



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: September 14, 2015
Time: 12:30 pm
Location: North Community Hall
20925 Porlier Pass Road, Galiano Island, BC

	Pages
1. CALL TO ORDER	12:30 PM - 12:35 PM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	12:35 PM - 1:00 PM
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	1:00 PM - 1:20 PM
6.1 Local Trust Committee Adopted Minutes & Received Public Hearing Record Dated July 6, 2015 (for Information)	4 - 16
6.2 Section 26 Resolutions Without Meeting Report Dated September 2015	17 - 17
6.3 Advisory Planning Commission (APC) Minutes (for Receipt)	
6.3.1 <u>APC Minutes Dated: June 9, 2015</u>	18 - 21
6.3.2 <u>APC Minutes Dated June 29, 2015</u>	22 - 25
6.3.3 <u>APC Minutes Dated July 3, 2015</u>	26 - 32
6.3.4 <u>APC Minutes Dated July 16, 2015</u>	33 - 36
7. BUSINESS ARISING FROM MINUTES	
7.1 Follow-up Action List Dated September 2015	37 - 38
8. DELEGATIONS	
none	
9. CORRESPONDENCE	

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

10.	APPLICATIONS AND REFERRALS	1:20 PM - 2:40 PM	
10.1	GL-DVP-2015.2 (Simpson) - Staff Report		39 - 52
10.2	GL-DVP-2011.4 - Covenant Removal Memo		53 - 62
10.3	GL-RZ-2013.1 (Landworks) - Memo		63 - 96
	<u>-----BREAK-----2:15 PM to 2:30 PM</u>		
10.4	Salt Spring Island Local Trust Committee Bylaw No. 484 Referral		97 - 99
	For your response		
11.	LOCAL TRUST COMMITTEE PROJECTS	2:40 PM - 3:30 PM	
11.1	Secondary Suites & Cottage - Staff Report		100 - 135
11.2	Contractor Yards - Staff Report		136 - 149
12.	REPORTS	3:30 PM - 4:00 PM	
12.1	Work Program Reports (attached)		
12.1.1	<u>Top Priorities Report Dated September 2015</u>		150 - 150
12.1.2	<u>Projects List Report Dated September 2015</u>		151 - 152
12.2	Applications Report Dated September 2015 (attached)		153 - 155
12.3	Trustee and Local Expense Report Dated August 2015 (attached)		156 - 156
12.4	Adopted Policies and Standing Resolutions (attached)		157 - 158
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Report		
12.8	Trust Fund Board Report Dated August 2015 (attached)		159 - 159
13.	NEW BUSINESS	4:00 PM - 4:15 PM	
13.1	2015-16 LTC Budget Requests - Memo		160 - 164
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for October 5, 2015 at the South Community Hall		
15.	TOWN HALL	4:15 PM - 4:30 PM	

16. CLOSED MEETING (Distributed Under Separate Cover) 4:30 PM - 4:45 PM

16.1 Motion to Close the Meeting

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

Adoption of In-Camera Meeting Minutes Dated May 4, 2015
Appointment of Board Of Variance Members

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT 4:45 PM - 4:45 PM

ADOPTED

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: July 6, 2015
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

Members Present: George Grams, Alternate Chair
Sandy Pottle, Local Trustee
George Harris, Local Trustee

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

Regrets: Laura Busheikin, Chair

Members of the Public and Media Present: There were approximately 15 members of the public present and no members of the media

1. CALL TO ORDER

Alternate Chair, (Alt/Chair) George Grams called the meeting to order at 12:30 p.m. stating that Chair, Laura Busheikin sends regrets. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Debbie Holmes requested that her June 1, 2015 Public Hearing (PH) Record comments be amended.

Alt/Chair Grams responded that PH amendments would be addressed under item 6.1.2.

Louise Decario submitted a letter, which she had already emailed to the Local Trust Committee (LTC) and is currently posted on the Islands Trust website, regarding Secondary Suites and the Cottage Review. She emphasized her opposition to the removal of cottages as an accessory to principal dwelling use.

Sheila Anderson stated that she is Chair of the Galiano Island Advisory Planning Commission (APC). She spoke on Secondary Suites and commented that the APC has concerns regarding groundwater and density.

Akasha Forest spoke to Secondary Suites and stated that critical water areas mapping needs updating.

Doug Latta stated support for secondary suites. He commented that secondary suites should be referred to as “attainable housing” not “affordable housing”.

Tom Hennessy asked what the concern is regarding the removal of cottages as an accessory to principal dwelling use.

Louise Decario responded that properties would be easier to subdivide at a later date.

Roger Pettit stated support for cottages being a minimum of 850 square feet (sq. ft.) and increased density.

A member of the public stated support for secondary suites and commented that all properties should be permitted a secondary suite.

Sheila Anderson stated that rents on Galiano aren’t as high as in Vancouver and it is possible for young people to live on Galiano via renting and/or owning.

Stephen Akins stated support for larger cottage sizes. He commented that it is difficult to find a good place to rent on Galiano.

Louise Decario stated support for cottages being increased in size from 650 sq. ft. to 750 sq. ft. She commented that the rationale behind a 100 sq. ft. increase was to provide for an additional 10 ft. x 10 ft. bedroom.

Debbie Holmes stated support for cottages being 850 sq. ft., affordable housing, and fee simple ownership.

Roger Pettit stated support for affordable housing and creating regulations that help small/young families live on Galiano.

Doug Latta stated that if cottages and secondary suites are now being considered a form of affordable housing then they should be subject to the same process/regulations as other affordable housing projects.

Rose Marie Umana stated concern regarding groundwater and that ecosystem protection should be Galiano’s top priority.

4. COMMUNITY INFORMATION MEETING

4.1. Bylaw Nos. 251 & 252

Alt/Chair Grams stated that a Community Information Meeting (CIM) gives the public an opportunity to make comments and/or ask questions.

Acting Planner 2 (A/Planner 2) Farris provided information and stated that in general terms, the purpose of Proposed Bylaw No. 252 is to amend Galiano Island Official Community Plan Bylaw No.108, 1995, Schedule B (Land Use Designations) in order to re-designate the lands legally described as Lot 1, Block 9, District Lot 5, Galiano Island, Cowichan District, Plan 1974 from Rural (R) to Nature Protection (NP). She stated that in general terms, the purpose of

Proposed Bylaw No. 251 is to amend Galiano Island Land Use Bylaw No. 127, 1999, Schedule B (Zoning Map) in order to rezone the lands legally described as Lot 1, Block 9, District Lot 5, Galiano Island, Cowichan District, Plan 1974 from Rural 2 (R2) to Nature Protection (NP).

Kim Lenglet asked if any research had been done regarding loss of density.

Ken Millard, applicant for GL-RZ-2015.1, responded that one dwelling would be lost.

Roger Pettit asked if there is a community benefit.

Regional Planning Manager (RPM) Kojima responded that this is a conservation effort and that the property is owned by the Galiano Conservancy Association.

There was some discussion regarding the 75% rule in relation to personal benefit and concern regarding loss of tax revenue and development potential.

Elizabeth McClelland commented that the changes reflect her mother's conservation wishes.

There was some discussion regarding down zoning, taxes, community benefit, and charity.

Trustee Pottle stated support for the protection of Coastal Douglas Fir ecosystems and commented that the trees on this property are magnificent.

5. PUBLIC HEARING

5.1. Recess for Public Hearing

5.1.1. Bylaw Nos. 251 & 252

Alt/Chair Grams recessed the meeting at 1:12 pm.

See separate Public Hearing Record dated July 6, 2015.

5.2. Recall to order

Alternate Chair Grams recalled the meeting to order at 1:22 pm.

6. MINUTES

6.1. Local Trust Committee Minutes

6.1.1. Galiano Island Local Trust Committee Meeting Minutes Dated June 1, 2015

By general consent the Galiano Island Local Trust Committee Meeting Minutes of June 1, 2015 were adopted.

6.1.2. Galiano Island Public Hearing Record Dated June 1, 2015

By general consent the Galiano Island Public Hearing Record of June 1, 2015 was received.

6.1.3. Galiano Local Trust Committee Meeting Minutes Dated June 13, 2015

The following amendments to the minutes were presented for consideration:

- Page 4, fifth paragraph (Debbie Holmes) – delete second sentence.
- Page 5, first paragraph (Debbie Holmes) – insert “At one time” prior to “All forest zones” and delete the third sentence.
- Page 5, sixth paragraph (Akasha Forest) – delete and replace with “requested clarification regarding the number of accessory buildings permitted on one lot, as well as permitted square footage.”

By general consent the Galiano Island Local Trust Committee Meeting Minutes of June 13, 2015 were adopted as amended.

6.2. Section 26 Resolutions without Meeting Report Dated June 2015

Provided for information

6.3. Advisory Planning Commission Minutes for Receipt

6.3.1. APC Adopted Minutes Dated May 7, 2015

Received for information

6.3.2. APC Adopted Minutes Dated June 2, 2015

Received for information

6.3.3. APC Draft APC Minutes Dated June 9, 2015

Received for information

7. BUSINESS ARISING FROM MINUTES

7.1. Follow-up Action List Dated June 2015

Provided for information

8. DELEGATIONS

none

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

10.1. GL-RZ-2015.1 (Galiano Conservancy)

A/Planner 2 Farris provided information from the memorandum.

GL-2015-054

It was MOVED and SECONDED,

THAT, Galiano Island Local Trust Committee Proposed Bylaw No. 252, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2015" be read a Second time.

CARRIED

GL-2015-055

It was MOVED and SECONDED,

THAT, Galiano Island Local Trust Committee Proposed Bylaw No. 252, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2015" be read a Third time.

CARRIED

GL-2015-056

It was MOVED and SECONDED,

THAT, Galiano Island Local Trust Committee Proposed Bylaw No. 251, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2015" be read a Second time.

CARRIED

GL-2015-057

It was MOVED and SECONDED,

THAT, Galiano Island Local Trust Committee Proposed Bylaw No. 251, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2015" be read a Third time.

CARRIED

GL-2015-058

It was MOVED and SECONDED,

THAT, Galiano Island Local Trust Committee Proposed Bylaw Nos. 251 and 252 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

GL-2015-059

It was MOVED and SECONDED,

THAT, Galiano Island Local Trust Committee Proposed Bylaw No. 252 be forwarded to the Minister of Community, Sport and Cultural Development for approval.

CARRIED

Note: there was a break at 1:35 pm and the meeting reconvened at 1:55 p.m.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1. Secondary Suites - Staff Report

Regional Planning Manager (RPM) Kojima provided information from the staff report and encouraged the public to submit their comments via the www.islandstrust.bc.ca/galiano/secondary-suites.

Trustees and members of the public discussed the following:

- Process;
- Salt Spring Island's approach;
- Islands Trust Policy Statement;
- Water supply, conservation and management;
- Neighbour concerns and water conflicts;
- Water Sustainability Act;
- Salt-water intrusion prevention;
- Cisterns and sizes;
- Plumbed in rainwater systems being expensive and their maintenance being unenforceable;
- LTC's current lack of ability to regulate water usage, even during drought;
- Water being owned by the Crown;
- Trucked in water;
- Osmosis technology;
- Climate projections;
- Water resource measuring studies being expensive;
- Farming, food growing, gardening and peoples livelihoods;
- Density and permitted lot size for secondary suites;
- Parcels/lots under one acre not being permitted a cottage due to water concerns;
- Small lots, which often have water issues already, often being owned by those who are in the most need financially and of the income generated by secondary suites;
- Non-potable rainwater catchment systems being simpler, more affordable, easier to implement and having the potential to cut groundwater usage by 50%.

GL-2015-060

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee directs staff to report back with recommendations pertaining to water conservation for inclusion in draft bylaw No's. 254 and 255.

CARRIED

Trustees and members of the public discussed the following:

- Home occupations and permitted number of employees in relation to water demand;
- Composting toilets;
- Permitted lot size for secondary suites;
- Preference for secondary suites to be located near services;
- Neighbour conflict prevention;
- Lot size not necessarily being tied to water availability;
- Being cautious in approach to legislation and evaluating impact(s) over time;
- Water Districts and Mayne Island's approach.

GL-2015-061

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee directs staff to amend Draft Bylaw No's. 254 and 255 by restricting secondary suites to lots larger than 0.4 hectares in size.

CARRIED

Chair Grams, Opposed

Chair Grams stated that he opposed the motion because people who are most in need will be excluded.

11.2. Cottage Review - Staff Report

A/Planner 2 Farris provided information from the staff report.

Trustees discussed the following:

- Islands Trust not regulating land ownership;
- Strata conversion and subdivision process;
- Permitted cottage size and height;
- Cottages being accessory to principal dwelling use;
- Possible Official Community Plan (OCP) amendments.

GL-2015-062

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee directs staff to amend Draft Bylaw No. 243 so that it retains cottages being accessory to principal dwelling use.

CARRIED

11.3. Land Use Bylaw (LUB) Technical Amendment Bylaw 250 – Memo

A/Planner 2 Farris provided information from the staff report.

GL-2015-063

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee amends Proposed Bylaw No. 250, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2015", by deleting the sentence reading "deleting 'The setback to the sea does not apply to public bodies constructing public accesses on public land owned or operated by that body on a dedicated highway or other public access' and" and that Proposed Bylaw No. 250, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2015" be adopted as amended.

CARRIED

12. REPORTS

12.1. Work Program Reports

12.1.1. Top Priorities Report Dated June 2015

Provided for information

12.1.2. Projects List Report Dated June 2015

Provided for information

12.2. Applications Report Dated June 2015

Regional Planning Manager (RPM) Kojima provided information from the report noting that the Landworks Consultants and the Keefer covenant are almost complete. He also commented that the Galiano Land and Community Housing Trust (GLCHT) is on track and process is being followed.

12.3. Trustee and Local Expense Report

none

12.4. Adopted Policies and Standing Resolutions

Provided for information

12.5. Local Trust Committee Webpage

The Galiano Island Local Trust Committee webpage can be found at: www.islandstrust.bc.ca/galiano. No specific updates were made and routine items will be updated as necessary.

By general consent it was agreed that item 12.7 would be addressed prior to item 12.6.

12.7. Trustee Report

Trustee Pottle reported that: she has attended many meetings, including one with the Southern Gulf Islands Harbours Commission (SGHC); she attended Trust Council (TC) on Galiano from June 23-25, 2015; TC included a session with BC Ferries Mike Corrigan, President and Chief Executive Officer (CEO) and Deborah Marshall, Director Media Relations; she was concerned at first about taking time at TC to discuss an Islands Trust vision statement but now agrees that it was a positive exercise; she has talked with many people regarding the Rogers Cell Tower Proposal and where that stands with Industry Canada, including whether or not Rogers will reply at all; there is public interest regarding Galiano's Telecommunications Strategy; and she has been attending to regular business and office hours.

Trustee Harris reported that: Industry Canada/Canadian Radio-television and Telecommunications Commission (CRTC) turned down a Connecting Canadians application by Beacon Wireless and Vancity, resulting in Peter Midgley and Beacon Wireless now taking the application to the Provincial Government; TC was great and included a visit to the Galiano Learning Centre, which was excellent; many islands don't have as much public land as Galiano has; Linda Adams, Chief Administrative Officer (CAO) is retiring at the end of 2015; the Salt Spring Island (Salt Spring) municipality study has huge implications and the Islands Trust needs a plan in place in case Salt Spring does vote to become a municipality, including what alternatives there are to staffing; there was lots of support for Tour des Iles, which took place on June 18-21, 2015 and ferried a total of 1,900 passengers; and at TC he presented the BC Ferries CEO with a Tour des Iles t-shirt in addition to asking for future funding.

12.6. Chair's Report

Chair Grams reported that at Trust Council, the BC Ferries CEO committed to providing seed money for the Tour des Iles; additional communities with government docks, such as Sidney, BC and the San Juan Islands, should be invited to participate in the Tour des Iles next year; a Salt Spring municipality report, due in September 2015, will provide information regarding tax revenue if Salt Spring were to become a municipality; if Salt Spring became a municipality it wouldn't mean that Salt Spring would leaving the Islands Trust but it would mean that Salt Spring would provide its own planning staff and keep its own tax revenue; if Salt Spring became a municipality, an adaptation plan would be needed and there would be a three year transition period; if there is a Salt Spring municipality referendum, then it would take place in Spring 2016; impact on peoples taxes will be a significant determinant to Salt Spring incorporation; at TC, it was decided that a vision statement is needed in addition to the Islands Trust mandate and, in relation to the Strategic Plan, the Trust Area ecological footprint must be reduced; a hiring committee is working hard to fill the CAO position so that there will be a two to three month orientation/learning overlap with current CAO Linda Adams; the Integrated Water Management Plan for Salt Springs St. Mary's lake is ongoing, in an effort to discover why it is depleting; and water management is a top priority and must include rainwater harvesting.

12.8. Trust Fund Board Report Dated May 2015

Provided for information

13. NEW BUSINESS

13.1. Strategic Plan Input – Phase 2 – RFD & Attachments

Chair Grams provided information from the Request For Decision (RFD).

Trustees discussed the following:

- Vision Statement and Islands Trust Policy Statement;
- Preserving and protecting for a reason;
- Next steps and reducing the ecological footprint;
- Concern regarding language in the Southern Gulf Islands Economic Development Commission (EDC) minutes, pertaining to repurposing the Islands Trust;
- Land use decisions in relation to economies;
- Fostering an environment whereby the right businesses for our area can be initiated, grow and flourish.

GL-2015-064

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee requests staff to complete Attachment 3, based on the Local Trust Committee's work program, and forward it to the Chief Administrative Officer by August 7, 2015.

CARRIED

14. UPCOMING MEETINGS

14.1. Next Regular Meeting Scheduled for September 14, 2015 at the North Galiano Community Hall

The meeting is scheduled as stated.

15. TOWN HALL

Debbie Holmes stated support for a “reduce our ecological footprint” objective and integrating forestry into our communities. She commented that she heard if Salt Spring does incorporate, then it would result in an increase in property taxes of \$60-80.

Tom Hennessy stated that he enjoyed listening to Chair Grams today and is glad that Chair Grams is Galiano’s Alternate Chair. He stated support for a “preserving communities, culture and environment” objective.

Bowie Keefer stated support for the Tour des Iles, transit, trail networks, bike lanes and an interisland economy.

There was some discussion regarding Tour des Iles funding, operating costs and supporting partners.

Sheila Anderson stated support for internet connectivity, an interisland economy, non-tourism economic development ideas, the Tour des Iles and Saanich being included in the Tour des Iles.

Alt/Chair Grams commented that he doesn’t believe in a growth based economy and is a member of the Post Growth Institute (<http://postgrowth.org>), which aims to create global prosperity without economic growth.

Akasha Forest stated support for solar and renewable energies, water resources management, connecting the islands, the Tour des Iles, a knowledge based non-tourism economy and being a model for other communities.

Louise Decario stated support for the Islands Trust “preserve and protect” mandate. She commented that Galiano has changed in the past 40 years (i.e.: Galiano now has a Community Health Centre, market area etc.) and that economic development can be done without ruining communities.

Alt/Chair Grams commented that constructive criticism of the Trust is to be welcome as it is one of the vehicles that allows the Trust to analyze and improve how it fulfills its mandate and serves our communities.

Roger Pettit stated support for density trading and the Islands Trust being an enabler of farming.

Tom Hennessy stated that Galiano Land and Community Housing Trust is a green affordable housing project and hopes to be a model for other rural communities.

Debbie Holmes stated that change is possible and referenced bylaws from 11 years ago, relating to an increase in accessory buildings.

Bowie Keefer stated support for the movement of people without cars.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:55 pm.

George Grams, Alternate Chair

Certified Correct:

David Millership, Recorder



Galiano Island Local Trust Committee Public Hearing Record

Date: July 6, 2015
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

Members Present: George Grams, Alternate Chair
Sandy Pottle, Local Trustee
George Harris, Local Trustee

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

Regrets: Laura Busheikin, Chair

Members of the Public and Media Present: There were approximately 15 members of the public present and no members of the media

Alternate Chair (Alt/Chair) George Grams called the meeting to order at 1:12 pm and stated Chair Laura Busheikin sends regrets.

Alt/Chair Grams gave notice and stated Public Hearing (PH) meeting rules and guidelines.

5.1.1 Bylaw Nos. 251 & 252

Acting Planner 2 (A/Planner 2) Farris provided information and stated that in general terms, the purpose of Proposed Bylaw No. 252 is to amend Galiano Island Official Community Plan Bylaw No.108, 1995, Schedule B (Land Use Designations) in order to re-designate the lands legally described as Lot 1, Block 9, District Lot 5, Galiano Island, Cowichan District, Plan 1974 from Rural (R) to Nature Protection (NP). She stated that in general terms, the purpose of Proposed Bylaw No. 251 is to amend Galiano Island Land Use Bylaw No. 127, 1999, Schedule B (Zoning Map) in order to rezone the lands legally described as Lot 1, Block 9, District Lot 5, Galiano Island, Cowichan District, Plan 1974 from Rural 2 (R2) to Nature Protection (NP).

A/Planner 2 Farris outlined meeting procedures regarding public submissions whereby all written submissions are welcomed and must be received before the public hearing is closed.

A/Planner 2 Farris stated that it is standard procedure for written referral comments and written submissions from the public, if received, to be stored in a public submissions binder that is available for the public to read at any time upon request.

A/Planner 2 Farris stated that the public hearing notice was published according to statutory requirements and was published in the Driftwood newspaper on

June 24, 2015 and June 30, 2015 delivered to neighbouring properties, and posted on island bulletin boards.

A/Planner 2 Farris stated that upon referral of Proposed Bylaw Nos. 251 and 252 the following agency responses were received: Mayne Island Local Trust Committee (LTC), Thetis Island LTC and Salt Spring Island LTC stated interests unaffected; Ministry of Forest Lands and Natural Resource Operations (FLNRO) stated approval; Ministry of Transportation and Infrastructure (MoTI) stated no objections; and Islands Trust Fund Board stated approval.

A/Planner 2 Farris stated that no written submissions from the public were received.

Alt/Chair Grams invited the public to make comment.

Elizabeth McClelland stated that: her mother's conservation wishes are being realized; the property is 16 acres in size and is an incredible source of water; the ecosystem, plants and wildlife will benefit; the property is not intended for recreational use and all development potential is gone; and she is grateful to the Galiano Conservancy Association and the Islands Trust.

Trustee Pottle commented that the property and lake are spectacular and home to many eagles.

Debbie Holmes asked if the McClelland's are acknowledged in the covenant.

Ken Millard spoke on behalf of the Galiano Conservancy Association and responded that the McClelland's are not acknowledged in the covenant itself, due to it being a legal document, but are and will continue to be acknowledged via Galiano Conservancy Association communications.

Tom Hennessy commented that, as this amendment application for conservation is deemed successful, Crystal Mountain, which also has a goal to conserve land, should also be supported.

Alt/Chair Grams called three times for further comments from the public, there being no further comments he closed the PH.

Alt/Chair Grams declared the meeting adjourned at 1:22 pm.

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

George Grams, Alternate Chair

Certified Correct:

David Millership, Recorder



RWM From: July 06, 2015 To: September 03, 2015

Galiano Island

Resolution #	Action	Resolution Description	Resolution Date
2015-02	In Favour	THAT_Galiano Island Local Trust Committee Meeting minutes of July 6, 2015 be Adopted And THAT Galiano Island Local Trust Committee Public Hearing Record of July 6, 2015 be Received	Aug 25, 2015

**Galiano Island
Advisory Planning Commission
Minutes of a Regular Meeting**



Date of Meeting: Tuesday, June 9, 2015, 9:00am
Location: Galiano Island Local Trust Office
 23 Madrona Road

Members Present:

Sheila Anderson	Chair
Ursula Deshield	Member
Elizabeth Olson	Member
Dave Koster	Member (left at 11:30am)
Karen Harris	Member
Akasha Forest	Member

COPIED TO

☒ **PLANNER**

☒ **LTC**

☒ **DEPUTY**

SECRETARY

Regrets: Barry New

Members of the Public: Carolyn Jerome arrived at 9:00am and distributed a submission

Staff Present: Colleen Doty Recording Secretary

Media and Others Present: None

1. CALL TO ORDER

Chair Anderson called the meeting to order at 9:00am. Members reviewed the submission by Carolyn Jerome.

2. APPROVAL OF THE AGENDA

Chair Anderson proposed the agenda include: 1) approval of previous draft minutes of June 2, 2015; 2); conclusion of the discussion with respect to the secondary suites referral; and 3) and consideration of the referral with respect to cottage size.

By general consent, the agenda was approved as presented.

3. PREVIOUS MINUTES

MOTION

It was moved and seconded that the Galiano Island Advisory Planning Commission draft minutes of June 2, 2015, be adopted.

CARRIED
(Unanimous)

4. DISCUSSION OF REFERRALS FROM LOCAL TRUST COMMITTEE

The Chair asked whether there were any further comments with respect to secondary suites. The Chair referred to Salt Spring Island's regulations respecting water and how, in addition to restricting lot sizes, one cannot build a secondary suite unless one can prove there is enough potable water available for a secondary suite.

The Advisory Planning Committee (APC) discussed how it would be helpful to have the numbers of secondary suites, those currently known, and those potentially built in addition to cottages with this proposed draft bylaw. Lot size needs to be clarified in the draft bylaw and how, if there is a cottage and a secondary suite then there must a minimum of 4 hectares. There was much discussion with how to protect maximum allowable density on larger lots zoned for densities below 4 hectares. The public needs more information as to the current housing data for Galiano. Concern was expressed that until there is more detailed information as to what could be developed to the maximum, then the Local Trust Committee (LTC) should not proceed with allowing secondary suites in addition to cottages in any residential zones.

There was extensive discussion around how affordability could be protected with proposed changes.

With consideration to the suggestions the APC already has already put forward (see Adopted APC minutes of 2 June, 2015), the APC recommends that more information is required before the draft bylaw is developed further

MOTION

It was moved and seconded that, while the Advisory Planning Commission is very supportive of providing options for affordable housing, it recommends that the Local Trust Committee and the public be provided further detailed information on:

- 1) Existing lots, lot sizes and zones on the island, and potential density build-out;
- 2) How the ground water and waste-related provisions of this draft bylaw integrate with the *Water Sustainability Act* and existing ground water and waste-related reports and data;
- 3) Specifics around the water cistern with respect to achieving desired goals. The proposed bylaw is prescriptive for anyone who wants to develop a secondary suite in any zone but more details are required.

CARRIED
(Unanimous)

MOTION

It was moved and seconded that the Advisory Planning Commission would like the Local Trust Committee to consider the other recommendations as per the motions from the meeting of June 2nd, 2015, summarized as follows:

- 1) That the agricultural zones be referenced in draft section 2.28;
- 2) That secondary suites should be restricted on lots smaller than 0.4 hectares (ha), similar to the restriction on cottages;
- 3) That clarification be provided as to how maximum allowable density will be protected;

ADOPTED

- 4) That clarification be provided as to the reference to 40% in draft section 2.28.3;
- 5) That clarification be provided on the catchment system being used for the secondary dwelling and whether the cistern would need to be treated for potability;
- 6) That home occupations should follow the Land Use Bylaw, except that no non-residential employees should be permitted;
- 7) That the language describing each zone in the Land Use Bylaw be amended appropriately to "one cottage OR one secondary suite but not both...on each lot having an area of 0.4 ha or more."

CARRIED
(Unanimous)

The APC then discussed the cottage size review.

The group considered the submission by Carolyn Jerome concerning perceived conflicts of interest.

Member Harris noted that she owns a cottage share on a corporate property and also owns a property in fee simple that has a cottage on it. She indicated that, at some point in the future, she and Trustee Harris will probably list their properties for sale.

Member Deshield noted that, in her situation, she is not able to sell her share in the corporate holding without approval of its board.

Member Koster noted that he has no conflict of interest.

Chair Anderson reported owning property zoned to have a cottage if they chose to build one.

MOTION

It was moved and seconded that the Advisory Planning Commission support the proposed amendment to change the height limitation of cottages to 9m.

CARRIED
(Unanimous)

There was much discussion around affordability and consideration was given to implications for water use.

There was concern about allowing development on the basis of rainwater collection alone.

There was general agreement that development needs to be connected to the availability and quality of ground water.

Because Member Koster had to leave the meeting early, he stated that he had no concerns with increasing the maximum floor area of the cottages to 70m² as long as it was restricted to lot size and he indicated support for either a 1.2 ha or larger limit. With respect to his views on changing the language of "accessory building and structures" to "cottages", he indicated that more clarification was required about the rationale for proposing to change the wording.

Member Koster then left the meeting at 11:30am.

ADOPTED

Reference was made to APC minutes of July 2013 where maximum floor size of cottages was previously considered.

MOTION

It was moved and seconded that the Advisory Planning Commission recommends a precautionary approach be taken with respect to increasing the maximum floor size of cottages, leaving the present 60m² on lots of 0.4 ha to the upper lot size limit of 2 ha.

CARRIED

(Four members in favour; 2 in favour of an upper limit of 1.2 ha instead of 2 ha.)

MOTION

It was moved and seconded that the Advisory Planning Commission recommends that the Local Trust Commission apply a consistent approach with respect to water and waste provisions for both secondary suites AND cottages in all zones where they are permitted.

CARRIED

(Unanimous)

The APC all agreed they wished to review the groundwater studies and the data that has been collected to date by the Trust.

With respect to the proposed changes to the technical definition of a cottage, the APC discussed the need for further clarification as to why the new language and definitions are being proposed. It was agreed by all that a fuller analysis was required. There were questions as to what happens to density when one untethers an accessory building from a house/main dwelling and defines it only as a cottage. Does a change in language impact water resources? And lastly, what are the legal implications for revising the language and definitions?

6. NEXT MEETING DATE

n/a

7. ADJOURNMENT

Meeting adjourned at 12:00pm


CHAIR


DATE

CERTIFIED CORRECT:


Colleen Doty, Recording Secretary

ADOPTED

**Galiano Island
Advisory Planning Commission
Minutes of a Regular Meeting**



Date of Meeting: Monday, June 29, 2015, 2:00pm
Location: Galiano Island Local Trust Office
23 Madrona Road

Members Present:

Sheila Anderson	Chair
Ursula Deshield	Member
Elizabeth Olson	Member
Dave Koster	Member
Akasha Forest	Member
Barry New	Member

COPIED TO

☒ PLANNER
☒ LTC
☒ LC

Regrets: Karen Harris

Members of the Public: Five members of the public were present.

Staff Present: Colleen Doty Recording Secretary

Media and Others Present: None

1. CALL TO ORDER

Chair Anderson called the meeting to order at 2:00pm. The Chair welcomed the applicants representing Crystal Mountain and introductions were made.

2. APPROVAL OF THE AGENDA

Chair Anderson proposed the agenda include: 1) approval of previous draft minutes of June 9, 2015; 2); consideration of the application with respect to Crystal Mountain application; and 3) and consideration of the referral with respect to Contractors' Yard Temporary Use guidelines.

By general consent, the agenda was approved as presented.

3. PREVIOUS MINUTES

MOTION

It was moved and seconded that the Galiano Island Advisory Planning Commission draft minutes of June 9, 2015, be adopted.

CARRIED
(Unanimous)

4. DISCUSSION OF REFERRALS FROM LOCAL TRUST COMMITTEE

Stephen Foster, Libby McLelland, Janice Oakley and Kim Lenglet were present on behalf of the applicant Crystal Mountain Society. They provided an overview of the background and objectives of the Crystal Mountain Society.

Key points were referenced in Keith Erickson's report, entitled "Crystal Mountain Ecosystem-based Land-use Plan," revised April 2014. In particular, it was noted Crystal Mountain has some of the highest ecosystem diversity on Galiano. The Society's intention is one of restoration. Their proposal is to have a conservation covenant on 75% of their land. APC members were invited to see the land.

It was noted that the Islands Trust Fund has been approached to manage the covenant. Mr. Foster emphasized that Crystal Mountain is not interested in ownership. Their preference is for a strong covenant.

Ms. Oakley spoke to her experience at Crystal Mountain, indicating that it was very moving. She'd like the teaching to remain accessible to others.

Ms. Lenglet spoke to diversity. She stated that former forestry land going to Crystal Mountain provides a unique community interest and preserves biodiversity.

The applicants were asked the extent to which they might expect large group gatherings on the property.

The applicants indicated that there could be up to 25 people in the area "below" and five people "up top".

The Chair reminded everyone that the goal of the referral was to identify how the Crystal Mountain application fits within Galiano Island's Land Use Bylaw (LUB) and Official Community Plan (OCP) and what the APC thinks an approach might be and what might be considered.

It was noted by the applicants that the proposed retreat would be off-grid.

The APC then moved to deliberations with continued input from applicants as questions arose. The Chair noted that not enough information has been provided with respect to access to and from the property. She acknowledged the applicant's willingness to adhere to the Road Network Plan's (Schedule C of the OCP) proposed emergency route for the Devina Road residential area and noted there is flexibility in terms of route placement. With respect to the impact on surrounding residential lands, it was noted the neighbours will have an opportunity to comment. There was discussion about proposed density on the property being greater, compared to what it could be if developed area was 25 % Rural Residential (RR) with 75 % going to Heritage Forest (FH) . It was noted the Trust Fund Board policy allows them to hold title to Heritage Forest.

Covenant versus land title transfer was identified as a significant issue. Concern was expressed with respect to equity of approach to F1 re-zonings.

Commission members stressed the importance of access and maintaining a safe standard of access. Mr. Foster noted that it was important to the Society that the purpose of using the land be protected. He stated that Crystal Mountain is a non-profit and that zoning bylaws

ADOPTED

cannot control ownership. He indicated that the Society was open to being partners with a title holder if the land was transferred and perhaps the Society could lease-back land for the retreat use. It was also receptive to having a partnership arrangement that allows the organization to contribute to what the Trust Fund are trying to do.

APC members noted a lack of information about water storage and capacity. Mr. Foster indicated there are three wells on the property. A generator drives the well which is gravity fed.

The APC considered possible restraints around creating a forest retreat zone.

Commission members reviewed the Nov. 1, 2010 "Report of the Forest Policy Advisory Committee," part of the OCP review, noting the following paragraphs:

- There was also broad agreement that any dwelling use on forest zoned lands must be accessory to forest use, and the LTC must seek methods to require or encourage the practice of Ecosystem-Based Sustainable Forest Management. There was substantial agreement that dwelling use must adhere to a rigorous set of conditions that protect sensitive areas and ensure orderly development reflecting the broad public interest. We achieved substantial agreement on what those conditions should be, in several cases unanimously, with disagreements noted.
- We also agree that the LTC should require, whenever possible, maintenance of large forest areas, and discourage subdivision to less than 50 acres (20 hectares) We are in substantial agreement that subdivision of less than 50 acres (20 hectares) should only be permitted through a process of community benefit, with the benefit of greatest value being donation of land for community forest, wilderness preserve or park (p.4).

There was further discussion with respect to the easement access routes to the property. It was reported by the applicants that the easement route being used to access the proposed long term retreat area from Cook Road varies from the route surveyed in that easement agreement.

Another area requiring further information was with respect to watershed management.

There was discussion about needing more information on some areas, one in particular being the transfer of title.

It was suggested the APC look at examples for Retreat Zones in Denman and Salt Spring OCPs and LUBs.

The APC was interested in further exploration into the details of how the Trust Fund Board would treat the land. How would the Board ensure that the Society's management plan would carry on? Members agreed it would be helpful to get more information on all the possible ways as to how the land could be held. What are the policies of the Trust Fund Board and how easily could they be changed?

ADOPTED

MOTION

The Galiano Island Advisory Planning Committee recommends that the Local Trust Committee work with the Trust Fund Board to produce, in writing, options that can be considered to make the transfer of title to the trust fund board to provide the necessary privacy for the applicant that is integral for their project while providing the community benefit, as required in the OCP.

CARRIED
(Unanimous)

6. NEXT MEETING DATE

Friday morning, July 3, 11:30am.

7. ADJOURNMENT

Meeting adjourned at 1:15pm.



CHAIR



DATE

CERTIFIED CORRECT:



Colleen Doty, Recording Secretary

**Galiano Island
Advisory Planning Commission
Minutes of a Regular Meeting**



Date of Meeting: Friday, July 3, 2015, 11:30
Location: Galiano Island Local Trust Office
 23 Madrona Road

COPIED TO

Members Present:

Sheila Anderson	Chair
Ursula Deshield	Member
Elizabeth Olson	Member
Dave Koster	Member (left at 1:20pm)
Akasha Forest	Member
Barry New	Member

☒ PLANNER☒ LTC☒ LC

Regrets: Karen Harris Member

Members of the Public: Two members of the public were present.

Staff Present: Colleen Doty Recording Secretary

Media and Others Present: None

1. CALL TO ORDER

Chair Anderson called the meeting to order at 11:30am.

2. APPROVAL OF THE AGENDA

Chair Anderson proposed the agenda include: 1) discussion of the Staff Report within the July 6 2015 LTC Agenda dated June 25 on Secondary Suites from Robert Kojima; 2) continued consideration of the application with respect to Crystal Mountain application; and 3) and consideration of the referral with respect to Contractors' Yard Temporary Use guidelines.

By general consent, the agenda was approved as presented.

3. DISCUSSION OF STAFF REPORT OF JUNE 25, 2015

The Advisory Planning Commission (APC) reviewed the Staff Report of June 25, 2015, concerning the Secondary Suite Review. Members wished to clarify the reasoning behind their recommendations in the Adopted APC minutes of June 2, 2015.

ADOPTED

MOTION

The APC requests the Secretary to draft a table with APC recommendations on secondary suites and cottages describing reasons for the recommendations to provide clarity to LTC and staff on intended meaning.

CARRIED
(Unanimous)

The following table was created as per resolution above to represent APC members' comments.

APC Resolution/ Recommendation	Discussion	Recommended Outcome
From June 2 nd APC Meeting:		
That the provisions for secondary suites referenced in Bylaw 255, 1a) 2.28 should apply to both Part 5 and Part 6 of the LUB.	Presumed to be a typo, but provisions should apply to AG zone as well as residential	That bylaw 255 be amended to refer to Part 5 and Part 6 of the LUB.
That secondary suites should be restricted on lots smaller than 0.4 hectares, similar to the restriction on cottages.	Concern over water shortages was the primary reason behind the APC's recommendations. Water consumption from a suite would be similar to that from a cottage and this draft grants rights for suites where cottages have been denied. Cistern provision does not necessarily ensure groundwater consumption will not be increased. There are some very water-stressed lots within the small acreages. APC members felt that a precautionary approach should apply. Eg. Saltwater intrusion is irreversible. Salt Spring Island's secondary suite allowance seemed more cautious and site specific Draft bylaws do not respect watershed planning. Kohut and Johansen in 1998 mapped the areas of Schedule C, shaded areas on LUB. Waterline report was 2011.	Proceed with bylaw that allows either a cottage or a suite on residential lots larger than 0.4 hectares and one suite per AG lot to provide options but not excessively increase density or intensity beyond what is currently permitted by OCP and LUB.
That the Advisory Planning Commission seeks clarification with respect to the phrase "one secondary suite per lot"	Concern that if both cottage and suite were permitted it could create non-conformity in future if built on lots 4 hectares or larger but zoned for higher density /smaller lot size, then subsequently subdivided. Concern about interpretation in cases of corporate coop holdings.	Remove provisions for both a suite and a cottage on any lots. And ensure only one suite permitted per lot over 0.4 hectares even if density allows additional dwellings.

ADOPTED

APC Resolution/ Recommendation	Discussion	Recommended Outcome
Proposed changes to the technical definition of a cottage	Not part of the project description put forward by LTC. Fuller analysis of why this is being proposed by Staff, and its potential impact. What happens to density when one untethers cottages. If accessory requirement removed it could encourage sale of cottage shares and increase footprint on a lot due to separate well, power lines, driveways etc.. This was not identified in recent OCP and LUB review as a needed change. Galiano is not the only island using accessory to describe cottages. Encourages or makes easier corporate share divisions where cottages free standing dwellings. No public record of need for this change. What are the legal implications? What are the Bylaw enforcement implications?	Amend draft bylaw by removing all portions relating to change of cottage definition as accessory.
2.28.3, why it is necessary to have reference to 40% if there is already a reference to 60m2?	No explanation as to why in Staff reports	Information should be made available to LTC and community as to rationale. Staff explained in June 25 Report.
2.28.6, need clarification on the catchment system required for the secondary suites and whether the cistern would need to be treated for potability.	Reported that in phone conversation with planner Chair learned that NOT intended to be potable. Once cistern in place what guarantees it will be used? Rainwater is scarce for many months of year and seems like a poor basis for increased density. Cisterns filled from groundwater wells do nothing to reduce consumption of groundwater. Just even out demand.	Greater transparency in regards to this requirement. And what ensures it will effectively reduce groundwater consumption.
That home occupations in secondary suites should follow the Land Use Bylaw, except that no non-residential employees should be permitted	The APC felt existing bylaws on Home Occupations were clear already Why is the reference to Mayne relevant?	Change bylaw to restrict non-resident employees in home occupations in secondary suites.

ADOPTED

APC Resolution/ Recommendation	Discussion	Recommended Outcome
That in each residential zone a provision should be included in the permitted density provisions to limit secondary suites to lots greater than 0.4 hectares in each zone. It is recommended that the language be amended to: "One cottage OR one secondary suite but not both" permitted on each lot having an area of 0.4 hectares or more in respect of each permitted dwelling, to each zone outlined in the Land Use Bylaw: 5.1.3, 5.2.3, 5.3.5, 5.4.3, 5.5.3, 5.6.3	Seemed clearer to list in each residential zone rather than just in a general provision.	Consider how, in addition to general provisions of 2.28, to include in each applicable LUB residential zone wording to indicate one cottage or one secondary suite permitted per lot over 0.4.
That under 6.1 of the Land Use Bylaw 127, 1999 - Permitted Density, a secondary suite should be permitted	Seemed clearer to list allowance for a suite in the AG zone.	In addition to 2.28 list in AG zone that one secondary suite per lot over .4 h. is permitted.
From June 9 th APC Meeting:		
...while the Advisory Planning Commission is very supportive of providing options for affordable housing, it recommends that the Local Trust Committee and the public be provided further detailed information	Concern that LTC and community being asked to agree to a density increase with no information about how much of an increase it would be While there is information in Staff Reports about number of lots in various zones, information about lot size, how many smaller than .4 and how many 4 h. and up in residential zones in order to show what the increase would be if this bylaw was approved. The APC is not looking for more analysis, but rather, seeks further data.	The APC would like to receive some information with respect to: 1) Existing lots, lot sizes and zones on the island, and potential density build-out; 2) How the ground water and waste-related provisions of this draft bylaw integrate with the <i>Water Sustainability Act</i> and existing ground water and waste-related reports and data; 3) Specifics around the water cistern with respect to achieving desired goals. The proposed bylaw is prescriptive for anyone who wants to develop a secondary suite in any zone but more details are required.
From July 3 rd APC Meeting		
	The concern is that LTC and the community members have all the data before them in order to make informed decisions.	That information with respect to the APC's concerns be provided before any bylaw is taken to first reading.

4. DISCUSSION OF REFERRALS FROM LOCAL TRUST COMMITTEE

A) Crystal Mountain Application

Kim Lenglet and Janice Oakley were present for the applicant Crystal Mountain.

ADOPTED

Although most of the items requested of the applicant have been provided, APC members felt more information was required on:

- Easements, details, provisions and location of, and likely impact on surrounding lands
- Mapping details of the wells' location
- Options available to the applicants with respect to the transfer of land and how the land will be managed in the future
- Structures that may be removed

However, as the APC was being asked for an initial opinion, they could be supportive of the nine criteria established by the LTC as per GL-2015-002. There was consensus that the nine points were important and worthwhile, although concern was raised about point 7 below being antithetical to the idea of a retreat. The nine criteria:

- 1) Submit a survey regarding the proposed building sites, accesses and Development Permit Areas and the location and size of all existing structures
- 2) Indicate whether or not existing structures will be removed or will remain
- 3) Indicate whether any of the proposed huts will have cooking facilities
- 4) Indicate whether the outhouses will consist of composting toilets or another system
- 5) Submit plans to implement the recommendations of the environmental assessment
- 6) Consider an amendment to the application to transfer title of the proposed covenanted lands to an organization which has as its primary objective the conservation of forest land
- 7) Consider a plan that would cluster development in one building site, not the three that have been proposed
- 8) Provide the LTC with a copy of the two CRD covenants on the land regarding geotechnical issues and Riparian area issues
- 9) Consider an agreement to stop construction until completion of the application and to stop advertising and conducting programs within structures that are not permitted under the zoning that presently exists on the land

Specifically, the APC noted the following:

- 1) Well locations added to this point and required details on easements should be given to the LTC and APC.
- 2-5) Agree with request being fulfilled before draft bylaws
- 6) Agree
- 7) Agree, but with a concern noted that clustering might be antithetical to the concept of the retreat
- 8) Agree and hopefully in hand
- 9) Agree

There was discussion with respect to Temporary Use Permits as a way of managing use of land.

MOTION

ADOPTED

The APC are supportive of the nine criteria established by the LTC as per GL-2015-002, and listed here again as follows:

- 1) Submit a survey regarding the proposed building sites, accesses and Development Permit Areas and the location and size of all existing structures
- 2) Indicate whether or not existing structures will be removed or will remain
- 3) Indicate whether any of the proposed huts will have cooking facilities
- 4) Indicate whether the outhouses will consist of composting toilets or another system
- 5) Submit plans to implement the recommendations of the environmental assessment
- 6) Consider an amendment to the application to transfer title of the proposed covenanted lands to an organization which has as its primary objective the conservation of forest land
- 7) Consider a plan that would cluster development in one building site, not the three that have been proposed
- 8) Provide the LTC with a copy of the two CRD covenants on the land regarding geotechnical issues and Riparian area issues
- 9) Consider an agreement to stop construction until completion of the application and to stop advertising and conducting programs within structures that are not permitted under the zoning that presently exists on the land

CARRIED
(Unanimous)

MOTION

In addition to the nine points in GL-2015-002, the APC thinks:

- 1) accurate well details (location, quality, quantity) should be added to the mapping;
- 2) all of the actual easement agreements on private land either in use currently or proposed for retreat access should be provided to the LTC.

CARRIED
(Unanimous)

B) Home-Based Contractor Yards Project

APC members discussed the recent LTC referral.

Members discussed the benefits and constraints of Temporary Use Permits (TUP) and the one permitted renewal, which allows for six years of operation, after which time one must reapply for another TUP or rezone. The TUP may be considered a trial, is less costly for the individual, provides a mechanism for neighbours to comment, and serves to facilitate rezoning. It is up to the private individual/operator, not the Local Trust Committee, to take the initiative in seeking a TUP.

Members discussed the need to add some measures to protect the groundwater and environment from spills of chemicals and other byproducts of the industry when applicable.

Members agreed to continue this discussion at the next meeting.

ADOPTED

6. NEXT MEETING DATE

Subsequently set for Thursday, July 16, 2015 at 10:15am at the LTC office.

7. ADJOURNMENT

Meeting adjourned at 1:30pm.



CHAIR



DATE

CERTIFIED CORRECT:



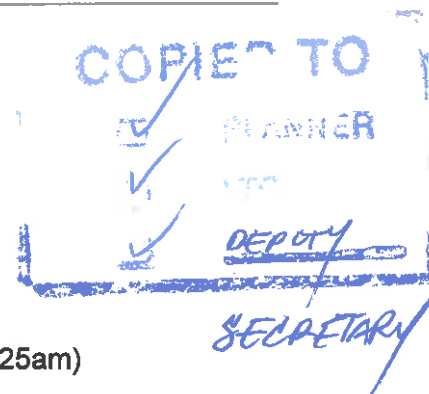
Colleen Doty, Recording Secretary

**Galiano Island
Advisory Planning Commission
Minutes of a Regular Meeting**

Date of Meeting: Friday, July 16, 2015, 10:15am
Location: Galiano Island Local Trust Office
 23 Madrona Road

Members Present:

Sheila Anderson	Chair
Ursula Deshield	Member
Elizabeth Olson	Member
Dave Koster	Member
Karen Harris	Member
Barry New	Member (left at 11:25am)

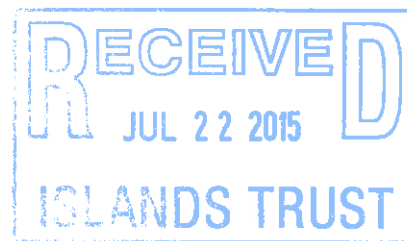


Regrets: Akasha Forest Member

Members of the Public: No members of the public were present.

Staff Present: Colleen Doty Recording Secretary

Media and Others Present: None



1. CALL TO ORDER

Chair Anderson called the meeting to order at 10:15am.

2. APPROVAL OF THE AGENDA

Chair Anderson proposed the agenda include: 1) Approval of minutes from June 29, 2015 and July 3, 2015; 2) consideration of the referral with respect to Home-Based Contractor Yards Project; 3) discussion of any further comments with respect to Crystal Mountain.

By general consent, the agenda was approved as presented.

The Chair reported that, at its meeting of July 6, 2015, the Local Trust Committee discussed the secondary suites and cottage review project and measures taken with respect to this referral.

3. PREVIOUS MINUTES

MOTION

The Galiano Island Advisory Planning Commission (APC) approved the draft July 3 minutes as amended.

CARRIED
Unanimous

MOTION

The Galiano Island Advisory Planning Committee approved the draft minutes of June 29th.

CARRIED
Unanimous

4. DISCUSSION OF LTC REFERRAL: Home-Based Contractor Yards Project

APC members discussed the recent LTC referral.

It was noted that a provision could be added in a Temporary Use Permit (TUP) to address spill catchment in order to protect groundwater and the environment.

With reference to the proposed draft Bylaw No. 253 amending Bylaw No. 108 the APC discussed the height of accessory buildings, and the bullet stating, "Contractor yard buildings and structures should not exceed 9 metres in height." The APC wondered whether an accessory building, specially sized up to 9 metres instead of the usual 5 metres, and potentially permanent, would be appropriate under a TUP. The group considered that, perhaps for TUPs, construction of structures greater than 5 meters should not be allowed. Individuals wishing to create permanent structures could apply for rezoning. Some members considered that building height for buildings and structures for industrial use should not exceed height limitations of the non-industrial zone in which activity would be occurring.

There was discussion about the criteria that needs to be met before applying for a TUP.

The APC discussed the definition of the term "contractor" and the pressing need to clearly define "contractor" and the type of uses that would require a TUP if the intent of the draft bylaw is to affect more industrial-type contractors. There was consideration of the scale and impact of various types of operations. It was felt that self-employed construction workers and garden landscapers should not reasonably be expected to take out a TUP just to store their tools and small equipment at home. The draft bylaw should be applicable to land uses on a larger scale that would otherwise require industrial zoning.

Storage of materials or equipment is addressed in the proposed definition but not the use, servicing, or sale of that equipment, or the storage of fuels. Using the term "Temporary Industrial or Commercial Use Permit" might be clearer, rather than "Contractors' Yards." The group noted the importance of delinking the bylaw definition of "contractor" from, specifically, construction and landscaping businesses.

The group reviewed Land Use Bylaw 127, 1999, consolidated Nov. 4, 2013, pages 36-37 for definitions of light industrial and forest industrial or commercial.

The APC discussed amending the Light Industrial Zone to include excavation businesses operating with more than one piece of excavating equipment.

There was discussion about setting a clear cap on Home Occupations; however, such an approach would not address properties that are not permitted dwellings.

Members compared the set-backs in residential and industrial zones, and looked at accessory building height regulations.

The APC have a concern with the draft bylaw being applied too broadly because the draft bylaw is targeting specific uses instead of *scales of use*. They considered how the definition can be changed so that it is aimed at the more industrial uses, rather than to needlessly affect self-employed individuals. It was noted that the cumulative impacts on neighbours will be considered according to this draft.

The APC discussed substituting "industrial or commercial use" anytime the draft bylaw refers to "contractor yards". The members as a group went through the draft bylaw bullets of iv), a) through e) assessing how this change could be done.

With respect to Section VII, iv c), it was noted that set-backs are greater in TUPs. There was discussion within the group about 7.5 metre versus 15 metre set-back and need to minimize impact to neighbouring residential properties.

MOTION

The Galiano Island Advisory Planning Commission recommends the proposed bylaw be amended to remove reference to and definition of "contractor yard" and insert in its place "industrial use/business", as demonstrated by the example:

- "In Section VII, iv c)...the permit may include the following conditions:
- No more than one **industrial use** may be conducted per lot.
- Combined floor areas of all buildings and structures for the **industrial use** should be limited.
- Lot coverage for areas used...and related to the **industrial business** should be limited"

CARRIED
Unanimous

Member Koster requested the minutes reflect his discomfort with the motion and his view there were no other options because there is no Industrial land readily available to buy or rent.

APC members felt it important to provide options that do not exist currently such as TUPs for industrial use. It was noted that self-employed tradespeople are not necessarily included within industrial use when their work is done away from home and involves only storage of small equipment that is commonly evident and typical on many rural residential properties.

MOTION

The Galiano Island Advisory Planning Commission recommends that appropriate limits be placed on Home Occupations to distinguish activities that are more appropriately deemed industrial use: these could include types of use, number of vehicles, and hours of operation.

CARRIED
Unanimous

With respect to home occupations, the APC discussed various ideas for managing scale of permitted home occupations such as limiting the number of vehicles/pieces of heavy equipment relating to a business, to perhaps three per home occupation to allow for truck, trailer and one piece of equipment that requires a trailer as a possible means of limiting scale.

6. NEXT MEETING DATE

None scheduled.

7. ADJOURNMENT

The Chair concluded the meeting at 12:35.

CHAIR

DATE

CERTIFIED CORRECT:

Colleen Doty, Recording Secretary



Follow Up Action Report w/ Target Date

Galiano Island Nov-03-2014

No.	Activity	Responsibility	Target Date	Status
1	Landworks (DL 79) 1. Proposed Bylaw 244 and 245 given third reading. DONE 2. Staff to send proposed Bylaw 244 and 245 to EC. DONE 3. Staff to send proposed Bylaw 244 to the Ministry of Community, Sport and Cultural Development (after EC approval if given). DONE 4. Draft cost recovery agreement and cost sharing for sustainable forestry covenant review - DONE	Kim Farris Sharon Lloyd-deRosario	Mar-31-2015	Done

Apr-13-2015

No.	Activity	Responsibility	Target Date	Status
2	Staff to draft pamphlet outlining STVR bylaw information.	Kim Farris Phil Testemale	Jun-26-2015	Done

Jun-01-2015

No.	Activity	Responsibility	Target Date	Status
3	Staff to mail letter and STVR pamphlet to open STVR enforcement files and advertised STVRs.	Warren Dingman Kim Farris Lori Foster	Jul-03-2015	On Going
4	Staff to mail DPA information to Galiano fire department, arborists, and contractors.	Kim Farris Lori Foster	Jul-31-2015	On Going

Jul-06-2015

No.	Activity	Responsibility	Target Date	Status
5	6.1.1 minutes of june 1, 2015 adopted as presented	Lori Foster	Jul-10-2015	Done

6	6.1.3 minutes of june 13th adopted as amended	Lori Foster	Jul-24-2015	Done
7	10.1 bylaws 251, 252 - second and third readings (DONE), referred to EC (DONE), and referred to minister	Kim Farris Sharon Lloyd-deRosario	Jul-31-2015	Done
8	11.1 secondary suites - bylaws 254, 255 staff be requested to report back with: 1. provisions for water conservation, based on salt spring 2. home occupations: same as others. except no non-resident employees 3. revise bylaw to not permit suites on lots less than 0.4 ha 4. post dwelling/zoning calculation to LTC Project website	Robert Kojima	Aug-31-2015	Done
9	11.2 - cottage amendment: staff to report back with revised bylaw that would retain cottages as accessory to principal dwellings	Kim Farris	Aug-31-2015	Done
10	11.3 land use bylaw technical amendment: adopted as amended	Kim Farris Sharon Lloyd-deRosario	Jul-20-2015	Done
11	13.1 - Trust Council strategic plan: planner requested to complete attachment 3	Kim Farris	Aug-07-2015	Done

STAFF REPORT

September 2, 2015

File No.: GL-DVP-
2015.2(Simpson)

To: Galiano Island Local Trust Committee
Regular Meeting of September 14, 2015

From: Phil Testemale, A/Planner 2

CC: Robert Kojima, Regional Planning Manager
Kim Farris, Planner 2

Re: Development Variance Application GL-DVP-2015-2

Owner: Gary Simpson and Lori McHattie

Applicant: Same

Description: Lot 25, District Lot 15, Galiano Island, Cowichan District, Plan 22765

PID: 003 165 159

Civic Address: 65 Sticks Allison Road West, Galiano Island

FINAL REPORT

THE PROPOSAL:

This report is to consider a Development Variance Permit (GL-DVP-2015.2) for setbacks from an interior side yard.

The proposal is for the siting of an existing 25.6 m² (275.6 ft²) **accessory building** (carport/toolshed) within 0.17 metres (0.65 feet) of the **interior side lot line** of the subject property.

Subsection 5.4.3.2 of Galiano Island Land Use Bylaw No. 127, 1999 states:

Buildings and structures must be sited at least 6 metres from each interior side lot line.

The intent of the variance application is to legalize an accessory building (carport/tool shed) that currently houses the electrical supply for the property. The applicant has applied for a building permit for a single family dwelling, and legalizing the siting of the accessory building will allow the electrical supply to be run from the accessory building to the new dwelling.

A copy of proposed Development Variance Permit GL-DVP-2015.2 (Simpson) is attached.

BACKGROUND:

The subject building was constructed approximately twenty (20) years ago by the previous owner of the property without a building permit. It was built within the east interior side yard setback (See: Figure Two: Site Plan) with a small portion of the roof eave encroaching on the neighbouring property. The building houses the main electrical service for the property which is connected to the utility through an underground conduit extending from a pumphouse on the front of the property to under the concrete slab of the accessory building.

The options for the owners are: Move or demolish the building; alter the building to improve the setback; or, obtain a variance for its current location.

The applicants recently purchased the property and have applied for a building permit for a single family dwelling. They propose to run the electrical service from the accessory building to the new dwelling and, in doing so, they can avoid a substantial cost of installing a new service from the road to the dwelling.

SITE CONTEXT:

The property is a 0.46 ha (1.14 acre) property located on Sticks Allison on the northern portion of the eastern side of Galiano Island. The parcel is of a similar size and use as surrounding properties with the exception of larger parcels in the same zone to the south.

The property slopes gently and uniformly from the south (rear) property line down to Sticks Allison. There is mature forest cover over a majority of the parcel with cleared areas for driveway and where the new dwelling is proposed.

The proposed building site for the new dwelling was previously occupied by a dwelling which was partially constructed, never completed and subsequently demolished. Currently, the property has a small electrical shed (pumphouse); a trailer (used as a temporary dwelling) and the accessory building that is the subject of the variance.

The area of the subject accessory building and other site characteristics are shown in the photos (below).

Figure One: Subject Property

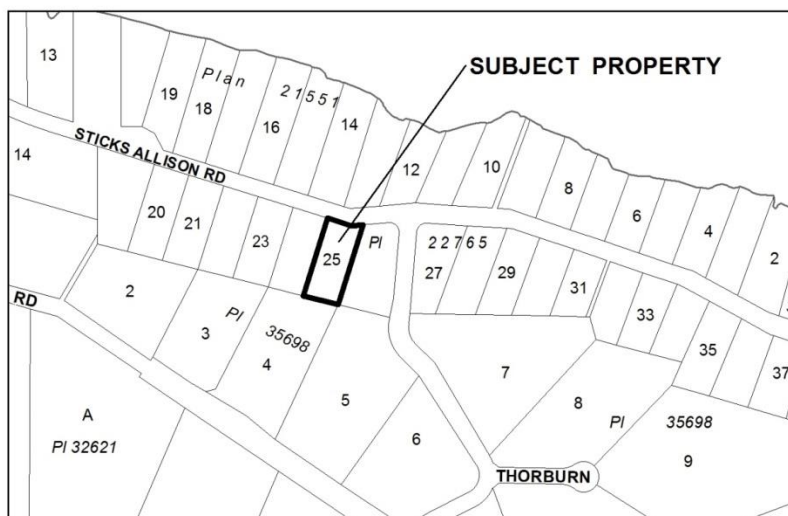


Figure Two: Site Plan

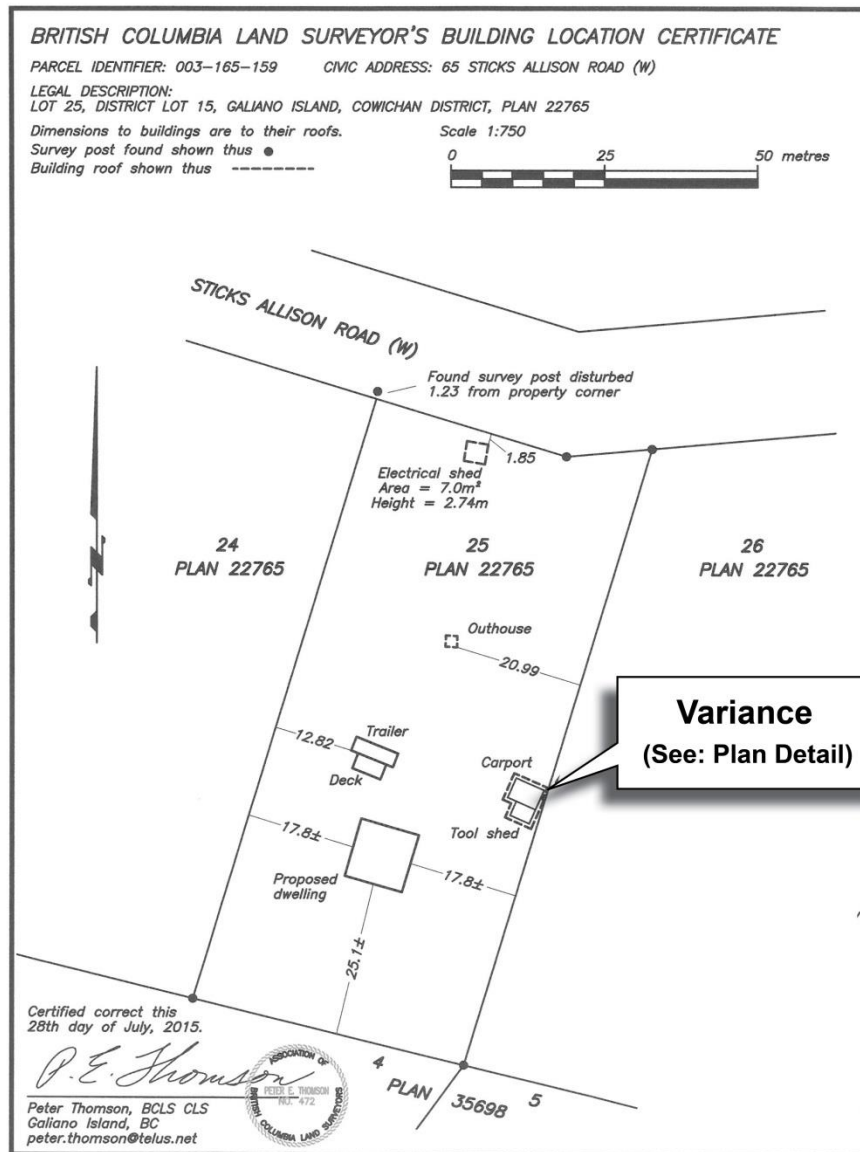
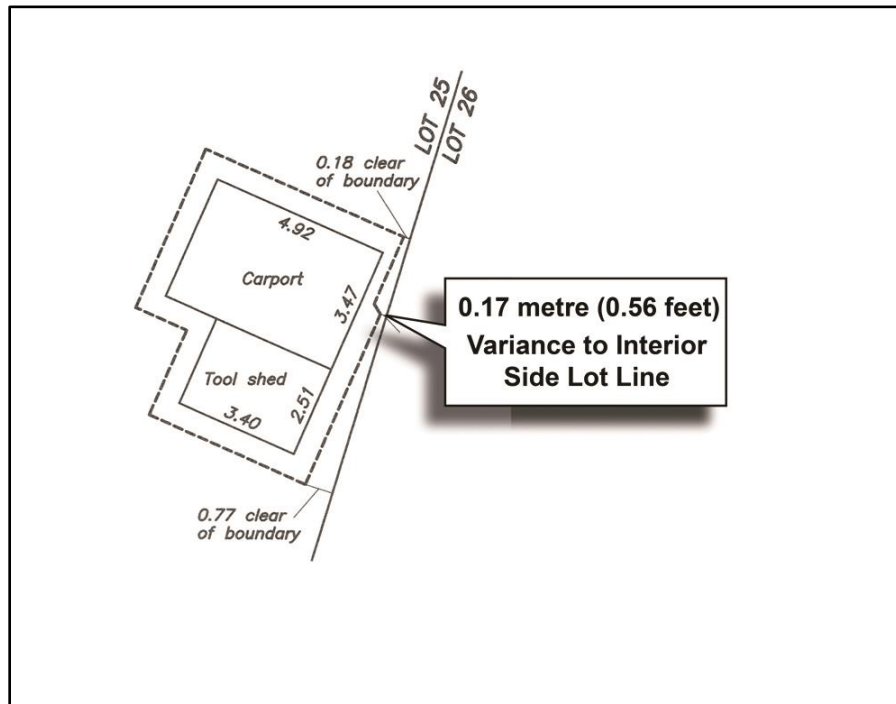


Figure Three: Plan Detail (nts)



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 **Rural Residential (RR)** in the Galiano Island Official Community Plan Bylaw 108, 1995

Development Permit Area 5 – Sensitive Ecosystems is designated on the extreme northwest corner of the property (See: Figure Four – below). The DPA is distant from the area of the variance and the proposed single family dwelling will not impact the area.

Photos One to Four: Subject Accessory Building



Photo Five: Trailer on Property



Figure Four: Development Permit Area 5 (Sensitive Ecosystems)



Land Use Bylaw

The subject property is zoned as **Rural Residential (RR)** in the Galiano Island Land Use Bylaw No. 127, 1999. Adjacent properties are similarly zoned, with properties on the opposite side of Sticks Allison being zoned **Small Lot Residential Zone (SLR)**.

Figure Five: Zoning



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 on the subject property with the exception of that identified in the DPA (above). The Steep Slope Hazard Mapping shows no slope hazard areas.

Figure:



Archaeological Sites

The Provincial RAAD mapping shows no listed archaeological sites on the subject 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 at (250) 953-3334 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 is a 1971 covenant (building scheme) registered on the property that predates the adoption of zoning on Galliano Island. The covenant has no bearing on the variance application.

Bylaw Enforcement:

There are no bylaw enforcement files associated with the property.

Climate Change Mitigation and Adaptation

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

Other:

The owner has applied for a building permit with the CRD for the construction of a Single Family Dwelling on the property.

RESULTS OF CIRCULATION:

Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on September 11, 2015. At the writing of this report no public submissions have been received. Any public submissions will be forwarded to the LTC and presented at the Galliano Island Local Trust Committee meeting on September 14, 2015.

ISSUES SUMMARY:

Applicant's stated rationale for the proposed variance.

The applicant has stated that the rationale for legalizing the existing accessory building, instead of altering or removing it, are:

The tool shed portion of the building has the main electrical panel in it, it has a concrete floor with the electrical conduit running up through it. The supply has been run underground (approximately 180 ft.) from the pumphouse shed at the street to this shed. The entire electrical system has been inspected and found to be in good condition. The electrical panel itself is approximately 5 M from the property line. The cost and inconvenience of moving or removing this structure would be substantial. This is the only source of AC power on the property. I intend to run the power lines underground from here to the proposed new building.

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

The size and height of the building are relatively small and the siting makes it inconspicuous from the road and/or neighbouring properties. In addition, the existing fence and vegetation provides significant screening to the adjacent property to the east.

The owner has altered the roof by cutting it back to the within .17 metres of the property line as it was discovered to encroach on the neighbouring property with a recent land survey. There are no buildings in proximity to the variance on the neighbouring property. The fence (the closest and only structure impacted) is not along the property line, but approximately 2.75 metres away.

Any new structure(s) proposed for the neighbouring property would have to meet the 6 metre side yard setback. As such, the granting of this variance would not impinge on development potential of that property, nor would it create a scenario where a building or structure could be sited within the required fire separation distance under the building code (3 m/10 ft.).

Regardless of the foregoing, the CRD Building Inspection Department has indicated that the owner might have to address fire separation to the property line with non-combustible materials or a structural separation.

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.

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 variance is for an accessory building that was constructed without a permit by a previous owner approximately 20 years ago. The applicants are requesting the variance as keeping the building will allow them to provide electrical service to the proposed new dwelling without the cost of removing the building and putting in a new electrical service from the roadway.

Any impacts from the size and location of the accessory building to the adjacent neighbour would have come to light in the past if they were significant. The size of the building is not a large and screening from the fence and vegetation further mitigates any visual impact.

Furthermore, the variance does not limit the buildable area on the neighbouring property.

To date, there have been no comments from neighbours on the proposed variance.

On the basis of the foregoing, staff is recommending that the development variance permit be approved as drafted.

RECOMMENDATIONS:

THAT Development Variance Permit GL-DVP-2015.2 (Simpson) **BE APPROVED.**

Prepared and Submitted by:



September 2, 2015

Date

Concurred in by:


Robert Kojima
Regional Planning Manager

September 2, 2015

Date

Attachments: Proposed Permit GL-DVP-2015.2
Notification for GL-DVP-2015.2



Islands Trust

PROPOSED

GALIANO ISLAND LAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

GL-DVP-2015.2

To: Gary Simpson and Lori McHattie

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

Lot 25, District Lot 15, Galiano Island, Cowichan District, Plan 22765
(PID: 003-165-159)

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

- a) Subsection 5.4.3.2 which states that buildings or structures must be sited at least 6 metres from each interior side lot line is varied to permit the siting of an existing accessory building (carport/tool shed) within 0.17 metres from an interior side lot line.

The development shall be consistent with Schedules 'A' and 'B' 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

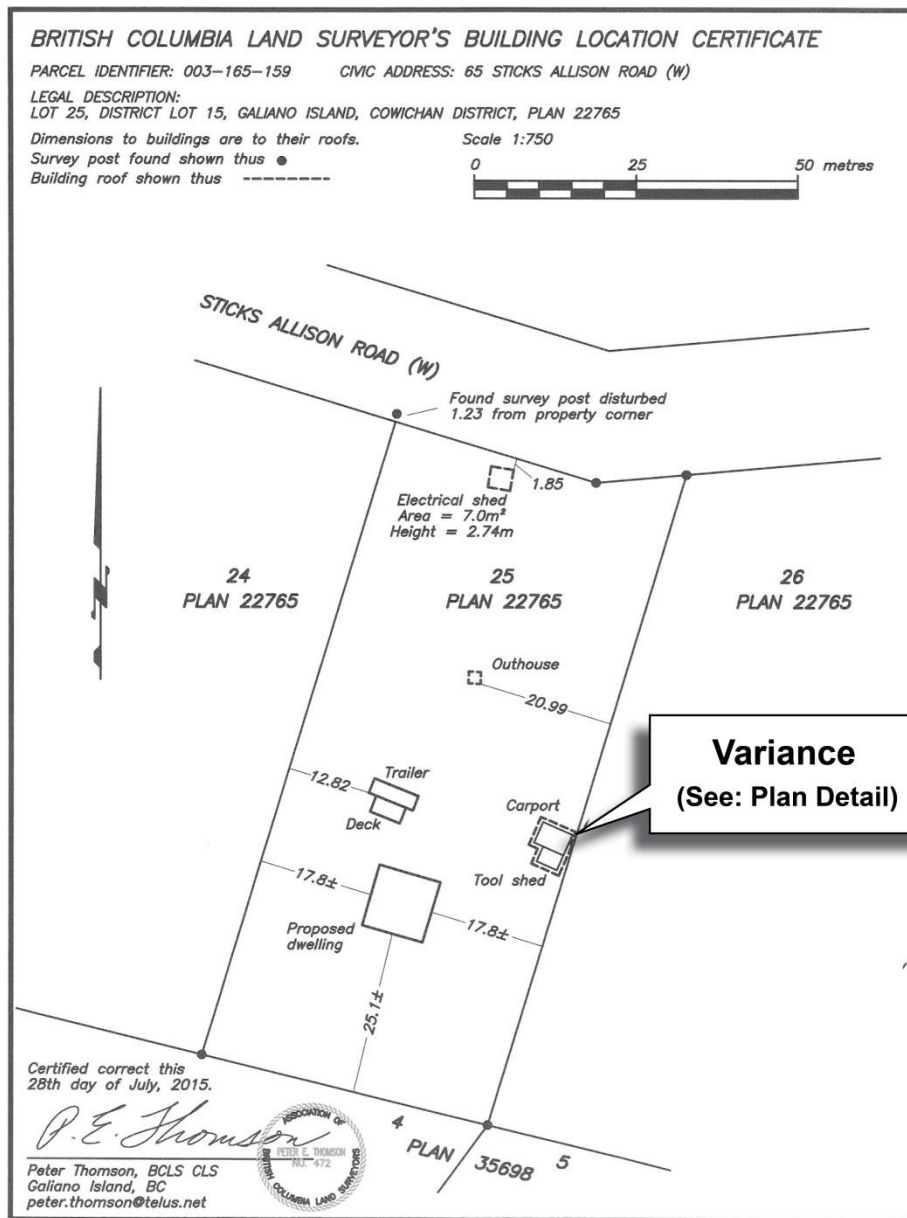
Date of Issuance

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-2015.2

SCHEDULE 'A'

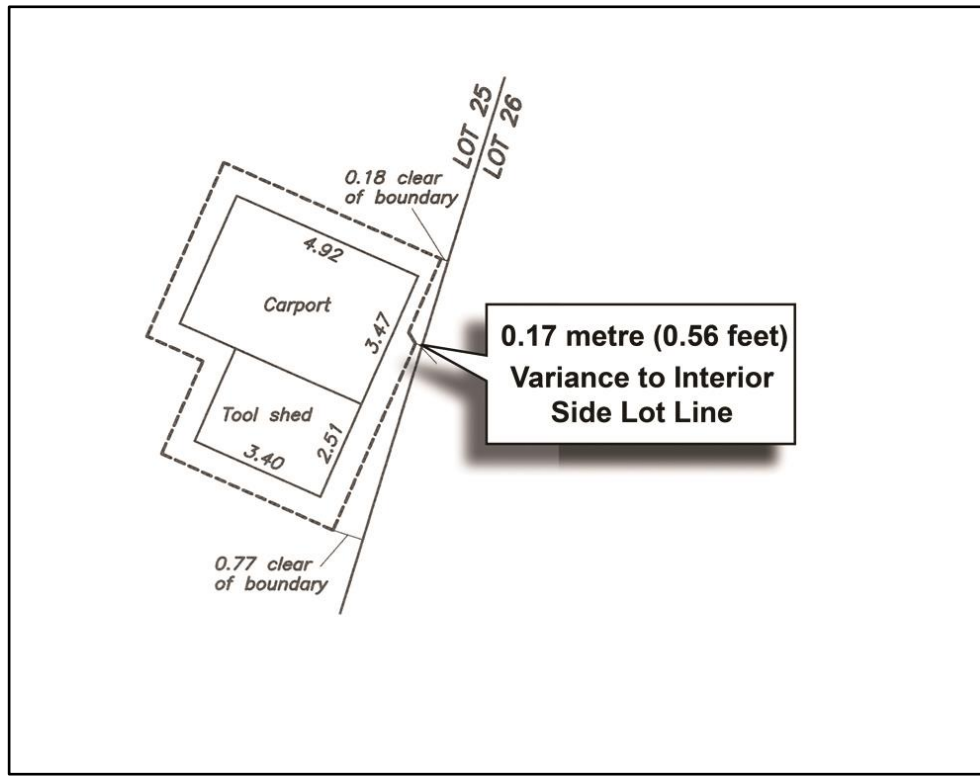


GALIANO ISLAND LOCAL TRUST COMMITTEE

GI-DVP-2015.2

SCHEDULE 'B'

PLAN DETAIL

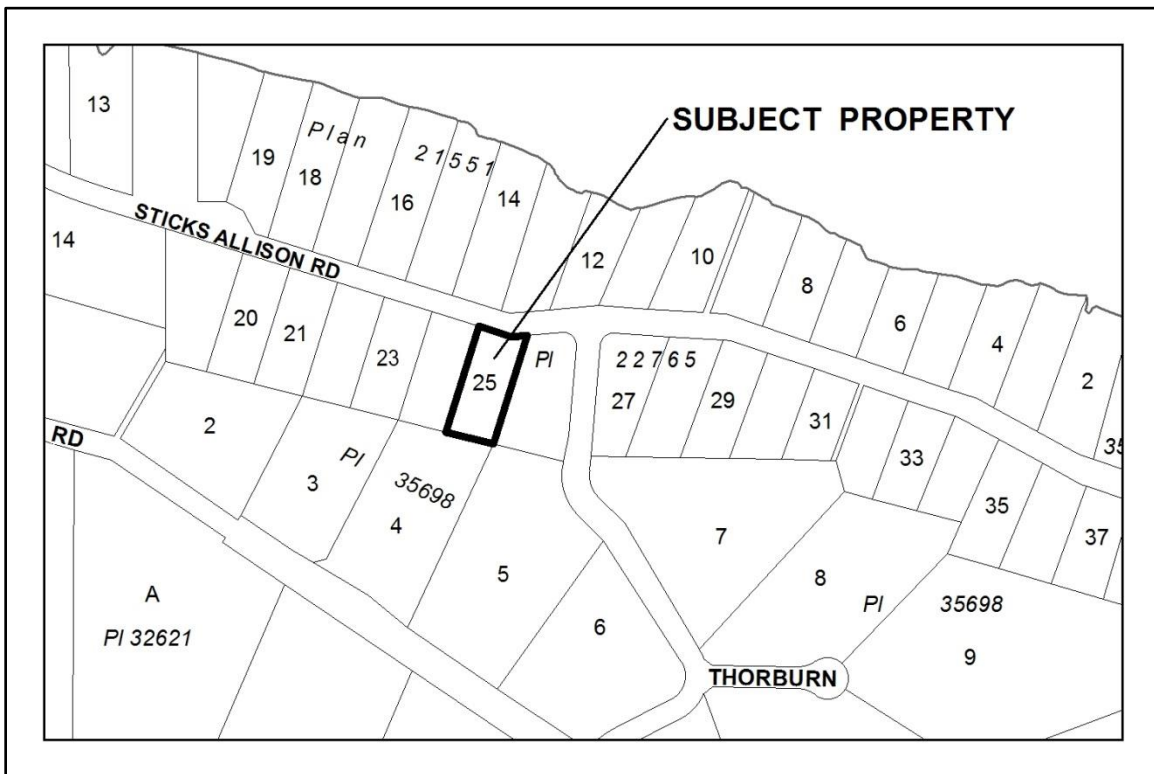


GL-DVP-2015.2
GALIANO ISLAND LOCAL TRUST COMMITTEE

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 922 of the *Local Government Act*. The proposed permit would vary the Galiano Island Land Use Bylaw No.127, 1999, by varying Subsection 5.4.3.2 which states that buildings or structures must be sited at least 6 metres from each interior side lot line to permit the siting of an existing accessory building (carport/tool shed) within 0.17 metres of an interior side lot line.

The property is located at 65 Sticks Allison Road West and is legally described as Lot 25, District Lot 15, Galiano Island, Cowichan District, Plan 22765. PID: 003-165-159

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 , **August 31, 2015** and continuing up to and including , **September 11, 2015**.

For the convenience of the public only, and not to satisfy Section 922(5) (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, **August 31, 2015**. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Phil Testemale, A/Planner 2 at (250) 405-5170, 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, , **September 11, 2015**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at a.m., **September 14, 2015**, at the Galiano Island.

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

Date: August 27, 2015

File Number: GL-DVP-2011.4
(Selkirk)

To: Galiano Island Local Trust Committee
For the meeting of September 14, 2015

From: Kim Farris, A/Planner 2

Re: **Request to Discharge Covenant (CA2563404) – Accessory Building
Lot A, District Lot 15, Galiano Island, Cowichan District, Plan 35729**

BACKGROUND

Staff have been approached to bring forward a request (See Attachment 1) by the property owner (Melvin Serink) to the Galiano Island Local Trust Committee to remove a covenant from the subject property's property title that was registered on May 28, 2012.

In 2011, the property owner applied for a Development Variance Permit (GL-DVP-2011.4) in order to vary the siting requirements for a woodshed, and to increase the maximum floor area for accessory structures as the existing accessory structures exceeded this requirement. At that time, Section 2.8 of the Galiano Island LUB No. 127 regulated the maximum floor area for accessory buildings:

"Section 2.8 - The maximum combined floor area of accessory buildings and structures other than cottages on a lot is 70 square metres in respect of each constructed dwelling other than a cottage, on lots 2 ha (4.94 acres) in area and less, and 93 square metres on lots with areas greater than 2 ha (4.94 acres)."

In order to reduce the overall lot coverage of the property, the owner agreed to register a Section 219 covenant (CA2563404) to restrict the construction of a cottage on the property (which would be permitted by zoning) if he was granted the DVP to increase the maximum floor area for accessory buildings. As the DVP was granted by the LTC, the property owner voluntarily registered the covenant.

In 2013, Land Use Bylaw (LUB) Amendment No. 239 was adopted which rescinded Section 2.8 therefore deleting the maximum floor area regulation.

The property owner is now requesting that the LTC agree to discharge the covenant, at the property owners cost, which would allow the property owner to construct a cottage on the subject property. Staff does not believe there is any reason to deny this request or require further information as the purpose of the covenant was to reduce lot coverage as a tradeoff for exceeding the once regulated maximum floor area for accessory buildings. As this regulation was removed from the LUB, staff supports the discharge of the covenant.

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

1. To deny the request discharge Covenant (CA2563404); or
2. To pass a resolution to agree to discharge of Covenant CA2563404.

RECOMMENDATION

1. THAT the Galiano Island Local Trust Committee agrees to discharge covenant CA2563404 from Lot A, District Lot 15, Galiano Island, Cowichan District, Plan 35729 and that the Chair be authorized to sign on behalf of the Galiano Island Local Trust Committee.

Attachment 1: Written request by Property Owner (Melvin Serink)

Attachment 2: Covenant CA2563404 (Existing Covenant)

Kim Farris

From: M SERINK [REDACTED]
Sent: Monday, August 17, 2015 11:21 AM
To: Kim Farris
Subject: Re Covenant Removal-Galiano Proerty

Follow Up Flag: Follow up
Flag Status: Flagged

August 17, 2015

Kim Farris

I am writing this letter in regards to removing the covenant from our property. Please forward it to the LTC for consideration at their next meeting.

Thank you

Mel Serink

[REDACTED]

To whom it may concern: Land Titles Commision,

I am wring in regards to a covenant put on our property at [REDACTED] on Galiano Island. The file no. Is GL-DVP-20114.

In 2011 a major renovation was performed on our home. At that time the Islands Trust bylaw determined that an accessory building. (woodshed) exceeded the ground coverage allowed. In view of this a covenant was proposed limiting further construction of accessory buildings. Since that time the bylaw has been revised making the covenant irrelevant. I now wish to have the covenant removed from my property title.

Sincerely.

Mel Serink

[REDACTED]

Sent from my iPad

VICTORIA LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

May-28-2012 12:49:00.001

C4
CA2563404

1331658021 PAGE 1 OF 7 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Joanna Pauline
Track MWFHAB

Digitally signed by Joanna Pauline
Track MWFHAB
DN: c=CA, cn=Joanna Pauline Track
MWFHAB, o=Lawyer, ou=Verify ID at
www.justice.coomf.kup.cfm?
id=MWFHAB
Date: 2012.05.28 12:24:14 -07'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)
Joanna Track, Barrister & Solicitor
YOUNG ANDERSON
1616 - 808 Nelson Street
Vancouver BC V6Z 2H2
Document Fees: \$72.50
Phone: (604) 689-7400
File: 2-660
[Covenant]
Deduct LTSA Fees? Yes ☒
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]
000-359-131 LOT A DISTRICT LOT 15 GALIANO ISLAND COWICHAN DISTRICT PLAN
35729
STC? YES ☐

3. NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION
Covenant
4. TERMS: Part 2 of this instrument consists of (select one only)
(a) ☐ Filed Standard Charge Terms D.F. No. (b) ☒ Express Charge Terms Annexed as Part 2
A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.
5. TRANSFEROR(S):
MELVIN TERRY SERINK
6. TRANSFEREE(S): (including postal address(es) and postal code(s))
GALIANO ISLAND LOCAL TRUST COMMITTEE
A LOCAL TRUST COMMITTEE INCORPORATED PURSUANT TO THE ISLANDS TRUST ACT
SUITE 200, 1627 FORT STREET
VICTORIA
Incorporation No
N/A
V8R 1H8 CANADA
7. ADDITIONAL OR MODIFIED TERMS:
N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Elisabeth Rechsteiner
Notary Public
100 - 5050 Kingsway
Burnaby, BC V5H 4C2 Canada
(604) 433-1911
(Permanent Commission)

Execution Date		
Y	M	D
12	04	17

Transferor(s) Signature(s)

MELVIN TERRY SERINK

OFFICER CERTIFICATION:

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

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

PAGE 2 of 7 pages

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Carmen Ida Thiel
Commissioner for Taking Affidavits in BC
200 - 1627 Fort Street
Victoria, BC V8R 1H8
commission expires February 28, 2014

Y	M	D
12	05	22

GALIANO ISLAND LOCAL TRUST
COMMITTEE by its authorized
signatories:

Name: Kenneth Hancock

Name:

OFFICER CERTIFICATION:

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

TERMS OF INSTRUMENT -- PART 2

SECTION 219 COVENANT

THIS COVENANT dated for reference the 13th day of March, 2012 is

BETWEEN:

**MELVIN TERRY SERINK, 5530 Monarch Street, Burnaby, B.C. V5G
3R4**

(the "Owner")

AND:

**GALIANO ISLAND LOCAL TRUST COMMITTEE, Suite 200, 1627
Fort Street, Victoria, British Columbia, V8R 1H8**

(the "Trust Committee")

WHEREAS:

- A. The Owner is the registered owner in fee simple of those lands (the "Lands") legally described in Item 2 of the *Land Title Act* Form C which is attached to and forms part of this Covenant;
- B. The Owner has constructed on the Lands an accessory building used for the storage of fire wood having a floor area of approximately 41.1 square metres (the "Woodshed");
- C. The Owner has constructed on the Lands an accessory building used as a garage having a floor area of approximately 95.8 square metres (the "Garage");
- D. The Woodshed and the Garage, together, have a floor area greater than that permitted by Galiano Island Land Use Bylaw No. 127, 1999 (the "Land Use Bylaw");
- E. The Owner has applied to the Trust Committee for a variance to the Land Use Bylaw in order to allow for an increase in the allowable floor area for accessory buildings on the Lands, and has offered to grant a covenant under Section 219 of the *Land Title Act* to reduce overall lot coverage by prohibiting the construction of a cottage on the Lands;
- F. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of a municipality, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specific amenity on land;

NOW THEREFORE THIS COVENANT WITNESSES that in consideration of the sum of Ten Dollars (\$10.00) now paid by the Trust Committee to the Owner (the receipt and sufficiency of which

are hereby acknowledged by the Owner) the Owner covenants, promises and agrees, pursuant to section 219 of the *Land Title Act*, as follows:

Definitions

1. In this Covenant, the terms "accessory", "cottage", "floor area" and "lot coverage" have the meaning given to them in the Land Use Bylaw.

Section 219 Covenant

2. The Owner shall not construct, install or place any cottage on the Lands, and the Owner shall not apply for any building permit for such construction, and the Owner agrees that the Trust Committee may refuse to issue a building permit or any other authorization for any such construction or installation of a cottage on the Lands.

Bylaw to the Contrary

3. This Covenant shall restrict use and building on the Lands in the manner provided herein notwithstanding any right or permission to the contrary contained in any bylaw of the Trust Committee, including the Land Use Bylaw.

Costs

4. The Owner will reimburse the Trust Committee for the legal fees incurred by the Trust Committee in relation to the drafting and preparation of this Covenant.

Discharge of Covenant

5. If the Owner has, to the satisfaction of the Trust Committee, demolished, deconstructed, or otherwise removed the Woodshed from the Lands, the Trust Committee shall execute and deliver to the Owner a discharge, in registrable form, of this Covenant from title to the Lands, which discharge shall be prepared and registered at the expense of the Owner.

Runs with Lands

6. Every obligation and covenant of the Owner in this Covenant constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* in respect of the Lands. This Covenant burdens and runs with, and binds the successors in title to, the Lands and each and every part into which the Lands may be subdivided or consolidated by any means.

No Public Law Duty

7. Where the Trust Committee is required or permitted by this Covenant to form an opinion, exercise its discretion, express satisfaction, make a determination or give its consent, the Trust Committee is under no public law duty of fairness or natural justice in that regard and the Trust Committee may do any of those things in the same manner as if it were a private party and not a public body.

No Obligation to Enforce

8. The rights given to the Trust Committee by this Covenant are permissive only and nothing in this Covenant imposes any legal duty of any kind on the Trust Committee to anyone, or obliges the Trust Committee to enforce this Covenant, to perform any act or to incur any expense in respect of this Covenant.

Waiver

9. An alleged waiver of any breach of this Covenant is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Covenant does not operate as a waiver of any other breach or continuing breach of this Covenant.

No Effect on Powers

10. This Covenant does not:
- (a) affect or limit the discretion, rights or powers of the Trust Committee under any enactment;
 - (b) affect or limit any enactment applying to the Lands; or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Lands.

Severance

11. If any part of this Covenant is for any reason held to be invalid by a decision of a court with the jurisdiction to do so, the invalid portion is to be considered severed from the rest of this Covenant and the decision that it is invalid does not affect the validity of the remainder of this Covenant.

Priority

12. The Owner will, at the Owner's expense, do or cause to be done all acts reasonably necessary to register this Covenant against title to the Lands with priority over all

financial charges, liens and encumbrances registered, or pending registration, at the time of application for registration of this Covenant against the title to the Lands.

Interpretation

13. In this Covenant:

- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Covenant;
- (c) the term "enactment" has the meaning given to it under the *Interpretation Act* (British Columbia) on the reference date of this Covenant;
- (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (f) reference to a particular numbered section or article, or to a particular numbered schedule, is a reference to the correspondingly numbered or lettered article, section or schedule of this and any schedules to this Covenant form part of this Covenant; and
- (g) where the word "including" is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word "including".

Further Assurances

14. The Owner must do and cause to be done all things and execute all documents and cause to be done all things necessary to give effect to the intention of this Covenant.

Governing Law

15. This Covenant shall be governed by and construed in accordance with the laws of the Province of British Columbia which shall be deemed to be the proper law thereof.

Enurement

16. This Covenant and each and every provision hereof shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns, as the case may be.

Entire Agreement

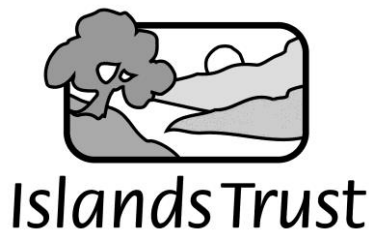
17. This Covenant is the entire agreement between the parties regarding its subject.

Contract and Deed

18. By executing and delivering this Covenant, each of the parties intends to create both a contract and a deed executed and delivered under seal.

IN WITNESS WHEREOF the parties have executed this Covenant on Forms C and D to which this Covenant is attached and which form part of this Covenant.

END OF DOCUMENT



Memorandum

Suite 200, 1627 Fort Street Victoria, B.C. BC V8R 1H8

Telephone (250) 405-5151 FAX: (250) 405-5155

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

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

Date: September 2, 2015

File Number: NP-RZ-2013.1
(Landworks)

To: Galiano Island Local Trust Committee

From: Kim Farris
A/Planner 2

Re: Execution of S. 219 Covenant – Landworks

This memo is to provide the Galiano Island LTC (Local Trust Committee) with an opportunity to review the three covenants (sustainable forestry covenant, CRD park covenant, and the development control covenant) and to authorize the Galiano Island LTC Chair to sign the covenants.

The Executive Committee approved proposed Official Community Plan (OCP) Bylaw 244 and proposed Land Use Bylaw (LUB) Bylaw 245 on November 18, 2014. The Minister approved the proposed OCP Bylaw 244 on May 25, 2015.

CRD Park Covenant & Development Control Covenant:

The CRD park covenant and the development control covenant are attached for LTC's reference. These covenants have not changed since the LTC reviewed them in draft form last year. The development control covenant will be registered as a condition of rezoning. Staff have agreed with the applicant that the CRD park covenant can be registered at the time of subdivision, only after receiving a letter of undertaking with legal authority.

Sustainable Forestry Covenant:

Please find a copy of the sustainable forestry covenant attached for LTC's consideration. This covenant was primarily drafted by Doug Hopwood, a Registered Professional Forester, to provide his professional expertise on sustainable forestry. Staff have also reviewed the covenant with the applicant and PMFLC staff; both of which support the draft covenant. A legal review of the covenant by Islands Trust's legal counsel was also completed. The sustainable forestry covenant is intended to be used as a template for future forestry lot rezoning applications.

Staff have provided the following highlights and comments for the sustainable forestry covenant:

Section 1 – Definitions

The definition of 'Allowable Annual Cut' outlines a calculation that determines the maximum amount of timber a property owner is permitted to harvest within a calendar year (Section 1(b)(i)). If the property owner wishes to exceed this maximum, they must provide a Forest Management Plan that states the volume of timber they would like to harvest that has determined by a forest inventory analysis (as described in Section 1(b)(ii) and Section 1(g)). The Forest Management Plan must also ensure that harvesting is in accordance with Sustainable Forest Practices and the plan must describe the strategies or methods to achieve these goals and

objectives. The Forest Management Plan must be signed by a Registered Professional Forester, a professional ecologist, or a person with experience with Sustainable Forest Practices whose qualifications are acceptable to the LTC (Section 1(g)).

Section 3 – Baseline Report

The property owner is given 1 year to provide the Baseline Report to the LTC rather than requiring the owner to provide the report at time of covenant registration.

Section 5 – Restrictions on the Use of Land

Section 5(d) outlines the requirement for a Development Permit for any construction or alteration within a Development Permit Area (DPA). This restriction also outlines the requirement for property owners to abide by DPA guidelines and to obtain consent for construction or alteration within a DPA by LTC resolution if the property has Private Managed Forest Lands (PMFL) status.

Section 6 – Private Managed Forest Land

This section requires owners with property located within the PMFL to submit to the LTC the annual declaration they are required to submit to the Private Managed Forest Land Council (PMFLC). This declaration includes reporting the quantity of harvested timber, quantity of destroyed timber by natural forces, any road construction, road deactivation, and quantity of reforestation.

Section 7 – Forest Stewardship Obligations

This section only applies to properties that are not located within the PMFL. These obligations are similar to guidelines PMFL properties must follow.

Section 8 – Reporting Requirements

Properties that are not included in the PMFL must submit a report with the intent to mirror the submittal requirements of the PMFLC (Section 6).

Section 10 – Enforcement Remedies of the Trust Committee

This section outlines the process of remediating a breach to the covenant; more specifically if the property owner has overharvested the land. Section 10(a) allows the LTC to request a report from a Registered Professional Forester or other person with experience in Sustainable Forestry Practices (or society), at the owners expense, to provide an assessment of the breach.

Section 26 – Assignment of Covenant

This section allows the LTC to add an additional covenantee (person or entity); for example, a sustainable forestry society. Currently there is no third party will to hold the covenant but a third party can be added at a later date.

Section 31 – Discharge of Covenant

As this covenant will be registered as a condition of rezoning to the parent parcel, the covenant will be required to be discharged at the time of subdivision for the newly created lots, other than the lot the covenant is intended for (proposed Lot 6).

Post Public Hearing:

As a reminder to the Galiano Island LTC, as this application is post public hearing the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

With regards to receiving the final draft sustainable forestry covenant after the public hearing, this covenant is not considered new information. Prior to the hearing the LTC directed staff and applicant to work with a

professional forester and legal counsel on the sustainable forestry covenant which was to be registered as a condition of adoption of the bylaws. The version included in the public hearing package was an early draft attached to a staff report presented to the LTC in August 2014 and that staff report at that time indicated that the next steps would be to proceed with review by a professional with experience in sustainable forest management and have legal review.

If the LTC decides to receive comments from the public regarding the sustainable forestry covenant, or the application in general, a new public hearing would be required.

Next Steps:

The registration of the three covenants is the only condition prior to final adoption of the bylaws. Once the covenants are registered, staff will bring forward the bylaws for adoption at a subsequent LTC meeting.

Recommendation:

1. THAT the Galiano Island Local Trust Committee authorize the Chair of the Galiano Island LTC to execute three section 219 covenants required as a condition of rezoning for application GL-RZ-2013.1 (Landworks).

Pc: Robert Kojima, Regional Planning Manager

Attachments:

1. Sustainable Forestry Covenant
2. CRD Park Covenant
3. Development Control Covenant

SUSTAINABLE FOREST PRACTICES COVENANT for GALIANO ISLAND

DRAFT July 29, 2015

This Agreement dated for reference _____, 2015, is

BETWEEN:

Bowie Gordon Keefer and Margaret Anna Keefer, residing at 120
Manastee Road, Galiano Island, B.C. V0N 1P0.

(the “**Owners**”)

AND:

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

(the “**Trust Committee**”)

WHEREAS:

- A. The Owners are the registered owners of land legally described as Lot 6, District Lot 79, Galiano Island, Cowichan District, British Columbia and having a Parcel Identification Number _____, (the “**Land**”) as defined in a plan of subdivision completed and certified correct on the ____ day of ____, 20__ by _____, BCLA, a copy of which is attached hereto as Schedule “A” (“**Plan EPP** _____”);
- B. The Owners are committed to restoration of the forest cover and biodiversity of the Land which were degraded by past industrial plantation forestry;
- C. The Galiano Island Official Community Plan contemplates the construction and use of a residential dwelling on the Land only if the Owners promise to manage the Land in accordance with Sustainable Forest Practices;
- D. The Owners have applied to the Trust Committee to rezone the Land to the Forest 3 (F3) zone, and the Owners have offered to grant this covenant in order to induce the Local Trust Committee to rezone the Land;
- E. The Owners intend to grant and the Local Trust Committee wishes to accept a covenant under s. 219 of the *Land Title Act* (British Columbia) for management of the Land in accordance with Sustainable Forest Practices;
- F. A statutory right of way pursuant to section 218 of the *Land Title Act* (British Columbia) in favour of the Trust Committee is necessary for the operation and maintenance of the undertakings of the Trust Committee;
- G. The Galiano Island Local Trust Committee is authorized to accept covenants under section 219 and statutory right of ways under section 218 of the *Land Title Act* (British Columbia);

In consideration of the payment of two dollars (\$2.00) now paid by the Trust Committee to the Owners, the receipt and sufficiency of which is hereby acknowledged by the Owners, and in consideration of the promises exchanged below, the parties covenant and agree as follows:

1. Definitions

In this Agreement:

- (a) “Acceptable Tree” means a tree that is:
 - (i) alive and unaffected by a pathogen, and;
 - (ii) of a native species that is ecologically suited to the site, or;
 - (iii) of a species specified in a Forest Management Plan as being ecologically suited to the site and being non-invasive and not posing a threat to native vegetation.
- (b) “Allowable Annual Cut” means a volume of timber, measured in cubic meters, that may be harvested annually from the Forest Management Unit, and which may be either, at the discretion of the Owner:
 - (i) a volume calculated by multiplying the combined area, in hectares, of Mature and Immature Forest within the Forest Management Unit by 4 cubic metres per hectare per year, or;
 - (ii) a volume, specified in a Forest Management Plan, that has been determined based on an inventory of the forest and an analysis showing that the specified Allowable Annual Cut can be sustained for a 250-year forecast period while managing in accordance with the terms of this Agreement and in accordance with Sustainable Forest Practices and while maintaining, or if necessary restoring, not less than 40 percent of the area of the Forest Management Unit as Mature Forest and not less than 70 percent of the area the Forest Management Unit as either Immature Forest or Mature Forest.
- (c) “Amenities” includes any natural, scientific, environmental, wildlife, plant life, ecological, aesthetic and Biodiversity values relating to the Land;
- (d) “Baseline Report” means a report describing the Land, its Amenities, and its current ecological conditions, and identifying accurately the presence and location of any roads, service utility corridors and easements on or over the Land;
- (e) “Biodiversity” means the variety of life and its processes and encompasses genetic, species, ecosystem and landscape levels of biological organization and their structural, compositional and functional components;
- (f) “Cut Control Period” means the period between January 1, 2015, and December 31, 2025, or any subsequent period of ten years.
- (g) “Forest Management Plan” means a document signed by a Registered Professional Forester, or by a professional ecologist or other person with experience in Sustainable Forest Practices whose qualifications are acceptable to the Trust Committee and that may remain valid for a period of not more than 20 years from the date of signing and that includes, specific to the Forest Management Unit:

- (i) a map showing the legal boundaries of the Land, scale, direction, authorship and date, biogeoclimatic site series, forest cover types, roads, streams, lakes, wetlands, areas of steep or unstable terrain, and other significant features of the Forest Management Unit;
 - (ii) a quantitative inventory of the forest;
 - (iii) a statement of forest management goals and/or objectives;
 - (iv) a description of the strategies and/or methods that may be used to achieve the goals and/or objectives.
- (h) “Forest Management Unit” means the area of the Land excluding the Residential Site, easement roads, and sensitive ecosystems and meadows as identified in the Baseline Report;
- (i) “GIFA Forest Practices Guidelines” means the document titled “GIFA Forest Practices Guidelines” attached hereto as Schedule ‘D’.
- (j) “Harvesting” means the felling and removal of trees.
- (k) “Immature Forest” means an area of forest that is not Mature Forest and in which the stand age is 40 years or older, or the basal area of Acceptable Trees 20 cm or more in dbh is 20 m²/ha or more.
- (l) “Land Use Bylaw” means Galiano Island Land Use Bylaw No. 127, 1999 and any other bylaw pertaining to the use and density of use of land, buildings and structures on Galiano Island, enacted under s.903 of the *Local Government Act*.
- (m) “Mature Forest” means an area in which the stand age is 80 years or older or the basal area of Acceptable Trees 30 cm or more in dbh is 40 m²/ha or more, and the basal area of Acceptable Trees 50 cm or more in dbh is 20 m²/ha or more.
- (n) “Natural Disturbance” means the impact of a naturally occurring event that causes significant mortality or damage to a stand of trees, including fire, wind, ice, snow, drought or attack by insects or disease.
- (o) “Official Community Plan” means an Official Community Plan for Galiano Island adopted pursuant to s. 879 of the *Local Government Act*;
- (p) “Opening” means an area of Understocked Land greater than 0.25 ha that can be represented as a single polygon on a map and that has been subject to Harvesting, Spacing and/or Natural Disturbance and that is relatively homogeneous with respect to forest cover and history of Harvesting, Spacing, silvicultural treatments and/or Natural Disturbance. Any two or more areas that meet the definition of an opening and are individually greater than 0.5 ha in area and are less than 30 metres apart at the closest point are considered to be a single opening.
- (q) “Residential Site” the portion of the Land identified as the “Residential Site” on the Site Plan attached as Schedule B to this Agreement;

- (r) “Restocked Forest” means an area in which there are 400 or more Acceptable Trees per hectare reasonably well distributed throughout the area.
- (s) “Spacing” means the felling and/or girdling of trees, without removal of the trees, undertaken to increase the distance between the remaining live trees.
- (t) “Successfully Regenerated Forest” means an area in which there are 400 or more Acceptable Trees per hectare reasonably well distributed throughout the area, whose height exceeds by 50% or more the height of competing vegetation within 1 m of the tree.
- (u) “Sustainable Forest Practices” means a program of forest management activities that can be implemented on the Forest Management Unit indefinitely while maintaining or where necessary restoring the Biodiversity, productivity and ecological integrity of the forest within the range of natural variability.
- (v) “Understocked Land” means a contiguous area, within the Forest Management Unit, greater than 0.1 ha that can be represented as a single contiguous polygon on a map and in which the basal area of acceptable trees 20 cm or more in dbh is less than 20 m²/ha and in which there are fewer than 400 acceptable trees/ha reasonably well distributed throughout the area.

2. Intent and Purpose of this Agreement

- (a) It is the intent of the parties and the purpose of this Agreement that the Forest Management Unit of the Land be managed in perpetuity in accordance with Sustainable Forest Practices and that subdivision of the Land into lots less than 20 hectares in area be prohibited in perpetuity.
- (b) A central objective of this Agreement is to maintain the Forest Management Unit in a substantially forested condition at all times and to maintain and/or restore the Amenities, Biodiversity and ecosystems of the Forest Management Unit, while allowing for the Owners’ use of the Land, including the Harvesting and/or Spacing of trees and the restoration of ecosystems, subject to the terms of this Agreement.
- (c) This Agreement shall be perpetual to reflect the public interest in the protection, preservation, and conservation of the biodiversity of the Land and the Amenities for ecological and environmental reasons.
- (d) The parties agree that the GIFA Forest Practices Guidelines, attached as Scheule D to this Agreement, provide a useful guide to the implementation of Sustainable Forest Practices on the Land.
- (e) The parties acknowledge that the flora and fauna on the Land will change through natural processes over time and, unless otherwise stated, requirements for compliance with this Agreement are intended to take into account the natural changes of the flora and fauna over time.

3. Baseline Report

- (a) The Owners must, within 1 year of the date of execution of this Agreement, provide to the Trust Committee a Baseline Report;
- (b) The parties agree that the Baseline Report is intended to serve as an objective information baseline for monitoring compliance with the terms of this Agreement and that the Baseline Report provides an accurate description of the Land and the Amenities as of the date of this Agreement and that the Baseline Report identifies all existing roads or service or utility corridors on the Land and/or easements over the Land.

4. No subdivision

The Land must not be subdivided.

5. Restrictions on the Use of Land

The Owners shall not, except with the prior written approval of the Trust Committee, cause or allow:

- (a) Harvesting within the Forest Management Unit, during any Cut Control Period, of a volume of timber greater than the sum of the Allowable Annual Cuts for each year of the Cut Control Period;
- (b) Harvesting or Spacing within the Forest Management Unit that will have the effect of creating an Opening more than 1.0 ha in area;
- (c) any of the Forest Management Unit area to be removed from the terms of this Agreement by subdivision or boundary adjustment;
- (d) any construction on, or alteration of, land within areas designated as development permit areas in the Official Community Plan without first obtaining a development permit, or if the requirement for a development permit does not apply because of the operation of another enactment, the consent of the Trust Committee by resolution and in making a resolution under this section the Trust Committee may consider the development permit guidelines which would otherwise apply;
- (e) the Land nor any part of the Land to be leased or licensed unless the tenant or licensee is expressly required by the terms of the lease or licence, and has agreed in writing, to comply with the provisions of this Agreement;
- (f) the Residential Site to be greater than 2 hectares;
- (g) any residential dwelling or any buildings, structures or uses accessory to any residential dwelling to be located or carried on outside of the Residential Site;
- (h) pesticides, herbicides, insecticides, or fungicides to be introduced or applied to the Land except in the event of an otherwise uncontrollable infestation and after consultation with the Trust Committee;

- (i) wetlands identified in the Baseline Report to be drained or intentionally altered except to improve water retention;
- (j) motorized vehicle routes to be established or used on the Land except for driveway access for the Residential Site, roads and logging trails required for the implementation of Sustainable Forest Practices in accordance with the terms of this Agreement;
- (k) fences to be constructed or maintained on the Land except within the Residential Site or as necessary for purposes of reforestation or the maintenance or restoration of native plant species and to prevent damage by browsing animals to young trees or other plants.

6. Private Managed Forest Land

In any year during which the Land is classified as Private Managed Forest Land under the *Private Managed Forest Land Act*, the Owners must, within one week of the date the Owners are required to submit a declaration to the Private Managed Forest Land Council, deliver a copy of the declaration to the Trust Committee.

7. Forest Stewardship Obligations

If the Land is not classified as Private Managed Forest Land under the *Private Managed Forest Land Act*:

- a) The Owners must take all reasonable measures to ensure that any areas that at any time become Understocked Land, whether by Harvesting, Spacing or Natural Disturbance, become Restocked Forest or Successfully Regenerated Forest or Immature Forest within 5 years of the year in which the area became Understocked Land, and that any such areas become Successfully Regenerated Forest or Immature Forest within 15 years of the year in which the area became Understocked Land.
- b) The Owners must take all reasonable measures to ensure that invasive non-native species of plants do not become established or spread within the Forest Management Unit.
- c) The Owners must ensure that the area within the Forest Management Unit that is converted to roads and logging trails is kept to the minimum necessary for the safe and efficient implementation of Sustainable Forest Practices.
- d) The Owners must ensure that roads and logging trails are constructed and maintained so as to maintain the natural surface drainage patterns of the land and that any section of road that is cut into the slope of the land in a way that intercepts and channelizes subsurface water includes structures to dissipate that water and to allow its re-absorption into the soil spaced not more than 50 metres

apart along the road except where the road has been certified by a qualified professional to be in accordance with good management practices.

- e) The Owners must ensure that roads and logging trails, including stream crossings, culverts, ditches and other drainage structures, are constructed and maintained according to good management practices and so as to avoid transportation of sediment to a stream, lake, wetland or the ocean in amounts that could have a significant adverse environmental impact.
- f) The Owners must ensure that the area within the Forest Management Unit that is cleared to accommodate service of electricity, telephone and other utilities to the permitted buildings within the Residential Site is kept to the minimum necessary.

8. Reporting Requirements

If the Land is not classified as Private Managed Forest Land under the *Private Managed Forest Land Act*:

- a) The Owners must make a written report not later than May 1 of each year, that truthfully and accurately states, for the period from January 1 to December 31 of the preceding year:
 - i. whether any harvesting occurred in the Forest Management Unit, and if so, the volume of timber that was harvested;
 - ii. the total volume of timber that has been harvested in all previous years of the current Cut Control Period;
 - iii. the Allowable Annual Cut for each previous year of the current Cut Control Period, and the method that was used to determine the Allowable Annual Cut for each year;
 - iv. whether any portion of the Forest Management Unit was affected by Natural Disturbance;
 - v. the area, in hectares, of any areas that became Understocked Land, and any Openings that were created, whether by Harvesting, Spacing, or Natural Disturbance, accompanied by a sketch map showing the approximate location, shape and size of the area of Understocked Land and/or Openings;
 - vi. the forest regeneration status of all areas of Understocked Land and/or Openings that were reported in the previous year's annual report;
 - vii. whether any roads or logging trails were constructed or deactivated within the Forest Management Unit, accompanied by a sketch map showing the approximate location of roads or logging trails in the Forest Management Unit and identifying changes that occurred during the previous year;
 - viii. whether any service or utility corridors were cleared or constructed or deactivated within the Forest Management Unit, accompanied by a sketch map showing the approximate location of such corridors and identifying changes that occurred during the previous year; whether any invasive non-native species of plants became established or spread within the Forest Management Unit, and if so, the approximate locations and extent of such plants, and any measures taken to limit or eradicate them;

- ix. any changes to the legal boundaries or ownership of the land.
- b) The Owners must keep each annual report prepared under Section (8)(a) on file in a secure manner for a period of not less than twelve years from the date that the report was written, and upon request by the Trust Committee, within 60 days of such request, must provide a copy of any such report to the Trust Committee.
- c) If an Allowable Annual Cut specified in a Forest Management Plan was stated in any annual report under Section (8)(a)(iii) the Owners must, upon request by the Trust Committee, within 60 days of such request, provide a copy of the Forest Management Plan to the Trust Committee.

9. Statutory Right of Way

- a) The Owners hereby grant to the Trust Committee a Statutory Right of Way authorizing the Trust Committee, through its employees or agents, to enter the Forest Management Unit at all reasonable times for the express purpose of confirming whether or not this Agreement is being complied with, or to undertake measures to remedy breaches of this Agreement.

10. Enforcement Remedies of the Trust Committee

- (a) If the Trust Committee, in its sole discretion, believes that the Owners have or may have neglected or refused to perform any of the obligations set out in this Agreement or are or may be in breach of any provision of this Agreement, the Trust Committee may serve on the Owners a notice setting out particulars of the breach. Such notice may include a request that the Owners provide to the Trust Committee an objective independent professional report signed by a Registered Professional Forester or by a professional ecologist or other person with experience in Sustainable Forestry Practices whose qualifications are acceptable to the Trust Committee, prepared at the expense of the Owners, that includes an assessment, and evidence in support of such assessment, of the Owners' compliance with such terms of this Agreement as the Trust Committee may specify, and measures recommended by the Registered Professional Forester as a remedy to the breach in keeping with the terms of this Agreement..
- (b) The Owners shall have 90 days from receipt of such notice, or from the conclusion of the dispute resolution provision under Section 9 if it is invoked, to provide the requested report or to remedy the breach or make arrangements satisfactory to the Trust Committee.
- (c) In the event of a breach of Sections 5 (a) or 5 (b), the Owners shall, at the sole discretion of the Trust Committee, pay 150% of the market value of the excess amount of timber removed, with the payment to be made promptly to the Trust Committee or other recipient as may be directed by the Trust Committee.

- (d) In the event of a breach of this Agreement under the terms of Section 5 (d) or 5 (i), and if the Owners do not remedy the breach to the satisfaction of the Trust Committee within a period of one year from the receipt of a notice under Section 10 (a), the Trust Committee may undertake such measures within the Forest Management Unit as the Trust Committee deems necessary to remedy the breach and the Owners will be required at the sole discretion of the Trust Committee to pay 100% of the fair and reasonable costs of such measures, with the payment to be made promptly to the Trust Committee or other recipient as may be directed by the Trust Committee.
- (e) This Section does not affect the right of the Trust Committee to pursue any other legal or equitable remedy in relation to a breach or an anticipated breach of this Agreement.

11. Dispute Resolution

- (a) In the event of a dispute, a party to this Agreement may give notice to the other party requiring a meeting of all parties within 10 business days of receipt of the notice. Such meeting is to be held at a location on Galiano Island specified in the notice. For this purpose, a “dispute” means any disagreement as to the meaning of this Agreement, any disagreement as to an action or proposed action taken by a party under this Agreement, including an action taken in that party’s sole and unfettered discretion, or a breach or anticipated breach of this Agreement.
- (b) If notice is given under Section 11(a), all activities giving rise to a breach or anticipation of a breach of this Agreement, or giving rise to a disagreement as to the meaning of this Agreement, or as to a proposed action pursuant to this Agreement, shall immediately cease.
- (c) The parties must attempt to resolve the disagreement or the matter of breach or anticipated breach, acting reasonably and in good faith, within 20 working days of receipt of the notice.
- (d) If the parties are not able to resolve the matter within the time stipulated in Section 11(c), any party may require the appointment within 10 working days, of a mutually acceptable person to mediate the disagreement, the costs of the mediation being borne equally by all parties. The parties must act reasonably and in good faith and cooperate with the mediator and with each other in an attempt to resolve the matter within 30 days after the mediator is appointed.
- (e) This Section does not affect the right of any party to seek and pursue other remedies, legal or equitable.

12. Discharge and Modification of this Agreement

- a) This Agreement must not be modified or discharged except by an instrument in writing executed by the Owner and the Local Trust Committee.
- b) The Local Trust Committee may, before consenting to any modification or discharge of this Agreement, hold a public hearing on Galiano Island after giving notice and of the hearing in the manner described in sections 892(2) and (3) of the *Local Government Act*.

13. Notice

- (a) Any notice, request for approval or consent under this Agreement may be given by any of the following means:

- (i) delivered in person; or
- (ii) sent by email to the parties at their respective email addresses set out in Section 13 (d), followed by a copy sent by ordinary mail; or
- (iii) sent by Xpresspost requiring signature on delivery, addressed to the parties at their respective addresses set out in Section 13 (c).

- (b) A notice sent by Xpresspost is deemed to have been received on the second business day following mailing.

- (c) The addresses of the parties for notice are as follows:

The Owners:

120 Manastee Road
Galiano Island, B. C. V0N 1P0

provided that if the ownership of the Land has changed, to the registered Owners in fee simple as indicated on title to the Land at the time of notice.

- (d) The Trust Committee:

[Add email addresses]

- (e) Each party agrees to give written notice to the others of any change in its address from that set out in Section 10 (c) as soon as reasonably practicable following such change of address.

14. No Effect on Laws or Powers

This Agreement does not:

- (a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land;
- (b) impose on the Local Trust Committee any duty of care or other legal duty of any kind to the Owners or to anyone else;

- (c) oblige the Local Trust Committee to enforce this Agreement, which is a policy matter within the sole discretion of the Trust Committee;
- (d) affect or limit any enactment relating to the use of the Land; or
- (e) relieve the Owners from complying with any enactment, including in relation to the use of the Land.

15. No Liability in Tort

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

16. Entire Agreement

This is the entire Agreement between the parties and the Trust Committee has made no representations, warranties, guarantees, promises, covenants or agreements to or with the Owners other than those expressed in writing in this Agreement, nor have the Owners made any representations, warranties, guarantees, promises, covenants or agreements to or with the Trust Committee other than those expressed in writing in this Agreement.

17. Amendment

No amendment to this Agreement is valid unless in writing and executed by the parties.

18. Interpretation

- (a) This Agreement is comprised of the recitation of the parties, the recitals to this Agreement, the express terms of the Agreement, and the Schedules to the Agreement.
- (b) In this Agreement:
 - (i) wherever the singular or masculine is used it shall be construed as meaning the plural or the feminine or the body corporate or politic where the context so requires;
 - (ii) every reference to a party is deemed to include heirs, executors, administrators, successors, assigns, officers and employees of such parties wherever the context so requires or allows; and
 - (iii) the underlined headings are inserted for reference and convenience only and must not be used to construe or interpret the Agreement.

19. Waiver

An alleged waiver of any breach of this Agreement is effective only if it is an express written waiver signed by the party alleged to have waived a breach, and in the case of a breach by the Owners, signed by the Trust Committee Covenant Holder, and is only effective to the extent of that express waiver and does not operate as a waiver of any other breach.

20. Interest in Land

The statutory right of way and covenants in this Agreement shall charge the Land pursuant to s.219 and s.218 of the *Land Title Act* as the case may be and the burden of all the covenants in this Agreement shall run with the Land and bind the successors in title to the Land and charge the Land and every part into which the Land may be divided or subdivided.

21. Enurement

This Agreement shall enure to the benefit of and be binding upon the parties.

22. Owner's Reserved Rights

Unless expressly restricted or prohibited by this Agreement, the customary rights of the Owners to use, occupy and maintain the Land as Owners of the land are fully reserved to the Owners and, without limiting the generality of the foregoing, the following rights are expressly reserved to the Owners:

- a) to clear land and maintain cleared land within the Residential Site;
- b) to construct and maintain such septic field or other domestic sewage treatment and disposal facilities within the Residential Site as may be required for the permitted buildings;
- c) to construct, maintain and restore service of electricity, telephone and other utilities to the permitted buildings within the Residential Site;
- d) to maintain, restore or replace buildings and other improvements, the location of which are indicated in the Baseline Report or permitted within the Residential Site;
- e) to allow public access to the land;
- f) to install, maintain, restore or replace any signs that may be permitted on the Land;
- g) to apply for BC Assessment classification as Managed Forest; and
- h) to apply for inclusion of any portion of the Land in the Natural Area Protection Tax Exemption Program.

23. Payment and Interest on Monies Owed

Any monies owed by the Owners to the Trust Committee pursuant to this Agreement:

- (a) shall be paid by the Owners to the party or parties to which it is owed; and
- (b) shall bear interest at 3% per annum over the prime rate of interest charged by the banker of the Islands Trust for short term unsecured commercial loans.

24. Execution

As evidence of their agreement to be bound by the above terms the parties each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

25. Registration

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

26. Assignment of Covenant

The Trust Committee may assign the benefit of this Covenant to another person or entity authorized to hold covenants under s. 219 of the *Land Title Act*, or, by assignment, add as a covenantee a person or entity authorized to hold s. 219 covenants.

27. Indemnity

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

28. Binding on Successors

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

29. Further Acts

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

30. Deed and Contract

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

31. Discharge of Covenant

The Owners shall be entitled to a discharge of this Agreement in its entirety from the title to the Land in the event that the **Proposed Rezoning** is not finalized. Upon registration of the **Proposed Rezoning**, the Trust Committee agrees to a discharge of this Agreement from the title to the newly created Lots_____.

CONSENT AND PRIORITY AGREEMENT

WHEREAS:

- A. [Name of land owner(s)] (the "Owners") are the registered Owners of [insert full legal description] (the "Land");
- B. The Owners granted [Name of chargeholder] (the "Prior Chargeholder") a [identify mortgage or other charge], which was registered against the title to the Land in the Victoria Land Title Office under number [insert registration number] (the "Prior Charge");
- C. The Owners granted to the Island Local Trust Committee (the "Subsequent Chargeholder") a Section 219 Covenant which is registered against the title to the Land under number [insert registration number] (the "Subsequent Charge"); and
- D. Section 207 of the *Land Title Act* permits the Prior Chargeholder to grant priority over a charge to a subsequent chargeholder.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT WITNESSES THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION RECEIVED BY THE PRIOR CHARGEHOLDER FROM THE SUBSEQUENT CHARGEHOLDER (THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED):

- 1. The Prior Chargeholder hereby consents to the granting and registration of the Subsequent Charge and the Prior Chargeholder hereby agrees that the Subsequent Charge shall be binding upon its interest in and to the Land.
- 2. **The Prior Chargeholder hereby grants to the Subsequent Chargeholder priority for the Subsequent Charge over the Prior Chargeholder's right, title and interest in and to the Land, and the Prior Chargeholder does hereby postpone the Prior Charge and all of its right, title and interest thereunder to the Subsequent Charge as if the Subsequent Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Prior Charge.**

As evidence of its agreement to be bound by the above terms of this Consent and Priority Agreement, the Prior Chargeholder has executed and delivered Part 1 of *Land Title Act* Form C which is attached hereto and forms part of this Agreement.

SCHEDULE 'A'
[SUBDIVISION PLAN - **Plan EPP**_____"]

SCHEDULE 'B'
[SITE PLAN]

SCHEDULE 'C'
[BASELINE REPORT]

SCHEDULE 'D'
[GIFA Forest Practice Guidelines]

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

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

AMONG:

[INSERT NAME AND ADDRESS OF OWNER]

(the “Owner”)

AND:

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

(the “Trust Committee”)

GIVEN THAT:

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

Parcel Identification Number:

Legal Description:

(the “Land”);

- B. Section 219 of the *Land Title Act* (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specified amenity on the land;
- C. The Owner wishes to grant and the Trust Committee wishes to accept this Covenant over the Land, restricting the use of the Land in the manner specified;

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

Restriction on Use

1. The Owner covenants and agrees to use, administer and manage the Lands in the public interest for park purposes only and in accordance with the Park Management Plan without limiting the generality of the foregoing:
 - a. Not to remove, destroy or cut, or permit the removal, destruction or cutting of any indigenous vegetation on the Land except as is necessary to implement its park management plan or with the prior written approval of the Trust Committee. Notwithstanding the foregoing, if any living or dead tree on the Land poses an imminent threat to the safety of any person, that tree may be cut down or trimmed without the prior written consent of the Trust Committee. The Owner shall leave any tree or trimmings on the Lands unless such action shall constitute a fire hazard;
 - b. Not to use pesticides, herbicides or any other deleterious substance of any kind on the Land except in accordance with its park management plan, unless the prior written approval of the Trust Committee has been obtained;
 - c. To design and construct any park improvements on the Land so as to cause a minimum of disturbance to the natural drainage patterns of the Land;
 - d. Not to lay down, install, place or deposit any impervious material or surface on or within the Land for road, parking or trail purpose except in accordance with its park management plan, unless the prior written approval of the Trust Committee has been obtained; and not to build, construct, erect or alter any structure, building or improvement on the Land except in accordance with its park management plan, unless the prior written approval of the Trust Committee has been obtained.

2. Park Management Plan

The Owner shall prepare and adopt a park management plan for management of the Land, including the provision of parking, access routes, trails, signage, washroom facilities or such other park improvements as may be considered appropriate.

Prohibition on Subdivision

3. The Owner covenants and agrees not to subdivide, sell, transfer or grant any easement, right of way or lease over all or part of the Land without

the prior written consent of the Trust Committee providing however that such consent shall not to be unreasonably withheld.

No Effect On Laws or Powers

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

Limitation on Obligations

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

Indemnity

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

No Liability in Tort

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

Covenant Runs With the Land

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

Registration

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

Waiver

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

Severance

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

No Other Agreements

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

Binding of Successors

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

Further Acts

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

Deed and Contract

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

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

CONSENT AND PRIORITY AGREEMENT

WHEREAS:

- A. [Name of land owner(s)] (the "Owner") is the registered owner of [insert full legal description] (the "Land");
- B. The Owner granted [Name of chargeholder] (the "Prior Chargeholder") a [identify mortgage or other charge], which was registered against the title to the Land in the Victoria Land Title Office under number [insert registration number] (the "Prior Charge");
- C. The Owner granted to the Island Local Trust Committee (the "Subsequent Chargeholder") a Section 219 Covenant which is registered against the title to the Land under number [insert registration number] (the "Subsequent Charge"); and
- D. Section 207 of the *Land Title Act* permits the Prior Chargeholder to grant priority over a charge to a subsequent chargeholder.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT WITNESSES THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION RECEIVED BY THE PRIOR CHARGEHOLDER FROM THE SUBSEQUENT CHARGEHOLDER (THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED):

- 1. The Prior Chargeholder hereby consents to the granting and registration of the Subsequent Charge and the Prior Chargeholder hereby agrees that the Subsequent Charge shall be binding upon its interest in and to the Land.
- 2. The Prior Chargeholder hereby grants to the Subsequent Chargeholder priority for the Subsequent Charge over the Prior Chargeholder's right, title and interest in and to the Land, and the Prior Chargeholder does hereby postpone the Prior Charge and all of its right, title and interest thereunder to the Subsequent Charge as if the Subsequent Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Prior Charge.

As evidence of its agreement to be bound by the above terms of this Consent and Priority Agreement, the Prior Chargeholder has executed and delivered Part 1 of *Land Title Act* Form C which is attached hereto and forms part of this Agreement.

END OF DOCUMENT

LAND TITLE ACT
FORM C
(Section 233)
Province of British Columbia

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office use) PAGE 1 of 9 pages

1. APPLICATION:

Signature of Agent for Applicant

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

(PID)

(LEGAL DESCRIPTION)

3. NATURE OF INTEREST:*

Description

Document
Reference

Person Entitled to Interest

S.219 Covenant

Entire Document

Transferee

Priority Agreement

Page 8

Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms

☐

D.F. No. ST

(b) Express Charge Terms

☐

Annexed as Part 2

(c) Release

☐

There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.
If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

XXX (as to Covenant)

XXX (as to Priority)

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

GALIANO ISLAND LOCAL TRUST COMMITTEE, Suite 200, 1627 Fort Street,
Victoria, B.C. V8R 1H8

7. ADDITIONAL OR MODIFIED TERMS:*

NOT APPLICABLE

8. EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

EXECUTION DATE

OFFICER SIGNATURE(S)

(as to both signatures)

Y	M	D

PARTY(IES) SIGNATURE(S)

XXX by its authorized signatories:

Name: _____

Name: _____

GALIANO ISLAND LOCAL TRUST
COMMITTEE by its authorized
signatory:

Trustee: _____

OFFICER CERTIFICATION:

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

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

Page 3

8. EXECUTION(S):**This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

EXECUTION DATE

OFFICER SIGNATURE(S)

(as to both signatures)

Y	M	D

PARTY(IES) SIGNATURE(S)

XXXXX by its authorized signatories:

Name:

Name:

OFFICER CERTIFICATION:

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

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference _____, is

BETWEEN:

XXX

("Owner")

AND:

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

("Local Trust Committee")

GIVEN THAT:

- A. The Owner is the registered owner of the land on Galiano Island legally described as and with Parcel Identifiers as follows:

XXXXX

(the "Lands") and the Lands are designated as Forest Land by the Galiano Island Official Community Plan;

- B. The Owner has applied to the Local Trust Committee to rezone the Land to permit a subdivision of the land for residential development, by means of Galiano Island Land Use Bylaw No. 127, 1999 Amendment No. 3, 2013 (the "Rezoning Bylaw");
- C. The policies in the Galiano Island Official Community Plan dealing with the Land require that an owner of the Land seeking a zoning amendment to permit subdivision, provide portions of the parent parcel to be used for conservation, ecosystem protection, public parkland, community forest or trails;
- D. The owner wishes to grant to the Local Trust Committee a covenant under s. 219 of the *Land Title Act* that permits the Owner to subdivide the Land and occupy the Land for residential purposes only in accordance with the plan of subdivision that was presented to the Local Trust Committee in connection with the Owner's application to rezone the Land, and only if the Owner provides portions of the Land as park land;

This Agreement is evidence that in consideration of the payment of \$2.00 by the Local Trust Committee to the Owner (the receipt and sufficiency of which are acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees as follows with the Local Trust Committee in accordance with s.219 of the *Land Title Act*;

No Subdivision Except in Accordance with Plan

1. The Owner shall not subdivide the Land except by means of a plan of subdivision that creates 5 residential parcels substantially as shown, and numbered 1 through 5 inclusive, in the proposed plan of subdivision attached to and forming part of this Agreement as Schedule A (the "New Residential Parcels").

Use of New RESIDENTIAL Parcels

2. The Owner shall not occupy for residential purposes any building on the New Residential Parcels until the Owner has transferred to the Crown in Right of British Columbia for public park purposes, substantially that portion of the Lands to be zoned "Nature Protection (NP)" by the Rezoning Bylaw and shown as "Lot 7" on Schedule A; and until the Owner has transferred to the Capital Regional District for public park purposes, substantially that portion of the Lands to be zoned "Park (P)" by the Rezoning Bylaw and shown as "Lot 8" on Schedule A;.

Access to New Parcels

3. The Owner shall not use any portion of the Easement Area (noted as "Easement" on Schedule A) for the installation or operation of any gate or similar structure that prevents vehicular access from Bodega Beach Drive, whether or not such gate or similar structure is equipped with a lock or other device by means of which vehicular access may occur. Notwithstanding the forgoing, for certainty, gates are permitted on those portions of the New Residential Parcels noted as "driveway access" on Schedule A.

No Effect On Laws or Powers

4. This Agreement does not
 - (a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land except as expressly set out herein;
 - (b) impose on the Local Trust Committee any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement except as expressly set out herein;
 - (c) affect or limit any enactment relating to the use or subdivision of the Land; or

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

Limitation on Obligations

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

No Liability in Tort

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

Covenant Runs With the Land

7. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owner in this Agreement constitutes a personal covenant and also a covenant granted under s.219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means.

Registration and Discharge

8. The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.
9. The Owner shall be entitled to a discharge of this Agreement from title to the Land in the event that the Rezoning Bylaw is not adopted by ____, 201X.
10. The Owner shall, having subdivided the Land in accordance with this Agreement and transferred to the Crown the land described in Section 2 of this Agreement, be entitled to a discharge of this Agreement from title to the New Parcels.
11. The Owner may obtain a discharge under Section 9 or Section 10 by presenting a registrable discharge document to the Local Trust Committee for execution, and the preparation and registration of the document shall be for the Owner's account.

Waiver

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

Severance

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

No Other Agreements

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

Binding of Successors

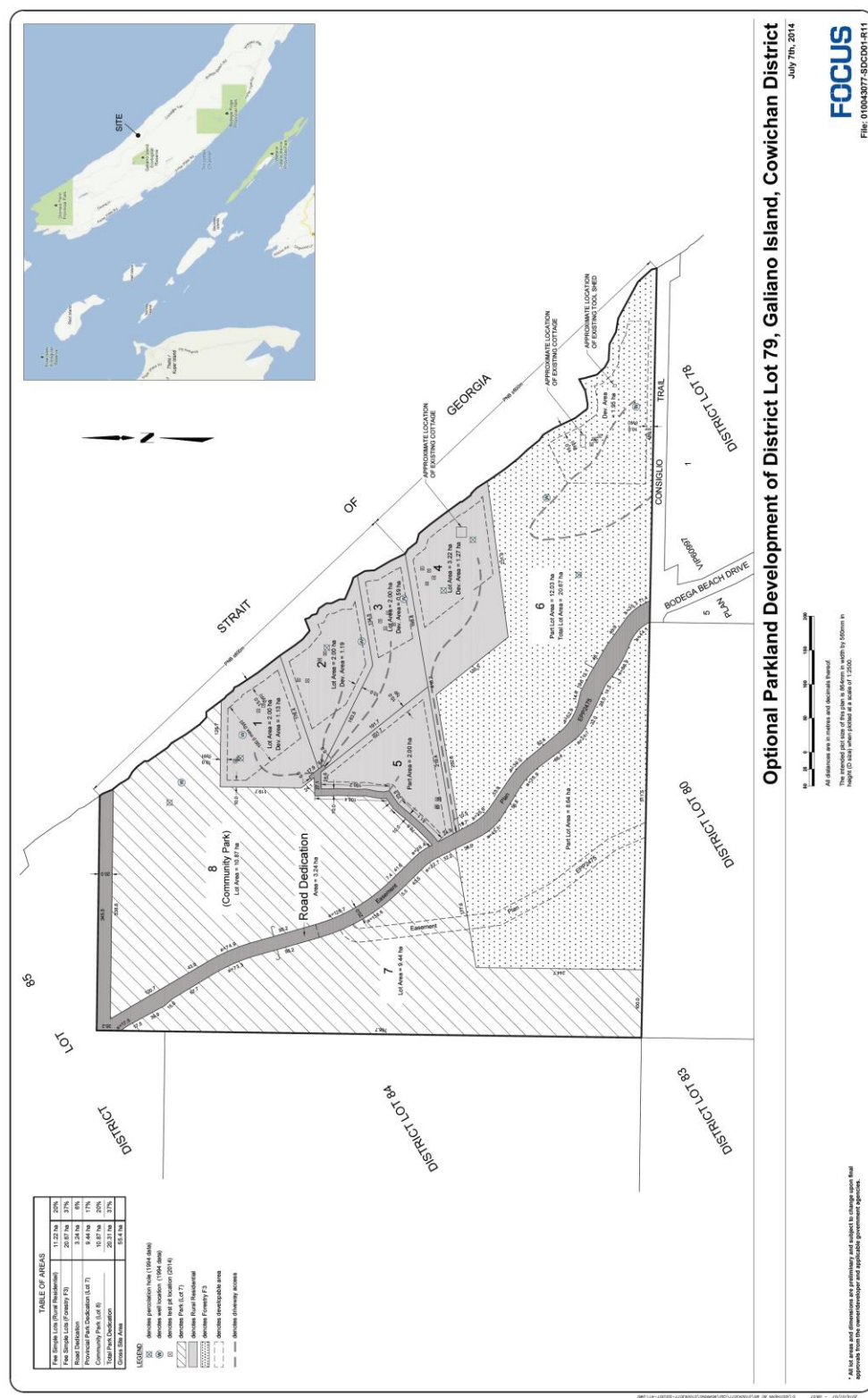
15. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Execution Using Form C

16. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by executing Part I of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

SCHEDULE "A"

PROPOSED PLAN OF SUBDIVISION





Islands Trust

BYLAW REFERRAL FORM

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

Island: Salt Spring Island Trust Area

Bylaw No.: 484

Date: August 4, 2015

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held in the early winter of 2015.

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee

PURPOSE OF BYLAW:

To amend Salt Spring Island Land Use Bylaw No. 355 to introduce a 30.5 metre setback between septic fields and drinking water wells.

GENERAL LOCATION:

Salt Spring Island

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Official Community Plan Bylaw No. 434

OTHER INFORMATION:

Bylaw No. 484 will apply to Salt Spring Island and Islands within the Salt Spring Island Local Trust Area covered under Land Use Bylaw No. 355. See attached staff report and bylaw for further information.

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


(Signature)

Name: Jason Youmans

Title: Planner II

This referral has been sent to the following agencies:

Federal Agencies

N/A

Regional Agencies

Capital Regional District
CRD Building Inspection
CRD Engineering Services
CVRD Building Inspection
Vancouver Island Health Authority

Provincial Agencies

Ministry of Community, Sport & Cultural Development
Ministry of Environment
Ministry of Health

Adjacent Local Trust Committees and Municipalities

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

Non-Agency Referrals

N/A

First Nations

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

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

484
(Bylaw Number)

(Title)

(Agency)

STAFF REPORT

Date: September 1, 2015

File No.: 6500-20-Galiano
Cottage Review &
Secondary Suites
Projects

To: Galiano Island Local Trust Committee
For the meeting of September 14, 2015

From: Kim Farris,
A/Planner 2

CC: Robert Kojima,
Regional Planning Manager

**Re: Cottage Review Project – Draft Bylaw Nos. 242 (OCP) & 243 (LUB)
Secondary Suite Project – Draft Bylaw Nos. 254 (OCP) & 255 (LUB)**

The purpose of this report is to re-present the amended bylaws for the Cottage Review and Secondary Suite Projects. The staff report will also outline the project's next steps for the Galiano LTC's consideration.

Project Bylaws

Draft bylaws for both projects were presented at the July 6, 2015 LTC meeting. The Galiano LTC passed the following resolutions for the Cottage Review Project:

#	July 6, 2015 LTC Recommendations/Resolutions	Staff Comments
Cottage Review Project		
1	THAT, the Galiano Island Local Trust Committee directs staff to amend Draft Bylaw No. 243 so that it retains cottages being accessory to principal dwelling use.	Revisions were made to the Cottage Review draft (LUB) bylaw No. 243 to retain cottages as an accessory use. A blackline version of this bylaw is not provided as the draft bylaw was rewritten. A blackline version of the LUB will be provided to the
Secondary Suite Project		

#	July 6, 2015 LTC Recommendations/Resolutions	Staff Comments
2	THAT, the Galiano Island Local Trust Committee directs staff to report back with recommendations pertaining to water conservation for inclusion in draft bylaw No's. 254 and 255.	An revision was made to draft Bylaw No. 255 (LUB) to include the requirement that at the time of building permit, the dwelling must be capable of supplying the secondary suite with a sufficient quantity of potable water (Subsection 2.28.6).
3	THAT, the Galiano Island Local Trust Committee directs staff to amend Draft Bylaw No's. 254 and 255 by restricting secondary suites to lots larger than 0.4 hectares in size.	An revision was made to draft Bylaw No. 255 (LUB) to restrict secondary suites on lots larger than 0.4ha in area.

Staff have revised the bylaws to incorporate the direction of the LTC. The draft bylaws are attached for LTC's review and consideration. No revisions were made to either draft OCP bylaws.

Community Information Meeting & Public Hearing

A community information meeting (CIM) often takes place before a public hearing in order to provide the public with an opportunity to ask questions regarding an application or project that involves a bylaw amendment.

An open house and community information meeting (CIM) was held for both projects on June 13, 2015 and was attended by approximately 12 people in order to provide input to staff and the LTC on these projects.

A public hearing is requirement of any bylaw amendment process, and staff are recommending scheduling the public hearing and the CIM in conjunction unless otherwise advised by the LTC. Generally the CIM and public hearing are scheduled after first or second reading and once agency referrals are received. There is a notification period prior to the public hearing during which time surrounding neighbours will be contacted and advertisements placed in a newspaper. Further direction from the LTC will be required if any additional community consultation or special meetings above and beyond the standard process are desired.

Staff recommend scheduling a CIM and public hearing for a Saturday Special Meeting for all three top priority projects (Cottage Review, Secondary Suites, and Home-based Contractor Yards), in October 2015.

Staff Comments

The trustees should review the draft bylaws revisions and ensure they meet the LTC's intent. There will be further opportunities for the LTC to consider amendments at future meetings. Also, staff will revise the blackline version of the OCP and LUB incorporating the amendment above

that will allow the LTC and community to view the changes in the context of the consolidated bylaw.

Next Steps:

Once draft bylaws have been reviewed, the next steps are to:

- Consider First Reading for proposed Bylaw Nos. 242, 243, 254, and 255.
- Consider if any additional community consultation should be scheduled. Based on the attendance at the recent open house and meeting, staff are not recommending a second stand alone CIM at this point.
- Consider second reading of the bylaws (with or without amendments).
- Direction to schedule a public hearing (for October). The project charter indicates the hearing would be scheduled for September, however staff are recommending that the hearing be coordinated with the secondary suites hearing in October.
- Review and endorsement of Islands Trust Policy Statement directive checklists

Summary of Planning Recommendations

If the LTC is prepared to proceed with the draft bylaws, the recommendations are to:

- Consider First Reading,
- Review and endorse the policy statement checklists, and
- Schedule a Community Information Meeting and Public Hearing for mid-October 2015 for all three Top Projects.

The LTC will have the option to review the bylaws at the October meeting and make any further amendments prior to the Public Hearing.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee give First Reading to Draft Bylaw No. 242, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2013".
2. THAT the Galiano Island Local Trust Committee give First Reading to Draft Bylaw No. 243, cited as "Galiano Island Land Use Bylaw No. 1 27, 1999, Amendment No. 2, 2013".
3. THAT the Galiano Island Local Trust Committee give First Reading to Draft Bylaw No. 254, cited as Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2015.
4. THAT the Galiano Island Local Trust Committee give First Reading to Draft Bylaw No. 255, cited as Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2015.

5. THAT the Galiano Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 242 and Bylaw No. 243 is not contrary to or at variance with the Islands Trust Policy Statement.
6. THAT the Galiano Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 254 and Bylaw No. 255 is not contrary to or at variance with the Islands Trust Policy Statement.
7. THAT the Galiano Island Local Trust Committee direct staff to schedule a Community Information Meeting and Public Hearing for draft Bylaw Nos. 242, 243, 254, and 255 to be held in conjunction with the Home-based Contractor Yard Project.

Prepared and Submitted by:



Kim Farris, A/Planner 2

Sept 2, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

September 3, 2015

Date

Attachments:

Pc: Draft Bylaw 242
Draft Bylaw 243
Draft Bylaw 254
Draft Bylaw 255
Policy Statement checklists

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 242

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

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

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

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

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

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

1. CITATION

This Bylaw may be cited for all purposes as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2013."

2. SCHEDULES

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

3. SEVERABILITY

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

DRAFT

READ A FIRST TIME THIS	DAY OF	201x
PUBLIC HEARING HELD THIS	DAY OF	201x
READ A SECOND TIME THIS	DAY OF	201x
READ A THIRD TIME THIS	DAY OF	201x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	DAY OF	201x
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT	DAY OF	201x
ADOPTED THIS	DAY OF	201x

DEPUTY SECRETARY

CHAIR

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 242

SCHEDULE 1

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

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 243

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

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

1. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
 - a) Section 2.5 is amended by deleting the words “or one storey” and by inserting “cottage,” such that it reads: ‘Accessory buildings and structures must not exceed a height of 5 metres, except that cottages, agricultural buildings and structures and those used for timber production and harvesting must not exceed a height of 9 metres.’
 - b) Section 2.7 is amended by replacing the word “2.7” with “2.8” such that it reads: ‘2.8 The height of non-transparent fences must not exceed 1.8 metres (5.9 feet) in any required setback.’
 - c) Section 2.6 is amended by replacing the word “2.6” with “2.7” such that it reads: ‘2.7 The height limits set out in this section do not apply to any radio or television antenna, flag pole, lighting pole, utility pole, water storage tank, chimney, church spire, farm silo, wind turbine, roof top mounted solar panels or windmill.’
 - d) Add a new Section 2.6 such that it reads: ‘2.6 Accessory buildings and structures must not exceed one storey in height, except for cottages.’
 - e) Section 2.9 is amended by replacing the words “60 square metres” with “70 square metres”
 - f) Section 2.10 is amended by replacing the words “60 square metres” with “70 square metres.”
 - g) An information note is inserted following Section 2.11 as follows:

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

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

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

READ A FIRST TIME THIS	DAY OF	201x
PUBLIC HEARING HELD THIS	DAY OF	201x
READ A SECOND TIME THIS	DAY OF	201x
READ A THIRD TIME THIS	DAY OF	201x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	DAY OF	201x
ADOPTED THIS	DAY OF	201x

DEPUTY SECRETARY

CHAIR

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Amendment-DRAFT.docx

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GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 254

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

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

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

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

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2015”.

2. SCHEDULES

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

3. SEVERABILITY

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

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

PUBLIC HEARING HELD this day of , 20.

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

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

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

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

ADOPTED this _____ day of _____, 20.

SECRETARY

CHAIRPERSON

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 254
SCHEDULE 1

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

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

“c) Secondary suites may be permitted within principal dwellings with the intent of providing rental housing options. A maximum of one secondary suite, limited in floor area, shall be permitted per lot and dwellings containing secondary suites shall provide a rainwater catchment and storage system.”
2. Section II, Subsection 2 (Agriculture), policy (b) is amended by inserting a new policy (c) as follows and re-numbering subsequent policies accordingly:

“c) Secondary suites may be permitted within principal dwellings with the intent of providing rental housing options. A maximum of one secondary suite, limited in floor area, shall be permitted per lot and dwellings containing secondary suites shall provide a rainwater catchment and storage system.”
3. Section VII (Temporary Use Permits), Subsection 2 (Objectives), article (iii) is amended by inserting a new policy (i) as follows :

“i) Commercial Vacation Rentals should not be permitted within secondary suites.

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 255

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

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

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

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

“Secondary Suites

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

2.28.1 One secondary suite is permitted on each lot having an area 0.4 hectares or greater.

2.28.2 On parcels having an area greater than 0.4 hectares and less than 4 hectares a secondary suite shall not be permitted on the parcel if a cottage has been constructed and a cottage shall not be permitted on the parcel if a secondary suite has been constructed.

2.28.3 A secondary suite shall not exceed 60m² (646 ft²) in floor area nor 40% of the floor area of the building in which it is located.

2.28.4 A secondary suite shall be entirely located within the building that contains the principal dwelling.

2.28.5 A secondary suite shall have an entrance from the exterior of the building separate from the entrance to the principal dwelling.

2.28.6 A building permit shall not be issued for a secondary suite, nor shall a secondary suite be occupied, unless the building that is to contain the secondary suite is equipped with a rainwater catchment and storage system having a capacity of at least 16,000 litres and must be capable of supplying the suite with a sufficient quantity of potable water.

Information Note: at time of building permit application, the Capital Regional District will require that a specific quantity of potable water demonstrated and that proof of adequate septic capacity be provided.

2.28.7 A secondary suite must not be subdivided from the principal dwelling unit under the *Land Title Act* or the *Strata Property Act*.

2.28.8 ~~The only h~~Home occupations are permitted in secondary suites ~~are professional practices or offices, limited to one business per secondary suites~~subject to the following:- and

2.28.8.1 no non-resident employees are permitted.

2.28.8.2 ~~No no~~ short term vacation rentals s are permitted

2.28.8.3 ~~no -or~~ bed and breakfasts shall be are permitted ~~in a secondary suite.~~

2.28.9 A minimum of one parking space must be provided for a secondary suite.”

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

“5.1.1.4 secondary suite”

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

“5.2.1.4 secondary suite”

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

“5.3.1.4 secondary suite”

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

“5.4.1.4 secondary suite”

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

“5.5.1.5 secondary suite”

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

“5.6.1.7 secondary suite”

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

“6.1.1.7 secondary suite”

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

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

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

14.1.16	Secondary Suite	1 per secondary suite
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2. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2015”.

READ A FIRST TIME this _____ day of _____, 201_.

READ A SECOND TIME this _____ day of _____, 201__.

PUBLIC HEARING HELD this _____ day of _____, 201_.

READ A THIRD TIME this _____ day of _____, 201_.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of _____, 201_.

ADOPTED this _____ day of _____, 201_.

DEPUTY SECRETARY

CHAIRPERSON



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: Bylaw No. 242 (OCP)

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

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

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

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

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

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

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



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: Bylaw No. 243 (LUB)

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

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

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

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

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

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

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



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: GL-254

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

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

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

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

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

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

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



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 255

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

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

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

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

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

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

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

Date: August 24, 2015

File No.: 6500-20-Contractor
Yards

To: Galiano Island Local Trust Committee
For the meeting of September 14, 2015

From: Kim Farris
A/Planner 2

CC: Robert Kojima
Regional Planning Manager

**Re: Home-Based Contractor Yards Project – Proposed Official
Community Plan Bylaw Amendment No. 253**

Purpose

The purpose of this report is to summarize the comments received by the Galiano Island Advisory Planning Commission (APC) and to outline the project's next steps for the Galiano Island Local Trust Committee (LTC) to consider.

Project Background

At the June 1, 2015 Galiano LTC meeting, the LTC requested staff to amend the Project Charter timeline and to refer proposed Bylaw No. 253 to the Galiano Island APC and appropriate agencies. The Galiano Island LTC also gave proposed Bylaw No. 253 First Reading at the June 1, 2015 LTC meeting.

Background information on the project and previous staff reports are available under 'Projects & Initiatives' on the Galiano Island LTC webpage: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/contractor-home-base.aspx>

Proposed OCP Amendment Bylaw No. 253

Temporary Use Permit (TUP) Guidelines:

The LTC provided direction for staff to review the use of Temporary Use Permits (TUP) to permit home-based contractor yards. TUPs are a mechanism by which a local government can permit a use that is not otherwise permitted in a zone by issuing a permit for up to three years, renewable for an additional three years. Conditions of use of a contractor yard will then be included in the temporary use permit.

The Galiano Island OCP currently permits the issuance of TUPs and a landowner could currently apply for a temporary use permit for a home-based contractor yard use. However, staff recommended including specific guidelines relating to issuance of TUPs for home-based contractor yards. This would provide guidance and certainty for applicants, and guidance for planning staff and the LTC in assessing applications.

Communications

Agency Referrals:

Referrals were sent to agencies and First Nations to provide comments on the draft bylaws. At the time of writing this staff report, no responses were received for this project.

APC Referral:

The following section summarizes input received to date for proposed Bylaw No. 253 and provides staff comments.

#	APC Recommendations	Staff Comments
July 3, 2015 Meeting:		
1	That measures to protect the groundwater and environment from chemical spills and other byproducts.	Change supported. A guideline can be added to the proposed bylaw to ensure groundwater protection from contaminants is considered in applications.
July 16, 2015 Meeting:		
2	Concerns with allowing contractor yard buildings and/or structures to be 9 metres in height, rather than the 5 metre height restriction for accessory structures.	Staff recommends retaining the 9 metre height for contractor yard buildings and/or structures. Although these structures could be deemed 'temporary' as the permit would only permit the buildings and/or structures for a temporary period of time, the owner has the opportunity to apply for variance to permit the 9 metre buildings/structures. Also, the LTC at the time of reviewing each individual TUP application has the ability to address specific conditions that are specific to the site and proposal. Therefore, the LTC has the option to include TUP conditions to only permit a 5 metre contractor yard building when reviewing a specific application.

#	APC Recommendations	Staff Comments
3	TUP does not address the scale of use; in other words, self-employed construction works and garden landscapers should not be expected to apply for a TUP just to store their tools and small equipment at home.	Construction and landscaping contractors may store tools and equipment at their home under the Land Use Bylaw (LUB) Home Occupations regulations (home occupation includes 'trades'). The Home Occupation regulations in the LUB state the Home Occupation must be conducted entirely within the operator's dwelling or permitted accessory building. If construction or landscaping contractors operation goes beyond the limits and regulations of a Home Occupation, a TUP would be required.
4	Redefining the term 'contractor' to remove reference to construction and landscaping businesses as the TUP requirement should be directed towards industrial-type contractors.	Staff agree the definition of 'contractor yard' should be corrected to include general trades contractors. The definition should also retain the reference to construction and landscaping businesses.
5	Discussions on amending the Light Industrial Zone to include excavation businesses operating with more than one piece of excavating equipment in the Galiano Island LUB.	This discussion goes beyond the scope of the project. The Galiano Island LTC may wish to add this to the LTC's Project's List as a potential future amendment.
6	Recommendation to use the term 'industrial or commercial use' instead of 'contractor yard'.	This project was intended to address concerns specifically related to contractor yards within a residential setting, not a broad 'industrial/commercial use'. Staff recommend retaining the term 'contractor yard' but amend the definition to include other trades.

Community Information Meeting & Public Hearing:

A community information meeting (CIM) often takes place before a public hearing in order to provide the public with an opportunity to ask questions regarding an application or project that involves a bylaw amendment. A public hearing is part of any bylaw amendment process, and staff are intending to schedule the public hearing and the CIM in conjunction unless otherwise advised by the LTC. Generally the CIM and public hearing are scheduled after first or second reading and once agency referrals are received.

A public hearing should be scheduled once all agency referrals are received. There is a notification period prior to the public hearing during which time advertisements placed in a newspaper and posted. Further direction from the LTC will be required if any additional community consultation or special meetings above and beyond the standard process are desired.

Staff recommend scheduling a CIM and public hearing for all three top priority projects (cottage review, secondary suites, and contractor yards), if possible, for October 2015.

Islands Trust Policy Statement

The policy statement checklist used for the Executive Committee bylaw submission report is attached to this report for the LTC to review. Staff consider the proposed bylaw to either be in compliance with or not applicable to the policies found in the checklist; there were no inconsistencies.

The checklists will be forwarded to the Executive Committee after Third Reading of the bylaw.

Summary of Planning Recommendations

After reviewing the APC comments provided, staff are recommending a revision to the 'contractor yard' definition for proposed Bylaw no. 253. The definition currently reads:

“‘contractor yard’ means the use of land or buildings for the storage of materials and equipment for a building, construction, or landscaping business and is accessory to a dwelling unit.”

Staff recommend changing the definition to reference vehicles and industrial use:

“‘contractor yard’ means the use of land or buildings for the storage of materials, equipment, **and vehicles** for a building, construction, landscaping business, **or other trades** and is accessory to a dwelling unit.”

Staff also recommend revising TUP guidelines in order to address groundwater contamination by adding the following guideline:

- The LTC should consider potential impacts from the contractor use or activity to the surrounding groundwater resources.

Options for LTC Consideration:

- Amend draft bylaw no. 253 by including recommendations from APC comments (as outlined in attached bylaw) and then give Second Reading to the bylaw as amended;
- Give Second Reading to proposed bylaw no. 253 without amendments;
- Defer Second Reading and amendments until after agency comments have been received and considered; and/or
- Direct staff to schedule a community information meeting and public hearing for mid-October 2015.

Staff are recommending that proposed Bylaw No. 253 be amended as attached, be given Second Reading, and scheduling a CIM and public hearing for all three top priority projects. This timeline would also be consistent with the Cottage Review and Secondary Suite projects.

RECOMMENDATIONS:

1. THAT Galiano Island Local Trust Committee amend proposed Bylaw No. 253 as attached.
2. THAT Galiano Island Local Trust Committee give second reading to proposed Bylaw No. 253 as amended

3. THAT the Galiano Island Local Trust Committee direct staff to schedule a Community Information Meeting and Public Hearing for proposed Bylaw No. 253 to be held in conjunction with the Secondary Suite and Cottage Review Projects.
4. THAT the Galiano Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 253 is not contrary to or at variance with the Islands Trust Policy Statement.

Prepared and Submitted by:



Kim Farris, Planner 2

September 1, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

September 3, 2015

Date

Attachments:

1. Proposed OCP Amendment Bylaw no. 253 (with recommended amendments)
2. Islands Trust Policy Statement Directive Policy Checklist

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

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

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

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

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2015”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME this 1st day of June , 2015.

PUBLIC HEARING HELD this day of , 20.

READ A SECOND TIME this day of , 20.

READ A THIRD TIME this day of , 20.

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

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

ADOPTED this day of , 20.

SECRETARY

CHAIRPERSON

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 253
SCHEDULE 1

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

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

“iv. In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a temporary use permit for a contractor yard:

a) for the purpose of a temporary use permit, “contractor yard” means the use of land or buildings for the storage of materials, ~~and equipment, and vehicles~~ for a building, construction, ~~or landscaping business, or other trades business~~ and is accessory to a dwelling unit;

b) the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for a contractor yard;

~~b)c)~~ the Local Trust Committee should consider potential impacts from the contractor use or activity to the surrounding groundwater resources;

~~e)d)~~ in addition to any other conditions the Local Trust Committee may consider appropriate, the permit may include the following conditions:

- No more than one contractor yard may be conducted per lot;
- Combined floor areas of all buildings and structures for the contractor yard should be limited;
- Lot coverage for areas used for outdoor storage which includes vehicles (trucks, trailers, etc.) and materials related to the contracting business should be limited;
- Contractor yard buildings and structures should not exceed 9 metres in height;
- All outdoor storage areas should be screened from view by a landscape screen from abutting lots and highways and should meet or exceed Section 15 (Screening and Landscaping Regulations) in the Galiano Island Land Use Bylaw No. 127, 1999 in order to mitigate impacts to surrounding neighbours.
- All outdoor storage areas should be sited not less than 15 metres from any lot line and not less than 30 metres from any lake, wetland, stream or the sea;
- The number of vehicles or equipment used for the purpose of the contractor yard should be limited;
- Not more than one unilluminated sign is permitted not exceeding 0.6 m² in area is permitted on the subject property;
- Parking requirements for the contractor yard shall meet or exceed Section 14 (Parking Requirements) in the Galiano Island Land Use Bylaw No. 127, 1999;
- Contractor yard operation hours must be compliant with the noise prohibitions as outlined in the Capital Regional District Noise Suppression Bylaw (Southern Gulf Islands) No.1 , 2006
- The number of persons employed in any contractor yard per lot should be limited; and
- Owner of the contractor yard must permanently reside on the lot in which the Temporary Use Permit for a contract yard has been issued.

~~e)~~e) The operator of the contractor yard must comply with all licensing, health and other applicable regulation of the Province of British Columbia and the Capital Regional District including building inspection, public health, noise, air quality, and water quality regulations.

~~e)~~f) a temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 253

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

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

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

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

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

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

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



Top Priorities

Galiano Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Secondary Suite Review	To research potential issues and options for secondary suites on Galiano Island.	Feb-02-2015	Kim Farris	Feb-02-2016	On Going
2	Cottage Regulations Review	To review cottage regulations in the Galiano Island Land Use Bylaw with respect to height and maximum floor area. Also to review cottage definition and policies in the Galiano Island Official Community Plan.	Feb-02-2015	Kim Farris	Feb-02-2016	On Going
3	Home-based Contractors	To look at options of permitting contractor yards	Feb-03-2014	Kim Farris Robert Kojima	Nov-30-2015	On Going

Projects

Galiano Island

No.	Description	Activity	Received/Initiated	Status
1	Soil Removal and Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw	Sep-12-2011	On Going
2	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	Apr-16-2012	On Going
3	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the LUB.	Nov-18-2013	On Going
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)	Jul-23-2012	On Going
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.	Jul-15-2013	On Going
6	Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	Nov-18-2013	On Going
7	Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	Nov-18-2013	On Going
8	Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	Nov-18-2013	On Going

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).	Jul-07-2014	On Going
10	Community Benefit Review for Forest Lands	Staff to prepare preliminary report for new LTC	Sep-08-2014	On Going
11	Consider amendments to re-designate and rezone crown owned Forest lots.- Bylaws 231, 232 at First Reading	re-refer to FLNRO for comment		On Going
12	Telecommunication Strategy	To consider a telecommunication strategy to address cell tower policies and procedural guidelines.	May-12-2015	On Going



Applications w/ Status - Galiano Island Status: Open

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2015.2	Gary Simpson	Jul-30-2015	65 STICKS ALLISON RD To relax the setback regulation for the existing workshop/carport

Planner: Phil Testemale

Planning Status

Status Date: Sep-02-2015

Staff Report Finalized and on Agenda for Sept 14th PT

Status Date: Aug-24-2015

Permit and Notice prepared and given to DS for mailout notification. Sept 14 agenda PT

Status Date: Jul-31-2015

opened file, assigned to planner, notified LTC, processed fees, requested mapping create notification list

Rezoning

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

Planning Status

Status Date: Feb-20-2015

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

Status Date: Feb-02-2015

applicants state they are no longer proceeding with RHTF application. Will provide detailed summary of proposed

changes

Status Date: Jan-21-2015

applicants withdrawing RHTF application

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

Planning Status

Status Date: Aug-19-2015

Staff & LTC reviewing sustainable forestry covenant.

Status Date: Jun-17-2015

Draft Sustainable Forestry covenant sent for legal review.

Status Date: May-28-2015

Approval received from Minister's office for Bylaw 244.

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

Planning Status

Status Date: Aug-26-2015

Applicant amending proposal to address APC and LTC comments

Status Date: Jun-16-2015

Application referred to the APC

Status Date: May-21-2015

Requested material from applicant received.

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2015.1	Galiano Conservancy Association Planner: Phil Testemale	Feb-25-2015	006-620-965 ELLIS RD Change land use designation in OCP from Rural to Nature Protection and LUB from Rural 2 to Nature Protection

Planning Status

Status Date: Jul-15-2015

EC approved bylaws. OCP amendment sent to Minister for approval.

Status Date: Jun-25-2015

CIM & Public Hearing scheduled for July 6, 2015

Status Date: Apr-22-2015

Forwarded to EC May 13, 2015 agenda for sponsorship consideration

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2013.1	Kelly Gesner, Landworks Consultants Planner: Kim Farris	Nov-29-2013	4150 BODEGA BEACH DR To create a conventional subdivision of 7 lots including remainder.

Planning Status

Status Date: Aug-13-2015

PLA extension granted by MOTI

Status Date: Nov-24-2014

SD file on hold until zoning amendment bylaws are adopted

Status Date: Sep-08-2014

10 percent waiver approved by LTC

Islands Trust
LTC EXP SUMMARY REPORT F2016
Invoices posted to Month ending August 2015

625 Galiano	Invoices posted to Month ending August 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	750.00	0.00	750.00
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	2,500.00	2,316.04	183.96
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	1,231.21	-731.21
65220-625	LTC - Local Exp - Communications	300.00	266.11	33.89
65230-625	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>4,050.00</u>	<u>3,813.36</u>	<u>236.64</u>
Projects				
73001-625-4049	Galiano Contractor Yard Review	2,500.00	0.00	2,500.00
73001-625-4050	Galiano Secondary Suite Review	2,500.00	284.14	2,215.86
73001-625-4051	Galiano Cottage Review	2,500.00	284.15	2,215.85
TOTAL Project Expenses		<u>7,500.00</u>	<u>568.29</u>	<u>6,931.71</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: April 7, 2014

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

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

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

Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality August 2015

Wallace Point Covenant signed – North Pender Island

A covenant has been signed to protect over 50% of a property at Wallace Point, the southernmost point of North Pender Island at the mouth of Bedwell Harbour. The 1.63 hectare covenanted area encompasses several distinct ecosystems and includes two wildlife trees, one of which has an active Bald Eagle nest. Dense bull kelp beds grow near the shoreline and there is a Rockfish Conservation Area offshore north and east of this property.

Meeting with Qualicum First Nation - Lasqueti Crown Land acquisition

Trust Fund Board representatives enjoyed a cordial lunch with the chief and councillors of the Qualicum First Nation followed by initial discussions about the possible acquisition of Crown land on Lasqueti for protection. The Trust Fund Board plans to host Qualicum representatives in the fall for a visit to Lasqueti to look at the land and other areas of significance to the Qualicum people.

Fairyslipper Forest Nature Reserve – Thetis Island land acquisition project

Islands Trust Fund is continuing to support its partners, Thetis Island Nature Conservancy and Cowichan Community Land Trust, as the project to protect Fairyslipper Forest moves into a new phase. So far, \$180K has been raised – over one third of the \$560k required to acquire a property on Lower Burchell Hill as Thetis Island's first nature reserve. Visit the Islands Trust Fund website to watch the video that has been created to encourage donations. www.IslandsTrustFund.bc.ca/Fairyslipper

Realtor Outreach – Pender Islands

Islands Trust Fund staff, in collaboration with the Pender Islands Conservancy Association (PICA), organized a land conservation outreach event for real estate and other professionals involved with selling properties on North and South Pender Islands. The event was well received by participants who commented that they felt much more knowledgeable about conservation covenants. Similar events will be considered for other islands. Local trustees will be contacted early in the planning process.

Grace Islet – Salt Spring Island

Islands Trust Fund is in touch with the Nature Conservancy of Canada with respect to a possible role in the ongoing protection and stewardship of Grace Islet.

Trespass at Mount Trematon Nature Reserve– Lasqueti Island

Islands Trust Fund has acted quickly to address a trespass at Mount Trematon Nature Reserve on Lasqueti Island. We are fortunate that such incidents are a rare occurrence but we are prepared to take appropriate action when they do happen.

Coastal Douglas-fir Conservation Strategy – Islands Trust Fund as an example

The Islands Trust Fund is providing a local government scenario for pursuing the Conservation Strategy of the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP). Islands Trust Fund is an active member of this partnership which includes provincial agencies, NGOs, academics, and local governments. More information about the CDFCP Conservation Strategy will be included in September's Trust Council package.

Date: July 16, 2015

File No.:

To: Local Trust Committee

From: Robert Kojima
Regional Planning Manager

CC: Island Planner

Re: 2016-2017 Budget Requests

Purpose

Local trust committees have been requested to submit project budget requests for the next fiscal year (2016-17).

Local Trust Committee Expense Budgets:

A budget for the Local Expense Account has been developed based on the current budget (2015/16) – copy attached. Local Trust Committees may request changes to this allocation, however, consideration should be given to historical spending and a rationale provided for making such a request.

A small amount of funding is included in the Special Projects line item in the Local Trust Committee Expense Account (\$750). This funding is intended to support minor local planning initiatives at the discretion of the Local Trust Committee and consistent with Islands Trust policy (a resolution is required to use these funds).

LTC Projects Budgets:

The Local Trust Committee will need to make funding requests to support anticipated project work in the next fiscal year.

Riparian Areas Regulation Budgets:

Local trust committees that have bylaws not compliant with the Provincial Riparian Areas Regulation should discuss their requirements for RAR funding in the next fiscal year to assist the regional planning managers and the Director in developing a budget for RAR.

Special Consideration:

Projects planned for the current fiscal (2015/16) which are not completed should be considered as a new project for the 2016/17 fiscal year with resources allocated to support that work.

Budget Request Timeline:

July	Regional Planning Managers develop detailed budget estimates for consideration by Local Trust Committees
July to Sept	Local Trust Committees review and approve budget requests at LTC meeting
Sept	Budget requests submitted to the Director of Local Planning Services
Oct	Management finalizes budget recommendations to FPC
Nov 4	FPC reviews and discusses first draft of the Budget
Nov 18	FPC approves a draft Budget and principles to be submitted to December Trust Council
Dec 9	Trust Council debates and endorses budget principles and preliminary budget

LTC Budget Requests

I have prepared a draft LTC project budget using the following approach:

- On-going Top Priority projects that are not anticipated to be completed in the current fiscal year with an estimated amount sufficient to complete the projects; where project charters have been endorsed, budgets noted in those documents have been used;
- Other projects from the Projects list that are anticipated become Top Priorities in next fiscal year have been identified in a general way, with an amount sufficient to commence a typical project. There is the option for this budget to be re-allocated to an appropriate alternate administratively after adoption of the budget.

The LTC should review the draft budget requests and:

1. delete any projects included in the draft budget request it does not consider a priority
2. identify any other projects it currently considers a priority for the next term and add them to the budget request (and the work program if necessary),
3. identify any additional expenses associated with any of the projects.

Resolution Wording

1. THAT the _____ Island Local Trust Committee approve and forward the draft 2016-17 LTC Project Budget Request to the Financial Planning Committee as presented; or

2. THAT the _____ Island Local Trust Committee revise the draft 2016-17 LTC Project Budget Request by including (deleting) _____ with a budget of \$_____ and forward to Financial Planning Committee as revised.

Prepared and Submitted by:



Robert Kojima
Regional Planning Manager

July 16, 2015

Date

Attachments:

1. Draft 2016-17 LTC expense budget
2. Summary table of LTC project budget requests

GALIANO		Project	Budget		Strategic Plan				Notes
Prov. Requirement									
Continuation of existing OCP/LUB					Newly Adopted Policy in OCP				
Project #1	Dock Review		\$	4,000.00					review of dock zoning - from projects list
Project #2	LUB amendments		\$	4,000.00					amendments from projects list
	TOTAL PROJECTS		\$	8,000.00					

2016/17 LTC EXPENSE BUDGET

Total 2016/17

	615-Denman	620-Gabriola	625-Galiano	630-Gambier	635-Hornby	640-Lasqueti	645-Mayne	650-N.Pender	655-Salt Spring	660-Saturna	665-S.Pender	670-Thetis	EC as LTC	LPC	
population	1095	4050	1258	313	1074	359	1112	1996	9780	359	236	372			22004
	5%	18%	6%	1%	5%	2%	5%	9%	44%	2%	1%	2%			
LTC EXPENSES **															
LTC Meeting Expenses	2,500	4,250	2,500	2,500	2,500	500	1,500	2,750	8,000	1,000	1,000	1,000			30,000
APC Meeting Expenses	750	750	500	750	750	500	750	750	2,000	500	500	500			9,000
Communications	300	750	300	300	300	300	300	300	1,250	300	300	300			5,000
Special Projects	750	2,250	750	750	750	750	750	750	4,500	750	750	750	750		15,000
SUB-TOTAL EXPENSES	4,300	8,000	4,050	4,300	4,300	2,050	3,300	4,550	15,750	2,550	2,550	2,550	750		59,000
Program	0	0	0	0	0	0	0	0	0	6,000	0	0	0	0	6,000
TOTAL	4,300	8,000	4,050	4,300	4,300	2,050	3,300	4,550	15,750	8,550	2,550	2,550	750	0	65,000
	7%	12%	6%	7%	7%	3%	5%	7%	24%	13%	4%	4%			