



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: July 10, 2017
Time: 12:30 pm
Location: North Community Hall
20925 Porlier Pass Road, Galiano Island, BC

	Pages
1. CALL TO ORDER	12:30 PM - 1:00 PM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	1:00 PM - 1:15 PM
6.1 Local Trust Committee Minutes Dated June 5, 2017 (for Adoption)	4 - 13
6.2 Section 26 Resolutions Without Meeting Report	
none	
6.3 Advisory Planning Commission Adopted Minutes Dated May 23 & 30, 2017 (for Receipt)	14 - 29
6.3.1 <u>APC Draft Minutes Dated June 12, 2017 (for Receipt)</u>	30 - 35
7. BUSINESS ARISING FROM MINUTES	1:15 PM - 1:45 PM
7.1 Follow-up Action List Dated June 2017	36 - 37
8. DELEGATIONS	
none	
9. CORRESPONDENCE	
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
none	

10.	APPLICATIONS AND REFERRALS	1:45 PM - 2:30 PM	
10.1	Salt Spring Island Bylaws 467 & 496 Referral (attached) (for response)		38 - 39
10.2	GL-DP-2016.5 (Taylor/Diamond) - Staff Report		40 - 113
10.3	GL-DVP-2017.2 (Taylor/Diamond) - Staff Report		114 - 146
10.4	GL-RZ-2011.1 (Galiano Green) - Staff Report Bylaws No. 233, 234 & 261 (for further consideration)		147 - 191
10.5	GL-RZ-2016.2 (Galiano Conservancy) - Staff Report Bylaws No. 262 & 263 (for further consideration)		192 - 193
11.	LOCAL TRUST COMMITTEE PROJECTS		
11.1	Telecommunications Strategy Special Advisory Planning Commission (APC) Terms of Reference - Staff Report		194 - 199
12.	REPORTS	2:30 PM - 3:15 PM	
12.1	Work Program Reports (attached)		
12.1.1	<u>Top Priorities Report Dated June 2017</u>		200 - 200
12.1.2	<u>Projects List Report Dated June 2017</u>		201 - 202
12.2	Applications Report Dated June 2017(attached)		203 - 206
12.3	Trustee and Local Expense Report Dated May 2017		207 - 207
12.4	Adopted Policies and Standing Resolutions (attached)		208 - 209
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Report		
12.8	Trust Fund Board Report		
	none		
13.	NEW BUSINESS	3:15 PM - 4:00 PM	
13.1	Galiano Island Local Trust Committee Draft Meeting Procedures Bylaw No. 264 - Staff Report		210 - 218
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for September 11, 2017 at the South Community Hall, Galiano Island		
15.	TOWN HALL		

16. **CLOSED MEETING (Distributed under Separate Cover)** 4:00 PM - 4:15 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 Minutes Dated December 5, 2016*
- *Appointment of SAPC Members*

AND that the recorder and staff attend the meeting.

16.2 **Recall to Order**

16.3 **Rise and Report**

17. **ADJOURNMENT** 4:15 PM - 4:15 PM



DRAFT

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

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: June 5, 2017
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

Staff Present Rob Milne, Islands Planner
Colleen Doty, Minute-Taker

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:33 p.m. and acknowledged the meeting was being held in territory of the Coast Salish First Nations. Introductions were made. Approximately 11 members of the public were present.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Chair Busheikin indicated that this Town Hall was for items on the agenda.

Elizabeth Latta, member of the former Telecommunications Special Advisory Planning Commission (SAPC), prepared a written statement in response to the Staff Report on the Telecommunications Strategy Protocol Report. She acknowledged the validity of concerns about the collection of data given available resources. She felt that BC Hydro's Smart Meter electromagnetic radiation should be factored into the radiofrequency environment. Proposals for placement of any cell tower or microcells should be viewed with great caution. She spoke of the opportunity on Galiano to maintain a pristine environment, and was concerned for those with sensitivities and the impact of cumulative effects, noting that it takes 10-15 years for developing cancers to be identified. She supported the precautionary principle, even if some cause and effect relationships are unknown. She was concerned about the elimination of footnotes with respect to Safety Code 6 (SC6) and the HESA Report to Parliament being removed, but was comfortable with the removal of the introduction. Ms. Latta provided a copy of her letter to the Local Trust Committee.

Joan Robertson, member of the former SAPC, endorsed Ms. Latta's comments, especially with respect to the HESA Report. She was pleased not to see the introduction reprinted here as it failed to acknowledge the precautionary principle.

Andrew Loveridge thanked the LTC for its efforts on non-profit housing.

Louise Decario read the Staff Report on the Telecommunications Strategy Protocol Report. Industry Canada would likely consider what the LTC has to say. She was disappointed the report said nothing about locations as she felt it was important to know where antennae locations might be appropriate, because there are areas where antennae should not be. She supported a proactive approach to site consideration. The LTC could then communicate the community's wishes to Industry Canada (IC).

Kiyo Okuda, member of the former SAPC, referenced the Staff Report on the Telecommunications Strategy Protocol Report. He was happy the introduction was dropped. There were three questions proposed to IC. He proposed more questions and issues. He noted that the LTC, as a land-use authority, can provide concurrence with conditions about installations even under 15 meters, and needs to be able to speak to all installations, under or over 15 metres. His second point pertained to BC Hydro and whether they should also be liable to inform LTC of locations and specifications of their hubs, as they are one of the larger contributors to the local radiofrequency environment. With respect to the question on page three of the staff report (page 28 of the package) as to who will review and assess the information requested from proponents in Points 7-9 of the "Proposal Submission", Mr. Okuda noted that the individuals who are installing new antennae would have to analyse and assess the technical information to ensure their own compliance. The proponent would be liable and would have to report back to LTC that they comply with Safety Code 6 (SC6). Then, the LTC can assume they've done the assessment. He was concerned about not having any standard right now, nor having any inventory of the known radiofrequency environment. As Health Canada changes their guidelines, the carriers can then respond to the new guidelines. He would like to see a map. He did not think the cost of maintaining an inventory would be significant. He noted that the public is becoming increasingly concerned about the microwave environment, and underlined the importance of being able to protect ourselves.

Stephen Rybak, chair of the former SAPC, noted that, while most of the SAPC recommendations were reflected in the Staff Report, some were absent or required clarification. He provided four specific comments: 1) He felt the Staff Report overreacted to the suggestion, arising from a concern with cumulative impacts, that technical data from proponents be collected for future users. The SAPC saw the role of staff to hold information, maintain a register, but not analyse or quantify it. The onus of the work is upon the proponent, not the LTC. The SAPC wanted to minimize the work to be undertaken by LTC staff. The information would be filed or registered, and it would be up to the proponent to ensure the proposal is compliant with regulations. If a proponent were not compliant with SC6, their project would be a non-starter; 2) With respect to public consultation the SAPC had prepared section 4.6.6 Public Consultation Process of the Antennae Systems Siting Protocol, yet this was absent from the Staff Report. The SAPC had set out a clear protocol that everyone would use. Mr. Rybak urged that this section be added to Staff Report, as this will help the LTC determine whether proponents met the LTC requirements for consultation; 3) With respect to section 4.3 of the SAPC report, "Role of the Galiano Island Local Trust Committee", the SAPC envisaged this would be a standalone document. The SAPC thought it necessary to

spell out the policies of the Official Community Plan (OCP) and the Land Use Bylaw (LUB), to have them in the document, so if someone were to consult this document, the information would all be in one place. He wanted to see this section back in the Staff Report. 4) With respect to BC Hydro lines as a preferred siting location, he questioned whether the LTC could suggest these lines be used for antennae sites, without talking to BC Hydro first.

Tom Hennessy noted that SC6 is outdated and does not reflect the most current information on health issues.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated May 1, 2017 (for Adoption)

By general consent the Local Trust Committee meeting minutes of May 1, 2017 were adopted.

6.2 Section 26 Resolutions Without Meeting Report

None

6.3 Advisory Planning Commission Draft Minutes Dated May 23, 2017 (for Receipt)

It was noted the minutes reflected a thorough discussion that flagged previously unidentified issues.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated May 2017

Information as provided.

Planner Milne reported that the May 8th meeting with the Penelakut First Nation, Senior Intergovernmental Policy Advisor, Fiona MacRaild and himself was productive. They discussed the possibility of a C2C (Community to Community) meeting now that funds have been approved and must be spent by end of fiscal 2018. The Penelakut are interested in protecting some beaches for harvesting. There are process issues to sort out. Islands Trust staff are getting clarity on their interests and how the Penelakut see their role in the dock review process. There

may be another meeting in the last half of July. There was a question as to capacity within the Penelakut for ongoing consultation. Planner Milne noted they do not have a lot of capacity; however, Galiano is an important island to them.

With respect to possibly publishing a smaller statutory notification in the Driftwood newspaper, Planner Milne was informed the advertisements in the Driftwood are currently as small as they can be. There is a 2010 standing resolution with respect to advertising. Additional advertising is an additional expense. It was noted the Island Tides newspaper is no longer in hard copy and was probably not money well-spent; the Active Page newspaper was identified as a better option for notifying the public.

Chair Busheikin noted interest from all committee members to move along the lines of what Lasqueti did with respect to electronic meetings. This would be an administrative bylaw.

GL-2017-046

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee request staff to prepare a draft electronic meeting bylaw, using Lasqueti Island as a model.

CARRIED

Planner Milne circulated definitions of “campgrounds” from other islands, for information only. Galiano’s zoning bylaw does not mention campgrounds, because the OCP precludes them. If the bylaw does not mention it, one should not have a definition of it.

8. DELEGATIONS

None

9. CORRESPONDENCE

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

None

10. APPLICATIONS AND REFERRALS

10.1 North Pender Island Local Trust Committee Bylaw No. 213 Referral

GL-2017-047

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee notes its interest are unaffected by the bylaw.

CARRIED

There was some discussion as to the value of referrals and draft motions coming to the LTC from other islands and the benefits of having this information.

A break was called at 1:31pm. The meeting reconvened at 1:46pm.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Telecommunications Strategy - Staff Report

Planner Milne provided an overview of the Staff Report. There was discussion about proponents making their own determinations of compliance (the “professional reliance model”), and there being ambiguity around the level of information potentially collected by the LTC. It was noted that LTC staff are not qualified to make determinations of compliance or the quantification of technical information with respect to the known radiofrequency environment.

It was noted that Industry Canada, upon receipt of an application, would have collected information on radiofrequency from proponents and the LTC could ask for whatever information has already been collected. There were questions as to whether the LTC would be provided with such information from Industry Canada.

There was extensive discussion around making the protocol implementable.

With respect to one of the unresolved issues identified by the SAPC, as to whether or not antennas should be permitted only on properties which are considered in full compliance with land use bylaws, Planner Milne responded that there is not necessarily a relationship between another building not in compliance and the application before the LTC. If an application is permissible within the Land Use Bylaw, the LTC would likely approve it.

There was concern expressed about the LTC taking on the responsibility of monitoring radiofrequency.

With reference to the word “new” in point #2 on the bottom of page 37 of the agenda package, there was a question as to whether old antennae systems would have to be monitored.

Kiyo Okuda noted the SAPC was split over this issue. He questioned whether Industry Canada (IC) was tracking the information on installations under 15 metres and doubted if they had an inventory. Antennae 15 metres and over are open to community consultation. Information is still available to the LTC from IC for purposes of maintaining Safety Code 6. He stated we have a mandate to care, are empowered to care, and should ask for the information. He recommended the LTC ask applicants for all their technical data, to be provided to future applicants to assess, without any expectation that the LTC would have to analyse it. Such information would include interested home-buyers. He would like to see this information for installations under 15 meters, and noted that the

LTC has responsibility to concur or not concur for all installations, but that the duty to consult the public is only for installations over 15 meters.

Planner Milne emphasized that, with respect to the authority of local government, the LTC can provide concurrence, concurrence with conditions, or non-concurrence. Industry Canada takes that under advisement.

Mike Hoebel, member of the former SAPC, noted that the recommendation to get a copy of radiofrequency information was forward-looking. There was no assumption that the LTC will analyse this data, except when considering possible concurrence or non-concurrence.

Stephen Rybak reinforced that the antennae system protocol was for new installations only. The LTC would provide known radiofrequency information in a preferred environment. The LTC may respond that they do not have any information on a known radiofrequency environment. The LTC would not be responsible for describing the entire radiofrequency environment at this time. Any antennae systems that are licensed with IC, must comply with SC6 provisions. The additional information is to assure people that SC6 is being observed.

With respect to the highlighted bullet on page 32 of the package, there was agreement that the phrase “as currently available” could be added to “information on the known local radio frequency environment.”

There was discussion about additional, ongoing work being required on the telecommunications strategy project. The LTC were advised that since there were further issues to resolve, with more to follow after a community information meeting, then the telecommunications SAPC would have to be re-appointed.

GL-2017-048

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee request staff to contact Industry Canada to seek all available information with respect to current telecommunications installations within the Galiano Local Trust Area.

CARRIED

Trustee Pottle had concerns about methodology and how IC comes to the determination of compliance within SC6.

GL-2017-049

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee requests staff to schedule a Community Information Meeting on the telecommunications protocol.

CARRIED

Kiyo Okuda noted that “concurrence with conditions” presented a viable means of gathering information on antennae systems that do not require public consultation.

Planner Milne suggested drafting a Terms of Reference prior to posting a new notice for the Telecommunications SAPC. It was suggested that a newly constituted commission could be appointed by way of Resolution without Meeting (RWM).

GL-2017-050

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee request staff to prepare a staff report with Terms of Reference for a Special Advisory Planning Commission on telecommunications.

CARRIED

11.2 Housing Project - Staff Report

As noted in the Staff Report of June 5, 2017, the Capital Regional District (CRD) Southern Gulf Islands Housing Needs assessment is expected to be completed by December 2017. Consideration of this assessment is included in draft Terms of Reference for the anticipatory Affordable Housing Special Advisory Planning Commission.

GL-2017-051

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee review and endorse the draft Terms of Reference for the Special Advisory Planning Commission and the draft Project Charter for the Affordable Housing Strategy.

CARRIED

GL-2017-052

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee request staff to advertise for positions for the Affordable Housing Special Advisory Planning Commission.

CARRIED

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated May 2017

With respect to the dock review it was noted that consultation may take longer than the target date initially identified.

12.1.2 Projects List Report Dated May 2017

Information as presented.

12.2 Applications Report Dated May 2017 (attached)

With respect to Galiano Green, Chair Busheikin reported she has a covenant to sign, and once signed, it will come back to the LTC for adoption.

Planner Milne would ask Regional Planning Manager (RPM) Robert Kojima about the mechanics for adoption and whether an RWM would be feasible.

Information is outstanding from applicants Dean and Patricia Taylor with regards to GL-DP-2016.5, retaining wall at 754 Ellis.

12.3 Trustee and Local Expense Report Dated April 2017 (attached)

For information.

12.4 Adopted Policies and Standing Resolutions (attached)

GL-2017-053

It was MOVED and SECONDED

That the Galiano Island LTC amends the intention of Resolution GL-LTC-115-10 and that the *Active Page* be the priority magazine used in public hearing notices.

CARRIED

12.5 Local Trust Committee Webpage

The Galiano Island LTC webpage may be found at:
www.islandstrust.bc.ca/galiano

12.6 Chair's Report

Chair Busheikin reported that the upcoming Trust Council will be meeting on Lasqueti Island. There will be a presentation on species at risk. Consideration would also be given to asking the provincial government to amend the *Islands Trust Act*; consensus would need to be developed around what types of changes would be requested.

12.7 Trustee Report

Trustee Harris reported that office hours have been quiet. He's on the Financial Planning committee, and there's been discussion around the reserve fund. This year they've underspent by \$200,000; the reserve fund budget is going up to \$600,000, and there's concern about how to deal with surplus funds, recognizing these funds could be impacted by a Salt Spring Island incorporation vote.

Adam Olson's election as our Member of the Legislative Assembly represents a larger voice for the Gulf Islands.

June 23-25 is Tour Des Îles.

Trustee Pottle reported she attended the Local Planning Committee (LPC) meeting by telephone. They will be studying whether the LTC could hold housing agreements. Consideration of allowing the Trust Fund Board to hold land for affordable housing has raised questions around the mandate of the Trust Fund Board. They've also considered whether Trust Council could hold land for affordable housing. The LPC is involved in telecommunications and it was thought that Galiano would lead the way in this regard. She has been asked to make available the SAPC report. She noted that Short Term Vacation Rentals (STVR) seem to be of concern to many people. She knows of three conversions of longer-term rentals into STVR's. Rental supply has dwindled.

12.8 Trust Fund Board Report

None

13. NEW BUSINESS

13.1 2016-2017 Annual Report - Approval of Galiano Island Local Trust Committee Section - RFD (attached)

By general consent the Local Trust Committee approves the text.

13.2 Trust Area Services - Wells & Groundwater Workshops - Memo and Poster (attached)

It was noted that this course can be considered for credit as a small water systems technician.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for July 10, 2017, at 12:30 pm, at the North Community Hall, Galiano Island

15. TOWN HALL

Louise Decario asked whether analysis has been done on repeated surpluses within the Islands Trust's budgets and whether the surpluses are related to a lack of capacity. She asked about using more contractors to continue the work of the Trust.

Trustee Harris noted that staff shortages have been an issue.

Chair Busheikin noted that the Executive Committee has discussed staffing shortages which still exist. A position is advertised in the Northern Office, and a Salt Spring Island position has also been advertised for a while. Analysis is being done by Islands Trust Chief Administrative Officer (CAO), Russ Hotsenpiller. Vancouver Island University has a planner program. In terms of budget surplus, the vast majority of surplus is from unfilled staff positions.

Tom Hennessy noted Trustee Pottle's concerns about the health of Galiano Islanders with respect to the radiofrequency environment; he noted that industry has its biases.

Stephen Rybak noted that Planner Milne, in conversations with Industry Canada, might want to ask: 1) if there was a standard methodology for determining compliance with Safety Code 6; and 2), whether or not IC regulates any of BC Hydro's telecom facilities or activities?

Doug Latta noted that if SC6 is accepted as the standard, nothing will change; change comes from small community. He asked to what extent did the SAPC question SC6?

Kiyo Okuda noted that Galiano is the last stand, and commented that IC has no mandate or interest in human health. Their interest is in business and we don't know anything about its monitoring or safety. He stated that no one else has the mandate to preserve or protect. Radio silence is an amenity. He highlighted the usefulness of "concurrence with conditions" as a means of giving the LTC authority to ask for information, consistent with the mandate to preserve and protect.

Tom Hennessy wanted to see Galiano as a leader in preserving and protecting.

Akasha Forest commented on the importance of data collection in general, across several aspects of Trust business, noting that good data collection is tied to quality analysis, regulation and good decision-making.

16. CLOSED MEETING

None

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:55 pm.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder

ADOPTED



Islands Trust

Galiano Island
Advisory Planning Commission
Record of Meeting



Date: May 23, 2017
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
9:30 a.m.

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



Members Absent: None
Staff Present: Heather C. Martin, Recorder
Members of the Public: On behalf of the applicant, Louise Decario

1. CALL TO ORDER

The meeting was called to order at 9.31 a.m.

2. APPROVAL OF THE AGENDA

It was **moved** and **seconded** that the agenda be approved.

CARRIED

3. APPROVAL OF THE MINUTES

It was **moved** and **seconded** that the minutes of February 08, 2017 be adopted.

CARRIED

4. RESOLUTION OF REQUIREMENTS FOR PRINTED COPIES OF REFERRAL PCKS

There was some discussion on this issue. It was noted that the APC has repeatedly asked for printed copies of all referrals, with attachments, be sent to all members. While

ADOPTED

the Trust office did send out copies of the current referral to all members (excluding the secretary), none of the attachments cited in the referral were received. To rectify this situation,

It was **moved** and **seconded** that the Galiano APC would like its members, and its secretary, to receive mailed, printed copies of all referrals, including all attachments (within reason).

CARRIED

5. CURRENT REFERRAL INTRODUCTION

The Chair began by bringing members up to date on the application being considered. Since the referral was received, the proposed new bylaws have been given 1st and 2nd readings. Anderson noted that it would have been useful for members to have received the Trust staff report from August 22, 2016. It is different in some particulars from the most recent report of March 27, 2017 included in the referral package. The earlier staff report lists as one of the conditions a maximum cap of 76 overnight guests; in the current report that condition has been left out.

Another point to be noted is that the staff reports include the phrase "accessory overnight camping" even though the bylaw don't use the word "accessory".

This applicant has received a temporary use permit; it's useful to consider what has been learned during the time they've had that permit. The most recent TUP application is from 2014; that application still included a maximum cap on participants of 36, while under camping area are listed 18 tent platforms, a non-permanent bunkhouse, and the caveat that overnight camping must only occur in the designated camping area.

Currently the "non-permanent bunkhouse" seems to have been changed to "sleeping quarters," which sound more permanent. An additional confusion: the mention of 36 tent platforms raises the question of how many exactly are being planned: is it 18 X 2?

It is also not clear what is "rustic camping," and why the camping is not all rolled in together, if it's all for educational purposes? Why the distinction? Is the former for staff? That needs to be clarified. Why is it necessary to list "rustic camping" separately? Is it because it is a separate area? Is it for different uses? (not explained).

When looking at the bylaw itself, they've mirrored that structure in the LUB, but "rustic camping" is just a permitted use; no indication of any limit. On the second page, "in association with rustic camping" provides a limit of 18, but doesn't use the term "accessory".

The development is said not to exceed .5% total coverage. We need to know exactly what covered in that .5 % coverage. Does that include parking spaces, cleared areas, fire pits? Are roads included? A driveway?

ADOPTED

Louise Decario arrived at 9.49 a.m.

6. Q. AND A. AND PRELIMINARY DISCUSSION TO IDENTIFY ISSUES OR CONCERNS TO COMMENT ON IN OUR REFERRAL RESPONSE

1) Q: What is included in .5 %.

A: It includes all development, so it will be very minimal (Louise Decario noted that the .5 is a percentage of the whole property, including the agricultural land).

2) Q: difference of limit of people—early staff report mentions “maximum 76 overnight participants”; latest staff report doesn’t mention a limit. Is that something planners did or was it at the request of the applicant? The latest staff report lists 3 of same conditions, but 4th missing.

A: Louise Decario didn’t recall any discussion about this; she thought that the 76 cap sounds right. She noted that participants differ from staff; the 76 cap should refer to the people taking program.

There was some discussion about whether the cap should cover everyone, staff and participants, staying on the property overnight.

3) Q: What about the residence? Is it there already?

A: The current residence is on the agricultural portion and is not habitable. What is proposed as the caretaker cottage would be at top near gate along with the office. There will likely be someone fulltime on property. That’s also where parking would be, solar panels etc. A big project to put solar panels and recharging stations there is currently underway.

What about 12 additional structures?

A: Louise Decario urged the group to remember that this is residential land, not forest. It is already zoned for 13 lots, each with house and dwelling, so already has the potential for 26 houses + what’s allowed on the agricultural portion of the land. The agricultural land is larger than 4 hectares, so technically could be subdivided by 6 and allow still more structures. She clarified that the Conservancy does not intend to pursue this.

The point is that it is a big lot: over 76 hectares. The total potential residential properties that this development is replacing is 32 dwellings.

4) Q: what is the difference between rustic and other camping?

A: rustic camping is to give participants experience of rustic living; it will not be near any of the facilities. The main campsite would be close to amenities and classrooms.

The clearest map showing the different areas is on page 5 of the first staff report—it shows rustic vs main accommodations.

ADOPTED

5) Q: is there any obligation to keep ALR maintained as agricultural, or can it be allowed to revert to forest?

A: The idea is to try to keep that land as agricultural as possible, while the rest of land outside of development areas will be reforested.

Q: Is creating food security part of ongoing plans for agricultural land?

A: One committee member noted that as far as she knows there are plans for a healing and native plant garden.

It was suggested that it would be worth noting that the APC recommends that the agricultural land continue to be used for farming.

6) Q: public access to the trails—have the trails already been mapped?

A: There already are lots of trails on conservancy lands, and all are open to the public. The conservancy is also open to creating more trails.

[Bowie Keefer noted the recent very positive correspondence between the conservancy and the Trails Society on the subject; the likelihood of cooperating is strong.]

7) Q: What about shore access? Since there is to be no subdivision, the opportunity for committed shore access will be lost.

A: the existing cove is used and is open to the public, but it is not designated as shore access. Louise Decario pointed out the land is mainly a high bank area, with difficult shore access except this one area.

Q: will there be some restriction to public access during program times?

A: This likely will have to be clarified. It is a topic worth exploring, and one the conservancy would be open to discussing. Louise Decario noted that the conservancy has trails in other areas with shore access, including the trails to pebble beach, to beaver pond, and to cable bay.

[Bowie Keefer gave an update on trail networks to date on the island: including provincial parks and trails through private lands that are not yet created but have access approved, 80% of the island from Porlier to Active Pass is accessible by trail, with only about ½ dozen gaps, one of which is immediately south of the learning centre.]

Q: there will be likely be significant restriction to access to that trail and cove at the learning centre, especially if educational activities are increased. This is pertinent to the rezoning process because if there were subdivisions and residential zoning build-out as planned, there would be shore access.

ADOPTED

A: Louise Decario suspects that no shore access was designated during the earlier rezoning, though she could be wrong. She agreed to look into it. She also agreed to discuss the question of how public access will be managed with the conservancy, and to get back to the APC with an answer.

Q: who would hold liability for the public use of this non-designated beach access?

A: Louise Decario said she didn't know; likely if the conservancy has a formal agreement with the trail society would get their coverage.

Q: Doesn't the conservancy also have its own insurance coverage? This would be important to know.

It was noted that it will be important to know how access to shore could be provided or managed. This should be added to our list of potential motions. If there's access, how's that going to be managed along with the educational programming. Will there be information, signs identifying trails that can be walked on so that the public does not wander onto areas where courses are taking place. Trails need to properly signed and managed.

Louise Decario cautioned that what's being discussed is beach access, not property access.

8) The question of human impact on the property was raised. From what is being proposed, though the impact in terms of development is not as great as would be the case with 13 built out lots, the large number of people using the property will have a greater impact on the property in terms of water usage and septic disposal.

Water usage: There is a water report, but was the impact of such large groups of people using the land calculated? Is the future impact with increasing use being calculated? Will the water be taken from the well or from the creek?

A: There is a recent water report.

Q: not questioning the report, just the issue of future impact with increasing use. 76 guests per night for four months of the year already far exceeds the average number of residents in waterfront homes. If that number is multiplied by 365 days, the potential use would be huge.

Q: sewage disposal capacity. When building a house there are clear guidelines for assessing impact. We don't know what that is for tent platforms; we don't know how that is determined. Can we recommend that a consultant give information re what will be needed to provide proper sewage disposal for total capacity? The GCA needs to provide something to show it will satisfactorily comply with standards appropriate to the level of use it proposes.

9) Q: All these concerns are tied to a lack of a cap on people: the current proposed bylaw does not have an upward limit on who can stay overnight. Why was that 76 maximum condition taken out? It now mentions platforms and so on, but does not set

ADOPTED

limits. In theory if the conservancy held a festival and allowed people to sleep everywhere there would be nothing to stop it. The bylaw as currently written doesn't address or give assurance that couldn't happen in the future. Need something to communicate to managers that there's a clear limit.

Q: how many people per tent? How big are the tents? Right now all wide open; just restricting structures.

Most ACP members seem to want total upward number of how many people would stay overnight. There should be a cap; we need information on what that would be. Let them come back after staff confer with conservancy and come up with what is reasonable. A motion to recommend this will be included in our response.

10) Q: Commercial camping: the line in the OCP that prohibits commercial camping outside of provincial parks begs the question, is this commercial camping? It is not clear that the camping being referred to is strictly associated with the programs being offered; need to be clear that the conservancy can't turn around and rent camping spaces for fundraising when no programs are in progress.

There was much discussion on this issue. The point was made that making "rustic camping" an accessory to programming, not an open invitation to camp, was important. It was pointed out that camping associated with educational programming was quite different from commercial camping. The use of the word "accessory" to that programming is important, because in essence this project is setting a precedent. We have to be very careful: lots of owners of large properties may want to use their property for group camping purposes.

One member argued that "carefully considered and monitored" camping should be allowed on the island. It was pointed out that whether commercial camping will eventually be allowed more widely on Galiano could be addressed in future OCP review but is outside our current mandate/discussion. It was further pointed out that a forum may soon be available for this discussion as part of the planning of community parks.

11) Q: re fire pit: has there been some discussion/consideration of referring to fire department and complying with outdoor burning bylaws? Given that the APC recently recommended banning fire pits for TUPs for CVRs, this question is important. Fire pits are very dangerous, and can put pressure on finite resources (fire department and water). What is a "fully contained fire pit? Does that fire pit have adequate water storage on hand for immediate use if necessary? It is important not to assume that trained staff will always be available, and to have a source of water nearby.

12) Q: re transportation objective in the OCP to achieve planned roads over the long term, getting dedicated roads was part of achieving this. It makes sense to ask for this.

A: Louise Decario suggested that if the objective is to have that dedicated road, then we have to ask for it.

It was agreed to add this to the list of potential asks.

ADOPTED

13) Q re the "Consultation" recommended in the staff report, do we have assurance that the bylaws have been referred to the recommended parties for comment? Has that been done?

A: Yes, they were referred to those agencies at the last LTC meeting. The minutes of that meeting are not out yet, but it likely did happen. Louise Decario will find out.

14) The issue of density was discussed at some length. The question of recommending that the residential entitlements being relinquished be put in limbo or transferred instead of being extinguished was brought up. Louise Decario said the Conservancy felt it didn't want to hold up rezoning while that was being studied, though it was foregoing a good deal of money. It was pointed out that with the "community housing" rezoning the recently increased density matches what's now been lost here. It was further pointed out that this project will still have lots of people using the property. It is changing the way people will be on the property, but that doesn't mean there will be no people. The learning centre will have all the impact of density; it will just be a different kind of density.

Summing Up:

The questions listed above serve as a list of areas that have raised flags. We will consider these questions, and use the next meeting to come up with formal language to address them in a series of motions, and to formulate our response to the referral.

7. NEXT MEETING

The next meeting will take place Tuesday May 30 at 9.30 a.m.

8. ADJOURNMENT

The meeting was adjourned at 11.15 a.m.

CHAIR

DATE

CERTIFIED CORRECT:

Heather C. Martin, Recording Secretary

ADOPTED



Islands Trust

Galiano Island
Advisory Planning Commission
Record of Meeting



Date: May 30, 2017
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
9:30 a.m.

Members Present: Sheila Anderson
 Karen Harris
 Bowie Keefer
 Dave Koster
 Barry New
 Judith Parrack



Members Absent: Akasha Forest (regrets)

Staff Present: Heather C. Martin, Recorder

Members of the Public: on behalf of the applicant, Keith Erickson and Louise Decario

1. CALL TO ORDER

The meeting was called to order at 9.36 a.m.

2. APPROVAL OF THE AGENDA

It was **moved** and **seconded** that the agenda be approved.

CARRIED

3. APPROVAL OF THE MINUTES

It was **moved** and **seconded** that the minutes of May 23, 2017 be adopted as amended subject to review of amended copy.

CARRIED

4. DISCUSSION OF CURRENT REFERRAL ISSUES AND CONCERNS

ADOPTED

Keith Erickson offered to go through the minutes of the previous meeting and comment point by point. His comments are listed as A. in the Q and A that follows; new questions from commission members are listed as Q.

A: Re Question 1, what is included in the .5%: in the OCP what is included are structures, buildings and paved areas. So that's the definition used by the Conservancy. Therefore things like the games area, gravel driveways and gravel parking lots were not included. Should the APC want those amendments included the percentage of the property being covered might be closer to 1%. However according to OCP regulations the .5% cited is entirely adequate for all planned amendments.

Q: If the parking lot and road are not included in the .5%, if we add all this we would be closer to 1%?

A: It would be a 20-minute exercise for me to provide number; I could email it to you for your interest.

Q: That would be useful, to make this as accurate as possible.

A: Keith Erickson will come up with a figure that will include buildings, structures and relatively impermeable areas including things like playing fields, since that won't be part of conservation.

Q: It would be nice to know how much of the land that is set aside will never be used, and how much will be used for something.

A: 66% of the property is set aside as protected areas, with low-impact use including things like hiking trails only. A further 25% (largely in the ALR) is set aside as an integrated use area for activities like permaculture and agroforestry that contribute to natural integrity in some way. An example is the food forest where the centre is currently growing food and medicine in a way that creates a forest and contributes to the surrounding ecosystem. A further 2% will be used for more focused agriculture, and 8% will allow more intensive development like classroom building or parking lots. The Conservancy chose appropriate areas where those areas could occur at this early stage; exactly how that will all manifest is still a bit open. All infrastructure will be located on that 8%, though it won't necessarily use all of it. This designation was required for the covenant with the Nature Conservancy, which holds the mortgage.

Q: Is there any way that mortgage could be extinguished?

A: Keith Erickson will have to check.

Q: Is that subject to money?

A: It is subject to a landholder agreement stipulating what can and can't be done on the property. If the Conservancy is in default of the mortgage or agreement, a process is then triggered where MCC gets the lands or reverts them to another suitable organization.

ADOPTED

A: Re Question 2, limit to overnight participants: our proposal/application cited 76 people; that's what we put forward. In speaking with the planner, my interpretation is that he preferred to restrict infrastructure than to restrict the number of participants. So not using that number was the initiative of the planner. The number we have settled on would accommodate two classes of students [a standard request from schools] + staff, parents and teachers; that works out to about 76 overnight participants. There could be a special event where there might be more people during the day, as there was for the memorial, but not for overnight. Can't see we would need more than that.

Q: We were just querying because that cap disappeared from the second staff report with no explanation. The answer is useful, not in terms of enforcement but of awareness. As well, all provisions, the use of water, septic capacity and so on is tied to the maximum number of people.

A: The water report was based on 76 people. The hydrology report was based on the proposal for rezoning, so the premise of the report was that a maximum of 76 people, using the office, camping and sleeping quarters, washrooms and so on, would be present every day of the year. The capacity exceeded that use.

A: Re Question 3, existing residence: There is no current residence on the property. The existing building is not to code and not being used. The intention is at some point to build one residence and office. It is anticipated, but not finalized, that the residence and office might be part of one building to minimize the footprint.

Keith Erickson unfurled a large map showing the proposed uses and all constraints [from the OCP] including sensitive ecosystem DPAs, and guided commission members through it. He pointed out where the office/dwelling would be. The parking lots will also be there; the area on the map is likely larger than will be used. The 8% area mentioned earlier is in light blue. Part of that likely won't be used; it was designated for potential wind/energy production since it is the best spot. That's also where original cabin is.

He pointed out the primary infrastructure site including classroom, washrooms, where the Conservancy plans to create over time some sleeping cabins or quarters, and the main camping area. The rustic camp site will include tent pads, one covered structure with no walls, a tap for potable water and an outhouse. There will be no showers or extra amenities in order to give groups a back-country experience. He noted a group of girl guides is currently learning how to backpack. The Learning Centre provides gear, teaches them to camp and guides them on longer trails as part of its backcountry camping experience. Separating the two camping areas will allow one group (example university students) to use the classroom/ area and another group to have a backcountry experience at the same time.

Q: The way this was presented to us was quite confusing. How all this is divided up is not clear in the proposed bylaw.

A: The planner seemed to prefer not to locate areas and activities in the bylaw; to talk about uses and structures, but not where on the property they will be occurring.

ADOPTED

Q: Our other concern about the language of the bylaw is that there was no mention of the rustic campsite being an accessory to the learning programming, and that has to be fixed to differentiate it from commercial campsites.

A: Keith Erickson agrees: the use will be environmental education. Not just the camping areas but also the bunkhouses are all accessory to the educational programming. The Conservancy accepts that this should be perfectly clear, and would be grateful if the APC raises this concern.

Q: Can you clarify what is meant by 12 additional structures.

A: These are sleeping quarters. We used the number 12 because we felt we needed to have a number. We don't have plans for them yet, so are not sure if they will consist of 12 small cabins with two cots in each, or 4 larger cabins with 6 cots in each. 12 seemed a useful number; we will never build for more than that. Currently there is no hard and fast need for all that; likely we will never use it all.

Q: so that's 12 structures not exceeding 60 square metres?

A: The 60 square metres includes all the buildings on the site and all the tent platforms.

Q: Bylaw 263, point 11.2.2.1, p. 3 of 5, says something different. It reads as structures limited to 10 square metres.

A: Originally there was no mention of sleeping quarters and so the planner just added that.

Q: Likely that was just added to the end of the sentence. If it was in a separate bullet it would likely have been clear.

A: **Re Question 5 re ALR:** 20% of the property, roughly 40 acres, is zoned agricultural and will remain that. Plans are to use it for agriculture, but not all the land is useable for that purpose. Some is forest that is identified as a wood lot for firewood; some are wet areas where restoration will likely take place. This is where the main cluster of existing shacks are situated; they will likely be decommissioned and the site restored. Another area is a hybrid restoration project where native plants for food and medicinal purposes are being grown.

Q: So the overall intention is to use ALR for agricultural practices?

A: And their demonstration, as long as it's healthy and advantageous to the environment.

Q: re the pond and seasonal creek—is that year-round?

A: No; the creek is likely drying up now.

Q: There is no permanent stream?

ADOPTED

A: No. There is a permanent spring where the well is.

A: **Re Question 6, public access to trails:** a dedicated trail to the beach is always open to the public. On the other side of the road there will be restricted public access; a “do not enter” sign will be put up when a program is in session. The public will still be welcome to go other way. The Conservancy has some funds to upgrade its website so that all this will be very clear; the public can look up to see if a program is in session.

Q: You could also advertise in the Active Page for example, giving notice that access to the trails may be restricted when programs are in session.

A: That's our approach at moment. To ensure the safety and privacy of our students, having public access is difficult. We have spoken about creating a second dedicated public trail that would go a different way to a different, beautiful high-bank shore access. That's one option: that would circumvent the main program area. Some difficulties need to be addressed; this will add complexity to the management of the site, but it is definitely being discussed.

Q: Is there actually a beach there?

A: Yes, one can canoe in there and kayak, and the public do, as so do participants in our programs, but it is rocky so there is no natural landing site.

Q: In the preliminary layout when the property was divided into 13 lots and approved, that cove would have been the public shore access. That should continue to be a public shore access. How can that be secured and accomplished?

A: Currently there is no access, or any way of securing access except through our management plan which has been accepted by the Nature Conservancy of Canada. That plan is subject to review, but there is no mechanism currently for ensuring public access and maintaining trails except our Conservancy track record.

Q: There's now and there's 50 years from now. The Conservancy's current track record is one thing, but 50 years from now management could say this is a learning centre: we don't want public access. If that happened there would be no redress for the community.

Q: when there's no one during programs, is it open to the public?

A: Yes, it is currently. But there will be less and less access as programs are in session.

One commission member suggested there was no need for trails to be specified in rezoning, since the Conservancy is part of community and these are quasi-public lands. It would be more important to get a public trail network around island; currently lacking is a connection south/south east.

A: We have plans to work with neighbours to the north, retreat cove farms. These plans are not active; we haven't talked to the owners yet, but the idea is for a loop trail through that area.

ADOPTED

Q: This discussion of trails bumps into the OCP section III SERVICES; “trail acquisition” is term the used. We need to highlight this as an important issue. Perhaps you could write a letter of undertaking that you are in the process of developing public trails?

A: We would be happy to work on whatever mechanism would work.

Q: When this was a subdivision the community had shore access; this access could be requested as part of the rezoning.

A: It would require a subdivision, not of the land but of the road, and currently we have undertaken not to subdivide. We would have to go back to the Nature Conservancy in order to do that.

Q: What about a “survey right of way”? Something that would allow a public right-of-way to the full width.

A: without having the subdivision process? Not sure if that is possible. As an organization we would prefer not to do that.

Q: As an organization we would prefer that you did. It is in the community interest. For example there are now more and more bike and bike groups using our roads; we would like this dedicated road allowance for that kind of use. Owners change; we as a community need this assurance. One possible precedent was cited, where a forest lot owner was rezoning forest land, and the trustees of the day asked for this. This was agreed to publicly but they didn’t in the end do it. It would not have required a subdivision. The chair agreed to check on this.

A: That would reduce the size and likely the value of our lot. If it was increasing the value of lot, there would be an argument for putting it in our costs, but this would be harder to justify.

Q: The point is you are using the community’s infrastructure, our roads for your groups. Another point is that you are using a main public road except that road is not properly dedicated; you are impacting and will impact that road, so it would seem reasonable to request that you make sure that road gets properly dedicated.

A: (Keith Erickson) I totally understand your concerns, but from a financial perspective undertaking to do a road dedication would leave us in a difficult position. In our management plan we put a buffer on the road, assuming it was being managed for tree removal and so on. A full-width dedication is in the management plan, and it turns out to be 2 + % of property. So we don’t have a reluctance to use it in way you suggest.

A: (Louise Decario) We need to look at whether it can have it surveyed and dedicated, with a larger section to allow for dedicated walking and biking trails, since this is something the APC seems to want.

Q: You should also look into whether that would really require subdivision; not sure about that.

ADOPTED

A: We will look into that.

Q: There are examples of fully dedicated roads cutting through lots. That doesn't mean that lots on either side are divided, just that the road itself is taken out. The question is whether one can register a dedicated right-of-way and not subdivide.

A: If it is registered and the Ministry of Highways owns it, then we likely need a subdivision.

Q: It's worth exploring. If we can achieve full-width right-of-way that would at least be attempting to address/satisfy the OCP transportation plan. It should also be noted there is no mention of this transportation plan in any of the staff reports.

A: in our application we went through all of the guidelines in the OCP and addressed each one. # 24 is the cumulative demand on the highway serving the property and we spoke to that, so that is worth looking at that. [APC did not receive this].

A: **Re Question 13, referral to other agencies:** Louise Decario said she has just found out the application has not been referred to other agencies.

Q: The North Galiano Fire Department hasn't seen referral. It seems that the LTC is waiting for comments from the APC before sending it on.

A: **Re Question of liability (part of original question 7):** The GCA has liability coverage for the public accessing the land (with a minimum of \$2 million). That is part of our mortgage requirements.

Q: **Re sewage treatment (original question 8):** not sure what kicks in when building tent platforms, wash/shower facilities; not sure what guides the septic requirements. So that goes back to a maximum cap being an important requirement, because how do you ensure that what you will build is adequate?

A: We went through the CRD; when we built the kitchen/classroom we went through them. The CRD requirements are based on square footage not numbers of people.

Q: Does the CRD capture eg tent platforms?

A: No they don't.

Q: How can we have something that will capture this full use once development is in place.

[Bowie Keefer left at 10.53 a.m.]

A: we don't have answers at time, so we can't enlighten the ACP. Things like water testing have initiated discussions with VIFA, but we don't know what requirements will be put on us for testing and so on. There are regulations; we not clear on them presently but we will be dealing with them. We are not planning to fly under radar.

ADOPTED

Q: If you build an office, will you create another septic field? If do camping, another septic field?

A: No haven't yet, but we likely will have to. The showers/washrooms are being built off side of the classroom and will be part of that septic field.

Q: Was VIHA part of the referral list? It should be added. That will trigger that discussion.

Q: Continuing with the question of septic, will the sleeping shelters trigger septic? And hopefully that will trigger other uses?

A: The bathrooms and showers did trigger a septic system, so we have the permit and had to prove we had adequate septic. So now we have two flush toilets and two outhouses, adequate for our current needs under the TUP. When we rezone we may need to upgrade that, in which case we would need to upgrade the permit; with tent pads they do ask how many people will use them; we know that will trigger the appropriate mechanism.

Q: This is all good to know. We needed assurance there would be mechanisms to catch septic requirements. That takes care of sewage disposal.

A: **Re Question 11, Fire pit:** currently what we have is large steel half-barrel nested on its side in a gravel area on the edge of our playing field. Our fire use is completely compliant under the jurisdiction of the North End fire department. We will be complying with all regulations unlike the provincial parks that are outside these regulations. We only have one group fire pit; there are no individual fire pits. We are already using the pit and groups want it because it is part of the experience. We communicate clearly with group leaders on how to use it.

Q: So the group can be left without a conservancy staff person present?

A: Yes.

Q: Is water and sand on hand?

A: Yes, everything including buckets is on hand. With the girl guides for example we are working with their very strict protocols so we have adjusted to meet their restrictions. We also have propane so that they can have a fire experience even during high fire times. Doesn't think we use it during extreme conditions; will ask.

Q: This came up in our discussion because of the language being used in the bylaw with no definitions. This kind of thing bothers us. We banned fire pits in VROs since the owners wouldn't be present.

A: Here we're providing education; we're teaching the safe use of fire. A fire-making workshop is part of the program for backcountry experience.

ADOPTED

Q: New question re the possibility of large one-day events. Is that likely, and how would you plan for it?

A: we would have to plan for that specific event; so if we had a 2-hour ceremony and anticipated a huge turnout, we wouldn't rent portapotties but would consider what infrastructure was in place. We would do case by case event planning. [There was some discussion about commercial vs educational gatherings on ALR lands and what regulations were triggered.]

This concluded the question and answer session. It was agreed to have another meeting to come up with the wording for our response to the referral. Keith Erickson offered to leave the large site map for our next meeting, and his offer was accepted.

[Keith Erickson and Louse Decario left at 11.24 a.m.]

Summing up: If we plan our next meeting for June 12, that will give us time to prepare notes from the meeting. Chair Anderson agreed to work on list of recommendations; Judith Parrack agreed with work with her to come up with draft recommendations to circulate in advance of the meeting. Karen Harris agreed to send some draft sample motions to include in this.

5. NEXT MEETING

The next meeting will take place Monday June 12 at 9.30 a.m.

6. ADJOURNMENT

The meeting was adjourned at 11.28 a.m.

CHAIR

DATE

CERTIFIED CORRECT:

Heather C. Martin, Recording Secretary



Galiano Island Advisory Planning Commission Record of Meeting

Date: June 12, 2017
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
9:30 a.m.

Members Present: ___ Sheila Anderson
___ Akasha Forest
___ Karen Harris
___ Dave Koster
___ Barry New

Members Absent: ___ Bowie Keefer (regrets)
___ Judith Parrack (regrets)

Staff Present: Heather C. Martin, Recorder

Members of the Public: none



1. CALL TO ORDER

The meeting was called to order at 9.35 a.m.

2. APPROVAL OF THE AGENDA

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

3. APPROVAL OF THE MINUTES

The members present agreed that the previously adopted as amended minutes of May 23, 2017 were correct and ready for submission.

It was **moved** and **seconded** that the minutes of May 30, 2017 be adopted.

CARRIED

4. DISCUSSION AND REFERRAL RESPONSE TO PROPOSED BYLAWS 262 AND 263

DRAFT

The meeting began with a review of the Learning Centre site map and some discussion of various aspects of the proposal. The committee then worked on its response to the LTC referral, drafting recommendations and suggesting amendments to the proposed bylaws, as follows.

It was **moved** and **seconded** that the APC approve the following referral response.

“GIAPC REFERRAL RESPONSE TO PROPOSED BYLAWS 262 AND 263 (Galiano Conservancy Association)

The APC is unanimously supportive of a rezoning of the property in question to accommodate the Galiano Conservancy Association’s Millard Learning Centre. Committee members all agree that it offers considerable benefit to the community of Galiano and the Islands Trust Area in terms of environmental education opportunities, the restoration and conservation of the majority of the parcel, and some additional trails open to the public. We recognize its value in terms of adding to other protected lands in the area to create contiguous corridors of protected natural areas in this region of Galiano.

The APC acknowledges that this rezoning if approved will remove 13 residential densities from our islands residential capabilities. However, it would replace residential housing impact with another form of human occupancy and activity on the land. We noted that new residential densities for affordable housing have been added to the bank of residential capabilities elsewhere on Galiano so our overall residential capability may not have changed much in total.

Our review and discussion of these proposed Bylaws No.262 and 263 have resulted in the following concerns and recommendations:

1. To support OCP Agriculture Objective #1

A portion of the property is zoned for Agriculture use and is in the Agricultural Land Reserve. In light of this, and considering the limited agricultural land resource on Galiano Island and the subsequent impact on food security that this conveys, the APC is pleased that there is no change to this AG zoning proposed in these bylaws. The APC recommends that the AG zoned land in question continue to be used for agricultural purposes, rather than for nature conservation purposes. The APC recognizes that agricultural use can include non-traditional agricultural methods and demonstration projects and encourages these uses.

2. To support OCP Section II Land Use Policy a) viii) “The desirability of providing public access to beaches and other natural areas for residents and visitors alike”

As presently zoned this parcel of Residential zoned land could be subdivided into 13 lots, each with a dwelling and a cottage. A subdivision of this property would normally involve provision of dedicated shore access. This rezoning would

DRAFT

remove that possibility for subdivision but the APC does not think that the requirement for providing shore access should be extinguished.

Therefore, the APC recommends that the LTC ask that a dedicated and secured public trail access to the foreshore be provided as a condition of rezoning approval, and that the GCA take measures to plan and manage this access through signage and communication with the public to avoid conflicts with anticipated programming.

3. To support OCP Section III Services, Land Transportation Objectives and Policies

i. The APC does not think this proposal meets Land Transportation Objective 1). As presently zoned this parcel of Residential zoned land could be subdivided into 13 lots, each with a dwelling and a cottage. A subdivision of this property would normally involve provision of any road or trail dedications indicated on our OCP Transportation Plan. This rezoning would remove that possibility for subdivision but the APC does not think that the requirement for achieving planned road and trail routes as per Schedule C should be ignored. Porlier Pass Road, where it passes through this property, is classified as a Main Rural Road and yet is NOT a fully dedicated (20m) road but merely a Section 4 road according to Schedule C. The APC recommends that the LTC ask that a full road allowance dedication be granted to MoTI on the portion of Porlier Pass Road passing through the property prior to rezoning approval.

ii. The APC notes that the proposed bylaws appear to address Objective 2) regarding public access to trails in the wording of both the OCP amendment 4.3 policy c) and of the LUB amendment 8.5, 11.2.1.4.

iii. The APC wishes to acknowledge that this proposal meets Land Transportation Objective 4) because it has direct road frontage on a Main Rural Road (Porlier Pass) and therefore will not impact on any Residential Class roads. It will however significantly impact the island's transportation infrastructure with student groups continually coming and going. This is similar to many Economic Activity Zones which are required by Transportation Policy f) to have access from a Main Rural or Minor Rural Road classification in order to respect Objective 4).

If the LTC is going to consider adding new Community Facilities and Utilities Zones in our OCP and LUB it may want to consider also amending Transportation Policy f) by adding "...or Community Facilities and Utilities Zone" following "Land that is rezoned to any Economic Activity Zone...". At present it appears that most existing Community Facility or Utility zones have access to a Main Rural or a Minor Rural Road Classification.

4. To comply with LUB Prohibited uses 2.3.2 restricting commercial campgrounds

The APC strongly recommends that the LTC amend proposed Bylaw 263 by adding the word "accessory" in reference to all mentions of camping and

DRAFT

overnight accommodation structures in order to ensure that these are NOT used for other than program participants.

5. Further recommendations to add greater clarity and understanding for all concerned

The APC strongly recommends that the LTC also ensure that Bylaw 263 include a clear limit on the number of overnight guests and staff allowed. The applicants had suggested a cap of 76. The APC considers that a reasonable number.

The APC strongly recommends that the LTC consider changes to the wording of the bylaws to address the following additional concerns:

i. The APC has observed that the bylaw lists two separate allowances for 18 tent platforms, one listed in association with “research and education facilities” and another associated with “rustic camping.” This is confusing to a reader unfamiliar with the fact that these refer to two separate areas for accessory camping/accommodation. The APC recommends that 11.2.1.2 be amended to “research and educational activities and facilities with accessory camping.” It also recommends that 11.2.1.5 be amended to “accessory rustic camping.” The APC recommends that the wording of the bylaw clarify that the total number of camping sites will not exceed 36.

ii. The APC recommends that a site plan be attached to the bylaw for readers’ reference.

iii. The APC recommends that the camping be restricted to the designated camping areas.

iv. In recognition of the danger posed by fire during our hot, dry summers, the LTC and GCA should ensure any open burning complies with local and provincial burn regulations. GCA should be required to ensure the contained burning systems they use are carefully designed to maintain fire safety at all times. Further, GCA should be required to ensure an adequate water supply is provided adjacent to each fire facility and should ensure staff are able to control and extinguish fires.

v. The APC is unclear about the criteria used to establish the size of septic field necessary to accommodate the maximum of 76 overnight visitors. Therefore, the APC recommends that the LTC request the necessary information to understand how this will be managed. It suggests that the LTC ensure that safe water and septic systems are in place to support this proposal.”

THE MOTION THAT THE APC APPROVE THIS REFERRAL RESPONSE WAS

CARRIED.

[Note: Barry New left at 11.00 a.m.]

DRAFT

5. NEXT MEETING DATE

None scheduled.

It was agreed that the draft minutes of this meeting will be circulated via email before being submitted to staff. APC members are asked to respond by email within 48 hours of circulation. [Note: Dave Koster has approved the draft in advance of circulation, as he expects to be away.]

6. ADJOURNMENT

The meeting was adjourned at 11.17 a.m.

CHAIR

DATE

CERTIFIED CORRECT:

Heather C. Martin, Recording Secretary

Follow Up Action Report

Galiano Island

02-May-2016

Activity	Responsibility	Target Date	Status
GL-TUP-2016.1 (Stettner) - application deferred until such time a draft covenant between the property owner and the Section Seven Water Works is agreed upon. (IN PROGRESS)	Rob Milne	01-Jul-2016	On Going

21-Mar-2017

Activity	Responsibility	Target Date	Status
Direction provided to staff to revise the Dock Review Project Discussion Paper to include a new section, Community and Shared Docks, and report back to the LTC on the issues involved such as access options and liability and insurance implications.	Rob Milne		On Going

05-Jun-2017

Activity	Responsibility	Target Date	Status
Staff directed to prepare a draft electronic meeting bylaw based upon the Lasqueti model for the review and discussion of the LTC.	Rob Milne		Done
Staff were requested to contact Industry Canada and request all available information regarding existing telecommunications installation in the Galiano LTA.	Rob Milne		Done
Staff to advertise for expressions of interest for participation on the Affordable Housing Project SAPC.	Sharon Lloyd-deRosario Rob Milne		Done
The North Pender Island LTC is to be advised that the Galiano Island LTCs interests are unaffected by proposed Bylaw No. 213.	Sharon Lloyd-deRosario Rob Milne		Done



Islands Trust

Print Date: June 29, 2017

Follow Up Action Report

The LTC directed that the Active Page publication is to be used for notifications of public hearings in addition to the statutory advertising.

Sharon Lloyd-deRosario
Rob Milne

Done

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

Salt Spring Island Trust Area
(Island)

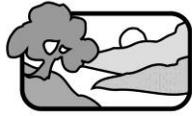
(Signature)

(Date)

487 and 496
(Bylaw Numbers)

(Title)

(Agency)



File No.: GL-DP-2016.5
(Diamond/Taylor)
(x-ref: GL-DVP-2017.2)

DATE OF MEETING: July 10, 2017
TO: Galiano Island Local Trust Committee
FROM: Rob Milne, Island Planner
Victoria Office
SUBJECT: Development Permit
Applicant: Allan Diamond
Location: 754 Ellis Road

RECOMMENDATION

1. That the Galiano Local Trust Committee approve issuance of Development Permit GL-DP-2016.5 (Diamond/Taylor).

REPORT SUMMARY

This report is to consider a Development Permit (DP) application.

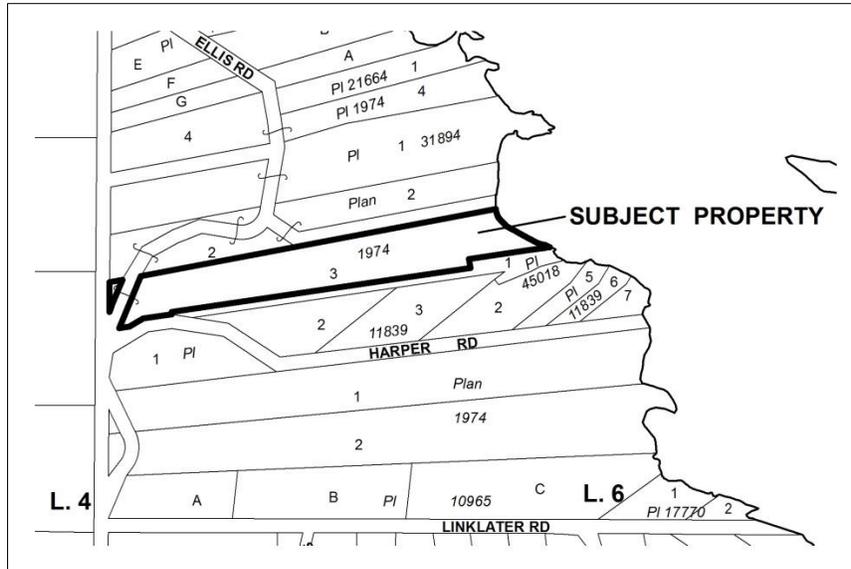
The purpose of this application is to legalize the re-facing and repair of the seaward side of an existing concrete sea wall. The application is requesting to authorize measures which have taken place for the protection of shorelines and associated foreshore areas and to manage the proposed development that is within the Development Permit Area 2 – Shoreline and Marine Development Permit Area (DPA).

The applicable objectives of the DPA are summarized as follows:

- preservation and protection of the long term physical integrity and ecological values of shorelines and associated foreshore and upland areas;
- to manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and features;
- to maintain public's use and access;
- to adapt to the anticipated effects of climate change; and,
- to protect development from hazardous conditions resulting from shoreline erosion.

In summary, the above recommendation for the redevelopment proposal is supported as it is a permitted use in the LUB, it meets the objectives and specific guidelines of the DPA, and by the conclusions and recommendations of the environmental report.

A copy of the Development Permit Area Checklist for DPA 2 (Attachment 2) and the proposed Development Permit GL-DP-2016.5 (Diamond/Taylor) (Attachment 5) are attached.



BACKGROUND

In early July of 2016 it came to the attention of the Islands Trust that work on a seawall was taking place without the necessary permits. An investigation took place and a development permit application was subsequently received in mid-August and enforcement action was put on hold pending the processing of that application.

The nature of the work taking place was the reinforcement and repair of damage to an existing seawall.

Since the receipt of the original application the information necessary to process and proceed with the application has been slowly arriving at the Islands Trust office. The remaining outstanding materials (Development Variance Permit (DVP) application and biologists report) were received in the first week of June, 2017. The DVP is required to legalize the currently non-conforming setback of the structure (Attachment 4) from the natural boundary of the sea.

The purpose of the DP will be to ensure that the seawall structure and the activities related to its repair have not compromised the intent of the development permit area and its guidelines. This will include an assessment by a Qualified Environmental Professional (QEP) of any negative impacts of the works and the provision of recommendations for any actions deemed necessary to address those impacts and ongoing best management practices (BMPs) to protect the area around the seawall.

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

- 3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.

- 3.4.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
- 3.4.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.
- 4.5.10 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.

Official Community Plan (DPA):

The foreshore water area is designated as Marine (M) in the OCP. The development which is the subject of the DP application is located upon the upland area directly adjacent to the foreshore area and is within the Development Permit Area 2 – “Shoreline and Marine Development Permit Area” (DPA). The Guidelines for the Shoreline DPA are contained in the Official Community Plan. The DPA checklist (Attachment 2) analyses each applicable guideline for the proposal’s compliance.

In summary, the proposal meets the applicable guidelines contained in the DPA.

Land Use Bylaw:

The subject property is zoned as Small Lot Residential - SLR in the Galiano LUB. A seawall can be considered a permitted use subject to compliance with DPA 2 guidelines.

The siting of the seawall does not meet the requirements of the LUB which requires a minimum setback of 7.5 metres from the natural boundary of the sea. The applicant has submitted application GL-DVP-2017.2 in pursuit of relief of this setback in support of this application.

Issues and Opportunities:

Environmental Report

An environmental report entitled ‘Environmental Review for 754 Ellis Rd, Galiano Island, BC – Shoreline and Marine Areas DPA2’ (S. Stallard, BSC., ASCT, Env. Tech. May 29, 2017) is attached in full (Attachment 3). The report notes that “the site inspection did not reveal any environmentally sensitive ecosystems, red or blue-listed species, wildlife trees or significant environmental features on this type in the DPA, beyond the natural sensitivity of shoreline habitats” and further noted that there was “no evidence of long-term impacts from the 2016 construction”. The report also provided a set of short term and long term recommendations.

All of the recommendations of the report have been incorporated as conditions into the DP.

Protection and Preservation of Sensitive Areas

The design and location of seawall responds to the objectives and guidelines of the DPA for protection of sensitive ecosystems as summarized by the Environmental review report:

...the seawall repair within the DPA appears to have little negative impact on the environment and provided the recommendations described in this review are followed, the site will meet the OCP’s DPA 2 Objectives.

Public Access and Climate Change

There are no public access implications associated with this application and there are no climate change implications anticipated with the project given nature of the seawall repair involving only a re-facing of the exposed side of an existing seawall.

Consultation:

There is no public or agency consultation regularly associated with a Development Permit application. In addition, there is no statutory notification required.

Rationale for Recommendation:

Based on the compliance with the DPA guidelines and the QEP’s conclusions, staff is recommending that the LTC approve issuance of Development Permit GL-DP-2016.5 (Diamond/Taylor) as per the resolution on Page 1.

ALTERNATIVES

The LTC could consider the following alternatives to the above recommendations:

1. Request further information

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

Resolution:

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

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should specify which guideline(s) the application does not comply with.

Resolution:

That the Galiano Island Local Trust Committee deny application GL-DP-2016.5 (Taylor/Diamond) as it does not comply with guideline_____.

Submitted By:	Rob Milne, Island Planner	June 14, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	June 14, 2017

ATTACHMENTS

- 1. Site Context
- 2. DPA Checklist
- 3. Environmental Report

4. Site survey
5. Draft Development Permit

ATTACHMENT 1- SITE CONTEXT

LOCATION

Legal Description	LOT 3, BLOCK 4 OF DISTRICT LOTS 4, 5, AND 6, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 1974, EXCEPT THAT PART IN PLAN 21425; SHOWN OUTLINED IN RED ON PLAN 1978R
PID	002-841-363
Civic Address	754 Ellis Road.
Property Size	Upland: 3.91 ha (9.66 ac)
Site Description	The subject property is a long and narrow waterfront property running between Ellis Road and the natural boundary on the eastern side of Galiano Island. The property is well treed and development activity is largely contained in the easterly portion near the waterfront.

LAND USE

Current Land Use	Residential
Surrounding Land Use	The properties on the north and south sides of the subject property have residential uses. The property across Ellis Road is zoned Nature Protection and is treed and undeveloped.

HISTORICAL ACTIVITY

File No.	Purpose
GL-BP-2016.1	Application to add a single family dwelling.
GL-BP-2017.6	Building permit application for a retain wall (seawall)
GL-BE-2016.18	Structure within a setback and within a DPA without a permit

POLICY/REGULATORY

Official Community Plan Designations	Galiano Island OCP No. 108, 1995 SLR - Small Lot Residential (upland) Development Permit Areas (DPAs): <ul style="list-style-type: none">• DPA 2 – Shoreline and Marine
Land Use Bylaw	Galiano Island LUB No. 127, 1999: Small Lot Residential (SLR – Upland/Abutting Property).
Other Regulations	N/A
Covenants	197786G, Statutory Right of Way, BC Hydro FB111748, Statutory Right of Way, Telus Communications
Bylaw Enforcement	See file GL-BE-2016.18

SITE INFLUENCES

Islands Trust Fund	There are no Trust Fund Board or Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Fund regional conservation plan.
Species at Risk	n/a
Sensitive Ecosystems	n/a
Hazard Areas	n/a
Archaeological Sites	<p>Archaeological sites</p> <p>There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.</p>
Climate Change Adaptation and Mitigation	No development activity is associated with the application.
Shoreline Classification	Sediment Shoreline - Boulder/Cobble
Shoreline Data in TAPIS	No evidence of Eelgrass Beds (Fringing, continuous) identified at location. See Biologist's report.

Attachment 2- Site Context

Galiano Island

OCP Bylaw No. 108, 1995

Shoreline and Marine Development Permit Area (DPA 2)

GL-DP-2016.5 (Diamond c/o Taylor) Guideline Checklist

(Re) Development/Repair of a Seawall

Guideline	Complies			Comments
	Yes	No	N/A	
1. In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The works in question involved a re-facing of an existing concrete sea wall the siting of which is completely within the subject property although not in compliance with the current siting setbacks. A biologist report has been completed.
2. Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works are exhausted should such works be considered.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application is for repairs to an existing structure
3. Sea level rise, storm surges, and other anticipated effects of climate change should be addressed in all applications.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application is for repairs to an existing structure
4. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. New upland structures or additions to existing structures should be located and designed to avoid the need for shore protection works.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The existing shoreline abutment is being reused.
6. When required, shore protection measures should:				
a. Apply the 'softest' possible shore protection measure that will still provide satisfactory protection; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The existing shoreline abutment is being reused.
b. Limit the size of shore protection works to the minimum necessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The existing shoreline abutment is being reused.
7. 'Hard' structural shore protection measures (e.g. concrete walls, lock block, stacked rock) may be considered in support of existing development only when a geotechnical and biophysical analysis demonstrates that:				
a. an existing structure is at immediate risk from shoreline erosion caused by tidal action, currents, or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The existing shoreline abutment is being reused.
b. the erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage. The geotechnical analysis should evaluate on-site drainage problems and investigate drainage solutions away from the shoreline edge before considering structural shoreline stabilization;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The existing shoreline abutment is being reused.

Guideline	Complies			Comments
	Yes	No	N/A	
c. non-structural measures, such as locating new buildings and structures further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or sufficient to address the stabilization issues; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The existing shoreline abutment is being reused.
d. unavoidable damage to shoreline ecological function is mitigated as much as feasible and restoration is undertaken when feasible.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The existing shoreline abutment is being reused.
8. All structural shore protection measures should be installed within the property line or upland of the natural boundary of the sea, whichever is further inland. 'Soft' shoreline protection measures that provide restoration of previously damaged ecological functions may be permitted seaward of the natural boundary subject to obtaining necessary approvals from the provincial and federal governments.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The existing shoreline abutment is being reused.
9. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical assessment of the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Shore protection measures that are likely to cause erosion or other physical damage to adjacent or down-current properties shall not be supported.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Shore protection measures should not be considered for solely the purpose of providing a sufficient setback to meet other land use bylaw requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The existing shoreline abutment is being reused. No upland improvements are associated with this application
12. New driveways and sewage disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the development permit may require that the assessment, design and construction of the road or sewage disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. Where this development permit area includes native plant species or plant communities dependent on a marine shoreline habitat that are identified locally, provincially, or federally as sensitive, rare, threatened or endangered, or have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation / compensation measures shall be undertaken only under the supervisions of a qualified professional with advice from provincial and federal environmental agencies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	. Monitoring by Biologist a condition of DP
14. Shore protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing structures or new outbuildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application is for repairs to an existing structure
15. Existing shore protection works may be replaced if the existing works can no longer adequately serve their purpose provided that:				
a. The replacement shore protection works are of the same size and footprint as the existing works, unless required to prevent shoreline erosion as determined by a qualified professional;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The existing shoreline abutment is being reused.

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

Guideline	Complies			Comments
	Yes	No	N/A	
22. New structures on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis for the structure.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
23. Removal of trees or other vegetation from steep slopes or bluffs should only be allowed where necessary and where replacement vegetation / erosion control measures are established. If possible, stumps should be left in place to provide some soil stabilizing influence until replacement vegetation is established. Plans delineating extent of vegetation / tree removal (location, species and diameter of trees) and location of proposed construction, excavation and / or blasting, may be required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Guidelines for Construction Practices:				
Erosion Control:				
24. All development within this development permit area should be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Monitoring:				
25. A development permit may require monitoring by a qualified professional of the implementation of environmental mitigation, restoration or enhancement planting or other measures required by a development permit, until all such measures have been completed and the professional has provided a report confirming completion to the standard specified in the permit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Monitoring and verification of compliance by a qualified professional are conditions in DP.
Guidelines for Vegetation Management, Restoration and Enhancement:				
26. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
27. Existing trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
28. If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
29. Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or fish and wildlife habitat values as needed. Suitably adapted, non-invasive, non-native vegetation may also be considered acceptable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Guideline	Complies			Comments
	Yes	No	N/A	
30. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Guidelines for Shore Protection Measures Design:				
31. Materials used for shoreline stabilization should be inert. Stabilization materials should not consist of debris or contaminated material that could result in pollution of tidal water.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
32. Revetments (rip rap slopes) and bulkheads (retaining walls) should only be constructed if no other alternative exists.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
33. Where revetments are proposed:				
a. They should not result in the loss of shoreline vegetation or fish habitat;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. The size and quantity of materials used should be limited to that necessary to withstand the estimated energy of the location's hydraulic action and prevent collapse; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Filter cloth should be used to aid drainage.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
34. Where bulkheads are proposed:				
a. They should not be located where geomorphic and hydrologic processes are critical to shoreline conservation. Feeder bluffs, marshes, wetlands, spits and hooks should be avoided;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. They should be located parallel to and landward of the natural boundary of the sea, as close to any natural bank as possible;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. They should allow the passage of surface or groundwater without causing ponding or saturation; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d. They should be constructed of stable, non-erodible materials that preserve natural shoreline characteristics. Adequate toe protection including proper footings and retention mesh should be included. Beach materials should not be used for fill behind bulkheads.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Guidelines for Beach Nourishment and Fill:				
35. Fill upland of the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
36. Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

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



29 May 2017

Dean Taylor
754 Ellis Rd
Galiano Island, BC
V0N 1P0

RE: Environmental Review for 754 Ellis Rd, Galiano Island, BC – Shoreline and Marine Areas DPA 2

On 24 April 2017 Sara Stallard, BSc, ASCT, Dipl.Env.Tech. of Fish KW Environmental visited the property at 754 Ellis Rd on Galiano Island, BC to evaluate the existing condition of the shoreline in reference to a recently repaired seawall within the Islands Trust Shoreline and Marine Areas Development Permit Area (DPA 2)(Figures 1-3). As per the Galiano Island Local Trust Committee Official Community Plan (OCP 1995) Bylaw No. 108, the 15-m Shoreline and Marine DPA 2 was assessed for impacts to sensitive ecosystems, red and blue listed species, wildlife trees, and all environmentally sensitive areas within the DPA. This Environmental Review summarizes the assessment of the environmental conditions in DPA 2, observed and potential impacts from the completed repair and work zone, and recommendations for mitigation.

The role of Fish KW Environmental is to assist the owner in identifying the boundaries of the DPA; evaluate the health of the ecosystems, their conservation and potential restoration requirements; communicate the benefits and importance of the ecosystems to the owner; and develop a workable balance of homeowner needs with conservation and management recommendations.

REGULATORY BACKGROUND

Shoreline and Marine Areas Development Permit Area

According to the Galiano Island Local Trust Committee OCP Bylaw No. 108, the Objectives of the Shoreline and Marine Areas DPA 2 are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk.
5. To adapt to the anticipated effects of climate change.
6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

Appendix 1 contains the full Shoreline and Marine Areas DPA 2 section of the bylaw for the owners' reference.

Fisheries and Oceans Canada (DFO)

Regulatory permissions from DFO are not required for works above the natural boundary. However, any release of deleterious substances into the marine environment could be considered a harmful alteration, disruption or destruction (HADD) of fish habitat. The project description would have been highly unlikely to trigger a DFO project review.

BACKGROUND INFORMATION

Online searches were conducted prior to the initial site visit for listings of environmentally sensitive ecosystems, red or blue-listed flora and fauna, wildlife trees, or any other pertinent environmental features. Online sources also included a review of aerial photography and locally available information for the area. Sources included the CRD Natural Areas Atlas and Harbours Atlas, Conservation Data Centre (CDC) database, the Sensitive Ecosystem Inventory (SEI), the Wildlife Tree Stewardship Program (WiTS) occurrences, and Galiano Islands Local Trust resources (OCP Schedule H DPA 5 Sensitive Ecosystems, consolidated DPA mapping, eelgrass habitat mapping).

A review of the SEI mapping (both via Galiano OCP Schedule H & the provincial SEI) for the property indicated no SEI data points for the property and none for a radius of 100 m of the project area (Figures 4 & 5).

A review of the Conservation Data Centre (CDC) mapping for Species and Ecosystems at Risk showed that the western portion of the property (and much of Galiano Island) is covered in Coastal Douglas-fir/Dull Oregon-grape (*Pseudotsuga menziesii/Mahonia nervosa*) forest ecosystem, a provincially red-listed (S2-imperiled) ecosystem. Red-listed species are at risk of being extirpated, endangered, or threatened (Figure 6). The seawall project and 15-m Shoreline and Marine DPA are outside of this red-listed area.

No WiTS points were listed on the property; however a number of nesting trees are noted within a 500-m radius. The nearest WiTS-noted tree (BAEA-101-742) is located approximately 250 m north on the shoreline at Salamanca Point, observed in 2005 as Bald Eagle nesting tree.

A 2013 survey by SeaChange Marine Conservation Society for the Islands Trust describes Eelgrass beds as “flat, continuous” in the marine area adjacent to the project shoreline and the Lion Islets (Mab 12a from Nearshore Eelgrass Inventory Final Report 2012-2013 reproduced as Figure 7).

Forage fish such as surf smelt (*Hypomesus pretiosus*) and Pacific sand lance (*Ammodytes hexapterus*) are known to spawn on beaches throughout the Gulf Islands. Surf smelt prefer mainly mixed sand and gravel beaches and spawning can occur year round. Pacific sand lance spawn on sandy beaches from November to February and their embryos can sometimes remain in the intertidal substrate until mid-March. No forage fish survey data for this section of shoreline was publicly available.

PROJECT DESCRIPTION

The following description of the project works and methods comes from interviews with Dean Taylor (owner), Allan Diamond (architect), and Mario Duval (contractor – Deep Edge Developments). The seawall refurbishment was conducted on and around 29 June 2016 during low daytime tides. The work consisted of resurfacing and reinforcing the seaward face of the existing concrete seawall (circa 1950s-1960s) approximately 16.8 m long, digging out the fill material behind the wall in order to add structural support in the form of three buttresses/ballasts, and finally backfilling behind the wall and re-seeding the previously existing lawn. Approximately 25 cm (10”) was added to the seaward surface in this stabilisation, 15 cm (6”) was added to the height and 45 cm (18”) added to the depth to bedrock in one location (Figure 8).

Epoxy-coated rebar was used for the added seaward structural support and was anchored to the underlying bedrock, exposed by hand for the project. Concrete was hand poured by wheel barrows, with the concrete pump truck well back from the 15-m DPA. The fill material excavated behind the wall was set aside for backfilling, with the exception of a quantity of historically discarded bottles and trash that was removed from the material. The presence of trash and other characteristics indicated that the material was not the native soil. Minimal shoreline vegetation was trimmed at the ends of the seawall to enable a clear working area. No

machinery was used on the beach. Washing out of concrete waste occurred onto used plywood in the gravel driveway, significantly outside of the DPA. Beach material (sand, gravels, woody debris) previously set aside for access to the underlying bedrock was replaced back into its original position, as much as possible.

SITE ASSESSMENT

The property was visited on 24 April 2017 during low tide. The property is surrounded by forest and single-family residences within heavily forested lots. The shorelines north and south of the site are mainly forested and not heavily modified. The majority of the 15-m Shoreline and Marine Areas DPA consists of lawn and landscaped features (ornamental vegetation, terracing), with forested areas on both north and south property lines (Photos 1-5). The shoreline is characterised by 1-3 m undercut banks over undulating (glacially scoured) sandstone bedrock, which extends into the foreshore (Photos 6-10). The seawall is at the centre of the property shoreline, with concreted rock pathway/stairs at the south end. This pathway was not modified by the recent works. The lawn is a mix of mowed grass, clover, vetch and mosses, with a newly seeded portion adjacent to the seawall.

High shrub vegetation is located on the northern edge of the seawall, with mixed low vegetation at the south end. A shoreline fringe of mostly native shrubs exists for all areas north and south of the seawall. Tree species noted within the DPA consist of Douglas-fir (*Pseudotsuga menziesii*), western redcedar (*Thuja plicata*), grand fir (*Abies grandis*), red alder (*Alnus rubra*), and further along the shoreline – arbutus (*Arbutus menziesii*). Shrubs and groundcover included ocean spray (*Holodiscus discolor*), Indian plum (*Oemleria cerasiformis*), red-flowering current (*Ribes sanguineum*), tall Oregon-grape (*Mahonia aquifolium*), salal (*Gaultheria shallon*), orange honeysuckle (*Lonicera ciliosa*), bracken fern (*Pteridium aquilinum*), sword fern (*Polystichum munitum*), miner's-lettuce (*Claytonia perfoliata*), and a rose that is likely Nootka rose (*Rosa nutkana*)(unconfirmed). Minor occurrences of the invasive species Himalayan blackberry and Scotch broom were noted.

The foreshore consists of sand and gravel stretches between gently sloping sandstone bedrock. A detailed foreshore survey was not conducted, but species noted in the lower intertidal zone included attached seaweeds (*Ulva* sp., *Fucus* sp.) and shells of cockles and bent-nosed clams. The beach had pockets of material possibly suitable to forage fish spawning, but no overhanging vegetation, which is preferred by forage fish for shading. The beach directly in front of the seawall was made up roughly equally of bedrock and sand.

No current obvious nesting activity in the 15-m DPA was observed. The DPA generally lacks thick shrub cover favoured by songbirds and other wildlife. Nesting in mature trees was not observed; however, a detailed bird survey was not within the context of this review. Regular use of the DPA by Canada Geese (*Branta canadensis*) has been observed by the owners. Canada Goose populations in the southern islands of BC have been rapidly expanding and are considered an introduced species. They are currently subjected to a number of concerted population-reduction strategies (egg addling, hazing, and culls) coordinated by the Canadian Wildlife Service. The presence of hummingbirds, eagles and garter snakes were observed while onsite.

SITE SUMMARY and PROJECT IMPACTS

The site inspection did not reveal any environmentally sensitive ecosystems, red or blue-listed species, wildlife trees or significant environmental features of this type in the DPA, beyond the natural sensitivity of shoreline habitats. In comparing project photos showing before/during/after conditions provided by the owner and current site conditions, very little impact was observed. It appears that at least one shrub may have been removed at the south end of the wall at the pathway in a location where ongoing minor erosion is occurring. Construction processes described by the contractor and owner would likely have had minimal impact to the foreshore. While a possibility exists that this beach may be used by forage fish, the small area of suitable habitat and lack of overhanging vegetation make spawning less likely. With no currently available studies to

indicate forage fish spawning in this location, no assessment of impact to forage fish can be concluded with the information available. No evidence of long-term impacts from the 2016 construction was observed.

RECOMMENDATIONS

SHORT TERM

The following recommendations are suggested as mitigation for the minimal impact that the project may have on the environment:

- Plant two native shrubs at the south end of the seawall to replace the vegetation trimmed or removed during construction. The native species listed in the Site Assessment segment of this report would all be appropriate for the replacement vegetation, in addition to species listed in Table 1. In particular, salal may be additionally useful in providing erosion protection with its year-round leaf retention.
- Because of the remoteness of the site, monitoring to ensure establishment of vegetation would be sufficiently met by site photographs from the owners for the 2-year maintenance period prescribed by OCP Section 2.7 Guideline 30.

LONG TERM

While it is understood that the repair of the current seawall is intended to have a lifespan of a many decades, the following information is provided for future consideration at this site. Section 2.7 of the DPA 2 contains the Guidelines for the management of shorelines and the ecological preference for “soft” approaches to shoreline erosion. The full Guideline is contained in Appendix 1. Additional guidance for shoreline management, called Green Shores, has been created under the Stewardship Centre for BC through a partnership of government, developers, scientists and community organizations. “Green Shores provides options and tools for a wide range of planning, design and construction professionals who are interested in minimizing the environmental impacts of their projects in a cost effective manner.” The Green Shores website contains interesting information for shoreline homeowners (http://stewardshipcentrebc.ca/Green_shores/). Appendix 2 contains Best Management Practices (BMPs) for general work around water, for future reference.

Vegetation overhanging the marine environment provides an important ecological function as wildlife habitat, shading and sheltering, as well as leaf fall and insect drop, which provide food and nutrients for salmonids and other marine organisms. The supralittoral (marine backshore) is an important trophic link in supplying terrestrial carbon to nearshore food webs (Romanuk and Levings 2010). The shading and protection offered by the nearshore vegetation are utilised by juvenile fish and terrestrial invertebrates are a significant food source for rearing/juvenile salmonids. Terrestrial invertebrates can make up over 50% of the stomach contents in salmonid smolts. Spawning mortality for forage fish such as surf smelt and Pacific sand lance is higher on beaches with no shade.

- Table 1 contains an additional list of appropriate native species for this 15-m DPA, should the owners wish to increase the planted edge to provide overhanging shoreline vegetation. Native species that are berry-producing or otherwise considered food plants appropriate to the site conditions have been included for the interest of the owner and include: coastal and woodland strawberry, native onions, wild ginger, Saskatoon berry, red huckleberry, black huckleberry, and evergreen huckleberry. An additional publication with native plants suitable for pollinators will be provided to the owners (Selecting Plants for Pollinators – Eastern Vancouver Island Ecoregion from Pollinator Partnership Canada 2017).
- Removal of Himalayan blackberry and Scotch broom is recommended, as these species spread rapidly.

In summary, the seawall repair within the DPA appears to have little negative impact on the environment and provided the recommendations described in this review are followed, the site will meet the OCP’s DPA 2 Objectives.

Please do not hesitate to contact us with any questions.

Sincerely,

A handwritten signature in blue ink that reads "S. Stallard". The signature is written in a cursive style with a large initial "S" and a distinct "L" at the end.

Sara Stallard, BSc., ASCT (#22338), Envr.Tech.
Fish KW Environmental

REFERENCES

Romanuk, Tamara N., and Colin D. Levings. (2010). Reciprocal Subsidies and Food Web Pathways Leading to Chum Salmon Fry in a Temperate Marine-Terrestrial Ecotone. *PloS ONE*, 5(4), e10073.
<http://doi.org/10.1371/journal.pone.0010073>

Wright, Nikki, L. Boyer, and K. Erickson. (2013). Nearshore Eelgrass Inventory 2012-2013. Prepared for the Islands Trust. <http://www.islandstrust.bc.ca/media/253758/EelgrassMethodReport.pdf>



Figure 1. Location (yellow) - 754 Ellis Rd, Galiano Island, BC. Aerial mapping courtesy of CRD Natural Areas Atlas

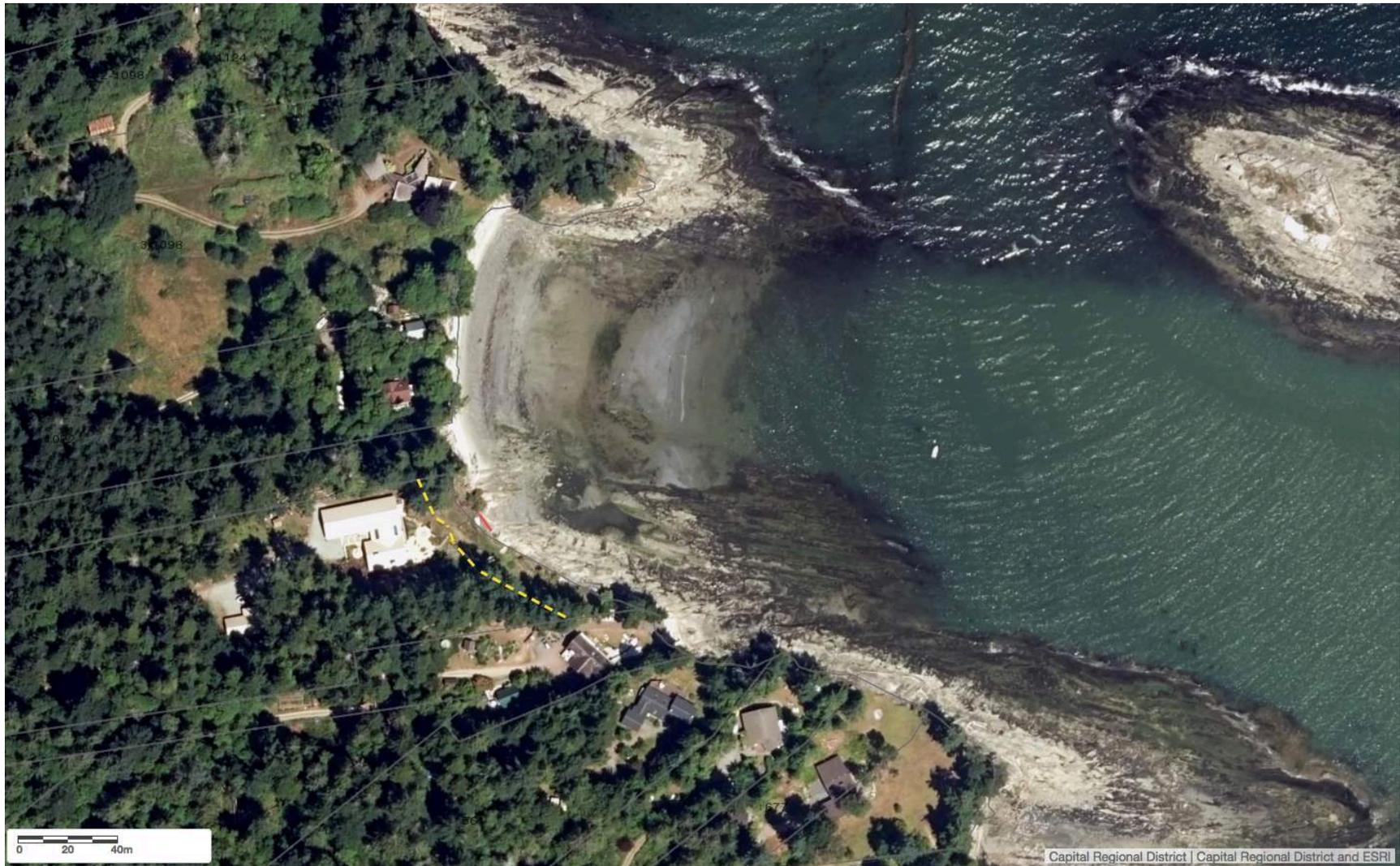


Figure 2. Project location (red) and approximation of Shoreline and Marine DPA 2 setback (15 m) at 754 Ellis Rd, Galiano Island, BC.
Aerial mapping courtesy of CRD Natural Areas Atlas.



Figure 3. Project location (arrow) within Galiano Islands Trust Consolidated DPA context (Shoreline & Marine DPA 2 – blue; Sensitive Ecosystems DPA 5– green]. (Note: Base map is not North oriented.)

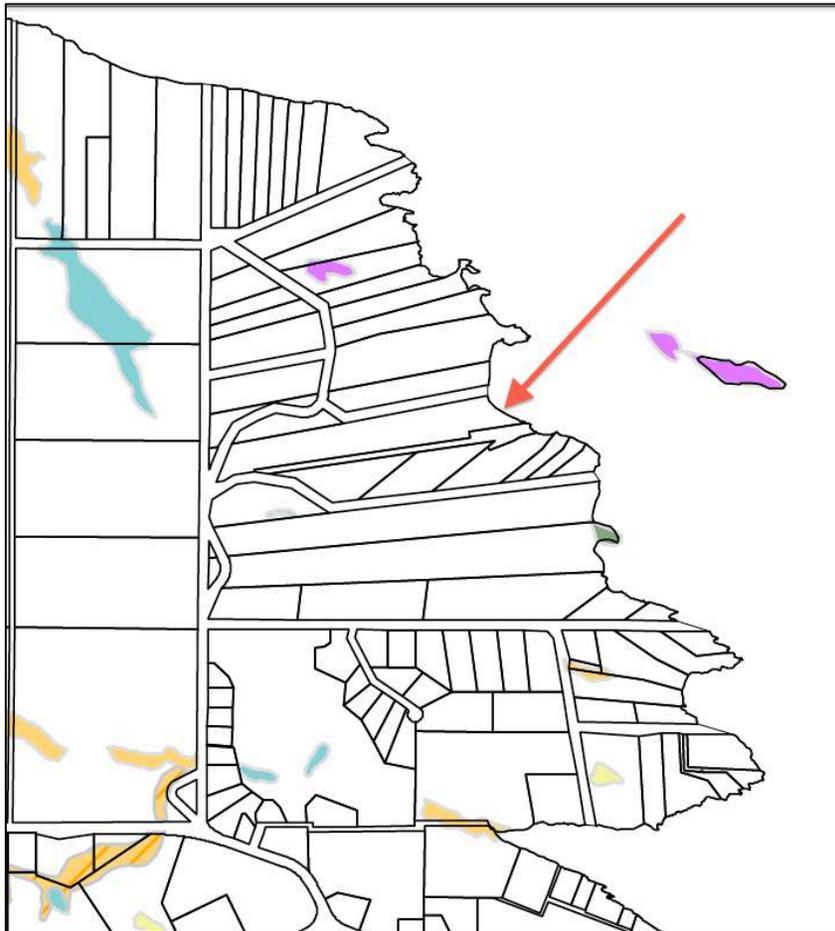


Figure 4. Project location (arrow) within Galiano Islands Trust OCP Schedule H: Sensitive Ecosystems DPA 5.

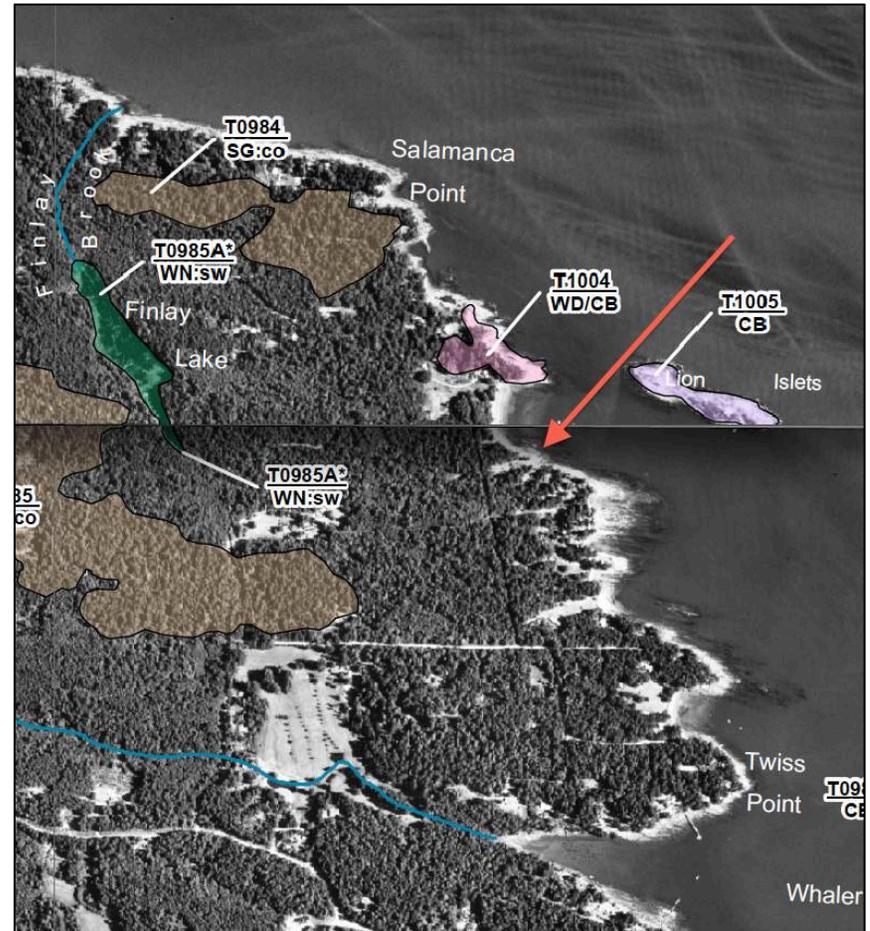


Figure 5. Project location (arrow) within Sensitive Ecosystem Inventory (SEI), provincial mapping.

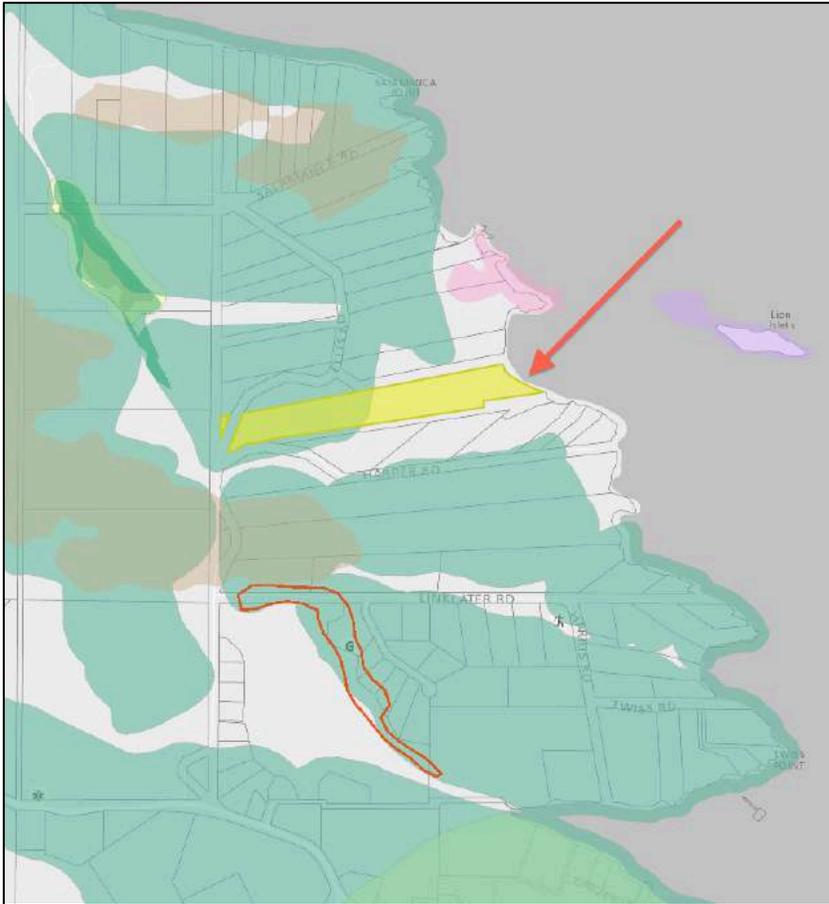


Figure 6. Project location (arrow) and 754 Ellis Rd property (yellow) within combined CDC Species and Ecosystems at Risk and the Sensitive Ecosystem Inventory (SEI).
Aerial mapping courtesy of CRD Natural Areas Atlas.

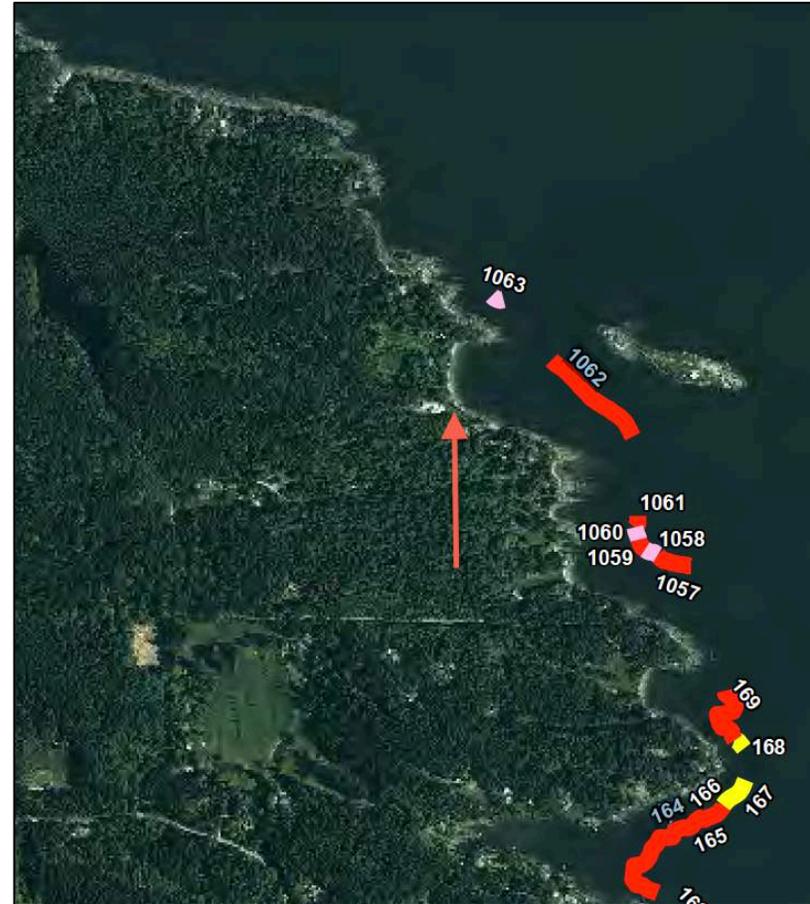


Figure 7. Project location (arrow) and Eelgrass beds. Red 1062 indicates flat and continuous beds. *Map source: Map 12b - Eelgrass Presence Galiano Island Local Trust Area – South surveyed by SeaChange Marine Conservation Society (survey 2013).*



ORIGINAL HOUSE FROM WATER - DEC. 21, 2006



EXISTING CONCRETE AND CONCRETE BLOCK WALL



EXISTING WALL WITH UNDERMINING FROM SOUTH END



UNDERMINING OF EXISTING WALL WITH REMEDIAL REINFORCING



EXISTING WALL WITH REMEDIAL REINFORCING



REPAIRED WALL FROM SOUTH



REPAIRED WALL FROM WATER SIDE

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Consultants:

Job No: 06-100

TAYLOR FAMILY RETREAT
754 ELLIS ROAD,
GALIANO ISLAND

ALL RIGHTS RESERVED FOR DPA

Drawings Update History:

Drawn:	ESG
Date:	2017-05-30 10:40
Scale:	1/1" = 1'-0"
Checked:	

Drawing Title:

PHOTOS

AO.1

Figure 8. Construction photos provided by owner.



Photo 1. View of DPA 2 northwest from shoreline.



Photo 3. Seawall and stairs/pathway - south end.



Photo 2. Seawall looking north.



Photo 4. View along DPA to south property line.



Photo 5. View along DPA to north property line.



Photo 7. Intertidal zone – sand beach between bedrock outcrops.



Photo 6. Bedrock and sand beach, view southwest to property line.



Photo 8. Intertidal zone from top of seawall.



Photo 9. Beach substrate seaward of seawall.



Photo 10. Neighbouring shoreline north end of site.

Table 1. Suggested Native Plant Species for 754 Ellis Rd. (This list is not exhaustive, but contains some common native plants appropriate to the variety of site conditions.)

TREES	
bigleaf maple	<i>Acer macrophyllum</i>
red alder	<i>Alnus rubra</i>
arbutus	<i>Arbutus menziesii</i>
shore pine	<i>Pinus contorta var. contorta</i>
Garry oak	<i>Quercus garryana</i>
Douglas-fir	<i>Pseudotsuga menziesii</i>
Pacific yew	<i>Taxus brevifolia</i>
Pacific crab apple*	<i>Malus fusca</i>
Pacific willow *	<i>Salix lucida ssp. lasiandra</i>
SHRUBS	
tall Oregon grape, low Oregon grape	<i>Mahonia aquifolium, M. nervosa</i>
oceanspray	<i>Holodiscus discolor</i>
black twinberry *	<i>Lonicera involucrata</i>
Indian plum	<i>Oemleria cerasiformis</i>
mock orange (Coastal)	<i>Philadelphus lewisii 'Gordianus'</i>
hairy manzanita	<i>Arctostaphylos columbiana</i>
red flowering currant	<i>Ribes sanguineum</i>
Saskatoon (food plant)	<i>Amelanchier alnifolia</i>
Nootka rose	<i>Rosa nutkana</i>
baldhip rose	<i>Rosa gymnocarpa</i>
clustered wild rose	<i>Rosa pisocarpa</i>
Hooker's willow *	<i>Salix hookeriana</i>
Scouler's willow *	<i>Salix scouleriana</i>
Sitka willow *	<i>Salix sitchensis</i>
common snowberry	<i>Symphoricarpos alba</i>
western trumpet honeysuckle	<i>Lonicera ciliosa</i>
hairy honeysuckle	<i>Lonicera hispidula</i>
salal	<i>Gaultheria shallon</i>
evergreen huckleberry * (food plant)	<i>Vaccinium ovatum</i>
red huckleberry (needs rotting wood) * (food plant)	<i>Vaccinium parvifolium</i>
black huckleberry * (food plant)	<i>Vaccinium membranaceum</i>
thimbleberry * (food plant)	<i>Rubus parviflorus</i>
salmonberry * (food plant)	<i>Rubus spectabilis</i>
GROUNDCOVER	
coastal, woodland, & wild strawberry (food plant)	<i>Fragaria chiloensis, F. vesca, F. virginiana</i>
licorice fern	<i>Polypodium glycyrrhiza</i>
kinnikinnick	<i>Arctostaphylos uva-ursi</i>
Roemer's fescue	<i>Festuca idahoensis ssp. Roemari</i>
yarrow	<i>Achillea millefolium</i>
yerba buena	<i>Clinopodium douglasii</i>

PERENNIALS/BULBS	
fool's onion	<i>Brodiaea hyacinthina</i>
harvest brodiaea	<i>Brodiaea coronaria</i>
Hookers onion, nodding onion,	<i>Allium acuminatum, A. cernuum</i>
great camas, common camas	<i>Camassia leichtlinii, C. quamash</i>
sea blush	<i>Plectritis congesta</i>
thrift / sea pink	<i>Armeria maritima</i>
satin flower	<i>Sisyrinchium douglasii</i>
fawn lily	<i>Erythronium oregonum</i>
wild ginger * (food plant)	<i>Asarum caudatum</i>
<i>*These plants prefer moist conditions.</i>	

Following pages:

Appendix 1. Shoreline and Marine Areas DPA 2 from Galiano Island Local Trust Committee OCP Bylaw No. 108. (11 pages)

Appendix 2. Best Management Practices (BMPs) for working around the marine environment. (1 page)

2. Development Permit Area 2 – Shoreline and Marine DPA

2.1 Designation

Development Permit Area 2 includes all land 15 m upland of the natural boundary of the sea, and seaward to the boundary of the area of bylaw application.

2.2 Authority

The Shoreline and Marine Development Permit Area is designated a development permit area pursuant to Section 919.1(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity, Section 919.1(1)(b) for the protection of development from hazardous conditions, and Section 919.1(1)(f) for establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

2.3 Special Conditions and Objectives that Justify the Designation

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is Provincial legislation in Section 877(1)(d) of the *Local Government Act* that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development.

It is policy of the Islands Trust Council that protection must be given to the natural processes, habitats and species of the Trust Area, including those of open coastal grasslands, the vegetation of dry rocky areas, estuaries, tidal flats, salt water marshes, drift sectors, lagoons, kelp and eel grass beds and that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.

It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address:

- the protection of sensitive coastal areas;
- the planning for and regulation of development in coastal regions to protect natural coastal processes;
- opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways; and

- the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning area.

Shorelines within the Galiano Island Local Trust Area have high ecological function and values and may be subject to shoreline erosion in some locations. Due to their physical and biological characteristics and situation they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements or protection measures can threaten the ecological and physical integrity of the foreshore and upland.

The Objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk
5. To adapt to the anticipated effects of climate change.
6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

2.4 Development Approval Information

The area is also designated an area for which development approval information (DAI) may be required according to Section 920.01(1)(c) of the Local Government Act. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impact of the proposed activity or development on the community or the natural environment.

2.5 Applicability

This Development Permit Area applies to all development proposed within the Shoreline and Marine DPA. A development permit is required for the subdivision of land, construction of, addition to, or alteration of a building or structure, or the alteration of land, except where such activities are specifically exempt.

2.6 Exemptions

The following activities are exempt from any requirement for a development permit:

- a) Repair, maintenance, alteration or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming, provided there is no alteration of undisturbed land or vegetation (a building permit may still be required).
- b) The placement of impermanent structures such as benches, tables and garden ornaments.
- c) Development on land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- d) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.
- e) The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- f) Removal of invasive plants or noxious weeds on a small scale within the Development Permit Area.
- g) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation.
- h) Forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- i) Construction of a fence so long as no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- j) Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land.
- k) The pruning or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree.
- l) The construction of a small accessory structure such as a pump house, gazebo, garden shed or play house if all the following apply:
 - The structure is located within an existing landscaped area;
 - No native trees are removed;
 - The structure is located a minimum of 7.5 metres from the natural boundary of sea or, where the bank has a slope greater than 3:1 at any point, 7.5 m from the top of the bank, whichever is further; and
 - The accessory structure does not cover an area greater than 10 m².
- m) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - Forest fire, flood and erosion protection works;
 - Protection, repair or replacement of public facilities;

- Clearing of an obstruction from a bridge, culvert, dock wharf or stream;
or
 - Bridge repairs.
- n) The installation of mooring buoys.
- o) Works undertaken by a local government or a body established by a local government.

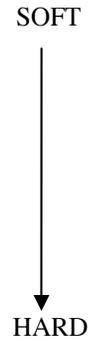
2.7 Guidelines

General Guidelines:

1. In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access.
2. Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works are exhausted should such works be considered.
3. Sea level rise, storm surges, and other anticipated effects of climate change should be addressed in all applications.
4. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.
5. New upland structures or additions to existing structures should be located and designed to avoid the need for shore protection works.
6. When required, shore protection measures should:
 - a. Apply the 'softest' possible shore protection measure that will still provide satisfactory protection; and
 - b. Limit the size of shore protection works to the minimum necessary.

Shore Protection Measures are modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection against erosion. Structural protection measures are often referred to as 'hard' and 'soft'. 'Hard' measures refer to those with solid, hard surfaces, such as concrete bulkheads, while 'soft' structural measures rely on less rigid materials such as biotechnical vegetation measures (biotechnical measures are the specialized use of woody plant materials to stabilize soil) or beach enhancement. There is a range of measures varying from soft to hard that include:

- Vegetation enhancement
- Upland drainage control
- Biotechnical measures
- Beach enhancement
- Anchor trees
- Gravel placement
- Rock (rip rap) revetments
- Gabions
- Concrete groins
- Retaining walls or bulkheads
- Seawalls



In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

7. 'Hard' structural shore protection measures (e.g. concrete walls, lock block, stacked rock) may be considered in support of existing development only when a geotechnical and biophysical analysis demonstrates that:
 - a. an existing structure is at immediate risk from shoreline erosion caused by tidal action, currents, or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;
 - b. the erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage. The geotechnical analysis should evaluate on-site drainage problems and investigate drainage solutions away from the shoreline edge before considering structural shoreline stabilization;
 - c. non-structural measures, such as locating new buildings and structures further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or sufficient to address the stabilization issues; and
 - d. unavoidable damage to shoreline ecological function is mitigated as much as feasible and restoration is undertaken when feasible.
8. All structural shore protection measures should be installed within the property line or upland of the natural boundary of the sea, whichever is further inland. 'Soft' shoreline protection measures that provide restoration of previously damaged ecological functions may be permitted seaward of the natural boundary subject to obtaining necessary approvals from the provincial and federal governments.
9. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical assessment of the site.
10. Shore protection measures that are likely to cause erosion or other physical damage to adjacent or down-current properties shall not be supported.
11. Shore protection measures should not be considered for solely the purpose of providing a sufficient setback to meet other land use bylaw requirements.

12. New driveways and sewage disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the development permit may require that the assessment, design and construction of the road or sewage disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met.
13. Where this development permit area includes native plant species or plant communities dependent on a marine shoreline habitat that are identified locally, provincially, or federally as sensitive, rare, threatened or endangered, or have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation / compensation measures shall be undertaken only under the supervisions of a qualified professional with advice from provincial and federal environmental agencies.
14. Shore protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing structures or new outbuildings.
15. Existing shore protection works may be replaced if the existing works can no longer adequately serve their purpose provided that:
 - a. The replacement shore protection works are of the same size and footprint as the existing works, unless required to prevent shoreline erosion as determined by a qualified professional;
 - b. The replacement shore protection works are designed, located, sized, and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;
 - c. Replacement walls or bulkheads do not encroach seaward of the natural boundary or the seaward limit of the existing shore protection works unless there are significant safety or environmental concerns that could only be addressed via such an encroachment. In such cases, the replacement of shore protection works should utilize the 'softest' approach possible and should abut the existing shore protection works; and
 - d. Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.

Guidelines for Subdivisions:

16. All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development.

Guidelines for Commercial and Industrial Development:

17. Boat maintenance and repair facilities shall be designed and sited in a manner that minimizes the potential for the discharge of toxic materials from boats (e.g. fuels, oils, maintenance by-products).
18. Lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility.

Light fixtures on such sites should focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high-cut off angle should be used. Full-spectrum fixtures are preferred. Neon lighting should not be used outside buildings.

19. Signs on commercial and industrial developments built over the water surface should not move or be audible and should not incorporate lighting that moves or flashes or gives the impression of doing so.
20. Offshore log storage should be located such that natural flushing and water circulation will disperse waste materials, and log dumping facilities should be designed and operated to prevent bark and other debris from accumulating on the sea bed.

Guidelines for Specific Shoreline Types:

21. Because of their extreme sensitivity to disturbance and slow rate of recovery, dredging or filling of estuaries should not be permitted, sea walls and rip rap embankments should not be permitted in estuaries, and when shore protection measures are necessary “beach nourishment” designs are preferred, which add appropriately sized material to the upper beach, creating a natural beach slope and beach armour.
22. New structures on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis for the structure.
23. Removal of trees or other vegetation from steep slopes or bluffs should only be allowed where necessary and where replacement vegetation / erosion control measures are established. If possible, stumps should be left in place to provide some soil stabilizing influence until replacement vegetation is established. Plans delineating extent of vegetation / tree removal (location, species and diameter of trees) and location of proposed construction, excavation and / or blasting, may be required.

Guidelines for Construction Practices:

Erosion Control:

24. All development within this development permit area should be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.

Monitoring:

25. A development permit may require monitoring by a qualified professional of the implementation of environmental mitigation, restoration or enhancement planting or other measures required by a development permit, until all such measures have been completed and the professional has provided a report confirming completion to the standard specified in the permit.

Guidelines for Vegetation Management, Restoration and Enhancement:

26. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.
27. Existing trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
28. If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.

29. Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or fish and wildlife habitat values as needed. Suitably adapted, non-invasive, non-native vegetation may also be considered acceptable.
30. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.

Guidelines for Shore Protection Measures Design:

31. Materials used for shoreline stabilization should be inert. Stabilization materials should not consist of debris or contaminated material that could result in pollution of tidal water.
32. Revetments (rip rap slopes) and bulkheads (retaining walls) should only be constructed if no other alternative exists.
33. Where revetments are proposed:
 - a. They should not result in the loss of shoreline vegetation or fish habitat;
 - b. The size and quantity of materials used should be limited to that necessary to withstand the estimated energy of the location's hydraulic action and prevent collapse; and
 - c. Filter cloth should be used to aid drainage.
34. Where bulkheads are proposed:
 - a. They should not be located where geomorphic and hydrologic processes are critical to shoreline conservation. Feeder bluffs, marshes, wetlands, spits and hooks should be avoided;
 - b. They should be located parallel to and landward of the natural boundary of the sea, as close to any natural bank as possible;
 - c. They should allow the passage of surface or groundwater without causing ponding or saturation; and
 - d. They should be constructed of stable, non-erodible materials that preserve natural shoreline characteristics. Adequate toe protection including proper footings and retention mesh should be included. Beach materials should not be used for fill behind bulkheads.

Guidelines for Beach Nourishment and Fill:

35. Fill upland of the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

36. Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design.
37. Fill should not be placed at or below the natural boundary for the purposes of providing a trail or walkway.
38. All upland fill and beach nourishment materials should be clean and free of debris and contaminated material. All fill and beach nourishment proposals are subject to review and approval by provincial and federal authorities having jurisdiction.

Guidelines for Shore Access and Parking:

39. Roads, driveways, trails and pathways should follow the contours of the land, appropriately manage drainage, not require retaining walls, and only use stairs as a last resort.
40. Accesses in extremely sensitive areas or hazardous areas should be restricted or prohibited.
41. Parking areas should be located away from the shore, buffered or landscaped, and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, filtration trenches or swales, unpaved or permeable all weather surfaces should be considered for this purpose.

Guidelines for the Construction and Replacement of Docks and Boat Launch Facilities:

42. For residential properties, preference is to be given to the placement of mooring buoys and floats instead of docks.
43. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.
44. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.
45. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.
46. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.
47. Piers and pilings and floating docks are preferred over solid-core piers.
48. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.
49. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept

flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes.

50. Construction of a private ramp on an individual residential lot or parcel is discouraged. Owners are urged to seek opportunities to use public ramps or to share existing private ramps.
51. Residential docks should be located and designed to avoid the need for shore defence works or breakwaters.
52. Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not be designed to accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area unless more than two parcels have legal access to the dock, in which case permitted total surface area should be a multiple of the number of lots the dock serves.

Appendix 2. Best Management Practices (BMPs) for working around the marine environment

Environmental monitoring is recommended in order to reduce inadvertent negative impacts to the environment, especially during works involving concrete pouring and slope stabilization. Monitoring typically includes a pre-construction meeting, presence during concrete work adjacent to the shoreline, periodic site checks during major stages of construction and heavy rainfall, a final site inspection and a completion letter.

BEST MANAGEMENT PRACTICES (BMPs) for CONSTRUCTION

The following general Best Management Practices (BMPs) are recommended for work around water. BMPs specific to construction timelines, methods and materials may differ slightly.

BMPs for construction are recommended as follows:

- Work will be completed during dry weather (no work in heavy rainfall).
- Work will proceed from the upland side of the high water mark. No access for heavy equipment should occur on the shoreline.
- Exposed excavations and soil piles are to be covered with tarps or poly sheeting during precipitation and grass-seeded or planted as soon as possible.
- Sediment fences or other measures will be installed as needed, to prevent sediment from migrating into the marine environment.
- Existing native vegetation to be retained will be marked with highly visible flagging or snow fence and care will be taken when working around trees.
- Remove all wastes associated with repairs from the shoreline area and ensure open containers of paints, stains, thinners, glues, etc. are not left on shorelines.

Spill Prevention Measures will be implemented to minimize the potential for contaminants to enter the marine environment:

- Equipment will be inspected prior to working adjacent to water bodies. Hydraulic fittings on equipment working near the water's edge may require absorbent wrapping if not using inherently biodegradable hydraulic fluid.
- Fuelling of any machinery or generators will occur in a designated area away from water bodies (30 m) and catchbasins. Portable generators or fuelled equipment should be placed in spill-proof containers sized to contain a volume greater than the fuel capacity of the equipment.
- Spill kits will accompany all equipment and operators will be trained in their use.
- Ensure concrete wastes are contained: wet concrete is not deposited into surrounding water, remove excess concrete, and do not allow water from equipment and tool cleaning to enter the environment. Concrete pouring should be carefully monitored with no concrete to enter the marine environment. Wet cement is highly alkaline and can have severely adverse effects on aquatic life. Cast in place concrete will not come in contact with fish-bearing waters for at least 48 hrs.

DETAIL

**B.C. Land Surveyor's
Building Location Certificate of:**

Lot 3, Block 4 of District Lots 4, 5 and 6
Galiano Island, Cowichan District, Plan 1974,
except that part in Plan 21425; shown outlined
in red on Plan 1978R

Civic address: 754 Ellis Road
Galiano Island, B.C.

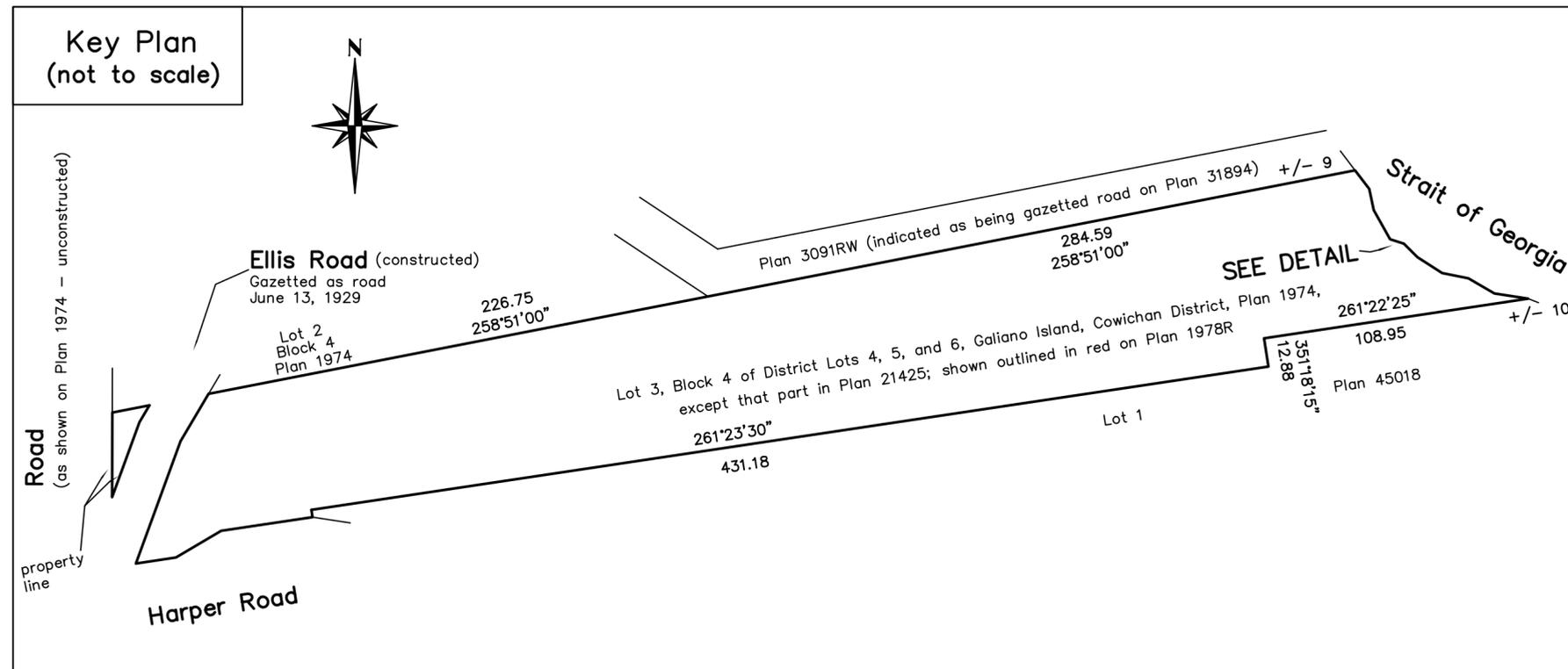
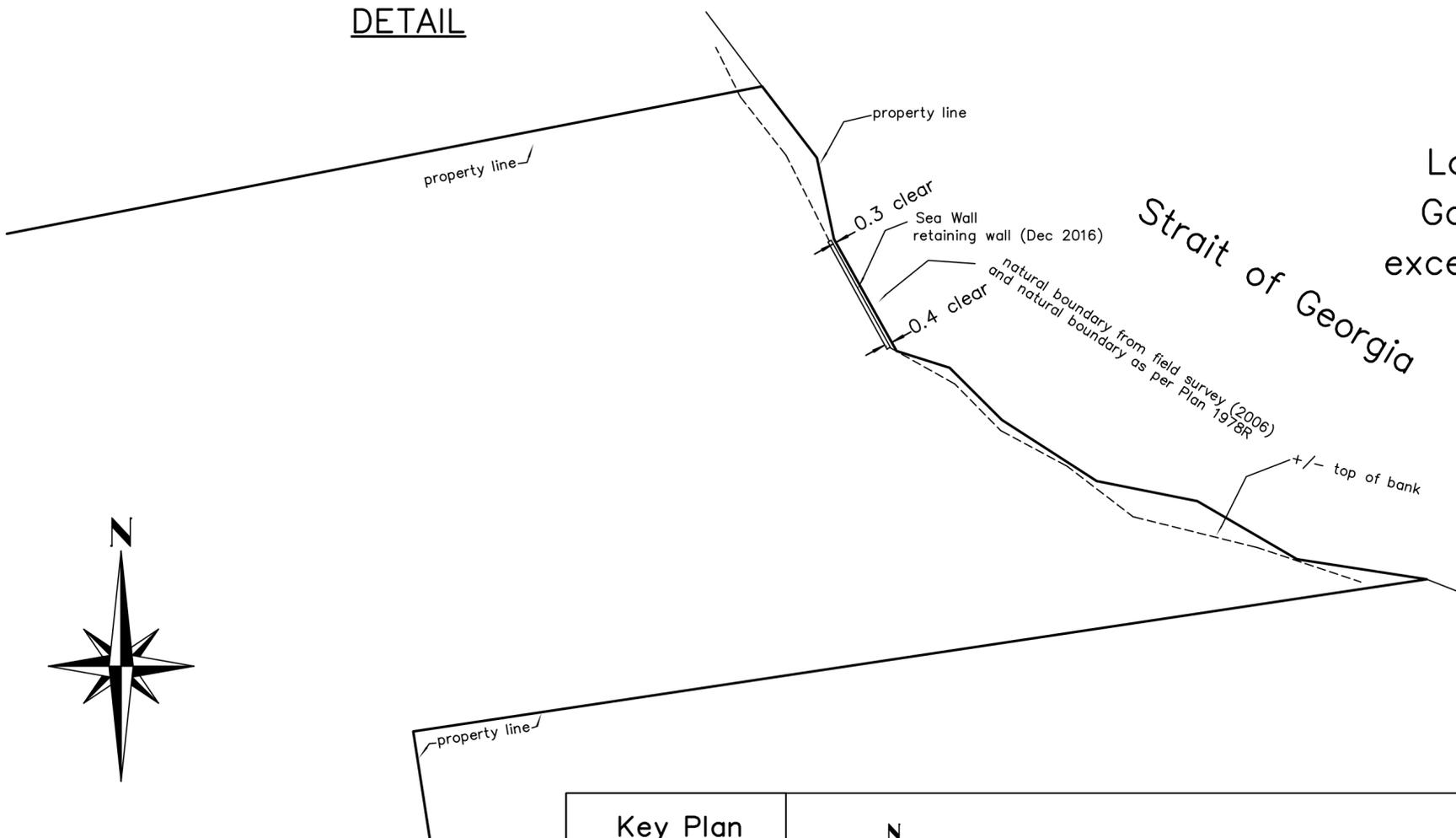
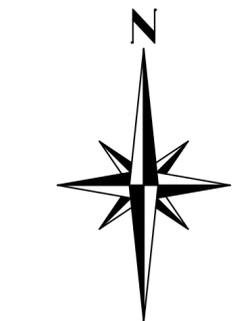
Parcel identifier number 002-841-363



Scale 1: 500 (metric) All distances are in metres

charged against title:
right of way 197786G
statutory right of way FB111748

THIS DRAWING IS PREPARED FOR THE SOLE PURPOSE OF
CERTIFYING THE LOCATION OF THE SEA WALL



Property dimensions are derived from Land Title Plans and field survey.
Lot dimensions and clearances may change slightly upon complete legal survey.

This plan was prepared for mortgage and/or municipal purposes and is for the exclusive use of our client.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

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Amended March 16, 2017 by adding clearances to sea wall

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

Certified correct this 3RD day of FEBRUARY, 2017



Glen Mitchell
P2GT7R

c=CA, en=Glen Mitchell
P2GT7R, o=BC Land
Surveyor, ou=Verify ID
at www.juricert.com/
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B.C.L.S.

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fb 231/232/285 file 07-GI-7839



**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2016.5**

To: Dean and Patricia Taylor

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

Lot 3, Block 4 of District Lots 4, 5 and 6, Galiano Island, Cowichan District, Plan 1974, Except that Part in Plan 21425, Shown outlined in Red on Plan 1978R (002-841-363)

2. This Development Permit GL-DP-2016.5 authorizes the siting of a seawall within Development Permit Area 2 – Shoreline and Marine DPA ("DPA"), subject to the following requirements and conditions:
 - a. Post construction remediation of the site shall be consistent with the recommendations of Schedule "A" attached to and forming part of this permit.

Monitoring

- b. Monitoring requirements to ensure establishment of vegetation are to be addressed by the provision of photographs of the site by the owners at six month intervals from the date of the approval of this permit for the 2 year maintenance period prescribed by OCP Section 2.7 Guideline 30.
3. Any further development within the designated Development Permit Area will require a new Development Permit, or a Development Permit Amendment.
4. This Permit does not remove any obligation on the Permittee to obtain other approvals or obligations necessary for the lawful completion of the proposed development.
5. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
6. This permit does not relieve the applicant from complying with the provisions of the Galiano Island Land Use Bylaw unless varied by this Permit.

This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Galiano Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE, THIS DAY OF JULY, 2017.

Deputy Secretary, Islands Trust

Date Issued

**IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE DAY OF JULY, 2019 THIS PERMIT
AUTOMATICALLY LAPSES.**

GALIANO ISLAND LOCAL TRUST COMMITTEE

**DEVELOPMENT PERMIT GL-DP- 2016.5
Schedule "A"**

Environmental Review for 754 Ellis Rd, Galiano Island, BC – Shoreline and Marine Areas DPA2



29 May 2017

Dean Taylor
754 Ellis Rd
Galiano Island, BC
V0N 1P0

RE: Environmental Review for 754 Ellis Rd, Galiano Island, BC – Shoreline and Marine Areas DPA 2

On 24 April 2017 Sara Stallard, BSc, ASCT, Dipl.Env.Tech. of Fish KW Environmental visited the property at 754 Ellis Rd on Galiano Island, BC to evaluate the existing condition of the shoreline in reference to a recently repaired seawall within the Islands Trust Shoreline and Marine Areas Development Permit Area (DPA 2)(Figures 1-3). As per the Galiano Island Local Trust Committee Official Community Plan (OCP 1995) Bylaw No. 108, the 15-m Shoreline and Marine DPA 2 was assessed for impacts to sensitive ecosystems, red and blue listed species, wildlife trees, and all environmentally sensitive areas within the DPA. This Environmental Review summarizes the assessment of the environmental conditions in DPA 2, observed and potential impacts from the completed repair and work zone, and recommendations for mitigation.

The role of Fish KW Environmental is to assist the owner in identifying the boundaries of the DPA; evaluate the health of the ecosystems, their conservation and potential restoration requirements; communicate the benefits and importance of the ecosystems to the owner; and develop a workable balance of homeowner needs with conservation and management recommendations.

REGULATORY BACKGROUND

Shoreline and Marine Areas Development Permit Area

According to the Galiano Island Local Trust Committee OCP Bylaw No. 108, the Objectives of the Shoreline and Marine Areas DPA 2 are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk.
5. To adapt to the anticipated effects of climate change.
6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

Appendix 1 contains the full Shoreline and Marine Areas DPA 2 section of the bylaw for the owners' reference.

Fisheries and Oceans Canada (DFO)

Regulatory permissions from DFO are not required for works above the natural boundary. However, any release of deleterious substances into the marine environment could be considered a harmful alteration, disruption or destruction (HADD) of fish habitat. The project description would have been highly unlikely to trigger a DFO project review.

BACKGROUND INFORMATION

Online searches were conducted prior to the initial site visit for listings of environmentally sensitive ecosystems, red or blue-listed flora and fauna, wildlife trees, or any other pertinent environmental features. Online sources also included a review of aerial photography and locally available information for the area. Sources included the CRD Natural Areas Atlas and Harbours Atlas, Conservation Data Centre (CDC) database, the Sensitive Ecosystem Inventory (SEI), the Wildlife Tree Stewardship Program (WiTS) occurrences, and Galiano Islands Local Trust resources (OCP Schedule H DPA 5 Sensitive Ecosystems, consolidated DPA mapping, eelgrass habitat mapping).

A review of the SEI mapping (both via Galiano OCP Schedule H & the provincial SEI) for the property indicated no SEI data points for the property and none for a radius of 100 m of the project area (Figures 4 & 5).

A review of the Conservation Data Centre (CDC) mapping for Species and Ecosystems at Risk showed that the western portion of the property (and much of Galiano Island) is covered in Coastal Douglas-fir/Dull Oregon-grape (*Pseudotsuga menziesii/Mahonia nervosa*) forest ecosystem, a provincially red-listed (S2-imperiled) ecosystem. Red-listed species are at risk of being extirpated, endangered, or threatened (Figure 6). The seawall project and 15-m Shoreline and Marine DPA are outside of this red-listed area.

No WiTS points were listed on the property; however a number of nesting trees are noted within a 500-m radius. The nearest WiTS-noted tree (BAEA-101-742) is located approximately 250 m north on the shoreline at Salamanca Point, observed in 2005 as Bald Eagle nesting tree.

A 2013 survey by SeaChange Marine Conservation Society for the Islands Trust describes Eelgrass beds as “flat, continuous” in the marine area adjacent to the project shoreline and the Lion Islets (Mab 12a from Nearshore Eelgrass Inventory Final Report 2012-2013 reproduced as Figure 7).

Forage fish such as surf smelt (*Hypomesus pretiosus*) and Pacific sand lance (*Ammodytes hexapterus*) are known to spawn on beaches throughout the Gulf Islands. Surf smelt prefer mainly mixed sand and gravel beaches and spawning can occur year round. Pacific sand lance spawn on sandy beaches from November to February and their embryos can sometimes remain in the intertidal substrate until mid-March. No forage fish survey data for this section of shoreline was publicly available.

PROJECT DESCRIPTION

The following description of the project works and methods comes from interviews with Dean Taylor (owner), Allan Diamond (architect), and Mario Duval (contractor – Deep Edge Developments). The seawall refurbishment was conducted on and around 29 June 2016 during low daytime tides. The work consisted of resurfacing and reinforcing the seaward face of the existing concrete seawall (circa 1950s-1960s) approximately 16.8 m long, digging out the fill material behind the wall in order to add structural support in the form of three buttresses/ballasts, and finally backfilling behind the wall and re-seeding the previously existing lawn. Approximately 25 cm (10”) was added to the seaward surface in this stabilisation, 15 cm (6”) was added to the height and 45 cm (18”) added to the depth to bedrock in one location (Figure 8).

Epoxy-coated rebar was used for the added seaward structural support and was anchored to the underlying bedrock, exposed by hand for the project. Concrete was hand poured by wheel barrows, with the concrete pump truck well back from the 15-m DPA. The fill material excavated behind the wall was set aside for backfilling, with the exception of a quantity of historically discarded bottles and trash that was removed from the material. The presence of trash and other characteristics indicated that the material was not the native soil. Minimal shoreline vegetation was trimmed at the ends of the seawall to enable a clear working area. No

machinery was used on the beach. Washing out of concrete waste occurred onto used plywood in the gravel driveway, significantly outside of the DPA. Beach material (sand, gravels, woody debris) previously set aside for access to the underlying bedrock was replaced back into its original position, as much as possible.

SITE ASSESSMENT

The property was visited on 24 April 2017 during low tide. The property is surrounded by forest and single-family residences within heavily forested lots. The shorelines north and south of the site are mainly forested and not heavily modified. The majority of the 15-m Shoreline and Marine Areas DPA consists of lawn and landscaped features (ornamental vegetation, terracing), with forested areas on both north and south property lines (Photos 1-5). The shoreline is characterised by 1-3 m undercut banks over undulating (glacially scoured) sandstone bedrock, which extends into the foreshore (Photos 6-10). The seawall is at the centre of the property shoreline, with concreted rock pathway/stairs at the south end. This pathway was not modified by the recent works. The lawn is a mix of mowed grass, clover, vetch and mosses, with a newly seeded portion adjacent to the seawall.

High shrub vegetation is located on the northern edge of the seawall, with mixed low vegetation at the south end. A shoreline fringe of mostly native shrubs exists for all areas north and south of the seawall. Tree species noted within the DPA consist of Douglas-fir (*Pseudotsuga menziesii*), western redcedar (*Thuja plicata*), grand fir (*Abies grandis*), red alder (*Alnus rubra*), and further along the shoreline – arbutus (*Arbutus menziesii*). Shrubs and groundcover included ocean spray (*Holodiscus discolor*), Indian plum (*Oemleria cerasiformis*), red-flowering current (*Ribes sanguineum*), tall Oregon-grape (*Mahonia aquifolium*), salal (*Gaultheria shallon*), orange honeysuckle (*Lonicera ciliosa*), bracken fern (*Pteridium aquilinum*), sword fern (*Polystichum munitum*), miner's-lettuce (*Claytonia perfoliata*), and a rose that is likely Nootka rose (*Rosa nutkana*)(unconfirmed). Minor occurrences of the invasive species Himalayan blackberry and Scotch broom were noted.

The foreshore consists of sand and gravel stretches between gently sloping sandstone bedrock. A detailed foreshore survey was not conducted, but species noted in the lower intertidal zone included attached seaweeds (*Ulva* sp., *Fucus* sp.) and shells of cockles and bent-nosed clams. The beach had pockets of material possibly suitable to forage fish spawning, but no overhanging vegetation, which is preferred by forage fish for shading. The beach directly in front of the seawall was made up roughly equally of bedrock and sand.

No current obvious nesting activity in the 15-m DPA was observed. The DPA generally lacks thick shrub cover favoured by songbirds and other wildlife. Nesting in mature trees was not observed; however, a detailed bird survey was not within the context of this review. Regular use of the DPA by Canada Geese (*Branta canadensis*) has been observed by the owners. Canada Goose populations in the southern islands of BC have been rapidly expanding and are considered an introduced species. They are currently subjected to a number of concerted population-reduction strategies (egg addling, hazing, and culls) coordinated by the Canadian Wildlife Service. The presence of hummingbirds, eagles and garter snakes were observed while onsite.

SITE SUMMARY and PROJECT IMPACTS

The site inspection did not reveal any environmentally sensitive ecosystems, red or blue-listed species, wildlife trees or significant environmental features of this type in the DPA, beyond the natural sensitivity of shoreline habitats. In comparing project photos showing before/during/after conditions provided by the owner and current site conditions, very little impact was observed. It appears that at least one shrub may have been removed at the south end of the wall at the pathway in a location where ongoing minor erosion is occurring. Construction processes described by the contractor and owner would likely have had minimal impact to the foreshore. While a possibility exists that this beach may be used by forage fish, the small area of suitable habitat and lack of overhanging vegetation make spawning less likely. With no currently available studies to

indicate forage fish spawning in this location, no assessment of impact to forage fish can be concluded with the information available. No evidence of long-term impacts from the 2016 construction was observed.

RECOMMENDATIONS

SHORT TERM

The following recommendations are suggested as mitigation for the minimal impact that the project may have on the environment:

- Plant two native shrubs at the south end of the seawall to replace the vegetation trimmed or removed during construction. The native species listed in the Site Assessment segment of this report would all be appropriate for the replacement vegetation, in addition to species listed in Table 1. In particular, salal may be additionally useful in providing erosion protection with its year-round leaf retention.
- Because of the remoteness of the site, monitoring to ensure establishment of vegetation would be sufficiently met by site photographs from the owners for the 2-year maintenance period prescribed by OCP Section 2.7 Guideline 30.

LONG TERM

While it is understood that the repair of the current seawall is intended to have a lifespan of a many decades, the following information is provided for future consideration at this site. Section 2.7 of the DPA 2 contains the Guidelines for the management of shorelines and the ecological preference for “soft” approaches to shoreline erosion. The full Guideline is contained in Appendix 1. Additional guidance for shoreline management, called Green Shores, has been created under the Stewardship Centre for BC through a partnership of government, developers, scientists and community organizations. “Green Shores provides options and tools for a wide range of planning, design and construction professionals who are interested in minimizing the environmental impacts of their projects in a cost effective manner.” The Green Shores website contains interesting information for shoreline homeowners (http://stewardshipcentrebc.ca/Green_shores/). Appendix 2 contains Best Management Practices (BMPs) for general work around water, for future reference.

Vegetation overhanging the marine environment provides an important ecological function as wildlife habitat, shading and sheltering, as well as leaf fall and insect drop, which provide food and nutrients for salmonids and other marine organisms. The supralittoral (marine backshore) is an important trophic link in supplying terrestrial carbon to nearshore food webs (Romanuk and Levings 2010). The shading and protection offered by the nearshore vegetation are utilised by juvenile fish and terrestrial invertebrates are a significant food source for rearing/juvenile salmonids. Terrestrial invertebrates can make up over 50% of the stomach contents in salmonid smolts. Spawning mortality for forage fish such as surf smelt and Pacific sand lance is higher on beaches with no shade.

- Table 1 contains an additional list of appropriate native species for this 15-m DPA, should the owners wish to increase the planted edge to provide overhanging shoreline vegetation. Native species that are berry-producing or otherwise considered food plants appropriate to the site conditions have been included for the interest of the owner and include: coastal and woodland strawberry, native onions, wild ginger, Saskatoon berry, red huckleberry, black huckleberry, and evergreen huckleberry. An additional publication with native plants suitable for pollinators will be provided to the owners (Selecting Plants for Pollinators – Eastern Vancouver Island Ecoregion from Pollinator Partnership Canada 2017).
- Removal of Himalayan blackberry and Scotch broom is recommended, as these species spread rapidly.

In summary, the seawall repair within the DPA appears to have little negative impact on the environment and provided the recommendations described in this review are followed, the site will meet the OCP’s DPA 2 Objectives.

Please do not hesitate to contact us with any questions.

Sincerely,



Sara Stallard, BSc., ASCT (#22338), Envr.Tech.
Fish KW Environmental

REFERENCES

Romanuk, Tamara N., and Colin D. Levings. (2010). Reciprocal Subsidies and Food Web Pathways Leading to Chum Salmon Fry in a Temperate Marine-Terrestrial Ecotone. *PloS ONE*, 5(4), e10073.
<http://doi.org/10.1371/journal.pone.0010073>

Wright, Nikki, L. Boyer, and K. Erickson. (2013). Nearshore Eelgrass Inventory 2012-2013. Prepared for the Islands Trust. <http://www.islandstrust.bc.ca/media/253758/EelgrassMethodReport.pdf>



Figure 1. Location (yellow) - 754 Ellis Rd, Galiano Island, BC. Aerial mapping courtesy of CRD Natural Areas Atlas

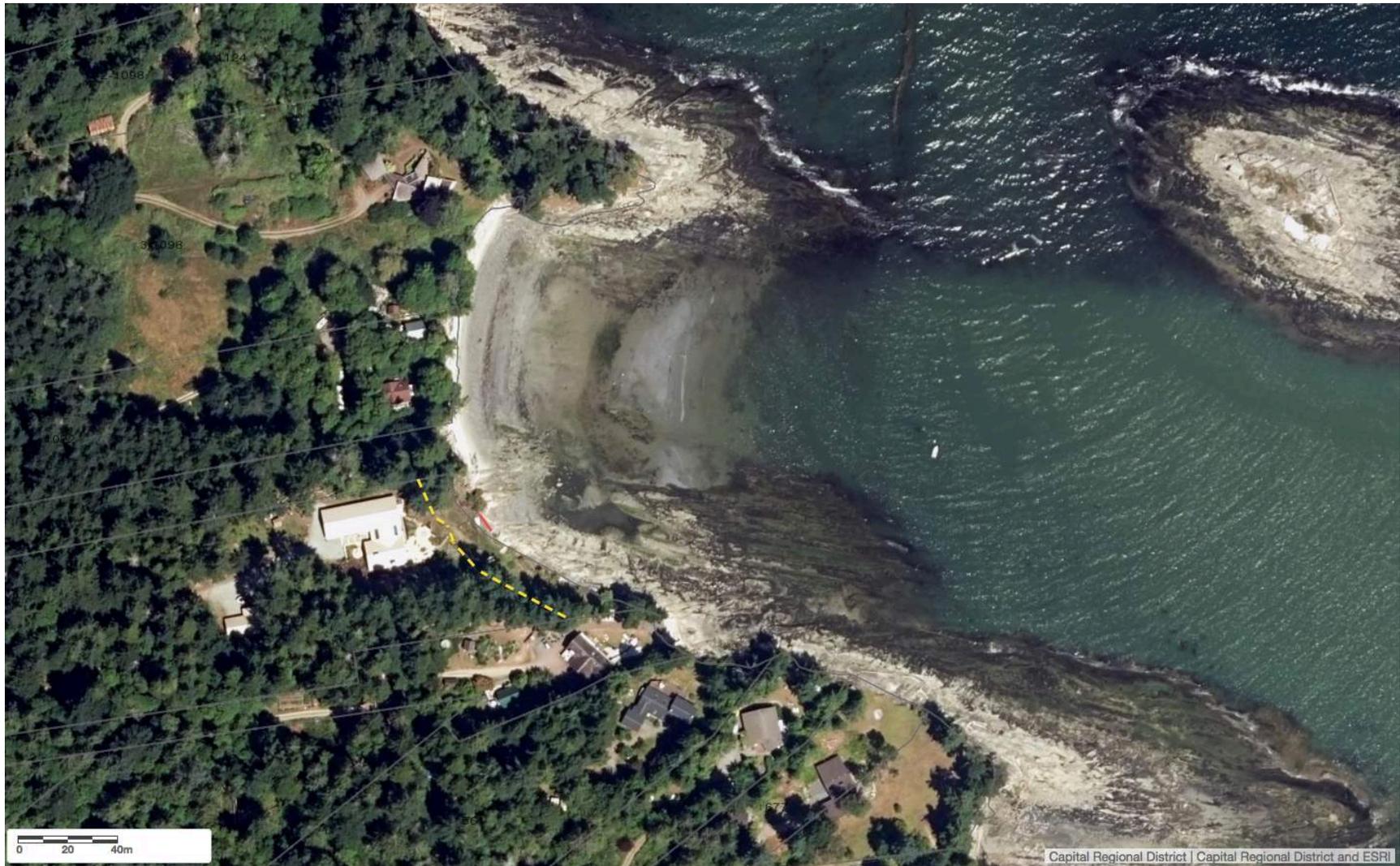


Figure 2. Project location (red) and approximation of Shoreline and Marine DPA 2 setback (15 m) at 754 Ellis Rd, Galiano Island, BC.
Aerial mapping courtesy of CRD Natural Areas Atlas.



Figure 3. Project location (arrow) within Galiano Islands Trust Consolidated DPA context (Shoreline & Marine DPA 2 – blue; Sensitive Ecosystems DPA 5– green]. (Note: Base map is not North oriented.)



Figure 4. Project location (arrow) within Galiano Islands Trust OCP Schedule H: Sensitive Ecosystems DPA 5.

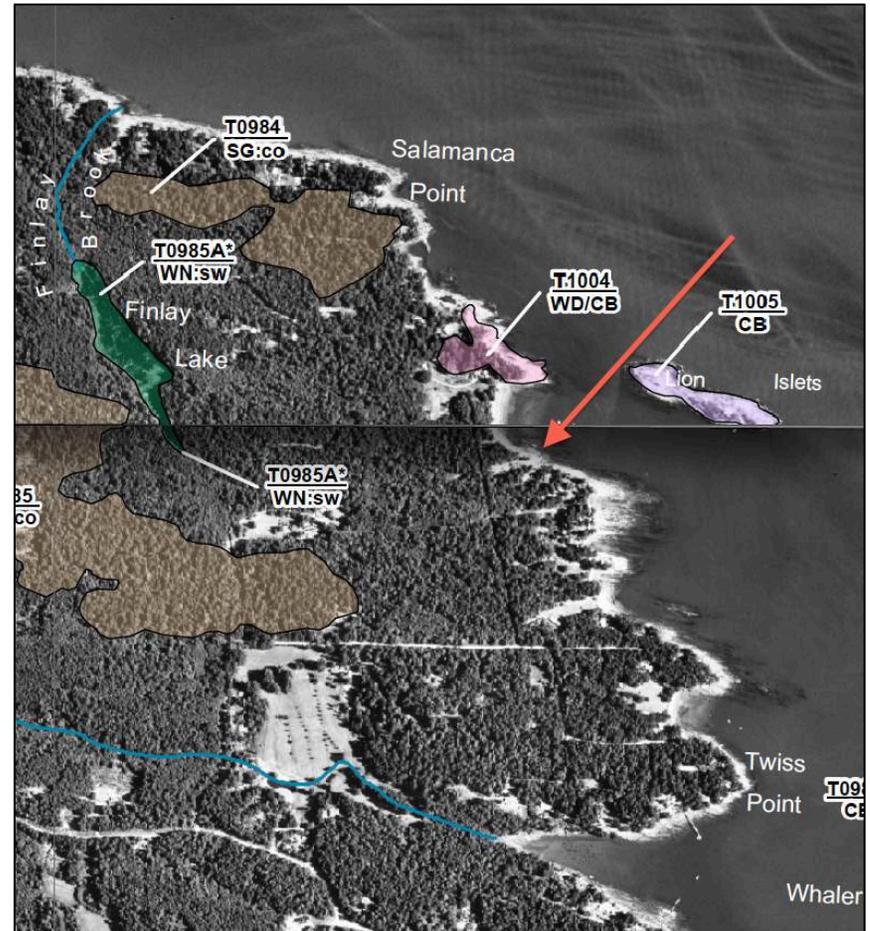


Figure 5. Project location (arrow) within Sensitive Ecosystem Inventory (SEI), provincial mapping.

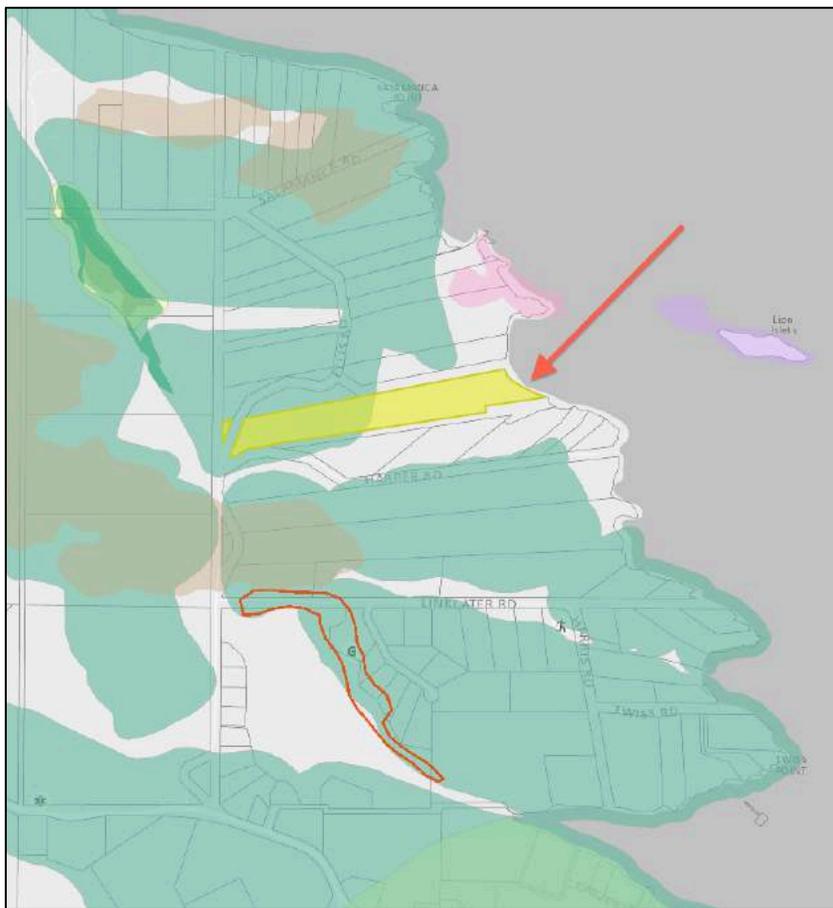


Figure 6. Project location (arrow) and 754 Ellis Rd property (yellow) within combined CDC Species and Ecosystems at Risk and the Sensitive Ecosystem Inventory (SEI).
Aerial mapping courtesy of CRD Natural Areas Atlas.



Figure 7. Project location (arrow) and Eelgrass beds. Red 1062 indicates flat and continuous beds. *Map source: Map 12b - Eelgrass Presence Galiano Island Local Trust Area – South surveyed by SeaChange Marine Conservation Society (survey 2013).*



ORIGINAL HOUSE FROM WATER - DEC. 21, 2006



EXISTING CONCRETE AND CONCRETE BLOCK WALL



EXISTING WALL WITH UNDERMINING FROM SOUTH END



UNDERMINING OF EXISTING WALL WITH REMEDIAL REINFORCING



EXISTING WALL WITH REMEDIAL REINFORCING



REPAIRED WALL FROM SOUTH



REPAIRED WALL FROM WATER SIDE



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Consultants:

Job No: 06-100

TAYLOR FAMILY RETREAT
754 ELLIS ROAD,
GALIANO ISLAND

ALL RIGHTS RESERVED FOR DPA
Distinction (2)2016/2017

Drawn: TSD
Date: 2017-05-30 11:41
Scale: 1/1000 11:41
Checked:

Drawing Title

PHOTOS



Figure 8. Construction photos provided by owner.



Photo 1. View of DPA 2 northwest from shoreline.



Photo 3. Seawall and stairs/pathway - south end.



Photo 2. Seawall looking north.



Photo 4. View along DPA to south property line.



Photo 5. View along DPA to north property line.



Photo 7. Intertidal zone – sand beach between bedrock outcrops.



Photo 6. Bedrock and sand beach, view southwest to property line.



Photo 8. Intertidal zone from top of seawall.



Photo 9. Beach substrate seaward of seawall.



Photo 10. Neighbouring shoreline north end of site.

Table 1. Suggested Native Plant Species for 754 Ellis Rd. (This list is not exhaustive, but contains some common native plants appropriate to the variety of site conditions.)

TREES	
bigleaf maple	<i>Acer macrophyllum</i>
red alder	<i>Alnus rubra</i>
arbutus	<i>Arbutus menziesii</i>
shore pine	<i>Pinus contorta var. contorta</i>
Garry oak	<i>Quercus garryana</i>
Douglas-fir	<i>Pseudotsuga menziesii</i>
Pacific yew	<i>Taxus brevifolia</i>
Pacific crab apple*	<i>Malus fusca</i>
Pacific willow *	<i>Salix lucida ssp. lasiandra</i>
SHRUBS	
tall Oregon grape, low Oregon grape	<i>Mahonia aquifolium, M. nervosa</i>
oceanspray	<i>Holodiscus discolor</i>
black twinberry *	<i>Lonicera involucrata</i>
Indian plum	<i>Oemleria cerasiformis</i>
mock orange (Coastal)	<i>Philadelphus lewisii 'Gordianus'</i>
hairy manzanita	<i>Arctostaphylos columbiana</i>
red flowering currant	<i>Ribes sanguineum</i>
Saskatoon (food plant)	<i>Amelanchier alnifolia</i>
Nootka rose	<i>Rosa nutkana</i>
baldhip rose	<i>Rosa gymnocarpa</i>
clustered wild rose	<i>Rosa pisocarpa</i>
Hooker's willow *	<i>Salix hookeriana</i>
Scouler's willow *	<i>Salix scouleriana</i>
Sitka willow *	<i>Salix sitchensis</i>
common snowberry	<i>Symphoricarpos alba</i>
western trumpet honeysuckle	<i>Lonicera ciliosa</i>
hairy honeysuckle	<i>Lonicera hispidula</i>
salal	<i>Gaultheria shallon</i>
evergreen huckleberry * (food plant)	<i>Vaccinium ovatum</i>
red huckleberry (needs rotting wood) * (food plant)	<i>Vaccinium parvifolium</i>
black huckleberry * (food plant)	<i>Vaccinium membranaceum</i>
thimbleberry * (food plant)	<i>Rubus parviflorus</i>
salmonberry * (food plant)	<i>Rubus spectabilis</i>
GROUNDCOVER	
coastal, woodland, & wild strawberry (food plant)	<i>Fragaria chiloensis, F. vesca, F. virginiana</i>
licorice fern	<i>Polypodium glycyrrhiza</i>
kinnikinnick	<i>Arctostaphylos uva-ursi</i>
Roemer's fescue	<i>Festuca idahoensis ssp. Roemari</i>
yarrow	<i>Achillea millefolium</i>
yerba buena	<i>Clinopodium douglasii</i>

PERENNIALS/BULBS	
fool's onion	<i>Brodiaea hyacinthina</i>
harvest brodiaea	<i>Brodiaea coronaria</i>
Hookers onion, nodding onion,	<i>Allium acuminatum, A. cernuum</i>
great camas, common camas	<i>Camassia leichtlinii, C. quamash</i>
sea blush	<i>Plectritis congesta</i>
thrift / sea pink	<i>Armeria maritima</i>
satin flower	<i>Sisyrinchium douglasii</i>
fawn lily	<i>Erythronium oregonum</i>
wild ginger * (food plant)	<i>Asarum caudatum</i>
<i>*These plants prefer moist conditions.</i>	

Following pages:

Appendix 1. Shoreline and Marine Areas DPA 2 from Galiano Island Local Trust Committee OCP Bylaw No. 108. (11 pages)

Appendix 2. Best Management Practices (BMPs) for working around the marine environment. (1 page)

2. Development Permit Area 2 – Shoreline and Marine DPA

2.1 Designation

Development Permit Area 2 includes all land 15 m upland of the natural boundary of the sea, and seaward to the boundary of the area of bylaw application.

2.2 Authority

The Shoreline and Marine Development Permit Area is designated a development permit area pursuant to Section 919.1(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity, Section 919.1(1)(b) for the protection of development from hazardous conditions, and Section 919.1(1)(f) for establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

2.3 Special Conditions and Objectives that Justify the Designation

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is Provincial legislation in Section 877(1)(d) of the *Local Government Act* that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development.

It is policy of the Islands Trust Council that protection must be given to the natural processes, habitats and species of the Trust Area, including those of open coastal grasslands, the vegetation of dry rocky areas, estuaries, tidal flats, salt water marshes, drift sectors, lagoons, kelp and eel grass beds and that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.

It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address:

- the protection of sensitive coastal areas;
- the planning for and regulation of development in coastal regions to protect natural coastal processes;
- opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways; and

- the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning area.

Shorelines within the Galiano Island Local Trust Area have high ecological function and values and may be subject to shoreline erosion in some locations. Due to their physical and biological characteristics and situation they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements or protection measures can threaten the ecological and physical integrity of the foreshore and upland.

The Objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk
5. To adapt to the anticipated effects of climate change.
6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

2.4 Development Approval Information

The area is also designated an area for which development approval information (DAI) may be required according to Section 920.01(1)(c) of the Local Government Act. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impact of the proposed activity or development on the community or the natural environment.

2.5 Applicability

This Development Permit Area applies to all development proposed within the Shoreline and Marine DPA. A development permit is required for the subdivision of land, construction of, addition to, or alteration of a building or structure, or the alteration of land, except where such activities are specifically exempt.

2.6 Exemptions

The following activities are exempt from any requirement for a development permit:

- a) Repair, maintenance, alteration or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming, provided there is no alteration of undisturbed land or vegetation (a building permit may still be required).
- b) The placement of impermanent structures such as benches, tables and garden ornaments.
- c) Development on land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- d) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.
- e) The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- f) Removal of invasive plants or noxious weeds on a small scale within the Development Permit Area.
- g) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation.
- h) Forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- i) Construction of a fence so long as no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- j) Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land.
- k) The pruning or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree.
- l) The construction of a small accessory structure such as a pump house, gazebo, garden shed or play house if all the following apply:
 - The structure is located within an existing landscaped area;
 - No native trees are removed;
 - The structure is located a minimum of 7.5 metres from the natural boundary of sea or, where the bank has a slope greater than 3:1 at any point, 7.5 m from the top of the bank, whichever is further; and
 - The accessory structure does not cover an area greater than 10 m².
- m) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - Forest fire, flood and erosion protection works;
 - Protection, repair or replacement of public facilities;

- Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
 - Bridge repairs.
- n) The installation of mooring buoys.
- o) Works undertaken by a local government or a body established by a local government.

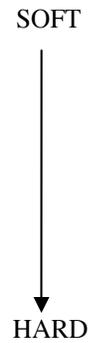
2.7 Guidelines

General Guidelines:

1. In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access.
2. Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works are exhausted should such works be considered.
3. Sea level rise, storm surges, and other anticipated effects of climate change should be addressed in all applications.
4. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.
5. New upland structures or additions to existing structures should be located and designed to avoid the need for shore protection works.
6. When required, shore protection measures should:
 - a. Apply the 'softest' possible shore protection measure that will still provide satisfactory protection; and
 - b. Limit the size of shore protection works to the minimum necessary.

Shore Protection Measures are modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection against erosion. Structural protection measures are often referred to as 'hard' and 'soft'. 'Hard' measures refer to those with solid, hard surfaces, such as concrete bulkheads, while 'soft' structural measures rely on less rigid materials such as biotechnical vegetation measures (biotechnical measures are the specialized use of woody plant materials to stabilize soil) or beach enhancement. There is a range of measures varying from soft to hard that include:

- Vegetation enhancement
- Upland drainage control
- Biotechnical measures
- Beach enhancement
- Anchor trees
- Gravel placement
- Rock (rip rap) revetments
- Gabions
- Concrete groins
- Retaining walls or bulkheads
- Seawalls



In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

7. 'Hard' structural shore protection measures (e.g. concrete walls, lock block, stacked rock) may be considered in support of existing development only when a geotechnical and biophysical analysis demonstrates that:
 - a. an existing structure is at immediate risk from shoreline erosion caused by tidal action, currents, or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;
 - b. the erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage. The geotechnical analysis should evaluate on-site drainage problems and investigate drainage solutions away from the shoreline edge before considering structural shoreline stabilization;
 - c. non-structural measures, such as locating new buildings and structures further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or sufficient to address the stabilization issues; and
 - d. unavoidable damage to shoreline ecological function is mitigated as much as feasible and restoration is undertaken when feasible.
8. All structural shore protection measures should be installed within the property line or upland of the natural boundary of the sea, whichever is further inland. 'Soft' shoreline protection measures that provide restoration of previously damaged ecological functions may be permitted seaward of the natural boundary subject to obtaining necessary approvals from the provincial and federal governments.
9. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical assessment of the site.
10. Shore protection measures that are likely to cause erosion or other physical damage to adjacent or down-current properties shall not be supported.
11. Shore protection measures should not be considered for solely the purpose of providing a sufficient setback to meet other land use bylaw requirements.

12. New driveways and sewage disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the development permit may require that the assessment, design and construction of the road or sewage disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met.
13. Where this development permit area includes native plant species or plant communities dependent on a marine shoreline habitat that are identified locally, provincially, or federally as sensitive, rare, threatened or endangered, or have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation / compensation measures shall be undertaken only under the supervisions of a qualified professional with advice from provincial and federal environmental agencies.
14. Shore protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing structures or new outbuildings.
15. Existing shore protection works may be replaced if the existing works can no longer adequately serve their purpose provided that:
 - a. The replacement shore protection works are of the same size and footprint as the existing works, unless required to prevent shoreline erosion as determined by a qualified professional;
 - b. The replacement shore protection works are designed, located, sized, and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;
 - c. Replacement walls or bulkheads do not encroach seaward of the natural boundary or the seaward limit of the existing shore protection works unless there are significant safety or environmental concerns that could only be addressed via such an encroachment. In such cases, the replacement of shore protection works should utilize the 'softest' approach possible and should abut the existing shore protection works; and
 - d. Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.

Guidelines for Subdivisions:

16. All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development.

Guidelines for Commercial and Industrial Development:

17. Boat maintenance and repair facilities shall be designed and sited in a manner that minimizes the potential for the discharge of toxic materials from boats (e.g. fuels, oils, maintenance by-products).
18. Lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility.

Light fixtures on such sites should focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high-cut off angle should be used. Full-spectrum fixtures are preferred. Neon lighting should not be used outside buildings.

19. Signs on commercial and industrial developments built over the water surface should not move or be audible and should not incorporate lighting that moves or flashes or gives the impression of doing so.
20. Offshore log storage should be located such that natural flushing and water circulation will disperse waste materials, and log dumping facilities should be designed and operated to prevent bark and other debris from accumulating on the sea bed.

Guidelines for Specific Shoreline Types:

21. Because of their extreme sensitivity to disturbance and slow rate of recovery, dredging or filling of estuaries should not be permitted, sea walls and rip rap embankments should not be permitted in estuaries, and when shore protection measures are necessary “beach nourishment” designs are preferred, which add appropriately sized material to the upper beach, creating a natural beach slope and beach armour.
22. New structures on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis for the structure.
23. Removal of trees or other vegetation from steep slopes or bluffs should only be allowed where necessary and where replacement vegetation / erosion control measures are established. If possible, stumps should be left in place to provide some soil stabilizing influence until replacement vegetation is established. Plans delineating extent of vegetation / tree removal (location, species and diameter of trees) and location of proposed construction, excavation and / or blasting, may be required.

Guidelines for Construction Practices:

Erosion Control:

24. All development within this development permit area should be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.

Monitoring:

25. A development permit may require monitoring by a qualified professional of the implementation of environmental mitigation, restoration or enhancement planting or other measures required by a development permit, until all such measures have been completed and the professional has provided a report confirming completion to the standard specified in the permit.

Guidelines for Vegetation Management, Restoration and Enhancement:

26. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.
27. Existing trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
28. If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.

29. Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or fish and wildlife habitat values as needed. Suitably adapted, non-invasive, non-native vegetation may also be considered acceptable.
30. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.

Guidelines for Shore Protection Measures Design:

31. Materials used for shoreline stabilization should be inert. Stabilization materials should not consist of debris or contaminated material that could result in pollution of tidal water.
32. Revetments (rip rap slopes) and bulkheads (retaining walls) should only be constructed if no other alternative exists.
33. Where revetments are proposed:
 - a. They should not result in the loss of shoreline vegetation or fish habitat;
 - b. The size and quantity of materials used should be limited to that necessary to withstand the estimated energy of the location's hydraulic action and prevent collapse; and
 - c. Filter cloth should be used to aid drainage.
34. Where bulkheads are proposed:
 - a. They should not be located where geomorphic and hydrologic processes are critical to shoreline conservation. Feeder bluffs, marshes, wetlands, spits and hooks should be avoided;
 - b. They should be located parallel to and landward of the natural boundary of the sea, as close to any natural bank as possible;
 - c. They should allow the passage of surface or groundwater without causing ponding or saturation; and
 - d. They should be constructed of stable, non-erodible materials that preserve natural shoreline characteristics. Adequate toe protection including proper footings and retention mesh should be included. Beach materials should not be used for fill behind bulkheads.

Guidelines for Beach Nourishment and Fill:

35. Fill upland of the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

36. Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design.
37. Fill should not be placed at or below the natural boundary for the purposes of providing a trail or walkway.
38. All upland fill and beach nourishment materials should be clean and free of debris and contaminated material. All fill and beach nourishment proposals are subject to review and approval by provincial and federal authorities having jurisdiction.

Guidelines for Shore Access and Parking:

39. Roads, driveways, trails and pathways should follow the contours of the land, appropriately manage drainage, not require retaining walls, and only use stairs as a last resort.
40. Accesses in extremely sensitive areas or hazardous areas should be restricted or prohibited.
41. Parking areas should be located away from the shore, buffered or landscaped, and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, filtration trenches or swales, unpaved or permeable all weather surfaces should be considered for this purpose.

Guidelines for the Construction and Replacement of Docks and Boat Launch Facilities:

42. For residential properties, preference is to be given to the placement of mooring buoys and floats instead of docks.
43. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.
44. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.
45. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.
46. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.
47. Piers and pilings and floating docks are preferred over solid-core piers.
48. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.
49. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept

flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes.

50. Construction of a private ramp on an individual residential lot or parcel is discouraged. Owners are urged to seek opportunities to use public ramps or to share existing private ramps.
51. Residential docks should be located and designed to avoid the need for shore defence works or breakwaters.
52. Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not be designed to accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area unless more than two parcels have legal access to the dock, in which case permitted total surface area should be a multiple of the number of lots the dock serves.

Appendix 2. Best Management Practices (BMPs) for working around the marine environment

Environmental monitoring is recommended in order to reduce inadvertent negative impacts to the environment, especially during works involving concrete pouring and slope stabilization. Monitoring typically includes a pre-construction meeting, presence during concrete work adjacent to the shoreline, periodic site checks during major stages of construction and heavy rainfall, a final site inspection and a completion letter.

BEST MANAGEMENT PRACTICES (BMPs) for CONSTRUCTION

The following general Best Management Practices (BMPs) are recommended for work around water. BMPs specific to construction timelines, methods and materials may differ slightly.

BMPs for construction are recommended as follows:

- Work will be completed during dry weather (no work in heavy rainfall).
- Work will proceed from the upland side of the high water mark. No access for heavy equipment should occur on the shoreline.
- Exposed excavations and soil piles are to be covered with tarps or poly sheeting during precipitation and grass-seeded or planted as soon as possible.
- Sediment fences or other measures will be installed as needed, to prevent sediment from migrating into the marine environment.
- Existing native vegetation to be retained will be marked with highly visible flagging or snow fence and care will be taken when working around trees.
- Remove all wastes associated with repairs from the shoreline area and ensure open containers of paints, stains, thinners, glues, etc. are not left on shorelines.

Spill Prevention Measures will be implemented to minimize the potential for contaminants to enter the marine environment:

- Equipment will be inspected prior to working adjacent to water bodies. Hydraulic fittings on equipment working near the water's edge may require absorbent wrapping if not using inherently biodegradable hydraulic fluid.
- Fuelling of any machinery or generators will occur in a designated area away from water bodies (30 m) and catchbasins. Portable generators or fuelled equipment should be placed in spill-proof containers sized to contain a volume greater than the fuel capacity of the equipment.
- Spill kits will accompany all equipment and operators will be trained in their use.
- Ensure concrete wastes are contained: wet concrete is not deposited into surrounding water, remove excess concrete, and do not allow water from equipment and tool cleaning to enter the environment. Concrete pouring should be carefully monitored with no concrete to enter the marine environment. Wet cement is highly alkaline and can have severely adverse effects on aquatic life. Cast in place concrete will not come in contact with fish-bearing waters for at least 48 hrs.



File No.: GL-DVP- 2017.2
(Taylor/Diamond)

DATE OF MEETING: July 10, 2017
TO: Galiano Island Local Trust Committee
FROM: Rob Milne, Island Planner
Victoria Office
SUBJECT: Development Variance Permit
Applicant: Dean and Patricia Taylor
Location: 754 Ellis Road

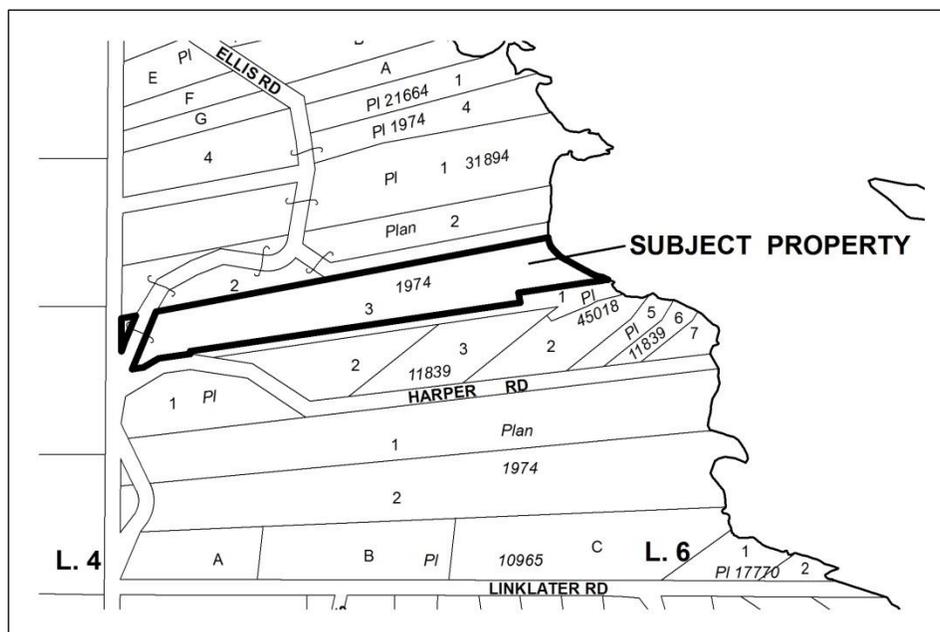
RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2017.2 (Taylor/Diamond).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit.

In summary, the above recommendation for the issuance of the DVP is supported as the concrete sea wall is permitted by the Galiano Island land use bylaw (LUB) and is supported by policies in the Galiano Island Official Community Plan (OCP). The requested variance is considered to be reasonable and consistent with the intent of the regulations.



BACKGROUND

The proposal is to vary the setback for the siting of a structure adjacent to the natural boundary at 754 Ellis Road. The variance will legalize the siting of an existing concrete seawall, including recent works to re-face and repair that structure.

Specifically, the proposal is to allow for a DVP for the siting of a seawall as close as 0.3 metres to the natural boundary where the current LUB regulation is for a setback of at least 7.5 metres (Attachment 3).

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

The property is designated as Small Lot Residential in the in the Galiano Island Official Community Plan No. 108, 1995 (OCP).

Development Permit Area DPA 2 – Shoreline and Marine DPA is designated on the property. There is a requirement for a DP in order to site a seawall on this property. Application GL-DP-2017.1 has been submitted in support of this application.

Land Use Bylaw:

The property is zoned as Small Lot Residential (SLR) in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB).

The property is not within the Water Management Area established in the LUB.

Subsection 2.14 of “General Regulations” states that, “Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea”.

Islands Trust Fund:

This application has no considerations for the Islands Trust Fund and has no considerations for the Regional Conservation Plan.

Issues and Opportunities:

Rational for the Variance

It is the wish of the applicant to legalize the siting and repairs to an existing seawall which is sited adjacent to the foreshore of their waterfront property. The seawall is a permitted use. The application (Attachment 1) provides the following rationale in support of this application:

The form of development (an existing waterfront retaining wall) is not new to this property. At some time in the 1960's (estimated date) a new concrete and concrete block retaining wall at the water's edge was constructed at the SE end of the property. It is not known at this time that any permits were taken or even required to construct such a retaining wall. This wall was constructed by a previous owner to retain the bank of the grassed flat land above the high watermark of the

sandstone beach below. The wall protected the decay of the shoreline due to storm winds and logs being driven into this raised area of the beach front.

The recent remedial work to upgrade the long standing but damaged retaining wall is not itself at variance with any bylaw but rather a repair of a long existent wall which is historically non-conforming to the current bylaw. It had been assumed that the repair of a long existent non-conforming condition did not require a permit.

The purposes of the repair and remediation are identified as:

-To protect the beachfront and any persons using this public beach area from any damage to their person and pending collapse of the existing wall to protect the property owner from any litigation and liability for such a collapse or damages to third parties to which they might be exposed

-To continue the intention of the original construction of the wall to protect the higher mass of land above the high water mark and thus to ensure that the existing wall would in fact retain the soil of the subject site behind the wall and thus limit destruction to the existent landscaped area

-To ensure that the "archaeological attributes" described by the Province of BC in this waterfront condition are protected pursuant to the archaeological reviews performed by consultants retained during the construction of the new home as requested by the Islands Trust and the Capital Regional District as part of the original issuance of the Building Permit for the home in 2008.

The Overall Intent of the Regulation (s) being Varied.

The overall purpose of the setback regulations is to minimize impacts on adjacent property related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.

Potential Impacts of Granting the Variance.

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits. Given that the seawall in question has been in place for several decades, and approval of the variance would have the effect of legalizing the status quo, it is the view of staff that the potential impacts of granting the requested variance are extremely minimal in nature.

Response to Neighbour and Public Notification

As there was no change to the existing retaining wall siting nor any change to the intent of the existing retaining wall no consultation with any of the neighbouring property owners was initiated by the applicant.

Circulation/Consultation:

In accordance with S. 499 of the *Local Government Act* DVP notices were circulated to surrounding property owners and residents. The notification period began on June 23rd and ended at 4:30 p.m. on July 7, 2017.

No submissions had been received at the time of the writing of this report. Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

Rationale for Recommendation:

Staff are recommending that the variance be supported for the following reasons:

- The seawall in question has been in existence for a number of decades.
- The approval of the variance will have no impact upon neighbouring properties or the foreshore area.
- Remediation of any environmental impacts and ongoing monitoring will be addressed in the required development permit.

ALTERNATIVES

The LTC could consider the following alternatives to the above recommendations:

1. Request further information

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

Resolution:

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

2. Deny the application

The LTC may deny the application. Resolution:

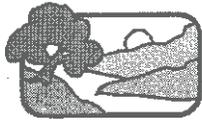
That the Galiano Island Local Trust Committee deny application-GL-DVP-2016.2 (Coburn).

Submitted By:	Rob Milne, Island Planner	June 14, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	June 14, 2017

ATTACHMENTS

1. Application
2. Site Context

3. Site survey
4. Notice
5. Proposed Development Variance Permit GL-GL-DVP-2017. (Taylor/Diamond)



Islands Trust

Preserving Island communities, culture and environment

Victoria Office

200 - 1627 Fort Street
Victoria, BC V8R 1H8
Telephone: 250.405.5151
Fax: 250.405.5155
information@islandstrust.bc.ca
North Pender, South Pender, Galiano,
Mayne, Saturna, Executive

Salt Spring Office

1 - 500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Telephone: 250.537.9144
Fax: 250.537.9116
ssinfo@islandstrust.bc.ca
Salt Spring

Northern Office

700 North Road
Gabriola Island, BC V0R 1X3
Telephone: 250.247.2063
Fax: 250.247.7514
northinfo@islandstrust.bc.ca
Denman, Gabriola, Gambier,
Hornby, Lasqueti, Thetis

www.islandstrust.bc.ca

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867



Board of Variance Application Form

Print Form

Office Use Only

Fee Paid: 330.00 Receipt No.: 3573 File No.: GL-DVP-2017-2

SECTION 1: DESCRIPTION OF PROPERTY

(AS INDICATED ON STATE OF TITLE CERTIFICATE)

Lot/Parcel 3 Plan Cowichan Plan VIP 1974 Block 4 District Lot/Section 4, 5, 6
Range Partion Galiano Island Other Description Except Plan 21425
Street Address or General Location 75A Ellis Road
Jurisdiction and Folio Number _____ (From Property Assessment/Tax Notice)
Parcel Identifier (PID) 062 RA1 363 (From State of Title Certificate)

SECTION 2: OWNER INFORMATION

(ADD ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

First Owner Information

Name Dean Taylor
Street Address _____
City _____ Region _____
Postal/Zip Code _____
Telephone _____
Fax _____
E-mail _____

Second Owner Information

Name Patricia Taylor
Street Address _____
City _____ Region _____
Postal/Zip Code _____
Telephone _____
Fax _____
E-mail _____

SECTION 3: APPLICANT INFORMATION

(IF DIFFERENT FROM OWNER)

Name Allan Diamond Architect Street Address 207-1857 Fur Street
City Vancouver BC Region _____ Postal/Zip Code V6J 3A9
Telephone 604-729 0437 Fax _____ E-mail al@alldiamondarchitect.com

Freedom of Information and Protection of Privacy

Personal information contained on this form is collected under the Local Government Act for the purpose of responding to this application, or for purposes directly connected with this application. Information on your application form may be available to the public upon request under freedom of information legislation. Please contact a Deputy Secretary at one of the above noted offices if you have any questions

The processing of your application will be delayed if it is incomplete. Please read the guide before you complete the application form. Keep the guide for your reference during the application process. Contact a staff person for assistance.

Mail or deliver the completed application form, fee, plans and supporting material to the Islands Trust Office. The fee is payable to the Islands Trust. Contact Islands Trust staff for the current fee prior to submitting your application as fees may change annually.

SECTION 4: Describe the current uses of the land and buildings on the property.

Existing single family residence with a detached garage

SECTION 5: Provide one full-scale, and three (3) reduced (11 x 17) copies of a detailed site plan and other drawings that must include the following:

- existing and proposed uses on parcel
- existing bylaw requirements and proposed variance with accurate dimensions
- uses of existing and proposed buildings
- dimensions and/or floor areas of existing and any proposed buildings
- height of existing and proposed buildings/additions
- setbacks for all existing and proposed buildings to property lines, natural boundary of sea, watercourses and cliffs
- setback of existing and proposed septic field to natural boundary of the sea and watercourses (where applicable)
- parking areas including numbered parking stalls, aisle widths, stall dimensions (where applicable)
- all wetlands, sewage disposal field(s), septic tanks, wells, drainage areas, ponds and topography
- landscaping showing existing and proposed landscaping. Also, include an estimate of the cost of landscaping, provided by a Landscape Architect or qualified professional. This estimate will be used to determine the amount of any security required.
- evaluation plan

SECTION 6: Describe the proposed variances to the bylaw requirements that are needed for the proposed development of the property. On your site plan, show the existing bylaw requirement and your proposed variance with accurate dimensions.

See attached documents to be read in conjunction with this application dated ~~April~~ April 04, 2017

SECTION 7: Describe the reasons for the proposed variance and why the current bylaw requirements cannot be met in the proposed development.

See attached documents to be read in conjunction with this application dated April 04, 2017

SECTION 8: Describe how the property and the surrounding lands may be affected by the proposed variance, show any of the affected features on your site plan, and describe how you propose to mitigate.

see attached documentation dated April 04, 2017

SECTION 9: Describe any consultation you have done with your neighbours.

see attached documentation dated April 04, 2017

SECTION 10: APPLICATION COMPLETION CHECKLIST

- I have completed all sections of this application form
- I have included detailed site plans and elevation drawings as required in Section 4 of this application form
- I have included recent State of Title Certificate (not more than 30 days old)
- I have included copies of all covenants registered against this title
- All owners listed on the title have signed the application
- I have included the correct fee (Contact Islands Trust staff for current fees)

IMPORTANT: Your application will not be considered complete unless it contains all of the information above.

A Note about Obtaining State of Title Certificate and Covenants: State of Title Certificate and covenants may be obtained from the Land Title Office or through your local government agent office for a fee.

SECTION 11: OWNER'S CONSENT AND AUTHORIZATION

(Signature of all registered owners is required. For additional owners, including Strata Corporations, attach a separate sheet)

In order to assist Islands Trust Planners in the review and evaluation of my application, by signing below, I authorize the Planners assigned to this application to enter onto the land at reasonable times, after making reasonable efforts to arrange to schedule a convenient time for such a visit, to inspect the land. I acknowledge a right, if a convenient time can be scheduled, to accompany the Planner on the site visit.

By signing below, I authorize the Applicant named in Section 3 of this application to represent this application:

First Consent and Authorization

Dean Taylor

Consent and Authorization Signature

MARCH 28, 2017

Date

Second Consent and Authorization

Consent and Authorization Signature

March 28, 2017

Date

Print Form

Contaminated Sites Regulation

Please note that pursuant to Section 4(4) of the Contaminated Sites Regulation, B.C.Reg. 375/96, site profile is not required and will not be accepted by the Islands Trust. If you have any questions, please contact the Islands Trust office.

April 04, 2017

The Office of the Islands Trust,
Victoria Office,
200-1627 Fort Street,
Vancouver, BC

Attention: Mr. Rob Milne

Reference: Board of Variance Application Form,
Taylor Residence,
754 Ellis Road,
Galiano Island, BC

To whom it may concern,

This submission is written to be read as Section 6 and 7 on Page 2/3 and Sections 8 and 9 on Page 3/3 of the enclosed format of the Board of Variance Application Form as provided by the Islands Trust.

Section 6: Why are there Variances Required?

It is understood that this Variance Permit has been requested by the Islands Trust due to the interpretation of the Galiano Island Zoning Bylaw.

GALIANO ISLAND LOCAL TRUST COMMITTEE

LAND USE BYLAW 127, 1999

AS AMENDED BY GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAWS: 130, 132, 136, 139, 143, 147, 149, 150, 157, 170, 172, 178, 182
184, 185, 190, 192, 205, 209, 237 and 239

References:

Section 2: Definitions

Setbacks from Watercourses

- 2.14 Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea, and at least 15 metres from any lake, a swamp and any other natural watercourse. The setback to the sea does not apply to public bodies constructing public accesses on public land owned or operated by that body on a dedicated highway or other public access.

Section 17: Interpretation:

- 17.1.32 "natural boundary" means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the bank, and in the case of a lot having a surveyed high water mark means the high water mark.

Section 5, 'Residential Zones'

- 5.3 The subject site is zoned SLR – Small Lot Residential
- 5.38 Minimum Setback Buildings and structures must be sited at least 7.5 metres from the rear lot line

Section 7: Reasons for the Proposed Variance:

The form of development (an existing waterfront retaining wall) is not new to this property. At some time in the 1960's (estimated date) a new concrete and concrete block retaining wall at the water's edge was constructed at the SE end of the property. It is not known at this time that any permits were taken or even required to construct such a retaining wall. This wall was constructed by a previous owner to retain the bank of the grassed flat land above the high watermark of the sandstone beach below. The wall protected the decay of the shoreline due to storm winds and logs being driven into this raised area of the beach front.

The recent remedial work to upgrade the long standing but damaged retaining wall (see photos of the undercut base of the original wall) is not itself at variance with any bylaw but rather a repair of a long existent wall which is historically non-conforming to the current bylaw. It had been assumed that the repair of a long existent non-conforming condition did not require a permit.

The purposes of the repair and remediation of the wall are several:

-To protect the beachfront and any persons using this public beach area from any damage to their person and pending collapse of the existing wall to protect the property owner from any litigation and liability for such a collapse or damages to third parties to which they might be exposed

--To continue the intention of the original construction of the wall to protect the higher mass of land above the high water mark and thus to ensure that the existing wall would in fact retain the soil of the subject site behind the wall and thus limit destruction to the existent landscaped area

-To ensure that the "archaeological attributes" described by the Province of BC in this waterfront condition are protected pursuant to the archaeological reviews performed by consultants retained during the construction of the new home as requested by the Islands Trust and the Capital Regional District as part of the original issuance of the Building Permit for the home in 2008.

Section 8: How will the property and surrounding lands be affected by the variance?

Given that the retaining wall is virtually no different than that originally built, there will be no affect on the lands or adjacent natural forms other than to retain the "status quo" and providing a safer beach for the public and to maintain the original naturally grassed landscape at the top of the wall. There is no

imposition upon the beach as the new poured concrete facing remedial work to strengthen the wall was only some 8"-10" in depth, and the survey documentation shows the wall to be erected on private property. The survey attached acknowledges that the wall is on the subject property.

Section 9: Form of consultation with the neighbours:

As there was no change to the existing retaining wall siting nor any change to the intent of the existing retaining wall no consultation with any of the neighbouring property owners was initiated.

May 08, 2017

The Office of the Islands Trust,
Victoria Office,
200-1627 Fort Street,
Vancouver, BC

Attention: Mr. Rob Milne

Reference: **Board of Variance Application Form,
Taylor Residence,
754 Ellis Road,
Galiano Island, BC**

Dear Mr. Robert Milne,

This cover letter has been prepared to be sent to your attention and to the attention of the Islands Trust Board of Variance to cover the application for a Development Variance at the above noted property at 754 Ellis Road on Galiano Island. The request for the Development Variance is to allow repairs and remediation to an existing waterfront retaining wall that has been constructed for some estimated 40+ years.

I trust that you will find the enclosures as requested in the Islands Trust Development Variance standard forms to be in the appropriate format:

I have included the full size drawings to document the site conditions and as well three reduced sets of these drawings:

- A completed Development Variance Permit Application
- A cheque in the sum of \$ 330.00 to meet the balance of the Application Fee for the Board of Variance review.
- A copy of the electronically signed, sealed and x dated prepared by Mr. Glen Mitchell, BCLS
- A copy of the Architectural Site Plan submitted to the Islands Trust prepared by Allan Diamond, Architect
- A copy of a Photo Page to acknowledge the existing retaining wall in situ and the remediated retaining wall upon completion of the work
- A copy of an aerial photo from "Google Earth" to acknowledge the site known as 754 Ellis Road / Galiano Island

- One full size copy of the Architectural Plans for the recent addition and alterations and renovations to the existing residence on this property.

Please note that there will be an Environmental Report prepared by Ms. Sara Stallard, representing the firm Fish Killing Weasels to be submitted under separate cover to your attention.

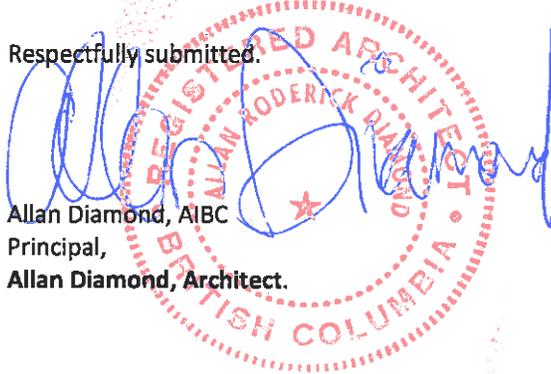
At this time there is no Archaeological Report included in this submission to the Islands Trust Board of Variance as has been requested.

I trust that you will find this submission and the contents therein to meet the requirements for an application to the Islands Trust Offices for the requested Development Variance Permit.

I trust as well that you will not hesitate to call this writer at your earliest convenience with any comments, questions, or concerns.

Respectfully submitted.

Allan Diamond, AIBC
Principal,
Allan Diamond, Architect.



TITLE SEARCH PRINT

2016-01-12, 14:29:01

File Reference:

Requestor: BOB FLYNN

Declared Value \$ 948750

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District VICTORIA
Land Title Office VICTORIA

Title Number FA111395
From Title Number EX121016

Application Entered 2006-09-18

Application Received 2006-09-14

Registered Owner in Fee Simple
Registered Owner/Mailing Address: DEAN ALEXANDER TAYLOR, INVESTOR
PATRICIA MARJORIE TAYLOR, RETIRED
3229 WEST 49TH AVENUE
VANCOUVER, BC
V6N 3T5
AS JOINT TENANTS

Taxation Authority CAPITAL ASSESSMENT AREA

Description of Land
Parcel Identifier: 002-841-363
Legal Description:
LOT 3, BLOCK 4 OF DISTRICT LOTS 4, 5, AND 6, GALIANO ISLAND, COWICHAN
DISTRICT, PLAN 1974, EXCEPT THAT PART IN PLAN 21425; SHOWN OUTLINED IN
RED ON PLAN 1978R

Legal Notations NONE

Charges, Liens and Interests
Nature: RIGHT OF WAY
Registration Number: 197786G
Registration Date and Time: 1956-06-22 14:08
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: INTER ALIA

Nature: STATUTORY RIGHT OF WAY
Registration Number: FB111748
Registration Date and Time: 2007-10-23 13:27
Registered Owner: TELUS COMMUNICATIONS INC.

TITLE SEARCH PRINT

File Reference:

Declared Value \$ 948750

2016-01-12, 14:29:01

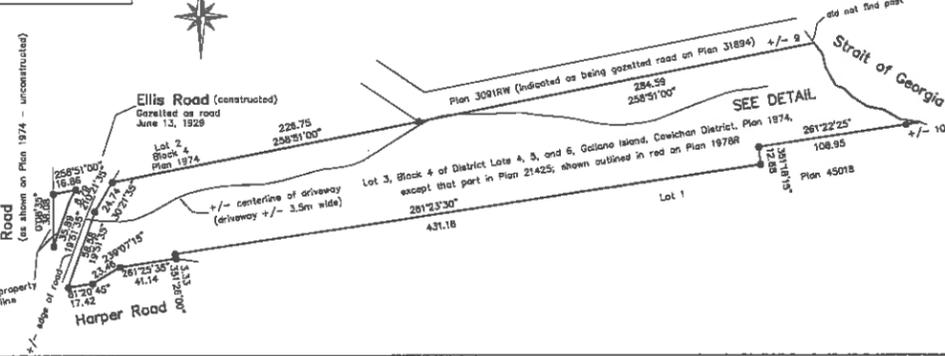
Requestor: BOB FLYNN

Duplicate Infeasible Title NONE OUTSTANDING

Transfers NONE

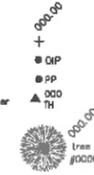
Pending Applications NONE

**Key Plan
(not to scale)**

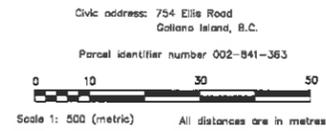


LEGEND

- denotes spot elevation
- denotes iron survey post found
- denotes utility pole
- denotes traverse hub and number (galvanized spike)
- denotes tree, elevation, species and tag number



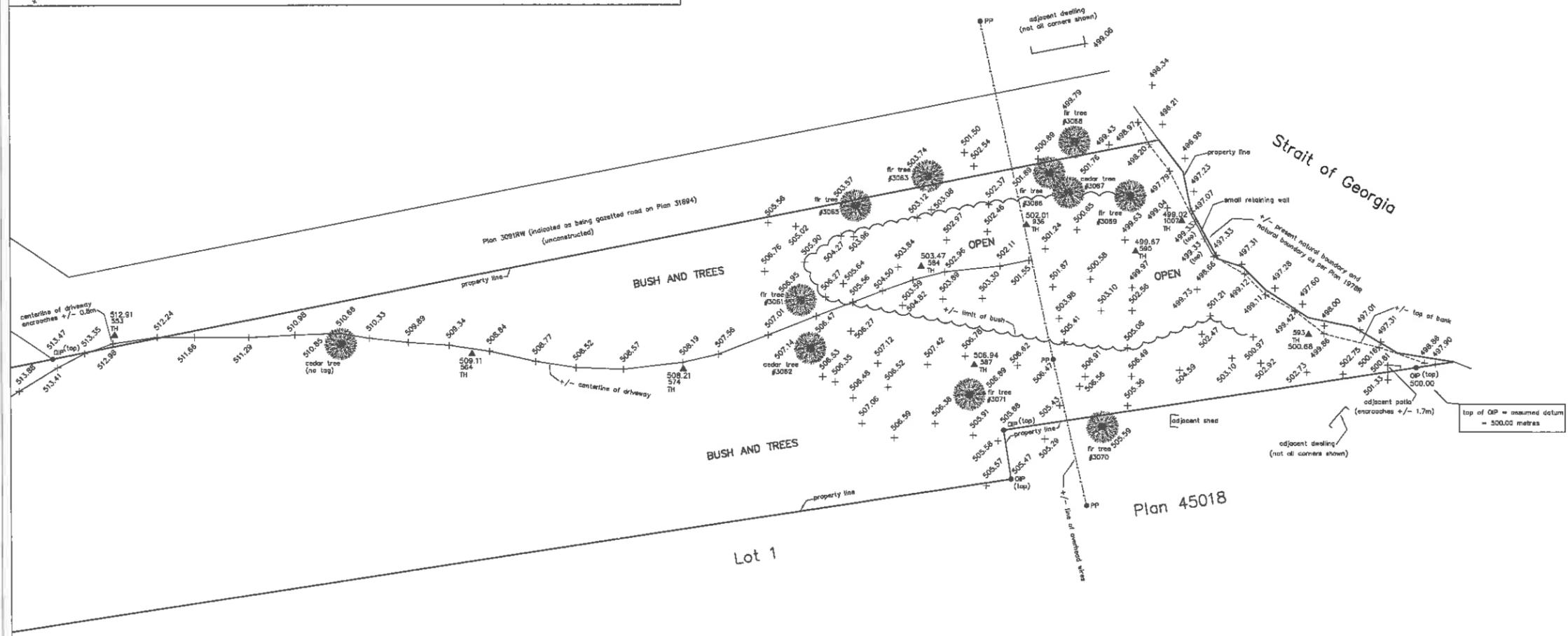
Elevations are assumed, Top of OIP at South East corner of property = 500.00 metres.



**B.C. Land Surveyor's
Site Plan of:**

Lot 3, Block 4 of District Lots 4, 5 and 6
Galiano Island, Cowichan District, Plan 1974
Except that part in Plan 21425; shown outlined
in red on Plan 1978R

Lot Area =
+/- 3.91 ha



charged, central LDC,
right of way 197785G

Property dimensions are derived from Land Title Plans and field survey. Lot dimensions and clearance may change slightly upon complete legal survey.

Glen Mitchell
Land Surveying Inc.
1030 North Park Street
Victoria, B.C.
V8T 1C3
tel 385-1712
fax 385-1713
email glen@mitchellsurvey.co

to 231, 232 file 07-0-78380 (a)

This plan was prepared for the exclusive use of our client.

All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the written consent of the signatory.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

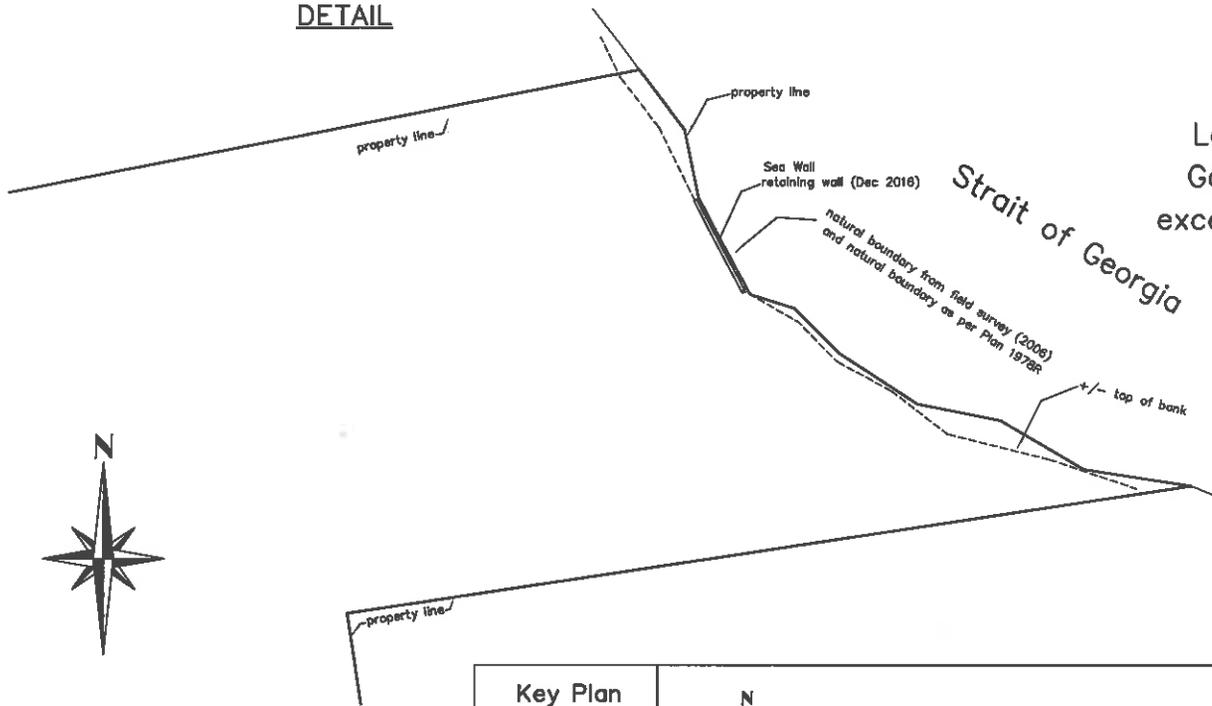
This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

This plan has been prepared in accordance with the Manual of Standard Practices and is certified correct this 5th day of January, 2007

B.C.L.S.

This document is not valid unless originally signed and sealed.

DETAIL



B.C. Land Surveyor's
Building Location Certificate of:

Lot 3, Block 4 of District Lots 4, 5 and 6
Galiano Island, Cowichan District, Plan 1974,
except that part in Plan 21425; shown outlined
in red on Plan 1978R

Civic address: 754 Ellis Road
Galiano Island, B.C.

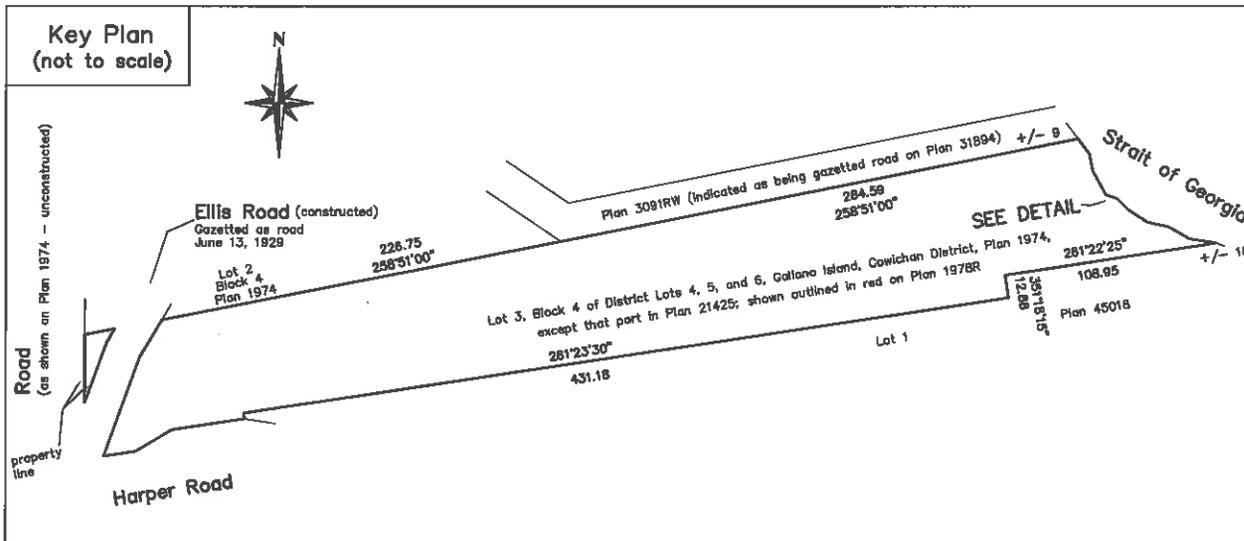
Parcel identifier number 002-841-363



Scale 1: 500 (metric) All distances are in metres

charged against title
right of way 1977B6G
statutory right of way FB111748

THIS DRAWING IS PREPARED FOR THE SOLE PURPOSE OF
CERTIFYING THE LOCATION OF THE SEA WALL.



Property dimensions are derived from Land Title Plans and field survey.
Lot dimensions and clearances may change slightly upon complete legal survey.

Glen Mitchell
Land Surveying Inc.
1030 North Park Street
Victoria, B.C.
V8T 1C6
tel 385-1712
email glen @ mitchellsurvey.ca

fb 231/232/285 file 07-GI-7839

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

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

Certified correct this 3RD day of FEBRUARY, 2017

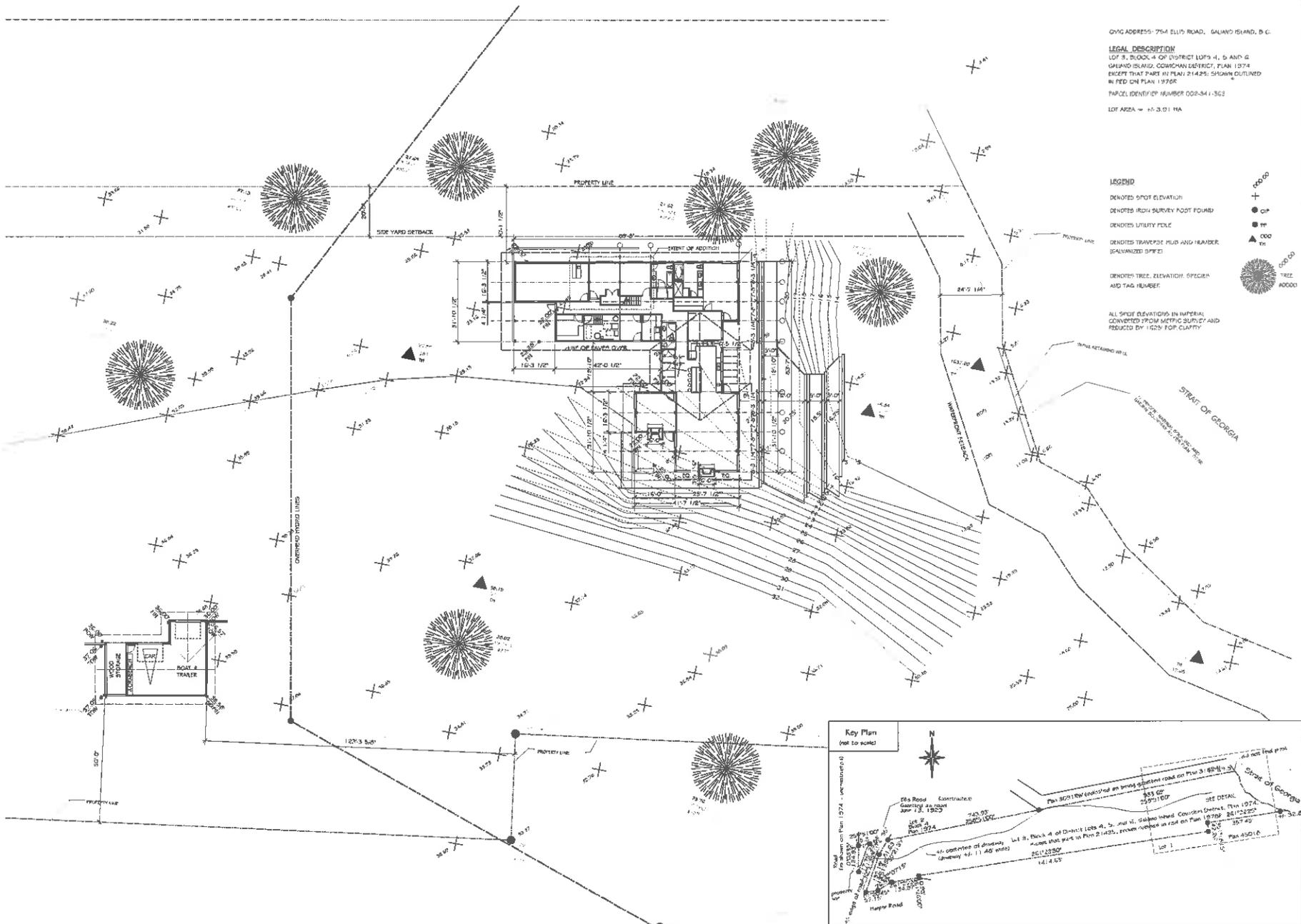


Glen Mitchell
P2GT7R

c-CA, cr-Glen Mitchell
P2GT7R, o-B.C. Land
Surveyor, ou-Verify ID
at www.sbcpr.ca
LKUP.cfm?id=P2GT7R

B.C.L.S.

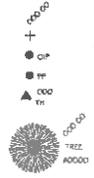
© This document is not valid unless originally signed and sealed or electronic signature is attached.



CIVIC ADDRESS: 754 ELLIS ROAD, GAUANO ISLAND, D.C.
LEGAL DESCRIPTION
 LOT 8, BLOCK 4 OF DISTRICT LOTS 4, 5 AND 6
 GAUANO ISLAND COMMONS EJECT, PLAN 1374
 EXCEPT THAT PART IN PLAN 21425, SHOWN OUTLINED
 IN FED ON PLAN 1976R
 PARCEL IDENTIFY NUMBER 008-841-563
 LOT AREA = 43,301 SQ. FT.

LEGEND
 DENOTES SPOT ELEVATION
 DENOTES IRON SURVEY FOOT FOUND
 DENOTES UTILITY POLE
 DENOTES TRAVELER PILE AND NUMBER (SQUARE ROOTS)
 DENOTES TREE, ELEVATION, SPECIES AND TAG NUMBER

ALL SPOT ELEVATIONS IN IMPERIAL
 CONVERTED FROM METRIC SURVEY AND
 REDUCED BY 1.25% FOR CURVATURE



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Consultants:

Job No: 01-100

TAYLOR FAMILY RETREAT
 ADDITION
 754 ELLIS ROAD,
 GAUANO ISLAND

JAN. 14, 2015 ISSUED FOR BP

Revisions & Approvals:

Drawn: PGM/KFC

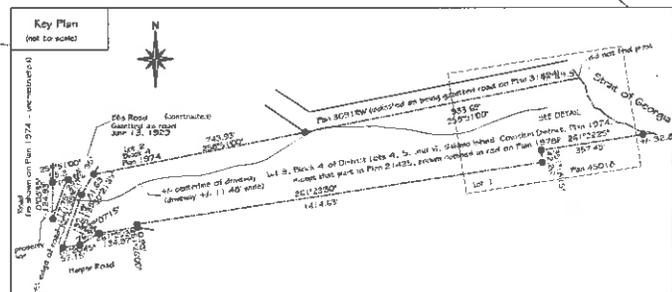
Date: JANUARY 15, 2014

Scale: 1/8"=1'-0"

Checked:

Drawing Title:

SITE PLAN





Allan
Diamond
Architect

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Consultants:

Job No: 06-100

TAYLOR FAMILY RETREAT
754 ELLIS ROAD,
GALUARD ISLAND

JUL 29, 2016 ISSUED FOR DP

Revisions / Substitutions:

Drawn: JDS

Date: JULY 29, 2016

Scale: 1/4" = 1'-0"

Checked:

Drawing Title:

PHOTOS







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Consultants:

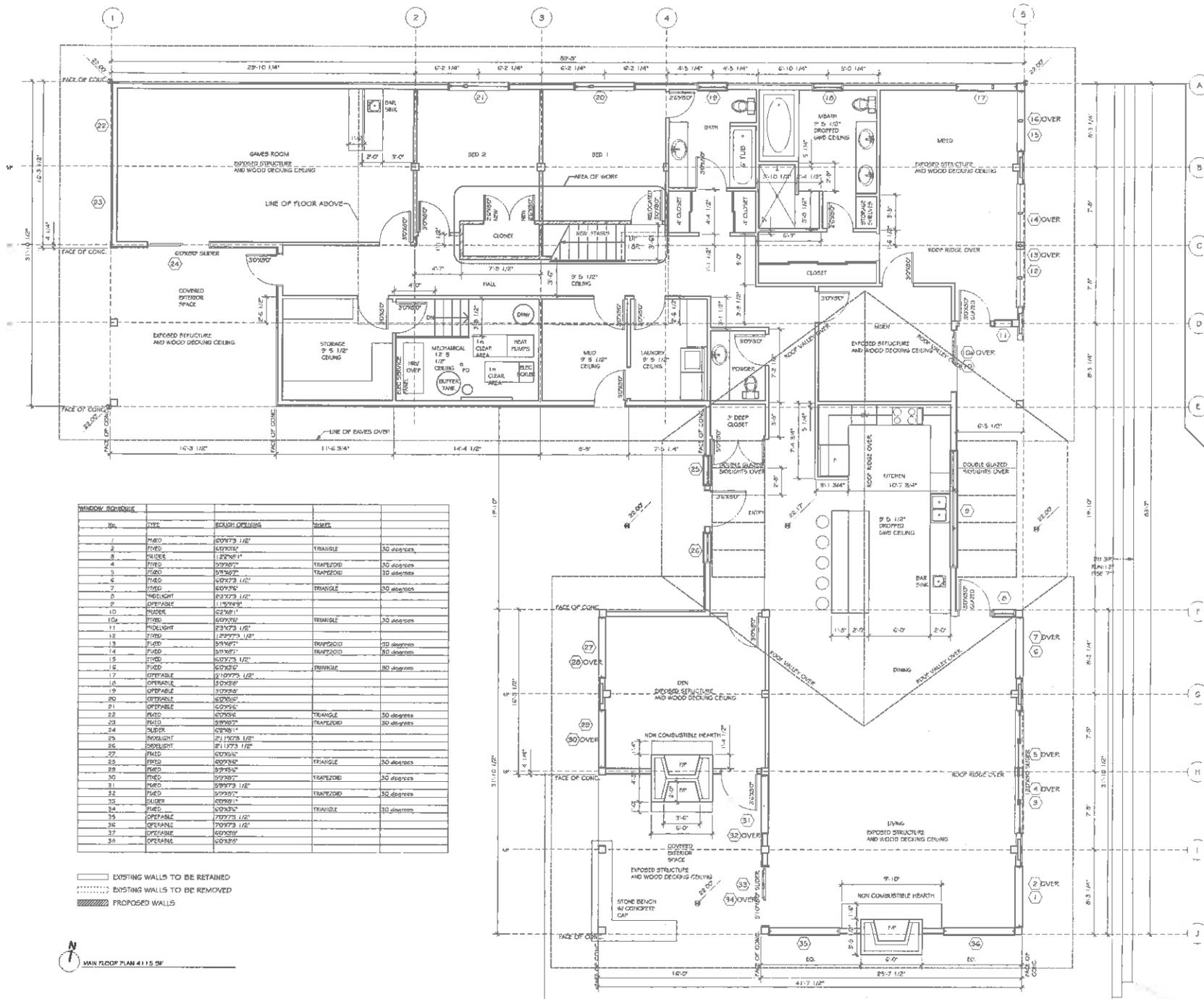
Job No: 07-100

TAYLOR FAMILY RETREAT
ADDITION
754 ELLIS ROAD,
GALAHAD ISLAND

JAN. 14, 2015 ISSUED FOR B.P.
Reviews / Submittals

Drawn: NC
Date: 10/27/14, 2014
Scale: 1/8" = 1'-0"
Checked:
Drawing Title:

FIRST FLOOR
PLAN



NO.	TYPE	ROUGH OPENING	HEADER
1	WED	200773 1/2"	
2	WED	620204	TRIANGLE 30 degrees
3	WED	112261 1"	
4	WED	502077	TRIANGLE 30 degrees
5	WED	582627	TRIANGLE 30 degrees
6	WED	402773 1/2"	
7	WED	620202	TRIANGLE 30 degrees
8	WED	623773 1/2"	
9	WED	112261 1"	
10	WED	623773 1/2"	
10A	WED	620202	TRIANGLE 30 degrees
11	WED	623773 1/2"	
12	WED	112261 1"	
13	WED	582627	TRIANGLE 30 degrees
14	WED	582627	TRIANGLE 30 degrees
15	WED	620202 1/2"	
16	WED	620202	TRIANGLE 30 degrees
17	WED	510973 1/2"	
18	WED	330202	
19	WED	330202	
20	WED	620202	
21	WED	620202	
22	WED	620202	TRIANGLE 30 degrees
23	WED	582627	TRIANGLE 30 degrees
24	WED	420202 1"	
25	WED	211122 1/2"	
26	WED	211122 1/2"	
27	WED	620202	
28	WED	620202	
29	WED	582627	TRIANGLE 30 degrees
30	WED	582627	TRIANGLE 30 degrees
31	WED	620202 1/2"	
32	WED	620202	
33	WED	620202 1"	
34	WED	620202	
35	WED	702773 1/2"	
36	WED	702773 1/2"	
37	WED	620202	
38	WED	620202	

EXISTING WALLS TO BE RETAINED
 EXISTING WALLS TO BE REMOVED
 PROPOSED WALLS

N
 MAIN FLOOR PLAN 4115.DWG



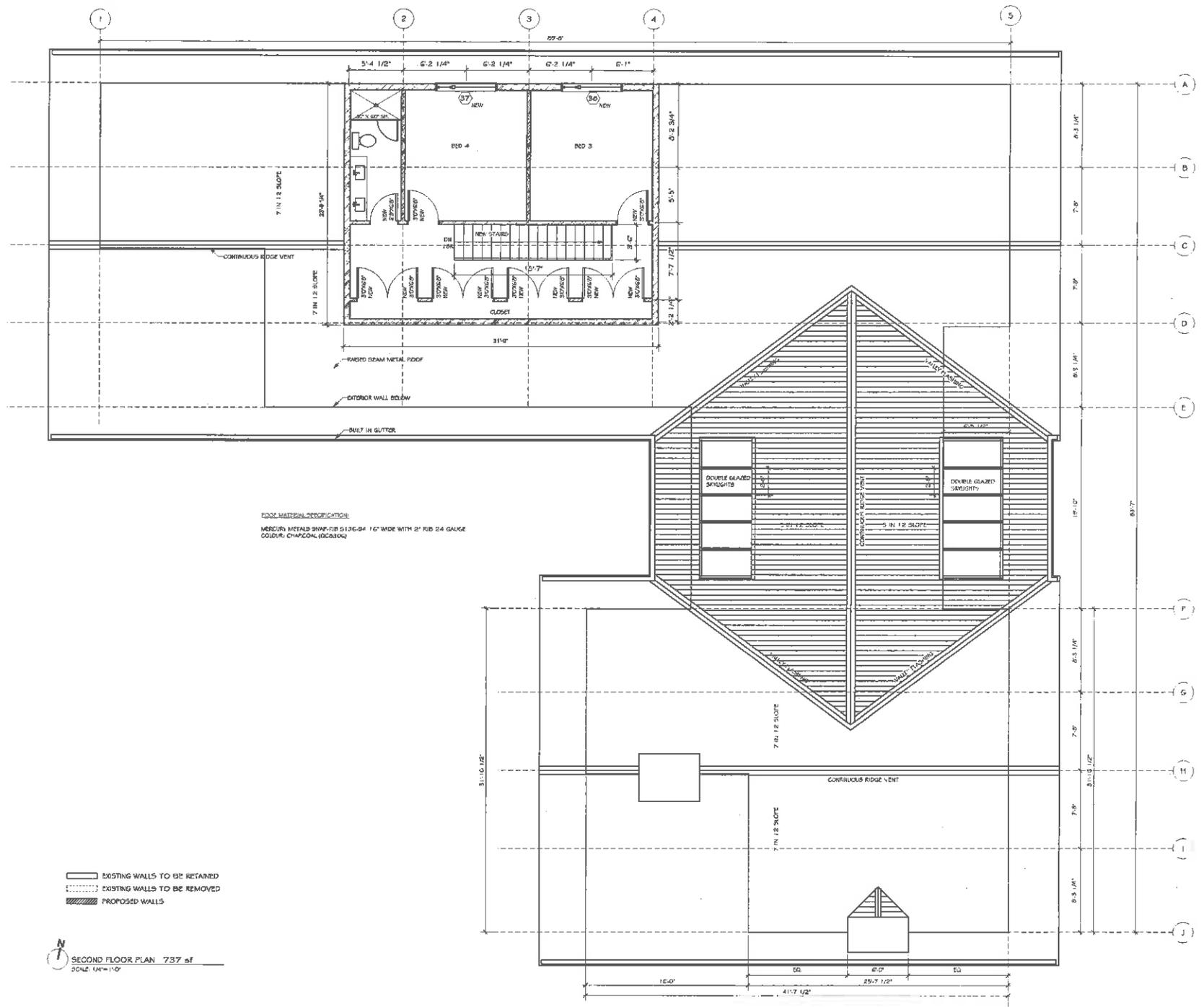
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Consultant:
 Job No: 06.100

TAYLOR FAMILY RETREAT
 ADDITION
 754 ELLIS ROAD,
 GALIANO ISLAND

JAN. 14, 2015 ISSUED FOR I/P
 Revisions / Submissions:
 Drawn: ADC
 Date: JANUARY 14, 2015
 Scale: 1/4" = 1'-0"
 Checked:
 Drawing Title:

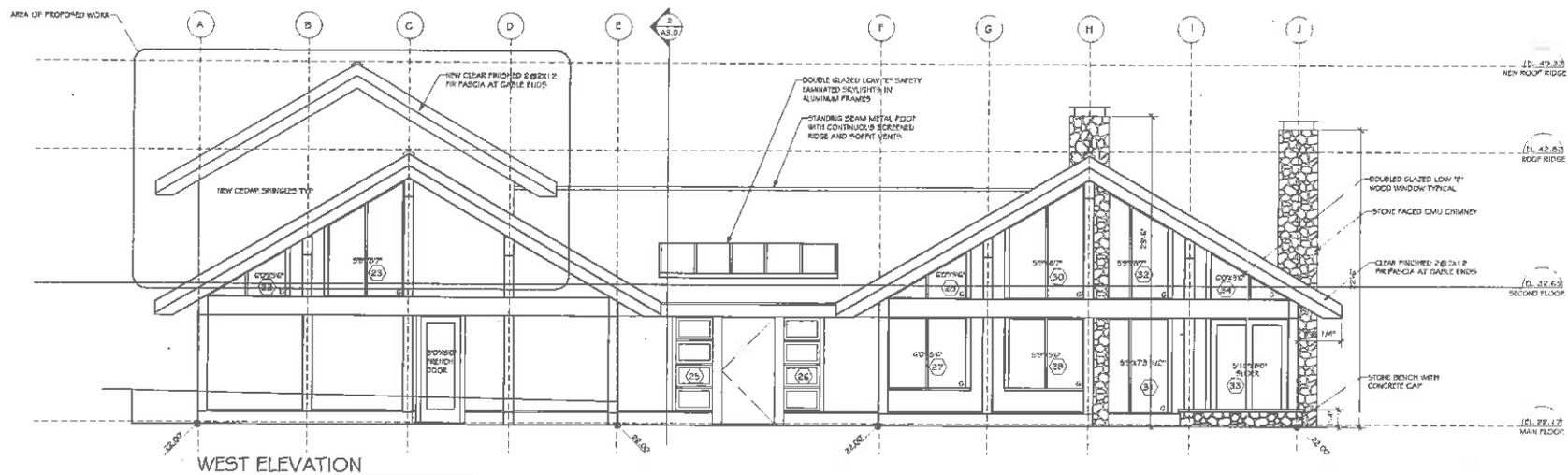
SECOND FLOOR PLAN



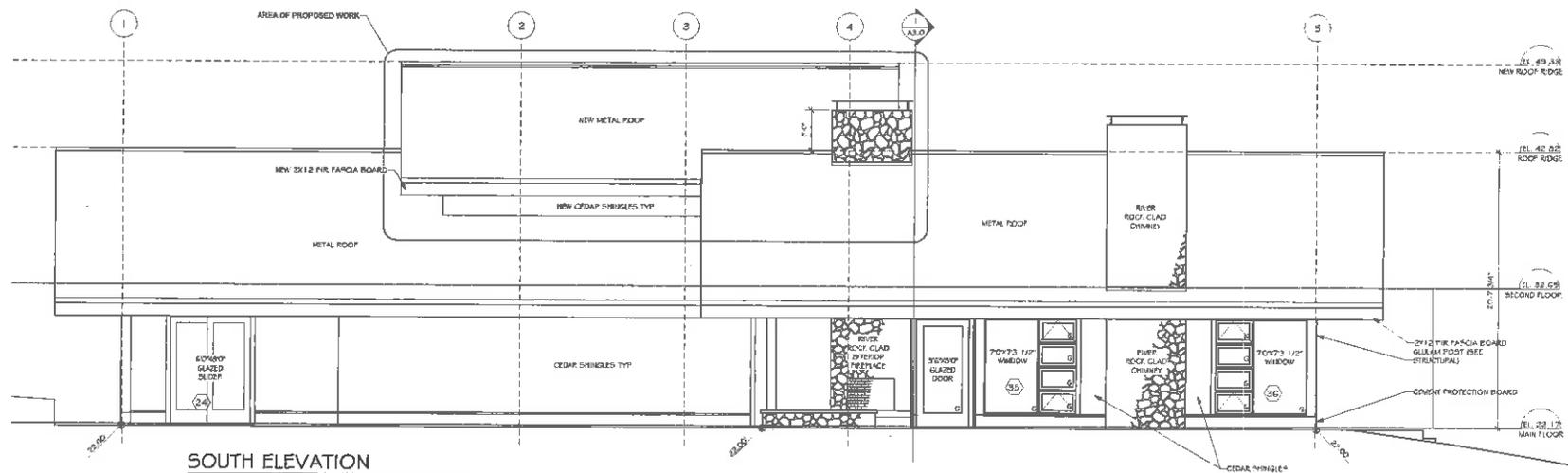
FOOT MATERIAL SPECIFICATION:
 MERCURY METALS SHIP-ROB 5136-84 1/2" WIDE WITH 21" RIB 24 GAUGE
 COLOR: CHAMPAGNE (063310)

- EXISTING WALLS TO BE RETAINED
- EXISTING WALLS TO BE REMOVED
- PROPOSED WALLS

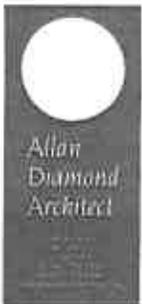
N
 SECOND FLOOR PLAN 737 sf
 SCALE: 1/4"=1'-0"



WEST ELEVATION



SOUTH ELEVATION



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Consultants:

Job No: 09-100
 TAYLOR FAMILY RETREAT
 ADDITION
 754 ELLIS ROAD,
 GAIJANO ISLAND

JAN. 14, 2015 ISSUED FOR BP

Revisions / Revisions:

Drawn: ENGREG

Date: JANUARY 14, 2015

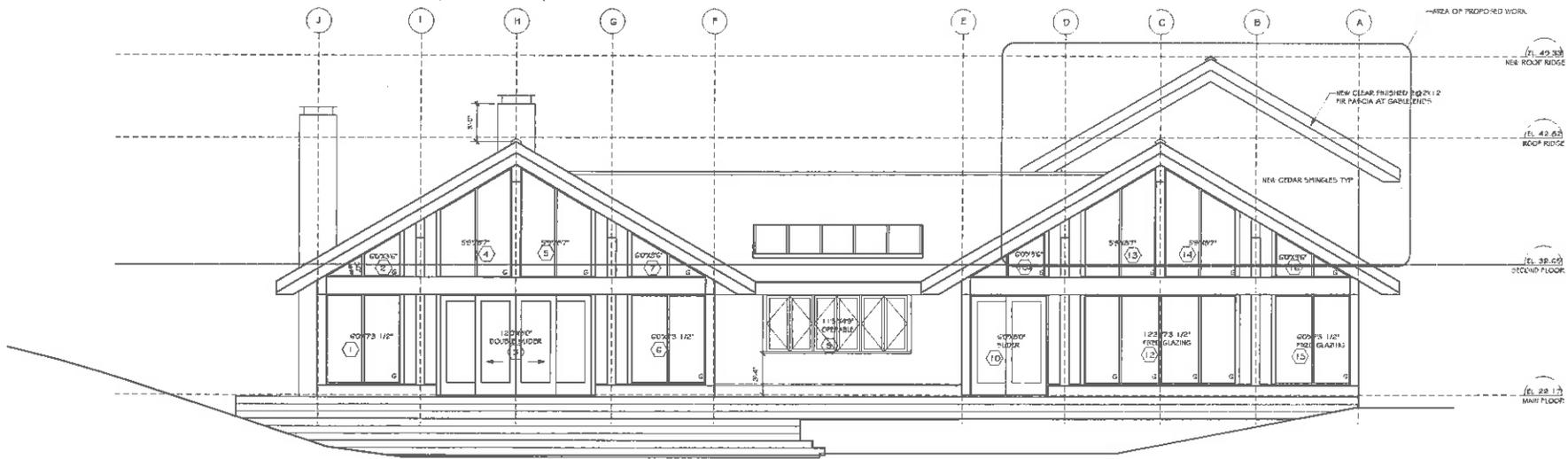
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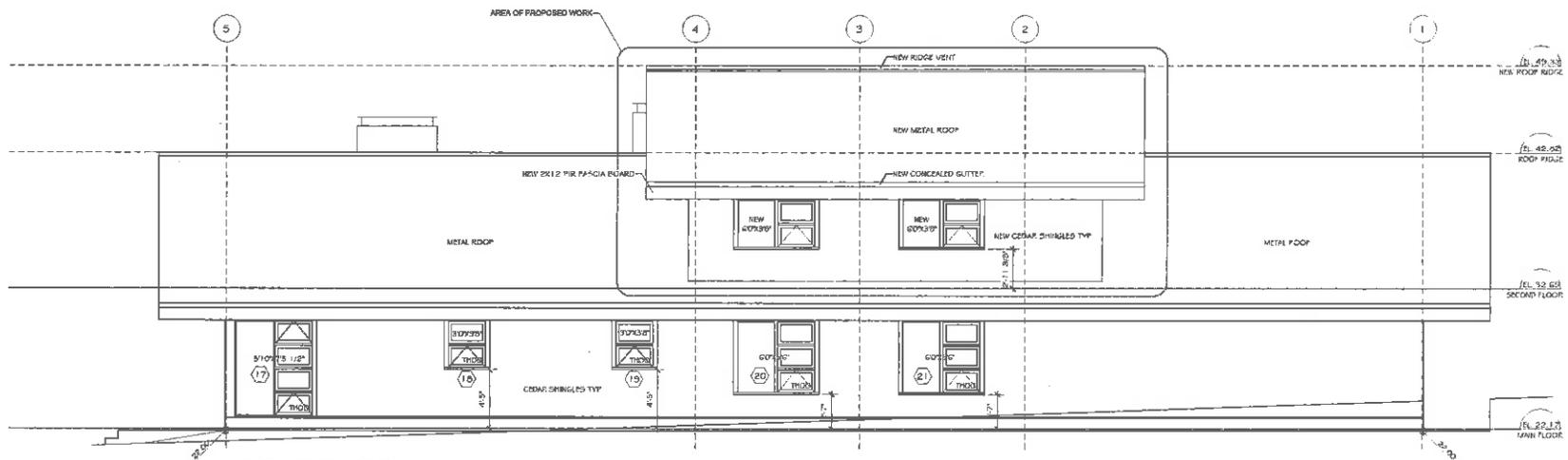
Drawing Title:

ELEVATIONS





EAST ELEVATION



NORTH ELEVATION

Alan Diamond Architect

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Consultant(s):

Job No: DC-100

TAYLOR FAMILY RETREAT ADDITION
754 ELLIS ROAD,
BALDWIN ISLAND

JAN. 14, 2015 ISSUED FOR BP
Foundation / Substructure

Drawn: EDS/KCC

Date: JANUARY 14, 2015

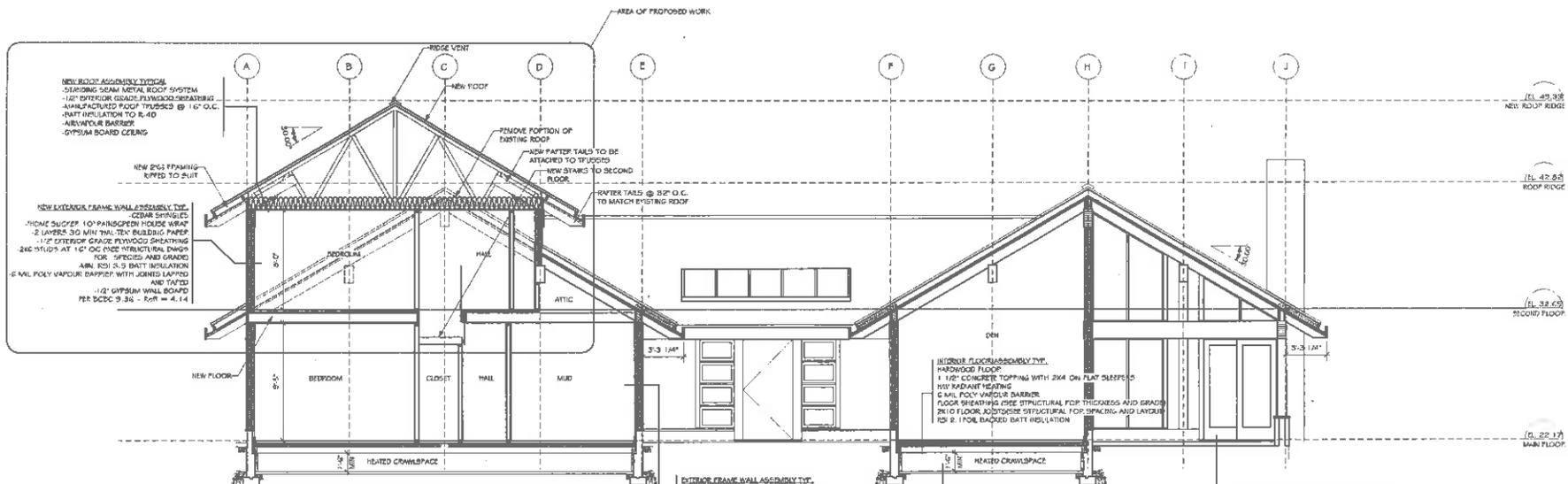
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Drawing Title:

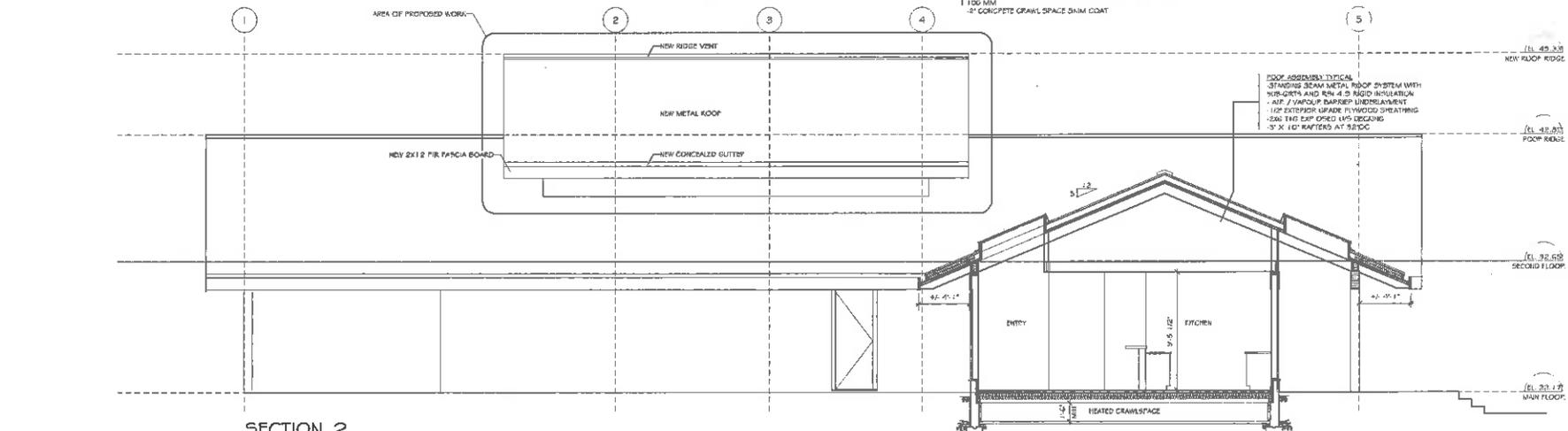
ELEVATIONS

A2.1



SECTION 1

SCALE: 1/4" = 1'-0"



SECTION 2

SCALE: 1/4" = 1'-0"



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Consultants:
 Job No: 01-100

TAYLOR FAMILY RETREAT
 ADDITION
 754 ELLIS ROAD,
 GALIANO ISLAND

APR. 14, 2015 ISSUED FOR BP
 Redwood / Submittals
 Drawn: EDW/PC
 Date: JANUARY 14, 2014
 Scale: 1/4" = 1'-0"

Checked:
 Drawing File:

SECTIONS



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Contract No.:

Job No. DC 103

TAYLOR FAMILY RETREAT
ADDITION
754 ELLIS ROAD,
GALIANO ISLAND

JAN 14, 2015 ISSUED FOR B/P

Revisions / Substitutions:

Drawn: ADC

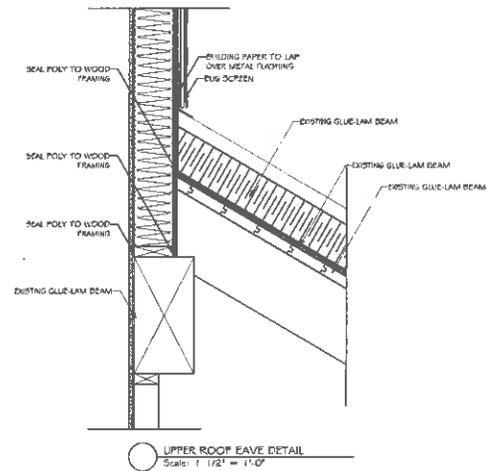
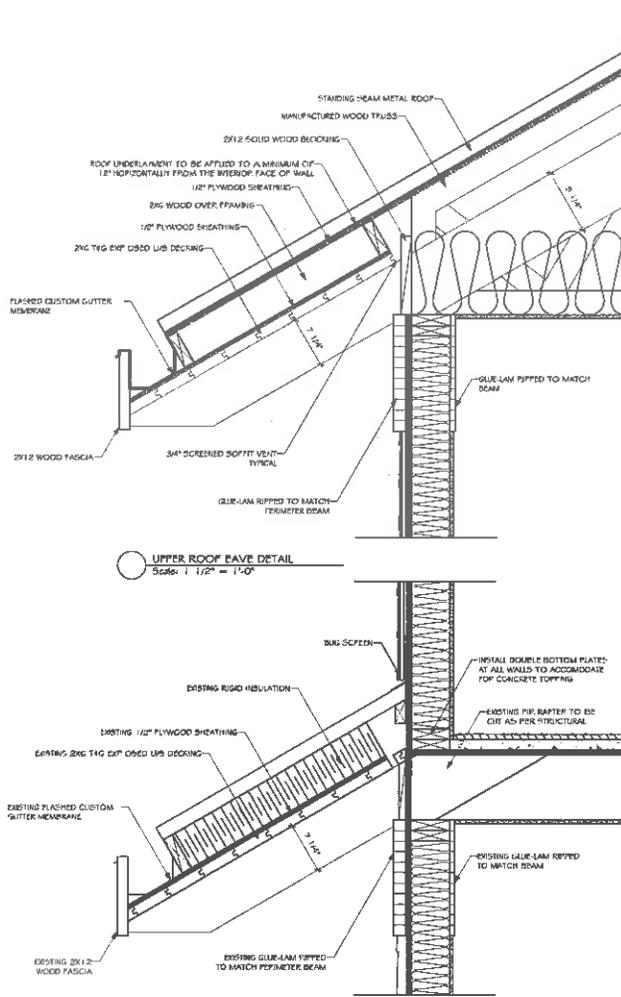
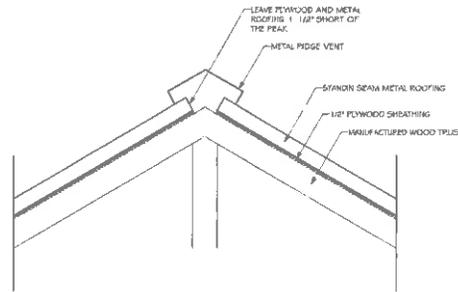
Date: JANUARY 14, 2015

Scale: 1/4" = 1'-0"

Checked:

Drawing Title:

DETAILS



--- BUILDING PAPER
- - - SELF-ADHESIVE MEMBRANE
- - - - - SEAL POLY W/FOAM BACKING
- - - - - PEST SCREEN

ATTACHMENT 1- SITE CONTEXT

LOCATION

Legal Description	LOT 3, BLOCK 4 OF DISTRICT LOTS 4, 5, AND 6, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 1974, EXCEPT THAT PART IN PLAN 21425; SHOWN OUTLINED IN RED ON PLAN 1978R
PID	002-841-363
Civic Address	754 Ellis Road.
Property Size	Upland: 3.91 ha (9.66 ac)
Site Description	The subject property is a long and narrow waterfront property running between Ellis Road and the natural boundary on the eastern side of Galiano Island. The property is well treed and development activity is largely contained in the easterly portion near the waterfront.

LAND USE

Current Land Use	Residential
Surrounding Land Use	The properties on the north and south sides of the subject property have residential uses. The property across Ellis Road is zoned Nature Protection and is treed and undeveloped.

HISTORICAL ACTIVITY

File No.	Purpose
GL-BP-2016.1	Application to add a single family dwelling.
GL-BP-2017.6	Building permit application for a retain wall (seawall)
GL-BE-2016.18	Structure within a setback and within a DPA without a permit

POLICY/REGULATORY

Official Community Plan Designations	Galiano Island OCP No. 108, 1995 SLR - Small Lot Residential (upland) Development Permit Areas (DPAs): <ul style="list-style-type: none">DPA 2 – Shoreline and Marine
Land Use Bylaw	Galiano Island LUB No. 127, 1999: Small Lot Residential (SLR – Upland/Abutting Property).
Other Regulations	N/A
Covenants	197786G, Statutory Right of Way, BC Hydro FB111748, Statutory Right of Way, Telus Communications
Bylaw Enforcement	See file GL-BE-2016.18

SITE INFLUENCES

Islands Trust Fund	There are no Trust Fund Board or Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Fund regional conservation plan.
Species at Risk	n/a
Sensitive Ecosystems	n/a
Hazard Areas	n/a
Archaeological Sites	<p>Archaeological sites</p> <p>There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.</p>
Climate Change Adaptation and Mitigation	No development activity is associated with the application.
Shoreline Classification	Sediment Shoreline - Boulder/Cobble
Shoreline Data in TAPIS	No evidence of Eelgrass Beds (Fringing, continuous) identified at location. See Biologist's report.

DETAIL

**B.C. Land Surveyor's
Building Location Certificate of:**

Lot 3, Block 4 of District Lots 4, 5 and 6
Galiano Island, Cowichan District, Plan 1974,
except that part in Plan 21425; shown outlined
in red on Plan 1978R

Civic address: 754 Ellis Road
Galiano Island, B.C.

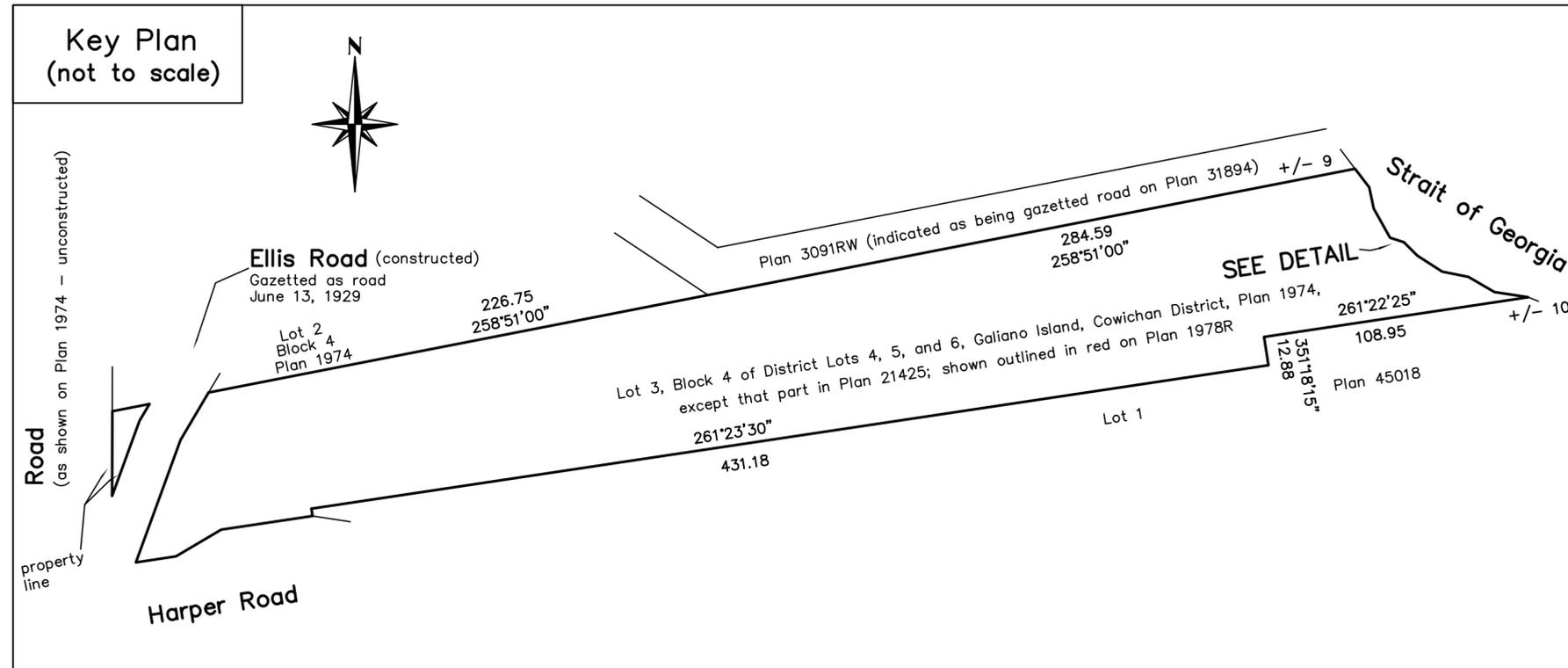
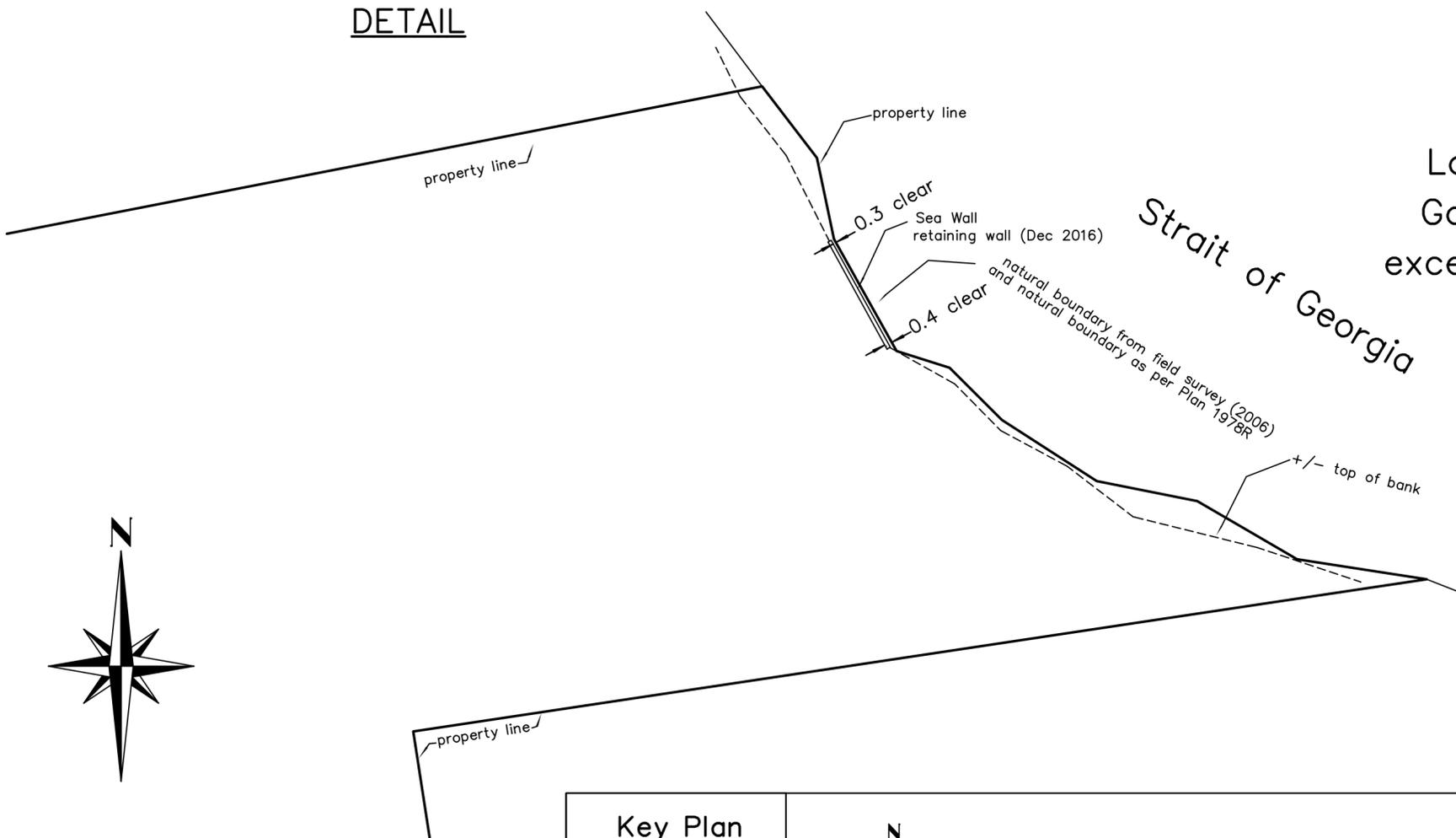
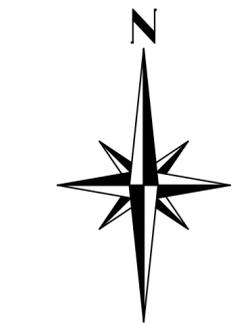
Parcel identifier number 002-841-363



Scale 1: 500 (metric) All distances are in metres

charged against title:
right of way 197786G
statutory right of way FB111748

THIS DRAWING IS PREPARED FOR THE SOLE PURPOSE OF
CERTIFYING THE LOCATION OF THE SEA WALL



Property dimensions are derived from Land Title Plans and field survey.
Lot dimensions and clearances may change slightly upon complete legal survey.

Glen Mitchell
Land Surveying Inc.
1030 North Park Street
Victoria, B.C.
V8T 1C6
tel 385-1712
email glen @ mitchellsurvey.ca

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Amended March 16, 2017 by adding clearances to sea wall

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

Certified correct this 3RD day of FEBRUARY, 2017



Glen Mitchell
P2GT7R

c=CA, en=Glen Mitchell
P2GT7R, o=BC Land
Surveyor, ou=Verify ID
at www.juricert.com/
LKUP.cfm?id=P2GT7R

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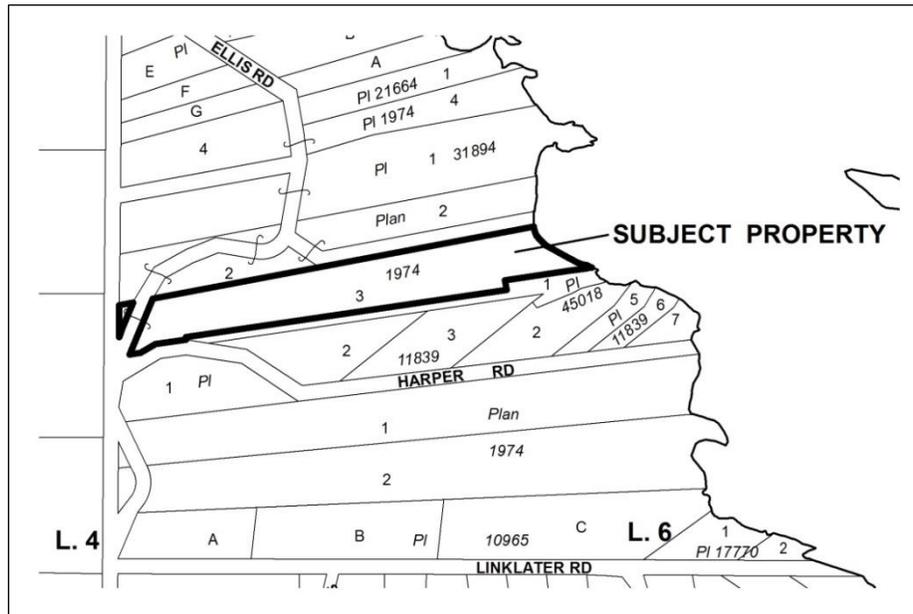
**NOTICE
GL-DVP-2017.2
GALIANO ISLAND LOCAL TRUST COMMITTEE**

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

- a) Subsection 2.14 of “General Regulations” which states in part that, “Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea” is varied to permit the siting of a seawall as close as 0.3 metres from the natural boundary of the sea.

The property is located at 754 Ellis Road and is legally described as, Lot 3, Block 4 of District Lots 4, 5, And 6, Galiano Island, Cowichan District, Plan 1974, Except That Part In Plan 21425; Shown Outlined In RED On Plan 1978R.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **June 23, 2017** and continuing up to and including **July 7, 2017**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing **June 23, 2017**. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Rob Milne, Island Planner at (250) 405-5177, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **July 7, 2017**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., July 10, 2017**, at the North Community Hall, 20925 Porlier Pass Road, on Galiano Island.

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

Sharon Lloyd-deRosario, Deputy Secretary



PROPOSED

GALIANO ISLAND LAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

GL-DVP-2017.2

To: Dean and Patricia Taylor

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

Lot 3, Block 4 of District Lots 4, 5, And 6, Galiano Island, Cowichan District, Plan 1974, Except That Part In Plan 21425; Shown Outlined In RED On Plan 1978R

(PID: 002-841-363)

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

a) Subsection 2.14 of "General Regulations" which states in part that, "Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea" is varied to permit the siting of a seawall as close as 0.3 metres from the natural boundary of the sea; in compliance with attached Schedule "A".

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District, Island Health and the Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS DAY OF MONTH, 2017.

Deputy Secretary, Islands Trust

Date of Issuance

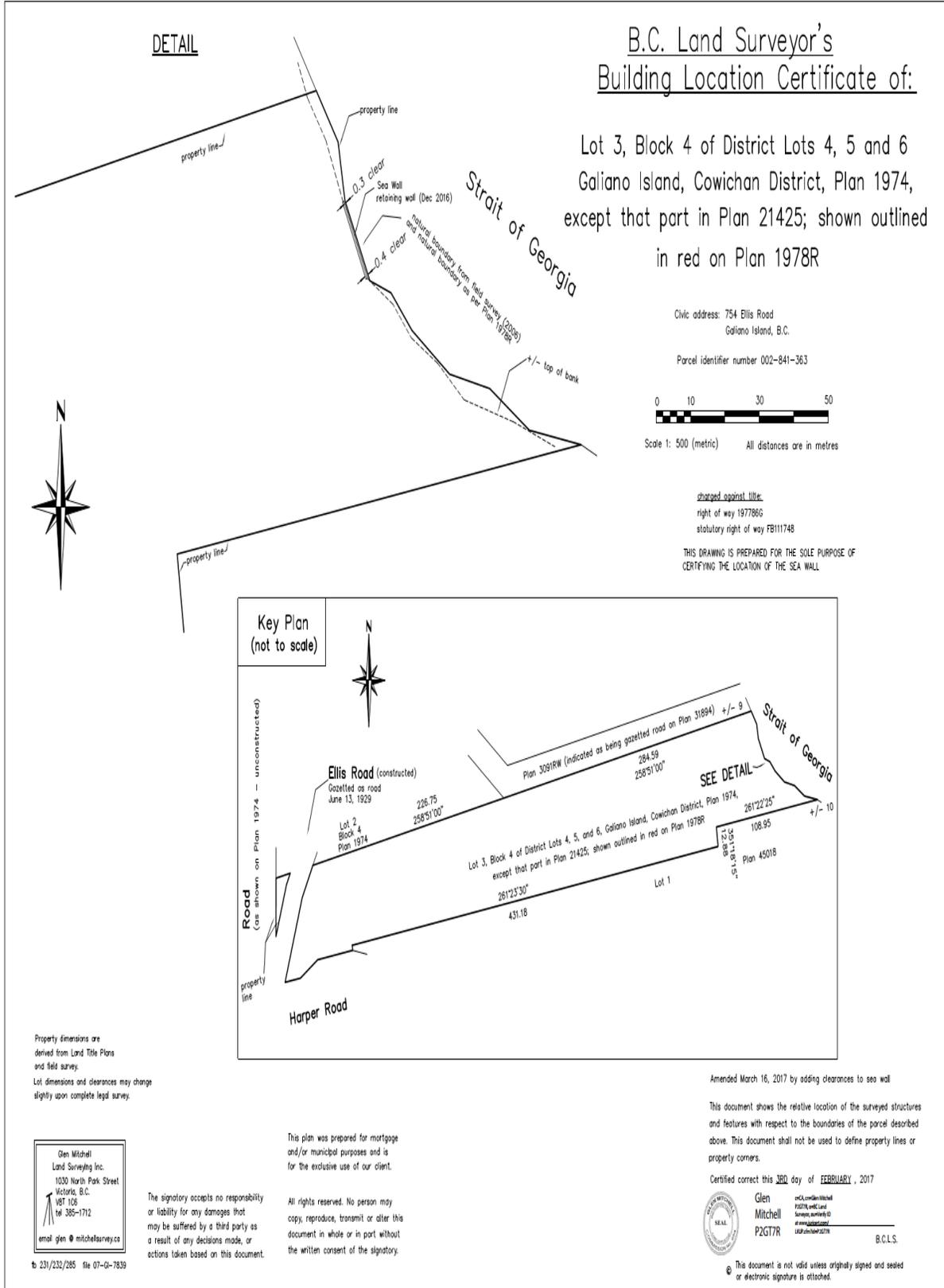
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE DAY OF MONTH , 2019, THIS PERMIT AUTOMATICALLY LAPSES.

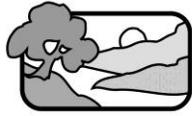
GALIANO ISLAND LOCAL TRUST COMMITTEE

GL-DVP-2017.2

SCHEDULE 'A'

SITE SURVEY





File No.: GL-RZ-2011.1 (Galiano Green)

DATE OF MEETING: July 10, 2017
TO: Galiano Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Planning Team
SUBJECT: Proposed Bylaws 233, 234, 261
Applicant: Galiano Green
Location: 409 Porlier Pass Road

RECOMMENDATIONS

1. That the Galiano Island Local Trust Committee Bylaw No. 233, cited as Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 15, 2011, be adopted
2. That the Galiano Island Local Trust Committee Bylaw No. 234, cited as Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011, be adopted
3. That the Galiano Island Local Trust Committee Bylaw No. 261, cited as Galiano Island Housing Agreement Bylaw No. 261 be adopted

REPORT SUMMARY

The purpose of the report is to provide the LTC with recommendations for adoption of bylaws 233, 234, 261.

BACKGROUND

The Local Trust Committee is considering two bylaws to permit up to 20 units of affordable housing, along with a Housing Agreement bylaw to restrict occupancy and tenure. The bylaws would amend the OCP to re-designate the land to Community Housing, and amend the LUB to rezone the land to Community Housing One and to create the regulations for the zone. The Housing Agreement would restrict occupancy to qualified persons, control the re-sale price and rents of the units, and require that a minimum of five units be constructed by the Owner for rent (please see attachments for copies of the Proposed Bylaws).

A public hearing was held on September 19, 2016 and October 1, 2016. Bylaws 233 (OCP Amendment) and 234 (LUB Amendment) received third reading on November 7, 2016 and Bylaw 261 (Housing Agreement) received three readings on December 5, 2016. The Executive Committee approved the three bylaws on January 18, 2017, and the Minister approved bylaw 233 on April 6, 2017. Also at the meeting of December 5, 2016, the LTC accepted a draft s.219 covenant and authorized the Chair to execute the covenant on behalf of the LTC. The covenant and housing agreement were signed by the representatives of the owner on May 10, 2017, and by the Chair on June 7, 2017. The covenant and notice of housing agreement were forwarded to Islands Trust legal

counsel for registration at the Land Title Office and have been registered as of June 21, 2017 (a copy of state of title certificate is attached). The final step is for the LTC to consider adoption of the three bylaws.

Submitted By:	Robert Kojima Regional Planning Manager	June 21, 2017
---------------	--	---------------

ATTACHMENTS

1. Proposed Bylaw 233
2. Proposed Bylaw 234
3. Proposed Bylaw 261
4. Certificate of Title
5. Registered copy of S. 219 Covenant

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

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

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

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

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 15, 2011.”

2. SCHEDULES

Galiano Island Official Community Plan No. 108, 1995 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

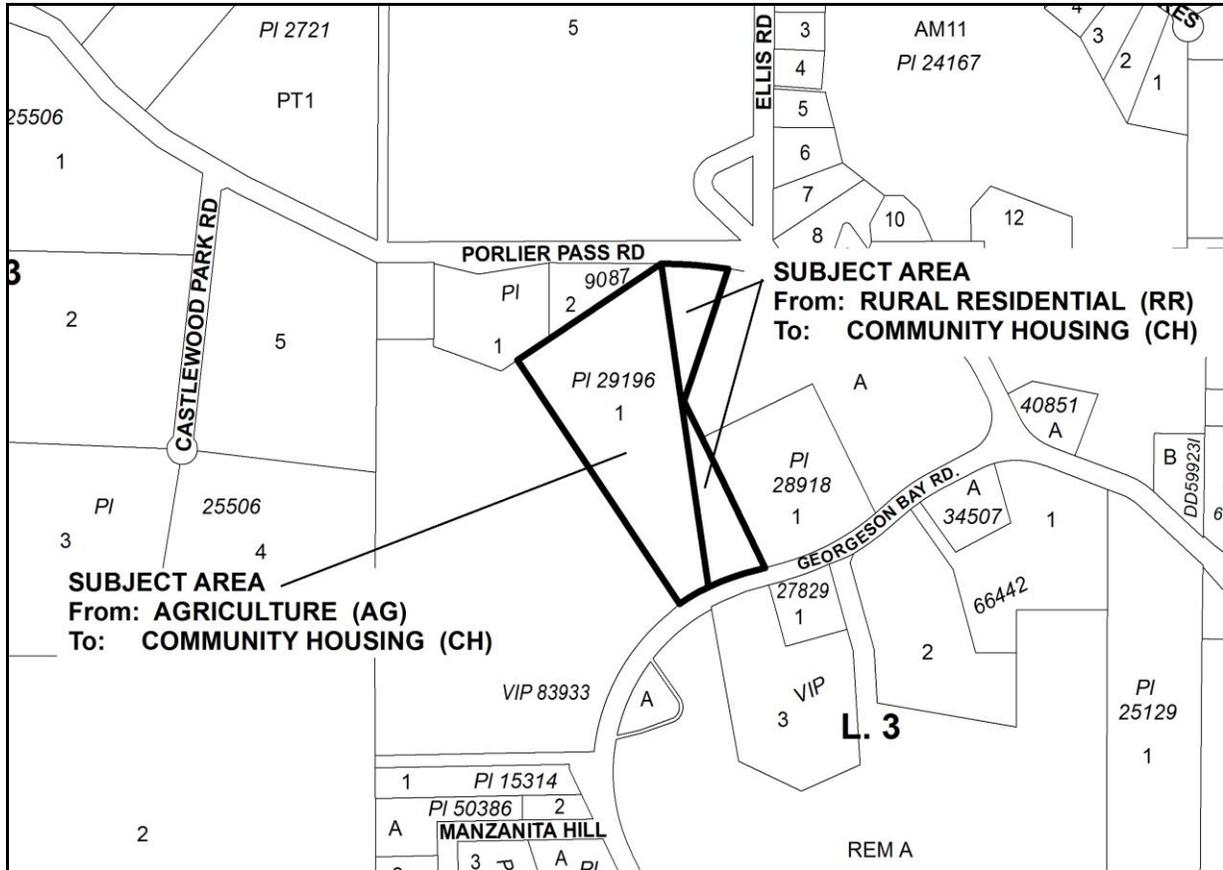
READ A FIRST TIME THIS	9 th	DAY OF	July	, 2012
READ A SECOND TIME THIS	8 th	DAY OF	September	, 2014
PUBLIC HEARING HELD THIS	1 st	DAY OF	October	, 2016.
READ A THIRD TIME THIS	7 th	DAY OF	November	, 2016.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	18 th	DAY OF	January	, 2017.
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT THIS	6 th	DAY OF	April	, 2017.
ADOPTED THIS		DAY OF		, 20.

DEPUTY SECRETARY

CHAIR

**GALIANO ISLAND LOCAL TRUST COMMITTEE
 BYLAW NO. 233
 SCHEDULE 1**

- Schedule B (Land Use Designations) is amended for a portion of the lands legally described Lot 1, District Lot 3, Galiano Island, Cowichan District, Plan VIP29196 as depicted on the map below.



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

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

- 1. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
 - a) By adding “Community Housing 1 (CH1)” in Section 4.1 after “Health and Wellness (HW)”.
 - b) By adding the following after Section 8.5:

“8.6 Community Housing 1 – CH1

Permitted Uses

8.6.1 In the Community Housing 1 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.

8.6.1.1 Dwellings for the provision of affordable housing, subject to a housing agreement under Section 483 of the Local Government Act.

8.6.1.2 Home occupations

Permitted Density

8.6.2 One dwelling is permitted on each lot.

8.6.3 Maximum floor area of a dwelling must not exceed 100 square metres.

8.6.4 One accessory building not exceeding a floor area of 10 square metres is permitted in respect of each permitted dwelling.

8.6.5 Two communal accessory buildings not exceeding a total combined floor area of 278 square metres.

Permitted Height

8.6.6 No building or structure for a use permitted by this section may exceed 9 metres in height.

Minimum Setbacks

8.6.7 Buildings and structures must be sited

8.6.7.1 at least 1.5 metres from any bare land strata lot line; and

8.6.7.2 at least 7.5 metres from any other lot line.

8.6.8 Buildings and structures used for human habitation or occupancy and not located within the Agriculture (AG) zone must be sited at least 15 metres from the boundary of the Agriculture (AG) zone.

Average Lot Size

8.6.9 No subdivision may be approved unless the lots created by subdivision have an average area of at least 0.19 hectares.

- c) Section 13.22 is amended by adding the words “or in an area zoned Community Housing 1” immediately following the words “on Schedule C”.
- d) Section 14.1 (Parking Regulations) is amended by inserting a new subsection 14.1.16 as follows:

14.1.16	Dwellings for the provision of affordable housing in the CH1 zone	1 per dwelling and 6 visitor spaces for a maximum of 26 spaces.
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e) Map Schedule “B”, is amended as follows:

- (i) By changing the zoning of a portion of the lands legally described as Lot 1, District Lot 3, Plan 29196, Galiano Island, Cowichan District from the Rural Residential - (RR) zone to the Community Housing 1 (CH1) zone as shown on Plan No. 1 which is attached to and forms part of this bylaw.
- (ii) By adding Community Housing 1 (CH1) to the map legend.

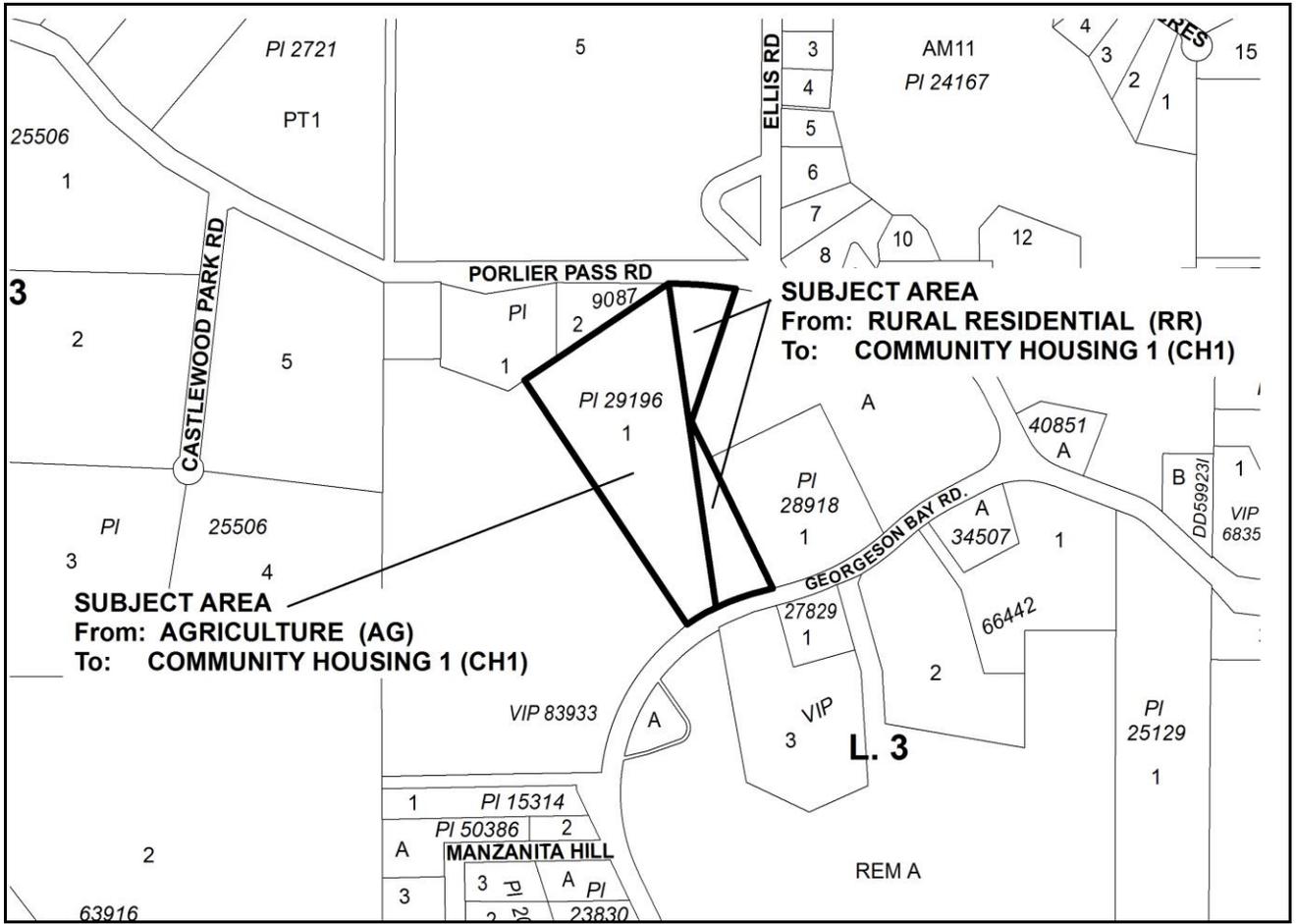
B. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011”.

READ A FIRST TIME THIS	9 th	DAY OF	July	2012
READ A SECOND TIME THIS	6 th	DAY OF	June	2016
PUBLIC HEARING HELD THIS	1st	DAY OF	October	2016
READ A THIRD TIME THIS	7 th	DAY OF	November	2016
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	18 th	DAY OF	January	2017
ADOPTED THIS		DAY OF		20

DEPUTY SECRETARY

CHAIRPERSON

**GALIANO ISLAND LOCAL TRUST COMMITTEE
 BYLAW NO. 234
 PLAN NO. 1**



HOUSING AGREEMENT

GALIANO GREEN AFFORDABLE HOME OWNERSHIP PROJECT

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 261

A Bylaw to Authorise a Housing Agreement

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

AND WHEREAS Section 483 of the Local Government Act and Section 29 of the Islands Trust Act permit the Local Trust Committee to enter into a housing agreement;

AND WHEREAS the Galiano Island Local Trust Committee wishes to enter into a Housing Agreement;

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

1. This Bylaw may be cited for all purposes as “Galiano Island Housing Agreement Bylaw No. 261.
2. The Galiano Island Local Trust Committee is authorized to enter into the Local Government Act section 483 housing agreement attached to this Bylaw as Appendix 1 (the “Housing Agreement”).
3. Any Trustee of the Galiano Island Local Trust Committee is authorised to execute the Housing Agreement and the Corporate Secretary or his or her designate is authorized to sign and file in the Land Title Office a notice of the Housing Agreement, as required by the Local Government Act.

READ A FIRST TIME this 5th day of December , 2016

READ A SECOND TIME this 5th day of December , 2016

READ A THIRD TIME this 5th day of December , 2016

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

this 18th day of January , 2017

ADOPTED this ____th day of _____ , 20__

SECRETARY _____

CHAIRPERSON _____

APPENDIX 1

Housing Agreement

THIS AGREEMENT DATED FOR REFERENCE the day of , 2016 is

BETWEEN:

GALIANO LAND AND COMMUNITY HOUSING TRUST, a society incorporated in British Columbia under No. S-0037495
Suite 2A – 33 Manzanita
Galiano Island B.C. V0N 1P0

(the “Owner”)

AND

GALIANO ISLAND LOCAL TRUST COMMITTEE, a local trust committee under the *Islands Trust Act* of British Columbia
2nd Floor, 1627 Fort Street
Victoria, B.C. V8R 1H8

(the “Local Trust Committee”)

WHEREAS:

1. The Owner and the Local Trust Committee wish to create a residential community that provides affordable housing units to moderate income individuals and families residing on Galiano Island and in accordance with the Galiano Island Official Community Plan Bylaw No. 108, 1995 Section 1.6 Community Housing Policies;
2. The Owner is the registered owner of those Lands situated on Galiano Island, British Columbia and legally described as:

PARCEL IDENTIFIER: 001-416-987
LOT 1, DISTRICT LOT 3, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 29196

(the “Lands”)

3. The Owner is a not-for-profit society under the *Society Act* of British Columbia and has as one of its objects the creation of an affordable housing community on Galiano Island;
4. The Owner has applied to the Galiano Island Local Trust Committee for a rezoning of the Lands by way of Galiano Island Land Use Bylaw 233 which amends OCP Bylaw #108, 1995, and Bylaw 234 which amends LUB #127, 1999 to permit a bare land strata subdivision of up to 20 strata lots with a single family house located on each strata lot, as well as two community buildings to be located on the Lands;

5. The Owner intends to develop housing that is affordable for individuals and families earning less than 90% of the median income of Capital Electoral Area G, either by way of leasehold agreements of up to 15 bare land strata lots, at an affordable rate to individuals, so that individuals may construct homes on those bare land strata lots, and by way of the rental of at least 5 constructed homes at an affordable rent;
6. The Local Trust Committee may, pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons and dwelling units located on the Lands;
7. The Owner and the Local Trust Committee wish to enter into this Agreement on the terms and conditions set out in this Agreement;
8. The Local Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement; and
9. The Owner agrees that the requirements of this Agreement are reasonable given the public interest in maintaining housing affordability on and restricting the occupancy and disposition of the Lands.

THIS AGREEMENT is evidence that in consideration of \$2.00 paid by the Local Trust Committee to the Owner, the receipt and sufficiency of which are acknowledged by the Owner, and in consideration of the promises exchanged below, the Local Trust Committee and the Owner agree, as a housing agreement between the Owner and the Local Trust Committee under s. 483 of the *Local Government Act*, as follows:

DEFINITIONS

1. In this Agreement:
 - (a) "Affordable Housing Units" means 20 single-family dwellings, each constructed on a Strata Lot, in respect of which the tenure, rental, and occupancy are restricted in accordance with sections 3 through 7 of this Agreement;
 - (b) "CMC" means a community management committee or organization which administers this Agreement, as more particularly described in Schedule "F";
 - (c) "CPI" means the Consumer Price Index for the Capital Region as calculated by Statistics Canada.
 - (d) "household" means an one or more individuals;
 - (e) "Income" means income from all sources as defined in Schedule "A".
 - (f) "Leasehold" means the leasehold interest in a Strata Lot, pursuant to a lease agreement entered into between the Owner and a Qualified Leaseholder, which

interest includes the right to construct, alter, maintain, and alter an Affordable Housing Unit on a Strata Lot;

- (g) “Maximum Monthly Rent” means the monthly rent agreed to by the Owner and a Qualified Renter to rent a Rental Unit which shall not exceed thirty percent (30%) of the total monthly Income of the Qualified Renter at the time the Rental Unit is occupied by the Qualified Renter;
- (h) “Moderate Income” means an annual Income that is less than 90% of the median income of the Southern Gulf Islands Electoral Area (Capital Area G) calculated from the most recent census data and as adjusted annually for the CPI.
- (i) “Qualified Leaseholder” means a household which meets the eligibility criteria for ownership of a Leasehold, as set out in Schedule “A”, or which met the eligibility criteria for ownership of a Leasehold at the time the household acquired a legal interest in the Leasehold;
- (j) “Qualified Person” means a Qualified Leaseholder or a Qualified Renter;
- (k) “Qualified Renter” means a household which meets the eligibility criteria for a residential tenancy of a Rental Unit, as set out in Schedule “A”;
- (l) “Rental Unit” means an Affordable Housing Unit which is rented by the Owner to a household, in accordance with the terms of this Agreement;
- (m) “Strata Lot” means one of the bare land strata lots to be created upon the filing of a bare land strata plan for the Lands, as generally shown as Schedule “E”;
- (n) “Stipulated Maximum Price” means the price of an Affordable Housing Unit located on a Strata Lot determined as follows:
 - (i) if the Affordable Housing Unit is one of the first three units constructed on the Lands, then the Stipulated Maximum Price shall be \$130 per square foot of Affordable Housing Unit;
 - (ii) if the Affordable Housing Unit is constructed after the first three units on the Lands, then the Stipulated Maximum Price shall be:
 - (A) the actual cost of construction of the unit, which cost shall include construction materials, labour, on-site septic tank, plumbing and electrical costs, septic and electric connections, permits and fees; or
 - (B) the replacement cost of the Affordable Housing Unit, as determined by a certified appraiser, the cost of which appraisal shall be borne by the Owner,

but in no case shall the Stipulated Maximum Price ever exceed \$130 per square foot of Affordable Housing Unit, except for annual adjustments for the CPI.

2. The Owner covenants and agrees with the Local Trust Committee that, in perpetuity:
 - (a) the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any development permit issued by the Local Trust Committee, any building permit issued by the Capital Regional District and this Agreement;
 - (b) the Owner must at all times ensure that the Lands are used and occupied in compliance with all statutes, laws, regulations, orders of any authority having jurisdiction, and this Agreement; and
 - (c) the Lands, including any lots into which the Lands may be subdivided, either by way of a subdivision under the *Land Title Act* or the deposit of a bare land strata plan, shall not be sold or otherwise transferred separately from any other portion of the Lands. For certainty, this prohibition does not prevent the sale of an Affordable Housing Unit or the granting, transfer or assignment of a Leasehold interest in accordance with this Agreement.

LEASEHOLDS

3. Except as provided in section 6, the Owner covenants and agrees that it shall not enter into a Leasehold agreement or grant a Leasehold interest for any part of the Lands to any person, or allow any person to occupy any part of the Lands, except for:
 - (a) a Qualified Leaseholder and that person’s spouse, children, parents and grandparents; and
 - (b) the guest of such a Qualified Leaseholder.
4. The Owner covenants and agrees:
 - (a) that prior to entering into a Leasehold agreement with any person, the Owner shall obtain written confirmation from the CMC that a prospective person is a Qualified Leaseholder;
 - (b) that the monthly payment amounts for a Leasehold shall not exceed those amounts shown in the following table, provided however that the Owner may adjust the maximum monthly lease payment every 5 years in accordance with prevailing interest and mortgage rates, with notice to the Local Trust Committee of the amount of the adjustment:

Affordable Housing Unit Size (square feet)	Maximum Monthly Lease Payment
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500 square feet and smaller	\$136.66
501 to 600 square feet	\$156.18
601 to 700 square feet	\$175.70
701 to 800 square feet	\$195.23
801 to 900 square feet	\$214.75
901 square feet and larger	\$234.27

- (c) that the monthly payment strata fee amounts for a Leasehold shall not exceed those amounts shown in the following table, provided however that maximum monthly strata fees may increase from the previous year in an amount no greater than CPI and every year thereafter as determined by the Owner, or at a greater amount if agreed to in writing by the Local Trust Committee and only if the Local Trust Committee, in its sole discretion, considers that such an increase would not compromise the affordability objectives of this Agreement;

Affordable Housing Unit Size (square feet)	Maximum Monthly Strata Fees
500 square feet and smaller	\$40.00
501 to 600 square feet	\$45.00
601 to 700 square feet	\$50.00
701 to 800 square feet	\$55.00
801 to 900 square feet	\$60.00
901 square feet and larger	\$65.00

- (d) not to require any Leaseholder to pay any extra charges or fees for use of any common area, or for common sanitary sewer, common storm sewer, common water utilities, or common property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, gas or electricity utility fees or charges, or septic infrastructure located on a bare land strata lot, including holdings tanks;
- (e) to include in every Leasehold agreement all of the following:
- (i) a clause prohibiting subletting and assignment to any person who is not a Qualified Leaseholder and who has not been approved by the CMC,

which clause shall entitle the Owner to terminate the Leasehold in the event of any breach of that prohibition;

- (ii) a clause stipulating the maximum Leasehold payments as contemplated in section 4(b);
- (iii) a clause stipulating the maximum strata fee payments as contemplated in section 4(c); and
- (iv) a clause referencing the requirements of this Housing Agreement, and to attach a copy of this Agreement to the Leasehold agreement.

5. The parties agree as follows:

- (a) if one of the individual comprising a Qualified Leaseholder in possession of an Affordable Housing Unit dies, that individual's Spouse or adult children residing in the Affordable Housing Unit at the time of the Qualified Leaseholder's death, may continue to lease and reside in the Affordable Housing Unit for the remainder of the Spouse or adult child's life, in accordance with this Agreement;
- (b) a Qualified Leaseholder may sell their Leasehold interest, including the Affordable Housing Unit, provided:
 - (i) the CMC has provided written confirmation that the purchaser is a Qualified Leaseholder;
 - (ii) the purchase and sale price shall not exceed the Stipulated Maximum Price, less the estimated cost of reasonable repairs necessary to bring the Affordable Housing Unit in good working condition, as agreed between the purchaser and the seller, or where the parties are unable to reach agreement, as determined by an arbitrator in accordance with the *Arbitration Act*, the cost of whom shall be borne equally between the purchaser and the seller;
 - (iii) any Qualified Leaseholder who intends to sell their Leasehold interest, including the Affordable Housing Unit, shall provide notice of such intent to the Owner before listing the property for sale. During a period of 2 months from the date of notice provided by the Leaseholder, the Owner will have the option to purchase the Leasehold interest, Affordable Housing Unit, and other improvements at the price specified in s. 5(b)(ii); and
 - (iv) if, for a period greater than 60 days, a Qualified Leaseholder is in arrears on mortgage payments for their Affordable Housing Unit, then the Owner may purchase the Leasehold interest and Affordable Housing Unit for the price specified in s. 5(b)(ii), less the amount of mortgage arrears, and the

Owner shall be responsible for the mortgage arrears and all costs associated therewith.

RESIDENTIAL TENANCIES

6. Except as provided in section 3, the Owner covenants and agrees that it shall not rent any Strata Lot, Rental Unit or other dwelling to any person, or allow any person to occupy any Strata Lot, Rental Unit or other dwelling, other than a Qualified Renter.
7. The Owner covenants and agrees that:
 - (a) of the 20 Affordable Housing Units to be constructed on the Lands, a minimum of 5 Affordable Housing Units shall be constructed by the Owner and used as Rental Units;
 - (b) prior to entering into a residential tenancy agreement with any person, the Owner shall obtain written confirmation from the CMC that a prospective person is a Qualified Renter;
 - (c) the monthly rent for a Rental Unit will not be more than the Maximum Monthly Rent at any time during the term of the tenancy;
 - (d) all residential tenancy agreements shall be fixed term tenancies for 6 months, and shall include the following:
 - (i) an end date for the tenancy on which the Qualified Renter will be required to vacate the Rental Unit if a new tenancy agreement is not entered into;
 - (ii) a clause stating that a new tenancy agreement will not be entered into if the tenant no longer satisfies the criteria for a Qualified Renter; and
 - (iii) a clause prohibiting subletting and assignment to any person who is not a Qualified Renter, and upon breach of said term, the Owner shall be permitted to terminate the tenancy agreement in accordance with the *Residential Tenancy Act*; and
 - (iv) a clause permitting monthly rental increases in accordance with the *Residential Tenancy Act*, provided that the monthly rent shall never exceed the Maximum Monthly Rent;
 - (e) the Owner shall not require any Qualified Renter to pay any extra charges or fees for use of any common area, or for common sanitary sewer, common storm sewer, common water utilities, or common property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, or gas or electricity utility fees or charges; and

- (f) if one of the individuals comprising a Qualified Renter who rents a Rental Unit dies, that individual's Spouse or adult child residing in the Rental Unit at the time of the Qualified Renter's death may continue to rent the Rental Unit for the longer of:
 - (i) the balance of the fixed term under the tenancy agreement; or
 - (ii) twelve (12) months on the same terms, including monthly rent, set out in the tenancy agreement.

OWNER'S FURTHER OBLIGATIONS

8. The Owner shall:

- (a) deliver to the Local Trust Committee or the CMC a true copy of any Leasehold agreement or residential tenancy agreement in respect of any Affordable Housing Unit within 5 days of any request by the Local Trust Committee or CMC to do so;
- (b) obtain by the end of January of each year, a completed statutory declaration for each and every Leasehold and tenancy of a Rental Unit, substantially in the form attached as Schedule "B", sworn by the Qualified Leaseholder, or Qualified Renter, as the case may be;
- (c) deliver to the CMC by the end of February of each year a completed statutory declaration, substantially in the form attached as Schedule "C", sworn by the Owner, in relation to each and every Leasehold and tenancy of a Rental Unit. In addition, the Local Trust Committee or the CMC may request the statutory declaration up to four times in any calendar year, and the Owner must complete and supply the completed statutory declaration within 14 calendar days of receiving a request from the Local Trust Committee or the CMC. The Owner irrevocably authorizes the Local Trust Committee or the CMC to make inquiries it considers necessary and reasonable in order to confirm compliance with this Agreement;
- (d) permit representatives of the Local Trust Committee or the CMC to inspect the Lands at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*;
- (e) not transfer the Lands, other than to another non-profit organization or society incorporated under the *Society Act*, having as its object the management of affordable housing. The Local Trust Committee must approve any transfer prior to its finalization, and that until a new organization is found, no further Leaseholds or residential tenancies may be granted on the Lands; and

- (f) maintain its standing as a society under the *Society Act*, and must not amend its Constitution, a copy of which is attached to this Agreement as Schedule “D”, without the written approval of the Local Trust Committee, which approval may be withheld if the Local Trust Committee in its absolute discretion considers that the proposed amendment would affect the tenure of occupancy of the Lands.
9. The Owner further covenants, agrees and acknowledges:
- (a) that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Local Trust Committee, within a reasonable amount of time stated in any notice of default provided to the Owner by the Local Trust Committee;
 - (b) that the Local Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction for any breach of this Agreement, in view of the public interest in restricting the use and occupancy of the houses;
 - (c) that a breach of this Agreement may constitute a breach of the Local Trust Committee’s land use bylaw, as amended from time to time; and
 - (d) that the Owner has sought its own legal advice and is not relying, in any way, on the advice of the Local Trust Committee or the Local Trust Committee’s solicitors with respect to this Agreement.

THE PARTIES’ OBLIGATIONS

10. If, for reasons of hardship, the Owner, a Qualified Leaseholder, or Qualified Renter cannot comply with the requirements of this Agreement in relation to any Affordable Housing Unit, the Owner, a Qualified Leaseholder, or a Qualified Renter may request a temporary waiver by the CMC of certain terms of this Agreement in respect of that Affordable Housing Unit. The request must be delivered to the CMC in writing (with a copy to the Local Trust Committee) and explain the nature and circumstances of the hardship involved and the reasons why the Owner, the Qualified Leaseholder, or the Qualified Renter cannot comply. The Owner agrees that the CMC is under no obligation to grant any relief and may proceed with all remedies available under this Agreement and at law and in equity, despite the Owner, the Qualified Leaseholder, or the Qualified Renter’s request, and the relief, if any, is to be determined by the CMC at its sole discretion.

GENERAL PROVISIONS

11. **Not Binding on CMHC.** This Agreement shall not be binding on the Canada Mortgage and Housing Corporation (“CMHC”) or any mortgagee of the Lands which is an “Approved Lender”, as defined in the *National Housing Act*, R.S.C. 1985, C.N-11, who holds a mortgage insured pursuant to the *National Housing Act*. If, during foreclosure by an Approved Lender, the court approves a sale of the Lands or part of the Lands (the

“Foreclosed Lands”) to CMHC or any arm’s length bona fide purchaser, then the Local Trust Committee agrees that this Agreement will not apply to the Foreclosed Lands from the time of foreclosure to the expiry of the Leasehold interest for the Foreclosed Lands.

12. **Term.** This Agreement shall be effective in perpetuity.
13. **Subdivision.** The Lands shall not be subdivided by subdivision plan, strata plan, or otherwise except for a bare land strata plan in accordance with Schedule “E”, provided however that the layout shown in Schedule “E” may be modified or changed with the written consent of the Director of Local Planning Services or his or her delegate.
14. **Housing Agreement.** The Owner acknowledges and agrees that this Agreement constitutes a housing agreement under s.483 of the *Local Government Act* and that the Local Trust Committee will register a notice of this housing agreement against title to the Lands.
15. **Delegation or Assignment by Local Trust Committee.** The Owner acknowledges that the Local Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and in that event, any reference in this Agreement to the Local Trust Committee shall be interpreted as a reference to that party provided that the Local Trust Committee has so advised the Owner.
16. **Indemnity.** The Owner shall indemnify and save harmless the Local Trust Committee and each of its elected officials, officers, directors, employees and agents from and against all claims, demands, actions, loss, damage, costs and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, including breaches of this Agreement.
17. **Release.** The Owner releases and forever discharges the Local Trust Committee and each of its elected officials, officers, directors, employees and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions or causes of action arising out of the performance by the Owner of its obligations under this Agreement, or the enforcement of this Agreement.
18. **Survival.** The obligations of the Owner set out in sections 16 and 17 shall survive any termination of this Agreement.
19. **Local Trust Committee Powers Unaffected.** This Agreement does not limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or the common law, impose on the Local Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Lands, or relieve the Owner from complying with any enactment.
20. **No Public Law Duty.** Where the Local Trust Committee is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a

determination or give its consent, the Local Trust Committee is under no public law duty of fairness or natural justice in that regard and the Owner agrees that the Local Trust Committee may do any of those things in the same manner as if it were a private party and not a public body.

21. **Notice.** Notice required or permitted to be served under this Agreement is sufficiently served if delivered in person or mailed to the postal address of the Owner or the Local Trust Committee, as the case may be, at the address set out above, and in the case of mailed notice shall be deemed to have been received on the third day following mailing.
22. **Enurement.** This Agreement is binding upon, and enures to the benefit of parties and their respective successors and permitted assigns.
23. **Severability.** If any provision of this Agreement is found to be invalid or unenforceable it shall be severed from this Agreement and the remainder shall remain in full force and effect.
24. **Remedies and Waiver.** All remedies of the Local Trust Committee under this Agreement are cumulative, and may be exercised in any order or concurrently, any number of times. Waiver of or delay by the Local Trust Committee in exercising any remedy shall not prevent the later exercise of any remedy for the same or any similar breach.
25. **Sole Agreement.** This Agreement represents the entire agreement between the parties respecting the tenure, use and occupancy of the houses, and there are no representations, conditions or collateral agreements on the part of the Local Trust Committee other than those set out in this Agreement.
26. **Further Assurance.** The Owner must forthwith do all acts and execute such instruments as may be reasonably necessary in the opinion of the Local Trust Committee to give effect to this Agreement.
27. **Covenants Binding.** This Agreement is binding on the Owner and all persons who acquire an interest in the Lands.
28. **No Joint Venture.** Nothing in this Agreement will constitute the Local Trust Committee as the joint venturer, agent or partner of the Owner or give the Owner any authority to bind the Local Trust Committee in any way.
29. **Modification.** This Agreement may be modified or amended from time to time, by consent of the Owner and a bylaw duly passed by the Local Trust Committee and thereafter if it is signed by the Local Trust Committee and the Owner.
30. **Owner's Representations, Warranties and Covenants** – The Owner hereby represents and warrants to the Local Trust Committee that the following are true:

- (a) the Owner has taken all necessary or desirable actions, steps and other proceedings to approve or authorize, validly and effectively, the entering into, and the execution, delivery and performance of this Agreement; and
 - (b) the Owner has the power and capacity to enter into and carry out the obligations provided for in this Agreement.
31. **Agreement for Benefit of Local Trust Committee Only.** The Owner and the Local Trust Committee agree that:
- (a) this Agreement is entered into only for the benefit of the Local Trust Committee;
 - (b) this Agreement is not intended to protect the interests of the Owner, any Qualified Leaseholder, any Qualified Tenant, or any future owner, lessee, occupier or user of the Lands or the buildings or any portion thereof, including any Affordable Housing Unit; and
 - (c) the Local Trust Committee may at any time release this Agreement, without liability to anyone for doing so, and without obtaining the consent of the Owner.
32. **Deed and Contract.** By executing and delivering this Agreement the Owner intends to create a contract executed and delivered under seal.
33. **Time of Essence.** Time shall be of the essence of this Agreement.
34. **Interpretation.** In this Agreement:
- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
 - (c) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
 - (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
 - (f) the provisions of section 25 of the Interpretation Act with respect to the calculation of time apply;
 - (g) time is of the essence;

- (h) all provisions are to be interpreted as always speaking;
- (i) reference to a “party” is a reference to a party to this Agreement and to that party’s respective successors, assigns, trustees, administrators and receivers. Wherever the context so requires, reference to a “party” also includes a Tenant, agent, officer and invitee of the party;
- (j) reference to a “day”, “month”, or “year” is a reference to a calendar day, calendar month, calendar or calendar year, as the case may be, unless otherwise expressly provided; and
- (k) where the word “including” is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word “including”.

As evidence of their agreement to be bound by the above terms, the parties have executed this agreement below.

GALIANO LAND AND COMMUNITY HOUSING TRUST
by its authorized signatories:

Name: ORIGINAL SIGNED

Name:

GALIANO ISLAND LOCAL TRUST COMMITTEE
by its authorized signatories:

Name: ORIGINAL SIGNED

SCHEDULE A

Criteria for determining Qualified Persons

Households meeting the following criteria are qualified to occupy Affordable Housing Units, as either Qualified Leaseholders or Qualified Renters as the case may be, together with their spouses, children, parents, and grandparents:

1. A person who provides satisfactory evidence to the Local Trust Committee, the CMC, or its designate that:
 - (a) The person's household which resides or intends to reside in the Affordable Housing Unit has a Moderate Income;
 - (b) At least one adult, being between the age of 19 and 65, in the household is employed or self-employed or will be employed or self-employed for not less than twenty (20) hours per week within the Galiano Island Local Trust Area;
 - (c) if not currently employed, any adult in the household has accepted an offer of employment that will commence in the next six (6) months;
 - (d) all adults in the household will make the Affordable Housing Unit their principal residence;
 - (e) no adult in the household owns any other property anywhere in the world unless exempted by the Local Trust Committee on a permanent, temporary or conditional basis; and
 - (f) no adult in the household, nor the household as a whole has assets in excess of \$100,000.00 anywhere in the world at the time of application.

2. Calculating a Household's Income. For the purpose of this Agreement, "Income" means the total income before tax from all sources of all persons residing or intending to reside in the Affordable Housing Unit including, without limitation:
 - (a) all income from earnings, including commission and tips;
 - (b) all income from all public and private pension plans, old age security and guaranteed income supplement;
 - (c) all income received under the British Columbia *Employment and Assistance Act* and the British Columbia *Employment and Assistance for Persons with Disabilities Act*;
 - (d) disabled veteran's allowance;
 - (e) alimony;

- (f) child support;
- (g) workers' compensation benefits;
- (h) employment insurance;
- (i) Income from Assets (see s.3 below); or
- (j) such other sources of income as the Local Trust Committee may designate from time to time;

but excluding the following:

- (k) child tax benefits;
 - (l) capital gains, such as insurance settlement, inheritances, disability awards and sale of effects in the year they are received;
 - (m) the earnings of a person aged 18 years or under;
 - (n) student loans, student loan equalization payments and student grants but excluding non-repayable training allowances, research fellowships or similar grants;
 - (o) shelter aid for elderly renters (SAFER) or rental assistance program (RAP) payments received prior to purchasing an Affordable Housing Unit;
 - (p) GST rebates;
 - (q) taxable benefits received through employment;
 - (r) government provided daycare allowance;
 - (s) payments for foster children, or child in home of relative (CIHR) income under the British Columbia *Employment and Assistance Act*; or
 - (t) such other sources of income as the Local Trust Committee or its designate may designate from time to time.
3. Income from Assets. With respect to Section 3 of this Schedule A, "Income from Assets" means computing income from assets of all persons intending to live in the Affordable Housing Unit but excluding the first ten thousand dollars (\$10,000) of income from assets earned by such person or such other greater dollar figure as the Local Trust Committee or its designate may specify from time to time.
4. A person must provide to the Owner, the CMC, and/or the Local Trust Committee financial records showing current income, financial assets and debts, and other documentation determined by and in the sole discretion of the Owner, the CMC, or the

Local Trust Committee, proving the ability and/or financial means to construct a house and pay lease payments.

SCHEDULE B

Leaseholder and Qualified Renter Statutory Declaration

CANADA)	IN THE MATTER OF A HOUSING
)	AGREEMENT WITH THE GALIANO
PROVINCE OF)	ISLAND Local Trust Committee
BRITISH COLUMBIA)	("Housing Agreement")

I, _____ of _____, British Columbia, do solemnly declare that:

1. I am the tenant of / the owner of a leasehold interest in [circle one] the lands and improvements located at on Site # _____, at the address 409 Porlier Pass Rd., Galiano Island.
2. I make this declaration to the best of my personal knowledge.
3. This declaration is made pursuant to the Housing Agreement.
4. For the period from _____ to _____ the land and improvements were occupied only by myself and the following members of my family:
_____.
5. The land lease charged each month was as follows:
 - (a) the monthly lease payment on the date 365 days before this date of this statutory declaration was \$_____ per month;
 - (b) the lease payment on the date of this statutory declaration is \$_____;
and
6. *[If applicable]* If the house was rented or sublet, the payment amounts charged each month were as follows:
 - (a) the monthly payment amount on the date 365 days before this date of this statutory declaration was \$_____ per month;
 - (b) the monthly payment amount on the date of this statutory declaration is \$_____; and
7. At no time during the last year has the house been used as a Short Term Vacation Rental.
8. I acknowledge and agree to comply with all Qualified Renter or Leaseholder's obligations under the Housing Agreement, and other charges in favour of Galiano Land

and Community Housing Trust registered in the land title office against the land on which the house is situated and confirm that I have complied with all of Qualified Renter or Leaseholder's obligations under these Agreements.

- 9. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the Canada Evidence Act.

DECLARED BEFORE ME at the _____, British Columbia, this ____ day of _____

A Commissioner for taking Affidavits in
British Columbia

Signature of person making declaration

SCHEDULE C

Owner Statutory Declaration

CANADA)	IN THE MATTER OF A HOUSING
)	AGREEMENT WITH THE GALIANO
PROVINCE OF)	ISLAND LOCAL TRUST COMMITTEE
BRITISH COLUMBIA)	("Housing Agreement")

1. I, _____ of _____, British Columbia, do solemnly declare that:

2. I am the [*director, officer, employee*] of the Galiano Land and Community Housing Trust, the owner of the land known as 409 Porlier Pass Road, Galiano Island, legally described as PID: 001-416-987, Lot 1 District Lot 3, Galiano Island, Cowichan District, Plan 29196 (the "Lands").

3. I make this declaration to the best of my personal knowledge.

4. This declaration is made pursuant to the Housing Agreement registered against the Lands.

5. For the period from _____ to _____ all Affordable Housing Units were occupied only by Qualified Persons (as defined in the Housing Agreement).

6. At no time during the last year have any of the Affordable Housing Units been used as a Short Term Vacation Rental.

7. The leasehold or rental payments charged for each Affordable Housing Unit were in compliance with the Housing Agreement, and are listed in the attached.

8. Rental Units are rented in compliance with the Housing Agreement.

9. In respect of sublets, each Affordable Housing Unit was in compliance with the Housing Agreement.

10. I acknowledge and agree to comply with all the Owner's obligations under this Agreement, and other charges registered against the Lands and confirm that the the Owner has complied with all the Owner's obligations under these Agreements.

11. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the Canada Evidence Act.

DECLARED BEFORE ME at the _____, British Columbia, this ____ day of _____

A Commissioner for taking Affidavits for
British Columbia

Signature of person making declaration

Unit Number Names of Occupants Monthly payment amount

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20

Schedule D

Constitution of the Owner

Galiano Land and Community Housing Trust Constitution

April 8, 2008

1. The name of the society is Galiano Land and Community Housing Trust.

2. The purposes of the society are:
 - a. To provide permanently affordable access to land and housing for community members.
 - b. To promote and encourage education about affordable housing initiatives.
 - c. To develop and implement responsible land-use models for affordable housing giving full consideration to the land's natural attributes.
 - d. To promote and encourage or carry out research to help meet community housing needs in an efficient, economic, ecological and socially sound manner.
 - e. To raise money or acquire funds and other assistance, and to own, acquire and take by purchase, donation, devise or otherwise, land or personal property, and sell, exchange, lease, improve or develop same for the purpose of the society.
 - f. To do everything incidental and necessary to promote and attain the foregoing purposes and periodically reassess these purposes.
 - g. To operate a charitable institution (without profit to its members) for the purpose of raising money or other assistance for constructing, providing, maintaining, leasing, owning and managing one or more affordable housing projects.

3. The Directors shall serve without remuneration, and the Directors shall not receive, directly or indirectly, any profits from their position as Directors, but may be paid expenses incurred by them in performance of their duties. This clause shall be unalterable.

4. The Society shall be carried on without any purpose of gain for its members, and no part of any income of the Society shall be payable or otherwise available for personal benefit of the

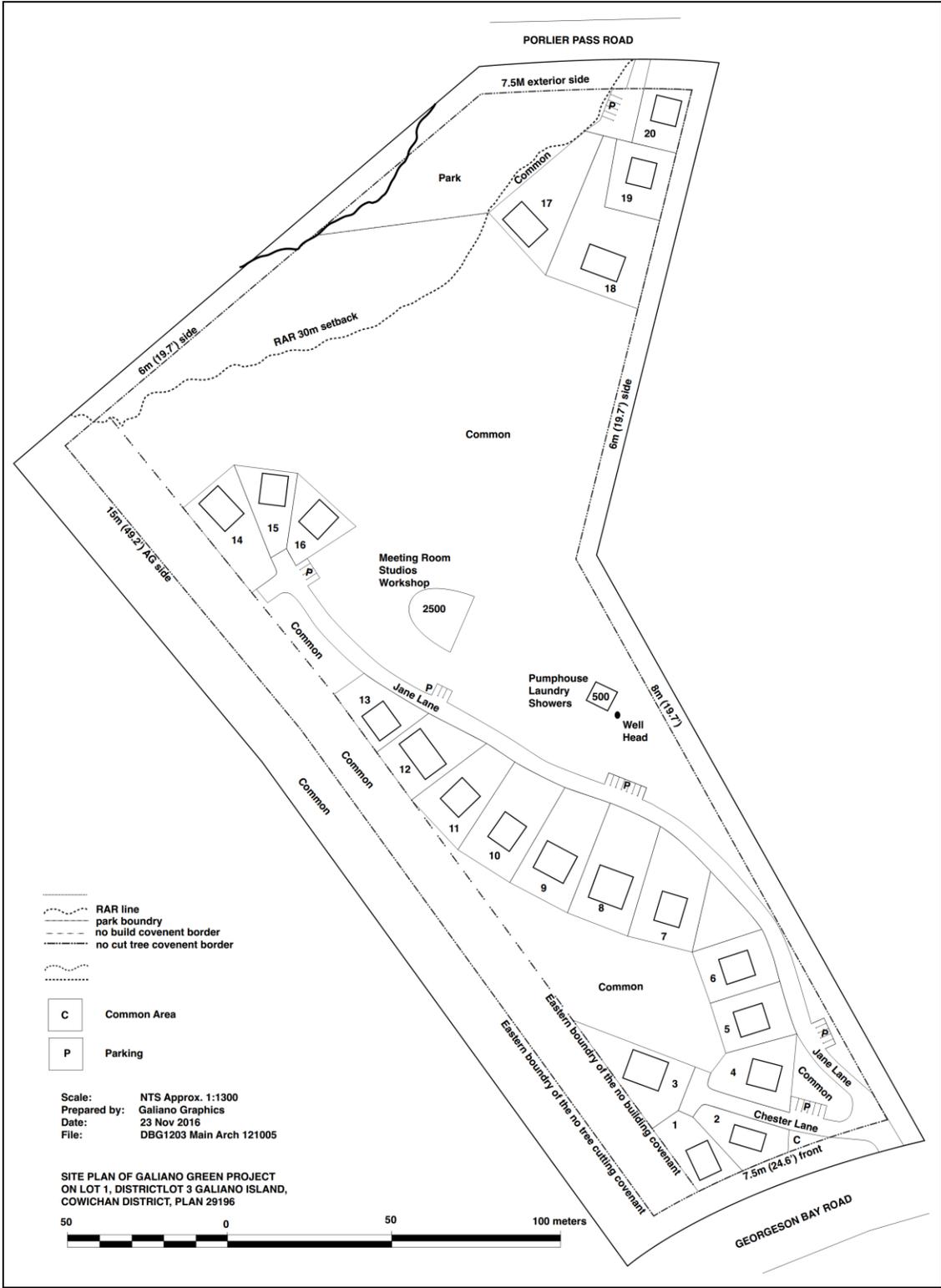
members thereof, and any profits or other accretions to the Society shall be used for promoting its purposes. This clause is unalterable.

5. On winding up and dissolution of the Society, the assets remaining after the payment of all costs, charges and expenses properly incurred in the wind-up, including remuneration of a liquidator, and after payment to employees of the Society of any arrears of salaries or wages, and after payment of any other debts of the Society, shall be distributed to a charitable organization (or organizations) in Canada, registered under the provisions of the Income Tax Act, which shall be designated by the Board of Directors. This clause is unalterable.

6. The Society shall carry on works exclusively of a charitable nature. This clause is unalterable

Schedule E

Site Plan



Schedule F

Community Management Committee

1. General Principles –

- a. The Community Management Committee (“CMC”) will be responsible for administering this Agreement, in accordance with the terms of this Agreement and generally guided by the following practices and principles in this Schedule.
- b. The CMC is a separate and independent arm’s length committee.
- c. The CMC, in undertaking all of its business, will operate in an open manner, consistent with the principles of procedural fairness, and including having all meetings open to the public, and consistent with Robert’s Rules of Order.

2. Composition of the first CMC

- a. The CMC will initially be comprised of five (5) individuals selected by the Owner and consented to by the LTC, on a reasonable basis, prior to the issuance of any occupancy permit for the Lands.
- b. The Owner will publish in a local newspaper a notice requesting applications for the CMC.
- c. Individuals selected for the first CMC will serve consecutive terms of one year, which, where a member is willing continue to serve, will automatically renew, subject to section 3(a) below.
- d. Individuals selected for the first CMC will meet the following criteria (the “CMC Member Qualifications”):
 - i. Resident on Galiano Island for at least the preceding three (3) years;
 - ii. Active in community affairs;
 - iii. Interested in promoting affordable housing;
 - iv. Knowledgeable about affordable housing issues on Galiano Island;
 - v. Not a member of the Local Trust Committee, or staff of the Islands Trust; and
 - vi. Not a director, member, or affiliate of the Galiano Land and Community Housing Trust.

3. Continuing composition of CMC

- a. Following the expiry of a given one year term of the initial members of CMC, the CMC may be comprised of Qualified Leaseholders resident on the Lands. Qualified Leaseholders may replace initial members of the CMC on a rolling basis as a Qualified Leaseholder becomes a resident of the Lands, and following the expiry of a given one year term.
- b. If at any time fewer than three (3) Qualified Leaseholders are available or willing to serve on the CMC, the Owner shall select, with the consent of the LTC, individuals who are not Qualified Leaseholders but who otherwise meet the CMC Member Qualifications.
- c. Members of the CMC will serve terms of one year.
- d. Quorum of the CMC shall be three (3) members.

4. Responsibilities of the CMC

- a. The CMC will receive, by February 15 of each year, statutory declarations from Qualified Leaseholders, Qualified Renters and the Owner, and where requested by the Local Trust Committee, forward same.
- b. The CMC will report to the Local Trust Committee any breaches of this Agreement in a timely manner.
- c. The CMC will cooperate with all requests of the Local Trust Committee with respect to the administration of this Agreement.
- d. Without limiting the generality of any obligations of the CMC contemplated in this Agreement, the CMC will be responsible for reviewing applications for Qualified Leaseholders and Qualified Renters and selecting same based on the criteria articulated herein.
- e. The CMC will endeavour to approve or deny applications for Qualified Leaseholders and Qualified Renters within two weeks of receiving same.

END OF DOCUMENT

TITLE SEARCH PRINT

2017-06-21, 14:57:07

File Reference: 2-669

Requestor: Pearl Ng

Declared Value \$225000

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District VICTORIA
Land Title Office VICTORIA

Title Number CA2601863
From Title Number FB48856

Application Received 2012-06-15

Application Entered 2012-06-22

Registered Owner in Fee Simple
Registered Owner/Mailing Address: **GALIANO LAND AND COMMUNITY HOUSING TRUST, INC.NO.**
S-0037495
11 - 33 MANZANITA MALL
GALIANO ISLAND, BC
V0N 1P0

Taxation Authority Capital Assessment Area

Description of Land
Parcel Identifier: 001-416-987
Legal Description:
LOT 1, DISTRICT LOT 3, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 29196

Legal Notations
HOUSING AGREEMENT NOTICE, LOCAL GOVERNMENT ACT, S. 483 SEE CA6063081

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 4, DEPOSITED 11.07.74, R.E. HOOPER, REGISTRAR, PER: LM

Charges, Liens and Interests
Nature: COVENANT
Registration Number: CA6063082
Registration Date and Time: 2017-06-13 11:27
Registered Owner: GALIANO ISLAND LOCAL TRUST COMMITTEE

Duplicate Infeasible Title NONE OUTSTANDING

Transfers NONE

TITLE SEARCH PRINT

File Reference: 2-669
Declared Value \$225000

2017-06-21, 14:57:07

Requestor: Pearl Ng

Pending Applications

NONE

PARCEL INFORMATION & MISCELLANEOUS NOTES PRINT

2017-06-21, 14:57:07

File Reference: 2-669

Requestor: Pearl Ng

PARCEL IDENTIFIER (PID): 001-416-987

SHORT LEGAL DESCRIPTION:S/29196////1

MARG:

TAXATION AUTHORITY:

1 Capital Assessment Area

FULL LEGAL DESCRIPTION: CURRENT

LOT 1, DISTRICT LOT 3, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 29196

MISCELLANEOUS NOTES:

ASSOCIATED PLAN NUMBERS:

SUBDIVISION PLAN VIP29196

AFB/IFB: MN: N PE: 0 SL: 1 TI: 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.

Jay Gilbert
Lancaster
W33X2C

Digitally signed by Jay Gilbert
Lancaster W33X2C
DN: c=CA, cn=Jay Gilbert Lancaster
W33X2C, o=Lawyer, ou=Verify ID at
www.juricert.com/LKUP.cfm?
id=W33X2C
Date: 2017.06.13 11:10:58 -0700'

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

Jay Lancaster, Barrister & Solicitor

YOUNG ANDERSON

1616 - 808 Nelson Street

Vancouver

BC V6Z 2H2

Phone: (604) 689-7400

File: 2-669

Covenant - Galiano Green

Document Fees: \$71.58

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

001-416-987 LOT 1, DISTRICT LOT 3, GALIANO ISLAND, COWICHAN DISTRICT, PLAN
29196

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

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):

GALIANO LAND AND COMMUNITY HOUSING TRUST (INC. NO. S-0037495)

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

GALIANO ISLAND LOCAL TRUST COMMITTEE

A CORPORATION UNDER THE ISLANDS TRUST ACT

SUITE 200, 1627 FORT STREET

VICTORIA

BRITISH COLUMBIA

V8R 1H8

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

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

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)

Todd G. Wiebe

Notary Public

101 - 9830 Second St.

Sidney, BC V8L 3C6

My Commission is Permanent

(as to all signatures)

Y	M	D
17	05	10

GALIANO LAND AND
COMMUNITY HOUSING TRUST by
its authorized signatory(ies):

Name: John D. Latta

Name:

OFFICER CERTIFICATION:

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

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Carmen Ida Thiel

Y	M	D
17	06	07

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

Commissioner for Taking Affidavits in British Columbia
Commission Expires February 29,
2020
200 - 1627 Fort Street
Victoria BC V8R 1H8

Name: Laura Busheikin

(as to all signatures)

Name:

OFFICER CERTIFICATION:

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

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference the 5th day of December 2016 is

BETWEEN:

GALIANO LAND AND COMMUNITY HOUSING TRUST, a society
incorporated in British Columbia under No. S-0037495
Suite 2A – 33 Manzanita
Galiano Island B.C. V0N 1P0

(the “Owner”)

AND:

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

(the “Trust Committee”)

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of that parcel of land located on Galiano Island, British Columbia which is legally described as:

Parcel Identification Number: 001-416-987

Legal Description: Lot 1, District Lot 3, Galiano Island, Cowichan District, Plan 29196

(the “Land”);

- B. Section 219 of the *Land Title Act* (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specified amenity on the land;
- C. The Owner has requested that the Trust Committee rezone the Lands to Community Housing 1 (CH1), and the Owner has granted the Trust Committee this covenant in order to induce the Trust Committee to rezone the Lands;

- D. The Owner wishes to grant and the Trust Committee wishes to accept this Covenant over the Land, restricting the use of the Land in the manner specified;

This Agreement is evidence that in consideration of the premises and covenants herein contained, the payment of two dollars (\$2.00) by the Trust Committee to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

S. 219 Covenant

1. The Owner shall not use or permit the use of the Land or any building on the Land for any purpose, construct any buildings on the Land, or subdivide the Land except in strict accordance with this Agreement.

Restrictions on Development

2. The siting and configuration of lots and dwellings shall be substantially consistent with that shown on the site plan attached hereto as Schedule A (the "Site Plan"). The Owner shall be solely responsible for preparation and registration of a bare land strata subdivision plan that substantially conforms with the 20 lots shown in outline on the Site Plan.
3. The total combined floor area of all dwellings on the Land shall not exceed 1500m² and the total floor area of any one dwelling shall not exceed 100m².
4. The siting of the pumphouse, laundry and shower building and the meeting room, studios and workshop (collectively the "Common Buildings") shall be substantially consistent with that shown on the Site Plan, and shall be constructed by the Owner at its expense to total completion, to the satisfaction of the Trust Committee.
5. The siting and configuration of all internal roads and parking areas shall be substantially consistent with that shown on the Site Plan and shall be constructed by the Owner at its expense, to total completion, to the satisfaction of the Trust Committee.
6. Of the first six dwellings, one dwelling must be constructed by the Owner of the Land, either solely or in conjunction with a leaseholder.
7. The Owner has stated the intention that all dwellings on the Land will provide potable water through individual rainwater catchment systems installed on buildings rather than by creating a community water system or individual wells. The Owner shall ensure that no dwelling is connected to the existing well and that no additional wells are drilled on the Land

- without providing to the satisfaction of the Local Trust Committee a report prepared by a professional engineer or geohydrologist with relevant experience certifying that there is in respect of each permitted dwelling an available supply of potable water in the amount of 2275 litres per day and meeting or exceeding the Guidelines for Canadian Drinking Water Quality, and that the extraction from the groundwater table of that amount of water in respect of each permitted dwelling will not adversely affect the quantity or quality of water obtainable from any existing well or surface water then used as a source of potable water.
8. Upon completion of the first six dwellings and prior to applying for building permits for any further dwellings on the Land, the Owner shall provide to the Trust Committee a report prepared by a professional engineer or geohydrologist with relevant experience certifying that the rainwater catchment systems have been installed professionally and are capable of providing potable water in a sufficient quantity on an on-going basis, to the satisfaction of the Trust Committee.

No Effect On Laws or Powers

9. This Agreement does not
- (a) affect or limit the discretion, rights, duties or powers of the Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Trust Committee any duty of care or other legal duty of any kind to the Owner or to anyone else;
 - (c) oblige the Trust Committee to enforce this Agreement, which is a policy matter within the sole discretion of the Trust Committee;
 - (d) affect or limit any enactment relating to the use or subdivision of the Land;
 - (e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

10. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the requirements of any enactments or law or any order, directive, ruling or government action thereunder. The Owner is liable only for breaches of this Agreement

which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

Entry by Trust Committee Staff

11. The Owner hereby authorizes the Trust Committee, through its employees or agents, to enter the Land at all reasonable times for the express purpose of confirming whether or not this Agreement is being complied with.

Indemnity

12. The Owner hereby indemnifies and saves harmless the Trust Committee and its elected and appointed officials, officers, employees and agents, from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Trust Committee may at any time suffer or incur arising out of or related to this Agreement or any breach of it.

No Liability in Tort

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

Covenant Runs With the Land

14. 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* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

15. The Owner agrees to do everything necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

Waiver

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

Severance

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

No Other Agreements

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

Binding of Successors

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

Further Acts

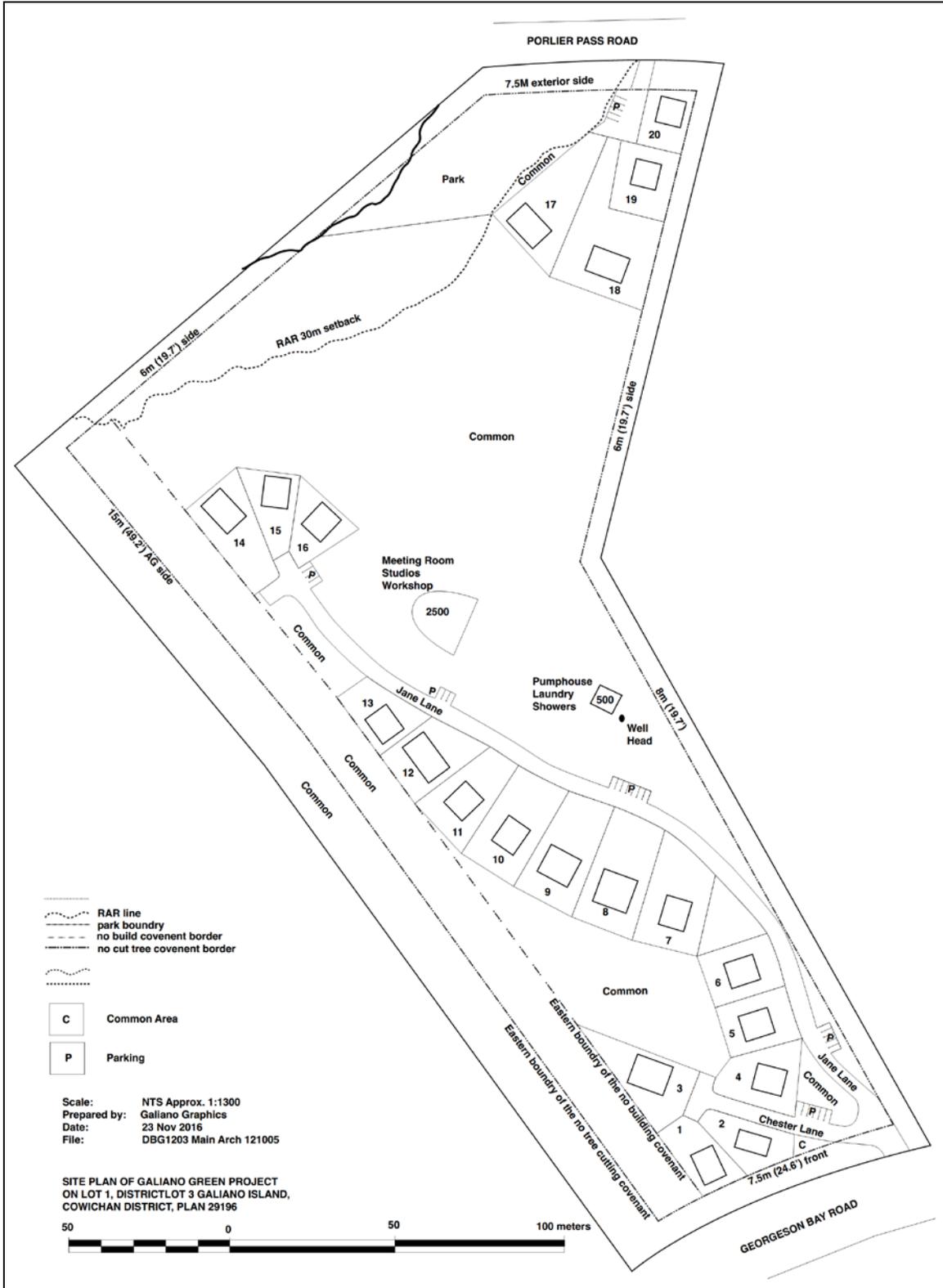
20. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

Deed and Contract

21. By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed the Land Title Office Form C and D which is attached hereto and which forms part of this Agreement.

Schedule A



File No.: RZ-GL-2016.2 (Galiano Conservancy)

DATE OF MEETING: July 10, 2017
TO: Galiano Island Local Trust Committee
FROM: Rob Milne, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
Applicant: Galiano Conservancy Association
Location: 10825 Porlier Pass Road

RECOMMENDATION

1. That the Galiano Island Local Trust Committee receives the June 12th Advisory Planning Commission minutes and recommendations for information and consideration in a future staff report which summarizes the results of the general referral of proposed Bylaw Nos. 262 and 263.

REPORT SUMMARY

This report is intended to provide an update on the rezoning application submitted by the Galiano Conservancy Association in consideration of the recently received Galiano Island Advisory Planning Commission (APC) minutes and recommendations.

BACKGROUND

At its regular meeting of May 1, 2017, after consideration of a staff report dated March 27, 2017, the Galiano Local Trust Committee gave first and second readings to bylaw Nos. 262 and 262 and directed staff to refer the proposed bylaws to the APC.

GL-2017-043

that the Galiano Island Local Trust Committee Bylaws No. 262 and 263 be referred to the Galiano Island Advisory Planning Commission for review.

The March 27th staff report also contained a table of recommended First Nations and agencies for receipt of a general referral of the bylaws. However, given the LTC's discussion on which zone name and category would be most appropriate for the proposed rezoning, staff deferred the general referral pending receipt of the APC submission and recommendations.

The APC final report and recommendation were submitted on June 19th and received by staff on June 21st. The APC met on May 23rd and 30th and June 12th to consider the application and referral. The APC recommendations contained within their June 12th minutes provided recommendation on five topic areas relating to Official Community Plan (OCP) policies and land use bylaw (LUB) regulations.

ANALYSIS

In broad terms the APC recommendations address the use of the ALR lands within the rezoning application area, dedicated trail access to beaches and other natural areas, dedication of a road allowance, a defined cap on the number of staff and guests, designation of specific designated camping areas and the installation and management of water and septic facilities.

It is the observation of staff that a number of these recommendations affect matters which lie within the jurisdiction of other regulatory bodies such as the Agricultural Land Commission and the Ministry of Transportation and Infrastructure. These agencies are contained within the listed suggested referral bodes which was contained within the March 27th staff report which was considered at the May 1st LTC meeting. Staff are recommending that the responses of these agencies be addressed in a comprehensive staff report along with analysis of the APC's other recommendations.

Rationale for Recommendations

As has been noted, some of the APC recommendations affect matters which fall within the jurisdiction of other regulatory bodies. It is the view of staff that those recommendations should be considered in the context of the responses from those organizations. Staff also notes that some of the APC recommendations have the potential to incur significant costs for the applicants. The staff report which summarizes all of the referral responses received regarding this application would provide background information on the implementation of those recommendations.

ALTERNATIVES

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

1. Make amendments to the proposed bylaws

The LTC may wish to proceed with amendments to the proposed bylaws based upon the recommendations of the APC.

NEXT STEPS

1. Proceed with general First Nation and agency referral (initiated).
2. LTC consideration of a staff report summarizing the general and APC referral recommendations.
3. Amendments of the proposed bylaws as deemed appropriate by the LTC.
4. Hold a Community Information Meeting and
5. Proceeding to public hearing.

Submitted By:	Rob Milne, Island Planner	June 26, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	June 26, 2017

File No.: 6500-20-Telecommunication
Strategy

DATE OF MEETING: July 10, 2017
TO: Galiano Island Local Trust Committee
FROM: Rob Milne, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Telecommunication Strategy Project

RECOMMENDATION

1. That the Galiano Island Local Trust Committee endorse the draft Terms of Reference for the re-appointment of members to a reconstituted Special Advisory Planning Commission (SAPC) for the Telecommunication Strategy Project.

REPORT SUMMARY

This report provides an update to the Telecommunication Strategy Project including a draft Terms of Reference (TOR) for a reconstituted Special Advisory Planning Commission (SAPC) to participate in the final steps of developing and implementing an Antenna System Siting & Consultation Protocol.

BACKGROUND

At its regular meeting of June 5, 2017 the Galiano Island Local Trust Committee (LTC) received a staff report dated April 26, 2017 which included a draft "Antenna System Siting & Consultation Protocol" which was based upon the final recommendations report of the SAPC. Discussion of that report and the draft protocol included consideration of the next steps of the project and the implementation of the protocol, as well as the possible role of the SAPC in that process.

Through the discussion it was determined that there remained a limited but important role for the SAPC in the protocol project, most specifically reviewing and presenting the draft protocol to the public in a Community Information Meeting (CIM) to be held in the fall. This would include a role assessing any feedback from the Island residents and providing a final set of recommendations on the protocol prior to its being considered for formal adoption by the LTC.

Following those discussions the following resolutions were adopted:

GL-2017-049

that the Galiano Island Local Trust Committee requests staff to schedule a CIM on the telecommunications protocol.

GL-2017-050

that the Galiano Island Local Trust Committee request staff to prepare a staff report with Terms of Reference for a Special Advisory Planning Commission on telecommunications.

This report responds to the direction provided in the resolutions and draft Terms of Reference (TOR) are attached for the consideration of the LTC.

ANALYSIS

Ongoing participation of the SAPC in the Telecommunications Strategy Project, as described in the draft TOR, would require the reconstitution of the SAPC given that the previous appointments have expired. There was discussion at the June 5th meeting as to whether the SAPC members could simply be re-appointed or whether there was a need to re-advertise for expressions of interest. Several former members of the SAPC were present at the June 5th LTC meeting and expressed a potential interest in further participation in the project.

Staff have reviewed the Galiano Island APC bylaw and determined that there is no requirement to advertise for expressions of interest. As such the Legislative Clerk has directly email former members of the SAPC seeking those expressions of interest. The results of that process will be reported on at the July 10th LTC meeting.

Rationale for Recommendations

All former members of the previous SAPC have been contacted by email to determine if they wish to participate in this last stage of the Telecommunications Strategy Project. Staff would note that Bylaw No. 177 the Galiano Island Advisory Planning Commission Bylaw advises that the SAPC cannot “consist of more than seven members” which would allow the LTC to consider an SAPC for this stage of the project which consists of a smaller number of members.

ALTERNATIVES

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

1. Receive for information

The LTC may receive this staff report for information only pending other actions.

2. Make amendments to the draft protocol

The LTC may wish to consider amendments to the draft protocol.

3. Proceed to a Community Information meeting

The LTC may wish to proceed with scheduling a Community Information Meeting (CIM) for public feedback.

NEXT STEPS

The following steps would be required in order to formally adopt the draft Antenna System Siting & Consultation Protocol:

1. Holding a Community Information meeting as directed by LTC resolution GL-2017-049

2. Amending the draft Antenna System Siting & Consultation Protocol as deemed necessary subsequent to the CIM
3. Formal adoption of the Antenna System Siting & Consultation Protocol as a policy.

Submitted By:	Rob Milne, Island Planner	June 19, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	June 20, 2017

1. Draft Terms of References



Islands Trust

TERMS OF REFERENCE FOR THE SPECIAL ADVISORY PLANNING COMMISSION REVIEWING A DRAFT ANTENNA SYSTEM SITING & CONSULTATION PROTOCOL FOR GALIANO ISLAND

1. The Special Advisory Planning Commission (APC) shall be a stand-alone Advisory Planning Commission reporting to the Galiano Island Local Trust Committee.
2. The Special APC is subject to the provisions of [Advisory Planning Commission Bylaw No 177](#), s. 461 of the [Local Government Act](#) and the Open Meeting provisions of Division 3 of the [Community Charter](#).
3. The objectives of the Special Advisory Planning Commission are to review and provide a set of recommendations on the draft Antenna System Siting & Consultation Protocol which was received by the Galiano Local Trust Committee at their June 5, 2017 regular meeting.
4. Specifically, the Special Advisory Planning Commission shall:
 - a. Review the draft Antenna System Siting & Consultation Protocol, which was prepared by staff and based upon the final report of the Galiano Island Special Advisory Planning Commission (SAPC).
 - b. Present the draft Antenna System Siting & Consultation Protocol at a Community Information Meeting (CIM) to be scheduled for September 2017.
 - c. Present to the Galiano Island Local Trust Committee a brief summary report based upon their review of the draft Antenna System Siting & Consultation Protocol and the comments received at the CIM.
5. The Special Advisory Planning Commission shall elect a Chairperson at its first meeting.
6. The Chairperson should ensure, to the best of their knowledge and ability, that any options or recommendations are consistent with:
 - a) The Goals of the Antenna System Siting & Consultation Protocol Project Charter;
7. The Chairperson is responsible for:
 - a) Organizing Commission meetings in conjunction with the APC Secretary.
 - b) Ensuring that meetings are scheduled and conducted in accordance with Bylaw 177 and the relevant provisions of the *Local Government*

Act and Community Charter, including, but not limited to: advertising, open meetings, and the keeping of a record of the meeting.

- c) Ensuring that meetings are conducted in accordance with the principles of procedural fairness, in particular that issues of potential conflict of interest or bias by Commission members should be managed in accordance with the Islands Trust [Guidelines for Members of Advisory Planning Commissions](#).
 - d) Communicating with trustees and Islands Trust staff at key stages of the project.
 - e) Leading and facilitating discussion at the meeting(s).
 - f) Ensuring that all points of view are heard.
 - g) Ensuring that good order and civility are maintained at meetings.
 - h) Ensuring that discussion is relevant and addresses the questions laid out in this terms of reference.
 - i) Ensuring that expenses do not exceed the approved budget, in the event that the Chairperson becomes aware that expenses may exceed the allotted budget the Chairperson shall contact the Island Planner or Regional Planning Manager to discuss options.
 - j) Ensuring minutes of the meeting(s)' proceedings are consistent with the [Islands Trust Minutes Guidelines](#).
 - k) Submitting a written summary report, with options or recommendations to the Local Trust Committee at the completion of the process.
 - l) Attending one regular LTC meeting to present key recommendations of the report.
 - m) Potentially attending one additional community information meeting or open house held by the LTC following submission of the final report.
8. The Chairperson will consult with Islands Trust staff regarding policy or regulatory issues, conduct of the APC meetings, progress of the Special APC, and the APC budget.
 9. Costs should be limited to the secretary's costs and rental of the meeting venue.
 10. Local Trustees may attend and participate in any meeting, at the discretion of the trustees.
 11. Islands Trust staff may be available to serve as a resource at any meeting, at the discretion of staff. As well, Islands Trust staff will provide information required for the Special Advisory Planning Commission to carry out its review and other relevant background materials.
 12. The Chairperson should advise participants that the Local Trust Committee is under no obligation to implement any recommendations. By law the Local Trust Committee has unfettered discretion.
 13. A written report will be provided by the Chairperson by briefly summarizing the discussion and issues raised at Commission meetings(s), and providing options and/or recommendations where there was a consensus or majority view. Any minority or dissenting views should also be reported. The report shall be addressed to the Galiano Island Local Trust Committee and delivered to Islands Trust staff for distribution and records management.

14. The Chairperson should strive to ensure that any options or recommendations include a justification for the position.
15. The written report will be in printed hard copy, signed and dated, and with a digital copy in Word format.



Top Priorities

Galiano Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Telecommunication Strategy	Review telecommunication options, including policies for telecommunication towers, on Galiano Island.	01-Feb-2016	Kim Stockdill	28-Feb-2017
2	Affordable Housing Strategy	to be determined.	07-Mar-2016	Kim Stockdill	31-Mar-2017
3	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the LUB.	07-Mar-2016	Rob Milne	31-Jul-2017



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
Amendments to Forest designation and F1 zone -	Consider options for amendments to Forest Land Designation and policies and F1 zoning for lands without Managed Forest Status. Draft bylaws have been prepared, project deferred at meeting of April/12	16-Apr-2012
Parking Issues	Issue for discussion with MoTI and public parking issues generated from associated islands. (see correspondence from P. Midgely on agenda of Apr/12)	23-Jul-2012
Bike Trails and Camping	Letter dated July 8, 2013 received from Galiano Parks and Recreation Commission regarding bike safety on Galiano roads (See Transportation policy U of Section 1.1) and for the allowance of non-commercial camping on private lots.	15-Jul-2013
Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	18-Nov-2013
Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	18-Nov-2013
Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	18-Nov-2013
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



Projects

Galiano Island

Description	Activity	R/Initiated
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	



Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2016.5	DEAN A TAYLOR PATRICIA M TAYLOR c/o ALLAN DIAMOND ARCHITECT Planner: Rob Milne	09-Aug-2016	754 Ellis Rd - Reinforce and repair damage to existing retaining wall.
Planning Status			

Status Date: 14-Jun-2017

Staff report completed, referred to RPM for review and approval. Draft permit referred to LC for review.

Status Date: 09-May-2017

Email sent requesting written confirmation for Archaeology Branch that they have no concerns (DVP app) and noting that the DVP application and QEP report in support of that application have not yet been received. DVP is necessary to allow for approval of the development permit

Status Date: 24-Apr-2017

Email sent inquiring as to outstanding DVP application which is necessary to move this DP application forward.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2017.2	DIAMOND, ALLAN Planner: Rob Milne	12-May-2017	754 Ellis Road, Galiano - repair and remediation of retaining wall at southeast end of property
Planning Status			

Status Date: 14-Jun-2017

Staff report completed, referred to RPM for review and approval. Draft permit referred to LC for review.

Status Date: 09-Jun-2017

Created file folder in LAN, scanned application package for e-file. Receipt issued, scanned (with cheque) for files; emailed scanned receipt to applicant, original mailed; cheque forwarded to Finance Clerk. Package emailed to LTC and Planner, hard file forwarded to Planner.

File Number	Applicant Name	Date Received	Purpose
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Applications

GL-DVP-2017.3 WHITE PINE 01-Jun-2017 Serenity Lane - Legalize siting of existing seaside cabin.
 ENVIRONMENTAL
 RESOURCES INC
Planner: Rob Milne

Planning Status

Status Date: 27-Jun-2017
 Additional information required prior to processing - BEO to follow up under compliance agreement

Status Date: 22-Jun-2017
 Processing pending review with Bylaw enforcement

Status Date: 15-Jun-2017
 opened file, processed fees, gave to planner.

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2017.4	MCMILLAN, Chase	20-Jun-2017	Variance for 2nd floor in barn.

Planner: Phil Testemale

Planning Status

Status Date: 21-Jun-2017
 opened file, processed fee, await some documentation before giving to planner

Rezoning

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

Planner: Robert Kojima

Planning Status

Status Date: 07-Jun-2017
 Covenant and housing agreement signed by Chair, forwarded to legal counsel for registration

Status Date: 16-May-2017



Applications

Executed Covenant, Consent and Housing Agreement received from applicant. Covenant to be executed by Chair and registered

Status Date: 10-Apr-2017

Bylaw 233 approved by Minister - awaiting completion of applicant conditions prior to final consideration

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2014.1	Crystal Mountain Society	28-Oct-2014	20300 PORLIER PASS RD Retreat Centre
Planner: Rob Milne			
Planning Status			

Status Date: 28-Nov-2016

Waiting for final community benefit document, proposal, and community consultation review from applicant.

Status Date: 22-Sep-2016

Applicant finalizing community benefit document for November LTC meeting.

Status Date: 22-Jun-2016

OCP & LUB Amendment bylaws drafted.

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

Status Date: 26-Jun-2017

Staff report on APC submission for July 10 agenda completed and general referral sent out

Status Date: 21-Jun-2017

Staff received minutes and final recommendations of the APC.

Status Date: 09-May-2017

Bylaws given 1st and 2nd readings at May 1, 2017 LTC meeting. Direction given to refer to APC. Application and bylaws referred to APC on May 3rd.

Subdivision



Applications

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2017.1	Glen Mitchell, Land Surveying Inc. Planner: Rob Milne	16-Jun-2017	Boundary adjustment between two parcels.
Planning Status			
Status Date: 21-Jun-2017 Review response sent to MOTI, agent and LTC.			
Status Date: 20-Jun-2017 Staff review/report completed.			
Status Date: 19-Jun-2017 received fee, opened file - gave to planner			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.1	Jon & Connie Stettner Planner: Rob Milne	07-Mar-2016	2625 E. BEEKMAN PL\nRequesting a permit to use property as a STVR.
Planning Status			
Status Date: 29-May-2017 Lawyer for applicant has requested extension as he has been unable to get a response to drafted Covenant from SSWW			
Status Date: 16-May-2017 Email received on May 11, 2017 advising that draft covenant had been forwarded to SSWW for review			
Status Date: 13-Mar-2017 Property owner's legal representative drafting covenant. Staff gave deadline of May 31 ,2017 for covenant to be registered.			

Islands Trust

LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending May 2017

625 Galiano	Invoices posted to Month ending May 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	750.00	0.00	750.00
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	5,500.00	555.16	4,944.84
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	438.94	61.06
65220-625	LTC - Local Exp - Communications	500.00	215.35	284.65
65230-625	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>7,000.00</u>	<u>1,209.45</u>	<u>5,790.55</u>
Projects				
73001-625-2002	Galiano OCP/LUB	5,000.00	0.00	5,000.00
73001-625-4065	Galiano Dock Review	4,500.00	0.00	4,500.00
73001-625-4081	Galiano Telecommunications Strategy	5,000.00	0.00	5,000.00
TOTAL Project Expenses		<u>14,500.00</u>	<u>0.00</u>	<u>14,500.00</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: December 5, 2016

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 11, 2009 / Amended February 3, 2014	GL-LTC-85-09 Amended:	Parks Commission Referral	That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment
2.	October 18, 2010	GL-LTC-115-10	Publishing Notices beyond legal requirements	THAT the Galiano Island Local Trust Committee will advertise Public Hearing Notices in either the Active Page Magazine or Islands Tides Newspaper in addition to the legally required advertising in the Driftwood Newspaper.
3.	October 17, 2011	GL-LTC-205-11	Special Occasion Liquor Licenses	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property on which Galiano Island Land Use Bylaw No. 127, 1999 permits public assembly uses, such as restaurants or community halls, and where there have been no issues related to parking or past complaints for the preceding three years , staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
4.	February 3, 2014		Applications with Open Bylaw Enforcement files	<p>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:</p> <ol style="list-style-type: none"> 1. There have been significant delays or longer than typical timelines in the enforcement process 2. The LTC is considering on-going, relevant policy or regulatory changes that could impact enforcement 3. Litigation has been recommended 4. Legal counsel has been involved (beyond providing a basic interpretation) 5. There has been enforcement action beyond seeking voluntary compliance (e.g. a BEN warning or ticket, adjudication, a compliance agreement negotiated, etc.) 6. There has been, or is an expectation of, joint enforcement with other jurisdictions 7. There is potential for impact on other related enforcement files.

No	Meeting Date	Resolution No.	Issue	Policy
5.	April 7, 2014	GL-2014-029	Community Wells as a Community Benefit	That the Galiano Island Local Trust Committee will consider as a community benefit for all rezoning applications where there is an increase in density, the establishment of an instrumented observation well.
6.	December 5, 2016	By consent	TUP for Commercial Vacation Rentals	<p>Without fettering its discretion, the LTC provided the following guidance with respect to its consideration of TUP applications for Commercial Vacation Rentals:</p> <ol style="list-style-type: none"> 1. A Commercial Vacation Rental use should only be considered in one dwelling per lot 2. Permits being considered in Water Management Areas should include conditions requiring cisterns with a minimum capacity of 16,000 litres and a water meter. 3. In order to assist in assessing cumulative impacts, staff are requested to continue to provide an updated map showing the location, status, and maximum number of guests of all Commercial Vacation Rental TUP applications.

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DATE OF MEETING: July 10, 2017 File No: 3040-20-01 LTC Open Meetings –
General & X-ref 3900-03

TO: Galiano Island Local Trust Committee

FROM: Carmen Thiel, Legislative Services Manager

SUBJECT **Bylaw No. 264 – Galiano Island Local Trust Committee Meeting Procedure Bylaw No. 162, 2004, Amendment No. 1, 2017**

RECOMMENDATION

1. That Galiano Island Local Trust Committee Bylaw No. 264, cited as “Galiano Island Local Trust Committee Meeting Procedure Bylaw No. 162, 2004, Amendment No. 1, 2017”, be read a first time.
2. That Galiano Island Local Trust Committee Bylaw No. 264, cited as “Galiano Island Local Trust Committee Meeting Procedure Bylaw No. 162, 2004, Amendment No. 1, 2017”, be read a second time.
3. That Galiano Island Local Trust Committee Bylaw No. 264, cited as “Galiano Island Local Trust Committee Meeting Procedure Bylaw No. 162, 2004, Amendment No. 1, 2017”, be read a third time.
4. That Galiano Island Local Trust Committee Bylaw No. 264, cited as “Galiano Island Local Trust Committee Meeting Procedure Bylaw No. 162, 2004, Amendment No. 1, 2017”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The Galiano Island Local Trust Committee (LTC) is asked to consider giving readings to Bylaw No. 264, cited as “Galiano Island Local Trust Committee Meeting Procedure Bylaw No. 162, 2004, Amendment No. 1, 2017”, and subsequently to forward the bylaw to the Executive Committee for approval, prior to consideration of adoption.

BACKGROUND

At the June 5, 2017 meeting, the LTC directed staff to prepare a draft electronic meeting bylaw based upon the Lasqueti model for the review and discussion of the LTC.

Draft Bylaw No. 264 is included as Attachment 1, and for comparison, current Meeting Procedure Bylaw No. 162 (consolidated) is included as Attachment 2. In accordance with the Islands Trust Electronic Meetings Regulation, provisions in the proposed amendment bylaw include:

1. The ability of all LTC members to participate electronically at a special meeting (s. 16);
2. The ability of not more than one member of the LTC to participate electronically at a regular meeting; *note that this member could be the Chair* (s. 18);
3. An individual member of the LTC cannot participate by electronic means in two consecutive regular LTC meetings (s. 19);

4. The restrictions regarding 1) the number of LTC members that may participate electronically at a regular meeting, and 2) participation in two consecutive regular meetings, may be waived by unanimous resolution of the LTC (s. 20);
5. Where any LTC member is participating in an open meeting through electronic communication facilities, the facilities must enable all meeting participants and the public to hear, or watch and hear, all meeting participants and must provide notice when participants join or leave the meeting (s. 23 and 24);
6. During an electronic meeting that is open to the public, a designated staff member must physically attend at the meeting location specified in the notice of meeting (s. 25); for clarification “a designated staff member” could be the contract minute taker; and
7. Notice of a special electronic meeting must include notice of the way in which the meeting is to be conducted and the place where the public may attend to hear, or watch and hear the proceedings.

The draft bylaw also clarifies who can chair a meeting, including an electronic meeting. There is currently no mention in the procedure bylaw about the alternate chair. Advice was received that section 9 of Bylaw 162 (and all LTC procedure bylaws) should cover all possibilities and amendment was recommended to clarify who can chair and what happens when both the chair and alternate chair are absent.

ANALYSIS

Policy/Regulatory

1. ISLANDS TRUST ELECTRONIC MEETINGS REGULATION

The Regulation confirms that:

- a) a "trust body" includes a local trust committee;
- b) a special meeting of a local trust committee may be conducted entirely by means of electronic or other communication facilities, or a member of a local trust committee who is unable to attend at a meeting may participate in the meeting by means of electronic or other communication facilities;
- c) members of a local trust committee who are participating in a meeting conducted in accordance with the Regulation are deemed to be present at the meeting; and
- d) amendment of the LTC procedure bylaw is required to authorize electronic meetings or electronic participation in meetings.

2. LOCAL GOVERNMENT ACT

Sections 225 (1) and (2) establish general requirements for what must be included in procedure bylaws and states that at least 5 days' notice in advance of a meeting must be given to trustees where a procedure bylaw amendment is being introduced.

3. COMMUNITY CHARTER

Section 127(2) sets out how notice of special meeting must be given and applies to notice of special *electronic* meetings as well. Sections 6 and 7 of Bylaw No. 162 provide details on how such notice must be given and a sample notice of electronic meeting is included as Attachment 3.

Issues and Opportunities

Adoption of a meeting procedure bylaw amendment provides the Galiano Island Local Trustees the opportunity to participate in committee meetings electronically and clarifies who can chair an LTC meeting in the event that the Chair is not present.

Statutory Requirements

LTC administrative bylaws are required to be approved by the Executive Committee prior to adoption. No public hearing is required.

Rationale for Recommendation

Staff is of the opinion that Bylaw No. 264 will provide the LTC with flexibility to conduct business electronically when deemed necessary. The staff recommendation is outlined on page 1 of the report.

NEXT STEPS

Assuming concurrence with the recommended resolutions, Bylaw No. 264 would be forwarded to the Executive Committee for consideration. Once approved by the Executive Committee, staff would recommend that Bylaw No. 264 be adopted at the following LTC Meeting.

Submitted By:	Carmen Thiel, Legislative Services Manager	June 26, 2017
Concurred By:	Robert Kojima, Regional Planning Manager	Select Date.

ATTACHMENTS:

1. Draft Bylaw No. 264
2. Current Meeting Procedure Bylaw No. 162 (consolidated)
3. Sample Notice of Special Electronic Meeting

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 264

**A Bylaw to Amend the Galiano Island Local Trust Committee
Meeting Procedure Bylaw**

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

1. Galiano Island Local Trust Committee Meeting Procedure Bylaw No. 162, 2004, is amended as follows:

1.1 By deleting section 9 in its entirety and replacing it with the following:

"9. In the event that neither the Chairperson nor the alternate member of the Local Trust Committee appointed by the Chair of the Trust Council is present within one half hour of the scheduled time of a regular or special meeting, the Director of Local Planning Services, or his or her designate, shall call the meeting to order and the remaining trustees shall determine which of them shall act as Chairperson."

1.2 By adding the following new sections after section 15, and by renumbering section 16 and section 17 to become section 29 and section 30 respectively:

"ELECTRONIC MEETINGS

16. A special meeting of the Local Trust Committee to deal with urgent new business may be conducted entirely by means of audio or audio and visual electronic communication facilities if a majority of the members of the Local Trust Committee have agreed by resolution that the meeting may be conducted in this way and provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.

17. An individual Local Trust Committee member who is not at the physical location of a special Local Trust Committee meeting or a regular Local Trust Committee meeting may choose to participate by means of audio or audio and visual electronic communication facilities, provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.

18. At a regular Local Trust Committee meeting, not more than one Local Trust Committee member may participate by means of electronic communication facilities.

19. An individual member of the Local Trust Committee may not participate by means of electronic communication facilities in two consecutive regular meetings of the Local Trust Committee.

20. The Local Trust Committee may waive the restrictions in sections 18 and 19 by unanimous resolution, provided the waiver does not conflict with provincial legislation and regulation that enables electronic meetings.

21. Local Trust Committee members who use electronic communication facilities to participate in a meeting conducted in accordance with this bylaw are deemed present at the meeting.
 22. A member of the Local Trust Committee may begin participation in a meeting by electronic communication facilities after the meeting has been called to order.
 23. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable all meeting participants to hear, or watch and hear, each other and must provide notice when participants join or leave the meeting.
 24. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable the public to hear, or watch and hear, all meeting participants at a place specified in the meeting notice, unless the meeting has been properly closed to the public.
 25. For the duration of an electronic meeting that is open to the public, a designated staff member must attend at the place specified in the meeting notice for the public to hear, or watch and hear, the participants.
 26. Cell phone or satellite connections may be used for open Local Trust Committee meetings.
 27. If communication is lost to one or more electronic participants during a meeting:
 - 27.1 the participant affected will attempt to reestablish the link and, in the interim, will be deemed to have left the meeting and this will be recorded in the minutes;
 - 27.2 if there is not a quorum, the Local Trust Committee Chair or person presiding will call a recess until the link is reestablished; and
 - 27.3 if, after 15 minutes, a link cannot be reestablished and there is not a quorum of Local Trust Committee members, the meeting will be deemed adjourned and the item under discussion at the time of loss of communication will be added to the next agenda.
 28. The costs of electronic participation in a Local Trust Committee meeting will be borne by the Galiano Island Local Trust Committee if the Local Trust Committee member is participating from a location within Canada or has received the approval of the majority of Local Trust Committee members."
2. This bylaw may be cited as "Galiano Island Local Trust Committee Meeting Procedure Bylaw No. 162, 2004, Amendment No. 1, 2017".

READ A FIRST TIME THIS DAY OF , 2017

READ A SECOND TIME THIS DAY OF , 2017

READ A THIRD TIME THIS DAY OF , 2017

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS DAY OF , 2017

ADOPTED THIS DAY OF , 2017

CHAIRPERSON

SECRETARY

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 162, 2004**

A bylaw to establish procedures for meetings of the Local Trust Committee

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

SHORT TITLE

1. This bylaw may be cited as "Galiano Island Local Trust Committee Meeting Procedure Bylaw No. 162, 2004".

MEETINGS AND NOTICE OF MEETINGS

2. The first regular meeting of the Local Trust Committee shall be held on a date to determined by the Chair of the Local Trust Committee following a general local election, unless a special meeting is first held in accordance with Section 6 of this bylaw, in which case the requirements of Section 3 of this bylaw for the purposes of establishing a schedule.
3. At the first regular meeting and at the last regular meeting of the first and second year following a general election, or by Resolution Without Meeting, the Local Trust Committee shall establish a schedule of the date, time and place of regular Local Trust Committee meetings for the following calendar year, of which there shall be at least two, and the schedule shall be posted on a bulletin board on island that is accessible to the public and in the Victoria Office of the Islands Trust.

BL #175

- 3.1 At each regular meeting, or by resolution without meeting, the Local Trust Committee may, by resolution, change the meeting schedule established in Section 3, by cancelling meetings or adding new meeting dates.

4. Public notice of the availability of the regular meeting schedule at the place specified in Section 3 shall be given at least once a year by publication in a newspaper circulating in the local trust area.
5. Each local trustee shall provide to the Secretary of the Islands Trust a telephone number and mailing address for the purpose of receiving notices of Local Trust Committee meetings, and notice shall be deemed to have been sufficiently given to the local trustee if the notice is delivered to the trustee's mailing address or given to the trustee in person.

BL #175

6. A Special Meeting of the Local Trust Committee will require notice as per the Community Charter (Ref. Section 127(2)(a) and (b) and (3)).
7. Regular and special meetings of the Local Trust Committee shall be open to the public, except where the Committee has stated by resolution in open meeting that the meeting or portion of the meeting is to be closed to the public, and has stated the statutory basis on which it is to be closed.
8. A quorum of the Local Trust Committee is two members.
9. In the event that the Chairperson is not present within one half hour of the scheduled time of a regular or special meeting, the Director of Local Planning Services or his or her designate shall call the meeting to order and the remaining trustees shall determine which of them shall act as Chairperson.

MINUTES

- 10. The Director of Local Planning Services or his or her designate shall legibly record the minutes of the meetings of the Local Trust Committee, and shall record any resolutions without meeting. After the minutes of a meeting have been adopted, the Director or his or her designate shall certify the minutes as correct and the Chairperson or other trustee who presided at the meeting shall sign the minutes.
- 11. The minutes shall record every resolution of the Committee including every resolution closing a meeting to the public, the reading and adoption of every bylaw, and every declaration made in relation to a conflict of interest.

MEETING PROCEDURE, RESOLUTIONS AND BYLAWS

- 12. Any question of meeting procedure that is not provided for in this Bylaw, the *Islands Trust Act*, the *Local Government Act*, the *Community Charter*, or regulations under either of those statutes, shall be resolved in accordance with the most current edition of *Robert's Rules of Order*.
- 13. Resolutions may be in writing, may be moved by any member of the Local Trust Committee, and need only be seconded if requested by the Chair.
- 14. Bylaws shall be in writing, may be read by title only, provided that each member of the Local Trust Committee is in possession of a complete copy of the proposed bylaw at the meeting, and may be adopted on a motion to that effect at a regular or special meeting. Bylaws may be read a first time, and may be adopted, by resolution without meeting.
- 15. The Chairperson of the Local Trust Committee or other trustee who presided at the meeting at which it was adopted, and the Secretary of the Islands Trust shall sign every bylaw adopted by the Local Trust Committee, and the Secretary shall keep a certified copy of the bylaw at the principal office of the Islands Trust.

EXECUTION OF DOCUMENTS

- 16. The Chairperson, or any other member of the Local Trust Committee, as designated by resolution may execute any document on behalf of the Local Trust Committee once the Local Trust Committee has authorized the execution of the document.
- 17. "Galiano Local Trust Committee Meeting Procedures Bylaw No. 116, 1997" is repealed.

READ A FIRST TIME THIS	25TH	DAY OF	FEBRUARY	, 2004.
READ A SECOND TIME THIS	25TH	DAY OF	FEBRUARY	, 2004.
READ A THIRD TIME THIS	25TH	DAY OF	FEBRUARY	, 2004.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	10TH	DAY OF	MARCH	, 2004
ADOPTED THIS	16TH	DAY OF	MARCH	, 2004.

 Kim Benson
 CHAIRPERSON

 Kathy Jones
 DEPUTY SECRETARY

S A M P L E

**Galiano Island Local Trust Committee
Notice of Special Electronic Meeting
[Insert Title of Agenda Item]**

Notice is hereby given that the Galiano Island Local Trust Committee will hold a special electronic meeting to consider [insert title of agenda item].

Members of the Galiano Island Local Trust Committee will participate in the meeting by means of a teleconference call which will occur on [insert day, date and time of meeting].

Members of the public who wish to listen to the electronic committee meeting may do so by attending the [insert address of physical meeting location] at the time noted above.

For further information on the meeting, please contact _____ at [insert phone no.].

Signed by the Chair or Deputy Secretary