



Galiano Island Local Trust Committee Special Meeting Agenda

Date: July 5, 2014
Time: 12:30 pm
Location: Lions Park Society
992 Burrill Road
Galiano Island, BC
V0N 1P0

	Pages
1. Call to Order	
2. Approval of Agenda	
3. Community Information Meeting	
3.1 Galiano Island Local Trust Committee Proposed Bylaw No. 246 (attached)	2 - 7
3.2 Galiano Island Local Trust Committee Proposed Bylaws No. 247 & 248 (attached)	8 - 13
4. Public Hearing	
4.1 Galiano Island Local Trust Committee Proposed Bylaw No. 246 PH Binders under separate cover	
4.2 Galiano Island Local Trust Committee Proposed Bylaws No. 247 & 248 PH Binder under separate cover	
5. Adjournment	

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 246

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, 2014.”

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 5th day of May , 2014.

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. 246
SCHEDULE 1**

1. Schedule A, Section V, 4 Development Permit Area 4 – Elevated Groundwater Catchment Areas is amended by replacing it in its entirety with the following:

4. *Development Permit Area 4 - Elevated Groundwater Catchment Areas*

4.1 Description of Area

Development Permit Area 4 includes groundwater catchment areas above 140 meter elevation contours as shown on Schedule G.

4.2 Authority

The Elevated Groundwater Protection Development Permit Area is designated a development permit area pursuant to Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity and Section 919.1(i) of the *Local Government Act* for the establishment of objectives to promote water conservation.

4.3 Special Conditions and Objectives that Justify the Designation

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is Provincial legislation in Section 877(1)(d) of the Local Government Act that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is environmentally sensitive to development.

It is policy of the Islands Trust Council that Local Trust Committees 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
- The 1998 B.C. Environment Study Assessment of Groundwater Availability and Quality, Galiano Island, British Columbia identified wetlands at intermediate elevations as warranting special management consideration in view of their function as recharge areas for downslope groundwater regions. The 1998 Groundwater Study concluded that judicious management of groundwater recharge areas will be critical to sustaining groundwater availability and quality in all of the groundwater regions of Galiano Island.

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for private wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development on sub-surface water supplies

4.4 Development Approval Information

The Elevated Groundwater Catchment Area DPA is also designated an area for which development approval information (DAI) may be required according to Section 920.01(1)(c) of the *Local Government Act*. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impact of the proposed activity or development on the community or the natural environment.

4.5 Applicability

A development permit is required for the subdivision of land, construction of a new residence or commercial or industrial building, land alteration, or the cutting of trees in excess of the number exempted below.

4.6 Development Permit Exemptions

The following activities are exempt from any requirement for a development permit:

- a) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required)
- b) Construction of a dwelling or subdivision of land that is, or will be, serviced by a community water system.
- c) Construction of a dwelling where the dwelling:
 - a) Is not to be connected to a groundwater source; and,
 - b) Is entirely serviced with water through stored and treated rain water which meets or exceeds Canadian Drinking Water Standards.
- d) Development on land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.
- f) The placement of temporary buildings or structures
- g) All vegetation removal except for cutting and removal of more than 5 trees (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.
- j) Forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- k) Land alteration that does not alter the natural contours of the land.
- l) The construction of an accessory building or structure with a lot coverage of less than 100m², provided the accessory building or structure is not connected to a supply of water.
- m) Construction of trails or fences that does not alter contours of the land.
- n) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;

- iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream;
or
 - iv. Bridge repairs.
- o) Works undertaken by a local government or a body established by a local government.

4.7 Guidelines

The *Local Government Act* prohibits construction of buildings and structures and the alteration of land and subdivision in Development Permit Area 4 unless the owner first obtains a development permit. Development permits will be issued in accordance with the following guidelines; guidelines in section 3.5 may also be applicable.

1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. Where a qualified professional hydro geologist or engineer has made recommendations for mitigation measures, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.
3. Where the qualified professional hydro-geologist or engineer'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 hydro-geologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
 - c) not interfere with groundwater recharge;
 - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. The LTC may require the applicant to install a groundwater monitoring device in at least one well within each proposed subdivision. The LTC may require an agreement to be registered on title to allow a designated person or agency to access the property to collect the data from the device.
6. Where rainwater management is recommended by the report, rainwater should be retained on-site and managed using methods such as vegetated swales, rain gardens, or other methods which allow rainwater to return to the ground.
7. Where rainwater harvesting is recommended by the report for the construction of a building (residential, commercial, industrial or institutional as permitted by zoning):
 - a) Buildings should be sited to allow for the optimal placement of a gravity fed rainwater collection tank which collects rainwater from the roof leaders of the dwelling unit which capture the majority of the rainwater flows.
 - b) Buildings should be designed to maximize opportunities for rainwater catchment from all roof surfaces.
 - c) Impervious surfaces should be minimized. The use of impervious paved driveways shall be discouraged.
8. The LTC may require that all new dwelling units include an external rainwater harvesting system such which includes the following:

- i. External equipment for collecting and distributing rainwater from the dwelling unit roof;
 - ii. A storage tank(s) with a minimum storage capacity of 18,000 litres which is designed for rainwater collection and is rated for potable use;
 - iii. A pumping system;
 - iv. An overflow handling system.
9. Where external rainwater harvesting equipment is required as a condition of the permit, the LTC shall encourage the applicant to install dedicated plumbing lines within proposed dwelling units to make use of stored rainwater for flushing toilets and other non-potable uses.
 10. Where tree removal which is not exempt from the requirement for a permit:
 - a. Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.
 - b. All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. 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.
 - c. Existing, native trees should be retained wherever possible and trees to be retained near development 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.
 - d. If the area has been previously cleared of trees, 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.
 - e. Tree 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 wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.
 - f. 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 trees 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.
 11. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage.
 12. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
 13. 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.
 14. The construction of roads and utility corridors and other activities involving the disturbance of the soil, must be conducted in such a manner that the productivity of the local groundwater recharge area is not impaired through soil compaction, altered surface drainage patterns, siltation, erosion, or salt water intrusion.

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 247

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

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

1. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
 - a) By amending Section 3.1 by adding the words “and short term vacation rental home occupations” after the words “bed and breakfast home occupations”.
 - b) By adding Section 3.13:
 - 3.13 On properties with a principle dwelling and a legal cottage the following additional regulations apply short term rental as a home occupation:
 - 3.13(1) no more than one dwelling or cottage per lot may be used as a short term vacation rental at any one time.
 - 3.13(2) No more than three bedrooms with a total of four beds may be used to accommodate paying guests for short term vacation rental
 - c) By amending Section 17.1 (Interpretation) by adding the following definition in alphabetical order and subsequently changing all definition numbering:

“short term vacation rental” means the use of a dwelling or *cottage* as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier. For this purpose, a dwelling or *cottage* used as *short term vacation rental* shall be considered an accessory *home occupation* subject to the regulations established in Section 3.”
2. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2014”.

READ A FIRST TIME this 5th day of May , 2014.

READ A SECOND TIME this day of , 201_.

PUBLIC HEARING HELD this day of , 201_.

READ A THIRD TIME this day of , 201_.

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

ADOPTED this day of , 201_.

DEPUTY SECRETARY

CHAIRPERSON

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 248

A BYLAW TO AMEND THE GALIANO ISLAND OFFICIAL COMMUNITY PLAN

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, 2014."

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME this 5th day of May , 2014.

READ A SECOND TIME this day of , 201_.

PUBLIC HEARING HELD this day of , 201_.

READ A THIRD TIME this day of , 201_.

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

| APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this day of , 201_.

ADOPTED this day of , 201_.

DEPUTY SECRETARY

CHAIRPERSON

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 248**

SCHEDULE 1

A. Schedule A of the Galiano Island Local Trust Committee Bylaw No. 108, cited as, “Galiano Island Official Community Plan Bylaw No. 108, 1995” is amended as follows:

1. By deleting Section 5.3 Visitor Accommodation Policies a) and b) and replacing it with the following:

“a) Where Bed and Breakfast, Short Term Vacation Rental, and Commercial Vacation Rental are permitted, the residential character of the site shall be maintained.”

“b) Bed and Breakfast with 1 to 3 rental rooms accommodating up to three persons per room shall be accessory to a residential use.”
2. By amending Section 5.3 Visitor Accommodation Policy d) by inserting “, Short Term Vacation Rental, and Commercial Vacation Rental” after the words “Bed and Breakfast”.
3. By deleting Section VII (Temporary Use Permits) in its entirety and replacing it with the following:

“SECTION VII - TEMPORARY USE PERMITS

BL224

1. Circumstances

- i. The Local Trust Committee may issue Temporary Permits for all areas covered by this Plan.
- ii. The Local Trust Committee may consider preparing amendments to Galiano Island Local Trust Committee Impact Assessment Bylaw No. 58, 1998 for adoption by Trust Council to require development approval information for Temporary Use Permit Applications through adoption of a development approval information bylaw.

2. Objectives

- i. Permits for temporary uses may be issued for short term uses or as a test of the compatibility of the proposed land use, which may not have been anticipated, with existing uses.
- ii. Permits can be issued for any period up to three years and could be considered for renewal once for any further period up to three years.
- iii. In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a temporary use permit for a commercial vacation rental:
 - a) for the purpose of a temporary use permit, “commercial vacation rental” means the use of a *residence* as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier;

(3)

- b) the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals;
- c) the Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence;
- d) the Local Trust Committee may require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
- e) the landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use;
- f) the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles;
- g) in addition to any other conditions the LTC may consider appropriate, the permit may:
 - require that the owner or other contact be available on Galiano by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit;
 - require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit;
 - require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area;
 - establish a maximum number of people that can stay;
 - establish a maximum number of guests per bedroom;
 - prohibit camping or occupancy of RVs on the property;
 - restrict advertising to one unilluminated sign, with a maximum area;
 - prohibit the rental or provision of motorized personal watercraft;
 - prohibit outdoor fires;
 - establish the dates during which the use may occur; and
 - include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received; and
- h) 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."