

Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: September 8, 2014
Time: 12:30 pm
Location: Galiano South Community Hall
 141 Sturdies Bay Road
 Galiano Island, BC
 V0N 1P0

Pages

1. **Call to Order** 12:30 PM - 12:50 PM
2. **Approval of the Agenda**
 - 2.1 **Questions on Agenda Items**
 - 2.2 **Town Hall Session**
3. **Community Information Meeting**
None
4. **Public Hearing**
None
5. **Previous Meetings** 12:50 PM - 1:15 PM
 - 5.1 **Local Trust Committee Minutes for Adoption**
 - 5.1.1 **Galiano Island Local Trust Committee Special Meeting Minutes of July 5, 2014 (attached)** 4 - 5
For consideration to Adopt
 - 5.1.2 **Galiano Island Local Trust Committee Meeting Minutes of July 7, 2014 (attached)** 6 - 19
For consideration to Adopt
 - 5.2 **Public Hearing Record and Community Information Meeting**
 - 5.2.1 **Galiano Island Local Trust Committee Community Information Meeting Notes of July 5, 2014 (attached)** 20 - 25
For consideration to Receive

5.2.2	Galiano Island Local Trust Committee Public Hearing Record of July 5, 2014 (attached)	26 - 29
	For consideration to Receive	
5.3	Section 26 Resolutions without Meeting	
	None	
5.4	Advisory Planning Commission	
5.4.1	Adopted APC Meeting Minutes of June 18, 2014	30 - 32
	Provided for information	
5.4.2	Adopted APC Meeting Minutes of June 26, 2014	33 - 37
	Provided for information	
5.4.3	Draft APC Meeting Minutes of June 30, 2014	38 - 40
	Provided for information	
6.	Business Arising from the Report	
6.1	Follow-up Action Report (attached)	41 - 43
	FUAL report dated August 2014	
7.	Delegations	
	none	
8.	Correspondence	1:15 PM - 1:30 PM
	[Correspondence received regarding an applicaiton(s) or project(s) is listed with the application/project]	
8.1	R. Smith letter July 25, 2014, - Height Limit for Cottages (attached)	44 - 46
9.	Applications, Permits, Bylaws and Referrals	1:30 PM - 2:45 PM
9.1	GL-RZ-2011.1 (GLCHT) - Staff Report (attached)	47 - 65
	Additional information distributed under separate cover	
9.2	GL-RZ-2013.1 / GL-DP-2013.6 / GL-SUB-2013.1 (Landworks) - Staff Report (attached)	66 - 94
9.3	Experience the Southern Gulf Islands Cycling and Pedestrian Trail Plan - Staff Report (attached)	95 - 118
9.4	Salt Spring Island LTC Bylaw Referral No. 480 (attached)	119 - 121

-----BREAK----- 2:45 PM - 3:00 PM

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|---------------|---|--------------------------|
| 10. | Local Trust Committee Projects | 3:00 PM - 3:30 PM |
| 10.1 | Home-based Contractors Project - Staff Report (attached) | 122 - 124 |
|
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| 11. | Reports | 3:30 PM - 4:30 PM |
| 11.1 | Work Program Reports (attached)
Work Program report dated August 2014 | 125 - 127 |
| 11.2 | Applications Reports (attached)
Applications report dated August 2014 | 128 - 130 |
| 11.3 | Expense/Budget Reports (attached)
LTC expense report dated August 2014 | 131 - 131 |
| 11.3.1 | 2015-16 Budget Submissions - Staff Report (attached) | 132 - 136 |
| 11.4 | Bylaw Enforcement
None | |
| 11.5 | Policies and Standing Resolutions Report (attached)
For information | 137 - 138 |
| 11.6 | Galiano Island LTC Web Page for Review
Galiano Island Local Trust Committee Web page can be found at:

www.islandstrust.bc.ca/islands/local-trust-areas/galiano | |
| 11.7 | Chair's Report | |
| 11.8 | Trustee Report | |
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| 12. | Other Business | |
| 12.1 | Upcoming Meetings

The next meeting of the Galiano Island Local Trust Committee will be held on Monday, October 6, 2014, at 12:30 pm, at the Galiano Island South Community Hall. | 4:30 PM - 5:00 PM |
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| 13. | Town Hall Meeting | |
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| 14. | Adjournment | 5:00 PM - 5:00 PM |



**Galiano Island
Local Trust Committee
Minutes of a Special Meeting**

Date of Meeting:	Saturday, July 5, 2014, 12:00 p.m.
Location:	992 Burrill Road, Lions Park Hall Galiano Island, BC
Members Present:	Sheila Malcolmson, Chair Louise Decario, Local Trustee Sandy Pottle, Local Trustee
Regrets:	None
Staff Present:	Kris Nichols, Island Planner Kim Farris, Planner 1 Colleen Doty, Recorder
Media and Others Present:	There were approximately fifteen (15) members of the public present. There were no (0) members of the media present.

OPEN HOUSE

From 12:00 p.m. to 12:30 p.m. the public had an opportunity to view meeting material panels.

1. CALL TO ORDER

Chair Malcolmson called the meeting to order at 12:30 p.m. Introductions were made and the meeting introduced.

Chair Malcolmson stated appreciation and acknowledgment that today's meeting is taking place on the traditional territories of the Coast Salish people.

2. APPROVAL OF THE AGENDA

Additions/Deletions

Chair Malcolmson asked for any additions or changes to the agenda no amendments were made.

By general consent, the agenda approved.

3. COMMUNITY INFORMATION MEETING

3.1 Galiano Island Local Trust Committee Proposed Bylaw No. 246

See separate Community Information Meeting (CIM) notes dated July 5, 2014.

3.2 Galiano Island Local Trust Committee Proposed Bylaw No. 247 & 248

See separate community information Meeting (CIM) notes dated July 5, 2014.

4. PUBLIC HEARING

4.1 Galiano Island Local Trust Committee Proposed Bylaw No. 246

See separate Public Hearing (PH) record dated July 5, 2014.

4.2 Galiano Island Local Trust Committee Proposed Bylaw No. 247 & 248

See separate Public Hearing (PH) record dated July 5, 2014.

5. ADJOURNMENT

GL-2014-066

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Special Meeting be adjourned at approximately 1:57 p.m.

CARRIED

Sheila Malcolmson, Chair

CERTIFIED CORRECT

Colleen Doty, Recorder



DRAFT

Galiano Island Local Trust Committee Minutes of a Regular Meeting

Date of Meeting: Monday, July 7, 2014, 12:30 p.m.
Location: South Island Community Hall,
Galiano Island, BC

Members Present: Ken Hancock, Chair
Louise Decario, Local Trustee
Sandy Pottle, Local Trustee

Regrets: None

Staff Present: Kris Nichols, Island Planner
Kerry Thompson, Co-op Planner
David Millership, Recorder

Staff Absent: None

Media and Others Present: Fourteen members of the public

1. CALL TO ORDER

The meeting was called to order at 12:30 pm. Chair Ken Hancock acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. Trustees and staff were introduced.

2. APPROVAL OF THE AGENDA

The following reordering of items to the agenda was presented for consideration:

15 to 10.3 In-Camera Meeting
16 to 10.4 Recall to Order

Other agenda items were renumbered accordingly.

By general consent the agenda was approved, as amended.

2.1 Questions on Agenda Items

None

3. TOWN HALL

Chair Hancock invited the public to make comment.

Benjamin Lessard stated support for affordable housing and Galiano Land and Community Housing Trust (GLCHT). He commented that it is very difficult to find housing and that he would like to rent in the short-term and purchase in the long-term.

Geoff Gaylor spoke regarding GLCHT and expressed support for a speedy approval process, as he would like his loan to be paid back.

Gary Coward spoke regarding GLCHT and expressed support for a speedy approval process. He suggested: that GLCHT be granted title to two acres of Heritage Forest (HF) to assist with funding; that community benefit(s) be decided by the community not applicants/landowners; and that density be 15 units, with half being for sale and half being for rent, with no outbuildings but including storage.

Trustee Decario responded that the Local Trust Committee (LTC) is in favour of affordable housing on Galiano.

A discussion ensued regarding process, due diligence, information that the LTC is waiting to receive and the GLCHT approach being unique.

Avis Seads referenced page four item 10.1 bullet point number one of the Minutes of June 9, 2014 and asked for clarification regarding discussion that involved the Galiano Estates Improvement District.

Tom Hennessey responded that the discussion was about concerns raised by the Galiano Estates Improvement District regarding water capacity and relating to GLCHT and that such concerns would be addressed via a professional hydrologist(s) report. He commented that GLCHT would not have an impact to the surrounding water supply, including that of the Galiano Estates Improvement District.

Andrew Loveridge stated support for GLCHT. He requested that the Trustees attend GLCHT board meetings and work creatively regarding zoning solutions. He commented that GLCHT is doing everything it can to protect groundwater and that Galiano needs to attract/retain young people in order to balance the population.

Trustee Pottle responded that the Trustees need to be careful not to become too involved in GLCHT meetings, as doing so could be perceived as a potential conflict of interest.

A member of the public stated support for affordable housing and GLCHT. She commented that it is very difficult to find housing, that she would like to rent and that feelings of belonging/stability will be important in determining whether or not she decides to plan a future on Galiano.

Benjamin Lessard asked what information the LTC is waiting to receive and ways in which the community can help to move process forward.

Planner Nichols responded that: a draft housing agreement has been received and that the Islands Trust is working with the Capital Regional District (CRD) to review it; the CRD is determining project viability and fit for Galiano; and that the LTC still needs to receive a comprehensive site plan as well as eligibility criteria from GLCHT.

Chair Hancock responded that significant progress has been made regarding the GLCHT application and that process takes longer when new concepts/approaches are proposed. He suggested that members of the community work with GLCHT.

Trustee Decario suggested that members of the community work with the CRD regarding funding solutions/matching.

Tom Hennessey spoke regarding GLCHT and stated that rentals and the building of houses are now being considered – not only a “build your own house” approach. He commented on Galiano’s history, population numbers, real estate prices and community support for affordable housing. He mentioned that GLCHT has talked with builders regarding “tiny houses” that are smaller than 500 sq. ft. and cost approximately 30k-45k.

A discussion ensued regarding why GLCHT hasn’t built a house(s) already, as three densities are currently permitted – funding was mentioned as a barrier.

Chair Hancock stated that camping is not permitted on GLCHT land.

There being no further comments, Chair Hancock closed the Town Hall meeting.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. PREVIOUS MEETINGS

6.1 Local Trust Committee Minutes for Adoption

6.1.1. Galiano Island Local Trust Committee Meeting Minutes of June 9, 2014

Amendments:

- Page 10, item 12.7 – replace the words “would take place” with “winners would be announced”.

By general consent the Galiano Island Local Trust Committee Meeting Minutes of June 9, 2014 were adopted, as amended.

6.2 Public Hearing Record and Community Information Meeting

None

6.3 Section 26 Resolutions without Meeting

RWM Report dated June 2014 provided for information.

Planner Nichols reported that Development Permit (DP) GL-DP-2014.2 (Finnie) was approved via Resolution without Meeting (RWM).

6.4 Advisory Planning Commission

6.4.1 Adopted APC Meeting Minutes of January 21, 2014

Provided for information.

6.4.2 Draft APC Meeting Minutes of June 18, 2014

Provided for information.

7. BUSINESS ARISING FROM THE REPORT

7.1 Follow-up Action Report

Planner Nichols provided information from FUAL Report dated June 2014 and specific items were discussed as follows:

- No. 2, additional information was provided for discussion under item 10.1.

8. DELEGATIONS

None

9. CORRESPONDENCE

9.1 Letter Dated May 28, 2014 from D&N Williams re GL-DVP-2013.5 Deck & Stairs Removal

Received for information.

Trustee Pottle noted that the deck and stairs had been removed.

9.1 Letter Dated June 20, 2014 from CRD to K. Nichols re: DL 79 – Transfer of Lands for Community Park Purposes

Received for information.

Chair Hancock stated that the letter would be discussed under item 10.1.

10. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

10.1 GL-RZ-2013.1 (Landworks) – Amendment at Second Reading Staff Memo

Planner Nichols presented information from the staff memo.

Applicant Bowie Keefer was in attendance and spoke on behalf of the application.

There was some discussion regarding:

- CRD and BC Parks being supportive of the small park portion being transferred to the community;
- Possible signing of a Letter of Understanding from BC Parks between BC Parks, West Coast Region and Galiano Island Local Trust Committee;
- Staff having just received a draft F3 covenant from the applicant and needing to review it;
- Lot 8 being shown in the bylaw;
- LTC being pleased with how things are moving forward.

GL-2014-067

It was MOVED and SECONDED,

That the Chair be appointed to sign the Letter of Understanding from BC Parks between BC Parks, West Coast Region and Galiano Island Local Trust Committee.

CARRIED

There was some discussion regarding:

- Fee Simple designation being associated with land(s) intended for park(s) that is less than two hectares (ha);
- Nature Protection (NP) designation being associated with BC Parks;
- Park (P) designation being associated with community parks;
- CRD being willing to sign a covenant preventing the small park portion from being anything but Park (P).

GL-2014-068

It was MOVED and SECONDED,

That staff be directed to work with the Capital Regional District to draft a covenant for local park dedication regarding GL-RZ-2013.1.

CARRIED

There was some discussion regarding:

- The applicant being happy regarding the small park portion dedication;
- The applicant looking forward to feedback regarding the draft F3 covenant and the intent of the covenant being to improve the state of the woods (forest);
- The Preliminary Layout Approval (PLA) being a condition to moving forward;
- Percolation test having been done already and it being strange that the Percolation test is required prior to subdivision, as subdivision determines lot configuration;
- Process and a Public Hearing (PH) being able to be scheduled by RWM if needed, once all information has been received.

GL-2014-069

It was MOVED and SECONDED,

That Proposed Bylaw No. 245, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2013” be amended by adding a new zoning map in Clause 3 to amend Schedule B (Zoning Map).

CARRIED

GL-2014-070

It was MOVED and SECONDED,

That Proposed Bylaw No. 245, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2013” be amended by adding a new Schedule 1.

CARRIED

GL-2014-071

It was MOVED and SECONDED,

That Proposed Bylaw No. 245, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2013” be given Second Reading.

CARRIED

10.2 GL-DP-2014.1 xref GL-DVP-2014.2 (Olson) – Staff Report

Co-op Planner Thompson presented information from the staff report.

Applicants Elizabeth and John Olson were in attendance and spoke on behalf of the application.

There was some discussion regarding:

- Site visits having been made;
- Eelgrass being accommodated as best as possible;
- Construction being done via barges and the engineering report suggesting that the dock wouldn't contribute to further erosion;
- The applicant being committed to keeping the shoreline intact.

GL-2014-072

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Development Permit GL-DP-2014.1 (Olson) be Approved.

CARRIED

During debate, Trustee Decario commented that she would prefer a different approval process and that she supports moving toward community/shared docks in the future.

The question on the motion was then called.

There was some discussion regarding:

- The variance, notification(s) having being made to the neighbours with no responses received;
- Structures on the foreshore having been built in the 1960's and applicant(s) desire to legalise them;
- Stairs in question encroaching 0.6 metres (m);
- This application not being dealt with "after the fact".

GL-2014-073

It was MOVED and SECONDED,

That Development Variance Permit GL-DVP-2014.2 (Olson) be Approved.

CARRIED

Note: there was a break at 2:10 p.m. and the meeting reconvened at 2:40 p.m.

10.3 Motion to Close Meeting

GL-2014-074

It was MOVED and SECONDED,

That pursuant to Section 90(d), (f) and (g) of the Community Charter, the Galiano Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting the May 5, 2014, In-Camera Minutes; consider the appointment of Advisory Group members and a Legal Opinion; and that staff and Recording Secretary remain present.

CARRIED

See separate In Camera Meeting minutes dated July 7, 2014.

By general consent the meeting was closed at 2:40 p.m. and reconvened in open meeting at 3:10 p.m.

10.4 Rise and Report

Chair Hancock reported on the following:

Appointments to Contractor Home Base Stakeholders Group

Ben Mabberley, Dave Gerlach, Steve Goldberg and Ursula Deshield were appointed to the Stakeholders Group dealing with Contractor Home Base issues.

10.5 GL-DP-2013.2 (Ghai) – Memo

Planner Nichols presented information from the memorandum.

There was some discussion regarding:

- Process, LTC options and next steps;
- Neighbour and process concerns;
- Potential litigation;
- LTC jurisdiction;
- Both dock placements meeting application guidelines;
- Ombudsman review of process;
- This application being complicated and involving many variables.

GL-2014-075

It was MOVED and SECONDED,

That Development Permit GL-DP-2013.2 (Ghai) be issued for the alternative location (Option 2) as directed by the Galiano Island Local Trust Committee at 90 degrees to the shoreline as indicated in the original location for crown tenure.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Contractor Home Base – Memo re: Selection of Focus Group Members

Planner Nichols presented information from the memorandum.

There was some discussion regarding:

- Recommendations and options;
- New Terms of Reference (ToR);
- Importance of community being heard.

GL-2014-076

It was MOVED and SECONDED,

That staff be directed to contact the appointed members of the Stakeholder Group and to assist in setting up the meeting schedules, location and budget.

CARRIED

There was some discussion regarding:

- Project timeline and target completion dates.

By general consent Objective No. 15 of the new ToR was amended by changing “September 8, 2014” to “September 30, 2014”.

GL-2014-077

It was MOVED and SECONDED,

That the Terms of Reference entitled “Contractor Home Base Review Terms of Reference for the Stakeholder Group Reviewing Contractor Home Base” be Approved.

CARRIED

**11.2 STVR Post Public Hearing Memo & Policy Statement
Checklist/Proposed Bylaws No. 247 & 248**

Planner Nichols presented information from the memorandum.

There was some discussion regarding:

- Possible bylaw amendments;
- Bylaw Enforcement (BE);
- Differentiation between Short Term Vacation Rental (STVR) and Bed and Breakfast (B&B);
- Further public input not being permitted due to the LTC being post PH;
- Advisory Planning Commission (APC) recommendations.

GL-2014-078

It was MOVED and SECONDED,

That Proposed Bylaw No. 248 Schedule 1 SECTION VII/2/iii/g be amended: by amending bullet point No. 3 by replacing the words “storage of garbage” with the words “storage and disposal of garbage, recycling”; by adding a bullet point that says “require landowner or operator to post for guests emergency services contact information and provide a means for contact.”; and by adding a bullet point that says “require landowner or operator to post contact information and permit information at the entrance to the property.”.

CARRIED

GL-2014-079

It was MOVED and SECONDED,

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 given Second Reading.

CARRIED

GL-2014-080

It was MOVED and SECONDED,

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 given Third Reading.

CARRIED

There was some discussion regarding:

- Possible bylaw amendments;
- The PH and concern(s) raised regarding water supply.

GL-2014-081

It was MOVED and SECONDED,

That Proposed Bylaw No. 247 Section 1/b/3.13(2) be amended by adding the words "per lot" after the word "beds" and by adding the words "Bed and Breakfast (B&B)" after the word "rental".

CARRIED

GL-2014-082

It was MOVED and SECONDED,

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 given Second Reading.

CARRIED

GL-2014-083

It was MOVED and SECONDED,

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 given Third Reading.

CARRIED

GL-2014-084

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Proposed Bylaw No. 247 and Proposed Bylaw No. 248 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

GL-2014-085

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Proposed Bylaw No. 248 be forwarded to the Ministry of Community, Sport and Cultural Development for approval.

CARRIED

GL-2014-086

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Proposed Bylaw No. 247 and Proposed Bylaw No. 248 are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

**11.3 DPA4 Post Public Hearing Memo & Policy Statement
Checklist/Proposed Bylaw No. 246**

Planner Nichols presented information from the memorandum.

There was some discussion regarding amendments to Proposed Bylaw No. 246 Schedule 1 Section 4.6, amendments were as follows:

- a) – add the words “within the existing footprint” after the word “utilities”;
- b) – delete;
- e) – delete the words “Development on”;
- g) – delete;
- h) – delete the words “All vegetation removal except for”; delete the words “more than” before the words “5 trees”; add the words “per hectare” after the words “5 trees”;
- Add a new exemption that says “Removal of invasive species.”

GL-2014-087

It was MOVED and SECONDED,

That Proposed Bylaw No. 246 Schedule 1 Section 4.6 be amended according to amendments discussed at today’s meeting.

CARRIED

GL-2014-088

It was MOVED and SECONDED,

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 given Second Reading.

CARRIED

GL-2014-089

It was MOVED and SECONDED,

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 given Third Reading.

CARRIED

GL-2014-090

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Proposed Bylaw No. 246 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

GL-2014-091

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Proposed Bylaw No. 246 be forwarded to the Ministry of Community, Sport and Cultural Development for approval.

CARRIED

GL-2014-092

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Proposed Bylaw No. 246 is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

12. REPORTS

12.1 Work Program Reports

Planner Nichols provided information from Work Program Report dated June 2014.

GL-2014-093

It was MOVED and SECONDED,

That staff be directed to add Land Use Bylaw technical amendments regarding definitions to the Projects List.

CARRIED

12.2 Applications Reports

Planner Nichols provided information from Applications Report dated June 2014 and specific applications were discussed as follows:

- GL-SUB-2014.1, regarding the application being necessary due to a 99 year leasing arrangement.

12.3 Expense/Budget Reports

None

Planner Nichols will check to make sure that the next report includes STVR related expenses.

12.4 Bylaw Enforcement

None

12.5 Policies and Standing Resolutions Report

Provided for information.

12.6 Galiano Island LTC Web Page for Review

Chair Hancock asked for any additions or changes to the LTC web page (www.islandstrust.bc.ca/islands/local-trust-areas/galiano).

No specific updates were made; Planner Nichols will update routine items as necessary.

12.7 Chair's Report

Chair Hancock stated that he attended Trust Council (TC) on June 18-19, 2014 on Saturna Island and mentioned that the Fisheries and Oceans Canada (DFO) presentation/conversation on aquaculture was interesting but not necessarily encouraging. He noted that the Stewardship Awards winners were announced.

12.8 Trustee Report

Trustee Decario stated that she attended TC on June 18-19, 2014 on Saturna Island for one day and mentioned that the Galiano Conservancy Association received a Stewardship Award. She noted that she has been attending to regular business.

Trustee Pottle stated that she attended TC on June 18-19, 2014 on Saturna Island and that she has been attending to regular business.

13. OTHER BUSINESS

13.1 Upcoming Meetings

The next meeting will be held on September 8, 2014, at 12:30 p.m., at the Galiano Island South Community Hall.

14. TOWN HALL MEETING

Chair Hancock invited the public to make comment.

Allan Doty spoke regarding GLCHT and stated that: he supports the letter that was written by the Galiano Estates Improvement District, which expresses concerns regarding water capacity; he personally supports GLCHT and affordable housing and believes that concerns regarding water capacity are trying to be mitigated. He then spoke in support of increasing density around the Daystar Market area before expressing concern regarding noise coming from the Galiano Rod and Gun Club.

Avis Seads asked if Galiano's Official Community Plan (OCP) limits the square footage of houses.

Planner Nichols responded that lot coverage and building height are restricted.

Note: Chair Hancock, Planner Nichols and Co-op Planner Thompson left the meeting at 5:45 p.m. in order to catch their ferry.

Gary Coward stated support for decisions made regarding STVRs and DPA4. He commented that Proposed Bylaw No. 247 Section 1/b/3.13(2) wording should say “per residential use” instead of “per lot”.

Tom Hennessy spoke regarding GLCHT and stated that the hydrologists report should eliminate Galiano Estates Improvement District water capacity concerns.

Andrew Loveridge stated support for the GLCHT application moving forward, the need for affordable housing on Galiano and a balanced community where young people can live. He commented that GLCHT has gone to great lengths to address water capacity concerns and that project plans include rainwater harvesting in addition to wells.

Tom Hennessy spoke regarding GLCHT and stated that he is pleased the project is moving forward and that the CRD is working with the Islands Trust regarding the draft housing agreement.

There being no further comments, Acting Chair Trustee Decario closed the Town Hall meeting.

17. ADJOURNMENT

GL-2014-094

It was MOVED and SECONDED,

That the meeting be adjourned at 6:00 p.m.

CARRIED

Ken Hancock, Chair

CERTIFIED CORRECT:

David Millership, Recorder



**Galiano Island
Local Trust Committee
Notes of a Community Information Meeting**

Date of Meeting:	Saturday, July 5, 2014, 12:30 p.m.
Location:	992 Burrill Road, Lions Park Hall Galiano Island, BC
Members Present:	Sheila Malcolmson, Chair Louise Decario, Local Trustee Sandy Pottle, Local Trustee
Regrets:	None
Staff Present:	Kris Nichols, Island Planner Kim Farris, Planner 1 Colleen Doty, Recording Secretary
Media and Others Present:	There were approximately fifteen (15) members of the public present. There were no (0) members of the media present.

Chair Malcolmson called the meeting to order at 12:30 p.m. and stated that a Community Information Meeting (CIM) gives the public an opportunity make comment and/or to ask questions.

3. COMMUNITY INFORMATION MEETING

3.1 Galiano Island Local Trust Committee Proposed Bylaw No. 246

Planner Kris Nichols introduced the intention of Bylaw No. 246 with respect to the Development Permit Area (DPA) 4 – Elevated Groundwater Catchment Area. Approximately 71 properties on Galiano have DPA 4 applied to them. Added in to Bylaw No. 246 are some statutory requirements that were not included in the original provision. The intent of the amendment was to improve clarity and applicability. The revised bylaw has been updated

with the following additions: legislative authority; special conditions and objectives that justify the designation section; applicability section; development permit exemptions section; and an improved and more detailed guidelines section. Guidelines are designed to protect quality and quantity of ground water and apply to areas over 140 meters. Those properties that had the DPA 4 still have the proposed revised DPA apply to them.

A member of the public asked two questions. The first question was how do these changes apply to me, and when one must apply for a permit?

Planner Nichols stated that maps on Schedule G mean that if one is to develop within in the development permit area then one must obtain a permit.

A member of the public asked: If, within our property, we discover a spring, do we then require a development permit in order to develop a water source?

Planner Nichols confirmed they would need to obtain a development permit.

A member of the public asked if they would be required to obtain a permit in order to maintain an existing water supply.

Planner Nichols responded that maintenance would be permitted as an exemption.

There was general discussion with respect to springs that may exist on people's property and what the licensing requirements were.

Andrew Loveridge (Galiano resident) asked what the exemptions were in the previous bylaw.

Planner Nichols indicated there were no exemptions in previous bylaw.

Andrew Loveridge (Galiano resident) commented that the bylaw amendment allowed for exemptions, and he expressed concern for the loosening of the bylaw.

A member of the public asked whether we are allowed to drill a well.

Planner Nichols responded that one would have to get a permit to guide development.

A member of the public sought clarification that, with respect to exemption 4.6(g) for removing no more than five trees, the exemption applied to the entire lot, or just the area within the DPA.

Planner Nichols clarified that the exemption applied only to areas within the DPA.

Doug Latta (Galiano resident) would like to see clarification on language around trees in DPA 4. He noted he would like to see everyone collect rainwater.

A member of the public asked how long it would take to get a permit.

Planner Nichols noted that generally, the permit could be processed within a month, if the application were done completely.

Elizabeth Latta (Galiano resident) asked whether this bylaw applied to Private Managed Forest Land (PMFL) properties.

Planner Nichols noted that it does, but that those properties have their own requirements.

Trustee Pottle thanked everyone for coming and for helping make these bylaws readable.

Trustee Decario also thanked everyone for coming, and she noted that when the Official Community Plan was reviewed, the recommendation at that time was to lower the groundwater requirements to 50 meters. The Local Trust Committee felt it was drastic at the time and was hopeful other aspects of the bylaw could be tweaked.

Chair Malcolmson noted that the Community Information Meeting was the final chance for clarification on the bylaw before the meeting moved to Public Hearing.

A member of the public asked why 50m was considered too drastic.

Trustee Decario responded that the entire Galiano Island would have to go to DPA, and wondered whether the community would want to go to DPA.

A member of the public asked why the exemption under 4.6(g) with respect to the removal of trees does not refer to lot density or size.

Planner Nichols responded that the exemption was to only focus within the DPA. Some of those lots are huge, but DPA areas could be smaller. The rationale was not to cover the whole lot, just those portions of properties with elevations over 140m.

Doug Latta (Galiano resident) questioned the rationale behind setting the certain height of 140m.

Planner Nichols noted there were a number of studies done by water line and recharge area. The recommendation was made at the time for 50m but the Local Trust Committee changed it to 140m.

Trustee Decario noted that previous trustees were going to set it at 100m but there was lots of criticism from the community. The current trustees wanted to maintain the setting.

Trustee Pottle noted that we're not trying to prevent people from developing in those higher areas, but to mitigate changes in those elevations.

A member of the public asked whether one would have to get a Development Permit (DP) for developing an orchard.

Planner Nichols responded that if you were going to remove trees and change contours of land then one would need a DP.

Karen Harris (Galiano resident) stated that they have an existing development permit in DPA4. She asked whether these changes affect their existing permit.

Planner Nichols responded that if one already had an application in, then no, it would not be impacted by bylaw changes.

Elizabeth Latta (Galiano resident) asked if there is a way one can ascertain if a DPA has been provided for on another property, and whether there is any muscle to this bylaw. Planner Nichols noted that one could call a planner if they have concerns, and then the issue becomes an enforcement issue.

Elizabeth Latta (Galiano resident) noted that one does not have jurisdiction within Agricultural Land Reserve (ALR) and PMFL.

Note: Chair Malcolmson called for a recess at 1:00 p.m. and the meeting reconvened at 1:27 p.m.

3.2 Galiano Island Local Trust Committee Proposed Bylaws No. 247 & 248

Planner Kim Farris provided an overview on the intent of Bylaw No. 247, stating that its main purpose was to amend the Land Use Bylaw by allowing Short Term Vacation Rentals (STVRs).

Planner Farris noted that the purpose of Bylaw No. 248 is to amend the Galiano Island Official Community Plan by amending the Temporary Use Permit (TUP) Guidelines to include a commercial vacation rental as a specific use for which a permit may be applied for and issued. Amendments will include a new set of guidelines and criteria for the review of a permit application. The amendment will also bring the TUP guidelines into conformity with current legislation by extending the issuance of a TUP for three years.

Karen Harris (Galiano resident) asked, with respect to home occupations, about the requirements for the owner to live on the property. If the Harris' are not living in their prime dwelling, would their situation meet STVR requirements?

Planner Farris commented that they may fall into the Temporary Use Permit category.

Doug Latta (Galiano resident) asked whether they would have to go to the ALR to get permission for a TUP.

Planner Nichols responded that the ALR supports home occupations.

There was a general discussion with respect to the costs of obtaining a TUP.

Karen Harris (Galiano resident) asked whether, in the case of home occupations, the home occupation ceases if the owner goes on vacation.

Planner Farris responded that the home occupation would continue as long as someone else on site is available.

Mike Hoebel (Galiano resident) asked whether any zone with permitted residential use could qualify for home occupation.

Planner Farris responded that any place with a residence could qualify for a home occupation.

Chair Malcolmson adjourned the Community Information Meeting at 1:36 p.m.

CERTIFIED CORRECT

Colleen Doty, RECORDER

DATE



**Galiano Island
Local Trust Committee
Public Hearing Record Regarding:**

**PROPOSED BYLAW NO. 246 CITED AS “GALIANO ISLAND OFFICIAL
COMMUNITY PLAN BYLAW NO. 108, 1995, AMENDMENT NO. 1, 2014”**

AND

**PROPOSED BYLAW NO. 247 CITED AS “GALIANO ISLAND LAND USE BYLAW
NO. 127, 1999, AMENDMENT NO. 1, 2014”**

AND

**PROPOSED BYLAW No. 248 CITED AS “GALIANO ISLAND OFFICIAL
COMMUNITY PLAN BYLAW NO. 108, 1995, AMENDMENT NO. 2, 2014”**

Date of Meeting: Saturday, July 5, 2014, 1:00 p.m.
Location: 992 Burrill Road, Lions Park Hall
Galiano Island, BC

Members Present: Sheila Malcolmson, Chair
Louise Decario, Local Trustee
Sandy Pottle, Local Trustee

Regrets: None

Staff Present: Kris Nichols, Island Planner
Kim Farris, Planner 1
Colleen Doty, Recorder

Media and Others Present: Approximately (15) members of the public and (0) members of the local media were in attendance.

4. PUBLIC HEARING

Chair Malcolmson called the meeting to order at 1:02pm.

Chair Malcolmson read a formal opening statement inviting all persons who believe that their interests are affected by the proposed bylaws to speak or present written submissions. Chair Malcolmson also noted that all submissions had to be received by the Local Trust Committee before the close of the hearing.

4.1 Galiano Island Local Trust Committee Proposed Bylaw No. 246

Planner Nichols summarized the hearing notice and indicated that the notice met statutory requirements. Planner Nichols explained the purpose and intent behind amending Bylaw 246, stating the intent was to improve clarity and applicability by establishing where and how the Development Permit Area (DPA) applies, and where it does not, through an improved Guidelines section and Exemption section. Guidelines are designed to protect quality and quantity of ground water, and these guidelines are applied to areas over 140meters. Those properties that had the DPA 4 still have the proposed, revised DPA apply to them.

Chair Malcolmson explained that members of the public had four minutes maximum to present. She reviewed rules of conduct for the proceeding.

Andrew Loveridge (Galiano resident), wished to oppose the whole initiative, noting concern about the breadth of the list of exemptions which seem contrary to the real intent of the bylaw. He stated concern that the number of exemptions weakened the bylaw entirely.

Steve Phillips (Galiano resident), represents a corporate entity affected by the proposed bylaw. Mr. Phillips would like to see the wording clarified that only those areas within the DPA would require a permit, and that property outside the DPA would be exempt from the application permit. He is a retired geologist who stated that the 140m is a relatively insignificant proportion of the groundwater catchment and that it would be advisable to lower the 140m elevation.

Doug Latta (Galiano resident) supported Steve Phillip's statement, and noted that as far as groundwater goes, everyone's property affects groundwater and we should all collect rainwater.

Frank de Waard (Galiano resident) shared the concerns of previous speakers and questioned what we are doing (with respect to groundwater protection) below 140meters. He suggested that everyone on Galiano should be included in a DPA.

George Harris (Montague Heights, 4000 Porlier Drive) referenced two reports -- Kohut and Johanson, 1998, and Waterline Resources INC 2011, 2012 – and noted the exemption of five trees per lot was considered “inadequate to protect” groundwater recharge. He stated that he had hired an eminent hydrologist who noted that the DPA4 is in the wrong area and will do nothing to recharge groundwater. Mr. Harris stated concern with the direction of this bylaw.

Karen Harris (Galiano resident) stated that DPA4 is inadequate. In Schedule 1, Development Permit Exemptions 4.6g), Ms. Harris suggested the following wording: “five (5) trees *per hectare within the DPA 4*” should replace how the exemption is currently worded as “5 trees...on any one lot.”

Andrew Loveridge (Galiano resident) agreed with Mr. Phillips, stating that the 140 meter boundary is too restrictive and does not include enough of the recharge area. Mr. Loveridge was concerned that large chunks within the island are not within the DPA and would like to see a lower threshold. Mr. Loveridge asked the Trustees to vote down the proposed bylaw amendment and maintain the existing bylaw. He provided a written submission.

Elizabeth Latta (Galiano resident) asked how we could protect land and groundwater within Private Managed Forest Lands since it is not our jurisdiction.

Frank de Waard (Galiano resident) stated concern with Ms. Harris’ proposed wording of “five (5) trees per hectare” as smaller lots would be too constrained.

Virgina Monk (391 Cain Road, Galiano Island), noted that it is probably too late for Cain Road, but stated support for increasing the scope of DPAs.

There being no further comments from the public, Chair Malcolmson closed the Public Hearing on Bylaw No. 246.

Note: The meeting recessed at 1:27p.m. and reconvened at 1:36 p.m.

4.2 Galiano Island Local Trust Committee Proposed Bylaw No. 247 & 248

Chair Malcolmson reviewed the rules of conduct, noting this was the final opportunity to comment on bylaws. Any new information received after this meeting should be given to the planner, not the trustees.

Planner 1 Farris was invited to summarize the Public Hearing Notice, she noted statutory compliance with the postings.

Chair Malcolmson invited the Public to comment.

George Harris (Galiano resident) noted that at the last Public Hearing everyone was unanimously in favour of STVRs and the number of complaints was minimal. He noted concern that people will ignore the new bylaw nonetheless, as individuals proceed with activity that is unenforceable.

Frank De Waard (2356 Montague Road, Galiano Island) noted, with respect to Temporary Use Permit Objectives iii(g) where it is stated that the permit “may require that the owner or other contact be available on Galiano by telephone 24 hours/day...”, he would like to see that reference removed, as he does not feel the owner should have to be on island. He supported a set maximum number of guests per lot. Mr. de Waard expressed support for specified dates allowed per permit. He was concerned that prohibiting outdoor fires might be too restrictive if one wished to get rid of debris in spring or fall.

Doug Latta (Galiano resident) noted concern about the wording “the landowner should demonstrate an adequate supply of water...” He would like to see water supply language tightened up in section 2 iii) e), by replacing the word “should” with “must”.

Mike Hoebel (798 Georgeson Bay Road, Galiano Island) commended committee and planners on the long process involved. The proposed bylaw amendments represent a compromise because STVR’s are a thorny issue. He stated that the revisions seem workable and there was a lot of consultation. Mr. Hoebel then thanked the committee and planners.

Karen Harris (Galiano resident) stated that she has written the committee before with her reservations that she does not think Temporary Use Permits are a good mechanism for controlling STVRs. Ms. Harris recommended that Bylaw 247 be strengthened and include more regulation of STVRs, and that Bylaw 248 be scrapped. She would like to see some provisions of Bylaw 248 rolled into Bylaw 247. She noted that much conflict has been about small lots, and that Bylaw 247 should include a minimal lot size, rather than having the provision where the two residences have to be built.

There being no further speakers or submissions, Chair Malcolmson declared the Public Hearing adjourned at approximately 1:57pm.

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

Colleen Doty, Recorder

Date

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



Date of Meeting: Wednesday, June 18, 2014, 1:00 p.m.
Location: Galiano Island Local Trust Office
23 Madrona Road

Members Present:

Sheila Anderson	Chair
Karen Harris	Member
Barry New	Member
Ursula Deshield	Member
Elizabeth Olson	Member
Dave Koster	Member (arrived at 1:30 p.m.)

Regrets: None

Staff Present: Colleen Doty Recording Secretary

Media and Others Present: None

1. CALL TO ORDER

Chair Anderson called the meeting to order at 1:02 p.m.

2. APPROVAL OF THE AGENDA

Chair Anderson proposed the agenda include approval of previous minutes of January 21, 2014, and consideration of bylaw referrals 246, 247, and 248.

By general consent, the agenda was approved as presented.

It was proposed by Chair Anderson that the meeting start with referrals with respect to the Elevated Groundwater area and Short Term Vacation Rentals (STVR).

By general consent, the order of discussion of agenda items was approved as presented.

3. PREVIOUS MINUTES

MOTION

It was Moved and Seconded that the Galiano Island Advisory Planning Commission draft minutes of January 21, 2014, be approved.

CARRIED
(Unanimous)

4. DISCUSSION OF REFERRALS FROM LOCAL TRUST COMMITTEE

4.1 DISCUSSION OF REFERRED BYLAW 247

Member Harris expressed concern regarding an unintended consequence of the proposed STVR bylaw in that it could end up evicting non-owner tenants who may be occupying cottages while the main house is being used as an STVR if it requires the owner must live on property.

Members questioned that the bylaw refers to "more than one cottage.....," and queried as to how that could be the case for non-corporate holdings. Members requested further clarification as to how the bylaw would be applied to corporate holdings of more than one lot.

Members considered the allowance for either main house or cottage to be used for STVR.

4.2 DISCUSSION OF REFERRED BYLAW 248

With respect to Temporary Use Permits, Chair Anderson felt the list was comprehensive in terms of providing the LTC with options to consider and allowed for enough coverage. Under permit consideration "g)" access to a land line or cell service should be a consideration as it is related to emergency services accessibility.

Member Harris raised concern about fees for TUP, stating that she would like to see permit fees going back to Galiano, such as with an increased by-law enforcement presence. There was discussion with respect to how permit fees were used currently.

Member Olson expressed concern about how long the process of getting a TUP for STVR might be for applicants. In further discussion members considered the benefits of public notice and process required of local governments.

4.3 DISCUSSION OF REFERRED BYLAW 246

By general consent, the Advisory Planning Commission agreed to defer discussion of this bylaw until the next meeting.

5. NEXT MEETING DATE

Thursday, June 26, 8:30 a.m. at the Galiano Island Local Trust Office.

6. ADJOURNMENT

Meeting adjourned at 2:30 p.m.


CHAIR


DATE

CERTIFIED CORRECT:


Colleen Doty, Recording Secretary

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



Date of Meeting: Thursday, June 26, 2014, 8:30am
Location: Galiano Island Local Trust Office
23 Madrona Road

Members Present:

Sheila Anderson	Chair
Karen Harris	Member
Barry New	Member
Ursula Deshield	Member
Elizabeth Olson	Member
Dave Koster	Member

Regrets: None

Staff Present:

Colleen Doty	Recording Secretary
Kris Nichols	Planner (by phone, 9:17am – 9:24am)

Media and Others Present: None

1. CALL TO ORDER

Chair Anderson called the meeting to order at 8:35am.

2. APPROVAL OF THE AGENDA

Chair Anderson proposed the agenda include approval of previous draft revised minutes of June 18, 2014, and consideration of bylaw referrals 246, 247, and 248.

By general consent, the agenda was approved as presented.

3. PREVIOUS MINUTES

MOTION

It was Moved and Seconded that the Galiano Island Advisory Planning Commission draft revised minutes of June 18, 2014, be approved.

CARRIED
(Unanimous)

4. DISCUSSION OF REFERRALS FROM LOCAL TRUST COMMITTEE

4.1 DISCUSSION OF REFERRED BYLAW 247

Member New mentioned the committee's concerns about corporate holdings. Chair Anderson noted that she spoke with Planner Nichols and he confirmed that 247 would only permit one Short Term Vacation Rental (STVR) as home

occupation on a corporate held lot, citing potential for the property to be divided up and the entire property used as STVRs and cottages are sometimes separate shares.

Member Koster asked a question with respect to R2 zoning and whether each place within that zoned property would require a permit for \$1200 for six years (\$200 per year). Chair Anderson indicated that would be the case and noted that the point of the bylaw is "who is responsible"?

Member Koster questioned the wording around "renewable once."

Chair Anderson responded that one could renew but that there could be changes to the permitted conditions. She suggested confirming this with Planner Nichols.

Member Koster enquired about the clause to possibly limit the number of days available for rental.

Chair Anderson noted that 30 days is the standard cut-off between short term and long term rentals.

Chair Anderson commented she thought that the permit should require phone access for emergency purposes.

Member Olson noted that long-term residents themselves often do not have a land line.

Member Harris commented that a new resident just renting would have the same limitation.

Member Deshield felt that access to a phone line was an important point. Member Koster agreed.

The group mentioned concern around the number of guests and cars on lots operating both Bed 'n Breakfast (B&B) operations and a STVR.

Member Harris noted that clarification is needed as to whether the bedroom cap includes both the cottage and the B&B combined.

9:07am: Chair Anderson called Planner Nichols. Left message.

While we were waiting, Chair Anderson asked: In general, do we all agree with the proposed provision to allow STVR in either the cottage or house in any residential zone that has a dwelling and a cottage?

Member Harris stated concern for some areas with water problems and would like to see restrictions on lot size. Right now, the bylaw is determined by lots that can accommodate both cottage and house which to some degree does restrict the

minimum lot size. She questioned why really large lots shouldn't just have the right to do STVR without a permit.

Chair Anderson noted that because one has a large lot there is still risk attached with having STVRs. Having an owner-operator on the property mitigates risk. Chair Anderson gave an example of an extreme risk on a large property with an STVR: Off-island visitors were staying on a property with large acreage, and had to drive through an un-serviced private road. The partying vehicle occupants were driving in and out on unmaintained roads, smoking, windows open, during an extreme fire rating period. There was no mitigating factor and no assurance that they knew the risk.

9:17am: Planner Nichols called back.

Chair Anderson asked how the STVR bylaw referral integrated with B&B provisions.

Planner Nichols stated that in the instance where the cottage is being used as an STVR, and the bedrooms in the house are being used as a B&B, under home occupations for B&B you are allowed three bedrooms, with two on a smaller lot. The provisions say no more than four beds within three bedrooms.

Chair Anderson commented that the B&B provision refers to bedrooms, yet in the STVR bylaw referral they mentioned bedrooms as well as number of beds to align the language with B&B language. Planner Nichols confirmed that they aligned the language. He indicated he would get confirmation of updated language in the bylaw.

Chair Anderson noted that the APC's other question was whether one can make a new application at the end of six years? Planner Nichols confirmed there is nothing to restrict people from re-applying. Planner Nichols then left the call.

The APC expressed various concerns about water shortages in some parts of the island.

Member New noted that any permit applied for could still be turned down.

Member Harris questioned whether the LTC should consider blanket provisions for water conservation methods.

Member New noted that water shortages are seasonal and variable. He expressed concern about having a blanket policy because water sources are piecemeal.

Member Koster noted concern about properties where there are no permits.

Chair Anderson highlighted water use on the overlap between STVRs and B&Bs, and advised cautions around the total combined impact of water shortages and density when an STVR is combined with a B&B.

Member Harris asked whether the Islands Trust has identified areas that have water shortages. She would like to see water shortage areas identified and govern the approval of permits.

The APC discussed the issue of signage with respect to STVRs, as a means of protecting community safety. The committee felt it was important for signs to note the current contact information and public notification of the operation of a STVR. Additionally, the issues of garbage disposal, recycling, and fire regulations should be addressed and built into the bylaw provision.

It was MOVED and SECONDED,

That the Galiano Island Advisory Planning Commission recommends approval of Bylaw 247 subject to conditions outlined below:

- 1) that the bylaw establish a maximum, combined, total number of STVR and B&B guests;
- 2) that the owner/operator or other contact be available on Galiano by telephone 24 hours/day, seven days a week,
- 3) that the bylaw require that the name of the owner/operator, on-island contact information, be posted at the entrance to the property, thus providing notification of STVR use to neighbours and customers.
- 4) that the owner/operator provide for guests a means for contacting emergency services and information on noise bylaws, water conservation, fire safety, storage and disposal of garbage, recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area.
- 5) that the LTC monitor the impacts of bylaw 247, if approved, and respond accordingly.

The Advisory Planning Commission is concerned that water conservation methods be implemented in areas of water shortage but is unsure how to implement such measures.

CARRIED
(Unanimous)

4.2 DISCUSSION OF REFERRED BYLAW 248

It was MOVED and SECONDED,

That the Galiano Island Advisory Planning Commission recommend approval of Bylaw 248 subject to conditions outlined below:

- 1) That the first eight bulleted items listed under Schedule 1, section g) **must** be included in the permit conditions, and to note the suggested changed or additional wording in the following:
 - a. That the owner/operator's contact information and permit information **be posted at the entrance to the property** and that the owner or other contact be available on Galiano by telephone 24 hours/day....;
 - b. That the landowner **provide for guests a method by which to contact emergency services**, including posting for guests information on noise bylaws, water conservation, fire safety, **storage and disposal of garbage, recycling**, septic care and

- control of pets (if pets are permitted), and remind guests that the property is located in a residential area;
- c. Prohibit camping or occupancy of RVs on the property **by STVR guests**.

CARRIED
(with one dissenting)

Member Harris commented that the Temporary Use Permit is not the appropriate vehicle by which to regulate STVR uses.

4.3 DISCUSSION OF REFERRED BYLAW 246

By general consent, the Advisory Planning Commission agreed to defer discussion of this bylaw until the next meeting.

5. NEXT MEETING DATE

Monday, June 30, 8:30am at the Galiano Island Local Trust Office.

6. ADJOURNMENT

Meeting adjourned at 11:18am.


CHAIR


DATE

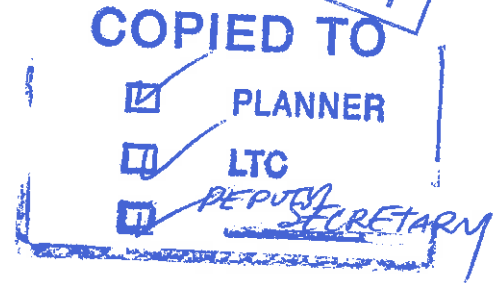
CERTIFIED CORRECT:


Colleen Doty, Recording Secretary



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

DRAFT



Date of Meeting: Thursday, June 30, 2014, 8:28am
Location: Galiano Island Local Trust Office
23 Madrona Road

Members Present:	Sheila Anderson	Chair
	Karen Harris	Member
	Barry New	Member
	Ursula Deshield	Member
	Elizabeth Olson	Member
	Dave Koster	Member

Regrets: None

Staff Present: Colleen Doty Recording Secretary

Media and Others Present: None

1. CALL TO ORDER

Chair Anderson called the meeting to order at 8:28am.

2. APPROVAL OF THE AGENDA

Chair Anderson proposed the agenda include approval of previous draft revised minutes of June 26, 2014, and consideration of bylaw referral 246.

By general consent, the agenda was approved as presented.

3. PREVIOUS MINUTES

Chair Anderson noted revisions to the minutes.

MOTION

It was Moved and Seconded that the Galiano Island Advisory Planning Commission draft revised minutes of June 26, 2014, be approved as amended.

CARRIED
(Unanimous)

4. DISCUSSION OF REFERRALS FROM LOCAL TRUST COMMITTEE

4.1 DISCUSSION OF REFERRED BYLAW 246

Water conservation is increasingly a world-wide issue and, bearing this in mind, the APC carefully examined revised bylaw 246 with respect to Development Permit Area 4 (DPA 4).

Chair Anderson read aloud the objectives of the Water Supply Policy of the Official Community Plan (OCP) and Water Supply Policy A.

Members evaluated the Development Permit Exemptions, section 4.6, and had comments respecting the following:

4.6 a) Members had concerns about the words “additions to” being included without any limits attached, as the language could be interpreted broadly.

4.6 b) and c). Members noted that being serviced by a community water system does not mean water will be conserved or necessarily used wisely. The existence of a community water system is too large an exception and does not appear to consider the impact of increased density. Members are concerned that pollution of the groundwater, and/or consumption of water has not been considered. Any subdivision should have to go through a DPA if they have elevated groundwater catchment areas. Clause 4.6b) is not precautionary. Members questioned how this plays into the objectives of the OCP. Human activity above ground impacts the groundwater.

4.6 d) Member Olson questioned why this clause is here and what the intention was. Members would like clarification as to what type of development they are referring to which would be exempted on land on a conservation covenant? It is not clear what the term development could include.

4.6 f) Chair Anderson read out the Land Use Bylaw definition of a structure. Members would like the word “temporary” to be defined more tightly. How temporary? Structures, by our Land Use Bylaw definition, can be imbedded in the ground, and thus tend to be less temporary.

4.6 g) Members commented that underbrush is significant in retaining ground water. There was some concern that if taken to the extreme, this could be detrimental to the groundwater absorption. Everyone agreed it would be good to allow an exemption for removal of invasive species such as broom, for example.

4.6 k) Members felt the statement was awkward and required further detail. How can one have an “alteration of land” that does not alter the contours of land to some degree?

There was general discussion about septic and the impacts of human activity in the elevated groundwater catchment area. It was felt by the members that too many exceptions increase the risk if increased density is allowed. Exemptions combined with ALR and PMFL make too large an area. What land is left?

Under 4.7 *Guidelines*, subsection 10(f), Member New questioned how replanting was going to be monitored. Presumably the permit will state whose responsibility replanting and the monitoring of such activity is.

There was extensive discussion of permits requiring greater water-saving measures. Member Koster noted that rainwater catchment and water-saving devices need to be encouraged in all areas.

MOTION

It was MOVED and SECONDED that the Galiano Island Advisory Planning Commission recommend approval of bylaw 246 subject to the Local Trust Committee consideration of APC concerns with respect to 4.6 and 4.7(10)(f) as drafted in minutes of June 30, 2014.

CARRIED
(Unanimous)

5. NEXT MEETING DATE

Nothing scheduled.

6. ADJOURNMENT

Meeting adjourned at 10:23.

CHAIR

DATE

CERTIFIED CORRECT:

Colleen Doty, Recording Secretary



Follow Up Action Report w/ Target Date

Galiano Island Dec-03-2012

No.	Activity	Responsibility	Target Date	Status
1	Retreat Cove Farm (Covenant Amendment) Staff working with Province to resolve issue.	Kim Farris	Jul-07-2014	On Going

Nov-18-2013

No.	Activity	Responsibility	Target Date	Status
2	GL-RZ-2013.1 (Landworks) CIM and PH to be scheduled once a subdivision PLA has been received (PLA received August 20, 2014). Staff to initiate a cost recovery agreement as required and to work with applicant on F3 sustainability covenant and review.	Kim Farris Kris Nichols	Jul-07-2014	On Going

Feb-03-2014

No.	Activity	Responsibility	Target Date	Status
3	Community Benefit Discussion - Forest Lands To determine a policy to direct decisions made on community benefit and Forest lands rezoning and how it relates to who is the recipient and the process required.	Louise Decario Robert Kojima Sandy Pottle	Jul-07-2014	On Going

Jun-09-2014

No.	Activity	Responsibility	Target Date	Status
4	GL-RZ-2011.1 (GLCHT) Staff to review proposed bylaws and bring for first reading (as amended). Staff to bring forward a report on the feasibility study, need and demand and housing agreement with input from others.	Robert Kojima	Sep-08-2014	On Going

Staff to meet with CRD Housing to discuss Housing Agreement and project feasibility itself. Then to meet with consultants to discuss approach - DONE

5	Short Term Vacation Rental Bylaw 247 and 248 were amended and given second and third reading. - Done Bylaw 248 to be sent to Executive (DONE) and Ministry for approval.	Kim Farris Sharon Lloyd-deRosario	Jul-07-2014	Done
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Jul-07-2014

No.	Activity	Responsibility	Target Date	Status
6	GL-DP-2013.2 (Ghai) DP to be issued based on location of original tenure (90 degrees) to the shoreline.	Sharon Lloyd-deRosario Kris Nichols	Aug-04-2014	Done
7	GL-DP-2014.1/GL-DVP-2014.2 DP and DVP approved and to be issued.	Sharon Lloyd-deRosario Kris Nichols Kerry Thompson	Aug-04-2014	Done
8	Ground Water DP Revision Bylaw 246 amended as per LTC discussion. (done) Bylaw 246 given 2nd and 3rd reading.(done) Bylaw 246 to be sent to Executive (DONE) and the Ministry for approval.	Kim Farris Lori Foster Sharon Lloyd-deRosario	Sep-08-2014	Done
9	Contractor Home Base Appointed members should be notified and send updated Terms of Reference and reference to background information. LTC approved Stakeholder Group Terms of Reference. Staff to update project charter to reflect any date changes.	Lori Foster Kris Nichols	Sep-08-2014	Done
10	Galiano Island Local Trust Committee Meeting Minutes of June 9, 2014 adopted as amended, posted to web. - Post reports, bylaws and submissions to the website -	Lori Foster Sharon Lloyd-deRosario	Sep-08-2014	Done
11	Land Use Bylaw Amendments Staff to add to project list.	Kris Nichols	Oct-06-2014	Done

12	Land Works:	Robert Kojima Sharon Lloyd-deRosario	Jul-31-2014	Done
	Bylaw 245 amended and given new second reading (done)			
	Staff to initiate work with CRD on draft covenant for park dedication - DONE			
	Chair appointed to sign LOU with BC Parks - DONE			

**Therah Village
Developments Ltd**

S48 C21 RR#2
Galiano Island, BC
V0N 1P0

Phone 250 539 5661
Fax (please first call to arrange)
Email Therah.manager@hotmail.com

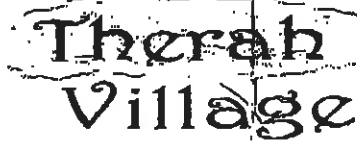


Fax

COPIED TO

- ☒ PLANNER
- ☒ LTC
- ☐

To: Galiano Local Trust Committee	From: Therah Village - Roy Smith - Manager
Fax: 250 405 5155	Pages: 3 including this
Phone:	Date: 25/07/2014
Re: Letter re Height of Cottages	CC:



Therah Village Developments Limited

S48 C21 RR#2
Galiano Island, BC, V0N 1P0

email: Therah.manager@hotmail.com
phone: 250 539 5661

Galiano Island Local Trust Committee

24 July 2014

By fax and to

Suite 200 – 1627 Fort Street
Victoria, BC
V8R 1H8

Re: Height limit for Cottages in Galiano Land Use Bylaw

Dear Trustees,

Therah's Board of Directors has requested that I write to you on the above matter. As a consequence of a cottage share being marketed I recently learned that the CRD had been applying the 9 metre height limit for dwellings to cottages. This resulted in a number of cottages on Therah (and I understand in many other places on Galiano Island) being non-compliant even though the plans were approved and the cottages were constructed with a permit.

The non-compliance was by no means the fault of the shareholders or for that matter other owners on Galiano. Islands Trust Planners also do a review of building permit applications and clearly they too missed the height issue. It would be simply unfair for the Islands Trust to now charge a fee for obtaining a variance on so many cottages when the owners are not at fault. It's fair to say that the Galiano Island Local Trust Committee would find itself dealing with a host of variance requests and with many upset owners who find they need to obtain one.

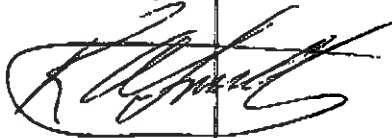
It appears that the 5-metre height limit is applied to cottages because cottages are defined as accessory buildings. On the other hand, the cottages as accessory buildings already have a unique condition attached in that residency is allowed.

With due respect, we suggest that the height restriction for cottages was unintentional, that cottages as residences were intended to have the same height limit as dwellings. We thus believe that the situation can be simply and easily addressed.

In the same way that cottages are excluded from the rule of non-residency in accessory buildings, cottages can be excluded from the height rule for accessory buildings. The general height rule in the zoning of 9 metres already applies to dwellings, and I know of no compelling reason why it shouldn't also apply to cottages.

We join with other affected property owners on Galiano Island in requesting that Galiano's bylaws be amended so the height rule for accessory buildings excludes cottages.

Yours truly,

A handwritten signature in black ink, appearing to read 'Roy Smith', is written over a horizontal line.

Roy Smith
Manager
Therah Village Developments Ltd.

cc Therah Board of Directors
Affected Therah shareholders

STAFF REPORT

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

To: Galiano Island Local Trust Committee
for the meeting of September 8, 2014

From: Robert Kojima, Regional Planning Manager

CC: Kim Farris, A/ Planner 2

Re: Rezoning Application for 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), address issues raised in previous reports and by the LTC, and provide options on proceeding with the application.

BACKGROUND:

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

Reports

Feasibility Plan

The applicants have provided a revised Feasibility Plan that provides consolidated information and analysis on the proposal and addresses concerns and questions raised following the preliminary report prepared for the November 2013 Community information meeting. This report is comprehensive and provides the professional analysis that staff have been recommending that the applicants provide for two years. While questions remain about the feasibility of the project and whether it would meet the affordability criteria in the OCP, the report does provide staff and the LTC with the information upon which to base recommendations and decision-making deliberations respectively.

The plan outlines the following key points:

- Owner-build is no longer integral to the proposal
- The affordability of the project is based on the criteria of 70% to 90% of median income of Galiano Island, equivalent to \$32,000 to \$42,000 per year (2011 dollars).

- This translates into monthly housing costs of \$500 to \$650 for 1 person households or \$1050 to \$1350 for 2 or more person households
- The pro forma analysis of development costs undertaken in the plan predict monthly housing costs \$590, \$700 and \$1000 for 1, 2 and 3 bedroom units respectively.

The plan also provides attachments from consulting professionals addressing:

- Fire protection requirements
- Access standards
- Septic Disposal

And provides a summary response to questions and concerns raised at the November 2013 community information meeting.

Demand and Need Study

This study provides an analysis of demographics, income and housing to provide comment on the supply, diversity and affordability of the housing stock. The study identifies that:

- Median household income is \$46,245 (2011)
- The median house asking price is well above the affordability level for households with median incomes
- Rental households have declined as a proportion of all households and advertised rentals are few
- Over 30% of households pay more than 30% of income on shelter costs (2006)
- There were estimated to be approximately 250 households in housing need on Galiano (also (2006).
- Between 2006 and 2011 the population of Galiano declined while median age rose, which the author attributes in part to rental shortages and rising house prices.
- The Galiano Green project aims to provide housing to address one component of households in housing need: owned housing for households earning less than median income (i.e. \$26,000 - \$42,000 per year).

August 15th Memo

The applicants' consultant has also provided a memo summarizing a meeting between the applicants, the consultants and staff. At this meeting a number of questions were raised about the project, both by Islands Trust staff and from CRD Housing Secretariat staff. The memo outlines the questions and concerns and provides the consultant's responses. The memo is attached for information.

ISSUES SUMMARY

Affordability

The key policy decision for the LTC to address prior to proceeding further with the application is to satisfy itself that the proposal would result in the creation of affordable housing. 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:

- b) Applications for rezoning to a higher density than permitted by current zoning shall be considered where the application would result in the provision of seniors, affordable or special needs housing, subject to the following:
- i) All additional density greater than that permitted by current zoning shall be in the form of units reserved exclusively for occupancy as affordable, seniors or special needs housing.
 - ii) Applications shall include provision of a housing agreement ensuring that for affordable housing the rental, lease, sale or share prices are fixed below average rates within the region, and the agreement may limit occupancy of the dwellings to rental, lease, co-housing or cooperative tenure, and may limit occupancy.
 - iii) Applications may be for units in the form of clustered detached dwellings, duplexes or attached ground-oriented housing, and are encouraged to incorporate water conservation and energy efficient building design elements, including rainwater catchment.
 - iv) All applications shall site development on land with modified ecosystems, avoid potentially hazardous lands, demonstrate an adequate supply of potable water, and be in proximity and accessible to existing roads, services and other amenities.
 - v) Consideration of applications for affordable or seniors or other special needs housing shall include the following where appropriate: amendment of the OCP to designate the land as Community Housing, designation as a development permit area, amendment of the zoning to designate the area for affordable or special needs housing, site-specific zoning regulation of density, siting and size, and registration of a housing agreement and a section 219 covenant.

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

In terms of location, proposed building type and layout the proposal is consistent with the OCP policy. The issue for the LTC is to determine if the proposed affordability criteria is consistent with the OCP definition. The applicants are proposing that the development would result in owned housing that does not cost greater than 30% of the income of individuals and households with an income between 70% and 90% of the median income of Galiano. This would be a reasonable definition of moderate income households, particularly as it is intended to provide owned homes; however the LTC should be satisfied with this criteria before proceeding. And the housing agreement should include provisions to ensure that the units are restricted to households that do not exceed this criteria. If rental housing is provided, the housing agreement should also include equivalent restrictions on rents.

Project Phasing

The applicants have indicated that they are supportive of phasing the project. This would help address concerns about the impacts of on-going development on neighbours, and on the occupants of completed units. Phasing is the typical approach that developers take to multiple-building developments as it provides for cash flow from the earlier phases to support development of subsequent phases and leads to orderly development of the site and cost effective provision of infrastructure and amenities. The proposed layout of this development lends itself to at least 4 phases. Staff support proceeding in phases and that the first phase of 4 to 6 units be developed by the GLCHT, either on their own or on behalf of a purchaser, and that the each phase be completed to occupancy certificate prior to commencing the subsequent phase. The units could be developed on behalf of a household that has already signed a lease and obtained mortgage approval, or for sale upon completion, or for rent. The applicants should provide a proposed phasing plan for staff review and the phasing would be established through the mechanism of a s. 219 covenant; the covenant would also be a mechanism to ensure that the layout is adhered to and also that building plans are adhered to during development. Staff

would not recommend that the covenant include detailed floor plans or detailed elevation drawings; however, drawings showing the general form and character of the building options should be considered for inclusion in a covenant in order to provide some certainty in design and development standards. Alternately, the LTC could consider requesting staff prepare draft provisions designating the land a development permit area for the form and character of intensive residential development. This would result in a requirement for a development permit application for the units, either collectively or individually.

Housing Agreement

The draft housing agreement has been prepared and had preliminary legal review. Further revisions would be required to finalize the agreement. More importantly, the Senior Manager of the CRD Housing Secretariat has indicated that the Housing Secretariat would be willing, in principle, to undertake administration of the housing agreement. This is crucial, as the LTC and Islands Trust do not have the capacity, capability or experience to administer such agreements on a long term basis. CRD staff have also agreed to review the draft agreement, although this has not been scheduled as of the time of writing this report. In order to ensure affordability, the housing agreement will 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. In addition, eligibility criteria should be addressed: for example, that applicants have ties to Galiano, work on Galiano, or have some need to reside.

Rainwater Catchment

The applicants are proposing that all units be provided with potable water by rainwater catchment, with cisterns potentially supplemented by water delivery. The well would provide water to the common building only, for laundry and showers that can be used by residents during water short periods. While this approach is consistent with OCP policies encouraging rainwater catchment generally, and specifically that new affordable housing projects to *incorporate rainwater catchment*, it should not be at the expense of affordability. The issue for the LTC is that the relying on rainwater catchment for all potable water, as opposed to supplementary supply, can be a complex and expensive proposition, including:

- The additional costs of installing the system and the necessary filtration systems.
- Provision of certification from a qualified professional engineer that the system complies with the Building Code, will provide potable water and that the engineer's certification can be relied upon.
- The on-going costs of maintaining the system, which would be an expense for the individual occupants.
- Any major or catastrophic failures would be the responsibility of the individual occupants to repair.
- The risks to human health associated with using rainwater versus a community water system, which is professionally managed and regulated provincially.

The draft *pro forma* for individual units attached to the Feasibility Plan include the following estimates for installing rainwater collection systems for potable water:

- \$1000 for rainwater canopies
- \$5000 for cisterns and filtration systems and pumps
- \$500 for engineering design, inspection and sign-off for water

This total of \$6500 may be low for the actual costs for installing and certifying a water catchment system for potable water (as opposed to just cisterns for non-potable supplemental water). On-going maintenance costs associated with rainwater catchment systems have not been included in the affordability analysis of housing costs in the Feasibility Plan (section 7.5), other than a small amount for trucked in water. While one could consider this part of general home maintenance, the equivalent fees for municipal water (or community water system) are generally included as housing costs in calculations of affordability.

In contrast, a community water system, supplemented by rainwater catchment for non-potable water, would distribute costs over the whole development, with infrastructure costs incorporated into the site development phase, and on-going system maintenance managed and paid for collectively through the lease costs or separate water fees. Individual owners could have an option to install and have certified a collection system for potable water at their own initiative. In essence the proposal to require individual rainwater catchment would shift costs onto the individual occupants, for some of whom that may be feasible and appropriate, but for others it could become unmanageable and expensive, and undermine the goal of affordability.

In terms of the quantity of water available for a community water system, the Hy-geo report includes the following:

- Indoor water use for conventional water systems, based on provincial standards, is a minimum of 230 L/capita/day (page 9).
- The report estimates a total of 40 residents, or an average of 2 per dwelling.
- This would result in a daily demand of 9200 L/day.
- The result of pump tests of the well on the property indicate a long-term yield of 2.3 Usgpm (page 18).
- This is equivalent to 8.7 L/minute or 12,537 L/day.

This cursory analysis would need to be confirmed by the consultant and further analysis of potential well-interference would need to be addressed. However, it indicates that there is sufficient water from the existing well to provide for a community water system; particularly if supplemented by rainwater collection for non-potable uses.

Requiring that the development provide a community water system would result in the need to re-work the development pro formas, with higher costs upfront for site development, but should theoretically result in lower costs for the development of individual dwellings, and potentially reduce or eliminate the need for showers and laundry in the community building.

However, it is difficult to make a determination or recommendation concerning the relative costs of individual rainwater catchment versus a community water system without being able to compare costs for both scenarios. The LTC could request that the applicants provide an assessment of the costs for both, if costs are the determining factor.

Septic Disposal

The applicants are proposing a non-conventional treatment system consisting of septic tanks on each lease site, with filtered effluent then flowing to central treatment system in a constructed wetland, and then dispersed by subsurface drip in forested portions of the site. The applicants have provided supporting documentation from an engineer that the proposal is suitable for the site and the proposed density. While the proposed system is unconventional, the fact that it is proposed to be constructed to support the first phase of development will provide an opportunity

for the owners to assess the system. Also the applicants' consultant has indicated that there is the option of switching to a more conventional mound field. If the LTC is concerned about unforeseen costs of the system being passed on to occupants, then a covenant could require installation of the system prior to completion of the first phase; additionally the housing agreement will limit lease costs so cost overruns could not be passed on to occupants.

Bylaw Amendments

The applicants are requesting several minor amendments to the draft bylaw:

- Reducing the maximum floor area to 1000 square feet, or 100 m².
- Removing the ability to have accessory buildings.
- Reducing the parking requirement to one per dwelling plus 6 visitor spaces.

Staff are supportive of the proposed reduction in the maximum floor area as this is consistent with the applicants' proposal and would reduce the costs of construction. I would not recommend removing the ability to have accessory buildings entirely: occupants will want somewhere to store equipment, tools, etc and prohibiting even a small accessory building could result in a proliferation of materials stored externally on the property. I am recommending that the LTC amend the bylaw to so that accessory building floor area not be permitted to exceed 10 m², from the current 18.5m². If GLCHT wishes to further limit this, it can do so through its lease agreements. Staff support reduced parking requirements, occupants are unlikely to have more than one car and reduced parking will reduce site development costs.

The attached bylaw shows the proposed amendments.

STAFF COMMENTS:

The LTC should focus on the affordability of the proposed housing. The application is for a significant increase in density which is premised on the housing being affordable. In order to ensure that it meets that LTC priority:

1. The LTC must satisfy itself that the proposed target market (households with incomes of 70% to 90% of median income, or \$32,000 to \$42,000 per year) meets the definition of affordable housing in the OCP. Staff consider this to be a reasonable criteria for affordable, owned housing.
2. The LTC must satisfy itself that the current proposal as outlined in the Feasibility Plan will result in the housing meeting the affordability criteria. In addition to having a professional consultant prepare the plan, changes from the original proposal such as removing the requirement for owner-build, phasing, and providing GLCHT-built units available for rent or sale would result in a more viable approach.
3. The key to ensuring affordability is the housing agreement, and in order to have a viable housing agreement I am recommending that there be formal agreement that the CRD Housing Secretariat will administer the agreement and that the agreement is reviewed and revised by Housing Secretariat staff and counsel with experience in housing agreements. The housing agreement should be available prior to a public hearing; this will ensure that the principle of full disclosure is met at the hearing and that subsequent changes to the housing agreement do not trigger the need for a second hearing.

4. If the LTC is concerned that the proposed rainwater collection for all potable water could potentially reduce or affect affordability of the project, the LTC should require that a community water system be established, cisterns would still be required by bylaw for non-potable water, and individual leasors can choose to use rainwater for potable water at their discretion. Given the uncertainties associated with relying solely on rainwater collection for potable water, staff recommend a community water system be a requirement for potable water and cisterns for supplement. Alternately, the LTC can request that the applicants provide an analysis comparing the costs of the two approaches.
5. Finally, staff recommend that the project be phased, as discussed above, and that the first phase be constructed for sale or rent. The phasing, the site layout and general design standards should be regulated by a suitably worded s.219 covenant.

The applicants are requesting that the LTC schedule a public hearing. While overall staff support the application in principle, there remain outstanding issues to be addressed prior to a hearing, specifically:

- A housing agreement that the CRD Housing Secretariat has reviewed and agreed to administer, which meets the affordability criteria discussed above, including providing for the option of rental housing.
- A suitably worded covenant that would:
 - Establish phasing and identify the phases,
 - Control layout and overall design
 - Require the first phase to be constructed to occupancy by the owner (GLCHT)
 - Require that a community water system be established and provided as an option for all units.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee Bylaw No. 234 be amended by reducing the maximum floor area of dwellings to 100 square metres, the maximum floor area of accessory buildings to 10 square metres and including a parking requirement for 1 space per dwelling and 6 visitor spaces.
2. THAT the Galiano Island Local Trust Committee Bylaw No. 234 be given second reading as amended.
3. THAT the Galiano Island Local Trust Committee Bylaw No. 233 be given second reading.
4. THAT staff be requested to schedule a public hearing and community information meeting once the housing agreement has been reviewed and revised by CRD staff and confirmation has been provided from the CRD Housing Secretariat that a housing agreement will be administered by the CRD .
5. THAT staff be requested to work with the applicants on preparing a suitably worded s. 219 covenant that would phase the development, control layout and design, require construction of the first phase by GLCHT, and require a community water system prior to scheduling of a public hearing; and further that legal review of the draft covenant be authorized by cost recovery.

6. THAT the applicants provide a revised Water Supply report commenting on the feasibility of a community water system for potable water for all dwellings and well interference on neighbouring wells.

Respectfully Prepared and Submitted by:



Robert Kojima, RPM

August 27, 2014

Date

Attachments: Proposed Bylaws 233 and 234
 Modus memo – August 15, 2014
 Feasibility Plan (under separate cover)
 Housing on Galiano: Trends, Needs and Demands (under separate cover)

GALIANO ISLAND LOCAL TRUST COMMITTEE

PROPOSED

BYLAW NO. 234

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

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

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

“8.6 Community Housing 1 – CH1

Permitted Uses

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

8.6.1.1 Dwellings for the provision of affordable housing.

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 ~~444~~100 square metres.

8.6.4 One accessory building not exceeding a floor area of ~~48.5~~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

U:\LOCAL TRUST COMMITTEES\Galiano\Applications\RZ\2011\GL-RZ-2011.1 (GL Land & Community Housing)\Bylaws\Proposed Bylaw 234 (LUB- GLCHT) - Proposed amendments at 2nd reading.docU:\LOCAL TRUST COMMITTEES\Galiano\Bylaws\Amendments\Proposed\First Reading\Proposed Bylaw 234 (LUB- GLCHT) - REVISED.doc

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:

<u>14.1.16</u>	<u>Dwellings for the provision of affordable housing in the CH1 zone</u>	<u>1 per dwelling and 6 visitor spaces for a maximum of 26 spaces.</u>
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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.

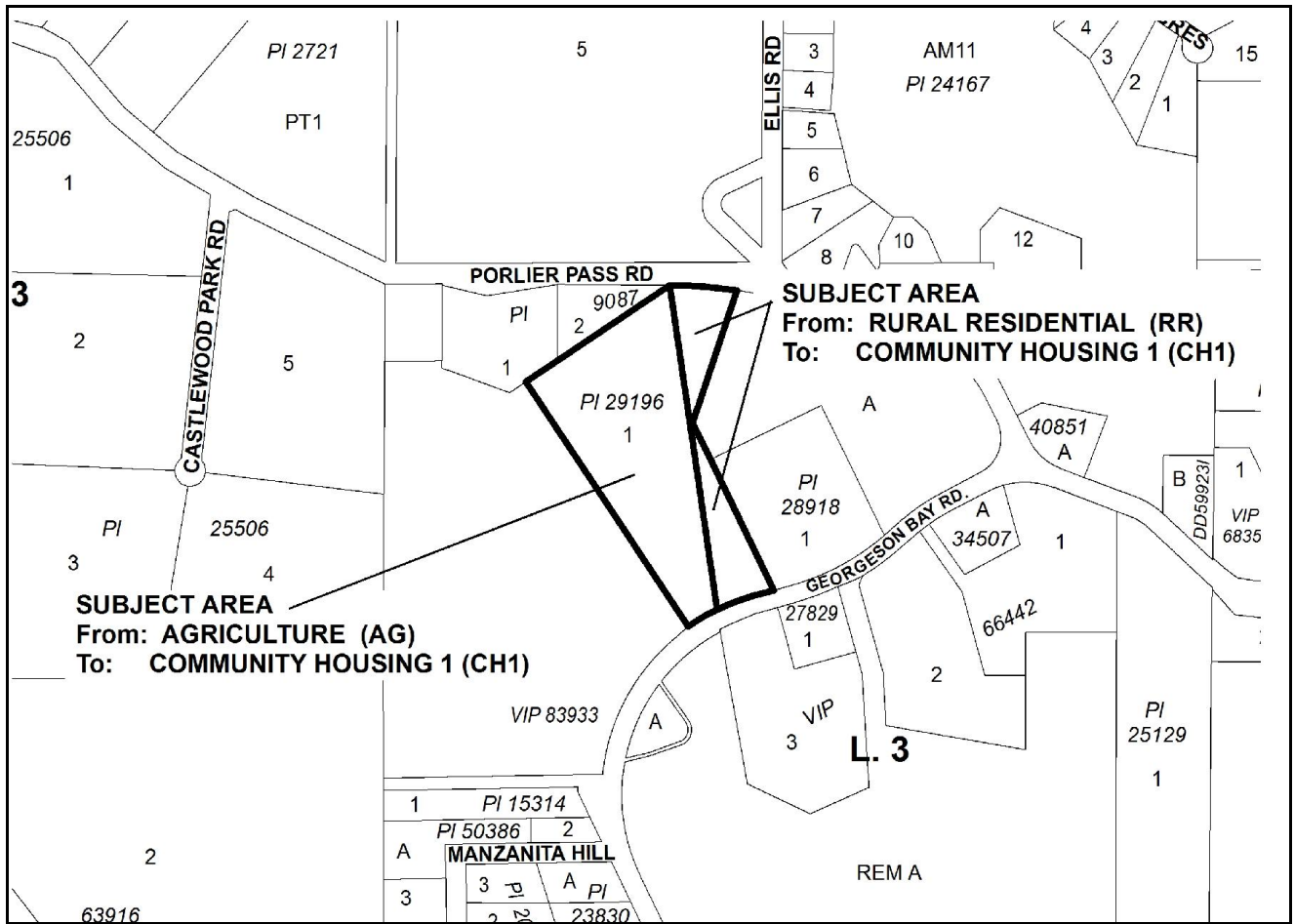
B. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011”.

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

DEPUTY SECRETARY

CHAIRPERSON

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



**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.

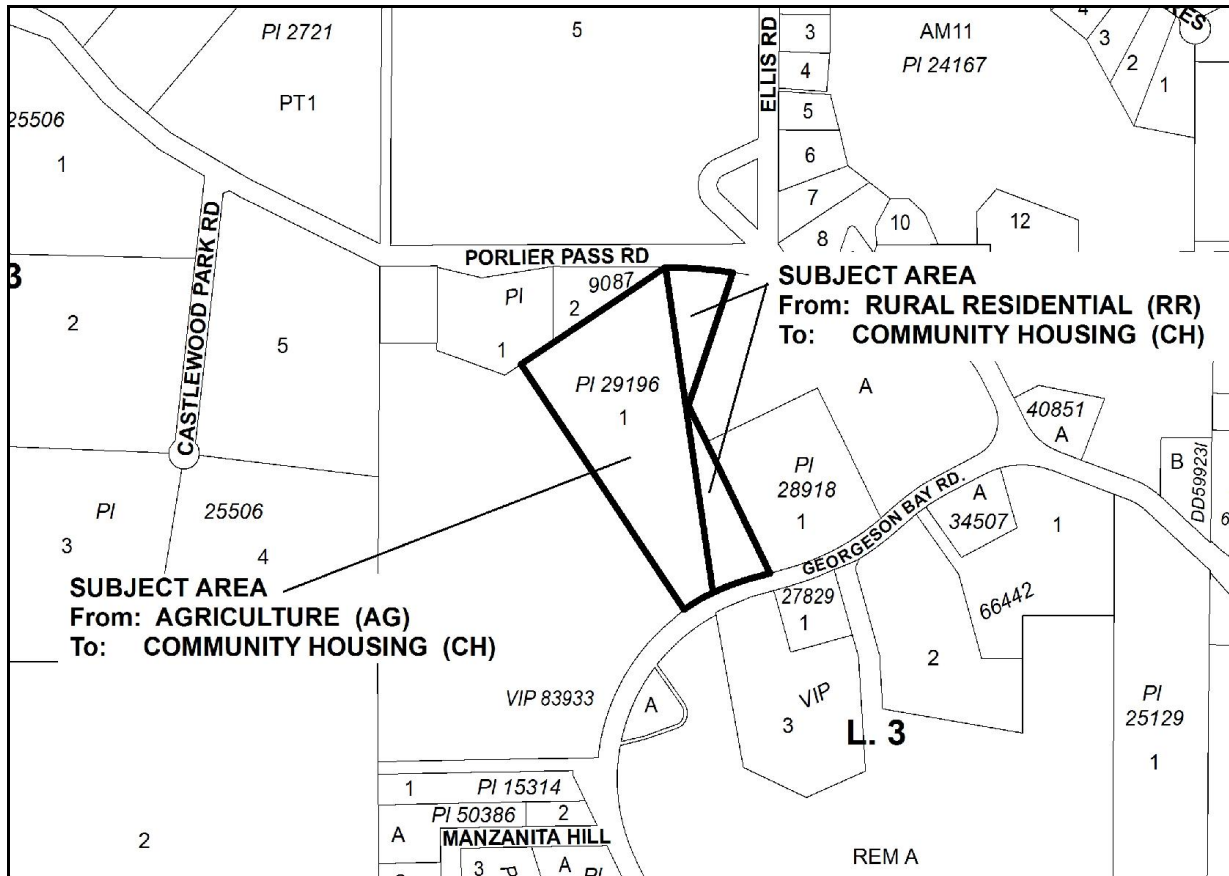
READ A FIRST TIME this 9th day of July , 2012
PUBLIC HEARING HELD this day of , 20.
READ A SECOND TIME this day of , 20.
READ A THIRD TIME this day of , 20.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT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

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.





MEMO

August 15, 2014

RE: Summary of call on Aug 1st with Robert Kojima, Kim Farris, Rob Barrs and Tom Hennessey + GLCHT team responses

To: Robert Kojima, Tom Hennessey, Doug Latta, Robert Brown

Robert K reported that he had a good meeting with Henry Kamphof (CRD Housing). Henry has the Feasibility Report and remains supportive in principle of the project and is supportive of the idea of taking on the housing agreement but had some issues and questions including:

- **What happens if GLCHT ceases to exist? What is the backstop?**
- *Response:* GLCHT is a non-profit society incorporated under the BC Societies Act. As such, if the Society ceased to exist, its assets and liabilities would be passed onto a society with similar objectives (i.e. another non profit housing association).
- **What happens if owner defaults on mortgage?**
- *Response:* This is addressed in the existing draft housing/lease agreement and in our memo of June 2.
- **Henry is concerned about owner/builder (sweat equity) approach.** Notes that Habitat for Humanity limits number of hours that residents can contribute and limits this to non-technical contributions.
- *Response:* As explained in the feasibility report, sweat equity is no longer a requirement for the project and we expect that people will contribute in a range of ways depending on skill level. Some will have a contractor build the house in entirety, others may want to contribute to finishing (painting, trim etc.).

- **Henry suggested that at some point applicants should be required to put some money down to show they are serious, even if it is refundable.**
- *Response:* Yes, we agree and suggest \$500 to \$1000 be required as a refundable deposit at the approval of an application. The criteria to take part includes that applicant has a job, and / or income to build a house as shown in our feasibility study.
- **How will infrastructure costs be amortized if not all units built at once or if not all units are built at all?**
- *Response:* The 4 unit pro-forma sent along with our letter to Robert Kojima dated July 22, shows that GLCHT could feasibly build and rent 4 units including the sewage treatment facility. This includes the cost of 100% of the wetland and dispersal field but only 20% of sewer lines from housing units to the wetlands. The rent from the 4 homes could cover the debt service for the infrastructure. However, under this scenario, those who lent money for land purchase would not be re-paid until more lots are leased or units built and sold/rented.
- **Is CPI the right index given that Island Housing market does not track with CPI?**
- *Response:* Our project is an affordable housing project which needs to be in line with income of lower income families so we feel that CPI is a better indicator of the income level of these leaseholders. It is important that we do not align our index with a market housing index as this could result in future prices being out of financial reach for our target residents. However, we are open to other suggestions about an appropriate index to use for re-sale.
- **Concerns remain about on-going costs of maintaining rainwater catchment system. Concern that low income residents will not make this a priority when they are trying to put food on the table.**
- *Response:* We acknowledge this could be an issue. Therefore, GLCHT will develop a regular service contract with a plumber for both the rainwater system and septic tanks. The cost of this will be built into lease payments.

- **How would the project be phased to avoid having to build all project at once?**
- *Response:* Most of the project can be built in phases (likely 3 to 5 phases). Many of the hard costs can be phased including the land clearing, roads, septic tanks, house construction/rainwater systems. Some of the professional services (engineering, surveying, architectural etc.) could also be phased while others have already been spent or are needed prior to first house construction.
- The four houses accessed off Porlier Pass Road at the north of the site along with the sewage treatment system would make a logical first phase and the apportioned costs are reflected in the 4-unit pro-forma sent on July 22. A next logical phase would be the lots closest to Georgeson Bay Road. **(see attached phasing diagram).**
- Depending on available funds, the community building would be delayed until phase 3.
- **How does sewage system work if not all lots leased/built?**
- *Response:* The Combination of septic tanks and wetland sewage treatment system will function just as well with 4 or 5 units as with twenty units.

Henry has agreed to work with Islands Trust to refine agreement and has offered legal counsel to assist.

- *Response:* Good to know. We are available to discuss this ASAP.

CRD Grant application has expired so GLCHT will need to reapply.

- *Response:* OK, should we wait for re-zoning to be approved before doing that?

Zoning Bylaw – Robert asked what GLCHT is looking for in a revised zoning bylaw.

- *Response:* We can confirm that GLCHT is looking for the following provisions in the zoning bylaw:

- Max dwelling size - 1,000sf
- No outbuildings or accessory dwellings allowed
- 1 parking space per dwelling unit plus 6 visitor spaces for total of 26 or 1.3 per unit.

Local Trust Committee meeting - Sept 11.

- Robert K will develop a report and attach our feasibility report, letters and revised housing agreement.
- There will be a recommendation to revise the bylaw (as per above)
- Robert K suggests that we GLCHT agree to develop a minimum of 4 units available for sale or rent. GLCHT in agreement with building at least two units. Will build up to 4 initially if there are not suitable applicants able to build their own homes.
- Rob Barrs should attend this meeting.

Next Steps

- Rob Barrs and Robert Brown to meet or have a call with Robert K and Henry K to discuss Housing Agreement ASAP.

MODUS Planning Design & Engagement Inc. Quick Books Online (June)



Robert Barrs, MCIP
Principal

Macintosh HD:Users:rbarrs:Google Drive:Rob Barrs and Associates:Projects:2013:13 007 Galiano Green:Correspondence:Summary of call on Aug 1st and Response.docx



STAFF REPORT

File No.: GL-DP-2013.6;
GL-RZ-2013.1; &
GL-SUB-2013.1

To: Galiano Island Local Trust Committee
For the September 8, 2014 Meeting

From: Kim Farris
A/ Planner 2

CC: Robert Kojima
Regional Planning Manager

Re: Development Permit, Zoning Amendment & Subdivision Applications.

Owner: S-381 Holdings Ltd., Inc. No. 457721, Premier Sunrise Developments Ltd.,
Inc. No. 293442, Michelle Mary Ramaekers, Bowie and Anna Keefer

Applicant: Landworks Consultants Inc., Kelly Gesner

Location: District Lot 79 (Bodega Beach Drive), Galiano
Island

BACKGROUND:

This report will provide a summary of the applications (zoning amendment, subdivision, and development permit) associated with the District Lot 79 proposal. Background information, proposed bylaws, and previous staff reports can be found on the LTC webpage: [GL Applications Website \(click here\)](#). At the June 9, 2014 regular meeting the Galiano Island Local Trust Committee (LTC) passed the following resolutions:

GL-2014-067

It was MOVED and SECONDED,

That the Chair be appointed to sign the Letter of Understanding from BC Parks between BC Parks, West Coast Region and Galiano Island Local Trust Committee.

CARRIED

GL-2014-068

It was MOVED and SECONDED,

That staff be directed to work with the Capital Regional District to draft a covenant for local park dedication regarding GL-RZ-2013.1.

CARRIED

GL-2014-069

It was MOVED and SECONDED,

That Proposed Bylaw No. 245, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2013" be amended by adding a new zoning map in Clause 3 to amend Schedule B (Zoning Map).

CARRIED

GL-2014-070

It was MOVED and SECONDED,

That Proposed Bylaw No. 245, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2013" be amended by adding a new Schedule 1.

CARRIED

GL-2014-071

It was MOVED and SECONDED,

That Proposed Bylaw No. 245, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2013" be given Second Reading.

CARRIED

BYLAW AMENDMENTS:

Proposed Bylaws

Amendments were made to Bylaw 245 (LUB) and was read for a second time at the July 7, 2014 LTC meeting to reflect the Park Zone (P) for the lands being transferred to the CRD Parks/Galiano Island Parks and Recreation Commission. The lands to be transferred to BC Parks will remain as Nature Protection (NP) Zone. The proposed amendment will also show the additional Lot 8 required for the Community Park as Schedule 1 attached to the bylaw.

Second reading was given to Bylaw 244 (OCP) at the June 9, 2014 regular LTC meeting. No further amendments are required for the proposed bylaws.

Forest 3 Zone (F3) Covenant

The applicant is in the process of finalizing the draft F3 covenant to include the technical comments from staff. Once the draft covenant is received, staff recommends the following:

- To proceed with a third party review by a body or professional with expertise in ecosystem-based, sustainable forest management Confirm a third party as a covenant grantee (preference for a party with a focus on sustainable forestry), staff have suggested the applicant consider a group such as the Trust for Sustainable Forestry (www.sustainableforestry.com); and
- Enter into a cost recovery agreement to conduct a legal review of the covenant.

A copy of the draft covenant is attached – Attachment 1.

CRD Covenant

The Capital Regional District (CRD) is attached for the LTC's review – Attachment 2. The CRD covenant is supported by the chair of the Galiano Parks Commission.

Cost Recovery Agreements

Staff have not established any cost recovery agreements to date with the applicant, but these will be established as the application proceeds and requirements are needed for legal review of agreements or covenants.

SUBDIVISION:

Preliminary Layout Approval

Staff received a copy of the Preliminary Layout Approval (PLA) from the Ministry of Transportation and Infrastructure (MOTI) – see Attachment 3 for subdivision plan and Attachment 4 for PLA. A resolution was carried at the November 18, 2013 regular LTC meeting to direct staff to schedule a community information meeting (CIM) and a public hearing once the PLA had been issued – see community consultation comments below.

Ten Percent Lot Frontage Waiver

In order to satisfy one of the PLA conditions, the applicant has requested relief from the 10% road frontage requirement. Currently, proposed Lots 1, 2, 3, and 4 require a waiver by resolution of the LTC. Section 944 of the *Local Government Act* states:

“1) If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of

- (a) 10% of the perimeter of the lot that fronts on the highway, and
- (b) the minimum frontage that the local government may, by bylaw, provide.

(2) A local government may exempt a parcel from the statutory or bylaw minimum frontage provided for in subsection (1).”

Staff recommend waiving the 10% frontage requirement for proposed Lots 1, 2, 3, and 4 in order to achieve the subdivision layout. Waiving the 10% frontage requirement does not appear to create any barriers to lot access, nor does it create any safety concerns.

All proposed lots meet the LUB requirements for lot width and panhandle lots; no variances are required.

DEVELOPMENT PERMIT:

Although there is no land alteration, a Development Permit (DP) is still required when subdividing land. The subject property is located within the following Development Permit Areas (DPA):

- Slope Hazard – Medium & High
- Shoreline & Marine

Small portions of the property are located within the slope hazard DPA. The shoreline and marine DPA is applicable only to the 15 metres upland of the natural boundary of the sea, and seaward. The Slope Hazard DPA exempts subdivision not involving land alteration from requiring a DP.

The following are DPA guideline specifically to address subdivision applications:

Shoreline & Marine DPA:

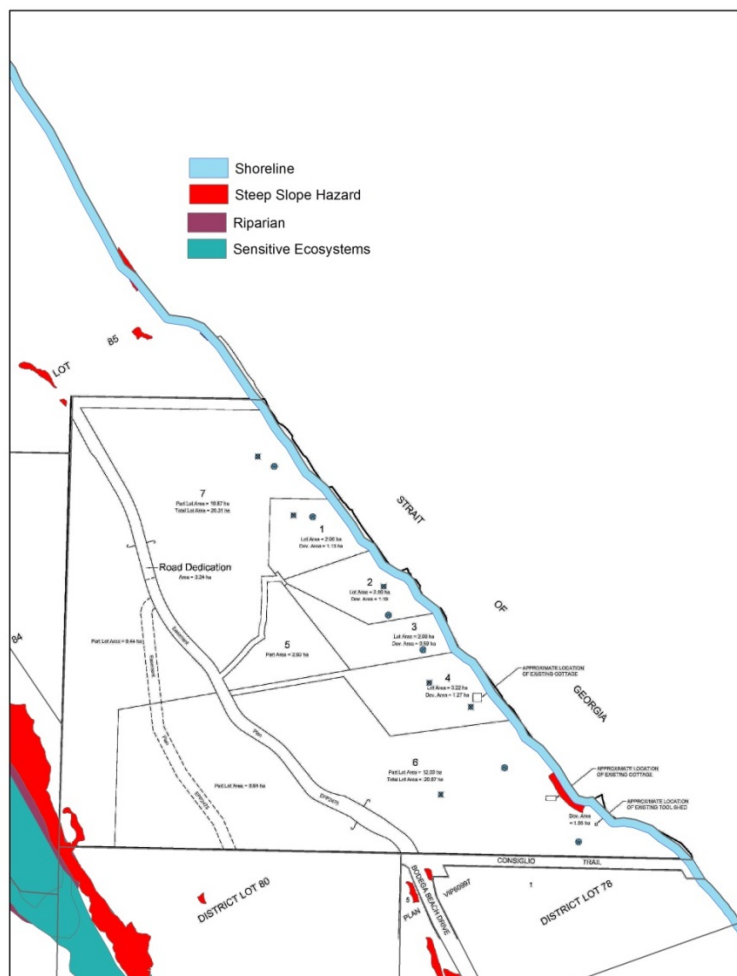
- All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development.

The Development Approval Information (DAI) bylaw outlines requirements staff may request from the applicant to provide information on the anticipated impact of proposed development. For example, for shoreline & marine development permits applicants may be request to provide an environmental assessment. Since the subdivision meets all applicable guidelines, and there are no land alterations associated with this subdivision application, staff have determined that no impact assessment information (environmental assessment) is required.

Staff are of the opinion that there will be no associated impacts to the shoreline and marine ecosystem as there is no land alteration during the subdivision phase. Furthermore, the proposed Bylaw 245 requires that all buildings, structures, and paved parking areas on each Rural Residential lot to be sited entirely within the designated “Developable Area”. This area is measure 15 metres from the natural boundary of the sea (the same distance as the DPA). If future property owner wish to undertake land alteration within 15 metres of the natural boundary of the sea, they will be required to abide by the DPA guidelines and potentially apply for a DP.

The subdivision layout will be attached to the draft development permit and as a condition of the development permit, there must be substantial compliance with the subdivision layout. A draft development permit is attached for the LTC’s consideration (Attachment 5).

Figure 1: DPA Map



COMMUNITY CONSULTATION:

No formal community consultation for this application has taken place at this time. A Community Information Meeting (CIM) often takes place in advance of a public hearing in order to provide the public with an opportunity to ask questions regarding the application and for any changes to be incorporated in the proposed bylaws. The LTC may wish to consider scheduling the CIM and Public Hearing during the same meeting or to hold them separately at a special meeting. There is a notification period prior to the public hearing during which time surrounding neighbours will be contacted and advertisements placed in a newspaper. Further direction from the LTC will be required if any additional community consultation or special meetings above and beyond the standard process are desired.

Since receipt of the PLA, staff are recommending to schedule the CIM and public hearing for the October 6, 2014 or the November 3, 2014 LTC meeting. The applicant expressed that they may not be available for the October 6, 2014 meeting.

STAFF COMMENTS:

Staff have outlined a number of items for the LTC's consideration:

1. 10 percent road frontage waiver for Lots 1, 2,3, and 4 (GL-SUB-2013.1).
2. Shoreline and Marine Development Permit to satisfy a PLA condition.
3. Schedule a CIM and public hearing.

This current proposal is consistent with the F3 OCP policy (i.e. minimum 20 hectares and permitting one accessory dwelling), and it will come close to meeting the generally accepted 25-75 rural residential / nature protection split that has been used in the area for other zoning amendment applications.

The proposal does meet the general intent of providing a substantial amount of parkland for community benefit. The additional lot 5 is also community benefit. It should also be pointed out that the F3 zoning is considered a benefit to the community in the context of OCP policy as it requires a covenant to ensure sustainable forest practices are maintained on the land – see Attachment 2.

Staff recommend waiving the 10 percent road frontage requirement to achieve the subdivision layout. This will allow adequate and safe access to the lots (some of which are panhandle lots) while reducing the amount of required road dedication

Staff recommend approving the development permit associated with the subdivision application as it meets the applicable shoreline and marine DPA guidelines. Staff also recommend scheduling a CIM and public hearing for the November 3, 2014 regular LTC meeting to provide enough time for staff and the LTC to review the drafted covenants, undertake notification and to accommodate the applicant's schedule. Amendments, if required, to the bylaws may be made prior to Second Reading.

RECOMMENDATIONS:

1. **THAT** the Galiano Island Local Trust Committee waive the 10% road frontage requirement for Lots 1, 2, 3, and 4 in GL-SUB-2013.1 (Landworks).
2. **THAT** Development Permit GL-DP-2013.6 BE APPROVED.
3. **THAT** the Galiano Island Local Trust Committee direct staff to schedule a community information meeting and public hearing for GL-RZ-2013.1 (Landworks) for the November 3, 2014 regular Galiano Island LTC meeting.

Prepared and Submitted by:

Kim Farris
Concurred in by:

August 27, 2014

Date


Robert Kojima
Regional Planning Manager

August 28, 2014

Date

Attachment 1 – CRD Covenant
Attachment 2 – Forestry Covenant
Attachment 3 – Proposed Subdivision Plan
Attachment 4 – PLA
Attachment 5 – Development Permit

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

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

AMONG:

[INSERT NAME AND ADDRESS OF OWNER]

(the “Owner”)

AND:

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

(the “Trust Committee”)

GIVEN THAT:

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

Parcel Identification Number:

Legal Description:

(the “Land”);

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

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

Restriction on Use

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

2. Park Management Plan

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

Prohibition on Subdivision

3. The Owner covenants and agrees not to subdivide, sell, transfer or grant any easement, right of way or lease over all or part of the Land without the prior written consent of the Trust Committee providing however that such consent shall not to be unreasonably withheld.

No Effect On Laws or Powers

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

Limitation on Obligations

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

Indemnity

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

No Liability in Tort

6. The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default

under or in respect of this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs With the Land

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

Registration

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

Waiver

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

Severance

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

No Other Agreements

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

Binding of Successors

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

Further Acts

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

Deed and Contract

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

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

CONSENT AND PRIORITY AGREEMENT

WHEREAS:

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

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

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

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

END OF DOCUMENT

D R A F T

SUSTAINABLE FORESTRY COVENANT

This Agreement dated for reference _____, 2014, is

AMONG:

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

(the “**Owners**”)

AND:

AND:

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

(the “**Local Trust Committee**”)

WHEREAS:

- A. The Owners are (will be) the registered owners in fee simple of (proposed) Lot 6 of District Lot 79, Galiano Island, Cowichan District, British Columbia with Parcel Identification Number _____, herein the “**Land**”, as defined in a plan of subdivision completed and certified correct on the ____ day of ____, 20__ by _____, BCLA, a copy of which is attached hereto as Schedule “A” (“**Plan EPP** _____”);
- B. The Owners are committed to restoration of the forest cover and biodiversity of the Land which were degraded by past industrial plantation forestry;
- C. The Owners intend to grant and the Local Trust Committee wishes to accept a covenant under s. 219 of the *Land Title Act* (British Columbia) for management of the Land in accordance with sustainable forestry practices;
- D. A statutory right of way pursuant to section 218 of the *Land Title Act* (British Columbia) in favour of the Covenant Holders is necessary for the operation and maintenance of the undertakings of the Covenant Holders;
- E. The Galiano Island Local Trust Committee is authorized to accept covenants under section 219 and statutory right of ways under section 218 of the *Land Title Act* (British Columbia);

In consideration of the payment of two dollars (\$2.00) now paid by each of the Covenant Holders to the Owner, the receipt and sufficiency of which is hereby acknowledged by the Owner, and in consideration of the promises exchanged below, the parties covenant and agree as follows, in accordance with sections 218 and 219 of the *Land Title Act* (British Columbia):

:

1. Definitions

In this Agreement:

- (a) “Residential Site” means a portion of the Land that is used for a low impact dwelling and accessory buildings and structures and gardens and identified as such on Schedule B;
- (b) “Amenities” includes any natural, scientific, environmental, wildlife, plant life, Biodiversity values and aesthetic values relating to the Land;
- (c) “Biodiversity” means the variety of life and its processes and encompasses genetic, species, assemblage, ecosystem and landscape levels of biological organization and their structural, compositional and functional components;

- (d) "Ecosystem-based Forestry" means a low-impact approach to forest management that maintains a fully functioning forest within the natural historic range of spatial and temporal variability. Its practices favour native tree and plant species which provide for the needs of wildlife and their habitats
- (e) "Forest Management Unit" means the area of the Land excluding the Residential Site and easement roads;
- (f) "Land" means the parcel of land to be legally described after pending rezoning and subdivision approval as Lot 6, District Lot 79, Galiano Island, Cowichan Land District;
- (g) "Land Use Bylaw" means Galiano Island Land Use Bylaw No. 127, 1999 and any successor bylaw enacted under s.903 of the *Local Government Act*;
- (h) "LTC" means Galiano Island Local Trust Committee, incorporated pursuant to the *Islands Trust Act*;
- (i) "Management Plan" means the management plan for the Land attached hereto as Schedule A, and subsequent updated editions thereof;
- (j) "Natural State" means the state of the Land as described in the Report with:
 - (i) such gradual changes thereto as occur over time as a result of natural processes, including wind-throw and usual seasonal flooding and erosion; and
 - (ii) such changes thereto as may from time to time take place as a result of the use of the Land in compliance with the provisions of this Instrument;
- (k) "OCP" means "Galiano Island Official Community Plan Bylaw No. 108 1995" as amended or any bylaw that may replace such bylaw;
- (l) "Owners" means the Owners that are parties to this agreement and any future successor of the Owners;
- (m) "Sustainable Forestry" means forestry activities that are conducted in accordance with the Management Plan and the GIFA Guidelines.

2. Intent and Purpose

- (a) It is the intent of the parties and the purpose of this Agreement that the Forest Management Unit of the Land be managed in perpetuity in accordance with ecosystem-based sustainable forest practices.
- (b) A central objective of the Management Plan is to protect the substantial integrity of the forest canopy, while opening the canopy sufficiently to enhance biodiversity.
- (c) It is a purpose of the Management Plan and the Baseline Description contained therein to provide a measure by which the Parties may monitor and assess change and alterations to the Land and compliance with the covenants in this Agreement.

- (d) The parties acknowledge that the flora and fauna on the Land will evolve through natural succession over time and, unless otherwise expressly stated, requirements for compliance with the Management Plan and this Agreement are intended to take into account the natural succession of the flora and fauna over time, without human intervention other than as expressly permitted by the Management Plan or this Agreement.
- (e) This Agreement shall be perpetual to reflect the public interest in the protection, preservation, and conservation of the biodiversity of the Land and the Amenities for ecological and environmental reasons.

3. Discharge and Modification

Neither the s. 219 covenant nor the statutory right of way granted by this Agreement may be modified or discharged except by an instrument in writing executed by all the parties. It is the intent of the LTC that it will not modify or discharge this Agreement without holding a public hearing on Galiano Island.

4. Management Plan and Baseline Description

- (a) The Land and its Amenities are described in the Baseline Description section of the Management Plan attached hereto as Schedule A.
- (b) All future revisions of the Management Plan shall be provided to the Covenant Holders for their review and consultation.
- (c) The Management Plan has been prepared in consistency with the GIFA Guidelines.
- (d) The Management Plan includes a Baseline Description on the condition of the Land as of the date of execution of this Agreement.
- (e) In the event of any degradation, the Land will be restored to a natural condition in accordance with the Management Plan. In the event of major damage by natural causes such as wildfire or insect infestation, the Management Plan may be revised to allow for removal of diseased trees and standing dead timber other than retained habitat snags, also recognizing that full recovery after catastrophic damage may take considerable time and effort.
- (f) The Management Plan identifies a portion of the Land as a Residential Site having 2 hectares, while reserving the balance of the land except for easement roadways as the Forest Management Unit.
- (g) The Management Plan identifies all existing and proposed roads necessary to practice Sustainable Forestry and to access the Residential Site. The Management Plan does not preclude the development of any Highway as may be required by the Approving Officer as a condition of any subdivision approval.

5. Restrictions

Except as expressly permitted in this Agreement, the Owner shall not do anything, or allow anything to be done, that does or could reasonably be expected to degrade the forest cover of the Forest Management Unit from the condition described in the Baseline Description, as the purpose of the Management Plan is to improve the forest to a much better condition. Without restricting the generality of the above, the Owner shall not, except with the prior written approval of the Covenant Holders cause or allow:

- (a) forestry to be conducted in a manner not in accordance with the Management Plan;
- (b) timber harvesting except that which is conducted selectively, retaining at least at least 70% of averaged forest basal area in cumulative harvesting over any five year period;
- (c) apart from roads identified and delineated in the Management Plan, fully cut patches of area greater than 0.5 hectare to be created by removal of living trees and no more than 10% of the Forest Management Unit may be cut in such patches in any ten year period.
- (d) any of the Forest Management Unit area to be removed from the terms of this Agreement by subdivision or boundary adjustment;
- (e) the Land nor any part of the Land to be leased or licensed unless the tenant or licensee is expressly required by the terms of the lease or licence, and has agreed in writing, to comply with the provisions of this Agreement;
- (f) residential buildings and accessory buildings associated with residential use as permitted by applicable land use bylaws to be located outside in the designated area of the Residential Site;
- (g) pesticides, herbicides, insecticides, or fungicides to be introduced or applied to the Land except in the event of an otherwise uncontrollable infestation and after consultation with each of the Covenant Holders;
- (h) wetlands identified in the Management Plan to be drained or intentionally altered except to improve water retention;
- (i) except for roads and temporary forestry access as delineated in the Management Plan, motorized vehicle routes to be established or used on the Land; and
- (j) fences to be constructed or maintained on the Land except within the Residential Site.

6. Statutory Right of Way

The Owners grant to the Covenant Holders for so long as the covenants set out in this Agreement are registered against title to the Land the unrestricted right to enter upon and inspect the Land, except the Accessory Residential Site.

7. Enforcement Remedies of the Covenant Holders

- (a) If a Covenant Holder, in its sole discretion, believes that the Owner has neglected or refused to perform any of the obligations set out in this Agreement or is in breach of any provision of this Agreement, that Covenant Holder may serve on the Owner and the other Covenant Holders a notice setting out particulars of the breach.
- (b) The Owner shall have 60 days from receipt of such notice, or from the conclusion of the dispute resolution provision under Section 8 if it is invoked, to remedy the breach or make arrangements satisfactory to the Covenant Holder giving notice for remedying the breach.
- (c) In the event of a breach of this Agreement by excessive commercial timber harvesting under the terms of Section 5, the Owners will be required at the sole discretion of the Covenant Holders to pay 150% of the market value of the excess amount of timber removed, with the payment to be made promptly to the Covenant Holders or other recipient as may be directed by the Covenant Holders.
- (d) This Section 7 does not affect the right of a Covenant Holder to pursue any other legal or equitable remedy in relation to a breach or an anticipated breach of this Agreement.

8. Dispute Resolution

- (a) In the event of a dispute, any of the Covenant Holders or the Owners may give notice to each of the other parties requiring a meeting of all parties within 10 business days of receipt of the notice. Such meeting is to be held at a location on Galiano Island specified in the notice. For this purpose, a "dispute" means any disagreement as to the meaning of this Agreement, any disagreement as to an action or proposed action taken by a party under this Agreement, including an action taken in that party's sole and unfettered discretion, or a breach or anticipated breach of this Agreement.
- (b) If notice is given under Section 8(a), all activities giving rise to a breach or anticipation of a breach of this Agreement, or giving rise to a disagreement as to the meaning of this Agreement, or as to a proposed action pursuant to this Agreement, shall immediately cease.
- (c) The parties must attempt to resolve the disagreement or the matter of breach or anticipated breach, acting reasonably and in good faith, within 20 working days of receipt of the notice.

- (d) If the parties are not able to resolve the matter within the time stipulated in Section 8(c), any party may require the appointment within 10 working days, of a mutually acceptable person to mediate the disagreement, the costs being borne equally by all parties other than a Covenant Holder that has not given notice to the other Covenant Holders that it joins with the other Covenant Holders in asserting a breach or anticipated breach or alleging any particular meaning of this Agreement. The parties must act reasonably and in good faith and cooperate with the mediator and with each other in an attempt to resolve the matter within 30 days after the mediator is appointed.
- (e) This Section 8 does not affect the right of any party to seek and pursue other remedies, legal or equitable.

9. Notice

- (a) Any notice, request for approval or consent under this Agreement may be given by any of the following means:
 - (i) delivered in person; or
 - (ii) sent by email to the parties at their respective email addresses set out in Section 13(d), followed by a copy sent by ordinary mail; or
 - (iii) sent by Xpresspost requiring signature on delivery, addressed to the parties at their respective addresses set out in Section 13(d).
- (b) A notice sent by Xpresspost is deemed to have been received on the second business day following mailing.
- (c) A notice sent by facsimile is deemed to have been received on the date of successful transmission of the notice.
- (d) The addresses of the parties for notice are as follows:

The Owners:

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

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

The Covenant Holders:

-
- (e) Each party agrees to give written notice to the others of any change in its address from that set out in Section 9(d) as soon as reasonably practicable following such change of address.

10. No Exemption from Jurisdiction

Nothing in this Agreement shall exempt the Owners from any statutory requirement or imposition or from the ordinary jurisdiction of the LTC, its bylaws, permits, regulations and orders.

11. Entire Agreement

This is the entire Agreement between the parties and none of the Covenant Holders has made any representations, warranties, guarantees, promises, covenants or agreements to or with the Owner other than those expressed in writing in this Agreement.

12. Amendment

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

13. Interpretation

- (a) This Agreement is comprised of the recitation of the parties, the recitals to this Agreement, the express terms of the Agreement, and the Schedule to the Agreement.
- (b) The rights of the Covenant Holders under this Agreement may be exercised by each of them independently unless this Agreement expressly provides otherwise.
- (c) In this Agreement:
 - (i) wherever the singular or masculine is used it shall be construed as meaning the plural or the feminine or the body corporate or politic where the context so requires;
 - (ii) every reference to a party is deemed to include heirs, executors, administrators, successors, assigns, officers and employees of such parties wherever the context so requires or allows; and
 - (iii) the headings are inserted for reference and convenience only and must not be used to construe or interpret the Agreement.

14. Severance

All provisions of this Agreement are to be construed as covenants and should any section or lesser portion of this Agreement be held invalid or unenforceable by a court of competent jurisdiction, such section or portion shall be severed and the invalidity or unenforceability of such section or portion shall not affect the validity of the remainder which shall remain binding on the Owner and shall charge the Land and be enforceable to the fullest extent of the law.

15. Waiver

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

16. Interest in Land

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

17. Enurement

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

18. Owner's Reserved Rights

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

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

19. Payment and Interest on Monies Owing

Any monies owed by the Owner to the Covenant Holders pursuant to this Agreement:

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

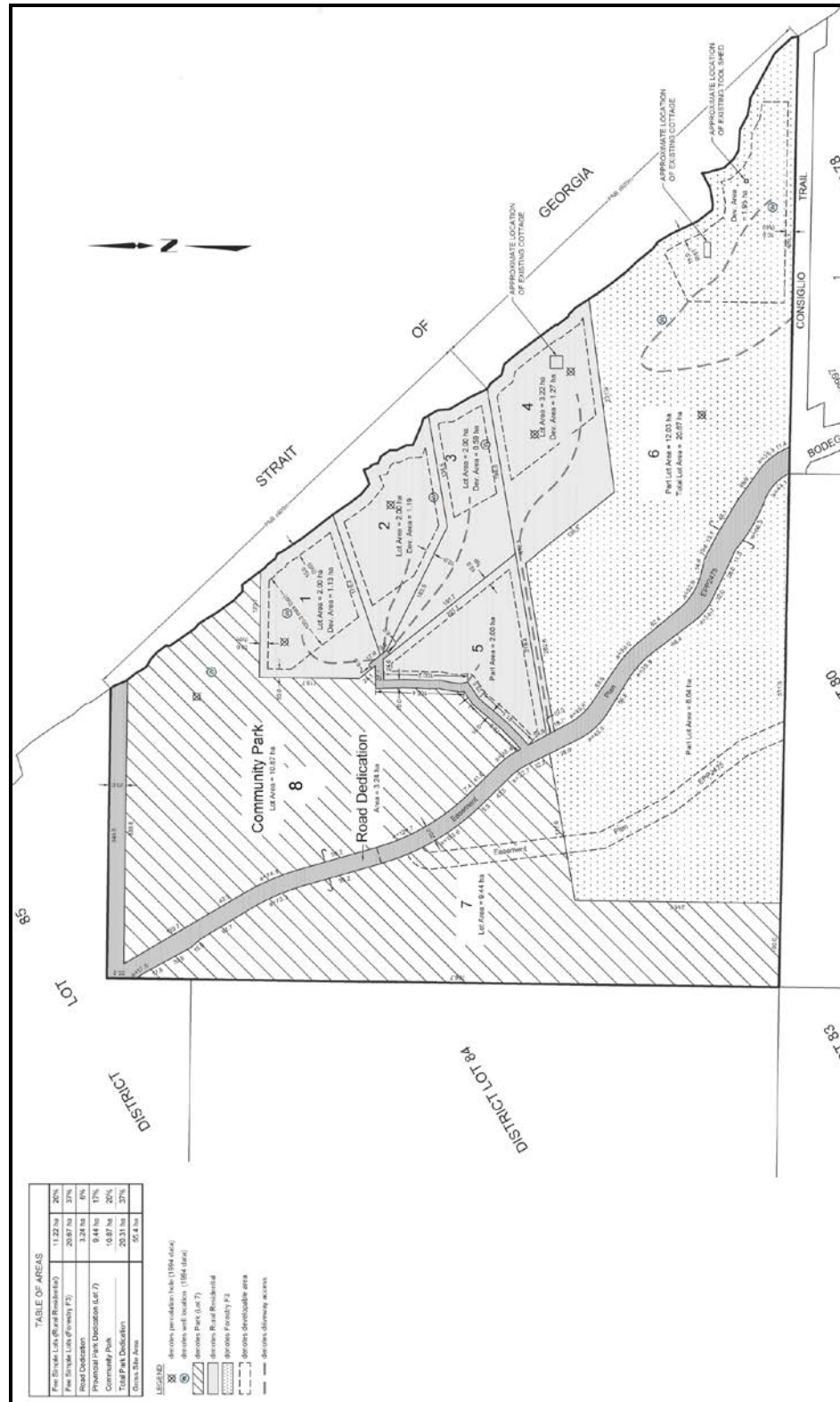
20. Execution

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

SCHEDULE A

SUBDIVISION PLAN OF DL 79

Attachment 3 Proposed Subdivision





BRITISH
COLUMBIA

Ministry of Transportation
and Infrastructure

**PROPOSED SUBDIVISION
PRELIMINARY LAYOUT
APPROVAL**

S-381 Holdings
c/o Landworks Consultants
305-2940 Harriet Road
Victoria, British Columbia V9A 1T3

Your File #:
eDAS File #: 2013-05494
Date: Aug/19/2014

Attention: Kelly Gesner

**Re: Proposed Subdivision of District Lot 79, Cowichan District, Galiano Island -
Bodega Beach Drive, Galiano Island**

Your proposal for a 7 lot Conventional subdivision has received preliminary layout approval, subject to the following condition(s):

1. Written confirmation from the Islands Trust that any required bylaws and regulations have been met, including proof of potable water.
2. Written confirmation from the Islands Trust that all applicable development permits and development variance permits have been issued. Please include a copy of any permit documents and associated covenants with the confirmation letter.
3. Written confirmation from the Islands Trust that the 10% frontage regulations, pursuant to Section 944 of the Local Government Act, have been relaxed.
4. Written confirmation from the Island Health Authority that the conditions of their letter dated July 29, 2014, have been satisfied.
5. Bodega Beach Drive to be dedicated by final survey plan at a width of 20m, or 3m beyond any cuts or fills (whichever is greater). The existing road surface is to be placed approximately within the center of the dedication.
6. The existing gate within the Bodega Beach Drive road right-of-way is to be moved prior to final approval. Gate may be placed within the public portion the road, if the northern boundary is not appropriate for construction, within 150m of the northern boundary.
7. Applicant is required to construct a paved cul-de-sac at the new gate location (standard or hammerhead) to provide a suitable turnaround space for the traveling public and maintenance vehicles. Design plan and location to be reviewed and approved by District staff prior to construction.
8. Existing pavement markings referring to "private road" are to be removed within the portion of Bodega Beach Drive that will become public road.

Local District Address

Saanich Area Office
240-4460 Chatterton Way
Victoria, BC V8X 5J2
Canada

Phone: (250) 952-4515 Fax: (250) 952-4508

9. Applicant required to remediate existing road shoulders along Bodega Beach Drive within the limits of the proposal to the satisfaction of district officials. Vegetation to be mowed to ground level, or removed, within 1.8m of the existing edge of pavement and within the ditch structure. Remediation of road to also include grading of road shoulders and cleaning of existing road surface to the satisfaction of the District official.

10. Final survey plan to include 6m x 6m corner cut off dedications at all intersections of Bodega beach Drive and proposed access dedications.

11. A graveled driveway, located within the proposed 10m wide access dedication to be constructed to the satisfaction of the Provincial Approving Officer prior to final approval. Driveway must accommodate emergency vehicles and it is recommended that applicant coordinate with the Galiano Fire Hall to ensure suitable construction. Driveway to terminate in a cul-de-sac (standard or hammerhead). Guidelines for residential driveway construction can be found at http://www.th.gov.bc.ca/Development_Approvals/driveways.htm

12. Current property owners to submit a written statement outlining that they aware the Ministry will not be providing maintenance services to the driveway access within the 10m road access dedication. Maintenance will not be provided until such a time as the access road is constructed to Ministry standards and specifications, maintenance will terminate at the existing edge of Bodega beach Drive. The statement is to be included in any sales prospectus to potential buyers.

13. As the proposed subdivision includes a request for relief from the public access to water requirements in Section 75(1)(c) or (d) of the Land Title Act, the plan image shall include the appropriate notation and the Application to Deposit Plan at Land Title Office shall include the required signature block for the Approving Officer pursuant to Section 76(5) of the Land Title Act. An affidavit pursuant to Section 76(4) of the Land Title Act requesting relief from the requirement of public access to water outlining the reasons why the plan need not comply with the provisions of the Act must be submitted with the final plans.

The affidavit should be executed by either of the surveyor, the subdivider, or the subdivider's solicitor. It should contain the following:

The deponent's full name, address, and occupation

A statement that the deponent is personally familiar with the land in question. The statement should make reference to the owner of the land.

A statement that the land to which the declaration pertains is that described on the plans attached thereto
The reasons why Section 75(1)(c) or (d) of the Land Title Act should be waived or not strictly complied with

Alternative accesses or facilities that are being provided in lieu of those called for by Section 75(1)(c) or (d), if applicable

The distance from the border of the subdivided land of the nearest public access within 200 (400)-metre spacing of the subdivided land, together with the width of the access

A sketch to scale showing the entire area together with the access, if the entire area of the subdivided land or the location of any access within 200 or 400 metres is not shown on the attached plan

The purpose of the subdivision: residential, farming, resort, industrial, etc.

14. Ministry file number 2013-05494 to be included on final survey documents.

15. Recent State of Title is to be submitted along with final paperwork.

16. Surveyor to ensure that all constructed roads are within a publicly dedicated road allowance (with the exception of any internal strata roads)

17. The most recent Electronic Filing System Guidelines (formally known as the Table of Concordance) are to be used for the preparation, submission and filing of all documents.

Note: If you have questions or concerns about the conditions laid out in the PLA/PLNA, please contact the District Development Technician. If you still have questions or concerns after speaking with the District Development Technician, you may contact the Provincial Approving Officer directly. It is important to provide, in writing, any new information or changes that you wish to be considered during the reconsideration process.

The approval granted is only for the general layout of the subdivision and is valid for one year from the date of this letter. However, if at any time there is a change in legislation or regulations this preliminary layout approval is subject to review and may be cancelled.

Submission of Final Plans (Survey Plan Certification and Application to Deposit) to be accompanied by a current Tax Certificate (FIN 55), together with a plan examination fee of \$50.00 plus \$100.00 per lot created by the plan (for a Total of \$750.00). If paying by cheque, make payable to the Minister of Finance.

If you have any questions please feel free to call Ryan Evanoff at (250) 952-4495.

Please quote file number 2013-05494 when contacting this office.

Signed on behalf of Provincial Approving Officer by

A handwritten signature in black ink, appearing to read 'REANOFF', with a long horizontal stroke extending to the right.

Ryan Evanoff
Development Approvals Technician – Saanich Area Office

Cc: Islands Trust, Planning



GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT GL-DP-2013.6

To: S-381 Holdings Ltd., Inc. No. 457721, Premier Sunrise Developments Ltd., Inc. No. 293442, Michelle Mary Ramaekers, Bowie and Anna Keefer

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

District Lot 79, Galiano Island, Cowichan District

2. This Development Permit authorizes the subdivision involving the above noted property which contains cliff sensitive ecosystem, slope hazard, and shoreline development permit areas, subject to the following conditions:

- a) The subdivision shall be substantially consistent with Schedule "A" attached to and forming part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Galiano Island Land Use Bylaw No. 127, 1999 and to obtain other approvals necessary for completion of the proposed development.

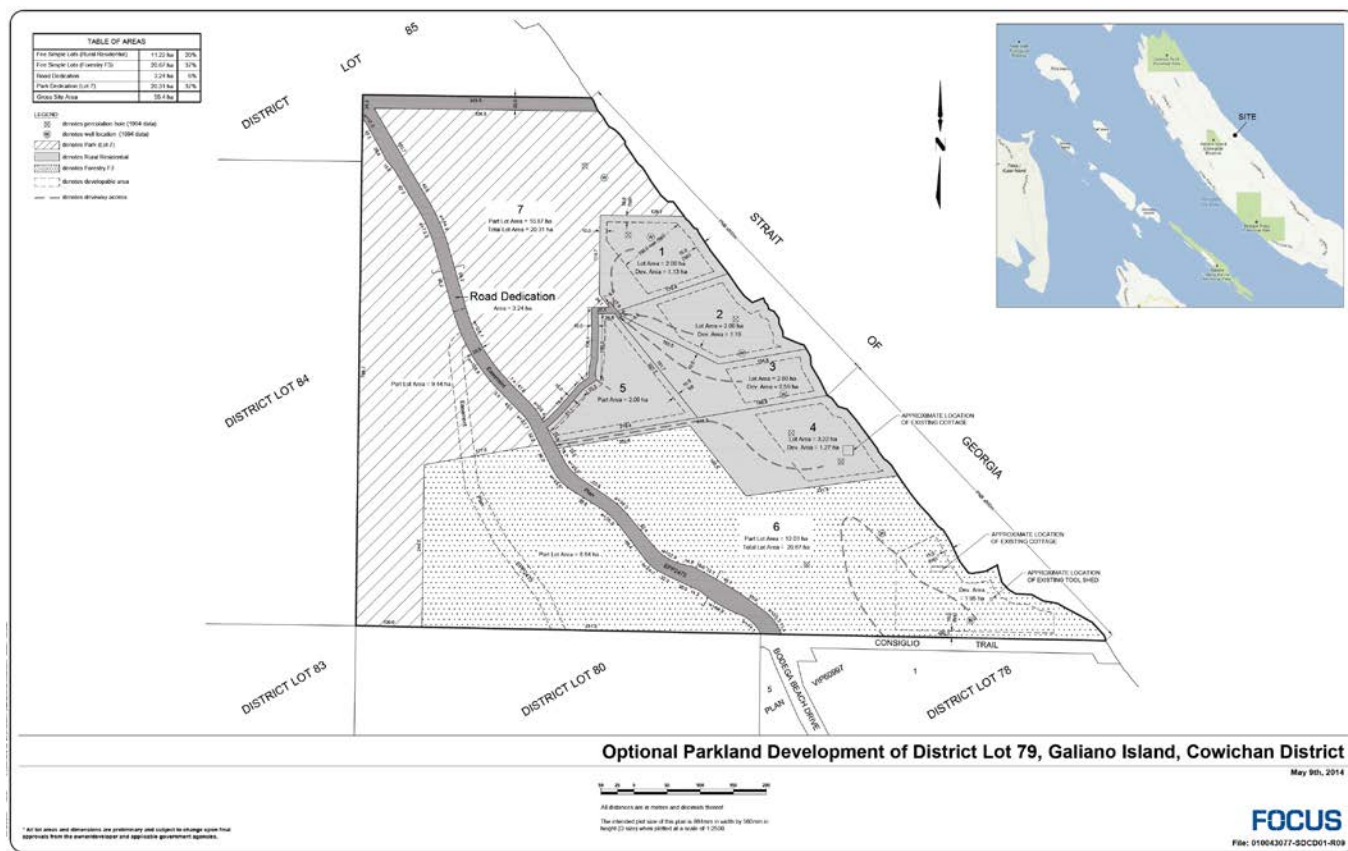
AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS xxth DAY OF xx, 20xx.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE xxTH DAY OF xx, 20xx, THIS PERMIT AUTOMATICALLY LAPSES.

**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2013.6
Schedule A**



Date August 19, 2014 File Number

To Southern Local Trust Committees

From Robert Kojima
Regional Planning Manager

Re Experience the Southern Gulf Islands Cycling and Pedestrian Draft Trail Plan

Islands Trust has received a referral of the draft Experience the Gulf Islands (EGI) Cycling and Pedestrian Trail Plan for the Southern Gulf Islands from the CRD. A copy is attached and can also be viewed here: <http://www.crd.bc.ca/docs/default-source/parks-pdf/crd-draft-sgi-trail-plan.pdf?sfvrsn=2>

It is described as a vision for a trail system that will link people and places on each island and to Vancouver Island and the mainland, with this document providing the first high-level overview of a proposed regional trail system. Islands Trust was initially requested to respond to CRD by August 29th; I have contacted CRD staff and requested an extension until later in September in order to provide an opportunity for each local trust committee to provide comments, if any, on the plan. CRD staff and EGI volunteers have been independently obtaining community comment. Community comments and agency responses will be brought back to the CRD Electoral Area Services Committee in November.

In responding to the referral, staff will be providing the following comments to CRD staff based on existing OCP policies, legislative requirements, and zoning:

- OCPs currently include policies advocating for or supporting development of trails and linear parks
- OCPs also currently include policies supporting walking and cycling trails linking services and populations in order to mitigate GHG emissions.
- Several OCPs include policies supporting creation of linear parks at time of subdivision, trails as potential amenities at time of rezoning, and/or the establishment of trails through voluntarily by landowners.
- All OCPs include policies advocating that MOTI construct or permit trails in the highway right of way where feasible and as opportunities permit.
- Several OCPs include policies allowing LTCs to consider implementing regulations for cash-in-lieu of parking to be provided for trails.
- Four OCPs include Schedules identifying at least some future trails or cycling routes. Consistency between these maps and the EGI plan should be encouraged, either by revising the EGI plan, or by LTCs considering future amendments to the OCP schedules where appropriate. Identifying future trails in the OCP would be important in order to support establishment of trails in the highway right-of-way, as park dedication at time of subdivision, or as a community amenity at time of rezoning.
- The plan should avoid identifying future trails in locations that are unlikely to result in rights-of-way being acquired across private land. Although linear parks could be acquired at time of subdivision as

mandatory parkland dedication (Islands Trust could assist in identifying lands with future subdivision potential) the timing and initiation of subdivisions are at the discretion of landowners.

- Siting of future trails should avoid sensitive or hazardous lands, including sensitive ecosystems and rock fall hazard areas; Islands Trust could assist by providing existing mapping.
- EGI should exercise caution in proposing to locate future trails in areas which could conflict with existing or zoned land uses, including agricultural land, active forestry or other resource lands, or industrial areas. Islands Trust could assist by providing land use and zoning maps.

The extension of the referral period was obtained in order to provide an opportunity for LTC's to request any specific comments to be included in the response to the CRD. LTC comments are not required, but if there are, they should be provided by resolution. The following resolution wording is suggested:

THAT the _____ Island Local Trust Committee request that staff provide the following comments to the Capital Regional District concerning the draft Cycling and Pedestrian Trail Plan:

1.

pc Island Planners

Attachment: Draft Cycling and Pedestrian Trail Plan



EXPERIENCE THE SOUTHERN GULF ISLANDS
cycling and pedestrian draft trail plan



CAPITAL REGIONAL DISTRICT | MAY 2014

Executive Summary

The draft Experience the Southern Gulf Islands Cycling and Pedestrian Trail Plan presents a path forward for a trail system that will link people and places on each island and to Vancouver Island and the mainland. As a key component of the Experience the Southern Gulf Islands Initiative of the Southern Gulf Islands and Salt Spring Island Economic Development Commissions, the trail system will also be a catalyst for community and economic development.

The trail system will provide a way for people to get around the islands by foot, bicycle or horseback although not all trails will be developed for all of these uses. The proposed system for each island has a regional route which will form part of the CRD regional pedestrian and cycling trail system, with connecting community trails. The regional route will provide the backbone and connect the ferry terminals to key national, provincial and regional parks and community commercial areas. The community trails will provide the linkages from community parks to the regional route, a network of trails for the community and additional opportunities for recreation and alternative transportation. These trails will also need to be developed to

be sustainable; last for decades, be designed and constructed to have minimal environmental impact, be safe and have low maintenance costs.

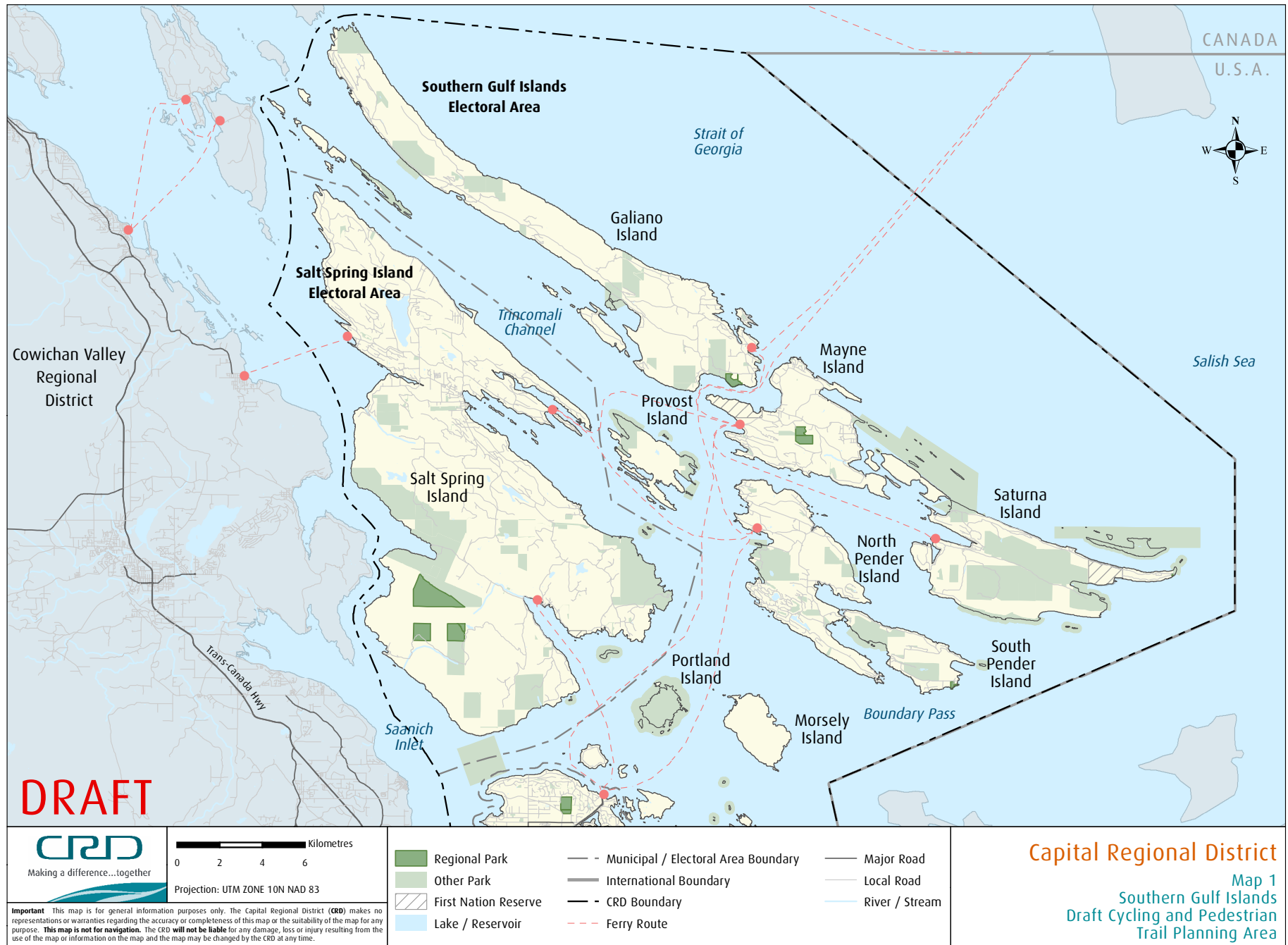
The development of the trail system will take many decades and follow four steps: acquiring tenure, undertaking detailed planning, constructing the trail and operating and maintaining the trail. Approval of this trail plan does not constitute approval of funding for any of the above work. Future funding will require that projects are considered through the CRD's business planning process, annual budgeting, capital budget plans and annual work plans. In addition, the CRD and the community will need to seek out funding from partners to leverage regional and local investment.

Upon approval of the draft plan by the Regional Parks Committee a public participation process will be undertaken to provide an opportunity for the public to offer feedback on the plan. The CRD will also seek feedback from Parks Canada, Islands Trust and First Nations. This feedback will be recorded and reported to the Regional Parks Committee and considered in preparing the final plan.

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Map 1: CRD Southern Gulf Islands



Introduction

In December 2012 the Capital Regional District (CRD) Board authorized the development of a cycling and pedestrian trail plan for the Southern Gulf Islands. This project is a key component of the Experience the Gulf Islands initiative (ETGI). ETGI is a program of the Southern Gulf Islands and Salt Spring Island Economic Development Commissions. It is a unifying theme that embodies first hand experiences with landscapes, people and history, offered and packaged as outdoor recreation, tourism and educational opportunities that generate health, economic and community benefits, to enrich the lives of residents and visitors.

Developing and providing the support system for enriched experiences will be a catalyst for community and economic development.

A key building block of ETGI will be the development of a system of major trails and water routes interconnecting communities, events, amenities and supporting businesses throughout the

islands. A major spine trail across and interconnecting each of the Southern Gulf Islands (SGI) and Salt Spring Island is proposed to be developed as part of the CRD regional trail system and would form a destination loop on the Trans Canada Trail (“Islands in the Salish Sea Loop”).

The cycling and pedestrian trail planning project is being managed through CRD Regional Parks. The *Regional Parks Strategic Plan* (2012) provides direction for the preparation of the trail plan. The *Strategic Plan* provides:

1. a vision for regional trails throughout the CRD,
2. the purpose of regional trails, and
3. a strategic action that states, “In partnership with other public agencies, local government and private landowners, [it will] initiate planning for the regional trails system on Salt Spring Island and Southern Gulf Islands.

For more information on Experience the Gulf Islands initiative visit:



Project Purpose

The purpose of the project is to produce a trail plan that identifies at a general level the proposed regional and community trail routes for recreation, transportation and tourism purposes as part of the ETGI.

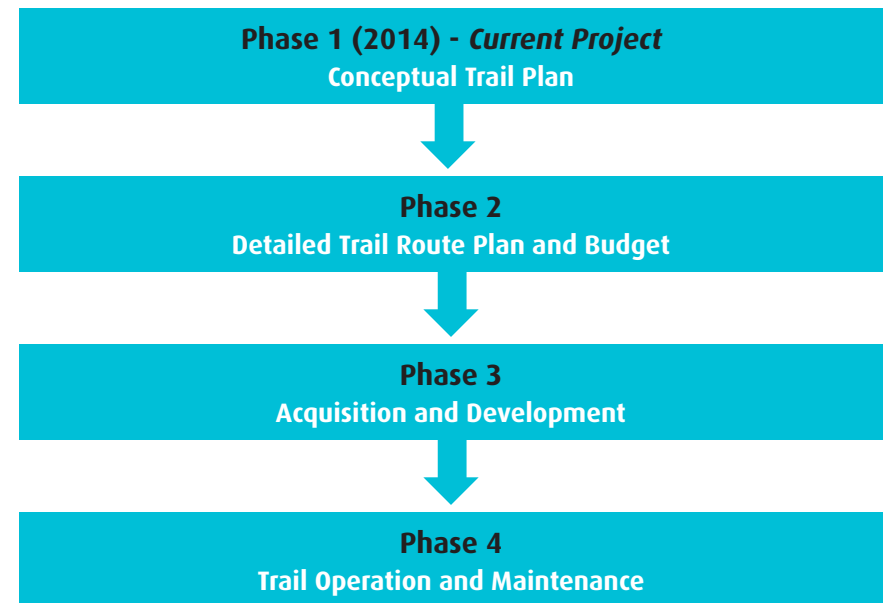
The regional trail will provide the backbone and connect the ferry terminals to key national, provincial and regional parks and community commercial areas.

The community trails will provide the linkages from the community parks to the regional trail, a network of trails for the community and additional opportunities for recreation and alternative transportation.

Some of these trails may be located in the Southern Gulf Islands National Park Reserve.

The completion of a system of cycling and pedestrian trails on the Southern Gulf Islands will take many years to achieve and will occur through four phases as outlined in Figure 1.

Figure 1: Timeline for Experience the Southern Gulf Islands Cycling and Pedestrian Trail Plan

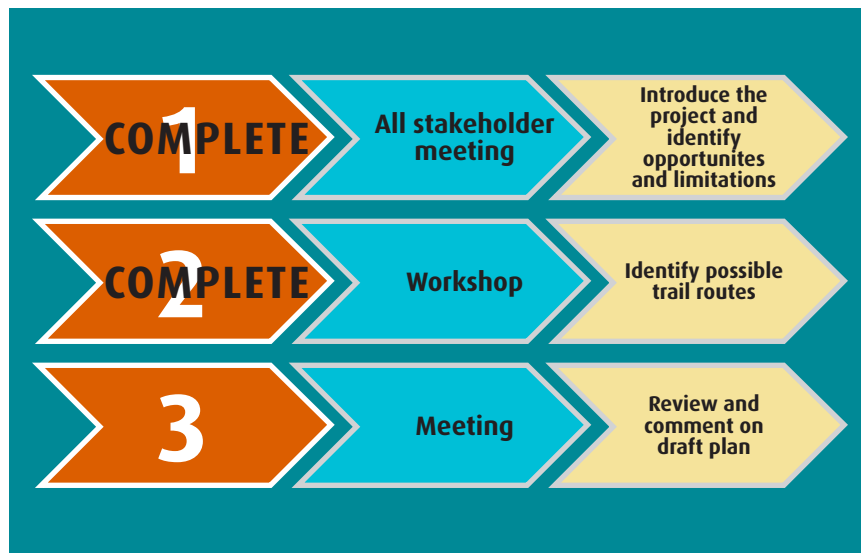


Community Consultation

The Pedestrian and Cycling Trail Plan process began in the spring of 2013 and included a comprehensive community consultation process that included face to face meetings with ETGI team leaders, members of the public, community open houses, mapping exercises as well as field visits.

With this draft plan, two of the three stages of the engagement process have been completed. The draft plan is now being circulated for public comment and review.

Figure 2: Community Engagement Process



The wide range of information collected from the open houses and general ETGI meetings helped to identify key community interests. The feedback received included a number of suggestions and needs as illustrated in Figure 4. From these interests, a vision was drafted to assist with the long term planning and implementation of the project.

Figure 3: Community-Based Ideas Gathering



The key findings from the public engagement session included a wide range of information primarily associated with the following themes:

- *Sustainable Trails* - trails need to be in good condition, protecting the environment and resources, sustainable structures and construction techniques
- *Accessibility* - trails need to be multiuse and for all ages and abilities
- *Communication* - digital communication, marketing and provide signs
- *Community Benefit* - these trails celebrate place, culture, health and lifestyle
- *User Safety* - need to address signs and codes of conduct
- *Economic Development* - the trails will provide a variety of great tourism experiences, amazing destinations and amenities
- *Alternative Transportation* - there is a need to provide opportunities for alternative modes of transportation to the motorized vehicle
- *Education* - community and visitor stewardship and interpretive opportunities



Photo: Danica Rice

Figure 4: Community Interests

COMMUNITY INTERESTS



First Nations

The Southern Gulf Islands are within the traditional territory of 22 Coast Salish First Nations. There are five bands from the WAANEC (Saanich) Nation that have land-based interests in the Southern Gulf Islands: Tsawout, Tsartlip, Tseycum, Malahat and Pauquachin. The Penelakut Tribe has land on Galiano Island. The CRD will engage

these First Nations in a dialogue about trail planning with the intent to understand their interests, locate possible trail routes on First Nation land and other land in their traditional territory within the Southern Gulf Islands and identify ways to work together on the Experience the Southern Gulf Islands Initiative.



Photo: Danica Rice

Trail Planning

Trails on the Southern Gulf Islands

Each of the ETGI has a number of parks, trails and unique outdoor experiences owned and managed by a variety of land agencies and conservation groups or societies. Some of the trail experiences include early farm trails, historic logging routes, low traffic paved roads, as well as animal trails that have become “social trail” routes. *Social trails* are formed by repeated use of a particular route by people or animals. Often, they are trails that have been worn into the ground from users taking the path of least resistance to a particular destination.

In spite of advanced planning in some cases or little planning in others, many of the trails in the Gulf Islands are not legal or formalized. Some trails follow paths that were previously created by wild animals and do not meet basic layout standards that require maximum conformation to grades and slope. As a result,

sections of existing trails are not sustainable. Evidence exists in the parks, trail corridors and open spaces as the trails have become degraded from soil loss and erosion resulting in damage to local vegetation and habitat.

Without meeting sustainable grades or construction standards the trail system will erode with increased use. It will eventually become dangerous and may need significant maintenance over the long term. This said, trails in the Gulf Islands pass through some of western Canada’s most fragile ecosystems and therefore need to be sustainable through good design. By respecting local landscapes and ecosystems, trails can be used to help to conserve sensitive lands and not contribute to overuse and environmental degradation.

Sustainable Trail Planning and Development

Sustainable trails are designed and constructed to minimize erosion and environmental degradation and last a long time without major repairs. They are safe and pose minimal liability risk to land managers. Sustainable trails can range from easy to difficult depending on the steepness of grades, the width of the trail and the alignment chosen. They can be challenging and winding or breathtaking and open. Sustainable trails can be

designed to accommodate all users including mountain bikers and equestrians, however they do require routine maintenance and monitoring to preserve their longevity and function.

By requiring sustainable layout and construction standards early in the process minimal erosion and environmental degradation will result, as well as low maintenance costs.

Existing Conditions

While the Southern Gulf Islands have a host of great amenities and destinations to explore, a few barriers exist that must be overcome as far as trail planning and trail use is concerned. Some of the existing conditions on each of the islands include the following:

1. Steep hill climbs
2. Suburban layout – distant from amenities
3. Lack of pedestrian safety in commercial zones
4. Dangerous road sides
5. Distance between commercial zones and ferry terminal
6. Residents reliant upon car for amenities
7. Must be very fit to cycle the roads
8. Eroded, fall-line and steep trails
9. Exposed cliffs and rock wall barriers
10. Reliance on ferry



The Draft Trail Plan

Figure 5: Vision



A vision...

A necklace jewelled together by unique destinations. From wild coasts and beaches, pastoral farmlands, spectacular bluffs, and quaint villages to cool and shady forests, glacially-striated and sandstone-pocketed rock formations. Our trail is a priceless experience in the Salish Sea. We invite BC residents and guests to visit, recreate, celebrate and relax.

Our trail system is respectful of land owner interests, sustainable in design and a part of the daily routine for local people in the Gulf Islands. Open to multiple users, visitors will experience cultural and education opportunities based on partnerships that tell stories of past peoples, the evolution of land uses and of continued protection for future generations.

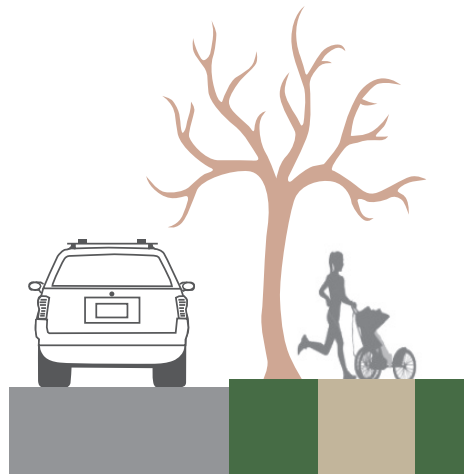
Through a range of organized alternative transportation options, effective signage, and strong digital and ground-based communications, residents and visitors have the ability to explore historic and culturally significant destinations and the significant distinctions on each of the islands.

An array of visitor services and amenities are available for cyclists, backpackers, families, the elderly and those with more decadent tastes.

Proposed Trail Design

The ETGI trail system is based on the vision and feedback received from the public open houses, community survey, mapping exercises, preliminary field reconnaissance and meetings with ETGI team leaders and members of the public. Based on this feedback and the project scope, the following conceptual trail standard types will form the basis for many of the trails within the vision trail system.

Figure 7: Conceptual Rural Pedestrian and Cycling Trail Guideline



"COMMUNITY TRAIL"

trail tread width: .75-2 m
trail corridor width: 2-3 m
surface: natural / crushed fines
slope: maximum 15 percent

WILL ACCOMMODATE:

walking
hiking
mountain biking
horseback riding
all-mountain strollers
all-terrain wheelchairs
dogs on leash

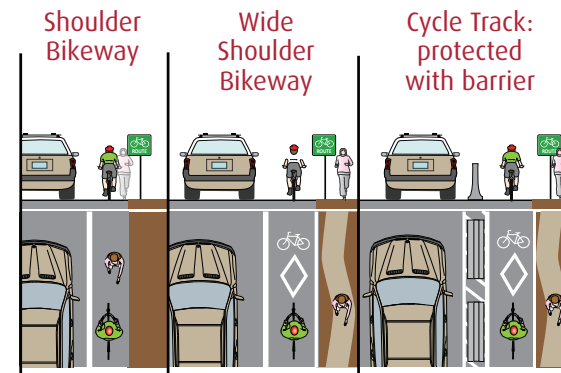


"RURAL MULTI-USE TRAIL"

trail tread width: 1.5-2.5 m
trail corridor width: 2-4 m
surface: natural / crushed fines
slope: maximum 8 percent

WILL ACCOMMODATE:

walking
hiking
cycling
horseback riding
strollers
wheelchairs
electric scooters
dogs on leash



"ROADSIDE CYCLE TRAIL"

trail tread width: .75-2 m
trail corridor width: 2-3 m
surface: natural / crushed fines / pavement
slope: paved maximum 15 percent
crushed fines maximum 8 percent

WILL ACCOMMODATE:

walking*
cyclists*
horseback riding*
strollers*
wheelchairs*
dogs on leash*

CRD Cycling Trail Standard

Minimum standard should be "Shoulder Bikeway" and where possible strive for separated grade trail and cycle track with protective barrier mechanisms

Proposed Trail System

The proposed trail system is shown on maps 2 through 6. This is a conceptual view of the system. More detailed planning is required to outline the exact location. Some of this detailed work has begun. The following sequence of actions are proposed to develop the trail system:

1. Completing the conceptual trail plan
2. Undertaking detailed trail planning which could include surveying and engineering design work

3. Obtaining tenure for the land where the trail will be located
4. Budgeting for trail development, operation and maintenance
5. Undertaking trail development
6. Managing ongoing trail operation and maintenance

Developing the trail system will take many decades and the focus in the next few years will be to develop some of the priority locations.

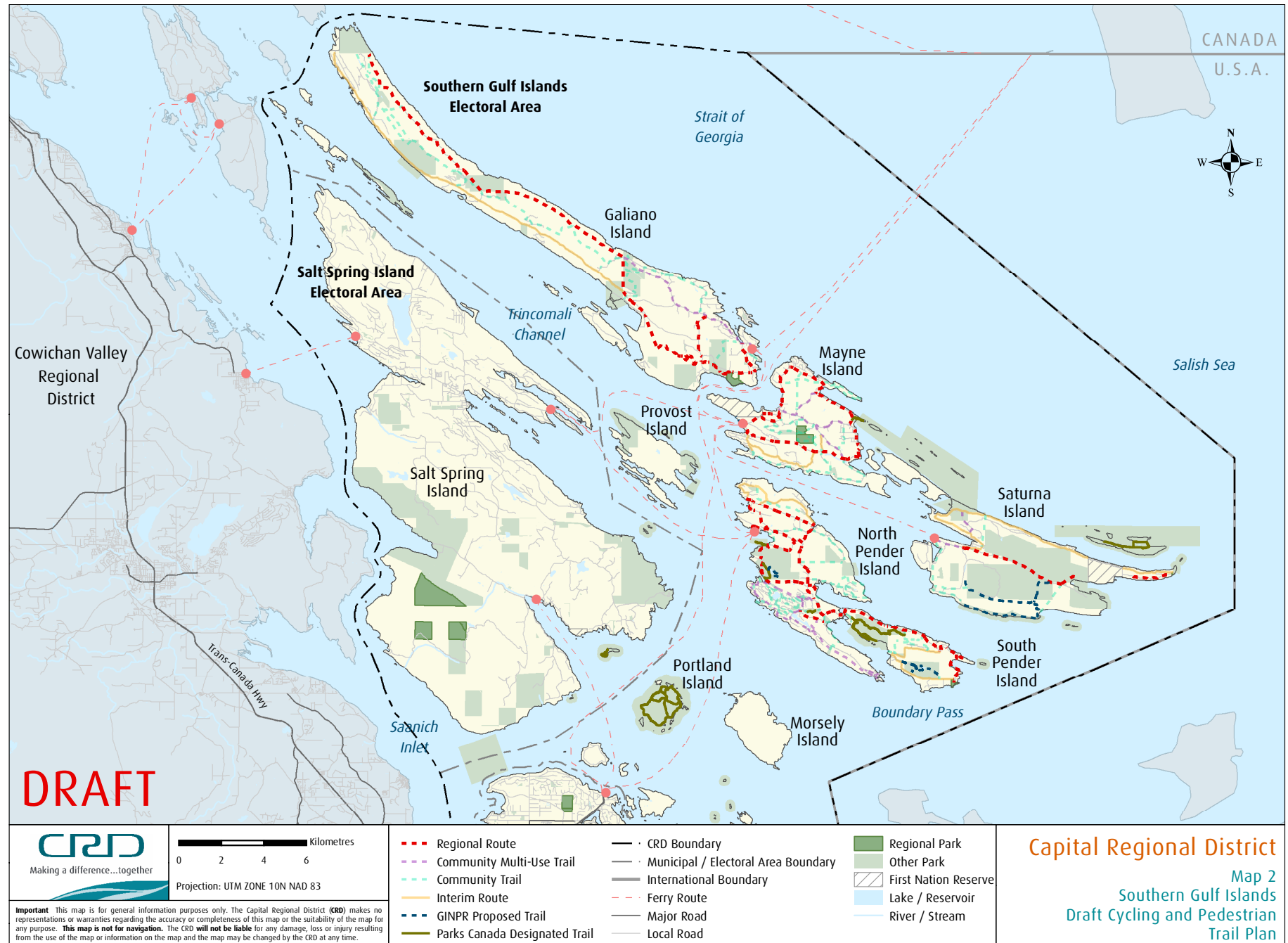
Funding to Implement the Draft Trail Plan

The draft Southern Gulf Islands Cycling and Pedestrian Plan provides the first high-level overview of a proposed trail system on the Southern Gulf Islands. It will take many decades for the entire trail system to become a reality. The development of the individual parts of the trail system will need to follow four steps; (1) acquiring tenure to build a trail, (2) undertaking detailed planning which could include the preparation of engineering plans, (3) constructing a trail, and (4) operating and maintaining a trail. All of this will require funding.

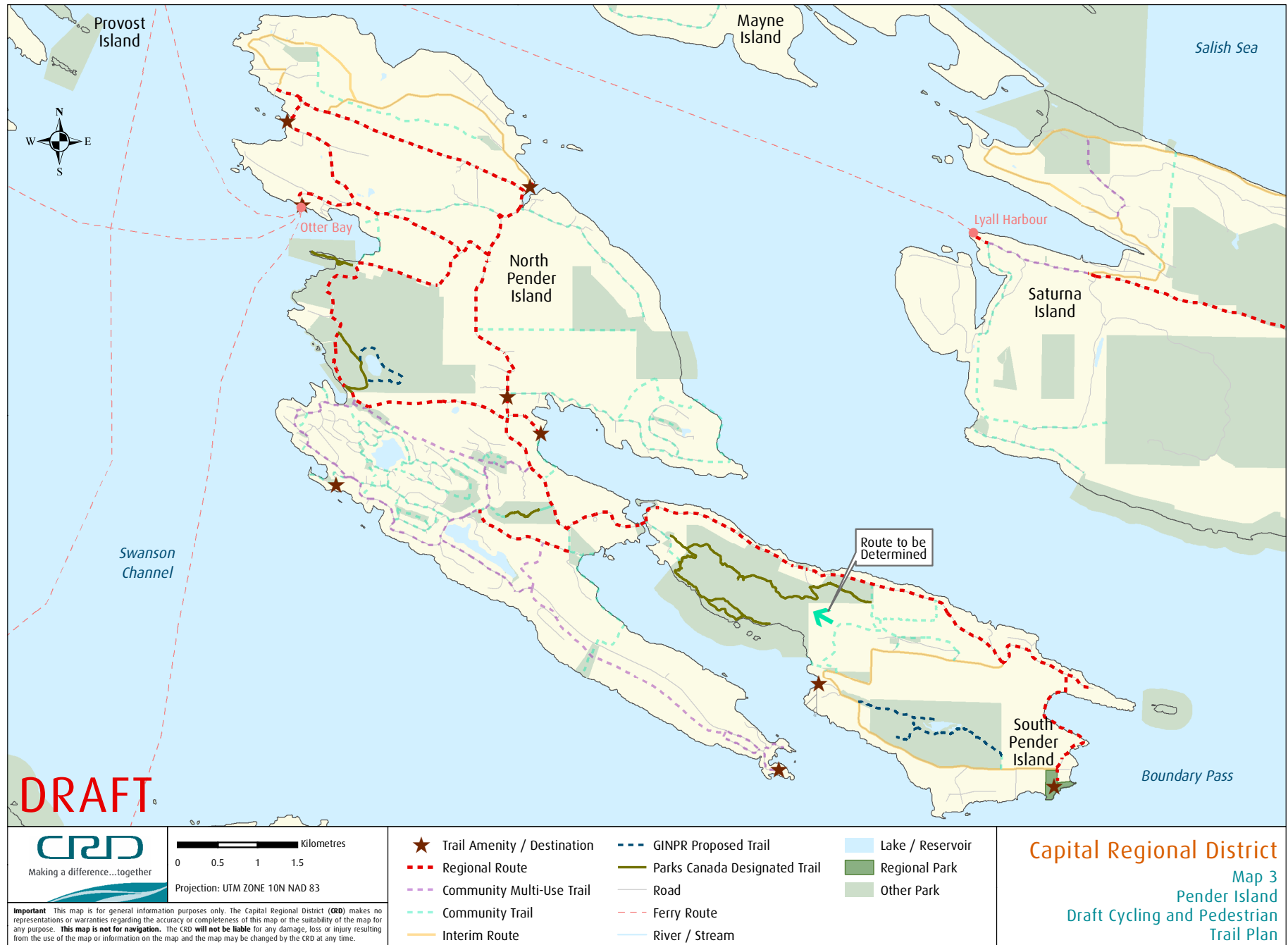
Approval of the Southern Gulf Islands Cycling and Pedestrian Plan does not constitute approval for funding for acquisition,

detailed planning, development or operation and maintenance of the proposed regional trail route system. The CRD budget process will be adhered to. Future funding will require that projects are considered through the CRD business planning process, annual budgeting, capital budget plans and annual work plans. Implementation of the plan will be contingent on available financial and staff resources and considered alongside management priorities of other regional parks and trails and Regional Parks' strategic priorities identified in the Regional Parks Strategic Plan and community park and trail initiatives on the Southern Gulf Islands through the park commission on each island.

Map 2: Proposed Regional Trail Vision



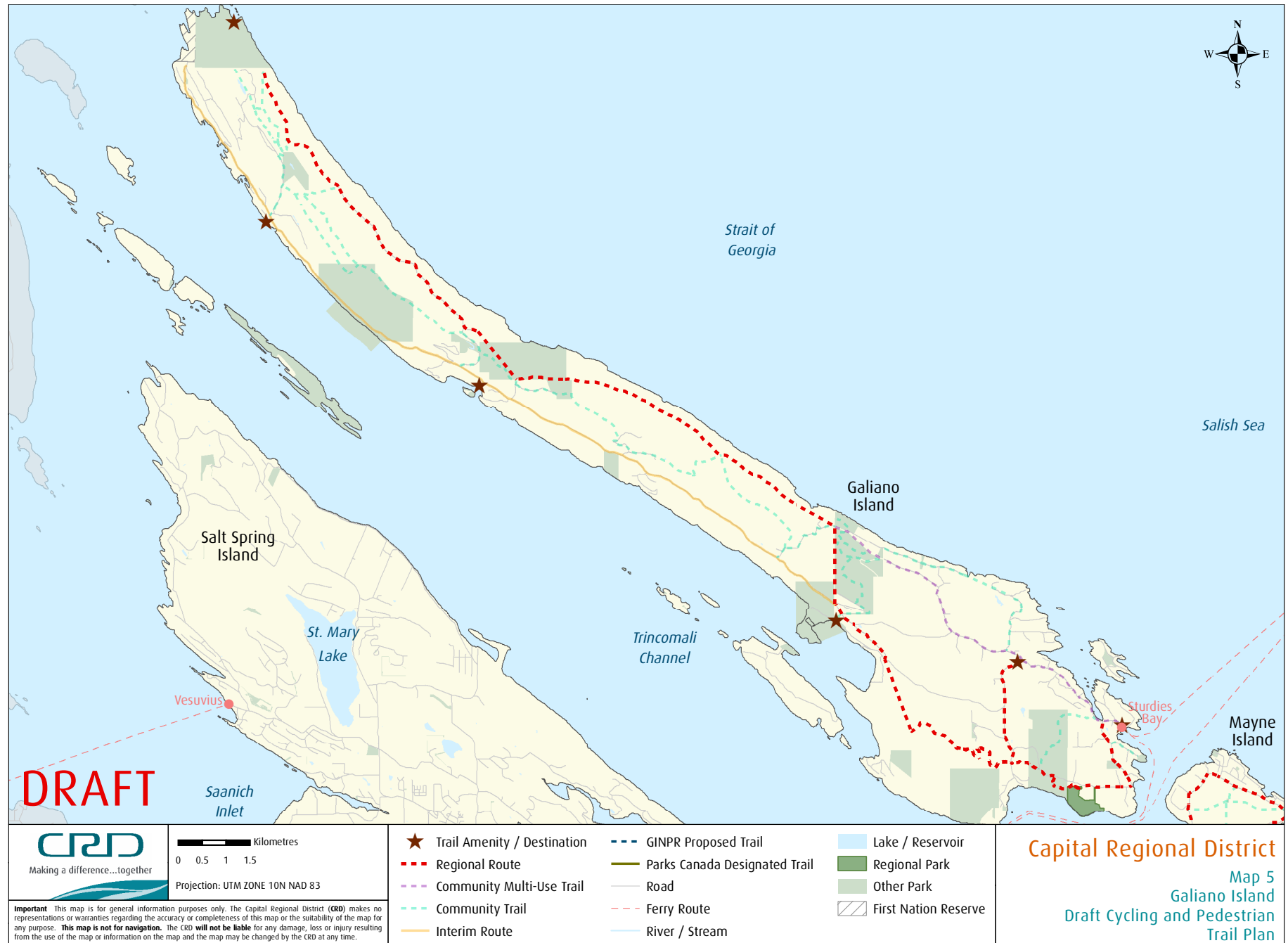
Map 3: Proposed Pender Islands Trail Vision



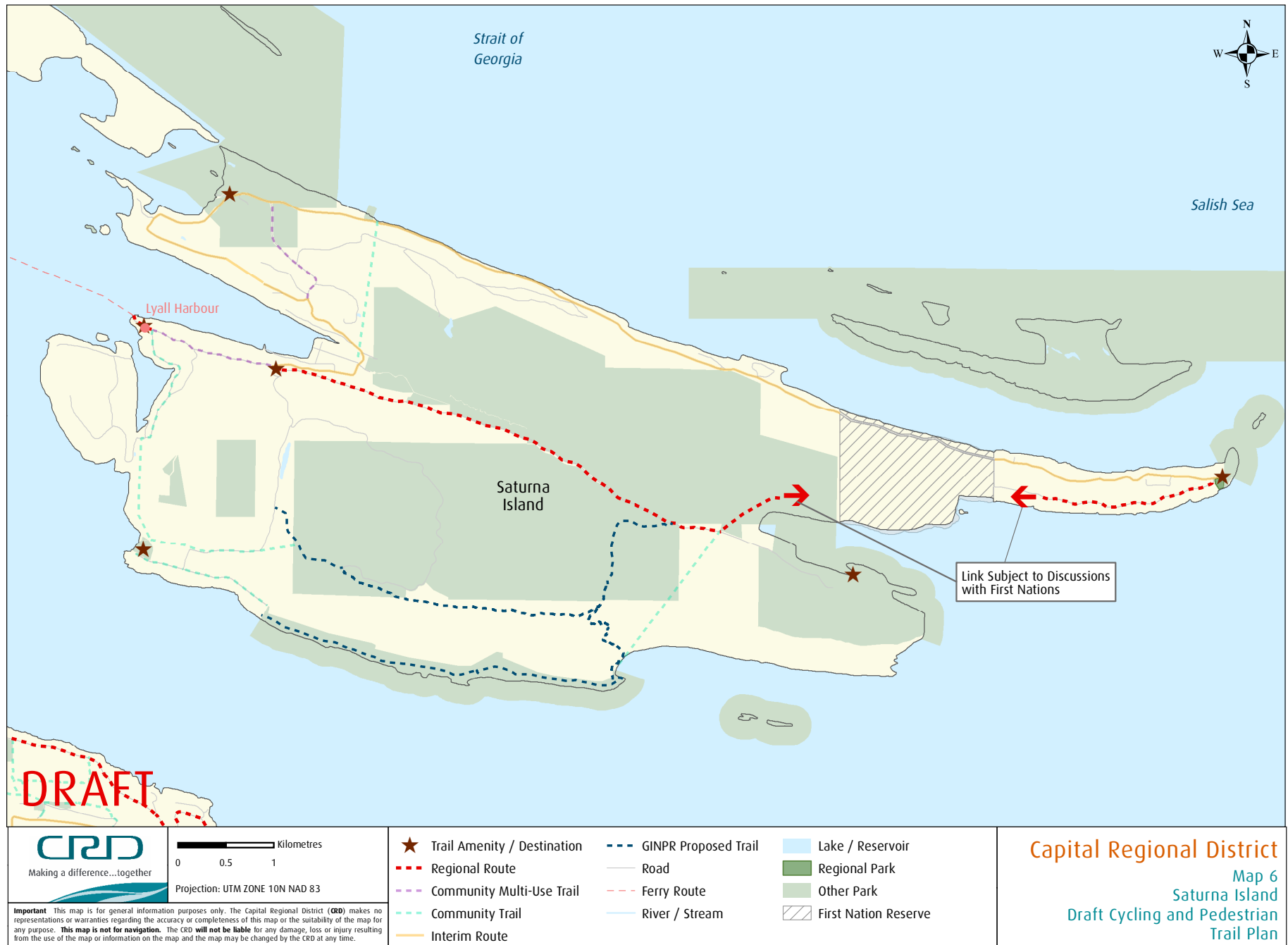
Map 4: Proposed Mayne Island Trail Vision



Map 5: Proposed Galiano Island Trail Vision



Map 6: Proposed Saturna Islands Trail Vision



Next Steps

The draft Southern Gulf Islands Cycling and Pedestrian Plan is a proposal. It is now time to hear from everyone whom the plan might affect or who have an interest in the outcome of the plan. The CRD will provide opportunities for residents of the Southern Gulf Islands, the Southern Gulf Islands Economic Development Commission, all levels of government, and First Nations to provide

comments. These comments will be recorded and considered in preparing the final plan. A report on the outcome of the engagement process will be prepared and made available. The final plan will be presented to the CRD Regional Parks Committee and subsequently the CRD Board for approval.

Planning Process From Here

The following flowchart illustrates the process for the next stages of the trail planning process.





For more information:

CRD Regional Parks
490 Atkins Avenue
Victoria, BC V9B 2Z8
T: 250.478.3344
crdparks@crd.bc.ca
www.crd.bc.ca/parks



Islands Trust

BYLAW REFERRAL FORM

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

Island: Salt Spring Island Local Trust Area Bylaw No.: 480 Date: August 11, 2014

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

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee

PURPOSE OF BYLAW:

To implement the Riparian Areas Regulation on Salt Spring Island

The Salt Spring Island Local Trust Committee (LTC) has reviewed existing Riparian Area Regulation (RAR) Assessments done on Salt Spring Island, regulations protecting riparian areas on Salt Spring Island, and recommendations made by Qualified Environmental Professionals who recently completed stream mapping activities on Salt Spring Island. Based on the evidence, the LTC proposes a 30-15-5 approach to implementing the RAR on Salt Spring Island. A 30m width Development Permit Area is proposed to be applied to the riparian area bordering lakes, mapped wetlands, and large streams; a 15m width Development Permit Area is proposed to be applied to the riparian area bordering minor streams and tributaries; a 5m width Development Permit Area is proposed to be applied to mapped ditches.

GENERAL LOCATION:

Salt Spring Island

LEGAL DESCRIPTION:

This Bylaw applies to: Salt Spring Island, Channel Islands, Deadman, First Sister, Goat, Grace, Idol, Russell, Second Sister and Third Sister Islands, Isabella Islets and other named and un-named islands and islets, and the surface of water within Electoral Area "F".

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

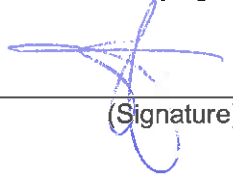
Bylaw No. 434

OTHER INFORMATION:

Attached is a copy of Proposed Bylaw No. 480 at First Reading.

For further information please visit: <http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/projects-initiatives/riparian-areas-regulation-implementation.aspx>

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


(Signature)

Name: Stefan Cermak

Title: Island Planner

This referral has been sent to the following agencies:

Federal Agencies

Fisheries & Oceans, Canada - Pacific Region

Regional Agencies

Capital Regional District – all referrals
Island Health (VIHA)
Cowichan Valley Regional District

Provincial Agencies

Agricultural Land Commission
Ministry of Agriculture
Ministry of Environment
Ministry of Forests, Lands and Natural Resource Operations
Ministry of Transportation & Infrastructure
Ministry of Community Sport and Cultural Development

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee for Kuper Island
Municipality of North Cowichan

PLEASE TURN OVER

119

Non-Agency Referrals

North Salt Spring Waterworks District

First Nations

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

BYLAW REFERRAL FORM

RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Local Trust Area

(Island)

480

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

STAFF REPORT

Date: August 22, 2014

File No.: 6500-20-LUB
Amendment –
Contractor Yards

To: Galiano Local Trust Committee
For the meeting of September 8, 2014

From: Robert Kojima,
Regional Planning Manager

CC: Kim Farris
A/Planner 2

Re: Home Based Contractor Yards

Purpose

The purpose of this report is to update the LTC on the status of the project and to provide options on proceeding. The purpose of the project is to address the issue of home-based contractor yards and to consider options to amend the Galiano Island Land Use Bylaw to accommodate them. Staff have reviewed the background, identified issues and provided policy and regulatory options in a number of previous previous staff reports; a draft bylaw was also considered by the LTC but did not proceed to public hearing. The LTC subsequently decided to re-consider the options through stakeholder consultation. Background can be found on the website: [Project page.](#)

Background

At the May 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. At the meeting of July 7, 2014 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 have written to staff indicating that they no longer wish to participate in the Stakeholder Group.

Staff advice is that proceeding with a two person Stakeholder Group would not be viable: 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 project timeline endorsed in July has already effectively been delayed and would need to be adjusted, whichever option the LTC decides upon. 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.

The LTC has a number of options.

Options

1. **Re-advertise for Stakeholder Group members.** The LTC could request that staff re-advertise for volunteers willing to participate in the stakeholder group. Given the limited response to the previous advertising this may not be effective unless the local trustees are aware of, or could encourage, potential volunteers who may be interested. The implications of proceeding with this option are that the project would be delayed and the timeline would need to be revised. The risk is that again an insufficient number of persons may volunteer representing an incomplete cross-section of interests.
2. **Proceed with bylaw amendments.** The LTC has considered a variety of options previously, including having a draft bylaw prepared. The LTC could request that staff report back with a summary of the various options and recommendations on the preferred amendment(s). This approach would imply that the LTC is willing to proceed with at least considering amendments to address the issue. Consultation would be limited to the standard community information meeting(s) and a public hearing. The bylaw amendments could not be adopted prior to the local government elections in November, effectively forwarding the issue to the next LTC.
3. **Undertake further consultation.** In the absence of an effective stakeholder group to provide recommendations, the LTC could proceed with further consultation at its own initiative. This could take two forms, first the LTC could consult itself with stakeholders through the mechanism of one or more community information meetings; alternately, the LTC could request that staff undertake consultation and report back, this could take the form of a survey and meetings with stakeholders. Either approach would effectively defer the project into the next term. If the LTC requested that staff undertake consultation, the results could be presented early in the new term to the next LTC.
4. **Defer the Project.** With end of the term approaching, the LTC could retain the project as a Top Priority, but request that staff undertake no work until the new year. Effectively this would allow the next LTC to revisit the issue, review the existing background and reports already prepared and decide on a course of action early in its term.

5. **Proceed no further.** The LTC could resolve to not proceed any further with this project, presumably having considered the policy and regulatory options and determining that there is no preferred means of permitting the use out-right within residential zones. The implications would be that enforcement where there are existing bylaw files would become a priority for enforcement staff, and operators would be faced with two options to comply: cease the use or apply to rezone or for a temporary use permit.

Staff Comments

Although the LTC has not had the benefit of recommendations of a stakeholder group, the issue remains an outstanding concern and further review of the options and consultation could be beneficial in arriving at an LTC decision. However, given the timing of the local government election (November 15), proceeding with any of options 1, 2 or 3 would effectively defer any decision on policy or regulatory changes to the next LTC. Even option 5 (proceed no further) could have this outcome: if an operator were to make an application, particularly in the absence of a policy framework in which to consider applications, the LTC of the day would be effectively faced with the same issues. Consequently staff are recommending that the project remain a Top Priority until the next LTC has an opportunity to review its Work Program early in the new year and decide whether or not to proceed with the review, but that no work be done until then.

Recommendation

1. THAT the Galiano Island Local Trust Committee request that no further work be done on the Home-based Contractor Project until January 2015, and at that time staff report back to the new Local Trust Committee.

Prepared and Submitted by:



Regional Planning Manager

August 22, 2014

Date



Islands Trust

Print Date: Aug-28-2014

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.	Feb-03-2014	Kim Farris Robert Kojima	Dec-01-2014	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



Applications w/ Status - Galiano Island Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2013.6	Landworks Consultants Inc. Planner: Kim Farris	Dec-13-2013	4150 BODEGA BEACH DR

Planning Status

Status Date: Aug-27-2014

PLA received. DP staff report on september agenda

Status Date: Dec-20-2013

Awaiting processing until approved subdivision PLA.

Status Date: Dec-18-2013

Opened file and gave to Planner

File Number	Applicant Name	Date Received	Purpose
GL-DP-2014.3	Shaw Cablesystems G.P. Planner: Kim Farris	Aug-13-2014	To install a new fiber optic cable from Galiano to Mayne Island.

Planning Status

Status Date: Aug-28-2014

Staff reviewing file

Status Date: Aug-13-2014

recieved application, notified LTC, processed fees

Development Variance Permit

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

GL-DVP-2013.1

Michael Norgang

Jan-22-2013

70 Bluff Rd To vary the front lot setback line to accomodate existing dwelling.

Planner: Kim Farris

Planning Status

Status Date: Jun-12-2014

Applicant contacted planner to advise that they are still working on a submission and would like application to remain open.

Status Date: May-09-2014

Emailed application closure letter to applicant. If no response by June 30, 2014, the application will be closed.

Status Date: Dec-18-2013

Waiting for updated site plan as applicant must conform to maximum lot coverage. Site plan expected early 2014.

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: May-06-2014

Staff to review final feasibility study submitted May 1, 2014. Staff awaiting CRD comments and draft Housing Agreement prior to scheduling CIM and PH.

Status Date: Dec-09-2013

Staff awaiting final feasibility study

Status Date: Nov-14-2013

CIM held on Nov 16, Draft Feasibility study submitted

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

Planning Status

Status Date: Aug-28-2014

Both covenants received. staff report to sept meeting

Status Date: Jun-09-2014

LUB bylaw given second reading, awaiting issuance of PLA and additional information from the applicant prior to scheduling CIM and PH

Status Date: Nov-18-2013

Bylaws given first reading. Awaiting issuance of PLA prior to CIM and PH

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2012.1	Louis Gothier c/o Ron Taylor Planner: Kim Farris	May-01-2012	275 BLUFF RD & 351 BLUFF RD A boundary Adjustment

Planning Status

Status Date: Aug-26-2014

Final letter sent to MOTI

Status Date: Aug-21-2014

Covenant registered

Status Date: Jul-30-2014

Covenant registered. Waiting for update property title from applicant's lawyer to confirm covenant registration

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

Planning Status

Status Date: Aug-28-2014

request for 10 percent frontage waiver on sept agenda

Status Date: Jun-13-2014

Subdivision plan to be upadted showing a lot 8 for community park and an access to the ocean along the north end of the property.

Status Date: Apr-25-2014

Applicant revised subdivision plan with new access to shore/dedicated road access for RR lots.

Islands Trust
LTC EXP SUMMARY REPORT F2015
Invoices posted to Month ending August 2014

625 Galiano	Invoices posted to Month ending August 2014	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	500.00	0.00	500.00
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	2,500.00	1,927.25	572.75
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	574.69	-74.69
65220-625	LTC - Local Exp - Communications	300.00	129.18	170.82
65230-625	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>4,050.00</u>	<u>2,631.12</u>	<u>1,418.88</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>

Date: August 16, 2014

File No.:

To: Galiano Island Local Trust Committee
For the meeting of September 8, 2014

From: Robert Kojima
Regional Planning Manager

CC: Kim Farris
A/ Planner 2

Re: 2015-2016 Budget Requests

Purpose

Local trust committees have been requested to submit project budget requests for the next fiscal year (2015-16).

Local Trust Committee Expense Budgets:

A budget for the Local Expense Account has been developed based on the current budget (2014/15) – copy attached. Local Trust Committees may request changes to this allocation, however, consideration should be given to historical spending and a rationale provided for making such a request.

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

LTC Projects Budgets:

The Local Trust Committee will need to make funding requests to support anticipated project work. When considering new work items for the 2015/16 fiscal year, the LTC is asked to consider the following:

- A new local trust committee will be sworn-in in December 2014; therefore, priorities could potentially change after the new LTC sets its priorities. Essentially, the existing LTC will be responsible for ensuring that the incoming LTC has sufficient funds to undertake work program items.
- The new LTC will have an opportunity to amend these requests after being sworn-in in December and prior to the Financial Planning Committee meeting in February 2015.

- Projects planned for the current fiscal (2014/15) which are not completed should be considered as a new project for the 2015/16 fiscal year with resources allocated to support that work.

Budget Request Timeline:

July - Aug	Regional Planning Managers develop detailed budget estimates for consideration by Local Trust Committees
Aug to Sept	Local Trust Committees review and approve budget requests at LTC meeting
Sept 22	2014 Budget requests submitted to the Director of Local Planning Services
Oct 14	Management finalizes budget recommendations to FPC
Oct 21	Draft Budget and Program List submitted to FPC
Oct 29	FPC reviews and discusses first draft of the Budget
Nov 12	FPC approves a draft Budget and principles to be submitted to December Trust Council
Dec 3	Trust Council debates and endorses budget principles and preliminary budget

LTC Budget Requests

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

- On-going Top Priority projects that are currently not anticipated to be completed in the current fiscal year and an estimated amount sufficient to complete the projects;
- Other projects from the Projects list that could become Top Priorities in next fiscal year have been identified in a general way, with an amount sufficient to undertake the project.

The LTC should review the draft budget requests and:

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

Resolution Wording

1. THAT the Galiano Island Local Trust Committee approve and forward the draft 2015-16 LTC Project Budget Request to the Financial Planning Committee as presented; or
2. THAT the Galiano Island Local Trust Committee revise the draft 2015-16 LTC Project Budget Request by including (deleting) _____ with a budget of \$_____ and forward to Financial Planning Committee as revised.

Prepared and Submitted by:



Robert Kojima
Regional Planning Manager

August 16, 2014

Date

Attachments:

1. Draft 2015-16 LTC expense budget
2. Summary table of LTC project budget requests

2015/16 LTC EXPENSE BUDGET

Total 2015/16

	615-Denman	620-Gabriola	625-Galiano	630-Gambier	635-Hornby	640-Lasqueti	645-Mayne	650-N.Pender	655-Salt Spring	660-Saturna	665-S.Pender	670-Thetis	EC as LTC	LPC	
population	1095	4050	1258	313	1074	359	1112	1996	9780	359	236	372			22004
	5%	18%	6%	1%	5%	2%	5%	9%	44%	2%	1%	2%			
LTC EXPENSES **															
LTC Meeting Expenses	2,500	4,250	2,500	2,500	2,500	500	1,500	2,750	8,000	1,000	1,000	1,000			30,000
APC Meeting Expenses	750	750	500	750	750	500	750	750	2,000	500	500	500			9,000
Communications	300	750	300	300	300	300	300	300	1,250	300	300	300			5,000
Special Projects	750	2,250	750	750	750	750	750	750	4,500	750	750	750	750		15,000
Miscellaneous															0
SUB-TOTAL EXPENSES	4,300	8,000	4,050	4,300	4,300	2,050	3,300	4,550	15,750	2,550	2,550	2,550	750		59,000
Program	0	0	7,500	0	0	0	6,500	9,000	0	6,500	5,000	0	0	0	34,500
TOTAL	4,300	8,000	11,550	4,300	4,300	2,050	9,800	13,550	15,750	9,050	7,550	2,550	750	0	93,500
	5%	9%	12%	5%	5%	2%	10%	14%	17%	10%	8%	3%			

DRAFT GALIANO ISLAND LTC PROJECT BUDGET REQUEST

GALIANO		Project		Budget		Strategic Plan	Prov. Requirement	Continuation of existing OCP/LUB	Newly Adopted Policy in OCP	Notes
Project #1	Dock Review			\$	2,500.00				x	to review policies and zoning related to private moorage
Project #2	OCP Policies			\$	2,500.00			x	x	To review policies related to Forest lands not completed during OCP review
Project #3	LUB amendments			\$	2,500.00			x	x	To complete amendments to LUB to implement OCP
	TOTAL PROJECTS			\$	7,500.00					

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.

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