



## Galiano Island Local Trust Committee Regular Meeting Agenda

Date: February 4, 2019  
Time: 12:30 pm  
Location: Galiano South Community Hall  
141 Sturdies Bay Road, Galiano Island, BC

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|     |                                                                                                         |                     | Pages   |
|-----|---------------------------------------------------------------------------------------------------------|---------------------|---------|
| 1.  | CALL TO ORDER                                                                                           | 12:30 PM - 12:30 PM |         |
| 2.  | APPROVAL OF AGENDA                                                                                      |                     |         |
| 3.  | TOWN HALL AND QUESTIONS                                                                                 | 12:30 PM - 1:00 PM  |         |
| 4.  | COMMUNITY INFORMATION MEETING                                                                           |                     |         |
|     | none                                                                                                    |                     |         |
| 5.  | PUBLIC HEARING                                                                                          |                     |         |
|     | none                                                                                                    |                     |         |
| 6.  | MINUTES                                                                                                 | 1:00 PM - 1:10 PM   |         |
| 6.1 | Local Trust Committee Minutes Dated December 3, 2108 (for Adoption)                                     |                     | 4 - 13  |
| 6.2 | Section 26 Resolutions Without Meeting Report Dated January 2019                                        |                     | 14 - 14 |
| 6.3 | Advisory Planning Commission Minutes Dated November 26, 2018 (for Receipt)                              |                     | 15 - 19 |
| 7.  | BUSINESS ARISING FROM MINUTES                                                                           |                     |         |
| 7.1 | Follow-up Action List Dated January 2019                                                                |                     | 20 - 21 |
| 8.  | DELEGATIONS                                                                                             |                     |         |
|     | none                                                                                                    |                     |         |
| 9.  | CORRESPONDENCE                                                                                          | 1:10 PM - 1:20 PM   |         |
|     | <i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i> |                     |         |
| 9.1 | Letter Dated January 22, 2019 from L. Page re Moratorium TUP Short Term Vacation Rentals (attached)     |                     | 22 - 23 |

|            |                                                                                                        |                          |           |
|------------|--------------------------------------------------------------------------------------------------------|--------------------------|-----------|
| <b>10.</b> | <b>APPLICATIONS AND REFERRALS</b>                                                                      | <b>1:20 PM - 2:20 PM</b> |           |
| 10.1       | GL-RZ-2017.1 (Stevens) - Staff Report (attached)                                                       |                          | 24 - 63   |
| 10.2       | GL-RZ-2005.2 (Romagnoli/Smith) - Staff Report (attached)                                               |                          | 64 - 79   |
| 10.3       | GL-RZ-2017.2 (Mignault) - Staff Report (Pending)                                                       |                          |           |
| 10.4       | Mayne Island Local Trust Committee Bylaws 174 & 175 Referral (attached)<br>for response                |                          | 80 - 82   |
| <b>11.</b> | <b>LOCAL TRUST COMMITTEE PROJECTS</b>                                                                  | <b>2:20 PM - 2:45 PM</b> |           |
| 11.1       | Affordable Housing - Staff Report (attached)                                                           |                          | 83 - 92   |
| <b>12.</b> | <b>REPORTS</b>                                                                                         | <b>2:45 PM - 3:30 PM</b> |           |
| 12.1       | Work Program Reports (attached)                                                                        |                          |           |
| 12.1.1     | <u>Top Priorities Report Dated January 2019</u>                                                        |                          | 93 - 93   |
| 12.1.2     | <u>Projects List Report Dated January 2019</u>                                                         |                          | 94 - 95   |
| 12.2       | Applications Report Dated January 2019 (attached)                                                      |                          | 96 - 99   |
| 12.3       | Trustee and Local Expense Report Dated November 2018 (attached)                                        |                          | 100 - 100 |
| 12.4       | Adopted Policies and Standing Resolutions (attached)                                                   |                          | 101 - 102 |
| 12.5       | Local Trust Committee Webpage                                                                          |                          |           |
| 12.6       | Chair's Report                                                                                         |                          |           |
| 12.7       | Trustee Report                                                                                         |                          |           |
| 12.8       | Electoral Area Director's Report - Update                                                              |                          |           |
| 12.9       | Islands Trust Conservation Report Dated September & November 2018                                      |                          | 103 - 107 |
| <b>13.</b> | <b>NEW BUSINESS</b>                                                                                    | <b>3:30 PM - 4:15 PM</b> |           |
| 13.1       | Trust Area Services Briefing re Updated Islands Trust Climate Change Web-pages (attached)              |                          | 108 - 109 |
| 13.2       | Protecting Coastal Douglas Fir Zone - Staff Report & Tool Kit (attached)                               |                          | 110 - 148 |
| 13.3       | Temporary Use Permit (TUP) Moratorium - Staff Report (attached)                                        |                          | 149 - 154 |
| 13.4       | Galiano Ben Amendment Bylaw No. 269 - Staff Report & Bylaw (attached)<br>for consideration of readings |                          | 155 - 178 |

**14. UPCOMING MEETINGS**

**14.1**      **Next Regular Meeting Scheduled for March 4, 2019 at the South Community Hall,  
Galiano Island**

**15. TOWN HALL** 4:15 PM - 4:45 PM

**16. CLOSED MEETING (Distributed Under Separate Cover)** 4:45 PM - 5:00 PM

**16.1 Motion to Close the Meeting**

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

- *Adoption of In-Camera Meeting Minutes Dated July 9, 2018*
- *Appointment of new Secretary to Galiano APC*

*AND that the recorder and staff attend the meeting.*

**16.2 Recall to Order**

**16.3 Rise and Report**

**17. ADJOURNMENT** 5:00 PM - 5:00 PM



## Galiano Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** December 3, 2018  
**Location:** North Community Hall  
22790 Porlier Pass Road, Galiano Island, BC

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

**Staff Present:** Kim Stockdill, Islands Planner  
Robert Kojima, Regional Planning Manager  
Colleen Doty, Minute-taker

**Public Present:** There were approximately (25) members of the public.

#### 1. CALL TO ORDER

Chair Dan Rogers called the meeting to order at 12:30 p.m. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. Augie Sylvester, elder from Penelakut First Nation, welcomed the group with a prayer.

Chair Rogers reviewed the meeting decorum, respectful behaviour and expectations. He outlined how the Local Trust Committee (LTC) will provide an additional opportunity for participation by having papers around the room for input during the break. The Chair reviewed how the first town hall is for items on the agenda. The second town hall is for any item. The LTC could not hear any further submissions on post public hearing matters that are not on the agenda.

#### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 13.2 Recording procedures under New Business.
- 13.3 Communications under New Business.

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

#### 3. TOWN HALL AND QUESTIONS



**Elizabeth Latta** thanked the Chair for the opening. With respect to the recent letter from Mr. Lockett regarding questions such as: Why can we now see two towers? Was the LTC notified of the erection of these towers? Industry Canada says that if a tower is to be 25% more than the current one, the community should have been notified. Furthermore, the towers are in a Development Permit Area (DPA). Having been on the Special Advisory Planning Committee (APC) on telecommunications, she is aware there should have been certain procedures followed.

Chair Rogers noted that Bylaw Enforcement is investigating the issue.

**Stephen Rybak** asked if there was a way for the LTC to publicly censure Capital Region Emergency Service Telecommunications (CREST), and if so, recommended that the LTC do so. He stated that CREST has willfully and arrogantly ignored the people of this island. No one knows what they've done with respect to the tower(s) now erected. CREST is a non-profit organization that has behaved in a non-transparent fashion. CREST is well aware of the issues on this island and how people feel about radio-communications. They should have been aware of the consultation process, yet, CREST has ignored this. He noted that the consultation and siting protocol doesn't say they have to go through a process, but that there are expectations as to how they are going to communicate.

**Roger Pettit** sits on the Emergency Planning Committee of the Capital Regional District (CRD) which receives some reports from CREST. As a commissioner, even he does not know what CREST is doing. Mr. Pettit is involved with upgrading radio communications and noted it is confusing dealing with CREST. The CRD considers themselves a senior government. The LTC might consider asking staff to follow up with CREST. With respect to the letter from Mr. Lockett, Mr. Pettit wanted to point out that water recharges at the bottom. On local Trust issues, he would like to see a qualified person such as Dan Moore, give advice before we talk about the water cycle.

**Sheila Anderson** spoke with regard to the proposed meeting schedule. She suggested the LTC consider the population distribution, proportionally, between north and south Galiano, in determining meeting location and schedule.

**Kiyo Okuda** would like to see a reading of the Islands Trust pre-amble at the beginning of every LTC meeting; doing so would give the meetings a direction and reminder of what the Islands Trust is for. He noted that the Islands Trust is not a municipality, and that the job of a Trustee is very specific.

**Don Robson** requested follow-up with regard to a matter raised at the LTC meeting of September 17, 2018, of replacing street lights on Sturdies Bay Road. He was concerned about the safety issue of not having those lights operating.

Trustee Rockafella stated she was following up with the Ministry of Transportation and Infrastructure (MOTI).

#### **4. COMMUNITY INFORMATION MEETING**

None

**5. PUBLIC HEARING**

None

**6. MINUTES**

**6.1 Local Trust Committee Minutes Dated October 15, 2018**

**By general consent** the Local Trust Committee meeting minutes of October 15, 2018 were adopted by Resolution Without Meeting (RWM).

**6.2 Section 26 Resolutions Without Meeting Report Dated November 2018**

**6.3 Advisory Planning Commission Minutes**

None

**7. BUSINESS ARISING FROM MINUTES**

**7.1 Follow-up Action List Dated November 2018**

Information as provided.

**8. DELEGATIONS**

None

**9. CORRESPONDENCE**

**9.1 Letter Re: DL12 Galiano Island / Towers - Brad Lockett**

Staff reported that Bylaw Enforcement (BE) is investigating to determine the scope of the issue. Staff did not know whether the federal successor agency to Industry Canada has responded to Mr. Lockett's letter.

The LTC may want to communicate with the CRD Director.

Trustees do not get involved once BE is engaged.

Members of the public enquiring about the towers may be directed to BE for more information.

**9.2 Pender Islands Trust Protection Society Letter Re: Watersheds, Groundwater & Ramifications of Climate Change**

The public is invited to the Pender Island event scheduled for April 2019. Trustee Wolverton would like to do a similar event on Galiano, bringing together a number of people to discuss the best science to inform our practices moving forward. She would like to explore what our options are on private and public land. William Shulba, the Islands Trust fresh water specialist, is one resource.

The Sea Level Rise workshop scheduled for December 10<sup>th</sup> was noted. This is a collaborative project, in partnership with Ecology Action Centre and funded partially by Department of Fisheries and Oceans, the Real Estate Foundation of B.C. and the Islands Trust.

A break was called at 1:07 p.m.

The meeting reconvened at 1:15 p.m.

## **10. APPLICATIONS AND REFERRALS**

### **10.1 GL-DVP-2018.4 (GL Health Care Society) - Staff Report**

Planner Stockdill provided a summary of information.

Trustee Rockafella asked whether permission was granted from MOTI. Staff noted this application would involve a fairly routine approval from MOTI.

Trustee Wolverton noted a reference in documentation circulated to Trustees about a residential septic system, and questioned the characterization of it as “residential.” Staff clarified that the septic system should not have been described as a residential system and any reference to it as such is an error in the staff report. The system has been certified for use in a public health facility.

It was noted that the proposed septic system is away from the riparian area and sensitive ecosystem.

#### **GL-2018-078**

##### **It was Moved and Seconded,**

that the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2018.4 (Galiano Health Care Society).

**CARRIED**

### **10.2 Salt Spring Island Local Trust Committee Bylaw No. 512 Referral**

#### **GL-2018-079**

##### **It was Moved and Seconded,**

that the Galiano Island Local Trust Committee considers it’s interests are unaffected by Salt Spring Island Local Trust Committee Bylaw No. 512.

**CARRIED**

### **10.3 Salt Spring Island Local Trust Committee Bylaw No. 515 Referral**

#### **GL-2018-080**

##### **It was Moved and Seconded,**

that the Galiano Island Local Trust Committee considers its interests are unaffected by Salt Spring Island Local Trust Committee Bylaw No. 515.

**CARRIED**

## 11. LOCAL TRUST COMMITTEE PROJECTS

### 11.1 Affordable Housing Project – Staff Report

Trustee Wolverton stated that affordable housing is a priority for her. Although the LTC has not discussed it, she would like to move ahead. She would like the community to take time to review the APC report and perhaps the LTC could facilitate a community session on the issue of affordable housing with respect to what is in the report.

Trustee Rockafella said she would like to hear what staff have to say about the report.

Chair Rogers stated he was impressed by the report.

Doug Latta spoke to the importance of affordable housing. He would like to see the LTC go ahead with action.

Kiyo Okuda thought that the policies of previous LTC were in error with respect to Short Term Vacation Rentals. He does not like the Temporary Use Permit system.

APC Chair Sheila Anderson, found their work on Affordable Housing very challenging because the issue is multi-faceted. There are other influences that contribute to losses of affordable rental and purchasable homes, and those things are going to take longer to address.

Roger Pettit has been involved with Affordable Housing since he first came to Galiano. He was on the Affordable Housing Committee when the Official Community Plan was being reviewed. He stated that the APC report lines up with what he wrote in 2010, although he disagrees with recommendations on groundwater. He stated that most water short areas use alternate means to get water. Less than 25% water is groundwater. A few smaller towns use groundwater, but most people use lake water, river, or ice berg. He disagrees with the assertion that the only potable water is groundwater. He felt the issue required further examination.

Louise Decario noted that affordable housing has been a longstanding issue and would like to see it stay on the top priorities list.

Sandy Pottle would like to have staff make comments on recommendations that might help the LTC make decisions.

#### **GL-2018-081**

#### **It was Moved and Seconded,**

that the Galiano Island Local Trust Committee request staff to provide comments and recommendations on the Galiano Island APC's Affordable Housing Report dated September 2018, prioritizing those matters that can be done in the short term and mid-term.

**CARRIED**

## **12. REPORTS**

### **12.1 Work Program Reports**

#### **12.1.1 Top Priorities Report Dated November 2018**

Trustees noted they hope to schedule a strategic planning meeting for February 2<sup>nd</sup>, 2019.

With respect to dock review, Planner Stockdill noted that a project charter was put together, but nothing advanced. She had been hoping for a Penelakut contact to work on this.

#### **12.1.2 Projects List Report Dated November 2018**

There was discussion with respect to the soil removal and deposit bylaw. Staff noted it was a bylaw that, if approved by Ministry of Mines, would allow local government to have some authority over excavation. This would be another authority that the LTC could have to issue permits to manage soil excavation. The next LTC meeting could have some strategic planning, or, there could be a special meeting allocated for that. Staff could prepare something for the LTC.

With respect to archaeological sites, Regional Planning Manager (RPM) Kojima noted there is a provincial database accessible to staff. There are sensitivities and restrictions around publishing certain information.

Trustee Wolverton asked whether First Nations have been engaged to do a walk around certain sites on Galiano. Staff noted this has not happened on Galiano as far as they were aware. Their hope for the dock review was that there would be First Nations (FN) input.

### **12.2 Applications Report Dated November 2018**

Staff reviewed the applications.

With respect to Crystal Mountain, a staff report is anticipated to come forward soon.

The Stevens rezoning application will appear on the next LTC agenda.

Staff will follow up and set up a meeting with Emergency Services providers to discuss emergency access.

### **12.3 Trustee and Local Expense Report September 2018**

With respect to the Communications budget, the bottom line is what is important.

RPM Kojima noted, with respect to “Special Projects,” that money could be spent out of the budget by RWM. There is an Islands Trust wide budget for engagement and reconciliation.

#### **12.4 Adopted Policies and Standing Resolutions**

##### **GL-2018-082**

##### **It was Moved and Seconded,**

that the Galiano Island Local Trust Committee, in their Policies and Standing Resolutions No. 2, remove *Islands Tides Newspaper* as a place of notification.

**CARRIED**

#### **12.5 Local Trust Committee Webpage**

Requests for website publication goes to Maple Hung (Planning Team Assistant) for the Southern Team. Executive Committee will evaluate and decide whether to revise or re-do the website over the next two years.

#### **12.6 Chair's Report**

Chair Rogers referred to the budget process, with the end of January being the time when the budget consultation process will be outlined. It will be an important time to give feedback on projects. He introduced other members of the executive.

#### **12.7 Trustee Report**

Trustee Wolverton appreciated the large voter turnout. She stated she is on a steep learning curve trying to assimilate a lot of material. She wants to be thorough, thoughtful and fair. She noted the process may be slow.

Trustee Rockafella did not have a report.

#### **12.8 Islands Trust Conservation Report**

Trustee Kate-Louise Stamford is now Chair of the Islands Trust Conservancy.

### **13. NEW BUSINESS**

#### **13.1 First Nations Engagement**

Chair Rogers had asked for this item to be put on the agenda. There is infrastructure in the organization to bring in elders. Trustee Wolverton would like to see the Chief and Council of Penelakut come together with us to discuss mutual interests. She would like to build a stronger relationship.

Staff noted that the LTC in the past have met with members of the Penelakut. C-to-C (Community-to-Community) funding is available.

Trustee Wolverton noted the issue of sea level rise, which has particular impact on Penelakut.

### 13.2 Recording proceedings

Trustee Wolverton noted that some people have expressed an interest in having recordings of LTC meetings. She would like to see the LTC explore the possibility of having video and audio proceedings, with a possible trial run in February. The Trustees are considering YouTube as an option.

Chair Rogers stated he could enquire at the executive level and report back to Trustees about what has been done.

RPM Kojima noted, that for the Southern area, North Pender trialed it but discontinued the recordings. There were human and technical issues. Procedurally, the Chair has to remember to tell the public so they are aware they are being recorded. Once one starts doing this, there is an expectation that recordings will always be done. RPM Kojima noted that only a handful of people accessed the recording, with a small number of downloads. Saturna tried it last term; they had the technical expertise of a local person who had recently retired from the Industry.

### 13.3 Communication

Trustees would like to make themselves more available to people. Reference was made to the length of the URL's on the Islands Trust website as being an issue. The Trustees were considering whether Galiano could have it's own Trustee website.

Trustee Wolverton's office hours are Mondays 9-11 a.m.

Trustee Rockafella's office hours are Thursdays, 4-6 p.m.

## 14. UPCOMING MEETINGS

### 14.1 2019 LTC Annual Meeting Schedule for adoption

**GL-2018-083**

**It was Moved and Seconded,**

that the Galiano Island Local Trust Committee 2019 meeting schedule, as presented, be adopted.

**CARRIED**

## 15. TOWN HALL

**Suzanne Fournier** welcomed trustees and noted that north-enders comprise 30% of the Galiano population, many of whom are mobility challenged. She stated that Galiano has an undeserved reputation for lack of decorum, and that democracy is what is needed. She welcomed communications initiatives, stating that she would like the Islands Trust website to be more accessible. She noted that emergency access is a critical need for the north end. Road wash outs happened last two winters. She would like to see a firm precedent established in rezoning applications to create emergency access. With respect to the Crystal Mountain application, she was concerned about density and the integrity of the Road Network Plan. She noted that transfer of title has been discussed.

**Roger Pettit** asked how many campsites there are on the GCA campground. He noted a similar density to Crystal Mountain. We allow camping at GCA to non-permanent residents. He thinks equivalency is important.

**Kiyo Okuda** referred to the emergency road network. Staff in their presentations have not considered emergency road network plan. Would like to recommend that in future, all applications under consideration, be evaluated for emergency access.

**Akasha Forest** thanked the Trustees for bringing up the communications issue; we don't have a community newspaper. With respect to dock review and archaeological values, would like to encourage that it be said and noted that there are treaty rights, as well, to consider; she referred to what is happening on Booth Bay with respect to the rights of FNs; with climate change upon us, she acknowledged the previous Trust Executive for supporting Salish Sea Renewable Energy Co-op (SSREC) for advocating to BC Hydro and supporting renewable energy. She urged the LTC to look carefully at the huge amount of research coming out on groundwater protection; groundwater section of Affordable Housing was based on Waterline work done for the Islands Trust.

**Sandy Pottle** mentioned that the Salt Spring Island LTC and Thetis Island LTC are audio-taped.

**Bowie Keefer** expressed optimism about how this LTC will have a productive term. He referred to the following needs: an energetic approach to managing fire risks, a safe pathway along villages, support from senior governments, additional public roads on the island, support from provincial government about trail network, and a safe north-south bikeway.

**Art Moses** welcomed the new LTC. He stated the north end has 30% of the population. He supported the LTC's commitment to finding new ways of communicating and finding engagement.

**Elizabeth Latta** expressed concern about the removal of aggregate from Private Managed Forest Lands (PMFL)

**Sheila Anderson** congratulated the new LTC about efforts around communication, engagement and education. She stated that full size maps are important when there are Community Information Meetings and Public Hearings.

**Kiyo Okuda** wanted to remind everyone about the East Side Road being critical to risk mitigation. He stated that responsibility for that road should fall on this island, and to proponents of subdivision applications.

Trustee Wolverton stated she was heartened by the turnout in the last election and felt it was an encouraging sign.

**Suzanne Fournier** enquired as to whether there was a consultant hired for First Nation engagement. Penelakut have definite views about docks and roads. She referred to work done by archaeologist Colin Grier.

Chair Rogers noted that the previous Senior Intergovernmental Policy Advisor had been on staff for the last two years. The Islands Trust hasn't formally announced the new person.

## **16. CLOSED MEETING**



none

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:47 p.m.

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Dan Rogers, Chair

Certified Correct:

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Colleen Doty, Recorder



Islands Trust

## Galiano Island

Print Date: January 28, 2019

### Resolutions Without Meeting

| Resolution # | Action    | Resolution Description                                                                                                                                    | Resolution Date |
|--------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 2019-01      | In Favour | THAT Galiano Island Local Trust Committee hold a Special Local Trust Committee Meeting for a scheduled Community Information Meeting on January 27, 2019. | 14-Jan-2019     |

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DRAFT



**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:

## DRAFT

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.<sup>1</sup>
- 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:

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

## DRAFT

### 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**

## DRAFT

- 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 production<sup>2</sup>

### 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

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<sup>2</sup> 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>

## DRAFT

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**

## Follow Up Action Report

### Galiano Island

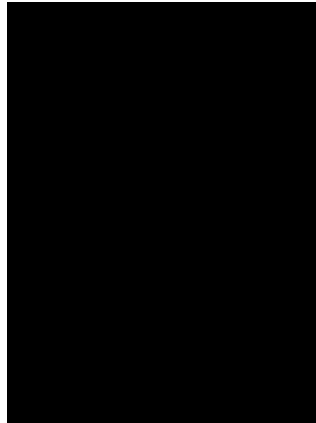
03-Dec-2018

| Activity                                                                                                                                                                                                  | Responsibility                       | Target Date | Status   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------|----------|
| GL-DVP-2018.4 approved.<br>1. Staff to issue permit.<br>2. Staff to close file.                                                                                                                           | Sharon Lloyd-deRosario<br>Maple Hung | 21-Dec-2018 | Done     |
| Salt Spring LTC Bylaw No. 512 - Interests Unaffected.                                                                                                                                                     | Sharon Lloyd-deRosario               | 07-Dec-2018 | Done     |
| Salt Spring LTC Bylaw No. 515 - Interests Unaffected.                                                                                                                                                     | Sharon Lloyd-deRosario               | 07-Dec-2018 | Done     |
| Affordable Housing Project:<br><br>Staff to report back with comments and recommendations on the GL APC Affordable Housing Report and prioritize matters that can be addressed in the short and mid term. | Kim Stockdill                        | 31-Jan-2019 | Done     |
| Remove "Island Tides" from Adopted Policies and Standing Resolutions No. 2.                                                                                                                               | Kim Stockdill                        | 07-Dec-2018 | Done     |
| Staff to organize meeting with agencies (CRD, Emergency Services, etc.) to discuss emergency access in relation to rezoning applications. (IN PROGRESS)                                                   | Robert Kojima<br>Kim Stockdill       | 31-Jan-2019 | On Going |
| 2019 LTC Annual Meeting Schedule adopted as presented.                                                                                                                                                    | Maple Hung                           | 21-Dec-2018 | Done     |





## Follow Up Action Report



22/1/2019

Re: Red Roof Galiano [REDACTED] Porlier Pass Rd TUP for short term vacation rentals

By Email to Islands Trust LTC through Kim Stockdill Islands Planner Islands Trust

Galiano

Dear Islands Trust LTC

I write to request you lift the moratorium on applications for temporary use permits for short term vacation stays.

First, I will give you the back ground to our Galiano Home, then describe what we hope to do.

We bought our land in the early 1980s. It had a small cabin with no electricity or water but we loved it and were [REDACTED] before weddings became an Island Industry. [REDACTED] bought the cabin from us and lived in it for a few years, ( he worked as a builder and was a volunteer firefighter). He moved on to employment [REDACTED] and rather than sell the property we loved, on an Island that we love, we decided to build a cabin, with the plan of letting it out for weekends and short term stays to cover the cost of what, because it is an island, was a very expensive build.

Before the restriction we offered short term lets and an over winter lease for local people. This worked very well.

At present we have had to let out the cabin full time to cover costs. This neither fully covers our costs or gives access for us to use the cabin.

We have found an agent who lives on the island to manage and we would like to let out the cabin occasionally for holiday lets. The philosophy behind this will be to offer a high quality home to visitors, and through welcome packs and samples of local art work encourage guests to shop on the island.

Our agent will vet potential visitors and will be available for any problems that may arise.

We do understand the difficulties of the shortage of affordable property for full time inhabitants of the Island that second homes being used for short term lets may create. However, when we bought in the early 1980s it was common for owners to share their homes with holiday makers to offset

costs. We note also that there is always a shortage of property over the summer months. Galiano needs the economic stimulation of visitors.

To emphasise, we did not build our property with the purpose of making it a full-time holiday let, or to make a profit, but to create a home that we could enjoy, while defraying the considerable expenses of building and maintaining a home on Galiano by letting it out for short term holiday lets.

If the moratorium is lifted, we will apply for a TUP asap.

Many thanks for your consideration.

We look forward to your reply

Yours Sincerely

Professor Lesley Page CBE and Dr Mark Starr

[REDACTED]

[REDACTED]



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

DATE OF MEETING: February 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

## RECOMMENDATION

1. That the Galiano Island Local Trust Committee Bylaw No. 265, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2017”, be adopted.
2. That the Galiano Island Local Trust Committee Bylaw No. 266, cited as “Galiano Island Land Use Bylaw, 1999, Amendment No. 2, 2017”, be adopted.

## REPORT SUMMARY

The purpose of this report is to provide the Galiano Island Local Trust Committee (LTC) with background on the rezoning application and the associated bylaws and s.219 covenant. The bylaws are on the agenda for consideration of adoption by the LTC.

## 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 yards 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 agree to enter into a covenant with the LTC, acceptable to the Ministry of Transportation (MoTI) to reserve future road dedication consistent with the Road Network Plan and Transportation policies. The LTC held a public hearing on Bylaws 265 and 266 in July 2018 and following the close of the hearing gave further reading to the bylaws and directed that revisions be made to the draft covenant. At the regular meeting of September 17, 2018 the Galiano Island Local Trust Committee (LTC) accepted the draft s.219 covenant and authorized the Chair to execute the covenant. The bylaws were approved by the Executive Committee of the Islands Trust on August 15<sup>th</sup>, and OCP amendment bylaw was approved by the Minister of Municipal Affairs and Housing on October 22, 2018. The covenant was executed by all parties (LTC Chair, applicant and MoTI) and submitted for registration on October 29, 2018. One trustee initiated a resolution without meeting to adopt the bylaws prior to the swearing in of the new LTC, but the call for the vote was not seconded. As a continuing body the new LTC can proceed with consideration of the bylaws without holding a further public hearing (the public hearing material is available to the LTC) or new bylaw readings.

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

## **ANALYSIS**

### s. 219 Covenant

The applicant entered into a cost recovery agreement for Islands Trust legal counsel to prepare a draft covenant that included the following key elements:

- Establish reserved areas for future highway dedication and/or emergency access routes.
- Provide an option to purchase (for a dollar) the reservation area by the Province.
- Provide for the Province to acquire the reservation area as a highway.
- Allow for portions of the reserved area that may not be required by the Ministry for a highway, to be granted as a statutory right of way for emergency access or as a trail.
- Prohibit future subdivision and restrict hours of operation of the business.

The covenant was drafted based on the direction of the LTC, and agreed to by the applicant and MoTI, and would be consistent with the relevant OCP policies. Modifying the covenant at this point would be technically possible, but would require the agreement of all parties.

If the LTC wishes to consider other approaches to emergency access, the LTC could pursue that in conjunction with other agencies generally as a project; or the LTC could defer adoption for a limited period of time while other options are considered. However, it would not be advisable to leave the bylaws in abeyance for an extended or indefinite period of time as the covenant is registered and the applicant could pursue discharge of the covenant.

### Post Public Hearing

As the bylaws have already been subject to a public hearing, the LTC is constrained in hearing new information following the close of the hearing: the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

A similar principle applies to a covenant: prior to the hearing the LTC stated its intention that it would make final approval of the bylaws conditional upon the granting of a covenant that would reserve future highway dedication and emergency access routes, require a statutory right-of-way for trails, restrict future subdivision, and restrict hours of operation. The specifics of the covenant can be discussed by the LTC following the hearing and modifications could be made. However, like a bylaw, the LTC should not receive new information or public input on the covenant, but can receive advice from staff.

## **Options and Alternatives**

### **Adopt the bylaws as presented**

The LTC may proceed with adopting the proposed bylaws. Given the extensive process to date and the stage of the bylaws, with only adoption to be considered, withholding final adoption for an extended period of time would not be good practice.

### **Amend the bylaws or covenant**

The LTC may consider amending the proposed bylaws, provided the amendments would not alter use or increase density. As the covenant is registered, changes to the covenant would require agreement of all parties and execution of a form to modify the covenant.

### **Hold a new Public Hearing**

If the LTC wishes to receive significant new information, a new public hearing would be required. The LTC could initiate a new hearing by amending the bylaw to rescind Third Reading and direct the scheduling of a new hearing.

### **Hold the application in abeyance**

The LTC may choose to hold the application in abeyance, pending further consideration of amendments or deliberation on other options.

### **Deny the application**

The LTC may deny the application and proceed no further. If the LTC chooses to proceed no further, the covenant would need to be discharged.

|               |                                            |                  |
|---------------|--------------------------------------------|------------------|
| Submitted By: | Robert Kojima<br>Regional Planning Manager | January 25, 2019 |
|---------------|--------------------------------------------|------------------|

## **ATTACHMENTS**

1. Bylaws 265 and 266
2. s.219 covenant

# PROPOSED

## GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 265

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### 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 5<sup>TH</sup> DAY OF FEBRUARY 2018

READ A SECOND TIME THIS 11<sup>TH</sup> DAY OF JUNE 2018

PUBLIC HEARING HELD THIS 9<sup>TH</sup> DAY OF JULY 2018

READ A THIRD TIME THIS 9<sup>TH</sup> DAY OF JULY 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
15<sup>TH</sup> DAY OF AUGUST 2018

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS  
22<sup>TH</sup> DAY OF OCTOBER 2018

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

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

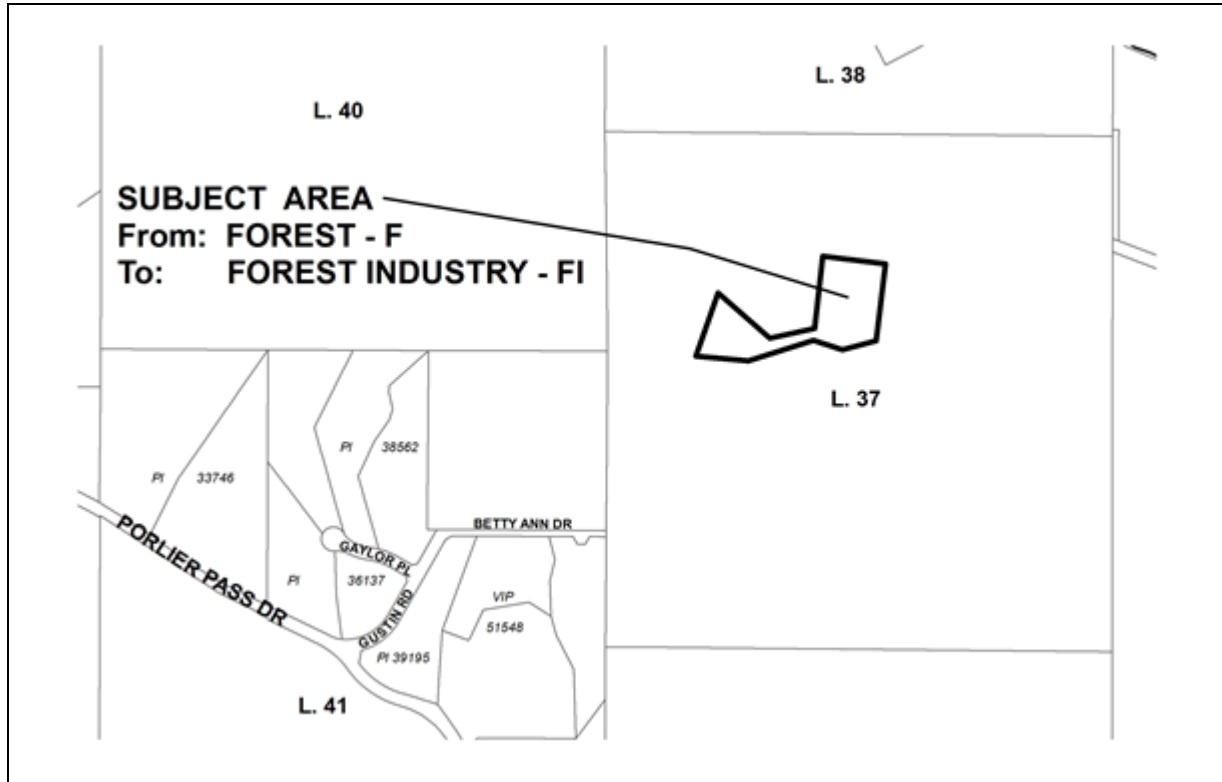
**SCHEDULE 1**

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

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

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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            5<sup>TH</sup>            DAY OF            FEBRUARY    2018

READ A SECOND TIME THIS       11<sup>TH</sup>           DAY OF            JUNE            2018

PUBLIC HEARING HELD THIS        9<sup>TH</sup>            DAY OF            JULY            2018

READ A THIRD TIME THIS          9<sup>TH</sup>            DAY OF            JULY            2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
                                                 15<sup>TH</sup>            DAY OF            AUGUST        2018

ADOPTED THIS                                \_\_\_\_\_       DAY OF            \_\_\_\_\_       20\_\_\_\_

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Chair

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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**

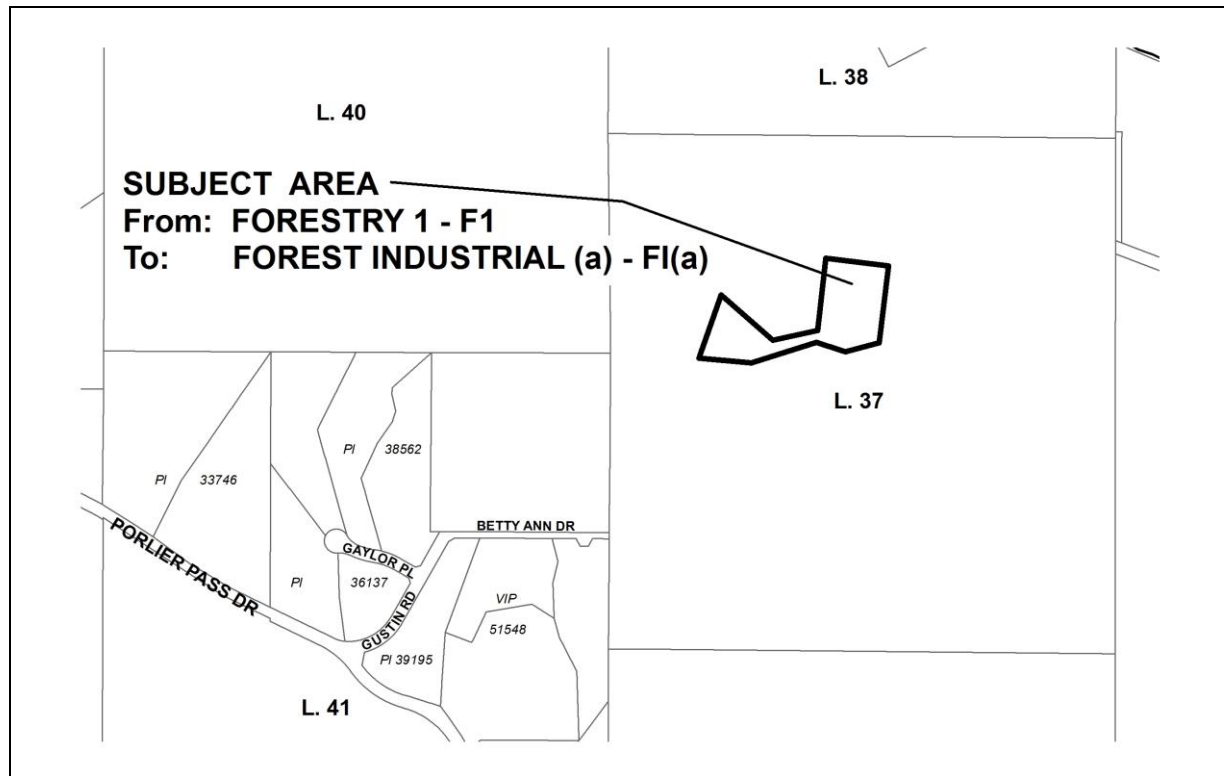
**SCHEDULE NO. 2**

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

**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 (50<sup>th</sup>) 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 Box 9850 Stn Prov Govt  
Victoria BC  
V8W 9T5

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

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

11.6 **Attornment.** Each of the parties attorns to the exclusive jurisdiction of the courts of the Province of British Columbia.

11.7 **Enurement.** This Agreement shall enure to the benefit of and be binding on the parties hereto and their respective successors and assigns.

11.8 **Further Assurances.** Each of the parties hereto shall, with reasonable diligence, do all such things and provide all such reasonable assurances and assistance as may be required to consummate the transactions contemplated hereby and each such party shall provide such further documents or instruments required by any other party as may reasonably be necessary or desirable to give effect to the terms and purpose of this Agreement and carry out its provisions, before or after the Transportation Completion Date.

11.9 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia and the federal laws of Canada as applicable.

11.10 **No Public Law Duty.** Whenever in this Agreement the Local Trust Committee or the Province is required or entitled by the terms hereof to exercise any discretion in the

granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, they may do so in accordance with the contractual provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise, shall have any application.

- 11.11 **Waiver.** No supplement, modification, waiver or termination of this Agreement shall be binding unless executed in writing by the party to be bound thereby. No waiver of any of the provisions of this Agreement shall be deemed to or shall constitute a waiver of any other provisions (whether or not similar) nor shall such waiver constitute a continuing waiver unless otherwise expressly provided.
- 11.12 **Statute References.** Any reference in this Agreement to any statute or any section thereof shall, unless otherwise expressly stated, be deemed to be a reference to such statute or section as amended, restated or re-enacted from time to time.
- 11.13 **Headings.** The headings appearing in this Agreement have been inserted for reference and as a matter of convenience and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision thereof.
- 11.14 **Illegality, Invalidity, etc.** In the event that one or more provisions, or any portion thereof, of this Agreement or any agreement, document or other instrument required to be delivered hereunder or pursuant hereto should be illegal, invalid or unenforceable in any respect under any applicable law, the validity, legality and enforceability of the remaining provisions hereof or thereof, or any remaining portion thereof, shall not be affected or impaired thereby.
- 11.15 **Covenant Runs with the Lands.** Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* in respect of the Lands and the Transportation Option, the Highway Reservation Covenant and the Subdivision and Use Covenant burden the Lands and run with them and bind the successors in title to the Lands. For certainty, unless the context expressly requires otherwise, the term "Owner" refers to the current and each future owner of the Lands. The Transportation Option, the Subdivision and Use Covenant and the Highway Reservation Covenant burden and charge all of the Lands and any parcel into which they are subdivided by any means and any parcel into which the Lands are consolidated.
- 11.16 **Registration.** The Owner agrees to do everything necessary, at the Owner's expense, to ensure that the Subdivision and Use Covenant, Highway Reservation Covenant and Transportation Option are registered against title to the Lands with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of each charge.
- 11.17 **Deed and Contract.** By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.



- 11.18 **Joint and Several.** All covenants made by the Owner shall be construed as being several as well as joint.
- 11.19 **No Compensation.** The Owner shall not be entitled to any further compensation or payment for the highway reservation or the transfer/dedication of the Reservation Area as public highway or for any injurious affection or disturbances resulting therefrom or from the removal of any Existing Improvements. The Owner agrees that it shall not be entitled to any further consideration in value, compensation or to make a claim for any reduction in value, if any, to the remaining portion of the Lands or other lands of the Owner resulting from the acquisition or use of the Reservation Area as highway. Without limitation, the Owner shall not be entitled to and agrees not to seek compensation for business losses, loss of profit, loss of market value, relocation costs or other consequential loss by reason of the removal of Existing Improvements or transfer/dedication of the Reservation Area or by reason of the highway reservation in this Agreement.
- 11.20 **No Effect on Laws or Powers.** This Agreement does not:
- (a) affect or restrict the Province's ability to acquire any land or interest in land by expropriation or other legal means of acquisition;
  - (b) affect or restrict the discretion, rights, duties or powers of the Province or the Local Trust Committee under any enactment (as defined in the *Interpretation Act*) or at common law; or
  - (c) relieve the Owner from complying with any enactment or the common law.
- 11.21 **No Obligations on Grantees.** The rights given to the Province and the Local Trust Committee by this Agreement are permissive only and nothing in this Agreement:
- (a) imposes any duty of care or other legal duty of any kind on either of them to the Owner or to anyone else;
  - (b) obliges either of them to enforce this Agreement, which is a policy matter within their sole discretion; or
  - (c) obliges either of them to perform any act, or to incur any expense for any of the purposes set out in this Agreement.
- 11.22 **Interpretation.**
- (a) Wherever the singular or masculine or neuter is used in this Agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties so require.
  - (b) The word "including" when following any general statement or term shall not be construed to limit the general statement or term to the specific items set forth following the general statement or term (or to similar terms) whether or not non-limiting language (such as "without limitation") is used, but rather shall be

construed to permit the general statement or term to refer to all other items that could reasonably fall within its broadest possible scope.

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

REFERENCE PLAN OF PART OF DISTRICT LOT 37,  
GALIANO ISLAND, COWICHAN DISTRICT  
PURSUANT TO SECTION 99 (1) (a) OF THE LAND TITLE ACT  
FOR COVENANT PURPOSES

BCGS 92B.093

Scale 1:1250



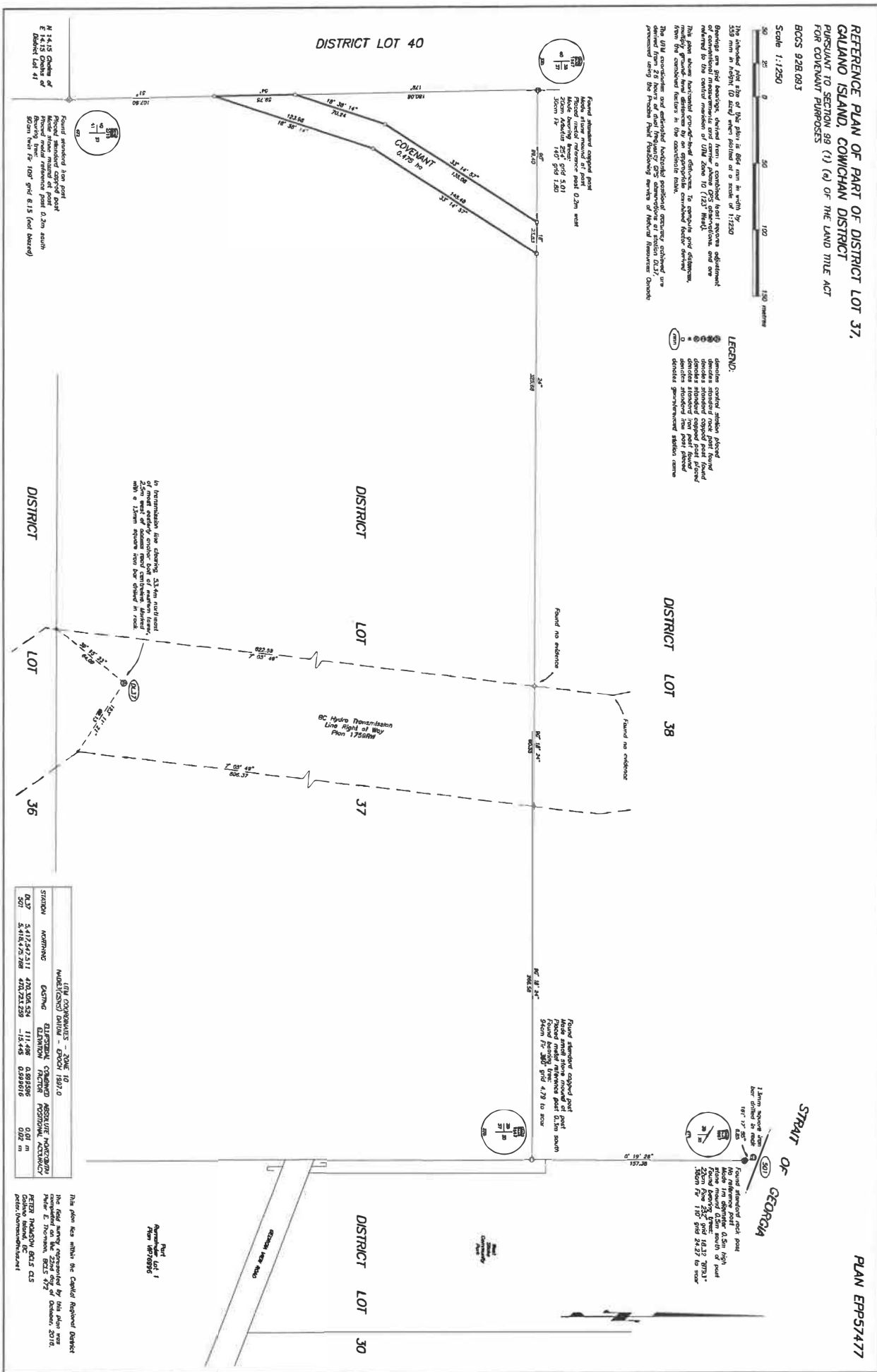
The intended plot size of this phase is 864 mm in width by 559 mm in height (D size) when plotted at a scale of 1:1250.

This plan shows horizontal ground-level distances. To compute grid distances, multiply ground-level distances by an appropriate correction factor derived from the combined factors in the coordinate table.

The WPA coordinates and estimated horizontal positional accuracy achieved are derived from 28 hours of dual frequency GPS observations at station DLJ7, processed using the Precise Point Positioning service of National Resources Canada.

**LEGEND:**

- denotes control station placed
- denotes strand rock post found
- denotes strand copped post found
- denotes strand copped post placed
- denotes iron post found
- denotes iron post placed
- denotes strand iron post placed
- denotes strand iron post placed

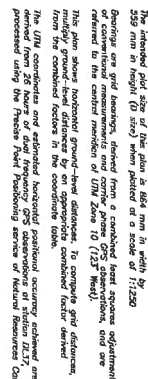


|                 | NORMING       | EASTING     | ELIPSE/DIAL CORRELATED BLANKING | Absolute POSTHOLE ACTIVITY |
|-----------------|---------------|-------------|---------------------------------|----------------------------|
| DJ <sup>a</sup> | 5,417,647.511 | 470,508.524 | 111.498                         | 0.01 m                     |
| S21             | 5,418,475.788 | 470,721.259 | -15.445                         | 0.02 m                     |

This poem lies within the Capital Regional District.  
The first survey requested by this group was completed on the 22nd day of October, 2010.  
Peter E. Thompson, BCIS 472

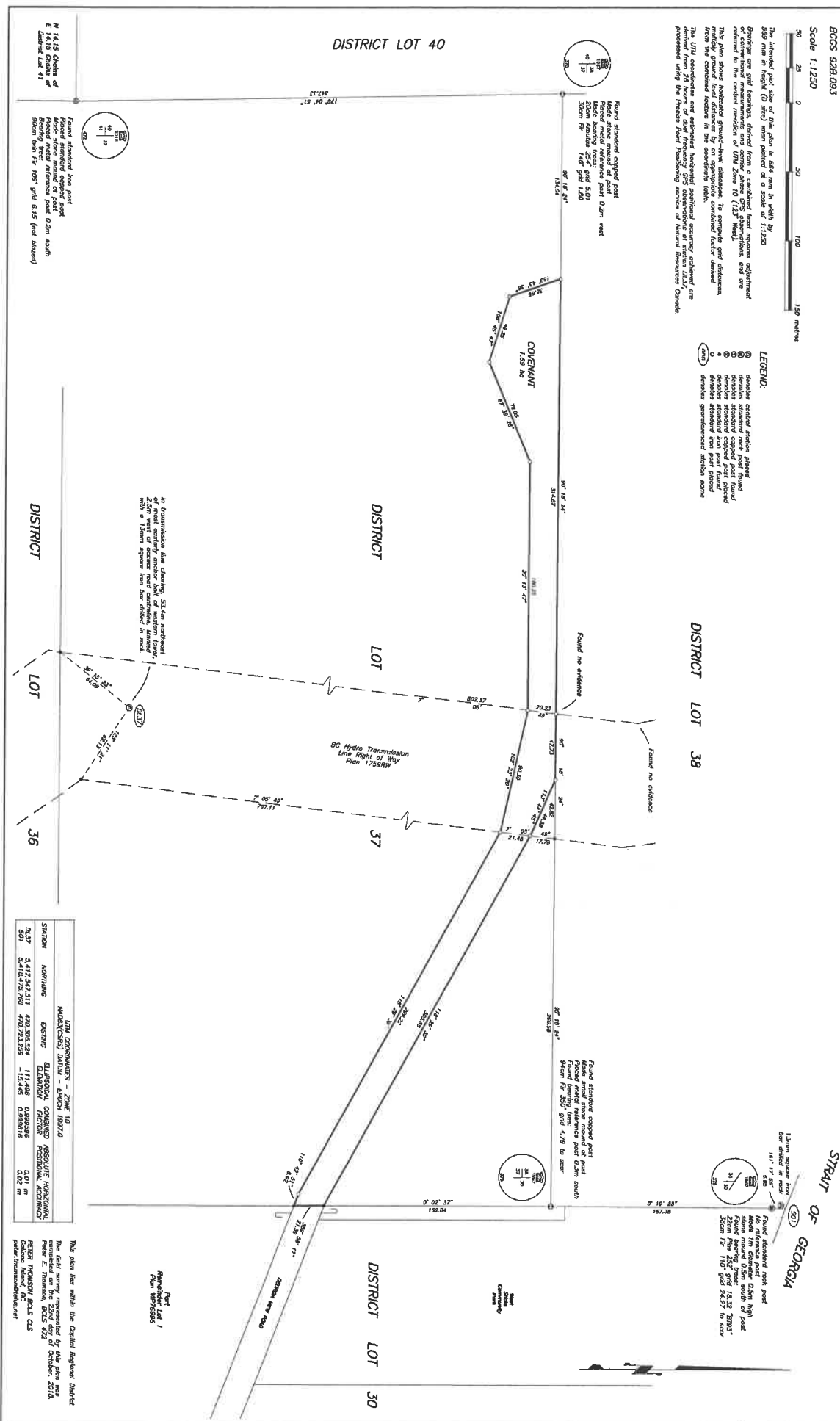
## PLAN EPP57478

Scale 1:1250



**LEGEND:**

- ① denotes control station placed
- ② denotes standard rock post found
- ③ denotes standard copped post found
- ④ denotes standard copped post placed
- ⑤ denotes standard iron post found
- ⑥ denotes standard iron post placed
- ⑦ denotes gravel/encased station name



| STATION | NORTHING      | EASTING     | ELLIPSOIDAL ELEVATION | CONVERTED POSITIONS | ABSOLUTE HORIZONTAL ACCURACY |
|---------|---------------|-------------|-----------------------|---------------------|------------------------------|
| 02.37   | 5,417,947.511 | 470,305.934 | 111,406               | 999586              | 0.01 m                       |
| 501     | 5,418,725.268 | 470,723.359 | -15,445               | 0.999016            | 0.02 m                       |

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  
 Colquhoun, BC  
 peter.thompson@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.

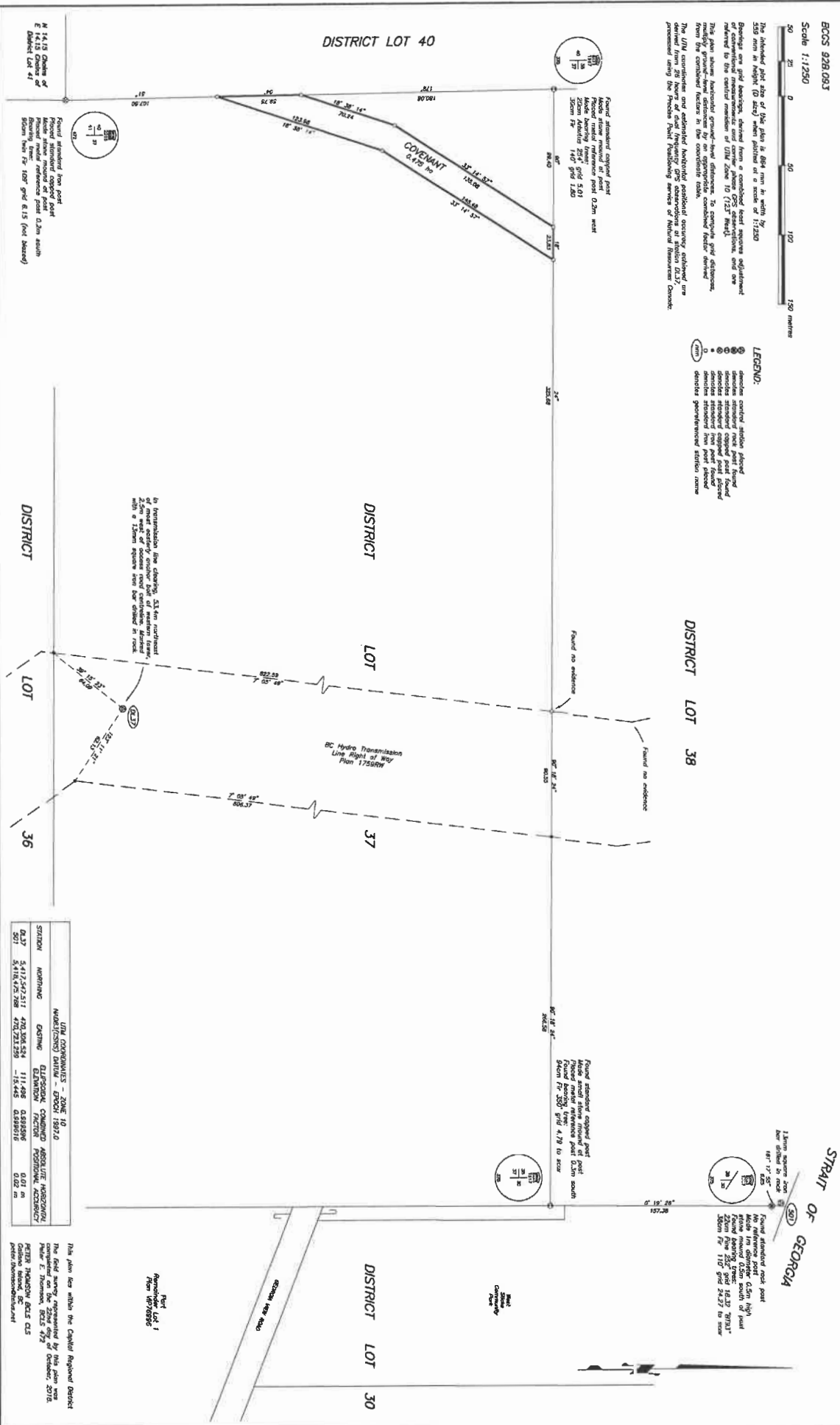
## PLAN EPP57477

Scale 1:1250



**LEGEND:**

|   |                                         |
|---|-----------------------------------------|
| ① | directus control station placed         |
| ② | directus station not post found         |
| ③ | directus station occupied post found    |
| ④ | directus station occupied post observed |
| ⑤ | directus station not post found         |
| ⑥ | directus station not post placed        |
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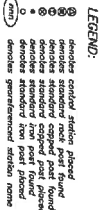
| STATION | NORTHING      | EASTING     | ELLIPSOIDAL ELEVATION | COMBINED FACTOR | ABSOLUTE POSITIVE/NEGATIVE ADJUST | HORIZONTAL ADJUST |
|---------|---------------|-------------|-----------------------|-----------------|-----------------------------------|-------------------|
| DL37    | 5,417,342.511 | 470,306.524 | 111,495               | 0.989556        | 0.01 m                            |                   |
| 301     | 5,418,735.788 | 470,723.139 | -13,445               | 0.989616        | 0.02 m                            |                   |

This plan lies within the Capitol Regional District.  
The field survey represented by this plan was completed on the 22nd day of October, 2010.  
Peter E. Thompson, BCLS #72

PETER THOMPSON BCLS CLS  
Golfado Island, BC  
peter.thompson@telus.net

## 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, 2016.  
Peter E. Thomson, BCIS 472  
PETER THOMSON BCIS 472  
Colima, Island, BC  
peter.thomson@telus.net*

## 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.

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BCCS 928.093  
Scale 1:1250

A horizontal scale bar with markings at 50, 25, 0, 50, 100, and 150 metres.

Shedding was good because, indeed, from a combined 1000 square feet of area, 553 eggs of the pest were collected. The mean weight of the pest was 0.11230 mg. (10 shed) (to shed mean placed at 0.11230 mg.).

These results are very similar to those obtained in the field, and are referred to the control treatment of UIMA Zone 10 (1.232 mg.).

This year shows localized orange-brown discolorations. To compare with other results, ground-level estimates by an orthopteran for the pest were derived from the combined figures in the coordinate table.

The UIMA coordinates and estimated localized pestholes (orange-brown) are derived from 20 hours of field and laboratory observations at station 22.72, estimated using a 1000 ft. grid. The following series of UIMA coordinates (Country

**LEGEND:**

- ② denotes control station placed
- ③ denotes strand not post found
- ④ denotes strand copped post found
- ⑤ denotes strand copped post placed
- ⑥ denotes strand from post found
- ⑦ denotes strand from post placed
- ⑧ denotes strand from post placed
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DISTRICT LOT 38

[illegible]

No reference post  
Made 1m diameter 0.5m high  
stake mound 0.5m south of post  
Found bearing trees:  
22cm Pine 253° and 18.12° HT 3.3  
30cm Fir 110° and 24.27 to 30cm

1967  
58  
57  
275

Found standard copied post  
Mode status around at post  
Plored metal reference post 0.2m west  
Mode bearing lines:  
20cm Abutment 25.4° grid 5.01  
30cm fit 140° grid 1.80

#### FOUND AND EVIDENCED

PC 14

Found standard capped post  
Made small stone mound at post  
Placed metal reference post 0.5m south  
Found bearing tree:  
94cm Fir 350° grid 4.79 to scar

2000  
Community  
Ave

DISTRICT LOT 30

DISTRICT LOT 40

DISTRICT

107

37

BC Hydro Transmission  
Line Right of Way  
Plan 1759RW

In transmission line clearing, 51.4m northwest of most easterly anchor bolt of western tower 2.5m west of access road centreline. Marked with a 1.3m square iron bar drilled in rock.

Part  
Remainder Lot  
Plan WP76996

Process surrounded capped post  
N 14.15 Chert of  
E 14.15 Chert of  
District Lot 41  
Middle strata mound at post  
Pineda metal reference post 0.2km south  
Bearing true:

DISTRICT

LOT

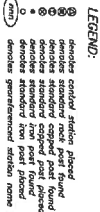
36

| STATION | UTM COORDINATES - ZONE 18 |             | ELEVATION<br>METER | COMPASSED<br>ANGLE | ABSOLUTE<br>POSITIONAL<br>ACCURACY |
|---------|---------------------------|-------------|--------------------|--------------------|------------------------------------|
|         | NORTHING                  | EASTING     |                    |                    |                                    |
| 0.37    | 54117.57.517              | 470.305.534 | 11.495             |                    | 0.01 m                             |
| 301     | 54102.473.788             | 470.723.259 | -15.445            | 0.998010           | 0.02 m                             |

This plan lies within the Capitol Regional District.  
The survey represented by this plan was completed on the 22nd day of October, 2016.  
Peter E. Thompson, BCIS 472  
PETER THOMPSON BCIS CLS  
Gallatin Island, BC  
petert.thompson@thar.net

## 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, 2016.  
Peter E. Thomson, BCIS 472  
PETER THOMSON BCIS 472  
Colborne Island, BC  
peter.thomson@telus.net*

File No.: GL-RZ-2005.2  
(Romagnoli/Smith)

DATE OF MEETING: February 4, 2019

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Report subject: Post Public Hearing Rezoning Application  
Applicant: Victor Romagnoli & Thomas Smith  
Location: Lot B, District Lots 88 and 89, Galiano Island, Cowichan District, Plan  
VIP68079

## RECOMMENDATION

Staff recommend to proceed with the application and not require a new Public Hearing. No formal resolution is required for this action.

## REPORT SUMMARY

The intent of this staff report is to summarize the rezoning application to date and to outline options for the Galiano Island Local Trust Committee (LTC) on how to proceed with the application.

## BACKGROUND

This application is to rezone the subject property from Forest 1 (F1) zone to Forest 3 (F3) zone. The subject property is currently bare land and the property owners intend to construct a dwelling unit that is accessory to the forestry use. A bylaw was drafted in order to rezone the property to allow for the proposed accessory residential use (see attached proposed Bylaw No. 210). The F1 zone does not permit an accessory residential use whereas the F3 zone does. As the property is already designated Forest (F) in the Galiano Island Official Community Plan (OCP), an OCP bylaw amendment is not required as the proposal is consistent with the F designation.

Bylaw No. 210 was given First Reading on September 9, 2010, Second Reading on September 12, 2011, and Third Reading on October 17<sup>th</sup>, 2011. A Public Hearing was held on October 17, 2011 (minutes attached) and the bylaw received approval from the Executive Committee on November 1, 2011. The Public Hearing binder can be found on the Galiano Island LTC application page: [www.islandstrust.bc.ca/galiano/current-applications](http://www.islandstrust.bc.ca/galiano/current-applications)

A number of staff reports were drafted related to this application and they can be found in the Public Hearing binder. Staff have also listed all known LTC resolutions related to this file and have attached them to this staff report: Attachment 4 – LTC Resolutions.

At the September 12, 2011 regular meeting, the Galiano Island LTC outlined a number of conditions that must be met prior to final adoption of proposed Bylaw No. 210:

Resolution GL-LTC-141-11 (September 12, 2011)

*"It was Moved and Seconded that the Galiano Island Local Trust Committee shall receive, prior to adoption of Proposed Bylaw No. 210, the following:*

- 1) Suitably worded 219 covenant that is also suitable to all covenant holders.*
- 2) Confirmation from all covenant holders that the baseline report is acceptable.*
- 3) Determine if a statutory right of way for emergency access can be secured."*

Over the past few years the applicant requested staff to keep the file open in order to proceed with the registration of a sustainable forestry covenant. Although a sustainable forestry covenant was drafted and presented at the Public Hearing on October 17, 2011, the applicants had some concerns with the covenant and requested the application be placed in abeyance. While the application was placed on hold, staff mentioned to the applicant that another rezoning application (DL79) was drafting a sustainable forestry covenant that could be used as a template (GL-RZ-2013.1 Landworks). The applicants now wish to proceed with using the GL-RZ-2013.1 (Landworks) covenant as their template as it has been reviewed by Islands Trust legal counsel and has been acceptable by the previous LTC and third party covenant holders. A copy of this sustainable forestry covenant can be found here on the Galiano Island LTC Resources website:

<http://www.islandstrust.bc.ca/media/347058/sustainable-forestry-covenant-dl-79.pdf>

## **ANALYSIS**

### ***OCP Policies***

Forest policy b) in the Galiano Island OCP states that "dwellings are permitted in the Forest designation in the following circumstances":

"b)ii) land whose owner grants to the Silva Forest Foundation and the Local Trust Committee or any other covenantee satisfactory to the Local Trust Committee a covenant to manage the land in accordance with sustainable forest practices and prohibiting subdivision of the land into lots less than 20 hectares (49.4 acres), may be rezoned to permit one accessory dwelling per 20 hectares (49.4 acres) if the lot complies with Land Transportation Policy o). The location of the dwelling and any accessory buildings or structures must be selected to minimize their impact and the impact of related services on the forest, and the land use bylaw amendment must specify the location of the buildings."

Staff are of the opinion that the rezoning application would comply with OCP policy b)ii if the applicant:

1. registers a sustainable forestry covenant that contains sustainable forest practices, restricts subdivision into lots less than 20 ha, and that is satisfactory to the Galiano LTC and a third party;
2. The location of the dwelling and accessory buildings will minimize impacts to the forest; and
3. The land use bylaw amendment must include the location of the building envelope.

The two items above (points 2 and 3) are satisfied as the location of building envelope was selected as it was cleared by a previous power and access to the location is available by an existing logging road, and proposed Bylaw No. 210 includes the location of the building envelope. Once a sustainable forestry covenant is registered that includes sustainable forestry practices and limits subdivision, then the proposal would comply with OCP Forest designation policies.

### ***Road Network Plan/Emergency Access***

The Road Network Plan (RNP) included as Schedule C in the Galiano Island OCP outlines a proposed emergency access location crossing the south-western corner of the subject property (See attachment 2.3 Road Network Plan). The approximate location of the suggested emergency access as outline in the RNP runs along an easement access from Porlier Pass Road crossing the subject property to Lot A, DL 88 & 89 (Crystal Mountain). The applicants are agreeable to granting a Statutory Right of Way (SROW) to the CRD for the purposes of

emergency access. By granting the SROW for emergency access, the applicants would satisfy condition no. 3 that must be completed prior to final approval of the proposed bylaw (Resolution GL-LTC-141-11).

Staff are in the process of organizing a meeting with the CRD Emergency Programs and other emergency agencies to discuss emergency access at the larger scale. At this meeting staff intend to determine which agency should hold a SROW, or other instrument, or act as a third party, with the property owners. Once these details are finalized, staff will notify the applicant on how to proceed with granting the emergency access.

### ***Sustainable Forestry Covenant***

The applicants drafted a sustainable forestry covenant that included a Baseline Report in order to comply with the OCP Forest designation policies and to satisfy the condition outlined in Resolution GL-LTC-141-11. This covenant was included in the Public Hearing binder at the Public Hearing on October 17, 2011. Since that time the applicants have stated that they would like to proceed with using the GL-RZ-2013.1 (Landworks) sustainable forestry covenant instead as it has been reviewed by legal counsel and has been acceptable by the LTC and other parties.

The applicants are in the process of reviewing the Landworks sustainable forestry covenant and are proposing minor and administrative amendments to make it applicable to their property and proposal. The Baseline Report included in the previous draft covenant can be used for the new covenant but staff will require this report to be updated.

Once the applicant and staff have made necessary amendments to the covenant and Baseline Report, they will be presented to the LTC at a future meeting. At that time staff will request the LTC to provide a recommendation to enter into a cost recovery agreement in order for the applicant to cover the cost for a legal review of the covenant.

The applicants are also in the process of securing a third party to hold the covenant.

### ***Public Hearing***

A Public Hearing for proposed Bylaw No. 210 was held on October 17, 2011 and the minutes are attached to this staff report. A legal opinion was received to comment on the passage of time since the Public Hearing in relation to continuing on with the application. Also, the sustainable forestry covenant that was included in the Public Hearing binder is not the same covenant the applicants would like to proceed with. After review of the legal opinion, staff are of the opinion that the Galiano Island LTC can move forward with the application without holding a new public hearing as the applicants are still moving forward to ensure conditions of Resolution GL-LTC-141-11 are met (a suitable worded Section 219 covenant, and securing a SROW for emergency access).

The Galiano Island LTC does have the option to hold another public hearing at the cost of the applicant (approximately \$1500). If the LTC chooses to move forward with a new public hearing, staff recommend providing a strong rationale as to why they require a second public hearing barring no new information is received. Staff note that receiving a new draft of the sustainable forestry covenant would not be considered new information.

As this application is post public hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If community members have questions or concerns regarding this application they should be directed to staff and not the LTC.

### **Rationale for Recommendation**

Staff recommend proceeding with the application without holding a new public hearing as no new information has been received. Once the sustainable forestry covenant is registered and a SROW for emergency access is granted, final adoption of the bylaw can be considered.

### **ALTERNATIVES**

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

#### **1. Request holding a new Public Hearing**

The LTC may request to hold a Community Information Meeting and new Public Hearing at the cost of the applicant. Staff recommend that the LTC provide a strong rationale as to why the new Public Hearing would be required. Recommended wording for the resolution is as follows:

*That the Galiano Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing at the cost of the applicant for Bylaw No. 210, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2010 based on the rationale that..."*

#### **2. Receive for information**

The LTC may receive the report for information

### **Next Steps**

If the application proceeds without hold a new public hearing, staff will work with the applicant to finalize the sustainable forestry covenant and to secure a SROW for emergency access.

|               |                                          |                  |
|---------------|------------------------------------------|------------------|
| Submitted By: | Kim Stockdill, Island Planner            | January 17, 2019 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | January 21, 2019 |

### **ATTACHMENTS**

1. Site Context
2. Maps and Plans
3. Proposed Bylaw No. 210
4. Previous LTC Resolutions for GL-RZ-2005.2
5. Public Hearing Minutes – October 17, 2011

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

|                   |                                                                                |
|-------------------|--------------------------------------------------------------------------------|
| Legal Description | Lot B, District Lots 88 & 89, Galiano Island, Cowichan District, Plan VIP68079 |
| PID               | 024-351-067                                                                    |
| Civic Address     | N/A                                                                            |

### LAND USE

|                      |                                 |
|----------------------|---------------------------------|
| Current Land Use     | Forestry                        |
| Surrounding Land Use | Residential, Forestry, and Park |
| Lot Area             | 26.3 ha                         |

### HISTORICAL ACTIVITY

| File No. | Purpose |
|----------|---------|
| N/A      | N/A     |

### POLICY/REGULATORY

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Official Community Plan Designations | Forest (F) Designation<br>Development Permit Areas located on property:<br>DPA 1 – Riparian<br>DPA 3 – Tree Cutting & Removal<br>DPA 5 – Sensitive Ecosystem<br>DPA 7 – Steep Slope – Moderate & High                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Land Use Bylaw                       | Forest 1 (F1) Zone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Other Regulations                    | This property is not located within the Private Managed Forest Lands (PMFL).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Covenants                            | EM111655 (CRD) – No building or structure shall be constructed, nor mobile home, located within 15 metres of the natural boundary of Spotlight Creek. Also, no area used for habitation, business, or storage of goods damageable by floodwaters shall be located within any building at an elevation such that the underside of the floor system thereof is less than 1.5 metres above the natural boundary of Spotlight Creek.<br>EM111659 – Identifies safe building areas. Buildings and structures may be constructed outside of the safe building areas only with approval from a registered professional engineer in accordance with the covenant. |
| Bylaw Enforcement                    | There are no bylaw enforcement files.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

### SITE INFLUENCES

|                                |                                                                                                              |
|--------------------------------|--------------------------------------------------------------------------------------------------------------|
| Islands Trust Conservancy      | N/A                                                                                                          |
| Regional Conservation Strategy | Islands Trust Conservancy regional conservation plan: <a href="#">Our Priorities - Conservation Planning</a> |

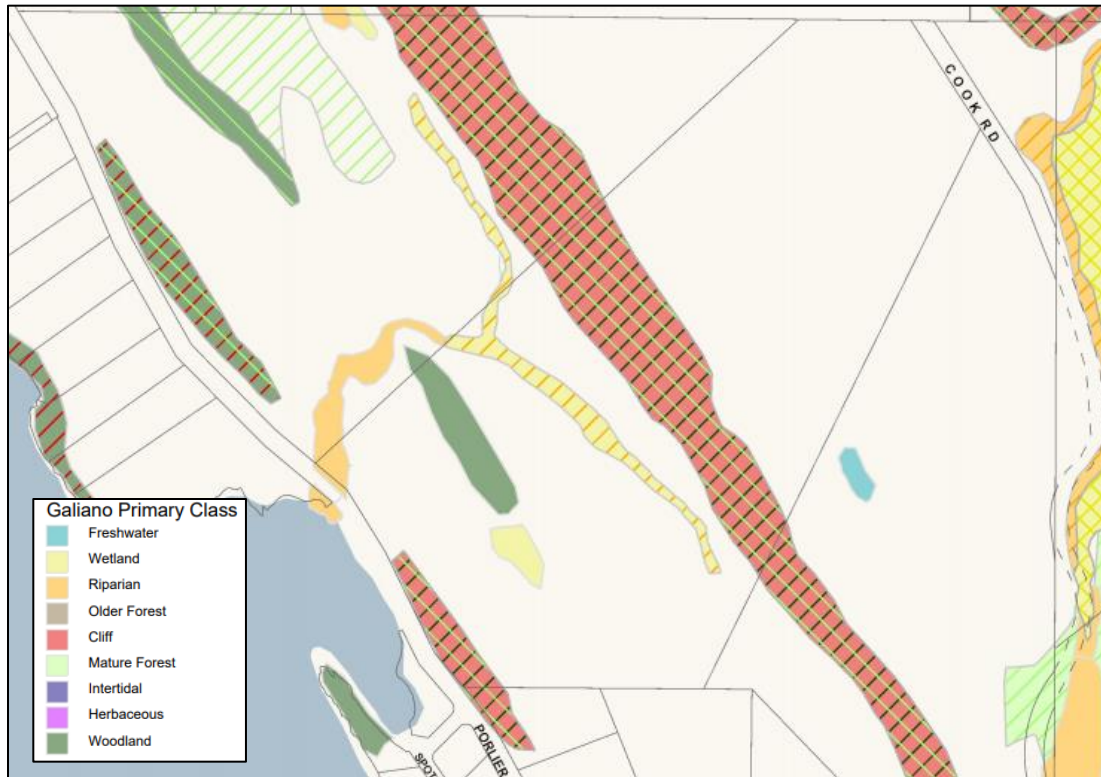


|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Species at Risk                          | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Sensitive Ecosystems                     | Sensitive ecosystems identified on property: Wetland, Riparian, Cliff, and Woodland (see mapping attachment).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Hazard Areas                             | Areas of moderate and high steep slope hazards. See mapping attachment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Archaeological Sites                     | Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . 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 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Shoreline Classification                 | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Shoreline Data in TAPIS                  | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

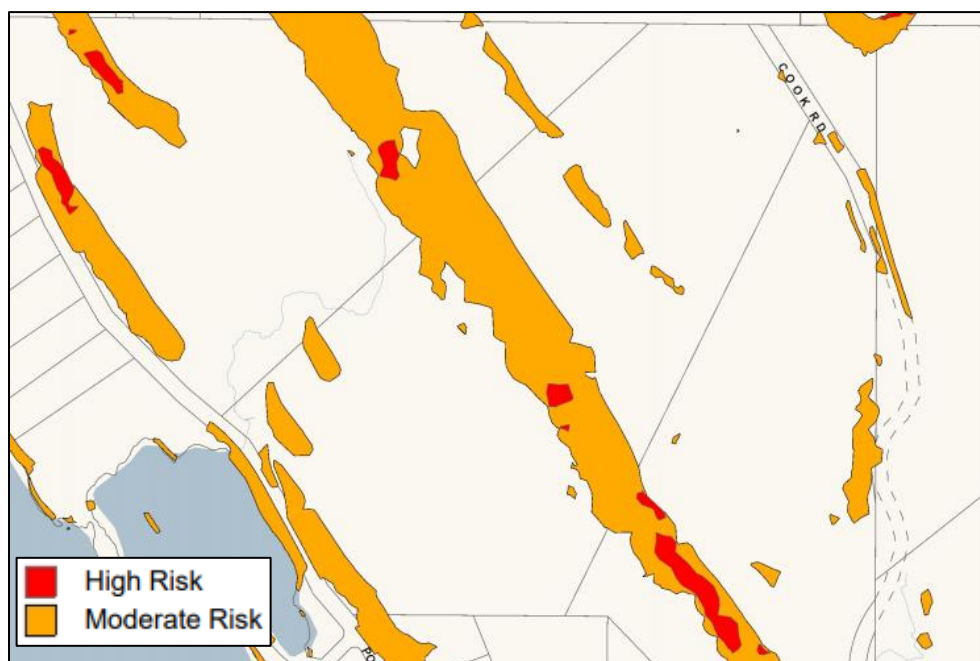
## ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

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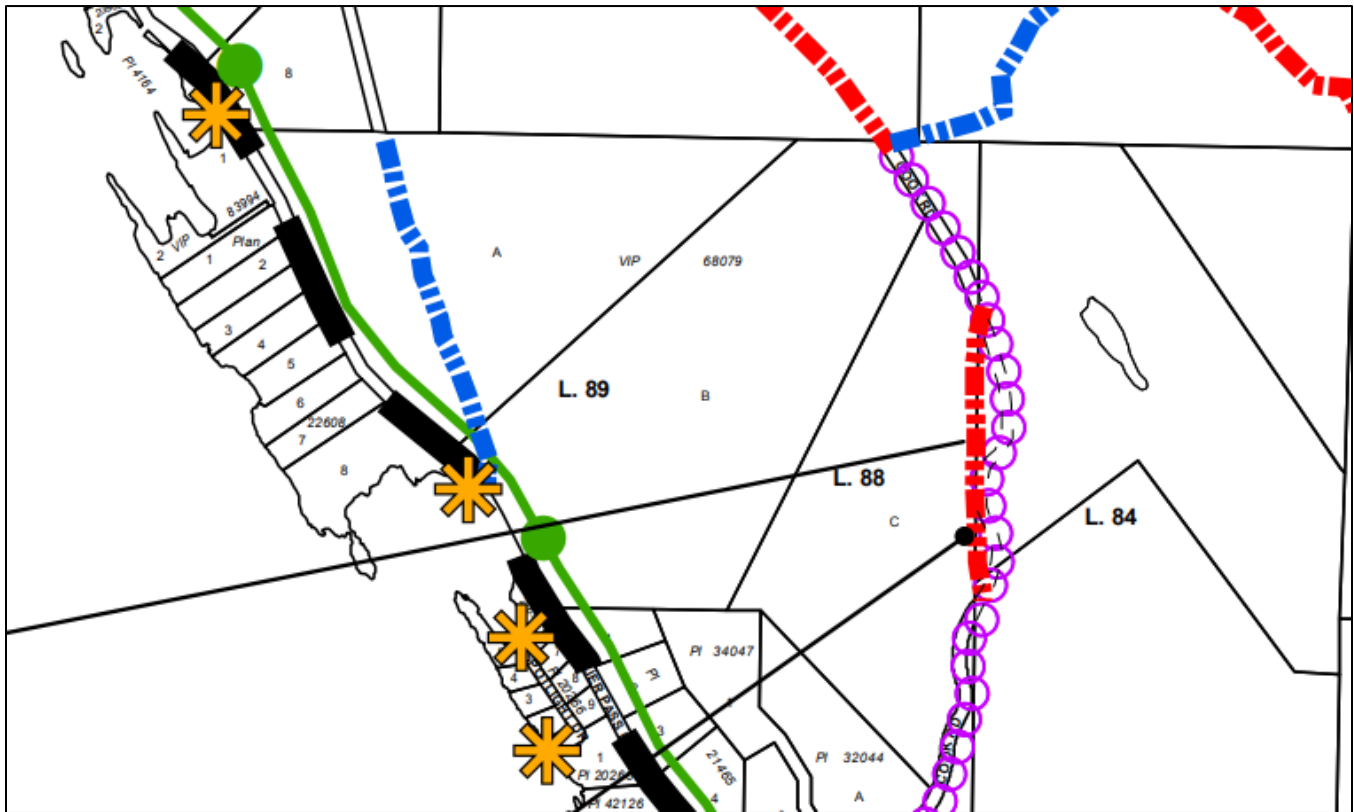
### 2.1 SENSITIVE ECOSYSTEMS



### 2.2 STEEP SLOPE



## 2.3 ROAD NETWORK PLAN (EXCERPT)



### Road Network Legend

#### Road Standards (Applicable to existing highways)

- ○ ○ ○ ○ ○ ○ ○ Heritage
- Main Rural
- - - Minor Rural
- (all others) Rural Residential
- · · · · Section 4 Roads
- — Bike Route

#### Beach Access

- ★ Locations where right of way access is available to the beach.  
Note that not all access locations are developed or marked  
and some locations may provide steep or unsafe access.

#### Proposed Highway/Emergency Access Network (Labelled with proposed road standards)

- Proposed Highway
- Proposed Emergency Access
- Identifies that the proposed route does not extend beyond this location, unless otherwise noted.

# PROPOSED

## GALIANO ISLAND LOCAL TRUST COMMITTEE

### BYLAW NO. 210

\*\*\*\*\*

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

\*\*\*\*\*

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

1. Bylaw No. 127, cited as "Galiano Island Land Use Bylaw No. 127, 1999" is amended as follows:
  - a) Map Schedule "B", is amended as follows:
    - (i) By changing the zoning of the lands legally described as Lot B, District Lots 88 and 89, Plan VIP68079, Galiano Island, Cowichan District from the Forest 1 - (F1) zone to the Forest 3 (F3) zone as shown on Plan No. 1 which is attached to and forms part of this bylaw.
  - b) Schedule D is amended by inserting the plan attached to and forming part of this bylaw as Plan No. 2 as a new "Plan 4".
2. This bylaw may be cited for all purposes as the "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.2, 2010".

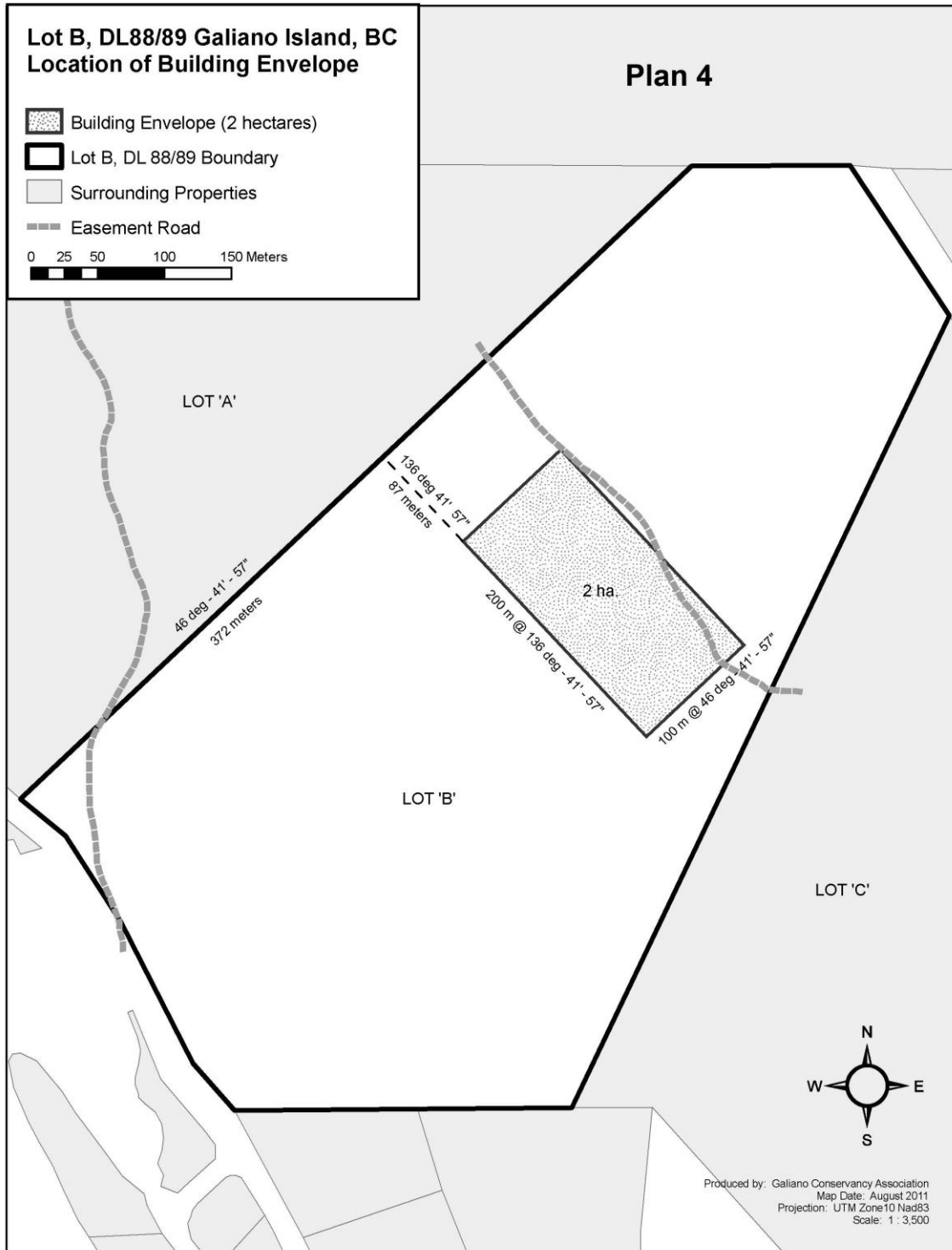
|                                                               |      |        |           |      |
|---------------------------------------------------------------|------|--------|-----------|------|
| READ A FIRST TIME THIS                                        | 9th  | DAY OF | September | 2010 |
| PUBLIC HEARING HELD THIS                                      | 17th | DAY OF | October   | 2011 |
| READ A SECOND TIME THIS                                       | 12th | DAY OF | September | 2011 |
| READ A THIRD TIME THIS                                        | 17th | DAY OF | October   | 2011 |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS | 1st  | DAY OF | November  | 2011 |
| ADOPTED THIS                                                  |      | DAY OF |           | 20   |

\_\_\_\_\_  
DEPUTY SECRETARY

\_\_\_\_\_  
CHAIRPERSON



**GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 210  
PLAN NO. 2**



**GL-RZ-2005.2**  
**Romagnoli/Smith**

| LTC Date                 | Resolutions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>August 17, 2005</b>   | <p><b>GL-LTC-137-05</b><br/>           “It was Moved and Seconded that in regard to GL-RZ-2005.2 (Smith/Romagnoli) staff be directed to proceed with recommendations 1-4 of the July 28, 2005, staff report.”</p> <p>Resolutions from July 28, 2005 Staff Report:</p> <ol style="list-style-type: none"> <li>1. The LTC agree to further consideration of this application;</li> <li>2. That the LTC direct staff to contact the applicants to initiate discussions regarding the preparation of road network and forestry covenants.</li> <li>3. That the LTC direct staff to enquire of the applicants as to who they wish to be covenantees to the covenant; and</li> <li>4. That responses to the above communications be brought back to the Local Trust Committee for confirmation as to adherence to OCP policy and to confirm acceptance of the proposed covenantees.</li> </ol> |
| <b>August 9, 2010</b>    | <p><b>GL-LTC-080-10</b><br/>           It was Moved and Seconded that the Galiano Island Local Trust Committee advance GL-RZ-2005.2 (Romagnoli) for further consideration.</p> <p><b>GL-LTC-081-10</b><br/>           It was Moved and Seconded that the Galiano Island Local Trust Committee direct staff to contact the applicants of GL-RZ-2005.2 (Romagnoli) to initiate discussions regarding the proposed covenant and enquire of the applicants as to who they wish to be covenanters to the covenant.</p> <p><b>GL-LTC-082-10</b><br/>           It was Moved and Seconded that the Galiano Island Local Trust Committee direct staff to determine how GL-RZ-2005.2 (Romagnoli) fits into the Road Network Plan.</p>                                                                                                                                                             |
| <b>September 9, 2010</b> | <p><b>GL-LTC-089-10</b><br/>           It was Moved and Seconded that the Galiano Island Local Trust Committee directs Staff to advise the applicants of the Galiano Island Local Trust Committee’s support in principle of the Draft Covenant for GL-RZ-2005.2 (Romagnoli) subject to legal review by Islands Trust legal council.</p> <p><b>GL-LTC-090-10</b><br/>           It was Moved and Seconded that the Galiano Island Local Trust Committee Draft Bylaw No. 210 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2010” be given First Reading.</p>                                                                                                                                                                                                                                                                                                     |

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>June 13, 2011</b>      | <b>No resolutions at this meeting.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>July 11, 2011</b>      | <p><b>GL-LTC-092-11</b><br/>It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to obtain an accurate site plan of the accessory residential area(s) from the applicant.</p> <p><b>GL-LTC-093-11</b><br/>It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to contact the covenant holders to determine if the baseline report is acceptable.</p> <p><b>GL-LTC-094-11</b><br/>It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to initiate a process to ascertain if other agencies are willing to hold the instruments necessary to secure the emergency access as shown on the draft road network plan.</p> <p><b>GL-LTC-095-11</b><br/>It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to contact the covenant holders regarding amendments to the covenant respecting: the size, location and number of accessory residential areas, time limits and method of landowner contact and any other provisions that are of concern.</p>                                                                                                                                                                                                             |
| <b>September 12, 2011</b> | <p><b>GL-LTC-138-11</b><br/>It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to add the GL-RZ-2005.2 August 2011 building envelope plan to Proposed Bylaw No. 210 cited as “Galiano Island Land Use Bylaw No.127, 1999, Amendment No.2, 2010”.</p> <p><b>GL-LTC-139-11</b><br/>It was Moved and Seconded that Galiano Island Local Trust Committee Proposed Bylaw No. 210 cited as “Galiano Island Land Use Bylaw No.127, 1999, Amendment No.2, 2010” as amended be given Second Reading.</p> <p><b>GL-LTC-140-11</b><br/>It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to schedule a public hearing for Proposed Bylaw No. 210 cited as “Galiano Island Land Use Bylaw No.127, 1999, Amendment No.2, 2010”.</p> <p><b>GL-LTC-141-11</b><br/>It was Moved and Seconded that the Galiano Island Local Trust Committee shall receive, prior to adoption of Proposed Bylaw No. 210, the following:</p> <ol style="list-style-type: none"> <li>1) Suitably worded 219 covenant that is also suitable to all covenant holders.</li> <li>2) Confirmation from all covenant holders that the baseline report is acceptable.</li> <li>3) Determine if a statutory right of way for emergency access can be secured.</li> </ol> |



|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>October 17, 2011</b> | <p><b>GL-LTC-201-11</b><br/> It was Moved and Seconded that Galiano Island Local Trust Committee Proposed Bylaw No. 210 cited as “Galiano Island Land Use Bylaw No.127, 1999, Amendment No.2, 2010” be given Third Reading.</p> <p><b>GL-LTC-202-11</b><br/> It was Moved and Seconded that Galiano Island Local Trust Committee Bylaw No. 210 cited as “Galiano Island Land Use Bylaw No.127, 1999, Amendment No.2, 2010” be forwarded to the Islands Trust Executive Committee for approval.</p> |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Public Hearing for Proposed Bylaw No. 210 was held on October 17, 2011 and the Executive Committee approved the bylaw on November 1, 2011.**

**RECORD OF THE GALIANO ISLAND  
LOCAL TRUST COMMITTEE PUBLIC HEARING  
HELD ON MONDAY, OCTOBER 17, 2011 AT 1:10 PM  
AT THE NORTH ISLAND COMMUNITY HALL,  
GALIANO ISLAND, B.C.**

|                        |                  |                           |
|------------------------|------------------|---------------------------|
| <b><u>PRESENT:</u></b> | Gary Steeves     | Chair                     |
|                        | Sandy Pottle     | Local Trustee             |
|                        | Robert Kojima    | Regional Planning Manager |
|                        | Gary Richardson  | Island Planner            |
|                        | David Millership | Recording Secretary       |
|                        | Miles Drew       | Bylaw Enforcement Officer |

There were approximately twenty-two (22) members of the public present.

Chair Steeves called the meeting to order at 1:10 p.m. Introductions were made.

Chair Steeves read aloud the opening statement; informing everyone of the meeting rules and guidelines.

**4.1 Proposed Bylaw No. 210 (Romagnoli/Smith)**

Planner Richardson provided information.

Planner Richardson outlined meeting procedures regarding public submissions – all written submissions are welcomed and must be received before the public hearing is closed.

Planner Richardson stated that it is standard procedure for written referral comments and written submissions from the public, if received, to be stored in a public submissions binder that is available for the public to read at anytime upon request.

Planner Richardson stated that the public hearing notice was published in two newspapers, posted on island bulleting boards and delivered to landowners within one hundred (100) meters of the applicant(s) property.

There was some discussion that the related covenant and Road Network Plan (RNP) documents will continue to be worked on.

Chair Steeves invited the public to make comment.

**Ken Millard (15075 Porlier Pass Road)** stated support for the application.

**Libby McClelland (1022 Ellis Road)** stated that she represents the Crystal Mountain Society for Eastern and Western Studies and supports the application.

**Bowie Keefer (120 Monastee Road)** stated support for the application.

Chair Steeves asked three times for any further public comments, there being none the Public Hearing for Proposed Bylaw No. 210 (Romagnoli/Smith) was declared closed.

The meeting was adjourned at approximately 1:20 p.m.

**I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.**

---

**RECORDER**

---

**DATE**



Islands Trust

# BYLAW REFERRAL FORM

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

**Island:** Mayne Island Local Trust Area **Bylaw No.:** 174 & 175 **Date:** December 19, 2018

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

**APPLICANTS NAME / ADDRESS:**

Initiated By the Mayne Island Local Trust Committee

**PURPOSE OF BYLAW:**

These amendments define a commercial core for Miners Bay, give property owners in the Miners Bay core that are to be zoned C1(a) the ability to use their property for commercial use, residential use, or both, and gives some direction to what types of commercial activity may be carried on outside of the Miners Bay commercial core. The draft bylaws clarify wording and zone titles. In some cases the draft bylaws give a broader range of permitted uses for existing commercial properties outside of the Miners Bay commercial core. The properties that are zoned Settlement Residential (SR) in the commercial core will have to apply for a rezoning to carry out commercial uses consistent with proposed new policies in the OCP. The amendments also: potentially allow increased residential use in the Miners Bay commercial core; permit small sampling/tasting rooms for items produced as part of a home occupation; amend and in some cases add development permit designations; and in one case removes the industrial zoning from a small portion of an otherwise commercially zoned lot.

Professional reports and staff reports are available on the Mayne Island webpage:

**GENERAL LOCATION:**

Mayne Island Local Trust Area

**LEGAL DESCRIPTION:**

N/A

**SIZE OF PROPERTY AFFECTED:**

N/A

**ALR STATUS:**

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

various

**OTHER INFORMATION:**

Additional information, including the current bylaws, is available at: [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

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

Name: Gary Richardson

(Signature)

Title: Island Planner  
Contact Info: Tel: 250-405-5157  
Email: grichardson@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

**Provincial Agencies**

Ministry of Public Safety and Solicitor General – Liquor Control and Licensing Branch  
Ministry of Transportation & Infrastructure

**Non-Agency Referrals**

Village Point Improvement District

**Regional Agencies**

Capital Regional District – Building Inspection  
Island Health

**Adjacent Local Trust Committees and Municipalities**

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

**First Nations**

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

# BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area

(Island)

174 & 175

(Bylaw Number(s))

(Signature)

(Name and Title)

(Date)

(Agency)



DATE OF MEETING: February 4, 2019  
TO: Galiano Island Local Trust Committee  
FROM: Kim Stockdill, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: APC Affordable Housing Recommendations

## RECOMMENDATION

- 1. That the Galiano Island Local Trust Committee request that the staff report back with options on how the Affordable Housing Project can proceed using a phased approach and to update the Project Charter.***

## REPORT SUMMARY

To provide comments on the Galiano Island Advisory Planning Commission (APC) recommendations in the Affordable Housing Report. These comments are found in the attached table outlining items that can be accomplished in the short term, long term, or those that are not within the Galiano Island Local Trust Committee's (LTCs) jurisdiction.

## BACKGROUND

Affordable Housing is one of Galiano Island LTC's Top Priorities. In September 2017, the Galiano Island LTC resolved to refer the Affordable Housing Project to the Galiano Island APC and to report back with recommendations. The Galiano Island APC provided the LTC with an Affordable Housing Report dated September 2018 with recommendations and options to address the lack of long-term affordable housing on Galiano.

At the December 3, 2018 regular Galiano Island LTC meeting, the LTC passed the following resolution:

**"GL-2018-081**

**It was Moved and Seconded,**

that the Galiano Island Local Trust Committee request staff to provide comments and recommendations on the Galiano Island APC's Affordable Housing Report dated September 2018, prioritizing those matters that can be done in the short term and mid-term."

Previous staff reports related to this project and the Project Charter can be found on the LTC's Project website:  
<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/affordable-housing/>

## ANALYSIS

### ***Recommendation Table***

Staff have provided preliminary comments with regards to recommendations that can be achieved in the short or long term, or where the LTC has no authority. A majority of the recommendations can be reviewed and accomplished in the long term by means of incorporating them into a project; either an affordable housing project or other project that achieves the objectives of the recommendation.

Two items were flagged as achievable in the short term that would not require a project for initiation:

4.4.2 - The GIAPC recommends that the GILTC be briefed by the Hydrogeologist-on-staff regarding current groundwater research and issues on a regular basis so that the Trustees have the best available information on Galiano Island groundwater. This will enhance decision-making.

*Staff comments: The LTC can request the Islands Trust Senior Freshwater Specialist to attend specific LTC meetings to provide groundwater research/issues relating to applications, projects, or policies. Currently all the groundwater reports received by staff are also reviewed by the Senior Freshwater Specialist.*

7.1.2 - The GIAPC recommends that the GILTC find means of establishing limits on the number of all types of STVR; and that the limits include a cap for the Galiano Trust Area, to ensure limits apply specifically to different neighbourhood areas, groundwater regions and Water Management Areas.

*Staff comments: The Galiano LTC has the authority to not approve TUPs for CVRs based on reviewing cumulative effects on the effected neighbourhood and the Island.*

Two major themes were noted from the recommendations: groundwater and short term vacation rentals (STVRs). The Galiano Island LTC may want to consider making these themes Top Priorities which could indirectly affect affordable housing policies. Although STVRs have been addressed as a Top Priority in the past, it is worth revisiting the effectiveness of STVRs and commercial vacation rentals in light of the recent demands on and for affordable housing.

### **Top Priority List**

The Top Priorities list defines the LTC's work program. An LTC can identify up to three top priorities at any given time, however given limited resources it is unlikely that three significant projects can be managed and delivered simultaneously. It is more effective for an LTC to focus on one or two projects. When proposing new Top Priorities the LTC must consider available resources, including budget and staff, and relevance of the project.

The decision to keep the Affordable Housing project on the Top Priority List requires no action or formal resolution. The LTC also has the option to remove the project from the Top Priority List and place it back on the Project List. This may be a favourable option if the LTC wishes to address other projects or topics. The comments received from the Community Information Meeting (CIM) on January 27<sup>th</sup> regarding the Top Priorities List should also help guide the LTC's decision.

### **Rationale for Recommendation**

Local Trust Committees have a limited amount of tools in order to address affordable housing. At the LTC level those are secondary accommodation (cottages, secondary suites, STVRs, etc.), density bonus, zoning, etc. Previous LTCs have completed projects related to cottages, secondary suites, and short term vacation rentals.

Staff recommend breaking the affordable housing project down into a phases in order to address themes related to affordable housing. This would make the project easier to manage by focusing on one theme at a time. Those themes could be STVRs, secondary accommodation (secondary suites, tiny homes, etc.), and other



Land Use Bylaw and Official Community Plan amendments. Staff can report back with options on how to proceed with the Affordable Housing project in order to address certain these, a projected timeline, and an updated Project Charter.

## 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. Recommended wording for the resolution is as follows:

*That the Galiano Island Local Trust Committee request that the staff provide further information regarding...*

### 2. Remove Affordable Housing Strategy from the Top Priority List

The LTC may choose to remove the Affordable Housing Strategy project from the Top Priorities List and move it to the Project List. Recommended wording for the resolution is as follows:

*That the Galiano Island Local Trust Committee remove the Affordable Housing Strategy from the Top Priority List and place it on the Projects List.*

### 3. Top Priority List options report

The LTC may wish for staff to provide a report outlining certain options for the Top Priority List based on the CIM held on January 27<sup>th</sup> meeting and comments received at the February 4<sup>th</sup> LTC meeting.

*That the Galiano Island Local Trust Committee request staff to provide comments and recommendations on which projects to place on the Top Priority's List and options on how to proceed with each project.*

### 4. Receive for information

The LTC may receive the report for information

## NEXT STEPS

|               |                                          |                  |
|---------------|------------------------------------------|------------------|
| Submitted By: | Kim Stockdill, Island Planner            | January 25, 2019 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | Select Date.     |

## ATTACHMENT

1. APC Affordable Housing Recommendation Table

**Attachment 1 - Galiano APC Affordable Housing Recommendation Table**

| #              | Recommendation                                                                                                                                                                                                                                                                                 | Short Term | Long Term | N/A | Comments                                                                                                                                               |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>3.3.1</b>   | The GIAPC recommends that all housing proposals and related policies contain strong principles which support diversity and integration of all families and individuals within our community.                                                                                                   |            | ✓         |     | This would require an amendment to the OCP to add specific policies regarding affordable housing.                                                      |
| <b>3.3.2</b>   | The GIAPC recommends that new proposals for affordable community housing be developed based on aquifer and groundwater regions.                                                                                                                                                                |            | ✓         |     | This would require an amendment to the OCP to add specific policies regarding affordable housing.                                                      |
| <b>3.3.3</b>   | The GIAPC recommends that new proposals for affordable community housing for working families and individuals need to stay small in scale, be low impact and be dispersed island wide, within proximity of public road and hydro service as opposed to trying to keep it all at the south end. |            | ✓         |     | This would require an amendment to the OCP to add specific policies regarding affordable housing.                                                      |
| <b>3.3.4</b>   | The GIAPC recommends that new proposals for affordable community housing projects specific to Seniors or Special Needs housing may need to be located somewhat closer to the services at the south end of the Island.                                                                          |            | ✓         |     | This would require an amendment to the OCP to add specific policies regarding affordable housing.                                                      |
| <b>3.3.5</b>   | The GIAPC recommends that new proposals for affordable community housing projects be designed to integrate within existing and new residential areas and fit in with Galiano Island's rural identity.                                                                                          |            | ✓         |     | This would require an amendment to the OCP to add specific policies regarding affordable housing.                                                      |
| <b>4.4.1</b>   | The GIAPC recommends that the GILTC request the Islands Trust engage in a review of Trust-wide groundwater protection policy to ensure that:                                                                                                                                                   |            | ✓         |     | The Galiano Island LTC can advocate to the Islands Trust for this initiative. This action would not be considered part of a project or a Top Priority. |
| <b>4.4.1.1</b> | -planning decisions are based on the best available groundwater data and best practices are in place for land development proposals, including community housing;                                                                                                                              |            | ✓         |     | See 4.4.1.                                                                                                                                             |
| <b>4.4.1.2</b> | -there is effective information sharing among agencies and clarity of water supply regulations for proponents of community housing;                                                                                                                                                            |            | ✓         |     | See 4.4.1.                                                                                                                                             |
| <b>4.4.1.3</b> | -groundwater mapping is updated and ongoing monitoring technology is expanded; and                                                                                                                                                                                                             |            | ✓         |     | See 4.4.1.                                                                                                                                             |

| #       | Recommendation                                                                                                                                                                                                                                                                                                                                                                    | Short Term | Long Term | N/A | Comments                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.4.1.4 | -groundwater data such as mapping and current research is made easily accessible to community organizations and persons involved in developing community housing proposals and the public commenting on those proposals.                                                                                                                                                          |            | ✓         |     | See 4.4.1.                                                                                                                                                                                                                                                                                                                                                                                                               |
| 4.4.2   | The GIAPC recommends that the GILTC be briefed by the Hydrogeologist-on-staff regarding current groundwater research and issues on a regular basis so that the Trustees have the best available information on Galiano Island groundwater. This will enhance decision-making.                                                                                                     | ✓          |           |     | The LTC can request the Islands Trust Senior Freshwater Specialist to attend specific LTC meetings to provide groundwater research/issues relating to applications, projects, or policies. Currently all the groundwater reports received by staff are also reviewed by the Senior Freshwater Specialist.                                                                                                                |
| 4.4.3   | The GIAPC recommends that the GILTC require any site considered appropriate for community housing that allows increased density compared to the neighbourhood be located on land that has the carrying capacity for the number of dwellings proposed, and be able to provide adequate quantity of groundwater that will not endanger the long-term sustainability of the aquifer. |            |           | ✓   | The Galiano Island OCP Water Supply Policy e) states <i>“any rezoning application involving an increase in density or intensity of use should be required to provide an assessment of the availability of sustainable, long-term groundwater. Any additional density or intensity of use that would negatively affect the quality or quantity of groundwater should not be permitted in critical groundwater areas.”</i> |
| 4.4.4   | The GIAPC recommends that the GILTC require community housing not be located in groundwater regions where there is high risk for contamination of groundwater due to the characteristics of the aquifer, based on the “Galiano Island Intrinsic Groundwater susceptibility” map, Figure 10, page 22 of the Waterline Galiano 2011.                                                |            | ✓         |     | This would require an amendment to the OCP to add specific policies regarding affordable housing.                                                                                                                                                                                                                                                                                                                        |
| 4.4.5   | The GIAPC recommends that the GILTC require that where there is uncertainty of aquifer capacity due to factors beyond the scope of a hydrogeologist’s assessment, that the OCP’s precautionary principle be followed to require a “phased-in” approach to zone density and build out, with additional dwelling units added when groundwater monitoring evidence permits.          |            | ✓         |     | This would require an amendment to the OCP to add specific policies regarding affordable housing.                                                                                                                                                                                                                                                                                                                        |

| #       | Recommendation                                                                                                                                                                                                                                                                                                                                                                                               | Short Term | Long Term | N/A | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.4.6   | The GIAPC recommends that the GILTC review and adopt the Waterline Galiano 2011 recommendation that hydrogeology assessments for land development proposals that increase density and intensity of land use include cumulative, long-term (longer than 100 days) projections for groundwater withdrawals in order to address climate change impacts, in particular, lengthening periods of seasonal drought. |            | ✓         |     | This would require an amendment to the OCP to add further requirements for groundwater assessments as outlined in the OCP Water Supply Policy e). This can also be achieved by amending the Galiano Island LTC Development Approval Information (DAI) Bylaw No. 148 to add specific requirements for Groundwater Assessments for bylaw amendment applications that involve an increase to density or intensity of use.                                         |
| 4.4.7   | The GIAPC recommends that the GILTC require hydrogeology assessments include ongoing groundwater monitoring for contamination, overuse or failure to recharge.                                                                                                                                                                                                                                               |            | ✓         |     | See 4.4.6 comments.                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 4.4.8   | The GIAPC recommends that GILTC adopt the Galiano Groundwater Regulation 2012 recommendation to introduce a Proposed Critical Groundwater Protection Development Permit Area (DPA).                                                                                                                                                                                                                          |            | ✓         |     | This would require an amendment to the Galiano Island OCP.                                                                                                                                                                                                                                                                                                                                                                                                     |
| 4.4.9   | The GIAPC recommends the GILTC review and amend the application process for land development, including community housing, before proposed bylaws are developed by staff, in order to:                                                                                                                                                                                                                       |            |           | ✓   | The Galiano Island LTC has the authority for bylaw amendment applications to undertake an early engagement and request specific information from the applicant prior to directing staff to draft bylaws. It is recommended to request this information, or outline an early engagement strategy after the LTC reviews the preliminary staff report (first staff report outlining the purpose of the application and includes options for the LTC to consider). |
| 4.4.9.1 | -support a consultative, collaborative approach and engagement of the public interest in community development and groundwater protection;                                                                                                                                                                                                                                                                   |            |           | ✓   | See 4.4.9 comment.                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 4.4.9.2 | -enhance decision-making through more timely, comprehensive information sharing with the GILTC and the public; and                                                                                                                                                                                                                                                                                           |            |           | ✓   | See 4.4.9 comment.                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| #       | Recommendation                                                                                                                                                                                                                                                                                                                                         | Short Term | Long Term | N/A | Comments                                                                                                                                                                                                                                                                                                        |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.4.9.3 | -include an assessment process for valuing ecosystem services (cost benefit analysis) in order to address and balance socio-economic needs with sustainability of groundwater resources.                                                                                                                                                               |            |           |     | See 4.4.9 comment.                                                                                                                                                                                                                                                                                              |
| 5.5.1   | The GIAPC recommends that the GILTC review and amend the OCP and LUB to direct that new subdivision proposals include a percentage or number of lots, to be donated, or sold at cost neutral, to an affordable housing society for building affordable rental housing.                                                                                 |            | ✓         | ✓   | Long term: OCP could be amended to strengthen or require affordable housing units, land or funds when an increase to density or intensity of use by rezoning application.<br>N/A: The LTC does not have the authority to require donation of land or funds for affordable housing for subdivision applications. |
| 5.5.2   | The GIAPC recommends OCP 1.6 Community Housing be amended to allow mobile home parks in the case of affordable community housing developments, provided scale and spacing are suitably limited to fit the rural characteristics of Galiano Island and that the LUB Prohibited Uses section 2.3.2 be amended to add an exemption for Community Housing. |            | ✓         |     | Requires an amendment to the LUB & OCP.                                                                                                                                                                                                                                                                         |
| 5.5.3   | The GIAPC recommends that the GILTC create policy and regulation directing that a percentage of any new lots being created must be designed to be more affordable, both in land price by way of NOT being waterfront or view, and/or by being on the smaller end of lot size for the average in the zone.                                              |            | ✓         |     | A review and possible amendments to the subdivision requirements, and average and minimum lot sizes in the LUB.                                                                                                                                                                                                 |
| 5.5.4   | The GIAPC recommends that the GILTC consider using registered covenants to limit the building size/footprint on the required percentage of smaller, more affordable parcels as per recommendation 5.5.3.                                                                                                                                               |            | ✓         |     | Restriction building footprints would require an amendment to the OCP and the LUB.                                                                                                                                                                                                                              |
| 5.5.5   | The GIAPC recommends that the GILTC consider altering the lot proportion requirements for view and waterfront to improve the chances of an applicant keeping a percentage of new lots inland and more affordable.                                                                                                                                      |            | ✓         |     | A review and possible amendments to the subdivision requirements, and average and minimum lot sizes in the LUB.                                                                                                                                                                                                 |
| 5.5.6   | The GIAPC recommends that the GILTC consider implementing policy and regulation to cap the size of dwellings, Island wide, proportionate to zoned lot size average.                                                                                                                                                                                    |            | ✓         |     | Restriction building footprints would require an amendment to the OCP and the LUB.                                                                                                                                                                                                                              |

| #     | Recommendation                                                                                                                                                                                                                                                                                | Short Term | Long Term | N/A | Comments                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.5.7 | The GIAPC recommends that the GILTC establish a special zone for land held in trust for future use as community housing.                                                                                                                                                                      |            | ✓         |     | Requires an amendment to the LUB & OCP.                                                                                                                                                                                                                                                                                                                                                                                          |
| 5.5.8 | The GIAPC recommends that the LTC advocate to Trust Council that the Islands Trust establish a Community Housing Land Trust with charitable status for the purpose of accepting land donations for community housing.                                                                         |            | ✓         |     | The Islands Trust Community Housing in the Trust Area (August 2016) Report (see link at bottom of chart) made a recommendation (no. 13) that Trust Council could consider expanding the role of the Trust Fund Board to create an affordable housing land trust. This would be a fundamental change to the Islands Trust and should be explored in the context of the Trust Fund Board role, mandate, and legislative authority. |
| 5.5.9 | The GIAPC recommends that, as soon as licensing is available, policy and guidelines be made available to permit moveable tiny homes, motor homes or travel trailers to be used as affordable housing, and be subject to a term, and basic safety and health standards.                        |            | ✓         |     | Portable homes could under certain circumstances be considered 'dwelling unit' by definition in the Galiano Island Land Use Bylaw although these types of dwelling units may not meet the BC Building Code. It is the responsibility of the property owner to ensure the dwelling unit meets the BC Building Code. Amendments to the LUB could be made to clearly permit or not permit these uses.                               |
| 6.1.1 | In all future rezoning or redevelopment tourism-related applications which create the need for off-island seasonal employees that the provision of staff accommodation should be a requirement.                                                                                               |            | ✓         |     | Requires an amendment to the OCP.                                                                                                                                                                                                                                                                                                                                                                                                |
| 7.1.1 | The GIAPC recommends that the GILTC immediately undertake a review and amend the current STVR TUP and Home Occupation STVR provisions.                                                                                                                                                        |            | ✓         |     | A Commercial Vacation Rental (TUP) Project is on the Galiano Island LTC's Project List. If the LTC wishes to review TUPs and STVRs, this Project should be placed on the Top Priority List.                                                                                                                                                                                                                                      |
| 7.1.2 | The GIAPC recommends that the GILTC find means of establishing limits on the number of all types of STVR; and that the limits include a cap for the Galiano Trust Area, to ensure limits apply specifically to different neighbourhood areas, groundwater regions and Water Management Areas: | ✓          | ✓         |     | Short Term: The Galiano LTC has the authority to not approve TUPs for CVRs based on reviewing cumulative effects on the effected neighbourhood and the Island.                                                                                                                                                                                                                                                                   |

| #              | Recommendation                                                                                                                                                                                                                                                                               | Short Term | Long Term | N/A | Comments                                                                                                                                                                    |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                |                                                                                                                                                                                                                                                                                              |            |           |     | Long Term: The Galiano LTC should place STVR as a Top Priority Project in order to review current regulations and policies.                                                 |
| <b>7.1.2.1</b> | -Limits could be established based on percentage of number of residential dwellings in Galiano Trust Area, set for a term (eg. 5 years , and reviewed at the end of that term;                                                                                                               |            | ✓         |     | Long Term: The Galiano LTC should place STVR as a Top Priority Project in order to review current regulations and policies.                                                 |
| <b>7.1.2.2</b> | -Lower limits would be especially important in Water Management Areas and other areas that have water issues identified by the GILTC, the Galiano Waterline Study 2011, or by the community;                                                                                                 |            | ✓         |     | Long Term: The Galiano LTC should place STVR as a Top Priority Project in order to review current regulations and policies.                                                 |
| <b>7.1.2.3</b> | -When an existing TUP expires the GILTC should not permit a renewal unless the total number of other STVR TUPs is under the cap set for the region or the island as a whole; and                                                                                                             |            | ✓         |     | Long Term: The Galiano LTC should place STVR as a Top Priority Project in order to review current regulations and policies.                                                 |
| <b>7.1.2.4</b> | -A limit on the total number of years a given property can be used for STVR should be considered to give opportunities to other owners.                                                                                                                                                      |            | ✓         |     | Long Term: The Galiano LTC should place STVR as a Top Priority Project in order to review current regulations and policies.                                                 |
| <b>7.1.3</b>   | The GIAPC recommends that in order to monitor, gather data and enforce limits on STVRs, the GILTC consider requiring TUPs for ALL STVRs, including bed and breakfast accommodation until licensing becomes an option. (see for example the City of Nelson annual licensing and regulations). |            |           | ✓   | N/A: The Galiano Island LTC and Islands Trust does not have authority to issue Business Licences.                                                                           |
| <b>7.1.4</b>   | The GIAPC recommends that the GILTC find resources to proactively enforce compliance with STVR limits and regulations. Fines should be sufficiently high to ensure compliance and/or act as a deterrent to others (for example the City of Nelson imposes fines of \$5000/day).              |            | ✓         |     | This would require amendments to the Galiano Island BEN Bylaw No. 228 to increase fines for infractions to STVR regulation. Significantly higher fines may not be feasible. |
| <b>8.1.1</b>   | The GIAPC recommends that the GILTC support Trust-wide initiatives and Provincial tax incentives that benefit property owners who provide long -term affordable rental housing to residents.                                                                                                 |            |           | ✓   | Advocacy at the Islands Trust Council level. Not a LTC authority.                                                                                                           |
| <b>8.1.2</b>   | The GIAPC recommends that affordable community housing projects or proposals should be designed to meet requirements to qualify for available CRD, Provincial and Federal funding support for affordable housing.                                                                            |            |           | ✓   | The responsibility to the community housing project proponent to ensure it meets the requirements for funding.                                                              |

| #     | Recommendation                                                                                                                                                                                                                                                                                              | Short Term | Long Term | N/A | Comments                                                                                                                                                                                                                                |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.1.3 | The GIAPC recommends that the GILTC explore taxation initiatives that would ensure STVR operators are taxed at a rate appropriate for the commercial use of their residential lands.                                                                                                                        |            |           | ✓   | The Islands Trust nor the Galiano Island LTC has the authority to influence tax rates based on land use. BC Assessment has the authority to determine a 'property's class' based on property type or use which influences property tax. |
| 8.1.4 | The GIAPC recommends that the GILTC advocate for the creation of an AHR – Affordable Housing Reserve. This would provide an incentive for landowners to rent long term affordable housing based on the models of the ALR and PMFL which provide tax relief for the protection of farmland and forest lands. |            | ✓         | ✓   | Long Term: See Recommendation 5.5.8.<br>N/A: Authority lies with BC Assessment or CRD                                                                                                                                                   |

Islands Trust Community Housing in the Trust Area (August 2016) - <http://www.islandstrust.bc.ca/media/341160/final-report-trust-community-housing.pdf>



## Top Priorities

### Galiano Island

| No. | Description                 | Activity                                                                                                 | R/Initiated | Responsibility | Target Date |
|-----|-----------------------------|----------------------------------------------------------------------------------------------------------|-------------|----------------|-------------|
| 1   | Affordable Housing Strategy | Special APC to review options                                                                            | 07-Mar-2016 | Kim Stockdill  | 31-Oct-2018 |
| 2   | Dock Review                 | Review issues regarding docks and new shoreline information and whether changes are required to the LUB. | 07-Mar-2016 | Kim Stockdill  | 31-Oct-2018 |

**Projects****Galiano Island**

| Description                                    | Activity                                                                                                                                                                                                                             | R/Initiated |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Soil Removal and Deposit Bylaw                 | Review need and options for implementation of soil removal and deposit bylaw                                                                                                                                                         | 12-Sep-2011 |
| Comprehensive Watershed Planning               | ?                                                                                                                                                                                                                                    | 01-Oct-2016 |
| Commercial Vacation Rental (TUP) Review        | Review the Temporary Use Permit (TUP) guidelines in the Official Community Plan in relation to commercial vacation rentals.                                                                                                          | 05-Dec-2016 |
| Review of split zonings.                       |                                                                                                                                                                                                                                      | 05-Mar-2018 |
| Amendments to Forest designation and F1 zone - | Consider options for amendments to Forest Land Designation and policies and F1 zoning for lands without Managed Forest Status. Draft bylaws have been prepared, project deferred at meeting of April/12                              | 16-Apr-2012 |
| Parking Issues                                 | Issue for discussion with MoTI and public parking issues generated from associated islands.<br>(see correspondence from P. Midgely on agenda of Apr/12)                                                                              | 23-Jul-2012 |
| Bike Trails and Camping                        | Letter dated July 8, 2013 received from Galiano Parks and Recreation Commission regarding bike safety on Galiano roads (See Transportation policy U of Section 1.1) and for the allowance of non-commercial camping on private lots. | 15-Jul-2013 |
| Ocean Based Geo-Exchange Systems               | Review of regulations for geo-thermal exchange use.                                                                                                                                                                                  | 18-Nov-2013 |
| Information Note Addition                      | Add in Information Note on Archeological Sites under General Regulations                                                                                                                                                             | 18-Nov-2013 |
| Light Industrial Zoning                        | A review and inventory assessment of existing and potential light industrial zones.                                                                                                                                                  | 18-Nov-2013 |



## Projects

### Galiano Island

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



## Applications

### Development Variance Permit

| File Number   | Applicant Name | Date Received | Purpose              |
|---------------|----------------|---------------|----------------------|
| GL-DVP-2018.2 | ERIK S MEDEN   | 29-Aug-2018   | 4121 Porlier Pass Rd |

**Planner:** Phil Testemale

#### Planning Status

**Status Date:** 15-Nov-2018

Applicant requested application be put in abeyance.

**Status Date:** 04-Oct-2018

Applicant requested deferral to December LTC to address neighbour concerns and siting issues.

**Status Date:** 20-Sep-2018

Permit & Notice to DC for mailout and delivery. October 15 LTC agenda.

| File Number   | Applicant Name | Date Received | Purpose                                                                     |
|---------------|----------------|---------------|-----------------------------------------------------------------------------|
| GL-DVP-2019.1 | Darlene Kinney | 07-Jan-2019   | A rejected BP Referral initiated a DVP application for a treehouse project. |

**Planner:** Kim Stockdill

#### Planning Status

**Status Date:** 23-Jan-2019

Planner reviewing file.

**Status Date:** 10-Jan-2019

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

### Rezoning

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

**Planner:** Kim Stockdill

#### Planning Status

**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.

## Applications

**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.

**Status Date:** 10-Mar-2017

applicants requested to provide direction on re-initiating application

| File Number  | Applicant Name           | Date Received | Purpose               |
|--------------|--------------------------|---------------|-----------------------|
| GL-RZ-2014.1 | Crystal Mountain Society | 28-Oct-2014   | 20300 PORLIER PASS RD |

To allow for year round use of the Forest Retreat Centre

**Planner:** Kim Stockdill

### Planning Status

**Status Date:** 01-May-2018

Applicants asked to have a preliminary subdivision layout plan prepared for review

**Status Date:** 25-Apr-2018

Applicants provide preliminary comments for staff review and s.99 subdivision for Trust Fund review

**Status Date:** 12-Mar-2018

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

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

**Planner:** Robert Kojima

### Planning Status

**Status Date:** 13-Nov-2018

covenant registered

**Status Date:** 22-Oct-2018

Bylaw 265 approved by Minister.

**Status Date:** 17-Sep-2018

LTC endorsement of covenant

| File Number | Applicant Name | Date Received | Purpose |
|-------------|----------------|---------------|---------|
|-------------|----------------|---------------|---------|



## Applications

GL-RZ-2017.2      BERNARD MIGNAULT    02-Nov-2017      Rezone from F1 to RR2

**Planner:** Kim Stockdill

**Planning Status**

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**Status Date:**    11-Oct-2018

OCP Bylaw 267 sent to Minister's office.

**Status Date:**    10-Oct-2018

EC approval of bylaws.

**Status Date:**    09-Oct-2018

Placed on EC agenda for October 10th.

## Subdivision

| File Number   | Applicant Name | Date Received | Purpose                                                               |
|---------------|----------------|---------------|-----------------------------------------------------------------------|
| GL-SUB-2017.2 | PETER THOMSON  | 22-Dec-2017   | 409 Porlier Pass Drive - proposed 20-lot bare land strata subdivision |

**Planner:** Kim Stockdill

**Planning Status**

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**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-2019.1 | Brigitte Finnie | 02-Jan-2019   | To obtain a permit to use a cottage and main house as a short term vacation rental. |

**Planner:** Kim Stockdill

**Planning Status**

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## Applications

**Status Date:** 23-Jan-2019

Application on hold until TUP moratorium lifted.

**Status Date:** 08-Jan-2019

Created file, fees processed, application complete, to be given to Planner

***Islands Trust***  
 LTC EXP SUMMARY REPORT F2019  
 Invoices posted to Month ending November 2018

| 625 Galiano                    | Invoices posted to Month ending November 2018 | <u>Budget</u>    | <u>Spent</u>    | <u>Balance</u>   |
|--------------------------------|-----------------------------------------------|------------------|-----------------|------------------|
| 65000-625                      | LTC "Trustee Expenses"                        | 750.00           | 228.96          | 521.04           |
| <b>LTC Local</b>               |                                               |                  |                 |                  |
| 65200-625                      | LTC - Local Exp - LTC Meeting Expenses        | 5,500.00         | 2,563.05        | 2,936.95         |
| 65210-625                      | LTC - Local Exp - APC Meeting Expenses        | 500.00           | 1,564.32        | -1,064.32        |
| 65220-625                      | LTC - Local Exp - Communications              | 250.00           | 602.75          | -352.75          |
| 65230-625                      | LTC - Local Exp - Special Projects            | 500.00           | 0.00            | 500.00           |
| <b>TOTAL LTC Local Expense</b> |                                               | <u>6,750.00</u>  | <u>4,730.12</u> | <u>2,019.88</u>  |
| <b>Projects</b>                |                                               |                  |                 |                  |
| 73001-625-4051                 | Galiano Affordable Housing                    | 3,000.00         | 313.20          | 2,686.80         |
| 73001-625-4065                 | Galiano Dock Review                           | 8,000.00         | 400.28          | 7,599.72         |
| <b>TOTAL Project Expenses</b>  |                                               | <u>11,000.00</u> | <u>713.48</u>   | <u>10,286.52</u> |



## Galiano Island Local Trust Committee

### POLICIES AND STANDING RESOLUTIONS

Updated: December 3, 2018

| No | Meeting Date                            | Resolution No.           | Issue                                          | Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----|-----------------------------------------|--------------------------|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | May 11, 2009 / Amended February 3, 2014 | GL-LTC-85-09<br>Amended: | Parks Commission Referral                      | <b>That</b> 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   | <b>THAT</b> 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               | <b>THAT</b> 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: <ol style="list-style-type: none"> <li>1. There have been significant delays or longer than typical timelines in the enforcement process</li> <li>2. The LTC is considering on-going, relevant policy or regulatory changes that could impact enforcement</li> <li>3. Litigation has been recommended</li> <li>4. Legal counsel has been involved (beyond providing a basic interpretation)</li> <li>5. There has been enforcement action beyond seeking voluntary compliance (e.g. a BEN warning or ticket, adjudication, a compliance agreement negotiated, etc.)</li> <li>6. There has been, or is an expectation of, joint enforcement with other jurisdictions</li> <li>7. There is potential for impact on other related enforcement files.</li> </ol> |

| No | Meeting Date       | Resolution No. | Issue                                   | Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----|--------------------|----------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5. | April 7, 2014      | GL-2014-029    | Community Wells as a Community Benefit  | <b>That</b> 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: <ol style="list-style-type: none"> <li>1. A Commercial Vacation Rental use should only be considered in one dwelling per lot</li> <li>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.</li> <li>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.</li> </ol> |
| 7. | March 5, 2018      | GL-2018-023    | TUPs for Short Term Vacation Rental use | <b>That</b> the Galiano Island Local Trust Committee place a 12 month moratorium on the issuance of new temporary use permits for Short Term Vacation Rental (STVR).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 8. | September 17, 2017 | GL-2018-xx     | Antenna System Siting & Consultation    | <b>That</b> the Galiano Island Local Trust Committee Adopt the <a href="#">Galiano Island Antenna System Siting &amp; Consultation Protocol</a> as the tool for the review and consideration of antenna system proposals with the Galiano Island Local Trust Area.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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## **Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality September 2018**

### **Islands Trust Conservancy Staff Changes**

Kate Emmings stepped into the role of acting Manager for the Islands Trust Conservancy, filling in for Jennifer Eliason, who is on a temporary assignment with BC Parks until the end of March 2019. Nuala Murphy stepped into the role of acting Ecosystem Protection Specialist, backfilling for Kate Emmings until the end of February 2019. The role of Property Management Specialist is currently vacant and will hopefully be filled by the end of the year. ITC administrative assistant Corlynn Strachan took a temporary assignment with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development; filling in for her until April 2019 is Alexandra Trifonidis.

### **New Islands Trust Conservancy Board Member**

The Islands Trust Conservancy (ITC) board is thrilled to welcome Linda Adams, former Islands Trust Chief Administrative Officer, as a newly appointed board member. Appointed members are selected by the Crown Agency and Board Resourcing Office.

### **2018-2019 Budget Request**

The ITC board considered a business case for ITC staffing and recommended to the Islands Trust Council that the 2019-2020 budget include funding for one new auxiliary Covenant Monitoring and Outreach Specialist position and that financial planning for the 2020-2021 budget include a vision for a new fundraising position.

### **Approval of Lasqueti Islands Nature Conservancy (LINC) Opportunity Fund Grant**

The ITC board awarded a \$4,500 Opportunity Fund grant to LINC for a matching fundraising campaign for the purchase of Salish View on Lasqueti Island. The campaign is set to close in December and approximately \$90,000 is required to complete the protection of 11.61 ha of Coastal Douglas-fir forest.

### **Regional Conservation Plan Reporting**

The ITC board discussed ways to communicate the Regional Conservation Plan to local trust committees, Executive Committee and the Trust Council after the October 2018 election.

### **New Name: Islands Trust Conservancy**

ITC staff provided a verbal update about the Islands Trust Conservancy name change. The new website is active at [www.islandstrustconservancy.ca](http://www.islandstrustconservancy.ca) and staff are updating print publications.

## **Summary of Current Island-by-Island Activities**

The ITC board reviewed information and approved the annual covenant and nature reserve monitoring reports.

### **Denman**

Staff finalized the revised management plan for Morrison Marsh Nature Reserve. Invasive species removal and trail clearing, sign installation, and tree caging for forest restoration continue at three ITC nature reserves on Denman.

### **Lasqueti**

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). The ITC board granted LINC a \$4,500 Opportunity Fund grant for a matching fundraising campaign.

### **Link Island (Gabriola Island Local Trust Area)**

The ITC board authorized the Chair to sign a NAPTEP covenant with the landowner and the Nanaimo & Area Land Trust Society for the creation of a new NAPTEP covenant. The 19.3 ha covenant has significant ecological value and is a good model of land conservation under the NAPTEP program.

### **North Pender Island**

The ITC board approved a request from the landholder of the Wallace Point NAPTEP Covenant to widen the driveway to allow for the safe passage of large vehicles.

### **South Pender Island**

The ITC board approved a request from Pender Islands Parks and Recreation Commission to grant a covenant waiver to create new trail sections and close other trail sections to reduce overall trail length. The waiver also permits maintenance of a waterfall viewing platform.

### **Thetis**

Staff are negotiating a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Ecological information is in the process of being collected to inform the covenant baseline report and the management plan for the protected area and a public open house will be held on Thetis Island October 13, 2018.

*Please feel free to contact members of the Islands Trust Conservancy or Islands Trust Conservancy staff for more details.*

Tony Law, Chair [tlaw@islandstrust.bc.ca](mailto:tlaw@islandstrust.bc.ca)  
Islands Trust Conservancy [itcmail@islandstrust.bc.ca](mailto:itcmail@islandstrust.bc.ca)



## **Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality November 2018**

### **New Islands Trust Conservancy Board Members and Chair**

The Islands Trust Conservancy board has two new members from the new 2019-2023 Islands Trust Council. Doug Fenton, a first-time trustee from Thetis, was elected to sit on ITC and the Board also welcomes Trustee Sue Ellen Fast as the appointed representative of the Islands Trust's Executive Committee. The Conservancy also re-welcomes returning trustee Kate-Louise Stamford, who was elected to the Board for a second term by the Islands Trust Council.

The Islands Trust Conservancy Board is comprised of two islands trustees elected to their positions by the Trust Council; one appointed Islands Trustee from the Trust Council executive and three provincially appointed board members from the islands at large.

The Islands Trust Conservancy Board

Richard “Hoops” Harrison – Saturna Island

Robin Williams – Salt Spring Island

Linda Adams – Salt Spring Island

Doug Fenton – Thetis Island

Sue Ellen Fast – Bowen Island

Kate-Louise Stamford – Gambier Island

At the November 27<sup>th</sup> meeting, Trustee Stamford was elected by acclamation by the ITC Board as their chair. This position is reviewed on an annual basis.

### **Islands Trust Conservancy Budget Submission**

The Islands Trust Conservancy board received the Islands Trust Conservancy budget for information.

### **2019 Islands Trust Conservancy Board Meeting Dates**

The Islands Trust Conservancy board approved the 2019 meeting schedule.

### **Regional Conservation Plan Reporting**

The Islands Trust Conservancy board discussed ways to communicate the Regional Conservation Plan to local trust committees, the Bowen Island Municipality, Executive Committee and Trust Council.

### **Incorporation of Regional Conservation Plan into Land Use Planning**

The Islands Trust Conservancy board discussed ways to communicate incorporating the Islands Trust Conservancy's 2018-2027 Regional Conservation Plan and associated mapping and data into Official Community Plans, Land Use Bylaws and local planning initiatives and projects and agreed to discuss further strategies for work with local trust committees and the Bowen Island Municipality at its January meeting.

### **Bylaw Amendment**

The Islands Trust Conservancy board directed staff to provide recommendations for revision of Islands Trust Conservancy Bylaw 1 to add options for an alternate chair as there can be extra travel challenges when crossing from the mainland to the Victoria office.

### **New Name: Islands Trust Conservancy**

ITC staff provided a briefing note about the status of the Islands Trust Conservancy name change and budget.

### **Summary of Current Island-by-Island Activities**

#### **Bowen**

Trustee Fast reported that New Zealand MP Eugenie Sage came to Bowen Island and requested Islands Trust Conservancy covenant program information.

#### **Denman**

The Islands Trust Conservancy board received correspondence from the Cowichan Valley Regional District regarding the Denman Cross Island Trail. Invasive species removal and trail clearing, sign installation, and tree protection for forest restoration continue at three ITC nature reserves on Denman.

#### **Gambier**

Public consultation for the updated management plans of three Gambier Island Nature Reserves (Brigade Bluffs, Long Bay Wetland, Mount Artaban) is underway with a public survey and a public, open-house webinar on December 12, 2018.

#### **Lasqueti**

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC).

*Please feel free to contact members of the Islands Trust Conservancy or Islands Trust Conservancy staff for more details.*

*Kate-Louise Stamford, Chair [kstamford@islandstrust.bc.ca](mailto:kstamford@islandstrust.bc.ca)  
Islands Trust Conservancy [itcmail@islandstrust.bc.ca](mailto:itcmail@islandstrust.bc.ca)*

**Link Island (Gabriola Island Local Trust Area)**

The Islands Trust Conservancy and the Nanaimo Area Land Trust registered a NAPTEP covenant over 19.3 ha of Link Island. The Natural Area Exemption Certificate providing the property tax exemption was registered in October. The covenant has significant ecological value and is a good model of land conservation under the NAPTEP program.

**North Pender Island**

The Islands Trust Conservancy board received correspondence sent to North Pender LTC from Islands Trust Conservancy staff regarding Medicine Beach Nature Reserve.

**Thetis**

The Islands Trust Conservancy is negotiating a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Ecological information is being collected for the covenant baseline report and the management plan and a public open house was held on Thetis Island on October 13, 2018. Islands Trust Conservancy staff and Trustee Fenton met with representatives from the Penelakut Tribe, the Thetis Island Nature Conservancy and the Cowichan Community Land Trust to discuss property management on Thetis Island.

*Please feel free to contact members of the Islands Trust Conservancy or Islands Trust Conservancy staff for more details.*

*Kate-Louise Stamford, Chair [kstamford@islandstrust.bc.ca](mailto:kstamford@islandstrust.bc.ca)  
Islands Trust Conservancy [itcmail@islandstrust.bc.ca](mailto:itcmail@islandstrust.bc.ca)*

# BRIEFING

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**To:** Local Trust Committees/Bowen Island Municipality      **For the Meeting of:** Various

**From:** Clare Frater, Director, Trust Area Services      **Date Prepared:** December 20, 2018

**SUBJECT:** Updated Islands Trust climate change webpages

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**PURPOSE:** To advise local trust committees and Bowen Island Municipality that the Islands Trust climate change webpages have been updated and to encourage dissemination of the climate change resources contained on the page.

**BACKGROUND:**

On June 20, 2018, the Islands Trust Council passed the following resolution:

*That Trust Council request staff to update and improve climate change information on the Islands Trust website and that Local Trust Committees and Bowen Island Municipality be encouraged to disseminate this information to their communities.*

Trust Area Services staff have reviewed and updated the information on the Islands Trust climate change webpages:

- <http://www.islandstrust.bc.ca/trust-council/projects/climate-change/> and
- <http://www.islandstrust.bc.ca/trust-council/projects/climate-change/carbon-neutral-operations/>

The Climate Change webpage provides information about the effects of climate change, the role of Islands Trust Area forests in sequestering carbon (equivalent to emissions from 40,000+ cars annually), local and global carbon projections, adaptation information and fact sheets.

Each official community plan in the Islands Trust Area, with the exception of the Piers Island OCP, contains Greenhouse Gas (GHG) reduction targets and associated policies. Local trust committees and Bowen Island Municipality may wish to review these targets as this new term of office gets underway.

The Carbon Neutral Operations webpage provides information about the Islands Trust climate actions since 2012 (via links to the Climate Action Revenue Incentive Program reports).

**ATTACHMENT(S):**

1. [Islands Trust Fact Sheet: Planning Tools to Reduce Green House Gases](#)



**FOLLOW-UP:** If local trust committees or Bowen Island Municipality wish to suggest resources or improvements to the climate change webpages, please send them to Andrew Templeton, Communications Specialist at [atempleton@islandstrust.bc.ca](mailto:atempleton@islandstrust.bc.ca)

Staff will continue to maintain climate change information on the website, and update resources as needed/suggested.

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**Prepared By:** Lisa Wilcox, Acting Senior Policy Advisor

**Reviewed By/Date:** Clare Frater, Director, Trust Area Services, December 11, 2018



DATE OF MEETING: February 4, 2019  
TO: Local Trust Committees  
FROM: Justine Starke, Island Planner  
COPY: Robert Kojima, Regional Planning Manager

## RECOMMENDATION

THAT the **Galiano Island Local Trust Committee** consider implementation of the report *Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)* as a top priority work program item.

## REPORT SUMMARY

This report presents, *Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)* for consideration of implementation by the Local Trust Committee. Local Planning Committee (LPC) has developed the attached tool kit for protection of the Coastal Douglas Fir zone and associated ecosystems. There are a number of recommendations for implementation of the tool kit throughout the Islands Trust Area. LPC has requested distribution of the Coastal Douglas Fir Tool Kit to local trust committees with a recommendation to add it as a top priority long range planning project.

## BACKGROUND

[Local Planning Committee](#) is a subcommittee of Islands Trust Council with the responsibility for addressing planning needs applicable throughout the Islands Trust Area.

On November 9, 2017, Local Planning Committee moved Coastal Douglas-fir and associated ecosystems as a top priority in accordance with the Trust Council Strategic Plan (2015-18):

- L.1.6.1 Amend land use bylaws to improve protection of high biodiversity areas (LTCs)
- T.1.7.1 Develop a planning tool kit to illustrate how to protect Coastal Douglas-fir and associated ecosystems (LPC).
- L.1.7.1 Use land use planning tools to protect Coastal Douglas-fir and associated ecosystems through land use planning (LTCs).

Staff developed the tool kit and the final report was received by Local Planning Committee on October 11, 2018 when the following resolutions were passed:

**LPC-2018-015 It was MOVED and SECONDED**, that Local Planning Committee accepts the final Coastal Douglas-fir Toolkit and directs staff to bring the report to Trust Council for consideration of implementation by the 2019-2023 Islands Trust Council. **CARRIED**

**LPC-2018-016 It was MOVED and SECONDED**, that Local Planning Committee requests the Islands Trust

Council elected for the 2019-2023 term implement the Coastal Douglas-fir Toolkit by undertaking the following:

- a) distribute the Coastal Douglas-fir Toolkit to local trust committees with a recommendation to add it as a top priority long-range planning project;
- b) prioritize protection of the Coastal Douglas-fir and Associated Ecosystems and implementation of the Islands Trust Conservancy Regional Conservation Plan in the Islands Trust Council strategic plan for 2019-2023. **CARRIED**

**LPC-2018-017 It was MOVED and SECONDED**, that Local Planning Committee requests the Islands Trust Council elected for the 2019-2023 term implement the Coastal Douglas-fir Toolkit by undertaking the following:

- c) direct Local Planning Committee to commission mapping of contiguous tracks of the Coastal Douglas-fir zone and associated ecosystems across the Islands Trust Area. **CARRIED**

**LPC-2018-018 It was MOVED and SECONDED**, that Local Planning Committee requests the Islands Trust Council elected for the 2019-2023 term implement the Coastal Douglas-fir Toolkit by undertaking the following:

- d) request staff to create a strong communications program that will support Islands Trust Conservancy conservation initiatives for Coastal Douglas-fir protection as well as support the land use planning process, with a special focus on communicating the role of Development Permit Areas as a tool for Coastal Douglas-fir protection that permits development.

**LPC-2018-019 It was MOVED and SECONDED**, that Local Planning Committee requests the Islands Trust Council elected for the 2019-2023 term implement the Coastal Douglas-fir Toolkit by undertaking the following:

- e) request staff to bring recommendations as to how the Natural Areas Property Tax Exemption Program (NAPTEP) can be strengthened to prioritise contiguous tracks of the Coastal Douglas-fir zone and options for increasing communications about NAPTEP. **CARRIED**

**LPC-2018-020 It was MOVED and SECONDED**, that Local Planning Committee requests the Islands Trust Council elected for the 2019-2023 term implement the Coastal Douglas-fir Toolkit by undertaking the following:

- f) request Trust Area Services staff to continue participating in the Coastal Douglas-fir Conservation Partnership. **CARRIED**

**LPC-2018-021 It was MOVED and SECONDED**, that Local Planning Committee requests the Islands Trust Council elected for the 2019-2023 term implement the Coastal Douglas-fir Toolkit by undertaking the following:

- g) advocate to the Province for additional land use orders protecting Coastal Douglas-fir in the Islands Trust Areas. **CARRIED**

**LPC-2018-022 It was MOVED and SECONDED**, that Local Planning Committee requests staff undertake mapping of the Coastal Douglas-fir zone and associated ecosystems within the existing budget this term. **CARRIED**

## ANALYSIS

The tools available to the Islands Trust can advance protection of the Coastal Douglas-fir zone and associated ecosystems across the Trust Area. Islands Trust and the Islands Trust Conservancy together have the authority

to regulate land use, act as a land conservancy, and coordinate with other levels of government. Islands Trust can also work collaboratively with community groups, conservation groups, and individuals to advance a broader set of tools for protection of the CDF Zone. The land use planning powers of local trust committees can be much more effectively used to protect this vulnerable ecosystem.

### Objectives for CDF Protection

The policy, regulatory, and legal powers of Islands Trust are nested and can be designed to achieve the following recommended objectives:

- Maintain Contiguous Forest Cover
- Protect and Restore Functioning Ecosystems
- Protect Watershed Ecology
- Honour the Cultural Heritage of Coast Salish Stewardship

The biggest threat to the CDF zone in the Islands Trust is the incremental fragmentation of the forest through rural and residential development. The report suggests a path for Trust Council, the Islands Trust Conservancy, and local trust committees to protect the CDF zone (see the “Ten Essential Steps for Islands Trust to Protect the CDF Zone.” These recommendations are suggested from the position that the best tools are the ones that are easiest to use and are most squarely within the jurisdiction of Islands Trust.

### ALTERNATIVES

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

1. Add implementation of the report *Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)* to the LTC long project list for consideration at a later time.

### NEXT STEPS

Request staff to bring forward a project charter that proposes scope, timelines, and budget for this work.

|               |                                                              |                   |
|---------------|--------------------------------------------------------------|-------------------|
| Submitted By: | Justine Starke, RPP, MCIP<br>Island Planner                  | November 27, 2018 |
| Concurrence:  | David Marlor, RPP, MCIP<br>Director, Local Planning Services | November 27, 2018 |

### ATTACHMENTS

1. Coastal Douglas Fir Zone Tool Kit



Islands Trust

# Protecting the Coastal Douglas-fir Zone & Associated Ecosystems

An Islands Trust Toolkit



# Contents

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## Acknowledgements

The development of this tool kit by Justine Starke was assisted with feedback and contributions from a number of Islands Trust staff and by drawing on the work of the Coastal Douglas-fir Conservation Partnership. Of particular note are the following people who provided data and resources to support this project:

Lisa Wilcox

Kate Emmings

William Shulba

Shelley Miller

Madeleine Koch

Kim Stockdill

Nuala Murphy

Sonja Zupanec

David Marlor

Robert Kojima

Local Planning Committee

Unless otherwise noted, all photos were taken by Justine Starke.  
Cover photo by Kristine Mayes.



# Executive Summary

Across the Islands Trust Area, the Coastal Douglas-fir (CDF) zone and associated ecosystems make up much of the forested landscape; these lush and magnificent forests are the most visual indicator of the Islands Trust's success in achieving its mandate to protect the Islands Trust Area.

The CDF Zone encompasses the entire Islands Trust Area and is found nowhere else in Canada. Coastal Douglas-fir ecosystems are biologically, culturally, and physically important. These forested landscapes maintain our local climates, the sustainability of our freshwater systems, and the biodiversity of our islands. They are home to many endangered plant communities and are ranked as a high priority for preservation, globally and provincially. With the majority (68%) of CDF land across the Trust Area privately held, it is the residents and landowners who have the most responsibility and ability to carefully steward the CDF zone. Many special places on the islands are still special because of the care with which islanders take to preserving the land.

This toolkit proposes that Islands Trust can better use its legislative scope to improve protection for the CDF zone. In doing so, Islands Trust policy development should be guided by the following objectives when advancing Coastal Douglas-fir protection throughout the Islands Trust Area:

- maintain contiguous forest cover;
- protect and Restore Functioning Ecosystems;
- protect watershed ecology;
- honour Coast Salish cultural heritage.

These objectives will offer foundational direction for Islands Trust to consider in protecting its Coastal Douglas-fir forests. From the regional Trust Council (TC) and Islands Trust Conservancy (ITC), to local trust committees (LTCs) and community level actions, the Islands Trust has many tools to use in preserving and protecting the Coastal Douglas-fir zone across the Trust Area.



*Many special places on the islands are still special because of the care with which islanders take to preserving the land.*



## Essential Steps for Islands Trust to Protect the CDF Zone:

### 1. Trust Council Strategic Plan

Prioritise CDF protection in the Trust Council strategic plan to ensure resources support work plans that advance CDF protection.

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### 2. Implement the Regional Conservation Plan (RCP)

Adopt the RCP into OCPs with special emphasis on protecting contiguous forest and old growth within the Coastal Douglas-fir zone and associated ecosystems.

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### 3. Mapping

Map contiguous tracks of the Coastal Douglas-fir zone and associated ecosystems.

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### 4. LTC Top Priority

Local trust committees should make protection of Coastal Douglas-fir zone and associated ecosystems a top priority in their work plans. This will ensure staff and other resources are put to the task.

### 5. Education and Communications

Educate the public about the importance of CDF protection by incorporating a strong communications program into ITC conservation initiatives and into the land use planning process, especially when considering DPAs for CDF protection.

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### 6. Official Community Plan Updates

Review OCPs for strong language that prioritises protection of the CDF zone in land use planning.

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### 7. Development Permit Areas

Create DPAs to protect the Coastal Douglas-fir zone and associated ecosystems.

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### 8. Land Use Bylaws/Zoning

Create density bonus zones in exchange for CDF protection by way of a conservation covenant; identify protection of the CDF zone as an amenity to be voluntarily offered at time of rezoning; designate zones for CDF protection.

### 9. Park dedication

Amend OCPs to include language directing the provision of land rather than cash in lieu at time of park dedication in the subdivision process. Include language guiding LTCs to request land where there are priority areas in the CDF zone. Advocate for other levels of government to protect more of the CDF zone as park land.

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### 10. Tax Incentives

Tailor the NAPTEP program to highlight and prioritise the CDF zone in ITC conservation goals.

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### 11. Partnerships

Continue to participate and be an active member of the Coastal Douglas-fir Conservation Partnership.

## Summary of the Islands Trust toolkit:

| TOOL                              | LEVEL OF PROTECTION | JURISDICTION     | TYPE OF TOOL     | IMPLEMENTED BY                                                        |
|-----------------------------------|---------------------|------------------|------------------|-----------------------------------------------------------------------|
| 1. Islands Trust Policy Statement | Indirect            | TC               | Policy           | OCPs and zoning                                                       |
| 2. Regional Conservation Plan     | Indirect            | ITC              | Policy           | OCPs, zoning, conservation tools                                      |
| 3. Land Acquisition               | High                | TC, ITC, Others* | Legal            | Islands Trust Conservancy policies                                    |
| 4. Conservation Covenant          | High                | ITC; LTC; Others | Legal            | Registration on land title                                            |
| 5. Amenity Zoning/Density Bonus   | High                | ITC; LTC; Others | Policy           | Zoning combined with conservation tool (covenants or park dedication) |
| 6. Park Dedication                | High                | LTC; Others      | Legal/Regulatory | Land acquisition                                                      |
| 7. OCPs                           | Indirect            | LTCs             | Policy           | Zoning                                                                |
| 8. DPA                            | Medium–High         | LTCs             | Regulatory       | Permit approvals                                                      |
| 9. Zoning/Land Use Bylaws         | Medium              | LTCs             | Regulatory       | Land use and density                                                  |
| 10. Tree Cutting Bylaw            | Medium              | BIM              | Regulatory       | Permit approvals                                                      |
| 11. Tax Incentives                | High                | ITC/Others       | Economic         | Conservation tools                                                    |
| 12. Voluntary Stewardship         | High                | Private          | Voluntary        | Conservation tools                                                    |
| 13. Ministerial Order             | High                | Province         | Legislative      | Crown Land Management                                                 |
| 14. Water Sustainability Act      | Indirect            | Province         | Regulatory       | Area Based Regulations or Water Sustainability Plan                   |

\* Others in this instance refers to First Nations, community groups, land conservancies, other levels of government, or private property owners.

# Coast Salish Stewardship of the Coastal Douglas-fir Zone

Douglas-fir is translated as ts'sey' in the Hul'q'umi'num' language, as JSÁ,łĆ in the Saanich (SENĆOTEN) language, and as ch'shay in the Squamish (Skwxwú7mesh) language.

The Islands Trust Area overlaps with the traditional territory of the Coast Salish people. Islands Trust acknowledges the 10,000 years of knowing and stewardship practices of the Coast Salish people — evident in the lushness of the forests and the biodiversity of the CDF zone. The Coast Salish have celebrated the life cycles of these forests since time immemorial. The languages and ceremonies of the Coast Salish people reflect the natural rhythms of the forests and shores of the Salish Sea. An ancient Douglas-fir tree is honoured as witness to the cycle of transformation and self nourishment of the forest's ecology. There exists a wealth of traditional ecological knowledge (TEK) in Coast Salish traditions. Douglas-fir and associated ecosystems provide food and medicine for health and well being. The wood of the Douglas-fir is used in the fire ceremonies of the long house. Western red cedars are also very important to the Coast Salish people. All parts of the cedar are used — the logs for longhouses, canoes, and masks, and the bark for clothing, mats, and baskets. The active management of the Garry Oak meadows favoured the annual cultivation of Camas, known as a staple food source for the Coast Salish people.<sup>1</sup>

This report is not inclusive of the gathering, harvesting, or stewardship knowledge of First Nations within the Trust Area. This toolkit should be considered a living document that can be improved over time through meaningful consultation and engagement with First Nations.



*Cedar bark harvests represent the ongoing cultural use of Coastal Douglas-fir forests.  
Photo: Tsawout Reserve (IR5), Salt Spring Island.*



# Coastal Douglas-fir and Associated Ecosystems

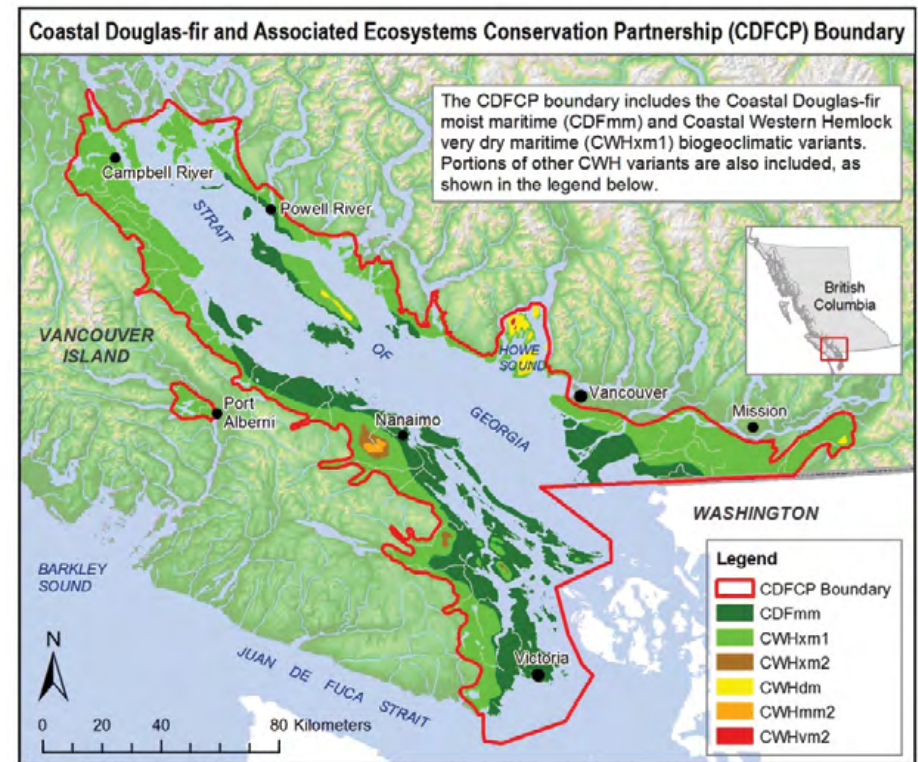
The Coastal Douglas-fir (CDF) Biogeoclimatic Zone<sup>ii</sup> is found nowhere else in Canada. It includes a unique set of ecosystems that occur along the edge of south-east Vancouver Island, across the Gulf Islands, and the along the southwest coast of Vancouver Island. The Islands Trust Area is entirely within the CDF zone. There are 16 biogeoclimatic zones in British Columbia – of these, the CDF is the smallest and most at risk. The CDF zone has many rare ecosystems and includes more than just Douglas-fir forests. Associated ecosystems include Garry Oak ecosystems, rocky outcrops, wetlands, and shorelines. The Coastal Western Hemlock (CWH) zone is considered an important associated ecosystem that exists within the area of interest of the CDF zone.

The CDF zone needs active stewardship by land owners: 80% of land in the whole CDF is privately owned but only 11% is protected in some way, making it the least-protected biogeoclimatic zone in BC.<sup>2</sup>

## Importance of Coastal Douglas-fir Ecosystems

There is significant concern for the conservation of the CDF zone. The [Coastal Douglas-fir Conservation Partnership](#) has emphasized the importance of the CDF zone as being biologically rich and containing globally imperiled and provincially identified species at risk, as well as containing ecosystems at risk. CDF ecosystems clean our air and water, absorb carbon from the atmosphere, provide climate change mitigation and adaptation, and contribute to food resilience by providing habitat for pollinators and

<sup>ii</sup> A "biogeoclimatic zone" is an area with a relatively uniform climate, and with a mix of vegetation and soils that reflect that climate. A more detailed description of the Coastal Douglas-fir Biogeoclimatic Zone can be found in the [Ecosystems of British Columbia: Chapter 5 Coastal Douglas-fir Zone](#).



insectivores. CDF forests are important for people's mental health and wellbeing, and provide recreational and educational opportunities for people to learn about the significance, ecology, and cultural importance of these special coastal rainforests. The CDF zone can also add to property values. Individual properties that are in the vicinity of natural areas and parkland can increase property values by 3–6% (or more).<sup>3</sup>

## Coast Douglas-fir Zone in the Islands Trust Area

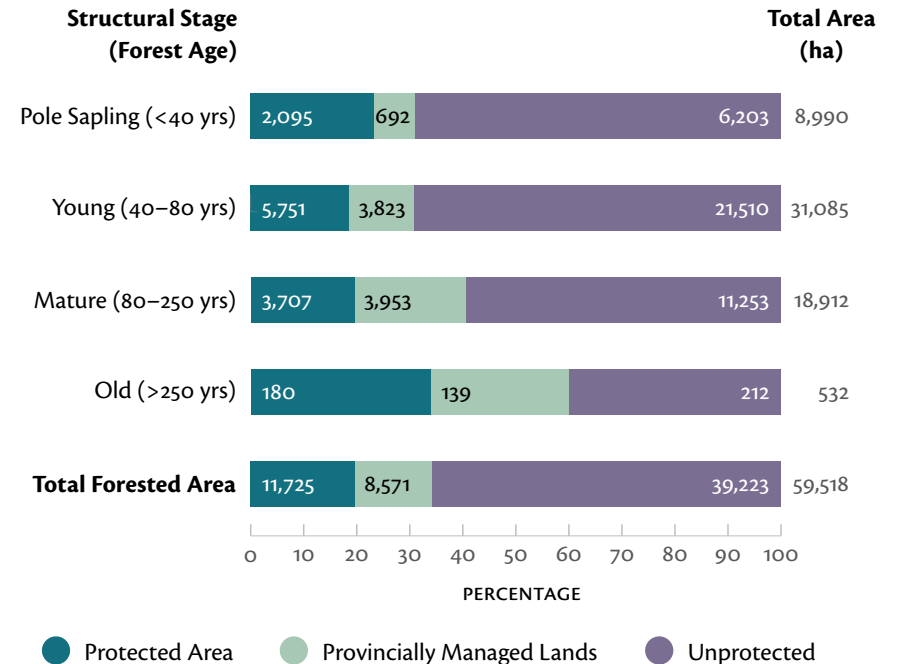
The Islands Trust Conservancy has identified healthy forests as a biodiversity priority in its Regional Conservation Plan for 2018–2027. Healthy forests are multi-aged forests with a diverse canopy cover and a variety of tree and understory species. The understory is also characterized as having large woody debris, including fallen trees and nurse logs, and lots of snags<sup>4</sup>.

Most of the Trust Area was logged at one time. Across the region, much of the forests are classified as young forest ranging from 40–80 years old. Mature forests (80–250 years old) cover approximately 24% of the Islands Trust Area, while less than one percent remains in old growth (forest that is more than 250 years old). Remaining old and mature forests are very important, providing high quality habitat and many more species than younger forests.<sup>5</sup>

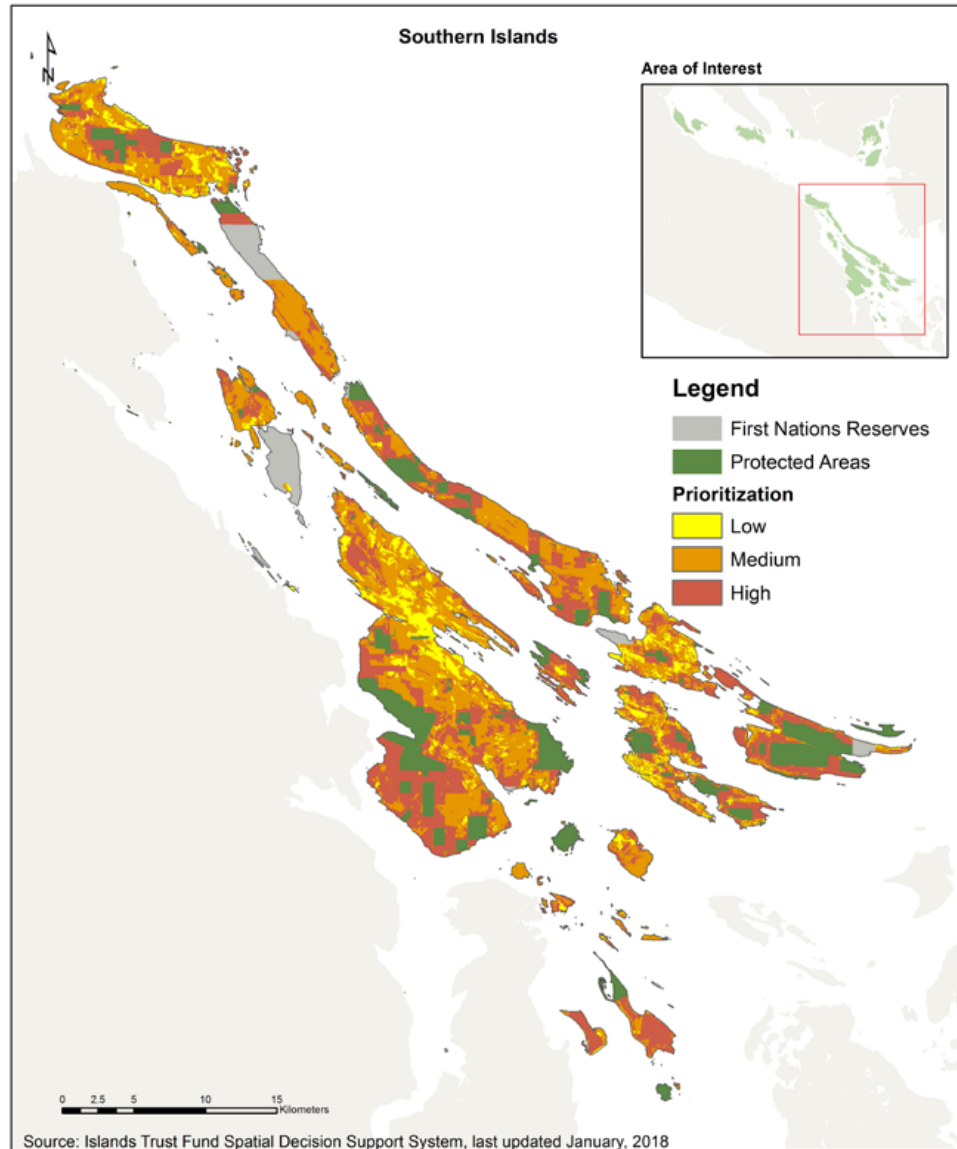
Across the Islands Trust Area, 19.7% of forests are in protected areas, including all parks, ecological reserves, watershed lands, heritage forest lands, nature reserves, and Old Growth Management Areas.<sup>6</sup> Protection varies significantly by islands trust area/island municipality with Thetis having less than 5% and Saturna and South Pender having over 35% of forested ecosystems in protected areas.<sup>7</sup> Private land in the Islands Trust Area represents about 68.6% of the landscape.<sup>8</sup>

Using a decision matrix, the Islands Trust Conservancy has identified priority lands for conservation across the Islands Trust Area. While there are lands with high conservation values on all the islands, the Islands Trust Conservancy will focus upcoming outreach programs primarily on Lasqueti Island, and in the Salt Spring Island and Thetis Island local trust areas, with a secondary focus on the Gabriola Island, Galiano Island, and Gambier Island local trust areas.

**Structural stage (age) of forests in the Islands Trust Area by area and percent.**

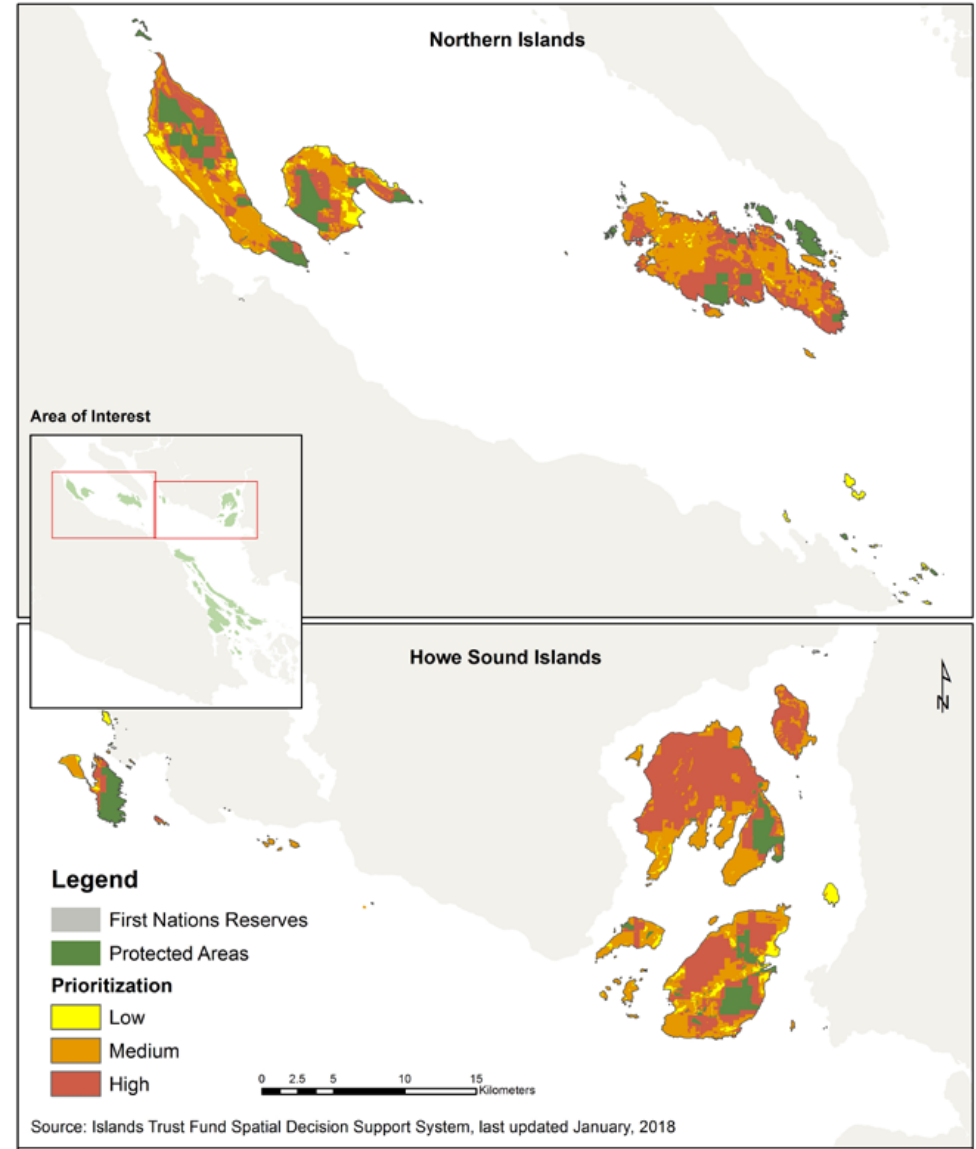


## Priority Lands for Conservation in the Islands Trust Area



### Priority Lands for Conservation in the Islands Trust Area

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



### Priority Lands for Conservation in the Islands Trust Area

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



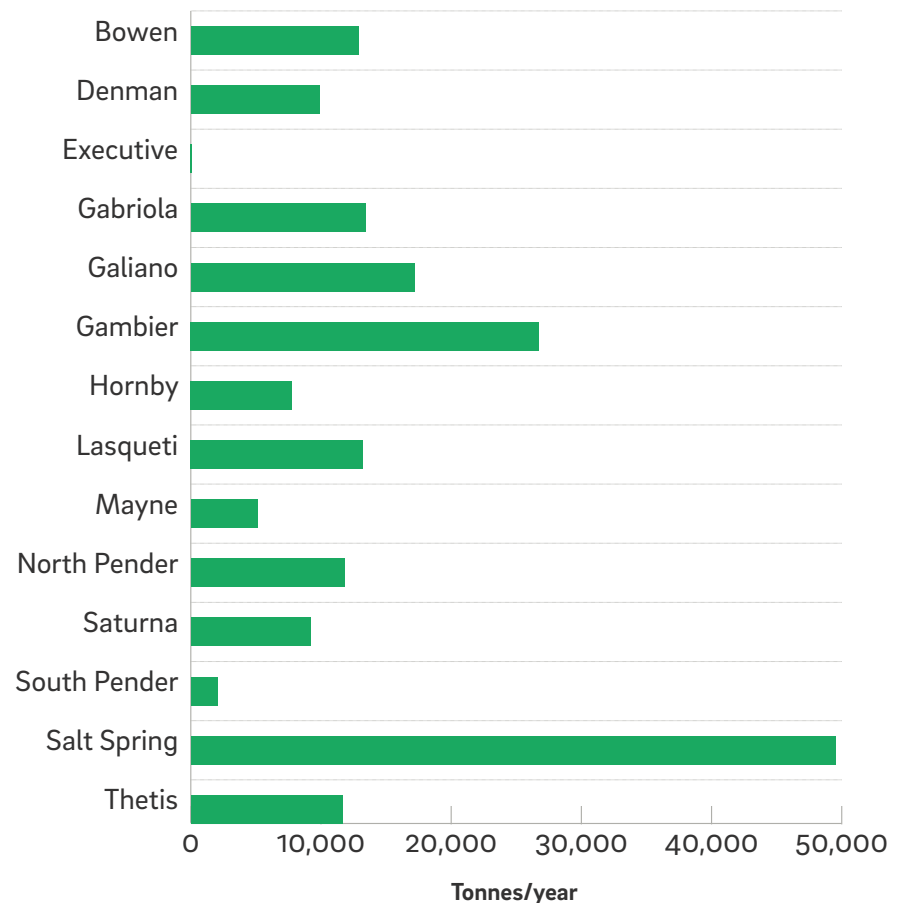
# The Islands Trust Area Mitigates Impacts of Climate Change

The Islands Trust Area's forests are unique and globally important. The significant role these forests play in mitigating the impacts of climate change is not always recognized. Forests provide biomass and soils as "living carbon," using natural processes to remove and store carbon dioxide from the atmosphere in a dynamic process of growth, decay, disturbance and renewal. At a global scale, forests help maintain Earth's carbon balance.<sup>9</sup> The carbon cycling of forests provide essential life support services that protect us from the impacts of climate change.

British Columbia ecosystems have some of the highest carbon stores in Canada and play an important global role in carbon cycling and storage. As of 2008, the total carbon stored by BC's forests was 88 times Canada's annual greenhouse gas emissions.<sup>10</sup> However, Coastal Douglas-fir forests within the Islands Trust Area store and sequester more carbon per hectare than the rest of British Columbia. This carbon sequestration is likely due to a higher density of maturing forests, which store and take in more carbon to support their growth.<sup>11</sup> Islands Trust has an important role and responsibility for "carbon stewardship"<sup>12</sup> by protecting its intact Coastal Douglas-fir forests.

- As a whole, the Trust Area sequesters 190,506 tonnes of carbon per year, which equates to about 40,241 passenger vehicles per year.
- On average, forests in the Islands Trust Area store 82% more carbon per hectare than forests in the rest of the Coastal Douglas-fir zone.
- On average, forests in the Islands Trust Area have the potential to absorb 43% more carbon per hectare over the next 20 years than forests in the rest of the Coastal Douglas-fir zone.<sup>13</sup>

Carbon sequestration per Local Trust Area



- When ranked for sensitivity to climate change, carbon storage capability, biodiversity habitat, and the degree of human impacts, the Coastal Douglas-fir zone is the most important BC ecosystem.<sup>14</sup>

# Threats to the CDF Zone

The Coastal Douglas-fir Conservation Partnership's 2018 *Quick Guide for Local Governments* has an expanded section on threats to the CDF zone. The following has been summarized for the purpose of this toolkit.

## Human Pressures and Deforestation

Coastal Douglas-fir ecosystems are under threat from human pressures. Of all the zones in the province, the CDF has been most altered by human activities:

- Almost half of the CDF lands have been converted for human use (urban, roads, agriculture, mining, industrial, etc.).
- 75% of the human population of BC lives in the CDF, including the major centres of Vancouver, Victoria, and Nanaimo where population growth is expected to continue.
- The CDF has the highest road density of any biogeoclimatic zone in BC.<sup>15</sup>

The trend of deforestation and residential sprawl continues. Even in the Islands Trust Area, many local trust committees have not reduced the subdivision potential inherited by the zoning that was already in place when the Islands Trust was created in 1974. The continued pareclization and subdivision of land causes fragmentation and perpetuates the incremental loss of contiguous forest cover, threatening the remaining natural systems.

The Islands Trust Conservancy estimates that between 2004–2014, approximately 1,070 ha of land was disturbed or lost through deforestation, vegetation clearing, creation of rural development and roads, wetland loss and disturbance to soils.<sup>16</sup> See Appendix II of the Islands Trust Conservancy [2018–2027 Regional Conservation Plan](#) for a breakdown of disturbance type by local trust area or island municipality.

“ The extent of disturbance, combined with the low level of protection, places the ecological integrity of the CDF zone at high risk... Deforestation in a land base that was once predominantly forested has consequences for the small patch ecosystems, specialized habitats and at-risk species that were previously buffered and supported by the ecological processes of the surrounding forests... These changes affect hydrological patterns and the ability to filter and store water; destabilizes forest soils and reduces capacity to regenerate soils; alters the resistance to the invasion of alien species; alters prey-predator relationships; alters carbon and nutrient cycles, including the release of carbon to the atmosphere; and removes specialized habitat features for wildlife foraging, shelter and breeding (Coastal Douglas-fir Conservation Partnership (CDFCP), 2015).

## Climate Change

The impacts and costs of climate change vary regionally; the northern hemisphere is projected to have higher rates of warming than other regions. Canada and British Columbia have many of the high-risk landscapes such as mountainous regions, sub-boreal and alpine regions, coastal and other low-lying areas, and forests with high fire and insect risk.<sup>17</sup> The changing climate impacts the Coastal Douglas-fir forests as well by reducing water availability, stressing native ecosystems and species, and introducing new pests and diseases.<sup>18</sup>

Forests can act as both carbon sources and carbon sinks. Forests are *carbon sources* when they release more carbon than they absorb, for example when trees burn or when they decay after dying. A forest is considered to be a *carbon sink* if it absorbs more carbon from the atmosphere than it releases. Carbon is absorbed (sequestered) from the atmosphere through photosynthesis. As noted, the forests of Islands Trust Area are carbon sinks for the region.



As the climate changes, there will be more and more fires, in combination with longer, more frequent droughts and a greater incidence of insect outbreaks. The Government of Canada notes that, "the outcome of all these interconnected events is likely to be further acceleration of the feedback loop: more emissions will lead to accelerated climate change, which in turn will enhance the conditions that create more carbon-releasing disturbances in Canada's forests."<sup>19</sup>

## Water Availability

The relationship between trees and water is inherent in healthy forests. Water availability directly influences watershed ecological function and sustains healthy forests as a whole. Forests are a mosaic landscape of ecology and geology that maintains water storage and contributes to water quality by filtering through forest soils and biomass. Through capillary processes, nutrient rich water moves from the soil, through roots of trees, and is carried up the tree's trunk to the leaves to contribute to the process of photosynthesis.<sup>20</sup> Tree canopies collect rainfall, releasing it slowly into forest floor that contributes to the health of the forest ecosystems and contribute significantly to sustained groundwater recharge.<sup>21</sup>

Unfortunately, these processes are also threatened by climate change.<sup>22</sup> Longer summer droughts may be causing decline in the health of the Coastal Douglas-fir ecosystems, particularly on drier sites.<sup>23</sup> Islanders have observed this anecdotally by noting the visual decline of individual trees and seeing the overall stress on the forests — especially evident in the thirsty western red cedars and broad leaf maples.

## Wildfire

Fire is an important part of the natural CDF ecological cycle. Natural fire cycles create diversity in the types, ages, and densities of trees, which in turn help limit soil damage and maintain watershed functioning.<sup>24</sup> Historically, wild fires and deliberate burning by First Nations played an



important role in shaping CDF ecosystems by clearing the understory of less fire-resistant species, creating openings in the canopy, and favouring the dominance of large, thick-barked Douglas-fir, Maple, and Garry Oaks.

Since colonization, forest fires have been suppressed and wild fires have been increasing in frequency and intensity across British Columbia, especially in recent years. Severe fires can disrupt the ecological balance of forests; they alter watershed functioning and create erosion and sediment damage in streams.<sup>25</sup> The accumulation of deadfall and the absence of controlled burns in the forests has increased the risk of fire across the Trust Area. In 2006, a fire burned 61 hectares of forests on Galiano Island and 120 residents were evacuated.<sup>26</sup> While the Islands Trust Area has been fortunate to not have had a more catastrophic wild fire burn on one of our islands in recent times, the risk of fire threatens Coastal Douglas-fir forests as well as the communities of the Islands Trust Area.



*These objectives should be foundational and guide policy development at all levels.*

## Objectives for Coastal Douglas-fir Protection in the Islands Trust Area

Trust Council, the Islands Trust Conservancy, and local trust committees need to work together to harmonize policies and regulations and coordinate work programs to achieve greater protection of the Coastal Douglas-fir zone and associated ecosystems throughout the Islands Trust Area. In order to best support the strategic coordination of Islands Trust towards the protection of the Coastal Douglas-fir zone and associated ecosystems, the following overall objectives should be foundational and guide new policy development at all levels:

- **Maintain Contiguous Forest Cover**

The most obvious way to retain the ecological integrity of the Coastal Douglas-fir zone and associated ecosystems is to retain contiguous tracks of forest. Forest ecosystems function best when buffered from impacts of disturbance and fragmentation, which causes edge effects and makes forests vulnerable to invasive species, altered hydrological regimes, and disrupted ecological services. The land use and conservation tools available to Islands Trust can greatly benefit the maintenance of contiguous forest cover throughout the Islands Trust Area.

- **Protect and Restore Functioning Ecosystems**

Human impacts on the Coastal Douglas-fir zone throughout the Trust Area have caused a loss of ecosystem functioning. Much of our forests need individual assessments and restoration to ensure the integrity of the ecosystems is maintained. This objective highlights the need for active forest maintenance and would be best achieved through tools of coordination and collaboration with other levels of government, environmental stewardship groups, and programs for landowner outreach, education, and voluntary stewardship.

- **Protect Watershed Ecology**

Longer drought periods and altered hydrological processes are threatening CDF forest ecosystems. Islands Trust can use land use and conservation tools to protect the watersheds in the CDF zone. This would not only protect the forest, but also serve to protect the freshwater resources of our islands.

- **Honour the Cultural Heritage and Stewardship of the Coast Salish People**

The legacy of stewardship of the CDF zone can be acknowledged and extended with the protection of culturally important places, archaeological sites, knowledge sharing, cooperation, and First Nations relationship building.



# The Islands Trust Tool Box

The different tools available to the bodies of Islands Trust include policy tools, regulatory tools, and legal tools — often used in combination — which carry with them varying degrees of strength in the level of protection they can offer for protection of the CDF zone. Policy tools enable regulations that in turn manage and limit development of the landscape. Legal tools

such as covenants are often voluntary or the results of negotiations related to development approvals, but offer a high level of environmental protection once they are registered. The following table summarizes the tools available and illustrates this point:

| TOOL                              | LEVEL OF PROTECTION | JURISDICTION*    | TYPE OF TOOL     | IMPLEMENTED BY                                                        |
|-----------------------------------|---------------------|------------------|------------------|-----------------------------------------------------------------------|
| 1. Islands Trust Policy Statement | Indirect            | TC               | Policy           | OCPS and zoning                                                       |
| 2. Regional Conservation Plan     | Indirect            | ITC              | Policy           | OCPS, zoning, conservation tools                                      |
| 3. Land Acquisition               | High                | TC, ITC, Others  | Legal            | Islands Trust Conservancy policies                                    |
| 4. Conservation Covenant          | High                | ITC; LTC; Others | Legal            | Registration on land title                                            |
| 5. Amenity Zoning/Density Bonus   | High                | ITC; LTC; Others | Policy           | Zoning combined with conservation tool (covenants or park dedication) |
| 6. Park Dedication                | High                | LTC; Others      | Legal/Regulatory | Land acquisition                                                      |
| 7. OCPs                           | Indirect            | LTCs             | Policy           | Zoning                                                                |
| 8. DPA                            | Medium–High         | LTCs             | Regulatory       | Permit applications                                                   |
| 9. Zoning/Land Use Bylaws         | Medium              | LTCs             | Regulatory       | Land use and density                                                  |
| 10. Tree Cutting Bylaw            | Medium              | BIM              | Regulatory       | Permit approvals                                                      |
| 11. Tax Incentives                | High                | ITC/Others       | Economic         | Conservation tools                                                    |
| 12. Voluntary Stewardship         | High                | Private          | Voluntary        | Conservation tools                                                    |
| 13. Ministerial Order             | High                | Province         | Legislative      | Crown Land Management                                                 |
| 14. Water Sustainability Act      | Indirect            | Province         | Regulatory       | Area Based Regulations or Water Sustainability Plan                   |

\* Others in this instance refers to community groups, land conservancies, First Nations, other levels of government, or private property owners.

## The Islands Trust Mandate:

*The object of the Islands Trust is to Preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.*<sup>27</sup>

The Islands Trust has a legislated mandate to protect the environment. However, the Islands Trust “Object” does not carry with it any special land use authority to do so. It is implemented through the same powers shared by regional districts and municipalities across BC, conferred on the corporate bodies<sup>iii</sup> of Islands Trust by the Islands Trust Act, which in turn references the Local Government Act. Incorporated as a municipality, Bowen Island has additional tools available under the Local Government Act. Please see [Appendix 1](#) to review the legislative context and governance structure of Islands Trust.

## Trust Council and Executive Committee Tools

### Islands Trust Policy Statement

Trust Council is required under the Islands Trust Act to adopt a policy statement that applies to the entire Trust Area. The [Islands Trust Policy Statement](#) could be considered a regulatory tool. It is intended as a general statement of the policies of Trust Council for the purpose of carrying out the object of the Islands Trust, and is the legal mechanism by which Trust Council ensures that LTC bylaws are consistent with those policies. It provides a framework for land use planning in the Trust Area, and is a mechanism for compatibility between plans for the various local areas. All local trust committee bylaws and all official community plans and amendments must comply with the Policy Statement. Prior to adopting a bylaw,

an LTC must forward the bylaw and checklist to the Executive Committee (EC) for approval and EC may only approve the bylaw if it is not contrary to or at variance with the Policy Statement.

### Trust Council Strategic Plan

Trust Council uses its [strategic plan](#) to guide its work. The strategic plan is a policy tool developed as the work program for Trust Council, and by extension, local trust committees, over the course of each political term. The strategic plan represents the political direction to undertake work; it is the organizational tool that can direct staff to develop policy and make recommendations for the protection of the coastal Douglas-fir zone and its associated ecosystems. If protection of the CDF zone is not identified as a work program item in the Strategic Plan, it will not be resourced and advanced throughout the organization.

### Coordination

The Islands Trust Act Section 8.2(b) gives Trust Council the authority to coordinate and assist in the determination, implementation, and carrying out of regional, improvement district and government of British Columbia policies. This authority could be used in partnerships for the protection of the CDF zone. See the section on “Partnering for CDF Protection,” below.

### Mapping of the Coastal Douglas-fir zone and associated ecosystems

Accurate mapping and data analysis is essential and provides the evidence that underpins policy, regulatory, and legal conservation tools. Mapping should identify both core areas for conservation and connectivity corridors that allow for wildlife movement.

The Coastal Douglas-fir Conservation Partnership (CDFCP) has developed a user-friendly mapping tool that incorporates CDF ecosystem values and identifies priority areas for conservation in the CDF zone. The Islands Trust uses a proprietary application referred to as TAPIS (Trust Area Property

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<sup>iii</sup> The corporate bodies of the Islands Trust include Trust Council, Executive Committee, Local Trust Committees, and the Islands Trust Conservancy.

Information System) which delivers both spatial (i.e. property boundaries and zoning features) and tabular (i.e. BC Assessment and LTO records) data to staff for reference, analysis and information management. The data are used to help make decisions such as where to apply development restrictions through the application of development permit areas, or who to notify in cases of rezoning applications. It is possible that Islands Trust could include the CDFCP mapping layer in its TAPIS mapping application.

## Local Trust Committee Tools

Local trust committees (LTCs) are responsible for land use planning and regulation in each local trust area. LTC responsibilities include preparation and adoption of official community plans, land use bylaws, which include zoning and subdivision regulations, soil removal and deposit bylaws, and authorization of other permits, such as siting and use permits or development permits in development permit areas. The land use planning powers of local trust committees are underutilized; LTCs can be much more effective in using these tools to protect sensitive ecosystems such as the CDF Zone.

### **Our Work is Cut Out for Us: CDF Protection needs LTC Prioritization**

As with other islands, on Salt Spring Island the Official Community Plan does not advance protection of contiguous forest cover or sensitive forest ecosystems. Salt Spring Island does not have Sensitive Ecosystem Development Permit Areas. The Salt Spring Island Official Community Plan would need to be amended to be effective in protecting the Coastal Douglas-fir ecosystem and/or contiguous forests. The forests would need to be considered "Environmentally Sensitive Ecosystems/ Areas" and/or "Areas of High Biodiversity" in order to get the protection afforded throughout the SSI OCP. Updated OCP mapping would help with this approach. Otherwise, the forests would need to be designated as either Park and Recreation lands, Conservation Lands (i.e. watersheds), or Ecological Reserves in order to have more protective policies.<sup>28</sup>

## Official Community Plans

The Official Community Plan (OCP) is a legal policy document intended to manage growth and guide future development. It represents the community's vision for how the island should change. The authority to adopt OCPs is found in the Local Government Act, which defines an OCP as "a statement of objectives and policies to guide decisions on planning and land use management." Islands Trust has a duty to consult First Nations on Official Community Plan amendments, which also require approval by the Minister (currently the Minister of Municipal Affairs and Housing).

An OCP typically contains broad goals, objectives for particular land uses, specific policies for each land use, general advocacy policies, maps and development permit areas.

- Goals are general statements of purpose.
- Objectives are strategies to achieve the goals
- Policies are specific statements, programs or restrictions that provide direction.

OCP policies guide LTC decision-making and are implemented by other tools, principally land use bylaws that prescribe zoning.

Policies are legally binding on the LTC, but the LTC is not required to implement particular policies in an OCP. Within Islands Trust, an OCP must be consistent with the Islands Trust Policy Statement.

An OCP is not a regulatory bylaw. With the exception of Development Permit Areas, OCPs have no direct effect or authority on private landowners or other governments or agencies (Land Use Bylaws regulate the use of land).

To advance protection of the Coastal Douglas-fir zone, official community plans should specifically set goals, objectives, and policies that support CDF retention and protection. Each OCP should also be amended to:

- Include strong language directing protection of the CDF zone.
- Implement the Islands Trust Conservancy Regional Conservation Plan.
- Include specific policies supporting park dedication that protects CDF forests (see the section on park dedication below).
- Include Development Permit Areas for the protection of the environment, specifically the Coastal Douglas-fir zone and associated ecosystems.
- Include “urban” containment boundaries achieved through Land designations and land use policies that preserve large lot areas outside of the villages, and that direct density to specific areas of the islands zoned for mixed use commercial/residential, smaller lots, and areas that can be serviced by adequate water supplies.
- Identify protection of the CDF zone as an amenity that can be provided at the time of rezoning. Establish the nexus between development impacts and ecological services.
- Include enabling policies for conservation subdivisions, amenity zoning, density transfers, and density bonusing.
- Include language and policies that reference and honour the cultural heritage of Coast Salish stewardship, including the protection of culturally important places, and archaeological sites.

“ This Plan supports the preservation and protection of Galiano’s ecosystems. Galiano is part of the vulnerable Coastal Douglas-fir biogeoclimatic zone. This is the smallest and rarest biogeoclimatic zone in British Columbia and it has the highest density of species that are of both provincial and global conservation concern of any B.C. biogeoclimatic zone. These ecosystems provide key services that sustain human health and wellbeing, including timber and nontimber resources, clean air and water, nutrient cycling, carbon dioxide absorption and carbon storage. The forested landscape is integral to Galiano’s character. Maintaining and restoring Galiano’s forest ecosystem is critical for ecosystem-based sustainable forest management (Galiano Island Official Community Plan (P.2)).

### Parkland Dedication

For subdivisions that create more than three lots that are under 5 acres (2ha) in area, Section 510 of the Local Government Act requires the developer provide a 5% park land dedication, or cash in lieu, at the discretion of the local government. While the Ministry of Transportation and Infrastructure is the approving authority for subdivisions within Islands Trust, local trust committees are the local government authority for deciding park dedication. Local trust committees have the discretion to determine whether land or cash is requested, and what the amount should be (up to 5% of the total area or land value)<sup>iv</sup>. Each official community plan can include policies guiding local trust committees to prioritize a land request where the land in question contains some part of the Coastal Douglas-fir zone and associated ecosystems, either wholly on the property or as part of a larger forest system.

<sup>iv</sup> In practice, local trust committees do not have a park function and some local trust committees partner with Regional Districts as the agency to receive the park dedication as cash or land.

## Development Permit Areas

Authorized by the Local Government Act, Development Permit Areas (DPAs) are the best regulatory tool available to local trust committees for managing development on private land and mitigating impacts to the Coastal Douglas-fir zone. Development permit areas may be designated for a number of purposes; the following are most relevant to protection of the CDF Zone<sup>29</sup>:

- Protection of the natural environment, its ecosystems and biological diversity.
- protection of development from hazardous conditions;
- establishment of objectives to promote energy conservation;
- establishment of objectives to promote water conservation;
- establishment of objectives to promote the reduction of greenhouse gas emissions.

DPAs established for protection of the natural environment are often referred to as Environmental Development Permit Areas (EDPAs). Development Permit Areas regulate development in pre-designated areas, according to specific guidelines that are usually found in official community plans. The LTC can require impact assessment information to inform whether the proposal meets the guidelines in the OCP. The OCP guidelines are the conditions under which the development can take place; these become permit conditions once the permit has been issued.

“The Resort Municipality of Whistler has established sensitive ecosystem EDPAs across its entire landbase (except for the non-riparian aspects of the Village core). Whistler used terrestrial ecosystem mapping as the basis for EDPA maps. In the new OCP, if a feature on a property looks like part of a sensitive ecosystem, staff require the applicant to hire a QEP to determine if it is, and where the boundary of it is (Green Bylaws Toolkit, 2016).

Within the Islands Trust Area, 68% of the land base is privately owned. In this context, Development Permit Areas are ideal regulatory tools because they do not prohibit development, but rather “permit” it, while controlling how the development occurs. DPAs give certainty to the community and to developers; the LTC does not have discretion to refuse the permit if it considers the proposal to be substantially consistent with the specific OCP guidelines in the DPA. If the intent of the DPA is to protect old and contiguous CDF forests, the DPA guidelines would prescribe how the development can be compatible with the ecosystem values of the forest. DPAs also include exemptions to allow acceptable activity to be exempt from the requirement to apply for a development permit.

### Galiano Island DPA 3: Tree Cutting and Removal

*The entire Galiano Island local trust area is designated as a development permit area for the protection of the natural environment, its ecosystem and biological diversity, for the purpose of requiring development permits for the cutting and removal of trees.*

— Galiano Island Official Community Plan (DPA 3)

While Development Permits Areas are the most flexible instrument for managing development on private land, their limitations weaken the extent of environmental protection they can achieve:

- DPAs are only applicable to residential, industrial, and commercial development.
- Commercial forestry, institutional development, and agriculture are exempt from DPAs.
- Bylaw infractions of DPAs can be hard to enforce.
- DPAs are not well understood and public acceptance of new DPAs can be difficult. Any new program to introduce DPAs should be resourced with a healthy communications plan.

## Land Use Bylaws

For a Local Trust Committee, the land use bylaw (LUB) is the main tool for implementing OCP policies through land use regulations, particularly zoning. Land use bylaws designate the zoning and regulate land use within the area of covered by the bylaw. A LUB typically divides the local trust area into zones and regulates the use and density within the zones. Land use bylaws contain regulations on the size and siting of buildings and structures and define setbacks from lot lines and water courses. The LUB prescribes the number of new lots, and the shape, dimensions and area of new lots created by subdivision. In addition, the LUB incorporates into a single bylaw other planning powers delegated to LTCs: parking regulations, subdivision servicing requirements, sign regulations, screening and landscaping requirements, flood plain regulations, and run-off control regulations.

Local trust committees could consider amending their land use bylaw in the following ways to advance protection of the CDF zone:

- **Site Coverage:** Reduce site coverage density in land use bylaws. Across the Islands Trust, site coverage is usually the default 25%, inherited with the zoning when Islands Trust was created. This means that 25% of the land can be covered with impervious surfaces. Site coverage is often overlooked by local trust committees when updating land use bylaws but high site coverage allowances are likely inconsistent with the preservation of the CDF zone and also the Islands Trust mandate, especially on large properties.
- **Conservation subdivision:** Incorporate conservation subdivision principles into land use bylaw requirements for subdivision.
- **Downzone:** Increase the minimum average area of lots that can be created by subdivision to a minimum of 10 acres. This can be standardized across the Trust Area. Further remove subdivision potential from some large lots in areas targeted as important for CDF protection and hydrological connectivity.

- **Amenity zoning:** Negotiate land conservation at the time of rezoning. Make consideration of zoning approvals conditional on the voluntary provision of a covenant or land donation to protect the CDF forest as a public amenity.
- **Density Bonus:** Bylaws can pre-zone land to allow an increase in density in exchange for natural area protection. Unlike amenity zoning, density bonus bylaws offer developers and the community certainty; a rezoning process is not required, and the maximum potential density is known ahead of time.
- **Lot Averaging or Clustering:** During rezoning or at time of subdivision, residential lots or dwelling units can be clustered. LUB density requirements for subdivision should have minimum average lot area provisions that allow smaller individual lot areas while limiting the overall number of lots that can be created.
  - *When homes or lots are grouped in one part of the property, the rest can be left as natural area. Clustering reduces development costs as there are fewer trees to clear, less land to grade, and less road, water, hydro, and sewer infrastructure needed to service the development. Smaller lots with significant amounts (more than 50%) of protected open space targets the growing consumer market that is seeking homes in natural settings with less property to maintain.<sup>30</sup>*

### Conservation Subdivisions

Conservation subdivisions combine different tools (including amenity zoning or density bonuses at time of rezoning) to achieve multiple environmental and social benefits. Lot clustering is combined or traded off with protection of large natural areas (often by way of a covenant). The LUB provisions would allow lot averaging (this achieves the clustering), ecological design lot layout requirements instead of traditional lot depths:width ratios, landscape buffers, and would remove the potential for further subdivision.



- **Density transfer:** Use the rezoning process to transfer permitted density from one parcel with high CDF ecosystem values to another (less sensitive) property. The Islands Trust has used density transfer on several islands, and has prepared a discussion paper looking at the pros and cons of this tool for [Saturna Island](#).
- **Nature Protection Zones** Land Use Bylaws can designate zones to protect the ecosystem values of the Coastal Douglas-fir zone. For example, Galiano Island has Nature Protection Zones where the only permitted uses include ecological reserves and nature conservancies, research and educational activities, groundwater retention and recharge, ecological restoration, and passive recreation.



Photo: Kristine Mayes

### Galiano Island Amenity Zoning

A 2016 Galiano amenity rezoning application protected forest and shoreline by providing a 10.7-hectare waterfront community park, adding 10 ha to a BC Park, and also donated land for affordable housing. The rezoning resulted in five residential lots totalling 11 hectares and a 20-hectare lot for sustainable forest management practices. As a condition of rezoning, a covenant requiring sustainable forest management practices was granted to the Galiano Conservancy Association, the Land Conservancy, and the Galiano Island Local Trust Committee.

### Tree Cutting Areas

Pursuant to Section 500 of the Local Government Act, a local trust committee could “designate areas of land that it considers may be subject to flooding, erosion, land slip or avalanche as tree cutting permit areas.”<sup>31</sup> Within these areas, the local trust committee may require a permit before land owners remove trees. The focus of the bylaw must be to protect the land from danger due to flooding or erosion, and the LTC may require applicants to provide a report certified by a qualified professional confirming the proposed cutting will not create such a hazard. Although this authority is limited in scope, it nevertheless gives LTCs ability to regulate tree cutting in some areas of the CDF zone, particularly in steep-sloped terrain.<sup>32</sup> This authority has yet to be utilized within the Islands Trust Area – consideration should be given to how a Tree Cutting Area would differ from a DPA established to protect environment from hazardous conditions.

### Amenity Zoning on Gabriola Island

A recent application on Gabriola Island proposes to transfer and donate 155.3 hectares (383.74 acres) of land for parks in exchange for the creation of 25 residential lots at a different location on the island with those lots having an average lot area of 1.9 hectares (4.69 acres). The subsequent subdivision process required to create the lots will add park and trail connections on the ‘receiver lands’ between Cox Community Park and the village *core area*.

## Islands Trust Conservancy Tools

### Islands Trust Conservancy

Governed by the Islands Trust Conservancy Board, the Islands Trust Conservancy (formerly the Islands Trust Fund) is a regional land trust and is legally independent from the Islands Trust. Its vision is to “create a network of protected areas in the islands so that Canada’s Salish Sea is a vibrant tapestry of culture and ecology, and where viable ecosystems flourish alongside healthy island communities.”

### Regional Conservation Plan

The Islands Trust Conservancy’s work is guided by the Regional Conservation Plan (RCP), a science-based and community informed plan that identifies, prioritizes and plans for the protection of the best of the islands’ natural spaces. The conservation plan guides and focuses efforts and resources on what is most urgently in need of protection. The [2018–2027 Regional Conservation Plan](#) identifies healthy forests as a biodiversity priority and highlights the vulnerability of the Coastal Douglas-fir Biogeoclimatic Zone.<sup>33</sup> As a guiding document, the RCP needs to be implemented using land use planning and conservation tools and prioritized for implementation by local trust committees and other levels of government.

### Conservation Covenants

Conservation covenants are one of the strongest tools to protect sensitive environmental features like the CDF zone because they permanently protect the natural features of the land. Conservation covenants are written legal agreements between a local government authority or conservation agency and a landowner, in which a landowner promises to protect all or part of the land in specified ways. The covenant runs with the land; it is registered on the land title under section 219 of the Land Title Act. This ensures the promise to protect the land binds future owners of the land and the conservation organization(s) who hold the covenant.

A photograph of a forest with tall trees and a body of water in the background. The trees are mostly evergreens, and the water is visible through the branches. The sky is blue with some clouds.

*Conservation covenants are one of the strongest tools to protect sensitive environmental features like the CDF zone because they permanently protect the natural features of the land.*



Only under special circumstances and with the agreement of all parties can the covenant be modified. For more information:

[islandstrustconservancy.ca/media/9407/covenantbrochure.pdf](https://islandstrustconservancy.ca/media/9407/covenantbrochure.pdf).

Conservation covenants are voluntary and can be negotiated with developers or land owners as part of rezoning applications or through other development approvals through the land use planning process. Conservation covenants are also registered by land owners on their own accord, to ensure future protection of valued ecological features or in order to achieve a tax benefit.

### Land Acquisition for Conservation

As a regional land trust, the Islands Trust Conservancy is able to accept gifts of land, including land within the CDF zone. The ITC permanently protects land as nature reserves or sanctuaries. As a qualified donee under the Income Tax Act, the ITC can issue tax receipts for land donations. The ITC acquires land through partnerships, through land or financial donations, and through fundraising campaigns. See [islandstrustconservancy.ca](https://islandstrustconservancy.ca) for more information.

### Tax Exemptions

The Islands Trust Natural Areas Property Tax Exemption Program (NAPTEP) provides landowners with an annual 65% exemption on the property taxes for the portion of their property protected with a NAPTEP covenant. To qualify for NAPTEP, the property needs to have one (or more) of the following eligible features:

- Relatively undisturbed sensitive ecosystems
- Habitat for rare native plant species or plant communities
- Habitat critical to native animal species' breeding, rearing, feeding or staging
- Special geological features



The Islands Trust Conservancy could consider regulatory/policy change to create a special NAPTEP for the Coastal Douglas-fir zone and associated ecosystems. The program could be tailored using a targeted communications program and mapping that identifies contiguous forest cover, highlighting those properties that are adjacent to lands already protected.

The federal [Ecological Gifts Program](#) provides donors of eligible conservation covenants with a tax credit for land donations that can be applied to income and used for reduction in capital gains as part of estate planning.<sup>34</sup>

# Outside of the Box — Partnering for CDF Protection

Many of the success stories of ecosystem protection within Islands Trust are the result of partnerships and collaboration with other levels of government, community groups, the Islands Trust Conservancy and other land conservancies. The Islands Trust Act Section 8.2(b) gives Trust Council the authority to coordinate and assist in the determination, implementation, and carrying out of regional, improvement district and government of British Columbia policies. Not all tools that are outside of the Islands Trust tool box can be accessed through coordination, but in many cases coordinated collaboration could lead to better protection of the CDF zone.

## Municipal and Regional District Tools

Within Islands Trust, only Bowen Island has incorporated as a municipality. Some of the following tools could be used by the Bowen Island Municipality or could be requested by Islands Trust as legislative amendments for Provincial consideration.

### Parkland

One of the best ways to protect land is through the creation of parks and protected areas. While local trust committees can decide on parkland dedication during the subdivision process, the Islands Trust Act does not give the Islands Trust the ability to manage parkland. Across the Islands Trust Area there are National, Provincial, and Regional parks that area managed by these three levels of government. Some of these parks are contiguous with land owned by the Islands Trust Conservancy and/or land protected by conservation covenants.

The Bowen Island Municipality can manage parks and has a recently approved Parks Plan that includes a number of classifications, including Nature Parks and Environmental Areas for environmental protection, although it does not specifically address protection of the Coastal Douglas-fir and Associated Ecosystems.

### Asset Management Plans

Natural assets such as aquifers, forests, streams, riparian areas and fore-shores can provide municipalities with vital services equivalent to those from many engineered assets.

Asset management frameworks are an important tool for local governments to account for the ecological services provided by the natural areas of their region. Such programs can account for and raise the awareness of Ecosystem services provide by CDF ecosystems. [Municipal Natural Assets Initiative](#) is a not-for-profit enterprise that supports and guides local governments to identify, value, and account for natural assets in their financial planning and asset management programs.<sup>35</sup> The Islands Trust could team up with its Regional District partners to develop Natural Asset Management Plans for the Trust Area that focuses on the relationship between CDF zone forests and freshwater sustainability. The Bowen Island Municipality could do this on its own.

“ *The **Town of Gibsons** was the first municipality in North America to pass a municipal asset management policy. The policy explicitly defines and recognizes natural assets as an asset class and creates specific obligations to operate, maintain and replace natural assets alongside traditional capital assets. These obligations include having well-defined natural asset management strategies in place, as well as the financial resources to maintain them (Town of Gibsons).* ”

## Valuing Ecological Services

- The City of Nanaimo estimates it would cost \$4.7 million to \$8.3 million to engineer a system to replicate the water storage and flood control services provided by Buttertubs Marsh, a 40-hectare wetland in Nanaimo.
- Two mature trees provide enough oxygen for one person to breathe over the course of a year.
- One large tree can capture and filter nearly 140,000 litres of water per year, protecting watersheds and filtering drinking water, avoiding or reducing the need for costly water treatment.
- In one year, a hectare of forest can absorb four times the carbon dioxide produced by an average car's annual mileage.

Sources: [waterbucket.ca/gi/2018/04/29](http://waterbucket.ca/gi/2018/04/29)  
[americanforests.org/explore-forests/forest-facts/](http://americanforests.org/explore-forests/forest-facts/)

## Tree Protection Bylaws

While local governments cannot regulate forestry under the Forest Range and Practices Act (FRPA) and Private Managed Forest Land Act (PMFL), municipalities can adopt tree protection bylaws and can regulate, prohibit, and impose requirements by bylaw in relation to trees.

Tree protection bylaws usually apply to individual trees according to their species and diameter and can be bounded in defined areas. They can also include<sup>36</sup>:

- Prohibitions on cutting trees in riparian corridors, environmentally sensitive areas, on floodplains, or in steep-slope areas;
- Prohibitions on cutting down significant trees or wildlife trees, or undertaking tree-damaging activities;
- Establishing a maximum cleared or non-treed area during development;
- Tree replacement standards that may be based on a ratio of trees

removed to replanted (i.e. 1:5) depending on the size of the tree removed, the species of tree, and the percentage canopy cover (i.e. 25 percent) that is retained on site;

A tree protection bylaw does not apply in every circumstance. If a permitted use or density under the zoning bylaw would be prohibited as a result of the tree protection bylaw, the property can be exempted.<sup>37</sup>

“ This tree legislation addresses the concerns of municipalities and the public, who have been pressing for action as growth pressure in urban areas heightens the impact of tree removal on heritage, aesthetics, views and the environment. It was also developed in consultation with the Union of BC Municipalities, which has actively sought protection for trees in urban areas.

*This amendment is an urban tree-cutting measure. The rural tree-cutting issue involves a greater complexity of interests including commercial, forestry, private land, local government, environmental and aboriginal interests. Although I support the desire for more control over tree-cutting in rural areas, this must be addressed in a broader process and in a coordinated and comprehensive way which is beyond the scope of this legislation.*

*My colleague the Minister of Forests is currently looking into the broader issues and will be seeking input from the various stakeholders, including regional districts and the Islands Trust, on the complex issue of logging on private land.*

*— Robin Blencoe, Minister of Municipal Affairs, 1992 at second reading of the bill introducing tree cutting powers to municipalities.*

At this point in time, Local trust committees and Regional Districts do not have the authority to adopt tree protection bylaws, although it was considered at the time of the bill's introduction. In the *Denman Island Local*

*Trust Committee v 4064 Ltd.* Supreme Court decision, the judge found that the legislature had specifically authorized the regulation of tree cutting on private land in urban areas, but deliberately limited the power of regional districts and local trust committees to regulate tree cutting on private land in rural areas. Consideration of granting this authority to rural areas was put off for another day by the legislature in 1992. Reasons stated were due to the complexities involved in granting local governments the right to regulate tree removal in rural areas.<sup>38</sup>

### Municipal Forests

Division 5 of the Local Government Act gives municipalities the power to set aside land for a municipal forest reserve; this land can be managed or leased for forestry purposes. This authority gives municipalities the ability to self-manage forest operations within their boundaries.<sup>39</sup>

## Partnerships with Local Organizations and First Nations

There are many examples of local community groups working on the islands to protect land in the Coastal Douglas-fir zone. Indeed, the Islands Trust Conservancy almost always relies on community partnerships to help fundraise and raise awareness of the importance of land conservation. The best success stories usually involve leadership from community groups as well as local and provincial government partnerships.

There is opportunity for expanded collaboration with First Nations, regional districts and other government agencies. For example, Islands Trust could:

- Encourage regional district to consider the Regional Conservation Plan and protection of the CDF zone in their services and planning for expansion of the regional park systems.
- Build relationships with First Nations to support initiatives that have mutually beneficial objectives for CDF protection. For example, within

Squamish territory, Gambier Island is a candidate site under the Land Resource Management Plan and the Strategic Land Use Agreement (2007).

- Work with local fire departments to advance CDF restoration through fire protection planning and community forest maintenance programs that reduce the threat of wildfires. Islands Trust could use its coordination authority to coordinate youth group employment programs for fire suppression and restoration, while at the same time providing advocacy and land owner education on the value of the CDF zone.
- Strengthen engagement with the Provincial and Federal Governments to find opportunities for protection of the CDF zone. An example is the role Islands Trust staff had in supporting the recent Ministerial Order that has protected the CDF zone on Crown Land across the Trust Area (see next page).

“ [On Salt Spring Island,] an incredible community effort led by The Land Conservancy of BC and other local conservation groups involved over 1,000 donors and volunteers, and helped raise over \$20 million (about half from the NDP government of the day) to acquire all of Burgoyne Bay, and lands around Mt. Bruce and in the Maxwell Lake primary and secondary watersheds. CRD Parks was a major funding partner, acquiring hundreds of acres of green space (Holman, 2018).

### Land owner stewardship

Landowner stewardship is the most important way to achieve protection of the Coastal Douglas-fir zone. With the majority of CDF land across the Trust Area privately held (68%), it is the residents and land owners who have the most responsibility and ability to carefully steward the CDF zone. Many special places on the islands are still special because of the care with which islanders take to preserving the land. The best examples are



those who voluntarily register covenants to ensure that their ecological stewardship is continued after they are gone. This culture of stewardship is cultivated by the local community groups and land conservancies, and by the Islands Trust Conservancy. As a tool for protection, voluntary land stewardship is already encouraged and needs to be supported by continued funding of outreach, education, and proactive communications. Contact programs for voluntary stewardship have been particularly effective, especially where there are partnerships with conservation groups.

## Provincial Role

### Crown Land

Across the Islands Trust Area, 14.19% of the land is considered Crown land. Some of this Crown land is leased under Tree Farm Licences to private companies for timber harvesting. Other crown land is held in reserve, or given protective status with land use orders. Recently, a number of Crown parcels in the CDF zone were protected by a Ministerial Order. The Islands Trust compiles [Crown Land Profiles](#) to record current knowledge regarding vacant Crown land parcels in the Islands Trust Area.

### Forest Management

Relative to other regions in British Columbia, the Islands Trust Area has less crown lands subject to tree farm licences for commercial forestry, regulated by the [Forest & Range Practices Act \(FRPA\)](#). Crown Land represents only 14% of the Islands Trust Area, while private land extends over 68.6% of the landscape. Private land is not subject to FRPA; the Province does not have legislation that directly regulates forestry on private land. Forestry is exempt from local government regulation and there are few tools to use to protect the integrity of the forest from timber extraction.

Forestry cannot be regulated by local governments. A longstanding common law principle known as *profit à prendre* entrenches the rights of

people to extract profit from the natural resources of the land. Common law land ownership is typically characterized as a bundle of rights. These rights include the rights to use and occupy the land free from interference of non-owners, as well as the right to take or sever minerals, soil, trees and other resources from the land.

### 2018 Ministerial Order Protects CDF Zone on Crown Land

An additional 980.5 hectares of the Coastal Douglas-fir ecosystem has been protected in 19 land parcels near the communities of Bowser, Qualicum Beach, Nanoose Bay and Cedar on Vancouver Island, and on Galiano and Salt Spring islands. The final set of approved parcels was based on the results of public review and First Nations consultation. Some of the parcels are of interest to First Nations. The area of Coastal Douglas-fir ecosystem protected from logging now totals over 11,000 hectares. The protection has legal authority by way of amendment to the Coastal Douglas-fir Order under the Land Act. Under the Coastal Douglas-fir land-use order, the protected lands are managed for enhanced stewardship and conservation. ([Province of British Columbia](#), 2018).

This principle was referenced in the reasons for decisions in concluding the Denman Island Local Trust Committee reached beyond its authority in its attempt to regulate forest practices on private land using a development permit area. Both the BC Supreme Court and the Court of Appeal decided the development permit authority was not broad enough to allow the LTC to regulate forestry, in part because the enabling legislation did not indicate a clear intention to curtail or interfere with the common law right to extract timber.<sup>40</sup>

As common law, the *profit à prendre* principle is not found in statute. It represents deeply held social constructs that favour the rights of individuals to exploit natural resources on private property. Even if societal attitudes towards the best use of land were to shift, it would likely take an act of the legislature rather than a court decision to overturn this principle.

## Water Sustainability Act

The BC [Water Sustainability Act \(WSA\)](#) is provincial legislation that was brought into force in 2016. The WSA is the principal law for managing the diversion and use of water resources; its stated objective is “to ensure a sustainable supply of fresh, clean water that meets the needs of B.C. residents today and in the future.” The WSA includes a range of regulatory tools that are implemented by the Province, but also some that local governments can access to manage water resources within their jurisdictions. While this legislation does not provide specific tools and was not intended as a way to protect the forest ecosystems of the CDF zone, it does give Islands Trust tools to protect watersheds which in turn may result in greater CDF protection.

## Coastal Douglas-fir Conservation Partnership

The Coastal Douglas-fir Conservation Partnership (CDFCP) provides a forum for collaboration, communication and action to effectively protect and steward Coastal Douglas-fir and associated ecosystems. The mission of the CDFCP is:

*To promote the conservation and stewardship of the Coastal Douglas-fir and associated ecosystems in south-western British Columbia through sound science, shared information, supportive policies, and community education.*

The CDFCP is comprised of a collaboration of agencies, organizations and land managers who are interested in promoting and protecting healthy Coastal Douglas-fir forests into the future. Land trusts, governments (federal, provincial, regional, municipal, and First Nations), environmental stewardship groups, resource industry professionals, private landowners and academic institutions are encouraged to become CDFCP participants or supporters. The CDFCP is led by a steering committee and supported by a series of working groups focused on different aspects of the CDFCP goals. The Islands Trust has been an active partner in the CDFCP and should continue to be engaged as part of its contribution towards CDF protection.







*The tools available to the Islands Trust can achieve much greater protection of the Coastal Douglas-fir zone and associated ecosystems across the Trust Area.*

## Conclusion

The biggest threat to the CDF zone in the Islands Trust is the incremental fragmentation of the forest through rural and residential development. Islands Trust bodies can mitigate this by working together to and ensuring policy development achieves the following overall objectives:

- Maintain Contiguous Forest Cover
- Protect and Restore Functioning Ecosystems
- Protect Watershed Ecology
- Honour the Cultural Heritage of Coast Salish Stewardship

The tools available to the Islands Trust can achieve much greater protection of the Coastal Douglas-fir zone and associated ecosystems across the Trust Area. The recommended tools are suggested from the position that the best tools are the ones that are easiest to use and are most squarely within the jurisdiction of Islands Trust. Islands Trust and the Islands Trust Conservancy together have the authority to regulate land use, act as a land conservancy, and coordinate with other levels of government. The land use planning powers of local trust committees can be much more effectively used to protect this vulnerable ecosystem from rural sprawl and over-development. Islands Trust can also work collaboratively with community groups, conservation groups, and individuals to advance a broader set of tools for protection of the CDF Zone.

The report suggests a path for Trust Council, the Islands Trust Conservancy, and local trust committees to protect the CDF zone:

## Essential Steps for Islands Trust to Protect the CDF Zone:

### 1. Trust Council Strategic Plan

Prioritise CDF protection in the Trust Council strategic plan to ensure resources support work plans that advance CDF protection

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### 2. Implement the Regional Conservation Plan (RCP)

Adopt the RCP into OCPs with special emphasis on protecting contiguous forest and old growth within the Coastal Douglas-fir zone and associated ecosystems.

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### 3. Mapping

Map contiguous tracks of the Coastal Douglas-fir zone and associated ecosystems.

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### 4. LTC Top Priority

Local trust committees to make protection of Coastal Douglas-fir zone and associated ecosystems a top priority in their work plans. This will ensure staff and other resources are put to the task.

### 5. Education and Communications

Educate the public about the importance of CDF protection by incorporating a strong communications program into ITC conservation initiatives and into the land use planning process, especially when considering DPAs for CDF protection.

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### 6. Official Community Plan Updates

Review OCPs for strong language that prioritises protection of the CDF zone in land use planning and honours the cultural heritage of Coast Salish stewardship.

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### 7. Development Permit Areas

Create DPAs to protect the Coastal Douglas-fir zone and associated ecosystems.

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### 8. Density bonus and amenity zoning

Create density bonus zones in exchange for CDF protection by way of a conservation covenant; identify protection of the CDF zone as an amenity to be voluntarily offered at time of rezoning.

### 9. Park dedication

Amend OCPs to include language directing the provision of land rather than cash in lieu at time of park dedication in the subdivision process. Include language guiding LTCs to request land where there are priority areas in the CDF zone. Advocate for other levels of government to protect more of the CDF zone as park land.

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### 10. Tax Incentives

Tailor the NAPTEP program to highlight and prioritise the CDF zone in ITC conservation goals.

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### 11. Partnerships

Continue to participate and be an active member of the Coastal Douglas-fir Conservation Partnership.



# Resources

There are a number of resources and other tool kits available designed to assist local governments in planning for conservation:

- The [Green Bylaws Toolkit](#) was updated in 2016. It provides a comprehensive resource and local government planning guide.
- The BC Ministry of Environment's [Develop with Care](#) and Best Management Practices (BMPs).
- The [Coastal Douglas-fir Conservation Partnership](#) has a number of resources including a more general tool kit on protection of the Coastal Douglas-fir Zone.
- The [South Coast Conservation Program \(SCCP\)](#) works towards the protection and restoration of species and ecosystems at risk and has developed many resources for local governments.



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- 41 *Islands Trust Act*, 2018
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# Appendix 1: Legislative and Governance Context

The Islands Trust is governed by the [Islands Trust Act](#) (ITA) which:

- Establishes and confers responsibilities and powers on the corporate bodies of the Islands Trust:
  - *trust council*
  - *the executive committee*
  - *a local trust committee and the*
  - *Islands Trust Conservancy.*
- Identifies the Islands Trust Area and the "[object](#)" (mandate) of the Islands Trust
- Transfers land use planning powers from Regional Districts to Local Trust Committees
- Prohibits a Regional District from adopting bylaws, issuing permits or undertaking work contrary to a Local Trust Committee bylaw
- Establishes the relationship with Island Municipalities
- Guides some governance procedures
- Provides for budget and requisition of taxes

## The Islands Trust 'Object'

The object is spelled out in the [Islands Trust Act](#) and provides the 'purpose' for all Islands Trust corporate bodies.

*The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with*

*municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.*

## Trust Council

The electors of each Local Trust Area elect two local trustees to form each local trust committee and to sit on Trust Council. Two municipal trustees are elected to represent Bowen Island Municipality. The 26 elected trustees of the Islands Trust Council are charged with conducting the financial management of Islands Trust (with the exception of the Islands Trust Conservancy) and with carrying out the provincial mandate to preserve and protect the Islands Trust Area. Section 8(2) of the ITA confers Trust Council with the powers to:

- a) acquire and dispose of land,
- b) coordinate and assist in the determination, implementation and carrying out of municipal, regional and improvement district and government of British Columbia policies for the preservation and protection of the trust area and its unique amenities and environment,
- c) make recommendations to the Islands Trust Conservancy respecting priorities for the acquisition, use and disposition of property by the Islands Trust Conservancy,
- d) make recommendations to the Lieutenant Governor in Council respecting the acquisition, use and disposition by the government of land located in the trust area,
- e) make recommendations to the Lieutenant Governor in Council respecting the determination, implementation and carrying out of policies for the preservation and protection of the trust area and its

unique amenities and environment,

- f) engage in activities to gain knowledge about the history and heritage of the trust area and to increase public awareness, understanding and appreciation of that history and heritage,
- g) conserve heritage property,
- h) support and give financial assistance to activities referred to in paragraphs (f) and (g) that are undertaken by others,
- i) recommend to a regional district board that it exercise its tax exemption authority under section 392 of the [Local Government Act](#) in relation to heritage property in the trust area, and
- j) assign duties to the executive committee and to the local trust committees.<sup>41</sup>

### Executive Committee

The Executive Committee (EC) is comprised of the Trust Council chair and the vice chairs (who chair each local trust committee) and are elected by Trust Council at the beginning of each term. The duties of EC are to:

- a) consider land use bylaw amendments and official community plan amendments submitted to it for approval. Bylaw approval by EC involves consideration of whether the bylaws are consistent with the Islands Trust Policy Statement, as required under the ITA.
- b) act as a local trust committee for that part of the trust area that is not in a local trust area or a municipality (The [Ballenas-Winchelsea Islands Local Trust Area](#) is the only area of Islands Trust that falls into this category).
- c) carry out other duties that the trust council directs.<sup>42</sup>

### Local Trust Committees

Local trust committees (LTCs) are responsible for land use planning and regulation in each local trust area. The local trust committees' authority to enforce bylaws and regulate development and the use land comes from the *Islands Trust Act* and the [Local Government Act \(LGA\)](#). Part 14 of the LGA, "Planning and Land Use Management," establishes the land use planning tools and procedures available to local governments in BC. LTC responsibilities include preparation and adoption of official community plans, land use bylaws, which include zoning and subdivision regulations, soil removal and deposit bylaws, and authorization of other permits, such as siting and use permits or development permits in development permit areas.

### Islands Trust Conservancy

Governed by the Islands Trust Conservancy Board, the Islands Trust Conservancy (formerly the Islands Trust Fund) is a regional land trust and is legally independent from the Islands Trust. Its vision is to create a network of protected areas in the islands so that Canada's Salish Sea is a vibrant tapestry of culture and ecology, and where viable ecosystems flourish alongside healthy island communities. The Islands Trust Conservancy is a qualified donee as defined by the Income Tax Act and can issue tax receipts for income tax purposes to individuals who donate land or cash to be used for conservation. The Islands Trust Conservancy achieves its mission by:

- Working with landowners to protect ecosystems on private property
- Building a strong conservation alliance in the islands by supporting local island conservancies, and
- Demonstrating the highest standards of land stewardship in its nature reserves.



# Appendix 2: First Nations with Asserted Interests in the Trust Area

First Nations with Asserted Interests in the Trust Area: Listed Saanich Peninsula, south Vancouver Island, then northward on Vancouver Island. Then Mainland BC, north to south, then eastward.

## WSÁNEĆ (Saanich) Peoples

- [Tsartlip First Nation](#)
- [Tsawout First Nation](#)
- [Tseycum First Nation](#)
- [Pauquachin First Nation](#)
- [Malahat Nation](#)

## Lekwungen People

- [Songhees First Nation](#)
- [Esquimalt First Nation](#)
- [Beecher Bay \(Sc'ianew\) First Nation](#)
- [Sooke \(T'sou-ke\) First Nation](#)

## [Squamish Nation](#)

## [Musqueam Nation](#)

## [Tsleil-waututh Nation](#)

## [Hul'quimi'num Treaty Group](#)

- [Cowichan Tribes](#)
- [Halalt First Nation](#)
- [Penelakut Tribe](#)
- [Lyackson First Nation](#)
- [Lake Cowichan First Nation](#)
- [Chemainus \(Stz'uminus\) First Nation](#)

## [Nanaimo \(Snuneymuxw\) First Nation](#)

## [Nanoose \(Snaw-Naw-As\) First Nation](#)

## [Qualicum First Nation](#)

## [K'omoks First Nation](#)

## [Campbell River \(Wei Wai Kum\) First Nation](#)

## [Cape Mudge \(We Wai Kai\) Nation](#)

DATE OF MEETING: February 4, 2019

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager  
Warren Dingman, Bylaw Enforcement Officer

SUBJECT: TUP STVR Moratorium

## RECOMMENDATION

Staff recommend the LTC allow the moratorium to expire and to resume the consideration of Temporary Use Permits (TUPS). No formal resolution is required for this option.

## REPORT SUMMARY

To outline options on how the Galiano Island Local Trust Committee (LTC) can proceed with Temporary Use Permit applications for Commercial Vacation Rentals (CVRs).

## BACKGROUND

In 2013 the Galiano Island LTC added Short Term Vacation Rental (STVR) as a Top Priority project with the intent to review visitor accommodation on Galiano Island. As a result two bylaws were adopted (Bylaw No. 247 & Bylaw No. 248) legalizing STVRs as a home occupation and adding Commercial Vacation Rental guidelines to the TUP section in the Galiano Island Official Community Plan (OCP). Bylaw Enforcement then actively enforced on all known non-compliant STVRs and CVRs. This led to numerous TUP applications in order to legalize the CVR use (temporary use of a dwelling unit as a CVR when the owner or operator does not live on the property).

Since 2014 when the bylaws were adopted, there have been 19 TUP applications received for CVRs. Out of the 19 applications received, 16 have been approved, 2 applications have been withdrawn, and one application is in progress. A list of all the Galiano Island TUP for CVR use and a map can be found on the Galiano Island website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications/tups-for-cvrs-summary/>

At the March 5, 2018 Galiano Island LTC meeting the LTC passed the following resolution:

### **"GL-2018-023**

That the Galiano Island Local Trust Committee create a standing resolution that there be a twelve-month moratorium on the issuance of any new temporary use permits regarding short-term vacation rentals."

Bylaw Enforcement then prepared a staff report (attached) concerning CVRs and TUPs for the May 7, 2018<sup>th</sup> meeting based on the following resolution given at the April 9, 2018 meeting:

## **“GL-2018-027**

That the Galiano Island Local Trust Committee request bylaw enforcement staff to give us a report on short term vacation rentals on Galiano Island.”

To date Bylaw Enforcement does not anticipate many more TUP applications, if any, due to bylaw compliance.

## **ANALYSIS**

### **Issues and Opportunities**

There are approximately seven applications due to expire in 2019. Staff are in the process of drafting a letter to the applicants that have their TUPs expiring this year. The letter would include information on how to apply for a TUP renewal.

Applicants are permitted to apply for a one time renewal (application fee is \$165) for TUP applications. Once a TUP renewal application is received, staff will draft a report and place it on a subsequent LTC agenda. TUP renewals are either approved (for up to another three year) or denied by the LTC; a permit cannot not be amended. If the LTC wishes to amend the temporary use permit, a new application would be required. TUP renewals also are not circulated to neighbours.

With the moratorium due to expire in March 2019, the LTC should consider how to proceed with future TUP applications and TUP renewals. Staff does not recommend extending the moratorium as it has created a problematic situation for those who are wanting to comply (with the regulations) and apply. Also an applicant legally has the right to apply for an application; the LTC does not have the authority to restrict applications to be processed. The LTC only has the authority to make a decision on the final outcome (approve, not approve, etc.).

### **Rationale for Recommendation**

Staff recommend proceeding with processing applications as a large number of new TUP application is not anticipated, seven applications will be up for renewal this year, and it allows those last few bylaw enforcement cases the opportunity to apply.

If the LTC wishes to review Temporary Use Permits as a Top Priority, staff have provided a draft resolution below. This project could include review the effectiveness of TUPS regulation CVRS, STVR regulations in the Land Use Bylaw, and the cumulative effects of vacation rentals to date.

## **ALTERNATIVES**

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

### **1. Make TUP Review for CVRs a Top Priority**

The LTC may wish to move Commercial Vacation Rental (TUP) Review from the Projects List to the Top Priority List. Recommended wording for the resolution is as follows:

*That the Galiano Island Local Trust Committee request that the Commercial Vacation Rental (TUP) Review be placed on the Top Priority List.*

## **NEXT STEPS**

If the LTC allows the moratorium to expire in March 2019 without extending it, staff will continue to process TUP applications and TUP renewals.

|               |                                          |                  |
|---------------|------------------------------------------|------------------|
| Submitted By: | Kim Stockdill, Island Planner            | January 18, 2019 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | January 18, 2019 |

#### **ATTACHMENTS**

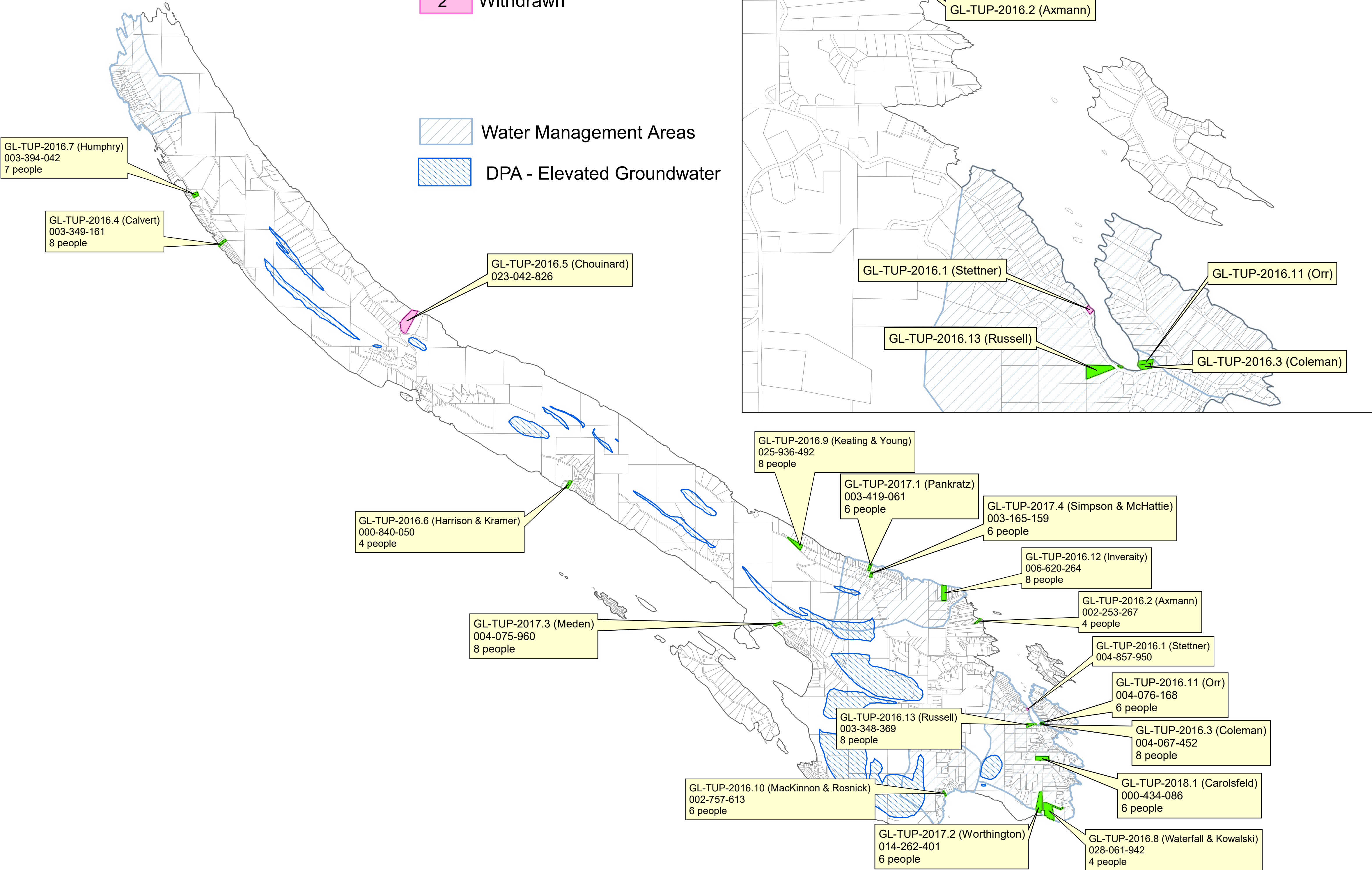
1. TUP Map
2. BE Staff Report dated April 30, 2018

# Temporary Use Permits (TUPs) for Commercial Vacation Rentals

Date: 1/17/2019

- 16 Approved
- 2 Withdrawn

- Water Management Areas
- DPA - Elevated Groundwater





# MEMORANDUM

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DATE : April 30, 2018  
TO: Galiano Island Local Trust Committee  
FROM: Warren Dingman – Bylaw Enforcement Officer  
Southern Team  
  
SUBJECT: Short Term Vacation Rentals (STVR) Update

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## SUMMARY

There are approximately forty STVR and bed & breakfast operators on Galiano, with the majority operating lawfully either through TUP or compliance with the home business regulations in the land use bylaw.

## BACKGROUND

Islands Trust bylaw enforcement has opened 57 files on short term vacation rentals (STVR) since the 2015 STVR project began. These files were opened as per Trust Council policy regarding enforcement and the advertising of an unlawful use. Fifteen temporary use permits (TUP) have been issued, and two TUP applications have been withdrawn. There were 35 files closed at the start of the STVR project because either the operator was operating lawfully or they ceased the use.

There are seven unlawful STVR files currently open, with four indicating that they are going to cease STVR activity but not yet verified; two Bylaw Violation Notices (BVN) being disputed and are in the adjudication progress; and one requiring further investigation.

Of the approximately forty advertisements on Airbnb at the beginning of April, the majority of the advertisements are for lawful STVRs, either because they are complying with the LUB regulations for home based businesses, or bed & breakfast, or have a TUP. However, there are a dozen advertisements for operations, which do not appear to comply with the LUB, and do require investigation, as they have cottages and secondary suites on lots too small for second dwellings, or they have multiple STVRs on a single property where one is permitted. Bylaw enforcement will open files on these operations as soon as we are able to verify their locations and operators.

Bylaw enforcement staff has not observed any noticeable increases in the number of operators since 2015, as we started with 57 files opened based on advertisements and there are currently only 40. There appears to be a core group of businesses which have operated for years with minimal complaints to bylaw enforcement.

We have received a written complaint about one operator with a TUP but this was resolved quickly due to a positive response from the operator in dealing with a noise issue.

The TUP application process has proven to be an effective control measure on the number of operators and there are those who chose to cease operations rather than apply. However, there are some operators who appear determined to operate without controls, or limits, especially on the number of STVRs per lot, and it may take court action to achieve compliance.

The current STVR bylaws and enforcement policies and efforts appear to be effective.





DATE OF MEETING: February 4, 2019  
TO: Galiano Island Local Trust Committee  
FROM: Miles Drew, Bylaw Enforcement Manager, Local Planning Services  
SUBJECT: Bylaw Enforcement Notification Bylaw Amendments

## RECOMMENDATIONS

- 1) That Galiano Island Local Trust Committee Bylaw 269, cited as “Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011, Amendment No. 1, 2018”, be read a first time.
- 2) That Galiano Island Local Trust Committee Bylaw 269, cited as “Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011, Amendment No. 1, 2018”, be read a second time.
- 3) That Galiano Island Local Trust Committee Bylaw 269, cited as “Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011, Amendment No. 1, 2018”, be read a third time.
- 4) That Galiano Island Local Trust Committee Bylaw 269, cited as “Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011, Amendment No. 1, 2018”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

## REPORT SUMMARY

In this report Staff recommends that the Galiano Island Local Trust Committee amend Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011 (BEN) so that recent changes in the Galiano Land Use Bylaw (LUB) are included; so that various housekeeping amendments can be made; and to adjust penalty amounts to promote compliance.

### Background:

The BEN Bylaw was last updated in February of 2017. Since that time various amendments have been made to the LUB causing the BEN Bylaw to be out of sync with the LUB. This amendment bylaw updates the Schedule A to reflect changes in the LUB.

The amending bylaw changes the name and address of the Adjudication Registry from the North Shore to the Islands Trust to reflect Trust Council’s recent decision that the Islands Trust should run its own Bylaw Notice Adjudication Registry.

Penalty amounts have also been adjusted so that there are now only three amounts. This is to simplify the fee structure and to accentuate the benefits of seeking a compliance agreement and thereby obtaining the 100% reduction in the penalty amount.

**Next Steps:**

As this is an administrative bylaw, no approval from the Minister of Municipal Affairs and Housing is necessary. The LTC may give three readings to the bylaw at a single meeting and refer the bylaw to the Executive Committee for approval. Once the Executive Committee has approved the bylaw, it will then be returned to the Galiano Island Local Trust Committee for final adoption.

|               |                                                   |                  |
|---------------|---------------------------------------------------|------------------|
| Submitted By: | Miles Drew<br>Bylaw Enforcement Manager           | January 22, 2019 |
| Concurrence:  | David Marlor<br>Director, Local Planning Services | January 25, 2019 |

**ATTACHMENT**

1. Draft/Proposed Bylaw

# DRAFT

## GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 269

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### A BYLAW TO AMEND THE GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW ENFORCEMENT NOTIFICATION BYLAW, NO. 228, 2011

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

1. Galiano Island Local Trust Committee Bylaw cited as “Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 228, 2011” is hereby amended as follows:
  - i. By deleting the words “A BYLAW TO RESPECT THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE GALIANO ISLAND LOCAL TRUST AREA” and substituting the words “A BYLAW WITH RESPECT TO THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE GALIANO ISLAND LOCAL TRUST AREA”;
  - ii. By deleting the words “North Shore Bylaw Notice Adjudication Registry” within section 1.2 and substituting the words “Islands Trust”;
  - iii. By deleting the words within section 4.0(2) and substituting the following: “if received by the Islands Trust within 14 days of the person receiving or being presumed to have received the bylaw violation notice, is the Discounted Penalty Amount set out in column A2 of Schedule “A” and Schedule “B” as attached to this bylaw applies”
  - iv. By deleting the words within section 4.0(3) and substituting the following: “if more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1) , and is the Late Payment Penalty Amount set out in column A3 of Schedule “A” as attached to this bylaw or”;
  - v. By deleting the words within section 6.2 and substituting the following: “The civic address of the Registry is Suite 200 – 1627 Fort Street, Victoria, BC V8R 1H8”;
  - vi. By removing Schedule A – Galiano Island Land Use Bylaw No. 127, 1999 Contraventions and Penalties and substituting the attached: Schedule A – Galiano Island Land Use Bylaw No. 127, 1999 Contraventions and Penalties.
2. This Bylaw may be cited as “Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 228, 2011, Amendment No. 1, 2018.”

READ A FIRST TIME THIS DAY OF ,20\_\_

READ A SECOND TIME THIS DAY OF ,20\_\_

READ A THIRD TIME THIS DAY OF ,20\_\_

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
DAY OF ,20\_\_

ADOPTED THIS DAY OF ,20\_\_

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
CHAIR

**Schedule A**  
**GALIANO ISLAND LAND USE BYLAW NO. 127, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                                                              | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 2.1.1                | Non-Permitted Use Of Conduits/Poles/Towers In Nature Protection Zone                                                                                       | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.1.2                | Non-Permitted Bicycling And Equestrian Trails In Nature Protection Zone                                                                                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.1.3                | Non-Permitted Accessory Use/Building/Structure Or Non-Permitted Agricultural And Horticultural Use Or Non-Permitted Farm Animals in Nature Protection Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.1.4                | Non-Permitted Sawmilling In Nature Protection Zone                                                                                                         | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.2                  | Non-Permitted Use Of Accessory Building/Structure As Home Occupation Prior To Primary Building/Structure Constructed And Occupied                          | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 2.3.1                | Non-Permitted Use Of Accessory Building/Structure, Other Than Cottage, For Human Habitation                                                                | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.3.2                | Non-Permitted Use Of Land/Building/Structure For Mobile Home Parks/Manufactured Home Parks/Commercial Campgrounds                                          | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.3.3                | Non-Permitted Use Of Land/Building/Structure For Commercial Aquaculture                                                                                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.3.4                | Non-Permitted Use Of Land/Building/Structure For Airports Other Than Float Plane Bases                                                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.3.5                | Non-Permitted Use Of Boat Launching Ramp/Marina/Dock For Launching Personal Watercraft                                                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.3.6                | Non-Permitted Use Of Land/Building/Structure For Helipads                                                                                                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.3.7                | Non-Permitted Use Of Land/Building/Structure For Private Golf Courses/Marinas                                                                              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**GALIANO ISLAND LAND USE BYLAW NO. 127, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|--------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 2.3.8                | Non-Permitted Use Of Land/Building/Structure For Waste Disposal On Land/Marine Areas                         | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 2.4                  | Wrecking/Storage Of Derelict Automobiles/Used Or Discarded Machinery/Equipment.                              | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 2.5                  | Exceed Height Restriction For Accessory Building/Structure                                                   | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.6                  | Accessory Building/Structure Exceeds One Story                                                               | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.8                  | Fence exceeds permitted height.                                                                              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.9                  | Exceed Floor Area Restriction For Cottage                                                                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.12                 | Non-Permitted residential design of forestry use building or structure.                                      | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.14                 | Non-Permitted Siting Of Building/Structure In Set Back From Sea/Lake/Swamp/Watercourse.                      | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.15                 | Non-Permitted Siting Of Sewage Absorption Field In Set Back From Sea/Lake/Swamp/Watercourse/Well.            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.16                 | Non-Permitted Siting Of Building/Structure For Farm Animals In Set Back From Sea/Lake/Swamp/Watercourse/Well | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.17                 | Non-Permitted Siting Of Building/Structure Used For Human Habitation/Occupancy In Agriculture Zone           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.28.1               | Non-Permitted Secondary Suite                                                                                | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.28.2               | Non-Permitted Secondary Suite/Cottage                                                                        | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.28.3               | Secondary Suite Too Large                                                                                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.28.4               | Secondary Suite Not Located In Principal Dwelling                                                            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.28.5               | Secondary Suit Without Separate Entrance                                                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.28.6               | Secondary Suite Without Adequate Rainwater Storage                                                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 2.28.8.1             | Non Resident Employee In Suite Home Occupation                                                               | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**GALIANO ISLAND LAND USE BYLAW NO. 127, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                                                                                | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 2.28.9               | No Parking Provided For Secondary Suite                                                                                                                                      | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 3.2                  | Home Occupation On Premise Not Being Occupied As Dwelling                                                                                                                    | \$200.00                         | \$200.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 3.3                  | Home Occupation Not Conducted Entirely Within Operator's Dwelling Unit Or Accessory Building/Structure                                                                       | \$200.00                         | \$200.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 3.3                  | Non-Permitted Exterior Storage Of Materials/Products/Equipment                                                                                                               | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 3.4                  | Not Retaining Residential Appearance Due To Home Occupation                                                                                                                  | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 3.5                  | Non-Permitted Home Occupation Sign/ Lighting                                                                                                                                 | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 3.6                  | More Than Three Persons Employed In Home Occupation Or No Employee Residing Permanently                                                                                      | \$200.00                         | \$200.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 3.7                  | Non-Permitted Home Occupation Activity                                                                                                                                       | \$200.00                         | \$200.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 3.8                  | Non-Permitted Home Occupation                                                                                                                                                | \$200.00                         | \$200.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 3.9                  | Home Occupation Producing Waste/Noise/Vibration/Glare/Fumes/Odours/Illumination/Electrical Interference Detectable Off Lot Or Home Occupation Consumes Excessive Groundwater | \$200.00                         | \$200.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 3.10                 | Exceed Maximum Number Bedrooms In B&B                                                                                                                                        | \$200.00                         | \$200.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 3.12                 | Vehicle/Equipment for Home Occupation in Setback Unscreened.                                                                                                                 | 250.00                           | \$187.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 3.13.1               | More Than One STVR in Use                                                                                                                                                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 3.13.2               | Too Many Bedrooms/Beds in STVR/B&B                                                                                                                                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.1                | Non-Permitted Use In Village Residential 1 Zone                                                                                                                              | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.2                | More Than One Dwelling On Lot In Village Residential 1 Zone                                                                                                                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.3                | Non-Permitted Cottage In Village Residential 1 Zone                                                                                                                          | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.4                | Exceed Lot Coverage Restriction In Village Residential 1 Zone                                                                                                                | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.5                | Exceed Height Restriction For                                                                                                                                                | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |



**Schedule A**  
**GALIANO ISLAND LAND USE BYLAW NO. 127, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>             | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Building/Structure In Village Residential 1 Zone                                          |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 5.1.6                | Encroachment Of Building/Structure Into Setback In Village Residential 1 Zone             | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.7                | Encroachment Of Building/Structure For Animals Into Setback In Village Residential 1 Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.8                | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                   | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.1                | Non-Permitted Use In Village Residential 2 Zone                                           | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.2                | More Than One Dwelling On Lot In Village Residential 2 Zone                               | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.3                | Non-Permitted Cottage In Village Residential 2 Zone                                       | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.4                | Exceed Lot Coverage Restriction In Village Residential 2 Zone                             | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.5                | Exceed Height Restriction For Building/Structure In Village Residential 2 Zone            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.6                | Encroachment Of Building/Structure Into Setback In Village Residential 2 Zone             | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.7                | Encroachment Of Building/Structure For Animals In Village Residential 2 Zone              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.8                | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                   | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.1                | Non-Permitted Use In Small Lot Residential Zone                                           | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.2                | Non-Permitted Cottage On Lot 1, District Lot 83 In Small Lot Residential Zone             | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.3                | Non-Permitted Use On District Lot 145 In Small Lot Residential Zone                       | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.4                | Non-Permitted Additional Dwelling In Small Lot Residential Zone                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.5                | Non-Permitted Cottage On Lots Smaller Than 0.4 Hectares In Small Lot Residential Zone     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**GALIANO ISLAND LAND USE BYLAW NO. 127, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                  | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 5.3.6                | Exceed Lot Coverage Restriction In Small Lot Residential Zone                                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.7                | Exceed Height Restriction For Building/Structure In Small Lot Residential Zone                 | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.8                | Encroachment Of Building/Structure Into Setback In Small Lot Residential Zone                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.10               | Encroachment Of Building/Structure For Farm Animals Into Setback In Small Lot Residential Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.1                | Non-Permitted Use In Rural Residential Zone                                                    | \$500.00                         | \$350.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.2                | Non-Permitted Additional Dwelling In Rural Residential Zone                                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.3                | Non-Permitted Cottage In Rural Residential Zone                                                | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.4                | Exceed Lot Coverage                                                                            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.5                | Exceed Height Restriction For Building/Structure In Rural Residential Zone                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.6                | Encroachment Of Building/Structure Into Setback In Rural Residential Zone                      | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.7                | Encroachment Of Building/Structure For Farm Animals Into Setback In Rural Residential Zone     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.1                | Non-Permitted Use In Rural 2 Zone                                                              | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.8                | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                        | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.13               | Building/ Structure/Paved Area Outside Developable Area                                        | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.15               | Building/Structure/Paved Area Outside Designated Area                                          | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.17               | Building/ Structure/Paved Area Outside Developable Area                                        | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.1                | Non Permitted Use in Rural 2 Zone                                                              | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.2                | Non-Permitted Additional Dwelling In Rural 2 Zone                                              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.3                | Non-Permitted Cottage In Rural 2 Zone                                                          | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.4                | Exceed Lot Coverage                                                                            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.5                | Exceed Height Restriction For                                                                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**GALIANO ISLAND LAND USE BYLAW NO. 127, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                     | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|---------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Building/Structure In Rural 2 Zone                                                                |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 5.5.6                | Encroachment Of Building/Structure Into Setback In Rural 2 Zone                                   | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.7                | Encroachment Of Building/Structure For Farm Animals Into Setback In Rural 2 Zone                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.8                | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.1                | Non-Permitted Use In Rural 3 Zone                                                                 | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.2                | Non-Permitted Additional Dwelling In Rural 3 Zone                                                 | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.3                | Non-Permitted Cottage In Rural 3 Zone                                                             | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.4                | Exceed Lot Coverage                                                                               | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.5                | Exceed Height Restriction For Building/Structure In Rural 3 Zone                                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.6                | Encroachment Of Building/Structure Into Setback In Rural 3 Zone                                   | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.7                | Encroachment Of Building/Structure/Use Permitted Under Article 5.6.1 Into Setback In Rural 3 Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.8                | Encroachment Of Building/Structure For Animals Into Setback In Rural 3 Zone                       | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.9                | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 6.1.1                | Non-Permitted Use In Agriculture Zone                                                             | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 6.1.2                | Non-Permitted Additional Dwelling In Agriculture Zone                                             | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 6.1.4                | Exceed Lot Coverage                                                                               | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 6.1.5                | Exceed Height Restriction For Building/Structure In Agriculture Zone                              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 6.1.6                | Encroachment Of Building/Structure Into Setback In Agriculture Zone                               | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 6.1.7                | Encroachment Of Non-Residential Building/Structure Into Setback In Agriculture Zone               | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 6.1.10               | Agri-tourist Accommodation Not Accessory To Working Farm                                          | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 6.1.11               | Agri-Tourist Accommodation Not In                                                                 | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**GALIANO ISLAND LAND USE BYLAW NO. 127, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                                               | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | AG Zone and ALR.                                                                                                                            |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 6.1.12               | Agri-tourist Accommodation Not Situated In Dwelling or Cottage                                                                              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 6.1.13               | Agri-tourist Accommodation With Unpermitted Restaurant/Commercial Or Retail Sales And Services                                              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 6.1.14               | Agri-tourist Operation Exceed Maximum Guests/Bedrooms                                                                                       | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 7.1.1                | Non-Permitted Use In Forest 1 Zone                                                                                                          | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 7.1.2                | Non-Permitted Building/Structure Or Permitted Building/Structure Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Forest 1 Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.1.3                | Exceed Height Restriction For Building/Structure In Forest 1 Zone                                                                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.1.4                | Encroachment Of Building/Structure Into Setback In Forest 1 Zone                                                                            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.1.5                | Encroachment Of Building/Structure Into Setback Of Lot Line That Does Not Abut Highway In Forest 1 Zone                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.2.1                | Non-Permitted Use In Forest 2 Zone                                                                                                          | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 7.2.2                | Non-Permitted Additional Dwelling Accessory To Timber Production And Harvesting In Forest 2 Zone                                            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.2.3                | Non-Permitted Building/Structure Or Permitted Building/Structure Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Forest 2 Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.2.4                | Exceed Height Restriction For Building/Structure In Forest 2 Zone                                                                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.2.5                | Encroachment Of Building/Structure Into Setback In Forest 2 Zone                                                                            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.2.6                | Encroachment Of Building/Structure Into Setback In Forest 2 Zone                                                                            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.2.7                | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.3.1                | Non-Permitted Use In Forest 3 Zone                                                                                                          | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.3.2                | Non-Permitted Building/Structure Or Permitted Building/Structure Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Forest 3 Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**GALIANO ISLAND LAND USE BYLAW NO. 127, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                              | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 7.3.3                | Non-Permitted Additional Dwelling Or Dwelling/Accessory Building/Structure Exceed Maximum Floor/Lot Area In Forest 3 Zone  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.3.4                | Exceed Height Restriction For Building/Structure In Forest 3 Zone                                                          | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.3.5                | Encroachment Of Building/Structure Into Setback In Forest 3 Zone                                                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.3.6                | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.4.1                | Non-Permitted Use In Heritage Forest Zone                                                                                  | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 7.4.2                | Building/Structure For Timber Production Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Heritage Forest Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.4.3                | Permitted Building/Structure For Forestry Research Uses Exceed Maximum Floor/Lot Area In Heritage Forest Zone              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.4.4                | Exceed Height Restriction For Building/Structure In Heritage Forest Zone                                                   | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.4.5                | Encroachment Of Building/Structure Into Setback In Heritage Forest Zone                                                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.4.6                | Encroachment Of Building/Structure Into Setback From Lot Line That Does Not Abut A Highway In Heritage Forest Zone         | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.5.1                | Non-Permitted Use In Forest Land Reserve Zone                                                                              | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 7.5.2                | Building/Structure Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Forest Land Reserve Zone                   | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.5.3                | Dwelling Does Not Have Highway Access In Forest Land Reserve Zone                                                          | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 7.5.4                | Exceed Height Restriction For Building/Structure In Forest Land Reserve Zone                                               | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.5.5                | Encroachment Of Building/Structure Into Setback In Forest Land Reserve                                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**GALIANO ISLAND LAND USE BYLAW NO. 127, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                        | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Zone                                                                                                                 |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 7.5.6                | Encroachment Of Building/Structure Into Setback From Lot Line That Does Not Abut Highway In Forest Land Reserve Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 7.5.7                | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.1.1                | Non-Permitted Use In Senior Citizen Residential Zone                                                                 | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 8.1.2                | Exceed Density In Senior Citizen Residential Zone                                                                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.1.3                | Exceed Lot Coverage In Senior Citizen Residential Zone                                                               | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.1.4                | Exceed Height Restriction For Building/Structure In Senior Citizen Residential Zone                                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.1.5                | Encroachment Of Building/Structure Into Setback In Senior Citizen Residential Zone                                   | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.1.6                | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.2.1                | Non-Permitted Use In Community Facility Zone                                                                         | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 8.2.2                | Fail To Meet Site Specific Usage Regulations In Community Facility Zone                                              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.2.3                | Exceed Density Restriction Of Affordable And Special Needs Housing In Community Facility Zone                        | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.2.4                | Exceed Lot Coverage Restriction On Lot 2 In Community Facility Zone                                                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.2.5                | Exceed Height Restriction For Building/Structure In Community Facility Zone                                          | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.2.6                | Encroachment Of Building/Structure Into Setback In Community Facility Zone                                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.2.7                | Fail To Meet Site Specific Setback Regulations In Community Facility Zone                                            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.3.1                | Non-Permitted Use In Emergency And                                                                                   | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**GALIANO ISLAND LAND USE BYLAW NO. 127, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                          | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|--------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Health Services Zone                                                                                   |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 8.3.2                | Exceed Height Restriction For Building/Structure In Emergency And Health Services Zone                 | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.3.3                | Encroachment Of Building/Structure Into Setback In Emergency And Health Services Zone                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.3.4                | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.4.1                | Non-Permitted Use In Utility Service Zone                                                              | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 8.4.2                | Exceed Height Restriction For Building/Structure In Utility Service Zone                               | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.4.3                | Encroachment Of Building/Structure Into Setback In Utility Service Zone                                | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.4.4                | Inadequate Landscape Screen For Storage Areas In Utility Service Zone                                  | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 8.5.1                | Non-Permitted Use In Environmental Education and Nature Protection Zone                                | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 8.5.2                | Non-Permitted Building/Structure In Environmental Education and Nature Protection Zone                 | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.5.2.2              | Excess Tent Platforms/Pavilions/Fire Pit Areas                                                         | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.5.2.3              | Campsites and Tent Platforms Outside Designated Area/ Exceed Combined Total                            | \$350                            | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.5.3.1              | Permanent Structures Exceed 2,250 SQ Metres In Environmental Education and Nature Protection Zone      | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.5.3.2              | Total Lot Coverage Exceeded In Environmental Education and Nature Protection Zone                      | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.5.3.4              | More Than One Dwelling In Environmental Education and Nature Protection Zone                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.5.4                | Exceed Height Restriction For Building/Structure In Environmental Education and Nature Protection Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.5.5.1              | Encroachment Of Building/Structure                                                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |



**Schedule A**  
**GALIANO ISLAND LAND USE BYLAW NO. 127, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                                               | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Into Setback In Environmental Education and Nature Protection Zone                                                                          |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 8.5.5.2              | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.6.1                | Non-Permitted Use in Community Housing 1 Zone                                                                                               | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 8.6.2                | More than One Dwelling on Lot in Community Housing 1 Zone                                                                                   | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.6.3                | Exceed Maximum Floor Area of Dwelling in Community Housing 1 Zone                                                                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.6.4                | Exceed Maximum Number of Accessory Buildings and/or Maximum Floor Area of Accessory Buildings in Community Housing 1 Zone                   | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.6.5                | Exceed Maximum Number of Communal Accessory Buildings and/or Maximum Floor Area of Communal Accessory Buildings in Community Housing 1 Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.6.6                | Exceed Height Restriction for Building/Structure in Community Housing 1 Zone                                                                | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.6.7                | Encroachment of Building/Structure in Community Housing 1 Zone                                                                              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 8.6.8                | Encroachment of Building/Structure Used for Human Habitation into Agriculture Zone Setback                                                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.1.1                | Non-Permitted Use In Retail Commercial Zone                                                                                                 | \$500.00                         | \$350.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 9.1.2                | Fail To Meet Site Specific Usage Regulations In Retail Commercial Zone                                                                      | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.1.3                | Exceed Lot Coverage Restriction In Retail Commercial Zone                                                                                   | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.1.4                | More Than One Dwelling On Lot In Retail Commercial Zone                                                                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.1.5                | Exceed Height Restriction For Building/Structure In Retail Commercial Zone                                                                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.1.6                | Encroachment Of Building/Structure/Unenclosed                                                                                               | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**GALIANO ISLAND LAND USE BYLAW NO. 127, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                                       | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Accessory Storage Areas Into Setback In Retail Commercial Zone                                                                      |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 9.1.7                | Encroachment Of Building/Structure Used For Farm Animals Into Setback In Retail Commercial Zone                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.1.8                | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                                             | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.1.10               | Fail To Meet Site Specific Vegetation Regulations In Retail Commercial Zone                                                         | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 9.1.11               | Inadequate Landscape Screen For Unenclosed Storage Areas In Retail Commercial Zone                                                  | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 9.1.12               | Fail To Provide Compliant Area For Unloading Of Goods From Commercial Vehicles In Retail Commercial Zone                            | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 9.2.1                | Non-Permitted Use In Visitor Accommodation (Inn) Zone                                                                               | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 9.2.2                | Accommodation Facility Exceeds Maximum Rooms/ Does Not Contain Accommodation/Restaurant And Dwelling In Single Building In Inn Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.2.3                | Accommodation Facility In Lot A District Lot 26 In Visitor Accommodation (Inn) Zone Does Not Meet Site Specific Regulations         | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.2.5                | More Than One Inn On Lot In Visitor Accommodation (Inn) Zone                                                                        | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.2.6                | Exceed Maximum Lot Coverage In Visitor Accommodation (Inn) Zone                                                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.2.7.1              | Exceed Floor Space Ratio Restriction In Visitor Accommodation (Inn) Zone                                                            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.2.7.2              | Exceed Maximum Floor Area Restriction For Visitor Accommodation Rooms In Visitor Accommodation (Inn) Zone                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.2.7.3              | Exceed Maximum Floor Area Restriction For Accessory Retail Sales In Visitor Accommodation (Inn) Zone                                | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.2.8                | Exceed Maximum Height Restriction For Building/Structure In Visitor Accommodation (Inn) Zone                                        | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |

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**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                              | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 9.2.9                | Encroachment Of Building/Structure Into Setback In Visitor Accommodation (Inn) Zone                                        | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.2.10               | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.2.12               | Inadequate Landscape Screen For Unenclosed Storage Areas In Visitor Accommodation (Inn) Zone                               | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 9.3.1                | Non-Permitted Use In Visitor Accommodation (Resort) Zone                                                                   | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 9.3.3                | More Than One Resort On Lot In Visitor Accommodation (Resort) Zone                                                         | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3.4                | Exceed Maximum Lot Coverage Restriction In Visitor Accommodation (Resort) Zone                                             | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3.5                | Exceed Maximum Height Restriction Of Building/Structure In Visitor Accommodation (Resort) Zone                             | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3.6                | Encroachment Of Building/Structure Into Setback In Visitor Accommodation (Resort) Zone                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3.7                | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3.9                | Inadequate Landscape Screen For Unenclosed Storage Areas In Visitor Accommodation (Resort) Zone                            | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(A).1             | Non-Permitted Use In Visitor Accommodation (Rural Resort) Zone                                                             | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(A).2             | More Than One Resort On Lot In Visitor Accommodation (Rural Resort) Zone                                                   | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(A).3             | Exceed Total Floor Area For Buildings/Structures In Visitor Accommodation (Rural Resort) Zone                              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(A).4             | Exceed Maximum Floor Area Restriction For Accessory Buildings Other Than Barn In Visitor Accommodation (Rural Resort) Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(A).5             | Exceed Maximum Height Restriction Of Building/Structure In Visitor Accommodation (Rural Resort) Zone                       | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |

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**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                                        | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 9.3(A).6             | Encroachment Of Building/Structure Except Fence/Pumphouse Into Setback In Visitor Accommodation (Rural Resort) Zone                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(A).7             | Encroachment Of Building/Structure For Animals Into Setback In Visitor Accommodation (Rural Resort) Zone                             | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(A).8             | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                                              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(A).10            | Inadequate Landscape Screen For Unenclosed Storage Areas In Visitor Accommodation (Rural Resort) Zone                                | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(B).1             | Non-Permitted Use In Galiano Inn (Comprehensive Resort) Zone                                                                         | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(B).3             | More Than One Comprehensive Resort On Lot In Galiano Inn (Comprehensive Resort) Zone                                                 | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(B).4             | Exceed Maximum Lot Coverage Restriction Of Building/Structure In Galiano Inn (Comprehensive Resort) Zone                             | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(B).5             | Exceed Maximum Lot Coverage Restriction Of Asphalt And Concrete Paving In Galiano Inn (Comprehensive Resort) Zone                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(B).6             | Visitor Accommodation Sleeping Rooms Exceed Maximum Total Combined Floor Area Restriction In Galiano Inn (Comprehensive Resort) Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(B).7             | Visitor Accommodation Units Exceed Maximum Total Combined Floor Area Restriction In Galiano Inn (Comprehensive Resort) Zone          | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(B).8             | More Than One Restaurant Or Restaurant Exceeds Maximum Seating Restriction In Galiano Inn (Comprehensive Resort) Zone                | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(B).9             | More Than One Retail Area Or Retail Area Exceeds Maximum Area Restriction In Galiano Inn                                             | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |

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|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | (Comprehensive Resort) Zone                                                                                                                   |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 9.3(B).10            | More Than One Dwelling For Owner/Operator Or Dwelling Exceeds Maximum Area Restriction In Galiano Inn (Comprehensive Resort) Zone             | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(B).11            | More Than One Laundry Area Or Laundry Area Exceeds Maximum Area Restriction In Galiano Inn (Comprehensive Resort) Zone                        | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(B).12            | Non-licenced Lounge Or More Than One Licenced Lounge Or Lounge Exceeds Maximum Seating Restriction In Galiano Inn (Comprehensive Resort) Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(B).13            | Exceed Maximum Height Restriction Of Building/Structure In Galiano Inn (Comprehensive Resort) Zone                                            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(B).14            | Encroachment Of Buildings/Structures/Tanks/Sheds/Replacement Parking Sites Into Setback In Galiano Inn (Comprehensive Resort) Zone            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(B).15            | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                                                       | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.3(B).17            | Inadequate Landscape Screen In Galiano Inn (Comprehensive Resort) Zone                                                                        | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 9.4.1                | Non-Permitted Use In Public House Commercial Land Zone                                                                                        | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 9.4.2                | Exceed Maximum Lot Coverage Restriction In Public House Commercial Land Zone                                                                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.4.3                | More Than One Accessory Dwelling On Permitted Lot In Public House Commercial Land Zone                                                        | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.4.4                | Floor Area For Serving Customers/ Seating Capacity Exceeds Maximum Restriction In Public House Commercial Land Zone                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.4.5                | Exceed Maximum Height Restriction For Building/Structure In Public House                                                                      | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |

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**CONTRAVENTIONS AND PENALTIES**

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|----------------------|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Commercial Land Zone                                                                                                               |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 9.4.6                | Encroachment Of Building/Structure/Unenclosed Storage Areas Into Setback In Public House Commercial Land Zone                      | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.4.7                | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                                            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.4.9                | Inadequate Landscape Screen For Unenclosed Storage Areas In Public House Commercial Land Zone                                      | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 9.4.10               | Fail To Provide Compliant Area For Unloading Of Goods From Commercial Vehicles In Public House Commercial Land Zone                | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 9.5.1                | Non-Permitted Use In Commercial Private Film School Zone                                                                           | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 9.5.2                | More Than One Commercial Private Film School Or School Exceeds Total Floor Area Restriction In Commercial Private Film School Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.5.3                | Overnight Accommodation Of Students/Staff Exceed Maximum Restriction In Commercial Private Film School Zone                        | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.5.4                | More Than One Accessory Dwelling On Permitted Lot In Commercial Private Film School Zone                                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.5.5                | Exceed Maximum Lot Coverage Restriction In Commercial Private Film School Zone                                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.5.6                | Exceed Maximum Height Restriction For Building/Structure In Commercial Private Film School Zone                                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.5.7                | Encroachment Of Building/Structure/Unenclosed Accessory Storage Area Into Setback In Commercial Private Film School Zone           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.5.8                | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                                            | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.5.10               | Inadequate Landscape Screen For Unenclosed Storage Areas In                                                                        | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |

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|----------------------|------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Commercial Private Film School Zone                                                                        |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 9.6.1                | Non-Permitted Use In Light Industrial Zone                                                                 | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 9.6.2                | Exceed Maximum Lot Coverage Restriction In Light Industrial Zone                                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.6.3                | More Than One Dwelling On Lot In Light Industrial Zone                                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.6.4                | Exceed Maximum Height Restriction For Building/Structure In Light Industrial Zone                          | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.6.5                | Encroachment Of Building/Structure Into Setback In Light Industrial Zone                                   | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.6.6                | Encroachment Of Building/Structure For Animals Into Setback In Light Industrial Zone                       | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.6.8                | Inadequate Landscape Screen In Light Industrial Zone                                                       | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 9.6(A).1             | Non-Permitted Use In Forest Industrial Zone                                                                | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 9.6(A).2             | Exceed Maximum Lot Coverage Restriction In Forest Industrial Zone                                          | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.6(A).3             | More Than One Dwelling On Lot In Forest Industrial Zone                                                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.6(A).4             | Exceed Maximum Height Restriction For Building/Structure In Forest Industrial Zone                         | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.6(A).5             | Encroachment Of Building/Structure Into Setback In Forest Industrial Zone                                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.6(A).6             | Encroachment Of Building/Structure For Animals Into Setback In Forest Industrial Zone                      | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.6(A).7             | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                    | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 9.6(A).9             | Inadequate Landscape Screen On Lots On Which Light Industrial Uses Are Conducted In Forest Industrial Zone | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 10.1.1               | Non-Permitted Use in Public Recreation Zone                                                                | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 10.1.2               | Exceed Accessory Dwellings Number                                                                          | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 10.1.3               | Exceed Maximum Height                                                                                      | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 10.1.4               | Encroachment of Buildings/Structures                                                                       | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |



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|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Into Setback In Public Recreation Zone                                                                                                                      |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 10.1.5               | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                                                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 11.1.1               | Non-Permitted Use In Nature Protection Zone                                                                                                                 | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 11.1.2               | Non-Permitted Building/Structure In Nature Protection Zone                                                                                                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 12.1.1               | Non-Permitted Use In Marine Protection Zone                                                                                                                 | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 12.1.2               | Non-Permitted Building/Structure Or Residential Use Of A Watercraft In Marine Protection Zone                                                               | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 12.2.1               | Non-Permitted Use In Marine Zone                                                                                                                            | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 12.2.2               | Private Float/Walkway Exceed Length Permitted In Marine Zone                                                                                                | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 12.2.3               | Non-Permitted Commercial/Industrial Activity In Connection With Use Of Docks/Floats/Wharves Or Non-Permitted Residential Use Of A Watercraft In Marine Zone | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 12.2.4               | Non-Permitted Siting Of Docks/Floats/Wharves In Marine Zone                                                                                                 | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 12.3.1               | Non-Permitted Use In Marine Service Zone                                                                                                                    | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 12.3.2               | Non-Permitted Siting Of Structures In Marine Zone                                                                                                           | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 12.4.1               | Non-Permitted Use In Marine Commercial Water Zone                                                                                                           | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 12.4.2               | Exceed Maximum Height Restriction For Building/Structure In Marine Commercial Water Zone                                                                    | \$350.00                         | \$225.00                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 12.4.3               | Non-Permitted Siting Of Building/Structure In Marine Commercial Water Zone                                                                                  | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 12.4.4               | Non-Permitted Residential Use Of Watercraft In Marine Commercial Water Zone                                                                                 | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 12.5.1               | Non-Permitted Use In Marine Commercial Land Zone                                                                                                            | \$500.00                         | \$375.00                                                                 | \$750.00                                                                      | Yes                                                  | 100%                                                |
| 12.5.2               | More Than One Dwelling On Lot In Marine Commercial Land Zone                                                                                                | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**GALIANO ISLAND LAND USE BYLAW NO. 127, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                                                               | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 12.5.3               | Exceed Maximum Lot Coverage Area Restriction In Marine Commercial Land Zone                                                                                 | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 12.5.4               | Exceed Maximum Height Restriction Of Building/Structure In Marine Commercial Land Zone                                                                      | \$350.00                         | \$225.00                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 12.5.5               | Encroachment Of Building/Structure/Unenclosed Storage Area From Setback In Marine Commercial Land Zone                                                      | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 12.5.6               | Buildings/Structures Used For Human Habitation In Setback From AG Zone.                                                                                     | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 12.5.8               | Inadequate Landscape Screen For Unenclosed Storage Areas In Marine Commercial Land Zone                                                                     | \$100.00                         | \$262.50                                                                 | \$200.00                                                                      | Yes                                                  | 100%                                                |
| 12.6.1               | Movement Of Float Planes Other Than Taxiing Or Water Area Used For Recreational/Transportation Activities Involving Personal Watercraft In Montague Harbour | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 13.22                | Inadequate Rainwater Storage In Water Management Area/Community Housing 1 Zone                                                                              | \$350.00                         | \$262.50                                                                 | \$525.00                                                                      | Yes                                                  | 100%                                                |
| 14.1                 | Fail To Provide Minimum Parking Spaces As Per Table 2: Off Street Parking Standards                                                                         | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 14.5                 | Non-Permitted Siting/Setback Of Parking Space                                                                                                               | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 14.6                 | Fail To Provide Sufficient Manoeuvring Area For Parking Space                                                                                               | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 14.7                 | Parking Space Does Not Meet Size Requirements                                                                                                               | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 14.8                 | Fail To Provide Minimum Bicycle Parking                                                                                                                     | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 15.1                 | Parking Areas Improperly Screened                                                                                                                           | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 16.1                 | Non-Permitted Commercial Sign                                                                                                                               | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 16.4                 | Sign Not On Lot Of Referred Use                                                                                                                             | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 16.5                 | Non-Permitted/Too Large Sign                                                                                                                                | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 16.6.1               | Sign Projecting Over Highway/Public Property                                                                                                                | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |
| 16.6.2               | Sign Flashing Or Blinking                                                                                                                                   | \$200.00                         | \$150.00                                                                 | \$300.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**GALIANO ISLAND LAND USE BYLAW NO. 127, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b> | <b>A1<br/>Penalty Amount</b> | <b>A2<br/>Discounted Penalty Amount (within 14 days)</b> | <b>A3<br/>Late Payment Penalty Amount (after 28 days)</b> | <b>A4<br/>Compliance Agreement Available</b> | <b>A5<br/>Compliance Agreement Discount</b> |
|----------------------|-------------------------------------------------------------------------------|------------------------------|----------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------|---------------------------------------------|
| 16.6.3               | Sign Making Noise To Attract Attention                                        | \$200.00                     | \$150.00                                                 | \$300.00                                                  | Yes                                          | 100%                                        |
| 16.6.4               | Sign With Misdirected Flood Light                                             | \$200.00                     | \$150.00                                                 | \$300.00                                                  | Yes                                          | 100%                                        |
| 16.6.5               | Sign Advertising Discontinued Business/Service/Activity                       | \$200.00                     | \$150.00                                                 | \$300.00                                                  | Yes                                          | 100%                                        |