



GALIANO ISLAND LOCAL TRUST COMMITTEE

**BUSINESS MEETING AGENDA
TO COMMENCE AT 12:30 PM, MONDAY, JUNE 9, 2014
AT THE GALIANO NORTH COMMUNITY HALL**

LATE ITEMS AGENDA

10. APPLICATIONS

- 10.3 GL-RZ-2013.1 (Landworks) – Update on Proposal for
Consideration – OCP & LUB – District Lot 79 (attached)**

13. OTHER BUSINESS

- 13.3 SGIEDC Food and Agriculture Strategy
Briefing – Jeff Weightman, CRD Project
Manager (attached)**

STAFF REPORT

File No.: GL-RZ-2013.1

To: Galiano Island Local Trust Committee
For the June 9, 2014 Meeting (**LATE ITEM**)

From: Kris Nichols
Island Planner

CC: Robert Kojima
Regional Planning Manager

Re: **Update on Proposal for Consideration - Official Community Plan and Land Use Bylaw Amendments – District Lot 79**

Owner: S-381 Holdings Ltd., Inc. No. 457721, Premier Sunrise Developments Ltd., Inc. No. 293442, Michelle Mary Ramaekers, Dionisio Ventures Ltd., Inc. No. 634236, Bowie and Anna Keefer

Applicant: Landworks Consultants Inc., Kelly Gesner

Location: District Lot 79 (Bodega Beach Drive), Galiano Island

BACKGROUND

At the November 18, 2013 Galiano Island Local Trust Committee meeting a revised proposal was reviewed and First Reading was given to Proposed Bylaw Nos. 244 and 245. The proposal included a dedicated access to the waterfront and an additional lot (Lot 5) for sale with the proceeds being donated to the Galiano Island Housing Society (GIHS) as part of the community benefit. The applicant also agreed to proceed concurrently with obtaining preliminary layout approval (PLA) with the Ministry of Transportation and Infrastructure for the proposed subdivision so that there are no uncertainties which could delay the overall process. The proposed subdivision shown below ensures that the Rural Residential lots are clustered (See Attachment 1) and there would be dedicated access to the water.

This current proposal is consistent with the F3 OCP policy (i.e. minimum 20 hectares and permitting one accessory dwelling), and it will come close to meeting the generally accepted 25-75 rural residential / nature protection split that has been used in the area for other rezonings. The calculation should include the additional lot being calculated as part of the NP as a community benefit. In this proposal what is being proposed is:

- 21.76 ha zoned Forest 3 (F3) (including estimated road dedication)
- 22.8 ha zoned Nature Protection (NP) (including estimated road dedication)
- 11.22 ha zoned Rural Residential (RR) (includes the Community Benefit Lot 5)

- The split between NP and RR zoned areas would be 67% (22.8 hectares)/ 33% (11.22 ha). However, when the community housing lot is calculated as part of the NP as it is a community benefit the actual split is 73% (24.8 ha) / 27% (9.22 ha).

The proposal does meet the general intent of providing a substantial amount of parkland (73%) for community benefit. The additional lot 5 is also community benefit. It should also be pointed out that the F3 zoning is considered a benefit to the community in the context of OCP policy as it requires a covenant to ensure sustainable forest practices are maintained on the land. The applicants are currently working on a sustainable forestry covenant as required for the F3 portion of the proposal.

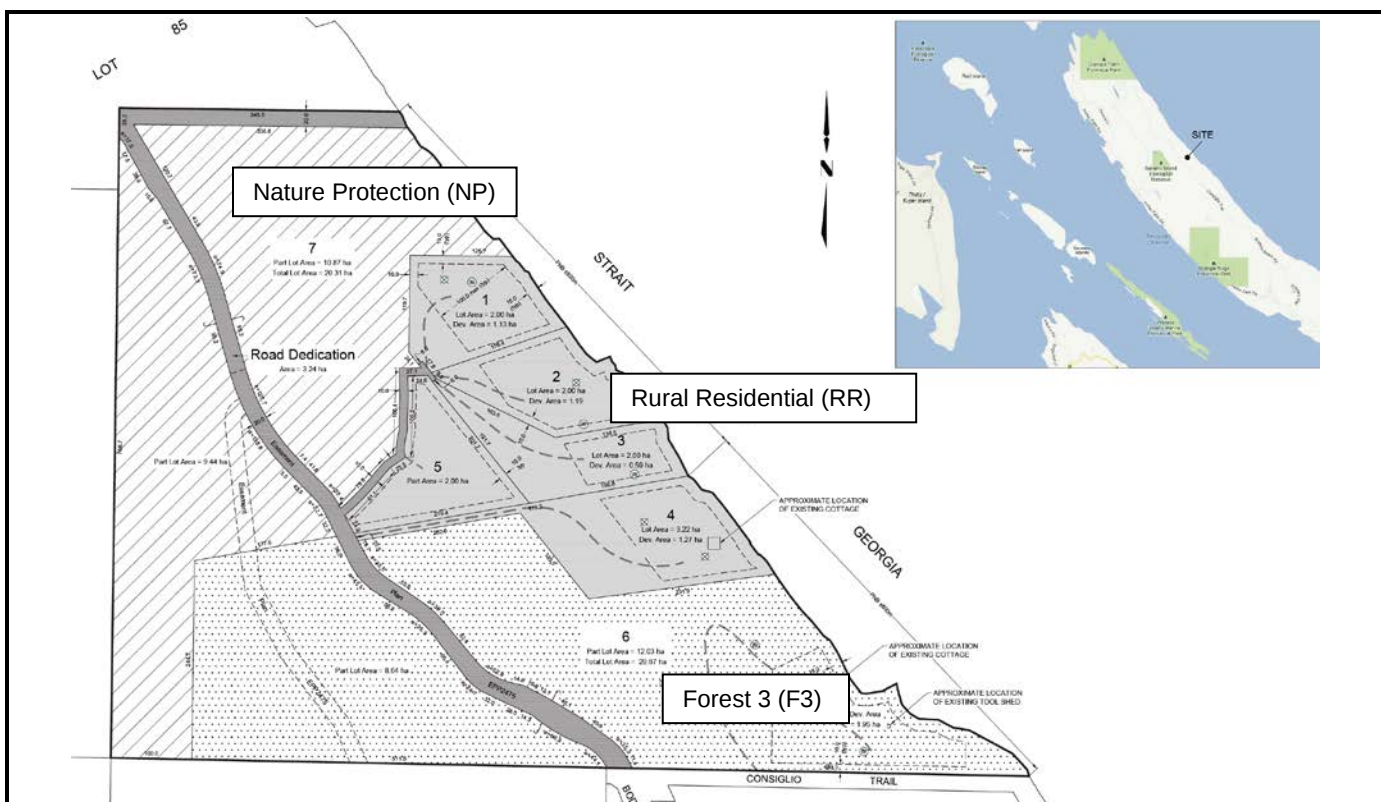


Figure 1 – Proposed Subdivision

In addition to passing resolutions to give First Reading to the bylaws, the LTC passed the following three resolutions:

1. *It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to contact BC Parks regarding a letter of understanding pertaining to lands being transferred as stated in proposed application GL-RZ-2013.1 (Landworks).*
2. *It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to schedule a Community Information Meeting and Public Hearing for Proposed Bylaw No. 244 cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995,*

Amendment No. 2, 2013”, and Proposed Bylaw No. 245 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2013”, once a subdivision Preliminary Layout Approval has been issued.

3. *It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to enter into a cost recovery agreement with applicant GL-RZ-2013.1 (Landworks) for legal review of the legal undertaking pertaining to the transfer of funds from the sale of proposed Lot 5 to the Galiano Island Housing Society.*

At the April 7, 2014 LTC Meeting the following two resolutions were passed:

1. That the Galiano Island Local Trust Committee request that the Approving Officer not waive Section 75 (access to water) of the Land Title Act as it pertains to application GL-SUB-2013.1 due to the policies contained in the Galiano Island Official Community Plan cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995”, requesting that public access to the foreshore be implemented. The policies addressing foreshore access are outlined as follows:

1. Residential - Residential Advocacy Policies

The Local Trust Committee considers that it is in the public interest that the approving officer requires provision of access to bodies of water or Crown land under section 75 of the Land Title Act whenever land is subdivided, regardless of whether the access may practically be developed as a roadway for motor vehicles.

2. Shoreline and Marine Protection

The Ministry of Transportation and Infrastructure and the Galiano Parks and Recreation Commission shall be requested to provide signs at foreshore accesses.

6. Parks and Recreation

Shore access points, parks, and proposed Trail Network are shown on Schedule "E" and provincial, community and small parks acquired at the time of subdivision are identified on Schedule "B" of this Plan.

Section III

Land Transportation Policies

q) In all subdivisions bordering on a body of water, the Approving Officer shall be requested to require public access to the foreshore, subject to the Approving Officer's discretion, sufficient area for parking at foreshore accesses, emergency vehicle standards for all new roads, and driveways, road construction designed only for the zoned residential capacity and consolidation of road accesses from subdivisions onto main roads.

Plus Schedule E – Parks and Trails

<http://www.islandstrust.bc.ca/ltc/gl/pdf/glocpsche.pdf>

2. That the Galiano Island Local Trust Committee directs staff to work with applicant GL-RZ-2013.1 to pursue dedication of land east of the roadway as a local park to be managed by the Capital Regional District.

At the May 5th, 2014 LTC meeting the following resolution was passed as a result of a revised subdivision plan being proposed that showed a new location for the road dedication (See Figure 1):

That the Galiano Island Local Trust Committee directs staff to inform the applicant of GL-SUB-2013.1 that the Galiano Island Local Trust Committee approves dedication of a road allowance on the northern boundary of the proposed subdivision.

Past reports outlining the background and rationale, planning and site considerations for the application and the previous proposals can be found at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications.aspx> under rezoning application GL-RZ-2013.1 (Landworks).

UPDATE

Bylaw Amendments

In the previous staff report it was identified that in similar applications approved by the LTC a siting plan identifying the location and area of the residential home plate, including driveways, on each lot in the proposed subdivision, sited in a manner that avoids sensitive ecosystems and hazardous lands, and minimizes extension of services should be attached to the rezoning bylaw. The applicant has provided this information and staff have amended the reference in the OCP Bylaw and amended the reference to the zoning Bylaw No. 245. This will require that the bylaws be amended and then given second reading as amended. See Attachment 2 and 3 for Bylaw Nos. 244 and 245. Proposed amendments are highlighted in the attachments.

Preliminary Layout Approval

Staff have not received a copy of the Preliminary Layout Approval (PLA) from Ministry of Transportation and Infrastructure (MoTI). This was a requirement prior to scheduling a community information meeting (CIM) and a public hearing. The PLA establishes what the applicant must do prior to getting subdivision approval. One of the requirements is that the rezoning be finalized. Staff have received a copy of a letter (dated May 29, 2014) from the Approving Officer requesting that the applicant receive approval from Vancouver Island Health that the proposed lots are suitable for onsite septic system use prior to the issuance of a PLA.

Community Housing Requirement

Subsection 1.6 of the Galiano OCP outlines the conditions under which the LTC may consider the siting of affordable housing, at a greater density than permitted within current zoning regulation. Policy b) within this subsection states the following:

“c) A portion of lands rezoned to permit a density increase under another policy in this plan, may, if the area is deemed suitable for the purpose by the Local Trust Committee, be rezoned to CH (Community Housing) to permit affordable housing, including housing for senior citizens or persons with special needs, and the land required to be simultaneously transferred to an incorporated non-profit society having as one of its objects the development and operation of

affordable, seniors' or special needs housing, or alternatively an option to purchase the land for nominal consideration may be granted to such a society."

The applicant has created an additional lot (Lot 5) which would be sold and the proceeds transferred to the Galiano Island Housing Society (GIHS) in support of community housing on Galiano Island. The proposal has been accepted by GIHS; both parties will now have to work on a legal undertaking that will ensure those funds are transferred upon the sale of Lot 5. Once the legal undertaking is drafted, staff recommend that Islands Trust legal counsel review the document as required.

Transfer of Parkland

Community Park Alternative:

On April 17, 2014, the Galiano Island Parks and Recreation Commission (GIPRC) held a special meeting to discuss the possibility of a community park in this area as part of the DL 79 proposal. As a result, GIPRC stated that they would welcome the opportunity of developing and managing a community park on D.L. 79. Their intent would be to engage the community in a collaborative planning process for the future development of the park. Given the difference between BC Parks legislative requirements to become a Provincial Park and that of a CRD Community Park, the CRD option is an approach where the community can have input into the parkland in the short term through the GIPRC. The intent being that those lands west of the main road and adjacent to BC Parks/Ministry of Environment holdings would be transferred to BC Parks and the land east to CRD/Community Parks.

GIPRC will require approval from the CRD, most likely through by the CRD Board, for this option to proceed. At the time of writing this report staff had not heard from GIPRC as to whether there was approval to proceed with this initiative. Staff have spoken with CRD staff (May 28, 2014) to explain the application and the Community's desire for a park in this location. They were told by the CRD staff that a decision could take about a month as to whether the CRD could accept the land in this area as a community park.

BC Parks Alternative and Letter of Understanding

Staff have been in discussion with BC Parks regarding the drafting of a Letter of Understanding as was done with the Dewinetz application for the lands transferred. There had been discussion around the requirement in the application for a road dedication to be established that would provide for the location of an existing trail to the ocean. BC Parks had expressed concern over this requirement given that if all the land were to be transferred to BC Parks it would be split by this requirement. Subsequently, the proposed road dedication has been moved to the northern boundary of DL 79 taking away the concern by BC Parks. Through discussions with BC Park's staff, they are aware of the desire of the community for the establishment of a Community Park on DL 79 east of the road (adjacent to the ocean). Should a portion or all of the lands be transferred to BC Parks, staff are of the understanding that a Letter of Understanding will be received prior to the CIM and Public Hearing.

Depending on the final decision regarding the allocation of the proposed parkland the proposed subdivision may have to be amended to create an additional lot 8 as a result of two park authorities splitting the proposed existing lot 7. In speaking with the MoTI Technician it is understood that this would not be a concern for the subdivision application moving forward.

Cost Recovery Agreements

Staff have not established any cost recovery agreements to date with the applicant, but these will be established as the application proceeds and requirements are needed for legal review of agreements or covenants.

COMMUNITY CONSULTATION

No formal community consultation for this application has taken place at this time. A public hearing is part of any rezoning application, and staff are intending to schedule the PH and the CIM in conjunction unless otherwise advised by the LTC. A Community Information Meeting (CIM) often takes place before a public hearing in order to provide the public with an opportunity to ask questions regarding the application. The LTC may wish to consider scheduling a CIM in conjunction with a public hearing. There is a notification period prior to the public hearing during which time surrounding neighbours will be contacted and advertisements placed in a local newspaper.

Given that all the information requested to be had prior to a CIM and PH being scheduled has not been received at the time of writing this report, staff are recommending that a resolution be passed to permit staff to schedule the CIM and PH as soon as the information is received in order to move this application forward. The LTC has requested the PLA be received prior to any public consultation and has advised the applicant that a draft copy of the F3 covenant would be beneficial as well as a copy of the Letter of Agreement from BC Parks.

Agency Referrals: Following First Reading the bylaws were sent out to referral agencies for comments. As of the time of writing this report two responses have been received one from BC Parks and one from the Galiano Island APC.

STAFF COMMENTS:

Staff have revised the proposed OCP and zoning bylaws. The OCP bylaw and the LUB Bylaw as amended have been attached for amendment and consideration of second reading. Staff have had discussions with the applicant regarding next steps and also discussed the proposal with BC Parks, CRD and MoTI staff.

RECOMMENDATIONS:

THAT proposed Bylaw No. 244 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2013” be amended by adding the following clause after 1 ii of Schedule 1 as shown in Attachment 2 of the report titled “Update on Proposal for Consideration - Official Community Plan and Land Use Bylaw Amendments – District Lot 79”:

“incorporation of a siting plan into the Land Use Bylaw identifying the location and area of the residential home plate, including driveways, on each lot in the proposed subdivision, sited in a manner that avoids sensitive ecosystems and hazardous lands, and minimizes extension of services; and”

THAT proposed Bylaw No. 244 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2013” be given Second Reading.

THAT proposed Bylaw No. 245, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2013” be amended by adding a new clause A.2 as follows:

“Section 5.4 (Rural Residential Zone – RR) is amended by inserting the following as a new 5.4.13:

“5.4.13 On the lands zoned RR(c), in addition to the other regulations in 5.4, all buildings, structures and paved parking areas on each lot must be sited entirely within the area marked “Developable Area” designated on Plan 5 of Schedule D of this bylaw.””

And a new clause A. 4 as follows:

“Schedule D is amended by inserting the plan attached to and forming part of this bylaw as Schedule 1 as a new “Plan 5”.

As well as a Schedule 1 as shown in Attachment 3 of the report titled “Update on Proposal for Consideration - Official Community Plan and Land Use Bylaw Amendments – District Lot 79”.

THAT proposed Bylaw No. 245, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2013” be given Second Reading.

Prepared and Submitted by:

Kris Nichols

June 4, 2014

Date

Concurred in by:



Regional Planning Manager

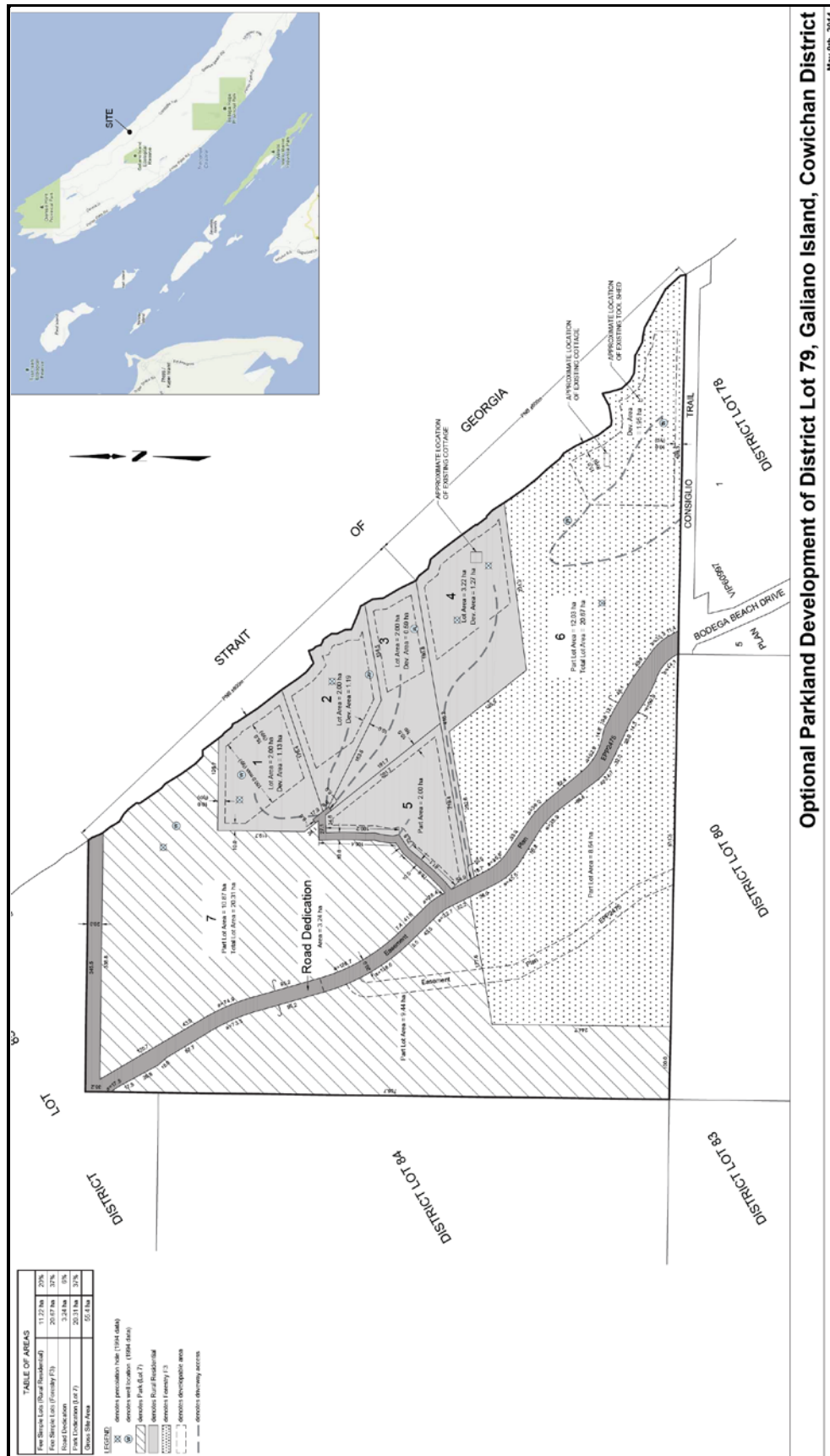
June 4, 2014

Date

Attachment 1 - Proposed Subdivision (May 5, 2014)

Attachment 2 – Proposed Bylaw 244 (as amended)

Attachment 3 – Proposed Bylaw 245 (as amended)



GALIANO ISLAND LOCAL TRUST COMMITTEE

PROPOSED

BYLAW NO. 244

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

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

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

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

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

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

1. CITATION

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

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME this 18th day of November , 2013.

PUBLIC HEARING HELD this day of , 20.

READ A SECOND TIME this day of , 20.

READ A THIRD TIME this day of , 20.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this day of , 20.

ADOPTED this day of , 20.

SECRETARY

CHAIRPERSON

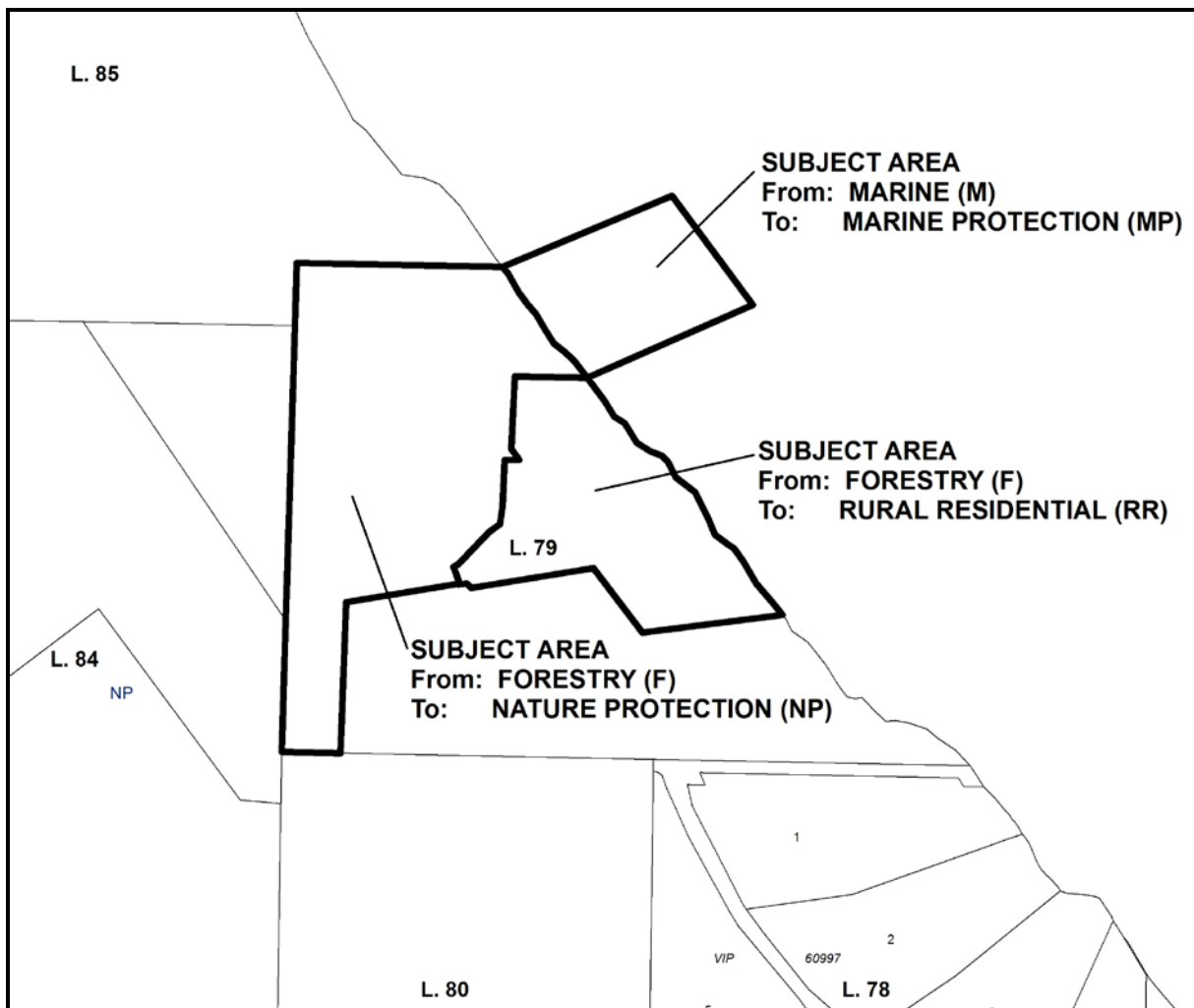
GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 245
SCHEDULE 1

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

"g) For the properties described as District Lot 79, Galiano Island, Cowichan District, zoning shall establish a minimum average parcel area of 55 hectares, with a minimum average subdivision parcel area as low as 2 hectares (5 acres) on the RR designated portion of the lands and 20 hectares (49 acres) on the F1 designated portion of the lands, applicable only if the landowner provides land to be transferred to the Crown as represented by the Province of British Columbia, the Trust Fund Board, the Capital Regional District or other transferees designated in the Land Use Bylaw amendment, to be used for conservation, ecosystem protection, public parkland, community forest, or trails. Approval of any such rezoning shall be subject to the following conditions:

- i) the area of land to be transferred shall represent at least 67% of the land subject to rezoning;
- ii) incorporation of a siting plan into the Land Use Bylaw identifying the location and area of the residential home plate, including driveways, on each lot in the proposed subdivision, sited in a manner that avoids sensitive ecosystems and hazardous lands, and minimizes extension of services; and
- iii) the registration of a s. 219 covenant granted to the LTC which restricts the layout and area of the future lots to provide for the contiguous clustering of lots in a manner that protects the integrity of forest ecosystems, surface water and groundwater supplies and minimizes the impact of residential services such as roads."

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



GALIANO ISLAND LOCAL TRUST COMMITTEE

PROPOSED

BYLAW NO. 245

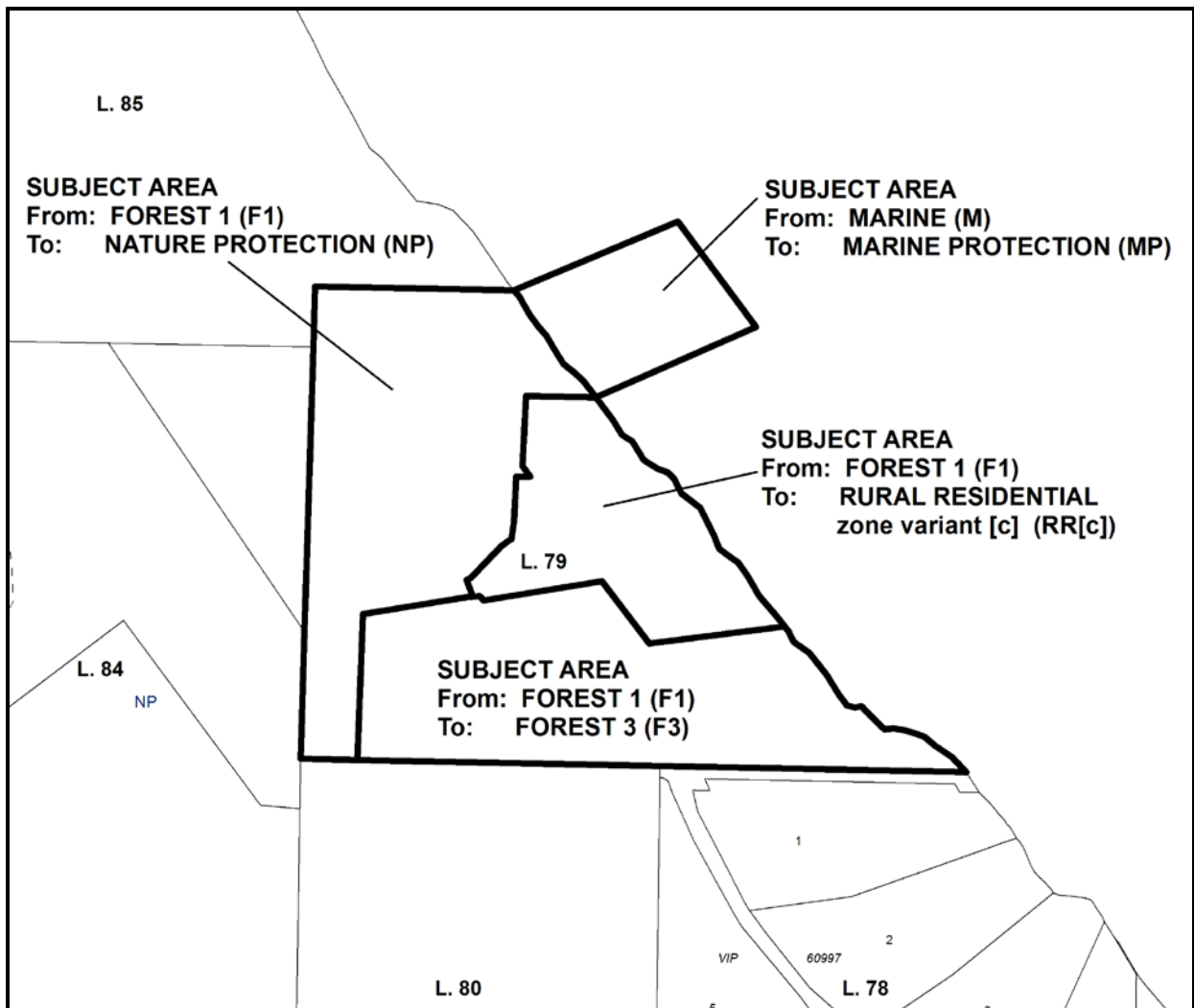
A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW NO. 127, 1999

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

- A. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
1. Section 5.4 (Rural Residential Zone – RR) is amended by inserting the following as a new 5.4.16:

“5.4.16 On the lands zoned RR(c), despite 5.4.8 and 5.4.9, the minimum average parcel area is 55 hectares, with a minimum average subdivision parcel area as low as 2 hectares (5 acres) for the RR zoned portions and 20 hectares (49 acres) for the F3 zoned portions applicable once the landowner provides land representing no less than 67% of the area of the land legally described District Lot 79, Galiano Island, Cowichan District, to be transferred to the Crown as represented by the Province of British Columbia or to the Trust Fund Board, for use for conservation, ecosystem protection, public parkland, community forest, or trails.”
 2. Section 5.4 (Rural Residential Zone – RR) is amended by inserting the following as a new 5.4.13:

“5.4.13 On the lands zoned RR(c), in addition to the other regulations in 5.4, all buildings, structures and paved parking areas on each lot must be sited entirely within the area marked “Developable Area” designated on Plan 5 of Schedule D of this bylaw.”
 3. Schedule B (Zoning Map) is amended for the lands legally described District Lot 79, Galiano Island, Cowichan District, as depicted in the map below.



4. Schedule D is amended by inserting the plan attached to and forming part of this bylaw as Schedule 1 as a new "Plan 5".

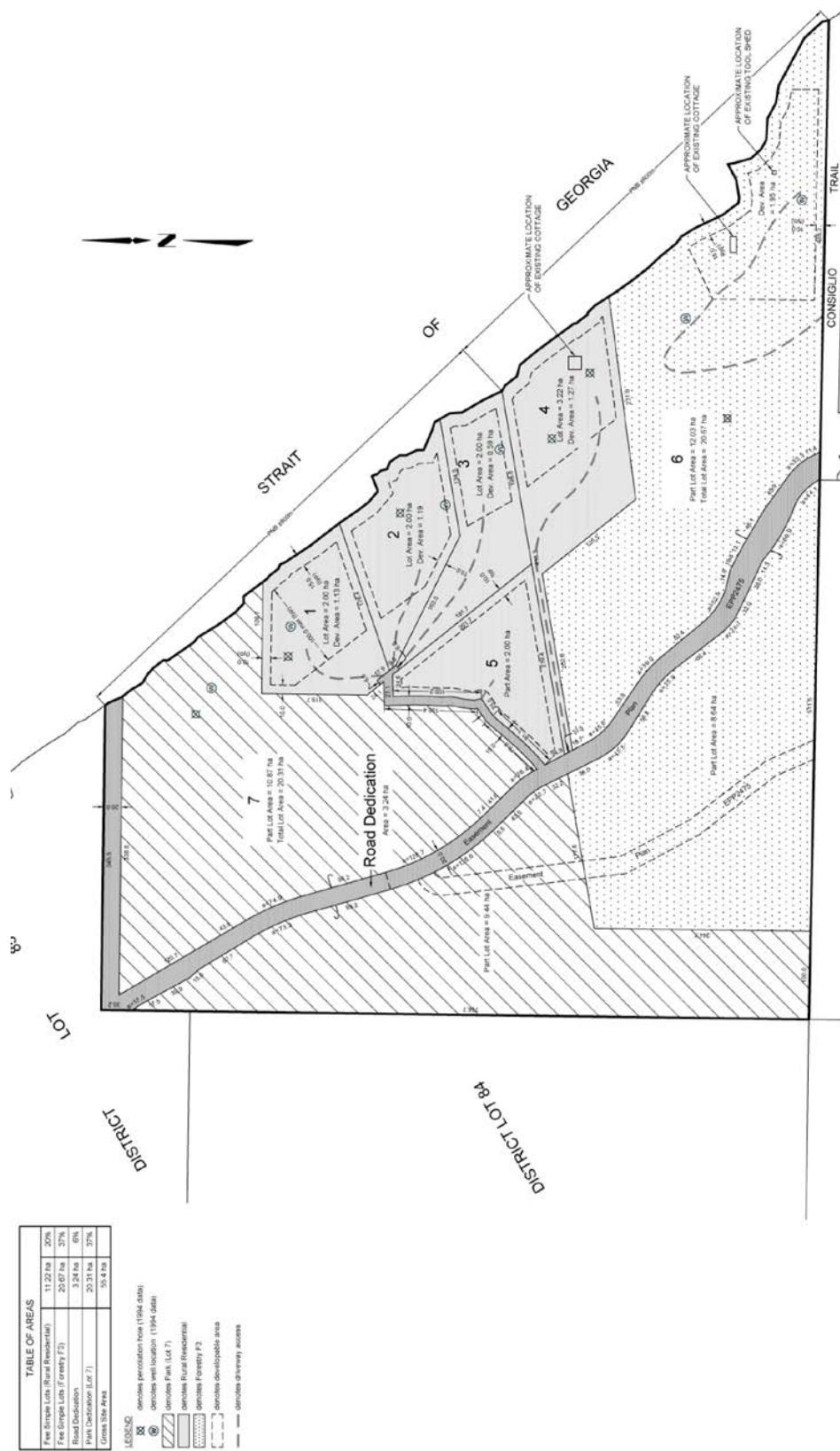
B. This bylaw may be cited for all purposes as the "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.3, 2013".

READ A FIRST TIME THIS	18 th	DAY OF	NOVEMBER	2013
PUBLIC HEARING HELD THIS		DAY OF		201_
READ A SECOND TIME THIS		DAY OF		201_
READ A THIRD TIME THIS		DAY OF		201_
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		DAY OF		201_
ADOPTED THIS		DAY OF		201_

DEPUTY SECRETARY

CHAIRPERSON

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 245
Schedule 1



Southern Gulf Islands Economic Development Commission Food and Agriculture Strategy

2014/2015

Briefing for Island Trust Local Trust Committees

The Southern Gulf Islands Economic Development Commission (SGIEDC) wishes to develop a Food and Agriculture Strategy that includes an Agricultural Land Use Inventory (ALUI) and Agriculture Water Demand Model (AWDM). The CRD will provide project oversight to this initiative. The SGIEDC will, through the SGI Area Agricultural Plan Steering Committee (currently being set up), guide development of the strategy, inventory and model and ensure that the project is responsive to community needs. Other key stakeholders will be engaged including but not limited to: farmers/growers, value added providers, retailers, funders, chefs, agricultural societies, Local Trust Committee, Chambers of Commerce, backhaulers, Ministry of Agriculture, CRD, and the SGI Economic Development Commission.

On July 17, 2013 the CRD Board supported a Gas Tax allocation that was leveraged to acquire Investment Agriculture Foundation funding to support the development of a SGI Food and Agriculture Strategy in addition to the development of an Agricultural Land Use Inventory and Water Demand Model. The SGIEA Director appointed Michael Dunn, member of the SGI EDC as the main point of contact for the consultant with project management support from CRD Regional Planning. Regional Planning will communicate regularly with the consultant regarding project progress, budget, timing and communications/engagement.

An agricultural land use inventory (ALUI) and agricultural water demand model (AWDM) will be the first two components of the food and agriculture strategy. The two projects will trigger important community engagement about food and agriculture that will carry on throughout the Food and Agriculture Strategy process. These conversations will ideally cross over and inform the Food and Agriculture Strategy. The ALUI, AWDM, and Food and Agriculture Strategy processes will connect to and compliment agriculture inventories and related planning work being undertaken elsewhere in the region such as Salt Spring Island, North Saanich and Central Saanich.

The Food and Agriculture Strategy, AWDM and ALUI contract is expected to begin in the Summer of 2014. The ALUI and AWDM model must be completed by December 31, 2014 and the Food and Agriculture Strategy must be completed by April 30, 2015.

The planning process will consist of five phases: Phase 1 Pre ALUI, Phase 2 Communications (Ongoing), Phase 3 ALUI and AWDM Field Work, Phase 4 Post Survey Data Analysis and Report Preparation, and Phase 5 Food and Agriculture Strategy Preparation. The SGIEA ALUI, AWDM, and Food and Agriculture Strategy is intended to help re-establish local food and agriculture as a vital part of the Southern Gulf Islands' economy and support long term community resiliency. A clear road map and implementation plan are expected to be a key component of the strategy and intended to provide long term direction to the community. If you have any questions please contact the CRD's project manager, Jeff Weightman at 250-360-3162 or jweightman@crd.bc.ca.