



**GALIANO ISLAND  
LOCAL TRUST COMMITTEE  
BUSINESS MEETING AGENDA  
TO COMMENCE AT 12:15 PM, MONDAY, APRIL 16, 2012  
AT THE SOUTH COMMUNITY HALL  
141 STURDIES BAY ROAD, GALIANO ISLAND, B.C**

\***Approximate** time is provided for the convenience of the public only and is subject change without notice.

|                                                                                      | <b>Page<br/>#</b> | <b>*Approx.<br/>Time*</b> |
|--------------------------------------------------------------------------------------|-------------------|---------------------------|
| <b>1. CALL TO ORDER</b>                                                              |                   | 12:15 pm                  |
| <b>2. APPROVAL OF AGENDA</b>                                                         |                   | 12:20 pm                  |
| <b>2.1 Questions on Agenda Items</b>                                                 |                   |                           |
| <b>2.2 Town Hall Session</b>                                                         |                   |                           |
| <b>3. COMMUNITY INFORMATION MEETING - none</b>                                       |                   |                           |
| <b>4. PUBLIC HEARING - none</b>                                                      |                   |                           |
| <b>5. PREVIOUS MEETINGS</b>                                                          |                   | 12:40 pm                  |
| <b>5.1 Local Trust Committee Minutes for Adoption</b><br>(attached)                  |                   |                           |
| <b>5.1.1 Minutes of February 29, 2012 Local Trust</b><br>Committee Special Meeting   | <b>1</b>          |                           |
| <b>5.2 Public Hearing Records and Community</b><br><b>Information Meeting – none</b> |                   |                           |
| <b>5.3 Section 26 Resolutions-without-meeting</b><br>(attached)                      | <b>10</b>         |                           |
| <b>5.4 Advisory Planning Commission - none</b>                                       |                   |                           |
| <b>6. BUSINESS ARISING FROM THE MINUTES</b>                                          |                   | 12:45 pm                  |
| <b>6.1 Follow-up Action Report (attached)</b>                                        | <b>11</b>         |                           |
| <b>7. DELEGATIONS - none</b>                                                         |                   |                           |

|                                 |                                                                                                                                                         |          |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <b>8.</b>                       | <b>CORRESPONDENCE</b> (attached)<br><i>[correspondence received concerning applications and/or projects is considered with the application/project]</i> | 12:50 pm |
| 8.1                             | J. Rowlandson email dated February 6, 2012 re: Support for Rural Cycling                                                                                | 13       |
| 8.2                             | A. Shaw letter dated February 18, 2012 re: February 13 <sup>th</sup> LTC Meeting                                                                        | 15       |
| 8.3                             | L. Livermore letter dated February 17, 2012 re: February 13 <sup>th</sup> LTC Meeting                                                                   | 16       |
| 8.4                             | C. Stephenson email dated February 15, 2012 re: February 13 <sup>th</sup> LTC Meeting                                                                   | 18       |
| 8.5                             | A. Shaw email dated March 1, 2012 re: Thank you                                                                                                         | 20       |
| 8.6                             | P. LeBlond email dated March 1, 2012 re: February 29 <sup>th</sup> Info Meeting                                                                         | 21       |
| 8.7                             | C. Bastedo letter dated March 9, 2012 re: Forest Lot Owners on Galiano                                                                                  | 22       |
| 8.8                             | P. Midgley letter dated March 19, 2012 re: Parking on Galiano Island                                                                                    | 23       |
| 8.9                             | M. & N. Harting email dated March 21, 2012 re: Forest Land Issues                                                                                       | 30       |
| 8.10                            | I. Kramer letter dated March 19 2012 re: F1 Zone                                                                                                        | 31       |
| <b>9.</b>                       | <b>APPLICATIONS, PERMITS, BYLAWS AND REFERRALS</b>                                                                                                      | 1:00 pm  |
| 9.1                             | GL-DVP-2011.6 (Waterfall...) (attached)                                                                                                                 | 33       |
| 9.2                             | GL-RZ-2011.2 (Dewinetz) (attached)                                                                                                                      | 60       |
| 9.2.1                           | G. Coward email dated March 5, 2012 (attached)                                                                                                          | 82       |
| 9.3                             | GL-RZ-2006.3 (McNab) (attached)                                                                                                                         | 84       |
| 9.4                             | GL-DVP-2012.2 (Chesney-Weibe) (attached)                                                                                                                | 86       |
| 9.5                             | GL-RZ-2011.1 (GLCHT) – Update on Housing Agreement (attached)                                                                                           | 109      |
| 9.6                             | GL-CL-01-2012/GL-CL-02-2012/GL-CL-03-2012 (Ocean Power Project for Porlier Pass) – verbal update                                                        |          |
| ----- BREAK ( 15 minutes) ----- |                                                                                                                                                         | 3:30 pm  |
| <b>10.</b>                      | <b>LOCAL TRUST COMMITTEE PROJECTS</b>                                                                                                                   | 3:45 pm  |
| 10.1                            | Potential Forest Policy Amendments (attached)                                                                                                           | 115      |
| 10.2                            | Follow-up from February 29, 2012 meeting with staff from Ministry of Forests, Land and Natural Resource Operation- for discussion                       |          |

|             |                                                                                                                |            |
|-------------|----------------------------------------------------------------------------------------------------------------|------------|
| <b>11.</b>  | <b>REPORTS</b>                                                                                                 | 4:00 pm    |
| <b>11.1</b> | <b>Work Program Reports</b> - for Information                                                                  |            |
| 11.1.1      | Galiano Island Local Trust Committee Work Program - Report dated April 2012 (attached)                         | <b>127</b> |
| <b>11.2</b> | <b>Applications Report</b> - for information                                                                   | <b>130</b> |
| 11.2.1      | Galiano Island Applications Report – April 2012 (attached)                                                     |            |
| <b>11.3</b> | <b>Expense/Budget Reports</b> - for information                                                                |            |
| 11.3.1      | LTC Expense Report (attached)                                                                                  | <b>136</b> |
| 11.3.2      | Adopted LTC Budget - none                                                                                      |            |
| <b>11.4</b> | <b>Bylaw Enforcement</b> – none                                                                                |            |
| <b>11.5</b> | <b>Policies and Standing Resolutions Report</b>                                                                | <b>137</b> |
|             | (attached) – for information                                                                                   |            |
| <b>11.6</b> | <b>Galiano Island LTC Web Page for Review</b>                                                                  | <b>139</b> |
|             | (attached) – for information                                                                                   |            |
| <b>11.7</b> | <b>Chair’s Report</b>                                                                                          |            |
| <b>11.8</b> | <b>Trustee Report</b>                                                                                          |            |
| <b>12.</b>  | <b>OTHER BUSINESS</b>                                                                                          | 4:30 pm    |
| <b>12.1</b> | <b>Upcoming Meetings</b>                                                                                       |            |
| 12.1.1      | Local Trust Committee Business Meeting at 1:00 p.m. Monday, May 14, 2012, South Community Hall, Galiano Island |            |
| <b>12.2</b> | <b>A Strategic Approach to Islands Trust Communications</b> (attached)                                         | <b>141</b> |
| <b>12.3</b> | <b>Annual Report</b> (attached)                                                                                | <b>144</b> |
| <b>13.</b>  | <b>TOWN HALL MEETING</b>                                                                                       | 4:45 pm    |
| <b>14.</b>  | <b>ADJOURNMENT</b>                                                                                             | 5:00 pm    |

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

**DRAFT**

**MINUTES OF THE GALIANO ISLAND  
LOCAL TRUST COMMITTEE SPECIAL MEETING  
HELD WEDNESDAY, FEBRUARY 29, 2012 AT 2:00 PM.  
AT THE SOUTH COMMUNITY HALL  
141 STURDIES BAY ROAD, GALIANO ISLAND, B.C**

**PRESENT:**

|                      |                           |
|----------------------|---------------------------|
| Ken Hancock          | Chair                     |
| Louise Decario       | Local Trustee             |
| Sandy Pottle         | Local Trustee             |
| Robert Kojima        | Regional Planning Manager |
| Kaitlin Kazmierowski | Island Planner            |
| Patricia Joyce       | Minute Taker              |

**GUESTS:**

|                     |                                                               |
|---------------------|---------------------------------------------------------------|
| Garth Webber Atkins | Ministry of Forests, Lands and Natural<br>Resource Operations |
| Laura Coward        | Ministry of Forests, Lands and Natural<br>Resource Operations |

There were approximately 100 members of the public present.

**1. CALL TO ORDER**

The Meeting was called to Order at 2.15pm

Chair Hancock introduced the Meeting, noting that the meeting is being held for the purpose of meeting with staff from the Ministry of Forest Lands and Natural Resources Operations to discuss the *Privately Managed Forest Lands Act* (PMFL) on Galiano and in British Columbia.

**2. APPROVAL OF AGENDA**

The Chair suggested that the agenda be amended to allow time for a Town Hall for Delegations and Presentations, following the Questions and Answers period in agenda item 5.

The Trustees agreed that the Agenda be so amended.

**3. INTRODUCTIONS & COMMENTS**

The Chair introduced participants in the meeting, and outlined the meeting goals, emphasising that this is an information and knowledge gathering meeting, and that civil behaviour and mutual respect would be expected, and that there be no personal attacks.

4. **MINISTRY OF FOREST LANDS AND NATURAL RESOURCE OPERATIONS  
STAFF COMMENTS**

Ms. Garth Webber Atkins addressed the meeting, giving her professional history with the *PMFL Act* and described what items are restricted by the Act, e.g. clause which states that once a property is registered as PMFL that local government (e.g. Local Trust Committee) no longer has jurisdiction over activities on that property.

Ms. Webber Atkins referred to ongoing interaction between the PMFL and other ministries and jurisdictions (e.g. University of British Columbia Endowment Lands).

Regarding residences on lands in the PMFL the government may regulate but not prohibit residences on F1 lands. Galiano Island is somewhat of an anomaly because of prohibitions in the Islands Trust Policy Statement. It is possible that a compromise may be offered to Galiano which may help find a resolution to the present stalemate.

5. **Privately Managed Forest Land Act - Questions and Answer Period.**

The Chair invited questions from the Trustees.

Trustee Decario asked for more clarification on "regulate but not prohibit".

Trustee Pottle asked for the same, and how much accountability would be given to the Road Network Plan.

A question was asked regarding expectations of property owners, if there are no caps on property sizes/residence sizes.

Ms. Webber Atkins noted that the Gulf Islands under the *Islands Trust Act* does make a difference and therefore Galiano could expect different treatment.

Regional Planning Manager (RPM) Kojima commented that this discussion flows from the Official Community Plan Review process with regard to Forest Lands.

Trustee Decario commented that there are hopes that Galiano Road Network Plan can be worked into the ongoing land use process.

Chair Hancock added that this is a conceptual idea at present with possible resolution being in the future.

The Chair opened the meeting to questions from the Public.

**Michael Sharp** asked 2 questions:

- 1) Whether or not the Local Trust Committee can issue a Development Permit Area designation to a property already registered in the PMFL.
- 2) Could a Bylaw be passed now to allow a dwelling on such a property?

The answer given was yes, but there could be issues around siting.

**Gary Coward** asked whether "regulate" means "apply conditions".

Ms. Webber Atkins indicated that applying the current zoning regulation could lead to prohibition.

A member of the public spoke of the current OCP regulation which allows a house on an F1 Lot only if a portion of the land is "given up".

Chair Hancock commented that it is not known at this time what recognition the B.C. government may give to Local Government at the time of application.

Ms Webber Atkins commented in response to the question of Rezoning: If a Landowner asks for rezoning for more than 1 house or other use, this is not the concern of the PMFL; it focusses on what is on the lot now. Adding this is a grey area.

**Roy Smith** raised the issue of Boundaries & the Ministry of Forests Perimeters. He asked if the Local Trust Committee had a Development Permit Area regarding Groundwater, with conditions for an owner constructing a house, would this interfere with the PMFL?

Answer: Yes, if the DPA is connected to the dwelling building or if groundwater could be affected by taking down trees.

Andrew Loveridge expressed concern that the exercise of "regulate" and "prohibit" could result in one becoming the other.

RPM Kojima advised that the legal definition of "regulate" and "prohibit" will prevent any confusion.

Walter Forstbauer referring to Rezoning at discretion of the Local Trustees asked whether there is a difference between the *PMFL Act* and the *Forest Land Reserve Act*.

Trustee Decario responded that there is a difference; The Forest Land Reserve staff had asked the Local Trust Committee for comment on each area which needed to be included in FLR and thus given protection from urban development. *PMFL Act* is a Land designation. The Land Reserve Commission has authority to decide which lands shall be included in the Forest Land Reserve. When a dwelling is permitted, fees are mostly the same. Trustee Decario added that Inclusion into the Forest Land Reserve is voluntary.

**Bernie Boshier** re regulation for PMFL lots: he understands that a dwelling may be allowed but the Local Trust Committee can regulate the dwelling's siting.

**Glenna Mattin** with regard to Section 21 of the PMFL: asked, has exemption from this section been requested so that the Local Trust Committee will have ability to "regulate" or "prohibit".

Ms. Webber Atkins advised that the Local Trust Committee has authority to regulate issues around dwellings.

**Jim Trueit** expressed concern that the Trustees can pass a bylaw that rules that buildings can be built, but that it can have a roof but no walls. This seems unfair to him.

**Sandy Martin** commented that the land which made up the MacMillan Bloedel Tree Farms was regulated in a satisfactory manner.

**Gary Moore** attempted to read a Delegation document; the Chair ruled Mr. Moore out of order; Mr. Moore asked whether or not the Ministry of Forests recognises the unique character of Galiano Island.

Ms. Webber Atkins indicated that she is very aware and that she is also aware of the MacMillan Bloedel, disclosure statement.

**Kathy Stevenson** indicated that the process of resolving differences takes an inordinate amount of time and can the Ministry of Forests give an indication of when a resolution might come about.

Ms. Webber Atkins suggested by 2014.

**Richard Dewinetz** asked whether the regulations of the PMFL are consistent throughout the province or by specific areas or zones.

Ms. Webber Atkins indicated that she is not sure; different circumstances are considered.

**Geoff Gaylor** explained that The Forest Lot Advisory Committee for the Official Community Plan Review had advised the Local Trust Committee not to make changes to the existing Forest section of the Galiano bylaws because of confusion with the PMFL and other issues which might be affected, such as watershed elevations; allowing houses to be built, was and is only one issue. In his opinion all stakeholders, including the PMFL need to get beyond houses being the only issue.

Ms. Webber Atkins responded.

**Linda Knešević** asked a question regarding the request for exemption from Section 21 of the *Privately Managed Forest Lands Act*.

Trustee Pottle responded that Galiano has so much land in Forestry and under the existing bylaw these lands have greater protection than they would have under the Privately Managed Forest Lands (PMFL). She added, the concern of the Local Trust Committee resulted in Islands Trust Council being asked to request this exemption. 39% of Galiano forest lands are now registered in the PMFL and rising. The reality of the PMFL prevents the Local Trust Committee from proceeding with necessary work, e.g. Road Network Plan.

**Sandy Martin** asked why the government of B.C. has not stopped Galiano from asking for exemption.

Ms. Webber Atkins indicated that the government has been reluctant to interfere.

**Debbie Holmes** presented her concerns about ground water resources; the Local Trust Committee looks to the Ministry of Forests for resources. Does the ministry have the legal obligation to protect water under the land, whether that land is under the PMFL or not?

Chair Hancock indicated that the answer to the above question depends on what amendments may yet made to the *Water Management Act*.

Ms. Webber Atkins hears the many concerns about groundwater and believes that there is enough scope in the *Water Management Act* to take all resources and needs into account.

Trustee Decario commented that completion of the *Water Management Act* is still two or three years away.

Trustee Pottle indicated that the *Water Management Act* Review deals with Licenced water intake, community watersheds, and consideration of elevation; but on Galiano the only water resource is Ground Water.

**Ursula Deshields** expressed concern regarding pesticides and herbicides in surface water, which she understands are not controlled or prohibited by the *Privately Managed Forest Lands Act*.

**Elizabeth Latta** noted that the *Privately Managed Forest Lands Act* is concerned with the whole province, and asked how individual owners can get access to advocacy.

Ms. Webber Atkins indicated that issues regarding dwellings on Forest Lands come under the jurisdiction of the Local Trust Committee. Other uses of Forest Lands are under the jurisdiction of the PMFL and are regulated by their staff and respond to complaints; audits are done on a rotation.

Ms. Coward confirmed that audits of all properties are carried out once in every 5 years, and more frequently when complaints are investigated. Independent Foresters are hired to carry out audits.



Sandy Pottle questioned how many folios exist in B.C. and on Galiano Island.

**Brian Morgenstern** had questions concerning "regulate" and "prohibit" and uniformity in the Province. Is uniformity a goal regarding comparable Forest Areas? And if so, how is this arrived at?

Ms. Webber Atkins indicated that yes, owners would be expected to conform to applicable standards.

**Ken Millard** asked whether Forest Lots registered under the PMFL receive managed tax classification.

Ms. Webber Atkins answered yes.

**Mr. Millard** then suggested that if the footprint of a house on Forest Land is residential, that portion of the land is no longer in the PMFL.

Ms. Webber Atkins answered that she was unsure if this was so.

**Mr. Millard** asked that the Ministry find an answer to the question and forward it to the Local Trust Committee.

**Dora Fitzgerald** commented on threatened ecosystems that are unique; on Galiano these are very small compared with very large areas elsewhere in the province. What is the likelihood of having a regulation that can apply to all threatened areas?

Ms. Webber Atkins commented that she is not sure how to reconcile these differences and that the work of the *Privately Managed Forest Lands Act* is oriented toward managing forest practices.

**Bruce Jordan** asked what the average size of Forest Lot in B.C and on Galiano.

Ms. Webber Atkins indicated that there is a large range of sizes and is unable to be specific at this moment.

**Maureen Preston** asked for confirmation that all the Forest Lots on Galiano have been audited.

Answer: Yes.

Trustee Pottle commented that the Attorney General had recently made scathing comments about Forestry and the PMFL and asked the Ministry to comment.

Ms. Laura Coward responded that the PMFL staff are doing a good job of regulating in B.C.

It was noted that at a Forest Practices Board Workshop, it had been suggested that the Coastal Douglas Fir zones be cared for more than they are now, by the Local Trust Committee.

Ms. Webber Atkins commented that Education of Land Owners is ongoing.

Trustee Pottle indicated that conservation is a High Priority for the Islands Trust and asked if this is so for the PMFL.

Ms. Webber Atkins indicated that conservation is not their mandate, and suggested that this concern be addressed to the Ministry of Environment.

**Olaf Knesevic** read a letter from the Minister of Environment, regarding the "no walls" regulation, public road access, and his expectation for equity with other owners.

Ms. Webber Atkins agreed that these expectations should be met.

**Margaret Chegidden** explained the situation of the Forest lot owned by herself and her husband. It is an F2 lot of 30 acres; they have practiced Forestry for 20 years, which has been very difficult without a home on the property. They are not allowed to build a home, because they have an easement into the property but no road.

The Chair called for a break at 3:55 pm.

The Chair reconvened the meeting at 4:10 pm.

**Richard Dwenitz** commented and confirmed information re the Tax Base on Forest Lands.

**Michael Sharp** asked, if there is a house on PMFL land, when the PMFL is finally enacted, would it take precedence over local government authority?

**Roy Smith** made a suggestion for Government - that there be a broader view of dwelling use on Forest Lands. Also that attention be paid to Land slip (on slopes) and consider exceptions to protect dwelling use. A comment on ground water usage was added.

## **5.1 DELEGATION**

**Misty McDuffee** of Gulf Islands Alliance requests exemption from *Privately Managed Forest Lands Act*, Section 21, for all areas where the coastal Douglas Fir is found (on the Gulf Islands and Southern Vancouver island) so that these areas can be successfully protected. Granting of this exemption would give Local Trust Committees clear authority to protect unique ecosystems. She added there is inconsistency between the PMFL and the unique Coastal Douglas Fir Zone. Therefore Ms. McDuffee emphasized that the Gulf Islands Alliance recommends exemption of the whole of Section 21 be granted.

Trustee Decario asked whether Recognition of the concern for the Coastal Douglas Fir Zone by the Ministry of Forests, could lead to protective legislation. The Ministry made four (4) recommendations a year ago, and have extended Education opportunities to Private Landowners and NGOs. Trustee Pottle added that workshops are being held in response to concerns about ecological impacts of forestry processes, and that a recommendation was put forward to further empower local governments.

**Fred King** said he wants to live on his Forest Lot land.

**Joy Brown**, a Forest Lot owner is a lover of the land and being part of the community of Galiano; thousands of trees have been planted on her land.

**Doug Latta** commented on the length of driveways that would be allowed on Forest Lots from the road to the house site, indicating that trees will not grow back once cleared for a driveway.

**Mary Eliot** spoke positively of the history of ownership of her land, and the care of old growth trees.

**Bowie Keefer** echoed Joy Brown and encouraged us all to continue to demonstrate a strong environmental ethic. A proposal by the PMFL brings the "sides" together - no clear cutting will happen here again; we will "manage" our forests responsibly which will take care of ground water.

**Walter Forstbauer** indicated that roads are needed for forestry to be carried out; the safest place to build a home is in the centre of a Lot. Regulations are good but should be reasonable.

**Sandy Martin** commented that all owners want to protect their land and pleaded that one house per lot be allowed - that is all that is being asked for.

**Debbie Holmes** suggested that a sustainable cut level of forestry will protect both forest and water and that this concept is a bridge on which to make connections. Ms. Holmes offered thanks for this meeting.

**Richard DeWenitz** offered a comment.

**Jim Trueit** suggested that we are all environmental stewards and that the PMFL so far has been good and helpful to Land Owners.

**Ursula Deshield** pointed out that the "Preserve and Protect" legislation was put in place because the Gulf Islands is a unique environmental area. Owners say they are not able to live on their land; they can but there are regulations to be observed.

**Nadia Krebs** indicated that Galiano Trustees want to see a house on every Forest Lot without the encumbrance of the PMFL.

**Elizabeth Latta** asked: does the Trust require water catchment for new dwellings.

Answer given: Yes for some water management areas.

**Gary Coward** indicated that salt water intrusion is common on Galiano on waterfront properties. The *Water Management Act* must be enacted soon. Mr. Coward indicated copies of his letter to the Ministry of Forests, Lands and Natural Resource Operations on this topic.

**Rose Longini** emphasized that Galiano as a whole is an ecosystem - 16 miles long and 2 miles wide- water catchment is needed.

**Kathy Stevenson** indicated that she has heard much in common between people during the meeting, and she believes the PMFL should be able to come up with good resolutions.

**Rosemarie Umanna** asked why the Forest Lot Owners did not participate in the OCP Review meetings and other community opportunities.

It was stated that discussion meetings like this one are the way forward.

Panel Comments: Thanked the LTC for the opportunity, for the presence of the Forest Ministry/PMFL staff, and all members of the public. The Trustees look forward to the forming of constructive solutions and working together while observing the Islands Trust Policy Statement.

**Justin Stevenson** attempted to give a vote of thanks to all concerned.

The Chair indicated copies of two documents (one explaining the PMFL) available for the taking.

6. The Chair adjourned the meeting at 5:05 pm.

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**RECORDER**

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**CHAIR**



**Islands Trust**

**RWM From: March 12, 2012 To: April 03, 2012**

Print Date: Apr-03-2012

### **Galiano Island**

| <b>Resolution #</b> | <b>Action</b> | <b>Resolution Description</b>                                                                                                                                                                                 | <b>Resolution Date</b> |
|---------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 2012-05             | In Favour     | THAT the Galiano Island Local Trust Committee Minutes of February 13, 2012 be Adopted.                                                                                                                        | Mar 16, 2012           |
| 2012-04             | In Favour     | THAT Galiano Island Local Trust Committee Development Variance Permit GL-DVP-2012.1 (Cupples) be approved.                                                                                                    | Mar 14, 2012           |
| 2012-03             | In Favour     | THAT Galiano Island Local Trust Committee Development Variance Permit GL-DVP-2011.5 (Lecy) be approved.                                                                                                       | Mar 14, 2012           |
| 2012-02             | In Favour     | THAT the Galiano Island Local Trust Committee cancel the regular meeting scheduled for Monday, March 12, 2012, and further, that staff be instructed to schedule a new meeting at the earliest possible date. | Mar 13, 2012           |

5.3



**Islands Trust**

## **Follow Up Action Report w/ Target Date**

### **Galiano Island Jan-18-2012**

| No. | Activity           | Responsibility       | Target Date | Status |
|-----|--------------------|----------------------|-------------|--------|
| 1   | Staff directed to: | Kaitlin Kazmierowski | Mar-12-2012 | Done   |

- 1) Meet with the Ministry of Forest Lands and Natural Resource Operations staff to obtain indications from the Ministry about proposals they may wish to suggest concerning Galiano, the Islands Trust and the PMFL and to report back to the LTC;
- 2) Set a time and date for a meeting between the LTC and Ministry staff;
- 3) Prepare a draft agenda for that meeting with Ministry staff.

### **Feb-13-2012**

| No. | Activity                                                                 | Responsibility         | Target Date | Status |
|-----|--------------------------------------------------------------------------|------------------------|-------------|--------|
| 2   | Minutes of the December 12, 2011 Galiano LTC meeting adopted as amended. | Sharon Lloyd-deRosario | Mar-12-2012 | Done   |

|   |                                                                                                                                                                |                      |             |      |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------|------|
| 3 | Staff directed to refer the petition and correspondence regarding Smart Metres submitted by Rose Longini at the February 13 2012 LTC meeting to Trust Council. | Kaitlin Kazmierowski | Mar-12-2012 | Done |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------|------|

|   |                                                                        |                      |             |      |
|---|------------------------------------------------------------------------|----------------------|-------------|------|
| 4 | Staff directed to respond to Galiano Trails Society request for funds. | Kaitlin Kazmierowski | Mar-12-2012 | Done |
|---|------------------------------------------------------------------------|----------------------|-------------|------|

|   |                                                                                                                                                                                                                                                                                                                                                                           |                      |             |      |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------|------|
| 5 | Staff directed to forward the following resolution to the ALC regarding application GL-ALR-2011.1 (GLCHT) along with staff report and agrologist report: 'That the LTC supports the exclusion, but encourages the ALC to consider the potential inclusion of the northern RR zone of land, and require buffering and a covenant as recommended by the agrologist report.' | Kaitlin Kazmierowski | Mar-12-2012 | Done |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------|------|

|    |                                                                                                                                                                                                                                                                                  |                                     |             |      |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------|------|
| 6  | Staff directed to revise the proposed bylaws 233 and 234 (GL-RZ-2011.1 (GLCHT)) to reflect the ALR application outcomes and continue to work on a draft housing agreement.                                                                                                       | Kaitlin Kazmierowski                | Mar-12-2012 | Done |
| 7  | Potential amendments to Forest designation and F1 zone: Staff requested to report back with two draft OCP amendment bylaws, one outlining the LTC-initiated approach, and one outlining the application initiated approach. Both should be presented with accompanying analysis. | Robert Kojima                       | Mar-12-2012 | Done |
| 8  | Add 'provincial advocacy' to projects list and cite the meetings with various Ministries and the November 2011 letter from Minister Thomson with this project item, and remove them from the FUAL.                                                                               | Kaitlin Kazmierowski                | Mar-12-2012 | Done |
| 9  | Remove 'Consider Part 2 of the Richard Dewinetz proposal of Dec 12/11' from item #1 on the top priorities list.                                                                                                                                                                  | Kaitlin Kazmierowski                | Mar-12-2012 | Done |
| 10 | Request that Financial planning Committee recommends that Galiano OCP surplus of upto \$5,000 be carried forward to the 2012/13 budget to supplement the groundwater study budget.                                                                                               | Kaitlin Kazmierowski                | Mar-12-2012 | Done |
| 11 | Request that staff arrange a CIM pretinent to draft bylaw 228 (Bylaw Enforcement Notification Bylaw) and prepare bylaws for further consideration.                                                                                                                               | Miles Drew<br>Kaitlin Kazmierowski  | Mar-12-2012 | Done |
| 12 | LTC appoints Jeffrey Patterson, Barry New & Tahirih Rockafella to the Advisory Planning Commission and directs staff to write a thank you letter to Andrew Loveridge for his service on the APC.                                                                                 | Kathy Jones<br>Kaitlin Kazmierowski | Mar-12-2012 | Done |

----- Original Message -----

**From:** [John Rowlandson](#)  
**To:** [Louise Decario](#) ; [spittle@islandstrust.bc.ca](mailto:spittle@islandstrust.bc.ca)  
**Sent:** Monday, February 06, 2012 9:56 AM  
**Subject:** Support for Rural Cycling

Dear Louise and Sandy,

As you may know, Island Pathways is pulling out all the stops to make Salt Spring *bicycle-heaven-on-earth* between June 21st and 23rd.

Velo Village shines a light on rural cycling: its benefits, challenges and requirements. Specifically, we're setting aside a day to focus on cycling as a Rural Mobility Solution.

The conference will bring together about 200 delegates from all over BC to build stronger links between rural and urban cycling networks. Registration opens at the end of February.

In advance of the event we're asking all British Columbia municipalities and regional districts to support this effort by passing the attached resolution. We've introduced this motion with our Local Trust Committee and Capital Regional District and will be bringing it to Trust Council in March. We're asking that you support this motion on Galiano.

I'm happy to chat, should you have comments or questions. Please forward a scanned signed copy of the resolution to: [velovillage2012@gmail.com](mailto:velovillage2012@gmail.com)

Very best,

John Rowlandson  
[Velo Village](#) Team Lead  
 Island Pathways, Salt Spring Island  
 250 653 4049  
<http://www.velovillage.ca>



## **PROVINCIAL FUNDING FOR CYCLING INFRASTRUCTURE**

WHEREAS the Union of British Columbia Municipalities has consistently endorsed resolutions calling for development, improvement and augmentation of cycling infrastructure, including but not limited to:

- frequent sweeping of bike lanes (2011-B19);
- increased width and refurbished road shoulders to accommodate cycling (2010-B16, 2007-B14, 2007-B99);
- a BC Cycling Development Program (2010-B17);
- revenue sharing for cycling infrastructure intersecting provincial highways (2009-B83);
- safer cycling conditions to encourage ridership (2008-B108);
- bicycle lane funding (2007-B100, 2006-B140); and
- infrastructure for non-greenhouse gas emitting transportation (2006-B110);

AND WHEREAS rural cycling infrastructure strengthens communities by:

- increasing the safety of cycling on rural roads;
- supporting the growth of cycle tourism;
- addressing local climate change challenges;
- providing transportation and recreation alternatives;
- establishing links with existing urban and regional cycling networks; and
- enabling small business access to new commercial corridors and markets;

THEREFORE BE IT RESOLVED that [My Local Government] urges the Province of British Columbia to invest in cycling infrastructure in rural communities, in order to accelerate the availability and broaden the range of cycling opportunities for commuter, recreational and competitive cyclists living in and visiting rural and urban areas.

### **Reference Documents:**

Salish Sea Statements on Cycling & Rural Mobility

[http://www.velovillage.ca/wp-content/uploads/SSSOCandRM\\_English.pdf](http://www.velovillage.ca/wp-content/uploads/SSSOCandRM_English.pdf)

Salish Sea Statements on Cycling & Rural Mobility – Body of Knowledge

[http://www.velovillage.ca/wp-content/uploads/SSSOCandR\\_BOK.pdf](http://www.velovillage.ca/wp-content/uploads/SSSOCandR_BOK.pdf)

Please forward a scanned copy of this resolution to: [velovillage2012@gmail.com](mailto:velovillage2012@gmail.com)

Ken Hancock, Chair  
 Galiano Local Trust Committee  
 200-1627 Fort St. Victoria V8R 1H8

February 18, 2012

Dear Mr Hancock,

I have heard disturbing reports from the Feb. 13th Trust meeting that some very nasty comments were made by islanders during the proceedings. One in particular stands out. Comparing a fellow islander to Hitler is malicious and way beyond acceptable behaviour.

This kind of abusive personal attack has no place in a Trust meeting or any other kind of gathering-- no matter which "side" one is on, and no matter how strongly one disagrees with another. These personal attacks foster a hostile environment, put off many concerned citizens that no longer dare attend a trust meeting, and put Galiano in a negative light. These political hostilities have been going on for years. It's high time this aggressive unfriendliness is stopped for good.

I realize it's pretty hard to predict or control other people's actions. But what you and the Trust Committee *can* do is to *insist on civil behaviour*. Right at the beginning of the trust meeting, set out the ground rules: *no* personal attacks, *no* insults or name calling-- only respectful dialogue is allowed.

Our future here depends on how we treat each other.

Yours sincerely,

Annette Shaw  
 S42, C7, RR#2, Galiano

ROUTED TO  
☒ HANMER  
☒ LTC  
☒ *[Signature]*

RECEIVED  
 FEB 27 2012  
 G. W. H. S.

Feb. 17, 2012.

8.3

Dear Islands Trust.

In this letter I want to share some thoughts, observations, questions and ideas in regards to the very heated subject of the offer Richard and his wife have put forward. Please read it through.

To begin I want to put forth that I do not take a side, I don't believe in that way of thinking for it always is ineffective and always can only lead to violence and warring energy. Also, because as human beings, we are often blinded by our biases and quite often uninformed assumptions. I do however believe in examination and deep inquiry in any and all situations where opposing views and realities collide. As soon as any conclusion is drawn, objectivity no longer exists and all views are filtered through subjective lenses. The absence of objectivity removes any chance of a healthy resolution and communication from taking place. That is a fact.

What I witness in this situation is exactly that, an absence of objectivity, and eagerness from many who are against the offer, to engage in violent personal attacks towards two people, of whom I have had many discussions with, that are good people and who do not deserve the abuse. No human being deserves to be the punching bag of another's anger, regardless of differences.

In conflict it is always of utmost importance to be suspicious of ones reactions when they enter the realm of becoming defensive, argumentative and revolve around trying to persuade that one's perception is more valid then someone else's. This brings the benefit of demanding self honesty and engaging conflict more as a curiosity to explore understand and solve, rather than to wage a war of right and wrong, good guy or bad guy. It is well known in the world of psychology that it's only through that kind of awareness and self inquiry that any effective and beneficial outcome can be realized, period. That is not only a personal statement but a universal fact that I feel needs to be taken into genuine consideration in this situation.

All bodies of knowledge agree that reactions of defense, proving and anger are avoidance techniques to meeting a truth of some kind. It also reveals intolerance to any other thought or opinion that appears in opposition to what is believed to be true. Where there is intolerance there is an absence of fairness. It is based in fear, not reality. When I hear about and witness the degree of violent accusations that are thrown at Richard and others that have a different view, its appalling, and makes it impossible for any kind of sober communication that, when desired, could lead to clarifying misperceptions and create a movement towards collaboration of ideas. It appears that the negative, scandalizing propaganda has intoxicated some people to the point that there is no reasoning, no humanity even, to guide the course of discussion, they are simply out to conquer and destroy who and what they perceive is an enemy. In essence the behavior I have witnessed is nothing different than children fighting in a sand box. Isn't it time to stop throwing sand in people's faces and grow up to mature relating? Is it too much to ask for decorum and decency in these proceedings?

What I don't understand is that, all Richard and his wife have done is put an offer on the table, they are not forcing nor fighting, **they are** offering a possible solution to some very long standing problems. Some people are so convinced they are manipulating, doing this only for personal gain that none of the good that can come out of this exchange is even being acknowledged, given the chance to be seen.

Some people say they should just give the money. I say that's pretty selfish and egotistical. Again that is child speak. The agreement they are looking to establish is not unreasonable. The people who have their land should be able to build their home on it. From what I can see, and I am still exploring, accepting that would bring appeasement and ease to the community as a whole, let alone all the benefits of what can be developed with the help of the financial infusion.

The concern about overdevelopment is a valid one, yet from all my discussions with Richard, he doesn't want that to happen either, and there would be a stipulation against parceling and developing in the way that people fear would happen. Someone said to me that he will say anything to get his way, that it's all a lie. Why? Says who? Based on what facts? Some opinionated people that feed on and spread propaganda born out of their personal fears and judgments? That's definitely how it appears. Why is it so impossible to hear him out and believe his intentions do come from a good place, without attacking him like he's some kind of monster? The monsters are the ones who attack. Isn't that how it goes? So who's the real monster here?

I realize some of my questions and comments may ruffle feathers, if they do, it's actually an indication that a cord of truth is being struck that's wanting to be avoided and denied. I hope that instead of reacting that some deep inquiring will happen, that the answers to these questions will genuinely be explored, for they are valid and reasonable questions, and I am not the only one who has them.

Not once in human history has anger and violence, division of sides brought about a healthy and peaceful solution. It is an ineffective way to deal with life. The question shouldn't be who's right or who's wrong, who's good or bad, it should be what is the most effective and beneficial for all? Engaging challenges from that angle will always bring about a good outcome. In any negotiation there are pluses and minuses for each party, compromises etc., that's par for course. There are always risks. The way I see it they are investing in the island, and a little bit of growth could definitely bring benefit in numerous ways. I would go so far to say Galiano needs the infusion to have the chance to become a self sustainable and vital place to be, which it is not right now. There is so much poverty, not enough work for people to do more than just survive, businesses are constantly struggling to stay afloat. Tell me how else, what other option or action is available to change that reality? It does need to change soon, especially when we look at the economy.

It makes me think of the parable about the man who is stuck on top of his house during a flood. Three times boats went by offering to take him aboard and help him. Each time he refused saying no, God will help me. Of course he drowns. Then he meets God and says "Why didn't you help me?" God responded, "I did, I sent you three boats!" I and many others do see this offer as one of those boats. What exactly is in the way of considering that possibility, going to the table, ironing out the wrinkles and finding a way to make it work?

Collaboration is what needs to be the direction and goal. Genuine discussions that can sort through the differences and bring recognition to the common goals and desires for our community are what's desperately needed. There also needs to be a clear boundary that no personal attacks or propaganda be used as a tactic or tool to manipulate information. That's out of bounds, below the belt and totally unfair. Facts and objectivity are the only tools that can bring out the truth. If the real facts reveal that his words are contrary to his true intentions than of course don't accept it. Simple. The fighting is a waste of time, unnecessary. But if the facts match the words of promise, than do the Island a favor and accept. To come to any finality there has to be an open objective mind, that no detail is left unexplored, and no assumption left unexamined.

In order to see anything clearly there needs to be an absence of fear. From what I can see fear has been the governing factor behind all the attacks and refusals of their offer.

It's important to understand that fear is always an indication of misaligned perception, which is based on the false definitions and beliefs given to any particular situation. What is confidently aligned with what is genuine and true has no reason to fight or attack. That is a fact, non negotiable, as true as the law of gravity. So any decisions made under the influence of fear are always faulty and ineffective. Having just heard that you have now refused the second meeting is an indication of fear. If all you are claiming is true than why not let it find its completion as originally agreed upon? Is it because there are a lot of supporters coming out of the woodwork? What is it that enables so many of you to feel justified in your intolerance and violence? This definitely does not feel like a liberal, free and kind island to be on. Galiano is the only island I have ever heard so much negative feedback about from other islands in regards to the rigid political views and harshness that those views have infiltrated into the community. I ask you, to what degree is the resistance of this offer based on fears that only exist in the minds of those who created them? And how much is based on fact?

I love Galiano, I love the nature, the amazing eclectic group of people who live here. Now that I am a full time Islander its even more important to me to feel good about what life here is about and to see a community flourish rather than do battle with each other. I would like to see everyone thrive, and would like to see a bridge between what people call 'the two camps on Galiano' so that we can be one camp with many variations of thought and being. It's a choice to be made. We either fuel the differences and so perpetuate violence or fuel the sameness of our mutual humanity and be humane and kind to each other. That is what I want to see and have happen, however way it can happen, I am for that.

Sincerely,

Luanna Livermore

Galiano Island

## Kathy Jones

---

**From:** Louise Decario <ldecario@islandstrust.bc.ca>  
**Sent:** February-27-12 10:56 AM  
**To:** Kaitlin Kazmierowski; Kathy Jones  
**Subject:** Fw: LTC meeting February 13th, 2012

**Follow Up Flag:** Follow Up  
**Flag Status:** Flagged

----- Original Message -----

**From:** "Cathy Stephenson" <[cathyongaliano@gmail.com](mailto:cathyongaliano@gmail.com)>  
**To:** "Ken Hancock" <[khancock@islandstrust.bc.ca](mailto:khancock@islandstrust.bc.ca)>  
**Cc:** "Louise Decario" <[ldecario@islandstrust.bc.ca](mailto:ldecario@islandstrust.bc.ca)>; "Sandy Pottle" <[spottle@islandstrust.bc.ca](mailto:spottle@islandstrust.bc.ca)>  
**Sent:** Wednesday, February 15, 2012 11:52 AM  
**Subject:** LTC meeting February 13th, 2012

Dear Mr Hancock,

I attended the recent LTC meeting which you chaired.

I was appalled by the disrespectful and insulting language used by some participants during the Townhall session. References to "Hitler" and sarcastic and offensive comments aimed at a member of the audience should not be tolerated, and I was gratified to see that you also found this to be inappropriate.

Unfortunately this kind of intimidation by a small but vocal group of people is longstanding and has resulted in many islanders feeling unable to express their opinions and eventually even unable to attend LTC meetings at all. This leaves a large part of the island without a voice, and is totally undemocratic.

We look forward to an improvement in this intolerable situation under your stewardship. LTC meetings should be a forum for constructive, safe and respectful exchange of ideas in which we can all participate for the benefit of the community at large.

We strongly support the mandate of the Islands Trust and appreciate the time and effort invested by it's members and our local trustees.

However the disrespectful language and the time-wasting which occurred at Monday's meeting should not be tolerated in the future.

Yours sincerely,

Justin and Cathy Stephenson

Cathy A. Stephenson  
219 Sticks Allison Road East  
Galiano Island, B.C. V0N 1P0  
Tel. 250 539-2455

**Kathy Jones**

---

**From:** Louise Decario <ldecario@islandstrust.bc.ca>  
**Sent:** March-01-12 11:56 AM  
**To:** Kaitlin Kazmierowski; Kathy Jones  
**Subject:** Fw: THANK YOU

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

----- Original Message -----

**From:** [Annette Shaw](#)  
**To:** [Ken Hancock](#)  
**Cc:** [Louise Decario](#) ; [Sandy Pottle](#) ; [Sheila Malcolmson](#)  
**Sent:** Thursday, March 01, 2012 11:37 AM  
**Subject:** THANK YOU

Dear Ken

Thank you very much for your expert management of yesterday's LTC Meeting on Galiano. I greatly appreciate your taking to heart the call for civility. Your firm leadership made all the difference.

Yours Sincerely,

Annette Shaw

S42, C7, RR2  
Galiano Island  
V0N 1P0

**Kathy Jones**

---

**From:** Louise Decario <ldecario@islandstrust.bc.ca>  
**Sent:** March-01-12 11:55 AM  
**To:** Kaitlin Kazmierowski; Kathy Jones  
**Subject:** Fw: Feb 29 info meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

----- Original Message -----

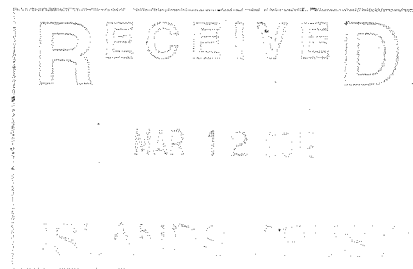
**From:** [PAUL LEBLOND](#)  
**To:** [Ken Hancock](#)  
**Cc:** [Louise Decario](#) ; [Sandy Pottle](#)  
**Sent:** Thursday, March 01, 2012 11:08 AM  
**Subject:** Feb 29 info meeting

Congratulations Ken on your masterful chairmanship of the LTC info meeting yesterday. I attended the first 1.5 hour of the question period and I appreciated your initial warning to speakers regarding civility and your tight control of would-be speechifiers and interrupters. Perhaps this will herald a new level of civil discourse and mutual respect in LTC meetings.

Paul LeBlond



Cheryl Bastedo  
 S14, C20, RR1  
 109 Sticks Allison Road West  
 Galiano Island, BC V0N 1P0



9 March, 2012

Ministry of Forests, Lands, and Natural Resources Operations  
 P. O. Station Prov. Gov't.  
 Victoria, BC V8V 1X4

**Attention: Ms. Garth Webber Atkins, Manager Private Land Policy**

Dear Ms. Webber Atkins;

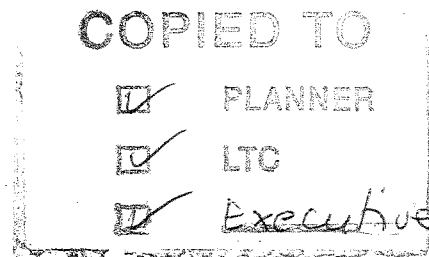
**RE: "FOREST LOT OWNERS ON GALIANO HAVE TO GIVE AWAY 75% OF THEIR LAND  
 IN ORDER TO LIVE ON IT"**

Thank you for attending the Galiano Island Local Trust Committee Special Meeting of 29 February 2012. You made the above statement during the meeting and several Forest Lot Owners subsequently repeated it. I have tried many times to find this requirement in the Galiano Island Official Community Plan and Galiano Island Land Use Bylaws and have failed. Could you please reply to me in writing with reference to the relevant sections?

Your prompt reply would be very much appreciated.

Sincerely,

*C. Bastedo*  
 Cheryl Bastedo



Cc: Honourable Steve Thomson, Minister of Forests, Lands, and Natural Resources Operations  
 Murray Coell, MLA Saanich North and the Islands  
 Galiano Island Local Trust Committee  
 Islands Trust Executive Committee

S-17 C-3 RR1  
 Galiano, BC V0N 1P0  
 19 March, 2012

Galiano Island Local Trust Committee  
 Islands Trust  
 by email to trustees

Dear Trustees:

Re: Invitation for Comments on Parking on Galiano Island

As a permanent resident on Parker Island I have a requirement to leave our family car near the Montague Harbour public dock and to store an occasionally used utility trailer somewhere that is reasonably convenient on Galiano Island. As a past member of the Transportation Advisory Committee and the Steering Committee in the recent review of Galiano's Official Community Plan, I'm acutely aware of parking issues, not only at Montague Harbour, but also at other locations on the Island.

The attached document addresses parking issues at Montague Harbour in some detail. After 20 years of exposure I am familiar with the problems and have often contemplated the potential for improvements and solutions. Some of my recommendations and suggestions for Montague Harbour seem applicable to Sturdies Bay, and perhaps also to Spanish Hills and Whaler Bay.

I believe, strongly, that this is an issue that needs to be addressed and that solutions must be found:

- residential properties have been approved (within and beyond the Local Trust Area) to which most owners have no reasonable access other than via a vehicle to Galiano and boat to the relevant property – requirements for parking space and dock access are undeniable;
- a National Park Reserve has been created with Galiano Island offering the most direct access to the Prevost Island portion;
- Galiano-based and Galiano-serving trades require shore-side parking to access customers; commercial enterprises are concentrated in some of the problem areas; terminals for float plane and potential inter-island foot passenger service terminate adjacent to the recognized parking areas;
- both Galiano's permanent and part time residents have justifiable requirements to leave vehicles within walking distance of the Sturdies Bay ferry terminal.

These parking requirements are legitimate. Demand already exceeds acceptable supply. For the foreseeable future parking demand will not diminish and in the long term it likely will grow significantly.

In proceeding with your review of parking issues you may wish to take account of the fact that the majority who experience (or, cause, depending on perspective) the problem are unlikely to be aware or involved unless the review is brought to their attention when they are active on the Island during summer months.

I appreciate your invitation to offer comments on parking on Galiano Island. I'm hopeful you will take steps to implement or encourage immediate attention on some of the points I raise as recommendations. I also offer points for consideration and suggest these are worthy of further public review and discussion.

Yours sincerely,

Peter T. Midgley

19 March, 2012

TO: Local Trust Committee, Galiano Island  
FROM: Peter Midgley

## RESPONSE TO INVITATION FOR COMMENTS ON PARKING ON GALIANO ISLAND

### MONTAGUE HARBOUR

#### Overview

Dedicated space at the end of Montague Road permits limited roadside parking. Some additional parking is available for customers on Montague Harbour Marina's property, subject to the Marina's parking policies. The driveway entrance to the Marina also serves as a turn-around for vehicles that have reached the road-end either while touring or while preparing to back down to the Southern Gulf Islands Harbour Commission (SGIHC) public dock to transfer supplies or passengers to boats.

In addition to two parking spaces marked as "Emergency Vehicle Parking Only" which are used by the RCMP and BC Hydro, dedicated roadside parking (i.e., outside the white line on the paved road bed), potential parking, and recognizably inappropriate parking may be summarized as follows:

|                                         | <u>length</u> | <u>spaces</u> |
|-----------------------------------------|---------------|---------------|
| <u>North Side</u>                       |               |               |
| perpendicular and angled                | 155 feet      | 18            |
| parallel up to the culvert              | 235 feet      | 12            |
| culvert to Montague Park Road           | >100 feet     | 0             |
| <u>South Side</u>                       |               |               |
| perpendicular below Marina driveway     | 16 feet       | 2             |
| perpendicular driveway to lamp-post     | 120 feet      | 14            |
| parallel lamp post to "no parking" sign | 40 feet       | 2             |
| "no parking" above Marina tanks         | 55 feet       | 0             |
| along fence (too narrow to park)        | 135 feet      | 0             |
| parallel up to a residential driveway   | 70 feet       | <u>3</u>      |
| <u>Total</u>                            |               | 51            |

The above estimates are based on accepted factors for design of urban street parking and parking lots. In the case of unorganized parking in a "whatever space is available" situation the potential is likely to be somewhat reduced as vehicles do not arrive and depart from organized parking stalls. Realistically the potential 51 spaces are likely to accommodate no more than 45 or 46 vehicles.

While vehicles frequently park along the 135 foot length of the South Side fence (identified above), other than motorcycles, they have no choice but to extend over the white line onto the paved roadbed – in at least one recent case a pickup was left for several days extending over 6 feet beyond the white line.

Parking demand frequently exceeds the number of available spaces, particularly during summer months and holiday periods when peak demand exceeds 75 and approaches 100 vehicles. At these times cars and trucks are parked along the roadside shoulders as far up Montague Road as necessary and sometimes also along Montague Park Road. As well as along the fence line noted above, these overflow

vehicles often extend well over the white lines on the paved road as portions of the shoulders drop precipitously on both sides of the nearby road.

For a number of years there has been little if any maintenance of the roadside parking areas. Currently the quality of the designated parking surface is seriously degraded with poor drainage, deepening mud holes, and encroachment of mostly invasive vegetation.

Parking at Montague Harbour is required by a number of user groups:

- within the Galiano Trust area: properties on Philimore point and a number of additional owners of the property to the south of Philimore Point; one property each on Julia, Sphinx and Charles Islands, properties on Parker Island, and properties on Wise Island. The majority of these properties are occupied on a part time basis;
- beyond the Galiano Trust area, the area is used on a regular basis by property owners on Prevost and Secret Islands;
- trades vehicles for personnel (e.g., plumbers, builders, electricians, blasters, utilities) who come from other islands by boat to serve Galiano residents and leave a vehicle on the Island, or who work from a Galiano base on nearby island properties;
- Galiano residents who use one of several float plane services for scheduled and charter flights from the SGIHC dock;
- patrons of Montague Marina's moorage facilities and other commercial enterprises operating from the Marina's property (e.g., kayak, boat and scooter rentals, a craft store). Parking time on marina property is limited, requiring patrons to park off-site while using their boats, rental scooters, rental kayaks, etc.;
- owners and guests of vessels using Montague Harbour as a temporary or permanent anchorage;
- Galiano Island residents and visitors who bring their kayaks and similar watercraft and use the SGIHC dock for water access.

With respect to access for boaters and watercraft users it is noted that Montague Harbour is a logical access point for the Prevost Island portion of the Gulf Islands National Park Reserve. Use levels are likely to increase in the future. In addition, there is considerable interest in inter-island foot passenger ferry service. Recognizing availability of a public dock and the location relative to other islands, Montague Harbour is a logical terminal. Introduction of foot passenger ferry service would create an additional parking requirement that undoubtedly would add to peak demand.

#### Recommendations

- as a priority, existing parking areas for perpendicular and parallel parking near the end of Montague Road should be upgraded. At a minimum the Ministry of Transportation and Highways should be requested arrange for grading and gravelling the public parking area, taking advantage of natural drainage opportunities. Consideration should also be given to reasonable and limited installation of concrete retaining blocks to reinforce the north side bank up Montague Road to the junction with Montague Park Road, trimming or limited removal of trees that pose a threat to parked cars, trimming of invasive vegetation, and improved management of drainage. Consideration should be given to extension of acceptable quality parallel parking on the north side of Montague Road in the 100+ foot stretch beyond the existing culvert towards the junction with Montague Park Road;

- property lines should be confirmed to ensure public parking does not encroach on private property and also to ensure maximum advantage is taken of public land. If there are significant differences and opportunities, options should be carefully reviewed;
- road allowances and other public land within walking distance of the SGIHC dock should be reviewed for its parking potential;
- regardless of property ownership and subject to the owner's permission, the entrance to Montague Harbour Marina should be upgraded concurrently with roadside parking area upgrades as the entrance is heavily used as a turnaround by the public as well as emergency and utility vehicles;
- in consultation with bordering property owners, consideration should be given to upgrading portions of the Montague Road shoulders towards Clanton Drive and Southwind Drive to permit safe, roadside parking of vehicles during peak periods. To minimize visual impact, widening for parking might be done in intermittent 40 to 100 foot segments with natural vegetation and the steep embankments maintained between parking segments. As this portion of the road is already used for parking when required, the impact of the upgrade should be recognized as an enhancement to safety rather than encouragement of parking;
- to maximize available space for legitimate parking requirements, the public parking areas should be monitored on a routine basis and abandoned and unlicensed vehicles should be removed (two apparently abandoned vehicles have been in the Montague parking area for many months);
- to maintain road safety, parked vehicles should be monitored for serious incursions onto the paved road surface (i.e., over the white line) – taking account of the *status quo*, enforcement should start with warnings, but ultimately be stepped up to ticketing or vehicle removal;
- to assist in avoiding long-term parking of boat and utility trailers (by seasonal boaters as well as residents of nearby islands), a public trailer parking area should be provided on Crown land or another agreed upon site and made available for small, non-commercial trailers that bear current licences and are demonstrably not abandoned and pose no threat of causing pollution. Signage should be provided to encourage owners to store trailers at this designated location, and, should it be deemed appropriate, policy considered to avoid other uses such as overwintering of travel or tent trailers;
- improved signage should be provided between Clanton Road and Montague Park Road to identify the route to Montague Provincial Park versus the alternative of the Montague Docks. This should help reduce the number of misguided visitors who often arrive at the road-end (sometimes with tent or travel trailers) with the expectation that they are arriving at the Park;
- consideration should be given to installation of a bicycle rack.

As at other locations on Galiano Island, an unfortunate situation has developed with respect to parking at Montague Harbour. This is hardly surprising considering past subdivisions have created at least 130 residential properties within the Local Trust Area that have an obvious primary dependency on the Montague dock facilities for access (plus over 40 more on Secret and Prevost Islands). While past developers may have been encouraged to provide Galiano-side parking in support of their boat access subdivisions the outcome appears to have been a complete and total failure. Fortunately, it seems unlikely that any further subdivision will be sanctioned without a strong request to the approving authority for the developer's firm commitment to provide adequate parking.

While recognizing there is no *quid pro quo* between property taxes and parking-dependent properties that depend on Montague Harbour parking facilities the tax contribution of these properties is noted to

be significant. Based on 2011 assessments for 2012 taxes, and using 2011 mill rates, the following table provides an estimate of property taxes payable from the Philimore Point area on Galiano Island and the outer islands of the Local Trust Area.

|                          | Assessed Value<br>(\$ millions) | Provincial Taxes<br>(\$ 000) | Local Taxes*<br>(\$ 000) |
|--------------------------|---------------------------------|------------------------------|--------------------------|
| Parker Island            | \$20.5                          | 48.1                         | 32.6                     |
| Philimore Point          | 9.5                             | 22.4                         | 15.9                     |
| SLR small islands (3)    | 3.8                             | 8.9                          | 5.7                      |
| Other R-2 properties (2) | 1.1                             | 2.7                          | 1.7                      |
| Wise Island              | <u>9.5</u>                      | <u>35.8</u>                  | <u>25.2</u>              |
| Total **                 | \$50.2                          | 118.0                        | 81.2                     |

\* excluding improvement area taxes for neighbourhood facilities

\*\* totals may not add due to rounding

Source: Assessed values from Islands Trust, MapIT, <http://www.islandstrust.bc.ca/lup/map/default.cfm>

It might be noted that the very large majority of these taxpayers maintain other taxable properties elsewhere in British Columbia that more directly relate to their use of provincial and local tax-supported services.

While adoption of the above recommendations has potential to alleviate current problems and enhance safety, it fails to provide an ideal, long-term solution. Realities must be recognized: (i) some 130 residential properties have been created or evolved within the Local Trust Area as well as many more outside the Area, and these have no reasonable option other than parking at Montague Harbour as the primary point for their water access; (ii) there is significant and growing demand relating to trades use, float plane service, and the marina and associated commercial enterprises; and, (iii) future demand for parking to support access to National Park area on Prevost Island is likely to grow quite significantly. There can be no denial that these are legitimate demands – none is likely to diminish – all are likely to increase. Already there is a seasonal problem. It will increase rather than go away if it is not successfully addressed.

#### Suggestions for Consideration and Discussion

The Local Trust Committee has asked for suggestions. In offering the following I wish to make it clear that they are for consideration and discussion and I offer no personal opinion at this time. Along with neighbours and friends from the properties dependent on Montague Harbour for access and parking for a family car, I am frustrated by the current situation and I would welcome an acceptable solution to the parking issue. Possibilities for consideration include:

- Crown land within walking distance of the SGIHC dock could be identified for public review as to whether it is appropriate for dedication to meet parking demand. This includes both road allowance and apparent extended areas at the junctions of Montague Road with Clanton Road and Montague Park Road (based on property lines shown in the CRD Regional Community Atlas). If the property lines are correctly plotted, there may be potential to develop a reasonably tree screened parking area at the Clanton Road junction.
- owners of non-residential shoreline property on Montague Harbour could be given consideration should they wish to offer a portion of their property for some form of park-and-

dock service or even to subdivide and sell a portion for establishment of “local improvement area” to serve relevant properties.

Notably, the latter suggestion implies there would be costs to the property owners who would use the facilities. Some would accept that proposition for the convenience and security of an assigned parking space (and associated dock access and space). Others, quite reasonably, would question why they should pay to free up the existing roadside space for others.

## **STURDIES BAY**

As a village hub and ferry terminal area, Sturdies Bay is subject to the highest level of traffic congestion experienced on Galiano Island. The situation is compounded by the somewhat unusual fact that the public road also serves as a ticket waiting area and possibly on occasion a parking lot for BC Ferries.

Quite understandably, permanent Islanders wish to leave their vehicles near the ferry terminal for day trips and other brief off-island excursions. Equally, many part time islanders wish to leave a vehicle on Galiano to avoid an unnecessary ferry fare for the vehicle they don’t need on the Mainland or Vancouver Island. While these objectives are unhelpful to BC Ferries from a revenue perspective, they are reasonable from the perspective of the vehicle owner.

Roadside parking regulations (as posted) appear to be subject to light-handed enforcement and there would be significant annoyance in the event of an attempt at rigorous enforcement. In any case, should enforcement be implemented one might guess that the offending vehicles would simply move farther from the dock where subsequent extension of enforcement approaches would justify continuing public annoyance. Realistically, on a long island with limited prospect for comprehensive transit service, people need vehicles to access their property and if they wish to minimize ferry costs they have no choice but to park within walking distance of the ferry terminal.

Variations on the suggestions for Montague Harbour area may be worthy of consideration:

- existing roadside parking areas could be improved with respect to surface maintenance and width. Regardless of possible provincial reluctance to encourage or permit perpendicular parking adjacent to highways, the appropriateness of the policy in the Sturdies Bay area may justify discussion with provincial authorities. Provision for parking could also be extended on Sturdies Bay Road and adjacent side roads. On balance, existing parking does nothing to enhance arrival from the ferry on this beautiful island, and more of the same would not improve the situation;
- owners of nearby properties could be encouraged to offer limited parking spaces, subject to enforceable guidelines for numbers of vehicles, setbacks from property lines, screening, etc.;
- nearby vacant lots or portions of lots could be rezoned for parking with policy established concerning lot design and management. One might envision one or more tree screened lots within walking distance to the ferry terminal and a requirement to display a current windshield decal or parking coupon, available for purchase from the property owner or an Island store, as well as some form of impoundment of non-compliant vehicles.

## **CONCLUSION**

Galiano Island has a parking problem. Owners and visitors to nearby islands have no choice other than to bring a vehicle to Galiano for access. Shoreside commercial facilities, float plane services and local

trades are all dependent on availability of parking space. Visitors to the Prevost Island portion of the Gulf Islands National Park Reserve will mostly park on Galiano to gain access. Additional parking demand will occur if widely desired inter-island foot passenger ferry service is achieved. And, in the case of Sturdies Bay, permanent islanders require parking for off-island day trips. Part time islanders who are prepared to acquire supplies on Galiano have little reason to bring a vehicle from the Lower Mainland or Vancouver Island if they can park a second vehicle within walking distance of the ferry terminal.

While there appears to be no obvious complete and permanent solution to parking problems on Galiano, there is opportunity for improvement and limited expansion within some of the existing parking areas. Further expansion of parking availability is possible, but it would require some coordination of effort for changes in land use, and cooperation between vehicle and land owners, and provincial and local jurisdictions.



## Kathy Jones

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**From:** Kaitlin Kazmierowski  
**Sent:** March-26-12 9:35 AM  
**To:** Kathy Jones  
**Subject:** FW: Galiano Island Forest Land Issues

**Follow Up Flag:** Follow Up  
**Flag Status:** Flagged

Correspondence for April 16<sup>th</sup> Galiano LTC meeting...

**From:** Maurice Harting [<mailto:mauriceharting777@gmail.com>]  
**Sent:** March-21-12 4:55 PM  
**To:** Ken Hancock; Louise Decario; Sandy Pottle; Kaitlin Kazmierowski  
**Subject:** Galiano Island Forest Land Issues

Dear Trustee/ Chair Ken Hancock, Trustee Louise Decario, Trustee Sandy Pottle, and Planner Kaitlyn Kazmierowski:

I am responding to a letter written by Richard and Evelyn Dewinetz in The Active Page of March, 2012 on page 33. My wife and I are in favour of modest development of the privately owned forest lots and in particular when forest lot owners like the Dewinetz are willing to make a significant financial contribution to community projects of 1 million dollars.

At some point we expect you as our serving Trustees and Planner to make wise decisions that will give land owners the regulated freedom to develop their lands (including forest zoned lots) when these land owners are being generous and accommodating. What we have seen so far is that the Trustees are putting up lots of roadblocks and regulations to stop any development on forest zoned lots. This has got to stop!

Needless to repeat, but we are in favour of modest development of private forest zoned lots. These forest lot owners, if allowed to live of their forest lots, will be able to keep an eye on potential forest fires and sound the alarm in time in order that we as islanders will not end up with another out of control forest fire like we had some years ago. My home almost went up in flames and next time a more serious fire occurs that would burn down my home I will hold you partially liable for non-action on this matter.

Yours truly,

Maurice and Nadia Harting

Site 14, Comp. 22, R.R. 1  
 (1010 Georgiaview Road)  
 Galiano Island, B.C.  
 V0N 1P0

daysgoneby.org Land Stewards Ltd.  
LAND - HUMAN INTERFACE STEWARDSHIP

5882 Holland Street  
Vancouver, BC  
V6N-2A8

Phone 604-264-1429  
FAX 604-264-1423  
Cell 604-760-1429  
E-Mail ikramer@shaw.ca

March 19 2012

To Galiano Island Trust Committee  
C/o Island Trust  
200 1627 Fort Street  
Victoria BC

Dear Sirs

My name is Issac Kramer. I am an owner of property, DL54 and RemDL55 on Galiano Island, presently zoned F1. I have been observing the thrust of Galiano Trust Committee policy in the F1 zone for 13 years, and during that time I have come to the conclusion that the final goal of the F1 zone is to convert as much of the F1 zone lands as possible to protected status. I have no objection to this final goal, in fact 10 years ago I was midwife to an F1 zone 40 acre contribution from my lands to protected status. As I expect conservation budgets to swell in concert with adjacent urban populations in the coming years, I have little doubt urban conservation authorities will eventually make it worth my while to transfer the balance of my lands to protected status.

I have long understood that the Local Government Act, under which the Galiano Island Trust Committee derives its powers, allows for regulation without limit of all aspects of private property land use not retained by the province, save for one consideration, Section 914(2). The uses of F1 land are said to be granted under Section 7.1.1 and Section 7.1.2 of the Galiano Land Use Bylaw #127. However legal precedent (Mike Jenks vs. Denman Trust) makes clear; forestry use is not under the purview of the Local Government Act but rather regulated by the province under the Forestry Act.

In the consistent effort over 20 years to land bank the MacMillan Bloedel properties for conservation, the last 12 have been without useful land use. Given the Galiano Trust has extinguished land use on the F1 lands with pride, the evidence of intent is everywhere, sufficient I believe for the 100 or so owners in the F1 zone to convince a judge they are owed compensation from the time of enactment of Galiano Land Use Bylaw #127 to this present day. For if this were not so, then the Galiano Local Trust Committee has found an effective way to skirt the intent of Section 914(2).

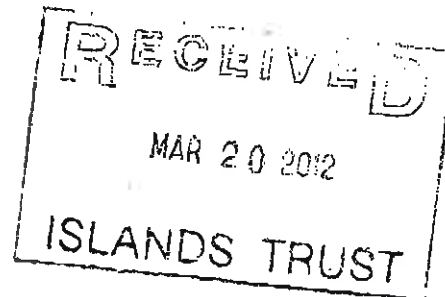
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8.10

☒ P. J. JONES

☒ LTC

☒ Agenda - Apr 16/12



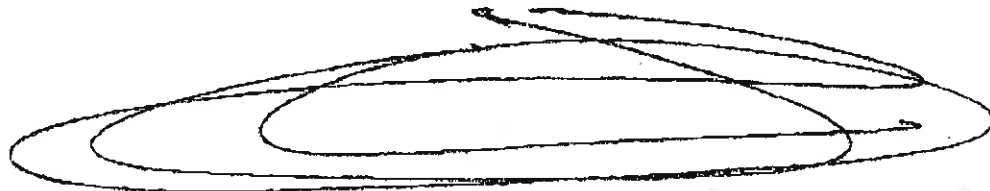
For the past decade I have found myself uninterested in addressing my singular understanding of what the Galiano Trust has accomplished. Legal remedy in my experience does not resolve the underlying social impasse. I have tended to avoid land use confrontation since my last experience 30 years ago.

Recently I attended my first island land use meeting in years, held by the Galiano Trust Committee on behalf of the Ministry of Forestry as a forum of community query and opinion. I witnessed the exact same rigid F1 attitude I saw thirteen years ago, causing me to finally realize; the overall question of F1 interim use is unlikely to be harmoniously resolved on a community basis until the present generation has passed. I believe the reason there is such rigidity in the current approach to F1 protection can be found in the preamble of the Galiano OCP "Forest" section, which seeks to justify a desire by the community to maintain a punishing state for F1 owners until they have accepted their 'just desserts', which by and large they never will. Therefore I have concluded; there has not been and never will be any beneficial social effect from any sacrifice I might make in terms of cooperation, silence or forbearance. In light of my new understanding, I intend to put an end to my mistreatment now, and failing that, pursue class compensation under Section 914(2).

I recently made a very informal approach to the Committee, where I suggested that we try to find a meeting of minds sufficient to grant me some kind of relief, given that there are unique circumstances to my land use as well as my proven ability to further the conservation goals of the Trust in the F1 zone, or alternatively, to win a Trust lawsuit in court. Though the informal contact avinced no interest in a meeting, I feel it prudent to herein repeat the offer formally.

If I don't hear from you by April 21 2012 I will commence assembling a class of plaintiffs under my supervision. So it follows; I will be constrained as to what kinds of remedy I can accept as of that date.

I look forward to the possibility of discussing a mutually acceptable resolution with you, either before or after my birth date, or not. Whichever path you choose to take, I want to thank you for your attention to this matter.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Sincerely Issac Kramer  
Per Daysgoneby  
DL54 and RemDL55 Galiano Island



# STAFF REPORT

**File No.:** GL-DVP-2011.6  
(Waterfall &  
Kowalski)

**To:** Galiano Island Local Trust Committee  
For the meeting of March 12, 2012

**From:** Kaitlin Kazmierowski  
Island Planner

**CC:** Robert Kojima  
Regional Planning Manager

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**Re: Development Variance Permit GL-DVP-2011.6 (Waterfall & Kowalski)**

**Owner:** Lawrence Waterfall & Janusz Kowalski  
**Applicant:** Same as above  
**Location:** 287 Active Pass Drive  
**Legal:** Lot B, District Lot 2, Galiano Island, Cowichan District, Plan 26354  
PID: 000 103 683

## THE PROPOSAL:

The applicant is seeking to vary Article 5.3.8.1, Article 5.3.8.2, Article 5.3.8.3 and Section 2.14 of the Galiano Island Land Use Bylaw No. 127, 1999. The requested variances pertain to a number of existing structures currently sited within the minimum setbacks on the property, as well as a proposed addition to the existing dwelling. Figures 2 and 3 depict the locations of the existing and proposed structures, and the requested variances are listed below:

- Vary the minimum setbacks to permit the siting of a proposed addition to the existing dwelling 4.59 metres from the interior side lot line.
- Vary the minimum setbacks to permit the siting of an existing deck attached to the existing dwelling 4.58 metres from the interior side lot line.
- Vary the minimum setbacks to permit the siting of the existing dwelling 5.59 metres from the interior side lot line and as close as 3.41 metres from the exterior side lot line.
- Vary the minimum setbacks to permit the siting of an existing landing and stairs attached to the existing dwelling as close as 0.0 metres from the exterior side lot line.
- Vary the minimum setback to permit the siting of an existing electrical shed 0.43 metres from the exterior side lot line and 5.52 metres from the front lot line.

- Vary the minimum setbacks to permit the siting of an existing cistern 1.31 metres from the front lot line and 0.66 metres from the exterior side lot line.
- Vary the minimum setbacks to permit the siting of existing beach access stairs 4.85 metres from the exterior side lot line and as close as 4.08 metres from the natural boundary of the sea.

## SITE CONTEXT:

The subject property is a 0.299 hectare (0.74 acre) waterfront property, located on Georgeson Bay at the South end of Galiano Island. The property is zoned Small Lot Residential (SLR) and is surrounded by properties of similar size and with the same zoning designation. The owners own the adjacent property to the east ("Lot A"), and there is a water access highway dedication ("Zucker Road") to the west, which serves as a maintained public access trail to the beach. A single family dwelling, a cottage, a pump house, electrical shed, cistern and beach access stairs currently exist on the property, with the stairs having recently been constructed in late 2011/ early 2012.

Figure 1 below indicates the location of the subject property. Figure 2 is a survey from February 13, 2012 that depicts the portions of the subject structures that encroach on various setbacks. Figures 3 and 4 are details of the encroaching structures. Figures 5-12 are photos of the property and encroaching structures. Planning staff conducted site visits on December 12, 2011, January 19, 2012 and February 16, 2012.

Figure 1: Location Map of Subject Property

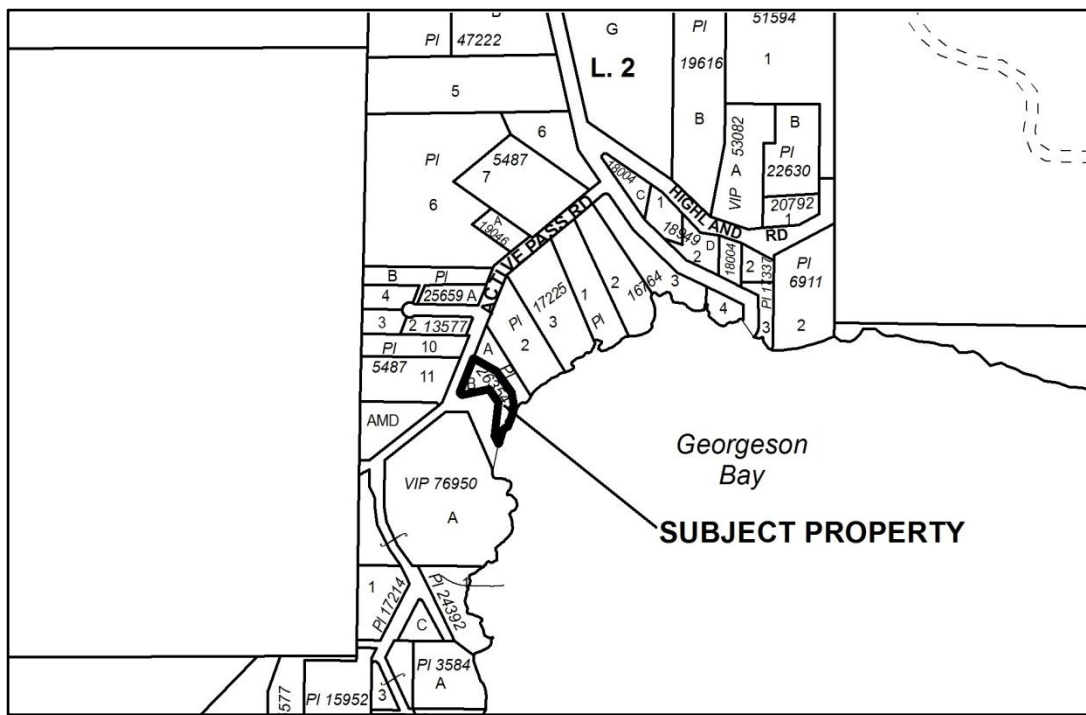


Figure 2: Survey depicting all encroaching structures

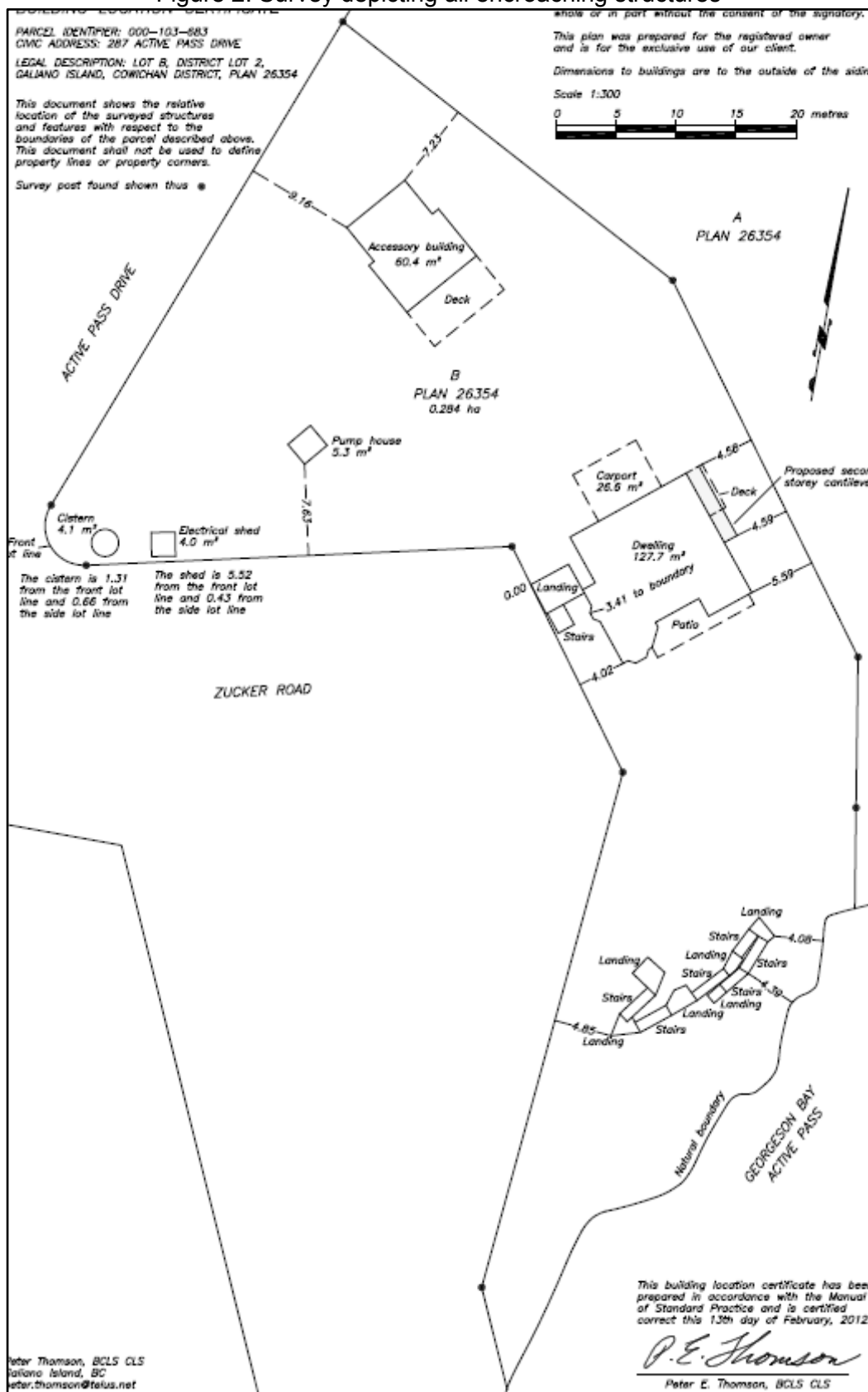


Figure 3: Detail of encroaching upland structures

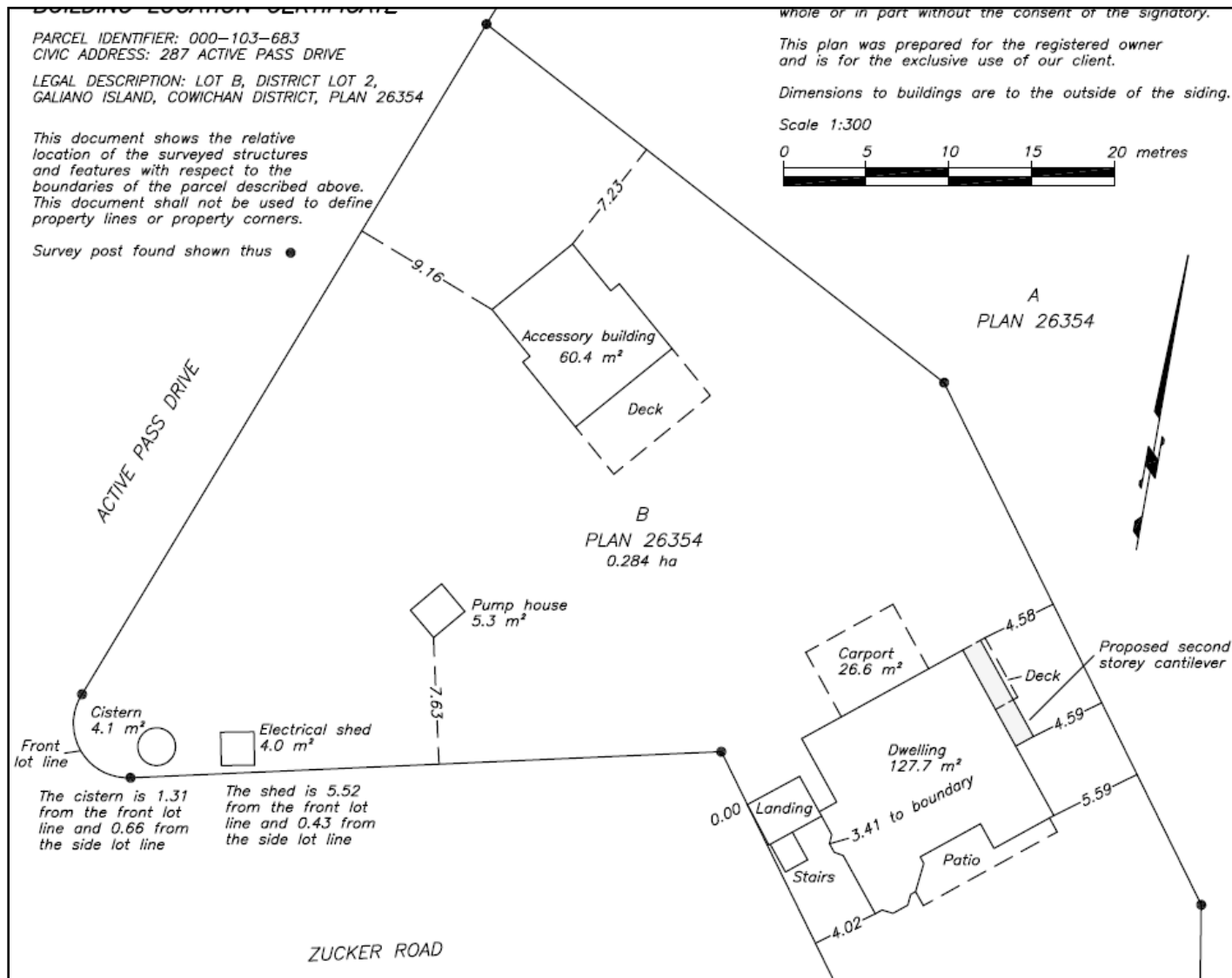


Figure 4: Detail of encroaching waterfront structure

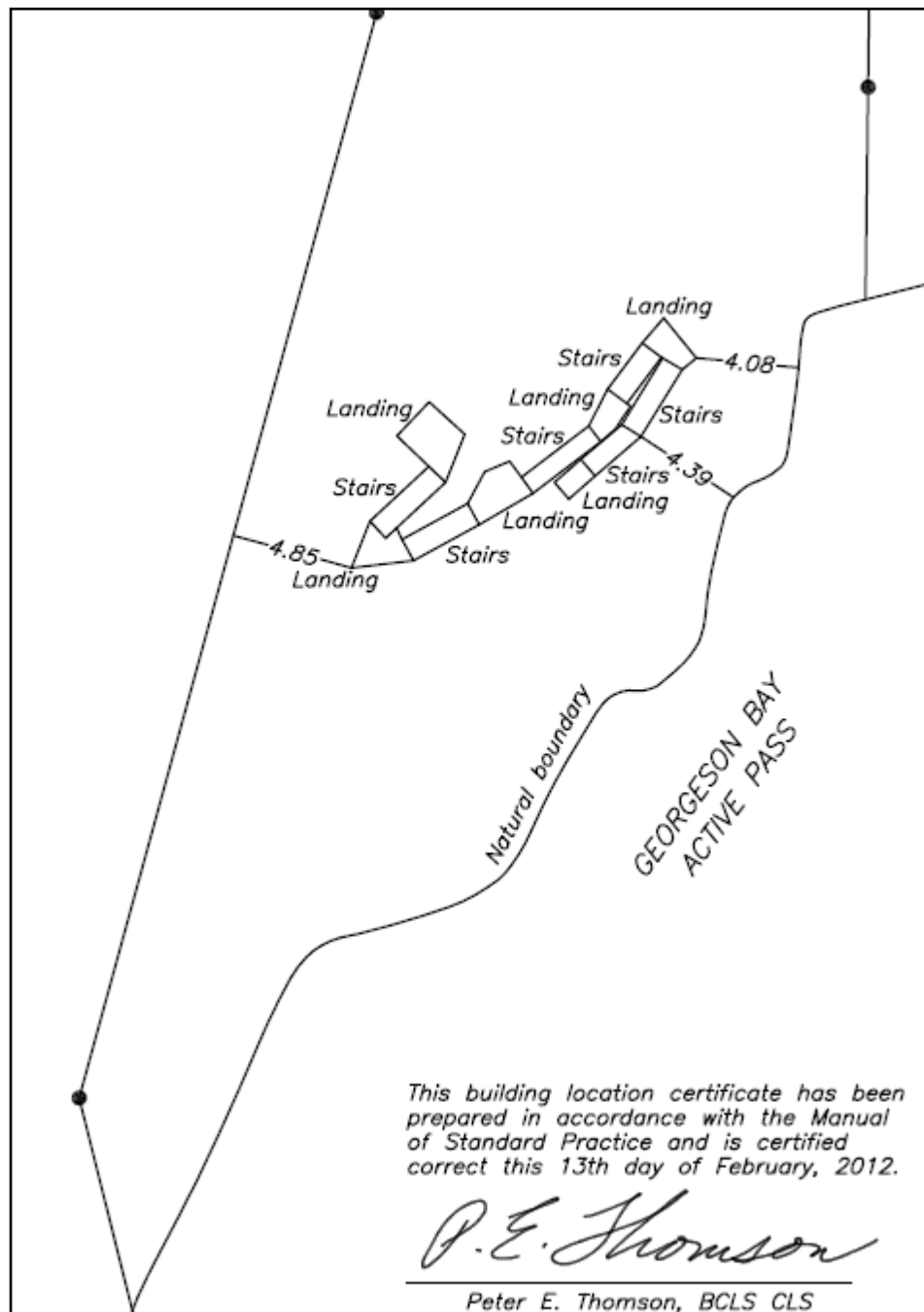




Figure 5: Landing and stairs in setback to exterior lot line (North view)



Figure 6: Encroaching cistern and electrical shed (East view)





Figure 7: Encroaching side deck and site of proposed 2<sup>nd</sup> storey addition



Figure 8: Full view of beach access (North east view)



Figure 9: Top of beach access (South view)



Figure 10: Current end point of access (East view)





Figure 11: Extent of stairs looking up from the beach



Figure 12: Tree cutting in proximity to stair construction



## CURRENT PLANNING STATUS OF SUBJECT LANDS:

### Trust Policy Statement:

There are two directive policies relevant to this application.

- 3.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.
- 4.5.10 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.

### Official Community Plan

The subject property is designated Small Lot Residential (SLR) in the Galiano Island Official Community Plan (OCP) Bylaw No. 108, 1995. The Residential objectives of this designation are:

1. To maintain rural character, minimize impacts to ecosystems and services they provide and support social diversity of the Galiano Island Local Trust Area, and
2. To encourage affordable, rental and special needs housing.

The specific policies in the SLR designation that pertain to this application are:

- The principal use shall be residential

In addition, the foreshore of the property is designated as Marine (M). The objectives of this designation are:

1. to protect shoreline and marine ecosystems in the local trust area,
2. to ensure public access to the foreshore, and
3. to encourage safe and considerate use of the marine environment.

The following Development Permit Areas (DPAs) are currently designated on the property :

*DPA 2- Shoreline and Marine DPA:* This includes all land 15 metres upland from the natural boundary of the sea, and seaward to the boundary of the area of bylaw application.

*DPA 5- Sensitive Ecosystems DPA:* Mapping indicates that the property contains a primary herbaceous sensitive ecosystem and a secondary woodland sensitive ecosystem.

*DPA 7- Steep Slope Hazard Areas:* Mapping indicates that a High Hazard ( > 45 degrees) and Moderate Hazard (22.5 – 45 degrees) slopes exists on the property.

These DPAs are located in the waterfront portion of the property as depicted in Figures 13-15, and as such would only apply to the beach access staircase. As construction of the staircase began prior to final adoption of the OCP, the staircase is not subject to current DPA provisions. This is an example of the “commitment to use” principle, which establishes that certain activities (site plan development, land preparation etc) serve as sufficient evidence to indicate that a sufficient “commitment” to a given use has been made on the part of the applicant in order to qualify for non-conforming use protection. Commitment to use, however, does not protect structures that were built illegally, prior to and post regulatory change.

Figure 13: Extent of DPA 5

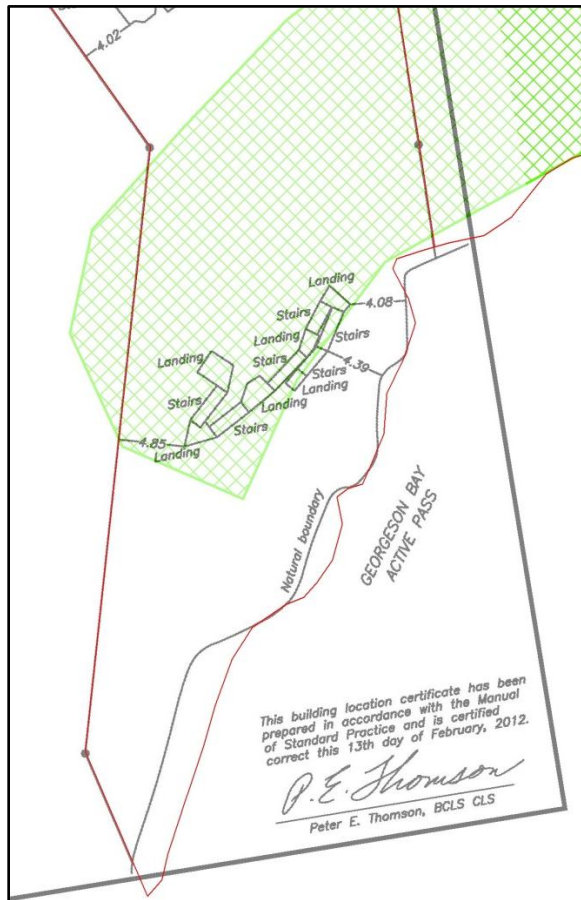


Figure 14: Extent of DPA 2

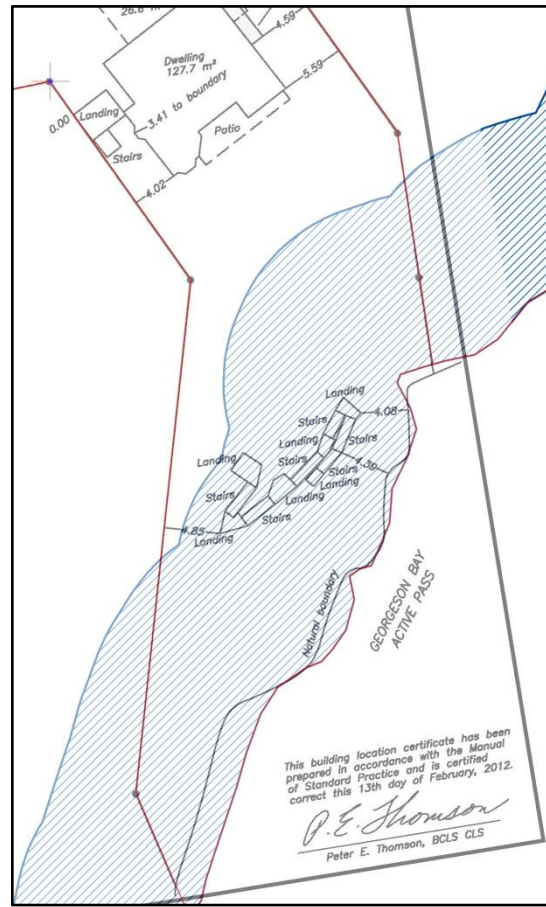
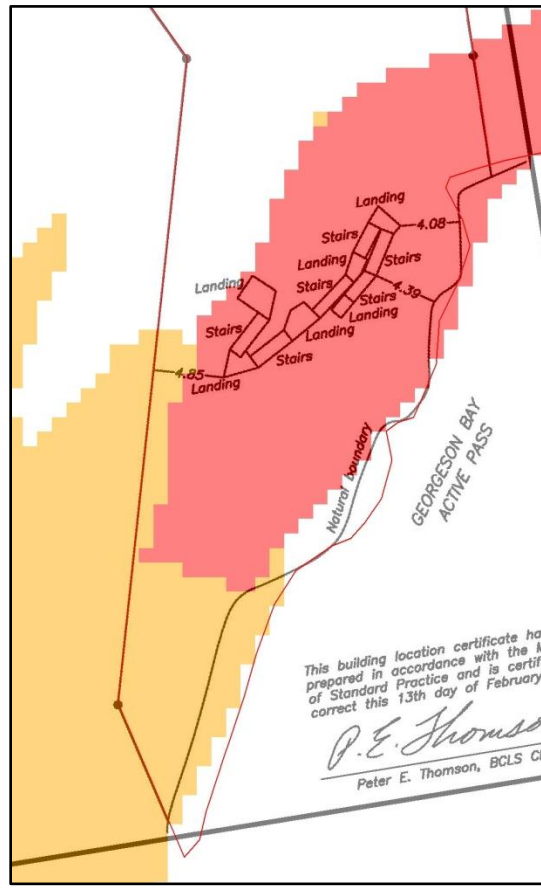




Figure 15: Extent of DPA 7



#### Land Use Bylaw

The subject property is zoned Small Lot Residential (SLR) in the Galiano Island Land Use Bylaw (LUB) No. 127, 1999. The specific regulations relevant to this application include:

- 2.14 Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea, and at least 15 metres away from any lake, swamp and any other natural watercourse.
- 5.3.8.1 Buildings and structures must be sited at least 7.5 metres from the front and rear lot lines.
- 5.3.8.2 Buildings and structures must be sited at least 6 metres from each interior side lot line.
- 5.3.8.3 Buildings and structures must be sited at least 6 metres from an exterior side lot line.

#### Islands Trust Fund:

This application has no considerations for the Islands Trust Fund.

#### Regional Conservation Plan:

This application has no direct considerations for the Regional Conservation Plan. It should be noted however that the Plan states that the Galiano Local Trust Area is vulnerable to loss of natural ecosystems to residential and associated uses, and that the island saw significant growth in the number of private dwellings between 2001 and 2006 compared with other areas in the Islands Trust region. It should also be noted that herbaceous ecosystems represent just over 3% of the Islands Trust Area.

#### Sensitive Ecosystems and Hazard Areas:

There is one sensitive ecosystem identified on the property. It is a herbaceous sensitive ecosystem with a secondary class of woodland. Sensitive Ecosystem and Hazardous area DPAs are discussed above.

Figure 16: Sensitive Ecosystems Mapping



#### Archaeological Sites:

Based on information from the Provincial Remote Access to Archaeological Data (RAAD), there are no archaeological sites identified on this property.

Notwithstanding the foregoing, and by copy of this report, the owners are advised that the unearthing of any archaeological resource should be reported to the Archaeological Branch.



### Covenants:

There are no covenants registered on the property.

### Climate Change Mitigation and Adaptation:

This application does not appear to hold any significant contribution to climate change or climate change adaptation and mitigation.

### Bylaw Enforcement

Bylaw enforcement file GL-BE-2012.1 is currently open on this property. It pertains to the construction of the beach access stairs within the setback to the sea. Should this variance be granted, it is anticipated that this file will be closed.

## **RESULTS OF CIRCULATION:**

Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on March 9, 2012. At the writing of this report, no public submissions have been received. Any additional public submissions will be presented at the Galiano Island Local Trust Committee meeting on March 12, 2012.

## **ISSUES SUMMARY:**

*Applicant's stated rationale for the proposed variance.* The applicants originally applied for a variance for their proposed addition to the existing dwelling. The applicants have stated that siting the proposed second floor addition within the setback to the interior side lot line will create the least visual impact on surrounding neighbouring properties as it will make use of existing mature trees to serve as a visual screen. Siting the proposed addition further south and outside of setbacks will have visual impacts on not only the neighbouring property to the east, but the property east of the adjacent neighbouring property.

Upon further review, staff noted that several existing structures, including the dwelling itself, were sited within setbacks, and urged the applicants to include these structures in this application. The applicants have stated that the property's irregular shape stems from a past road allowance for log boom activities in the 1960s. The main dwelling was built in the narrowest part of the property by previous owners in 1973/4, shortly after the property was subdivided from the adjacent property to the east. The landing and stairs were constructed 3 years ago to shield new underground wiring and protect the entrance to a crawl-space. The electrical shed was constructed at this time and was sited to be in close proximity to the hydro pole on the property. The small deck on the east side of the dwelling was constructed 12 years ago in order to permit safe exit from the bedroom. The cistern was sited in order to provide optimal conditions for gravity-fed irrigation for the adjacent garden. The applicants have stated that the cistern lasts throughout the summer for irrigation activities.

Construction of the beach access stairs began in October/ November of 2011, prior to final adoption of the OCP and the new DPA provisions within. In October of 2011, the applicants' contractor confirmed with planning staff that the stairs would not be subject to new DPA provisions if their construction was begun prior to final adoption of the OCP. At this time staff

also confirmed that while the stairs would not be subject to DPA provisions, they would still be required to adhere to setback regulations. The stairs were constructed down the steepest part of the cliff to provide safe access to the waterfront for the applicants and their family. A work order for the construction is attached to the report for information (Attachment 2).

On December 20, 2011 a stop-work order was placed on the stairs, and at this time the contractor contacted the Islands Trust and the CRD, and then discovered that encroachment in the setback from the sea was an issue. At this point the construction was 75% complete and staff urged the applicants to obtain a survey to confirm the setback encroachment. As no plans had been prepared for the stairs, and as the stairs are not attached to a building, no building permit for the structure was required. In addition, the bylaw enforcement officer ordered no further work be undertaken until a survey was obtained. On February 4, 2012, the applicants relieved the contractor of the commitment to complete the final 25% of the work, and on February 13, 2012 a survey confirmed that the stairs were built in the setback to the sea, as well as within the setback to the exterior side lot line. The applicants have stated that the current extent of the construction permits them to access the gentle slope at the toe of the cliff, and are not planning to construct any additional cedar stairs or platforms, but may contemplate stone steps and landscaping in the future.

The applicants have stated that the setback requirement for high bank property poses unfair restrictions on such owners from accessing their property. In addition, the applicants stated that the location of the stairs was chosen based on the safest and most discreet siting, and that effort had been made to locate the stairs further away from the exterior side lot line in order to adhere to setback regulations. The applicants have expressed that the public beach access adjacent to their property should not limit them from constructing a private access and enjoying their private property, and that they are uncomfortable using the public access for many reasons, including safety and access concerns.

*The overall intent of the regulation being varied.* The overall intent of setback regulations is to minimize impacts of development on the foreshore and marine environments, to ensure a safe separation between buildings and structures, to maintain the rural character of the island and provide a consistent pattern of development within a given zone.

*Potential impacts of granting a variance.* Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, it is unlikely to generate expectations for other landowners. Each application is evaluated on its own merits.

## **STAFF COMMENTS:**

This application contains several pieces which staff have organized into three separate categories. Analysis for each is provided below.

### *Proposed development*

By encroaching on the interior side setback, the proposed addition to the existing dwelling will make use of existing vegetation to increase privacy for neighbours to the east. Given the siting of the existing dwelling, what is proposed is much more subtle than other potential options, and by creating a second storey, the overall footprint of the existing dwelling will be much smaller than a ground floor addition. In addition, should the applicants ever sell their adjacent property;

the discrete nature of the proposed addition will minimize privacy issues between future owners. Staff support the variance for the proposed addition to the dwelling.

### *Existing development*

Once a complete survey of the property was submitted, staff noted several existing structures that encroached on various setbacks. The dwelling itself was constructed by previous owners around the time that the first zoning bylaw was adopted. Over time the applicants added a small deck and a landing with adjacent stairs, further encroaching into the interior and exterior lot line setbacks. The deck was constructed in order to provide a safe access to the yard from the bedroom, while the landing is used to protect underground wiring. The siting of the house within both interior and exterior side lot setbacks has made any kind of additional protective measure for the house difficult. Both the deck and landing serve functional roles.

The electrical shed and the cistern are sited in order to maximize their respective functions. As they encroach on a public access, these structures do not pose any privacy issues with adjacent neighbours, as there are no dwellings directly adjacent to the west of the subject property. Staff support the variance for the siting of existing structures on the property.

### *Newly constructed development*

The beach access stairs pose the largest planning concern for staff. As previously mentioned, staff were contacted by telephone by the owner's contractor in October 2011. At this time staff reported that if construction began prior to final adoption of the OCP, the stairs would not be subject to DPA provisions, but that adherence to setbacks would still be required. Staff were never informed of where the property was, and were never presented with any plans or work orders to review. Once staff were made aware of the potential setback issues of the new construction, the applicants were asked to provide a survey prior to final consideration of this application by the LTC, so that the matter could be dealt with as part of the larger application. The work order in attachment 2 was only recently submitted to staff by the applicants on February 17, 2012, several months after the initial conversation between the contractor and planning staff.

A great deal of discussion has occurred between planning staff, the applicants, bylaw enforcement and the contractor. The applicants' rationale for the construction of the stairs is presented above. The main issue is that while the applicants have stated that they wished to adhere to Islands Trust regulation, and while their contractor did contact planning staff prior to any construction, and despite the fact that effort was made to specifically construct the stairs prior to final adoption of the OCP, a failure to recognize the setback to the sea and exterior side lot line during construction still occurred. Figure 17 below depicts the location of the 7.5 metre setback to the sea on the property. Staff have visited the property several times, and recognize the difficulty in measuring setbacks due to steep topography. The difficulty to accurately measure the setback provides a strong reason for why a survey and plans should have been obtained prior to construction, much like what the applicants did for their proposed addition to the dwelling.

Staff conducted a bylaw review of the setback to the sea provisions in other Southern Local Trust Areas. No bylaws distinguish between high and low-bank properties with regards to setbacks. All other Southern Local Trust Areas require a 7.6 metre setback from the sea, except North Pender which requires a setback of 15 metres. In addition, both North and South Pender

and Mayne permit stairs within this setback under certain conditions. On Galiano, stairs are considered a structure and are therefore not permitted in the setback.

Staff do not support the variance for the portion of the beach access stairs that encroach on the setback to the sea and the setback to the exterior side lot line. While the structure was considered exempt from the DPA provisions, it was never exempt from setbacks, and this was made clear at the beginning of the process. Approval of this variance could establish an expectation that could result in significant effects on sensitive ecosystems and natural processes as well as on the structure itself. In a report dated March 31, 2010 from C.N. Ryzuk & Associates Engineering the following comments were expressed regarding the high hazard slope areas on Galiano Island:

“A slope within this classification can be considered to be at a high probability of failure at some point in time if such has not already done so, particularly during and/or subsequent to a seismic event.”

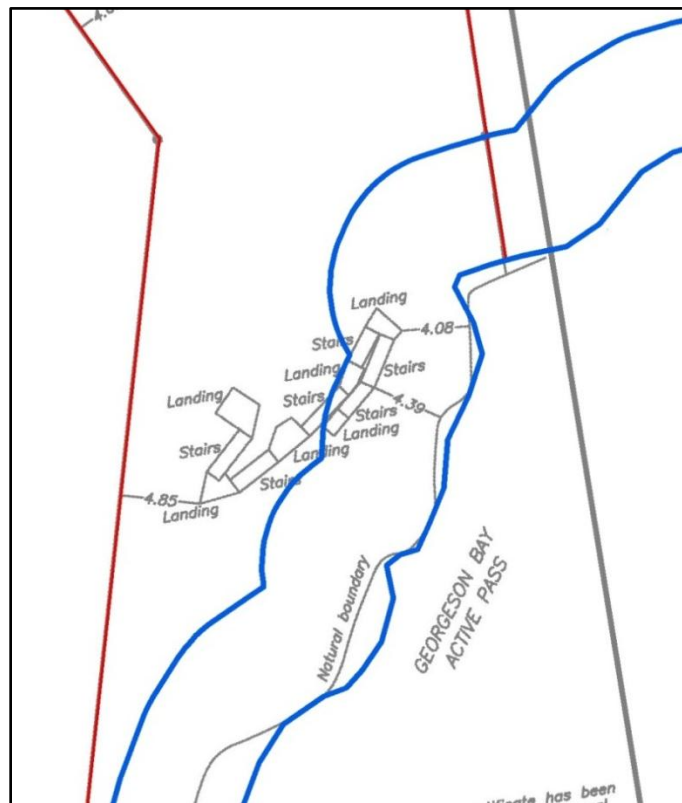
And

“An assessment of those areas subject to proposed development within the High Hazard Area should be conducted by a qualified professional with relevant expertise in geohazard assessment to evaluate the presence of geohazards including but not limited to soil slope instability, rock slope instability, and surficial erosion susceptibility. It is recommended that all development activities that result in ground disturbance, including construction of driveways, septic fields, tree removal etc, be professionally assessed within the High Hazard Area to protect the public from the geohazard and to prevent against inadvertently exacerbating the geohazard.”

The purpose of DPA 7 is to protect development from hazardous slope conditions. The Ryzuk report recommends that all work in this DPA should be professionally assessed. In addition to the construction work, staff have observed tree cutting activities on the cliff face as well as some incidents of debris accumulation on the structure from the cliff above. The structure is not subject to building permits, and is exempt from DPA provisions, and as such, no professional assessment of its geotechnical safety has been required or carried out. Staff wish to bring this to the attention of the LTC, given that it is located above a beach readily used by the public.

The LTC's projects list currently includes an LUB update which lists “review of regulations for docks and structures in setback from the sea” as an item for possible updating. If the LTC feels that this type of review is a priority, staff suggest moving it to the Top Priorities list. As such, staff do not support the siting of this type of structure in the setback to the sea, nor in a sensitive ecosystem or a high hazard slope area without a professional assessment.

Figure 17: Setback from the sea buffer



The Galiano Island LTC has the following options with regard to this variance permit:

1. Issue the permit as presented (Attachment 1)
2. Modify the attached permit
3. Deny the permit

### RECOMMENDATIONS:

**THAT the Galiano Island Local Trust Committee approve GL-DVP-2011.6 (Waterfall and Kowalski) for all existing and proposed structures except the portion of beach access stairs currently sited within the 7.5 metre setback to the natural boundary of the sea and the 6 metres setback to the exterior side lot line.**

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Prepared and Submitted by:

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Kaitlin Kazmierowski, Island Planner

February 28, 2012

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Date

Concurred in by:



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Robert Kojima, RFM

February 28, 2012

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Date



## Attachment 1

# PROPOSED

### GALIANO ISLAND LOCAL TRUST COMMITTEE

#### DEVELOPMENT VARIANCE PERMIT

GL-DVP-2011.6

**TO:** Lawrence Waterfall and Janusz Kowalski

1. This Development Variance Permit applies to the land described below:  
Lot B, District Lot 12, Galiano Island, Cowichan District, Plan 26354
2. "Galiano Island Land Use Bylaw No. 127, 1999" is varied as follows:
  - a) Article 5.3.8.2 is varied to permit the siting of a proposed addition to the existing dwelling 4.59 metres from the interior side lot line.
  - b) Article 5.3.8.2 is varied to permit the siting of an existing deck attached to the existing dwelling 4.58 metres from the interior side lot line.
  - c) Articles 5.3.8.2 and 5.3.8.3 are varied to permit the siting of the existing dwelling 5.59 metres from the interior side lot line and as close as 3.41 metres from the exterior side lot line.
  - d) Article 5.3.8.3 is varied to permit the siting of an existing landing and stairs attached to the existing dwelling as close as 0.0 metres from the exterior side lot line.
  - e) Articles 5.3.8.3 and 5.3.8.1 are varied to permit the siting of an existing electrical shed 0.43 metres from the exterior side lot line and 5.52 metres from the front lot line.
  - f) Articles 5.3.8.1 and 5.3.8.3 are varied to permit the siting of an existing cistern 1.31 metres from the front lot line and 0.66 metres from the exterior side lot line.
  - g) Article 5.3.8.3 and Section 2.14 are varied to permit the siting of existing beach access stairs 4.85 metres from the exterior side lot line and as close as 4.08 metres from the natural boundary of the sea.
3. All work must be consistent with that shown on Schedules 'A', 'B', 'C' and 'D' attached to and forming part of this permit.

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

**AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS  
\_\_\_ DAY OF \_\_\_\_\_, 2012.**

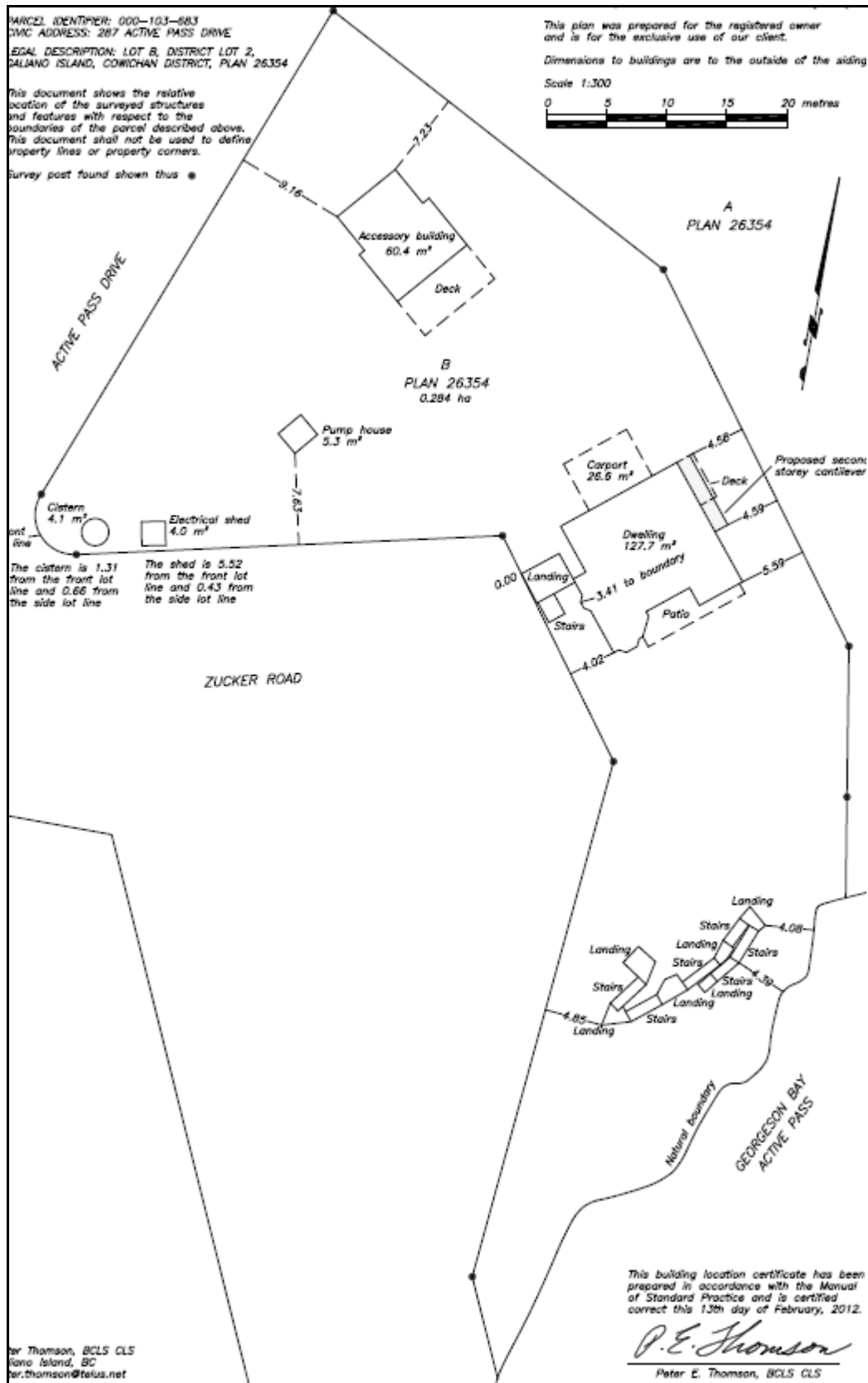
\_\_\_\_\_  
**Deputy Secretary, Islands Trust**

\_\_\_\_\_  
**Date of Issuance**

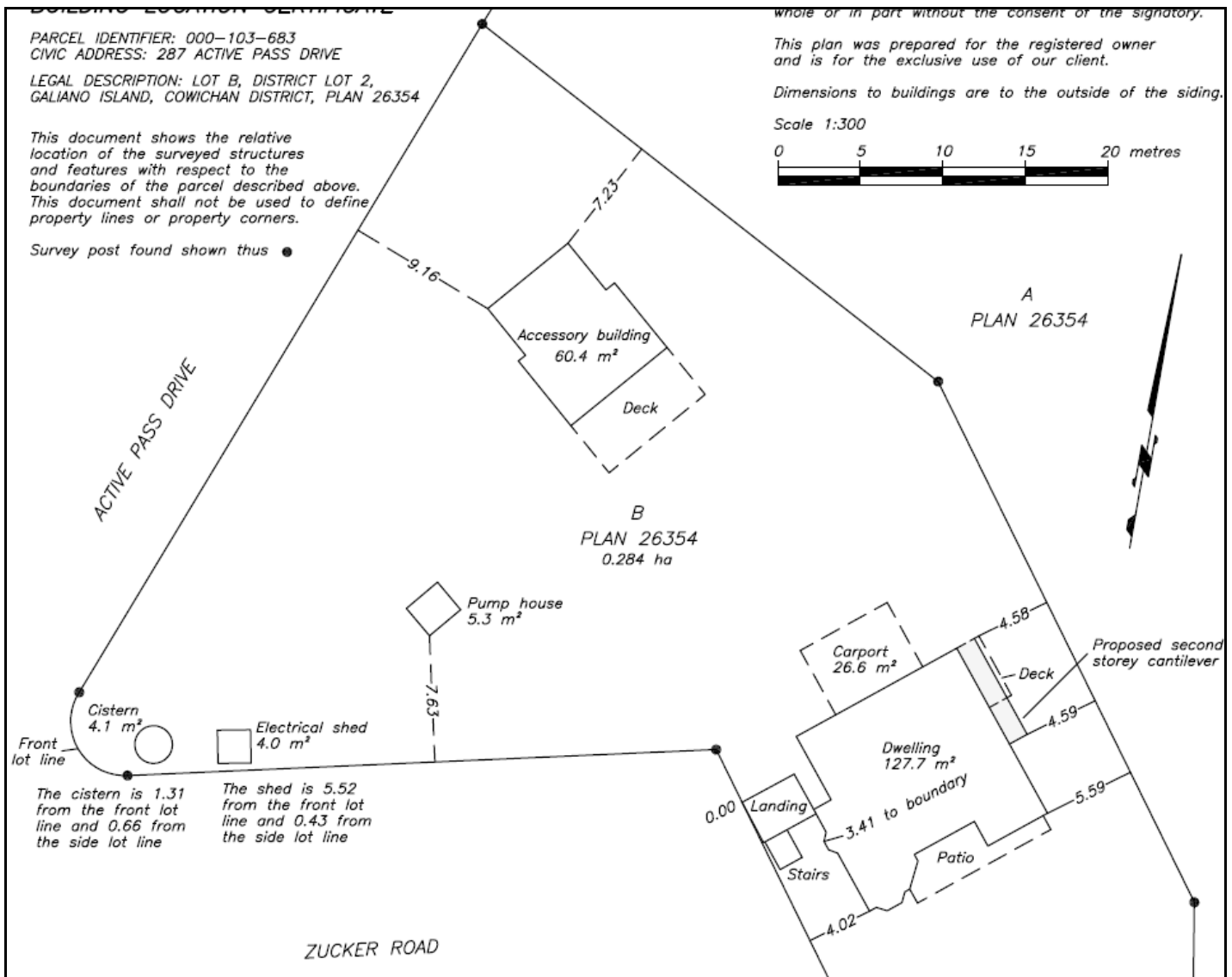
**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE \_\_ DAY OF \_\_\_\_\_,  
2014, THIS PERMIT AUTOMATICALLY LAPSES.**



**GALIANO ISLAND LOCAL TRUST COMMITTEE**  
**GL-DVP-2011.6**  
**SCHEDULE 'A'**



**GALIANO ISLAND LOCAL TRUST COMMITTEE**  
**GL-DVP-2011.6**  
**SCHEDULE 'B'**

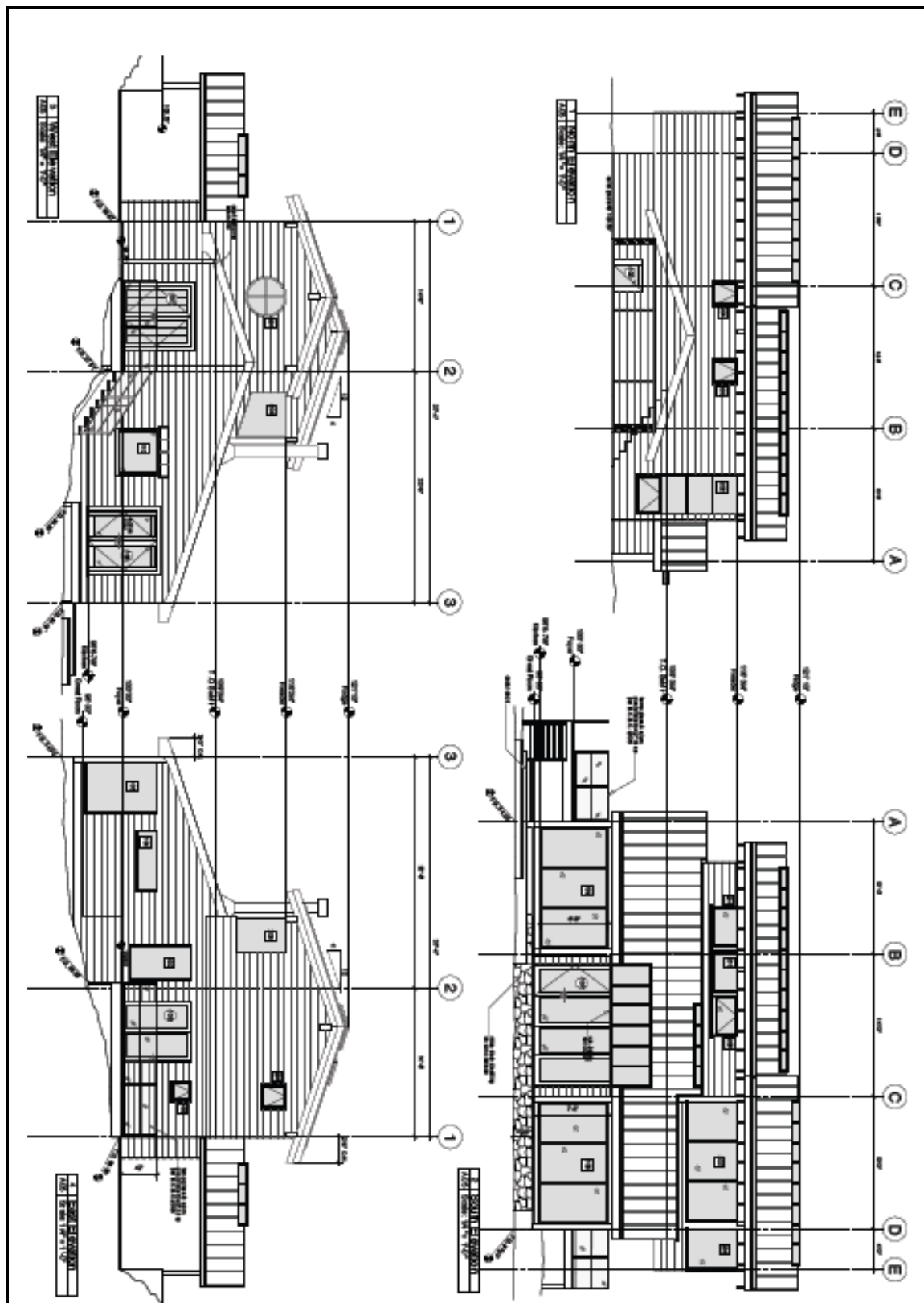


This building location certificate has been prepared in accordance with the Manual of Standard Practice and is certified correct this 13th day of February, 2012.

*P. E. Thomson*

Peter E. Thomson, BCLS CLS

**GALIANO ISLAND LOCAL TRUST COMMITTEE**  
**GL-DVP-2011.6**  
**SCHEDULE 'D'**



## **Attachment 2**

Work Order for Shoreline Design

Submitted to planning staff February 17, 2012

# shoreline design



# shoreline design

JOB DESCRIPTION: SHORELINE DESIGN WILL DESIGN AND CONSTRUCT WATER ACCESS UTILIZING 4/5 LANDINGS AND SETS OF STAIRS DOWN TO TOP 35/40 FT DROP OF THE CLIFF FACE. SHORELINE WILL THEN GROOM A PATHWAY DOWN A GRADUAL SLOPE FOR THE NEXT 40/50 FT.

SHORELINE DESIGN WILL INCORPORATE ANOTHER LANDING AND SET OF STAIRS FROM THE END OF THIS PATHWAY DOWN TO A 60/70 SQ FT DECK / PLATFORM THAT WILL BE CONSTRUCTED BETWEEN LARGE BOULDERS 8 FT ± ABOVE THE BEACH. SHORELINE WILL INCORPORATE A BENCH ON EACH PORTION OF STAIRS + LANDINGS.

SPECIAL FEATURES:

SHORELINE DESIGN WILL USE A HINGED SET OF STAIRS THAT WILL LOWER TO THE BEACH BY MEANS OF A 5 TO 1 ROPE FALL SYSTEM.

TERMS:

SHORELINE DESIGN WILL ALSO UTILIZE A GATE WITHIN THE



# STAFF REPORT

**Revised March 30, 2012**

**File No.:** 3650-25  
GL-RZ-2011.2  
(Dewinetz)

**To:** Galiano Island Local Trust Committee  
For the meeting of April 16, 2012 (originally for the meeting of March 12, 2012)

**From:** Kaitlin Kazmierowski, Island Planner

**CC:** Robert Kojima, Regional Planning Manager

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**Re: Preliminary Staff Report for GL-RZ-2011.2 (Dewinetz)**

**Owners:** Winmark Capital Inc.  
**Applicant:** Peter Thomson BCLS CLS

**Location:** Lot 20, District Lot 69 and 71, Galiano Island, Cowichan District, Plan VIP61020, PID 023 042 630

Lot 21, District Lot 69, Galiano Island, Cowichan District, Plan VIP61020, PID 023 042 648

Lot 24, District Lot 69, Galiano Island, Cowichan District, Plan VIP 61020, PID 023 042 681

Lot 25, District Lot 69, Galiano Island, Cowichan District, Plan VIP61020 PID 023 042 699

Lot 32, District Lot 65 and 68, Galiano Island, Cowichan District, Plan VIP61030, PID 023 042 869

District Lot 68, Galiano Island, Cowichan District Except That Part In Plan VIP61030, PID 009 624 996

## THE PROPOSAL:

Please note: This report has been modified from the original meant for the March 12, 2012 agenda and posted on-line. Additional information and minor corrections have been made, and are included in this report.

The proposal is seeking to rezone six lots from the Forest 1 (F1) zoning designation to Nature Protection (NP) and Rural Residential (RR). The total subject area is 89.59 hectares; 75% (67.20 hectares) of which is proposed to be rezoned to NP and transferred to BC parks, thus expanding

C:\Users\kjones.ISLANDSTRUST\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\6CYV8C86\Preliminary Staff report (Dewinetz) FINAL- Revised for April 16 2012 meeting.docx

Bodega Ridge Provincial Marine Heritage Park; and 25% (22.39 hectares) of which is proposed for rezoning to RR for future subdivision into 11 residential lots. The proposal is effectively seeking a site specific designation in the vein of Policy 1.4 e) of the Galiano Island Official Community Plan (OCP). Should the LTC wish to proceed with this application, amendments to the OCP and Land Use Bylaw (LUB) will be required.

## **SITE CONTEXT:**

The subject area is located in the north end of Galiano Island, and runs along Bodega Beach Drive from Vineyard Way for approximately 2 km north. Two Lots (20 and 21) are located on the eastern side of Bodega Beach Drive, with the remaining lots located along the western side. All lots are zoned F1; however three lots (20, 21 and 24) currently hold Privately Managed Forest Land (PMFL) status.

Lots 25 and District Lot 68 currently abut Bodega Ridge Provincial Marine Heritage Park, while District Lot 68 also abuts Laughlin Lake Nature Reserve. The proposal would transfer all of Lots 20, 21 and 24 to BC Parks, as well as the majority of Lot 25 and District Lot 68. The majority of Lot 32 would become residential. Figure 1 provides a location map of the subject area. Figure 2 depicts the locations of adjacent parks and nature reserves; Figure 3 is a preliminary subdivision plan depicting proposed lots, the proposed easement, proposed driveways and approximate locations of hazard areas and wetlands. Figures 4 and 5 are photos from a staff site visit conducted on February 16, 2012. Staff will be conducting another site visit with the applicant on March 7, 2012.

Figure 1: Location of subject area

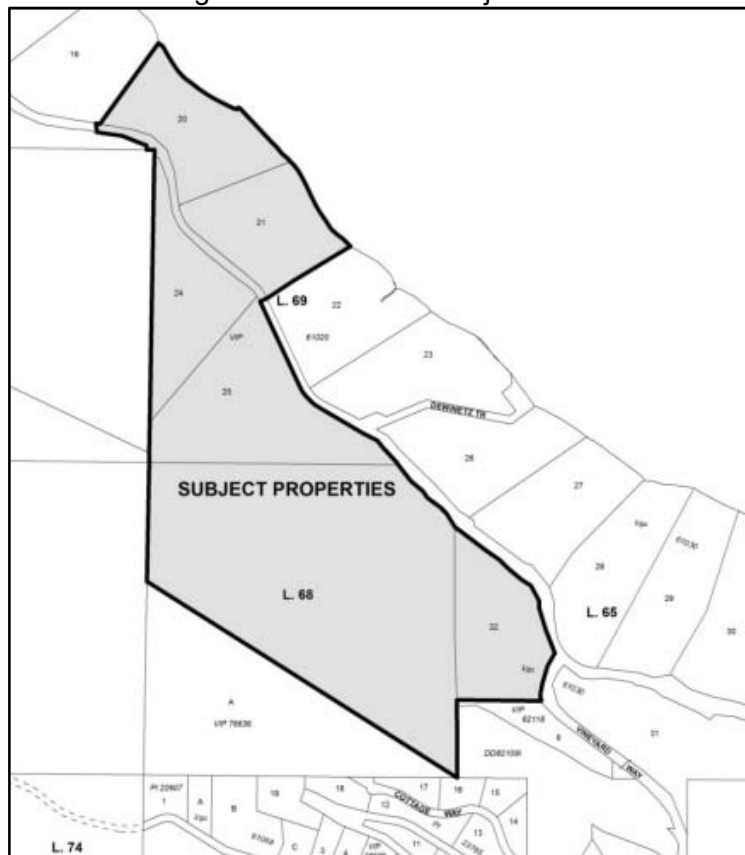
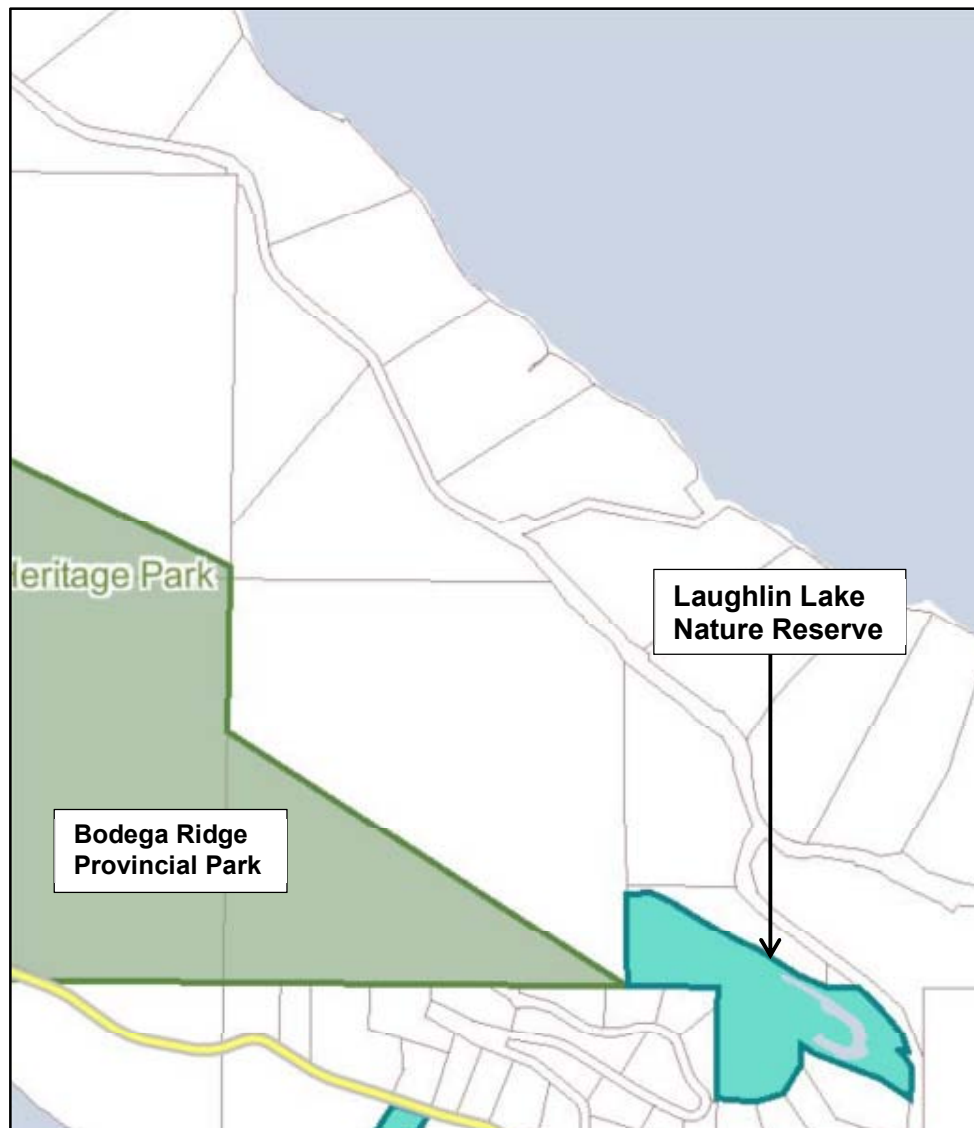




Figure 2: Parks and Nature Reserves adjacent to subject area



LOT 21, 24 AND 25, DISTRICT LOT 69 PLAN VIP61030, LOT 32, DISTRICT LOTS 65 AND 68 PLAN VIP61030, DISTRICT LOT 68 EXCEPT PLANS VIP61030 AND VIP61030, GALIANO ISLAND, COWICHAN DISTRICT

BCDS 9208.093  
Scale 1:2500

0 50 100 150 200 250 metres

LEGEND

|                                 |  |
|---------------------------------|--|
| Proposed Park (existing survey) |  |
| Proposed Park (new survey)      |  |
| Proposed RR Zone                |  |
| Waterbody                       |  |
| Mudstone steep slope hazard     |  |
| Development area                |  |
| Common driveway (assumed)       |  |
| Individual driveway (existing)  |  |
| Individual driveway proposed    |  |
| Other                           |  |

| PROPOSED ZONES |                 |
|----------------|-----------------|
| LOT 21         | 2.12 ha         |
| LOT 24         | 2.12 ha         |
| LOT 25         | 2.12 ha         |
| LOT 32         | 2.12 ha         |
| LOT 65         | 2.12 ha         |
| LOT 68         | 2.12 ha         |
| LOT 69         | 2.12 ha         |
| <b>TOTAL</b>   | <b>12.72 ha</b> |

| PROPOSED ZONES |                 |
|----------------|-----------------|
| LOT 21         | 2.12 ha         |
| LOT 24         | 2.12 ha         |
| LOT 25         | 2.12 ha         |
| LOT 32         | 2.12 ha         |
| LOT 65         | 2.12 ha         |
| LOT 68         | 2.12 ha         |
| LOT 69         | 2.12 ha         |
| <b>TOTAL</b>   | <b>12.72 ha</b> |

NOTES

LOT 4 will be created pursuant to Section 88 (1) (2) of the Land Use Act and will not require the approval of the Provincial Planning Officer.

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

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

All lots in the subdivided RR Zone must be 1.4 width to length ratio requirement to meet the requirement to have more than 10% of their perimeter fronting a public road.

The positions of the vehicles are approximate and are subject to survey.

The other slope areas have been derived from the Atlantic Trust GIS digital record.

Drawing prepared February 28, 2012 (NWP 3)

19 Plan VP61007

15 Plan VP61007

REM OL 72

1 Plan VP75373

OL 73

BODEGA RIDGE

STRAT OF GEORGIA

20 Plan VP61020

21 Plan VP61020

22 Plan VP61020

23 Plan VP61020

24 Plan VP61020

25 Plan VP61030

26 Plan VP61030

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Figure 4: Proposed easement off of Vineyard Way (West view)



Figure 5: Observed wetland on proposed Lot 1





## **CURRENT PLANNING STATUS OF SUBJECT LANDS:**

### Trust Policy Statement:

Trust Policy Statement contains several directive policies that pertain to this application:

3.2.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development and land-use.

5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.

5.3.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.

5.3.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.

### Official Community Plan

The subject area is designated Forest (F) in the Galiano Island Official Community Plan, Bylaw No. 108, 1995. The Forest designation objectives are attached to this report (attachment 1) for information.

As previously mentioned, this application seeks a similar site specific rezoning as outlined in Rural Residential policy 1.4 e), included below for information:

- 1.4 e) For the properties described as District Lot 72, Galiano Island, Cowichan District except that part in Plan VIP75373 and Lot 15, District Lot 71 and 77, Galiano Island, Cowichan District, Plan VIP61007, zoning shall establish a minimum average parcel area of 65 hectares, with a minimum average subdivision parcel area as low as 2 hectares (5 acres) on the RR designated portion of the lands, applicable only if the landowner provides land to be transferred to the Crown as represented by the Province of British Columbia, the Trust Fund Board, the Capital Regional District or other transferee designated in the Land Use Bylaw amendment, to be used for conservation, ecosystem protection, public parkland, community forest, or trails. Approval of any such rezoning shall be subject to the following conditions:
- i) the area of land to be transferred shall represent at least 75% of the land subject to rezoning;
  - ii) incorporation of a siting plan into the Land Use Bylaw identifying the location and area of the residential home plate, including driveways, on each lot in the proposed subdivision, sited in a manner that avoids sensitive ecosystems and hazardous lands, and minimizes extension of services; and
  - iii) the registration of a s.219 covenant granted to the LTC which restricts the layout and area of the future lots to provide for the contiguous clustering of lots in a manner that protects the integrity of forest ecosystems, surface water and

groundwater supplies and minimizes the impact of residential services such as roads.

For information, OCP Land Transportation Policy o) is included below:

“Residential use should only be permitted on any lot on Galiano Island where there is access to the lot providing continuous road access to the Sturdies Bay Ferry Terminal by any combination of dedicated highway, statutory right of way and private easement identified on Schedule C as Proposed Highway or Proposed Emergency Access.”

All lots would meet this policy as they are located along Bodega Beach Drive.

Several Development Permit Areas (DPAs) exist on the property as depicted in figures 6 - 9 below:

DPA 1- Riparian Areas: A Riparian DPA is located on the portion of District Lot 68 that is proposed to be transferred to BC Parks. Actions of the Crown are exempt from DPA requirements.

DPA 2- Shoreline: The Shoreline DPA applies to Lots 20 and 21, both of which are proposed to be transferred to BC Parks.

DPA 5- Sensitive Ecosystems: The Sensitive Ecosystems DPA is located on Lot 20 and District Lot 68. Both of which are proposed for transfer to BC Parks. Actions of the Crown are exempt from DPA requirements.

DPA 7- Steep slope Hazard Areas: A moderate slope hazard exists on proposed Lots 1-11. While subdivisions are exempt from requiring a DP, potential development activities may be subject to these requirements in the future.

Figure 6: Extent of Riparian DPA

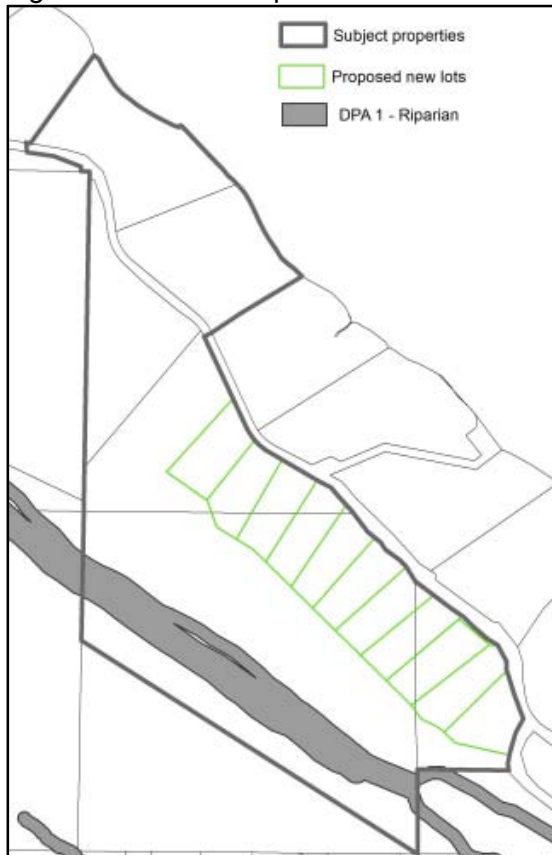


Figure 7: Extent of Shoreline DPA

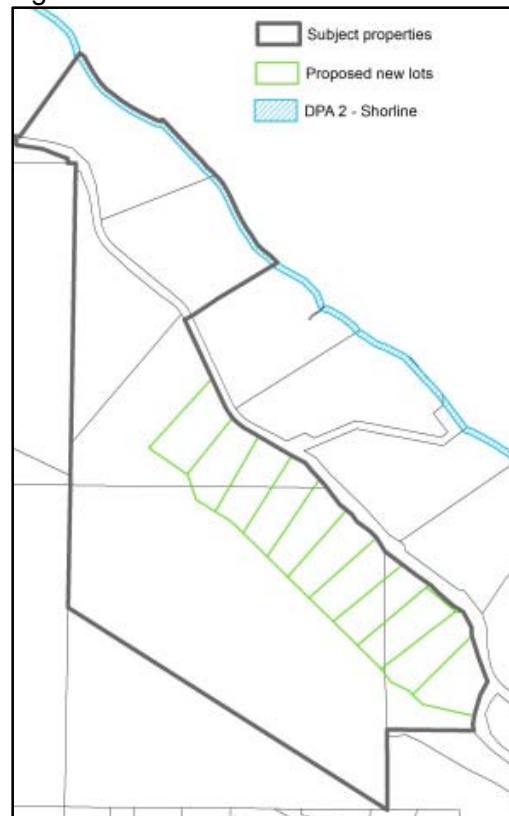


Figure 8: Extent of Sensitive Ecosystems DPA

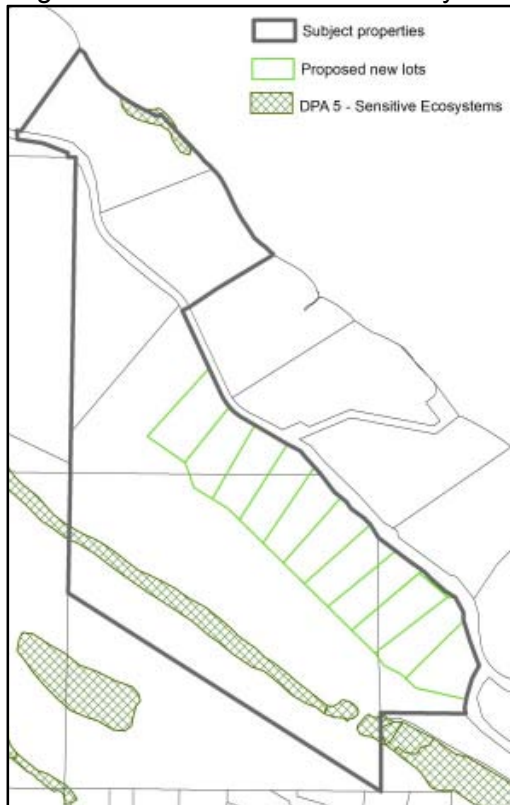
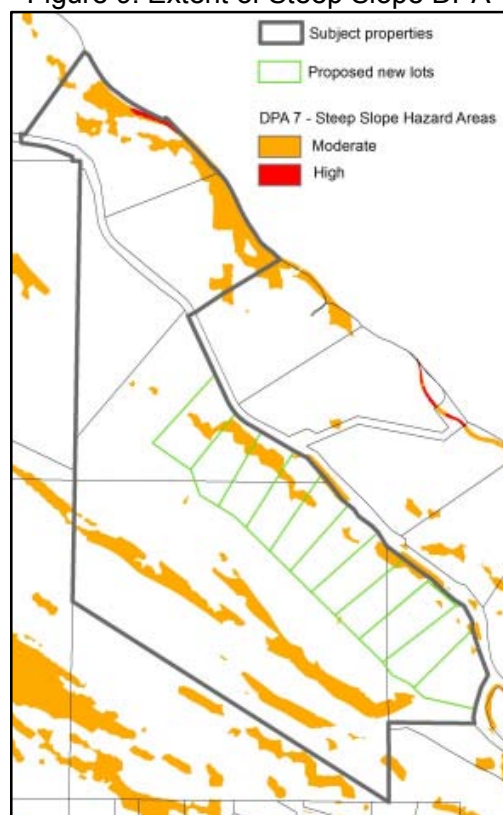


Figure 9: Extent of Steep Slope DPA



## Land Use Bylaw

The subject area is designated Forest 1 Zone (F1) in the Galiano Island Land Use Bylaw, No. 127, 1999. The relevant regulations for this zone are included below:

7.1.1 In the Forest 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 including residential uses are prohibited.

7.1.1.1 timber production and harvesting

7.1.1.2 accessory forestry uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries  
Buildings and Structures for Forestry Uses

7.1.2 A single non-residential unenclosed building or structure with a floor area not exceeding 93 square metres is permitted in each lot and every such building or structure must be screened by a landscape screen not less than 9 metres in height and complying with the requirements of subsection 15.1.1 of this bylaw.

7.1.6 No lot having an area less than 65 hectares may be created by subdivision.

The applicant is seeking to rezone 25% of the subject area to Rural Residential (RR). The relevant regulations for this zone are included below:

5.4.1 In the Rural Residential 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.

5.4.1.1 dwellings

5.4.1.2 cottages

5.4.1.3 home occupations

5.4.3 One cottage is permitted on each lot having an area of 0.4 hectares or more in respect of each permitted dwelling.

5.4.8 No lot may be created by subdivision that has an area less than 1.2 hectares.

5.4.9 No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2 hectares.

The applicant is seeking to rezone 75% of the subject area to Nature Protection (NP). The relevant regulations for this zone are included below:

11.1.1 In the Nature Protection 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.

11.1.1.1 ecological reserves and nature conservancies

11.1.1.2 research and educational activities

11.1.1.3 groundwater retention and recharge

11.1.2 No buildings or structures of any kind, other than signs, are permitted.



#### Islands Trust Fund:

This application may have some Islands Trust Fund considerations as part of the subject area abuts Laughlin Lake Nature Reserve. The proposed Rural Residential zone would not directly abut the Nature Reserve, but the Islands Trust Fund will be provided with the opportunity to comment, should this application proceed to the referral stage.

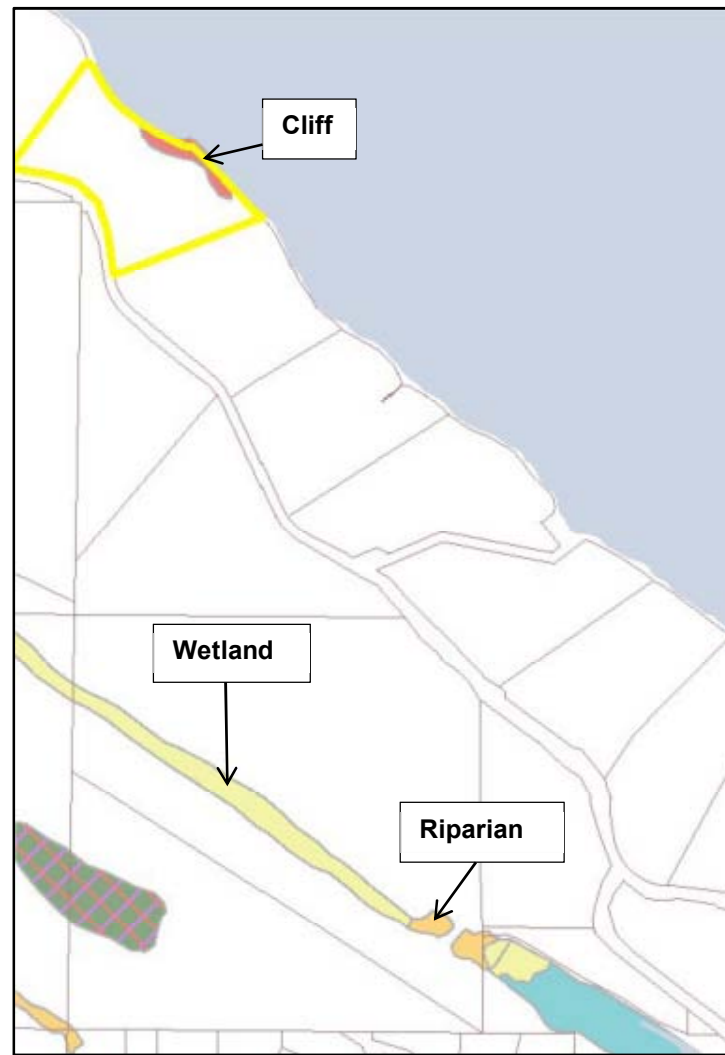
#### Regional Conservation Plan:

This application would increase the amount of park land on Galiano Island, and thus contribute to the overall goal of increasing the amount of protected land in the Islands Trust Area

#### Sensitive Ecosystems and Hazard Areas:

Wetland, riparian and cliff sensitive ecosystems are located in the subject area and are depicted in Figure 10 below. These are located in part of the subject area for proposed transfer to BC Parks. In addition, areas of moderate hazard have been identified in the subject area and are depicted in Figure 9 above.

Figure 10: Sensitive Ecosystems



### Archaeological Sites:

An archaeological site is located on the portion of District Lot 68 that is proposed for transfer to BC Parks. The site is not adjacent to any of the proposed residential lots.

Should any archaeological materials be uncovered during any future work, the applicant is advised to cease all work and contact the provincial Archaeological Branch immediately.

### Covenants:

Several covenants exist on the property:

*EJ34728* prevents building within 15 horizontal metres, and 1.5 vertical metres of the natural boundary of the sea on Lots 20 and 21. This covenant has no bearing on this application.

*EJ34730* prevents building on Lots 20 and 21 until waterlines are installed. This covenant has no bearing on this application.

*EJ34755* is held by the LTC and prevents cutting of evergreen trees except for development purposes in the area of Plan VIP61026. For the purposes of this application, this covenant would only apply to the northern corner of proposed lot 11. The applicant has expressed interest in discharging this covenant.

*EJ34759* prevents building on a portion of Lots 20 and 21 due to geotechnical hazards. This covenant has no bearing on the application.

*EJ34774* prevents any building on Lot 32 until waterlines are installed. This covenant has no bearing on this application.

*EJ34805* is held by the LTC and prevents the cutting of evergreen trees except for development purposes in the southern portion of Lot 32. The covenant area slightly overlaps with proposed lots 1 and 2. The applicant has expressed interest in discharging this covenant.

*EJ34761* is a Statutory Right of Way in favour of the CRD for a park trail network on part of Lot 24.

### Bylaw Enforcement:

There are no bylaw enforcement files open on any of the properties in the subject area.

### Climate Change Mitigation and Adaptation

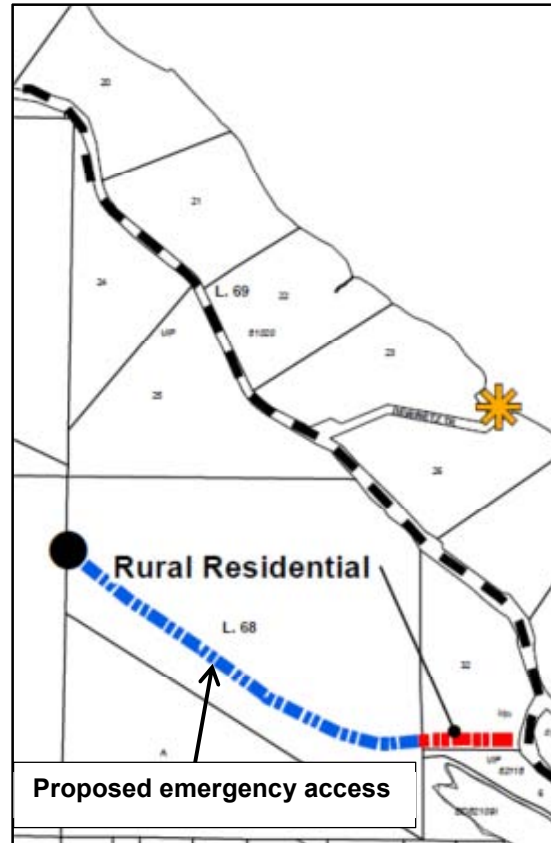
This application has no direct bearing on climate change mitigation or adaptation. The proposed transfer of land to BC Parks would protect additional land from development and effectively serve as a carbon sink. However, increasing the density via the Rural Residential zoning provisions will exert additional ecological pressure on those lands.

### Road Network Plan

Schedule C of the Galiano OCP contains the Road Network Plan which designates a proposed emergency access on a portion of DL 68 that is proposed for transfer to BC Parks, as well as a proposed highway on the southern edge of Lot 32 (Figure 11 below). The applicant's proposed easement lies north of the designated road area, but could still provide the desired emergency access. In this case, the access would also need to be granted as a Statutory Right of Way (SRW) for emergency purposes. It is intended that the CRD, as the provider of emergency services, hold the SRW. Should this application proceed, staff will review the options for the

SRW and consult with MOTI on potential highway dedication. The highway dedication depicted in Figure 11 may not be needed or practical for MOTI given the configuration of the proposed lots; however, should the application proceed, staff will report back with details.

Figure 11: Road Network Plan designations



### Community Housing

Subsection 1.6 of the Galiano OCP outlines the conditions under which the LTC may consider the siting of affordable housing, at a greater density than permitted within current zoning regulation. Policy b) within this subsection states the following:

“c) A portion of lands rezoned to permit a density increase under another policy in this plan, may, if the area is deemed suitable for the purpose by the Local Trust Committee, be rezoned to CH (Community Housing) to permit affordable housing, including housing for senior citizens or persons with special needs, and the land required to be simultaneously transferred to an incorporated non-profit society having as one of its objects the development and operation of affordable, seniors’ or special needs housing, or alternatively an option to purchase the land for nominal consideration may be granted to such a society. As an alternative to permitting the community housing on the parcel being rezoned, the local trust committee may consider amending zoning on other lands to permit the affordable, seniors or special needs housing to be developed in a more appropriate location and the land being transferred to the incorporated non-profit society may be zoned to permit residential uses. Any proposed location for the affordable, seniors or special needs housing should be located within modified ecosystems, avoid potentially hazardous lands, demonstrate an adequate supply of potable water, and be in proximity and accessible to existing roads services and other amenities.”

The LTC may wish to consider affordable housing as part of this application. In the past an area of 1% of the total subject area was considered suitable for affordable housing purposes. One percent of the subject area would be 0.89 hectares.

### **COMMUNITY CONSULTATION:**

No community consultation has occurred at this time. Should the LTC wish to proceed with this application to the Public Hearing stage, a Community Information Meeting (CIM) will be scheduled prior to the Public Hearing.

### **RESULTS OF CIRCULATION:**

No circulation has occurred for this application at this time. Should the LTC wish to pursue this application, referral of bylaws and circulation of notices will occur as part of the rezoning process.

One letter of support has been received from Eva Riccius, Manager of Conservation and Land Acquisition with BC Parks. The letter supports the subdivision and transfer of land to BC Parks, and is attached to this report (attachment 2). At the writing of this report, no other submissions have been received. Should staff receive any new submissions prior to the March 12, 2012 meeting, they will be presented at that time.

### **STAFF COMMENTS:**

There are several topics that staff wish to bring to the LTC's attention.

#### PMFL Exemption

Three of the six subject properties are currently in the PMFL. As previously mentioned, these properties are all proposed for transfer to BC Parks. The owners will be subject to an exemption from any PMFL exit fees as determined by Section 3 (1) of the PMFL Regulation below:

#### *Exemption from exit fees*

3 (1) For the purpose of section 19 (1) of the Act, the circumstances in which an owner is not required to pay an exit fee in respect of a portion of land that has been declassified under section 24 (3) of the *Assessment Act* are that the portion of land

- (a) is subject to a right of way or easement,
- (b) is expropriated,
- (c) is gifted to the government or local government, or
- (d) is subject to a land exchange with the government or local government.

#### Covenant Discharge

There are two relevant LTC covenants (EJ34805 and EJ34755) on the subject area. They prohibit the cutting of trees for purposes other than development. The applicant has mentioned the possibility of discharging these covenants. As the covenants are held by the LTC, a resolution by the LTC would be required for covenant discharge. The applicant will be required to approach the LTC with this request.

#### New Covenant

Rural Residential OCP policy 1.4 e) speaks to the registration of a section 219 covenant which restricts lay-out and area of the future contiguous lots in order to lessen the effects of future development on surrounding ecosystems and groundwater, as well as minimize the impacts of

road development. The LTC may wish to consider requesting staff to work with the applicant on additional covenant provisions such as:

- Ensuring that no residential development occurs until lands are transferred to BC Parks.
- Ensuring that no gates will be placed on the easement/ SRW itself.
- Creating additional protection for the four applicant identified wetlands in the proposed Rural Residential zone.

Staff will require further direction from the LTC regarding this matter. Should this application proceed, additional information will be presented at a future meeting.

#### Subdivision application

Planning staff spoke with Ministry of Transportation and Infrastructure staff on March 1, 2012 regarding this application. At that time, MOTI staff had not received a subdivision application from the applicant and were unaware of the rezoning application. Once a subdivision application is submitted, MOTI staff will consider road standards and dedications in the subject area. Section 941 of the *Local Government Act* states that parkland dedication is not required for subdivisions in which the smallest lot being created is larger than 2 hectares. Staff will be consulting with the applicant on this matter.

This application is seeking to achieve similar outcomes of the Zizzy/Brown application (GL-RZ-2005.3), for which OCP policy 1.4 e) was created. The application follows this policy and includes an addition of land to Bodega Ridge Provincial Park, which will effectively extend the park from one side of Galiano to the other, creating contiguous park space and wildlife corridors. In addition, the applicant has stated that additional consideration will be given to the four additional wetlands observed on the property, but not included in DPA mapping. Should the LTC wish to proceed with this application, staff will work with the applicant and relevant agencies to develop the details of any future covenant and additional protections.

#### Community Housing

Policy 1.6 of the OCP presents an opportunity for the LTC to consider the provision for future affordable housing while considering rezoning applications that would permit a density increase. Several options and alternatives are provided for, and while staff do not feel that the subject property is an ideal location for the siting of affordable housing, the LTC may wish to explore the option of a land transfer to a more appropriate location, or an option for purchase of land by an incorporated non-profit having affordable, seniors or special needs housing as one of its objectives. Should the LTC wish to consider the options presented in Policy 1.6, further discussion with the applicant is required and staff would require direction to proceed with this work.

Based on a preliminary analysis and review of all relevant planning documents and the plan submitted by the applicant, staff support proceeding with this application.

### **OPTIONS**

1. Proceed with the application and direct staff to prepare draft bylaws for consideration.
2. Proceed with the application and direct staff to work with the applicant on a plan for incorporating affordable housing into the proposal and report back at a future meeting.
3. Proceed no further with this application and direct staff to close the file.

### **RECOMMENDATIONS:**

1. **THAT the Galiano Local Trust Committee directs staff to prepare draft bylaws for GL-RZ-2011.2 (Richard Dewinetz).**
2. **THAT the Galiano Local Trust Committee directs staff to explore the option of affordable housing with the applicant and report back at a future meeting.**

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Respectfully Prepared and Submitted by:



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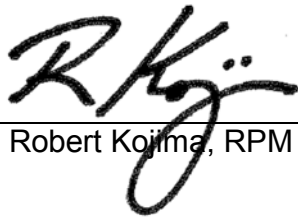
Kaitlin Kazmierowski  
Island Planner

March 1, 2012

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Date

Concurred in by:



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Robert Kojima, RPM

March 1, 2012

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Date

- BL215            q)        The removal of gravel and soil from agricultural lands should only be permitted on the condition that the result is improved agricultural capability.
- BL215            r)        The local trust committee will support efforts to increase local food security, including:
- i)            development of a comprehensive food security strategy;
  - ii)          creation of an Area Farm Plan;
  - iii)        promotion of sustainable and organic farming;
  - iv)        increased food processing, slaughtering and storage facilities in the community;
  - v)          the establishment of co-operatives and farm alliances;
  - vi)        implementation of community supported agriculture;
  - vii)        efforts to promote locally grown food;
  - viii)       promotion of composting and seed saving.
- BL215            s)        BC Ferry Services should be requested to discuss the impact of fares on the transport of locally grown produce with the Ferry Advisory Committee.

### **3. Forest**

BL124

Forestry and timber harvesting have contributed strongly to the local island economy. Over the years a large portion of the island has been managed as a tree farm. Some small scale sustainable forestry is being practised and several small mills are producing lumber for local use.

BL215

For many years most of Galiano's forest designated lands were assessed for property tax purposes as tree farm land and, as long as the land remained in that assessment status, no residential use was permitted even though existing bylaws would otherwise have allowed some residential use. In January 1992, in anticipation of wholesale removal of forest land from tree farm assessment status, the Local Trust Committee removed residential use on Forest 1 zoned lands and increased the minimum parcel size for subdivision from 20 acres (8 ha) to 50 acres (20 ha). This new regulation was adopted to ensure that planning could occur before development, and better reflect the community's objectives for the forest lands. During a brief period between the B.C. Supreme Court and the Court of Appeal decisions dealing with the validity of the new bylaws (from 1993–1995), more than fifty forest lots less than 50 acres (20 ha) in area were created by subdivision under the bylaws that had been replaced in 1992. A number of residential building permits were issued for these smaller lots, which had increased the total number of Forest designated lots from 65 to over 100. Whether dwellings should be permitted on these new smaller lots became a contentious matter in the local trust area after the Court of Appeal confirmed the validity of the 1992 land use regulations. The minimum lot area for subdivision of the forest lots was increased to 160 acres (65 ha) to discourage any further subdivision.

Galiano Island lies within the coastal Douglas-fir biogeoclimatic zone. This zone is limited to a small part of southeastern Vancouver Island, several islands in the Strait of Georgia and a narrow strip of the adjacent mainland and vegetation is distinct from other areas in coastal B.C and Canada. The Galiano Island forests therefore warrant preservation and protection in the manner described in the following objectives and policies:

BL124

### Forest Objectives

All land use decisions for lands in the Forest designation must be guided by the following objectives:

- 1) to preserve a forest land base,
- 2) to preserve and protect the forest, its biodiversity, integrity and ecological services,
- 3) to encourage ecosystem-based sustainable forest management for all forested lots and to encourage economic opportunities through this forest management practice,
- 4) to encourage ecological restoration of degraded forest stands, and
- 5) to maintain or enhance carbon storage and sequestration..

BL124

### Forest Policies

- a) The principal use shall be forestry. All structures including dwellings (except dwellings on land rezoned to RR or CF) must be accessory to the principal forestry use and no uses should impair the long-term natural processes of forest growth and regeneration. Unplanned proliferation of residential uses throughout the forest would be contrary to many of the objectives and policies in this plan, including particularly those dealing with the integrity of forest ecosystems and surface water and groundwater supplies and the impact of residential services such as roads. Instead, in order to preserve and protect the forest resource, the plan favours the clustering of residential uses on sites within the forest, carefully selected as the basis of sound planning principles, with the balance of the lands being set aside for forest uses in perpetuity.
- b) Dwellings are permitted in the Forest designation in the following circumstances:
  - i) on land in the Forest Land Reserve and zoned FLR under the Land Use Bylaw, one accessory dwelling is permitted per lot if the lot complies with Land Transportation Policy o).
  - ii) land whose owner grants to the Silva Forest Foundation and the Local Trust Committee or any other covenantee satisfactory to the Local Trust Committee a covenant to manage the land in accordance with sustainable forest practices and prohibiting subdivision of the land into lots less than 20 hectares (49.4 acres), may be rezoned to permit one accessory dwelling per 20 hectares (49.4 acres) if the lot complies with Land Transportation Policy o). The location of the dwelling and any accessory buildings or structures must be selected to minimize their impact and the impact of related services on the forest, and the land use bylaw amendment must specify the location of the buildings.
  - iii) on lands zoned F2 on the date of adoption of this policy, one accessory dwelling is permitted per lot.



BL 203

- c) The lot size for subdivision of Forest land shall be at least 20 hectares (49.4 acres).

BL 203

- d) The protection of biodiversity shall be encouraged through appropriate forestry practices and the protection of riparian zones and other sensitive ecosystems.
- e) The Assessment Authority shall be requested to provide tax incentives for maintaining forestry activities.
- f) Forest managers are encouraged to:
  - i) ensure that the rate of extraction of timber does not exceed the rate of growth of the forests, and
  - ii) use silviculture methods that promote healthy forests and minimize fire hazards.
- g) Appropriate small scale forest related activities such as the sustainable gathering of greenery products, food crops, hiking, bird watching and wildlife viewing, education and value added industry shall be encouraged.
- h) The Provincial Government shall be encouraged to apply the Forest Practices Code to private land to ensure:
  - i) fire protection and water catchment,
  - ii) a governed rate of harvest that leaves some areas unharvested,
  - iii) logging by individual tree selection or small group selection and the use of appropriate harvesting equipment,
  - iv) the elimination of chemical management,
  - v) encouragement of alternatives to slash burning,
  - vi) immediate replanting,
  - vii) minimization of soil compaction and erosion,
  - viii) rehabilitation of abandoned roads, skidtrails and landings,
  - ix) substantial buffer zones around streams, lakes, roadways and neighbouring properties, and
  - x) encouragement of community employment in silviculture and harvesting.
- i) In areas under the jurisdiction of the Forest Land Commission, land use and the subdivision of properties must be consistent with the *Forest Land Reserve Act*, Regulations to the Act, or an order of the Commission. If land is removed from the Forest Land Reserve, it will continue to be subject to the land use designations in this plan. If land is added to the Forest Land Reserve, the Local Trust Committee will consider the owner's application for FLR zoning.
- j) The siting, size, number and character of buildings for forest uses permitted on Forest-designated land shall be regulated, and buildings shall be located on the least productive portions of the land except where the site is a sensitive ecosystem, and in accordance with development approval information if it has been provided.
- k) The fragmentation of Forest-designated lands by roads or other service or communication corridors shall be minimized.
- l) A citizen association to provide information, education and advice on local forest practices shall be encouraged.

- |       |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | m) | Residential policies b), l), f), h), o), and q) shall apply in the Forest designation if and where the zoning permits residential uses.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| BL215 | n) | Landowners are encouraged to protect the natural systems, biological sustainability, ecological services, and natural aesthetics of forest lands.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| BL215 | o) | Landowners are encouraged to protect riparian areas, marine shoreline areas, sensitive ecosystems, endangered habitat, soils, watersheds, biodiversity, old or large individual trees, and old growth stands.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| BL215 | p) | Landowners are encouraged to protect culturally modified trees and other heritage features.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| BL215 | q) | The LTC should advocate the mitigation of climate change through :<br>i) encouraging the provincial government to provide tax incentives and reforestation programs;<br>ii) local education programs; and<br>iii) encouraging well-coordinated management practices to maintain the health of the forest, to promote carbon sequestration in the forest and soil, and to reduce the risk of stand-destroying wildfires.                                                                                                                                                                                                                                                                                                                                                                                                     |
| BL215 | r) | The Local Trust Committee encourages local economic opportunities for small-scale sustainable forestry through supporting:<br>i) the establishment of a non-profit community-owned forest that is consistent with ecosystem-based sustainable forest practices, and the lands so acquired are preserved for forestry use in perpetuity for future generations;<br>ii) the development of co-operative ecosystem-based sustainable forest management and value-added ventures;<br>iii) initiatives to provide tax incentives for maintaining ecosystem-based sustainable forest management activities;<br>iv) appropriate small scale forest related activities such as the sustainable gathering of non-timber forest products, food crops, hiking, bird watching and wildlife viewing, education and value added industry. |

#### **4. Community Facilities and Utilities**

##### **4.1 Community Facilities**

BL215                      Galiano's community facilities for social and cultural services currently include a recycling centre, fire halls, ambulance station, a health care centre, a church, a school, a cemetery, community halls.

##### Community Facilities Objective

The objective of this subsection is:

- |       |    |                                                                                                                                                 |
|-------|----|-------------------------------------------------------------------------------------------------------------------------------------------------|
| BL215 | 1) | to promote the establishment of community facilities that enhance the social, economic, educational, environmental and cultural aspects of life |
|-------|----|-------------------------------------------------------------------------------------------------------------------------------------------------|



# BC Parks

February 10, 2012

Chair and Trustees  
 Galiano Island Local Trust Committee  
 c/o Kaitlin Kazmierowski  
 Island Planner, Galiano Island  
 Islands Trust  
 200 - 1627 Fort Street  
 Victoria BC V8R1H8

Email: [kkazmierowski@islandstrust.bc.ca](mailto:kkazmierowski@islandstrust.bc.ca)

Dear Chair and Trustees:

I am writing with regards to Richard Dewinetz's subdivision application as an agenda item on your Galiano Island Local Trust Committee meeting agenda for February 13, 2012.

BC Parks, Ministry of Environment is aware of this subdivision application. If the subdivision is approved a significant parcel of land including water frontage is to be transferred to the Province of British Columbia in the care of BC Parks, Ministry of Environment. Once transferred, the lands will be added to Bodega Ridge Provincial Park subject to our standard process and pursuant to designation under the Park Act.

BC Parks supports this subdivision application which will provide benefits to local residents and other British Columbians by increasing the size of Bodega Ridge Provincial Park.

Yours truly,

Eva Riccius  
 Manager  
 Conservation and Land Acquisition





**Kaitlin Kazmierowski**

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**From:** gary coward <gcoward@telus.net>  
**Sent:** March-05-12 5:36 PM  
**To:** Kaitlin Kazmierowski; Sandy Pottle; Louise Decario; Ken Hancock  
**Subject:** Complete the "modelling" ....include the intention of our OCP vis-a-vis both Bonus Density and Community Housing.....and "banking" means "potential as a liquid asset"  
**Attachments:** Something that the applicant forgotpdf.pdf

Kaitlin Kazmierowski, Planner for Galiano Island and Galiano Local Trust Committee Greetings All,

There is a big item missing from this otherwise possibly admirable proposal.....maybe a few small bits missing, too. Like Community Forest or Islands Trust Fund..... rather than BC Parks The attachment indicates a 5 acre portion of land that is a usable sized portion for the purpose of "banking" for Affordable Housing. We missed out on the Zizzy/Brown application, so we need catch-up.

Certainly, if it remains BC Parks, they won't miss this wee bit, and it maintains the general cluster command.





## Kathy Jones

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**From:** Kaitlin Kazmierowski  
**Sent:** March-01-12 5:58 PM  
**To:** Kathy Jones  
**Subject:** FW: Rezoning Application

Hi Kathy,

Could you please put this email on the Galiano agenda under applications. It is a discussion item to see if, based on the applicant's response, the LTC would like to close this file.

Thanks,

Kaitlin

**From:** Gundy Macnab [<mailto:gundymacnab@gmail.com>]  
**Sent:** February-25-12 3:09 PM  
**To:** Kaitlin Kazmierowski  
**Subject:** Re: Rezoning Application

Hi Kaitlin,

If it is not a problem, please keep my file open until the middle of September or so. You never know, things on Galiano may change in the meantime.

Thanks,

Gundy

On Wed, Feb 22, 2012 at 8:42 AM, Kaitlin Kazmierowski <[kkazmierowski@islandstrust.bc.ca](mailto:kkazmierowski@islandstrust.bc.ca)> wrote:

Hi Gundy,

Please advise whether you would still like to keep your file open.

Thanks,

Kaitlin

**From:** Gundy Macnab [<mailto:gundymacnab@gmail.com>]  
**Sent:** February-19-12 5:03 PM  
**To:** Kaitlin Kazmierowski  
**Subject:** Re: Rezoning Application

Hi Kaitlin,

Thank you for your suggestions. I do not want to proceed with either of these options at this point.

Gundy Macnab

On Wed, Feb 15, 2012 at 4:16 PM, Kaitlin Kazmierowski <[kkazmierowski@islandtrust.bc.ca](mailto:kkazmierowski@islandtrust.bc.ca)> wrote:

Hi Gundy,

My understanding is that as the forestry policies did not change during this last OCP review on Galiano Island, your options would be to rezone your property from F1 to F3 or to apply for a site specific zoning. Practice has been that the LTC will consider a rezoning that would see 75% of a lot zoned Nature Protection and transferred to an organization that can hold the land as such (e.g. BC Parks or the conservancy), with the remaining 25% zoned Rural Residential for dwellings. This is the "site specific" option. I will have to familiarize myself a bit more with your file (I am new on Galiano), but in the meantime, if you have an idea of how you'd like to proceed, please let me know. Because the RRFH option no longer exists, your application will have to be modified, so something in writing would be good to have.

I am on Galiano all day tomorrow, in a meeting all day Friday and away Monday, but I should have email access most days, so please contact me if you have any questions, and if you want to chat in person, we can do that next week.

Take care,

Kaitlin

**From:** Gundy Macnab [mailto:[gundymacnab@gmail.com](mailto:gundymacnab@gmail.com)]

**Sent:** February-12-12 3:41 PM

**To:** Kaitlin Kazmierowski

**Subject:** Rezoning Application

Dear Kaitlin,

Thank you for your letter about my rezoning application. Can you please tell me what this process would now mean and involve and what my chances of success would be.

Many thanks,

Gundy Macnab



## STAFF REPORT

April 3, 2012

File No.: GL-DVP-2012.2

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

Prepared for the **April 16, 2012** Galiano Island Local Trust Committee Meeting

**From:** Kris Nichols,  
Planner 1

**Cc:** Kaitlin Kazmierowski,  
Island Planner

**Re: Development Variance Permit for Lot 7 Gossip Island.**

**Owners:** Ellen Chesney and David Wiebe  
**Applicant:** same  
**Location:** Lot 7, Plan 21529, Gossip Island, Cowichan District

## Final Report

### THE PROPOSAL:

This application seeks to vary Section 2.14, and Articles 5.3.8.1 and 5.3.8.2 of the Galiano Island Land Use Bylaw 127, 1999 to permit the siting of an existing house and reconstructed deck, as well as existing accessory buildings and structures (see Figure 2). The permit would vary the setback from the sea for an existing reconstructed deck. The permit would also vary the setback from the rear lot line to permit the siting of an existing deck/house, and vary the setback from the interior side lot lines to permit the siting of accessory buildings and structures (shop and shed). The issue of the reconstructed deck was brought to the attention of the Capital Regional District Building Department in 2009 as the deck was built without the proper permits in place. The applicants are currently working through the building permit process. This also triggered a need for a development variance for the deck on the east/ocean side of the residence as the siting and size of the deck had changed.

A draft Development Variance Permit is attached as Schedule A which includes building and structure setbacks. The following section and articles in Land Use Bylaw 127, 1999 are proposed to be varied:

- a) Section 2.14 is varied to reduce the setback from the sea from 7.5 metres to as close as 3.64 metres to permit the siting of an existing reconstructed deck.

- b) Article 5.3.8.1 is varied to reduce the rear lot line setback from 7.5 metres to as close as 1.17 metres to permit the siting of an existing house/deck.
- c) Article 5.3.8.2 is varied to reduce the interior side lot line setback from 6 metres to 4.10 metres to permit the siting of an existing accessory building (workshop) and is varied to reduce the interior side lot setback from 6 metres to 2.20 metres to permit the siting of an existing accessory building (shed).

Several buildings and structures on the property are of non-conforming status. This means that the buildings and structures were in existence prior to 1972 when land use bylaws were first introduced to Gossip Island. This means that the buildings and structures may not conform to today's bylaws but can legally remain as sited. The applicants had confirmed this status with the Building Inspection. Buildings and structures with non-conforming status can be repaired and continue to be used. Once alterations occur outside of the existing footprint they have to conform to current bylaw regulations. The applicants have decided to bring most of their buildings and structures into conformity with the current bylaw through this application. One legal non-conforming building is the outhouse which they have decided to leave as legal non-conforming and not bring into conformity with the current bylaw. In addition, the workshop was built by a previous owner after 1972, and does not have legal non-conforming status. The owners wish to bring this structure into conformity as well. Since purchasing the property the applicants have continued to improve the property through removing of a large amount of debris and improvements to the aesthetic, safety and functional quality of the existing residence including the rotting deck.

Photographs from a site inspection conducted on March 17, 2012 are included below.

#### **SITE CONTEXT:**

The 0.24 hectare (0.6 acre) property is located at the northeastern end of Gossip Island (Lot 7). Gossip Island is located just off of Cain Point on Galiano Island. The subject property is east of Gossip Island Ecological Area (See Figure 1).

The property is surrounded on the water side by properties of similar size and zoning (small lot residential).

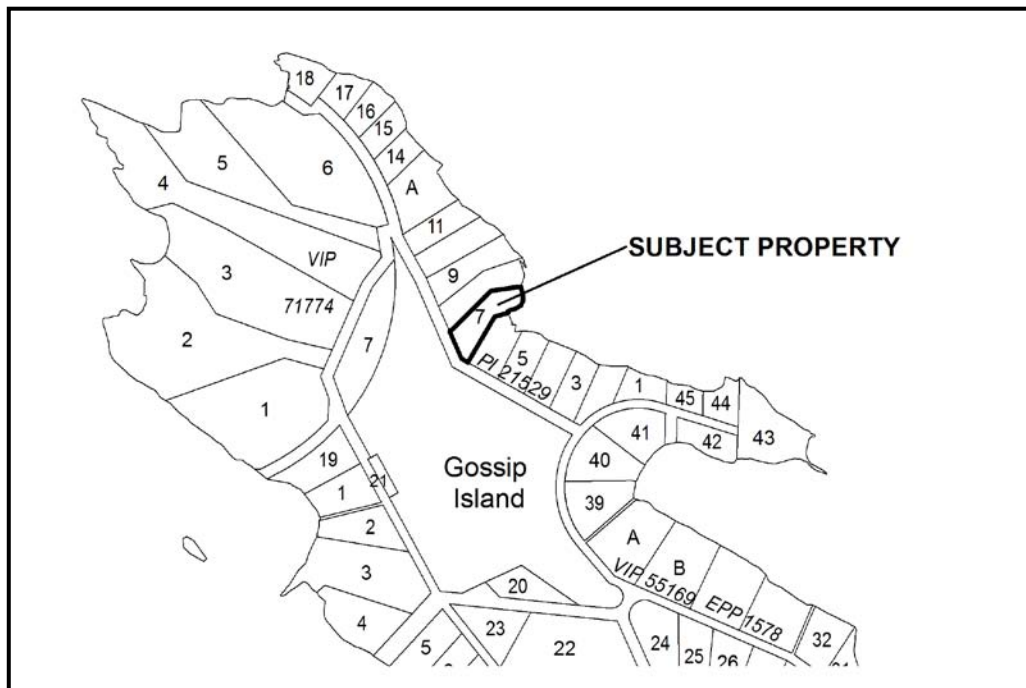


Figure 1: Location map of subject property

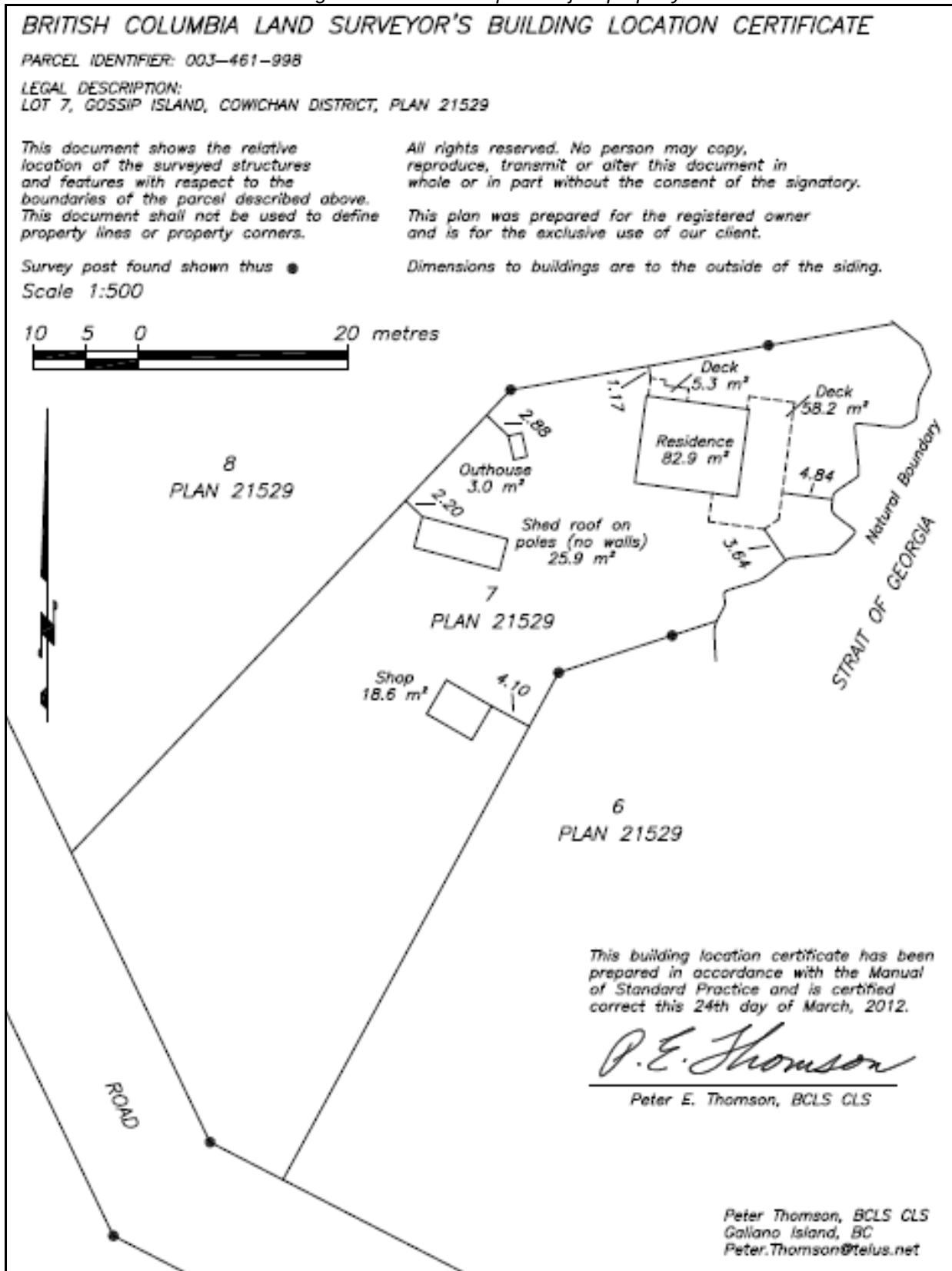


Figure 2: Survey of buildings and structures



*Figure 3: Orthophoto and 2 metre contour lines*



*Figure 4: Reconstructed deck facing sea (east side)*





*Figure 5: Shop*



*Figure 6: Shed*

## **CURRENT PLANNING STATUS OF SUBJECT LANDS:**

### Official Community Plan

The property is designated Small Lot Residential (SLR) in the Official Community Plan.

### Land Use Bylaw

The property is zoned Small Lot Residential (SLR) in the Land Use Bylaw as are the neighbouring properties except for the Gossip Island Ecological Area.

### Development Permit Areas

The reconstructed deck is located within a Shoreline DPA, but is not subject to the new requirement of a development permit as the construction happened prior to the adoption of the new development permit guidelines on November 25, 2011.



*Figure 7: Shoreline DPA (shaded)*

### Sensitive Ecosystems and Hazard Areas:

The Sensitive Ecosystems Mapping project identified no sensitive ecosystems on the proposed building site.

### Archaeological Sites:

Based on information from the Provincial Remote Access to Archaeological Data (RAAD), there are no archaeological sites on this property.

Notwithstanding the foregoing, and by copy of this report, the owners are advised that the unearthing of any archaeological resource should be reported to the Archaeological Branch.

### Covenants:

There are no covenants on this property.

### Climate Change Mitigation and Adaptation

This application has no direct bearing on climate change mitigation and adaptation. However, given the location of the property, as with other ocean front properties, it could be impacted by storm surges.

### Bylaw Enforcement

Bylaw enforcement file GL-BE-2008.5 is open on this property for the siting of buildings within the setback and the construction of the deck. It is anticipated that should this application be approved, the bylaw enforcement file would be closed.

### **RESULTS OF CIRCULATION:**

Notices were circulated/mailed to surrounding property owners and residents initially on March 23 and a revised notice was sent out on March 26, 2012. The notification period will end on April 12, 2012. A revised notice was sent out to correct a minor error in the setback distance indicated for a shed in the previous version. All distances have been verified by survey. At the writing of this staff report, there was one public submission (see Schedule B) from an immediate neighbor who has expressed concerns over the wording of the notice, the reconstruction of the ocean front deck and the requested variances. Staff have written and spoken with the neighbor regarding this application and their concerns. The neighbour indicates that their concern is that of this application being made after the fact that the deck had been built and much larger than was there previously. This neighbor will be submitting additional information to illustrate their point for non-support of the development variance permit.

With their application, the applicants have submitted seven (7) letters of support from direct and indirect neighbours on Gossip Island. Any additional public submissions will be brought forward at the April 16, 2012 Galiano LTC meeting.

See Schedule B for copies of all the correspondence.

### **ISSUES SUMMARY:**

#### *Applicant's stated rationale for the variance.*

Since purchasing the property the applicants have continually upgraded the land and buildings/structures on the property. The rational for upgrading the deck facing the sea was to improve its safety due to neglect which resulted in rotting supports, stairs and board decking. The decking needed to be expanded in order to provide protection to above ground septic tanks from UV rays which can degrade the tanks over time and to surround an existing arbutus tree. See Figures 8 and 9. The reconstructed deck has been done with current building practices. The new deck is larger than the previous deck which was legal non-conforming and if expansion had not occurred it could have remained without a variance application despite its siting.





*Figure 8: Deck over septic tanks (south side)*



*Figure 9: Reconstructed deck facing the sea (east side)*

*The impact that granting the variance might have on adjacent properties:*

The overall impact of the variance should be negligible to the surrounding neighbours. Any impact would be visual with the neighbours seeing the reconstructed deck rather than the previous deck. The deck, although expanded, should not impact the neighbours anymore than it would have in the past through owner use. In fact, the stairs to the north were not rebuilt in an effort to address the neighbour's concerns about increased activity adjacent to their property. According to the

applicants the reconstructed deck has not changed the setbacks to the lot line on the north side of the property.

The other buildings/structures being addressed in the variance, except for the workshop, are also legal non-conforming and technically do not have to be addressed through a variance, but the owners are wishing to bring all their buildings/structures into conformity with the existing land use bylaw. These buildings/structures have had their existing siting prior to 1972. This variance will not change the siting of these buildings/structures.

The applicants have stated that three neighbors could be potentially affected by the reconstructed deck in that they could see it from their properties. Two of those neighbours to the south have written in support of the reconstruction and one to the north has expressed opposition to the requested variance. The applicants have stated that there is a large fence between them and their neighbor to the north so that the visual impact should be minimal (See Figures 10 and 11).



*Figure 10: Looking north from reconstructed deck*





*Figure 11: North side of residence*

*The overall intent of the regulation being varied.*

The overall purpose of the setback regulations is to minimize impacts on adjacent property related to: building code requirements, aesthetic, and privacy concerns. Regulating setbacks also helps to provide a consistent pattern of development within a given zone. In this case, except for the reconstructed deck and the workshop, the buildings and structures could remain in their present siting without a variance. The intent is to ensure that the existing buildings and structures and the reconstructed deck and existing workshop all meet the existing land use bylaw regulations for siting. The one structure left out of this application is the existing outhouse which has legal non-conforming status as to its siting and the applicants chose to not include it. Because of its status it will remain where it is until the owners chose to do something different.

*Potential impacts of granting a variance.*

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

#### **STAFF COMMENTS:**

Staff had been in consultation with the owners since 2008 regarding the reconstruction of their deck. The request for a variance application is due to the owners' response to a complaint regarding the reconstruction of a deck for safety and functionality reasons. The deck was built without the proper permits in place. As a result of the complaint, Building Inspection became

involved as a building permit (applied for on July 13, 2009) is required and it was determined that the siting of the deck did not conform to the existing land use bylaw setback regulations. A development variance permit application was required to ensure that the deck siting conforms to the land use bylaw regulations. Included in their application, the owners decided that despite their other buildings/structures being legal non-conforming and permitted to stay in their current locations, they thought that it would be best to ensure that all of their buildings and structures conform to the existing bylaw regulations by requesting a variance. The owners also decided to include the workshop in the variance application as it was built and illegally sited within the setback by a previous owner.

The applicants have stated that they did increase the original size of the deck on the east/ocean side to add extra protection to the above ground septic tanks and to surround an arbutus tree. They have stated that they have tried to address the neighbour to the north's concerns by limiting activity on that side of the property by eliminating the stairs to the reconstructed deck. The owners have presented seven (7) letters in support of their application. There is one letter of non-support for this application from a neighbour directly adjacent to the north.

Staff are recommending approval of this variance based on the following rationale:

- That the owners have improved the safety and functionality of the reconstructed deck with the greatest extension of the deck being to the south to cover above ground septic tanks;
- That the existing buildings and structures, except for the workshop, are legal non-conforming permitting them to remain in their current siting even without a variance;
- That the owners have attempted to address the concerns of the neighbours to the north through limiting activity on that side of their residence;
- That the owners have obtained letters from seven neighbours, including two that would be directly impacted visually, that have expressed support for the application.

The Galiano Island LTC has the following options with regard to this variance permit:

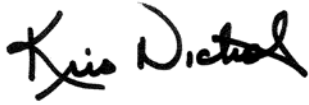
1. Issue the permit as presented (Schedule A)  
This would permit the applicants to keep their decks, buildings and structures at the locations shown on their survey and to complete the building permit process.
2. Deny the permit  
This would require that the owners alter their deck on the east/ocean side to conform to the previous deck size and siting. All other structures and buildings, except for the workshop, could remain as legal non-conforming in their current location. A building permit would still be required to be completed as well as possibly a development permit as the deck is within 15m of the shoreline indicating that it is within the Shoreline DPA.

**RECOMMENDATIONS:**

**THAT GL-DVP-2012.1 (Chesney/Wiebe) BE APPROVED.**

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Prepared and Submitted by:



April 3, 2012

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Kris Nichols  
Planner 1

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Date

Concurred in by:



April 3, 2012

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Robert Kojima  
Regional Planning Manager

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Date

Schedule A – Draft Development Variance Permit  
Schedule B – Correspondence



# PROPOSED

## Revised

### GALIANO ISLAND LOCAL TRUST COMMITTEE

#### DEVELOPMENT VARIANCE PERMIT

**GL-DVP-2012.2**

**TO:** Ellen Chesney and David Wiebe

1. This Development Variance Permit applies to the land described below:  
  
Lot 7, Plan 21529, Cowichan District, Gossip Island. PID: 003-461-998
2. "Galiano Island Land Use Bylaw No. 127, 1999" is varied as follows to permit the siting of a reconstructed deck and attached house, to bring into conformity with the existing zoning bylaw the siting of an existing deck/house, shop and shed :
  - a) Section 2.14 is varied to reduce the setback from the sea from 7.5 metres to as close as 3.64 metres to permit the siting of an existing reconstructed deck.
  - b) Article 5.3.8.1 is varied to reduce the rear lot line setback from 7.5 metres to as close as 1.17 metres to permit the siting of an existing house/deck.
  - c) Article 5.3.8.2 is varied to reduce the interior side lot line setback from 6 metres to 4.10 metres to permit the siting of an existing accessory building (workshop) and is varied to reduce the interior side lot setback from 6 metres to 2.20 metres to permit the siting of an existing accessory building (shed).
3. The siting of the decks/house and accessory buildings must be consistent with that shown on Schedules 'A' and 'B' attached to and forming part of this permit.
4. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of Capital Regional District, Vancouver Island Health Authority and the Ministry of Transportation and Infrastructure.

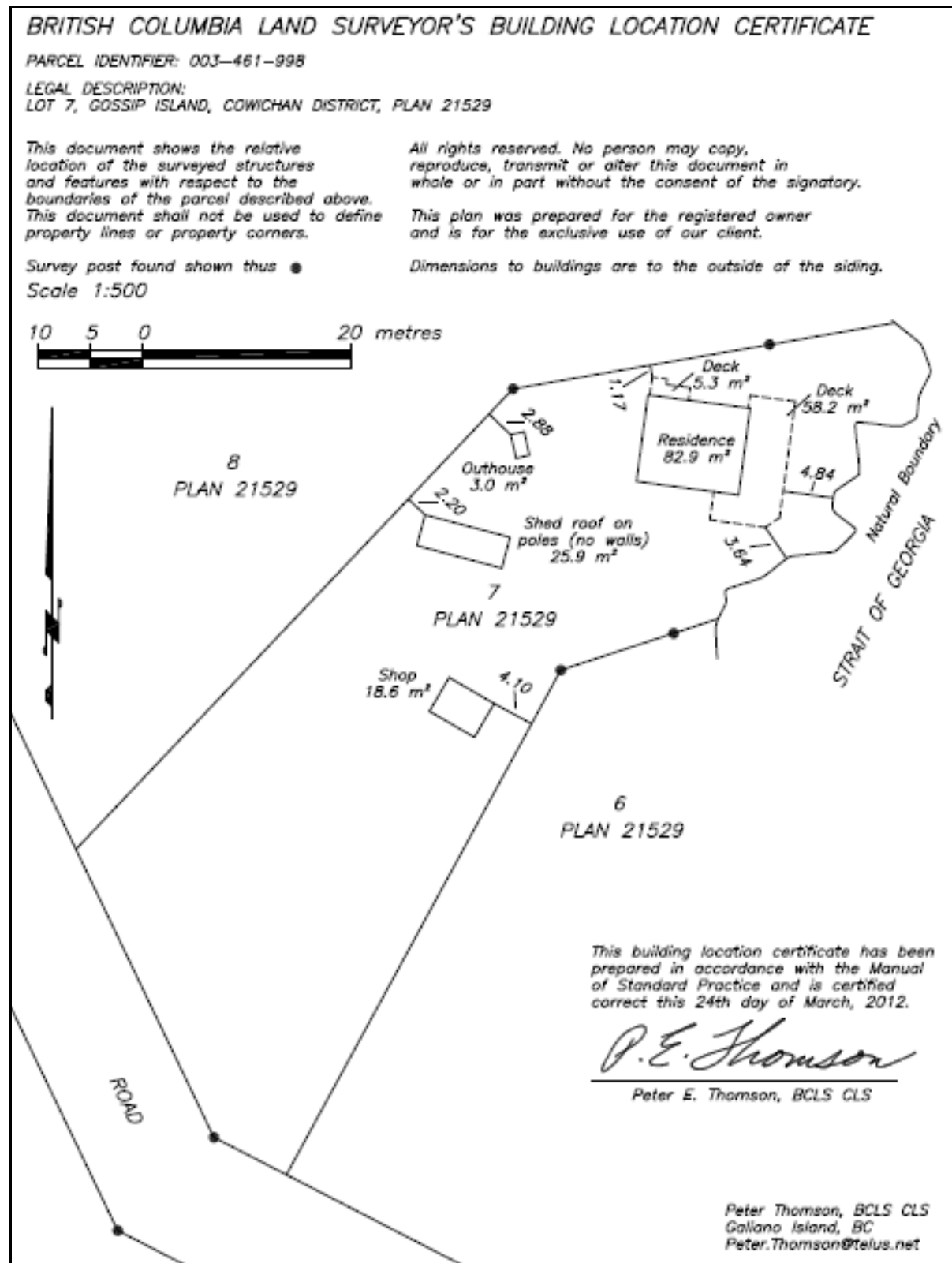
**AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012 .**

\_\_\_\_\_  
**Deputy Secretary, Islands Trust**

\_\_\_\_\_  
**Date of Issuance**

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014, THIS PERMIT AUTOMATICALLY LAPSES.**

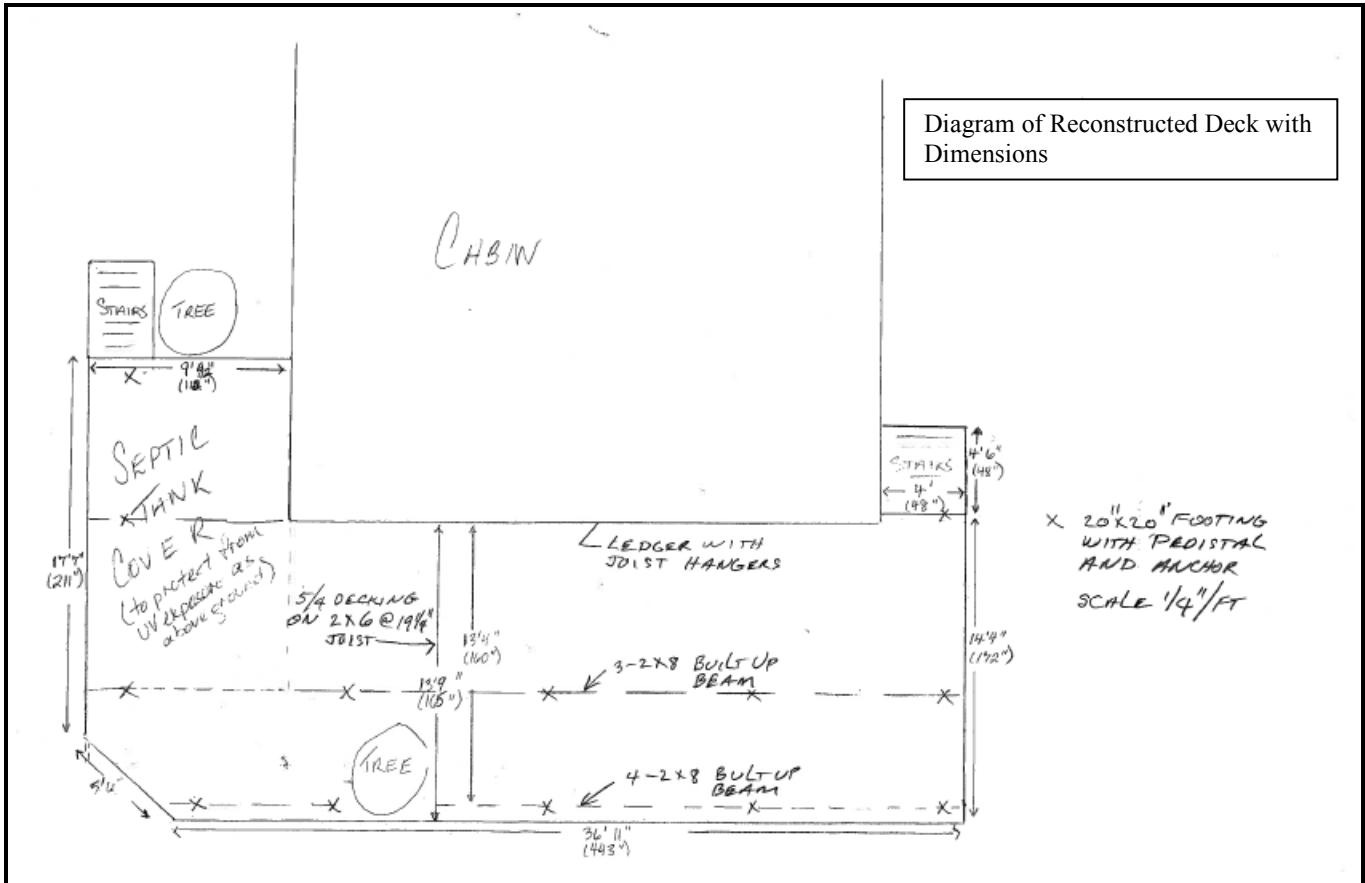
**GALIANO ISLAND LOCAL TRUST COMMITTEE**  
**GL-DVP-2012.2**  
**SCHEDULE 'A'**





**GALIANO ISLAND LOCAL TRUST COMMITTEE**  
**GL-DVP-2012.2**  
**SCHEDULE 'B'**

Diagram of Reconstructed Deck with Dimensions



**From:** Brian Reid <[bkreid@telus.net](mailto:bkreid@telus.net)>

**Subject:** Development Variance Permit lot 7 Gossip Island.

**Date:** 2 April, 2012 11:29:35 AM PDT

**To:** [knichols@islandstr4ust.bc.ca](mailto:knichols@islandstr4ust.bc.ca)

I am the immediate neighbour to the east of this lot and may be the only one objecting to this construction as it infringes on the setbacks all along our property line. I have been attempting to get this addressed since sept 2008 and through Gary Richardson since sept 2010. I advised him then that CRD Bldg Insp Robert Gutierrez had been provided with measurements and pictures of both the old and new decks and he could contact him for this info. I assume by the wording of the Variance Permit that this info has never been seen. I have 3 objections to the wording of this application that I think should be addressed. First this is not a reconstructed deck as the original was 312 sq feet and the new one is 626 sq feet. Second it is not "a reconstructed deck with a slightly larger footprint than previously existed" it is slightly more than twice the size of the original deck as can be seen in the photos. Thirdly the deck just over one meter from our property line is not a reconstructed deck it never existed but consisted of 2 steps and now is 60 sq ft and with a roof ending within 2 feet of the property line. The Variance Permit reads as though this is all just reconstruction when in fact the total square foot including both decks jumps from 312 sq feet to 686 sq feet . Surely this can't be the correct wording when there is more new construction than reconstruction. Could you get back to me as soon as you can as this seems to be coming up quickly and I would like be heard on this if or when it goes ahead. Thanks.

Lot 5

16 Tythe Ave. North  
Burnaby, BC. V5B 1G4  
Feb 19, 2012

Dear Ellen,

I was pleased to be asked about the improvements on your property since I was so impressed when I first saw them. They make the house more attractive, safer and less flammable.

I had visited Jan and Ellen, the former owners, a number of times over the years and realized that maintenance was a problem. The front deck was rotted out and I was cautioned when walking on it. Not only does the house look much better with the new metal roof and deck but the massive clean-up of "collectables" under the house and around the property also vastly improves the aesthetics of my view.

I hope our visits to the island coincide before too many more years go by. Congratulations on your home improvements. I have been enjoying them every time I look out.

Sincerely,

Lusie Xenon

P.S. My daughter, Genevieve, was delighted with the work, as well, and she'll be enjoying it long after I am.

> Subject: To Whom it May Concern  
> From: ppowerbc@gmail.com  
> Date: Sun, 5 Feb 2012 16:47:08 -0800  
> To: david\_wiebe@hotmail.com

>

> Dear Sir/ Madam,

> I have known David Wiebe and Ellen Chesney since they acquired their property on Gossip Island. My guess would be probably about five or six years ago. My wife Connie and I purchased our property on Gossip Island approximately nineteen years ago. We are their nearest neighbors to the south. I understand that there is a dispute with the Reids, their nearest neighbors to the north, concerning the new deck that David and Ellen have had installed. This new deck in no way interferes with our enjoyment of our property. David and Ellen and also the Reids have been good neighbors to us and I hope they can quickly come to a resolution that will satisfy them all.  
Yours Sincerely, Pat Power

February 6, 2012

To Whom it May Concern,

Ellen Chesney and David Wiebe purchased a dwelling on Gossip Island in 2005. Both Ellen and Dave integrated rapidly into the island community as they adopted the island ways and learned the tricks of living on this boat access island as well as contributing substantially, assisting others as they required help.

Being elected to the Board of Trustees of the Gossip Island Improvement District further involved Dave in the Island systems and he has been involved with the supply of water to his neighbors, island residents, for 4 years now.

Ellen too has taken on volunteer community roles with her involvement on the Board of the Gossip Island Docking Society which provides a secure public docking facility to island property owners.

Notably, Dave and Ellen took on a handful with the dwelling that they purchased. Previous owners had let the property maintenance slide with their aging and Dave and Ellen have been creative and diligent in taking this property to new heights. Finishing the interior, installing new systems and repairing the unsafe deck to a present standard of beauty and safety.

This note is a testimony to the quality and resourcefulness and kindness and thoughtfulness of two special new neighbors. They represent the best of contributors to island living and are a welcome addition to Gossip Island.

Peter Eligh and  
Chair of The Board of Trustees  
Gossip Island Improvement District

## Connie Eligh

4521 Balmacarra Road  
Victoria, BC  
V8N 5Z1

January 8 2012

To whom it may concern:

Re: request for variance on lot 7 - front deck.

This letter is meant to assure the CRD that the house <sup>and deck</sup> on lot 7 (east side) Gossip Island, now owned by Wiebe/Cheesney, was built by the Thomases in 1969 or '70 - well before anyone built anything on lot 8. We came to Gossip in 1969 and enjoyed the company of the Thomases while we both built our dwellings.

Since taking ownership approximately five years ago, the Wiebe/Cheesney's have made VAST improvements to the house and property as it had become quite run down during the time of the previous owners. Wiebe/Cheesney have become a great asset to our community getting on committees and contributing time and great ideas.

Sincerely

Mary E Thomson - lot A  
plan VIP 2159.

525 C25

Gossip Island

V.O.N., P.O.

TO WHOM IT MAY CONCERN  
RE: LOT 7 GOSSIP ISLAND  
VARIANCE APPLICATION

The Weibe/Chesneys bought the above-mentioned property with an existing cabin in dire need of upgrades. The deck was rotting and a safety issue; it needed replacement.

The North side property owners located their cabin in its present location fully aware of the location of the existing cabin on Lot 7. It seems apparent that the present complaint regarding the replacement of the deck on Lot 7 stems from this placement being not far enough away to allow for enough green space for their need for privacy.

The Wiebe/Chesneys were sensitive to this fact. There were discussions with, and modifications made to this planned replacement, with the North side property owners.

The Weibe/Chesney's have been diligently trying to resolve the issue of the deck placement since it was first brought to their attention a complaint by the North side property owners had been raised.

We value the Weibe/Chesneys as good neighbours and support them in this variance request.

I trust the successful resolution by way of this variance will put the issue to rest and allow the completion of the deck.

  
Terry Waines  
Lot 14 Gossip Island



Jeff and Lynnette Salton  
Lot 20, Gossip Island,  
RR#1, Site 25, C30  
Galiano Island, BC V0N 1P0

February 17, 2012

To whom it may concern:

**Re: Chesney/Wiebe Variance Application, Gossip Island**

I, Jeff Salton, Lot 20, Plan 11252, Gossip Island, have lived part-time on Gossip Island since 1990, and resided there full-time since 2003.

I was a friend of Janet and Allan Hahn, former owners of Lot 7 (East), Plan 21529, Gossip Island. I visited with Mr. and Mrs. Hahn at their home on several occasions in the 1990s during which time they resided full-time on Gossip. My wife, Lynnette Salton, and I have also known Brian and Heide Reid for many years. Their property is located at Lot 8 (East) on Gossip Island, adjacent to and immediately to the north of Lot 7. We have visited the Reids' homes in Sidney, BC, and on Gossip Island.

We have also known Dave Wiebe and Ellen Chesney since they purchased Lot 7 from the Hahns in 2005, and we have visited with them on many occasions. Dave and Ellen are exemplary members of the Gossip community, eager to lend a hand to neighbours when needed and to pitch in with their share (and more) of the work necessary to maintain the many community systems and infrastructure.

When Dave and Ellen were rebuilding their front deck on Lot 7 we assisted them on occasion with the construction. I am an experienced builder and together with Lynnette, built our full-time home on Gossip Island in 2003 and 2004. I have assisted many friends and neighbours with their deck projects over the years.

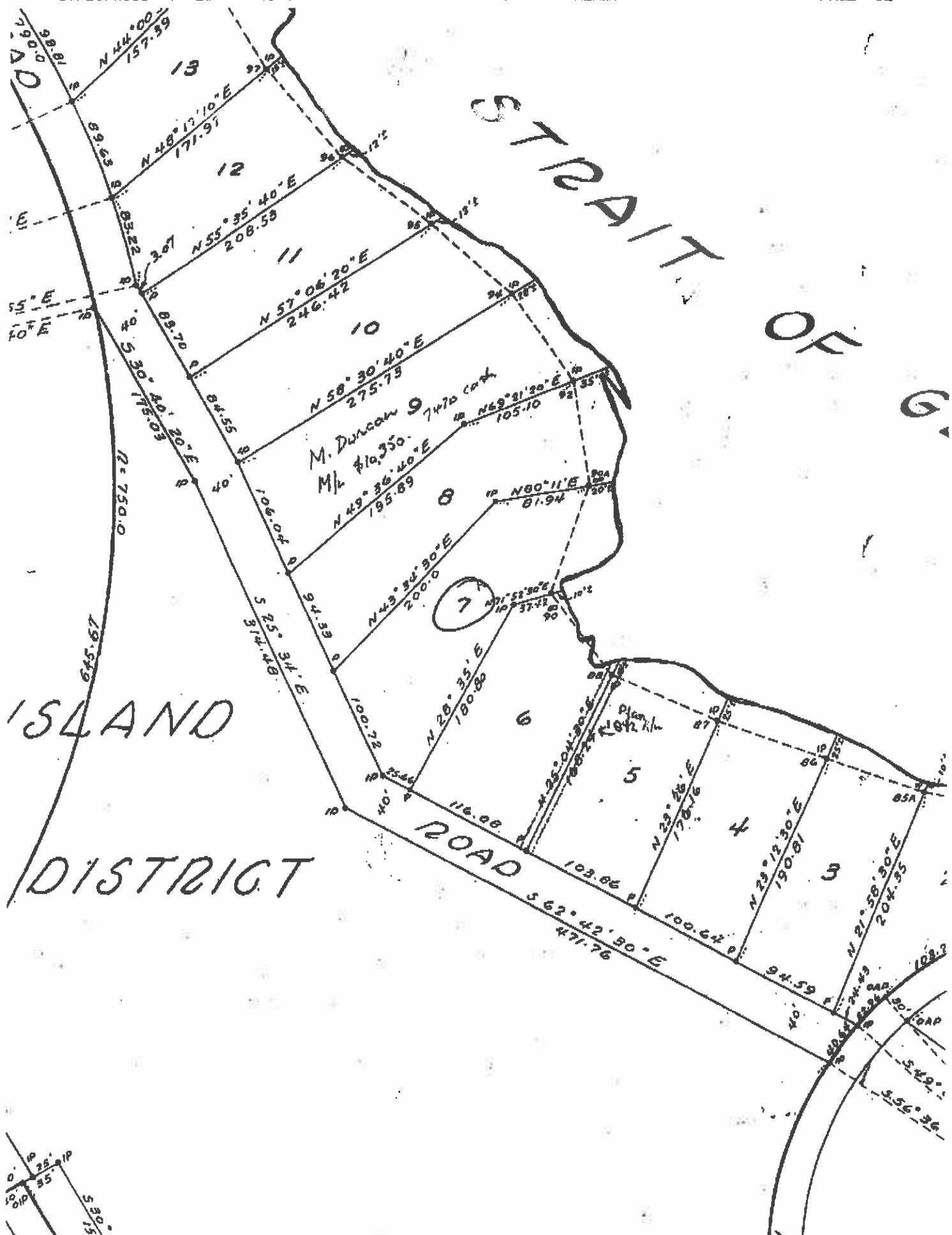
In my recollection, the deck to the house on Lot 7 was extended slightly to the East by the Chesney/Wiebes, less than a foot beyond the existing stringers, plus enough to eliminate a then-existing stairway to the north. In addition the deck was extended about 8' further to the south for a replacement stairway. I do not recall any extension towards the north and Lot 8.

In my view, based on my personal knowledge gained from many visits to the property in question, to Lot 8 adjoining to the north, and to other lots nearby, the deck extension does not materially affect the view of any of the neighbouring properties. The view is essentially unchanged from what it has been for twenty years, or more.

I hope this information will be of assistance.



Jeff Salton  
cell (604) 813-5153, home (250) 539-5153





# STAFF REPORT

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**File No.:** GL-RZ-2011.1  
(GLCHT)  
3650-25

**To:** Galiano Local Trust Committee  
for the meeting of April 16, 2012

**From:** Kaitlin Kazmierowski, Island Planner

**CC:** Robert Kojima, Regional Planning Manager

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**Re: Rezoning Application for Galiano Land and Community Housing  
Trust- Housing Agreement Update**

## OVERVIEW:

This staff report will provide the Galiano Island Local Trust Committee (LTC) with an update on the housing agreement currently being developed by the Galiano Land and Community Housing Trust (GLCHT) as part of their active rezoning application for an affordable housing project at 409 Porlier Pass Road.

This report will provide further detail on housing agreements and their purpose as well as information and recommendations that the LTC may wish to consider for this specific housing agreement. Next steps in the rezoning and housing agreement process will be briefly discussed as well. The draft agreement is currently a working document, and as such has only been excerpted for the purposes of this report.

## BACKGROUND:

Staff reports dated November 3 and 14, 2011 provided the LTC with information regarding housing agreements and the provisions for such agreements as legislated in Section 905 of the *Local Government Act* and outlined in the Community Housing section of the Galiano Island Official Community Plan (OCP). In addition, Section 904(3) of the *Local Government Act* permits a local government to designate zones for affordable or special needs housing. Over the course of the past few months members of GLCHT have been working with an example housing agreement from an affordable housing project on Denman Island in order to craft an appropriate agreement for the proposed project on Galiano.

Housing agreements are voluntary agreements that can be used to place restrictions on the occupancy of housing units identified in the agreement that are beyond the scope of 219 covenants and zoning powers. Such conditions can include:

- form and tenure of the units;
- their availability to classes of persons identified in the agreements;

- the administration of the units including the means by which they will be made available to their intended occupants; and
- rent, lease, share or sale prices of the units and the rates at which these may be increased over time.

The conditions in housing agreements are put in place to ensure the housing is used for its intended purpose in perpetuity.

Staff have been working with GLCHT in order to ensure that the draft agreement contains the following key pieces of information in order to satisfy the conditions cited above:

1. The proposed housing is affordable and remains affordable in perpetuity.
2. The terms of the housing agreement are administered by the appropriate body.
3. That conditions are in place to ensure that should GLCHT cease to exist, the land and management of the housing would only be transferred to an appropriate body, approved by the LTC.

## **DRAFT HOUSING AGREEMENT**

The most recent version of the housing agreement addresses, to various degrees, the conditions outlined above. A summary of the key pieces of information in this current version of the housing agreement are presented below.

*Proposed housing is affordable and remains affordable in perpetuity*

GLCHT is proposing the development of 15 detached single family dwellings and two community buildings. The model is to lease the land to residents at the following rates, based upon size of dwelling (current proposed zoning bylaw limits the size of dwellings to 93 square metres or 1001 square feet). A 10 year lease has been proposed; however, staff have not received an indication that this number has been finalized:

| <b>Size (square feet)</b> | <b>Rate</b> |
|---------------------------|-------------|
| Up to 500                 | \$175       |
| 600                       | \$200       |
| 700                       | \$225       |
| 800                       | \$250       |
| 900                       | \$275       |
| 1000                      | \$300       |

In addition, the agreement proposes two different scenarios to ensure that re-sale value is kept affordable. The first proposes that homeowners be required to resell for a value equal to the original cost of construction (materials and labour), plus a yearly cost of living increase and a bonus 5% of the value. The second proposes that leaseholders agree to accept an appraised value at time of sale discounted by 20%. This second scenario proposes that the appraiser be selected by GLCHT.

Finally, the housing agreement proposes a means test in order to ensure that the housing is going to those in need. Affordable housing is defined in the housing agreement as:

“housing where the cost is no more than 30 percent of the household gross income applied to those household incomes at or below 60 percent of the median household income for Galiano Island using Canada Census Information.”

This is a slightly more specific definition than the definition provided in the OCP which states:

“affordable housing describes rental or owned housing that can be acquired without exceeding 30 per cent of the median gross income of low to moderate income families on Galiano”.

The body administering the housing agreement would, among other things, be responsible for screening potential applicants based upon the definition of affordability. This means test, along with leasing the land, limiting house size and controlling re-sale value are the main ways in which the applicants propose to ensure the housing is and remains affordable in perpetuity. Prior to proceeding, the LTC should satisfy itself that these conditions would ensure on-going affordability.

*The housing agreement is administered by the appropriate body*

Administration of the housing agreement is required to ensure that all the terms are met. The administering body would oversee the establishment and maintenance of waiting lists, the screening of applicants, advertising of the availability of housing, and the overall management of the terms of the housing agreement. A local government can administer a housing agreement; however, there has been a trend to for local governments to create separate housing authority corporations which operate at arms-length from council. The Islands Trust does not have the capacity to administer and enforce housing agreements, nor the authority to create corporations or societies to administer such agreements. The LTC may enter into separate service coordination agreements with other local governments, such as the Capital Regional District (CRD), to administer housing agreements on the LTC's behalf. Staff are currently in contact with the Capital Region Housing Corporation to discuss this possibility and whether or not there is an appetite at the CRD for administering housing agreements on Galiano. GLCHT could also be named as the administrator of the agreement. The proposed housing agreement uses the following language (present in other housing agreements in the Trust Area) to address its administration:

“The Owner acknowledges that the 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 Trust Committee shall be interpreted as a reference to that party provided that the Trust Committee has so advised the Owner.”

Additional research and legal review is required to determine whether or not a specific third party should be named in order to ensure housing agreement administration.

*Transfer of Land*

The housing agreement should contain a mechanism to ensure that the land can only be transferred to another non-profit society with an affordable housing mandate, should GLCHT cease to exist. The current version of the proposed housing agreement contains the following language meant to address this issue:

“The Owner must not transfer the Lands, other than to another non-profit association incorporated under the Society Act, having as its object the management of affordable housing on Galiano Island.”

This language should be revised in order to explicitly state that the LTC’s approval of such a transfer be obtained prior to its finalization, and that until a new association is found, no further leases can be granted on the property.

## **STAFF COMMENTS:**

Housing agreements can range from simple to complex, but require a high level of review and certainty that their objectives are achievable and comprehensive. They are the main tool to ensure that a housing project remains affordable in accordance with the OCP policies that permit increased density for such projects.

The draft agreement currently being developed by GLCHT contains many unique concepts and ideas. Staff have met several times with members of GLCHT and attended a meeting on March 6, 2012 to specifically discuss the housing agreement. While the document contains language and concepts that appear to address the needs for maintaining affordability, the draft document is still unclear on several details, and staff have not been given a clear indication that the members of GLCHT have arrived at a consensus regarding several provisions of the agreement. Staff feel that there is a need for expert review of the overall housing concept (residents leasing land and building their own dwellings), in terms of its feasibility and functionality. Assessing the general concept and addressing how a housing agreement will meet the objectives and policies of the OCP is within the scope of staff expertise; however, professional help is strongly recommended: from an affordable housing consultant to ensure that the approach proposed by GLCHT is viable in the long term and a legal review of the the draft agreement by Islands Trust’s legal counsel. Staff have identified several areas where additional information from the applicant is required. Obtaining this information with the help of a contracted professional with expertise is recommended.

### *Affordability of Proposed Housing*

The applicants are proposing a unique form of “build-your-own” affordable housing. Members of GLCHT have explained that the ability to build one’s own housing is an important component of the project. Staff are unclear as to how the building materials will be kept affordable, while also achieving BC Building Code standards. It is also unclear if this “build-your-own” model is a requirement, or if GLCHT will include provisions for other types of housing including pre-fabricated, semi-detached, or “green” buildings such as rammed earth or cob. In terms of re-sale value, staff have not yet been provided with definitive information regarding how this will be kept affordable. Several concepts have been presented, but again, no clear indication from the applicant has been provided. Conceptually, a professional appraisal prior to final occupancy seems the only viable mechanism to determine a base re-sale value, with a percentage increase for inflation and cost of living added each year. Determining if this is the most appropriate means of keeping the housing affordable would require the review of a professional.

### *Administration and enforcement*

The administration of the agreement is a significant task, and one that is beyond the scope of the LTC and planning staff. Currently, two housing agreements on Salt Spring Island (Murakami Gardens- 27 affordable rental housing units in a multifamily complex, and the Land Bank Society- 10 affordable rental units) are held by the CRD and BC Housing respectively, with the

daily management of the housing undertaken by local non-profit societies. This type of arrangement may be appropriate for this proposal; however, confirmation from the CRD or BC Housing must be sought. Staff are currently in communication with both the CRD and BC Housing regarding this role; however, with regards to the Salt Spring examples cited above, this type of partnership was initiated by the applicants in coordination with obtaining funding for these non-profit housing developments. The benefit of having an outside party administer the agreement is that it would remove the administratively challenging burdens of screening applicants and enforcing any violations of the housing agreement.

Should no outside party wish to enter into an agreement with the Islands Trust to administer the housing agreement, administration would fall to GLCHT. In this case, a lease document should be attached to the housing agreement as this would also be included in the purview of GLCHT's administrative requirements.

### *Housing Agreement Document*

As previously mentioned, a housing agreement can be simple or complex and must contain essential information regarding the maintenance of affordability, the transfer of land and the administration of the agreement. Should GLCHT be determined as the body to administer the housing, a lease agreement should be attached as an addendum to the housing agreement. This would provide further details regarding the management and administration of occupancy of the housing according to the housing agreement.

Currently, the draft document contains some of this information, but also contains information that is not pertinent to a housing agreement and would be better suited as internal bylaws for GLCHT's management of the housing. Examples of this include a weighted list of selection criteria for prospective residents, responsibilities of the Homeowner Council, and details surrounding the management and up-keep of the proposed community buildings on-site. A clear delineation between what the housing agreement should contain from an administration perspective, and what GLCHT may wish to include in its internal bylaws is required. The current draft document blends these together, thus confusing the intent of the housing agreement with the details of daily management and up-keep.

### *Finalization of the Housing Agreement for Bylaw Consideration*

Upon review of the current version of the housing agreement, staff feel that some degree of professional help is required in order to move it to the next step of bylaw drafting and public dissemination. The gaps in information identified in this report include:

- Clarification on how the "build-your-own" model will function in terms of ensured affordability as well as equal access to housing. This includes confirmation regarding the length of the term of the lease.
- Clarification on the model that will be used to determine re-sale value of built units.
- Clarification on whether a third party administrator (e.g. CRD, BC Housing) is desired to administer the housing agreement.
- Clarification of what terms should be in the housing agreement, and which are best suited for internal housing management policies.

GLCHT should seek the guidance of a consultant with expertise in affordable housing in order to ensure the answers to the questions posed in this report result in a comprehensive feasible and affordable housing. The strength and overall effectiveness of the housing agreement depends on its provisions being realistic and functional. Seeking this help as soon as possible is



recommended in order for this application to proceed in a timely fashion. In addition to this, a legal review and formatting of the document will be required. The LTC may wish to direct staff to refer the current draft housing agreement along with recommended changes to Islands Trust legal counsel to obtain an estimate for the cost required to undertake this task. Alternatively, the LTC may wish to direct staff not to undertake this action until information gaps have been filled by GLCHT. Any legal work will require entry into a cost recovery agreement by the applicants.

## **NEXT STEPS**

Housing agreements in the Islands Trust are a relatively new and continuously evolving concept. Staff have found that each agreement is unique, and as such, while examples from other Local Trust Areas are helpful, they cannot be used as a universal template for all projects. Members of GLCHT have put significant amounts of work into the draft version of the housing agreement, but staff feel that the document now requires the help of an affordable housing expert and legal counsel in order for it to fully satisfy community housing expectations on Galiano. Pertinent details require refinement, and consensus among GLCHT is required in order to move forward. Once a finalized draft is prepared, the housing agreement must be adopted by bylaw. Staff recommend that the housing agreement bylaw proceed in conjunction with proposed Bylaws 233 and 234 in order to provide the public with a complete vision of this project. All three bylaws should be presented at the the same public hearing.

## **RECOMMENDATIONS:**

THAT the Galiano Island Local Trust Committee directs staff to obtain an estimate for the legal work associated with the finalization of the housing agreement.

THAT the Galiano Local Trust Committee directs staff to proceed no further with work on the draft housing agreement until the additional information outlined in the staff report dated April 3 2012 has been provided to staff by the applicants.

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Respectfully Prepared and Submitted by:



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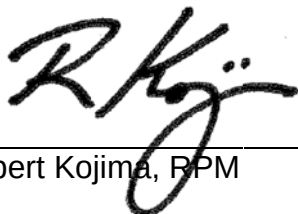
Kaitlin Kazmierowski  
Island Planner

April 3, 2012

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Date

Concurred in by:



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Robert Kojima, RPM

April 3, 2012

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Date



# Memorandum

Date March 1, 2012 File Number GL-6500-20(2012)

To Galiano Island Local Trust Committee

From Robert Kojima  
Regional Planning Manager

Re Potential Forest Policy Amendments

The Local Trust Committee has identified “Amendments to Forest Designation and F1 zone” as its Work Program Top Priority. At the February meeting the LTC received a staff report on various options and adopted the following resolution:

## Resolution GL-LTC-05-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to report back with two Draft Official Community Plan amendment bylaws – one with a Local Trust Committee initiated approach to rezoning and one with an application initiated approach to rezoning and both with accompanying analysis.

**CARRIED**

In response, staff have prepared the two attached draft bylaws.

## LTC-initiated rezoning

Attachment 1 is a draft bylaw that would amend the OCP to include new policies under existing Forest Policy b) which would provide for an LTC-initiated amendment to rezone those F1 lots meeting the LTC’s criteria. If this option proceeds there would also be a companion LUB amendment bylaw to rezone the identified lands from F1 to F4 (a new zone) and to include the new F4 zone regulations. Staff have reviewed the number of lots that would that potentially be included in such a rezoning based on the criteria previously identified by the LTC: F1-zoned lots at least 20 hectares in area that do not have PMFL status. There are a total of 22 lots meeting this criteria, of which 4 are currently subject to rezoning applications (Zizzy/Brown, Dewinetz, Crystal Mountain, Romagnoli/Smith), 4 are crown lots, and 1 is owned by the Galiano Conservancy Association; 13 are privately owned.

## By Rezoning Application

Attachment 2 is a draft bylaw that would amend the OCP to include policies under existing Forest Policy b) that would provide for the LTC to consider landowner-initiated rezoning applications on a case-by-case basis. The policies are drafted to allow some of the restrictions on the accessory dwelling to be also achieved by covenant rather than as zoning regulations, at the discretion of the LTC and an applicant. While the policies do not specify that such applications would only be considered for non-PMFL lots, such a rezoning amendment could

not be adopted for a lot in the PMFL under the current legislation as any such bylaw would restrict a forest management activity.

#### Options

1. Proceed no further with either draft
2. Proceed with a preferred draft
3. Defer consideration of either option

attachments

pc Kaitlin Kazmierowski, Island Planner

## ATTACHMENT 1

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO XXX.

\*\*\*\*\*

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. XX, 2012.”

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.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20.

## CHAIR

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

1. Section II, Subsection 3 (Forest), policy b) is amended by inserting the following as a new article iv):

iv) on lands zoned F4 and where the following apply:

- lots are a minimum of 20 of hectares in area;
- the Land Use Bylaw includes regulations ensuring that any accessory dwelling and related uses are sited within a defined portion of the lot (a residential home plate) and establishes regulations for the area, siting, and dimensions of the residential home plate;
- the Land Use Bylaw establishes a maximum floor area for accessory dwellings;
- the Land Use Bylaw requires the installation of water catchment systems for the storage of water in all new accessory dwelling construction in areas identified as a Water Management Area in the Land Use Bylaw;
- there is road access to the lot substantially in the locations indicated on the Road Network Plan, attached as Schedule C, consistent with Land Transportation policy (o);
- the entire portion of the highway network indicated on the Road Network Plan, attached as Schedule C, that is on the same lot as the accessory dwelling shall be: either (i) dedicated as highway by deposit of an appropriate plan in the Land Title Office or (ii) be reserved for future dedication at the time of subdivision through a statutory right of way for emergency access purposes in favour of the authority having jurisdiction over the provision of emergency services, and an option to purchase the statutory right of way area for nominal consideration in favour of the Crown as represented by the Minister of Transportation and Infrastructure, and a covenant in favour of the Local Trust Committee requiring the owner of the parcel charged by the statutory right of way to keep the statutory right of way area clear of buildings and other obstructions and to maintain the road to such standards as the authority having jurisdiction may prescribe from time to time;
- the entire portion of the emergency access network indicated on the Road Network Plan that is on the same lot as the accessory dwelling shall: be subject to a statutory right of way for emergency access purposes in favour of the authority having jurisdiction over the provision of emergency services, and a covenant in favour of one or more of the Local Trust Committee and the other authority, requiring the owner of the parcel charged by the statutory right of way to keep the statutory right of way area clear of buildings and other obstructions and to maintain the access route to such standards as the authority having jurisdiction over the provision of emergency services may prescribe from time to time;
- F4 lands may be rezoned on a site-specific basis upon application, or by the initiative of the LTC, to a higher density where the landowner provides land. Approval of any such rezoning shall be subject to the following conditions:
  - i) the area of land to be transferred shall represent at least 75% of the land subject to the rezoning;
  - ii) the land is transferred to the Trust Fund Board, the Capital Regional District or other transferee designated in the Land Use Bylaw amendment, to be used for conservation, ecosystem protection, public parkland, community forest, affordable housing, trails, or, if applicable, ocean accesses;



- iii) the rezoning establishes a minimum average subdivision parcel area as low as 2 hectares (5 acres) on the portion of the lands remaining;
- iv) the Land Use Bylaw incorporates a siting plan identifying the location and area of the residential home plate, including driveways, on each lot in the proposed subdivision, sited in a manner that avoids sensitive ecosystems and hazardous lands, minimizes extension of services, and which does not occupy more than one-third of any waterfront; and
- v) the registration of a s.219 covenant granted to the LTC which restricts the layout and area of the future lots to provide for the contiguous clustering of lots in a manner that protects the integrity of forest ecosystems, surface water and groundwater supplies and minimizes the impact of residential services such as roads.

Consideration may also be given to rezoning a portion of the land transferred as community housing for seniors, affordable or special needs housing pursuant to Community Housing policy (c).

## ATTACHMENT 2

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO XXX.

\*\*\*\*\*

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

1. Section II, Subsection 3 (Forest), policy b) is amended by inserting the following as a new article iv):

iv) upon application for rezoning where the following apply:

- lots are a minimum of 20 of hectares in area;
- the Land Use Bylaw includes regulations, or a covenant in favour of the Local Trust Committee includes restrictions, ensuring that any accessory dwelling and related uses are sited within a defined portion of the lot (a residential home plate) and establishes the area, siting, and dimensions of the residential home plate;
- the Land Use Bylaw or a covenant in favour of the Local Trust Committee establishes a maximum floor area for accessory dwellings;
- the Land Use Bylaw or a covenant in favour of the Local Trust Committee requires the installation of water catchment systems for the storage of water in all new accessory dwelling construction in areas identified as a Water Management Area in the Land Use Bylaw;
- there is road access to the lot substantially in the locations indicated on the Road Network Plan, attached as Schedule C, consistent with Land Transportation policy (o);
- the entire portion of the highway network indicated on the Road Network Plan, attached as Schedule C, that is on the same lot as the accessory dwelling shall be: either (i) dedicated as highway by deposit of an appropriate plan in the Land Title Office or (ii) be reserved for future dedication at the time of subdivision through a statutory right of way for emergency access purposes in favour of the authority having jurisdiction over the provision of emergency services, and an option to purchase the statutory right of way area for nominal consideration in favour of the Crown as represented by the Minister of Transportation and Infrastructure, and a covenant in favour of the Local Trust Committee requiring the owner of the parcel charged by the statutory right of way to keep the statutory right of way area clear of buildings and other obstructions and to maintain the road to such standards as the authority having jurisdiction may prescribe from time to time;
- the entire portion of the emergency access network indicated on the Road Network Plan that is on the same lot as the accessory dwelling shall: be subject to a statutory right of way for emergency access purposes in favour of the authority having jurisdiction over the provision of emergency services, and a covenant in favour of one or more of the Local Trust Committee and the other authority, requiring the owner of the parcel charged by the statutory right of way to keep the statutory right of way area clear of buildings and other obstructions and to maintain the access route to such standards as the authority having jurisdiction over the provision of emergency services may prescribe from time to time;
- these lands may also be rezoned on a site-specific basis upon application, or by the initiative of the LTC, to a higher density where the landowner provides land. Approval of any such rezoning shall be subject to the following conditions:
  - i) the area of land to be transferred shall represent at least 75% of the land subject to the rezoning;

- ii) the land is transferred to the Trust Fund Board, the Capital Regional District or other transferee designated in the Land Use Bylaw amendment, to be used for conservation, ecosystem protection, public parkland, community forest, affordable housing, trails, or, if applicable, ocean accesses;
- iii) the rezoning establishes a minimum average subdivision parcel area as low as 2 hectares (5 acres) on the portion of the lands remaining;
- iv) the Land Use Bylaw incorporates a siting plan identifying the location and area of the residential home plate, including driveways, on each lot in the proposed subdivision, sited in a manner that avoids sensitive ecosystems and hazardous lands, minimizes extension of services, and which does not occupy more than one-third of any waterfront; and
- v) the registration of a s.219 covenant granted to the LTC which restricts the layout and area of the future lots to provide for the contiguous clustering of lots in a manner that protects the integrity of forest ecosystems, surface water and groundwater supplies and minimizes the impact of residential services such as roads.

Consideration may also be given to rezoning a portion of the land transferred as community housing for seniors, affordable or special needs housing pursuant to Community Housing policy (c).



**Islands Trust**

Print Date: Apr-04-2012

## Top Priorities

### Galiano Island

| No. | Description                                  | Activity                                                                                                                          | Received/Initiated | Responsibility                           | Target Date | Status   |
|-----|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------|-------------|----------|
| 1   | Amendments to Forest designation and F1 zone | 1. Consider options for amendments to Forest Land Designation and policies and F1 zoning for lands without Managed Forest Status. | Dec-12-2011        | Kaitlin<br>Kazmierowski<br>Robert Kojima | Dec-31-2012 | On Going |
| 2   | Review Subdivision Servicing Regulations     | Review detailed recommendations of Waterline Report, review existing subdivision regulations, prepare options for amendments      | Jun-13-2011        | Kaitlin<br>Kazmierowski                  | Apr-02-2012 | On Going |
| 3   | DPA Implementation                           | 1. Update of Development Approval Information Bylaw<br>2. Public communications<br>3. Development of Administrative procedures    | Dec-12-2011        | Kaitlin<br>Kazmierowski                  | Mar-31-2012 | On Going |

11.1.1.1





**Islands Trust**

Print Date: Apr-04-2012

## Projects

### Galiano Island

| No. | Description                                  | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                     | Received/Initiated | Status   |
|-----|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------|
| 1   | Soil Removal and Deposit Bylaw               | Review need and options for implementation of soil removal and deposit bylaw                                                                                                                                                                                                                                                                                                                                                                 | Sep-12-2011        | On Going |
| 2   | LUB Update                                   | 1. Amendments resulting from OCP review<br>2. Review of regulations for docks and structures in setback from the sea<br>3. Review of split-zoned lot regulations<br>4. review of regulations pertaining to strata common property<br>5. Review of Parking Regulations<br>6. Sign Regulations<br>7. Waste transfer station regulations<br>8. Review of zoning regulations for Lions' Hall                                                     | Dec-12-2011        | On Going |
| 3   | OCP amendment to review definition of "tree" |                                                                                                                                                                                                                                                                                                                                                                                                                                              | Dec-12-2011        | On Going |
| 4   | Short Term Vacation Rentals                  |                                                                                                                                                                                                                                                                                                                                                                                                                                              | Dec-12-2011        | On Going |
| 5   | Provincial Advocacy                          | <ul style="list-style-type: none"> <li>Letter from Steve Thomson, Minister of Forests dated Nov 2, 2011 to be brought forward for action at the appropriate time</li> <li>Staff directed to request meetings with the following:               <ol style="list-style-type: none"> <li>Minister Steve Thomson, Ministry of Forests, Lands and Natural Resource Operations</li> <li>Terry Lake, Minister of Environment</li> </ol> </li> </ul> | Feb-13-2012        | On Going |

- 3) Blair Lekstrom, Minister of Transportation and Infrastructure
  - 4) Ida Chong, Minister of Community, Sport and Cultural Development
-



Islands Trust

## Applications w/ Status - Galiano Island Status: Open

### Applications

#### Agricultural Land Reserve

| File Number   | Applicant Name                                                                                      | Date Received | Purpose                                                                           |
|---------------|-----------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------|
| GL-ALR-2011.1 | Thomas Hennessy<br>- Galiano Land & Community Housing Trust<br><b>Planner:</b> Kaitlin Kazmierowski | Dec-21-2011   | Exclusion of land under sec. 30(1) of ALC Act. To provide for affordable housing. |

#### Planning Status

**Status Date:** Feb-16-2012

Application forwarded to the ALC for consideration

**Status Date:** Feb-02-2012

Staff report to be presented at Feb 13 2012 meeting of LTC.

**Status Date:** Jan-03-2012

Created file and forwarded to Planner.

#### Development Variance Permit

| File Number   | Applicant Name                                  | Date Received | Purpose                                                                   |
|---------------|-------------------------------------------------|---------------|---------------------------------------------------------------------------|
| GL-DVP-2010.2 | Scoones<br><b>Planner:</b> Kaitlin Kazmierowski | Aug-25-2010   | To allow the retaining wall to be as close as 1ft from the property line. |

#### Planning Status

**Status Date:** Jan-25-2012

Sent a letter requesting a survey by Feb 24, 2012. If no survey is submitted, bylaw enforcement will be notified.

**Status Date:** Jun-27-2011

Requested survey June 21, 11

**Status Date:** Apr-01-2011

Requested survey again April 1, 2011

| File Number                          | Applicant Name | Date Received | Purpose                                                                                                |
|--------------------------------------|----------------|---------------|--------------------------------------------------------------------------------------------------------|
| GL-DVP-2011.4                        | Serink         | Apr-12-2011   | 533 STICKS ALLISON RD 1) to vary the setback 2) to increase allowable floor area of accessory building |
| <b>Planner:</b> Kaitlin Kazmierowski |                |               |                                                                                                        |

### Planning Status

**Status Date:** Apr-03-2012

Applicant has entered into cost recovery, application to be re-considered at May 14 2012 LTC meeting.

**Status Date:** Feb-24-2012

Draft covenant sent to applicant. Staff waiting for comment.

**Status Date:** Nov-04-2011

Waiting for applicant to respond to cost recovery request for preparation of cov. that would remove cottage use.

| File Number                          | Applicant Name     | Date Received | Purpose                                                                                                 |
|--------------------------------------|--------------------|---------------|---------------------------------------------------------------------------------------------------------|
| GL-DVP-2011.6                        | Lawrence Waterfall | Nov-24-2011   | To construct a 700sq ft. second floor addition to dwelling. & to vary the east side lot line to 4.63 m. |
| <b>Planner:</b> Kaitlin Kazmierowski |                    |               |                                                                                                         |

### Planning Status

**Status Date:** Mar-01-2012

Staff confirmed that several structures on the property will require a variance as well as a set of newly constructed beach access stairs. Report to be presented to the LTC at the March 12, 2012 meeting.

**Status Date:** Nov-28-2011

Sent letter of acknowledgement of receipt of fees and application to applicant; copied to trustees and forwarded file to planner.

| File Number   | Applicant Name              | Date Received | Purpose                                                                                                                                                                                                                                           |
|---------------|-----------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GL-DVP-2012.2 | Ellen Chesney & David Wiebe | Feb-29-2012   | Gossip Island To vary the setback from the eastward boundary to the sea from 7.5 m to 4.84 m & the southward boundary to the sea from 7.5 m to 3.64 m. To bring into conformity with the zoning bylaw the siting of the deck/house, shop and shed |

**Planner:** Kris Nichols

### Planning Status

**Status Date:** Mar-23-2012

Proposed permit and notice ready for circulation

**Status Date:** Mar-21-2012

Applicant asked that all existing buildings (minus outhouse) be included in the DVP

**Status Date:** Mar-17-2012

Site inspection

## **Rezoning**

| <b>File Number</b> | <b>Applicant Name</b>                                            | <b>Date Received</b> | <b>Purpose</b>                                                       |
|--------------------|------------------------------------------------------------------|----------------------|----------------------------------------------------------------------|
| GL-RZ-2004.6       | Crystal Mountain Society<br><b>Planner:</b> Kaitlin Kazmierowski | Jun-14-2004          | OCF and LUB amendments to allow a Retreat Centre and Forest Retreat. |

## **Planning Status**

**Status Date:** Mar-01-2012

Applicants are interested in pursuing a rezoning. Will meet with planning staff to discuss options in March 2012

**Status Date:** Feb-03-2012

Sent a letter requesting indication that applicant would still like to continue with their application. Deadline to respond is March 2 2012.

**Status Date:** Jul-27-2011

Staff contacting applicant to determine if/how they want to proceed with application.

| <b>File Number</b> | <b>Applicant Name</b>                        | <b>Date Received</b> | <b>Purpose</b>          |
|--------------------|----------------------------------------------|----------------------|-------------------------|
| GL-RZ-2005.2       | Romagnoli<br><b>Planner:</b> Gary Richardson | Mar-21-2005          | To rezone from F1 to F3 |

## **Planning Status**

**Status Date:** Mar-01-2012

Staff working with CRD to determine emergency access status.

**Status Date:** Nov-04-2011

Staff working on final cov. edits and securing emergency road as per RNP.

**Status Date:** Sep-30-2011

Public hearing on proposed bylaw 210 being held Oct 17.

| <b>File Number</b> | <b>Applicant Name</b>                          | <b>Date Received</b> | <b>Purpose</b>          |
|--------------------|------------------------------------------------|----------------------|-------------------------|
| GL-RZ-2006.3       | MacNab<br><b>Planner:</b> Kaitlin Kazmierowski | Oct-16-2006          | rezone from F1 to RR FH |

## **Planning Status**

**Status Date:** Mar-01-2012

Applicant has stated that she is not interested in any of the current rezoning options, but wishes her file to be kept open until September 2012.

**Status Date:** Feb-03-2012

Sent a letter requesting indication that applicant would still like to continue with their application. Deadline to respond is March 2 2012.

**Status Date:** Jul-27-2011

Staff contacting applicant to determine if/how they want to proceed with their application.

| File Number                          | Applicant Name | Date Received | Purpose                           |
|--------------------------------------|----------------|---------------|-----------------------------------|
| GL-RZ-2008.2                         | King           | Feb-22-2008   | To amend the zoning from F1 to F3 |
| <b>Planner:</b> Kaitlin Kazmierowski |                |               |                                   |

### Planning Status

**Status Date:** Mar-01-2012

Met with applicant who is still interested in pursuing a rezoning. Staff currently working with the applicant to determine the best course of action.

**Status Date:** Feb-03-2012

Sent a letter requesting indication that applicant would still like to continue with their application. Deadline to respond is March 2 2012.

**Status Date:** Jul-27-2011

Staff contacting applicant to determine if/how they want to proceed with their application.

| File Number                          | Applicant Name                     | Date Received | Purpose                                                                       |
|--------------------------------------|------------------------------------|---------------|-------------------------------------------------------------------------------|
| GL-RZ-2011.1                         | Galiano Land and Community Housing | Oct-06-2011   | Rezoned Agriculture and Residential to Community Facility-Affordable housing. |
| <b>Planner:</b> Kaitlin Kazmierowski |                                    |               |                                                                               |

### Planning Status

**Status Date:** Apr-03-2012

Staff report for April 16th meeting recommends professional help for finalization of housing agreement

**Status Date:** Mar-01-2012

Staff working with GLCHT on Housing Agreement. To attend a public meeting held by GLCHT on March 6, 2012

**Status Date:** Feb-15-2012

Staff send local government report to ALC for consideration.

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

GL-RZ-2011.2

Winmark Capital  
Inc. - Richard  
Dewinetz  
**Planner:** Kaitlin Kazmierowski

To amend the OCP/LUB to change 90 hectares of F1 lands to Park Land & RR.

### **Planning Status**

**Status Date:** Mar-01-2012

Staff to present preliminary report at March 12, 2012 LTC meeting

**Status Date:** Jan-03-2012

Sent letter of acknowledgment of receipt of fees and application to applicant; copied to Trustees and forwarded to Planner.

### **Subdivision**

| File Number   | Applicant Name                                                                     | Date Received | Purpose                                                                                         |
|---------------|------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------|
| GL-SUB-2007.1 | LPG Landplan<br>Group Inc<br>(Zizzy/Brown)<br><b>Planner:</b> Kaitlin Kazmierowski | Feb-12-2007   | Creating 6 new lots. DL 72 and Lot 15, DL 71 and 77, Plan VIP61007.<br>X-reference GL-RZ-2005.3 |

### **Planning Status**

**Status Date:** Apr-03-2012

Applicant has responded with several comments on the draft covenant. Planner working with applicant and legal counsel to satisfy these.

**Status Date:** Mar-01-2012

Planner waiting applicant's comments on draft covenant.

**Status Date:** Jan-06-2012

Planner has submitted subdivision referral to MOTI based on new subdivision plan. Proposed bylaw 227 was approved by Executive on October 11, 2011. Consideration of final approval not to occur until covenant in place. Staff are working on the covenant.

| File Number   | Applicant Name                                                                           | Date Received | Purpose                                                                                                    |
|---------------|------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------|
| GL-SUB-2008.2 | William Alexander<br>& Lennis Shirley<br>Campbell c/o<br><b>Planner:</b> Gary Richardson | May-15-2008   | Subdivision to create 14 new lots. DL 57 x-Reference GL-RZ-2008.3<br>(Proposed bylaws 201 OCP and 202 LUB) |

### **Planning Status**

**Status Date:** Apr-03-2012

New owners (Conservancy) have been asked to confirm in writing that this application is to proceed no further.

**Status Date:** Sep-13-2010

Waiting for applicant to satisfy PLA conditions nothing for staff to do at this time.

**Status Date:** Sep-01-2010

Applicant now needs to satisfy PLA conditions.

| File Number                  | Applicant Name   | Date Received | Purpose                   |
|------------------------------|------------------|---------------|---------------------------|
| GL-SUB-2010.1                | Land Survey Inc. | Jun-03-2010   | ELLIS RD To create 2 lots |
| <b>Planner:</b> Kris Nichols |                  |               |                           |

### Planning Status

**Status Date:** Feb-09-2012

PLA received from MoTI dated April 1, 2011

**Status Date:** Oct-29-2010

**Status Date:** Sep-13-2010

Response sent to MOTI September 13, 2010.

### Temporary and Industrial Use Permit

| File Number                          | Applicant Name                             | Date Received | Purpose                                                                                                                    |
|--------------------------------------|--------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------|
| GL-TUP-2012.1                        | Galiano Conservancy Assoc. c/o Ken Millard | Mar-27-2012   | 10825 PORLIER PASSAGE DR For educational programming; overnight camping up to 36 people and to construct a roadside kiosk. |
| <b>Planner:</b> Kaitlin Kazmierowski |                                            |               |                                                                                                                            |

### Planning Status

**Status Date:** Apr-03-2012

Application to be brought to LTC for consideration at May 14 2012 meeting

**Status Date:** Mar-28-2012

Sent a letter of acknowledgment of receipt of fees and application to applicant. Copied app to trustees and forwarded file to Planner.



**Kathy Jones**

---

**From:** Linda McClung  
**Sent:** March-29-12 9:26 AM  
**To:** Kaitlin Kazmierowski; Ken Hancock; Kris Nichols; Louise Decario; Robert Kojima; Sandy Pottle; Kathy Jones; Sharon Lloyd-deRosario  
**Cc:** Nancy Roggers; Cindy Shelest  
**Subject:** Galiano LTC March/12 Expense Report

Please direct all questions relating to the attached detailed expenditure reports to Nancy by email.

Thanks.

| 625 Galiano                    | Invoices posted to March 31, 2012  | Budget           | Spent            | Balance          |
|--------------------------------|------------------------------------|------------------|------------------|------------------|
| 65000                          | LTC "Trustee Expenses"             | 1,000.00         | 517.67           | 482.33           |
| 65200                          | LTC Local Exp LTC Meeting Expenses | 6,500.00         | 3,531.15         | 2,968.85         |
| 65210                          | LTC Local Exp APC Meeting Expenses | -                | 155.89           | (155.89)         |
| 65220                          | LTC Local Exp Communications       | -                | 805.70           | (805.70)         |
| 65230                          | LTC Local Exp Special Projects     | -                | -                | -                |
| 65240                          | LTC Local Exp Miscellaneous        | -                | 85.00            | (85.00)          |
| <b>TOTAL LTC Local Expense</b> |                                    | <b>6,500.00</b>  | <b>4,577.74</b>  | <b>1,922.26</b>  |
| 72300                          | Project OCP update                 | 20,000.00        | 9,776.40         | 10,223.60        |
| 72301                          | Project LUB update                 | 15,000.00        | 5,117.56         | 9,882.44         |
| <b>TOTAL OCP Expense</b>       |                                    | <b>35,000.00</b> | <b>14,893.96</b> | <b>20,106.04</b> |

## Galiano Island Local Trust Committee

### POLICIES AND STANDING RESOLUTIONS

Updated: October 19, 2011

| No | Meeting Date      | Resolution No. | Issue                      | Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----|-------------------|----------------|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | May 18, 2004      | GL-LTC-118-04  | Road Network Plan          | It was Moved and Seconded that the issue of access, including the proposals provided in the Road Network Plan, be applied to any existing and future rezoning applications brought before the LTC.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2. | June 14, 2004     | GL-LTC-130-04  | Forest 1 and Forest 3 lots | <p>It was Moved and Seconded that staff be directed to draft a proposal to the Islands Trust Executive Committee requesting approval of a special Galiano Island Local Trust Committee initiative to accept, at reduced fee levels and for a limited time, applications to rezone eligible Forest 1 lots to Forest 3.</p> <p>In support of this request we offer that applications received under this initiative be batched in groups of two or more, each under a single bylaw. This approach, administered efficiently, will take less time to process and therefore cost less than if done singly, while still ensuring community input through full public process.</p> <p>The groupings we anticipate should be for properties of like nature and general location, though not necessarily contiguous.</p> |
| 3. | July 21, 2004     | GL-LTC-137-04  | F1 Zone                    | It was Moved and Seconded that Galiano LTC consider option 1, Cost Recovery Model, of the July 7, 2004, staff report Re: Batching/Initiating Offer, as an operating policy for the charging of fees as part of any rezoning application and in particular with reference to applications for rezoning of F1- zoned properties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 4. | February 16, 2005 | n/a            | F3 Covenant                | <p>Galiano LTC will hold be a covenant holder to all covenants granted as part of the F3 rezoning process</p> <p>The model F3 covenant will be referred to all prospective covenant holders for comment on the document and to seek confirmation that they are willing to be a covenant holder jointly with the local trust committee.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| No | Meeting Date     | Resolution No. | Issue                                        | Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----|------------------|----------------|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5. | June 29, 2005    | n/a            | Subdivision Applications                     | Staff are requested to prepare a report that provides wording for standing resolution to refer subdivision applications to the Galiano Fire Department and the Parks and Recreation Commission.                                                                                                                                                                                                                                                                                                                                                                   |
| 6. | Sept. 26, 2008   | GL-RWM-12-08   | RZ applications                              | <b>THAT</b> Galiano Island Local Trust Committee instructs staff to advise potential applicants that, upon receipt of a zoning amendment application, the Local Trust Committee will consider placing the application in abeyance until the completion of a review of the Official Community Plan policies, if in the opinion of the Local Trust Committee, the application may affect or be affected by the review, and that Staff be instructed to post notice to the public on the Islands Trust internet website to this effect.                              |
| 7. | May 11, 2009     | GL-LTC-85-09   | Parks Commission Referral                    | <b>THAT</b> the Galiano Island Local Trust Committee direct Staff to send rezoning applications to the Galiano Island Parks and Recreation Commission for referral.                                                                                                                                                                                                                                                                                                                                                                                               |
| 8. | October 18, 2010 | GL-LTC-115-10  | Publishing Notices beyond legal requirements | <b>THAT</b> 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.                                                                                                                                                                                                                                                                                                                              |
| 9. | October 17, 2011 | GL-LTC-205-11  | Special Occasion Liquor Licenses             | <b>THAT</b> 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. |

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# Islands Trust

Preserving **island** communities, culture and environment.

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## Population (2011):

Approximately 1,138

## Size:

5,810 hectares (14,356 acres)

## Location:

26 kilometres north-east of the Swartz Bay ferry terminal located on Vancouver Island.

[Land Use Planning](#)
[Related Planning Services](#)
[Related Resources](#)
[Trust Area Mapping](#)
[Related Links](#)

## Galiano Island Local Trust Committee

### Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Galiano Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

### March 2012

- [Expression of Interest for the Southern Local Trust Areas Board of Variance](#)

### September 2011

- [Parks Canada Letter date June 30, 2011 re: Heritage Lighthouse Protection Act](#)

### July 2011

- ["Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands"](#)
- Fact sheet: "[Choosing a Building Site on your Lot](#)"
- Fact sheet: "[Making Changes to your Lot Line](#)"
- Fact sheet: "[Applying for a Variance](#)"

### October 2010

- [2007 Community Energy and Emission Inventory Reports \(CEEIs\) now available](#)
- [New Islands Trust GHG Emission Inventories webpage posted](#)

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### Planner Office Hours on Galiano Island

- [Planner Office Hours on Galiano Island -April - May 2012](#)

## Galiano Island Local Trust Committee Projects

### General

- [Potential Amendments to Forest Designation and F1 Zone - Staff Report dated October 4, 2011](#)
- ["A Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands" booklet](#)
- [A "Choosing a Building Site on your Lot" fact sheet](#)
- [A "Making Changes to your Lot Line" fact sheet](#)
- [An "Applying for a Variance" fact sheet](#)
- [Geological Hazard Mapping Project- Final Consultant report March 31, 2010](#)

### Climate Change Action

- [Staff Report - October 2009](#)
- [Community Engagement Tools](#)
- [Climate Wise Islands](#)
- [Staff Report - January 29, 2010](#)
- [Adopted Bylaw No. 206](#)

### Groundwater Study

- [Galiano Groundwater Study- Phase One \(Waterline Resources Inc. March](#)

## Committee Links

- [Committee Home](#)
- [Trustee Membership](#)
- [Contact Trustees](#)
- [Contact Planning Staff](#)
- [Planning Bylaws](#)
- [Administrative Bylaws](#)
- [Meetings Schedule](#)
- [Meeting Agendas](#)
- [Meeting Minutes](#)
- [Resolutions-Without-Meeting](#)
- [Associated Islands](#)
- [Land Use Application Forms](#)

31, 2011)

## **Official Community Plan Review**

### **Consolidation**

- Galiano Island Official Community Plan Bylaw No. 108, 1995 - consolidated November 25, 2011

### **Land Use Bylaw Review**

- Staff Report- April 26, 2010
- Staff Report - August 31, 2010

## **Applications**

### **Rezoning Application : GL-RZ-2005.2 (Smith/Romagnoli)**

- Staff Report dated July 29, 2010

### **Rezoning Application: GL-RZ-2011.1(Affordable Housing)**

- Staff Report dated November 3, 2011
- Staff Report dated November 28, 2011
- Proposed Bylaw No. 233
- Proposed Bylaw No. 234

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# Memorandum

Date February 21, 2012

To Local Trustees

From David Marlor  
Director of Local Planning Services

Re A Strategic Approach to Islands Trust Communications

In order to assist local trust committees with enhancing communications and public engagement, Trust Area Services, with input from Local Planning Services, prepared the attached guidelines; these guidelines have been approved by the Executive Committee.

These guidelines will become part of the tool kit planners may use when generating staff report recommendations for projects that would benefit from a communications plan. Staff will include recommendations on communications using the guidelines at appropriate times, for example, at the start of a larger project or initiative that is expected to generate considerable public interest.

Regional Planning Managers will discuss this template in more detail at an upcoming Local Planning Services meeting to to determine the best approach to incorporating the guidelines into the planning process.

David Marlor  
Director of Local Planning Services

pc Executive Committee  
Linda Adams, CAO  
Lisa Gordon, DTAS  
Regional Planning Managers



## GUIDELINES: A STRATEGIC APPROACH TO LOCAL TRUST COMMITTEE COMMUNICATIONS

Approved by Executive Committee August 2011

### Value of a Communications Strategy for Local Trust Committees

A Communication Strategy is an essential planning tool to help coordinate communication activities by:

- Ensuring all communications focus proactively on Islands Trust's priorities, goals and objectives in a clear, timely and cost-effective way
- Ensuring roles & responsibilities are clear and consistent, ideally guided by policy
- Harnessing and focusing combined efforts to prevent duplication, avoid unintended conflicts and to make the most of existing opportunities (e.g. partnership with other agencies)
- Minimizing last-minute demands (crisis management)
- Anticipating public reaction before launching projects

### Communications strategy framework - six standard questions to answer for all LTC projects

#### 1. Goals: Define the project's communications goals and objectives.

- Goals are broad, general statements about what you need to address
- Objectives are SMART: Specific, Measurable, Achievable, Realistic, Timely
- Clearly defining these elements makes it much easier to identify key messages

Questions that help define goals:

- Why are we doing this project?
- What is the risk of not doing the project?
- How will the project promote the object/mandate?
- What do we already know and what do we need to find out to succeed?
- What is the problem and what needs to change to solve the problem?
- Is the solution a change in regulation, policy or behaviour? E.g. If the problem is erosion, is a soil bylaw the only solution or are there other ways to change the behaviour that leads to erosion?

#### 2. Audience: Who do you want to reach?

- Target audiences
- Internal (Trustees, senior staff, front line staff)
- Other agencies affected (Regional Districts, First Nations, Provincial, Federal)
- External (e.g. voters, seniors, media, community organizations and leaders)
- What do you know about the audience? What do they think of your program or service?

#### 3. Messages: What do you want to say to each audience?

- What motivates your audience – Benefits – what's in it for me?
- What stops your audience - Barriers?
- Frame your message to emphasize benefits and overcome barriers.

- What is your call-to action? You are trying to change the audience's current state in some way. Are you asking them to share their opinions, participate in a debate, to support something, or just to be aware of something that they have little choice about?
  - Crafting your messages
    - Make it easy to remember in easy, simple terms
    - Use captivating information – vivid and personal
    - Use stories and metaphors to engage your audience
    - Use two-sided vs. one-sided message – recognize other viewpoints
4. Methods: How will you reach people? Different audiences have different objectives and need different approaches. Consider finding a well-respected expert or community member(s) to offer testimonials in support of your project.
5. Resources: Who will do what, when and at what cost?
6. Evaluation: Did they did get it? Were there misinterpretations? Was there backlash? How can we improve next time? How can we share what we learned with other staff / trustees?

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## SAMPLE Communication Action Plan

**Project:** \_\_\_\_\_

**Launch Date:** \_\_\_\_\_

| Methods                      | Person responsible | Cost | Content Focus / Key message | Audience | Due Date (e.g. for approval) | Publication Date |
|------------------------------|--------------------|------|-----------------------------|----------|------------------------------|------------------|
| E-mail                       |                    |      |                             |          |                              |                  |
| Direct mail                  |                    |      |                             |          |                              |                  |
| News release                 |                    |      |                             |          |                              |                  |
| Paid ad (Paper / TV / Radio) |                    |      |                             |          |                              |                  |
| Letter to editor / editorial |                    |      |                             |          |                              |                  |
| Web page                     |                    |      |                             |          |                              |                  |
| Article for newsletter       |                    |      |                             |          |                              |                  |
| Brochure                     |                    |      |                             |          |                              |                  |
| Social media                 |                    |      |                             |          |                              |                  |
| Poster / bulletin board      |                    |      |                             |          |                              |                  |
| Annual report                |                    |      |                             |          |                              |                  |
| Public meeting               |                    |      |                             |          |                              |                  |
|                              |                    |      |                             |          |                              |                  |





# Memorandum

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200-1627 Fort Street Victoria, BC V8R 1H8

Telephone **250 405-5151** FAX: 250. 405-5155

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

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

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Date April 3, 2012

To  
From Kaitlin Kazmierowski  
Island Planner  
Local Planning Services

Re Galiano Local Trust Committee 2011-2012 Annual Report

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Annual reports provide an overview of Local Trust Committee (LTC) activities throughout the fiscal year. Staff have drafted an annual report for the 2011-12 fiscal year, and have attached it to this memorandum. Approval of the text by the LTC is required before publication, and resolution wording is provided below. If the LTC wishes to amend the text in the attachment, it can do so by citing the amendment date.

**THAT** the Galiano Local Trust Committee approve for publication the 2011-2012 Annual Report Submission of Galiano Local Trust Committee Highlights and Accomplishments (optional: as amended on April 16, 2012).

Respectfully Prepared and Submitted by,

Kaitlin Kazmierowski  
Island Planner

Attachment 1- 2011/12 Galiano LTC Annual Report

## **Attachment 1**

### Galiano Island Local Trust Committee 2011/12 Annual Report

The Galiano Island Local Trust Committee held twelve regular business meetings, five special meetings, one community information meeting and four public hearings. These public consultations focused on bylaw amendments to update various sections of the land use bylaw, as well as rezone several Forestry designated properties, and amend the Official Community Plan. The Official Community Plan review was completed in late November 2011. Amendments included the addition of a new Community Housing section, the inclusion of the Road Network Plan, and the addition of several new Development Permit Areas including Shoreline and Marine, Riparian Areas, Sensitive Ecosystems and Steep Slope Hazard Areas.

In late February of 2012 a special meeting was held where staff from the Ministry of Forests, Land and Natural Resource Operations spoke about potential amendments to Section 21 of the *Private Managed Forest Land Act*, and held a question and answer session as well as a town hall. Potential amendments could see dwellings regulated, but not prohibited; however, Province-wide consultation is anticipated to take place in the 2012/13 year. Other projects included the completion of the second phase of a groundwater study and further review of Land Use Bylaw amendments.

In total, fourteen applications/ referrals were received including seven development variance permits, two building permits, and two rezoning applications. Several applications from previous years were advanced and/ or completed which reduced the overall number of active applications.