on Galiano by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit	Condition in Draft Permit.
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Condition in Draft Permit.
iii. require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area	Condition in Draft Permit.
iv. establish a maximum number of people that can stay	Maximum of four (4) as a condition in Draft Permit.
v. establish a maximum number of guests per bedroom	Maximum of two (2) as a condition in Draft Permit.
vi. prohibit camping or occupancy of RVs on the property	Condition in Draft Permit.
vii. restrict advertising to one unilluminated sign, with a maximum area	0.4 m ² , unilluminated and on subject property as a condition in Draft Permit.
viii. prohibit the rental or provision of motorized personal watercraft	Condition in Draft Permit.
ix. prohibit outdoor fires	Condition in Draft Permit.
x. establish the dates during which the use may occur	No condition for dates in Draft Permit.
xi. include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received	Between 9 a.m. and 5 p.m. of any day as a condition in Draft Permit.
xii. require that the landowner/operator post for guests emergency service contact information and to provide a means for contacting them	Condition in Draft Permit.
xiii. require the landowner/operator to post contact information and permit information at the entrance to the property	Condition in Draft Permit.
Agriculture Land Reserve	
h) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	

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

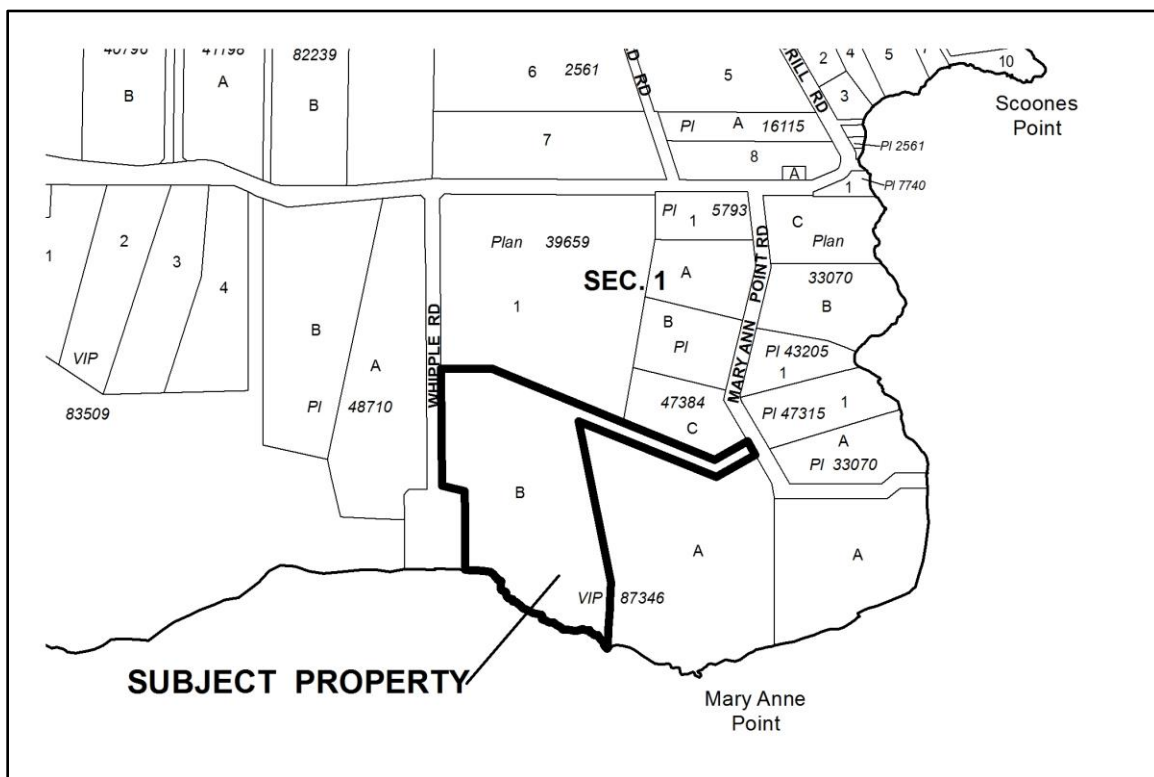


**NOTICE
GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-TUP-2016.8**

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot B, Section 1, Galiano Island, Cowichan District, Plan VIP87346 (PID: 028-061-942), 350 Mary Ann Point Road.

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

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **September 19, 2016** and up to and including **September 30, 2016**.

For the convenience of the public only, and not to satisfy Section 494(1) (a) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing **September 19, 2016**.

Enquiries or comments should be directed to Kim Stockdill, A/Planner 2 at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before **4:30 p.m., September 30, 2016**. The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., October 1, 2016**, at the South Community Hall, 141 Sturdies Bay Road, Galiano Island, BC.

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

PROPOSED



Islands Trust

**GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2016.8 (Waterfall & Kowalski)**

350 Mary Ann Point Road

To: Lawrence Waterfall and Janusz Kowalski

1. This Permit applies to the land described below:

Lot B, Section1, Galiano Island, Cowichan District, Plan VIP87346
(PID: 028-061-942).

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

a) a Commercial Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

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

- m) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint.
4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS Xth DAY OF MONTH, 201X.

Deputy Secretary, Islands Trust

Date Issued

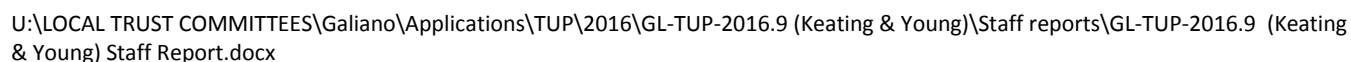


File No.: GL-TUP- 2016.9 (Keating
& Young)

RECOMMENDATION

- ## REPORT SUMMARY

In summary, the above recommendation for the issuance of the TUP is supported as it has not been opposed by any neighbouring property owners, the rational is reasonable, it meets the specific guidelines of the OCP, and the guest capacity is reasonable. Additionally, the proposed permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance or, ultimately, for the LTC to not renew the TUP.



BACKGROUND

The proposal is for a TUP for a Commercial Vacation Rental use within an existing single family dwelling. The application is the result of the bylaw enforcement action for illegal short term vacation rentals on Galiano (see 'Site Context' - attached).

The applicant has stated that they want to encourage the use of the property to help defer costs of maintenance and to guard against ingress of vermin and degradation. In addition, they want to bring the property into compliance with the bylaw regulations. The house size is 233 m² (2508 ft²) and there are no other dwellings on the property. They advertise on VRBO and Airbnb. They have four (4) parking spaces.

There is no construction or land alteration associated with this application.

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

A copy of the proposed GL-TUP-2016.9 and a completed TUP checklist are attached.

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

- 4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

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

Official Community Plan (TUPs):

The property is designated as **Rural Residential (RR)** in the in the Galiano Island Official Community Plan No. 108, 1995 (OCP). The Guidelines for the TUPs for Commercial Vacation Rentals are contained in the Official Community Plan. Conformity of the proposal with those guidelines is analyzed in the 'TUP – Commercial Vacation Rental' Checklist - attached.

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

Land Use Bylaw:

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

The property is not within the Water Management Area established in the LUB.

Islands Trust Fund

This application has no considerations for the Islands Trust Fund and has no considerations for the Regional Conservation Plan.

Issues and Opportunities:***TUP Objectives and Guidelines:***

The attached 'TUP Checklist for Commercial Vacation Rental' analyzes the proposal for compliance with objectives and guidelines of the OCP. The proposal is compliant.

Water & Septic

The subject property is not within a water service area and is not within a Water Management Area established in the LUB. The dwelling is 233 m² in size on a reasonably large lot (2.12 ha). There is potential for increased water usage resulting from the use. The aggregate of multiple vacation rentals in the area should also be considered.

The well report for this property from 1994 indicates a well depth of 60 metres (200 ft.) and a good yield of 19 litres/min (4 imp.g.m.)

There is not a rainwater catchment system on the property. Although there is no condition for a rainwater catchment system in the proposed permit, the LTC could amend the permit to insert that condition on the basis of the OCP guidelines for a commercial vacation rental. If a cistern is required, staff recommends that it meets the 16,000 litre capacity standard established in the LUB for water management areas, and that the condition have a grace period for installation within 12 months from the date of issuance of the permit.

The septic system was installed in 2005 with a permit from Island Health.

Applicant's Rational for the Proposed Use

The applicant has stated that they want to encourage the use of the property to help defer costs of maintenance and guard against ingress of vermin and degradation. In addition, they want to bring the property into compliance with the bylaw regulations.

Response to Neighbour and Public Notification

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

Permit Conditions

The proposed TUP incorporates most of the conditions that have been established in the OCP, with the exception of water conservation measures. The permit allows for a maximum of eight (8) guests in three (3) bedrooms.

Circulation/Consultation:

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on September 21, 2016. The notification period will end at 4:30 p.m. on September 30, 2016.

As stated above, staff has received no submissions to date.

Rationale for Recommendation:

The rationale for the staff recommendation on Page 1 is that the TUP objectives and guidelines have been met; the applicant's rationale for applying is reasonable; it brings the use into compliance with the bylaws; to date the one referral response to the proposal has been in favour; the dwelling is modest in size and the maximum number of guests is consistent with the OCP guidelines; the water supply is substantial enough to meet possible increased demand from the proposed use; and, the permit conditions mitigate the potential for issues to arise from the proposed use.

ALTERNATIVES

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

1. Request further information

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

Resolution:

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

2. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee deny application GL-TUP-2016.9 (Keating & Young).

Submitted By:	Phil Testemale, A/Planner2	September 20, 2016
Concurrence:	Robert Kojima, Regional Planning Manager	September 28, 2016

ATTACHMENTS

[Reorder/add/delete/modify attachments as needed:

1. Site Context
2. Maps
3. TUP Checklist
4. Notice
5. Proposed Temporary Use Permit GL-TUP-2016.9 (Keating & Young)

ATTACHMENT 1: SITE CONTEXT

LOCATION

Legal Description	Strata Lot 10, District Lots 30 and 31, Galiano Island, Cowichan District, Strata Plan VIS5536
PID	025-936-492)
Civic Address	1541 Sticks Allison Road
Property Size	2.12 ha (5.24 ac).
Site Description	The property is located on Sticks Allison Road (West) above the north and east shoreline of Galiano Island. It is a long triangular parcel that is well treed and private. The house is located closer to the west end of the property and is accessed by a strata road. The property slopes gently and uniformly from south to north with a drop along the north boundary to Sticks Allison Road (see mapping attached).

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
None	

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as Rural Residential (RR) in the in the Galiano Island Official Community Plan No. 108, 1995 (OCP).
Land Use Bylaw	The property is zoned as Rural Residential (RR) in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB).
Other Regulations	The property has the following Development Permit Areas (see mapping attached) designated on it: • DPA 7 – Steep Slope Moderate Hazard Note: there is no development associated with the application.
Covenants	EW62082 is an LTC Covenant requiring water wells to be drilled, etc. prior to any building permits being issued.
Bylaw Enforcement	The application is for compliance with the LTC enforcement strategy (property file: GL-BE-2015.25) for illegal STVRs on the island. There are no other enforcement issues recorded for the property.

SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
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Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	N/A
Sensitive Ecosystems	N/A
Hazard Areas	As stated above, there are areas identified in the moderate steep slope hazard areas, however, no development is proposed with this application.
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres on the provincial RAAD database. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no development associated with this application therefore GHG emission changes resulting from approval and anticipated or possible climate change induced hazards are neutral.
Shoreline Classification	N/A

ATTACHMENT 2: MAPPING
ZONING AND ORTHOPHOTO



DEVELOPMENT PERMIT AREA



**ATTACHMENT 3: TUP Checklist for Commercial Vacation Rental: GL-TUP-2016.9 (Keating & Young) –
1541 Sticks Allison Road**

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “commercial vacation rental” means the use of a <i>residence</i> as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier	Complies, by definition of the use in TUP.
b) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	This is the first application for a STVR for this area of Galiano Island.
c) Residential Appearance - The Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.	No alterations proposed.
d) Neighbour Concerns - The Local Trust Committee may require mitigating measures to address neighbours’ concerns, such as retention of existing screening and fencing, or installation of additional screening.	At the time of writing, notification has not generated any comments
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min) Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	The property is not in a water management area. The property is serviced by a well with a depth of 60 metres (200 ft.) and a good yield that 19 litres/min (4 imp.g./min). There is currently no cistern for storage of rainwater. Septic Permit (2003) from VIHA submitted. The house is 233 m² (2508 ft²) in size. The property is large in size at 2.12 ha (5.22 ac).
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Minimum two (2) spaces is a condition in Draft Permit.
Permit Conditions	
g) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. require that the owner or other contact be available on Galiano by telephone 24 hours/day, seven days	Condition in Draft Permit.

Guidelines	Comments
per week and include the name and contact information in the conditions of the permit	
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Condition in Draft Permit.
iii. require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area	Condition in Draft Permit.
iv. establish a maximum number of people that can stay	Maximum of eight (8) as a condition in Draft Permit.
v. establish a maximum number of guests per bedroom	Maximum of two (2) as a condition in Draft Permit.
vi. prohibit camping or occupancy of RVs on the property	Condition in Draft Permit.
vii. restrict advertising to one unilluminated sign, with a maximum area	0.4 m ² , unilluminated and on subject property as a condition in Draft Permit.
viii. prohibit the rental or provision of motorized personal watercraft	Condition in Draft Permit.
ix. prohibit outdoor fires	Condition in Draft Permit.
x. establish the dates during which the use may occur	No condition for dates in Draft Permit. The owners only rent the cottage periodically between April and October.
xi. include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received	Between 9 a.m. and 5 p.m. of any day as a condition in Draft Permit.
xii. require that the landowner/operator post for guests emergency service contact information and to provide a means for contacting them	Condition in Draft Permit.
xiii. require the landowner/operator to post contact information and permit information at the entrance to the property	Condition in Draft Permit.
Agriculture Land Reserve	
h) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A

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



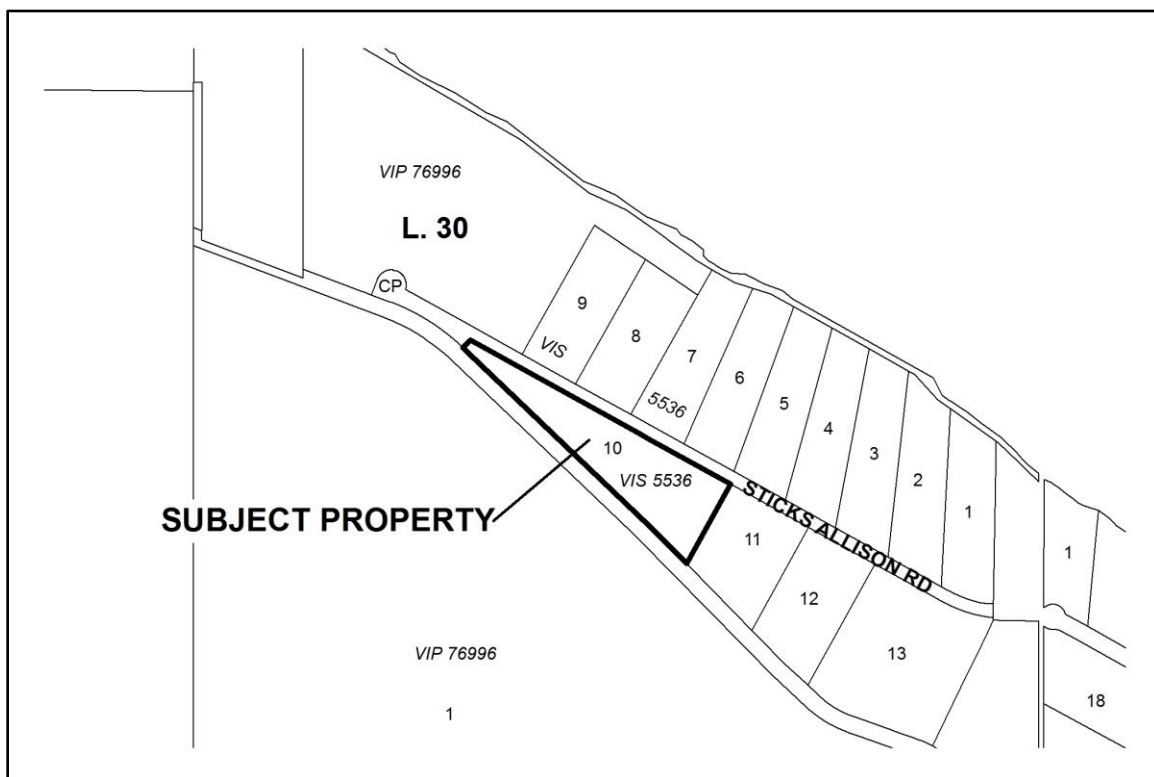
Islands Trust

**NOTICE
GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-TUP-2016.9**

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply Strata Lot 10, District Lots 30 and 31, Cowichan District, Plan Strata Plan VIS5536 (PID: 025-936-492), 1541 Sticks- Allison Drive.

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

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **September 19, 2016** and up to and including **September 30, 2016**.

For the convenience of the public only, and not to satisfy Section 494(1) (a) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing **September 19, 2016**.

Enquiries or comments should be directed to Kim Stockdill, A/Planner 2 at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before **4:30 p.m., September 30, 2016**. The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., October 1, 2016**, at the South Community Hall, 141 Sturdies Bay Road, Galiano Island, BC.

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



Islands Trust

PROPOSED

**GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2016.9 (Keating & Young)**

1541 Sticks Allison Road

To: Craig Keating and Joanne Young

1. This Permit applies to the land described below:

Strata Lot 10, District Lots 30 and 31, Galiano Island, Cowichan District, Strata Plan VIS5536 (PID: 025-936-492)

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

a) a Commercial Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) the property owner or other contact person be available on Galiano Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and on island contact person must be provided to guests upon arrival;
- b) the property owner or Commercial Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact persons phone number, and a copy of the temporary use permit;
- c) the property owner or Commercial Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
- d) the maximum number of guests is limited to eight (8) persons;
- e) the maximum number of guests per bedroom is two (2) persons;
- f) camping and occupancy of recreational vehicles are prohibited;
- g) a maximum of one sign unilluminated not exceeding a total sign area of 0.4 square metres advertising the Commercial Vacation Rental is permitted. The sign must be located on the lot occupied by the Commercial Vacation Rental use;
- h) the rental or provision of motorized personal watercraft is prohibited;
- i) all outdoor fires are prohibited;
- j) the owner must provide parking for a minimum of two (2) vehicles on the property;
- k) the property owner or Commercial Vacation Rental operator must post for guests emergency service contact information and to provide a means for contacting them;
- l) the property owner or Commercial Vacation Rental operator must post name and contact number of property owner and on island contact person, and permit information at the entrance to the property; and

- m) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint.
4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS Xth DAY OF MONTH, 201X.

Deputy Secretary, Islands Trust

Date Issued



File No.: GL-RZ-2011.1 (Galiano Green)

DATE OF MEETING: November 7, 2016
TO: Galiano Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Planning Team
SUBJECT: Proposed Bylaws 233 and 234 – Post Public Hearing
Applicant: Galiano Green
Location: 409 Porlier Pass Road

RECOMMENDATIONS

1. That the Galiano Island Local Trust Committee Bylaw No. 233, cited as Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 15, 2011, be read a third time
2. That the Galiano Island Local Trust Committee Bylaw No. 234, cited as Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011, be amended by deleting 1(a) and re-numbering subsequent sections accordingly.
3. That the Galiano Island Local Trust Committee Bylaw No. 234, cited as Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011, be amended by deleting 8.6.7 in its entirety and replacing it as follows:
“8.6.7 Buildings and Structures must be sited
8.6.7.1 at least 1.5 metres from any bare land strata lot line; and
8.6.7.2 at least 7.5 metres from any other lot line.”
4. That the Galiano Island Local Trust Committee Bylaw No. 234, cited as Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011, be amended by inserting the following as a new 8.6.8 and renumbering the current 8.6.8 and subsequent sections accordingly:
“8.6.8 Buildings and structures used for human habitation or occupancy and not located within the Agriculture (AG) zone must be sited at least 15 metres from the boundary of the Agriculture (AG) zone.”
5. That the Galiano Island Local Trust Committee Bylaw No. 234, cited as Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011, be read a third time as amended
6. That staff be requested to revise Galiano Housing Agreement Bylaw No. 261 to effect a requirement that a minimum of five units be rented, and that the revised bylaw be brought back to a future meeting for consideration.
7. That the draft section 219 covenant be revised to include:
 - a. a prohibition on the drilling of additional wells or the connection of dwellings to the common well unless the owner provides a professional report consistent with the Potable Water Standards for Subdivision in the Land Use Bylaw to the satisfaction of the LTC.

- b. A total maximum floor area of all dwellings of 1500m².
 - c. Any revisions required to implement a requirement for a minimum of five units to be rented.
- and that the revised covenant be brought back to the LTC for review and authorization to execute.
- 8. That proposed Bylaws 233 and 234 be brought back to a future meeting for consideration of forwarding to the Executive Committee and referral of proposed Bylaw 233 to the Minister.

REPORT SUMMARY

The purpose of the report is to provide the LTC with recommended post-public hearing amendments and options.

BACKGROUND

The Local Trust Committee is considering two bylaws to permit up to 20 units of affordable housing, along with a Housing Agreement bylaw to restrict occupancy. The bylaws would amend the OCP to re-designate the land to Community Housing, and amend the LUB to rezone the land to Community Housing One and to create the regulations for the zone. The Housing Agreement would restrict occupancy to qualified persons and control the re-sale price and rents of the units (please see attachments for copies of the Proposed Bylaws).

The public hearing was opened on September 19th, and recessed after 3 hours. The hearing was re-convened at the regular meeting of October 1st and concluded at that meeting.

A public hearing is a quasi-judicial process within and following which specific procedures must be followed. 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 of the bylaws.
2. Forwarding of the bylaws to Executive Committee for approval.
3. Forwarding of the OCP amendment bylaw to the Minister's office for approval.
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.

Potential Amendments

Based on feedback heard at the hearing and technical considerations, the following changes may be considered by the LTC to address these issues without precipitating a requirement for a new hearing.

1. Setbacks from Strata Lot Lines: This is a recommended technical amendment resulting from the alteration of the proposal to a bare land strata subdivision. The current amending bylaw would

establish a 7.5 setback from all lot lines, which would create issues with the siting of buildings and structures within the strata lots and potentially result in either a lot layout with larger strata lots and less common property or a number of variances. As the strata lots are proposed to be small, it would be challenging to site buildings 7.5 metres from the lot lines without variances. Staff are recommending that an additional, lesser setback of 1.5 metres be established from bare land strata lot lines, while the 7.5 metre setback be retained for the exterior lot lines abutting adjacent properties and the roads. A setback of 1.5 metres would be consistent with the minimum 3 metre fire separation requirement between buildings. This proposed amendment is shown in the attached version of bylaw 234.

2. Setback from Agricultural Zone boundary: at the first day of the hearing, the LTC heard concerns about the required 15 metre setback from the Agriculture (AG) zone. The ALC approval required registration of a covenant prohibiting buildings, improvements or structures within 15 metres of the ALR boundary. The proposed bylaw would exempt buildings and structures within this zone from section 2.17 of the LUB General Regulations (which requires a setback of 15metres from the boundary of the AG zone for buildings and structures used for human habitation or occupancy). With the ALC requirement for a 15 metre setback from the ALR boundary, retaining setback exemptions for this zone is no longer relevant. The bylaw should be amended to both remove the exemption from 2.17 and to insert setback regulation. This proposed amendment is shown in the attached version of bylaw 234.
3. An error was noted in Section 11 of the Housing Agreement where boilerplate language referred to "City", in the attached draft this has been corrected to read "Local Trust Committee".
4. Floor Area of units: The proposed bylaw would establish a maximum floor area 100m² for any dwelling unit and the applicants are proposing a variety of dwelling sizes. The housing agreement establishes differential leases and strata fees based on dwelling size, and the draft covenant attaches a site plan, demonstrating different building footprints for different lots, however, the neither the covenant nor the bylaw would specifically prescribe the distribution of dwelling floor areas, nor would that appropriate given the proposal. However, in order to preclude the possibility that all twenty lots could be developed with 100m² dwellings, an overall maximum floor area for the zone could be established in either the bylaw or the covenant. For example, a maximum total floor area of 1500m² would ensure that the *average* dwelling floor area is 75m². This proposed revision is included in the recommendations above but the change has not been made to the draft covenant without LTC direction.
5. Rental Units: submissions were made at the hearing that there is a greater need for affordable rental housing than for the owner occupied housing that is proposed by the applicant. The proposed bylaw does not specify that the housing be rental or owner occupied, just that the use is for affordable housing, and the Housing Agreement would allow qualified households to either owner or rent dwellings. An earlier draft of the covenant would have required two dwellings to be constructed by Galiano Green for rent or lease. Based on the submissions made at the hearing, the applicant has confirmed that Galiano Green would be supportive of reserving a minimum of five units for rental, to be constructed and owned by Galiano Green, and that Galiano Green is in the process of applying to CMHC for a grant to cover the costs of construction. This would not be precluded by the bylaws, covenant and housing agreement, but if the LTC wished to *require* a minimum of five rental units, then the

covenant and housing agreement could be revised accordingly. As this would not affect use or density in the bylaws the change could be made without a further hearing. This proposed revision is included in the recommendations and if the LTC wishes to proceed with these changes, readings to the Housing Agreement should be deferred until the necessary changes can be made and revisions to the agreement and the draft covenant brought back to the LTC.

6. Groundwater Impacts: Submissions were made about the proposed use of rainwater catchment and storage for potable water; specifically that if the systems are not functioning as proposed, the owner may create a community water system (or the LTC, through the provisions of the covenant, require the owner to create a water system). The concerns in the submissions were that a future water system would result in greater groundwater use than contemplated and thus potentially impact existing wells in the watershed. Currently the draft covenant requires a professional report after the completion of 6 dwellings to assess the rainwater catchment systems, but it does not prohibit the owner from drilling additional wells or commencing the process to create a community water system (although that would likely be prohibitively expensive given the prohibition on charging leaseholders for common water utilities in 4(d) of the housing agreement). The covenant is currently drafted to address concerns about the functioning of rainwater catchment systems; but based on the submissions made at the hearing, it could be revised to also:

- Prohibit the drilling of additional wells and/or connection of dwellings to wells;
- Prohibit the connection of dwellings to the one common well; and
- Require the provision of a professional report consistent with the standards for potable water for subdivision established in the LUB before any connections are made or additional wells drilled.

This would effectively limit the development to a maximum of six dwellings using rainwater collection until the LTC is satisfied that rainwater catchment can be effective and functional. The LTC should also be aware that as the development would require a subdivision to implement, and the existing well would be a source of back-up potable water, at the time of subdivision the applicants would either be required to satisfy the LUB Standards for Potable Water for subdivisions, or apply for and obtain a variance.

This proposed revision is included in the recommendations above but the change has not been made to the draft covenant without LTC direction.

A housing agreement bylaw is not subject to a public hearing and may be given readings at any point in the process. If the recommended changes are requested to be made, then the revised Housing Agreement should be brought back for consideration of readings, along with a revised covenant, and then all three bylaws (OCP amendment, LUB amendment, and Housing Agreement bylaws) forwarded to the Executive Committee concurrently.

Rationale for Recommendations:

Staff recommend that the application proceed, but subject to amendments to Bylaw 234, changes to the draft covenant, and revisions to the Housing Agreement to require rental housing.

ALTERNATIVES

As alternatives to the recommendation to proceed, the LTC may:

1. **Consider readings to the bylaws as proposed**
2. **Consider further amendments to the bylaws or covenant**

As stated above, the LTC may consider additional amendments provided they do not result in a change in use or density without holding a new hearing

3. **Request that the applicant consider substantive changes to the proposal or that additional input be received from the applicant, the community, or agencies**

This would result in a requirement for a new public hearing. The cost of a new hearing, and other costs, would exceed the services provided by the application fee and consistent with Trust Council Policy 5.6.i Application Processing Services, would entail additional fees paid on the basis of a cost recovery agreement. Given the complexities associated with a cost recovery at this stage of the application if the LTC wished to consider a substantially revised proposal or additional input denying this application and inviting the applicant to make a new application by resolution would be recommended.

4. **Hold the application in abeyance**

The LTC may choose to hold the application in abeyance pending further consideration of the input received prior to and at the hearing. In this event the application will be placed on the next regular meeting agenda.

5. **Request further information**

The LTC may request additional technical analysis from staff concerning information already received prior to the close of the hearing; however the LTC cannot receive other new information without holding a new hearing.

6. **Deny the application**

The LTC may deny the application by resolving to proceed no further.

NEXT STEPS

If the LTC chooses to proceed with the recommendations, the next steps will be for staff to refer the bylaws to the Executive Committee, and if approved the OCP amendment to the Minister's office. Prior to consideration of final adoption an executed copy of the s.219 covenant should be registered on title.

Submitted By:	Robert Kojima Regional Planning Manager	October 20, 2016
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ATTACHMENTS

1. Proposed Bylaw 233
2. Proposed Bylaw 234, with proposed amendments shown
3. Proposed Bylaw 261
4. Draft Covenant

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

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

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

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

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 15, 2011.”

2. SCHEDULES

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

3. SEVERABILITY

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

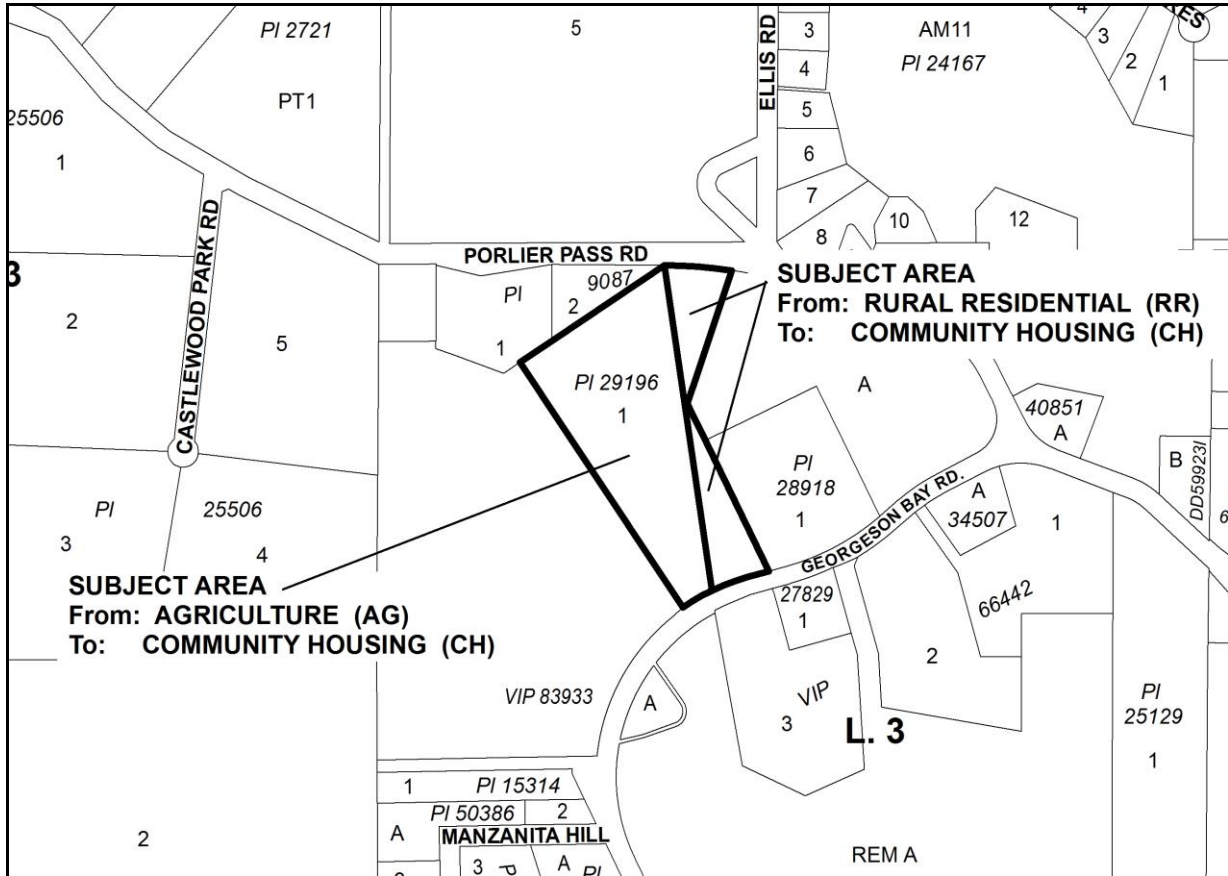
READ A FIRST TIME THIS 9th DAY OF July , 2012
READ A SECOND TIME THIS 8th DAY OF September , 2014
PUBLIC HEARING HELD THIS DAY OF , 20.
READ A THIRD TIME this day of , 20.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this day of , 20.
ADOPTED this day of , 20.

DEPUTY SECRETARY

CHAIR

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

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



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

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

1. Bylaw No. 127, cited as "Galiano Island Land Use Bylaw No. 127, 1999" is amended as follows:

a) ~~By amending section 2.17 by adding the words "This setback does not apply to buildings and structures in the Community Housing 1 zone" immediately following the words "of the Agricultural (AG) zone."~~

b) ~~a)~~ By adding "Community Housing 1 (CH1)" in Section 4.1 after "Health and Wellness (HW)".

c) ~~b)~~ By adding the following after Section 8.5:

"8.6 Community Housing 1 – CH1

Permitted Uses

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

8.6.1.1 Dwellings for the provision of affordable housing, subject to a housing agreement under Section 483 of the Local Government Act.

8.6.1.2 Home occupations

Permitted Density

8.6.2 One dwelling is permitted on each lot.

8.6.3 Maximum floor area of a dwelling must not exceed 100 square metres.

8.6.4 One accessory building not exceeding a floor area of 10 square metres is permitted in respect of each permitted dwelling.

8.6.5 Two communal accessory buildings not exceeding a total combined floor area of 278 square metres.

Permitted Height

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

Minimum Setbacks

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

**8.6.7.1 at least 1.5 metres from any bare land strata lot line; and
8.6.7.2 at least 7.5 metres from any other lot line.**

8.6.8 Buildings and structures used for human habitation or occupancy and not located within the Agriculture (AG) zone must be sited at least 15 metres from the boundary of the Agriculture (AG) zone.

Average Lot Size

8.6.89 No subdivision may be approved unless the lots created by subdivision have an average area of at least 0.19 hectares.

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

~~e)~~**d)** Section 14.1 (Parking Regulations) is amended by inserting a new subsection 14.1.16 as follows:

14.1.16	Dwellings for the provision of affordable housing in the CH1 zone	1 per dwelling and 6 visitor spaces for a maximum of 26 spaces.
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~~f)~~**e)** Map Schedule “B”, is amended as follows:

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

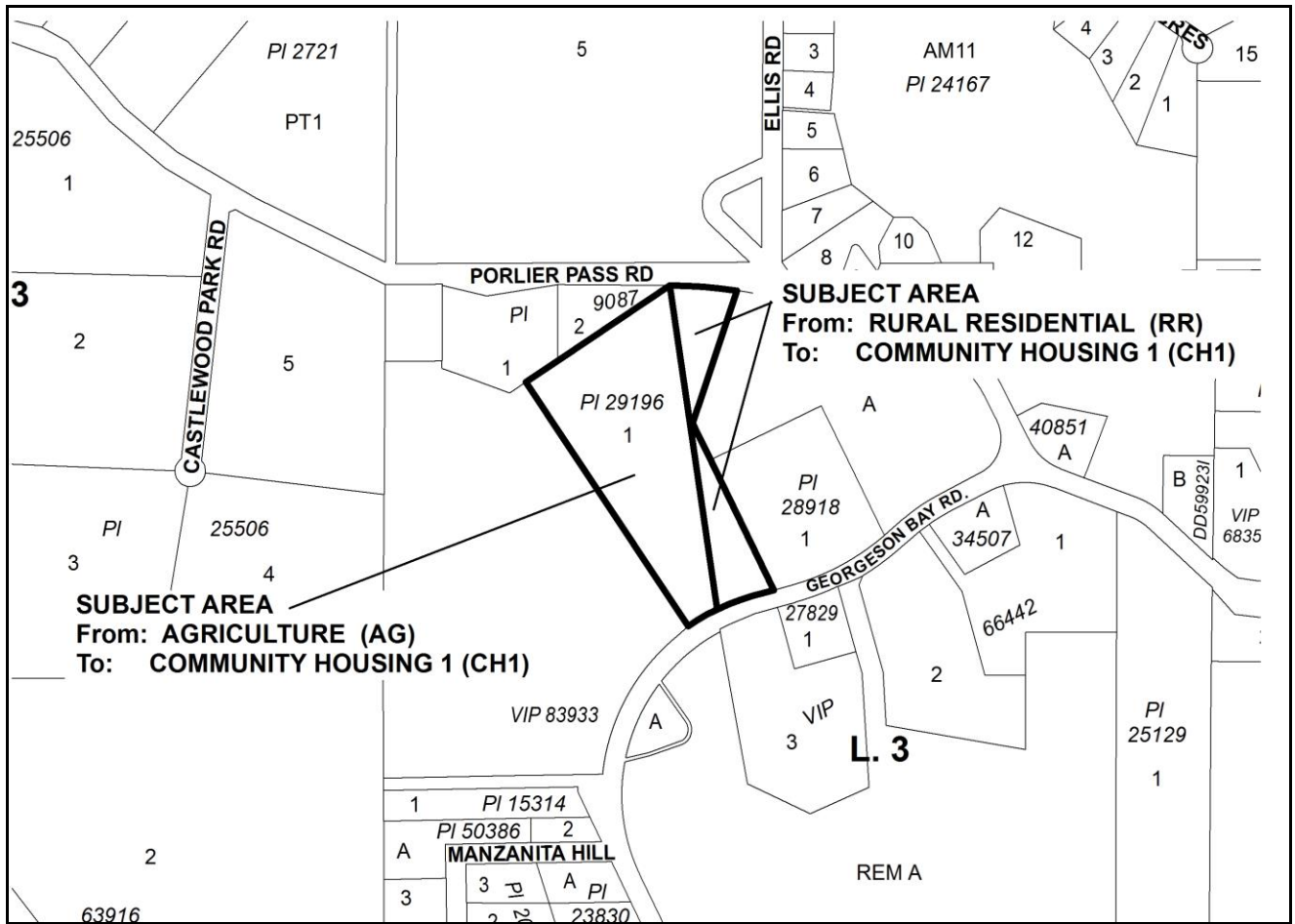
B. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011”.

READ A FIRST TIME THIS	9 th	DAY OF	July	2012
READ A SECOND TIME THIS	6 th	DAY OF	June	2016
PUBLIC HEARING HELD THIS		DAY OF		20
READ A THIRD TIME THIS		DAY OF		20
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		DAY OF		20
ADOPTED THIS		DAY OF		20

DEPUTY SECRETARY

CHAIRPERSON

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 234
PLAN NO. 1



APPENDIX 1

Housing Agreement

THIS AGREEMENT DATED FOR REFERENCE this ____th day of ____, 201__ is

BETWEEN:

GALIANO LAND AND COMMUNITY HOUSING TRUST, a society incorporated in British Columbia under No. S-0037495
Suite 2A – 33 Manzanita
Galiano Island B.C. V0N 1P0

(the “Owner”)

AND

GALIANO ISLAND LOCAL TRUST COMMITTEE, a local trust committee under the *Islands Trust Act* of British Columbia
2nd Floor, 1627 Fort Street
Victoria, B.C. V8R 1H8

(the “Local Trust Committee”)

WHEREAS:

1. The Owner and the Local Trust Committee wish to create a residential community that provides affordable homes to moderate income individuals and families residing on Galiano Island and in accordance with the Galiano Island Official Community Plan Bylaw No. 108, 1995 Section 1.6 Community Housing Policies;
2. The Owner is the registered owner of those Lands situated on Galiano Island, British Columbia and legally described as:

PARCEL IDENTIFIER: 001-416-987
LOT 1, DISTRICT LOT 3, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 29196

(the “Lands”)

3. The Owner is a not-for-profit society under the *Society Act* of British Columbia and has as one of its objects the creation of an affordable housing community on Galiano Island;
4. The Owner has applied to the Galiano Island Local Trust Committee for a rezoning of the Lands by way of Galiano Island Land Use Bylaw 233 which amends OCP Bylaw #108, 1995, and Bylaw 234 which amends LUB #127, 1999 to permit a bare land strata subdivision of up to 20 strata lots with a single family house located on each strata lot, as well as two community buildings to be located on the Lands;

5. The Owner intends to develop housing that is affordable for individuals and families earning less than 90% of the median income of Capital Electoral Area G, either by way of leasehold agreements of up to 20 bare land strata lots, at an affordable rate to individuals, so that individuals may construct homes on those bare land strata lots, or by way of the rental of constructed homes at an affordable rent;
6. The Local Trust Committee may, pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons and dwelling units located on the Lands;
7. The Owner and the Local Trust Committee wish to enter into this Agreement on the terms and conditions set out in this Agreement;
8. The Local Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement; and
9. The Owner agrees that the requirements of this Agreement are reasonable given the public interest in maintaining housing affordability on and restricting the occupancy and disposition of the Lands.

THIS AGREEMENT is evidence that in consideration of \$2.00 paid by the Local Trust Committee to the Owner, the receipt and sufficiency of which are acknowledged by the Owner, and in consideration of the promises exchanged below, the Local Trust Committee and the Owner agree, as a housing agreement between the Owner and the Local Trust Committee under s. 483 of the *Local Government Act*, as follows:

DEFINITIONS

1. In this Agreement:
 - (a) "Affordable Housing Units" means 20 single-family dwellings, each constructed on a Strata Lot, in respect of which the tenure, rental, and occupancy are restricted in accordance with sections 3 through 7 of this Agreement;
 - (b) "CMC" means a community management committee or organization which administers this Agreement, as more particularly described in Schedule "F";
 - (c) "CPI" means the Consumer Price Index for the Capital Region as calculated by Statistics Canada.
 - (d) "household" means an one or more individuals;
 - (e) "Income" means income from all sources as defined in Schedule "A".
 - (f) "Leasehold" means the leasehold interest in a Strata Lot, pursuant to a lease agreement entered into between the Owner and a Qualified Leaseholder, which

interest includes the right to construct, alter, maintain, and alter an Affordable Housing Unit on a Strata Lot;

- (g) “Maximum Monthly Rent” means the monthly rent agreed to by the Owner and a Qualified Renter to rent a Rental Unit which shall not exceed thirty percent (30%) of the total monthly Income of the Qualified Renter at the time the Rental Unit is occupied by the Qualified Renter;
- (h) “Moderate Income” means an annual Income that is less than 90% of the median income of the Southern Gulf Islands Electoral Area (Capital Area G) calculated from the most recent census data and as adjusted annually for the CPI.
- (i) “Qualified Leaseholder” means a household which meets the eligibility criteria for ownership of a Leasehold, as set out in Schedule “A”, or which met the eligibility criteria for ownership of a Leasehold at the time the household acquired a legal interest in the Leasehold;
- (j) “Qualified Person” means a Qualified Leaseholder or a Qualified Renter;
- (k) “Qualified Renter” means a household which meets the eligibility criteria for a residential tenancy of a Rental Unit, as set out in Schedule “A”;
- (l) “Rental Unit” means an Affordable Housing Unit which is rented by the Owner to a household, in accordance with the terms of this Agreement;
- (m) “Strata Lot” means one of the bare land strata lots to be created upon the filing of a bare land strata plan for the Lands, as generally shown as Schedule “E”;
- (n) “Stipulated Maximum Price” means the price of an Affordable Housing Unit located on a Strata Lot determined as follows:
 - (i) if the Affordable Housing Unit is one of the first three units constructed on the Lands, then the Stipulated Maximum Price shall be \$130 per square foot of Affordable Housing Unit;
 - (ii) if the Affordable Housing Unit is constructed after the first three units on the Lands, then the Stipulated Maximum Price shall be:
 - (A) the actual cost of construction of the unit, which cost shall include construction materials, labour, on-site septic tank, plumbing and electrical costs, septic and electric connections, permits and fees; or
 - (B) the replacement cost of the Affordable Housing Unit, as determined by a certified appraiser, the cost of which appraisal shall be borne by the Owner,

but in no case shall the Stipulated Maximum Price ever exceed \$130 per square foot of Affordable Housing Unit, except for annual adjustments for the CPI.

2. The Owner covenants and agrees with the Local Trust Committee that, in perpetuity:
 - (a) the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any development permit issued by the Local Trust Committee, any building permit issued by the Capital Regional District and this Agreement;
 - (b) the Owner must at all times ensure that the Lands are used and occupied in compliance with all statutes, laws, regulations, orders of any authority having jurisdiction, and this Agreement; and
 - (c) the Lands, including any lots into which the Lands may be subdivided, either by way of a subdivision under the *Land Title Act* or the deposit of a bare land strata plan, shall not be sold or otherwise transferred separately from any other portion of the Lands. For certainty, this prohibition does not prevent the sale of an Affordable Housing Unit or the granting, transfer or assignment of a Leasehold interest in accordance with this Agreement.

LEASEHOLDS

3. Except as provided in section 6, the Owner covenants and agrees that it shall not enter into a Leasehold agreement or grant a Leasehold interest for any part of the Lands to any person, or allow any person to occupy any part of the Lands, except for:
 - (a) a Qualified Leaseholder and that person's spouse, children, parents and grandparents; and
 - (b) the guest of such a Qualified Leaseholder.
4. The Owner covenants and agrees:
 - (a) that prior to entering into a Leasehold agreement with any person, the Owner shall obtain written confirmation from the CMC that a prospective person is a Qualified Leaseholder;
 - (b) that the monthly payment amounts for a Leasehold shall not exceed those amounts shown in the following table, provided however that the Owner may adjust the maximum monthly lease payment every 5 years in accordance with prevailing interest and mortgage rates, with notice to the Local Trust Committee of the amount of the adjustment:

Affordable Housing Unit Size (square feet)	Maximum Monthly Lease Payment
---	----------------------------------

500 square feet and smaller	\$136.66
501 to 600 square feet	\$156.18
601 to 700 square feet	\$175.70
701 to 800 square feet	\$195.23
801 to 900 square feet	\$214.75
901 square feet and larger	\$234.27

- (c) that the monthly payment strata fee amounts for a Leasehold shall not exceed those amounts shown in the following table, provided however that maximum monthly strata fees may increase from the previous year in an amount no greater than CPI and every year thereafter as determined by the Owner, or at a greater amount if agreed to in writing by the Local Trust Committee and only if the Local Trust Committee, in its sole discretion, considers that such an increase would not compromise the affordability objectives of this Agreement;

Affordable Housing Unit Size (square feet)	Maximum Monthly Strata Fees
500 square feet and smaller	\$40.00
501 to 600 square feet	\$45.00
601 to 700 square feet	\$50.00
701 to 800 square feet	\$55.00
801 to 900 square feet	\$60.00
901 square feet and larger	\$65.00

- (d) not to require any Leaseholder to pay any extra charges or fees for use of any common area, or for common sanitary sewer, common storm sewer, common water utilities, or common property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, gas or electricity utility fees or charges, or septic infrastructure located on a bare land strata lot, including holdings tanks;
- (e) to include in every Leasehold agreement all of the following:

- (i) a clause prohibiting subletting and assignment to any person who is not a Qualified Leaseholder and who has not been approved by the CMC, which clause shall entitle the Owner to terminate the Leasehold in the event of any breach of that prohibition;
- (ii) a clause stipulating the maximum Leasehold payments as contemplated in section 4(b);
- (iii) a clause stipulating the maximum strata fee payments as contemplated in section 4(c); and
- (iv) a clause referencing the requirements of this Housing Agreement, and to attach a copy of this Agreement to the Leasehold agreement.

5. The parties agree as follows:

- (a) if one of the individual comprising a Qualified Leaseholder in possession of an Affordable Housing Unit dies, that individual's Spouse or adult children residing in the Affordable Housing Unit at the time of the Qualified Leaseholder's death, may continue to lease and reside in the Affordable Housing Unit for the remainder of the Spouse or adult child's life, in accordance with this Agreement;
- (b) a Qualified Leaseholder may sell their Leasehold interest, including the Affordable Housing Unit, provided:
 - (i) the CMC has provided written confirmation that the purchaser is a Qualified Leaseholder;
 - (ii) the purchase and sale price shall not exceed the Stipulated Maximum Price, less the estimated cost of reasonable repairs necessary to bring the Affordable Housing Unit in good working condition, as agreed between the purchaser and the seller, or where the parties are unable to reach agreement, as determined by an arbitrator in accordance with the *Commercial Arbitration Act*, the cost of whom shall be borne equally between the purchaser and the seller;
 - (iii) any Qualified Leaseholder who intends to sell their Leasehold interest, including the Affordable Housing Unit, shall provide notice of such intent to the Owner before listing the property for sale. During a period of 2 months from the date of notice provided by the Leaseholder, the Owner will have the option to purchase the Leasehold interest, Affordable Housing Unit, and other improvements at the price specified in s. 5(b)(ii); and
 - (iv) if, for a period greater than 60 days, a Qualified Leaseholder is in arrears on mortgage payments for their Affordable Housing Unit, then the Owner may purchase the Leasehold interest and Affordable Housing Unit for the

price specified in s. 5(b)(ii), less the amount of mortgage arrears, and the Owner shall be responsible for the mortgage arrears and all costs associated therewith.

RESIDENTIAL TENANCIES

6. Except as provided in section 3, the Owner covenants and agrees that it shall not rent any Strata Lot, Rental Unit or other dwelling to any person, or allow any person to occupy any Strata Lot, Rental Unit or other dwelling, other than a Qualified Renter.
7. The Owner covenants and agrees that:
 - (a) the monthly rent for a Rental Unit will not be more than the Maximum Monthly Rent at any time during the term of the tenancy;
 - (b) all residential tenancy agreements shall be fixed term tenancies for 6 months, and shall include the following:
 - (i) an end date for the tenancy on which the Qualified Renter will be required to vacate the Rental Unit if a new tenancy agreement is not entered into;
 - (ii) a clause stating that a new tenancy agreement will not be entered into if the tenant no longer satisfies the criteria for a Qualified Renter; and
 - (iii) a clause prohibiting subletting and assignment to any person who is not a Qualified Renter, and upon breach of said term, the Owner shall be permitted to terminate the tenancy agreement in accordance with the *Residential Tenancy Act*; and
 - (iv) a clause permitting monthly rental increases in accordance with the *Residential Tenancy Act*, provided that the monthly rent shall never exceed the Maximum Monthly Rent;
 - (c) the Owner shall not require any Qualified Renter to pay any extra charges or fees for use of any common area, or for common sanitary sewer, common storm sewer, common water utilities, or common property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, or gas or electricity utility fees or charges; and
 - (d) if one of the individuals comprising a Qualified Renter who rents a Rental Unit dies, that individual's Spouse or adult child residing in the Rental Unit at the time of the Qualified Renter's death may continue to rent the Rental Unit for the longer of:
 - (i) the balance of the fixed term under the tenancy agreement; or

- (ii) twelve (12) months on the same terms, including monthly rent, set out in the tenancy agreement.

OWNER'S FURTHER OBLIGATIONS

8. The Owner shall:

- (a) deliver to the Local Trust Committee or the CMC a true copy of any Leasehold agreement or residential tenancy agreement in respect of any Affordable Housing Unit within 5 days of any request by the Local Trust Committee or CMC to do so;
- (b) obtain by the end of January of each year, a completed statutory declaration for each and every Leasehold and tenancy of a Rental Unit, substantially in the form attached as Schedule "B", sworn by the Qualified Leaseholder, or Qualified Renter, as the case may be;
- (c) deliver to the CMC by the end of February of each year a completed statutory declaration, substantially in the form attached as Schedule "C", sworn by the Owner, in relation to each and every Leasehold and tenancy of a Rental Unit. In addition, the Local Trust Committee or the CMC may request the statutory declaration up to four times in any calendar year, and the Owner must complete and supply the completed statutory declaration within 14 calendar days of receiving a request from the Local Trust Committee or the CMC. The Owner irrevocably authorizes the Local Trust Committee or the CMC to make inquiries it considers necessary and reasonable in order to confirm compliance with this Agreement;
- (d) permit representatives of the Local Trust Committee or the CMC to inspect the Lands at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*;
- (e) not transfer the Lands, other than to another non-profit organization or society incorporated under the *Society Act*, having as its object the management of affordable housing. The Local Trust Committee must approve any transfer prior to its finalization, and that until a new organization is found, no further Leaseholds or residential tenancies may be granted on the Lands; and
- (f) maintain its standing as a society under the *Society Act*, and must not amend its Constitution, a copy of which is attached to this Agreement as Schedule "D", without the written approval of the Local Trust Committee, which approval may be withheld if the Local Trust Committee in its absolute discretion considers that the proposed amendment would affect the tenure of occupancy of the Lands.

9. The Owner further covenants, agrees and acknowledges:

- (a) that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Local Trust Committee, within a reasonable amount of time stated in any notice of default provided to the Owner by the Local Trust Committee;
- (b) that the Local Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction for any breach of this Agreement, in view of the public interest in restricting the use and occupancy of the houses;
- (c) that a breach of this Agreement may constitute a breach of the Local Trust Committee's land use bylaw, as amended from time to time; and
- (d) that the Owner has sought its own legal advice and is not relying, in any way, on the advice of the Local Trust Committee or the Local Trust Committee's solicitors with respect to this Agreement.

THE PARTIES' OBLIGATIONS

10. If, for reasons of hardship, the Owner, a Qualified Leaseholder, or Qualified Renter cannot comply with the requirements of this Agreement in relation to any Affordable Housing Unit, the Owner, a Qualified Leaseholder, or a Qualified Renter may request a temporary waiver by the CMC of certain terms of this Agreement in respect of that Affordable Housing Unit. The request must be delivered to the CMC in writing (with a copy to the Local Trust Committee) and explain the nature and circumstances of the hardship involved and the reasons why the Owner, the Qualified Leaseholder, or the Qualified Renter cannot comply. The Owner agrees that the CMC is under no obligation to grant any relief and may proceed with all remedies available under this Agreement and at law and in equity, despite the Owner, the Qualified Leaseholder, or the Qualified Renter's request, and the relief, if any, is to be determined by the CMC at its sole discretion.

GENERAL PROVISIONS

11. **Not Binding on CMHC.** This Agreement shall not be binding on the Canada Mortgage and Housing Corporation ("CMHC") or any mortgagee of the Lands which is an "Approved Lender", as defined in the *National Housing Act*, R.S.C. 1985, C.N-11, who holds a mortgage insured pursuant to the *National Housing Act*. If, during foreclosure by an Approved Lender, the court approves a sale of the Lands or part of the Lands (the "Foreclosed Lands") to CMHC or any arm's length bona fide purchaser, then the Local Trust Committee agrees that this Agreement will not apply to the Foreclosed Lands from the time of foreclosure to the expiry of the Leasehold interest for the Foreclosed Lands.
12. **Term.** This Agreement shall be effective in perpetuity.

13. **Subdivision.** The Lands shall not be subdivided by subdivision plan, strata plan, or otherwise except for a bare land strata plan in accordance with Schedule “E”, provided however that the layout show in Schedule “E” may be modified or changed with the written consent of the Director of Local Planning Services or his or her delegate.
14. **Housing Agreement.** The Owner acknowledges and agrees that this Agreement constitutes a housing agreement under s.483 of the *Local Government Act* and that the Local Trust Committee will register a notice of this housing agreement against title to the Lands.
15. **Delegation or Assignment by Local Trust Committee.** The Owner acknowledges that the Local Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and in that event, any reference in this Agreement to the Local Trust Committee shall be interpreted as a reference to that party provided that the Local Trust Committee has so advised the Owner.
16. **Indemnity.** The Owner shall indemnify and save harmless the Local Trust Committee and each of its elected officials, officers, directors, employees and agents from and against all claims, demands, actions, loss, damage, costs and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, including breaches of this Agreement.
17. **Release.** The Owner releases and forever discharges the Local Trust Committee and each of its elected officials, officers, directors, employees and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions or causes of action arising out of the performance by the Owner of its obligations under this Agreement, or the enforcement of this Agreement.
18. **Survival.** The obligations of the Owner set out in sections 15 and 16 shall survive any termination of this Agreement.
19. **Local Trust Committee Powers Unaffected.** This Agreement does not limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or the common law, impose on the Local Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Lands, or relieve the Owner from complying with any enactment.
20. **No Public Law Duty.** Where the Local Trust Committee is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Local Trust Committee is under no public law duty of fairness or natural justice in that regard and the Owner agrees that the Local Trust Committee may do any of those things in the same manner as if it were a private party and not a public body.

21. **Notice.** Notice required or permitted to be served under this Agreement is sufficiently served if delivered in person or mailed to the postal address of the Owner or the Local Trust Committee, as the case may be, at the address set out above, and in the case of mailed notice shall be deemed to have been received on the third day following mailing.
22. **Enurement.** This Agreement is binding upon, and enures to the benefit of parties and their respective successors and permitted assigns.
23. **Severability.** If any provision of this Agreement is found to be invalid or unenforceable it shall be severed from this Agreement and the remainder shall remain in full force and effect.
24. **Remedies and Waiver.** All remedies of the Local Trust Committee under this Agreement are cumulative, and may be exercised in any order or concurrently, any number of times. Waiver of or delay by the Local Trust Committee in exercising any remedy shall not prevent the later exercise of any remedy for the same or any similar breach.
25. **Sole Agreement.** This Agreement represents the entire agreement between the parties respecting the tenure, use and occupancy of the houses, and there are no representations, conditions or collateral agreements on the part of the Local Trust Committee other than those set out in this Agreement.
26. **Further Assurance.** The Owner must forthwith do all acts and execute such instruments as may be reasonably necessary in the opinion of the Local Trust Committee to give effect to this Agreement.
27. **Covenants Binding.** This Agreement is binding on the Owner and all persons who acquire an interest in the Lands.
28. **No Joint Venture.** Nothing in this Agreement will constitute the Local Trust Committee as the joint venturer, agent or partner of the Owner or give the Owner any authority to bind the Local Trust Committee in any way.
29. **Modification.** This Agreement may be modified or amended from time to time, by consent of the Owner and a bylaw duly passed by the Local Trust Committee and thereafter if it is signed by the Local Trust Committee and the Owner.
30. **Owner's Representations, Warranties and Covenants** – The Owner hereby represents and warrants to the Local Trust Committee that the following are true:
 - (a) the Owner has taken all necessary or desirable actions, steps and other proceedings to approve or authorize, validly and effectively, the entering into, and the execution, delivery and performance of this Agreement; and
 - (b) the Owner has the power and capacity to enter into and carry out the obligations provided for in this Agreement.

31. **Agreement for Benefit of Local Trust Committee Only.** The Owner and the Local Trust Committee agree that:
- (a) this Agreement is entered into only for the benefit of the Local Trust Committee;
 - (b) this Agreement is not intended to protect the interests of the Owner, any Qualified Leaseholder, any Qualified Tenant, or any future owner, lessee, occupier or user of the Lands or the buildings or any portion thereof, including any Affordable Housing Unit; and
 - (c) the Local Trust Committee may at any time release this Agreement, without liability to anyone for doing so, and without obtaining the consent of the Owner.
32. **Deed and Contract.** By executing and delivering this Agreement the Owner intends to create a contract executed and delivered under seal.
33. **Time of Essence.** Time shall be of the essence of this Agreement.
34. **Interpretation.** In this Agreement:
- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
 - (c) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
 - (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
 - (f) the provisions of section 25 of the Interpretation Act with respect to the calculation of time apply;
 - (g) time is of the essence;
 - (h) all provisions are to be interpreted as always speaking;
 - (i) reference to a "party" is a reference to a party to this Agreement and to that party's respective successors, assigns, trustees, administrators and receivers. Wherever the context so requires, reference to a "party" also includes a Tenant, agent, officer and invitee of the party;

- (j) reference to a “day”, “month”, or “year” is a reference to a calendar day, calendar month, calendar or calendar year, as the case may be, unless otherwise expressly provided; and
- (k) where the word “including” is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word “including”.

As evidence of their agreement to be bound by the above terms, the parties have executed this agreement below.

GALIANO LAND AND COMMUNITY HOUSING TRUST
by its authorized signatories:

Name:

Name:

GALIANO ISLAND LOCAL TRUST COMMITTEE
by its authorized signatories:

Name:

SCHEDULE A

Criteria for determining Qualified Persons

Households meeting the following criteria are qualified to occupy Affordable Housing Units, as either Qualified Leaseholders or Qualified Renters as the case may be, together with their spouses, children, parents, and grandparents:

1. A person who provides satisfactory evidence to the Local Trust Committee, the CMC, or its designate that:
 - (a) The person's household which resides or intends to reside in the Affordable Housing Unit has a Moderate Income;
 - (b) At least one adult, being between the age of 19 and 65, in the household is employed or self-employed or will be employed or self-employed for not less than twenty (20) hours per week within the Galiano Island Local Trust Area;
 - (c) if not currently employed, any adult in the household has accepted an offer of employment that will commence in the next six (6) months;
 - (d) all adults in the household will make the Affordable Housing Unit their principal residence;
 - (e) no adult in the household owns any other property anywhere in the world unless exempted by the Local Trust Committee on a permanent, temporary or conditional basis; and
 - (f) no adult in the household, nor the household as a whole has assets in excess of \$100,000.00 anywhere in the world at the time of application.
2. Calculating a Household's Income. For the purpose of this Agreement, "Income" means the total income before tax from all sources of all persons residing or intending to reside in the Affordable Housing Unit including, without limitation:
 - (a) all income from earnings, including commission and tips;
 - (b) all income from all public and private pension plans, old age security and guaranteed income supplement;
 - (c) all income received under the British Columbia *Employment and Assistance Act* and the British Columbia *Employment and Assistance for Persons with Disabilities Act*;
 - (d) disabled veteran's allowance;
 - (e) alimony;

- (f) child support;
- (g) workers' compensation benefits;
- (h) employment insurance;
- (i) Income from Assets (see s.3 below); or
- (j) such other sources of income as the Local Trust Committee may designate from time to time;

but excluding the following:

- (k) child tax benefits;
 - (l) capital gains, such as insurance settlement, inheritances, disability awards and sale of effects in the year they are received;
 - (m) the earnings of a person aged 18 years or under;
 - (n) student loans, student loan equalization payments and student grants but excluding non-repayable training allowances, research fellowships or similar grants;
 - (o) shelter aid for elderly renters (SAFER) or rental assistance program (RAP) payments received prior to purchasing an Affordable Housing Unit;
 - (p) GST rebates;
 - (q) taxable benefits received through employment;
 - (r) government provided daycare allowance;
 - (s) payments for foster children, or child in home of relative (CIHR) income under the British Columbia *Employment and Assistance Act*; or
 - (t) such other sources of income as the Local Trust Committee or its designate may designate from time to time.
3. Income from Assets. With respect to Section 3 of this Schedule A, "Income from Assets" means computing income from assets of all persons intending to live in the Affordable Housing Unit but excluding the first ten thousand dollars (\$10,000) of income from assets earned by such person or such other greater dollar figure as the Local Trust Committee or its designate may specify from time to time.
 4. A person must provide to the Owner, the CMC, and/or the Local Trust Committee financial records showing current income, financial assets and debts, and other documentation determined by and in the sole discretion of the Owner, the CMC, or the

Local Trust Committee, proving the ability and/or financial means to construct a house and pay lease payments.

SCHEDULE B

Leaseholder and Qualified Renter Statutory Declaration

CANADA	)	IN THE MATTER OF A HOUSING
	)	AGREEMENT WITH THE GALIANO
PROVINCE OF	)	ISLAND Local Trust Committee
BRITISH COLUMBIA	)	("Housing Agreement")

I, _____ of _____, British Columbia, do solemnly declare that:

1. I am the tenant of / the owner of a leasehold interest in [circle one] the lands and improvements located at on Site # _____, at the address 409 Porlier Pass Rd., Galiano Island.
2. I make this declaration to the best of my personal knowledge.
3. This declaration is made pursuant to the Housing Agreement.
4. For the period from _____ to _____ the land and improvements were occupied only by myself and the following members of my family: _____.
5. The land lease charged each month was as follows:
 - (a) the monthly lease payment on the date 365 days before this date of this statutory declaration was \$_____ per month;
 - (b) the lease payment on the date of this statutory declaration is \$_____;
6. *[If applicable]* If the house was rented or sublet, the payment amounts charged each month were as follows:
 - (a) the monthly payment amount on the date 365 days before this date of this statutory declaration was \$_____ per month;
 - (b) the monthly payment amount on the date of this statutory declaration is \$_____; and
7. At no time during the last year has the house been used as a Short Term Vacation Rental.
8. I acknowledge and agree to comply with all Qualified Renter or Leaseholder's obligations under the Housing Agreement, and other charges in favour of Galiano Land

and Community Housing Trust registered in the land title office against the land on which the house is situated and confirm that I have complied with all of Qualified Renter or Leaseholder's obligations under these Agreements.

9. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the Canada Evidence Act.

DECLARED BEFORE ME at the _____, British Columbia, this ____ day of _____

A Commissioner for taking Affidavits in
British Columbia

Signature of person making declaration

SCHEDULE C

Owner Statutory Declaration

CANADA	)	IN THE MATTER OF A HOUSING
	)	AGREEMENT WITH THE GALIANO
PROVINCE OF	)	ISLAND LOCAL TRUST COMMITTEE
BRITISH COLUMBIA	)	("Housing Agreement")

1. I, _____ of _____, British Columbia, do solemnly declare that:
2. I am the [*director, officer, employee*] of the Galiano Land and Community Housing Trust, the owner of the land known as 409 Porlier Pass Road, Galiano Island, legally described as PID: 001-416-987, Lot 1 District Lot 3, Galiano Island, Cowichan District, Plan 29196 (the "Lands").
3. I make this declaration to the best of my personal knowledge.
4. This declaration is made pursuant to the Housing Agreement registered against the Lands.
5. For the period from _____ to _____ all Affordable Housing Units were occupied only by Qualified Persons (as defined in the Housing Agreement).
6. At no time during the last year have any of the Affordable Housing Units been used as a Short Term Vacation Rental.
7. The leasehold or rental payments charged for each Affordable Housing Unit were in compliance with the Housing Agreement, and are listed in the attached.
8. Rental Units are rented in compliance with the Housing Agreement.
9. In respect of sublets, each Affordable Housing Unit was in compliance with the Housing Agreement.
10. I acknowledge and agree to comply with all the Owner's obligations under this Agreement, and other charges registered against the Lands and confirm that the the Owner has complied with all the Owner's obligations under these Agreements.
11. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the Canada Evidence Act.

DECLARED BEFORE ME at the _____, British Columbia, this ____ day of _____

A Commissioner for taking Affidavits for
British Columbia

Signature of person making declaration

<u>Unit Number</u>	<u>Names of Occupants</u>	<u>Monthly payment amount</u>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

Schedule D

[Constitution of the Owner]

Schedule E

Site Plan

Schedule F

Community Management Committee

1. General Principles –

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

2. Composition of the first CMC

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

3. Continuing composition of CMC

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

4. Responsibilities of the CMC

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

END OF DOCUMENT

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

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

AMONG:

GALIANO LAND AND COMMUNITY HOUSING TRUST, a society
incorporated in British Columbia under No. S-0037495
Suite 2A – 33 Manzanita
Galiano Island B.C. V0N 1P0

(the “Owner”)

AND:

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

(the “Trust Committee”)

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of that parcel of land located on Galiano Island, British Columbia which is legally described as:

Parcel Identification Number: 001-416-987

Legal Description: Lot 1, District Lot 3, Galiano Island, Cowichan District, Plan 29196

(the “Land”);

- B. Section 219 of the *Land Title Act* (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specified amenity on the land;
- C. The Owner has requested that the Trust Committee rezone the Lands to Community Housing 1 (CH1), and the Owner has granted the Trust Committee this covenant in order to induce the Trust Committee to rezone the Lands;

- D. The Owner wishes to grant and the Trust Committee wishes to accept this Covenant over the Land, restricting the use of the Land in the manner specified;

This Agreement is evidence that in consideration of the premises and covenants herein contained, the payment of two dollars (\$2.00) by the Trust Committee to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

S. 219 Covenant

1. The Owner shall not use or permit the use of the Land or any building on the Land for any purpose, construct any buildings on the Land, or subdivide the Land except in strict accordance with this Agreement.

Restrictions on Development

2. The siting and configuration of lots and dwellings shall be substantially consistent with that shown on the site plan attached hereto as Schedule A (the "Site Plan"). The Owner shall be solely responsible for preparation and registration of a bare land strata subdivision plan that substantially conforms with the 20 lots shown in outline on the Site Plan.
3. The siting of the pumphouse, laundry and shower building and the meeting room, studios and workshop (collectively the "Common Buildings") shall be substantially consistent with that shown on the Site Plan, and shall be constructed by the Owner at its expense to total completion, to the satisfaction of the Trust Committee.
4. The siting and configuration of all internal roads and parking areas shall be substantially consistent with that shown on the Site Plan and shall be constructed by the Owner at its expense, to total completion, to the satisfaction of the Trust Committee.
5. Of the first six dwellings, one dwelling must be constructed by the Owner of the Land, either solely or in conjunction with a leaseholder.
6. The Owner has stated the intention that all dwellings on the Land will provide potable water through individual rainwater catchment systems installed on buildings rather than by creating a community water system. Upon completion of the first six dwellings in Phase1, and prior to applying for building permits for any further dwellings on the Land, the Owner shall provide to the Trust Committee a report prepared by a professional engineer or geohydrologist with relevant experience certifying that the rainwater catchment systems have been installed professionally and are capable of providing potable water in a sufficient quantity on an on-going

basis, to the satisfaction of the Trust Committee. If such certification cannot be provided to the satisfaction of the Trust Committee, the Trust Committee may require that all subsequent dwellings on the Land be provided with potable water by connection to a community water system.

No Effect On Laws or Powers

7. This Agreement does not
 - (a) affect or limit the discretion, rights, duties or powers of the Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Trust Committee any duty of care or other legal duty of any kind to the Owner or to anyone else;
 - (c) oblige the Trust Committee to enforce this Agreement, which is a policy matter within the sole discretion of the Trust Committee;
 - (d) affect or limit any enactment relating to the use or subdivision of the Land;
 - (e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

8. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the requirements of any enactments or law or any order, directive, ruling or government action thereunder. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

Entry by Trust Committee Staff

9. The Owner hereby authorizes the Trust Committee, through its employees or agents, to enter the Land at all reasonable times for the express purpose of confirming whether or not this Agreement is being complied with.

Indemnity

10. The Owner hereby indemnifies and saves harmless the Trust Committee and its elected and appointed officials, officers, employees and agents,

from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Trust Committee may at any time suffer or incur arising out of or related to this Agreement or any breach of it.

No Liability in Tort

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

Covenant Runs With the Land

12. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

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

Waiver

14. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Trust Committee of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

Severance

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

No Other Agreements

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

Binding of Successors

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

Further Acts

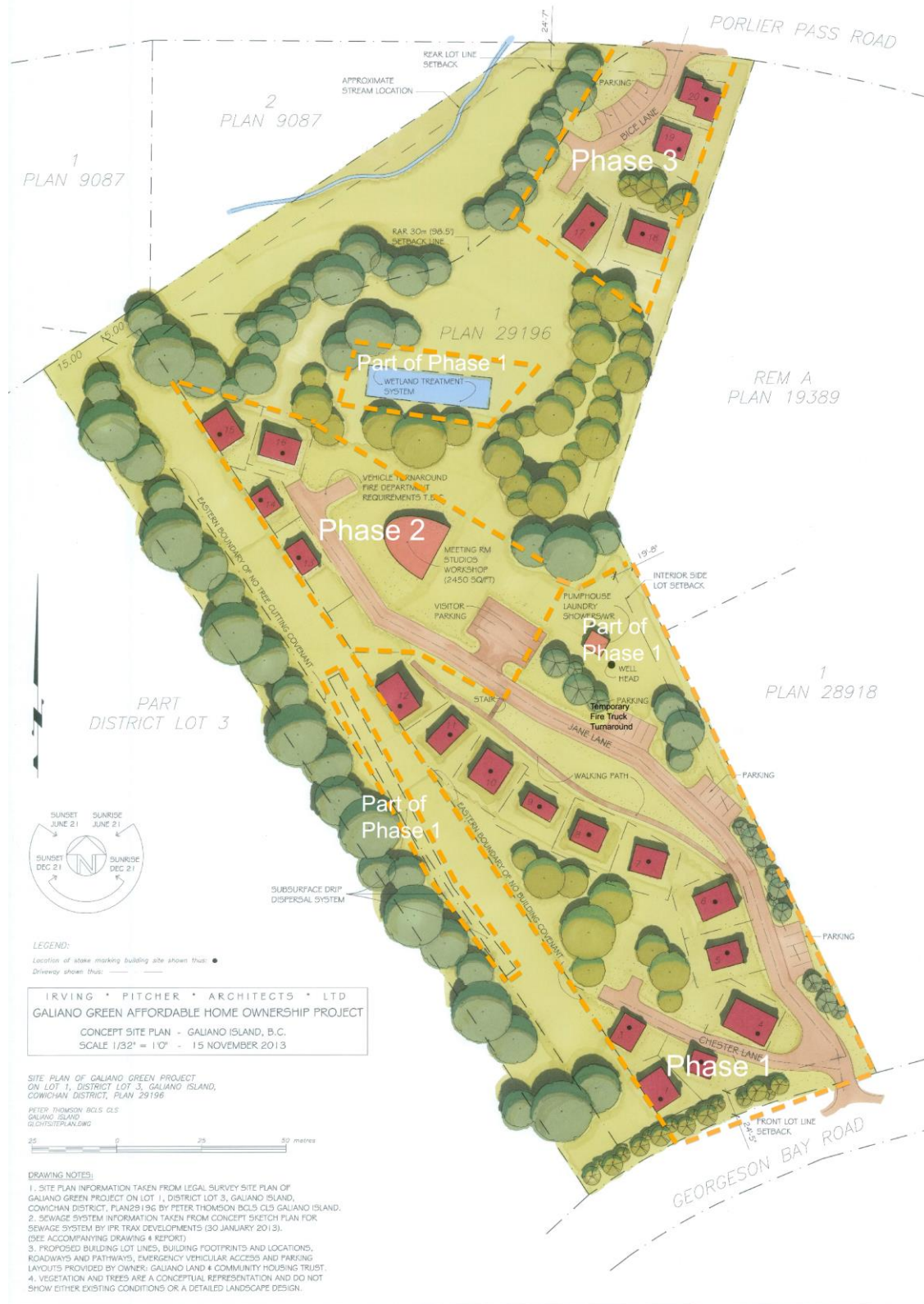
18. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

Deed and Contract

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

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

Schedule A





File No.: GL-RZ-2014.1 (Crystal Mountain)

DATE OF REPORT: October 31, 2016
TO: Galiano Island Local Trust Committee for the meeting of November 7, 2016
FROM: Kim Stockdill, Island Planner
Victoria Office
SUBJECT: Application Update

RECOMMENDATION

Staff are not providing a recommendation at this time. Options are included at the end of the staff report for the Galiano Island Local Trust Committee's (LTC) consideration.

REPORT SUMMARY

The purpose of this staff report is to provide comments on the community benefits document drafted by the applicant and to summarize the legal opinion regarding restricting the use of the land for non-profit societies only.

BACKGROUND

At the July 4, 2016 staff provided draft LUB and OCP bylaws for the LTC's review and consideration. No decisions were made for the draft bylaws. The Galiano Island LTC passed the following resolution at the July 4, 2016 meeting:

"GL-2016-063

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee requests staff to explore and report on: legalities of using a s.219 covenant restricting the use of land to non-profit societies only; identification of community benefits; and the legality of including the clause on package page 35 (Schedule 1, A.1., 1) c, i)"

Previous to this, at the May 2, 2016 regular LTC meeting, the LTC passed the following resolutions:

"GL-2016-031

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee requests the applicant explore additional community benefit options."

ANALYSIS

Community Benefit Applicant Document

The applicant has provided a document outlining options that they are proposing or willing to consider as a community benefits as part of their rezoning application. The following is a breakdown of a few of the options listed in the document with staff comments:

Community Benefit as Outlined by Applicant	Staff Comments
Funds for Affordable Housing	If this option is acceptable, a LTC resolution would be required. As the applicant has not explicitly included the exact amount they are will to donate, staff recommend requiring this information prior to a LTC resolution. It has been suggested that the applicant provide land for affordable housing. This option is not supported by the applicant as it would require subdivision and sale of the land. Due to the sensitive ecosystems on the subject properties and topography of the land, there is no obvious portion of land that would be best for donation.
Public Trails	Currently there are informal trails on both properties (Lot A and Lot 9) used by the public even though the land is private property. From a zoning perspective, the Nature Protection zone permits passive recreation. Allowing public access to these trails would also need be consistent with any conservation covenant. Further discussion with the Trust Fund Board is required as the trails would be the property owner's responsibility and liability. If the LTC wishes to require public trails as a condition of the rezoning, and that is agreeable to the Islands Trust Fund, staff recommend requesting the property owner explore granting a statutory right-of-way to the CRD Parks Commission to formalize the public trails.
Emergency Access	The Road Network Plan, Schedule C in the Galiano Island OCP, shows a proposed emergency access through Lot A from Porlier Pass Road to Devina Drive. If the LTC wishes to proceed with the bylaw amendment application, the property owner should be required to enter into a Statutory Right of Way (SROW) with the Galiano Fire Department to legalize the emergency access. The applicants have also stated they will consider taking responsibility for the construction and maintenance for the roadway to the standards required for emergency vehicle use. This condition could be added to the SROW.
Environmental Assessment (Ecosystem-bases land use plan) by K. Erickson	The LTC may wish to require specific recommendations within the assessment report to be conditions of the bylaw amendment approval or as conditions in a s.219 covenant that may be considered a community benefit. Specifically, there are recommendations in the assessment report for the reduction of fire hazard. A supplementary report can be drafted by staff outlining recommendations from the assessment report in order to reduce fire hazard on the subject properties. These recommendations can be then considered conditions of rezoning approval or conditions in a covenant.
Conservation Covenant	The applicants are proposing a conservation covenant on 75% of the land as a community benefit, the owners are in the process of reviewing a draft conservation covenant with the Trust Fund Board and being reviewed by the applicant's legal counsel and the final draft will be completed shortly. If the application proceeds with the requirement for a conservation covenant, staff recommend obtaining a copy of the draft covenant prior to the Public Hearing.
Observation Well	The Galiano Island LTC has a standing resolution from April 7, 2014 (Resolution # GL-20104-029) 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. Although this application is not deemed by staff to be an increase in residential density, an observation well as a condition of rezoning could be considered to be a community benefit.
--	--

The LTC should consider whether or not the proposed benefits are sufficient to warrant proceeding with the application, the LTC has the discretion to proceed or not with the rezoning.

Land donation has been a reoccurring suggestion at recent LTC meetings. At the February 1, 2016 the following motion was put forward and defeated:

“GL-2016-004

It was MOVED AND SECONDED,

that the LTC resolves to proceed no further with the application in the absence of a land donation.”

Defeated

If the Galiano Island LTC wishes to reconsider land donation as a community benefit, a new resolution is required. As mentioned in previous staff reports the issues with land donation are that there must be a willing agency to receive the donated lands, and land donation would involve a subdivision application.

If the LTC wishes to proceed with the application, staff recommend formalizing any conditions of rezoning by resolution to satisfy the LTC’s requirement for community benefits.

Legal Opinion

A legal opinion was received to address restricting the use of the land specific to non-profit societies by OCP amendment or a s.219 covenant. The following is based on staff’s review and understanding of the legal opinion recently received. Although the legal opinion has been circulated to the LTC members, all legal opinions are confidential and not publicly available unless released by resolution of the Executive Committee.

Land use bylaws must regulate the use rather than the user. If the characteristics of the land use would be different if a non-profit society owned the land compared to a for-profit society then the regulations can legitimately draw a distinction. For example, a for-profit society may have more intensive use of the land and therefore the LUB amendment could potentially restrict the use to non-profit societies only. However, this is not a clear and certain basis for proceeding and could risk a future legal challenged.

The above interpretation is also the same for OCP policies and s.219 covenants. The difference between use and user, and furthermore the distinction between non-profit and for-profit societies, is not evidently clear. By including a restriction to non-profit society use only would leave the LUB amendment, OCP amendment, and even a s.219 covenant vulnerable to be challenged in court, however remote a possibility.

A clearer approach would be to consider the intent of restricting the use, which is to ensure the use is not used for commercial purposes (for example, visitor accommodation, short term vacation, restaurants, etc.). In order to achieve the goal of restricting the retreat use, the definition of ‘comprehensive spiritual retreat’ can be refined to not permit commercial uses, and restrict the period of time visiting residents can stay. The definition currently reads:

““comprehensive spiritual retreat” means a facility that provides contemplative, spiritual or meditative opportunities for visiting residents, who typically stay at the facility for a period of at least 3 days, but in no case for more than 6 months, and are accommodated in sleeping huts, but does not include, offer, or provide any

form of short term or temporary accommodation for the travelling public, or any restaurant or other forms of food service to the general public.”

This definition would restrict the use of the land to non-commercial purposes without defining the status of the user.

Draft Bylaws

The draft bylaws were reviewed by legal counsel for suggested wording. Amendments were made to reflect the recommendations from legal counsel and also from suggestions by the applicant. The draft bylaws are attached for the LTC’s consideration, and if desired, for First Reading, although staff does not recommend giving First Reading until the community benefits have been finalized. The LTC also has the option to recommend revisions to the draft bylaws.

Consultation:

No formal Galiano Island LTC community consultation for this application has taken place at this time. A Community Information Meeting (CIM) often takes place in advance of a public hearing in order to provide the public with an opportunity to ask questions regarding the application and for any changes to be incorporated in the proposed bylaws. Staff recommend scheduling a CIM once the community benefits have been finalized.

Rationale for Recommendation:

Although staff are not providing a recommendation, staff does suggest the LTC consider the community benefits being proposed. A resolution is required for any community benefits deemed to be conditions of final bylaw approval.

OPTIONS

The following are options for the LTC’s consideration:

1. Request further information

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

2. Receive for information

The LTC may receive the report for information and defer decision on the next steps of the application until the December 2016 LTC meeting.

3. Formalize community benefit

The LTC may formalize the requirement for community benefit in order for the application to proceed, and draft bylaws to be finalized. The applicant is proposing the following as community benefits: conservation covenant, affordable housing donation, public trails, emergency access, implementation of environment assessment report, and an observation well.

4. Schedule Community Information Meeting

The LTC has the option to schedule a Community Information Meeting (CIM) to provide an opportunity to discuss the draft bylaws, draft conservation covenant, and the application proposal. The CIM could be scheduled as a Special Meeting or as part of a regular LTC meeting.

5. Amend draft bylaws

The LTC may request revisions to the draft bylaws. As no readings have been given to the bylaws, a formal resolution to amend to the bylaw is not required.

6. Give First Reading to draft bylaws

Staff recommends only giving First Reading to draft bylaws if the LTC wishes to continue with a conservation covenant as a community benefit and condition of rezoning.

7. Close the application

The LTC may close the application. This option would require the applicant to comply with current bylaws and further bylaw enforcement would pursue.

Submitted By:	Kim Stockdill, Island Planner	October 31, 2016
Concurrence:	Robert Kojima, Regional Planning Manager	October 31, 2016

ATTACHMENT

1. Community Benefit document from applicant
2. Draft OCP Amendment Bylaw No. 256
3. Draft LUB Amendment Bylaw No. 257

COMMUNITY BENEFITS

for Crystal Mountain Society Forest Retreat Meditation Centre Rezoning Proposal

October, 2016

The Galiano LTC has requested that Crystal Mountain Society (CMS) consider further community benefits as part of its rezoning proposal. In response, we are pleased to present our list:

Affordable housing is critically needed on Galiano. CMS recognizes this need in the community and is looking at significant ways to contribute. Rather than going the route of subdivision and the sale of a parcel of land, which would add density to our proposal, we commit to raising funds towards a meaningful donation to affordable housing.

CMS is interested in creating a public Loop Trail on Lot 9. This trail would be available for public use, year-round, regardless of retreat activity. The forest on lot 9 is beautiful, mature woodland and rich wetland, edged by dramatic cliff faces. The land is home to a diverse mix of local flora and fauna and would be protected under covenant, with no future development.

If the rezoning goes forward, CMS will be granting a statutory right of way from Porlier Pass to Devina Drive for emergency vehicle access and as a public evacuation route.

The OCP does not assign responsibility for the maintenance of an emergency access. **CMS will consider taking responsibility for the construction and maintenance of the roadway, to the standards required for emergency vehicle use.** As indicated to us by the North Galiano Fire Chief, establishing the precedent of an emergency road maintenance agreement would constitute a further community benefit.

CMS is investigating the possibility of contributing a water supply standpipe in the wetland of lot 9, for firefighting purposes. The North Galiano Fire Chief has identified this as a useful contribution to fire protection in the local neighbourhood.

CMS is committed to implementing the recommendations in our Ecosystem-Based Land-Use Plan. This plan recognizes the importance of preservation of the mature forest, wetlands and steep slopes. **The management plan also provides for forest fire risk mitigation strategies.** CMS fully supports the Islands Trust Preserve and Protect directive as expressed in Galiano OCP land use policy c. *'The forested landscape is integral to Galiano's character and that ecosystem-based sustainable forest management is critical for maintaining and restoring Galiano's forest ecosystem.'*

CMS remains committed to registering a conservation covenant on the land title as a community benefit. A conservation covenant is being developed with the Islands Trust Fund for the preservation of ecosystems in their natural states and to preclude any future subdivision. If the land is sold to a new owner with plans to rezone, the covenant will continue to remain on title, prohibiting any future subdivision, development, or separate sale of lots, thereby eliminating unforeseen changes to the character of North Galiano.

No subdivision of the land is proposed. All development rights will be forfeited from residentially zoned Lot 9. The amalgamation of Lot 9 and Forest Lot A provides increased forest, steep slope and

wetland protection, contiguous with BC Ministry of Environment's DL 87. The retreat centre would be sited entirely in the impacted areas of Lot A caused by the clearcutting of previous owners.

Of the 60 acres owned by CMS, 45 acres will be rezoned to Nature Protection.

Observation Well: The Groundwater Protection Section of the Ministry of Forests, Lands and Natural Resource Operations manages a groundwater monitoring program. Two wells in South Galiano participate but there is currently no well in the North Island. CMS continues to investigate designating a capped well that may qualify as a donation to this program.

Crystal Mountain supports the local economy. An example - In 2014, CMS rented houses in North Galiano to conduct a six-month silent retreat. From September 2014 to March 2015, CMS spent over \$59,000 at island businesses, as well as \$23,000 in local housing rentals. CMS will continue to rent houses for those needing accommodation that offer more residential comforts due to physical disability or age-related concerns.

Health benefits of Meditation and Quiet Contemplation. Recent studies conducted on the benefits of meditation offers evidence that meditative/contemplative practice alleviates symptoms of a variety of mental and physical disorders; that multiple negative dimensions of psychological stress are reduced; and that there can be a reduction in symptoms of depression with younger folks.

In addition to these community benefits, CMS will continue to engage with, and respond to, the concerns of our north end neighbours. The following list represents some initial solutions (and presumed 'benefits') to concerns we have heard:

The main entrance to CMS can be designated over to Porlier Pass, to accommodate concerns about increased traffic on Devina Drive.

The Society commits to transparency and accountability in well-water use on our property. CMS will join the Provincial water monitoring program that has developed through the BC Sustainable Water Act. We propose monitoring of water quality and rationing through water metering, to meet the limits stated in the Groundwater Assessment Report. Important data on water use can then be gathered and shared island-wide, contributing to better understanding watershed management in North Galiano.

CMS proposes creating a Community Liaison Committee, to facilitate ongoing dialogue with our neighbours.

Trails: Our neighbours often walk the Crystal Mountain lands and we are exploring how this could continue, given the liability constraints.

Please check us out! All our programs are run by volunteers and open to the public. No membership or religious affiliation is required. While fees are charged where needed to cover food or rental fees, all teachings are supported by donation only.

Over the past few years, we have continued to refine our proposal in ways that address the concerns of our community. This will not change. Nor will our commitment to protect both the integrity of the forest lands and the quiet, rural atmosphere of our shared neighbourhood.

For further updates or more information on the Crystal Mountain Forest Retreat Meditation Centre rezoning proposal, please visit the Islands Trust website at:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications/>

or call Elizabeth McClelland at 250-539-4000, Janice Oakley at 250-539-3389,

or email Helen Foster at helenfay108@gmail.com.

DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 256

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

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

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

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

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

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

1. CITATION

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

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME this day of , 20.

PUBLIC HEARING HELD this day of , 20.

READ A SECOND TIME this day of , 20.

READ A THIRD TIME this day of , 20.

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

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

ADOPTED this day of , 20.

SECRETARY

CHAIRPERSON

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 256
SCHEDULE 1

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

1. Section II, Subsection 4.3 (Health and Wellness Facilities) is deleted and replaced with:

“4.3 Health and Wellness

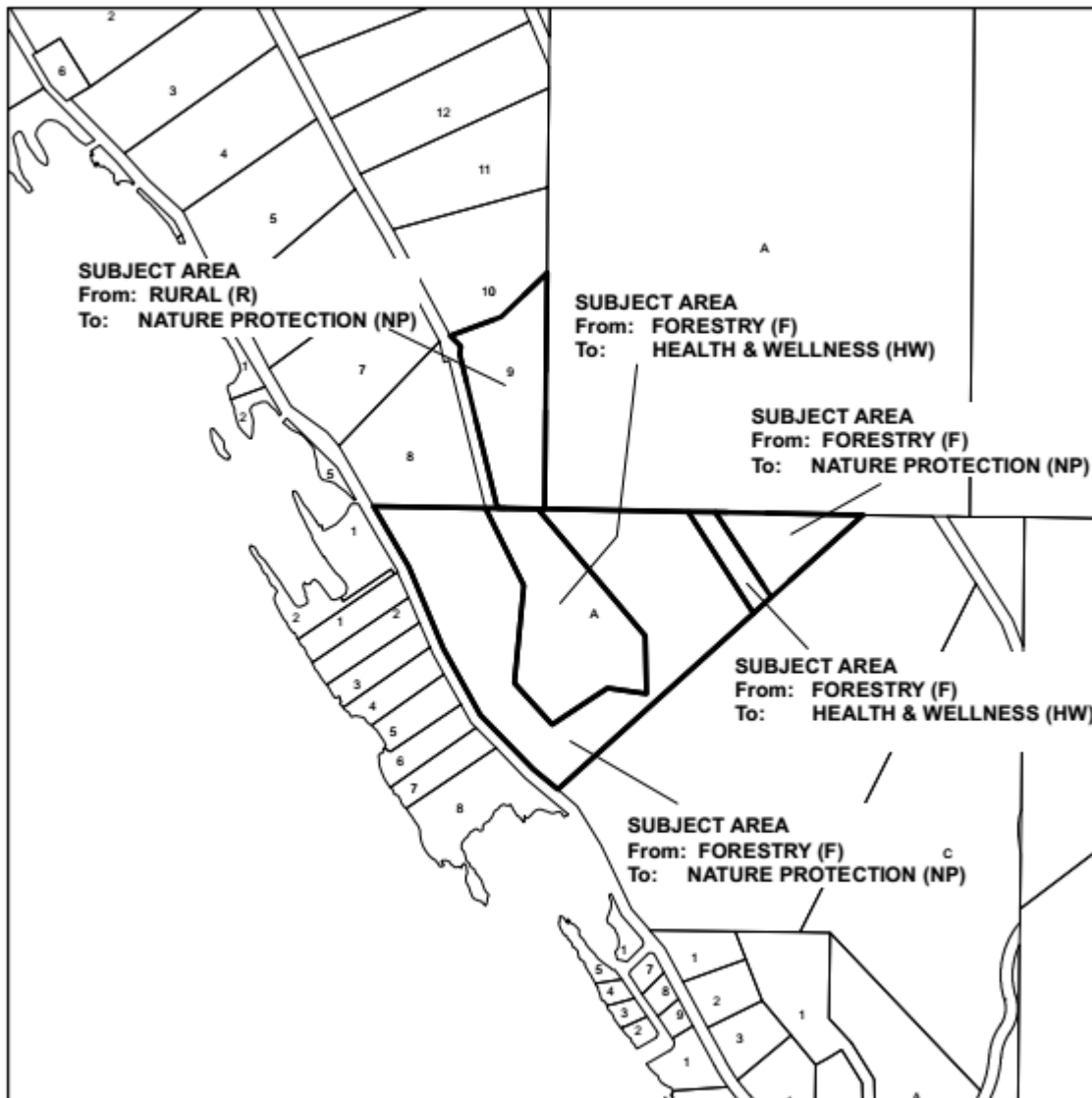
Health and Wellness Objective

The objective of this subsection is:

- 1) to encourage health and wellness facilities that enhance the health of residents and visitors and that do not adversely affect the natural environment.

Health and Wellness Policies

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



DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 257

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

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

1. Citation

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

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

2.1 The following text is inserted after section 8.5, as a new section to be numbered Section 8.6:

“8.6 Crystal Mountain Comprehensive Development One (CD1) Zone

Permitted Uses

8.6.1 The following uses and no others are permitted in the CD1 Zone:

8.6.1.1 comprehensive spiritual retreat

8.6.1.2 accessory dwelling unit accessory for a person or persons acting as a caretaker for the spiritual retreat.

Permitted Density

8.6.2 The following buildings and structures, and no others, are permitted in the area designated as Area A on Schedule D – Plan 6:

8.6.2.1 26 sleeping huts, each with a maximum floor area of 15 square metres;

8.6.2.2 one meditation hall restricted to meditation use only with a maximum floor area of 125 square metres;

8.6.2.3 one dining/kitchen building with a maximum floor area of 125 square metres;

8.6.2.4 one bathing and laundry building with a maximum floor area of 70 square metres;

8.6.2.5 one storage structure with a maximum floor area of 70 square metres; and

8.6.2.6 Composting outhouse facilities not exceeding a total maximum floor area of 20 square metres;

8.6.2.7 one accessory dwelling unit with a maximum floor area of 100 square metres.

8.6.3 The following buildings and structures and no others are permitted in the area designated as Area B on Schedule D – Plan 6:

- 8.6.3.1 4 sleeping huts, each with a maximum floor area of 15 square metres;
- 8.6.3.2 one dining/kitchen building with a maximum floor area of 35 square metres; and
- 8.6.3.3 Composting outhouse facilities not exceeding a total maximum floor area of 10 square metres.

Permitted Height

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

Minimum Setbacks

- 8.6.6 All buildings and structures must be sited
 - 8.6.6.1 at least 7.5 metres from front and rear lot lines; and
 - 8.6.6.2 at least 6.0 metres from an interior and exterior side lot lines.

Minimum Lot Size

- 8.6.7 No lot having an area less than 20 hectares may be created by subdivision.

Parking

- 8.6.8 Despite Section 14.1, the minimum number of off-street parking spaces is as follows:
 - 8.6.8.1 1 parking space per 3 sleeping huts. “

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

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

“sleeping hut” means a hut for sleeping, shelter and contemplative, spiritual or meditative opportunities for a participant in a comprehensive spiritual retreat, but does not include a kitchen or any cooking or food preparation facilities, or any plumbing fixtures.

- 2.3 Schedule “A” – Zoning Map, is amended by changing the zoning classification of Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200 from Rural 2 (R2) to Nature Protection (NP), as shown on Plan No. 1 attached to and forming

part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 257 as are required to effect this change.

- 2.4 Schedule “A” – Zoning Map, is amended by changing the zoning classification of Lot A, Districts Lots 88 and 89, Galiano Island, Plan VIP68079 from Forest 1 (F1) to Crystal Mountain Comprehensive Development One (CD1) and to Nature Protection (NP), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 257 as are required to effect this change.
- 2.5 Schedule D is amended by inserting the plan attached to and forming part of this bylaw as Plan No. 2 as a new “Plan 6”.

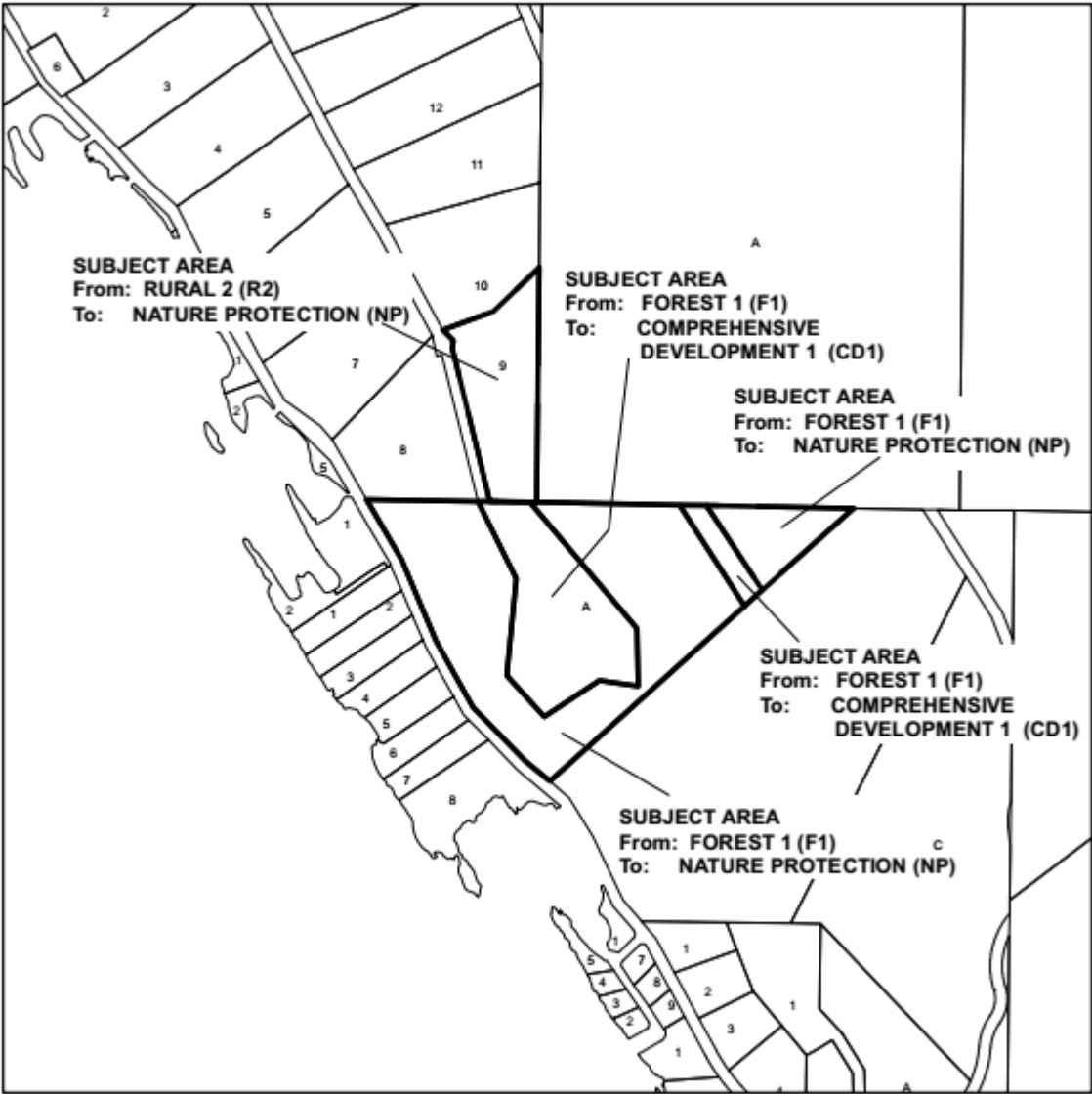
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PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS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

Chair

Secretary

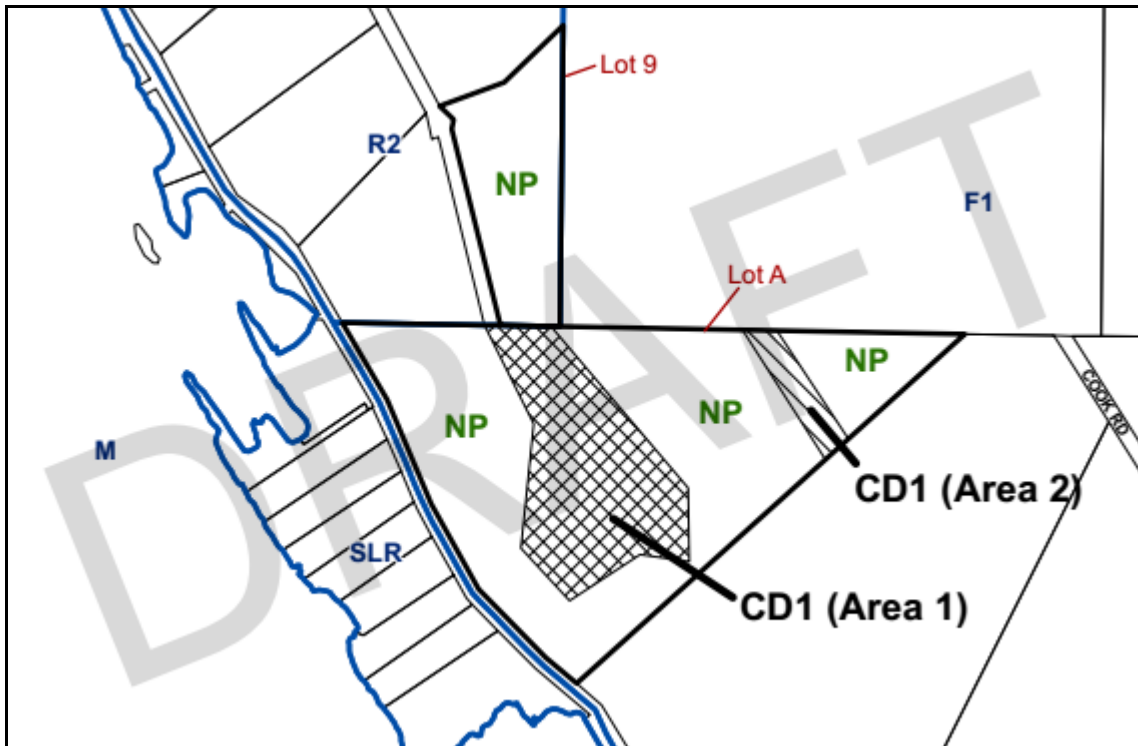
GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 257

Plan No. 1



**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 257**

Plan No. 2





DATE OF REPORT: October 27, 2016
TO: Galiano Island Trust Committee for the meeting of November 7, 2016
FROM: Kim Stockdill, Island Planner
Victoria Office
SUBJECT: Telecommunication Strategy Project – SAPC Update

RECOMMENDATION

1. That the Galiano Island Local Trust Committee amend the Telecommunication Strategy Project Charter to include a survey to gather community input on gaps and needs in telecommunication services as part of the community consultation scheduled for March 2016.

REPORT SUMMARY

This report will summarize options for a survey as recommended by the Galiano Island Special Advisory Planning Commission (SAPC). A letter and draft survey from the SAPC is attached to this staff report.

BACKGROUND

The Galiano Island LTC initiated a project in February 2016 to develop a telecommunications strategy. The purpose of this project is to review telecommunication options, policies, and procedures on Galiano Island and to appoint a Special Advisory Planning Commission to develop recommendations for consultation procedures. At the July 4, 2016 regular LTC meeting, the Galiano LTC adopted the terms of reference for the creation of a Telecommunication Strategy SAPC. At the August 29, 2016 the Galiano Island LTC appointed seven members of the Galiano Island community to the Telecommunication Strategy SAPC.

ANALYSIS

Issues and Opportunities:

The Chair of the SAPC recently sent a letter requesting the Galiano LTC recommending community consultation in order to retain information from the Galiano community to identify gaps and needs in current telecommunication services in the form of a survey. The SAPC outlines three options to undertake the survey:

1. Authorize the SAPC to undertake the survey.
2. LTC undertake the survey with completion by January 2016 in order to include results in the SAPC final report and recommendations.
3. LTC undertake the survey in March 2017 as part of scheduled community consultation.

The Project Charter, endorsed by the LTC on July 4, 2016, includes a timelines and milestone for the project (project charter attached). Community consultation is currently scheduled for March 2017 to gather input from the SAPC recommendations and the project's direction.

The SAPC letter dated October 18, 2016 includes an estimated survey cost of \$350 which includes printing, distribution, response and compilation. It is Islands Trust staff's experience that survey costs could exceed this estimate due to advertising costs. The \$350 budget may be achievable by the SAPC if there is no newspaper advertising.

The following are comments the LTC should consider for each option outlined by the SAPC.

1. Authorize SAPC to conduct survey: The Galiano Island LTC has the authority to conduct community consultation for applications and projects. The LTC has the option to delegate the authority to conduct community consultation to the SAPC by means of including this authority in the Telecommunication Strategy terms of reference. The current terms of reference requests the SAPC collectively within the commission to outline potential gaps and needs and services. If the LTC would like to go beyond the current terms of reference and delegate the authority for the SAPC to conduct consultation to gather input on the subject, the terms of reference would be required to be amended. In addition, additional consultation that goes beyond what is established in the project charter would require changing the project charter's timeline and an increase to the project budget. An increase to the budget would go through a number of approvals beyond the LTC. This may take some time which would go beyond the deadline when the SAPC must report back.

A benefit to this approach is that it would not require additional planning or administration staff support.

2. LTC undertake survey by January 2016: This option would also require an amendment to the project charter and project budget. The project charter would be amended to include a survey consultation milestone for December 2016. The budget for community consultation is approximately \$1500 to cover the costs for two Community Information Meetings; one scheduled for March 2017 to gather input on the project's next steps (budget allocation for 2016/2017 term), and another for May 2017 to present the final consultation guidelines (budget allocation for 2017/2018 term). Although the budget includes a \$150 contingency fund that could be used to cover a portion of the survey costs, this should be retained as the cost for the SAPC budget may exceed its allocation of \$1600.

This option also requires the survey to be executed by staff. Surveys conducted by the LTC also generally require newspaper advertisement which would increase the budget estimated by the SAPC. Completing this survey by January 2016 may be difficult due to staff resources over the next few months.

The benefit to this approach is that the SAPC could use the information collected from the community for their final recommendations.

3. LTC undertake survey by March 2016: This option would require an amendment to the project charter to include a survey consultation milestone for March 2016. An increase to the budget may not be required as advertising for the survey could be included with the advertisement for the Community Information Meeting. This would require staff resources to complete the survey although scheduling it in the spring would give staff enough time to ensure there are adequate staff resources to execute the survey.

Rationale for Recommendation:

Staff recommend the Galiano Island LTC undertake a survey to gather community input on the gaps and needs in telecommunication services by March 2017 as this approach may not require an increase to the project budget, and it would give enough time for staff to allocate resources to the survey.

ALTERNATIVES

As alternatives to the recommendation to proceed, the LTC may:

1. Authorize the SAPC to undertake the survey

This option requires the LTC by resolution to delegate the authority to consult the community regarding the gaps and needs in telecommunication services on Galiano Island to the SAPC. A resolution to amend the terms of reference, project charter and the project budget is also required. Approval to amend the project budget could take a few months to approve.

2. LTC to undertake a telecommunication strategy survey by January 2016

A resolution to amend the project charter and the project budget is also required. Approval to amend the Project Budget could take a few months to approve.

3. LTC does not support a telecommunication survey

The LTC has the option to continue the project as outlined in the project charter. No amendments to the project charter or budget are required for this option.

NEXT STEPS

If the LTC chooses to proceed with the recommendations, the next steps will be to continue amend the project charter to include a survey as part of the community consultation scheduled for March 2016.

Submitted By:	Kim Stockdill, Island Planner	October 31, 2016
Concurrence:	Robert Kojima, Regional Planning Manager	October 31, 2016

ATTACHMENTS

1. Project Charter
2. Correspondence – dated October 18, 2016
3. SAPC Draft Telecommunication Survey

Telecommunication Strategy - Charter v1

Galiano Island Local Trust Committee

Date: June 22, 2016

Purpose *To review telecommunication options, policies, and procedures on Galiano Island and to appoint a Special Advisory Planning Committee (APC) to develop recommendations for consultation procedures.*

Background *The LTC identified a Telecommunication Strategy as a Top Priority in February 2016. The federal government (Industry Canada) has jurisdiction over telecommunications uses, such as radio broadcast towers and cellular telephone towers, which are licensed under the federal Telecommunications Act. Local governments have no lawful jurisdiction to manage the use of the telecommunication therefore cell towers are immune from land use bylaws. Land use authorities have the option to create their own tower siting protocol that would outline a participation process and development guidelines (preferred locations and development and design preferences).*

Objectives

- Establish a Special APC to develop recommendations for consultation procedures.
- Review current telecommunication infrastructure, services, policies and procedures.
- Prepare a Galiano Island telecommunication consultation procedures, design guidelines, and siting procedures.

In Scope

- Reports from Special APC.
- Staff reports providing options and recommendations.
- Drafting telecommunication consultation guidelines and design protocols that are consistent with Industry Canada policies and procedures.
- Community Information Meetings.

Out of Scope

- Recommendations inconsistent with current legislation.
- Recommendations concerning works or services that are not subject to either the jurisdiction of the LTC or the Industry Canada consultation process
- Telecommunication guidelines for the Islands Trust as a whole.

Workplan Overview

Deliverable/Milestone	Date
LTC endorse Special APC Terms of Reference	July 2016
Advertise/Appoint Special APC members	August 2016
Special APC to report with recommendations to Galiano Island LTC	February 2017
Community Information Meeting for project's next steps	March 2017
Staff report on consultation guidelines based on CIM, LTC and APC recommendations.	April 2017
Final CIM & print/distribute consultation guidelines	May 2017

Project Team

Kim Stockdill	Project Manager
Robert Kojima	Project Sponsor
Regina Robinson	Admin Support
Barb Dashwood	GIS Technician

RPM Approval:

Robert Kojima

Date: June 22, 2016

LTC Endorsement:

Resolution #: GL-2016-064

Date: July 4, 2016

Budget

Budget Source:

Fiscal	Item	Cost
2016/2017	SAPC	\$1600
2016/2017	CIM	\$750
2016/2017	Contingency	\$150
2017/2018	CIM	\$750
2017/2018	Pamphlets	\$750
	Total	\$4000 160

289 Linklater Road
Galiano Island, V0N 1P0
szrybak@shaw.ca

18 October 2016

Laura Busheikin
Chair
Galiano Local Trust Committee

By E-mail

Telecommunications needs/gap survey

The Galiano LTC has tasked its Telecommunication Strategy Special Advisory Planning Commission with undertaking an “inventory of existing telecommunications infrastructure on Galiano and services available to Galiano Island” and “identify gaps and needs in current services”.

The Commission is currently seeking information from service providers on the scope of their telecommunication infrastructure and services on the Island. However, in attempting to identify the service gaps and needs experienced by Island residents, businesses and visitors, the Committee recognized that our limited, shared personal and anecdotal information and the paucity of public information from service providers will likely not be enough for a valid needs/gap assessment.

In order to realize a more accurate assessment of Islanders' services, gaps and needs, the Commission is asking for the authority to conduct a mail survey of Island residents, businesses and visitors. A penultimate copy of the survey is attached while the accompanying map of habitation zones is being fine tuned.

Island Trust staff have been appraised of the proposed survey and have raised concerns, which we feel we have addressed or can be overcome.

Survey costs are estimated to be less than \$350, including printing, distribution, response and compilation. The voluntary survey would be concluded by the end of December, with analysis by the Commission early in 2017, well in time for incorporation into our final Telecommunication Strategy report.

The Commission is confident that it can carry out a valid gaps/needs survey to more fully inform our eventual Telecommunication Strategy. We believe conducting such a survey is in keeping with our Charter and Terms of Reference. Based on recent budgetary information supplied by staff, it appears that the modest survey costs may be beyond our limited budget.

While the members of the Commission may well represent the range of views on the subject of telecommunications expressed by Galiano residents, we do not feel that we are fully representative of, or aware, of the range of needs and service gaps experienced across the Island. A survey would clarify those gaps and needs and provide a sounder basis for a Telecommunications Strategy.

The Galiano LTC may wish to consider three options to implementing this important identification of residents, businesses and visitors needs and service gaps:

- authorize the Commission to undertake the survey;
- have the LTC undertake the survey itself, with completion by late January 2016, to feed into the Commission's continuing work on the Antenna Siting Protocol and Telecommunications Strategy; or
- undertake the survey in advance of any Spring public meeting on the proposed Telecommunications Strategy and Antenna Siting Protocol to complement the Commission's deliverables.

Your Commission is seeking the authorization of the Galiano LTC to undertake this targeted, timely and cost-effective telecommunications services gaps and needs survey as soon as practical to better validate our deliberations.

Sincerely yours,
Stephen Rybak, Chair

cc. George Harris, Trustee
Sandy Pottle, Trustee
Kim Stockdill, Planner

GALIANO TELECOMMUNICATION SURVEY

A seven member Advisory Planning Commission has been appointed by the Galiano Local Trust Committee of Islands Trust to advise on a Galiano Island telecommunication strategy for telephone, radio, television and internet services. This survey will assist in our task of reviewing current services and identifying gaps and needs. Our report with recommendations is scheduled for completion in February 2017, after which the Local Trust Committee will hold a Community Information Meeting and provide opportunity for public comment.

We request your assistance with our assignment through completion of one survey per household, family or business establishment. Please deposit your completed survey form by December 31st 2016 in the Survey Collection Box at Daystar or the Post Office/Twirly Tree.

Thank you for your participation.

GALIANO TELECOMMUNICATION SPECIAL ADVISORY PLANNING COMMISSION

Stephen Aikins, Mike Hoebel, Elizabeth Latta, Peter Midgley,

Kiyo Okuda, Joan Robertson, Stephen Rybak

Secretary: Colleen Doty

1 Please indicate your status. *(check all that apply)*

- ☐ Permanent resident
- ☐ Resident with Galiano home business
- ☐ Part time resident
- ☐ Frequent guest or visitor
- ☐ Business or organization (non-residential property)

2 See map on back page. In which zone is your household or business? _____ Note: in this survey, Galiano includes adjacent islands: Gossip, Parker, Wise, Retreat, Sphinx and Charles and Julia.

3 Are you satisfied with your current phone, radio, television and internet services on Galiano?
() Yes, satisfied () No, not satisfied

4 Who now provides your landline (traditional telephone) home or business service on Galiano?

- ☐ Telus
- ☐ Shaw
- ☐ Do not use landline phone
- ☐ Landline service unavailable at my location

5 Do you currently use a cell phone?

- ☐ Rogers Wireless
- ☐ Telus Mobility
- ☐ Other: specify _____
- ☐ Do not use cell phone

- 6 Is cellular coverage available at your Galiano residence or business?
- ☐ Yes with high quality service
 - ☐ Yes with limited quality service
 - ☐ Cellular service is poor or unavailable
- 7 How do you use your cell phone?
- ☐ Frequent use at home and away
 - ☐ Mostly use away from home
 - ☐ Infrequent use or primarily for emergencies
- 8 How do you receive television on Galiano? *(check all that apply)*
- ☐ Cable
 - ☐ Satellite
 - ☐ Over-the-air antenna
 - ☐ Do not have television
- 9 Who now provides internet service at your Galiano residence or business? *(check all that apply)*
- ☐ Telus dial-up
 - ☐ Dial-up: other
 - ☐ Telus high speed
 - ☐ Shaw high speed
 - ☐ Beacon Wireless
 - ☐ Xplornet
 - ☐ Rogers Wireless
 - ☐ Telus Mobility
 - ☐ Do not have internet service
 - ☐ Do not want internet service
- 10 Do you use a VoIP (internet) telephone from your home or business location on Galiano?
() no, do not use VoIP service () yes, exclusively () yes, sometimes
- 11 What number of individuals make routine use of your Galiano internet connection?
(check and complete all that apply)
- ☐ Adults (over 18) _____
 - ☐ Children, youth _____
 - ☐ Regular use by guests or customers
 - ☐ I (we) rely on our host's connection or a public Galiano hotspot
- 12 Would you like improved internet service on Galiano? *(check all that apply)*
- ☐ Current service is excellent
 - ☐ Current service is generally satisfactory
 - ☐ Would like higher speed
 - ☐ Would like greater reliability
 - ☐ Current service level on Galiano requires my use of off-island connectivity

13 How would you characterize your household or business internet use on Galiano?

(check all that apply)

- ☐ Some or all of: email, web browsing, streaming audio or video
- ☐ Subscription services such as Netflix, newspapers or magazines
- ☐ Social media
- ☐ Career related downloading and uploading
- ☐ Education (school or course work)
- ☐ Business related

14 For Galiano as a whole would you support *(respond to each option)*

- Expansion of cable television and internet beyond the currently served areas Yes () No ()
- Expanded and/or improved cellular telephone service Yes () No ()
- Expansion of wireless high speed internet beyond currently served areas Yes () No ()
- Access to optical fibre optic cable to the home Yes () No ()
- Expansion of emergency radio communications services Yes () No ()
- No expansion of current television, internet, and cellular telephone services Yes () No ()

15 We would welcome any additional comments you may wish to offer on telephone, television and internet services on Galiano Island.

Please deposit your completed survey form by December 31st 2016 in a Survey Collection Box at Daystar or the Post Office/Twirly Tree.

Note: Need to clear collection points with owners. We might wish to extend collection to Friday Jan. 6, though if we use the Post Office for collection, it is expected to relocate after December 31.

NOTE: This format works on a centre-folded 11 x 17 page with this (outer back) page used for a Galiano Zone map to support Question 2.

DRAFT



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	28-Feb-2017
2	Affordable Housing Strategy	to be determined.	07-Mar-2016	Kim Stockdill	31-Mar-2017
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-Jul-2017

**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
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
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	



Projects

Galiano Island

Description	Activity	R/Initiated
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Islands Trust

Print Date: October 31, 2016

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2016.5	ALLAN DIAMOND ARCHITECT c/o D. & P. TAYLOR Planner: Phil Testemale	09-Aug-2016	754 Ellis Rd Reinforce and repair damage to existing retaining wall.
Planning Status			
Status Date: 22-Sep-2016 Waiting for a survey and biologist's report from the applicant			
Status Date: 10-Aug-2016 File opened and forwarded to planner and LTC			

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2011.1	Galiano Land and Community Housing Trust c/o Tom Hennessy Planner: Robert Kojima	06-Oct-2011	Rezone Agriculture and Residential to Community Facility-Affordable housing.
Planning Status			
Status Date: 03-Oct-2016 public hearing - Sept 19th and October 1st			
Status Date: 25-Jul-2016 Public hearing scheduled for September 19			
Status Date: 30-Jun-2016 Bylaw amended. Application re-referred to FNs and referred to Parks Commission for comment. Direction to schedule CIM and PH			

File Number	Applicant Name	Date Received	Purpose
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Applications

GL-RZ-2014.1

Crystal Mountain
Society

28-Oct-2014

20300 PORLIER PASS RD

To allow for year round use of the Forest Retreat Centre

Planner: Kim Stockdill**Planning Status****Status Date:** 22-Sep-2016

Applicant finalizing community benefit document for November LTC meeting.

Status Date: 22-Jun-2016

OCP & LUB Amendment bylaws drafted.

Status Date: 25-Apr-2016

Staff report on May 2016 agenda.

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2016.1	WOLSTENHOLME, DAVID	05-Apr-2016	743 GEORGESON BAY RD\nAPPLICATION TO CHANGE ZONING TO ALLOW USE AS A RESTAURANT/INN

Planner: Kim Stockdill**Planning Status****Status Date:** 25-Oct-2016

Cost recovery initiated for s.219 covenant review.

Status Date: 22-Sep-2016

Bylaws to be sent to EC Meeting on Oct 5/16.

Status Date: 29-Aug-2016

Bylaws were given 2nd & 3rd reading.

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:** 22-Sep-2016

Staff in the process of drafting LUB and OCP bylaws.

Applications

Status Date: 22-Aug-2016

Preliminary staff report on Aug 29/16 LTC agenda.

Status Date: 10-Aug-2016

File opened and forwarded to planner and LTC

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2013.1	Kelly Gesner, Landworks Consultants Planner: Robert Kojima	29-Nov-2013	4150 BODEGA BEACH DR \n\nTo create a conventinal subdivision of 7 lots including remainder.
Planning Status			
Status Date: 26-Sep-2016			
Lot 8 transferred to CRD, covenant registration pending			
Status Date: 14-Sep-2016			
Form C release for discharge of development control covenant from Lots 6, 7, and 8 executed and sent to applicants' lawyer for registration			
Status Date: 09-Sep-2016			
subdivision plan, development control covenant, forestry covenant registered. Development control covenant to be discharged from lots 6, 7, and 8. Lots 7 and 8 to be transferred, covenant to be registered on Lot 8 (CRD).			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.1	Jon & Connie Stettner	07-Mar-2016	2625 E. BEEKMAN PL Requesting a permit to use property as a STVR.
Planner: Kim Stockdill			
Planning Status			
Status Date: 18-Aug-2016			
Correspondence from applicant received and placed on August agenda.			

Applications

Status Date: 03-May-2016

Property owner & water district to draft covenant restricting water quantity.

Status Date: 25-Apr-2016

Staff report complete and placed on May 2016 LTC agenda.

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.10	GARY ROSNICK	14-Sep-2016	257 ACTIVE PASS DR\nTUP for STVR

Planner: Phil Testemale

Planning Status

Status Date: 21-Oct-2016

E-mail requesting information on water, sewer sent.

Status Date: 21-Oct-2016

Scheduled for Dec 5 LTC meeting

Status Date: 14-Sep-2016

File opened and forwarded to planner and LTC

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.11	ANDREA	21-Sep-2016	2381 Sturdies Bay Rd.\nTUP for STVR

Planner: Phil Testemale

Planning Status

Status Date: 21-Oct-2016

E -mail with request for required info sent

Status Date: 21-Oct-2016

Scheduled for Dec. 5, 2016 LTC agenda

Status Date: 23-Sep-2016

File opened and forwarded to planner and LTC

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.12	GEOFFREY F INVERARITY	05-Oct-2016	1506 Ellis Road TUP for STVR

Planner: Phil Testemale

Planning Status

Applications

Status Date: 07-Oct-2016

File opened and forwarded to planner and LTC

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.13	RUSSELL, MAGGIE & NOAH	21-Oct-2016	2154 Sturdies Bay Rd TUP for an STVR

Planner: Phil Testemale

Planning Status

Status Date: 25-Oct-2016

File opened and forwarded to planner

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.5	CHOUINARD, PATRICIA	17-Jun-2016	750 Bodega Beach Dr TUP for STVR

Planner: Phil Testemale

Planning Status

Status Date: 26-Aug-2016

Waiting for application information on PMFL, water and uses from applicant

Status Date: 27-Jun-2016

On August 28th agenda for consideration. Notification drafted to be sent out and put in paper in early August

Status Date: 21-Jun-2016

File opened and forwarded to planner and LTC

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.6	WILFRIED/VERENA KRAMER (OTHER OWNERS)	15-Jul-2016	45 Alder Way TUP for STVR

Planner: Phil Testemale

Planning Status

Status Date: 21-Oct-2016

On November 7 agenda for consideration by LTC

Applications

Status Date: 22-Sep-2016

Permit drafted and notification completed. Deferred until Nov meeting or special mtg.

Status Date: 18-Jul-2016

File opened and forwarded to planner and LTC.

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.7	AMANDA HARRIS - WIFE - CONTACT	21-Jul-2016	425 Clementine Lane TUP for a STVR
Planner: Phil Testemale			

Planning Status

Status Date: 21-Oct-2016

On November 7 agenda for consideration by LTC

Status Date: 22-Sep-2016

Permit drafted and notification completed. Deferred until Nov meeting or special mtg.

Status Date: 21-Jul-2016

File opened and forwarded to planner and LTC.

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.8	WATERFALL, LAWRENCE	22-Jul-2016	350 Mary Ann Point Rd TUP for STVR
Planner: Phil Testemale			

Planning Status

Status Date: 21-Oct-2016

On November 7 agenda for consideration by LTC

Status Date: 22-Sep-2016

Permit drafted and notification completed. Deferred until Nov meeting or special mtg.

Status Date: 22-Jul-2016

File opened and forwarded to planner and LTC

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.9	KEATING, CRAIG	25-Jul-2016	1541 Sticks Allison Rd TUP for a STVR
Planner: Phil Testemale			

Applications

Planning Status

Status Date: 21-Oct-2016

On November 7 agenda for consideration by LTC

Status Date: 22-Sep-2016

Permit drafted and notification completed. Deferred until Nov meeting or special mtg.

Status Date: 28-Jul-2016

File opened and forwarded to planner and LTC

Islands Trust
 LTC EXP SUMMARY REPORT F2017
 Invoices posted to Month ending September 2016

625 Galiano	Invoices posted to Month ending September 2016	<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	2,912.66	2,587.34
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	327.73	172.27
65220-625	LTC - Local Exp - Communications	500.00	399.18	100.82
65230-625	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>7,000.00</u>	<u>3,639.57</u>	<u>3,360.43</u>
Projects				
73001-625-2002	Galiano OCP/LUB	4,000.00	862.36	3,137.64
73001-625-4065	Galiano Dock Review	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>8,000.00</u>	<u>862.36</u>	<u>7,137.64</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: April 7, 2014

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 11, 2009 / Amended February 3, 2014	GL-LTC-85-09 Amended:	Parks Commission Referral	That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment
2.	October 18, 2010	GL-LTC-115-10	Publishing Notices beyond legal requirements	THAT the Galiano Island Local Trust Committee will advertise Public Hearing Notices in either the Active Page Magazine or Islands Tides Newspaper in addition to the legally required advertising in the Driftwood Newspaper.
3.	October 17, 2011	GL-LTC-205-11	Special Occasion Liquor Licenses	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property on which Galiano Island Land Use Bylaw No. 127, 1999 permits public assembly uses, such as restaurants or community halls, and where there have been no issues related to parking or past complaints for the preceding three years , staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
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.

K:\LTC\Galiano\Standing Resolutions\Policies and standing resolutions.doc



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality September 2016

New Trust Fund Board Member – Richard Hoops Harrison

The Trust Fund Board (TFB) is happy to welcome Hoops Harrison, recently appointed as a member of the Board by the Minister of Community, Sport and Cultural Development. Hoops has a home on Saturna Island and is actively interested in Islands Trust issues. He is a lawyer specializing in civil litigation and serves as a member of the Patient Care Quality Review Boards for the Fraser Health Authority, Provincial Health Services, and Vancouver Coastal Health Authority. One vacancy remains on the Trust Fund Board; we are awaiting news of another appointment.

2016 Monitoring Reports

The TFB has accepted reports from monitoring contractors on the status of the 26 nature reserves, 24 NAPTEP covenants and 48 conservation covenants held by the Board that are not part of the NAPTEP program. The contractors report no significant issues were identified. The report includes an assessment of whether management objectives are being achieved and public safety issues are being addressed. The monitoring is also valuable for identifying other management issues that need attention.

Thetis Island

The TFB has directed staff to proceed with acquisition of a property on Thetis Island which will become a nature reserve. This is being made possible through a generous donation, an Ecological Gift and a grant from Environment Canada's Habitat Stewardship Program for Species at Risk– a great example of the kind of partnerships required to achieve land conservation on the Islands in the Salish Sea. Full details of the acquisition will be provided once the acquisition is complete.

Meanwhile, the Islands Trust Fund is continuing to support the final year of the Fairyslipper Forest campaign through social media outreach, planning and grant applications. The campaign deadline is June 2017.

Salt Spring Island

The TFB has accepted two conservation proposals to hold covenants on properties on Salt Spring Island with special natural values. Both covenants will be co-held with the Salt Spring Island Conservancy.

The Board has considered possible roles in protecting Owl Island. TFB land protection projects are usually initiated by a proposal from, or on behalf of, a landowner. The TFB is not in a position to be actively involved at this time but will continue to monitor the situation.

Property management activities

A draft revised management plan for the Cyril Cunningham Nature Reserve has been provided to partners for comment.

Hornby Island

A small celebration was held with partners to mark registration of the TFB's second conservation covenant on Hornby Island protecting Garry Oak meadow and mature forest. As often happens, unexpected challenges arose but the TFB is grateful for the landowner's vision and determination to see this protection completed.

Bowen Island

Property management activities

The feasibility of building a viewing platform at Fairy Fen Nature Reserve is being explored. The management plan for Singing Woods Nature Reserve is scheduled for revision.

Denman Island

Property management activities

Discussions are taking place with BC Parks and Denman Conservancy Association about trail relocation at the Morrison March Nature Reserve.

The TFB is negotiating a covenant for the Settlement Lands with the Denman Conservancy Association and has been working with them on the ecological baseline for the properties.

Gabriola Island

Property management activities

Vandalism and trail maintenance are on-going issues at the Elder Cedar Nature Reserve. Staff are seeking design and cost estimates for creating a boardwalk around the large western red cedar tree. A draft management plan for the Burren's Acres Nature Reserve has been circulated to partners.

Lasqueti Island

Property management activities

There is continuing monitoring of the restoration work at the Mount Trematon Nature Reserve following damage caused by trespass activities last year (no repeat problems this year). The management plan for the Kwell Nature Reserve will be revised next year.

North Pender Island

Property management activities

Three beautiful and informative interpretive panels have been installed in a kiosk at the Medicine Beach Nature Sanctuary, with thanks to our partner the Pender Island Conservancy Association for coordinating, and thanks to Tsartlip elder and language teacher John Elliott and forage fish expert Ramona de Graff for sharing their knowledge and time.

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

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



DATE OF MEETING: November 7, 2016
TO: Galiano Island Local Trust Committee
COPY: Robert Kojima, Regional Planning Manager
FROM: Regina Robinson – Planning Team Assistant
SUBJECT: Proposed Galiano Island LTC 2017 Meeting Schedule

The proposed Southern Gulf Islands 2017 Meeting Schedule is attached for consideration. The intent is to adopt the Galiano Island Local Trust Committee regular business meeting schedule for the upcoming year.

The LTC meets on the 1st Monday of the month at the South Hall, with at least two meetings scheduled for the North Hall, as available. The following dates have been proposed: February 6, March 6, April 3, May 1, June 5, July 10*, September 11*, October 2, November 6, and December 4.

The following exceptions are noted to the preferred timing:

- July 10 instead of July 3 (Statutory Holiday)
- September 11 instead of September 4 (Statutory Holiday)

If the LTC is in agreement with this proposed schedule the LTC may adopt the following resolution:

“THAT the Galiano Island Local Trust Committee proposed 2017 regular business meeting schedule be adopted as presented.”

If the LTC requests revisions to the schedule, then the LTC may adopt the amended schedule at the next meeting or by RWM.

ATTACHMENTS

1. Southern Gulf Islands Draft 2017 Meeting Schedule

Southern Planning Team

DRAFT 2017 LTC Regular Meeting Schedule

CHAIR	LB	GG	GG	GG	PL	
Date	Galiano (GL)	Mayne (MA)	North Pender (NP)	Saturna (SA)	South Pender (SP)	Conflict
January		30	26			
February	6	27	23	17*	14	
March	6	27				
April	3	24	6* and 27	20	11	
May	1	23*	25			
June	5	26	28*	15	13	
July	10*	24	27			
August						
September	11*	18*	21*		19*	
October	2	30	26	19		
November	6	27	23*	17*	14	
December	4					
Frequency:	Monthly (10/year)	Monthly (10/year)	Monthly (10/year)	Bi-monthly (5/year)	Bi-monthly (5/year)	
Designated day:	1st Monday	Last Monday	Last Thursday	3rd Thursday	2nd Tuesday	
Start Time:	12:30 pm	1:00 pm	9:45 am	12:30 pm	10:00 am	
Location:	South Hall	Ag Hall	Community Hall	Alternates	Fire Hall	
Total Mtgs	10	10	10	5	5	

Rationale for 2017 Draft Schedule

- Feb 17 instead of Feb 16 for SA LTC – LPC conflict
- May 23 (Tuesday after long weekend) instead of May 29 for MA LTC – TPC Conflict
- July 10 instead of July 3 for GL LTC – Canada Day weekend
- Sept 11 instead of Sept 4 for GL LTC – Labour Day weekend
- Sept 21 instead of 28 for NP LTC – UBCM conflict
- Sept 18 instead of Sept 25 for MA LTC – UBCM conflict
- Sept 19 instead of Sept 12 for SP LTC – Trust Council conflict
- Nov 23 instead of Nov 30 for NP LTC – SSI LTC conflict
- Nov 17 (Fri) instead of Nov 16 for SA LTC - LPC conflict

* [use asterisk to note where a meeting has been rescheduled because of a conflict].

Key Dates

Stat Holidays	Jan 1; Feb 13; Apr 14, 17; May 22; July 1; Aug 7; Sept 4; Oct 9; Nov 11; Dec 25, 26
LGLA	Feb 1-3
SD (46,61, 63, 68,71,79) Spring Break	Mar 13-24; Mar 20-24; Mar 17-31
Trust Council	March 14-16
AVICC	April 7-9
LGMA Conference	May 16-18
PIBC	May 30 - June 2
Trust Council	June 20-22
Trust Council	Sept 12-14

UBCM	Sept 25-29
Trust Council	Dec. 5-7
TPC Dates	Feb 20, May 29, Aug 21, Nov 6
LPC Dates	Feb 16, May 24, Aug 17, Nov 16
FPC Dates	Jan 17, Feb 28, May 31, Aug 23, Oct 18, Nov 18
EC Dates	Jan 18, Feb 8 Mar 1, April 5+26, May 17, June 7, July 12, Aug 2+30, Oct 4 and 25, Nov 8
SSI LTC Dates	Jan 12, Feb 9, Mar 2+23, Apr 13, May 4, Jun 1+27, Jul 6+21, Aug 3+10, Sep 7, Oct 5, Nov 2+30,

Trustee Conflicts

Busheikin	EC, LPC, FPC
Luckham	EC, FPC, TPC, LPC
Crumblehulme	TPC
Brent	FPC, LPC
Masselink	FPC, TPC
Grams	EC, TPC
Harris	FPC
Middleton	LPC
Pottle	LPC
Scholefield	LPC
McConchie	TPC

Regular Meeting Scheduling Criteria:

1. Start with *designated day*. Proposals to alter *designated day* should:
 - a. Consider trustee, planner and minute-taker scheduling conflicts
 - b. Avoid Wednesdays (conflicts with staff and EC meeting days)
 - c. Avoid overlapping meetings or agenda deadlines
2. Start times are based on ferry schedules
3. Locations can be altered for specific meetings in the LTC meeting notice based on space availability or preferences to use alternating locations
4. Adjust by a week for statutory holidays (whichever way would result in longest time between meetings)
5. No meetings should be scheduled in first two to three weeks of January (Christmas office closure and cancellations due to weather and power outages)
6. No meetings should be scheduled in August (staff and trustee vacations) (adjust SP and SA meetings to minimize length of time between meetings)
7. No meetings should be scheduled after second week of December (weather, power outages, and Christmas office closure)
8. Adjust meetings to avoid UBCM (3rd week of September – check to confirm), AVICC and LGLA training
9. Adjust meetings to avoid conflicts with Trust Council, EC meetings, Council committee meetings, TFB meetings, and Ballenas-Winchelsea LTC meetings (EC as LTC)
10. Review other team LTC meetings and consider rescheduling where there would be a Chair conflict (or arrange for alternate Chair if available)
11. Consider adjusting for Chair preferences (e.g. to schedule or avoid back-to-back meetings)
12. Where LTCs or Planners require additional meetings these should be scheduled as special meetings (i.e. for projects based on an adopted project charter, public hearings and community information meetings, or due to application load or timing).