



Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: June 6, 2016
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

			Pages
1.	CALL TO ORDER	12:30 PM - 1:00 PM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS		
4.	COMMUNITY INFORMATION MEETING		
	none		
5.	PUBLIC HEARING		
	none		
6.	MINUTES	1:00 PM - 1:15 PM	
6.1	Local Trust Committee Minutes Dated May 2, 2016 (for Adoption)		4 - 15
6.2	Section 26 Resolutions Without Meeting Report Dated May 2016		16 - 16
6.3	Advisory Planning Commission Minutes		
	none		
7.	BUSINESS ARISING FROM MINUTES		
7.1	Follow-up Action List Dated May 2016		17 - 19
8.	DELEGATIONS		
	none		
9.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
	none		

10.	APPLICATIONS AND REFERRALS	1:15 PM - 3:30 PM	
10.1	Salt Spring Island Local Trust Committee Bylaw No. 488 Referral (For Response)		20 - 22
10.2	Salt Spring Island Local Trust Committee Bylaw No. 489 Referral (For Response)		23 - 25
10.3	Salt Spring Island Local Trust Committee Bylaw No. 490 Referral (For Response)		26 - 28
10.4	Mayne Island Local Trust Committee Bylaw Nos. 165 & 166 Referral (For Response)		29 - 32
10.5	Mayne Island Local Trust Committee Bylaw No. 167 Referral (For Response)		33 - 35
10.6	Mayne Island Local Trust Committee Bylaw Nos. 168 & 169 Referral (For Response)		36 - 39
10.7	GL-TUP-2016.4 (Calvert) - Staff Report		40 - 50
10.8	GL-DP-2016.2 (McFarland) - Staff Report		51 - 88
10.9	GL-RZ-2011.1 (Galiano Green) - Staff Report		89 - 137
10.10	GL-RZ-2014.1 (Crystal Mountain) - Staff Memo		138 - 138
10.11	GL-RZ-2016.1 (Wostenholme) - Staff Report		139 - 154
11.	LOCAL TRUST COMMITTEE PROJECTS	3:30 PM - 3:45 PM	
11.1	Cottages Floor Area - Staff Report - Bylaw Nos. 242 & 243 For further consideration		155 - 160
11.2	Contractor TUP Guidelines - Staff Report - Bylaw No 253 For further consideration		161 - 165
11.3	Secondary Suites - Staff Report - Bylaw Nos. 254 & 255 For further consideration		166 - 172
12.	REPORTS	3:45 PM - 4:15 PM	
12.1	Work Program Reports (attached)		
12.1.1	<u>Top Priorities Report Dated May 2016</u>		173 - 173
12.1.2	<u>Projects List Report Dated May 2016</u>		174 - 174
12.2	Applications Report Dated May 2016 (attached)		175 - 178
12.3	Trustee and Local Expense Report Dated March 2016 (attached)		179 - 179
12.4	Adopted Policies and Standing Resolutions (attached)		180 - 181
12.5	Local Trust Committee Webpage		

12.6 Chair's Report

12.7 Trustee Report

12.8 Trust Fund Board Report Dated May 2016

182 - 183

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for July 4, 2016, at 12:30 pm, at the South Community Hall, Galiano Island

15. TOWN HALL 4:15 PM - 4:30 PM

16. CLOSED MEETING (Distributed Under Separate Cover) 4:30 PM - 5:15 PM

16.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (d) & (f) for the purpose of considering:

- *Adoption of In-Camera Meeting Minutes Dated May 2, 2016*
- *Bylaw Enforcement*

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT 5:15 PM - 5:15 PM



DRAFT

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: May 2, 2016
Location: North Community Hall
20925 Porlier Pass Road, Galiano Island, BC

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

Staff Present Robert Kojima, Regional Planning Manager
Kim Stockdill, Acting Planner 2
David Millership, Recorder

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:32 pm. Introductions were made and she acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. There were approximately 40 members of the public present and no media.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Added to item 10.5 – April 21, 2016 Letter from Michael Sharp, President, Section Seven Water Works Ltd re GL-TUP-2016.1 (Stettner)

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Chair Busheikin outlined the Town Hall (TH) rules and guidelines, which included a two minute per speaker time limit.

Debbie Holmes read and submitted her comments in writing. She spoke to GL-RZ-2014.1 (Crystal Mountain Society) and stated: support for the Official Community Plan (OCP), lands being preserved for forestry use in perpetuity and affordable housing; and opposition to community benefit being achieved via covenant(s).

Stephen Rybak spoke to GL-RZ-2014.1 (Crystal Mountain Society) and asked the Local Trust Committee (LTC) to suspend action until a community benefit review, that includes public input, has been done. He commented that a covenant(s) is not a community benefit and stated support for penalties when/if covenants are broken.

Tom Hennessy stated support for GL-RZ-2014.1 (Crystal Mountain Society) but concern regarding the community benefit portion. He stated opposition to community benefit being achieved via covenant(s).

Bill Russell spoke to the minutes of April 4, 2016 and stated concern that a brief dissolution of the meeting was not reflected. He stated that the opinions of the Trustees should hold more weight than passionate voices.

Anna Keefer stated support for GL-RZ-2014.1 (Crystal Mountain Society). She commented that the calming/healing nature of the Crystal Mountain Society (CMS) is, in itself, a community benefit.

Bowie Keefer stated that CMS is, in itself, a community benefit. He stated that CMS provides harmony and a culture of peace and that he is confident CMS would care for its land(s) better than a third party would.

Paul LeBlond stated support for GL-RZ-2014.1 (Crystal Mountain Society) and community benefit being achieved via covenant(s). He wondered what the actual definition of community benefit is.

Andrew Loveridge stated support for affordable housing and Galiano Green (GG). He submitted a Housing Petition, which had garnered 21 signatures.

Art Moses spoke on behalf of Suzanne Fournier and requested a change to her Page 8 comments in the minutes of April 4, 2016. He stated support for GL-RZ-2014.1 (Crystal Mountain Society) but concern regarding the community benefit portion. He referenced staff comments regarding Private Managed Forest Land Act (PMFL) implications and stated support for further discussion.

Elizabeth Latta stated support for GL-RZ-2014.1 (Crystal Mountain Society) and for applications, in general, being considered on a case by case merit basis. She commented that CMS is not for profit, offers people the ability to connect with nature, builds compassion for all life and is the type of application that should be embraced.

Kiyo Okuda spoke to the minutes of April 4, 2016 and stated support for the brief dissolution of the meeting to be reflected. He also requested that the cause of the dissolution (i.e. procedural changes not voted on by the LTC or public) be mentioned.

Gary Coward spoke to GL-RZ-2014.1 (Crystal Mountain Society). He stated: the word "exchange" not "donate" should be used when speaking/writing about land transfer(s) associated with community benefit; opposition to community benefit being achieved via covenant(s); CMS land value would increase significantly if its rezoning is achieved via covenant(s); and concern with process.

Harry Lipetz spoke to GL-RZ-2014.1 (Crystal Mountain Society). He stated: who the applicant is, is irrelevant; concern regarding PMFL implications; support for new zoning; opposition to forestlands being rezoned for alternate use(s); and that decisions surrounding CMS are/will be precedent setting.

Louise Decario spoke to GL-RZ-2014.1 (Crystal Mountain Society). She stated: support for the word "exchange" being used instead of "donate" when speaking/writing about land transfer(s) associated with community benefit; support for CMS uses and them being achieved via community benefit land transfer/exchange in accordance with OCP guidelines; concern regarding the applicant being referred to as not for profit, as though such should

make a difference; support for further discussion regarding specific zone(s) naming (i.e. Spiritual Retreat Zone) and designation; and support for a Community Information Meeting (CIM) taking place prior to draft bylaws being written. She commented that CMS has owned their land(s) for 30 years and asked how much forest restoration/management they have done during that time.

Acting Planner 2 (A/Planner 2) Stockdill responded that not for profit makes a difference, in that it means not for commercial use.

A member of the public (Terry) stated opposition to all forestlands development in British Columbia (BC).

Olaf Knezevic stated support for GL-RZ-2014.1 (Crystal Mountain Society) and commented that more than two outhouses would be needed to serve 30 huts/people.

Gary Coward stated that it is irrelevant whether or not an applicant is not for profit.

Kiyo Okuda spoke to the Chairs opening statement that this meeting is being held in traditional territory of the Coast Salish First Nations and commented that, keeping forestlands intact, is a benefit to Coast Salish First Nations. He stated support for forestry in perpetuity and for forestry being stipulated/enforced by a third party.

Ben Miltner spoke to GL-RZ-2014.1 (Crystal Mountain Society). He stated support for community negotiations and suggested a solution in which community benefit is achieved via CMS land transfer/exchange but with the land that is transferred/exchanged then being subject to a covenant(s), which CMS has agreed to and is a holder.

Helen Foster spoke to GL-RZ-2014.1 (Crystal Mountain Society). She asked what is a forest and stated that just because the land(s) in question is designated/zoned as forest it doesn't necessarily mean that a forest actually exists there. She commented that the land in question isn't suited to active forestry but could, under covenant, be a proper forest in perpetuity.

Bill Russell commented that humanity and nature are at loggerheads.

Stephen Rybak commented that his last name is spelled "Rybak" and requested a change to his Page 9 comments in the minutes of April 4, 2016.

Debbie Holmes read and submitted her comments in writing. She spoke to GL-RZ-2014.1 (Crystal Mountain Society) and the forestlands and stated concern with process, staff comments/opinions regarding PMFL and PMFL implications. She quoted Margaret Griffiths by saying "the past has been a struggle, the present is our legacy and the future is our judge".

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated April 4, 2016

The following amendments to the minutes were presented for consideration:

- Page 2, between the second and third paragraphs – insert “Chair Busheikin recessed the meeting for a short break and then the meeting was reconvened.”
- Page 8, first paragraph (Suzanne Fournier cont’d) – delete the last sentence
- Page 9, under Stephen Ryback – replace “Ryback” with “Rybak” and replace “LTC” with “staff”

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions Without Meeting Report Dated April 2016

Provided for information.

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated April 2016

A/Planner 2 Stockdill summarized the report.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

10.1 Salt Spring Island Local Trust Committee Bylaw No. 491 Referral

Chair Busheikin provided information.

GL-2016-023

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee considered Salt Spring Island Local Trust Committee Bylaw No. 491 and decided Interests Unaffected by Bylaw.

CARRIED

10.2 Salt Spring Island Local Trust Committee Bylaw No. 492 Referral

Chair Busheikin provided information.

GL-2016-024

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee considered Salt Spring Island Local Trust Committee Bylaw No. 492 and decided Interests Unaffected by Bylaw.

CARRIED

10.3 Salt Spring Island Local Trust Committee Bylaw No. 493 Referral

Chair Busheikin provided information.

GL-2016-025

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee considered Salt Spring Island Local Trust Committee Bylaw No. 493 and decided Interests Unaffected by Bylaw.

CARRIED

10.4 Thetis Island Local Trust Committee Bylaw No. 98 Referral

Chair Busheikin provided information.

There was some discussion regarding:

- First Nations wanting to continue to mine stone (i.e. granite);
- This being IR3 zoned land;
- People being concerned about noise;
- Not wanting to overstep the Thetis LTC;
- Support for First Nations engagement to find solutions (i.e. the use of less noisy drills);
- Maybe having a different approach if such were an issue on Galiano.

GL-2016-026

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee considered Thetis Island Local Trust Committee Bylaw No. 98 and decided Interests Unaffected by Bylaw.

CARRIED

Note: there was a break at 1:40 pm and the meeting reconvened at 2:00 pm.

10.5 GL-TUP-2016.1 (Stettner) - Staff Report

Chair Busheikin provided information from April 21, 2016 Letter from Michael Sharp, President, Section Seven Water Works Ltd re GL-TUP-2016.1 (Stettner).

A/Planner 2 Stockdill provided information from Staff Report dated April 21, 2016 (File No.: GL-TUP-2016.1). She noted that this is one of the first Temporary Use Permit (TUP) applications to be considered for a Commercial Vacation Rental and referenced the TUP Checklist.

Applicant(s) Stettner was not in attendance.

There was some discussion regarding:

- LTC and Section Seven Water Works (SSWW) authority;
- Restricted covenant being between the applicant and SSWW;
- SSWW indicating a willingness to negotiate with the applicant;
- LTC deferment providing incentive for the applicant to negotiate with SSWW.

GL-2016-027

It was MOVED and SECONDED,

THAT, Galiano Island Local Trust Committee Temporary Use Permit GL-TUP-2016.1 (Stettner) be deferred until a covenant, endorsed by Section Seven Water Works and agreed to by the applicant, has been drafted.

CARRIED

10.6 GL-TUP-2016.2 (Axmann) - Staff Report

A/Planner 2 Stockdill provided information from Staff Report dated April 21, 2016 (File No.: GL-TUP-2016.2 (Axmann)).

Applicant(s) Axmann was in attendance and spoke to the application.

There was some discussion regarding:

- The history of the property;
- The Local Government Act and Galiano's bylaws;
- Advertisement of TUP applications being a legislative requirement;
- Applicant contacting staff with specific questions/concerns;
- Applicant declining the option to withdraw the application.

GL-2016-028

It was MOVED and SECONDED,

THAT, Galiano Island Local Trust Committee Temporary Use Permit GL-TUP-2016.2 (Axmann) be approved.

CARRIED

10.7 GL-TUP-2016.3 (Coleman) - Staff Report

A/Planner 2 Stockdill provided information from Staff Report dated April 21, 2016 (File No.: GL-TUP-2016.3 (Coleman)).

Applicant(s) Coleman was in attendance and spoke to the application.

There was some discussion regarding:

- m) being applicable and it being a mistake that it's crossed out;
- Water catchment being supplementary to the existing well;
- There being no salt water intrusion;
- All water being treated;
- Water Management Areas having different requirements;

- A neighbour, who wants to remain anonymous, being opposed to Short Term Vacation Rentals (STVRs);
- LTC having the authority to determine TUP restrictions.

GL-2016-029

It was MOVED and SECONDED,

THAT, Galiano Island Local Trust Committee Temporary Use Permit GL-TUP-2016.3 (Coleman) be approved.

CARRIED

10.8 GL-RZ-2016.1 (Wolstenholme) - Staff Report

A/Planner 2 Stockdill provided information from Staff Report dated April 19, 2016 (File No.: RZ-GL-2016.1 (Wolstenholme)).

Applicant(s) Wolstenholme was in attendance and spoke to the application.

There was some discussion regarding:

- This property once being the Woodstone Inn;
- Applicant wanting to revert back to the same zoning the Woodstone Inn had;
- Guest Services maybe being increased;
- Applicant and A/Planner 2 Stockdill working together.

GL-2016-030

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee requests staff to proceed with application GL-RZ-2016.1 (Wolstenholme) and to prepare draft bylaws.

CARRIED

There was some discussion regarding whether or not emergency preparedness is considered when dealing with TUP applications. Regional Planning Manager (RPM) Kojima commented no, because STVRs are permitted.

10.9 GL-RZ-2014.1 (Crystal Mountain) - Staff Report

A/Planner 2 Stockdill provided information from Staff Report dated April 22, 2016 (File No.: GL-RZ-2014.1 (Crystal Mountain)).

Applicant(s) Foster were in attendance and spoke to the application.

There was some discussion regarding:

- Private Managed Forest Land (PMFL) Act implications and that based on staff's review and understanding of the legal opinions, the bylaw amendments regarding the Crystal Mountain Society (CMS) application could not contravene Section 21 of the PMFL Act as the potential bylaws would not directly or indirectly restrict a forest management activity on land that is classified as PMFL;
- Health and Wellness Facilities and Community Facilities designations;
- Lot lines and zoning;
- Community benefit being important;

- Working forests, Nature Protection (NP) and protecting the land in perpetuity;
- Trustees doing a site visit;
- This being the first application that would permit the owner(s) to keep their land;
- Community benefit intent and options;
- Setting precedent and/or expectation(s) and resulting potential impact(s);
- Past process and OCP guidelines;
- Land transfer/exchange being the highest level of protection;
- Treating all applicants equally, regardless of their not for profit or commercial status;
- Case law and rezoning law and covenant/contract law being different;
- Creating a new zone, instead of amending forest policy, will not contravene Section 21 of the PMFL Act;
- Heritage Forest, the Galiano Club and the Trust Fund Board (TFB);
- Applicant being confused/concerned about the wide range of options being discussed (i.e. active forestry and land transfer/exchange);
- Applicant priority being to protect people in retreat from certain types of activities;
- Applicant being open to options but resistant to surrendering control of their land(s);
- Density and what's permitted on Rural Residential (RR) lots;
- Diversity of the land in question;
- Road Network Plan (RNP) emergency access as a community benefit;
- Community benefit via covenant(s) versus via land transfer/exchange;
- Zoning being about uses not owners and conditions/restrictions being possible via covenant(s);
- Possibility of a CIM taking place prior to draft bylaws being written;
- LTC being satisfied with staff reporting pertaining to PMFL implications;
- Not fettering process and the original nine requests;
- Other considerations such as number of sleeping huts, water and septic;
- Next steps.

GL-2016-031

It was MOVED and SECONDED,

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

There was some discussion regarding:

- Timing and process;
- The original nine requests;
- Preservation of forestlands being of great value to the community.

The question on the motion was then called,

CARRIED

There was some discussion regarding:

- Process;
- Applicant direction and it being possible for CMS to draft a conservation covenant with the TFB, separate from their dealings with the LTC.

GL-2016-032

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee amends the Official Community Plan by re-designating the portion of the land to protected by conservation covenant to Nature Protection and by amending the existing Health and Wellness Facilities designation for 25 percent of the land where the retreat activities would occur.

CARRIED

Trustee Pottle OPPOSED

11. LOCAL TRUST COMMITTEE PROJECTS

none

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated April 2016

Provided for information.

12.1.2 Projects List Report Dated April 2016

Provided for information.

RPM Kojima commented that the Projects List is an identification of what the LTC might like to do, and that just because an item is on the list it doesn't mean it is being worked on.

12.2 Applications Report Dated April 2016

Provided for information.

RPM Kojima summarized the report.

Regarding GL-RZ-2011.1 (Galiano Green), the first phase of cost recovery has been identified and legal work will hopefully be completed by the next meeting.

Regarding GL-RZ-2013.1 (Landworks), the sustainable covenant is being finalised between the Galiano Conservancy Association (GCA) and the applicant.

A/Planner 2 Stockdill stated that TUP applications are being received for commercial vacation rentals.

12.3 Trustee and Local Expense Report Dated March 2016

Provided for information.

12.4 Adopted Policies and Standing Resolutions

Provided for information.

12.5 Local Trust Committee Webpage

The Galiano Island Local Trust Committee webpage can be found at the following URL: www.islandstrust.bc.ca/galiano

No specific updates were made; routine items will be updated as necessary.

12.6 Chair's Report

Chair Busheikin reported that: she attended the Association of Vancouver Island Coastal Communities (AVICC) convention where there was support for motions regarding the full protection of old growth forest(s) in BC and the Port of Vancouver addressing shipping tanker issues in the Salish Sea; she attended the Salish Sea Ecosystem Conference (SSEC), which had a great First Nations presence; a Species at Risk Act presentation was made to the Executive Committee (EC); and advocacy is happening, at the EC and senior staff level, regarding marine shipping and safety issues in the Salish Sea.

12.7 Trustee Report

Trustee Harris reported that: he's been busy during his office hours; he's heard many opinions regarding CMS; he's going to a housing event in June regarding what Galiano can do to address its shortages; he's thrilled with progress regarding Landworks; and he's thrilled with progress regarding Galiano Green.

Trustee Pottle reported that: she wished she could have attended SSEC; she's had many interactions regarding CMS; she'll be attending a Local Planning Committee (LPC) meeting in June; and she's reviewing affordable housing toolkit information.

Trustee Harris reported the passing of Margaret Griffiths and raised the idea of renaming the Heritage Forest to the Margaret Griffiths Heritage Forest.

Debbie Holmes shared that Margaret Griffiths wouldn't want the Heritage Forest to be renamed but would want her name and thoughts to live on in association with the Heritage Forest – also, that Ms. Griffiths wishes were to have a dogwood tree planted, in her memory, in the Heritage Forest.

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

13.1 2015-2016 Annual Report - Galiano Island Local Trust Committee Section

Chair Busheikin provided information.

Regarding Page 3, last paragraph – replace “ increased ” with “ to increase ”, replace “ regulations ” with “ regulations, ” and replace “ contractors ” with “ contractors’ ”.

GL-2016-033

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee approves the attached text, as amended, for inclusion in the 2015-2016 Annual Report for approval by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for June 6, 2016, 12:30 pm, at the Galiano Island South Community Hall

The meeting is scheduled as stated.

14.2 Consideration to Reschedule the October 3, 2016 LTC Meeting to October 1, 2016.

GL-2016-034

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee reschedules its Monday, October 3, 2016 Regular Meeting to Saturday, October 1, 2016.

CARRIED

15. TOWN HALL

Debbie Holmes spoke to TUP applications and asked that the LTC please keep a record of STVRs numbers. She commented that she estimates there to be approximately 175 Galiano STVRs currently advertised on Airbnb. She wondered if GL-RZ-2016.1 (Wolstenholme) might be impacted by GL-RZ-2014.1 (Crystal Mountain) amendments. She spoke to GL-RZ-2014.1 (Crystal Mountain) and stated support for the bylaws to focus on scale and siting.

Roger Pettit stated support for GL-RZ-2014.1 (Crystal Mountain) and asked where exactly it says that they must give up 75% of their land.

Kiyo Okuda stated support for all correspondence to be included in the agenda package.

There was some discussion regarding:

- Current procedure being that correspondence associated with applications is first distributed to the LTC and then posted to the LTC webpage;
- Correspondence, in the email age, being a challenge;
- Treating all correspondence fairly;
- The agenda might include a representation of what correspondence was received between meetings.

Louise Decario commented that there is no OCP policies to follow regarding GL-RZ-2014.1 (Crystal Mountain), only what has happened in the past. She stated concern regarding the idea that CMS itself is a community benefit.

Elizabeth McClelland stated that the CMS Charter says that CMS is to be a community benefit.

16. CLOSED MEETING

16.1 Motion to Close Meeting

GL-2016-035

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90 (1) (a & d) for the purpose of considering:

- Adoption of In-Camera Minutes Dated February 1, 2016
- Appointment of Minute Taker

AND that the recorder and staff attend the meeting.

CARRIED

Note: the public was asked to adjourn at 4:45 pm.

See separate In Camera Meeting Minutes dated May 2, 2016.

16.2 Recall to Order

The meeting was recalled to order at 4:55 pm.

16.3 Rise and Report

Chair Busheikin reported that the In-Camera Minutes of February 1, 2016 were adopted and that Colleen Doty was appointed Minute Taker.

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:56 pm.

Laura Busheikin, Chair

Certified Correct:

David Millership, Recorder



Islands Trust

Galiano Island

Resolutions Without Meeting

Resolution #	Action	Resolution Description	Resolution Date
2016-02	In Favour	THAT the Galiano Island Local Trust Committee authorizes the Chair to execute the Development Control Covenant, Sustainable Forest Management Covenant and Community Park Covenant for District Lot 79, rezoning (GL-RZ-2013.1 (Landworks)) on behalf of the Local Trust Committee	17-May-2016

Follow Up Action Report

Galiano Island

07-Dec-2015

Activity	Responsibility	Target Date	Status
Staff to contact Ministry to follow up with Retreat Cove Covenant (IN PROGRESS).	Kim Stockdill	23-Dec-2015	On Going

01-Feb-2016

Activity	Responsibility	Target Date	Status
Galiano Green (GL-RZ-2011.1)	Robert Kojima	01-Apr-2016	Done
1. Staff to report with amendments to proposed Bylaw 234 with regards to bare land strata subdivision.			
2. Staff to enter into a cost recovery agreement for review and revisions to the draft housing agreement - DONE			
3. Prior to further consideration of the rezoning, staff to receive information from applicant regarding a revised layout plan, s.510 parkland requirements, and proposal outlining housing agreement administration.			

07-Mar-2016

Activity	Responsibility	Target Date	Status
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**Follow Up Action Report**

Crystal Mountain (GL-RZ-2014.1)

1. Staff to research PMFL implications for potential OCP & LUB amendments relevant to OCP Forestry policies and the Crystal Mountain application. DONE

2. Staff to draft bylaws on the basis that 75% of land be protected with a conservation covenant.

3. Staff to follow up with Trust Fund staff regarding the timeline of the TFB/Crystal Mountain conservation covenant.

May 2, 2016 LTC Meeting:

4. Applicant to explore additional community benefits options.

5. Staff to draft OCP amendment by amending the existing Health & Wellness Facilities designation for 25% of the land.

Sharon Lloyd-deRosario 01-Jul-2016 On Going
Kim Stockdill

1. Staff to add Affordable Housing Strategy and Dock Review to Top Priorities - DONE

Kim Stockdill 25-Mar-2016 On Going

2. LTC to review Affordable Housing Toolkit to determine what aspects of Affordable Housing should be addressed.

04-Apr-2016

Activity	Responsibility	Target Date	Status
11.1 Telecommunication Strategy: staff to draft a terms of reference for a special APC to develop recommendations for consultation procedures. APC work should include inventory of existing services, including internet and CREST, potential siting procedures, and options for consultation process. Staff to report back with a draft Terms of Reference and Project Charter	Kim Stockdill	25-Apr-2016	On Going

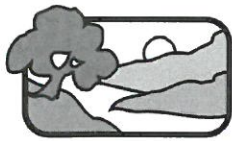
02-May-2016

Activity	Responsibility	Target Date	Status
Galiano LTC meeting minutes for April 4, 2016 adopted as amended.	Regina Robinson	03-Jun-2016	Done
Salt Spring Island LTC Bylaw No. 491 Referral - Interests Unaffected	Sharon Lloyd-deRosario	03-Jun-2016	Done



Follow Up Action Report

Salt Spring Island LTC Bylaw No. 492 Referral - Interests Unaffected	Sharon Lloyd-deRosario	03-Jun-2016	Done
Salt Spring Island LTC Bylaw No. 493 Referral - Interests Unaffected	Sharon Lloyd-deRosario	03-Jun-2016	Done
Thetis Island LTC Bylaw No. 98 Referral - Interests Unaffected	Sharon Lloyd-deRosario	03-Jun-2016	Done
GL-TUP-2016.1 (Stettner) - application deferred until such time a draft covenant between the property owner and the Section Seven Water Works is agreed upon.	Kim Stockdill	01-Jul-2016	On Going
GL-TUP-2016.2 (Axmann) is approved. Staff to issue permit.	Sharon Lloyd-deRosario Kim Stockdill	03-Jun-2016	Done
GL-TUP-2016.3 (Coleman) is approved. Staff to issue permit.	Sharon Lloyd-deRosario Kim Stockdill	03-Jun-2016	Done
GL-RZ-2016.1 (Wolstenholme) 1. Staff to draft LUB and OCP amendment bylaws.	Sharon Lloyd-deRosario Kim Stockdill	03-Jun-2016	Done
LTC approved the attached text as amended for the 2015-2016 Annual Report.	Robert Kojima	03-Jun-2016	Done
Staff to finalize the LTC meeting date change from Oct 3rd to Saturday, Oct 1st.	Regina Robinson	03-Jun-2016	Done



Islands Trust

PRELIMINARY BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 488 Date: May 3, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee – 1-500 Lower Ganges Road, Salt Spring Island, BC, V8K 2N8

PURPOSE OF BYLAW:

This Bylaw amends Salt Spring Island Official Community Plan Bylaw No. 434 by introducing a new definition of "General Employment" as a basis for zoning changes in Land Use Bylaw No. 355 and by introducing a policy context for the Salt Spring Island Local Trust Committee to entertain future rezoning applications in certain areas of Salt Spring Island and by modifying development permit guidelines to address new uses envisioned in draft Bylaw No. 489 which amends Land Use Bylaw No. 355.

GENERAL LOCATION:

Salt Spring Island, Electoral Area F

LEGAL DESCRIPTION:

Salt Spring Island, Electoral Area F

SIZE OF PROPERTY AFFECTED:

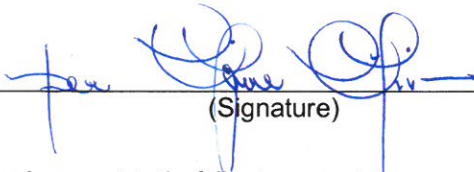
ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

Bylaw No. 434

OTHER INFORMATION:

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.


(Signature)

Name: Chloe Fox

Title: Planning Consultant

This referral has been sent to the following agencies:

Federal Agencies

Fisheries & Oceans, Canada - Pacific Region

Regional Agencies

CRD – All Referrals
CRD - K. Campbell
CRD – SSI Economic Development Commission
CRD – SSI Parks and Recreation
CRD – SSI Senior Manager
CRD – SSI Transportation Commission
CRD – Ganges Water & Sewer Commission
CRD – SSI Director
CRD – SSI Building Inspection
CRD – Environmental Eng. Division
CRD – Housing Secretariat
CRD – Parks & Community Services
CRD – SSI Liquid Waste Disposal Local Service Commission
CRD- SGI Small Craft Harbours Commission
Vancouver Island Health Authority
CRD - Beddis Water Service Commission
CRD – Highland Water & Sewer Local Services Commission
CRD - Fernwood Water Local Services Commission
CRD – Fulford Water Service Commission

Provincial Agencies

Agricultural Land Commission
Ministry of Agriculture
BC Assessment Authority
Ministry of Community, Sport & Cultural Development
Ministry of Energy and Mines
Ministry of Transportation & Infrastructure
Ministry of Natural Resource Operations – Archaeology Branch
Ministry of Forest Lands & Natural Resource Operations – Environment
Ministry of Forest Lands & Natural Resource Operations – Front Counter BC
Ministry of Jobs, Tourism & Skills

Non-Agency Referrals

North Salt Spring Waterworks District
SSI Chamber of Commerce
SSI Fire Protection District
SS Farmer's Institute
SSI Farmland Trust
SSI Abbatoir Society
SSI Agricultural Alliance
Cusheon Lake Stewardship Committee
SSI Water Council Society
SSI Water Preservation Society
Reginal Hill Waterworks District

Adjacent Local Trust Committees and Municipalities

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Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District
Islands Trust Fund

First Nations

Te'Mexw Treaty Association
Hul'qumi'num Treaty Group (for information only)
Pauquachin First Nation
Malahat First Nation
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Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
Chemainus First Nation
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut First Nation
Semiahmoo First Nation

PRELIMINARY BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

488
(Bylaw Number)

(Title)

(Agency)



Islands Trust

PRELIMINARY BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 489 Date: May 3, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee – 1-500 Lower Ganges Road, Salt Spring Island, BC, V8K 2N8

PURPOSE OF BYLAW:

This Bylaw amends Salt Spring Island Land Use Bylaw No. 355 by replacing Section 9.7 with a new "General Employment" zoning structure which reworks the existing industrial land use framework by adding permitted uses, amending site coverage, setback regulations as well as zone variations. In addition, a total of 54 properties are potentially rezoned by this draft bylaw; however, some of the properties are currently zoned for industrial uses.

GENERAL LOCATION:

Salt Spring Island, Electoral Area F

LEGAL DESCRIPTION:

Salt Spring Island, Electoral Area F

SIZE OF PROPERTY AFFECTED:

ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

Bylaw No. 434

OTHER INFORMATION:

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.


(Signature)

Name: Chloe Fox

Title: Planning Consultant

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CRD – Housing Secretariat
CRD – Parks & Community Services
CRD – SSI Liquid Waste Disposal Local Service Commission
CRD- SGI Small Craft Harbours Commission
Vancouver Island Health Authority
CRD - Beddis Water Service Commission
CRD – Highland Water & Sewer Local Services Commission
CRD - Fernwood Water Local Services Commission
CRD – Fulford Water Service Commission

PLEASE TURN OVER 

Provincial Agencies

Agricultural Land Commission
Ministry of Agriculture
BC Assessment Authority
Ministry of Community, Sport & Cultural Development
Ministry of Energy and Mines
Ministry of Transportation & Infrastructure
Ministry of Natural Resource Operations – Archaeology Branch
Ministry of Forest Lands & Natural Resource Operations – Environment
Ministry of Forest Lands & Natural Resource Operations – Front Counter BC
Ministry of Jobs, Tourism & Skills

Non-Agency Referrals

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SSI Chamber of Commerce
SSI Fire Protection District
SS Farmer's Institute
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SSI Agricultural Alliance
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SSI Water Council Society
SSI Water Preservation Society
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Tseycum First Nation
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PRELIMINARY REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

489
(Bylaw Number)

(Title)

(Agency)



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Ph: (250) 537-9144
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 490 Date: May 3, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee – 1-500 Lower Ganges Road, Salt Spring Island, BC, V8K 2N8

PURPOSE OF BYLAW:

This Bylaw amends the Salt Spring Island Land Use Bylaw No. 355 by amending the zoning classification of 4 existing Waste Management Facilities which are located at:

- Liquid waste transfer station, on Burgoyne Bay Road
- Ganges sewer, on Seaview Ave., and
- Recycling on Rainbow Road
- Garbage Service S.S., Blackburn Road

GENERAL LOCATION:

Salt Spring Island, Electoral Area F

LEGAL DESCRIPTION:

Salt Spring Island, Electoral Area F

SIZE OF PROPERTY AFFECTED:

ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

Bylaw No. 434

OTHER INFORMATION:

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(Signature)

Name: Chloe Fox

Title: Planning Consultant

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CRD- SGI Small Craft Harbours Commission
Vancouver Island Health Authority
CRD - Beddis Water Service Commission
CRD – Highland Water & Sewer Local Services Commission
CRD - Fernwood Water Local Services Commission
CRD – Fulford Water Service Commission

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BC Assessment Authority
Ministry of Community, Sport & Cultural Development
Ministry of Energy and Mines
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Halalt First Nation
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Lyackson First Nation
Penelakut First Nation
Semiahmoo First Nation

PRELIMINARY BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

490
(Bylaw Number)

(Title)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area Bylaws No.: 165 (OCP)&166 (LUB)

Date: April 28, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Mayne Island Local Trust Committee Initiated

PURPOSE OF BYLAW:

Proposed Bylaw 165 – The purpose of proposed bylaw 165 is to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007 (OCP) by adding a policy to the home occupation section that allows for the rental of a cottage as a commercial vacation rental provided its carried out as a home occupation.

Proposed Bylaw 166 – The purpose of proposed bylaw 166 is to amend the Mayne Island Land Use Bylaw 146, 2008 by adding wording to the home occupation section that allows for the rental of up to one cottage per lot as a short term vacation rental. The proposed bylaw also contains a definition of "short term vacation rental".

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

**OFFICIAL COMMUNITY
PLAN DESIGNATION:**

N/A

OTHER INFORMATION:

Additional information, including staff reports and current bylaws, is available at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne/projects-initiatives/official-community-plan-land-use-bylaw-review/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Gary Richardson

Island Planner

Title:
Contact Info

Tel: 250-405-5157
Email: g-richardson@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Grace Sherrett - Ministry of Transportation & Infrastructure

Non-Agency Referrals

Islands Trust – Bylaw Enforcement
Bakerview Holdings
Bennett Bay Waterworks District
Campbell/Bennett Bay Improvement District
Laura Point Water Society
Lighthouse Point Waterworks District
Mayne Island Improvement District
Mount Park Estates Improvement District
Skana Waterworks Ltd.
Surfside Water System
Village Point Improvement District
Mayne Island Integrated Water System Society
Georgina Point Improvement District

Regional Agencies

Capital Regional District – Building Inspection

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area
(Island)

Bylaw No. 165
(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area
(Island)

Bylaw No. 166
(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area Bylaws No.: 167 (OCP) Date: April 28, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Mayne Island Local Trust Committee Initiated

PURPOSE OF BYLAW:

Proposed Bylaw 167 – The purpose of proposed bylaw 167 bylaw is to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007 (OCP) by adding a list of guidelines to be applied when the Local Trust Committee is considering the issuance of a Temporary Use Permit for a Short Term Commercial Vacation Rental of a residential building.

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

**OFFICIAL COMMUNITY PLAN
DESIGNATION:**

N/A

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne/projects-initiatives/official-community-plan-land-use-bylaw-review/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Gary Richardson

Island Planner

Title:

Contact Info

Tel: 250-405-5157

Email: grichardson@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

Grace Sherrett - Ministry of Transportation & Infrastructure

Non-Agency Referrals

Islands Trust – Bylaw Enforcement
Bakerview Holdings
Bennett Bay Waterworks District
Campbell/Bennett Bay Improvement District
Laura Point Water Society
Lighthouse Point Waterworks District
Mayne Island Improvement District
Mount Park Estates Improvement District
Skana Waterworks Ltd.
Surfside Water System
Village Point Improvement District
Mayne Island Integrated Water System Society
Georgina Point Improvement District

Regional Agencies

Capital Regional District – Building Inspection

Adjacent Local Trust Committees and Municipalities

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Salt Spring Island Local Trust Committee

First Nations

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Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

xxxxxx Island Local Trust Area

(Island)

Bylaw No. 167

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area Bylaws No.: 168 (OCP) & 169 (LUB) Date: April 28, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Capital Regional District

PURPOSE OF BYLAW:

Proposed Bylaw 168 – The purpose of proposed bylaw 168 is to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007 (OCP) by: 1) adding a Development Permit Area for the Protection of the (Marine) Natural Environment; 2) by placing the an area of a proposed community moorage facility (DL 2070) fronting Anson Road in the new DPA; and 3) amending the Land Use designation on the upland portion of the proposed community moorage facility (Anson Road) from Settlement Residential to Public Service to accommodate the proposed new land use.

Proposed Bylaw 169 – The purpose of proposed bylaw 169 is to amend the Mayne Island Land Use Bylaw 146, 2008 by: 1) adding a new Community Wharf Upland (CWU) zone; 2) amending the zoning on the upland portion of the proposed community moorage facility (Anson Road) from Settlement Residential to the new CWU zone to accommodate the proposed new land use; and 3) amending the zoning on the area of the proposed community moorage facility from Water Moorage to Community Wharf W4(b).

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

**OFFICIAL COMMUNITY
PLAN DESIGNATION:**

N/A

OTHER INFORMATION:

Additional information, including staff reports and current bylaws, is available at: www.islandstrust.bc.ca/islands/local-trust-areas/mayne/current-applications/

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Gary Richardson

Island Planner

Title:
Contact Info

Tel: 250-405-5157
Email: grichardson@islandstrust.bc.ca

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Grace Sherrett - Ministry of Transportation & Infrastructure

Non-Agency Referrals

Islands Trust – Bylaw Enforcement
Mayne Island Parks and Recreation Commission
Mayne Island Conservancy

Regional Agencies

Capital Regional District – Building Inspection
Mayne Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

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Saturna Island Local Trust Committee
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BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area
(Island)

Bylaw No. 168
(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area
(Island)

Bylaw No. 169
(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

STAFF REPORT

May 11, 2016

File No.: GL-TUP-2016.4
(Calvert)

To: Galiano Local Trust Committee
For LTC Meeting: June 6, 2016

From: Phil Testemale, A/Planner 2

CC: Kim Stockdill, A/Planner 2
Robert Kojima, Regional Planning Manager
Thomas Loo, Bylaw Enforcement Officer

Re: Temporary Use Permit Application

Owner: Shirley Calvert
Applicant: Same
Description: Lot 3, Section 4 and 5, Galiano Island, Cowichan District, Plan 16826,
PID: 003-349-161
Civic Address: 18865 Porlier Pass Road

THE PROPOSAL:

This application is to consider a Temporary Use Permit (TUP) for a Commercial Vacation Rental within a Dwelling Unit.

BACKGROUND:

The proposal is to allow for a TUP for a Commercial Vacation Rental use within an existing 83 m² (893 ft²) single family dwelling. The application is the result of the bylaw enforcement action for illegal short term vacation rentals on Galiano (see Bylaw Enforcement - below).

The applicant's stated reasons for the proposed temporary use are to be able to comply with the bylaw regulations. The dwelling is a three (3) bedroom, one bathroom panabode, and rental is to a maximum of eight (8) people. The applicant owns the adjacent property at 18915 Porlier Pass Road (north and west), and the applicant has stated that she is always home when it is rented. She has rented for vacation use for the past 30 years. Last year the dwelling was rented for 110 days.

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

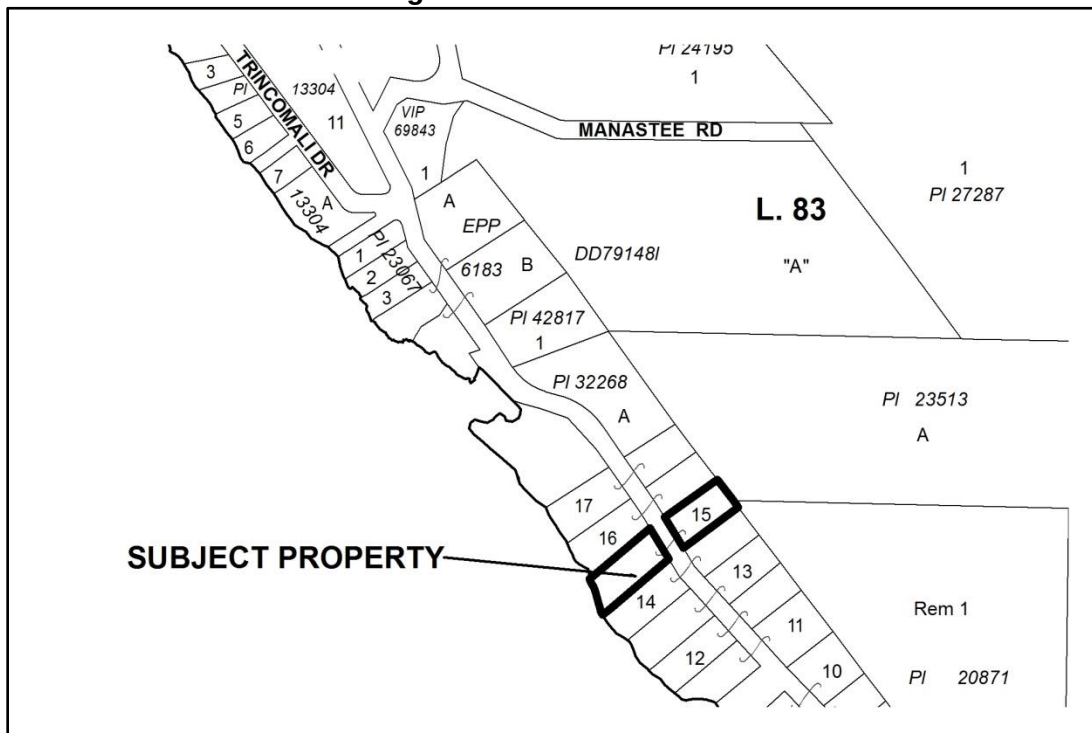
The proposed TUP is for a term of three (3) years which can be renewed for a further three (3) years by application. A copy of the proposed GL-TUP-2016.4 and a completed TUP checklist are attached.

SITE CONTEXT:

The property is a 0.66 ha (1.63 ac) waterfront property on the northwestern portion of Galiano Island. As with all other properties on this stretch of Porlier Pass Road, the lot is “hooked” (or divided by the road RoW. (Figure One). Neighbouring properties north and south are of a similar size and residential use. The upland properties to the east are larger parcels.

The dwelling is located on the water side of Porlier Pass Road (Figure Two).

Figure One – Site Context



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

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

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

Figure Two – Orthophoto



Official Community Plan

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

Conformity of proposal with the objectives and guidelines for TUP applications for vacation rentals is analyzed in the 'TUP – Commercial Vacation Rental' Checklist - attached.

Development Permit Areas 2 – Shoreline; 5 – Sensitive Ecosystem; and 7 – Steep Slope Hazard (Moderate and High) are designated on the subject property (Figure Three). No development activity requiring a DP is proposed.

Land Use Bylaw

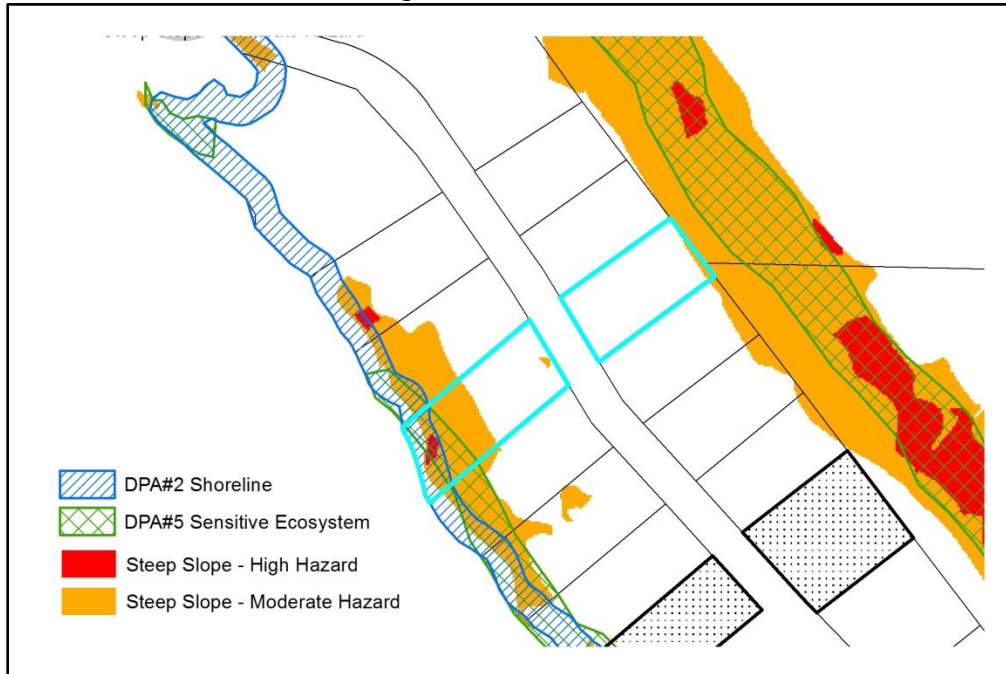
The property is zoned as **Small Lot Residential (SLR)** in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB).

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

Islands Trust Fund

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

Figure Three - DPAs



Covenants

There are no covenants registered on the subject property's title.

Sensitive Ecosystems and Hazard Areas

The sensitive shoreline ecosystem and woodland ecosystems are identified in the OCP section. As stated above, there are areas identified in the moderate and high steep slope hazard areas, however, no development is proposed with this application.

Archaeological Sites

There are no identified archaeological sites on the property.

Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Bylaw Enforcement:

The application is for compliance with the LTC enforcement strategy (property file: GL-BE-2016.7) for illegal STVRs on the island. There are no other enforcement issues recorded for the property.

Climate Change Mitigation and Adaptation

There is no development associated with this application therefore GHG emission changes resulting from approval and anticipated or possible climate change induced hazards are neutral.

Shoreline

The identified shoreline type is **sea cliff**.

RESULTS OF CIRCULATION:

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on May 25, 2016. The notification period will end at 4:30 p.m. on June 3, 2016. At the writing of this report no public submissions were received.

Any further public submissions will be forwarded to the LTC and presented at the Galiano Island LTC meeting on June 6, 2016.

STAFF COMMENTS:

TUP Objectives and Guidelines

The attached 'TUP Checklist for Commercial Vacation Rental' analyzes the proposal and proposed TUP for compliance with objectives and guidelines of the OCP. With the exception of water supply (see next), the proposal is compliant.

Water

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

The applicant has provided a well report from 1992 that indicates a yield of 22 litres/min (5 gal./min.). This is a relatively high volume, however, the test is not recent enough to be considered accurate.

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

Applicant's Rational for the Proposed Use

The applicant has stated that compliance with the bylaw regulations as the reason for the use. It is noted that the use has been continuing for approximately 30 years.

Response to Neighbour and Public Notification

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

Permit Conditions

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

OPTIONS:

The LTC should consider the following options:

1. Deny the permit; OR
2. Approve the permit as drafted; OR
3. Approve the permit with amendments for the installation of a 16,000 litre rainwater catchment cistern within 12 months of the date of issuance of the permit.

Given the foregoing and attached information, staff is recommending that GL-TUP-2016.4 (Calvert) be approved as drafted.

RECOMMENDATIONS:

1. **THAT** Temporary Use Permit GL-TUP-2016.4 (Calvert) **BE APPROVED**.

Prepared and Submitted by:



May 11, 2016

Date

Concurred in by:


Robert Kojima
Regional Planning Manager

May 11, 2016

Date

Attachments: Proposed GL-TUP-2016.4 (Calvert)
Notice GL-TUP-2016.4
TUP Checklist - Commercial Vacation Rental

PROPOSED



Islands Trust

**GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2016.4 (Calvert)**

18865 Porlier Pass Road

To: Shirley Calvert

1. This Permit applies to the land described below:

Lot 15, District Lot 83, Galiano Island, Cowichan District, Plan 21831,
(PID: 003-349-161).

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

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

3. and is subject to the following conditions:

- a) the property owner or other contact person be available on Galiano Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and on island contact person must be provided to guests upon arrival;
 - b) the property owner or Commercial Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact persons phone number, and a copy of the temporary use permit;
 - c) the property owner or Commercial Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
 - d) the maximum number of guests is limited to eight (8) persons;
 - e) the maximum number of guests per bedroom is three (3) persons;
 - f) camping and occupancy of recreational vehicles are prohibited;
 - g) a maximum of one sign unilluminated not exceeding a total sign area of 0.4 square metres advertising the Commercial Vacation Rental is permitted. The sign must be located on the lot occupied by the Commercial Vacation Rental use;
 - h) the rental or provision of motorized personal watercraft is prohibited;
 - i) all outdoor fires are prohibited;
 - j) the owner must provide parking for a minimum of two (2) vehicles on the property;
 - k) the property owner or Commercial Vacation Rental operator must post for guests emergency service contact information and to provide a means for contacting them;
 - l) the property owner or Commercial Vacation Rental operator must post name and contact number of property owner and on island contact person, and permit information at the entrance to the property; and

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

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

Deputy Secretary, Islands Trust

Date Issued



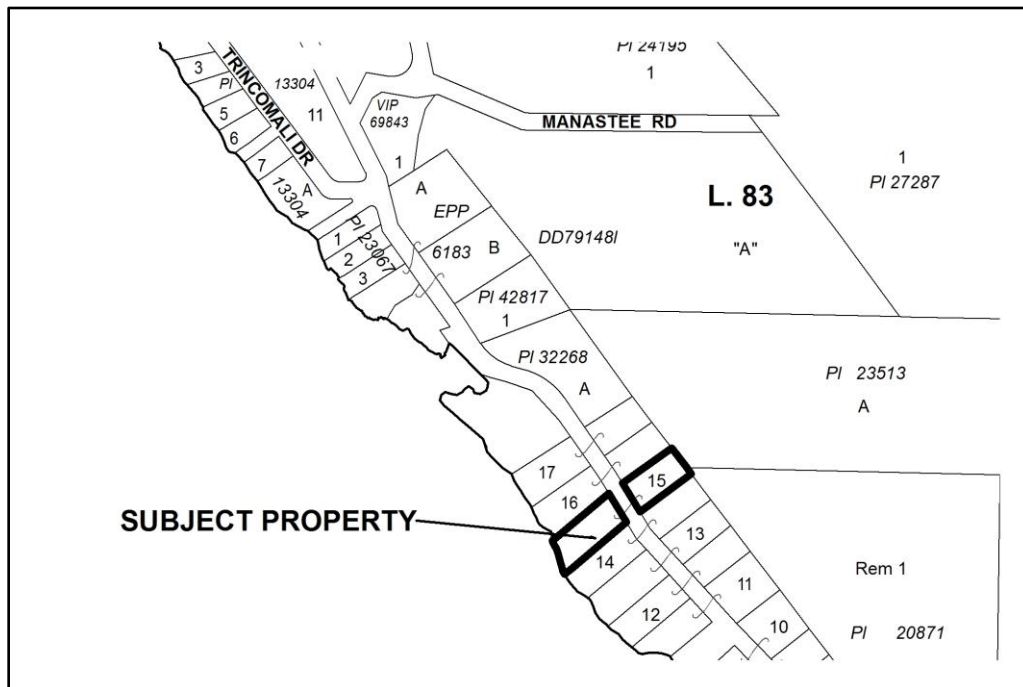
Islands Trust

**NOTICE
GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-TUP-2016.4**

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot 15, District Lot 83, Galiano Island, Cowichan District, Plan 21831 (PID: 003-349-161), 18865 Porlier Pass Road.

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

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **May 20, 2016** and up to and including **June 3, 2016**.

For the convenience of the public only, and not to satisfy Section 494(1) (a) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing **May 20, 2016**.

Enquiries or comments should be directed to Kim Stockdill, A/Planner 2 at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before **4:30 p.m., June 3, 2016**. The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., June 6, 2016**, at the South Community Hall, 141 Sturdies Bay Road, Galiano Island, BC.

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

Sharon Lloyd-deRosario
Deputy Secretary

TUP Checklist for Commercial Vacation Rental: GL-TUP-2016.3 (Calvert)
18865 Porlier Pass Road

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “commercial vacation rental” means the use of a <i>residence</i> as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier	Yes – by definition of the use in TUP.
b) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	This is the first application received for this area of Galiano Island.
c) Residential Appearance - The Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.	No alterations proposed.
d) Neighbour Concerns - The Local Trust Committee may require mitigating measures to address neighbours’ concerns, such as retention of existing screening and fencing, or installation of additional screening.	At the time of writing, notification has not generated any comments.
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min) Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	Water: The property is not in a water management area. Owner has provided a well log from 1992 that indicates a yield volume of 22 litres/min (5 gal/min). This is a reasonably high volume although an older test. There is currently no cistern for storage of rainwater. The house is small at 83 m²/893 ft.² The property is reasonably large in size at 0.66 ha.
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Minimum two (2) spaces.
Permit Conditions	
g) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. require that the owner or other contact be	Yes.

Guidelines	Comments
available on Galiano by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit	
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Yes.
iii. require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area.	Yes.
iv. establish a maximum number of people that can stay	Eight (8).
v. establish a maximum number of guests per bedroom	Three (3) in three (3) bedrooms.
vi. prohibit camping or occupancy of RVs on the property	Yes.
vii. restrict advertising to one unilluminated sign, with a maximum area	Yes.
viii. prohibit the rental or provision of motorized personal watercraft	Yes.
ix. prohibit outdoor fires	Yes.
x. establish the dates during which the use may occur	n/a
xi. include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received	Yes.
xii. require that the landowner/operator post for guests emergency service contact information and to provide a means for contacting them	Yes.
xiii. require the landowner/operator to post contact information and permit information at the entrance to the property	Yes.
Agriculture Land Reserve	
h) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	n/a

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

STAFF REPORT

Date: May 27, 2016

File No.: GL-DP-
2016.2(McFarland)

To: Galiano Island Local Trust Committee
For the meeting of June 6, 2016

From: Kim Stockdill, A/Planner 2

CC: Robert Kojima, Regional Planning Manager

Re: Shoreline and Marine Development Permit (DPA2)

Owner: Lawrence & Marjory McFarland

Applicant: Same

Location: Lot 33, District Lot 6, Wise Island, Cowichan District, Plan 19676
PID: 003-610-462

THE PROPOSAL:

This application is to retroactively permit the construction of a dwelling unit within the Development Permit Area No. 2 – Shoreline & Marine and within the setback from the interior side lot line. A Development Permit (DP) is required for the works completed within the DPA and a variance is required to legalize the siting of the dwelling unit.

History:

In 2014 the property owners constructed a single-storey 102 m² (1100 ft²) in area dwelling unit on the subject property located on Wise Island. After the construction of the house, it was determined by the Capital Regional District (CRD) that a Building Permit (BP) was not issued. In 2015, the property owners applied for a BP and subsequently the application was referred to the Islands Trust to confirm compliance with land use regulations. It was during this process that Islands Trust staff noted that a portion of the dwelling unit was located within the Shoreline and Marine Development Permit Area (DPA) and that a variance would be required for the siting of the dwelling unit within the setback from the eastern interior side lot line.

The rationale for constructing the dwelling unit within the DPA and within the eastern side lot line setback was to reduce impact to an eagle nest tree located on the property, to avoid impacts to vegetation and surrounding trees, and due to the sustainable design of the dwelling unit in order to maximize solar panel use. Comments contained in the Environmental Assessment report (attached) suggest that the property owners made considerable efforts to lessen impacts on the surrounding sensitive ecosystem.

Development Permit Area:

On Galiano Island, all land within 15 metres upland of the natural boundary of the sea has been designated Development Permit Area 2 – Shoreline and Marine DPA for the establishment of objectives for shoreline protection. The attached checklist reviews the application in relation to the applicable guidelines, indicating where the guidelines have been addressed and where they

have not, and where the guidelines are not relevant to this application (see Attachment 3). In order to satisfy the requirement for Development Approval Information Bylaw No. 148 and to address the applicable guidelines in the DPA, the applicant has provided an Environmental Assessment Report – Attachment 4. A draft development permit is also attached as Attachment 1 for your consideration.

In addition to the development permit, the applicants are requesting a variance to reduce the 6.0 metre setback from the interior side lot line to 3.1 metres to legalize the siting of the existing dwelling unit. The variance is included in the development permit.

SITE CONTEXT:

The subject property is located on southwest end of Wise Island and is approximately 0.2 ha (0.5 acres) in area. The property is zoned Small Lot Residential (SLR) and is bordered by similar sized parcels. The majority of the parcel is forested and is accessed by an un-surfaced pathway from a community-shared dock on the eastern end of the island. The dwelling unit was constructed in 2014 and is the only building on the subject property. There are no docks or wharves located on the southwestern facing property. As described in the Environmental Assessment report, the DPA (shoreline) consists of sparsely vegetated steep bedrock and boulder coastline with an open canopy, and an approximate 8 metre rise from the Present Natural Boundary to the dwelling unit.

Figure 1: Subject Property Map

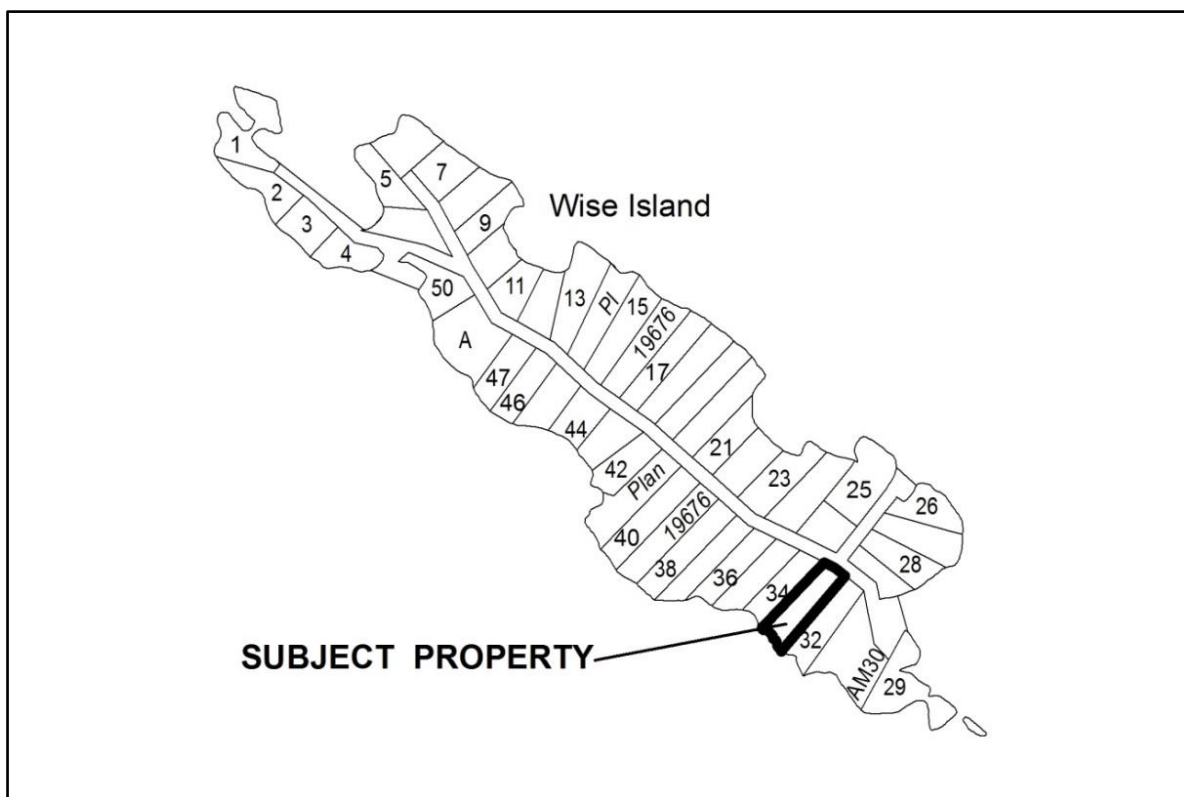


Figure 2: Site Survey Plan

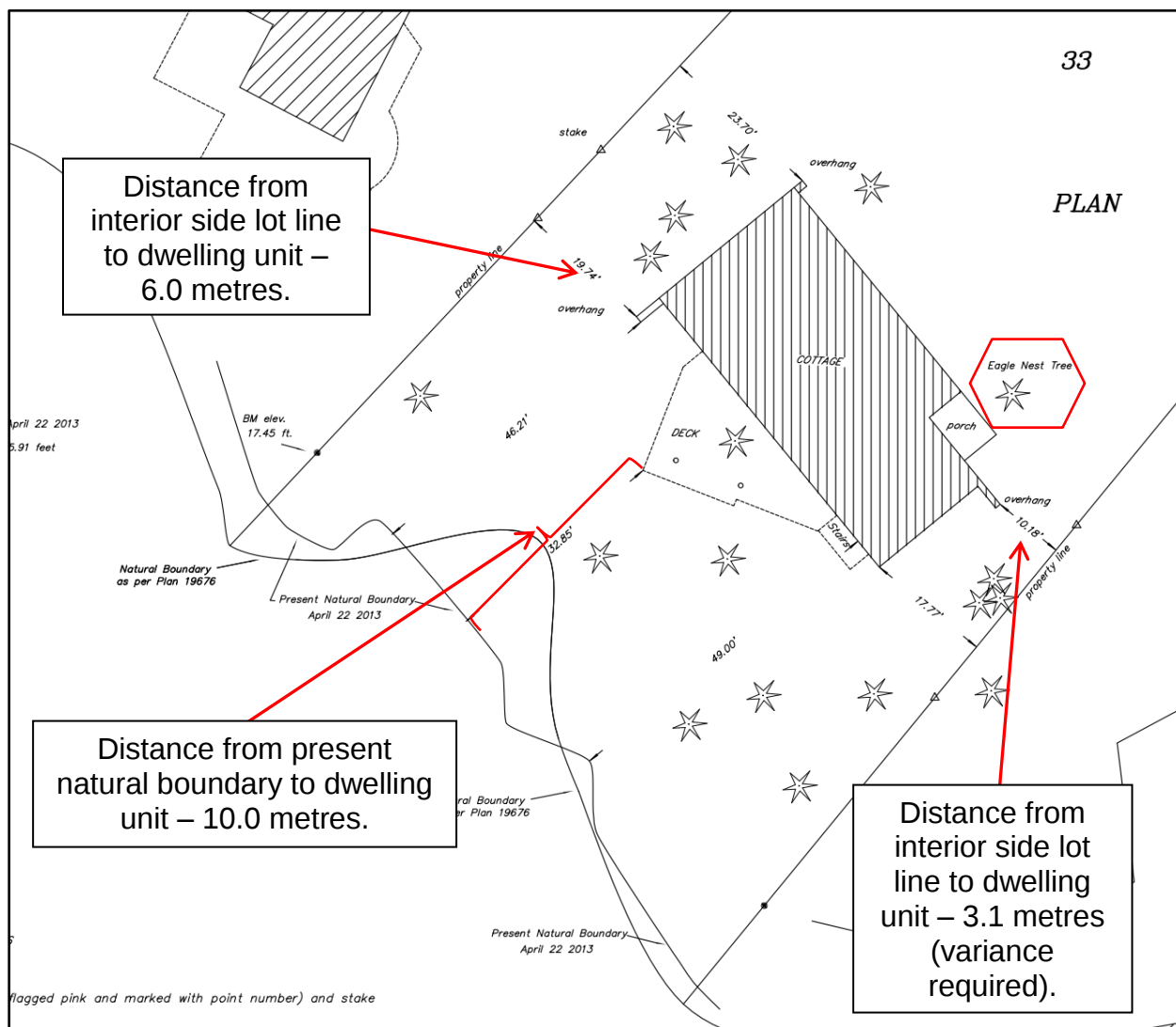


Figure 3: Orthophoto Map



Figure 4 – Elevation Drawing

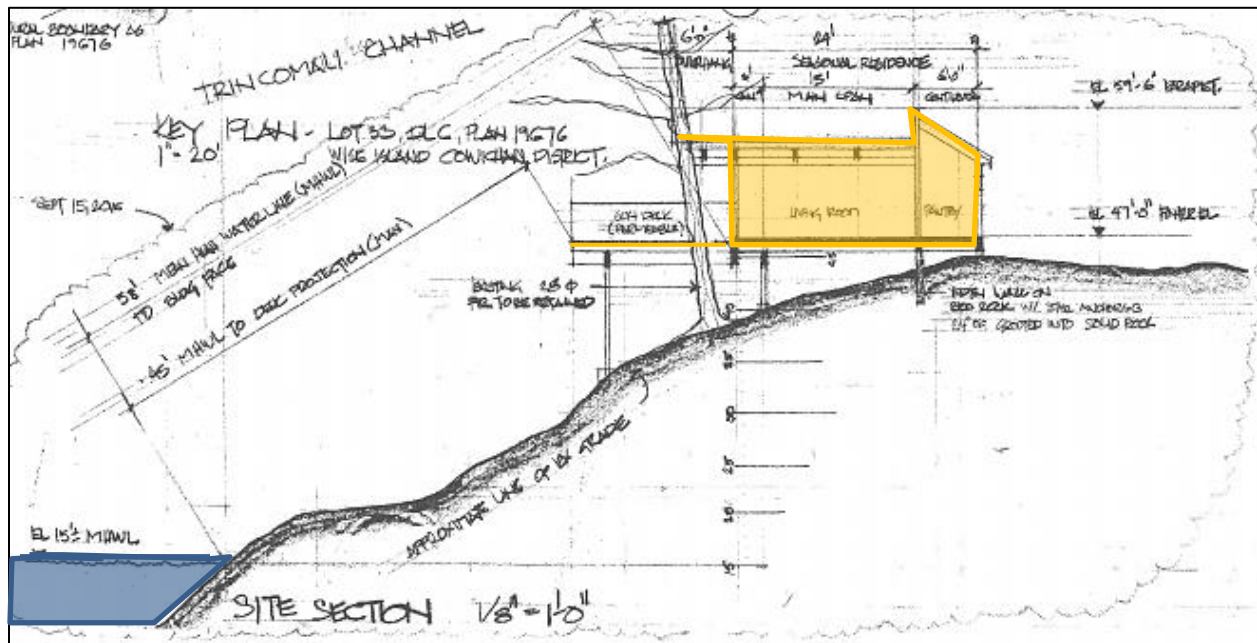


Photo 1 & 2 – Looking from foreshore to dwelling unit
(taken by applicant)



Photo 3 – Foreshore Area
(taken by applicant)



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Applicable directive policies in the Islands Trust Policy Statement include:

3.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

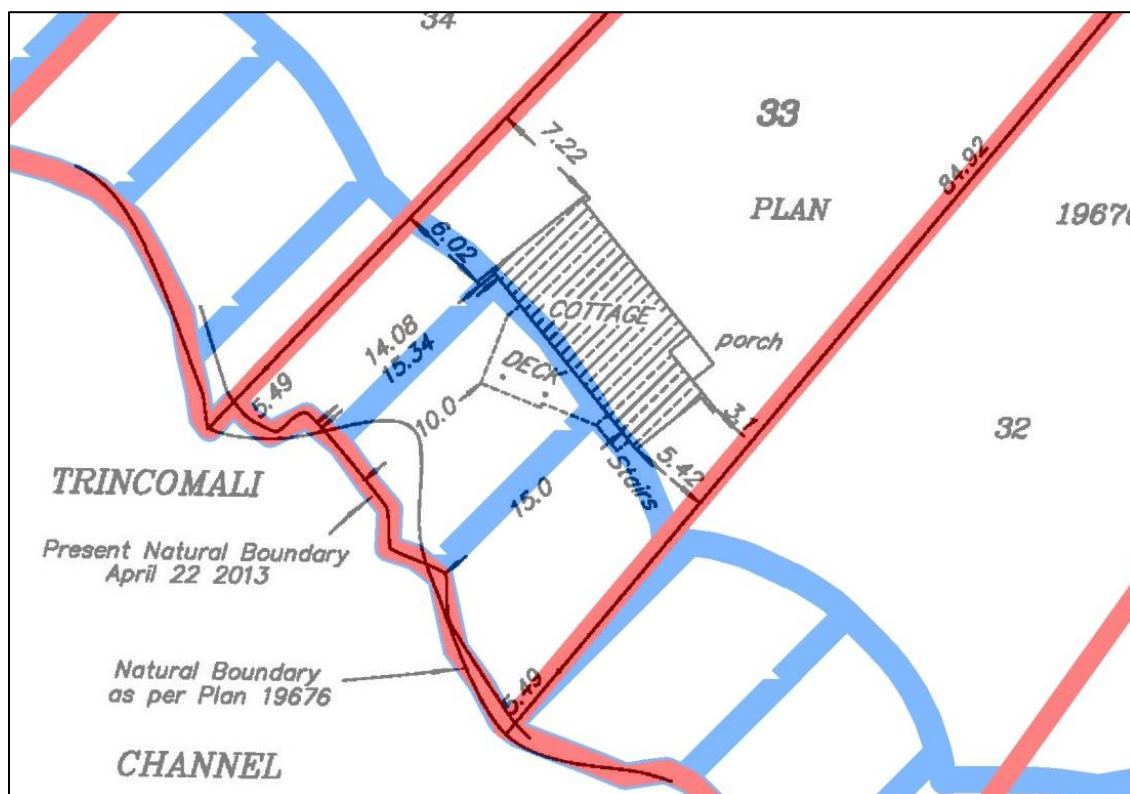
3.4.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.

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.

Official Community Plan:

The subject property is designated Small Lot Residential (SLR) in the OCP and is also located within the Shoreline and Marine Development Permit Area (DPA). The Shoreline and Marine DPA extends 15m upland from the natural boundary of the sea, and seaward. The subject property is not located within any other DPAs.

Figure 4: Shoreline & Marine DPA (noted in blue)



Land Use Bylaw:

The subject property is zoned Small Lot Residential (SLR). A variance is required to vary the setback from the interior side lot line from 6 metres to 3.1 metres. The dwelling unit meets all other regulations in the land use bylaw.

Islands Trust Fund:

This application has no considerations for the Islands Trust Fund.

Sensitive Ecosystems and Hazard Areas:

There are no sensitive ecosystems mapped and no steep slopes identified on the property.

Archaeological Sites:

Based on information from the Provincial Remote Access to Archaeological Data (RAAD), there are no archaeological sites on the property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Covenants:

There are no covenants registered on the property title.

Bylaw Enforcement:

There are no bylaw enforcement files associated with this property.

Climate Change Mitigation and Adaptation:

There are no anticipated effects of climate change with this application. The applicants sited the dwelling unit in order to reduce the number of trees impacted by construction. The dwelling unit also includes the following sustainable building features: rainwater harvesting, photo voltaic for electricity, composting toilets, and passive solar light and heat.

Shoreline:

Currently there is no shoreline classification mapping for Wise Island. As seen from the pictures provided by the property owner, the shoreline is rocky with a low/moderate slope. There are no anticipated impacts to the shoreline associated with this application.

Capital Regional District (CRD):

This application is based on a Building Permit referral from the CRD. The draft Development Permit was forwarded to the CRD for comment. No comments were received at the time of writing the staff report.

Environmental Impact Assessment:

Islands Trust staff are permitted to require Development Approval Information for applications within this DPA. For this proposal, the applicant has provided an Environmental Impact Assessment Report. Staff rely on professional reports in order to address the applicable guidelines in the development areas to ensure the protection of sensitive ecosystems and to provide recommendations to minimize potential impacts to the sensitive ecosystems. The report includes a site inventory, outlines impacts from the development, and provides recommendations for the property owner. The following are recommendations from the report and are included in the draft development permit:

- Plant two native trees (preferably at least one Douglas-fir) in the DPA as replacements for the fir removed in the upper DPA.
- Plant the 9 m² bench with a layer of soil and native vegetation.
- Tree and vegetation plantings must be maintained for at least 2 years.
- Retain natural woody debris in the setback as it provides nutrient cycling and habitat.
- Remove mullein (*Verbascum* sp.) and other invasive species as they may occur.
- Store fuel and fueled equipment (e.g. generators) in spill-proof containment berms with the capacity to contain in excess of the fuel tank volume.
- Keep aware of eagle nest occupancy, if possible, and avoid loud and disruptive activity (power tools, chain saws, etc.) during eagle breeding season (generally February to August) if nest is occupied.
- Due to the remoteness of the site, monitoring to ensure establishment of vegetation would be sufficiently met by site photographs from the owners for the 2-year maintenance period.

The full Marine Ecosystem report and DPA checklist is attached for review.

RESULTS OF CIRCULATION:

The Development Permit application does not require public notification, the variance may be considered within the Development Permit as it meets the objectives of the Development Permit Area.

VARIANCE ISSUES SUMMARY:

Applicant's rationale for the proposed variance. The applicants state that the design of the dwelling unit (long and narrow) was to maximize solar penetration for the solar panels. This long and narrow design forced the building footprint to be within the eastern interior side lot line setback. The property owners also own Lot 32 (to the east) therefore they shifted the footprint closer to Lot 32 to provide more privacy to the northern lot (Lot 34).

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.

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 is to retroactively permit the construction of a dwelling unit on Wise Island within the Shoreline and Marine Development Permit Area (DPA). A variance is also requested to legalize the siting of the dwelling unit within the setback from the eastern interior side lot line.

This development permit application is different from most that the LTC receives as it retroactively approves the works completed with the DPA. In this case, the property owner took considerable amount of care in order to reduce impacts to the shoreline and surrounding vegetation. The intent was not to build within the DPA, however in order to preserve a Douglas-fir eagle nest tree the footprint of the dwelling unit had to be moved within the DPA. As noted in the Environmental Impact Assessment, the proposal included:

- building the deck around a mature Douglas-fir with no impact to vegetation from concrete footings in rock;
- constructing the house in such a way that numerous medium-sized trees and most native vegetation were retained on all sides of the house, where most construction sites would have seen their removal;
- siting rainwater tanks under the house to avoid further impacts on vegetation and collecting rainwater to reduce impermeable surfaces;
- avoiding impermeable surfacing by retaining footpaths in their un-surfaced state;
- sharing shoreline access paths with both neighbours to avoid additional vegetation removal; and
- generally designing the house to have minimal energy and heating requirements, focusing on an extensively glazed south-facing wall with passive solar heating and extensive southfacing solar panels at roof level (rather than on the shoreline).

The report states that the development within the DPA appears to have little negative impact on the environment and provided the recommendations described in the assessment report are followed, the site will meet the DPA's objectives. All recommendations made in the assessment report have been included in the development permit.

The applicants have also requested a variance to the eastern interior side lot line setback from 6 metres to 3.1 metres. The purpose of this variance is to retain a number of trees located on the property, reduce impacts to a neighbouring eagle nest tree, while achieving a sustainable dwelling unit design to maximize solar penetration of solar panels. As stated in DPA Guidelines no. 4, the LTC may consider variances to building siting in order to meet the objectives of the DPA. This variance meets the following DPA objectives:

- Objective 2 - To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
- Objective 5 - To adapt to the anticipated effects of climate change.

There are no anticipated impacts if this variance is approved. The dwelling unit is built, and Islands Trust staff have received no bylaw enforcement complaints regarding the siting of this building. Although the dwelling unit is located closer to the lot line bordering Lot 32 (to the east), there is still a considerable distance between the dwelling units on Lot 33 (subject property) and Lot 32.

Given the information provided in the an Environmental Impact Assessment report, the application satisfying the development permit guidelines, and measures were taken by the property owners to reduce any impacts to the sensitive ecosystem, staff recommends issuance of the development permit for the existing dwelling unit.

RECOMMENDATION:

1. THAT Development Permit GL-DP-2016.2 (McFarland) BE APPROVED.

Prepared and Submitted by:



A/Planner 2

May 27, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

May 27, 2016

Date

Attachments:

1. Draft Development Permit GL-DP-2016.2
2. DPA Checklist
3. Environmental Impact Assessment



**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2016.2**

To: Lawrence & Marjory McFarland

1. This Development Permit Amendment applies to the lands described below:

Lot 33, District Lot 6, Wise Island, Cowichan District, Plan 19676

2. This Development Permit authorizes the siting of an existing dwelling unit within a Shoreline and Marine development permit area, subject to the following conditions:

- a) The siting and dimensions of the structure shall be substantially consistent with Schedule A attached to and forming part of this permit.
- b) Plant two native trees (at least one Douglas-fir) in the Development Permit Area (DPA).
- c) Plant the 9 m² bench area with a layer of soil and native vegetation as listed in Schedule B.
- d) Tree and vegetation plantings must be maintained for at least 2 years.
- e) Retain natural woody debris in the setback as it provides nutrient cycling and habitat.
- f) Remove mullein (*Verbascum* sp.) and other invasive species as they may occur.
- g) Store fuel and fueled equipment (e.g. generators) in spill-proof containment berms with the capacity to contain in excess of the fuel tank volume.
- h) Keep aware of eagle nest occupancy and avoid loud and disruptive activity during eagle breeding season (generally February to August) if nest is occupied.
- i) Property owners to provide site photographs for monitoring after the 2 year maintenance period to ensure establishment of vegetation.

3. "Galiano Island Land Use Bylaw No. 127, 1999" is varied as follows:

- a) Article 5.3.8.2 is varied to reduce the setback from the eastern interior side lot line from 6.0 metres to 3.1 metres for the siting of an existing dwelling unit.

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.

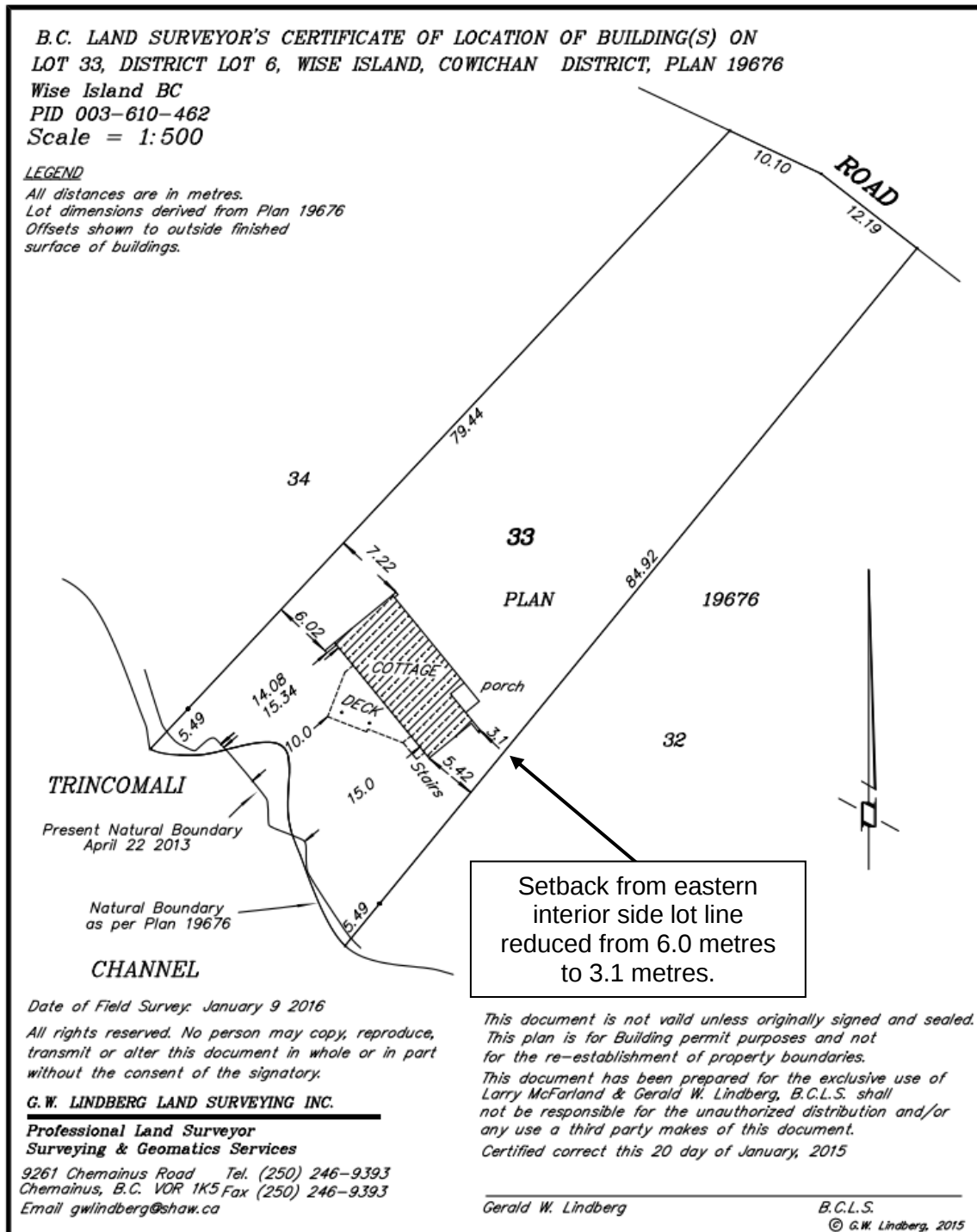
AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XX, 201X.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE XX DAY OF XX,
201X, THIS PERMIT AUTOMATICALLY LAPSES.

**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2016.2
Schedule A**



**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2016.2
Schedule B**

TREES	
arbutus	<i>Arbutus menziesii</i>
Douglas-fir	<i>Pseudotsuga menziesii</i>
Garry oak	<i>Quercus garryana</i>
SHRUBS	
oceanspray	<i>Holodiscus discolor</i>
Nootka rose	<i>Rosa nutkana</i>
common snowberry	<i>Symphoricarpos alba</i>
Saskatoon berry	<i>Amelanchier alnifolia</i>
red huckleberry (needs rotting wood)	<i>Vaccinium parvifolium</i>
evergreen huckleberry	<i>Vaccinium ovatum</i>
black huckleberry	<i>Vaccinium membranaceum</i>
GROUND COVER	
coastal strawberry	<i>Fragaria chiloensis</i>
woodland strawberry	<i>Fragaria vesca</i>
sword fern	<i>Polystichum munitum</i>
bracken fern	<i>Pteridium aquilinum</i>
dull Oregon grape	<i>Mahonia nervosa</i>
salal	<i>Gaultheria shallon</i>
western trumpet honeysuckle	<i>Lonicera ciliosa</i>
hairy honeysuckle	<i>Lonicera hispidula</i>
trailing blackberry	<i>Rubus ursinus</i>
wild ginger (needs thick leaf mould)	<i>Asarum caudatum</i>
Hookers onion, nodding onion	<i>Allium acuminatum, A. cernuum</i>
Pacific sanicle	<i>Sanicula crassicaulis</i>

Galiano Island
OCP Bylaw No. 108, 1995
Shoreline and Marine Development Permit Area (DPA 2)
Guideline Checklist – GL-DP-2016.2

Guideline	Complies			Comments
	Yes	No	N/A	
1. In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access.	☒	☐	☐	
2. Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works are exhausted should such works be considered.	☐	☐	☒	
3. Sea level rise, storm surges, and other anticipated effects of climate change should be addressed in all applications.	☐	☐	☒	
4. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.	☒	☐	☐	The applicants have requested a variance to the eastern interior side yard setback from 6 metres to 3.1 metres. The purpose of this variance is to retain an number of trees located on the property, reduce impacts to a neighbouring eagle nest tree, while achieving a sustainable dwelling unit design to maximize solar penetration of solar panels. This variance meets the following objectives of the DPA: Objective 2 - To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features. Objective 5 - To adapt to the anticipated effects of climate change.
5. New upland structures or additions to existing structures should be located and designed to avoid the need for shore protection works.	☒	☐	☐	
6. When required, shore protection measures should:				
a. Apply the 'softest' possible shore protection measure that will still provide satisfactory protection; and	☐	☐	☒	
b. Limit the size of shore protection works to the minimum necessary.	☐	☐	☒	
7. 'Hard' structural shore protection measures (e.g. concrete walls, lock block, stacked rock) may be considered in support of existing development only when a geotechnical and biophysical analysis demonstrates that:				
a. an existing structure is at immediate risk from shoreline erosion caused by tidal action, currents, or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
b. the erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage. The geotechnical analysis should evaluate on-site drainage problems and investigate drainage solutions away from the shoreline edge before considering structural shoreline stabilization;	☐	☐	☒	
c. non-structural measures, such as locating new buildings and structures further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or sufficient to address the stabilization issues; and	☐	☐	☒	
d. unavoidable damage to shoreline ecological function is mitigated as much as feasible and restoration is undertaken when feasible.	☐	☐	☒	
8. All structural shore protection measures should be installed within the property line or upland of the natural boundary of the sea, whichever is further inland. 'Soft' shoreline protection measures that provide restoration of previously damaged ecological functions may be permitted seaward of the natural boundary subject to obtaining necessary approvals from the provincial and federal governments.	☐	☐	☒	
9. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical assessment of the site.	☒	☐	☐	The dwelling unit meets the setback requirement of 7.5 metres from the present natural boundary (PNB) to any buildings or structures. The dwelling unit is located 10 metres from the PNB.
10. Shore protection measures that are likely to cause erosion or other physical damage to adjacent or down-current properties shall not be supported.	☐	☐	☒	
11. Shore protection measures should not be considered for solely the purpose of providing a sufficient setback to meet other land use bylaw requirements.	☐	☐	☒	
12. New driveways and sewage disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the development permit may require that the assessment, design and construction of the road or sewage disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met.	☒	☐	☐	Driveways and sewage system is not located in DPA.
13. Where this development permit area includes native plant species or plant communities dependent on a marine shoreline habitat that are identified locally, provincially, or federally as sensitive, rare, threatened or endangered, or have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation / compensation measures shall be undertaken only under the supervisions of a qualified professional with advice from provincial and federal environmental agencies.	☐	☐	☒	
14. Shore protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing structures or new outbuildings.	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
15. Existing shore protection works may be replaced if the existing works can no longer adequately serve their purpose provided that:				
a. The replacement shore protection works are of the same size and footprint as the existing works, unless required to prevent shoreline erosion as determined by a qualified professional;	☐	☐	☒	
b. The replacement shore protection works are designed, located, sized, and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;	☐	☐	☒	
c. Replacement walls or bulkheads do not encroach seaward of the natural boundary or the seaward limit of the existing shore protection works unless there are significant safety or environmental concerns that could only be addressed via such an encroachment. In such cases, the replacement of shore protection works should utilize the 'softest' approach possible and should abut the existing shore protection works; and	☐	☐	☒	
d. Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.	☐	☐	☒	
Guidelines for Subdivisions:				
16. All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development.	☐	☐	☒	
Guidelines for Commercial and Industrial Development:				
17. Boat maintenance and repair facilities shall be designed and sited in a manner that minimizes the potential for the discharge of toxic materials from boats (e.g. fuels, oils, maintenance by-products).	☐	☐	☒	
18. Lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility. Light fixtures on such sites should focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high-cut off angle should be used. Full-spectrum fixtures are preferred. Neon lighting should not be used outside buildings.	☐	☐	☒	
19. Signs on commercial and industrial developments built over the water surface should not move or be audible and should not incorporate lighting that moves or flashes or gives the impression of doing so.	☐	☐	☒	
20. Offshore log storage should be located such that natural flushing and water circulation will disperse waste materials, and log dumping facilities should be designed and operated to prevent bark and other debris from accumulating on the sea bed.	☐	☐	☒	
Guidelines for Specific Shoreline Types:				

Guideline	Complies			Comments
	Yes	No	N/A	
21. Because of their extreme sensitivity to disturbance and slow rate of recovery, dredging or filling of estuaries should not be permitted, sea walls and rip rap embankments should not be permitted in estuaries, and when shore protection measures are necessary "beach nourishment" designs are preferred, which add appropriately sized material to the upper beach, creating a natural beach slope and beach armour.	☐	☐	☒	
22. New structures on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis for the structure.	☐	☐	☒	
23. Removal of trees or other vegetation from steep slopes or bluffs should only be allowed where necessary and where replacement vegetation / erosion control measures are established. If possible, stumps should be left in place to provide some soil stabilizing influence until replacement vegetation is established. Plans delineating extent of vegetation / tree removal (location, species and diameter of trees) and location of proposed construction, excavation and / or blasting, may be required.	☐	☐	☒	
Guidelines for Construction Practices:				
Erosion Control:				
24. All development within this development permit area should be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.	☐	☐	☒	
Monitoring:				
25. A development permit may require monitoring by a qualified professional of the implementation of environmental mitigation, restoration or enhancement planting or other measures required by a development permit, until all such measures have been completed and the professional has provided a report confirming completion to the standard specified in the permit.	☒	☐	☐	Biologist recommends site photographs from the property owners for the 2-year maintenance period for replanting due to remoteness of property.
Guidelines for Vegetation Management, Restoration and Enhancement:				
26. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.	☒	☐	☐	
27. Existing trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.	☐	☐	☒	
28. If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.	☒	☐	☐	Biologist recommends replanting native vegetation – see development permit.

Guideline	Complies			Comments
	Yes	No	N/A	
29. Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or fish and wildlife habitat values as needed. Suitably adapted, non-invasive, non-native vegetation may also be considered acceptable.	☒	☐	☐	Condition in development permit.
30. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.	☒	☐	☐	Condition in development permit.
Guidelines for Shore Protection Measures Design:				
31. Materials used for shoreline stabilization should be inert. Stabilization materials should not consist of debris or contaminated material that could result in pollution of tidal water.	☐	☐	☒	
32. Revetments (rip rap slopes) and bulkheads (retaining walls) should only be constructed if no other alternative exists.	☐	☐	☒	
33. Where revetments are proposed:				
a. They should not result in the loss of shoreline vegetation or fish habitat;	☐	☐	☒	
b. The size and quantity of materials used should be limited to that necessary to withstand the estimated energy of the location's hydraulic action and prevent collapse; and	☐	☐	☒	
c. Filter cloth should be used to aid drainage.	☐	☐	☒	
34. Where bulkheads are proposed:				
a. They should not be located where geomorphic and hydrologic processes are critical to shoreline conservation. Feeder bluffs, marshes, wetlands, spits and hooks should be avoided;	☐	☐	☒	
b. They should be located parallel to and landward of the natural boundary of the sea, as close to any natural bank as possible;	☐	☐	☒	
c. They should allow the passage of surface or groundwater without causing ponding or saturation; and	☐	☐	☒	
d. They should be constructed of stable, non-erodible materials that preserve natural shoreline characteristics. Adequate toe protection including proper footings and retention mesh should be included. Beach materials should not be used for fill behind bulkheads.	☐	☐	☒	
Guidelines for Beach Nourishment and Fill:				

Guideline	Complies			Comments
	Yes	No	N/A	
35. Fill upland of the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.	☐	☐	☒	
36. Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design.	☐	☐	☒	
37. Fill should not be placed at or below the natural boundary for the purposes of providing a trail or walkway.	☐	☐	☒	
38. All upland fill and beach nourishment materials should be clean and free of debris and contaminated material. All fill and beach nourishment proposals are subject to review and approval by provincial and federal authorities having jurisdiction.	☐	☐	☒	
Guidelines for Shore Access and Parking:				
39. Roads, driveways, trails and pathways should follow the contours of the land, appropriately manage drainage, not require retaining walls, and only use stairs as a last resort.	☐	☐	☒	
40. Accesses in extremely sensitive areas or hazardous areas should be restricted or prohibited.	☐	☐	☒	
41. Parking areas should be located away from the shore, buffered or landscaped, and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, filtration trenches or swales, unpaved or permeable all weather surfaces should be considered for this purpose.	☐	☐	☒	
Guidelines for the Construction and Replacement of Docks and Boat Launch Facilities:				
42. For residential properties, preference is to be given to the placement of mooring buoys and floats instead of docks.	☐	☐	☒	
43. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.	☐	☐	☒	
44. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.	☐	☐	☒	
45. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.	☐	☐	☒	
46. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.	☐	☐	☒	
47. Piers and pilings and floating docks are preferred over solid-core piers.	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
48. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.	☐	☐	☐	
49. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes.	☐	☐	☒	
50. Construction of a private ramp on an individual residential lot or parcel is discouraged. Owners are urged to seek opportunities to use public ramps or to share existing private ramps.	☐	☐	☒	
51. Residential docks should be located and designed to avoid the need for shore defence works or breakwaters.	☐	☐	☒	
52. Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not be designed to accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area unless more than two parcels have legal access to the dock, in which case permitted total surface area should be a multiple of the number of lots the dock serves.	☐	☐	☒	

Larry McFarland
351 54A Street
Delta, BC
V4M 3J2

5 May 2016

RE: Environmental Impact Assessment for Lot 33, Wise Island, BC for Shoreline and Marine Areas Development Permit Area (Islands Trust)

On 7 April 2016, Sara Stallard, BSc, ASCT, Dipl.Env.Tech. of Swell Environmental Consulting Ltd. (Swell) visited the site at Lot 33 on Wise Island, BC to evaluate the condition of the property in reference to a recently constructed residence with a deck area overhanging the Islands Trust Shoreline and Marine Areas Development Permit Area (DPA 2)(Figures 1-3). As per the Galiano Island Local Trust Committee Official Community Plan (OCP 1995) Bylaw No. 108, the site was assessed for sensitive ecosystems, red and blue listed species, wildlife trees, and all environmentally sensitive areas within the DPA. This Environmental Impact Assessment summarizes our assessment of the environmental conditions in the DPA, potential impacts from the completed construction, and recommendations for mitigation.

Site Conditions

Wise Island is an unserviced small island west of Galiano Island, BC. The approximately 2075-m² waterfront site is located on the southeast end of the island. The majority of the island is covered in mature Coastal Douglas-fir forest ecosystem (CDFmm). A review of the Sensitive Ecosystem Inventory (SEI) mapping for Wise Island showed primary and secondary ecosystem types of the interior are listed in as OF:co (Older Forest, conifer-dominated) and SG:co (Older Second Growth Forest, conifer-dominated), respectively, with an estimated forest age of 60-250 yrs. The area of the DPA falls into the southwest-facing coastal edge that is listed as WD (Woodland Ecosystem) with an estimated forest age of >100 yrs (Figure 4). The site location falls outside of all Galiano Island Local Trust Committee OCP Schedule H DPA 5 Sensitive Ecosystems (Figure 5). A review of the Conservation Data Centre (CDC) mapping resulted in no known datasets for sensitive species on this site or within one kilometre of the site.

The site is almost entirely forested and there are no roads. The site is accessed by an un-surfaced pathway from one of two community-shared docks on the eastern end of the island. There are no docks or wharves at the property, located on a steep bedrock southwest-facing coastline (Photos 1-2). The DPA consists of the sparsely vegetated steep bedrock and boulder coastline with an open canopy, and an approximately 8 m rise from the Present Natural Boundary. The neighbouring sites each have a single residence within almost entirely treed lots and the lot to the southeast is also owned by the McFarlands.

A small single-storey 102 m² (1100 ft²) cottage has been recently constructed immediately adjacent to the 15-m DPA (Figures 6 & 7). Construction was undertaken between September 2014 and March 2016 and some construction materials are still on site. The DPA has been measured from the Present Natural Boundary as shown on the current survey, as the Natural Boundary shown by lot lines is clearly not based on site topography. The footprint of the house proper is outside of the 15-m DPA. A small sidewall (for privacy screening) and a raised triangular deck extend out into the DPA with an adjoining wood staircase also in the DPA (Photos 3-4). The

wall extension projects from the house with no supporting structures within the DPA. The deck is supported by two steel posts anchored into rock within the DPA and has been built around a mature Douglas-fir with a 58 cm dbh (diameter at breast height)(Photo 5). A small (9 m²) rock bench has been created in the DPA from footing excavation material at the west end for a garden and a small dirt path parallels the house underneath the deck (Photo 6). A small area for storing and cutting firewood is located at the bottom of the DPA along the south property line and is shared with the property to the southeast (also owned by the McFarlands) (Photo 7).

The mature trees within the DPA range in size up to 76 cm dbh and primarily consist of Douglas-fir (*Pseudotsuga menziesii*) with some arbutus (*Arbutus menziesii*). The largest Douglas-fir is in class 2 decay with numerous cavities and signs of internal rotting. It is leaning away from the new dwelling and out toward the shore and has significant wildlife activity (Photos 8-9). The understory is sparsely comprised of juvenile Douglas-fir, arbutus, and Garry oak (*Quercus garryana*), with salal (*Gaultheria shallon*), common snowberry (*Symphoricarpos alba*), ocean spray (*Holodiscus discolor*), dull Oregon-grape (*Mahonia nervosa*), Nootka rose (*Rosa nutkana*), western trumpet honeysuckle (*Lonicera ciliosa*), trailing blackberry (*Rubus ursinus*), Pacific sanicle (*Sanicula crassicaulis*) and cleavers (*Galium* sp.). Invasive plant coverage is very low. The most problematic invasive species were absent from the site. One non-native species noted that could become invasive is mullein (*Verbascum* sp.) (Photo 10). Coarse woody debris (dead arbutus branches) appears to have been gathered and piled in places.

The shoreline is a steep rocky shoreline with large beach logs and scattered vegetation, mostly entire-leaved gumweed (*Grindelia integrifolia*) (Photo 11). This rocky shoreline does not contribute significant inputs to marine sediment transport. Marine life observed during the site visit was limited mainly to barnacles. Other evidence of wildlife within the DPA was the sighting of two Northwestern Garter Snakes (*Thamnophis ordinoides*) and the presence of the large rectangular feeding notches of the Pileated Woodpecker (*Dryocopus pileatus*) in the large Douglas-fir (Photos 12 & 9). Outside of the DPA, a large Douglas-fir adjacent to the northeast (back) of the house contains a large nest that appears to be intact (viewed from the water by boat) and has been used in the past by Bald Eagles (*Haliaeetus leucocephalus*) according to the owners; no eagles were observed or heard during the site visit (Photos 13 & 14).

No rare or uncommon wildlife or plant species were observed on the site at the time of the site visit.

Shoreline and Marine Areas Development Permit Area

According to the Galiano Island Local Trust Committee OCP Bylaw No. 108, the Objectives of the Shoreline and Marine Areas DPA 2 are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk
5. To adapt to the anticipated effects of climate change.

6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

Appendix 1 contains the full Shoreline and Marine Areas DPA 2 section of the bylaw for the owners' reference.

Impact of Proposed Development on Natural Conditions

There appeared to be little impact to the DPA from the construction of the house. Considerable care was taken to avoid impacts to the vegetation and topography outside of the house footprint and the house was architecturally designed to use support structures that allowed for the minimum number of tree removals or potential impacts to roots.

The design of the house and the planning of site amenities to minimize environmental impact include:

- building the deck around a mature Douglas-fir (dbh 58 cm) with no impact to vegetation from concrete footings in rock;
- building at the DPA boundary in order to preserve a Douglas-fir containing an eagle nest at the back (northeast) of the house;
- cantilevering the back and front of the house on a central foundation wall so that there is no weight or stress placed on the trees along the DPA boundary or on the eagle nest tree;
- constructing the house in such a way that numerous medium-sized trees and most native vegetation were retained on all sides of the house, where most construction sites would have seen their removal (Photo 15);
- cantilevering the north side above-ground wall (for privacy screening between neighbours) at the DPA line to avoid impact on vegetation;
- siting rainwater tanks (from roof leaders) under the house to avoid further impacts on vegetation and collecting rainwater to reduce impermeable surfaces;
- avoiding impermeable surfacing by retaining footpaths in their un-surfaced state;
- sharing shoreline access paths with both neighbours to avoid additional vegetation removal; and
- generally designing the house to have minimal energy and heating requirements, focusing on an extensively glazed south-facing wall with passive solar heating and extensive south-facing solar panels at roof level (rather than on the shoreline).

Minimal impact within the DPA includes the removal of one mature Douglas-fir (stump diameter 57 cm) under the deck area and the approximately 9 m² planting bench. The vegetation under the high deck is not impacted by shading because of the drop in elevation, the existing forest canopy and the aspect of the slope. In fact, the area under the house adjacent to the DPA receives enough light that salal, honeysuckle and a small arbutus have continued to grow.

Impacts to wildlife within the DPA are also minimal. The Northwestern Garter Snake is the most common snake in coastal BC and the rocky southwestern facing slope continues to provide habitat within the boulders. No shrub vegetation which is most used by songbirds was disturbed within the DPA.

Outside of the DPA, the impact to the nesting behaviour of the eagles because of house proximity is unknown.

There was no development on the shore (docks, wharves, shoreline structures) and no marine sediment transport changes have occurred. Changes in erosional and hydrological processes are not expected by the current site activities. Rainwater is being harvested from the impermeable surface of the roof, the paths remain un-surfaced, and there are no roads or parking. There is no change in public access and all works are high above the public area of the marine environment.

Recommendations and Best Management Practices (BMPs)

The following recommendations and BMPs are suggested as mitigation for the minimal impact that the project may have on the environment:

- Plant two native trees (preferably at least one Douglas-fir) in the DPA as replacements for the fir removed in the upper DPA.
- Plant the 9 m² bench with a layer of soil and native vegetation. Table 1 contains a partial list of appropriate native species for this 15-m setback. Native species that are berry-producing or otherwise considered food plants appropriate to the site conditions have been included for the interest of the owner and include: coastal and woodland strawberry, native onions, wild ginger, Saskatoon berry, red huckleberry, black huckleberry, and evergreen huckleberry. Some of these plants have specialised requirements and habits. Additional information can be provided upon request.
- The tree and vegetation plantings must be maintained for at least 2 years as per Guideline 30 in the OCP (see Appendix 1).
- Retain natural woody debris in the setback as this provides nutrient cycling and habitat.
- Remove mullein (*Verbascum* sp.) and other invasive species as they may occur.
- Store fuel and fuelled equipment (e.g. generators) in spill-proof containment berms with the capacity to contain in excess of the fuel tank volume. Further information regarding sources of appropriate containers can be provided.
- Keep aware of eagle nest occupancy, if possible, and avoid loud and disruptive activity (power tools, chain saws, etc) during eagle breeding season (generally February-August) if nest is occupied.
- Because of the remoteness of the site, monitoring to ensure establishment of vegetation would be sufficiently met by site photographs from the owners for the 2-year maintenance period prescribed by Guideline 30.

In summary, the development within the DPA appears to have little negative impact on the environment and provided the recommendations described in this review are followed, the site will meet the OCP's DPA 2 Objectives.

Please do not hesitate to contact us with any questions you may have.

Sincerely,



Sara Stallard BSc, ASCT (#22338), Dipl.Env.Tech.



Lehna Malmkvist, MSc, RPBio (#1613)



Figure 1. Project location (red) at Lot 33, Wise Island, BC. Aerial mapping courtesy of CRD Natural Areas Atlas.

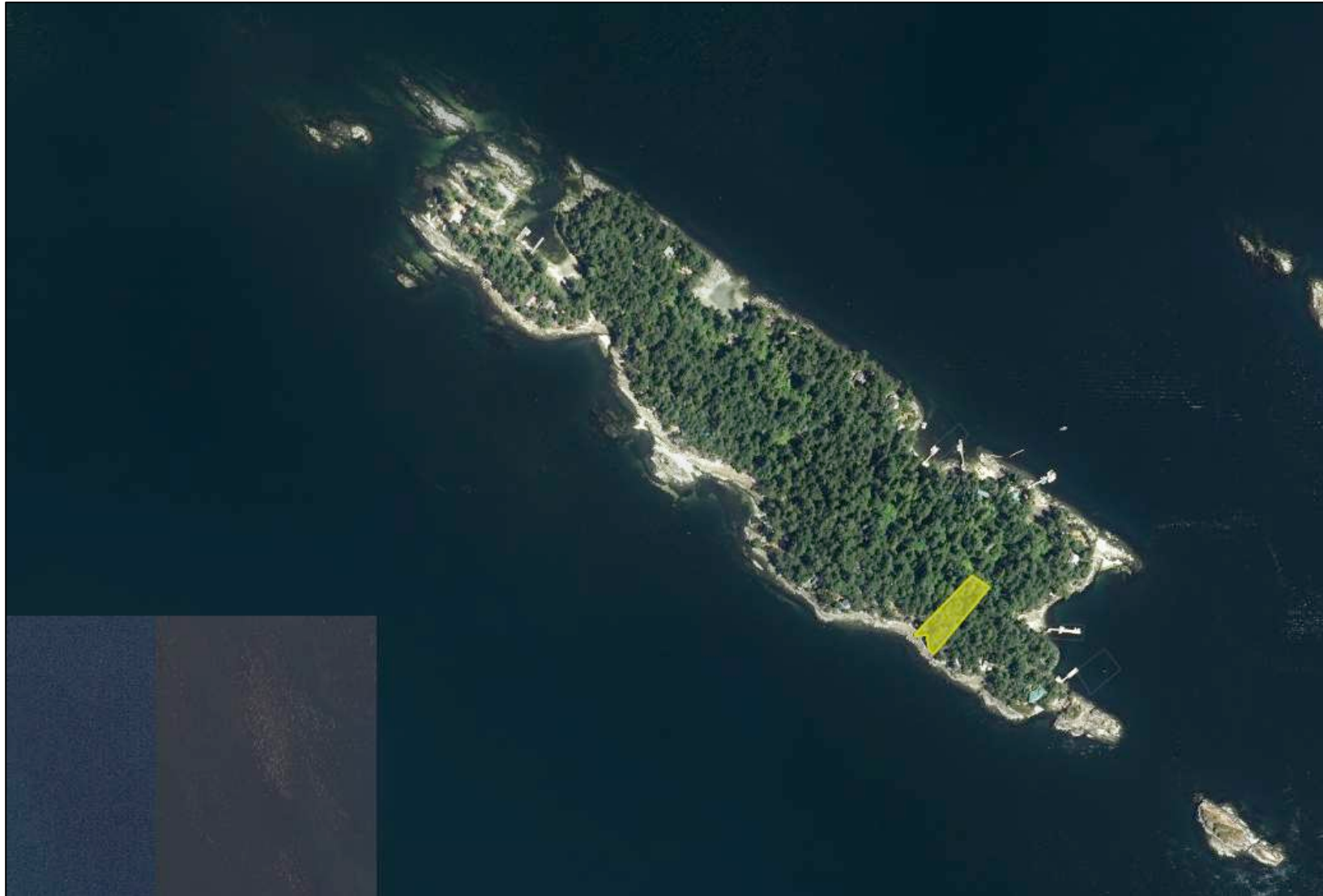


Figure 2. Lot 33, Wise Island, BC (yellow) – forested second growth Coastal Douglas-fir ecosystem. *Aerial mapping courtesy of CRD Natural Areas Atlas.*



Figure 3. Lot configuration (red) and shared dock facilities (far right). Approximate DPA boundary (yellow) by aerial mapping (See Figures 6 & 7 for updated Present Natural Boundary). *Aerial and marine mapping courtesy of CRD Natural Areas Atlas 2013 data.*

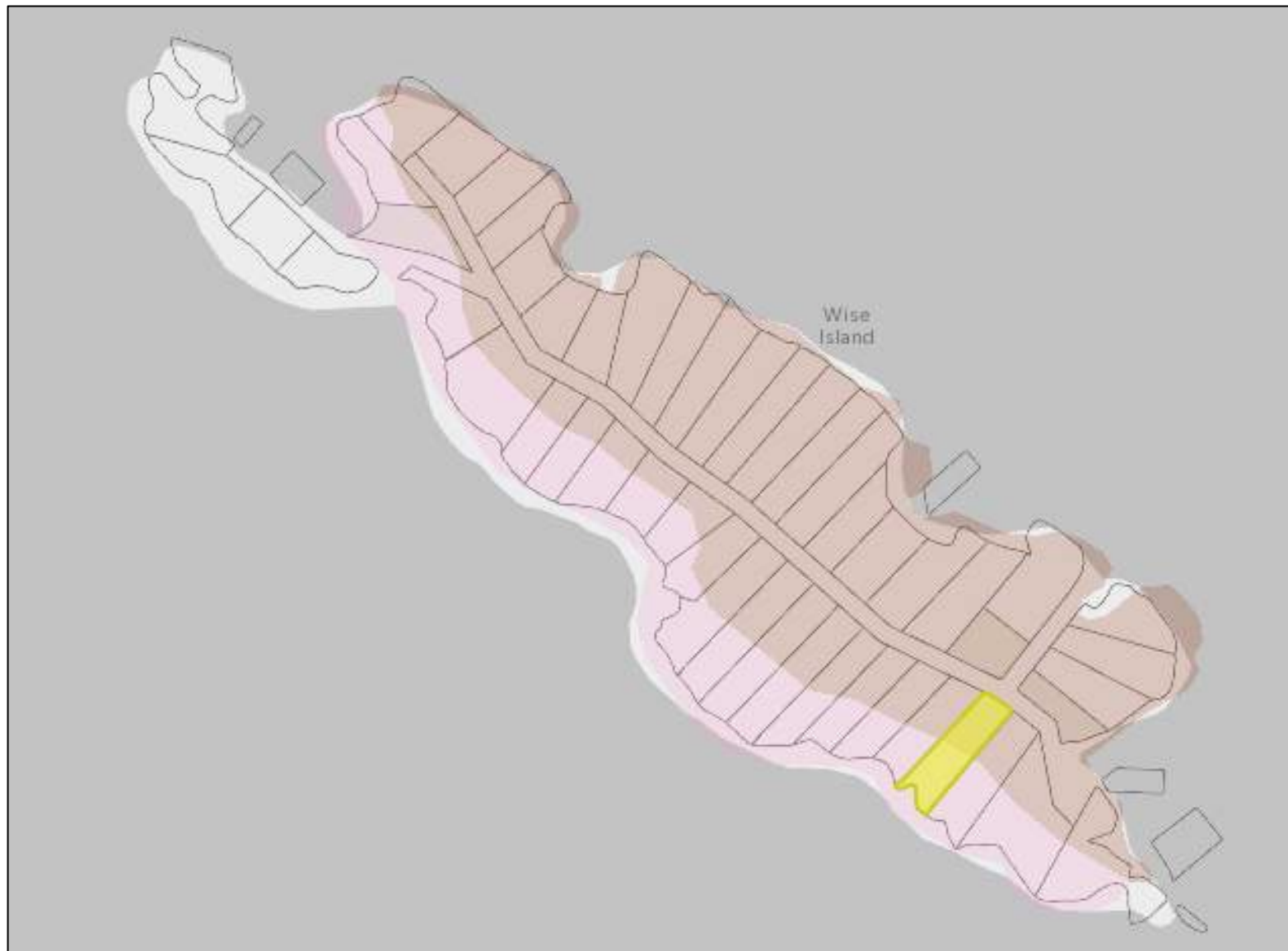


Figure 4. The site location (yellow) within the Sensitive Ecosystem Inventory – Older Forest, conifer-dominated (OF:co) and Older Second Growth Forest, conifer-dominated (SG:co) in brown; Woodland (WD) in pink. *Aerial and marine mapping courtesy of CRD Natural Areas Atlas.*

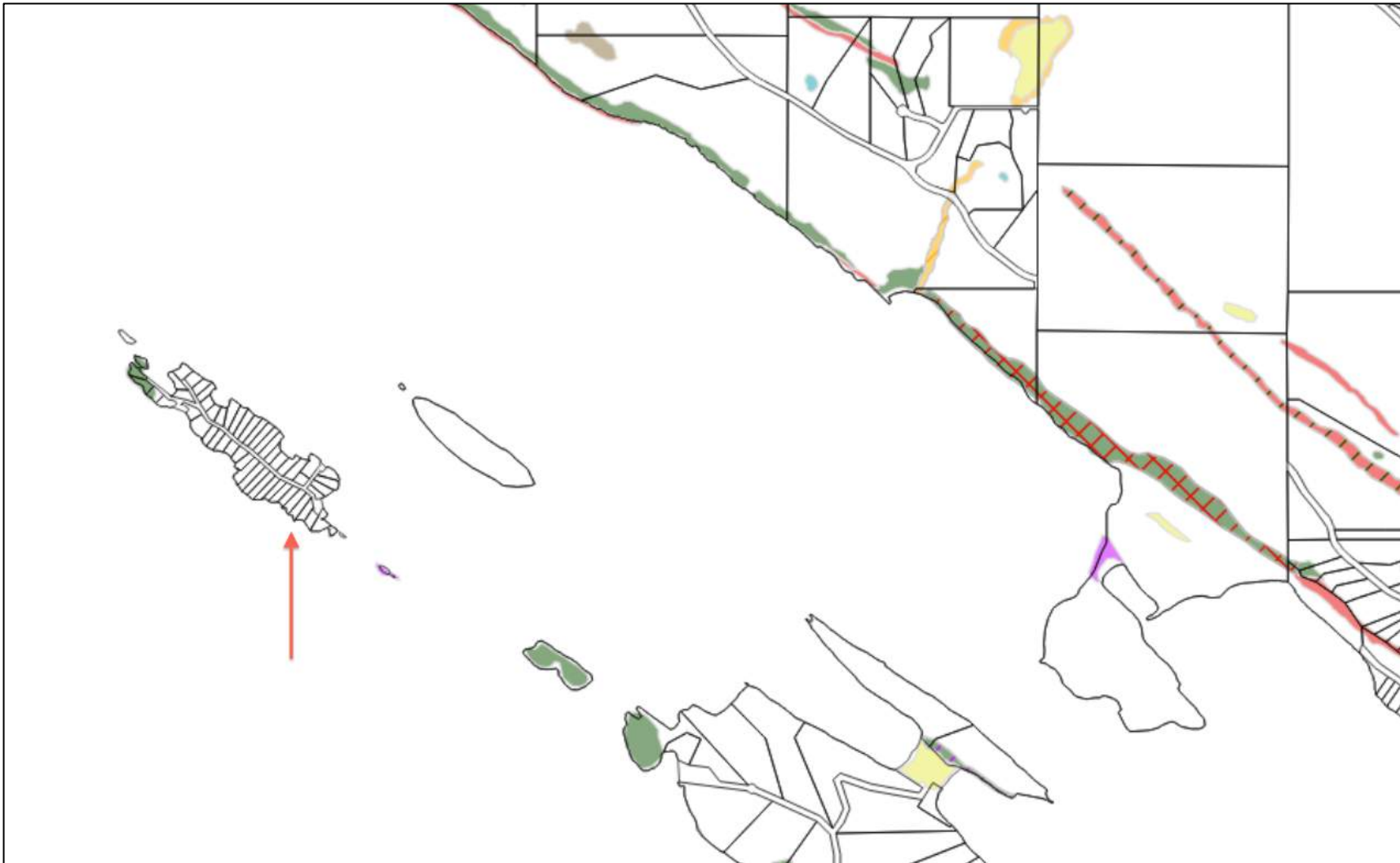


Figure 5. Galiano Island Local Trust OCP Schedule H DPA 5 Sensitive Ecosystems. Aerial and marine mapping courtesy of CRD Natural Areas Atlas.

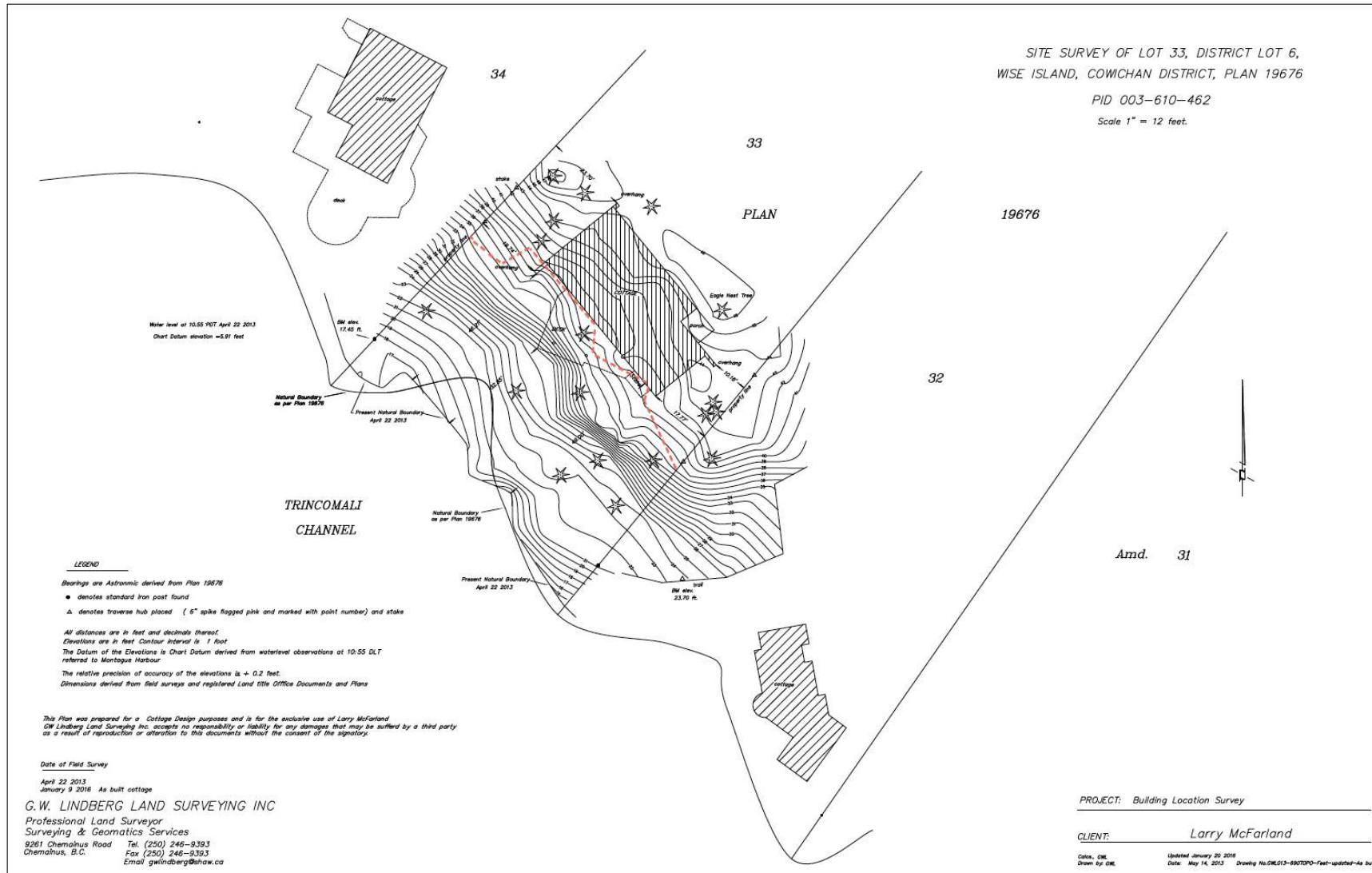


Figure 6. Site Survey with finished cottage and 15 m DPA setback approximated from Present Natural Boundary (red line) (See Figure 7 for detail).

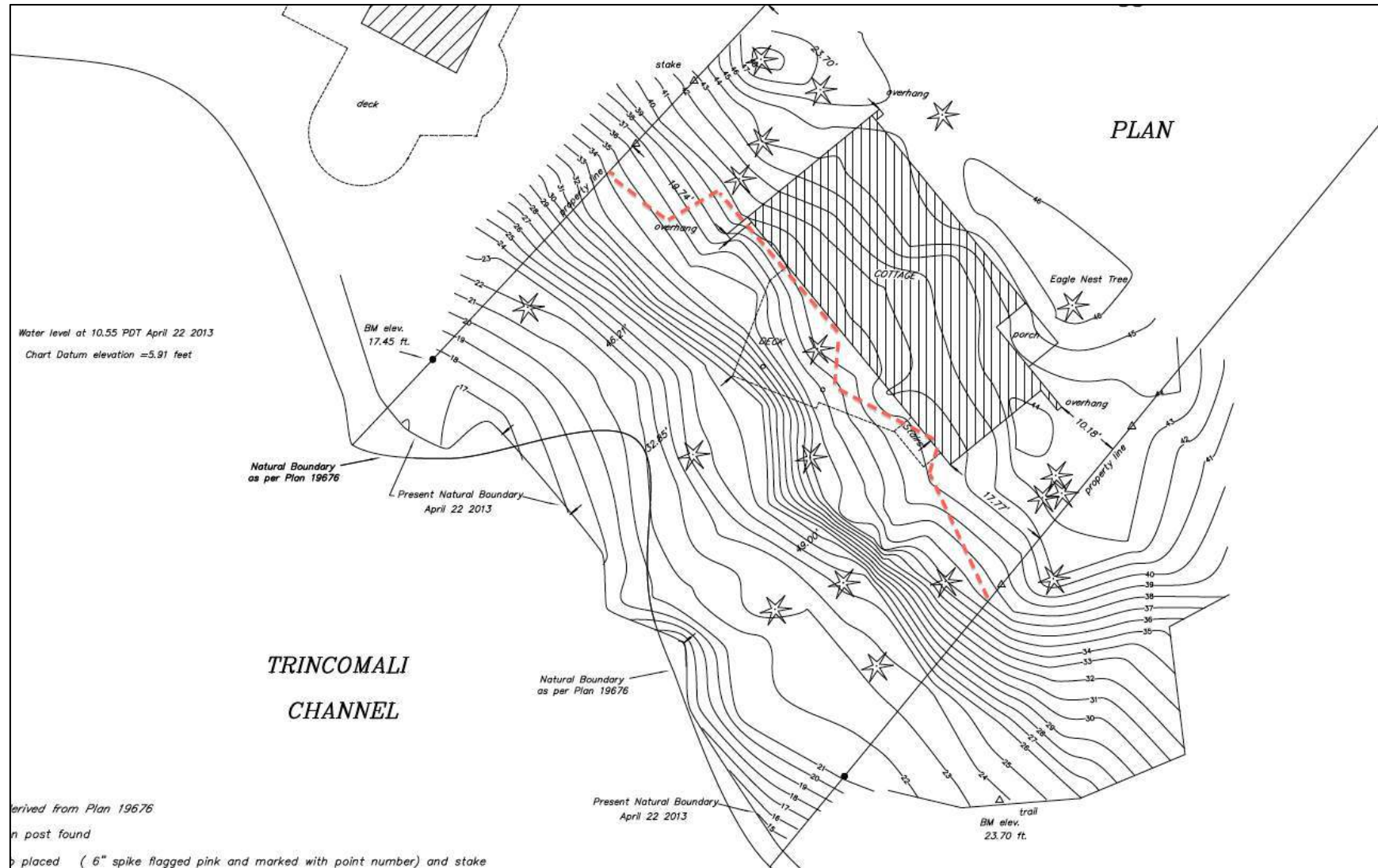


Figure 7. Detail of Site Survey, 15 m DPA setback approximated from Present Natural Boundary (red line).



Photo 1. Site location (red outline approximate) of Lot 33, Wise Island, BC.



Photo 2. Lot 33 shoreline.



Photo 4. View northwest along DPA showing stairs and steep slope.



Photo 3. View southeast along DPA showing privacy wall and deck.



Photo 5. Support posts and Douglas-fir through decking in DPA.



Photo 6. Planting bench in DPA.



Photo 8. Douglas-fir with Pileated Woodpecker activity in DPA.



Photo 7. View southwest along property line to shared wood storage.



Photo 9. Detail of Pileated Woodpecker feeding holes.



Photo 10. Mullein, an invasive plant recommended for removal.



Photo 12. Northwestern Garter Snake.



Photo 11. View along rocky shore in DPA.



Photo 13. Close up of eagle nest behind house.



Photo 14. Douglas-fir with eagle nest (largest tree on right), outside of the DPA.

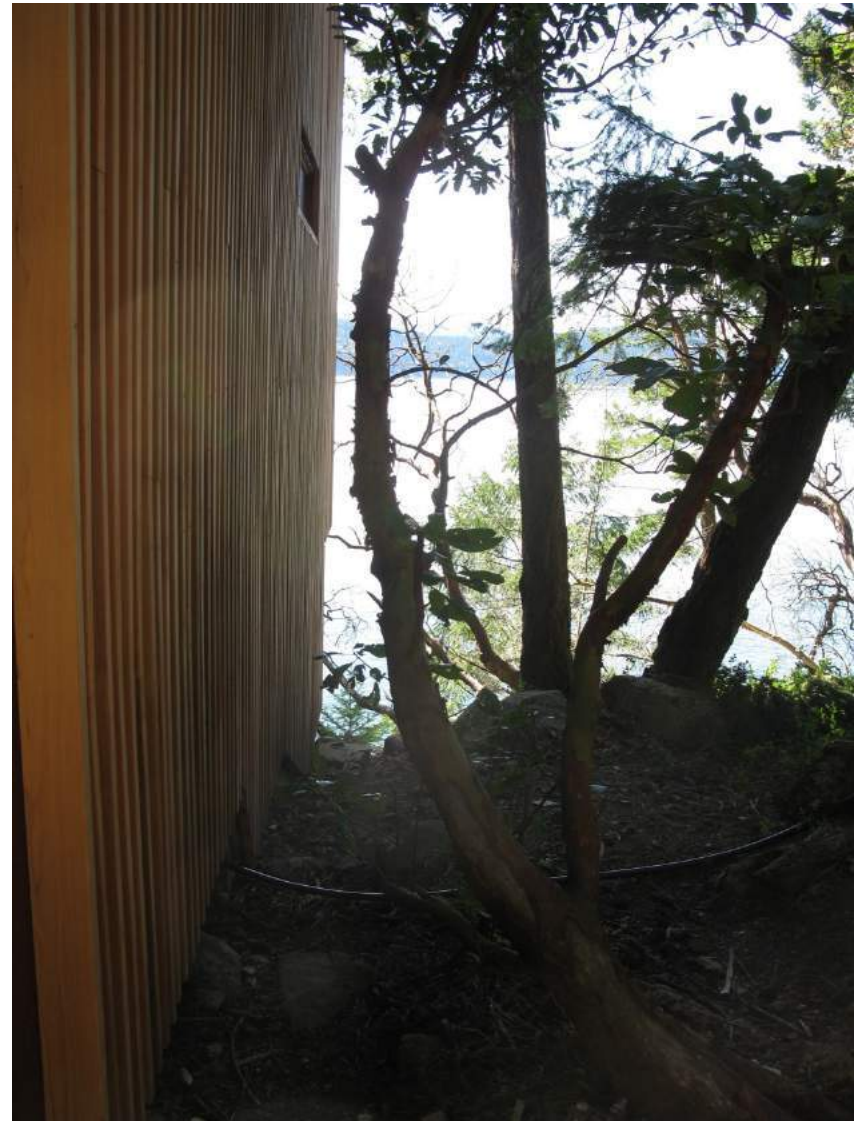


Photo 15. Retained native trees and vegetation immediately adjacent to building.

Table 1. Suggested Native Plant Species for Lot 33, Wise Island, BC (not a complete list).

TREES	
arbutus	<i>Arbutus menziesii</i>
Douglas-fir	<i>Pseudotsuga menziesii</i>
Garry oak	<i>Quercus garryana</i>
SHRUBS	
oceanspray	<i>Holodiscus discolor</i>
Nootka rose	<i>Rosa nutkana</i>
common snowberry	<i>Symphoricarpos alba</i>
Saskatoon berry	<i>Amelanchier alnifolia</i>
red huckleberry (needs rotting wood)	<i>Vaccinium parvifolium</i>
evergreen huckleberry	<i>Vaccinium ovatum</i>
black huckleberry	<i>Vaccinium membranaceum</i>
GROUND COVER	
coastal strawberry	<i>Fragaria chiloensis</i>
woodland strawberry	<i>Fragaria vesca</i>
sword fern	<i>Polystichum munitum</i>
bracken fern	<i>Pteridium aquilinum</i>
dull Oregon grape	<i>Mahonia nervosa</i>
salal	<i>Gaultheria shallon</i>
western trumpet honeysuckle	<i>Lonicera ciliosa</i>
hairy honeysuckle	<i>Lonicera hispidula</i>
trailing blackberry	<i>Rubus ursinus</i>
wild ginger (needs thick leaf mould)	<i>Asarum caudatum</i>
Hookers onion, nodding onion	<i>Allium acuminatum</i> , <i>A. cernuum</i>
Pacific sanicle	<i>Sanicula crassicaulis</i>

Following pages – Appendix 1. Shoreline and Marine Areas DPA 2 from Galiano Island Local Trust Committee OCP Bylaw No. 108.

STAFF REPORT

File No.: GL-RZ-2011.1
(GLCHT)

To: Galiano Island Local Trust Committee
for the meeting of June 6, 2016

From: Robert Kojima, Regional Planning Manager

CC: Kim Farris, A/ Planner 2

**Re: Rezoning Application for Galiano Green (Galiano Land and
Community Housing Trust)**

OVERVIEW:

This staff report will provide the Galiano Island Local Trust Committee (LTC) with an update on the Galiano Green application by the Galiano Land and Community Housing Trust (GLCHT) and options for proceeding with the application.

BACKGROUND:

Various staff reports, memoranda, and professional reports concerning the application are available on the LTC webpage under [Current Applications](#).

In brief, the application is to rezone a 10 acre (4 ha) parcel of land to permit the construction of 20 affordable dwelling units, each with a maximum floor area of 100 sq. m. The proponent organization (GLCHT) owns the land and has successfully had the site excluded from the ALR.

The proposal was modified late last year to incorporate a bare land strata subdivision with 20 lots, with the lots to be leased to qualifying individuals to construct dwellings (either self-built or by contractor). The GLCHT would continue to own the strata lots under this model and would be responsible for property management and the common property, either directly or delegated to another body. In order to ensure on-going affordability, and consistent with OCP policy, the proponents have agreed to enter into a housing agreement with the LTC. GLCHT also agreed, at the request of the LTC, to enter into a s. 219 covenant to establish a phasing plan, regulate site layout, and allow for the LTC to review the effectiveness of the rainwater catchment systems upon completion of the first phase. GLCHT also agreed that two of the units in the first phase would be constructed by GLCHT for sale or rent to qualifying individuals or households.

The applicants submitted the following reports in support of the application:

- A revised [Feasibility Plan](#), provided in May 2014, provides consolidated information and analysis on the proposal, addressing concerns and questions raised following the preliminary report prepared for the November 2013 Community information meeting.

- A [demand and need study](#) which provided an analysis of demographics, income and housing to provide comment on the supply, diversity and affordability of the housing stock.

The proponents are targeting households with incomes between 70% and 90% of the median household income on Galiano Island (\$32,000 to \$42,000 per year (2011 dollars)).

Limited servicing would be provided by GLCHT, including:

- A common, non-conventional septic system
- Common driveways and parking
- A common building, containing laundry and showers

Lessees would be required to provide potable water to each dwelling via rainwater catchment, with no connections proposed to the single well serving the common building.

Bylaw 233 would amend the OCP Land Use designation on the property to re-designate the land to Community Housing. Bylaw 234 would rezone the property to a new zone – Community Housing One (CH1) – which would permit up to 20 affordable housing dwellings, establish a maximum floor area, and reduce parking requirements. It will need to be amended to reflect the change to a bare land strata model. The respective bylaws (Bylaws 233 and 234) were given First Reading on July 9th, 2012. The bylaws received second reading on September 8, 2014.

The application and the resulting density increase is premised on the development providing affordable housing consistent with OCP Policy 1.6(b). The draft housing agreement has been revised by legal counsel through a cost recovery agreement to reflect the changes in the proposal. In order to ensure affordability, the housing agreement would address lease rates, strata fees, restrict other costs or fees, and establish income and asset criteria for purchasers, rental rates for renters, and a mechanism to address increases in value and resale prices.

ISSUES SUMMARY:

1. Affordability: OCP policy 1.6(b), along with the definition of affordable housing in the OCP, requires that any additional density be permitted only if:
 - a) it is 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
 - b) all additional density is in the form of affordable units; and
 - c) affordability is secured through the mechanism of a housing agreement

The LTC should be satisfied that the proposal is consistent with this policy before proceeding.

2. Housing Agreement: a draft housing agreement has been prepared by Islands Trust legal counsel through cost recovery (please see attachment). The housing agreement would ensure the principle of affordability through the following restrictions and requirements:
 - Lots or units may only be leased or rented to qualified households, defined as:
 - Having a moderate income (less than 90% of the SGI median income)

- Having at least one employed adult
 - Owning no other property
 - Owning no more than \$100,000 in assets
 - Renters must maintain their qualified household status. If the household is no longer qualified, the fixed tenancy cannot be renewed.
 - Rent may not exceed 30% of monthly household income at the time of occupancy.
 - Re-sale by leaseholders would be limited to a value of the lesser of \$130 per square foot or the actual construction cost, adjusted for CPI.
 - Lease and strata fees are restricted.
 - No subletting would be permitted except to a qualified household.
 - No separate sale of strata lots would be permitted.
 - The Owner (GLCHT) has the option to purchase any unit that is offered for sale or which is in default of its mortgage.
 - The Owner shall obtain annual statutory declarations from Leaseholders and Renters
 - No transfer of the land or change to the Owner's constitution without approval of the LTC.
3. Administration: a key requirement of proceeding with the application has been establishing a mechanism for administration of the agreement. This requires identifying an entity which would be responsible for receiving annual statutory declarations, reviewing applications, selecting qualified leaseholders and renters, reporting any breaches, and generalling co-operating with any LTC requests. Four options were considered for administering the Housing Agreement:
- a) Unincorporated entity: such as the Community Selection Committee proposed by the Owner. This type of entity is flexible and arm's length from the LTC; however, the concern has been to establish a mechanism to ensure that it would also be arm's length from the Owner. Such a body would likely require minimal oversight by the LTC, although there would need for an Islands Trust staff member to be responsible to liaise with the committee from time to time. There are also potential issues resulting in long-term continuity of an unincorporated entity, particularly if there were an insufficient number of individuals wishing to be involved.
 - b) An incorporated society: This would be similar to an unincorporated society, but there would be requirements included in the new society's constitution or bylaws as to who the directors or members are. There could be a representative(s) from the LTC, although this wouldn't be absolutely necessary. In addition to possible representation by the LTC within the society, there would likely need to be a staff member to liaise with the body on a more regular basis. With a society there may be less risk in terms of the long-term continuity, although there is a possibility that the society could be wound up or simply become non-functioning. There could also be an issue of long-term funding of the society.
 - c) Islands Trust Staff: some local governments have staff whose responsibilities include the administration of housing agreements. In this particular situation, the responsibilities (selection, determining compliance, etc.) could be fairly onerous and the Islands Trust does not have staff with this expertise or capacity.

- d) Capital Regional District or BC Housing: both entities have experience in administering housing agreements. While this is certainly the best option from the LTC's perspective, this has been pursued extensively with the CRD and has been unsuccessful.

Based on analysis of the above options, and discussions with legal counsel, staff are recommending the first option – an unincorporated entity to administer the agreement. The Housing Agreement has been drafted to reference such a body, along with a schedule setting out its roles and responsibilities. The proposed Community Management Committee (CMC) would be structured to minimize the issues identified with this option:

- The CMC would consist of 5 members.
- Initially members would be people from the community with appropriate experience selected by the Owner and approved by the LTC.
- Upon the lease of lots and the development of units, the CMC would be restructured to consist of resident leaseholders.
- The transition to a leaseholder committee would ensure that there is a community of interest between the committee and leaseholders, that members would have a stake and an interest in the integrity of the project while not being owners, and provides for an on-going volunteer base over the long term.

4. Bylaws:

- a) Bylaw 234 (LUB amendment) will need to be amended to permit a bare land strata subdivision. Currently it permits up to 20 units, but not subdivision. A revised version of the bylaw is attached with recommended revisions shown using track changes. If the LTC wishes to proceed, it should rescind second reading, amend the bylaw, and give it a new second reading as amended.
- b) Referrals: the bylaws are initially referred to agencies and First Nations in 2011 as draft bylaws. Staff have contacted Ministry of Community, Sport and Cultural Development staff to obtain advice on the status of the First Nations referrals (in the Minister's role of approving OCP amendments, the Ministry is responsible for First Nations consultation). Ministry staff have advised that due to the passage of time, potential changes in First Nations councils and staff, evolving case law, changes to the proposal, and potential changes to First Nations areas of interest, a new referral should be conducted for First Nations. Consequently, staff will carry out a re-referral to First Nations. The bylaw does not need to be referred to other agencies, and the Advisory Planning Commission met in 2012 and supported the application.

5. Subdivision: with the change of the proposal to a bare land strata, a subdivision will need to be registered prior to the Owner proceeding with development. In addition to providing a mechanism for leasing dwellings, the bare land strata subdivision approval process will also ensure that:

- a) Internal roadways are laid out and constructed in a safe and appropriate manner consistent to accepted industry standards (driveways on common property are termed strata access routes and subject to approval by the Approving Officer).
- b) The proposed septic disposal system will be approved by the Health Authority, as this will be reviewed as part of the subdivision approval process.

6. **Parkland Dedication:** As a subdivision, section 510 of the *Local Government Act* (formerly s.941) requires dedication of up to 5% of the land as park or cash in lieu. It is up to the applicants to propose the location of any land for park, and up to the LTC to determine that the amount and location are acceptable. The Parks and Recreation Commission comments on any proposed dedication, and title to park (or the cash-in-lieu) is transferred to the Capital Regional District at time of registration of subdivision. The Owner is proposing an area of park in the northern portion of the site (see attached site plan). While consistent with requirement for 5% dedication, two alternate configurations would potentially provide benefits as well:
- a) Dedicate the entire Riparian Development Permit Area; this would provide a greater level of protection for the stream, although the Riparian Assessment Area could limit the ability of the Parks Commission to construct trails, footbridges, etc, at least without obtaining a DP.
 - b) Dedicate a linear park running from Porlier Pass Road to Georgeson Bay Road within the required setback. This would provide a trail connection between the two roads, although this connection is not identified in the OCP Parks and Trails schedule as a future trail and may not be supported by neighbours.

Typically any proposed parkland dedication is referred to the Parks and Recreation Commission for comment on the proposed location at the time of subdivision. However, because the layout plan will part of the Housing Agreement and the covenant, and both will be conditions of rezoning, a referral as part of the rezoning is recommended.

7. **Islands Trust Policy Statement:** the Policy Statement directives policy checklist has not been formally endorsed by the LTC. A copy is attached for LTC consideration.
8. **S. 219 Covenant:** the LTC has previously requested, and the owners have agreed, that a covenant be registered on title as a condition of rezoning. This covenant would:
- a) Ensure the layout of the lots and units are consistent with the plan
 - b) Ensure the siting of the common buildings is generally consistent with the plan
 - c) Ensure the layout of the internal roads and parking is consistent with the plan
 - d) Ensure the septic system is consistent with the plan. However, as the proposal is now a subdivision, this would be approved by the Health Authority as a condition of subdivision approval and staff recommend removing this provision from the covenant as redundant and imposing an unnecessary obligation on the LTC.
 - e) Require development of the units to be phased according to the phasing shown on the plan. The applicant is requesting that the phasing plan be removed from the covenant, based on servicing for the whole site being installed as a condition of subdivision and an expectation that potential leaseholders will wish to choose sites that may not be in the first phase.
 - f) Require two of the first six units to be constructed by the Owner
 - g) Require, upon completion of the first six units, a report be provided to the LTC prepared by a professional hydrogeologist certifying that the rainwater catchment systems are functional and capable of providing sufficient water. It also allows for the LTC to require all subsequent units be connected to a community water system if the certification cannot be provided.

The LTC should consider if it supports revising the covenant to remove the phasing plan. If so, the covenant will be revised prior to the public hearing.

STAFF COMMENTS:

The draft Housing Agreement has been extensively revised and re-worked by legal counsel. As drafted it would achieve long term affordability for potential leaseholders and renters, minimize Islands Trust involvement in administration, and provide for a Community Management Committee structure that would be arms length from the Owner and the LTC while capable of having long term stability. The Housing Agreement must be adopted by bylaw, staff are recommending that the LTC give direction to prepare a Housing Agreement bylaw.

The bylaws currently have second reading, however due to the change in the proposal to a bare land strata subdivision, amendments are required to the draft LUB amendment. Staff are recommending rescinding second reading, making amendments, and proceeding with a new second reading. The LTC should also review and consider endorsing the attached Policy Statement Directives Checklist.

If the LTC proceeds with amending Bylaw 234, staff will re-refer the bylaws to First Nations, along with a referral to the Galiano Island Parks and Recreation Commission to consider the location of the proposed park dedication.

Staff are seeking LTC direction whether a further Community Information meeting is warranted, given the changes to the proposal and the preparation of the draft Housing Agreement. A CIM could be held in conjunction with the July LTC meeting or a separate date could be scheduled. If the LTC agrees to proceed with the amendment to Bylaw 234 and provides direction to initiate a Housing Agreement Bylaw, staff recommend that direction also be given to schedule a public hearing. Given the potential for an additional CIM and notification requirements, a public hearing could be held in conjunction with the August LTC meeting at the earliest.

Finally, staff are seeking the LTC's direction on the applicant's request to revise the draft covenant to remove the phasing plan. The applicant is requesting this in order to have greater flexibility in leasing sites. The phasing plan was included in the covenant in order to minimize the impacts of piecemeal development of the site, and the concern that there would be incomplete development if the proposal only partially completes. While there is still merit in phasing the development of the site, the change to a bare land strata subdivision does provide for a more orderly development of the site and ensures servicing is required to be in place to the whole site. Removing the phasing provision would also reduce the obligations on the LTC and Islands Trust for administering and potentially enforcing the covenant. Consequently staff support removing phasing requirement from the draft covenant.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee rescind second reading of proposed Bylaw 234.
2. THAT the Galiano Island Local Trust Committee proposed Bylaw 234 be amended as shown in the attachment to the staff report of May 26, 2016.
3. THAT the Galiano Island Local Trust Committee Bylaw 234 be read a second time as amended.

4. That the Galiano Island Local Trust Committee direct staff to prepare a housing agreement bylaw for rezoning application GL-RZ-2011.1 (Galiano Green).
5. That the Galiano Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that proposed Bylaw No. 259 and proposed Bylaw No. 260 are not contrary to or at variance with the Islands Trust Policy Statement.
6. That the the Galiano Island Local Trust Committee requests that a public hearing be scheduled for Bylaws 233 and 234.
7. That the the Galiano Island Local Trust Committee request that staff revise the draft s.219 covenant to remove reference to the phasing of development.

Optional Resolution

8. THAT the Galiano Island Local Trust Committee direct staff to schedule a community information meeting for proposed Bylaw No. 233 and proposed Bylaw No. 234 to be held in conjunction with the July 4th, 2016 regularly scheduled meeting of the Galiano Island Local Trust Committee.

Respectfully Prepared and Submitted by:



Robert Kojima, RPM

May 26, 2016

Date

Attachments:

1. Proposed Bylaw 234 (LUB Amendment) with recommended amendments
2. Islands Trust Policy Statement Directive Policies Checklist
3. Site Plan
4. Draft Housing Agreement
5. Draft s. 219 Covenant

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 234

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

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

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

“8.6 Community Housing 1 – CH1

Permitted Uses

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

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

~~8.6.1.1~~

8.6.1.2 Home occupations

Permitted Density

8.6.2 ~~The density of development must not exceed 20 dwellings~~ **One dwelling is permitted on each lot.**

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

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

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

Permitted Height

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

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Minimum Setbacks

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

~~Minimum~~ **Average** Lot Size

~~8.6.8 No lot having an area less than 10 hectares may be created by subdivision~~ **may be approved unless the lots created by subdivision have an average area of at least 0.19 hectares.**

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- d) Section 13.22 is amended by adding the words "or in an area zoned Community Housing 1" immediately following the words "on Schedule C".
- e) Section 14.1 (Parking Regulations) is amended by inserting a new subsection 14.1.16 as follows:

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

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

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

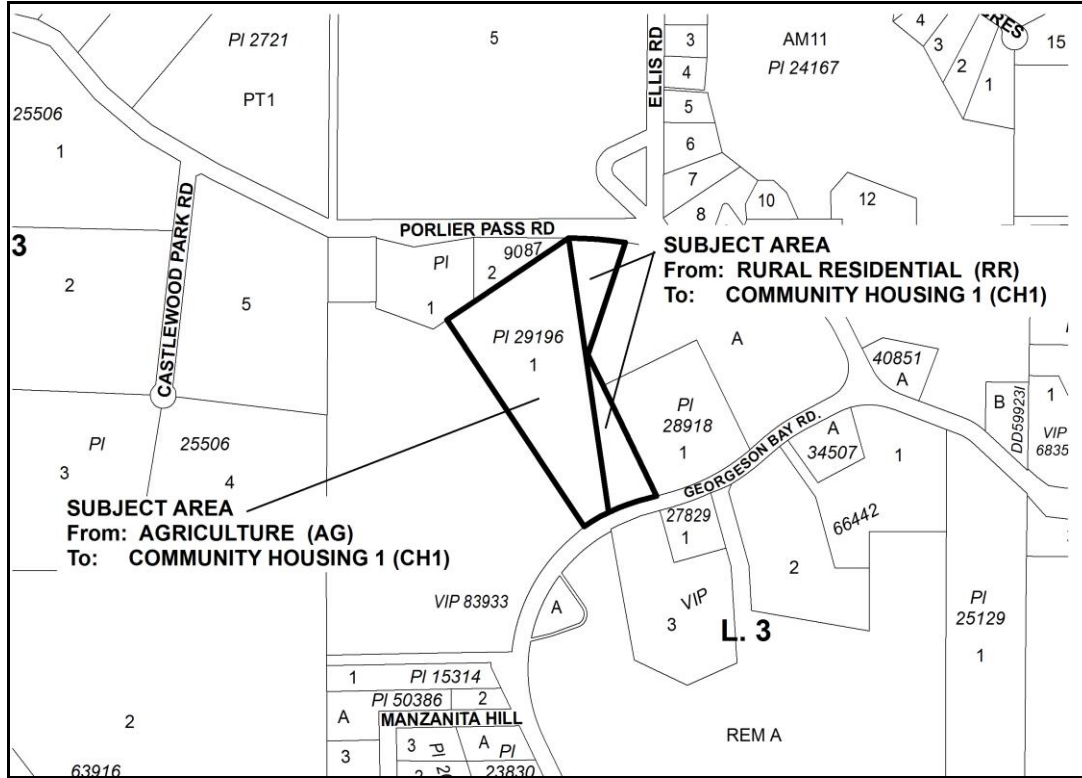
READ A FIRST TIME THIS	9 th	DAY OF	July	2012
READ A SECOND TIME THIS	8 th	DAY OF	September	2014
PUBLIC HEARING HELD THIS		DAY OF		2014
READ A THIRD TIME THIS		DAY OF		20
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		DAY OF		20
ADOPTED THIS		DAY OF		20

DEPUTY SECRETARY

CHAIRPERSON

U:\LOCAL TRUST COMMITTEES\Galiano\Applications\RZ\2011\GL-RZ-2011.1 (GL Land & Community Housing)\Draft bylaws\Proposed Bylaw 234 (LUB- GLCHT) -Jan 2016 - Proposed amendments based on bare land strata.doc U:\LOCAL TRUST COMMITTEES\Galiano\Bylaws\Amendments\Proposed Second and Third Readings\Proposed Bylaw 234 (LUB- GLCHT) - Sept 8-14 Proposed amendments at 2nd reading.doc

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





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 233 and 234

Review and endorsed October 6, 2014 (GL-2014-112)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	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.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	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.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	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.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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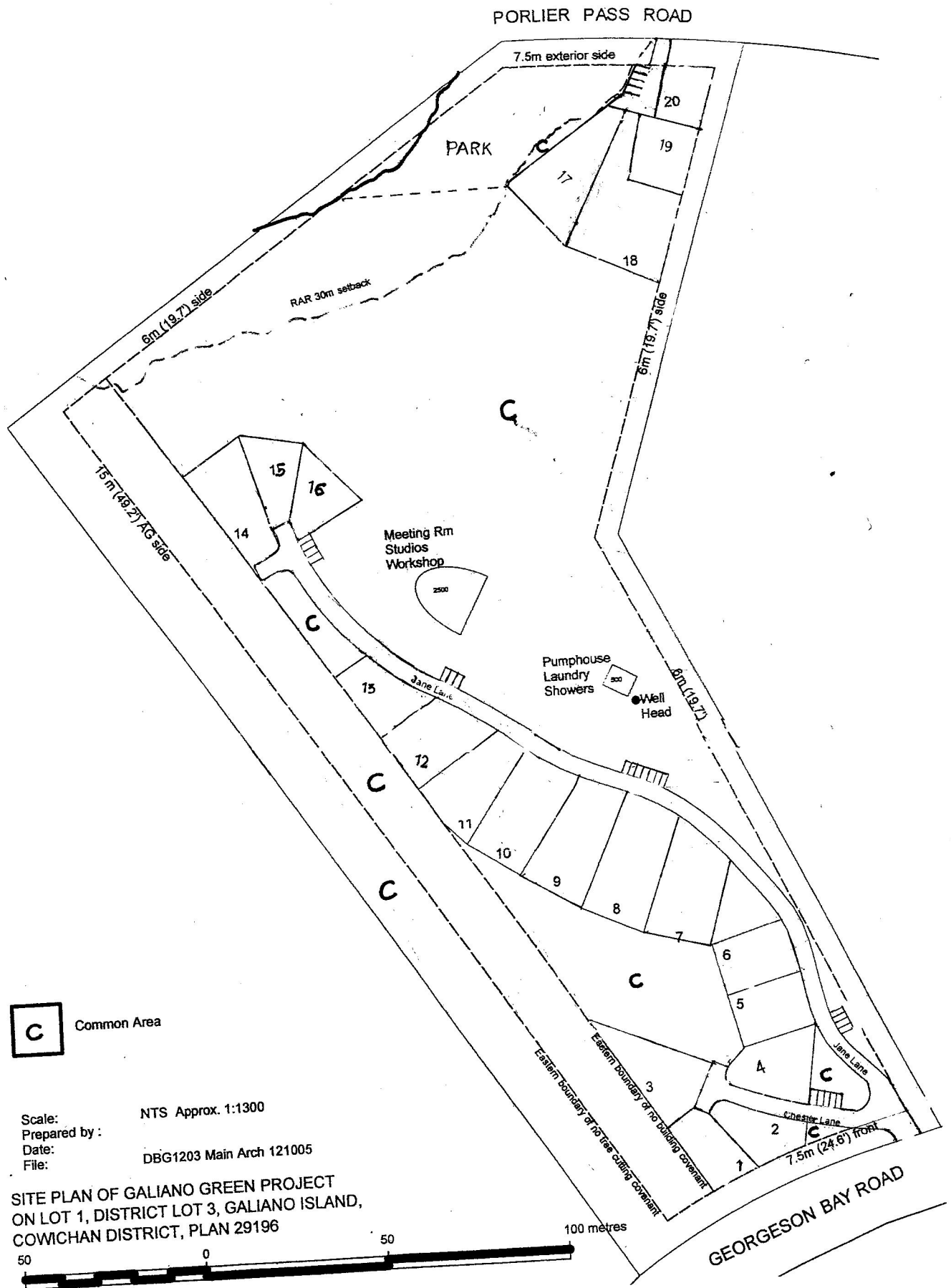
PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	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.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	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.
N/A	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.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
✓	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
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	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



HOUSING AGREEMENT

GALIANO GREEN AFFORDABLE HOME OWNERSHIP PROJECT

GALIANO ISLAND Local Trust Committee

BYLAW NO. _____

A Bylaw to Authorise a Housing Agreement

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 483 of the Local Government Act and Section 29 of the Islands Trust Act permit the Local Trust Committee to enter into a housing agreement;

AND WHEREAS the Galiano Island Local Trust Committee wishes to enter into a Housing Agreement;

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

1. This Bylaw may be cited for all purposes as "Galiano Island Housing Agreement Bylaw No. _____"
2. The Galiano Island Local Trust Committee is authorized to enter into the Local Government Act section 483 housing agreement attached to this Bylaw as Appendix 1 (the "Housing Agreement").
3. Any Trustee of the Galiano Island Local Trust Committee is authorised to execute the Housing Agreement and the Corporate Secretary or his or her designate is authorized to sign and file in the Land Title Office a notice of the Housing Agreement, as required by the Local Government Act.

READ A FIRST TIME this ____th day of _____, 20__

READ A SECOND TIME this ____th day of _____, 20__

READ A THIRD TIME this ____th day of _____, 20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

 this ____th day of _____, 20__

ADOPTED this ____th day of _____, 20__

SECRETARY

CHAIRPERSON

APPENDIX 1

Housing Agreement

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

BETWEEN:

GALIANO LAND AND COMMUNITY HOUSING TRUST, a society incorporated in British Columbia under No. S-0037495

Suite 2A – 33 Manzanita

Galiano Island B.C. V0N 1P0

(the “Owner”)

AND

GALIANO ISLAND LOCAL TRUST COMMITTEE, a local trust committee under the *Islands Trust Act* of British Columbia

2nd Floor, 1627 Fort Street

Victoria, B.C. V8R 1H8

(the “Local Trust Committee”)

WHEREAS:

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

PARCEL IDENTIFIER: 001-416-987

LOT 1, DISTRICT LOT 3, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 29196

(the “Lands”)

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

to 20 strata lots with a single family house located on each strata lot, as well as two community buildings to be located on the Lands;

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

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

DEFINITIONS

1. In this Agreement:
 - (a) "Affordable Housing Units" means 20 single-family dwellings, each constructed on a Strata Lot, in respect of which the tenure, rental, and occupancy are restricted in accordance with sections 3 through 7 of this Agreement;
 - (b) "CMC" means a community management committee or organization which administers this Agreement, as more particularly described in Schedule "F";
 - (c) "CPI" means the Consumer Price Index for the Capital Region as calculated by Statistics Canada.
 - (d) "household" means an one or more individuals;

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

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

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

LEASEHOLDS

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

Affordable Housing Unit Size (square feet)	Maximum Monthly Lease Payment
500 square feet and smaller	\$136.66

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

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

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

- (d) not to require any Leaseholder to pay any extra charges or fees for use of any common area, or for common sanitary sewer, common storm sewer, common water utilities, or common property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, gas or electricity utility fees or charges, or septic infrastructure located on a bare land strata lot, including holdings tanks;
- (e) to include in every Leasehold agreement all of the following:
- (i) a clause prohibiting subletting and assignment to any person who is not a Qualified Leaseholder and who has not been approved by the CMC, which clause shall entitle the Owner to terminate the Leasehold in the event of any breach of that prohibition;

- (ii) a clause stipulating the maximum Leasehold payments as contemplated in section 4(b);
- (iii) a clause stipulating the maximum strata fee payments as contemplated in section 4(c); and
- (iv) a clause referencing the requirements of this Housing Agreement, and to attach a copy of this Agreement to the Leasehold agreement.

5. The parties agree as follows:

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

RESIDENTIAL TENANCIES

6. Except as provided in section 3, the Owner covenants and agrees that it shall not rent any Strata Lot, Rental Unit or other dwelling to any person, or allow any person to occupy any Strata Lot, Rental Unit or other dwelling, other than a Qualified Renter.
7. The Owner covenants and agrees that:
 - (a) the monthly rent for a Rental Unit will not be more than the Maximum Monthly Rent at any time during the term of the tenancy;
 - (b) all residential tenancy agreements shall be fixed term tenancies for 6 months, and shall include the following:
 - (i) an end date for the tenancy on which the Qualified Renter will be required to vacate the Rental Unit if a new tenancy agreement is not entered into;
 - (ii) a clause stating that a new tenancy agreement will not be entered into if the tenant no longer satisfies the criteria for a Qualified Renter; and
 - (iii) a clause prohibiting subletting and assignment to any person who is not a Qualified Renter, and upon breach of said term, the Owner shall be permitted to terminate the tenancy agreement in accordance with the *Residential Tenancy Act*; and
 - (iv) a clause permitting monthly rental increases in accordance with the *Residential Tenancy Act*, provided that the monthly rent shall never exceed the Maximum Monthly Rent;
 - (c) the Owner shall not require any Qualified Renter to pay any extra charges or fees for use of any common area, or for common sanitary sewer, common storm sewer, common water utilities, or common property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, or gas or electricity utility fees or charges; and
 - (d) if one of the individuals comprising a Qualified Renter who rents a Rental Unit dies, that individual's Spouse may continue to rent the Rental Unit for the longer of:
 - (i) the balance of the fixed term under the tenancy agreement; or
 - (ii) twelve (12) months on the same terms, including monthly rent, set out in the tenancy agreement.

OWNER'S FURTHER OBLIGATIONS

8. The Owner shall:

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

9. The Owner further covenants, agrees and acknowledges:

- (a) that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Local Trust Committee, within a reasonable amount of time stated in any notice of default provided to the Owner by the Local Trust Committee;

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

THE PARTIES' OBLIGATIONS

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

GENERAL PROVISIONS

11. **Term.** This Agreement shall be effective in perpetuity.
12. **Subdivision.** The Lands shall not be subdivided by subdivision plan, strata plan, or otherwise except for a bare land strata plan in accordance with Schedule "E", provided however that the layout show in Schedule "E" may be modified or changed with the written consent of the Director of Local Planning Services or his or her delegate.
13. **Housing Agreement.** The Owner acknowledges and agrees that this Agreement constitutes a housing agreement under s.483 of the *Local Government Act* and that the Local Trust Committee will register a notice of this housing agreement against title to the Lands.
14. **Delegation or Assignment by Local Trust Committee.** The Owner acknowledges that the Local Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and in that event, any reference in this Agreement to

the Local Trust Committee shall be interpreted as a reference to that party provided that the Local Trust Committee has so advised the Owner.

15. **Indemnity.** The Owner shall indemnify and save harmless the Local Trust Committee and each of its elected officials, officers, directors, employees and agents from and against all claims, demands, actions, loss, damage, costs and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, including breaches of this Agreement.
16. **Release.** The Owner releases and forever discharges the Local Trust Committee and each of its elected officials, officers, directors, employees and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions or causes of action arising out of the performance by the Owner of its obligations under this Agreement, or the enforcement of this Agreement.
17. **Survival.** The obligations of the Owner set out in sections 15 and 16 shall survive any termination of this Agreement.
18. **Local Trust Committee Powers Unaffected.** This Agreement does not limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or the common law, impose on the Local Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Lands, or relieve the Owner from complying with any enactment.
19. **No Public Law Duty.** Where the Local Trust Committee is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Local Trust Committee is under no public law duty of fairness or natural justice in that regard and the Owner agrees that the Local Trust Committee may do any of those things in the same manner as if it were a private party and not a public body.
20. **Notice.** Notice required or permitted to be served under this Agreement is sufficiently served if delivered in person or mailed to the postal address of the Owner or the Local Trust Committee, as the case may be, at the address set out above, and in the case of mailed notice shall be deemed to have been received on the third day following mailing.
21. **Enurement.** This Agreement is binding upon, and enures to the benefit of parties and their respective successors and permitted assigns.
22. **Severability.** If any provision of this Agreement is found to be invalid or unenforceable it shall be severed from this Agreement and the remainder shall remain in full force and effect.

23. **Remedies and Waiver.** All remedies of the Local Trust Committee under this Agreement are cumulative, and may be exercised in any order or concurrently, any number of times. Waiver of or delay by the Local Trust Committee in exercising any remedy shall not prevent the later exercise of any remedy for the same or any similar breach.
24. **Sole Agreement.** This Agreement represents the entire agreement between the parties respecting the tenure, use and occupancy of the houses, and there are no representations, conditions or collateral agreements on the part of the Local Trust Committee other than those set out in this Agreement.
25. **Further Assurance.** The Owner must forthwith do all acts and execute such instruments as may be reasonably necessary in the opinion of the Local Trust Committee to give effect to this Agreement.
26. **Covenants Binding.** This Agreement is binding on the Owner and all persons who acquire an interest in the Lands.
27. **No Joint Venture.** Nothing in this Agreement will constitute the Local Trust Committee as the joint venturer, agent or partner of the Owner or give the Owner any authority to bind the Local Trust Committee in any way.
28. **Modification.** This Agreement may be modified or amended from time to time, by consent of the Owner and a bylaw duly passed by the Local Trust Committee and thereafter if it is signed by the Local Trust Committee and the Owner.
29. **Owner's Representations, Warranties and Covenants** – The Owner hereby represents and warrants to the Local Trust Committee that the following are true:
 - (a) the Owner has taken all necessary or desirable actions, steps and other proceedings to approve or authorize, validly and effectively, the entering into, and the execution, delivery and performance of this Agreement; and
 - (b) the Owner has the power and capacity to enter into and carry out the obligations provided for in this Agreement.
30. **Agreement for Benefit of Local Trust Committee Only.** The Owner and the Local Trust Committee agree that:
 - (a) this Agreement is entered into only for the benefit of the Local Trust Committee;
 - (b) this Agreement is not intended to protect the interests of the Owner, any Qualified Leaseholder, any Qualified Tenant, or any future owner, lessee, occupier or user of the Lands or the buildings or any portion thereof, including any Affordable Housing Unit; and

- (c) the Local Trust Committee may at any time release this Agreement, without liability to anyone for doing so, and without obtaining the consent of the Owner.
31. **Deed and Contract.** By executing and delivering this Agreement the Owner intends to create a contract executed and delivered under seal.
32. **Time of Essence.** Time shall be of the essence of this Agreement.
33. **Interpretation.** In this Agreement:
- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
 - (c) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
 - (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
 - (f) the provisions of section 25 of the Interpretation Act with respect to the calculation of time apply;
 - (g) time is of the essence;
 - (h) all provisions are to be interpreted as always speaking;
 - (i) reference to a “party” is a reference to a party to this Agreement and to that party’s respective successors, assigns, trustees, administrators and receivers. Wherever the context so requires, reference to a “party” also includes a Tenant, agent, officer and invitee of the party;
 - (j) reference to a “day”, “month”, or “year” is a reference to a calendar day, calendar month, calendar or calendar year, as the case may be, unless otherwise expressly provided; and
 - (k) where the word “including” is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word “including”.

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

GALIANO LAND AND COMMUNITY HOUSING TRUST
by its authorized signatories:

Name:

Name:

GALIANO ISLAND LOCAL TRUST COMMITTEE
by its authorized signatories:

Name:

Name:

SCHEDULE A

Criteria for determining Qualified Persons

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

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

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

but excluding the following:

- (k) child tax benefits;
- (l) capital gains, such as insurance settlement, inheritances, disability awards and sale of effects in the year they are received;
- (m) the earnings of a person aged 18 years or under;
- (n) student loans, student loan equalization payments and student grants but excluding non-repayable training allowances, research fellowships or similar grants;
- (o) shelter aid for elderly renters (SAFER) or rental assistance program (RAP) payments received prior to purchasing an Affordable Housing Unit;
- (p) GST rebates;
- (q) taxable benefits received through employment;
- (r) government provided daycare allowance;
- (s) payments for foster children, or child in home of relative (CIHR) income under the British Columbia *Employment and Assistance Act*; or
- (t) such other sources of income as the Local Trust Committee or its designate may designate from time to time.

3. Income from Assets. With respect to Section 3 of this Schedule A, "Income from Assets" means computing income from assets of all persons intending to live in the Affordable Housing Unit but excluding the first ten thousand dollars (\$10,000) of income from assets earned by such person or such other greater dollar figure as the Local Trust Committee or its designate may specify from time to time.

4. A person must provide to the Owner, the CMC, and/or the Local Trust Committee financial records showing current income, financial assets and debts, and other documentation determined by and in the sole discretion of the Owner, the CMC, or the Local Trust Committee, proving the ability and/or financial means to construct a house and pay lease payments.

SCHEDULE B

Leaseholder and Qualified Renter Statutory Declaration

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

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

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

8. I acknowledge and agree to comply with all Qualified Renter or Leaseholder's obligations under the Housing Agreement, and other charges in favour of Galiano Land and Community Housing Trust registered in the land title office against the land on which the house is situated and confirm that I have complied with all of Qualified Renter or Leaseholder's obligations under these Agreements.
9. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the Canada Evidence Act.

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

A Commissioner for taking Affidavits in
British Columbia

Signature of person making declaration

SCHEDULE C

Owner Statutory Declaration

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

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

2. I am the [*director, officer, employee*] of the Galiano Land and Community Housing Trust, the owner of the land known as 409 Porlier Pass Road, Galiano Island, legally described as PID: 001-416-987, Lot 1 District Lot 3, Galiano Island, Cowichan District, Plan 29196 (the "Lands").

3. I make this declaration to the best of my personal knowledge.

4. This declaration is made pursuant to the Housing Agreement registered against the Lands.

5. For the period from _____ to _____ all Affordable Housing Units were occupied only by Qualified Persons (as defined in the Housing Agreement).

6. At no time during the last year have any of the Affordable Housing Units been used as a Short Term Vacation Rental.

7. The leasehold or rental payments charged for each Affordable Housing Unit were in compliance with the Housing Agreement, and are listed in the attached.

8. Rental Units are rented in compliance with the Housing Agreement.

9. In respect of sublets, each Affordable Housing Unit was in compliance with the Housing Agreement.

10. I acknowledge and agree to comply with all the Owner's obligations under this Agreement, and other charges registered against the Lands and confirm that the the Owner has complied with all the Owner's obligations under these Agreements.

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

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

A Commissioner for taking Affidavits for
British Columbia

Signature of person making declaration

Unit Number	Names of Occupants	Monthly payment amount
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
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20		

Schedule D

[Constitution of the Owner]

Schedule E

Site Plan

Schedule F

Community Management Committee

1. General Principles –

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

2. Composition of the first CMC

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

3. Continuing composition of CMC

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

- d. Quorum of the CMC shall be three (3) members.

4. Responsibilities of the CMC

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

END OF DOCUMENT

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

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

AMONG:

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

(the “Owner”)

AND:

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

(the “Trust Committee”)

GIVEN THAT:

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

Parcel Identification Number: 001-416-987

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

(the “Land”);

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

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

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

S. 219 Covenant

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

Restrictions on Development

2. The siting and configuration of lots and dwellings shall be substantially consistent with that shown on the site plan attached hereto as Schedule A (the "Site Plan"). The Owner shall be solely responsible for preparation and registration of a bare land strata subdivision plan that substantially conforms with the 20 lots shown in outline on the Site Plan.
3. The siting of the pumphouse, laundry and shower building and the meeting room, studios and workshop (collectively the "Common Buildings") shall be substantially consistent with that shown on the Site Plan, and shall be constructed by the Owner at its expense to total completion, to the satisfaction of the Trust Committee.
4. The siting and configuration of all internal roads and parking areas shall be substantially consistent with that shown on the Site Plan and shall be constructed by the Owner at its expense, to total completion, to the satisfaction of the Trust Committee.

5. ~~The siting and configuration of the septic disposal system shall be substantially consistent with that shown on the Site Plan and shall be constructed by the Owner at its expense, to total completion, to the satisfaction of the Trust Committee. [NOTE: septic system not shown on plan]~~

Comment [RK1]: Removing this restriction, as a strata this will be addressed during subdivision process by Island Health

- 6.5. All development of the Land shall occur sequentially in the phases shown on the Site Plan. The Owner shall not build any building or improvement, other than roads and trails, nor apply for any building permit in a later phase until all dwellings have been completed and occupancy certificates issued for all dwellings in the preceding phase, and the roads, trails,

Comment [RK2]: Applicant is requesting removal of phasing plan

parking areas and Common Buildings pertaining to the preceding phase have been completed.

- | ~~7.6.~~ Without restricting the meaning of section 6, Phase 1 of the development of the Land shall be broken into two stages, such that the Owner may only apply for building permits for a maximum of six dwellings at one time. The Owner shall not apply for building permits for the second stage of six dwellings in Phase 1 prior to occupancy certificates being issued for a minimum of four dwellings in the first stage of Phase 1, all roads and parking areas within Phase 1 being completed, and the septic disposal system being completed and operational, all to the satisfaction of the Trust Committee. Of the first six dwellings in Phase 1, two dwellings must be constructed by the Owner of the Land and not by a tenant.
- | ~~8.7.~~ The Owner has stated the intention that all dwellings on the Land will provide potable water through individual rainwater catchment systems installed on buildings rather than by creating a community water system. Upon completion of the first six dwellings in Phase1, and prior to applying for building permits for any further dwellings on the Land, the Owner shall provide to the Trust Committee a report prepared by a professional engineer or geohydrologist with relevant experience certifying that the rainwater catchment systems have been installed professionally and are capable of providing potable water in a sufficient quantity on an on-going basis, to the satisfaction of the Trust Committee. If such certification cannot be provided to the satisfaction of the Trust Committee, the Trust Committee may require that all subsequent dwellings on the Land be provided with potable water by connection to a community water system.

No Effect On Laws or Powers

- | ~~9.8.~~ This Agreement does not
 - (a) affect or limit the discretion, rights, duties or powers of the Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Trust Committee any duty of care or other legal duty of any kind to the Owner or to anyone else;
 - (c) oblige the Trust Committee to enforce this Agreement, which is a policy matter within the sole discretion of the Trust Committee;
 - (d) affect or limit any enactment relating to the use or subdivision of the Land;

- (e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

- ~~10.~~**9.** The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the requirements of any enactments or law or any order, directive, ruling or government action thereunder. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

Entry by Trust Committee Staff

- ~~11.~~**10.** The Owner hereby authorizes the Trust Committee, through its employees or agents, to enter the Land at all reasonable times for the express purpose of confirming whether or not this Agreement is being complied with.

Indemnity

- ~~12.~~**11.** The Owner hereby indemnifies and saves harmless the Trust Committee and its elected and appointed officials, officers, employees and agents, from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Trust Committee may at any time suffer or incur arising out of or related to this Agreement or any breach of it.

No Liability in Tort

- ~~13.~~**12.** The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs With the Land

- ~~14.~~**13.** Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and

any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

- | ~~15.~~**14.** The Owner agrees to do everything necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

Waiver

- | ~~16.~~**15.** An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Trust Committee of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

Severance

- | ~~17.~~**16.** If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

- | ~~18.~~**17.** This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Binding of Successors

- | ~~19.~~**18.** This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Further Acts

- | ~~20.~~**19.** The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

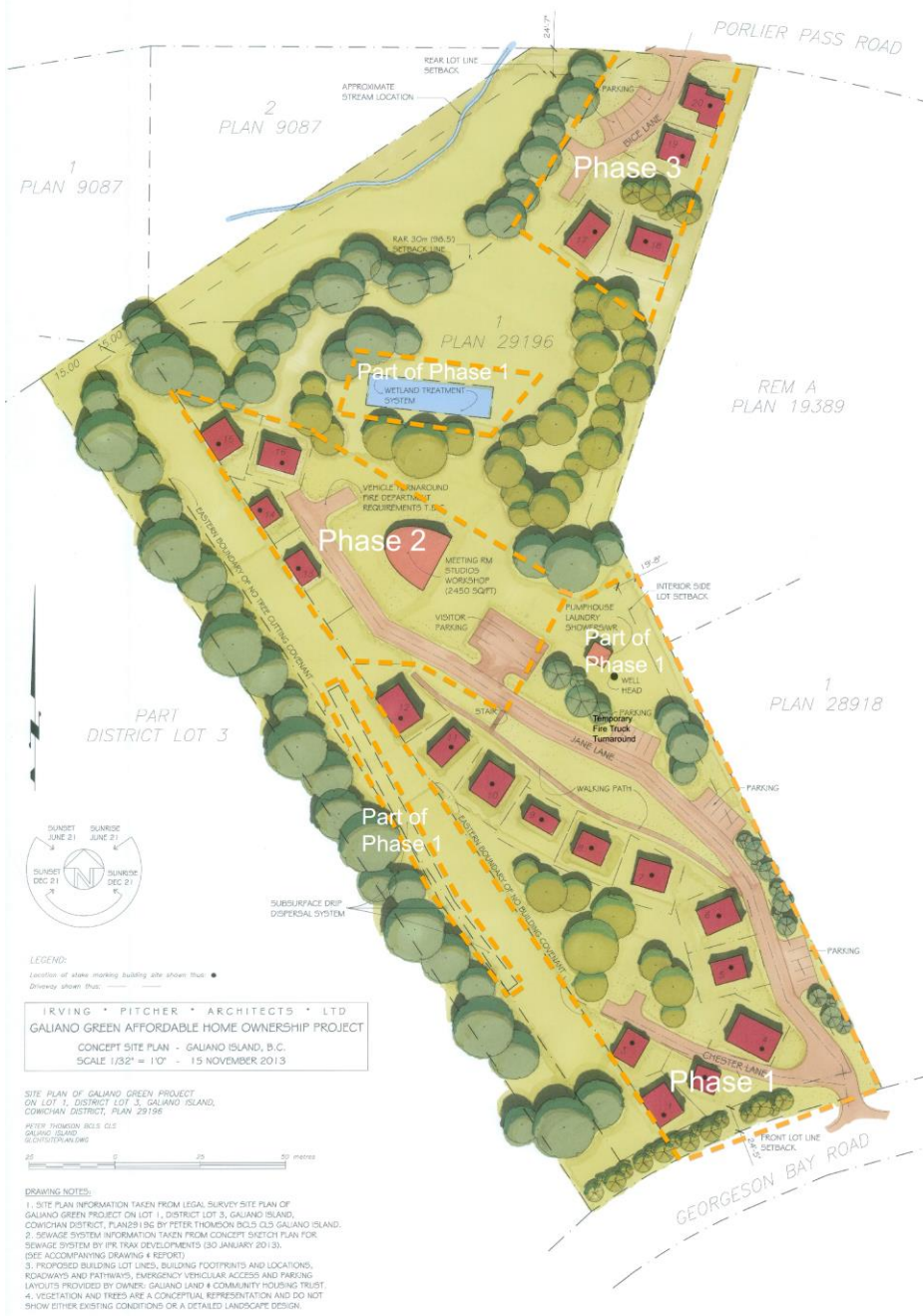
Deed and Contract

- | ~~21.~~**20.** By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

| U:\LOCAL TRUST COMMITTEES\Galiano\Applications\IRZ\2011\GL-RZ-2011.1 (GL Land & Community Housing)\Covenants\Cov-219-GLCHT-May 2016.Doc Q:\0000210669\Cov-219-GLCHT-Cr Edit.Doc May 26, 2016 3:08 PM Jan 04, 2016 2:59 PM/MW

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

Schedule A





Memorandum

Date: May 27, 2016
To: Galiano Island Local Trust Committee
For the meeting of June 6, 2016
From: Kim Stockdill, A/Planner 2
Re: Community Information Meeting

File Number: GL-RZ-2014.1 Crystal Mountain

At the May 2, 2016 regular meeting the Galiano Island Local Trust Committee (LTC) passed the following resolution:

GL-2016-031

It was MOVED and SECONDED,

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

Staff are in the process of drafting the Official Community Plan (OCP) and Land Use Bylaw (LUB) amendment bylaws for this application. There have also been discussions between staff and the applicant to explore additional community benefits.

Staff recommend scheduling a Community Information Meeting (CIM) to provide an opportunity to present and discuss the draft bylaws, draft conservation covenant, and finalized applicant proposal (community benefit). The CIM would be scheduled as a Special Meeting once the draft amendment bylaws are completed and all requested information from the applicant is received.

Staff have provided the following recommendation for the LTC's consideration.

Recommendation:

1. THAT the Galiano Island Local Trust Committee request staff to schedule a Community Information Meeting for GL-RZ-2014.1 (Crystal Mountain) in order to present draft bylaws, the draft conservation covenant, and the finalized application proposal.

Pc: Robert Kojima, Regional Planning Manager

STAFF REPORT

Date: May 25, 2016

File No.: RZ-GL-2016.1
(Wolstenholme)

To: Galiano Island Local Trust Committee
For the meeting of June 6, 2016

From: Kim Stockdill, A/Planner 2

CC: Robert Kojima, Regional Planning Manager

Re: LUB & OCP Bylaw Amendments Application

Owner: Woodstone Country Inn Ltd., Inc No. 357, 040

Applicant: David Wolstenholme

Description: Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 48087

PID: 013-184-261

Civic Address: 743 Georgeson Bay Road

PURPOSE OF REPORT:

The purpose of this report is for the Galiano Local Trust Committee (LTC) to review the draft bylaws and provide further direction to staff. Specifically:

1. Consideration of First Reading of draft Bylaws No. 259 (OCP) & No. 260 (LUB);
2. Direction to staff on scheduling a public hearing and community information meeting for draft Bylaws No. 259 & No. 260; and
3. Determine if the bylaws are in compliance with the Islands Trust Policy Statement.

BACKGROUND:

The subject property was once split zoned Visitor Accommodation (Inn) – C3 and Rural Residential (RR). Prior to 2009, a large building located on the C3 zoned portion of the property was used as the Woodstone Inn providing visitor accommodation on Galiano Island. The RR zoned portion of the property remained vacant.

In 2009, an application was received to rezone a portion of the property to permit an eating disorder clinic in the Woodstone building. The C3 zoned portion of the land was subsequently rezoned to a Health & Wellness (HW) zone that only permitted residential treatment facilities for the treatment of eating disorders – the use of the building as an inn was not permitted. The HW zone was drafted specifically for this property as it only allowed one primary specific land use (eating disorder treatment centre). An OCP amendment was also required to redesignate a portion of the land from Visitor Accommodation (VA) to Health & Wellness Facility (HF). No changes were made to the portion of the property zoned RR and designated Rural Residential.

The site specific nature of the HW zone limits the potential to re-use the existing building for any other purpose. The eating disorder clinic is no longer in operation and the current property owners have listed the property for sale.

THE PROPOSAL:

The applicant is proposing to rezone the portion of the property zoned HW to Visitor Accommodation (Inn) – C3 in order to reestablish the Woodstone building for a potential inn operation. This proposal also requires an amendment to the Official Community Plan No. 108, 1995 to amend a portion of the property's designation from Health & Wellness Facility (HF) to Visitor Accommodation (VA). Draft bylaws are attached to this staff report.

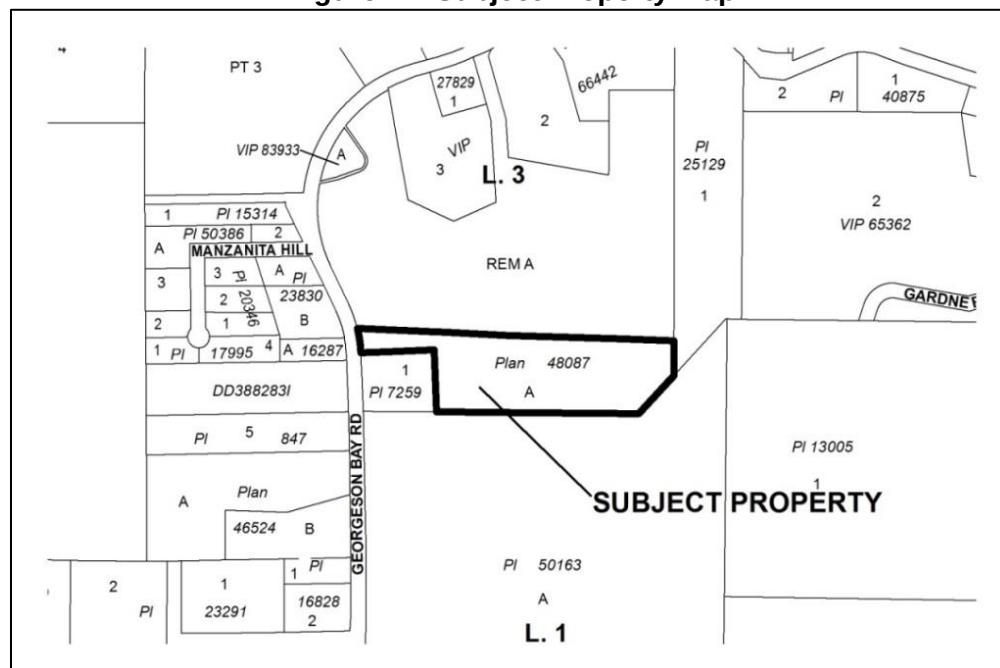
The applicant states that the Woodstone Inn eating disorder clinic could not operate unless it moved to Victoria or Vancouver to continue to receive the required provincial funding. The existing building on the structure, known as the Woodstone, has received considerable upgrades and improvements to the building and surrounding lands. Reverting the zoning back to Visitor Accommodation would ensure the reuse of the Woodstone building and provide additional visitor accommodation options on Galiano Island.

SITE CONTEXT:

The subject property is 3.6 hectares in area and is split zoned between the Health and Wellness (HW) zone and the Rural Residential (RR) zone. The HW portion contains the building formerly used as the Woodstone Inn and the RR portion is undeveloped land. The Woodstone Inn building was also formally operated as a facility for eating disorders. The Woodstone building is not currently used as an eating disorder clinic and the property is currently for sale. The main building is two storeys and faces south towards a large agricultural field. Other buildings and structures on the lot include a detached garage, water pump shed and a septic holding tank and percolation field.

The subject property is surrounded by Agriculture zoned parcels with the exception of a RR zoned parcel to the north, and Single Lot Residential zone parcels to the west across Georgeson Bay Road. A stream and wetland area is located on the undeveloped western edge of the property within the RR zone portion of the property. This portion of the property is not included in the proposal.

Figure 1 – Subject Property Map



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Policy Statement Checklist:

The policy statement checklist used for the Executive Committee bylaw submission report is attached to this staff report for the LTC to review and endorsement. Staff have identified the following policies from the Policy Statement that the bylaws are consistent with:

- 5.2.3 - Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.5 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 - Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
- 5.8.6 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

The draft bylaws are considered not to be contrary to or at variance with the Policy Statement. The checklist will be forwarded to the Executive Committee after Third Reading.

Official Community Plan:

The property is split-designated Health & Wellness Facility (HF) and Rural Residential (RR) in the Galiano Island Official Community Plan Bylaw No.108, 1995 (OCP). An amendment to the OCP to redesignate the portion of the property from Health & Wellness Facility (HF) to Visitor Accommodation (VA) is required to reflect the requested use back to an inn. The RR designation of the property would be retained.

Figure 2: Official Community Plan Designations



Land Use Bylaw:

The property is currently split zoned Health and Wellness (HW) and Rural Residential (RR). The attached draft LUB Amendment Bylaw No. 260 would rezone the HW zoned portion on the land back to Visitor Accommodation (Inn) – C3.

Figure 3 – Current Land Use



Referrals:

The following agencies have been referred the draft bylaws for comment:

- First Nations:
 - Cowichan Tribes
 - Halalt
 - Lake Cowichan
 - Lyackson
 - Malahat (TE'Mexw Treaty Association)
 - Pauquachin
 - Penelakut
 - Semiahmoo
 - Stz'uminus
 - Tsartlip
 - Tsawout
 - Tsawwassen
 - Tseycum
- Ministry of Community, Sport, and Cultural Development
- Ministry of Transportation & Infrastructure
- Island Health Authority
- Capital Regional District – Electoral Area Director
- Capital Regional District – Building Inspection
- Galiano Island Fire
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Thetis Island Local Trust Committee

Advisory Planning Commission:

Given the nature of application and time constraints, staff is not recommending that LTC refer the proposal to the Advisory Planning Commission (APC)
If the LTC chooses to refer to the APC, a resolution would be required.

Professional Report (s):

Given the nature of the proposal, staff is not requiring any reports for this application.

COMMUNITY INFORMATION MEETING(S):

Staff is recommending that the community information meeting be held in conjunction with the statutory public hearing.

RESULTS OF CIRCULATION:

Public hearing notice will be circulated to all property owners and tenants within 100 m of the subject property in advance of the public hearing.

STAFF COMMENTS:

Staff is seeking direction from the Galiano Local Trust Committee (LTC) to proceed further with the LUB and OCP site specific amendment application. The applicant has not requested amendments to the C3 zone therefore staff have drafted the bylaws to include only map amendments to rezone a portion of the property the Visitor Accommodation (Inn) - C3 and redesignate the same portion to Visitor Accommodation. The OCP and LUB draft amendment bylaws are attached for the LTC's consideration.

Staff is recommending that draft Bylaw No. 259 and draft Bylaw No. 260 be given First Reading and that staff be directed to schedule a date for a community information meeting and public hearing. Unless requested otherwise, staff will schedule the hearing and CIM in conjunction with the next regular LTC meeting on July 4, 2016.

As stated above staff is not recommending that the Bylaws be referred to the Advisory Planning Commission.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee give First Reading to draft Bylaw No. 259, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2016".
2. THAT the Galiano Island Local Trust Committee give First Reading to draft Bylaw No. 260, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2016".
3. THAT the Galiano Island Local Trust Committee direct staff to schedule a public hearing and community information meeting for proposed Bylaw No. 259 and proposed Bylaw No. 260 to be held in conjunction with the July 4th, 2016 regularly scheduled meeting of the Galiano Island Local Trust Committee.
4. That the Galiano Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that proposed Bylaw No. 259 and proposed Bylaw No. 260 are not contrary to or at variance with the Islands Trust Policy Statement.

OPTIONAL RECOMMENDATION:

5. THAT the Galiano Island Local Trust Committee direct staff to refer draft Bylaw No. 259 and draft Bylaw No. 260, to the Galiano Island Advisory Planning Commission

Prepared and Submitted by:



Kim Stockdill
A/Planner 2

May 25, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

May 25, 2016

Date

Attachments: Draft Bylaws Nos. 259 (OCP) & 260 (LUB)
Islands Trust Policy Statement Checklist

DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 259

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

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

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

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

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

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

1. CITATION

This Bylaw may be cited for all purposes as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2016".

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME this _____ day of _____, 20.

PUBLIC HEARING HELD this day of , 20.

READ A SECOND TIME this _____ day of _____, 20.

READ A THIRD TIME this _____ day of _____, 20.

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

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

ADOPTED this _____ day of _____, 20.

SECRETARY

CHAIRPERSON

1. Schedule B (Land Use Designation) is amended for a portion of the lands legally described Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 48087 as depicted in the map below.



GALIANO ISLAND LOCAL TRUST COMMITTEE

DRAFT

BYLAW NO. 260

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

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

- A. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
1. Schedule B (Zoning Map) is amended for a portion of the lands legally described Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 48087 from Health & Wellness (HW) to Visitor Accommodation (Inn) – C3 as shown on Plan No.1 which is attached to and forms part of this bylaw.
- B. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2016”.

READ A FIRST TIME THIS DAY OF 201_

PUBLIC HEARING HELD THIS DAY OF 201_

READ A SECOND TIME THIS DAY OF 201_

READ A THIRD TIME THIS DAY OF 201_

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

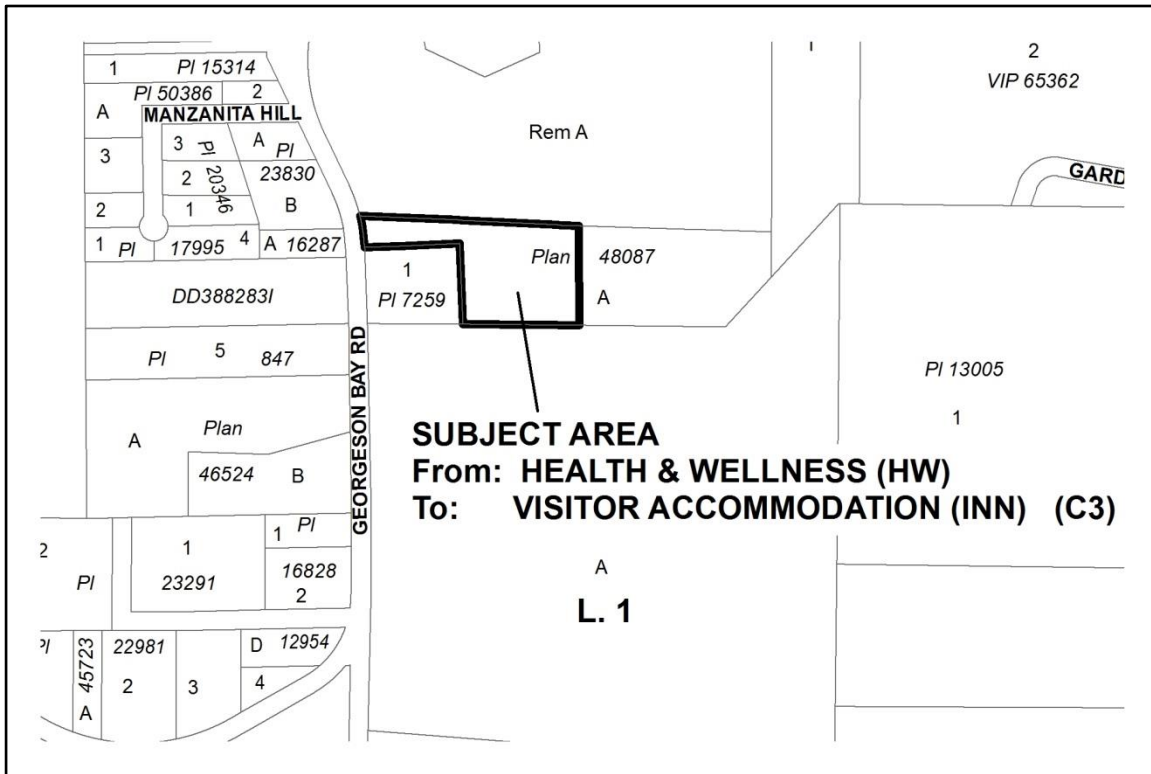
DAY OF 201_

ADOPTED THIS DAY OF 201_

DEPUTY SECRETARY

CHAIRPERSON

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 260
PLAN NO. 1





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: Bylaws No. 259 (OCP) & 260 (LUB) - GL-RZ-2016.1

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	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.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	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.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	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.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	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.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	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.
N/A	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.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

Date: May 25, 2016 File Number: GL-6500-20 (Cottage Review)

To: Galiano Island Local Trust Committee
For the meeting of June 6, 2016

From: Kim Stockdill, A/Planner 2

Re: Adoption of Bylaws Nos. 242 (OCP) and 243 (LUB) – Cottage Review

In general terms, the purpose of proposed Bylaw No. 242 is to amend the Galiano Island Official Community Plan Bylaw No. 108, 1995 to clarify the term 'cottage'. The purpose of proposed Bylaw No. 243 is to amend the Galiano Island Land Use Bylaw No. 127, 1999 in order to permit a larger maximum floor area from 60m² to 80m² for cottages, to increase the height for cottages from 6 metres and one-storey to 9 metres and two-storeys, and to clarify the term 'cottage'.

First Reading was given to proposed Bylaw Nos. 242 and 243 at the September 14, 2015 Galiano Island LTC meeting and Second Reading was given on October 5, 2015. A community information meeting and public hearing was held as part of the regular LTC business meeting on November 2, 2015. Following the public hearing proposed Bylaw Nos. 242 and 243 was given Third Reading. The Islands Trust Policy Statement Checklist was endorsed by the LTC at the meeting of September 14, 2015.

On November 25, 2015, the Islands Trust Executive Committee approved proposed Bylaw Nos. 242 and 243. The Minister of Community, Sport and Cultural Development approved Bylaw No. 242 on May 19, 2016 (approval is not required for LUB amendments).

As Executive Committee and Minister approval has been given, staff recommend the LTC give fourth and final reading to Bylaws No. 242 and 243. The proposed bylaws are attached to this memo.

RECOMMENDATIONS:

1. THAT Galiano Island Local Trust Committee proposed Bylaw No. 242, cited as as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2013" be adopted.
2. THAT Galiano Island Local Trust Committee proposed Bylaw No. 243, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2013" be adopted.

Attachment 1 – Bylaws 242 & 243

pc Robert Kojima, Regional Planning Manager
Robert Gutierrez, CRD Building Inspection Manager
Thomas Loo, Bylaw Enforcement Officer

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 242

A BYLAW TO AMEND 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. 1, 2013."

2. SCHEDULES

Schedule A (Policy Document) of Galiano Island Official Community Plan No. 108, 1995 is amended as indicated on Schedule 1, attached to and forming part of this amending bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS	14 th	DAY OF SEPTEMBER	2015
READ A SECOND TIME THIS	5 th	DAY OF OCTOBER	2015
PUBLIC HEARING HELD THIS	2 nd	DAY OF NOVEMBER	2015
READ A THIRD TIME THIS	2 nd	DAY OF NOVEMBER	2015
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	25 th	DAY OF NOVEMBER	2015
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT THIS	19 th	DAY OF MAY	2016
ADOPTED THIS		DAY OF	201x

DEPUTY SECRETARY

CHAIR

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 242**

SCHEDULE 1

- A. Bylaw No. 108, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995” is amended as follows:
1. By amending Section 5.3, Visitor Accommodation policy d)(iii) by deleting the word “cottages” and replacing it with the word “cabins.”
 2. By amending the definition of ‘Cottage’ in Part 9 (Definitions) by deleting the word “total” and replacing it with the word “limited” and deleting the words “of 60 square metres (645 square feet) or less”.

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 243

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

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

1. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
 - a) Section 2.5 is amended by deleting the words “or one storey” and by inserting “cottages,” such that it reads: ‘Accessory buildings and structures must not exceed a height of 5 metres, except that cottages, agricultural buildings and structures and those used for timber production and harvesting must not exceed a height of 9 metres.’
 - b) Section 2.7 is amended by replacing the word “2.7” with “2.8” such that it reads: ‘2.8 The height of non-transparent fences must not exceed 1.8 metres (5.9 feet) in any required setback.’
 - c) Section 2.6 is amended by replacing the word “2.6” with “2.7” such that it reads: ‘2.7 The height limits set out in this section do not apply to any radio or television antenna, flag pole, lighting pole, utility pole, water storage tank, chimney, church spire, farm silo, wind turbine, roof top mounted solar panels or windmill.’
 - d) Add a new Section 2.6 such that it reads: ‘2.6 Accessory buildings and structures must not exceed one storey in height, except for cottages.’
 - e) Section 2.9 is amended by replacing the words “60 square metres” with “80 square metres”
 - f) Section 2.10 is amended by replacing the words “60 square metres” with “80 square metres.”
 - g) An information note is inserted following Section 2.11 as follows:

“Information Note:
Potable Water Standard 13.22 establishes that a building permit shall not be issued for a new building to be used as a dwelling, including a cottage, in the water management area depicted on Schedule C unless the building is equipped with a cistern for the storage of rainwater having a capacity of at least 16,000 litres.”
 - h) Section 9.3.2 is amended by deleting the word “cottages” and replacing it with the word “cabins.”
 - i) The table following Subsection 9.3(A).3 is amended by deleting the word “Cottages” in the second row and replacing it with the word “Cabins.”
 - j) Section 13.22 is amended by inserting the word “new” following the first instance of the word “a” and preceding the word “building” and by inserting the words “, including a cottage,” following the word “dwelling” and preceding the word “in.”

- k) Table 2 in Section 14.1 is amended by deleting the word “cottage” in row 14.1.8 and replacing it with the word “cabin.”
- l) Subsection 17.1.10 is amended by deleting the words “floor area that does not exceed 60 square metres except as provided in s. 2.9” and replacing it with the words “limited floor area” such that it reads: ““cottage” means a building that is accessory to a dwelling and is used for human habitation by guests, household members or tenants, and having a limited floor area.’
- m) Subsection 17.1.41 is amended by deleting the word “cottages” and replacing it with the word “cabins.”
- n) Subsection 17.1.49 is amended by deleting the word “cottage” and replacing it with the word “cabin.”

- 2. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2013”.

READ A FIRST TIME THIS	14 th	DAY OF	SEPTEMBER	2015
READ A SECOND TIME THIS	5 th	DAY OF	OCTOBER	2015
PUBLIC HEARING HELD THIS	2 nd	DAY OF	NOVEMBER	2015
READ A THIRD TIME THIS	2 nd	DAY OF	NOVEMBER	2015
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	25 th	DAY OF	NOVEMBER	2015
ADOPTED THIS		DAY OF		201x

DEPUTY SECRETARY

CHAIR



Memorandum

Date: May 25, 2016 File Number: GL-6500-20 (Contractor Yards)

To: Galiano Island Local Trust Committee
For the meeting of June 6, 2016

From: Kim Stockdill, A/Planner 2

Re: Adoption of Bylaw No. 253 – Contractor Yards Project

In general terms, the purpose of Proposed Bylaw No. 253 is to amend the Galiano Island Official Community Plan (OCP) Bylaw to permit home-based contractor yards by issuance of a Temporary Use Permit (TUP). The intent is to amend the TUP section of the Galiano OCP in order to include specific TUP guidelines and conditions for home-based contractor yards.

First Reading was given to proposed Bylaw No. 253 at the June 1, 2015 Galiano Island LTC meeting and Second Reading was given at the September 14, 2015 Galiano Island LTC meeting. A community information meeting and public hearing was held as part of the regular LTC business meeting on November 2, 2015. Following the public hearing proposed Bylaw No. 253 was given Third Reading. The Islands Trust Policy Statement Checklist was endorsed by the LTC at the meeting of September 14, 2015.

On November 25, 2015, the Islands Trust Executive Committee approved proposed Bylaw No. 253. The Minister of Community, Sport and Cultural Development approved Bylaw No. 253 on May 19, 2016.

As Executive Committee and Minister approval has been given, staff recommend the LTC give fourth and final reading to Bylaw No. 253. The proposed bylaw is attached to this memo.

RECOMMENDATION:

1. THAT Galiano Island Local Trust Committee proposed Bylaw No. 253, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2015” be adopted.

Attachment 1 – Bylaw 253

pc Robert Kojima, Regional Planning Manager
Miles Drew, Bylaw Enforcement Manager
Thomas Loo, Bylaw Enforcement Officer

**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. 2, 2015”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME this 1st day of June , 2015.
READ A SECOND TIME this 14th day of September , 2015.
PUBLIC HEARING HELD this 2nd day of November , 2015.
READ A THIRD TIME this 2nd day of November , 2015.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
25th day of November , 2015.
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this 19th day of May , 2016.
ADOPTED this day of , 20.

DEPUTY SECRETARY

CHAIR

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 253
SCHEDULE 1

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

1. Section VII (Temporary Use Permit) is amended by inserting the following new objectives:

- “iv. In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a temporary use permit for a contractor yard:
- a) for the purpose of a temporary use permit, “contractor yard” means the use of land or buildings for the storage of materials, equipment, and vehicles for a building, construction, landscaping business, or other trades that is accessory to a dwelling unit, and exceeds the home occupation regulations.
 - b) the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for a contractor yard;
 - c) the Local Trust Committee should consider potential impacts from the contractor use or activity to the surrounding groundwater resources;
 - d) in addition to any other conditions the Local Trust Committee may consider appropriate, the permit may include the following conditions:
 - No more than one contractor yard may be conducted per lot;
 - Combined floor areas of all buildings and structures for the contractor yard should be limited;
 - Lot coverage for areas used for outdoor storage which includes vehicles (trucks, trailers, etc.) and materials related to the contracting business should be limited;
 - Contractor yard buildings and structures should not exceed 5 metres in height unless a rationale is provided for the increase to height;
 - All outdoor storage areas should be screened from view by a landscape screen from abutting lots and highways and should meet or exceed Section 15 (Screening and Landscaping Regulations) in the Galiano Island Land Use Bylaw No. 127, 1999 in order to mitigate impacts to surrounding neighbours.
 - All outdoor storage areas should be sited not less than 15 metres from any lot line and not less than 30 metres from any lake, wetland, stream, the sea, or a well;
 - The number of vehicles or equipment used for the purpose of the contractor yard should be limited;
 - Not more than one unilluminated sign is permitted not exceeding 0.6 m² in area is permitted on the subject property;
 - Parking requirements for the contractor yard shall meet or exceed Section 14 (Parking Requirements) in the Galiano Island Land Use Bylaw No. 127, 1999;
 - Contractor yard operation hours must be compliant with the noise prohibitions as outlined in the Capital Regional District Noise Suppression Bylaw (Southern Gulf Islands) No.1 , 2006
 - The number of persons employed in any contractor yard per lot should be limited;
 - Owner of the contractor yard must permanently reside on the lot in which the Temporary Use Permit for a contract yard has been issued; and
 - Potential for leaching of undesirable contaminants must be addressed.

- e) The operator of the contractor yard must comply with all licensing, health and other applicable regulation of the Province of British Columbia and the Capital Regional District including building inspection, public health, noise, air quality, and water quality regulations.
- f) a temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.



Memorandum

Date: May 25, 2016 File Number: GL-6500-20 (Secondary Suites)

To: Galiano Island Local Trust Committee
For the meeting of June 6, 2016

From: Kim Stockdill, A/Planner 2

Re: Adoption of Bylaws Nos. 254 (OCP) and 255 (LUB) – Secondary Suites

In general terms, the purpose of Proposed Bylaw No. 254 is to amend the Galiano Island Official Community Plan Bylaw No.108, 1995 in order to outline policies that would allow secondary suites in order to provide housing options on Galiano Island, and to permit the use of Short Term Vacation Rentals (STVR) in secondary suites. Similarly, the purpose of Proposed Bylaw No. 255 is to amend the Galiano Island Land Use Bylaw No. 127, 1999 in order to permit and regulate secondary suites in residential zones. Some of the proposed LUB regulations include restrictions a secondary suite's floor area (60m²); not permitting secondary suites on parcels less than 0.4 ha; requiring a 16,000L capacity rain water cistern for secondary suites at time of building permit; and to permit home occupations, such as STVRs, in secondary suites.

First Reading was given to proposed Bylaw Nos. 254 and 255 at the September 14, 2015 Galiano Island LTC meeting and Second Reading was given on October 5, 2015. A community information meeting and public hearing was held as part of the regular LTC business meeting on November 2, 2015. Following the public hearing proposed Bylaw Nos. 254 and 255 was given Third Reading. The Islands Trust Policy Statement Checklist was endorsed by the LTC at the meeting of September 14, 2015.

On November 25, 2015, the Islands Trust Executive Committee approved proposed Bylaw Nos. 254 and 255. The Minister of Community, Sport and Cultural Development approved Bylaw No. 254 on May 19, 2016 (approval is not required for LUB amendments). As Executive Committee and Minister approval has been given, staff recommend the LTC give fourth and final reading to Bylaws No. 254 and 255. The proposed bylaws are attached to this memo.

RECOMMENDATIONS:

1. THAT Galiano Island Local Trust Committee proposed Bylaw No. 254, cited as as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2015" be adopted.
2. THAT Galiano Island Local Trust Committee proposed Bylaw No. 255, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2015" be adopted.

Attachment 1 – Bylaws 254 & 255

pc Robert Kojima, Regional Planning Manager
Robert Gutierrez, CRD Building Inspection Manager
Thomas Loo, Bylaw Enforcement Officer

**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. 3, 2015”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME this 14th day of SEPTEMBER , 2015.
READ A SECOND TIME this 5th day of OCTOBER , 2015.
PUBLIC HEARING HELD this 2nd day of NOVEMBER , 2015.
READ A THIRD TIME this 2nd day of NOVEMBER , 2015.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
25th day of NOVEMBER , 2015.
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this 19th day of MAY , 2016.
ADOPTED this day of , 20.

DEPUTY SECRETARY

CHAIR

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 254
SCHEDULE 1

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

1. Section II, Subsection 1(Residential) is amended by inserting a new policy (c) as follows and re-numbering subsequent policies accordingly:

“c) Secondary suites may be permitted within principal dwellings with the intent of providing housing options and vacation rental accommodation. A maximum of one secondary suite, limited in floor area, shall be permitted per lot and dwellings containing secondary suites shall provide a rainwater catchment and storage system.”

2. Section II, Subsection 2 (Agriculture), policy (b) is amended by inserting a new policy (c) as follows and re-numbering subsequent policies accordingly:

“c) Secondary suites may be permitted within principal dwellings with the intent of providing housing options and vacation rental accommodation. A maximum of one secondary suite, limited in floor area, shall be permitted per lot and dwellings containing secondary suites shall provide a rainwater catchment and storage system.”

BYLAW NO. 255

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

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

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

- a) Part 2 is amended by inserting the following as a new Section 2.28:

“Secondary Suites

2.28 Secondary suites permitted in Parts 5 and 6 are subject to the following:

- 2.28.1 One secondary suite is permitted on each lot having an area 0.4 hectares or greater.
- 2.28.2 On parcels having an area greater than 0.4 hectares a secondary suite shall not be permitted on the parcel if a cottage has been constructed and a cottage shall not be permitted on the parcel if a secondary suite has been constructed.
- 2.28.3 A secondary suite shall not exceed 60m² (646 ft²) in floor area nor 40% of the floor area of the building in which it is located.
- 2.28.4 A secondary suite shall be entirely located within the building that contains the principal dwelling.
- 2.28.5 A secondary suite shall have an entrance from the exterior of the building separate from the entrance to the principal dwelling.
- 2.28.6 A building permit shall not be issued for a secondary suite, nor shall a secondary suite be occupied, unless the building that is to contain the secondary suite is equipped with a rainwater catchment and storage system having a capacity of at least 16,000 litres and must be capable of supplying the suite with a sufficient quantity of potable water.
Information Note: at time of building permit application, the Capital Regional District will require that a specific quantity of potable water demonstrated and that proof of adequate septic capacity be provided.
- 2.28.7 A secondary suite must not be subdivided from the principal dwelling unit under the *Land Title Act* or the *Strata Property Act*.
- 2.28.8 Home occupations are permitted in secondary suites subject to the following:
 - 2.28.8.1 no non-resident employees are permitted.
- 2.28.9 A minimum of one parking space must be provided for a secondary suite.”

- b) Subsection 5.1.1 (Village Residential 1) is amended by inserting a new article 5.1.1.4 as follows:

“5.1.1.4 secondary suite”

- c) Subsection 5.2.1 (Village Residential 2) is amended by inserting a new article 5.2.1.4 as follows:

“5.2.1.4 secondary suite”

- d) Subsection 5.3.1 (Small Lot Residential) is amended by inserting a new article 5.3.1.4 as follows:

“5.3.1.4 secondary suite”

- e) Subsection 5.4.1 (Rural Residential) is amended by inserting a new article 5.4.1.4 as follows:

“5.4.1.4 secondary suite”

- f) Subsection 5.5.1 (Rural 2) is amended by inserting a new article 5.5.1.5 as follows:

“5.5.1.5 secondary suite”

- g) Subsection 5.6.1 (Rural 3) is amended by inserting a new article 5.6.1.7 as follows:

“5.6.1.7 secondary suite”

- h) Subsection 6.1.1 (Agriculture) is amended by inserting a new article 6.1.1.7 as follows:

“6.1.1.7 secondary suite”

- i) Section 17.1 (definitions) is amended by inserted a new definition 17.1.44 as follows and re-numbering subsequent subsections accordingly:

“17.1.44 “Secondary suite” means an accessory, self-contained dwelling unit, located within the principal dwelling on a lot.”

- j) Section 14.1 is amended by inserting a new subsection 14.1.16 as the final row in Table 2 as follows:

14.1.16	Secondary Suite	1 per secondary suite
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- k) The definition of “short term vacation rental” is amended by inserting the words “, secondary suite” following the word “dwelling” and preceding “or cottage”.
- l) Section 3.13 (Home Occupations) is amended by inserting the words “or secondary suite” following the word “cottage” and preceding the words “the following”.
- m) Subsection 3.13.1 is amended by inserting the words “or secondary suite” following the word “cottage” and preceding the words “per lot”.

2. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2015”.

READ A FIRST TIME this 14th day of September , 2015.

READ A SECOND TIME this 5th day of October , 2015.

PUBLIC HEARING HELD this 2nd day of November , 2015.

READ A THIRD TIME this 2nd day of November , 2015.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
25th day of November , 2015.

ADOPTED this day of , 201_.

DEPUTY SECRETARY

CHAIR

Top Priorities

Galiano Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Telecommunication Strategy	Review telecommunication options, including policies for telecommunication towers, on Galiano Island.	01-Feb-2016	Kim Stockdill	28-Feb-2017
2	Affordable Housing Strategy	to be determined.	07-Mar-2016	Kim Stockdill	31-Mar-2017
3	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the LUB.	07-Mar-2016	Kim Stockdill	31-Jul-2017

**Projects****Galiano Island**

Description	Activity	R/Initiated
Soil Removal and Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw	12-Sep-2011
Amendments to Forest designation and F1 zone -	Consider options for amendments to Forest Land Designation and policies and F1 zoning for lands without Managed Forest Status. Draft bylaws have been prepared, project deferred at meeting of April/12	16-Apr-2012
Parking Issues	Issue for discussion with MoTI and public parking issues generated from associated islands. (see correspondence from P. Midgely on agenda of Apr/12)	23-Jul-2012
Bike Trails and Camping	Letter dated July 8, 2013 received from Galiano Parks and Recreation Commission regarding bike safety on Galiano roads (See Transportation policy U of Section 1.1) and for the allowance of non-commercial camping on private lots.	15-Jul-2013
Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	18-Nov-2013
Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	18-Nov-2013
Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	18-Nov-2013
Land Use Bylaw Amendments	To review LUB for: any technical/administrative bylaw amendments (e.g. definition references and numbering), shoreline zoning wording, crown lot rezonings, and review park zoning (specifically to allow stairs in setbacks).	07-Jul-2014
Community Benefit Review for Forest Lands	Staff to prepare preliminary report for new LTC	08-Sep-2014
Consider amendments to re-designate and rezone crown owned Forest lots.- Bylaws 231, 232 at First Reading	re-refer to FLNRO for comment	



Islands Trust

Print Date: May 30, 2016

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2016.2	MCFARLAND, LAWRENCE Planner: Kim Stockdill	11-May-2016	Lot 33 WISE ISLAND To construct a seasonal single family dwelling.
Planning Status			
Status Date: 26-May-2016 Staff report and DP drafted. Placed on June 6th agenda.			
Status Date: 11-May-2016 File opened and forwarded to planner and LTC.			

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2011.1	Galiano Land and Community Housing Trust c/o Tom Hennessy Planner: Robert Kojima	06-Oct-2011	Rezone Agriculture and Residential to Community Facility-Affordable housing.
Planning Status			
Status Date: 27-May-2016 Revised housing agreement prepared, reviewed by applicants, staff report prepared for June 6th agenda			
Status Date: 25-Apr-2016 Housing agreement draft prepared by legal counsel, additional work to be undertaken by new cost recovery agreement			
Status Date: 11-Apr-2016 draft layout plan received, under review			
File Number	Applicant Name	Date Received	Purpose
GL-RZ-2013.1	Landworks Consultants Planner: Kim Stockdill	16-Apr-2013	DL 79 - To amend the OCP and LUB to permit a rezoning to F3, RR, NP from an F1 zoned lot.

Applications

Planning Status

Status Date: 27-May-2016

Development control covenant executed and registered, bylaws adopted. Forestry covenant and subdivision registration pending

Status Date: 07-Apr-2016

draft covenant received, reviewed by staff, circulated to covenant holders for comment

Status Date: 29-Mar-2016

Draft covenant being reviewed by GCA legal counsel

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2014.1	Crystal Mountain Society	28-Oct-2014	20300 PORLIER PASS RD To allow for year round use of the Forest Retreat Centre

Planner: Kim Stockdill

Planning Status

Status Date: 25-Apr-2016

Staff report on May 2016 agenda.

Status Date: 07-Mar-2016

LTC requested to staff to draft bylaws based on a conservation covenant on 75% of land. Legal review of PMFL also requested.

Status Date: 30-Nov-2015

Updated proposal received by staff. Staff report on Dec 7/15 LTC agenda

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2016.1	WOLSTENHOLME, DAVID	05-Apr-2016	743 GEORGESON BAY RD APPLICATION TO CHANGE ZONING TO ALLOW USE AS A RESTAURANT/INN

Planner: Kim Stockdill

Planning Status

Status Date: 04-May-2016

Staff to draft LUB and OCP bylaws.

Applications

Status Date: 25-Apr-2016

Preliminary staff report on May 2016 LTC agenda.

Status Date: 07-Apr-2016

File opened. Created application, forwarded to LTC and planner.

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2013.1	Kelly Gesner, Landworks Consultants	29-Nov-2013	4150 BODEGA BEACH DR To create a conventional subdivision of 7 lots including remainder.
Planner: Kim Stockdill			
Planning Status			
Status Date: 13-Aug-2015			
PLA extension granted by MOTI			
Status Date: 24-Nov-2014			
SD file on hold until zoning amendment bylaws are adopted			
Status Date: 08-Sep-2014			
10 percent waiver approved by LTC			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.1	Jon & Connie Stettner	07-Mar-2016	2625 E. BEEKMAN PL Requesting a permit to use property as a STVR.
Planner: Kim Stockdill			
Planning Status			
Status Date: 03-May-2016			
Property owner & water district to draft covenant restricting water quantity.			
Status Date: 25-Apr-2016			
Staff report complete and placed on May 2016 LTC agenda.			

Applications

Status Date: 05-Apr-2016

Permit and notice circulated.

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.4	CALVERT, SHIRLEY	12-Apr-2016	18865 PORLIER PASS RD Permit to operate STVR

Planner: Phil Testemale

Planning Status

Status Date: 30-May-2016

Application on June 6th agenda for decision.

Status Date: 05-May-2016

Notice and Permit drafted and forwarded to DS for notification (June 6 LTC)

Status Date: 13-Apr-2016

File opened and forwarded to LTC and planner

Islands Trust
 LTC EXP SUMMARY REPORT F2016
 Invoices posted to Month ending March 2016

625 Galiano	Invoices posted to Month ending March 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	750.00	1,109.68	-359.68
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	2,500.00	6,018.03	-3,518.03
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	1,243.80	-743.80
65220-625	LTC - Local Exp - Communications	300.00	798.35	-498.35
65230-625	LTC - Local Exp - Special Projects	750.00	10.51	739.49
TOTAL LTC Local Expense		<u>4,050.00</u>	<u>8,070.69</u>	<u>-4,020.69</u>
Projects				
73001-625-4049	Galiano Contractor Yard Review	2,500.00	946.57	1,553.43
73001-625-4050	Galiano Secondary Suite Review	2,500.00	1,269.79	1,230.21
73001-625-4051	Galiano Cottage Review	2,500.00	1,230.71	1,269.29
TOTAL Project Expenses		<u>7,500.00</u>	<u>3,447.07</u>	<u>4,052.93</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: April 7, 2014

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 11, 2009 / Amended February 3, 2014	GL-LTC-85-09 Amended:	Parks Commission Referral	That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment
2.	October 18, 2010	GL-LTC-115-10	Publishing Notices beyond legal requirements	THAT the Galiano Island Local Trust Committee will advertise Public Hearing Notices in either the Active Page Magazine or Islands Tides Newspaper in addition to the legally required advertising in the Driftwood Newspaper.
3.	October 17, 2011	GL-LTC-205-11	Special Occasion Liquor Licenses	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property on which Galiano Island Land Use Bylaw No. 127, 1999 permits public assembly uses, such as restaurants or community halls, and where there have been no issues related to parking or past complaints for the preceding three years , staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
4.	February 3, 2014		Applications with Open Bylaw Enforcement files	On properties where there is an open bylaw enforcement file, planning staff should refer planning applications to the Bylaw Enforcement Manager for comment where one or more of the following circumstances exist: 1. There have been significant delays or longer than typical timelines in the enforcement process 2. The LTC is considering on-going, relevant policy or regulatory changes that could impact enforcement 3. Litigation has been recommended 4. Legal counsel has been involved (beyond providing a basic interpretation) 5. There has been enforcement action beyond seeking voluntary compliance (e.g. a BEN warning or ticket, adjudication, a compliance agreement negotiated, etc.) 6. There has been, or is an expectation of, joint enforcement with other jurisdictions 7. There is potential for impact on other related enforcement files.

No	Meeting Date	Resolution No.	Issue	Policy
5.	April 7, 2014	GL-2014-029	Community Wells as a Community Benefit	That the Galiano Island Local Trust Committee will consider as a community benefit for all rezoning applications where there is an increase in density, the establishment of an instrumented observation well.

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

Important deadline! Fairy Slipper Forest Campaign – Thetis Island

June second is an important deadline for the campaign to purchase 40 acres of forest, creating Thetis Island's first publicly accessible nature reserve. Half the total cost of \$560,000 needs to be raised by this date. To help meet this important fundraising goal, an anonymous donor is matching funds, to a maximum of \$40,000, until the deadline. Donations can be made through the [Islands Trust Fund \(ITF\)](#) website. Media packages are available upon request from the ITF Communications and Fundraising Specialist for promotions.

Appointed Board Members – Vacancies

Three of the six members of the Trust Fund Board (TFB) are appointed by the Province. The term of former member Julie Glover has concluded (Dec. 2015) and the provincial Board Resourcing and Development Office recently concluded its advertising of this vacancy. The term of member Dereck Atha ends in June and applications for this position are now being accepted through the [Board Resourcing and Development Office](#). Please inform individuals you know who might have the knowledge, experience and interest to serve on TFB.

Land Securement Strategy

The Islands Trust Strategic Plan includes a strategy for TFB to "Protect high biodiversity areas identified in TFB's Regional Conservation Plan" by "developing a land conservation strategy to protect high biodiversity areas (e.g. Coastal Douglas-fir)". Most of our protected land has come about opportunistically as a result of landowners and organizations coming to us (albeit with prior relationship-building in many cases). Another approach, used successfully by other land conservancies, is to focus on areas with high biodiversity and approach landowners to explore voluntary conservation options that might work for them. This requires careful and sensitive planning. TFB has approved the project charter for developing a securement strategy to implement such an approach.

Conservation Tax Incentive Program

The Islands Trust Strategic Plan also identifies the Trust Fund Board will support efforts to expand a conservation tax exemption program to the rest of British Columbia. The TFB Chair has written an open letter of support outlining the success of NAPTEP in support of a province-wide program.

Long Term Funding

The Trust Fund Board has reviewed the considerable work carried out over the years to develop a Long Term Funding Initiative and discussed this in the current context. The Chair hopes to provide a brief report at the June Trust Council meeting and is happy to discuss this issue in more depth with individual trustees.

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

Planned Giving

The Board reviewed and discussed ITF's approach to encouraging and enabling planned, or legacy, gifts. Two recent prime examples are legacies that have established the Morrison Waxler Biodiversity Protection Legacy Fund (\$20,000) and the Gambier Island Acquisition Fund (\$115,000). Crystal Oberg, ITF's new Communications and Fundraising Specialist, will attend an upcoming professional development opportunity to enhance this part of our work. Check out the "[Gift and Estate Planning](#)" page on our website.

Budget

Preliminary figures show that the Islands Trust Fund's 2015-16 expenses came in under budget. The 2016-17 budget is essentially unchanged. The budget includes provision for responding to emerging and time-sensitive conservation proposals and property management issues.

Property Management

Here is a summary of current property management activities:

Bowen -	New management contract for Fairy Fen Nature Reserve; revision of management plan for Singing Woods Nature Reserve
Denman -	Restoration and signage at Inner Island; restoration and tree planting at Lindsay Dickson Nature Reserve; trail development and maintenance at Morrison Marsh Nature Reserve
Gabriola -	Management Plan for Burren's Acres Nature Reserve; boardwalk repair; trail maintenance and root protection work at Elder Cedar Nature Reserve
Lasqueti -	Monitoring of restoration and possible trespass at Mount Trematon Nature Reserve; revision of management plan for Kwel Nature Sanctuary
N. Pender -	Interpretive panels at Medicine Beach Nature Reserve
Salt Spring -	Revision of management plan for Cyril Cunningham Nature Reserve.

Annual monitoring of properties and covenants across the Trust Area will be completed by July 15, 2016.

Trail Proposal for the Lindsay Dickson Nature Reserve –Denman Island

After onsite meetings and consultation with our property managers, the Trust Fund Board has agreed to allow an old logging road across one corner of the reserve, which already supports public use, to be part of the Denman cross-island trail. However, the board does not support the development of an unopened road access alongside the nature reserve because of the additional disturbance it could bring to the reserve.

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