



**GALIANO ISLAND
LOCAL TRUST COMMITTEE
BUSINESS MEETING AGENDA
TO COMMENCE AT 1:00 PM, DECEMBER 3, 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 November 19, 2012 Local Trust Committee Business Meeting (pending)		
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		
6.1 Follow-up Action Report (attached)	1	
7. DELEGATIONS - none		
8. CORRESPONDENCE - none <i>[correspondence received concerning applications and/or projects</i> <i>is considered with the application/project]</i>		

9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS - none	1:30 pm
9.1	GL-DVP-2012.4 (Gonthier) (attached)	3
9.2	Covenant ET016476 (Gaylor) District Lot 48 (attached)	15
9.3	Covenant EF113410 (Retreat Cove Farms Ltd.) (attached)	28
10.	LOCAL TRUST COMMITTEE PROJECTS	
10.1	Greenshores for Homes Workshop (pending)	
----- BREAK (15 minutes) -----		
11.	REPORTS	3:00 pm
11.1	Work Program Reports - for Information	
11.1.1	Galiano Island Local Trust Committee Work Program - Report dated November 2012 (attached)	36
11.2	Applications Report - for information	
11.2.1	Galiano Island Applications Report dated November 2012 (attached)	39
11.3	Expense/Budget Reports - for information	
11.3.1	LTC Expense Report - none	
11.3.2	LTC Budget 2012-2013 (attached)	43
11.4	Bylaw Enforcement - none	
11.5	Policies and Standing Resolutions Report (attached) – for information	44
11.6	Galiano Island LTC Web Page for Review (attached) – for information	46
11.7	Chair's Report	
11.8	Trustee Report	
12.	OTHER BUSINESS	
12.1	Upcoming Meetings	
12.1.1	Local Trust Committee Business Meeting at 1:00 p.m. Monday, February 18, 2013, South Community Hall, Galiano Island	
13.	TOWN HALL MEETING	
14.	ADJOURNMENT	4:00 pm



Islands Trust

Follow Up Action Report w/ Target Date

Print Date: Nov-22-2012

Galiano Island Jun-11-2012

No.	Activity	Responsibility	Target Date	Status
1	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).	Robert Kojima Gary Richardson	Nov-01-2012	On Going

Sept 21/12 - email to applicants

Oct 15/12 - trustees report that applicants out of country

Jul-09-2012

No.	Activity	Responsibility	Target Date	Status
2	GL-RZ-2011.1 (GLCHT)	Kris Nichols	Feb-18-2013	On Going

Staff directed to schedule a CIM upon receipt of: confirmation of ALC covenant on title, comprehensive site plan, housing agreement and land lease, and professional assessment of the availability of sustainable long-term groundwater and rainwater catchment (Sept amendments).

3	GL-RZ-2011.2 (Dewinetz):	Kris Nichols	Feb-18-2013	On Going
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-Staff to invite representatives from BC Parks to attend a future CIM for this application.

- Staff to enter into cost recovery with the applicant for a legal review of the agreement between the applicant and the Galiano Island Housing Society - 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 work with the applicant to draft a S. 219 covenant and enter into cost recovery with the

application for associated legal work

Sep-17-2012

No.	Activity	Responsibility	Target Date	Status
4	9.1 GLCHT - applicants to provide corrected site plan and accompanying tables Resolution to amend GL-LTC-75-12 to require professional assessment of rainwater catchment proposal	Kris Nichols	Feb-18-2013	On Going
5	Staff to arrange meeting between LTC and MoTI staff to discuss Galiano issues.	Robert Kojima Kris Nichols	Jan-31-2013	On Going

Note: deferred pending hiring of new manager in MoTI Saanich office.

Nov-19-2012

No.	Activity	Responsibility	Target Date	Status
6	Minutes to be adopted as amended	Kathy Jones Sharon Lloyd-deRosario	Dec-03-2012	On Going
7	Send out notification for Public Hearing on Proposed Bylaw No. 237 to be held at the February 18, 2013 LTC meeting.	Kathy Jones Kris Nichols	Feb-18-2013	On Going
8	Send bylaw No. 238 to Agencies and APC for comment.	Kathy Jones Kris Nichols	Feb-18-2013	On Going
9	Planner to find out estimated costs for a 219 covenant and a survey related to Bylaw No. 238.	Kris Nichols	Feb-18-2013	On Going
10	Send Bylaw No. 239 to referral agencies and APC for comment.	Kathy Jones Kris Nichols	Feb-18-2013	On Going
11	Draft amending bylaws for signage, home occupations and small animal husbandry in residential zones.	Kris Nichols	Feb-18-2013	On Going
12	Greenshores Integrated Shoreline Mapping Workshop to be set up in early 2013.	Robert Kojima	Feb-18-2013	On Going
13	Letter to be sent to APC members asking if they would like to stand for another term.	Kathy Jones	Dec-20-2012	Done



STAFF REPORT

November 20, 2012

File No.: GL-DVP-2012.4

To: Galiano Island Local Trust Committee
Prepared for the December 3rd, 2012 Galiano Island Local Trust Committee meeting.

From: Kris Nichols
Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Development Variance Permit for

Owner: Louis Gonthier
Applicant: Ron Taylor
Location: Lot A, Plan 3880, District Lot 2, Cowichan District, Galiano Island and Lot 6, Plan 2418, District Lot , Cowichan District, Galiano Island

THE PROPOSAL:

This development variance permit application is a requirement of a proposed boundary adjustment subdivision (See Figure 3) to create one appropriately sized lot where one of the lots is currently significantly undersized (Lot A). In order to permit the subdivision to proceed, this application seeks to vary Section 13.9, Article 5.4.5.1, Article 5.5.5.2 and Section 2.8 to permit, respectively, the creation of a split zoned lot, existing building locations, and a larger than permitted maximum combined floor area for accessory buildings. A general condition of all subdivisions is that the new lots not create any non-conformance with the zoning bylaw.

Previously, at the July 9, 2012 meeting of the Galiano Local Trust Committee, a resolution was passed granting a 10% frontage waiver for proposed Lot 2 also as a requirement of the proposed subdivision.

Required Variances:

Currently, Section 13.9 states that:

"The creation of lot lying within two or more zones must be avoided wherever possible. If lots lying within two or more zones are subdivided, lot boundaries should, if possible, correspond with zone boundaries."

In order to create the subdivision proposed the applicant could not create the subdivision without a variance of this section or a rezoning of Lot A to R2. The creation of split zoned lots under the current zoning would result in the ability to double the density by permitting a dwelling on each zoned portion; effectively each zone could be considered a separate lot in terms of density. In order to address this concern, the applicant has agreed to register a Section 219 covenant on

the proposed Lot 2 (split zoned) to permit only one single family dwelling on the entire lot effective treating the lot as if it had one zone.

Variances to the setbacks are required for an existing cabin on Lot A to remain at 6.0 m from the front lot line and for an empty shed (chicken coop) to remain on Lot 6 at 4.4m from the interior lot line. The applicant has stated that the owner has no intention to use the shed as a chicken coop as indicated in the survey and is aware that should it be used as such it would have to meet the setback of 30 m for the keeping of poultry in a residential zone. The applicant is aware that the combined accessory building floor area of Lot 6 exceeds what is permitted in the bylaw and therefore is requesting a variance to permit an additional 41.1 sq. m.

A draft Development Variance Permit is attached as Schedule A which includes building and structure setbacks. The following section and articles in Land Use Bylaw 127, 1999 are proposed to be varied:

- a) Section 13.9 - Split Zoning to permit the creation of a split zone lot where the bylaw states that this must be avoided.
- b) For Lot A:
 - a. Article 5.4.5.1 from 7.5 m to 6.0 m to accommodate an existing cabin
- c) For Lot 6:
 - a. Article 5.5.5.2 from 6.0 m to 4.4 m for an existing shed
 - b. Section 2.8 to permit maximum combined floor area of accessory buildings to be increased from 93 sq. m. to 134.1 sq. m..

SITE CONTEXT:

The application deals with two existing lots. Lot A is 0.12 acres (0.049 ha) and Lot 6 is 4.93 acres (2 ha) and are zoned Rural Residential (RR) and Rural 2 (R2) respectively. They are located directly to the west of Bluffs Park on Bluff Road. The combined property is surrounded on the west and north by the Agricultural Land Reserve (ALR).

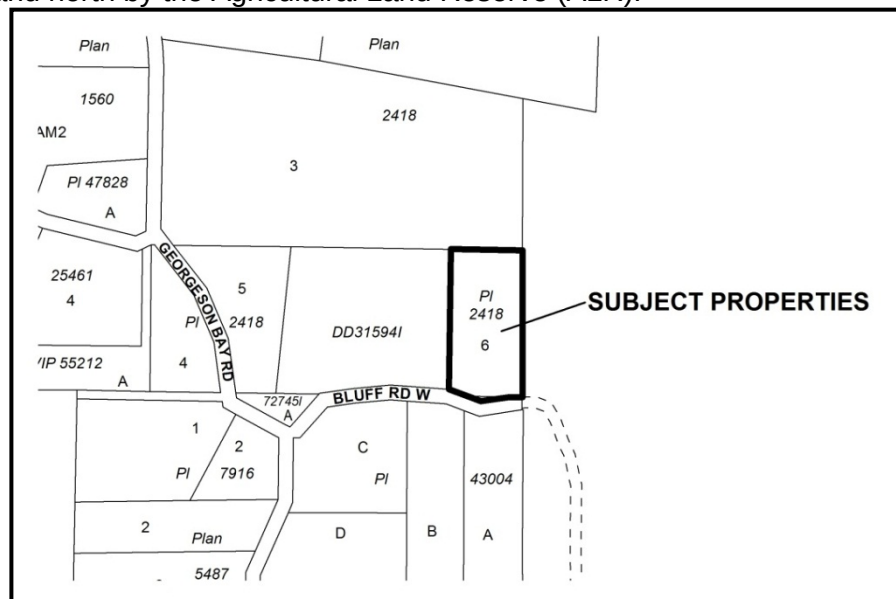


Figure 1 – Location Map

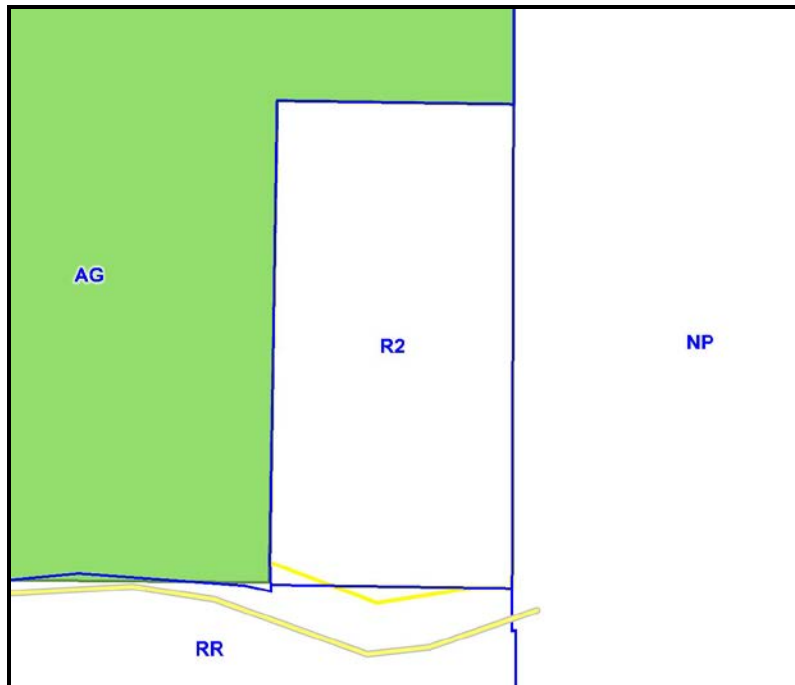


Figure 2 – Zoning Map

A site inspection was conducted on November 19, 2012 with the applicant.



Picture 1 – Shed (Chicken coop)



Picture 2 – Accessory buildings on Lot 6



Picture 3 – Cabin on Lot A

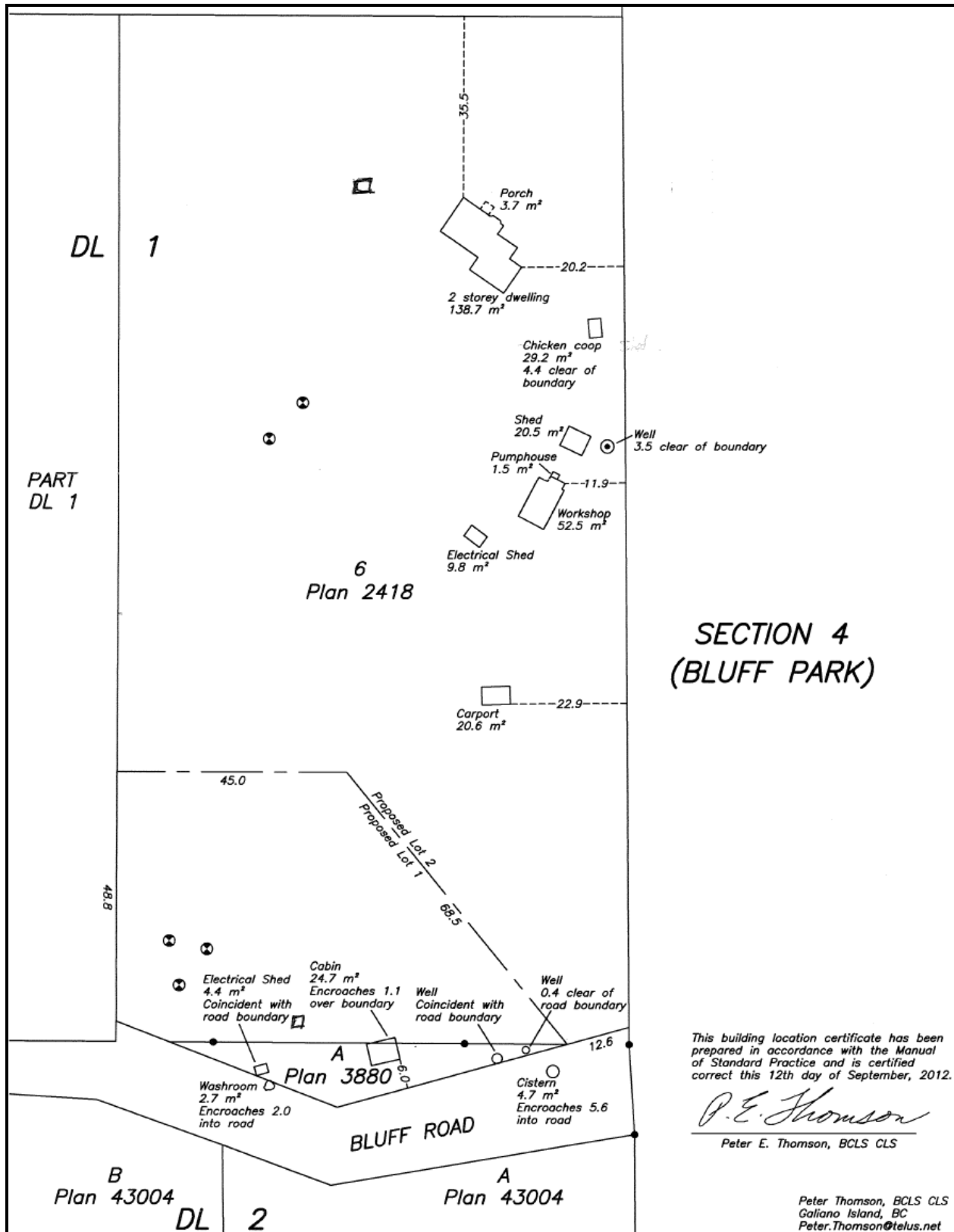


Figure 3 – Survey of Buildings and Structures and Proposed Subdivision

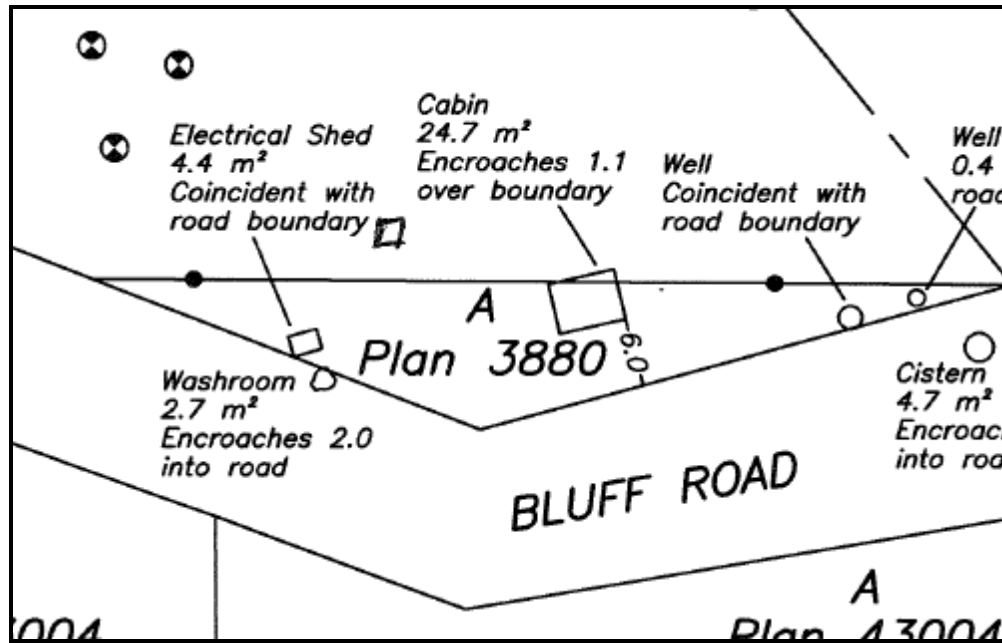


Figure 4 – Cabin Variance

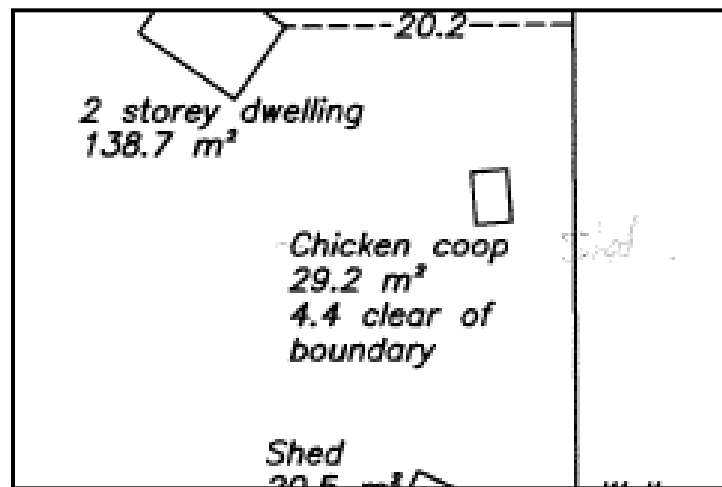


Figure 5 – Shed (chicken coop) Variance

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Official Community Plan

The properties are designated: Lot A – Rural Residential (RR) and Lot 6 – Rural (R) in the OCP.

Land Use Bylaw

The properties are zoned: Lot A – Rural Residential (RR) and Lot 6 – Residential 2 (R2) in the Land Use Bylaw.

Development Permit Areas

Both properties are located within DPA3 – Tree Cutting and Removal. However, subdivisions are exempt from any of the requirements of this DPA.

Sensitive Ecosystems and Hazard Areas:

The properties do not include any known sensitive ecosystems or hazard area.

Covenants:

There is an easement (EL28632) which grants an access to the owner of Lot A for the use of a portion of Lot 6 for a septic field, a garden, and the siting of a portion of the existing dwelling.

There is a Section 219 covenant (EM118130) on Lot 6 which is between the CRD and the owner and related to the construction on the lot as per the Alternative Owner Building (AOB) Regulation (BC Reg. 406/95) and issuance of an AOB permit for construction.

Climate Change Mitigation and Adaptation

This application has no direct bearing on climate change mitigation and adaptation. The proposed subdivision and related variances are dealing with buildings that already exist and nothing new is proposed at this time.

RESULTS OF CIRCULATION:

Notices were circulated to surrounding property owners and residents on or before November 19, 2012. The notification period will end on November 30, 2012. At the writing of this staff report, no public submissions have been received. Any additional public submissions will be brought forward at the December 3, 2012 Galiano LTC meeting.

ISSUES SUMMARY:

Applicant's stated rationale for the variance. The applicant has submitted a subdivision application to do a boundary adjustment to create two reasonably-sized lots. Currently, Lot A is only 0.21 acres in size. The subdivision application is to create one lot (proposed Lot 1) at 0.399 ha (0.99 acres) and another (proposed Lot 2) at 1.648 ha (4.07 acres) (see figure 3). In order to complete the subdivision the applicant must ensure that they do not create any non-conformity with the LUB, therefore, they have applied for a development variance permit to ensure compliance.

The impact that granting the variance might have on adjacent properties: Neighbors have had opportunity to comment directly through the circulation of the notice. The buildings will remain as they are now; it is ultimately just a lot line adjustment that will change the configuration of the lots which should not impact the neighbours.

The overall intent of the regulation being varied. The intent of not permitting split zoned lots is to limit the amount of possible density. The applicant will address this issue through a covenant registered on title to limit the number of dwellings permitted. The setbacks are being varied for buildings that are existing on the property the intent being to legalize the location of these

buildings. The intent of a maximum floor area for accessory buildings is to limit the development of a site with excessively massive accessory buildings, particularly in relation to the principle building on a site.

Potential impacts of granting a variance. Granting a variance can potentially create an expectation in the community with regard to future applications; however, each application is evaluated on its own merits.

STAFF COMMENTS:

The original lots, Lot A and Lot 6, were created in 1921 and 1931 respectively. The owner wishes to create a larger lot for Lot A (proposed Lot 1). This development variance permit application is the result of a proposed subdivision and the necessity to comply with the LUB regulations as part of the subdivision application. Two buildings (shed (lot 6) and cottage (lot A)) do not currently conform to the setbacks of the LUB and the maximum accessory building combined floor area for Lot 6 also does not conform. In addition, the bylaw states that no split zoned properties should be created.

Staff have visited the two properties and see no reason why the variances could not be granted. The applicant has agreed to address the issue of the split zoned lot through registering a covenant to limit the number of dwelling units to 1. The shed on Lot 6 is directly adjacent to Bluff Park and will not have an impact. The cottage on Lot A is barely visible from the existing road at 6 m away due to heavy vegetation so the impact of the cottage remaining will be negligible. Therefore staff recommend that the variances be granted.

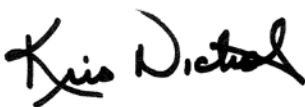
The Galiano Island LTC has the following options with regard to this variance permit:

1. Issue the permit as presented (Attachment 1)
2. Deny the permit which would in effect deny the proposed subdivision.

RECOMMENDATIONS:

1. **THAT GL-DVP-2102.1 (Taylor) BE APPROVED.**

Prepared and Submitted by:



November 20, 2012

Date

Concurred in by:

R. Kj

November 20, 2012

Date



PROPOSED
GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GL-DVP-2012.4

TO: Louis Gonthier

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

Lot 6, District Lot 1, Plan 2418 and Lot A, District Lot 2, Plan 3889, Cowichan District, Galiano Island.
2. "Galiano Island Land Use Bylaw No. 127, 1999" is varied as follows to permit as part of a subdivision requirement the creation of a split zoned lot, to bring into conformity a shed, cottage and combined maximum floor area of accessory buildings:
 - i. Section 13.9-Split Zoning to permit the creation of a split zone lot where the bylaw states that this must be avoided.
 - ii. For Lot A:
 1. Article 5.4.5.1 from 7.5 m to 6.0 m to accommodate an existing cabin
 - iii. For Lot 6:
 1. Article 5.5.5.2 from 6.0 m to 4.4 m for an existing shed
 2. Section 2.8 to permit maximum combined floor area of accessory buildings to be increased from 93 sq. m. to 134.1 sq. m..
3. The siting of the cottage and shed building must be consistent with that shown on Schedules 'A' and 'B' attached to and forming part of this permit.
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, including approval of Capital Regional District, Vancouver Island Health Authority and the Ministry of Transportation and Infrastructure.

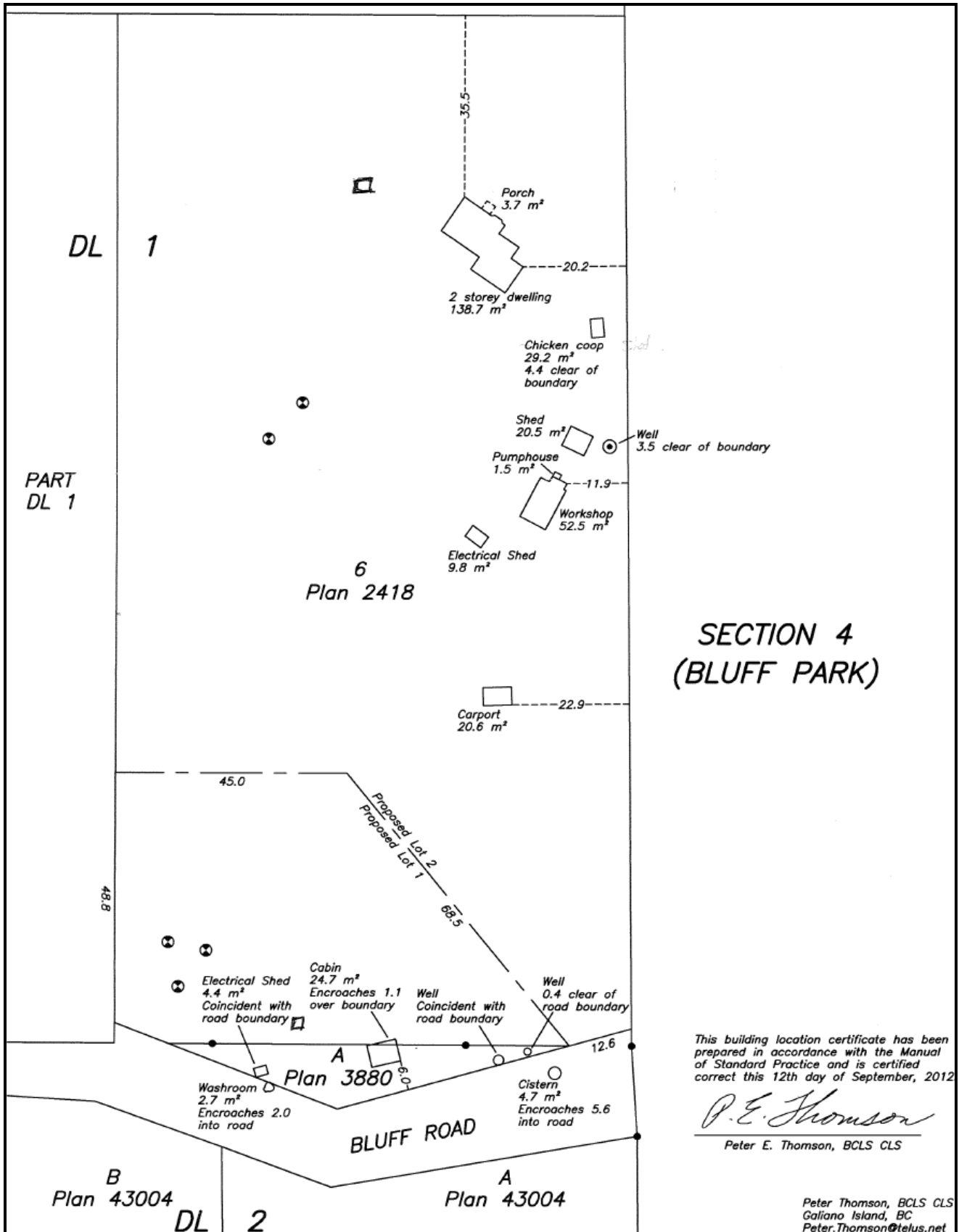
AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 201_.

Deputy Secretary, Islands Trust

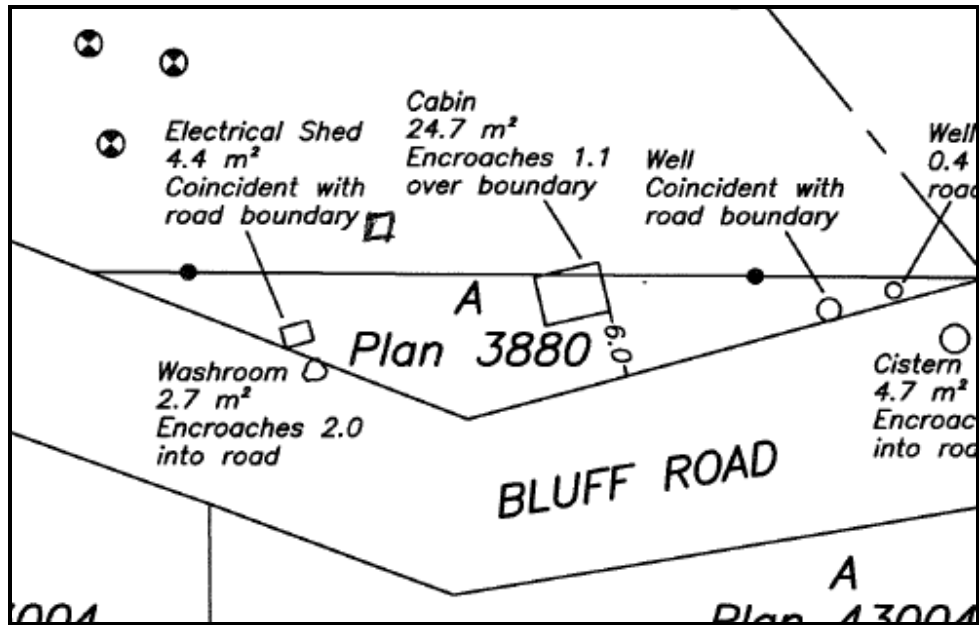
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____, 201_, THIS PERMIT AUTOMATICALLY LAPSES.

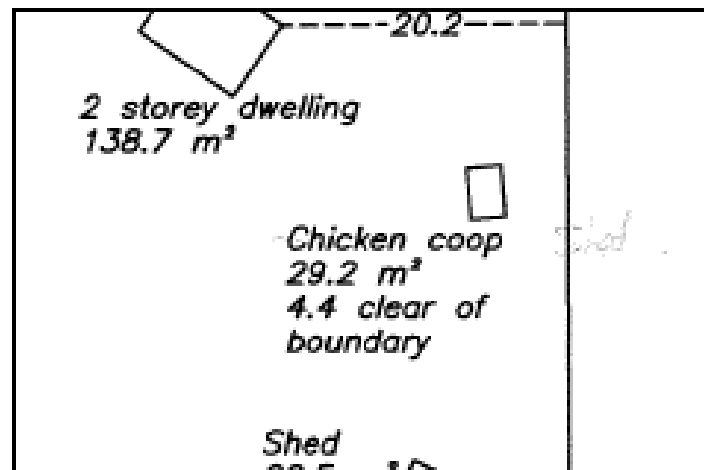
GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2012.4
SCHEDULE 'A'



GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2012.4
SCHEDULE 'B'



Cabin – Setback to be varied



Chicken coop (shed) - Setback to be varied



Memorandum

200 - 1627 Fort Street Victoria BC V8R 1H8

Telephone **(250) 405-5151** FAX: (250) 405-5155

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

information@islandstrust.bc.ca www.islandstrust.bc.ca

Date November 15, 2012

File Number GL2455-20

To Galiano Island Local Trust Committee
For the December 3, 2012 meeting

From Kris Nichols
Island Planner
Local Planning Services

Re **Amending Covenant ET016476**

Purpose:

This memo is to seek direction from the LTC in response to a written request (Please see Attachment 1) to both amend a covenant (Please see Attachment 2) on a lot (Lot 1) and to remove the covenant from an adjacent lot (rem. D.L. 48). The Galiano Island Local Trust Committee is a signatory to the covenant and therefore to change the covenant requires the LTC's agreement.

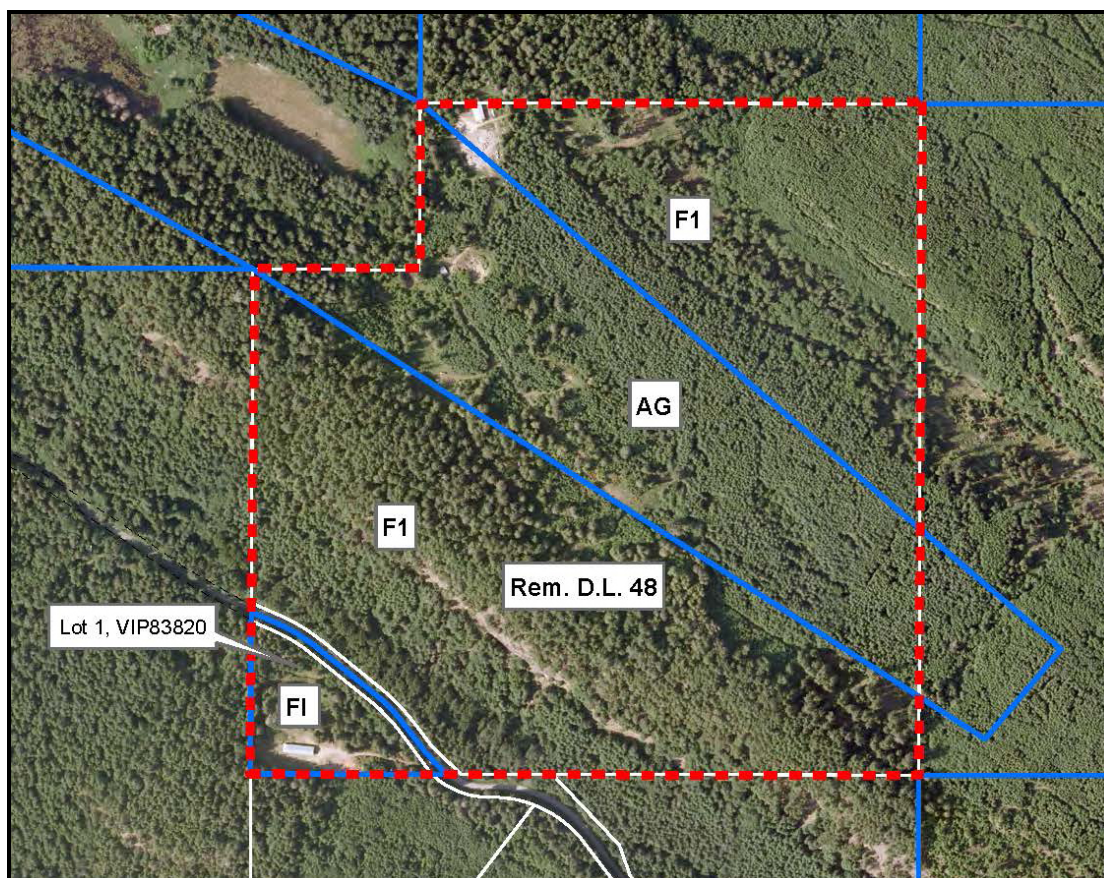


Figure 1 – Zoning and Lots

Background:

Staff have received a request from the owner of District Lot 48 (Lot 1 and Rem. D.L. 48) to amend the covenant (ET016476) that was registered as part of a rezoning to Forest Industrial Lot (FI). The properties are located on Porlier Pass Road. The covenant was registered in 2002 on DL 48 which was split zoned Forest Industrial (FI) and across the street, Forest 1 and Agriculture Zone. Due to a subsequent subdivision creating two lots (Lot 1 and Rem. D.L. 48), the covenant intended exclusively for the Forest Industrial use remained registered on the remnant District Lot 48. The covenant has no relation to the remnant District Lot 48's zoning use. The covenant was registered to regulate the uses on the Forest Industrial portion (Lot 1) of the property beyond the zoning regulations.

The original owner and operator of the property passed away in 2006 and since then the family has been trying to sell the Forest Industrial property. They see the value in the lot retaining its current zoning as it is the only one on Galiano with that zoning, but realize that some of the conditions contained in the covenant are posing a deterrent to prospective purchasers. One clause limits the noise from an operation on that lot to a specific decibel level (85db) and the other clause limits the hours of operation. Therefore, the owner is requesting the amendments to the Forest Industrial Lot covenant by removing Clause 1 and Clause 3. Clause 1 restricts the land being used for any sawmilling, planing, mechanical repair or gravel processing use until the owner has submitted to the Local Trust Committee a certified professional report stating that the operation will not generate noise above 85db. Clause 3 limits the hours of operation from 8 a.m. to 6 p.m. Monday to Friday. Please see Attachment 2 for the exact wording. In further review of the covenant, it is evident that Clause 2 has no effect if Clause 1 is removed; therefore staff are proposing that Clause 2 be part of the amendment.

The owner has indicated in their letter the rationale for the requests. The 85db is not only tough to enforce, but might be unreasonable for the intended forest industrial use permitted in the zone. The decibel level is equivalent to city traffic from the inside of a car, and for comparison a jackhammer at 50 feet is 95 dB and a chainsaw at 3 feet is 110 dB, it does not seem reasonable to have this decibel requirement in relation to the intended use. The limiting of the hours of operation according to the owner is too restrictive for potential purchasers should they want to conduct additional work longer in the day.

The owner is also requesting that the covenant be removed from Remnant D.L. 48 in its entirety; given that it has the covenant registered on title, but it does not pertain to its zoning as it remained on title as a result of a subdivision.

Staff Summary:

Staff are in support of amending the covenant on Lot 1 (i.e. removing clauses 1,2 and 3) and removing the covenant from Rem. D.L. 48. Staff recognize that clauses 1, 2 and 3 appear to place restrictions that are tough to enforce or place unnecessary limitations on the intended use. In terms of Rem. DL 48 portion, the covenant is not relevant to the permitted zoning and could be removed.

As the covenant was originally a requirement of a rezoning, it is necessary that a proposed change to the covenant go through a process similar to a public hearing. What this means is that there is a requirement for a notice to be placed in the local paper along with the neighbours being written directly identifying the proposed change as per the *Local Government Act* requirements for a hearing. There is also a requirement to emulate a public hearing which could be held at the same time as the LTC meeting to afford people an opportunity to speak to the proposed amendments.

There is no application process or fee for covenant amendments or removal. Therefore, it will be necessary to enter into a cost recovery agreement with the owner to cover the costs of the advertisement and mailout as well as the proposed amendments to the covenants and any legal costs associated with the discharge of the covenant from Rem. DL 48 and its re-registration on the FI lot.

Options: The LTC has a few options to consider:

1. To direct staff to proceed with the process to amend the covenant by removing Clauses 1,2 and 3 from the Forest Industry lot (Lot1) and the remove the covenant in its entirety from Rem. D.L. 48.
2. To direct staff not to amend the covenant, but to remove the covenant in its entirety from Rem. D.L. 48.
3. To direct staff not to amend the covenant nor remove it from Rem. D.L. 48.

In addition, as mentioned above a cost recovery agreement will have to be entered into with the owner for options 1-3 above.

Staff is recommending that:

1. The LTC direct staff to proceed with the process of amending the covenant by removing Clause 1, 2 and 3 from the Forest Industry lot (Lot1) and to remove the covenant in its entirety from Rem. D.L. 48.
2. The LTC direct staff to schedule a public hearing for the February 18, 2013 LTC meeting.
3. The LTC direct staff to enter into a Cost Recovery Agreement with the owner.

Attachment 1 – Written Request

Attachment 2- Covenant ET016476

Brett Gaylor+ Kirsten Gaylor
c/o Brett Gaylor
1274 Centre Road
Victoria, BC
V8T 1K3

Kris Nichols, Island Planner
October 6th, 2012

Dear Mr. Nichols

Thank you for our meeting on September 24th – it is incredibly valuable to have a fruitful dialogue with Trust staff, and to follow up on our letter of July 27th. As mentioned in both, we have been attempting to find a buyer for this property since our husband and father, Laurence Gaylor, passed away in 2006. We know that the Forest Industrial Zoning is an asset to Galiano, and that with some amendments, it will be a net benefit to the Island economy.

The primary issue that was discussed were the covenants on our Forest Industrial lot (PID 027-284-352), and our discovery that these covenants were also extended to D.L. 48 as an unintended consequence of our original rezoning. At your encouragement, this letter is a proposal to amend these covenants in the following manner:

1) We would like to remove the following clauses on the covenant:

a) Clause 1 - “no building or structure shall be constructedunless the Owner has first provided to the Trust Committe a reportcertifying that the use will not generate noise above 85dbA measured at the source of the noise ”

As you confirmed, neither the Local Trust Committee, or in fact any bylaw enforcement officer within the Trust's mandate, has the ability to monitor noise levels. Additionally, the noise levels specified in the covenant are both arbitrary and excessive. After some initital research [1], the 85db noise threshold would clearly prevent the land use that the zoning was approved to faciliate. Some comparative noise levels:

80db – a telephone dial tone

85db – the sound of city traffic inside a car

95db - the sound of a Jackhammer 50' from source

Compared with these listed activities, it is difficult to imagine that the allowed uses of wood processing, milling, and other Industrial activities could in fact occur if restricted to the noise level in the covenant.

b) Clause 3 - “No sawmilling, planing, mechanical repair or gravel processing use shall occur on the Forest Industrial Landsoutside the hours of 8am to 6pm, Monday to Friday”

This clause in particular has caused several potential buyers to decide against purchasing the land – potential entrepreneurs have been wary of a specific restrictive covenant that would prevent them for doing mechanical repairs or choosing to work overtime during busy periods.

Rather than restrict potential uses, it is our feeling that the Islands Trust should be encouraging value added forestry according to the spirit of the original zoning. The covenants as written are having the opposite effect, and as a result, the property has not seen any activity since the time of the rezoning.

2) Removal of all covenants from the remainder of D.L. 48

Due to unforeseen consequences of the rezoning process, as discussed with Mr. Brodie Porter, the covenants on the Forest Industrial property were extended to the remainder of the property. Seeing as the uses in the Forest Industrial zone are not permitted on the remainder of the property (zoned F1), we would like to request the removal of these covenants as they do not apply.

We understand these changes would require a reading at the Galiano Trust Committee, and are eager to begin this process as soon as possible.

Sincerely,



Brett Gaylor + Kirsten Gaylor

[1] <http://www.gcaudio.com/resources/howtos/loudness.html>

10-18

ET016476

12 FEB 2002 10 18

ET016475

LAND TITLE ACT**FORM C**

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT-PART 1 (This area for Land Title Office use)

Page 1 of 9 Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)
 William Buholzer
 LIDSTONE, YOUNG, ANDERSON
 1616 - 808 Nelson Street
 Vancouver, BC V6Z 2H2
 (604) 689-7400

 William Buholzer
 Applicant's Solicitor
2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*
- | | |
|-------------|--|
| (PID) | (LEGAL DESCRIPTION) |
| 009-081-780 | District Lot 48 Cowichan District Galiano Island |
3. NATURE OF INTEREST:*
- | Description | Document Reference
(page and paragraph) | Person Entitled to Interest |
|--|--|-----------------------------|
| Section 219 Covenant | Entire Instrument | Transferee |
| Priority Agreement granting Section 219 Covenant <u>ET 16475</u> priority over Mortgages EK22768, EK103387 and EP60092 | Page 7 | Transferee |
- 01 02/02/12 10:18:34 01 01 361269
 CHARGE
4. TERMS: Part 2 of this instrument consists of (select one only)
- | | | |
|---------------------------------|-------------------------------------|--|
| (a) Filed Standard Charge Terms | ☐ | D.F. No. |
| (b) Express Charge Terms | ☒ | Annexed as Part 2 |
| (c) Release | ☐ | There is no Part 2 of this Instrument. |

A selection of (a) include any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

LAWRENCE KENNETH GAYLOR (as to Section 219 Covenant), **ISLAND SAVINGS CREDIT UNION** (as to Priority Agreement)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))*

GALIANO ISLAND LOCAL TRUST COMMITTEE, incorporated under the *Islands Trust Act*, R.S.B.C. 1996, c.239 and having its office at Suite 200 - 1627 Fort Street, Victoria BC V8R 1H8

LAND TITLE ACT**FORM C**

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT-PART 1

Page 2

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

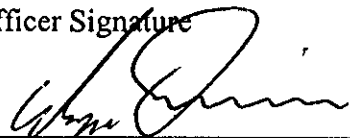
8. EXECUTION(S):**This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature

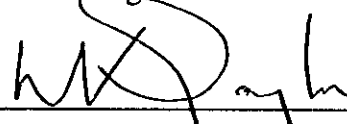
Execution Date

Y M D

Transferor Signature


 Director of Planning
 Islands Trust
 200-1627 Fort Street
 Victoria, B.C.
 V8R 1H8
 A Commissioner for taking
 Affidavits for British Columbia
 Wilhelmina Charlotte Hill

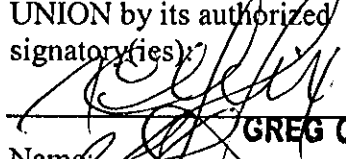
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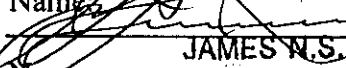

 LAWRENCE KENNETH
 GAYLOR

WILHELMINA CHARLOTTE HILL
 Commissioner for taking Affidavits
 for British Columbia
 Island Savings Credit Union
 300 - 499 Canada Avenue
 Duncan, BC V9L 1T7

2002 02 06

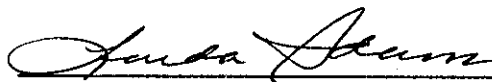
ISLAND SAVINGS CREDIT
 UNION by its authorized
 signatory(ies):


 Name: GREG CLIFFORD


 Name: JAMES N.S. SINNERUD

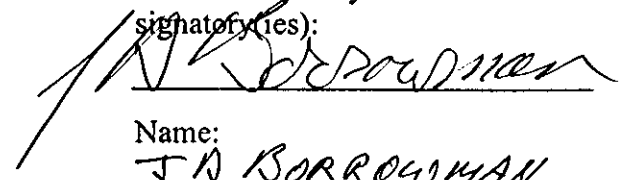
(as to both signatures)

Transferee Signature


 LINDA JOAN ADAMS
 Commissioner for Taking Affidavits
 for British Columbia
 #1206 - 115 Fulford-Ganges Road
 Salt Spring Island, British Columbia
 V8K 2T9 Ph (250) 537-9144

2002 02 01

GALIANO LOCAL TRUST
 COMMITTEE by its authorized
 signatory(ies):


 Name: J. DAVID BORROWMAN

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

- * If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
- ** If space insufficient, continue executions on additional page(s) in Form D.

S:\LTC\GALIANO\APPLICAT\RRZ-02-97_Covenant_Jan 22_2002_Final Version.Doc

Jan 22, 2002 9:55 AM/ITU

TERMS OF INSTRUMENT – PART 2**SECTION 219 COVENANT**

THIS AGREEMENT dated for reference _____ is

BETWEEN:

LAWRENCE KENNETH GAYLOR, Businessman
R.R. #2
Galiano Island, BC V0N 1P0

(the "Owner")

AND:

GALIANO ISLAND LOCAL TRUST COMMITTEE, incorporated under the
Islands Trust Act, R.S.B.C. 1996, c.239 and having its office at Suite 200 - 1627
Fort Street, Victoria BC V8R 1H8

(the "Trust Committee")

WHEREAS the Owner is the registered owner in fee simple of lands on Galiano Island legally described as Parcel Identifier: 009-081-780, District Lot 48 Cowichan District Galiano Island (the "Lands"); and

WHEREAS the Owner has made application to the Trust Committee to rezone the Lands such that a portion of the Lands as designated in the Galiano Island Land Use Bylaw will be zoned Forest Industrial (the "Forest Industrial Lands") and a portion will be zoned Forest 1 (the "Forest Lands"); and

WHEREAS the parties have agreed to certain restrictions on the use of the Lands that are required in order that the zoning requested by the Owner will be in the public interest;

THIS AGREEMENT is evidence that in consideration of payment of \$1.00 by the Trust Committee to the Owner (the receipt of which is acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees with the Trust Committee in accordance with s.219 of the *Land Title Act* as follows:

1. No building or structure shall be constructed, erected or used on the Forest Industrial Lands for, and the Forest Industrial Lands shall not be used for, any sawmilling, planing, mechanical repair or gravel processing use, unless the Owner has first provided to the Trust Committee a report of a member of the Association of Professional Engineers and Geoscientists of British Columbia with experience in acoustical engineering, certifying that the use will not generate noise above 85 dbA measured at the source of the noise or, in the case of a use within an enclosed building, at the point on the outer surface of the

exterior wall of the building that is nearest the source of the noise. The report shall identify and describe the equipment specifications, operating conditions and operating procedures that are required to ensure that the specified noise level will not be exceeded. The Owner acknowledges and agrees that, despite any bylaw of the Trust Committee or the Capital Regional District, the Owner shall not be entitled to any permit or licence authorizing such use until the Owner has complied with this paragraph. For the purposes of this paragraph and paragraph 3, "mechanical repair" does not include the repair or maintenance of machinery or equipment that is being used on the Lands for a permitted use under the Galiano Island Land Use Bylaw.

2. The Owner shall not, having complied with paragraph 1, use the Forest Industrial Lands or any building or structure on the Industrial Lands except in accordance with the equipment specifications, operating conditions and operating procedures identified and prescribed by the acoustical engineer.
3. No sawmilling, planing, mechanical repair or gravel processing use shall occur on the Forest Industrial Lands or on any building or structure on the Forest Industrial Lands outside the hours of 8 a.m. to 6 p.m. Monday to Friday.
4. The Forest Industrial Lands shall not be used for any rock crushing, sorting or mixing.
5. The Owner shall manage all contaminants on the Forest Industrial Lands in accordance with Schedule A attached to and forming part of this Agreement.
6. The groundwater monitoring wells on the Forest Industrial Lands shall be provided with casing grouted into bedrock to prevent direct access of surface waters into the wells, and the Owner shall take groundwater samples from the wells at least annually, have the samples analyzed in an appropriate laboratory for potential contaminants related to the Owner's use of the Forest Industrial Lands, and provide a copy of the laboratory's report on the analysis of the samples to the Trust Committee.
7. Not more than 2000 square feet of floor area of any building or structure or combination of buildings and structures on the Forest Industrial Lands shall be used for any mechanical repair or boat building use.
8. Any opinion, decision, act or expression of satisfaction provided for in this Agreement may be taken or made by the Trust Committee or its delegate authorized as such in writing.
9. The Owner releases, and must indemnify and save harmless, the Trust Committee, its elected and appointed officials and employees, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owner of this Agreement, or any default of the Owner under or in respect of this Agreement.

10. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
11. The rights given to the Trust Committee by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Trust Committee to anyone, or obliges the Trust Committee to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement.
12. Where the Trust Committee is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the Trust Committee is entitled to do so solely in accordance with the terms of this Agreement.
13. This Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the Trust Committee under any enactment (as defined in the *Interpretation Act*, on the reference date of this Agreement) or at common law, including in relation to the use of the Lands,
 - (b) affect or limit any enactment related to the use of the Lands, or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use of the Lands.
14. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s.219 of the *Land Title Act* in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the successors in title to the Lands. This Agreement burdens and charges all of the Lands and any parcel into which it is subdivided by any means and any parcel into which the Lands are consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.
15. The Owner agrees to do everything reasonably necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Agreement.
16. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Page 6

17. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
18. This Agreement is the entire agreement between the parties regarding its subject.
19. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.
20. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instrument.
21. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C which is attached hereto and forms part of this Agreement.

SCHEDULE "A"

Contaminant	Eliminate	Maximum Storage	Contain	Cover	Notes
Fuels		1 week	C	T	Any spills to be cleaned up immediately
Lubricants		1 week	C	T	Any spills to be cleaned up immediately
Miscellaneous Materials related to machined Maintenance		1 week	C	T	Any spills to be cleaned up immediately
Paints, wood preservatives		1 week	C	T	Any spills to be cleaned up immediately
Derelict Equipment	E				
Metal Scrap	E				
Sawdust				T	Weekly removal

Eliminate (E): the contaminant is not permitted to be present on the Lands in any quantity.

Maximum Storage: Quantities of the contaminant on the Lands must not exceed requirements for consumption within the stipulated time period.

Contain (C): Any area of the Lands in which the contaminant is applied, used or stored must be protected by an impermeable ground cover and perimeter barrier to prevent any migration or seepage of the contaminant.

Cover (T): Any area of the Lands in which the contaminant is applied, used or stored must be covered to prevent the entry of precipitation.

PRIORITY AGREEMENT

BETWEEN:

ISLANDS SAVINGS CREDIT UNION

(the "Subsequent Chargee")

AND:

GALIANO ISLAND LOCAL TRUST COMMITTEE, incorporated under the
Islands Trust Act, R.S.B.C. 1996, c.323 and having its office at Suite 200 – 1627
Fort Street, Victoria, BC V8R 1H8

(the "Prior Chargee")

WHEREAS:

A. Lawrence Keith Gaylor (the "Owner") is the owner of that parcel of land and premises located on Galiano Island and legally described as Parcel Identifier: 009-081-780, District Lot 48, Galiano Island, Cowichan District (the "Land");

B. The Owner (or his predecessor in title) granted the Prior Chargee three mortgages which are registered against the title to the Land in the Victoria Land Title Office under numbers EK22768, EK103387 and EP60092 (the "Prior Charges");

C. On the 12TH day of FEBRUARY, 2002 the Owner granted the Subsequent Chargee a Section 219 Covenant which is registered against the title to the Land in the Victoria Land Title Office under number ET 16475 or which will be registered concurrently with this Agreement (the "Subsequent Charge");

NOW THEREFORE in consideration of the sum of One (\$1.00) Dollar now paid by the Subsequent Chargee to the Prior Chargee, the receipt and sufficiency of which are hereby acknowledged, the Prior Chargee does hereby grant to the Subsequent Chargee priority over the Prior Charge and the Prior Chargee hereby covenants and agrees to subordinate and postpone all its right, title and interest in and to the Land with the intent and with the effect that the interest of the Subsequent Chargee shall rank ahead of the Prior Charge as though the Subsequent Charge had been executed, delivered and registered in time prior to the registration of the Prior Charge.

As evidence of its agreement to be bound by the terms of this instrument, the Prior Chargee hereto has executed the Land Title Office Form C which is attached hereto and forms part of this Agreement.

END OF DOCUMENT



Memorandum

Date November 20, 2012 File Number GL2455-20

To Galiano Island Local Trust Committee
For the meeting of December 3, 2012

From Kris Nichols
Island Planner
Local Planning Services

Re **Amendment to Covenant - Cottage Size (Retreat Cove Farms Ltd.)
Lot A District Lot 62, Galiano Island, Cowichan District, Plan 29479**

BACKGROUND

Staff have been approached to bring forward a request (See Attachment 1) by Retreat Cove Farms Limited to the Galiano Island Local Trust Committee to amend a covenant that was registered on title on September 1, 1992. At the time the transferee was the Minister of Municipal Affairs, Recreation and Housing on behalf of the Islands Trust (See Attachment 2). The covenant was not the result of a rezoning, but pertained to limiting buildings on the site.

The covenant states that the property should be used and built on in accordance with Schedule "A" of the covenant. In summary, Schedule "A" limits the number of single family dwellings to fifteen (15) and in conjunction nine (9) guest cottages not exceeding 500 square feet in size.

The owners would like to amend the cottage size to 60 sq. m. (645.8 sq. ft.) to be the same as is permitted in the Land Use Bylaw. The rest of the covenant will remain as is. The wording pertaining to Schedule A the cottage size would be changed to state in compliance with the Land Use Bylaw.

Staff does not believe there is any reason to deny this request or require further information as they believe that the current provision simply reflected the maximum floor area for cottages in the bylaw of the day. Therefore, staff recommends permission be granted by LTC resolution to proceed with an amendment to the Covenant. As there is a cost to the reregistration of the covenant staff will need to enter into a cost recovery agreement with the owners of Retreat Cove Farms.

The Galiano Island LTC has the following options with regard to this variance permit:

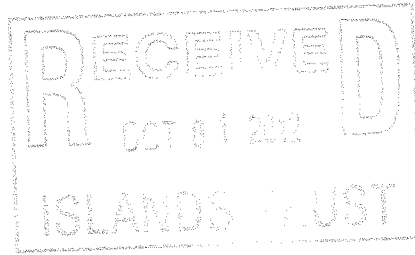
1. To deny the request to alter the cottage size from "not exceeding 500 square feet in size".
2. To pass a resolution to accept the requested covenant change to the permitted cottage size to that of 60 sq. m. (645.8 sq. ft.) currently in the Land Use Bylaw.

RECOMMENDATION

1. THAT the Galiano Island Local Trust Committee agrees to alter covenant (EF113410) to permit a maximum cottage floor area of 60 sq. m. (645.8 sq. ft.) equivalent to that in the current Land Use Bylaw and that the Chair be authorized to sign on behalf of the Local Trust Committee.
2. THAT the Galiano Island Local Trust Committee directs staff to enter into a Cost Recovery Agreement with owners of Retreat Cove Farms to cover all costs related to the alteration of covenant EF113410.

Attachment 1: Written request by Retreat Cove Farms Limited

Attachment 2: Covenant EF113410 (Existing Covenant)



1776 Patricia Avenue
Port Coquitlam, BC
V3B 2G7

September 26, 2012

Kris Nichols, Planner
Islands Trust
#200-1627 Fort Street
Victoria, BC, V8R 1H8

Dear Mr. Nichols:

Re: Retreat Cove Farms Limited
Lot A, Plan VIP29479, DL 62, Galiano Island

I understand that you have had a conversation with one of our owners, David Wolfe. He told me that you had discussed our group's wish to change the Covenant we entered into in 1992 with the Islands Trust. In Schedule A of the covenant, it is stated that guest cottages shall not exceed 500 square feet. As you know, current regulations permit guest cottages to be built to a maximum area of 646 square feet (60 square metres). At our September 27th 2011 Directors' Meeting it was unanimously resolved that we should request that the Covenant be changed to reflect these current regulations.

I hope that this is sufficient information to enable you to go ahead and process our request. I can be reached at the above address or by phone at 604 230 4430. My e-mail address is hugh_parfitt@telus.net

Yours truly,

Hugh Parfitt
Secretary/Treasurer
Retreat Cove Farms Limited

Status: Registered

Doc #: EF113410

RCVD: 92-09-01 RQST: 2012-08-21 15:33:01

LAND TITLE ACT
FORM C(Section 219.81)
Province of
British Columbia

GENERAL INSTRUMENT - PART I

02 SEP -1 10 22

RECEIVED-VICTORIA
LAND TITLE OFFICE

EF113410

(This area for Land Title Office use)

Page 1 of 5 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

MARY A. RICHTER of Munro & Crawford, Barristers & Solicitors
5670 Yew Street, Vancouver, B.C.
V6M 3Y3 #266-7174**Pacific Coast Title Search
(Victoria) Ltd.**

signature of applicant, applicant's solicitor or agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)

(LEGAL DESCRIPTION)

017-828-643

Lot A (DD EF75652) District Lot 62
Galiano Island, Cowichan District, Plan 29479

3. NATURE OF INTEREST:*

DESCRIPTION

DOCUMENT REFERENCE

(page and paragraph)

PERSON ENTITLED TO INTEREST

COVENANT

PAGES 3 to 6

HER MAJESTY THE QUEEN

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms
(b) Express Charge Terms
(c) Release

- ☐ D.F. No.
☒ Annexed as Part 2
☐ There is no Part 2 of this instrument

09/01/92 B8915c CHARGE 50.00

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*/ COVENANTOR

RETREAT COVE FARMS LIMITED (Inc. No. 115190)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))*/ COVENANTEE

HER MAJESTY THE QUEEN in right of the Province of British Columbia,
as represented by the Minister of Municipal Affairs, Recreation and
Housing on behalf of the Islands Trust

7. ADDITIONAL OR MODIFIED TERMS: *

N/A

8. EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)


 MARY ANN RICHTER
 Barrister And Solicitor
 5670 YEW STREET
 VANCOUVER, B.C. V6M 3Y3
 266-7174

Execution Date

Y	M	D
92	7	24

Party(ies) Signature(s)

RETREAT COVE FARMS LIMITED
BY ITS AUTHORIZED SIGNATORY:

 Dorothy Eleanore Field, Director


 John Vincent MacDonald, Director
 Edward Archibald Collins

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument. *If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

**If space insufficient, continue executions on additional page(s) in Form D.

REV: 03/92

MACK
Printers & Stationers Ltd.

2

TERMS OF AGREEMENT

Page 2 of 5

PART 2

W H E R E A S:

1. The Covenantor is the registered owner in fee simple of ALL AND SINGULAR that certain parcel or tract of land and premises hereinafter defined.
2. Section 215 of the Land Title Act provides, inter alia, that there may be registered as a charge against the Title to land a covenant, whether of a negative or positive nature, in respect of the use of land against the Covenantor and its successors in title to that land and is enforceable against the Covenantor and its successors in title even if the Covenant is not annexed to land owned by the Covenantee.
3. The Covenantor desires to grant this Covenant.

NOW THEREFORE THIS AGREEMENT WITNESSES THAT, pursuant to Section 215 of the Land Title Act and in consideration of the premises and the sum of One (\$1.00) Dollar now paid to the Covenantor by the Covenantee, the receipt of which is hereby acknowledged, the Covenantor agrees that:

1. The certain parcel of land situated on Galiano Island, British Columbia, which is more particularly described as:

SAANICH/CAPITAL ASSESSMENT AREA - PID-017-828-643
Lot A (DD EF75652) District Lot 62
Galiano Island, Cowichan District
Plan 29479

(hereinafter called the "Lands")

3

Page 3 of 5

which shall not be used or built on except in accordance with the terms and conditions contained in the said Schedule "A".

2. The Covenantor shall indemnify the Covenantee for any loss or claim, whether known or unknown, which has arisen or may arise by virtue of the existence, granting or registration of this Covenant.

3. If for any reason the Lands are used or built on in violation of any term or condition of Schedule "A" hereto, the Covenantor shall:

- (a) Forthwith cease whatever use or uses that are in violation of the terms of Schedule "A" and remove whatever has been built in violation of the terms of Schedule "A"; and
- (b) Pay to the Covenantee as liquidated damages for any such breach the sum of One Hundred (\$100.00) Dollars, these monies having been paid in addition to any other remedy that may be ordered from time to time by a court having jurisdiction.

4. If the Covenantor neglects or refuses to remedy any violation as aforesaid within thirty (30) days of being notified in writing by the Covenantee to do so, the Covenantee is hereby authorized to enter the Lands and remedy the violation if, in its sole discretion, it decides to do so, IN WHICH EVENT the Covenantor shall forthwith reimburse the Covenantee for all monies which the Covenantee spends in so doing.

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Page 4 of 5

5. Waiver by the Covenantee of any default shall not be deemed to be a waiver of any subsequent default.
6. This Agreement constitutes the complete and entire Agreement between the parties.
7. This Covenant runs with the Lands.
8. Whenever the singular or masculine is used in this Agreement, the same shall be deemed to include the plural or the feminine or the body politic or corporate as the context so requires.
9. This Covenant enures to the benefit of and is binding on the parties hereto and every reference to each party shall be deemed to include the heirs, executors, administrators, successors, permitted assigns, employees, agents, officers and invitees of such party whenever the context so requires.
10. This Agreement shall be governed and construed in accordance with the laws of the Province of British Columbia.

5
EF113410

Page 5 of 5

SCHEDULE "A"

Pursuant to Galiano Island Trust Committee Bylaw No. 5, cited as "Zoning Bylaw, Galiano Island and Area, 1978" Sections 9 and 11, the Covenantor shall not cause to be constructed more than fifteen (15) single family dwellings and in conjunction therewith nine (9) guest cottages not exceeding 500 square feet in size on the Lands herein, the siting and area of which shall be subject to all orders, bylaws, acts, and regulations that apply, including specific approval from the British Columbia Land Commission for that part of the Lands located in the Agricultural Land Reserve.

END OF DOCUMENT



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 purchase from Mac Blo.	Apr-16-2012	Kris Nichols	Mar-31-2013	On Going

11. Standards for potable water supply

12. Accessory building entitlements

Phase II items:

1. Secondary suites

2. Dock review

3. Cottage floor area

2	DPA Implementation	1. Update of Development Approval Information Bylaw - COMPLETE 2. Public communications 3. Development of Administrative procedures: ON-GOING	Robert Kojima	Mar-31-2013	On Going
3	Ground water protection DPA policy review	Review detailed recommendations of Waterline Report, review existing DPA provisions, prepare options for amendments	Kris Nichols	Jun-13-2012 Mar-31-2014	On Going



Islands Trust

Print Date: Nov-22-2012

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	Phase II of LUB Review (see No.1 in Top Priorities)	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
6	parking issues	issue for future discussion with MoTI	Jul-23-2012	On Going



Islands Trust

Print Date: Nov-22-2012

Applications w/ Status - Galiano Island Status: Open

Applications

Development Variance Permit

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

Planning Status

Status Date: Nov-13-2012

E-mail sent to applicant requesting how they want to proceed and pointing out missing information as previously requested. Response date is November 26.

Status Date: Nov-08-2012

Survey submitted by applicant showing encroachment.

Status Date: Oct-03-2012

Bylaw has spoken with applicant who indicated that survey will be done shortly. Staff have written an e-mail requesting the survey be submitted.

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2012.4	Ron Taylor Planner: Kris Nichols	Oct-30-2012	Proposed Lot 1 needs a variance for the cabin. Proposed Lot 2 needs a variance for the chicken coop.

Planning Status

Status Date: Nov-19-2012

Site visit

Status Date: Nov-15-2012

Notices sent out

Status Date: Oct-30-2012

sent a letter of acknowledgement of receipt of the application and fees to the applicant; copied application to trustees

and then forwarded file on to the Planner

Rezoning

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

Planning Status

Status Date: Nov-20-2012

Spoke with applicant. Setting up a meeting for early in the new year to review application and next steps.

Status Date: Nov-15-2012

Letter written to applicants regarding status update and that if nothing is heard the application will be taken to LTC for "proceed no further" resolution. Deadline for response is Dec. 17

Status Date: Jul-27-2012

application on-hold to fall 2012

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

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-2011.1	Galiano Land and Community Housing c/o Tom Hennessy Planner: Kris Nichols	Oct-06-2011	Rezone Agriculture and Residential to Community Facility-Affordable housing.

Planning Status

Status Date: Sep-03-2012

Progress report drafted. Requirements still needed. Lawyers reviewing Housing Agreement and Schedules. ALC reviewing covenant. Applicants talking to VIHA about community water.

Status Date: Aug-30-2012

Met with applicants to walk the site

Status Date: Jul-09-2012

Re-reading of first reading given to amended bylaws.

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

Planning Status

Status Date: Nov-16-2012

E-mail sent to applicant addressing next steps prior to a CIM being scheduled. Staff to work on covenants to wetland protection, access, etc.

Status Date: Nov-09-2012

Well summary for lot 2 (and rest) submitted.

Status Date: Nov-07-2012

Discussion with applicant over what is still required. Staff to work on next steps (covenants).

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2007.1	LPG Landplan Group Inc (Zizzy/Brown) Planner: Kris Nichols	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 waiting applicant'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: Kris Nichols	May-01-2012	275 BLUFF RD & 351 BLUFF RD A boundary Adjustment

Planning Status

Status Date: Jul-09-2012

Status Date: May-17-2012

Sent letter of acknowledgment of receipt 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 referral form be completed and submitted along with the fees.

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2012.2	Winmark Capital Inc. c/o Peter Thomson BCLS Planner: Kris Nichols	Jul-04-2012	Creating 12 new lots

Planning Status

Status Date: Sep-06-2012

PLA received from MOT

Status Date: Jul-31-2012

Referral response sent to MOT

Status Date: Jul-25-2012

Planner initiating review of application

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: September 26, 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.
9.	September 17, 2012	GL-LTC-100-12	Short Term Vacation Rentals	THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Short Term Vacation Rentals that have one or more of the following characteristics will be subject to enforcement: 1. There are issues related to health and safety; 2. There is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR; 3. The owner of the property uses more than one property on Galiano Island as a STVR. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Galiano Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time; THAT the policy remains in effect until such time as the regulatory review is complete.



Islands Trust

Preserving **island** communities, culture and environment.

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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.

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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.

November 2012

- Land Use Bylaw Review - Proposed Amendments: [Bylaw No. 237](#) | [Bylaw No. 238](#) | [Bylaw No. 239](#)

July 2012

- [Galiano Island Development Permit Area Compilation Map](#)

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Planner Office Hours on Galiano Island

Galiano Island Local Trust Committee Projects

Local trust committee community planning projects are initiated and managed through their Work Programs. The Work Program Top Priorities are projects that have been prioritized by the LTC and for which resources are available or anticipated to be available shortly. Projects can be significant and long term, such as an Official Community Plan Review, or may be relatively minor, such as an amendment to a regulation in a Land Use Bylaw.

- [Work Program Top Priorities](#)

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](#)

Groundwater Study

- [Galiano Groundwater Study- Phase One \(Waterline Resources Inc. March 31, 2011\)](#)
- [Galiano Groundwater Study- Phase Two \(Waterline Resources Inc. - May 10 2012\)](#)

Official Community Plan Review

Committee Links

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[Contact Planning Staff](#)
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[Associated Islands](#)
[Land Use Application Forms](#)

Consolidation

- [Galiano Island Official Community Plan Bylaw No. 108, 1995 - consolidated November 25, 2011](#)

Land Use Bylaw Review**Staff Reports**

- [Staff Report- June 11, 2012](#)
- [Staff Report -July 23, 2012](#)
- [Staff Report - October 15, 2012](#)
- [Staff Report Bylaw No. 237 - November 19, 2012](#)
- [Staff Report Bylaw No. 238 - November 19, 2012](#)
- [Staff Report Bylaw No. 239 - November 19, 2012](#)

Proposed Bylaw

- [Proposed Bylaw No. 237](#)
- [Proposed Bylaw No. 238](#)
- [Proposed Bylaw No. 239](#)

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

- [Staff Report dated July 29, 2010](#)

Rezoning Application: GL-RZ-2011.1(Affordable Housing)**Staff Reports:**

- [Staff Report dated November 3, 2011](#)
- [Staff Report dated November 28, 2011](#)
- [Staff Memo dated January 31, 2012](#)
- [Staff Report dated April 16, 2012](#)
- [Staff Report dated July 9, 2012](#)
- [Staff Report - September 17, 2012](#)

Proposed Bylaws:

- [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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