



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: February 2, 2015
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

			Pages
1. CALL TO ORDER	12:30 PM - 12:40 PM		
2. APPROVAL OF AGENDA			
3. TOWN HALL AND QUESTIONS	12:40 PM - 1:00 PM		
4. COMMUNITY INFORMATION MEETING			
none			
5. PUBLIC HEARING			
none			
6. MINUTES	1:00 PM - 1:10 PM		
6.1 Local Trust Committee Minutes			
none			
6.2 Section 26 Resolutions Without Meeting Report Dated January 2015			3 - 4
6.3 Advisory Planning Commission Minutes			
none			
7. BUSINESS ARISING FROM MINUTES	1:10 PM - 1:20 PM		
7.1 Follow-up Action List Dated January 2015			5 - 6
8. DELEGATIONS			
none			
9. CORRESPONDENCE	1:20 PM - 1:30 PM		
Correspondence received concerning current applications or projects is posted to the LTC webpage			
9.1 December 15, 2014 Letter From B. Mabberley re: Ponds for Fire-Fighting Water Supply			7 - 7

10.	APPLICATIONS AND REFERRALS		
10.1	GL-ALR-2014.1 (Usher) - Staff Report	1:30 PM - 1:50 PM	8 - 19
10.2	GL-RZ-2014.1 (Crystal Mountain) - Staff Report	1:50 PM - 2:10 PM	20 - 40
	-----BREAK-----2:10 PM-2:25 PM		
10.3	GL-RZ-2011.1 (Galiano Green) - Staff Report	2:25 PM - 2:45 PM	41 - 59
10.4	3445-50 CT (Rogers) - Memo	2:45 PM - 3:00 PM	60 - 79
11.	LOCAL TRUST COMMITTEE PROJECTS		
11.1	Work Program Review 2015 - Staff Report	3:00 PM - 3:20 PM	80 - 86
12.	REPORTS	3:20 PM - 4:00 PM	
12.1	Work Program Reports (attached)		
12.1.1	<u>Top Priorities Report Dated January 2015</u>		87 - 87
12.1.2	<u>Projects List Report Dated January 2015</u>		88 - 89
12.2	Applications Report Dated January 2015 (attached)		90 - 92
12.3	Trustee and Local Expense Report Dated December 2014 (attached)		93 - 93
12.4	Adopted Policies and Standing Resolutions (attached)		94 - 95
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Report		
12.8	Trust Fund Board Report		
13.	NEW BUSINESS		
13.1	Advisory Planning Commission Memberships - memo	4:00 PM - 4:15 PM	96 - 97
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for March 2, 2015, at 12:30 pm, at the South Community Hall		
15.	TOWN HALL	4:15 PM - 4:30 PM	
16.	CLOSED MEETING		
	none		
17.	ADJOURNMENT	4:30 PM - 4:30 PM	

RWM From: November 03, 2014 To: January 21, 2015

Galiano Island

Resolution #	Action	Resolution Description	Resolution Date
2014-11	In Favour	THAT the Galiano Island Local Trust Committee Proposed 2015 Annual Meeting Schedule be adopted, thereby holding their Regular Local Trust Committee meetings on the following dates: February 2, March 2, April 13, May 4, June 1, July 6, September 14, October 5, November 2 and December 7, 2015, all at 12:30 p.m.	Dec 18, 2014
2014-10	In Favour	THAT Galiano Island Local Trust Committee Development Variance Permit GL-DVP-2014.3 (Sebelius) be approved.	Nov 28, 2014
2014-09	In Favour	THAT Galiano Island Local Trust Committee Proposed Bylaw No. 248 cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2014" be Adopted.	Nov 27, 2014
2014-08	In Favour	THAT Galiano Island Local Trust Committee Proposed Bylaw No. 247 cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2014" be Adopted.	Nov 27, 2014
2014-07	In Favour	THAT Galiano Island Local Trust Committee Proposed Bylaw No. 246 cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2014" be Adopted.	Nov 27, 2014
2014-06	In Favour	THAT Galiano Island Local Trust Committee Meeting Minutes of November 3, 2014, be adopted; And THAT Galiano Island Local Trust Committee Community Information Notes and Public Hearing Record of November 3, 2014, be Received.	Nov 26, 2014

2014-05	In Favour	THAT Galiano Island Local Trust Committee's interests are unaffected by Salt Spring Island Local Trust Committee Bylaw No. 479.	Nov 15, 2014
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Islands Trust

Print Date: Jan-22-2015

Follow Up Action Report w/ Target Date

Galiano Island Sep-08-2014

No.	Activity	Responsibility	Target Date	Status
1	10.1 Home-based Contractors Project Bring back in New Term for consideration.	Kim Farris	Jan-30-2015	On Going

Oct-06-2014

No.	Activity	Responsibility	Target Date	Status
2	GLCHT 1. ITPS to be revised, endorsed as revised - DONE 2. Schedule public hearing and CIM once housing agreement reviewed and accepted by CRD - ON-GOING 3. Staff to work with applicants on s.219 covenant - DONE 4. Applicants to submit application to Regional Housing Trust Fund - DONE	Kim Farris Robert Kojima	Jan-30-2015	On Going
3	Retreat Cove Farm (Covenant Amendment) Sept 22/14 - Owners reviewing estimate for legal work and will respond to staff on decision to proceed or not (DONE) Dec 2014 - Owners have completed the cost recover agreement. Staff are in the process drafting letter to Minister to transfer covenant from the Ministry to the Islands Trust.	Kim Farris	Jan-30-2015	On Going

Nov-03-2014

No.	Activity	Responsibility	Target Date	Status
4	October 6, 2014, minutes adopted as amended.	Lori Foster	Nov-21-2014	Done

5	Mayne Island Bylaw no. 163 & 164 - interests unaffected	Sharon Lloyd-deRosario	Nov-28-2014	Done
6	Staff to draft letter to Crown Land and Resources Branch of FLNRO to review it's private moorage policies. - DONE	Kim Farris Robert Kojima	Dec-12-2014	Done
7	Staff to inform I. Kramer that correspondence was received and an application that is consistent with OCP policies is welcomed. DONE	Kim Farris	Dec-12-2014	Done
8	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 - ON-GOING	Kim Farris Sharon Lloyd-deRosario	Dec-12-2014	On Going
9	Staff to issue GL-DP-2014.4	Sharon Lloyd-deRosario	Nov-21-2014	Done
10	Staff to update Galiano LTC website	Kim Farris Lori Foster	Nov-14-2014	Done

Galiano Trustee George Harris,
gharris@islandstrust.bc.ca

Dec 15 2014

Galiano Trustee Sandy Pottle,
spottle@islandstrust.bc.ca

Galiano Trust Chair Laura Busheikin,
lbusheikin@islandstrust.bc.ca

CRD- SGI Director David Howe
directorsgi@crd.bc.ca

COPIED TO

☒ PLANNER
☒ LTC
☐ ~~DEPUTY SECRETARY~~



RE: Ponds for fire-fighting water supplies.

Dear Galiano Trustees and SGI Director,

We would like to attract your attention to the advantages arising for landowners from having a sufficiently large water reservoir in the vicinity (within 300 meters) of their property.

Ponds with a capacity of 24,000 gallons or more and fitted with a stand pipe capable of delivering at least 835 gpm are considered as hydrants and their presence can bring significant savings in the cost of fire insurance.

North Galiano Fire Chief , Tom Darby, currently drafting requirements for minimum firefighting service and water supplies in new subdivisions, assures us that : " Our vehicles and personnel meet this requirement and with an added water source and hydrant to serve each area we can meet the standard water shuttle requirements."

We would like to suggest that the Trust and the CRD encourage creation of such ponds, especially in future subdivisions.

Yours,

A handwritten signature in black ink, appearing to read "Ben Mabberley".

Ben Mabberley, Chair, South Galiano Fire Protection Society

A very faint, light-colored handwritten signature, possibly reading "Paul LeBlond".

Paul LeBlond, Chair, North Galiano Fire Protection and Emergency Services Commission

STAFF REPORT

Date: January 19, 2015

File No.: GL-ALR-2014.1
(Usher)

To: Galiano Island Local Trust Committee

From: Kim Farris
A/Planner 2

CC: Robert Kojima
Regional Planning Manager

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Owner: Donna Usher & Clare Omelaniec

Applicant: Same

Location: Lot 1, District Lot 13, Galiano Island, Cowichan District, Plan 35296
1359 Porlier Pass Road, PID: 000-331-406

BACKGROUND:

This is a referral to the Local Trust Committee (LTC) for an application to the Agricultural Land Commission (ALC) to permit a non-farm use (second dwelling unit) within the Agricultural Land Reserve (ALR). In 2014, the property owner contacted Islands Trust staff to gather information with regards to rebuilding a dwelling unit on the property. During this process, it was determined that the number of existing dwelling units located on the property exceed the density requirements regulated by the Galiano Island Land Use Bylaw (LUB) and the ALC. The *Agricultural Land Commission Act* (Section 18(a)(ii)) restricts the number of dwelling units to one (1), therefore a non-farm use application is required to legalize the additional dwelling unit.

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

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

- Road House – This structure was constructed prior to zoning and believed to be the first building built on subject property. The current owner states it was rented out/used until March 2014 as a residence. The road house is currently not in liveable condition and major renovations are required.
- Cherry Cottage – This structure was once a one-room logging cabin constructed prior to zoning in the 1930s. The cabin was then converted into a homestead in the 1940s. Major renovations and an increase to the structure's footprint were made in early 1990's. The

structure does not meet the Galiano LUB definition of a 'cottage' as it exceeds the allowable maximum floor area for a cottage therefore it is considered to be a dwelling unit.

- Barn House – This building was used as an accessory farm building until it was converted into habitable space in 1993. The property owners have acknowledged that they will remove the habitable living space.

A letter is attached providing further history on each dwelling unit in support for the non-farm use application – Schedule 1. The applicants also state if the non-farm use application is approved, the two dwelling units (road house and cherry cottage) will provide accommodation for a farmer residence and/or as rental housing to help finance a future agricultural operation.

The road house was the first dwelling unit built on the property therefore it is considered the 'one permitted dwelling unit' as per the Galiano Island LUB. The cherry cottage would then be considered the non-conforming dwelling unit and a non-farm use application is required to legalize its use. If property owners can demonstrate the two dwelling units meet Section 911 of the Local Government Act, the cherry cottage is not required to meet the density regulations in the LUB.

Any application for a non-farm use within the ALR must be filed with the local government and may not proceed unless authorized by a resolution of the local government. If this application is authorized by the LTC, and subsequently by the ALC, the applicant then must apply to the Board of Variance to legalize the additions to the cherry cottage – see Issues Summary.

SITE CONTEXT:

The subject property is a 4.04 ha (10 acre) in area and is zoned Agriculture (AG) and Rural 2 (R2). The properties surrounding the subject property are zoned Agriculture, Rural 2, and Rural 3 and are a similar lot size as the subject property. The portion of the property zoned AG is also located in the ALR. There are three dwelling units located on the property: a converted barn, the Cherry Cottage, and the Road House. The property consists of wooded vegetation with cleared areas surrounding the dwelling units. There is a riparian area and small stream running along the northern property line adjacent to Portlier Pass Road – see Figure 6 sensitive ecosystem.

Figure 1: Subject Property Map

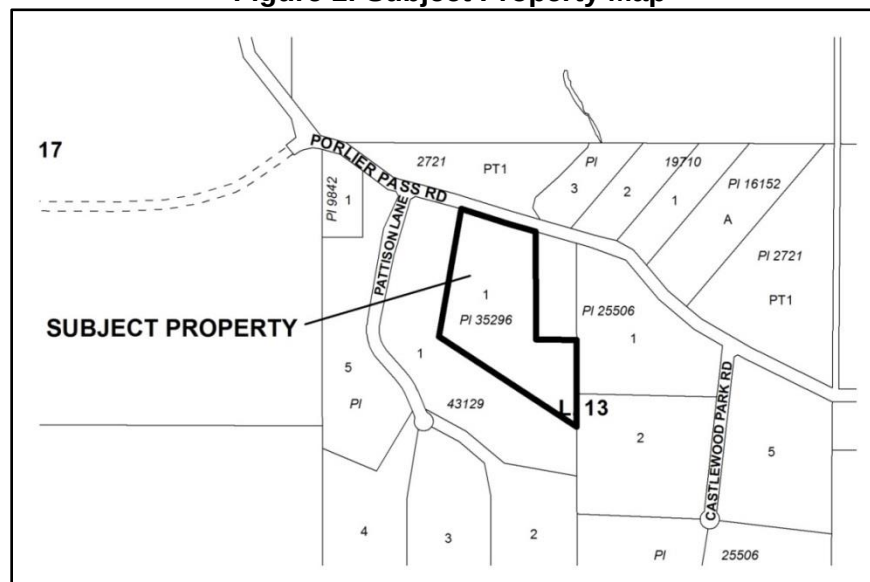


Figure 2: Orthophoto and 2 metre Contour Lines

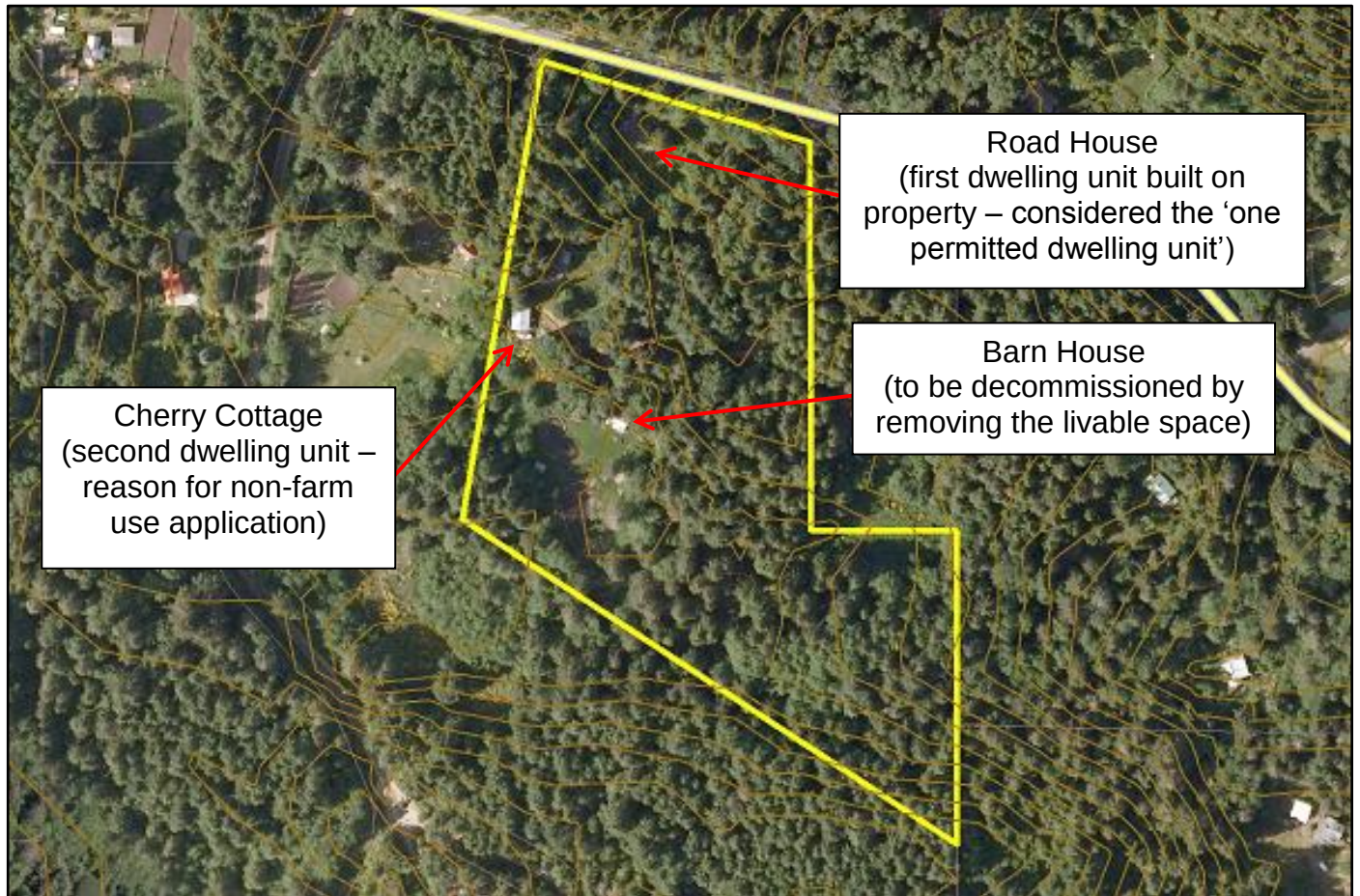
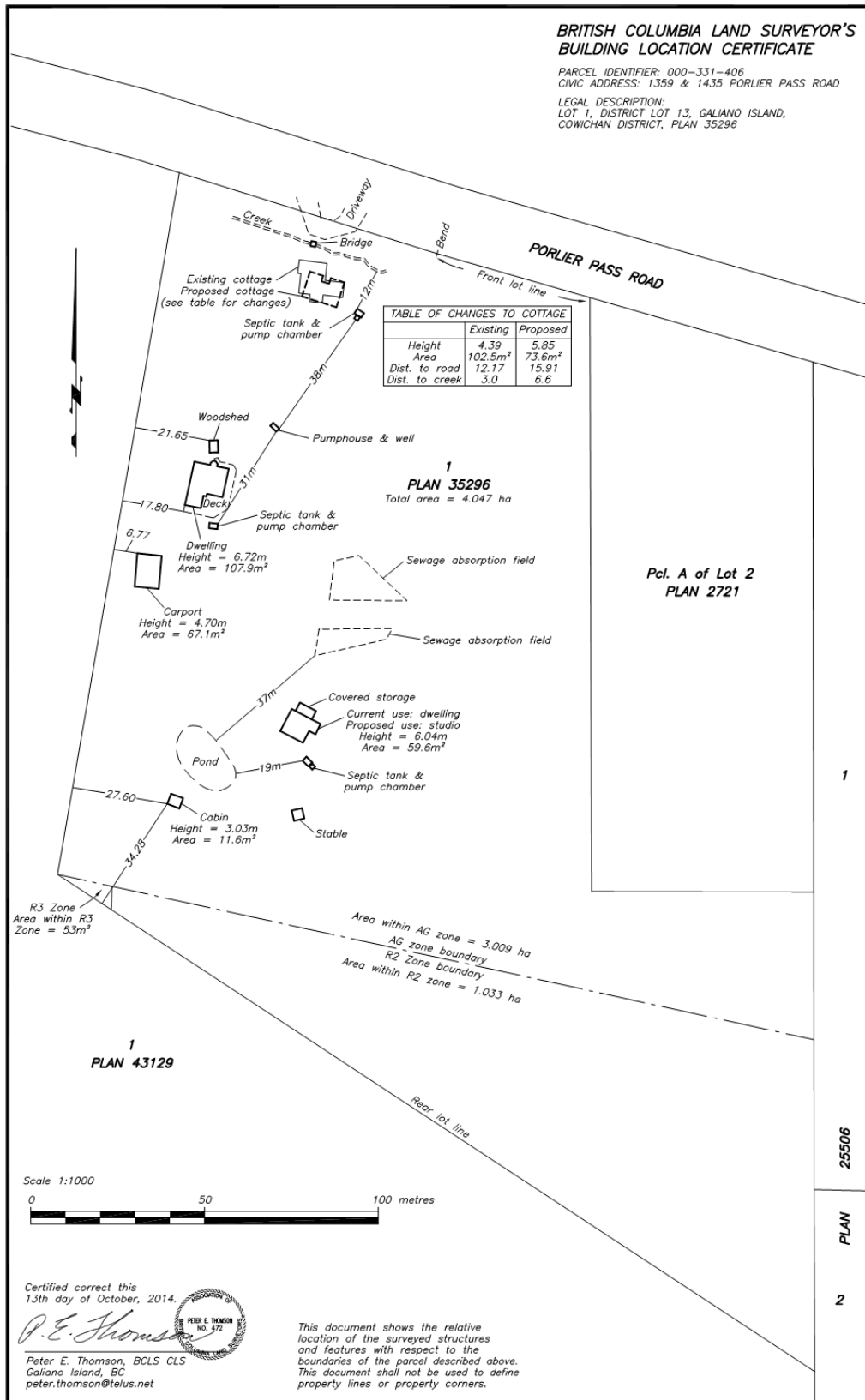


Figure 3: Site Survey



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

The proposal is consistent with the Islands Trust Policy Statement. In particular, the following policy relates to this proposal:

- 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.

Official Community Plan:

The lot is split designated Agriculture and Rural in the Galiano Island Official Community Plan (OCP). The portion of the property located in the ALR is designated Agriculture.

The objectives of the Agriculture designation are:

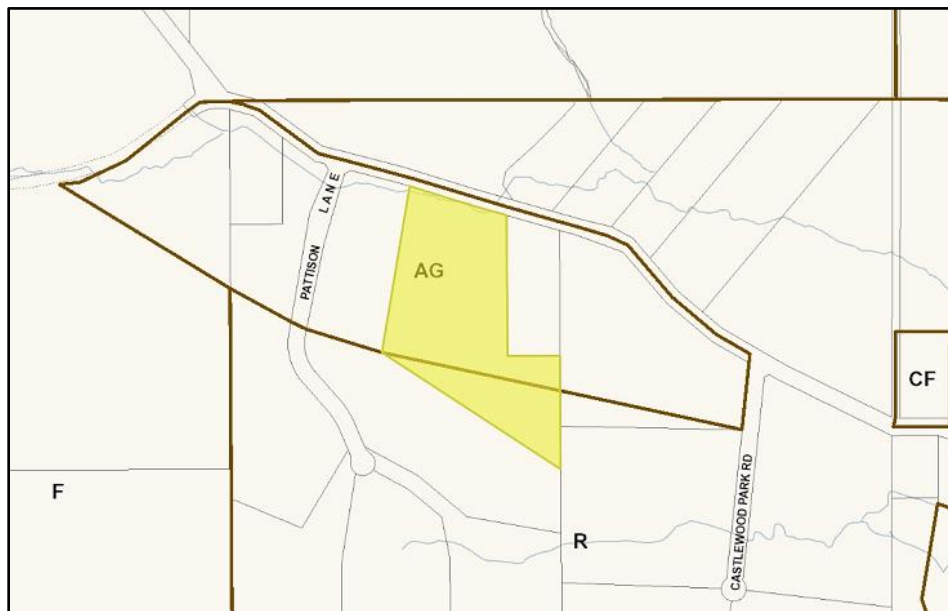
- 1) to preserve agricultural land, limit non-farm uses and prevent conversion of agricultural land to other uses.
- 2) to encourage agricultural activities, agricultural best practices, the protection of farmland, and the maintenance of agricultural production.
- 3) to minimize impacts on environmentally sensitive ecosystems, at-risk species and their habitats, and biodiversity.
- 4) to increase local food security by encouraging local production of agricultural and horticultural products that could be sold directly to the public.
- 5) to support farming as an important traditional land use, lifestyle and livelihood on Galiano Island.
- 6) to increase public awareness of agriculture and farming.

The Agriculture designation establishes the following density, use, or non-farm use policies:

- a) The principal use shall be agriculture.
- b) One dwelling unit shall be permitted per lot with an additional dwelling for every 4 hectares (9.88 acres) of lot area over 4 hectares (9.88 acres).
- e) Zoning regulations shall ensure setbacks and permitted uses on properties adjacent to agricultural uses shall be appropriate for the protection and the continuation of the agricultural operation.
- m) The local trust committee should only support applications to the Agricultural Land Commission for non-farm use or exclusion of land within the Agricultural Land Reserve where local farming or the greater community would benefit. Support for such applications should only be considered in the following circumstances:
 - i) the proposed non-farm use or exclusion would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the property; or
 - ii) in the instance of a proposed exclusion, the Local Trust Committee may consider an application that would result in inclusion of non-ALR farmland into the ALR of an equivalent or greater amount.

Although there are Development Permit Areas (DPA) located on the property, the location of the dwelling unit (cherry cottage) associated with this non-farm use application is not located within a DPA. No development permits are required for the cherry cottage.

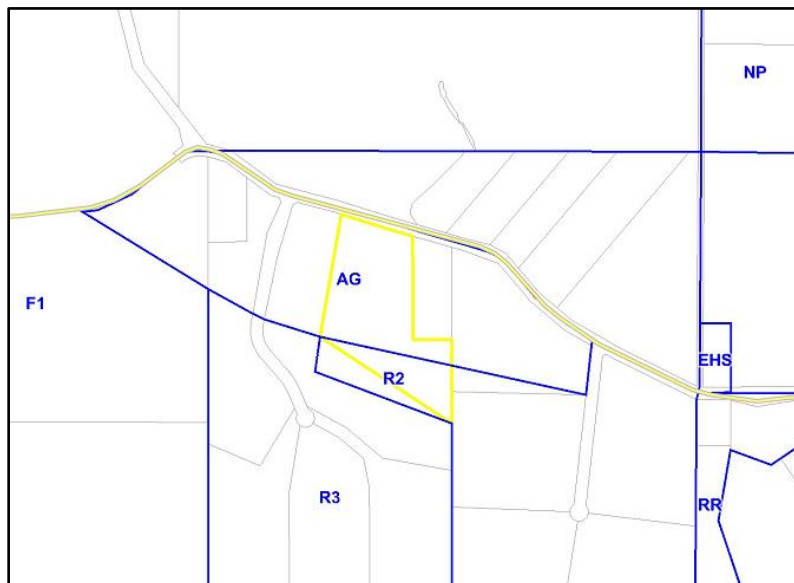
Figure 4: OCP Designations



Land Use Bylaw:

The subject property is split zoned Agriculture (AG) and Rural 2 (R2) in the Galiano Island Land Use Bylaw (LUB). The AG zones permits dwellings, farm use, and accessory residential and agricultural uses required for the operation of the farming activities conducted on the lot as primary permitted uses. The AG zone also restricts permitted density to one dwelling on each lot, and one additional dwelling is permitted in respect of each 4 hectares of lot area over 4 hectares. The property owners believe the non-conforming dwelling unit, the cherry cottage, meets Section 911 of the *Local Government Act*.

Figure 5: Zoning Map



Sensitive Ecosystems and Hazard Areas:

The Islands Trust Sensitive Ecosystem Mapping (SEM) identifies a stream and a riparian area sensitive ecosystem on the subject property. The cherry cottage is not located within the sensitive ecosystem areas as seen in Figure 6. There are low slope hazards identified on the property (Figure 7) and there are no anticipated impacts with this application

Figure 6: Sensitive Ecosystems Map

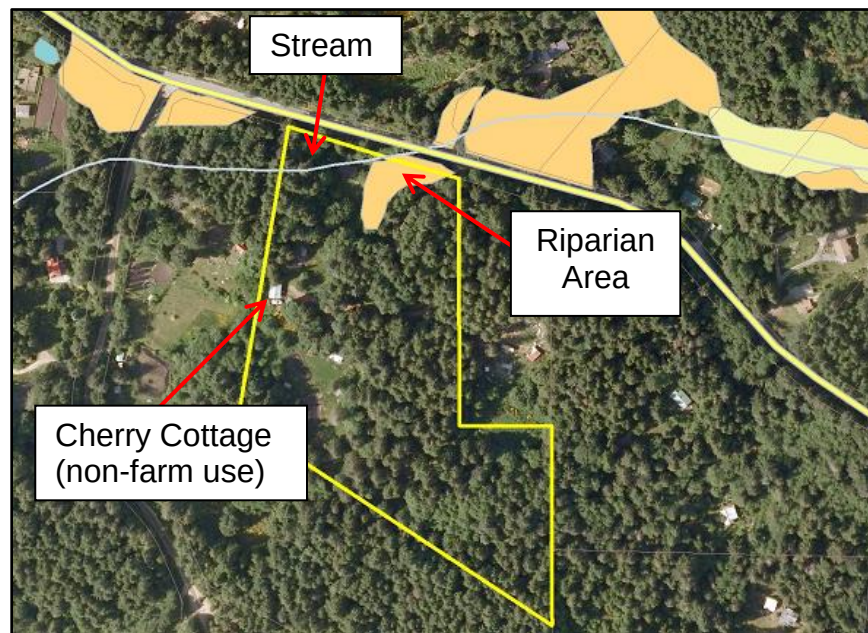
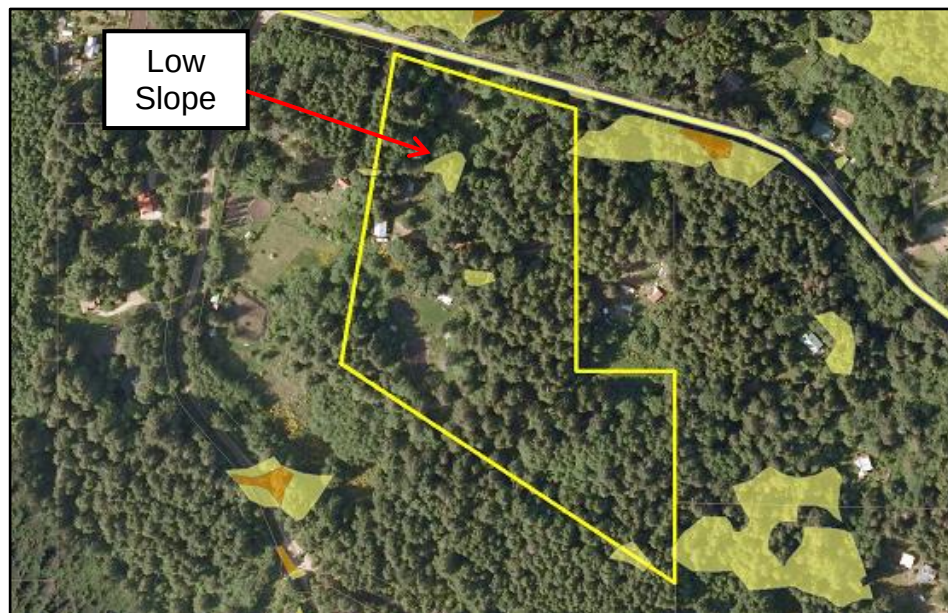


Figure 7: Steep Slope Hazard Map



Archaeological Sites:

There are no archaeological sites on the property or in close vicinity registered in the provincial database.

Covenants:

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

Islands Trust Fund:

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

Bylaw Enforcement:

There are no bylaw enforcement files associated with the subject property.

Climate Change Mitigation and Adaptation:

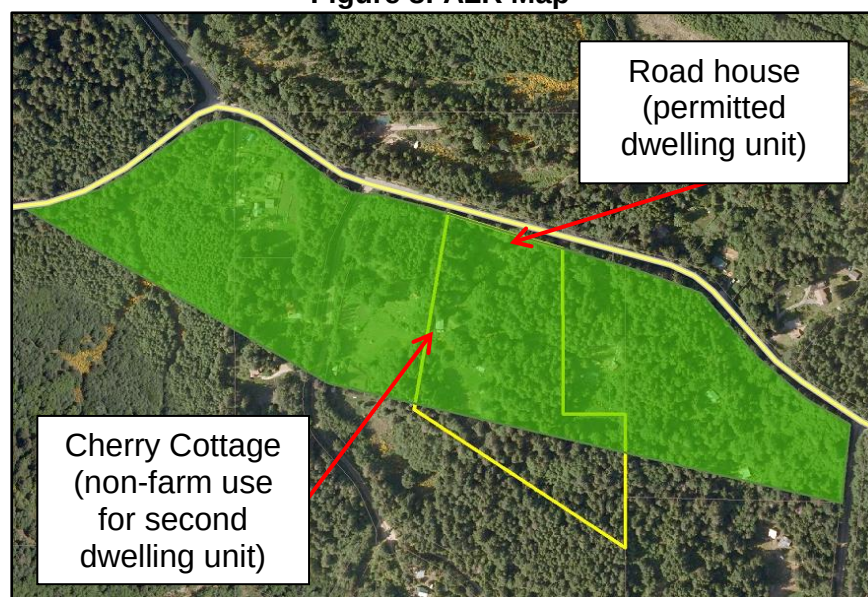
This application has no impact on climate change mitigation and adaptation.

Agricultural Land Reserve:

A large portion of the property is located within the ALR indicated as the green area in Figure 8. The cherry cottage and road house are located within the ALR. As the *Agricultural Land Commission Act* (Section 18(a)(ii)) restricts the number of dwelling units to one (1), a non-farm use application is required to legalize the second dwelling unit (cherry cottage). The road house dwelling unit is considered to be the permitted dwelling unit as it was the first dwelling unit built on the property.

An ALC planning staff member stated that the ALC would likely not have an issue with permitting two dwelling units (road house and cherry cottage) that pre-dated the ALR. Furthermore, they stated that if one of the dwelling units were to be replaced or expanded (which is true in this case), a non-farm use application would be required.

Figure 8: ALR Map



ISSUES SUMMARY:

Statutory Background:

1. The application is made under Section 20(3) of the *Agricultural Land Commission Act*, which states an owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.
2. Section 23(2) states the restrictions on the use of agricultural land do not apply to land lawfully used for a non-farm use, established and carried on continuously for at least 6 months immediately before December 21, 1972, unless and until
 - (a) the use is changed, other than to farm use, without the permission of the commission,
 - (b) an enactment made after December 21, 1972, prohibits the use, or
 - (c) permission for the use granted under an enactment is withdrawn or expires.
3. Section 25(3) goes on state that such an application may not proceed unless authorized by a resolution of the local government if it applies to land that is zoned by bylaw to permit agricultural or farm use.

Process:

Although this is an application to the ALC, it is filed with the local government and the application may not proceed without LTC authorization. The process is as follows:

1. The application is considered by LTC and, if authorized by the LTC, it is then forwarded to the ALC, along with a copy of the resolution and staff report.
2. The ALC may refuse permission, grant permission or grant permission with conditions
3. If the ALC grants permission for the non-farm use (second dwelling unit), the applicant would then be able to make application to the Board of Variance to legalize the additions made to the cherry cottage in the 1990s.

Local Government Act – Section 911 & Board of Variance (BOV):

The following are relevant sections of the *Local Government Act* (LGA):

Section 911(1) – “If, at the time a bylaw under this Division is adopted,

- (a) land, or a building or other structure, is lawfully used, and
- (b) the use does not conform to the bylaw,

the use may be continued as a non-conforming use, but if the non-conforming use is discontinued for a continuous period of 6 months, any subsequent use of the land, building or other structure becomes subject to the bylaw.”

Section 911(5) – “A structural alteration or addition, except one that is required by an enactment or permitted by a board of variance under Section 901(2), must not be made in or to a building or other structure while the non-conforming use is continued in all or any part of it.”

The property owners believe they can demonstrate the structures meet Section 911(1) of the LGA. At this time the owners have not provided physical evidence which supports that the

second dwelling pre-dates 1972. The applicants may wish to provide written proof from a previous property owner or renter confirming the buildings were located on the property prior to zoning and the ALR.

The additions made to the cherry cottage in the 1990s should have been approved by the Board of Variance. As alterations and additions were made to the cherry cottage, a Board of Variance is required to permit the alterations and additions. The property owners are required to retroactively apply to the BOV in order to legalize the additions to the cherry cottage. A BOV application should only be applied for if the ALC approves the request to legalize the cherry cottage as a permitted second dwelling unit.

Community Information Meeting (CIM):

Agricultural Land Commission applications are not required to hold a CIM. The applicant is only required to provide a notice of application to the public if the application was to exclude land from the ALR. As this application is to permit a non-farm use, notification is not required.

STAFF COMMENTS:

The applicants are applying for a non-farm use application in order to legalize a dwelling unit located on the property. There are currently three dwelling units located on the property: the road house, cherry cottage, and barn house. The applicants' intent is to rebuild the road house as it is in a state of disrepair. In reviewing the history of the property, staff determined the following

- the road house was the first dwelling unit built on the property therefore it is the one permitted dwelling unit and may be altered or expanded.
- the cherry cottage dwelling unit is pre-existing non-conforming with respect to its use as a dwelling. However, the additions require Board of Variance approval and the ALC has determined that it requires approval as a non-farm use.
- the dwelling in the barn is unlawful; the property owners have stated they will decommission the barn house as a dwelling unit.

The property owners have stated that both dwelling units (cherry cottage and road house) were built well before zoning regulations and the ALC regulations were initiated and thus "grandfathered" (i.e. a pre-existing non-conforming use as that term is defined in Section 911 of the *Local Government Act*). Meeting Section 911 in the LGA is a question of fact and the onus is on the property owners or applicants to provide evidence they meet the legislation. The property owners have mentioned that the dwelling units on the property have been homes to many island families. The applicants may wish to provide written proof, which can be in the form of an affidavit, from a previous property owner or renter confirming the buildings were located on the property prior to zoning and the ALR.

The Agriculture OCP Policy 'm' states the LTC should only support applications to the ALC for non-farm use where local farming or the greater community would benefit. Support for such applications should only be considered if the proposed non-farm use would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the property. If this non-farm use application was for a proposed new dwelling rather than an existing one, staff would question if the proposal is consistent the OCP policies. However, as the dwelling unit is existing and was built prior to local government regulations, there would be no decrease to farming capability.

The property owners have the option of moving forward with the plans to renovate the road house; however, staff have advised the property owners to wait until the ALC decision is made prior to obtaining the necessary permits for the road house. If the ALC does not approve the request for a second dwelling unit in the ALR, the property would only be permitted to have one dwelling unit in the ALR. In other words, the property owners would have to deconstruct either the cherry cottage or the road house. In this case a cottage (no greater than 60 m²) would be permitted in the Rural 2 zoned portion of the property in addition to the one dwelling unit.

The LTC has the following options:

1. Resolve that the subdivision application proceed to the ALC.
2. Resolve that the subdivision not proceed to the ALC.

Staff support the decision to forward the application to the ALC as it would be the first step to legalize a dwelling unit that was constructed on the property prior to ALC and zoning regulations and the dwelling unit would not have a detrimental effect on agricultural use or agricultural land. Staff also support the application as ALC staff have indicated that they would generally support in principle a non-farm use application for a dwelling unit that was built prior to the ALC. If the application is supported by the LTC and subsequently approved the ALC, the owners will need to apply to the Board of Variance to legalize past additions to the Cherry Cottage and approve any further structural alterations or additions.

RECOMMENDATIONS:

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

Prepared and Submitted by:



A/Planner 2

January 19, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

January 20, 2015

Date

Attachments:

1. Application by Land Owner Letter

Application by Land Owner

Non-Farm Use in the ALR

Land Owner: Usher/Omelaniec

RE: Parcel# 000-3331-406

Plan: 35296

Cherry Cottage Property 1359 Porlier Pass Drive,
Lot 1, DL 13, Galiano Island, B.C.
Cowichan District.

Proposal (Please describes or show on a plan or sketch):

This is not really a "proposal", more of a declaration. The "Cherry Cottage" land and houses has been used as rural residential since long before the land was designated ALR. "Cherry Cottage" (the home, 1151.7 ft²) was originally built as a logging cabin on Galiano Island in the mid 1930s. The land and surrounding areas were logged. Since then, the cabin has undergone many transformations; it was converted into a homestead in the '40s, and has been a home for many island families ever since. The house has undergone countless additions and reconstructions as generations have deemed necessary: there have been a myriad of upgrades, reconstructions, repairs, maintenances, and finishing touches.

The "Road House" (1103.3 ft²) has also been a homestead with deep roots in island lineages and histories. Although it has had many additions and makeovers over the years, this old house is in dire need of an upgrade. It is currently ½ deconstructed awaiting a renovation approval and permit. We were originally intending the reduce the size of the home, but current "Grandfather-ing" land use rules direct that the footprint must be kept the same.

The "Barn" (641.5 ft²) is an old shed that has been converted into an artist studio and then into a dwelling. We intend to convert it back into a studio space once the "Road House" is rebuilt.

In the recent history of Cherry Cottage, the property has not been used as agricultural land in nearly 100 years. Other than a couple of garden beds to help feed resident families, it has not been used as its agricultural land designation. Undoubtedly, the land has significant agricultural potential: abundance of water, pockets of rich soil, and sunny exposure areas. It deserves the registration. So, we are currently exploring several options to re-envision/repurpose the land to eventually realize its agricultural potential. Since infrastructure and operating costs to manage organic agriculture farms are financially unpredictable, unfeasible, and predictably unstable, we are hoping to keep the existing homesteads in order to provide accommodation for farmer residence and/or as rental housing to help finance an agricultural operation.

STAFF REPORT

Date: January 22, 2015

File No.: GL-RZ-2014.1
Crystal Mountain

To: Galiano Island Local Trust Committee
For the meeting of February 2, 2015

From: Kim Farris
A/Planner 2

CC: Robert Kojima
Regional Planning Manager

Re: Preliminary Report - Bylaw Amendment Application

Owner: Crystal Mountain – A Society for Eastern and Western Studies
Applicant: Stephen and Helen Foster
Location: Lot A, Districts Lots 88 and 89, Galiano Island, Cowichan District, Plan VIP68079 AND Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200

PURPOSE OF REPORT:

The purpose of this report is to provide a brief background and to seek direction from the Galiano Local Trust Committee (LTC) to proceed or not proceed with application GL-RZ-2014.1 (Crystal Mountain).

BACKGROUND:

A bylaw enforcement file associated with Lot A (See Figure 1) was opened in 2002 as there were numerous buildings located on the property (outdoor kitchen, tent platforms, and sleeping huts) and uses that were not permitted in the Forestry zoning. Subsequently, the applicants applied for a bylaw amendment application in 2004. The 2004 proposal included an amendment to the Galiano Island Official Community Plan and Land Use Bylaw in order to permit a retreat centre/forest retreat on Lot A and Lot 9. The proposal also included a list of buildings (existing and proposed) to be included in the rezoning in order to support the forest retreat centre.

The following timeline provides a brief overview of the application's history. Specific details on the application are not provided:

- July 2004 – Preliminary staff report at Galiano LTC meeting. The LTC asked staff to report back on the various issues and options identified as part of that review.

- March 2005 – Applicant amended the proposal by amending the number and floor area of the proposed buildings and to concentrate the buildings in two geographic clusters
- June 2005 – LTC Special Meeting - The discussion focused on the physical limitations of the site, the draft OCP amendment bylaw and concepts for a proposed LUB amendment bylaw.
- July 2005 – Draft OCP and LUB amendments presented at Galiano Island LTC meeting. The draft bylaws were forwarded to the APC for comment.
- January 2006 – LTC Special Meeting – General consensus that the applicants would wait until an OCP Forest Lands Review was complete. If policy developed that addressed Forest Retreats, then the applicants would consider coming forward with a rezoning proposal consistent with that policy framework.
- December 2007 to 2012 – Numerous letters sent from Islands Trust staff to close application due to inactivity.
- 2013 – Applicant provided an updated proposal and site plan. Three new huts were constructed on the property. These structures are currently not permitted by zoning and therefore are illegal.
- April 2014 – A staff report was reviewed at the April 2014 Galiano Island LTC meeting to discuss the progress of the 2004 application. The LTC resolved to proceed no further with application and directed staff to assist Crystal Mountain with any information regarding new application procedures.
- October 2014 – A new application was received by staff.

THE PROPOSAL:

This is a preliminary report to review a bylaw amendment application involving two subject properties (Lot A and Lot 9). Lot A is zoned Forest 1 (F1) and Lot 9 is zoned Rural 2 (R2) in the Galiano Island Land use Bylaw (LUB). The applicant wishes to proceed with the application to rezone the two subject properties to permit a year-round forest retreat centre on both lots.

The applicant is proposing to locate the buildable areas on 25% of the subject properties (6 ha) and register a conservation covenant on the other 75% of the properties (18.3 ha) as a community benefit. The three buildable areas as seen on site plan (Figure 3) are:

- 'Short Term Retreat Area' – Where a majority of the existing buildings are located and is considered the main gathering area for the forest retreat centre. This area has a total of 28 individual huts, tent sites, and facilities for the retreat centre.
- 'Long Term Retreat Area' – This area currently has 5 individual huts.
- 'Caretaker Area' – Location of the manager's cottage

Some of these structures noted above already exist on Lot A. The proposed forest retreat use would permit the construction and legalization of existing non-conforming structures and uses on the properties.

A larger version of the site plan can be found on the Galiano Island LTC website here: [Site Plan \(Crystal Mountain\)](#)

The applicant would also like to amalgamate the two lots (Lot A and Lot 9) together. This can be completed through a subdivision application if the bylaw amendments are successful.

The rezoning application includes two subject properties: Lot A and Lot 9. Both properties are located on the northwestern end of Galiano Island. Lot A is currently designated Forest (F) in the Official Community Plan (OCP) and zoned Forest 1 (F1) in the Land Use Bylaw (LUB). It is approximately 20.5 ha (50.7 acre) in area. There are a number of structures located on Lot A: outdoor kitchen, sleeping/meditation huts, and multiple accessory structures (eg. tent platforms, etc.). Lot A has two road accesses: Porlier Pass Drive and Devina Drive. The main vehicle access to Lot A is from Porlier Pass Drive. There is a roughed-in access from Devina Drive which is currently blocked. Access to both lots can be achieved through Lot 9.

Figure 1: Subject Property Map

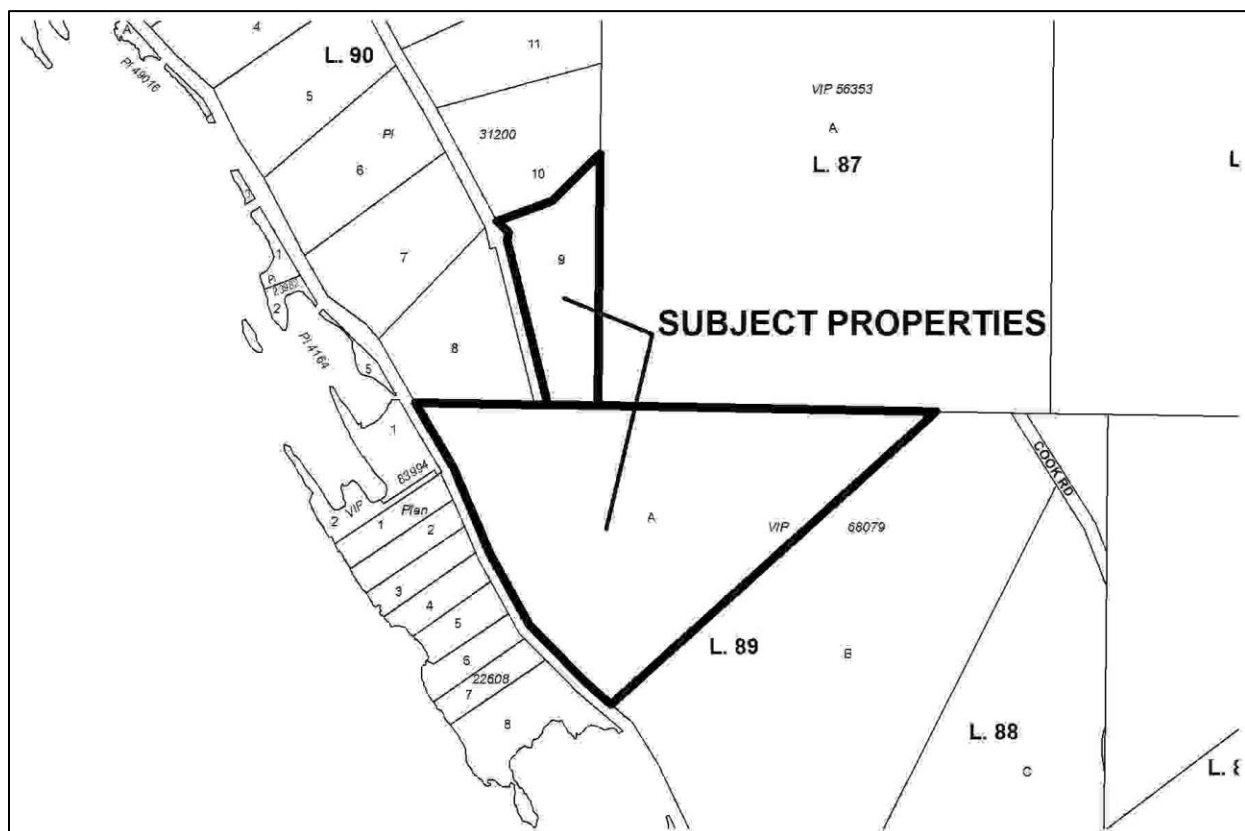
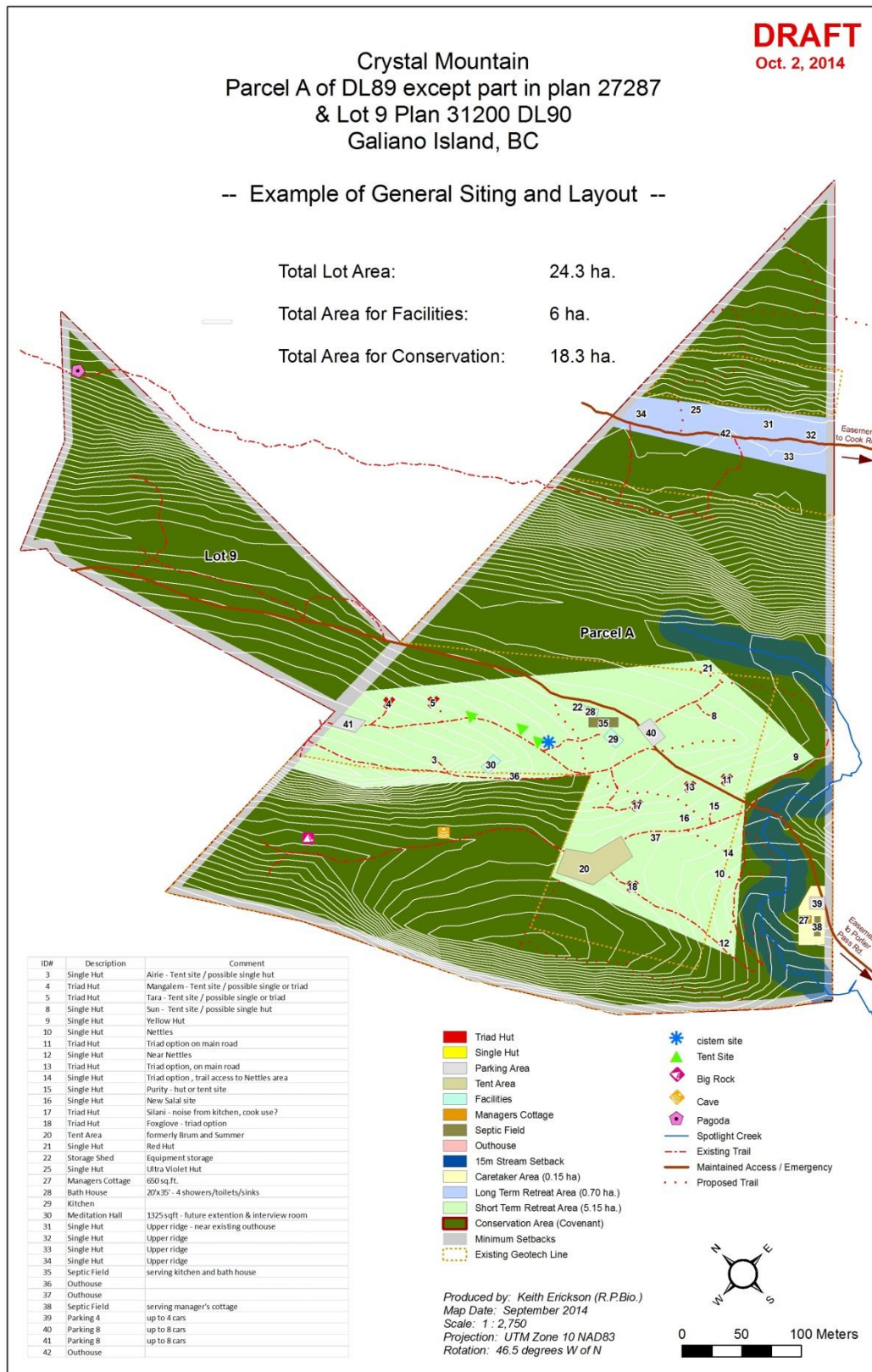


Figure 3: Site Plan



Picture 1: Outdoor Kitchen (on Lot A)



Picture 2: A trail on Lot A



Picture 3: Old meditation hut on Lot 9



Picture 4: Newly constructed meditation hut on Lot A



Picture 5: Pagoda (on Lot 9)



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Directive policies relevant to this application include:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.2.2 - the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
- 3.3.2 - means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
- 4.2.6 - to protect the ecological integrity on a scale of forest stands and landscapes.

- 4.2.7 - 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.
- 4.2.8 - the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
- 4.4.2 - 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.
- 5.1.3 – the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area.
- 5.2.3 - the aesthetic, environmental and social impacts of development.
- 5.2.4 - 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 – to achieve efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.2.6 - 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.
- 5.3.5 - address the impacts of road location, design, construction and systems.
- 5.6.2 - the identification, protection, preservation and enhancement of local heritage.
- 5.6.3 – the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
- 5.7.2 - economic opportunities that are compatible with conservation of resources and protection of community character.
- 5.8.6 - 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.

Official Community Plan:

Lot A is designated 'Forest' and Lot 9 is designated 'Rural' in the Galiano Island Official Community Plan (OCP).

The Rural policies relevant, but not limited, to this application include:

- a) The principal uses shall be residential and agriculture.

The Forest policies relevant, but not limited, to this application include:

- a) The principal use shall be forestry. All structures including dwellings (except dwellings on land rezoned to RR or CF) must be accessory to the principal forestry use and no uses should impair the long-term natural processes of forest growth and regeneration. Unplanned proliferation of residential uses throughout the forest would be contrary to many of the objectives and policies in this plan, including particularly those dealing with the integrity of forest ecosystems and surface water and groundwater supplies and the impact of residential services such as roads. Instead, in order to preserve and protect the forest resource, the plan favours the clustering of residential uses on sites within the forest, carefully selected as the basis of sound planning principles, with the balance of the lands being set aside for forest uses in perpetuity.
- c) The lot size for subdivision of Forest land shall be at least 20 hectares (49.4 acres).

- d) The protection of biodiversity shall be encouraged through appropriate forestry practices and the protection of riparian zones and other sensitive ecosystems.
- g) Appropriate small scale forest related activities such as the sustainable gathering of greenery products, food crops, hiking, bird watching and wildlife viewing, education and value added industry shall be encouraged.
- j) The siting, size, number and character of buildings for forest uses permitted on Forest-designated land shall be regulated, and buildings shall be located on the least productive portions of the land except where the site is a sensitive ecosystem, and in accordance with development approval information if it has been provided.
- k) The fragmentation of Forest-designated lands by roads or other service or communication corridors shall be minimized.
- l) A citizen association to provide information, education and advice on local forest practices shall be encouraged.
- n) Landowners are encouraged to protect the natural systems, biological sustainability, ecological services, and natural aesthetics of forest lands.
- o) Landowners are encouraged to protect riparian areas, marine shoreline areas, sensitive ecosystems, endangered habitat, soils, watersheds, biodiversity, old or large individual trees, and old growth stands.
- p) Landowners are encouraged to protect culturally modified trees and other heritage features.
- r) The Local Trust Committee encourages local economic opportunities for small-scale sustainable forestry through supporting:
 - i) the establishment of a non-profit community-owned forest that is consistent with ecosystem-based sustainable forest practices, and the lands so acquired are preserved for forestry use in perpetuity for future generations;
 - ii) the development of co-operative ecosystem-based sustainable forest management and value-added ventures;
 - iii) initiatives to provide tax incentives for maintaining ecosystem-based sustainable forest management activities;
 - iv) appropriate small scale forest related activities such as the sustainable gathering of non-timber forest products, food crops, hiking, bird watching and wildlife viewing, education and value added industry.

The current proposal is not consistent with a number of the OCP policies in each designation. If the application proceeds as is, an amendment to the OCP is required.

OCP Road Network Plan:

The Road Network Plan, Schedule C in the Galiano Island OCP, shows a proposed emergency access through Lot A from Porlier Pass Road to Devina Drive. The following are applicable Transportation policies in the OCP:

- The Road Network shown on Schedule C represents both existing and proposed roads, and is subject to the following:
 - the locations of proposed highways and emergency access routes shall be considered approximate locations;

- locations of proposed highways and emergency access routes shall be confirmed at time of rezoning, subdivision or building permit;
- highway and emergency access route connections at property boundaries should be consistent with the approximate locations identified on Schedule 'C', unless more detailed site investigation of all lots concerned identifies a more suitable point of connection consistent with the general continuity of routes through adjacent lots as identified on Schedule 'C';
- there should be no additional highway route or emergency access route interconnections, except for local access to lots within a new subdivision, other than provided for in Schedule 'C';

If the LTC wishes to proceed with the bylaw amendment application, staff recommend securing an emergency access route through the property that meets the OCP policies.

Development Permit Areas:

The subject properties are located within the following Development Permit Areas (DPAs):

- DPA 1 – Riparian Areas
- DPA 3 – Tree Cutting and Removal (applies to all properties on Galiano Island)
- DPA 5 – Sensitive Ecosystems
- DPA 7 – Steep Slope Hazard Areas

Generally zoning amendment applications do not initiate Development Permits (DPs). Staff are aware of existing buildings and structures located on the property although their exact location has not been surveyed; therefore, it is not clear if any of these buildings are located in the DPA. To date the property owner/applicant has not applied for any development permits for the buildings and structures located on the property. The applicant will be expected to apply for any necessary DPs and building permits.

Figure 4: Sensitive Ecosystems DPA

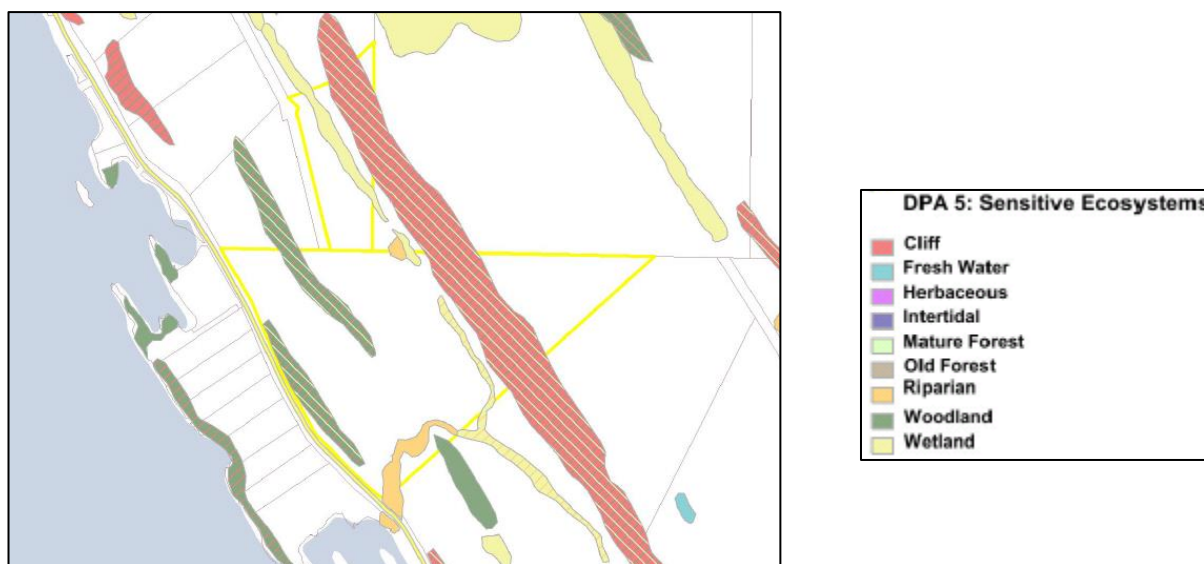
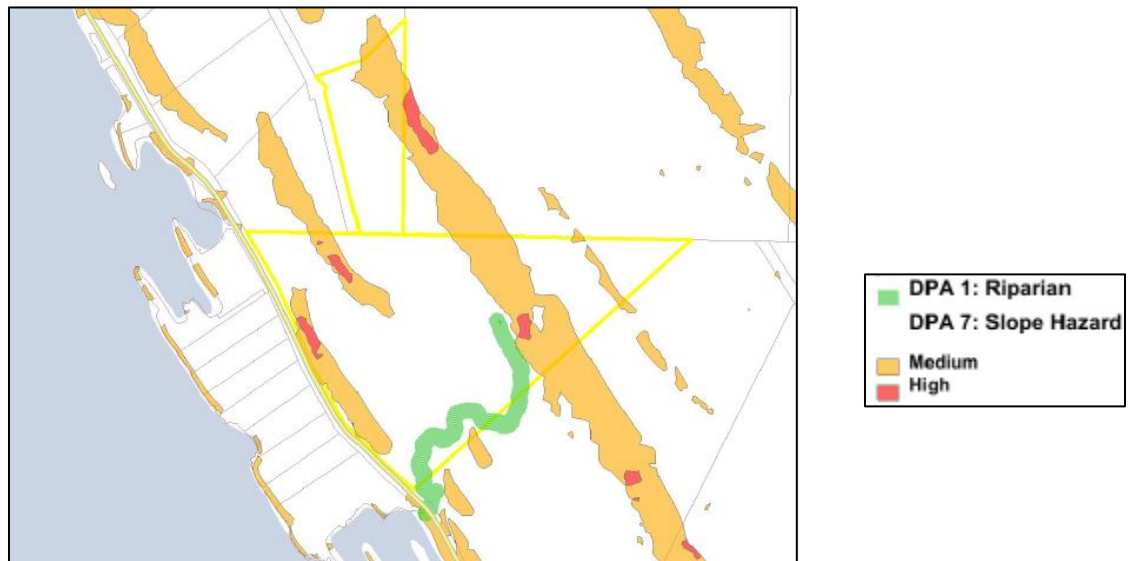


Figure 5: Steep Slope Hazard and Riparian Area DPAs



Land Use Bylaw:

Lot A is zoned Forest 1 (F1) and Lot 9 is zoned Rural 2 (R2) in the Galiano Island Land Use Bylaw, No. 127, 1999. The relevant regulations for the F1 zone are included below:

7.1.1 In the Forest 1 zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses including residential uses are prohibited.

7.1.1.1 timber production and harvesting

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

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

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

The relevant regulations for the R2 zone are included below:

5.5.1 In the Rural 2 (R2) zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses are prohibited.

5.5.1.1 dwellings

5.5.1.2 cottages

5.5.1.3 home occupations

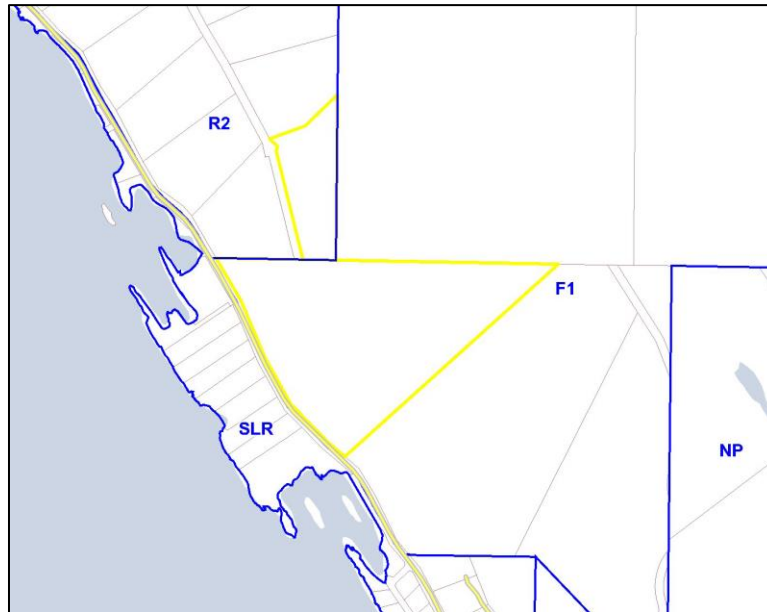
5.5.1.4 farm use

5.5.2 One dwelling is permitted on each lot, and one additional dwelling is permitted in respect of each 4 hectares of lot area over 4 hectares.

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

5.5.4 Lot coverage must not exceed 25% of any lot.

Figure 6: Zoning Map



Islands Trust Fund:

The applicants have applied to the Islands Trust Fund to register a conservation covenant on the combined 18.3 ha of area on Lot 9 and Lot A – see Attachment 1. At the November 2014 Trust Fund Board meeting, the following motions were passed:

“It was moved and seconded that the Trust Fund Board approve the Crystal Mountain proposal to covenant approximately 18.3 ha of the lands described:

- a) Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200, PID# 000-851-035; and,
- b) Lot A, District Lots 88 and 89, Galiano Island Cowichan District, Plan VIP 68079, PID # 024-351-041, subject to the successful negotiation of an endowment.”

If the application proceeds, a referral will be sent to the Islands Trust Fund for comment on the proposal, environmental assessment report, and the proposal’s relationship, if any, with the Islands Trust Regional Conservation Plan.

Sensitive Ecosystems and Hazard Areas:

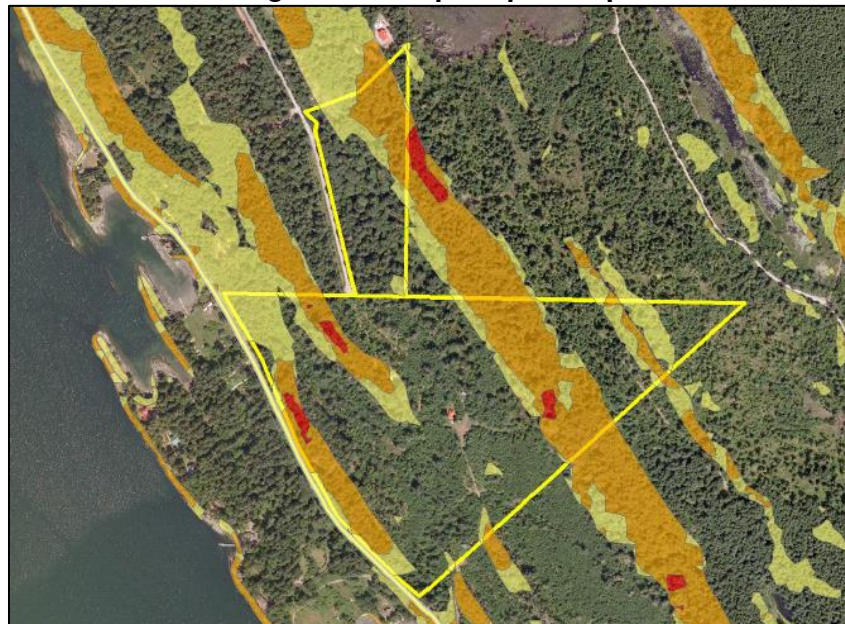
There are similar, linear areas of both sensitive ecosystems and hazard areas located on the subject properties. The subject properties contain cliff, woodland, riparian, and wetland sensitive ecosystems areas as noted in Figure 7. There are also areas of low, moderate, and high slope hazards. A majority of the proposed development will be outside of the sensitive ecosystems

and hazard areas. Staff will work closely with the applicant to ensure there will be no negative impact to the sensitive areas. Development Permits may be required for any land disturbance or construction within the Development Permit Areas to protect sensitive ecosystems and steep slopes.

Figure 7: Sensitive Ecosystem Map



Figure 8: Steep Slopes Map



Archaeological Sites:

There are no archaeological sites on the property or in close vicinity registered in the provincial database.

Covenants:

The property is subject to two covenants that have been granted to the Capital Regional District: one covenant establishes areas of the lot that may have a geotechnical hazard and which require approval from a registered professional engineer before building may occur and the second covenant establishes a 15 metre setback from the natural boundary of Spotlight Creek and other measures for flood protection.

Bylaw Enforcement:

There is an active bylaw enforcement file (GL-BE-2002.109) from 2002 associated with Lot A as there were numerous buildings located on the property that were not permitted by zoning. Generally, if there is an active bylaw amendment file with the intent to legalize the non-conforming use or density, the bylaw enforcement file will be placed on hold until the bylaw amendment application is finalized. As the applicants applied for a rezoning, the bylaw enforcement file has been placed on hold.

In 2013, additional buildings (meditation huts – Figure 4) were constructed without the benefit of a building permit on Lot A and are not permitted by zoning. Even though the bylaw amendment application is still active, no new buildings are permitted to be constructed. Bylaw Enforcement have been notified of this bylaw infraction. If the application does not proceed, bylaw enforcement will be initiated.

Climate Change Mitigation and Adaption

The preservation of natural areas and forest ecosystems is an important factor to reduce greenhouse gas emissions. Forests act as an important carbon sink—absorbing and storing carbon that would otherwise be circulating in the atmosphere. An OCP objective in the Forest designation is to preserve a forest land base and to maintain or enhance carbon storage and sequestration. The bylaw amendment proposal would also preserve 75% of the land in a conservation covenant as a long term community benefit and will have minimal impacts within the remaining 25% of the subject property.

Communications/Consultations:

The following agencies have been identified for referring draft bylaws for comment; the LTC may also direct staff to include other agencies not listed. Additionally the LTC may choose to refer the proposal to the Advisory Planning Commission.

- First Nations:
 - Cowichan Tribes
 - Halalt
 - Lake Cowichan
 - Lyackson
 - Malahat (TE'Mexw Treaty Association)
 - Pauquachin
 - Penelakut
 - Semiahmoo
 - Stz'uminus
 - Tsartlip
 - Tsawout
 - Tsawwassen
 - Tseycum

- Ministry of Transportation and Infrastructure
- Island Health
- CRD, Building Inspection Services
- CRD, Electoral Area Director
- Galiano Island Fire Rescue
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee

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

Professional Report:

The applicant provided a comprehensive ecosystem-based land use plan (environmental assessment) prepared by Keith Erickson (R.P. Bio). The purpose of the report is to:

1. Determine how to protect, maintain and where necessary, restore function ecosystems on the Crystal Mountain land; and,
2. Recommend ways to minimize the impacts of the Forest Retreat uses within the context of the identified ecological constraints.

The report designates the two subject properties into three management zones: the Protected Ecosystem Network, Short Term Retreat Zone (Area), and the Long Term Retreat Zone (Area). The short term and long term retreat zones, as mentioned in the proposal, are the designated buildable areas. The Protected Ecosystem Network represents the area to be covenanted for conservation.

The report provides numerous recommendations on the following:

- General siting and layout of buildings and facilities within the Short Term Retreat Area and the Long Term Retreat Area in order to mitigate threats to the sensitive ecosystems;
- Protection of groundwater within the Long Term Retreat Area;
- Emergency access linking the southeast end of Devina Drive with Porlier Pass Rd;
- Potential parking regulations;
- Minimizing impacts of existing and new Trails. The report supports low impact recreational and spiritual activities as they are consistent with the objectives for each management zone including the Protected Ecosystem Network;
- Control and removal of invasive species;
- Restoration within the Short Term Retreat Zone and the Long Term Retreat Zone;
- Forest restoration for the entire property;
- Reduction of wildfire risk; and
- Specific restoration recommendations for each sensitive ecosystem identified on the property.

If the LTC proceeds with the application staff recommends the assessment report's recommendations be conditions of the bylaw amendments approval. Staff will also refer the environmental assessment report to the Islands Trust Fund to ensure the report does not conflict with the objectives of the conservation covenant. The environmental assessment can be found on the Galiano Island LTC website here: [Environmental Assessment \(Crystal Mountain\)](#)

The LTC should advise staff if they believe any further information or professional reports that should be requested.

COMMUNITY INFORMATION MEETING(S):

At this preliminary stage in the process, there is no need for a community information meeting. If the application proceeds, staff recommends scheduling a community information meeting when draft bylaws are complete.

RESULTS OF CIRCULATION:

There has been no circulation associated with this application. As the application proceeds public and agency notification will be required.

STAFF COMMENTS:

The purpose of this report is to provide a brief background and to seek direction from the Galiano Local Trust Committee (LTC) to proceed or not proceed with zoning amendment application.

The applicant is proposing to rezone the two subject properties (Lot A and Lot 9) to permit a year-round forest retreat centre on both lots. Lot A is currently zoned Forest 1 (F1) and Lot 9 is currently zoned Rural 2 (R2). The applicant would also like to amalgamate the two lots (Lot A and Lot 9) together. This can be completed through a subdivision application if the bylaw amendments are successful.

The following are points of interest the LTC may wish to discuss prior to making a decision to proceed or not proceed with the application.

OCP Policy:

The bylaw amendment proposal to permit a forest retreat use currently does not comply with the OCP policies as the principal use for the Forest designation shall be forestry. In addition, the principal uses on Rural designated land shall be residential or agriculture. As the current proposal does not meet the guidelines or policies of the Forest or Rural designations, an amendment to the OCP will be required for both properties. The applicants are aware an OCP amendment will most likely be required to achieve their zoning amendment proposal. An application fee for an OCP and zoning amendment was received.

Existing & Proposed Buildings:

The Forest 1 zone permits timber production and harvesting, and accessory forestry uses in addition to permitting only one non-residential unenclosed building or structure on each lot. Over the past 20 years, the property owners have constructed buildings and structures, and have conducted uses which are in direct conflict with the permitted zoning. The property owners have also constructed additional meditation huts (3) in the past year. Staff recommends working with bylaw enforcement to regulate the use of the non-conforming buildings and structures until the bylaw amendment application has been finalized.

If the application proceeds, staff will require the applicant to provide a list of all existing buildings and a list of potential buildings as the current site plan is not clear as to which are currently constructed on the property and which buildings and structures are not yet constructed. The applicant also stated in their application that the kitchen and dining facilities were removed from the proposal. Staff is requesting the applicant clarify location of all cooking facilities; specifically, if each hut or tent will have their own individual cooking facilities.

Access:

Staff recommend securing an emergency access through Lot A as shown on Schedule C in the Galiano Island OCP. Currently the lot can be accessed by vehicle from Porlier Pass Road but the driveway from Devina Drive is blocked. The applicants have agreed to grant an emergency route from Porlier Pass Road through Lot A and Lot 9. There is also an opportunity to secure secondary emergency route through the Long Term Retreat Zone along an easement access to Cook Road (see site plan). If the application proceeds, a referral to the local fire department and CRD will be required to comment on emergency access.

The access from Porlier Pass Road should also be reviewed from the perspective of the existing covenant restricting development within 15 m of Spotlight Creek and that there is a Riparian Development Permit Area. It might be advisable to have the alternative entrance (Devina Drive) to be the primary entrance given this requirement to not be near the Creek.

Conservation Covenant:

The applicants are in the process of drafting a conservation covenant with the Islands Trust Fund in order to provide a community amenity for Galiano Island. If the application proceeds, staff will recommend that the LTC request the conservation covenant to be registered as a condition to final adoption.

Options:

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

1. resolve to proceed no further with application;
2. direct staff to proceed with the application and to prepare draft bylaws; or
3. direct staff to proceed with the application and to clarify any outstanding issues with the applicant and bring forward a supplemental staff report to a subsequent Local Trust Committee meeting.

Staff believe this application is an improvement over the initial application proposal from 2004 as the applicant has provided the necessary information to satisfy the initial application requirements. The applicant provided a clear proposal, site plan, comprehensive environmental assessment, and is in the process of registering a conservation covenant on 75% of the subject properties which could be considered a benefit to the Galiano community.

Staff recommends proceeding with the application and for staff to prepare draft OCP and LUB amendment bylaws.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee direct staff to proceed with the application G-RZ-2014.1 (Crystal Mountain) and to prepare draft bylaws.

Prepared and Submitted by:



A/Planner 2

January 22, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

January 23, 2015

Date

Attachments:

1. Correspondence from Islands Trust Fund – December 4, 2014



ISLANDS TRUST FUND

A Conservancy for Canada's Islands in the Salish Sea

December 4, 2014

File Number: GL-COV-2014.1
GL-COV-2014.2

Crystal Mountain – A Society for Eastern and Western Studies
536 Rockmoyne Place
Bowen Island, BC V0N 1G2

Dear Stephen Foster,

Re: Conservation Proposal, Crystal Mountain, PIDs 024-351-041 & 000-851-035

We are happy to inform you that the Trust Fund Board passed the following motions at its November 2014 meeting:

It was moved and seconded that the Trust Fund Board approve the Crystal Mountain proposal to covenant approximately 18.3 ha of the lands described as:

a) Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200, PID # 000-851-035; and,

b) Lot A, District Lots 88 and 89, Galiano Island, Cowichan District, Plan VIP68079, PID # 024-351-041,

subject to the successful negotiation of an endowment.

TFB-2014-038

It was moved and seconded that the Trust Fund Board waive the requirement for an archeological assessment for the Crystal Mountain Conservation Proposal.

TFB-2014-039

The next step for your application process is to discuss the proposed endowment amount with Crystal Mountain and confirm an appropriate endowment amount with Islands Trust Fund staff. Note that Crystal Mountain will be responsible for the cost of registering the conservation covenant and associated charges on the land titles.

Once we have agreement regarding the endowment amount we will provide you with a draft conservation covenant for your review. Upon receipt of the draft conservation covenant, the next steps are to:

1. Review the draft covenant with your lawyer and financial advisor. If your lawyer or financial advisor has questions regarding the covenant please invite him or her to contact the Islands Trust Fund office.
2. Hire a certified land surveyor to complete a survey of the covenant area and provide us with a certified digital copy.

December 4, 2014

Page 2 of 2

3. Complete a baseline report of the covenant area consistent with the "Trust Fund Board Baseline Report Standard June 2012" available at http://www.islandstrustfund.bc.ca/media/43688/baseline_standard_and_guidelines.pdf. Note that this report must be done by an Environmental Professional that has been approved by TFB staff and should only be completed AFTER the surveyor has established the boundaries of the covenanted area(s).
4. Send a digital copy and a hard copy of the baseline report to Islands Trust Fund staff.

Once we are in receipt of a final covenant document and associated baseline report and survey, Islands Trust Fund staff will provide the document to the Trust Fund Board at its next available meeting for consideration. Meeting dates are posted at <http://www.islandstrustfund.bc.ca/about-us/meetings.aspx> and items for consideration should be received at least three weeks in advance. Subject to Board approval, the Trust Fund Board Chair will sign the covenant and provide it to you for registration.

Please quote the above noted file numbers on any correspondence or inquiries and note that, because the covenant is the requirement of a development process, Islands Trust Fund staff will keep the Islands Trust Local Planning Services informed about the application. **We also request that you not make any changes to the state of your land titles without first consulting us** as it could affect our ability to register a conservation covenant on your land.

Should you have any questions about your application, please do not hesitate to contact me. I look forward to working with you to protect the habitats on the Crystal Mountain property.

Yours truly,



Kate Emmings
Ecosystem Protection Specialist
(250) 405-5176
kemmings@islandstrust.bc.ca

cc: Galiano Island Local Trust Committee

STAFF REPORT

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

To: Galiano Island Local Trust Committee
for the meeting of February 2, 2015

From: Robert Kojima, Regional Planning Manager

CC: Kim Farris, A/ Planner 2

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

OVERVIEW:

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

BACKGROUND AND ISSUES SUMMARY:

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

In brief, the application is to rezone a 10 acre (4 ha) parcel of land to permit the construction of 20 affordable dwelling units with a maximum floor area of 1000 sq. ft. (46.5 - 92.9 sq.m.). The proponent organization (GLCHT) owns the land and has successfully had the site excluded from the ALR. The proposal is that GLCHT would continue to own the land and would lease up to 20 sites to qualifying individuals. Dwellings would be constructed and owned by the lessees (either self-built or by contractor). Limited servicing would be provided by GLCHT, including:

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

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

The proponents are targeting households with incomes between 70% and 90% of the median household income on Galiano Island (\$32,000 to \$42,000 per year (2011 dollars)). In order to ensure on-going affordability, and consistent with OCP policy, the proponents have agreed to enter into a housing agreement with the LTC. GLCHT has also agreed, at the request of the LTC to enter into a s. 219 covenant to establish a phasing plan, regulate site layout, and allow for the LTC to review the effectiveness of the rainwater catchment systems upon completion of

the first phase. GLCHT has also agreed that two of the units in the first phase would be constructed by GLCHT for sale or rent to qualifying individuals or households.

Bylaw 233 would amend the OCP Land Use designation on the property to re-designate the land to Community Housing. Bylaw 234 would rezone the property to a new zone – Community Housing One (CH1) – which would permit up to 20 affordable housing dwellings, establish a maximum floor area, and reduce parking requirements.

The respective bylaws (Bylaws 233 and 234) were given First Reading on July 9th, 2012, with conditions established prior to the LTC proceeding with further readings and a public hearing. A community information meeting was held in November 2013. Following that meeting the applicants submitted the following reports:

- A revised Feasibility Plan, provided in May 2014, provides consolidated information and analysis on the proposal, addressing concerns and questions raised following the preliminary report prepared for the November 2013 Community information meeting. The plan also provides attachments from consulting professionals addressing:
 - Fire protection requirements
 - Access standards
 - Septic Disposal

The report also provides a summary response to questions and concerns raised at the November 2013 community information meeting. An earlier element of the proposal – that self-build be a requirement – as been removed from the proposal; this is now an option if lessees wish to self-build.

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

The application and the resulting density increase is premised on the development providing affordable housing consistent with OCP policy 1.6(b) and with the definition of affordable housing in OCP, namely that:

- it be rental or owned housing that can be acquired without exceeding 30 per cent of the median gross income of low to moderate income families on Galiano
- all additional density be affordable units; and
- that affordability be secured through the mechanism of a housing agreement

At the September 8, 2014 meeting the LTC reviewed the proposal and the OCP policy, amended the bylaws, gave second reading, and by resolution established three conditions precedent to holding a public hearing:

1. That the draft housing agreement be reviewed and revised by the CRD Housing Secretariat. Housing Secretariat staff are currently not willing to proceed with a review of the housing agreement unless a number of changes are made to the proposal (see attached correspondence dated December 4, 2014).

2. Second that the Housing Secretariat agree to administer aspects of the Housing Agreement. The Housing Secretariat has similarly not agreed to this until the conditions for the RHTF application have been met.
3. Third that an application be submitted to the Regional Housing Trust Fund. An application to the RHTF would be reviewed and if successful be eligible for funding from the RHTF. An application was submitted by the proponents to the RHTF, and received feedback from CRD staff with requested changes and additional information (see attached correspondence dated December 4, 2014).

In January, the proponents informed staff that GLCHT had withdrawn its application to the RHTF and wishes to administer the housing agreement themselves. Most recently, on January 22nd, the proponents provided the attached letter, indicating that GLCHT is in the process of re-assessing the administration of the development in its entirety, with the goal of having a well-defined proposal by mid-February. The proponents indicate that they are currently investigating structuring Galiano Green as a housing co-operative.

Housing Agreement

A draft housing agreement has been prepared and had preliminary legal review. In order to ensure affordability, the housing agreement would need to address lease rates, other costs or fees, income and asset criteria for purchasers, rental rates for renters, and a mechanism to address increases in value and resale prices. However, the LTC and Islands Trust do not have the capacity, capability or experience to administer agreements with this degree of complexity on a long term basis. The CRD Regional Housing Trust Fund provides funding to support affordable housing and the process to review applications involves a thorough analysis of the feasibility of proposals by consultants with expertise in affordable housing. The CRD Housing Secretariat has the capacity and mandate to administer agreements within the Southern Gulf Islands Electoral Area. The LTC also has the legislative ability to enter into an agreement with the CRD to administer the relevant sections of the housing agreement; the LTC does not have the ability to enter into agreements with other bodies. As discussed above, the proponents previously made an application to the Regional Housing Trust Fund, but as a result of the additional requirements associated with that application have withdrawn it. GLCHT indicated that they wish to administer the Housing Agreement themselves and staff requested that GLCHT provide a written summary of how their proposal. A preliminary outline of the GLCHT proposal has been provided and is attached. Staff have also requested legal advice on issues associated with changes that would need to be made to the draft housing agreement.

STAFF COMMENTS:

The new LTC has the opportunity at this point to re-consider the application, either in whole or specific aspects of it. Specific aspects the LTC could re-consider include:

- The proposed density – are the proposed 20 units excessive for the site
- The proposed location – is the location suitable for the proposed affordable housing use
- The proposed model – are owned dwellings on small leased sites an appropriate model for affordable housing on Galiano
- Affordability – would the proposal address affordability as defined in the OCP
- Layout and phasing – is the proposed layout and phasing supported
- Servicing – the reliance on rainwater catchment for the dwellings and the proposal to use a constructed wetland for the septic system.

Most of these have been addressed in some detail the earlier staff reports, but the LTC could also request staff report back with additional information and analysis on one or more of these elements of the proposal if necessary.

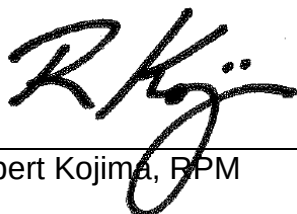
The bylaws currently have second reading, the next step would be to direct the scheduling of a public hearing. However, given the uncertainty associated with the draft housing agreement and the fact that GLCHT is currently in the process of revising the proposal, I would not recommend proceeding to a public hearing now, but await further details from GLCHT, and a revised housing agreement and associated administrative mechanisms. If the LTC scheduled a hearing hearing now, subsequent changes to the housing agreement could require that a second hearing be held.

The changes proposed by GLCHT are encouraging, particularly re-structuring as a co-op with clearly defined internal bylaws and procedures based on a successful precedent elsewhere in the Trust Area. At this point, the recommendation is that staff continue to work with the proponents, await the detailed analysis from GLCHT and legal counsel, make necessary revisions to the draft revised housing agreement and report back to the LTC at a future meeting. No specific resolution is required to pursue this course of action.

RECOMMENDATIONS:

none

Respectfully Prepared and Submitted by:



Robert Kojima, RPM

January 23, 2015

Date

Attachments: Proposed Bylaws 233 and 234
Henry Kamphoff Correspondence – December 4, 2014
GLCHT correspondence (w/enclosures) – January 22, 2015

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

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

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

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

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

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

1. CITATION

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

2. SCHEDULES

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

3. SEVERABILITY

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

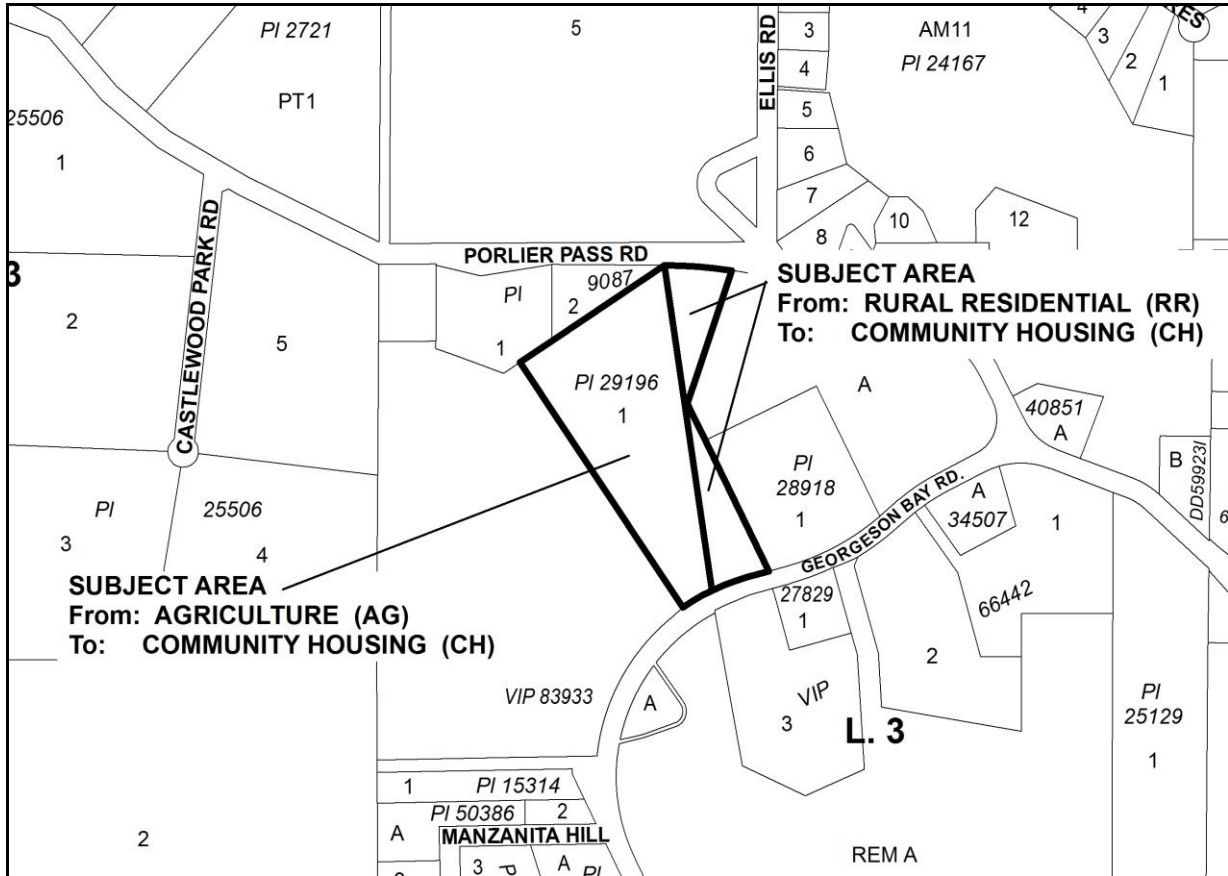
READ A FIRST TIME THIS 9th DAY OF July 2012
READ A SECOND TIME THIS 8th DAY OF September 2014
PUBLIC HEARING HELD THIS DAY OF 2014
READ A THIRD TIME this day of , 20.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT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

DEPUTY SECRETARY

CHAIR

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

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



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

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

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

“8.6 Community Housing 1 – CH1

Permitted Uses

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

8.6.1.1 Dwellings for the provision of affordable housing.

8.6.1.2 Home occupations

Permitted Density

8.6.2 The density of development must not exceed 20 dwellings.

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

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

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

Permitted Height

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

Minimum Setbacks

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

Minimum Lot Size

8.6.8 No lot having an area less than 10 hectares may be created by subdivision.

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

14.1.16	Dwellings for the provision of affordable housing in the CH1 zone	1 per dwelling and 6 visitor spaces for a maximum of 26 spaces.
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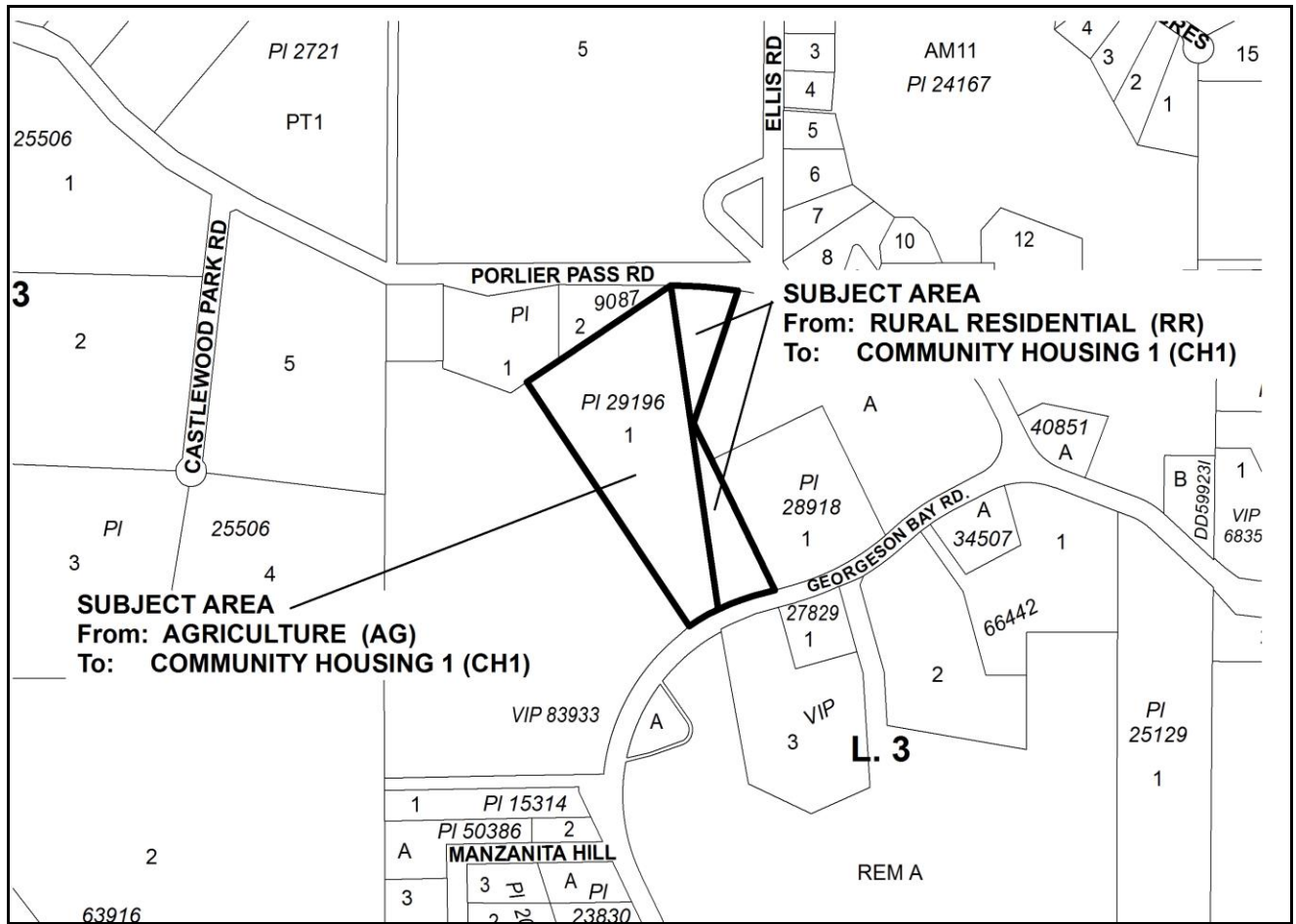
- f) Map Schedule “B”, is amended as follows:
 - (i) By changing the zoning of a portion of the lands legally described as Lot 1, District Lot 3, Plan 29196, Galiano Island, Cowichan District from the Rural Residential - (RR) zone to the Community Housing 1 (CH1) zone as shown on Plan No. 1 which is attached to and forms part of this bylaw.
 - (ii) By adding Community Housing 1 (CH1) to the map legend.

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

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

DEPUTY SECRETARY

CHAIRPERSON



GALIANO LAND AND COMMUNITY HOUSING TRUST GALIANO ISLAND BC V0N1P0

Mr. Robert Kojima, Regional Planning Manager
Southern Team
Islands Trust
200 1627 Fort St
Victoria BC V6R 1H8

January 22, 2015

Dear Robert:

Thank you for meeting with Doug Latta and Heather Martin on January 19, 2015. At the time you discussed new directions that Galiano Land and Community Housing Trust might pursue in its continuing efforts to bring affordable housing to Galiano Island through Galiano Green, the 10-acre site that has been purchased by GLCHT for this purpose, with loans and donations from members of our island community.

We have moved forward significantly since that meeting. We are reassessing how to bring affordable housing to Galiano, re-evaluating everything and investigating where to go from here. By mid-February we plan to have identified, and begun hammering out, a clear, well-defined structure that will be acceptable and give comfort both to our local LTC and to our island community.

We have retained the services of Margaret Sasges of Clay & Company of Victoria, a solicitor with an extensive background in the structure and implementation of non-profit societies, and with her help are investigating various models for setting up Galiano Green as a separate legal entity from GLCHT, and structuring it with an eye to giving comfort to the banks who would be providing mortgages while making it clear and understandable both to the Trust and to potential residents.

We enclose a letter from her that confirms this, and briefly outlines the direction we will explore together. We will flesh out with Ms. Sasges such details as how homeowners will own their home, and how we will regulate people who are not complying with zoning bylaws.

At the moment we are exploring setting up Galiano Green as a housing co-operative, along the lines of Triple-Rock co-op, an affordable housing project that has been established on Denman Island and that is administered by the local LTC. (As you know, Laura Bushekin, our new LTC chair, was one of its founders and current residents). The Triple Rock project is incorporated as a non-profit cooperative, a model that is well-understood and accepted by governments locally and around the world.

Though the Triple-Rock co-op is set up on much larger acreage, it has many similar features to Galiano Green. Its fifteen households are clustered on a ten acre section, as our twenty households will be, and share common facilities. Like Galiano Green, each household will have hydro electricity. Like Galiano Green, Triple Rock has opted for rainwater collection as its only water source except in the Common House (the individual homes will have composting toilets).

Triple Rock Co-operative is legally defined by a zoning bylaw, a housing agreement, a covenant and Rules of Association and Memorandum of Association which spell out the number of units, the maximum

size of each dwelling and of the common house, a buffer zone between the co-op and neighbours, legally defined mandatory water catchment, and sell-out procedures to keep prices low.

At Triple Rock the co-op owns the land; members own (and build and finance) their own houses and have the right to use all the common facilities. The co-op also has clear legal structures in place so that members cannot make a profit on their investment in the project, and thus the price of buying into the co-op will not be affected by changes in the real estate market.

We are in contact with members of Triple Rock, and they are advising us on how they developed this model within the Trust framework. They have resolved many of the issues for the Islands Trust that will be helpful to us. They've also identified the drawbacks as well as the benefits of the co-op model, and these discussions will be extremely helpful in guiding our final decision on which model (co-op, society or corporation) to use for Galiano Green.

At a minimum, we will put together an analysis of the various models we have considered and deliver it to you two weeks before the March LTC for inclusion in your briefing to the trustees. There is a possibility we will be even further along by then, having settled on a final structure and begun hammering out the requisite legal documents and agreements. Should we decide on the co-operative model, we will doubtless begin drafting a housing agreement based on the Denman Triple Rock project, to be administered either by GLCHT or by our local LTC.

Proposal for February 2 LTC meeting: It would be a huge step forward if our planner and our local LTC would agree that the Triple Rock Co-op is a precedent in the Area governed by the Islands Trust, and that Galiano Green could pattern itself on the successful model of Triple Rock's housing agreement and administration.

In the Triple Rock co-op administration model, the LTC only administers the Statutory Declarations and non-routine issues that may come up from time to time. The co-op rules require their committee to oversee the criteria and selection of members. This could be seen as the best of all worlds, and something we are investigating.

Given that the Islands Trust planners report for April 3, 2012, signed by Kaitlin Kazmierowski and Robert Kojima, states that administration of the housing agreement could be by the CRD, by an NPO or by "a person" and that GLCHT could administer their own housing agreement, and

Given that the Denman LTC administers the Triple Rock Co-op, we are investigating two options: administering the Galiano Green housing agreement ourselves, or asking our LTC to administer it for us until they have confidence that the Galiano Green Affordable Home Ownership Co-op can take over administration of the housing agreement sometime in the next four years.

We enclose as attachments a letter from Margaret Sasges, Q.C., agreeing to provide her services to GLCHT, and an executive summary of the Galiano Green Feasibility Study, in case that is useful to you.

Sincerely, Tom Hennessy, Chair, Galiano Land and Community Housing Trust

Cc: Sandy Pottle, Galiano Island Trustee; George Harris, Galiano Island Trustee; Laura Bushekin, Galiano Island Local Trust Committee Chairperson; Margaret Sasges

GALIANO GREEN AFFORDABLE HOUSING COMMUNITY

EXECUTIVE SUMMARY

Galiano Land and Community Housing Trust(GLCHT)is a non-profit society established in 1997 with a mandate and mission to promote and provide permanent, affordable access to land and housing for community members on Galiano Island. GLCHT is proposing a 20-unit affordable home ownership project on a 10 acre site at 409 Porlier Pass Road. The site is located in one of Galiano's Village Centres and is close to a number of amenities including two grocery stores. The society owns the property outright. The project is self-funding and does not require government funding or a tax levy, although some government grants might be appropriate for the project.

The homes at Galiano Green are intended to be small(500 to 1000 sq. ft), efficient and modest in terms of construction finish to keep costs low and maximize affordability. The GLCHT will provide a building site on a long-term leasehold basis and leaseholders will own their own home.

Some residents may have skills and time required to contribute to building their own home and, in doing so, reduce the costs of ownership through "sweat equity". However, this is not essential for the success of the project, nor a prerequisite for eligibility.

Affordable Housing is defined in the Galiano Official Community Plan as "rental or owned housing that can be acquired without exceeding 30 percent of the median gross income of low to moderate income families on Galiano." The project aims to deliver housing that fits within this definition of affordability. This will be achieved by creating low per-household land costs, small to modest-sized homes and simple construction techniques as well as cost savings associated with shared site infrastructure. On Galiano, 20.6% of all households and 51.7% of renters are spending more than 30 percent of household total income on shelter costs. Renters are spending an average of \$836 per month on shelter. The median household income is approx. \$46,000 on Galiano. To meet the OCP definition of affordable housing, the project should be able to deliver housing and associated shelter costs(lease, mortgage, utilities and property taxes) for between \$9,971 and \$12, 486 per year.

Proposed Site Layout – 16 units have road access from Georgeson Bay Road and 4 units from Porlier Pass Road. The roads have been designed to follow the site topography as much as possible, to minimize tree disturbance and to maintain a 30 metre setback from a creek on the property.

Tenure and Eligibility – Sites would be leased to homeowners on a 99 year lease basis. To preserve long-term affordability of completed homes on the leased lots, a re-sale agreement will be included in the lease agreement that will restrict re-sale prices to the original home value plus an allowance for inflation.

Leaseholder eligibility criteria – Applicants must be legal residents of Canada, preference will be given to qualified Galiano residents, applicants must have been a resident of one of the Gulf Islands for 1 year, applicants must provide financial records showing their current income, assets and debts. Applicants must have credit in good standing and demonstrate that they can pay monthly bills on time.

Financial need – applicant’s income must fall within the OCP definition of low to moderate income, applicants can’t have assets in excess of \$100,000 possibly excluding RRSP’s and RRIF’s or own real estate anywhere in the world. Applicants must demonstrate the ability or means to build their house.

If a resident is deceased the lease will pass to their estate but any new resident must also meet the resident criteria in the housing agreement. If they cannot qualify, they must sell the house and the lease to a qualified applicant. If necessary, GLCHT will step in to take over the mortgage or buy back the property at the appraised value.

Zoning approval must be obtained from the Islands Trust before the project can proceed. A housing agreement must be finalized before this can happen.

CLAY & COMPANY

BARRISTERS & SOLICITORS
JOHN L. CLAY (1951)

PAUL G. SCAMBLER, Q.C.*
MARGARET SASGES, Q.C.*
ALMUT N. KEIL
JESSICA C. KOCH

ROBERT S. GILL*
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CHRISTIAN WILSON

TELEPHONE: (250) 386-2261
Toll Free: (877) 688-9634
FACSIMILE: (250) 389-1336

Associate Counsel - IAN D. IZARD, Q.C.
ROBERT L. RICHEY (Retired)

Writer's Voice Mail Box Number: 236
Writer's E-mail Address: msasges@clay.bc.ca

Please reply attention: MARGARET SASGES, Q.C.

ADDRESS: Main Floor, 837 Burdett Avenue
Victoria, British Columbia
Canada, V8W 1B3

Our File No.: 35681-001

January 22, 2015

The Galiano Land and Community Housing Trust
c/o Tom Hennessy
637 SOUTHWIND ROAD
GALIANO ISLAND BC V0N 1P0

Dear Mr. Hennessy:

Re: Affordable Housing on Galiano Island

Thank you for allowing my associate, Almut Keil and me to discuss with you the vision of your organization. What you are seeking to do is very inspirational.

I confirm that the Galiano Land and Community Housing Trust has retained our firm to assist your society to investigate the incorporated entity and ancillary agreements necessary to implement the Society's vision of providing affordable housing on Galiano Island. It is anticipated at this time, that the entity may be a co-operative association, but the structure and details of implementation are still being explored. I can confirm that I have worked with a number of organizations to develop innovative approaches to challenges in their communities, and I look forward to working with your Board on this matter.

Yours truly,

CLAY & COMPANY

per:

Margaret Sasges, Q.C.
MS/mw



From: Henry Kamphof [mailto:hkamphof@crd.bc.ca]
Sent: Thursday, December 04, 2014 2:40 PM
To: Robert Barrs (rob@thinkmodus.ca)
Cc: Doug Latta; Tom Hennessy; Kevin Lorette; Robert Kojima
Subject: Galiano Green Housing Proposal

Hi Robert,
cc: Tom Hennessy and Doug Latta

In follow-up to our recent conversations and your email of Friday, November 28 please find below comments relating to the following documents submitted by the Galiano Green housing proponents.

These comments are based upon the following documents that have been submitted by the proponents over the past year;

1. Feasibility Plan of May 1, 2014 (original plan dated November 2013)
2. Housing Need and Demand Report dated April 20, 2014 as prepared by Matt Thomson
3. CRD Housing Trust Fund Application as submitted on September 29, 2014
4. Proposed Housing Agreement as prepared by Islands Trust and Robert Barrs

Comments;

1. Tenure and eligibility

- very little detail has been provided on the background of using a lease land ownership structure as opposed to fee simple, strata or other land development options?
- The proposal makes reference to rental and homeownership options, why not more consideration for the rental option? It is now our understanding that the rental option will be considered and included in the housing agreement. Provide detail on how each form of tenure will be introduced into the project, its respective development plan and property management plan.
- The eligibility criteria, focusing strongly on Galiano residence, as prescribed with a minimum three-year residency, may be in contravention of BC and regional government funding regulations
- More study should be given to the Galiano Island having 1225 residents and that only 50% of these units have permanent year-round residents. In other communities the first level and initial primary strategy is to adopt a secondary suite strategy. Adopting such a strategy on Galiano Island may be very cost-effective, sustainable and address the serious water supply concerns and other infrastructures on the island.
Note: It is acknowledged that this is a separate matter for consideration within the future Galiano housing policies and practices and will not be given further review under this housing application and proposal.

2. House Design and Procurement Technique

- the proposal of undertaking self-built in conjunction with each of the proposed homeowners is an option fraught with serious complications, project delays and a project that may never see completion. We do not support such a proposal. It is our understanding that the Islands Trust and lender may also have some strong conditions limiting the self-built development option
- it is proposed that the house design be quite modest in size and features in order to substantially reduce costs. A proposal to use a prototype house design with subsequent added features is not supportable. It is suggested that in order to address affordable housing needs of a specific income demographic that the appropriate basic housing design be created in partnership with a professional design build proposal.
- the suggestion of having shared shower, bathroom and laundry services is not recommended given the present day market and housing standards. Each of the services should be incorporated within the individual homeowner/rental units. This is addressed in the bullet item above.
- The capital costs of the project should be reviewed and certified by a professional cost consultant once the design and procurement technique features of the proposal have been finalized.
- project financing for construction and mortgage take-out, could be complicated by the leasing structure. One legal opinion suggests serious complications. Who will act as the construction mortgage and take-out mortgagee guarantor? This matter can be more carefully analyzed once the design features are finalized and the overall project costs are determined, facilitating a financial viability analysis.
- At the present time we have yet to receive any professional engineering reports to address concerns relating to; roadway development, fire protection, vehicle parking, water and sewage treatment services. We understand that the LTC has received sufficient information in the form of professional reports to proceed with rezoning. However additional reports may be required by building inspection at the building permit stage.

3. Housing Need and Demand Report as presented by consultant Matt Thomson

Need indicators;

- much of the data relies on 2011 statistics Canada census and the various data is quite well presented
- it is noted that the rate of households being rented declined from 21% to 12% from 2001 and 2006, but the report does not suggest and provide any background as to why?
- the number of core need households during this same time decreased from 38% to 34%
- the median age from 2006 to 2011 increased from 53 to 59
- after 2006 Galiano Island experience the first population decline since 1991, the population drop of nearly 10%
- the target income demographic for the housing proposal is between \$20,000 and \$40,000. (The RHTF application suggests \$28,000-\$40,000) There are 145 households in this category, this group should be much more highly detailed and analyzed as to their employment, age makeup present housing situation, and so on. This information is not available from census data but could be secured by the community working in conjunction with the report writers.

- 92% of Galiano dwellings are represented by single detached houses with one small apartment block of 20 units targeted for seniors
- only 69 of the 2530 households allow rentals. However there is very little data on the rental rates of these households and the composition of the units.
- BC Housing currently provides subsidized rentals to 19 households but very little information is provided as to the background of this group.
- Median earning families can afford rental rates of \$400/month, whereas the average two-bedroom monthly rent is \$850, this represents a serious challenge and should be more carefully analyzed in conjunction with the final proposed project, the respective proposed house prices and rental rates to determine the viability of such a project. Will the final project be able to address the targeted income demographic?
- as stated earlier the target group requires much more analysis as to their present housing situation, employment, family composition, length of residency on the island, and so on

Demand indicators

- Much more information should be provided on the number of younger families leaving the island and the background as to why? Possibly a sampling could be undertaken
- an analysis of employment opportunities that have been made available but positions unfilled should be analyzed and detailed.
- Galiano Island employment opportunities should be expanded upon with each of the major job categories highlighted to indicate incomes and again positions not filled.
- the target income group of \$20,000-\$40,000. Developing homeownership for this income demographic is extremely challenging given the very limited disposable income realities. Given this group has extremely limited disposable income additional support features within the overall operations of the future project may be required to ensure appropriate short and long term maintenance of the homes.
- demand for homeownership form of tenure is indicated but very little rationale provided
- the April 2014 report indicates 10 households on the waiting list with three applications under review, please provide an updated status report on demand for housing

4. Regional Housing Trust Fund Application

- The initial RHTF letter of intent application was submitted by Galiano Green in September 2012.
- The RHTF Commission recommended that the group submit a final application for consideration prior to March 31, 2013. This application was not received and therefore the application has lapsed.
- An updated RHTF application was submitted on September 29, 2014, again requesting funding for 20 units.
- eligibility for the homeowner unit suggests a three-year residency requirement, which may be in contravention of federal and provincial laws
- the capital and operating budgets are very premature to comment on. The housing type, style and procurement technique have yet to be agreed upon

- the project development schedule is still open and subject to delays
- it is suggested that the RHTF Commission will be in a position to review a renewed/revised application upon submission of;
 1. a revised proposal based upon rental and homeownership option being incorporated
 2. a detailed procurement action plan complemented with a revised set of drawings
 3. a revised mortgaging/financing plan with funding confirmations from a lender
 4. capital and operating budgets based on homeowner and rental tenure and upon a revised procurement plan and project drawings,

Note: the next scheduled meeting of the RHTF Commission is scheduled for the latter part of January 2015. The updated revised application could be considered for the following meeting tentatively scheduled for mid-February 2015. This meeting with the RHTF committee will include attendance and a presentation involving the project development consultant and housing society chairperson.

5. Galiano Green Housing Agreement

- The housing agreement document will be in position for further analysis by the CRD Housing Secretariat and CRD legal counsel upon the Galiano Green Housing Proposal addressing the issues and requirements as outlined in items #1- 4 as detailed above.
- It is suggested that the final draft of the agreement can be developed once the issues as outlined in items #1-4 are completed and resubmitted in updated submissions and applications.

In conclusion, the CRD will be in a position to consider an updated Regional Housing Trust Fund application upon submission of an updated; need and demand report, feasibility report, housing concept drawings, capital and operating budgets and RHTF application. Upon submission of this material we will work with Islands Trust and the proponents to develop an appropriate Galiano Green Housing Agreement that is compatible and receives approval of the three parties involved.

Welcome any further questions.

Henry Kamphof
Senior Manager
Housing Secretariat
625 Fisgard St Victoria BC V8W 2S6
telephone 250-360-3081
fax 250-361-4970
hkamphof@crd.bc.ca





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: January 23, 2015

File Number: 3445-50 CT (Rogers)

To: Galiano Island Local Trust Committee
For the meeting of February 2, 2015

From: Kim Farris
A/Planner 2

Re: Rogers Cell Tower

This memo is to provide brief information regarding the Rogers cell tower referral for 1228 Montague Road that was recently received by the Islands Trust and outline the application and notification process for the LTC's reference.

A full staff report with information regarding cell tower jurisdiction, the cell tower proposal, and the results of the notification period will be placed on a subsequent Local Trust Committee (LTC) meeting agenda after the notification period is complete.

Application & Procedural Guidelines:

In March 2002, the Galiano Island LTC received a cellular tower proposal. At that time the Galiano LTC did not have procedural guidelines to help guide the referral. During the process the LTC adopted a resolution directing staff to use the Salt Spring Island's procedural guidelines for future cellular tower proposals. The March 2012 resolution states:

GL-LTC-29-02

"It was Moved and Seconded that Staff be directed to include Salt Spring Island's Procedural Guidelines for Cellular Phone Antenna Proposals dated April 26, 2001, as guidelines for the Galiano Local Trust Committee Area."

The Salt Spring's procedural guidelines are attached.

The procedural guidelines state that once a full application is received by staff, the local consultation process has started. It also states that if the proposal meets the LTC's guidelines, staff will prepare and post a notice to invite public comments on all Islands Trust notice boards. The notice must provide a minimum 30 day comment period. Staff are in the process of drafting the notice to post on community notice boards.

After the notification period, staff will prepare a report to the Galiano LTC summarizing the public's comments. At that time the LTC must consider the proposal submission and consultation results to recommend approval, approval with conditions, or refusal of the proposal by resolution. The decision and community comments will then be forwarded to the applicant, Industry Canada, Island Heath, and the Capital Regional District. It should be noted that although the LTC may by resolution refuse the proposal, Industry Canada has the authority to make the final decision as cellular towers are federally regulated.

Proponents Notification Period:

The proponent is required by Industry Canada to complete a notification process (proponent's notice attached). The proponent will be placing advertisements in the Islands Tides and Active Page. Notices will also be delivered to surrounding neighbours. The proponent's notification period will end of February 15, 2015 at which time the proponent's will provide to the Islands Trust and Industry Canada a summary of comments received during their notification period.

Community Comments:

Although the Islands Trust will be conducting a 30 day community comment process, staff encourage the community to send their comments directly to Roger's. Rogers is obligated by Industry Canada to respond to each comment received by the community. The Islands Trust on the other hand is only obligated to provide a notification period to summarize comments received in order to assist the LTC with making a decision by resolution to Industry Canada. Any comments received by the Islands Trust will also be attached to a subsequent staff report (personal information will be redacted).

The Galiano LTC has the option to schedule a Community Information Meeting (CIM) to gather further community input. If the LTC moves forward with scheduling a CIM, staff recommends a representative from Rogers attend the meeting to provide a question and answer period from the community.

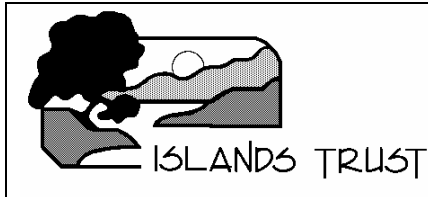
Next Steps:

Staff are in the process of drafting notices to be posted on Galiano Island notice boards to initiate the Islands Trust's notification period. After the Islands Trust 30 day notification period, a staff report will be placed on a subsequent Galiano LTC meeting agenda to summarize the comments and provide further direction.

Attachments:

1. Procedural Guidelines
2. Letter of Understanding – Islands Trust & Industry Canada
3. Roger's Public Notice

Pc: Robert Kojima, Regional Planning Manager



Procedural Guideline

Date: April 26, 2001

Date Approved: April 26, 2001

Title: Procedure for Cellular Phone Antenna Proposals

Approved By: SSI Local Trust Committee

Last Updated: _____

PURPOSE:

The Local Trust Committee and the Advisory Planning Commission for the Salt Spring Island Local Trust Area concluded an extensive community consultation process to obtain public input on criteria that would guide the preparation of the Local Trust Committee's comments to applicants proposing new or modified telecommunication antennas or facilities in the Salt Spring Island Trust Area. The following procedures formalize the recommendations of the Advisory Planning Commission to the Trust Committee regarding the processing of submissions. The procedures also set out the local consultation process required by Industry Canada's Environment Process, Radiofrequency Fields and Land-Use Consultation Client Procedures Circular (CPC-2-0-03).

DETAILS:

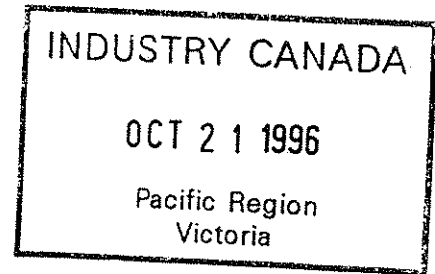
1. Cellular phone antenna providers intending to apply to Industry Canada for approval of telecommunication antenna facilities will be requested by Staff to complete a Proposal Form to provide the information necessary to start the consultation with the public and the Local Trust Committee.
2. Upon receipt of a complete submission, the applicant will be notified that the local consultation process has started and that comments will be provided to meet the timing requirements of the Letter of Understanding between Industry Canada and the Islands Trust.
3. Staff will forward a copy of the Proposal Form to the local Medical Health Officer for comments.

4. Where a proposal meets the LTC's guidelines, Staff will prepare and post a notice of project to invite public comments on all Islands Trust notice boards. The notice will provide a minimum 30 day comment period.
5. Staff will prepare a brief screening report and recommendation for submission to the Local Trust Committee along with public comments received on the proposal.
6. Where a proposal does not meet the LTC's guidelines, the proponent should undertake a public consultation process, including public newspaper notice, notice to adjacent property owners and residents. The results of the public consultation process are to be documented and forwarded to the Islands Trust for consideration.
7. The Local Trust Committee will consider the proposal submission and consultation results and will by resolution indicate whether it recommends approval, approval with conditions or refusal of the proposal. The decision will be forwarded to the proponent with copies to Industry Canada, the local Medical Health Officer and the Capital Regional District.
8. The Local Trust Committee may determine that additional public consultation is required to properly consider the proposal and defer its recommendation until such consultation has taken place.

3
Letter of Understanding

between

INDUSTRY CANADA
Vancouver Island District
Spectrum Program
("Industry Canada")



and the

ISLANDS TRUST COUNCIL on behalf
of Trust Area Local Trust Committees
("Islands Trust")

regarding

LAND-USE CONSULTATION FOR RADIO COMMUNICATION UTILITIES
within the Islands Trust Area

WHEREAS, section 8.1 of the *Islands Trust Act* authorizes the Islands Trust Council to enter into agreements with the Government of Canada on behalf of one or more local trust committees to coordinate activities within the Islands Trust Area to achieve the legislated object of the *Islands Trust Act* ... "to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the Province";

WHEREAS, a local trust committee is responsible for regulating the development and use of land within a local trust area;

WHEREAS, Section 5 of the *Radiocommunications Act* defines the Minister's powers, the Minister may, (i) approve each site on which radio apparatus, including antenna systems, may be located and approve the erection of all masts, towers and other antenna-supporting structures;

WHEREAS, Industry Canada recognizes that land-use authorities may have an interest in the location of significant antenna structures proposed within their jurisdiction and may have concerns that should be considered in the exercise of authority under the *Radiocommunications Act*,

AND WHEREAS, the Islands Trust consider significant antenna structures as being any structure over 25 metres measured from the ground level.

NOW THEREFORE, both parties agree to implement the following interagency consultation procedures regarding applications to Industry Canada for the site-specific authorization of significant antenna structures within the Islands Trust Area:

1.0 NOTIFICATION

- 1.1 Either party will use best efforts to notify the other party of an applicant's expression of interest to build or modify a significant antenna structure.
- 1.2 Industry Canada will use best efforts to advise applicants that they are required to notify and consult with the appropriate local trust committee to address local land-use concerns as explained in Client procedure Circular, CPC-2-0-03.

2.0 APPLICANT / LOCAL TRUST COMMITTEE CONSULTATION

- 2.1 Local trust committees will make their views known to both the applicant and Industry Canada within 60 days of receiving an application unless otherwise mutually agreed by the local trust committee and the applicant.
- 2.2 The local trust committee will use its best efforts to consult with the applicant and to consider requirements of the applicant.
- 2.3 When Industry Canada becomes aware of a local trust committee's objection to a site-specific significant antenna structure, consideration to issue a license will be delayed for up to 60 days or longer if otherwise mutually agreed by the local trust committees and the applicant so consultations can occur between the applicant and the local trust committee.

3.0 APPLICATION APPROVAL

- 3.1 Industry Canada does not play a direct role in land-use consultations. This responsibility remains with the applicant and the local trust committee to work toward a mutually acceptable agreement.
- 3.2 Industry Canada will use best efforts to notify a local trust committee of its intent to process an application indicating the content of the applicant's signed land-use consultation attestation.
- 3.3 Industry Canada, upon the request of a local trust committee, will meet with that local trust committee to hear its concerns before final approval of a license.

4.0 CONDITIONS

- 4.1 Nothing in this agreement shall be construed to fetter the legislative or administrative discretion of either of the parties within their respective areas of jurisdiction.
- 4.2 Any party to this Agreement may terminate this Agreement at any time by delivering three months written notice to the other party.
- 4.3 The officials of each party who shall be responsible for notices and the administration of this Agreement are:

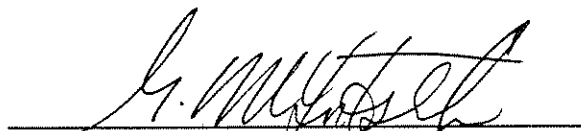
Executive Director
Islands Trust
2nd Floor, 1627 Fort Street
Victoria, British Columbia
V8R 1H8

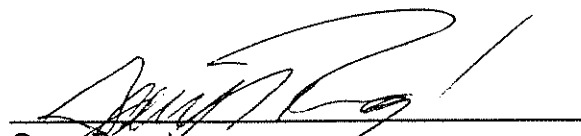
Phone #: (604) 952-4182
Fax #: (604) 952-4193

Director, Vancouver Island District
Pacific Region
Industry Canada
#318 - 816 Government Street
Victoria, British Columbia
V8W 1W9

Phone #: (604) 363-3800
Fax #: (604) 363-0208

Both parties commit to respect the terms of this agreement dated this 30 day of October, 1996.


Gordon A. McIntosh
Executive Director
Islands Trust


Gary Paugh
Director, Vancouver Island District
Industry Canada

INFORMATION DOCUMENT – PUBLIC NOTICE

TELECOMMUNICATIONS TOWER IMPLEMENTATION PROJECT

AT

Location Address:	1228 Montague Road, Galiano Island, BC
Parcel ID:	023-531-975

January 9, 2015



1- Cellular Coverage Objectives

Rogers Communications Inc., which holds a license granted under the *Telecommunications Act S.C. 1993, c. 38* to develop a wireless communications network, is proposing to replace and upgrade an existing 29 meter telecommunications facility on Galiano Island with a new 34-meter tower at the same location.

The coverage objectives for replacement and upgrading are the following:

- Provide the best possible voice transmission and high speed wireless Internet to those living and working on parts of Gailano, Mayne and Saltspring Islands.
- Provide LTE (Long Term Evolution) wireless Internet access and services to those communities and along the BC Ferries routes.
- Improve the level and quality of Rogers' cellular signal and network and as a whole, ensure the transition and continuous coverage between existing sites.

Furthermore, the implementation of this proposed installation will be essential for providing high quality coverage, avoid dropped calls on the network and further improve the accuracy to determine a user's geographical location when local 911 emergency services attempt to locate a call made from a cell phone or a smart phone. We invite you to review annex 1 for additional information.

2- Rogers Commitment to its Customers

As a leader in wireless communications, Rogers aims to improve the quality of its services and to maintain its commitment to offer residents and businesses as well as to those traveling in the Gulf Islands a fast and reliable network.

For this purpose, Rogers uses state-of-the-art GSM/HSPA+ technology that not only make it possible to offer outstanding voice transmission services, but also quick data transfer speeds (3G network) for smartphones such as the iPhone™, BlackBerry™ and Android™ as well as the mobile high-speed Internet sticks (HSPA+ Rocket™ Stick).

Furthermore, Rogers' LTE technology can provide ultra-fast wireless Internet access. With Rogers LTE wireless network coverage, customers can access speeds similar to broadband connections, making it easier for people to use their devices to download apps, stream HD videos and music or play on-line games, with virtually no delays or buffering.

To offer its customers these high quality services, the proposed telecommunication facilities need to be located where user demand the most from the network. For further information, visit www.rogers.com.

3- Evaluation of Existing Structures and Other Locations

According to Federal regulation, Rogers must help reduce the number of new towers in a pre-determined search area. Hence, Rogers must initially identify, review and evaluate the feasibility of using any existing structures to host its equipment.

In our review and evaluation for potential candidates for co-location, Rogers was not able to locate an existing 29-meter tower which met the site requirements and coverage objectives, but which required replacement with an upgraded 34-meter tower in order to securely support Rogers' equipment. Aside from the existing tower, no other telecommunication facilities were identified within a 6-kilometer radius. In such a case, Rogers elected to replace the existing telecommunication facility on Galiano Island. This site is described in the paragraphs below, as part of the public consultation process.

4- The location of the Proposed Site and its Impact on the Area

When determining the most appropriate location for the implementation of the new telecommunications tower, Rogers must take into consideration the local landscape and precise technical requirements while integrating its equipment into the existing network in the most optimal way. This will avoid dropped calls and interference with other signals.

The site of the existing 29-meter telecommunications tower is located on a private lot located off Montague Road on Galiano Island. Situated on a parcel of **PID 023-531-975**, this lot is owned by a local business and the buildings and property are currently used for commercial purposes. The site is located at **Latitude 48.88600, Longitude -123.365511**. Rogers is proposing to replace the existing tower with a new tower, at the same location.

The site is located on the east part of the parcel of land. The closest residence, owned by the landlord, is located approximately 350m from the proposed site. The trees located on the property will hide the tower and Rogers' equipment from view; the new tower will not likely be visible from the surrounding properties nor from Montague Road.

Rogers will use the existing road to access the proposed telecommunications tower and access to the site.

Rogers consulted with representatives of the Islands Trust to ensure that they were aware of Rogers' proposed project.

Rogers attests to the fact that the proposed tower meets the company's technical criteria in their entirety, in addition to answering in an optimal way, the objectives of the coverage area. Furthermore, Rogers is confident that the proposed tower will adequately serve the needs of its customers.

Finally, it is important to mention that Rogers must always evaluate requests made by other licensed telecommunications companies for tower sharing. Additionally, Rogers accepts to receive any colocation and tower sharing requests made by other licensed carriers. Rogers could, to the extent where the equipment installed by any third party carrier does not create

any interference or technical constraint with its equipment, agree to share the proposed site. This process is designed to minimize the number of new telecommunications towers installed in a predetermined search area.

We invite you to review annex 2 for additional information as well as annex 3 for visual simulations.

5- Description of the Equipment and Work Proposed

Rogers' telecommunications equipment initially consists of replacing an existing 29-meter self-support tower with a new self-support tower measuring 34 meters in height.

Rogers' technical equipment will be installed in a locked shelter located at the base of the tower. The tower will also be equipped with anti-climbing apparatus. Furthermore, a locked fence approximately 1.8m in height will surround the shelter and the base of the tower. Please note that the height of the antennas may vary slightly but the overall scale will be respected. We invite you to review annex 3 for before-and-after photo simulations.

6- Provisions of the zoning bylaws of Islands Trust

The proposed site is located in zone Forest (F). In accordance with the provisions of the bylaws of planning in force, the establishment of telecommunications towers is permitted. Rogers will work closely with representatives of the Island Trust to obtain the necessary permits and authorizations. As the tower and equipment shelter will replace the existing tower and equipment shelter, the anticipated environmental impact is minimal.

7- Industry Canada's Regulatory Scope

As part of article 4.1, under Industry Canada's CPC-2-0-03 - *Radiocommunication and Broadcasting Antenna Systems*, Rogers conferred with representatives of the Islands Trust, as the land-use authority.

Furthermore, Islands Trust has adopted a specific set of policies related to telecommunications infrastructure (2001). Rogers will follow both Islands Trust processes as well as Industry Canada's guidelines.

It is important to mention that the activities undertaken by Rogers are under the jurisdiction of the laws of the Parliament of Canada, which holds exclusive jurisdiction in regards to telecommunications matters.

8- Attestation

Rogers attests that the radio installations proposed in this notification document will be installed and operated on an ongoing basis so as to comply with the measures stipulated in Health Canada's Safety Code 6, enacted for the protection of the general public, including all of the possible combined effects of nearby installations within the local radio environment.

9- Aeronautical Obstruction Markings

The facility will be lighted and/or marked in accordance with Transport Canada and NAV Canada requirements.

10- The Canadian Environmental Assessment Act, 2012

Rogers attests that that the radio antenna system described in this notification package is not subject to an environmental assessment under *The Canadian Environmental Assessment Act, 2012* (S.C. 2012, c. 19, s. 52).

We invite you to refer to the Web link below for additional information:

<http://laws-lois.justice.gc.ca/eng/acts/C-15.21/>

11- Respect of Engineering Codes and Principles

Rogers attests that all installations, work and structures, as part of the project mentioned herein, will be completed and erected in accordance with all applicable codes based on the highest standards of accepted engineering principles and construction practices.

12- Additional Information Regarding Antenna Structures

Additional information regarding antenna structures can be found on Industry Canada, Spectrum management and telecommunications' Web site:

http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf01702.html

13- Contact Information for Industry Canada

Manager, Victoria Office

Industry Canada

1230 Government Street, Room 430

Victoria BC V8W 3M4

Tel.: 250-363-3803

Tel.: 1-800-667-3780

Fax: 250-363-0208

Email: Victoria.District@ic.gc.ca

Web: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf01702.html

14- Contact Information for the Islands Trust

Kim Farris, A/Planner 2

Islands Trust

200 – 1627 Fort Street

Victoria, BC

V8R 1H8

Telephone: (250) 405-5194

Fax: (250) 405-5155

Email: kfarris@islandstrust.bc.ca

15- Contact Information for Rogers Communications Inc.

Rogers Communications Inc.

c/o: Leifka Vissers

Altus Group Ltd. Agents for Rogers

Phone: (778) 329-9292

Fax: (604) 683-5594

Email: comments.agi@altusgroup.com

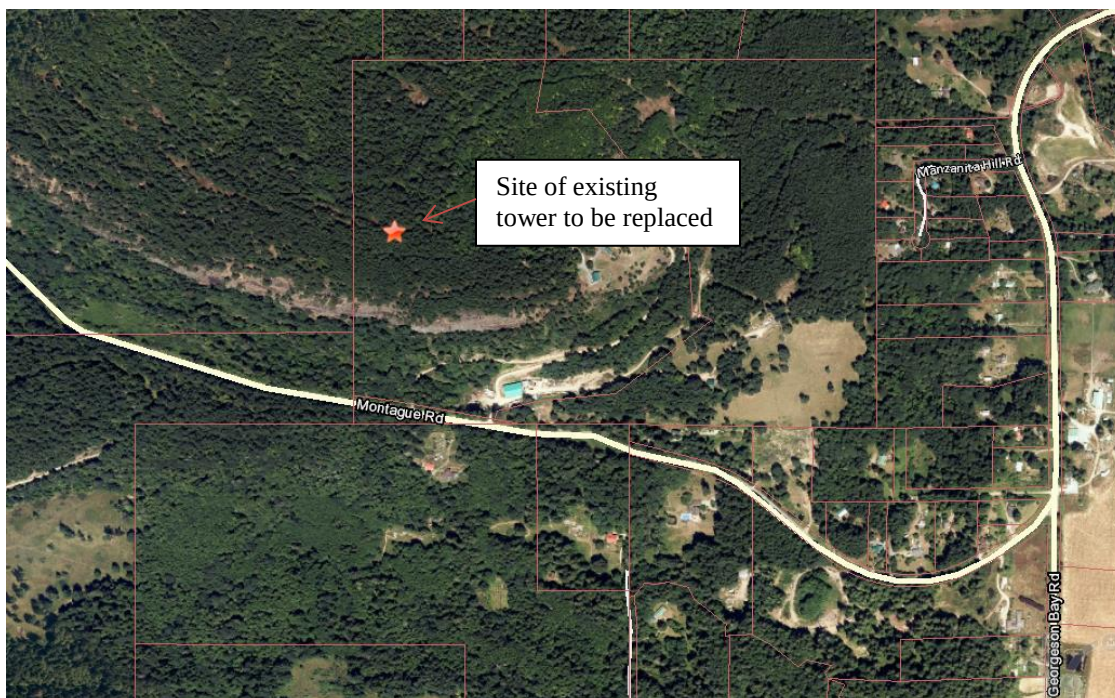
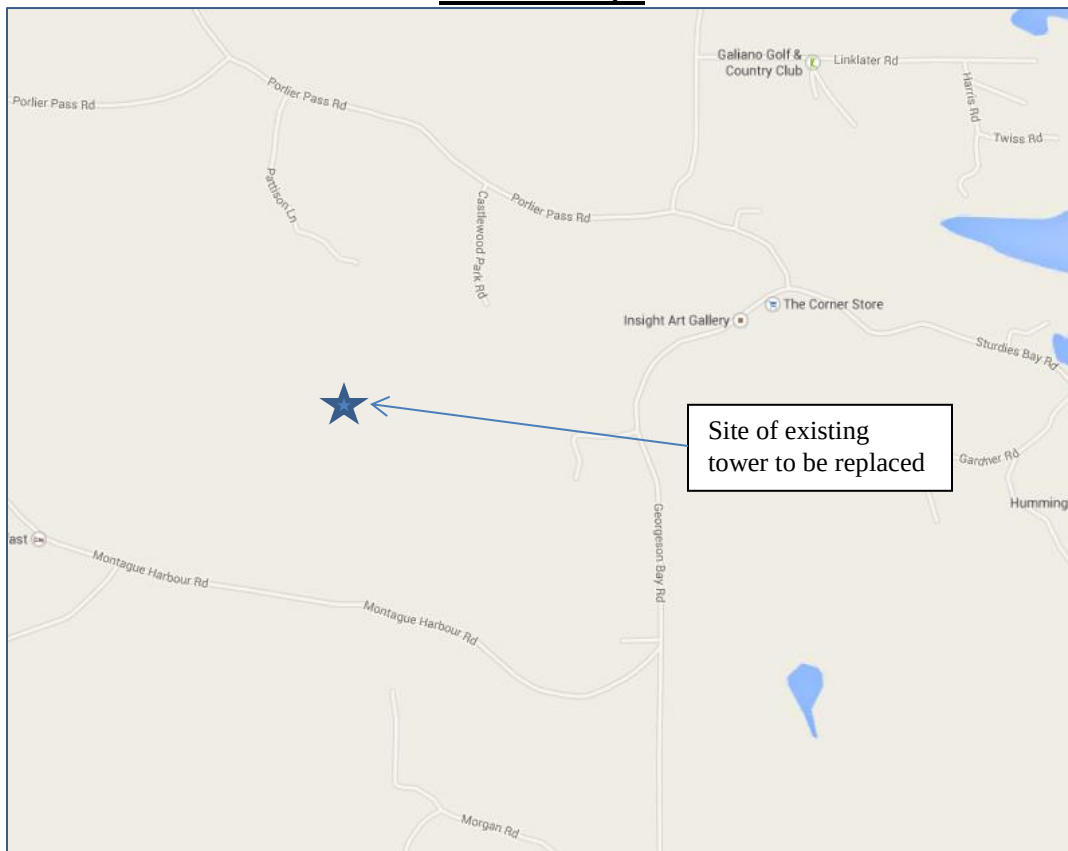
1040 West Georgia Street, Suite 630

Vancouver, BC V6E 4H1

Should you have any specific questions or comments regarding Rogers' proposal, please contact those listed above or return the attached comment sheet via fax to (604) 683-5594, by email to comments.agi@altusgroup.com, or by mail to Rogers c/o Altus Group prior to **February 15th, 2015**.

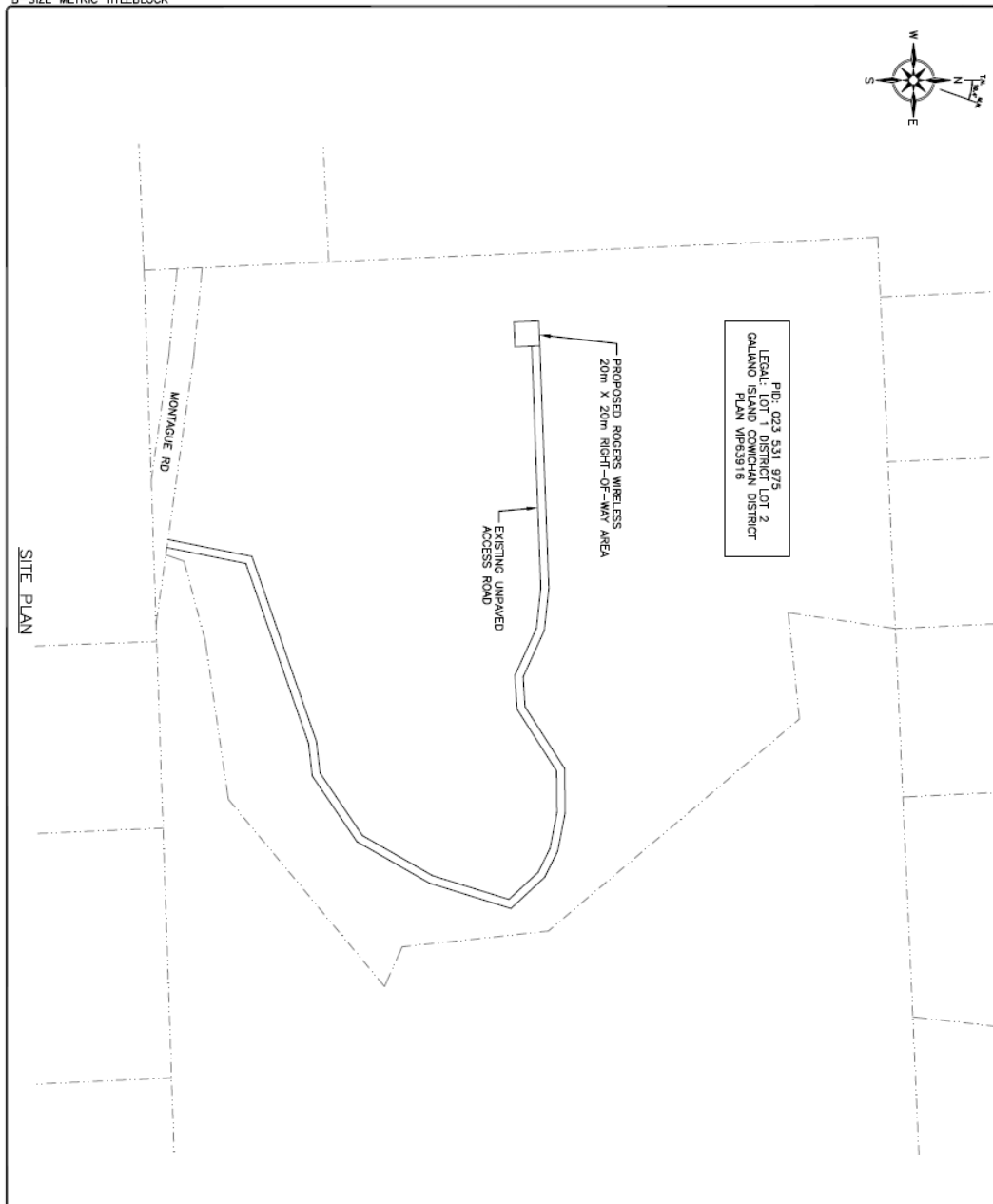
Annex 1: Location of the proposed telecommunications tower

Location Maps



Site Plan

B-SIZE METRIC TITLEBLOCK

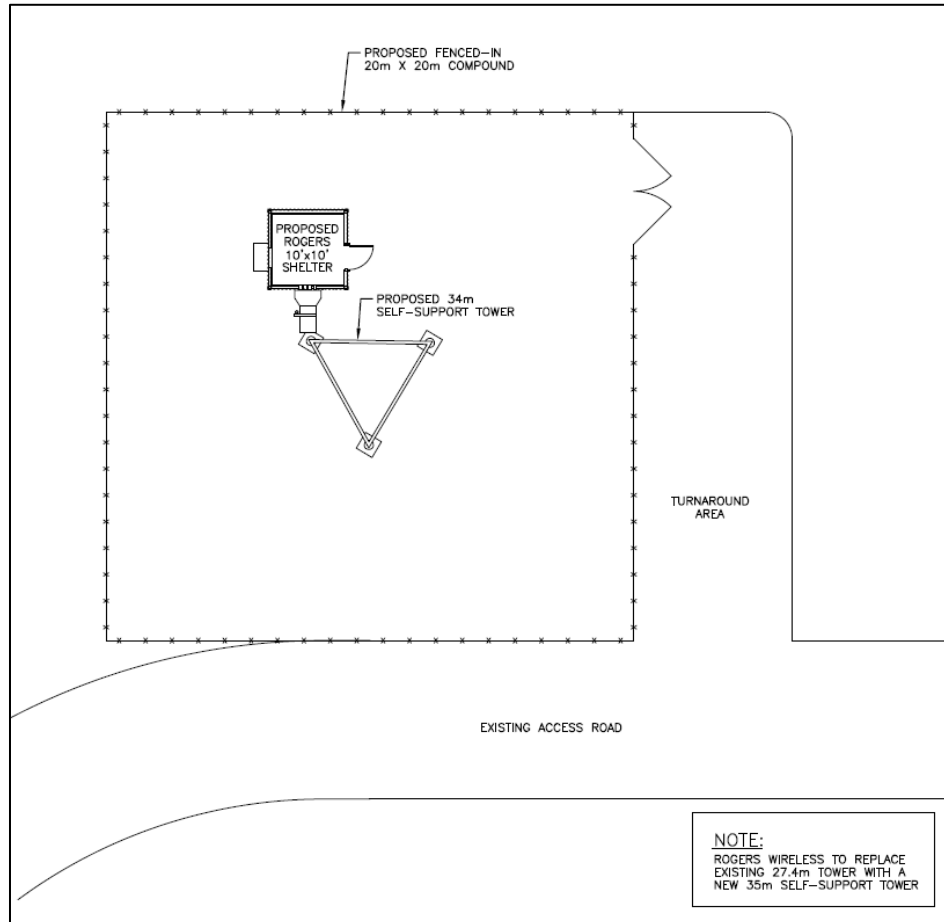


REVISION/ISSUE HISTORY	
A PRELIMINARY	B/09/14 SH

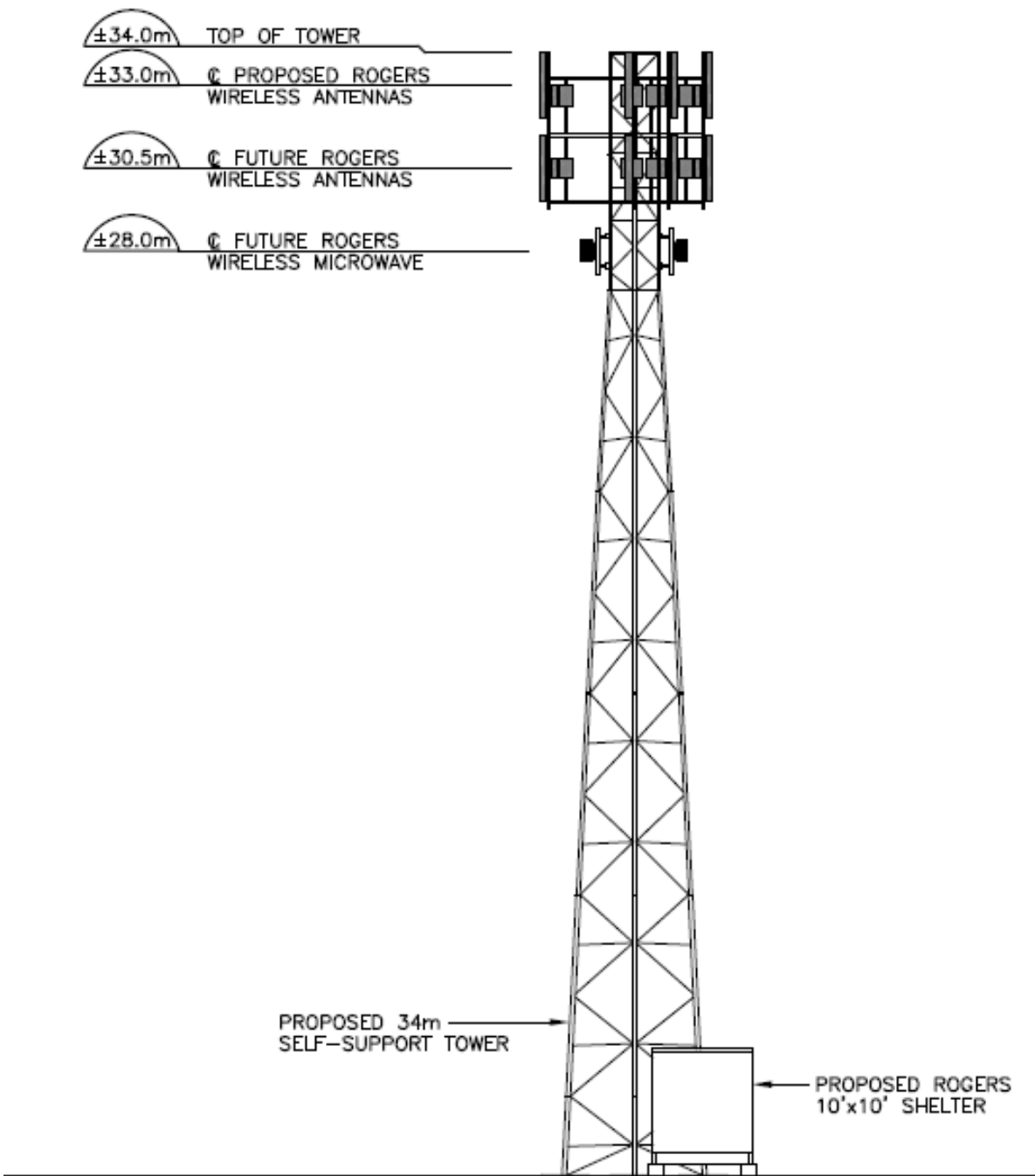
 ROGERS™ WIRELESS	
SITE NAME: Sturdies Bay LOCATION: 1228 Montague Rd Galiano Island, BC	
DESCRIPTION:	Site Plan
CELL SITE ID:	W3509
PROJECT DESC:	37.5m Self-Support Tower Ground Shelter
PROJECT NUM:	
CREATED BY: Benmore	DATE: B/09/14
DESIGNED BY: x	DATE: B/09/14
APPROVED BY:	DATE:
SCALE: 1:3000	Y. SCALE:
DRAWING NAME:	
FILE NAME: W3509 Site Plan	

This drawing is a close representation and is for conceptual purposes only – it does not include all existing residential or commercial structures on this property.

Annex 2: Preliminary Compound plan



Annex 3: Tower Elevation Plan



Annex 3: Actual image of the area and visual simulation #1

View of existing tower from access road:



View of proposed tower from access road:



Annex 3: Actual image of the area and visual simulation #2

View from South Galiano Fire Department – both the existing tower and the proposed tower are obscured from view given the heavy tree cover.



Attempts were made to produce simulations of the tower from all surrounding roads, however, as is the case with the existing tower, no viewpoints were identified from which the tower can be seen. The only vantage points from which the tower was visible were from the subject property itself, as is the case with photo simulation #1.

Annex 4: Comment Sheet - 1228 Montague Road, Galiano Island, BC

Send by Fax to (604) 683-5594, email to comments.agi@altusgroup.com
or mail to Rogers c/o ALTUS Group,
1040 West Georgia Street, Suite 630, Vancouver, BC V6E 4H1

Proposed Rogers Telecommunications Facility
1228 Montague Road, Galiano Island, BC

1. Are you a cellular telephone or wireless device user?

☐ Yes ☐ No

2. Do you feel this is an appropriate location for the site in this area?

☐ Yes ☐ No

3. Are you satisfied with the appearance/design of the proposed facility? If not, what changes would you suggest?

☐ Yes ☐ No

Additional comments:

Please provide your name and full mailing address. This information will not be used for marketing purposes. However, your comments will be forwarded to Industry Canada and the Islands Trust.

Name: _____
(Please print clearly)

Mailing address: _____

Date: January 22, 2015

File No.: 6500-20-Work
Program Review

To: Galiano Island Local Trust Committee
For the meeting of February 2, 2015

From: Kim Farris
A/Planner 2

CC: Robert Kojima, Regional Planning Manager

Re: Local Trust Committee Work Program 2015

The purpose of this report is to provide the Galiano Island Local Trust Committee (LTC) with an overview of top priorities, projects, budgets and options at the start of the new term of office. The start of a new term is an opportunity for the LTC to establish their work program.

LTC Top Priorities

The Top Priorities list defines the LTC's work program. An LTC can identify up to three top priorities at any given time, however given limited resources it is unlikely that three significant projects can be managed and delivered simultaneously. It is more effective for an LTC to focus on one or two projects. When proposing new Top Priorities the LTC must consider available resources, including budget and staff, and relevance of the project. Resources may not be available for all projects, budget requests are submitted in the fall and the annual budget is adopted by Trust Council in March for the fiscal year beginning April 1st. Once a project is proposed as a Top Priority, direction should be given to staff to draft a project charter. The draft project charter must then be endorsed by the LTC and Regional Planning Manager prior to the project proceeding.

The following are the current top priorities from the previous term:

Table 1: Galiano Island Local Trust Committee Top Priorities

Description	Activity	Status
1.	Visitor Accommodation	Project is now complete. Bylaws were adopted in November 2014.
2.	Ground Water Protection DPA Policy Review	Project is now complete. Bylaw was adopted in November 2014.
3.	Home-based Contractor Yards	Project is ongoing. See staff comments below.

Home-based Contractor Yards

The home-based contractor yards project was the remaining uncompleted top priority from the previous term. The purpose of the project is to address the issue of contractor yards/contractor home base on Galiano Island and to propose options for proceeding with the discussion of a possible amendment to the Galiano Island Land Use Bylaw to accommodate them. The following is a brief overview of the project:

- May 2014 LTC meeting: the LTC endorsed a Project Charter, endorsed a terms of reference for a stakeholder group to review the background and present recommendations to the LTC, and requested staff to advertise for membership of the stakeholder group.
- July 2014 meeting: the LTC appointed all four persons who had applied to the stakeholder group. Following the July meeting, the four appointees were contacted and provided with the Terms of Reference. Subsequently, two of the appointees wrote to staff indicating that they no longer wished to participate in the Stakeholder Group.
- September 2014 meeting: staff advised that proceeding with a two person Stakeholder Group would not be a viable option as the committee would not likely have the desired cross-section of opinion and two members would be too few to effectively function as a broad-based committee as envisioned in the terms of reference. The Galiano Island LTC at the September 2014 meeting requested that no further work be done on the Home-based Contractor Project until January 2015 and that staff report back to the new Local Trust Committee at that time.

If the Galiano LTC wishes to proceed with the project, the LTC may wish to consider how to proceed with alternative options to the stakeholder group as retaining stakeholder group members previously was not successful. The project charter will also need to be adjusted to amend the project's timeline. The project budget contains over \$2900, sufficient for consultation and the formal process to amend bylaws (i.e. cover costs of a public hearing). However these funds are only available until March 31st, funding for the 2015-16 fiscal year would have to be approved by Trust Council. If the LTC retains this as a top priority, staff can report back with options for the LTC to consider. Further information on the project can be found here: **Projects & Initiatives**

Projects List

The purpose of the projects list is to keep a record of topics raised for future work by the LTC. The Projects list also provides a basis for budget requests for the next fiscal year. Before any work beyond basic scoping or preliminary discussion with other agencies begins, the item should be moved to the Top Priorities list to ensure that staff resources are not diverted from other top priorities. An LTC can have any number of projects on a projects list, however staff recommends this list be reviewed periodically to ensure the projects can be feasibly initiated in the term. The following project list was endorsed by the LTC in the previous term, and staff comments have been added providing context and relevance for each item:

Table 2: Galiano Island Local Trust Committee 2014 Projects List

Priority	Description	Activity	Staff Comments
1.	Soil Removal & Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw.	Staff don't consider this a current project and this would not be

			recommended as a new Top Priority
2.	Amendments to Forest Designation & F1 zone	Consider options for amendments to Forest Land Designation and policies and F1 zoning for lands without Managed Forest Status. Draft bylaws were prepared but project deferred at meeting of April/12.	The LTC will need to consider addressing Forest policies in one form or other as a number of bylaw enforcement files are on hold pending LTC review of these policies and regulations
3.	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the Galiano Island Land Use Bylaw.	This was identified as a priority issues late last term and funding has been requested in the 2015-16 budget
4.	Parking Issues	Issue for discussion with MoTI and public parking issues generated from associated islands (see correspondence from P. Midgely on agenda of April, 2012).	This is not an issue the LTC can directly address, would be an advocacy role with MoTI.
5.	Bike Trails & 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.	Camping could be addressed by a policy amendment to the OCP.
6.	Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	The LUB does not currently permit these systems.
7.	Information Note Addition	Add in Information Note on Archeological Sites under General Regulations.	This would be a minor initiative, information notes do not require amendments to the bylaw.
8.	Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	This would be a significant project, could also incorporate waste transfer zoning and policies (see below).
9.	Land Use Bylaw	To review LUB for: any technical/administrative bylaw amendments (e.g. definition references and numbering),	There remain a number of technical amendments to be made to the LUB. Of

		shoreline zoning wording, crown lot rezonings.	particular concern is wording relating to shoreline accesses.
10.	Community Benefit Review for Forest Lands	Staff to prepare preliminary report for new LTC.	This should be considered by the LTC, along with #2 above, as there are enforcement files in abeyance.
11.	Consider amendments to re-designate and rezone crown owner Forest lots. Bylaws 231, 232 at First Reading	Re-refer to FLNRO for comment	Ministry staff have indicated that they would no longer object to re-designating or rezoning these lots.

The LTC may wish to amend the above projects list to add or remove potential topics. New topics must have a clear objective and must be within the jurisdiction of the Islands Trust. The LTC may also wish to provide an opportunity for the community to comment on this term's work program (further discussion in Next Steps section below).

The LTC should consider the following Work Program points:

- Early in the term, each LTC should identify potential top priorities in consultation with planning staff (purpose of this staff report).
- Planners and the Regional Planning Manager (RPM) by a subsequent staff report will review potential projects and report back to the LTC on the feasibility of the project including: options, availability of resources, project scope and timeline, budget requirements, consistency with policies, legislation and with the Islands Trust Strategic Plan.
- If additional resources are required, the project may need to be included as a budget request within the LPS portion of the annual budget.
- Once a project is approved, the planning team will proceed with the work, reporting regularly to the LTC. The RPM ensures that there are sufficient resources assigned to the project and that the timeline is being met.

Budget

There is a sufficient amount of money in the 2014-2015 fiscal year budget (ending March 31, 2015) to cover any costs anticipated before March 31st. The following are LTC Project budgets and balances requests submitted for the 2015-16 fiscal year (beginning April 1, 2015):

1. Dock Review	\$2500.00
2. OCP Policies	\$2500.00
3. LUB Amendments	\$2500.00

Total Projects	\$7500.00

The previous LTC, as mentioned above, identified a review of dock regulations and policies as a priority issue and specifically requested a budget to commence a review of those policies and regulations. The previous LTC also made two general budget requests for OCP and LUB amendments, which should provide the current LTC with some flexibility in choosing new projects. Each of these items has an amount sufficient to support a limited consultation process and public hearing associated with a project. If the LTC wishes to change the requested amounts or items, a request must be submitted to Financial Planning Committee prior to the February FPC meeting.

The budget items and amounts are subject to approval, consisting of Financial Planning Committee review and recommendation, and adoption of the budget by Trust Council.

Project Charter(s)

Currently the LTC has one project charter in effect for the Home-based Contractor Yards project. If the LTC wishes to move forward with this project an updated project charter is required. A copy of this charter is available on the LTC website under '**Projects & Initiatives**'.

Staff Comments

There are a number of projects on the list that staff consider pertinent that the LTC may want to consider prioritizing, based on existing or emerging issues associated with each:

1. Amendment to the wording in Section 2.14 (setback from the sea) of the Land Use Bylaw: potential issues have been identified with the reference to the setback not applying to public bodies. This would be a relatively straightforward amendment to the LUB and could be done as a separate project or in conjunction with other LUB technical amendments, such as erroneous cross-references, typographical errors, or outdated regulatory references
2. Policies and Zoning for Waste Transfer Facilities: currently at least one private waste transfer facility is operating without zoning. The CRD is in the process of updating its Solid Waste Management Plan, which could result in a number of options for CRD regulation of waste transfer operations. Any CRD action however would require that the use be permitted by the zoning, with appropriate land use policies in the OCP.
3. Dock review: as mentioned above, this was identified by the previous LTC and a budget has been requested. In brief, concerns and issues have been raised by the community with the notification and regulation of proposed new docks. The LTC may wish to review these issues regarding docks and new shoreline information and whether changes are required to the Galiano Island Land Use Bylaw. The previous LTC wished to have an opportunity to undertake a more thorough review of the various issues, tools and options relating to private moorage.
4. Forest policies and regulations: the previous LTC had identified two projects related to Forest policies (see projects list above) but had not commenced work. A number of enforcement files are currently in abeyance pending LTC progress on these projects.

Next Steps

There are several options to determine this term's project list and top priorities:

- February 2, 2015 LTC Meeting: Amendments can be made to the project list and top priorities if the LTC has clear direction and objectives for this term's projects.
- Subsequent LTC Meeting: The LTC may wish to defer finalizing the project list and top priorities to a subsequent meeting if further information is required. Staff can then provide background information, and projected timelines and a budget for potential projects in order to help with the LTC's decision making. This would be a viable option if the LTC has multiple projects they may wish to address this term but requires further discussion.
- Special Meeting: The LTC may wish to schedule a special meeting to gather input from the community to discuss and select topics placed or removed from the projects list. This meeting could be scheduled Saturday to allow for staff's attendance. The time required to properly notify the community for a special meeting should be taken into account as notification takes approximately 3 weeks. Any necessary budget requirements must also be addressed.

Given time constraints, staff recommend deferring a final decision on the work program to a subsequent meeting. The LTC should at this point identify those projects that require additional information and staff can report back in order to help with the LTC's decision making. The LTC should also decide if it wishes to schedule a special meeting for community input on the top priorities. The top priorities can be determined at a subsequent meeting.

OPTIONS:

1. THAT the Galiano Island Local Trust Committee amend its Work Program by designating the following three Top Priorities:
 - a.
 - b.
 - c.

and

2. THAT the Galiano Island Local Trust Committee amend its Work Program by identifying the following items on the Projects List:
 - a.
 - b.
 - c.
 - d.

or

3. THAT the Galiano Island Local Trust Committee request staff to report back with additional information and analysis on the following potential projects:
 - a.
 - b.
 - c.

or

4. THAT the Galiano Island Local Trust Committee request staff to schedule a special meeting to obtain input and review the Work Program priorities.

Prepared and Submitted by:



Kim Farris, A/Planner 2

January 22, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

January 23, 2015

Date



Top Priorities

Galiano Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Visitor Accommodation	To look at existing policy, research issues and possible solutions on Galiano.	May-06-2013	Kim Farris	Oct-06-2014	On Going
2	Ground Water Protection DPA Policy Review	Review detailed recommendations of Waterline Report, review existing DPA and LUB provisions, prepare options for amendments.	Apr-16-2012	Kim Farris	Oct-06-2014	On Going
3	Home-based Contractors	To look at options of permitting contractor yards (deferred to new term at Sept meeting)	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	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



Applications w/ Status - Galiano Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
GL-ALR-2014.1	Donna Usher	Nov-28-2014	1359 PORLIER PASS RD Non-farm use designation for cottage.

Planner: Kim Farris

Planning Status

Status Date: Nov-28-2014

opened file, processed cheque, gave to Planner

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2014.5	Dave Koster	Nov-24-2014	14875 PORLIER PASS RD Addition to a cabin to include a kitchen and bath.

Planner: Phil Testemale

Planning Status

Status Date: Dec-18-2014

Application on hold as land has been altered in Shoreline DPA

Status Date: Nov-24-2014

opened file, processed fee, notified LTC

File Number	Applicant Name	Date Received	Purpose
GL-DP-2015.1	Kimberly A. Kerns	Jan-08-2015	309 RIDGE RD Application for private moorage Parker Island

Planner: Kim Farris

Planning Status

Status Date: Jan-09-2015

xref with GL-DVP-2015.1, opened file, processed fee, notified LTC, gave to Planner

Status Date: Jan-09-2015

Application on hold - waiting for updated site survey from surveyor

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2015.1	Kimberly A. Kerns	Jan-08-2015	309 RIDGE RD Application for private moorage - Parker Island

Planner: Kim Farris

Planning Status

Status Date: Jan-09-2015

See GL-DP-2015.1 combined DP/DVP file.

Status Date: Jan-09-2015

Application on hold - waiting for updated site survey from surveyor

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: Jan-21-2015

applicants withdrawing RHTF application

Status Date: Jan-21-2015

staff report prepared for February agenda

Status Date: Dec-04-2014

CRD staff provide list of changes and additional information requirements to applicants prior to proceeding with
RHTF application

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

Planner: Kim Farris

Planning Status

Status Date: Jan-09-2015

Consultant hire to review sustainable forestry covenant - draft covenant in progress

Status Date: Nov-24-2014

EC approval received, OCP bylaw sent to Minister for approval

Status Date: Nov-05-2014

Third reading given to proposed Bylaws no. 244

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

Planner: Kim Farris

Planning Status

Status Date: Jan-09-2015

Preliminary staff report to Feb LTC meeting

Status Date: Oct-28-2014

opened file, processed fee, notified LTC, gave file to planner

Subdivision

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

Planner: Kim Farris

Planning Status

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

Status Date: Aug-28-2014

request for 10 percent frontage waiver on sept agenda

Islands Trust

LTC EXP SUMMARY REPORT F2015
Invoices posted to Month ending December 2014

625 Galiano	Invoices posted to Month ending December 2014	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	500.00	57.20	442.80
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	2,500.00	3,315.46	-815.46
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	574.69	-74.69
65220-625	LTC - Local Exp - Communications	300.00	456.00	-156.00
65230-625	LTC - Local Exp - Special Projects	750.00	80.00	670.00
TOTAL LTC Local Expense		<u>4,050.00</u>	<u>4,426.15</u>	<u>-376.15</u>
Projects				
73001-625-2002	Galiano OCP/LUB	3,000.00	77.38	2,922.62
73001-625-4002	Galiano Groundwater Protection	2,500.00	1,146.93	1,353.07
73001-625-4019	Galiano Short Term Vacation Rental (STVR) Review	2,500.00	1,152.47	1,347.53
TOTAL Project Expenses		<u>8,000.00</u>	<u>2,376.78</u>	<u>5,623.22</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.

No	Meeting Date	Resolution No.	Issue	Policy
4.	September 17, 2012	GL-LTC-100-12	Short Term Vacation Rentals	THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Short Term Vacation Rentals that have one or more of the following characteristics will be subject to enforcement: 1. There are issues related to health and safety; 2. There is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR; 3. The owner of the property uses more than one property on Galiano Island as a STVR. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Galiano Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time; THAT the policy remains in effect until such time as the regulatory review is complete.
5.	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.
6.	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



Memorandum

200 - 1627 Fort Street Victoria BC V8R 1H8

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

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

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

Date December 8, 2014 File Number GL APC 3050-05

To Galiano Island Local Trust Committee (LTC)

From Sharon Lloyd-deRoario
Legislative Clerk
Local Planning

Re Advisory Planning Commission (APC)

This is to advise that four (4) members' APC appointments expired on February 1, 2015. I have attached a list of the APC members for your convenience.

The Advisory Planning Commission can consist of not more than seven (7) members. The LTC may direct staff to find out if the expired APC members have any interest in being reappointed, they may do so by considering the following resolution:

"That Galiano Island Local Trust Committee directs staff to contact expired APC members to find out if they would be interested in being reappointed to the Galiano Island Advisory Planning Commission."

And;

If the LTC wishes to advertise for four (4) members they may do so by considering the following resolution:

"That Galiano Island Local Trust Committee directs staff to advertise for up to 4 member(s) to sit on the Galiano Island Advisory Planning Commission."

Advertising:

A notice of Expression of Interest is drafted and published in the Active Page, if they can meet our timelines. This notice can also be published in the Island Tides. The notice is posted on Galiano Island notice boards and posted on the Galiano Island Home Page and sent to the subscribers of this page.

pc Kim Farris, Planner



Advisory Members

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Advisory Planning Commission

Last Name	First Name	Title	Start Date	End Date	
Millership	David	Backup Secretary			View/Edit
Anderson	Sheila	Chair	Feb-01-2013	Feb-01-2015	View/Edit
Deshield	Ursula	Member	Feb-01-2013	Feb-01-2015	View/Edit
New	Barry	Member	Apr-07-2014	Feb-01-2016	View/Edit
Harris	Karen	Member	Feb-01-2013	Feb-01-2015	View/Edit
Olson	Elizabeth	Member	Feb-18-2013	Feb-01-2015	View/Edit
Doty	Colleen	Secretary	Apr-07-2014	Feb-01-2016	View/Edit
Koster	Dave	Member	Apr-07-2014	Feb-01-2016	View/Edit