Islands Trust

GALIANO ISLAND
LOCAL TRUST COMMITTEE
BUSINESS MEETING AGENDA
TO COMMENCE AT 1:00 PM, MONDAY, JULY 9, 2012
AT THE SOUTH COMMUNITY HALL
141 STURDIES BAY ROAD, GALIANO ISLAND, B.C

***Approximate** time is provided for the convenience of the public only and is subject change without notice.

		Page #	*Approx. Time*
1.	**CALL TO ORDER**		1:00 pm
2.	**APPROVAL OF AGENDA**		1:05 pm
	2.1 Questions on Agenda Items		
	2.2 Town Hall Session		
3.	**COMMUNITY INFORMATION MEETING** - none		
4.	**PUBLIC HEARING** - none		
5.	**PREVIOUS MEETINGS**		1:15 pm
	5.1 Local Trust Committee Minutes for Adoption (attached)		
	5.1.1 Minutes of June 11, 2012 Local Trust Committee Business Meeting	**1**	
	5.2 Public Hearing Records and Community Information Meeting - none		
	5.3 Section 26 Resolutions-without-meeting none		
	5.4 Advisory Planning Commission - none		
6.	**BUSINESS ARISING FROM THE MINUTES**	**17**	1:20 pm
	6.1 Follow-up Action Report (attached)		
7.	**DELEGATIONS** - none		
8.	**CORRESPONDENCE** - none [*correspondence received concerning applications and/or projects is considered with the application/project*]		

9.	**APPLICATIONS, PERMITS, BYLAWS AND REFERRALS**		1:30 pm
	9.1 GL-SUB-2012.1 (Taylor) 10% Frontage Waiver – Memorandum (attached)	**19**	
	9.2 GL-RZ-2011.1 (GLCHT) Bylaws No. 233 and 234 for re-consideration for First Reading – Staff Report (attached)	**22**	
	9.3 GL-RZ-2011.2 (Dewinetz) Application – Verbal Update		
	9.4 GL-DP-2012.1 (Ferguson) Application Information – Staff report (attached)	**31**	

--------------------- BREAK (15 minutes) -------------------

10.	**LOCAL TRUST COMMITTEE PROJECTS**		3:00 pm
	10.1 Galiano Land Use Bylaw Review – Special Meeting Schedule - Memorandum (attached)	**69**	
	10.2 Development Approval Information Bylaw – Staff Report (attached)	**70**	
11.	**REPORTS**		4:00 pm
	11.1 Work Program Reports - for Information		
	11.1.1 Galiano Island Local Trust Committee Work Program - Report dated July 2012 (attached)	**100**	
	11.2 Applications Report - for information		
	11.2.1 Galiano Island Applications Report– July 2012 (attached)	**103**	
	11.3 Expense/Budget Reports - for information		
	11.3.1 LTC Expense Report - none		
	11.3.2 LTC Budget 2012-2013 (attached)	**107**	
	11.4 Bylaw Enforcement - none		
	11.5 Policies and Standing Resolutions Report (attached) – for information	**108**	
	11.6 Galiano Island LTC Web Page for Review (attached) – for information	**110**	
	11.7 Chair's Report		
	11.8 Trustee Report		
12.	**OTHER BUSINESS**		4:30 pm
	12.1 Upcoming Meetings		
	12.1.1 Local Trust Committee Business Meeting at 1:00 p.m. Monday, September 10, 2012, South Community Hall, Galiano Island		
	12.2 Local Trust Committee meeting with First Nations - Discussion		
13.	**TOWN HALL MEETING**		

14. MOTION TO CLOSE MEETING

4:45 pm

THAT, pursuant to Section 90(a) of the Community Charter, the Galiano Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting February 13, 2012 Galiano LTC In Camera Minutes and to consider Board of Variance appointments; and further that staff and Recording Secretary David Millership remain present.(distributed under separate cover)

15. RECALL TO ORDER

15.1. Rise and Report from Closed Meeting

16. ADJOURNMENT

5:00 pm

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

DRAFT

MINUTES OF THE GALIANO ISLAND LOCAL TRUST COMMITTEE MEETING HELD ON MONDAY, JUNE 11, 2012 AT 1:00 PM AT THE NORTH ISLAND COMMUNITY HALL, GALIANO ISLAND, B.C.

PRESENT:	Ken Hancock	Chair
	Louise Decario	Local Trustee
	Sandy Pottle	Local Trustee
	Robert Kojima	Regional Planning Manager
	Kaitlin Kazmierowski	Island Planner
	David Millership	Recording Secretary
	Miles Drew	Bylaw Enforcement Manager

There were approximately thirteen (13) members of the public present.

1. CALL TO ORDER

Chair Hancock called the meeting to order at 1:05 p.m. Introductions were made and the meeting introduced.

Chair Hancock stated appreciation and acknowledgment that today's meeting is taking place on the traditional territories of the Coast Salish people.

2. APPROVAL OF AGENDA

Chair Hancock asked for any additions or changes to the agenda; amendments were as follows:

- *Added Item 8.3* – Loeppky letter dated June 4, 2012 re: Galiano Island Land Use Bylaw (Sawmilling)
- *Renumbered Item 11.4.1 to Item 11.4.2* – Notice Enforcement Bylaw No. 228 Policy Package
- *Renumbered Item 11.4.2 to Item 11.4.1* – Notice Enforcement Bylaw No. 228
- *Renumbered Item 9.1 to Item 9.2* – Referral of Mayne Island Bylaw No. 157 (LUB Amendment)
- *Renumbered Item 9.2 to Item 9.3* – Draft Bylaws No. 235 and 236 for GL-RZ-2011.2 (Dewinetz) Staff Report
- *Added Item 9.1* – Statutory Right Of Way (Romagnoli/Smith)

The agenda was Approved as amended by consent.

2.1 Questions on Agenda Items

None

2.2 Town Hall Session

Chair Hancock invited the public to make comments.

Doug Latta stated that the Galiano Land And Community Housing Trust (GLCHT) has decided to purchase the land relating to their application prior to the rezoning process and that such purchase should be completed this week. Mr. Latta stated that the community is currently financing the proposed purchase of the land and invited anyone to contribute. Mr. Latta stated that the current financing structure relies on community contributions for a period of six months before a mortgage is able to take effect. Mr. Latta stated that the next GLCHT Annual General Meeting (AGM) would take place at 2:00 p.m. on June 17, 2012 at the South Hall.

There being no further comments from the public, Chair Hancock closed the Town Hall meeting.

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARING

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes for Adoption

5.1.1 Minutes of May 14, 2012 Local Trust Committee Business Meeting

Amendments:

- *Page 3 third paragraph* – replace “during” with “after”
- *Page 7 Item 9.3 eighth paragraph* – replace “the fact that the Gary Oak tree is a” with “the fact that Garry Oak Meadows are a”

The Minutes of May 14, 2012 Local Trust Committee Business Meeting were Adopted as amended by consent.

5.2 Public Hearing Records and Community Information Meeting Notes

5.2.1 Notes of May 14, 2012 Community Information Meeting

The Notes of May 14, 2012 Community Information Meeting were Received by consent.

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Kazmierowski provided information.

7. DELEGATIONS

None

8. CORRESPONDENCE

Correspondence items are received by virtue of being on the agenda.

Correspondence received concerning applications and/or projects is considered with the application/project.

8.1 E. Kennedy letter dated May 28 2012 re: Galiano Island Shore Accesses

Planner Kazmierowski provided information.

Michael Hoebel was in attendance as a representative of the Galiano Island Parks and Recreation Commission (GIPRC).

There was some discussion regarding required setbacks from the sea, Development Variance Permit (DVP) applications, possible setback from the sea exemption(s), Morning Beach stair access, bank erosion, wave action, repairs, steel stair(s) structure(s) and Land Use Bylaw(s) (LUB) review.

Resolution GL-LTC-48-12

It was Moved and Seconded that the Galiano Island Local Trust Committee requests the Chair to write to the Galiano Island Parks and Recreation Commission informing them that there is a Land Use Bylaw review in process of regulations regarding setbacks from the sea and that the Local Trust Committee will examine exemption for local parks from regulation.

CARRIED

8.2 G. Webber Atkins, MFLNR dated April 13, 2012 re: PFML

Resolution GL-LTC-49-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to report back to the Local Trust Committee regarding progress with the Ministry of Forests, Lands and Natural Resource Operations proposed amendments relating to Private Managed Forest Land and specifically regarding public consultations.

CARRIED

8.3 Loeppky letter dated June 4, 2012 re: Galiano Island Land Use Bylaw (Sawmilling)

There was some discussion regarding bylaw enforcement, LUB allowances and restrictions, Gossip Island, Galiano's forestry history, commercial versus local sawmilling, small lots, process, next steps and the possibility of the two parties working together to find a solution.

Chair Hancock acknowledged receipt of the letter and stated that the Local Trust Committee (LTC) has taken it under advisement.

Regional Planning Manager (RPM) Kojima stated that as far as he is aware this is the first time such a complaint has been received.

Planner Kazmierowski will contact the parties involved, find out if a commercial operation is involved and report back to the LTC.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Statutory Right Of Way (Romagnoli/Smith)

Planner Kazmierowski provided information and referred to draft document *Section 219 Covenant and Section 218 Statutory Right Of Way.*

Dora Fitzgerald was in attendance and spoke on behalf of the application.

There was some discussion regarding the Capital Regional District (CRD) possibly nominating the North Galiano Fire Department (NGFD) as the covenant holder and that the NGFD would decide such at their July 2, 2012 meeting. The NGFD would also check the maintenance and safety of the road access in question.

There was some discussion regarding expenses, Crystal Mountain relationship, Road Network Plan and logistics pertaining to the Statutory Right of Way taking the place of the covenant in the future upon request of the LTC.

RPM Kojima stated that the covenant puts an obligation on the applicant in terms of the Statutory Right of Way taking the place of the covenant at a future date.

Resolution GL-LTC-50-12

It was Moved and Seconded that the Galiano Island Local Trust Committee delegate's authority to the Chair to sign/execute Section 219 Covenant and Section 218 Statutory Right Of Way and the Forestry covenant for GL-RZ-2005.2 (Romagnoli/Smith).

CARRIED

The final bylaw will come back to the LTC for approval at a later date and in the meantime Planner Kazmierowski and Dora Fitzgerald will continue to communicate with each.

9.2 Referral of Mayne Island Bylaw No. 157 (LUB Amendment)

Resolution GL-LTC-51-12

It was Moved and Seconded that the Galiano Island Local Trust Committee considered Proposed Mayne Island Local Trust Area Bylaw No. 157, (Land Use Bylaw Amendment) referral and decided *Interests Unaffected by Bylaw* and directs staff to respond appropriately.

CARRIED

9.3 Draft Bylaws No. 235 and 236 for GL-RZ-2011.2 (Dewinetz) Staff Report

Planner Kazmierowski provided information from *Staff Report dated May 31, 2012 (File No.: GL-RZ-2011.2) Re: Draft Bylaws No. 235 (OCP) and No. 236 (LUB).*

Planner Kazmierowski stated that in addition to the information provided in the staff report, there are two covenants pertaining to tree cutting which the applicant will not seek to remove (one of them is pending BC Parks input), there are more protective measures for the wetland area(s) and the Official Community Plan (OCP) Water Supply Policy 2(e) study will be part of the process.

Richard Dewinetz was in attendance and spoke on behalf of the application.

Mr. Dewinetz stated that costs associated with the required legal document relating to the Galiano Island Housing Society (Paige Drive) should not be at his expense for the reason that he is the one donating the land.

Chair Hancock encouraged Mr. Dewinetz to share some news regarding the building of a new North Galiano Fire Department (NGFD) Hall.

Mr. Dewinetz stated that upon the sale of the fourth lot, he would be contributing fifty thousand dollars ($50,000.00) toward the building of a new NGFD Hall.

Trustee Decario stated that it should be clarified that the twelfth lot is a land transfer and not a donation as it is coming out of parks allocation and is an amenity.

Mr. Dewinetz stated his preference to keep the “donation” versus “transfer” dialogue open for the reason that he would prefer to use “donation” terminology for tax purposes.

There was some discussion regarding process relating to the sale of the twelfth lot.

Mr. Dewinetz stated that if the Galiano Island Housing Society (Paige Drive) agrees then the cleanest process would be for him to market/sell the twelfth lot and then give a cheque/donation to the Galiano Island Housing Society (Paige Drive).

There was some discussion regarding subdivision, covenants, layout, home plate, Development Permit Areas (DPA’s), ecosystem DPA process and BC Parks.

Trustee Pottle stated that so far she has heard of one person expressing concern regarding water supply relating to the drilling of new wells.

Mr. Dewinetz stated that the recent drilling of wells has produced successful water calculations of between three and a half (3.5) and thirty (30) gallons per minute.

Trustee Decario stated that as per OCP Water Supply Policy 2(e), it is preferred that Mr. Dewinetz supply a water report to the LTC prior to the time of subdivision and in time for Public Hearing.

RPM Kojima asked Mr. Dewinetz if the LTC would be supplied the water report prior to Public Hearing.

Mr. Dewinetz responded that probably yes, the report would be available to the LTC prior to Public Hearing and that such a request seems reasonable.

There was further discussion regarding options and lot 12.

Chair Hancock stated that Mr. Dewinetz and his lawyer would propose a draft agreement pertaining to the required legal document relating to the Galiano Island Housing Society (Paige Drive) for Islands Trust legal counsel review and that at such point a cost(s) estimate for legal work could be determined.

Trustee Decario asked if BC Parks knows they would be receiving land(s) zoned Nature Protection (NP).

Planner Kazmierowski stated that BC Parks would review all terms upon referral.

There was some discussion regarding BC Parks short and long term plans for the land specifically relating to access, parking and traffic flow.

RPM Kojima stated that there will be a discussion with BC Parks regarding their plans and that such would take place prior to Public Hearing.

Chair Hancock stated that the LTC would need to know BC Parks plans before any actual rezoning occurs.

Mr. Dewinetz stated that the end of lot 25 would be an ideal place for a Bodega Ridge Provincial Park staging area.

Chair Hancock stated that as per the LTC standing resolutions, GIPRC would be part of the referral process.

Resolution GL-LTC-52-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to work with the applicant to obtain a required groundwater assessment as per Official Community Plan Water Supply Policy 2(e).

CARRIED

Resolution GL-LTC-53-12

It was Moved and Seconded that Galiano Island Local Trust Committee Proposed Bylaw No. 235, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2012" be given First Reading.

CARRIED

Resolution GL-LTC-54-12

It was Moved and Seconded that Galiano Island Local Trust Committee Proposed Bylaw No. 236, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2012" be given First Reading.

CARRIED

Resolution GL-LTC-55-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to refer Proposed Bylaw No. 235 and Proposed Bylaw No. 236 to the Galiano Advisory Planning Commission.

CARRIED

Resolution GL-LTC-56-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to schedule a Community Information Meeting and Public Hearing for Proposed Bylaw No. 235 and Proposed Bylaw No. 236.

CARRIED

Resolution GL-LTC-57-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to report back to the Galiano Island Local Trust Committee with a cost estimate for legal review of the legal undertaking pertaining to the transfer of funds from the sale of proposed lot 12, to the Galiano Island Housing Society.

CARRIED

Resolution GL-LTC-58-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to work with the applicant to draft a Section 219 covenant and enter into a cost recovery agreement with the applicant for associated legal work.

CARRIED

Note: there was a break at 2:30 p.m. and the meeting reconvened at 2:45 p.m.

10. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

10.1 Galiano Groundwater Regulation Review (Phase Two) – Staff Report

Planner Kazmierowski provided information from *Staff Report dated May 30, 2012 (File No.: GL-6500-20 Groundwater Phase II) Re: Galiano Groundwater Regulation Review (Phase Two)* and highlighted the main recommendations.

There was some discussion regarding process and Development Approvals Information (DAI) bylaw.

There was some discussion regarding the Waterline Resources report, the two monitoring wells currently on Galiano and how to get more monitoring wells.

Planner Kazmierowski stated that the LTC could make it a requirement that upon subdivision for every three wells drilled a fourth also be drilled for monitoring purposes. Planner Kazmierowski stated that responsibilities associated with maintaining and servicing monitoring wells can become an issue but that having more monitoring wells is a great long-term sustainability goal.

There was some discussion regarding subdivision servicing regulations, scope of the LUB review and impact(s) of a 48 - 72 hour pump test(s) requirement.

Resolution GL-LTC-59-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to include standards for potable water supply in the Land Use Bylaw review.

CARRIED

Resolution GL-LTC-60-12

It was Moved and Seconded that the Galiano Island Local Trust Committee defers consideration of Development Permit Area amendments pertaining to groundwater protection until the Land Use Bylaw review has been substantially concluded.

CARRIED

Resolution GL-LTC-61-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to amend the third item on the Top Priorities list to include Groundwater Protection Development Permit Areas policy review.

CARRIED

Resolution GL-LTC-62-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to include the “Well Testing and Reporting Guidelines” as part of an update to the Development Approvals Information Bylaw.

CARRIED

10.2 Galiano Island Land Use Bylaw Review: Scoping, budget and timeline – Staff Report

Planner Kazmierowski provided information from *Staff Report dated May 29, 2012 (File No.: GL 6500-20 LUB Review) Re: Galiano Island Land Use Bylaw Review: Scoping, Budget and Timeline (Preliminary Report).*

There was some discussion regarding special meetings, LUB scope and which amendments to possibly strike from the list.

Trustee Pottle stated that land adjacent to the current cemetery has been purchased for its’ expansion.

There was some discussion regarding desalinization, wells, water supply, Sand and Gravel Resources policy, bylaw enforcement, regulations and identifiers pertaining to strata common property, zoning, wildlife protection and eagles nests, DPA’s, LUB’s, split-zoned lots regulations and Lions Hall zoning regulations.

Resolution GL-LTC-63-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to strike No. 24 (Sand and Gravel Resources) and No. 34 (Review of regulations pertaining to strata common property) from Attachment 1, in the Land Use Bylaw review.

CARRIED

Resolution GL-LTC-64-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to prepare a detailed report on the Land Use Bylaw priority topics.

CARRIED

Resolution GL-LTC-65-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to schedule a special meeting for July or the last half of August, to review a detailed staff report on the Galiano Island Land Use Bylaw review.

CARRIED

Resolution GL-LTC-66-12

It was Moved and Seconded that the Galiano Island Local Trust Committee endorses the timeline and budget presented in the staff report dated May 29, 2012.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 Galiano Island Local Trust Committee Work Program - Report dated June 2012

Provided for information purposes only.

11.2 Applications Report

11.2.1 Galiano Island Applications Report – June 2012

Planner Kazmierowski provided information and applications were discussed with regards to status and action.

11.3 Expense/Budget Reports

11.3.1 LTC Expense Report

Provided for information purposes only.

11.3.2 LTC Expense Budget 2012-2013

Provided for information purposes only.

11.4 Bylaw Enforcement

11.4.1 Notice Enforcement Bylaw No. 228

Bylaw Enforcement Manager (BEM) Drew provided information from *Staff Report dated May 30, 2012 (File No.: Bylaw No. 228) Re: Final Adoption of Bylaw Notice System Bylaw.*

Chair Hancock thanked BEM Drew for his hard work relating to the Bylaw Enforcement Notification System.

Resolution GL-LTC-67-12

It was Moved and Seconded that Galiano Island Local Trust Committee Proposed Bylaw No. 228, cited as "Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 228, 2011" be Adopted.

CARRIED

11.4.2 Notice Enforcement Bylaw No. 228 Policy Package

Bylaw Enforcement Manager (BEM) Drew provided information from *Staff Report dated May 30, 2012 (File No.: Bylaw No. 228, 2011) Re: Appointment of Screening Officers, Designation of Screening Officer Powers and Duties, Bylaw Violation Notice Cancellation Policy, Stipulation of the Form of Violation Notice.*

There was some discussion regarding the Bylaw Enforcement Assistant role, processes, implementation, Draft Bylaw Violation Notice and overall logistics related to staffing, ticketing and ticketing cancellations.

Resolution GL-LTC-68-12

It was Moved and Seconded that the Galiano Island Local Trust Committee appoints the Bylaw Enforcement Assistant, Bylaw Enforcement Coordinator and Regional Planning Manager as Screening Officers pursuant to Galiano Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 228, 2011.

CARRIED

Resolution GL-LTC-69-12

It was Moved and Seconded that the Galiano Island Local Trust Committee adopts the Bylaw Enforcement Notice Bylaw Screening Officers' Powers and Duties Policy attached to staff report dated May 30, 2012.

CARRIED

Resolution GL-LTC-70-12

It was Moved and Seconded that the Galiano Island Local Trust Committee stipulates that the Bylaw Violation Notice included in staff report dated May 30, 2012, is the form of violation notice to be used pursuant to the Bylaw Enforcement Notice Bylaw No. 228, 2011.

CARRIED

11.4.3 Short Term Vacation Rental Enforcement Policy

BEM Drew provided a verbal update regarding Short Term Vacation Rental (STVR) Enforcement Policy.

BEM Drew stated that enforcement has so far been concentrated on Salt Spring Island, Mayne Island and North Pender Island as there have been problems with STVR's there. BEM Drew stated that enforcement officers have been directed to proactively enforce STVR's which operate in overtly commercial ways (ie: advertise themselves and/or use third party management).

BEM Drew stated that enforcement of STVR violations on Galiano Island would soon begin for the reason that five (5) complaints have so far been received and at a glance there appear to be approximately twenty-five (25) or more STVR violations taking place.

BEM Drew recommended the LTC adopt a STVR enforcement policy/strategy such as the ones Salt Spring Island, Mayne Island and North Pender Island have adopted before enforcement begins on Galiano.

There was some discussion regarding the North Pender Island approach that uses a set of seven criteria for enforcement prioritization, therefore targeting the top offenders.

There was some discussion regarding the Hornby Island approach and the division of consensus within the community regarding such.

There was some discussion regarding noise/nuisance complaints, finite resources and the ability for those STVR's that are not overtly commercial most likely being able to "fly under the radar".

BEM Drew stated that enforcement is not currently targeting STVR's that operate via word of mouth to family and friends.

There was some discussion regarding Temporary Use Permits (TUP's), holding enforcement in abeyance for the time being, the need for community consultation, referring the matter to the Advisory Planning Commission (APC), resources, timing, priorities, overall approach, process and next steps.

Resolution GL-LTC-71-12

It was Moved and Seconded that the Galiano Island Local Trust Committee requests the Bylaw Enforcement Manager to report back to the Galiano Island Local Trust Committee with a policy regarding nuisance complaints in relation to Short Term Vacation Rentals.

CARRIED

11.5 Policies and Standing Resolutions Report

Provided for information purposes only.

11.6 Galiano Island LTC Web Page for Review

Chair Hancock asked for any additions or changes to the LTC web page; amendments were as follows:

- *Add* – Staff/Waterline Resources report pertaining to Galiano Groundwater Regulation Review (Phase Two).
- *Add* – Staff report pertaining to the Dewinetz rezoning application.

11.7 Chair's Report

Chair Hancock stated that he has been busy readying for the Trust Council meeting on June 12 - 14, 2012, on North Pender Island and that many events are planned including a workshop on the National Marine Conservation Area and ways for the Province and Islands Trust to proceed with such; possibly by way of phased implementation and/or Zoning to the high water mark. Chair Hancock stated support for the Province being serious about creating a National Marine Conservation Area.

11.8 Trustee Report

Trustee Decario stated that she is looking forward to attending Trust Council on June 12 - 14, 2012. Trustee Decario stated that she has being doing a lot of research and reading lately, has enjoyed people dropping in for conversations during her office hours and feels there is a lot of positivity in the community at the moment.

Trustee Pottle stated that she that she is looking forward to attending Trust Council on June 12 - 14, 2012. Trustee Pottle stated that she has being doing a lot of research and reading lately and has enjoyed the many people dropping in for conversations during her Tuesday office hours.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Local Trust Committee Business Meeting at 1:00 p.m. Monday, July 9, 2012, South Community Hall, Galiano Island

The meeting is scheduled as stated.

13. TOWN HALL MEETING

Chair Hancock invited the public to make comment.

Cathy Stephenson stated support for the Trustees approach to the STVR situation and the recognition that there is a need for community input on the issue.

There being no further comments from the public, Chair Hancock closed the Town Hall meeting.

14. ADJOURNMENT

Resolution GL-LTC-72-12

It was Moved and Seconded that the Galiano Island Local Trust Committee meeting be adjourned at approximately 4:50 p.m.

CARRIED

RECORDER	CHAIR

Islands Trust

Follow Up Action Report w/ Target Date

Galiano Island
Jun-11-2012

No.	Activity	Responsibility	Target Date	Status
1	Minutes from the May 14, 2012 regular business meeting adopted as amended.	Sharon Lloyd-deRosario	Jul-09-2012	On Going
2	Minutes from the May 14, 2012 Community Information Meeting adopted as amended.	Sharon Lloyd-deRosario	Jul-09-2012	On Going
3	Chair Hancock to write to the Galiano Island Parks and Rec Commission to inform them that the topic of structures within the setback to the sea is under review and that the LTC will examine an exemption for Parks.	Ken Hancock Kaitlin Kazmierowski	Jul-09-2012	Done
4	Staff to report back on progress with MFLNRO proposed amendments in regards to PMFL consultation.	Kaitlin Kazmierowski Robert Kojima	Jul-09-2012	On Going
5	Chair Hancock designated to sign and execute the S. 219 covenant, the S. 218 SRW and the sustainable forestry covenant for GL-RZ-2005.2 (Romagnoli-Smith).	Kaitlin Kazmierowski	Jul-09-2012	On Going
6	Staff to respond to Mayne Island Byalw referral (Bylaw No. 157) stating that the the LTC's interests are unaffected.	Kaitlin Kazmierowski	Jul-09-2012	Done
7	GL-RZ-2011.2 (Dewinetz): -Draft Bylaws 235 and 236 given first reading - DONE -Staff to refer the bylaws to the APC - DONE -Staff to work with the applicant to obtain the required groundwater assessment as per OCP policy 2e) -Staff to schedule a CIM and Public Hearing -Staff to report back with a cost estimate for legal	Kathy Jones Kaitlin Kazmierowski	Sep-10-2012	On Going

	review of the legal undertaking pertaining to the transfer of funds to GIHS from the sale of lot 12. -DONE -Staff to work with the applicant to draft a S. 219 covenant and entre into cost recovery with the application for associated legal work -Staff to contact BC Parks to review the plan regarding traffic and access, and report back at a future meeting.			
8	Galiano Groundwater Study- Phase II - Staff to include standards for potable water supply in the LUB review. - DONE -Staff to amend the third item on the Top Priorities list to include groundwater protection DPA policy review. - DONE -Staff to include the 'Well testing and Reporting Guidelines' as part of an update to the DAI bylaw - DONE	Kaitlin Kazmierowski Robert Kojima	Jul-09-2012	Done
9	LUB Review: -Staff to strike #24 and #34 from Attachment 1 of the May 29, 2012 LUB review staff report.- DONE -Staff to prepare a detailed report on the LUB priority topics. -Staff to schedule a special meeting for July or last half of August to review a detailed staff report on the LUB review.- DONE	Kaitlin Kazmierowski	Aug-31-2012	On Going
10	BEN Bylaw: LTC adopted Bylaw No. 228 the 'Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 228, 2011'. LTC appointed the Bylaw Enforcement Assistant, Coordinator and the RPM as screening officers and adopted the BEN Bylaw Screening Officers' Powers and Duties Policy. BE Manager directed to bring a draft policy regarding nuisance complaints that relate to STVRs to the next LTC meeting and be in attendance for discussion.	Miles Drew Stephanie Somers	Jul-09-2012	On Going

Islands Trust

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Memorandum

Date June 19, 2012 File Number GL-SUB-2012.1

To
From Kaitlin Kazmierowski
Island Planner
Local Planning Services

Re Ten percent lot frontage waiver for GL-SUB-2012.1 (Taylor)

Subdivision application GL-SUB-2012.1 was recently referred to Islands Trust planning staff for review. The application is for a boundary adjustment between properties at 351 and 275 Bluff Rd. The proposed boundary adjustment is included as attachment 1.

Upon review of the subdivision referral, staff noted that proposed Lot 2 does not meet the requirement for lot frontage as specified in Section 944 of the *Local Government Act* which states:

"944 (1) If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of

(a) 10% of the perimeter of the lot that fronts on the highway, and
(b) the minimum frontage that the local government may, by bylaw, provide.

(2) A local government may exempt a parcel from the statutory or bylaw minimum frontage provided for in subsection (1)."

Currently, proposed lot 2 contains a 2.2% road frontage, as would require a waiver by resolution of the LTC.

Staff have conducted an analysis of the subdivision referral, have responded to the Ministry of Transportation and Infrastructure, and recently received Preliminary Layout Approval (PLA) for the subdivision plan. The PLA includes the following conditions:

1. Written confirmation from the Islands Trust that all applicable bylaws and regulations have been complied with, including issuance of all required development variance permits.

2. Written confirmation from the Islands Trust that the 10% frontage requirement, pursuant to Section 944 of the Local Government Act, has been waived for proposed Lot 2.

3. Proof that soils are capable of supporting in-ground sewage disposal systems to the satisfaction of the Provincial Approving Officer.

The applicant will be required to apply for a Development Variance Permit (DVP) for proposed Lot 1 in order to vary section 13.9 of the LUB which states that the creation of a split zoned lot must be avoided. Further variances for the siting of some existing buildings and structures will also be required. In addition, the applicant has agreed to register a s. 219 covenant on proposed Lot 1 restricting development to one dwelling.

Staff recommend waiving the 10% frontage requirement for proposed Lot 2. The proposed subdivision and associated covenant will help remedy a problematic lot, while ensuring that no further development is permitted. Waiving the 10% frontage requirement does not appear to create any barriers to lot access, nor does it create any safety concerns with regards to neighbouring lots as the existing access abuts Bluff Park.

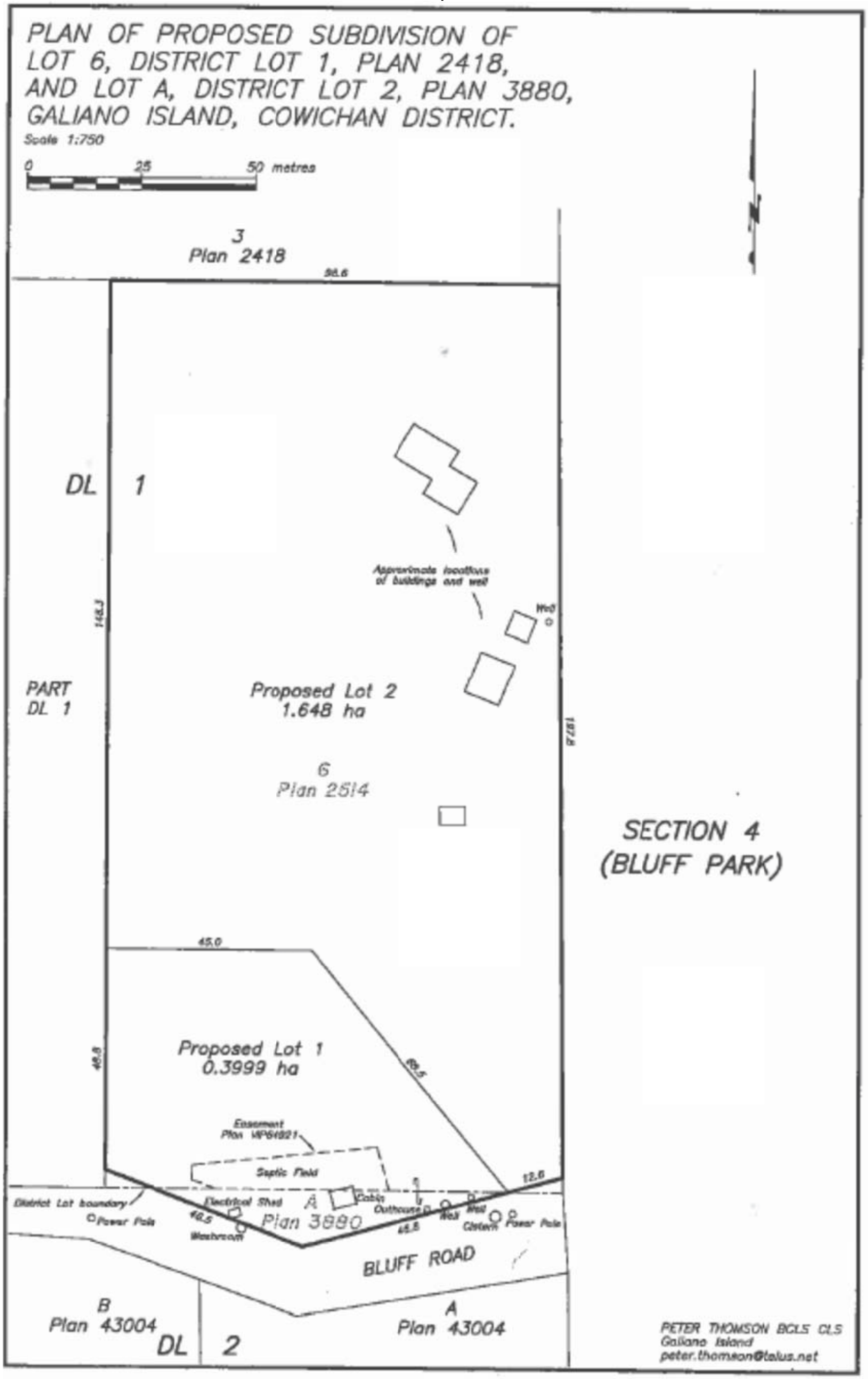
Recommendation:

THAT the Galiano Island Local Trust Committee waive the 10% frontage requirement for proposed Lot 2 for subdivision application GL-SSUB-2012.1.

Respectfully prepared and submitted by:

Kaitlin Kazmierowski
Island Planner

Attachment 1: Proposed Subdivision



Islands Trust

STAFF REPORT

File No.: GL-RZ-2011.1 (GLCHT)

To: Galiano Island Local Trust Committee for the meeting of July 9, 2012

From: Kaitlin Kazmierowski, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Proposed Bylaws 233 and 234- Amendments for First Reading

BACKGROUND

First Reading of Proposed Bylaws No. 233 and No. 234 was given at the December 12, 2011 meeting of the Galiano Island Local Trust Committee (LTC). At the time, the Galiano Land and Community Housing Trust (GLCHT) had submitted an application to rezone a portion of the subject property at 409 Porlier Pass Road to Community Housing as the remaining portion of the property was in the Agriculture Land Reserve. Since First Reading, there have been several significant changes to the application requiring amendments of Proposed Bylaws 233 and 234. This staff report will provide a brief summary of the proposed amendments as well as the amended bylaws for LTC re-consideration of First Reading. Next steps and additional considerations are included at the end of the report.

PROPOSED BYLAWS

Amended versions of Proposed Bylaws 233 and 234 are attached to this report for further consideration. Proposed amendments to the bylaws are in response to the Agriculture Land Commission's approval of the ALR exclusion application for the portions of the property zoned Agriculture (AG). Specifically, these include revised maps and a revised maximum density of 20 dwelling units from the initial number of 15; a proposed density which was based on development of the smaller non-ALR portion of the property only. Proposed amendments also stem from recent conversations with the applicants via the drafting of the housing agreement. These amendments include an increased maximum floor area for dwellings of 111 square metres (1200 square feet), the inclusion of one accessory building per dwelling with a floor area not to exceed 18.5 square metres (200 square feet), and two communal accessory buildings with a total combined floor area not exceeding 278 square metres (3000 square feet).

COMMUNITY CONSULTATION

While GLCHT has held several meetings that have been open to the public, there has yet to be a Community Information Meeting (CIM) organized by Islands Trust staff. A CIM is part of the rezoning process, and takes place prior to a Public Hearing, and often in conjunction with a public hearing. At this time, staff feel that a CIM would be best scheduled once a comprehensive draft of the housing agreement has been drafted by legal counsel and reviewed by staff. Should the LTC wish to schedule more than one CIM prior to a public hearing, further direction will be required.

STAFF COMMENTS

The proposed amendments in the attached bylaws reflect recent changes to the application, as well as the evolving vision of the project proponents. Staff note that the communal accessory buildings included in the bylaw will likely be further defined via the housing agreement and associated documents, but that their use for short-term residences is currently not permitted in the proposed bylaws. The applicants have stated a desire to include a guest suite in one of the communal buildings, however further discussion of this topic is required, as this would in effect permit an additional dwelling on site and would pose regulatory challenges.

Due to the significant amendments proposed for Bylaws 233 and 234, staff recommend that the LTC rescind First Reading, and give the attached bylaws a new First Reading. Staff will also send the amended bylaws to referral agencies that requested that any new information or changes to the bylaws be forwarded to them. Agencies that have made this request include the Penelakut Tribe and the Ministry of Transportation and Infrastructure.

Finally, there are several issues that should be resolved prior to public hearing. These are listed below:

- Confirmation of the ALC covenant on title before final adoption
- Comprehensive site plan
- Housing agreement
- Assessment of the availability of sustainable long-term groundwater as per OCP Water Supply policy 2e).

As each of these issues is significant in its contribution to the overall application and as information required for the LTC to make a decision on the rezoning, staff are not recommending the scheduling of a public hearing until there is substantial evidence that the issues listed above are completed to a degree that satisfies the LTC. As mentioned in previous staff reports, a Housing Agreement is a separate bylaw requiring adoption by the LTC and staff recommend that it and Proposed Bylaws 233 and 234 be sent to Public Hearing and considered for final adoption at the same time.

OPTIONS

The LTC may wish to consider the options presented below:

- Rescind First Reading of Proposed Bylaws 233 and 234 and give both bylaws a new First Reading as amended.
- Do not rescind First reading and amend bylaws at second reading.
- Do not amend the Proposed Bylaws.

RECOMMENDATIONS

THAT the Galiano Island Local Trust Committee rescinds First Reading of Proposed Bylaw 233 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 15, 2011”.

THAT the Galiano Island Local Trust Committee rescinds First Reading of Proposed Bylaw No. 234 cited as “Galiano Island land Use Bylaw No. 127, 1999, Amendment No. 4, 2011”.

THAT the Galiano Island Local Trust Committee give First Reading of revised draft Bylaw 233 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 15, 2011” .

THAT the Galiano Island Local Trust Committee give First Reading of revised draft Bylaw No. 234 cited as “Galiano Island land Use Bylaw No. 127, 1999, Amendment No. 4, 2011” .

Prepared and Submitted by:

	June 19, 2012
Kaitlin Kazmierowski Island Planner	Date

Concurred in by:

	June 20, 2012
Robert Kojima RPM	Date

PROPOSED
Revised June 19 2012

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 233

****

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.

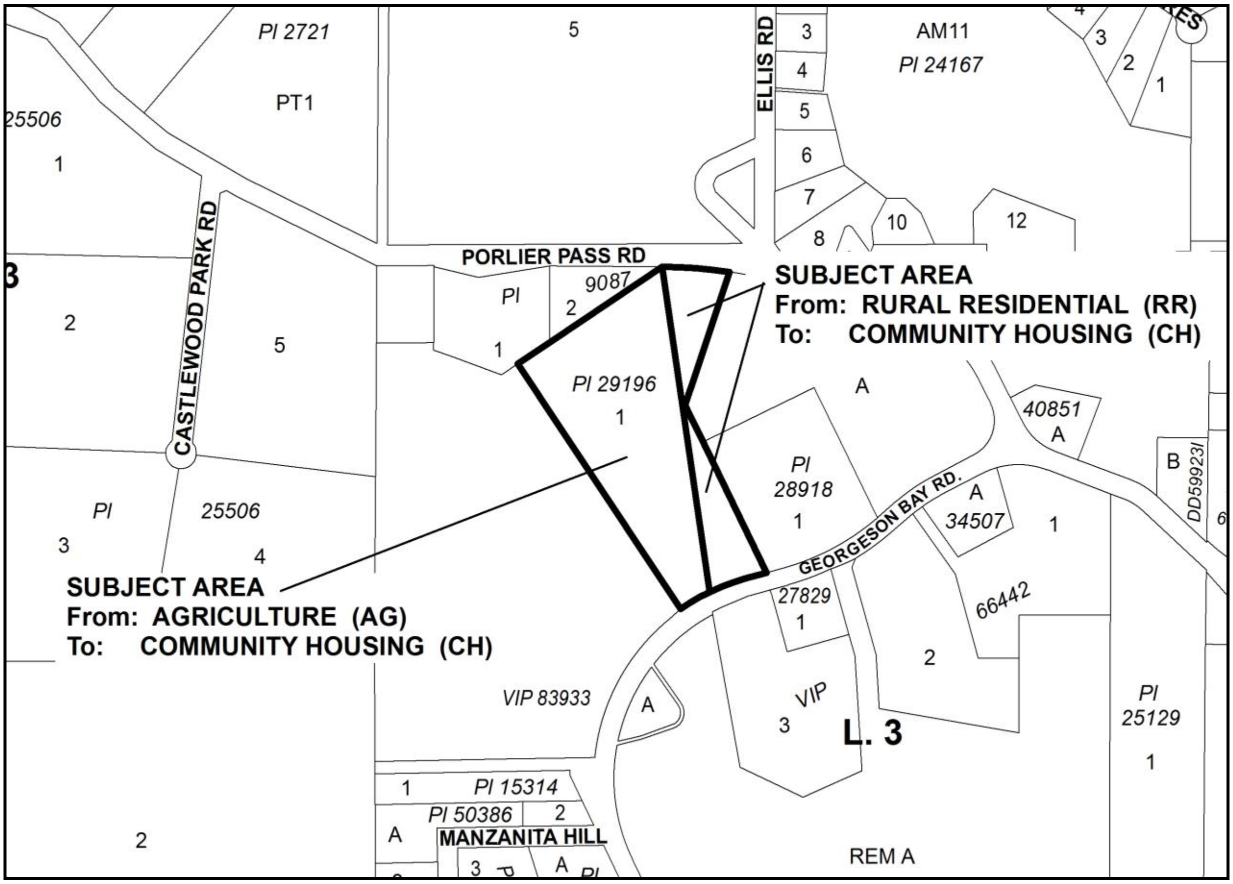
READ A FIRST TIME this	day of	, 20
PUBLIC HEARING HELD this	day of	, 20.
READ A SECOND TIME this	day of	, 20.
READ A THIRD TIME this	day of	, 20.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this	day of	, 20.
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this	day of	, 20.
ADOPTED this	day of	, 20.

______________________________ ______________________________

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.



GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 234

****

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 amending section 2.17 by adding the words "This setback does not apply to buildings and structures in the Community Housing 1 zone" immediately following the words "of the Agricultural (AG) zone.".

   b) By adding "Community Housing 1 (CH1)" in Section 4.1 after "Health and Wellness (HW)".

   c) 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.
8.6.1.2 Home occupations

Permitted Density

8.6.2 The density of development must not exceed 20 dwellings.

8.6.3 Maximum floor area of a residence must not exceed 111 square metres.

8.6.4 One accessory building not exceeding a floor area of 18.5 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 at least 7.5 metres from all lot lines.

Minimum Lot Size

8.6.8 No lot having an area less than 10 hectares may be created by subdivision.

d) Section 13.22 is amended by adding the words “or in an area zoned Community Housing 1” immediately following the words “on Schedule C”.

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.

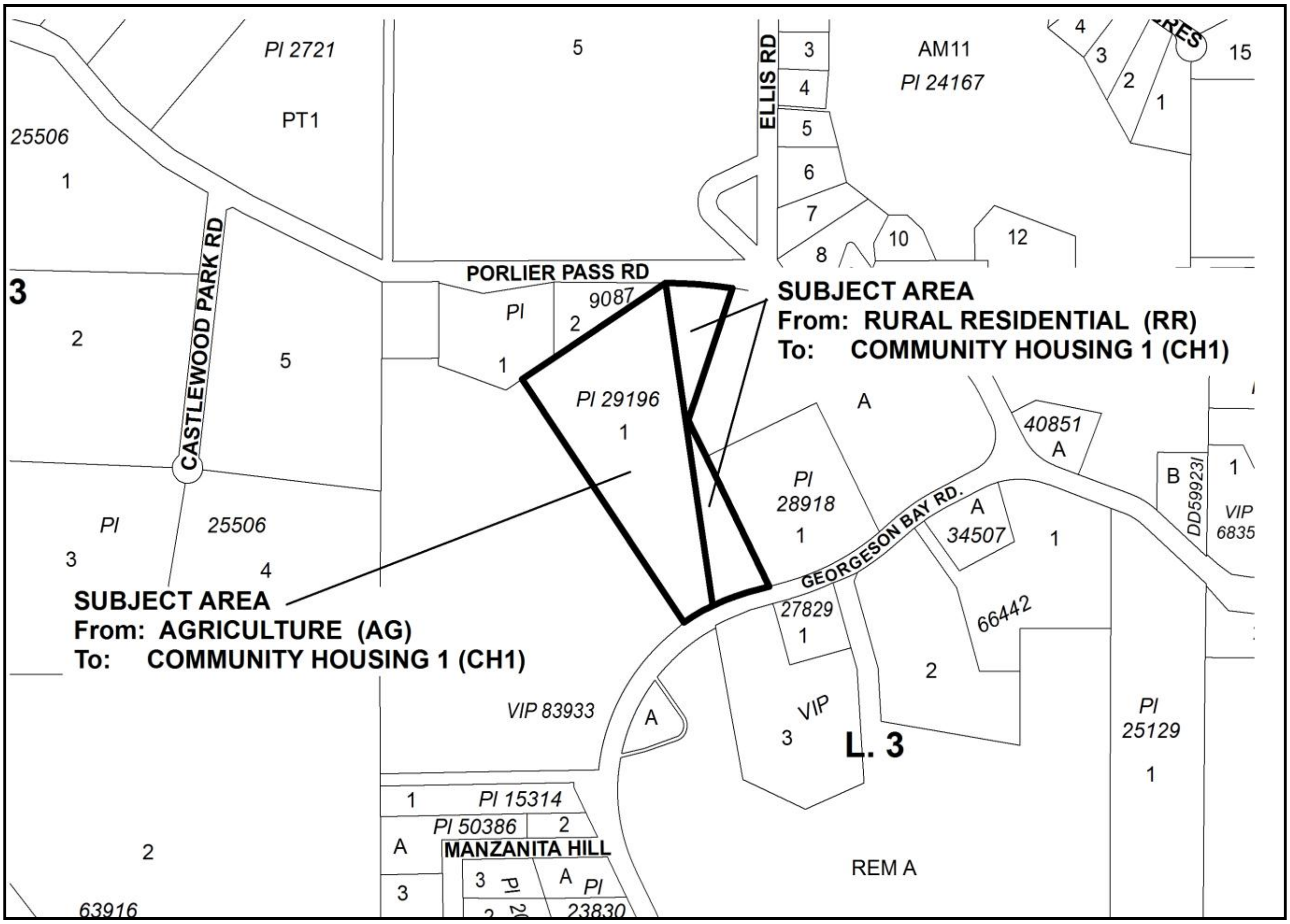
B. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011”.

READ A FIRST TIME THIS	DAY OF	20
PUBLIC HEARING HELD THIS	DAY OF	20
READ A SECOND TIME THIS	DAY OF	20
READ A THIRD TIME THIS	DAY OF	20
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	DAY OF	20
ADOPTED THIS	DAY OF	20

__________________________ __________________________

DEPUTY SECRETARY CHAIRPERSON

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



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STAFF REPORT

File No.: GL-DP-2012.1
(Ferguson)

To: Galiano Island Local Trust Committee
For the meeting of July 9, 2012

From: Kris Nichols
Planner

CC: Kaitlin Kazmierowski
Island Planner

Re: **Development Permit Application Information Report**

Owner: Mark and Patricia Mustacich
Applicant: Jack Ferguson
Location: Lot 1, District Lot 6, Wise Island, Cowichan District , Plan 19676
Lot 1 Wise Island

PRELIMINARY REPORT

This is a preliminary report for LTC review and discussion. The final development permit will be forwarded for LTC consideration pending provision of complete information from the applicant.

THE PROPOSAL:

The proposal is for the construction of a single family house on Wise Island which is northwest of Montague Harbor and Parker Island. The construction will replace an existing single family house which will be dismantled. The building is located within two development permit areas: Development Permit Area 2 – Shoreline and Marine DPA and Development Permit Area 5 – Sensitive Ecosystems. The proposed development includes the demolition/dismantling of an existing single family dwelling and a detached garage and the construction of a single family dwelling (See Figure 2). The plan is to maintain the same footprint for most of the new single family building as the previous, but to build out into a previous disturbed area for an additional 37 m^2 (400 ft^2). There will be two damaged Douglas-fir trees that will be removed as part of the development otherwise the applicant proposes to work within the guidelines of the development permit areas.

The proposed single family dwelling will require a height variance given that it is proposed to be approximately 0.46 m (1.5 ft) above the permitted 9.0 m (29.5 ft). Variances are permitted within the framework of a Development Permit provided that it helps to advance the DPA objectives and guidelines. The height variance supports the development permit objectives in that otherwise the applicant will have to blast a rock outcrop to meet the height requirement, whereas a variance would permit the rock outcrop to remain, thereby causing less damage to the ecosystem.

In addition to the height variance the applicant wishes to maintain a deck that was built within the setback from the sea and internal lot line setback as well as being within the DPAs. As part of the application the applicant has hired a registered biologist to evaluate the development in conjunction with the DPA guidelines. A preliminary biological report is attached as Schedule B. This preliminary report states that to move the deck and rehabilitate would impact the natural habitat greater than if it were left in place and periodically updated.

It should be noted that while devleopment permits are lasrgely nondiscretionary in their approval if they meet the guidelines, variances requested as a part of the Development Permit can be considered through a separate DVP application. This would be recommended where the variance would clearly not support or advance the objectives or other guidelines of the DPA, or where notification of neighbours was a concern.

This report is dealing with a Development Permit application, but is preliminary in nature given that all the information required (i.e. surveys, biologists report, etc.) has not been received from the applicant. This limits the amount of detail and analysis in this report. Additional information may be presented at the LTC meeting to augment this report. The reason that a preliminary report is being considered rather than waiting for all the information to be submitted is two fold. The introduction of Development Permit Areas (DPA) on Galiano Island is new and this is the first application for Galiano made under the new DPA guidelines. Secondly, there is generally a limited window of opportunity for building and the intent is to ensure that the Local Trust Committee has the general information in advance of a decision being required. This may help to expedite the consideration regarding the issuance of the development permit and permit the LTC to consider a Resolution Without Meeting (RWM) to decide upon the application before the next scheduled meeting in September thereby permiting the applicant to proceed with construction.

A draft Development Permit is attached as Schedule ‘A’ for the LTC’s consideration. The applicant submitted a preliminary biologist’s report to accompany the development permit, which is attached as Schedule ‘B’.

Development Permits - Overview

British Columbia’s *Local Government Act* enables communities to designate parts of their planning area as Development Permit Areas so they can set objectives and guidelines for development within those areas. No building construction, demolition, land alteration, or subdivision of land may occur in a Development Permit Area without a Development Permit. Development Permits are a planning tool for sites, buildings and structures in specific areas that warrant special protection or development control. There are different from zoning in that zoning outlines the land use (i.e. single family residential, etc.) whereas a development permit may be used to guide a specific development within that special area (development permit area) in that zone. The Development Permit Areas guidelines and maps are found in the Galiano Island Official Community Plan (OCP) Bylaw No. 108. There are seven (7) development permit areas designated in the OCP. A number are new DPA adopted at the end of last year.

A development permit application is evaluated based on how it meets the objectives and guidelines. The decision to grant a development permit is nondiscretionary providing it meets the Development Permit Area objectives and guidelines and is based on fact. Once they are issued, notice of the development permit is registered on title of the property.

SITE CONTEXT:
The subject site is located at the northern tip of Wise Island, to the west of Galiano Island. The lot is approximately 0.25 ha (0.63 acres). Most of the lots on Wise Island appear to be similar in size. The property contains a two storey single family dwelling, a studio, a garage building and a detached deck.

Staff will be conducting a site inspection with the applicant on July 5th. The subsequent report will contain more specific details and analysis currently absent from this report.

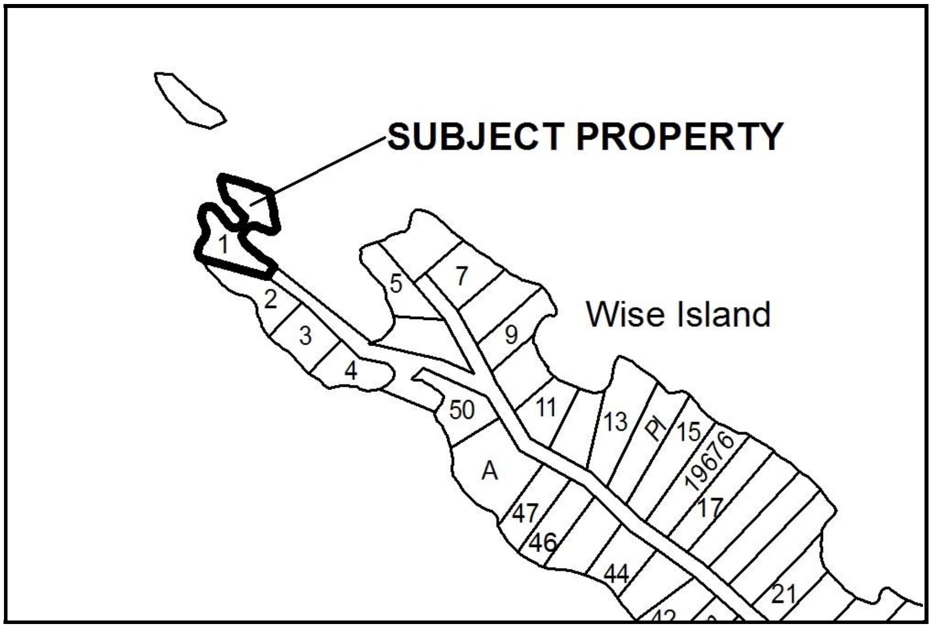


Figure 1 – Subject Map


Figure 2 – Ortho map of subject property

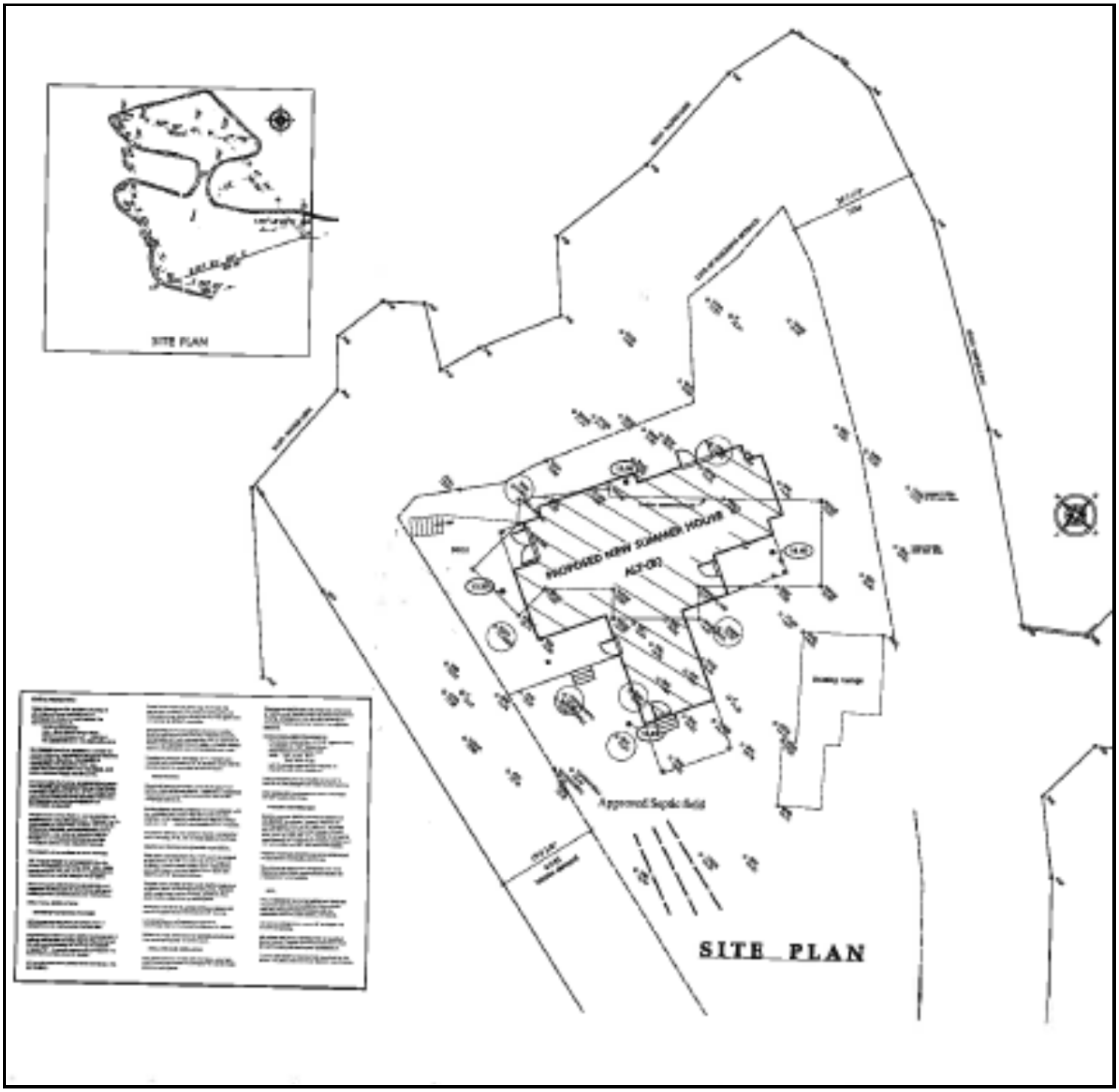


Figure 2 – Partial Survey with New House Overlay

Picture 1 – Existing Single Family Residence

Picture 2 – Existing Single Family Dwelling

Picture 3 – Existing deck within setback to the sea

Picture 4 – Douglas-Fir trees to be removed with new construction.

Proposed Building Elevations – Single Family Dwelling

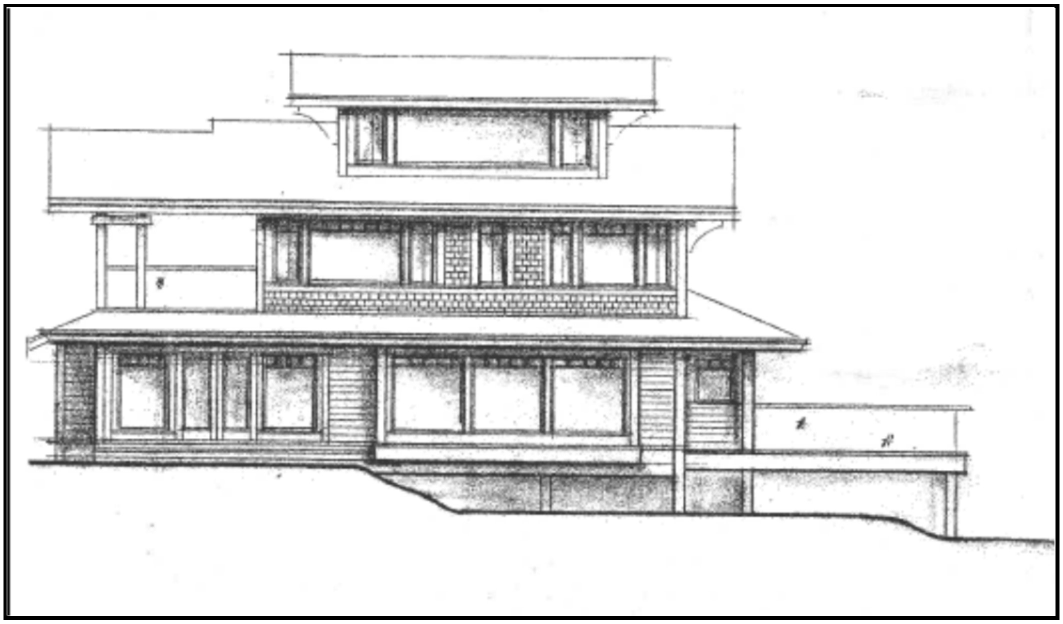


Figure 3 - Back Elevation (north west)

Figure 4 – Side Elevation (north east)

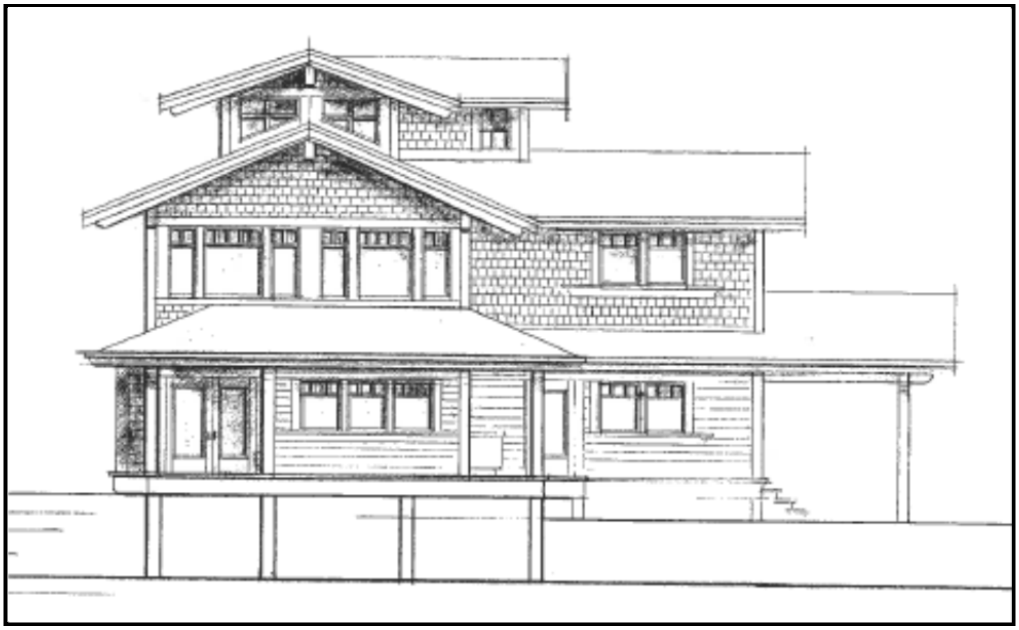


Figure 5 - Side Elevation (south west)

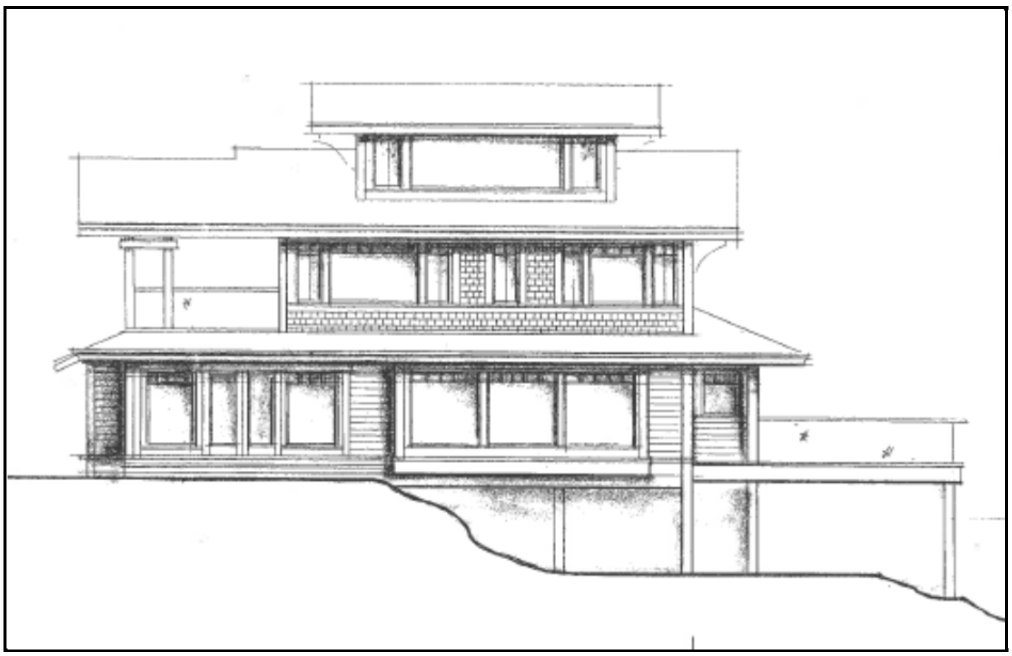


Figure 6 - Front Elevation (north west)

CURRENT PLANNING STATUS OF SUBJECT LANDS:

<u>Trust Policy Statement</u>: Applicable policies in the Islands Trust Policy Statement include:

> 3.2.1 – Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development and land-use.

Official Community Plan: The subject property is designated Small Lot Residential (SLR). The property is located within the Shoreline and Marine DPA and the Sensitive Ecosystems DPA.

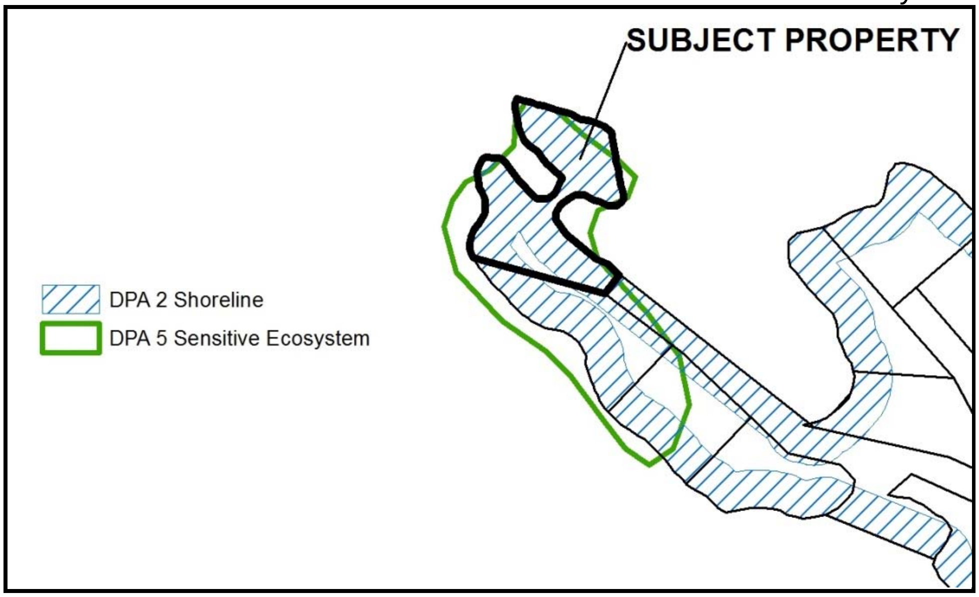


Figure 7 – Development Permit Areas

Land Use Bylaw: The subject property is zoned Small Lot Residential (SLR). All the properties immediately adjacent are similarily zoned. The permitted height for principal buildings is 9.0 m (29.5 ft). The setback from the sea is 7.5 m (24.6 ft) for all buildings and structures. It is uncertain at the time of writing this report what the variance amounts being requested will be.

Islands Trust Fund: There are no Trust Fund covenants or properties on or near the subject property.

Sensitive Ecosystems and Hazard Areas: there is a woodland sensitive area identified on the property, which is the basis of the Sensitive Ecosystem designation (see Figure 8). The property is also surrounded by a Rock Fish Conservation Area. There are no steep slope hazard areas identified on the property.

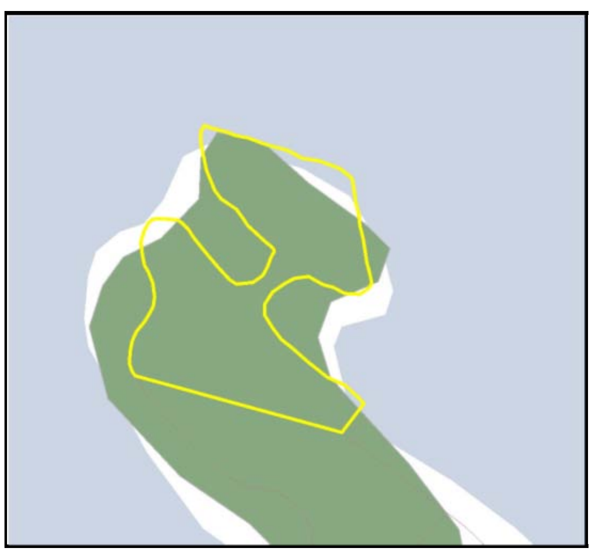


Figure 8 – Woodland Area (Sensitive Ecosystem Mapping)

Archaeological Sites:There are no archaeological sites on or in the vicinity of the subject property registered in the provincial database.

Covenants:There are no restrictive or conservation covenants on the subject property.

Bylaw Enforcment: Currently, there is no bylaw enforcement files related to this property. The applicant wants to rectify the issue with the deck being within the setback from the sea by including it with the development permit application. Should the LTC not permit the deck as part of the development permit application, a bylaw enforcement file will be initiated.

Climate Change Mitigation and Adapation: The subject property is already developed with the area proposed for new construction having been historically disturbed. The proposed new work at higher elevations on the site.

Other:

A preliminary report by a Registered Professional Biologist (Linneaus Consulting) evaluating the proposed development within the Sensitive Ecosystem and Shoreline DPA is attached as Schedule 'B'. The preliminary report outlines the ecological values of the property and briefly describes the proposed development and the intended impact.

A checklist indicating how the development will address the DPA guidelines for the Shoreline and Marine DPA and the Sensitive Ecosystems DPA has been attached as Schedule C.

COMMUNITY INFORMATION MEETING(S):

A community information is not required or recommended for development permit applications.

RESULTS OF CIRCULATION:

Development Permit applications do not require circulation, nor do variances where they are being considered within the DP application.

STAFF COMMENTS:

A complete application had not been received at the time of writing this information report. The intent of this preliminary report is to give the LTC enough background information at a regular meeting to permit discussion and the option considering issuance through an RWM when all the information is submitted. This is being done in an effort to not delay the application until the next scheduled meeting in September and permit the applicant to begin construction. In order to better understand the application staff will be meeting with the applicant on-site on July 5.

The proposed development (new summer house) is being constructed primarily on the footprint of the existing house (which will be dismantled) except for a portion (approximately 400 ft^2) that will be constructed on a historically disturbed area. The applicant is also applying for two variances in support of the DP guidelines. One is to address the height of the proposed house to reduce the need for blasting and another is to address the existing location of a deck that may be within the interior side lot line setback and the setback from the sea (currently undetermined due to lack of detailed survey). A preliminary biologists report has been submitted (attached as schedule B) which supports the retaining of the deck for future use. This is based on the fact that the report states that to remove it would cause a greater disturbance and destruction to the natural habitat than if left intact. The granting of the associated variances is discretionary whereas the issuance of the permit is nondiscretionary providing it meets the objectives and guidelines of the DPA.

The applicant has stated that they will be dismantling the existing single family house and the detached garage in hopes of reusing some of the materials from both buildings in the new construction. The garage will not be rebuilt, and it will be recommended that the area left by the garage deconstruction be rehabilitated with natural native vegetation. It will also be recommended that the area left from the deconstruction be used to stockpile building materials so as to not impact the sensitive ecosystems or shoreline DPAs.

A more detailed biologist's report should be available by the beginning of July and will be considered in the subsequent Development Permit report and permit conditions.

Based on the information received to date, conditions in the proposed permit would include the following points. Some of the draft conditions are stated broadly, and will be replaced with specific conditions once additional information is received.

- the removal of two Douglas-fir trees (both are damaged) in the footprint of the new proposed dwelling
- deck maintenance should meet the guidelines established for both DPAs in protecting the surrounding habitat, plus not permit any sealants or paint to be used.
- removal of building debris and transportation of materials for construction (e.g. barge landing area) should be done so as to lessen the impact on the ecosystem.
- deconstruction materials and materials for construction should be stored so as to not impact the ecosystem.
- construction of a sewage disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met (Note: currently unsure if new system is required).
- habitat areas of plant communities that are dependant on marine shoreline habitat and identified by a qualified professional should be left undisturbed (i.e. Garry Oak ecosystem).
- development should be undertaken and completed in such a manner as to prevent the release of sediment to the marine shore.
- trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
- vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should be native to the area.
- any temporary barge docking facility should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift
- A defined minimal area cleared and disturbed for development.
- Buildings and associated infrastructure sited to allow sufficient undisturbed space around significant mature or established trees to protect root systems.
- Maintain identified native grasses, rare plants, and wildflower ecosystems and associated soils free of development.
- Plant drought-resistant and native plants in landscaping and avoid planting or introduction of non-native plants.
- Pervious surfaces in new construction
- Construct new decks with sufficient spacing or materials to be permeable to water

- Diffused discharge of storm water
- Limit removal of mature and old trees, dead and declining trees and the root systems of trees.
- No or limited blasting in sensitive areas
- Soil, gravel or rock is only to be removed or deposited, as minimally necessary, within that area for the proposed dwelling.
- Limit the area cleared and disturbed for development to that identified in the plan
- Post-construction the disturbed area to be restored to as near the pre-existing natural condition as is feasible,
- Post-construction the disturbed area shall be maintained free of invasive species, particularly Scotch Broom,
- The protection of the arbutus trees and their root systems during construction with temporary fencing,

Again, it is important to point out that this is only a preliminary information report which does not require any decisions to be made by the LTC. In addition, a new survey and a more detailed biological report should be available by the beginning of July and will be considered in the subsequent Development Permit report and permit conditions. They may also be provided, if available, as late items to the July meeting. The complete Development Permit report will be submitted to the LTC, with the option to consider issuance of a permit through an RWM once a thorough analysis has taken place and all the information has been submitted.

RECOMMENDATIONS:

No recommendation: this is an information report to provide background information for future consideration by the LTC for issuance of the development permit by a possible RWM.

Prepared and Submitted by:

Kris Nichols	June 27, 2012
Kris Nichols, Planner 1	Date

Concurred in by:

R Koj	June 28, 2012
Robert Kojima, RPM	Date

Islands Trust

GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT GL-DP-2012.1

[NOTE: This proposed permit is based on limited information and will likely change prior to final consideration]

To: Mark and Patricia Mustacich

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

   Lot 1, District Lot 6, Wise Island, Cowichan District, Plan 19676

2. This Development Permit authorizes the construction of a single family dwelling and the maintenance of an existing deck within the development permit area, subject to the following requirements and conditions:

   (a) Construction and land alterations shall be consistent with Schedule A attached to and forming part of this permit.

   (b) Two Douglas fir trees in the footprint of the proposed construction of the dwelling may be removed including root system.

   (c) No snags or wildlife trees are to be removed.

   (d) For those trees that must be removed, the trunks and large limbs from removed trees to be left within the development permit area as large woody debris (branches and small limbs with a diameter less than 20 cm may be removed to reduce fire fuel loads).

   (e) Arbutus trees and their root systems shall be protected during construction by installing temporary fencing at a minimum distance of 2.0 m from the trunk.

   (f) The surface of any deck shall be constructed with sufficient spacing or materials to be permeable to water.

   (g) Design of storm water discharge from any structures or surface within the development permit area shall ensure diffused discharge (in a semi-natural manner).

   (h) No irrigation systems are to be placed within the development permit area.

   (i) Once construction is completed, the disturbed land within the development permit area shall be maintained free of invasive species, particularly Scotch Broom.

(j) Within the development permit area soil, gravel or rock is only to be removed or deposited, as minimally necessary, within the area of the proposed dwelling.

(k) Once construction is completed, the disturbed land within the development permit area shall be restored to as near the pre-existing natural condition of the sensitive and shoreline ecosystems as feasible.

(l) Blasting of rock is not anticipated; however, should it be necessary, any rock removed shall not be deposited within the development permit area. Mitigation shall include the use of blast mats to contain materials.

(m) Temporary fencing should be constructed around the building sites to limit intrusion into DPAs during construction.

(n) Deck maintenance shall meet the guidelines established for both DPAs in protecting the surrounding habitat, plus not permit any sealants or paint to be used.

(o) Removal of building debris and transportation of materials for construction (e.g. barge landing area) shall be done so as to lessen the impact on the ecosystem [Note: specific barge landing and other accesses may be designated based on additional professional report].

(p) Deconstruction materials and materials for construction shall be stored on previously disturbed areas, specifically the building expansion area or garage area.

(q) Construction of a sewage disposal system shall be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met [Note: currently undetermined if a new system is required].

(r) Habitat areas of plant communities that are dependant on marine shoreline habitat and identified by a qualified professional shall be left undisturbed [Note: specific areas to remain free of development may be identified in the pending professional report].

(s) Development shall be undertaken and completed in such a manner as to prevent the release of sediment to the marine shore [Note: specific condition such as siting of silt fencing may be included based on recommendations of professional report].

(t) Trees and large shrubs within the construciton area that are to be retained shall be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.

(u) Any new plantings within the development permit area must be drought-tolerant, native vegetation species.

3. The Galiano Island Land Use Bylaw No. 127, 1999 is varied as follows:

- [Note: height and deck variance to be incorporated]

4. 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.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS xxth day of July, 2012.

____________________________ ____________________________

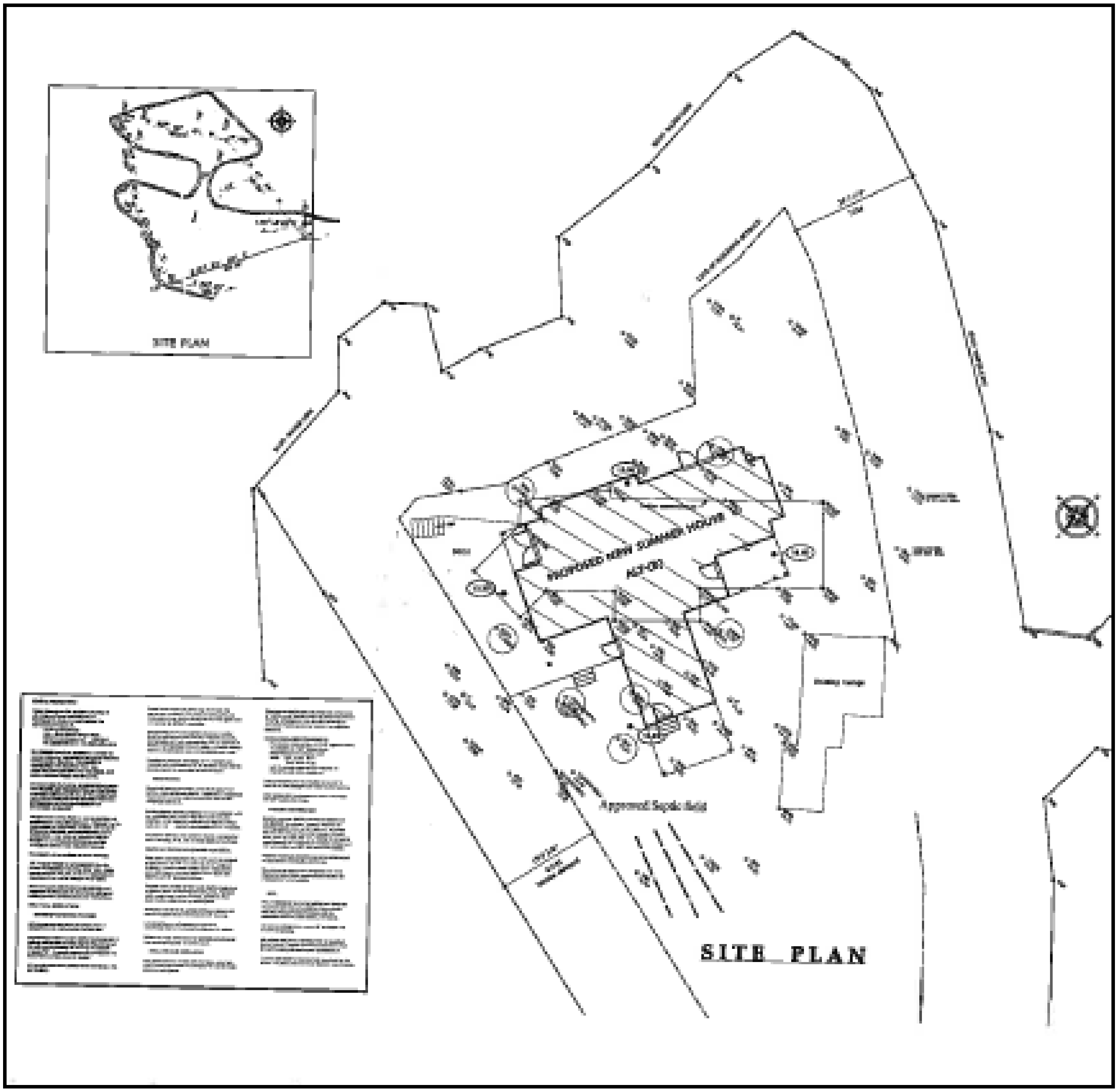
Deputy Secretary, Islands Trust Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE x DAY OF xxxx, 2014 THIS PERMIT AUTOMATICALLY LAPSES.

GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT GL-DP-2012.2

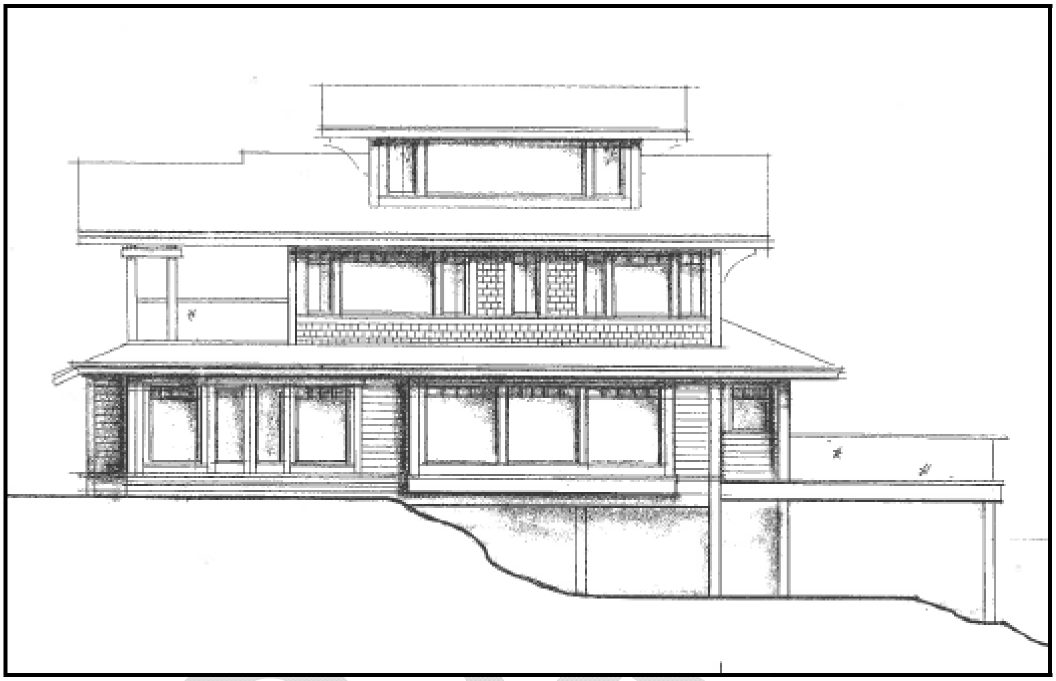
Schedule “A”



Note: new survey is required

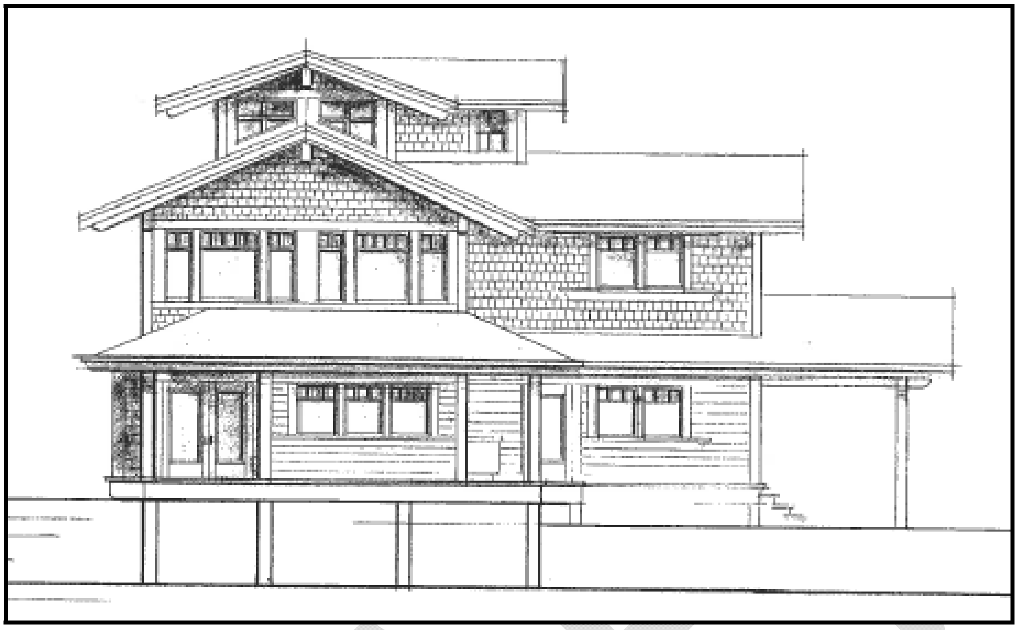
Schedule “B”

Proposed Building Elevations – Single Family Dwelling

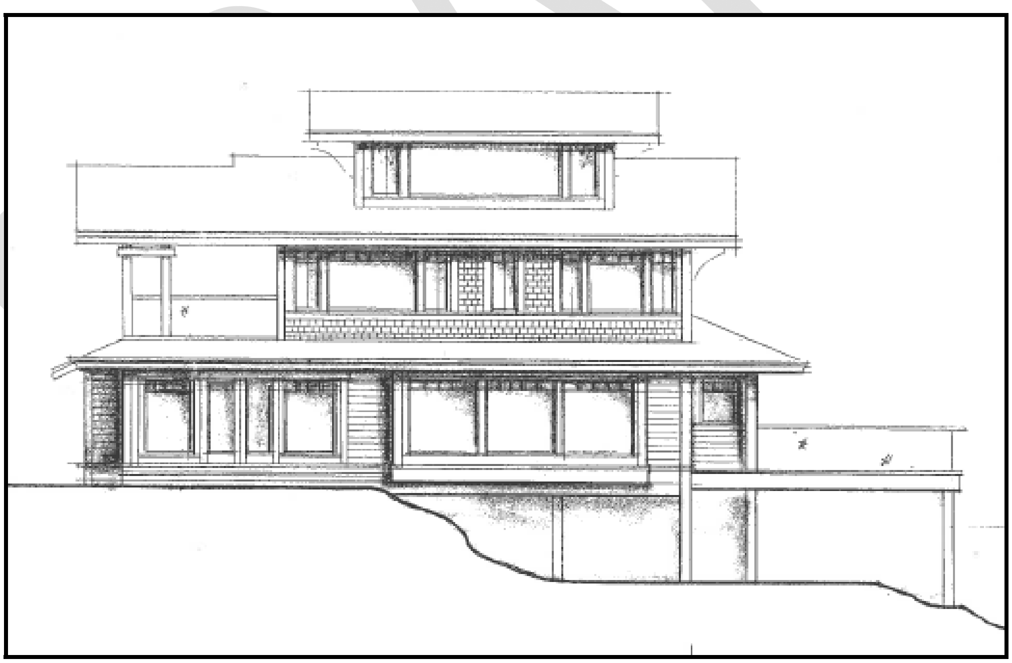


Back Elevation (north west)

Side Elevation (north east)



Side Elevation (south west)



Front Elevation (north west)

Linnaeus
Environmental
Consulting

4547 Bedwell Harbour Rd.
Pender Island, B.C.
V0N 2M1
Phone: 250.629.3381
Fax: 250.629.9956
Email:linnaeus@shaw.ca

June 22, 2012

Preliminary Comments Regarding the Mustacich Property on Wise Island

I viewed the Mustacich property on June 17 to evaluate potential impacts on proposed house construction at the site. In the photo below that looks at the property from the northwest, you can see the rocky shoreline with a studio on the left and the existing house on the right. No activity is planned for the point of land on which the studio is situated.

The absence of deer on Wise Island is evident, and has allowed the full complement of species associated with coastal Douglas-fir/Arbutus/Garry oak to flourish. The property as a whole is in fairly good condition, with Garry oak regeneration not seen in areas heavily browsed by deer. There is very little Scotch broom on the property.

The plan is to carefully dismantle the existing house and garage using an existing barge docking area (in a non-sensitive area), using a backhoe only. All of this activity will take place in a previously disturbed, non-sensitive portion of the property visible in Photo 2. This disturbed area has been filled in the past, a rock wall constructed, and was formerly the site of a garden. The plan is to build a new house on the footprint of the old house, with an added 400 sq. ft. of space that will be constructed within the disturbed area.

Photos 3&4 show the location of an existing weathered deck that is located within the current setback, which the owners prefer to keep. This deck is surrounded by healthy regenerating Garry oak, and it is my opinion that dismantling and removal of this deck would cause more disturbance and destruction of natural habit than if left intact, even if followed by restoration activity. Periodic maintenance (replacing boards) would not compromise the surrounding ecosystem if done in a sensitive manner. I would recommend that no sealants or paint be used on this deck.

Photo 5 shows the location of the proposed new deck on the northwest side of the house. The two Douglas-fir trees visible in the photo are the only trees slated for removal as part of the property development. The smaller Douglas-fir has been damaged (top broken off), and the larger Douglas-fir is also missing the top of its trunk.

The full DPA report on this property will be submitted on June 29, 2012.

Respectfully,
Jan Kirkby

• ecosystem-based site inventory and evaluation • environmental impact assessment • management plans •

Photo 1 View from west looking east

Photo 2 Disturbed area to be used for construction

Photo 3 Existing deck in setback area

Photo 4 Deck showing healthy regeneration of Garry oak

Photo 5 Douglas-fir trees proposed for removal on northwest side of house

DPA Checklist: GL-DP-2012.1
Construction of Single Family Dwelling – Wise Island
Sensitive Ecosystems DPA

Guidelines	Comments
a) Avoid development being located in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.	Will be addressed in the permit
b) Minimize the area cleared and disturbed for development.	Will be addressed in the permit
c) Retain large, connected undisturbed areas, with connections and corridors providing continuity between sensitive ecosystems and important habitat.	n/a
d) Site buildings and associated infrastructure to allow sufficient undisturbed space around significant mature or established trees to protect root systems.	Will be addressed in permit
e) Retain undeveloped buffer areas around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.	Will be addressed in permit if such feature are identified in professional report
f) Natural features may be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, spits and dunes should be protected.	Will be addressed in permit if such feature are identified in professional report
g) Preserve native grasses, rare plants, and wildflower ecosystems and associated soils.	Will be addressed in permit
h) Avoid the planting or introduction of non-native plants. The use of drought resistant and native plants in landscaping should be encouraged.	Will be addressed in permit
i) Avoid removal of mature and old trees, dead and declining trees and the root systems of trees.	Will be addressed in permit
j) Protect denning and nesting sites of rare, threatened or endangered species.	n/a
k) Minimize soil removal and deposit.	Will be addressed in permit
l) Avoid alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem.	Will be addressed in permit
m) Locate septic fields in a manner that minimizes potential impacts on sensitive ecosystems or habitat.	Uncertain if new field will be required with new development
n) Limit driveways and other accesses to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be	Limiting impervious surfaces will be addressed in the permit

discouraged.	
o) Limit shoreline structural modifications in scale and extent to structures necessary to support or protect an existing use or structure.	Conditions for maintenance of existing deck will be addressed in permit. (If deck is permitted)
p) Preference should be given to shoreline modifications that have a minimal impact or enhance ecological functions, including vegetation enhancement, upland drainage control, beach enhancement or nourishment, anchor trees, or gravel placement. Harder construction measures should be avoided.	n/a
q) Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	n/a
r) Limit stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline to those required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.	Will be addressed in permit.
s) In addition to the other guidelines, the following guidelines apply specifically to applications within a woodland sensitive ecosystem:	Will be addressed in permit.
i) Protect large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated under-storey vegetation.	
ii) Avoid unnecessary removal of dead or declining trees, downed logs, snags and leaf litter.	
iii) Where feasible, cut dangerous trees to a level where they are safe rather than removed entirely.	
t) In addition to the other guidelines, the following specific guidelines apply to applications within a wetland ecosystem:	N/A
i) Avoid filling or draining of permanent or seasonally wet areas.	
ii) Retain wetland vegetation and structure.	
iii) Avoid locating roads, driveways and utility corridors through wetland ecosystems; where crossings have to be located within the ecosystem the crossing should, to the extent feasible:	
• Be narrow and perpendicular to a wetland ecosystem;	
• Share facilities;	
• Minimize impacts on water bodies;	
• Conform to topography to	

minimize cut and fill;	
• Not restrict the natural movement of surface and groundwater;	
• Have appropriate native vegetation planted on shoulders to provide screening and assist soil stability.	
iv) Conduct construction involving disturbance of soil in such a manner as to avoid direct run-off into wetlands.	n/a
v) Avoid disruption of natural hydrologic cycles and natural aquatic processes, including water flows, seasonal flooding, channel movements, windthrow or natural slope.	Will be addressed in the permit
vi) Maintain vegetation cover which helps stabilize banks and reduce erosion and provides habitat.	Maintaining natural vegetation will be addressed in permit
vii) Avoid removal of vegetation that would reduce the natural functions of the sensitive ecosystem.	Will be addressed in permit
viii) Avoid alteration of vernal pools to create year-round water features.	n/a
u) In addition to the other guidelines, the following specific guidelines apply to applications within a cliff ecosystem:	N/A
i) Maintain talus and rock debris that occurs at the base of rock outcroppings.	
ii) Protect the faces of rock outcrops and cliffs.	
v) The following guidelines are applicable to any subdivision proposal within the Sensitive Ecosystem development permit area:	N/A
i) Where feasible, protect sensitive ecosystems and habitat by clustering lots in areas with disturbed or modified ecosystems.	
ii) Proposed lots containing sensitive ecosystems and habitats should be of sufficient size to accommodate the permitted level of development, including driveway access and septic disposal systems, while also avoiding alteration and fragmentation of the sensitive ecosystems and habitat.	
iii) Protect sensitive ecosystems and habitat from clearing, grading and filling during the land development and construction phases of subdivision. Permit conditions may include requirements for fencing, signs and timing of work.	
iv) Make provision for any recommended buffer areas adjacent to sensitive ecosystems and habitat.	
v) Configure lots to minimize driveway lengths within sensitive ecosystems. The provision of shared driveways may be considered as a condition of a	

permit if it can reduce impacts on sensitive ecosystems and habitat.	
vi) A community water system, as an alternative to individual wells, may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.	
vii) Locate septic disposal sites in a manner that minimizes potential impacts on sensitive ecosystems and habitat.	
viii) Design storm water management systems, where proposed, in a manner that avoids the impacts of run-off on sensitive ecosystems and habitat.	
ix) Where applicable, configure lots to allow the siting of docks and stairs to the foreshore with minimal impact on sensitive shoreline and intertidal areas.	
x) Pre-designation of building sites, septic disposal fields and driveways may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.	
w) In general, where a professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Conditions of a permit may include:	
i) the designation of areas within which no development shall occur;	Will be addressed in permit
ii) requirements of building siting, size, design or construction that would minimize impacts, protect or enhance sensitive ecosystems or habitat;	Will be addressed in the construction, deconstruction and storage of building materials
iii) use of native vegetation in landscaping;	Will be addressed in permit
iv) the use of pervious surfaces;	Will be addressed in permit
v) the placement of permanent or temporary fencing around sensitive features;	Will be addressed in permit
vi) fencing, flagging and posting of notices during construction;	Will be addressed in permit if recommended by professional
vii) limits on blasting in sensitive areas;	Will be addressed in permit
viii) limits on construction timing;	Will be addressed in permit if recommended by professional
ix) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;	Will be addressed in permit if recommended by professional
x) restoration or enhancement of disturbed sensitive ecosystems and habitat;	Will be addressed in permit for disturbed areas during construction and where garage was located.
xi) the layout of lots, including clustering, driveways, access routes, and septic disposal facilities in a plan of	n/a

subdivision.	
x) Where restoration or enhancement work is required as a condition of a permit, the applicant may be required to provide to the Islands Trust a security deposit, in the form of an irrevocable letter of credit, equal to 125% of the estimated costs of all materials and labour, as determined by a professional with relevant experience.	Will be addressed in permit if recommended by professional
y) The Local Trust Committee may consider variances to subdivision or building siting or size regulations where the variance may result in protection of a sensitive ecosystem or habitat.	Two variances are being proposed. One is for the height of the single family dwelling and one is for the location of the existing deck within the setback area.

DPA Checklist: GL-DP-2012.1
Construction of Single Family Dwelling – Wise Island
Shoreline and Marine DPA

Note: this is very preliminary as all information has not been received nor site inspection conducted

Guidelines	Comments
General Guidelines:	
1. In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access.	There is no new development proposed with this application just the possible maintenance of an existing deck (if permitted to remain)
2. Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works are exhausted should such works be considered.	n/a
3. Sea level rise, storm surges, and other anticipated effects of climate change should be addressed in all applications.	Proposed addition would be at higher elevations
4. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.	Two variances are being requested one for height of the new dwelling and one to permit an existing deck to remain in a setback area.
5. New upland structures or additions to existing structures should be located and designed to avoid the need for shore protection works.	No protection works required
6. When required, shore protection measures should:	n/a
a. Apply the 'softest' possible shore protection measure that will still provide satisfactory protection; and	
b. Limit the size of shore protection works to the minimum necessary.	
7. 'Hard' structural shore protection measures (e.g. concrete walls, lock block, stacked rock) may be considered in support of existing development only when a geotechnical and biophysical analysis demonstrates that:	n/a
a. an existing structure is at immediate risk from shoreline erosion caused	

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

other land use bylaw requirements.	
12. New driveways and sewage disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the development permit may require that the assessment, design and construction of the road or sewage disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met.	There is an existing septic system. It is uncertain whether it will be upgraded as part of the development.
13. Where this development permit area includes native plant species or plant communities dependent on a marine shoreline habitat that are identified locally, provincially, or federally as sensitive, rare, threatened or endangered, or have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation / compensation measures shall be undertaken only under the supervisions of a qualified professional with advice from provincial and federal environmental agencies.	Will be addressed in the permit
14. Shore protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing structures or new outbuildings.	n/a
15. Existing shore protection works may be replaced if the existing works can no longer adequately serve their purpose provided that:	n/a
a. The replacement shore protection works are of the same size and footprint as the existing works, unless required to prevent shoreline erosion as determined by a qualified professional;	
b. The replacement shore protection works are designed, located, sized, and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;	

c. Replacement walls or bulkheads do not encroach seaward of the natural boundary or the seaward limit of the existing shore protection works unless there are significant safety or environmental concerns that could only be addressed via such an encroachment. In such cases, the replacement of shore protection works should utilize the 'softest' approach possible and should abut the existing shore protection works; and	
d. Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.	
Guidelines for Subdivisions:	N/A
16. All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development.	
Guidelines for Commercial and Industrial Development:	N/A
17. Boat maintenance and repair facilities shall be designed and sited in a manner that minimizes the potential for the discharge of toxic materials from boats (e.g. fuels, oils, maintenance by-products).	
18. Lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility. Light fixtures on such sites should focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high-cut off angle should be used. Full-spectrum fixtures are preferred. Neon lighting should not be used outside buildings.	
19. Signs on commercial and industrial developments built over the water surface should not move or be audible and should not incorporate lighting that moves or flashes or gives the	

impression of doing so.	
20. Offshore log storage should be located such that natural flushing and water circulation will disperse waste materials, and log dumping facilities should be designed and operated to prevent bark and other debris from accumulating on the sea bed.	
Guidelines for Specific Shoreline Types:	
21. Because of their extreme sensitivity to disturbance and slow rate of recovery, dredging or filling of estuaries should not be permitted, sea walls and rip rap embankments should not be permitted in estuaries, and when shore protection measures are necessary "beach nourishment" designs are preferred, which add appropriately sized material to the upper beach, creating a natural beach slope and beach armour.	n/a
22. New structures on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis for the structure.	n/a
23. Removal of trees or other vegetation from steep slopes or bluffs should only be allowed where necessary and where replacement vegetation / erosion control measures are established. If possible, stumps should be left in place to provide some soil stabilizing influence until replacement vegetation is established. Plans delineating extent of vegetation / tree removal (location, species and diameter of trees) and location of proposed construction, excavation and / or blasting, may be required.	n/a
Guidelines for Construction Practices:	
Erosion Control:	
24. All development within this development permit area should be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to	Will be addressed in the permit

land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.	
Monitoring:	
25. A development permit may require monitoring by a qualified professional of the implementation of environmental mitigation, restoration or enhancement planting or other measures required by a development permit, until all such measures have been completed and the professional has provided a report confirming completion to the standard specified in the permit.	n/a
Guidelines for Vegetation Management, Restoration and Enhancement:	
26. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.	Will be addressed in the permit
27. Existing trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.	Will be addressed in the permit
28. If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.	Will be addressed in the permit
29. Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or fish and wildlife habitat values as needed. Suitably adapted, non-invasive, non-native vegetation may also be considered acceptable.	Will be addressed in the permit
30. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native	Will be addressed in the permit

weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.	
Guidelines for Shore Protection Measures Design:	N/A
31. Materials used for shoreline stabilization should be inert. Stabilization materials should not consist of debris or contaminated material that could result in pollution of tidal water.	
32. Revetments (rip rap slopes) and bulkheads (retaining walls) should only be constructed if no other alternative exists.	
33. Where revetments are proposed:	N/A
a. They should not result in the loss of shoreline vegetation or fish habitat;	
b. The size and quantity of materials used should be limited to that necessary to withstand the estimated energy of the location's hydraulic action and prevent collapse; and	
c. Filter cloth should be used to aid drainage.	
34. Where bulkheads are proposed:	N/A
a. They should not be located where geomorphic and hydrologic processes are critical to shoreline conservation. Feeder bluffs, marshes, wetlands, spits and hooks should be avoided;	
b. They should be located parallel to and landward of the natural boundary of the sea, as close to any natural bank as possible;	
c. They should allow the passage of surface or groundwater without causing ponding or saturation; and	
d. They should be constructed of stable, non-erodible materials that preserve natural shoreline characteristics. Adequate toe protection including proper footings	

and retention mesh should be included. Beach materials should not be used for fill behind bulkheads.	
Guidelines for Beach Nourishment and Fill:	N/A
35. Fill upland of the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline’s stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.	
36. Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline’s stability and ecological function, typically as part of a beach nourishment design.	
37. Fill should not be placed at or below the natural boundary for the purposes of providing a trail or walkway.	
38. All upland fill and beach nourishment materials should be clean and free of debris and contaminated material. All fill and beach nourishment proposals are subject to review and approval by provincial and federal authorities having jurisdiction.	
Guidelines for Shore Access and Parking:	
39. Roads, driveways, trails and pathways should follow the contours of the land, appropriately manage drainage, not require retaining walls, and only use stairs as a last resort.	Will be addressed in the permit
40. Accesses in extremely sensitive areas or hazardous areas should be restricted or prohibited.	Will be addressed in the report around the existing deck
41. Parking areas should be located away from the shore, buffered or landscaped, and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, filtration trenches or swales, unpaved or permeable all weather surfaces should be considered for this	n/a

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

51. Residential docks should be located and designed to avoid the need for shore defence works or breakwaters.	n/a
52. Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not be designed to accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area unless more than two parcels have legal access to the dock, in which case permitted total surface area should be a multiple of the number of lots the dock serves.	n/a

Islands Trust

Memorandum

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Date	June 22, 2012	File Number	GL 650020 (LUB Review)

To	Galiano Island Local Trust Committee for the meeting of July 9, 2012
From	Kaitlin Kazmierowski Island Planner
Re	Land Use Bylaw Review- Special Meeting Dates

At the Galiano Island Local Trust Committee (LTC) meeting of June 11, 2012, staff were directed to schedule a Special Meeting in late July or early August in order to focus on the Land Use Bylaw (LUB) review.

Upon further review of the LUB review topics list, staff recommend that two special meetings be held in the summer in order to further refine the topics list to items that require the most focus and work. Staff propose the following dates for the Special Meetings:

- Monday July 23rd, 1-5 pm, South Hall
- Wednesday August 29th, 1-5 pm, South Hall

At the writing of this memorandum, the July 23rd date had been confirmed as available for the South Hall, with staff waiting a reply for the August date. An alternative August date of Monday August 27th has also been proposed. Staff will provide updates to the LTC as they are available.

Respectfully submitted by,

Kaitlin Kazmierowski
Island Planner

Islands Trust

STAFF REPORT

File No.: GL-6500-20
(DPA Implementation)

To: Galiano Island Local Trust Committee
For the meeting of July 9, 2012

From: Robert Kojima
Regional Planning Manager

CC: Kaitlin Kazmierowski
Island Planner

Re: Development Permit Area Implementation – Development Approval Information (DAI) Bylaw

PROJECT BACKGROUND:

The LTC has identified an update of its Development Approval Information (DAI) Bylaw as a Top Priority item on its Work Program. The amendment of the current DAI bylaw is being recommended principally as a tool to effectively implement the new development permit areas (DPA) designated as part of the Official Community Plan (OCP).

This report will outline the issues associated with a DAI bylaw, the unique procedural mechanisms that are required for adopting such bylaws under the Islands Trust Act, and provide a summary of the recommended specific content of an amended DAI bylaw for Galiano.

A DAI bylaw is an administrative bylaw and the statutory mechanism which allows local governments to require applicants to provide information on the anticipated impact of a proposed activity or development. Although the legislation uses the term “development approval information” it is defined in a manner that most planners and others would recognize as impact assessment reports. Since the amendments to the *Local Government Act* were adopted in 1997, the advice from legal counsel has increasingly been that the traditional mechanisms for obtaining information from applicants – requirements in DPA guidelines or *ad hoc* requests – are contrary to the legislation. In other words, the correct and sole means for a local government to obtain an impact assessment report is through authorization in a DAI bylaw.

Second, a DAI bylaw serves to provide a degree of certainty and consistency in the content and nature of the reports being provided by applicants. This obviously benefits staff and the LTC in assessing applications, but it also reduces uncertainty for applicants and the likelihood that an application will be delayed because the planner is asking the applicant for more information, or even be defeated by the LTC because of incomplete information. However, the desire for greater certainty created by a bylaw that prescribes the content of an impact assessment should be balanced with the fact there is significant variation in the scope of both the work and potential impact of different applications.

Legislation: Section 920.01 of the *Local Government Act* permits, within an OCP, the specification of areas or circumstances within which development approval information can be required. This specification of areas or circumstances within the OCP is a precondition to requiring development approval information through a companion procedure bylaw. Section 920.1 requires, where an OCP designates such areas or circumstances, the enactment of a bylaw to establish the procedures and policies of the local government as to what impact information is to be provided. The section specifies, but does not limit, the impact information to: transportation patterns, local infrastructure, public facilities, community services, and the natural environment. The section also specifies that information may be required for a zoning amendment, a development permit application, or a temporary use permit application only.

The legislation contemplates that impact assessment information will be required in one of two ways: either the bylaw will specify the requirement for every application, or the bylaw will authorize an officer or employee of the local government to exercise some discretion as to whether an impact assessment will be required. In the latter case, the applicant is given a right to have the LTC reconsider the decision of the staff to impose the requirement for information, without charge.

Section 29(3.1) of the *Islands Trust Act* establishes that despite the granting of other Part 26 powers to local trust committees, Trust Council must adopt any DAI Bylaw. This means that while a DAI bylaw is developed for an LTC, it must be read and adopted by Trust Council.

Policy: Trust Council adopted a policy (2.1.viii) in 1998 which describes the process for Trust Council to consider DAI bylaws proposed by local trust committees. A sample bylaw was also prepared at that time. The substantial elements of the Trust Council policy include the following:

- Each DAI bylaw may vary according to LTC needs;
- The critieria for Trust Council approval include financial, procedural and policy considerations;
- The LTC is responsible for initiating the creation of the bylaw;
- The purpose for the bylaw must be stated in the bylaw;
- The bylaw must be generally in the form of the model bylaw;
- The planner assigned to the LTA will prepare the substance of the bylaw;
- The LTC must give notice to Trust Council that it intends to forward a bylaw for adoption;
- Application for approval will be in the form of an RFD;
- Consideration by Trust Council will be at a regular quarterly meeting;
- The LTC may address Trust Council for a period not exceeding 5 minutes;

- If the bylaw is not approved it will be returned to the LTC with reasons;

Official Community Plan: the OCP currently specifies the following circumstances or areas for development approval information requirements: all DPA, Forest land rezonings and Temporary Use Permits.

PROPOSED AMENDMENTS

Staff are proposing a significant number of revisions to the current DAI Bylaw (Trust Council Bylaw No. 58). These fall into three broad categories: extensive new provisions for development permit areas, a change to how the information would be obtained for rezonings and TUPs, and a number of minor amendments to reflect changes in legislation or bylaw drafting practice. A marked up copy of the current DAI Bylaw showing proposed changes is attached. Because of the extent of the revisions, staff are recommending that rather than amending the existing bylaw, Trust Council be asked to rescind the current bylaw and replace it with a new Galiano DAI bylaw (clean copy of the new draft bylaw is also attached).

Most of the proposed amendments to the DAI Bylaw are related to obtaining information for development permit applications. It essentially replicates and formalizes the report requirements that planners currently request from applicants now, as well as defining in a consistent and detailed manner the content requirements of the various impact assessment reports. Specifically:

- The Riparian Areas DPA information requirements would ensure that the RAR assessment report consistent with the RAR is obtained and also that comparable ecological assessment reports are obtained for non-RAR watercourses;
- The Shorline and Marine DPA information requirements would require reports to address marine and near shore impacts consistent with Green Shore-based DPA provisions;
- The Tree Cutting and Removal DPA information requirements would ensure reports address the DPA objective of sustainable forest management;
- The Elevated Groundwater Catchment Areas DPA information requirements would implement relevant recommendations of the Waterline report;
- The provisions for the Sensitive Ecosystem DPA information are based upon the current North Pender DAI bylaw requirements, with some changes based on experiences over the past several years;
- The Steep Slope DPA information requirements would implement the relevant recommendations of the C.N. Ryzuk report.

The amendments would not include commercial and industrial form and character development permit applications: these types of DP applications are not suitable for a DAI, as the objectives and guidelines address building design elements and layout and all plans and drawings necessary to making a decision based on the applicable guidelines are obtained through the existing application requirements.

The proposed amendments would also establish who is qualified to provide the required reports. This would vary between different types of applications and would ensure that a qualified, relevant professional provides the report (for example, a geoscientist should not be providing an impact assessment on a sensitive ecosystem). Second, while this limits the scope of persons who are able to provide reports, it ensures that unqualified individuals are not used. However, there would be an option to permit experienced and available experts who don't hold the specified credentials to provide the information on a case-by-case basis.

The bylaw would establish two approaches to provision of information for relevant applications:

1. For development permit applications the bylaw itself would establish the report content (this is formally referred to as a "class terms of reference"). The bylaw lays out the content requirements of the reports for each type of DPA (sensitive ecosystem, riparian area, etc.) and the requirements may be reduced by staff (or the LTC upon appeal by the applicant) based on the specifics of the application. This is the approach taken in the North Pender DAI Bylaw for development permit applications and has largely been functioning well for several years.

2. For more complex discretionary rezoning and TUP applications, the bylaw retains the current terms of reference procedure, but with one change. Instead of the applicant providing the terms of reference to staff for approval, the proposed amendments would have staff provide a written terms of reference to the applicant. This change reflects the reality of practice on North Pender: most applicants are not sophisticated developers, are not experienced in providing impact assessments, and are unable to provide meaningful terms of reference. Consequently, staff have provided the draft terms of reference to applicants. The proposed change would formalize this practice and streamline the procedure.

In practice both approaches are similar for routine applications. In most cases, particularly for DPs, the applicant and/or the professional(s) consult with the planner in the pre-application stage and submit the required reports with the application, which results in the DP being processed quickly. Only if the reports are inadequate or the applicant has not consulted pre-application does the planner need to formally send a letter to the applicant detailing report requirements. Typically it is only complex rezonings where there is an extensive process of drafting and approving a terms of reference.

STAFF COMMENTS

The DAI Bylaw is the administrative and legal means by which the LTC can ensure that reports needed to determine impacts of development are obtained. And that the reports are consistent, complete and prepared by qualified professionals. With the adoption of new DPA, amendments to the DAI bylaw are needed to ensure that staff have the authority to require reports and that the approach is administratively consistent. Other consequential changes to the 13 year old DAI bylaw are also recommended to address experience in administrating DAI bylaws and changes to legislation.

The key change being recommended is to include detailed impact assessment report information for development permits in the DAI Bylaw itself. This approach is more efficient, consistent and transparent for development permit applications than the terms of reference approach.

Next Steps:

1. The LTC gives formal notice to Trust Council by resolution that it intends to prepare an amended DAI bylaw to require information for development permit areas.

2. The LTC directs staff to prepare a draft bylaw, consistent with the version shown attached, which would replace the existing DAI Bylaw No. 58, 1998.

3. Staff submits the draft DAI bylaw and RFD to Executive Committee, policy requires that this be submitted to EC at least 4 weeks before Trust Council.

4. Trust Council considers three readings of the DAI bylaw at the September meeting. Adoption may be considered by RWM.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee gives notice to Trust Council that it intends to forward an amended Development Approval Information Bylaw for Trust Council's consideration at the regularly scheduled September 2012 Trust Council meeting for the purpose of allowing the Local Trust Committee to obtain information on the anticipated impacts of development permit applications.

2. THAT the Galiano Island Local Trust Committee directs staff to prepare a draft Development Approval Information Bylaw, consistent with the version attached to the staff report dated June 14, 2012, and intended to replace current DAI Bylaw No. 58, 1999.

3. THAT the Galiano Island Local Trust Committee directs staff to prepare an RFD for submission to the Executive Committee.

Prepared and Submitted by:

Robert Kojima	June 27, 2012
Regional Planning Manager	Date

Attachments: Marked-up and draft bylaws

ISLANDS TRUST COUNCIL
BYLAW NO. 58, 1998

****
A bylaw to establish procedures and policies for requiring development approval information for the Galiano Island Local Trust Area
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WHEREAS the Galiano Island Local Trust Committee, pursuant to s.~~879.1 of the *Municipal Act*~~920.01 of the *Local Government Act*, has specified in an official community plan areas and circumstances for which development approval information may be required;

Comment [RK1]: Update legislative reference

The Islands Trust Council, pursuant to s.920.1 of the ~~*Municipal Act*~~*Local Government Act* and s.29(3.1) of the Islands Trust Act, enacts as follows:

PART I TITLE

1.~~1.~~This Bylaw may be cited for all purposes as "Galiano Island Local Trust Committee ~~Impact Assessment~~Development Approval Information Bylaw No. 58, 1998".

Comment [RK2]: terminology consistent with LGA

PART II PURPOSE

2. The purpose of this bylaw is to allow the Local Trust Committee to obtain information on the anticipated impact of proposed activities or development on the community.

Comment [RK3]: adding a purpose section

PART III APPLICATION OF BYLAW

~~2.~~3. ~~2.~~ The requirements of this Bylaw apply to

(a) applicants for amendments to a bylaw of the Galiano Island Local Trust Committee enacted under s.903 of the *Local Government Act*~~*Municipal Act*~~;

(b) applicants for a development permit; and

(c) applicants for a temporary ~~industrial or commercial~~ use permit,

Comment [RK4]: change to legislation

if the activity or development that is the subject of the application is in an area specified for the provision of development approval information in Galiano Island Official Community Plan Bylaw No. 108 or is an activity or development for which development approval information is otherwise required by that Bylaw.

~~3.~~4. ~~3.~~ The requirements of this Bylaw do not apply to any application for an activity or development that is a reviewable project under the Environmental Assessment Act.

5. Where development approval information is to be provided, the information shall be provided by the applicant, at the applicant's cost, in the form of a report prepared by the appropriate professional as set out in this bylaw.

Comment [RK5]: confirms that information is provided by applicant, at their cost

PART ~~III~~IV PROCEDURE

~~4.~~6. ~~4.~~ The official assigned from time to time to provide ~~staff~~ planning services to the Galiano Island Local Trust Committee is the official for the purposes of this Bylaw.

Comment [RK6]: more specificity that it is the Island Planner that determines the information

7. Within 30 days of receipt of an application an official shall determine whether and to what extent development approval information will be required in accordance with this bylaw and shall communicate the requirement to the applicant in writing.

8. An official may determine that all or part of the required development approval information must be provided for each application, either in a report described in Sections 15 through 20 in the case of development permit applications described in those sections, or pursuant to terms of reference that establish the scope of the required impact information for applications described in Section 23.

Comment [RK7]: establishes timeline and form of criteria for information for DPA

~~5.~~9. ~~5.~~ An applicant may request reconsideration by the Local Trust Committee of a decision of an official under this Bylaw within 30 days of the date on which the decision is mailed ~~or~~ faxed or emailed to them.

~~6.~~10. A request for reconsideration must be delivered in writing to the ~~Secretary~~ Planning Clerk and must set out the grounds on which the applicant considers the requirement is inappropriate and what, if any, requirement the applicant considers the Local Trust Committee ought to substitute.

Comment [RK8]: correct staff person

~~7.~~11. ~~7.~~ The ~~Secretary~~ Planning Clerk must place each request for reconsideration on the agenda of ~~a~~ the next meeting of the Local Trust Committee following the date on which the request for reconsideration was delivered, provided the request is received at least 10 days prior to that meeting.~~to be held not earlier than 2 weeks from the date on which the request for reconsideration was delivered~~.

Comment [RK9]: consistent with agenda deadlines

~~8.~~12. ~~8.~~ The ~~Secretary~~ Planning Clerk must notify the applicant and any other person who the ~~Secretary~~ Planning Clerk reasonably considers may be affected by the reconsideration, of the date of the meeting at which the reconsideration will occur.

~~9.9. If the meeting at which the reconsideration will occur is a meeting held by teleconference, the Secretary must so advise the applicant and other persons notified under s.8, and the notification must specify that any representations the applicant or other person wishes to make must be in writing and received by the Secretary not less than one clear business day prior to the day on which the meeting is to be held.~~

Comment [RK10]: no longer relevant

~~10.~~13. ~~10.~~ At the meeting, the Local Trust Committee may either confirm the requirement or decision of the official or substitute its own requirement or decision.

PART ~~IV~~PART V S. 920 (DEVELOPMENT PERMIT) APPLICATION REQUIREMENTS

Comment [RK11]: this part details the information that can be required for development permit applications

14. For Development Permit applications specified in sections 15 through 20 of this bylaw, the applicant shall provide, as part of the development permit application, all or part of a report in the specified form as determined by the official.

15. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of **Riparian Areas**, the report shall contain the following information:

   a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features, the locations of the top of bank, high water mark, SPEA widths, the width of any zones of sensitivity, and measures to maintain the integrity of the SPEAs. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. A site inventory providing a description and evaluation of the riparian values, including species of fish that frequent the waterbody, and riparian features and habitat present.

c. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing , alteration to hydrological systems, alterations affecting the watercourse, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

d. An assessment of the nature and extent of the impact of the proposed development. For a stream: the results of the riparian assessment, using a detailed or simple assessment as indicated in the Riparian Areas Regulation, and establishing the Streamside Protection and Enhancement Area (SPEA) width for the subject parcel. For other watercourses: an assessment of anticipated impacts on riparian habitat and features, the watercourse, and site hydrology. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development.

e. For a stream: a description of all measures that will be taken to maintain and protect the SPEA from development, including, where appropriate, assessment and treatment of danger trees, windthrow, slope stability, tree protection during construction, encroachment and sediment and erosion control. For other watercourses: recommended measures to limit, mitigate and manage the impacts of the proposed development on riparian habit and features, the watercourse, and site hydrology.

f. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

g. Recommended actions to restore or enhance riparian functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.

h. For a stream, professional certification by the Qualified Environmental Professional(s) preparing the report that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides his or her professional opinion that:
   i. If the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or
   ii. If the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

16. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of **Shoreline and Marine areas**, the report shall contain the following information:

a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, natural boundary of the sea, the landward development permit area boundary, existing buildings and structures, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. A site inventory, providing information on existing plant communities, marine and terrestrial habitats, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, topography and marine sediment transport. This baseline assessment may require the involvement of several suitably qualified professionals.

c. A description of the proposed development detailing construction (e.g. buildings, dock, ramp, road or driveway, etc), cut and fill, blasting, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

d. An assessment of the nature and extent of the impact of the proposed development, in particular anticipated impacts on identified site conditions, including but not limited to marine and terrestrial habitat, site hydrology, marine sediment transport, and public access to and along the foreshore. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area. The assessment should also include identification of potential impacts on adjacent sites and proximate sensitive areas.

e. Recommended measures to limit, mitigate and manage the impacts of the proposed development on terrestrial and marine habitats, as well as geomorphic, hydrological and coastal processes. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.

f. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

g. Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.

17. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of the natural environment, its ecosystem and biological diversity for the purpose of requiring development permits for **Cutting and Removal of Trees,** the report shall contain the following information:

a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the area of the proposed cutting or removal of trees, current buildings and structures, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. A site inventory, providing information on existing, pre-development timber species and quantities, current on-site and adjacent land uses, slope stability, erosional processes, hydrology and topography.

c. A description of the proposed work, detailing volume, rate and species of timber to be harvested. An evaluation of the sustainability of the proposed rate of harvest, based on the principle that the cutting rate over any ten-year or greater period should not exceed 75% of the cumulative annual growth in the stand for that same period. The report should also identify alternative development options.

d. An unqualified statement by a professional hydrogeologist stating that the proposed timber harvesting will not adversely impact aquifer(s), existing wells, or surface water bodies in terms of water quality and quantity. Where such a statement cannot categorically be made, the report should include specific recommendations on well and aquifer protection measures which would result in the requirement being met.

e. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

18. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of the natural environment, its ecosystem and biological diversity for the purpose of requiring development permits for **Elevated Groundwater Catchment Areas,** the report shall consist of a hydrogeological assessment report containing the following information:

a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. A map showing the ownership and locations of all currently used water wells, springs and surface water features within a minimum radius of 1 km from the development site.

c. A site inventory, providing information on existing pre-development conditions, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, surface water bodies, and topography.

d. A background analysis that includes the following known information on the site:

- A description of the hydrogeological system and setting, including the type of aquifer, aquifer boundaries, local surficial and bedrock geology, physical hydrogeology, local surface water features, estimated recharge area and conditions and climate;
- A conceptual model of groundwater occurrence and groundwater-surface interaction;

- A description of existing users within 1.0 km of the development site;
- A preliminary pre-development water budget;
- Water quality, including characterization of natural groundwater quality, potability, as well as possibility of contamination;
- Methodology and, if applicable, uncertainties and limitations of the report.

e. A description of the proposed work, detailing construction, cut and fill, blasting, road, driveway or utility line construction, vegetation clearing, water supply requirements, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

f. An impact assessment consisting of:

- Cumulative effects analysis;
- Impact to existing groundwater users, identification of the potential groundwater protection issues in the area and risk of saline intrustion;
- Impact to surface water where applicable;
- Other potential impact implications.

g. Conclusions and recommendations consisting of:
- A summary of results and impact assessment;
- An unqualified statement that the proposed development will not adversely impact aquifer(s), existing wells, or surface water bodies in terms of water quality and quantity; or
- where such a statement cannot categorically be made, specific recommendations on well and aquifer protection measures which would result in the requirement being met.

h. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

19. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of the natural environment, its ecosystem and biological diversity for the purpose of requiring development permits for **Sensitive E****cosystems**, the report shall contain the following information:

a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features and significant features identified in the site inventory and conservation evaluation. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. A site inventory, commenting on the ecosystem classification, and based on current best practices, such as the Resources Information Standards Committee Standards for Describing Terrestrial Ecosystems in the Field, providing information on the existing plant communities, aquatic and terrestrial habitats, sensitive ecosystems, nesting trees, the presence of rare species and rare plant communities, current on-site and adjacent land uses, slope stability, erosional processes, hydrology and topography.

c. A site background analysis that includes the following known information on the site:

- A check for observed species and ecosystems at risk;
- A description of the context of the site including the use of adjacent lands and proximity to protected areas;
- A check for the presence of raptor and heron nests;
- A check for the presence of fish-bearing water courses.

d. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

e. An assessment of the nature and extent of the impact of the proposed development, in particular anticipated impacts on identified environmentally valuable features, including but not limited to sensitive ecosystems, rare plant communities, rare species habitat, and site hydrology. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area. The assessment should also include identification of potential impacts on adjacent sites and proximate sensitive areas.

f. Recommended measures to limit, mitigate and manage the impacts of the proposed development on environmentally valuable features. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.

g. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

h. Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.

20. For an application for a permit within a development permit area designated under s. 919.1(1)(b) of the *Local Government Act* for protection of development from **Steep Slope Hazard Areas**, the report shall contain the following information:

a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the topographic features and showing natural slope contours in 1 to 5 metre contour intervals, significant natural features, current and proposed buildings and structures, roads and driveways, proposed site grading and post development contours. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. An assessment of potential geotechnical hazards that may affect the subject site and neighbouring properties. This should include a summary of the method of hazard analysis and the level of field work.

c. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

d. An assessment of whether the proposed development would result in an acceptable probability of a geotechnical hazard, accompanied by supporting rationale.

e. Where an unacceptable level of hazard is identified, recommendations for measures to reduce hazards on the subject site and neighbouring properties.

f. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

21. Development Approval Information required in sections 15 through 20 must be prepared by a professional or professionals, with qualifications specified in the table below, and in good standing with his/her professional organization within British Columbia, acting within his/her area of expertise, and with demonstrated and pertinent experience and/or training; except that the official may approve the involvement of a person having different qualifications if demonstrated, relevant, experience and qualifications are in the official's opinion suitable for the preparation of the information being provided in relation to a particular development permit application:

TYPE OF INFORMATION	CONSULTING PROFESSIONAL
Riparian Areas	Qualified Environmental Professional
Shoreline and Marine	Geotechnical/hydrological and marine considerations: • Geotechnical Engineer (P. Eng.) or Professional Geoscientist (P. Geo.) Biological / environmental considerations: • Registered Professional Biologist (R.P. Bio.)
Tree Cutting and Removal	Registered Professional Forester (R.P.F.), Professional Hydrogeologist (P.Geo.)
Elevated Groundwater Catchment Areas	Professional Hydrogeologist (P.Geo)
Sensitive Ecosystem	Registered Professional Biologist (R.P. Bio.)
Geological Hazard	Geotechnical Engineer (P. Eng.) or Professional Geoscientist (P. Geo.)

22. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the requirements of the bylaw, either in scope, level of detail, accuracy or in any other respect, or does not address any particular information requirements that are identified in or arise from any applicable guidelines in an official community plan, the official may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the bylaw, but a requirement for further information may be imposed once only.

PART VI TERMS OF REFERENCE

23. ~~11.~~ ~~Upon the request of an official and within the time specified in the request, an applicant described in s.2~~ Within 30 days of the receipt of an application for the following:

a. amendments to a bylaw of the Galiano Island Local Trust Committee enacted under s.903 of the *Local Government Act*,

b. a temporary use permit,

the official shall ~~must~~ provide to the ~~official~~ applicant written Terms of Reference for the preparation of information on the impact of the activity or development that is the subject of the application.

Comment [RK12]: this change reflects actual practice: it is the planner that is drafting the terms of reference, not the applicant.

~~20.~~24. ~~12.~~ To the extent that the proposed activity or development can reasonably be expected to have an appreciable impact on any of the following matters, the Terms of Reference must include those matters in the scope of the information that is to be prepared:

~~(a) the natural environment of the area affected including adjacent marine areas, surface drainage and groundwater, ecosystems and biological diversity, with particular emphasis on areas of unusual environmental sensitivity and any rare plant or animal species~~;

~~(a)~~

Comment [RK13]: The following are updated T of R criteria (from North Pender DAI)

(a) ~~(b)~~ the natural environment of the area affected, including sensitive ecosystems and the habitat of rare or threatened species, including surrounding habitats impacted by the development activity ;

(b) hazards, including geological, flood, stormwater, and wildfire hazards;

(c) greenhouse gas emissions, anticipated energy usage, and carbon emissions;

(d) groundwater resources;

(e) local infrastructure, including highways, ferry, water supply and sewage systems, fire protection systems, solid waste disposal and recycling facilities, utilities, local parking facilities and any other affected public infrastructure;

(f) local and off-island public or community facilities;

(g) local and off-island commercial services and employment opportunities;

(h) affordable and seniors housing needs;

(i) agricultural reserve lands and agricultural and forestry uses in the vicinity of the development;

(j) cultural heritage resources including resources of historical, cultural, archaeological, paleontological or architectural significance whether on land or underwater; and

(k) aesthetic values including the visual appearance of the development from adjacent properties, public lands, or the sea, and the effect of any artificial lighting proposed.

~~local highways, ferry facilities including off-island parking areas, water supply and sewage disposal systems including wells and ground sewage absorption~~

~~systems, fire protection systems, municipal solid waste disposal and recycling facilities, utilities, local parking facilities and any other affected public infrastructure;~~

~~(c) local and off-island school facilities; local, regional and provincial parks; hospitals and other health care services; local transportation services including public transit and water taxis;~~

~~(d) local and off-island commercial services and employment opportunities, but the question of market demand for the activity or development need not be dealt with when the application is for a development permit;~~

~~(e) agricultural and forest reserve lands and agricultural and forestry uses in the vicinity of the development;~~

~~(f) cultural heritage resources including resources of historical, archaeological, paleontological or architectural significance whether on land or underwater; and~~

~~(g) aesthetic values including the appearance of the development from off the island and the effect of any artificial lighting proposed.~~

25. ~~13.~~ In addition to any matter listed in s.~~12~~22, the ~~applicant~~ official may include in the Terms of Reference any other matter on which the ~~applicant~~ official considers information ought to be provided to the Local Trust Committee to permit a full understanding of the impact of the proposed activity or development on the island community affected.

26. The Terms of Reference must address any particular information requirements that are identified in or arise from any applicable guidelines in an official community plan, and in all cases must address any particular information requirements specified for such an application in any development application procedures bylaw of the Local Trust Committee.

27. In addition to any other requirements the Terms of Reference may require the person preparing the impact information to provide information on the relationship between the proposed activity or development and

a. ~~(a)~~ the object of the Islands Trust set out in the Islands Trust Act;

b. ~~(b)~~ the Islands Trust Policy Statement;

c. the Islands Trust Fund Plan; and

~~b.~~d. in the case of a proposed zoning amendment, the official community plan of the Local Trust Committee.

28. 16. The Terms of Reference may specify that the impact information will be prepared by a person having professional expertise in the matters included in the Terms of Reference, and may include information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information.

29. ~~17.~~ The Terms of Reference must specify the date by which and the form and the number of copies in which the impact information will be provided.

Comment [RK14]: Following sections no longer relevant as Planner would provide Terms of Reference, if the applicant does not agree, there recourse is appeal to the LTC under s. 9.

~~30. 18. Within 10 business days of receipt of the Terms of Reference the official must indicate in writing to the applicant that~~

~~(a) the Terms of Reference submitted by the applicant are acceptable;~~

~~(b) the Terms of Reference submitted by the applicant are acceptable if additional matters specified by the official and within the scope of s.12 of this Bylaw are included;~~

~~(c) the Terms of Reference submitted by the applicant are acceptable if a person other than one who has been proposed by the applicant in the Terms of Reference, whose selection has been approved in writing by the official, prepares the impact information; or~~

~~(d) the Terms of Reference are unacceptable and must be replaced by the applicant.~~

~~28. 19. For the purposes of s.22(b), when accepting Terms of Reference the official may advise the applicant of other projects proposed or under development in the area that may be affected by the applicant's proposed activity or development.~~

~~20. If the official does not provide advice pursuant to s.18 by the end of the tenth business day the official is deemed to have accepted the proposed Terms of Reference.~~

PART VII PREPARATION OF DEVELOPMENT APPROVAL INFORMATION

~~31.~~30. ~~21. Upon receipt of notice accepting the Terms of Reference or where the Terms of Reference have been deemed to be accepted, t~~The applicant must prepare the impact information in accordance with the accepted Terms of Reference and within the time specified in the Terms of Reference must provide it to the Local Trust Committee, at the applicant's expense.

~~32.~~31. ~~22.~~ For every matter within the scope of s.~~1~~22 that is included in the Terms of Reference, the applicant must

(a) identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;

(b) identify and describe the potential and likely impacts of the activity or development including any cumulative effects when combined with other projects proposed or under development;

(c) evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and

(d) make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided,

all in accordance with generally accepted impact assessment methodology.

~~33.~~32. ~~23~~. If the Terms of Reference ~~approved under s.18~~ specify professional expertise in the preparation of impact information, prior to authorizing the preparation of the information by any person the applicant must deliver to the official information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information, unless that information was included in the approved Terms of Reference.

~~34.~~33. ~~24.~~ Within 10 business days of receipt of the information, the official must advise the applicant whether the proposed person is acceptable, and if the person is not acceptable the official must advise the applicant in writing of the reason and may propose one or more alternative acceptable persons. If such advice is not provided by the end of the tenth business day, the official is deemed to have accepted the proposed person.

~~35.~~34. ~~25.~~ If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the Terms of Reference, either in scope, level of detail, accuracy or in any other respect, the official may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the Terms of Reference, but a requirement for further information may be imposed once only.

PART VIII INDEPENDENT REVIEW

~~36.~~35. ~~26.~~ If the official considers that the impact information provided by the applicant, or any portion of it, requires an independent review prior to being considered by the Local Trust Committee, the official may require the applicant to provide such a review of the information including the methodology used in its preparation.

~~37.~~36. ~~27.~~ The official may specify that the independent review be conducted by a member of the ~~faculty of a university or college, a member of the Planning Institute of B.C., a member of the Architectural Institute of B.C., a member of the Association of Professional Engineers and Geoscientists of B.C., or a Registered Professional Forester~~ relevant professional association, and may specify terms of reference for the review.

~~38.~~37. ~~28.~~ The applicant must arrange for the independent review to be conducted and submitted in writing to the local trust committee, at the applicant's expense and within the time specified by the official.

PART ~~VI~~IX PROPRIETARY RIGHTS IN INFORMATION

~~39.~~38. ~~29.~~ The information that is provided to the Local Trust Committee pursuant to this Bylaw is required by the Local Trust Committee in the exercise of its powers under the ~~*Municipal Act*~~ Local Government Act and the Islands Trust Act. Every report or other document provided to the Local Trust Committee pursuant to this Bylaw must accordingly contain an express grant of permission to the Local Trust Committee to use and reproduce the information contained in the report or other document for non-commercial purposes.

READ A FIRST TIME this	18th	day of	September	, 1998.
READ A SECOND TIME this	18th	day of	September	, 1998.
READ A THIRD TIME this	18th	day of	September	, 1998.
ADOPTED this	16th	day of	October	, 1998.

Chair | Secretary

→

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ISLANDS TRUST COUNCIL
BYLAW NO. 148, 2012

****
A bylaw to establish procedures and policies for requiring development approval information for the Galiano Island Local Trust Area
****

WHEREAS the Galiano Island Local Trust Committee, pursuant to s.920.01 of the *Local Government Act*, has specified in an official community plan areas and circumstances for which development approval information may be required;

The Islands Trust Council, pursuant to s.920.1 of the *Local Government Act* and s.29(3.1) of the Islands Trust Act, enacts as follows:

PART I TITLE

1. This Bylaw may be cited for all purposes as "Galiano Island Local Trust Committee Development Approval Information Bylaw No. 148, 2012".

PART II PURPOSE

2. The purpose of this bylaw is to allow the Local Trust Committee to obtain information on the anticipated impact of proposed activities or development on the community.

PART III APPLICATION OF BYLAW

3. The requirements of this Bylaw apply to:

(a) applicants for amendments to a bylaw of the Galiano Island Local Trust Committee enacted under s.903 of the *Local Government Act*;

(b) applicants for a development permit; and

(c) applicants for a temporary use permit,

if the activity or development that is the subject of the application is in an area specified for the provision of development approval information in Galiano Island Official Community Plan Bylaw No. 108 or is an activity or development for which development approval information is otherwise required by that Bylaw.

4. The requirements of this Bylaw do not apply to any application for an activity or development that is a reviewable project under the Environmental Assessment Act.

5. Where development approval information is to be provided, the information shall be provided by the applicant, at the applicant's cost, in the form of a report prepared by the appropriate professional as set out in this bylaw.

PART IV PROCEDURE

6. The official assigned from time to time to provide planning services to the Galiano Island Local Trust Committee is the official for the purposes of this Bylaw.

7. Within 30 days of receipt of an application an official shall determine whether and to what extent development approval information will be required in accordance with this bylaw and shall communicate the requirement to the applicant in writing.

8. An official may determine that all or part of the required development approval information must be provided for each application, either in a report described in Sections 15 through 20 in the case of development permit applications described in those sections, or pursuant to terms of reference that establish the scope of the required impact information for applications described in Section 23.

9. An applicant may request reconsideration by the Local Trust Committee of a decision of an official under this Bylaw within 30 days of the date on which the decision is mailed faxed or emailed to them.

10. A request for reconsideration must be delivered in writing to the Planning Clerk and must set out the grounds on which the applicant considers the requirement is inappropriate and what, if any, requirement the applicant considers the Local Trust Committee ought to substitute.

11. The Planning Clerk must place each request for reconsideration on the agenda of the next meeting of the Local Trust Committee following the date on which the request for reconsideration was delivered, provided the request is received at least 10 days prior to that meeting..

12. The Planning Clerk must notify the applicant and any other person who the Planning Clerk reasonably considers may be affected by the reconsideration, of the date of the meeting at which the reconsideration will occur.

13. At the meeting, the Local Trust Committee may either confirm the requirement or decision of the official or substitute its own requirement or decision.

PART V S. 920 (DEVELOPMENT PERMIT) APPLICATION REQUIREMENTS

14. For Development Permit applications specified in sections 15 through 20 of this bylaw, the applicant shall provide, as part of the development permit application, all or part of a report in the specified form as determined by the official.

15. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of **Riparian Areas**, the report shall contain the following information:

    a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features, the locations of the top of bank, high water mark, SPEA widths, the width of any zones of sensitivity, and measures to maintain the integrity of the SPEAs. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

    b. A site inventory providing a description and evaluation of the riparian values, including species of fish that frequent the waterbody, and riparian features and habitat present.

c. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the watercourse, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

d. An assessment of the nature and extent of the impact of the proposed development. For a stream: the results of the riparian assessment, using a detailed or simple assessment as indicated in the Riparian Areas Regulation, and establishing the Streamside Protection and Enhancement Area (SPEA) width for the subject parcel. For other watercourses: an assessment of anticipated impacts on riparian habitat and features, the watercourse, and site hydrology. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development.

e. For a stream: a description of all measures that will be taken to maintain and protect the SPEA from development, including, where appropriate, assessment and treatment of danger trees, windthrow, slope stability, tree protection during construction, encroachment and sediment and erosion control. For other watercourses: recommended measures to limit, mitigate and manage the impacts of the proposed development on riparian habit and features, the watercourse, and site hydrology.

f. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

g. Recommended actions to restore or enhance riparian functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.

h. For a stream, professional certification by the Qualified Environmental Professional(s) preparing the report that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides his or her professional opinion that:
    i. If the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or
    ii. If the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

16. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of **Shoreline and Marine areas**, the report shall contain the following information:

a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, natural boundary of the sea, the landward development permit area boundary, existing buildings and structures, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. A site inventory, providing information on existing plant communities, marine and terrestrial habitats, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, topography and marine sediment transport. This baseline assessment may require the involvement of several suitably qualified professionals.

c. A description of the proposed development detailing construction (e.g. buildings, dock, ramp, road or driveway, etc), cut and fill, blasting, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

d. An assessment of the nature and extent of the impact of the proposed development, in particular anticipated impacts on identified site conditions, including but not limited to marine and terrestrial habitat, site hydrology, marine sediment transport, and public access to and along the foreshore. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area. The assessment should also include identification of potential impacts on adjacent sites and proximate sensitive areas.

e. Recommended measures to limit, mitigate and manage the impacts of the proposed development on terrestrial and marine habitats, as well as geomorphic, hydrological and coastal processes. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.

f. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

g. Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.

17. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of the natural environment, its ecosystem and biological diversity for the purpose of requiring development permits for **Cutting and Removal of Trees,** the report shall contain the following information:

    a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the area of the proposed cutting or removal of trees, current buildings and structures, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

    b. A site inventory, providing information on existing, pre-development timber species and quantities, current on-site and adjacent land uses, slope stability, erosional processes, hydrology and topography.

c. A description of the proposed work, detailing volume, rate, and species of timber to be harvested. An evaluation of the sustainability of the proposed rate of harvest, based on the principle that the cutting rate over any ten-year or greater period should not exceed 75% of the cumulative annual growth in the stand for that same period. The report should also identify alternative development options.

d. An unqualified statement by a professional hydrogeologist stating that the proposed timber harvesting will not adversely impact aquifer(s), existing wells, or surface water bodies in terms of water quality and quantity. Where such a statement cannot categorically be made, the report should include specific recommendations on well and aquifer protection measures which would result in the requirement being met.

e. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

18. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of the natural environment, its ecosystem and biological diversity for the purpose of requiring development permits for **Elevated Groundwater Catchment Areas,** the report shall consist of a hydrogeological assessment report containing the following information:

a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. A map showing the ownership and locations of all currently used water wells, springs and surface water features within a minimum radius of 1 km from the development site.

c. A site inventory, providing information on existing pre-development conditions, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, surface water bodies, and topography.

d. A background analysis that includes the following known information on the site:

- A description of the hydrogeological system and setting, including the type of aquifer, aquifer boundaries, local surficial and bedrock geology, physical hydrogeology, local surface water features, estimated recharge area and conditions and climate;
- A conceptual model of groundwater occurrence and groundwater-surface interaction;
- A description of existing users within 1.0 km of the development site;
- A preliminary pre-development water budget;
- Water quality, including characterization of natural groundwater quality, potability, as well as possibility of contamination;
- Methodology and, if applicable, uncertainties and limitations of the report.

e. A description of the proposed work, detailing construction, cut and fill, blasting, road, driveway or utility line construction, vegetation clearing, water supply requirements, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

f. An impact assessment consisting of:

- Cumulative effects analysis;
- Impact to existing groundwater users, identification of the potential groundwater protection issues in the area and risk of saline intrustion;
- Impact to surface water where applicable;
- Other potential impact implications.

g. Conclusions and recommendations consisting of:
- A summary of results and impact assessment;
- An unqualified statement that the proposed development will not adversely impact aquifer(s), existing wells, or surface water bodies in terms of water quality and quantity; or
- where such a statement cannot categorically be made, specific recommendations on well and aquifer protection measures which would result in the requirement being met.

h. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

19. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of the natural environment, its ecosystem and biological diversity for the purpose of requiring development permits for **Sensitive Ecosystems**, the report shall contain the following information:

a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features and significant features identified in the site inventory and conservation evaluation. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. A site inventory, commenting on the ecosystem classification, and based on current best practices, such as the Resources Information Standards Committee Standards for Describing Terrestrial Ecosystems in the Field, providing information on the existing plant communities, aquatic and terrestrial habitats, sensitive ecosystems, nesting trees, the presence of rare species and rare plant communities, current on-site and adjacent land uses, slope stability, erosional processes, hydrology and topography.

c. A site background analysis that includes the following known information on the site:

- A check for observed species and ecosystems at risk;
- A description of the context of the site including the use of adjacent lands and proximity to protected areas;

- A check for the presence of raptor and heron nests;
- A check for the presence of fish-bearing water courses.

d. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

e. An assessment of the nature and extent of the impact of the proposed development, in particular anticipated impacts on identified environmentally valuable features, including but not limited to sensitive ecosystems, rare plant communities, rare species habitat, and site hydrology. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area. The assessment should also include identification of potential impacts on adjacent sites and proximate sensitive areas.

f. Recommended measures to limit, mitigate and manage the impacts of the proposed development on environmentally valuable features. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.

g. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

h. Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.

20. For an application for a permit within a development permit area designated under s. 919.1(1)(b) of the *Local Government Act* for protection of development from **Steep Slope Hazard Areas**, the report shall contain the following information:

a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the topographic features and showing natural slope contours in 1 to 5 metre contour intervals, significant natural features, current and proposed buildings and structures, roads and driveways, proposed site grading and post development contours. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. An assessment of potential geotechnical hazards that may affect the subject site and neighbouring properties. This should include a summary of the method of hazard analysis and the level of field work.

c. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

d. An assessment of whether the proposed development would result in an acceptable probability of a geotechnical hazard, accompanied by supporting rationale.

e. Where an unacceptable level of hazard is identified, recommendations for measures to reduce hazards on the subject site and neighbouring properties.

f. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

21. Development Approval Information required in sections 15 through 20 must be prepared by a professional or professionals, with qualifications specified in the table below, and in good standing with his/her professional organization within British Columbia, acting within his/her area of expertise, and with demonstrated and pertinent experience and/or training; except that the official may approve the involvement of a person having different qualifications if demonstrated, relevant, experience and qualifications are in the official's opinion suitable for the preparation of the information being provided in relation to a particular development permit application:

TYPE OF INFORMATION	CONSULTING PROFESSIONAL
Riparian Areas	Qualified Environmental Professional
Shoreline and Marine	Geotechnical/hydrological and marine considerations: • Geotechnical Engineer (P. Eng.) or Professional Geoscientist (P. Geo.) Biological / environmental considerations: • Registered Professional Biologist (R.P. Bio.)
Tree Cutting and Removal	Registered Professional Forester (R.P.F.), Professional Hydrogeologist (P.Geo.)
Elevated Groundwater Catchment Areas	Professional Hydrogeologist (P.Geo)
Sensitive Ecosystem	Registered Professional Biologist (R.P. Bio.)
Geological Hazard	Geotechnical Engineer (P. Eng.) or Professional Geoscientist (P. Geo.)

22. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the requirements of the bylaw, either in scope, level of detail, accuracy or in any other respect, or does not address any particular information requirements that are identified in or arise from any applicable guidelines in an official community plan, the official may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the bylaw, but a requirement for further information may be imposed once only.

PART VI TERMS OF REFERENCE

23. Within 30 days of the receipt of an application for the following:

a. amendments to a bylaw of the Galiano Island Local Trust Committee enacted under s.903 of the *Local Government Act*,

b. a temporary use permit,

the official shall provide to the applicant written Terms of Reference for the preparation of information on the impact of the activity or development that is the subject of the application.

24. To the extent that the proposed activity or development can reasonably be expected to have an appreciable impact on any of the following matters, the Terms of Reference must include those matters in the scope of the information that is to be prepared:

    a. the natural environment of the area affected, including sensitive ecosystems and the habitat of rare or threatened species, including surrounding habitats impacted by the development activity ;

    b. hazards, including geological, flood, stormwater, and wildfire hazards;

    c. greenhouse gas emissions, anticipated energy usage, and carbon emissions;

    d. groundwater resources;

    e. local infrastructure, including highways, ferry, water supply and sewage systems, fire protection systems, solid waste disposal and recycling facilities, utilities, local parking facilities and any other affected public infrastructure;

    f. local and off-island public or community facilities;

    g. local and off-island commercial services and employment opportunities;

    h. affordable and seniors housing needs;

    i. agricultural reserve lands and agricultural and forestry uses in the vicinity of the development;

    j. cultural heritage resources including resources of historical, cultural, archaeological, paleontological or architectural significance whether on land or underwater; and

    k. aesthetic values including the visual appearance of the development from adjacent properties, public lands, or the sea, and the effect of any artificial lighting proposed.

25. In addition to any matter listed in s.22, the official may include in the Terms of Reference any other matter on which the official considers information ought to be provided to the Local Trust Committee to permit a full understanding of the impact of the proposed activity or development on the island community affected.

26. The Terms of Reference must address any particular information requirements that are identified in or arise from any applicable guidelines in an official community plan, and in all cases must address any particular information requirements specified for such an application in any development application procedures bylaw of the Local Trust Committee.

27. In addition to any other requirements the Terms of Reference may require the person preparing the impact information to provide information on the relationship between the proposed activity or development and

a. the object of the Islands Trust set out in the Islands Trust Act;

b. the Islands Trust Policy Statement;

c. the Islands Trust Fund Plan; and

d. in the case of a proposed zoning amendment, the official community plan of the Local Trust Committee.

28. The Terms of Reference may specify that the impact information will be prepared by a person having professional expertise in the matters included in the Terms of Reference, and may include information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information.

29. The Terms of Reference must specify the date by which and the form and the number of copies in which the impact information will be provided.

PART VII PREPARATION OF DEVELOPMENT APPROVAL INFORMATION

30. The applicant must prepare the impact information in accordance with the accepted Terms of Reference and within the time specified in the Terms of Reference must provide it to the Local Trust Committee, at the applicant's expense.

31. For every matter within the scope of s.22 that is included in the Terms of Reference, the applicant must

a. identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;

b. identify and describe the potential and likely impacts of the activity or development including any cumulative effects when combined with other projects proposed or under development;

c. evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and

d. make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided,

all in accordance with generally accepted impact assessment methodology.

32. If the Terms of Reference specify professional expertise in the preparation of impact information, prior to authorizing the preparation of the information by any person the applicant must deliver to the official information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information, unless that information was included in the approved Terms of Reference.

33. Within 10 business days of receipt of the information, the official must advise the applicant whether the proposed person is acceptable, and if the person is not acceptable the official must advise the applicant in writing of the reason and may propose one or more alternative acceptable persons. If such advice is not provided by the end of the tenth business day, the official is deemed to have accepted the proposed person.

34. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the Terms of Reference, either in scope, level of detail, accuracy or in any other respect, the official may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the Terms of Reference, but a requirement for further information may be imposed once only.

PART VIII INDEPENDENT REVIEW

35. If the official considers that the impact information provided by the applicant, or any portion of it, requires an independent review prior to being considered by the Local Trust Committee, the official may require the applicant to provide such a review of the information including the methodology used in its preparation.

36. The official may specify that the independent review be conducted by a member of the relevant professional association, and may specify terms of reference for the review.

37. The applicant must arrange for the independent review to be conducted and submitted in writing to the local trust committee, at the applicant's expense and within the time specified by the official.

PART IX PROPRIETARY RIGHTS IN INFORMATION

38. The information that is provided to the Local Trust Committee pursuant to this Bylaw is required by the Local Trust Committee in the exercise of its powers under the Local Government Act and the Islands Trust Act. Every report or other document provided to the Local Trust Committee pursuant to this Bylaw must accordingly contain an express grant of permission to the Local Trust Committee to use and reproduce the information contained in the report or other document for non-commercial purposes.

PART XI TRANSITION

39. Islands Trust Council Bylaw No.58, 1998 cited as the "Galiano Island Local Trust Committee Impact Assessment Bylaw No. 58, 1998" is repealed.

READ A FIRST TIME this	day of	, 2012.
READ A SECOND TIME this	day of	, 2012.
READ A THIRD TIME this	day of	, 2012.
ADOPTED this	day of	, 2012.

Chair

Secretary

U:\LOCAL TRUST COMMITTEES\Galiano\Projects\2012 DPA Implementation\DAI amendments\DAI bylaw - NEW.doc

Islands Trust

Print Date: Jun-27-2012

Top Priorities

Galiano Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	LUB update	1. Amendments resulting from OCP review 2. Review of regulations for docks and structures in setback from the sea and geo-thermal 3. Review of split-zoned lot regulations 4. review of regulations pertaining to strata common property 5. Review of Parking Regulations - on-site parking and public parking issues generated from associated islands (see correspondence from P. Midgely on agenda of Apr/12) 6. Sign Regulations 7. Waste transfer station regulations 8. Review of zoning regulations for Lions' Hall 9. Review of FLR and F2 zoning and Land Transportation policy (o) requirement 10. Review zoning of small F1 lots that were in existence at the time of their pruchase from Mac Blo.	Apr-16-2012	Kaitlin Kazmierowski	Mar-31-2013	On Going

		11. Standards for potable water supply				
2	DPA Implementation	1. Update of Development Approval Information Bylaw 2. Public communications 3. Development of Administrative procedures	Dec-12-2011	Kaitlin Kazmierowski	Mar-31-2012	On Going
3	Ground water protection DPA policy review	Review detailed recommendations of Waterline Report, review existing DPA provisions, prepare options for amendments	Jun-13-2011	Kaitlin Kazmierowski	Apr-02-2012	On Going

Print Date: Jun-27-2012

IslandsTrust

Projects

Galiano Island

No.	Description	Activity	Received/Initiated	Status
1	Soil Removal and Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw	Sep-12-2011	On Going
2	OCP amendment to review definition of "tree"		Dec-12-2011	On Going
3	Short Term Vacation Rentals		Dec-12-2011	On Going
4	Provincial Advocacy	• Letter from Steve Thomson, Minister of Forests dated Nov 2, 2011 to be brought forward for action at the appropriate time • Staff directed to request meetings with the following:	Feb-13-2012	On Going
5	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	Apr-16-2012	On Going

Print Date: Jun-28-2012

Islands Trust

Applications w/ Status - Galiano Island Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2012.1	Jack Ferguson	Jun-18-2012	WISE ISLAND Dismantel existing dwelling and detached garage - studio & deck remain Construct new dwelling

Planner: Kris Nichols

Planning Status

Status Date: Jun-27-2012

Information report written for July meeting of LTC. Still awaiting further information (survey, biologists report, etc.) from applicant. Information report to give option for issuance of DP through RWM

Status Date: Jun-25-2012

Sent letter of acknowledgment of receipt of fees and application to applicant. Copied to trustees and forwarded file to planner.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2010.2	Scoones	Aug-25-2010	To allow the retaining wall to be as close as 1ft from the property line.

Planner: Kaitlin Kazmierowski

Planning Status

Status Date: May-02-2012

Met with applicant. He is waiting for a survey and will submit it when compelted.

Status Date: Jan-25-2012

Sent a letter requesting a survey by Feb 24, 2012. If no survey is submitted, bylaw enforcement will be notified.

Status Date: Jun-27-2011

Requested survey June 21, 11

File Number	Applicant Name	Date Received	Purpose

GL-DVP-2012.3		Jun-18-2012

Planner:

Planning Status

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2004.6	Crystal Mountain Society	Jun-14-2004	OCP and LUB amendments to allow a Retreat Centre and Forest Retreat.

Planner: Kaitlin Kazmierowski

Planning Status

Status Date: Mar-01-2012

Applicants are interested in pursuing a rezoning. Will meet with planning staff to discuss options in March 2012

Status Date: Feb-03-2012

Sent a letter requesting indication that applicant would still like to continue with their application. Deadline to respond is March 2 2012.

Status Date: Jul-27-2011

Staff contacting applicant to determine if/how they want to proceed with application.

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

Planner: Gary Richardson

Planning Status

Status Date: Mar-01-2012

Staff working with CRD to determine emergency access status.

Status Date: Nov-04-2011

Staff working on final cov. edits and securing emergency road as per RNP.

Status Date: Sep-30-2011

Public hearing on proposed bylaw 210 being held Oct 17.

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2008.2	KIng	Feb-22-2008	To amend the zoning from F1 to F3

Planner: Kaitlin Kazmierowski

Planning Status

Status Date: Mar-01-2012

Met with applicant who is still interested in pursuing a rezoning. Staff currently working with the applicant to determine the best course of action.

Status Date: Feb-03-2012

Sent a letter requesting indication that applicant would still like to continue with their application. Deadline to respond is March 2 2012.

Status Date: Jul-27-2011

Staff contacting applicant to determine if/how they want to proceed with their application.

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2011.1	Galiano Land and Community Housing **Planner:** Kaitlin Kazmierowski	Oct-06-2011	Rezone Agriculture and Residential to Community Facility-Affordable housing.

Planning Status

Status Date: Jun-01-2012

ALC has approved of exclusion of ALR pending covenant from GLCHT. Housing agreement currently being reviewed by Trust legal counsel and GLCHT legal counsel.

Status Date: May-03-2012

COnsultant has been hired by applicants to work on housing agreement. Applicants are willing to entre into cost recovery. Staff waiting for cost recovery agreement in order to commence legal review.

Status Date: Apr-03-2012

Staff report for APril 16th meeting recommends professional help for finalization of housing agreement

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2011.2	Winmark Capital Inc. - Richard Dewinetz **Planner:** Kaitlin Kazmierowski	Dec-21-2011	To amend the OCP/LUB to change 90 hectares of F1 lands to Park Land & RR.

Planning Status

Status Date: Jun-01-2012

Draft bylaws that include the community housing lot presented for first reading at June 11, 2012 LTC meeting. Legal undertaking between applicant and Galiano Island Housing Society underway.

Status Date: May-03-2012

Applicants have submitted a proposal for an additional lot for community housing purposes. Memo at May 14th presents this proposal and seeks direction for future work.

Status Date: Mar-01-2012

Staff to present preliminary report at March 12, 2012 LTC meeting

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2007.1	LPG Landplan Group Inc (Zizzy/Brown) **Planner:** Kaitlin Kazmierowski	Feb-12-2007	Creating 6 new lots. DL 72 and Lot 15, DL 71 and 77, Plan VIP61007. X-reference GL-RZ-2005.3

Planning Status

Status Date: May-03-2012

Applicants to vary the location of the easement slightly and will prepare an updated survey to replace the one in the current covenant.

Status Date: Apr-03-2012

Applicant has responded with several comments on the draft covenant. Planner working with applicant and legal counsel to satisfy these.

Status Date: Mar-01-2012

Planner waitingapplicant's comments on draft covenant.

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2010.1	Land Survey Inc. **Planner:** Kris Nichols	Jun-03-2010	ELLIS RD To create 2 lots

Planning Status

Status Date: Feb-09-2012

PLA received from MoTI dated April 1, 2011

Status Date: Oct-29-2010

Status Date: Sep-13-2010

Response sent to MOTI September 13, 2010.

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2012.1	Louis Gothier c/o Ron Taylor **Planner:** Kaitlin Kazmierowski	May-01-2012	275 BLUFF RD & 351 BLUFF RD A boundary Adjustment

Planning Status

Status Date: May-17-2012

Sent letter of acknowledgment of reciept of application form and fees to applicant. Copied app to trustees and forwarded file to Planner.

Status Date: May-03-2012

Sent a letter to applicant requesting the Sub referal form be completed and submitted along with the fees.

PROPOSED

Galiano Island Local Trust Committee
Expense Budget

2012-2013 $6500

	G/L Code	Budget
LTC Meeting Expenses	65200	3 900
APC Meeting Expenses	65210	500
Communications	65220	800
Special Projects	65230	1 000
Miscellaneous	65240	300
Total		**6 500**

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: May 16, 2012

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 18, 2004	GL-LTC-118-04	Road Network Plan	It was Moved and Seconded that the issue of access, including the proposals provided in the Road Network Plan, be applied to any existing and future rezoning applications brought before the LTC.
2.	June 14, 2004	GL-LTC-130-04	Forest 1 and Forest 3 lots	It was Moved and Seconded that staff be directed to draft a proposal to the Islands Trust Executive Committee requesting approval of a special Galiano Island Local Trust Committee initiative to accept, at reduced fee levels and for a limited time, applications to rezone eligible Forest 1 lots to Forest 3. In support of this request we offer that applications received under this initiative be batched in groups of two or more, each under a single bylaw. This approach, administered efficiently, will take less time to process and therefore cost less than if done singly, while still ensuring community input through full public process. The groupings we anticipate should be for properties of like nature and general location, though not necessarily contiguous.
3.	July 21, 2004	GL-LTC-137-04	F1 Zone	It was Moved and Seconded that Galiano LTC consider option 1, Cost Recovery Model, of the July 7, 2004, staff report Re: Batching/Initiating Offer, as an operating policy for the charging of fees as part of any rezoning application and in particular with reference to applications for rezoning of F1- zoned properties.
4.	February 16, 2005	n/a	F3 Covenant	Galiano LTC will hold be a covenant holder to all covenants granted as part of the F3 rezoning process The model F3 covenant will be referred to all prospective covenant holders for comment on the document and to seek confirmation that they are willing to be a covenant holder jointly with the local trust committee.

No	**Meeting Date**	**Resolution No.**	**Issue**	**Policy**
5.	June 29, 2005	n/a	Subdivision Applications	Staff are requested to prepare a report that provides wording for standing resolution to refer subdivision applications to the Galiano Fire Department and the Parks and Recreation Commission.
6.	May 11, 2009	GL-LTC-85-09	Parks Commission Referral	**THAT** the Galiano Island Local Trust Committee direct Staff to send rezoning applications to the Galiano Island Parks and Recreation Commission for referral.
7.	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.
8.	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.

11.6

Population (2011):
Approximately 1,138

Size:
5,810 hectares (14,356 acres)

Location:
26 kilometres north-east of the Swartz Bay ferry terminal located on Vancouver Island.

Land Use Planning
Related Planning Services
Related Resources
Trust Area Mapping
Related Links

Galiano Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. Subscribe to the Galiano Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

September 2011

- Parks Canada Letter date June 30, 2011 re: Heritage Lighthouse Protection Act

July 2011

- "Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands"
- Fact sheet:"Choosing a Building Site on your Lot"
- Fact sheet:"Making Changes to your Lot Line"
- Fact sheet:"Applying for a Variance"

October 2010

- 2007 Community Energy and Emission Inventory Reports (CEEIs) now available
- New Islands Trust GHG Emission Inventories webpage posted

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Planner Office Hours on Galiano Island

- Planner Office Hours on Galiano Island June – July 2012

Galiano Island Local Trust Committee Projects

General

- Potential Amendments to Forest Designation and F1 Zone - Staff Report dated October 4, 2011
- "A Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands" booklet
- A "Choosing a Building Site on your Lot" fact sheet
- A "Making Changes to your Lot Line" fact sheet
- An "Applying for a Variance" fact sheet
- Geological Hazard Mapping Project- Final Consultant report March 31, 2010

Climate Change Action

- Staff Report - October 2009
- Community Engagement Tools
- Climate Wise Islands
- Staff Report - January 29, 2010
- Adopted Bylaw No. 206

Committee Links

- Committee Home
- Trustee Membership
- Contact Trustees
- Contact Planning Staff
- Planning Bylaws
- Administrative Bylaws
- Meetings Schedule
- Meeting Agendas
- Meeting Minutes
- Resolutions-Without-Meeting
- Associated Islands
- Land Use Application Forms

Groundwater Study

- Galiano Groundwater Study- Phase One (Waterline Resources Inc. March 31, 2011)

Official Community Plan Review

Consolidation

- Galiano Island Official Communtiy Plan Bylaw No. 108, 1995 - consolidated November 25, 2011

Land Use Bylaw Review

- Staff Report- April 26, 2010
- Staff Report - August 31, 2010

Applications

Rezoning Application : GL-RZ-2005.2 (Smith/Romagnoli)

- Staff Report dated July 29, 2010

Rezoning Application: GL-RZ-2011.1(Affordable Housing)

- Staff Report dated November 3, 2011
- Staff Report dated November 28, 2011
- Proposed Bylaw No. 233
- Proposed Bylaw No. 234

Rezoning Application: GL-RZ-2011.2 (Richard Dewinetz)

- Preliminary Staff Report dated March 30, 2012
- Memo dated May 3, 2012
- Staff Report dated May 31, 2012
- Preliminary Layout Plan, prepared February 29, 2012
- Proposed Layout Plan, prepared May 2, 2012
- Proposed Bylaw No. 235
- Proposed Bylaw No. 236

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