



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: June 1, 2015
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

			Pages
1.	CALL TO ORDER	12:30 PM - 12:35 PM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS	12:35 PM - 1:00 PM	
4.	COMMUNITY INFORMATION MEETING	1:00 PM - 1:30 PM	
4.1	Galiano Island Local Trust Committee Bylaw No. 250		
5.	PUBLIC HEARING		
5.1	Recess for Public Hearing		
5.1.1	<u>Galiano Island Local Trust Committee Bylaw No. 250</u>		
5.2	Recall to order		
6.	MINUTES	1:30 PM - 1:40 PM	
6.1	Local Trust Committee Minutes Dated May 4, 2015 (for Adoption)		4 - 19
6.2	Section 26 Resolutions Without Meeting Report none		
6.3	Advisory Planning Commission Minutes Dated May 7, 2015 (for Receipt)		20 - 22
7.	BUSINESS ARISING FROM MINUTES		
7.1	Follow-up Action List Dated May 2015		23 - 25
8.	DELEGATIONS	1:40 PM - 1:50 PM	
8.1	Bowie Keefer re: Sustainable Forestry on Galiano - Opportunities and Covenants		

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

1:50 PM - 2:15 PM

10.1 GL-SUB-2012.1 (Taylor) - Memo 26 - 28

10.2 GL-DP-2014.5 (Koster) - Staff Report 29 - 70

-----BREAK----- 2:15 PM - 3:00 PM

10.3 GL-RZ-2015.1 (Galiano Conservancy) - Staff Report 3:00 PM - 3:30 PM 71 - 88

10.4 GL-RZ-2014.1 (Crystal Mountain) - Memo 89 - 95

11. LOCAL TRUST COMMITTEE PROJECTS

3:30 PM - 4:00 PM

11.1 Galiano Island Local Trust Committee Bylaw No. 250 - Technical Amendments - Memo 96 - 98

11.2 Home-Based Contractor Yards Project - Staff Report 99 - 106

12. REPORTS

4:00 PM - 4:45 PM

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated May 2015 107 - 107

12.1.2 Projects List Report Dated May 2015 108 - 109

12.2 Applications Report Dated May 2015 (attached) 110 - 112

12.3 Trustee and Local Expense Report Dated March 2015 (attached) 113 - 113

12.4 Adopted Policies and Standing Resolutions (attached) 114 - 115

12.5 Local Trust Committee Webpage

12.6 Chair's Report

12.7 Trustee Report

12.8 Trust Fund Board Report 116 - 116

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for July 6, 2015, at the South Galiano Community Hall

- | | | |
|-----|---|-------------------|
| 15. | TOWN HALL | 4:45 PM - 5:00 PM |
| 16. | CLOSED MEETING (Distributed Under Separate Cover)
none | |
| 17. | ADJOURNMENT | 5:00 PM - 5:00 PM |



DRAFT

**Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee**

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: May 4, 2015
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

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

Members of the Public and Media Present: There were approximately 41 members of the public present and no members of the media

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:30 pm. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. Trustees and staff were introduced as well as Altus Group representative Leifka Vissers and Rogers representatives Alex Corbett and Samuel Sugita.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Paul LeBlond stated support for “residential rights on forest zoned lots” being resolved and made a top priority of the Local Trust Committee (LTC).

Doug Latta stated concern with the Rogers Cell Tower Proposal and commented that he lives within 300 metres (m) of the proposed tower. He asked everyone present to consider whether or not they would have an objection(s) to living so close to a cell tower. He mentioned that the recent Galiano Health Care Society (GHCS) Annual General Meeting (AGM) was well attended and that it is ironic that some community members want an unhealthy cell tower on Galiano.

Andrew Loveridge stated support for affordable housing and for the LTC to keep moving forward with the Galiano Land Trust project.

Louise Decario stated support for cottages being an accessory to residential use. She asked the LTC to proceed with caution when considering cottages as an outright use and to consider adding the words “accessory dwelling” to the definition of cottage in the Galiano Island Official Community Plan (OCP). She stated that she has some concern

regarding a possible increase to permitted cottage height and is looking forward to a community discussion about such.

Chuck Garland stated support for the Rogers Cell Tower Proposal. He commented that: cell coverage is a safety issue; cell phones are needed during power outages; cell phones are a convenience; and he wouldn't be enthused about living next door to a cell tower but would accept it.

Tom Hennessy stated concern with the Rogers Cell Tower Proposal. He commented that dangers associated with cell towers are mostly unknown and that Health Canada guidelines, pertaining to their effects, need to be updated. He stated concern with electromagnetic radiation (EMR) levels associated with the proposed cell tower possibly increasing over time.

Huguette Bengier stated opposition to the Rogers Cell Tower Proposal. She commented that she lives near the proposed tower but wouldn't be within the coverage area.

Ursula Deshield stated concern with the Rogers Cell Tower Proposal. She commented that: it is a contentious issue; she wouldn't want to live near a cell tower and that it would therefore be unfair to ask others to do so; and it is neither proven nor disproven that cell towers are hazardous.

Gary Coward stated opposition to the Rogers Cell Tower Proposal. He commented that Industry Canada regulations and data regarding the dangers associated with cell towers is insufficient and that Canada's moral compass has been lost.

Rose Marie Umance stated concern with the Rogers Cell Tower Proposal. She commented that the United Kingdom, France, Italy, Russia and other countries have done more research than Canada regarding the effects of EMR and have determined that there are enough risks to warrant an EMR ban in areas where children and youth are present. She advocated that cell towers be a minimum of 500 m from residences.

A member of the public stated concern with the Rogers Cell Tower Proposal. He commented that people need to consider the negative effects cell towers have on local bee populations and that it is also important to protect agricultural land and the environment in general.

Sidney Brannan stated opposition to the Rogers Cell Tower Proposal. She commented that: she is co-owner of a property located next to the proposed tower; convenience isn't a necessity; risks associated with cell towers are mostly unknown; EMR levels associated with the proposed cell tower might increase over time; and she chooses to try and preserve and protect.

A member of the public stated opposition to the Rogers Cell Tower Proposal. She commented that Galiano wants to attract and retain young families and that she is one of them and that the more Galiano becomes like everywhere else then the less attractive it will be for young families who come here because of how it is now.

Elizabeth McClelland stated opposition to the Rogers Cell Tower Proposal. She commented that the issue represents the “thin edge of the wedge” notion and that she sympathises with those who live within 500 m of the proposed tower.

Art Moses stated concern with comments made by Paul LeBlond. He commented that the issue of “residential rights on forest zoned lots” was addressed during Galiano’s OCP review process and should not be revisited by the LTC.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated April 13, 2015

The following amendments to the minutes were presented for consideration:

- Page 4, sixth paragraph – replace “Industry Canada” with “Industry Canada/ Canadian Radio-television and Telecommunications Commission (CRTC)”
- Page 4, ninth paragraph – replace “, not divided,” with “and that having a diversity of opinions does not imply division,”
- Page 7, item 11.3, fifth bullet point – replace “being permitted as” with “ ”

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions Without Meeting

None

6.3 Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated April 2015

A/Planner 2 Farris summarized the report.

Regarding No. 12, staff is working on the pamphlet.

Regarding No. 13, Short Term Vacation Rental (STVR) enforcement is on the Advisory Planning Commission (APC) meeting agenda for May 7, 2015.

There was some discussion regarding application GL-RZ-2014.1 (Crystal Mountain Society) and Regional Planning Manager (RPM) Kojima stated that the applicant is investigating the idea of land donation rather than covenanting.

Trustee Pottle stated that she would like the application to move forward without delay.

RPM Kojima responded that the applicant is working on things and that staff is waiting for the applicant to respond, which should be soon.

Elizabeth McClelland spoke on behalf of the application and stated that things are moving along and that members aren't rushing the application process.

Trustee Pottle commented that she is frustrated with process and wants action. She stated concern that the applicant has been delaying their application for 10 years and might be doing so in order to avoid bylaw enforcement.

Elizabeth McClelland responded that members are working on the application and that any delay(s) is not related to bylaw enforcement.

There was further discussion regarding:

- Process and timing;
- The application not being complicated;
- Communication and transparency;
- Applicant providing an update at the next LTC meeting;
- Trustee Pottle and Trustee Harris having done site visits and having a good understanding of the application.

8. DELEGATIONS

Chair Busheikin stated that each delegation would be permitted 10 minutes of speaking time.

8.1 Christina Stechishin re Rogers Cell Towers & Emergency Preparedness

Christina Stechishin read her delegation and submitted it in written form. She also submitted articles from the Driftwood Newspaper Special Edition dated August 2, 2006, pertaining to the 2006 wildfire on Galiano. Below is a summary of the points she raised.

Christina Stechishin stated support for the Rogers Cell Tower Proposal and commented that: increased cell phone coverage is of utmost importance to emergency preparedness, the Galiano Emergency Program and the general safety of the community in the event of a disaster; during the 2006 wildfire on Galiano, the Capital Region Emergency Service Telecommunications (CREST) radio system was not reliable due to a lack of reception on the east side of the island; Galiano firefighters and volunteers, who are prepared to risk their lives to keep us safe, would be much safer themselves and more efficient if able to communicate via cell phone; *5555 service provided by BC Wildfire Management to report wildfires would be more effective with increased cell coverage; the ability for Emergency Neighbourhood Programs to communicate via cell phone texting would increase safety and preparedness; Wireless Emergency Alerts (WEA) sent through cell networks to WEA enabled cell phones save lives; Galiano's emergency preparedness ability lags behind other southern gulf island communities due to a lack of cell phone coverage; if hydro poles and

landlines go down during a disaster, such as an earthquake, then cell phones would become a go to for contact with the outside world and search and rescue operations; many cell phones have a built in Global Positioning System (GPS), which can help to locate people even if they are unconscious; currently, there isn't a direct link between the BC Ambulance Service (BCAS) and the Galiano Health Care Centre but increased cell phone coverage could alleviate this problem; during long term power outages when landlines are down, cell phones can be charged via a number of different means (i.e.: generators, car batteries, solar chargers etc.) and thus continue to be used for emergency purposes; and if the Rogers Cell Tower Proposal is defeated then the safety of Galiano's residents will be compromised as well as Galiano's ability to offer support to residents on other southern gulf islands. In closing, Ms. Stechishin stated that it is a fact that cell phone communications play an integral role in emergency preparedness and mitigation and response and recovery operations. She implored the LTC to approve the Rogers Cell Tower Proposal in order to raise the level of community emergency preparedness and to preserve and protect all people who live on and visit Galiano.

8.2 Rose Longini re Cell Towers

Rose Longini read her delegation, which included a letter to and response from Elizabeth May, Member of Parliament (MP), and submitted it in written form. She also submitted a petition to the Trustees asking them to exercise the Precautionary Principle (PP), which garnered 214 signatures. Below is a summary of the points she raised.

Rose Longini stated opposition to the Rogers Cell Tower Proposal, asked the Trustees to exercise the PP, and commented that: for 25 years her home on Galiano has been her refuge where many people have come to reconnect with nature and to regain health; the preserve and protect values of the Islands Trust are the reason she covenanted her land, in 2001, with the Islands Trust Fund; the threat of a cell tower being 500 m from her land causes her great pain and sense of loss; cell towers spread blight on the health and beauty of the planet; past LTCs have consistently opposed cell towers; the staff report neglected to mention the PP as a source of local authority; Galiano's Land Use Bylaws (LUBs) and the PP, as spelled out in Galiano's OCP, can keep Galiano cell tower free for current and future generations; she consulted with Gary Holman, Member of the Legislative Assembly (MLA) who vowed his support of the democratic right of citizens to oppose a cell tower near their homes; and she wrote to and received a response from Elizabeth May, MP who advised exercising the PP.

8.3 Elizabeth Latta re Cell Towers

Elizabeth Latta read her delegation and submitted it in written form, below is a summary of the points she raised.

Elizabeth Latta stated opposition to the Rogers Cell Tower Proposal and commented that: democracy means that members of the public have a right to voice the way(s) in which they are governed; democratic institutions have been attacked and undermined in recent years; democracy in the Islands Trust Area is delivered via the Islands Trust Act and a mandate to preserve and protect communities; Trustees are entrusted to follow the democratic intentions of their

community; LTCs have exclusive authority to plan and regulate land use development, including OCPs; Galiano's OCP states that cell towers are not a permitted use in any zone; the rule of law, according to Galiano's OCP and LUBs states that the Rogers Cell Tower Proposal must be defeated; if the federal government has the final say regarding the siting of cell towers, regardless of a communities democratic wishes, then the federal government is marginalising the democratic process and we must not let that happen; and this process should undoubtedly result in the LTC upholding the democratic wishes of the community of Galiano where people have the right and expectation to live in a place whereby the democratic rule of law is followed and respected.

8.4 Brad Lockett re Cell Towers

Brad Lockett read his delegation and submitted it in written form, below is a summary of the points he raised.

Brad Lockett stated opposition to the Rogers Cell Tower Proposal and commented that: he is looking forward to a conclusion of process; the staff report is incomplete because it does not mention several legal cases whereby the federal government has not trumped local bylaws; a letter of understanding exists between Industry Canada and Trust Council (TC), which says in Section 3.1 "Industry Canada does not play a direct role in land use consultation"; he consulted a lawyer at West Coast Environmental Law and received advice directing him to precedent setting cases (i.e.: WHITE VS CHATEAUGUAY (VILLE)) whereby it is clear that a community can take ownership of its land use decisions; and Trustee Pottle and Trustee Harris are Galiano's land use authority and need to uphold Galiano's bylaws.

8.5 Nadia Krebs re Cell Towers

Nadia Krebs read her delegation and submitted it in written form, below is a summary of the points she raised.

Nadia Krebs stated opposition to the Rogers Cell Tower Proposal and commented that: she is thankful to Christina Stechishin for raising awareness regarding the need for better communications pertaining to emergency response and preparedness; she was a paramedic for 12 years and understands the frustration and consequences of insufficient communications; firefighters, emergency response volunteers, ambulance personnel and paramedics all deserve the best resources possible; perhaps there will always be insufficient cell phone service on Galiano and our community will always face adversities associated with living on a long bumpy island; Galiano is a community that comes together in times of crisis and right now our neighbours, friends and maybe even enemies need a collective voice to prevent them from being forced to live next to an EMR emitting cell tower; the people who live near to the proposed cell tower should be the only ones to decide whether or not it is permitted; yes, Galiano is a community with a communication problem but no, Galiano won't be divided; the Rogers Cell Tower Proposal needs to be defeated; and the community needs to find a plan B. In closing, Ms. Krebs questioned why the owner of District Lot (DL) 12 is allowed to facilitate such a proposal, which is a flagrant attempt to bypass Galiano's bylaws.

8.6 Joan Robertson re Cell Towers

Joan Robertson read her delegation and submitted it in written form, below is a summary of the points she raised.

Joan Robertson stated opposition to the Rogers Cell Tower Proposal and commented that: Medi-Alert operates through a landline and is available to those who fear lack of connectivity; Telus Corporation is pouring money into British Columbia (BC) and plans to maintain current landlines whilst also adding new services; until there is a sensible way to increase cell coverage on Galiano, it is important for people who live in cell phone dead-zones to take personal responsibility; it was shown in 2002, that due to Galiano's topography, dead-zones would not be completely eradicated by placing a cell tower on Stockade Hill; the Rogers Cell Tower Proposal has yet to prove that the proposed tower would benefit more than a few people; Industry Canada does not necessarily have the final say and there is precedent suggesting so (i.e.: WIND application not being approved by the City of Burnaby); scientists, researchers and European governments suggest a cautious approach to electromagnetic field (EMF) and/or EMR exposure; Galiano has an opportunity to be mostly EMF and EMR free and such could permit new business opportunities for services relating to the restorative powers of nature; the people who live near to the proposed cell tower should be the only ones to decide whether or not it is permitted and it is their right to be guided by the PP; most residents live on and are drawn to Galiano because of its natural beauty and lack of pollution; Galiano has never had complete cell coverage and everyone who lives here or moves here knows that; cellular technology is not a saviour, it's a tool; and urged the Trustees to come up with a cellular technology plan that benefits the whole community without harm.

8.7 Altus Group (with Beacon & CREST)

Altus Group representative Leifka Vissers and Rogers representative Alex Corbett spoke on behalf of the Rogers Cell Tower Proposal. PowerPoint slides were used to assist with the presentation of information, below is a summary of the points they raised.

Leifka Vissers and Alex Corbett commented that: there were complaints about cell phone coverage dead-zones on Galiano, which were then identified, and it was determined that a new cell tower and site was needed; it was determined that an existing tower and site existed on Stockade Hill, with the existing tower having a height of 29 m; in order to provide increased coverage, the existing 29 m tower would need to be replaced with a new 34 m tower; it was determined that the Stockade Hill site, with a new 34 m tower would meet all criteria for increasing coverage; site selection research determined that Stockade Hill was the only site that met all criteria; the existing Stockade Hill site and 29 m tower meets Health Canada requirements; the proposed tower would be a self-support tower and signal levels, measured at the base of the tower, would be a fraction of 1% of what is deemed safe for health; the proposed tower would be difficult to see on a cloudy day; anticipated indoor coverage, with the proposed tower in place, would be improved; anticipated outdoor coverage, with the proposed tower in place, would be greatly improved and result in most of Galiano being covered; Galiano's emergency services would benefit from increased cell coverage.

Chair Busheikin thanked everyone for their delegations.

Note: there was a break at 2:20 pm and the meeting reconvened at 2:40 pm.

9. CORRESPONDENCE

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

10. APPLICATIONS AND REFERRALS

10.1 Mayne Island Local Trust Committee Bylaws No. 161 & 162 Referral

Chair Busheikin provided information.

GL-2015-028

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee considered Mayne Island Local Trust Committee Bylaw Nos. 161 and 162 and decided Interests Unaffected by Bylaws.

CARRIED

10.2 Roger's Cell Tower

A/Planner 2 Farris provided information from the Staff Report and mentioned that CREST and Beacon Wireless (Internet Services) are interested in co-location on the proposed cell tower. She made it clear to the LTC that the letter of understanding between Industry Canada and TC is reflected in Industry Canada's Radio and Broadcasting Antennae Systems document. She also drew attention to Section 3.3 of the letter of understanding.

Chair Busheikin invited additional comments from Rogers representative Alex Corbett, CREST representative Bill Sidaway and Beacon Wireless representative Sig Luft.

Alex Corbett commented that: anticipated outdoor coverage would result in almost blanket coverage of Galiano, which is great for emergency services; Canada is leading the field in regards to cellular technology health and safety guidelines; cell phones have been made less powerful over time; cell towers transmit less energy than cell phones; in order for someone to be exposed to energy levels that equal those emitted by a single cell phone, s/he would have to be next to the proposed tower antennae's at a height of 34 m; emitted energy levels from the proposed tower would drop significantly as you move away from it (formula: 1 over distance to the power of 4); and studies suggest that the amount of energy that would be emitted from the proposed tower is safe and poses no risk to health.

Bill Sidaway commented that: since 2002, he has been the Network Operations Manager for CREST; improving radio system coverage requires infrastructure; CREST is transitioning to intercommunication format P25, which is the new public standard for safety; CRESTs existing tower on Galiano needs to be

upgraded regardless of what happens with the Rogers Cell Tower Proposal; CREST wants to improve emergency services on Galiano; CREST wants their tower to be a transmit and receive site, not just a one way site; CREST is not for profit; and Industry Canada encourages co-location and CREST can save money by doing so.

Sig Luft commented that: he is the owner of Beacon Wireless, which is located on Salt Spring Island and provides internet service to the Southern Gulf Islands; Beacon Wireless is interested in co-location on the proposed Rogers cell tower; Beacon Wireless has made a Connecting Canadians application to Industry Canada; Beacon Wireless has no coverage at the south end of Galiano and would like to change that; and co-locating on the proposed Rogers cell tower would allow Beacon Wireless to provide increased internet service to Galiano.

Trustee Harris asked if internet service, on the east side of Galiano, would be improved and Mr. Luft responded that it would somewhat, and that a cross-section is intended, but that repeater transmitters located on Mayne Island might be needed.

Chair Busheikin invited additional comments and/or questions from the public.

A member of the public asked how much money is involved for all parties associated with the Rogers Cell Tower Proposal, including the landowner and co-locators.

Leifka Vissers responded that the amount of money involved is confidential, including rates, except fees for co-location.

There was some discussion regarding monies, rates and remunerations involved.

Chair Busheikin stated that such is not of LTC concern.

Elizabeth Latta asked for more information regarding what P25 means.

Bill Sidaway responded that P25 blends and standardises protocol so that many different types of telecommunications connections can be made and that channels are dormant unless they're active. He mentioned that because P25 works with many different types of telecommunications connections, additional towers would not be needed.

Tom Hennessy asked for more information regarding energy transmission and if smart phones are more harmful than cell phones that do not have internet.

Alex Corbett responded that: the general answer is no and that new smart phones are getting better; smart phones work harder/emit more energy the further away they are from a cell tower; voice transmission occurs via data channels; and smart phones permit additional methods of communication from voice transmission, such as texting, which does not require the user to hold the phone to their ear.

Kiyo Okuda stated concern with the Rogers Cell Tower Proposal and cell towers in general. He also stated concern with there being no discussion pertaining to the limiting of co-locator antennae's.

There was some discussion regarding the potential for further co-locators.

Trustee Pottle stated that the Rogers Cell Tower Proposal isn't a joint application and asked that discussion remain focussed on Rogers.

Doug Latta stated that in 2002 and 2006, the LTC accepted guidelines requiring cell towers to be a minimum of 500 m from homes.

There was some discussion regarding the clarity of 2002 and 2006 guidelines.

Gary Coward asked for more information regarding if one of Rogers objectives is increased receptivity and connectivity for BC Ferries.

Alex Corbett responded that the primary objective of the application is to provide increased cell coverage to Galiano.

A member of the public asked why the proposed cell tower would be located at one end of the island, not in the middle.

Alex Corbett responded that it is due to Galiano's topography and that in such cases, Rogers focuses siting on areas with the densest population.

There was some discussion regarding Rogers ability to accurately predict anticipated increased indoor/outdoor coverage beyond a 5 kilometre (km) range.

Brad Lockett asked, with regards to the existing CREST tower and any future CREST towers, if such were/are subject to public process.

Bill Sidaway responded that he didn't know if CRESTs existing tower was subject to public process in 2008. He stated that public process is initiated for modifications to existing towers and for applications for new towers.

There being no further comments, Chair Busheikin closed the additional commenting session.

Trustee Pottle commented that: the petition received by the Trustees asking them to exercise the Precautionary Principle (PP), which garnered 214 signatures, is sizable; she believes Rogers has fulfilled process obligations; and Elizabeth May, MP has taken an interest and can address related issues (i.e.: health risks) with Industry Canada.

GL-2015-029

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee confirms that Rogers Communications followed the Procedural Guidelines adopted by the Galiano Island Local Trust Committee in March 2002 for Cellular Phone Antennae Proposals. The Galiano Island Local Trust Committee does not support the Rogers Cell Tower Proposal for the following reasons: 1. The proposed cell tower is not a permitted use in any zone on Galiano Island; 2. At the March 14, 2015 Community Information Meeting, Rogers was provided the opportunity to present a proposal to the Galiano community but failed to establish a compelling case that the proposed cell tower would provide significant benefit.

Chair Busheikin invited the Trustees to discuss the motion.

Trustee Harris commented that: he is in favour of cell phones and cell towers and that he wouldn't mind if a cell tower were placed on his front lawn; being a Trustee is not a popularity contest; Trustees have to make decisions that are in the best interest of the community; he supports the Rogers Cell Tower Proposal; and he wished all information had been received prior to today's meeting, especially regarding anticipated coverage.

Chair Busheikin commented that: she uses cell phones and wouldn't oppose a cell tower being next door to her home; Rogers has made a compelling case; she's here to represent Galiano, Galiano's bylaws and the will of the community; respects that cell towers are not a permitted use on Galiano; and she does not support reason number two (2) being in the motion.

GL-2015-030

It was MOVED and SECONDED,

THAT, the motion be amended by removing reason number two (2).

Chair Busheikin invited the Trustees to discuss the amending motion.

Trustee Pottle commented that: she is opposed to the amendment; Chair Busheikin did not attend the March 14, 2015 Community Information Meeting (CIM); she wants Elizabeth May, MP to defend Galiano and address this issue with Industry Canada; she is here to defend what people don't want in their neighbourhoods; she is appalled at the amount of time and money corporations are willing to spend on trying to bypass Galiano's bylaws to get things like this approved; this is a land use issue and some case law does exist; and Rogers used CREST, Beacon Wireless and the lure of improved emergency services to their favour and corporate interest, which has divided the community.

Trustee Harris commented that he is in favour of the amendment.

The question on the motion as amended, was then called,

CARRIED
Trustee Pottle, Opposed

The question on the following motion, as amended, was then called:

GL-2015-031

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee confirms that Rogers Communications followed the Procedural Guidelines adopted by the Galiano Island Local Trust Committee in March 2002 for Cellular Phone Antennae Proposals. The Galiano Island Local Trust Committee does not support the Rogers Cell Tower Proposal for the following reason: 1. The proposed cell tower is not a permitted use in any zone on Galiano Island.

CARRIED
Trustee Harris, Opposed

There was some discussion regarding:

- Potential flaws with process;
- Initiating a conversation with the community about whether or not cell towers should be permitted but not within 500 m of homes;
- The Projects List.

The LTC thanked the Galiano community for their input.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Secondary Suite Review

RPM Kojima provided information from the staff report.

GL-2015-032

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee requests staff to refer Draft Bylaw No. 254 and Draft Bylaw No. 255 to the Galiano Island Advisory Planning Commission for comment.

CARRIED

There was some discussion regarding process, timeline and project charter guidelines.

GL-2015-033

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee requests staff to schedule an Open House and Community Information Meeting for Draft Bylaw No. 254 and Draft Bylaw No. 255.

CARRIED

There was some discussion regarding process and a draft Galiano Island Secondary Suites FAQs flyer. RPM Kojima asked the Trustees to review the draft flyer for potential edits.

11.2 Cottage Review

RPM Kojima provided information from the staff report.

There was some discussion regarding:

- Water cisterns being required in water management areas;
- The word “accessory” meaning exclusive to primary use and there no longer being that connection between a cottage and a dwelling;
- The OCP definition of cottage doesn’t include the word “accessory”.

GL-2015-034

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee requests staff to refer Draft Bylaw No. 242 and Draft Bylaw No. 243 to the Galiano Island Advisory Planning Commission for comment as well as schedule an Open House and Community Information Meeting.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1. Top Priorities Report Dated April 2015

Provided for information.

12.1.2. Projects List Report Dated April 2015

Provided for information.

GL-2015-035

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee requests staff to add a new item called “Telecommunications Strategy” to the Projects List and that a related “Telecommunications Strategy” Special Advisory Group with Terms of Reference be formed.

CARRIED

12.2 Applications Report Dated April 2015

A/Planner 2 Farris provided information.

Regarding GL-DP-2014.5 (Koster), the applicant is moving forward with providing an environmental assessment to restore the shoreline Development Permit Area.

12.3 Trustee and Local Expense Report Dated March 2015

Provided for information.

12.4 Adopted Policies and Standing Resolutions

Provided for information.

12.5 Local Trust Committee Webpage

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

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

12.6 Chair's Report

Chair Busheikin reported that the Executive Committee (EC) is working hard to respond to Trustees regarding requests to allow more time for discussion of the Strategic Plan. She stated that the EC will be having a discussion with BC Ferries Mike Corrigan, President and Chief Executive Officer (CEO) and Deborah Marshall, Director Media Relations.

12.7 Trustee Report

Trustee Pottle reported that she has been working hard and that most of her time has been dedicated to issues surrounding the Rogers Cell Tower Proposal.

Trustee Harris reported that: he met with Brad Boyden from the Ministry of Transportation and Infrastructure (MoTI) regarding parking/emergency access issues at Sturdies Bay and Montague Harbour and that Mr. Boyden told him it is a Capital Regional District (CRD) issue; he will now contact the CRD regarding parking/emergency access issues at Sturdies Bay and Montague Harbour; local highways could put an angled parking pilot program in place, which would increase parking; parking/emergency access issues at Sturdies Bay and Montague Harbour might fix themselves if schedules for specific ferry sailings are adjusted; the Tour des Iles pilot project will take place June 18-21 and will connect all of the Southern Gulf Islands for four days via shuttles to all CRD docks.

12.8 Electoral Area Director's Report

None

12.9 Trust Fund Board Report April 2015

Provided for information.

13. NEW BUSINESS

13.1 Input to Strategic Plan – RFD

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

There was some discussion regarding:

- Trustee education regarding what their purpose and focus should be;
- Community education regarding the role of Trustees and where they fit into the big picture;
- The Islands Trust being an eco-government and the need to protect the Islands Trust Area, which is a special place;
- Concern regarding the direction of the Islands Trust;
- Not losing sight of the Islands Trust mandate, which is to preserve and protect;
- Groundwater issues being important;
- Concern regarding increased tanker traffic;

- Strategic Planning at Trust Council (TC) on Gabriola being underwhelming and unsatisfying;
- Concern regarding Salt Spring Islands incorporation study and timeline;
- Islands Trust Victoria office coming up for lease;
- Process in general;
- Alternative energies and green building solutions;
- Protection of the Coastal Douglas-fir Zone.

RPM Kojima commented that this is TCs strategic plan and that Trustees are being asked to determine if anything is missing from it.

A member of the public asked the LTC to consider a framework of “we are islands” and whether or not the pyramid diagram is necessary.

13.2 Board of Variance Memberships Expiring – Memo

Provided for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for June 1, 2015, at 12:30 pm, at the Galiano South Community Hall

The meeting is scheduled as stated.

15. TOWN HALL

Debbie Holmes stated concern with a conversation between Trustee Harris and a CRD representative.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

GL-2015-036

It was MOVED and SECONDED,

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

- Adoption of In-Camera Meeting Minutes Dated March 2, 2015
- Appointment of APC Members

AND that the recorder and staff attend the meeting.

CARRIED

Note: the public was asked to adjourn at 5:07 pm.

See separate In Camera Meeting Minutes dated May 4, 2015.

16.2 Recall to Order

The meeting was recalled to order at 5:11 pm.

16.3 Rise and Report

Chair Busheikin reported that the LTC appointed Akasha Forest to the Advisory Planning Commission for a period of one year.

17. ADJOURNMENT

By general consent the meeting was adjourned at 5:12 pm.

Laura Busheikin, Chair

Certified Correct:

David Millership, Recorder



DRAFT

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

COPIED TO

☒ **PLANNER**
☒ **LTC**

☒ **DEPUTY SECRETARY**

Date of Meeting: Thursday, May 7, 2015, 11:00am
Location: Galiano Island Local Trust Office
23 Madrona Road

Members Present:

Sheila Anderson	Chair
Barry New	Member
Ursula Deshield	Member
Elizabeth Olson	Member
Dave Koster	Member
Karen Harris	Member (arrived 11:05)



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 11:00am outside the Local Trust Committee (LTC) office.

2. APPROVAL OF THE AGENDA

Chair Anderson proposed the agenda include: 1) approval of previous draft minutes of June 30, 2014; 2) election of officers for Chair and Deputy-Chair; and 3) consideration of the report with respect to the Short Term Vacation Rental (STVR) bylaw enforcement proposal.

By general consent, the agenda was approved as presented.

3. PREVIOUS MINUTES

MOTION

It was Moved and Seconded that the Galiano Island Advisory Planning Commission draft minutes of June 30, 2014, be approved.

CARRIED
(Unanimous)

4. ELECTION OF OFFICERS

After a call for nominations resulted in one nomination each for position of Chair and Deputy Chair, a motion was put forward as follows:

MOTION

It was Moved and Seconded that Sheila Anderson continue as Chair of the Advisory Planning Commission and Ursula Deshield be appointed as Deputy Chair.

CARRIED
(Unanimous)

At 11:10 the office became available and the meeting moved inside.

5. DISCUSSION OF REFERRAL FROM LOCAL TRUST COMMITTEE

The Advisory Planning Commission (APC) discussed the Staff Report prepared by Miles Drew with respect to a proposed bylaw enforcement policy for Short Term Vacation Rentals. The Staff Report had been presented to the Local Trust Committee at their April 13, 2015 meeting.

The APC discussed the allocation of resources and anticipated that the process of enforcement would naturally space itself out. The first step in enforcement would likely be notification of owners and operators.

The APC discussed how the impact of an STVR is still the same on a community regardless of the extent of advertising.

The APC considered the general provisions of the Trust Council Bylaw Enforcement Policy and Procedure 5.5.i, last revised March 2006. The group felt that any complaint should be taken seriously and investigated, and wished to remove any reference (as presented in the Staff Report referenced above) to needing two complaints before an investigation would be launched. There was consensus that only one complaint should be necessary to trigger an investigation by Bylaw Enforcement.

The APC agreed that the STVR policy should be considered as part of the Bylaw Enforcement general policy that applies to all the Trust. The APC felt that the bylaw was carefully laid out already, and encourages Bylaw Enforcement to apply the Islands Trust Bylaw Enforcement Policy with respect to STVR's.

Member Harris recommended there be an advertisement in the Active Page about the new process to encourage voluntary compliance with respect to Temporary Use Permits. Also, at the initial stage of enforcement, the APC recommends there be written notice sent to known, advertising STVR's, as well as public notices posted around island, such as the Realty Office, the Chamber of Commerce, and in the Active Page.

MOTION

It was Moved and Seconded that Bylaw Enforcement rely on the existing Trust Council Bylaw Enforcement policy with respect to Short Term Vacation Rentals, also referred to as option 1 by Miles Drew in the Staff Report.

CARRIED
(Unanimous)

MOTION

It was Moved and Seconded that the Local Trust Committee, in conjunction with staff and enforcement officers, pursue avenues to inform the public, including operators of advertised and unadvertised STVR's, of details of the new Local Trust Committee Short Term Vacation Rental policy, with the aim of encouraging voluntary compliance. This would include, but not be limited to, direct mail-outs and public notices.

CARRIED
(Unanimous)

6. NEXT MEETING DATE

Nothing scheduled.

7. ADJOURNMENT

Meeting adjourned at 12:00pm

CHAIR

DATE

CERTIFIED CORRECT:

Colleen Doty, Recording Secretary



Follow Up Action Report w/ Target Date

Galiano Island Oct-06-2014

No.	Activity	Responsibility	Target Date	Status
1	Retreat Cove Farm (Covenant Amendment) Sept 22/14 - Owners reviewing estimate for legal work and will respond to staff on decision to proceed or not (DONE) Dec 2014 - Owners have completed the cost recover agreement. Staff are in the process drafting letter to Minister to transfer covenant from the Ministry to the Islands Trust.	Kim Farris	Mar-31-2015	On Going

Nov-03-2014

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

Apr-13-2015

No.	Activity	Responsibility	Target Date	Status
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3	Galiano Conservancy Association Rezoning Application 1. Staff to generate new LUB and OCP amendment bylaw numbers. DONE 2. Staff to draft LUB and OCP bylaws.	Kim Farris Sharon Lloyd-deRosario Phil Testemale	May-29-2015	On Going
4	Home-based Contractor Yards Project 1. Staff to post amendment project charter to LTC website. DONE April 14, 2015 2. Staff to generate new OCP amendment bylaw number. DONE 3. Staff to draft OCP amendment bylaw. DONE	Kim Farris Lori Foster Sharon Lloyd-deRosario	Jun-01-2015	Done
5	Staff to draft pamphlet outlining STVR bylaw information.	Kim Farris Phil Testemale	Jun-26-2015	On Going

May-04-2015

No.	Activity	Responsibility	Target Date	Status
6	LTC adopted minutes (April 13, 2015) as amended.	Kim Farris Lori Foster	May-29-2015	Done
7	Interests unaffected for Mayne Island LTC Bylaw nos. 161 & 162.	Sharon Lloyd-deRosario	May-22-2015	Done
8	Staff to draft letter to Industry Canada & other applicable agencies for the Rogers' cell tower proposal outlining GL LTC resolution from May 4, 2015 meeting.	Kim Farris	May-22-2015	Done
9	Secondary Suite Review: 1. Staff to forward draft bylaws 254 and 255 to Galiano Island Advisory Planning Committee. DONE 2. Refer draft bylaws 254 and 255 to agencies and First Nations - Done 3. Staff to schedule a open house and community information meeting for June 13, 2015 in conjunction with the cottage review project. - Done	Kim Farris Lori Foster Sharon Lloyd-deRosario	Jun-19-2015	Done
10	Cottage Review: 1. Staff to forward draft bylaws 242 and 243 to Galiano Island Advisory Planning Committee. Done 2. Staff to refer draft bylaws 242 and 243 to agencies and First Nations. - Done 3. Staff to schedule a open house and community information meeting for June 13, 2015 in conjunction	Kim Farris Lori Foster Sharon Lloyd-deRosario	Jun-19-2015	Done

with the secondary suite project. - Done

12	Staff to add Telecommunication Strategy to GL LTC Project's List.	Kim Farris	May-29-2015	Done
13	Staff to notify Akasha Forest of APC Appointment.	Lori Foster	May-29-2015	Done



Memorandum

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

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

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

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

Date: May 5, 2015 **File Number:** GL-SUB-2012.1 (Taylor)

To: Galiano Island Local Trust Committee

From: Kim Farris
A/Planner 2

Re: GL-SUB-2012.1 – Discharge of S. 219 Covenant for Lot 2, District Lot 1, Galiano Island, Cowichan District, Plan EPP31159

A boundary adjustment subdivision (GL-SUB-2012.1) has recently been finalized and registered at the Land Title Office. As a condition to finalize the subdivision, a s. 219 covenant (CA3782457) was registered on the parent parcel to restrict development on Lot 1 to one dwelling unit. Although the covenant was registered on both lots (1 and 2), the covenant only pertains to restrictions on Lot 1 and therefore the covenant may now be discharged from Lot 2 (as stated in the covenant – Section 15).

As the subdivision is finalized and registered at the Land Title Office, the applicant is requesting the covenant to be discharged from Lot 2. In order to proceed with this request, the Galiano Island Local Trust Committee (LTC) Chair must be authorized to sign the Form C Discharge form.

Staff recommend the Galiano Island LTC adopt a motion authorizing the Chair to execute covenant on behalf of the Galiano Island LTC:

1. THAT the Galiano Island Local Trust Committee authorize the Chair of the Galiano Island LTC to execute a Form C Discharge to release Covenant CA3782457 from Lot 2, District Lot 1, Galiano Island, Cowichan District, Plan EPP31159.

Pc: Robert Kojima, Regional Planning Manager
Sharon Lloyd-deRosario, Legislative Clerk

Attachment: Form C Discharge



201 - 2377 Bevan Ave., Sidney, B.C. Canada V8L 4M9
Tel: 250-856-7231 Fax: 250-856-0937
www.henleywalden.com

Reply to: Paul E. Brunetta
Extension: # 208
Email: pbrunetta@henleywalden.com

Our File Number: 61399

April 23, 2015

VIA FAX to 250-405-5155

Galiano Island Local Trust Committee
#200 1627 Fort Street
Victoria, BC V8R 1H8

Dear Sir:

**Re: Boundary Adjustment Subdivision of Lot 6, District Lot 1 Galiano Island Cowichan District Plan VIP2418 and Lot A District Lot 2 Galiano Island, Cowichan District Plan VIP3880
Newly Created Lot 2 District Lot 1 Galiano Island Cowichan District Plan EPP31159
Covenant CA3782457
Owner: Louis Gonthier
Your file GL-SUB-2012.1**

We are pleased to confirm that the subdivision has now been registered in the Land Title Office. In accordance with Item 15 of the Section 219 Covenant the Covenant can now be released from Lot 2.

We enclose a Form C Discharge for execution and a copy of the Covenant for reference.

Once the discharge is signed kindly fax to my assistant Chris at 250-656-0937 and then mail the original.

Yours truly,

Henley & Walden LLP

Paul E. Brunetta
/ch
Enc.



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

PAGE 1 OF 1 PAGES

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

--

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Henley & Walden LLP

201-2377 Bevan Avenue

250-656-7231

61399 Gonthier ch

Sidney

BC V8L 4M9

Deduct LTSA Fees? Yes ☒**2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:**

[PID]

[LEGAL DESCRIPTION]

029-535-204

**LOT 2 DISTRICT LOT 1 GALIANO ISLAND COWICHAN DISTRICT PLAN
EPP31159**STC? YES ☐**3. NATURE OF INTEREST BEING RELEASED****Covenant****CHARGE NO.****CA3782457****ADDITIONAL INFORMATION****4. TERMS**

The charge described in item 3 is released or discharged as a charge on the land described in item 2.

5. TRANSFEROR(S):**GALIANO ISLAND LOCAL TRUST COMMITTEE****6. TRANSFEREE(S): (including postal address(es) and postal code(s))****Registered owner****7. ADDITIONAL OR MODIFIED TERMS:**

n/a

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

Officer Signature(s)

Execution Date

Y	M	D
15		

Transferor(s) Signature(s)

Galiano Island Local Trust
Committee by its authorized
signatory(ies):

Print Name:

Print Name:

OFFICER CERTIFICATION:

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

STAFF REPORT

May 22, 2015,

File GL-DP-2014.5 x-
No.: ref: GL-BP-2014.7

To: Galiano Local Trust Committee
For LTC Meeting: June 1, 2015

From: Phil Testemale A/Planner2

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

Re: Development Permit and Development Variance Permit Application

Owner: James and Vilupti Barrineau
Applicant: Dave Koster
Description: Lot B, District Lot 67, Galiano Island, Cowichan District, Plan 21944

PID: PID: 003-370-411

Civic Address: 14875 Porlier Pass Drive, Galiano Island

THE PROPOSAL:

This report is to consider a Development Permit application that includes a variance.

The owners are proposing a 19.7 m² (212.5 ft²) addition to an existing 38.6 m² (415.5 ft²) cottage on the subject property. The addition is to create a new kitchen and bath area and increase the living area in the existing cabin. The total size of the cottage will be 58.3 m² (627.5 ft²)

In addition, subsequent to a house fire that destroyed the principal dwelling on the property in 2014, numerous trees were cut and vegetation removed in multiple development permit areas adjacent to the shoreline on the property. The owners have agreed to remediate the damage to these areas through a restoration plan including the replanting of trees and ground cover.

The application has three elements:

1. Conditions for protection of sensitive habitat and construction management for the proposed addition to a dwelling (cottage) that is within the **Development Permit Area 1 (DPA) - Riparian Areas**.
2. A **variance** to the provisions of the Land Use Bylaw (specifically setbacks from watercourses) for the same proposed addition to the cottage; and
3. Recommendations for restoration of an area of the property within **DPA 2 (Shoreline)**, **DPA 5 (Sensitive Ecosystem)** and **DPA 7 (Steep Slope Hazard)** where work within a DPA was undertaken without a development permit. This included the removal of dead

or damaged trees and land alteration (clearing of vegetation) subsequent to a catastrophic fire that destroyed the principal dwelling on the property.

A copy of proposed Development Permit GL-DP-2014.5 (Koster) is attached.

BACKGROUND:

The principal dwelling on the property (site shown as “FOUNDATION” on Figure Two: Site Plan – below) was destroyed by a catastrophic fire in the fall of 2014.

In November of 2014, the Islands Trust received a Building Permit application referral from the CRD for the addition to the cottage. Upon review, staff identified that the cottage and proposed addition were both located in DPA 1 - Riparian Areas and that a DP was required for the work proposed. An application for a DP was made in late November of 2014.

As part of the requirements for this DPA, a Riparian Areas Regulation (RAR) Assessment Report (dated: February 7, 2015) was prepared and submitted to the province by Keith Erikson, R.P.Bio. This has been approved by the Provincial Ministry of Forests, Lands and Natural Resources Operations. (March 18, 2015).

The report is herein referred to as “Report One – RAR” and is posted in full at:
<http://www.islandstrust.bc.ca/media/316098/rar-assessment-report-lot-b-dl67-plan-21944.pdf>

The recommendations of this report are included as conditions in the proposed DP.

Staff conducted a site visit on November 28, 2014 and discovered extensive tree removal and clearing along the upland area adjacent to the shoreline (back approximately 30 to 40 metres). Despite the fact that the trees removed had been damaged or killed as a result of the fire, the area was in designated DP areas and that no permit had been applied for so a bylaw enforcement file was opened (GL-BE-2014.5).

Staff recommended that the applicant address this clearing by incorporating a remediation plan into the DP application for the addition to the cottage.

Keith Erikson, R.P.Bio. prepared and submitted to the Islands Trust a Development Permit Assessment Report (dated May 18, 2015 and herein referred to as: “Report Two - Restoration”) The report is posted in full at: <http://www.islandstrust.bc.ca/media/316101/development-permit-area-assessment-report-lot-b-dl67-plan-21944-galiano-island.pdf>

The recommendations of this report for replanting and remediation have been incorporated as conditions of the proposed DP.

The extent of the land alteration and tree removal is detailed in Report Two – Restoration, diagramed in Figure Three: DPAs and Land Alteration Map (below), and summarized as follows:

- Post-fire an excavator was used to remove the remaining house debris and the concrete foundation from the site.
- The areas within and immediately surrounding the foundation were groomed with the machine, removing debris along with any organic material/soil and creating a flat, smooth site appropriate for reconstruction.

- A primary excavation area was made in the location of the original house footprint suitable for the replacement of the foundation. It is approximately the same size as the original house and deck footprint.
- Machine grooming of an area surrounding the primary excavation to the north, east and west. Excavated boulders and rock material from the primary excavation area was also deposited in the groomed areas roughly to the east and west
- A total of eighteen (18) trees (deemed to be dead or a hazard trees) were removed from the areas immediately surrounding the primary excavation area.
- Ten (10) of the trees were recently cut (post fire) with stumps were observed around the primary excavation area.
- The location of the eight (8) additional cut tree stumps could not be definitively determined as the stumps were likely removed.

It is understood that the owners will be applying to rebuild the principal dwelling in the general location it previously stood within in the next few years.

SITE CONTEXT:

The property is a 2.76 ha. (6.8 acres) site that is long and rectangular in shape located at 14875 Porlier Pass Drive, on the south shore of Galiano Island approximately mid-island (see; Figure One: Subject Property). The size and configuration of neighbouring properties and those in the general vicinity vary from small lot residential to rural. Uses are all similarly residential and rural.

The property has a 38.6 m² (415.5 ft²) cottage, smaller accessory buildings (wood shed and pump houses), driveway, and excavated pond (see: Figure Two – Site Plan). Previously an approximately 160 m² principal dwelling was sited as shown as “FOUNDATION” on Figure Two.

The Trust Fund Board has a conservation covenant (NAPTEP covenant FA123467) that covers the approximate northern 60% of the subject property (see: Figures Two, Seven and “Trust Fund Board” below). The area of the covenant is representative of endangered Coastal Douglas fir ecosystem. The southern 40% has larger cleared, landscaped and cultured areas.

There are two identified riparian streams that are tributaries for a larger stream to the east. The area immediately adjacent to the shoreline has woodland (Garry oak and arbutus) sensitive ecosystems, herbaceous ecosystems and sensitive shoreline ecosystems.

Staff visited the site on November 28, 2014, (See: Photos below)

Figure One: Site Context

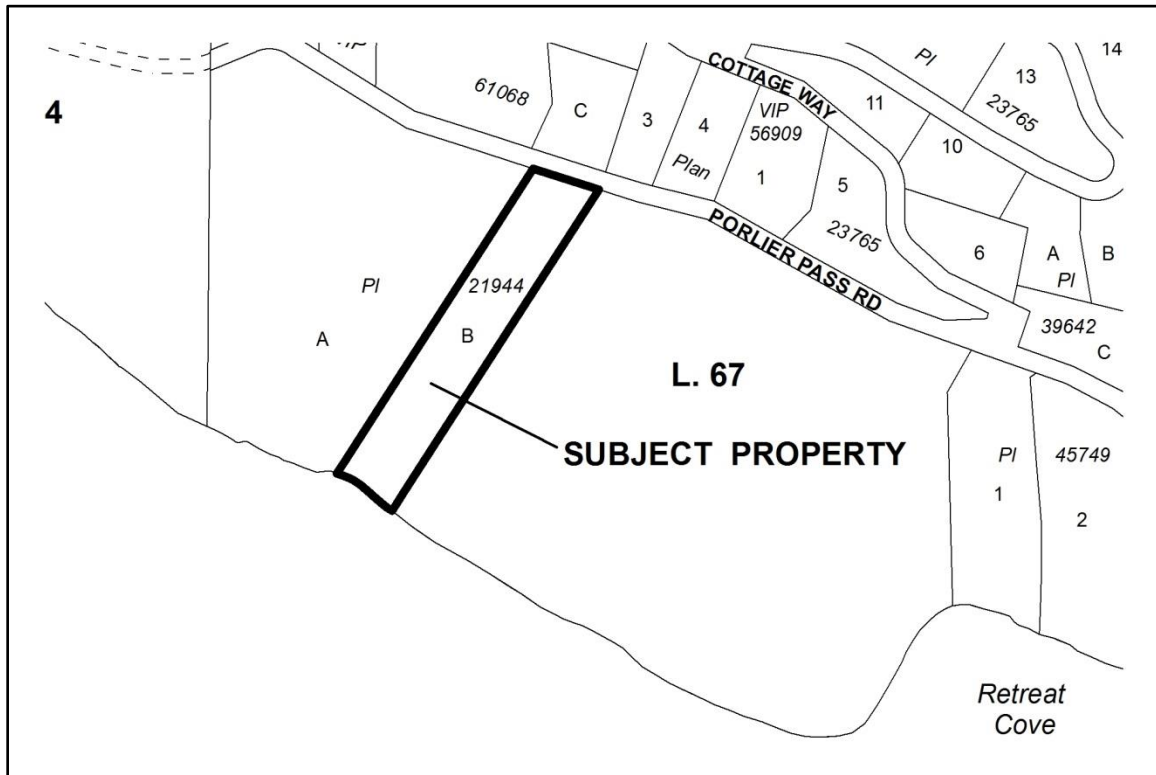


Photo One: Exiting Cottage (South)



Photo Two: Existing Cottage Showing Parking



Photo Three: Existing Cottage (Rear and West/Area of Proposed Addition)



Photo Four: Riparian Stream South of Cottage



Photo Five: Riparian Stream South & East of Cottage



Figure Two: Site Plan

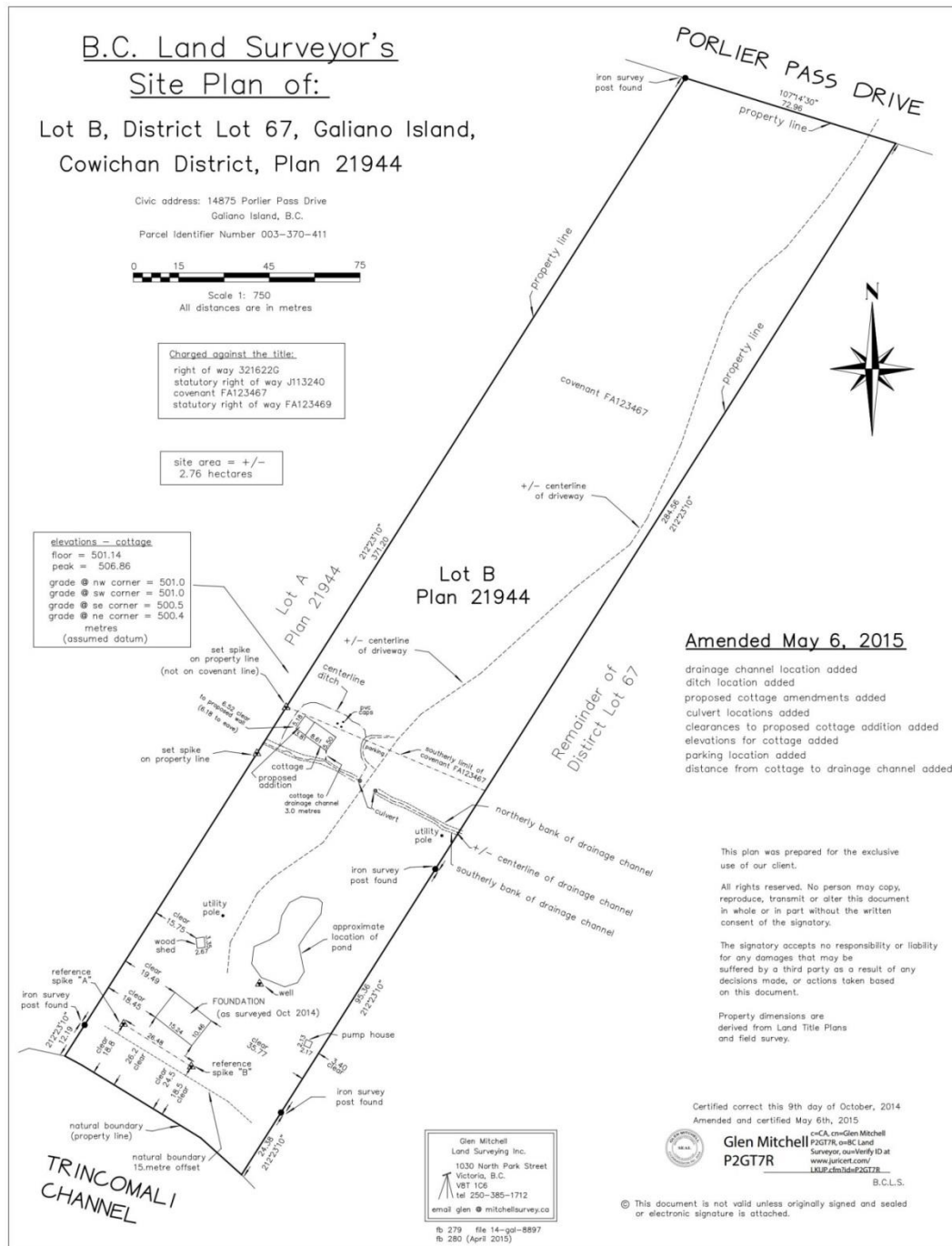


Photo Six: Tree Removal and Clearing - Looking South



Photo Seven: Tree Removal and Clearing - Looking Southwest



Photo Eight : Tree Removal and Clearing – Looking South



Photo Nine: Tree Removal and Clearing – Top of Slope



Photo Ten: Damaged and Dead Trees Cut on Site



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

- 3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area. ‘
- 3.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.3.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
- 3.4.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
- 3.4.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

The proposal for an addition to the cottage and restoration in DPAs is consistent with the above policies.

Official Community Plan

The subject property is designated as in the Galiano Island Official Community Plan Bylaw No. 108, 1995.

Development Permit Area (DPA) – Riparian —is designated on the property as shown in Figure Four – below). The objective of the DPA is to preserve and protect riparian areas.

DPA 2 (Shoreline), DPA 5 (Sensitive Ecosystem) and DPA 7 (Steep Slope Hazard) are also designated over the property adjacent to the shoreline as shown in Figure Five – below). DPA 3

– Tree Cutting and Removal is designated, although the objectives and guidelines are covered by the other DPA designations for this application.

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

Subsection 1.8 (f) (Guidelines) of OCP states the following:

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

Figure Four: Development Permit Area 1- Riparian Areas

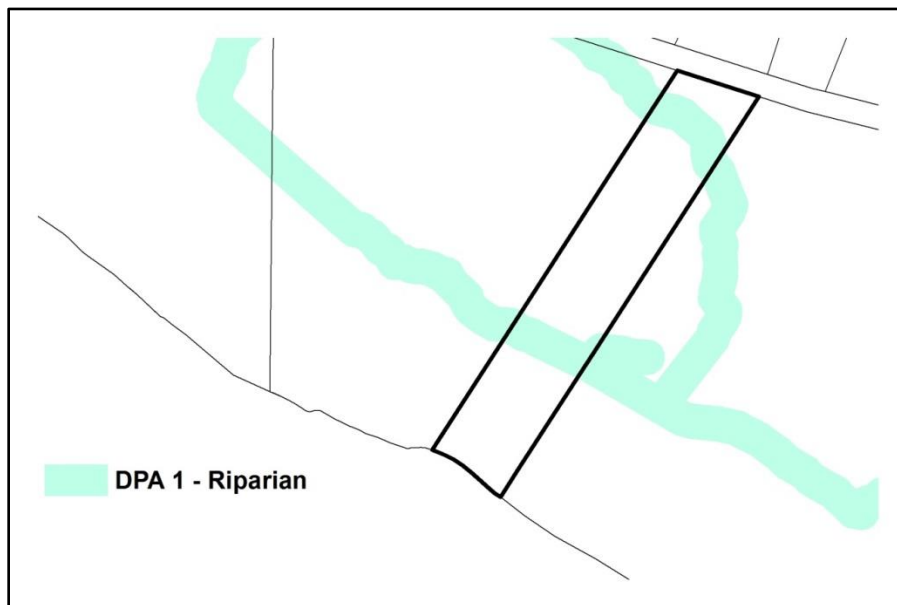
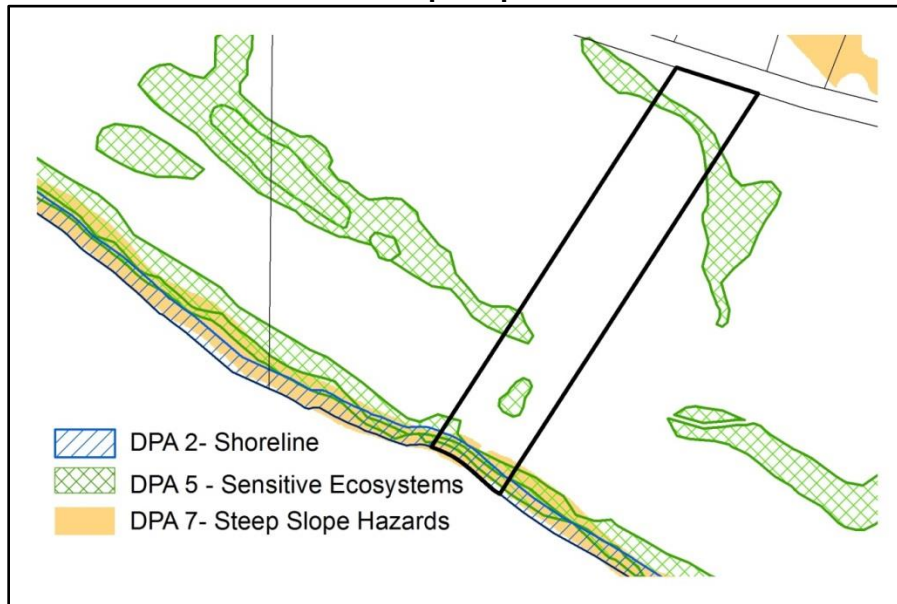


Figure Five: Development Permit Areas 2 – Shoreline; 5 – Sensitive Ecosystems; and 7 – Steep Slopes



Land Use Bylaw

The property is zoned as **Rural Residential - RR** in the Galiano Island Land Use Bylaw No. 127, 1999. Subsequent to the fire that destroyed the single family dwelling on the property, the cottage that is the subject of the RAR and variance became the principal dwelling on the property. When the original dwelling is rebuilt, the subject would revert to being defined as a cottage (accessory to a dwelling). Subsection 2.14 of the LUB states the following:

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

The subject dwelling is within 3.0 metres of the stream and the proposed addition would be sited as near as 3.0 metres from the stream (see: Figure Two: Site Plan).

Islands Trust Fund

Covenant FA123467 is held by the Trust Fund Board on the northern 2/3 of this property (see: Figure Seven). This was placed voluntarily by the owners to protect an example of the endangered Coastal Douglas-fir Biogeoclimatic Zone with maturing examples of red alder, Douglas – fir / arbutus and Douglas – fir /dull Oregon-grape. In addition, there are seasonal streams associated with Riparian areas.

This application was referred to the Trust Fund Board for their comments and recommendations as their interests are directly affected. The Trust Fund has responded recommending that the NAPTEP Covenant Area is delineated on the ground and that all contractors and construction personnel are to be notified of its location and the legal conditions and obligations that are contained in the covenant.

The applicant has been notified of legal obligations and supplied with a copy of the covenant.

Figure Six: Orthophoto with Zoning

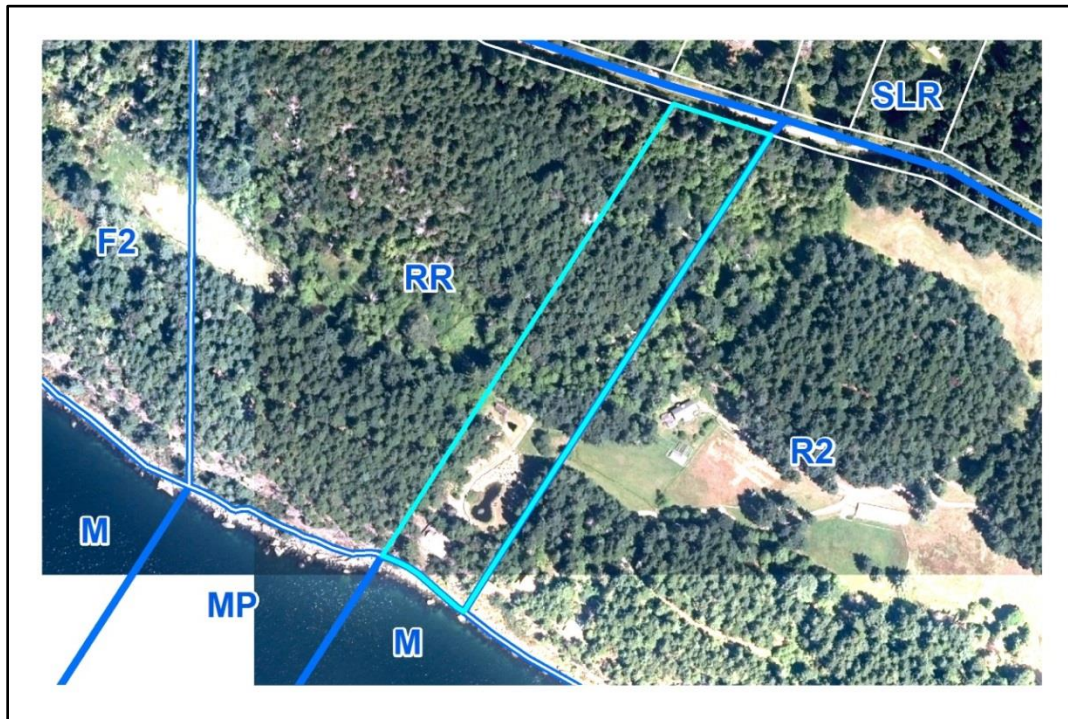
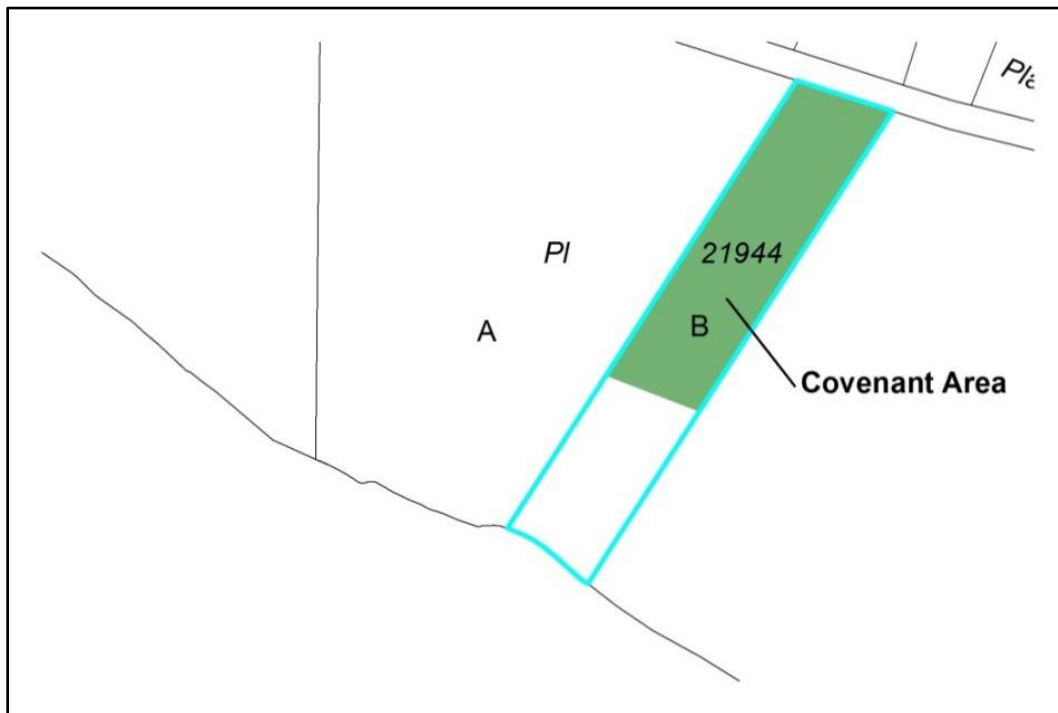


Figure Seven: Trust Fund Board Covenant



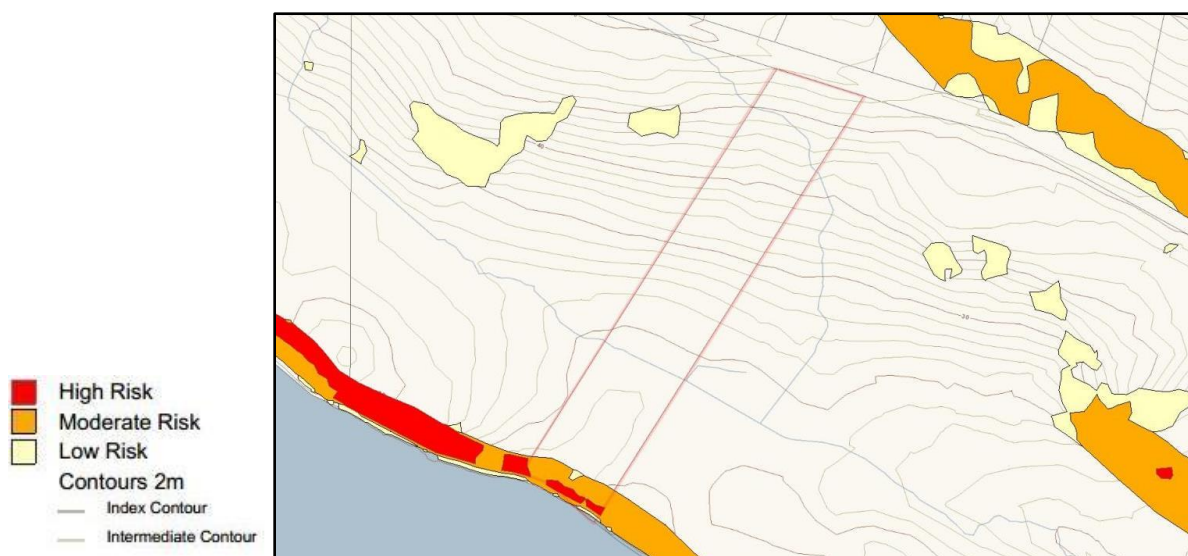
Regional Conservation Plan

The proposal does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.

Sensitive Ecosystems and Hazard Areas

There are occurrences of slope hazard adjacent to the shoreline and, particularly, medium and high slope hazard along the shoreline bluff of both subject properties. (See: Figure Eight: Slope Hazard and Contours). No new development is proposed in these areas

Figure Eight: Slope Hazard and Contours



Archaeological Sites

There are no archaeological sites identified on the Provincial Remote Access to Archaeological Data (RAAD). By copy of this report, the applicant is advised that if archaeological resources are encountered during development, work should cease immediately and the Provincial Archaeology Branch should be contacted.

Covenants

There are no other covenants registered on the property other than the Trust Fund Board's (above).

Bylaw Enforcement:

There is an active enforcement for the tree cutting and land alteration. As the applicant is seeking compliance through the DP process no action is being taken, once the development permit is issued the enforcement file will be closed.

Climate Change Mitigation and Adaptation

As the proposed subdivision does not increase development density, the potential GHG emission changes resulting from approval and the potential impacts on proposed development from anticipated or possible climate change induced hazards are largely neutral.

Shoreline

The shoreline type is identified as Sea Cliff. This portion of shoreline is designated in DPA2 – Shoreline. There is no development nor was any clearing undertaken in this DPA, although a maximum of three (3) trees were removed in this DPA.

Other:

COMMUNITY INFORMATION MEETING(S):

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

RESULTS OF CIRCULATION:

There is no notification requirement for the Development Permit. As the variance that is part of the DP has no potential impact on the neighbouring properties, notification was not necessary.

ISSUES SUMMARY:

Development Permit Area 1 – Riparian Area

A Riparian Areas Regulation (RAR) Assessment Report (“Report One – RAR” dated: February 7, 2015) was prepared and submitted to the province by Keith Erikson, R.P.Bio. This has been approved by the Provincial Ministry of Forests, Lands and Natural Resources Operations.

The proposal for the cottage addition in the DPA/Riparian Assessment Area is unique as the building is surrounded by drainage ditches and streams all within +/- 3 metres of the stream. Although the fisheries value of the ditches was assessed as being low, they are tributaries of the stream and larger riparian area.

Impacts from the development will be mitigated by DP conditions and the larger riparian ecosystem enhanced with revegetation.

In contemplating an addition, the owners had three choices:

1. Add to the cottage in its current location;
2. Move the cottage outside of the setback area; or,
3. Leave the cottage unaltered.

Moving the cottage could potentially do more damage to the riparian area; it would not address the owners need for a larger living space; and, it would provide no net benefit to the riparian habitat though enhancement measures. Although leaving the building as mitigates any risk of damage to habitat it also does not bring the enhancement.

Development Variance

Applicant’s stated rationale for the variance.

The applicants are proposing to construct a 19.7 m² (212.5 ft²) addition to an existing 38.6 m² (415.5 ft²) cottage on the property. This is to create a more functional dwelling while they plan and rebuild the principal dwelling.

Once they have completed the rebuilding of their principal dwelling the subject building would revert to cottage status.

The overall intent of the regulation being varied.

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

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

Potential impacts of granting the variance.

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

As the variance is for the setback from the stream and entirely internal to the property, it would have no impact on neighbouring properties and it has been incorporated within the DP.

Development Permit Areas – 2, 5 and 7 - Restoration Plan

The impact resulting from the tree removal and clearing was assessed by Keith Erikson in Report Two – Restoration. This is summarized as follows:

Impacts from Site Clearing

- Impacts of the site clearing were limited to DPA 5 (no clearing took place in DPA 2 and 7 – see Figure Three – above).
- The excavation of the house site and the machine grooming impacted the Woodland Ecosystem and Herbaceous Ecosystem.
- Excavation on the house site and surrounding landscaped area removed burned debris, foundation material and topsoil.
- In the excavated and groomed area no functioning ecosystems components remain.
- The hydrology appears to be functioning.

Impacts from Tree Cutting

- Tree cutting included the removal of ten (10) trees being removed from DPA 5 with three (3) of these located within DPA 2 and 7 as well.
- Evidence on the site supports that the trees were severely damaged by the fire.
- Eight (8) other trees were likely cut and their stumps removed.
- The main impact is the removal of tree cover (or given the fire event – near dead snags) which results in the loss of wildlife trees and coarse woody debris structure in the ecosystem.
- Other potential impacts are an increase in exposure of the site to wind sun and rain. These impacts would likely be negligible as the trees were dead or near dead as a result of the fire.
- Long term impacts of soil stability and soil erosion are assessed as very limited.

The report indicated that clearing had not impacted the stability of slopes in DPA7, nor has it altered shoreline morphology in DPA 2.

STAFF COMMENTS:

Development Permit Area 1 – Riparian Area

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

Report One – RAR indicated an extensive set of recommendations including *tree protection, encroachment protection, sediment and erosion control, revegetation and monitoring*. All of these have been incorporated into the proposed DP.

The proposal provides a net benefit to the riparian area versus the status quo, given the permit conditions for post-development revegetation.

The Trust Fund Board has advised the applicant of the legal obligations with their covenant area. The proposed permit supports the covenant conditions where they mirror RAR conditions.

Development Variance

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

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

The recommendations for revegetation in Report One – RAR as incorporated into the proposed DP satisfies this criteria.

Given that the cottage has ditches and streams on all sides, any configuration for an addition would not require a variance. The DP provides for both protection and enhancement as described above.

The addition is very modest in size and has no impacts on any neighbouring properties.

Development Permit Areas – 2, 5 and 7 – Restoration Plan

The completed Development Permit Area Checklists for DPAs 2, 5, & 7 are attached. The proposal meets the guidelines of the DPA.

Report Two – Restoration divided the assessment areas into 3 ecological communities. These were used for the purposes of description, impact assessment and prescription for remediation (replanting). These are mapped and shown as Map 3 in Report Two- Restoration.

All recommendations for restoration made in the report have been included in the proposed development permit. The exception is the one recommendation for Ecological Community 3 as this is outside of the DPAs, therefore that recommendation is optional.

The recommendations are for replanting of shrubs and native plants, trees and placement of logs to promote ecosystem services.

The recommendations and permit also include a monitoring component (by Keith Erikson) and security for the value of the restoration work.

The removal of trees and the clearing resulted from a catastrophic fire and were undertaken for no other reasons than removing remnants of the house, as well as burnt or dead vegetation and

trees. -The benefit of applying for a DP in advance of the work would have afforded the opportunity to preserve some wildlife trees and attendant benefits. Notwithstanding, the owners and applicants have cooperated and are in favour of the restoration conditions.

Given the foregoing and attached information, staff is recommending that GL-DP-2014.5 be approved.

RECOMMENDATIONS:

- 1. THAT Development Permit GL-DP-2014.5 (Koster) BE APPROVED.**

Prepared and Submitted by:



Phil Testemale
A/ Planner 2

May 22, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager
Attachments: DAI Checklists: DPAs 1,2,5 and 7
Proposed Development Permit GL-DP-2014.5

May 25, 2015

Date

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

Guideline	Complies			Comments
	Yes	No	N/A	
Guideline a: In general, all development in this DPA should be undertaken in a manner that minimizes impact on the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems consistent with the measures and recommendations described in the report.	☒	☐	☐	See: <i>Riparian Areas Regulation: Assessment Report</i> (K. Erikson, R.P.Bio.; February 07, 2015) posted: All recommendations for <i>Protection of Trees, Encroachment in SPEA, Sediment and Erosion Control, Stormwater Management and Monitoring</i> have been include as conditions in the draft permit.
Guideline b: The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit	☒	☐	☐	The confined nature of site created a SPEA that gave no room for development. QEP addressed potential impacts with recommendations that mitigate.
Guideline c: Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.	☒	☐	☐	See: <i>Riparian Areas Regulation: Assessment Report</i> (K. Erikson, R.P.Bio.; February 07, 2015) posted: All recommendations for <i>Protection of Trees, Encroachment in SPEA, Sediment and Erosion Control, Stormwater Management and Monitoring</i> have been include as conditions in the draft permit.
Guideline d: The following guidelines are applicable to floats and associated structures within the development permit area: i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the processes; ii) a ramp or float should not rest on the bed of the water body; iii) the use of treated wood in the water body should be avoided; iv) floatation material should be contained within a durable shell to prevent disintegration; v) pervious surfacing should be used on ramps and floats (e.g. grating or separated boards); vi) any areas disturbed during installation should be restored; vii) where a float is being replaced, all old materials should be removed from the riparian area.	☐	☐	☒	

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

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

Guideline	Complies			Comments
	Yes	No	N/A	
1. In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access.	☐	☐	☒	
2. Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works are exhausted should such works be considered.	☐	☐	☒	
3. Sea level rise, storm surges, and other anticipated effects of climate change should be addressed in all applications.	☐	☐	☒	
4. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.	☐	☐	☒	
5. New upland structures or additions to existing structures should be located and designed to avoid the need for shore protection works.	☐	☐	☒	
6. When required, shore protection measures should:				
a. Apply the 'softest' possible shore protection measure that will still provide satisfactory protection; and	☐	☐	☒	
b. Limit the size of shore protection works to the minimum necessary.	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
7. 'Hard' structural shore protection measures (e.g. concrete walls, lock block, stacked rock) may be considered in support of existing development only when a geotechnical and biophysical analysis demonstrates that:				
a. an existing structure is at immediate risk from shoreline erosion caused by tidal action, currents, or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;	☐	☐	☒	
b. the erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage. The geotechnical analysis should evaluate on-site drainage problems and investigate drainage solutions away from the shoreline edge before considering structural shoreline stabilization;	☐	☐	☒	
c. non-structural measures, such as locating new buildings and structures further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or sufficient to address the stabilization issues; and	☐	☐	☒	
d. unavoidable damage to shoreline ecological function is mitigated as much as feasible and restoration is undertaken when feasible.	☐	☐	☒	
8. All structural shore protection measures should be installed within the property line or upland of the natural boundary of the sea, whichever is further inland. 'Soft' shoreline protection measures that provide restoration of previously damaged ecological functions may be permitted seaward of the natural boundary subject to obtaining necessary approvals from the provincial and federal governments.	☐	☐	☒	
9. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical assessment of the site.	☐	☐	☒	
10. Shore protection measures that are likely to cause erosion or other physical damage to adjacent or down-current properties shall not be supported.	☐	☐	☒	
11. Shore protection measures should not be considered for solely the purpose of providing a sufficient setback to meet other land use bylaw requirements.	☐	☐	☒	
12. New driveways and sewage disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the development permit may require that the assessment, design and construction of the road or sewage disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met.	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
13. Where this development permit area includes native plant species or plant communities dependent on a marine shoreline habitat that are identified locally, provincially, or federally as sensitive, rare, threatened or endangered, or have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation / compensation measures shall be undertaken only under the supervisions of a qualified professional with advice from provincial and federal environmental agencies.	☒	☐	☐	See: Conditions 3 m. & n. of DP
14. Shore protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing structures or new outbuildings.	☐	☐	☒	
15. Existing shore protection works may be replaced if the existing works can no longer adequately serve their purpose provided that:				
a. The replacement shore protection works are of the same size and footprint as the existing works, unless required to prevent shoreline erosion as determined by a qualified professional;	☐	☐	☒	
b. The replacement shore protection works are designed, located, sized, and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;	☐	☐	☒	
c. Replacement walls or bulkheads do not encroach seaward of the natural boundary or the seaward limit of the existing shore protection works unless there are significant safety or environmental concerns that could only be addressed via such an encroachment. In such cases, the replacement of shore protection works should utilize the 'softest' approach possible and should abut the existing shore protection works; and	☐	☐	☒	
d. Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.	☐	☐	☒	
Guidelines for Subdivisions:	☐	☐	☒	
Guidelines for Commercial and Industrial Development:	☐	☐	☒	
Guidelines for Specific Shoreline Types:	☐	☐	☒	
Guidelines for Construction Practices:	☐	☐	☒	
Erosion Control:	☐	☐	☒	
16. All development within this development permit area should be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.	☐	☐	☒	
Monitoring:				

Guideline	Complies			Comments
	Yes	No	N/A	
17. A development permit may require monitoring by a qualified professional of the implementation of environmental mitigation, restoration or enhancement planting or other measures required by a development permit, until all such measures have been completed and the professional has provided a report confirming completion to the standard specified in the permit.	☒	☐	☐	See: Conditions 3 m. & n. of DP
Guidelines for Vegetation Management, Restoration and Enhancement:				
18. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.	☒	☐	☐	
19. Existing trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.	☐	☐	☒	
20. If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.	☒	☐	☐	See: Section 3. of DP
21. Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or fish and wildlife habitat values as needed. Suitably adapted, non-invasive, non-native vegetation may also be considered acceptable.	☒	☐	☐	See: Section 3. of DP
22. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.	☒	☐	☐	See: Section 4. of DP
Guidelines for Shore Protection Measures Design:	☐	☐	☒	
Guidelines for Beach Nourishment and Fill:	☐	☐	☒	
Guidelines for Shore Access and Parking:	☐	☐	☒	
Guidelines for the Construction and Replacement of Docks and Boat Launch Facilities:	☐	☐	☒	

Galiano Island
OCP Bylaw No. 108, 1995
Sensitive Ecosystems Development Permit Area (DPA 5)
Guideline Checklist

Guideline	Complies			Comments
	Yes	No	N/A	
a) Avoid development being located in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.	☐	☐	☒	
b) Minimize the area cleared and disturbed for development.	☐	☐	☒	
c) Retain large, connected undisturbed areas, with connections and corridors providing continuity between sensitive ecosystems and important habitat.	☐	☐	☒	
d) Site buildings and associated infrastructure to allow sufficient undisturbed space around significant mature or established trees to protect root systems.	☐	☐	☒	
e) Retain undeveloped buffer areas around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.	☐	☐	☒	
f) Natural features may be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, spits and dunes should be protected.	☒	☐	☐	See: Section 3. of DP
g) Preserve native grasses, rare plants, and wildflower ecosystems and associated soils.	☒	☐	☐	
h) Avoid the planting or introduction of non-native plants. The use of drought resistant and native plants in landscaping should be encouraged.	☒	☐	☐	
i) Avoid removal of mature and old trees, dead and declining trees and the root systems of trees.	☐	☐	☒	
j) Protect denning and nesting sites of rare, threatened or endangered species.	☐	☐	☒	
k) Minimize soil removal and deposit.	☐	☐	☒	
l) Avoid alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem.	☐	☐	☒	
m) Locate septic fields in a manner that minimizes potential impacts on sensitive ecosystems or habitat.	☐	☐	☒	
n) Limit driveways and other accesses to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.	☐	☐	☒	
o) Limit shoreline structural modifications in scale and extent to structures necessary to support or protect an existing use or structure.	☐	☐	☒	
p) Preference should be given to shoreline modifications that have a minimal impact or enhance ecological functions, including vegetation enhancement, upland drainage control, beach enhancement or nourishment, anchor trees, or gravel placement. Harder construction measures should be avoided.	☐	☐	☒	
q) Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
r) Limit stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline to those required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.	☐	☐	☒	
s) In addition to the other guidelines, the following guidelines apply specifically to applications within a woodland sensitive ecosystem:				
i) Protect large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated under-storey vegetation.	☐	☐	☒	
ii) Avoid unnecessary removal of dead or declining trees, downed logs, snags and leaf litter.	☒	☐	☐	See: Section 3. Of DP
iii) Where feasible, cut dangerous trees to a level where they are safe rather than removed entirely.	☐	☐	☒	
t) In addition to the other guidelines, the following specific guidelines apply to applications within a wetland ecosystem:				
i) Avoid filling or draining of permanent or seasonally wet areas.	☐	☐	☒	
ii) Retain wetland vegetation and structure.				
iii) Avoid locating roads, driveways and utility corridors through wetland ecosystems; where crossings have to be located within the ecosystem the crossing should, to the extent feasible:	☐	☐	☒	
• Be narrow and perpendicular to a wetland ecosystem;	☐	☐	☒	
• Share facilities;	☐	☐	☒	
• Minimize impacts on water bodies;	☐	☐	☒	
• Conform to topography to minimize cut and fill;	☐	☐	☒	
• Not restrict the natural movement of surface and groundwater;	☐	☐	☒	
• Have appropriate native vegetation planted on shoulders to provide screening and assist soil stability.	☐	☐	☒	
iv) Conduct construction involving disturbance of soil in such a manner as to avoid direct run-off into wetlands.	☐	☐	☒	
v) Avoid disruption of natural hydrologic cycles and natural aquatic processes, including water flows, seasonal flooding, channel movements, windthrow or natural slope.	☐	☐	☒	
vi) Maintain vegetation cover which helps stabilize banks and reduce erosion and provides habitat.	☒	☐	☐	
vii) Avoid removal of vegetation that would reduce the natural functions of the sensitive ecosystem.	☐	☐	☒	
viii) Avoid alteration of vernal pools to create year-round water features.	☐	☐	☒	
u) In addition to the other guidelines, the following specific guidelines apply to applications within a cliff ecosystem:				
i) Maintain talus and rock debris that occurs at the base of rock outcroppings.	☐	☐	☒	
ii) Protect the faces of rock outcrops and cliffs.	☐	☐	☒	
v) The following guidelines are applicable to any subdivision proposal within the Sensitive Ecosystem development permit area:	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
w) In general, where a professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Conditions of a permit may include:				
i) the designation of areas within which no development shall occur;	☐	☐	☒	
ii) requirements of building siting, size, design or construction that would minimize impacts, protect or enhance sensitive ecosystems or habitat;	☐	☐	☒	
iii) use of native vegetation in landscaping;	☒	☐	☐	
iv) the use of pervious surfaces;	☐	☐	☒	
v) the placement of permanent or temporary fencing around sensitive features;	☒	☐	☐	
vi) fencing, flagging and posting of notices during construction;	☒	☐	☐	
vii) limits on blasting in sensitive areas;	☐	☐	☒	
viii) limits on construction timing;	☐	☐	☒	
ix) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;	☐	☐	☒	
x) restoration or enhancement of disturbed sensitive ecosystems and habitat;	☒	☐	☐	
xi) the layout of lots, including clustering, driveways, access routes, and septic disposal facilities in a plan of subdivision.	☐	☐	☒	
x) Where restoration or enhancement work is required as a condition of a permit, the applicant may be required to provide to the Islands Trust a security deposit, in the form of an irrevocable letter of credit, equal to 125% of the estimated costs of all materials and labour, as determined by a professional with relevant experience.	☒	☐	☐	See: Sec. 4 of DP
y) The Local Trust Committee may consider variances to subdivision or building siting or size regulations where the variance may result in protection of a sensitive ecosystem or habitat.	☐	☐	☒	

Galiano Island
OCP Bylaw No. 108, 1995
Steep Slope Hazard Development Permit Area (DPA 7)
Guideline Checklist

Guideline	Complies			Comments
	Yes	No	N/A	
1. In general, all development in this DPA should be undertaken in a manner that does not expose persons or property to slope instability or other geological failure hazard with a probability in excess of 10% in 50 years.	☐	☐	☒	
2. Where an applicant proposes to:				
a) construct services, including roads, driveways, utilities, or septic fields;				

Guideline	Complies			Comments
	Yes	No	N/A	
b) alter land, including placement of fill or excavation; or,				
c) remove trees or other vegetation,				
the application should include a report assessing the likelihood and probability of a geological failure occurring and, through provision of a detailed geological hazard assessment, identify options and measures to ensure that the proposed development would not expose persons or property to slope instability or other geotechnical hazard with a probability in excess of 10% in 50 years. Where the geological hazard assessment report describes an area as suitable for development provided that specific mitigating measures are taken, the development permit should only allow the development to occur in compliance with the measures described in the report. The report shall be prepared at the applicant's expense and certified by a professional engineer or geoscientist with experience relevant to the applicable matter.	☐	☐	☒	
3. Monitoring and regular reporting to the Islands Trust by a registered professional engineer or geoscientist at the applicant's expense may be required during construction and land development phases, as specified in a development permit	☐	☐	☒	
4. A development permit should not allow any development activities to take place within any area identified by a geological hazard assessment as exposing persons or property to a landslide or other geotechnical hazard with a probability in excess of 10% in 50 years.	☐	☐	☒	
5. If the nature of the proposed work in the DPA changes after the geological hazard assessment report has been prepared such that the professional's assessment of the impact of the development may reasonably be expected to be affected, the LTC may require the applicant to obtain a new development permit, or to have the professional update the hazard assessment at the applicant's expense and in that event may revise DP conditions accordingly.	☐	☐	☒	
6. Where a permit authorizes the cutting of trees, re-planting and maintenance of disturbed areas should be considered for inclusion as conditions of the permit. The planting and introduction of non-native tree species should be avoided and the permit may require a landscaping plan and a security, in the form of an irrevocable letter of credit, for 125% of the cost of re-planting the site as determined by a certified professional.	☒	☐	☐	See: Section 3. Of DP
7. Applications involving construction of new driveways or other accesses should be referred to the Fire Chief for information and in order to coordinate approval processes.	☐	☐	☒	
8. In general, all development in this DPA should be undertaken in a manner that does not expose persons or property to slope instability or other geological failure hazard with a probability in excess of 10% in 50 years.	☐	☐	☒	



**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2014.5**

To: James and Vilupti Barrineau
c/o Dave Koster

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

Lot B, District Lot 67, Galiano Island, Cowichan District, Plan 21944

2. This Development Permit No. GL-DP-2014.5 authorizes the construction of an addition to a building within Development Permit Area 1 – Riparian Areas, subject to the following requirements and conditions:
 - a. Construction of an addition to the dwelling shall be consistent with Schedules "A", "B", "C" and "E" attached to and forming part of this permit.

Tree Protection

- b. Storage of construction materials and equipment will be limited to the existing parking area and driveway.
- c. Excavated soil is to be removed from the Streamside Protection Enhancement Area (the "SPEA").
- d. All trees adjacent to the stream shown on Schedule "A" and "E" are to be protected with temporary fencing to a minimum radius of 3 metres.

Encroachment

- e. The SPEA and Covenant Area FA123467 is to be delineated on the ground and all contractors and construction personnel are to be notified of its location and the recommendations of this Development Permit.
- f. Access to the construction area for the addition by foot or small excavator shall not result in the removal or damage to, native vegetation within the SPEA or Covenant Area, and will not de-stabilize or cause erosion of stream and/or ditch banks.
- g. Sword fern plants located within the footprint of the proposed addition are exempt from Condition f. (above) and shall be salvaged and used for revegetation in the SPEA.
- h. Construction materials and tools are to be stored outside of the SPEA and Covenant Area, or on the existing, highly compacted parking area and driveway within the SPEA.

Sediment and Erosion Control

- i. Prior to commencement of site preparation for construction, the soil water table shall be below the depth of excavation and ditches shall be dry (no flow or pooled water).
- j. Silt barriers are to be installed in all three (3) ditches as specified by the supervising QEP (Qualified Environmental Professional).
- k. Construction shall not take place during periods of prolonged, heavy rainfall and/or when the water-table is elevated.
- l. All excavated soil is to be removed from the SPEA immediately and tarps are to be used under any temporary piles with the SPEA.
- m. Soil that is exposed within the SPEA as result of access to the foundation footprint by machinery or construction crew is to be mulched immediately in accordance with Schedule "D" (*"Streamside Protection and Enhancement Area Revegetation Prescription for 14875 Porlier Pass Drive, Galiano Island, BC"*).

Revegetation

- n. Revegetation of the Riparian Area shall occur in accordance with the "Riparian Revegetation Plan" attached as Schedule "C" and forming part of this permit.

Monitoring

- o. Site preparation, construction and revegetation prescription shall be monitored by a QEP at key stages in the process.
 - p. The monitoring QEP shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.
3. Further, this Development Permit No. GL-DP-2014.5 requires ecological restoration works as a condition of work previously undertaken within DPA 2 (Shoreline and Marine DPA), DPA 5 (Sensitive Ecosystems) and DPA 7 (Steep Slope Hazard Areas), subject to the following requirements and conditions:
- a. Restoration of the disturbed areas in DPA 2 (Shoreline and Marine DPA), DPA 5 (Sensitive Ecosystems) and DPA 7 (Steep Slope Hazard Areas) shall occur in accordance with the "DPA Assessment Map 3: Ecological Communities and Restoration Areas" attached as Schedule "D" and forming part of this permit.

Timing

- b. Planting shall occur between the months of November 2015 and March 2016.

Tree and Shrub Protection

- c. All new plantings shall be fenced to prevent browsing by deer.
- d. Fencing cages should be constructed using 4 foot stucco wire secured to the ground with rebar pins or similar.
- e. Fencing should be left in place until the leader of the protected tree or shrub reaches a minimum height of 2 metres.

Ecological Community 01 (shown as "Community 01" on Schedule "D")

- f. Existing Garry oak seedlings shall be fenced with cages to reduce deer browse and promote growth.
- g. Six (6) large diameter Douglas-fir logs from the pile of cut stems on site are to be placed across the slope in proximity to recently cut Douglas-fir stumps. They should be placed with two (2) logs projecting out from each of the three (3) stumps as if they had naturally fallen there.

- h. Six (6) Garry oak trees (min 2 years old/1 gallon pots) are to be planted and fenced as replacements for cut Douglas- fir. The trees are to be planted using organic compost or sea soil in appropriate deeper soiled micro-sites with some on north side of placed Douglas-fir logs.
- i. Plant and fence six (6) native species shrubs (oceanspray, snowberry and hairy honeysuckle) in each of the identified two (2) small burn pile sites. The shrubs are to be planted using large amounts of organic compost or sea soil shall be placed in the hole and around each plant.

Ecological Community 02 (shown as “Community 02” on Schedule “D”)

- j. Arbutus seedlings and stump re-sprouts in and around rock deposit areas on east and west sides of the house site excavation shall be protected with fence cages.
- k. Six (6) large diameter Douglas-fir logs from the pile of cut stems on site are to be placed across the slope in proximity to recently cut Douglas-fir and arbutus stumps.
- l. Plant and fence four (4) arbutus or Douglas-fir trees (min 2 years old/1 gallon pots) in or around rock deposit areas. The trees are to be planted using organic compost or sea soil in deeper soiled micro-sites with some on north side of placed Douglas-fir logs.

Monitoring

- m. Revegetation (planting) and placement of large woody debris shall be monitored by a QEP.
 - n. The monitoring QEP will prepare and submit to the Islands Trust written confirmation that- all conditions within this permit as issued within one (1) month of work being completed.
4. Pursuant to Section 925 of the Local Government Act, the Local Trust Committee requires security to ensure that any conditions respecting landscaping are satisfied:
- a. Where the Local Trust Committee considers that a condition in the permit respecting landscaping has not been satisfied the Local Trust Committee may undertake and complete the works required to satisfy the landscaping condition, at the cost of the permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the permit holder.
 - b. Any interest earned on the security provided under Condition 4 shall accrue to the permit holder and be paid to them immediately on return of the security or, on default, become part of the amount of the security.
 - c. The security provided by the permit holder shall be in the form of:
 - I. An irrevocable letter of credit with a clause for automatic renewal, or cash equivalent.
 - II. Payable to the Islands Trust,
 - III. In the amount of 125% of the quoted landscaping cost totalling \$ 1525.00 based upon the cost estimate provided by Keith Erikson, dated May 18, 2015.
 - d. Where the development authorized by this permit has been completed or the permit has lapsed prior to commencement of any work pursuant to this permit, the security shall be returned to the permit holder, minus any funds still required to satisfy the Condition 4a of this permit, provided that the conditions have been met.

5. The Galiano Island Land Use Bylaw No. 127, 1999 is varied as follows:

Subsection 2.14 is varied by reducing the 15.0 metre setback from the natural boundary of a watercourse to 3.0 metres to permit an addition to a building (cottage).

The development shall be consistent with Schedule "A" & "E" attached to and forming part of this permit.

6. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
7. This Permit does not remove any obligation on the Permittee to obtain other approvals or obligations necessary for the lawful completion of the proposed development.
8. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
9. This permit does not relieve the applicant from complying with the provisions of the Galiano Land Use Bylaw unless varied by this Permit.

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 rd DAY OF , 2015.

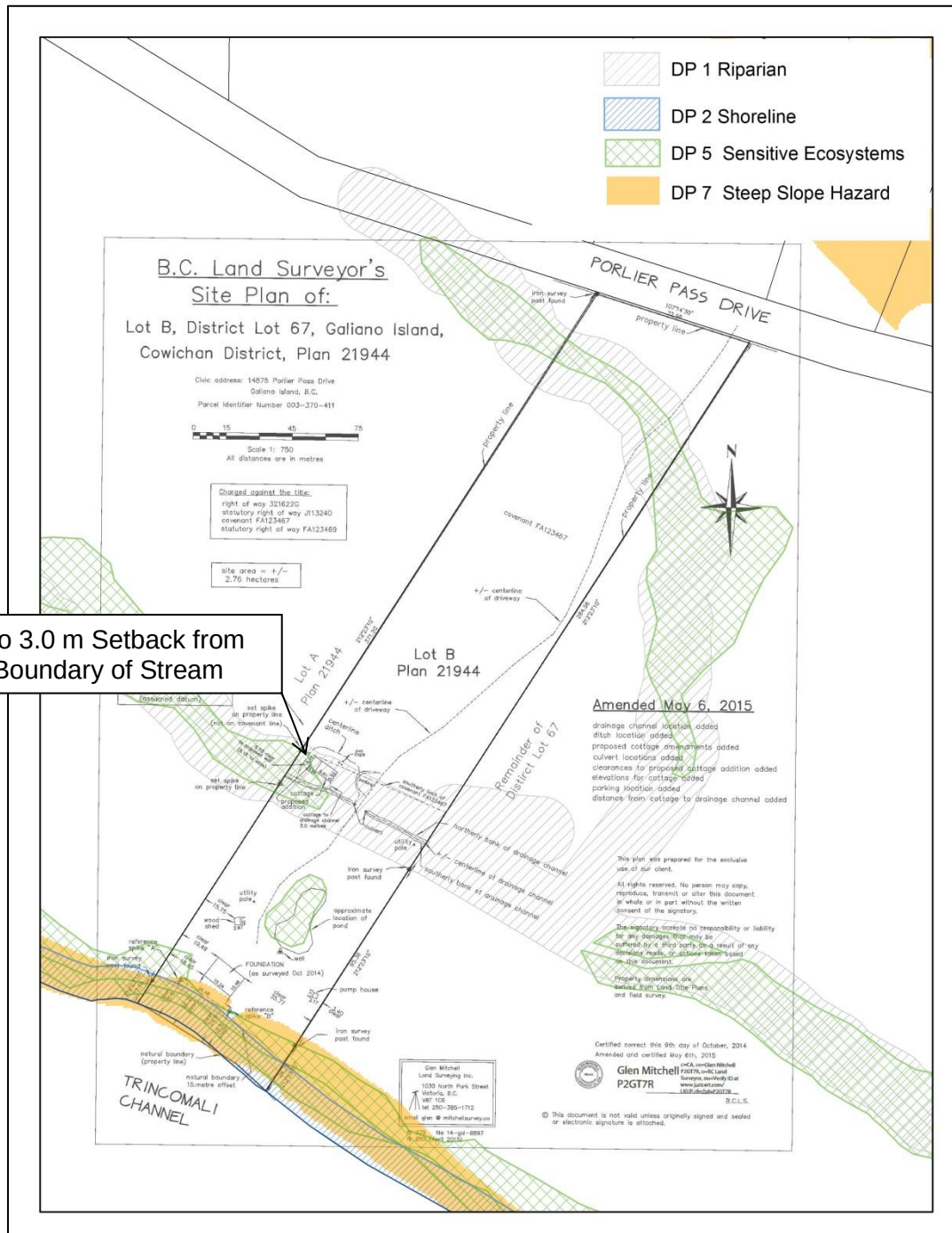
Deputy Secretary, Islands Trust

_____, 2015
Date Issued

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

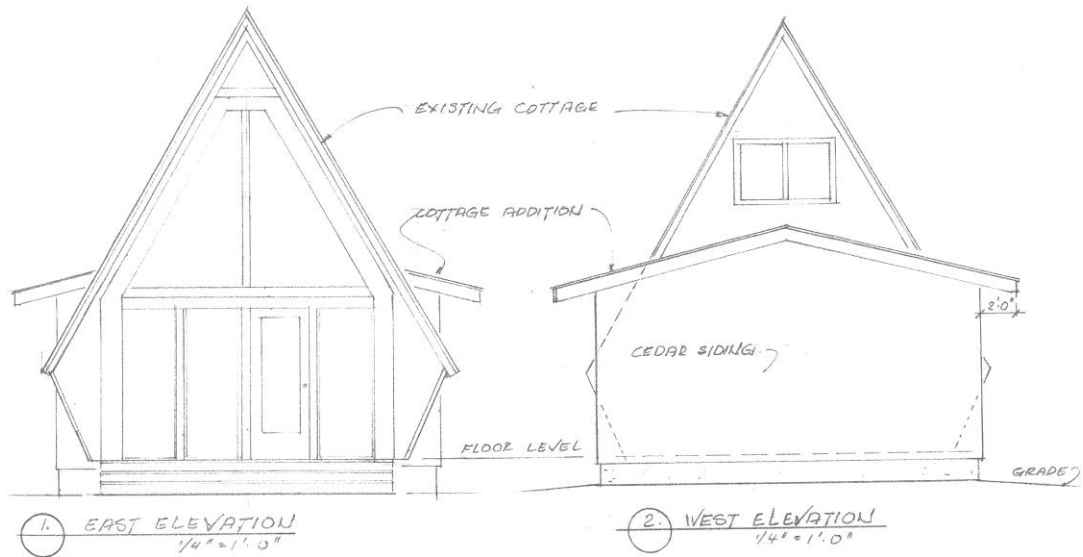
**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2014.5
Schedule "A"**

Site Plan Indicating DPAs and Variance Setback



**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2014.5
Schedule "B"**

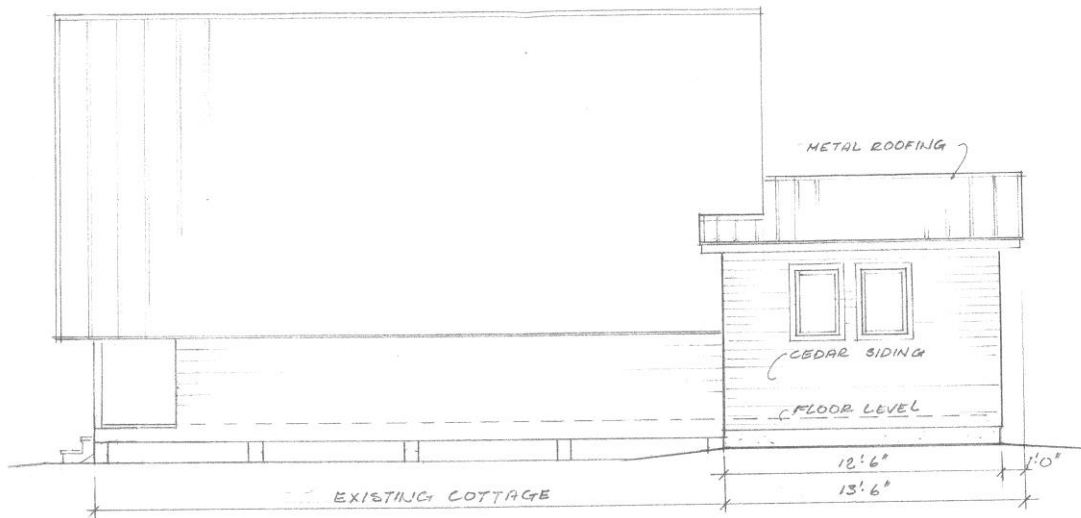
Addition Elevations



EAST ELEVATION
WEST ELEVATION
DWN: KB

COTTAGE ADDITION
14875 PORLIER PASS DR.
GALIANO, BC

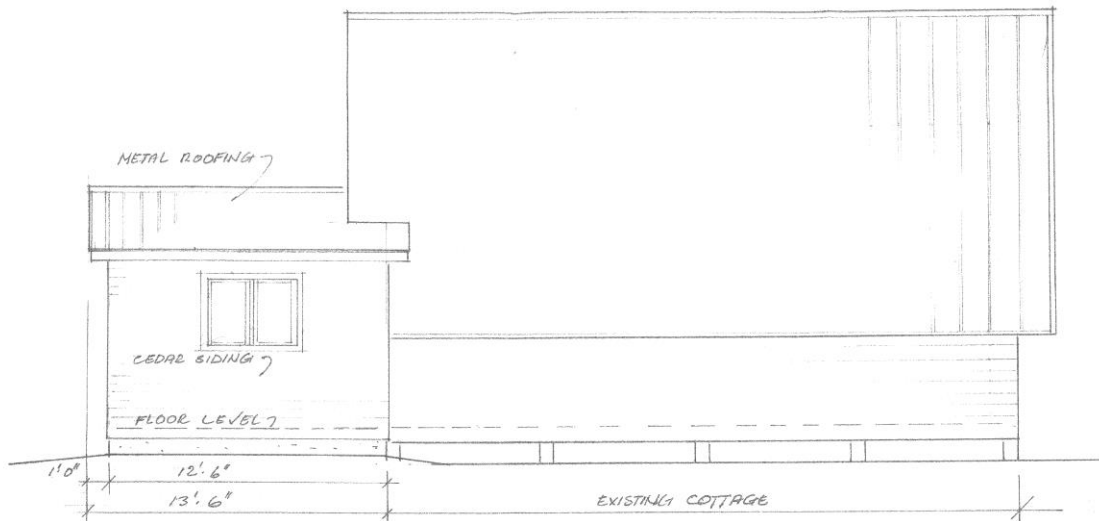
7
of 7



NORTH ELEVATION, 1/4" = 1'-0"
DWN: KB

COTTAGE ADDITION
14875 PORLIER PASS DR.
GALIANO, BC

5
of 7



SOUTH ELEVATION 1/4" = 1'-0"

DWN: KB

COTTAGE ADDITION
14 B75 PORLIER PASS DR.
GALIANO, BC.

6

of 7

GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2014.5

Schedule "C"

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

RIPARIAN REVEGETATION SITE PLAN

1. TREATMENT GOALS

- To restore the features, functions and conditions that support fish life processes in the riparian area.
 - To establish a multi-storied forest to provide stream shade, organic matter and food for the stream, ultimately to increase large woody debris for cover and generally to improve habitat for associated riparian wildlife.

2. PROJECT LOCATION

PROPERTY OWNER	LEGAL DESCRIPTION (PID)	ADDRESS
Vulupt Barrineau	003-370-411	14875 Porlier Pass Dr
PREPARED BY	DESIGNATION	DATE
Keith Erickson	January 27, 2015	2.76

3. STREAM DESCRIPTION

STREAM NAME	MAP ID	STREAM TYPE	STREAM CLASS	FISH SPECIES
Davidson Creek Tributary	N/A	Creek		None known or observed

4. AREA UNDER THE PLAN

TU	DESCRIPTION	AREA (HA)
1	Grass dominated lawn area with four groups of 3 young birch trees. The site is flat and includes a portion of a small depression (SE corner of TU) where pooled surface water is evident. The depression is not connected to the creek by above ground flow. The site is exposed to the south. The TU area includes the 10m SPEA either side of the stream channel.	0.065
TU	DESCRIPTION	AREA (HA)
2	Grass dominated lawn with pockets of sword fern, Douglas-fir, and individual alder and yellow cedar. There is a large Douglas-fir/salal patch on the SW edge with an understory recovering from clearing. The TU is on a gentle lower slope. The cottage and proposed development is on the NE side of the TU. The TU area includes 5m either side of the stream channel.	0.035
TU	DESCRIPTION	AREA (HA)
TOTAL RIPARIAN LENGTH (M)		SPEA WIDTH (M)
71	10	TOTAL AREA(HA)
		0.1

5. SITE DESCRIPTION

TU	SLOPE	ASPECT	ELEVATION	TERRAIN FEATURES
1	1%	75 deg	19m	Flat – includes portion of micro-depression
2	4%	75 deg	19m	Gradual gentle lower slope

6. SITE DISTURBANCE

TU	SOIL TEXTURE	DUFF DEPTH (CM)	SOIL DEPTH (CM)	CURRENT COMPACTION (nil, L, M, H)	FOREST FLOOR REMOVED (est. % of site)	CURRENT SEDIMENT DELIVERY TO STREAMS
1	SiCL	<1cm	>1m	Low	100	Established grass/lawn ground cover - no evidence of excessive sediment delivery
2	CL	<1cm	>1m	Low	100	Established grass/lawn ground cover - no evidence of excessive sediment delivery

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

7. ECOLOGICAL INFORMATION

TU	BEC	VARIANT	SITE SERIES	CRITICAL SITE CONDITIONS AFFECTING TIMING OF TREATMENT
1	CDF	mm	06	Winter water table @ 20cm depth – poor drainage / south exposure in summer
2	CDF	mm	06	Winter water table @ 35cm depth – poor drainage

8. TREATMENT PLAN

TU 1:	1			
A. OBJECTIVES:	- establish a diverse native tree layer (primarily red alder). Use at least 2 year old seedlings. Total tree density, including existing Birch should approximate 500 stems / hectare. Trees should reach 2m in height (above deer browse) within 3 years. - establish pockets or hubs of native shrubs and ferns that can naturally expand in the future as tree cover establishes. Use minimum 2 year old stock or cuttings (species specific). Density should approximate 500 plants/hectare. Plants should be established and hardened to deer browse within 3 growing seasons.			
B. TREATMENT DESCRIPTION:	- Salvage sword ferns from building envelope prior to excavation - Plant salvaged sword ferns in TU1 immediately after salvaging (April/May) - Plant everything else including additional sword ferns in fall (Late Oct – early Dec), use local stock - Generally plant in clusters, pay attention to microsites and avoid even/row distribution - Dig up and turn over sod (min 30cm radius around plant) - mulch with 10cm thick wood chips (Dr/Fd/Mb/Bg) and/or Mb leaf litter (min 30cm radius around plant), keeping mulch roughly 1 inch away from stems of plants - fence using 4 foot stucko wire (4" mesh), anchor with re-bar or cedar stakes			
C. SITE PREPARATION:				
Treatment description	Timing	Conditions at time of treatment		
n/a				
D. PLANTING:				
Layer:	Species	Density or spacing	Age or size (stock type)	Planting requirements
Tree	Red Alder	180/ha	1 gal	Fall, >3m spacing
	Scoulers Willow	75/ha	1 gal	Fall, >3m spacing
	Black Cottonwood	45/ha	1 gal	Fall, >3m spacing
Shrub	Salmonberry	230/ha	1 gal	Fall, >2m spacing
	Nootka Rose	90/ha	1 gal	Fall, >2m spacing
Herb	Sword fern	180/ha	1 gal / salvaged	Fall / spring, >1m spacing
E. PLANT CARE AND MAINTENANCE				
Layer:	Treatment	Timing/Frequency	Other	
Tree	Fence, mulch, water	Time of planting		
Shrub	Fence, mulch, water	Time of planting		
Herb	mulch, water	Time of planting		
F. STRATEGIES TO PROTECT SOILS				
- minimize disturbance to surrounding soils during planting (plant by hand, no vehicle access, etc) - mulching will protect exposed soils created from planting Take care not to compact clay soils at bottom or sides when digging holes for planting – carefully loosen after hole is dug.				

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

TU 2:	
G. OBJECTIVES:	establish pockets or hubs of native shrubs and ferns that can naturally expand in the future. Use minimum 2 year old stock or cuttings/salvage (species specific). Density should approximate 500 plants/hectare. Plants should be established and hardened to deer browse within 3 growing seasons. Trees will not be planted in order to allow for light and avoid future danger trees.

H. TREATMENT DESCRIPTION:	- Plant in fall (Late October – early December), use local stock - Generally plant in clusters, pay attention to microsites and avoid even/row distributions - Dig up and turn over sod (min 30cm radius around plant) - mulch with 10cm thick wood chips (Dr/Fd/Mb/Bg) and/or Mb leaf litter (min 30cm radius around plant), keeping mulch roughly 1 inch away from stems of plants - fence using 4 foot stucko wire (4" mesh), anchor with re-bar or cedar stakes					
I. SITE PREPARATION:						
Treatment description	Timing	Conditions				
N/A						
J. PLANTING:						
Layer:	Species	Density or spacing	Age or size (stock type)	Planting requirements		
Tree						
Shrub	Salmonberry	300/ha	1 gal	Fall, >2m spacing		
	Nootka Rose	150/ha	1 gal	Fall, >2m spacing		
	Salal	150/ha	1 gal	Fall, >60cm spacing		
Herb	Sword fern	550/ha	1 gal / salvaged	Fall, >1m spacing		
K. PLANT CARE AND MAINTENANCE						
Layer:	T reatment	Timing/Frequency	Other			
Shrub	Fence, mulch, water	Time of planting				
Herb	mulch, water	Time of planting				
L. STRATEGIES TO PROTECT SOILS						
- minimize disturbance to surrounding soils during planting (plant by hand, no vehicle access, etc) - mulching will protect exposed soils created from planting Take care not to compact clay soils at bottom or sides when digging holes for planting – carefully loosen after hole is dug.						

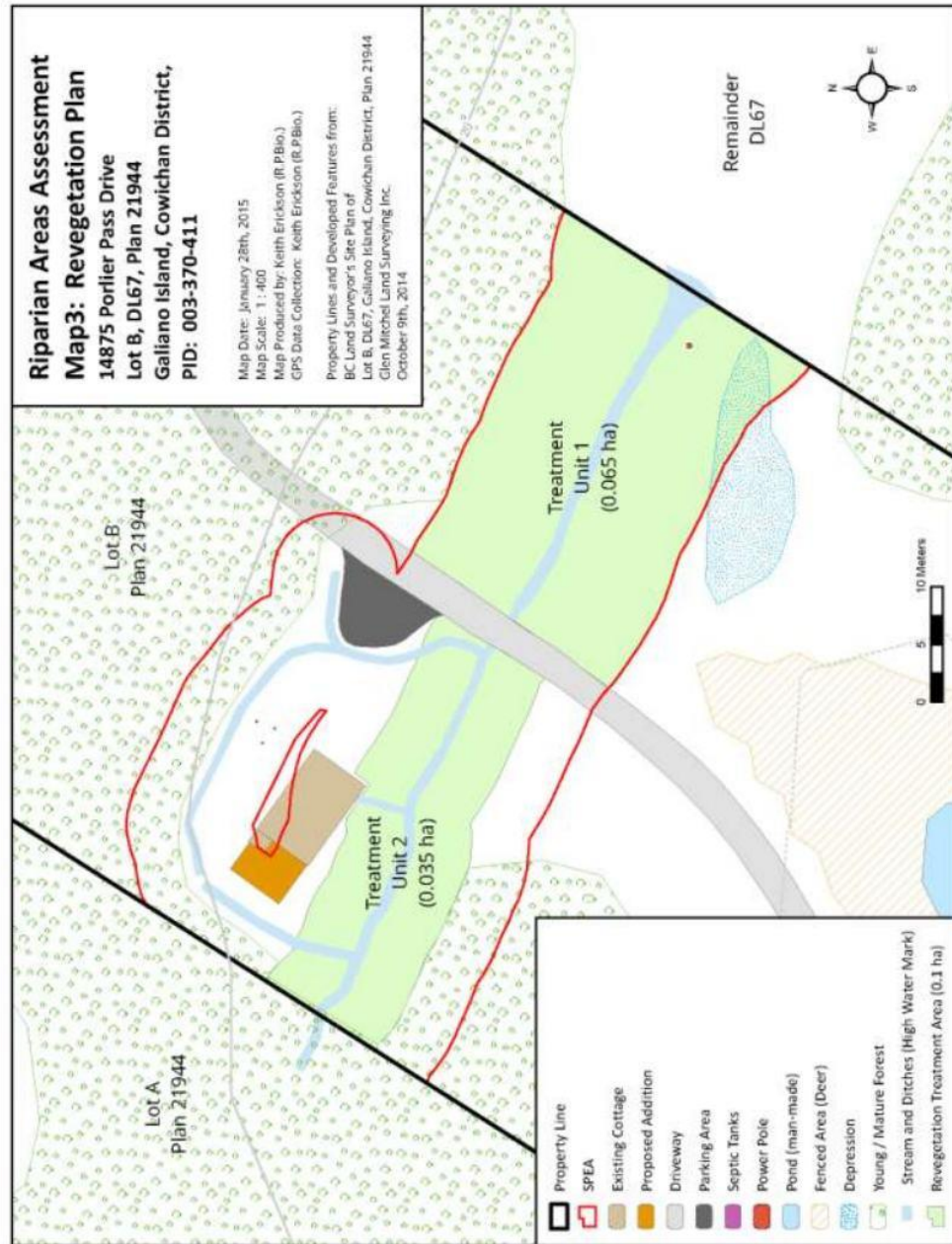
FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

9. PROTECTING OTHER VALUES

<i>VALUE</i>	<i>STRATEGIES TO PROTECT</i>
N/A	

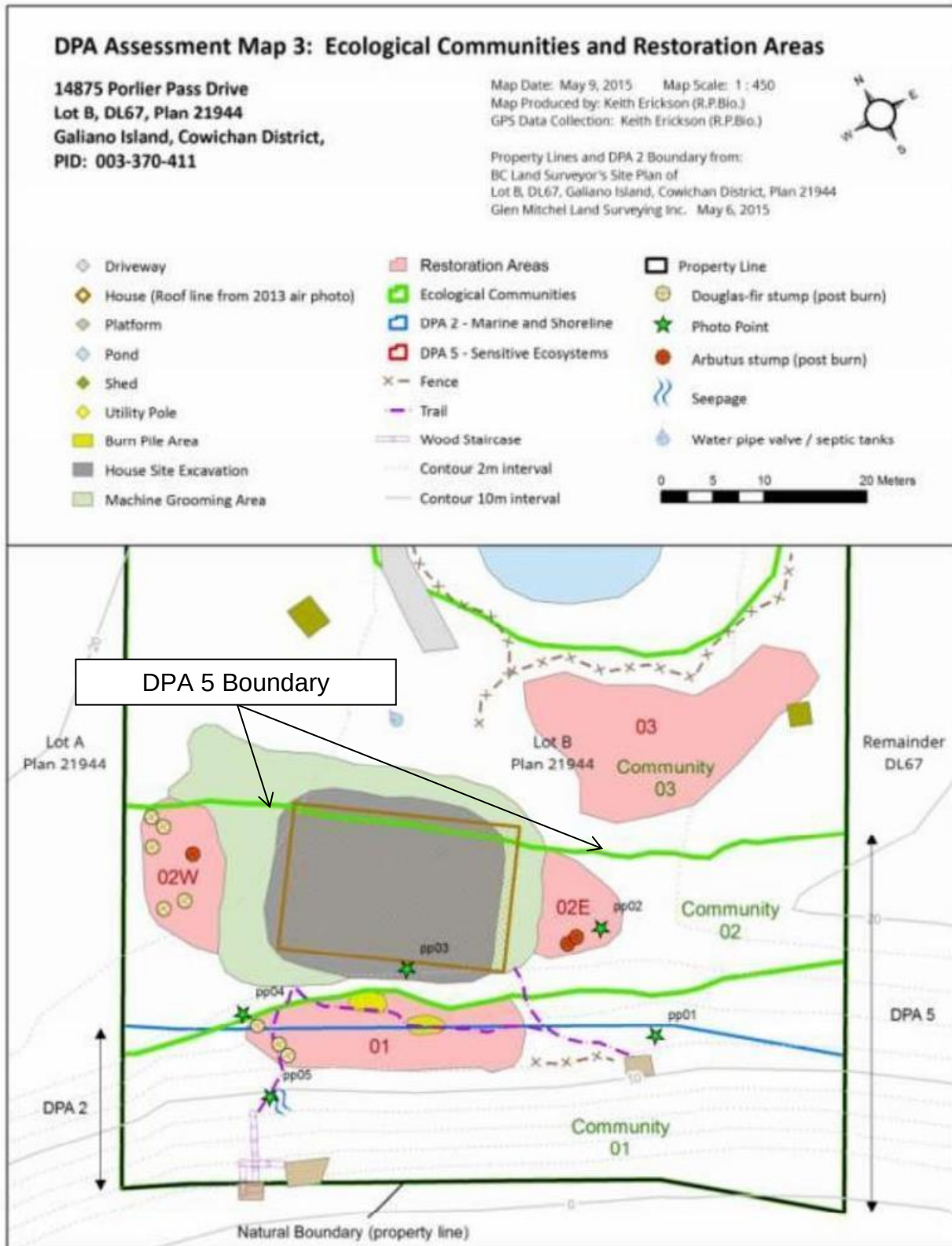
10. SCHEDULE

<i>DATE</i>	<i>ACTIVITY</i>	<i>COMMENTS</i>
Oct. 15 th – Dec. 15 th 2015	Plant, mulch, fence	
Oct. 15 th – Dec. 15 th 2015	Establish photo points	Take photos before and after planting, 1 point looking east from culvert (TU1), 1 point looking east from bridge near property line (TU2)
Summer 2016	Supplemental watering	Water if required
July 2016	Health monitoring	Assess health of planted individuals (dieback, disease, annual growth)
Fall 2016	Fill plant	Replace dead or near dead planted individuals, if any
Fall 2018	Health monitoring and fence removal	Monitor for plant health and hardiness, remove fencing for established plants, re-peat photo point monitoring



GALIANO ISLAND LOCAL TRUST COMMITTEE

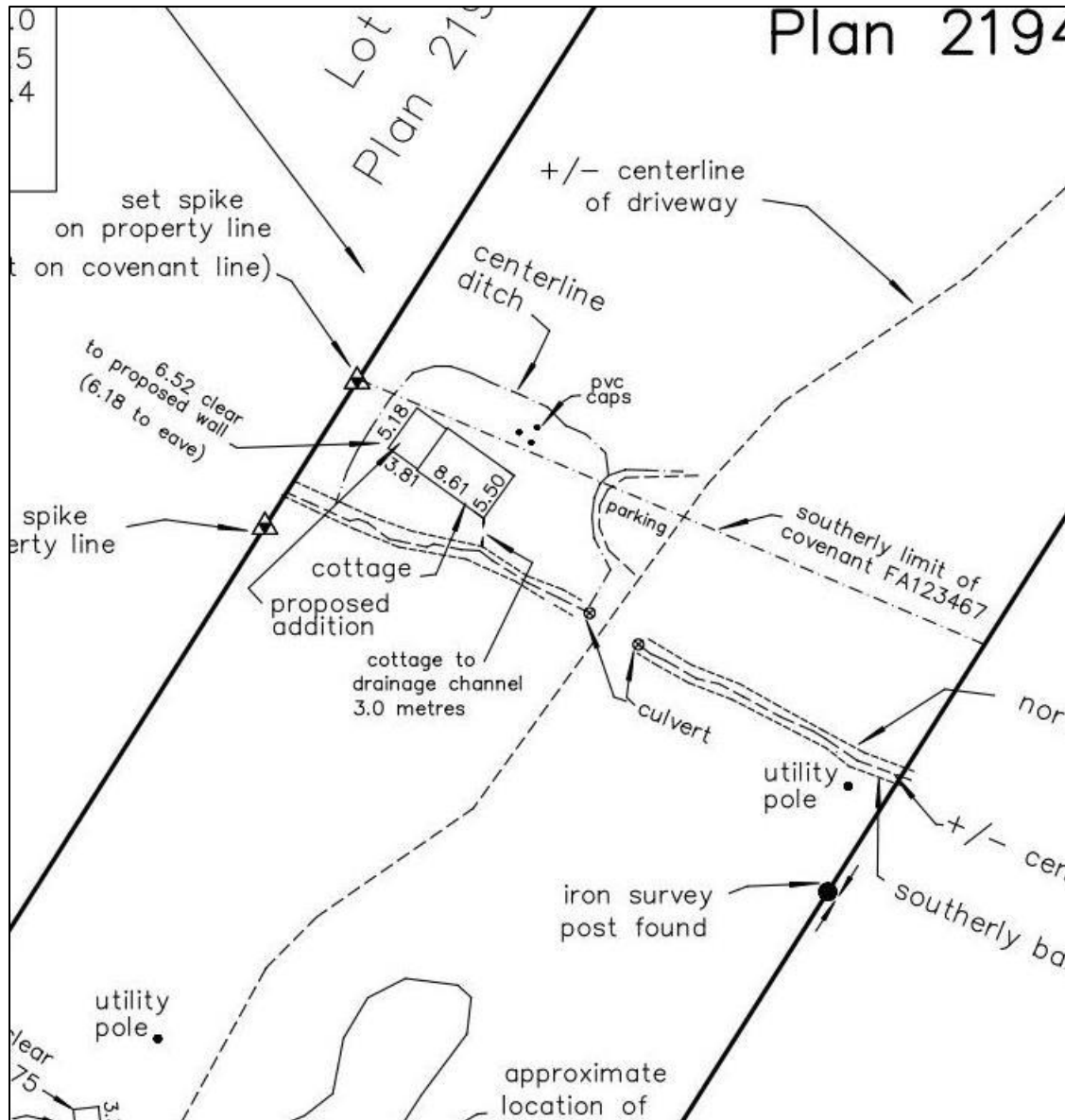
DEVELOPMENT PERMIT 2014.5 Schedule "D"



GALIANO ISLAND LOCAL TRUST COMMITTEE

**DEVELOPMENT PERMIT 2014.5
Schedule "E"**

Variance to 3.0 metres from Natural Boundary of Stream



STAFF REPORT

Date: May 14 , 2015

File No.: GL-RZ-2015.1
Galiano Conservancy

To: Galiano Island Local Trust Committee
For the meeting of April 13, 2015

From: Phil Testemale
A/Planner 2

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

Re: Bylaw Amendment Application

Owner: Galiano Conservancy Association
Applicant: Same
Location: Lot 1, Block 9, District Lot 5, Galiano Island, Cowichan District, Plan 1974
(PID: 006-620-965)

PURPOSE OF REPORT:

The purpose of this report is for the Galiano Local Trust Committee (LTC) to provide further direction to staff for the application by Galiano Conservancy Association to redesignate and rezone Lot 1, Block 9, District Lot 5, Galiano Island, Cowichan District, Plan 1974(PID: 006-620-965) (GL-RZ-2015.1 Galiano Conservancy). Specifically:

1. A decision on referral of Draft Bylaws 251 (LUB) & 252 (OCP) to the Galiano Island Advisory Planning Committee
2. Consideration of First Reading of Draft Bylaws 251 (LUB) and 252 (OCP);
3. Direction to staff on scheduling a public hearing and community information meeting for Bylaws No. 251 & No. 252

BACKGROUND:

Background to this application including a preliminary staff report is available on the Islands Trust website:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications.aspx>

The subject property was formerly owned by Marjorie McClelland. In 2001, Marjorie placed a conservation covenant on the property in favour of the *TLC the Land Conservancy of British Columbia* and the *Galiano Conservancy Association*. It was Marjorie's will that the land remain in its natural state, and, in order to fulfill this wish, her estate donated the land to the Galiano Conservancy Association in 2014.

Rezoning the property to **Nature Protection (NP)** and amending the Official Community Plan is intended to better ensure that the property is preserved in its natural state.

The LTC reviewed this application as a preliminary proposal on April 13, 2015. The following resolution was passed:

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee directs staff to proceed with application GL-RZ-2015.1 (Galiano Conservancy Association) and to prepare draft bylaws

THE PROPOSAL:

The property is currently zoned **Rural 2 (R2)** in the Galiano Island Land Use Bylaw 127, 1999 (LUB). The applicant wishes to rezone the subject property to **Nature Protection (NP)** to afford more certain protection of the lands in a natural state given the more restrictive uses permitted in that zone.

The proposal requires an amendment to the Galiano Island Official Community Plan Bylaw No. 108, 1995 to change the property's designation from **Rural (R)** to **Nature Protection (NP)**.

At their May 13, 2015 meeting the Executive Committee Sponsorship passed the following resolution:

EC-2015-057

It was MOVED and SECONDED,

That the Executive Committee Development Application Fee Sponsorship Application form for GL-RZ-2015.1 be approved.

The Draft Bylaws 251 and 252 are attached as Appendix One.

SITE CONTEXT:

The subject property is a 6.85 ha (16.92 acre) property situated near the end of Ellis Road on the southern end of Galiano Island close to Salamanca Point. There are no buildings or structures located on the subject property.

Figure 1: Subject Property Map

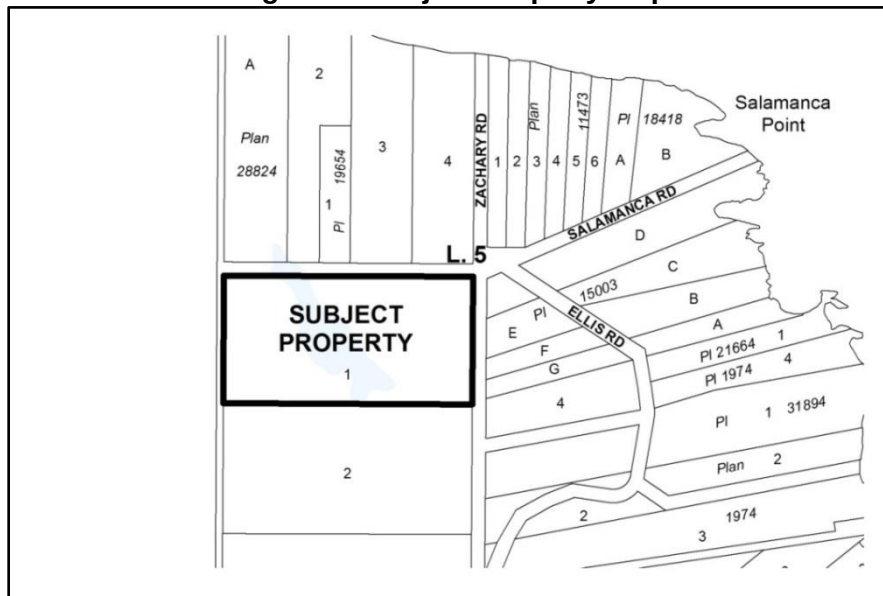
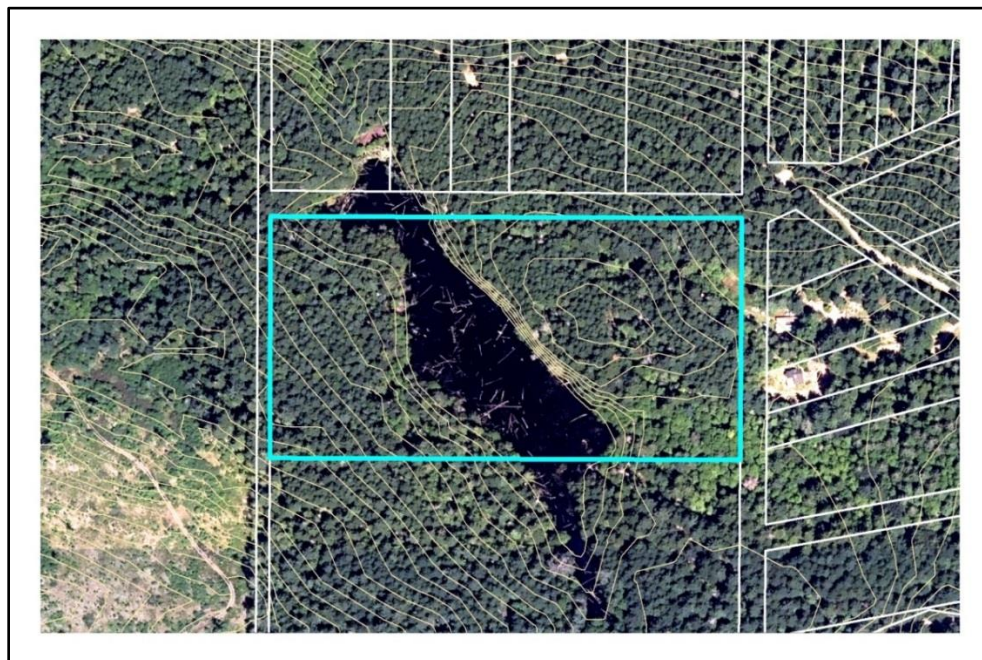


Figure 2: Orthophoto with 2 metre Contour Intervals



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

The Trust Council Directives Only Checklist (Appendix 2) is attached for consideration by the Local Trust Committee. Draft bylaws 251 and 252 are considered either in compliance with, or not applicable to, the policies found in the checklist.

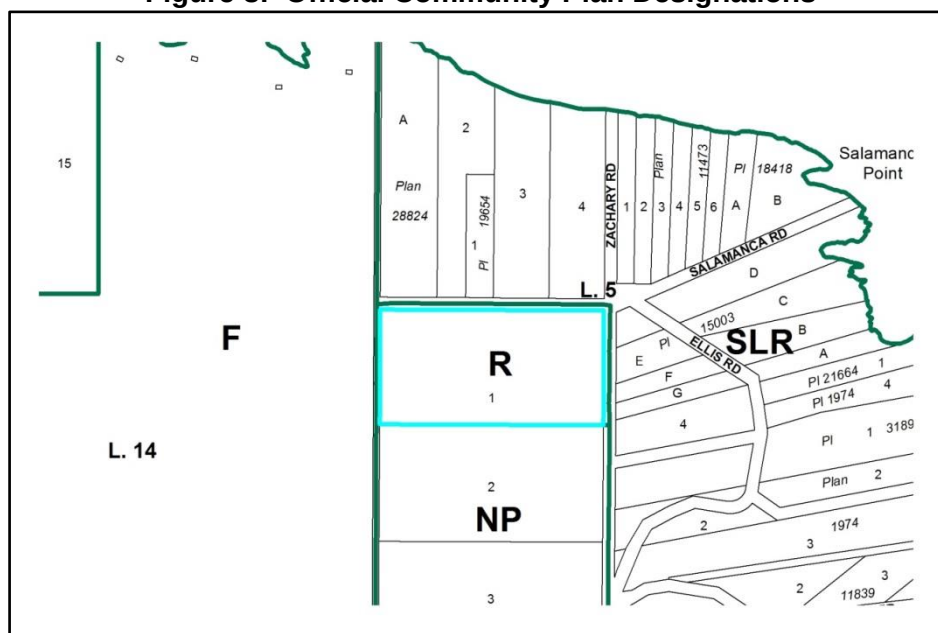
The bylaws are consistent with policies in the *ecosystem preservation and protection* section, policies for *stewardship of resources* and policies for *sustainable communities*. The checklist will be forwarded to the Executive Committee after Third Reading of the bylaw.

Official Community Plan:

The subject property is currently designated **Rural** in the Galiano Island Official Community Plan (OCP). The proposal requires an amendment to the OCP to the **Nature Protection** designation is required.

The proposal meets and advances many of the stated objectives and policies of the OCP, including preserving and protecting Galiano's ecosystems, and, in particular, protecting the vulnerable Coastal Douglas-fir biogeoclimatic zone on this property and contiguous, neighbouring properties to the south.

Figure 3: Official Community Plan Designations



Development Permit Areas:

The subject property has the following Development Permit Areas (DPAs) designated upon it:

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

Generally zoning amendment applications do not initiate Development Permits (DPs) and the permitted uses and prohibition of buildings and structures in the proposed **Nature Preservation (NP)** zone will preclude any future development.

Figure 4: Development Permit Areas

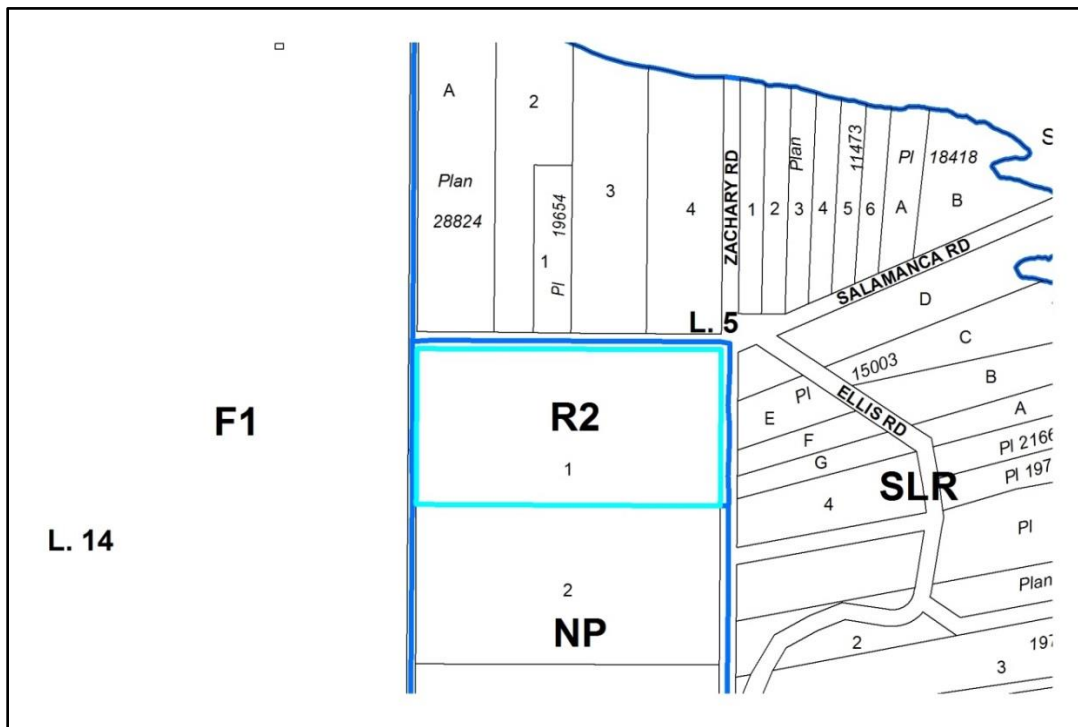


Land Use Bylaw:

The property is currently zoned **Rural 2 (R2)** in the Galiano Island Land Use Bylaw, No. 127, 1999. The regulations for the zone for this property would permit a dwelling and a cottage as well as accessory buildings, home occupations and farm use. The conservation covenant (below) is more restrictive, however, it does permit the owner to construct a residence and two accessory buildings to a maximum total footprint of 150 m².

By rezoning to **Nature Protection (NP)** would provide more restrictive limits over the current zone and covenant by limiting uses and building.

Figure 5: Zoning Map



Islands Trust Fund:

The Trust Fund Board is finalizing a conservation covenant over this property to replace the existing covenant that was more permissive and held by the current owner.

The Islands Trust Fund has responded to the bylaw referral recommending approval and that the rezoning is consistent with their interests (below).

REFERRALS:

The following agencies have referred the draft bylaws for comment. The referral period ends on May 27, 2015.

First Nations:

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

- Ministry of Community, Sport, and Cultural Development
- Ministry of Environment – BC Parks
- Ministry of Forest Lands and Natural Resources Operations – Ecosystem Services
- Ministry of Transportation & Infrastructure
- Trust Fund Board
- Managed Forest Council
- Capital Regional District – Electoral Area Director
- Capital Regional District – Regional Parks and Community Services
- Capital Regional District – Building Inspection
- Galiano Island Fire
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Thetis Island Local Trust Committee

As of the writing of this report, the following agencies have responded in favour of approving the Bylaws:

- Ministry of Forest Lands and Natural Resources Operations – Ecosystem Services
- Ministry of Transportation & Infrastructure
- Trust Fund Board

Advisory Planning Commission:

Given the nature of application and time constraints, staff is not recommending that LTC refer the proposal to the Advisory Planning Commission (APC)

If the LTC chooses to refer to the APC, a resolution would be required.

Professional Report (s):

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

COMMUNITY INFORMATION MEETING(S):

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

RESULTS OF CIRCULATION:

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

STAFF COMMENTS:

Staff is seeking direction from the Galiano Local Trust Committee (LTC) to proceed further with the zoning amendment application.

Staff is recommending that the Bylaws be given First Reading and that staff be directed to schedule a date for a community information meeting and public hearing. Unless requested otherwise, staff will schedule the hearing and CIM in conjunction with a regular LTC meeting.

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

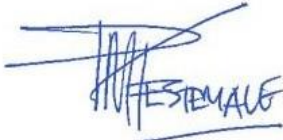
RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee gives FIRST READING to Bylaw No. 251, cited as Galiano Island Land Use Bylaw 127,1999, Amendment No. 02, 2015 (GL-RZ-2015.1 Galiano Conservancy Association).
2. THAT the Galiano Island Local Trust Committee gives FIRST READING to Bylaw No. 252, cited as Galiano Island Official Community Plan Bylaw 108,1995, Amendment No. 01, 2015 (GL-RZ-2015.1 - Galiano Conservancy Association).
3. THAT the Galiano Island Local Trust Committee direct staff to schedule a public hearing and community information meeting for Bylaws No. 251 cited as Galiano Island Land Use Bylaw 127, 1999, Amendment No. 02, 2015 and Bylaw No. 252, cited as Galiano Island Official Community Plan Bylaw 108,1995, Amendment No. 01, 2015 (GL-RZ-2015.1 - Galiano Conservancy Association).
4. That the Galiano Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 251 and Bylaw No. 252 are not contrary to or at variance with the Islands Trust Policy Statement.

OPTIONAL RECOMMENDATION:

5. THAT the Galiano Island Local Trust Committee direct staff to refer Bylaws No. 251 and Bylaw No. 252, to the Galiano Island Advisory Planning Commission

Prepared and Submitted by:



A/Planner 2

May 14, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

May 14, 2015

Date

Attachments: Draft Bylaws No. 251 & 252
Islands Trust Policy Statement Checklist

GALIANO ISLAND LOCAL TRUST COMMITTEE

DRAFT

BYLAW NO. 251

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

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

- A. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
1. Schedule B (Zoning Map) is amended for the lands legally described Lot 1, Block 9, District Lot 5, Galiano Island, Cowichan District, Plan 1974 from Rural 2 (R2) to Nature Protection (NP) as shown on Plan No.1 which is attached to and forms part of this bylaw.
- B. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2015”.

READ A FIRST TIME THIS DAY OF 201_

PUBLIC HEARING HELD THIS DAY OF 201_

READ A SECOND TIME THIS DAY OF 201_

READ A THIRD TIME THIS DAY OF 201_

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

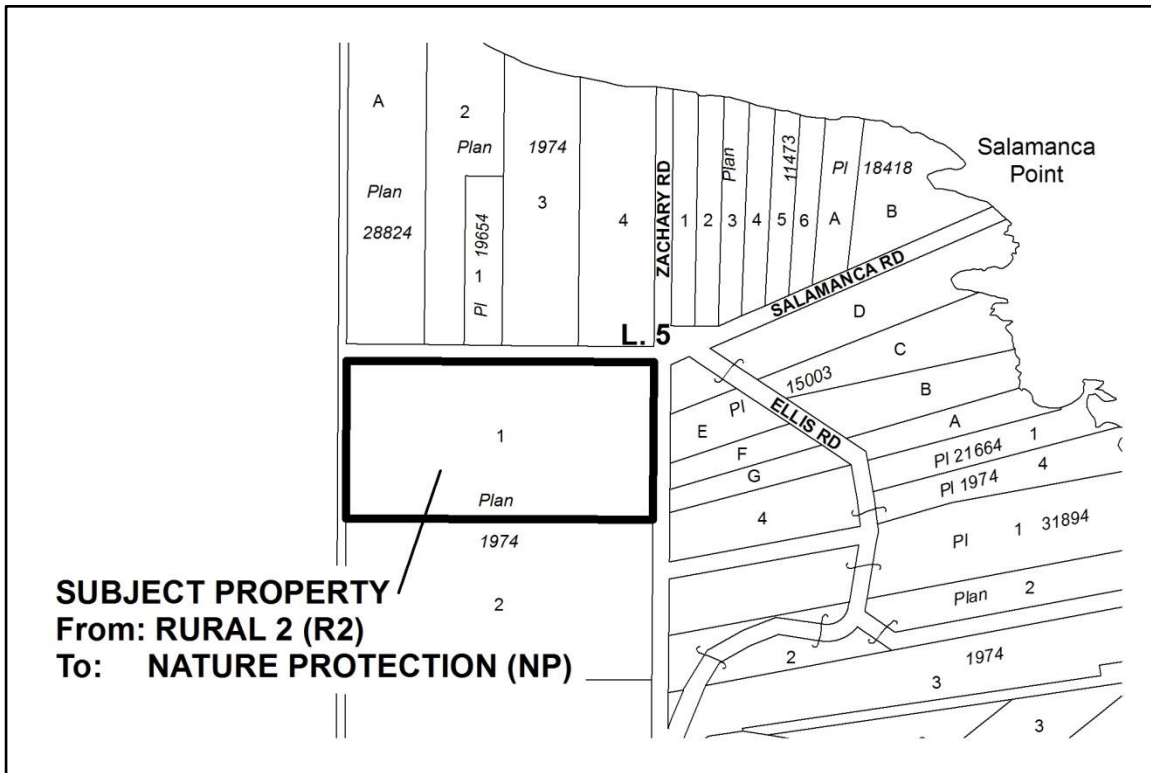
DAY OF 201_

ADOPTED THIS DAY OF 201_

DEPUTY SECRETARY

CHAIRPERSON

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 251
PLAN NO. 1**



DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 252

**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. 1, 2015”.

2. SCHEDULES

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

3. SEVERABILITY

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

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

PUBLIC HEARING HELD this day of , 20.

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

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

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

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

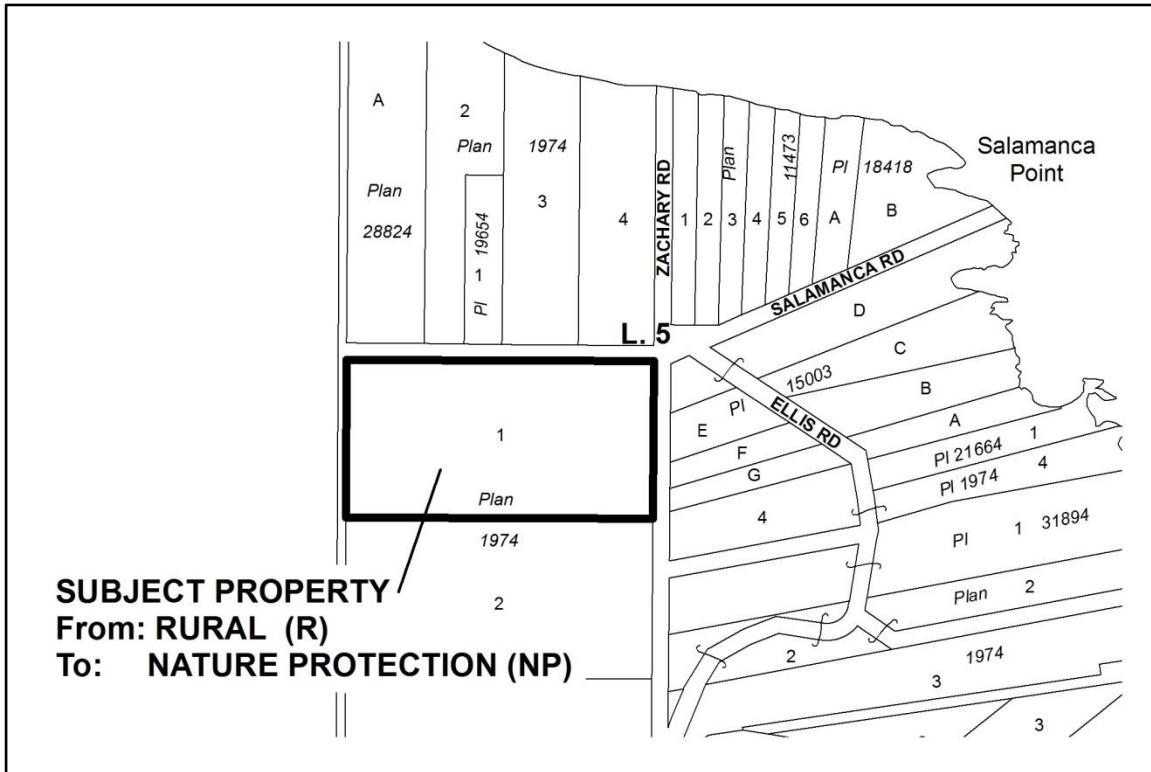
ADOPTED this _____ day of _____, 20.

SECRETARY

CHAIRPERSON

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 252
SCHEDULE 1**

1. Schedule B (Land Use Designation) is amended for the lands legally described Lot 1, Block 9, District Lot 5, Galiano Island, Cowichan District, Plan 1974 as depicted in the map below.





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: Bylaws No. 251 & 252

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

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

PART IV: Policies for the Stewardship of Resources

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

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

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

PART V: Policies for Sustainable Communities

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

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

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

Date: May 25, 2015 File Number: GL-RZ-2014.1 Crystal Mountain

To: Galiano Island Local Trust Committee
For the meeting of June 1, 2015

From: Kim Farris, A/Planner 2

CC: Robert Kojima, Regional Planning Manager

Re: Application Update

This memo will provide an update on the status of this application, material received from the applicant, and options on proceeding with the application. Background information on the property, the proposal and the preliminary staff report are available on the LTC webpage under 'Current Applications':
<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications.aspx>

At the February 2, 2015 regular meeting the Galiano Island Local Trust Committee (LTC) passed the following resolution:

"GL-2015-002

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee direct staff to proceed with the application GL-RZ-2014.1 (Crystal Mountain) but before preparing draft bylaws address the following:

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

Requested Information:

The applicant provided a written response addressing the nine points requested by the Galiano Island LTC (attached). The applicant states that a more detailed response will be available to the LTC at the June 1, 2015 meeting and will be available at the meeting to address the proposal.

Staff Comments:

The comments provided by the applicant provide clarity on the intent of the proposal. The proposal includes providing 30 accommodations for onsite meditators (three currently existing, 27 proposed), a caretaker cottage, meditation hall, summer kitchen facilities, bath house, bath and outhouse facilities, storage shed, and a pagoda sculpture. Two maps are attached to the memo showing the existing structures (attachment 2) and a general layout of the full build out (attachment 3). Both maps also show three Development Permit Areas (DPA 1 – Riparian, DPA 5 – Sensitive Ecosystems, and DPA 7 – Steep Slopes) overlaid onto the site plans.

The applicants have shown a willingness to comply with a number of recommendations outlined in the Environmental Assessment prepared by Keith Erickson that was provided with the application package in 2014. These include removal of invasive species (currently in progress), forest restoration and reduction in fire hazard by tree thinning, and installation of compostable toilets. If the Galiano Island LTC proceeds with the application, staff will recommend a list of conditions that must be met prior to rezoning approval based on recommendations from the assessment.

The applicants have also considered the option of transferring the proposed conservation area to a conservation society and spoke with Islands Trust Fund staff to discuss this option. As stated in the attached applicant response, they believe the retreat proposal would be best achieved if they continued with the option to register a conservation covenant.

Staff believe this application is an improvement over the initial application proposal from 2004 as the applicant has provided the necessary information to satisfy the initial application requirements and has provided the request information by the LTC. If the Galiano Island LTC does wish to move forward with the application and request staff to prepare draft bylaws, the LTC should also consider if forestry should be retained as a primary permitted use. Although the proposal meets the 75/25 percent approach generally, the intent is to rezone to a retreat use rather than residential, and to provide covenants rather than donated land.

Based on the number of zoning amendment applications in the past decade, there will more than likely be more zoning amendment applications with the intent to rezone forestry land to another permitted use. The LTC may want to consider if the overall community goal is to retain larger parcels primary for forestry use, or to rezone land to fulfill a contemporary land use need. Staff can address this more fully in a subsequent report.

A subsequent staff report would include an outline of the full proposal, list of conditions to be met prior to final adoption, and options for LTC consideration with regards to the Land Use Bylaw (LUB) and Official Community Plan (OCP) bylaw amendments: to retain the forestry zone and draft a site specific zone (with retreat use as a primary or accessory use), or draft a new retreat zone without a forestry use.

Options:

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

1. resolve to proceed no further with application;
2. direct staff to proceed with the application, outline options for draft bylaws, and to clarify any further outstanding issues if required; or
3. direct staff to proceed with the application and to prepare specific draft bylaws.

Staff recommends proceeding with the application and for staff to prepare options for OCP and LUB amendment bylaws. If the LTC wishes to move forward with the application and has a clear idea of bylaw amendment format (site specific zone with retreat use as an accessory or permitted use or a new retreat use zone), the LTC should provide this direction in the resolution. Staff have provided four draft resolutions outlining options to proceed but with direction on how to draft the bylaws.

Resolution Options:

1. THAT the Galiano Island Local Trust Committee direct staff to proceed with the application G-RZ-2014.1 (Crystal Mountain) and request staff to outline options for draft bylaws; OR
2. THAT the Galiano Island Local Trust Committee direct staff to proceed with the application G-RZ-2014.1 (Crystal Mountain) and request staff to draft bylaws for a site specific zone with the retreat use as a permitted use; OR
3. THAT the Galiano Island Local Trust Committee direct staff to proceed with the application G-RZ-2014.1 (Crystal Mountain) and request staff to draft bylaws for a site specific zone with the retreat use as an accessory use;
4. THAT the Galiano Island Local Trust Committee direct staff to proceed with the application G-RZ-2014.1 (Crystal Mountain) and request staff to draft bylaws for a new retreat zone.

Attachments:

1. Applicant Response – Received May 21, 2015
2. DPA Overlay with Site Plan (existing uses)
3. DPA Overlay with Site Plan (proposed uses)

Addressing the Galiano LTC, re: Crystal Mountain Retreat Center Rezoning

1) The covenant holder agreement with Islands Trust Fund already requires a full site survey, which we have arranged to do.

2) Existing structures (those in red remain in the new proposal):

Pagoda on Lot 9 - sculpture

Summer kitchen (20x20) – open air structure for cooking/eating (to be upgraded)

Meditation tent (20x30) and platform (20x40) – for classes and group meditation

3 meditator huts (160 sq. ft.) – accommodation for retreatants

4 outhouses

Storage shed – for tools and odd small items

Water cistern – gravity

Proposed New Structures:

23 additional huts, lower polygon – shorter term meditators

4 additional huts, upper cliff polygon – longer term meditators

(Onsite accommodation for 30 meditators total)

Caretaker cottage – 650 sq. ft., with septic field

Meditation Hall – 1325 sq. ft.

Bath House – 20x30, with septic field

Storage shed

3) Meditators eat lightly and simply. All the proposed huts will have small, propane cooking facilities. Tom Darby, the north end fire marshal, has now toured the property and given us his approval of the kitchen layout and fire safety. He has recommended the addition of a backsplash, which will be installed before the stoves are used.

4) To date our outhouses have composted effectively. We are currently investigating composting toilet designs to replace several of the outhouses that would see increased usage.

5) Some of the recommendations have been/are already being implemented. Removal of invasive broom is in progress. Tree thinning for fire hazard minimization is in progress. The Trust planners have offered to give us a priority list pulled from the recommendations in the Environmental Assessment. We will then build a work plan to present to the LTC.

6) We have recently had multiple discussions on the transfer of ownership issue with the planners, with Island Trust Fund and with the members of Crystal Mountain's rezoning committee. Our biggest concern with transferring ownership is that we would lose the ability to make certain decisions concerning the use of the landscape bordering our areas of operation. To be clear, the key commitment undertaken by the operators of a retreat facility, is that those who use the facility know they are protected. The retreat

work that individuals do is very private and solitary and for the most part requires disengaging from the world and journeying deep within themselves. This can be emotionally and existentially challenging and, particularly for those doing long term retreat work, requires entering into a place of real vulnerability. Talk is held to a minimum, even eye contact with another person is discouraged. The whole point of centers like Crystal Mountain is that those attending need to feel safe throughout that journey. To date, and in spite of our primitive facilities, people have been coming from near and far, from New Zealand, Europe, Brazil, the US, across Canada, because they have learned that Crystal Mountain provides them with this safety, instruction and isolation.

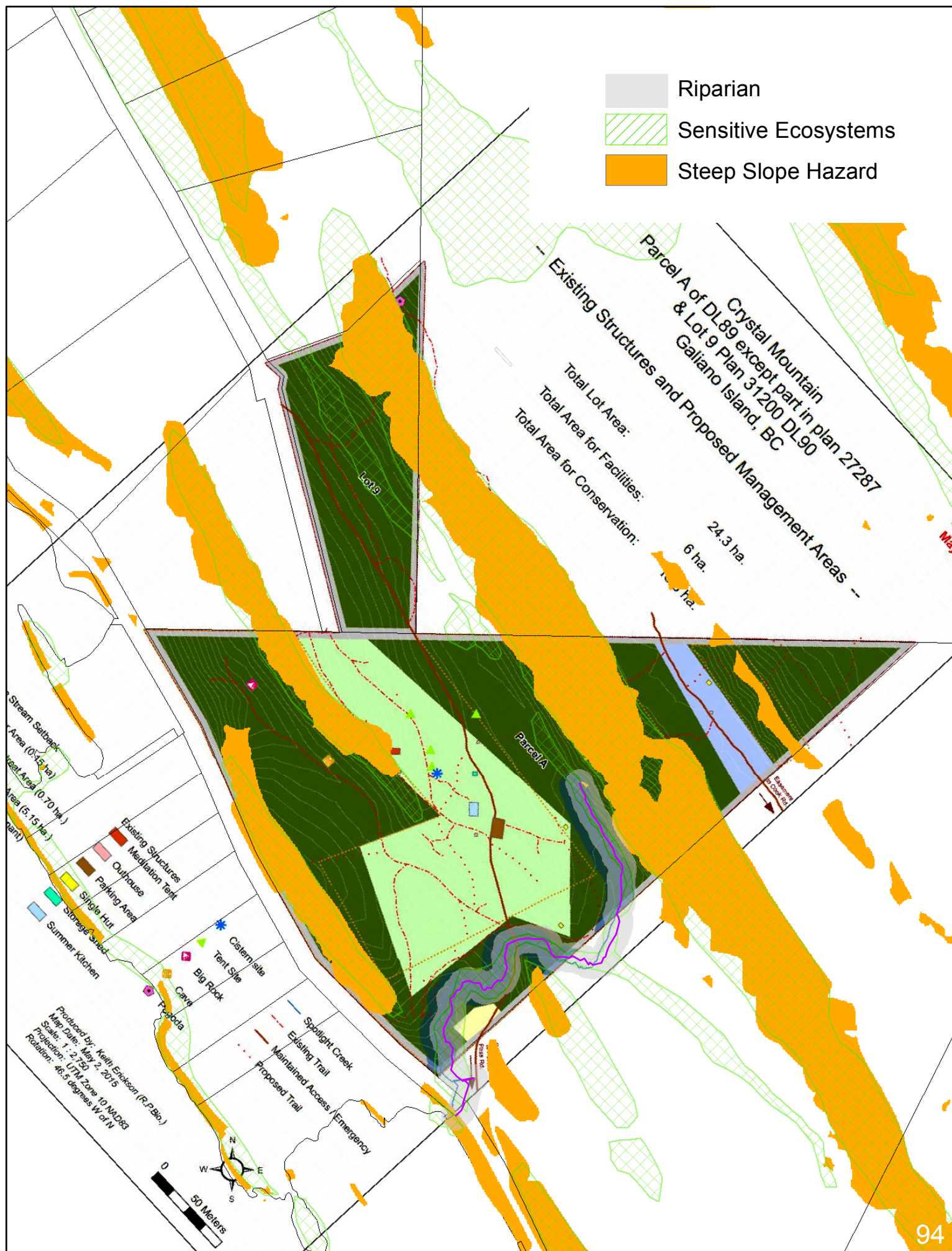
If we were to surrender the ability to make decisions concerning activity on our adjoining lands, even if those decisions are being made by sympathetic conservation organizations, we would compromise the very fundamental responsibility (and liability) we hold in creating this retreat space. So no, we would not choose to transfer title of the proposed covenanted lands.

7) Our building plan is very much determined by the landscape, particularly on Lot A, the forest lot. The lot has 2 distinct zones, one higher and one lower. The lower area connects to Porlier Pass Dr. and was the staging area for the logging operations of the past. The smaller, upper area sits atop a steep cliff and requires separate access from Cook Rd. This separation of space works nicely with the 2 uses we require for the retreat center. Most of our retreat work and courses are shorter term (under a month), where larger numbers attend and there is more activity, particularly in the summer months. A smaller number of folks come to us wanting greater isolation for longer (up to 6 month) retreats. The 5 cabins in the polygon at the top of the cliff serve that need; the lower polygon supports the shorter term retreatants.

This layout has been thoroughly vetted by previous trustees over the past 10 years. What is new in the current proposal is that we have added a small building site overlooking the driveway entrance off of Porlier Pass Dr. This cabin site would house the caretaking/maintenance person, who would also provide ongoing security. The location was suggested to us by our environmental consultant and provides the perfect location to both monitor traffic onto and from the property, as well as house a busy work manager at a distance from those in silent retreat.

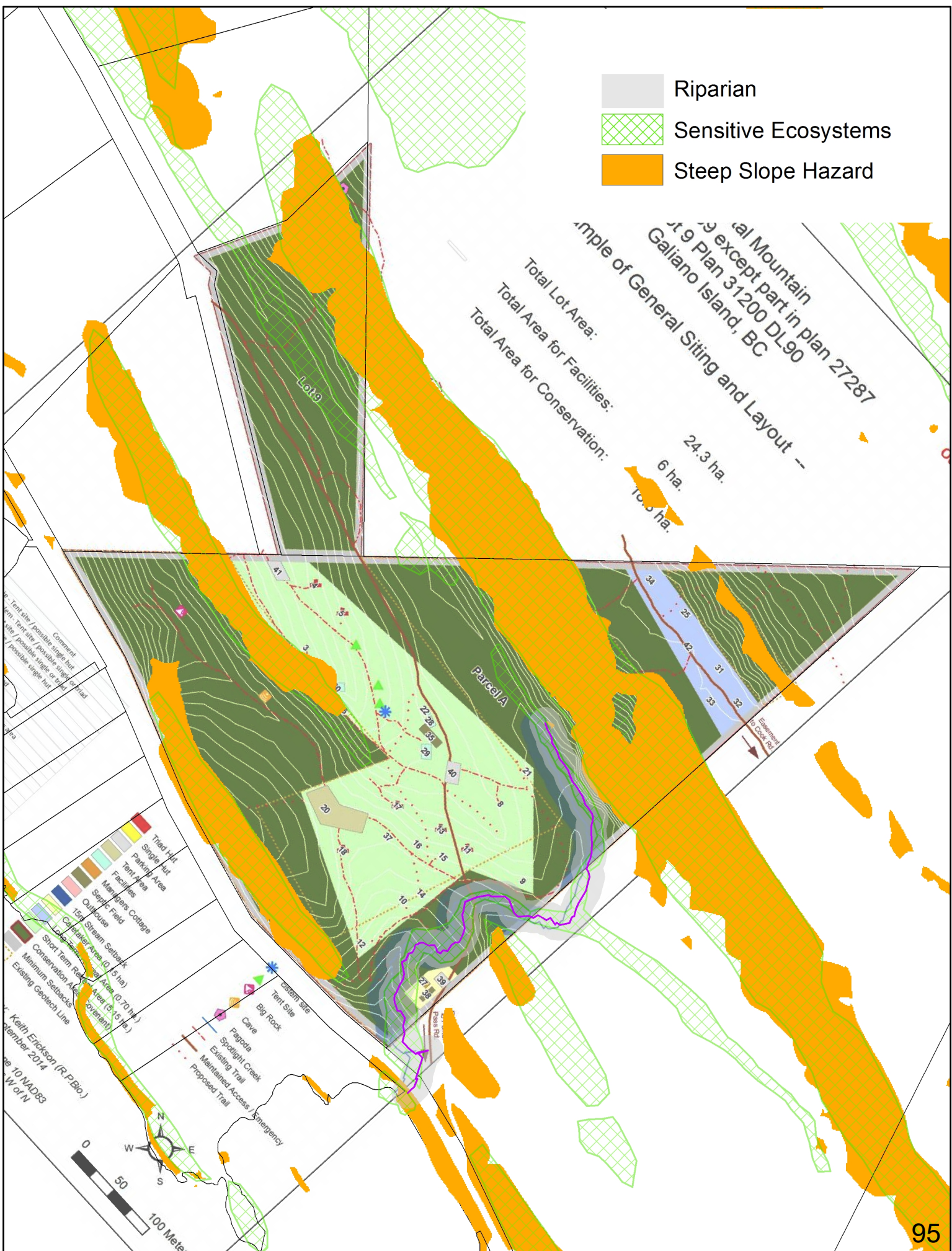
8) The planners assure us that they have these documents. Please note that it is our intention to do an improved geotechnical survey of the lower polygon area, which the previous owners warned was a halfhearted and inexpensive effort on their part. We further expect to relocate one of the huts in the lower polygon to conform.

9) The only new construction on the land over the past years has been the addition of 3 meditator huts, built as prototypes for what we might build if the rezoning were to go through. We recognize that this choice has been contentious and will certainly promise to do no further construction until the rezoning application is complete. Since we initially filed our rezoning application in 2004, we have operated as a simple, warm season location, with crude facilities that support only the hardier of meditators. We have complemented this work by renting housing from many islanders and have more recently focused our effort on building a full size teaching house on a privately purchased, adjoining residential lot. Our upcoming summer program of teaching and retreats is already in place and is fully subscribed, so it would be difficult to consider shutting down our activity at this time. We recognize that there are issues with this and wonder if we could either negotiate a short term compliance agreement with the bylaws people or be granted a temporary use permit? Since the process of amending an OCP can take time to be approved by senior government, this would help ease us through the next few months.



- Riparian
- Sensitive Ecosystems
- Steep Slope Hazard

Example of General Siting and Layout --
 except part in plan 27287
 Galiano Island, BC
 Total Lot Area:
 Total Area for Facilities:
 Total Area for Conservation:
 24.3 ha.
 6 ha.
 18.3 ha.



Date May 19, 2015

File Number 6500-20 LUB
Amendment
2015

To Galiano Island Local Trust Committee
For the meeting of June 1, 2015

From Kim Farris, A/Planner 2

Re **Proposed Bylaw No. 250 (LUB) - Post Public Hearing and Further Readings**

The Local Trust Committee is considering a bylaw to amend Section 2.14 of the Galiano Island Land Use Bylaw (LUB). Please see Attachment 1 for a copy of Bylaw 250 at First and Second Reading which was given on April 13, 2015. A public hearing was held on June 1, 2015 in conjunction with the regular meeting of the Galiano Island Local Trust Committee. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps for a LUB amendment following the close of the hearing are as follows:

1. Consideration of Third Reading.
2. Forwarding of the bylaw to Executive Committee for approval.
3. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee approves the bylaw, the next step for the LTC would be to adopt the bylaw.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee proposed Bylaw No. 250, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2015" be read a Third time.
2. THAT the Galiano Island Local Trust Committee proposed Bylaw No. 250 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

Attachment 1 – Proposed Bylaw 250

pc Robert Kojima, Regional Planning Manager

BYLAW NO. 250

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) General Regulations, Section 2.14 is amended by deleting “The setback to the sea does not apply to public bodies constructing public accesses on public land owned or operated by that body on a dedicated highway or other public access” and inserting “This setback from the sea does not apply to structures located on a highway” such that it reads: ‘Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea, and at least 15 metres from any lake, a swamp and any other natural watercourse. This setback from the sea does not apply to structures located on a highway’.
2. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2015”.

READ A FIRST TIME this 13th day of April, 2015.

READ A SECOND TIME this 13th day of April, 2015.

PUBLIC HEARING HELD this day of, 201_.

READ A THIRD TIME this day of, 201_.

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

ADOPTED this day of, 201_.

DEPUTY SECRETARY

CHAIRPERSON

Date: May 20, 2015

File No.: 6500-20-Contractor
Yards

To: Galiano Island Local Trust Committee
For the meeting of June 1, 2015

From: Kim Farris
A/Planner 2

CC: Robert Kojima
Regional Planning Manager

**Re: Home-Based Contractor Yards Project – Draft Official Community
Plan Bylaw Amendments**

Purpose

The purpose of this report is to present the draft Official Community Plan (OCP) Bylaw amendment (Draft Bylaw no. 253) to establish guidelines for home-based contractor yards by use of Temporary Use Permits (TUP) within the Galiano Island Local Trust Area. The report also outlines the project's next steps for the Galiano Island Local Trust Committee (LTC) to consider.

Project Background

In 2013-2014 staff worked with the Galiano Island LTC to propose options for amending the Land Use Bylaw (LUB) to permit home industry type/contractor yards uses. During this process, a draft bylaw (Bylaw 241) was considered by the LTC that included a new use and regulations similar to a home occupation, but called home industry occupation which had specific criteria to permit the specific use. It addressed the lot size, types of uses, screening and times of operation in an effort to limit the impact on adjacent land owners. This approach was not supported and it was decided to try and incorporate the use under the framework of the existing LUB home occupation regulations. The regulations were expanded to incorporate specifics for when, where and how a contractor yard could be established. The LTC raised a number of concerns over this approach and subsequently amended the proposed Bylaw 241 by eliminating any reference to contractor yards as a home occupation use.

At the February 3, 2014, LTC directed staff to amend the work program top priorities list by adding home-based contractor yards as a new top priority item.

At the May 2014 LTC meeting, the LTC endorsed a project charter, endorsed a terms of reference for a stakeholder group to review the background and present recommendations to

the LTC, and requested staff to advertise for membership of the stakeholder group. 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 wrote to staff indicating that they no longer wish to participate in the stakeholder group.

At the September 2014 meeting, staff advised that proceeding with a two person stakeholder group would not be a viable option and recommended that no further work be done on the home-based contractor yard project until next term's work program is reviewed.

At the February 2015 meeting, the Galiano Island LTC resolved to keep the home-based contractor yards project on the work program as a top priority item.

At the March 2, 2015, the LTC requested staff to explore Temporary Use Permits as a viable option.

At the April 13, 2015 Galiano LTC meeting, the LTC requested staff to draft an OCP bylaw amendment to permit home-based contractor yards by TUP. The resolution from the April 13, 2015 Galiano Island LTC meeting:

"It was MOVED and SECONDED, That the Galiano Island Local Trust Committee request staff to draft a bylaw to amend Official Community Plan Bylaw No. 108, 1995 to include Temporary Use Permit guidelines for home-based contractor yards."

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

Draft OCP Amendment Bylaw No. 253

Temporary Use Permit (TUP) Guidelines:

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

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

A draft revision to Section VII (TUPs) of the OCP is attached for the LTC's review. This revision includes a list of conditions that the LTC may require to be included in a temporary use permit. Not all conditions must be placed in a future TUP; the LTC has the discretion to include all or a select number of conditions to a permit. In addition, the LTC has the option to add additional conditions specific to the property's use to the TUP that are not listed in the guidelines.

Staff request the Galiano Island LTC to review the draft TUP guidelines and provide staff with any necessary changes.

Communications

Agency Referrals:

As a next step, staff are recommending to refer the draft bylaw to agencies, Advisory Planning Commission (resolution from the Galiano Island LTC is required), and First Nations. This will allow the LTC to make any necessary changes to the draft bylaw prior to Second Reading.

Community Information Meeting & Public Hearing:

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

This CIM can be held in conjunction with a scheduled regular LTC meeting or as a separate Special Meeting on a Saturday preferably with other projects or applications. Further direction from the LTC will be required if any additional community consultation or special meetings above and beyond the standard process are desired.

Summary of Planning Recommendations

Staff have prepared the attached draft bylaw for consideration of the LTC. There is the ability for the LTC at the time of reviewing the TUP application to address specific conditions that go beyond those in the bylaw through the permit itself that are specific to the site.

Options for LTC Consideration:

- Give First Reading to draft bylaw no. 253;
- Amend draft bylaw no. 253 and then give First Reading to the bylaw;
- Direct staff to revise the draft bylaw and present it at a subsequent meeting for further consideration;
- Direct staff to refer the bylaw to the Galiano Island Advisory Planning Commission;
- Direct staff to schedule public hearing; and/or
- Direct staff to schedule a second community information meeting (CIM) prior to the public hearing.

Staff are recommending that the Draft Bylaw No. 253 be given First Reading and to refer the draft bylaw to the Galiano Island Advisory Planning Commission for comment. The proposed bylaws will also be referred to agencies for comment. However, if there are significant amendments recommended by the agencies, then staff would bring the bylaw back to the LTC for consideration of amendments at Second Reading, prior to holding a public hearing. At this time, the LTC can also give staff direction to schedule a CIM and public hearing or wait until all referral comments are collected and presented, and then schedule a CIM and public hearing to address any necessary amendments.

The Project Charter will be revised and attached to a subsequent staff report once the LTC decides how to proceed with the draft bylaws.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee give First Reading to Draft Bylaw No. 253, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2014."
2. THAT the Galiano Island Local Trust Committee Proposed Bylaw No. 253 be referred to the Galiano Island Advisory Planning Commission and other appropriate agencies.

Prepared and Submitted by:

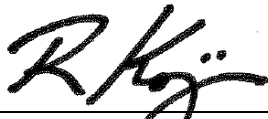


Kim Farris, Planner 2

May 20, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

May 20, 2015

Date

Attachments:

1. Draft OCP Amendment Bylaw no. 253

DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 253

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

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

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

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

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

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

1. CITATION

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

2. SCHEDULES

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

3. SEVERABILITY

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

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

PUBLIC HEARING HELD this day of , 20.

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

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

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

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

ADOPTED this _____ day of _____, 20.

SECRETARY

CHAIRPERSON

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 253
SCHEDULE 1

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

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

- “iv. In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a temporary use permit for a contractor yard:
- a) for the purpose of a temporary use permit, “contractor yard” means the use of land or buildings for the storage of materials and equipment for a building, construction, or landscaping business and is accessory to a dwelling unit;
 - b) the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for a contractor yard;
 - c) in addition to any other conditions the Local Trust Committee may consider appropriate, the permit may include the following conditions:
 - No more than one contractor yard may be conducted per lot;
 - Combined floor areas of all buildings and structures for the contractor yard should be limited;
 - Lot coverage for areas used for outdoor storage which includes vehicles (trucks, trailers, etc.) and materials related to the contracting business should be limited;
 - Contractor yard buildings and structures should not exceed 9 metres in height;
 - All outdoor storage areas should be screened from view by a landscape screen from abutting lots and highways and should meet or exceed Section 15 (Screening and Landscaping Regulations) in the Galiano Island Land Use Bylaw No. 127, 1999 in order to mitigate impacts to surrounding neighbours.
 - All outdoor storage areas should be sited not less than 15 metres from any lot line and not less than 30 metres from any lake, wetland, stream or the sea;
 - The number of vehicles or equipment used for the purpose of the contractor yard should be limited;
 - Not more than one unilluminated sign is permitted not exceeding 0.6 m² in area is permitted on the subject property;
 - Parking requirements for the contractor yard shall meet or exceed Section 14 (Parking Requirements) in the Galiano Island Land Use Bylaw No. 127, 1999;
 - Contractor yard operation hours must be compliant with the noise prohibitions as outlined in the Capital Regional District Noise Suppression Bylaw (Southern Gulf Islands) No.1 , 2006
 - The number of persons employed in any contractor yard per lot should be limited; and
 - Owner of the contractor yard must permanently reside on the lot in which the Temporary Use Permit for a contract yard has been issued.
 - d) The operator of the contractor yard must comply with all licensing, health and other applicable regulation of the Province of British Columbia and the Capital Regional District including building inspection, public health, noise, air quality, and water quality regulations.

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



Top Priorities

Galiano Island

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

Projects

Galiano Island

No.	Description	Activity	Received/Initiated	Status
1	Soil Removal and Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw	Sep-12-2011	On Going
2	Amendments to Forest designation and F1 zone -	Consider options for amendments to Forest Land Designation and policies and F1 zoning for lands without Managed Forest Status. Draft bylaws have been prepared, project deferred at meeting of April/12	Apr-16-2012	On Going
3	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the LUB.	Nov-18-2013	On Going
4	Parking Issues	Issue for discussion with MoTI and public parking issues generated from associated islands. (see correspondence from P. Midgely on agenda of Apr/12)	Jul-23-2012	On Going
5	Bike Trails and Camping	Letter dated July 8, 2013 received from Galiano Parks and Recreation Commission regarding bike safety on Galiano roads (See Transportation policy U of Section 1.1) and for the allowance of non-commercial camping on private lots.	Jul-15-2013	On Going
6	Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	Nov-18-2013	On Going
7	Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	Nov-18-2013	On Going
8	Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	Nov-18-2013	On Going

9	Land Use Bylaw Amendments	To review LUB for: any technical/administrative bylaw amendments (e.g. definition references and numbering), shoreline zoning wording, crown lot rezonings	Jul-07-2014	On Going
10	Community Benefit Review for Forest Lands	Staff to prepare preliminary report for new LTC	Sep-08-2014	On Going
11	Consider amendments to re-designate and rezone crown owned Forest lots.- Bylaws 231, 232 at First Reading	re-refer to FLNRO for comment		On Going
12	Telecommunication Strategy	To consider a telecommunication strategy to address cell tower policies and procedural guidelines.	May-12-2015	On Going

Applications w/ Status - Galiano Island Status: Open

Applications

Development Permit

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

Planner: Phil Testemale

Planning Status

Status Date: Apr-27-2015

Applicant to provide shoreline area remediation plan in mid-May.

Status Date: Dec-18-2014

Application on hold as land has been altered in Shoreline DPA

Status Date: Nov-24-2014

opened file, processed fee, notified LTC

Rezoning

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

Planning Status

Status Date: Feb-20-2015

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

Status Date: Feb-02-2015

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

changes

Status Date: Jan-21-2015

applicants withdrawing RHTF application

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

Planning Status

Status Date: May-14-2015

Applicant requested to provide cost recovery for legal review of covenant

Status Date: Apr-02-2015

Draft covenant received. Staff and applicant are reviewing the draft covenant.

Status Date: Feb-16-2015

Consultant drafting sustainable forestry covenant

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

Planning Status

Status Date: May-21-2015

Requested material from applicant received.

Status Date: Apr-02-2015

Staff met with applicant to discuss requested information and next steps.

Status Date: Feb-23-2015

Staff forwarded requested information to applicant

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

Planning Status

Status Date: Apr-22-2015

Forwarded to EC May 13, 2015 agenda for sponsorship consideration

Status Date: Apr-14-2015

LTC direction to bring back draft bylaws

Status Date: Mar-31-2015

Preliminary staff report on April 13th agenda.

Subdivision

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

Planning Status

Status Date: Nov-24-2014

SD file on hold until zoning amendment bylaws are adopted

Status Date: Sep-08-2014

10 percent waiver approved by LTC

Status Date: Aug-28-2014

request for 10 percent frontage waiver on sept agenda

Islands Trust
LTC EXP SUMMARY REPORT F2015
Invoices posted to Month ending March 2015

625 Galiano	Invoices posted to Month ending March 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	500.00	449.28	50.72
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	2,500.00	4,596.87	-2,096.87
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	634.49	-134.49
65220-625	LTC - Local Exp - Communications	300.00	556.43	-256.43
65230-625	LTC - Local Exp - Special Projects	750.00	80.00	670.00
TOTAL LTC Local Expense		<u>4,050.00</u>	<u>5,867.79</u>	<u>-1,817.79</u>
Projects				
73001-625-2002	Galiano OCP/LUB	3,000.00	2,449.98	550.02
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>4,749.38</u>	<u>3,250.62</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: April 7, 2014

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 11, 2009 / Amended February 3, 2014	GL-LTC-85-09 Amended:	Parks Commission Referral	That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment
2.	October 18, 2010	GL-LTC-115-10	Publishing Notices beyond legal requirements	THAT the Galiano Island Local Trust Committee will advertise Public Hearing Notices in either the Active Page Magazine or Islands Tides Newspaper in addition to the legally required advertising in the Driftwood Newspaper.
3.	October 17, 2011	GL-LTC-205-11	Special Occasion Liquor Licenses	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property on which Galiano Island Land Use Bylaw No. 127, 1999 permits public assembly uses, such as restaurants or community halls, and where there have been no issues related to parking or past complaints for the preceding three years , staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.

No	Meeting Date	Resolution No.	Issue	Policy
4.	September 17, 2012	GL-LTC-100-12	Short Term Vacation Rentals	THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Short Term Vacation Rentals that have one or more of the following characteristics will be subject to enforcement: 1. There are issues related to health and safety; 2. There is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR; 3. The owner of the property uses more than one property on Galiano Island as a STVR. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Galiano Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time; THAT the policy remains in effect until such time as the regulatory review is complete.
5.	February 3, 2014		Applications with Open Bylaw Enforcement files	On properties where there is an open bylaw enforcement file, planning staff should refer planning applications to the Bylaw Enforcement Manager for comment where one or more of the following circumstances exist: 1. There have been significant delays or longer than typical timelines in the enforcement process 2. The LTC is considering on-going, relevant policy or regulatory changes that could impact enforcement 3. Litigation has been recommended 4. Legal counsel has been involved (beyond providing a basic interpretation) 5. There has been enforcement action beyond seeking voluntary compliance (e.g. a BEN warning or ticket, adjudication, a compliance agreement negotiated, etc.) 6. There has been, or is an expectation of, joint enforcement with other jurisdictions 7. There is potential for impact on other related enforcement files.
6.	April 7, 2014	GL-2014-029	Community Wells as a Community Benefit	That the Galiano Island Local Trust Committee will consider as a community benefit for all rezoning applications where there is an increase in density, the establishment of an instrumented observation well.

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



Memo

To: Galiano Island Local Trust Committee

From: Jennifer Eliason, Manager, Islands Trust Fund

Date: May 21, 2015

Re: New TFB Conservation Covenant on Lot 1, Block 9, District Lot 5, Galiano Island, Cowichan District, Plan 1974

Message

Dear trustees,

The Trust Fund Board has signed a conservation covenant on a new protected area on Galiano Island, at Finlay Lake (Lot 1, Block 9, District Lot 5, Galiano Island, Cowichan District, Plan 1974) and the covenant has now been submitted for registration. In 2014, the subject property transferred to the Galiano Conservancy Association for protection as a nature reserve. Although the property was formerly protected by a conservation covenant (held by the Galiano Conservancy Association and TLC The Land Conservancy of BC), the new covenant removes all the building potential from the site.

The Islands Trust Fund will take on the annual monitoring of this property in 2016, and will work with the Galiano Conservancy Association to ensure the conservation values of this property are maintained.

If you have any questions about this new conservation covenant, please do not hesitate to contact me at (250) 405-5191 or jeliason@islandstrust.bc.ca.

Sincerely,

Jennifer Eliason
Manager
Islands Trust Fund