



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: March 7, 2016
Time: 12:30 pm
Location: Lions Park Society
992 Burrill Road, Galiano Island, BC

	Pages
1. CALL TO ORDER	12:30 PM - 12:50 PM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	12:50 PM - 1:00 PM
6.1 Local Trust Committee Minutes Dated February 1, 2016 (for Adoption)	3 - 14
6.2 Section 26 Resolutions Without Meeting Report	
none	
6.3 Advisory Planning Commission Minutes (for Receipt)	
none	
7. BUSINESS ARISING FROM MINUTES	
7.1 Follow-up Action List Dated February 2016	15 - 16
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	1:00 PM - 3:30 PM	
10.1	GL-DVP-2015.4 (Flying Black Dog) - Staff Report		17 - 28
10.2	GL-DP-2016.1 & GL-DVP-2016.1 (Usher) - Staff Report		29 - 70
10.3	GL-RZ-2014.1 (Crystal Mountain) - Memo		71 - 71
10.4	GL-RZ-2011.1 (Galiano Green) - Memo		72 - 73
11.	LOCAL TRUST COMMITTEE PROJECTS		
12.	REPORTS	3:30 PM - 4:00 PM	
12.1	Work Program Reports (attached)		
12.1.1	<u>Top Priorities Report Dated February 2016</u>		74 - 74
12.1.2	<u>Projects List Report Dated February 2016</u>		75 - 76
12.2	Applications Report Dated February 2016 (attached)		77 - 80
12.3	Trustee and Local Expense Report Dated February 2016 (attached)		81 - 81
12.4	Adopted Policies and Standing Resolutions (attached)		82 - 83
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Report		
12.8	Trust Fund Board Report		
	none		
13.	NEW BUSINESS		
	none		
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for April 4, 2016, at the North Community Hall, Galiano Island		
15.	TOWN HALL	4:00 PM - 4:15 PM	
16.	CLOSED MEETING (Distributed Under Separate Cover)		
	none		
17.	ADJOURNMENT	4:15 PM - 4:15 PM	



Galiano Island Local Trust Committee Minutes of Regular Meeting

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

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

Staff Present Robert Kojima, Regional Planning Manager
Kim Farris, Acting Planner 2
Colleen Doty, Recorder

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:31 pm. Chair Busheikin introduced herself and staff members present. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. There were approximately 75 members of the public attending.

2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration:

- Item 9.2 was added - a letter from Nancy McPhee.
- Item 11.2 GL-TUP-2015.1 (Woodstone) - application was removed by the applicant.
- Item 11.4.1 added a table with respect to GL-RZ-2013.1 (Landworks).
- Item 15.2 was added with respect to the 2016 Galiano Island Local Trust Committee (LTC) meeting schedule.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

The Chair explained what could be heard at the Local Trust Council (LTC) meeting. As GL-RZ-2013.1 (Land works) is post-public hearing, the LTC is legally obliged not to hear any new information, unless it is technical information about an application.

Correspondence received over the last 48 hours with respect to Landworks has been forwarded to staff for review. Ideally, letters to the LTC should be received 10 days prior to the LTC meeting so they may be added to the agenda. The

Thursday prior to the LTC meeting is the latest possible time for correspondence to be accepted in an orderly fashion.

Acting Planner 2 Kim Farris discussed correspondence about open application files. She thanked people for letters respecting the Crystal Mountain Society's (CMS) application. If letters are received prior to public hearing, staff will review and forward them to the LTC. It takes about a week for staff to post correspondence to the Islands Trust website.

Janice Oakley asked what happens to letters that are received too close to the LTC meeting date.

Regional Planning Manager (RPM) Robert Kojima indicated they were posted on the website within a week and circulated to the LTC.

Loren Wilkinson, representing the Galiano Conservancy Association (GCA), circulated a letter to Trustees. At the last meeting, the GCA promised they would consider being covenant holders. He noted that GCA letters, submitted some time ago to the Islands Trust, had not been posted on the Islands Trust website. He noted that the GCA had been asked to be covenant holders. The GCA's response to the application had been guided by the Land Trust Alliance and Canadian Land Trusts Standards and Practices. From the GCA's standpoint, Landworks has an acceptable covenant with respect to sustainable forestry. The point of disagreement concerns the endowment set up to cover expenses. Another point of disagreement was whether the GCA would be the covenant holder in fact rather than in name. The GCA endowment was offered by a board member.

Gary Coward wondered if members of the public understood what "PMFL" meant, along with associated tax implications.

Helen Foster spoke on behalf of the Crystal Mountain Society. Referring to page 33 of the January 2016 edition of *The Active Page*, she respectfully pointed out that the reference to Crystal Mountain was misleading in the quotation from the Advisory Planning Commission's recommendation which suggested that transfer of title and subdivision of land was required by the OCP to ensure a community benefit. She was also concerned by the reference in *The Active Page* to "letters of concern", while omitting reference to all the letters of support that have been sent. She felt the Trustees' report in *The Active Page* provided an unbalanced perspective. She would like a correction posted.

Trustee Harris "owned" the penmanship and stated there would be a correction in the subsequent edition of *The Active Page*. Trustee Pottle explained the history behind the OCP clause.

Michael Durkos spoke in favour of the Crystal Mountain application. He has been a resident on Galiano for 22 years; he has done a lot of work on the land and trusts the caretakers of Crystal Mountain to provide good stewardship of the forest.

Bernard Mignault noted he has lived on Galiano for more than 30 years. He has had many discussions with the Islands Trust and has found that the goalposts have moved. He does not want to see people stymied. While not referring to any specific application, he noted that the LTC must weigh each application fairly.

Suzanne Fournier has been a resident of the North End for the last 26 years, and is a board member of the GCA. She spoke to a technical matter: the content of the covenant presented at the Public Hearing of 2014 has changed considerably. There have been incredible steps taken to move the application forward. The \$10,000 endowment was offered by a member of the GCA. The public needs to know what is happening in order to further democracy.

Roger Pettit spoke to the issue of fairness. The Official Community Plan is a public document, as are the bylaws, which should be clear to all applicants. With respect to the Crystal Mountain application, there appear to be unwritten rules. He expressed concern about the optics of the process.

Janice Oakley read correspondence from Patrick Ramsay, with respect to the Crystal Mountain rezoning application. Mr. Ramsay became a Galiano resident as a direct outcome of a retreat at Crystal Mountain, which had a large impact on his life. When his son was in grade 10, he struggled in school, but after a summer program at CM, he improved remarkably. CM presented a profound experience for his family.

Diana Lilly expressed discomfort with what could be said at Town Hall. She spoke in favour of another Public Hearing to provide a transparent process for the Landworks application.

Nancy McPhee referred to her letter of January 21, 2016, wherein she discusses the decision-making process of the LTC. She has been a resident of Galiano for 30 years. She spoke in support of the Crystal Mountain application and for a more positive tone of the LTC. CMS has been in the rezoning process for 12 years, in what she described as an excruciating process. She referenced the Islands Trust's Strategic Plan for 2014-2018, one of the goals of which is to empower owners to be stewards of the land.

Annette Shaw spoke in favour of the Crystal Mountain application. The CMS attracts the best kind of visitors: people enjoying the silence of nature with minimal impact on the environment. CMS offers educational opportunities to the community, benefits local businesses and the local economy. It teaches

mindfulness, emphasizes health and wellbeing, stress-reduction, calming inner conflict and provides an oasis of peace.

Paul Leblond spoke strongly in favour of Crystal Mountain and Galiano Green. He was concerned about community development.

Glenna Mattin presented questions around previously approved re-zonings to date on Forest Lands.

RPM Robert Kojima referred to the Heritage Forest covenant, and the transfers of land to BC Parks.

Kiyo Okuda spoke about democracy and the public's sense of governance. He referred to covenants being a regulatory authority.

Akasha Forest presented technical information: a third party covenant holder is considered preferable, versus the LTC, because LTC's change over time. Staff work very hard to find solutions and support processes. If there is significant new information with respect to the Landworks application post hearing, then a new public hearing is needed. She also spoke to long-range priorities, noting that the Islands Trust is in danger of not being able to continue in its current format..

Anna Keefer spoke to the need for a paradigm shift concerning attitudes toward change.

Jane Wolverton, Board member of the GCA and President of the Galiano Club, acknowledged the hundreds of volunteer hours that have been devoted to trying to resolve the covenant issue. A lot of time has been put into careful consideration.

Note: There was a break at 1:44 pm and the meeting reconvened at 2:00 pm.

4. COMMUNITY INFORMATION MEETING

n/a

5. PUBLIC HEARING

n/a

6. MINUTES

6.1. Local Trust Committee Minutes Dated December 7, 2015 (for Adoption)

By general consent, the minutes were adopted as presented.

7. BUSINESS ARISING FROM MINUTES

7.1. Follow-up Action List Dated January 2016

Acting Planner 2 Farris reported that the STVR pamphlet and enforcement letters were completed. A Development Permit Area letter is being drafted and will be sent to contractors.

A Response to the Ministry with respect to the Retreat Cove Covenant has been received. Acting Planner 2 Farris will be following up with Chair Busheikin.

The Chief Administrative Officer received a letter from Industry Canada which notified Islands Trust they were rescinding their Letter of Understanding with respect to cell tower procedures. Industry Canada recommended that the Islands Trust draft its own tower siting procedures.

8. DELEGATIONS

8.1 S. Foster re: Crystal Mountain

Mr. Stephen Foster thanked the Islands Trust and the public. He addressed the following:

- Language from Official Community Plan (OCP) and Land Use Bylaw (LUB) with respect to the public benefit of allowing accessory and unique parcels of land, and low impact, forest-related activities. Eco-based land-use planning is the backbone of CMS' values.
- The Islands Trust Strategic Plan adopted Sept. 2015;
- CMS has had an open house, has done outreach, and has received a positive response from the public.
- CMS has approached this process as a joint approach and has addressed the LTC's specific concerns by providing an updated plan: they have reduced buildable areas, and have concentrated buildable area. No longer include kitchens in huts. Only one residence (1000 sq. ft.) for caretaker. Entrance has been moved.
- Emergency access has been improved.
- Water analysis has shown that water usage is low. Water recharge will not be compromised.
- Concerned about how CMS is being pushed to offer a land-transfer and subsequent sub-division of land. This requirement is not supported in OCP. CMS does not want to pursue a transfer of ownership and subdivision.
- CMS society requested LTC approach their proposal as a unique, site-specific rezoning.

Trustee Pottle asked whether the covenant would be registered. Mr. Foster indicated more work was required.

9. CORRESPONDENCE

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

9.1 Letters Dated January 12 and 13, 2016 from G. Moore

9.2 Letter Dated January 21, 2016 from Nancy McPhee

Both letters were received.

10.1 CLOSED MEETING (Distributed Under Separate Cover)

GL-2016-001

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) & (i) for the purpose of considering :

- Adoption of In-Camera Minutes Dated December 7, 2015
- Legal Advice

AND that the Recorder and Staff attend the meeting.

CARRIED

Note: The public was asked to adjourn at 2:21 pm.

See separate In-Camera Meeting Minutes dated February 1, 2016.

10.2 Recall to Order

The meeting was recalled to order at 2:51 pm.

10.3 Rise and Report

Chair Busheikin reported that the In-Camera Minutes of December 7, 2015 were adopted as amended and the Local Trust Committee received legal advice.

11. APPLICATIONS AND REFERRALS

11.1 Thetis Island Local Trust Committee Bylaws No. 96 & 97 Referral (for Response)

GL-2016-002

It was MOVED and SECONDED,

THAT, the interests of Galiano Island are unaffected by Thetis Island Bylaws 96 and 97.

CARRIED

11.2 GL-TUP-2015.1 WOODSTONE

The applicant has withdrawn their application for a Temporary Use Permit.

11.3 GL-RZ-2014-1 CRYSTAL MOUNTAIN

Acting Planner 2 Farris provided background to the application and referred to the Staff Report of January 25, 2016 which provided options to proceed with the application.

The Trust Fund Board has received a conservation covenant proposal, but a land donation by the applicant has not been discussed.

There was extensive discussion, specifically with respect to:

- The importance to the applicants of keeping the whole of their land intact and un-fragmented.
- Retreat zones on Salt Spring Island and Denman Island; and limited and specific accommodation uses on Gambier and North Pender;
- The importance of having a covenant;
- Concern about transferring land to a third party which may not have the resources to manage land appropriately;
- Concern about treating forestry lot owners equitably;
- The applicants having built without proper approval;
- The desire to see a smaller building footprint;
- Inability of LTC to zone for individuals or non-profit societies;
- The need to make decisions based on the strength of the zoning;
- The timing of preparing draft bylaws in the application process before a covenant is prepared;
- Having a map amendment on both OCP and zoning and creating a single policy on OCP to allow that specific site to be rezoned;
- The extent to which site-specific zoning may or may not create a precedent;
- A suggestion that, given the applicant wants to retain forest land and given site-specific zoning, why not use the F3 example; i.e., rezone them to F3, with the remaining portion of land to residential. Consequently, there would be no need to register a covenant.

GL-2016-003

It was MOVED AND SECONDED,

THAT, the Galiano Island Local Trust Committee requests staff to prepare draft bylaws on the basis that 75 percent of Crystal Mountain's land be protected with a conservation covenant.

DEFEATED

GL-2016-004

It was MOVED AND SECONDED,

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

DEFEATED

The CMS application will be on the agenda at the next LTC meeting.

11.4 GL-RZ-2013.1 LANDWORKS

The applicant, Kelly Gesner, spoke to the process to date.

RPM Robert Kojima prepared a table of possible options.

Noting the impasse, Trustee Pottle questioned whether there was any point in having the GCA continue to work on an agreement? She supported holding a public hearing.

Trustee Harris supported moving the application forward instead of having another public hearing. He was concerned about bad faith and would like to see the community benefits come to fruition. He regretted the application had gone forward prematurely to the Minister.

Staff outlined what would be involved in going to public hearing. RPM Kojima explained that the LTC would have to rescind third reading and go back to second reading. Then, a new hearing would be held. All approvals would have to be considered again, including those from the Minister's office. This would result in approximately a six month delay.

Chair Busheikin queried whether the GCA could be the covenant holder, and, if there was a way for Staff to sit down with the two parties and work through the agreement together? RPM Kojima noted the similarities in the technical provisions of the two versions of the covenant. He was willing to work with both parties.

It was noted by staff that the PMFL does not monitor covenants. There was a suggestion to include a representative from the PMFL at the discussions.

GL-2016-005

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee request staff to meet with representatives of the Galiano Conservancy Association and Landworks to facilitate a resolution to the differences with respect to their rezoning proposal.

CARRIED

11.5 GL-RZ-2011.1 GALIANO GREEN - Staff Report

Applicant Tom Hennessy stated he was pleased with the planners' work and RPM Kojima's recommendations.

GL-2016-006

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee request staff to report back with amendments to proposed Bylaw 234 that would permit rezoning application GL-RZ-2011.1 to proceed as a bare land strata subdivision.

CARRIED

GL-2016-007

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee authorize staff to enter into a cost recovery agreement with the applicant for rezoning GL-RZ-2011.1 (Galiano Green) for review of and revisions to the draft housing agreement.

CARRIED

GL-2016-008

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee request that prior to further consideration of rezoning application GL-RZ-2011.1 (Galiano Green), the applicant provide a revised layout plan, propose how the bare land strata subdivision would address s.510 requirements for provision of parkland, and provide a written proposal detailing how the terms of the housing agreement would be administered.

CARRIED

12. LOCAL TRUST COMMITTEE PROJECTS

none

none

13. REPORTS

13.1. Work Program Reports (attached)

13.1.1. Top Priorities Report Dated January 2015

There was discussion about adding the development of a tele-communications strategy to the Top Priorities list, given that existing priorities have now been completed. Community participation is desired. Budget requests need to be considered for next year. Dock review was also mentioned as a priority for consideration.

GL-2016-009

It was MOVED AND SECONDED,

THAT, the Galiano Island Local Trust Committee amend the work program top priorities to remove the existing and replace with a new tele-communications strategy.

CARRIED

13.1.2. Projects List Report Dated January 2015

Provided for information.

13.2. Applications Report Dated January 2015 (attached)

Provided for information.

13.3. Trustee and Local Expense Report Dated December 2014 (attached)

Provided for information.

13.4. Adopted Policies and Standing Resolutions (attached)

Provided for information.

13.5. Local Trust Committee Webpage

none

13.6. Chair's Report

Public consultation on Trust Council's budget is ongoing. There is a survey. There was a request to consider a select committee to deal with marine issues. The Local Planning Committee (Trust Council Committee) is putting a forum together on community housing, to be held Monday, June 13. Galiano Green will be invited to the meeting in Duncan.

Russ Hotsenpiller is the new Chief Administrative Officer.

13.7. Trustee Report

Trustee Harris reported that the first year of working with Chair Busheikin and Trustee Pottle has been rewarding, interesting, challenging, and fun.

Trustee Pottle reported that December has been busy with the applications before the LTC. She was pleased that Galiano Green is getting new direction on something workable.

13.8. Trust Fund Board Report

none

14. NEW BUSINESS

none

15. UPCOMING MEETINGS

15.1. Next Regular Meeting Scheduled for March 7th at 12:30 pm, at the Lions Hall, 992 Burrill Road, Galiano

15.2 The LTC April 4, 2016 and August 29, 2016 meeting dates will be retained as originally scheduled.

16. TOWN HALL

Kiyo Okuda spoke about forest lot development. As the island transitioned into private ownership, services provided by companies were no longer delivered. Fire risk mitigation and maintenance should be provided in a covenant. Now it is voluntary, provided by PMFL. There must be an authority, and now it is the LTC's responsibility via covenant.

Roger Pettit addressed the covenant on Heritage Forest. As a member of the North Galiano Fire Department he has read all the reports on the forest fire and, in his opinion, Heritage Forest is the biggest fire hazard on the island. They have no fund to maintain that piece of land. He is concerned that when land is donated that it is given to someone who has the means to do the necessary basic maintenance .

Loren Wilkinson agreed with Mr. Pettit, indicating that was why an endowment was requested by the GCA.

Debbie Holmes was concerned about misrepresentation concerning Heritage Forest. Under a year of its inception ¾ of that forest burnt to the ground. The other 30% was the easement. There was not a lot of forest there. She also spoke to the density of the Galiano Green project and was concerned about it being too densely concentrated.

17. ADJOURNMENT

By general consent the meeting was adjourned at 5:22 pm.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder

Follow Up Action Report

Galiano Island

01-Jun-2015

No.	Activity	Responsibility	Target Date	Status
1	Staff to mail DPA information to Galiano fire department, arborists, and contractors.	Kim Stockdill Lori Foster	31-Jul-2015	Done

07-Dec-2015

No.	Activity	Responsibility	Target Date	Status
2	Staff to contact Ministry to follow up with Retreat Cove Covenant (IN PROGRESS).	Kim Stockdill	23-Dec-2015	On Going
3	GL-RZ-2015.1 (Galiano Conservancy) - Bylaw Nos. 251 & 252 adopted.	Sharon Lloyd-deRosario Kim Stockdill	23-Dec-2015	Done
4	Staff to research Telecommunication Strategies from other LTCs.	Kim Stockdill	29-Jan-2016	Done

01-Feb-2016

No.	Activity	Responsibility	Target Date	Status
7	GL-RZ-2014.1 (Crystal Mountain) 1. Staff to schedule TFB and GL LTC meeting (ON HOLD). 2. Staff to research retreat uses within other LTAs and summarize visitor accommodation zone implications for a retreat use (COMPLETE). 3. Draft staff report outlining any new information and options to proceed for the March 7, 2015 agenda.	Kim Stockdill Lori Foster	04-Mar-2016	Done
5	Adopt the December 7, 2015 minutes as is.	Pauline Brazier	19-Feb-2016	Done
6	Thetis Island LTC Bylaws No. 96 & 97 Referral - Interests Unaffected	Sharon Lloyd-deRosario	12-Feb-2016	Done



Follow Up Action Report

8	Landworks (GL-RZ-2013.1) Rezoning Application 1. Staff to schedule meeting between GCA, PMFL, and applicant to facilitate a resolution.	Robert Kojima Kim Stockdill	04-Mar-2016	Done
9	Galiano Green (GL-RZ-2011.1) 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.	Robert Kojima	01-Apr-2016	On Going
10	Top Priorities 1. Staff to remove the three Top Priorities List and add Telecommunication Strategy. (DONE) 2. Staff to report on options for Telecommunication Strategy.	Kim Stockdill	01-Apr-2016	On Going

STAFF REPORT

Date: February 23, 2016

File No.: GL-DVP-2015.4
(Flying Black Dog)

To: Galiano Island Local Trust Committee
For the Meeting of March 7, 2016

From: Kim Stockdill, A/Planner 2

CC: Robert Kojima, Regional Planning Manager

Re: Development Variance Permit – GL-DVP-2015.4

Owner: Uni Investment Corporation, In. No. 580012

Applicant: Shelley Okepnak

Description: Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 34507

PID: 000-292-923

Civic Address: 61 Georgeson Bay Road

THE PROPOSAL:

This report is to consider a Development Variance Permit (GL-DVP-2015.4) for setbacks from an exterior and interior lot lines to legalize the existing buildings and structures on the subject property by varying:

- a) Article 9.1.6.2 is varied to reduce the setback to the interior side lot line from 6.0 metres to:
 - i. 0.43 metres for the existing Flying Black Dog building and structures (shown on survey plan as Label G, H, I, and J).
- b) Article 9.1.6.3 is varied to reduce the setback to the exterior side lot line from 6.0 metres to:
 - i. 0.9 metres for the existing Flying Black Dog building and structures (shown on survey plan as Label H, I, and J), and
 - ii. 0.0 metres for the existing Flying Black Dog pergola structure (shown on survey plan as Label G).

A copy of proposed Development Variance Permit GL-DVP-2015.4 is attached for review.

BACKGROUND:

The applicant is requesting variances for buildings and structures associated with the Flying Black Dog. The Flying Black Dog is a food truck restaurant that has operated seasonally for the past 8 years. The area where the Flying Black Dog is located was leveled for the placement of the structures and vegetation/boulders were planted to act as a visual screen. Large trees border the southern edge of the Flying Black Dog which limited how far back the structures were placed.

from the road. The Flying Black Dog has four buildings and structures as noted on the survey site plan – Figure 2. The four structures are a pergola ‘G’, concession trailer ‘H’, pergola ‘I’, and portable shelter ‘J’. The structures are used as cooking facilities, storage, and providing seating and shelter for customers.

This application is a result of a bylaw enforcement complaint. In order to comply with the Galiano Island Land Use Bylaw (LUB), the applicant has applied for a development variance permit to legalize the siting of the Flying Black Dog buildings and structures. The applicant has collected numerous letters of support from surrounding property owners, business owners and residents (letters can be found on ‘Current Application’ on the Galiano Island LTC website).

The applicant is requesting the variance to keep the Flying Black Dog in its existing location as several large trees and slope prevent the structures from meeting the LUB setback requirements. Meeting the requirements would involve removing numerous trees and excavating the area behind the restaurant in order for the structures to be located further back on the property.

SITE CONTEXT:

The property is 0.45 ha (1.11 acres) in area located on Georgeson Bay Road on the south of Galiano Island. The northern portion of the property fronting Georgeson Bay Road contains commercial buildings and structures operated by a number of Galiano businesses. This location is one of a few small commercial hubs on Galiano Island. The location of the Flying Black Dog is bordered by Georgeson Bay Road to the north, a private residential driveway to the west, and a grove of trees to the east and south. There is also a gradual slope behind the Flying Black Dog structures up towards the back portion of the lot. Figure 1 indicates the location of the subject property and Figure 2 shows the locations of the existing buildings and structures.

Figure 1: Subject Property Map

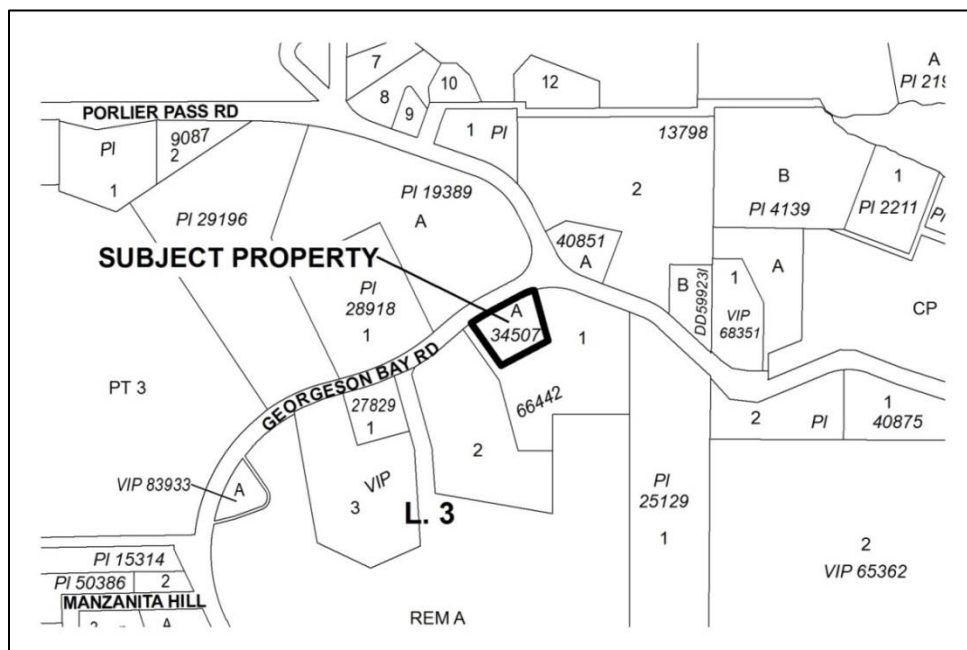


Figure 2: Survey Site Plan

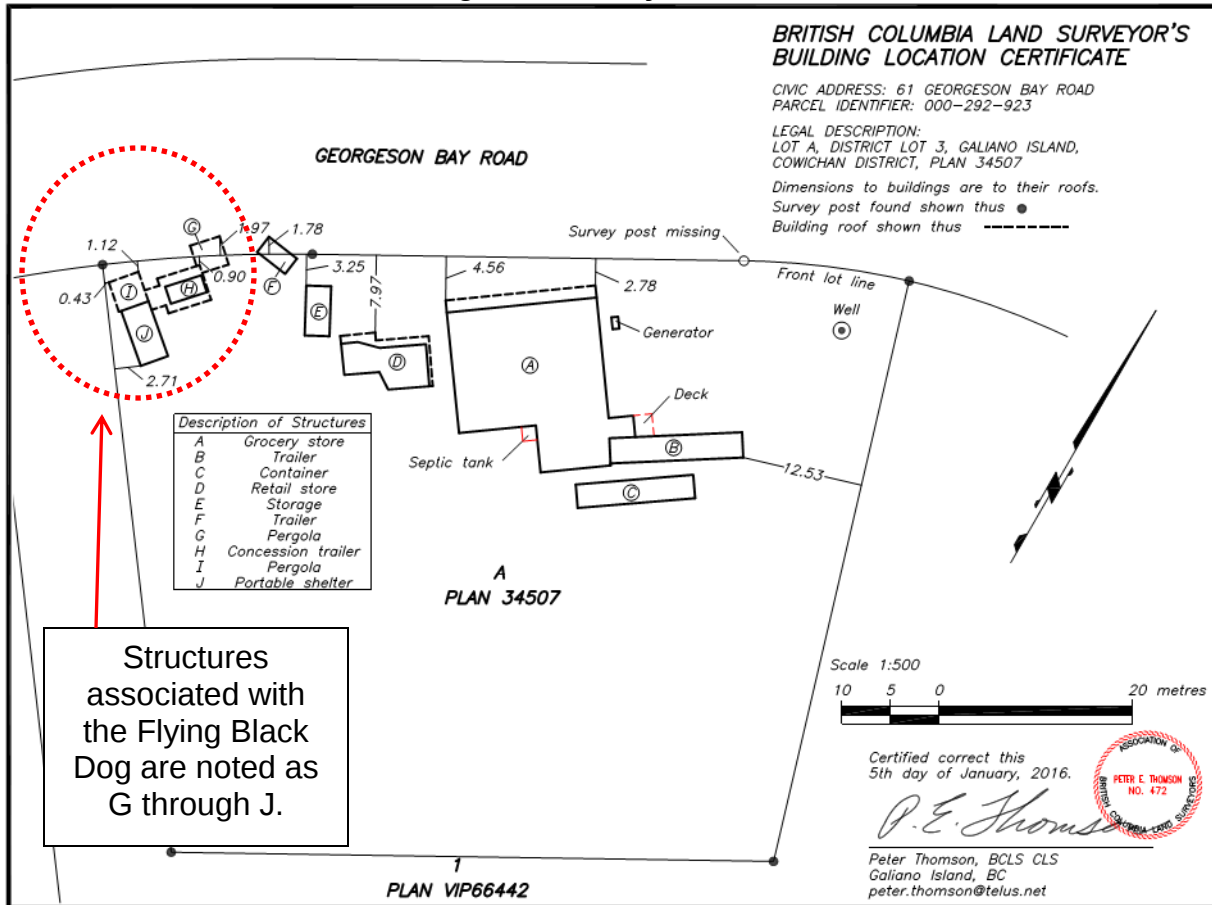


Figure 3 – Ortho & 2 Metre Contour Map



Picture 1 – View from Georgeson Bay Road



Pergola –
Structure 'G'

Pictures 2 & 3 – Structures 'G', 'H', & 'I'



Picture 4 – area behind Flying Black Dog structures



Picture 5 – Trees & Upward Slope behind Flying Black Dog



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

There are no directive policies relevant to this application.

Official Community Plan:

The property is designated Community Facility/Commercial in the Galiano Island Official Community Plan Bylaw 108, 1995. Portions of the property are located within the Development Permit Area (DPA) 6 – Commercial & Industrial. The buildings and structures were constructed prior to the adoption of the DPA 6 in 2011 therefore a development permit is not required.

Land Use Bylaw:

The subject property is zoned as Commercial 1 (C1) in the Galiano Island Land Use Bylaw No. 127, 1999. The specific bylaw regulations relevant to this application include:

- Article 5.3.8.2 – Buildings and structures must be sited at least 6.0 metres from each interior side lot line; and
- Article 5.3.8.3 - Buildings and structures must be sited at least 6.0 metres from each exterior side lot line.

The off-street parking requirements are satisfied as there is adequate parking to the east of the Flying Black Dog.

Islands Trust Fund:

There are no Island Trust Fund Board properties or covenants in proximity to the subject property.

Regional Conservation Plan:

This application has no considerations for the Regional Conservation Plan.

Sensitive Ecosystems and Hazard Areas:

Mapping indicates that there are no sensitive ecosystems and no slope hazard areas on the subject property.

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.

Covenants:

There are no covenants registered on the property title.

Bylaw Enforcement:

There is an open bylaw enforcement file for this subject property regarding the siting of the structures for the Flying Black Dog. The applicant (Flying Black Dog business owner) has now applied for variances for the structures related to her business. Bylaw enforcement is aware of the Development Variance Permit application, and will be notified of the LTC's decision.

There are a number of other buildings and structures that do not comply with the siting regulations in the Galiano Island Land Use Bylaw. The property owner will be contacted by Bylaw Enforcement in order to comply with the bylaw.

Climate Change Mitigation and Adaptation:

This application has no impact on climate change mitigation and adaptation.

Other:

A referral was sent to the Ministry of Transportation and Infrastructure to provide comments on the requested variances. MOTI stated that structure 'G' would not require an Encroachment Permit as a pergola would not be considered a permanent structure. MOTI also noted that if there are any issues regarding the structures being within the Ministry road dedication it may be removed by the Ministry or the owner advised to remove it for the following reasons (but not limited to): site line interference; safety concerns; issues when conducting maintenance within the road dedication; and/or an impact on drainage.

MOTI will be notified of the LTC's decision.

RESULTS OF CIRCULATION:

Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on March 4, 2016. At the writing of this report 58 public submissions were received in support of the variance application and 39 additional statements of support with signatures were received. The letters can be viewed on the Galiano Island LTC website: www.islandstrust.bc.ca/galiano/current-applications

Any further public submissions will be forwarded to the LTC and presented at the Galiano Island LTC meeting on March 7, 2016.

ISSUES SUMMARY:

Applicant's stated rationale for the proposed variance.

The applicant is requesting variances to the existing structures as the business has been in operation for 8 years without any complaints concerning setbacks or its location on the road allowance. In 2008, the food trailer was placed on the property after a small area was cleared. The trailer and structures were placed as far back from the road as possible without having to take down any large trees or excavating large amounts of soil.

The overall intent of the regulation being varied.

The setback regulation to property lines are intended 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 and to provide for greenspace.

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:

The proposed variances are to legalize the siting of existing structures on the subject property associated with the Flying Black Dog. The structures were placed on the property in 2008 in order to run a food truck restaurant business.

Siting of Structures 'H', 'I', and 'J' noted as 'G' (on survey site plan):

The siting of the concession trailer, western pergola, and temporary shelter are located entirely on the subject property but currently do not meet the setback requirements for the interior and exterior lot lines. The applicant stated that the structures were located as far away from the road as possible without removing significant trees or excavating a large amount of soil.

When considering the merits of these variances, the LTC should consider the non-permanent nature of these structures and if they could be relocated elsewhere on the subject property or on a different commercial zoned lot in order to meet the requirements of the Land Use Bylaw. Due to limited commercial zones on Galiano, there is a rationale for keeping the food truck business on the subject property. There is also value to retain the business in its current location as relocation elsewhere on the property may require removal of trees, large excavation, further variances, or placement in an area that is not noticeable from the road.

Staff are of the opinion there is little impact associated with reducing the interior side lot line (western property line). The western neighbouring property is a panhandle providing access to the zoned Rural Residential (RR) lot. A fence separates acts as a visual buffer between the Flying Black Dog structures and the RR lot. No concerns were expressed to date from the neighbouring property owner.

The MOTI did not outline any concerns with the location of the three structures. If there is a traffic safety concern, MOTI may request the applicant to remove the structures.

The applicant has received overwhelming support for the variances. To date, there has been no submissions opposed to the variances.

Siting of Pergola (noted as 'G' on survey site plan):

The property owner is also requesting to reduce the setback to the interior side lot line and the exterior side lot line for the placement of a pergola (structure 'G' on site plan). The pergola is temporary in nature as the applicant assembles and disassembles it every two seasons. A large portion of the pergola is located within the road right of way which could be deemed a traffic safety concern. MOTI does not consider the pergola a permanent structure therefore they did not require an encroachment permit, they would advise the applicant to remove the structure if it (pergola 'G') is a safety concern.

As the pergola is a temporary structure, easily removable by the applicant, and has the potential to be a safety concern, staff are of the opinion that the variance not be supported for the structure and should be removed.

Options:

The Galiano Island LTC has the following options for consideration:

1. approve some of the requested variances;
2. approve all of the requested variances;
3. approve none of the requested variances; or
4. not make a decision if the LTC believes more information is required.

Staff is recommending support for variances for the structures 'H', 'I', and 'J' on the survey site plan noted as 2a(i) and 2a(ii) on the draft variance permit attached as there is no current impact to traffic safety, relocation could impact mature trees and require significant excavation, limited relocation options, and support from neighbours and business owners.

Due to the concerns with potential road safety and that structure 'G' (pergola) is a easily removable structure, staff recommends not approving the variance for the pergola and removing it from the permit 2b(i) and 2b(ii).

RECOMMENDATIONS:

1. THAT GL-DVP-2015.4 (Flying Black Dog) be amended by deleting variance for the pergola structure 'G' (Part 2b(i) and 2b(ii)) and,
2. THAT the amended GL-DVP-2015.4 (Flying Black Dog) be APPROVED.

Prepared and Submitted by:



Kim Stockdill
A/Planner 2

February 25, 2016
Date

Concurred in by:

Robert Kojima

Regional Planning Manager

February 25, 2016
Date

Attachments:

1. Proposed Permit GL-DVP-2015.4
2. Proposed Notification GL-DVP-2015.4



PROPOSED
GALIANO ISLAND LAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GL-DVP-2015.4

To: Shelley Okepnak

1. This Development Variance Permit applies to the land described below:

Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 34507
(PID: 000-292-923)

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

a) For the existing Flying Black Dog Building and Structures (Shown on Schedule A as Label H, I, and J):

- i) Article 9.1.6.2 is varied to reduce the setback from the interior side lot line from 6.0 metres to 0.43 metres as sited on Schedule A.
- ii) Article 9.1.6.3 is varied to reduce the setback from the exterior side lot line from 6.0 metres to 0.9 metres as sited on Schedule A.

b) For the existing Pergola (Shown on Schedule A as Label G):

- i) Article 9.1.6.2 is varied to reduce the setback from the interior side lot line from 6.0 metres to 0.43 metres as sited on Schedule A.
- ii) Article 9.1.6.3 is varied to reduce the setback from the exterior side lot line from 6.0 metres to 0.0 metres as sited on Schedule A.

The development shall be consistent with Schedule 'A' which are attached to and form part of this permit.

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

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF Month, 201#.

Deputy Secretary, Islands Trust

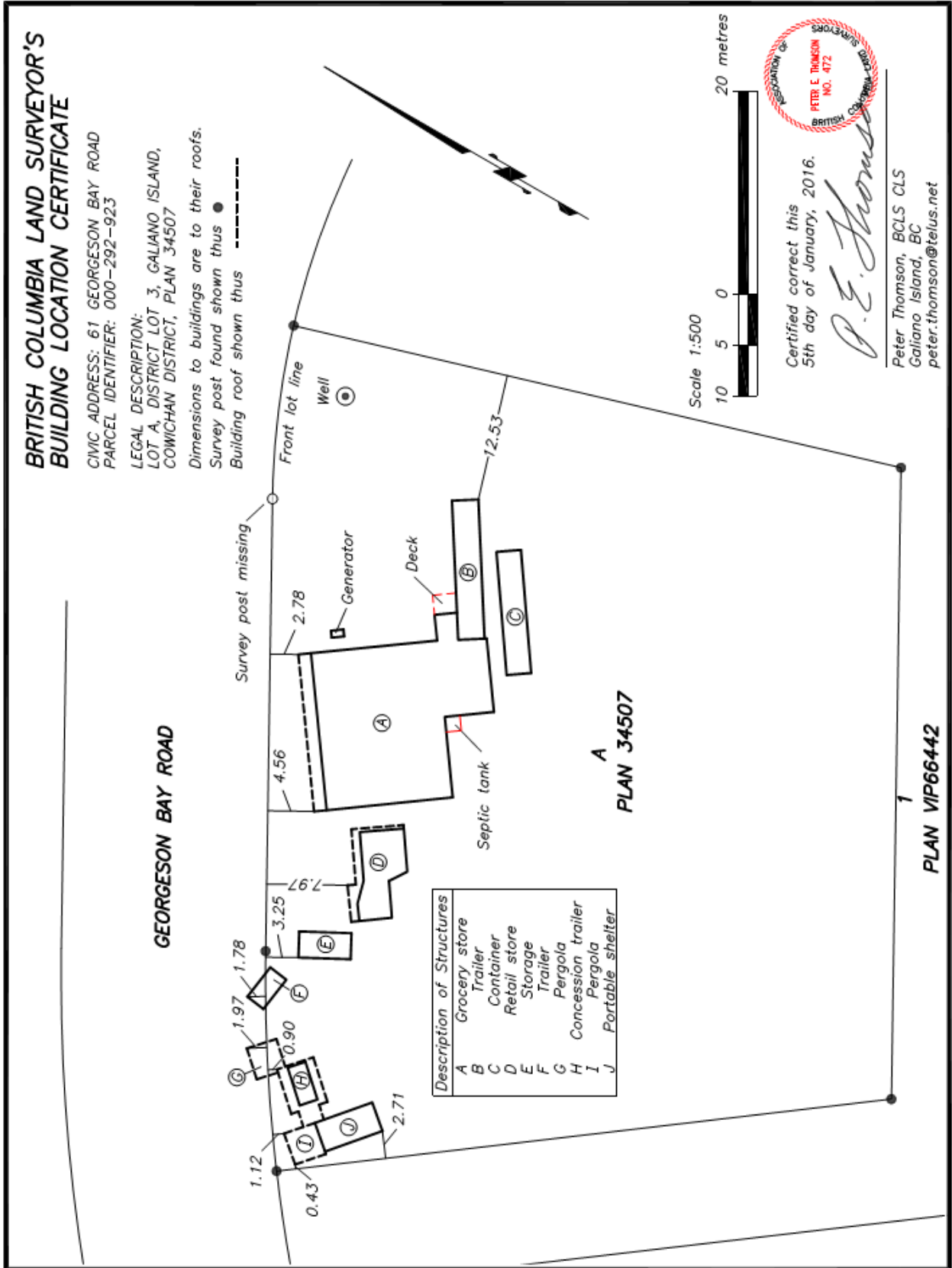
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF Month, 201#, THIS PERMIT AUTOMATICALLY LAPSES.

GALIANO ISLAND LOCAL TRUST COMMITTEE

GL-DVP-2015.4

SCHEDULE 'A'

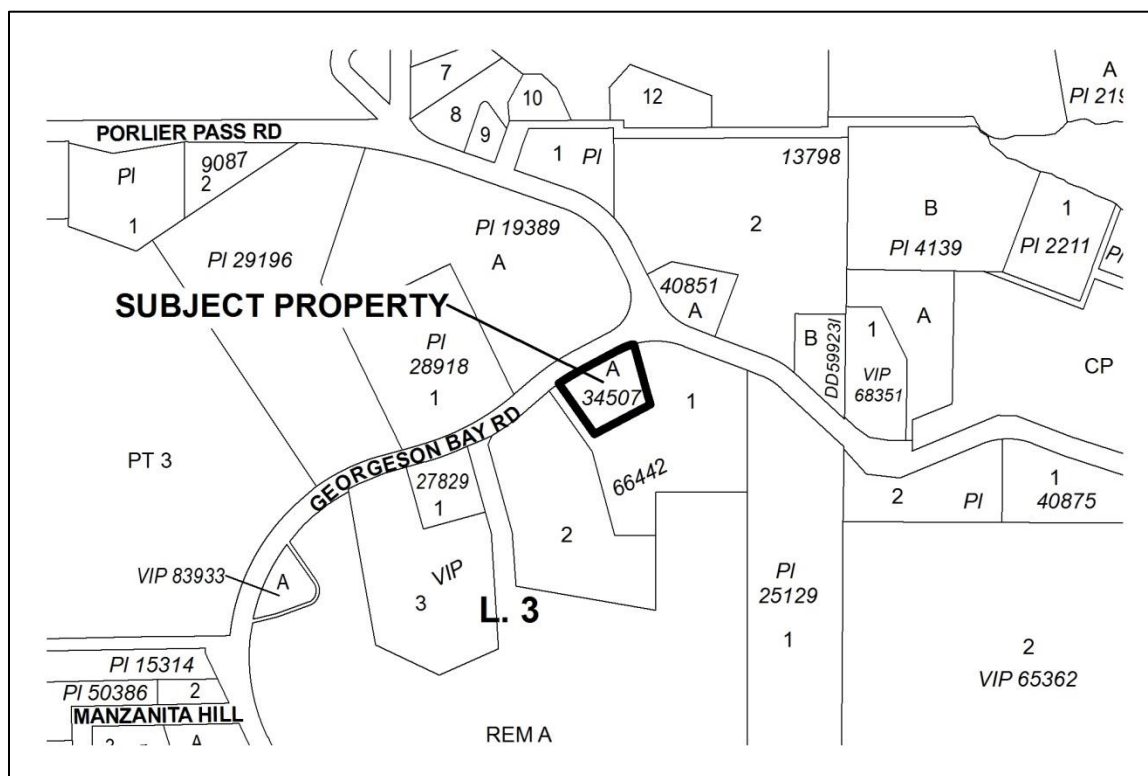


**NOTICE
GL-DVP-2015.4
GALIANO ISLAND LOCAL TRUST COMMITTEE**

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*. The proposed permit would vary the Galiano Island Land Use Bylaw 127, 1999 to legalize the existing buildings and structures on the subject property by varying Article 9.1.6.2 to reduce the setback from the interior side lot line from 6.0 metres to 0.43 metres and Article 9.1.6.3 to reduce the setback from the exterior side lot line from 6.0 metres to 0.0 metres.

The property is located at 61 Georgeson Bay Road and is legally described as Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 34507. PID: 000-292-923

The general location of the subject property is shown on 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. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing , **February 22, 2016** and continuing up to and including **March 4, 2016**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing, **February 22, 2016**. Also, attached for your convenience is a copy of the proposed permit.

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 pm, **March 4, 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., **March 7, 2016**, at the Lions Hall, 992 Burrill 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

STAFF REPORT

Date: February 26, 2016

File GL-DP-2016.1 &

No.: GL-DVP-2016.1
(Usher)

To: Galiano Local Trust Committee
For LTC Meeting: March 7, 2016

From: Kim Stockdill, A/Planner 2

CC: Robert Kojima, Regional Planning Manager

**Re: Development Permit and Development Variance Permit
Application**

Owner: Donna Usher & Clare Omelianiec

Applicant: Same

Description: Lot 1, District Lot 13, Galiano Island, Cowichan District, Plan 35296

PID: PID: 000-331-406

Civic Address: 1359 Porlier Pass Drive, Galiano Island

THE PROPOSAL:

This report is to consider a Development Permit and Development Variance Permit to permit additions to an existing dwelling unit within a riparian area, and to legalize the siting of an existing septic tank and pump chamber. The application has two elements:

1. Conditions for protection of sensitive habitat and construction management for the proposed addition to a dwelling (called the Road House) that is within the **Development Permit Area 1 (DPA) - Riparian Areas**; and
2. A **variance** to the provisions of the Land Use Bylaw (specifically setbacks from watercourses) for the same proposed additions and to existing structures.

The applicants are proposing to rebuild an existing dwelling unit located on the property bordering Porlier Pass Road. The dwelling unit, called the Road House, was the first dwelling unit constructed on the property and was built prior to Galiano Island land use bylaws. The applicants state that the Road House was occupied by renters until March 2014 as a residence. The road house is currently not in liveable condition and major renovations are required.

There are currently three dwelling units on the property although current zoning only permits one dwelling unit. One of the dwelling units (Barn House) will be decommissioned as a dwelling unit prior to occupancy of the Road House. The Cherry Cottage can be considered a legal non-conforming dwelling unit and is protected by Section 528 of the *Local Government Act*.

In order to retain the Road House as the 'permitted' dwelling unit by zoning, a portion of the Road House must be retained during the renovations and addition. If the Road House is

completely destroyed, or removed, it loses its status as the permitted dwelling unit and the Cottage House becomes the one permitted dwelling unit. If this happens, the property owner would not be permitted to rebuild the Road House as only one dwelling unit is permitted by zoning.

The applicants are proposing to keep a portion of the existing dwelling unit (to retain its use and density as the one permitted dwelling unit) while adding a significant addition onto the house. The proposal is to demolish the portion of the house closest to a neighbouring creek (Putter Creek), while keeping a small portion of the existing house, and construct a major addition further away from the creek. The Road House is currently located 3 metres from the top of bank of Putter Creek. Once the project is complete, the Road House will be located approximately 11 metres from the creek.

The existing Road House is a one storey building with a floor area of approximately 102.5 m². The applicants are proposing to keep a similar footprint but add an additional storey to the dwelling unit. The increase in floor area for the additions is 39 m².

Figure 1 – Dwelling Unit Calculations

	Current Dwelling Unit	Proposed Additions to Dwelling Unit
Footprint	102.5 m ²	108.5 m ²
First Storey Floor Area	102.5 m ²	108.5 m ²
Second Storey Floor Area	None	39 m ²
Total Floor Area	102.5 m ²	147.5 m ²

The proposed additions are located with DPA 1 – Riparian Areas. The owners hired Keith Erickson, R.P.Bio who prepared and submitted a Riparian Areas Regulation (RAR) Assessment Report (dated January 15, 2016) to the provincial Ministry of Forests, Lands and Natural Resources Operations. The assessment report established the Streamside Protection and Enhancement Area (SPEA) on the property and measures for protection and enhancement of this area. Measures for the protection of the area were limited to: Encroachment, Sediment and Erosion Control and Monitoring (Details in 'QEP Riparian Area Regulations Assessment' section below). The assessment report is attached in full.

The application also includes variances to the setback to a natural watercourse (Section 2.14 in the Galiano Island Land Use Bylaw) which requires a 15 metre setback. The proposed additions to the dwelling unit will be 11.0 metres from a natural watercourse therefore the applicant is requesting a variance to reduce the setback. The DVP also includes a variance for an existing septic tank and pump chamber to legalize the siting 11.0 metres from the natural watercourse

Copies of proposed Development Permit GL-DP-2016.1 and GL-DVP-2016.1 are attached for the LTC's consideration.

BACKGROUND:

In 2014, the property owner contacted Islands Trust staff to gather information with regards to rebuilding a dwelling unit (Road House) on the property. During this process, it was determined that the number of existing dwelling units located on the property exceed the density requirements regulated by the Galiano Island Land Use Bylaw (LUB) and the Agricultural Land Commission (ALC).

The subject property is split zoned Agriculture (AG) and Rural 2 (R2) with a portion of the property located in the ALR. The current zoning permits only one dwelling on the AG zoned portion of the property, and the R2 permits a cottage on the R2 zoned portion of the parcel. Information from the property owner confirmed there are three existing dwelling units which are all located in the AG zoned portion of the property and located in the ALR. To date, building permits were not issued for these dwelling units.

The property owner provided the following information on each dwelling unit (names created by property owner):

- Road House – The road house was the first dwelling unit built on the property therefore it is considered the ‘one permitted dwelling unit’ as per the Galiano Island LUB. The dwelling unit was built prior to Galiano Island land use bylaws.
- Cherry Cottage – This dwelling unit was built after the Road House but before the establishment of land use bylaws for Galiano Island. Major renovations and an increase to the structure’s footprint were made in early 1990’s. The structure does not meet the LUB definition of a ‘cottage’ as it exceeds the maximum floor area for a cottage therefore it is considered to be a dwelling unit. The applicants received a non-farm use permission for this second dwelling unit from the ALC in 2015.
- Barn House – This building was used as an accessory farm building until it was converted into habitable space in 1993. The property owners have acknowledged that they will remove the habitable living space.

The applicants applied to the ALC and the Islands Trust for a non-farm use in order to permit the ‘Cherry Cottage’ as a second dwelling unit with regards to the ALC regulations. At the February 2, 2015 the LTC passed the following resolution:

“GL-2015-001

It was MOVED and SECONDED,

THAT the Galiano Island Local Trust Committee resolve that non-farm use application GL-ALR-2014.1 (Usher) be authorized to proceed to the Agricultural Land Commission pursuant to Section 25(3) of the *Agricultural Land Commission Act*.”

In July 2015 the ALC approved the non-farm use application for the Cherry Cottage if the following conditions are met:

- a) The ‘Barn House’ be decommissioned prior to occupancy of the Road House; and
- b) In the event either dwelling (Cherry Cottage or Road House) is completely destroyed by whatever means, or is considered by the Islands Trust to be completely destroyed, by whatever means, the dwelling can only be replaced as may be permitted by the *ALCA* and regulation in effect at the time one of the dwellings is destroyed or considered destroyed.

SITE CONTEXT:

The subject property is a 4.04 ha (10 acre) in area and is zoned Agriculture (AG) and Rural 2 (R2). The properties surrounding the subject property are zoned Agriculture, Rural 2, and Rural 3 and are a similar lot size as the subject property. The portion of the property zoned AG is also located in the ALR. There are three dwelling units located on the property: a converted barn, the Cherry Cottage, and the Road House. The property consists of wooded vegetation with cleared areas surrounding the dwelling units. There is a riparian area and small seasonal creek (Putter Creek) running along the northern property line adjacent to Porlier Pass Road – see Figure 8 sensitive ecosystem.

Figure 2: Subject Property Map

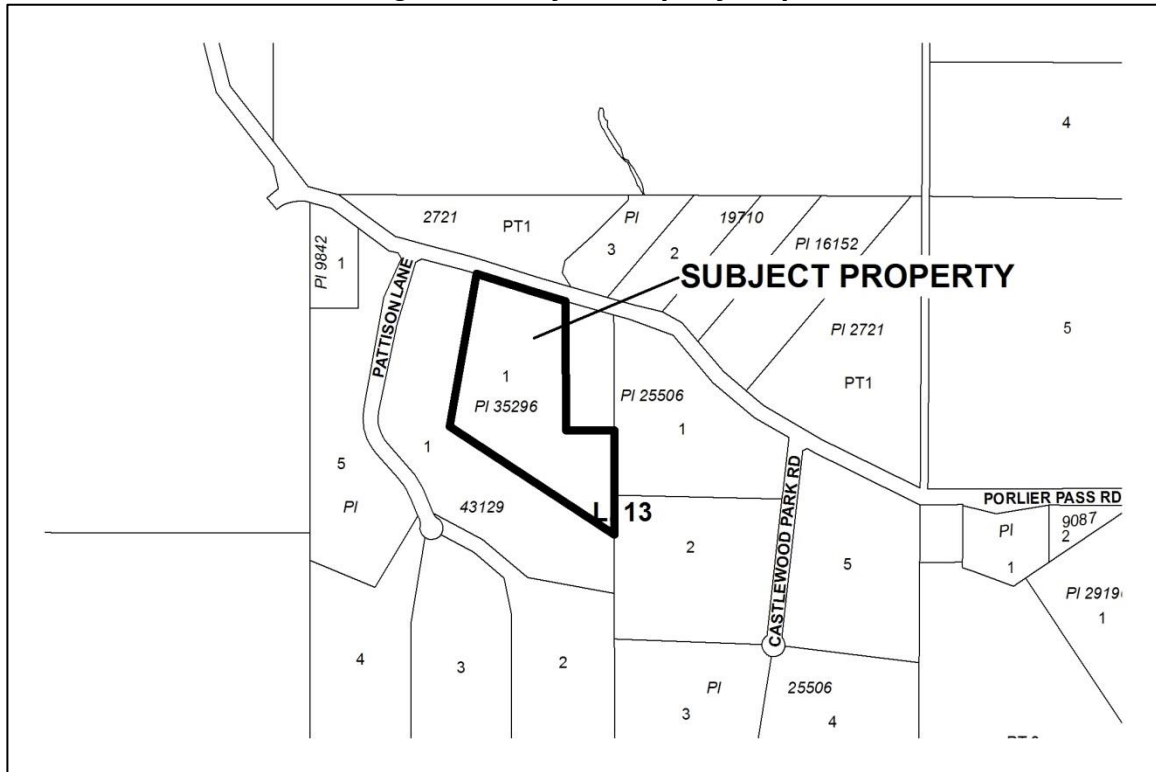


Figure 3: Orthophoto and 2 metre Contour Lines

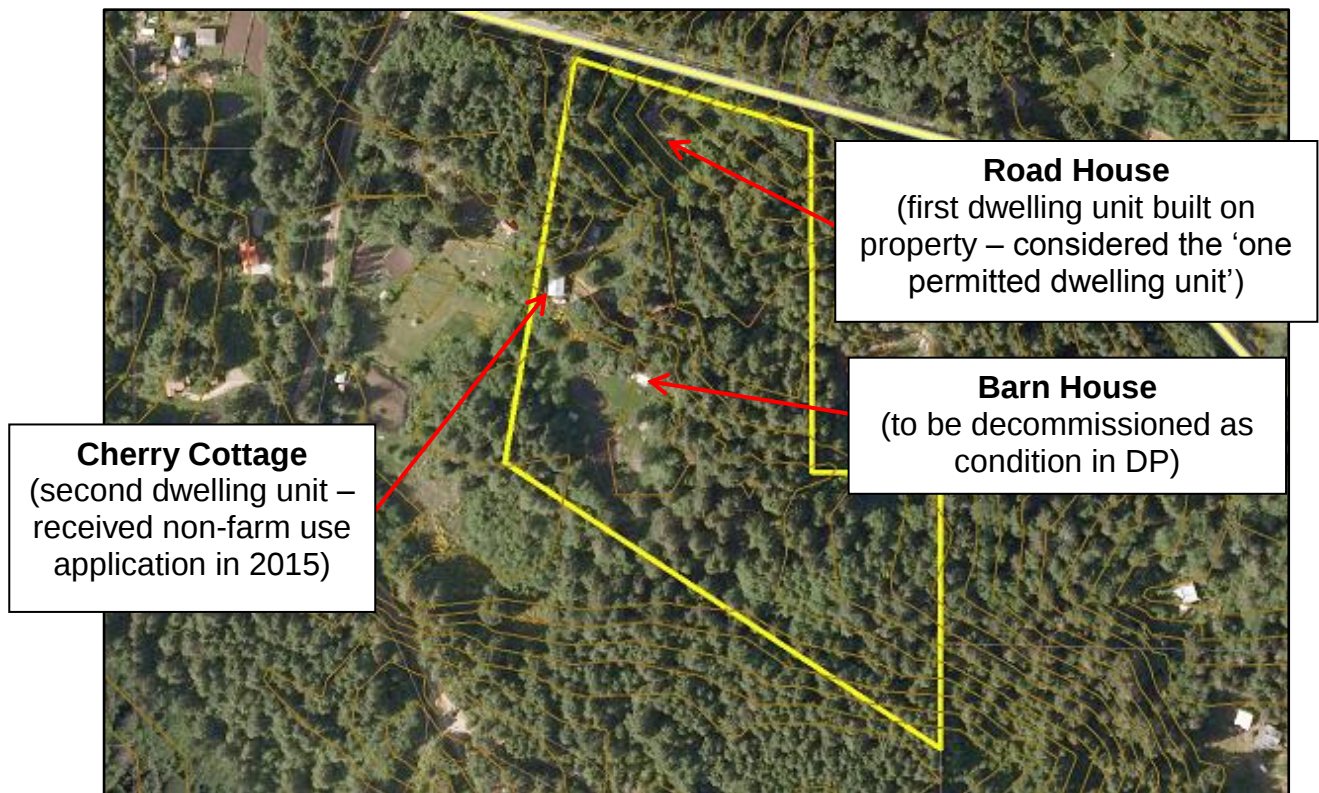


Figure 4: Site Survey

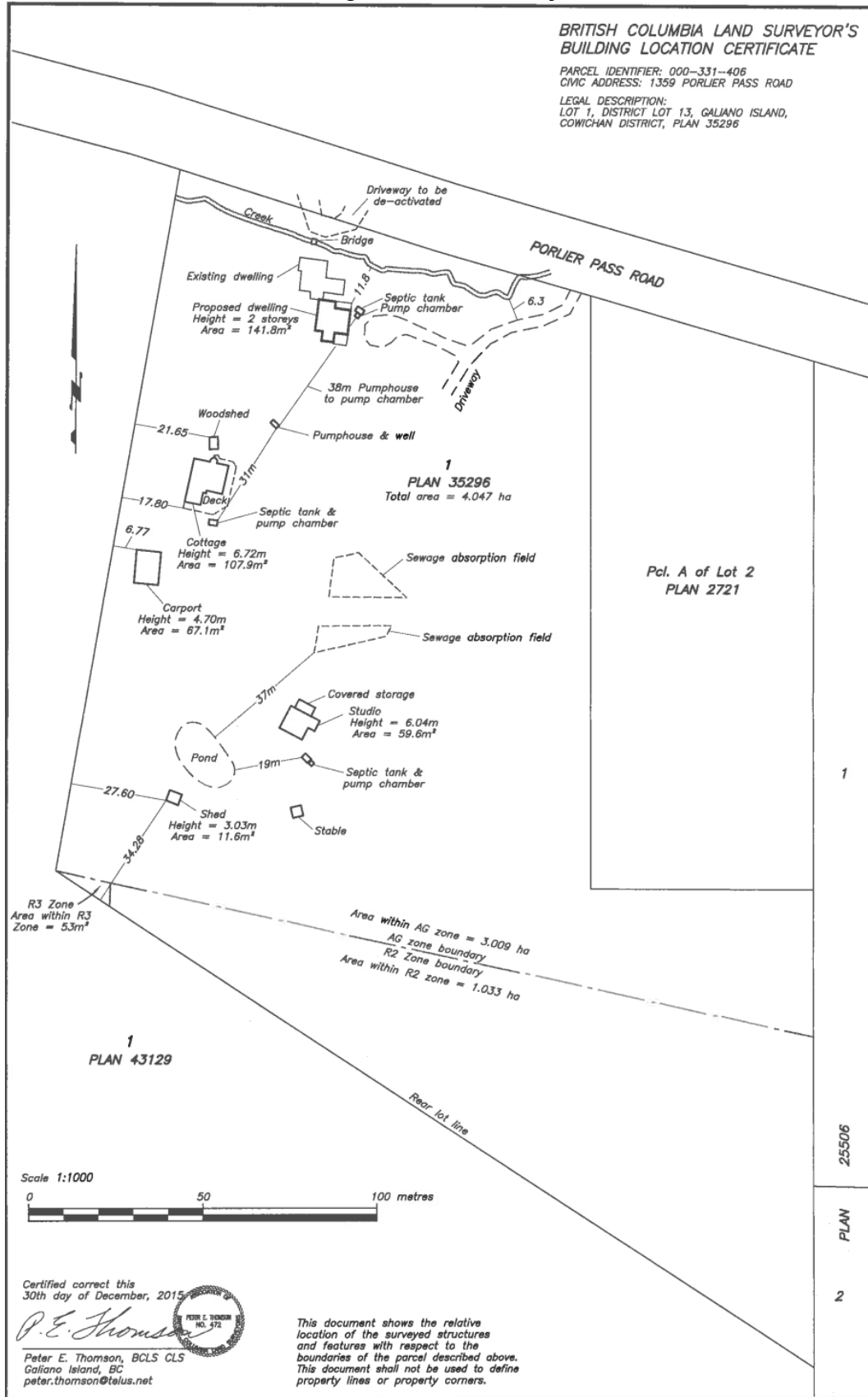
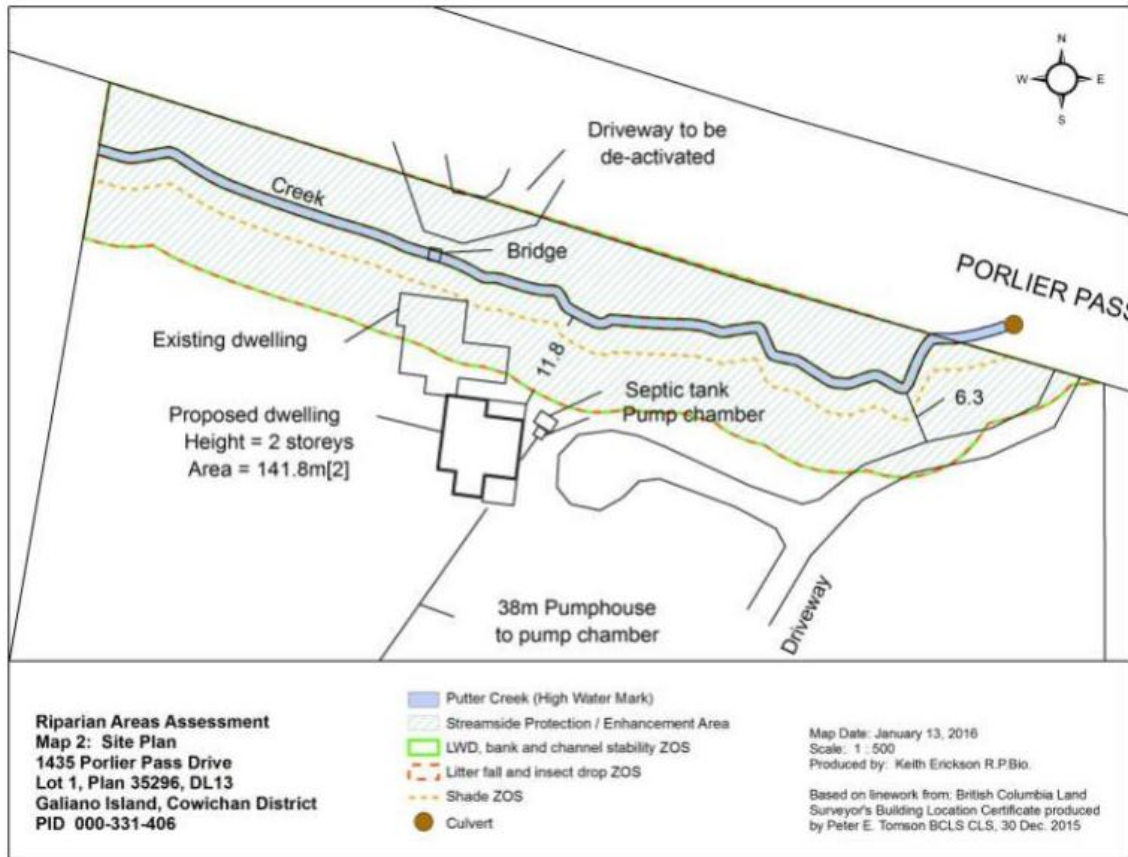


Figure 5: RAR Site Plan



Picture 1: Existing Road House Dwelling Unit
 (Looking north towards Porlier Pass Rd – Putter Creek runs between road and house)



Picture 2: Existing dwelling unit next to stream



Picture 3: Putter Creek looking south



Picture 4: Location of Addition



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

- 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.
- 3.1.4 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.
- 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.

The proposal for an addition to the dwelling unit in the DPA is consistent with the above policies.

Official Community Plan:

The lot is split designated Agriculture and Rural in the Galiano Island Official Community Plan (OCP). The portion of the property where the dwelling unit will be located is designated Agricultural.

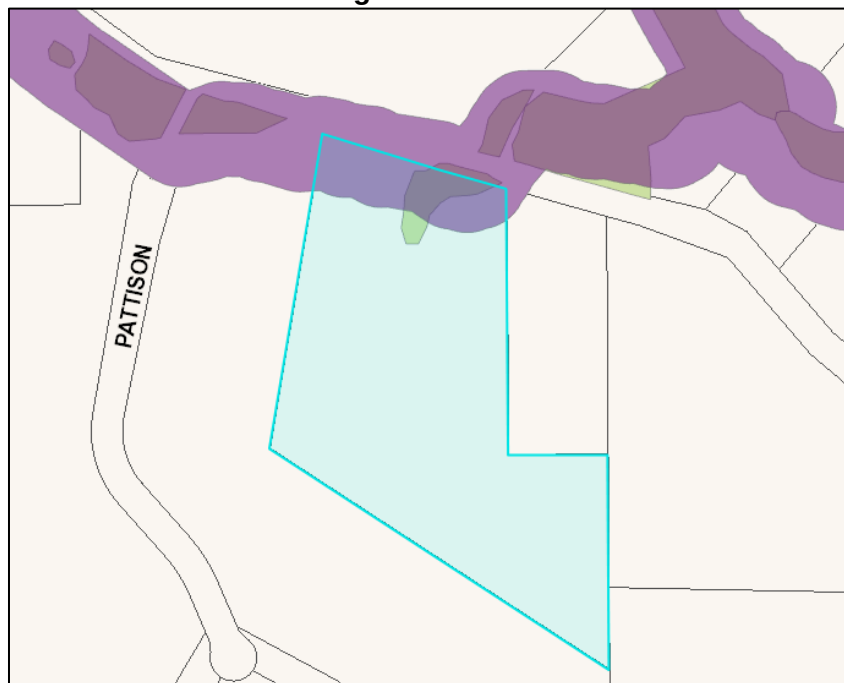
Development Permit Area 1 (DPA) – Riparian Areas is designated on the property as shown in Figure Five (above). The objective of the DPA is to protect riparian areas from development

so that the areas can provide natural features, functions and conditions that support fish life processes. The Road House additions are located within DPA 1.

Analysis of the proposal's conformity to the objectives and guidelines of the DPAs is within "DAI Checklist(s)" (attached), and "Staff Comments" (below).

No construction activities are proposed within DPA 5 – Sensitive Ecosystem (Riparian).

Figure 6: DPAs



Land Use Bylaw

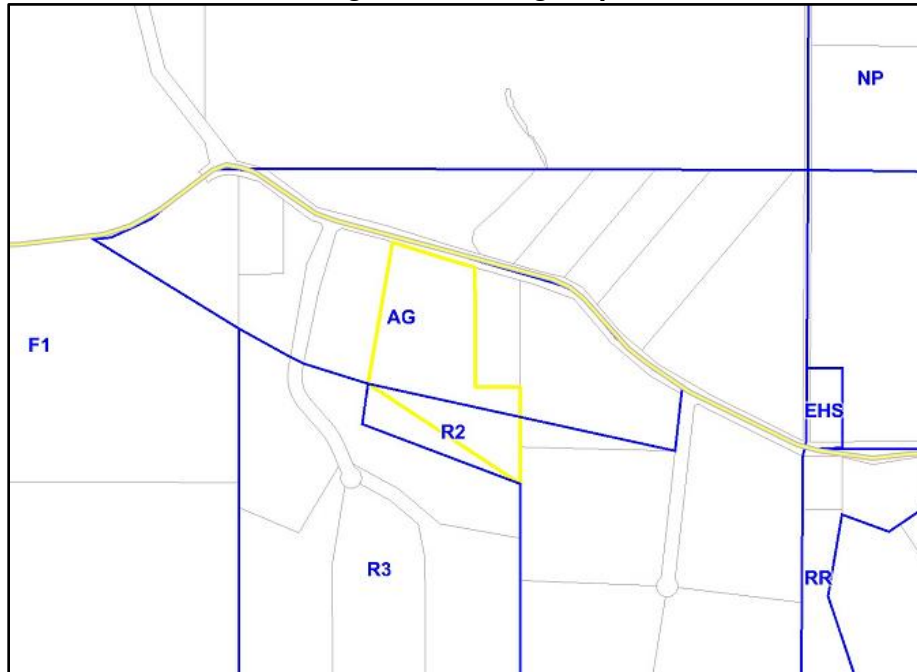
The subject property is split zoned Agriculture (AG) and Rural 2 (R2) in the Galiano Island Land Use Bylaw (LUB). The AG zones permits dwellings, farm use, and accessory residential and agricultural uses required for the operation of the farming activities conducted on the lot as primary permitted uses. The AG zone also restricts permitted density to one dwelling on each lot, and one additional dwelling is permitted in respect of each 4 hectares of lot area over 4 hectares. The Road House located in the AG zone is considered the one permitted dwelling unit. The proposed additions meet the setback and height requirements for the AG zone.

A variance is required to vary Section 2.14 of the LUB which states the following:

- 2.14 Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea, and at least **15 metres from any lake, a swamp and any other natural watercourse.**

The proposed additions to the dwelling unit will be 11.0 metres from a natural watercourse therefore the applicant is requesting a variance. The DVP also includes a variance for an existing septic tank and pump chamber to legalize the siting 11.0 metres from the natural watercourse (see Figure 4: Survey Site Plan).

Figure 7: Zoning Map



Sensitive Ecosystems and Hazard Areas:

The Islands Trust Sensitive Ecosystem Mapping (SEM) identifies a stream and a riparian area sensitive ecosystem on the subject property. The Road House is not located within a portion of the sensitive ecosystem areas as seen in Figure 8. The Riparian Area Regulations DPA and QEP report provide guidelines and recommendation to ensure there will be minimal impacts to the sensitive ecosystem. There are low slope hazards identified on the property (Figure 9) and there are no anticipated impacts with this application.

Figure 8: Sensitive Ecosystems Map

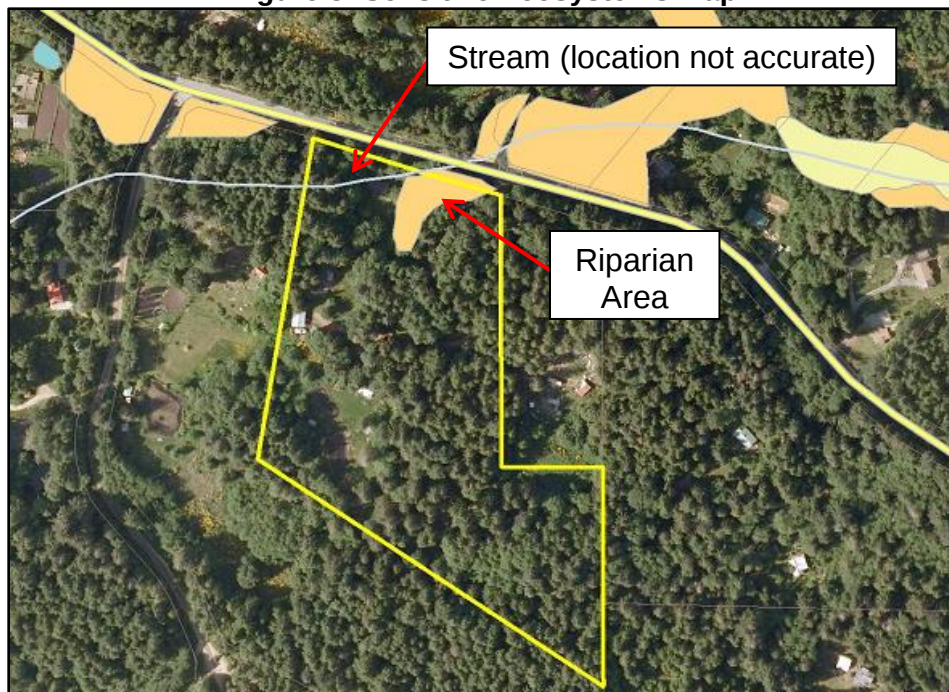


Figure 9: Steep Slope Hazard Map



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.

Islands Trust Fund

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

Covenants

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

Bylaw Enforcement:

There is no bylaw enforcement file associated with the subject property.

Climate Change Mitigation and Adaptation

No impacts to climate change are anticipated it does not increase residential density on the property as the dwelling unit already exists, trees will not be required to be removed from site due to development, and no changes to GHG emission changes are expected resulting from approval.

Agricultural Land Reserve:

A large portion of the property is located within the ALR. As the *Agricultural Land Commission Act* (Section 18(a)(ii)) restricts the number of dwelling units to one (1), a non-farm use application was required to legalize the second dwelling unit (cherry cottage). The non-farm use was approved in July 2015.

CRD Building Inspection:

A referral was sent to the CRD for comment. At the time of writing the writing, comments from the CRD were not received. Any comments received will be brought to the March 7, 2016 LTC meeting.

QEP Riparian Area Regulations Assessment:

The applicants provided a Riparian Areas Regulations Assessment Report prepared by Keith Erickson, R. P. Bio, dated January 15, 2016. The assessment report outlines the proposed development and indicated a set of recommendations including *encroachment protection*, sediment and erosion control, and monitoring (see attached Assessment Report). All of these recommendations have been incorporated into the proposed Development Permit.

The QEP established a Streamside Protection and Enhancement Area (SPEA) of 10 metres and provides specific recommendations for works within the SPEA (included in draft development permit).

The R. P. Bio provided their professional opinion that if the SPEA identified in the Assessment Report is protected from the proposed development and measures identified in the Assessment Report are implemented by the developer, that there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

COMMUNITY INFORMATION MEETING(S):

There is no community information meeting associated with the development variance permit application or the development permit application as they are not a requirement.

RESULTS OF CIRCULATION:

Notification is only required for Development Variance Permits (DVP), not for Development Permits. DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on March, 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 March 7, 2016.

VARIANCE ISSUES SUMMARY:

Applicant's stated rationale for the variance.

The applicants are proposing to construct an addition onto an existing dwelling unit (Road House) and are requesting variances to reduce the setback from the natural boundary of a watercourse. The proposal includes removing portions of the Road House away from Putter Creek and constructing additions to the house that reduce potential impacts to the riparian area. As a portion of the proposed addition and existing dwelling unit will still be located within the 15 metre setback from the creek therefore a variance is required. The applicants also wish to utilize the existing septic tank and pump chamber which is located approximately 11 metres from the watercourse. A variance to legalize the siting of these two structures is also requested.

The overall intent of the regulation being varied.

The overall purpose of the setback to a watercourse regulation is to ensure that development occurs at a suitable distance from watercourses. More specific objectives are:

- Protection of sensitive ecosystems and habitat in the setback area.
- Protection of development from flooding hazard.
- Establishing a consistent development pattern within a local area.
- Maintaining a rural character.

Potential impacts of granting the variance.

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

STAFF COMMENTS:

Development Permit Area 1 – Riparian Area

The applicants provided a Riparian Areas Regulations Assessment Report prepared by Keith Erickson, R. P. Bio, dated January 15, 2016 in order to satisfy the development permit guidelines and requirements.

The assessment report established the SPEA on the property and measures for the protection of these areas. The only proposed activity within the SPEA is the demolition of a portion of the existing dwelling unit. The additions to the dwelling unit will be located outside of the SPEA.

The report includes a set of recommendations including *encroachment protection*, sediment and erosion control, and monitoring. These recommendations are included as conditions of the development permit (DP). Adherence to the conditions of the DP and monitoring will mitigate impacts from the proposed development to the riparian areas within the SPEA. The report concluded that if the SPEA is protected by implementing measures in the Assessment Report that there will be no harmful alteration disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area.

A condition was also added to the DP (condition no. 4) that restricts the Road House from being occupied until such time the Barn House, noted as 'Studio' on survey site plan, be decommissioned as a dwelling unit.

The completed Development Permit Area Checklist for DPA 1 is attached. The proposal meets the guidelines of the DPA.

Development Variance

Subsection 1.8 (f) (DPA 1 Guidelines) of the Official Community Plan 108, 1995 states the following:

"The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report."

The applicants do not have the option to completely demolish the existing Road House and relocate it in an area that meets all necessary setbacks if they wish to retain the non-conforming

status of the dwelling. If the dwelling unit was completely removed, it would lose its status as the one permitted dwelling unit and would not be able to be rebuilt. The applicants must retain a portion of the Road House during the construction, in order to retain the dwelling unit's status.

The applicants are authorized to rebuild the dwelling unit within the existing footprint. This option may have greater impacts to the SPEA as the dwelling unit is located within a short distance to the creek (3 meters). The proposed addition would allow the applicants to retain the dwelling unit, while achieving the greatest distance from the watercourse thus creating less of an impact to the sensitive ecosystem.

Given the information provided in the RAR Assessment Report that there will be no harmful alteration disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area that if the SPEA is protected by implementing measures, and the application satisfying the development permit guidelines, staff recommends issuance of a development permit and development variance permit for the proposed additions to an existing dwelling unit and to legalize the siting of the existing structures.

RECOMMENDATIONS:

1. THAT Development Permit GL-DP-2016.1 (Usher) BE APPROVED.
2. THAT Development Variance Permit GL-DVP-2016.1 (Usher) BE APPROVED.

Prepared and Submitted by:

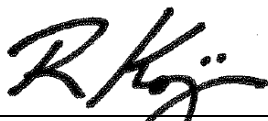


Kim Stockdill
A/ Planner 2

February 26, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

February 26, 2016

Date

Attachments:

1. DAI Checklists
2. Proposed Development Permit GL-DP-2016.1
3. Proposed Development Variance Permit GL-DVP-2016.1
4. Development Variance Permit Notice GL-DVP-2016.1
5. RAR Assessment – January 15, 2016

Galiano Island
OCP Bylaw No. 108, 1995
Riparian Areas Development Permit Area (DPA 1)
Guideline Checklist

Guideline	Complies			Comments
	Yes	No	N/A	
Guideline a: In general, all development in this DPA should be undertaken in a manner that minimizes impact on the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems consistent with the measures and recommendations described in the report.	☒	☐	☐	See: <i>Riparian Areas Regulation: Assessment Report</i> (K. Erikson, R.P.Bio.; January 15, 2016) posted: All recommendations for <i>Encroachment in SPEA, Sediment and Erosion Control, and Monitoring</i> have been include as conditions in the draft permit.
Guideline b: The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit	☒	☐	☐	The addition to the dwelling unit is located away from the SPEA. Measures have been included in development permit to monitor construction activities in SPEA.
Guideline c: Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.	☒	☐	☐	See: <i>Riparian Areas Regulation: Assessment Report</i> (K. Erikson, R.P.Bio.; January 15, 2016) posted: All recommendations for <i>Encroachment in SPEA, Sediment and Erosion Control, and Monitoring</i> have been include as conditions in the draft permit.
Guideline d: The following guidelines are applicable to floats and associated structures within the development permit area: i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the processes; ii) a ramp or float should not rest on the bed of the water body; iii) the use of treated wood in the water body should be avoided; iv) floatation material should be contained within a durable shell to prevent disintegration; v) pervious surfacing should be used on ramps and floats (e.g. grating or separated boards); vi) any areas disturbed during installation should be restored; vii) where a float is being replaced, all old materials should be removed from the riparian area.	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
Guideline e: If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and DP conditions may be amended accordingly.	☐	☐	☒	
Guideline f: The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report	☒	☐	☐	Variance to setback from natural boundary of a natural watercourse is included in a Development Variance Permit. This results in improved protection of the SPEA as the dwelling unit additions will be located outside of the SPEA.



**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2016.1**

To: Donna Usher

1. This Development Permit (the "Permit") applies to the land described below and all buildings, structures and other developments therein:

Lot 1, District Lot 13, Galiano Island, Cowichan District, Plan 35296

2. This Development Permit No. GL-DP-2016.1 authorizes the construction of an addition to a dwelling (cottage) within Development Permit Area 1 – Riparian Areas, subject to the following requirements and conditions:
 - a. Construction of an addition to the dwelling unit shall be consistent with Schedules "A", "B", and "C" attached to and forming part of this permit.

Encroachment

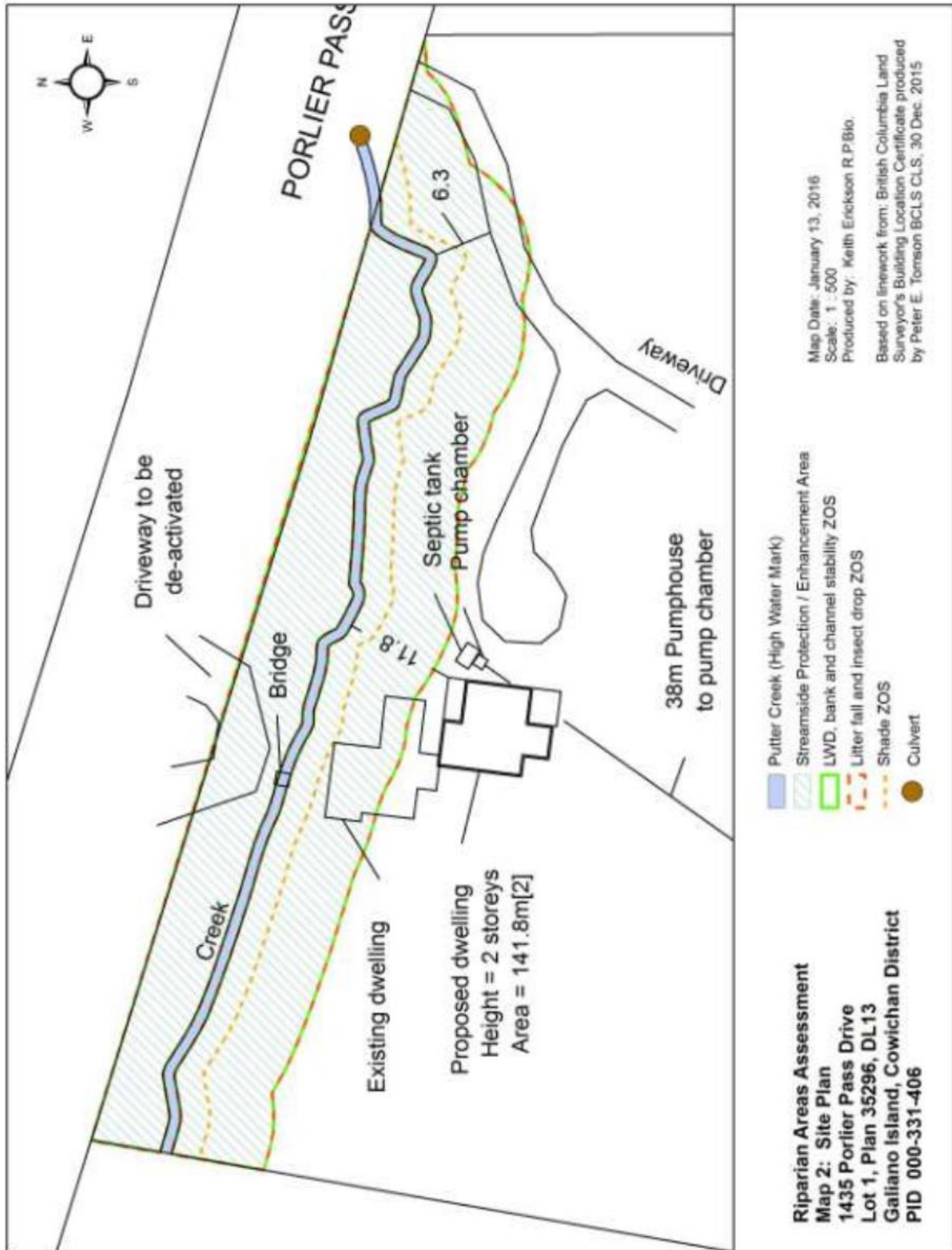
- b. The Streamside Protection and Enhancement Area (SPEA) must be delineated on the ground prior to commencement of demolition and all contractors/construction personnel must be informed of its location and the Development Permit requirements and conditions.
- c. Access within the Streamside Protection and Enhancement Area (SPEA) shall be minimized during demolition. Workers and machinery shall remain within the footprint of the existing building and within the boundary of existing highly compacted, non-vegetated areas immediately adjacent to the dwelling unit.
- d. Construction materials, excavated soil and tools must be stored outside of the SPEA.
- e. A portion of the U-shaped driveway fronting Porlier Pass Road should be de-activated. The foot bridge and a foot path may be retained.
- f. Portions of the compacted driveway to be de-activated shall be decompacted with an excavator and planted with 2x grand-fir (*Abies grandis*) and 2x western redcedar (*Thuja plicata*) and 4x salmonberry (*Rubus spectabilis*) or other site appropriate native species.

Sediment and Erosion Control

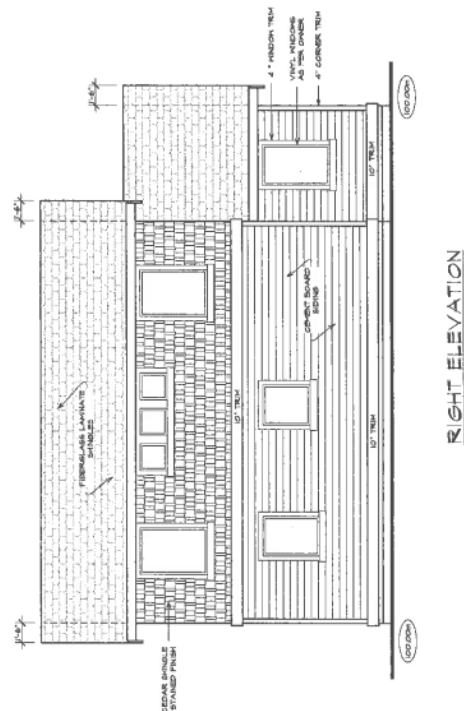
- g. Vegetative ground cover within the SPEA shall be retained during the development process, including grass and weed invasive species, in order to minimize potential sediment transportation and potential for erosion.
- h. Any damage to existing grass and invasive weed species must be remedied by re-seeding and laying mulch.
- i. Any soil that becomes exposed within the SPEA shall be mulched immediately and then planted with native vegetation or seeded to grass (only where grass is the current dominant cover).

Monitoring

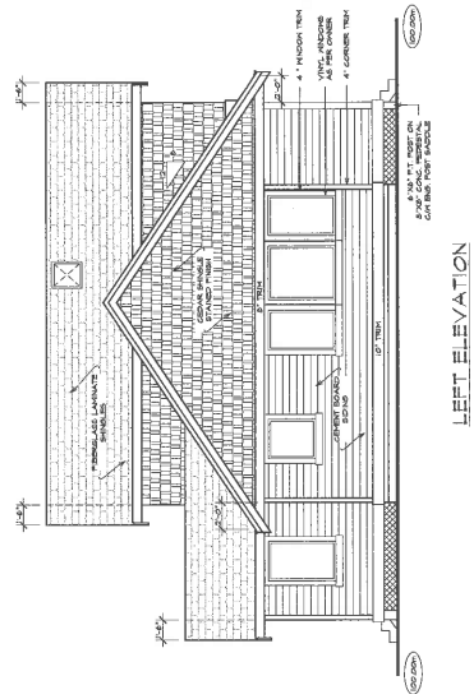
GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2016.1
Schedule "A" – RAR Site Plan



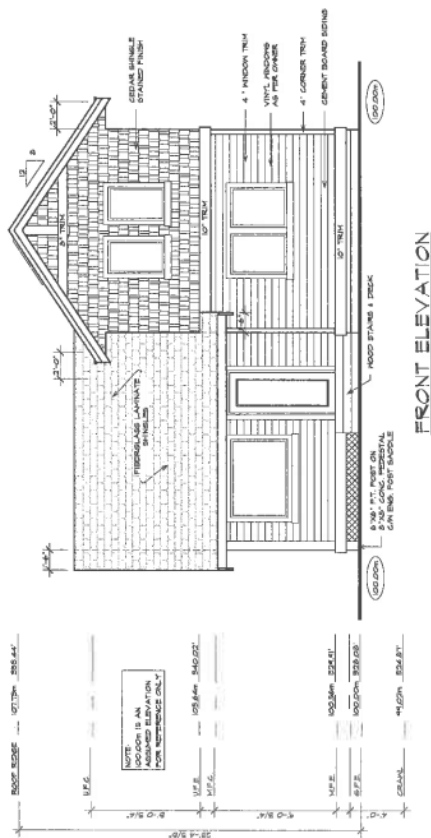
**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2016.1
Schedule "B" – Elevation Drawings**



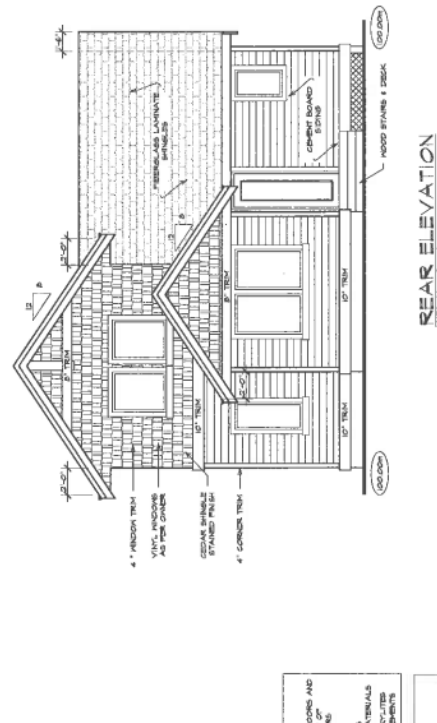
RIGHT ELEVATION



LEFT ELEVATION



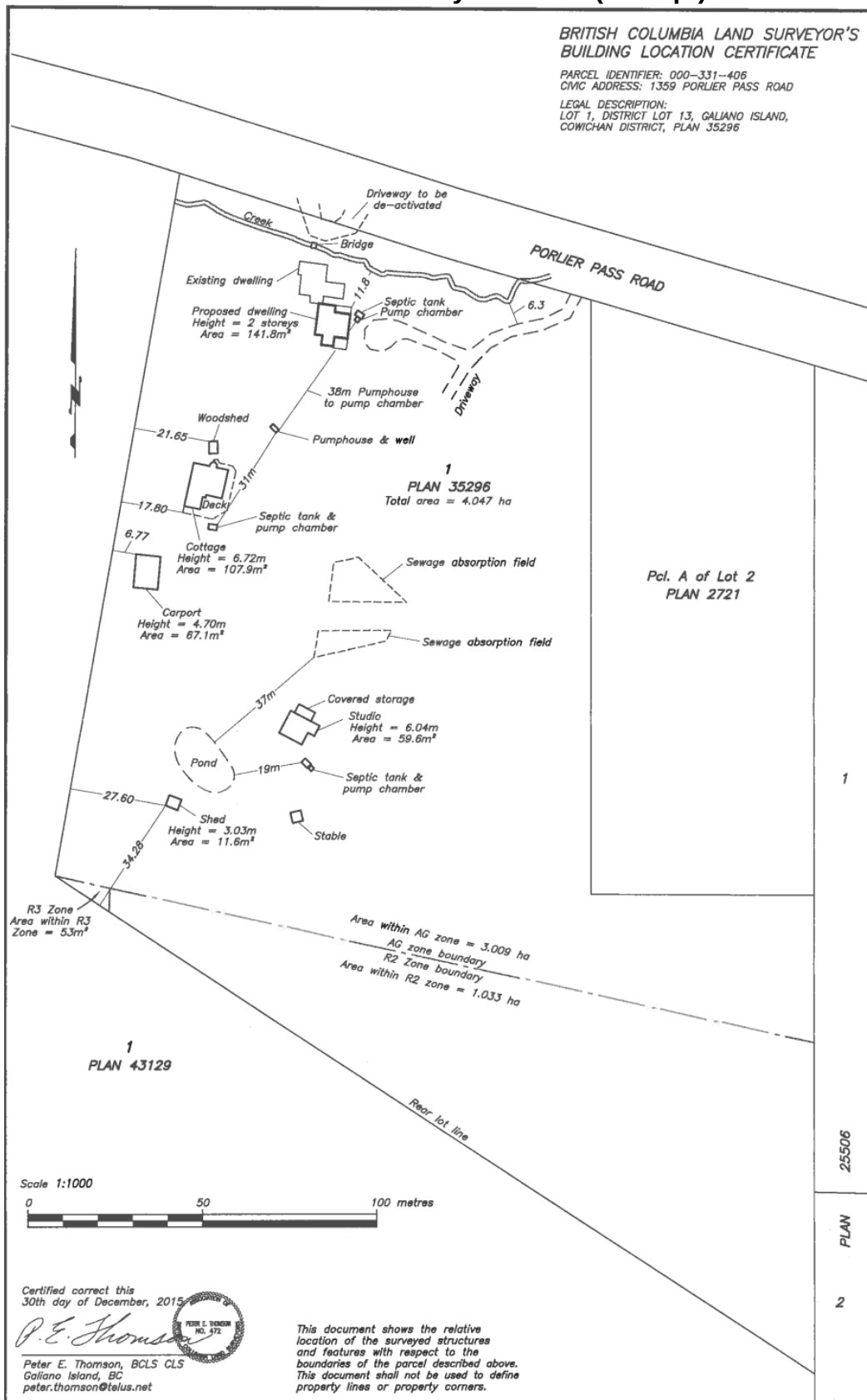
FRONT ELEVATION



REAR ELEVATION

DOORS AND	1
WINDOWS	1
CEILING	1
FLOORING	1
PAINT	1
LANDSCAPE	1
TOTAL	6

**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2016.1
Schedule "C" – Survey Site Plan (excerpt)**





PROPOSED

GALIANO ISLAND LAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

GL-DVP-2016.1

To: Donna Usher

1. This Development Variance Permit applies to the land described below:

Lot 1, District Lot 13, Galiano Island, Cowichan District, Plan 35296
(PID: 000-331-406)

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

- a) Section 2.14 is varied to reduce the setback from the natural boundary of a natural watercourse from 15.0 metres to 11.0 metres for the siting of a dwelling unit, septic tank, and pump chamber as shown on Schedule A.

The development shall be consistent with Schedule 'A' which is attached to and form part of this permit.

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

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF Month, 201#.

Deputy Secretary, Islands Trust

Date of Issuance

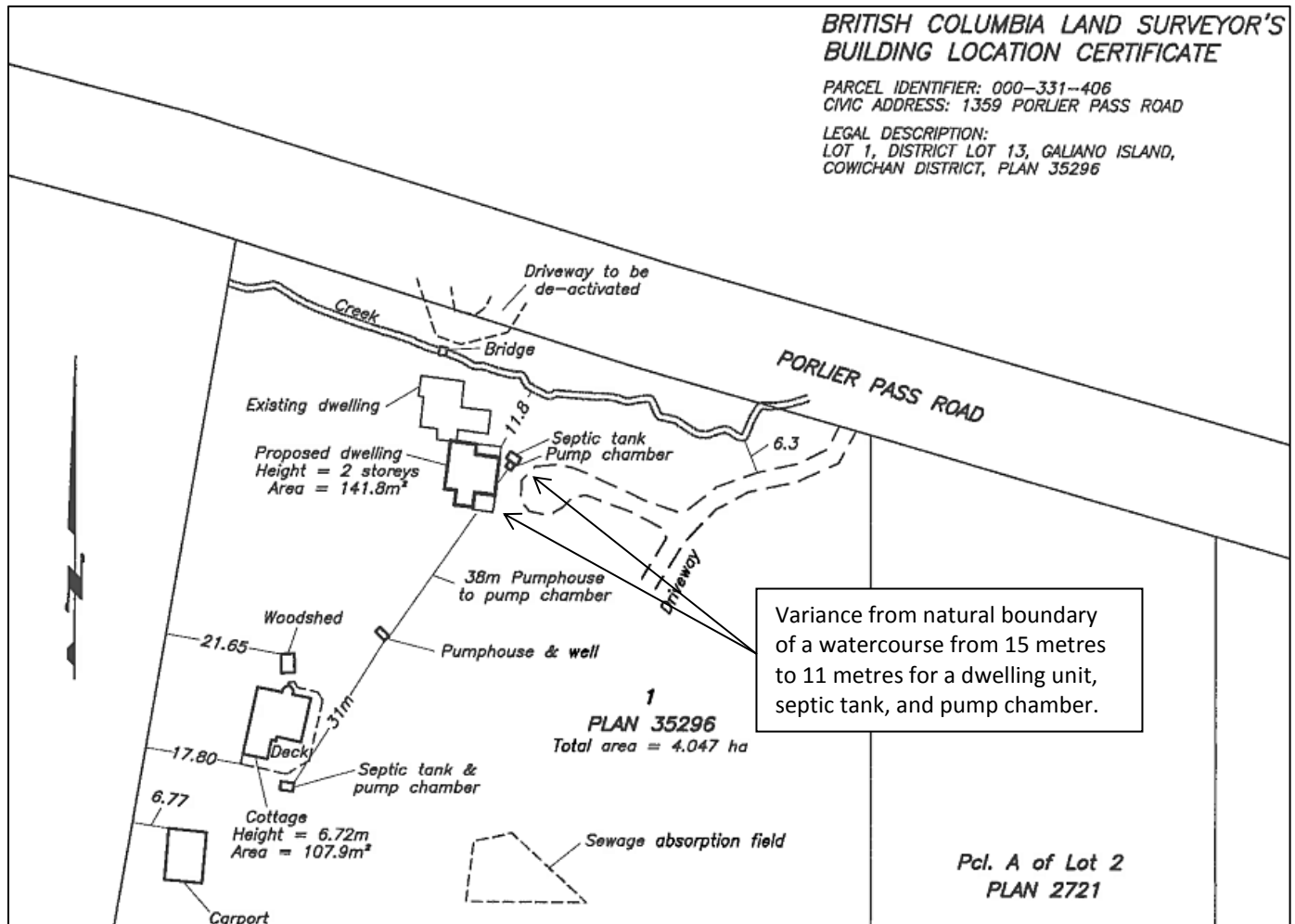
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF Month, 201#, THIS PERMIT AUTOMATICALLY LAPSES.

GALIANO ISLAND LOCAL TRUST COMMITTEE

GL-DVP-2016.1

SCHEDULE 'A'

(excerpt from site survey)

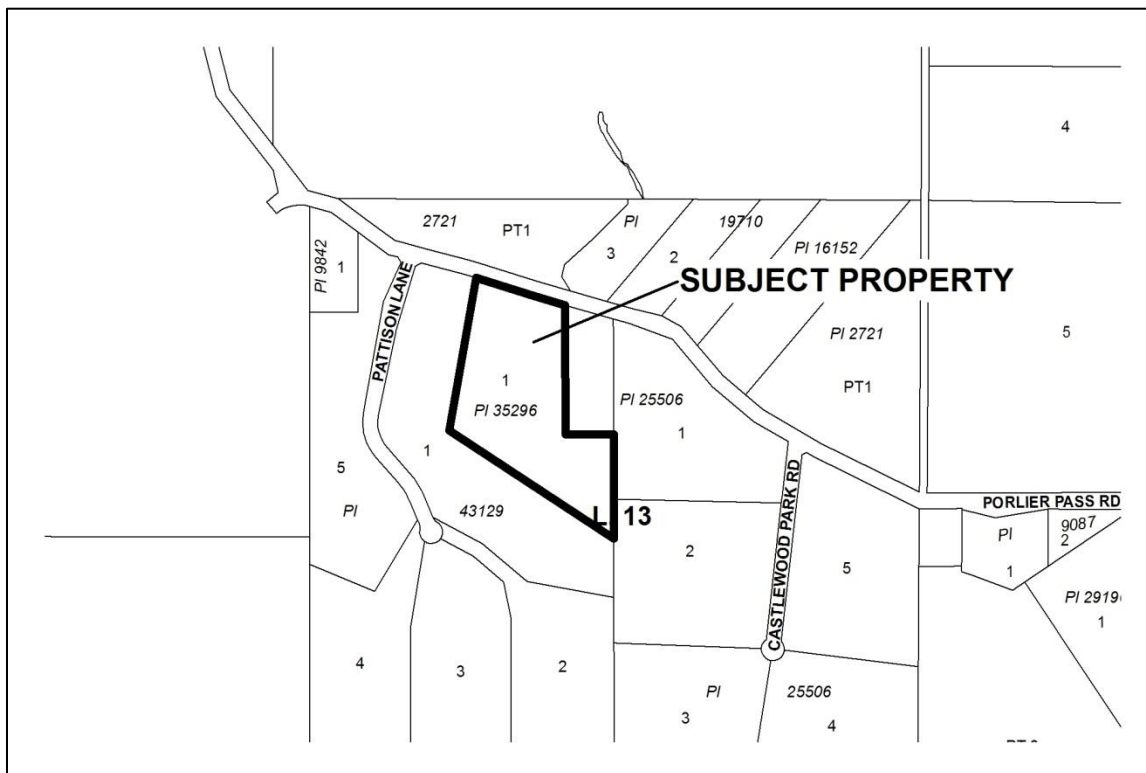


NOTICE
GL-DVP-2016.1
GALIANO ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*. The proposed permit would vary the Galiano Island Land Use Bylaw 127, 1999 to vary Section 2.14 to reduce the setback from the natural boundary of a natural watercourse from 15.0 metres to 11.0 metres for the siting of a dwelling unit, septic tank, and pump chamber.

The property is located at 1359 Porlier Pass Road and is legally described as Lot 1, District Lot 13, Galiano Island, Cowichan District, Plan 35296. PID: 000-331-406.

The general location of the subject property is shown on 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. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing , **February 22, 2016** and continuing up to and including , **March 4, 2016**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing, **February 22, 2016**. Also, attached for your convenience is a copy of the proposed permit.

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 pm, **March 4, 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., **March 7, 2016**, at the Lions Hall, 992 Burrill 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

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date 15 January 2016

I. Primary QEP Information

First Name	Keith	Middle Name	
Last Name	Erickson		
Designation	R.P.Bio.	Company	
Registration #	2132	Email	kericksongaliano@gmail.com
Address	355 Melissa Road		
City	Galiano Island	Postal/Zip	V0N1P0
Prov/state	BC	Country	Canada
		Phone #	250.539.3481

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	
		Phone #	

III. Developer Information

First Name	Donna	Middle Name	
Last Name	Usher		
Company			
Phone #	250.539.303	Email	donna.usher@shaw.ca
	1		
Address	1435 Porlier Pass Road		
City	Galiano Island	Postal/Zip	V0N1P0
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Rural Residential: Outside of Municipality		
Area of Development (ha)	~0.05	Riparian Length (m)	112
Lot Area (ha)	4.047	Nature of Development	Redevelopment
Proposed Start Date	February 2 nd , 2016	Proposed End Date	December 31st, 2016

V. Location of Proposed Development

Street Address (or nearest town)	1435 Porlier Pass Drive		
Local Government	Islands Trust / CRD	City	Galiano Island
Stream Name	Putter Creek		
Legal Description (PID)	000-331-406	Region	Vancouver Island
Stream/River Type	Stream	DFO Area	17
Watershed Code	none		
Latitude	48	53	40.73
Longitude	123	21	43.91

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed.
Insert that form immediately after this page.

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Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

Description of the Proposed and Existing Development:

The proposed development will demolish an existing 102.5 square meter deteriorated house structure that is 3 meters from the top of bank of Putter Creek at its closest point. The existing house will be demolished to its foundation. A new, 2 storey 141.8 square meter house will be constructed. The new house will share a portion of the wall/foundation of the existing deteriorated house structure but will be located completely outside of the Streamside Protection and Enhancement Area (SPEA) determined in this report.

In addition to the existing degraded house structure, existing development within the Riparian Assessment Area (RAA) includes a cleared, grass dominated, landscaped yard, a septic tank and pump chamber, and a small wooden foot bridge over the creek. On the northern side of the creek, existing development within the RAA includes some cleared areas, a small U shaped driveway connecting to Porlier Pass Road and Porlier Pass Road itself.

The existing U shaped driveway/access to the north of the creek will be de-activated.

The new house will be accessed and serviced from an existing shared driveway located on the eastern portion of the property. A short east/west running branch of the driveway splits off to access the development site and has not been used for decades. It will require basic maintenance including vegetation clearing and some minor additions of suitable gravel material. This portion of the driveway is located completely outside of the SPEA determined in this report. The main branch of the driveway which connects to Porlier Pass Road has been used and maintained for decades to access other structures and dwellings on the property. A portion of this established driveway runs through the SPEA established in this report.

Deconstruction of the house is proposed to start in February of 2016.

Current Riparian Vegetation Condition:

The length of Putter Creek located on the subject property runs parallel, roughly 10m to the south, to Porlier Pass Road. Generally the riparian consists of a mix of roadway, degraded infrastructure, invasive grass and shrub dominated clearings and young forest areas.

On the roadside (north side) of the creek, the riparian between the paved surface and the top of bank is characterized by large patches of Himalayan blackberry (*Rubus discolor*) with scattered Douglas-fir (*Pseudotsuga menziesii*) trees and grass dominated roadside shoulder areas.

The riparian vegetation on the south side of the creek includes (from east to west): a young forest patch dominated by salmonberry (*Rubus spectabilis*) and scattered red alders (*Alnus rubra*); a disturbed area with patches of Himalayan blackberry and grass/thistle dominated clearings; an area that includes the existing house along with associated pathways and a few scattered native and cultivated trees/shrubs; and, an area to the west of the house that transitions into native, Douglas-fir dominated young forest.

Description of Fisheries Resource Values:

The stream is channelized for the majority of its length within the subject property and is characterized by a single reach. The reach starts on the northern boundary line of the subject property where it crosses under Porlier Pass road through a culvert with a 1m drop on its downstream end. The stream substrate is a mix of gravels, cobbles and fines. The dominant channel type is step/pool, mixed with some pool/riffle in shallower gradient microsites. Deep pools, coarse woody debris and undercut banks are generally absent.

For the purpose of this report, Putter Creek is assumed to be fish bearing. Evidence suggests that the system likely does not support any anadromous salmonid populations. There is a 3.5m high waterfall just over 100m from the estuary that has been classified as an obstruction to salmonids (Salmonid Habitat Assessment, Galiano Conservancy Association, 1999). However, anecdotal reports suggest that resident stickleback and cutthroat trout populations may exist in the lower reaches of the creek but there has been no confirmation of these populations. Fish sampling to assess resident populations using baited gee-traps was conducted in the fall of 1999 by the Galiano Conservancy within the lower reaches of the creek below Ellis Road – no fish were captured. Though no fish were caught, trapping was not completed in accordance with RAR methodology and was not sufficient to conclude with certainty the absence of fish in the system. Salmonid spawning habitat and rearing habitat in this portion of the creek on the subject property is considered of very low quality due to lack of suitable substrate, lack of pool habitat, and high stream gradient.

Land use along Putter Creek is predominantly rural residential and includes a number of residential and small scale agricultural clearings along with several man-made ponds. In its lower reaches the Creek runs through a small Golf Course that includes several irrigation ponds and extensive ditching as well as a Rod and Gun Club shooting range. A series of several small forested wetlands alongside and in proximity to Porlier Pass Road form the headwaters of the creek several hundred meters upstream of the subject property.

Objective of the Assessment Report:

The objectives of the Assessment Report are to:

1. Establish the SPEA boundaries for Putter Creek on the subject property, and;
2. Restore the natural features, functions and conditions that support fish life processes in Putter Creek by bringing development on the property into compliance with the determined SPEA boundaries, and providing recommendations that will minimize impacts of the proposed development on the SPEA.

Section 2. Results of Riparian Assessment (SPEA width)

Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: 06 Sept 2015

Description of Water bodies involved (number, type)

1 Stream

Stream	X
Wetland	
Lake	
Ditch	
Number of reaches	1
Reach #	1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)		Gradient (%)
starting point	1.1	
upstream	0.95	11
	1.2	
	1.15	
	0.85	
downstream	0.80	14
	0.80	
	1.15	
	1.10	
	1.05	
	1.45	
Total: minus high /low	9.35	
mean	1.04	12.5
	R/P	C/P
Channel Type		X

I, Keith Erickson, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Donna Usher ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
			I, <u>Keith Erickson</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Donna Usher</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:	n/a		Method employed if other than TR
SPVT Type	LC	SH	TR
			X
Polygon No:			Method employed if other than TR
SPVT Type	LC	SH	TR

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Polygon No:
SPVT Type

--	--	--

Method employed if other than TR

--

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	A	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	10						
Litter fall and insect drop ZOS (m)	10						
Shade ZOS (m) max	3.12	South bank	Yes	X	No		
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report		
SPEA maximum	10	(For ditch use table3-7)					

Segment No:	B	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	10						
Litter fall and insect drop ZOS (m)	10						
Shade ZOS (m) max	3.12	South bank	Yes		No	X	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report		
SPEA maximum	10	(For ditch use table3-7)					

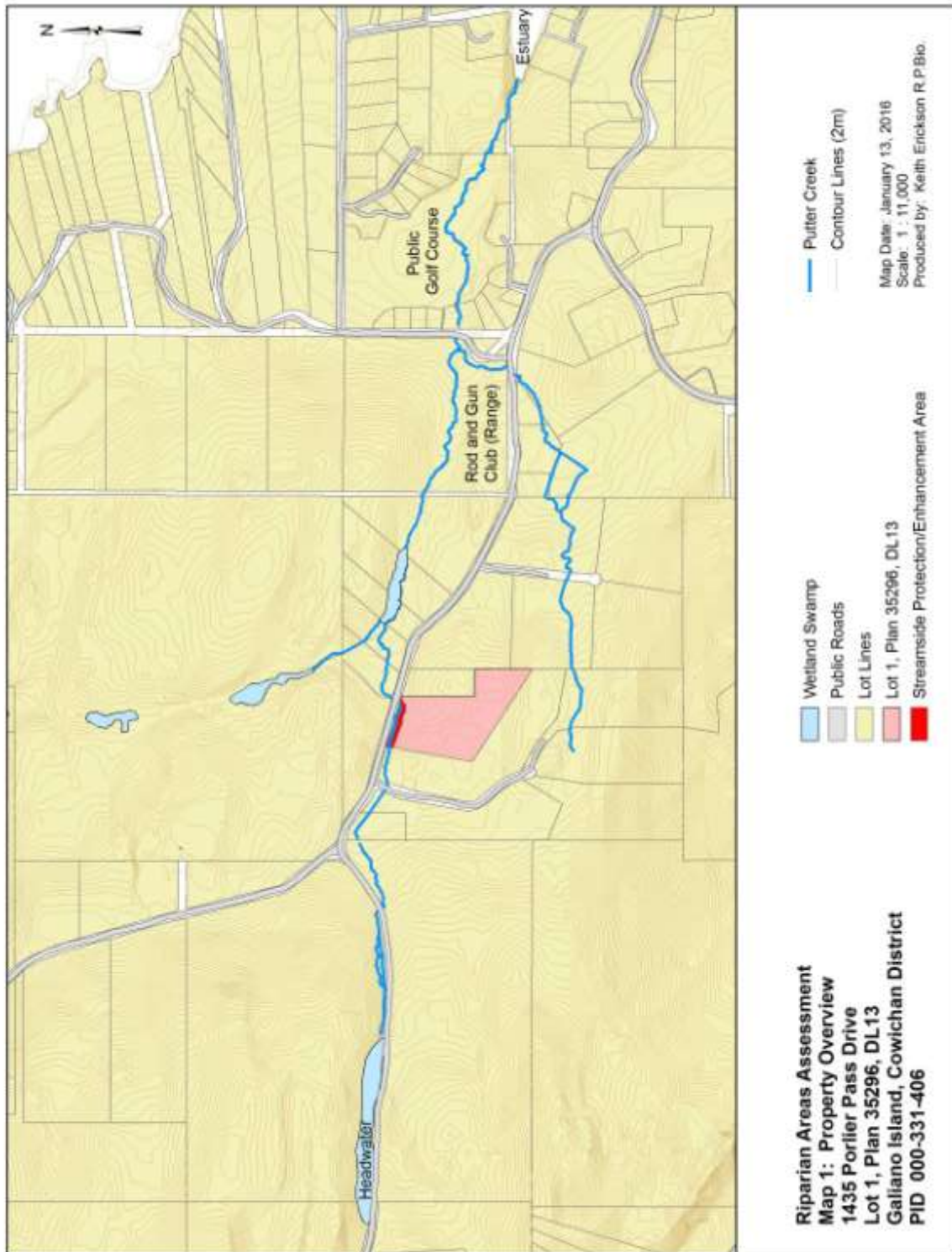
I, Keith Erickson, hereby certify that:

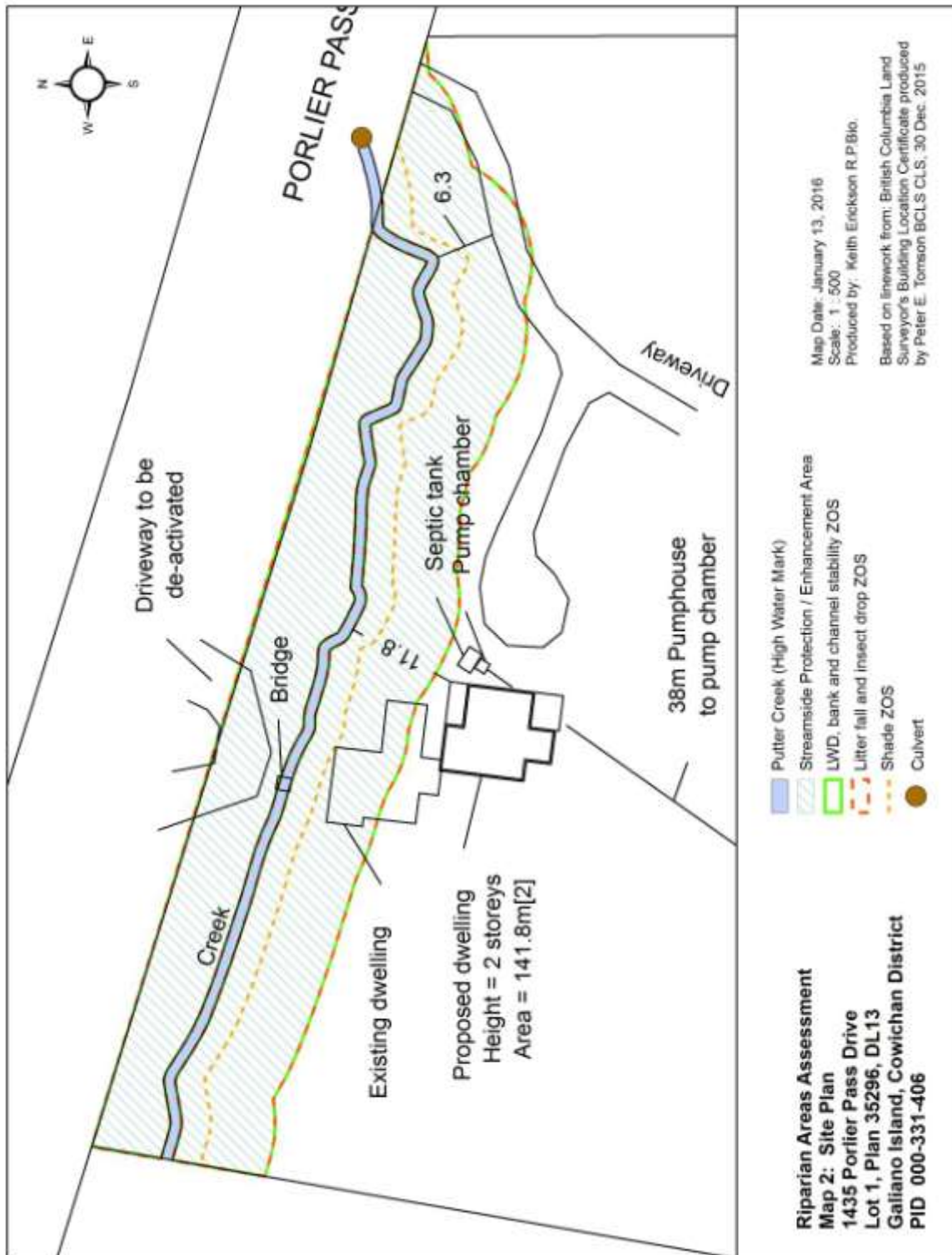
- I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- I am qualified to carry out this part of the assessment of the development proposal made by the developer Donna Usher ;
- I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

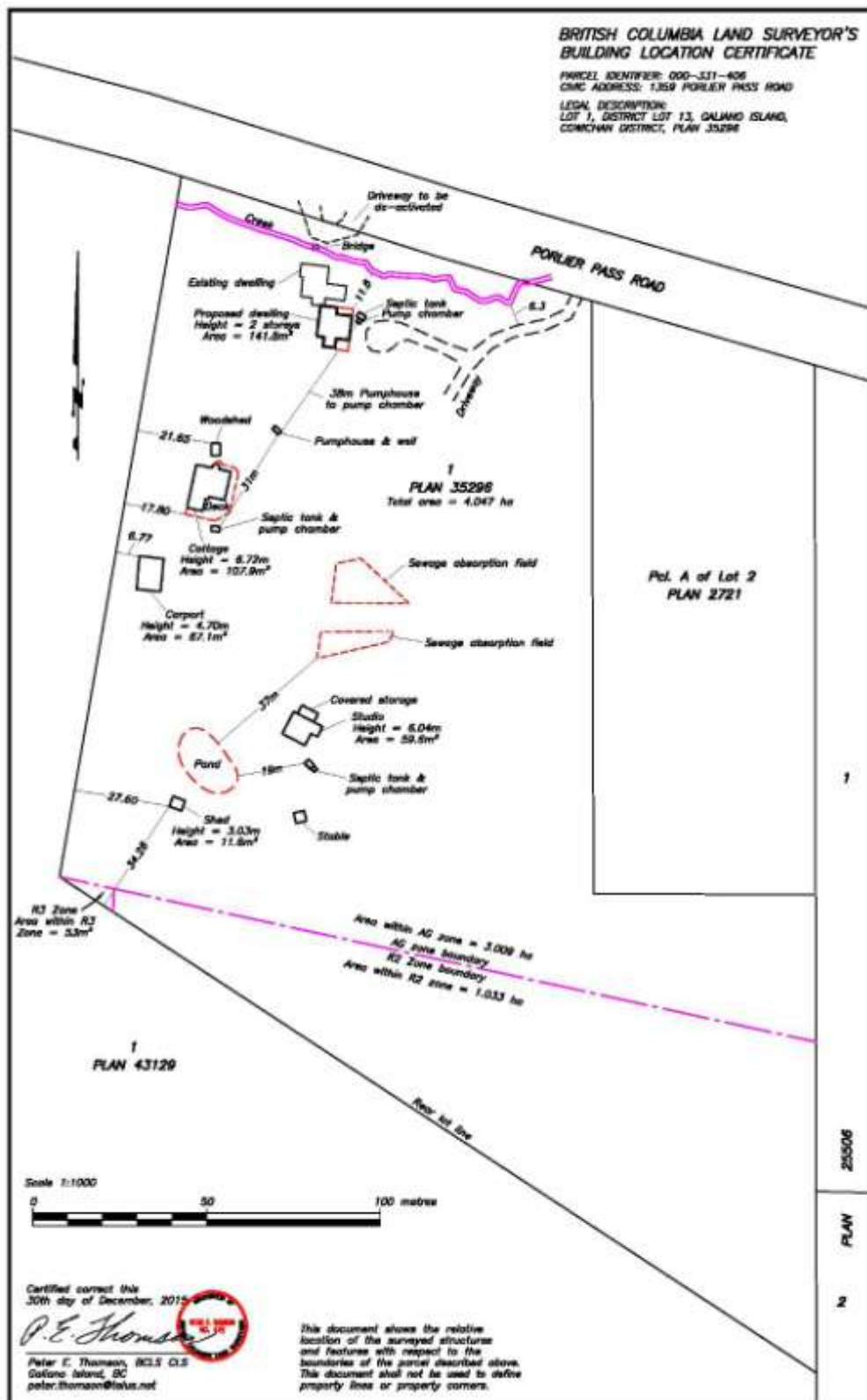
Comments

The midpoint or start point for the 11 measurements was 12m downstream from the footbridge. While the public highway dedication (Porlier Pass Road) is within the 10m SPEA on the north side of the stream, for the purposes of this report the SPEA on the north side of the creek extends to the northern property boundary.

Section 3. Site Plan







Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF before inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	No danger trees were identified in the SPEA or wider Riparian Assessment Area. The few trees that are located within the SPEA are young and healthy and pose no immediate concern to human safety or property damage. If there are any trees of concern located within the SPEA in the future, a QEP needs to be obtained to confirm the tree(s) as a danger prior to any removal.
I, <u>Keith Erickson</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Donna Usher</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	No trees will be removed in order to facilitate the proposed development. The development area and SPEA have been cleared for decades and trees/forest surrounding the area are quite windfirm.
I, <u>Keith Erickson</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Donna Usher</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
3. Slope Stability	The slope of the proposed development area is shallow (<10%). No indicators of slope instability were observed within this area. Some very minor erosion was noted along the banks of the channelized/ditched portions of the stream where natural meanders are forming but were of no threat to general slope stability. No measures are required.
I, <u>Keith Erickson</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Donna Usher</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
4. Protection of Trees	No trees within the SPEA will be removed for the development. Existing native trees and shrubby native vegetation should be protected by visible fencing during demolition and construction. Trees lining the access driveway should be protected during any required maintenance activities. Fencing should allow for the protection of tree roots from compaction and/or piling or storage of materials. No materials will be stored or piled within the SPEA.
I, <u>Keith Erickson</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish</i>	

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

<i>Protection Act;</i> b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Donna Usher</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
5. Encroachment	
As the existing house is located within the SPEA, the primary concern of this report is encroachment during the demolition process. The following measures will protect the SPEA and mitigate impacts from the development on fish life processes. 1. The SPEA will be delineated on the ground prior to commencement of demolition and all contractors/construction personnel will be notified of its location and of these recommendations. 2. During demolition, access within the SPEA should be minimized – workers and machinery should remain within the footprint of the existing building and within the boundary of existing highly compacted, non-vegetated areas immediately adjacent to the building. 3. Construction materials, excavated soil and tools will be stored outside of the SPEA. 4. The portion of the U-shaped driveway on the subject property fronting Porlier Pass Road will be de-activated. The foot bridge and a foot path may be retained. The portions of compacted driveway on the property should be decompacted with an excavator and planted with 2x grand-fir (<i>Abies grandis</i>) and 2x western redcedar (<i>Thuja plicata</i>) and 4x salmonberry (<i>Rubus spectabilis</i>) or other site appropriate native species.	
I, <u>Keith Erickson</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Donna Usher</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
6. Sediment and Erosion Control	
Any vegetative ground cover within the SPEA should be retained during the development process, including grass and weedy invasive species dominated areas, in order to minimize potential sediment entering the creek from the work site and to minimize potential for erosion. Should there be any damage to existing grass and invasive weed dominated areas during the development process, the area should be re-seeded and mulched. Any soil that becomes exposed within the SPEA as a result of demolition of the existing building should be mulched immediately and then planted with native vegetation or seeded to grass (only where grass is the current dominant cover).	
I, <u>Keith Erickson</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Donna Usher</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

7. Stormwater Management	The development will not significantly alter storm water catchment or discharge.
I, <u>Keith Erickson</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Donna Usher</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
8. Floodplain Concerns (highly mobile channel)	There is no evidence to indicate that Putter Creek has a floodplain beyond the HWM identified in this report. The creek was observed during periods of exceptionally high flow.
I, <u>Keith Erickson</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Donna Usher</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen. Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

The authoring QEP will be retained as project environmental monitor by Donna Usher. The environmental monitor will be available to provide guidance in fulfilling the requirements of this report. Monitoring will be carried out to ensure:

- No existing native vegetation within the SPEA is removed or damaged;
- All development activities (other than demolition of the existing building) remain outside of the SPEA
- Measures to minimize impacts from encroachment are being followed;
- Measures to control sediment are being met;
- Revegetation recommendations are implemented successfully.

A site visit with the owner or general contractor will occur prior to any work on the site to establish the SPEA boundary on the ground and to ensure clarity on all measures laid out in this report. Final monitoring will ensure that revegetation and other requirements were followed and were successful.

The developer has also been informed of the requirement to complete and file a post-development report and has agreed to obtain the services of the authoring QEP. This report will indicate whether or not the above measures were implemented, and how effective they were at protecting and enhancing the integrity of the SPEA.

Section 6. Photos

Photo 1: Existing house on right and foot bridge over channelized portion of Putter Creek on the left, looking downstream (East).



Photo 2: Looking north at existing house. Putter Creek is beyond the house in the background. The new house will be constructed in the foreground within the grass and invasive weed dominated clearing. It will overlap a portion of the existing house's foundation (right hand portion of wall with blue/green framed window).



FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Photo 3: Existing driveway that will be de-activated. Photo is taken from Porlier Pass Road. Putter Creek runs from right to left just beyond the truck. The truck is parked on the portion of the driveway that is on the subject property.



Photo 4: Looking west from the currently used and maintained driveway along the portion of the access driveway that requires some minor maintenance. Putter creek is out of frame to the right. The new house will be constructed immediately to the left of the existing structure.



Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date 15 January 2016

1. I Keith Erickson

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer Donna Usher, which proposal is described in section 3 of this Assessment Report (the "development proposal"),
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) ☐ if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)
- b) ☒ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

[NOTE: "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertis

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

OFFICE USE ONLY

File No: _____

RIPARIAN AREAS DEVELOPMENT PERMIT AREA (DPA 1)			Office Use only
	Information and Documentation Required	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:	X	
	The proposed development and associated features	X	
	The development permit area boundary	X	
	Existing buildings and structures	X	
	Roads and driveways	X	
	Topographic features	X	
	The locations of the top of bank	X	
	The high water mark	X	
	SPEA widths and the width of any zones of sensitivity	X	
	<i>Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance</i>		
Site Inventory	A site inventory providing a description and evaluation of the riparian values, including species of fish that frequent the waterbody, and riparian features and habitat present	X	
Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the watercourse, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.	X	
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development consisting of the following:		
	For a stream: the results of the riparian assessment, using a detailed or simple assessment as indicated in the Riparian Areas Regulation, and establishing the Streamside Protection and Enhancement Area (SPEA) width for the subject parcel.	X	
	For other watercourses: an assessment of anticipated impacts on riparian habitat and features, the watercourse, and site hydrology.	X	
	The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development	X	
Measures	For a stream: a description of all measures that will be taken to maintain and protect the SPEA from development, including, where appropriate, assessment and treatment of danger trees, windthrow, slope stability, tree protection during construction, encroachment and sediment and erosion control.	X	
	For other watercourses: recommended measures to limit, mitigate and manage the impacts of the proposed development on riparian habit and features, the watercourse, and site hydrology.	X	
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance	X	

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

RIPARIAN AREAS DEVELOPMENT PERMIT AREA (DPA 1)			Office Use only
	Information and Documentation Required	✓	
Restoration	Recommended actions to restore or enhance riparian functions or habitat that have been degraded prior to development or that would be impacted by the proposed development	X	
Certification	For a stream, professional certification by the Qualified Environmental Professional(s) preparing the report that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and providing his or her professional opinion that:		
	i. If the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or		
	ii. If the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.	X	

Date: February 26, 2016

File Number: GL-RZ-2014.1 Crystal Mountain

To: Galiano Island Local Trust Committee
For the meeting of March 7, 2016

From: Kim Stockdill, A/Planner 2

CC: Robert Kojima, Regional Planning Manager

Re: Application Update

This memo will provide options the Local Trust Committee can consider on how to proceed with the application. Background information on the property, the proposal and staff reports are available on the LTC webpage under 'Current Applications': www.islandstrust.bc.ca/galiano/current-applications.

At the February 1, 2016 regular meeting the Galiano Island Local Trust Committee (LTC) put the following motions on the table but were defeated:

"GL-2016-003

It was MOVED AND SECONDED,

THAT, the Galiano Island Local Trust Committee requests staff to prepare draft bylaws on the basis that 75 percent of Crystal Mountain's land be protected with a conservation covenant.

DEFEATED

GL-2016-004

It was MOVED AND SECONDED,

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

DEFEATED

The LTC asked staff to bring the application back with any updates to discuss at the next LTC meeting.

Applicant Updates:

No new information was received from the applicant at the time of writing this memo. It is expected the applicant will provide a verbal update at the March 7, 2016 regular LTC meeting.

Options:

The Local Trust Committee has generally four options at this time:

1. direct staff to report back once further information is received from the applicant;
2. defer further consideration until such time the applicant registers a conservation covenant to protect 75 percent of the land;
3. proceed with the application and give direction to staff to draft bylaws on the basis that 75 percent of the land be protected with a conservation covenant; or
4. resolve to proceed no further with application.



Memorandum

Date February 26, 2016 File Number GL-RZ-2011.1 (Galiano Land and Community Housing)

To Galiano Island Local Trust Committee
For the Meeting of March 7, 2016

From Robert Kojima
Regional Planning Manager

Re Galiano Green Rezoning Application

Purpose:

This memo will provide the Galiano Local Trust Committee an update on the status of 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 1000 sq. ft. (46.5 - 92.9 sq.m.). The proponent organization (GLCHT) owns the land and has successfully had the site excluded from the ALR. The proposal was recently modified to 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). In order to ensure on-going affordability, and consistent with OCP policy, the proponents 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.

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.

The respective bylaws (Bylaws 233 and 234) were given First Reading on July 9th, 2012. The bylaws received second reading on September 8, 2014. A draft housing agreement was prepared based on an earlier lease model and had preliminary legal review.

At the last LTC meeting (February 1, 2016), the LTC received a report, and adopted the following resolutions:

U:\LOCAL TRUST COMMITTEES\Galiano\Applications\RZ\2011\GL-RZ-2011.1 (GL Land & Community Housing)\Staff reports\Memo - March 2016.docx

GL-2016-006

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee request staff to report back with amendments to proposed Bylaw 234 that would permit rezoning application GL-RZ-2011.1 to proceed as a bare land strata subdivision.

CARRIED

GL-2016-007

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee authorize staff to enter into a cost recovery agreement with the applicant for rezoning GL-RZ-2011.1 (Galiano Green) for review of and revisions to the draft housing agreement.

CARRIED

GL-2016-008

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee request that prior to further consideration of rezoning application GL-RZ-2011.1 (Galiano Green), the applicant provide a revised layout plan, propose how the bare land strata subdivision would address s.510 requirements for provision of parkland, and provide a written proposal detailing how the terms of the housing agreement would be administered.

CARRIED

Current Status:

Since the last meeting:

- The applicants have signed a cost recovery agreement and provided payment.
- The draft housing agreement and related documents have been forwarded to legal counsel for review.
- The applicants have proposed creating a community selection committee to administer the housing agreement. Legal counsel have been requested to provide a preliminary comment on the proposal, if detailed work is required on this an additional cost recovery may be required.
- Staff are stilling awaiting the provision of a revised layout plan, addressing the bare land strata subdivision layout and parkland dedication.

Once the revised housing agreement is reviewed and the layout plan provided, staff will prepare amendments to the bylaws for LTC consideration at a future meeting.

pc Kim Stockdill, A/Planner 2

Top Priorities

Galiano Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Telecommunication Strategy	Review telecommunication options, including policies for cell towers, on Galiano Island.	01-Feb-2016	Kim Stockdill	28-Feb-2017

**Projects****Galiano Island**

No.	Description	Activity	R/Initiated
1	Soil Removal and Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw	12-Sep-2011
2	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
3	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the LUB.	18-Nov-2013
4	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
5	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
6	Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	18-Nov-2013
7	Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	18-Nov-2013
8	Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	18-Nov-2013
9	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
10	Community Benefit Review for Forest Lands	Staff to prepare preliminary report for new LTC	08-Sep-2014

Projects

Galiano Island

No.	Description	Activity	R/Initiated
11	Consider amendments to re-designate and rezone crown owned Forest lots.- Bylaws 231, 232 at First Reading	re-refer to FLNRO for comment	
12	Telecommunication Strategy	To consider a telecommunication strategy to address cell tower policies and procedural guidelines.	12-May-2015

**Development Permit**

File Number	Applicant Name	Date Received	Purpose
GL-DP-2016.1	DONNA L USHER, CLARE R OMELANIEC	14-Jan-2016	1359 PORLIER PASS RD Rebuild the current 'Road House' residence.
Planner:			
Planning Status			
<u>Status Date:</u> 29-Feb-2016 Application on March 7 agenda			
<u>Status Date:</u> 16-Jan-2016 title received, forwarded to LTC and planner			
<u>Status Date:</u> 15-Jan-2016 opened file, processed fee, requested current title from applicant.			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2015.4	OKEPNAK, SHELLEY	17-Dec-2015	61 GEORGESON BAY RD To vary the setback to accommodate a food truck.
Planner:			
Planning Status			
<u>Status Date:</u> 29-Feb-2016 Notification circulated and application placed on March 7, 2016 LTC agenda.			
<u>Status Date:</u> 25-Jan-2016 Planner to complete site visit.			
<u>Status Date:</u> 22-Dec-2015 opened file, processed fee, forwarded to LTC, gave to planner			

File Number	Applicant Name	Date Received	Purpose
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**Applications**

GL-DVP-2016.1

DONNA L USHER

14-Jan-2016

1359 PORLIER PASS RD

CLARE R

OMELANIEC

Rebuild the current 'Road House' residence.

Planner:**Planning Status****Status Date:** 29-Feb-2016

Notification circulated and application placed on March 7, 2016 LTC agenda.

Status Date: 16-Jan-2016

processed fee, forwarded to LTC and planner

Status Date: 15-Jan-2016

opened file

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2011.1	Galiano Land and Community Housing Trust c/o Tom Hennessy	06-Oct-2011	Rezone Agriculture and Residential to Community Facility-Affordable housing.
Planner: Robert Kojima			

Planning Status**Status Date:** 01-Feb-2016

LTC authorizes cost recovery for housing agreement review, applicant to provide revised site plan addressing park dedication, and to provide plan for administering housing agreement

Status Date: 11-Dec-2015

applicants revising application to bare land strata.

Status Date: 20-Feb-2015

summary of proposed approach received, update for March 3rd LTC meeting

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2013.1	Landworks Consultants	16-Apr-2013	DL 79 - To amend the OCP and LUB to permit a rezoning to F3, RR, NP from an F1 zoned lot.
Planner: Kim Farris			

Applications

Planning Status

Status Date: 19-Aug-2015

Staff & LTC reviewing sustainable forestry covenant.

Status Date: 17-Jun-2015

Draft Sustainable Forestry covenant sent for legal review.

Status Date: 28-May-2015

Approval received from Minister's office for Bylaw 244.

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 Farris

Planning Status

Status Date: 30-Nov-2015

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

Status Date: 26-Aug-2015

Applicant amending proposal to address APC and LTC comments

Status Date: 16-Jun-2015

Application referred to the APC

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 Farris

Planning Status

Status Date: 13-Aug-2015

PLA extension granted by MOTI



Applications

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

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

625 Galiano	Invoices posted to Month ending February 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	5,269.93	-2,769.93
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	1,243.80	-743.80
65220-625	LTC - Local Exp - Communications	300.00	665.29	-365.29
65230-625	LTC - Local Exp - Special Projects	750.00	10.51	739.49
TOTAL LTC Local Expense		<u>4,050.00</u>	<u>7,189.53</u>	<u>-3,139.53</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.

K:\LTC\Galiano\Standing Resolutions\Policies and standing resolutions.doc