



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: November 3, 2014
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

Pages

1. CALL TO ORDER 12:30 PM - 12:40 PM
2. APPROVAL OF AGENDA
 - 2.1 Questions on Agenda Items
 - 2.2 Town Hall Session
3. COMMUNITY INFORMATION MEETING 12:40 PM - 1:00 PM
 - 3.1 Galiano Island Local Trust Committee Proposed Bylaws No. 244 & 245
4. PUBLIC HEARING 1:00 PM - 1:20 PM
 - 4.1 Galiano Island Local Trust Committee Proposed Bylaws No. 244 & 245
5. PREVIOUS MEETINGS 1:20 PM - 1:30 PM
 - 5.1 Local Trust Committee Minutes for Adoption
 - 5.1.1 Galiano Island Local Trust Committee Meeting Draft Minutes dated October 6, 2014
(attached) 4 - 15
 - 5.2 Public Hearing Record and Community Information Meeting
none
 - 5.3 Section 26 Resolutions Without Meeting
none
 - 5.4 Advisory Planning Commission
none

6.	BUSINESS ARISING FROM THE REPORT	1:30 PM - 1:40 PM	
6.1	Follow-up Action Report		16 - 17
	FUAL Report dated October 2014 (attached)		
7.	DELEGATIONS		
	none		
8.	CORRESPONDENCE	1:40 PM - 2:00 PM	
	(Correspondence received regarding an application(s) or project(s) is listed with the application/project)		
8.1	B. Campbell Re: Olsen Dock Application - Email & Staff Memo		18 - 19
	(attached)		
8.2	I. Kramer Email re: Forest Retreat Zoning		20 - 26
	(attached)		
9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS	2:00 PM - 3:00 PM	
9.1	Mayne Island Local Trust Committee Bylaws No. 163 & 164 Referral		27 - 30
	(attached)		
9.2	GL-RZ-2013.1 (Landworks) Staff Memo		31 - 48
	(attached)		
9.3	GL-DP-2013.2 (Ghai) - Memo		49 - 55
	(attached)		
10.	LOCAL TRUST COMMITTEE PROJECTS		
11.	REPORTS	3:00 PM - 3:30 PM	
11.1	Work Program Reports		56 - 58
	Work Program Report dated October 2014 (attached)		
11.2	Applications Reports		59 - 61
	Applications Report dated October 2014 (attached)		
11.3	Expense/Budget Reports		
	none		
11.4	Bylaw Enforcement		
	none		
11.5	Policies and Standing Resolutions Report		62 - 63
	(attached)		

11.6 Galiano Island LTC Web Page for Review

The Galiano Island Local Trust Committee Website
can be found at:
www.islandstrust.bc.ca/islands/local-trust-areas/galiano

11.7 Chair's Report

11.8 Trustee Report

12. OTHER BUSINESS

3:30 PM - 3:35 PM

12.1 Upcoming Meetings

The next meeting of the Galiano Island Local Trust
Committee is to be announced.

13. TOWN HALL MEETING

3:35 PM - 4:00 PM

14. MOTION TO CLOSE MEETING

THAT, pursuant to Sections 90(1) (f), (j), 90(2) (a)
and 91(1) of the Community Charter, the Galiano Island
Local Trust Committee resolves to close the meeting to the
public to allow the Local Trust to adopt October 6, 2014,
Local Trust Committee In Camera Minutes; to discuss a
bylaw enforcement issue, and further that Island
Planner Kim Farris, Regional Planning Manager, Robert
Kojima and minute-taker David Millership remain present.
(agenda distributed under separate cover)

15. RECALL TO ORDER

4:25 PM - 4:30 PM

15.1 Rise and Report from Closed Meeting

16. ADJOURNMENT

4:30 PM - 4:30 PM



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, October 6, 2014, 12:30 p.m.
Location:	South Island Community Hall Galiano Island, BC
Members Present:	Ken Hancock, Chair Louise Decario, Local Trustee Sandy Pottle, Local Trustee
Regrets:	None
Staff Present:	Robert Kojima, Regional Planning Manager Kim Farris, A/Planner 2 David Millership, Recorder
Staff Absent:	None
Media and Others Present:	Twenty-five members of the public

1. CALL TO ORDER

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

2. APPROVAL OF THE AGENDA

The following reordering of agenda items were presented for consideration:

- 13.2 to 12 Stewardship Award – Presentation
- Other agenda items were renumbered accordingly.

Chair Hancock noted that materials pertaining to item 10.4 in the agenda package were replaced with new ones. He stated that he would, from now on, be referring to Galiano Land and Community Housing Trust (GLCHT) as Galiano Green (GG) and asked that public comment(s) regarding GG be made under item 10.3.

By general consent the agenda was approved, as amended.

2.1 Questions on Agenda Items

None

3. TOWN HALL MEETING

Chair Hancock invited the public to make comment.

Doug Latta asked for clarification regarding how many densities GG has.

Regional Planning Manager (RPM) Kojima responded that, in order to clarify, it would be best for Mr. Latta to contact A/Planner 2 Farris.

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 Draft Meeting Minutes dated September 8, 2014

Amendments:

- Page 6, second paragraph, second bullet point – delete “, prior to First, Second, and Third Readings” after “PH”.
- Page 8, item 11.1, third paragraph – add third bullet point “Both bylaws are awaiting Ministerial approval.”
- Page 8, item 11.2, third paragraph – replace “Gothier” with “Gonthier”.

By general consent the Galiano Island Local Trust Committee Meeting Draft Minutes dated September 8, 2014, were adopted, as amended.

6.2 Public Hearing Record and Community Information Meeting

None

6.3 Section 26 Resolutions without Meeting

RWM Report dated September 2014, provided for information.

There was one resolution In Favour via Resolution Without Meeting (RWM) regarding Development Permit GL-DP-2014.3 (Shaw Cable systems) being approved.

6.4 Advisory Planning Commission

None

7. BUSINESS ARISING FROM THE REPORT

7.1 Follow-up Action Report

A/Planner 2 Farris provided information from the FUAL Report dated September 2014.

Regarding No. 4, Trustee Pottle requested that a heading be added to the Activity.

8. DELEGATIONS

8.1 Bob Campbell Speaking re Files: GL-DP-2014.1 and GL-DVP-2014.2 (Olson)

Chair Hancock introduced Bob Campbell and it was noted that John and Elizabeth Olsen were also in attendance.

Mr. Campbell spoke regarding the Olson dock application(s) and stated that he is not opposed to the dock itself but is opposed to the dock's orientation, primarily for loss of view reasons. He asked the Local Trust Committee (LTC) to rescind or amend related resolutions due to facts, which were provided to the LTC, being incorrect. He stated that it is not true that no neighbours are opposed to the dock because he is and the Olson's knew so; that the Olson's sailboat is larger than 40 feet (ft); and that his property is 3.5 acres in size, not 7 acres. He presented the LTC with Capital Regional District (CRD) derived mapping and stated that he believes the Olson dock will not be orthogonal to the shoreline or parallel to his own dock. He stated concern with process and requested the LTC to ask the province to apply the provincial moorage guidelines to the Olson's dock.

Ms. Olson objected to Mr. Campbell's mapping and provided the LTC with survey mapping.

There was some discussion regarding:

- CRD maps not necessarily being cadastrally aligned;
- Differences between the CRD map and the survey plan.

Chair Hancock asked if the Olson's would like to respond to Mr. Campbell's statements.

Mr. Olson spoke to his dock and stated that the location of the dock was chosen based on minimizing impact(s) to the marine environment. He stated: that the survey map is correct; that only the tip of his float and not much of his dock will impact Mr. Campbell's view; and that his dock is well within his extended foreshore rights.

There was some discussion regarding:

- Current zoning that permits the dock;
- LTC jurisdiction;
- The LTC decisions surrounding the Olson application not being different even if the facts Mr. Campbell presented as incorrect were changed;
- Dock orientation not being decided by LTC;
- Mr. Campbell's issues needing to be directed to the Ministry of Forests, Lands, and Natural Resource Operations (FLNRO).

RPM Kojima stated that he had expressed to FLNRO that a neighbour (Mr. Campbell) does in fact have a concern(s) with the orientation of the Olson's dock.

Chair Hancock stated that FLNRO's notification system needs improvement and encouraged Mr. Campbell and the Olson's to work together as neighbours. He thanked Mr. Campbell for his delegation and apologized for the LTC not being able to progress his concerns further.

9. CORRESPONDENCE

Correspondence received concerning an application or project is considered with the application/project.

None

10. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

10.1 Mayne Island Local Trust Committee Bylaw Nos. 161 and 162 Referral

GL-2014-110

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee considered Mayne Island Local Trust Committee Bylaw Nos. 161 and 162 and considers its interests unaffected by the Bylaws.

CARRIED

10.2 Salt Spring Island Local Trust Committee Bylaw No. 482 Referral

GL-2014-111

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee considered Salt Spring Island Local Trust Committee Bylaw No. 482 and considered its interests unaffected by the Bylaw.

CARRIED

10.3 GL-RZ-2011.1 (GLCHT) Memo

Regional Planning Manager Kojima provided information from the memorandum.

Chair Hancock spoke to his comment(s) at the beginning of the meeting and clarified that because application GL-RZ-2011.1 is from Galiano Land and Community Housing Trust (GLCHT) it would continue to be referred to as such, whilst the GLCHT project would continue to be referred to as Galiano Green (GG).

There was some discussion regarding:

- The three conditions precedent to holding a Public Hearing (PH) not having been met yet;
- Decisions by the CRD regarding grant monies and willingness to administer housing agreements being independent of each other.

Chair Hancock invited the public to make comment.

Tom Hennessy stated appreciation that RPM Kojima has helped GLCHT with their CRD application, specifically regarding the housing agreement and Section 219 covenant. He expressed concern regarding next steps and conditions precedent to holding a PH.

A discussion ensued regarding process and the three conditions precedent to holding a PH, specifically regarding logistics involved in GLCHT submitting a revised housing agreement, which has been reviewed by the CRD, to the LTC in time for a PH to be scheduled for the November 3, 2014 meeting.

George Harris stated that Galiano's housing program(s) for seniors works well because the Islands Trust and CRD aren't involved. He stated support for the LTC changing Galiano's Official Community Plan (OCP) to accommodate GLCHT, resulting in GG moving forward without further hindrance and a PH being scheduled.

Chair Hancock responded that the LTC supports the process moving forward but that process needs to be followed.

Andrew Loveridge stated support for GLCHT moving forward and a PH being scheduled.

There being no further comments, Chair Hancock closed the public comment session.

There was some discussion regarding the Islands Trust Policy Statement Directives Only Checklist, amendments were as follows:

- No. 4.1.6 – consistent;
- No. 4.4.2 – consistent;
- No. 5.8.6 – consistent.

A/Planner 2 Farris will amend the checklist accordingly.

GL-2014-112

It was MOVED and SECONDED,

THAT the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 233 and Bylaw No. 234 are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

By general consent the Galiano Island Local Trust Committee agreed to address item 12 prior to item 10.4.

12. STEWARDSHIP AWARD - PRESENTATION

Chair Hancock stated that the Islands Trust Stewardship Awards started ten years ago and that Trustees, on behalf of Trust Council (TC), present the awards.

Trustee Decario and Trustee Pottle presented the Galiano Conservancy Association with a 2014 Islands Trust Stewardship Award.

The LTC, members of the public, and Islands Trust staff congratulated the Galiano Conservancy Association.

The Galiano Conservancy Association is a local employer devoted to land and marine conservation, stewardship and restoration, environmental education, and public awareness.

Note: there was a break at 2:15 p.m. and the meeting reconvened at 2:45 p.m.

10.4 GL-RZ-2013.1 (Landworks) Memo

Regional Planning Manager Kojima provided information from the memorandum.

There was some discussion regarding:

- Potential bylaw amendments;
- Contracts: Trust for Sustainable Forestry and potential covenant holders;
- Process: draft covenant and materials that will be available for the public hearing;
- Third-party, not the applicant providing baseline report;
- Potential resolutions and amendments.

GL-2014-113

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 rescind Second Reading.

CARRIED

GL-2014-114

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee amends Proposed Bylaw No. 244 by replacing "F1" with "F" in Schedule 1, 1(g), and replacing "represent at least 67%" with "include all" and replacing "subject to rezoning" with "designated nature protection" in Schedule 1, 1(g)(i).

CARRIED

GL-2014-115

It was MOVED and SECONDED,

THAT, 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, as amended.

CARRIED

GL-2014-116

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" rescind Second Reading.

CARRIED

GL-2014-117

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee amends Proposed Bylaw No. 245 section 5.4.16 by striking out the words "and 20 hectares (49) acres for the F3 zoned portions" and "land representing no less than 67% of the area of the land" and by inserting the words "the portions of the land" before "legally", "as" before "District Lot 79", "that are zoned Nature Protection (NP) and Park (P)," before "to be transferred" and " , the Capital Regional District," before "or to the Trust Fund Board".

CARRIED

GL-2014-118

It was MOVED and SECONDED,

THAT, Galiano Island Local Trust Committee Proposed Bylaw No. 245, cited as "Galiano Island Land Use Bylaw No. 127, 1999" be given Second Reading, as amended.

CARRIED

There was some discussion regarding the Islands Trust Policy Statement Directives Only Checklist, amendments were as follows:

- No. 3.1.3 – consistent;
- No. 4.2.8 – consistent;
- No. 5.2.3 – consistent;
- No. 5.8.6 – consistent.

A/Planner 2 Farris will amend the checklist accordingly.

GL-2014-119

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Proposed Bylaw No. 244 and Proposed Bylaw No. 245 are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

GL-2014-120

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee authorizes a cost recovery agreement for the reviews of a sustainable forestry covenant for GL-RZ-2013.1 (Landworks) and supports sharing the costs of the reviews.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

None

12. STEWARDSHIP AWARD - PRESENTATION

As amended, this item was addressed prior to item 10.4.

13. REPORTS

13.1 Work Program Reports

Work Program Report dated September 2014, provided for information.

13.2 Applications Reports

Applications Report dated September 2014, provided for information.

13.3 Expense/Budget Reports

LTC Expense Report dated September 2014, provided for information.

13.4 Bylaw Enforcement

None

13.5 Policies and Standing Resolutions Report

Provided for information.

13.6 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).

as No specific updates were made; A/Planner 2 Farris will update routine items necessary.

Trustee Pottle commented that the website is much improved and easier to use.

13.7 Chair's Report

Chair Hancock stated that he attended Trust Council (TC) from September 9-11, 2014, on Keats/Gambier Islands. He commented that the delegation regarding Howe Sound industrialization was very interesting and that TC passed a resolution to expand Halkett Bay Provincial Marine Park boundaries to include the Glass Sponge Reef and Garden off Halkett Point, Gambier Island. He noted that Glass Sponge Reefs serve an important ecological function and that citizen science has found that they are extremely precious and have a delicate siliceous skeleton, which can easily be destroyed (i.e.: a crab trap dropped on a Glass Sponge Reef can instantly destroy approximately 400 years of growth).

13.8 Trustee Report

Trustee Decario stated that she attended TC from September 9-11, 2014, on Keats/Gambier Islands. She mentioned that it was the last TC with Sheila Malcolmson as Chair because Chair Malcolmson recently won the NDP nomination for the Nanaimo-Ladysmith riding for the next federal election. She commented that mail-in ballots would be permitted in the Islands Trust area for municipal elections, and that she has been busy attending to regular business.

Trustee Pottle stated that she attended TC on September 9-11, 2014 on Keats/Gambier Islands and commented that the Glass Sponge Reef off Keats/Gambier Islands is shallower than most and can be seen by scuba divers. She stated that the Union of British Columbia Municipalities (UBCM) report regarding BC Ferries was discussed at TC and mentioned that she has been busy attending to regular business whilst also fielding concerns regarding GLCHT process and related housing agreement.

14. OTHER BUSINESS

14.1 Upcoming Meetings

The next meeting of the Galiano Island Local Trust Committee will be held on Monday November 3, 2014, at 12:30 p.m., at the Galiano Island South Community Hall.

15. TOWN HALL MEETING

Chair Hancock invited the public to make comment.

Dave Ages stated support for Trust Council's passing of a resolution to expand Halkett Bay Provincial Marine Park boundaries to include the Glass Sponge Reef and Garden off Halkett Point, Gambier Island. He commented that recently there have been various gatherings throughout BC opposing the current and potential negative impacts of industry on environment(s) and community, and that it is interesting that while governments are hell-bent on industrializing and reaping the disadvantages of someone else's needs, many citizens are looking for alternatives. He commended and stated support for the clean energy group on Galiano, which is hoping to bring solar power to Galiano.

Mike Hoebel asked if there was anything to report regarding Grace Islet development on Salt Spring Island.

RPM Kojima responded that he wasn't aware of anything new to report, only that David Marlor, Islands Trust Director of Local Planning Services attended an in-camera meeting.

Akasha Forest stated concern regarding Grace Islet development on Salt Spring Island and process. She also stated concern regarding docks and their infringement on First Nations interests.

There was some discussion regarding:

- The LTC having requested funds for a Dock Review already, with the hope that such will be addressed during the next LTC's term;
- The Crown having a duty to consult with First Nations regarding the foreshore, including docks;
- The Islands Trust having a different review process from federal and provincial governments;
- The Grace Islet situation being complex and difficult because zoning was already in place;
- There being 22 First Nations in the Islands Trust area, with Islands Trust staff and First Nations representatives constantly changing;
- Not all First Nations being interested in engagement;
- It being beneficial for community members to write letters of support regarding a Dock Review being put on the strategic plan.

Mike Hoebel stated that when a dock is constructed, it basically sterilizes the area where fish reproduce, which infringes on First Nations food rights.

Gary Coward stated support for a Dock Review that grandfather's current docks on Galiano but bans any new ones.

Akasha Forest stated support for GLCHT/GG and the CRD and Islands Trust working together regarding process, specifically pertaining to the housing agreement.

Art Moses asked what the next steps are regarding GLCHT.

Trustee Decario responded that there are three conditions precedent to holding a Public Hearing (PH) and that the LTC is waiting for GLCHT to submit a revised housing agreement, which has been reviewed by the CRD, before a PH can be scheduled.

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

16. MOTION TO CLOSE MEETING

GL-2014-121

It was MOVED and SECONDED,

THAT, pursuant to Section 90(1)(a) and (i) and 91(1) of the Community Charter, the Galiano Island Local Trust Committee resolves to close the meeting to the public for the purpose of Adopting the July 7, 2014, Galiano Island Local Trust Committee In-Camera Minutes and for advice subject to solicitor-client privilege; and further that staff and Recording Secretary David Millership remain present.

CARRIED

See separate In Camera Meeting Minutes dated October 6, 2014.

By general consent the meeting was closed at 4:15 p.m. and reconvened in open meeting at 4:45 p.m.

17. RECALL TO ORDER

Chair Hancock stated that the Local Trust Committee had nothing to report.

18. ADJOURNMENT

GL-2014-122

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee meeting be adjourned at approximately 4:50 p.m.

CARRIED

Ken Hancock, Chair

CERTIFIED CORRECT:

David Millership, Recorder



Follow Up Action Report w/ Target Date

Galiano Island Sep-08-2014

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

Oct-06-2014

No.	Activity	Responsibility	Target Date	Status
2	September 8, 2014, Minutes adopted as amended.	Lori Foster	Oct-17-2014	Done
3	Mayne Island Bylaw no. 161 & 162 - interests unaffected	Sharon Lloyd-deRosario	Oct-31-2014	Done
4	Salt Spring Island Bylaw no. 482 - interests unaffected	Sharon Lloyd-deRosario	Oct-31-2014	Done
5	GLCHT 1. ITPS to be revised, endorsed as revised - DONE 2. Schedule public hearing and CIM once housing agreement reviewed and accepted by CRD - ON-GOING 3. Staff to work with applicants on s.219 covenant - ON-GOING 4. Applicants to submit application to Regional Housing Trust Fund - DONE	Kim Farris Robert Kojima Sharon Lloyd-deRosario	Jan-30-2015	On Going
6	Landworks: 1. Schedule CIM and PH for Nov 3 - DONE 2. Issue GL-DP-2013.6 - DONE 3. Work with applicant for a third party review of F3 covenant - ON-GOING	Kim Farris Sharon Lloyd-deRosario	Nov-30-2014	On Going

4. Amend Bylaws 244 & 245 and give second readings - DONE

5. Draft cost recovery agreement and cost sharing for sustainable forestry covenant review - ON-GOING

7	Retreat Cove Farm (Covenant Amendment) Sept 22/14 - Owners reviewing estimate for legal work and will respond to staff on decision to proceed or not	Kim Farris	Jan-30-2015	On Going
8	Staff to update Galiano LTC website	Kim Farris Lori Foster	Oct-17-2014	Done

From: [Bob Campbell](#)
Sent: Wednesday, October 15, 2014 4:50 PM
To: [Louise Decario](#) ; [Sandy Pottle](#) ; [Ken Hancock](#)
Subject: Olsen dock application..

Dear Louise, Sandy and Ken,

Thank-you for listening to my presentation a week ago last Monday. I came to the meeting with two concerns:

1. The Islands Trust Staff report regarding this dock, and that the Islands Trust decision was based on, contained factual errors. I was surprised that no one really seemed too perturbed that it did, and no attempt was made to send the report back to staff to ensure it indeed contained accurate information. I found what I thought were two errors, but there may be many more embedded in the document that I may not have recognized. I pointed out that the statement at the end of the report, "The applicant also states that neither of their neighbours has any concerns with the proposed dock. Staff therefore support the variances" was false. Islands Trust Staff agreed with me that the statement was false, but it seems that the approval of the variances and the dock didn't depend on if neighbours agreed or disagreed. I wonder why this statement is even included if, when shown to be false, it has no relevance to the decision. Robert Kojima stated in the meeting that a message would be sent to FLNR indicating the error, but I spoke with the Province today and they indicated that no such statement has been received. It is critical that this error is corrected and the Province notified, and I still believe the Islands Trust should review the original document for errors.
2. My second concern was with the ambiguity of who, between the Province and the Islands Trust, has jurisdiction over the issues of dock orientation and the resultant impact on neighbours. My suggestion at the meeting was that the Islands Trust send a message to FLNR indicating that the Islands Trust assumes the Province will apply their Private Moorage Policy Guidelines to these issues and specifically to this dock application. In the confusion of the meeting, I don't actually remember this concern being discussed, let alone acted upon. And this is a real issue, as in a recent discussion since the meeting, with the lead Provincial approving officer, I was told that this issue was not in their jurisdiction and was handled by the Islands Trust. The Islands Trust has consistently told me the exact opposite. I did point out to the Province that their Private Moorage Policy Guidelines clearly cover issues regarding the impact on neighbors. It was not clear to me why the Islands Trust would not indicate to the Province that they assume Private Moorage Policy Guidelines will be applied to all docks! (Louise had indicated to me before the meeting that she had assumed the dock would be orthogonal to the shore as per the Provincial guidelines) This would seem to be an easy way of eliminating any ambiguity, tell any applicant that they can submit any dock orientation they want, but they should be aware that ultimately the Provincial guidelines will be applied unless there is a very specific reason not to.

I sincerely hope the Island Trust will consider the issues I raise above.

Regards,

Bob Campbell

Bob Campbell PEng



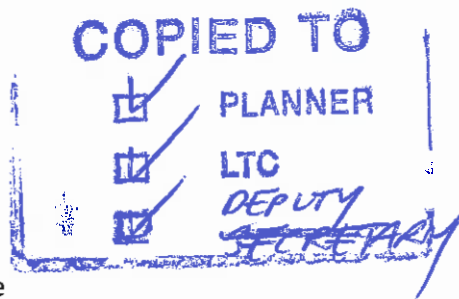


Date	October 22, 2014	File Number
To	Galiano Island Local Trust Committee	
From	Robert Kojima Regional Planning Manager	
Re	Correspondence - Bob Campbell, October 16, 2014	

The attached correspondence was received by email and consistent with policy is included on the LTC agenda as it addressed to a quorum of trustees. The following addresses a number of comments in the correspondence:

1. With respect to the comment in the staff report that that the neighbours were not opposed to the docks:
 - this appears correct that this is what the applicants reported to the planner, as is clear in the report.
 - the support of neighbours is not materially relevant to the LTC decision with respect to the DP as the LTC can only consider the consistency of the application with the DPA guidelines
 - I did send an email to the Land Officer at FLNRO on September 26th, following a conversation with Mr. Campbell, explaining that Mr. Campbell was concerned about any weight that FLNRO may put on the statement in the staff report and that in fact he does oppose the proposed alignment of the dock.
 - A second email was sent to FLNRO on October 22nd, confirming the above.
2. With respect to the statement concerning the role of the LTC and FLNRO:
 - Consideration of impacts on neighbouring lots is the responsibility of FLNRO to consider, this is not an issue for deliberation relating to a development permit.
 - Orientation of docks is subject to the LTC deliberation only within the parameters of the development permit area guidelines.
 - The LTC considered Mr. Campbell's request extensively during the discussion and made a decision to not pursue the matter further. The draft minutes conclude with the Chair's statement thanking him for his delegation and apologizing for the LTC not being able to address his concerns further.

October 4 2014



Dear Galiano Island Trust Committee

I would like to inquire whether the Committee would be interested in Forest Retreat Zoning for a portion of DL 54 Galiano Island.

Currently I have four cabins 30 meters in size, a communal kitchen 60 meters in size, along with accessory buildings and structures ranging from 2.5 meters to 60 meters in size, in total roughly 400 meters of cabins, accessory buildings and structures.

I believe the community would benefit from Forest Retreat Zoning on a portion of DL 54, for the following reasons;

- 1) Forest Retreat use provides immediate access because as per any use that requires public patronage, the lands become effectively open to all the public. In order to manage access, I would seek to conclude an access and maintenance agreement on trails through DL 54 with a recognized conservation society.
- 2) There is a strong desire within the community to experience and retain the historical cultural narrative of the Gulf Islands as a part of the Gulf Island experience. On DL 54, I have revived traditional beach shack architecture, sizing, interior design, landscape context and use.

I have recently become more interested in approaching the current Committee by the maturity of consideration presented in the Keefer, Dewinitz and Chedwiggin properties. The approach I favour with DL 54 is closest to the Chedwiggin situation, with historical justification for use allowance, a transfer of 32 acres now known as the Trincomali Nature Reserve.

When I was twenty, beach shacks were everywhere on the Gulf Islands. They are mostly gone now.

Sincerely

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

Issac Kramer

5662 Holland Street Vancouver BC V6N 2A8 604-264-1429















Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area

Bylaw No.: 163 (OCP) and 164
(LUB)

Date: October 2, 2014

You are requested to comment on the attached Bylaws for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Murray Rosengren – 630 Dinner Bay Road (Oceanwood Resort)

PURPOSE OF BYLAW:

Proposed Bylaw 163 amends the Mayne Island Official Community Plan (OCP) to provide policy that supports the proposed amendments to the Mayne Island Land Use Bylaw (LUB) to allow for increased dwelling density (employee housing, seniors housing, residential and/or tourist accommodation). Proposed Bylaw 163 also places the subject property in the following three development permit areas: 1) Visitor Accommodation DP area; 2) Intensive Residential DP area; and 3) the Groundwater Protection DP area.

Proposed Bylaw 164 amends the Mayne Island Land Use Bylaw (LUB) to provide zoning that will allow for an increase in density. Presently there is a guest house containing 12 tourist accommodation units and a restaurant on the property. There is also an existing caretaker dwelling and assorted accessory buildings. Bylaw 164 proposes an additional 23 units made up of 10 seniors units, 3 employee housing units and 10 tourist accommodation units or residential units. All units are limited in size.

Staff reports are available on the Mayne island webpage: <http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne/current-applications.aspx>

GENERAL LOCATION:

Dinner Bay, Mayne Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

4 hectares

ALR STATUS:

na

OFFICIAL COMMUNITY PLAN DESIGNATION:

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

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

Name: Gary Richardson

(Signature)

Island Planner

Title:
Contact Info

Tel: 250-405-5157
Email: grichardson@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Transportation & Infrastructure – Ryan Evanoff

Non-Agency Referrals

Village Point Improvement District – Renate Morrell

Regional Agencies

Capital Regional District – Building Inspection
Island Health, Health Inspector
Mayne Island Fire Rescue, Fire Chief

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
TE'Mexs Treaty Association
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area

(Island)

(Signature)

(Date)

163 (OCP)

(Bylaw Number)

(Name and Title)

(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area

(Island)

164 (LUB)

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)



Memorandum

Date: October 23, 2014

File Number: GL-RZ-2013.1
(Landworks)

To: Galiano Island Local Trust Committee
For the November 3, 2014 LTC Meeting

From: Kim Farris, A/Planner 2

CC: Robert Kojima, Regional Planning Manager

Re: Rezoning Application GL-RZ-2013.1 (Landworks)

This memo will provide an update on the status of this application and related requirements, and on next steps following the public hearing. Background information on the property, the proposal and the earlier staff reports are available in past agendas and on the LTC webpage under [Current Applications](#).

At the October 6, 2014 regular meeting the Galiano Island Local Trust Committee (LTC) passed the following resolutions:

GL-2014-113

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 rescind Second Reading.

CARRIED

GL-2014-114

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee amends Proposed Bylaw No. 244 by replacing "F1" with "F" in Schedule 1, 1(g), and replacing "represent at least 67%" with "include all" and replacing "subject to rezoning" with "designated nature protection" in Schedule 1, 1(g)(i).

CARRIED

GL-2014-115

It was MOVED and SECONDED,

THAT, 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, as amended.

CARRIED

GL-2014-116

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" rescind Second Reading.

CARRIED

GL-2014-117**It was MOVED and SECONDED,**

THAT, the Galiano Island Local Trust Committee amends Proposed Bylaw No. 245 section 5.4.16 by striking out the words "and 20 hectares (49) acres for the F3 zoned portions" and "land representing no less than 67% of the area of the land" and by inserting the words "the portions of the land" before "legally", "as" before "District Lot 79", "that are zoned Nature Protection (NP) and Park (P)," before "to be transferred" and ", the Capital Regional District," before "or to the Trust Fund Board".

CARRIED

GL-2014-118**It was MOVED and SECONDED,**

THAT, Galiano Island Local Trust Committee Proposed Bylaw No. 245, cited as "Galiano Island Land Use Bylaw No. 127, 1999" be given Second Reading, as amended.

CARRIED

GL-2014-119**It was MOVED and SECONDED,**

THAT, the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Proposed Bylaw No. 244 and Proposed Bylaw No. 245 are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

GL-2014-120**It was MOVED and SECONDED,**

THAT, the Galiano Island Local Trust Committee authorizes a cost recovery agreement for the reviews of a sustainable forestry covenant for GL-RZ-2013.1 (Landworks) and supports sharing the costs of the reviews.

CARRIED

Sustainable Forestry Covenant:

The LTC has received a copy of a draft sustainable forestry covenant. Revisions to the draft will be made based on third party review and legal review prior consideration of final adoption of the bylaw and to the LTC being requested to authorize execution of the covenant.

Development Control Covenant:

A condition of rezoning is registration of a s.219 covenant granted to the LTC which restricts the layout and area of the future lots to provide for the contiguous clustering of lots in a manner that protects the integrity of forest ecosystems, surface water and groundwater supplies and minimizes the impact of residential services such as roads. A draft development control covenant has been prepared and is attached. The LTC will be requested to authorize execution of the covenant prior to final adoption.

Community Park Covenant:

At the meeting of September 8, 2014 the LTC received a draft community park covenant to be granted by the CRD and to be registered on Lot 8. Registration of this covenant will be coordinated with CRD staff and the applicant. CRD staff are currently preparing a transfer agreement.

Transfer of Lot 5:

At the November 18, 2013 meeting, the LTC passed the following resolution with regards to donating Lot 5 as a community benefit:

Resolution GL-LTC-132-13

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to enter into a cost recovery agreement with applicant GL-RZ-2013.1 (Landworks) for legal review of the legal

undertaking pertaining to the transfer of funds from the sale of proposed Lot 5 to the Galiano Island Housing Society.

The Galiano Island Housing Society (GIHS) has agreed to accept the lands in principle and staff will work with the applicant and the GIHS to facilitate the transfer of Lot 5 at the time of registration of the subdivision.

Transfer of Lot 7 (BC Parks):

The applicant will be working with BC Parks staff to prepare a transfer agreement to facilitate the transfer of proposed lot 7 to the Crown in right of BC Parks.

Community Information Meeting and Public Hearing:

A community information meeting and public hearing is scheduled for the November 3rd, 2014 regular LTC meeting. 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 Third Reading.
2. Forwarding of the bylaws to Executive Committee for approval.
3. Forwarding of the OCP bylaw to the Minister's office for approval.
4. 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 bylaws, the next step for the LTC would be to adopt the bylaws following registration of the covenants agreed by LTC resolutions.

Recommendation:

1. THAT the Galiano Island Local Trust Committee give proposed Bylaw 244 third reading.
2. THAT the Galiano Island Local Trust Committee give proposed Bylaw 245 third reading.
3. THAT Galiano Island Local Trust Committee proposed Bylaws No. 244 and 245 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.
4. THAT Galiano Island Local Trust Committee proposed Bylaw 244 be forwarded to the Minister of Community, Sport and Cultural Development for approval.

Attachments:

Proposed Bylaws 244 and 245

Draft Development Control Covenant

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

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

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

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

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2013”.

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 18th day of NOVEMBER, 2013.
PUBLIC HEARING HELD this day of , 20.
READ A SECOND TIME this 6th day of OCTOBER, 2014
READ A THIRD TIME this day of , 20.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this day of , 20.
ADOPTED this day of , 20.

SECRETARY

CHAIRPERSON

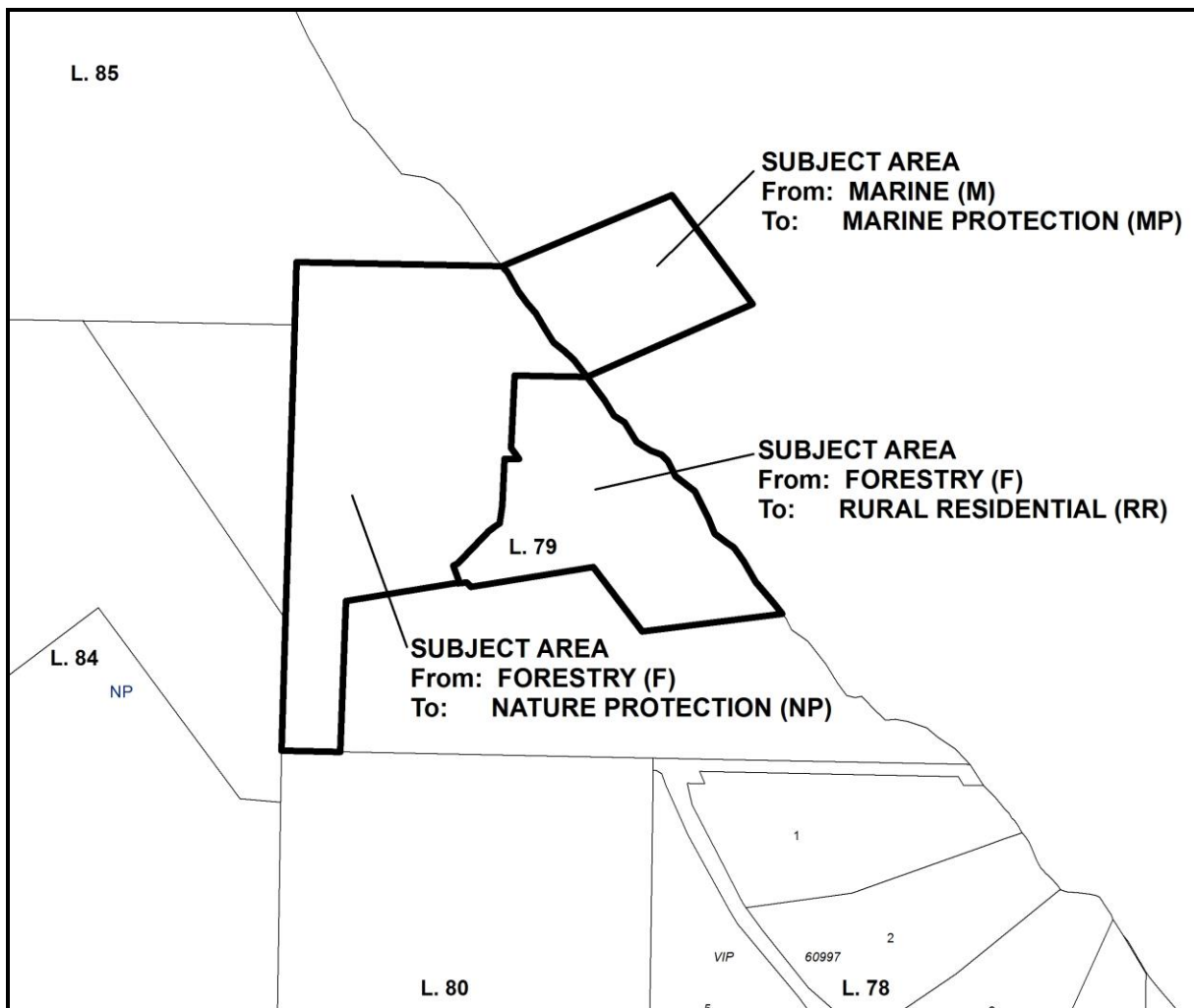
GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 244
SCHEDULE 1

1. Schedule A, Section II, 1.4 Rural Residential is amended by inserting the following as a new policy g:

“g) For the properties described as District Lot 79, Galiano Island, Cowichan District, zoning shall establish a minimum average parcel area of 55 hectares, with a minimum average subdivision parcel area as low as 2 hectares (5 acres) on the RR designated portion of the lands and 20 hectares (49 acres) on the F designated portion of the lands, applicable only if the landowner provides land to be transferred to the Crown as represented by the Province of British Columbia, the Trust Fund Board, the Capital Regional District or other transferees designated in the Land Use Bylaw amendment, to be used for conservation, ecosystem protection, public parkland, community forest, or trails. Approval of any such rezoning shall be subject to the following conditions:

- i) the area of land to be transferred shall include all of the land designated Nature Protection;
- ii) 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
- iii) the registration of a s. 219 covenant granted to the LTC which restricts the layout and area of the future lots to provide for the contiguous clustering of lots in a manner that protects the integrity of forest ecosystems, surface water and groundwater supplies and minimizes the impact of residential services such as roads.”

2. Schedule B (Land Use Designation) is amended for the lands legally described District Lot 79 Galiano Island, Cowichan District as depicted in the map below.



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:

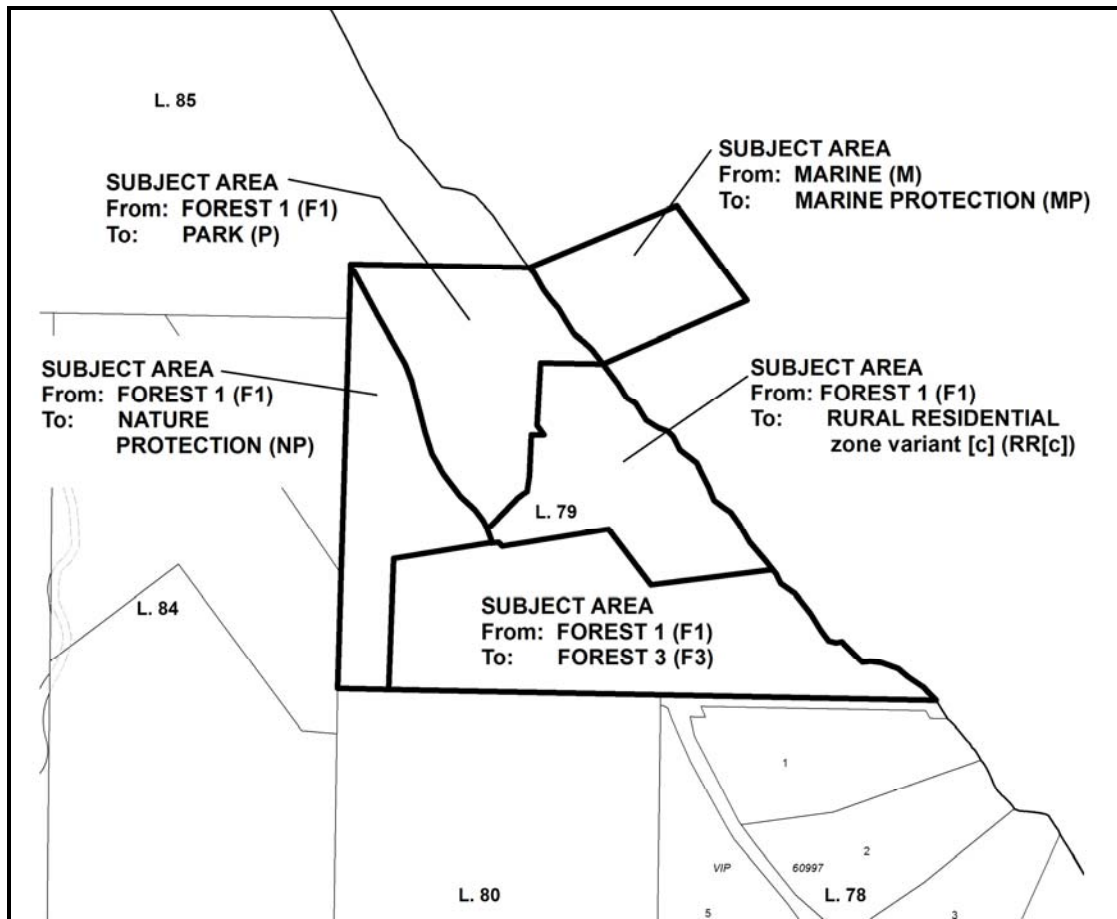
1. Section 5.4 (Rural Residential Zone – RR) is amended by inserting the following as a new 5.4.16:

“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 applicable once the landowner provides the portions of the land legally described as District Lot 79, Galiano Island, Cowichan District that are zoned Nature Protection (NP) and Park (P) to be transferred to the Crown as represented by the Province of British Columbia, the Capital Regional District, 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	6 th	DAY OF	OCTOBER	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

This is a detailed plat map of a property in Georgia, showing a road dedication, community park, and various lots with acreage and easement information.

Map Features and Labels:

- Geographic Context:** The map is located in Georgia, near the Florida border. It shows the "STRAIT OF FLORIDA" and "BODEGA TRAIL".
- Community Park:** A large area on the left is labeled "Community Park" with a "Road Dedication" line.
- Lots and Acreage:**
 - Lot 1:** Lot Area = 2.00 ha, Dev. Area = 1.13 ha
 - Lot 2:** Lot Area = 2.00 ha, Dev. Area = 1.19 ha
 - Lot 3:** Lot Area = 2.00 ha, Dev. Area = 0.58 ha
 - Lot 4:** Lot Area = 3.22 ha, Dev. Area = 1.27 ha
 - Lot 5:** Part Lot Area = 2.00 ha
 - Lot 6:** Part Lot Area = 12.03 ha, Total Lot Area = 20.67 ha
 - Lot 7:** Lot Area = 9.44 ha
 - Lot 8:** Lot Area = 10.87 ha
- Easements and Other Features:**
 - Easement:** A dashed line labeled "Easement" runs through the property.
 - Approximate Location of Existing Cottage:** Two locations are marked with dashed lines and labels.
 - Approximate Location of Existing Tool Shed:** Marked with a dashed line and label.
 - Consiglio Trail:** A trail runs along the right edge of the property.
 - Other Labels:** "DISTRICT LOT 84", "DISTRICT LOT 83", "LOT 80", "LOT 81", "LOT 82", "LOT 83", "LOT 84", "LOT 85", "LOT 86", "LOT 87", "LOT 88", "LOT 89", "LOT 90", "LOT 91", "LOT 92", "LOT 93", "LOT 94", "LOT 95", "LOT 96", "LOT 97", "LOT 98", "LOT 99", "LOT 100".

Fee Simple Lots (Rural Residential)	11.22 ha	20%
Fee Simple Lots (Forestry F3)	20.67 ha	37%
Road Dedication	3.24 ha	6%
Provincial Park Dedication (Lot 7)	9.44 ha	17%
Community Park	10.87 ha	20%
Total Park Dedication	20.31 ha	37%
Gross Site Area	55.4 ha	

 denotes percolation hole (1994 data)
 denotes well location (1994 data)
 denotes Park (Lot 7)
 denotes Rural Residential
 denotes Forestry F
 denotes developable area
 denotes driveway access

LAND TITLE ACT
FORM C
(Section 233)
Province of British Columbia

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office use) PAGE 1 of 9 pages

1. APPLICATION:

Signature of Agent for Applicant

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)

(LEGAL DESCRIPTION)

3. NATURE OF INTEREST:*

Description

Document
Reference

Person Entitled to Interest

S.219 Covenant

Entire Document

Transferee

Priority Agreement

Page 8

Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms

☐

D.F. No. ST

(b) Express Charge Terms

☐

Annexed as Part 2

(c) Release

☐

There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.
If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

XXX (as to Covenant)

XXX (as to Priority)

6. TRANSFEREE(S): (Including occupation, postal address(es) and postal code(s))*

GALIANO ISLAND LOCAL TRUST COMMITTEE, Suite 200, 1627 Fort Street,
Victoria, B.C. V8R 1H8

7. ADDITIONAL OR MODIFIED TERMS:*

NOT APPLICABLE

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

EXECUTION DATE

OFFICER SIGNATURE(S)

(as to both signatures)

Y	M	D

PARTY(IES) SIGNATURE(S)

XXX by its authorized signatories:

Name: _____

Name: _____

GALIANO ISLAND LOCAL TRUST
COMMITTEE by its authorized
signatory:

Trustee: _____

OFFICER CERTIFICATION:

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

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

Page 3

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

EXECUTION DATE

OFFICER SIGNATURE(S)

(as to both signatures)

Y	M	D

PARTY(IES) SIGNATURE(S)

XXXXX by its authorized signatories:

Name:

Name:

OFFICER CERTIFICATION:

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

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference _____, is

BETWEEN:

XXX

("Owner")

AND:

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

("Local Trust Committee")

GIVEN THAT:

- A. The Owner is the registered owner of the land on Galiano Island legally described as and with Parcel Identifiers as follows:

XXXXX

(the "Lands") and the Lands are designated as Forest Land by the Galiano Island Official Community Plan;

- B. The Owner has applied to the Local Trust Committee to rezone the Land to permit a subdivision of the land for residential development, by means of Galiano Island Land Use Bylaw No. 127, 1999 Amendment No. 3, 2013 (the "Rezoning Bylaw");
- C. The policies in the Galiano Island Official Community Plan dealing with the Land require that an owner of the Land seeking a zoning amendment to permit subdivision, provide portions of the parent parcel to be used for conservation, ecosystem protection, public parkland, community forest or trails;
- D. The owner wishes to grant to the Local Trust Committee a covenant under s. 219 of the *Land Title Act* that permits the Owner to subdivide the Land and occupy the Land for residential purposes only in accordance with the plan of subdivision that was presented to the Local Trust Committee in connection with the Owner's application to rezone the Land, and only if the Owner provides portions of the Land as park land;

This Agreement is evidence that in consideration of the payment of \$2.00 by the Local Trust Committee to the Owner (the receipt and sufficiency of which are acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees as follows with the Local Trust Committee in accordance with s.219 of the *Land Title Act*;

No Subdivision Except in Accordance with Plan

1. The Owner shall not subdivide the Land except by means of a plan of subdivision that creates 5 residential parcels substantially as shown, and numbered 1 through 5 inclusive, in the proposed plan of subdivision attached to and forming part of this Agreement as Schedule A (the "New Residential Parcels").

Use of New RESIDENTIAL Parcels

2. The Owner shall not occupy for residential purposes any building on the New Residential Parcels until the Owner has transferred to the Crown in Right of British Columbia for public park purposes, substantially that portion of the Lands to be zoned "Nature Protection (NP)" by the Rezoning Bylaw and shown as "Lot 7" on Schedule A; and until the Owner has transferred to the Capital Regional District for public park purposes, substantially that portion of the Lands to be zoned "Park (P)" by the Rezoning Bylaw and shown as "Lot 8" on Schedule A;

Access to New Parcels

3. The Owner shall not use any portion of the Easement Area (noted as "Easement" on Schedule A) for the installation or operation of any gate or similar structure that prevents vehicular access from Bodega Beach Drive, whether or not such gate or similar structure is equipped with a lock or other device by means of which vehicular access may occur. Notwithstanding the forgoing, for certainty, gates are permitted on those portions of the New Residential Parcels noted as "driveway access" on Schedule A.

No Effect On Laws or Powers

4. This Agreement does not
 - (a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land except as expressly set out herein;
 - (b) impose on the Local Trust Committee any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement except as expressly set out herein;
 - (c) affect or limit any enactment relating to the use or subdivision of the Land; or

- (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

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

No Liability in Tort

- 6. The parties agree that this agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs With the Land

- 7. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owner in this Agreement constitutes a personal covenant and also a covenant granted under s.219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means.

Registration and Discharge

- 8. The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.
- 9. The Owner shall be entitled to a discharge of this Agreement from title to the Land in the event that the Rezoning Bylaw is not adopted by ____, 201X.
- 10. The Owner shall, having subdivided the Land in accordance with this Agreement and transferred to the Crown the land described in Section 2 of this Agreement, be entitled to a discharge of this Agreement from title to the New Parcels.
- 11. The Owner may obtain a discharge under Section 9 or Section 10 by presenting a registrable discharge document to the Local Trust Committee for execution, and the preparation and registration of the document shall be for the Owner's account.

Waiver

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

Severance

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

No Other Agreements

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

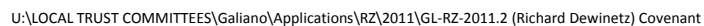
Binding of Successors

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

Execution Using Form C

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

PROPOSED PLAN OF SUBDIVISION





Memorandum

Date October 22, 2014 File Number GL-DP-2013.2 (Ghai)

To Galiano Island Local Trust Committee

From Robert Kojima,
Regional Planning Manager

Re GL-DP-2013.2 (Ghai)

At a closed meeting on October 6, 2014, the LTC reviewed an administrative fairness complaint and considered legal advice pertaining to the issuance of development permit GL-DP-2013.2 (Ghai). Based on an understanding of that advice, the LTC wishes to consider the following in open meeting:

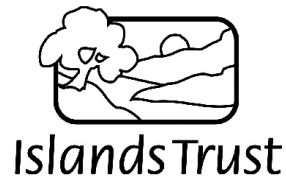
- A motion to rescind the resolution issuing development permit GL-DP-2013.2 (Ghai).
- Direction to staff to file a notice of cancellation with the Land Title and Survey Authority.
- A resolution to authorize staff to issue a new permit.

Draft resolution wording is provided as follows:

1. THAT Galiano Island Local Trust Committee resolution GL-2014-075 authorizing the issuance of Development Permit GL-DP-2013.2 (Ghai) for the alternative location (Option 2) at 90 degrees to the shoreline be RESCINDED.
2. THAT the Galiano Island Local Trust Committee instruct staff to file a notice of cancellation of GL-DP-2013.2 with the Land Title and Survey Authority if required.
3. THAT the Galiano Island Local Trust Committee approve issuance of development permit GL-DP-2014.4 (Ghai) for a dock in the location applied for in the original permit application (Ghai).

Consistent with previous advice, staff recommend rescinding the resolution authorizing the previous permit and issuance of GL-DP-2014.4 (Ghai).

pc Kim Farris, A/Planner 2



**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2014.4**

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-2014.4 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 any vessel or the dock itself 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 or any small boat moored 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:
- Subsection 2.14 is varied to permit a concrete abutment (dock landing) to be 2.3 metres from the natural boundary of the sea. Current bylaw regulation states that the distance for structures from the natural boundary of the sea is 7.5 metres.
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, 2014.

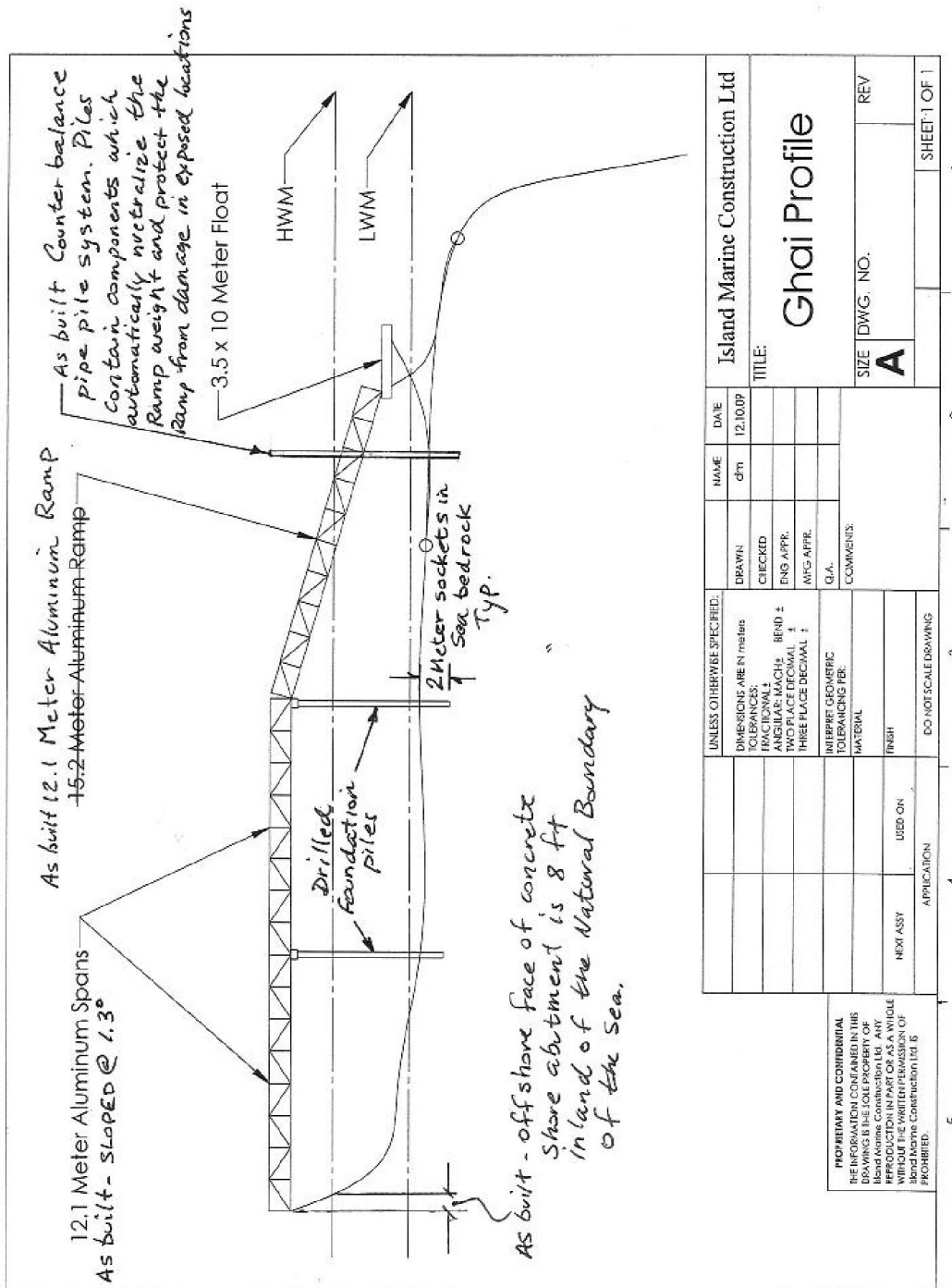
Deputy Secretary, Islands Trust

XX, 2014

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 2014.4
Schedule "A"**



Technical drawing of a Ghai Plan for a 3.5 x 10 Meter Float. The drawing shows a central rectangular float with four anchors at the corners. A ramp is attached to one side, supported by 275mm steel pilings. The ramp is labeled "12.1 Meter Aluminum Spans" and "12.1 Meter Aluminum Ramp". The float is labeled "3.5 x 10 Meter Float". The anchors are labeled "Anchors". The drawing includes dimensions for High Water Mark (HWM) and Low Water Mark (LWM). The drawing is titled "Ghai Plan" and is part of a set of drawings for "Island Marine Construction Ltd".

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MEG APPR.			
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THREE PLACE DECIMAL: ±			
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APPLICATION:			

Island Marine Construction Ltd

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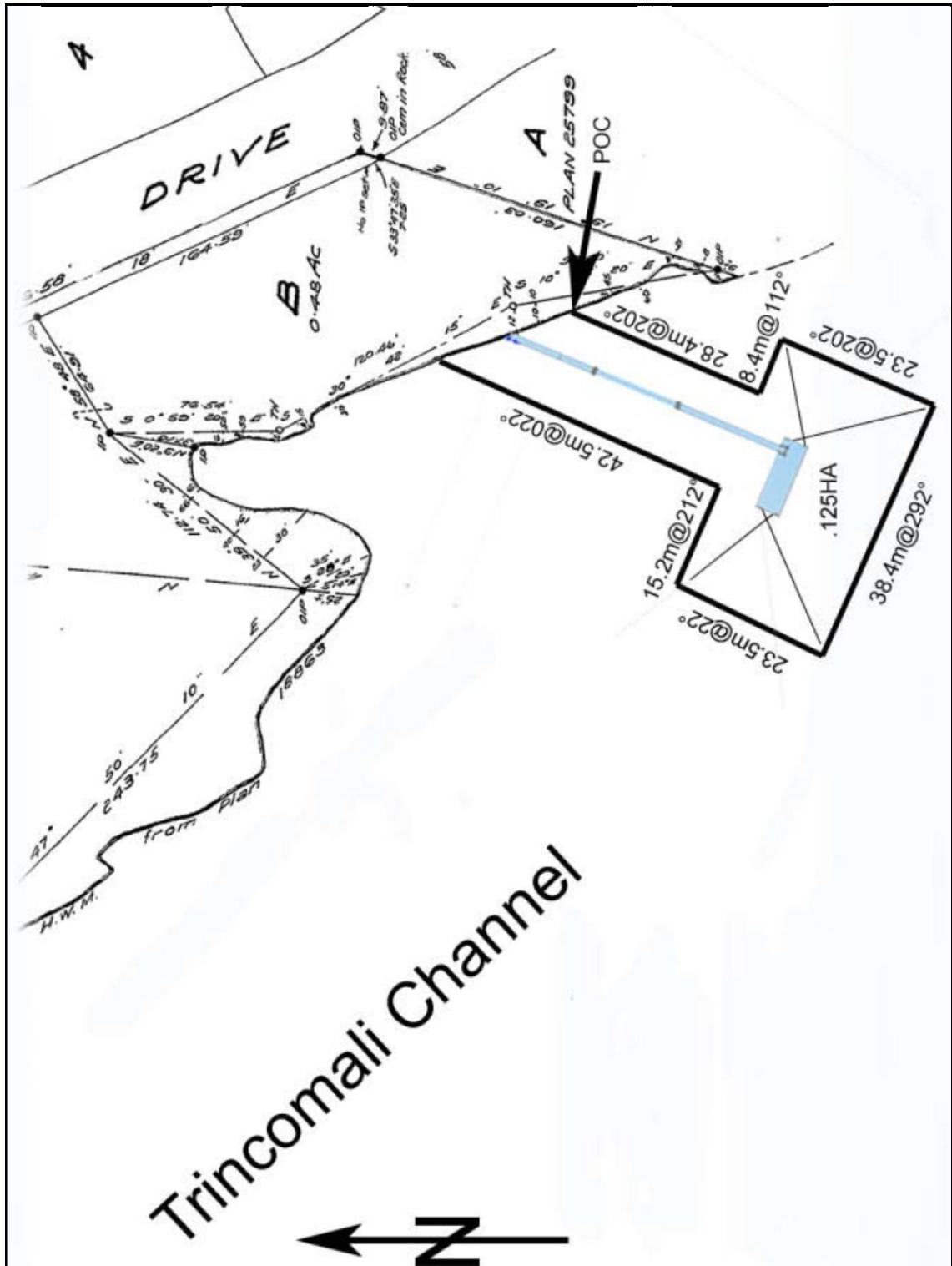
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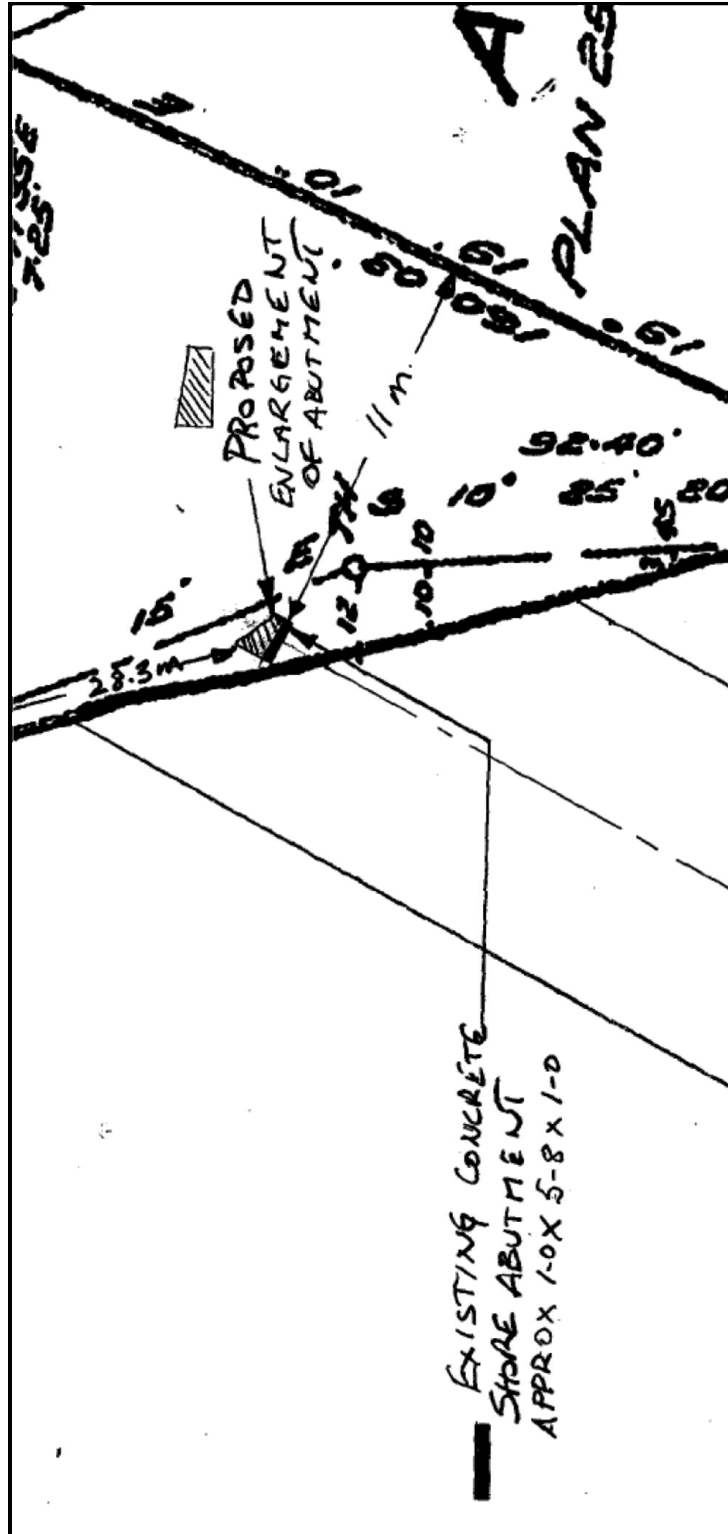
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**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2014.4
Schedule "C"**



GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2014.4
Schedule "D"

Development Variance 2.3m Setback from Natural Boundary of the Sea





Islands Trust

Print Date: Oct-23-2014

Top Priorities

Galiano Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Visitor Accommodation	To look at existing policy, research issues and possible solutions on Galiano.	May-06-2013	Kim Farris	Oct-06-2014	On Going
2	Ground Water Protection DPA Policy Review	Review detailed recommendations of Waterline Report, review existing DPA and LUB provisions, prepare options for amendments.	Apr-16-2012	Kim Farris	Oct-06-2014	On Going
3	Home-based Contractors	To look at options of permitting contractor yards (deferred to new term at Sept meeting)	Feb-03-2014	Kim Farris Robert Kojima	Nov-30-2015	On Going

Projects

Galiano Island

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

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

Applications w/ Status - Galiano Island Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2014.4	Ghai c/o David McKerrell	Oct-17-2014	22525 PORLIER PASS 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: Robert Kojima

Planning Status

Status Date: Oct-22-2014

memo for LTC agenda

Status Date: Oct-17-2014

New DP to be issued, created file

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: Phil Testemale

Planning Status

Status Date: Sep-12-2014

Sent e-mail with 60 day to close file warning (November 12th)

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.

Rezoning

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

Planning Status

Status Date: Oct-13-2014

CRD staff and legal counsel to provide preliminary review of housing agreement

Status Date: Sep-08-2014

Bylaws receive second reading. CRD to review Housing agreement, support administering agreement and applicants to apply for CRHT funding prior to public hearing

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.

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

Planning Status

Status Date: Oct-08-2014

CIM/PH scheduled for Nov 3

Status Date: Sep-09-2014

Staff to schedule CIM/PH for Nov LTC meeting. Staff to work with application for third party review of covenants

Status Date: Aug-28-2014

Both covenants received. staff report to sept meeting

Subdivision

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

Planning Status

Status Date: Sep-08-2014

10 percent waiver approved by LTC

Status Date: Aug-28-2014

request for 10 percent frontage waiver on sept agenda

Status Date: Aug-21-2014

PLA received

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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