



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: December 5, 2016
Time: 11:00 am
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

		Pages
1.	CALL TO ORDER	11:00 AM - 11:05 AM
2.	APPROVAL OF AGENDA	
3.	TOWN HALL AND QUESTIONS	11:05 AM - 11:45 AM
4.	COMMUNITY INFORMATION MEETING none	
5.	PUBLIC HEARING none	
<u>----- BREAK ----- 11:45 AM - 12:05 PM</u>		
6.	MINUTES	12:05 PM - 12:20 PM
6.1	Local Trust Committee Minutes Dated November 7, 2016 (for Adoption)	4 - 16
6.2	Section 26 Resolutions Without Meeting Report none	
6.3	Telecommunications Strategy, Special Advisory Planning Commission (SAPC) Adopted Minutes Dated October 11 & 18, 2016 and November 1, 2016 (for Receipt)	17 - 30
7.	BUSINESS ARISING FROM MINUTES	
7.1	Follow-up Action List Dated November 2016	31 - 33
8.	DELEGATIONS none	

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

12:20 PM - 2:45 PM

- | | | |
|------|---|----------|
| 10.1 | Salt Spring Island Local Trust Committee Bylaw No. 497 Referral
(for response) | 34 - 35 |
| 10.2 | GL-TUP-2016.11 (Orr) - Staff Report | 36 - 48 |
| 10.3 | GL-TUP-2016.12 (Inverarity) - Staff Report | 49 - 61 |
| 10.4 | Temporary Use Permit (TUP) for Commercial Vacation Rentals Update -
Staff Report | 62 - 67 |
| 10.5 | GL-RZ-2011.1 (Galiano Green) - Staff Report | 68 - 111 |

11. LOCAL TRUST COMMITTEE PROJECTS

none

12. REPORTS

2:45 PM - 3:15 PM

- | | | |
|--------|--|-----------|
| 12.1 | Work Program Reports (attached) | |
| 12.1.1 | <u>Top Priorities Report Dated November 2016</u> | 112 - 112 |
| 12.1.2 | <u>Projects List Report Dated November 2016</u> | 113 - 114 |
| 12.2 | Applications Report Dated November 2016 (attached) | 115 - 119 |
| 12.3 | Trustee and Local Expense Report Dated October 2016 | 120 - 120 |
| 12.4 | Adopted Policies and Standing Resolutions (attached) | 121 - 122 |
| 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

none

14. UPCOMING MEETINGS

- | | |
|------|--|
| 14.1 | Next Regular Meeting Scheduled for February 6, 2017, at 11:00 am, at
the South Hall, Galiano Island |
|------|--|

15. TOWN HALL

3:15 PM - 3:45 PM

16. **CLOSED MEETING (Distributed under separate cover)** 3:45 PM - 4:00 PM

16.1 **Motion to Close Meeting**

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

- *Adoption of In-Camera Meeting Minutes Dated November 7, 2017*
- *Legal Advice*

AND that the recorder and staff attend the meeting.

16.2 **Recall to Order**

16.3 **Rise and Report**

17. **ADJOURNMENT** 4:00 PM - 4:00 PM



DRAFT

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: November 7, 2016
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

Staff Present: Robert Kojima, Regional Planning Manager
Kim Farris, Acting Planner 2
Colleen Doty, Recorder

Others Present: Approximately 50 members of the public and no media

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:30pm. She acknowledged the meeting was being held in traditional territory of Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as amended:

- For Item 10.3, GL-TUP-2016.8 correspondence was received from Lawrence Waterfall
- Item 11.1 was moved to Item #4
- All other items renumbered accordingly.

3. TOWN HALL AND QUESTIONS

Chair noted the Galiano Green proposal was now post-public meeting.

There was extensive discussion as to whether the Housing Agreement (HA) was subject to Public Hearing, since Bylaw No. 261 was not mentioned in Notice of Public Hearing. Regional Planning Manager (RPM) Kojima stated the HA should not be discussed as it is connected to draft bylaws No. 233 and 234 and thus difficult to differentiate. LTC can make changes to HA but cannot reopen Public Hearing process. LTC cannot take in any comments respecting the housing rezoning application.

Speakers were provided three minutes. Topics were to focus on agenda items.

Bowie Keefer spoke in favour of Crystal Mountain Society's proposal as they promote serenity and inclusiveness. He did not think their proposal would fragment the forest.

Trustee Pottle thanked the Keefer's for their successful rezoning.

Sheila Anderson noted that Short Term Vacation Rental (STVR) owners are telling clients they must remove their own garbage, which has the unintended effect of pushing the problem elsewhere, leading to dumping of garbage on local businesses and organizations. She would like to see STVR owners take responsibility for garbage disposal. She was also concerned about transparency and spoke to importance of full disclosure with respect to proposals. HA needs to be fully explored as it is complex.

Akasha Forest had a question about process, referring to a previous Staff Report noting that HAs are adopted by bylaw and thus subject to same process; yet draft Bylaw 261 cannot be commented on and questioned how the public can comment on Bylaw 261.

RPM Kojima noted that all bylaws have to go to public hearing. Administrative bylaws don't have a formal public process. The HA was part of the binder at the Public Hearing. LTC gave direction to staff to draft a bylaw for HA.

Art Moses noted he has spent a lot of time talking to CMS proponents. He summarized residents' concerns with respect to: the size of the proposal, its density, the number of buildings that fragment the forest, and intensity of use. He was concerned there is no commensurate exchange of land for this density. He talked about access to the land. Neighbours expressed willingness to work with CMS. The consultation process is ongoing and he questioned why proposal was on the agenda today. He did not want to proceed further with application until there were further revisions.

Andrew Loveridge thanked LTC for its hard work.

Janice Oakley read a letter from Fire Chief Tom Darby supporting measures such as the fire-hydrant standpipe and a secured right-of way offered by CMS to mitigate north end fire-hazards. Letter was submitted to staff.

Nancy McPhee spoke in favour of CMS and stated that neighbours and CMS share more values than differences. They are making efforts with neighbours. Neighbours will continue to have access through property. Economic contributions of CMS to community have not been highlighted much. Not asking for subdivisions that are profitable, but are asking for restrictions on land to minimize impacts on land.

Suzanne Fournier acknowledged the efforts made by CMS to engage with north-end neighbours. She was puzzled as to why CMS was on today's agenda. CMS has been good neighbours in past but is concerned with future. Concerned about lack of transfer of land for density and rezoning. Nowhere in LUB does the word "hut" appear. She questioned who will police or monitor tiny buildings/homes citing concerns about cumulative impacts. Density could make next owner quite profitable. Size of development is too big.

Trustee Pottle noted that bylaws are about uses not users. Profitability is irrelevant.

4. LOCAL TRUST COMMITTEE PROJECTS

4.1 Telecommunications Strategy

Chair Busheikin acknowledged the diligent work of the Special Advisory Planning Commission (SAPC) members. Trustee Harris was impressed by the volume of work conducted by SAPC

Planner Stockdill outlined three options as presented in Staff Report (October 27, 2016).

Trustee Pottle suggested the dock survey be sent out at same time as SAPC survey.

Trustee Harris asked whether there was a deadline expected by Industry Canada. Planner Stockdill noted there was not.

There was support to use the survey questions drafted by SAPC. Trustee Harris spoke favourably of giving SAPC authority to do this.

It was noted by Planner Stockdill that if the two surveys went forward together, then staff would handle and collate results.

Mike Hoebel, SAPC member, asked about timing of anticipated dock survey.

Planner Stockdill indicated the dock survey would go out within next two weeks.

GL-2016-092

It was **MOVED** and **SECONDED**, that the Galiano Island Local Trust Committee amend the Telecommunications Strategy Project Charter to include a survey to gather community input on gaps and needs in telecommunication services in conjunction with Dock Survey.

CARRIED

Staff noted the survey would be online via Survey Monkey. **Mike Hoebel** indicated the SAPC would like to provide alternatives to the community: paper copies available at different venues, as well as email survey.

SAPC member **Kiyo Okuda** noted the survey is a draft at this point. The SAPC would like to polish questions, add an introduction, and a map. Staff could work with SAPC in finalizing survey. Un-addressed mail would be preference, costing approximately \$150.

Planner Stockdill will work with the Chair of the SAPC to move ahead with a survey and target of November 15, 2016 to finalize content and method of delivery.

5. COMMUNITY INFORMATION MEETING

none

6. PUBLIC HEARING

none

7. MINUTES

7.1 Local Trust Committee Minutes Dated October 1, 2016 & September 19, 2016 (for Adoption)

Recorder Colleen Doty confirmed the process for LTC draft minutes in response to a question from Trustee Pottle: the Planning Team Assistant and then the Planners review and edit them for brevity and format, then they go to the LTC and website as part of the agenda package for adoption.

By general consent the Local Trust Committee meeting minutes of September 19, 2016 were adopted as presented.

By general consent the LTC meeting minutes of October 1, 2016 were adopted as presented.

7.1.1 Galiano Island Local Trust Committee Public Hearing Records Dated September 19 & October 1, 2016 (for Receipt)

The following amendments to the Public Hearing Record of September 19, 2016 were presented for consideration:

- Page 18 (agenda package), in second paragraph, change "He" to "She".
- Page 18 change "Arisa" to "Orissa."
- Page 18 in sixth paragraph citing Orissa Forest's comments, change "He" to "She."

By general consent the Public Hearing Records of September 19, 2016 and October 1, 2016 were received as amended.

7.2 Section 26 Resolutions Without Meeting Report Dated October 2016

Information provided in package.

7.3 Special Advisory Planning Commission Minutes Dated September 21 & 27, 2016 and October 4, 2016 (for Receipt)

By general consent the Special Advisory Planning Commission minutes of September 21, 27, and October 4, 2016 were received.

8. BUSINESS ARISING FROM THE MINUTES

8.1 Follow-up ACTION LIST Dated October 2016

With respect to Staff Report of August 19, 2016, for DVP-2016.3 tree-cutting Development Permit, Planner Stockdill clarified that the applicant meets the exemption for a DP and does not require a DP.

With respect to the online survey regarding dock policies, it will be addressed at the same time as the SAPC survey.

9. DELEGATIONS

9.1 Neil Friedenbergl - Crystal Mountain Society Proposal

Mr. Friedenbergl represented approximately 20-25 north end residents. They are concerned about size of proposal and that there will be occupants for up to six months at a time. They want to see clustering of development. Transfer of title should be a condition of rezoning. Said CMS outreach has been friendly and constructive but would like to see transfer of title. Community benefits are inadequate. Residents do not want to see a resort. Would like to see distinction between a "condition of rezoning" versus a "community benefit." With respect to the observation well, he questioned what would happen if the water drawn is shown to be too low. He was puzzled as to why CMS proposal was on LTC agenda while CMS has not yet finished their consultation.

9.2 Stephen Foster - Crystal Mountain Application (GL-RZ-2014.1)

As Chair of rezoning committee, Mr. Foster reported the covenant is nearly accomplished and CMS is comfortable with shape it is in. There was a September 25th meeting that had approx. 30 community members attend. Sewage and waste water, compliance with OCP, transportation issues and density were the largest concerns at that meeting. At a second meeting of October 23, 11 members attended where the remainder of 15 topics were looked at. Door-to-door consultations and a walk-about have happened. Another one may happen too. Listening to people is ongoing. They will be making changes to their proposal.

Mr. Foster said there will be a summary report at end of third meeting in response to a question from Trustee Pottle if there were minutes from the meetings.

10. CORRESPONDENCE

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

A letter from Lawrence Waterfall with respect to GL-TUP-2016.8 was received.

11. APPLICATIONS AND REFERRALS

11.1 GL-TUP-2016.6 (Harrison & Kramer) - Staff Report

Planner Stockdill noted that a maximum of four people would be allowed, not six as previously mentioned. One submission was received.

GL-2016-093

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee amends proposed Temporary Use Permit GL-TUP-2016.6 (Harrison & Kramer) to permit a maximum number of four (4) guests.

CARRIED

GL-2016-094

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-TUP-2016.6 (Harrison & Kramer) as amended.

CARRIED

11.2 GL-TUP-2016.7 (Humphry) - Staff Report

Trustee Harris declared a conflict of interest and left the room at 2:00pm.

GL-2016-095

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-TUP-2016.7 (Humphry).

CARRIED

With respect to concerns raised earlier about garbage, staff would remind all applicants of the need for appropriate garbage disposal.

Chair Busheikin recessed the meeting at 2:01pm for a break.

Trustee Harris returned at 2:01pm.

The meeting was reconvened at 2:19pm.

11.3 GL-TUP-2016.8 (Waterfall & Kowalski) – Staff Report

Planner Stockdill provided a summary. Area is within LUB Water Management Area.

GL-2016-096

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee amend the proposed TUP 2016.8 (Waterfall & Kowalski) by inserting the requirement to provide a rainwater catchment system for non-potable water with a storage capacity of 8000 litres within 12 months of the date of issuance for the permit.

CARRIED

GL-2016-097

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit 2016.8 (Waterfall & Kowalski) as amended.

CARRIED

11.4 GL-TUP-2016.9 (Keating & Young) - Staff Report

GL-2016-098

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee approve issuance of TUP GL-TUP 2016.9 (Keating & Young).

CARRIED

Trustee Pottle asked whether TUPs have been tracked according to neighborhood. Staff noted that TUPs are tracked on the Islands Trust website.

11.5 GL-RZ-2011.1 (Galiano Green) – Staff Memo – Bylaws No. 233 & 234

LTC posed several questions for staff:

1. If rental units be required through the covenant? The Bylaw, Housing Agreement (HA) and covenant all allow either rental or leasehold. Staff noted that both the covenant and HA may need to be revised.
2. What is the difference between “administering” and “holding” a HA? RPM Kojima stated that the legislation specifies that the LTC is the only body authorized to hold the HA. The administration could be done by another body. Parties to the agreement would be the owner (Galiano Green), the LTC, and the Community Management Committee (CMC) would have a function. It would fall to the owner to correct any breaches. CMC is intended to maintain arms-length administration: to review potential leaseholders and tenant; when a resale is proposed, CMC will need to confirm price; receive statutory declarations; conduct regular meetings; and consider hardship situations. LTC: receives statutory declarations if requested; and if owner is requesting to increase strata fees that request goes to the LTC. The Owner nominates members of CMC. Enforcement recommendations may come to the LTC like any other bylaw.
3. It was discussed how CMC would be at arms-length.
4. Question was posed about if the lease agreement had been brought into harmony with the HA.
5. Concern was raised about complexity of different legal and administrative components of the project and how they relate to each other.
6. Why bare-land strata was discussed.

Extensive discussion followed and included:

- Trustee Pottle indicated that the LTC has not agreed to hold the HA. She was in favour of getting the CRD to hold the HA. It was noted that the CRD provided conditions through which they would consider holding the agreement, along with \$300,000 available for the project. There was discussion about community and neighborhood support being critical for success of housing projects.

- There was discussion about density.
- Trustee Harris thanked Trustee Pottle for her comments and staff for working on this and spoke to the complexity of projects like this. He noted that the CRD was never approached when the project was a bare land strata, that size was a noted concern and that point #4 (Potential Amendments) reduces build-out, if we accept the changes that there is money for rental housing. Groundwater is a huge concern and he acknowledged this, but stated if you can catch the rain and manage it, that is significant, and innovations in technology make projects potentially sustainable. He spoke of difficulties of projects like this; the historical challenges and that CRD projects would be more expensive and have tax implications. He concluded the LTC has a moral duty to move forward.

Chair Busheikin discussed specific points of concern:

- Was there a way of reducing density? Trustee Harris indicated a lower density will lead to a tax-payer model. To keep lease payments low requires certain density and 20 densities is the balance that allows the project to be self-funded. There is an economy of scale.
- Could the HA be administered by the CRD? They have not been approached with bare land strata. What is advantage over "foundation lease"? The CRD have the expertise and cannot be a party but could administer the HA. Staff noted the LTC could not avoid enforcement. Correcting breaches would be the responsibility of the owner. The CMC is responsible to report breaches.
- Trustee Harris indicated that the most secure timeline would be to move this forward today. Money comes and goes.
- Trustee Pottle noted that the CRD would look at neighborhood and community support first, and then access funds. What if the leases are not in place? What about money needed? What is a person buying into? When does the lease start? Society has to put in all of the infrastructure. Trustee Pottle mentioned previous concerns raised by the CRD and others.
- Trustee Harris noted Van City and CEC have approved financing.
- The question was raised as to whether the CRD could be willing to consider becoming involved now that it is bare land strata. Would CRD involvement lead to increased density?
- It was noted that the community will not support increased density. Trustee Pottle referred to Justine Starke's article with respect to Salt Spring Island experience.
- Chair Busheikin noted that the CMC model has been used elsewhere in Trust Area, with mixed results.
- LTC could ask staff to contact CRD staff to take on administration without legally being the party.

There was further discussion:

- Trustee Pottle was concerned about home occupations including Short Term Vacation Rentals (STVRs). Bylaws should not be at odds with content of the Lease Agreement. Wants to ensure she understands what the legal relationship is between all bodies that are involved.
- Trustee Pottle would like to see the Lease Agreement.

- Trustee Harris did not think that the LTC would be able to satisfy Trustee Pottle's concerns and stated these concerns pertain to old documents. Staff have dealt with lawyers and consultants and this is what they have created after five years.
- Trustee Harris was supportive of the idea of approaching the CRD. There has been significant progress in the last three years, but he is concerned they would take another six months to look at this. He stated that the CRD would not want to be involved in a project with people building their own homes, but would want to hire contractors.
- Trustee Harris asked RPM Kojima how he anticipated the CRD would respond to a request to perform the CMC function. RPM Kojima noted there was a new manager now and the response could be completely different. It might be worth pursuing.
- Trustee Pottle wanted to refer the matter to the Advisory Planning Commission (APC) to review the file, staff reports and all information as a way of moving forward.

A motion was put forward:

GL-2016-099

It was MOVED (Pottle) and SECONDED (Harris)

that the Galiano Island Local Trust Committee refer Proposed Bylaws 233 and 234 to the Advisory Planning Commission.

Discussion ensued. It was noted by the Chair and staff that such a referral to the APC would precipitate a new Public Hearing. Trustee Harris did not feel comfortable that a referral would complicate the process and add further costs for the applicant. He preferred having a report back from staff after their inquiries with the CRD.

DEFEATED

GL-2016-100

It was MOVED and SECONDED

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 read a third time.

CARRIED

Trustee Pottle OPPOSED

Chair Busheikin noted her concerns and acknowledged difficulties of the application. She indicated that the applicants needed to hear that the Business Plan was difficult.

GL-2016-101

It was MOVED and SECONDED

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 amended by deleting 1(a) and re-numbering subsequent sections accordingly.

CARRIED

GL-2016-102

It was MOVED and SECONDED

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 amended by deleting 8.6.7 in its entirety and replacing it as follows:

“ 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.”

CARRIED

GL-2016-103

It was MOVED and SECONDED

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 amended by inserting the following as a new 8.6.8 and renumbering the current 8.6.8 and subsequent sections accordingly:

“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.”

CARRIED

GL-2016-104

It was MOVED and SECONDED

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 read a third time as amended.

CARRIED

Trustee Pottle OPPOSED

GL-2016-105

It was MOVED and SECONDED

that staff be requested to revise Galiano Housing Agreement Bylaw No. 261 to effect a requirement that a minimum of five units be rented, and that the revised bylaw be brought back to a future meeting for consideration.

CARRIED

With respect to page 132 of the agenda package, Chair Busheikin noted skepticism of switching CMC over to leaseholders and suggested revising no. 3a of Schedule F of the HA and change the word “shall” to “can”. Intent is that the HA be revised to remove the requirement to appoint leaseholders to the CMC. The Chair brought forward the motion:

GL-2016-106

It was MOVED and SECONDED

that staff be requested to revise Galiano Housing Agreement Bylaw No. 261 to remove requirement to appoint leaseholders to CMC.

CARRIED

GL-2016-107

It was MOVED and SECONDED

that the draft section 219 covenant be revised to include:

- a. A prohibition on the drilling of additional wells or the connection of dwellings to the common well unless the owner provides a professional report consistent with the Potable Water Standards for Subdivision in the Land Use Bylaw to the satisfaction of LTC.
- b. A total maximum floor area of all dwellings of 1500m².
- c. Any revisions required to implement a requirement that a minimum of five units to be rented and that the revised covenant be brought back to the LTC for review and authorization to execute.

Before the question was called to a vote, Trustee Pottle noted she wished the amendments had been included in bylaw. LUB implements OCP policy. She expressed concern that, when bylaws were drafted, an amendment to OCP Bylaw No. 108, Section III, 2e should have been requested. She is concerned water policy is being changed by this process.

CARRIED
Trustee Pottle OPPOSED

11.6 GL-RZ-2014.1 (Crystal Mountain) – Staff Report

Given time constraints, Chair Busheikin was concerned procedural fairness would not be met if LTC dealt with this proposal. Staff noted Staff Report was for information only. CMS has more time to draft their proposal.

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated October 2016

Provided for information.

12.1.2 Projects List Report Dated October 2016

Provided for information.

12.2 Applications Report Dated October 2016 (attached)

Provided for information.

12.3 Trustee and Local Expense Report Dated September 2016 (attached)

Provided for information.

12.4 Adopted Policies and Standing Resolutions (attached)

Provided for information.

12.5 Local Trust Committee Webpage

n/a

12.6 Chair's Report

Chair Busheikin noted the transition plan is complete but the Ministry has come back with some questions. Preparations are underway for Trust Council.

12.7 Trustee Report

Trustee Harris was pleased to see CRD and Islands Trust are working together on housing needs survey. RPM Kojima noted the survey has been underway but there is nothing new to report.

Trustee Pottle has been studying all documents related to Galiano Green, including each staff report since the beginning of the process. She noted it will be good to have HA hashed out for fourth reading. She wished GG the best.

12.8 Trust Fund Board Report Dated September 2016 (attached)

Provided for information.

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for December 5, 2016, at 12:30 pm, at the South Community Hall, Galiano Island

14.1.1 Timing of Winter Meetings – Discussion

Because of winter-time water taxi schedules, 4:30pm is latest pick-up. One option is to start meeting earlier, 11am, without staff. Have Town Hall first, then minutes adoption/amendments, and earlier break.

GL-2016-108

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee winter Trust meetings start at 11am.

CARRIED

The December, February and March LTC meetings will start at 11am.

14.2 Proposed 2017 Annual LTC Meeting Schedule – Staff Memo

Start times will need to be amended. Adopted as information.

GL-2016-109

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee approve the 2017 meeting schedule.

CARRIED

15. TOWN HALL

None

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close the Meeting

GL-2016-110

It was MOVED and SECONDED

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

- Adoption of In-Camera Meeting Minutes Dated June 6, 2016 & August 29, 2016
- Appointment of APC Members
- Legal Opinion

AND that the recorder and staff attend the meeting.

CARRIED

The public was asked to adjourn at 4:37 pm.

See separate In-Camera Meeting Minutes dated November 7, 2016.

16.2 Recall to Order

The Chair recalled the Regular Meeting to order at 4:58pm.

16.3 Rise and Report

Chair Busheikin reported adoption of In-Camera minutes of June 6, 2016 and August 29, 2016, that a legal opinion was received, that Heather Martin had been appointed Secretary to the APC and SAPC, and that members had been appointed to the APC.

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:59 pm.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder



ADOPTED



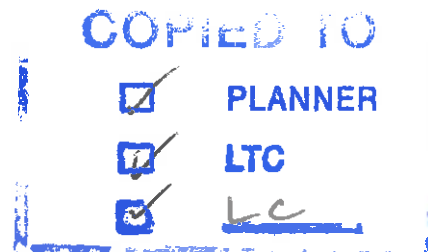
**Galiano Island
Special APC: Telecommunication Strategy
Record of Meeting**

Date: October 11, 2016
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
9:30am

Members Present: ___ Kiyo Okuda
___ Stephen Rybak
___ Stephen Akins
___ Elizabeth Latta
___ Joan Robertson
___ Mike Hoebel
___ Peter Midgley

Staff Present: ___ Colleen Doty, Recorder

Guests: None



1. CALL TO ORDER

Chair Rybak called the meeting to order at 9:30am.

2. APPROVAL OF AGENDA

By general consent the agenda was approved.

3. APPROVAL OF MINUTES

By general consent the Draft Minutes of October 4, 2016 were adopted.

4. MEETING

The following was discussed:

- 1) Staff Report of March 30, 2016 page 3 refers to OCP Community Facilities Advocacy Policies 4.1.1(g) Statement is relevant to the SAPC, yet, how can it be reconciled with LUB in which telecommunication towers are not an approved use? Action: This question was forwarded to Kim (Oct. 13, 2016) and she will call in to the Oct. 18th SAPC meeting.
- 2) Mike Hoebel was trying to track down Beacon Wireless material; they had provided an amended proposal to LTC (background to a letter requesting

ADOPTED

funding). Never became part of public record and Mike was going to ask Kim to give us a copy. LTC did provide a letter of support to Beacon and as background for that perhaps Kim received an amended proposal and that would be helpful to have. **Action: Kim will report on this on Oct. 18th.**

- 3) OCP statements, LUB, Telecommunications Act objectives, and whether there were any other strategy documents out there. It was noted that both federal and prov. governments have statements with respect to (wrt) internet access, targets.
- 4) The federal government will consider environmental connection, if the proponent wants concurrence from LTC. A siting protocol would reference environmental considerations.

Survey Assessing Gaps and Needs:

- 5) Peter circulated a copy of the latest draft of his survey, along with map zones, currently at 12.
 - a) There was concern about the zones not reflecting enough topographical detail, which is relevant to issues of reception and connectivity. It was noted that asking for addresses may be getting into privacy issues.
ACTION: Kiyo will attempt to break up zones to reflect topography. Kiyo thinks GCA or online (through MAPIT) will have information. Estimated timeline TBA.
 - b) With respect to "uses" on Page 3: concern about detail and whether language paralleled that of a marketing type survey.
 - c) Length of survey. SAPC agreed with wanting to balance analysis with maximum participation.
 - d) Consider having question such as: If there were improved internet service, would that change what you do on Galiano? Would it cause a lifestyle change?
 - e) Is bandwidth a constraint? Is mobility a constraint?
 - f) Consider first question: "I do not want any changes" and adding questions: "I would like to see more opportunities for greater connectivity. If, you want greater connectivity, what are you looking for?"
 - g) With respect to uses, there was discussion around reducing to either personal, or operating a business.
 - h) Some members were concerned about possible invasiveness.
 - i) Suggestion put forward to have a condensed draft version and a detailed draft version of the survey to compare how they look.
 - j) Page 2: Be sure to note people who do not want cell phone service.
 - k) **ACTION: Peter and Stephen to redraft again and come up with a couple of sample questionnaires.**
 - l) Cost will be \$150+ to get a mail out. Weight is key. Plus cost of printing. For collection, everyone will have to get a stamp.

ADOPTED

Consensus was to have drop-boxes at Post-Office, Day Star, Home Hardware; could put a box under cover at LTC.

- m) If SAPC uses Google Forms, who is going to handle the data? Survey would have URL at top; Stephen Akins could set that up. SAPC will handle online responses if the LTC will permit it.
 - n) Wrt "check all options", it was suggested this statement appear earlier in the survey.
 - o) Set realistic expectations about survey: have some language about this.
 - p) Perhaps have language: "I am satisfied with status." This is more positive. Are you satisfied, yes or no: **general consensus to have this language.**
 - q) Would you like more opportunities for the island? Keep this too. Would you personally like more opportunities for greater connectivity? Would you like more opportunities for the island too? **Consensus was to keep survey to personal needs and gaps.** What changes would be most beneficial?
 - r) Mock up a condensed version first.
 - s) SAPC is looking at basic needs and gaps. But, also looking at a strategy which is forward looking.
 - t) Timeline:
SAPC would like to have responses in by the *end of December early January at the latest*. Final report is due February 1st. 2-3 week response period. Will be dependent on LTC and Staff.
 - u) **ACTION:** Stephen will draft a cover letter to APC so they can put this on agenda, with a copy of survey to Kim first as a head's up.
 - v) Issue of VOIP needs to be resolved.
 - w) What about streaming? Services? From a land-use perspective, this is about the infrastructure. How are we getting this? LTC is concerned about Land Use.
- 6) Service Providers: Need to ask them what their services are, although there is some publically available information on coverage services, service expansion, and coverage maps from providers for internet. Federal and provincial criteria for high speeds are different from each other. Network BC is a means of accessing some information.

Chair Rybak asked for further comments back on the Introduction letter so it could be finalized and sent out to all Regional Managers of the service providers.

- 7) Joan Robertson reviewed her draft letter to Industry Canada wrt Mount Parke. Members provided feedback. Some key questions were identified. Are they in compliance now with SC6? Secondly, how often are Radio Frequency levels at Mnt. Parke and other antennae sites routinely checked? What are possible implications of a heavy out-of-compliance radio density load from Mnt Parke on Galiano? Are there currently any applications for installation or upgrading additional antennae structures on Parke? **ACTION: Joan will redraft, and circulate for comments over next few days.**

ADOPTED

- 8) Mike has been trying to get information about CREST, but holidays have delayed responses.
- 9) SAPC reviewed Siting Protocol template provided by Federation of Municipalities and considered the extent to which it would be useful for Galiano. Comments and questions included:
 - a) With respect to the clause “where technically feasible” re locations: Is the SAPC going to recommend to LTC that there be some specific locations that are preferred? Or, are we going to stick to generalities as to distances from, ie, habitation or ecological areas?
 - b) Right now it specifies 500 metres but do we specify, for example, 1000 metres? Design criteria. Page 15. Discouraged locations for antennae systems could include wetlands, sensitive areas, non-compliant properties, etc.
 - c) Extensive discussion about whether the SAPC wanted to recommend that proposed structures be on compliant properties. This would buttress IT mandate by stating that a non-compliant property should not be favoured by Trustees. Concern was expressed about having no jurisdiction in this area. APC could recommend this to LTC.
 - d) Need to define antennae systems.
 - e) Repeater antennae sites (Beacon): 3, one on Clanton, Gustin, Melissa area, in trees and on structures. There’s nothing to prevent another antennae. It just happens. Given elevation of land, they are in effect, like a tower. SAPC is going to have to come to grips with Industry Canada exclusions on antennae.
 - f) **ACTION: Homework: everyone does a list of criteria for preferred locations, and a list of discouraged locations. Referring to OCP, LUB, Staff Reports. Sections 6&7.**
 - g) Concept that a proponent should come to the LTC with a proposal rather than an LTC-directed approach. Onus should be on proponents to provide information on impacts on safety.
 - h) Some principles: any structure should be unobtrusive, inconspicuous, minimize visual impact, and clearly minimizing need for duplication of services and encourage collocation.
 - i) Some members spoke of the importance of safety and effectiveness over aesthetics. Concern about too much emphasis on aesthetics because it may not be safe.

SAPC considered how best to handle siting protocol document. There was general agreement that the protocol document be looked at section by section, recognizing that much of it is background information and boiler plate.

- 10) Priorities for next meeting, it was agreed, would be:

- a) Finalize Survey
- b) Finalize Chair Rybak’s cover/introduction letter
- c) Sections 6 & 7 of the Siting Protocol Document

ADOPTED

- 11) Discussion around whether the SAPC is strictly focusing on installations over 15 metres? The LTC could require proponents that meet the exclusion standard consult with the public. Where does one draw the line? Every WIFI router could be included here. How small do we get? We do not have legal authority. We could recommend that the service provider consult with LTC and local public. The LTC would like to be consulted. Reference was made to Saturna Net, community system. Antennae all through community. Everyone in network is pretty much a provider to someone else.

There was agreement the SAPC concentrate on over 15 metres for now, in sections 6 & 7.

As long as recommendations are within the mandate, the SAPC could still recommend the LTC do things; the LTC can decide whether to take those on. The structures' construction and the power of the transmitter in question may be pivot points. For new construction of supporting facilities for an antennae system (even though it's exempted), it could be recommended the proponent come to the LTC. There were questions as to whether transmitter power regulation was beyond the SAPC. The point was made that buttressing Island Trust intended mandate would be a good thing to tie into development of technology.

- 12) Ubiquity and miniaturization were identified as challenges. The Chair suggested focusing on where LTC has an interest, on antennae that are regulated and underline concerns with this other category the LTC may want to explore further.

5. ADJOURNMENT

Meeting adjourned at 11:52pm.

6. NEXT MEETING

Tuesday, October 18th at 9:30am.

CHAIR

DATE

CERTIFIED CORRECT:

Colleen Doty, Recording Secretary

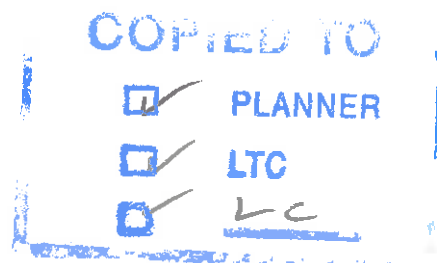


ADOPTED



**Galiano Island
Special APC: Telecommunication Strategy
Record of Meeting**

Date: October 18, 2016
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
9:30am



Members Present: ___ Kiyo Okuda
___ Stephen Rybak
___ Stephen Akins
___ Elizabeth Latta
___ Joan Robertson
___ Mike Hoebel
___ Peter Midgley

Staff Present: ___ Colleen Doty, Recorder
___ Kim Stockdill, Acting Planner 2 (phoned in 9:35am)

Guests: None

1. CALL TO ORDER

Chair Rybak called the meeting to order at 9:30am.

2. APPROVAL OF AGENDA

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

- Adding approval of minutes
- Update from Mike Hoebel with respect to (wrt) CREST
- Budget: scheduling of meetings

3. APPROVAL OF MINUTES

By **general consent** the Draft Minutes of October 11, 2016 were adopted as amended.

5. MEETING

- 5.1 Acting Planner 2 Kim Stockdill called in at 9:35am. She provided an update on the following:
- a) Mike Hoebel asked about SAPC receiving documentation from draft Beacon proposal. A/Planner 2 Stockdill will forward a copy of draft proposal.

ADOPTED

- b) CREST antennae on Stockade Hill tower. When CREST put antennae's on hill, they had some dealings with LTC (circa 2008), A/Planner 2 Stockdill will try to find any minutes, correspondence, or any public information wrt to that arrangement.
- c) There was lots of discussion about how OCP advocacy policy and LUB silence on telecommunication structures seem at odds or, at least out of step, with each other. Points raised included:
- OCP is a visionary document of policies, and LUB is backbone.
 - LUB is not always reflective of OCP, ie: LUB is silent on wireless communication. It doesn't permit it outright, but it does not restrict it.
 - If something is silent, the LTC usually takes the approach that it is not permitted.
 - Although LUB is silent, there can still be an OCP policy. General policy is in effect "trumped" by silence because OCP does not give authority for that use. LUB is what gives authority.
 - LUBs are required to be consistent with OCP, but, are not entirely up to date.
 - Preserve and protect mandate provides context.
 - Suggestion was raised that SAPC may wish to recommend to LTC that the LUB be brought into alignment with OCP's advocacy policy on telecommunications.
- d) If there is a use, where the LUB is silent, and there is a proposal, LTC suggests a rezoning application for a Land Use amendment. OCP amendment may be required too, if the LTC has jurisdiction. In the case of telecommunications, a rezoning application is not required. A TUP for three years is a possibility.
- e) In the context of federal regulations for antennae structures, there is a concern that Industry Canada exemptions for structures under 15 metres might lead to a proliferation of antennae structures. A/Planner 2 Kim noted that while there is no authority to require this, we could suggest the LTC ask proponent to check in with LTC and get public input, and/or, request concurrence. For the exemptions from Industry Canada, it is unclear to A/Planner 2 Stockdill as to whether local government can have consultative guidelines around towers that are exempt. With regard to the siting protocol template, pages 8&9, municipalities, it seems, can receive some information, as a courtesy, from proponent. It suggests it is possible that LTC might be able to require similar presentation of such information. SAPC will do the protocol for over 15 metres, and then, make suggestions about under 15 metres. Pre-consultation information may be requested. We might want to put forward recommendation that they apply to structures under 15 metres.
- f) Budget: Minute-taker costs per meeting: \$120 per meeting. At that rate, there are another 8 meetings to go within budget. SAPC may want to meet every two weeks.

ADOPTED

- g) Fee for proposals: LTC does not have a fee for proponents for tower structures. The SAPC could suggest LTC charge a fee for proponents. These referrals take a lot of staff and community time. A fee to be determined. An application fee covers: notification, CIM, calculates staff and administration time. An appropriate fee to be determined. Cost recovery per application? A/Planner 2 Stockdill noted an up-front fee is more desirable than cost recovery.

5.2 Discussion of survey:

- a) Considering concerns raised by staff there was discussion of pursuing survey. Perspectives were shared. Different options and timing of options were considered. A survey could happen in parallel to what SAPC is doing. The benefits of a survey were outlined: targeted, specific, not onerous, not expensive, wide-reaching, and the SAPC is highly committed. SAPC recommends survey be done as soon as possible. SAPC mandate is needs and gaps and SAPC will have difficulty addressing that meaningfully without a survey. Can SAPC fulfill their mandate without survey? Rooted in context if done now. More information is better. Committee represents a range of views on topic; additional information would represent a fuller range.

There was consensus that the following actions be taken:

ACTION: Chair Rybak will redraft letter to LTC, and Peter Midgley will send a version of survey to append, referring to a map with discrete regions. The Introductory letter will stress the assessment of gaps and needs, noting that staff concerns can be addressed.

b) Detailed comments on latest draft survey

Peter had incorporated comments received throughout the week into the latest draft survey. Comments discussed/reviewed during the meeting included:

- Having a separate category for guests and visitors and weight them differently.
- Adding "Public" hotspot
- Peter added lines to comment section

Points outstanding relate to:

- Current focus is on personal use but do we want to look at common good of Galiano?
- Fibre-to-the-home is a viable, marketed option, but it will likely be a long time to get it to Galiano. Keep questions on it? This forms part of strategy. Lots of discussion on this. Perhaps there could be an advocacy role with economic sustainability commission to encourage fibre-optic providers. Survey can inform advocacy role.

ADOPTED

- Microcells off fibre-optic: Chemainus and San Francisco have considered this technology.
 - Lots of discussion about wordsmithing: "increasing access to fibre optics cable to the home/business". Another suggestion was: "High-capacity broad-band cable."
 - Add "expansion of radio communication services."
- Has a direct relationship to antennae siting. Good information to have, although people may not be able to control it. There was consensus to have it in.

It was noted that tax-payer dollars are going to put a tower on Stockade Hill. Colocation could happen. If the tower gets replaced, then CREST will own the tower, while they are leasing from the landholder. Any future use of the tower will depend on CREST, owner of the tower.

- c) **Map to append to survey:** Kiyo Okuda will liaise with Galiano Conservancy Association for the purposes of fine-tuning the current 12-zone map that will be eventually attached to the survey; he proposed dividing the 12 zones to align with roads or geographical ridges more clearly to make it easier for respondents and those analysing data. There was lots of discussion about zones; the point of the map is to get a sense of which zones are deficient, while recognizing there will always be dark areas within zones.

ACTION: i) Kiyo will make copies of Peter's map, and, ii) will liaise with GCA to provide a more detailed map for the survey.

- d) **Letter to Providers (Inventory Letter):**

There was extensive discussion about how best to elicit information from telecommunication providers. The merits of an introductory letter/email inquiring about appropriate contacts were discussed. Network BC is a way in for obtaining contact information. CRD Information Technology people are other contacts.

ACTION: Mike Hoebel will lead, or provide advice to team members, contacting service providers.

- e) **Antennae siting protocol:**

Discussion deferred to next meeting.

- f) **Mount Parke letter:**

There was lots of discussion with respect to approach. Objective is to make letter an entrée to a subsequent telephone phone call or available contact for follow-up. Ask for public information and then probe after receiving the package of public information. Trying to understand how Mount Parke works. How many installations are up there, and then, we want to find out about regulatory limits being exceeded. Develop the

ADOPTED

picture a little before asking the tough questions. Is Mount Parke unique, and if so, how?

- g) **Update on CREST:** Have been leasing Stockade Hill since 2008. Documented discussion has been requested. Tower is old and needs to be replaced. Structurally deficient, approx. 25 metres. CREST will be totally replacing tower in 2017. Moving from system of analogue to fully digital, efficiency and reach will be included. Point of CREST is to reduce number of dead zones.
- h) **Budget and Scheduling of Meetings**

Consensus was to meet less frequently. SAPC will continue to work outside of committee meetings and communicate via email.
- i) **Other Items:**
 - 1. Elizabeth Latta will visit both Trustees and explain the survey.
 - 2. Mike Hoebel will circulate a document called "Inside the EMFR Spectrum".

6. ADJOURNMENT

Meeting adjourned at 11:48pm.

7. NEXT MEETING

Tuesday, 1st November, 2016 at 9:30am. Following meeting will be November 15th.

CHAIR

DATE

CERTIFIED CORRECT:

Colleen Doty, Recording Secretary



ADOPTED



**Galiano Island
Special APC: Telecommunication Strategy
Record of Meeting**

Date: November 1, 2016
Location: Islands Trust Office
Madrona Drive, Galiano Island, BC
9:30am

Members Present: ___ Kiyo Okuda
___ Stephen Rybak (Chair, notes)
___ Stephen Akins
___ Elizabeth Latta
___ Joan Robertson
___ Mike Hoebel
___ Peter Midgley



Meeting Record: Colleen Doty (not present)

1. CALL TO ORDER

Chair Rybak called the meeting to order at 9:30am.

2. APPROVAL OF AGENDA

By **general consent** the agenda to discuss the siting protocol was approved.

3. MEETING

3.1 The Protocol working group discussed the following information:

Peter Midgley: 1) reported on anticipated meeting with Beacon Wireless, contacted Sig Luft and information will be sought
2) reported on meeting and ongoing correspondence with Rogers, Sam Sugita left info request; no immediate plans; Stockade Hill closed; 4G technology coming

Mike Hoebel: 1) reported on Telus correspondence, Ray Lawson, GM Telus Vancouver Island; obtained wire coverage map, unaware of plans to extend coverage, including fibre optics
2) reported on correspondence with Shaw, Andrew Galbraith, planner; obtained wire coverage map, smaller than Telus; no plans for expansion.
- recalled customer contribution stance by Shaw on Mayne Island



ADOPTED

3) CREST - affirmed information on CREST upgrade, \$200K tower for Stockade Hill, retaining analogue on Galiano.

Kiyo Okuda: 1) presented Survey map, based on ridge lines on Conservancy top map

Joan Robertson:

- 1) will redraft Mount Parke letter, to include request on Industry Canada's monitoring of Safety Code 6 compliance.

3.2 Antenna Siting Protocol - members reviewed an initial draft and provided input for a second (still incomplete) draft.

4. ADJOURNMENT

Meeting adjourned at 12:30pm.

5. NEXT MEETING

Tuesday, 15th November, 2016 at 9:30am.

CHAIR

DATE

CERTIFIED CORRECT:

Stephen Rybak, Chair

Follow Up Action Report

Galiano Island

07-Mar-2016

Activity	Responsibility	Target Date	Status
1. Staff to add Affordable Housing Strategy and Dock Review to Top Priorities - DONE	Kim Stockdill	25-Mar-2016	On Going
2. LTC (local trustees) to review Affordable Housing Toolkit to determine what aspects of Affordable Housing should be addressed.			

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)	Kim Stockdill	01-Jul-2016	On Going

29-Aug-2016

Activity	Responsibility	Target Date	Status
GL-RZ-2016.1 (Wolstenholme)	Sharon Lloyd-deRosario	25-Nov-2016	On Going
1. Second Reading given to Bylaw Nos. 259 & 260. - Done	Kim Stockdill		
2. Third Reading given to Bylaw Nos. 259 & 260. - Done			
3. Staff to refer Bylaw Nos. 259 & 260 to EC - Done			
4. Staff to refer Bylaw No. 259 to Minister. - Done			
5. Applicant must register s. 219 covenant with rainwater collection requirements as a condition of bylaw adoption. (In progress)			
6. Applicant/property owner to install a meter to existing well in order to provide data to the Islands Trust with respect to water consumption as a condition of final approval.			

**Follow Up Action Report**

GL-RZ-2016.2 (Galiano Conservancy)	Sharon Lloyd-deRosario	28-Oct-2016	On Going
1. Staff to draft LUB & OCP bylaws. (In progress)	Kim Stockdill		
2. Applicant must provide groundwater assessment report. (In progress)	Rob Milne		
Dock Review Project	Kim Stockdill	30-Sep-2016	Done
1. Staff to draft an online survey regarding dock policies and regulations.(IN PROGRESS)			

07-Nov-2016

Activity	Responsibility	Target Date	Status
Adoption of Minutes:	Regina Robinson	18-Nov-2016	Done
1. September 19, 2016 LTC meeting minutes adopted as is.			
2. October 1, 2016 LTC meeting minutes adopted as is.			
3. September 19, 2016 LTC Public Hearing minutes adopted as amended.			
4. October 1, 2016 LTC Public Hearing minutes adopted as is.			
GL-TUP-2016.6 (Harrison & Kramer)	Sharon Lloyd-deRosario	18-Nov-2016	Done
1. TUP amended to permit a maximum of four (4) guests. Staff to amend permit.	Phil Testemale		
2. TUP approved as amended. Staff to issue permit.			
GL-TUP-2016.7 (Humphry) approved. Staff to issue permit.	Sharon Lloyd-deRosario	18-Nov-2016	Done
GL-TUP-2016.8 (Waterfall & Kowalski)	Sharon Lloyd-deRosario	18-Nov-2016	Done
1. TUP amended to require a rainwater catchment system with a storage capacity of 8,000L within 12 months of date of permit issuance. Staff to amend permit.	Phil Testemale		
2. TUP approved as amended. Staff to issue permit.			
GL-TUP-2016.9 (Keating & Young) approved. Staff to issue permit.	Sharon Lloyd-deRosario	18-Nov-2016	Done



Follow Up Action Report

GL-RZ-2011.1 (Galiano Green)

1. Bylaw No. 233 was given Third Reading. - Done
2. Bylaw No. 234 be amended as per recommendations in staff report dated November 7, 2016 (Recommendation Nos. 2, 3, & 4). - DONE.
3. Bylaw No. 234 was given Third Reading as amended. - Done
4. Staff to revise Housing Agreement Bylaw No. 261 to remove requirement to appoint leaseholder to the CMC and a requirement for a minimum of five rental units.
5. Staff to revise s. 219 covenant as per recommendations in staff report dated November 7, 2016 (recommendation no. 7).

Sharon Lloyd-deRosario 02-Dec-2016 On Going
Robert Kojima

Telecommunication Strategy Project

25-Nov-2016

Done

1. Staff to include a survey on gaps and needs in telecom services in conjunction with the Dock Project survey.

LTC Meeting Schedule

Regina Robinson

25-Nov-2016

Done

1. Staff to schedule Winter meetings (Dec 5/16, Feb 6/17, and March 6/17) to start at 11am instead of 12:30pm.
2. LTC adopted 2017 meeting schedule as presented.

In-Camera Minutes

Regina Robinson

25-Nov-2016

Done

1. In-camera minutes of June 6, 2016 adopted as is.
2. In-camera minutes of August 29, 2016 adopted as is.

Appointments

Sharon Lloyd-deRosario

18-Nov-2016

Done

1. Staff to notify appointments to the Galiano Island APC for Judy Parrack and Bowie Keefer.
2. Staff to notify appointment of secretary to Galiano Island APC and SAPC to Heather Martin.

Regina Robinson



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 497 Date: November 15, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response by December 31, 2016. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Mr. Leonard Brown, Wisteria Guest House Ltd.

PURPOSE OF BYLAW:

To rezone the subject property from Commercial Accommodation 4 (CA4) to Residential 6 (R6).

GENERAL LOCATION:

Lot 15 Park Drive, Salt Spring Island, BC, V8K 2S1

LEGAL DESCRIPTION:

PID 003-766-390, LOT 15, SECTIONS 2 AND 3, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 18728

SIZE OF PROPERTY AFFECTED:

0.19ha (0.46 acre)

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Ganges Village Upper (GVU)

OTHER INFORMATION:

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

Shelley Miller
(Signature)

Name:

Shelley Miller

Title:

Planner 1

This referral has been sent to the following agencies:

Regional Agencies CRD – All Referrals & K. Campbell CRD – SSI Economic Development Commission CRD – SSI Senior Manager CRD – SSI Building Inspection CRD – SSI Director CRD – SSI Transportation Commission CRD – Environmental Eng. Division CRD – Ganges Water & Sewer Commission CRD – SSI Liquid Waste Disposal Local Service Commission	Adjacent Local Trust Committees and Municipalities Galiano Island Local Trust Committee Mayne Island Local Trust Committee North Pender Island Local Trust Committee Thetis Island Local Trust Committee Cowichan Valley Regional District
Provincial Agencies Ministry of Transportation & Infrastructure Ministry of Natural Resource Operations – Archaeology Branch Ministry of Forest Lands & Natural Resource Operations – Environment Ministry of Forest Lands & Natural Resource Operations – Front Counter BC	First Nations Cowichan Tribes Halalt First Nation Lake Cowichan First Nation Lyackson First Nation Penelakut Tribe Stz'uminus First Nation
Non-Agency Referrals North Salt Spring Waterworks District SSI Fire-Rescue SSI Salmon Enhancement Society	Malahat First Nation Pauquachin First Nation Tsartlip First Nation Tsaywout First Nation Tseycum First Nation Semiahmoo First Nation Tsawwassen First Nation Hul'qumi'num Treaty Group (for information only) Te'Mexw Treaty Association (for information only)

PLEASE TURN OVER ➔

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)

497

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

DATE OF MEETING: December 5, 2016

TO: Galiano Island Local Trust Committee

FROM: Rob Milne, Island Planner
Victoria Office

SUBJECT: Temporary Use Permit for an Commercial Vacation Rental

Applicant: David and Andrea Orr

Location: 2381 Sturdies Bay Road

RECOMMENDATION

1. That the Galiano Island Local Trust Committee amend proposed Temporary Use Permit 2016.11 (Orr) by including the requirement to provide an additional rainwater storage cistern of 8,000 litres capacity within twelve (12) months of the date of issuance for the permit.
2. That the Galiano Island Local Trust Committee approve Temporary Use Permit GL-TUP-2016.11 (Orr) as amended.

REPORT SUMMARY

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

In summary, the above recommendation for the issuance of the TUP is supported as it has not been opposed by any neighbouring property owners, the rationale is reasonable, it meets the specific guidelines of the OCP, and the guest capacity is reasonable. Additionally, the proposed permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance or, ultimately, for the LTC to not renew the TUP.

Figure One – Site Context



BACKGROUND

The proposal is for a TUP for a Commercial Vacation Rental use within an existing single family dwelling. The application is the result of the bylaw enforcement action for illegal short term vacation rentals on Galiano (see 'Site Context' – Attachment 1).

The applicant advises in their application that they have applied for the TUP to help defray the costs of property maintenance and the mortgage for the property, as well as to support the local economy by attracting visitors to the Island. In addition, they want to bring the property into compliance with the bylaw regulations.

The subject residence is 148.6 m² (1,597.4 ft²) in area of which 74.32 m² (800 ft²) will be rented. The unrented area is a locked basement which is inaccessible to renters and used to store linens and towels as well as personal items of the owners. There are no other dwellings on the property. The applicants advertise on VRBO and provide three (3) parking spaces.

There is no construction or land alteration associated with this application.

The proposed TUP is for a term of three (3) years which can be renewed for a further three (3) years by application.

A copy of the proposed GL-TUP-2016.11 and a completed TUP checklist are attached.

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

- 4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for a commercial vacation rental within a dwelling unit is consistent with the above policies.

Official Community Plan (TUPs):

The property is designated as Village Residential 2 (VR2) in the Galiano Island Official Community Plan No. 108, 1995 (OCP). The Guidelines for the TUPs for Commercial Vacation Rentals are contained in the Official

Community Plan. Conformity of the proposal with the objectives and guidelines for TUP applications for vacation rentals is analyzed in the 'TUP – Commercial Vacation Rental' Checklist (Attachment 3).

Development Permit Area 2 – Shoreline is designated on the subject property (see Attachment 2 - Mapping). No development activity requiring a DP is proposed.

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

Land Use Bylaw

The property is zoned as Village Residential 2 (VR2) in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB).

The property is within the Water Management Area established in the LUB wherein a building permit for a dwelling would require a cistern for rainwater collection.

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:

TUP Objectives and Guidelines:

The attached 'TUP Checklist for Commercial Vacation Rental' analyzes the proposal for compliance with objectives and guidelines of the OCP. The proposal is compliant.

Water & Septic

The subject property is within the Water Management Area established in the LUB. The dwelling is 149 m² in size of which the rental portion is 74.3 m² in area. There is the potential for increased water usage resulting from the use, although the purpose of this permit is to legalize an already existing vacation rental use. TUP-2016.3 was issued to the adjacent southerly property this past spring to legalize an ongoing commercial vacation use. In both cases the issuance of a TUP is not anticipated to result in significant changes to existing water usage patterns.

Water is currently provide by a shallow well located underneath the front deck and the applicants advise that there have never been any issues regarding the colour, taste or quantity of water supplied by the well. Existing storage is currently provided by an 8000 litre rainwater cistern. New dwellings in the Water Management Area require a minimum 16,000 litre capacity rainwater catchment cistern be installed. The applicants also note that they provide commercial jugs of potable water in a dispenser for the use of guests.

The house was built in 1979 and the owner believes that it is the original septic field. The applicant advises that the septic system was flushed and the tank pumped out this year. A new pump has also been installed

Applicant's Rational for the Proposed Use

The applicant advises in their application that they have applied for the TUP to help defray the costs of property maintenance and the mortgage for the property, as well as to support the local economy by attracting visitors to the Island. In addition, they want to bring the property into compliance with the bylaw regulations.

Response to Neighbour and Public Notification

At the time of writing, there has been no response to the notification process.

Permit Conditions

The proposed TUP incorporates most of the conditions that have been established in the OCP, including water conservation measures. The permit allows for a maximum of six (6) guests in the two bedrooms.

Circulation/Consultation:

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on November 23, 2016. The notification period will end at 4:30 p.m. December 2, 2016.

As stated above, staff has received no submissions to date. Any comments received after the writing of this report will be separately distributed to the LTC and brought to the meeting.

Rationale for Recommendation:

The rationale for the staff recommendation on Page 1 is that the TUP objectives and guidelines have been met; the applicant's rationale for applying is reasonable; it brings the use into compliance with the bylaws; the dwelling is modest in size and the maximum number of guests is consistent with the OCP guidelines; the current use of a shallow well and the stated practice of providing commercial potable water supports a condition to include cistern storage capacity to the LUB standard with the reasonable consideration that it must be installed within 12 months from the date of issuance of the permit. The permit conditions mitigate the potential for issues to arise from the proposed use.

ALTERNATIVES

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

1. Approve the permit as presented

The LTC may choose to approve the proposed permit as presented.

Resolution:

That the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-TUP-2016.11 (Orr).

2. Request further information

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

Resolution:

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

3. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee deny application GL-TUP-2016.11 (Orr).

Submitted By:	Rob Milne, RPP, MCIP	November 21, 2016
Concurrence:	Robert Kojima, Regional Planning Manager	November 22, 2016

ATTACHMENTS

1. Site Context
2. Maps
3. TUP Checklist
4. Notice
5. Proposed Temporary Use Permit GL-TUP-2016.11 (Orr)

ATTACHMENT 1: SITE CONTEXT

LOCATION

Legal Description	Lot 2, Section 4 and 5, Galiano Island, Cowichan District, Plan 16826
PID	004-076-168
Civic Address	2831 Sturdies Bay Road
Property Size	0.19 ha (0.47 ac).
Site Description	The property is a small “L” shaped waterfront property at the head of Whaler Bay. There is one direct neighbour to the north and south. The lot to the north has a similar “panhandle” connection to Sturdies Bay Road. All surrounding properties are residential and of a relatively similar size. (see mapping attached).

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential. The adjacent lot to the south was issued a TUP for commercial vacation rentals in the Spring of 2016.

HISTORICAL ACTIVITY

File No.	Purpose
None	

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as Village Residential 2 (VR2) in the in the Galiano Island Official Community Plan No. 108, 1995 (OCP).
Land Use Bylaw	The property is zoned as Village Residential 2 (VR2) in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB).
Other Regulations	The property has the following Development Permit Area (see mapping attached)designated on it: • DPA 2 – Shoreline Marine Note: there is no development associated with the application.
Covenants	There are no covenants registered on the title of the property.
Bylaw Enforcement	The application is for compliance with the LTC enforcement strategy (property file: GL-BE-2015.27) for illegal STVRs on the island. There are no other enforcement issues recorded for the property.

SITE INFLUENCES

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

Species at Risk	N/A
Sensitive Ecosystems	N/A
Hazard Areas	N/A
Archaeological Sites	There are no identified archaeological sites on the property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no development associated with this application therefore GHG emission changes resulting from approval and anticipated or possible climate change induced hazards are neutral.
Shoreline Classification	The identified shoreline type is pebble/sand beach.

ATTACHMENT 2: MAPPING
ZONING AND ORTHOPHOTO



DEVELOPMENT PERMIT AREA



**ATTACHMENT 3: TUP Checklist for Commercial Vacation Rental: GL-TUP-2016.11 (Orr) –
2381 Sturdies Bay Road**

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “commercial vacation rental” means the use of a <i>residence</i> as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier	Complies, by definition of the use in TUP
b) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	Given that this application is intended to legalize a long term existing use it is not anticipated that approval of the permit would result in a net change to potential impacts upon the area. A similar TUP was issued to the adjacent southerly property in the Spring of 2016.
c) Residential Appearance - The Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.	No alterations proposed
d) Neighbour Concerns - The Local Trust Committee may require mitigating measures to address neighbours’ concerns, such as retention of existing screening and fencing, or installation of additional screening.	At the time of writing, notification has not generated any comments
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min);or, ▪ Letter from Professional Hydrologist with experience with Groundwater assessing a recent pump test for adequate quantity for use and no impacts on neighboring properties. Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property	This property is within a Water Management Area Water is currently provided by a shallow well under a deck at the front of the house. The applicants advise that there have never been any issues regarding the colour, taste or quantity of water supplied by the well. Existing storage is currently provided by an 8000 litre rainwater cistern The dwelling is 149 m² in size of which the rental portion is 74.3 m² in area. Septic: The house was built in 1979 and the owner believes that it is the original septic field. The applicant advises that the septic system was flushed and the tank pumped out this year. A new pump has also been installed
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Minimum two (2) spaces is a condition in Draft Permit.
Permit Conditions	
g) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	.
i. require that the owner or other contact be available on Galiano by telephone 24 hours/day, seven days per week and include the name and	Condition in Draft Permit.

Guidelines	Comments
contact information in the conditions of the permit	
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Condition in Draft Permit.
iii. require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area	Condition in Draft Permit.
iv. establish a maximum number of people that can stay	Maximum of 6 Is a condition in Draft Permit.
v. establish a maximum number of guests per bedroom	Maximum of 4 Is a condition in Draft Permit.
vi. prohibit camping or occupancy of RVs on the property	Condition in Draft Permit.
vii. restrict advertising to one unilluminated sign, with a maximum area	0.4 m ² , unilluminated and on subject property as a condition in Draft Permit.
viii. prohibit the rental or provision of motorized personal watercraft	Condition in Draft Permit.
ix. prohibit outdoor fires	Condition in Draft Permit.
x. establish the dates during which the use may occur	The cottage is currently rented year round for short term vacation rentals.
xi. include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received	Between 9 a.m. and 5 p.m. of any day as a condition in Draft Permit.
xii. require that the landowner/operator post for guests emergency service contact information and to provide a means for contacting them	Condition in Draft Permit.
xiii. require the landowner/operator to post contact information and permit information at the entrance to the property	Condition in Draft Permit.
Agriculture Land Reserve	
h) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A

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



Attachment 4: Notice

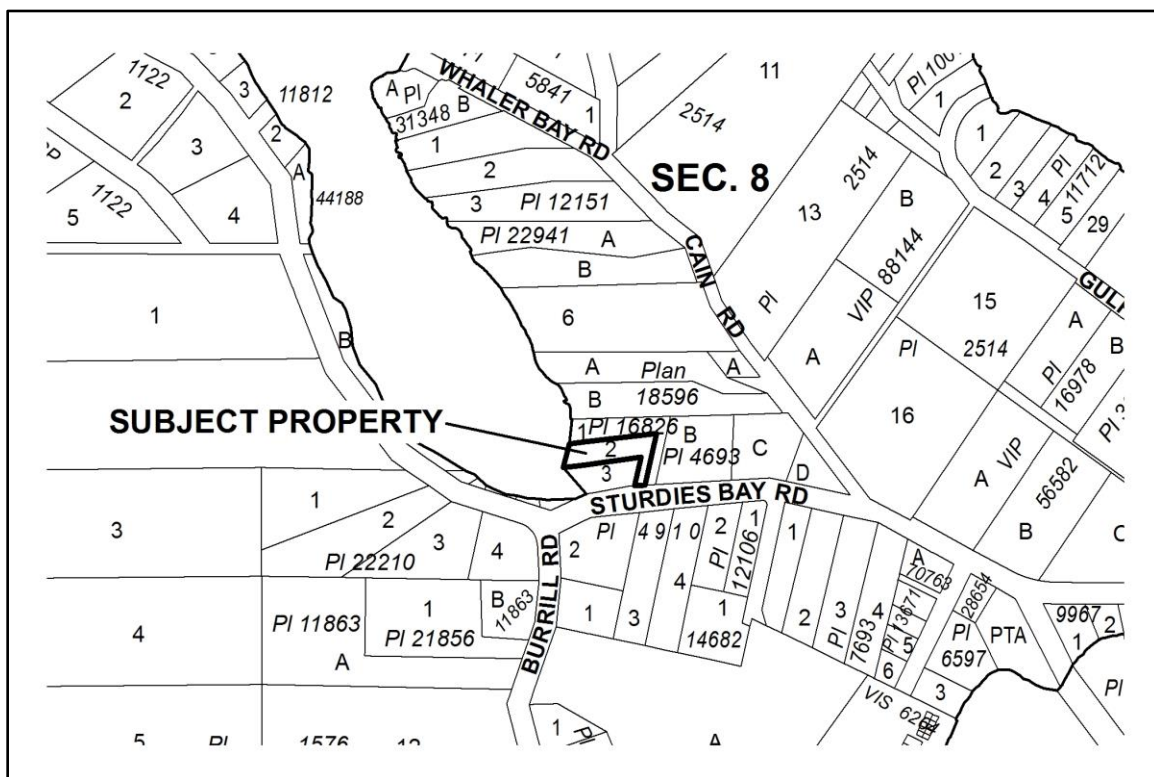
Islands Trust

NOTICE GALIANO ISLAND LOCAL TRUST COMMITTEE GL-TUP-2016.11

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot 2, Sections 4 and 5, Galiano Island, Cowichan District, Plan 16826 (PID:004-076-168) – **2381 Sturdies Bay Road**.

The purpose of this temporary use permit would be to permit a “commercial vacation rental” in the main dwelling unit on the subject property. The establishment of the temporary use would be subject to a number of conditions specified in the permit. The permit would be issued for up to three years and the owner may apply to the Galiano Island Local Trust Committee to have it renewed once for up to an additional three years.

The general location of the subject property is shown in 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. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **November 21, 2016** and up to and including **December 2, 2016**.

For the convenience of the public only, and not to satisfy Section 494(1) (a) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing **November 21, 2016**.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, 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 p.m., December 2, 2016**. The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **11:00 am, December 5, 2016**, at the South Community Hall, 141 Sturdies Bay Road, Galiano Island, BC.

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



Islands Trust

PROPOSED

**GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2016.11 (Orr)**

2381 Sturdies Bay Road

To: David Orr and Andrea Orr

1. This Permit applies to the land described below:

Lot 2, Sections 4 and 5, Galiano Island, Cowichan District, Plan 16826
(PID:004-076-168)

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

- a) a Commercial Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) the property owner or other contact person be available on Galiano Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and on island contact person must be provided to guests upon arrival;
 - b) the property owner or Commercial Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact persons phone number, and a copy of the temporary use permit;
 - c) the property owner or Commercial Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
 - d) the maximum number of guests is limited to six (6) persons;
 - e) the maximum number of guests per bedroom is four (4) persons;
 - f) camping and occupancy of recreational vehicles are prohibited;
 - g) a maximum of one sign unilluminated not exceeding a total sign area of 0.4 square metres advertising the Commercial Vacation Rental is permitted. The sign must be located on the lot occupied by the Commercial Vacation Rental use;
 - h) the rental or provision of motorized personal watercraft is prohibited;
 - i) all outdoor fires are prohibited;
 - j) the owner must provide parking for a minimum of two (2) vehicles on the property;
 - k) the property owner or Commercial Vacation Rental operator must post for guests emergency service contact information and to provide a means for contacting them;
 - l) the property owner or Commercial Vacation Rental operator must post name and contact number of property owner and on island contact person, and permit information at the entrance to the property; and

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

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS Xth DAY OF MONTH, 201X.

Deputy Secretary, Islands Trust

Date Issued

File No.: GL-TUP- 2016. 12
(Inverarity)

DATE OF MEETING: December 5, 2016

TO: Galiano Island Local Trust Committee

FROM: Rob Milne, Island Planner
Victoria Office

SUBJECT: Temporary Use Permit for an Commercial Vacation Rental

Applicant: Geoffrey Inverarity

Location: 1506 Ellis Road

RECOMMENDATIONS

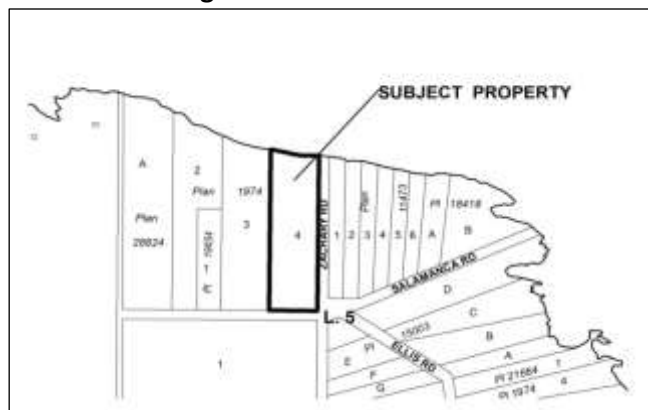
1. That the Galiano Island Local Trust Committee amend proposed Temporary Use Permit 2016.12 (Inverarity) by including the requirement to provide a rainwater water catchment system with a cistern storage capacity of 16,000 litres as per the LUB requirements for Water Management Areas and that the catchment system be installed within twelve (12) months of the date of issuance for the permit.
2. That the Galiano Island Local Trust Committee approve proposed Temporary Use Permit 2016.12 (Inverarity) as amended.

REPORT SUMMARY

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

In summary, the above recommendation for the issuance of the TUP is supported as it has not been opposed by any neighbouring property owners, the rationale is reasonable, it meets the specific guidelines of the OCP, and the guest capacity is reasonable. Additionally, the proposed permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance or, ultimately, for the LTC to not renew the TUP.

Figure One – Site Context



BACKGROUND

The proposal is for a TUP for a Commercial Vacation Rental use of an existing single family dwelling. The application is the result of the bylaw enforcement action for illegal short term vacation rentals on Galiano (see 'Site Context' – Attachment 1).

The applicant has stated that they have been able to keep, maintain, and live in the residence (whenever possible) by making it available for short term vacation rentals. It is their hope to move full time to Galiano Island when circumstances permit. In addition, they want to bring the property into compliance with the bylaw regulations. The house size is 74.3 m² (800 ft²) and there are no other dwellings on the property. They advertise on VRBO and Airbnb. They have two (2) parking spaces.

There is no construction or land alteration associated with this application.

The proposed TUP is for a term of three (3) years which can be renewed for a further three (3) years by application.

A copy of the proposed GL-TUP-2016.12 and a completed TUP checklist are attached.

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

- 4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for commercial vacation rental of a dwelling unit is consistent with the above policies.

Official Community Plan (TUPs):

The property is designated as Small Lot Residential (SLR) in the in the Galiano Island Official Community Plan No. 108, 1995 (OCP). The Guidelines for the TUPs for Commercial Vacation Rentals are contained in the Official Community Plan. Conformity of the proposal with those guidelines is analyzed in the 'TUP – Commercial Vacation Rental' Checklist (Attachment 3).

Development Permit Area 2 – Shoreline is designated on the subject property (see Attachment 2 - Mapping). No development activity requiring a DP is proposed.

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

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 within the Water Management Area established in the LUB.

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:

TUP Objectives and Guidelines:

The attached 'TUP Checklist for Commercial Vacation Rental' analyzes the proposal for compliance with objectives and guidelines of the OCP. The proposal is considered to be generally compliant.

Water & Septic

The subject property is within a Water Management Area established in the LUB. The dwelling is 74.3 m² (800 ft²) in size on a water front lot 2.99 ha (7.65 acre) in area. There is the potential for increased water usage resulting from the use, although the purpose of this permit is to legalize an already existing vacation rental use.

The applicant indicates the well on the property has a static level of 106.7 metres (350 ft.) and a yield of 1.14 litres/min (0.25 g.p.m.) as advised by the well driller Red Williams.

There is no rainwater catchment system on the property although there is a surface reservoir with a capacity of 9,000 litres (2000 gal.). New dwellings in the Water Management Area require a minimum 16,000 litre capacity rainwater catchment cistern be installed. Given the low production rate of the well and the unreliability of surface ponds for water supplies a condition to include cistern storage capacity to that standard has been recommended for inclusion in the proposed TUP with the reasonable consideration that it must be installed within 12 months from the date of issuance of the permit.

No documentation was provided with respect to the septic system. The applicants advise that the system was cleaned in June of this year.

Applicant's Rational for the Proposed Use

The applicant has stated that they have been able to keep, maintain, and live in the residence (whenever possible) by making it available for short term vacation rentals. It is their hope to move to Galiano Island to live full time when circumstances permit. In addition, they want to bring the property into compliance with the bylaw regulations.

Response to Neighbour and Public Notification

At the time of writing, there has been no response to the notification process.

Permit Conditions

The proposed TUP incorporates most of the conditions that have been established in the OCP, with the exception of water conservation measures. The permit allows for a maximum of seven (7) guests in three (3) bedrooms.

Circulation/Consultation:

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on November 23, 2016. The notification period will end at 4:30 p.m. December 2, 2016.

As stated above, staff has received no submissions to date. Any submissions received after the completion of the report will be distributed to the LTC and brought to the meeting.

Rationale for Recommendation:

The rationale for the staff recommendation on Page 1 is that the TUP objectives and guidelines have been met; the applicant's rationale for applying is reasonable; it brings the use into compliance with the bylaws; the dwelling is modest in size and the maximum number of guests is consistent with the OCP guidelines; and the low production rate of the well and the unreliability of surface ponds for water supplies supports a condition to include cistern storage capacity to the LUB standard with the reasonable consideration that it must be installed within 12 months from the date of issuance of the permit. The permit conditions recommended mitigate the potential for issues to arise from the proposed use.

ALTERNATIVES

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

1. Amend the permit to include a smaller cistern requirement

The LTC may choose to amend the proposed permit to include a requirement that a rainwater catchment system with 8,000 litre capacity standard be installed.

Resolution:

That the Galiano Island Local Trust Committee amend the proposed Temporary Use Permit 2016.12 (Inverarity) by including the requirement to provide a rainwater water catchment system with a cistern storage capacity of 8,000 litres within twelve (12) months of the date of issuance for the permit.

2. Approve the permit as presented

The LTC may choose to approve the proposed permit as presented.

Resolution:

That the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-TUP-2016.12 (Inverarity).

3. Request further information

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

Resolution:

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

4. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee deny application GL-TUP-2016.12 (Inverarity)

Submitted By:	Rob Milne, RPP, MCIP Island Planner	November 21, 2016
Concurrence:	Robert Kojima, Regional Planning Manager	November 22, 2016

ATTACHMENTS

1. Site Context
2. Maps
3. TUP Checklist
4. Notice
5. Proposed Temporary Use Permit GL-TUP-2016.12 (Inverarity)

ATTACHMENT 1: SITE CONTEXT

LOCATION

Legal Description	Lot 4, Block 1, District Lot 5, Galiano Island, Cowichan District, Plan 1974
PID	006-620-264
Civic Address	1506 Ellis Road
Property Size	2.99 ha (7.65 acre)
Site Description	The property is located on a parcel running north-south off of Ellis Road. It is a waterfront parcel that is well treed and private. The house is located near the northern water frontage of the property along with several small accessory buildings. (See mapping attached).

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
None	

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as Small Lot Residential (SLR) in the in the Galiano Island Official Community Plan No. 108, 1995 (OCP).
Land Use Bylaw	The property is zoned as Small Lot Residential (SLR) in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB).
Other Regulations	The property has the following Development Permit Area (see mapping attached)designated on it: • DPA 2 – Shoreline Marine Note: there is no development associated with the application.
Covenants	There are no covenants registered on the title of the property.
Bylaw Enforcement	The application is for compliance with the LTC enforcement strategy (property file: GL-BE- 2016.10) for illegal STVRs on the island. There are no other enforcement issues recorded for the property.

SITE INFLUENCES

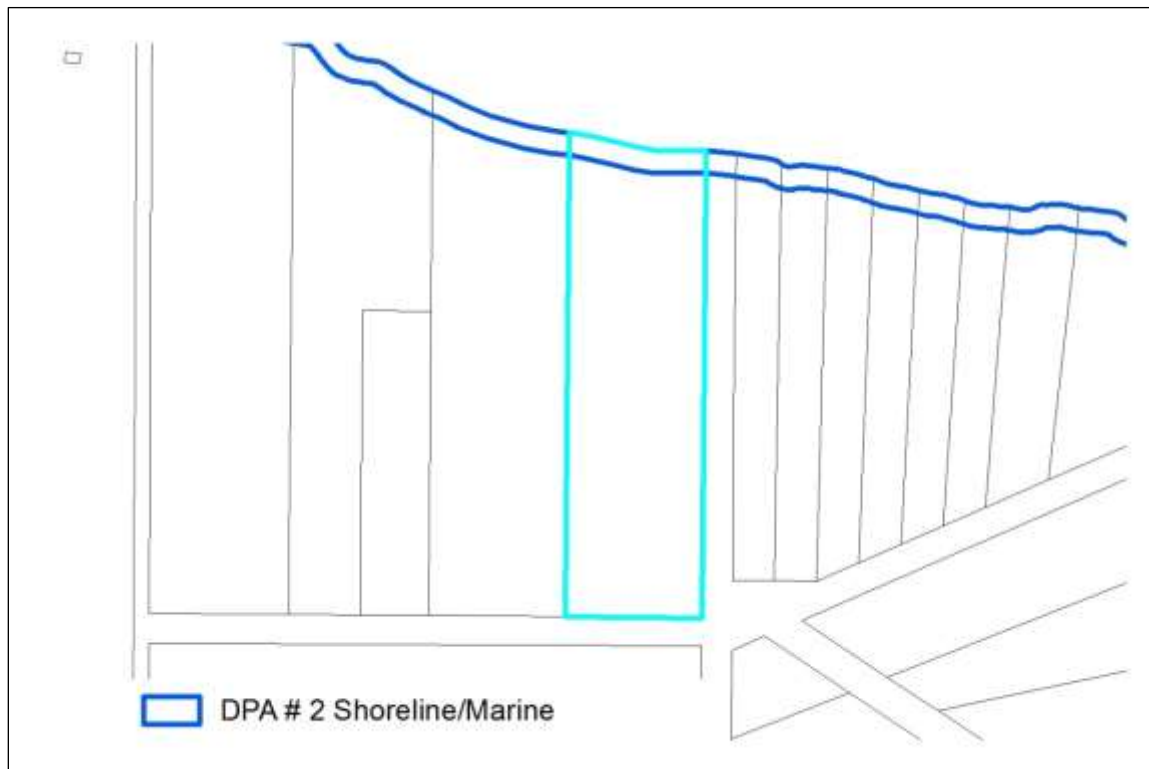
Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.

Species at Risk	N/A
Sensitive Ecosystems	N/A
Hazard Areas	N/A
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres on the provincial RAAD database. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no development associated with this application therefore GHG emission changes resulting from approval and anticipated or possible climate change induced hazards are neutral.
Shoreline Classification	Sea Cliff

ATTACHMENT 2: MAPPING
ZONING AND ORTHOPHOTO



DEVELOPMENT PERMIT AREA



ATTACHMENT 3: TUP Checklist for Commercial Vacation Rental: GL-TUP-2016.12 (Inverarity) – Road

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “commercial vacation rental” means the use of a <i>residence</i> as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier	Complies, by definition of the use in TUP.
b) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	This is the first application for a STVR for this area of Galiano Island.
c) Residential Appearance - The Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.	No alterations proposed.
d) Neighbour Concerns - The Local Trust Committee may require mitigating measures to address neighbours’ concerns, such as retention of existing screening and fencing, or installation of additional screening.	At the time of writing, notification has not generated any comments.
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min);or, ▪ Letter from Professional Hydrologist with experience with Groundwater assessing a recent pump test for adequate quantity for use and no impacts on neighboring properties. Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	This property is within a Water Management Area The property is serviced by a well that has a static level of 106.7 metres (350 ft.) and a yield of 1.14 litres/min (0.25 g.p.m.) as advised by the well driller Red Williams. There is currently no cistern for storage of rainwater but there is an open surface reservoir with a capacity of 9,000 l. (2000 gal.)
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Minimum two (2) spaces is a condition in Draft Permit.

Guidelines	Comments
Permit Conditions	
g) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. require that the owner or other contact be available on Galiano by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit	Condition in Draft Permit.
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Condition in Draft Permit.
iii. require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area	Condition in Draft Permit.
iv. establish a maximum number of people that can stay	Maximum of seven (7) as a condition in Draft Permit.
v. establish a maximum number of guests per bedroom	Maximum of three 3 as a condition in Draft Permit.
vi. prohibit camping or occupancy of RVs on the property	Condition in Draft Permit.
vii. restrict advertising to one unilluminated sign, with a maximum area	0.4 m ² , unilluminated and on subject property as a condition in Draft Permit.
viii. prohibit the rental or provision of motorized personal watercraft	Condition in Draft Permit.
ix. prohibit outdoor fires	Condition in Draft Permit.
x. establish the dates during which the use may occur	No condition for dates in Draft Permit. The owners only rent the cottage periodically between April and October.
xi. include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received	Between 9 a.m. and 5 p.m. of any day as a condition in Draft Permit.
xii. require that the landowner/operator post for guests emergency service contact information and to provide a means for contacting them	Condition in Draft Permit.
xiii. require the landowner/operator to post contact information and permit information at the entrance to the property	Condition in Draft Permit.
Agriculture Land Reserve	
h) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A

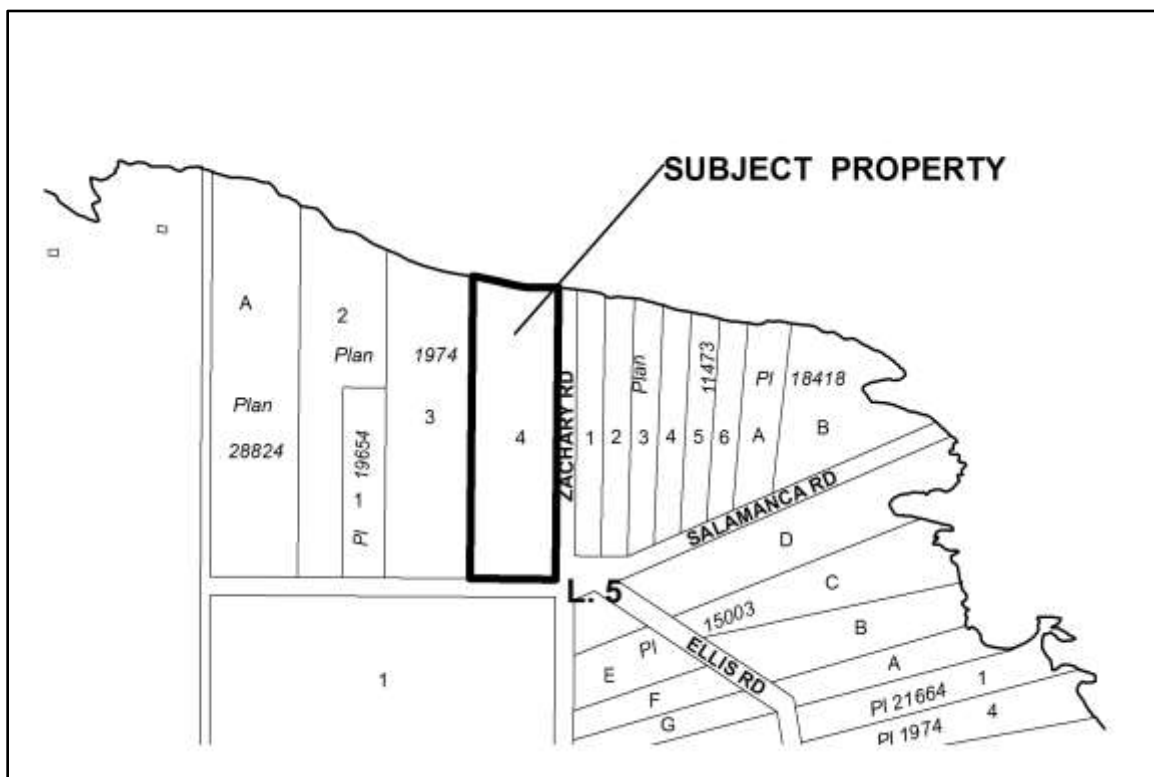
***Water Management Areas** – as established on Schedule C of the *Galiano Island Land Use Bylaw No. 127, 1999*

NOTICE
GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-TUP-2016.12

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot 4, Block 1, District Lot 5, Galiano Island, Cowichan District, Plan 1974 (PID: 006-620-264) – **1506 Ellis Road**.

The purpose of this temporary use permit would be to permit a “commercial vacation rental” in the main dwelling unit on the subject property. The establishment of the temporary use would be subject to a number of conditions specified in the permit. The permit would be issued for up to three years and the owner may apply to the Galiano Island Local Trust Committee to have it renewed once for up to an additional three years.

The general location of the subject property is shown in 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. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **November 21, 2016** and up to and including **December 2, 2016**.

For the convenience of the public only, and not to satisfy Section 494(1) (a) of *the Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing **November 21, 2016**.

Enquiries or comments should be directed to Phil Testemale, A/Planner 2 at (250) 405-5170, 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 p.m., December 2, 2016**. The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **11:00 a.m., December 5, 2016**, at the South Community Hall, 141 Sturdies Bay Road, Galiano Island, BC.

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



PROPOSED

**GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2016.12 (Inverarity)**

1506 Ellis Road

To: Geoffrey Inverarity

1. This Permit applies to the land described below:

Lot 4, Block 1, District Lot 5, Galiano Island, Cowichan District, Plan 1974
(PID: 006-620-264)

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

- a) a Commercial Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) the property owner or other contact person be available on Galiano Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and on island contact person must be provided to guests upon arrival;
 - b) the property owner or Commercial Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact persons phone number, and a copy of the temporary use permit;
 - c) the property owner or Commercial Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
 - d) the maximum number of guests is limited to seven (7) persons;
 - e) the maximum number of guests per bedroom is three (3) persons;
 - f) camping and occupancy of recreational vehicles are prohibited;
 - g) a maximum of one sign unilluminated not exceeding a total sign area of 0.4 square metres advertising the Commercial Vacation Rental is permitted. The sign must be located on the lot occupied by the Commercial Vacation Rental use;
 - h) the rental or provision of motorized personal watercraft is prohibited;
 - i) all outdoor fires are prohibited;
 - j) the owner must provide parking for a minimum of two (2) vehicles on the property;
 - k) the property owner or Commercial Vacation Rental operator must post for guests emergency service contact information and to provide a means for contacting them;
 - l) the property owner or Commercial Vacation Rental operator must post name and contact number of property owner and on island contact person, and permit information at the entrance to the property; and

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

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS Xth DAY OF MONTH, 201X.

Deputy Secretary, Islands Trust

Date Issued



DATE OF MEETING: December 5, 2016

TO: Galiano Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Rob Milne, Island Planner

SUBJECT: Temporary Use Permits – Commercial Vacation Rental s – Update Report
Applicants: N/A
Location: N/A

RECOMMENDATION

1. That the Galiano Island Local Trust Committee receive the report for information.

REPORT SUMMARY

The purpose of this report is threefold:

- To report to the Local Trust Committee (LTC) on applications to date with regard to the cumulative impacts of multiple TUP applications in local neighbourhoods.
- To report to the Local Trust Committee (LTC) the approach staff are taking for TUP requirements for cisterns in Water Management Areas (WMAs), specifically that they be consistently included as a condition of a draft TUP.
- To report to the Local Trust Committee (LTC) on the approach staff are taking for TUP applications proposing Commercial Vacation Rental (CVR) use in two dwellings on a single property.

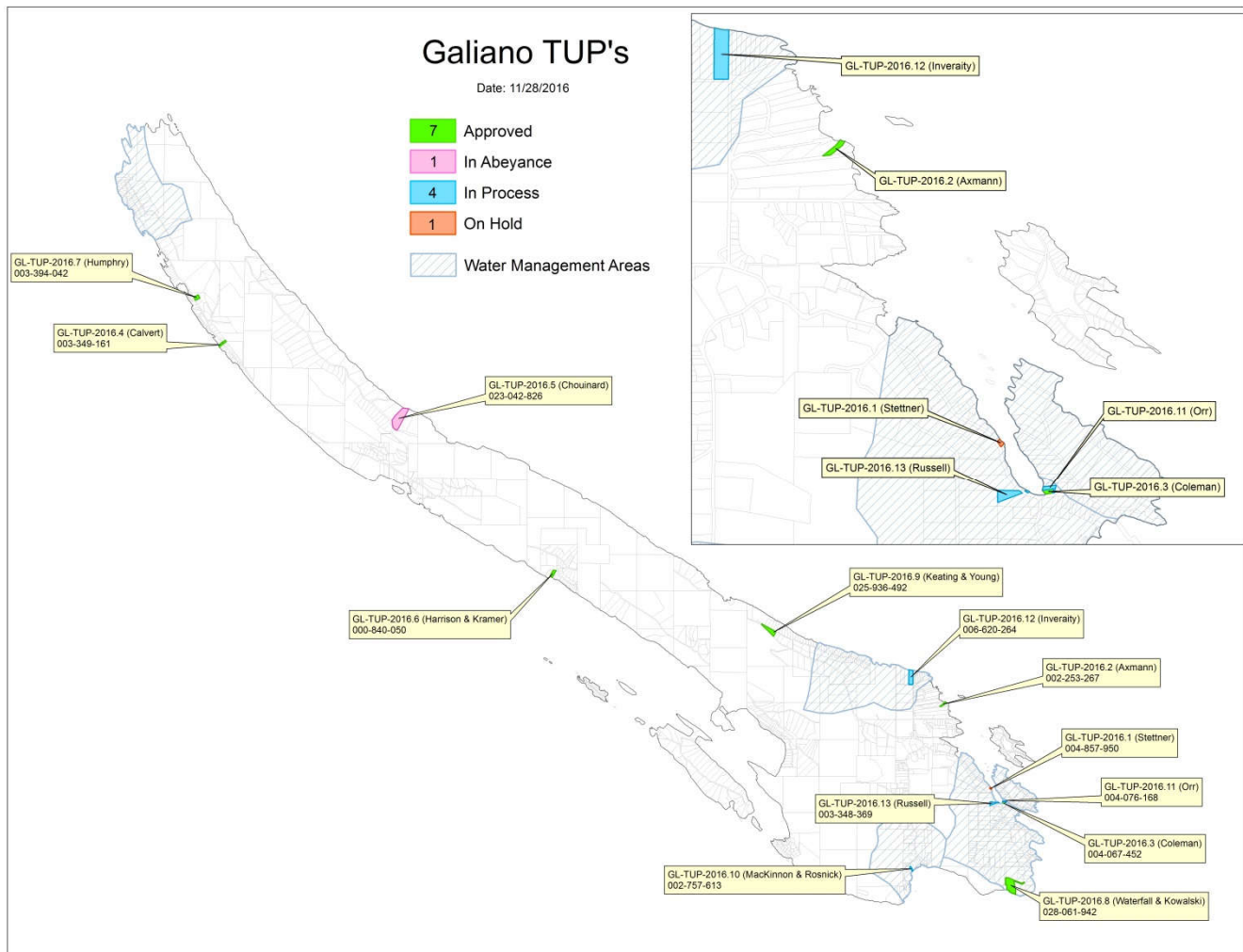
BACKGROUND

Cumulative Impacts

The Mapping Department has created a Map (Figure 1) indicating the location and status of all TUP applications for CVRs received to date.

The map and summary table (inset) shows that applications are well distributed across the island with one area of clustering around the Whaler Bay Inlet. The map is intended as a tool for the LTC, planners and public to monitor these types of TUPs and will be posted online and updated periodically.

Figure 1 – Commercial Vacation Rental TUP Map



Cisterns

A large proportion of applications received to date are located within the WMAs. Staff's approach to date has been to not insert any cistern requirement in the draft TUP that is circulated for notification. This option gives discretion to the LTC to amend the TUP at the time of consideration based on the specific circumstances of the application. The alternative approach discussed below would change this practice to a more consistent and certain approach.

Two Dwellings

Staff have received applications requesting that a principal dwelling and a cottage be used for a CVR on a single property. Staff's interpretation is that general the intent of the TUP guidelines was to consider permitting one CVR in one dwelling per parcel.

Staff are advising the LTC on how staff propose to interpret the intent of the guidelines in relation two dwellings on a property. This is of relevance to one current application and staff anticipate that similar applications are likely to be received.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

N/A.

Official Community Plan:

The TUP Guidelines for CVRs are part of the **Galiano Island Local Trust Committee Official Community Plan Bylaw No. 108, 1995** (pp. 92 & 93)

Land Use Bylaw:

The referenced requirement for a rainwater catchment cistern with a 16,000 litre capacity is Subsection 13.22 (p.48) of the Galiano Island Local Trust Committee Land Use Bylaw No. 147, 2002.

Development Guidelines:

N/A

Issues and Opportunities

Cumulative Impacts:

Staff have provided the mapping in Figure 1 to inform the OCP Guideline for assessing cumulative impacts. Guideline 2.iii. a) states the following:.

the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals;

The map shown as Figure 1 indicates that at this early juncture applications are fairly evenly dispersed across the island. The one area where some concentration has occurred is in Whaler Bay where four of the thirteen applications are located. The map also identifies properties located within the WMAs.

Staff have received minimal responses to notifications and have noted that significant clustering of CVRs have not yet occurred. As such, cumulative impacts have not yet become an issue. This may change as more applications are received, and staff will continue to record locations and provide comment on potential cumulative impacts in future applications.

Cisterns:

Staff are advising the LTC on how staff intend to apply TUP conditions requiring cisterns in the WMA in future applications.

To date, staff have taken the approach with applications in Water Management Areas of recommending that the equivalent to the 16,000 litre rainwater collection cistern for new home construction be applied to TUPs for

CVRs. The LTC has consistently supported this condition with the exception of one application where sufficient information was provided giving a strong rationale to reduce the cistern capacity requirement to 8,000 litres.

In terms of application processing, staff's approach has been to leave this condition out of the draft TUP that is circulated for notification purposes, and informing the applicant that staff would recommend an amendment to the LTC in the staff report. As the condition is placed in the TUP subsequent to notification, and the permit is more restrictive, therefore would not require re-notification. This approach can, to some extent, lead the applicant to argue for and expect discretion from the LTC in the form of a reduced requirement if they do not currently meet the capacity. Based on the LTC's decisions to date, staff are intending to take a more definitive approach in future applications: establishing a condition for a 16,000 litre rainwater catchment system, or equivalent where some capacity already exists, in any draft TUP that is in a WMA except in cases where there are mitigating circumstances. This would have the effect of giving more certainty to the applicant and neighbouring properties that a consistent approach to water conservation in critical areas is being taken. However, if the LTC were to reduce or remove the condition at the meeting (i.e. removing or reducing the cistern capacity) the TUP would have to be recirculated thereby allowing neighbouring property owners or the general public to review the amended permit.

The drawbacks of this approach are: the potential added cost for recirculation as the cost of advertising in the newspaper is on the order of \$600 plus; the potential added timeframe for the applicant; and, the possibility of some confusion or ambiguity with neighbours potentially receiving two notifications for the same application without an obvious difference.

Notwithstanding, based on the LTC's decisions to date, a clear and direct approach would eliminate the perception that an important issue of water could be applied inconsistently, and make requirements for water supply and conservation a more consistent guideline.

Two Dwellings:

Staff are interpreting that the intent of the guidelines were to permit one dwelling not two to be used as a CVR, and consequentially staff are proposing criteria to use for evaluating such applications.

Staff are beginning to receive applications and inquiries requesting the use of a CVR in both a principal dwelling and cottage on a property. This has brought into focus the intent of the TUP guidelines, which do not explicitly state that only one dwelling can be used on a single property, but which staff has interpreted as the intent to date. In addition, a further question has arisen about at which point a CVR could be considered a commercial resort.

The potential impacts of allowing two or more dwellings to be used as CVRs ranges along a spectrum, from impacts similar to a CRV in a single dwelling to significant impacts similar to a resort. These impacts will depend on the specifics of any given situation varying with factors such as property size, the size of the dwelling and cottage themselves, the number of rooms, density and proximity of neighbouring properties and homes, water supply, septic capacity, etc.

It could be argued that a CVR permitted as a home occupation in a dwelling unit or cottage would have similar impacts to renting two dwelling units as CVRs permitted by a TUP. The primary difference would be the lack of a person or persons on the property monitoring the CVR use.

One determining factor to consider is the number of bedrooms and number of people that should be permitted by a TUP.

There are numerous alternatives in terms of setting a policy direction for these cases:

- Assess each application on a case by case basis applying the underlying principle that only a single dwelling should be permitted unless the impacts of two can be mitigated to equate to a single dwelling of a standard size;
- Prescribe a de facto 'cap' of two dwellings with a maximum number of bedrooms, and potentially a maximum combined floor area for both buildings that can be used;
- Allow for both a principal dwelling and cottage to be permitted as a CVR , but only one at any given time; or,
- Continue to only allowing one dwelling unit to be used as a CVR per property.

Staff is proposing to take a compromise approach to such applications, only recommending support for applications for a principal dwelling and a cottage to both be used as a CVR where, in addition to complying with the other guidelines:

- there is a maximum of one dwelling and one cottage
- the total floor area of both is equivalent to a modest single dwelling
- both buildings comply with the BC Building Code
- the accessory cottage is legally permitted (0.4 hectares or more), and
- only one rental group is allowed on a given property (i.e. that the dwellings cannot be rented to separate groups of visitors at one time).

Consultation

N/A

Statutory Requirements

N/A

Rationale for Recommendation

The recommendation on page 1 indicates that the report be received for information and discussion at the LTC meeting. At this point staff is providing the LTC with these criteria for information, staff will be using these in discussion with applicants and to inform recommendations to the LTC. If, over time, the LTC concurs with staff's approach, there may be opportunity to amend the TUP guidelines in future to incorporate these approaches as guidelines.

Alternatives:

1. Direct Staff to continue with the current approach for cisterns in WMAs

The LTC may direct staff to continue the current approach requiring cisterns for TUP applications in WMAs through amendment to permits.

2. Direct Staff to report back with different options or alternatives for two dwellings on a case-by case basis

Submitted By:	Phil Testemale, A/Planner 2	November 28, 2016
Concurrence:	Robert Kojima, Regional Planning Manager	November 28, 2016

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

DATE OF MEETING: December 5, 2016
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. 261, cited as Galiano Island Housing Agreement Bylaw No. 261 be read a first time
2. That the Galiano Island Local Trust Committee Bylaw No. 261, cited as Galiano Island Housing Agreement Bylaw No. 261 be read a second time
3. That the Galiano Island Local Trust Committee Bylaw No. 261, cited as Galiano Island Housing Agreement Bylaw No. 261 be read a third time
4. That the Galiano Island Local Trust Committee forward Bylaws No. 233, 234, and 261 to the Secretary of the Islands Trust for approval by the Executive Committee
5. That the Galiano Island Local Trust Committee forward Bylaw No. 233 to the Minister of Community, Sport and Cultural Development for approval
6. That the Galiano Island Local Trust Committee accept a covenant under section 219 of the *Land Title Act* from the registered owners of Lot 1, District Lot 3, Galiano Island, Cowichan District, Plan 29196, and designate the Chair of the Local Trust Committee to sign the covenant

REPORT SUMMARY

The purpose of the report is to provide the LTC with recommended next steps for 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 held on September 19th, recessed, and re-convened at the regular meeting of October 1st and concluded at that meeting. At the regular meeting of November 7th, the LTC gave Third Reading to Bylaw 233 and gave Third Reading to Bylaw 234 with amendments.

The LTC also directed that draft bylaw 261 (the Housing Agreement) be altered to effect a requirement that a minimum of five units be rented, to remove the requirement to appoint leaseholders to the Community Management Committee (CMC), and that the revised bylaw be brought back to a future meeting for consideration. These changes have been made, reviewed by legal counsel, and are shown using track-changes in the attached copy of draft Bylaw 261. The recommended approach to requiring the five rental units, incorporated in the draft agreement, is to restrict 15 lots to either leasehold or rent, and to require that on the remaining five lots, dwellings be constructed by the owner which can only be rented. This provides flexibility in terms of timing and location, while ensuring that there is still an incentive for the Owner to build and rent the five units in order to obtain an income stream. Two alternative approaches are also available:

- To require the rental units to be constructed by a specified date. This could be problematic as the Owner is still required to proceed through the subdivision process and if there are delays the housing agreement could be in breach and the owner unable to remedy the breach.
- To require rental units to be constructed after the leasing of a certain number of lots. This requires a higher level of oversight and would reduce the Owner's flexibility.

The LTC also directed that the covenant be altered to include:

- A total maximum floor area of all dwellings of 1500m². This has been inserted as a new Section 3.
- A prohibition on the drilling of additional wells or the connection of dwellings to the common well unless the owner provides a professional report consistent with the Potable Water Standards for Subdivision in the Land Use Bylaw to the satisfaction of LTC. This has been inserted in section 7 of the draft covenant and the now inconsistent provision allowing the LTC to require a community water system has been struck-out of Section 8.
- A requirement that a minimum of five units be rented; however, as a restriction on tenure, this is properly regulated in the housing agreement and cannot be a requirement of a covenant.

ANALYSIS

A public hearing is a quasi-judicial process within and following which specific procedures must be followed. The remaining procedural steps following the close of the hearing are as follows:

1. Consideration of Three Reading of the Housing Agreement Bylaw.
2. Forwarding of the bylaws to Executive Committee for approval.
3. Forwarding of the OCP amendment bylaw to the Minister's office for approval.
4. Reconsideration and adoption of all three bylaws.

Following the close of the hearing, the LTC may not hear further submissions on any matter germane to the application without holding a new hearing. This includes submissions directed to the housing agreement and the covenant. The LTC made the draft housing agreement and covenant available to the public prior to the hearing and both were discussed at the hearing. This is the appropriate time for submissions on the housing agreement and the terms of the covenant, and members of the LTC cannot hear or receive further submissions

on Bylaws 233, 243, 261 or the draft covenant without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing. Staff have obtained legal advice on specific procedural matters related to the public hearing and the LTC is in receipt of that advice in-camera.

A question has been raised concerning compliance of the proposed LUB amendment bylaw with Water Supply Policy 2(e). OCP policy III, 2(e) (Water Supply Policies) reads:

- e) Any rezoning application involving an increase in density or intensity of use should be required to provide an assessment of the availability of sustainable, long-term groundwater. Any additional density or intensity of use that would negatively affect the quality or quantity of groundwater should not be permitted in critical groundwater areas.

Staff have reviewed the policy in the context of the entire OCP, looking at the ordinary meaning of the words, and with a view to the policy giving effect to the intention of the LTC (the correct approach to statutory interpretation):

- the applicant has provided a hydrologist's report based on the use and servicing proposed by Galiano Green (<http://www.islandstrust.bc.ca/media/281454/water-supply-report-hy-geo-final.pdf>) that certifies that use of the well to supply the common facilities should not have detrimental effects on adjacent wells. The author of the report specifically quotes the OCP policy in the report.
- there is no designation of this location as a "critical groundwater area." Policy b(vi) of the same OCP section states that DPA designations should be amended to identify critical groundwater areas based on professional reports. Bylaw 246, adopted in 2014, amended the DPA provisions for elevated groundwater areas based on professional reports and did not designate this location as a DPA ([Groundwater Study](#)).
- Schedule C of the LUB designates certain areas as "Water Management Areas" where cisterns are required for new construction; this location is not in a Water Management Area.

Finally, the draft covenant would ensure that if individual wells are proposed to be drilled in the future, or connections proposed from the existing well to the dwellings, that a further professional report would be required meeting the intent of the policy. Staff have also consulted legal counsel concerning this interpretation.

Rationale for Recommendations:

With the changes to the draft covenant and housing agreement, staff recommend that the application proceed with the first three readings of Bylaw 261, referral of all three bylaws to the Executive Committee, forwarding of Bylaw 234 to the Minister, and designation of the Chair to execute the draft covenant.

ALTERNATIVES

As alternatives to the recommendation to proceed, the LTC may:

- 1. Consider further amendments to the bylaws or covenant**

The LTC may consider additional amendments, provided they do not result in a change in use or density without holding a new hearing

2. Request that the applicant consider substantive changes to the proposal or that additional input be received from the applicant, the community, or agencies

This would result in a requirement for a new public hearing.

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending further consideration. In this event the application will be placed on the next regular meeting agenda.

4. Request further information

The LTC may request additional technical analysis from staff concerning information already received prior to the close of the hearing.

5. Deny the application

The LTC may deny the application by resolving to proceed no further.

NEXT STEPS

If the LTC chooses to proceed with the recommendations, the next steps will be for staff to forward the bylaws to the Executive Committee, and if approved, the OCP amendment to the Minister's office. Prior to consideration of final adoption of the bylaws an executed copy of the s.219 covenant will be registered on title.

Submitted By:	Robert Kojima Regional Planning Manager	November 25, 2016
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ATTACHMENTS

1. Proposed Bylaw 233
2. Proposed Bylaw 234
3. Proposed Bylaw 261
4. Draft 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 9th DAY OF July , 2012
READ A SECOND TIME THIS 8th DAY OF September , 2014
PUBLIC HEARING HELD THIS 1st DAY OF October , 2016.
READ A THIRD TIME THIS 7th DAY OF November , 2016.

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.

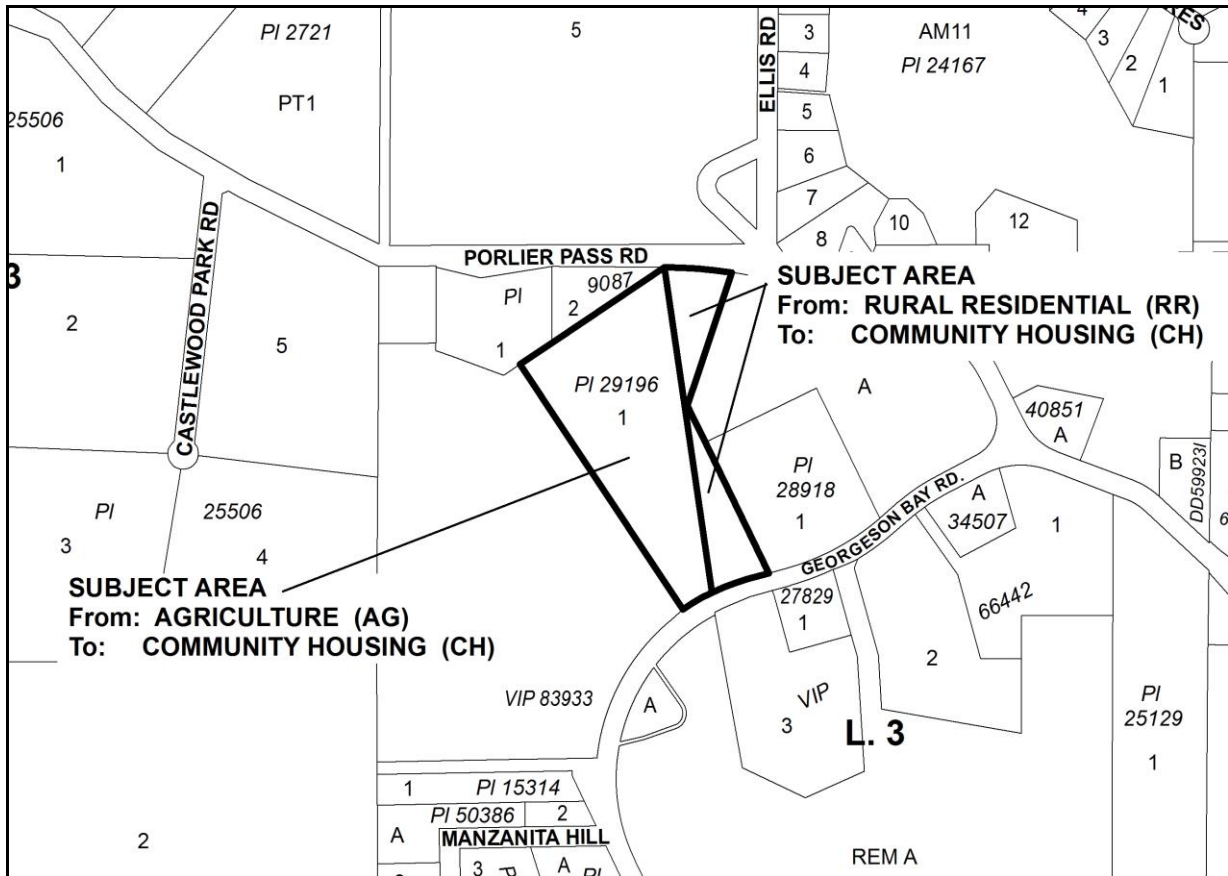
ADOPTED THIS DAY OF , 20.

DEPUTY SECRETARY

CHAIR

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

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.

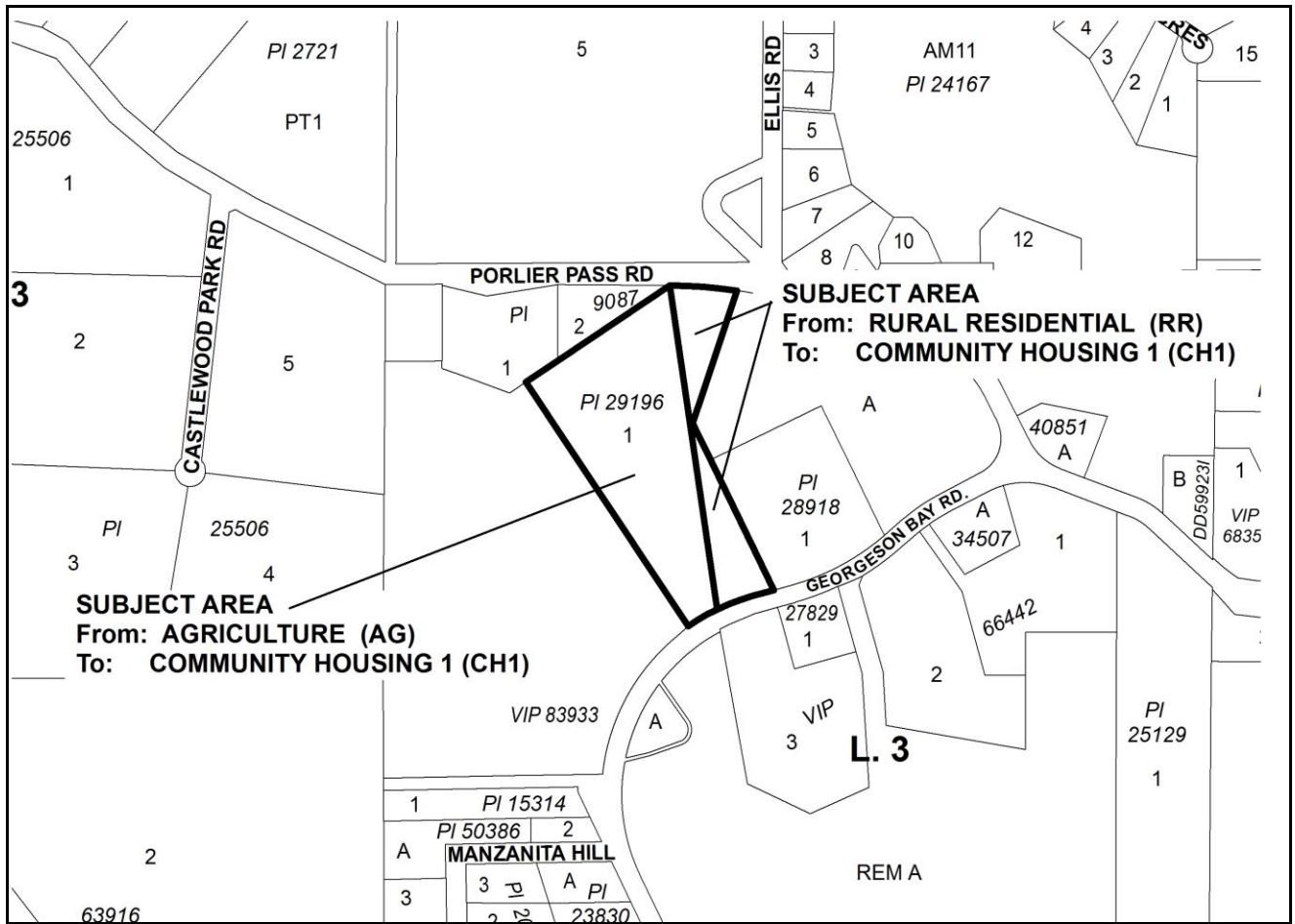
- B. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011”.

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		DAY OF		20
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 ____th day of _____, 20__

READ A SECOND TIME this ____th day of _____, 20__

READ A THIRD TIME this ____th day of _____, 20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

 this ____th day of _____, 20__

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 homes 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 ~~1520~~ 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

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Nov 24-Blacklined.Docx Q:\00002\0669\Byl-JI-Housing Agreement Nov 24-Blacklined.Docx U:\LOCAL TRUST COMMITTEES\Galiano\Applications\RZ\2011\GL-RZ-
2011.1 (GL Land & Community Housing)\Housing Agreement\Housing Agreement Sept 21 2016_CLEAN.Docx Nov 25, 2016 11:01 AM Nov 24, 2016 3:38 PM/RKJLRK

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
---	----------------------------------

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;

~~(a)~~(b) 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;

~~(b)~~(c) 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;

~~(c)~~(d) 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

(d)(e) 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 reasonably 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 15 and 16 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:

Name:

GALIANO ISLAND LOCAL TRUST COMMITTEE
by its authorized signatories:

Name:

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

<u>Unit Number</u>	<u>Names of Occupants</u>	<u>Monthly payment amount</u>
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

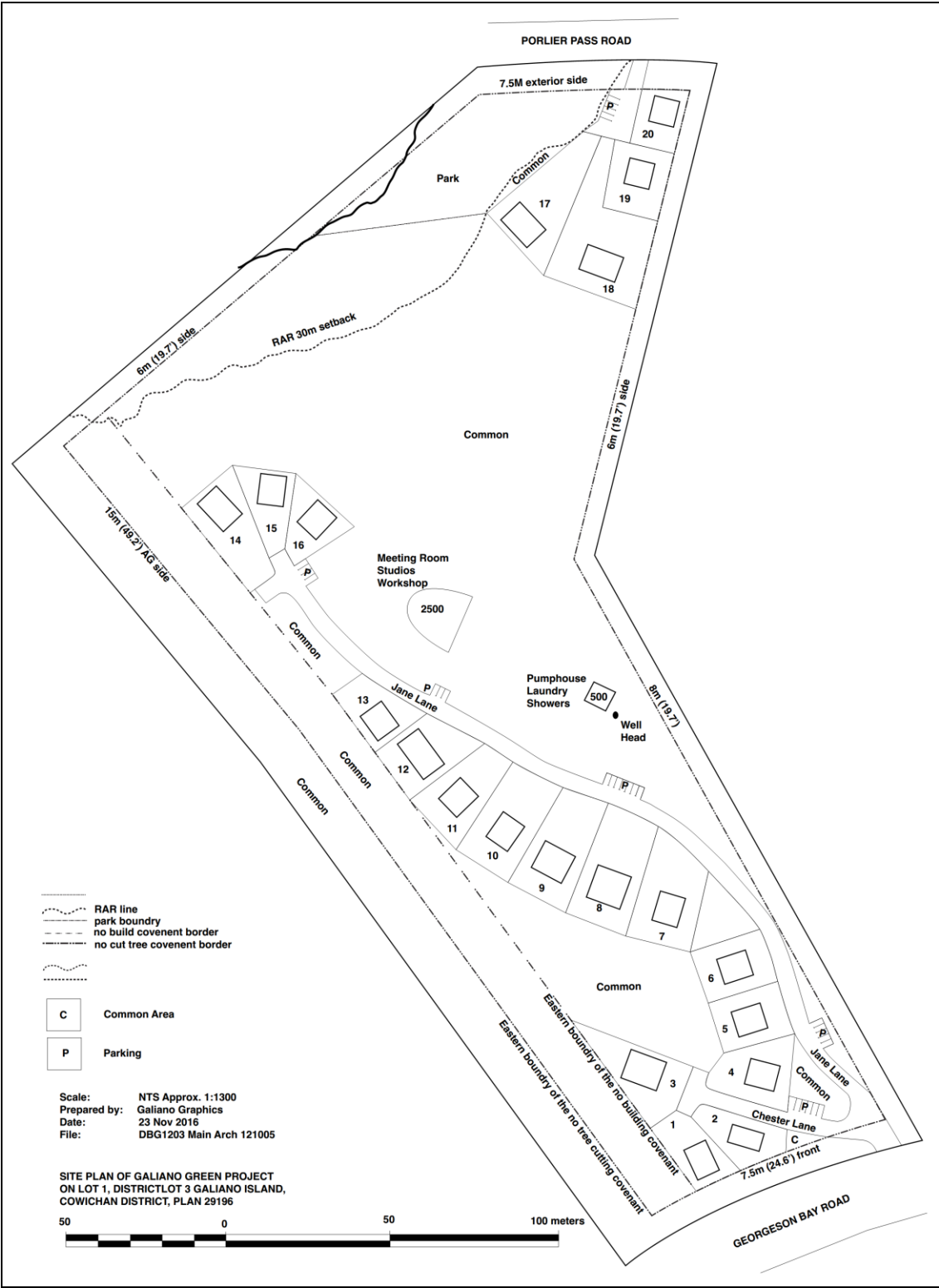
members thereof, and any profits or other accretions to the Society shall be used for promoting its purposes. This clause is unalterable.

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 ~~first~~ 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 ~~shall~~ **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

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference the ____ day of _____, 2016____
is

~~AMONG~~ **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.
- ~~2.3.~~ **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.**
- ~~3.4.~~ 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.
- ~~4.5.~~ 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.
- ~~5.6.~~ 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.

- 6.8. Upon completion of the first six dwellings in ~~Phase 1~~, 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. ~~If such certification cannot be provided to the satisfaction of the Trust Committee, the Trust Committee may require that all subsequent dwellings on the Land be provided with potable water by connection to a community water system.~~

No Effect On Laws or Powers

- 7.9. 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

- | ~~8.~~**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

- | ~~9.~~**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

- | ~~10.~~**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

- | ~~11.~~**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

- | ~~12.~~**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

- | ~~13.~~**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

- | ~~14.~~**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

- | ~~15.~~**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

- | ~~16.~~**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

- | ~~17.~~**19.** This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Further Acts

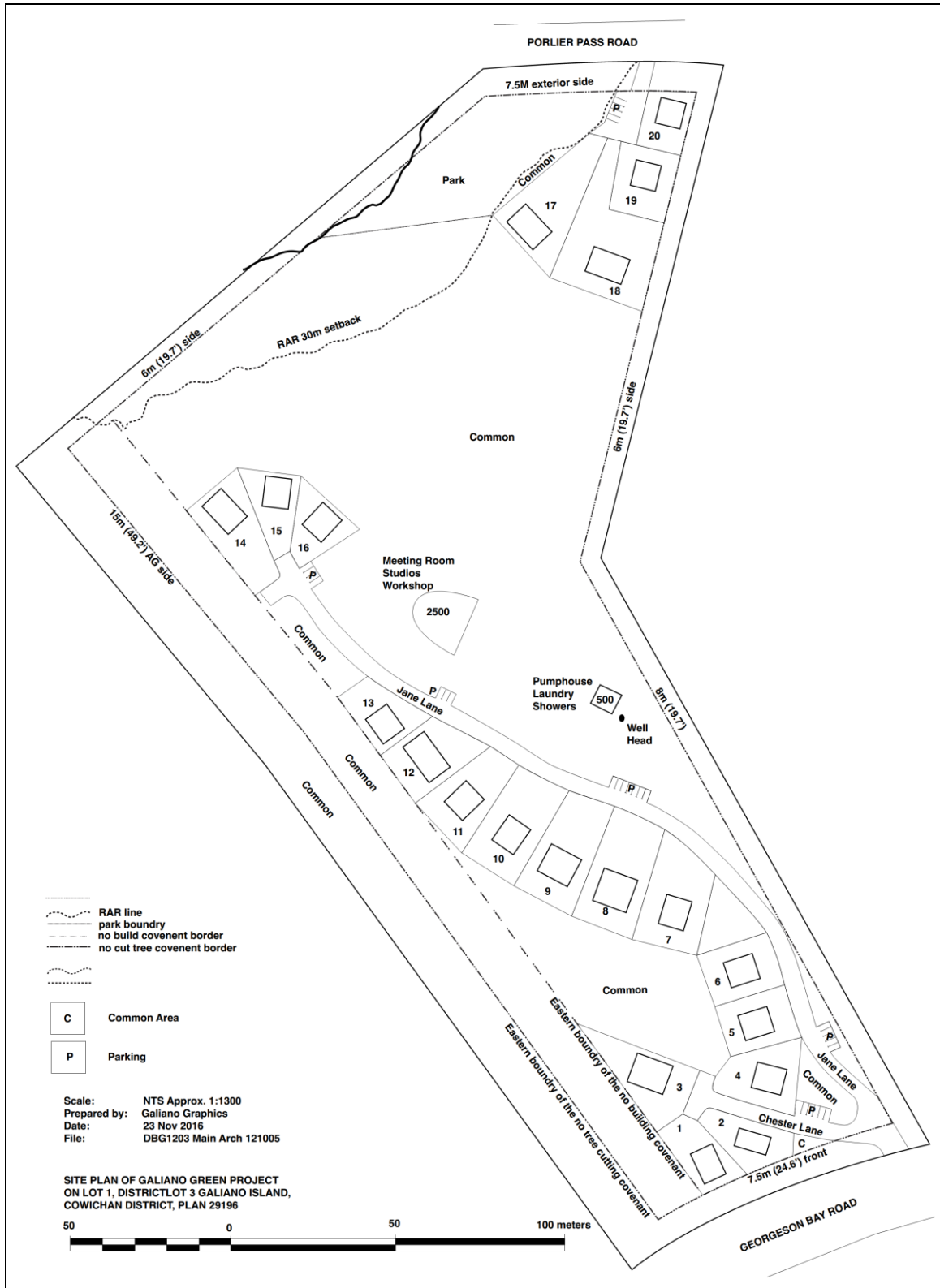
- | ~~18.~~**20.** The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

Deed and Contract

- | ~~19.~~**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 which is attached hereto and which forms part of this Agreement.

Schedule A



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	Kim Stockdill	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
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
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	



Projects

Galiano Island

Description	Activity	R/Initiated
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Islands Trust

Print Date: November 28, 2016

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2016.5	ALLAN DIAMOND ARCHITECT c/o D. & P. TAYLOR Planner: Rob Milne	09-Aug-2016	754 Ellis Rd\nReinforce and repair damage to existing retaining wall.
Planning Status			
Status Date: 22-Sep-2016 Waiting for a survey and biologist's report from the applicant			
Status Date: 10-Aug-2016 File opened and forwarded to planner and LTC			

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2011.1	Galiano Land and Community Housing Trust c/o Tom Hennessy Planner: Robert Kojima	06-Oct-2011	Rezone Agriculture and Residential to Community Facility-Affordable housing.
Planning Status			
Status Date: 28-Nov-2016 Amended bylaws, draft housing agreement bylaw, and draft covenant placed on December 5th agenda for referral to EC.			
Status Date: 07-Nov-2016 Bylaws receive third reading, direction to make revisions to Housing agreement and covenant and bring back to LTC			
Status Date: 03-Oct-2016 public hearing - Sept 19th and October 1st			
File Number	Applicant Name	Date Received	Purpose
GL-RZ-2014.1	Crystal Mountain Society	28-Oct-2014	20300 PORLIER PASS RD\n\nTo allow for year round use of the Forest Retreat Centre

Applications

Planner: Kim Stockdill

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-2016.1	WOLSTENHOLME, DAVID	05-Apr-2016	743 GEORGESON BAY RD\nAPPLICATION TO CHANGE ZONING TO ALLOW USE AS A RESTAURANT/INN

Planner: Kim Stockdill

Planning Status

Status Date: 24-Nov-2016

S.219 covenant legal review in process.

Status Date: 25-Oct-2016

Cost recovery initiated for s.219 covenant review.

Status Date: 20-Oct-2016

Bylaw 259 sent to Minister for approval.

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

Planner: Rob Milne

Planning Status

Status Date: 22-Sep-2016

Staff in the process of drafting LUB and OCP bylaws.

Status Date: 22-Aug-2016

Preliminary staff report on Aug 29/16 LTC agenda.

Applications

Status Date: 10-Aug-2016

File opened and forwarded to planner and LTC

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.1	Jon & Connie Stettner	07-Mar-2016	2625 E. BEEKMAN PL Requesting a permit to use property as a STVR.

Planner: Kim Stockdill

Planning Status

Status Date: 18-Aug-2016

Correspondence from applicant received and placed on August agenda.

Status Date: 03-May-2016

Property owner & water district to draft covenant restricting water quantity.

Status Date: 25-Apr-2016

Staff report complete and placed on May 2016 LTC agenda.

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.10	GARY ROSNICK	14-Sep-2016	257 ACTIVE PASS DR\nTUP for STVR

Planner: Phil Testemale

Planning Status

Status Date: 28-Nov-2016

Deferred to February meeting - require information on legal status of cottage and policy on two dwellings.

Status Date: 09-Nov-2016

Notices drafted and forwarded to DS

Status Date: 21-Oct-2016

E-mail requesting information on water, sewer sent.

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.11	ANDREA	21-Sep-2016	2381 Sturdies Bay Rd.\nTUP for STVR

Planner: Rob Milne

Planning Status

Applications

Status Date: 23-Nov-2016

Staff report approval from RPM, report placed into agenda folder

Status Date: 21-Nov-2016

Link sent to RPM for report review.

Status Date: 16-Nov-2016

Email sent to applicant requesting well and hours of operation info.

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.12	GEOFFREY F INVERARITY	05-Oct-2016	1506 Ellis Road\nTUP for STVR
Planner: Rob Milne			

Planning Status

Status Date: 23-Nov-2016

Staff report approved by RPM, report placed into agenda folder.

Status Date: 21-Nov-2016

Link sent to RPM for staff report review

Status Date: 16-Nov-2016

File assigned to Planner Milne

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.13	RUSSELL, MAGGIE & NOAH	21-Oct-2016	2154 Sturdies Bay Rd\nTUP for an STVR
Planner: Phil Testemale			

Planning Status

Status Date: 28-Nov-2016

Requesting Two Dwellings for CVR. Deferred to Feb Agenda pending feedback from Update Report on CVRs (Dec 5 agenda)

Status Date: 25-Oct-2016

File opened and forwarded to planner

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.5	CHOUINARD, PATRICIA	17-Jun-2016	750 Bodega Beach Dr\nTUP for STVR

Applications

Planner: Phil Testemale

Planning Status

Status Date: 08-Nov-2016

Application in abeyance at request of applicant. Pending clarification of PMFL status with declared CVR use.

Status Date: 26-Aug-2016

Waiting for application information on PMFL, water and uses from applicant

Status Date: 27-Jun-2016

On August 28th agenda for consideration. Notification drafted to be sent out and put in paper in early August

Islands Trust
 LTC EXP SUMMARY REPORT F2017
 Invoices posted to Month ending October 2016

625 Galiano	Invoices posted to Month ending October 2016	<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	2,912.66	2,587.34
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	327.73	172.27
65220-625	LTC - Local Exp - Communications	500.00	465.71	34.29
65230-625	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>7,000.00</u>	<u>3,706.10</u>	<u>3,293.90</u>
Projects				
73001-625-2002	Galiano OCP/LUB	4,000.00	862.36	3,137.64
73001-625-4065	Galiano Dock Review	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>8,000.00</u>	<u>862.36</u>	<u>7,137.64</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: April 7, 2014

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 11, 2009 / Amended February 3, 2014	GL-LTC-85-09 Amended:	Parks Commission Referral	That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment
2.	October 18, 2010	GL-LTC-115-10	Publishing Notices beyond legal requirements	THAT the Galiano Island Local Trust Committee will advertise Public Hearing Notices in either the Active Page Magazine or Islands Tides Newspaper in addition to the legally required advertising in the Driftwood Newspaper.
3.	October 17, 2011	GL-LTC-205-11	Special Occasion Liquor Licenses	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property on which Galiano Island Land Use Bylaw No. 127, 1999 permits public assembly uses, such as restaurants or community halls, and where there have been no issues related to parking or past complaints for the preceding three years , staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
4.	February 3, 2014		Applications with Open Bylaw Enforcement files	On properties where there is an open bylaw enforcement file, planning staff should refer planning applications to the Bylaw Enforcement Manager for comment where one or more of the following circumstances exist: 1. There have been significant delays or longer than typical timelines in the enforcement process 2. The LTC is considering on-going, relevant policy or regulatory changes that could impact enforcement 3. Litigation has been recommended 4. Legal counsel has been involved (beyond providing a basic interpretation) 5. There has been enforcement action beyond seeking voluntary compliance (e.g. a BEN warning or ticket, adjudication, a compliance agreement negotiated, etc.) 6. There has been, or is an expectation of, joint enforcement with other jurisdictions 7. There is potential for impact on other related enforcement files.

No	Meeting Date	Resolution No.	Issue	Policy
5.	April 7, 2014	GL-2014-029	Community Wells as a Community Benefit	That the Galiano Island Local Trust Committee will consider as a community benefit for all rezoning applications where there is an increase in density, the establishment of an instrumented observation well.

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