



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: November 4, 2019
Time: 12:30 pm
Location: North Community Hall
22790 Porlier Pass Road, Galiano Island, BC

			Pages
1.	CALL TO ORDER	12:30 PM - 12:30 PM	
2.	APPROVAL OF AGENDA		
3.	TRUSTEE REPORT	12:30 PM - 12:50 PM	
4.	CHAIR'S REPORT		
5.	TOWN HALL AND QUESTIONS	12:50 PM - 1:10 PM	
6.	COMMUNITY INFORMATION MEETING		
	none		
7.	PUBLIC HEARING		
	none		
8.	MINUTES	1:10 PM - 1:20 PM	
8.1	Local Trust Committee Minutes Dated October 7 (for Adoption)		4 - 10
8.2	Section 26 Resolutions Without Meeting Report		
	none		
8.3	Advisory Planning Commission Minutes Dated November 26, 2018 and October 2 & 15, 2019 (for Receipt)		11 - 22
9.	BUSINESS ARISING FROM MINUTES	1:20 PM - 1:30 PM	
9.1	Follow-up Action List Dated October 2019		23 - 23
10.	DELEGATIONS		
	none		

11. CORRESPONDENCE

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

none

12. APPLICATIONS AND REFERRALS

1:30 PM - 2:45 PM

- | | | |
|------|--|-----------|
| 12.1 | GL-RZ-2017.1 (Stevens) - Staff Report (attached) | 24 - 72 |
| 12.2 | GL-RZ-2019.2 (Gauvreau) - Staff Report (attached) | 73 - 86 |
| 12.3 | GL-DVP-2019.4 (Angelopoulos) - Staff Report (attached) | 87 - 107 |
| 12.4 | GL-TUP-2019.8 (Waterfall & Kowalski) - Staff Report (attached) | 108 - 122 |

13. LOCAL TRUST COMMITTEE PROJECTS

none

14. REPORTS

2:45 PM - 3:00 PM

14.1 Work Program Reports (attached)

- | | | |
|--------|---|-----------|
| 14.1.1 | <u>Top Priorities Report Dated October 2019</u> | 123 - 123 |
| 14.1.2 | <u>Projects List Report Dated October 2019</u> | 124 - 126 |

14.2	Applications Report Dated October 2019 (attached)	127 - 132
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14.3 Trustee and Local Expense Report

none

14.4	Adopted Policies and Standing Resolutions (attached)	133 - 135
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14.5 Local Trust Committee Webpage

14.6 Islands Trust Conservancy Report

none

15. NEW BUSINESS

3:00 PM - 3:15 PM

- | | | |
|------|---|-----------|
| 15.1 | Live Streaming LTC Meetings - Briefing (attached) | 136 - 137 |
| | for response | |

16. UPCOMING MEETINGS

3:15 PM - 3:20 PM

- | | |
|------|--|
| 16.1 | Next Regular Meeting Scheduled for December 9, 2019, at the South Community Hall, Galiano Island |
|------|--|

16.2 2020 Proposed Annual Meeting Schedule (attached for Adoption)

138 - 138

- | | | |
|------------|-----------------------------------|-------------------|
| 17. | TOWN HALL | 3:20 PM - 3:40 PM |
| 18. | CLOSED MEETING

none | |
| 19. | ADJOURNMENT | 3:40 PM - 3:40 PM |



Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: October 7, 2019
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

Members Present: Dan Rogers, Chair
Tahirih Rockafella, Local Trustee
Jane Wolverton, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Brad Smith, Islands Planner
Yasemin Schnorr Von Carolsfeld, Recorder

Public: There were approximately (30) members of the public.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 12:32 p.m. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations and particularly the Penelakut people.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

Trustee Rockafella requested to add item 12.4 Fred Stevens, District Lot (DL) 37 under Section 12 APPLICATIONS AND REFERRALS.

By general consent the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee Rockafella reported that in September she attended the Trust Council quarterly meeting and strategic planning session on Bowen Island.

Trustee Wolverton provided a report on the following points:

- On September 30th, there was a world café style event regarding the Islands Trust policy review and approximately 60 people attended;
- The policy statement hasn't been amended in 25 years;
- There were several different projects discussed, including the Penelakut and the Galiano Friendship society; and
- The film Dust and Bones was viewed and is a movie that would be presented in the community.

4. CHAIR'S REPORT

Chair Rogers acknowledged that at the September 9th LTC meeting, a mistake was made in his choice of language with respect to the use of the word “purgatory” in comparative reference to the term “No Further Action”.

He provided a report on the following points:

- Attended the Union of BC Municipalities (UBCM) conference. It brought together elected officials from all across the province and was a great networking opportunity. Subjects were discussed such as forestry and potential amendments to the Private Managed Forest Land (PMFL) Act;
- The PMFL “What We Heard” document is due out shortly; and
- The September Trust Council meeting resulted in Trustees adopting a strategic plan which includes three major themes: Reconciliation, Climate Change and Housing.

5. TOWN HALL AND QUESTIONS

Members of the public made the following points:

- The Local Trust Council (LTC) was thanked for their contributions generally and specifically for opening up the F1 lot issue;
- Why do the minutes currently have no attributions;
- Driveway guidelines and potential ecological impacts;
- The letter re: improved internet service; and
- This community needs to work together, not fight amongst each other.

Chair Rogers replied to the attribution question with the following points:

- It is intended to avoid people feeling they’ve been misquoted;
- It’s more in line with the overarching organizational policy; and
- The meetings are being recorded and can be reviewed online, should there be any questions of attribution.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated September 9, 2019 (for Adoption)

By general consent the Local Trust Committee meeting minutes of September 9, 2019 were adopted as presented.

8.2 Section 26 Resolutions Without Meeting Report

None

8.3 Advisory Planning Commission Minutes

None

9. BUSINESS ARISING FROM MINUTES

9.1 Follow-up Action List Dated September 2019

Planner Smith reported that all FUAL items are complete except close-out of the Stevens application and discharge of covenant as dialogue continues with the proponent and LTC

Received for information.

10. DELEGATIONS

10.1 Southern Gulf Islands Community Economic Sustainability Commission - CRD Representatives Mike Hoebel & Emma Davis:

Mike Hoebel spoke to a CRD project on connectivity to improve service for the broadband internet:

- It will benefit emergency response, health services, education etc.
- Rural/remote areas don't come anywhere near approaching the minimum broadband standard;
- There are government funds available that providers could tap in to; and
- Three quarters of people surveyed expressed dissatisfaction with current connectivity, especially with the lack of reliable cell phone/connectivity for emergency response.

Emma Davis from the CRD indicated that consultation with the community is planned to take place this fall/winter.

Consultation is focused on the following points:

1. To determine the current state of connectivity; and
2. To better understand any community concerns.

11. CORRESPONDENCE

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

None

11.1 Email from Fire Chief Harris Dated September 20, 2019 Re: Driveway Specifications

Received for information and discussion was held.

GL-2019-070

It was Moved and Seconded,

that the Galiano Island Local Trust Committee add driveway guidelines for emergency access to the LTC Projects List.

CARRIED

12. APPLICATIONS AND REFERRALS

12.1 GL-TUP-2019.9 (Harrison/Kramer) - Staff Report

Galiano Island Local Trust Committee

Regular Meeting Minutes

October 7, 2019

DRAFT

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Planner Smith provided an overview and background information. Discussion was held with regards to the report recommendation.

GL-2019-071

It was Moved and Seconded,

that the Galiano Island Local Trust Committee approve the issuance of a renewal for Temporary Use Permit GL-TUP-2019.9 (Harrison and Kramer) for a two (2) year period.

CARRIED

12.2 GL-DVP-2018.5 (Meden) - Staff Report

Planner Smith provided an overview and background information. Discussion was held in regards to the report recommendations.

GL-2019-073

It was Moved and Seconded,

that the Galiano Island Local Trust Committee amend Development Variance Permit GL-DVP-2018.2 (Meden) by: removing from section 2. a) the phrase from “the construction of shelter structure within 1.2 metres of an interior side lot line as shown on Schedule ‘A’” after “...interior side lot line.”; and, by removing section 2. b) in its entirety.

CARRIED

GL-2019-074

It was Moved and Seconded,

that the Galiano Island Local Trust Committee approve Development Variance Permit GL-DVP-2018.2 (Meden) as amended.

CARRIED

12.3 GL-TUP-2019.7 (Keating & Young) - Staff Report

Planner Smith provided an overview and background information. Discussion was held with regards to the report recommendation.

GL-2019-072

It was Moved and Seconded,

that the Galiano Island Local Trust Committee approve the issuance of a renewal for Temporary Use Permit GL-TUP-2019.7 (Keating & Young) for a two (2) year period.

CARRIED

12.4 Fred Stevens, District Lot (DL) 37 (GL-RZ-2017.1)

Discussion was held on how to proceed.

GL-2019-075

It was Moved and Seconded,

that the Galiano Local Trust Committee rescind motion GL-2019-056.

CARRIED

GL-2019-076

It was Moved and Seconded,

that staff report back to the Local Trust Committee (LTC) at the November 4th LTC meeting, regarding new information and options on the Stevens application.

CARRIED

A break was held from 2:16 p.m. to 2:30 p.m.

13. LOCAL TRUST COMMITTEE PROJECTS – N/A

14. REPORTS

14.1 Work Program Reports

14.1 Top Priorities Report Dated September 2019

Planner Smith provided an update on STVR review noting that the discussion paper is complete and the next step is public engagement planned for November 2019.

A brief discussion was held.

14.1.2 Projects List Report Dated September 2019

Regional Planning Manager (RPM) Kojima reported that the Projects List will be reviewed prior to the next meeting.

It was requested that the Project List be revised by adding driveway access standards.

A brief discussion was held.

14.2 Applications Report Dated September 2019

Status of applications on the Applications Report was provided:

- Romagnoli Rezoning; - planner to follow-up with proponent
- the Crystal Mountain Society (CMS) – planner met with CMS planning committee – CMS finalizing details of new proposal;
- Galiano Club rezoning – planner met with proponent – preliminary report to be included on November 4 LTC agenda;
- Peter Thompson/Galiano Green – planner to follow-up to confirm status of application; and
- TUP application with highway encroachment issues – planner working with applicant.

14.3 Trustee and Local Expense Report Dated August, 2019

None

14.4 Adopted Policies and Standing Resolutions

None

14.5 Local Trust Committee Webpage

None

14.6 Islands Trust Conservancy Report

None

15. NEW BUSINESS

15.1 Road Network and Emergency Access - Discussion to Hold a Community Information Meeting

A discussion was held to determine whether to refer this issue to the Advisory Planning Commission (APC). It was decided to defer this and any related motions to the November meeting.

15.2 F1 Lot Rezoning Options and Community Benefit/Development Agreements - Staff Report

Planner Smith summarized an overview of provisions around community benefits and potential next steps. He spoke to the Amenity Zoning piece and F1 challenges.

Chair Rogers expressed that the issue should be part of a larger review.

15.3 Options for Improving Management of Public Comments for Land Use Applications - Staff Memo

A discussion was held on the matter..

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for November 4, 2019, at the North Community Hall, Galiano Island

17. TOWN HALL

Members of the public made the following points:

- The report on the F1 properties & the 75%/25% rezoning options;
 - How many previous rezoning's have occurred under these scenarios;
- Satisfaction with LTC for continuing to keep open the DL 37 Stevens application:
 - A community meeting should be held prior to any public hearing and include maps;
 - The issue with the last rezoning was that too much was done, too quickly;
 - Maps alone are not enough. Visiting the property and having photographs of the land would help;
 - Disappointed that 3rd reading of bylaw wasn't rescinded;
 - Chair Rogers commented that it would be good to find a way forward with respect to the Stevens' application; but there are still questions on how to get there.

- All forest owners are welcome to attend meetings, but they opt not to attend or get involved with the community;
- Community action is required to properly address climate change and the impact on Coastal Douglas-fir ecosystems;
- The two amenity options in the OCP do not begin with allowing a residence on a parcel in the F1 zone;
- The F3 zone, watershed preservation, sustainable forestry covenant, statutory right of way, Road Network Plan and development agreements; and
- how F1 lot rezoning decisions could potentially create precedence for the future:
 - Chair Rogers provided the example of TUP applications, where LTC renewed the first one for two years and then the following renewal applications were approved for the same time period.

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 4:00 p.m.

Dan Rogers, Chair

Certified Correct:

Yasemin Schnorr Von Carolsfeld, Recorder



Galiano Island Advisory Planning Commission Record of Meeting

Date: November 26, 2018
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
2:00 p.m.

Members Present: Sheila Anderson (Chair)
Akasha Forest
Barry New
Dave Koster

Regrets: Bowie Keefer
Judy Parrack
Jenna Falk

Staff Present: Colleen Doty, Recorder

Members of the Public: One member of the public arrived at 2:25pm.

1. CALL TO ORDER

The meeting was called to order at 2:00 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 Galiano Island Advisory Planning Commission minutes of September 12, 2018 be adopted.

CARRIED

4. CANNABIS RETAILING

The APC considered the following referral:

ADOPTED

At their meeting of September 17, 2018 the Galiano Island Local Trust Committee (LTC) passed a resolution to refer the Regulation of Cannabis Production and Retail Sales and Non-Medical Cannabis Retail License Application Fees Staff Report to the APC for their analysis, and that the APC focus on:

- The draft standing resolution in recommendation #1.
- The fee for referrals, in recommendation #2.
- Whether the LTC should consider amending its zoning to prohibit cannabis retail sales and thus require proponents to also apply to rezone.

I. General discussion

It was noted that this is a complicated issue given the three levels of government involved; the local Islands Trust role is limited, except with respect to land-use and fees.

There was extensive discussion with respect to the role of the Agricultural Land Reserve (ALR). It was noted:

- The main objective of the ALR was to preserve agricultural land and encourage the establishment and maintenance of farms for food security.¹
- The ALR allows for the production and retailing of cannabis, but sets few limits.
- There is little ALR land on Galiano.
- The use of industrial land was considered preferable for the production and retailing of cannabis, rather than ALR and agriculturally zoned land.
- There is an imminent need to protect agricultural land in the face of climate change.

Discussion occurred with respect to lot coverage in various zones.

- Residential zones can have up to 25% lot coverage.
- Agricultural zones may have up to 35% lot coverage, plus an additional 40% for commercial greenhouses only.

With respect to the Agricultural Zone it was noted that export crops may be grown, which have little to do with food security. Consideration was given to recommending the LTC undertake a review of the Land Use Bylaws to ensure agricultural land on Galiano is being protected.

There was discussion of possibly recommending that retail sales of cannabis be limited to commercially-zoned properties.

II. Motions

The following motions were considered:

¹ April 18, 1973, BC Land Commission Act came into effect; see <https://www.alc.gov.bc.ca/alc/content/alr-maps/alr-history>

ADOPTED

A. MOTION

It was moved and seconded that the Galiano Island Advisory Planning Commission agree that the Galiano Island Local Trust Committee should adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal.
- However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - o Name of the applicant and a description of the proposal in general terms
 - o The location of the proposed establishment and the subject site
 - o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered.
 - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - o How public comments may be submitted to the Local Trust Committee.

CARRIED

- B. With respect to the issue of retail licensing application fees for non-medical cannabis, some concern was expressed about the proposed fees being prohibitive. Others felt the proposed fee of \$2000 was reasonable.

MOTION

It was moved and seconded that the Galiano Island Advisory Planning Commission recommend that the Galiano Island Local Trust Committee request staff to prepare a draft bylaw to amend the fees bylaw to specify a separate fee for Liquor and Cannabis Regulation Branch non-medical cannabis retail license applications in the amount of \$2,000.

CARRIED

Three in favour, one member opposed

ADOPTED

- C. Equivalency and fairness were identified as important goals in the retail licensing fee structures for non-medical cannabis and liquor.

MOTION

It was moved and seconded that the Galiano Island Advisory Planning Commission recommends to the Galiano Island Local Trust Committee that they consider amending the fee for new retail liquor sale licenses to \$2000 so as to be the same as for cannabis retail sales.

CARRIED

- D. Discussion occurred around ensuring appropriate limits on production and retailing of non-medical cannabis on Galiano Island.

MOTION

It was moved and seconded that the Galiano Island Advisory Planning Commission recommends that the Galiano Island Local Trust Committee should review our LUB and OCP to ensure that retail sales of non-medicinal cannabis only occur on commercial zones.

CARRIED

- E. While the APC were aware that this referral was only with respect to the retailing of non-medical cannabis, commission members considered the issue of cannabis production warranted a review of the Land Use Bylaws (LUB) and Official Community Plan (OCP).

Points raised included:

- the need to protect Agricultural zones for food production and food security;
- urgency created by climate change to address food security;
- acknowledging the impacts that cannabis production could have on a community;
- the need to define limits around: scale, location, number of operations, water use, lot coverage, structures, light pollution, perimeter security, ground cover removal, and possible loss of land-base for food production²

MOTION

It was moved and seconded that the Galiano Advisory Planning Commission recommends that the Galiano Island Local Trust Committee review the Land Use Bylaws and Official Community Plan for: scale, number of operations, water use, lot coverage, structures, security issues, soil removal, light pollution, possible

² Subsequent research by an APC member has identified 22 approved pesticides that may be used for cannabis production (approved by the Govt of Canada). <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/licensed-producers/policies-directives-guidance-information-bulletins/testing-cannabis-medical-purposes-unauthorized-pest-control-products.html>

ADOPTED

loss of land-base for food production, pesticide use and anything else the LTC would like to review further, relating to the production of cannabis.

CARRIED

5. ADJOURNMENT

The meeting adjourned at 3:25 pm.

CHAIR

DATE

CERTIFIED CORRECT:

Colleen Doty, Recording Secretary



DRAFT



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

Date: October 2, 2019
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
10:00 a.m.

Members Present: Sheila Anderson (Chair)
Jenna Falk
Akasha Forest
Bowie Keefer
Barry New

Regrets: Dave Koster
Judy Parrack

Staff Present: Carly Bilney, Recorder

Members of the Public: Andrew Loveridge

1. CALL TO ORDER

The meeting was called to order at 10:00 a.m.

2. APPROVAL OF THE AGENDA

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

3. MINUTES OF NOVEMBER 26, 2018 FOR ADOPTION

MA-APC-2019-003

It was Moved and Seconded,

that the Galiano Island Advisory Planning Commission minutes of November 26, 2018 be adopted.

CARRIED

4. COMMENTS FROM MEMBERS OF THE COMMUNITY

One member of the public arrived at 11:15 a.m. and provided no comment.

5. CONSIDERATION OF LOCAL TRUST COMMITTEE REFERRAL MOTION

The Chairperson introduced the referral as per the following Local Trust Committee (LTC) resolution: LTC Resolution GL-2019-067 to refer the climate adaption and mitigation strategy report to the Galiano APC to make specific recommendations on strategies

6. DISCUSSION OF REFERRED DOCUMENTS

The APC discussed the two reports from the Islands Trust. The first report, entitled *Report on Climate Change Adaptation and Mitigation Strategies by the Islands Trust*, provides a summary of current and past actions and policies adopted by the Islands Trust to address climate change. The second report, entitled *Climate Change Emergency Declaration – Local Planning Tools for Mitigation and Adaptation*, provides an initial approach in response to Trust Council’s Climate Emergency Declaration with respect to local planning tools for addressing climate change.

The APC considered the need for a broadened approach to address climate change and that Galiano Island’s strongest tool to mitigate climate change is to conserve its ecosystems.

It was noted that “village” areas close to services could prove counterproductive in the face of climate change on Galiano because of the island’s dependence on groundwater.

The APC discussed how the LTC could be more proactive in its climate change approach by:

- Providing education and expertise to help landowners manage their land sustainably
- Providing a climate change adaption expert, hired by the Islands Trust or Capital Regional District, to offer free consultation on sustainable building to community members
- Encouraging sustainability through the development permitting system
- Working with the Ministry of Transportation and Infrastructure (MoTI) to ensure some progress can be made toward improving our roadways for bicycles and ebikes.

There was extensive discussion with respect to the key role that forests play in maintaining healthy ecosystems. Committee members considered how to protect the island’s forests in a long-term manner and the following points were raised:

- The forest ecosystem protects the shoreline from rising sea levels. Zoning authority might be used to create small clusters of residential neighbourhoods that minimize the impact on forest ecosystems and leave the shoreline undisturbed.
- Increased vegetation surrounding buildings can help to reduce stormwater runoff.
- An excess amount of deer on the island negatively impacts the regeneration of the forest. The APC discussed the management of the deer population on Galiano and agreed to invite a representative from the Galiano Conservancy Association to share information on the topic, as the organization is currently conducting research in the area.

DRAFT

- Consideration of an Islands Trust program that provides tax reduction incentives in exchange for ecologically sustainable forestry covenants may be beneficial.

The committee agreed with the referred reports that the data upon which Galiano's current greenhouse gas emissions reductions targets are based is limited. Discussion ensued about how the creation of a database of information that, for instance, tracked water use and mapped the rise in sea-level, would help to establish a baseline from which the community could measure its environmental impact.

The committee discussed climate change mitigation tools that could be implemented on Galiano including:

- Encouraging and providing infrastructure for the use of bicycles and e-bikes with dedicated public roadways and suitable trails
- Increased safe pedestrian pathways
- Foot-passenger ferries
- Community energy projects

The increased risk of wildfire on the island was considered and the committee generally agreed that achieving an expanded system of emergency evacuation routes is important. Committee members questioned whether the recently declared climate emergency provides any new legislative tools that allow for the emergency evacuation of residents. They also considered how Galiano could benefit from new Provincial funding designed to help rural communities cope with wildfire.

The committee discussed the need to manage the impacts of expanding tourism on Galiano. It was noted that tourism is an extractive industry placing increased demands on groundwater during the summer season. As well, tourism-related transportation creates increased use of roads and trails, increased use of fossil fuels, and increased CO2 emissions.

Members suggested that higher density by development and higher intensity of use by tourism could lead to higher instances of saltwater intrusion when combined with extended drought.

7. CONSIDERATION OF APC REFERRAL RESPONSE REPORT FORM AND CONTENT

The Galiano Advisory Planning Commission agreed to draft a report to provide the Galiano Local Trust Committee with a summary of its recommendations.

8. THE NEXT MEETING on this referral will take place, tentatively, on Tuesday, October 15 at 1:30 p.m.

9. ADJOURNMENT

By general consent the meeting was adjourned at 12:14 p.m.

DRAFT

CHAIR

DATE

CERTIFIED CORRECT:

Carly Bilney, Recording Secretary



DRAFT



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

Date: October 15, 2019 @ 2:00 PM
Location: Trustee Office
23 Madrona Drive, Galiano Island, BC

Members Present: Sheila Anderson (Chair)
Akasha Forest
Bowie Keefer
Barry New

Regrets: Jenna Falk
Dave Koster
Judy Parrack

Staff Present: Carly Bilney, Recorder

Members of the Public: Lauren Magner

1. CALL TO ORDER

The meeting was called to order at 1:59 p.m.

2. APPROVAL OF THE AGENDA

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

3. MINUTES OF OCTOBER 2, 2019 FOR ADOPTION

It was Moved and Seconded,
that the Galiano Island Advisory Planning Commission minutes of October 2, 2019 be
adopted.

CARRIED

4. COMMENTS FROM MEMBERS OF THE COMMUNITY

DRAFT

One member of the community was present. She commented that her partner, Andrew Simon, conducts research on environmental sustainability and would be willing to provide assistance to the APC as needed.

She questioned how accountability is achieved when climate change language in the Galiano Official Community Plan (OCP) is not addressed.

Discussion followed with committee members noting that policies in each island's OCP and land-use bylaws are often subject to interpretation by Staff and the LTC. Members discussed the need to update the language in the Galiano OCP in such a way that addresses the climate emergency more effectively and ensures policies are acted upon.

5. CONSIDERATION OF APC REFERRAL RESPONSE REPORT FORM AND CONTENT

5.1 LTC Resolution GL-2019-067 to refer the climate adaption and mitigation strategy report to the Galiano APC to make specific recommendations on strategies

The Chairperson commented that the aim of the meeting was to form an outline for a report which will make specific recommendations on climate change mitigation and adaptation strategies in response to the Local Trust Committee (LTC) resolution GL-2019-067.

Discussion followed regarding climate change mitigation strategies versus adaption strategies and how best to present recommendations relating to each within the report.

Committee members suggested recommendations in the report be oriented according to the various tools that are available to the LTC to mitigate climate change.

There was extensive discussion about the need to strengthen the language of Galiano's OCP within the context of a climate emergency, and in such a way that provides firm direction rather than loose guidelines. The committee discussed how the OCP and Land Use Bylaws could make possible the ability to:

- Create land reserves for sensitive ecosystem areas.
- Apply different development styles to protect shorelines.
- Provide incentives to encourage landowners to protect forest ecosystems.
- Secure funding for more local research and data collection about impacts of climate change.
- ensure clustering of dwelling sites in development of larger parcels to minimize fragmentation of forest ecosystems.
- Encourage the CRD to fund regular and ongoing fire prevention education in the community for residents and visitors.
- Significantly increase the setback from the shoreline to achieve better shoreline protection.
- Restrict structures along the shoreline (such as docks, rock walls, etc) that interfere with sea processes.

DRAFT

- Allow for solar gardens and community vehicles.

Members discussed the need to apply climate change mitigation measures on a broad level. There was general discussion about what could be done on Galiano to promote sustainability, including:

- Setting up public transport, such as an electric bus service.
- Providing chippers to reduce the number of bonfires.
- Gathering indigenous knowledge about the protection and restoration of ecosystems.
- Opening a second ferry dock at Montague for foot passengers as an emergency evacuation route.

Committee members also commented on food security in the context of climate change adaption and how the protection of soil in a forest ecosystem and food security are intertwined. There was also discussion about the impact of tourism on the environment and the importance of taking groundwater use into consideration when planning.

The committee discussed further how best to structure the report and members agreed to draft an outline by the next meeting. They also agreed to seek input from Andrew Simon, a biodiversity researcher and Risa Smith, an ecosystems specialist on Galiano. The Chair agreed to contact both of them and see what could be arranged.

6. NEXT MEETING DATE AND TIME

THE NEXT MEETING on this referral will take place, tentatively, on Friday, November 15 at 2:00 p.m.

7. ADJOURNMENT

By general consent the meeting was adjourned at 4:18 p.m.

CHAIR

DATE

CERTIFIED CORRECT:

Carly Bilney, Recording Secretary



Follow Up Action Report

Galiano Island

07-Oct-2019

Activity	Responsibility	Dates	Status
1 8.1 Minutes of September 9, 2019 adopted as presented	Maple Hung	Target: 18-Oct-2019	Completed
2 12.1 GL-TUP-2019.9 (Harrison/Kramer) renewed for 2 yrs - issue permit	Sharon Lloyd-deRosario	Target: 14-Oct-2019	Completed
3 12.3 GL-TUP-2019.7 (Keating/Young) renewed for 2 yrs - issue permit	Sharon Lloyd-deRosario	Target: 14-Oct-2019	Completed
4 12.2 GL-DVP-2018.2 (Meden) approved as amended in accordance with planner recommendation in staff report (ie. variance for deck/dwelling approved, variance for accessory workshop structure denied) - revise and issue permit as amended	Phil Testemale Sharon Lloyd-deRosario	Target: 14-Oct-2019	Completed
5 12.4 GL-RZ-2017.1 (Stevens) - staff report for Nov 4 meeting with new proposal information/options for LTC consideration	Robert Kojima	Target: 25-Oct-2019	Completed
6 15.1 Staff to provide advice to LTC on scope of potential APC referral re: emergency access	Brad Smith	Target: 25-Oct-2019	Completed
7 14.1.2 Staff to provide advice to LTC re: potential updates/revisions to LTC projects list	Brad Smith	Target: 25-Oct-2019	In Progress
8 11. Add "Driveway guidelines for emergency access" to GL-LTC projects list	Brad Smith	Target: 14-Oct-2019	Completed



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

DATE OF MEETING: November 4, 2019
TO: Galiano Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team

SUBJECT: GL-RZ-2017.1 (Stevens) Bylaws 265 and 266
Applicant: Fred and Isobel Stevens
Location: 303 Betty Ann Drive

RECOMMENDATIONS

1. THAT the Galiano Island Local Trust Committee endorse the replacement composite reference plan prepared by Peter Thomson dated October 24, 2019 and that staff undertake the necessary steps to modify Covenant CA7154985 accordingly.
2. THAT the Galiano Island Local Trust Committee rescind Third Reading of Bylaw 265, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2017”.
3. THAT the Galiano Island Local Trust Committee rescind Third Reading of Bylaw 266, cited as “Galiano Island Land Use Bylaw, 1999, Amendment No. 2, 2017”.
4. THAT the Galiano Island Local Trust Committee direct staff to schedule a public hearing and community information meeting for Bylaws 265 and 266.

REPORT SUMMARY

The purpose of this report is to provide the Galiano Island Local Trust Committee (LTC) with an update on proposed changes associated with the rezoning application. The applicant has provided a modified proposal which would provide additional emergency access and two alternate connections for future highway dedication.

BACKGROUND

The application was initiated in 2017 to amend the zoning and land use designation on the F1 zoned lot to permit the existing contractor yard and an accessory dwelling on a portion of the property. As a condition of consideration of adoption of the bylaws, the LTC resolved that the applicant enter into a covenant with the LTC, acceptable to the Ministry of Transportation (MoTI) to reserve future road dedication consistent with the OCP Road Network Plan and Transportation policies. The LTC held a public hearing on Bylaws 265 and 266 in July 2018. The OCP amendment bylaw was approved by the Minister of Municipal Affairs and Housing on October 22, 2018. The covenant was subsequently executed by all parties (LTC Chair, applicant and MoTI) and submitted for registration.

s. 219 Covenant

The registered covenant includes the following key elements:

- Reserved areas for future highway dedication and/or emergency access routes (Area within plans EPP57484 and EPP57479 on the attached composite plan and in the registered covenant).
- An option to purchase (for a dollar) the reservation areas by the Province.
- Provides for the Province to acquire the reservation area as a highway.
- Allows for portions of the reserved area that may not be required by the Ministry for highway, to be granted as a statutory right of way for emergency access or as a trail to the CRD.
- Prohibits future subdivision and restricts hours of operation of the business.

At the February meeting the LTC considered the application and adopted the following resolution:

GL-2019-002

It was Moved and Seconded,

that the Galiano Island Local Trust Committee hold the application in abeyance and that staff be directed to work with applicant to amend the covenant to:

- Provide connectivity between the two road reservations areas on DL 37.
- Grant a statutory right-of-way for emergency access as a condition for rezoning.
- Consider changing the location for the Georgia View extension (Road Reservation #2).

CARRIED

Statutory Right-of-way for emergency access

Following the February meeting, CRD staff and the applicant developed the attached Statutory Right of Way which provides for access for emergency providers and the public (copy attached). The statutory right-of-way includes the following key provisions:

- Grants to the CRD, and all members of the public, emergency access and egress across DL 37
- As a statutory right-of-way it is perpetual and would not be affected by changes in land ownership
- It would allow the CRD access to repair and maintain the route
- It would require that the owner provide the CRD with keys to any gates
- Use of the route by the public in an emergency should be under the direction of the CRD
- In this version of the agreement, the CRD would utilize the existing utility road running east–west across the lot (connecting Betty Ann Drive to Georgia View Road - shown on the attached composite plan) but if the CRD determines that route is not suitable the statutory right-of-way allows the CRD to establish the route elsewhere on the property.

The applicants also submitted a revised road reservation plan which would have provided connectivity between the two highway reservation areas (Plan EPP57479). At the May meeting, the LTC endorsed the replacement plan and authorized the expenditure of up to \$4000 to undertake the survey work associated with preparing the plan. At the June meeting the LTC rescinded the May resolution and adopted the following:

GL-2019-048

It was Moved and Seconded,

that the Galiano Local Trust Committee request the applicant to provide an ecosystem-based sustainable forestry covenant on the remaining F1 zoned land and that the road reservation be the Georgia View extension in its entirety.

At the July 8th meeting the LTC further considered the proposal, and resolved to proceed no further with the application:

GL-2019-056

It was Moved and Seconded,

that the Galiano Local Trust Committee proceed no further with Bylaws 265 and 266 and designate the Chair to sign the documents discharging the s.219 covenant granted to the LTC as a condition of rezoning.

CARRIED

Chair Rogers Opposed

At the meeting of October 7, 2019, the LTC reconsidered the proposal, and resolved:

GL-2019-075

It was Moved and Seconded,

that the Galiano Local Trust Committee rescind motion GL-2019-056.

CARRIED

GL-2019-076

It was Moved and Seconded,

that staff report back to the Local Trust Committee (LTC) at the November 4th LTC meeting, regarding new information and options on the Stevens application.

CARRIED

Subsequently, the applicant has proved a further revised proposal which would:

- Modify the covenant to provide two alternate future highway dedication connections which would connect the Georgia View road extension to the proposed north-south highway reservation area (the proposed connections are labelled on the attached composite plan as EPP57482 and EPP57479).
- Modify the Statutory Right-of-way granted to the CRD to provide additional emergency access from the point where the 'east side road' enters DL 37 at the in the north west portion of the property and connect with the existing emergency access provided in the currently registered statutory right of way, providing a connection from the 'east-side road' to Georgia View Road (shown in the attached composite plan with dashed lines). At the time of writing, the modified statutory right of way is in the process of being finalized and registered.
- Provide the following works by the applicant:
 - Install a culvert and driveway over the creek at the location where the proposed highway reservation shown on the attached Plan crosses the creek, to the satisfaction of the CRD.
 - Construct a driveway connecting the existing north-south route (the 'east side road') on the property to the existing route providing emergency access between Betty Ann Drive and Georgia View, to the satisfaction of the CRD.

These works have been undertaken, as indicated on the following photos.



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

ANALYSIS

The revised covenant plans and the emergency access statutory right-of-way modifications would result in the following:

- provide connectivity for the highway reservation areas from Georgia View Road to the 'east side road';

- provide two alternative connections across the creek for a future dedicated highway, the ultimate decision on which connection would be implemented would up to MoTI at the time the dedication is required, likely initiated by subdivision of lands beyond;
- emergency access across the property would be provided from both Betty Ann Dr. and the 'East side road' entrances to Georgia View Road (and *vice versa*) – shown by the dashed lines on the attached composite plan. The statutory right-of-way provides for blanket access and the CRD could modify the specific routes within the property in the future as needed;
- the applicant has installed a crossing of the stream at the location of the previous crossing and graded the road to provide the proposed connections. Staff would confirm with CRD that this work is to the CRD's satisfaction if the proposal proceeds.

The LTC should consider if the proposed changes warrant proceeding with application. If the LTC is satisfied, direction should be given to staff to work with legal counsel to prepare the necessary modifications to the covenant. The applicant has worked with the CRD to modify the statutory right-of-way for emergency access.

NEXT STEPS

As the bylaws have already been subject to a public hearing, and the LTC has received new submissions from the public and the applicant since the resolution to proceed no further, the LTC must hold a new public hearing if it chooses to proceed. As a public hearing must be held between First and Third Readings of the bylaws, the LTC must rescind third reading of both bylaws (265 and 266) and direct staff to schedule a new hearing. Due to notification requirements, the scheduling of a hearing typically takes several weeks.

Alternative Resolution

1. That the Galiano Island Local Trust Committee proceed no further with Bylaws 265 and 266 and designate the Chair to sign the documents discharging the s.219 covenant granted to the LTC as a condition of rezoning.

Submitted By:	Robert Kojima Regional Planning Manager	October 25, 2019
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Attachments:

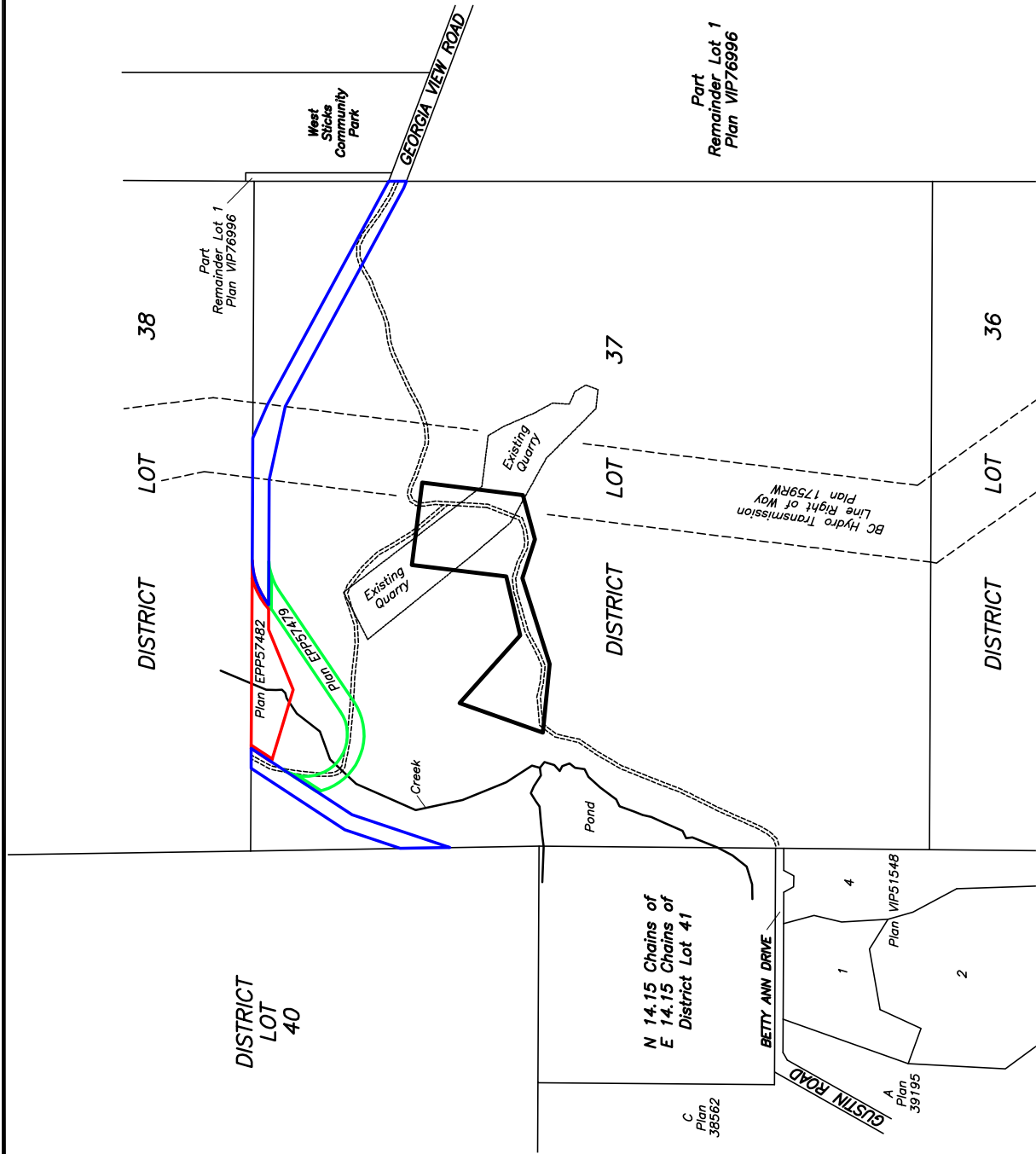
1. Composite Plan
2. Bylaw 265
3. Bylaw 266
4. Registered S.219 covenant
5. Registered Statutory Right-of-way

**PLAN OF DISTRICT LOT 37,
GALLIANO ISLAND, COWICHAN DISTRICT**

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

- Emergency access route shown thus
- Forest Industrial Area shown thus
- Area only within Plan EPP57482 shown thus
- Area only within Plan EPP57479 shown thus
- Area within both Plans EPP57482 and EPP57479

Surveyed October 22nd, 2019
Drawing prepared October 24th, 2019



PETER THOMSON BCLS CLS
Galliano Island
peter.thomson@telus.net

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

READ A SECOND TIME THIS 11TH DAY OF JUNE 2018

PUBLIC HEARING HELD THIS 9TH DAY OF JULY 2018

READ A THIRD TIME THIS 9TH DAY OF JULY 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
15TH DAY OF AUGUST 2018

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS
22TH DAY OF OCTOBER 2018

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

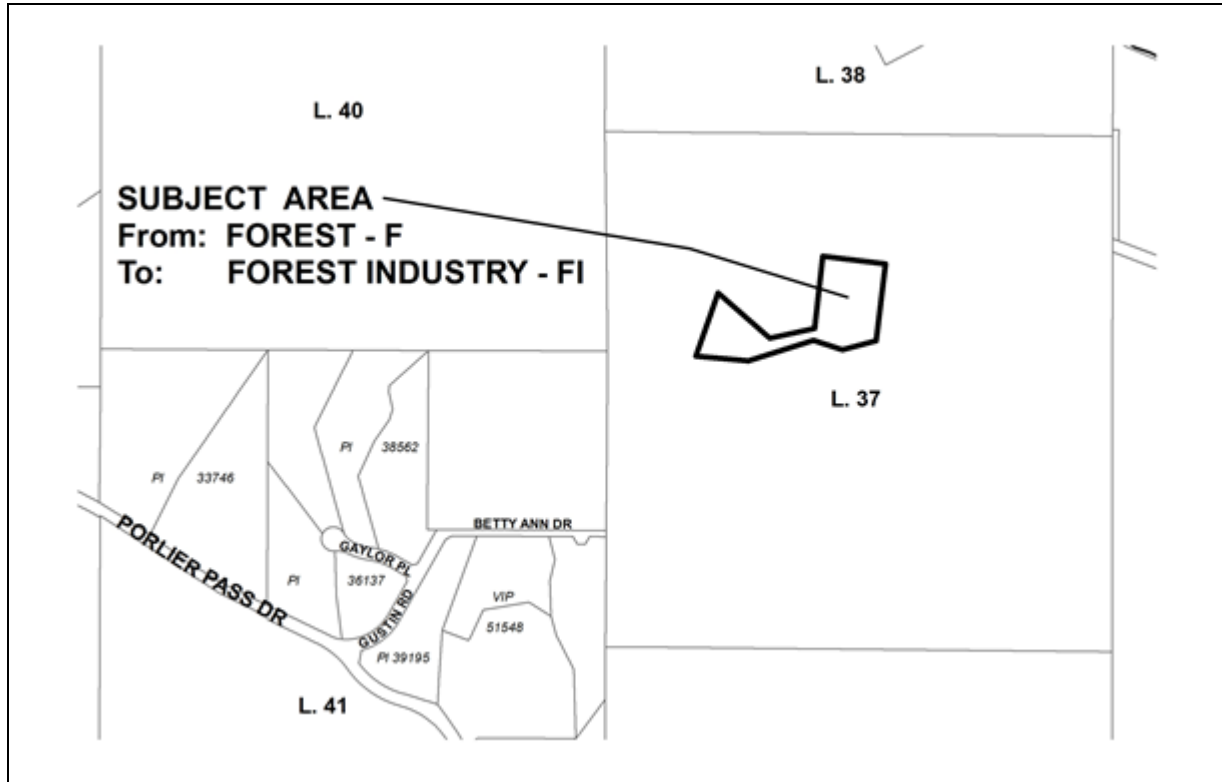
**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 265**

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

READ A SECOND TIME THIS 11TH DAY OF JUNE 2018

PUBLIC HEARING HELD THIS 9TH DAY OF JULY 2018

READ A THIRD TIME THIS 9TH DAY OF JULY 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
 15TH DAY OF AUGUST 2018

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 excavation contractors' workshops and yards

9.6(B).1.2 gravel processing and storage

9.6(B).1.3 one self-contained accessory dwelling unit for the owner or operator of a principal 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**

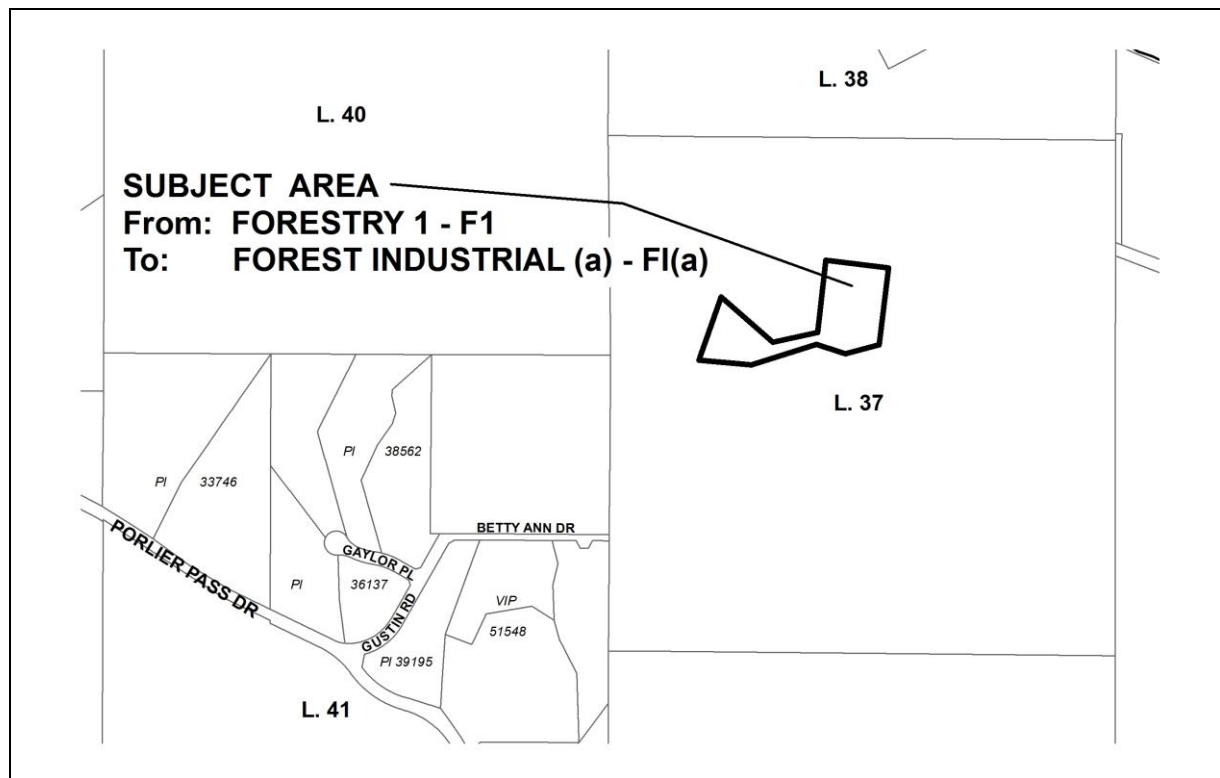
SCHEDULE NO. 2

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



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

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

William Buholzer, Barrister & Solicitor

YOUNG ANDERSON

1616 - 808 Nelson Street

Vancouver

BC V6Z 2H2

Phone: (604) 689-7400

File: 2-821

Covenant/OTP-Stevens

Document Fees: \$143.16

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

009-622-527

DISTRICT LOT 37 GALIANO ISLAND COWICHAN DISTRICT

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

Article 2, page 6

Option to Purchase

Article 3, page 7

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))

SEE SCHEDULE

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)

Execution Date

Transferor(s) Signature(s)

Danielle Robin Jarvis

Barrister & Solicitor

Jarvis Legal Law Corporation

306-744 W. Hastings Street

Vancouver, BC V6C 1A5

Tel: 778-239-9979

(as to both signatures)

Y	M	D
18	10	27

FREDERICK JAMES STEVENS

ISOBEL KATHLEEN STEVENS

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 30 PAGES

Officer Signature(s)	Execution Date			Transferor / Borrower / Party Signature(s)
	Y	M	D	
Danielle Robin Jarvis Barrister & Solicitor Jarvis Legal Law Corporation 306-744 W. Hastings Street Vancouver, BC V6C 1A5 Tel: 778-239-9979	18	10	27	DL37 HOLDINGS LTD. by its authorized signatory(ies): Name: Frederick James Stevens
Carmen Ida Thiel Commissioner for Taking Affidavits in British Columbia 200-1627 Fort Street Victoria BC V8R 1H8 Commission Expires February 29, 2020	18	10	24	GALIANO ISLAND LOCAL TRUST COMMITTEE by its authorized signatory(ies): Name: Laura Busheikin
Tara M. Breysen Commissioner for Taking Affidavits in British Columbia (Expires January 31, 2021) Ministry of Transportation and Infrastructure 240-4460 Chatterton Way Victoria BC V8X 5J2	18	10	26	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, as represented by the Minister of Transportation and Infrastructure by its authorized signatory(ies): Name: Ryan Evanoff

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 3 OF 30 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):

FREDERICK JAMES STEVENS and ISOBEL KATHLEEN STEVENS (as to an undivided 1/3 interest as Joint Tenants)

and

DL37 HOLDINGS LTD., Inc. No. BC0386527 (as to an undivided 2/3 interest)

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

GALIANO ISLAND LOCAL TRUST COMMITTEE
S19, RR
Georgeson Bay Road
Galiano Island, BC V0N 1P0

and

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
as represented by the Minister of Transportation and Infrastructure
Parliament Buildings
Victoria, BC V8V 1X4

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

THIS AGREEMENT dated for reference the 27th day of October, 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 in Right of the Province of British Columbia, as represented
by Minister of Transportation and Infrastructure,
Parliament Buildings
Victoria, BC
V8V 1X4

(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 2.165 ha. portions of the Lands (the “Reservation Area”)

outlined in heavy black line and identified as “COVENANT” on the reference plans prepared by Peter Thomson B.C.L.S. deposited concurrently with this Agreement in the LTO under numbers EPP57477 and EPP57478 reduced copies of which are attached to this Agreement as Schedule “A”, are 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 for the purpose of providing highway access to lands beyond the Lands 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 the event that the Province exercises the Transportation Option in respect of a portion of the Reservation Area, the Owners shall grant a statutory right of way for emergency vehicular access in respect of the remaining portions of the Reservation Area in the form of Schedule "C".
- 7.2 In the event that the Province exercises the Transportation Option in respect of a portion of the Reservation Area, the Owners shall grant a statutory right of way for trail purposes in respect of the remaining portions of the Reservation Area in the form of Schedule "D".
- 7.3 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 as permitted by the Land Use Bylaw from time to time.
- 8.3 The Owner covenants with the Local Trust Committee not to operate any business on the Lands on any Sunday, or 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 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 B ox 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.**

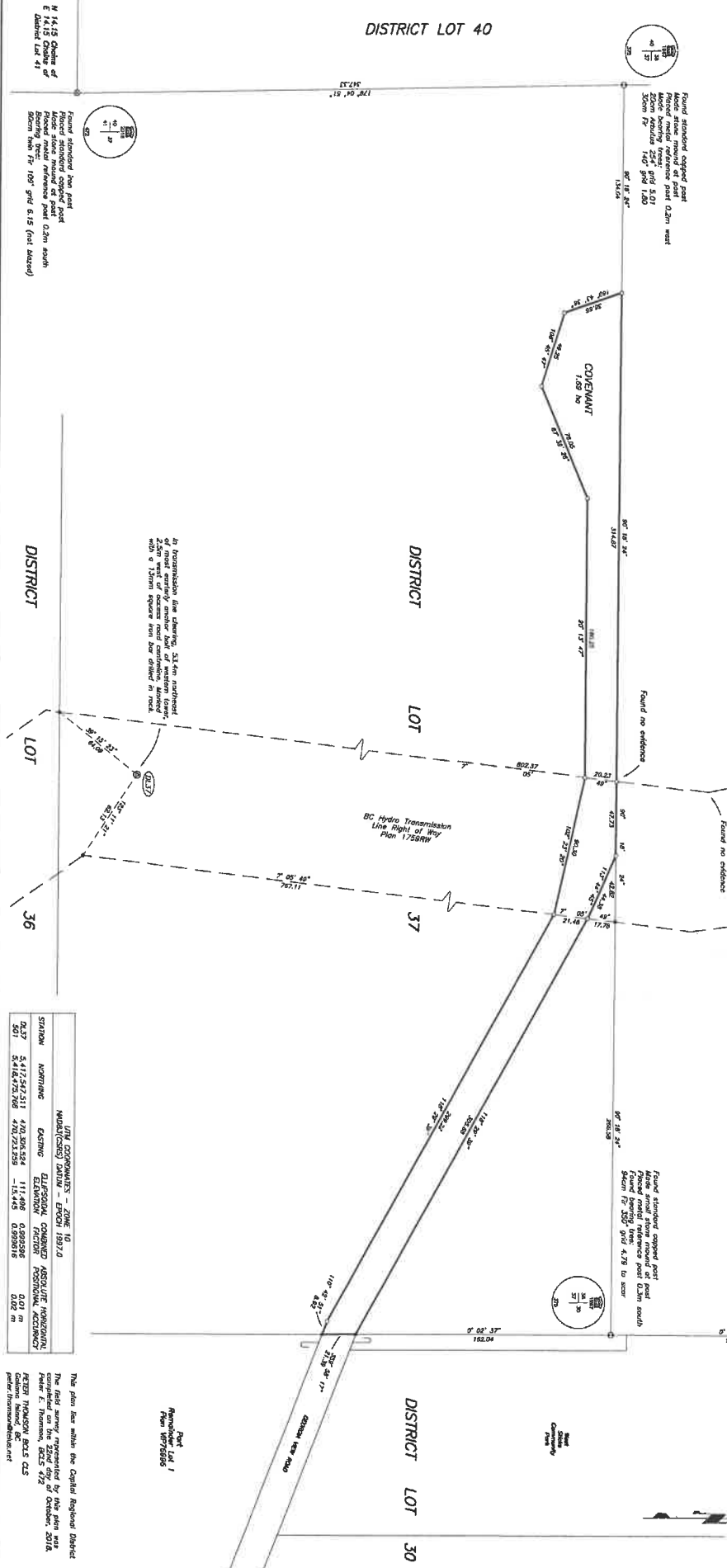
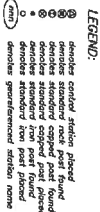
- (a) Wherever the singular or masculine or neuter is used in this Agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties so require.
- (b) The word "including" when following any general statement or term shall not be construed to 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.

PLAN EPP57478

Scale 1:1250



STATION	NORTHING	EASTING	ELLIPSOIDAL ELEVATION	CORRECTED ELEVATION	ASSOCIATE HORIZONTAL POSITIONAL ACCURACY
DA.37	5,417,547.517	470,305.524	111,496	0.9993586	0.01 m
501	5,418,473.768	470,723.255	-15.445	0.9993616	0.02 m

This plan lies within the Capital Regional District.
The field survey presented by this plan was completed on the 22nd day of October, 2018.
Peter E. Thomson, BCOS 472
PETER THOMSON BCOS CLS
Coquitlam, British Columbia
peter.thomson@telus.net

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 or other 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 those portions of the Land, not less than 20 m in width, that are marked as "COVENANT" on Reference Plans EPP57477 and EPP57478, reduced copies of which are attached to and form 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.

PLAN EPP57477

Scale 1:1250



LEGEND:

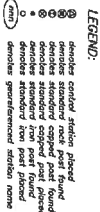
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This plan lies within the Capitol Regional District.
The field survey represented by this plan was completed on the 22nd day of October, 2016.
PETER THOMPSON BCLS CLS
Galliano Island, BC
peter.thompson@citrusnet

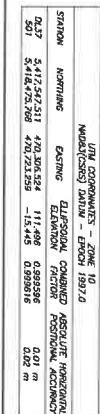
PLAN EPP57478

Scale 1:1250



LEGEND:

- ⊗ denotes control station placed
- ⊗ denotes standard rock post found
- ⊗ denotes standard capped post found
- ⊗ denotes standard capped post placed
- denotes standard iron post found
- ⊗ denotes standard iron post placed
- ⊗ denotes groundwater station name



The field survey represented by this plan was completed on the 22nd day of October, 2018.
Peter E. Thomson, BCIS 4172

PETER THOMSON BCIS 4172
Guelph, Ontario, BC
petert.thomson@elche.ca

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 those portions of the Land, not less than 20 m in width, that are marked as "COVENANT" on Reference Plans EPP57477 and EPP57478, reduced copies of which are attached to and form 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.

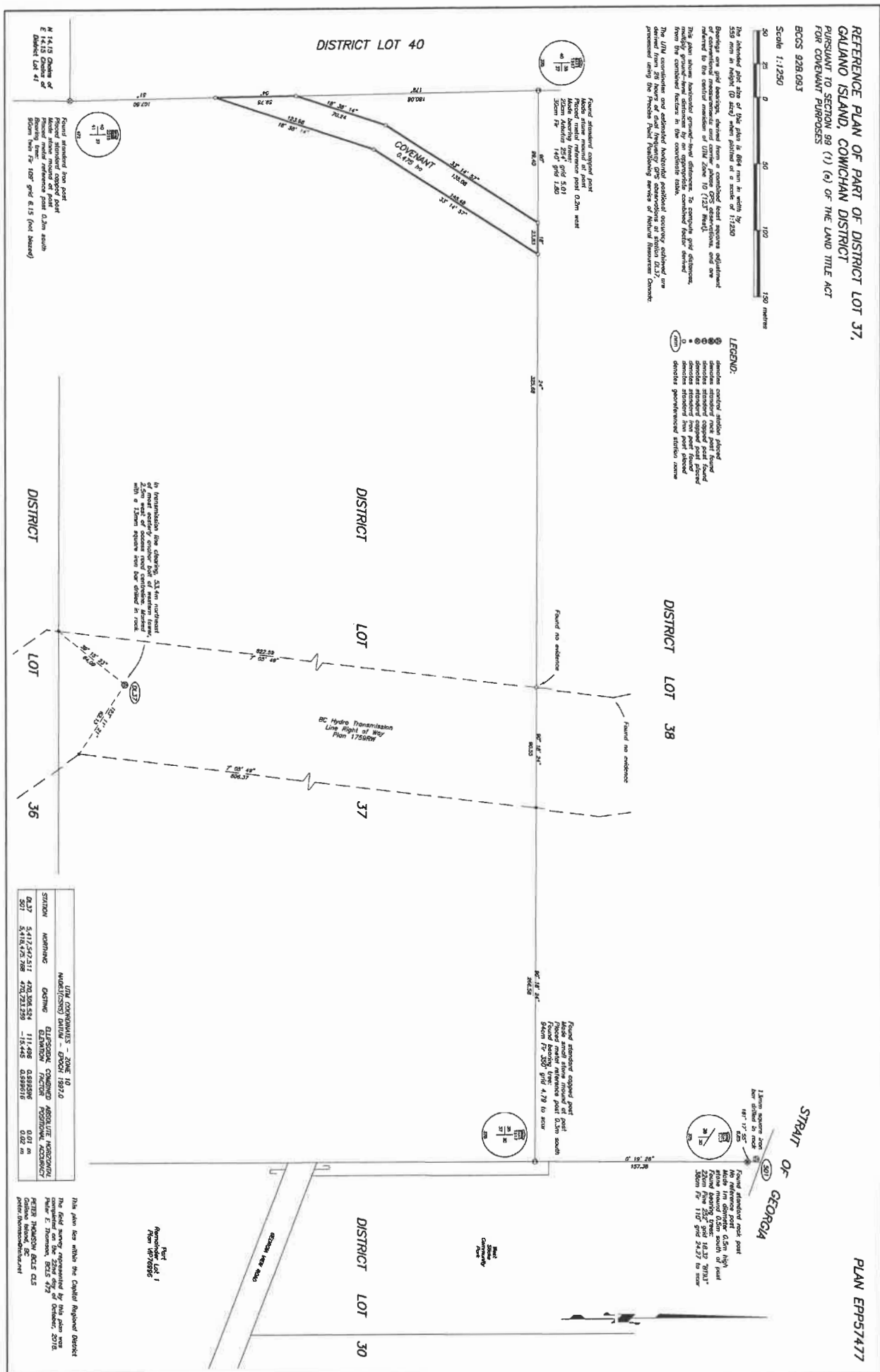
11. If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement.

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.

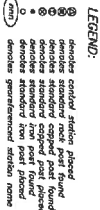
15. Wherever this Agreement creates a power or obligation of the Grantee to make a decision or to exercise any contractual right or remedy, the Grantee may do so in accordance with the provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the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



PLAN EPP57478

Scale 1:1250



This plan lies within the Capital Regional District.
The field survey represented by this plan was completed on the 22nd day of October, 2018.
Peter E. Thompson, BCIS 472
PETER THOMPSON BCIS C.S.
Gulson, BC
peter.thompson@telus.net

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

PAGE 1 OF 6 PAGES

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

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

Alford Walden Law

Lawyers and Notaries

216 - 2506 Beacon Avenue

Sidney

BC V8L 1Y2

778-426-3330

File No. 70185A/jeg (Stevens)

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

009-622-527

DISTRICT LOT 37, GALIANO ISLAND, COWICHAN DISTRICT

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Statutory Right of Way

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):

**FREDERICK JAMES STEVENS, ISOBEL KATHLEEN STEVENS, DL37 HOLDINGS LTD.,
 INC.NO. BC0386527**

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

CAPITAL REGIONAL DISTRICT

625 FISGARD STREET

VICTORIA

BRITISH COLUMBIA

V8W 1R7

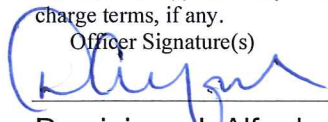
CANADA

7. ADDITIONAL OR MODIFIED TERMS:

n/a

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

Officer Signature(s)



Dominique J. Alford

Barrister & Solicitor

Alford Walden Law

216 - 2506 Beacon Avenue

Sidney, BC V8L 1Y2

Execution Date

Y	M	D
19	06	17

Transferor(s) Signature(s)



FREDERICK JAMES STEVENS



ISOBEL KATHLEEN STEVENS

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 6 PAGES

Officer Signature(s)

 Dominique J. Alford
 Barrister & Solicitor
 Alford Walden Law
 216 - 2506 Beacon Avenue
 Sidney, BC V8L 1Y2

Execution Date

Y	M	D
19	06	17
19		

Transferor / Borrower / Party Signature(s)

DL37 HOLDINGS LTD.
 by its authorized signatory(ies):


 FREDERICK JAMES STEVENS


 ISOBEL KATHLEEN STEVENS

CAPITAL REGIONAL DISTRICT
 by its authorized signatory(ies):

Name: _____

Name: _____

OFFICER CERTIFICATION:

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

TERMS OF INSTRUMENT - PART 2

W H E R E A S:

- A. The Grantor is the registered owner of the land set out in item 2, Part 1 of this Instrument (the "**Grantor's Lands**").
- B. The Grantee is the Capital Regional District.
- C. The Grantor has applied to the Galiano Island Local Trust Committee (the "**Trust Committee**") to rezone the Lands from Forest 1 (F1) to Forest Industrial (FI(A)) under Galiano Island Land Use Bylaw, 1999, and the Trust Committee has approved in principle Proposed Galiano Island Local Trust Committee Bylaws 265 & 266 to effect this rezoning.
- D. The Grantee seeks the right to access, for itself and all members of the public, an emergency access and egress route (the "**Emergency Access Route**") that will provide emergency connections over the Grantor's Lands.
- E. It is necessary for the operation and maintenance of the Grantee's undertaking of the provision of the Emergency Access Route for the safety of the public that a right of way be established in accordance with this Agreement.
- F. The Grantor has agreed that it is in the public interest for it to grant a statutory right of way in accordance with this Agreement and has freely agreed to do so.

NOW THEREFORE, in consideration of the sum of Ten (\$10.00) Dollars of lawful money of Canada, now paid by the Grantee to the Grantor (the receipt and sufficiency of which is hereby acknowledged by the Grantor), and in consideration of the covenants and conditions agreed to be observed and performed by the parties and for other valuable consideration:

1. INTERPRETATION

1.1. In this Agreement

"**Emergency**" means a present or imminent event or circumstance that

- (a) is caused by accident, fire, explosion, technical failure or the forces of nature, and;
- (b) requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of a person or to limit damage to property.
- (c) an Emergency does not require a declaration of a state of emergency to be considered an Emergency.

2. THE GRANTOR HEREBY:

- 2.1. Grants, conveys, confirms and transfers, in perpetuity, to the Grantee for itself, its successors, and all of its employees, agents, servants, licensees and all members of the public at all times by day or night, but only in the case of Emergency, the full, free and uninterrupted right, license, liberty, privilege, permission and right of way to enter, use, go, return, pass over and across the Grantor's Lands (the "**Right of Way**"), by any means necessary, for the purpose of enabling emergency access and egress to, from, and across the Lands.

- 2.2. Grants, conveys, confirms and transfers, in perpetuity, to the Grantee the full, free and uninterrupted right, license, liberty, privilege, easement, permission and right of way to lay down, install, erect, construct, entrench, operate, maintain, repair, inspect, alter, remove, replace, bury, cleanse, string, and otherwise establish an Emergency Access Route on the Grantor's Lands, including directional and informational signs, and any improvements necessary to facilitate access across the Emergency Access Route, including but not limited to paving, other surface or subsurface works, culverts to enclose drainage ditches, and similar improvements.
- 2.3. Covenants and agrees to and with the Grantee that the Grantee shall:
- (a) for itself and its servants, agents, workers, contractors and all other licensees of the Grantee;
 - (b) together with machinery, vehicles, equipment, and materials;
 - (c) upon, over, under and across the Grantor's Lands;
 - (d) as may be considered necessary, useful, or convenient by the Grantee for the purposes in sections 2.1 and 2.2; and in connection with the operations of the Grantee in relation to the Emergency Access Route,

be entitled to enter, use, pass and repass, inspect, maintain, labour, construct, erect, install, dig, and carry away soil or other surface or subsurface materials, and remove any growth, seedlings, trees, brush, buildings or obstructions now or hereafter in existence.

3. THE GRANTOR COVENANTS:

- 3.1. That the Grantor will not and will not permit any other person to erect, place, install or maintain any building, structure, addition to a building or structure, mobile home, concrete driveway or patio, pipe, wire or other conduit, or other obstacle on, over or under any portion of the Grantor's Lands upon which the Emergency Access Route has been established so that it in any way interferes with or damages or prevents access along or over the Emergency Access Route. Notwithstanding the foregoing, the Grantor may place lockable gates at both ends of the Emergency Access Route, provided that the Grantor provides to the Grantee keys for any such gates.
- 3.2. That the Grantor will not do anything that in any way interferes with or damages or prevents access to, over or across the any portion of the Grantor's Lands upon which the Emergency Access Route has been established, other than the placing of the gates referred to in section 3.1.
- 3.3. That the Grantor will not do or knowingly permit to be done any act or thing that will interfere with or injure the Emergency Access Route and in particular will not carry out any blasting on or adjacent to the Emergency Access Route without the consent in writing of the Grantee, and consent shall not be unreasonably withheld.
- 3.4. That the Grantor will, from time to time and at all times at the reasonable request and at the cost of the Grantee to do and execute or cause to be made, done or executed any further and other lawful acts, deeds, things, devices, conveyances and assurances in law required to ensure the Grantee of its rights under this Agreement.

4. THE GRANTEE COVENANTS:

- 4.1. That the Grantee will make all reasonable efforts to notify the Grantor when there is an Emergency that will necessitate use of the Right of Way by the public and when such use will occur, provided that the Grantor has provided the Grantee with updated contact information for this purpose.
- 4.2. That the Grantee will make all reasonable efforts to ensure that any use of the Grantor's Lands by members of the public occurs under the direction of the Grantee and within any established Emergency Access Route.
- 4.3. That the Grantee will thoroughly clean all portions of the Grantor's Lands to which it has had access hereunder of all slashings, rubbish and construction debris created or placed thereon by the Grantee.
- 4.4. That the Grantee will, insofar as it is practicable so to do, to exercise its rights hereunder in such a manner as to not to interfere unduly with the Grantor's use of the Grantor's Lands.
- 4.5. That the Grantee shall not cut or damage, or allow the cutting or damaging of, trees on the Grantor's Lands without the prior written consent of the Grantor, such consent not to be unreasonably withheld.
- 4.6. That the Grantee shall, in exercising its rights and obligations under this Agreement, comply with all enactments of a local, provincial, and federal nature, including but not limited to traffic regulations, environmental laws, and closure regulations related to forest fire hazards.

5. THE PARTIES COVENANT TO AND AGREE WITH EACH OTHER, as follows:

- 5.1. Notwithstanding that this Agreement is registered as a charge against the entirety of the Grantor's Lands, the Grantee agrees that it shall limit its use of the Grantor's Lands to that portion of the Grantor's Lands on which the existing utility road running from east to west across the Lands has been constructed and is located. However, if the Grantee, acting reasonably, determines that the existing utility road is no longer suitable for use as an Emergency Access Route, it may establish the Emergency Access Route elsewhere on the Grantor's Lands.
- 5.2. The Grantee agrees that it shall, at the request of the Grantor, discharge this Agreement within six (6) months, in the event that the Trust Committee has not approved the Proposed Galiano Island Local Trust Committee Bylaws 265 & 266, or the Grantor retracts their rezoning application under Bylaws 265 & 266.
- 5.3. In spite of any rule of law or equity to the contrary, any improvements brought on to, set, constructed, laid, erected in, upon or under the Grantor's Lands by the Grantee shall at all times remain the property of the Grantee, even if the improvements are annexed or affixed to the freehold, and shall at any time and from time to time be removable in whole or in part by the Grantee.
- 5.4. In the event that this Agreement is terminated or the Grantee abandons the Emergency Access Route or any part thereof, the Emergency Access Route, or part thereof, shall become the property of the Grantor.

- 5.5. No part of the title in fee simple to the Grantor's Lands shall pass to or be vested in the Grantee under or by virtue of this Agreement and the Grantor may fully use and enjoy all of the Grantor's Lands subject only to the rights and restrictions in this Agreement.
- 5.6. The Grantor acknowledges that (a) the covenants contained in this Agreement are enforceable against the Grantor and its successors in title, but (b) the Grantor is not personally liable for breach of these covenants after the Grantor has ceased to be the owner of the Grantor's Lands.
- 5.7. If at the date hereof the Grantor is not the sole registered owner of the Grantor's Lands, this Agreement shall nevertheless bind the Grantor to the full extent of its interest therein, and if it shall acquire a greater of the entire interest in fee simple, this Agreement shall likewise extend to such after-acquired interests.
- 5.8. Where the expression "**Grantor**" includes more than one person, all covenants made by the Grantor shall be construed as being several as well as joint with respect to all persons constituting the Grantor.
- 5.9. If any part of this Agreement is found to be illegal or unenforceable because it creates a positive obligation for the Grantor or for any other reason, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
- 5.10. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors and assigns as the case may be and wherever the singular or masculine is used, it shall be construed as if the plural or the feminine or neuter, as the case may be, had been used, where the parties or the context hereto so require and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary had been made.

The Grantor and Grantee acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1 and 2) attached hereto.

DATE OF MEETING: November 4, 2019
TO: Galiano Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Rezoning Application – Preliminary Report
Applicant: Lisa Gauvreau
Location: 60 Madrona Road, Galiano Island

RECOMMENDATION

1. That the Galiano Island Local Trust Committee direct staff to proceed with application GL-RZ-2019.2 (Gauvreau) and to prepare a draft bylaw.

REPORT SUMMARY

The purpose of this preliminary report is to provide background on the proposed bylaw amendment and seek direction from the Galiano Island Local Trust Committee (LTC) to proceed, or not proceed, with application GL-RZ-2019.2.

The application would amend the Galiano Island Land Use Bylaw no. 127, 1999 (LUB) by rezoning the subject property from **Village Residential 1 (VR1)** to **Retail Commercial 1 (C1)**. The 0.06 hectare (0.15 ac.) subject property is currently used as a single family residence that is occupied by the applicant. The intended purpose of the rezoning is to enable the operation of a restaurant by the applicant, which is currently not a permitted use.

The above recommendation is supported as:

- The land use designation for the subject property in the Galiano Island Official Community Plan No. 108, 1995 (OCP) is **Community Facility/Commercial** and is supported by a number of commercial policies;
- The intended use as a restaurant will provide a valuable community service in a suitable, central location;
- The use has minimal impacts on neighbouring properties and is largely compatible with surrounding commercial and light industrial land uses;
- The applicant is seeking to proactively address water supply concerns by entering an easement agreement with an adjacent property owner for access to a well that has adequate proof of water;
- Proceeding with a draft bylaw will facilitate public and agency consultation and identify any outstanding issues or concerns with the proposed rezoning and the use of the property as a restaurant.

BACKGROUND

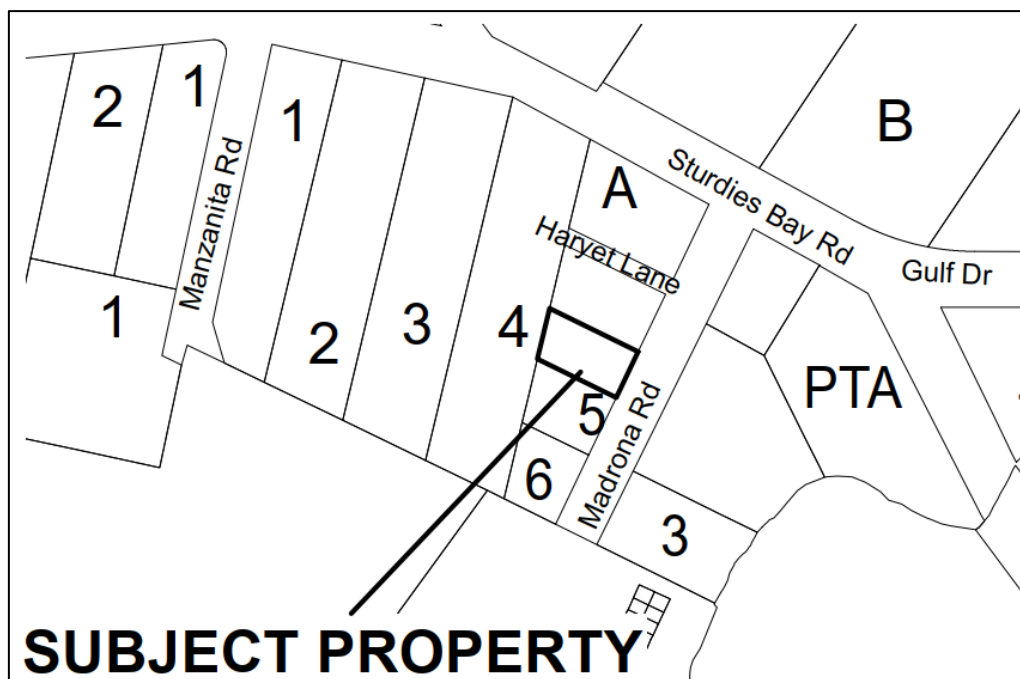
A rezoning application for the subject property was received on October 1, 2019 and was accompanied by a brief outline from the applicant which describes the rationale for the requested rezoning (attachment 1). In general terms, the intent of the rezoning application is to enable the property-owner to operate a 24-seat commercial restaurant in a portion of the existing dwelling, while utilizing the remainder of the dwelling as a private residence.

The applicant has operated the *Babes in the Woods* restaurant on Galiano Island since 2014 via a leased store front located at 2540 Sturdies Bay Road. If rezoning is approved, the restaurant operation will be moved to the subject property. Recent improvements to the existing dwelling on the property include electrical and plumbing upgrades, a new certified well, a new roof and a new septic system. The property was also recently regraded to improve drainage and provide additional parking.

There is no previous file-related activity and/or LTC resolutions with respect to the subject property.

The subject property is located at 60 Madrona Road (Figure 1). The subject property is abutted between two C1 zoned properties (i.e. Galiano Island Books and Sturdies Bay Bakery & Cafe) and backs on to a property zoned Light Industrial 1 (L1). The two properties immediately across the street from the subject property are zoned VR1, which is consistent with the OCP land use designation for these two properties.

Figure 1 – Subject Property



Attachment 2 provides additional site context. Attachment 3 provides a site plan, subject-property maps with current zoning and OCP land use designations, an ortho-photo and a site photo of the existing dwelling. A site visit will be arranged by staff to assess the property more thoroughly should LTC decide to proceed with the application.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The relevant policies of the Islands Trust Policy Statement (ITPS) are as follows:

5.2 Growth and Development

5.2.1 Trust Council holds that growth and development in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character.

5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.

5.7 Economic Opportunities

5.7.1 Trust Council holds that economic opportunities should be compatible with the conservation of resources and protection of community character.

5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

In summary, the proposal is supported by the ITPS policies.

Official Community Plan:

While the property is currently zoned VR1, the property is designated **Community Facility/Commercial (CF/C)** in the OCP. As such, the proposed rezoning is consistent with the OCP's future intent for the area as a centre of commercial businesses and community services for Galiano Island.

Given the applicant is a long-time local resident and small business operator, the rezoning application is further supported by OCP Principle 2(f) which states:

A sustainable community requires a viable local economy. This Plan recognizes the need for local economic development and viable small enterprises supporting a diversity of livelihoods. At the same time, the Plan recognizes that there are limits to economic and population growth determined by Galiano's finite boundaries, resources, and ecosystems.

General **Commercial** policies of relevance include:

- a) The principal use shall be commercial.
- b) The lot size shall be at least 0.5 hectares (1.2 acres).
- c) One dwelling unit may be permitted as an accessory residential use. If the lot is the minimum area permitted or smaller, the dwelling must be in the same building as the commercial use.

- d) Commercial development shall be small in scale and appropriate to the needs of the community and visitors.
- e) Commercial uses may be clustered but separation between clusters shall be maintained to ensure strip development does not occur.
- f) The central areas for commercial activity are shown on Schedule "B" in a mixed Community Facilities/Commercial designation, indicating a community area where regular commercial activities, and social and cultural interchanges can take place.
- g) Rezoning for commercial activities shall be considered on a site specific basis.
- m) In considering a rezoning for commercial use, the potential impacts of the use on the environment, groundwater, transportation, adjacent land uses, natural hazards and natural resources shall be considered.

In summary, the proposal is consistent with these commercial policies with the possible exception of the requirement that the lot size be at least 0.5 hectares. In this case, the lot size is only 0.06 hectares. However, it would be reasonable to infer that this policy speaks to lot area for subdivision (and the minimum lot area in the LUB is 0.5 ha.). Regardless, in determining consistency of a proposed bylaw with the OCP the following principles should be considered: 'mandatory language' in OCPs should be read as guidelines; the proposed bylaw should be consistent with the OCP as a whole, not individual policies; and to be inconsistent there must be a direct collision with no countervailing policies. In this case, given there are other significant policies supporting the proposal, in particular the Land Use Designation of the property, and that the proposed use falls within a reasonable range of outcomes when considering all the relevant OCP policies, it is appropriate for the LTC to consider that the application would be consistent with the OCP.

Development Permit Areas

While the subject property is currently not located with any Development Permit Areas (DPAs), all adjacent C1 and Light Industrial (L1) zoned properties are located within DPA 6 – Commercial and Industrial Form and Character. The objective of DPA 6 is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural island character and minimizes impact on adjacent properties. If the rezoning of the subject property to C1 is approved by the LTC, DPA 6 requirements would then apply in accordance with section 6.1 of the OCP that states all land zoned C1 is designated as DPA 6.

Land Use Bylaw:

The subject property is currently zoned VR1. While home occupations are a permitted use in the VR1 zone, section 3.7 of the LUB specifically prohibits restaurants/cafes as a permitted home occupation use in all zones.

The applicant is seeking rezoning of the subject property to C1. The operation of a restaurant is a permitted use within the C1 zone in accordance with section 9.1.1.5 of the LUB.

The C1 zone also permits a single dwelling to be located on the subject property. The intent of the applicant is to operate the restaurant within the existing dwelling located on the property while also living in a portion of the dwelling. This is consistent with section 9.1.1.9 of the LUB which requires that a dwelling for the owner or operator of a business on the lot having an area of 0.5 hectares or less must be in the same building as the commercial use.

In accordance with section 9.1.3 of the LUB, lot coverage in the C1 zone must not exceed 33%. Based on the site plan provided by the applicant, the combined footprint of existing structures is close to the maximum lot coverage

but does not exceed it. However, any future development on the property beyond the existing building footprint may need to consider maximum lot coverage thresholds.

Issues and Opportunities

Community Benefit:

There are currently very few restaurants/cafes operating on Galiano Island year-round. Most food preparation businesses are seasonal only. Babes in the Woods has operated consistently year-round for almost six years at their current location. In addition to providing a year-round service that is otherwise very limited on island, the business has employed many local residents and they currently have an Internship Program allowing young people to get real time work experience. The business owner also supports many local initiatives such as community food programs and festivals.

Water Management Area:

The subject property is located within a water management area and it is expected that there will be an increase in water demand to satisfy the operating needs of a restaurant if rezoning is approved. The property-owner has been proactive in seeking to mitigate this concern by entering into an easement agreement with an adjacent property-owner for access to a water well with adequate proof of water.

The applicant has indicated this easement agreement is not yet finalized and that it is currently under review by the lawyers of each party subject to the agreement. If the rezoning request is to be considered, it should be subject to this easement being finalized so that adequate water supply is ensured on the subject property in perpetuity.

The property-owner has also indicated that they are looking into rainwater catchment systems as a means to further mitigate concerns over water supply.

Parking

Public parking for commercial restaurant use is very limited along Madrona Road. The applicant has indicated that a parking lot would be established in the backyard area of the subject property. There is currently driveway access to the back of the property leading from the street. The applicant estimates that there is room in the back of the house for 8 cars, with a turnaround area. Based on the proposed 24 seat maximum restaurant capacity, this is consistent with Part 14 the LUB that requires one parking space per 3 restaurant seats.

The applicant has indicated that a loading bay will be designated at the front side of the house to accommodate delivery of supplies to the restaurant.

Consultation

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold a Community Information Meeting (CIM) prior to that. In this circumstance, staff is recommending scheduling a CIM in conjunction with the Public Hearing. This will be scheduled after draft bylaws are complete, reviewed and have received First Reading.

The public hearing notice would be posted as per statutory and bylaw requirements in advance of the public hearing.

Agencies

The following agencies have been identified for referring draft bylaws for comment; the LTC may also direct staff to include other agencies not listed. Additionally, the LTC may choose to refer the proposal to the Galiano Island Advisory Planning Commission.

- Ministry of Transportation and Infrastructure
- Island Health
- CRD, Building Inspection Services
- Galiano Island Fire Rescue – South Department-
- Mayne Island Local Trust Committee
- Saturna Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- South Pender Island Local Trust Committee

First Nations

At the time of application, staff have conducted a desktop review of registered and potential archaeological sites to address concerns regarding impacts to cultural heritage. At this time, staff have identified no concerns in regard to this application, particularly due to the fact that the proposed future use will be confined to the existing structural footprint. However, there are potential archaeological sites within 100m of the subject property and as such the property-owner should be made aware that an archaeological assessment may be needed if development beyond the existing footprint is contemplated. The property-owner will be provided the Islands Trust Chance Find protocol.

Rationale for Recommendation

Based on the foregoing, the recommendation on page 1 is supported as:

- The land use designation for the subject property in the OCP is **Community Facility/Commercial** and is supported by a number of commercial policies;
- The intended use as a restaurant will provide a valuable community service in a suitable, central location;
- The use has minimal impacts on neighbouring properties and is largely compatible with surrounding commercial and light industrial land uses;
- The applicant is seeking to proactively address water supply concerns by entering an easement with an adjacent property owner for access to a well that has proof of water;
- Proceeding with a draft bylaw will facilitate public and agency consultation and identify any outstanding issues or concerns with the proposed rezoning and the use of the property as a restaurant.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Resolution:

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

2. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2019.2 (Gauvreau).

3. 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.

Resolution:

That the Galiano Island Local Trust Committee hold application GL-RZ-2019.2 (Gauvreau) in abeyance for the following reasons: _____

NEXT STEPS

With direction from the LTC, Staff will:

- Draft the amendment bylaw, and
- Report back to the LTC with a recommendation for First Reading
- Seek direction to schedule a CIM and Public Hearing

Submitted By:	Brad Smith, Island Planner	October 24, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	October 25, 2019

ATTACHMENTS

1. Letter from Applicant
2. Site Context
3. Maps, Plans, Photographs

From:
Lisa Gauvreau
Owner/Operator
Babes in the Woods Eatery
2540 Sturdies Bay road
Galiano Island BC
VON 1P0

September 24 2019

To: Brad Smith
Island Planner, Southern Team
Islands Trust

Subject: Rezoning Property at 60 Madrona Rd. to accommodate my business

Dear Brad,

I am writing to request guidance in rezoning my residential property at 60 Madrona Rd.. to allow me to relocate my restaurant, Babes In The Woods, to my residence. I opened Babes in 2014, and to date we've been very fortunate to enjoy great success. Over the years my business has allowed me to employ many local residents; we currently have an Internship Program allowing young people to get real time work experience, we donate our time & resources to Galiano's Healthcare Society, Community School, Food Program, Conservancy, Wine Festival, and Monday Soup and Bread programmes. To give back to the fabulous community that supports my children and I is a major part of who we are as a business.

After being in business for nearly 6 years, I've kept us afloat financially year-round, and in the shoulder season I ensure that I make ends meet in order to provide year-long employment to staff members, as well as provide service & hospitality to the community during the slow winter months. However, at Babe's current site my leasing costs are \$28,000/year - subject to a 5% yearly rental increase. As my annual mortgage costs total \$9,612.00. Consolidating home and business into a work/live arrangement would represent an amazing \$18,388.00 savings for my business each year!

I have grown a great deal over the years, have much at stake with this venture, and want to protect the longevity of my business investment. As I don't currently own the building I operate from, I spend a significant amount of money and resources protecting and maintaining someone else's investment.

The property at 60 Madrona is located in the South End much closer to the Sturdies Bay Ferry Terminal, surrounded by C1 and light Industrial zoning. Adding a restaurant to this area would provide economic diversity and create a hub of businesses clustered together. I have always had a sweet spot for this older, but cared for home. Over the years I envisioned myself living and operating a business there. 60 Madrona Rd. has been home to many businesses before - Johanna's flower shop, Shirlene's Art Gallery, and most recently a veterinary clinic combined with the property next door, now operating as a bakery. Currently, home based business regulations will not allow a sit-down restaurant, which is the reason I am requesting your assistance.

I purchased this home with the help of the community, and was fortunate to be in a position to bring the building up to a state where I could conduct my business. I would need to bring in various trades people in order to continue with upgrades. Water management is always a concern on Galiano, our current restaurant has 71 seats for our guests and at the 60 Madrona location we are downsizing to allow for only 24 seats.

To date, I have, upgraded electrical, installed a new certified well system, with the help of my neighbouring property owner, and updated all plumbing. I recently had the land graded to correct drainage issues and make way for parking. Before the purchase of the home, the former landowners, replaced the roof, installed a new septic system, and had a local contractor repair several other issues.

There is still a tremendous amount of work to be done, and I have trades people lined up to start working on this project. Can you please advise how I should proceed in resolving the Zoning issue that prevents me from combining home and business at the 60 Madrona Road site?

ATTACHMENT 2 – SITE CONTEXT

LOCATION

Legal Description	Lot 4, Section 5, Galiano Island, Cowichan District, Plan 13671
PID	000-027-626
Civic Address	60 Madrona Road, Galiano Island
Lot Size	0.06 hectares (0.15 acres)

LAND USE

Current Land Use	Village Residential 1 – currently used by applicant as primary dwelling
Surrounding Land Use	Retail Commercial 1, Village Residential 1, Light Industrial 1

HISTORICAL ACTIVITY

File No.	Purpose
None	None

POLICY/REGULATORY

Official Community Plan Designations	Galiano Island OCP No. 108, 1995 Designations: Community Facility/Commercial
Land Use Bylaw	Galiano Island LUB No. 127, 1999: Village Residential 1
Other Regulations	None
Covenants	None
Bylaw Enforcement	None

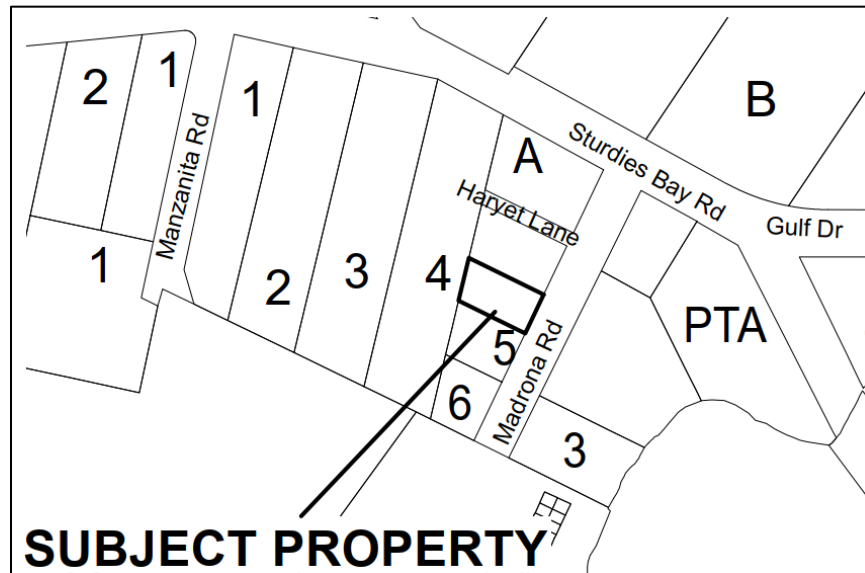
SITE INFLUENCES

Islands Trust Fund	There are no Trust Fund Board or Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Fund regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	N/A
Hazard Areas	N/A
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. There are however sites with archaeological potential identified in RAAD on adjacent properties. Notwithstanding the lack of sites identified in RAAD on the subject property, 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

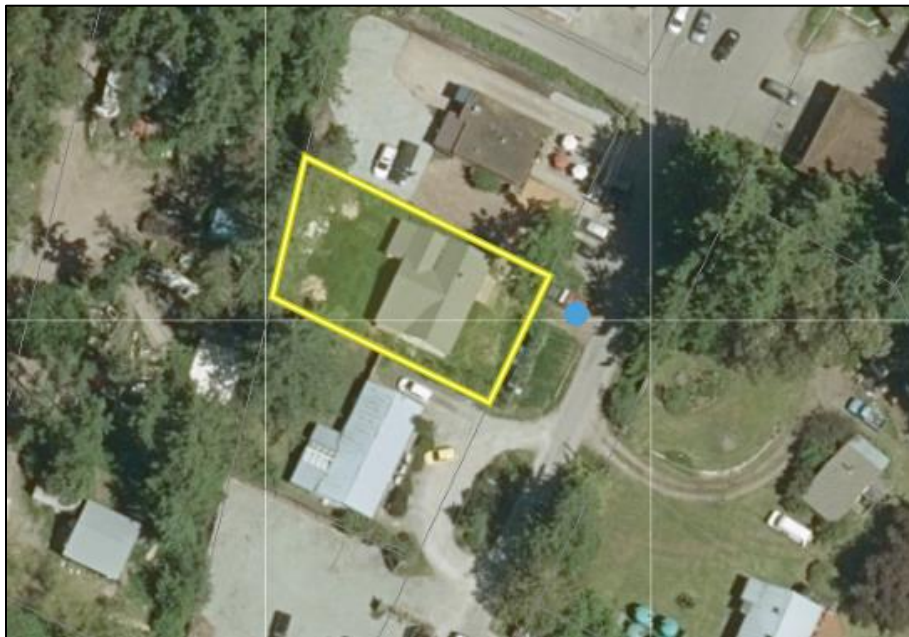
	tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	N/A
Shoreline Classification	N/A
Shoreline Data in TAPIS	N/A

ATTACHMENT 3 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

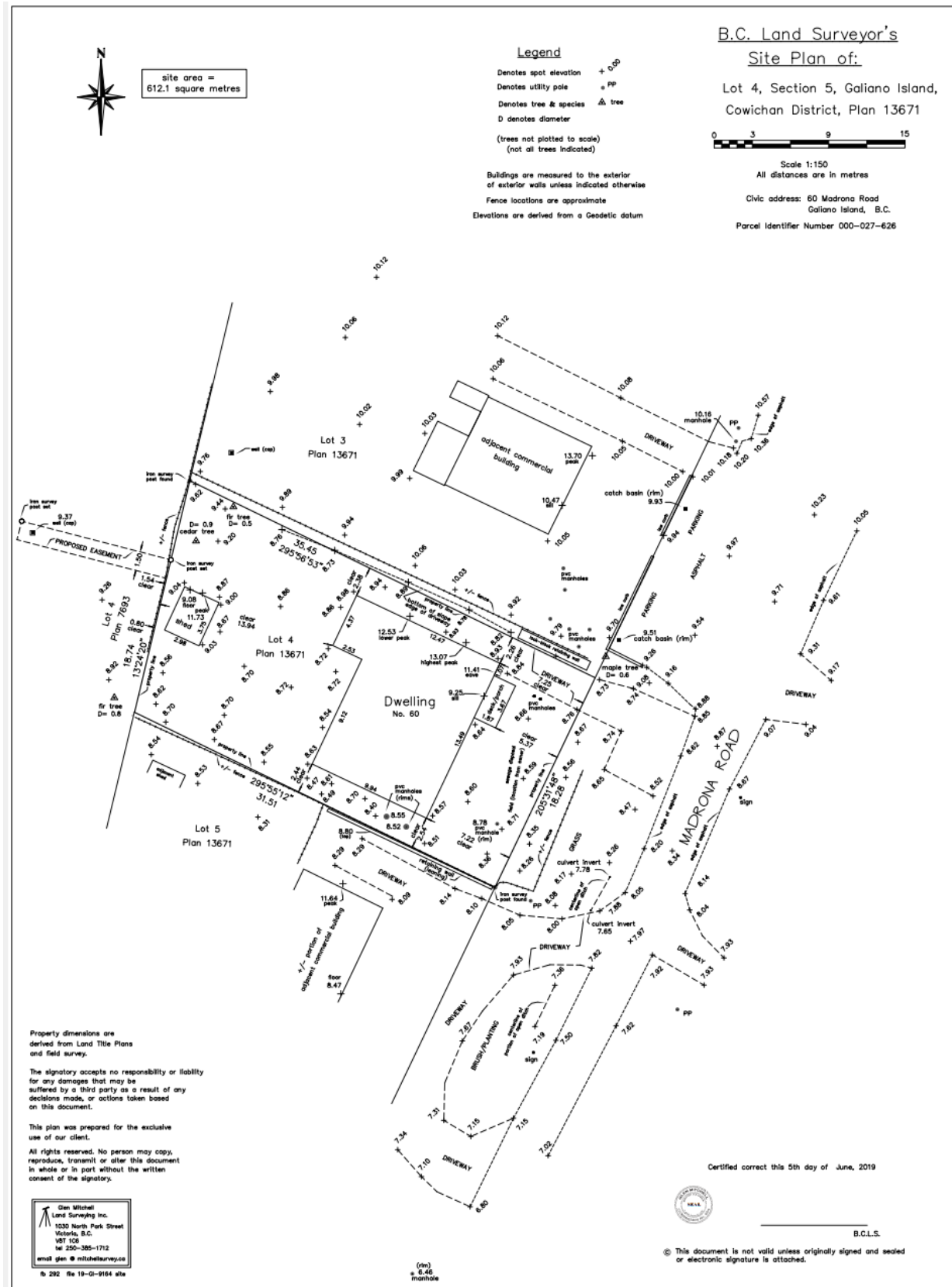
2.1 SUBJECT PROPERTY MAP



2.2 SUBJECT PROPERTY ORTHO PHOTO

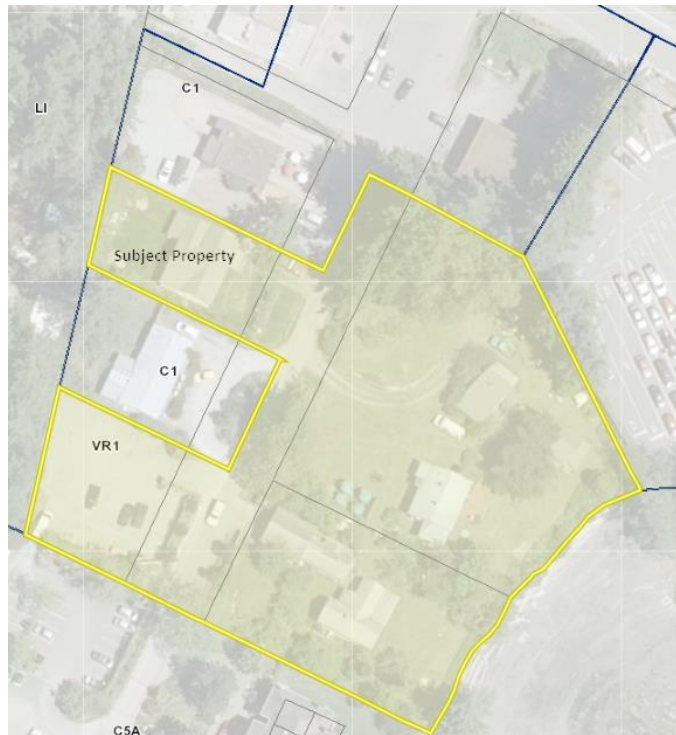


2.3 SITE PLAN

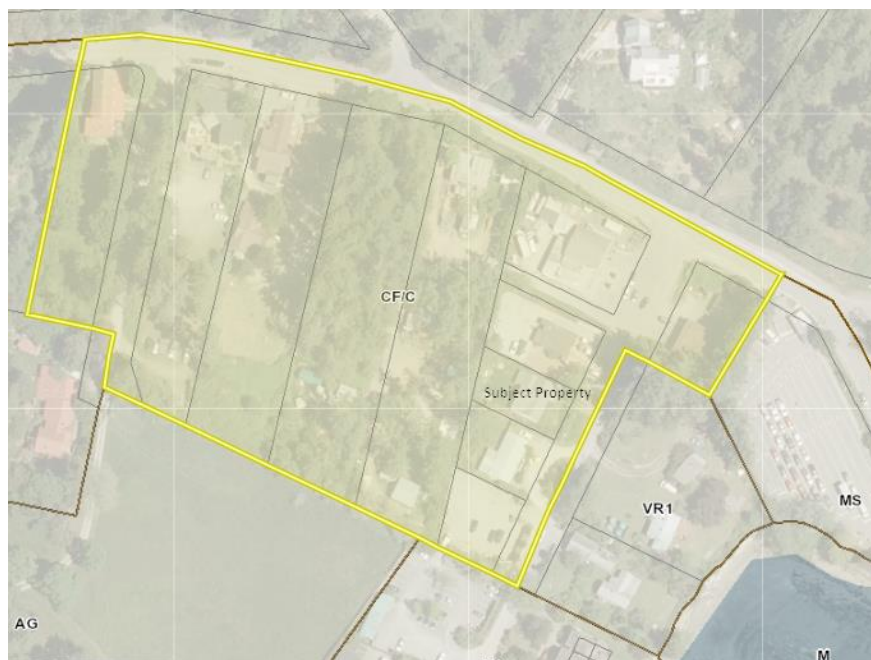


2.5 ZONING AND LAND USE DESIGNATIONS

CURRENT ZONING



OCP LAND USE DESIGNATION



2.4 PHOTOGRAPHS

PHOTO 1. EXISTING DWELLING AT 60 MADRONA ROAD



File No.: GL-DVP-2019.4
(Angelopoulos)

DATE OF MEETING: November 4, 2019

TO: Galiano Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Development Variance Permit (GL-DVP-2019.3)
Applicant: Bernard and Marlene Angelopoulos
Location: 13155 Porlier Pass Road, Galiano Island (Lot B, District Lots 61 and 62,
Galiano Island, Cowichan District, Plan 47347)

RECOMMENDATION

1. **That the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2019.4 (Angelopoulos).**

REPORT SUMMARY

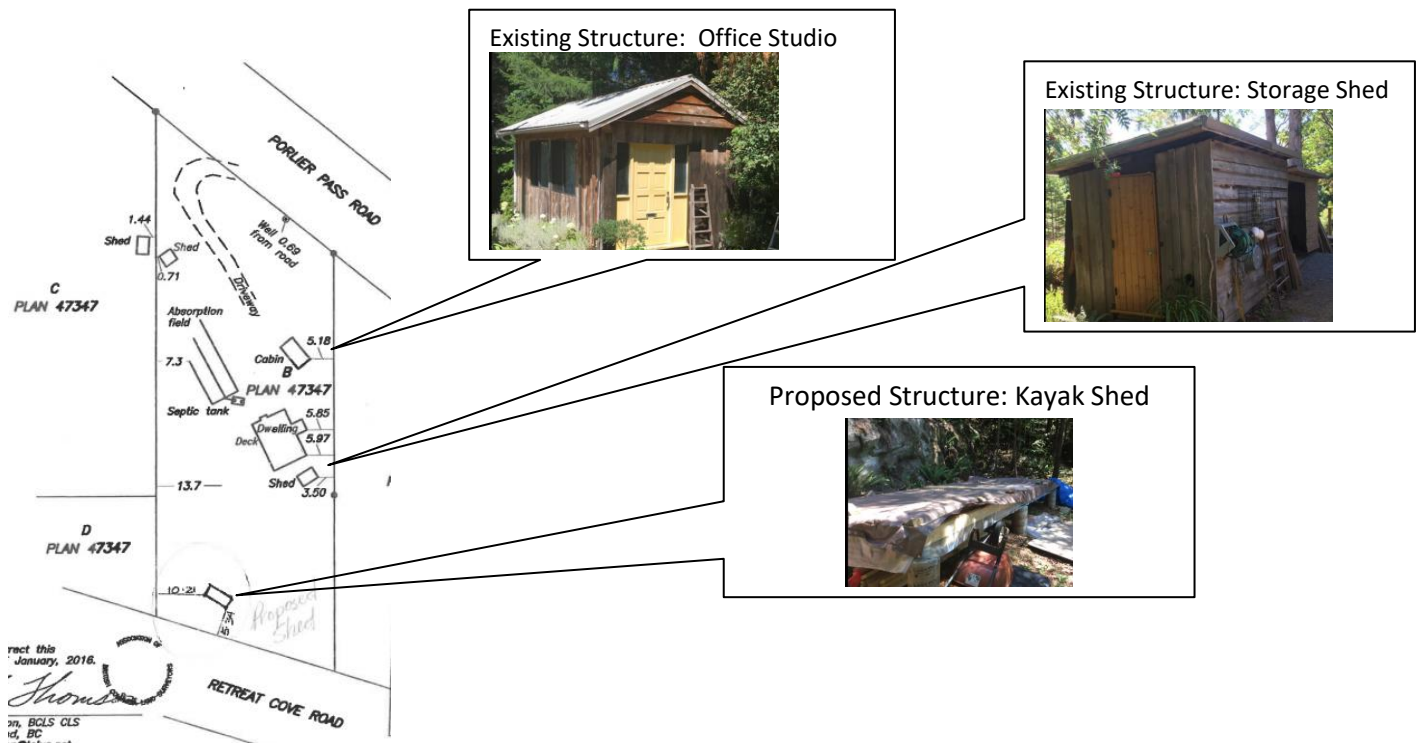
The purpose of this report is to consider a Development Variance Permit (DVP) to:

1. Vary the 7.5 metre setback from the front lot line to permit the building of an accessory building (kayak shed) to be located at 5.34 metres from the front lot line.
2. Vary the 6.0 metre setback from the interior lot line to permit the siting of an existing accessory building (storage shed) 3.5 metres from an interior side lot line.
3. Vary the 6.0 metre setback from the interior lot line to permit the siting of an accessory building (office studio) to permit an accessory building structure (office studio) to be located within 5.18 metres of the interior side lot line.

BACKGROUND

In June 2019, following a stop work order, the applicants applied to the Capital Regional District (CRD) for a building permit to build a kayak shed on their property. Upon review, Islands Trust staff recommended the CRD reject the application as the proposed 160sqft kayak shed was within the 7.5 metre setback from the front lot line. The property owners were encouraged to apply for a development variance permit (DVP) and include, in their DVP application related to the proposed kayak shed siting, two other non-conforming pre-existing buildings: the storage shed and the office studio (see Map 1: Site Context with Existing Buildings and Proposed Building Identified on the following page).

Map 1: Site Context with Existing Buildings and Proposed Building Identified

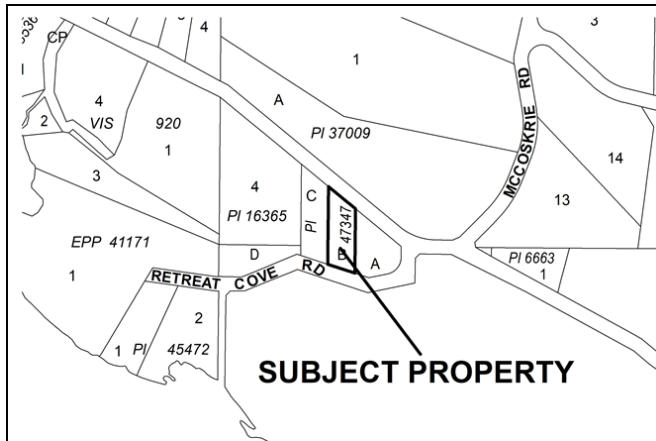


The applicant purchased the 13155 Porlier Pass Road property in 2015 (see Map 2: Property Location and Map 3:Ortho Photo on the following page). At the time, the property included the house, which is legally non-conforming in its siting, as well as the non-conforming storage shed and office studio. The immediate neighbours, who before purchasing their property had visited the former owners frequently from 1973-1986, confirm that the storage shed and the office studio were built at about the same time as the house (permitted in 1977). They, as well a number of other neighbours signing letters of support, have confirmed that the existing accessory buildings and the proposed shed do not negatively impact their properties.

As the property is located in the small lot residential zone (SLR) current provisions in the Galiano Island Land Use Bylaws that apply to this application are as follows:

- Section 5.3.8.1, which states that buildings and structures must be at least 7.5 metres from front and rear lot lines
- Section 5.3.8.2, which states that buildings and structures must be at least 6.0 metres from each interior side lot line

Map 2: Property Location



Map 3: Ortho Photo



A larger copy of the site plan and photos is contained in Attachment 2. Attachment 3 contains a copy of the notice. Attachment 4 includes the draft permit GL-DVP-2019.3. Attachment 5 contains letters of support from neighbours and a letter from the applicant.

ANALYSIS

Policy/Regulatory

Section 498 of the *Local Government Act* enables the Local Trust Committee (LTC) to issue (approve) a DVP in order to vary the siting regulation in the LUB.

Official Community Plan:

The subject property is designated Small Lot Residential (SLR) in the Galiano Island OCP No.108, 1995.

Land Use Bylaw:

The subject property is zoned Small Lot Residential (SLR) in the Galiano LUB. The LUB siting regulations relevant to this application have been identified above.

Issues and Opportunities

The applicant has provided the following rational for this variance:

- Not conforming with siting regulations was an oversight on the part of the property owners.

- The storage shed and the office studio have been on the property since the house was built in the late 1970s. This has been confirmed by neighbours.
- The siting of the kayak shed allows for easy access to Retreat Cove Road and the waters edge.
- The siting of the kayak shed is on the only flat portion of a slope on the Retreat Cove side of the property.
- There have been no concerns raised by neighbours regarding the siting of the two existing accessory buildings or the proposed kayak shed.
- The application for a DVP has unanimous support from neighbours many of whom have sent letters of support.
- Having to meet the setback requirements for existing buildings and the kayak shed would create financial hardship as the owners live on a fixed income.
- The building of the kayak shed is important therapy for the owners' son who suffers with mental illness.

In addition to the rationale provided by the property owners, it is worthy of note that they moved swiftly to put their application together and have been very proactive in connecting with neighbours.

The Overall Intent of the Regulation (s) being Varied

The purpose of the regulations for setbacks is to minimize impacts to adjacent neighbours and provide emergency access if needed. In this case, given the encroachment of the kayak shed is relatively minor, the existing accessory buildings have been there since the late 1970s and a number of neighbours have identified that neither the existing accessory buildings nor the proposed kayak shed are of concern to them, the overall intent of the setback requirement would not be compromised.

Potential Impacts of Granting a Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits. In this case, the variance is relatively minor. Moving the existing structures would be unreasonably costly and time-consuming. In the case of the kayak shed, given the slope of the land on the Retreat Cove side of the property, it would be difficult to find a location on the property that would have as easy access to the shoreline.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30pm October 28, 2019. The property owners received letters of support from a number of neighbours prior to the notice being sent. These letters were included with their application.

No additional submissions have been received to date (i.e. at the time of writing this report prior to the agenda deadline). Any submissions received prior to the LTC meeting will be forwarded to Trustees and the applicant and will be reported at the meeting.

Agencies

No agency referrals were required.

First Nations

There are no known First Nations interests or potential impacts related to this application.

Rationale for Recommendation

It is recommended that the proposed variance to bring two existing accessory buildings into compliance and to permit the building of a new building (Kayak Shed) in the front lot line setback be approved. Neighbours have indicated that they are not negatively impacted by the existing buildings and the proposed new building. The encroachment of the new building is relatively minor. The re-siting of the existing building and the Kayak shed will create unnecessary hardship for the property owners.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

*That the South Pender Island Local Trust Committee request that the applicant submit to the Islands Trust
.....*

2. Deny the application

The LTC may deny the application. If the decision is to deny a development permit application, the decision MUST be accompanied by reasons. Recommended wording for the resolution is as follows:

*That the South Pender Island Local Trust Committee deny application GL-DVP-2019.4 for the follows
reasons*

Submitted By:	Narissa Chadwick, Island Planner	October 22, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	October 22, 2019

ATTACHMENTS

1. Site Context
2. Plans and Photographs
3. Notice
4. Draft Development Variance Permit
5. Letters from Applicant and Neighbours

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Galiano Island (Lot B, District Lots 61 and 62, Galiano Island, Cowichan District, Plan 47347)
PID	011-978-813
Civic Address	13155 Porlier Pass Road, Galiano Island
Lot Size	0.38 hectares (.94 acres)

LAND USE

Current Land Use	Single Lot Residential (SLR)
Surrounding Land Use	Neighbouring lots are Single Lot Residential (SLR). The road at the front and the back of the property borders the Environmental Education and Nature Protection zone (EE/NP)

HISTORICAL ACTIVITY

File No.	Purpose
GL-BP-2019.10	A building permit had been submitted to the Capital Region District (CRD) for the building of a kayak shed. Islands Trust staff recommended the building permit be turned down as the siting of the shed was within the setback from the front lot line.

POLICY/REGULATORY

Official Community Plan Designations	Galiano Island OCP No. 108, 1995 Designations: Small Lot Residential (SLR) A portion of the property is designated as a Steep Slope Moderate Hazard Development Permit Area (DPA). The current siting of the kayak shed is located within the Steep Slope Moderate Hazard DPA zone. Falling under the exemption in Section 7.6 of the OCP the kayak shed is exempt from requiring a development permit.
Land Use Bylaw	Galiano Island LUB No. 127, 1999: The subject property is zoned Small Lot Residential (SLR)
Other Regulations	N/A
Covenants	There is no covenant registered on the property
Bylaw Enforcement	No active BE files.

SITE INFLUENCES

Islands Trust Fund	There are no Trust Fund Board or Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Fund regional conservation plan.

Species at Risk	N/A
Sensitive Ecosystems	N/A
Hazard Areas	Kayak shed is sited in the Steep Slope Moderate Hazard DPA but is exempt from permit.
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. There are however sites with archaeological potential identified in RAAD on adjacent properties. Notwithstanding the lack of sites identified in RAAD on the subject property, 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	The siting of the Kayak shed is within walking distance from the shoreline providing the opportunity to walk kayaks down to the water as opposed to driving.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 2: PHOTOS AND PLAN

PHOTOS:

Storage Shed



Office Studio



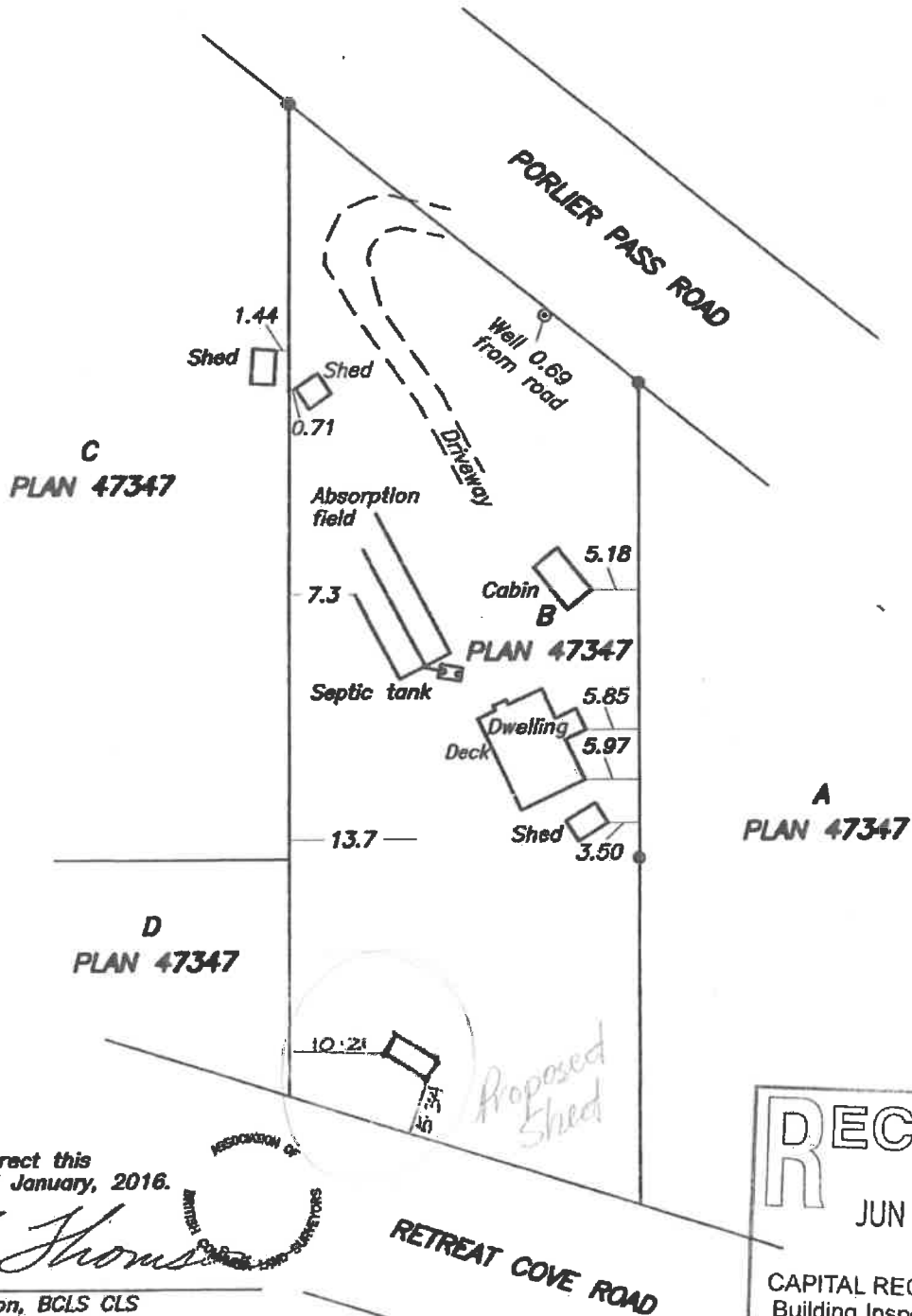
Proposed Kayak Shed



PARCEL IDENTIFIER: 011-978-813 CIVIC ADDRESS: 13155 PORLIER PASS ROAD
LEGAL DESCRIPTION: LOT B, DISTRICT LC 61 AND 62, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 47347

Dimensions to buildings are to the exterior siding.
Survey post found shown thus ●

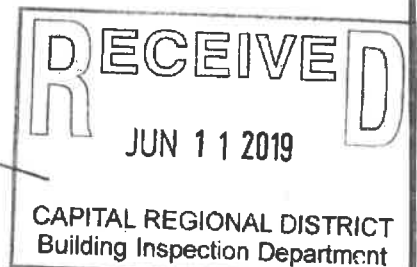
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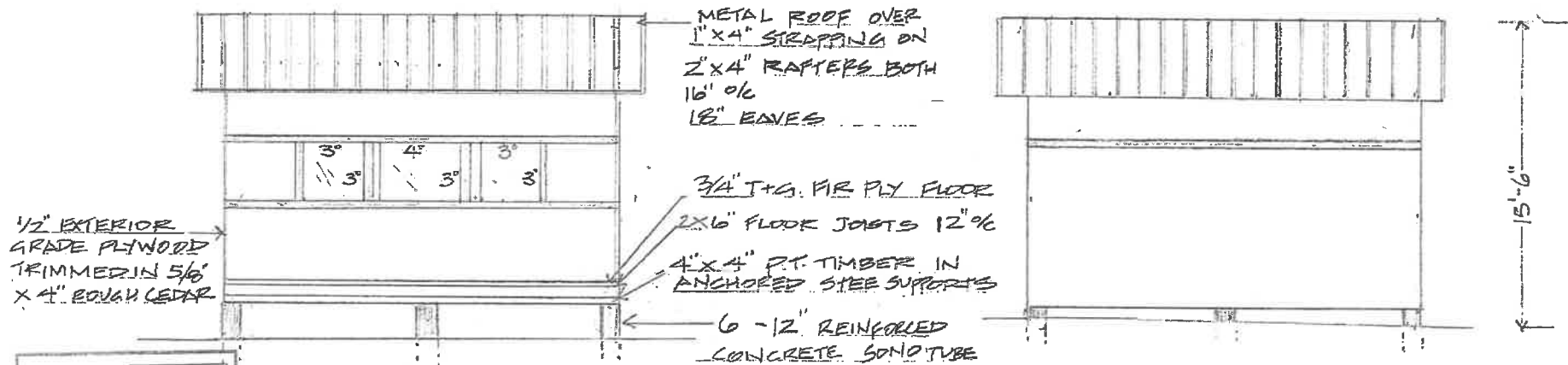
Certified correct this
19th day of January, 2016.

P. E. Thomson
REGISTERED PROFESSIONAL SURVEYOR

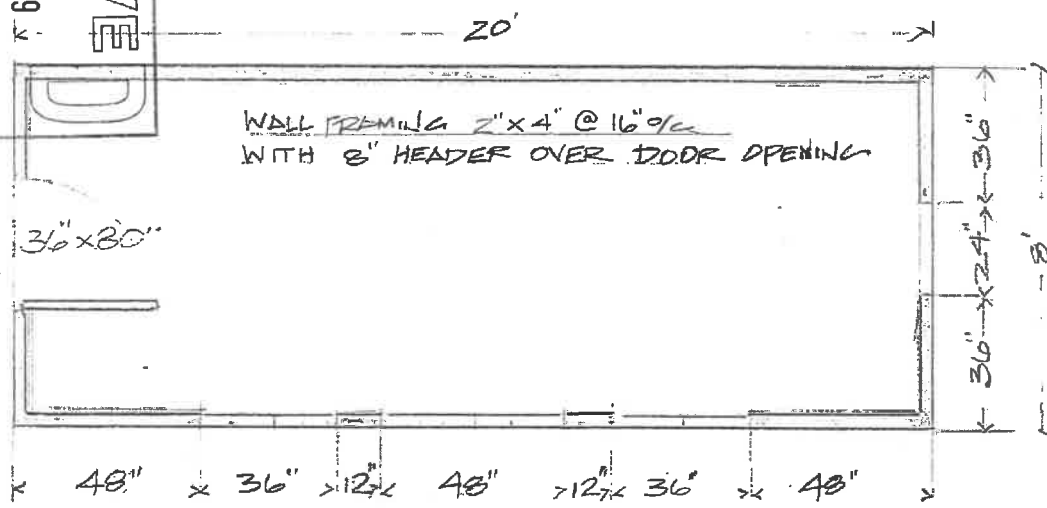
Peter Thomson, BCLS CLS
Galiano Island, BC
peter.thomson@telus.net



SHED BUILDING FOR 13155 FORLIER PASS ROAD LOT B DL61 GALLAND PLAN 47347



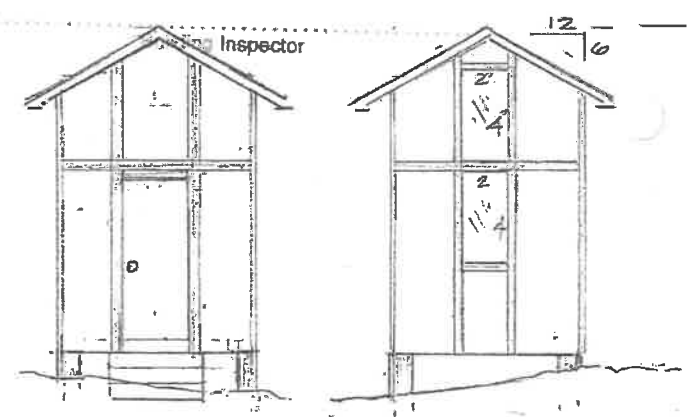
RECEIVED
JUN 11 2019
CAPITAL REGIONAL DISTRICT
Building Inspection Department



CAPITAL REGIONAL DISTRICT

BUILDING PERMIT APPLICATION PLANS

THE PERMIT HOLDER IS RESPONSIBLE TO ENSURE THAT THESE PLANS AND ALL RELATED WORK CONFORM TO THE B.C. BUILDING CODE AND ALL BYLAWS OF THE CAPITAL REGIONAL DISTRICT AND THE PLANNING AUTHORITY

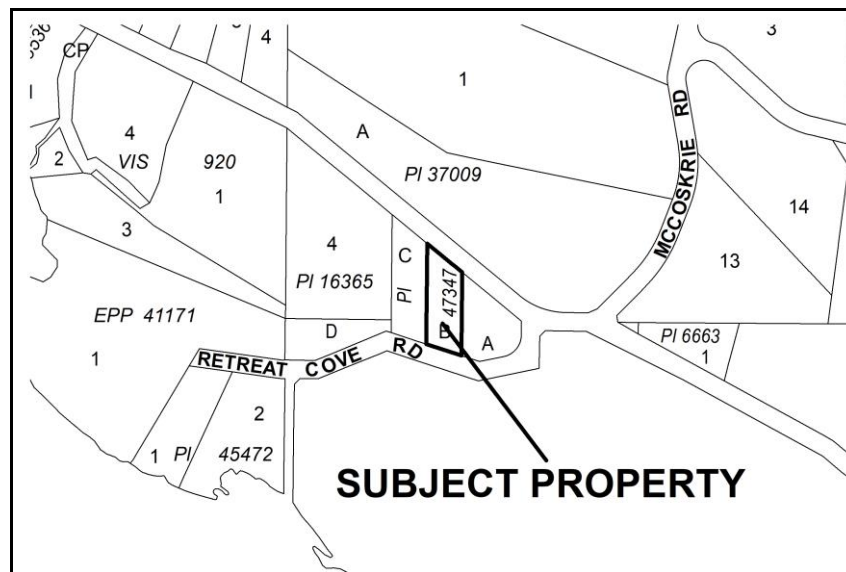


**ATTACHMENT 3: NOTICE
NOTICE
GL-DVP-2019.4
GALIANO ISLAND LOCAL TRUST COMMITTEE**

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the Galiano Island Land Use Bylaw No.127, 1999, by varying:

- a) Section 5.3.8.1, which states that buildings and structures must be at least 7.5 metres from front and rear lot lines, to permit an accessory building structure (kayak shed) to be located within 5.34 metres of the front lot line.
- b) Section 5.3.8.2, which states that buildings and structures must be at least 6.0 metres from each interior side lot line, to permit an accessory building structure (storage shed) to be located within 3.5 metres of the interior side lot line.
- c) Section 5.3.8.2, which states that buildings and structures must be at least 6.0 metres from each interior side lot line, to permit an accessory building structure (office studio) to be located within 5.18 metres of the interior side lot line.

The general location of the subject property is shown on the following sketch.



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **October 16, 2019** and continuing up to and including **October 28, 2019**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island.

Enquiries or comments should be directed to Brad Smith, Island Planner at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **October 28, 2019**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., November 4th, 2019**, at the **North Community Hall**, 22790 Porlier Pass Rd, on Galiano Island.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.



Islands Trust

**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GL- DVP-2019.4**

To: Francis and Marlene Angelopoulos

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

Lot B, District Lots 61 & 62, Galiano Island, Cowichan District, Plan 47347 (PID: 011-978-813)

2. Galiano Island Land Use Bylaw 127, 1999 is varied as follows:

- a) Section 5.3.8.1, which states that buildings and structures must be at least 7.5 metres from front and rear lot lines, to permit an accessory building structure (kayak shed) to be located within 5.34 metres of the front lot line.
- b) Section 5.3.8.2, which states that buildings and structures must be at least 6.0 metres from each interior side lot line, to permit an accessory building structure (storage shed) to be located within 3.5 metres of the interior side lot line.
- c) Section 5.3.8.2, which states that buildings and structures must be at least 6.0 metres from each interior side lot line, to permit an accessory building structure (office studio) to be located within 5.18 metres of the interior side lot line.

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

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the "Galiano Island Land Use Bylaw 127,1999" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF MONTH, YEAR.

Deputy Secretary, Islands Trust

Date of Issuance

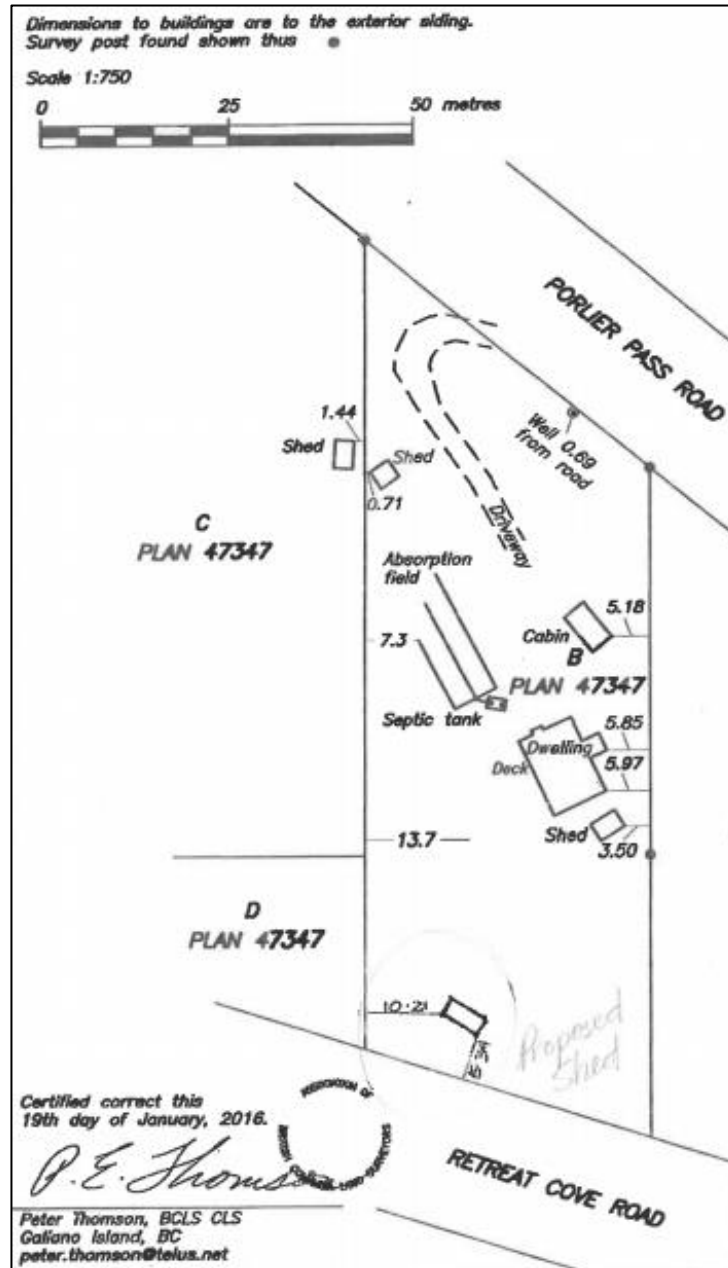
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, YEAR, THIS PERMIT AUTOMATICALLY LAPSES.

ATTACHMENT 4: DRAFT PERMIT

GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2019.4

SCHEDULE 'A'

Site Plan



Dear committee members :

Re : 13155 Forlier Pass Road

Thank you for the opportunity to seek a variance for the existing sheds, ~~and~~, and proposed shed.

We permitted our son Byron to start this project without proper consideration of current setback requirements for which we assume full responsibility. Our error was made with good intent and we are now aware of encroachment.

We bought the "Love Shack" in 2015. It is an ~~old~~ older house and was permitted in April 1977 by John Love. Our neighbours have provided a letter stating the outbuildings were also built at that time.

- The existing sheds ~~and~~ and proposed shed has the unanimous support of our neighbours, and has no negative impact on their properties.
- The location of the proposed shed has minimal environmental impact, allowing the natural rock outcrop to be undisturbed. It is a logical site with close proximity to Retreat Cove Road.

We are pensioners living simply on a fixed income and to meet setback requirements today would be a financial hardship.

But if we truly are to plead hardship, it would look like this:

Byron is living with schizophrenia, a devastating illness that has all but taken his life, for the past 8 years. He is 30 yrs. old now, living in a care facility in White Rock and we are cautiously hopeful that recovery is possible and his quality of life will improve.

An important part of recovery is maintaining strong family ties and encouraging a sense of purpose. When Byron asked to build, we were happy to support him; it was a huge change from his usually delusional and psychotic life. He used to be a very capable and accomplished man.

This is a very emotional issue for us. It is everything to believe our son will recover and become again a contributing member of Society. That is what recovery looks like.

Building this shed will help Byron. Our hope is that you will allow for this variance, with the unanimous support of our neighbours.

Respectfully,

Marlene and Bernie Angelopoulos

Sept 11 2019.

To Whom it may concern:

Wayne Nickel and Linda MacNuff
at [REDACTED] adjacent to
Marlene and Bernie Angelopoulos at
13155 Forlier Pass Road Support their
application for a variance permit.

We purchased our property from the
original owners, Geoff and Irene Howard,
Lighthouse Keepers at Forlier Pass from
1973 to 1986, and visited with the Howards
regularly during their ownership of 13075.

The buildings currently on 13155 we
believe, were built at the same time as
the dwelling, which was permitted on
April 5, 1977.

These outbuildings, along with the new
shed location do not negatively
impact our property.

Respectfully,

Wayne Nickel

[REDACTED]
Sept 11/19

September 20 2019.

Dear committee members:

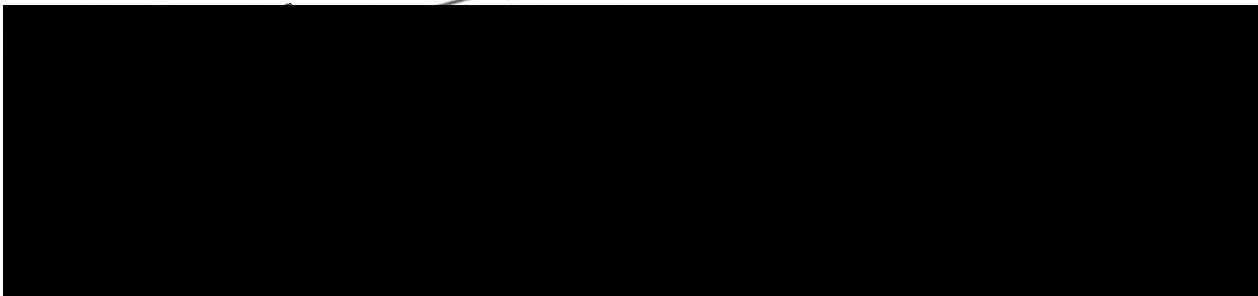
We support our neighbours, Marlene and Bernie Angelopoulos at 13155 Portier Pass Road in their application for a Variance Permit.

The siting of the proposed shed and existing shed and cabin does not negatively impact our property and neighbourhood.

Respectfully,

CHRISTIAN THOMAS & HELEN

SCHWARTZ



September 20 2019

Dear committee members:

We support our neighbours, Marlene and Bernie Angelopoulos at 13155 Porlier Pass Road in their application for a Variance Permit.

The siting of the proposed shed and existing shed and cabin does not negatively impact our property and neighbourhood.

Respectfully,

PR HARRIGAN

KA QUAYLE

[Signature]

[Signature]

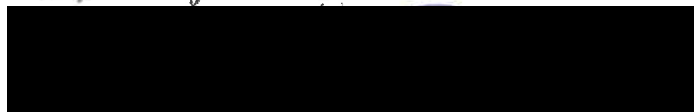
September 20 2019

Dear committee members:

We support our neighbours, Marlene and Bernie Angelopoulos at 13155 Forlier Pass Road in their application for a Variance Permit.

The siting of the proposed shed and existing shed and cabin does not negatively impact our property and neighbourhood.

Respectfully,



Laurie Whittaker



Struan Robertson

September 20 2019

Dear committee members:

We support our neighbours, Marlene and Bernie Angelopoulos at 13155 Portier Pass Road in their application for a Variance Permit.

The siting of the proposed shed and existing shed and cabin does not negatively impact our property and neighbourhood.

Respectfully,

Simon Gills Sme

David M. Spive

September 20 2019

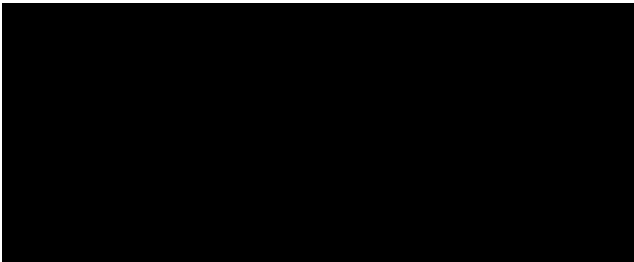
Dear committee members:

We support our neighbours, Marlene and Bernie Angelopoulos at 13155 Portier Pass Road in their application for a Variance Permit.

The siting of the proposed shed and existing shed and cabin does not negatively impact our property and neighbourhood.

Respectfully,

Roksana Parfitt



File No.: GL-TUP-2019.8 (Waterfall & Kowalski)
(GL-TUP-2016.8)

DATE OF MEETING: November 4, 2019
TO: Galiano Island Local Trust Committee
FROM: Phil Testemale
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Renewal of Temporary Use Permit for a Commercial Vacation Rental
Applicant: Lawrence Waterfall and Janusz Kowalski
Location: 350 Mary Ann Point Road

RECOMMENDATION

- 1. That the Galiano Island Local Trust Committee approve the issuance of renewal Temporary Use Permit GL-TUP-2019.8 (Waterfall & Kowalski) for the maximum period of three (3) years.**

REPORT SUMMARY

The purpose of the report is to consider the renewal of a Temporary Use Permit (TUP) for a Commercial Vacation Rental within a dwelling unit.

In summary, the above recommendation for the issuance of the TUP is supported as there have been no complaints about the vacation rental since the original TUP was issued; the rationale is reasonable; it meets the specific guidelines of the OCP; and the guest capacity is modest; and, limited water supply was addressed with the installation of a rainwater catchment system as a condition of the original permit. Lastly, the proposed permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with TUP.

BACKGROUND

The proposal is to allow for the renewal of a TUP for a Commercial Vacation Rental use within an existing, smaller dwelling (116 m² /1250 ft. ² - 2 bedrooms & sleeping loft /1 ½ baths) rented to a maximum number of four (4) people. There are no other dwellings on the 6.1 hectare property. The original application was the result of the bylaw enforcement action for illegal short term vacation rentals on Galiano (GI-BP-2015.26).

A detailed staff report on the initial application (GL-TUP-2016.8) including background, analysis and mapping can be found in the agenda package for the November 7, 2016 Galiano Island Local Trust Committee (LTC) meeting:

<http://www.islandstrust.bc.ca/media/341464/gl-2016-11-07-ltc-agd-pkg.pdf>

The proposed TUP is for a term of three (3) years. Under the *Local Government Act* a TUP can be renewed only once. The only amendments permitted to a renewal TUP are the addition of conditions to make the permit more restrictive. Removing conditions from the original would require new notice to neighbouring properties.

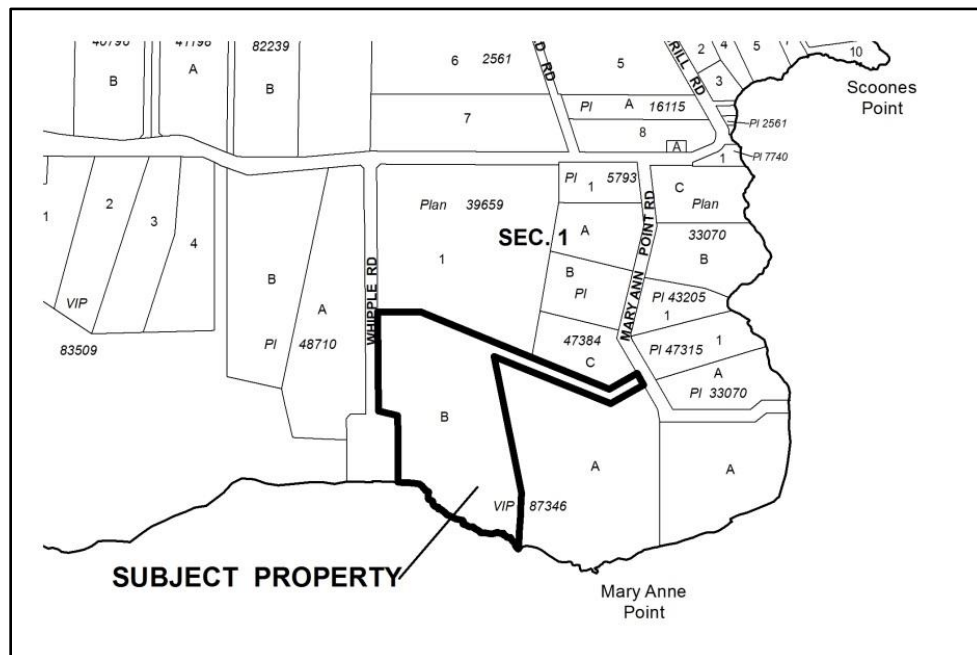
The applicants stated in their application that they specifically requested the renewal for the full three year term and they encourage a more permanent land use regulations to address this (STVR) need.

A completed TUP checklist and a copy of the proposed GL-TUP-2019.8 are Attachments 1 and 3, respectively.

A copy of the guest information that is provided to all renters was provided and is Attachment 4.

Analysis of 'Issues and Opportunities' relevant to the renewal follows.

Figure 1 – Subject Property



ANALYSIS

Issues and Opportunities

CVR Policy and Regulation Review

A current top priority of the LTC is to review existing policies and regulations for commercial vacation rentals to address any impacts on affordable housing. This project is underway and is expected to be completed in 2020. Results of the project may further inform the LTC with respect to the approval of renewals such as this and future commercial vacation rental TUP requests from property-owners. The LTC may also consider the alternative to shorten the valid period of the renewal in light of the review (see 'Alternatives' – below).

TUP Objectives and Guidelines:

The 'TUP Checklist' (Attachment 2) analyzes the proposal for compliance with objectives and guidelines of the OCP. The proposal is compliant.

Cumulative Impacts

There is potential for cumulative impacts as there is an STVR (GL-TUP-2017.2[Worthington]) on the neighbouring property to the west. That TUP has a capacity of six (6) guests and it is noted that both properties are large in area (6.1 hectares [subject] and 4.1 hectares [neighbour]). It is noted there are also other TUP commercial vacation rentals located in proximity to the subject property (see: TUP- Map – Attachment 3).

Water & Septic

The subject property is not within a water service area.

Notably, the subject property is within the Water Management Area established in the LUB. This area is identified as having issues of water shortages associated with aquifer depletion and recharge, and salt water intrusion. New dwellings constructed in the Management Area require a minimum 16,000 litre capacity rainwater catchment cistern be installed.

The original TUP was amended at the time of consideration to include conditions to install a rainwater catchment system with a cistern size of least 8,000 litres. That number gave accommodation to the existing 4 'rain barrel' tanks, but primarily for the large storage capacity for the potable water from the well (24, 456 litres (5379 imp. g.) in two (2) tanks).

The applicants rebuilt the extensive decks attached to the dwelling after the TUP was issued in 2016 to include three (3) 3637 litres (800 imp. g.) rainwater collection tanks (Total = 10, 910 litres/2400 imp. g.) under the decks. The capacity exceeded the permit requirement by 2900 litres. They use the rainwater collection to supply a ground floor toilet (previously connected to our well water system) the hot tub and all their watering needs. They have future plans to extend the rain water system to the upstairs toilet.

The well was assessed in 2008 as part of a subdivision, and stated that the 152 metre well (550 ft.) had a yield of 1.13 litres per min. (0.3 U.S. g. /min.) and specifically noted that the well had "been used by two households for 19 years and had never had a water quantity or water quality issue. It should be noted that a well yield can often improve with pumping." (pg. 2, Hodge Hydrogeology Consulting, May 11, 2009).

The septic system was installed in 1992 under a permit.

Applicant's Rationale for the Proposed Use

The applicants' submitted rationales for the renewal are that the property is perfectly suited for vacation rentals with its location in the Gulf Islands. They state that STVRs are needed on the island as commercial accommodations survive (rely) on their food services and special events for which they cannot fully accommodate guests (they do not have sufficient capacity). Further they state that STVRs are an important contributor to the island.

TUP Conditions

The renewal TUP is unchanged from the original and incorporates most of the conditions that have been established in the OCP. As above, a renewal can only add conditions to make the permit more restrictive, otherwise re-notification of the TUP is required.

Circulation/Consultation

There is no notification required for a renewal application.

Rationale for Recommendation

The recommendation on page 1 is supported given:

- The rationale is reasonable;
- It meets the specific guidelines of the OCP;
- The guest capacity is modest;
- Water storage capacity has been addressed with rainwater storage that exceeds the conditions of the issued permit; and,
- The proposed permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with TUP.

ALTERNATIVES

1. Reduce the length of the TUP to two-years to be consistent with recent TUP renewals

The LTC may wish to approve the TUP for less than 3 years; two years to be consistent with recent TUP renewals and in consideration of the STVR regulations review project that is currently underway.

Resolution:

That the Galiano Island Local Trust Committee approve the issuance of renewal Temporary Use Permit GL-TUP-2019.8 (Waterfall and Kowalski) for a ____ (#) year period.

2. Request further information

The LTC may request further information be provided prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed.

Resolution:

That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust further information including: _____

3. Add additional conditions

The LTC may wish to amend the TUP by adding additional conditions. If selecting this alternative the LTC should specify the additional conditions.

Resolution:

That the Galiano Island Local Trust Committee amends renewal Temporary Use Permit GL-TUP-2019.8 (Waterfall and Kowalski) by the addition of the following conditions: _____; and,

That the Galiano Island Local Trust Committee approve the issuance of renewal Temporary Use Permit GL-TUP-2019.8 (Waterfall and Kowalski) as amended.

4. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee deny application GL-TUP-2019.8 (Waterfall and Kowalski).

Submitted By:	Phil Testemale, Planner 2	October 22, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	October 23, 2019

ATTACHMENTS

1. TUP Checklist (Updated Oct, 2019)
2. TUP Map (Updated Oct, 2019)
3. Draft TUP (GL-TUP-2019.8 Renewal of GL-TUP-2016.8)
4. Information provided to guests

**TUP Checklist for Commercial Vacation Rental:
GL-TUP-2019.8 (Waterfall & Kowaski)**

350 Mary Ann Point Road

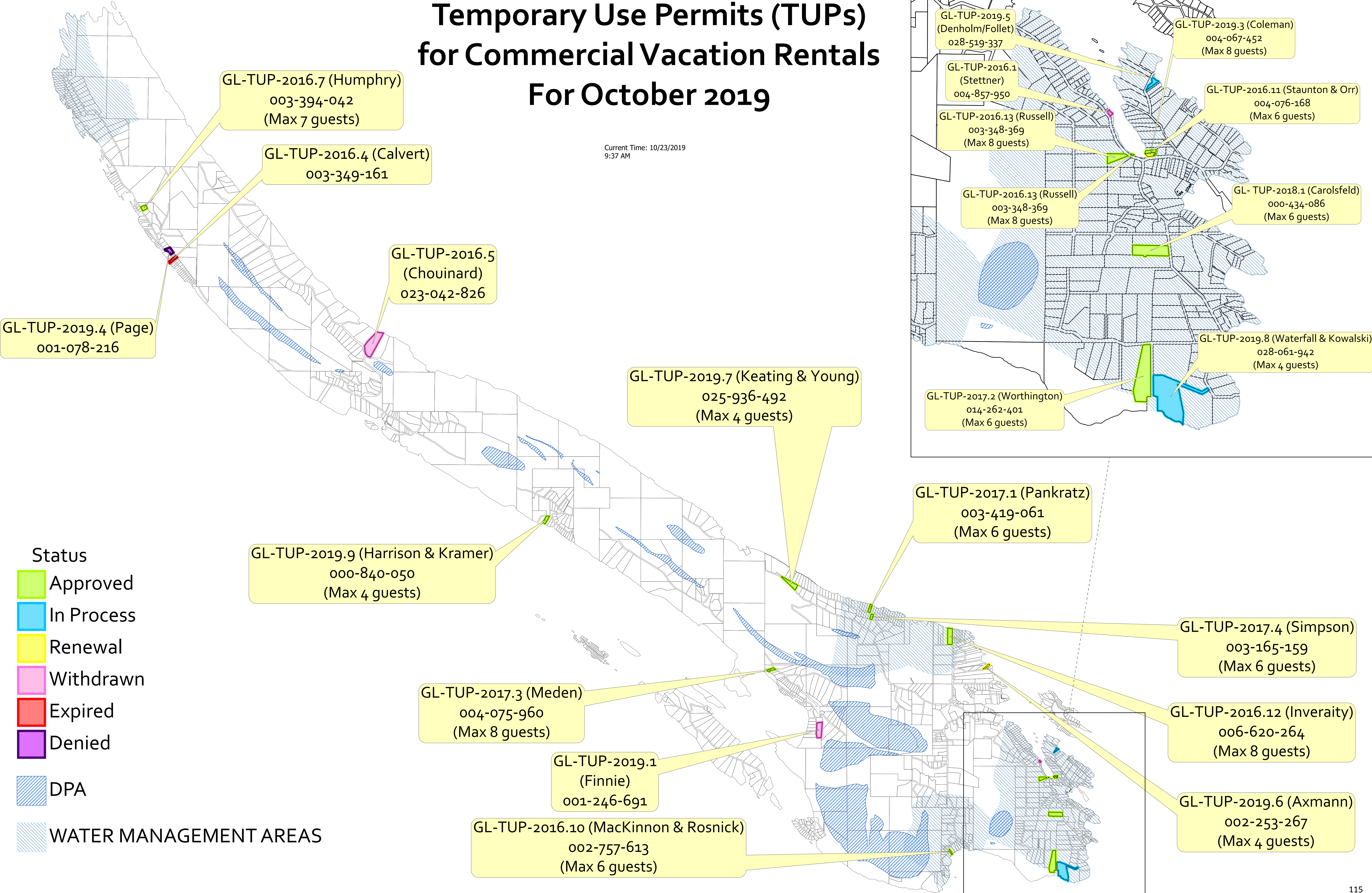
Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, "commercial vacation rental" means the use of a <i>residence</i> as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier	Complies, by definition of the use in TUP.
b) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	GL-TUP-2017.2 (Worthington) directly to the west. Both large lots and small guest capacity.
c) Residential Appearance - The Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.	No alterations proposed.
d) Neighbour Concerns - The Local Trust Committee may require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening.	No notification required for renewal. No complaints received since issuance of original permit in 2016.
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min) Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	Water: The property is in a water management area. The property is serviced by a well with a depth of 152 metres (500 ft.). They have a 5455 litres (1200 gal.) tank in the dwelling and a new additional (6 years old) 18,911 litres (4,160 gal.) storage tank (total storage 24,456 litres/5379 gal.). Three (3) 3637 litres (800 imp. g.) rainwater collection tanks (Total = 10, 910 litres/2400 imp. g.) installed subsequent to issuance of original permit. There is also four wooden rain barrels. The property is large in size at 6.13 ha (15.15 ac). The house is 116 m² (1250 ft² - 2 bedrooms & sleeping loft /1 ½ baths) and is rented to a max. of 4 people.
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Minimum two (2) spaces is a condition in Draft Permit. The owners have indicated that they have three (3) spaces adjacent to the dwelling and a 500 m. long driveway.
Permit Conditions	
g) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. require that the owner or other contact be available on Galiano by telephone 24 hours/day, seven days per week and include the name and	Condition in Draft Permit.

Guidelines	Comments
contact information in the conditions of the permit	
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Condition in Draft Permit.
iii. require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area	Condition in Draft Permit.
iv. establish a maximum number of people that can stay	Maximum of four (4) as a condition in Draft Permit.
v. establish a maximum number of guests per bedroom	Maximum of two (2) as a condition in Draft Permit.
vi. prohibit camping or occupancy of RVs on the property	Condition in Draft Permit.
vii. restrict advertising to one unilluminated sign, with a maximum area	0.4 m ² , unilluminated and on subject property as a condition in Draft Permit.
viii. prohibit the rental or provision of motorized personal watercraft	Condition in Draft Permit.
ix. prohibit outdoor fires	Condition in Draft Permit.
x. establish the dates during which the use may occur	No condition for dates in Draft Permit.
xi. include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received	Between 9 a.m. and 5 p.m. of any day as a condition in Draft Permit.
xii. require that the landowner/operator post for guests emergency service contact information and to provide a means for contacting them	Condition in Draft Permit.
xiii. require the landowner/operator to post contact information and permit information at the entrance to the property	Condition in Draft Permit.
Agriculture Land Reserve	
h) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	

***Water Management Areas** – as established on Schedule C of the *Galiano Island Land Use Bylaw No. 127, 1999*

Temporary Use Permits (TUPs) for Commercial Vacation Rentals For October 2019

Current Time: 10/23/2019
9:37 AM





**GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2019.8 (Waterfall & Kowalski)**

350 Mary Ann Point Road

To: Lawrence Waterfall and Janusz Kowalski

1. This Permit applies to the land described below:

Lot B, Section1, Galiano Island, Cowichan District, Plan VIP87346
(PID: 028-061-942).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

a) a Commercial Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) the property owner or other contact person be available on Galiano Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and on island contact person must be provided to guests upon arrival;
- b) the property owner or Commercial Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact persons phone number, and a copy of the temporary use permit;
- c) the property owner or Commercial Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
- d) the owner will install a cistern for the storage of rainwater having a capacity of at least 8,000 litres;
- e) the cistern cited in d) shall be installed within twelve (12) months of the issuance of this permit;
- f) the maximum number of guests is limited to four (4) persons;
- g) the maximum number of guests per bedroom is two (2) persons;
- h) camping and occupancy of recreational vehicles are prohibited;
- i) a maximum of one sign unilluminated not exceeding a total sign area of 0.4 square metres advertising the Commercial Vacation Rental is permitted. The sign must be located on the lot occupied by the Commercial Vacation Rental use;
- j) the rental or provision of motorized personal watercraft is prohibited;
- k) all outdoor fires are prohibited;
- l) the owner must provide parking for a minimum of two (2) vehicles on the property;
- m) the property owner or Commercial Vacation Rental operator must post for guests emergency service contact information and to provide a means for contacting them;
- n) the property owner or Commercial Vacation Rental operator must post name and contact number of property owner and on island contact person, and permit information at the entrance to the property; and

- o) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint.
- 4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
- 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS 7th DAY OF NOVEMBER, 2016.

Deputy Secretary, Islands Trust

Date Issued

InTheBluff – Galiano's Oceanfront Log House

Location & Pre-Arrival

350 Mary Ann Point Road, Galiano Island, BC V0N 1P0

- Please let us know via email or text which ferry sailings you plan to take to and from Galiano. We will monitor and advise a few days prior to arrival whether an early check-in and/or a later check-out are available.
- InTheBluff's four digit door access code will be emailed several days prior to your arrival.

Day of Arrival

- Self-check-in is any time after 3 pm.
- See: <http://www.inthebluff.ca/#!/getting-here/>
- The porch to the left as you approach the log house from the driveway has the entry door with a combination deadbolt lock.
- Punch in the code and turn the deadbolt clockwise. The upper 'middle' button is pushed to relock the deadbolt from the outside (**push & turn the deadbolt counter-clockwise**). The 'middle' button also lights up the keyboard.
- Should you have questions or concerns about any components of InTheBluff, please email us at InTheBluffOceanside@Gmail.com or call/text **604-836-2808**.
- Enjoy yourself!!

Day of Departure

- Self-check-out is any time prior to 11:00 am.
- Dirty dishes – if any, please place in the dishwasher & turn on before departure.
- We do not charge a separate cleaning fee but we do ask guests with an automobile to please take their garbage and recycling back to the city if it is easy for them to dispose of.
- If you are traveling or on foot/bicycle and getting rid of garbage and recycling is not convenient, no problem – just let us know and we'll arrange for the cleaner to take it.

Wi-Fi

- Telus Smart Hub Router located in dining area – very fast connection
- Connection: InTheBluff
- Password: **2505392087**

Telephone

- A land line is not provided at InTheBluff as our location on Active Pass benefits from excellent cell service.

Smart Television

- Samsung 50" Smart TV with digital air antenna – located in the loft
- Skylight above TV has a pull-down blind if needed
- About a dozen channels are generally accessible, including Global on 0-8.
- The remote has a direct “**NetFlix**” button (to the left of the “home” button) and you are welcome to use the “InTheBluff” location on our account. It should sign-in automatically – if not, don’t hesitate to email or text for sign-in info.
- **DVD player** also provided with dozens of movies (lower drawer in centre coffee table and in drawers of corner cabinet to right of TV). Use the “Source” button on the upper right of the Samsung remote and set to “AV” and then switch to using the DVD remote control.



Tunes

- Corner cabinet to right of dining room buffet
- Throw-back mini stereo system with FM/AM and multiple CD player
- Dozens of CD's provided – emphasis on 1980's and 1990's – enjoy!
- InTheBluff also now has a **Harman Kardon Portable Bluetooth Speaker** in the living room.
- Power on – the button in the centre of five soft buttons on the front of the speaker.
- Power button is flanked by up and down (-/+) volume controls.
- Play button - One tap on far-right button toggles from play to pause & two taps forwards to next song.
- Go to your Bluetooth settings and select “**HK Onyx Studio 5**”
- If “HK Onyx Studio 5” does not appear on your device, push the Bluetooth “*” button on the speaker.
- Enjoy tunes from your iPhone, iPad or other wireless device(s).

Heat & Tulikivi

- Thermostats for electric baseboard heat are located in every room.
- InTheBluff's Tulikivi (soapstone fireplace) will radiate heat for many hours, even after the fire burns down – please be careful, the glass doors really heat up.
- Ample firewood and kindling are provided on the driveway side of the log house.
- Please ensure chimney damper (upper right side above mantle) is wide open (metal ring is in vertical position) whenever the Tulikivi's glass doors are opened.
- For those fireplace pros, airflow can also be control via the sliding grate on the inside of the metal door below the fireplace. When burning well, the damper on the chimney can also be turned and adjusted to slow the burn.
- If doors and/or windows are being left open (the fireplace can overheat the space), please ensure the baseboard thermostats are turned down.
- Please note where the **Fire Extinguisher** is located (in hallway across from powder room).

Kitchen & Purified Tap Water

- InTheBluff has a 500' deep well but water is not overly plentiful on the island so please use with care.
- There is a UV purification system although the well water does not taste great to some of us so better tasting Galiano water is also provided in the cooler (bottle) holder.
- Dishwasher tablets are below the sink.
- The Heartland electric range, dishwasher, microwave and other appliances are generally easy to operate but touch base with us if you have any questions.
- Also provided are a blender, drip coffee maker with re-usable gold cone filter, electric grinder, rice cooker and toaster.
- Please let us know if you have any questions about what is and isn't in the kitchen. It is pretty well equipped for your everyday cooking needs.
- To **brighten the kitchen's countertop workspace, there is a motion-activated light**. To turn on or off, wave your hand underneath the cabinet, toward the wall and directly above the electrical outlet to the

right of the fridge. The lights can be dimmed or brightened by holding your hand below the on/off sensor for several seconds.

- A garbage container is located beside the pump house (small building visible from the front door/bbq deck) should the receptacle under the sink fill up.
- Blue boxes for recyclables are in the hallway bench.
- A green bucket is under the kitchen sink for compost/greens (please no paper, meats or egg shells) - the black plastic compost receptacle is located up the hill to the left of the pump house.
- Also under the kitchen sink are disposable cups – please do not allow any cooking fat to go down the drain as it is very harmful to the septic field.

Washer & Dryer

- InTheBluff's washer & dryer are in the main floor powder room.
- To start a wash, **turn the control dial to "3" and gently pull out to engage**. After about 50 minutes when the cycle is complete, push the dial in to turn the washer off.
- **It takes about two minutes before the washer's door will release and can be opened.**
- To open the dryer door, push on its right side. The door will spring open.

Barbeque

- A Propane BBQ is located on the entrance deck. **Please pull a few feet away from the house to use.**
- Extra propane tanks are in the gated section of the wood shed, back down the driveway.
- BBQ utensils are in the drawer to the left of the electric range.
- The gas valve on the tank below the BBQ will need to be turned to an "on" position.
- After use, please give the grill top a good brush-down & take **special precaution** to not leave the burner turned on for any length of time.
- After use, please turn the gas value below the BBQ back to the "off" position and do not replace the cover until the BBQ has fully cooled off.

Lighting

- InTheBluff has several "**Smart Dimmers**" for light switches. These allow you to go instantly to a pre-set level of "brightness" with one tap on the switch pad.
- When the light is on, one tap on the pad will turn it off. Two little toggle buttons on one side of the pad control the pre-set brightness level.
- If you ever want full bright, rather than push the toggle buttons on the side, just give the pad two quick taps and it will go full bright. Again, one tap on the pad will then turn the light off.
- The front and back porch/deck lights are on timers. Depending on the time of year, they may be programmed to turn "on" for the early evening hours.
- Timers can be easily overridden - the switches are the ones with small LCD screens on the top – one is situated to the right of the French Doors and the other to the right of the back door. You simply push the switch to toggle between off and on.

Hot Tub

- The hot tub cover has a hydraulic lift so it is reasonably easy to lift up and down very gently into place – please ensure the front (away from deck) is unclipped – lifting handles are at each front corner.
- To operate the tub - touch the in-tub screen to active and tap the “spa” option on the right side.
- There are **three “jet/pump” icons and one “light” control icon.**
- Tap a jet icon once and it will go to “low”, twice for “high” and three times to go back to “off.”
- Please ensure they are all “off” when you are not using the tub
- Filtration and water heater will turn on jet/pump #1 to “low” on its own & so may not turn off
- Please ensure the cover is put back on securely after use.
- Safety, water quality and tub hygiene are of upmost concern – please shower before going into the hot tub and limit your in-tub spa time to 30 minutes at a time.
- **Please do not spa alone or allow food/drink to get into the tub.**

Top Priorities Report

Galiano Island

1. Affordable Housing Strategy

Responsible

Dates

Phase 1: STVR review

Brad Smith

Rec'd: 04-Mar-2019
Target: 31-Mar-2020

2. Groundwater Sustainability

Responsible

Dates

Phase 1: mapping and data analysis

William Shulba

Rec'd: 02-Apr-2019
Target: 01-Apr-2020



Projects Report

Galiano Island

1. *Soil Removal and Deposit Bylaw*

Responsible

Date Received

Review need and options for implementation of soil removal and deposit bylaw

12-Sep-2011

2. *Amendments to Forest designation and F1 zone -*

Responsible

Date Received

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

Robert Kojima

16-Apr-2012

3. *Parking Issues*

Responsible

Date Received

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

4. *Bike Trails and Camping*

Responsible

Date Received

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

5. *Ocean Based Geo-Exchange Systems*

Responsible

Date Received

Review of regulations for geo-thermal exchange use.

18-Nov-2013

6. *Information Note Addition*

Responsible

Date Received

Add in Information Note on Archeological Sites under General Regulations

18-Nov-2013



Projects Report

Galiano Island

7. *Light Industrial Zoning*

Responsible

Date Received

A review and inventory assessment of existing and potential light industrial zones.

18-Nov-2013

8. *Land Use Bylaw Amendments*

Responsible

Date Received

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

9. *Community Benefit Review for Forest Lands*

Responsible

Date Received

Staff to prepare preliminary report for new LTC

08-Sep-2014

10. *Consider amendments to re-designate and rezone crown owned Forest lots.- Bylaws 231, 232 at First*

Responsible

Date Received

re-refer to FLNRO for comment

11. *Review of split zonings.*

Responsible

Date Received

05-Mar-2018

12. *Coastal Douglas-Fir Protection*

Responsible

Date Received

Review 'Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)' and provide recommendations from toolkit.

04-Feb-2019

13. *Cannabis Retail and production*

Responsible

Date Received

Projects Report

Galiano Island

Consider review of policies and regulations to address cannabis retail sales and production

05-Mar-2019

14. Dock review

Responsible

Date Received

To review policies and regulations relating to private moorage, including suitable locations, siting and size, and incorporating First Nations sites

02-Apr-2019

15. Emergency Access Planning

Responsible

Date Received

Follow-up from CRD emergency planning process

02-Apr-2019

16. Review of maximum house sizes

Responsible

Date Received

To review policies and regulations to potentially establish maximum floor area(s) for dwellings

06-May-2019

17.

Responsible

Date Received

18.

Responsible

Date Received

19. Driveway guidelines for emergency access

Responsible

Date Received

To consider inclusion of driveway guidelines in land use bylaw regulations

07-Oct-2019



Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2019.1	Simons, Linda	17-Sep-2019	development permit and development variance permit for rock seawall construction

Planner: Brad Smith

Planning Status

Status Date: 25-Oct-2019

Contacted applicant early October to inform them of potential issues with some structures in setbacks - requested proper site survey and plan to be submitted - awaiting response

Status Date: 18-Sep-2019

Preliminary site visit conducted by Island Planner - working with applicant to clarify project details and obtain required ecological/engineering assessments etc.

Status Date: 17-Sep-2019

PTA created file, fees received, LTC notified, given to Planner

File Number	Applicant Name	Date Received	Purpose
GL-DP-2019.2	Koster, Dave	24-Sep-2019	DP for moderate/steep slope DPA

Planner: Phil Testemale

Planning Status

Status Date: 23-Oct-2019

Waiting for Geotechnical Report. December 9, 2019 agenda for consideration

Status Date: 04-Oct-2019

PTA created file, LTC notified, fees received, given to Planner

Status Date: 26-Sep-2019

Pending receipt of application and supporting materials

File Number	Applicant Name	Date Received	Purpose
GL-DP-2019.4	Chunn, Ian & Reaney, Susan	08-Oct-2019	Installation of a new septic system

Planner: Phil Testemale

Applications

Planning Status

Status Date: 25-Oct-2019

Planner conducted site visit on October 25 - letter received from applicant confirming legal non-conforming status of house based on 1970 construction date

Status Date: 23-Oct-2019

December 9, 2019 agenda for consideration.

Status Date: 17-Oct-2019

PTA notified LTC, fees received, given to Planner.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2019.4	Angelopoulos, Francis & Marlene Planner: Narrisa Chadwick	30-Sep-2019	variance for set back to back property line for proposed shed.

Planning Status

Status Date: 25-Oct-2019

Complete for November 4th TLC Meeting.

Status Date: 15-Oct-2019

Notice sent for notice dates October 16-28.

Status Date: 02-Oct-2019

PTA created file, LTC notified, fees received, given to Planner.

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2005.2	Romagnoli Planner: Brad Smith	21-Mar-2005	To rezone from F1 to F3

Planning Status

Applications

Status Date: 05-Feb-2019

Applicant to work on new sustainable forestry covenant draft and Baseline Report. Applicant to also secure third party for covenant. Staff is in the process of discussing granting emergency access by SROW with CRD. No new public hearing required.

Status Date: 21-Jan-2019

Application placed on Feb 4/19 agenda. Direction from LTC required to proceed with or without holding a new Public Hearing.

Status Date: 18-Jul-2018

Applicants requested to provide information on how to proceed with their application. Application will be closed August 31, 2018 if staff do not hear back.

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: Brad Smith

Planning Status

Status Date: 25-Oct-2019

Staff awaiting confirmation from CMS that outstanding legal items re: subdivision plan have been addressed prior to submitting staff report for further LTC direction

Status Date: 26-Sep-2019

Island Planner and RPM hosted conference call with CMS rezoning committee - clarified next steps and potential timelines for CMS going forward

Status Date: 20-Aug-2019

Site visit conducted by Island Planner to assess site conditions first hand and take site photos - follow-up discussion with CM rezoning committee planned for September

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

Applications

Status Date: 24-Oct-2019

Applicant has provided an revised proposal, staff report on Nov 4th agenda

Status Date: 07-Oct-2019

LTC resolution rescinding previous resolution to proceed no further, application re-opened. Staff to report back with new applicant proposal

Status Date: 08-Jul-2019

LTC resolution to proceed no further with bylaws

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2019.1	Dewinetz - GIGARHS	11-Sep-2019	rezoning application for community affordable housing development
Planner: Brad Smith			
Planning Status			

Status Date: 25-Oct-2019

Planner compiling information for preliminary staff report.

Status Date: 23-Oct-2019

Planner met with neighborhood community group representatives to discuss proposal

Status Date: 30-Sep-2019

Planner met with applicant to review project proposal and clarify next steps

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2019.2	Gauvreau, Lisa	01-Oct-2019	a land use bylaw amendment
Planner: Brad Smith			
Planning Status			

Status Date: 25-Oct-2019

Preliminary staff report on Nov 4 LTC agenda

Status Date: 08-Oct-2019

PTA gave file to Planner

Status Date: 04-Oct-2019

PTA received title and e-transfer confirmation, LTC notified, Planner to be assigned.



Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2017.2	PETER THOMSON Planner: Brad Smith	22-Dec-2017	409 Porlier Pass Drive - proposed 20-lot bare land strata subdivision
Planning Status			
Status Date: 15-Oct-2018 DP and DVP related to subdivision application approved.			
Status Date: 09-Aug-2018 SD referral response sent to MOTI. Applicant required to apply for a DP and DVP.			
Status Date: 19-Jul-2018 Emailed Applicant's completed Subd Ref Review form to LTC cc Planner, MoTI; gave folder to Planner.			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2019.5	Follett & Denholm Planner: Brad Smith	10-Apr-2019	A temporary use short term vacation rental
Planning Status			
Status Date: 25-Oct-2019 Applicant still working on obtaining encroachment permit from MOTI for structures in RoW			
Status Date: 26-Sep-2019 Island Planner notified applicant of current moratorium on new STVR TUP applications and deferral of Page application (GL-TUP-2019.4) by LTC			
Status Date: 12-Aug-2019 Followed-up with applicant re status of TUP application - applicant is still working with MOTI on encroachment permit for fence and structures in statutory Right of Way			
File Number	Applicant Name	Date Received	Purpose
GL-TUP-2019.8	Waterfall, Lawrence & Kowalski, Janusz Planner: Phil Testemale	03-Sep-2019	Renewal temporary use permit application.

Applications

Planning Status

Status Date: 23-Oct-2019

Staff Report on November 4, 2019 agenda for consideration.

Status Date: 17-Sep-2019

E-mailed applicant to confirm November 4, 2019 agenda for LTC consideration.

Status Date: 11-Sep-2019

PTA created file, LTC Notified, fees received, given to Planner.

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: July 8, 2019

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 the Active Page Magazine 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.
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

No	Meeting Date	Resolution No.	Issue	Policy
				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.	September 17, 2017	GL-2018-65	Antenna System Siting & Consultation	That the Galiano Island Local Trust Committee Adopt the Galiano Island Antenna System Siting & Consultation Protocol as the tool for the review and consideration of antenna system proposals with the Galiano Island Local Trust Area.
8.	March 4, 2019	GL-2019-14	Cannabis Retail Referrals	That the Galiano Local Trust Committee adopt the following standing resolution with respect to the processing of non-medicinal cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - Name of the applicant and a description of the proposal in general terms - The location of the proposed establishment and the subject site - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - How public comments may be submitted to the local trust committee.
9.	June 3, 2019	GL-2019-54	A Standing Resolution on Reconciliation	That the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite First Nations to attend meetings; as well as, provide a traditional welcome to their territory if they would like;

No	Meeting Date	Resolution No.	Issue	Policy
				c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area."
10.	July 8, 2019		TUPs for Short Term Vacation Rental use	That the Galiano Island Local Trust Committee initiate a moratorium on new TUP applications until the STVR project is completed and that bylaw enforcement is to require that unlawful STVRs comply with the LUB

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REQUEST FOR DECISION

To: Galiano Island Local Trust Committees
For the Meeting of: November 4, 2019

From: David Marlor, Director, Local Planning Services
Date Prepared: October 23, 2019

SUBJECT: Live Streaming of Local Trust Committee Meetings

RECOMMENDATION:

That the Local Trust Committee communicate to Trust Council its interest (or lack thereof) in filming and streaming its public meetings.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

Meeting streaming provides a new way for island constituents to engage in Islands Trust work. Challenges and opportunities related to this topic will be explored in a report to Trust Council in coming months.

1 PURPOSE:

To determine the level of interest in streaming local trust committee meetings.

2 BACKGROUND:

At its June 19, 2019 meeting Trust Council made the following resolutions:

"That Trust Council request that each local trust committee and Trust Council committees indicate whether it has an interest in filming and streaming its public meetings."

And,

"That Trust Council request staff to prepare a report about the costs and feasibility of filming and streaming videos of public meetings through the new Islands Trust website and social media."

The report requested in the latter resolution is currently being prepared by staff.

Forming part of this discussion will be the level of interest of Council committees in pursuing this initiative for their own public meetings. As such, a committee decision is required for communication to Trust Council to inform dialogue and appropriate resource allocation.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: A change in procedures for how local trust committee meetings are organized and conducted.

FINANCIAL: Additional costs for equipment, processing and storage of recordings and staff resources to operate the equipment.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: The interest or lack thereof of the Local Trust Committee will be communicated to Trust Council as requested.

FIRST NATIONS: None.

OTHER: None.

4 RELEVANT POLICY(S):
None.

5 ATTACHMENT(S):
None.

RESPONSE OPTIONS

That the Local Trust Committee communicate to Trust Council its interest in filming and streaming its public meetings.

OR

That the Local Trust Committee communicate to Trust Council that it is not interested in filming and streaming its public meetings.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By: Clare Frater, Director, Trust Area Services



GALIANO ISLAND LOCAL TRUST COMMITTEE

DRAFT NOTICE OF 2020 BUSINESS MEETINGS

THE LTC HAS _____ THE FOLLOWING DATES FOR ITS 2020 MEETING SCHEDULE. MEETINGS ARE SUBJECT TO CHANGE. PLEASE VISIT THE GALIANO LTC WEBSITE FOR UP-TO-DATE SCHEDULE INFORMATION. THE LTC WILL MEET ON THE FIRST MONDAY OF EACH MONTH @12:30 P.M. UNLESS OTHERWISE NOTED*

*Locations are to be confirmed.

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February 3, 2020	Time: 12:30 PM Location: South Community Hall 141 Sturdies Bay Rd
March 2, 2020	Time: 12:30 PM Location: South Community Hall 141 Sturdies Bay Rd
April 6, 2020	Time: 12:30 PM Location: South Community Hall 141 Sturdies Bay Rd
May 4, 2020	Time: 12:30 PM Location: North Community Hall 22790 Porlier Pass Rd
June 1, 2020	Time: 12:30 PM Location: South Community Hall 141 Sturdies Bay Rd
July 6, 2020	Time: 12:30 PM Location: South Community Hall 141 Sturdies Bay Rd
September 8, 2020 (Tuesday)	Time: 12:30 PM Location: South Community Hall 141 Sturdies Bay Rd
October 5, 2020	Time: 12:30 PM Location: North Community Hall 22790 Porlier Pass Rd
November 2, 2020	Time: 12:30 PM Location: South Community Hall 141 Sturdies Bay Rd
December 7, 2020	Time: 12:30 PM Location: North Community Hall 22790 Porlier Pass Rd

These are regular business meetings of the Local Trust Committee, where they will consider items such as bylaws, applications, and correspondence.

ALL MEETINGS ARE OPEN TO THE PUBLIC

Website: www.islandstrust.bc.ca/galiano

Email: information@islandstrust.bc.ca

Phone: 250-405-5151