

Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: July 7, 2014
Time: 12:30 pm
Location: Galiano South Community Hall
 141 Sturdies Bay Road
 Galiano Island, BC
 V0N 1P0

Pages

- | | | |
|-------|---|---------------------|
| 1. | Call to Order | 12:30 AM - 12:50 AM |
| 2. | Approval of the Agenda | |
| 2.1 | Questions on Agenda Items | |
| 3. | Town Hall Session | |
| 4. | Community Information Meeting | |
| | None | |
| 5. | Public Hearing | |
| | None | |
| 6. | Previous Meetings | 12:50 PM - 1:15 PM |
| 6.1 | Local Trust Committee Minutes for Adoption | |
| 6.1.1 | Galiano Island Local Trust Committee Meeting Minutes of June 9, 2014 (attached) | 4 - 14 |
| | For consideration to Adopt | |
| 6.2 | Public Hearing Record and Community Information Meeting | |
| | None | |
| 6.3 | Section 26 Resolutions without Meeting | 15 - 15 |
| | RWM Report dated June 2014 | |
| 6.4 | Advisory Planning Commission | |
| 6.4.1 | Adopted APC Meeting Minutes of January 21, 2014 (attached) | 16 - 18 |
| | For Information | |

6.4.2	Draft APC Meeting Minutes of June 18, 2014 (attached)	19 - 20
7.	Business Arising from the Report	
7.1	Follow-up Action Report (attached)	21 - 23
	FUAL Report dated June 2014	
8.	Delegations	
	None	
9.	Correspondence	1:15 PM - 1:30 PM
9.1	Letter dated May 28, 2014 from D & N Williams re GL-DVP-2013.5 Deck & Stairs Removal (attached)	24 - 25
9.2	Letter dated June 20, 2014 from CRD to K. Nichols re: DL 79 - Transfer of Lands for Community Park Purposes (attached)	26 - 26
10.	Applications, Permits, Bylaws and Referrals	1:30 PM - 2:30 PM
10.1	GL-RZ-2013.1 (Landworks) - Amendment at Second Reading Memo (attached)	27 - 36
10.2	GL-DP-2014.1 xref GL-DVP-2014.2 (Olson) – Staff Report (attached)	37 - 89
10.3	GL-DP-2013.2 (Ghai) - Memo (attached)	90 - 105
	-----BREAK 2:30 p.m. to 2:45 p.m.-----	
11.	Local Trust Committee Projects	2:45 PM - 3:30 PM
11.1	Contractor Home Base - Memo re: Selection of Focus Group Members (attached)	106 - 116
11.2	STVR Post Public Hearing Memo & Policy Statement Checklist/Proposed Bylaws No. 247 & 248 (attached)	117 - 129
11.3	DPA4 Post Public Hearing Memo & Policy Statement Checklist/Proposed Bylaw No. 246 (attached)	130 - 142
12.	Reports	3:30 AM - 4:30 PM
12.1	Work Program Reports (attached)	143 - 144
	Work Program Report dated June 2014	
12.2	Applications Reports (attached)	145 - 148
	Applications Report dated June 2014	

- 12.3 Expense/Budget Reports**
None
- 12.4 Bylaw Enforcement**
None
- 12.5 Policies and Standing Resolutions Report (attached)** 149 - 150
- 12.6 Galiano Island LTC Web Page for Review**
The Galiano Island Local Trust Committee Web Page can be found at:

www.islandstrust.bc.ca/islands/local-trust-areas/galiano
- 12.7 Chair's Report**
- 12.8 Trustee Report**
- 13. Other Business**
- 13.1 Upcoming Meetings** 4:30 PM - 5:00 PM

The next meeting of the Galiano Island Local Trust Committee will be held September 8, 2014, at 12:30 pm, at the Galiano Island South Community Hall.
- 14. Town Hall Meeting**
- 15. In-Camera Meeting**

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

Rise and Report from the In-Camera Meeting
- 17. Adjournment**



DRAFT

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

Galiano Island Local Trust Committee Minutes of a Regular Meeting

Date of Meeting: Monday, June 9, 2014, 12:30 p.m.
Location: North Island Community Hall,
Galiano Island, BC

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

Regrets: None

Staff Present: Kris Nichols, Island Planner
David Millership, Recorder

Staff Absent: None

Media and Others Present: Five members of the public

1. CALL TO ORDER

The meeting was called to order at 12:40 pm. Chair Ken Hancock acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. Trustees and staff were introduced.

2. APPROVAL OF THE AGENDA

The following additions to the agenda were presented for consideration:

- 10.3 GL-RZ-2013.1 (Landworks) – Update on Proposal for Consideration – OCP & LUB – District Lot 79
- 13.3 SGIEDC Food and Agriculture Strategy Briefing – Jeff Weightman, CRD Project Manager

By general consent the agenda was approved, as amended.

2.1 Questions on Agenda Items

None

3. TOWN HALL

Chair Hancock invited the public to make comment.

Doug Latta provided an update regarding Galiano Land and Community Housing Trust (GLCHT) and emphasized how important it is for the project to succeed in providing affordable housing options for Galiano's younger generation.

Tom Hennessey provided an update regarding GLCHT and stated that Galiano Green now has 16-17 applicants. He expressed concern with Local Trust Committee (LTC) strategy and the possibility of a new LTC, with potentially different thinking, being elected later this year. He commented that Galiano Green has benefited from professional input.

Chair Hancock responded that the LTC does not have an overall strategy/intent regarding GLCHT and that due process is being followed, just like it is for all applications. He commented that application approvals are only granted when the LTC has reached a comfort level with information(s) provided by the applicant(s).

A discussion ensued regarding GLCHT viability/approach and community/LTC concerns and the LTC/Planner reiterated that the objective for all is to provide affordable/secure housing to those on Galiano that need it.

Richard Dewinetz spoke regarding GLCHT and suggested that the project would be successful if it lowered the density to 15 units, with half being for sale and half being for rent. He noted that the project's viability would hinge upon funds raised from sales and expressed concern with plans to include outbuildings, as all units should be self-contained.

Daniel Kirkpatrick spoke regarding GLCHT and asked if applicants would need to fulfill a residency requirement, such as being required to have resided on Galiano for a minimum of one to two years.

Tom Hennessey responded that GLCHT is working to address some sort of residency requirement.

Chair Hancock stated that further discussion regarding GLCHT could continue under item 10.1 and/or item 14.

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

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. PREVIOUS MEETINGS

6.1 Local Trust Committee Minutes for Adoption

6.1.1. Galiano Island Local Trust Committee Minutes of May 5, 2014

Amendments:

- Page 4, item 10.1, fifth paragraph – replace the word “permission” with “appropriate permits”.

By general consent the Galiano Island Local Trust Committee Minutes of May 5, 2014, were adopted, as amended.

6.2 Public Hearing Record and Community Information Meeting

None

6.3 Section 26 Resolutions without Meeting

None

6.4 Advisory Planning Commission

None

7. BUSINESS ARISING FROM THE REPORT

7.1 Follow-up Action Report

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

- No. 6, staff will have a conference call with the Ministry of Forests, Lands, and Natural Resource Operations (FLNRO) on June 11 regarding LTC’s resolution regarding the amending of the DP for issuance.
- No. 8, there is an ad in The Active Page looking for focus group members.
- No. 10, the applicant has until next week, after which Bylaw Enforcement (BE) will follow-up.

A discussion ensued regarding item No. 6 and the LTC reconfirmed their position that their decision reflected the only location that was good for the dock.

8. DELEGATIONS

None

9. CORRESPONDENCE

None

10. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

10.1 GL-RZ-2011.1 (GLCHT) Memo – Feasibility Report Update

Planner Nichols presented information from the memorandum.

There was some discussion regarding:

- water capacity and potable water standards being confirmed/met via a professional hydrologist(s) report, which also addresses concerns expressed by the Galiano Estates Improvement District;
- LTC needing to receive a final report/site plan from GLCHT that addresses remaining uncertainties such as lot lines, setbacks, road sizes etc. and prior to bylaw(s) drafting;
- Planner Nichols will check the current bylaws regarding Agricultural (AG) language, cistern size, accessory building height and size, parking and maximum floor area of a residence (1000 square feet (sq. ft.) with 200 sq. ft. of storage being added onto that) and report back re proposed changes;
- importance of GLCHT having community support and the planning for a Community Information Meeting (CIM);
- building costs being between \$69k and \$100k for 500 sqft.

Chair Hancock requested that GLCHT representatives contact Planner Nichols regarding remaining uncertainties.

10.2 GL-RZ-2011.2 (Dewinetz) – Covenant Discharge Memo

Planner Nichols presented information from the memorandum.

There was some discussion regarding:

- the discharge of tree, wetland, and gate covenants;
- the need for resolutions to be specific and descriptive.

GL-2014-052

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Chair be appointed to sign the discharge of tree cutting covenants from lands (originally described as lots 20, 21, 24, 25, and 32 and a portion of District Lot 68) being transferred to the provincial crown or as part of the residential zoned properties as per the applications GL-RZ-2011.3/GL-SUB-2012.2/Bylaws 235/236 (Winmark).

CARRIED

GL-2014-053

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Chair be appointed to sign the discharge of wetland covenants from lands (described as lots 3, 7, 8, 9, 10, and 11) as part of the residential zoned properties as per the applications GL-RZ-2011.3/GL-SUB-2012.2/Bylaws 235/236 (Winmark).

CARRIED

GL-2014-054

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Chair be appointed to sign the discharge gate covenant No. CA3321095 and sign a new covenant addressing gate and access issues.

CARRIED

GL-2014-055

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Chair be appointed to sign the discharge of Section 1 and Section 2 of the covenant associated with GL-RZ-2005.3 (LandPlan) and GL-SUB-2007.1 (LandPlan).

CARRIED

By general consent the Galiano Island Local Trust Committee agreed to address item 11.4 prior to item 10.3.

11.4 GL-TUP-2014.1 (Galiano Conservancy Association)

Planner Nichols presented information from the staff report.

Ken Millard was in attendance and spoke on the application.

There was some discussion regarding:

- there being a need for a facility to prepare and serve food;
- this new Temporary Use Permit (TUP) being a supplementation of the old one and both running concurrently.

GL-2014-056

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Temporary Use Permit GL-TUP-2014.1 (Galiano Conservancy Association) be Approved.

CARRIED

Note: there was a break at 3:15 p.m. and the meeting reconvened at 3:30 p.m.

10.3 GL-RZ-2013.1 (Landworks) – Update on Proposal for Consideration – OCP & LUB – District Lot 79

Planner Nichols presented information from the staff report and stated that where necessary, he would replace Bylaw No. 245 section(s) iterations of “5.4.13” with “5.4.17” and “Galiano Island Local Trust Committee Bylaw No. 245 Schedule 1” with “Galiano Island Local Trust Committee Bylaw No. 244 Schedule 1”.

There was some discussion regarding:

- the proposal, best practices, and the need for an enforceable sustainable forestry covenant;
- LTC desire for the proposal to honour Galiano’s Development Permit Areas (DPA);
- applicant(s) desire for the Islands Trust to be the only covenant holder;
- process, zones relating to parks designation, passive recreation definition, Galiano Island Parks and Recreation Commission (GIPRC), and camping.

GL-2014-057

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Proposed Bylaw No. 244 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2013” be amended by adding a clause after 1 ii of Schedule 1 as shown in Attachment 2 of the report titled “Update on Proposal for Consideration – Official Community Plan and Land Use Bylaw Amendments – District Lot 79” as follows:

“incorporation of a siting plan into the Land Use Bylaw identifying the location and area of the residential home plate, including driveways, on each lot in the proposed subdivision, sited in a manner that avoids sensitive ecosystems and hazardous lands, and minimizes extension of services; and”

CARRIED

GL-2014-058

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Proposed Bylaw No. 244 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2013” be given Second Reading.

CARRIED

GL-2014-059

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Proposed Bylaw No. 245 cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2013" be amended by adding a new clause A.2 as follows:

"Section 5.4 (Rural Residential Zone – RR) is amended by inserting the following as a new 5.4.17:

5.4.17 On lands zoned RR(c), in addition to the other regulations in 5.4, all buildings, structures, and paved parking areas on each lot must be sited entirely within the area marked "Developable Area" designated on Plan 5 of Schedule D of this bylaw."

And a new clause A.4 as follows:

"Schedule D is amended by inserting the plan attached to and forming part of this bylaw as Schedule 1 as a new "Plan 5".

As well as a Schedule 1 as shown in Attachment 3 of the report titled "Update on Proposal for Consideration – Official Community Plan and Land Use Bylaw Amendments – District Lot 79".

CARRIED

GL-2014-060

It was MOVED and SECONDED,

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

CARRIED

There was some discussion regarding:

- process and LTC desire to receive an F3 covenant prior to Preliminary Layout Approval (PLA);
- process and LTC requirement that a covenant(s) be done prior to Public Hearing (PH).

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Groundwater DPA – Fact Sheet and Next Steps

Planner Nichols presented information from the memorandum.

There was some discussion regarding the fact sheet, amendments were as follows:

- What has changed?, second paragraph – replace the word “cover” with “allow”.
- How do the changes affect me?, first paragraph, second sentence – highlight the whole sentence.

GL-2014-061

It was MOVED and SECONDED,

By the Galiano Island Local Trust Committee that staff be requested to send out the Groundwater Development Permit Area Fact Sheet to all property owners with land in the Development Permit Area 4 and to place the fact sheet on the website in advance of the Public Hearing.

CARRIED

11.2 Short Term Vacation Rental (STVR) Update – Memo

Planner Nichols presented information from the memorandum.

There was some discussion regarding:

- permitted number of beds versus permitted number of bedrooms;
- bylaw enforcement.

GL-2014-062

It was MOVED and SECONDED,

By the Galiano Island Local Trust Committee that staff be requested to amend Proposed Bylaw No. 247 Section 1 b) 3.13(2) by adding the words “three (3) bedrooms with a total of” before the word “four”.

CARRIED

GL-2014-063

It was MOVED and SECONDED,

By the Galiano Island Local Trust Committee that staff be requested to schedule a Special Meeting to be held on July 5, 2014, for the purpose of a Community Information Meeting and a Public Hearing for Proposed Bylaw No. 247 and Proposed Bylaw No. 248.

CARRIED

11.3 Contractor Home Base – Memo

Planner Nichols presented information from the memorandum.

11.4 GL-TUP-2014.1 (Galiano Conservancy Association)

As amended, this item was addressed prior to item 10.3.

12. REPORTS

12.1 Work Program Reports

12.1.1 Work Program Report dated May 2014

Planner Nichols provided information.

12.1.2 Federal Marihuana for Medical Purposes Regulation – Staff Report

Planner Nichols provided information from the staff report.

There was some discussion regarding Local Trust Committee options.

GL-2014-064

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee bylaw amendments not be considered at this time.

CARRIED

12.2 Applications Reports

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

- GL-DP-2014.2 (Finnie), regarding form and character and possible approval via Resolution Without Meeting (RWM).

12.3 Expense/Budget Reports

LTC Expense Report dated May 2014 was provided for information.

12.4 Bylaw Enforcement

None

12.5 Policies and Standing Resolutions Report

Provided for information

12.6 Galiano Island LTC Web Page for Review

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

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

12.7 Chair's Report

Chair Hancock stated that he would be attending Trust Council (TC) on June 18-19, 2014, on Saturna Island. He noted that the Stewardship Awards would take place and that Fisheries and Oceans Canada (DFO) would make a presentation on aquaculture.

12.8 Trustee Report

Trustee Pottle stated that she would be attending TC on June 18-19, 2014, on Saturna Island. She noted that she attended a meeting with BC Parks, has had numerous conversations regarding affordable housing and has been reviewing many materials as usual.

Trustee Decario stated that she would be attending TC on June 18-19, 2014 on Saturna Island. She noted that she has been working hard and attending to the same business as Trustee Pottle.

13. OTHER BUSINESS

13.1 Upcoming Meetings

The next meeting of the Galiano Island Local Trust Committee will be held July 7, 2014, at 12:30 p.m. at the Galiano Island South Community Hall.

13.2 Special LTC Meeting Request – Memo

Received, the Special Meeting for July 5, 2014, has already been scheduled.

13.3 SGIEDC Food and Agriculture Strategy Briefing – Jeff Weightman, CRD Project Manager

Chair Hancock presented the Southern Gulf Islands Economic Development Commission (SGIEDC) Food and Agriculture Strategy Briefing for information.

14. TOWN HALL MEETING

Chair Hancock invited the public to make comment; no comments were made and the Town Hall meeting was closed.

17. ADJOURNMENT

GL-2014-065

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee meeting be adjourned at
5:00 p.m.

CARRIED

Ken Hancock, Chair

CERTIFIED CORRECT:

David Millership, Recorder



Islands Trust

Print Date: Jun-24-2014

RWM From: June 09, 2014 To: June 24, 2014

Galiano Island

Resolution #	Action	Resolution Description	Resolution Date
2014-03	In Favour	THAT Galiano Island Local Trust Committee Development Permit GL-DP-2014.2 (Finnie) be approved.	Jun 19, 2014

**MINUTES OF THE GALIANO ISLAND
ADVISORY PLANNING COMMISSION MEETING
HELD ON Tuesday January 21 2014 AT 12 NOON
AT THE GALIANO LOCAL TRUST OFFICE
23 MADRONA ROAD, GALIANO ISLAND, B.C.**



PRESENT:	Sheila Anderson	Chairperson
	Barry New	Member
	Elizabeth Olson	Member
	Tahirih Rockafella	Member
REGRETS:	Karen Harris	Member
	Jeffrey Patterson	Vice Chairperson
	Ursula Deshield	Member



There were no members of the public in attendance.

1. CALL TO ORDER

Chairperson Anderson called the meeting to order at 12 noon.

2. APPROVAL OF AGENDA

The agenda was proposed as approval of previous minutes, and consideration of approval of referral response to proposed Bylaws No. 244 and 245.

The Agenda was agreed to as proposed by consensus.

3. PREVIOUS MINUTES

Elizabeth Olson noted an incomplete sentence or typo in second from last paragraph on page 2 and this was corrected.

MOTION:

It was Moved and Seconded that the Minutes of January 14, 2014 be approved as corrected.

**CARRIED
(Unanimous)**

4. Proposed BYLAWS NO 244 (OCP) and 245 (LUB)

4.1 Information report

The Chair reported to members the answers to the questions she had been directed to ask Planner Kris Nichols.

a) Regarding the second bullet under New Covenant Requirements heading of Staff report page 3 and its meaning the Planner emailed that "...This will not be required for this application. I had discussed various options for access to some of the proposed properties and it appears that now they will all have access from a dedicated road. This was also mentioned at one of the LTC meetings and it was felt that it is not required as a covenant."

b) Regarding the private easement in favour of DL 80, in phone conversation the Planner reported that as far as he knew it was only for DL.80. He also indicated that easements can be amended.

4.2 Referral response

After further discussion and reflection on the previous meetings discussion the following two motions were brought forward and considered.

MOTION: It was Moved and Seconded that the Galiano Island Advisory Planning Commission recommends approval of the proposed Bylaws No. 244 and 245 subject to:

- 1) Achieving covenants as described in the first, third and fourth bullets under heading New Covenant Requirements on Page 3 of the Staff Report for this proposal.**
- 2) Ensuring that the private easement road over the Nature Protection portion is absolutely necessary given that DL 80 has public road frontage on Bodega Beach Drive. If there is clear evidence that the public road frontage of DL 80 cannot support physical access to the property, then we recommend the easement be limited to DL 80 only and kept to a minimal driveway standard. This is recommended in order to minimize wherever possible the impact of roads within Nature Protection zoned lands.**

**CARRIED
(unanimous)**

MOTION: It was Moved and Seconded that the Galiano Island Advisory Planning Commission advise that the Local Trust Committee consider engaging the community in discussion of the OCP policies pertaining to possible beneficiaries of community benefits arising from future development proposals and ensuring that information about possible beneficiary community organizations is accurate, up to date and made available to the applicant prior to a decision.

**CARRIED
(unanimous)**

5. OTHER BUSINESS

It was reported that Jeff Patterson, Tahirih Rockafella, and Barry New have all received emails informing them that their current terms of appointment end January 31, and are being asked to indicate their wish to continue or not by tomorrow.

6. NEXT MEETING DATE

No meeting planned

7. ADJOURNMENT

The meeting was adjourned at 1PM.



CHAIR



DATE

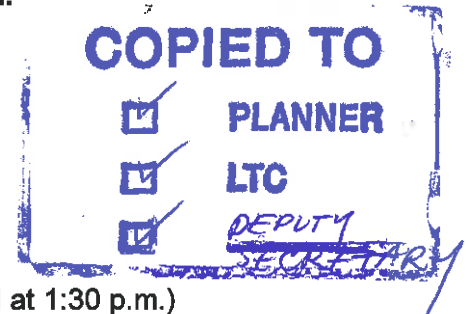
**Galiano Island
Advisory Planning Commission
Minutes of a Regular Meeting**

DRAFT

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

Members Present:

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



Regrets: None

Staff Present: Colleen Doty Recording Secretary

Media and Others Present: None

1. CALL TO ORDER

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

2. APPROVAL OF THE AGENDA

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

By general consent, the agenda was approved as presented.

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

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

3. PREVIOUS MINUTES

MOTION

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

CARRIED
(Unanimous)

4. DISCUSSION OF REFERRALS FROM LOCAL TRUST COMMITTEE

4.1 DISCUSSION OF REFERRED BYLAW 247

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

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

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

4.2 DISCUSSION OF REFERRED BYLAW 248

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

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

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

4.3 DISCUSSION OF REFERRED BYLAW 246

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

5. NEXT MEETING DATE

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

6. ADJOURNMENT

Meeting adjourned at 2:30 p.m.

CHAIR

DATE

CERTIFIED CORRECT:

Colleen Doty, Recording Secretary



Islands Trust

Print Date: Jun-26-2014

Follow Up Action Report w/ Target Date

Galiano Island Dec-03-2012

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

Nov-18-2013

No.	Activity	Responsibility	Target Date	Status
2	GL-RZ-2013.1 (Landworks) CIM and PH to be scheduled once a subdivision PLA has been received. Staff to initiate a cost recovery agreement as required and to work with applicant on F3 sustainability covenant. Staff to obtain a Letter of Understanding from BC Parks Bylaws 244 and 245 were given second reading - DONE	Sharon Lloyd-deRosario Kris Nichols	Jul-07-2014	On Going

Feb-03-2014

No.	Activity	Responsibility	Target Date	Status
3	Ground Water DP Revision Fact sheet to be sent out to property owners and advertisement for CIM/PH That staff schedule a CIM and PH for July 5, 2014 - Done	Kris Nichols	Jul-07-2014	Done

4	Community Benefit Discussion - Forest Lands To determine a policy to direct decisions made on community benefit and Forest lands rezoning and how it relates to who is the recipient and the process required.	Louise Decario Kris Nichols Sandy Pottle	Jul-07-2014	On Going
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Apr-07-2014

No.	Activity	Responsibility	Target Date	Status
5	GL-DP-2013.2 (Ghai) Staff to amend GL-DP-2013.2 to reflect original orientation of the dock (90 degrees from shoreline) in the original tenure and to notify FLNRO	Kris Nichols	Jul-07-2014	Done

Jun-09-2014

No.	Activity	Responsibility	Target Date	Status
6	Galiano Island Local Trust Committee Meeting Minutes of May 5, 2014 adopted as amended, posted to web. - DONE Post reports, bylaws and submissions to the website - DONE CIM/PH notice to be developed and posted, sent to newspaper for July 5, 2014	Lori Foster Sharon Lloyd-deRosario	Jul-07-2014	Done
7	Contractor Home Base To report back at the July 7, 2014 meeting on the status of the focus group and interest.	Kris Nichols	Jul-07-2014	Done
8	Covenant discharge(s) Staff to review covenant discharges (Dewinetz and Zizzy/Brown) and ensure that Chair has required information for signature as per resolutions passed.	Ken Hancock Kris Nichols	Jul-07-2014	Done
9	GL-RZ-2011.1 (GLCHT) Staff to review proposed bylaws and bring for first reading (as amended). Staff to bring forward a report on the feasibility study, need and demand and housing agreement with input from others.	Kris Nichols	Jul-07-2014	On Going
10	Short Term Vacation Rental Bylaw 247 was amended. CIM and PH scheduled for July 5, 2014 - Done	Kim Farris Sharon Lloyd-deRosario Kris Nichols	Jul-07-2014	Done

11 GL-TUP-2014.1 (Galiano Conservancy)
TUP approved.
Staff to issue and notify applicant.

Sharon Lloyd-deRosario
Kris Nichols

Jul-07-2014

Done



David and Nonie Williams

[REDACTED]
Galiano Island, BC
V0N 1P0
[REDACTED]
[REDACTED]

May 28th, 2014

Galiano Island
Local Trust Committee
(By e-mail)

**Re: Development Variance Permit GL-DVP-2013.3
Deck and Stair Removal.**

We respectfully request that the Galiano Island Trust Committee reconsider and reverse its resolution of May 5th 2014, requiring us to remove the deck and stairs which were part of the above DVP application.

We maintain and point out the following:

- Removal of the deck and stairs will effectively deny us access to and enjoyment of the shoreline of this waterfront property.
- It will deny us proper use of our property.
- One of the owners of the property suffers from chronic arthritis and spinal stenosis and her management of these disorders benefits greatly from the ability to swim in the waters in front of the property. The suggestion of one of the trustees that she, or for that matter, any of our friends, family or guests should have to walk to, and clamber down the rocky steps of a beach access at the end of the road is both infeasible and offensive.
- During the summer, we operate a single unit, waterfront bed and breakfast from which guests may launch kayaks or canoes, or simply wander along the shoreline. Removal of the deck and stairs will deny this facility and negatively affect our business.
- Denying access to the shoreline negatively affects the value of the property.
- The safety issues of trying to access the shoreline by means of a ladder for instance, are obvious.
- Mr. Harper, who produced the requested professional report, had no issue with the deck or stairs.
- The trustees will have seen that each time we have appeared before them, we have been supported by our neighbours and friends, all of whom are long term residents of this island. The Trust mail-out to our neighbours did not prompt a single objection.

- Every waterfront property in this area of Whaler Bay has a way of accessing the water; many by means of structures far more obtrusive and obstructing than our deck and stairs. We understand that a nearby waterfront deck of similar construction and proportions was approved by this committee using the very same retroactive DVP process.

We maintain that this small and unobtrusive deck and stairs is a necessary ancillary to the now approved retaining wall and should be included in the permit. If a quid pro quo is necessary, we are quite willing to exchange the previously approved garden shed.

Respectfully,

David and Nonie Williams

cc: Kris Nichols, Miles Drew

June 20, 2014

File: 6130.40-SGI

Mr. Kris Nichols
Islands Planner (Galiano)
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Dear Mr. Nichols:

**RE: DISTRICT LOT 79, GALIANO ISLAND – TRANSFER OF LAND FOR COMMUNITY
PARK PURPOSES – IT FILE #: GL-SUB-2013.1 / MOT FILE # 2013-05494**

I am writing to confirm that the Capital Regional District (CRD) will accept transfer of the District Lot 79 waterfront lands east of Bodega Beach Drive (part of proposed Lot 7) to the CRD for community park purposes to be developed and managed by the Galiano Island Parks and Recreation Commission. This is consistent with the Commission's resolution dated April 17, 2014.

The lands should be conveyed to the CRD as a fee simple parcel rather than dedication as "Park" by way of subdivision plan.

Please communicate directly with Stephen Henderson, CRD Manager of Real Estate, with respect to conveyancing details (shenderson@crd.bc.ca/Tel: 250-360-3136).

Yours truly,



Larisa Hutcheson, P.Eng.
General Manager
Parks & Environmental Services

cc: Dave Howe, Director, Southern Gulf Islands Electoral Area
Betty Kennedy, Chair, GIPRC
Kelly Gesner, Landworks Consulting Ltd.
Ryan Evanoff, District Development Technician, Min. of Transportation & Infrastructure
Mike Walton, Senior Manager, Parks and Community Services, CRD
Stephen Henderson, Manager, Real Estate, CRD

STAFF REPORT

File No.: GL-RZ-2013.1

To: Galiano Island Local Trust Committee
For the July 7, 2014 Meeting

From: Kris Nichols
Island Planner

CC: Robert Kojima
Regional Planning Manager

Re: **Amendment of Bylaw No. 245 to accommodate the creation of an additional lot for Community Park purposes.**

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

Applicant: Landworks Consultants Inc., Kelly Gesner

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

BACKGROUND

At the June 9, 2014 Galiano Island Local Trust Committee meeting amendments were made to Bylaws 244 and 245 at second reading.

That Proposed Bylaw No. 244 cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2013" be amended by adding a clause after 1 ii of Schedule 1 as shown in Attachment 2 of the report titled "Update on Proposal for Consideration – Official Community Plan and Land Use Bylaw Amendments – District Lot 79" as follows:

"incorporation of a siting plan into the Land Use Bylaw identifying the location and area of the residential home plate, including driveways, on each lot in the proposed subdivision, sited in a manner that avoids sensitive ecosystems and hazardous lands, and minimizes extension of services; and"

CARRIED

That Proposed Bylaw No. 244 cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2013" be given Second Reading.

CARRIED

That Proposed Bylaw No. 245 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2013” be amended by adding a new clause A.2 as follows:

“Section 5.4 (Rural Residential Zone – RR) is amended by inserting the following as a new 5.4.7:

“5.4.7 On lands zoned RR©, in addition to the other regulations in 5.4, all buildings, structures and paved parking areas on each lot must be sited entirely within the area marked “Developable Area” designated on Plan 5 of Schedule D of this bylaw.””

And a new clause A.4 as follows:

“Schedule D is amended by inserting the plan attached to and forming part of this bylaw as Schedule 1 as a new “Plan 5”.

As well as a Schedule 1 as shown in Attachment 3 of the report titled “Update on Proposal for Consideration – Official Community Plan and Land Use Bylaw Amendments – District Lot 79”.

CARRIED

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

CARRIED

There was also discussion around the application and the desire of the LTC to receive an F3 Covenant (Draft) and the Preliminary Layout Approval (PLA) prior to a Community Information Meeting (CIM) and a Public Hearing (PH) being scheduled. The more information received prior to the CIM and PH the better the public will be able to understand the project.

UPDATE

Bylaw Amendments

The bylaw amendments were made as per the above resolutions. Since the June 9, 2014 LTC meeting an agreement was achieved for the transfer of the parkland portion of the proposal. BC Parks staff met with the Trustees to discuss BC Parks operations on the Island and in particular the allocation of parkland on DL 79. BC Parks were advised by the Trustees of the desire of the community for a Community Park in this location. Following this meeting, there were discussions between BC Parks and CRD Parks, representing the Galiano Island Parks and Recreation Committee. An agreement was reached (See Attachment 2) in that the Galiano Island Parks and Recreation Commission would be responsible for the ownership (through CRD Parks) and the operation of the transferred lands east of the roadway adjacent to the ocean (See Figure 1). This lot is approximately 10.87 ha (26.9 acres). BC Parks will have ownership of the transferred lands adjacent to their existing holdings (DL 84) on the west of the roadway. This lot is approximately 9.44 ha (23.3 acres).

As a result of the agreements made, an additional fee simple lot (Lot 8) will have to be created to reflect the community park allocation. This community park land will be zoned Park Zone (P) which permits a variety of uses which the Galiano Island Parks and Recreation Commission may choose to locate (e.g. benches, picnic tables, toilet) on the lot. See Figure 2 for revised zoning of the District Lot 79 reflecting the change in park responsibilities.

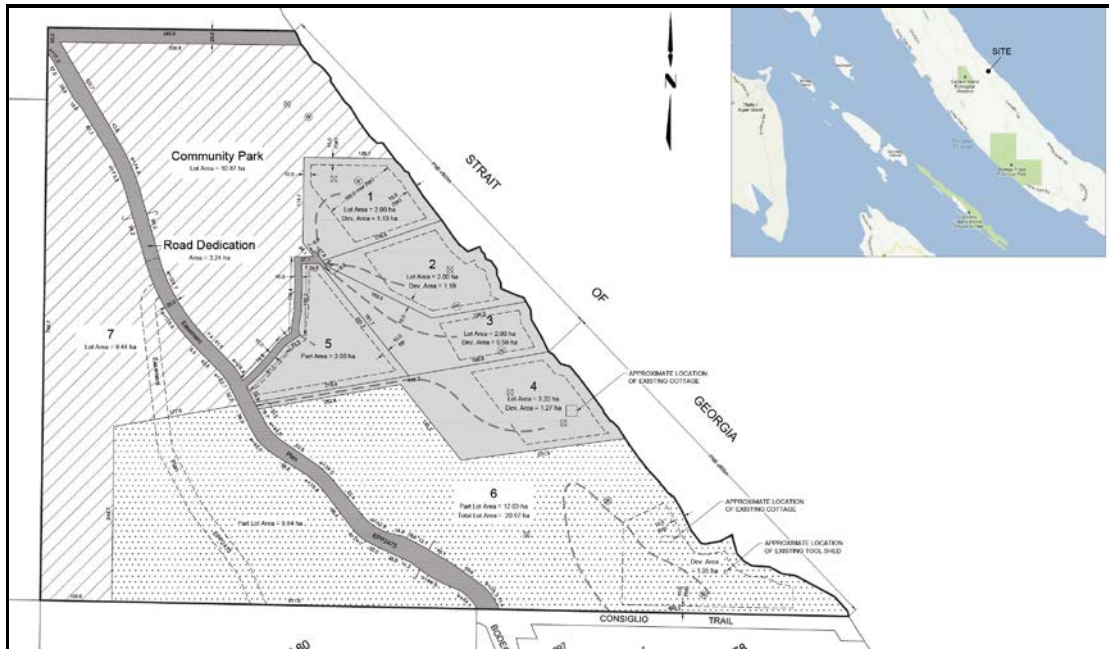


Figure 1 – Community Park Location

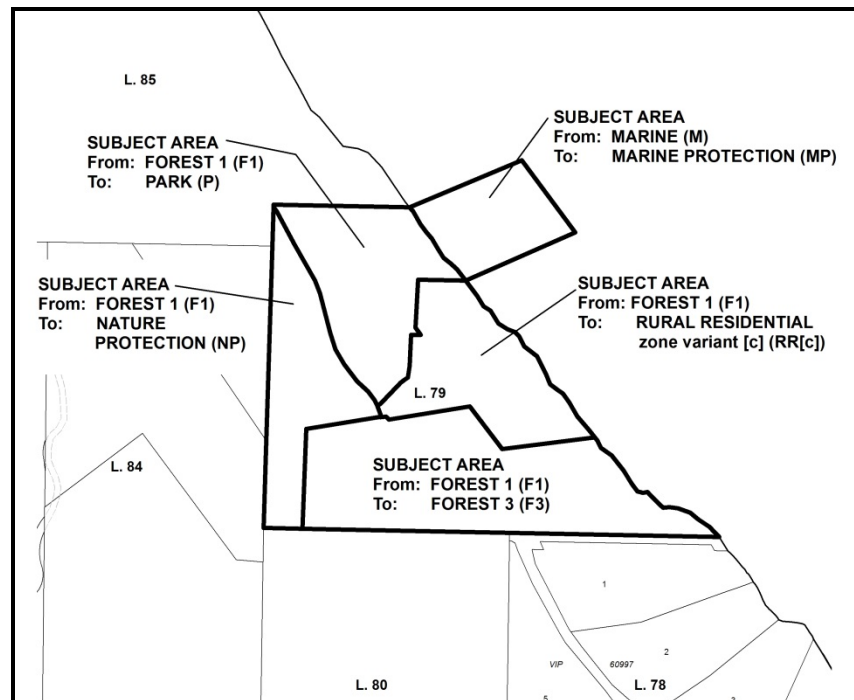


Figure 2-Revised Zoning Schedule showing new Park (P) Zone for Community Park Location

Zoning Bylaw Amendment

Staff are proposing an amendment to Bylaw 245 (LUB) at second reading to reflect the Park Zone (P) for the lands being transferred to the CRD Parks/Galiano Island Parks and Recreation Commission. The lands to be transferred to BC Parks will remain as Nature Protection (NP) Zone. The proposed amendment will also show the additional Lot 8 required for the Community Park as Schedule 1 attached to the bylaw.

The following amendments are proposed to Bylaw 245:

1. To change Clause 3 of the proposed bylaw by adding a new map referenced for amending Schedule B (Zoning Map).
2. To change Clause 4 of the proposed bylaw by adding a revised Schedule 1 this will show the additional Lot 8.

See Attachment 3 for the proposed amending bylaw.

Preliminary Layout Approval

Staff have not received a copy of the Preliminary Layout Approval (PLA) from Ministry of Transportation and Infrastructure (MoTI). This was a requirement prior to scheduling a community information meeting (CIM) and a public hearing.

Forest 3 Zone (F3) Covenant

Staff have met with one of the owners of DL 79 to discuss the required F3 covenant to be registered on the property for sustainable forestry. Staff have not received a draft copy of the proposed F3 covenant. The LTC has indicated that they would like to see this prior to a CIM and PH being scheduled.

Transfer of Parkland

As described above the parkland component of this application will have split ownership between BC Parks (west of the roadway) and CRD Parks (Galiano Island Parks and Recreation Commission) (east of the roadway).

BC Parks Letter of Understanding

Staff have been in discussion with BC Parks regarding the drafting of a Letter of Understanding as was done with the Dewinetz application for the lands transferred. The Letter of Understanding will be received prior to the CIM and Public Hearing and may appear as a late item submitted to the LTC at the July 7, 2014 meeting for discussion.

Cost Recovery Agreements

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

STAFF COMMENTS:

Staff have revised the proposed zoning bylaw to reflect the additional lot for Community Park and consideration of second reading (as amended). The addition of a portion of the parkland is seen as a great community benefit for the Galiano Island Parks and Recreation Commission to be able to establish a community park in the north of the island. This park will complement the surrounding parks and trails.

RECOMMENDATIONS:

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

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

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

Prepared and Submitted by:

Kris Nichols

June 26, 2014

Date

Concurred in by:

Regional Planning Manager

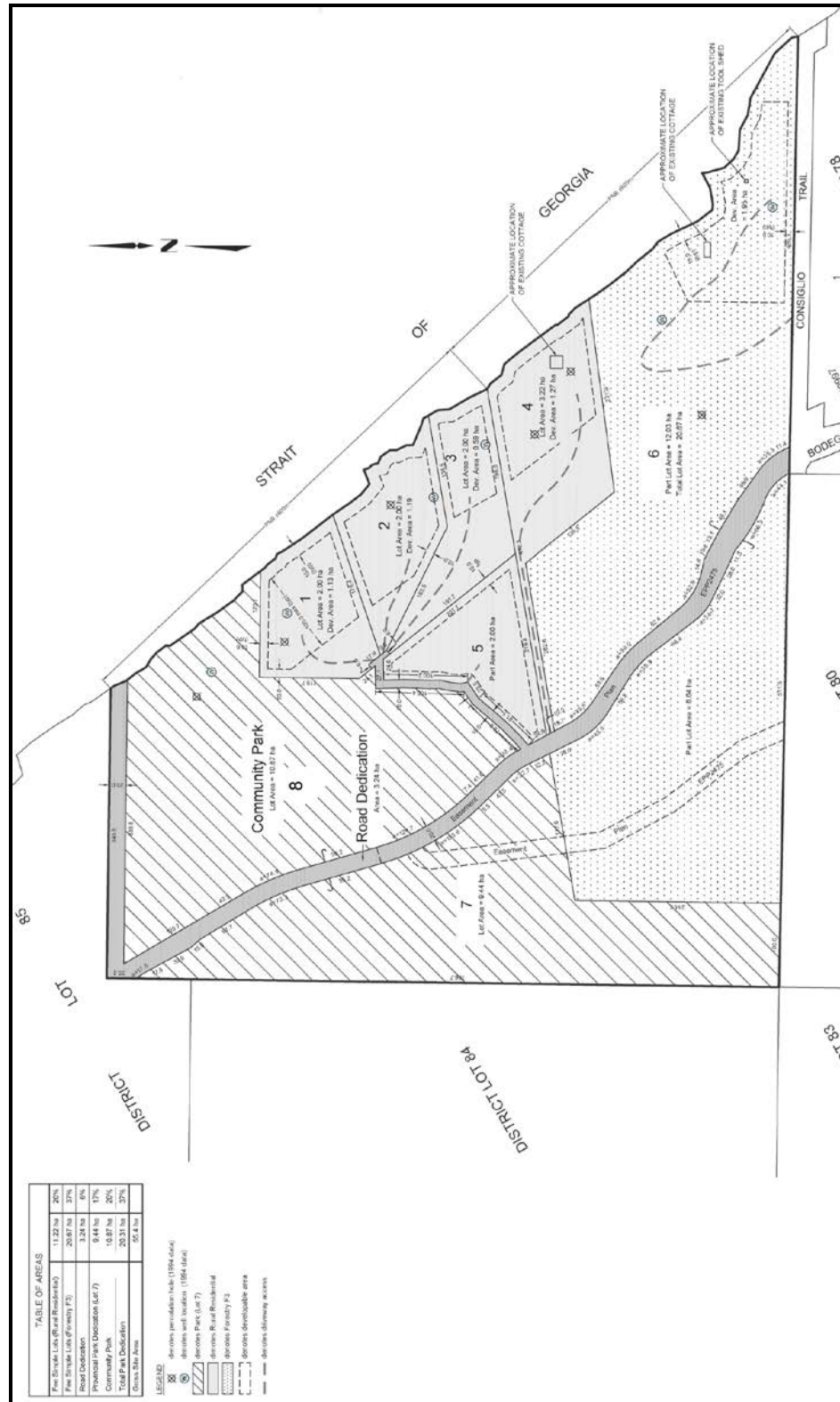
Date

Attachment 1 - Proposed Subdivision (June 2014)

Attachment 2 – Letter from CRD Parks

Attachment 3 – Proposed Bylaw 245 (as amended)

Proposed Subdivision





Parks & Environmental Services

625 Fisgard Street, PO Box 1000
Victoria, BC, Canada V8W 2S6

T: 250.360.3078
F: 250.360.3079
www.crd.bc.ca

June 20, 2014

File: 6130.40-SGI

Mr. Kris Nichols
Islands Planner (Galiano)
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Dear Mr. Nichols:

**RE: DISTRICT LOT 79, GALIANO ISLAND – TRANSFER OF LAND FOR COMMUNITY
PARK PURPOSES – IT FILE #: GL-SUB-2013.1 / MOT FILE # 2013-05494**

I am writing to confirm that the Capital Regional District (CRD) will accept transfer of the District Lot 79 waterfront lands east of Bodega Beach Drive (part of proposed Lot 7) to the CRD for community park purposes to be developed and managed by the Galiano Island Parks and Recreation Commission. This is consistent with the Commission's resolution dated April 17, 2014.

The lands should be conveyed to the CRD as a fee simple parcel rather than dedication as "Park" by way of subdivision plan.

Please communicate directly with Stephen Henderson, CRD Manager of Real Estate, with respect to conveyancing details (shenderson@crd.bc.ca/Tel: 250-360-3136).

Yours truly,

Larisa Hutcheson, P.Eng.
General Manager
Parks & Environmental Services

cc: Dave Howe, Director, Southern Gulf Islands Electoral Area
Betty Kennedy, Chair, GIPRC
Kelly Gesner, Landworks Consulting Ltd.
Ryan Evanoff, District Development Technician, Min. of Transportation & Infrastructure
Mike Walton, Senior Manager, Parks and Community Services, CRD
Stephen Henderson, Manager, Real Estate, CRD

GALIANO ISLAND LOCAL TRUST COMMITTEE

PROPOSED

BYLAW NO. 245

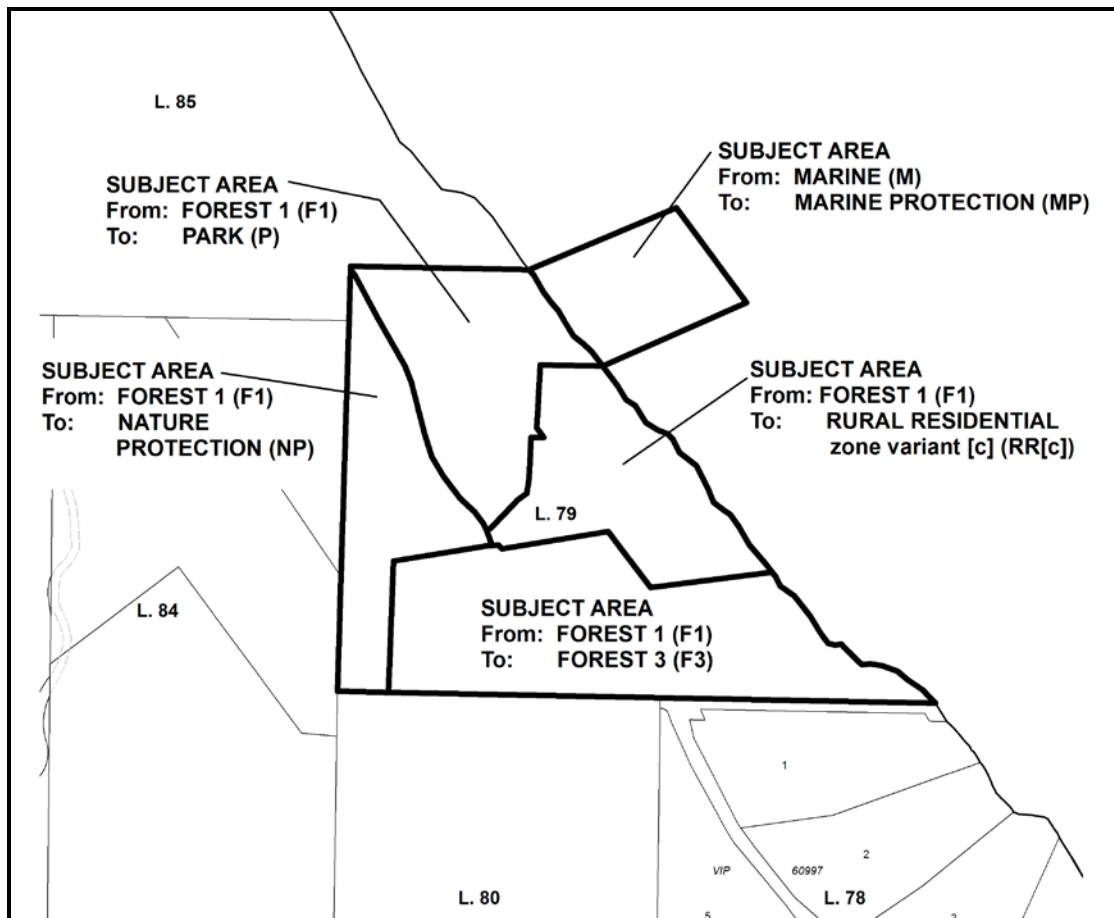
A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW NO. 127, 1999

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. Section 5.4 (Rural Residential Zone – RR) is amended by inserting the following as a new 5.4.16:

“5.4.16 On the lands zoned RR(c), despite 5.4.8 and 5.4.9, the minimum average parcel area is 55 hectares, with a minimum average subdivision parcel area as low as 2 hectares (5 acres) for the RR zoned portions and 20 hectares (49 acres) for the F3 zoned portions applicable once the landowner provides land representing no less than 67% of the area of the land legally described District Lot 79, Galiano Island, Cowichan District, to be transferred to the Crown as represented by the Province of British Columbia or to the Trust Fund Board, for use for conservation, ecosystem protection, public parkland, community forest, or trails.”
 2. Section 5.4 (Rural Residential Zone – RR) is amended by inserting the following as a new 5.4.17:

“5.4.17 On the lands zoned RR(c), in addition to the other regulations in 5.4, all buildings, structures and paved parking areas on each lot must be sited entirely within the area marked “Developable Area” designated on Plan 5 of Schedule D of this bylaw.”
 3. Schedule B (Zoning Map) is amended for the lands legally described District Lot 79, Galiano Island, Cowichan District, as depicted in the map below.



4. Schedule D is amended by inserting the plan attached to and forming part of this bylaw as Schedule 1 as a new "Plan 5".

B. This bylaw may be cited for all purposes as the "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.3, 2013".

READ A FIRST TIME THIS	18 th	DAY OF	NOVEMBER	2013
PUBLIC HEARING HELD THIS		DAY OF		201_
READ A SECOND TIME THIS	9th	DAY OF	JUNE	2014
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. 245
Schedule 1

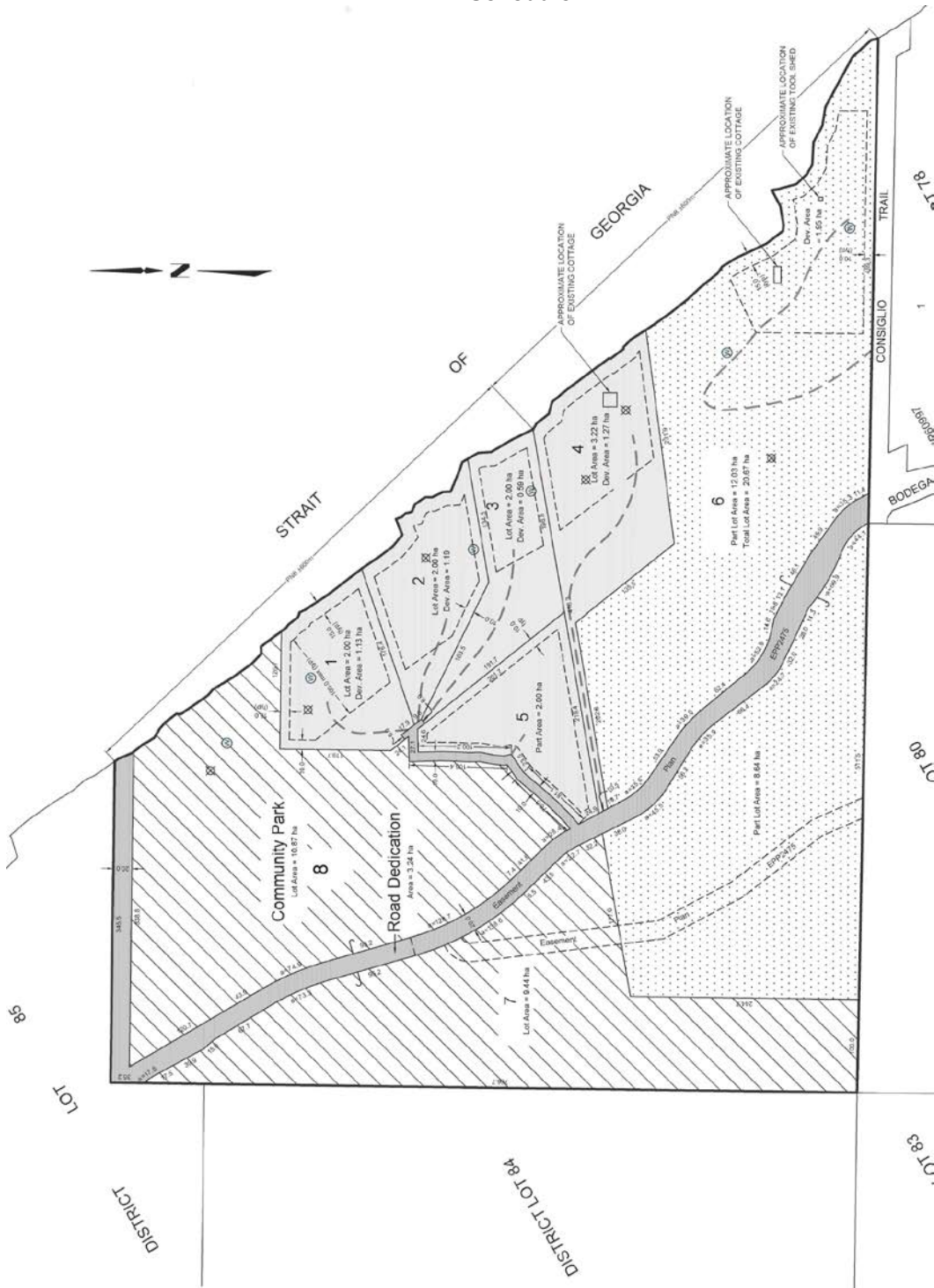


TABLE OF AREAS

Per Simple Lots (Rural Residential)	11.22 ha	25%
Per Simple Lots (Forestry F3)	20.87 ha	37%
Road Dedication	3.24 ha	6%
Provincial Park Dedication (Lot 7)	8.44 ha	17%
Community Park	10.87 ha	20%
Total Park Dedication	20.31 ha	37%
Green Site Area	56.4 ha	

- LEGEND**
- ⊗ denotes percolation hole (1994 data)
 - ⊙ denotes well location (1994 data)
 - ⊙ denotes Park (Lot 7)
 - ▨ denotes Rural Residential
 - ▨ denotes Forestry F3
 - ▨ denotes GreenSpace area
 - denotes boundary access

STAFF REPORT

Date: June 26, 2014

File No.: GL-DP-2014.1 xref
GL-DVP-2014.2 (Olson)

To: Galiano Island Local Trust Committee
For the meeting of July 7, 2014

From: Kerry Thompson, Co-op Planner 1

CC: Kris Nichols, Island Planner
Robert Kojima, Regional Planning Manager

Re: Development Permit with Variance Application

Owner: Elizabeth and John Olson
Applicant: Same
Location: Lot 2, District Lot 26, Galiano Island, Cowichan District, Plan 5680
368 Southwind Road

THE PROPOSAL:

The application is for development within the Shoreline Development Permit Area (DPA) that would involve the construction of a private walkway and dock on Montague Harbour to serve as moorage for a 12-metre sailboat. The proposed dock consists of two parts – a manufactured aluminum walkway and ramp, and a terminating timber float. These components will be pre-fabricated off site. The walkway and ramp will extend 76.2 metres (250 ft) from the shoreline and are 1.5 metres (4.9 ft) wide. The connected timber float will be 3.5 metres (11.5 ft) in width and 10 metres (32.8 ft) in length, and will be moored using galvanized steel chains affixed to the substrate using rock pins (in the inter-tidal zone) and precast anchors (in the sub-tidal zone). The entire length of the dock apparatus is 90.3 metres (296.3 ft); the total distance between the natural boundary and the seaward tenure boundary is 115 metres (377.3 ft). A concrete abutment no larger than one square meter will be located at the top of the shoreline embankment 6.2 metres (20.3 ft) from the natural boundary of the sea to serve as the landward terminus of the walkway. Barges will be used to transport materials onto the site and to station the construction crane. The abutment will be constructed by hand at the pad site.

On Galiano Island, all land within 15 metres upland of the natural boundary of the sea has been designated Development Permit Area 2 – Shoreline and Marine DPA for the establishment of objectives for shoreline protection. The Official Community Plan contains an explanation of the lands that are subject to the development permit area, the justification for the permit area, conditions under which a permit is not required, and guidelines that need to be met to obtain a permit.

Because the guidelines are written to address many situations, some of the guidelines will not apply to every application. The attached checklist reviews the application in relation to the

applicable guidelines, indicating where the guidelines have been addressed and where they have not, and where the guidelines are not relevant to this application (see Attachment 1).

A development permit cannot be used to prohibit a use that is permitted in the Land Use Bylaw; the decision to grant a development permit is nondiscretionary providing it meets the Development Permit Area objectives and guidelines and is based on fact. The Local Trust Committee may request changes to the development permit conditions or even require additional conditions, provided all of those conditions are directly addressing one or more of the guidelines. The Local Trust Committee cannot impose conditions in the development permit that are not addressed in the guidelines.

A draft development permit is attached as Attachment 2 for LTC's consideration.

In order to satisfy the requirement for Development Approval Information per the Official Community Plan, the applicant has provided several professional reports and/or supporting documentation for identified aspects of the proposed development occurring within the DPA. These are included as Attachments 3 through 6.

Figure 1: Dock Cross-Section

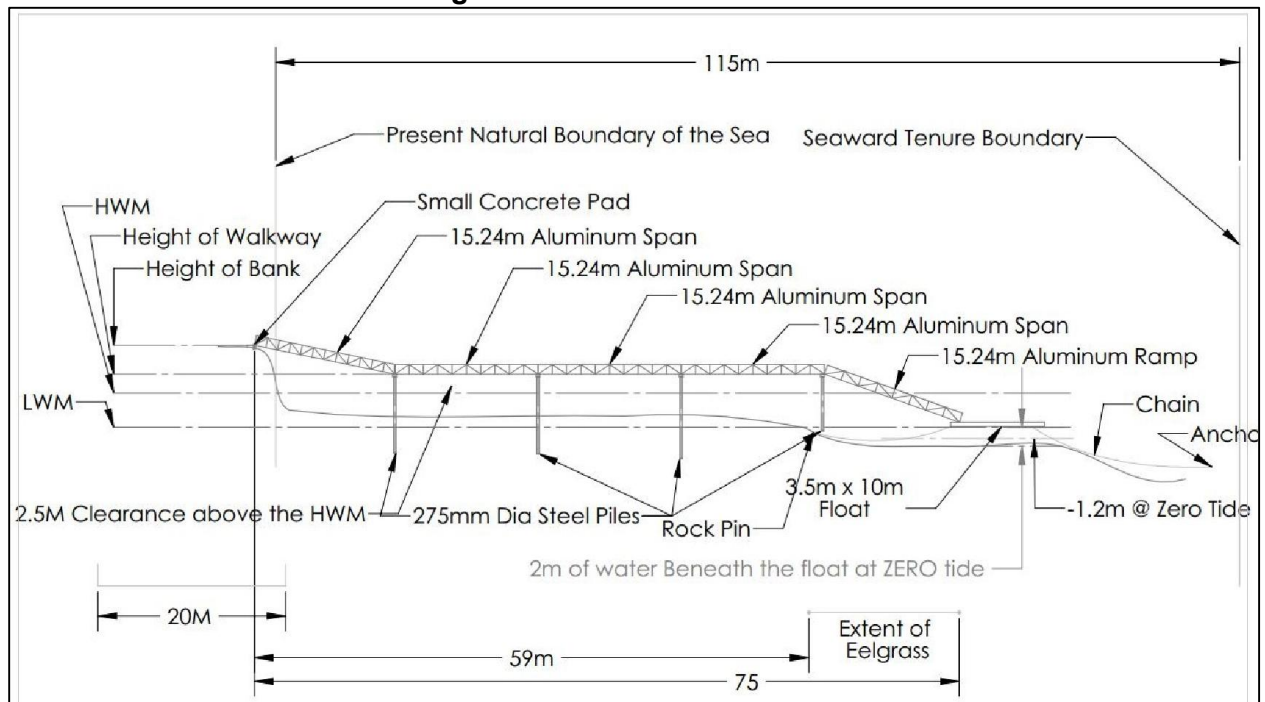
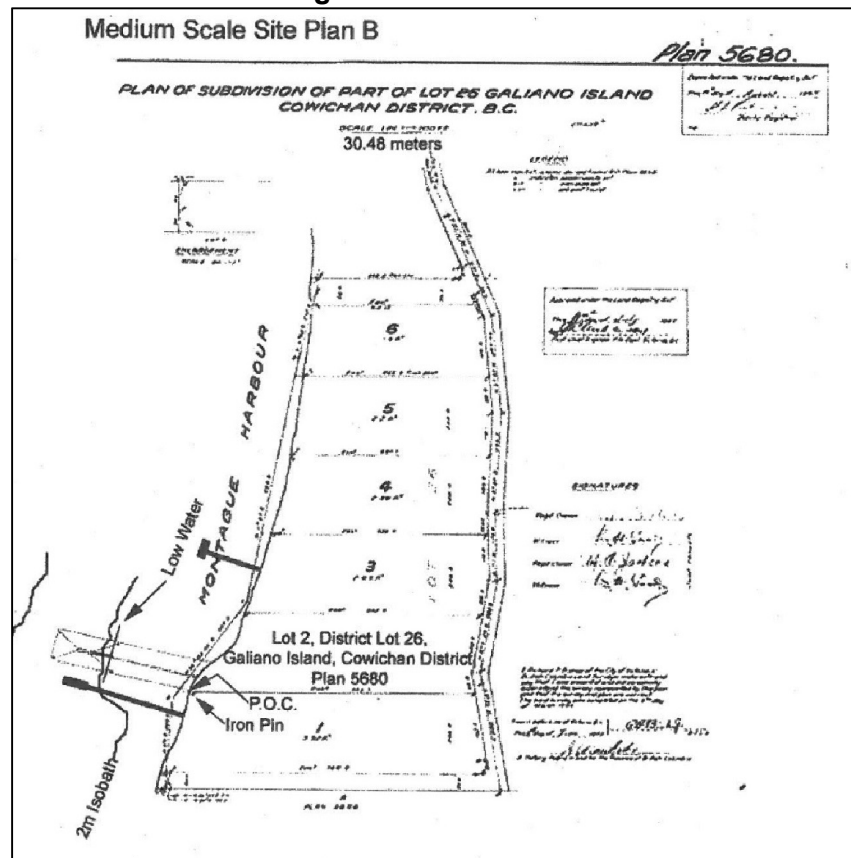


Figure 2: Site Context



In addition, the applicant is requesting the following variances to the Galiano Island Land Use Bylaw (LUB) for the construction of the dock and walkway:

- Section 2.14: Reduce the setback from the natural boundary of the sea from 7.5 metres
 - to 6.2 metres for the siting of the concrete abutment
 - to 0.0 metres for the siting of the access walkway

When staff were reviewing the development permit application for the siting of the dock and walkway, they also noted several non-compliant structures on the property. The applicant favoured bringing these structures into compliance with the LUB over maintaining them as legal non-conforming uses. The applicant is therefore also requesting the following variances to bring existing structures on the property into compliance with the LUB:

- Section 2.14: Reduce the setback from the natural boundary of the sea from 7.5 metres
 - to 7.4 metres to legalize the siting of an existing shed (see Picture 2)
 - to 0.6 metres to legalize the siting of existing stairs and landing (see Picture 1)
- Article 5.3.8.2: Reduce the interior lot line setback from 6.0 metres
 - to 1.38 metres to legalize the siting of an existing shed on the north side of the lot (see Picture 3)
 - to 4.84 metres to legalize the siting of an existing cottage on the south side of the lot (see Picture 6)

The draft development variance permit is attached as Attachment 7.

SITE CONTEXT:

The subject property is located on Montague Harbour and is approximately 2.97 ha (7.34 acres) in area. The property is zoned Small Lot Residential (SLR) and abuts the Marine (M) zone offshore. There are several structures located on the property: a single-family dwelling, a cottage, two sheds, a pumphouse, a cistern, and a car/boat shelter. A BC Hydro easement containing electrical lines bisects the property. The shoreline consists of a cobble beach which is backed by an erosion-prone and partially forested slope. Two sets of stairs descend to the beach. A small seasonal stream is also present near the cottage for fewer than 6 months of the year.

The proposed dock will traverse a shallow eelgrass bed. There are numerous private floats on surrounding properties varying in size and length. In particular, there is a dock of comparable size on the lot immediately to the south of the subject property.

Figure 3: Subject Property Map

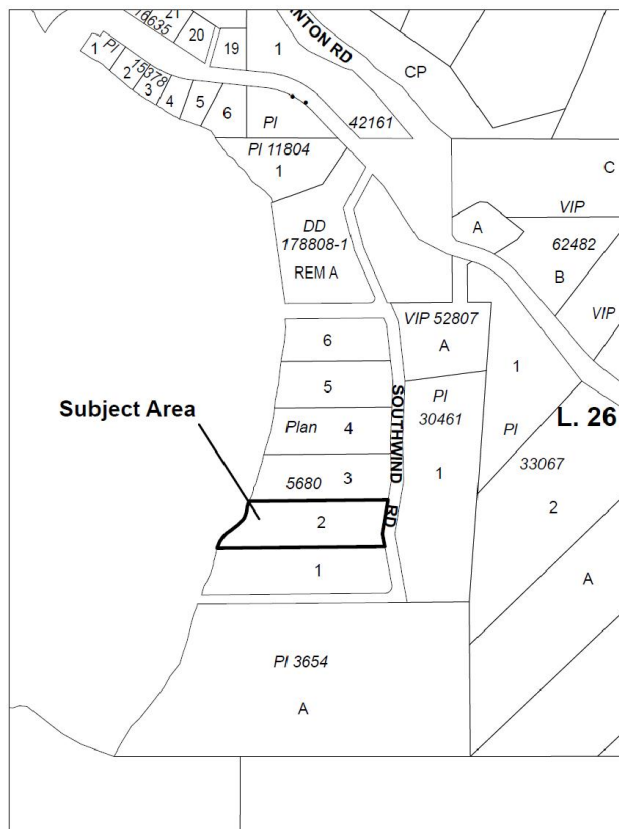


Figure 4: Orthophoto & 2 Metre Contour Lines



Figure 5: Site Plan – Existing

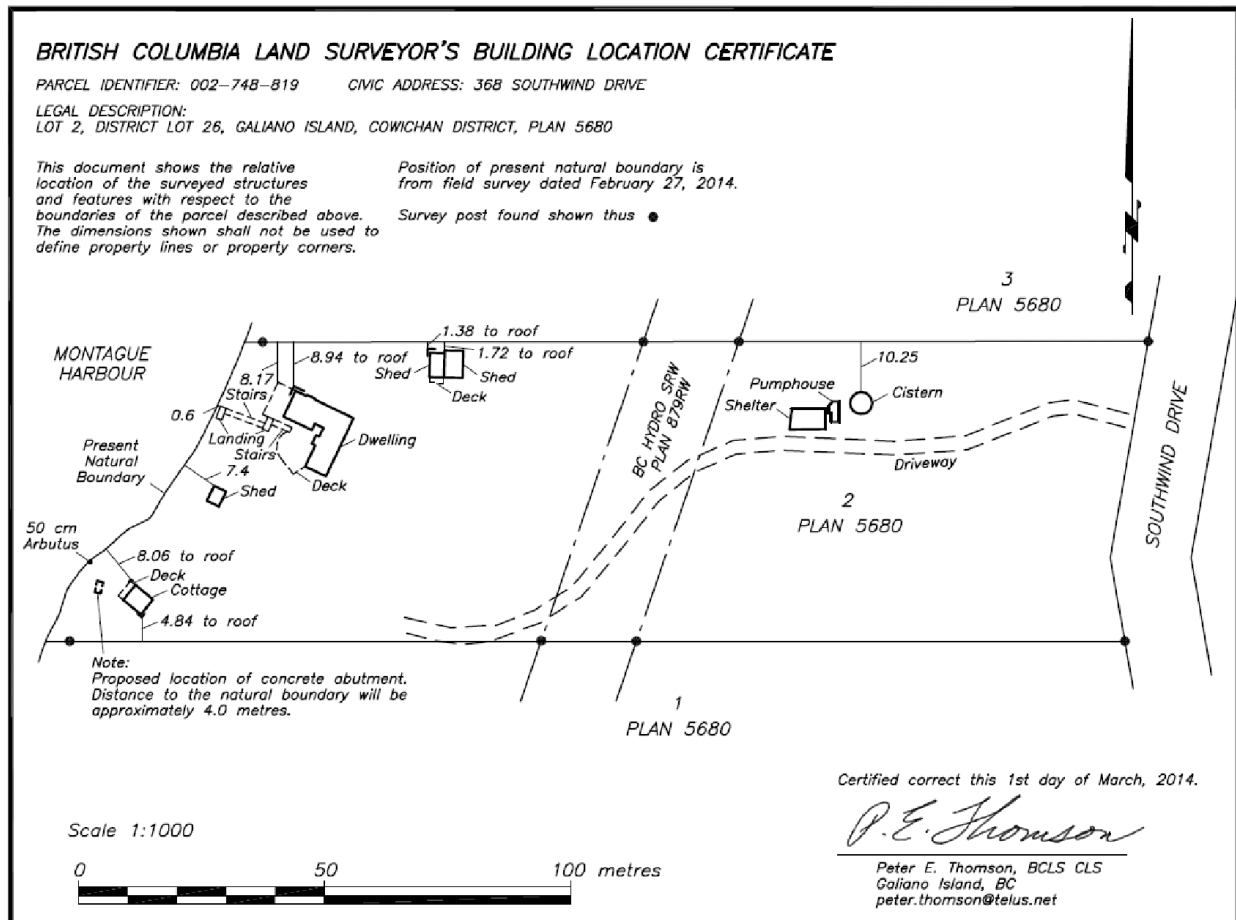
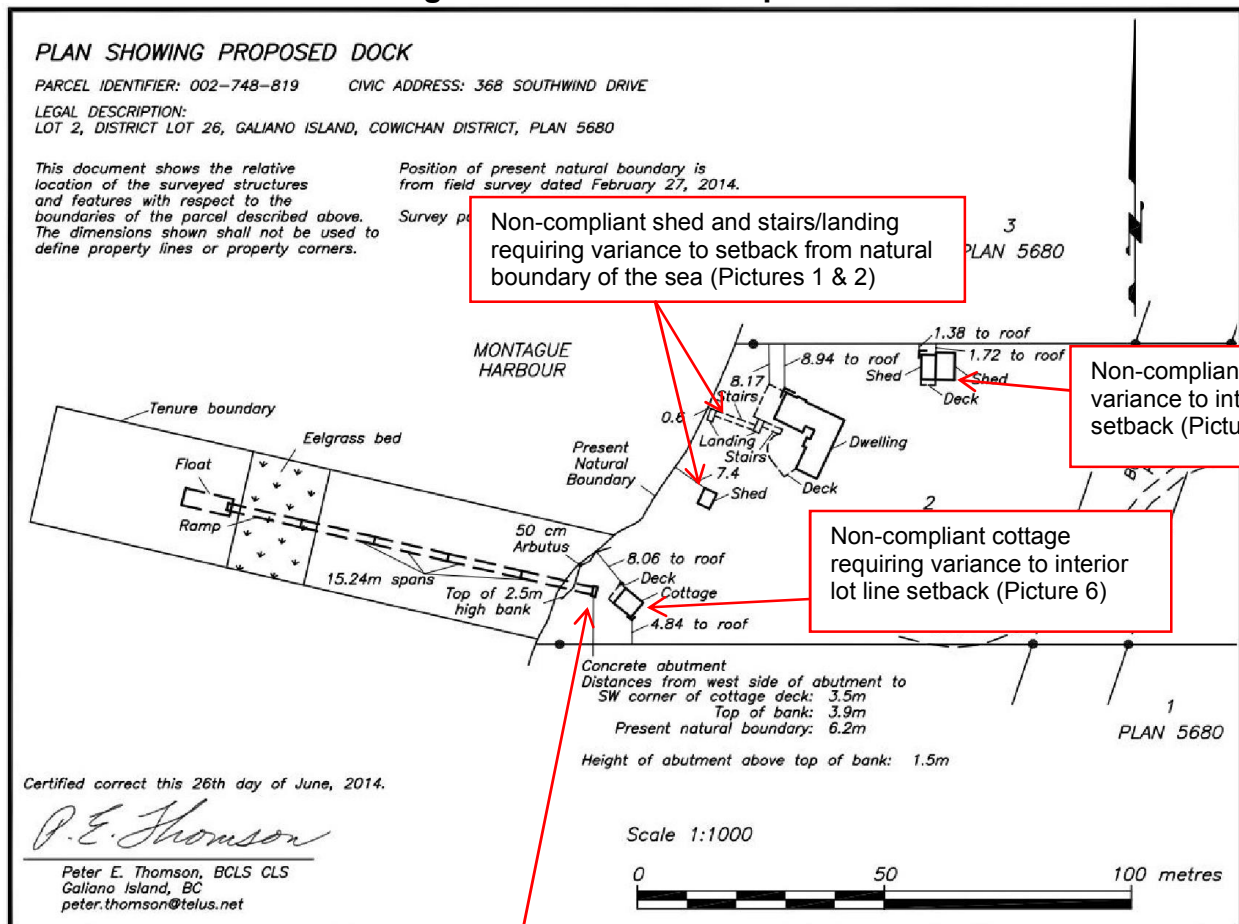


Figure 6: Site Plan – Proposed



Concrete abutment for walkway to access dock (6.2 metres from natural boundary of the sea).
Walkway (1.5 metre wide) to access dock to extend westward from concrete abutment (0.0 metres from natural boundary of the sea).

Picture 1: Non-compliant stairway to the beach



Picture 2: Non-compliant shed and second stairway to beach



Picture 3: Non-compliant shed (north side of lot)



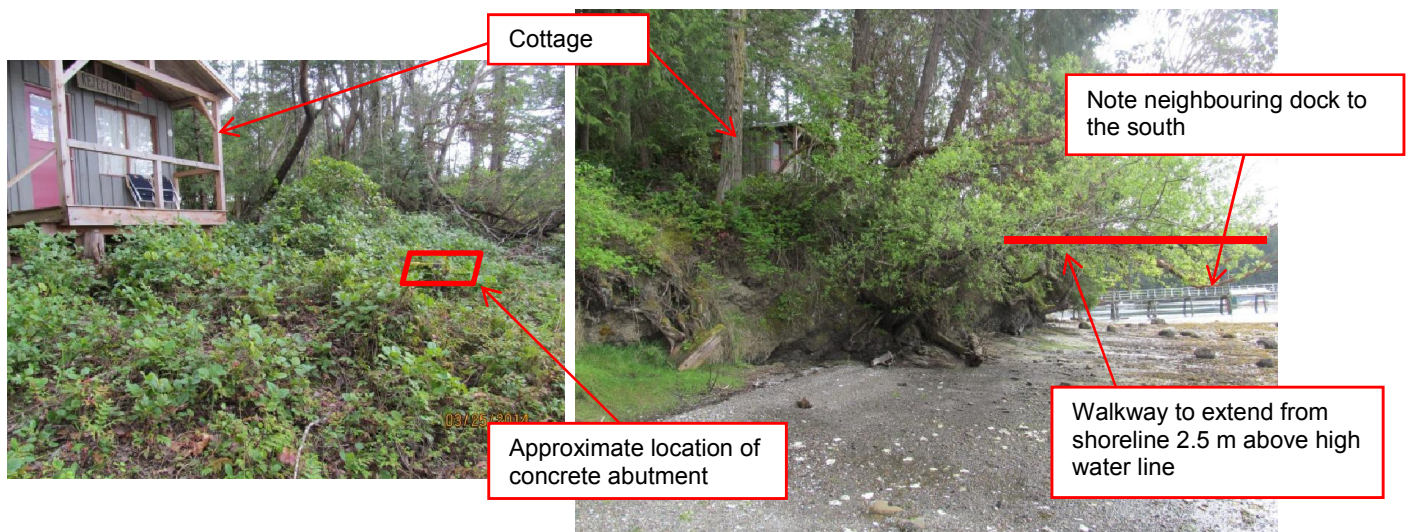
Picture 4: Shoreline erosion



Picture 5: Shoreline and neighbouring dock to the north



Picture 6: Non-compliant cottage & shoreline where private float will be located



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

The applicable directive policy in the Islands Trust Policy Statement is:

- 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.

Official Community Plan:

The subject property is designated Small Lot Residential in the OCP. Adjacent lots to the north and south are identically designated, while adjacent lots to the east are designated Rural Residential. The subject property is also located within the Shoreline and Marine DPA, and the Steep Slopes Hazard DPA.

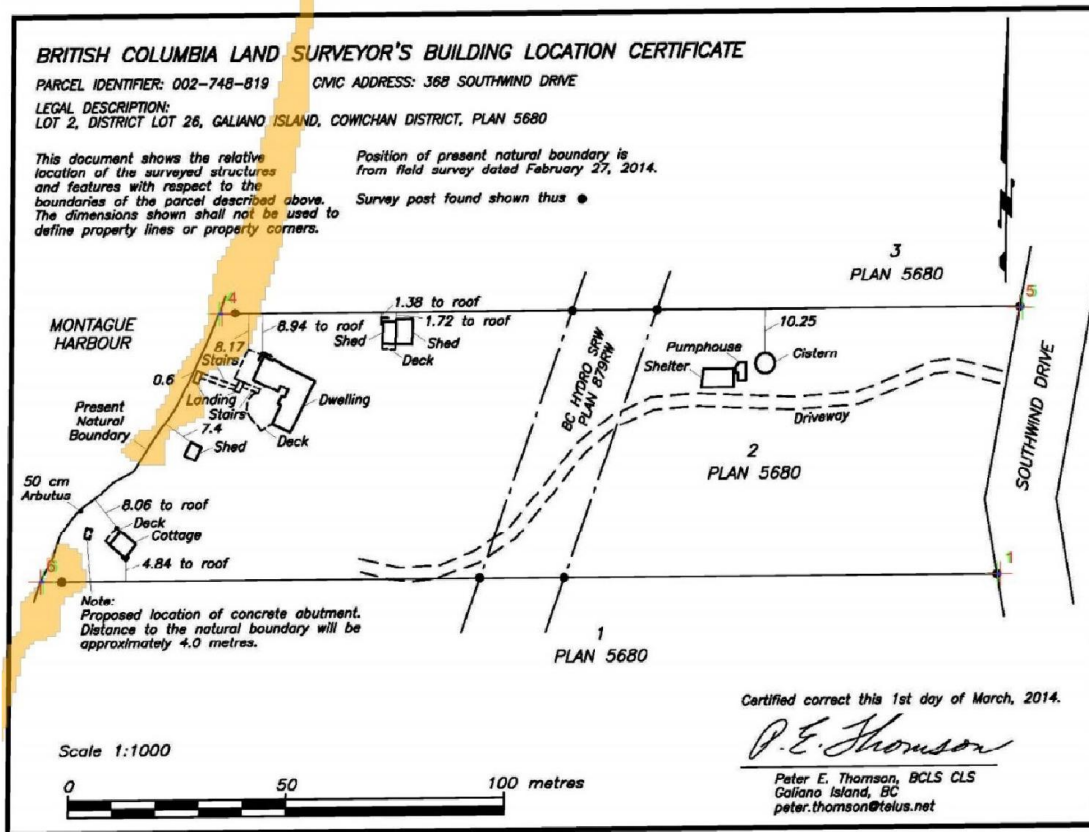
The Shoreline and Marine DPA extends 15m upland from the natural boundary of the sea, and seaward to the boundary of the area of bylaw application. There are a number of guidelines specific to dock construction that are intended to maintain public access along the shore, minimize impacts on sensitive ecosystems and the landscape, and minimize aesthetic impacts. The development permit guidelines checklist is attached for your reference (Attachment 1).

The Steep Slopes Hazard DPA also applies to the property, but the proposed walkway and dock will be sited outside its boundaries (see Figure 5).

Figure 4: Shoreline and Marine DPA



Figure 5: Steep Slopes Hazard DPA



Land Use Bylaw:

The subject property is zoned Small Lot Residential (SLR) and abuts the Marine (M) zone. The minimum setbacks in the SLR zone are 7.5 metres from any front or rear lot line (the same distance required for setback from the natural boundary of the sea), and 6 metres from interior and exterior side lot lines. The following variances are being requested to the LUB:

Natural boundary setback:

- Vary to 4.0 metres for the siting of the concrete abutment
- Vary to 0.0 metres for the siting of the access walkway
- Vary to 7.4 metres to legalize the siting of an existing shed
- Vary to 0.6 metres to legalize the siting of existing stairs and landing

Interior lot line setback:

- Vary to 1.38 metres to legalize the siting of an existing shed on the north side of the lot
- Vary to 4.84 metres to legalize the siting of an existing cottage on the south side of the lot

The Marine zone contains few regulations relevant to dock construction except permission for the use of private docks and walkways, and setbacks of at least 3 metres from the seaward projection of any side lot line of the abutting upland lot.

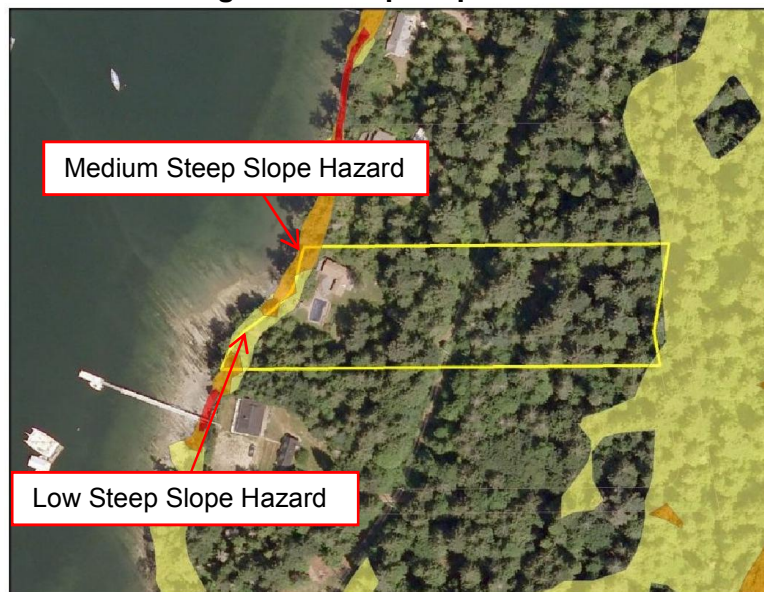
Islands Trust Fund:

This application has no considerations for the Islands Trust Fund.

Sensitive Ecosystems and Hazard Areas:

There are no sensitive ecosystems identified on the property. There is an area of low to medium slope hazard at the shoreline which should be effectively avoided given the design of the proposed dock. Nevertheless, it should be noted that in spite of the mapping shown below, a site visit and subsequent professional report (see Attachment 6) identified a slope in excess of 40% grade where the dock is proposed.

Figure 6: Steep Slope Hazard



Archaeological Sites:

Based on information from the provincial Remote Access to Archaeological Data (RAAD), an archaeological site may be located on the property. An archaeological report was evidently produced by Coast Interior Archaeology pertaining specifically to the site for the Crown Lease, but was not required or supplied as part of this application. Notwithstanding the foregoing, and by copy of this report, the owners are advised that the unearthing of any archaeological resource should be reported to the Archaeological Branch.

Covenants:

There are no covenants registered on the subject property.

Bylaw Enforcement:

There are no bylaw enforcement files associated with this property.

Climate Change Mitigation and Adaptation:

Due to its location close to the edge of the embankment, the proposed concrete abutment may be susceptible to erosion of the said embankment due to rising sea levels and/or increased storm surges. The guidelines for the Shoreline and Marine DPA address these concerns.

Shoreline:

As noted above, the shoreline consists of a cobble beach which is backed by a partially forested slope. The substrate is characteristic of a soft shoreline. Although shoreline mapping indicates the shoreline is stable, boulder-cobble beaches are often associated with erosional shorelines, and in fact the site visit suggests that the adjacent embankment is prone to erosion. Shoreline mapping also indicates the presence of a flat continuous eelgrass bed along the entire length of the property. (Note that the QEP Inventory identifies the species as fringing eelgrass, *Zostera marina*.)

Figure 7: Eelgrass Ecosystem



CRD:

A referral was sent to the CRD Building Department to comment on any building related concerns with the proposed dock and ramp. The CRD Building Department had no concerns with the application as the BC Building Code and CRD bylaw guidelines do not apply to the dock structure.

Other:

Biophysical Habitat Inventory:

The applicant provided a Biophysical Habitat Inventory by a QEP (Attachment 3), which was performed in order to determine the location and limits of the offshore eelgrass bed. The evaluation also examined the species and density of other flora and fauna. Upon review of the

Inventory, staff identified several items of Development Approval Information that were missing; these were generally addressed by supplementary letters from the QEP (Attachments 4 and 5).

The inventory was performed in February 2014. The field survey established two transects within the footprint of the proposed dock and associated anchors, along which divers recorded the depth and distance from shore, the substrate present in each identified zone, and the species present and their relative abundance. The survey was also documented by a video recording. Eelgrass habitat was evaluated both in the dock footprint and towards the north and south of the shoreline. Terrestrial species near the proposed landward terminus of the dock were also inventoried.

The QEP concludes that impacts on the eelgrass bed due to the construction and continued use of the dock would be minimal. The maximum depth of the eelgrass bed was recorded at 1.2 metres below high tide, which depth appears to be limited by the availability of light. The float, which is the only part of the dock structure that is likely to impede light infiltration, will be located at 2 metres below high tide, so the eelgrass bed generally should not be shaded. (The remainder of the dock consists of light-permeable aluminum decking.) Other flora and fauna identified in the footprint of the proposed float were neither abundant, nor are the species sensitive to shading.

With regards to dock itself, the QEP states that the eelgrass bed is generally dense and continuous but appears to be less so in the footprint of the proposed dock. The location of the dock was selected based on the presence of exposed bedrock that extends further seaward there than elsewhere on the property. Where the bedrock formation is exposed, the fine sediment favoured by eelgrass is shallower, and the eelgrass therefore less dense due to susceptibility to disturbance (for instance, from storm events). The eelgrass bed also appears to have its minimum width in the footprint of the proposed dock.

Finally, according to the dock cross-section (Figure 1), only the pair of pilings furthest from shore have the potential to impact on the eelgrass bed. They appear to be located at approximately 1.2 metres below high tide, where the negative slope of the sea bed increases. The QEP notes that eelgrass does not typically grow along slopes, and that even were the pilings located at the edge of the bed, the combined area occupied by the pilings is 1.25 square feet. Recent observations from another similar site on Galiano Island 8 months after construction show eelgrass growing immediately adjacent to the new pilings; habitat does not appear permanently disrupted.

With regards to terrestrial species, the QEP does note the importance of the marine riparian zone, and recommends maintaining a vegetated buffer to provide shade and detritus to the upper intertidal zone. Tree canopy in particular should not be disturbed; shrubs and groundcover are quicker-growing and could be replaced with native plants if necessary. Otherwise, the upland is not a pristine habitat (crossed by paths etc.) and impacts from development should be minimal.

In the Inventory, the QEP notes that because the study was performed in February, many species of aquatic and terrestrial marine species would not have been visible. In response to requests by Islands Trust staff for further information, the QEP notes that the soft substrate is not suitable to seasonal species of kelp.

Geotechnical Evaluation

The applicant also provided a letter from a qualified geotechnical engineer (Attachment 6), which was requested by Islands Trust staff in order to address the suspected slope stability issues as evidenced by the erosion observed on site. The letter does not provide technical detail

of the evaluation, but does provide recommendations for the construction of the landward abutment, taking shoreline erosion into consideration. The least structural requirements were identified where the abutment would be located less than 3.5 metres from the cottage, which has subsequently been reflected in the site plan. The letter states that the proposed development will not cause any further erosion.

RESULTS OF CIRCULATION:

Notices for the variance were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m on June 6, 2014. At the time of writing this report, no formal public submissions have been received. Any public submissions will be forwarded to the LTC and presented at the Galiano Island Local Trust Committee meeting on July 7, 2014.

VARIANCE ISSUES SUMMARY:

Applicant's rationale for the proposed variance. The variances being requested fall under two categories: those requested to allow the construction of the dock and walkway, and those requested to legalize existing non-compliant structures.

The rationale for the proposed structure in terms of size and weight (requiring permanent fixtures within the setback) is its intended use as moorage for a sailboat. It should be noted that precedents for a structure of this size and type can be found on the immediately adjacent lots both north and south of the subject property. The use of a concrete abutment, rather than a cantilevered structure, eliminates the need for an additional pair of pilings proximate to the (eroding) toe of the embankment.

Variances are also being requested to legalize several non-compliant structures, rather than maintaining them as non-conforming uses. The applicant has supplied documentation from Sarah Tweedale, daughter of property's former owner, who asserts that the structures were constructed in the 1960s, before the setback regulations were introduced into the Bylaw. These structures are generally unobtrusive in nature (e.g. limited height and footprint; low-impact stairs and landings) and are well screened from neighbours by abundant vegetation.

The overall intent of the regulation being varied. The overall purpose of the setback regulations is to minimize impacts on adjacent property related to: building code requirements, aesthetic, and privacy concerns. Regulating setbacks also helps to provide a consistent pattern of development within a given zone. The setbacks in the Marine zone help to reduce water uses from being located in front of neighbouring properties.

Potential impacts of granting a variance. Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, it is unlikely to generate expectations for other landowners. Each application is evaluated on its own merits.

STAFF COMMENTS:

The application is for the construction of an aluminum dock and walkway on Montague Harbour within the Shoreline and Marine Development Permit Area (DPA).

Islands Trust staff are permitted to require Development Approval Information for applications within this DPA. For this proposal, the applicant has provided a biophysical habitat inventory by

a QEP, and a letter from a qualified geotechnical engineer. Staff rely on professional reports in order to address the applicable guidelines in the Development Areas to ensure the protection of sensitive ecosystems and to provide recommendations to minimize potential impacts to the sensitive ecosystems. The inventory and supplementary letters are attached as Attachments 3-6, and the geotechnical engineer as Attachment 6.

The supplied DAI has been evaluated using the Galiano Island DPA 2 Check List, which has been attached as Attachment 1.

Eelgrass beds are specifically mentioned in the DPA Guidelines as a sensitive ecosystem. According to the conclusions of the QEP, the structure appears to be “sited to minimize impacts on sensitive ecosystems” per the DPA Guidelines, Subsection 2.7.44. The majority of the structure is comprised of the aluminum walkway, which permits the filtration of natural daylight and whose impact on the benthic environment is limited to the anchoring locations of the supporting pilings. The eelgrass bed should not be impacted by the float. (Further, although not addressed in the professional reports, it should be noted that the Provincial Conservation Status of common eelgrass [*Zostera marina*] is Yellow-listed, i.e. not at risk of extinction.)

The habitat inventory also lists a number of terrestrial species in the marine riparian zone. Notably, there is a large arbutus tree proximate to the edge of the embankment which the site plan shows will be avoided by the proposed dock and walkway. The surrounding native vegetation (the site visit revealed predominantly salal and Oregon grape) appears ample and healthy, and should be minimally impacted given the limited nature of the proposed interventions (i.e. small concrete abutment, walkway pilings). Similarly, the development should be sufficiently low-impact to avoid the need for ecosystem restoration or protective demarcation during installation, two measures suggested in the DPA Guidelines. Maintenance of tree canopy and restoration of disturbed ground cover within the marine riparian zone will be conditions of the permit.

There are also several Guidelines that address the siting of structures on slopes, and siting in locations that will avoid the need for shore protection measures in the future. The letter from the geotechnical engineer suggests that, if sited correctly, the development should not impact, or be impacted by, further erosion. Siting per the submitted site plan will be a condition of the permit.

There are specific guidelines applicable to docks in the Shoreline and Marine DPA. Notably, the Guidelines state that mooring buoys and floats are preferred over docks in residential applications. However, these solutions are impractical for the mooring of the applicant's sailboat.

The applicant has already applied for a Crown Land Tenure, which has not yet been approved. A Management Plan was included as part of the application, confirming that the dock will conform to DPA guidelines with regards to materials, design, public access, water flow, and anchoring (Attachment 8). To ensure compliance, these criteria have also been included as conditions of the development permit.

The applicant is also requesting to vary the setback from the natural boundary of the sea for the siting of the concrete abutment and the walkway. As noted above, these structures should have minimal impact on the landscape within the setback. Encroachment into the setback is effectively required by the dock design, which must account for the embankment, public access beneath the walkway, and sufficient size to permit moorage of the sailboat. The additional variances being requested merely bring into conformity existing structures that were built prior to current setback requirements.

The CRD has indicated that they have no concerns with the proposed dock and the requested variances. The applicant also states that neither of their neighbours has any concerns with the proposed dock. Staff therefore support the variances.

Given the information provided in the QEP's report and the memo from the geotechnical engineer, the management plan indicating location in the area of least impact on the sensitive aquatic ecosystem, and the application satisfying the development permit guidelines, staff recommends issuance of a development permit and development variance permit for the proposed dock structure.

RECOMMENDATIONS:

1. THAT Development Permit GL-DP-2014.1 (Olson) BE APPROVED.
2. THAT the Development Variance Permit GL-DVP-2014.1 (Olson) BE APPROVED.

Prepared and Submitted by:



Kerry Thompson, Planner 1

June 26, 2014

Date

Concurred in by:

Kris Nichols

Kris Nichols, Island Planner

June 26, 2014

Date

Attachments:

- 1 – DPA Checklist
- 2 – Draft Development Permit
- 3 – QEP Biophysical Habitat Inventory
- 4 – QEP Supplementary Letter, June 24, 2014
- 5 – QEP Supplementary Letter, June 26, 2014
- 6 – Letter from Geotechnical Engineer, June 20, 2014
- 7 – Draft Development Variance Permit
- 8 – Dock Management Plan

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.	☒	☐	☐	Geotechnical evaluation considered erosion on shoreline stability
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.	☒	☐	☐	Variances to setbacks required to accomplish design of dock structure to minimize environmental impact, maintain public access
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:				Shore protection measures not part of development
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.	☐	☐	☒	
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:				Shore protection measures not part of development
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	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
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.	☐	☐	☒	
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.	☒	☐	☐	
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;	☐	☐	☒	

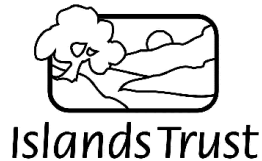
Guideline	Complies			Comments
	Yes	No	N/A	
c. Replacement walls or bulkheads do not encroach seaward of the natural boundary or the seaward limit of the existing shore protection works unless there are significant safety or environmental concerns that could only be addressed via such an encroachment. 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:				
16. All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development.	☐	☐	☒	
Guidelines for Commercial and Industrial Development:				
17. Boat maintenance and repair facilities shall be designed and sited in a manner that minimizes the potential for the discharge of toxic materials from boats (e.g. fuels, oils, maintenance by-products).	☐	☐	☒	
18. Lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility. Light fixtures on such sites should focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high-cut off angle should be used. Full-spectrum fixtures are preferred. Neon lighting should not be used outside buildings.	☐	☐	☒	
19. Signs on commercial and industrial developments built over the water surface should not move or be audible and should not incorporate lighting that moves or flashes or gives the impression of doing so.	☐	☐	☒	
20. Offshore log storage should be located such that natural flushing and water circulation will disperse waste materials, and log dumping facilities should be designed and operated to prevent bark and other debris from accumulating on the sea bed.	☐	☐	☒	
Guidelines for Specific Shoreline Types:				
21. Because of their extreme sensitivity to disturbance and slow rate of recovery, dredging or filling of estuaries should not be permitted, sea walls and rip rap embankments should not be permitted in estuaries, and when shore protection measures are necessary "beach nourishment" designs are preferred, which add appropriately sized material to the upper beach, creating a natural beach slope and beach armour.	☐	☐	☒	
22. New structures 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 analysis for the structure.	☒	☐	☐	

Guideline	Complies			Comments
	Yes	No	N/A	
23. Removal of trees or other vegetation from steep slopes or bluffs should only be allowed where necessary and where replacement vegetation / erosion control measures are established. If possible, stumps should be left in place to provide some soil stabilizing influence until replacement vegetation is established. Plans delineating extent of vegetation / tree removal (location, species and diameter of trees) and location of proposed construction, excavation and / or blasting, may be required.	☒	☐	☐	
Guidelines for Construction Practices:				
Erosion Control:				
24. 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.	☐	☒	☐	Development unlikely to impact on sediment release
Monitoring:				
25. 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.	☐	☐	☒	Monitoring not requested
Guidelines for Vegetation Management, Restoration and Enhancement:				
26. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.	☒	☐	☐	
27. 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.	☐	☒	☐	Development likely able to avoid existing trees to be retained without delineation
28. 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.	☒	☐	☐	
29. 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.	☒	☐	☐	

Guideline	Complies			Comments
	Yes	No	N/A	
30. 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.	☒	☐	☐	
Guidelines for Shore Protection Measures Design:				
31. Materials used for shoreline stabilization should be inert. Stabilization materials should not consist of debris or contaminated material that could result in pollution of tidal water.	☐	☐	☒	
32. Revetments (rip rap slopes) and bulkheads (retaining walls) should only be constructed if no other alternative exists.	☐	☐	☒	
33. Where revetments are proposed:				
a. They should not result in the loss of shoreline vegetation or fish habitat;	☐	☐	☒	
b. The size and quantity of materials used should be limited to that necessary to withstand the estimated energy of the location's hydraulic action and prevent collapse; and	☐	☐	☒	
c. Filter cloth should be used to aid drainage.	☐	☐	☒	
34. Where bulkheads are proposed:				
a. They should not be located where geomorphic and hydrologic processes are critical to shoreline conservation. Feeder bluffs, marshes, wetlands, spits and hooks should be avoided;	☐	☐	☒	
b. They should be located parallel to and landward of the natural boundary of the sea, as close to any natural bank as possible;	☐	☐	☒	
c. They should allow the passage of surface or groundwater without causing ponding or saturation; and	☐	☐	☒	
d. They should be constructed of stable, non-erodible materials that preserve natural shoreline characteristics. Adequate toe protection including proper footings and retention mesh should be included. Beach materials should not be used for fill behind bulkheads.	☐	☐	☒	
Guidelines for Beach Nourishment and Fill:				
35. Fill upland of the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.	☐	☐	☒	
36. Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design.	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
37. Fill should not be placed at or below the natural boundary for the purposes of providing a trail or walkway.	☐	☐	☒	
38. All upland fill and beach nourishment materials should be clean and free of debris and contaminated material. All fill and beach nourishment proposals are subject to review and approval by provincial and federal authorities having jurisdiction.	☐	☐	☒	
Guidelines for Shore Access and Parking:				
39. Roads, driveways, trails and pathways should follow the contours of the land, appropriately manage drainage, not require retaining walls, and only use stairs as a last resort.	☐	☐	☒	
40. Accesses in extremely sensitive areas or hazardous areas should be restricted or prohibited.	☐	☐	☒	
41. Parking areas should be located away from the shore, buffered or landscaped, and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, filtration trenches or swales, unpaved or permeable all weather surfaces should be considered for this purpose.	☐	☐	☒	
Guidelines for the Construction and Replacement of Docks and Boat Launch Facilities:				
42. For residential properties, preference is to be given to the placement of mooring buoys and floats instead of docks.	☐	☒	☐	Float included in development; dock necessary for size and type of vessel
43. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.	☒	☐	☐	
44. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.	☒	☐	☐	Impact on eelgrass bed has been avoided and/or mitigated
45. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.	☒	☐	☐	
46. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.	☒	☐	☐	
47. Piers and pilings and floating docks are preferred over solid-core piers.	☒	☐	☐	
48. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.	☒	☐	☐	
49. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes.	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
50. Construction of a private ramp on an individual residential lot or parcel is discouraged. Owners are urged to seek opportunities to use public ramps or to share existing private ramps.	☐	☐	☒	
51. Residential docks should be located and designed to avoid the need for shore defence works or breakwaters.	☒	☐	☐	
52. Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not be designed to accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area unless more than two parcels have legal access to the dock, in which case permitted total surface area should be a multiple of the number of lots the dock serves.	☒	☐	☐	



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT GL-DP-2014.1

To: Elizabeth and John Olson

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

Lot 2, District Lot 26, Galiano Island, Cowichan District, Plan 5680

2. This Development Permit authorizes the construction of a dock and associated structures (ramp, concrete abutment, pilings, float, anchors) within a Shoreline and Marine development permit area, subject to the following conditions:
 - a) The siting, dimensions and design of the structure shall be substantially consistent with Schedules A, B and C attached to and forming part of this permit.
 - b) All trees providing shade to the intertidal zone shall be preserved, notwithstanding necessary minor maintenance (e.g. pruning) and/or removal of trees posing an immediate hazard to life or property.
 - c) All shrubs and ground cover shall be preserved within 5 metres of the top of the shoreline embankment, excepting that area within the footprint of the dock or walkway unable to support vegetation; or where disturbed, shall be restored with identical or similar native species, e.g. salal, snowberry, dull Oregon grape.
 - d) No machinery shall be permitted to traverse or be used on the upland of the site in relation to this development.
 - e) The dock structure shall be constructed in a manner consistent with Schedule D.
 - f) Disturbance of the eelgrass bed shall be limited to those locations strictly necessary for anchoring of the dock structure, as identified in Schedules C and D.
 - g) The decking of the manufactured aluminium segments shall allow for significant penetration of natural light.
3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Galiano Island Land Use Bylaw No. 127, 1999 and to obtain other approvals necessary for completion of the proposed development.

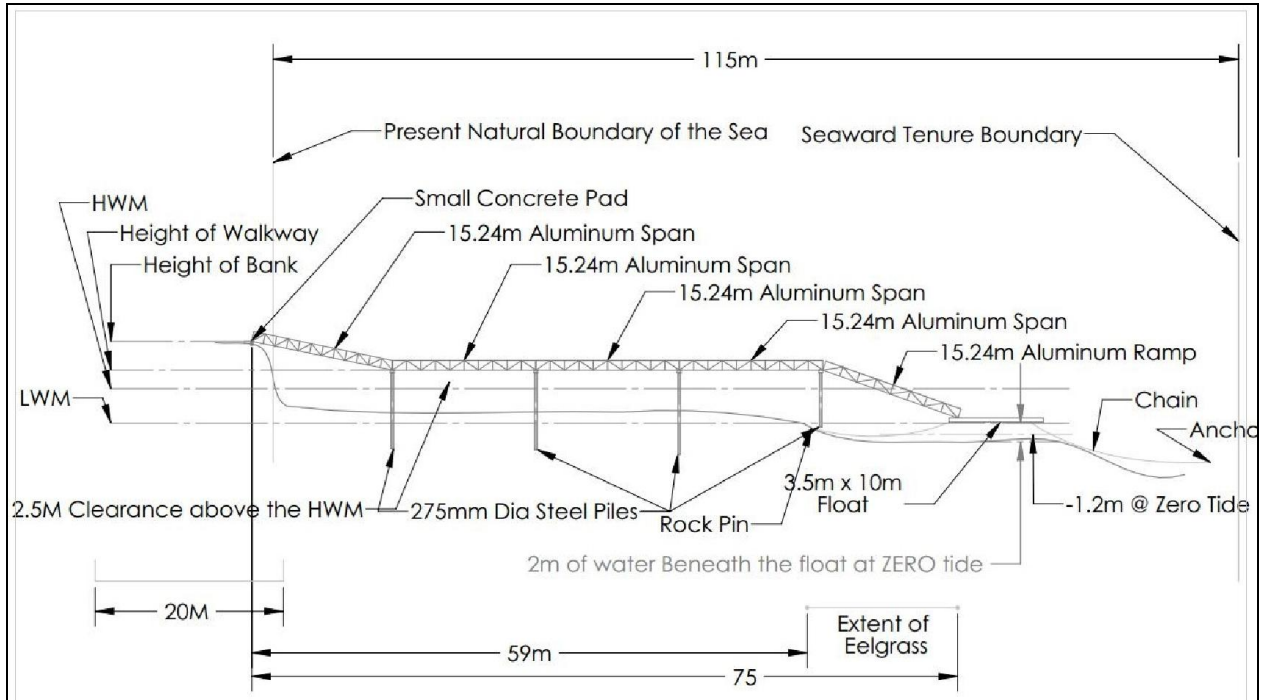
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL
TRUST COMMITTEE THIS Xth DAY OF JUNE, 2014

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE XTH DAY OF JUNE,
20XX, THIS PERMIT AUTOMATICALLY LAPSES.

**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2014.1
Schedule A**



**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2014.1
Schedule B**

PLAN SHOWING PROPOSED DOCK

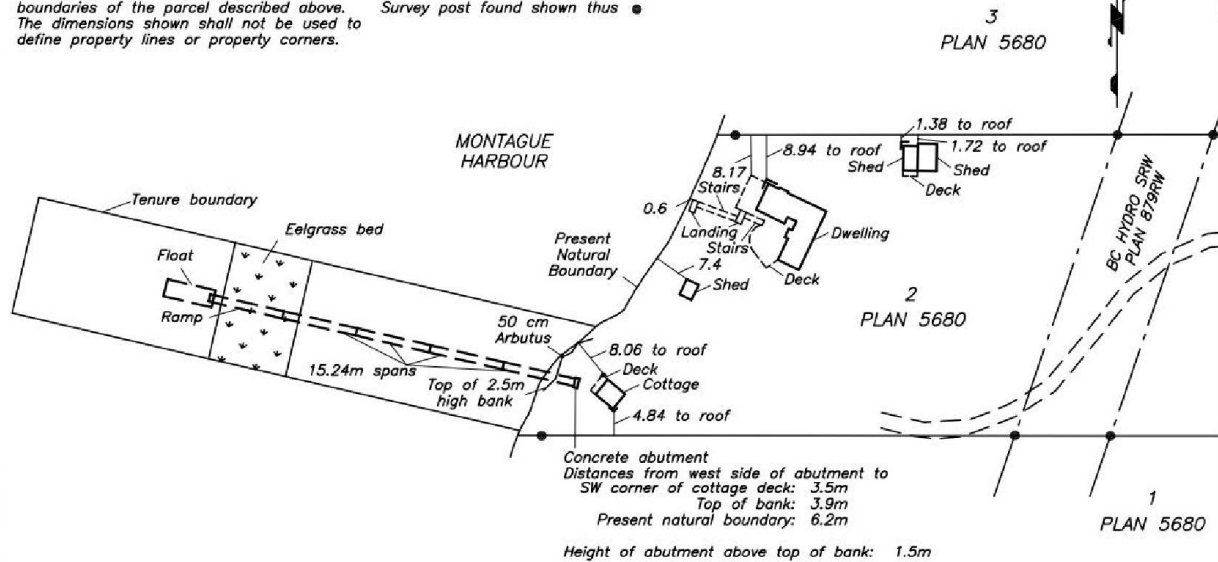
PARCEL IDENTIFIER: 002-748-819 CIVIC ADDRESS: 368 SOUTHWIND DRIVE

LEGAL DESCRIPTION:
LOT 2, DISTRICT LOT 26, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 5680

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. The dimensions shown shall not be used to define property lines or property corners.

Position of present natural boundary is from field survey dated February 27, 2014.

Survey post found shown thus ●



Certified correct this 26th day of June, 2014.

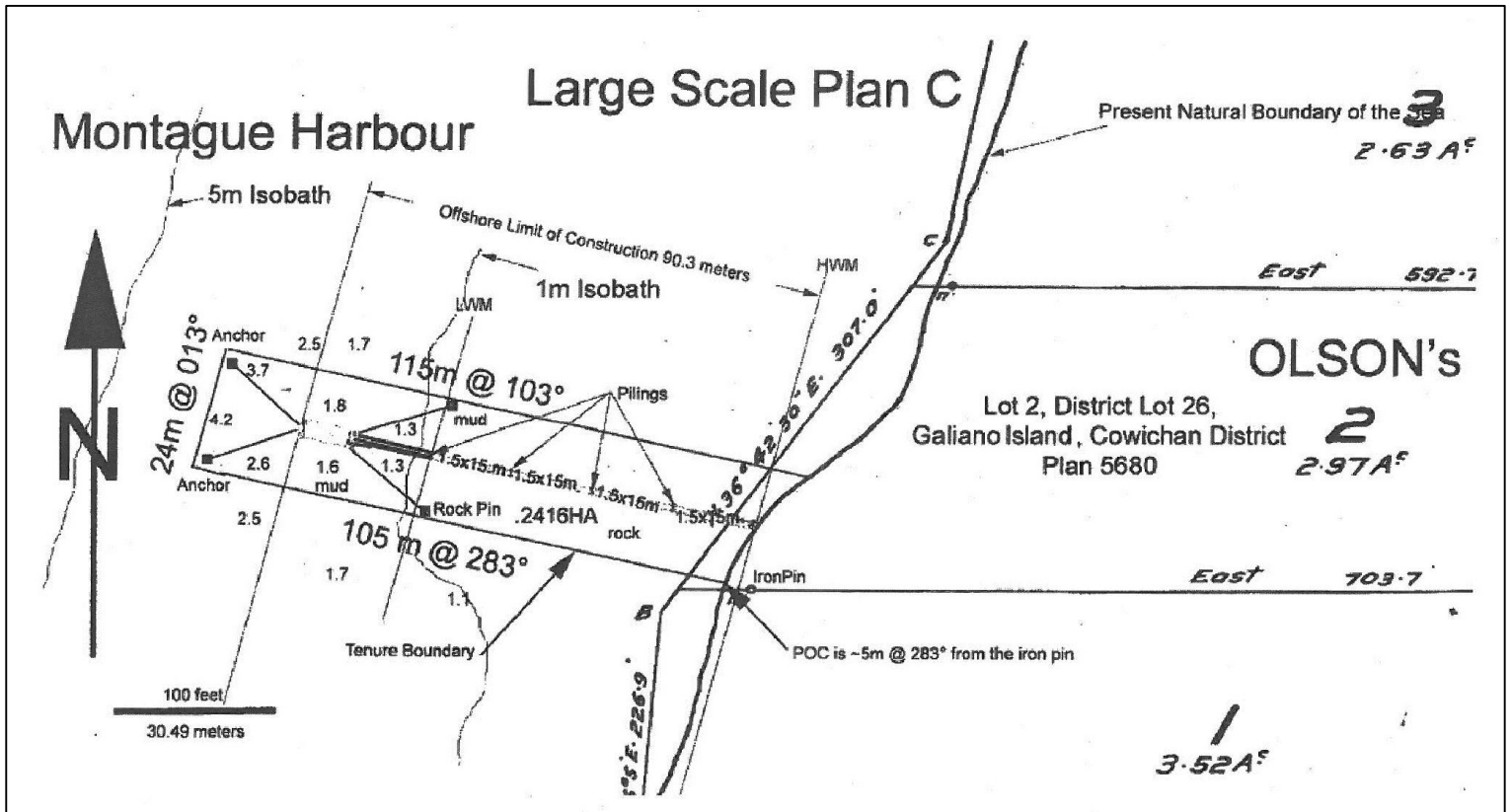
P. E. Thomson

Peter E. Thomson, BCLS CLS
Galiano Island, BC
peter.thomson@telus.net

Scale 1:1000



**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2014.1
Schedule C**



**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2014.1
Schedule D**

Management Plan

For
Elizabeth and John Olson
Montague Harbour, Galiano Island
March 25, 2013

The development is for the creation of a Private Moorage system on the foreshore fronting 368 Southwind Drive, Galiano Island, B.C.

There are existing docks on both of the neighbouring properties.

We propose to create a small concrete abutment on the upland just at the Natural Boundary of the Sea. From this point we propose to extend seaward four manufactured aluminum spans leading to a ramp then to a float, with the float anchored by galvanized steel chains and precast concrete anchors.

The first span being 15.25 meters long by 1.5 meters wide shall extend seaward and be founded on two 165mm steel pilings established in the inter-tidal zone atop small cast-in-place concrete pad. The pad shall have an area no greater than one square meter and will comply with the Department of Fisheries and Oceans guidelines. The upper end of the pilings shall support a plate steel pile cap welded to the piles. This will serve as the landing for the spans.

The second span being 15.24 meters long by 1.5 meters wide shall extend seaward from the offshore end of the first span, sharing the pile cap. The offshore end of the second span shall land on a similar pile, cap and pad arrangement as the first span.

The third span being 15.24 meters long by 1.5 meters wide shall extend seaward from the offshore end of the second span where it will land on a on a similar pile, cap and pad arrangement as the second span.

The fourth span being 15.24 meters long by 1.5 meters wide shall extend seaward from the offshore end of the third span where it will land on a on a similar pile, cap arrangement as the third span, however the piles for the offshore end of this span will be required to be drilled into the seabed as the offshore location is in the sub-tidal zone and pouring concrete is not an approved option.

From this fourth span shall hinge a 15.25 meter ramp with its offshore end landing on a 3.5 meter by 10 meter heavy timber float.

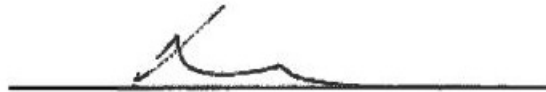
The heavy timber float shall be well constructed from #1 or better BC Coastal Douglas Fir and treated to "Best Management Practices" standards as is the industry standard in British Columbia.

The float shall achieve adequate flotation from properly secured and sealed polyurethane coated Styrofoam billets as is the recommended method in the Department of Fisheries and Oceans "Best Management Practices" for dock construction.

The float shall be moored using galvanized steel chain, with precast anchors in the sub-tidal and drilled and epoxied in place rock pins in the inter-tidal zone just inshore of the low water mark.

Pedestrian access will remain unimpeded by a two and a half meter clearance beneath the walking surface of the spans and the High Water Mark.

Moorage is the private use of the Olson's, their guests, and family and principally for a 12 meter sailboat.

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

David McKerrell for Elizabeth and John Olson

**Lot 2, District Lot 26, Galiano Island
Cowichan District, Plan 5680**

**Proposed Dock
Biophysical Habitat Inventory**

February 2014

DRAFT

March 24, 2014

Prepared for: The Olsons
368 Southwind Road
Galiano Island
B.C.

Prepared by: Precision Identification
3622 West 3rd Avenue
Vancouver, B.C.
V6R 1L9

Phone: (604) 734-5048
Email: precid@shaw.ca

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1.0 Introduction

The owners of 386 Southwind Drive, Galiano Island, B.C., V0N 1P0 (Lot 2, D.L. 26, Plan 5680) want to construct a dock to provide boat access to their property. The following survey was commissioned to inventory the biophysical habitat in the footprint of the proposed dock and to determine the location and limits of the fringing eelgrass (*Zostera marina*) bed that lies parallel to the shore.

2.0 Methods

The Nearshore Eelgrass Habitat Maps on the Islands Trust website indicated that a fringing eelgrass bed was located in the vicinity of the proposed dock. A plan of the proposed dock¹ was reviewed along with the recent archaeological report² relating to the site.

A field survey plan was developed to assess the biophysical habitat in the vicinity of the proposed dock.

The field survey established two transects within the footprint of the proposed dock and associated anchors. The location was identified using the documentation that had been previously supplied and verified on-site by the landowner. The transects originated at the toe of the bank along the shore and extended 110 m seaward following a compass bearing of 283°; the path of the proposed dock. Transect 1 (T1) was located several metres south of the proposed piling location (10U 0471486 5414973), Transect 2 (T2) was located 15 metres north of T1.

The dive team followed each transect noting the distance from the origin (toe of bank) where the habitat changed, either by changes in substrate or in the dominant species present. Each habitat was considered a 'zone' and numbered sequentially from shore. The divers recorded the depth and distance from shore where each zone started and noted the time at which the data was recorded. The percent cover of each substrate present in the zone (within approximately 5 metres either side of the transect line) was estimated. The species present and their relative abundance were recorded. The divers continued seaward past the end of each transect for a minimum of 15 metres to determine whether there was any significant biophysical change over that distance.

A video was recorded along the transects to document the biophysical habitat. The times recorded by the divers were used to adjust the depth measurements according to predicted tide height at that time in Montague Harbour³.

An assessment of the eelgrass bed, both within the proposed footprint and on either side of the footprint was conducted. Quadrats (0.25 m²) were used to sample the density of eelgrass along each transect and to the north and south towards the neighbours docks. The density values were averaged then multiplied by four to estimate the mean density per m².

The terrestrial species in the marine riparian zone near the origin of each transect were recorded.

¹ Large Scale Plan C, Lot 2, District Lot 26, Galiano Island, Cowichan District, Plan 5680.

² Letter report prepared by Coast Interior Archaeology, January 13, 2014.

³ <http://tbone.biol.sc.edu/tide/tideshow.cgi>

3.0 Results

The field survey was conducted on February 26, 2014. The location of T1 is shown in Figure 1. T2 was located 15 metres to the north.



Figure 1. Transect T1 superimposed on a Goggle Earth image.

The data from the biophysical survey is summarized in Table 1. The intertidal zone at the toe of the bank along shore was above the tide height during the survey. The elevation of the exposed intertidal zone was not estimated but simply considered to be greater than the estimated tide height during the survey.

A detailed species list of the flora and fauna observed in each zone along each transect is provided in Appendix A. The species noted in the marine riparian zone are listed in Appendix B.

Table 1. Summary of biophysical data, including the most abundant species in each zone. The sediment codes include; BD bedrock, BS broken shell, B boulder, C cobble, G gravel, M mud, and S sand.

Zone	Transect 1					Transect 2				
	Distance (m)	Elevation (m)		Sediment (%)	Species	Distance (m)	Elevation (m)		Sediment (%)	Species
		maximum	minimum				maximum	minimum		
1	0 - 3	>3.5		BD 100	-	0 - 3	>3.4		G 50 S 40 C 5 BS 5	-
2	3 - 41	>3.5	2.0	BD 80 S 15 BS 5	rockweed oysters barnacle	3 - 22	>3.4	2.7	BD 85 G 15 BS 5	rockweed oyster shore crab
3	41 - 59	2.0	0.9	BD 45 S 45 BS 10	sea lettuce oysters limpets snails	22 - 37	2.7	1.8	BD 75 G 20 BS 5	barnacles oysters
4	59 - 75	0.9	-0.5	M 70 S 15 BD 5 BS 5 B 5	eelgrass limpets nudibranchs	37 - 59	1.8	-0.9	BD 70 S 25 BS 5	tufted algae
5	75 - 110	-0.5	-3.2	S 60 BS 30 BD 10	red algae tube worms	59 - 85	-0.9	-1.2	S 90 BS 5 C 5	eelgrass limpets nudibranchs
6	-	-	-	-	-	85 - 110	-1.2	-3.0	S 90 BS 5 BD 5	red algae tube worms

The underwater visibility was relatively good during the survey enabling the divers to see the entire habitat within the footprint of the proposed dock and associated rock pins and anchors.

The habitat beyond the end of each transect (110 to 125 m) was similar to that of the last zone along each of the transects; the sediment was

predominately sand, tube worms were abundant and red filamentous algae was common (Appendix A).

The location of the proposed dock was based on the presence of exposed bedrock that extends seaward further at this location than at other locations along the Olson's property. An excellent photograph of the area showing the exposed bedrock at low tide is included in the Archaeologist's report⁴. The dive team noted that the fine sediment (sand and mud) in the eelgrass bed along T1 and T2 was very shallow; it was underlain by bedrock.

The eelgrass bed increased in width from 16 metres along T1 to 26 metres along T2. The divers swam from T1 to the southern neighbour's dock and from T2 to the northern neighbour's dock; the width of the bed increased in both directions.

The eelgrass density data is summarized in Table 2.

Table 2. Eelgrass density data. Means are based on a sample of 20 quadrats along each of the transects and on 10 quadrats to the south of T1 and 10 quadrats to the north of T2.

Location	Density (#/m ²)		
	minimum	maximum	mean
South of T1	44	84	58
T1	4	68	47.8
T2	36	100	60.8
North of T2	44	116	70.8

⁴ Coast Interior Archaeology, January 13, 2014.

4.0 Discussion

The fringing eelgrass bed was relatively shallow; it did not extend below -1 metre⁵ within the foot print of the proposed dock and anchors. The eelgrass was quite dense and continuous except for a narrow band along the upper and lower margins where it was patchy. The eelgrass bed was less wide and less dense in the footprint of the proposed dock than it was elsewhere along the property. It is likely that this is due to the shallow layer of fine sediment over the bedrock at this location. The depth of fine sediment increased with distance from the proposed dock site. The shallow depth of fine sediment at the site would cause the eelgrass to be more susceptible to disturbance; it is likely that some eelgrass is uprooted during storm events, resulting in a less dense and narrower bed.

The elevation (depth) measurements provided in this report should be considered approximate. The error associated with the diver's depth gauges is usually < 0.3 metre however the tide heights are based on a mathematical model and do not account for on-shore winds, the Pacific Decadal Oscillation Index, or other physical factors that can affect actual tide heights.

⁵ Divers depth gauge measurement minus predicted tide height at time of survey.

Appendix A Species observed along each transect.

Vertebrate and Invertebrate species observed in each zone along each transect. (R) Rare: 1 – 5 individuals noted, or if the species is usually associated with this habitat then the observed density was much lower than expected. (C) Common: 5 – 20 individuals, or if the species is usually associated with this habitat then the observed density was within the expected range. (A) Abundant: more than 20 individuals, or if the species is usually associated with this habitat then the observed density was much greater than usual.

Common Name	Scientific Name	Transect 1					Transect 2					
		Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Arthropoda (crabs, shrimp, barnacles, & isopods)												
shrimp	<i>Unidentified species</i>	-	-	r	-	-	-	c	-	-	-	-
acorn barnacle	<i>Balanus glandula</i>	r	a	a	-	-	r	c	a	-	-	-
Dungeness crab	<i>Cancer magister</i>	-	-	-	-	-	-	-	-	-	-	r
hermit crab	<i>Pagurus sp.</i>	-	-	c	-	-	r	-	r	r		-
spiny crab	<i>Acantholthodes hispidus</i>	-	-	-	-	-	-	-	-	-	r	-
red rock crab	<i>Cancer productus</i>	-	-	-	-	r	-	-	-	-	-	-
shore crab	<i>Hemigrapsus sp.</i>	-	-	-	-	-	-	a	-	-	-	-
Cnidaria (hydroids, anemones, jellyfish, soft coral)												
plumose anemone	<i>Metridium senile</i>	-	-	-	r	r	-	-	-	r	-	-
Echinodermata (seastars, urchins, sand dollars, & sea cucumbers)												
bat star	<i>Asterina mimiata</i>	-	-	-	-	r	-	-	-	-	-	-
ochre star	<i>Pisaster ochraceus</i>	-	-	r	-	r	-	-	-	r	r	r
spiny pink star	<i>Pisaster brevispinus</i>	-	-	-	r	-	-	-	-	-	-	-
sunflower star	<i>Pycnopodia helianthoides</i>	-	-	r	r	r	-	-	-	r	r	-
burrowing cucumber	<i>Cucumaria minitata</i>	-	-	-	-	r	-	-	-	-	-	-
Mollusca (snails, bivalves, limpets, nudibranchs, chitons)												
green false-jingle	<i>Pododesmus machrochisma</i>	-	-	r	-	r	-	-	-	-	-	r
Pacific blue mussel	<i>Mytilus edulis</i>	-	r	-	-	-	-	-	-	-	-	-
Pacific gaper	<i>Tresus nutallii</i>	-	-	-	-	r	-	-	-	-	-	-
Pacific oyster	<i>Crassostrea gigas</i>	-	a	c	-	-	-	a	c	-	-	-
limpets	<i>Tectura sp.</i>	-	r	c	-	-	r	r	-	-	-	-
eelgrass limpet	<i>Lottia alveus</i>	-	-	-	c	-	-	-	-	-	c	-
hooded nudibranch	<i>Melibe leonina</i>	-			c		-	-	-	-	c	
white-lined dorid	<i>Dirona albolineata</i>		-	-	-	-	-	-	-	-	-	r
snail	<i>Unidentified species</i>	-	-	c	-	r	-	-	-	-	-	-

Precision Identification
Biophysical Habitat Inventory

Olson's Dock
Galiano Island

Vertebrate and Invertebrate species observed in each zone along each transect (continued).

(R) Rare: 1 – 5 individuals noted, or if the species is usually associated with this habitat then the observed density was much lower than expected. (C) Common: 5 – 20 individuals, or if the species is usually associated with this habitat then the observed density was within the expected range. (A) Abundant: more than 20 individuals, or if the species is usually associated with this habitat then the observed density was much greater than usual.

Common Name	Scientific Name	Transect 1					Transect 2					
		Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Fish (Chordata)												
painted greenling	<i>Oxylebius pictus</i>	-	-	-	-	r	-	-	-	-	-	-
goby	<i>Unidentified species</i>	-	-	-	r	-	-	-	-	-	-	-
Annelida (worms)												
tube worms	<i>Unidentified species</i>	-	-	-	-	a	-	-	-	-	-	a

Seaweeds and Seagrasses observed in each zone along each transect. Many species of seaweed are annuals and would not be visible at the time of the survey.

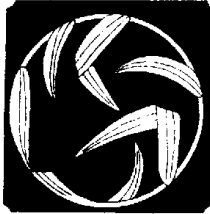
(R) Rare < 5% cover, (S) Sparse 5 to 20% cover, (M) moderate 21 to 75% cover, (D) dense > 75% cover.

Common Name	Scientific Name	Transect 1					Transect 2					
		Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Seaweeds												
rockweed	<i>Fucus gardneri</i>	r	c	c	c	-	r	c	r	r	-	-
sea lettuce	<i>Ulva sp.</i>	-	-	c	c	r	-	-	-	-	-	-
wire weed	<i>Sargassum muticum.</i>	-	-	c	r	-	-	-	-	c	-	-
red filamentous algae	<i>Unidentified species</i>	-	-	c	-	c	-	-	-	-	-	c
tufted algae	<i>Unidentified species</i>	-	-	-	-	-	-	-	-	c	-	-
Seagrasses												
eelgrass	<i>Zostera marina</i>	-	-	-	d	-	-	-	-	-	d	-

Appendix B Marine Riparian Species

Terrestrial species noted in the marine riparian zone adjacent to each transect. The survey was conducted following a snow storm in February; the biodiversity would likely be much greater if the survey was conducted in spring or summer.

Transect	Layer	Common name	Latin name
T1	Overstory	Douglas-fir	<i>Pseudotsuga menziesii</i>
		western red cedar	<i>Thuja plicata</i>
		arbutus	<i>Arbutus menziesii</i>
	Shrubs	Douglas-fir	<i>Pseudotsuga menziesii</i>
		western red cedar	<i>Thuja plicata</i>
		salal	<i>Gaultheria shallon</i>
		snowberry	<i>Symphoricarpos albus</i>
	Groundcover	saxifrage	<i>Saxifraga sp.</i>
T2	Overstory	arbutus	<i>Arbutus menziesii</i>
		western hemlock	<i>Tsuga heterophylla</i>
	Shrubs	western red cedar	<i>Thuja plicata</i>
		salal	<i>Gaultheria shallon</i>
		western hemlock	<i>Tsuga heterophylla</i>
		dull Oregon-grape	<i>Mahonia nervosa</i>
	Groundcover	moss	<i>Various species</i>



PRECISION IDENTIFICATION
3622 WEST 3RD AVE.,
VANCOUVER, B.C.
V6R 1L9

The Islands Trust
Suite 200 1627 Fort Street
Victoria, B.C. V8R 1H8

June 26, 2014

Re: Olson Dock Application
Lot 2, District Lot 26, Galiano Island, Cowichan District, Plan 5680
Response to queries from Island Land Trust

Dear Kerry Thompson,

The anticipated impacts to the marine and terrestrial habitat are summarized below. The mitigative measures that would be used are listed along with suggestions for monitoring if required.

Marine Habitat

The distances from shore and the associated depths that were recorded by the divers differ slightly from that provided by Island Marine for the dock. It is likely that the compass used by the divers was not as accurate as that used to survey the site by Island Marine and thus the divers followed a slightly different path. The divers depth gauges are regularly calibrated using a weighed metre tape and are considered accurate to approximately 15 cm. The maximum depth of eelgrass recorded in the water lot was 1.2 metre below zero tide, the dominance of soft substrate beyond this depth indicates that light rather than substrate limits the eelgrass distribution. Island Marine plans to locate the float at 2.0 metres below zero tide, therefore shading by the dock should not be an issue for the eelgrass.

Flora and fauna were not abundant at 2.0 metres below zero tide and it is unlikely that annual species of kelp would be later in the year since the substrate was predominantly sand. Kelps require a hard substrate (e.g. rock) to attach to. Crabs, seastars, molluscs, and tube worms were present at this depth and beyond however these species are often observed around and under floats and will likely not be affected by the shading caused by the float.

The engineered drawing (Figure 1 attached) shows -1.2 m to occur at about the same distance from shore as the last set of pilings. The pilings are situated at a location where the slope increases; it is unusual for eelgrass to grow along slopes. The pilings may actually be beyond the eelgrass bed, or near the outer edge of it. Island Marine has stated that the diameter of each piling is 10.75" and that together the two pilings would occupy 0.12 m² or 1.25 ft².

Similar pilings were installed at another site on Galiano Island in January 2013. A snorkel survey in early August 2013 found that eelgrass was growing right up to the pilings at that site. If the

pilings do land in the eelgrass bed then it is likely that only 0.12 m² of eelgrass habitat would be lost.

The narrow width of the spans and use of light penetrating decking should minimize shading to the eelgrass below. The anchors and chains will likely be colonized by a variety of algae (seaweeds).

Terrestrial Habitat

The terrestrial vegetation adjacent to the dock was not surveyed in detail, however it was noted that that it was a narrow band between two lawns. Several paths crossed the area, connecting the two lawns; the area was not pristine. The dock has been designed to avoid impacting the marine riparian bank; it will be cantilevered over this area (Figure 1 attached). The trees and shrubs within the marine riparian zone (area along shore) provide shade and detritus to the upper intertidal; attempts should be made to preserve these plants to the maximum extent possible.

Mitigation Measures

Measure to mitigate the impacts of the dock that would be followed include;

- locating the float beyond the eelgrass bed,
- minimizing the size of the dock and float,
- using light penetrating decking on the spans to allow light penetration,
- locating the spans as high as practical over the water to allow maximum light penetration,
- elevating the walkway where it meets the shore to avoid impacting the bank, and,
- maintaining a riparian buffer to provide shade to the upper intertidal zone.

Monitoring (if necessary)

- Provide photos taken during low tide from the dock by the last set of pilings to show that it has either avoided or only minimally intruded on the eelgrass bed. If the float intrudes on the eelgrass bed then the ramp would be replaced with a longer one ensuring that the eelgrass was not shaded.
- Take photos of the marine riparian zone following dock construction to demonstrate that the overhanging vegetation was maintained. If the riparian zone was accidentally damaged during construction then native tree and/or shrub species would be planted.

Please do not hesitate to contact me if you have any further questions.

Sincerely,



Cynthia Durance, R.P.Bio.
Principal, Precision Identification

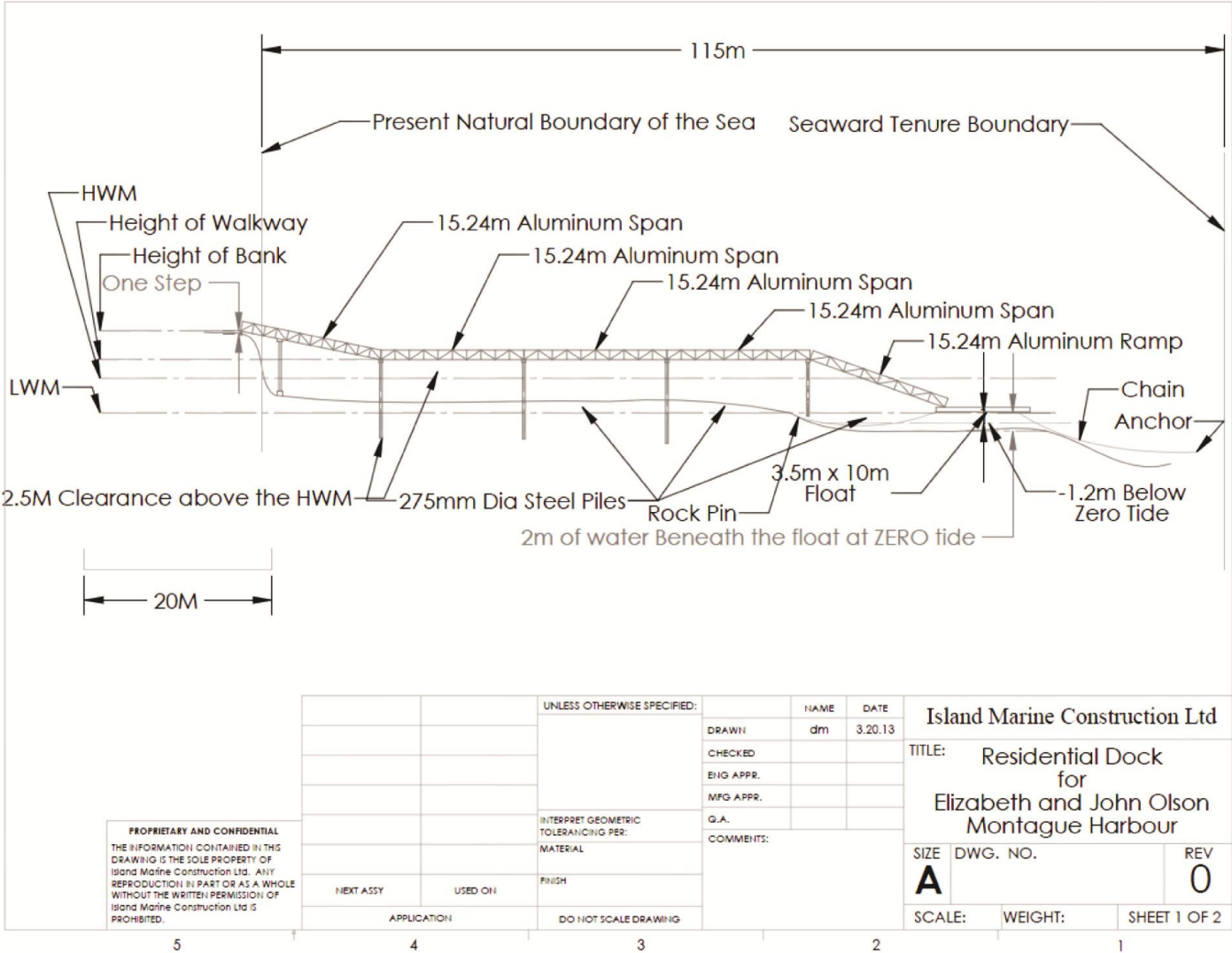


Figure 1. Proposed dock design.



PRECISION IDENTIFICATION
3622 WEST 3RD AVE.,
VANCOUVER, B.C.
V6R 1L9

The Islands Trust
Suite 200 1627 Fort Street
Victoria, B.C. V8R 1H8

June 24, 2014

Re: Olson Dock Application
Lot 2, District Lot 26, Galiano Island, Cowichan District, Plan 5680
Response to queries from Island Land Trust regarding Marine Riparian Habitat

Dear Kerry Thompson,

The width of Marine Riparian buffer zones is the subject of much debate. The trees and shrubs along the Olson's bank provide shade and litter fall for the intertidal zone. I would recommend that all trees which provide shade to the intertidal zone are retained, regardless of the distance between the trunk of the tree and the shore. Some branches may need to be removed to provide access to the dock however the canopy (upper branches of the trees) should be retained. The tree species present include Douglas-fir, western red cedar, and arbutus.

Shrubs are also important however these species grow quickly and if removed could be replaced with stock from a native plant nursery. The shrubs that were noted included salal, snowberry, and dull Oregon grape; however other native species that are common along the coast could be planted if this is necessary. I would recommend retaining all shrubs within 5 metres of the shore (top of bank) except within the footprint of the walkway to the dock. Shrubs that are located within the footprint could be transplanted to an adjacent area.

Please do not hesitate to contact me if you have any further questions.

Sincerely,

Cynthia Durance, R.P.Bio.
Principal, Precision Identification

Brimmell Engineering Ltd
971 Bank Street
Victoria, BC
V8S 4B1
rbrimmell@shaw.ca

John & Elizabeth Olson
368 Southind Rd.
Galiano Island, BC

June 7/14 revised June 20
File 14-54

Re: Proposed Dock, 368 Southwind Rd. Galiano Island
Geotechnical Considerations

This report is further to a June 6 site meeting with John. Photos and the Peter Thomson, BCLS survey plan are attached.

The abutment for the dock will be within the southwest corner of the property, approximately as shown on the attached plan. This site slopes moderately westward. The 4.5+/- m shoreline slope is nearby to west, consisting of a 2.5 m high shale bluff, overlain by hard clay sloping at about 40 degrees. The Montague Harbour frontage is sheltered and John said that it is not prone to significant waves.

The following information relates to the setback of the dock abutment from top-of-slope:

W side abutment to SW corner of cottage deck

Less than or equal to 3.5 m

Between 3.5 and 4.5 m

Greater than 4.5 m

Abutment excavation recommendation

Penetrate through the topsoil to expose competent bearing.

Excavate at least 1.0 m below exist. grade

Too close to top-of-slope

The proposed dock will not cause erosion of the shoreline. It is noted that the possibility of shoreline erosion has been considered in development of the above setback recommendations.

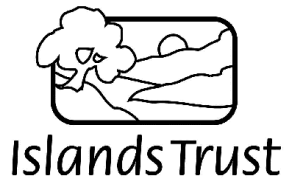
I trust that this information meets your present requirements. Please do not hesitate to contact the writer if there are questions.

Yours truly



Richard Brimmell, P.Eng.

for Brimmell Engineering Ltd.



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

GL-DVP-2014.2

TO: John Olson & Elizabeth Olson

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

Lot 2, District Lot 26, Galiano Island, Cowichan District, Plan 5680.
2. "Galiano Island Land Use Bylaw No. 127, 1999" is varied as follows:
 - a) Section 2.14 is varied to reduce the setback from the natural boundary of the sea from 7.5 metres to 4.0 metres for the siting of a concrete abutment, to 0.0 metres for the siting of a 1.5 metre wide walkway to access a dock, to 7.4 metres to legalize an existing shed, and to 0.6 metres to legalize existing stairs and a landing; and
 - b) Article 5.3.8.2 is varied to reduce the interior lot line setback from 6.0 metres to 1.38 metres to legalize an existing shed on the north side of the lot, and to 4.84 metres to legalize an existing cottage on the south side of the lot.
3. All work must be consistent with that shown on Schedule 'A' attached to and forming part of this permit.
4. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of Capital Regional District, Vancouver Island Health Authority and the Ministry of Transportation and Infrastructure.

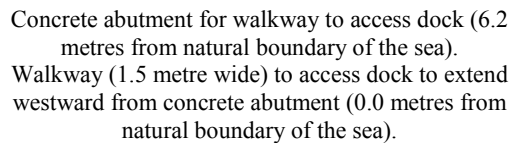
**AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS
Xrd DAY OF XXXX, 2014.**

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE Xth DAY OF XXXXX,
20xx, THIS PERMIT AUTOMATICALLY LAPSES.**

Site Plan



Management Plan

For

Elizabeth and John Olson
Montague Harbour, Galiano Island
March 25, 2013

The development is for the creation of a Private Moorage system on the foreshore fronting 368 Southwind Drive, Galiano Island, B.C.

There are existing docks on both of the neighbouring properties.

We propose to create a small concrete abutment on the upland just at the Natural Boundary of the Sea. From this point we propose to extend seaward four manufactured aluminum spans leading to a ramp then to a float, with the float anchored by galvanized steel chains and precast concrete anchors.

The first span being 15.25 meters long by 1.5 meters wide shall extend seaward and be founded on two 165mm steel pilings established in the inter-tidal zone atop small cast-in-place concrete pad. The pad shall have an area no greater than one square meter and will comply with the Department of Fisheries and Oceans guidelines. The upper end of the pilings shall support a plate steel pile cap welded to the piles. This will serve as the landing for the spans.

The second span being 15.24 meters long by 1.5 meters wide shall extend seaward from the offshore end of the first span, sharing the pile cap. The offshore end of the second span shall land on a similar pile, cap and pad arrangement as the first span.

The third span being 15.24 meters long by 1.5 meters wide shall extend seaward from the offshore end of the second span where it will land on a on a similar pile, cap and pad arrangement as the second span.

The fourth span being 15.24 meters long by 1.5 meters wide shall extend seaward from the offshore end of the third span where it will land on a on a similar pile, cap arrangement as the third span, however the piles for the offshore end of this span will be required to be drilled into the seabed as the offshore location is in the sub-tidal zone and pouring concrete is not an approved option.

From this fourth span shall hinge a 15.25 meter ramp with its offshore end landing on a 3.5 meter by 10 meter heavy timber float.

The heavy timber float shall be well constructed from #1 or better BC Coastal Douglas Fir and treated to "Best Management Practices" standards as is the industry standard in British Columbia.

The float shall achieve adequate flotation from properly secured and sealed polyurethane coated Styrofoam billets as is the recommended method in the Department of Fisheries and Oceans "Best Management Practices" for dock construction.

The float shall be moored using galvanized steel chain, with precast anchors in the sub-tidal and drilled and epoxied in place rock pins in the inter-tidal zone just inshore of the low water mark.

Pedestrian access will remain unimpeded by a two and a half meter clearance beneath the walking surface of the spans and the High Water Mark.

Moorage is the private use of the Olson's, their guests, and family and principally for a 12 meter sailboat.

A handwritten signature in black ink, appearing to read 'David McKerrell', is written over a solid horizontal line.

David McKerrell for Elizabeth and John Olson



Memorandum

Date June 23, 2014 File Number GL-DP-2013.2 (Ghai)

To Local Trust Committee
For the meeting of July 7, 2014

From Kris Nichols
Island Planner

Re **GL-DP-2013.2 - Consideration of Issuance of Development Permit**

PURPOSE

To provide two options for the issuance of a development permit for the construction of a dock.

BACKGROUND

At the April 7, 2014 Local Trust Committee (LTC) meeting, there was discussion on an additional environmental report from Hemmera Environmental Consultancy provided by the applicant. This report was at the request of the LTC in order to provide the most complete picture of the foreshore habitat so that the LTC can make an informed decision regarding how to proceed with the issuance of the Development Permit. The report stated that there is no better (or worse) location for the dock. This was also the position of the previous biologist's report. The LTC also discussed the crown lease and the location of the dock pilings already in place. As a result of the discussions and evaluation of the reports to date the LTC passed the following resolution:

It was MOVED and SECONDED, that the Galiano Island Local Trust Committee directs staff to amend GL-DP-2013.2 (Ghai) to reflect the orientation of the dock that was contained in the original application for tenure.

Please see <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications.aspx> for previous reports and supporting documentation.

UPDATE

Staff have not received any new information for consideration of the LTC to assist with decision making in the issuance of a development permit. Given the direction by the LTC, staff have brought forward this report to address the issuance of the development permit.

Staff have provided two development permit issuance options (See Attachment 1 and 2) for consideration of the LTC. Primarily, the difference in the two development permit options considered to be issued is the location of the proposed docks. Option one (See Figure 1) is where the current pilings are located and the option considered in all the reports to date. The second option is where the LTC has directed staff to amend

the proposed development permit for issuance for a dock location 90 degrees to the shoreline where the original location for the dock was proposed (See Attachment 2) in the application to FLNRO. The original location was not accepted by FLNRO for a crown lease due the requirement to accommodate riparian rights (i.e. access to and from the water) for the property to the north. In speaking with FLNRO staff, they still do not support the moving of the tenure to an alternate location.

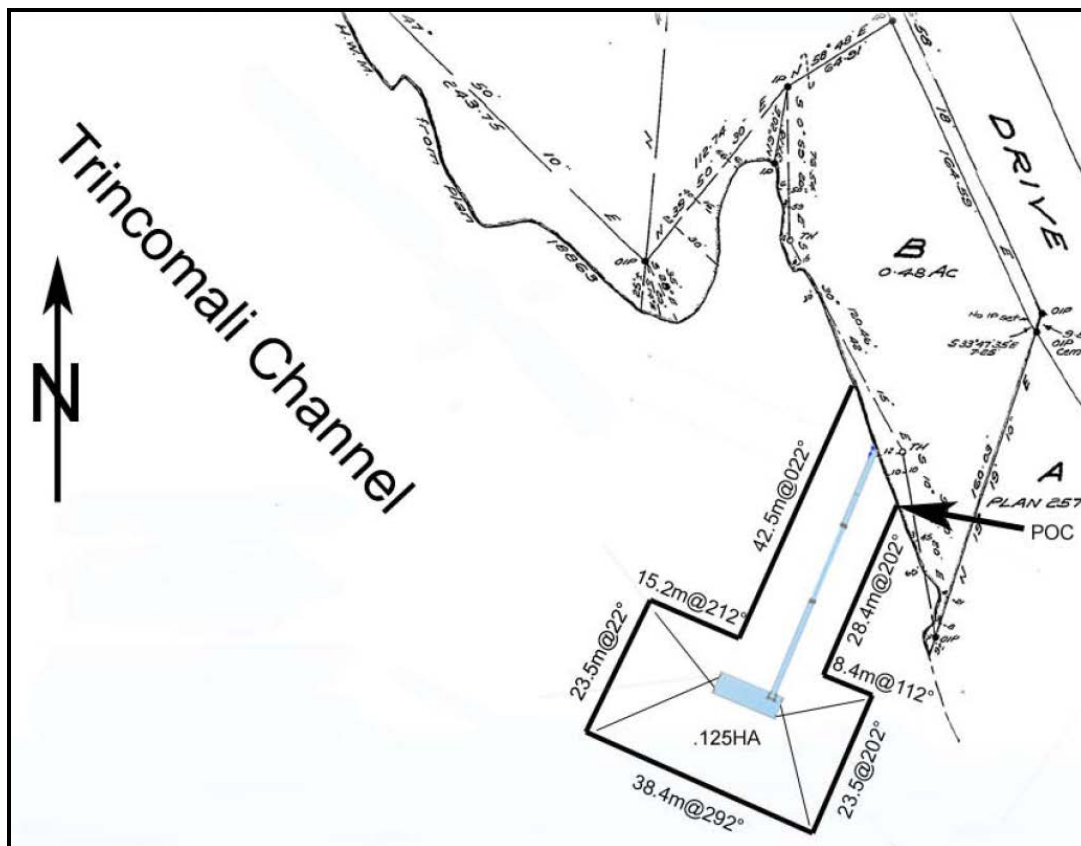


Figure 1 – Dock location as per application (Option 1)

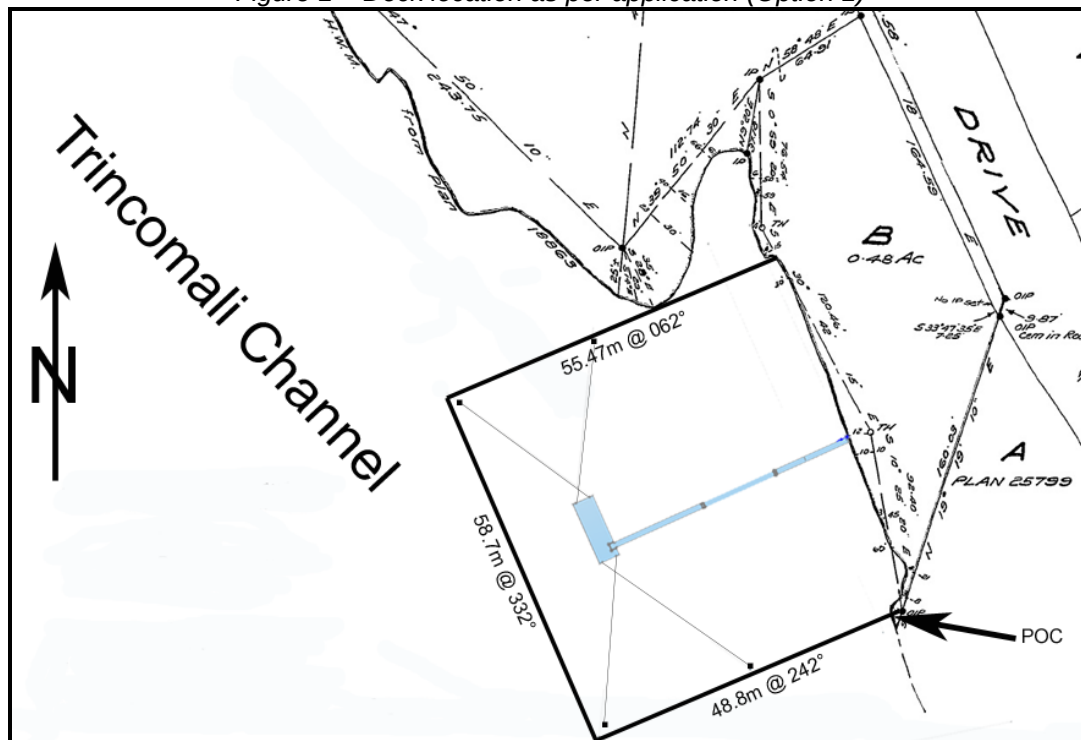


Figure 2 – Dock at 90 degrees to shoreline. (Option 2)

There has been a great deal of discussion regarding the views from the neighbouring property (to the south) should the dock be permitted to be built where the current pilings and crown lease are located. Figure 3 shows that the property line between the properties runs north-south. The neighbouring property's house faces the water as do most properties along the shoreline; however, most have lot lines at right angles to the shoreline. In this instance it has created an issue for the neighbours as the dock is proposed to be in alignment with the property line within the criteria set out in the Development permit guidelines. This will put the dock within their views. The Land Use Bylaw and the Official Community Plan do not address viewsapes and therefore should not be considered in the issuance of a development permit.

The option 2 (see Figure 2) that staff have been directed to proceed with drafting will likely still be visible from the neighbouring property, but not in direct sightlines looking when looking directly west as most properties do along this shoreline.



Figure 3 – Lot line between Ghai's property and neighbour

STAFF COMMENTS

A development permit (DP) has to be issued unless what is proposed does not meet the DPA guidelines. It does not have to be issued for the current location of the pilings, which is where the Crown lease is located, if the LTC is of the opinion that the DPA guidelines are more closely adhered to in a different location. However, given that the professional reports indicate that entire foreshore in front of the property is equal in terms of the importance of the habitat, to request a move of the existing pilings to an alternate location should be substantiated with rationale consistent with the DPA guidelines. Staff believe that the applicant has shown that the DPA guidelines are being followed with the dock location shown in Option one and its proposed construction.

Staff have been directed to amend the draft DP to show the location of the dock at 90 degrees to the shoreline. The biologist's reports have not indicated a better (or worse) location for the dock in terms of ecosystem impacts. It was pointed out by the biologists' reports that the moving of the pilings could possibly impact the

seafloor ecosystem depending on how it was done. For instance, cutting the pilings above the ground/seafloor level may have less of an impact versus pulling out the pilings of the seafloor. The issuance of the DP for the dock at 90 degrees to the shoreline will require that the existing pilings be removed as there was never any permission given for their placement. The removal will include rehabilitation of the seafloor should any impacts be identified. This will be addressed in the revised DP.

Staff's recommendation remains as per their previous reports to approve the development permit based on the application (option 1).

NEXT STEPS

The LTC can consider the following two options:

1. Issue the development permit (DP) for the current location (Option 1) of the dock pilings.
2. Issue the development permit (DP) for the alternative location (Option 2) as direct by the LTC at 90 degrees to the shoreline as indicated in the original location for crown tenure.

RECOMMENDATION

THAT Development Permit GL-DP-2013.1(Ghai) based on the original application applied for BE **APPROVED**

.

Pc Robert Kojima, RPM

Attachment:

1. Development Permit GL-DP-2013.2 (Original Proposal)
2. Development Permit GL-DP-2013.2 (Revised Proposal)



**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2013.2**

To: Vari and Neera Ghai

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

Unsurveyed Crown foreshore or land covered by water being part of the bed of Trincomali Channel, Cowichan District containing 0.125 hectares, more or less that fronts Lot B, District Lot 96, Galiano Island, Cowichan District, Plan 30331.

2. This Development Permit No. GL-DP-2013.2 authorizes the construction of a walkway, ramp and dock within the development permit area, subject to the following requirements and conditions:
 - a. Construction of a walkway, ramp and dock and land alterations shall be consistent with Schedules "A", "B", "C" and "D" attached to and forming part of this permit.
 - b. That the concrete abutment (landing area for the dock) be extended landward to the edge of the bedrock step and horizontally dowelled into the bedrock and the existing landing pad in order to provide additional support. The dowels should consist of six equally spaced 5/8" reinforcing steel at each end of the extension, each embedded 8" into intact sandstone/concrete and grouted full length with non-shrink grout.
 - c. There should be no anchoring of the dock within the kelp beds or the eelgrass areas.
 - d. During any unloading of building materials there should be absolutely no disturbance to the eelgrass areas identified in the Precision Identification report dated August 27, 2013.
 - e. There should be no float of any kind placed in the water above the eelgrass.

- f. That there be monitoring by a qualified professional throughout the construction of the dock with a final follow up report submitted to the Islands Trust within a month of completion.
 - g. A subsequent report by a qualified professional will be submitted to the Islands Trust a year after the completion of the dock evaluating the ecosystem around the dock.
 - h. Construction practices must adhere to Department of Fisheries and Oceans (DFO) Best Management Practices for Dock Construction.
3. The Galiano Island Land Use Bylaw No. 127, 1999 is varied as follows:

Section 2.14 is varied to reduce the setback from the natural boundary of the sea from 7.5 metres to 2.3 metres for the siting of a concrete abutment, to 0.0 metres for the siting of a 1.5 metre wide walkway to access a dock.
 4. Any further development involving the foreshore area will require a new Development Permit, or a Development Permit Amendment.
 5. 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.
 6. 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.
 7. 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.

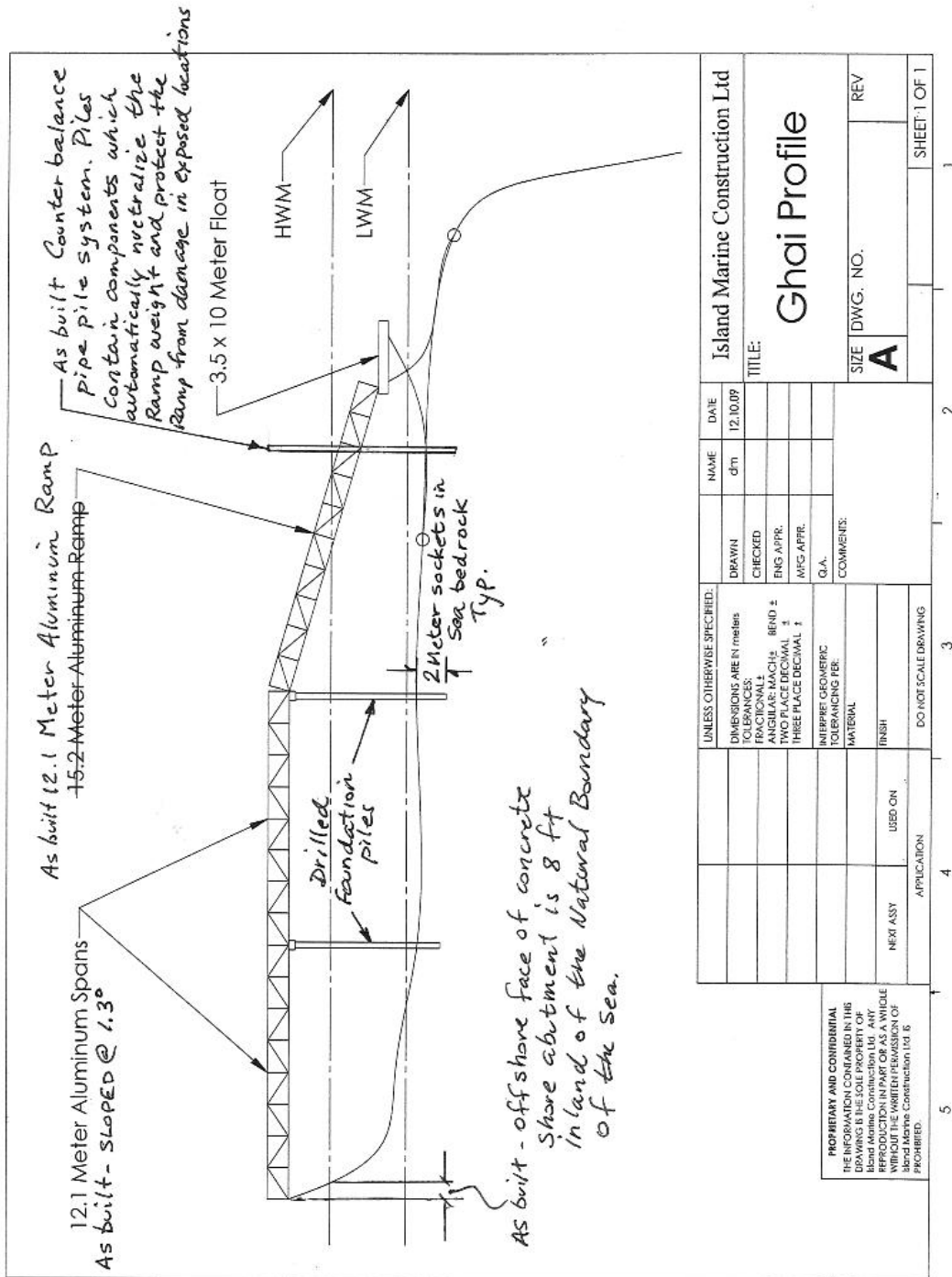
AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST
COMMITTEE THIS xx day of xx, 2013.

Deputy Secretary, Islands Trust

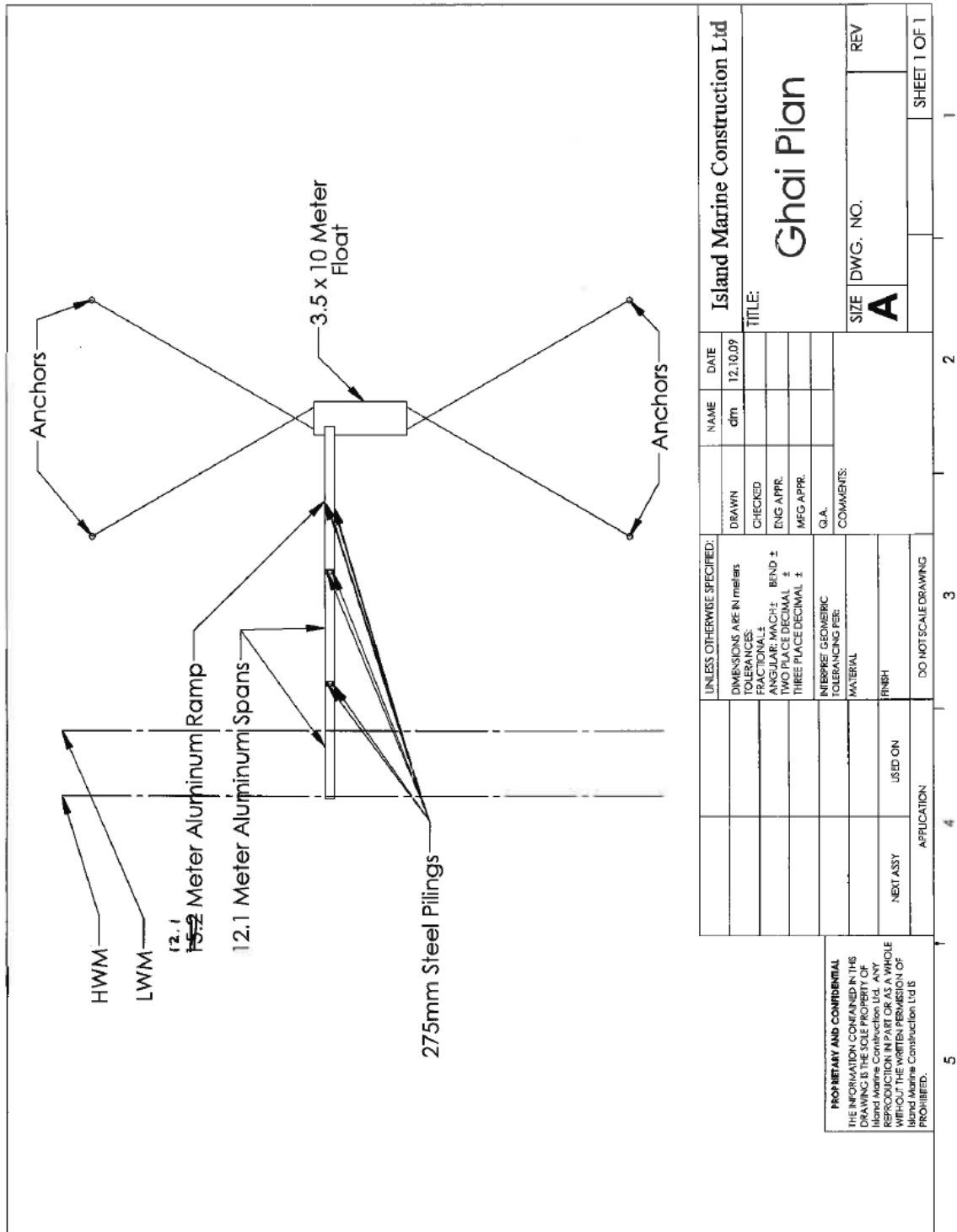
XX, 201x
Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE x DAY OF xxx, 201x THIS
PERMIT AUTOMATICALLY LAPSES.

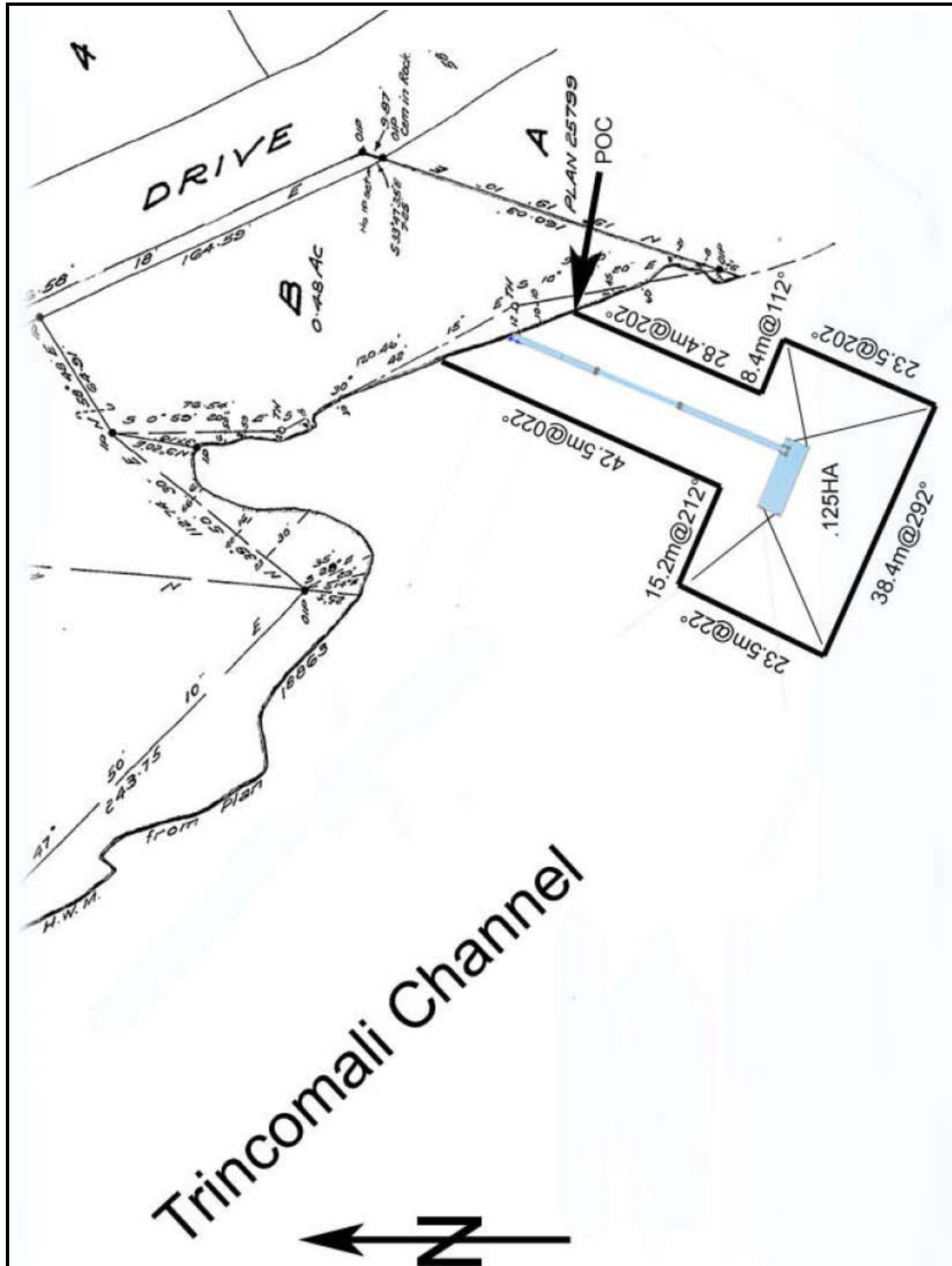
**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2013.2
Schedule "A"**



**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2013.2
Schedule "B"**

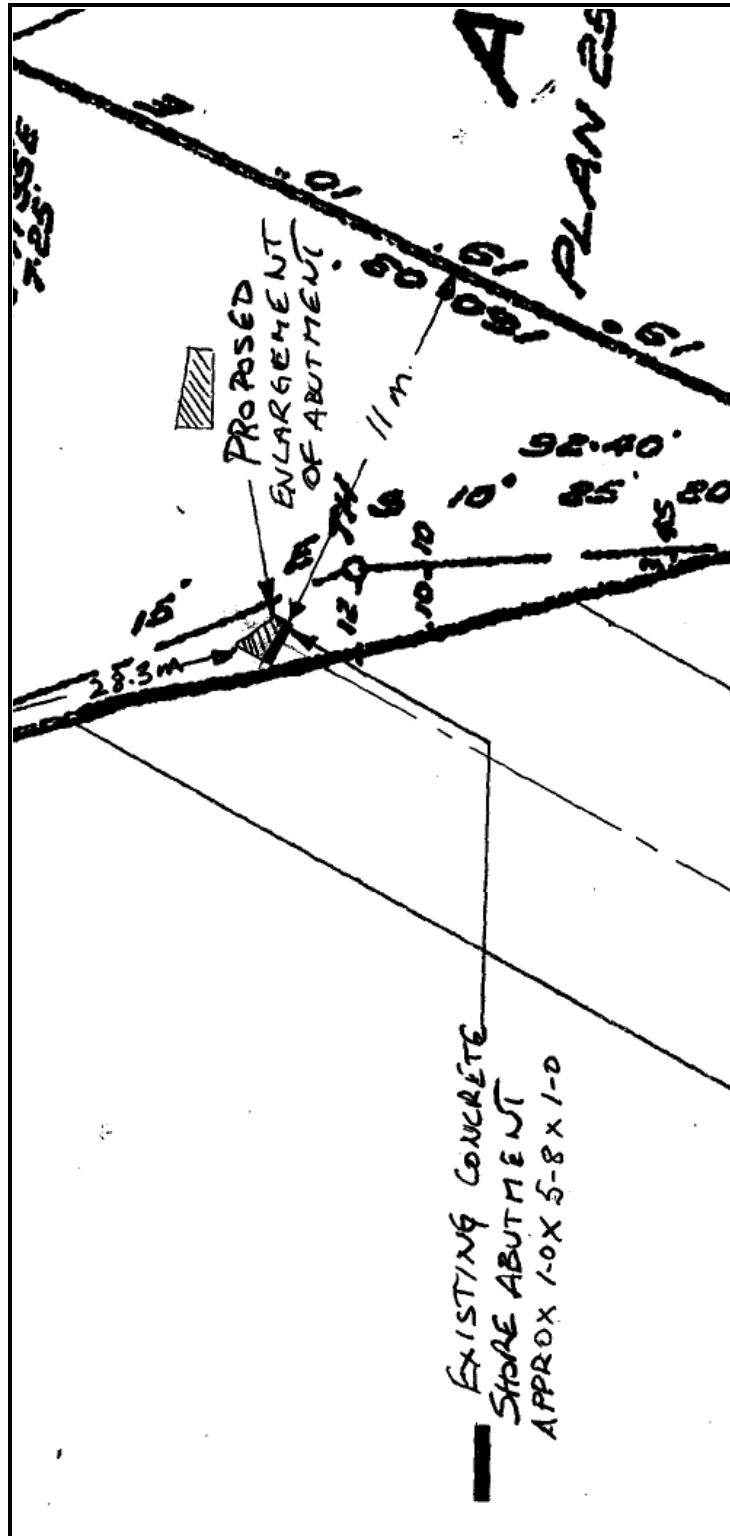


**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2013.2
Schedule "C"**



GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2013.2
Schedule "D"

Development Variance 2.3m Setback from Natural Boundary of the Sea





**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2013.2**

To: Vari and Neera Ghai

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 - d. During any unloading of building materials there should be absolutely no disturbance to the eelgrass areas identified in the Precision Identification report dated August 27, 2013.
 - e. There should be no float of any kind placed above the eelgrass.
 - f. That there be monitoring by a qualified professional throughout the construction of the dock with a final follow up report submitted to the Islands

Trust within a month of completion. These reports will include the monitoring of the rehabilitation of the areas where the existing pilings and concrete abutment were located.

- g. A subsequent report by a qualified professional will be submitted to the Islands Trust a year after the completion of the dock evaluating the ecosystem around the dock.
 - h. Construction practices must adhere to Department of Fisheries and Oceans (DFO) Best Management Practices for Dock Construction.
3. The Galiano Island Land Use Bylaw No. 127, 1999 is varied as follows:
- Section 2.14 is varied to reduce the setback from the natural boundary of the sea from 7.5 metres to 2.3 metres for the siting of a concrete abutment, to 0.0 metres for the siting of a 1.5 metre wide walkway to access a dock.
4. Any further development involving the foreshore area will require a new Development Permit, or a Development Permit Amendment.
5. 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.
6. 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.
7. 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.

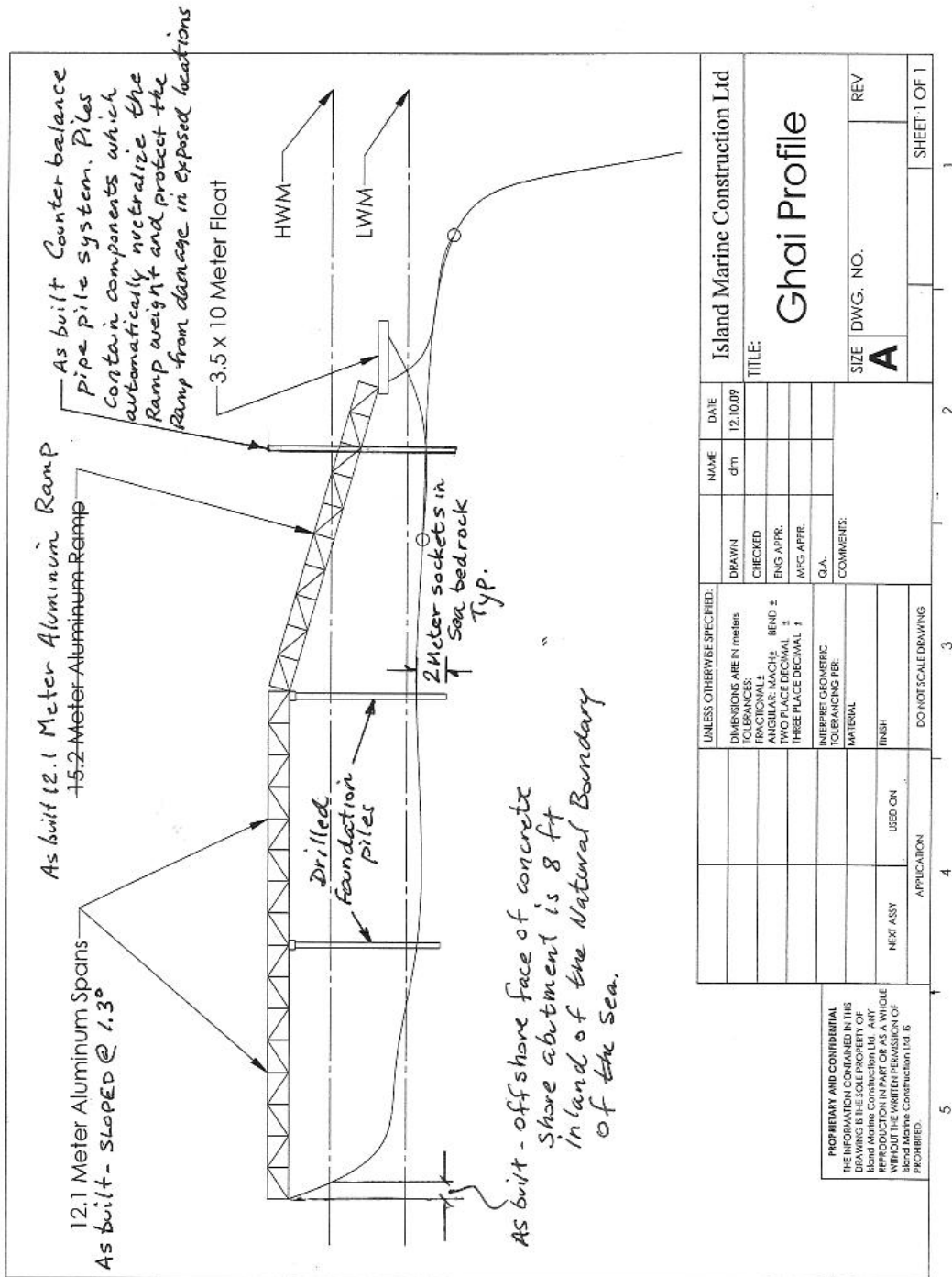
AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST
COMMITTEE THIS xx day of xx, 2013.

Deputy Secretary, Islands Trust

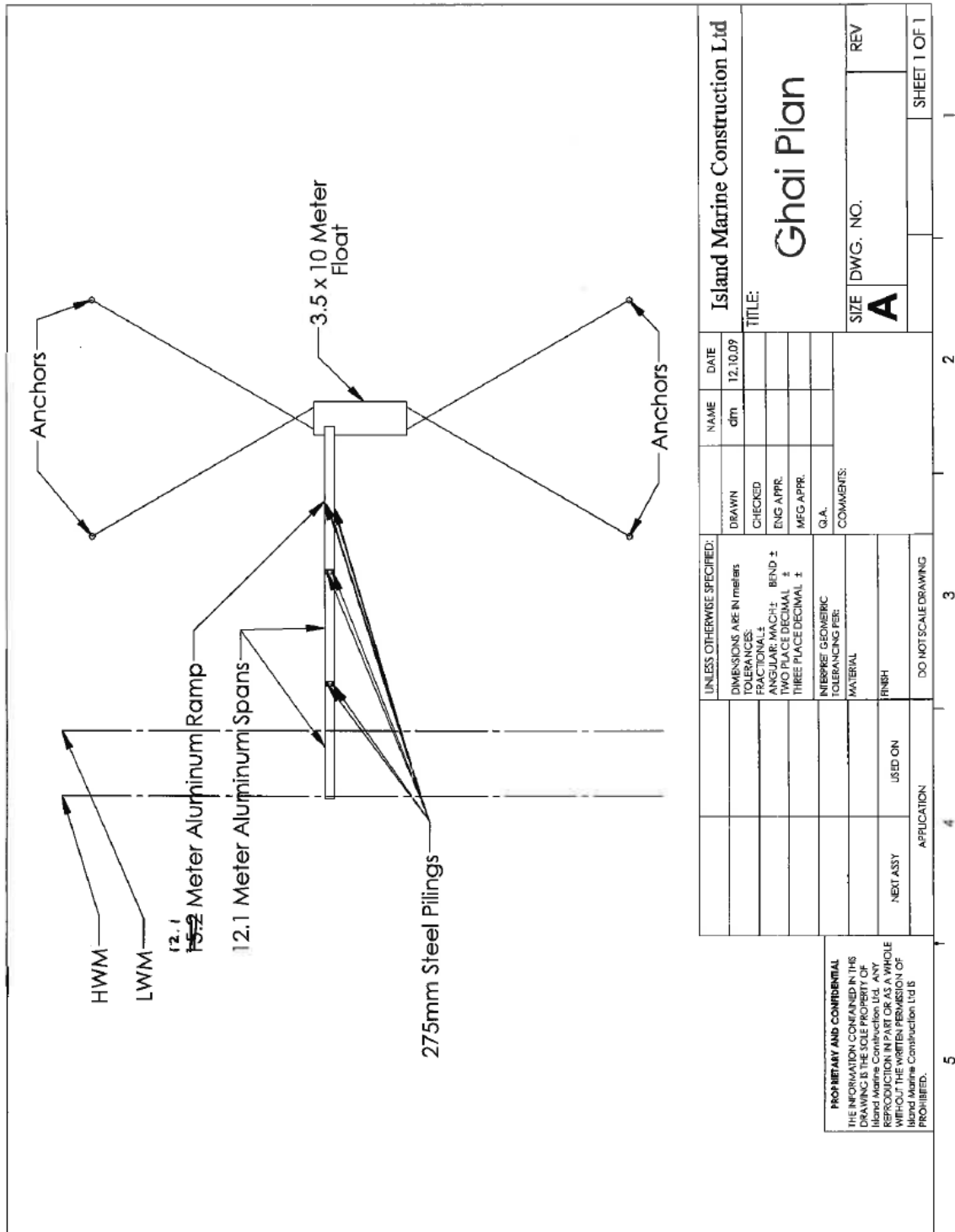
XX, 201x
Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE x DAY OF xxx, 201x THIS
PERMIT AUTOMATICALLY LAPSES.

**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2013.2
Schedule "A"**

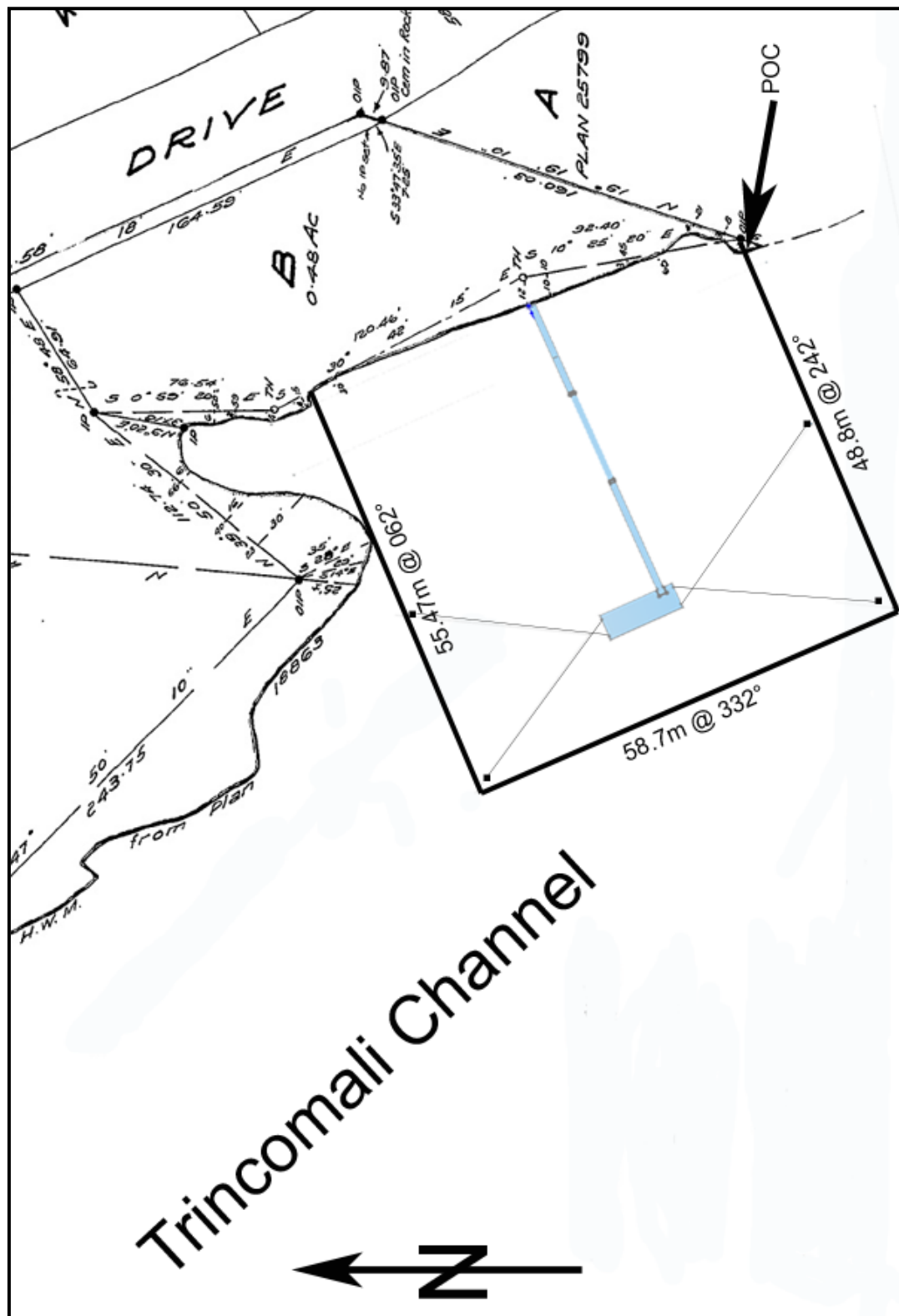


**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2013.2
Schedule "B"**



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**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2013.2
Schedule "C"**





Memorandum

Date June 23, 2014 File Number 6500-20-LUB Contractor Home Base Review

To Galiano Island Local Trust Committee
For July 7, 2014 Meeting

From Kris Nichols
Island Planner

Re Contractor Home Base Review – Next Steps

At the June, 2015 LTC Meeting staff updated the LTC on the Contractor Home Base Review Project. The revised Project Charter and Terms of Reference for the Focus Group have been placed on the website (<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/contractor-home-base.aspx>) along with the advertisement looking for volunteers for the focus group. The deadline for submissions of interested volunteers was June 27, 2014. The advertisement was in the June edition of the Active Page. At the time of writing this report, very few volunteers have submitted their names for consideration in participating on the focus group.

While the focus group Terms of Reference endorsed by the LTC does not contain a specific number of participants, in order for the group to work effectively staff believe that there should be a minimum of 4 or 5 volunteer members. As stated in the Terms of Reference the Focus Group (see Attachment 1) is to operate similar to an Advisory Planning Commission and as such will follow the meeting procedures set out in the Advisory Planning Commission Bylaw (<http://islandstrust.bc.ca/ltc/gl/pdf/glbylbaseadmapc0177.pdf>). Meetings will be advertised by notice, open to the public and minutes recorded. Given the timing in the advertisement for the Focus Group, the terms of reference should be updated to exclude the July 7, 2014 date for summary budget to be submitted by the Chair of the Focus Group. A written report submission of September 8, 2014 can remain.

Given the volunteer response to date the LTC has the following options to consider prior to proceeding:

1. To proceed with the appointment of volunteer members to the Focus Group regardless of the number of submissions received. Volunteers will be appointed In-Camera as is LTC policy.
2. To advertise again (the Active Page, website) for volunteer members for the Focus Group. Due to the timing this could not be done until the August edition of the Active Page.
3. To revisit the Focus Group approach and to go with a less formal approach with the appointment of a Chair, rather than members of a focus group as is the current approach endorsed, who would be primarily responsible for establishing an opportunity for people to discuss the issue of Contractor Home Base businesses and report the findings to the LTC and possibly at a CIM (see Attachment 2).

4. To revisit past reports made by staff in addressing the issue of Contractor Home Base and decide on an alternate approach.
5. To remove the Contractor Home Base Review project from their Top Priorities list and proceed no further.

Depending on the approach taken the LTC will have to make amendments to the Project Charter (see Attachment 3) and the approved Focus Group Terms of Reference.

Recommendation:

No specific recommendation is given with this report as the Galiano LTC will have to discuss the options presented and decide on a preferred option to proceed with or not to proceed any further with the project. However, given the lack of interest in the Focus Group through volunteer submissions, staff would recommend that the LTC review past bylaw options or that the project be removed from the LTC project list.

Option Recommendations:

Option 1: THAT the Galiano Island Local Trust Committee direct staff to contact the appointed members of the Focus Group and to assist in setting up the meeting schedules, location and budget.

Option 2: THAT the Galiano Island Local Trust Committee direct staff to advertise for volunteer focus group members again.

Option 3: THAT the Galiano Island Local Trust Committee approve the Terms of Reference entitled "Contractor Home Base Review Terms of Reference for the Chair Led the Focus Group Reviewing Contractor Home Base"

Option 4: THAT the Galiano Island Local Trust Committee direct staff to revisit previous bylaw options and draft a report with a recommended approach.

Option 5: THAT the Galiano Island Local Trust Committee removes Contractor Home Base from its Top Priorities list.

pc Robert Kojima, Regional Project Manager

Attachment 1 – Endorsed Terms of Reference

Attachment 2 – Terms of Reference – Chair Led Focus Group

Attachment 3 – Project Charter



GALIANO ISLAND CONTRACTOR HOME BASE REVIEW

TERMS OF REFERENCE FOR THE CONTRACTOR HOME BASE FOCUS GROUP

Introduction

The Galiano Island Local Trust Committee (LTC) has embarked upon a review of regulations pertaining to contractor home base businesses. As part of this process, the LTC has committed to having community consultation initiated through the establishment of a focus group. Islands Trust staff have over the past year prepared various reports in an attempt to address contractor home base businesses located in residential areas. The focus group will be asked to examine the specific topic in more detail and make specific suggestions and recommendations to the LTC.

Focus Group Objectives

1. The objectives of the Focus Group are to research the topic, obtain community comment on the issue, and to report to the Local Trust Committee and the Islands Trust with recommendations, options and comments.
2. Specifically the Focus Group should consider, but not limit recommendations to, the following aspects of this issue:
 - a. The role of and appropriate location for contractor home base.
 - b. Home businesses and the potential for home industry.
 - c. Residential neighbourhood concerns.
 - d. Scale of businesses permitted in residential areas.
3. The Focus Group should seek to provide recommendations that are options that can be implemented by the LTC through its policies and regulations, or which can be endorsed or adopted by the LTC as broad objectives.

Focus Group Procedure

4. The Focus Group shall be appointed as an additional advisory planning commission as allowed under the Advisory Planning Commission Bylaw (Bylaw No. 177).
5. The meeting procedures of the Focus Group shall be as set out in the Advisory Planning Commission Bylaw, including but not limited to:
 - a. Appointment of a Chair and Deputy Chair
 - b. A secretary appointed by the LTC
 - c. Meetings advertised by notice, open to the public and minutes recorded.
6. Specifically, the Chair of the Focus Group shall:
 - a. Schedule one or more working meetings;
 - b. Communicate with the local trustees and Islands Trust staff with any questions or concerns;
 - c. Lead and facilitate discussion at the meetings;
 - d. Ensure that all points of view are heard;
 - e. Ensure that good order and civility are maintained at meetings;
 - f. Ensure that discussion is relevant and addresses the questions laid out in this terms of reference;
 - g. Ensure that there is appropriate provision for public input at each meeting;
 - h. Ensure that appropriate resources, documents and support are available for each meeting within any approved budget;
 - i. Prepare a written summary of the meeting(s)' outcome;
 - j. Submit the written summary, with options or recommendations if appropriate, to the Local Trust Committee.
7. The Chair will provide the Islands Trust with a brief statement indicating the dates and locations of the meeting(s) and a summary budget of any costs anticipated to be associated with the meeting(s) by July 7, 2014.
8. Costs should be limited to rental of a meeting hall, materials such as paper and markers, and light refreshments. A summary budget of meeting costs may be approved by the LTC and Islands Trust staff prior to any meeting.
9. Local Trustees may attend and participate in any meeting, at the discretion of the trustees.
10. Islands Trust staff may be available to serve as a resource at any meeting, at the discretion of staff.

11. The Chair should ensure, to the best of the Chair's knowledge and ability, that any options or recommendations are consistent with:
 - a. The "principles" of the Official Community Plan;
 - b. The Object of the Islands Trust;
 - c. The policies of the Islands Trust Policy Statement;
 - d. The statutory authority of the Local Trust Committee;
 - e. Generally accepted good planning principles.
12. The Chair should encourage members to ensure that options or recommendations are stated as the policy outcomes and objectives desired, not as specific policy wording or regulatory prescriptions.
13. The Chair should remind participants that the Local Trust Committee is under no obligation to implement any recommendations. By law the Local Trust Committee has absolute and unfettered discretion to amend its bylaws.
14. A written report will be provided by the Chair by September 8, 2014, briefly summarizing the discussion and issues raised at the meetings(s), and providing options and/or recommendations where there was a consensus or majority view. Any minority or dissenting views should also be reported. The report shall be addressed to the Galiano Island Local Trust Committee and copies are to be delivered to the offices of the Islands Trust for filing and distribution.



GALIANO ISLAND CONTRACTOR HOME BASE REVIEW

TERMS OF REFERENCE FOR THE CHAIR LEADING THE FOCUS GROUP REVIEWING CONTRACTOR HOME BASE

1. The objective of the Focus Group is to obtain the widest possible community participation, to identify and comment on potential amendments to the Land Use Bylaw and to report to the community and to the Local Trust Committee.
2. The role of the Chair is to:
 - a. Organize one or more meetings of the Focus Group;
 - b. To encourage members of the community who may be interested in participating, or who may have a particular expertise or experience related to the issue, to participate;
 - c. Communicate with local trustees and Islands Trust staff;
 - d. Lead and facilitate discussion at the meeting(s);
 - e. Ensure that all points of view are heard;
 - f. Ensure that good order and civility are maintained at meetings;
 - g. Ensure that discussion is relevant and addresses the criteria laid out in this terms of reference;
 - h. Ensure that necessary resources and support are available for each meeting within an approved budget;
 - i. Prepare a written summary of the meeting(s) outcome;
 - j. Submit and present the written summary, with options or recommendations if appropriate, to the community and the Local Trust Committee.
3. The Chair will provide the Islands Trust with a brief statement indicating the proposed dates, times and places of the meeting(s) and a summary budget of any costs anticipated to be associated with the meeting(s) by July 7, 2014.
4. A notice of the meeting times, places and topics will be prepared and posted by Islands Trust staff.
5. Costs should be limited to rental of the meeting hall, materials such as paper and markers, and light refreshments. The summary budget of

- meeting costs is to be provided to the trustees and Islands Trust staff prior to the meetings.
6. The Focus Group will not have specific membership, but be open to any member of the public who wishes to participate at any meeting.
 7. Local Trustees may attend and participate in any meeting, at the discretion of the trustees.
 8. Islands Trust staff can be available to serve as a resource, at the discretion of staff.
 9. The Chair should ensure that discussion at the meeting(s) addresses the relevant sections of the Land Use Bylaw.
 10. The Chair should ensure, to the best of the Chair's knowledge and ability, that any options or recommendations are consistent with:
 - a. The overall goals and objectives of the Official Community Plan;
 - b. The Object of the Islands Trust;
 - c. The policies of the Islands Trust Policy Statement;
 - d. The statutory authority of the Local Trust Committee;
 11. The Chair should strive to ensure that any options or recommendations include a justification for the position.
 12. The Chair should advise participants that the Local Trust Committee is under no obligation to implement any recommendations. By law the Local Trust Committee has absolute and unfettered discretion.
 13. A preliminary written report will be provided by the Chair by September 8, 2014, briefly summarizing the discussion and issues raised at the meetings(s), and providing options and/or recommendations where there was a consensus or majority view. Any minority or dissenting views should also be reported. The report shall be addressed to the Galiano Island Local Trust Committee and emailed to the offices of the Islands Trust for distribution.
 14. At the discretion of the LTC, the Chair may be requested to present the results of the Focus Group consultation at a community information meeting.

Project Charter

Project Name:

Creation Date: April 23, 2014

Last Updated: May 5, 2014

Version: 1.1

Purpose

The purpose of this project is to address the issue of contractor yards/contractor home base on Galiano Island and to propose options to proceeding with the discussion of a possible amendment to the Galiano Island Land Use Bylaw to accommodate them.

Background

This project has been initiated by the Galiano Island Local Trust Committee. It is Number 3 on their Work Program Top Priorities.

The Galiano Island OCP in Section 2 states: "A sustainable community requires a viable local economy. This Plan recognizes the need for local economic development and viable small enterprises supporting a diversity of livelihoods..."

There are many contracting/industry type home businesses (e.g. landscaping, excavating, etc.) that operate on the island providing much needed services and employing people that live on Galiano Island. These types of services/businesses do not fit within the definition of the home occupation section in the zoning bylaw as they may have large vehicles or require outside storage which may not be practical to have enclosed. The services they supply enable Galiano residents to hire local people rather than rely on off-island generally more expensive suppliers. Many of these operations have been supplying a needed service for years to Galiano Island residents, but have been doing so in non-conformance with the existing land use bylaw.

The options for these properties that have been functioning, some for many years, are limited. The Light Industrial Zone (L1) does permit for contractors' workshops and yards. It is likely not practical to rezone all such properties to industrial in their primarily residential neighbourhoods. Other more appropriately located lands could be identified to be rezoned to industrial, however, these lands would have to be available and have willing buyers for them. There are no industrial zoned parcels on Galiano Island that are not already in use for these businesses to move to. This is an unlikely scenario given that most contractors live and work from their residential lot and to purchase another lot for their business would be cost prohibitive. To have contractors apply for a temporary use permit (TUP) is an option. A TUP can be issued up to 3 years with a possible renewal of an additional 3 years which may not be sufficient for some. Another TUP application could be made after but the uncertainty of this approach may present too much risk to established contractors.

Project Objectives

- To establish a focus group that would assist in providing insight into Home Contractor Yards on Galiano Island
- To identify issues (positive and negative) around permitting home contractor base in residential areas

- To identify options for permitting Home Contractor Yards on Galiano Island
- To develop bylaw amendments for consideration of the Local Trust Committee (if required)

Project Scope

In Scope	Out of Scope
▪ To establish a focus group to address the issues around contractor home base and provide recommendations. ▪ To review existing bylaws in Islands Trust regarding contractor home base and how they may apply. ▪ Draft bylaw amendments to the OCP or LUB (if required)	▪ Industrial land review ▪ Identification of all contractor type businesses and locations on Galiano Island (focus group)

Project Deliverables

- Establishment of a contractor home base focus group
- Identification of issues from both the contractor and the residential perspective
- Recommendations on the best approach to address home contractor base
- Development of amending bylaws (if required)

Stakeholders

Stakeholder	Represented by	Interests, expectations, concerns
<i>Primarily residents and property owners with contractor businesses on the island, but also those that depend on such businesses.</i>	<i>ALL</i>	• Wanting to maintain a business and service to the community • Remain employed (as employer or employee) • Keep businesses on the island • Keep businesses in a residential setting • Losing affordable contractor services
<i>Residents concerned about impacts from home contractor base operations in residential areas.</i>	<i>All, neighbourhood groups/associations</i>	• Residents concerned about businesses impacting on residential communities.

Project Team Resources

Name	Role	Responsibility
<i>Galiano Local Trust Committee</i>	<i>Project Sponsor</i>	Provides support and direction through maintaining the project as a work program priority and giving direction and approvals as required.
<i>Robert Kojima, Regional Planning Manager</i>	<i>Project Champion</i>	Provides adequate project resources, strategic direction and oversight, and ensures project aligns with overall goals and objectives.
<i>Kris Nichols, Island Planner</i>	<i>Project Manager</i>	Day-to-day management of the project, research, oversees focus group, report writing and bylaw drafting.
<i>Barb Dashwood</i>	<i>GIS/Mapping Support</i>	Provides mapping as required. Likely not required for this project.
<i>Sharon Lloyd-deRosario and Lori Foster</i>	<i>Admin support</i>	Provides general administrative support, including advertising, booking meetings, preparing notices, updating website, etc

Project Budget

Item	Details	2014 Fiscal Yr	Fiscal Yr
Communications	Advertising for focus group participants/Chair, advertising for focus group meetings ,CIM and public hearing advertisements (if required)	\$1000	
Mapping			
Meetings and Workshops	Focus Group meetings, CIM	\$500	Note: Possibly use Islands Trust Office.
Consultants/Contractors			
Public Hearing	Public Hearing (if required)	\$1000	
Contingency		\$500	
Totals (estimated)		\$3000	

Project Timeline

Deliverable / Milestone	Target Completion Date
Advertisement for Focus Group members/Chair	May/June , 2014
Appointment of Contract Home Base focus group/Chair	July 7, 2014
Focus group meetings	July-August 2014
Presentation of focus group findings and staff recommendations	September 2014
Presentation of staff recommendations and options for LTC consideration	October 2014
If Required:	
Development of bylaw amendments and First Reading and Second Reading and referral to agencies for comment	November 2014

Deliverable / Milestone	Target Completion Date
Community Information Meeting and Public Hearing on bylaw amendments and Third Reading	December 2014
Sent to Executive Committee and Ministry	December 2014
Adoption of Bylaw	February 2015

Endorsements

	Name	Endorsement Date
Project Sponsor	<i>Galiano Island Local Trust Committee</i>	
Project Champion	<i>Robert Kojima, Regional Planning Manager</i>	
Project Manager	<i>Kris Nichols, Island Planner</i>	

Date: June 23, 2014

File Number: GL 6500-20 STVR

To: Galiano Island Local Trust Committee
For the meeting of July 7, 2014

From: Kim Farris
Planner 1

Re: **Proposed Bylaw Nos. 247(LUB) & 248(OCP) – Post Public Hearing Procedures**

The Local Trust Committee is considering bylaws to address Short Term Vacation Rentals (STVR) by way of home occupation regulations in the Land Use Bylaw (LUB) and Temporary Use Permit (TUP) in the Official Community Plan (OCP). The bylaws were given First Reading on May 5, 2014 and a public hearing was held for this project on July 5, 2014.

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

1. Consideration of Second Reading (this may include amendments to alter the bylaw(s)).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaw only).
5. Reconsideration and adoption.

After the public hearing the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. 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 and Minister approve the bylaws, the next step for the LTC would be to adopt the bylaws.

Islands Trust Policy Statement:

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

The checklist will be forwarded to the Executive Committee after Third Reading of both bylaws.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 247 and Bylaw No. 248 is not contrary to or at variance with the Islands Trust Policy Statement.
2. THAT Galiano Island Local Trust Committee proposed Bylaw No. 248, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2014" be read a Second time.
3. THAT Galiano Island Local Trust Committee proposed Bylaw No. 248, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2014" be read a Third time.
4. THAT Galiano Island Local Trust Committee proposed Bylaw No. 247, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2014" be read a Second time.
5. THAT Galiano Island Local Trust Committee proposed Bylaw No. 247, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2014" be read a Third time.
6. THAT the Galiano Island Local Trust Committee proposed Bylaws No. 247 and Bylaw No. 248 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.
7. THAT the Galiano Island Local Trust Committee proposed Bylaw No. 248 be forwarded to the Minister of Community, Sport and Cultural Development for approval.

Attachment 1 – Islands Trust Policy Statement Checklist

Attachment 2 – Proposed Bylaw 247

Attachment 3 – Proposed Bylaw 248

pc Robert Kojima, Regional Planning Manager
Kris Nichols, Island Planner



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: **Bylaw Nos. 247 & 248**

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

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

PART IV: Policies for the Stewardship of Resources

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

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

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

PART V: Policies for Sustainable Communities

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

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

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

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;

- 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."

Date June 23, 2014

File Number 6500-20-
Groundwater
Protection DPA
Policy Review

To Galiano Island Local Trust Committee
For the meeting of July 7, 2014

From Kris Nichols
Island Planner

Re **Proposed Bylaw No. 246 (OCP) - Post Public Hearing and Further Readings**

The Local Trust Committee is considering a bylaw to revise the existing Groundwater Elevation Protection DPA. Please see Attachment 1 for a copy of Bylaw 246 at First Reading which was given on May 5, 2014. A public hearing was held on July 5, 2014. 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 following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
5. 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 and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

ISLANDS TRUST POLICY STATEMENT CHECKLIST

In addition to the consideration of Bylaw 246, staff have attached a copy of the Policy Statement Checklist (Attachment 2) for endorsement of the Galiano Island Local Trust Committee. This is a requirement of all bylaws to ensure that they are consistent with the Islands Trust Policy Statement. The checklist will be forwarded to the Executive Committee after Third Reading.

RECOMMENDATIONS:

1. THAT the LTC review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 246 is not contrary to or at variance with the Islands Trust Policy Statement.
2. THAT Galiano Island Local Trust Committee proposed Bylaw No. 246, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2014" be read a Second time.
3. THAT Galiano Island Local Trust Committee proposed Bylaw No. 246, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2014" be read a Third time.
4. THAT the Galiano Island Local Trust Committee proposed Bylaw No. 246 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.
5. THAT the Galiano Island Local Trust Committee proposed Bylaw 246 be forwarded to the Minister of Community, Sport and Cultural Development for approval.

Attachment 1 – Proposed Bylaw 246 at First Reading

Attachment 2 – Policy Statement Checklist

pc Robert Kojima, Regional Planning Manager

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.



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 246

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.
✓	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.
✓	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

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

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

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

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

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



Islands Trust

Print Date: Jun-26-2014

Top Priorities

Galiano Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Visitor Accommodation	To look at existing policy, research issues and possible solutions on Galiano.	May-06-2013	Kris Nichols	Oct-06-2014	On Going
2	Ground Water Protection DPA Policy Review	Review detailed recommendations of Waterline Report, review existing DPA and LUB provisions, prepare options for amendments.	Apr-16-2012	Kris Nichols	Oct-06-2014	On Going
3	Contractor Home Base	To look at options of permitting contractor yards.	Feb-03-2014	Kris Nichols	Dec-01-2014	On Going

Projects

Galiano Island

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

Applications w/ Status - Galiano Island Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2013.2	Ghai c/o David McKerrell	May-07-2013	22525 PORLIER PASSAGE DR Combination DP/DVP to construct a marine walkway to a dock - to vary required setback of the boundary to the sea to within 2 m.
Planner: Kris Nichols			

Planning Status

Status Date: Jun-09-2014

Staff to draft report for consideration of DP issuance for July 7, 2014

Status Date: May-05-2014

Staff working with FLNRO and applicant

Status Date: Apr-07-2014

LTC passed a resolution stating issuance of DP for a dock location at a right angle to shoreline and not where the current lease is located.

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

Planning Status

Status Date: Dec-20-2013

Awaiting processing until approved subdivision PLA.

Status Date: Dec-18-2013

Opened file and gave to Planner

File Number	Applicant Name	Date Received	Purpose
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GL-DP-2014.1

John and Elizabeth Olson

Apr-07-2014

368 SOUTHWIND DR
To build a dock

Planner: Kerry Thompson

Planning Status

Status Date: Jun-18-2014

Emailed reminder to consultant, landowners re. more information

Status Date: May-29-2014

Requested additional information from consultant

Status Date: May-14-2014

Permit and notification drafted

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2013.1	Michael Norgang	Jan-22-2013	70 Bluff Rd To vary the front lot setback line to accomodate existing dwelling.

Planner: Kim Farris

Planning Status

Status Date: Jun-12-2014

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

Status Date: May-09-2014

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

Status Date: Dec-18-2013

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

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2014.2	John and Elizabeth Olson	Apr-07-2014	368 SOUTHWIND DR To build a dock

Planner: Kerry Thompson

Planning Status

Status Date: Apr-07-2014

see GL-DP-2014.1

Rezoning

File Number	Applicant Name	Date Received	Purpose
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GL-RZ-2011.1

Galiano Land and
Community
Housing c/o Tom
Hennessy
Planner: Kris Nichols

Oct-06-2011

Rezone Agriculture and Residential to Community Facility-Affordable
housing.

Planning Status

Status Date: May-06-2014

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

Status Date: Dec-09-2013

Staff awaiting final feasibility study

Status Date: Nov-14-2013

CIM held on Nov 16, Draft Feasibility study submitted

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2013.1	Landworks Consultants Planner: Kris Nichols	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: Jun-09-2014

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

Status Date: Nov-18-2013

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

Status Date: Sep-09-2013

Submission updated to use just DL 79. Submission recommended to proceed to bylaw development.

Subdivision

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

Planning Status

Status Date: May-26-2014

Covenant signed and returned to lawyer for registration

Status Date: Mar-25-2014

Covenant received - staff reviewing covenant

Status Date: Feb-26-2013

Waiting for S.219 covenant to be drafted by applicant

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

Planning Status

Status Date: Jun-13-2014

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

Status Date: Apr-25-2014

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

Status Date: Jan-17-2014

Comments sent to MoTI awaiting PLA

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2014.1	Capital Regional District (School District No. 64) Planner: Kris Nichols	Jun-16-2014	005-099-196 PORLIER PASS RD Subdivision application to create one parcel and one remaining.

Planning Status

Status Date: Jun-19-2014

Opened file, sent application and fee request to applicant.

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: April 7, 2014

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

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

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