



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: June 11, 2018
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

			Pages
1.	CALL TO ORDER	12:30 PM - 12:30 PM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS	12:30 PM - 12:50 PM	
4.	COMMUNITY INFORMATION MEETING none		
5.	PUBLIC HEARING none		
6.	MINUTES	12:50 PM - 1:00 PM	
6.1	Local Trust Committee Minutes Dated May 7, 2018 (for Adoption)		4 - 12
6.2	Section 26 Resolutions Without Meeting Report none		
6.3	Advisory Planning Commission Minutes Dated April 23 & 30 and May 8, 14 & 28, 2018 (for Receipt) APC referral response dated May 8, 2018 re Mignault Rezoning application (attached)		13 - 32
7.	BUSINESS ARISING FROM MINUTES	1:00 PM - 1:10 PM	
7.1	Follow-up Action List Dated June 2018		33 - 33
8.	DELEGATIONS none		

9.	CORRESPONDENCE	1:10 PM - 1:20 PM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
9.1	B. Troniak & C. O'Tool Letter Dated May 8, 2018 re: Discharge of Section 219 Covenant (attached)		34 - 45
10.	APPLICATIONS AND REFERRALS	1:20 PM - 2:30 PM	
10.1	GL-ALR-2017.1 (Kramer) - Staff Report (attached)		46 - 59
10.2	Capital Regional District - Matthews Point Regional Park Draft Management Plan - Staff Memo & Attachments (attached)		60 - 84
10.3	GL-RZ-2017.1 (Stevens) - Staff Report (attached)		85 - 122
10.4	GL-RZ-2017.2 (Mignault) - Staff Report (pending)		
11.	LOCAL TRUST COMMITTEE PROJECTS		
	none		
12.	REPORTS	2:30 PM - 3:00 PM	
12.1	Work Program Reports (attached)		
	12.1.1 <u>Top Priorities Report Dated June 2018</u>		123 - 123
	12.1.2 <u>Projects List Report Dated June 2018</u>		124 - 125
12.2	Applications Report Dated June 2018 (attached)		126 - 129
12.3	Trustee and Local Expense Report Dated March 2018 (attached)		130 - 130
12.4	Adopted Policies and Standing Resolutions (attached)		131 - 132
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Report		
12.8	Trust Fund Board Report		
	none		
13.	NEW BUSINESS	3:00 PM - 3:10 PM	
13.1	George Loepky Request re: Crown Land/Provincially Managed Land on Gossip Island - Discussion		

14. UPCOMING MEETINGS

14.1 **Next Regular Meeting Scheduled for July 9, 2018, at the North Community Hall,
Galiano Island**

15. TOWN HALL 3:10 PM - 3:20 PM

16. CLOSED MEETING (Distributed Under Separate Cover) 3:20 PM - 3:30 PM

16.1 Motion to Close the Meeting

*That the meeting be closed to the public in accordance with the Community Charter,
Part 4, Division 3, s. 90(1) [insert relevant sections] for the purpose of considering:*

- *Adoption of In-Camera Meeting Minutes Dated May 7, 2018*
- *Appointment of LTC Back Up Minute Taker & APC Secretary*

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT 3:30 PM - 3:30 PM



DRAFT

Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: May 7, 2018
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

Staff Present: Robert Kojima, Regional Planning Manager
Miles Drew, Bylaw Enforcement Manager
Warren Dingman, Bylaw Enforcement Officer
Heather Martin, Recorder

Public Present: There were approximately 18 members of the public in attendance.

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12.30 p.m. She acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

— To move the closed In Camera meeting regarding bylaw enforcement after agenda item 11.1 to accommodate planned bylaw enforcement visits

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Roger Pettit spoke in favour of split zoning, saying it was used coast-to-coast and is sometimes the best solution. In the case of the Stevens application, he said split zoning was the right approach in order to contain the industrial uses to a small section of the property.

He directed a question to the bylaw enforcement officer, asking why the process of enforcement was triggered only by complaints when some violations are clearly visible from the road. Miles Drew replied that the enforcement policy was largely complaint-driven because his department doesn't have unlimited resources, and outlined the specific situations that trigger the enforcement process without a complaint being placed.

Line Marie St. Jacques read a letter in support of the Stevens application and submitted it to RPM Kojima.

Debbie Holmes asked RPM Kojima whether, in the case of split zones in the forest zone where the remainder of the property remains in F1, the F1 portion would require rezoning in order to make any further land use changes. Mr. Kojima confirmed that any changes not allowed in the F1 zone would require rezoning.

Louise Decario said she found the maps for the Stevens application confusing and said the road network plan would have been useful to see. RPM Kojima replied that all the schedules to the OCP, including the road network plan on schedule C, were on the website in PDF form, which allows zooming in and out; producing maps for printing is a more expensive undertaking that limits to what staff can do. He recommended the use of the online tool road MapIT.

Art Moses asked to have on the record that, in his view, the planner made a false analogy at the last LTC meeting when, in reply to his question about split zones, he mentioned that the rezoning of DL 37 by the conservancy also involved a split zone. Mr. Moses argued that the agricultural area in DL 56 does not constitute a split zone. RPM Kojima replied that they would have to agree to disagree on that point.

Roger Pettit stated that a split zone is a split zone; two zones on one parcel indicate a split zone.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated April 9, 2018 (for Adoption)

The following amendments to the minutes were presented for consideration:

- Removing the third sentence in Bowie Keefer's statement at the second town hall, p.12 of the agenda package. His statement will now end with "the importance of an alternate route for emergencies."
- Removing the reference to the Affordable Housing strategy in the Top Priorities Report on p.8 of the agenda package.

By general consent the minutes of the Local Trust Committee meeting of April 9, 2018 were adopted as amended.

6.2 Section 26 Resolutions Without Meeting Report

None

6.3 Advisory Planning Commission Minutes Dated March 12, 26 & April 3, 5, 2018

The GILTC received the APC minutes.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated April 2018

Information received as presented.

8. DELEGATIONS

None

9. CORRESPONDENCE

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

None

10. APPLICATIONS AND REFERRALS

10.1 GL-RZ-2017.1 (Stevens) - Staff Report

RPM Kojima presented the staff report and said a draft covenant would be presented at the next LTC meeting for consideration. Trustees asked the following questions:

Trustee Harris asked and got confirmation that we are now waiting for MoTI to comment on the new road alignment and that the new covenant is being prepared.

Trustee Pottle asked if the GILTC would have to look at amending Schedule C in light of the new road alignment. RPM Kojima said he didn't think so; the wording in the OCP allows the GILTC some flexibility.

There was some discussion about the map in the agenda package, and it was clarified that a new, more current map had been prepared by Mr. Stevens and emailed to staff and trustees on May 2. The new map shows that the new road dedication will now stay on DL 37. It was agreed this was an improvement.

Chair Busheikin asked for and received clarification about the covenant being prepared.

10.1.1 Galiano Island Advisory Planning Commission Response to Bylaws 265 & 266 (attached)

The APC's referral report on the Stevens application was studied and discussed in detail. It was agreed that APC had done a very thorough job, and that the report reflected that the Commission represented a cross-section of the community.

As part of this, there was discussion about development permit areas and emergency evacuation routes through the property.

GL-2018-029

It was moved and seconded that the Galiano Island Local Trust Committee request staff to bring forward proposed wording to respond to APC recommendation number 5, with a brief analysis of pros and cons.

CARRIED

The meeting adjourned for a brief recess at 2:00 p.m., and was called back to order at 2:16 p.m.

The discussion returned to the APC report, and a general review continued. RPM Kojima agreed to provide options on recommendation number 6.

10.2 Salt Spring Island Local Trust Committee Bylaws No. 498 & 499 Referral

GL-2018-030

It was moved and seconded that the Galiano Island Local Trust Committee's interests are not affected by Salt Spring Island Local Trust Committee Bylaws No. 498 & 499.

CARRIED

By general consent it was agreed to move items 11 and 16 to the end of meeting, and proceed to reports.

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated April 2018

On the dock review, it was reported the Penelakut are preparing to designate a representative to work with a small contract to advance the project.

On the Affordable Housing review, APC Chair Sheila Anderson reported that the referral report is well underway. The APC is still waiting for the CRD Housing Needs Assessment report, but will be meeting twice more in May to complete the work and prepare the report. Chair Busheikin reported on new provincial legislation currently being introduced that will require all municipalities to have a housing needs assessment

prepared, so we will be ready. Once the legislation is created, funding for affordable/rental housing may become available.

Stephen Rybak asked that the Top Priorities report be amended to show that the Telecommunications Strategy project will not end December 2017, and expressed the hope it might still be viable. Trustee Harris said the Local Planning Committee has received the report, and RPM Kojima reported it has been referred to the June Trust Council meeting. The Trust Council could endorse an island-wide policy Telecommunications Strategy in mid-June. After that it will come back to the local trust committee. The next step would be to compare the report prepared by Trust consultants with that created by Galiano's Special APC, and to identify any aspects of the former that the Special APC may want to incorporate into its report.

12.1.2 Projects List Report Dated April 2018

Received as presented.

12.2 Applications Report Dated April 2018 (attached)

It was reported that the Crystal Mountain Society is consulting with a surveyor, and the next step will be to direct their surveyor to prepare a survey plan. RPM Kojima said they are coming back with relatively minor changes, but the big change is that the Trust Fund Board is willing to take on the property. The society plan to come back to the Galiano Island Local Trust Committee with any changes they've made to the application.

12.3 Trustee and Local Expense Report Dated February 2018 (attached)

Information received as presented.

12.4 Adopted Policies and Standing Resolutions (attached)

It was noted item 7, on the moratorium on TUPs for STVRs, will be looked at in conjunction with the bylaw enforcement report later in the meeting.

12.5 Local Trust Committee Webpage

None

12.6 Chair's Report

Chair Busheikin reported attending the Association of Vancouver Island Coast Communities' annual convention in Victoria, where the Minister of Municipal Affairs and Housing talked about several issues, notably housing. It was agreed more study is to be done on the effect of geoduck aquaculture before any more further development is allowed as per Trust advocacy on the subject. She is getting ready for Trust Council in June.

12.7 Trustee Report

Trustee Harris reported that:

- The Chair of the Trust alerted us that the medical services fee we have been paying is being scrapped, but the money will now come from property taxes, so it seems all municipalities will be dealing with a significant property tax increase.
- The Gulf Islands have been excluded from the empty house tax.
- Galiano Green may be moving forward soon, despite an unexpected delay while an issue with the Agricultural Land Commission is resolved.
- A new affordable housing rental proposal for the Heritage Forest Land has the potential to move ahead quickly. For the first time in 20 years there are Federal, Provincial and Municipal moneys being set aside for affordable rental housing, so shovel-ready projects will be first to receive the money.
- The recent crisis with B.C. Ferries service, and the fact we were given only 24-hours notice of a visit from the CEO of the corporation, seem due to inadequate communications and decision-making by B.C. Ferries.
- B.C. Ferries has issues with the Queen of Cumberland that appear to be more of a Transport Canada safety concern. Businesses and islanders in general have been severely affected by the situation.

Trustee Pottle said her understanding is that the Galiano Green community has its covenant with the Agricultural Land Commission, but that the Executive Committee may be considering an appeal of that decision citing new information. She also reported on land in the middle of the Gossip island in the Nature Protection zone, which is now Crown Land. She reported on promising discussions on the affordable housing project for the Heritage Forest, and on discussions with Montague residents who are concerned about a number of derelict and live-aboard vessels.

12.8 Trust Fund Board Report Dated April 2018

Chair Busheikin said the big news is that legislation has been prepared for the Trust Fund Board to change its name after 15 years of lobbying. Replying to a question from Trustee Pottle on the Dragonfly proposal which was rejected, Chair Busheikin said it was a difficult decision, but the area was very small and in the middle of an affordable housing project, so it was decided it would be too difficult to manage.

13. NEW BUSINESS

13.1 Annual Report LTC Endorsement - Staff Report (attached)

GL-2018-030

It was moved and seconded that the Galiano Island Local Trust Committee approves the attached text for inclusion in the 2017-2018 Annual Report, for

approval by the Trust Council and submission to the Minister of Municipal Affairs and Housing.

CARRIED

13.2 Approval Process for Community Water Systems on Salt Spring Island - Staff Memo and Attachment (attached)

Chair Busheikin noted this was distributed widely because it was decided it was a great report and really important for everyone to read.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for June 11, 2018, at the South Community Hall, Galiano Island

Trustee Harris asked for clarification on whether our last meeting before the election would take place in October. RPM Kojima replied that it could be in November if necessary, while noting elections are being held one month earlier this time than last.

15. TOWN HALL

Stephen Rybak requested that large maps be provided next time the Stevens application is on the agenda, so that everyone can be “on the same page”.

Kiyo Okuda spoke against the Stevens application, and said he was against split zoning because it was in essence a defacto subdivision. He also spoke to the issue of east side access and the necessity of such an access for emergencies, and suggested the Stevens application should be tied to making them responsible for the maintenance and service of that corridor.

Sheila Anderson also spoke on the issue of the east side road and the idea of providing emergency access routes. She said the road would not have to meet MoTI standards to be effective as an emergency route, noting that Bluff Road, which is a substandard road, was used very recently for the emergency rerouting of traffic for two days.

Akasha Forest said the APC did not have enough clear information about what it could comment on with the Stevens application, particularly where it pertained to water protection issues. She mentioned concerns with the internal haul road going very close to a development permit area and to wetlands, the shallow aquifers on Gustin Road, and the use of products to reduce dust that could affect the aquifers. She asked that in future the APC be provided with the highest quality information possible, including best mapping.

Debbie Holmes said establishing a roadway was critical to the development of any forest lot applications. She said the recommendations made in the APC report on the Stevens proposal were very important, and said the covenant would support what the community has been working on for decades.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Bylaw Enforcement Report re. Short Term Vacation Rentals - Staff Report (attached)

Warren Dingman presented and spoke to the bylaw enforcement Memorandum. He noted the number of short-term vacation rentals online when enforcement was started, and said he has not noticed a rise in those numbers. At the moment, seven unlawful sites are in various stages of enforcement, while up to twelve Air BnB's may also be unlawful. Bylaw enforcement does not receive many complaints about specific STVRs, only general complaints about the fact they exist.

Trustee Harris asked if he was able to put together a density map showing where STVRs are most prevalent. Miles Drew said that would be difficult to produce.

Responding to Trustee Harris's question about moving forward, Mr. Dingman said the resolution putting a moratorium on TUPs was problematic and that continuing to allow TUPs allows operators to make a case, whether or not their application is accepted.

RPM Kojima noted that allowing TUPs for STVRs has not created a proliferation of new applications; most of the ones being processed are long-time operators wanting to come into compliance, and said it appears to be a steady rather than a growing industry.

Responding to a question about the cost of the enforcement operation, Mr. Dingman said they spend eight to ten hours a month on people who are not making applications, which is a significant reduction of hours; what would cause more work is stopping and then restarting the issuance of TUPs.

Chair Busheikin said it seemed bylaw enforcement was asking the GILTC to rescind its standing resolution or make a motion to remove it. Discussion ensued among trustees. It was decided to defer this discussion to the June GILTC meeting, because the APC report on Affordable Housing, which touches on this issue, may be ready in June.

The meeting was closed to go in Camera at 3:50 p.m.

16. CLOSED MEETING (Distributed Under Separate Cover)

*It was **moved** and **seconded** that the meeting be closed in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (d, f & i) for the purpose of considering:*

- *Adoption of In-Camera Minutes dated April 9, 2018*
- *Legal Advice*
- *Bylaw Enforcement Issues*

CARRIED

16.1 Recall to Order

The meeting was recalled to order at 4:45 p.m.

16.2 Rise and Report

Chair Busheikin rose and reported that the trustees adopted minutes, received legal advice and discussed bylaw enforcement.

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:46 p.m.

Laura Busheikin, Chair

Certified Correct:

Heather C. Martin, Recorder



ADOPTED



**Galiano Island
Advisory Planning Commission
Record of Meeting**

Date: April 23, 2018
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
1.30 p.m.



Members Present: ___ Sheila Anderson
___ Akasha Forest
___ Bowie Keefer
___ Dave Koster
___ Barry New
___ Judith Parrack

Members Absent: Jenna Falk

Staff Present: Heather C. Martin, Recorder

Members of the Public: none

1. CALL TO ORDER

The meeting was called to order at 1.34 p.m.

2. APPROVAL OF THE AGENDA

By **general consent** the agenda was approved.

3. APPROVAL OF THE MINUTES

The draft minutes of April 16, 2018 were amended as follows:

- a clarification was added to the abstentions paragraph
- a change in the conflict of interest paragraph was made to better reflect what was said
- a name was removed as absent from the "next meeting" announcement

It was **moved** and **seconded** that the minutes of April 16, 2018 as amended be adopted.

ADOPTED

CARRIED

4. REFERRAL GL-RZ-2017.1 (STEVENS)

The discussion turned to the draft referral report on D.L. 37 most recently circulated, and the committee worked to review and complete the report. The language and format were refined and some substantive changes were debated. Some duplication of motions was noted, and it was agreed to consider numbering them. There was some discussion about how dissenting views could best be presented, including adding them as appendices to the main report or submitting them separately. Chair Anderson said in the past individual committee members have written separately to the LTC when they felt their views weren't adequately presented.

There was general consent that a site visit would have been useful. One member said he would have liked to hear from planners why they had suggested certain things, while another that more information, including better mapping, would have been useful.

It was **moved** and **seconded** that the APC approve the final report subject to a final edit to be circulated and reviewed by members.

CARRIED

Copies of the 2011 Groundwater reports were brought back to the office by Judith Parrack and passed on to Dave Koster.

5. CONTINUING AFFORDABLE HOUSING REFERRAL WORK

It was agreed to continue the Affordable Housing Referral work by inviting Mike Hoebel to a meeting on Monday, May 14, 2018, to share what he's heard from series of meetings he coordinated where housing needs were discussed. It was reported that representatives of Page Drive are also willing to meet with us to share their perspective on the housing needs for seniors, and it was agreed to invite them to the meeting on May 14 as well. Akasha Forest suggested inviting parent members of the PAC as well. It was noted that CRD Housing Needs Assessment Report has still not been released.

6. THE NEXT MEETING will take place Monday April 30, 2018. [Judith Parrack will be absent]

It was agreed to discuss the Mignault referral at the meeting of April 30; the applicants will be notified. It was agreed tentatively to schedule a second meeting on the same referral on Tuesday May 8, 2018 in case the report can't be completed in one. The second meeting would have to end at 4 pm to accommodate Trustee office hours.

It was noted that instead of the usual referral form package we had only received a letter of referral. Staff reports, including some maps, would have to be obtained from the website. At an APC member's request. Chair Anderson agreed to ask staff if they could provide a topographical map of the area.

ADOPTED

The next two meetings on the Affordable Housing Referral will take place Monday 14, 2018 at 1.30 p.m. and Monday May 28, 2018, also at 1.30 pm. [Akasha Forest will away for the first of the two meetings.]

7. ADJOURNMENT

By **general consent** the meeting was adjourned at 3.26 pm.


CHAIR


DATE

CERTIFIED CORRECT:


Heather C. Martin, Recording Secretary



ADOPTED



Galiano Island Advisory Planning Commission Record of Meeting



Date: April 30, 2018
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
1.30 p.m.

Members Present: ___ Sheila Anderson
___ Jenna Falk
___ Akasha Forest
___ Bowie Keefer
___ Dave Koster
___ Barry New

Members Absent: ___ Judith Parrack (regrets)

Staff Present: Heather C. Martin, Recorder

Members of the Public: none

1. CALL TO ORDER

The meeting was called to order at 1.33 p.m.

2. APPROVAL OF THE AGENDA

By general consent the agenda was approved.

3. APPROVAL OF THE MINUTES

It was **moved** and **seconded** that the minutes of April 23, 2018 be adopted.

CARRIED

4. NEW BUSINESS

ADOPTED

The members of the commission welcomed Jenna Falk, the newest member of the APC. It was decided to postpone an election for new Chair and Vice-Chair until the following meeting, when all members will be present.

5. REFERRAL GL-RZ-2017.2 (MIGNAULT)

After noting the material at hand for review, including maps generated by Robert Kojima and the two staff reports on this application, the committee began by identifying OCP Objectives and Policy-related questions and concerns raised by members:

- a) The difference between F1 and F2 in terms of access to rezoning options
- b) The difference between F2 and R2 and also OCP Forest and Residential Objectives
- c) Whether or not the dwelling on the F2-zoned Mignault property was legal
- d) The question of commercial activity on the property
- e) Access to the B.C. Provincial Park beyond the property
- f) The question of the donation of a piece of land was raised and clarification requested
- g) The suitability of the land for farm use as per R2

As discussion proceeded, further issues were identified:

- h) The issue of road access
- i) The issue of different rules for DPA3 tree cutting on Forest zone vs Residential zoned land
- j) The possibility of allowing an accessory cabin in the F2 zone

The issue of conflict of interest was also raised. One member declared himself a personal friend of the applicants. It was agreed this was always a wise disclaimer to make, though it's a difficult issue as so many members have different friends within the community.

There was some discussion on where the roads and trails were historically on and around this property. It was suggested that the issue of access to the park is something we need to point out; there is no reference to this in the staff reports.

On the issue of tree-cutting DPA 3, it was pointed out that in the community the application of this policy seems not to match the criteria it states. It was agreed that wording in DPA 3 seems to indicate that a development permit is not necessary for cutting trees, other than a Garry Oak, if the timber never leaves the property and therefore does not require a timbre mark under provincial regulations.

Summing up:

- main concerns include the potential loss of tree cover if DL 8 went into R. R. 2, the need for connectivity for access to the Park, and at a minimum a permanent, dedicated trail link
- keeping it in forest, asking for access to trail, and looking at possibility of allowing all F2 lots to have a forest cottage, smaller than others, some of which could become available for affordable housing
- have to be clear can't rent both out as STVRs

ADOPTED

--it would be useful to write a paper to clarify where and when tree cutting is allowed on Galiano

It was agreed to think about these issues and begin again at the next meeting. Chair Anderson agreed to draft a paper reflecting the discussion, which she will circulate for members to read and suggest amendments. The final step will be to write a report.

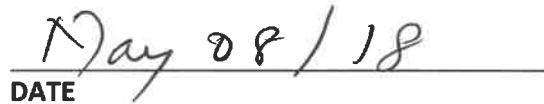
6. **THE NEXT MEETING** on this referral will take place Tuesday May 8, 2018 at **1.00 p.m.**

The following two meetings, Monday 14, 2018 and Monday May 28, 2018, both at 1.30 pm, will focus on the Affordable Housing Referral. [Akasha Forest will away for the first meeting]

7. **ADJOURNMENT**

By **general consent** the meeting was adjourned at 3.34 pm.


CHAIR


DATE

CERTIFIED CORRECT:


Heather C. Martin, Recording Secretary



ADOPTED



Galiano Island Advisory Planning Commission Record of Meeting

Date: May 08, 2018
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
1.00 p.m.



Members Present: ___Sheila Anderson
___Jenna Falk
___Akasha Forest
___Bowie Keefer
___Dave Koster
___Barry New

Members Absent: ___Judith Parrack (regrets)

Staff Present: Heather C. Martin, Recorder

Members of the Public: four

1. CALL TO ORDER

The meeting was called to order at 1.01 p.m.

2. APPROVAL OF THE AGENDA

By general consent the agenda was approved.

3. APPROVAL OF THE MINUTES

It was **moved** and **seconded** that the minutes of April 30, 2018 be adopted.

CARRIED

4. ELECTION OF APC OFFICERS

ADOPTED

The guidelines were reviewed and candidates for chair and vice-chair were discussed. Members were asked to think about nominations, and it was agreed an election for new Chair and Vice-Chair will take place during the next meeting at which all members are present.

5. REFERRAL GL-RZ-2017.2 (MIGNAULT)

Chair Anderson welcomed Bernard Mignault and briefly summarized for his benefit the APC's discussions on this file to date. Mr. Mignault provided information and answered questions arising from our last meeting:

- Mr. Mignault presented the APC with a printed summary of land use history and events of his property since his ownership
- he gave a brief history of the purchase of a section of DL8 by B.C. Parks
- he clarified the location of the public right-of-way through his property to the park, and drew the approximate location on the map provided
- he gave details about what part of the park he had donated. He agreed to find the information in his files and/or get the information from the province and send it to the Trust
- he reported his sawmill is on part of his remaining property below old Phillimore Pt. Road, and confirmed he still does forestry, focusing on harvesting smaller, less healthy trees
- he had a forest management plan set up in the 90s which he still follows
- he explained he wanted to be able to rent out either the cabin or the house at one time, the smaller one in the winter, and the main house in the summer. He retains one bedroom in the main house and his studio for his personal use
- he confirmed he does not have a building permit for the cabin, but that he still has the plans for such a permit should the cabin ever be legalized
- on the question of community benefits, he confirmed that, in addition to the donated parkland and the public right-of-way, the trails society has secured a trail network through the property.

General discussion resumed on the referral, and Mr Mignault agreed to stay in case further questions arose.

Jenna Falk referred to the updated Gulf Islands Conservation Plan, which was published in January, which lists DL 8 as having high conservation value, which seems to support the idea of keeping the property in the forest zone if possible.

The idea of giving F2 properties the right to a cabin, smaller than a cottage, was reviewed, and considerable discussion ensued. The discussion included the historic basis for F2 zoning compared to that of other forest zones and the issue of fairness relative to other zoning options available for Forest designations. How the provision of a forest accessory cabin could be made an option for F2 in exchange for a community benefit acceptable to the LTC was also considered in more detail.

Following the discussion, Chair Anderson asked the members for direction regarding the referral report. It was agreed that the report should list the reasons why it would prefer to keep this property in F2 and out of R2 and recommend a different approach that could bring the property into conformity, not be too impacting and provide community benefit.

ADOPTED

It was **moved** and **seconded** that the APC recommends that we proceed with a report that delineates an alternative to an R2 zoning proposal for GL-RZ-2017.2 (MIGNAULT)

CARRIED

The report will be circulated and agreed to by email prior to submission.

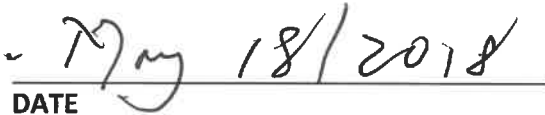
6. **THE NEXT MEETING** on the Affordable Housing referral will take place Monday 14, 2018 at 1.30 p.m. [Akasha Forest will be away]

The following meeting will take place Monday May 28, 2018 at 1.30 pm

7. **ADJOURNMENT**

By **general consent** the meeting was adjourned at 2.56 pm.


CHAIR


DATE

CERTIFIED CORRECT:


Heather C. Martin, Recording Secretary

Galiano Island Advisory Planning Commission

Referral Report: Bylaws No. GL-RZ-2017.2 (Mignault)

May 8 2018

Introduction

The Galiano Island Advisory Planning Commission (APC) has held two meetings to review and discuss information about application GL-RZ-2017.2, which proposes to rezone Lot 1, DL 8 from Forest 2(F2) to the Rural 2 (R2) zone. The application intends to legalize a small cabin in addition to the already permitted accessory dwelling.

The March 6, 2018 referral letter to the APC specifically requested that we give consideration as to whether the application is “supportable” and to identify “possible community benefits”.

Materials reviewed by the APC included two Staff Reports prepared for LTC meetings of February 5, and March 5, 2018, the Galiano Official Community Plan (OCP) and Land Use Bylaw (LUB), Staff’s answers to a series of follow up questions asked by email, information received from the applicant at the May 8, 2018 APC meeting and the Islands Trust Fund Regional Conservation Plan 2018-2027.

Referral Response Summary

The APC does not consider the proposed removal of Lot 1, DL 8 from F2 zoning designation supportable. In our opinion, the property has historic and continued value for forestry uses, it appears to have been managed sustainably in terms of forestry over many years, and a sawmill still exists and is used on the property. Lot 1, DL 8 is identified in the Islands Trust Fund Regional Conservation Plan 2018-2027 as a high priority for forest protection. The property is adjacent to two larger parcels of forested land zoned Nature Protection, and is a contiguous part of that forest ecosystem. Removing the parcel from Forest 2 and putting it in R2 fails to satisfy OCP Forest Objectives. Neither would it satisfy any OCP Residential Objectives. When we compared F2 to R2 in the LUB, we were concerned with the potential for much more significant development impact on the land and forest cover because of the 25% lot coverage and farm use as a principal land use in Rural zones. We have included a table below outlining key areas of our OCP and LUB review.

The APC however does support an alternate approach that could allow the LTC to offer a solution to the applicant while preserving the forest values of the land. We recommend the LTC consider a bylaw amendment that would permit F2 zoned properties to gain the right to legally build a “forest accessory cabin” of a limited size (we suggest 500 sq. feet), provided it is clustered in the general area of the dwelling on the parcel so that access and services infrastructure can be shared, in exchange for a community benefit suitably respectful of the forest values on the property.

The majority of the APC considers it important that the F2 cabin proposed be distinctly different from the cottage provision on residential lands in name, size and definition. A bylaw would be needed to add a definition of a “forest accessory cabin” to the Land Use Bylaw, and also add under F2 in the Land Use Bylaw a specific reference to Lot 1 DL 8 being granted such a cabin in exchange for a community benefit acceptable to the LTC. One member, who owns forest designated land in F3 and FLR, would prefer qualifying F2 parcels be offered the same cottage provision that residential lands have.

While we know that the applicants sold a significant portion of DL 8 to BC Parks, Mr. Mignault indicated to the APC that they donated the land mapped as Lot B within what is now Collinson Point Park. They have also allowed for BC Parks to have a public right of way to the Park crossing their property. In addition, we have learned that the applicants have entered into some form of term agreement with the Galiano Trails Society for trail access through their land. The APC fee is that the previous donation of

part of DL 8 toward a Provincial Park, a public access right of way for the park, and a public trail agreement would seem, subject to verification by the LTC, to add up to a significant community benefit that we think should qualify this F2 property for a “forest accessory cabin”.

Other F2 properties may or may not be interested in applying for this ‘forest accessory cabin’ provision. The APC considers that those properties could potentially do so if they too were able to offer something in terms of a community benefit in return. The APC discussed some ideas of what sort of community benefit might be appropriate. Ideas such as a sustainable forestry covenant, a public trail dedication, public access to a view or a shoreline, or a conservation covenant for an identified sensitive habitat were raised, but members agreed it should be left to the LTC to decide what an appropriate benefit should be in each application.

TABLE of OCP and LUB Review:

OCP	In conflict with Forest Objectives (Page 16) particularly a) because proposes to remove parcel from forest designation. Forest Policy a) (Page 16) describes why dwellings in F2 are accessory to forestry use rather than a principal use in order that they not “impair the long-term natural processes of forest growth and regeneration”. The forest accessory cabin we have suggested should satisfy this policy if defined appropriately. Proposal does not advance Residential Objectives (Page 5) which apply to all residential and rural zones 1.5 Rural Policies (Page 8 and 9) gives both residential and agriculture uses status as principal uses in R2 and R3 zones No evidence of suitability for a principal use of farm or agriculture, no assessment of soil conditions or suitability Land Use Policy a) iii) (Page 4) Proposed change could cause increased impact on the visual landscape in opposition to Land Use Policy a) ix) (page 4) Change to R2 does not support retention of unfragmented forest ecosystems Land Use policy a) xii) (page 4) Development Permit Area 3 Tree Cutting and Removal (page 63 to 65) appears to provide a more significant level of protection on Forest land (if not in PMFL) than it does on Residential land where principal permitted land uses cannot be denied. See Guidelines (page 65)
LUB	Review and comparison of permitted uses in both F2 (page)and R2(page) illustrated considerable differences: F2 gives forestry uses the primary use, and dwellings a secondary or accessory status, while R2 permits both residential and farm use as primary uses. F2 has a specific limit on forest accessory buildings (one @ 93sq metres), and previously had the same specific limit on total sq. footage of other accessory buildings under the now rescinded 2.8 and 2.13 (Bylaw 239). The F2 zone currently appears to have no size restriction for non forestry accessory buildings, and we think this should be corrected. R2 permits 25% overall lot coverage for dwellings, accessory buildings, farm buildings combined.

ITF Regional Conservation Plan 2018-2027

Brief Summary Relevant to Application GL-RZ-2017.2 (Mignault)

Within the provincial, regional and local conservation context, the forest ecosystem on this property is considered a high priority for conservation protection. This property is classified as having 10-30% sensitive ecosystem coverage and is located within a larger protected areas network. It is classified as mature forest, of which only 8% is protected on Galiano at present.

Threats of fragmentation, climate change and human development pressures have been identified in the Islands Trust Fund Regional Conservation Plan 2018-2027.

This rezoning application, under the current suggestion of R2, would place this property under increased risk of deforestation and development, with the potential result of increased fragmentation and loss of sensitive ecosystems, by allowing:

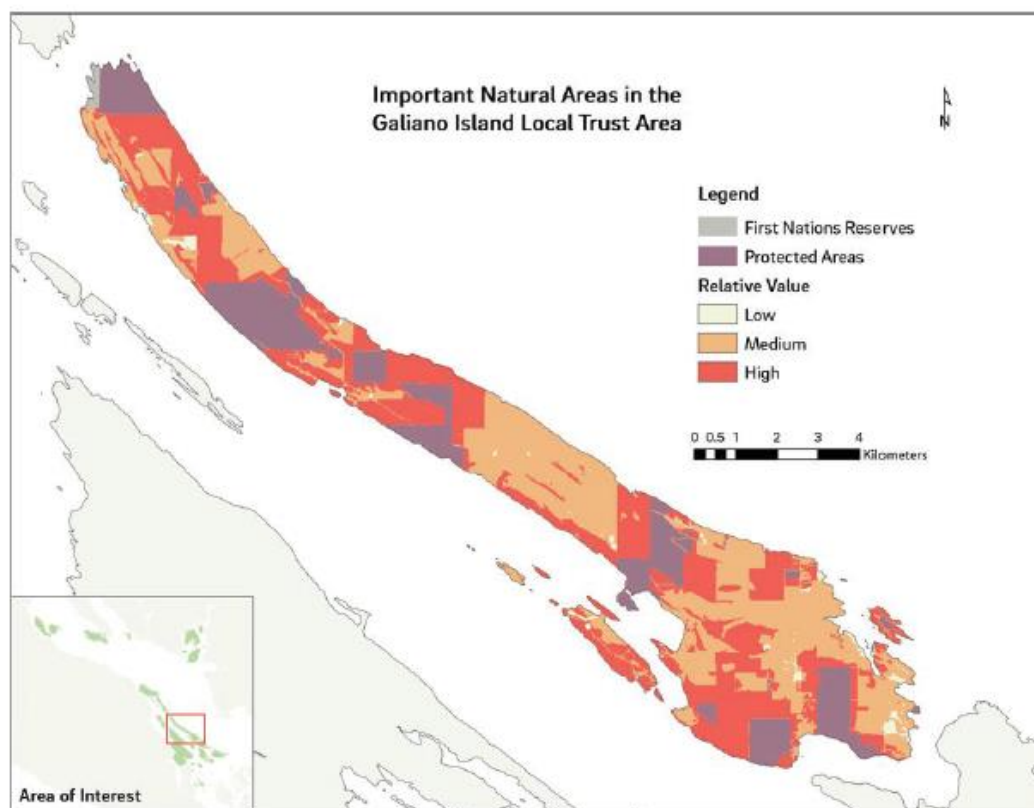
-
- Permitted use of farming in R2 potentially reduces forest protection by DPA3
 - R2 residential and farm principal uses plus 25% lot coverage increases likelihood of forest cover losses.
-

Importance of forest protection in larger geographic context

- “The Douglas-fir ecosystems of this zone are globally rare — in the entire world many of the plant associations of the region occur only on the east coast of southern Vancouver Island, the islands of the Georgia Basin, and a small area of the B.C. mainland. These forests cover only 0.25% of British Columbia (Austin et al., 2008) and a quarter of the B.C. range lies within the Islands Trust Area.” (Pg 11)
- “healthy forests” and “Size, Corridors & Connectivity” are both biodiversity priorities for the Islands Trust area (pg. 31 Table 7); fragmentation is a significant threat to these priorities

Specific Property in Galiano Context

- this forest would likely be categorized as “young” or “mature” stands (40 to 80 years; 80 to 250 years old)
- Protection of forest is the only conservation priority category rated as “high” for Galiano. The rest are rated “medium” (pg. 40 table 9)
- Map 2 (pg 137) shows approximately 10-30% of sensitive ecosystem coverage for this property, with nearby lands at 40-60% coverage
- Map 3 (pg 139) shows this property as mature forest
- Natural areas priority ranking in Galiano Local Trust Area (pg. 72):



Biodiversity on small islands and islets may be of higher value than indicated due to challenges with connectivity and contiguity analyses where no protected areas exist. When considering conservation value of smaller islands and islets, please refer to Islands Trust Fund Biodiversity Composition analysis from the Islands Trust Fund Spatial Decision Support System.

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- Sensitive ecosystems on Galiano (pg 74):

Sensitive Ecosystems (August, 2017):

Sensitive Ecosystem	Area (ha)	Portion protected (%)	Portion Managed by Province (Crown) (%)	Portion of Local Trust Area (%)
Cliff	25.1	42.4	0	0.4
Freshwater	8.7	89.0	6.1	0.1
Herbaceous	42.2	28.8	0.6	0.7
Mature Forest	906.0	8.1	7.6	15.0
Old Forest	34.4	23.6	2.0	0.6
Wetland	82.0	28.9	6.3	1.4
Woodland	786.4	28.2	2.8	13.0
TOTAL	1,884.9	30.6	5.2	31.2

- 8.1% of mature forest classified as “sensitive” is protected on Galiano (pg 74), while 32.6% of Galiano’s “mature forest” overall (80-250 yrs) is protected (pg 75)



**Galiano Island
Advisory Planning Commission
Record of Meeting**

Date: May 14, 2018
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
1:30 p.m.

Members Present: Sheila Anderson (Chair)
Bowie Keefer
Dave Koster
Barry New
Judy Parrack (Minutes)

Members Absent: Jenna Falk (regrets)
Akasha Forest (regrets)

Staff Present: Heather C. Martin (regrets)

Members of the Public: Two

1. CALL TO ORDER

The meeting was called to order at 1.32 p.m.

2. APPROVAL OF THE AGENDA

By **general consent** the agenda was approved.

3. APPROVAL OF THE MINUTES

It was **moved** and **seconded** that the minutes of May 8, 2018 be adopted.

CARRIED

4. ELECTION OF APC OFFICERS

An election for new Chair and Vice-Chair will take place during the next meeting at which all members are present.

ADOPTED

5. REFERRAL GL-RZ-2017.2 (MIGNAULT)

Chair Anderson advised that the Report to the LTC was currently being prepared and would be forwarded to the APC members for approval when completed. Jenna Falk has provided a summary of the Gulf Islands Conservation Plan, which will be included in the Report.

6. AFFORDABLE HOUSING

Chair Anderson welcomed Mike Hoebel of the Community Economic Sustainability Commission at 1:44. Mr. Hoebel provided information about his informal meetings with various community members, who he referred to as the “working-age” population of Galiano Island about the issue of affordable housing on the Island, among other issues.

Mr. Hoebel confirmed that one of the major concerns of those in attendance at these meeting was that there was a lack of secure, year-round affordable rental housing on Galiano Island. This coupled with the lack of leases is very stressful for those who are renting and who are looking to rent. There is also a lack of affordable rental housing for seasonal workers.

Mr. Hoebel advised that there is a perception that the availability of affordable housing, both for those looking to rent and those who might aspire to purchase a home, is declining. The number of individuals and families looking for affordable housing may not be reflected in the statistics as some have stopped looking for such accommodation and some have left the Island.

Mr. Hoebel spoke of the various options that might be available to the LTC to address the issue of affordable housing on the Island, including changes to zoning and developing different types of housing such as co-housing. Mr. Hoebel spoke of the possibility of creating a “Community Mortgage Investment Corporation”, which would raise funds in the community and that would then be available to those on the Island for the purchase of a home and/or for the building of affordable rental housing units.

Mr. Hoebel spoke of the various challenges in building purpose-built affordable rental housing including the cost of land, sources of funding, location, access to services and transportation.

Chair Anderson thanked Mr. Hoebel for his excellent presentation.

Mr. Hoebel left at 2:52 and a general discussion of the Affordable Housing referral resumed.

7. THE NEXT MEETING on the Affordable Housing referral will take place Monday 28, 2018 at 1.30 p.m.

8. ADJOURNMENT

By **general consent** the meeting was adjourned at 3:20 pm.

ADOPTED

CHAIR

DATE

CERTIFIED CORRECT:

Colleen Doty, Recording Secretary (as of May 28, 2018)



Galiano Island Advisory Planning Commission Record of Meeting

Date: May 28, 2018
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
1:30 p.m.

Members Present: Sheila Anderson (Chair)
Jenna Falk
Bowie Keefer
Barry New
Judith Parrack

Members Absent: Akasha Forest (Regrets)
Dave Koster (Regrets)

Staff Present: Colleen Doty, Recorder

Members of the Public: Two

1. CALL TO ORDER

The meeting was called to order at 1:37 p.m.

2. APPROVAL OF THE AGENDA

Additions to the agenda: Parents Advisory Council President Meghan MacKay would be attending at 2:30pm to speak to housing impacts on the school community. It was noted that Joy Wilson, Page Drive Board member, has been invited to attend at a future date.

By **general consent** the agenda was approved as amended.

3. APPROVAL OF THE MINUTES

It was **moved and seconded** that the minutes of May 14, 2018 be adopted.

CARRIED

4. AFFORDABLE HOUSING

A. Discussion:

APC members discussed the Southern Gulf Islands Housing Needs Assessment Report and the CRD Staff Report which were recently circulated by Islands Trust staff and available online at <http://www.islandstrust.bc.ca/media/345732/southern-gulf-islands-housing-needs-assessment.pdf>. The purpose of the report was to “establish baseline data to support long-term planning needs, to provide evidence of need to support applications for funding and provide data to guide policy and bylaw development” (page 5, Gulf Islands Housing Needs Assessment Report). There was general consensus that the report provided useful information and context for discussions about affordable housing.

General observations and comments about the affordable housing report:

- The many tables and statistics were helpful.
- It was noted that building starts are down.
- Inter-island and inter-jurisdictional comparisons were useful.
- Survey results versus statistics were noted.
- Galiano has the highest percentage of homes requiring major repairs (Table 25).

Advisory Planning Commission (APC) members discussed the issue of Short Term Vacation Rentals (STVR's) on Galiano. It was noted that other islands have more restrictive rules compared to Galiano about STVR's. Table 4, entitled “Mobility and Migration” illustrates that Galiano has the highest percentage of migrants (from elsewhere) and movers within the Southern Gulf Islands (SGI). Consideration was given as to the extent to which STVR's may be connected to these numbers.

Possible strategies for supporting affordable housing on Galiano were discussed and included:

- Increasing regulations for STVR's;
- Encouraging long-term projects to create purpose-built affordable housing. Van City's Social Real Estate Fund was mentioned.
- Having an Affordable Housing zone and allowing people to split into it.

The Commission considered how the Housing Needs Assessment could be reflected in their report to the Local Trust Committee (LTC). Specifics included:

- The Housing Needs Assessment provides contextual data with respect to the rising cost of property, which is driving the need for affordable housing.
- Statistics from the report could be cited to bolster efforts of managing STVR's.
- It was agreed to have a section in the APC report on the Housing Needs Assessment.

B. Presentation by Parents Advisory Council (PAC) (2:30pm):

Following an analysis of the Galiano school population, PAC President Meghan Mackay estimated that a third of the families and students (including the kindergarten intake for September 2018) have either both parents together renting, or, one of the parents renting. Access to housing is also an issue for high school students and families. Housing for staff is less of an issue as a greater proportion of staff own. Recent additions to the school

population reflect a high percentage of families from elsewhere that have purchased homes on Galiano.

Ms. Mackay provided some ideas and possible strategies:

- Creating a housing trust/society (or a similar type structure) for protecting existing rental housing stock that is for sale on the market;
- Having access to low mortgage rates for either improvements to, or purchasing of, affordable housing would be helpful;
- Creating a land-holding entity or commission within the Trust, with representatives from all the islands. There was some discussion about a similar initiative on Salt Spring Island.
- There is a perception that most people would not chose to be in an apartment-like setting but would prefer more private accommodations surrounded by the natural environment. Creating small rental housing units that might be duplexes, for example, dispersed throughout different neighbourhoods;
- Integrating and dispersing housing throughout the island would also spread out services and demands on water and other infrastructure.

C. Comments from the Public:

- A member of the public suggested the LTC could create monetary/tax incentives to encourage longer term rentals and permanent low cost housing. He questioned the efficacy of punitive strategies.
- Debbie Holmes suggested consideration of changing the prohibition of Land Use Bylaw 2.3.2 on mobile home parks. Mobile homes allow for instant, home-owner solutions for individuals and working families. Mobile homes are a traditional way of providing housing. She suggested Heritage Forest and Galiano Green, as examples of possible locations for a mobile home park that would facilitate less density and encourage more privacy (between pads/units), noting mobile homes can be very sophisticated. Mobile home parks are eligible for grants and mortgages and could be managed to a high, government standard. Ms. Holmes would not want to change the residential density as specified in the bylaws. Mobile home sites would need to be managed independently by a society on land that is held by a government body or zoned for affordable housing.

6. THE NEXT MEETING on this referral will take place Tuesday, June 12, 2018 at 1:00 p.m.

7. ADJOURNMENT

By general consent the meeting was adjourned at 3:20pm.

CHAIR

DATE

DRAFT

CERTIFIED CORRECT:

Colleen Doty, Recording Secretary

Follow Up Action Report

Galiano Island

07-May-2018

Activity	Responsibility	Target Date	Status
6.1 - Minutes adopted as amended	Lori Foster	21-May-2018	Done
10.1 GL-RZ-2017.1 (Stevens) - report back with options on amending bylaw uses	Robert Kojima	28-May-2018	Done
10.2 SSILTC bylaws 498 and 499 interests unaffected	Sharon Lloyd-deRosario	14-May-2018	Done
13.1 Annual Report - adopted	Robert Kojima	14-May-2018	Done
16.2 Rise and Report - Minutes of the April 9, 2018 meeting adopted as presented	Lori Foster	14-May-2018	Done

Tuesday, May 8, 2018

To: Galiano Trust Committee

Subject: Discharge of 219 covenant currently registered on RR Lots.



The owners of PID's 029-923-913, 029-923-921, 029-923-930 and 029-923-956, (lots 1,2,3 and 5) are owned by 0457721 BC Ltd. and Premier Sunrise Development Ltd.

These four parcels are now zoned rural residential and as a result are eligible for building permits subject to current zoning regulations.

The owners do not intend to apply for any future subdivision of these 4 lots and request that the 219 covenant be discharged from the 4 lots.

The owners intend to sell one or all of the lots and the registration of the covenant on title is considered a deterrent to any potential buyer.

The regulations under rural residential zoning follow the preserve and protect policy for Galiano Island and the 219 covenant is considered redundant.

Your consideration to executing the discharge prepared by our lawyer in the next 30 days is requested as sales proceeds from a potential sale of one of the lots is slated for the Galiano Housing Society.

0457721 BC Ltd.

A handwritten signature in black ink, appearing to be "Bruce Troniak", written over the company name.

Per: Bruce Troniak



Premier Sunrise Development Ltd.

A handwritten signature in black ink, appearing to be "Chris O'Toole", written over the company name.

Per: Chris O'Toole

VICTORIA LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1

May-20-2016 16:14:21.001

CA5199470

1463785731 PAGE 1 OF 37 PAGES

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

Brian Joseph
Patrick Corcoran
VKEPXP

Digitally signed by Brian Joseph
Patrick Corcoran VKEPXP
DN: c=CA, ou=Brian Joseph Patrick
Corcoran VKEPXP, o=Lawyer,
cn=Verify ID at www.juricert.com/
LKUP.dlm?id=VKEPXP
Date: 2016.05.20 16:09:30 -0700

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

PLLR Lawyers

Barristers and Solicitors

500 - North Tower, 5811 Cooney Road

Richmond

BC V6X 3M1

Tel: 604-276-2765

File No. 99518/BJPC

Document Fees: \$71.58

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

009-625-151

DISTRICT LOT 79, GALIANO ISLAND, COWICHAN DISTRICT

STC? YES ☐

3. NATURE OF INTEREST

Covenant

CHARGE NO.

ADDITIONAL INFORMATION

s. 219

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

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

GALIANO ISLAND LOCAL TRUST COMMITTEE

A CORPORATION UNDER THE ISLANDS TRUST ACT, RSBC 1996, C. 239

SUITE 200, 1627 FORT STREET

VICTORIA

V8R 1H8

BRITISH COLUMBIA

CANADA

Incorporation No

N/A

7. ADDITIONAL OR MODIFIED TERMS:

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

Officer Signature(s)

Daniel Boisvert

Notary Public

119 - 1315 56th Street

Delta, BC V4L 2A6

604-943-3133

(as to all signatures)

Execution Date

Y	M	D
16	05	09

Transferor(s) Signature(s)

0457721 B.C. LTD., INC.NO.
BC0457721 by its authorized
signatory(ies):

Name: Bruce Troniak

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.

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

PAGE 2 of 37 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Shannon Kwok

Barrister & Solicitor

Cohen Buchan Edwards LLP
208 - 4940 No.3 Road
Richmond, BC Canada V6X 3A5
Telephone: 604-273-6411

Y	M	D
16	05	10
16	05	09
16	05	09

PREMIER SUNRISE
DEVELOPMENTS LTD., INC.NO.
295442 by its authorized signatory(ies):

Name: Chris O'Toole

Name:

(as to signature of Chris O'Toole)

Tylen K. Underwood

Barrister & Solicitor

Law Office
200 - 507 Baker Street
Nelson, B.C. V1L 4J2

BOWIE GORDON KEEFER

Tylen K. Underwood

Barrister & Solicitor

Law Office
200 - 507 Baker Street
Nelson, B.C. V1L 4J2

MARGARET ANNA KEEFER

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.

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

PAGE 3 of 37 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Richard Gotfried

Notary Public

Member of the Legislative Assembly
A Commissioner for Oaths and Notary
Public and for Alberta
Bay 7-1215 Lake Sylvan Dr. S.E.
Calgary, AB T2J 3Z5

Y	M	D
16	05	13
16	05	18

MICHELLE MARY RAMAEKERS

Sharon Lloyd-deRosario

Commissioner for Taking Affidavits in British Columbia

200-1627 Fort Street
Victoria BC V8R 1H8
Commission Expires November 30,
2017

GALIANO ISLAND LOCAL TRUST
COMMITTEE by its authorized
signatory(ies):

Name: LAURA BUSHEIKIN
Chair, Galiano LTC

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.

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 4 OF 37 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. TRANSFEROR(S):

0457721 B.C. LTD., INC.NO. BC0457721;
PREMIER SUNRISE DEVELOPMENTS LTD., INC.NO. 295442;
BOWIE GORDON KEEFER;
MARGARET ANNA KEEFER; AND
MICHELLE MARY RAMAEKERS

PART 2 – TERMS OF INSTRUMENT**SECTION 219 COVENANT**

This Agreement dated for reference May 5, 2016 is

BETWEEN:

0457721 BC Ltd., Inc. No. BC0457721 (formerly, “S-381 Holdings Ltd.”)
333 – 6505 3rd Avenue
Delta, BC V4L 2N1
as to an undivided 25/100 interest;

Premier Sunrise Developments Ltd., Inc. No. 295442
8100 No. 4 Road
Richmond, BC V6Y 2T6
as to an undivided 25/100 interest;

Bowie Gordon Keefer and Margaret Anna Keefer
120 Manastee Road
Galiano Island, BC V0N 1P0
as to an undivided 25/100 interest; and

Michelle Mary Ramaekers
832 Parkwood Drive SE
Calgary, AB T2J 3W7
as to an undivided 25/100 interest
(collectively, “the Owner”)

AND:

GALIANO ISLAND LOCAL TRUST COMMITTEE, a Corporation
under the *Islands Trust Act*, RSBC 1996, c. 239, with an office at
Suite 200, 1627 Fort Street
Victoria, BC V8R 1H8
(the “Local Trust Committee”)

GIVEN THAT:

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

District Lot 79, Galiano Island, Cowichan District
PID 009-625-151
(the “Land”);

- B. The Land is designated as Forest Land by the Galiano Island Official Community Plan;
- C. 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");
- D. 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; and,
- E. 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 with the Local Trust Committee, in accordance with s. 219 of the *Land Title Act*, as follows;

Interpretation

1. In this Agreement:

- (a) "Development Plan" means the plan for the subdivision of the Land titled "Development Plan of District Lot 79, Galiano Island, Cowichan District" dated October 30, 2015, a reduced copy of which is attached to this Agreement as Schedule A and which forms a part of this Agreement.
- (b) "Easement Area" means the area labelled "Easement Area" on the Development Plan, a portion of which is shown outlined in a solid black line and shaded dark gray, and a portion of which is shown outlined in a dashed line.
- (c) "Galiano Conservancy Association" means the society incorporated under the *Society Act* as the Galiano Conservancy Association, incorporation number S-25093, and having an office located at 2540 Sturdies Bay Road, Galiano Island, BC, V0N 1P0.
- (d) "The Land Conservancy" means the society incorporated under the *Society Act* as TLC The Land Conservancy of British Columbia, incorporation number S-36826,

and having a mailing address of PO Box 50054 RPO Fairfield Plaza, Victoria, BC, V8S 5L8.

- (e) any reference to a numbered Lot is a reference to the area of the Land shown outlined and identified with that number on the Development Plan, both before and after subdivision, and if after subdivision an area of the Land identified with a lot number on the Development Plan is legally described with a different lot number, the number used in this Agreement shall be deemed to be a reference to the lot created by the subdivision.

No Subdivision Except in Accordance with Development Plan

- 2. The Owner shall not cause, permit or allow the Land to be subdivided except by a plan of subdivision that creates lots having boundaries and lot areas generally in accordance with the Development Plan.

Restrictions on Use of Lots 1 through 5

- 3. The Owner shall not use or occupy for residential purposes any building on Lots 1, 2, 3, 4 or 5, or allow such use or occupancy, until the Owner has transferred Lot 7 to the Crown in Right of British Columbia, for public park purposes, and Lot 8 to the Capital Regional District, for community park purposes.

Restriction on Use of Easement Area

- 4. The Owner shall not, on or within the Easement Area, construct, place, install or erect any gate or similar structure that prevents or restricts vehicular access to the Land 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.

Restrictions on Use of Lot 6

- 5. Concurrent with any application to subdivide the Land as permitted in s. 2 of this Agreement the Owner shall apply to register on the title to Lot 6 a covenant under s. 219 of the *Land Title Act*, in the form attached to this Agreement as Schedule B, in favour of the Local Trust Committee, the Galiano Conservancy Association and The Land Conservancy (the "Forestry Covenant").
- 6. Neither the Owner nor any of the parties comprising the Owner shall use or occupy for residential purposes any building or structure located on Lot 6 until and unless the Forestry Covenant is registered on the title to Lot 6.

No Effect on Laws or Powers

7. 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

8. 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

9. 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

10. 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* in respect of the Land. This Agreement burdens the Land and runs with it and binds the Owner's 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

11. 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.
12. 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 December 31, 2016.
13. The Owner shall, having subdivided the Land in accordance with Section 2 of this Agreement, be entitled to a discharge of this Agreement from title to Lots 7 and 8.
14. The Owner shall, having registered the Forestry Covenant on the title to Lot 6 in accordance with Section 5 of this Agreement, be entitled to a discharge of this Agreement from the title to Lot 6.
15. The Owner may obtain a discharge under Section 12, 13 or 14 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

16. 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

17. 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

18. 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

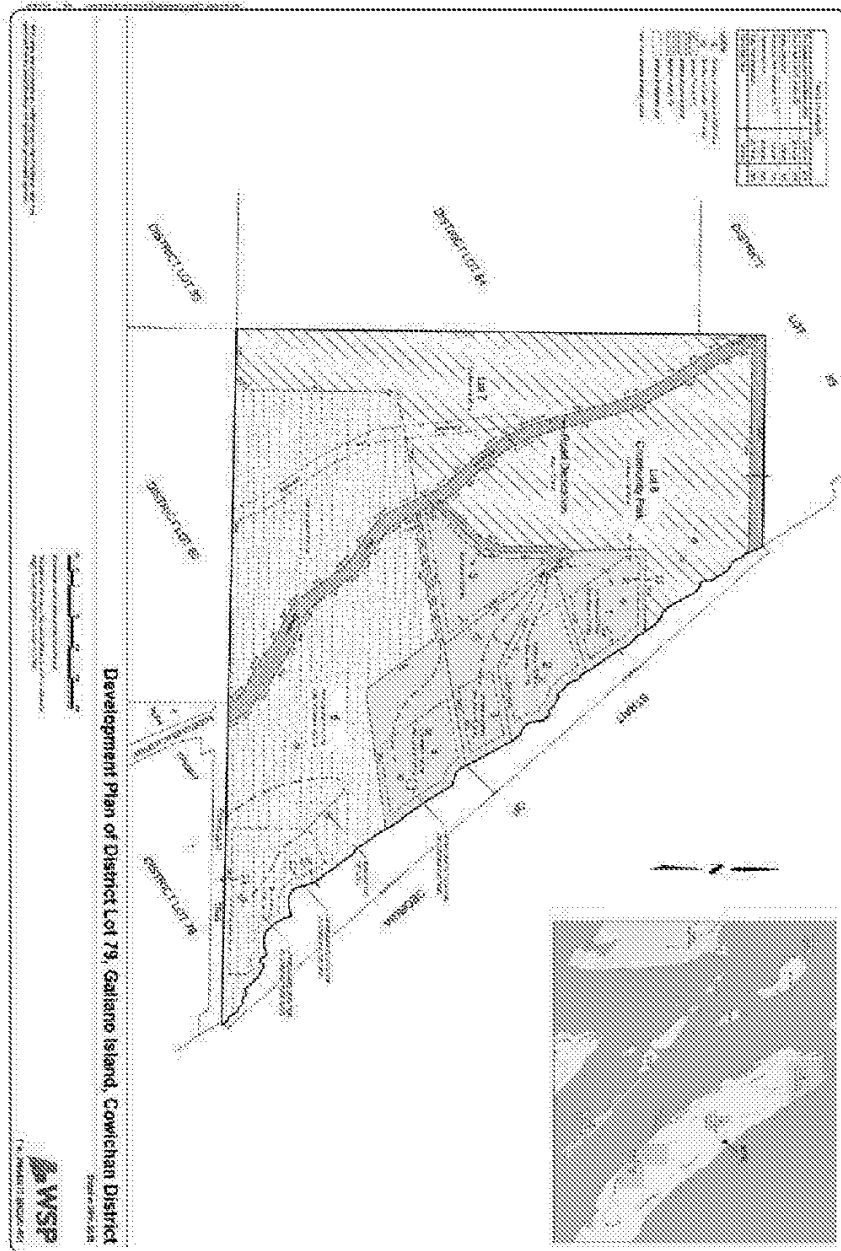
19. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Execution Using Form C

20. 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.

SCHEDULE "A"

PROPOSED PLAN OF SUBDIVISION



DATE OF MEETING: June 11, 2018

TO: Galiano Island Local Trust Committee

FROM: Phil Testemale, A/Island Planner
Southern Team

COPY: Kim Stockdill, Island Planner

SUBJECT: Inclusion Application – Agriculture Land Reserve
Applicant: Issac Kramer
Location: 745 McClure Road (DL 54 and DL 55 [portion])

RECOMMENDATION

1. That the Galiano Island Local Trust Committee not authorize ALR inclusion application GL-ALR-2017.1 (Kramer) to proceed to Agricultural Land Commission.

REPORT SUMMARY

This is a referral to the Local Trust Committee (LTC) of an application to the Agricultural Land Commission (ALC) for inclusion in the Agricultural Land Reserve (ALR) under Sec. 17 (3) of the *Agriculture Land Reserve Act*. Any application for inclusion must be filed with the local government and if the land is zoned for agriculture or farm use, or if the proposal requires a bylaw amendment, the application may not proceed unless authorized by a resolution of the local government.

The specific proposal is to include the property for cattle ranching.

The above recommendation is supported as the applicant has failed to supply supporting information to staff and the Local Trust Committee (LTC) in order to review and make informed recommendations; the subject property does not have the appropriate zoning; and, based on a preliminary review of available soils mapping resources, the subject property is not suitable for an agricultural use.

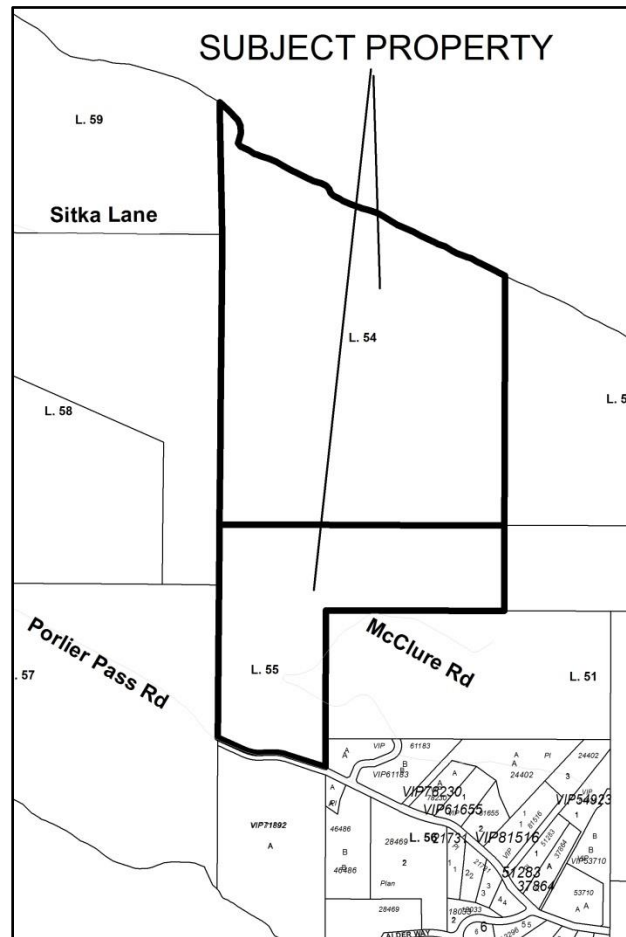
BACKGROUND

The owner made an application for inclusion of 61.8 ha. of the subject properties into the ALR (see Figure 1) in December of 2017. The purpose of the inclusion is for a cattle ranch, to include perimeter fencing, a barn and incidentals.

No background material on the proposal has been provided by the applicant.

Staff have not visited the properties.

FIGURE 1 – SUBJECT PROPERTY



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Relevant directive policies from the IT Policy Statement are as follows:

- 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.
- 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.

Official Community Plan:

The property is designated as **F – Forest** in the Galiano Island Official Community Plan 108, 1995. There are numerous Development Permit Areas (DPAs) designated on the subject property (see: Attachment 1 and 2.2). There is one specific agricultural policy in the OCP that reference the inclusion in the ALR:

- h) The Galiano Island Local Trust Committee shall support the retention of farm land within the agricultural land reserve and applications for inclusions of suitable land should be supported.

Land Use Bylaw:

The subject property is zoned **Forest 1 Zone -F1** in the Galiano Island Land Use Bylaw No. 127, 1999. The allowable uses are limited to:

7.1.1.1 timber production and harvesting

7.1.1.2 accessory forestry uses including the sawmilling and planning of timber harvested on the same lot and the growing of seedlings in nurseries.

The zone does not permit agricultural uses.

Issues and Opportunities

Supporting Information

Staff have requested numerous times that the applicant supply information in support of the inclusion application in the form of a professional Agrologist's report assessing the soil quality and agricultural capability. To date, no information of this type has been supplied by the applicant. Such reporting is necessary in order to establish a reasonable justification for inclusion and for the LTC to make an informed decision.

Land Capability for Agriculture

Staff have undertaken a preliminary analysis based on available soil mapping using the *Soils of the Gulf Islands of British Columbia: Volume 1* (Agriculture Canada, Research Branch, 1987). The purpose of this analysis is to provide some indication, albeit at a general level, to the LTC of the agricultural potential of the property in the absence of professional reporting.

Attachment 2.5 shows the three soils that occur on the subject property and the slope classification. *Saturna* soils occur in the greatest proportion with *Tricomali* and *Rock* occurring in smaller bands.

Soils are classified for the purpose of determining the capability for agriculture into seven classes that describe the range of suited crops and required management inputs. The range of suited crops decreases from Class 1 to Class 7 and/or the management inputs increase from Class 1 to Class 7. For example, Class 1 lands can support the broadest range of crops with minimal management units. Attachment 3 indicates the spectrum of soil classes assessed based on factors such as soil moisture and depth, etc.

Saturna has an unimproved (no management inputs) and improved Class from 4 to 7. Limitations include: soil moisture deficiency, stoniness, topography and depth (of soil) to bedrock. *Tricomali* is Class 4 (unimproved/improved) with soil moisture deficiency and stoniness limits. Class 4 land has limitations that require special management practises or severely restrict the range of crops, or both.

Consultation

Statutory Requirements

There is no ALC requirement for advertisement or posting with an inclusion application.

Agriculture Land Commission Act and Regulation

Agricultural Land Commission Act

As stated above, this is an application for inclusion under Sec. 17 (3) of the *Agriculture Land Reserve Act (ALC Act)*. The following excerpt is the relevant section:

Inclusion applications

17 (1) Subject to subsection (1.1), if the commission considers that an approval under this subsection carries out the intent of this Act, the commission may approve the addition to a designated land reserve plan

- (a) on the commission's own initiative, of any land,
- (b) on application of a local government, of land within the local government's jurisdiction, and
- (c) on application of a first nation government, of land within the first nation's settlement lands.

(1.1) If section 15 (2) applies in relation to treaty lands, an approval under subsection (1) (a) of this section in respect of those treaty lands may be made only with the consent of the treaty first nation.

(2) For a matter under subsection (1), a public hearing must be held in the manner, and after giving the notice, required by the regulations, by

- (a) the commission, if the commission is acting on its own initiative,
- (b) the local government before making an application, and
- (c) the first nation government before making an application.

(3) On application by an owner of land, the commission may designate all or part of the land described in the application as part of an agricultural land reserve if the commission considers that the designation carries out the intent of this Act.

Application Process

The following is an outline of the application process for an ALC application (as established in ALC Regulations):

The local government receives the application via the online Local Government Application Portal and completes the following:

- Ensures that the appropriate fee has been paid
- Ensures the application information is sufficient for local government staff and the Board or Council to review and make informed recommendations
- Refers the application to its Board or Council for recommendations and comments
- Refers the application to various committees when necessary (e.g.. Agricultural Advisory Committee (AAC), Advisory Planning Commission (APC))
- Completes a local government report and uploads it through the Application Portal
- Holds a public information meeting when necessary
- If the land is zoned for agriculture or farm use, or if the proposal requires a bylaw amendment, the Board or Council decides whether to authorize the application to proceed to the ALC. If authorization is not granted, the application process ends and the local government returns a portion of the application fee to the applicant.

Rationale for Recommendation

The reasons in support of the recommendation on page 1 are as follows:

- The applicant has not provided any supporting information for the inclusion, specifically a professional Agrologist's report.
- The proposed use does not conform to the zoning on the property.
- The relevant OCP policy states support for inclusion in the ALR should be for suitable lands. Zoning and preliminary soils analysis indicate the property is not suitable.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision.

Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust ...

2. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

NEXT STEPS

If the application is not authorized as per the recommendation, the application will proceed no further and be closed.

Submitted By:	Phil Testemale, A/Planner 2	May 18, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	May 22, 2018

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Land Capability Classification

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	District Lot 54 & (portion) District Lot 55, Galiano Island, Cowichan District
PID	009-624-821
Civic Address	754 McClure

LAND USE

Current Land Use	Forest 1
Surrounding Land Use	Surrounding properties similar sizes and uses with exception of conservation properties (see Attachments 2.1 and 2.3)

HISTORICAL ACTIVITY

File No.	Purpose
GL-DP-2006.3	Construction of driveway across DPA 4 (Groundwater Recharge)

POLICY/REGULATORY

Official Community Plan Designations	Galiano Island Official Community Plan 108, 1995 - Designated as F – Forest The following Development Permit Areas (DPAs) are designated (refer to Attachment 2.2): DPA 2 (Shoreline) DPA 4 (Elevated Groundwater Catchment) DPA 5 (Sensitive Ecosystems) DPA 7 (Steep Slope High & Moderate – refer also to Attachment 2.4)
Land Use Bylaw	Forest 1 Zone -F1 in the Galiano Island Land Use Bylaw No. 127, 1999.
Other Regulations	N/A
Covenants	Trust Fund Properties (Conservation) to west and south. See: Attachment 2.4
Bylaw Enforcement	None

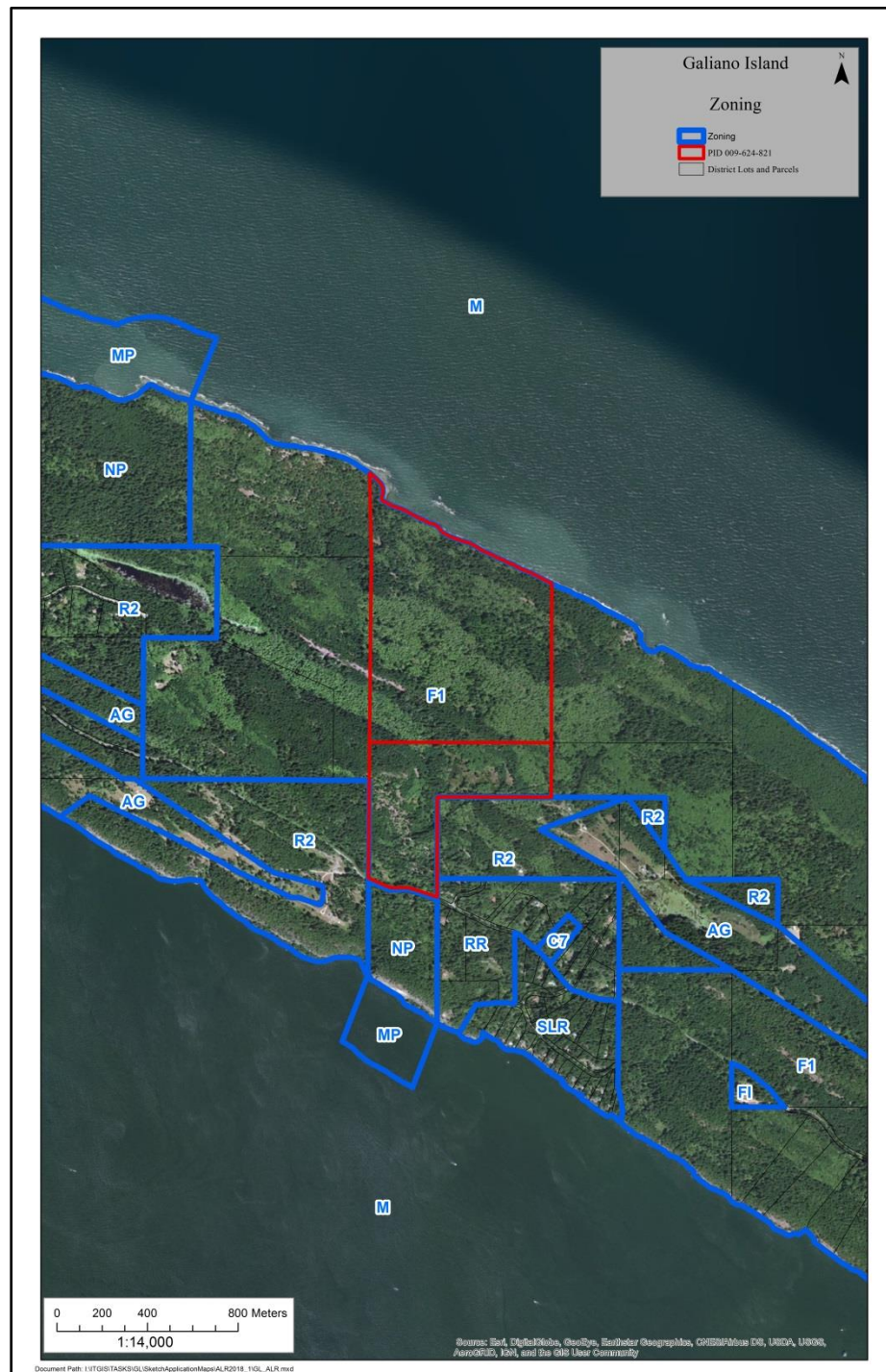
SITE INFLUENCES

Islands Trust Fund	The adjacent property (Lot 1, DL 58, Plan EPP26543) is a Trust Fund Property. If the application proceeds, it will be forwarded to the Trust Fund Board for comments as per Policy 3.3.ii]
Regional Conservation Strategy	N/A
Species at Risk	None identified
Sensitive Ecosystems	In addition to identified DPAs for Sensitive Ecosystems, there is an identified raptor nest on the property.
Hazard Areas	Attachment 2.4

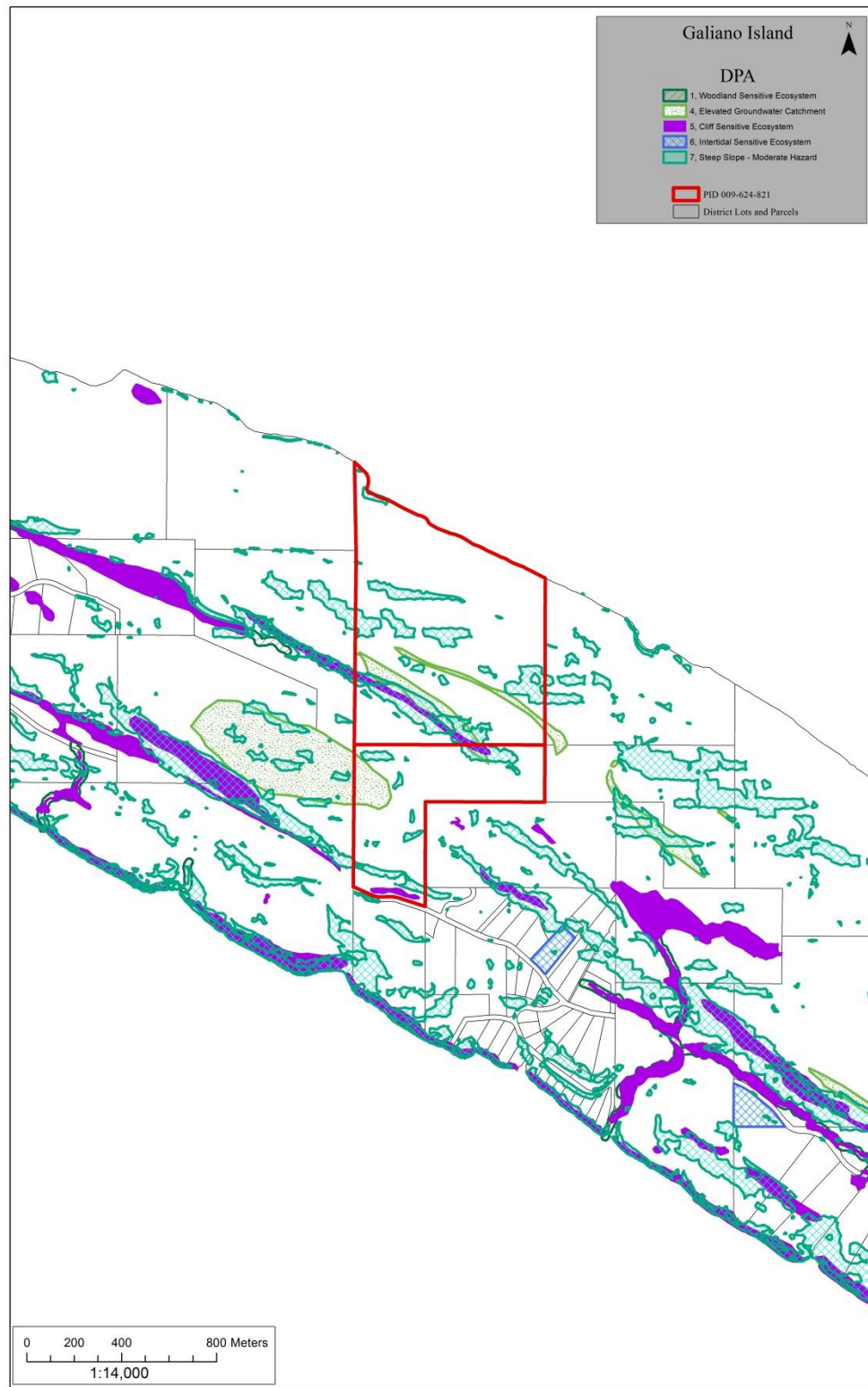
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Clearing of land/cattle ranching use will contribute to GHG Emissions. Elevation makes majority of two properties immune to effects of Climate Change.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Eelgrass and forage fish units identified off DL 54

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO WITH ZONING



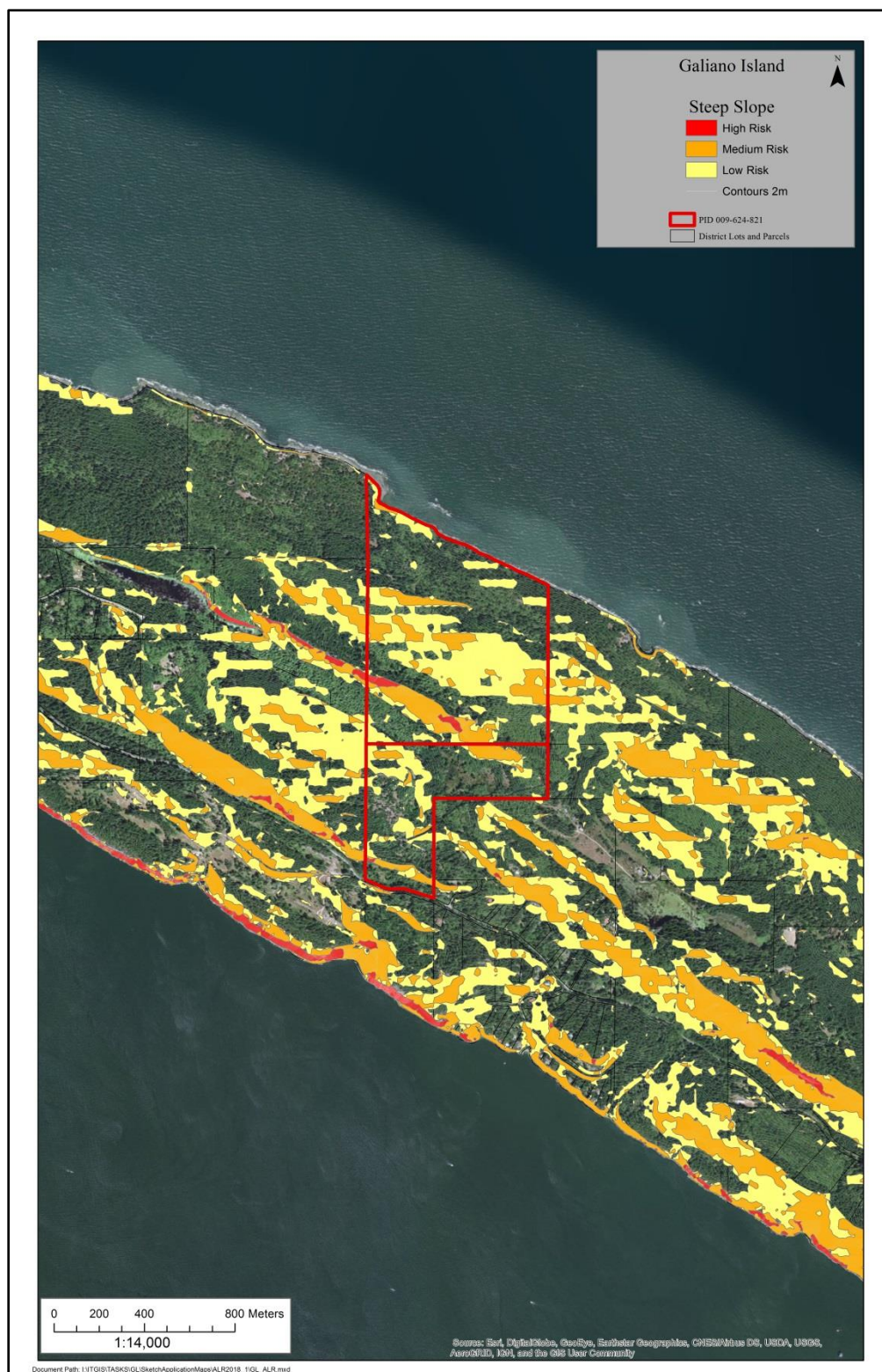
2.2 DEVELOPMENT PERMIT AREAS



2.3 COVENANTS



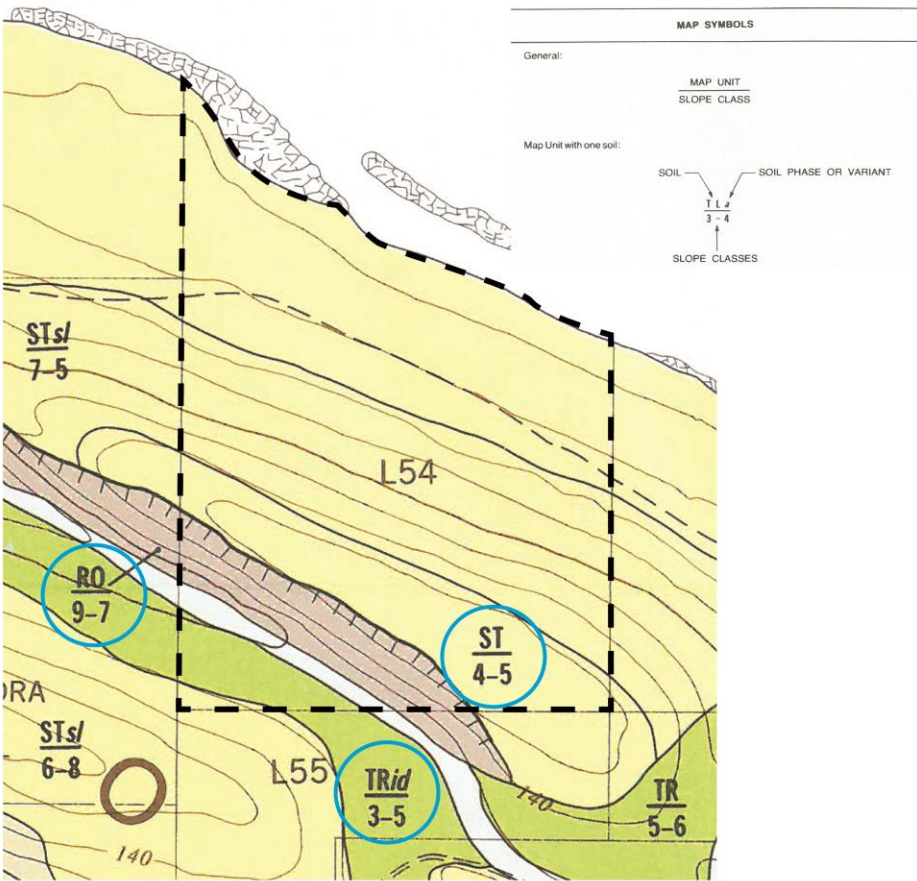
2.4 STEEP SLOPE HAZARD MAPPING



2.5 SOILS MAPPING

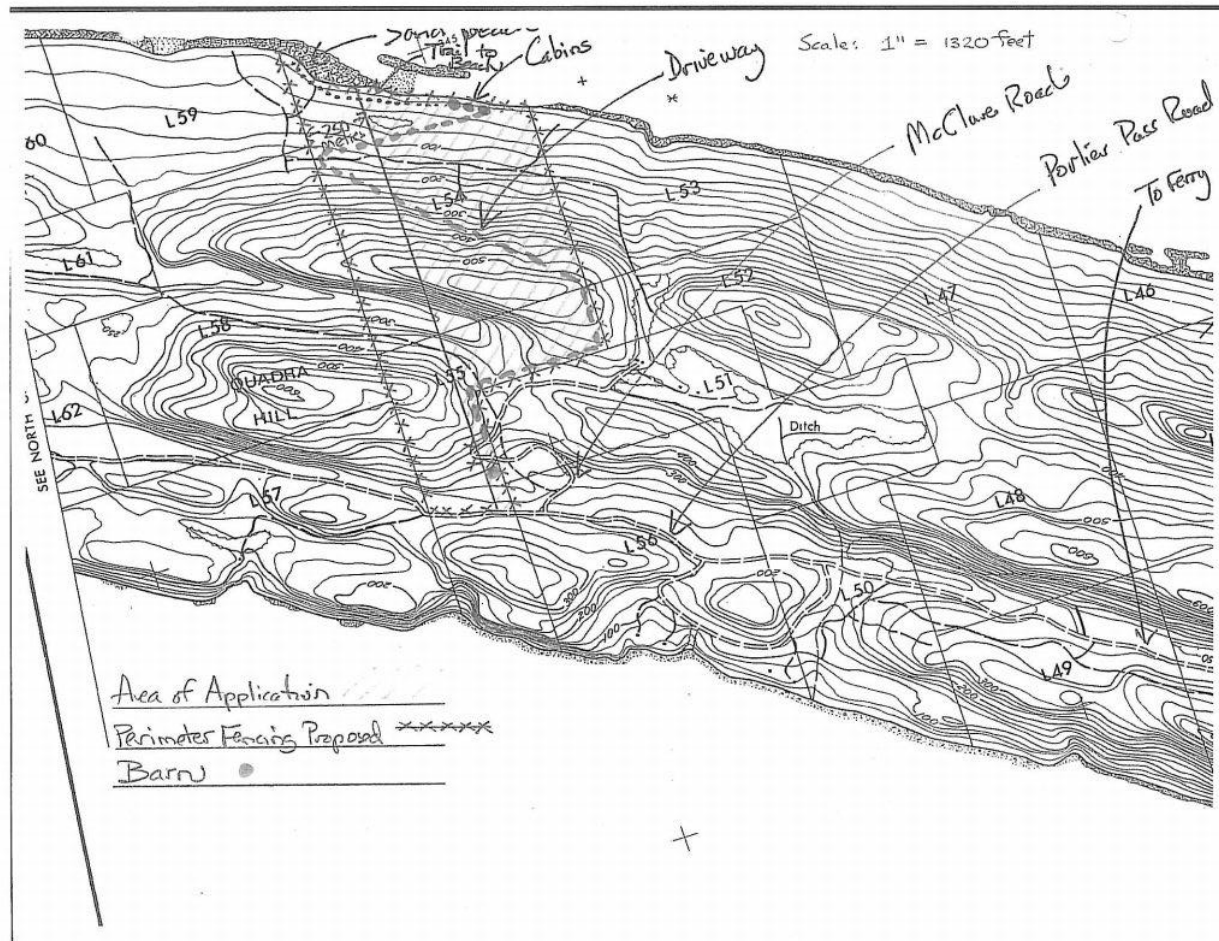
Soils

MAP UNIT ¹		DOMINANT ² SOIL		SUBDOMINANT ³ OR MINOR ⁴ SOIL		LANDSCAPE POSITION AND SURFACE FORM
SYMBOL	NAME	SOIL MATERIALS ⁵ AND DEPTH	DRAINAGE ⁶	SOIL MATERIALS ⁵ AND DEPTH	DRAINAGE ⁶	
ST	Saturna	Channery sandy loam to channery loamy sand colluvial and glacial drift materials less than 100 cm deep over sandstone bedrock (Saturna soil, 75-100%)	Well	Sandstone bedrock exposed or covered by moss or mineral soil less than 10 cm thick (Rock, 0-25%)		In subdued and hummocky, in some places ridged terrain. Bedrock exposures occur at random.
RO	Rock	Undifferentiated bedrock exposed or covered by moss or mineral soil less than 10 cm thick (Rock, 65-100%)		Gravelly loamy sand to gravelly silt loam colluvial and glacial drift materials less than 100 cm deep overlying bedrock (undifferentiated mineral soil, 0-35%)	Well	Rock ridges in hummocky and steep terrain often as bluffs, cliffs, or escarpments. Soil occurs at random in pockets where bedrock is weathered and fractured.
TR	Trincomali	Gravelly sandy loam to gravelly loamy sand (30-100 cm thick) marine, fluvial, or glaciofluvial deposits over compact, unweathered till within 100 cm (Trincomali soil, 65-100%)	Moderately well	Gravelly sandy loam to gravelly sand glaciofluvial, fluvial, or marine deposits more than 150 cm deep (Qualicum soil, 0-35%)	Rapid to well	Trincomali soils occur as shallow beach, terrace, or outwash deposits over till. Qualicum soils occur at random where till is absent or deeper than 150 cm.



Source: *Soils of the Gulf Islands of British Columbia - Vol. 1* (Agriculture Canada, Research Branch, 1987)

2.6 PLAN SUBMITTED AS PART OF ALR APPLICATION





AGRICULTURAL CAPABILITY CLASSIFICATION IN BC

LAND CAPABILITY CLASSES FOR MINERAL SOILS

The seven land capability classes for mineral soils are defined and described as follows:

CLASS 1 LAND IN THIS CLASS EITHER HAS NO OR ONLY VERY SLIGHT LIMITATIONS THAT RESTRICT ITS USE FOR THE PRODUCTION OF COMMON AGRICULTURAL CROPS.

Land in Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold moisture well. They can be managed and cropped without difficulty. Productivity is easily maintained for a wide range of field crops.

CLASS 2 LAND IN THIS CLASS HAS MINOR LIMITATIONS THAT REQUIRE GOOD ONGOING MANAGEMENT PRACTISES OR SLIGHTLY RESTRICT THE RANGE OF CROPS, OR BOTH.

Land in class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields compared to Class 1 land but which does not pose a threat of crop loss under good management. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.

CLASS 3 LAND IN THIS CLASS HAS LIMITATIONS THAT REQUIRE MODERATELY INTENSIVE MANAGEMENT PRACTISES OR MODERATELY RESTRICT THE RANGE OF CROPS, OR BOTH.

The limitations are more severe than for Class 2 land and management practises are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practises: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

CLASS 4 LAND IN THIS CLASS HAS LIMITATIONS THAT REQUIRE SPECIAL MANAGEMENT PRACTISES OR SEVERELY RESTRICT THE RANGE OF CROPS, OR BOTH.

Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practises are required. The limitations may seriously affect one or more of the following practises: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

CLASS 5 LAND IN THIS CLASS HAS LIMITATIONS THAT RESTRICT ITS CAPABILITY TO PRODUCING PERENNIAL FORAGE CROPS OR OTHER SPECIALLY ADAPTED CROPS.

Land in Class 5 is generally limited to the production of perennial crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions. Note that in areas which are climatically suitable for growing tree fruits and grapes the limitations of stoniness and/or topography on some Class 5 lands are not significant limitations to these crops.

CLASS 6 LAND IN THIS CLASS IS NONARABLE BUT IS CAPABLE OF PRODUCING NATIVE AND OR UNCULTIVATED PERENNIAL FORAGE CROPS.

Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for



File No.:

DATE OF MEETING: June 1, 2018
TO: Galiano Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
SUBJECT: Matthews Point Regional Park Draft Management Plan

PURPOSE

The Capital Regional District has referred the Matthews Point Regional Park Draft Management Plan to the Local Trust Committee for review and comment (attached). The plan indicates that the overall concept is to keep the park largely in a natural state, with minimal facilities and services. Facilities that may be developed would consist of trails, signage, and parking. Under the plan, the majority of the park would be designated as Environmental Protection or Natural Environment zones, with a limited Park Services zone for access, parking, and to accommodate existing rights-of-way.

The Galiano OCP designates the park as Regional Park, the proposed management plan would be consistent with Parks and Recreation objectives in the OCP, and Schedule E (Parks and Trails) notes a future hiking trail in the park. The park is zoned Park (P) in the Land Use Bylaw. The zoning permits “parks” generally, along with specific structures including “picnic facilities”. Although “parks” is not a defined use in the LUB, the common understanding of a park would permit the proposed trails, signage and accessory parking. The management plan appears consistent with the OCP and zoning.

In response to the referral, the LTC may:

- Receive it for information – the CRD is conducting community consultation on the plan
- Adopt a motion in support of the plan
- Adopt a motion stating that its interests are unaffected.
- Adopt a motion requesting specific changes to the plan.

Submitted By:	Robert Kojima, Regional Planning Manager	June 1, 2018
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ATTACHMENTS

1. Matthews Point Regional Park Draft Management Plan



Making a difference...together

Regional Parks

490 Atkins Avenue
Victoria, BC, Canada V9B 2Z8

T: 250.478.3344
F: 250.478.5416
www.crd.bc.ca/parks

May 10, 2018

File No: 6130-30
Matthews Point Regional Park

Galiano Island Local Trust Committee
c/o Robert Kojima, Regional Planning Manager, Southern Team
Islands Trust
200-1627 Fort Street
Victoria BC V8R 1H8

Sent via email: rkojima@islandstrust.bc.ca

Dear Galiano Island Local Trust Committee:

**RE: CAPITAL REGIONAL DISTRICT – MATTHEWS POINT REGIONAL PARK
DRAFT MANAGEMENT PLAN FOR REVIEW AND COMMENT**

Over the past six months, the Capital Regional District (CRD) has been developing a park management plan for Matthews Point Regional Park.

At its May 9, 2018 meeting, the CRD Board released the draft management plan for public review and comment. A copy is attached for review by the Local Trust Committee. The CRD would appreciate receipt of Local Trust Committee comments by midnight June 24, 2018. They can be provided to Carolyn Stewart at cstewart@crd.bc.ca.

For your information, the draft management plan and a comment form will be available online for public review and comment between May 11 and June 24, 2018 at: <https://www.crd.bc.ca/project/matthews-point-management-plan>. The CRD will host a booth at the Galiano Saturday Market on May 26 (10am – 2pm) and an open house at the Galiano Island South End Hall on June 7, 2018 (Noon – 3pm) to provide highlights of the plan to the public and to direct them to the online comment form.

Over the summer, CRD staff will review all comments received and will finalize the management plan for the consideration and approval of the CRD Board.

If you have any questions about the draft management plan, please feel free to contact Carolyn Stewart, Park/Trail Planner at 250.360.3368 or cstewart@crd.bc.ca.

Sincerely,

Kim St. Claire
Acting Senior Manager
Regional Parks

cc: Larisa Hutcheson, General Manager, Parks & Environmental Services, CRD (email)
Carolyn Stewart, Park/Trail Planner, CRD (email)

Matthews Point Regional Park

DRAFT Management Plan

Capital Regional District | March 13, 2018



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

Acknowledgements

CRD Regional Parks would like to acknowledge and thank the public that participated in the planning process for their many contributions.

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Cover photo of Matthews Point Regional Park courtesy of Habitat Acquisition Trust.

1 Executive Summary

The Capital Regional District (CRD) has prepared a management plan for Matthews Point Regional Park on Galiano Island. The management plan includes a park vision, goals and objectives, strategic direction statements, park zoning, development and management actions, and an implementation plan. This management plan will guide the management and operation of the park for at least the next 15 years.

The public participation process for developing the draft management plan included an on-island open-house and web-based information to introduce the project and a comment form (available at the open-house and on-line) to allow for easy and broad-based input. Additional methods, such as posters, signage, and letters, were also used to alert people to the opportunity to be involved in the planning process. Six First Nations were contacted and provided information about the project and offers were made to meet and discuss the project.

The Draft Vision for Matthews Point Regional Park is:

“Matthews Point Regional Park is recognized as a small gem within the larger island landscape. The park maintains the natural character of a portion of the north shore of Active Pass, providing a natural viewscape for those travelling on the water. Further, it provides Galiano residents and island visitors opportunities to connect with nature and helps protect the Coastal Douglas-fir ecosystem. Together with adjacent natural areas, the regional park is part of a wider natural area network that facilitates a healthy community.”

Some of the priority management actions for Matthews Point include:

- Remove the former landowner’s shed and related infrastructure.
- Formalize the Ridge Trail route, linking the two park access points, as the main trail opportunity in the park.
- Formalize a trail link to the adjacent Bluff Park and close the dead-end informal path beyond that point.
- Create a small parking area (3-4 cars) at the north park entrance.
- Work with appropriate groups, such as local or regional conservation non-government organizations or universities, to develop and implement a restoration plan for the park.
- Link the Ridge Trail to the proposed Regional Trail along Bluff Road East (identified in the Gulf Islands Regional Trails Plan) to create a loop trail opportunity.

2 Introduction and Context

The Gulf Islands are within the traditional territories of several Coast Salish First Nations currently occupying south-eastern Vancouver Island. Both Hul'q'umi'num speaking peoples and SENĆOŦEN speaking peoples from First Nations now known as Cowichan Tribes, Penelakut, Stz'uminus, Halalt, Lyackson, Tsawout, Tseycum, Tsartlip, Pauquachin, and Malahat lived on and regularly used the lands and waters in the Gulf Islands. In many cases, European surveyors mapped where First Nations' village sites were and these became reserve lands. Today, the Penelakut First Nation has reserve lands at the north end of Galiano Island.

Galiano Island, the surrounding waters, and smaller adjacent islands have been used and occupied by First Nations for hunting, fishing, gathering, and other cultural practices for millennia. As Cowichan Tribes elder Luschiim (Arvid Charlie) noted, "Harvesting went on at different times of the year for different fish and any beach that you could land a canoe on was full of people, especially at harvesting times—they may have been waiting for the right tide or sometimes were processing the catch...Freshwater was used from the natural springs coming from the cliffs. The park lands were a hunting spot, a particularly good spot on bad weather days when the deer would lay under the older growth trees there...It also was a spot where certain people would go, up on the cliff, to watch for the whales." Locations on Galiano Island and Gossip Island were also jumping off points for trips across the Strait of Georgia to the Fraser River or Lummi Island. First Nations continue to have interests in the Gulf Islands.

The Capital Regional District (CRD) manages and operates 31 regional parks/park reserves and 3 regional trails. Regional parks help secure the region's biodiversity and quality of life by establishing, in perpetuity, an interconnected system of natural lands. Regional parks protect the region's natural systems and offers compatible outdoor recreation and education opportunities. Regional parks are integral to creating a human connection with nature—fostering appreciation and respect—and maintaining a vibrant community. They also assist in mitigating climate change.

Matthews Point Regional Park (Matthews Point) is one of 6 regional parks/park reserves in the southern Gulf Islands (Map 1). These island parks protect a variety of landscapes within the Coastal Douglas-fir ecosystem. They are part of the tourism offer that is identified in the Experience the Gulf Islands (ETGI) Concept Plan (2016). The ETGI Concept Plan was developed by the Southern Gulf Islands Community Economic Sustainability Commission and the Salt Spring Island Economic Development Commission as an inter-island community tourism initiative to develop and promote experiences for residents and visitors to the area.

Matthews Point was initially established in 1999 and was expanded in 2005 and 2006. The park is approximately 25 ha in size and located between the north shore of Active Pass and Bluff Road East on Galiano Island (Map 2). It is noted for its older second growth coniferous forest, arbutus woodland, and coastal bluffs (Map 3). A sand beach is located adjacent to the park. Additional information about the park's natural environment is provided in Appendix 1.

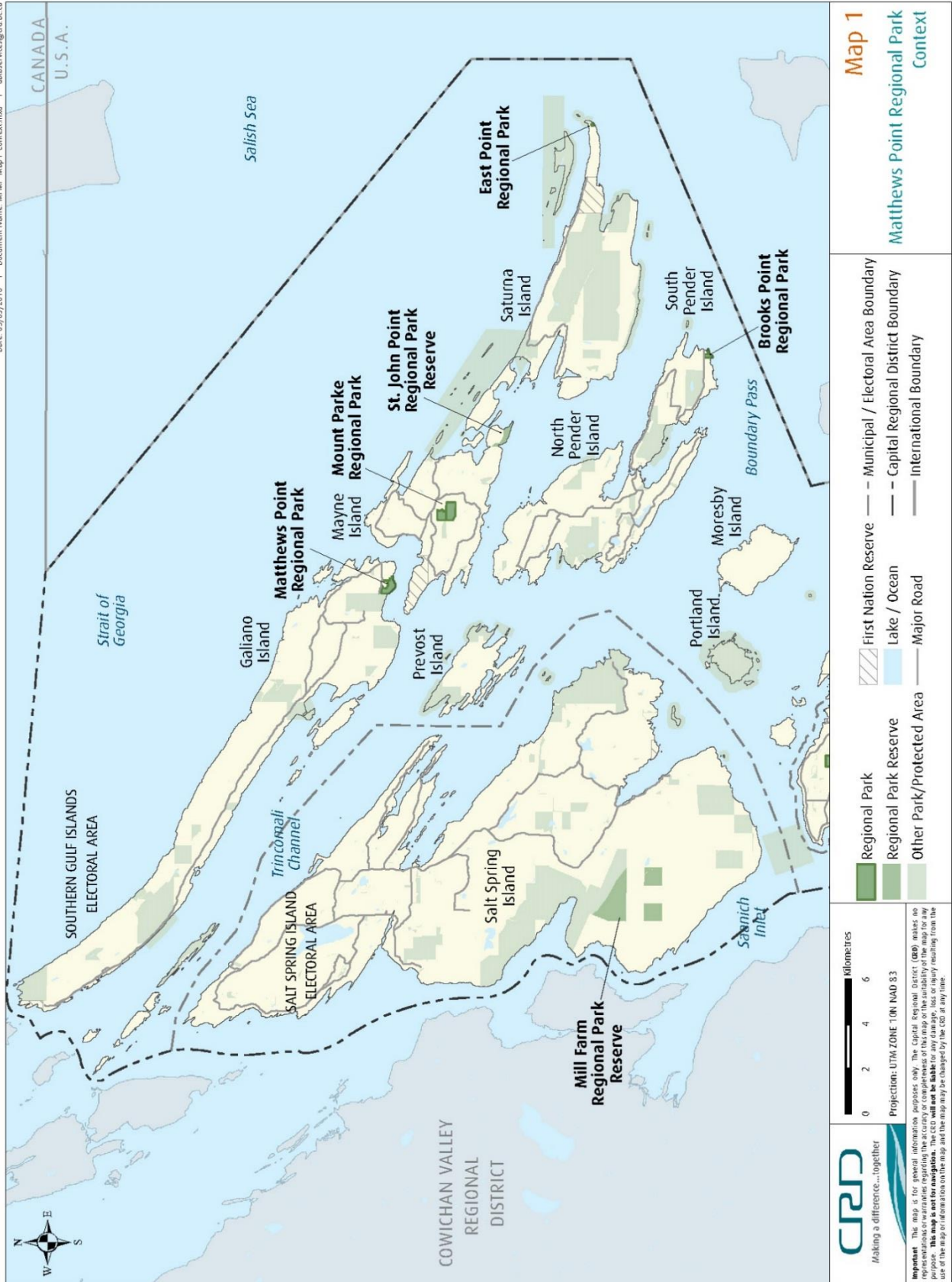
The Regional Parks Strategic Plan 2012-2021 classifies Matthews Point as a regional Natural Area. The Natural Area classification is meant to protect the natural environment and to provide for appropriate outdoor experiences and activities. It protects key greenspaces that are important to the natural character of the region. These areas may contain some sensitive or threatened ecosystems.

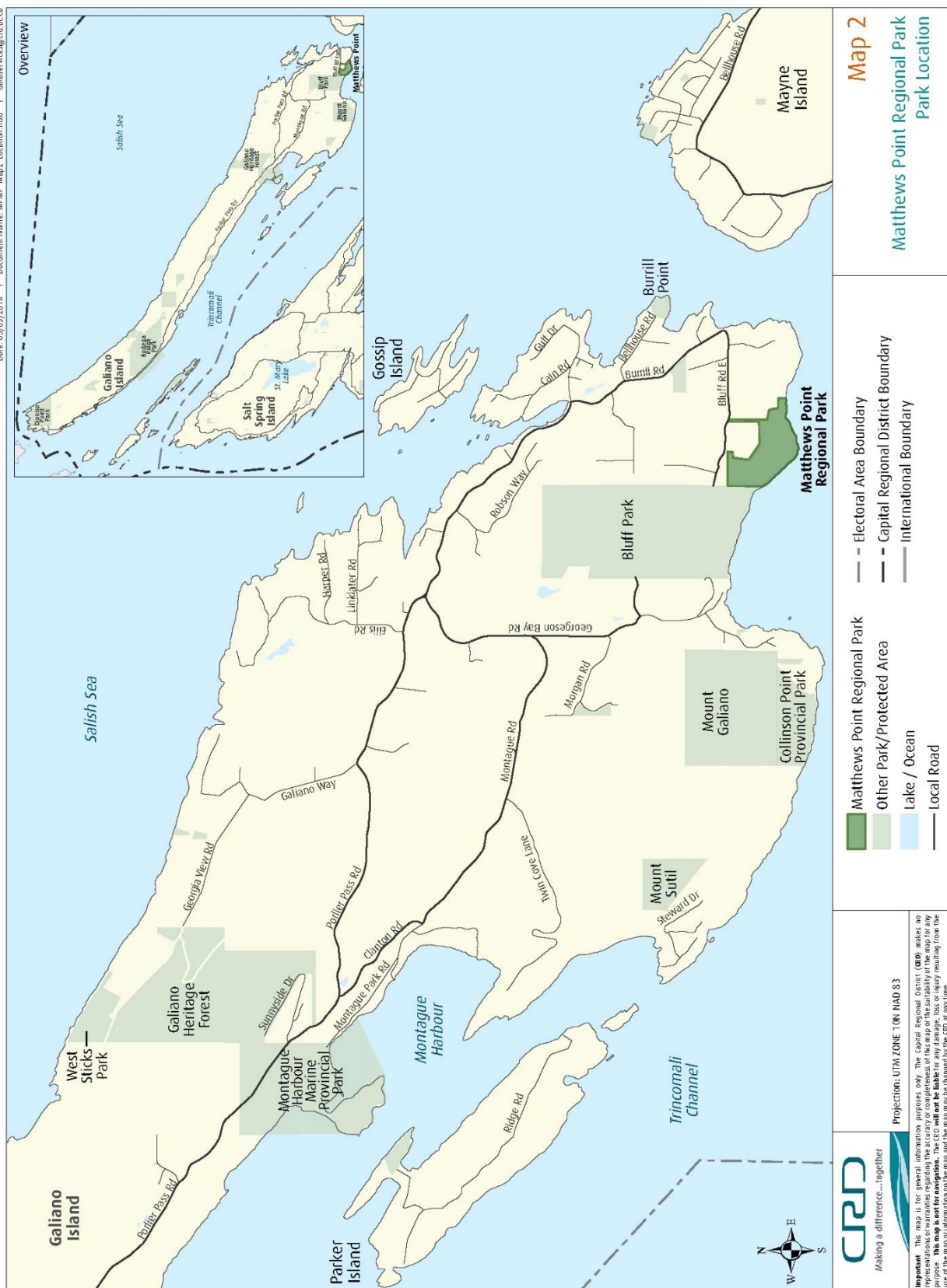
A conservation covenant, held jointly by Habitat Acquisition Trust and The Land Conservancy of BC, is registered on the park's land title. The intent of the covenant is to restrict the use of the land to regional park purposes and to ensure that it is managed with a focus on nature conservation. The covenant is monitored annually by the Covenant Holders.

The Park Management Plan will provide management direction for at least a 15 year horizon. The management plan translates the broad direction of the Regional Parks Strategic Plan into more specific direction such as goals, objectives, management statements and actions for Matthews Point based on the features and values of the park and input from First Nations and the public. A summary of the engagement process for this management plan is provided in Appendix 2.



Sand beach adjacent to Matthews Point Regional Park







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Map 3
Matthews Point Regional Park
Park Ecosystems

Dominant Ecosystem Type

- Garry Oak/Coastal Bluffs
- Douglas-fir Forest
- Douglas-fir/Arbutus Woodland

Matthews Point Regional Park

- Property Line
- Local Road

Projection: UTM ZONE 10N NAD 83

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Metres

0 50 100 150

3 Strategic Direction

3.1 Vision for Matthews Point Regional Park

This draft vision for Matthews Point is:

“Matthews Point Regional Park is recognized as a small gem within the larger island landscape. The park maintains the natural character of a portion of the north shore of Active Pass, providing a scenic viewscape for those travelling on the water. Further, it provides Galiano residents, First Nations, and island visitors with opportunities to connect with nature and helps to protect the coastal Douglas-fir ecosystem. Together with adjacent parks and trails, Matthews Point Regional Park is part of a wider network that facilitates a healthy community.”

3.2 Goals and Objectives

Protecting and Conserving Nature

Goal 1: To maintain the park largely in a natural state.

Objective 1: Minimize development within the park.

Goal 2: To manage the park in a way that respects and protects key natural values on-site.

Objective 1: Develop visitor opportunities in ways that consider natural area sensitivities.

Objective 2: Work with others to manage or maintain key values.

Connecting with Nature

Goal 3: To create a connection between the public and the park’s natural and cultural values that fosters appreciation and respect.

Objective 1: Provide opportunities for recreation that are based on, and linked to, experiencing the natural values of the park.

Objective 2: Provide information on-site that connects visitors to the park, its history, and its key values.

Objective 3: Promote awareness of ways the public can assist in the protection of nature and the park.

Goal 4: To connect with the adjacent local park and trail to create an opportunity for longer visitor experiences.

Objective 1: Create a link to Bluff Park and to Matthews Shore Access.

3.3 Development Concept

Flowing from the vision, goals, and objectives for the park, the development concept adds further clarity to the direction for how the park will be developed and managed over time.

Development Concept

The development concept is to keep the park natural, with minimal visitor facilities and services. Trail opportunities will be provided as the primary means for the public to experience the park. Park development will only occur above the bluffs, with the exception of a possible link to the adjacent Matthews Shore Access trail.

3.4 Management Statements

The following management statements will guide decision-making about the park.

Natural Area Conservation

- Environmental conservation will focus on protection for critical habitat of species at risk in the park.
- The CRD will consider partnership/stewardship agreements with appropriate groups to support ecological restoration or research in the park.
- Where existing infrastructure is not needed, it will be removed to allow for naturalization of the park.
- Where visitor facilities are needed, they will be planned and designed with conservation and operational sustainability in mind.

Cultural Heritage Management:

- Before visitor facilities, such as trails or parking, are developed, an assessment of the area will be undertaken by qualified individuals to determine if significant archaeological/cultural features exist and if so, to identify potential management options.
- The CRD will include First Nations heritage information, along with post-contact history and natural history information, on the park information kiosk panels.

Visitor Opportunities

- In the park, the public will experience nature through one primary trail (the Ridge Trail).
- The public will have an opportunity to hike from Matthews Point Regional Park to the adjacent Bluff Park on the west and possibly to the adjacent Matthews Shore Access on the east.

- Trails will be developed with consideration of user safety, natural and cultural protection, and operational sustainability.
- The public will be encouraged to follow “Leave No Trace” principles.
- The planned future regional trail along Bluff Road East will provide active transportation access to the regional park.

Park Operations

- The park will be operated in a manner that is consistent with its Natural Area classification and the management plan.
- Park operations and development will be limited to that which is necessary to minimize visitor impacts to the environment and to maintain designated visitor facilities.



3.5 Park Zoning

A strip of land between the cliff edge and the ocean is zoned as Environmental Protection Zone with the goal of preserving this area solely for nature. It includes the Coastal Bluffs ecosystem and the steep wooded slopes that maintain the natural viewscape from the water. Generally, this area will be managed without significant human intervention.

The majority of the park above the coastal bluffs is zoned Natural Environment Zone, with the goal of maintaining this area in a natural state and providing opportunities for compatible visitor use, particularly trail use.

Two small areas are zoned as Park Services Zone, one at the northern park access and a second associated with the existing communications/utility rights of way. The goal of this zone is to allow for services such as parking, access required under existing Statutory Rights of Way, and access for management and emergency vehicles, if needed.

The zoning is illustrated on Map 4.





Projection: UTM ZONE 10N NAD 83
0 50 100 150
Metres

Matthews Point Regional Park
Property Line
Local Road

Park Zoning
Environmental Protection Zone
Natural Environment Zone
Park Services Zone

Map 4 Matthews Point Regional Park Park Zoning

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4 Development and Management Actions

The following development and management actions are proposed (Map 5):

1. Remove the former landowner's shed and related infrastructure (e.g., hydro poles).
2. Install a gate on the south access at Bluff Road East to preclude vehicle access, and provide a gate key to those with Statutory Rights of Way relating to the communications facilities.
3. Formalize the Ridge Trail, including realignment of the existing informal path, where necessary/appropriate for safety, natural or cultural resource conservation, or sustainability reasons.
4. Develop a designated trail to link the Ridge Trail to Bluff Park and close other informal pathways in this area.
5. Evaluate opportunities to formalize a trail link to the adjacent Matthews Shore Access. If a suitable trail route is established, develop the link and close other informal pathways in this area.
6. Develop a small parking lot (3-4 car maximum) in the Parks Services Zone at the western park access or, through a permit from the Ministry of Transportation & Infrastructure, in the surveyed road dedication adjacent to this western access.
7. Install an information kiosk, including a park map and key information about the park, at the parking area and at the top of the eastern accesses to the park (where it can be seen by people accessing from Bluff Road East and from the link to Matthews Shore Access).
8. Sign the park trails.
9. Operations staff will regularly monitor the park and its facilities and address any management issues that arise in ways that are consistent with this management plan.



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Map 5
Matthews Point Regional Park
Park Development and
Management Actions

Matthews Point Regional Park

- Matthews Point Regional Park
- Property Line
- Local Road
- Hiking Trail
- Hiking/Equestrian Trail

Trail Types

- Ridge Trail
- Bluff Park Link Trail
- Matthews Shore Access Trail
- Bluff Park Trail

5 Implementation

The Matthews Point Management Plan comes into effect upon CRD Board approval and continues to apply until a new or updated plan is approved by the Board.

5.1 Plan Implementation

Table 1 illustrates the priority for implementing the proposed management actions, subject to staff and financial resource availability. Generally, it is hoped that short term actions will be addressed within the first 5 years after approval of the management plan.

Table 1: Anticipated Scheduling for Implementation

Action	Implementation Priority
1. Remove the former landowner's shed and related infrastructure (including hydro poles).	Short Term
2. Install a gate on the eastern access at Bluff Road East and provide a gate key to those with Statutory Rights of Way.	Short Term
3. Formalize the Ridge Trail, including re-alignment where necessary or appropriate for visitor safety and resource protection.	Short Term
4. Develop a designated trail to link the Ridge Trail to Bluff Park and close other informal pathways in this area.	Short Term
5. Evaluate opportunities to formalize a link to the adjacent Matthews Shore Access. If a suitable trail route is established, develop the link and close other informal pathways in this area.	Short Term
6. Create a small parking lot (3-4 car maximum) in the Parks Services Zone at the western park access or, through a permit from the Ministry of Transportation & Infrastructure, in the surveyed road dedication adjacent to this western access.	Short-Medium Term

7. Install an information kiosk, including park map and key information about the park, at the parking area and at the top of the eastern accesses to the park (where it can be seen by people accessing the park from Bluff Road East and from a potential link trail to Matthews Shore Access).	Short-Medium Term
8. Sign the park trails.	Short-Medium Term
9. Regularly monitor the park and its facilities and address any management issues that arise in ways that are consistent with this management plan.	On-going

5.2 Plan Monitoring

The CRD will monitor the implementation of the management plan through the annual Regional Parks Service Plan and work planning processes.

If unexpected circumstances, significant issues, or critical new information arise that warrant substantive changes to the management direction, a plan amendment may be considered. Public consultation on proposed amendments and the amendments must be approved by the CRD Board.

Prior to initiating a full management plan update, an evaluation of the current plan will be undertaken that will consider:

- if the vision, goals and objectives have been useful in guiding park management and are still relevant;
- if the strategic direction adequately addressed all or most of the major issues and management considerations that arose over the lifespan of the management plan;
- to what extent the management actions were implemented and if any outstanding actions are still relevant; and
- if changes to the plan's direction are needed.

Appendix 1: Background Information

A 1.1 History of the Park

First Nations

The southern Gulf Islands are within the asserted traditional territories of several Coast Salish First Nations. The area has been occupied and used for hunting, gathering, fishing and other cultural practices for millennia - providing foods and medicines for First Nations peoples.

Galiano Island and its surrounding smaller islands were used before trips were made across the strait to the Fraser River. People gathered at the bay on Galiano Island that is now known as Montague Harbour; it was a staging area where preparations were made before setting out. There were often hundreds of canoes that would meet there. Once ready to make the trip they would travel together through Active Pass and make a stop at Gossip Island before starting across the Strait. Travelling in large numbers provided greater safety. The bluffs at Matthews Point Regional Park were known for their fresh water spring sources, which were important when embarking on a journey.

The waters of Active Pass, being influenced by the plume from the Fraser River, supported red and green urchins, rock scallop, weather vane scallops, and herring, among other sea life. Harvesting went on at different times of the year for different marine resources. The beach adjacent to the Matthew Point Regional Park was used by the First Nations as a stopping area as part of both their land-based and water-based harvesting practices.

The lands that make up Matthews Point Regional Park were a hunting spot. They were used for deer hunting over the years and were particularly good on windy, wet days as the deer would take shelter under the trees.

First Nations continue to have ties to the park as part of their traditional territory.

Contemporary History

Matthews Point was identified in the 2000 CRD Parks Master Plan as an area with regional park potential. The park was acquired in three phases, with 14.8 hectares acquired in 1999; 12.14 hectares acquired in 2005; and an additional 5.9 hectares acquired in 2006.

As far back as 1979, a previous owner established a statutory right of way on a portion of the property for a telecommunications equipment building. In 2014, the CRD, BC Hydro, and Telus Communications established a statutory right of way for telecommunications and the distribution of electricity.

A 1.2 Ecological Information

Plants and animals and their physical environment make up ecosystems. The park is best known for its coastal cliffs, rising 100 meters above the ocean, and its mixed Douglas-fir forest/Arbutus woodland ecosystems. A natural wet meadow area also exists on site. The CRD will be conducting ecological surveys in 2018 to update existing information relating to the regional park.

Current Information

One rare ecological community and three rare species are identified on the BC Conservation Data Centre's iMap site either within Matthews Point or in the immediate area. They are:

1. Ecological Community – Douglas-fir/dull Oregon-grape (*Pseudotsuga menziesii*/*Mahonia nervosa*)
2. Vascular Plant – Lindley's microseris (*Uropappus lindleyi*) – 2004 sighting in Bluff Park and on Matthews Point
3. Non-vascular Plant – Twisted Oak Moss (*Syntrichia laevipila*) – 2002 sighting
4. Invertebrate Animal – Propertius Duskywing (*Erynnis propertius*) – 1995 and 2010 sighting in Bluff Park



In addition, an area of the park has been identified as critical habitat for the Lindley's False Silverpuffs in a Species at Risk Recovery Strategy posted in 2015 and 2016.

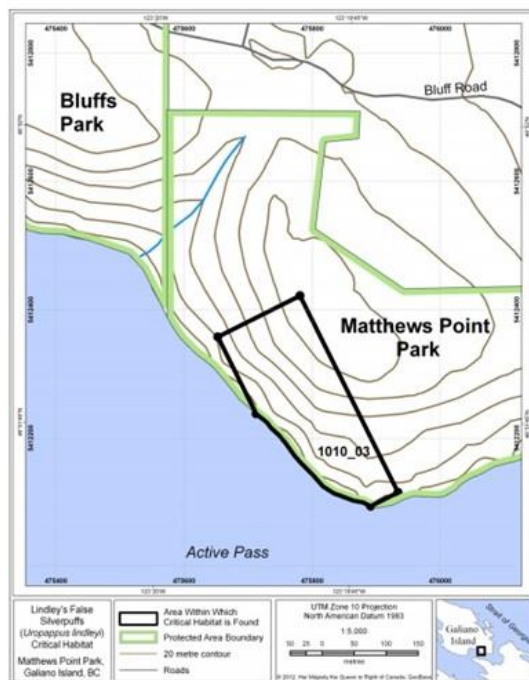


Figure 6. Area (~4.2 ha) within which critical habitat for Lindley's False Silverpuffs found at Matthew's Point on Galiano Island and located on non-federal land. The known critical habitat within this area is ~3.6 ha.

The main ecosystems in the park are:

- Douglas-fir forest, including some veteran first growth trees
- Arbutus woodland, including a 300 year old arbutus tree
- Coastal cliffs, which may be used by raptors for resting/nesting.

The marine waters south of the park, referred to as Active Pass, have been designated an Important Bird Area (IBA), which is an international program that identifies and monitors significant populations or species of birds. Active Pass supports significant numbers of overwintering Pacific loon and Brant's cormorant as well as Bonaparte's gull during the spring and fall migration. In addition, 10 pairs of Bald Eagles nest along the shores of the IBA. The Mayne Island Conservancy estimates that nearly 100 eagles forage in Active Pass in the winter. The cliffs and forest in the park are likely used by these birds.

A 1.3 Visitor Use

The park lands have been held in 'park reserve' status since 1999 and hence has not been widely publicized as a regional park. To-date, activities undertaken in the park include informal walking, nature viewing, horseback riding, and perhaps limited trail cycling.

During initial public discussions regarding the park and the management plan, Galiano Island residents noted that it is largely island residents that use the park and in particular, islanders from the immediate area, though more people are starting to come to the park as more information is made available.

Appendix 2: Summary of the Engagement Process

The engagement process for the Matthews Point Regional Park Management Planning Process has included:

Initial Engagement – November 2017

Website

- Information about the park and the planning process was posted on the CRD website in October 2017. This included a comment form to seek input about a number of aspects that would provide background information and assist in developing the draft management plan.

First Nations

- Letters were sent to the Penelakut, Cowichan Tribes, Tsawout, Tseycum, Tsartlip, and Pauquachin Nations introducing the project and seeking their interest in participating in the project.
- At the request of the Cowichan Tribes, a meeting was held with Cowichan Tribes representatives to talk about the project and to seek traditional knowledge about the park and surrounding areas.

Other Government Agencies

- A letter was sent to the Islands Trust introducing the project and alerting them about the November 18, 2017 public open-house on Galiano Island.

Key Stakeholders

- Letters were sent to park neighbours, including the Galiano Club and the Galiano Island Parks & Recreation Commission, to the two organizations that jointly hold a Conservation Covenant on the park lands (Habitat Acquisition Trust and The Land Conservancy of BC), and to the Galiano Conservancy Association introducing the project and inviting them to the November 18, 2017 public open-house.

Public

- A public open-house was held at the Lions Hall on Galiano Island on November 18, 2017, between 12:30 pm and 4 pm to gather local knowledge about the park and surrounding area.

Draft Management Plan Engagement – (Upcoming in 2018)

Website

- Updates will be made to the CRD website once the draft plan is available (spring 2018). This will include posting a copy of the draft park management plan and a comment form to seek input about the draft plan.

First Nations

- The draft management plan will be sent to key First Nations with a request for their comments and an offer to meet with any Nation that would like a presentation about or to discuss the draft plan.

Other Government Agencies

- The draft management plan will be referred to the Galiano Local Trust Committee (Islands Trust) for review/comments.
- The draft management plan will be referred to CRD's Southern Gulf Islands Economic Sustainability Commission and CRD's Galiano Island Parks & Recreation Commission.

Key Stakeholders

- Letters will be sent to park neighbours, including the Galiano Club, to Habitat Acquisition Trust and The Land Conservancy of BC (Covenant Holders), and to the Galiano Conservancy Association providing a link to the draft plan and comment form on the CRD website. Notice will also be provided if an on-island information session is planned.

Public

- A media release will be provided when the CRD Board releases the draft management plan for public review (spring-summer 2018). A link to the draft plan and comment form on the CRD website will be included in the media release. If an on-island public information session is planned it will be noted in the media release.

Following Management Plan Approval

In order to keep the public informed, the final approved plan will be posted on the park webpage on the CRD website.



File No.: GL-RZ-2017.1 (Stevens)

DATE OF MEETING: June 11, 2018
TO: Galiano Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team

SUBJECT: Rezoning of a Portion of District Lot 37
Applicant: Fred and Isobel Stevens
Location: 303 Betty Ann Drive

RECOMMENDATION

1. That the Galiano Island Local Trust Committee Bylaw No. 265, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2017”, be read a second time.
2. That the Galiano Island Local Trust Committee Bylaw No. 266, cited as “Galiano Island Land Use Bylaw, 1999, Amendment No. 2, 2017”, be read a second time.
3. That the Galiano Island Local Trust Committee request staff to schedule a Public Hearing for Bylaws No. 265 and 266.
4. That the Galiano Island Local Trust Committee accept a covenant under section 219 of the Land Title Act from the registered owners of District Lot 37, Galiano Island, Cowichan District that would reserve future highway dedication in the location shown on the plan prepared by Peter Thomson, BCLS, and dated May 1, 2018, prohibits future subdivision of the lot, and restricts hours of operation, and designate the Chair of the Local Trust Committee to sign the covenant.

REPORT SUMMARY

The purpose of this report is to provide the Galiano Island Local Trust Committee (LTC) with options on amending the bylaws, provide the draft s. 219 covenant, and seek direction to schedule a hearing.

BACKGROUND

At their regular meeting of May 7, 2018 the Galiano Island Local Trust Committee (LTC) received an update on the application and adopted the following resolutions:

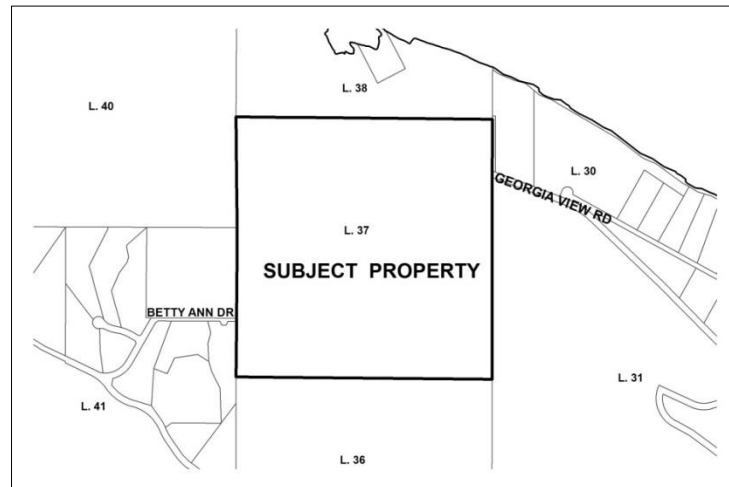
GL-2018-029

It was moved and seconded that the Galiano Island Local Trust Committee request staff to bring forward proposed wording to respond to APC recommendation # 5 with a brief analysis of pros and cons.

CARRIED

The LTC also requested that staff provide options on APC recommendation #6.

Background and analysis of the application is available in previous staff reports posted on the [webpage](#).



ANALYSIS

Proposed uses

The current proposed bylaw amendment would permit the following uses in the proposed FI(a) zone:

- | | |
|------------|---|
| 9.6(B).1.1 | contractors' workshops and yards |
| 9.6(B).1.2 | sawmilling, planing and manufacturing of wood products |
| 9.6(B).1.3 | gravel processing and storage |
| 9.6(B).1.4 | one self-contained accessory dwelling unit for the owner or operator of a principle use |

The APC has recommended that the proposed uses be amended by:

5) Under the section, "Permitted Uses" 9.6 (B) 1.1, the wording be changed from "contractors' workshops and yards" to "workshops and yards associated with the operation of an excavation service," in order to more specifically describe the uses that the applicant is requesting.

6) Under the section, "Permitted Uses" 9.6 (B)1.2, the words "sawmilling, planing and manufacturing of wood products" be removed, because the sawmilling and planing is already allowed on the rest of the F1 portion and has not been specifically requested by the applicants as a use on this specific area.

The rationale for the APC's recommendations is the potential for increased impact traffic impacts from additional uses. The recommendation is essentially to narrow the scope of permitted uses to those currently operating in the proposed FI zone, along with those permitted in the F1 zone. Narrowing the scope to the currently operating and permitted uses could potentially limit future impacts resulting from a change of use or new operation. However, the LTC should also consider the following:

- Restricting uses to those currently operating only limits owners' ability to respond to changing circumstances over time and also increases the likelihood of future rezoning applications for relatively minor changes to use.

- Contractors' workshops and yards is the use permitted in the general FI zone, and there are limited other locations zoned for the use; only the one current FI zoned lot, and the Light Industrial zone. There is merit in the LTC permitting uses such as contractors' yards in appropriate locations in order to provide opportunities for such uses over time.
- The property is large, the proposed FI(a) area is located in the centre of the property, the lot is not subdividable, and the proposed covenant would restrict business hours of operation, limiting potential impacts.
- It is reasonable to permit sawmilling and planing of wood products in the proposed Forest Industrial portion of the property as opposed to just in the F1 zone: it is largely modified land, it is centrally located on the property away from neighbours, it would avoid the mapped sensitive and hazard areas, and would permit such operations in conjunction with the existing business.
- The inclusion of "manufacturing" along with "sawmilling and planing" would be unlikely to have any greater impact: noise, disturbance and traffic impacts would likely be greater from a sawmill or planer mill than any other type of forestry related processing.

Staff are not recommending changes to the bylaw as, on balance, the current wording provides future options and flexibility and encourages the siting of uses in the Forest Industrial portion of the property. The Forest Industrial zone is an industrial one, and the rezoning provides an opportunity to provide for limited future uses other than those currently operating in the location.

Draft Covenant

The applicant has entered into a cost recovery agreement for legal counsel to prepare the draft covenant for LTC consideration (please see attached). The covenant has been provided to the applicant for review. The covenant includes the following key elements:

- Article 2: this section establishes that the reserved area is that shown on the plan to be attached to the covenant; prior to registration the surveyor will prepare the draft plan as a registerable plan. This section also restricts development within the reservation area and would require the owner to remove any obstructions at the time MoTI exercises its option to acquire the land.
- Article 3 is an option to purchase (for a dollar) the reservation area by the Province.
- Article 4 includes a required end date to the option to purchase at 50 years from the date of registration.
- Article 5 includes the provision to allow the Province to acquire the reservation area as a highway, and that the costs associated with the exercise of the option to purchase would be borne by the Ministry.
- Article 7 allows for a portion of the reservation that may not be required by the Ministry for a highway, to be granted as a statutory right of way for emergency access and/or as a trail. The future Statutory Rights of Way are attached as schedules C and D.
- Article 8 prohibits future subdivision and restricts hours of operation of the business. The restrictions apply outside the hours of 6am to 7pm with the exceptions noted.

The draft covenant contains the key provisions and restrictions requested by the LTC at the April meeting, staff are recommending that the LTC accept the draft covenant.

Consultation

Letters were sent to neighbouring property owners requesting comment on the potential highway alignment provided by the applicant. As a result of discussions with the owner of DL 38 (to the north), the applicant altered the alignment of the future highway. The owner of DL 38 has subsequently informed staff that they are supportive of the change and have no objections to the application.

MoTI has formally responded to the bylaw referral previously, stating: “No objections and no additional requirements for approval.” MoTI staff have subsequently been provided with the most recent highway alignment plan and background information and been asked to provide comment; in response MoTI staff have commented:

- MoTI has no preference (is “neutral”) on the alignment of the proposed highway
- Cannot provide any specific comment on the feasibility of the proposed alignment(s) without appropriate engineering reports
- That the segment in the northwest corner of DL 37 (the current easement road) would be dedicated and open to the public
- There is not an alternative route that MoTI would prefer over the one proposed
- Confirmed that MoTI should be named in the covenant.

In summary, MoTI continues to have no objections to the proposed amendments and the proposed future highway alignment.

Alternatives

Amend the bylaw

The LTC may consider amending the proposed bylaw as recommended by the APC. Wording for the resolution would be as follows:

1. That the Galiano Island Local Trust Committee Bylaw No. 266 be amended by replacing the words “contractors’ workshops and yards” with the words “excavation contractors’ workshops and yards”, deleting the words “sawmilling, planing and manufacturing of wood products” under the heading “Permitted Uses”, and re-numbering accordingly.
2. That the Galiano Island Local Trust Committee Bylaw No. 266, cited as “Galiano Island Land Use Bylaw, 1999, Amendment No. 2, 2017”, be read a second time as amended.

Deny the application

The LTC may deny the application and proceed no further.

Hold the application in abeyance

The LTC may choose to hold the application in abeyance.

Receive for information

The LTC may receive the report for information.

NEXT STEPS

If the LTC chooses to proceed:

- Receive and endorse the draft s.219 covenant
- Give second reading of the bylaws and provide direction to schedule a public hearing

Submitted By:	Robert Kojima Regional Planning Manager	June 1, 2018
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ATTACHMENTS

1. Bylaws 265, 266
2. Plan of proposed road alignment
3. Draft s.219 covenant

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 265

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

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, 2017”.

2. Galiano Island Local Trust Committee Bylaw No.108, cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, is amended as shown on Schedule 1, attached to and forming part of this bylaw

READ A FIRST TIME THIS 5th DAY OF February 2018

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 MUNICIPAL AFFAIRS AND HOUSING THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

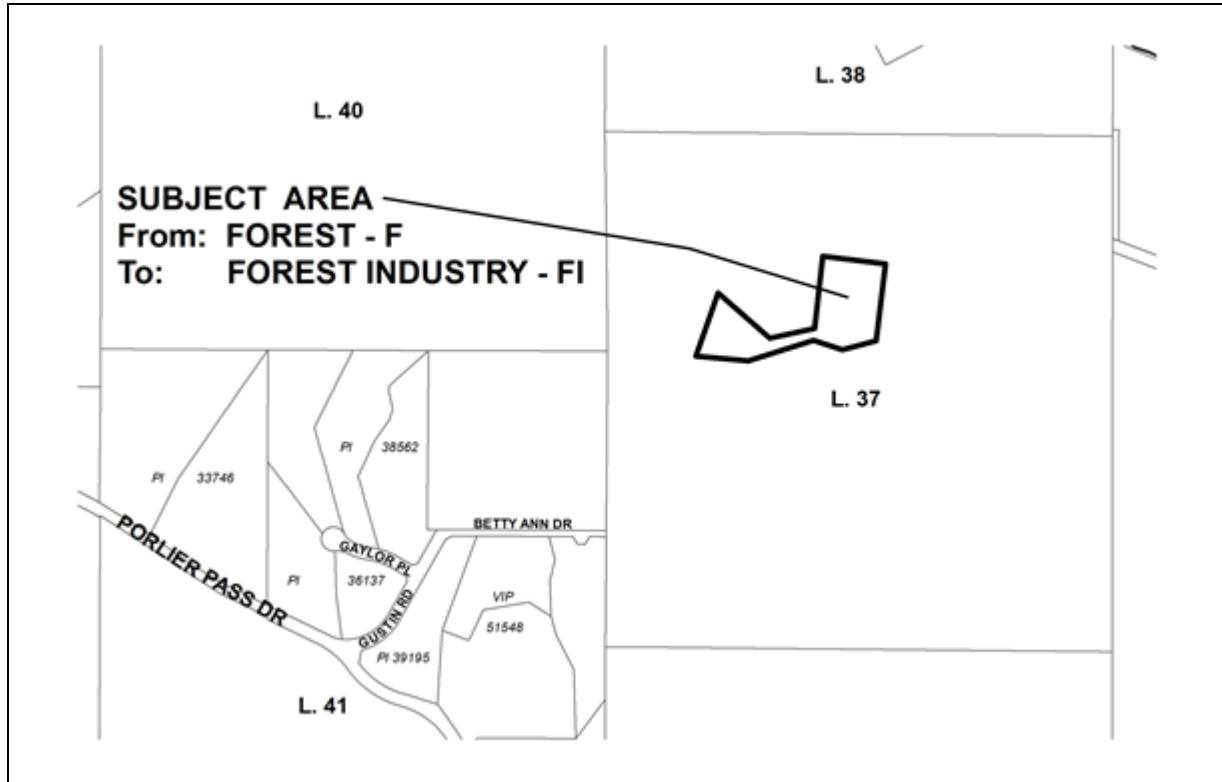
**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 265**

SCHEDULE 1

1. The Galiano Island Official Community Plan No. 108, 1995, is amended as follows:
 - 1.1 Schedule "B" – LAND USE DESIGNATIONS is amended by changing the land use designation of a portion of District Lot 37, Galiano Island, Cowichan District (PID 006-622-527) as shown on Plan No. 1 attached to and forming part of this bylaw,

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 265

PLAN NO. 1



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 266

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 Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw, 1999, Amendment No. 2, 2017”.

2. Galiano Island Local Trust Committee Bylaw No. 127, cited as “Galiano Island Land Use Bylaw, 1999,” is amended as shown on Schedules No. 1 and 2 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 5th DAY OF February 2018

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 266**

SCHEDULE NO. 1

1. Bylaw No 127 is amended as follows:

1.1 Section 4.1 of Part 4, "CREATION AND EXTENT OF ZONES" is amended by the insertion of a new zone entry Forest Industrial (A) (FI(A)) below Forest Industrial.

1.2 Section 9, ECONOMIC ACTIVITY ZONES is amended by the insertion of a new Zone 9.6 (B) as follows:

"9.6(B) Forest Industrial Zone A – FI(A)

The intent of the FI(A) zone is to permit limited industrial uses and an accessory dwelling within a prescribed area of a forest lot.

Permitted Uses

9.6(B)1 In the Forest Industrial FI(A) zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses are prohibited.

- 9.6(B).1.1 contractors' workshops and yards
- 9.6(B).1.2 sawmilling, planing and manufacturing of wood products
- 9.6(B).1.3 gravel processing and storage
- 9.6(B).1.4 one self-contained accessory dwelling unit for the owner or operator of a principle use

Permitted Density

- 9.6(B).2 Lot coverage must not exceed 20% of any zoned area.
- 9.6(B).3 Not more than one dwelling is permitted on each lot.

Permitted Height

- 9.6(B).4 No building or structure for a use permitted by this section may exceed 9 metres in height. Accessory buildings and structures must not exceed one storey and a height of 5 metres

Minimum Setbacks

- 9.6(B).5 Buildings and structures must be sited at least 6.0 metres from a zone boundary

Minimum Lot Size

- 9.6(B).7 No lot having an area less than 2.24-hectare may be created by subdivision."

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 266**

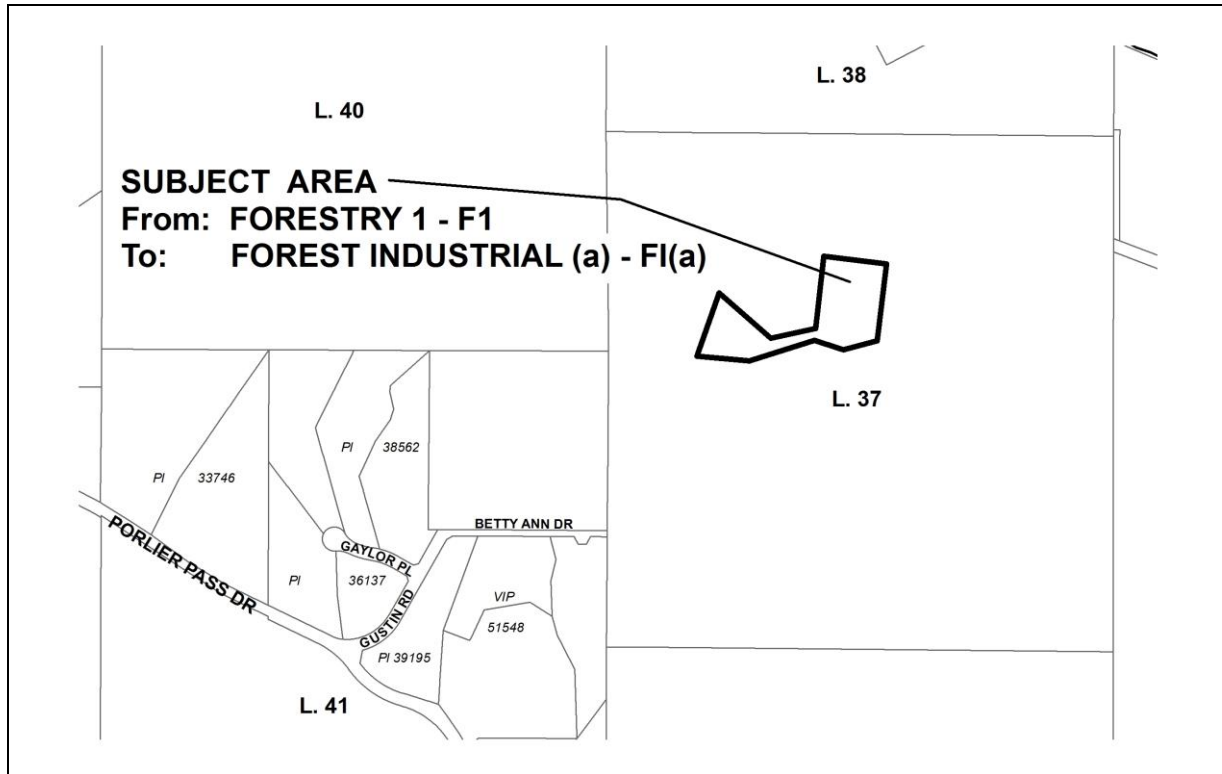
SCHEDULE NO. 2

2. Bylaw No. 127 is amended as follows:

2.1 **Schedule “B” – (Zoning Sheet South)** is amended by changing the zoning classification of a portion of District Lot 37, Galiano Island, Cowichan District (PID 009-622-527) from Forest 1 (F1) to Forest Industrial (FI(A)) as shown on Plan No. 1 attached to and forming part of this bylaw.

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 266**

PLAN NO. 1



PLAN OF DISTRICT LOT 37,
GALIANO ISLAND, COWICHAN DISTRICT
SHOWING FUTURE ROAD DEDICATION

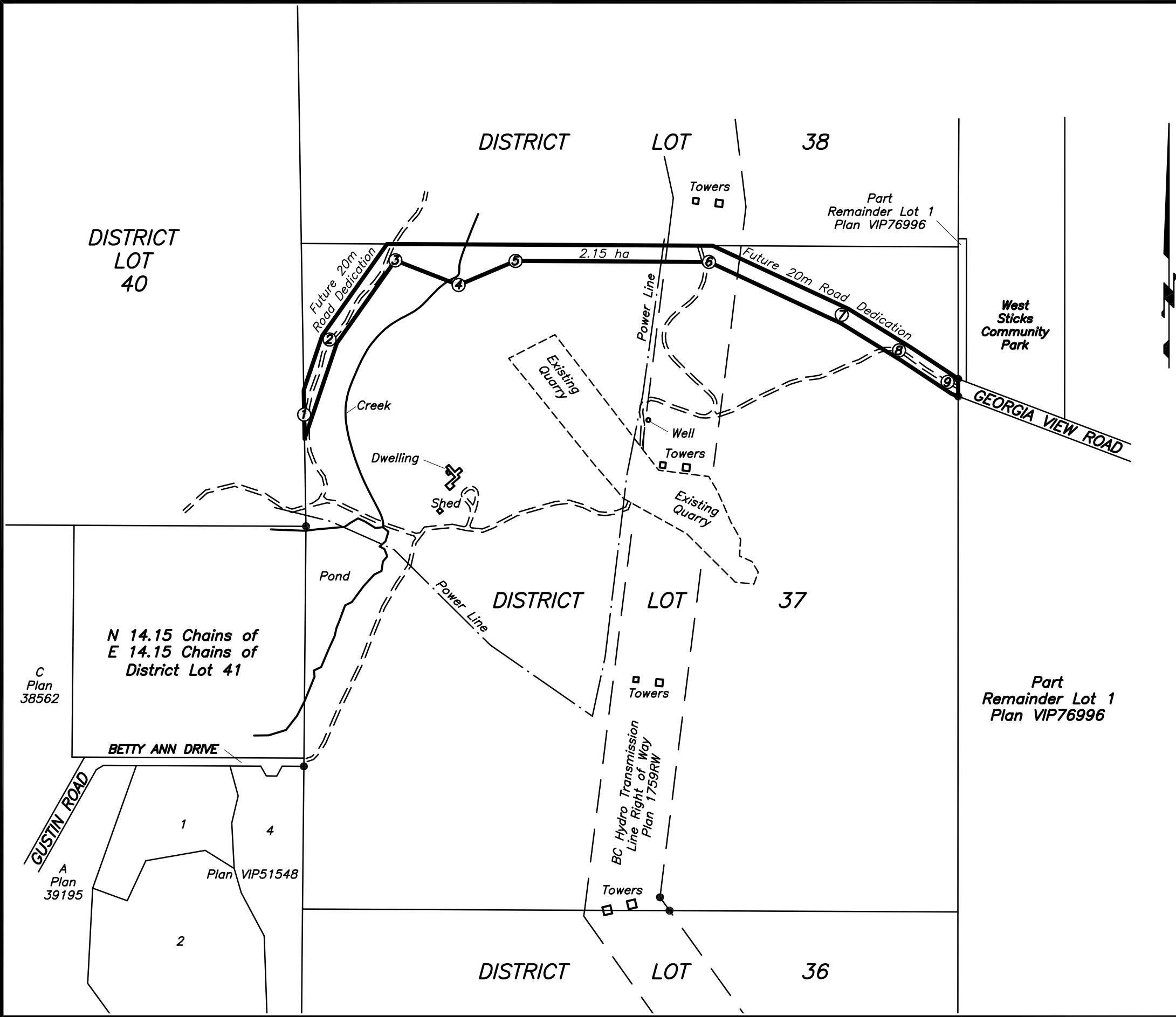
PID: 009-622-527
Civic address: 303 Betty Ann Drive

Drawn: May 1st, 2018

Existing roads shown thus ==
Survey post found shown thus ●

Future Road Dedication shown thus

Future Road Dedication		
UTM Coordinates		
Bend	Northing	Easting
1	5,418,106	469,922
2	5,418,198	469,953
3	5,418,295	470,034
4	5,418,265	470,111
5	5,418,295	470,181
6	5,418,293	470,419
7	5,418,227	470,585
8	5,418,180	470,661
9	5,418,141	470,720



PETER THOMSON BCLS CLS
GALIANO ISLAND
peter.thomson@telus.net

TERMS OF INSTRUMENT – PART 2
LAND USE AND HIGHWAY RESERVATION COVENANT AND
OPTION TO PURCHASE

THIS AGREEMENT dated for reference the ____ day of June, 2018

BETWEEN:

Frederick James Stevens and Isobel Kathleen Stevens
(as to an undivided 1/3 interest as joint tenants)
Box 246
Galiano Island, BC
V0N 1P0

("Stevens")

and

DL37 Holdings Ltd., Inc. No. BC0386527
(as to an undivided 2/3 interest)
201-2377 Bevan Avenue
Sidney, BC
V8L 4M9

("DL37")

(Stevens and DL37 are collectively referred to as the "Owner")

AND:

Galiano Island Local Trust Committee
S19, RR
Georgeson Bay Road
Galiano Island, BC
V0N 1P0

("Local Trust Committee")

and

Her Majesty the Queen, as represented by Ministry of Transportation and Infrastructure
PO Box 9850 Stn Prov Govt
Victoria, BC
V8W 9T5

(the “Province”)

(Local Trust Committee and the Province are collectively referred to as the “Grantees”)

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Local Trust Committee in the Province of British Columbia, being more particularly known and described as:

PID: 009-622-527
District Lot 37, Galiano Island, Cowichan District

(hereinafter called the “Lands”);
- B. The Owner has applied to the Local Trust Committee to amend the Galiano Island Land Use Bylaw in respect of the Lands so as to enable the Owner to carry on certain commercial uses of the Lands and the Owner has agreed to restrict the commercial use of the Lands as more particularly set out in this Agreement;
- C. It is an objective of the Galiano Island Official Community Plan (the “OCP”) to achieve, over the long term, planned road and emergency access routes based on a road network plan contained in the OCP (the “Galiano Island Road Network Plan”), and the Galiano Island Road Network Plan indicates a portion of the road network within the Lands;
- D. It is a policy of the OCP that the locations of proposed highways and emergency access routes be confirmed at the time of rezoning, and the Local Trust Committee has confirmed that the Reservation Area as defined in this Agreement is a portion of the road network that the OCP seeks to achieve;
- E. It is a policy of the OCP that land that is rezoned to any economic activity zone should have direct frontage and suitable access on a highway classified as Main Rural or Minor Rural, and the portion of the Lands that the Owner has applied to rezone has no such frontage or access but will have such frontage and access at such time as the Reservation Area is dedicated as highway and a roadway is constructed in the Reservation Area;

- F. Section 219 of the *Land Title Act*, R.S.B.C. 1996, c.250, as amended, permits the registration of a covenant of a negative or positive nature in favour of the Local Trust Committee, in respect of the use of land or buildings, the building on land, or the subdivision of land;
- G. The Owner wishes to reserve the Reservation Area for highway purposes on the terms and conditions contained in this Agreement;
- H. The Owner also agrees to grant to the Province an option to purchase the reserved portion of the Lands in accordance with the terms of this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the premises and promises of this Agreement, the sum of \$1.00 paid by each of the Province and the Local Trust Committee to the Owner, and other good and valuable consideration (the receipt and sufficiency of which are hereby expressly acknowledged by the parties), and pursuant to section 219 of the *Land Title Act*, the parties covenant and agree as follows:

ARTICLE 1 INTERPRETATION

- 1.1 **Definitions.** In this Agreement, the following terms shall have the meanings set out below unless the context requires otherwise:
- (a) **“Agreement”** means this agreement and all schedules annexed hereto and any amendments hereto or modifications hereof and the terms “hereto”, “herein”, “hereby” and other similar terms are used in reference to this Agreement;
 - (b) **“Business Day”** means any day other than Saturday, Sunday, any statutory holiday in the Province of British Columbia or any day on which banks generally are not open for business in Victoria, British Columbia;
 - (c) **“LTO”** means the Victoria Land Title Office;
 - (d) **“Permitted Encumbrances”** means the following encumbrances registered against the Lands:
 - (i) rights of way registered in favour of British Columbia Hydro and Power Authority under Nos. B73284, L6542, and L6543;
 - (ii) any charges or encumbrance as may be required as a condition of Subdivision (as hereinafter defined); and
 - (iii) the reservations and exceptions contained in the original grant from the Crown; and

- (e) “**Person**” is to be broadly interpreted and includes an individual, a corporation, a partnership, a trust, an unincorporated organization, the government of a country or any political subdivision thereof, or any agency or department of any such government.

ARTICLE 2 HIGHWAY RESERVATION

- 2.1 **Reservation Area.** The Owner, as the owner in fee simple of the Lands, covenants and agrees with the Grantees that the 2.15 ha. portion of the Lands (the “Reservation Area”) outlined in heavy black line and identified as “[REDACTED]” on the reference/explanatory plan prepared by Peter Thomson B.C.L.S. completed on [REDACTED], and deposited concurrently with this Agreement in the LTO under number [REDACTED], a reduced copy of which is attached to this Agreement as Schedule “A”, is hereby reserved for public highway purposes (the “Highway Reservation Covenant”).
- 2.2 **No Building.** The Owner covenants, promises and agrees that except as expressly permitted by this Agreement, the Reservation Area shall not be developed, encumbered or improved in any way and the Owner shall not cause or permit any construction to be done on or within the Reservation Area.
- 2.3 **Permitted Use.** Nothing in this Agreement prevents the Owner from maintaining on the Reservation Area such buildings, structures, mobile homes and utilities as are, at the date of this Agreement, already erected, placed, installed or maintained thereon (the “Existing Improvements”), on the condition that, if required by the Province in the event the Province exercises the option granted to it in section 3.1 herein, the Owner will be solely responsible for the cost of and will remove the Existing Improvements in accordance with section 2.4. The Owner shall use the Lands in all respects as though the Reservation Area was at all times a dedicated and constructed highway and in particular without restricting the generality of the foregoing, the Owner shall in its use and development of the Lands, comply with the front, side and rear yard setback requirements for buildings or structures constructed upon the Lands set out in the relevant provisions of the Galiano Island Land Use Bylaw as amended from time to time, in all respects as though the Reservation Area was at all times a dedicated and constructed highway.
- 2.4 **Removal of Existing Improvements.** Should the Province give notice to the Owner, the Owner shall, within 60 days of written notice from the Grantee, remove or cause the removal of any and all Existing Improvements then existing on, in, over, under or above the Reservation Area, except as exempted in writing by the Province.
- 2.5 **Removal by Province.** If the Owner fails or refuses to remove any Existing Improvements as provided in section 2.4, the Province may, through its agents and employees, enter onto the Lands at all reasonable times to effect the removal of the Improvements and the costs of removal incurred by the Province shall be a debt owed by the Owner to the Province.

ARTICLE 3 GRANT OF OPTION TO ACQUIRE RESERVATION AREA

- 3.1 **Option.** The Owner hereby grants, under seal, to the Province, the sole and exclusive option (the “Transportation Option”), irrevocable within the time for exercise by the Province herein limited, to acquire the Lands.
- 3.2 **Transportation Option Payment.** At the time of exercising the Transportation Option, the Province will pay to the Owner one dollar (\$1.00).
- 3.3 **Non-Exercise of Option.** The Transportation Option will be null and void and no longer binding upon the parties hereto and the Transportation Option Payment will be retained by the Owner as consideration for the grant of the Transportation Option, if the Transportation Option is not exercised within the time and the manner herein set forth.

ARTICLE 4 EXERCISE OF TRANSPORTATION OPTION

- 4.1 **Exercise of Option.** The Transportation Option may be exercised by the Province at any time during the period commencing on the date of registration of this Agreement in the LTO and ending at midnight on the date which is the fiftieth (50th) anniversary of the date of registration of this Agreement in the LTO, by the Province giving written notice to the Owner (in the manner required for the giving of notices herein).
- 4.2 **Extension of Option.** The parties may, by mutual agreement, prior to the date of expiry of the Transportation Option, extend the date for exercise of the Transportation Option.
- 4.3 **Non-Exercise of Option.** The parties acknowledge that the Province may elect not to exercise the Transportation Option for any reason.
- 4.4 **Site Profile.** The Owner will provide the Province with a site profile of the Lands, as required under the *Environmental Management Act* or any successor legislation, within five business days of the date the Transportation Option is exercised by the Province.

ARTICLE 5 COMPLETION

- 5.1 **Binding Contract.** If the Transportation Option is exercised in the manner herein provided, this Agreement will become a binding contract of purchase and sale of the Reservation Area on the terms and conditions of this Agreement.
- 5.2 **Completion Date.** The sale will be completed upon the terms herein contained on the date (the “Transportation Completion Date”) chosen by the Province, provided that the Transportation Completion Date must be at least 10 days after satisfaction of the condition precedent and the Transportation Completion Date must not be more than 182 days after the date on which the Province exercises the Transportation Option.

- 5.3 **Purchase Price.** The purchase price (“Purchase Price”) for the Reservation Area will be one dollar (\$1.00).
- 5.4 **Condition Precedent: Subdivision.** It is a condition precedent to the purchase and sale that, within 182 days after the Province exercises the Transportation Option, a subdivision plan (the “Subdivision Plan”) be executed by all required signatories and approved by the Approving Officer and by any other approving authorities, to subdivide the Reservation Area from the Lands, or such portion of the Reservation Area as the Province may determine is required for highway purposes.
- The Subdivision Plan shall be a highway dedication plan under section 107 of the *Land Title Act* and the Owner shall arrange for all chargeholders to execute the Subdivision Plan and the Permitted Encumbrances shall not appear on title, but the Province accepts that the works and undertakings of the Permitted Encumbrances are permitted on and within the Reservation Area.
- Subdivision is a condition precedent for the benefit of both parties and this condition may not be waived.
- 5.5 **Effect of Condition.** If the above condition precedent is satisfied and the party benefiting from the condition gives notice to the other party by the date so specified, this Agreement will become an unconditional contract for the purchase and sale of the Reservation Area or portion thereof.
- 5.6 **Subdivision Obligations.** Upon the exercise of the Transportation Option by the Province, the Province shall, at its own cost, apply for subdivision approval and prepare the Subdivision Plan.
- 5.7 **Subdivision Requirements.** The Owner will execute the Subdivision Plan and cause it to be executed by all Persons required to sign it. The Owner will take all steps to facilitate the Subdivision, including the execution of registrable documents required by the Approving Officer. The Owner acknowledges that nothing in this Agreement commits the Approving Officer to approve the Subdivision Plan.
- 5.8 **Possession.** Upon completion of the sale and purchase of the Reservation Area or portion thereof, the Province will have vacant possession of the area free of all liens, charges and encumbrances, but subject to the works and undertakings of the Permitted Encumbrances.
- 5.9 **Adjustments.** The parties agree that there will be no adjustments as to taxes or any other matters normally adjusted between a vendor and purchaser on the sale of real property in British Columbia between them with regard to the transaction contemplated by this Agreement.

- 5.10 **Risk.** The Reservation Area will be at the Owner's risk until the acceptance of the Transfer (if applicable) and the Subdivision Plan for registration in the LTO and thereafter at the Province's risk.

ARTICLE 6 CLOSING PROCEDURE

- 6.1 **Closing Documents.** The Province will cause the Province's solicitors to prepare and present to the Owner or its solicitors a GST certificate signed by the Province in the form attached as Schedule "B" hereto and the following closing documents:
- (a) the Statutory Declaration (as defined in section 9.2(f));
 - (b) such other appropriate documents and assurances as may be requisite in the opinion of the Province's solicitors for more perfectly and absolutely transferring title to the Reservation Area or portion thereof to the Province.
- 6.2 **Delivery of Documents.** Before the Transportation Completion Date, the Owner will deliver or cause its solicitors to deliver to the Province's solicitors the closing documents to be executed by the Owner, all executed and in registrable form, as applicable.
- 6.3 **Closing Procedure.** The conveyance of the Reservation Area or portion thereof by the Owner to the Province will be completed in accordance with the following procedure:
- (a) after receipt of the documents from the Owner, the Province, at its own cost, will cause its solicitors to apply to register the following in the LTO on the Transportation Completion Date, upon receipt of a satisfactory pre-index search of the Lands:
 - (i) the Subdivision Plan;
 - (ii) discharge of the Transportation Option from the remainder of the Lands;
 - (iii) discharge of the Highway Reservation Covenant; and
 - (iv) other charges required as a condition of Subdivision;
 - (b) following the applications referred to in the subsection above and upon receipt by the Province's solicitors of a title search of the remainder of the Lands showing full registration of the Subdivision Plan, the Province will cause its solicitors to deliver to the Owner's solicitors a trust cheque for the Purchase Price.

ARTICLE 7 GRANT OF STATUTORY RIGHT OF WAY

- 7.1 In this Article 7, “Segment 1” means that portion of the Reservation Area that is shown on Schedule “A” as bounded by Bends 1 and 3 and “Segment 2” means that portion of the Reservation Area that is shown on Schedule “A” as bounded by Bends 3 and 9.
- 7.2 In the event that the Province exercises the Transportation Option in respect of a portion of the Reservation Area that does not include Segment 1, the Owners shall grant a statutory right of way for emergency vehicular access in respect of Segment 1 in the form of Schedule “C”.
- 7.3 In the event that the Province exercises the Transportation Option in respect of a portion of the Reservation Area that does not include Segment 2, the Owners shall grant a statutory right of way for trail purposes in respect of Segment 2 in the form of Schedule “D”.
- 7.4 The statutory rights of way provided for in this Article 7 shall be granted to the Local Trust Committee for nominal consideration and in priority to all financial charges, within 30 days of the date on which the Province exercises the Transportation Option, and the cost of preparing and registering the required instruments in the LTO shall be for the Owner’s account. The Owners acknowledge that the Local Trust Committee may transfer or assign any such statutory right of way to the Capital Regional District or another entity satisfactory to the Local Trust Committee or designate that entity as the initial grantee of the statutory right of way.

ARTICLE 8 RESTRICTIONS ON SUBDIVISION AND COMMERCIAL USE

- 8.1 The subdivision and land use covenants granted in this Article are hereinafter called the “Subdivision and Use Covenants”.
- 8.2 The Owner covenants with the Local Trust Committee not to subdivide the Lands by subdivision plan, strata plan or otherwise, except as contemplated by Article 5 of this Agreement or in the event that the Local Trust Committee amends the Land Use Bylaw to permit subdivision.
- 8.3 The Owner covenants with the Local Trust Committee not to operate any business on the Lands outside the hours of 6:00 in the morning to 7:00 in the evening, provided that the Owner may, at any time:
 - (a) operate one truck on the Lands, provided that it has a gross vehicle weight (GVW) not exceeding 10,000 kg;
 - (b) conduct forestry and farming activities on the Lands;

- (c) conduct any commercial activity on the Lands the timing or scheduling of which is dictated by emergency circumstances including the existence of forest fire hazards, weather conditions, ferry schedules or marine tides; and
- (d) operate a signalling device such as a vehicle motion alarm, where such operation is necessary to maintain safety.

ARTICLE 9 OWNER'S COVENANTS AND REPRESENTATIONS AND WARRANTIES

9.1 Owner's Covenants. The Owner covenants and agrees that it will:

- (a) permit the Province and the Province's employees, engineers, agents, surveyors and advisors to carry out such inspections, tests, studies, surveys and other investigations of the Reservation Area as the Province may require (including for determining the Owner's compliance with the Highway Reservation Covenant) and will provide reasonable cooperation and assistance to the Province and its consultants in conducting such investigations;
- (b) cooperate with the Province and its consultants in allowing the Province, at the Province's sole cost and expense, to conduct environmental tests or audits of the Reservation Area and provide to the Province or its consultants all information in its possession or control or to its knowledge relating to those areas;
- (c) maintain in force insurance covering loss or damage to the Lands and covering public liability, in both cases against such risks and to such limits as are in accordance with prudent business practice and suitable to the Lands; and
- (d) preserve the Lands intact as would a prudent owner during the term of this Agreement.

9.2 Owner's Representations and Warranties. The Owner represents and warrants to the Province as representations and warranties that are true at the date hereof and will be true at the Transportation Completion Date that are to continue and to survive the purchase of the Reservation Area, regardless of any independent investigations that the Province may cause to be made, that, subject to the limitations, if any, expressed herein:

- (a) the Owner has good and marketable title to the Lands and the Province will have good and marketable title to the Reservation Area on the Transportation Completion Date, free and clear of all liens, claims, charges and encumbrances other than the Permitted Encumbrances;
- (b) DL37 is a body corporate duly incorporated and validly existing under the laws of British Columbia and duly qualified to own and sell the Reservation Area with full power and authority and capacity to enter into this Agreement and to carry out the transactions contemplated herein;

- (c) DL37 is in good standing with the Office of the Registrar of Companies for British Columbia, has made all necessary filings required by the *Business Corporations Act* (British Columbia) and has never been struck from the register of companies maintained by the Office of the Registrar of Companies for British Columbia;
- (d) DL37 has taken all necessary corporate actions on the part of the directors and shareholders to authorize and approve the execution and delivery of this Agreement and the completion of the transactions contemplated herein;
- (e) there is no action or proceeding pending or to the Owner's knowledge threatened against the Owner before any court, arbiter, arbitration panel or administrative tribunal or agency which, if decided adversely to the Owner, might materially affect the Owner's ability to perform the Owner's obligations hereunder;
- (f) the Owner is not a non-resident of Canada for the purposes of the *Income Tax Act* (Canada) and the Owner will provide the Province with a statutory declaration of this before the Completion Date (the "Statutory Declaration");
- (g) there is no action, suit, claim or litigation pending or threatened with respect to the Lands or the existing use or occupancy of them and no state of facts exists which could constitute the basis of any such action, suit, claim or litigation;
- (h) the Owner has not failed to disclose to the Province any material fact or information concerning the Lands of which the Owner is aware; and
- (i) to the best of its knowledge, the Lands are not and will not be contaminated, there are no environmental orders made in respect of the Lands and the Lands comply and will continue to comply with all environmental laws.

9.3 **Owner's Indemnity.** The Owner agrees to indemnify and save harmless the Province and its officers, employees, agents and others from all losses, actions, demands, claims, expenses and harm of any kind which the Province or its officers, employees, agents or others may directly or indirectly suffer in relation to environmental contamination of or from the Reservation Area caused or occurring before the Transportation Completion Date, and this indemnity will survive the transfer of the Reservation Area to the Province.

9.4 **No Encumbrances.** The Owner shall not grant or register or permit any new encumbrances of any kind on the Lands which affect or may affect the Reservation Area unless the Owner has obtained the prior written consent of the Province to such encumbrance, which consent may be unreasonably withheld. For clarity, the Province may withhold its consent unless the chargeholder agrees to enter into an agreement with the Province to sign the Subdivision Plan.

ARTICLE 10 REMEDIES

- 10.1 **Equitable Remedies.** The Owner acknowledges that a breach of its obligation to transfer the Reservation Area to the Province subject only to Permitted Encumbrances would result in loss to the Province and the Local Trust Committee and that neither party may adequately be compensated for such loss by monetary award. Accordingly, in the event of any such breach, in addition to all other remedies available to the Province or the Local Trust Committee at law or in equity, the Province and the Local Trust Committee shall be entitled as a matter of right to apply to a Court of competent jurisdiction, for such relief by way of specific performance or other equitable remedies, as may be appropriate to ensure compliance with the provisions of this Agreement.

ARTICLE 11 GENERAL

- 11.1 **Time.** Time will be of the essence of this Agreement and will remain of the essence notwithstanding the extension of any of the dates hereunder.
- 11.2 **Entire Agreement.** This Agreement sets forth the entire agreement and understanding of the parties with respect to the subject matter hereof and supersedes all prior agreements and understandings among the parties with respect to the matters herein, and there are no oral or written agreements, promises, warranties, terms, conditions, representations or collateral agreement whatsoever, express or implied, other than those contained in this Agreement.
- 11.3 **Survival of Representations and Warranties.** All representations, warranties, covenants and agreements made by the parties will survive the Transportation Completion Date and the transfer of the Reservation Area to the Province.
- 11.4 **Amendment.** This Agreement may be altered or amended only by an agreement in writing signed by the parties hereto.
- 11.5 **Notices.** Any notice or other writing required or permitted to be given under this Agreement or for the purposes of this Agreement to any party shall be sufficiently given if delivered by hand, or if sent by prepaid courier or if transmitted by facsimile to such party:
- (a) in the case of a notice to the Local Trust Committee, at:
Suite 200, 1627 Fort Street
Victoria, BC
V8R 1H8
 - (b) in the case of a notice to the Province, at:

PO Box 9850 Stn Prov Govt
Victoria, BC
V8W 9T5

- (c) in the case of a notice to the Owner, the address of the Owner as shown on the title to the Lands or if the Owner is a corporation, to the registered address as shown on a B.C. Company Summary from the Corporate Registry,

or at such other address or addresses as the party to whom such notice or other writing is to be given shall have last notified the party giving the same in the manner provided in this section. Any notice or other writing sent in compliance with this section shall be deemed to have been given and received on the day it is so delivered unless that day is not a Business Day, in which case the notice shall be deemed to have been given and received on the next day that is a Business Day.

- 11.6 **Attornment.** Each of the parties attorns to the exclusive jurisdiction of the courts of the Province of British Columbia.
- 11.7 **Enurement.** This Agreement shall enure to the benefit of and be binding on the parties hereto and their respective successors and assigns.
- 11.8 **Further Assurances.** Each of the parties hereto shall, with reasonable diligence, do all such things and provide all such reasonable assurances and assistance as may be required to consummate the transactions contemplated hereby and each such party shall provide such further documents or instruments required by any other party as may reasonably be necessary or desirable to give effect to the terms and purpose of this Agreement and carry out its provisions, before or after the Transportation Completion Date.
- 11.9 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia and the federal laws of Canada as applicable.
- 11.10 **No Public Law Duty.** Whenever in this Agreement the Local Trust Committee or the Province is required or entitled by the terms hereof to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, they may do so in accordance with the contractual provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise, shall have any application.
- 11.11 **Waiver.** No supplement, modification, waiver or termination of this Agreement shall be binding unless executed in writing by the party to be bound thereby. No waiver of any of the provisions of this Agreement shall be deemed to or shall constitute a waiver of any

other provisions (whether or not similar) nor shall such waiver constitute a continuing waiver unless otherwise expressly provided.

- 11.12 **Statute References.** Any reference in this Agreement to any statute or any section thereof shall, unless otherwise expressly stated, be deemed to be a reference to such statute or section as amended, restated or re-enacted from time to time.
- 11.13 **Headings.** The headings appearing in this Agreement have been inserted for reference and as a matter of convenience and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision thereof.
- 11.14 **Illegality, Invalidity, etc.** In the event that one or more provisions, or any portion thereof, of this Agreement or any agreement, document or other instrument required to be delivered hereunder or pursuant hereto should be illegal, invalid or unenforceable in any respect under any applicable law, the validity, legality and enforceability of the remaining provisions hereof or thereof, or any remaining portion thereof, shall not be affected or impaired thereby.
- 11.15 **Covenant Runs with the Lands.** Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* in respect of the Lands and the Transportation Option, the Highway Reservation Covenant and the Subdivision and Use Covenant burden the Lands and run with them and bind the successors in title to the Lands. For certainty, unless the context expressly requires otherwise, the term “Owner” refers to the current and each future owner of the Lands. The Transportation Option, the Subdivision and Use Covenant and the Highway Reservation Covenant burden and charge all of the Lands and any parcel into which they are subdivided by any means and any parcel into which the Lands are consolidated.
- 11.16 **Registration.** The Owner agrees to do everything necessary, at the Owner’s expense, to ensure that the Subdivision and Use Covenant, Highway Reservation Covenant and Transportation Option are registered against title to the Lands with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of each charge.
- 11.17 **Deed and Contract.** By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.
- 11.18 **Joint and Several.** All covenants made by the Owner shall be construed as being several as well as joint.
- 11.19 **No Compensation.** The Owner shall not be entitled to any further compensation or payment for the highway reservation or the transfer/dedication of the Reservation Area as public highway or for any injurious affection or disturbances resulting therefrom or from the

removal of any Existing Improvements. The Owner agrees that it shall not be entitled to any further consideration in value, compensation or to make a claim for any reduction in value, if any, to the remaining portion of the Lands or other lands of the Owner resulting from the acquisition or use of the Reservation Area as highway. Without limitation, the Owner shall not be entitled to and agrees not to seek compensation for business losses, loss of profit, loss of market value, relocation costs or other consequential loss by reason of the removal of Existing Improvements or transfer/dedication of the Reservation Area or by reason of the highway reservation in this Agreement.

11.20 No Effect on Laws or Powers. This Agreement does not:

- (a) affect or restrict the Province's ability to acquire any land or interest in land by expropriation or other legal means of acquisition;
- (b) affect or restrict the discretion, rights, duties or powers of the Province or the Local Trust Committee under any enactment (as defined in the *Interpretation Act*) or at common law; or
- (c) relieve the Owner from complying with any enactment or the common law.

11.21 No Obligations on Grantees. The rights given to the Province and the Local Trust Committee by this Agreement are permissive only and nothing in this Agreement:

- (a) imposes any duty of care or other legal duty of any kind on either of them to the Owner or to anyone else;
- (b) obliges either of them to enforce this Agreement, which is a policy matter within their sole discretion; or
- (c) obliges either of them to perform any act, or to incur any expense for any of the purposes set out in this Agreement.

11.22 Interpretation.

- (a) Wherever the singular or masculine or neuter is used in this Agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties so require.
- (b) The word "including" when following any general statement or term shall not be construed to limit the general statement or term to the specific items set forth following the general statement or term (or to similar terms) whether or not non-limiting language (such as "without limitation") is used, but rather shall be construed to permit the general statement or term to refer to all other items that could reasonably fall within its broadest possible scope.

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

DRAFT

SCHEDULE A

Plan of Proposed Subdivision of Reservation Area

DRAFT

SCHEDULE B

Goods and Services Tax Declaration

To: [insert name of owner] (the "Vendor")

RE: An agreement between the _____ (the "Purchaser") and the Vendor dated for reference _____, 20____ and being a Highway Reservation Covenant and Option to Purchase (the "Agreement")

The Province hereby certifies that:

1. The Province is registered under Subdivision d of Division V of Part IX of the *Excise Tax Act* ("ETA") for the collection and remittance of the goods and services tax ("GST") and its registration number is _____.
2. The Province will remit directly to the Receiver General of Canada the GST payable, and file the prescribed Form GST 60 pursuant to subsection 228(4) of the ETA in connection with the sale and conveyance of the Property.
3. The Property transferred pursuant to the Agreement:
 - (a) is being purchased by the Province as principal for its own account and is not being purchased by the Province as an agent, trustee, or otherwise on behalf of or for another person; and
 - (b) does not constitute a supply of a residential complex made to an individual for the purposes of paragraph 221(2)(b) of the ETA.

Dated at _____ this ____ day of _____, 20__.

_____ by its authorized signatory:

Authorized Signatory

SCHEDULE C

**TERMS OF INSTRUMENT – PART 2
STATUTORY RIGHT OF WAY AGREEMENT**

THIS AGREEMENT dated for reference the ____ day of _____, 20__

BETWEEN:

(the “Grantor”)

AND:

(the “Grantee”)

GIVEN THAT:

A. The Grantor is the registered owner in fee simple of all that certain parcel or tract of land and premises situate on Galiano Island and more particularly known and described as:

PID: 009-622-527

District Lot 37, Galiano Island, Cowichan District

(the “Land”);

B. The Grantor wishes to grant to the Grantee a statutory right of way for emergency vehicular access, including vehicular access to and egress from lands on Galiano Island that may be otherwise inaccessible due to wildfire hazard;

C. This statutory right of way is necessary for the operation and maintenance of the Grantee’s undertaking;

NOW THEREFORE in consideration of the premises and payments of this Agreement and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged by both parties), pursuant to the provisions of Section 218 of the *Land Title Act*, the parties covenant and agree as follows:

1. The Grantor hereby grants, conveys and confirms to the Grantee, in perpetuity, the full, free and uninterrupted right, liberty, easement and statutory right of way (the “Statutory Right of Way”) for the Grantee, its officers, employees, contractors, licensees, agents, assigns and invitees, and others of the Grantee, in common with the Grantor with respect to every part of the Land (the “SRW Area”):

- (a) to have unobstructed access over, on, and in the SRW Area for emergency vehicular access;
 - (b) to clear the SRW Area and keep it clear of anything which in the opinion of the Grantee constitutes or may constitute an obstruction to its use of the SRW Area; and
 - (c) to do all acts which in the opinion of the Grantee are incidental to the foregoing.
- 2. The Grantor shall:
 - (a) not do or permit to be done any act or thing which in the opinion of the Grantee might interfere with or obstruct access to or the use of the SRW Area;
 - (b) trim or, if necessary, cut down any tree or other growth on the Land which in the opinion of the Grantee constitutes or may constitute a danger or obstruction to those using the SRW Area; and
 - (c) permit the Grantee to peaceably hold and enjoy the rights hereby granted.
- 3. The Grantee shall:
 - (a) use the SRW Area so as to cause no unnecessary damage or disturbance to the Grantor, the Land or any improvement on the Land; and
 - (b) not be unreasonable in its opinions herein.
- 4. The Grantor may, at the Grantor's cost, prepare for the execution of the Grantee a modification of this Agreement for the purpose of restricting the SRW Area to that portion of the Land, not less than 20 m in width, that is indicated as lying between Bends 1 and 3 on the Plan of District Lot 37 attached to and forming part of this Agreement, and the Grantee shall execute such modification agreement provided that it complies with this section.
- 5. The Grantor indemnifies, saves harmless, releases and forever discharges the Grantee from and against all manner of actions, causes of action, claims, debts, suits, demands and promises whatsoever at law or at equity, whether known or unknown, which the Grantor now has or may at any time have by reason of the granting, existence or use of the Statutory Right of Way and SRW Area save and except to the extent caused by any negligence by the Grantee. This indemnity and release survives the termination of this Agreement.
- 6. Waiver of any default by either party shall not be deemed to be a waiver of any subsequent default by that party.
- 7. The Statutory Right of Way contained herein runs with the Land and each and every part into which the Land may be subdivided or consolidated by any means (including subdivision plan, reference or explanatory plan, strata plan, or lease), but no part of the fee of the Land passes to or is

vested in the Grantee under or by this Agreement and the Grantor may fully use the Land subject only to the common law and the rights, obligations and restrictions expressly set out in this Agreement. This Agreement enures to the benefit of and is binding on the parties notwithstanding any rule of law or equity to the contrary.

8. Whenever it is required or desired that either party shall deliver or serve a notice on the other, delivery or service shall be deemed to be satisfactory if and deemed to have occurred when:

- (a) the Grantor has been served personally, on the date of service; or
- (b) mailed by prepaid registered mail, on the date received or on the sixth day after receipt of mailing by any Canada Post Office, whichever is the earlier, so long as the notice is mailed to the party at the address provided herein or to whatever address the parties from time to time in writing agree to.

9. Wherever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context so requires.

10. Every reference to each party is deemed to include the heirs, executors, administrators, successors, assigns, employees, agents, officers, licensees and invitees of such party wherever the context so requires or allows.

11. If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement.

13. No amendment of this Agreement, is valid or binding unless in writing and executed by the parties.

14. This Agreement shall be governed and construed in accordance with the laws of the Province of British Columbia.

15. Wherever this Agreement creates a power or obligation of the Grantee to make a decision or to exercise any contractual right or remedy, the Grantee may do so in accordance with the provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, shall have any application.

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

[Attach Plan of District Lot 37 prepared by Peter Thomson BCLS]

DRAFT

SCHEDULE D

**TERMS OF INSTRUMENT – PART 2
STATUTORY RIGHT OF WAY AGREEMENT**

THIS AGREEMENT dated for reference the ____ day of _____, 20__

BETWEEN:

(the “Grantor”)

AND:

(the “Grantee”)

GIVEN THAT:

- D. The Grantor is the registered owner in fee simple of all that certain parcel or tract of land and premises situate on Galiano Island and more particularly known and described as:

PID: 009-622-527

District Lot 37, Galiano Island, Cowichan District

(the “Land”);

- E. The Grantor wishes to grant to the Grantee a statutory right of way for **public trail access**;

- F. This statutory right of way is necessary for the operation and maintenance of the Grantee’s undertaking;

NOW THEREFORE in consideration of the premises and payments of this Agreement and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged by both parties), pursuant to the provisions of Section 218 of the *Land Title Act*, the parties covenant and agree as follows:

1. The Grantor hereby grants, conveys and confirms to the Grantee, in perpetuity, the full, free and uninterrupted right, liberty, easement and statutory right of way (the “Statutory Right of Way”) for the Grantee, its officers, employees, contractors, licensees, agents, assigns and invitees, and others of the Grantee, in common with the Grantor with respect to every part of the Land (the “SRW Area”):

- (a) to have unobstructed access over, on, and in the SRW Area **on foot or non-motorized bicycle**;

- (b) to clear the SRW Area and keep it clear of anything which in the opinion of the Grantee constitutes or may constitute an obstruction to its use of the SRW Area; and
 - (c) to do all acts which in the opinion of the Grantee are incidental to the foregoing.
- 2. The Grantor shall:
 - (a) not do or permit to be done any act or thing which in the opinion of the Grantee might interfere with or obstruct access to or the use of the SRW Area;
 - (b) trim or, if necessary, cut down any tree or other growth on the Land which in the opinion of the Grantee constitutes or may constitute a danger or obstruction to those using the SRW Area; and
 - (c) permit the Grantee to peaceably hold and enjoy the rights hereby granted.
- 3. The Grantee shall:
 - (a) use the SRW Area so as to cause no unnecessary damage or disturbance to the Grantor, the Land or any improvement on the Land; and
 - (b) not be unreasonable in its opinions herein.
- 4. The Grantor may, at the Grantor's cost, prepare for the execution of the Grantee a modification of this Agreement for the purpose of restricting the SRW Area to that portion of the Land, not less than 20 m in width, that is indicated as lying between Bends 3 and 9 on the Plan of District Lot 37 attached to and forming part of this Agreement, and the Grantee shall execute such modification agreement provided that it complies with this section.
- 5. The Grantor indemnifies, saves harmless, releases and forever discharges the Grantee from and against all manner of actions, causes of action, claims, debts, suits, demands and promises whatsoever at law or at equity, whether known or unknown, which the Grantor now has or may at any time have by reason of the granting, existence or use of the Statutory Right of Way and SRW Area save and except to the extent caused by any negligence by the Grantee. This indemnity and release survives the termination of this Agreement.
- 6. Waiver of any default by either party shall not be deemed to be a waiver of any subsequent default by that party.
- 7. The Statutory Right of Way contained herein runs with the Land and each and every part into which the Land may be subdivided or consolidated by any means (including subdivision plan, reference or explanatory plan, strata plan, or lease), but no part of the fee of the Land passes to or is vested in the Grantee under or by this Agreement and the Grantor may fully use the Land subject only to the common law and the rights, obligations and restrictions expressly set out in this

Agreement. This Agreement enures to the benefit of and is binding on the parties notwithstanding any rule of law or equity to the contrary.

8. Whenever it is required or desired that either party shall deliver or serve a notice on the other, delivery or service shall be deemed to be satisfactory if and deemed to have occurred when:

(a) the Grantor has been served personally, on the date of service; or

(b) mailed by prepaid registered mail, on the date received or on the sixth day after receipt of mailing by any Canada Post Office, whichever is the earlier, so long as the notice is mailed to the party at the address provided herein or to whatever address the parties from time to time in writing agree to.

9. Wherever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context so requires.

10. Every reference to each party is deemed to include the heirs, executors, administrators, successors, assigns, employees, agents, officers, licensees and invitees of such party wherever the context so requires or allows.

11. If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement.

13. No amendment of this Agreement, is valid or binding unless in writing and executed by the parties.

14. This Agreement shall be governed and construed in accordance with the laws of the Province of British Columbia.

15. Wherever this Agreement creates a power or obligation of the Grantee to make a decision or to exercise any contractual right or remedy, the Grantee may do so in accordance with the provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, shall have any application.

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

[Attach Plan of District Lot 37 prepared by Peter Thomson BCLS]

DRAFT

END OF DOCUMENT

Top Priorities

Galiano Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Telecommunication Strategy	Review telecommunication options, including policies for telecommunication towers, on Galiano Island.	01-Feb-2016	Rob Milne	01-Dec-2017
2	Affordable Housing Strategy	Special APC to review options	07-Mar-2016	Rob Milne	31-Oct-2018
3	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the LUB.	07-Mar-2016	Rob Milne	31-Oct-2018



Projects

Galiano Island

Description	Activity	R/Initiated
Soil Removal and Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw	12-Sep-2011
Comprehensive Watershed Planning	?	01-Oct-2016
Commercial Vacation Rental (TUP) Review	Review the Temporary Use Permit (TUP) guidelines in the Official Community Plan in relation to commercial vacation rentals.	05-Dec-2016
Review of split zonings.		05-Mar-2018
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	16-Apr-2012
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)	23-Jul-2012
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.	15-Jul-2013
Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	18-Nov-2013
Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	18-Nov-2013
Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	18-Nov-2013



Projects

Galiano Island

Description	Activity	R/Initiated
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, and review park zoning (specifically to allow stairs in setbacks).	07-Jul-2014
Community Benefit Review for Forest Lands	Staff to prepare preliminary report for new LTC	08-Sep-2014
Consider amendments to re-designate and rezone crown owned Forest lots.- Bylaws 231, 232 at First Reading	re-refer to FLNRO for comment	



Islands Trust

Print Date: June 4, 2018

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
GL-ALR-2017.1	Issac Kramer, Daysgoneby.org Land Stewards Ltd Planner: Phil Testemale	08-Dec-2017	to include land in the ALR - cattle ranch
Planning Status			
Status Date: 01-May-2018 E-mailed applicant requesting information (as per previous requests), advising taking to June LTC.			
Status Date: 15-Mar-2018 Applicant advised, again, to obtain a professional agrologist's report providing advice and recommendations on potential for ALC inclusion			
Status Date: 13-Feb-2018 Phoned applicant to enquire as to intent to proceed. Advised that applicant has not decided. Applicant advised that supporting documentation would be required if the decision is to proceed.			

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2014.1	Crystal Mountain Society	28-Oct-2014	20300 PORLIER PASS RD To allow for year round use of the Forest Retreat Centre
Planner: Kim Stockdill			
Planning Status			
Status Date: 01-May-2018 Applicants asked to have a preliminary subdivision layout plan prepared for review			
Status Date: 25-Apr-2018 Applicants provide preliminary comments for staff review and s.99 subdivision for Trust Fund review			

Applications

Status Date: 12-Mar-2018

Meeting with applicant representatives, more information and plans required before reporting back to LTC

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2016.2	GALIANO CONSERVANCY ASSOCIATION	08-Aug-2016	DL 57 10825 Porlier Pass Rd Rezoning from Rural to Environmental Education use and Nature Protection.
Planner: Kim Stockdill			

Planning Status

Status Date: 01-Jun-2018

Approval of trail SRW received from ALC

Status Date: 24-Apr-2018

Forwarded to Minister's office

Status Date: 11-Apr-2018

Approved by EC

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2017.1	DL37 Holdings, F. Stevens & I. Stevens	02-Aug-2017	Rezone DL37 from F1 to allow residential and industrial use
Planner: Robert Kojima			

Planning Status

Status Date: 25-May-2018

Draft covenant received

Status Date: 27-Apr-2018

cost recovery funding received, direction to legal counsel to start work on covenant

Status Date: 20-Apr-2018

Letter send to neighbouring owners, plans and background material forwarded to MOTI for comment, applicant requested to review and provide comment on potential covenant limitations consistent with noise bylaw restrictions

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2017.2	BERNARD MIGNAULT	02-Nov-2017	Rezone from F1 to RR2
Planner: Kim Stockdill			

Applications

Planning Status

Status Date: 08-Mar-2018

APC referral cover letter sent out with links to documents

Status Date: 05-Mar-2018

Application referred to APC at LTC meeting.

Status Date: 14-Feb-2018

February 14, 2018 staff report 2 approved by RPM

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2017.2	Peter Thomson	22-Dec-2017	Proposed 20 lot bare land strata subdivision.

Planner: Robert Kojima

Planning Status

Status Date: 01-Feb-2018

Application on hold pending registration of ALC covenant

Status Date: 12-Jan-2018

called applicant to send in fees

Status Date: 22-Dec-2017

referral received, processing application, await RPM planner assignment and fee request confirmation.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2018.1	CAROLSFELD	15-Mar-2018	STVR application

Planner: Ian Cox

Planning Status

Status Date: 30-May-2018

Bernd to send guest check-in info and cistern capacity, etc. May 30th.
Ian left message to confirm that he would like to try for the July 11th LTC meeting.



Applications

Status Date: 09-Apr-2018

application to proceed to LTC, file assigned

Status Date: 19-Mar-2018

file opened, fees processed, given to RPM for assignment

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending March 2018

625 Galiano	Invoices posted to Month ending March 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	750.00	1,345.76	-595.76
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	5,500.00	4,263.75	1,236.25
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	1,896.95	-1,396.95
65220-625	LTC - Local Exp - Communications	500.00	1,036.62	-536.62
65230-625	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>7,000.00</u>	<u>7,197.32</u>	<u>-197.32</u>
Projects				
73001-625-2002	Galiano OCP/LUB	5,000.00	982.69	4,017.31
73001-625-4065	Galiano Dock Review	4,500.00	0.00	4,500.00
73001-625-4081	Galiano Telecommunications Strategy	5,000.00	640.57	4,359.43
TOTAL Project Expenses		<u>14,500.00</u>	<u>1,623.26</u>	<u>12,876.74</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: March 6, 2018

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.
4.	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.

No	Meeting Date	Resolution No.	Issue	Policy
5.	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.
6.	December 5, 2016	By consent	TUP for Commercial Vacation Rentals	Without fettering its discretion, the LTC provided the following guidance with respect to its consideration of TUP applications for Commercial Vacation Rentals: 1. A Commercial Vacation Rental use should only be considered in one dwelling per lot 2. Permits being considered in Water Management Areas should include conditions requiring cisterns with a minimum capacity of 16,000 litres and a water meter. 3. In order to assist in assessing cumulative impacts, staff are requested to continue to provide an updated map showing the location, status, and maximum number of guests of all Commercial Vacation Rental TUP applications.
7.	March 5, 2018	GL-2018-023	TUPs for Short Term Vacation Rental use	That the Galiano Island Local Trust Committee place a 12 month moratorium on the issuance of new temporary use permits for Short Term Vacation Rental (STVR).

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