



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: April 13, 2015
Time: 12:30 pm
Location: North Community Hall
20925 Porlier Pass Road, Galiano Island, BC

Pages

- | | | | |
|-------|---|---------------------|---------|
| 1. | CALL TO ORDER | 12:30 PM - 12:40 PM | |
| 2. | APPROVAL OF AGENDA | | |
| 3. | TOWN HALL AND QUESTIONS | 12:40 PM - 1:00 PM | |
| 4. | COMMUNITY INFORMATION MEETING | | |
| | None | | |
| 5. | PUBLIC HEARING | | |
| | None | | |
| 6. | MINUTES | 1:00 PM - 1:10 PM | |
| 6.1 | Local Trust Committee Minutes | | |
| 6.1.1 | <u>Local Trust Committee Minutes Dated March 2, 2015</u>
For adoption | | 4 - 15 |
| 6.1.2 | <u>Local Trust Committee Special Meeting Minutes Dated March 14, 2015</u>
For adoption | | 16 - 25 |
| 6.2 | Section 26 Resolutions Without Meeting Report | | |
| | None | | |
| 6.3 | Advisory Planning Commission Minutes | | |
| | None | | |
| 7. | BUSINESS ARISING FROM MINUTES | 1:10 PM - 1:20 PM | |
| 7.1 | Follow-up Action List Dated April 2015 | | 26 - 27 |
| | Attached | | |

8.	DELEGATIONS	
8.1	Brad Lockett RE: Cell Towers	1:20 PM - 1:30 PM 28 - 29
	Letter dated March 17, 2015 from Brad Lockett	
9.	CORRESPONDENCE	
	Correspondence received concerning current applications or projects is posted to the LTC webpage	
10.	APPLICATIONS AND REFERRALS	1:30 PM - 2:00 PM
10.1	GL-RZ-2015.1 (Galiano Conservancy Association)	30 - 40
	Staff Report	
10.2	3445-50 CT (Rogers)	41 - 42
	Staff Memo	
	-----BREAK 2:00 PM to 2:15 PM-----	
11.	LOCAL TRUST COMMITTEE PROJECTS	2:15 PM - 3:15 PM
11.1	Home-based Contractor Yards Project	43 - 49
	Staff Report	
11.2	Land Use Bylaw (LUB) Technical Amendment	50 - 58
	Staff Report	
11.3	Secondary Suite Review	59 - 70
	Staff Report	
11.4	Cottage Review	71 - 80
	Staff Report	
12.	REPORTS	3:15 PM - 4:15 PM
12.1	Work Program Reports (attached)	
12.1.1	<u>Top Priorities Report Dated April 2015</u>	81 - 81
	Attached	
12.1.2	<u>Projects List Report Dated April 2015</u>	82 - 83
	Attached	
12.2	Applications Report Dated April 2015	84 - 86
	Attached	
12.3	Trustee and Local Expense Report Dated February 2015	87 - 87
	Attached	

12.4	Adopted Policies and Standing Resolutions	88 - 89
	Attached for information	
12.5	Local Trust Committee Webpage	
	The Galiano Island Local Trust Committee webpage can be found at:	
	www.islandstrust.bc.ca/islands/local-trust-areas/galiano	
12.6	Chair's Report	
12.7	Trustee Report	
12.8	Electoral Area Director's Report	
	None	
12.9	Trust Fund Board Report	
	None	
12.10	Bylaw Enforcement	
12.10.1	<u>Trust Council Briefing & Statistics</u>	90 - 95
	Attached	
12.10.2	<u>Short Term Vacation Rentals (STVR) Enforcement Policy</u>	96 - 97
	Staff Report	
13.	NEW BUSINESS	4:15 PM - 4:45 PM
13.1	2014-15 Annual Report - Galiano Island Local Trust Committee Section	98 - 100
	Request for Decision attached	
14.	UPCOMING MEETINGS	
14.1	Next Regular Business Meeting Scheduled	
	May 4, 2015, at 12:30 pm, at the Galiano Island South Community Hall	
15.	TOWN HALL	
16.	CLOSED MEETING	
	None	
17.	ADJOURNMENT	4:45 PM - 4:45 PM



DRAFT

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

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: March 2, 2015
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

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

Media and Others Present: There were 27 members of the public present and no media present.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

Regional Planning Manager (RPM) Robert Kojima noted Galiano Green would like to withdraw from the agenda. Item 10.3 became 10.2.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Andrew Loveridge spoke in support of the cell tower on the basis of increased coverage to facilitate improved emergency care services.

A member of the public noted that the issue of the tower was divisive in the community. She stated that the latitude and longitude of the site is an active earthquake line, with 91 active incidents around this area. She wants Industry Canada to address the seismic risks.

Elizabeth Latta noted their residence is within 400 meters of the tower and this proximity will subject them to increased cancer rates. She questioned what research has been done to prove the claim that cell service will help health care safety. She asked whether the Trust could undertake its own research as to whether the tower is necessary. If coverage already exists why do we need another cell tower?

A/Planner 2 Kim Farris provided a quick update. She had contacted Telus to them, along with other telecommunications providers, to attend the upcoming Community Information Meeting (CIM) of March 14th.

Tom Hennessy commented that radiation from cell phones is more dangerous than radiation from towers.

Roger Pettit noted that the current tower has the CREST radio transmitters that serve the needs of emergency measures. Telus has poor reception, according to his personal experience. There are dead spots. He spoke in favour of cell phones and cell towers.

Brad Lockett stated that he has a new cell phone which works well everywhere on the south end. He thinks that what Rogers is doing is redundant. He came to Galiano to get away from the excesses of technology. He is concerned that people are quick to support this, and asks the public to put themselves in the shoes of those who live nearby. The International Association of Firefighters (IAFF) opposes the use of stations on their property due to the poorly understood effects of radiation. He noted that District Lot 12, site of the proposed tower, is within the *Private Managed Forest Land Act (PMFLA)*, and asked whether the area for the cell tower has been declassified from the *PMFLA*.

Chair Busheikin noted his questions will be addressed at the end of the Town Hall.

Louise Decario commented on the divisive nature of the cell tower issue. She noted the neighbours are opposed because they are concerned about their own health and the health of their animals. The map that Rogers put out only addresses the south end. The north end is lacking in service, and will continue to lack in service if the new tower is installed. She suggested the community put more weight on the neighbours, and less on the people who live far away. Is the tower in the wrong place?

Nadia Krebs stated she is less than one kilometer away from the proposed tower. She understands that Islands Trust has a number of policies with respect to cell towers. It was noted that Rogers will be allowed to have other providers collocate. Will Rogers have to consult with the public in order to collocate?

Chair Busheikin requested that staff try to address a few of the questions raised.

RPM Kojima indicated that the *PMFLA* applies to the land of the proposed cell tower site.

There was discussion about the constitutional division of authority. The *PMFLA* is a provincial statute, and Industry Canada is federal, with processes around consultation.

Trustee Pottle noted that the proposed site is within a Development Permit Area (elevated groundwater catchment). Cell tower activity is not in Schedule A of the *PMFLA*, and therefore not an authorized activity.

RPM Kojima stated that a Development Permit would be needed in order to construct a building if one did not already exist.

There was further discussion around: possible scenarios if the LTC didn't think a permit was appropriate; when a piece of land exits the *PMFLA*; the legislation which shapes the LTC response to this issue (i.e.: Provincial *PMFLA* or *Islands Trust Act*).

Chair Busheikin asked staff to comment on whether there were policies under the LTC with respect to cell towers.

RPM Kojima noted there were some procedural policies adopted approximately 10 years ago, based on Salt Spring Island's policies. Consultation procedures are being followed.

A/Planner 2 Farris noted that, with respect to a collocation request, the community may have to be notified. She stated the importance of posing the question to Rogers and the other telecommunication providers at the CIM.

Richard Dewinitz asked whether the LTC has the right to say "no" to a tower if this is a federal jurisdiction.

Trustee Pottle and Chair Busheikin both noted we have the right to object, but in so far as the possible outcome of such objection, there is ambiguity, as there are greater precedents now with respect to community consultation. West Vancouver was cited as an example of successful community opposition to cell towers.

RPM Kojima stated that the Trustees would be voting on the cell tower proposal at the April LTC meeting.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1. Local Trust Committee Minutes Dated February 2, 2015

The following amendments to the February 2, 2015 draft minutes were made:

- Change Petit to Pettit throughout
- Page 3, paragraph beginning with Gary Coward, Islands "Trusts" should be corrected to "Trust."
- Item 15, page 11 "Galiano Green" should be replaced with "GLCHT."
- Item 10.3, 3rd paragraph, restate last sentence as "She advised Galiano Green to clarify their approach".
- page 12, paragraph starting Therese Ramond. Remove last sentence beginning with "Once one tower is in..."

By general consent the February 2, 2105 draft minutes were adopted as amended.

6.2. Section 26 Resolutions without Meeting Report

None

6.3. Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM MINUTES

7.1. Follow-up Action List Dated February 2015

A/Planner 2 Farris summarized the report.

8. DELEGATIONS

8.1. Rose Longini re: Cell Towers

Chair Busheikin clarified that the role of staff is to provide a referral. What staff hears from the delegations will inform the process.

Rose Longini presented a petition against the cell tower. On the basis of 14 points, petitioners ask for a moratorium on the tower. The petition was circulated to members and staff. In her closing remarks she noted that Rogers has said that the tower won't be visible, but the north east slope of Stockade Hill is actually the face of Galiano upon approach to our island. For every ferry that comes and goes, the face of Galiano is seen and she wondered what that said about our protection of natural amenities?

8.2. Therese Ramond re: Cell Towers

Therese Ramond cited numerous studies on the dangers presented to human and animal health by cell tower microwave radiation. Some of the main points covered were: the effects of chronic, cumulative exposure; factors affecting radiation; and the pervasiveness and proximity of radiation in relation to health risks. She presented research demonstrating linkages between cancer and microwave technology. In view of the evidence presented, Ms. Ramond favoured a moratorium on the cell tower. She stated that the radiation levels should be made public, and stressed the importance of residents feeling safe in their homes. Rogers coverage on Saturna Island will be much improved with this proposed tower. She suggested the community weigh the slight improvement of Rogers's customer's cell phone reception against the safety of neighbours.

Kiyo Okuda spoke against the cell tower proposal, and expressed concern that human radiation is not on the table for consideration.

9. CORRESPONDENCE

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

10. APPLICATIONS AND REFERRALS

10.1. GL-DVP-2015.1 (Mateer) & GL-DP-2015.1 (Mateer)

A/Planner 2 Farris reviewed the Staff Report dated February 20, 2015, summarizing the two applications related to the same piece of property.

There are no sensitive ecosystems affected by the applications. Eel grass was not noted or located near the dock proposal. Eelgrass was identified in a cove just north of this property. There is no anticipated impact on the eel grass bed. Ministry of Transportation and Infrastructure and the CRD were referred the application and have no concerns with the dock. There are no shell fish beds. A/Planner 2 Farris received three letters of support for the application from neighbours. Guideline 52 (page 30) is not correctly noted but noted as Guideline 5 in the package. Staff did not foresee any type of impact and recommended approval.

Trustee Pottle noted the property owners would like to retain the existing dock if new dock is approved. She was pleased to see a thorough application.

GL-2015-0007

It was MOVED and SECONDED,

That Development Permit GL-DP-2015.1 (Mateer) BE APPROVED.

CARRIED

GL-2015-0008

It was MOVED and SECONDED,

That Development Variance Permit GL-DVP-2015-1 (Mateer) BE APPROVED.

CARRIED

10.1.1 Late Correspondence re: GL-DVP-2015.1 (Mateer) & GL-DP-2015.1 (Mateer)

An email dated December 20, 2014 from Ronald Brown and Gillies Malnarich sent to Kimberly Kerns, re: Lot 20 dock Parker Island was received.

10.2. North Pender Island Local Trust Committee Bylaw No. 198 Referral

RPM Kojima summarized the bylaw referral relating to a dock rezoning application on North Pender Island.

There was some discussion as to the relevancy of the application to Galiano Island.

GL-2015-009

It was MOVED and SECONDED,

That the interests of the Galiano Island Local Trust Committee are unaffected by Bylaw No. 198 referral from the North Pender Island Local Trust Committee.

CARRIED

Note: There was a break at 2:02pm and the meeting was called back to order at 2:21pm.

Upon reconvening, Chair Busheikin drew attention to the petition presented earlier under item 8.1 and suggested the LTC receive the petition.

By general consent, the Galiano Island Local Trust Committee received the petition dated February 2015 regarding the Rogers proposed tower, noting that the wording of the petition may be reworked at a later date.

There was some discussion about Galiano developing its own telecommunications strategy.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1. Home-Based Contractor Yards Project

A/Planner 2 Farris reviewed the Staff Report dated Feb. 19, 2015 and outlined options for next steps.

There was discussion about the recommendations presented.

GL-2015-010

It was MOVED AND SECONDED,

That the Galiano Island Local Trust Committee request staff to provide a staff report looking at summarizing various options to permit home-based contractor yards in the Galiano Island Land Use Bylaw No. 127.

There was further discussion about the motion; specifically, that several options have already been explored under past LTCs. Options other than Temporary Use Permits (TUPs) had already been deemed unsatisfactory after much analysis.

GL-2015-011

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee amend motion GL-2015-010, replacing the words “summarizing various options” with “request staff to provide a staff report looking at the use of Temporary Use Permits to permit home-based contractor yards.”

The motion as amended was then put.

CARRIED

GL-2015-012

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee request staff to amend the project charter for the Home-based contractor project.

CARRIED

11.2. Secondary Suites

Regional Planning Manager Kojima reviewed the Staff Report dated February 18, 2015.

There was discussion about how quickly secondary suites could be expedited. The importance of community consultation was noted as being an iterative process, especially when dealing with the details of bylaw formation. Community information meetings typically happen after the crafting of bylaws, consultation with Advisory Planning Commission (APC), as well as other community groups.

RPM Kojima indicated it was up to the LTC to decide what is sent to the APC.

There was some discussion about the timeline of the project charter, and the need to differentiate between various types of housing.

GL-2015-013

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee request staff to report back with a draft project charter as soon as possible and staff report outlining policy and regulatory options for the Secondary Suite Review project.

CARRIED

Trustee Harris reported that he had consulted with Chief Administrative Officer (CAO) Linda Adams and has confirmed that his wife Karen Harris may seek renewal of her term as a member of the APC. Trustee Harris reported that both he and Karen Harris must act independently, and be perceived as acting independently, when making decisions.

11.3. Cottage Review

Regional Planning Manager (RPM) Kojima reviewed the Staff Report dated February 18, 2015 with respect to increasing cottage square footage and height restrictions.

RPM Kojima noted that the cottage review is easier than secondary suites, because the scope is more limited.

GL-2015-014

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee request that staff draft a project charter and report outlining policy and regulatory options for the Cottage Review project.

CARRIED

There was some discussion about how fast the cottage review could be expedited and when the LTC could present bylaws.

RPM Kojima noted that further consultation was required with respect to decisions around lot size, height, and square footage, for instance.

12. REPORTS

12.1. Work Program Reports

12.1.1. Top Priorities Report Dated February 2015

A/Planner 2 Farris reviewed the report presented. Staff confirmed that numbers reflect priority assigned.

12.1.2. Projects List Report Dated February 2015

A/Planner 2 Farris reviewed the report presented.

12.2. Applications Report Dated February 2015

A/Planner 2 Farris reviewed the report. Application GL-DP-2014.5 is in process, having received further information from the applicant. It was noted that a rezoning application was received that did not make it on the list. Staff are hoping to get a preliminary report on the next agenda.

12.3. Trustee and Local Expense Report Dated January 2015

A/Planner 2 Farris reviewed the report.

12.4. Adopted Policies and Standing Resolutions

Regional Planning Manager Kojima reviewed the Policies and Standing Resolutions, noting that Bylaw Enforcement Manager (BEM) Drew, will be attending the next LTC meeting to discuss the Short Term Vacation Rental (STVR) bylaw.

There was discussion around costs of Temporary Use Permit (TUP) fees.

Trustee Harris wanted to propose that the newspaper publication, The Active Page be included as a newspaper to post public notices in it.

There was discussion over how best to make it happen, since the rules of posting and what qualifies as a newspaper are defined by statute.

Chair Busheikin suggested that Trustee Harris present the issue at Trust Council. The requirement for STVRs to have TUPs will increase the need for more postings.

12.5. Local Trust Committee Webpage

The Galiano Island Local Trust Committee web page can be found at:
www.islandstrust.bc.ca/islands/local-trust-areas/galiano

There were no recommendations.

Trustee Pottle was complimentary of the effectiveness of the website.

There was discussion about whether TUPs and rezoning could go on the website. It was agreed there would be ongoing consideration of this.

12.6. Chair's Report

Chair Busheikin reported that the upcoming Trust Council, with a very full agenda, will be held on Gabriola Island. The budget analysis involves a lot of work. A significant topic of debate is the proposal to have a full-time staff member as "Senior Aboriginal Advisor" (2-year term), someone who can support staff and trustees in all the work they are doing. Responsibilities would involve relationship building, advocacy, and conflict resolution, for example. Demands for such a role have been increasing. On the Executive Committee it has been challenging to manage advocacy resources. We are a land-use planning body, but advocacy demands are significant. Resources are limited, so the challenge becomes how to manage priorities and demands. Chair Busheikin reported that she is enjoying her work and appreciates making connections between the islands.

12.7. Trustee Report

Trustee Pottle joined the Local Planning Committee which had its first meeting on February 12. There have been conversations with Van City for a community development fund to promote economic development on island. She has received lots of correspondence with respect to the cell tower. She will be going to Pender to meet with people involved with the Coastal Douglas Fir action plan. She will also be meeting with CRD Director David Howe. She will be going to Gabriola for Trust Council March 10-12. She thanked the public for attending today.

Trustee Harris acknowledged the work of his colleagues Trustee Pottle and Chair Busheikin. He is on the Financial Planning Committee and is gaining confidence in financial management. He noted that Salt Spring Island (SSI) will be undertaking, upon direction from Ministry of Community, Sport, and Cultural Development, a feasibility study of SSI becoming a municipality.

It was noted by Trustee Pottle that Bowen Island, also within the Trust, is a municipality.

Trustee Harris is a member of the Economic Development Commission. He spoke with CAO Linda Adams, who counselled him, as a Trustee, to be careful of land use decisions/ issues if they overlap with economic development commission. He would have to recuse himself in the event of a potential conflict.

There was discussion about the parking challenges at Montague, which have become a public safety issue. The Ministry of Transportation and Infrastructure (MoTI) has responsibility. With letters from other agencies, such as the Trust, MoTI might be more inclined to act.

Chair Busheikin suggested we look at this next meeting. The March 31 Trustee Roundtable would be a good forum for looking at this issue. Trustee Harris could get letters from other agencies before the March 31st meeting.

12.8. Trust Fund Board Report

Chair Busheikin received the report and noted the completion of eel grass mapping. She thanked the Trust Fund board and staff for all their work.

13. NEW BUSINESS

None

14. UPCOMING MEETINGS

14.1. Next Regular Meeting Scheduled for April 13, 2015, at 12:30 pm, at the North Community Hall

The Galiano Island Local Trust Committee has scheduled a Special Meeting March 14, 2015, at 12:30 pm at the Lions Hall, 992 Burrill Road.

15. TOWN HALL

Sheila Midgely, Harbours Commissioner, noted that unless the parking challenges at the harbours are addressed, she could not, in good conscience, advocate for increased moorage space. There are significant safety issues. The lack of washroom facilities is also important.

Chair Busheikin noted that Trustee Harris could speak with Trustee Susan Morrison from Lasqueti who worked on similar issues.

Member of the public noted there is a large triangle of land just past Clanton Road. MoTI has been approached to use that as potential parking and she suggested that might be a good place to start. With respect to secondary suites with accessory cottages, she asked whether LTC might be considering three units within a property. She questioned, where, on Galiano, is ground water not a concern? She recommended that LTC consider one secondary suite or one cottage, but not both. She wondered how many property owners took advantage of the increased square footage for cottages. Will there be strata-title ownership of these suites? How many cottages are currently built, and what is the potential build out? She spoke in favour of regulating accessory buildings.

Bowie Keefer discussed how one effect of climate change is that the warming of the high Arctic will cause very dry summers and increased risk of forest fire. He would like to see a community-wide effort to educate and reduce fire risk around houses. Such an undertaking will require resources.

Member of the public sought clarification on cell towers and asked whether Telus was no longer installing land lines?

Chair Busheikin noted that it was beyond our jurisdiction but somewhat relevant to the cell tower issue.

Roger Pettit thanked the Trust for considering cabin size and secondary suites. Restrictions around cottages and secondary suites were putting pressure on his ability to continue farming operations.

Stephen Rybak shared concerns with respect to cottages and secondary suites. He suggested that the Union of BC Municipalities was a possible information resource for strategies on housing challenges. The LTC might consider a certain lot size for cottages, but not necessarily for a secondary suite. Consent of neighbours and water districts for approvals of water usage would be important. He thought that the people of Galiano should choose the type of housing which will work for this island.

Kiyo Okuda was concerned about the parking issues related to harbour activity. Rather than “pave paradise” for another parking lot he thought a community bus service would be a better solution. He suggested that sewage could be an innovative source of income. He expressed concern about increasing the size of Short Term Vacation Rentals (STVRs) and cottages, which will drive up the cost of rent. He referred to the large number of vacant houses on Galiano. He spoke about water concerns, and stated that water catchment is not a viable solution on its own, in the face of increasing drought conditions.

16. CLOSED MEETING

16.1. Motion to Close the Meeting

GL-2015-015

It was MOVED and SECONDED,

That the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, 90(1) (a) & (d) for the purpose of considering:
Adoption of In-Camera Meeting Minutes Dated November 3, 2014
Appointment of APC Members, and that the recorder and staff attend the meeting.

CARRIED

Note: the public was asked to adjourn at 4:35 p.m.

See separate In Camera Meeting minutes dated March 2, 2015.

16.2. Recall to Order

The meeting was recalled to order at 4:47pm.

16.3. Rise and Report

Chair Busheikin reported that the In-Camera Meeting Minutes dated November 3, 2014 were adopted, and that the LTC appointed Sheila Anderson, Ursula Deshield, Elizabeth Olson, and Karen Harris to the Advisory Planning Commission for a one-year term effective Feb. 1, 2015 to Feb. 1, 2016.

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:49pm.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder



DRAFT

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

Galiano Island Local Trust Committee Minutes of Special Meeting

Date: March 14, 2015
Location: Lions Park Society
992 Burrill Road, Galiano Island, BC

Members Present: George Grams, Alternate Chair
Sandy Pottle, Trustee
George Harris, Trustee

Staff Present: Kim Farris, Acting Planner 2
Colleen Doty, Recorder

Members of the Public and Media Present: There were approximately seventy (70) members of the public present and no (0) members of the media present.

Regrets: Laura Busheikin, Chair

1. CALL TO ORDER

Alternate Chair (A/Chair) Grams called the meeting to order at 12:40 p.m., acknowledging that the meeting was being held on traditional Coast Salish territory. A/Chair Grams introduced himself, trustees, staff, and the panel. He explained the format of the meeting.

2. Approval of Agenda

By general consent, the agenda was approved as presented.

3. PRESENTATIONS

3.1. Staff Presentation

A/Planner 2 Kim Farris gave a summary of the Rogers cell tower proposal and the procedural guidelines. The public comment period ends Monday, March 23rd.

Other cell providers were contacted. WIND was the only provider that responded. They are not seeking collocation, and did not attend the session today. Numerous comments were provided to the LTC and are available on the Islands Trust website. A decision by the Trustees with respect to the LTC's position on the cell tower proposal will most likely be made at the April LTC meeting.

A/Planner 2 Farris clarified that public notification is not required for collocation. Staff will be creating a staff report for the April 13th meeting.

3.2. Proponent Presentation

The proponents were represented by the following individuals from Rogers and Rogers' agent, Altus Group: Leifka Vissers, Altus Group; Sam Seguita, Rogers; Yan Feng Zhu, Radio Frequency Engineer, Altus Group; Brent Laoun, site selection expert; and Jamie Douglas-Blake.

Leifka Vissers spoke with respect to public consultation and zoning requirements. Altus Group received 93 different comments from the public, most in support of the proposal. She noted that wireless is more often used as a business tool these days. Health Canada's Safety Code 6 was updated March 13, 2015. The International Agency for Research on Cancer (IARC) has classified radiofrequency as a class 2B carcinogen, possibly carcinogenic to humans. With respect to anticipated coverage, she noted there would be some improved coverage, once another tower on Salt Spring Island (SSI) was installed and if Galiano's Stockade Hill proposal was approved. Rogers considered Stockade Hill to be well suited, with minimal aesthetic impact. A high site is preferable. Bluff Park was considered, but is a nature protection area, so was deemed unsuitable. With respect to Stockade Hill, Ms. Vissers stated that Rogers has done due diligence. The site has a cleared, existing access road and existing power. This would dramatically reduce the environmental impact.

A/Planner 2 Farris cited the Galiano Island Local Trust Committee Land Use Bylaw 127, Subsection 2.1.1 that the following uses are permitted in all zones except in the Nature Protection zone: conduits, poles and towers for the transmission by cable of electricity, telephone signals or cablevision signals. The cell tower use is not considered 'towers for transmission by cable' therefore the cell tower is not a permitted use in the Galiano Island Land Use Bylaw.

Leifka Vissers stated that notification of the cell proposal was expanded to all surrounding neighbours.

A short film, produced by Rogers, was shown in support of increased wireless coverage from an emergency access perspective.

4. COMMUNITY INFORMATION MEETING RE ROGERS CELL TOWER PROPOSAL

A/Chair Grams explained that the community information meeting format gives the public an opportunity to comment and/or ask questions. A speakers list was presented. A/Chair Grams asked the public to limit their questions to three minutes.

Debbie Holmes stated the LTC is responsible for land use planning within the Galiano LTC area. She noted there is currently no cell tower on Stockade Ridge. The area of the proposed cell tower is located between two mapped fault lines, with evidence of land movement and high risk of geophysical movement and slide activity. Recently BC Parks removed campsites on Montague Park because of the earthquake risk. Industry Canada cannot control the integrity of the land. In 2005, careless activity caused a large fire. The province does not have the resources to come to our aid in the case of an earthquake. She advised the Trustees against the cell tower.

Christina Stechishin spoke in favour of the cell tower proposal. She noted that in the event of an earthquake, land lines are the first to go. She asked Rogers to address what seismic research they have done. She indicated that cell phones are an important part of emergency response and was concerned with climate change increasing wild fire risk. She asked whether Rogers supported the *5555 Wildfire emergency call service.

Leifka Vissers (Altus) stated that in the event of a natural disaster, the structure they are considering building would be built to today's most stringent engineering standards and regulations. Rogers' structure would be more secure than the existing Capital Region Emergency Service Telecommunications (CREST) tower. Battery back-ups would be in place. Bedrock is at the Stockade Hill site. With respect to *5555, she thought it was supported.

Sylvie Beauregard is in favour of increased cell coverage and the current proposal. She noted that volunteer work is harder because she's on dial-up. She was involved in three emergencies on Galiano where her cell phone was useless. Life is vulnerable for some people on Galiano.

Frances Tessier spoke in favour of the cell tower proposal. She is an avid dog walker who is concerned about possible emergencies while out walking her dog.

Rose Longini spoke against the cell tower proposal. She expressed concerns about Rogers' misleading public notices which made it seem as though Rogers was replacing one tower for another. She asked why many people thought there was an existing cell tower there?

Leifka Vissers stated that language to the effect of "telecommunications structure" was used.

Rose Longini was concerned about humming noises being emitted.

A Rogers representative stated that noises could be from cooling units for equipment and that the humming is not necessarily associated with telecommunications equipment, but it could be. Sometimes air conditioning units are required but this is site specific.

Rose Longini stated her opposition to the tower. She lives within 500 meters of the tower and there is a covenant on her land.

Glenna Mattin does not currently have cell service. The new proposal would not improve her service but she was supportive of the tower.

Rogers' engineer stated that a higher tower would not improve service.

Leifka Vissers noted that increased tower height would result in marginal improvements.

Sam Seguita (Rogers) stated the LTC could request Rogers to look into areas that are without service on Galiano.

Doug Latta spoke against the cell tower because it's located in his backyard. He doesn't see the safety advantages for the cell tower proposal. Low level electromagnetic frequency radiation (EMFR) causes problems in humans and animals. He referenced the history of tobacco to illustrate current problems with the telecommunications industry. He asked for respect of neighbours and wondered if he had any choice in the matter. This is a land use issue. He asked the Trustees to consider the preserve and protect mandate of the Trust.

Elizabeth Latta spoke against the cell tower proposal. She lives within 400 meters of the projected tower and is very frightened. She fought this fight in 2002. She is concerned about the vast proliferation of EMFR and its cumulative effects. She has scientific documentation to support her concerns. Those within 400 meters of a cell tower have a 200-300% increased chance of getting cancer. She noted that the US Navy will be conducting tests in the Strait of Georgia on EMFR as a weapon. She asked what impact the proposed tower will have on property values.

Ed Andrusiak spoke in favour of the tower. With respect to the publications listed by World Health Organization on their website, he noted Factsheet 193 (Oct. 2014) which stated that EMF radiation from cell phones was fairly low. He felt there was no scientific basis linking EMFR to health effects.

Jennifer Garton-Hamer spoke against the cell tower proposal. Speaking from the perspective of a young family who recently moved to Galiano, she noted there were other ways of creating coverage that are safer but more expensive. She asked whether Rogers could give information about radiation emitted from broadband versus wireless. How does radiation affect bees? It's her strong belief that if all of us were living within scope of the tower we'd want to have a strong say. The neighbours living within close proximity should have the loudest say. She asked about the possibility of satellites enhancing telecommunications.

Rogers' engineer spoke about broadband and indicated there would be electromagnetic waves. He noted that in a big city with a dense population there is a trend toward small cell sites. The transmitting power would be smaller. Due to Galiano's population, the small cell solution is not appropriate.

Peter Midgely has been a resident of Parker Island for 15 years; he spoke in favour of the cell tower proposal. He has no land line and probably never will. His cell phone reception is very spotty so he felt it would be beneficial to have improved coverage. He has a radio background and appreciates concerns from people about radiation. Personally he doesn't have concerns about radiation and would not mind a tower in his backyard from a radiation perspective. With respect to seismic potential, he trusts that Rogers will protect their investment. He is concerned about customer costs with respect to Rogers proposed improved internet access. His other concern is that Rogers ensures collocation access for other providers.

A/Chair Grams questioned whether cost is a relevant land-use issue.

A/Planner 2 Farris stated it would be worthwhile for Rogers to provide an answer, but was unsure if Rogers answer could impact the Trustees' decision.

Leifka Vissers provided some information on improved wireless communication, specifically with respect to data sticks, cell phones, and video streaming.

Marg Upcott stated she was in support of the cell tower.

Louise Decario had questions and sought clarification about Rogers' maps. She thought the maps were misleading. She thought the existing cell coverage was actually better than represented.

A Rogers representative stated that the first map was of "known indoor" coverage. Rogers is currently collocated on a Telus tower on Mayne and potentially on Salt Spring.

Louise Decario noted that with respect to the proposed coverage on map 2, the proposal doesn't appear to provide that much more coverage. The anticipated coverage map shows what is anticipated only after the Salt Spring Island tower has been built. She suggested the current tower proposal is in the wrong place. She requested the Trustees to do some research on the CREST system. Does the CREST system have mobile trucks that go up and down island? She also asked why fire departments did not want cell towers on their buildings. She stated that we cannot ignore the neighbours. This tower proposal will not help people walking in the woods.

A Rogers representative noted that many hospitals have the cell stations on their roofs.

Rose Longini noted it was the IAFF (International Association of Firefighters) that prohibits cell towers on their stations.

Brad Lockett addressed the issues with the maps presented by Rogers. He has a cell phone with Rogers, an iPhone 6+. He gets LTE currently inside his house. He lives within 500 meters of the proposal and does not want the tower here. EMFR is a form of environmental pollution in a sensitive ecosystem. Such a tower should not be constructed in areas of high biodiversity. The Pacific Flyway goes over Galiano, with nesting sites around Stockade Hill. He is a beekeeper and is very concerned with increasing EMFR affecting bees' homing ability. Their immune systems fail, leading to colony collapse disorder. He has made the mistake of going up to his bees with his cell phone on and he has witnessed the bees react negatively. He received a letter from Altus/Leifka. He contacted LTC planners to see whether they had walked the site with Rogers. He would have assumed that a site walk had happened. He asked who owns the tower once built. What rent is being paid? Is the CREST equipment analogue or digital?

Leifka Vissers noted that she identified existing known stream locations. Rogers walked the site, although not with Islands Trust planners. With respect to ownership, Rogers owns the tower on land leased from someone else. They require a longer lease. She did not know what Capital Region Emergency Service Telecommunications (CREST) pays. With collocation, CREST can be granted access for free, but the landowner must agree. There was some discussion about whether the CREST equipment was digital or analogue. Rogers would follow up on finding out.

A/Chair Grams questioned whether the lease amount was a land-use decision, or a commercial decision.

Michele Cantelon has shared similar concerns, in the past, about radiation, and, having done more research over the years, she has come to the conclusion that many things are dangerous. She wants to know that she has access in case of an emergency. She favoured the cell tower proposal and would welcome a tower on her own property if it would create more security for rescue services.

Diana Lilly experienced Christchurch post-earthquake and questions the proposal to build on a fault line. She wants the trustees to look at alternatives to providing services. She wants the LTC to follow the precautionary principle and doesn't think a tower is the right way to go. The area is too populated, with too many food growing sites. There is already good coverage in the area. The Rogers' maps are very misleading. The Islands Trust needs to develop policy and regulations on this type of issue.

Nadia Krebs asked how long the proposed lease would be.

A Rogers representative didn't know the length of the proposed lease, and wasn't sure it could be divulged publicly.

A/Planner 2 Farris stated the LTC makes the decision if they support the cell tower proposal, or not, and why. The trustees will vote on this. Industry Canada has the final say.

Trustee Pottle noted that Industry Canada has weighed local community input.

A/Planner 2 Farris indicated that case law is evolving on this issue.

There was some discussion as to the necessity of the building that accompanies the proposed tower.

Bowie Keefer spoke in favour of the cell tower. He is concerned about the lack of cell phone service with respect to public safety. He stated that telecommunications infrastructure is essential to a diverse economy.

Suzanne Fournier was concerned about the lack of service in the north of the island. She would like to see a model that gives everyone equal access to safety, and would like an effective telecommunications strategy that will benefit everyone.

Risa Smith is currently a Rogers customer, with coverage provided by a tower on Chemainus, which was not reflected on Rogers' maps. She stated it was important for businesses to have coverage. She expressed concern for the neighbours living close by. She was disappointed in Rogers' poor maps. The maps indicate that the tower proposal will do little to improve coverage on Galiano. She questioned where the detailed maps were. She is in favour of a tower, but not this proposed tower. She thought this tower proposal was useless. She wants to see a comprehensive telecommunications strategy for this island.

A/Planner 2 Farris noted she has heard from several people about a telecommunications strategy, but indicated that was outside of the jurisdiction of the LTC.

Sam Seguita from Rogers noted that communities could voice their concerns about a lack of service by making the business case to Rogers to make that investment.

Sidney Brannan is an adjacent landowner to the proposed tower, and she received no communication from Rogers about the proposal. She would have appreciated some communication. She is concerned about the migratory paths of birds and bees. For 25 years, she worked for BC Ambulance as a paramedic. She spoke to the beauty of the islands, which are not covered by infrastructure. With regard to the location of the tower being in such a high earthquake zone, she questioned whether Rogers would bring in generators if we had a full scale emergency.

A Rogers representative explained that cell phone towers would have a battery back-up.

Sidney Brannan asked how long a battery would last.

A Rogers representative noted four (4) days. Diesel generators are noisy and have fuel issues.

There was further discussion about Rogers ability to provide detailed maps and the notification of neighbours.

Therese Ramond spoke against the proposal and wanted to address the safety issues; she referenced global microwave radiation studies which have shown cancer clusters. What assurances can Rogers give the residents of the neighbourhood of their safety? What if they wanted to sell their property?

A Rogers representative noted that they follow Health Canada's code 6 regulations.

Therese Ramond noted that Health Canada was the worst in the world on its safety standards.

A/Chair Grams requested that Ms. Ramond send relevant health information to the Trustees.

Gary Coward stated that he came to the island in 1968. He spoke against the tower. He noted that the Islands Trust, the wild that we are protecting, must mean something. This is a question of Galiano moving from what it was to something servicing a city mentality. He doesn't like how Telus is getting away from serving our telecommunications needs. A telecommunications strategy is in order to prevent fast-moving decisions.

Walter Forstbauer spoke in favour of the cell tower. He doesn't see any credible evidence of risk to people's health. He works alone in the forest and is concerned about health risks of not having service.

A Rogers representative noted that the EMFR of using a cell phone is dependent on the model; it could be 10-60% of the Code 6 limit, versus living within 100-200 meters of a cell tower where you are within .1 -1% limit. The nearest residential property is less than 1/10 of 1% from the proposed cell tower. He couldn't find an area on Galiano that exceeded 1%.

There was discussion about power and frequency.

Ken Millard questioned whether, if the LTC decides in favour of the cell tower, there would be a rezoning of the property hosting the lease?

A/Planner 2 Farris noted that a rezoning would not be required because it is a federal decision.

There was further discussion about federal powers and jurisdiction over the land at issue with the cell tower proposal.

Trustee Pottle noted the LTC has a legal opinion on this *Privately Managed Forest Lands Act* (PMFL), which will be available at the next LTC meeting.

Joan Robertson asked how one could find the new Safety Code 6?

A Rogers representative stated it was available online with Health Canada.

Joan Robertson expressed concern that the lack of land line service is a red herring. She recommends we find a way that is safe for everyone. It is unfair and unfriendly to ignore the neighbours. She was disappointed with Rogers' maps.

Avis Seads spoke against the cell tower and wondered if Vineyard Way had been considered as a possible location.

A Rogers representative noted it had not been considered.

Roger Pettit noted that if there were a site proposed on Vineyard Way, he would support it. He is concerned about the emotion of the issue and questions the science behind the opposition. He spoke in support of the tower.

Tom Mommsen stated he was a Rogers customer. He is a scientist and is appalled by Rogers' maps because they are trying to convince North Galiano Islanders that a south tower would help them. He commented that the lack of data produced by Rogers is not helping him make a decision.

There was further discussion about the lack of data in the cell tower proposal, and how all residents should be provided with further information from Rogers.

Jenna Falk noted she was greatly troubled by the process and framework. The language used in public notices suggests it's a done deal. She felt this was a disrespectful process not to consult the neighbours or consider community values. She spoke against the tower, noting it may not be the best solution.

Marg Mattin lives on the east side of island, and asked whether one would have to have a Rogers phone in order to experience improved coverage.

Rogers engineer noted that Rogers' customers and others would have improved service.

Sher O'Hara spoke in favour of the cell tower.

Carolyn Jerome was opposed to the tower. She was very concerned for those living near the tower and wants Rogers to take their health and safety concerns seriously. Will Rogers buy their properties?

Judy Garland asked when the Salt Spring Island (SSI) tower would be completed.

A Rogers representative responded that the SSI tower would be installed over the next two years.

Sharon Gove stated that Galiano is a community of older people that needs more young people, but Galiano is not going to get younger people moving here without cell service.

Christina Stechishin noted she would like to focus the discussion on the future of Galiano as a community. She was concerned about connectivity for the future generations.

Ken Morrisette has been involved in search and rescue for over 25 years. He was not concerned about human health threats from this type of radiation, but he is concerned about the bees being threatened by radiation. He stated that he still favours the tower.

Akasha Forest indicated she was troubled that many people are concerned about safety and health. She noted that Rogers proposal does not address the interests of the community. A cell tower would be conveniently located at the highest point to provide services for travelers along BC ferries and Galiano is only incidentally covered. Are emergency services actually going to improve? The facts presented by Rogers are problematic. If we are really concerned about what is good for Galiano, we need to look at the data, and at alternatives. She was opposed to Rogers unconvincing presentation and proposal.

A/Chair Grams agreed that Rogers' case has been less than compelling and they should take it back to their management.

Trustee Pottle thanked everyone for coming out and expressing themselves on a divisive issue. She stated that we are in a world where communities have made decisions and Industry Canada has adapted to those decisions. She wants to look at more data, more alternatives. She would like to see a telecommunications strategy, and such a strategy is increasingly coming within our jurisdiction. She wants a made-in Galiano solution.

Trustee Harris indicated he was very happy that Trustee Pottle is able to share her experience. It is a difficult decision. While he personally feels that cell phone service is important, he notes that Rogers' maps do not address community concerns. He is concerned that getting Rogers back [to Galiano] might be more difficult. He commented that the lack of internet is more important than a cell phone. Other providers are not that interested, seemingly. He spoke to the importance of this issue and the need for a telecommunications plan.

Alternate Chair Grams cautioned against assuming responsibilities beyond our jurisdiction and resource capacity. He suggested the LTC might want to seek assistance from the Capital Regional District with respect to developing a telecommunications strategy.

There being no further comments from the public, Alternate Chair Grams closed the Community Information Meeting.

5. Adjournment

By general consent, the meeting was adjourned at 3:41 p.m.

George Grams, Alternate Chair

Certified Correct:

Colleen Doty, Recorder



Follow Up Action Report w/ Target Date

Galiano Island Oct-06-2014

No.	Activity	Responsibility	Target Date	Status
1	Retreat Cove Farm (Covenant Amendment) Sept 22/14 - Owners reviewing estimate for legal work and will respond to staff on decision to proceed or not (DONE) Dec 2014 - Owners have completed the cost recover agreement. Staff are in the process drafting letter to Minister to transfer covenant from the Ministry to the Islands Trust.	Kim Farris	Mar-31-2015	On Going

Nov-03-2014

No.	Activity	Responsibility	Target Date	Status
2	Landworks (DL 79) 1. Proposed Bylaw 244 and 245 given third reading. DONE 2. Staff to send proposed Bylaw 244 and 245 to EC. DONE 3. Staff to send proposed Bylaw 244 to the Ministry of Community, Sport and Cultural Development (after EC approval if given). DONE 4. Draft cost recovery agreement and cost sharing for sustainable forestry covenant review - ON-GOING	Kim Farris Sharon Lloyd-deRosario	Mar-31-2015	On Going

Feb-02-2015

No.	Activity	Responsibility	Target Date	Status
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3	Roger's Cell Tower 1. Staff to schedule a community information meeting (CIM) for the Roger's cell tower. (DONE) 2. Staff to ask other telecommunication providers that provide service to Galiano to provide comment on the cell tower proposal and invite them to the CIM. (DONE)	Kim Farris Lori Foster	Feb-27-2015	Done
4	1. Staff to contact previous APC members for interest in reappointment. DONE 2. Staff to advertise Galiano APC (1) opening, deadline is April 14. Awaiting replies - ongoing.	Sharon Lloyd-deRosario	Feb-27-2015	Done
4	Staff to provide recommendations to update the STVR standing resolution.	Miles Drew Kim Farris	Mar-31-2015	Done
6	Staff to change location of GLLTC September 14 meeting to the North community hall.	Lori Foster	Feb-27-2015	Done

Mar-02-2015

No.	Activity	Responsibility	Target Date	Status
6	6.1 minutes: adopted as amended	Lori Foster	Mar-06-2015	Done
7	10.1 GL-DVP-2015.1 / GL-DP-2015.1 - permits issued as presented	Sharon Lloyd-deRosario	Mar-05-2015	Done
8	10.3 NPILTC bylaw No. 198-interests unaffected	Sharon Lloyd-deRosario	Mar-06-2015	Done
9	11.1 Home-based contractor yards project: staff requested to report back on use of TUPs to permit contractors yards and with project charter	Kim Farris	Apr-02-2015	Done
10	11.2 - secondary suites project: staff to report back with options and with project charter	Kim Farris Robert Kojima	Apr-02-2015	Done
11	11.3 cottage review process: staff to report back with options and with project charter	Kim Farris Robert Kojima	Apr-02-2015	Done
12	16.1 APC appointments: Sheila Anderson, Ursula Deshields, Elizabeth Olson, and Karen Harris -re-appointed for one year term. Advertise to fill vacant position (DONE)	Lori Foster Sharon Lloyd-deRosario	Mar-20-2015	Done

Galiano Island Trust Committee
1627 Fort Street
Victoria, BC
V8R 1H8

Brad Lockett
[REDACTED]
Galiano Island BC
V0N 1P0

March 17, 2015

Dear Committee Members

RE: ROGERS' PROPOSED CELL TOWER ON STOCKADE HILL

Rogers' proposed cell tower on Stockade Hill is not a valid permitted use on Lot 1 District Lot 12, Galiano Island Cowichan District Plan VIP63916 (PID023-531-975). I refer you to our Land Use bylaw 127, under uses permitted in all zones.

- 2.1.1 conduits, poles and towers for the transmission by cable of electricity, telephone signals or cablevision signals

Presently, Stockade Hill is in Galiano's Forest 1 Zone and in the provincial Private Managed Forest Land (PMFL) classification. Has the site of the existing Capital Regional Emergency Services Telecommunication (CREST) tower on DL 12 been declassified under section 24 (3) (b) of the Assessment Act and reclassified as Class 2 - Utilities under the Property Regulation?

- "24) Classification and valuation of forest land
(3) The assessor must declassify all or part of land as managed forest land if the assessor is ...
(b) not satisfied, on September 30 of the year in which the assessment roll is completed, that the land meets all requirements to be classified as managed forest land." (RSBC 1996)

During the information meeting on March 14th 2015 with Rogers, Mr. George Grams, Vice Chair of the Executive Committee, stated three times that cell towers are a "land use issue". Galiano Planner Kim Farris also explained that cell towers are not a permitted use in our Land Use Bylaws.

Although a tower has been constructed on this property, which may or may not have been permitted at the time it was built, if it is deemed to be a non-conforming use, any change to it is restricted by S. 911 of the Local Government Act. This is explicit in Section 911 of the Local Government Act, Part 26 -Planning and Land Use Management Section (9) and (10).

- "(9) If the use and density of buildings and other structures conform to a bylaw under this Division but
(a) the siting, size or dimensions of a building or other structure constructed before the bylaw was adopted does not conform with the bylaw, ...

the building or other structure, or spaces may be maintained, extended or altered to the extent authorized by subsection(10).

- (10) A building or other structure to which subsection (9) applies may be maintained, extended or altered only to the extent that
(a) the repair, extension or alteration would, when completed involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started." (RSBC 1996)

Even if this land had been declassified, cell towers are not a permitted use under the Private Managed Forest Land Act [SBC 2003 Chapter 80]. A cell tower is not listed as a managed forest activity in

Schedule A of the PMFL Act.

Schedule A Forest Management Activities [Section 1 (2)] permits the following uses:

- "(a) silviculture and timber harvesting activities;
- (b) transportation, delivery, handling and sale;
- (c) dryland sorting and scaling;
- (d) road, bridge and trail construction and maintenance;
- (e) drilling and blasting;
- (f) aggregate production and processing;
- (g) storage and repair of equipment and vehicles;
- (h) slash and prescribed burning;
- (i) treatment of noxious weeds, introduced plants, competing vegetation, other pests and damaging agents;
- (j) protection of forest crops including but not limited to fire protection and suppression and wildlife management;
- (k) safety and security measures;
- (l) water storage, including reservoirs for providing water for fire protection purposes or other use;
- (m) agroforestry and silvopasture systems;
- (n) soil production, improvement or processing;
- (o) site rehabilitation and improvement;
- (p) disposal of wood waste;
- (q) harvesting and sale of botanical forest products;
- (r) portable processing of forest resources;
- (s) one dwelling per registered parcel unless additional dwellings are permitted under applicable local bylaws;
- (t) forest management administration, including accommodation of personnel." (BC Reg. 317/2004)

There is a rule of statute interpretation that states if a series of things are provided in detail then there is a presumption the legislature did not intend another use to be permitted.

Recently, local governments such as West Vancouver, Campbell River and the town of Gibsons have set precedents by refusing the installation of cell towers in their areas.

The Trust's overriding obligation is mandated to preserve and protect Galiano Island from electromagnetic radiation because we have the obligation and responsibility to honor the precautionary principle, to respect and uphold community values, and to make decisions strategically and for the common good in the face of significant external pressures.

Sincerely,

Brad Lockett

cc Industry Canada, Rogers Communications Inc., Mr. Ben Mabberley

STAFF REPORT

Date: March 26 , 2015

File No.: GL-RZ-2015.1
Galiano Conservancy

To: Galiano Island Local Trust Committee
For the meeting of April 13, 2015

From: Phil Testemale
A/Planner 2

CC: Robert Kojima, Regional Planning Manager
Kim Farris, A/Planner 2

Re: Preliminary Report - Bylaw Amendment Application

Owner: Galiano Conservancy Association
Applicant: Same
Location: Lot 1, Block 9, District Lot 5, Galiano Island, Cowichan District, Plan 1974
(PID: 006-620-965)

PURPOSE OF REPORT:

The purpose of this report is to provide background to proposed bylaw amendments and seek direction from the Galiano Local Trust Committee (LTC) to proceed, or not proceed, with application GL-RZ-2015.1 (Galiano Conservancy Association).

BACKGROUND:

The subject property was formerly owned by Marjorie McClelland. In 2001, Marjorie placed a conservation covenant on the property in favour of the *TLC the Land Conservancy of British Columbia* and the *Galiano Conservancy Association*. It was Marjorie's will that the land remain in its natural state, and, in order to fulfill this wish, her estate donated the land to the Galiano Conservancy Association in 2014.

Rezoning the property to **Nature Protection (NP)** and amending the Official Community Plan is intended to better ensure that the property is preserved in its natural state.

THE PROPOSAL:

The property is currently zoned **Rural 2 (R2)** in the Galiano Island Land Use Bylaw 127, 1999 (LUB). The applicant wishes to rezone the subject properties to **Nature Protection (NP)** to afford more certain protection of the lands in a natural state given the more restrictive uses permitted in that zone.

The proposal requires an amendment to the Galiano Island Official Community Plan Bylaw No. 108, 1995 to change the property's designation from **Rural (R)** to **Nature Protection (NP)**.

In addition, the applicant has made an application for Executive Committee Sponsorship to waive the fees for the application.

SITE CONTEXT:

The subject property is a 6.85 ha (16.92 acre) property situated near the end of Ellis Road on the southern end of Galiano Island close to Salamanca Point. There are no buildings or structures located on the subject property.

The size and use of surrounding properties varies: to the north and east they are zoned as **Small Lot Residential (SLR)** with various lot sizes and configurations; to the west the property is zoned **Forestry 1 (F1)** and has been heavily logged in the recent past; and, the three (3) adjacent properties to the south are all Crown lands of the same size and configuration as the subject property, and all are zoned **Nature Protection (NP)**. Undeveloped road allowances abut the north and east boundaries of the properties.

The subject property contains most of Finlay Lake which is one of the island's larger freshwater lakes. The lake was created by a manmade dam on an adjacent northern property and the lake serves a catchment for the local area. The property is within the Coastal Douglas-fir zone which is an ecosystem at risk. The property was selectively logged approximately 110 years ago and its current state is described as a very productive, older forest consisting multiple-aged trees, abundant understory and woody debris. The property's diversity supports numerous wildlife species.

Figure 1: Subject Property Map

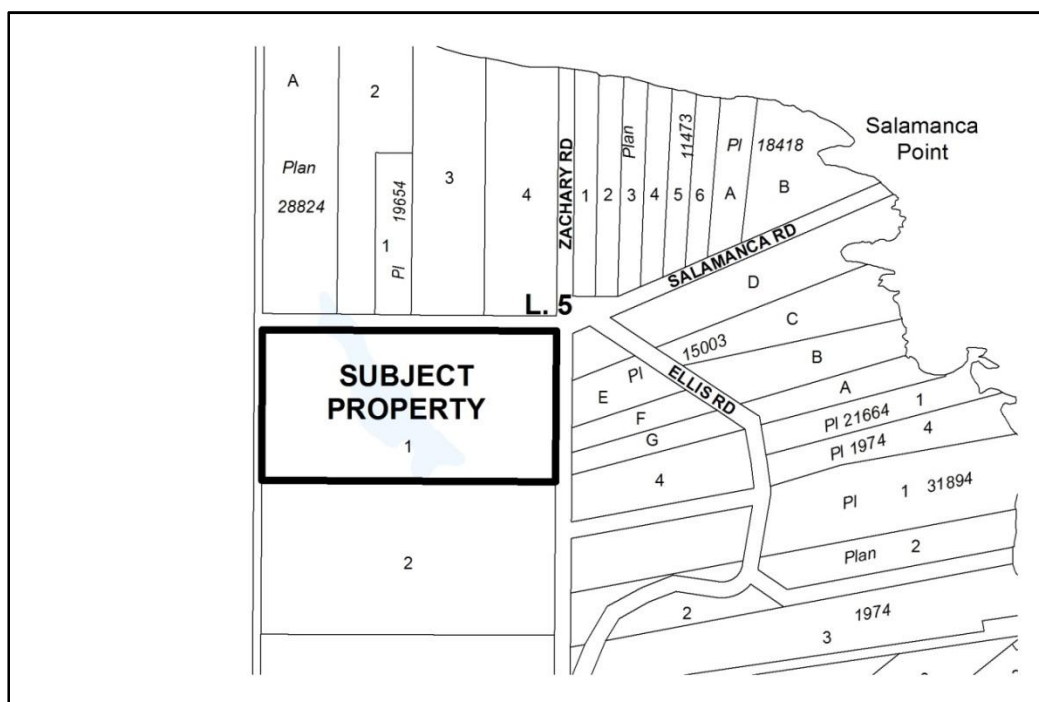


Figure 2: Orthophoto with 2 metre Contour Intervals



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Directive policies relevant to this application include:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.2.2 - the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
- 3.3.2 - means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
- 4.2.6 - to protect the ecological integrity on a scale of forest stands and landscapes.
- 4.2.8 - the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
- 4.4.2 - measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater.
- 5.1.3 – the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area.
- 5.2.4 - potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.2.5 – to achieve efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.6.2 - the identification, protection, preservation and enhancement of local heritage.

- 5.6.3 – *the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.*

Official Community Plan:

The subject property is currently designated **Rural** in the Galiano Island Official Community Plan (OCP).

The Rural policies relevant to this application include:

- a) *The principal uses shall be residential and agriculture.*

The current proposal is not consistent with the OCP policies of this designation. If the application proceeds an amendment to the OCP to the **Nature Protection** designation is required.

The proposal meets and advances many of the stated objectives and policies of the OCP, including preserving and protecting Galiano's ecosystems, and, in particular, protecting the vulnerable Coastal Douglas-fir biogeoclimatic zone on this property and contiguous, neighbouring properties to the south.

A non-exhaustive list of objectives and policies that are relevant follows:

2. *Principles*

- b. *This Plan supports the preservation and protection of Galiano's ecosystems. Galiano is part of the vulnerable Coastal Douglas-fir biogeoclimatic zone. This is the smallest and rarest biogeoclimatic zone in British Columbia and it has the highest density of species that are of both provincial and global conservation concern of any B.C. biogeoclimatic zone. These ecosystems provide key services that sustain human health and wellbeing, including timber and non-timber resources, clean air and water, nutrient cycling, carbon dioxide absorption and carbon storage.*

SECTION II LAND USE

Land Use Policies

- a) *Land use decisions for all zones shall be directed by the following criteria where relevant:*
 - i) *preservation of the rural nature of the area,*
 - ix) *the need to minimize impacts on the quality of the visual landscape,*
 - xii) *the importance of forest cover and the retention of unfragmented forest ecosystems,*
 - xvi) *the protection of sensitive and rare ecosystems, and habitat for rare and endangered species,*
 - xix) *consideration of ecosystem restoration*

7. **Nature Protection**

Nature Protection Objective

The objective of this subsection is:

- 1) *to preserve natural values,*
- 2) *to create connections establishing a network of protected areas,*
- 3) *to protect and enhance the island's capacity for carbon storage,*

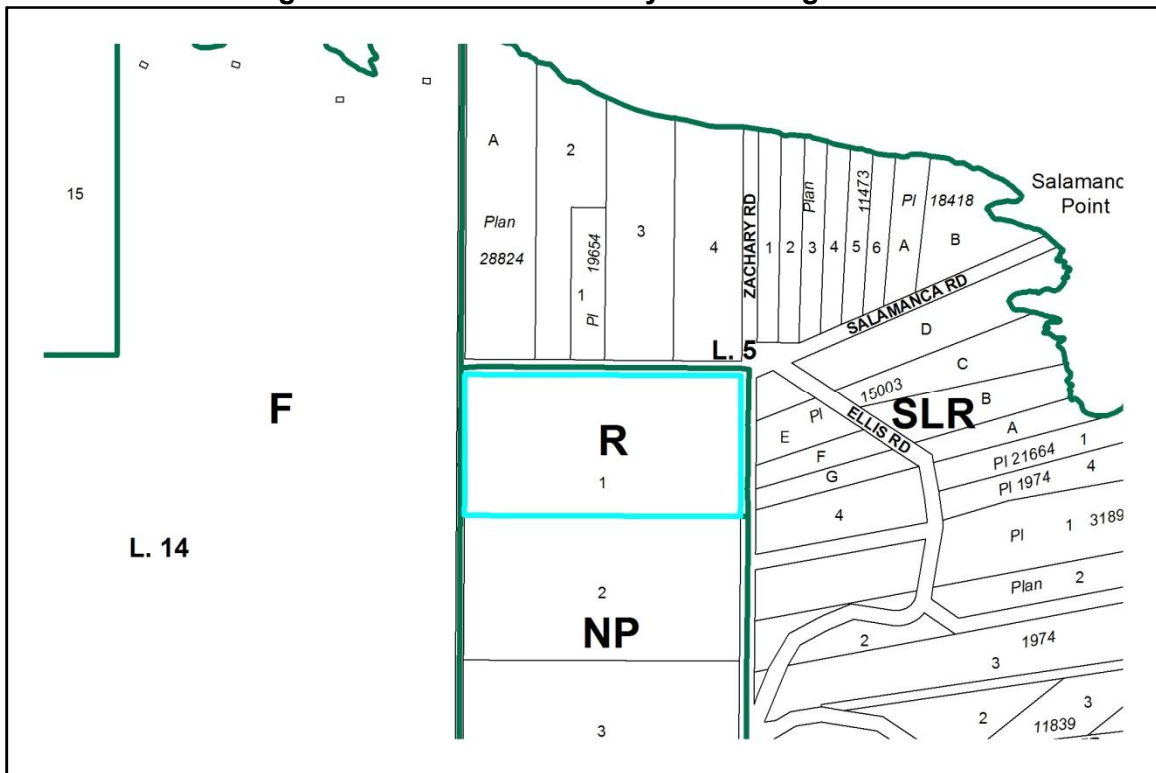
Nature Protection Policies

- a) A separate zone for conservation shall be applied to new and existing Nature Protection areas.
- b) Lands covenanted against further development or subdivision shall be identified through appropriate zoning designation.
- c) Zoning for Nature Protection areas may permit trails, ecological restoration, and low impact recreation.

SECTION IV CONSERVATION AND ENVIRONMENT

The proposal meets and advances many of the objectives and policies of this Section of the OCP. For brevity, all of these are not listed but they fall under **Fresh Water, Wildlife Protection, Air Quality, Climate Change Mitigation and Adaptation, and Environmentally Sensitive Areas.**

Figure 3: Official Community Plan Designations



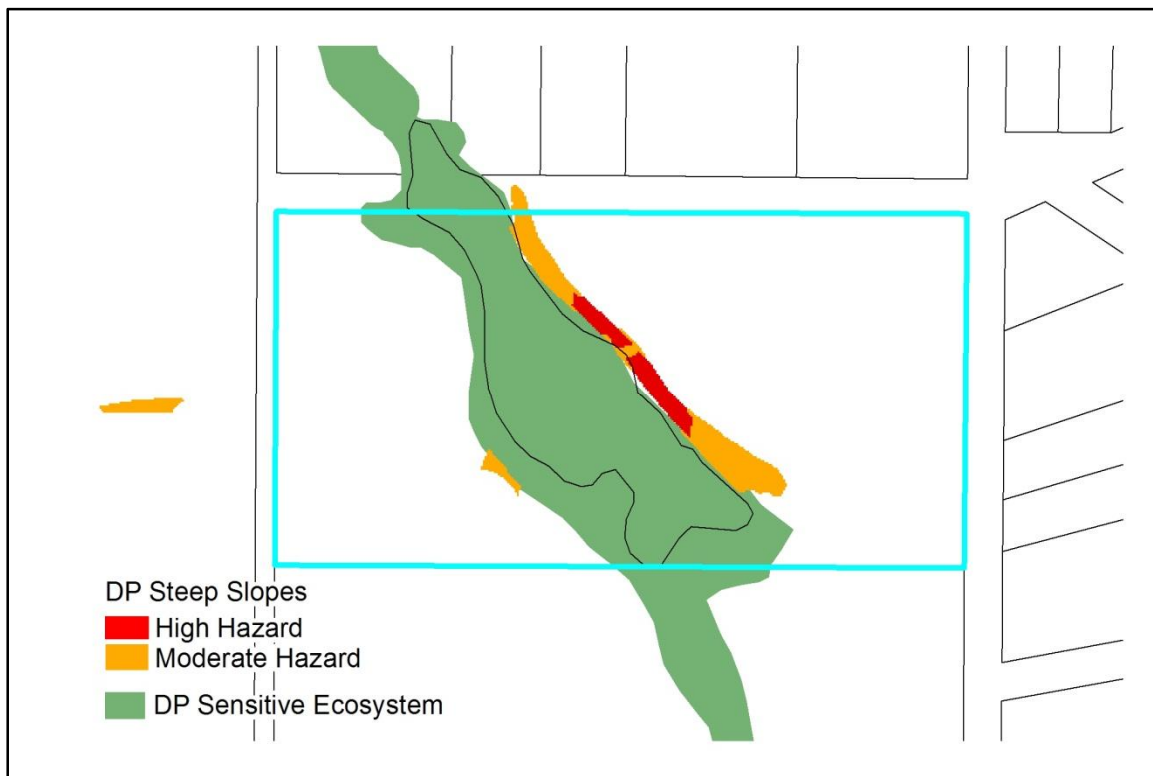
Development Permit Areas:

The subject property has the following Development Permit Areas (DPAs) designated upon it:

- **DPA 3 – Tree Cutting and Removal** (applies to all properties on Galiano Island)
- **DPA 5 – Sensitive Ecosystems**
- **DPA 7 – Steep Slope Hazard Areas**

Generally zoning amendment applications do not initiate Development Permits (DPs) and the permitted uses and prohibition of buildings and structures in the proposed **Nature Preservation (NP)** zone will preclude any future development.

Figure 4: Development Permit Areas



Land Use Bylaw:

The property is currently zoned **Rural 2 (R2)** in the Galiano Island Land Use Bylaw, No. 127, 1999. The regulations for the zone for this property would permit a dwelling and a cottage as well as accessory buildings, home occupations and farm use. The conservation covenant (below) is more restrictive, however, it does permit the owner to construct a residence and two accessory buildings to a maximum total footprint of 150 m².

By rezoning to **Nature Protection (NP)** would provide more restrictive limits over the current zone and covenant by limiting uses and building as follows:

Permitted Uses

0.0.1 In the Nature Protection 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.

0.0.1.1 ecological reserves and nature conservancies

0.0.1.2 research and educational activities

0.0.1.3 groundwater retention and recharge

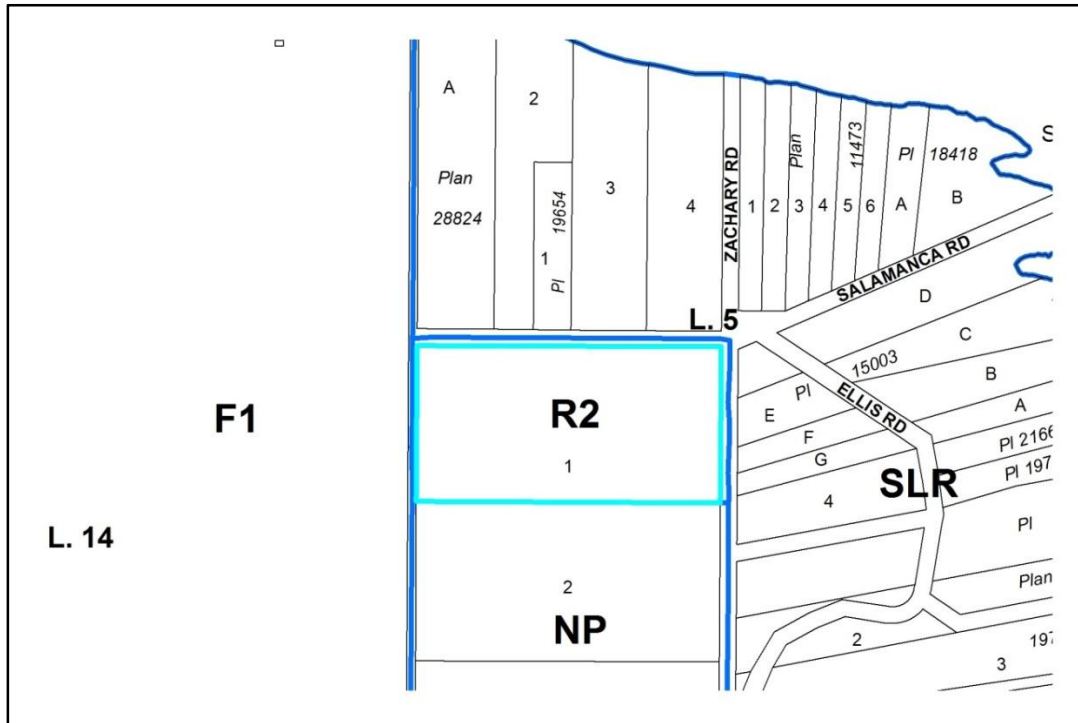
11.1.1.4 Ecological restoration

11.1.1.5 passive recreation

Buildings and Structures

- 7.2 No buildings or structures of any kind, other than signs, are permitted.

Figure 5: Zoning Map



Islands Trust Fund:

The Trust Fund Board is currently working on a conservation covenant over the whole of the land. If the application proceeds, a referral will be sent to the Islands Trust Fund for comment on the proposal and the proposal's relationship with the Islands Trust Regional Conservation Plan.

Sensitive Ecosystems and Hazard Areas:

There are areas of both sensitive ecosystems and hazard areas located on the subject property. Figure 6 shows the Local Planning Services Sensitive Ecosystem Mapping (SEM) that is the basis for the DPAs. Figure 7 shows the Trust Fund Board SEM and includes freshwater, mature forest and wetland sensitive ecosystems areas. There are also areas of low, moderate, and high slope hazards shown above in the DPA Map (Figure 4).

Archaeological Sites:

There are no archaeological sites on the property or in close proximity registered in the provincial database.

Covenants:

The property is subject to conservation covenant that was registered the property on 2001. As noted above, the covenant does permit limited development for the land owner. In order to

provide the most protection for the property to remain in its natural state, the Conservancy is applying to rezone. (See also: Islands Trust Fund – above).

Figure 6: LPS Sensitive Ecosystem Map

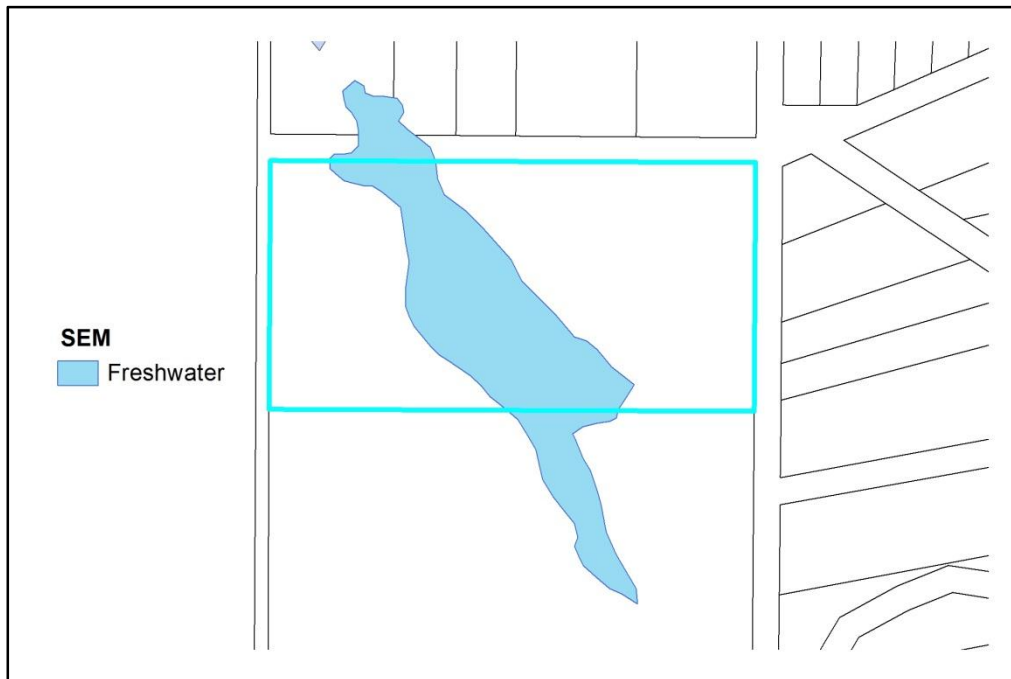
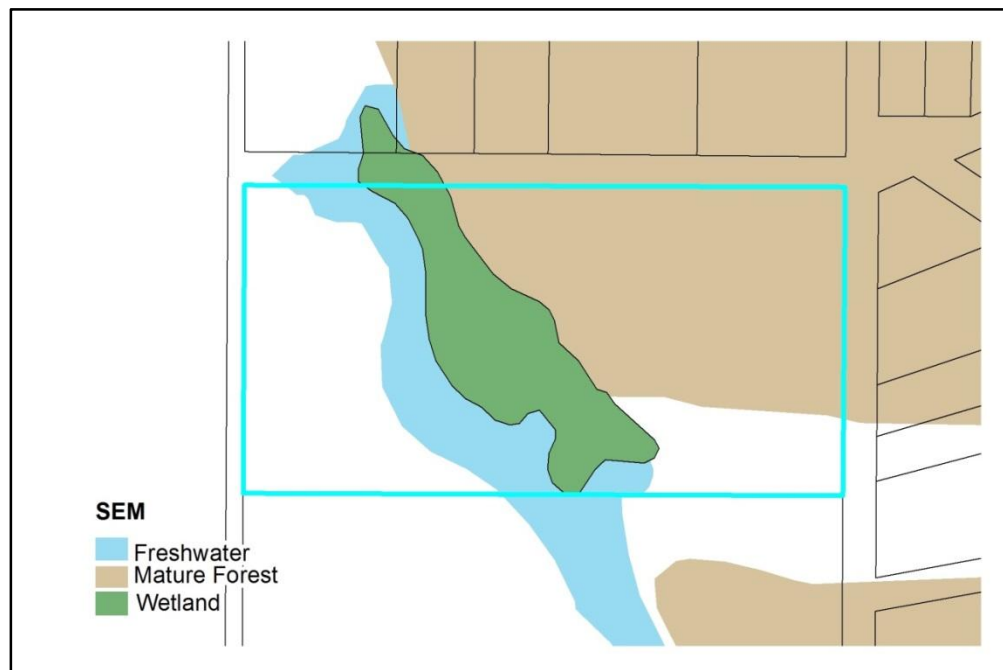


Figure 7: Trust Fund Sensitive Ecosystem Map



Bylaw Enforcement:

There are no enforcement files for the subject property.

Climate Change Mitigation and Adaption

The preservation of natural areas and forest ecosystems is an important factor to reduce greenhouse gas emissions. Forests act as an important carbon sink—absorbing and storing carbon that would otherwise be circulating in the atmosphere. An OCP objective in the Nature Preservation (NP) designation is to preserve a forest land base and to maintain or enhance carbon storage and sequestration. The bylaw amendment proposal would also preserve 100% of the land by rezoning and the application of a new conservation covenant.

Communications/Consultations:

The following agencies have been identified for referring draft bylaws for comment; the LTC may also direct staff to include other agencies not listed.

- First Nations:
 - Cowichan Tribes
 - Halalt
 - Lake Cowichan
 - Lyackson
 - Malahat (TE'Mexw Treaty Association)
 - Pauquachin
 - Penelakut
 - Semiahmoo
 - Stz'uminus
 - Tsartlip
 - Tsawout
 - Tsawwassen
 - Tseycum
- Ministry of Transportation and Infrastructure
- Islands Trust Fund Board
- Galiano Island Fire Rescue
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee

Additionally the LTC may choose to refer the proposal to the Advisory Planning Commission, but this is unnecessary given the nature of the application. Furthermore the public hearing notice would be circulated to all property owners and tenants within 100 m of the subject property in advance of the public hearing.

Professional Report (s):

Given the nature of the proposal, staff is not requiring any reports for this application.

COMMUNITY INFORMATION MEETING(S):

At this preliminary stage in the process, there is no need for a community information meeting. If the application proceeds, staff does not anticipate at this point that a community information meeting separate from the public meeting would be necessary.

RESULTS OF CIRCULATION:

There has been no circulation associated with this application. As the application proceeds public and agency notification will be required.

STAFF COMMENTS:

The purpose of this report is to provide a brief background and to seek direction from the Galiano Local Trust Committee (LTC) to proceed or not proceed with zoning amendment application.

The applicant is proposing to rezone the subject from **Rural 2 (R2)** to **Nature Protection (NP)** and amend the OCP to redesignate from **Rural** to **Nature Protection**.

Objectives of the Applicant:

As stewards of this important piece of the Coastal Douglas-fir ecosystem on Galiano, the applicants are ensuring that the will of their donor Marjorie McClelland is fulfilled. The application serves their objective of providing the strongest protection for keeping the subject property in its natural state.

Mandate of the Islands Trust and Trust Fund Board:

The proposal meets the overall preserve and protect mandate of the Islands Trust and the specific policies of the Islands Trust Policy Statement listed above. Furthermore, the application meets the goals and policies of the Trust Fund Board as stated in the Regional Conservation Plan.

Official Community Plan:

The proposal meets and advances many of the overall and specific objectives and policies contained in the OCP.

Contiguous Ecosystem:

Specifically the proposal will help to ensure the ecological health of a piece of one of the most threatened and diminished ecosystems in the region by affording zoning and covenanted protection that is in harmony with the three neighbouring southern properties creating a less fragmented whole.

Options:

The Local Trust Committee has generally two options at this time:

1. resolve to proceed no further with application;
2. direct staff to proceed with the application and to prepare draft bylaws; or

Based on the foregoing, staff recommends proceeding with the application and for staff to prepare draft OCP and LUB amendment bylaws.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee direct staff to proceed with the application G-RZ-2015.1 (Galiano Conservancy Association) and to prepare draft bylaws.

Prepared and Submitted by:



A/Planner 2

March 26, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

March 26, 2015

Date



Memorandum

Suite 200, 1627 Fort Street Victoria, B.C. 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: April 1, 2015

File Number: 3445-50 CT (Rogers)

To: Galiano Island Local Trust Committee
For the meeting of April 13, 2015

From: Kim Farris
A/Planner 2

Re: Rogers Cell Tower

This memo is to provide a brief update regarding the Rogers cell tower referral for 1228 Montague Road that was received by the Islands Trust. A full staff report with information regarding cell tower jurisdiction, the cell tower proposal, and the results of the notification period will be placed on a subsequent Local Trust Committee (LTC) meeting agenda. The federal government (Industry Canada) has jurisdiction over telecommunications and outlines the process for cell tower license applications. The Galiano Island Local Trust Committee (LTC) also adopted Procedural Guidelines in 2002.

Community Consultation:

The Islands Trust notification period ended on March 23rd, 2015. All correspondence received to date is posted on the Galiano Island Local Trust Area (LTA) website under 'Current Applications'. A summary of the consultation process and comments received will be provided in a subsequent staff report.

A community information meeting was held on March 14th, 2015. Approximately 70 members of the Galiano community were in attendance. Representatives of Rogers and Altus group (Rogers' consultants) provided a brief presentation and answered questions from the public. There were questions raised that Rogers' at that time could not answer as they would need to gather further information. Based on staff's recent discussions with Rogers and the consultant, the information will be available in the next few weeks. Rogers and the consultant have agreed to have all necessary information for the May 4th, 2015 LTC meeting.

The CIM minutes will be posted to the Galiano Island LTA website after they are adopted at the regular LTC meeting on April 13th.

Current Status of Referral:

Staff have deferred the full staff report concerning Roger's cell tower referral to the May 4th, 2015 agenda to ensure compliance with the telecommunication legislation and to ensure administrative fairness. Legislation requires (Industry Canada policies) the local government to write a letter of concurrence or non-concurrence outlining:

1. If the local government believes the proponent was satisfactory in completing its consultation with the local government;

2. If the local government is satisfied with the proponent's public consultation process; and
3. If the local government concurs with the proponent's proposal.

The letter of concurrence can only be written after all information is received from the proponent. As the Galiano Island LTC is still waiting for the requested information from Rogers, a letter of concurrence (or non-concurrence) cannot be issued with authority.

In this case, information that was requested at the CIM, and from the LTC, and has still not been received as follows:

- Answers to questions posed at the March 14th CIM;
- A FAQ document;
- Higher quality maps (which includes addressing services for northern Galiano);

Furthermore, the Procedural Guidelines adopted by the LTC state that the Roger's consultation summary must be received prior to LTC consideration. They state:

"6.the proponent should undertake a public consultation process, including public newspaper notice, notice of adjacent property owners and residents. The results of the public consultation process are to be documented and forwarded to the Islands Trust for consideration.

7. The LTC will consider the proposal submission and consultation results and will by resolution indicate whether it recommends approval, approval with conditions, or refusal of the proposal."

For these reasons mentioned above, staff have deferred the referral to the May 4th agenda until the Galiano Island LTC receives the formal letter of concurrence from Rogers and the requested information prior to moving forward with placing the referral on the agenda.

Next Steps:

When all requested documentation is received from the proponent, staff will prepare a report outlining the proposal, legislated authority, summarize correspondence, and provide options to the Galiano Island LTC. At the May 4th, 2015 meeting the LTC will be requested to provide a resolution that will be forwarded on as the letter of concurrence (or non-concurrence) based on the three items above. Representatives from Rogers and Altus Group plan to attend the May 4th, 2015 Galiano Island LTC meeting.

Pc: Robert Kojima, Regional Planning Manager

Date: March 31, 2015

File No.: 6500-20-LUB
Amendment –
Contractor Yards

To: Galiano Local Trust Committee
For the meeting of April 13, 2015

From: Kim Farris
A/Planner 2

CC: Robert Kojima,
Regional Planning Manager

Re: Home-Based Contractor Yards Project

Purpose

The purpose of this report is to review the use of Temporary Use Permits (TUP) to permit home-based contractor yards on Galiano Island. Staff have reviewed the background, identified issues and provided policy and regulatory options in a number of previous staff reports. Background can be found on the Galiano Island Local Trust Area's (LTA) project website: **Home-based Contractor's Yard Project**

Project Background

In 2013-2014 staff worked with the Galiano Island LTC to propose options for amending the Land Use Bylaw (LUB) to permit home industry type/contractor yards uses. During this process, a draft bylaw (Bylaw 241) was considered by the LTC that included a new use and regulations similar to a home occupation, but called home industry occupation which had specific criteria to permit the specific use. It addressed the lot size, types of uses, screening and times of operation in an effort to limit the impact on adjacent land owners. This approach was not supported and it was decided to try and incorporate the use under the framework of the existing LUB home occupation regulations. The regulations were expanded to incorporate specifics for when, where and how a contractor yard could be established. The LTC raised a number of concerns over this approach and subsequently amended the proposed Bylaw 241 by eliminating any reference to contractor yards as a home occupation use.

At the February 3, 2014, LTC directed staff to amend the work program top priorities list by adding home-based contractor yards as a new top priority item.

At the May 2014 LTC meeting, the LTC endorsed a project charter, endorsed a terms of reference for a stakeholder group to review the background and present recommendations to the LTC, and requested staff to advertise for membership of the stakeholder group. At the meeting of July 7, 2014 the LTC appointed all four persons who had applied to the stakeholder

group. Following the July meeting, the four appointees were contacted and provided with the Terms of Reference. Subsequently, two of the appointees wrote to staff indicating that they no longer wish to participate in the stakeholder group.

At the September 2014 meeting, staff advised that proceeding with a two person stakeholder group would not be a viable option as the committee would not likely have the desired cross-section of opinion and two members would be too few to effectively function as a broad-based committee as envisioned in the terms of reference. The Galiano Island LTC at the September 2014 meeting requested that no further work be done on the home-based contractor yard project until next term's work program is reviewed.

At the February 2015 meeting, the Galiano Island LTC resolved to keep the home-based contractor yards project on the work program as a top priority item.

At the March 2, 2015, there was a discussion concerning the projects next steps. As the LUB amendments discussed in the initial stage of the project were deemed unsatisfactory to address the issue of home-based contractor yards, the LTC requested staff to explore Temporary Use Permits as a viable option. The LTC passed the following resolutions:

“GL-2015-010

It was MOVED AND SECONDED,

That the Galiano Island Local Trust Committee request staff to provide a staff report looking at summarizing various options to permit home-based contractor yards in the Galiano Island Land Use Bylaw No. 127.

GL-2015-011

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee amend motion GL-2015-010, replacing the words “summarizing various options” with “request staff to provide a staff report looking at the use of Temporary Use Permits to permit home-based contractor yards.”

GL-2015-012

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee request staff to amend the project charter for the Home-based contractor project.”

Contractor Yards on Galiano

There are many contracting/industry type home businesses (e.g. landscaping, excavating, etc.) that operate on the island from their home (on Rural or Residential land) that provide much needed services and employing people that live on Galiano Island. These types of services/businesses do not fit within the definition of the home occupation section in the zoning bylaw as they may have large vehicles or require outside storage which may not be practical to have enclosed. The services they supply enable Galiano residents to hire local people rather than rely on off-island generally more expensive suppliers. Many of these operations have been supplying a needed service for years to Galiano Island residents, but have been doing so in non-conformance with the existing land use bylaw.

The options for these properties that have been functioning, some for many years, are limited. The Galiano Island LUB does permit them, but only within the Light Industrial Zone (L1). There

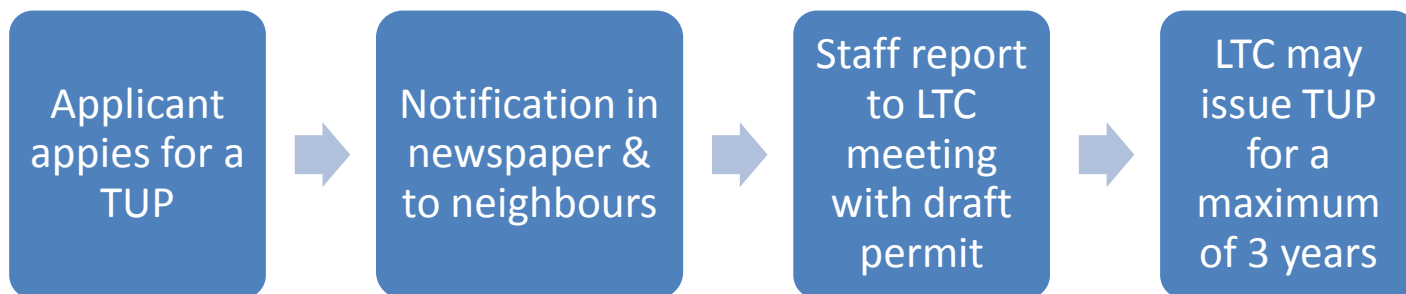
are seemingly no industrial zoned parcels on Galiano Island that are not already in use for these businesses to move to. The question arises as to whether contractor yards should be permitted to remain in a residential neighbourhood given their scale and possible impact on the community and the environment or only be permitted in industrial zones.

Temporary Use Permit

Based on a review of options at the last meeting, the LTC has provided direction for staff to review the use of Temporary Use Permits (TUP) to permit home-based contractor yards. Temporary Use Permits are a mechanism by which a local government can permit a use that is not otherwise permitted in a zone. The use of TUPs is outlined in Section 921 of the *Local Government Act: S. 921 - LGA*.

Process:

Property owners and applicants have the right to apply for a temporary use permit in order to request a use that is not permitted by zoning. When a complete application is received, staff reviews the application and notifies by newspaper and mail out that a TUP application will be considered at a subsequent LTC meeting. A temporary use permit with conditions is then drafted based on guidelines outlined in the TUP section of the Official Community Plan (OCP). Staff will then place the report with the draft TUP on a LTC regular meeting agenda for LTC's comment and decision. At that time, the LTC has the discretion to approve the TUP, approve the TUP by amending the conditions, or denying the request for a TUP. If a TUP is approved, it may be issued for a maximum of three years at which time can be renewed for an additional three years. A small fee is required for a TUP application.



Application Fee:

Currently, the cost of a TUP application as stated in the Fees Bylaw is \$1,100 and \$165 to renew the permit. The intention of an application fee is to cover the average cost of advertisement, notification, and some staff time.

Notification:

Section 921 of the *Local Government Act* requires that a notice to be published in a newspaper (the Driftwood is the sole weekly periodical meeting the statutory definition of newspaper in the region). The Galiano Island Local Trust Committee Development Procedure Bylaw No.100 also requires notices to be mailed to surrounding neighbours (100 metres from the subject property).

Potential Guidelines Themes:

The Galiano Island OCP currently permits the issuance of TUPs and a landowner could currently apply for a temporary use permit for a home-based contractor yard use. However, staff recommend including specific guidelines relating to issuance of TUPs for home-based

contractor yards. This would provide guidance and certainty for applicants, and guidance for planning staff and the LTC in assessing applications. The TUP guidelines related specifically to home-based contractor yards could include:

- A percentage value for amount of storage area
- Size of contractor yard buildings
- Hours of operation
- Noise considerations (complies with CRD Noise Bylaw)
- Numbers of employees
- Specific setbacks for the contractor yard use
- Number of vehicles or excavating equipment
- Parking regulations (abide by the parking regulations in the LUB which requires one off-street parking space per non-resident employee plus the requirement for industrial uses (a parking space per 30m² of industrial area)
- Owner of the business must live on the site.
- Screening/landscape buffer (abide by screening and landscaping regulations in the LUB – Section 15)
- Signage
- Compliance with other authority (CRD, Island Heath, Province, etc.)

At the time of the TUP application, the LTC has the ability to require additional conditions specific to the property's use as with all TUPs.

A description of a contractor yard use should also be added to the TUP guidelines.

Project Charter

The project charter has been updated to reflect if the LTC decides to move forward with an OCP bylaw amendment to the TUP section. The LTC may wish to direct staff to make any necessary changes to the project charter – attached.

Community Consultation

A community information meeting (CIM) often takes place before a public hearing in order to provide the public with an opportunity to ask questions regarding an application or project that involves a bylaw amendment. A public hearing (PH) is part of any bylaw amendment process, and staff are intending to schedule the PH and the CIM in conjunction unless otherwise advised by the LTC. Generally the CIM and PH are scheduled after first or second reading.

The LTC may want to consider holding an additional CIM to discuss specific TUP conditions derived from the guidelines themes listed above. This CIM can be held in conjunction with a scheduled regular LTC meeting or as a separate Special Meeting on a Saturday preferably with other projects or applications.

Staff Comments

Should the LTC agree with the recommendation outlined by staff, the next step is for staff to draft the required bylaw amendment to provide guidelines for home-based contractor yards by use of TUP. The guidelines will be based on the themes outlined above.

Staff have outlined the following benefits to the LTC by permitting home-based contractor yards by use of TUPs:

- LTC may trial-run the temporary permitted use before renewing the permit or before the property owner applies for a zoning amendment application to permit the use outright;
- LTC is able to evaluate each application on its own merits;
- Surrounding property owners are notified that a TUP is being considered by the LTC;
- LTC has control over determining the conditions of the permit. These conditions are based from the TUP guidelines or can be additional conditions can be added by LTC at the time of the application;
- The permit is enforceable; and
- LTC has the discretion to not issue the permit, or renew the permit.

There are also a number of disadvantages with TUP process. The process may seem onerous to applicants (organizing a complete application and cost of application fee), the LTC (public process, LTC agenda, and LTC approval) and to staff (processing application, notification, and staff report). Although TUPs are enforceable, there could be ongoing enforcement issues if the applicant does not abide by the TUP conditions. Furthermore, TUPs do not address the underlying issue of inadequately zoned industrial land on Galiano Island.

Some options that the LTC could consider in moving forward based on staff's recommendation:

1. To agree with proceeding with staff's recommendation as presented and direct staff to draft an OCP amendment bylaw.
2. To not agree with staff's recommendation and to select another option to address home-based contractor yards and request that staff draft bylaw amendments as per their selected option.
3. Proceed no further with the project and move forward with bylaw enforcement.

Based on the information outlined above, staff recommends moving forward with an OCP amendment bylaw to amend the TUP section.

Recommendation

1. THAT the Galiano Island Local Trust Committee request to draft a bylaw to amend Official Community Plan Bylaw No. 108, 1995 to include Temporary Use Permit guidelines for home-based contractor yards.

Prepared and Submitted by:



A/Planner 2

March 31, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

April 1, 2015

Date

Attached: Project Charter

Home-based Contractor Yards Review - Charter v1

Galiano Island Local Trust Committee

Date: March 30, 2015

Purpose *To consider amendments to the OCP and LUB to permit and regulate home-based contractor yards.*

Background *In 2013-2014 staff worked with the Galiano Island LTC to propose options for amending the Land Use Bylaw (LUB) to permit home industry type/contractor yards uses and to develop a stakeholder group. A number of issues made approaches unsuccessful. At the February 2015 meeting, the Galiano Island LTC resolved to keep the home-based contractor yards project on the work program as a top priority item. The LTC requested staff to review options for Temporary Use Permits (TUP) to permit home-based contractor yards. Temporary Use Permits are a mechanism by which a local government can permit a use that is not otherwise permitted in a zone. An OCP amendment bylaw would be required to include specific TUP guidelines for home-based contractor yards.*

Objectives

- To identify options to permit home-based contractor yards by amending the OCP and LUB
- To outline options for Temporary Use Permits to permit home-based contractor yards
- To implement potential regulatory changes permitting home-based contractor yards

In Scope

- Review of options for permitting home-based contractor yards by use of TUPs
- Summarize options reviewed to date (home-based business LUB amendments)
- Public consultation on TUP guidelines
- Bylaw amendment process
- Implementation

Out of Scope

- Unrelated OCP or LUB amendments

Workplan Overview

Deliverable/Milestone	Date
Early consultation/referrals	April 2015
LTC direction to draft bylaws, review of drafts, referrals	April, May 2015
First reading	June 2015
Second reading	July 2015
Public Hearing & Community Information Meeting	September 2015
Send to Executive Committee & Minister for approval	October/November 2015

Project Team

Kim Farris	Project Manager
Lori Foster	Admin Support
Barb Dashwood	GIS technician

RPM Approval:

Date:

LTC Endorsement:

Resolution #:

Date:

Budget

Budget Source:

Fiscal	Item	Cost
2015-16	Advertising, communications	\$500
	Open house/CIM	\$500
	Public Hearing	\$1500
	Total	\$2500

49

Date: April 1, 2015

File No.: 6500-20 LUB
Amendment 2015

To: Galiano Island Local Trust Committee
For the meeting of April 13, 2015

From: Kim Farris, A/Planner 2

CC: Robert Kojima, Regional Planning Manager
Miles Drew, Bylaw Enforcement Manager

Re: LUB Amendment - 2015

Purpose

The purpose of this staff report is to provide the Galiano Island Local Trust Committee (LTC) with a draft bylaw in order to amend the Galiano Island Land Use Bylaw (LUB). This technical amendment is intended to provide clarity to Section 2.14 in the Galiano Island LUB.

Background

Section 2.14 of the Galiano Island LUB currently states:

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

Potential issues have been identified with the reference to the setback not applying to public bodies. At the February 2nd, 2015 regular meeting, staff recommended to the Galiano Island LTC to amend Section 2.14 at its earliest convenience. The Galiano Island LTC then passed the following resolutions:

GL-2015-005

“It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee direct staff to proceed with amending section 2.14 of LUB at the earliest opportunity.”

Analysis

The amendment to Section 2.14 is a relatively straightforward amendment to the LUB. Staff are recommending removing the reference to public bodies and land as an exemption to the setback from the sea and rewording the exemption so it only applies to structures located on a highway. The proposed section would then state:

“Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea, and at least 15 metres from any lake, a swamp and any other natural watercourse. This setback from the sea does not apply to structures located on a highway.”

The amendment would ensure that the wording in this section is consistent with the principle that zoning must regulate uses and not users of land.

Policy Statement Checklist

The policy statement checklist used for the Executive Committee bylaw submission report is attached to this memo for the LTC to review and endorsement. The draft bylaw is not applicable to the policies found in the checklist and the amendment is considered not to be contrary to or at variance with the Policy Statement.

The checklist will be forwarded to the Executive Committee after Third Reading.

Agency Referrals

Staff will refer the draft bylaw to any applicable agencies and First Nations after the draft amendment bylaw receives First Reading.

Community Consultation

No formal community consultation for the draft amendment bylaw has taken place. A community information meeting (CIM) often takes place in advance of a public hearing in order to provide the public with an opportunity to ask questions regarding the amendments and for any changes to be incorporated in the proposed bylaws. The LTC may wish to consider scheduling a CIM prior to the public hearing.

Staff recommend scheduling a CIM and Public Hearing in conjunction with the June 1st, 2015 LTC regular meeting. Following the Public Hearing, the LTC could give consideration to Third Reading and forwarding the bylaw to Executive Committee for approval.

Summary of Planning Recommendations

Staff are of the opinion that the amendment bylaw is technical in nature and would provide clarity when interpreting Section 2.14 of the Galiano Island LUB and would ensure the bylaw is consistent with best practices. Therefore, staff have provided the following recommendations.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee give First Reading to draft Bylaw No. 250, cited as Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2015.
2. THAT the Galiano Island Local Trust Committee give Second Reading to proposed Bylaw No. 250, cited as Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2015.

3. THAT the Galiano Island Local Trust Committee direct staff to schedule a Community Information Meeting and Public Hearing for proposed Bylaw No. 250 to be held in conjunction with the June 1st, 2015 regularly scheduled meeting of the Galiano Island Local Trust Committee.
4. THAT the Galiano Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that proposed Bylaw No. 250 is not contrary to or at variance with the Islands Trust Policy Statement.

Prepared and Submitted by:



Kim Farris, A/Planner 2

April 1, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

April 1, 2015

Date

Attachments:

1. Draft LUB Amendment Bylaw No. 250
2. Islands Trust Policy Statement

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 250

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) General Regulations, Section 2.14 is amended by deleting “The setback to the sea does not apply to public bodies constructing public accesses on public land owned or operated by that body on a dedicated highway or other public access” and inserting “This setback from the sea does not apply to structures located on a highway” such that it reads: ‘Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea, and at least 15 metres from any lake, a swamp and any other natural watercourse. This setback from the sea does not apply to structures located on a highway’.
2. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2015”.

READ A FIRST TIME this _____ day of _____, 201__.

READ A SECOND TIME this _____ day of _____, 201 .

PUBLIC HEARING HELD this _____ day of _____, 201__.

READ A THIRD TIME this _____ day of _____, 201 .

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this _____ day of _____, 201_.

ADOPTED this _____ day of _____, 201 .

DEPUTY SECRETARY

CHAIRPERSON



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No:

Bylaw No. 250

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	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.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

Date: April 1, 2015

File No.: 6500-20-Galiano
Secondary Suite
Review

To: Galiano Island Local Trust Committee
For the meeting of April 13, 2015

From: Robert Kojima
Regional Planning Manager

CC: Kim Farris, A/Planner 2

Re: Secondary Suites Review

Preliminary Report

The purpose of this report is to provide a project charter for LTC review and to provide policy and regulations options and recommendations related to permitting secondary suites.

Project Objectives

The objective of the project is for the LTC to consider amendments to its Official Community Plan and Land Use Bylaw to permit and regulate secondary suites.

Project Background

In February 2015 the LTC reviewed its work program and identified a review of secondary suites as a Top Priority project, with a goal of completing the work within the first year of the term. At the March meeting the LTC requested that staff report back with a draft project charter and a report outlining policy and regulatory options. Background on the project can be found on the LTC projects webpage: **Secondary Suites**

Secondary suites are ground-oriented, market rental housing that is typically considered affordable. They are permitted within single-family dwellings and are usually in the basement or at ground level (thus often referred to as 'basement suites'). Suites are considered a key element in providing affordable housing in both urban and rural communities; costs can be contained due to the fact that suites are located within existing or new dwellings and benefit from economies of scale. They also provide an alternative to single family dwellings without altering the appearance of neighbourhoods. Suites can also benefit homeowners by providing income to off-set a mortgage or

provide accommodation for live-in care-givers. In jurisdictions like the Galiano Local Trust Area which do not currently permit secondary suites there are typically a number of illegal suites already operating; local governments are often loathe to enforce on such units as they provide affordable housing.

There are also impacts and challenges associated with permitting secondary suites: intensification can result in disruption to established neighbourhoods, parking can be an issue, and in areas dependant upon groundwater concerns about impacts on aquifers and well interference. Also, the costs associated with upgrading existing suites to comply with the BC Building Code can be prohibitive¹.

Relevant Policy and Land Use Considerations

Islands Trust Policy Statement

Support for affordable housing can be found in the Trust Policy Statement, Part V: Sustainable Communities. The goal of this Part is “to sustain island character and healthy communities” which are defined as “human communities that have achieved a balance between environmental, economic and social systems and which respect the carrying capacity of the supporting environment.”

The Trust Policy Statement also provides direction to local trust committees regarding how growth and development should be addressed in official community plans and regulatory bylaws (land use bylaws). Relevant extracts include:

4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:

- *neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,*
- *water quality is maintained, and*
- *existing, anticipated and seasonal demands for water are considered and allowed for.*

5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth

¹ The BC Building Code was amended in 1995 to add a section that applies specifically to secondary suites. In practice, the amendment means ceiling heights can be lower than for other housing; sound control between dwelling units is not mandatory; handrails, exterior landings and exits can be similar to those required in a house and other similar amendments (for window location, corridor widths, etc.) which set a reasonable standard that facilitates the development of secondary suites. Th amendments also provide safe and economical alternatives to existing fire safety provisions in the building code (Secondary Suites: A Guide for Local Government. Ministry of Community, Aboriginal and Women’s Services. 2005.)

management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.

5.2.5 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.*

Official Community Plan

Relevant OCP policies include the following:

Section II Land Use:

- a) Land use decisions for all zones shall be directed by the following criteria where relevant:
 - i) preservation of the rural nature of the area,
 - ii) potential impacts on existing land use,
 - iv) proven availability of adequate potable water,
 - v) proven capability for sewage disposal without danger of contaminating groundwater, surface water and the marine environment,
 - vi) the desirability of securing reasonable privacy for residents,
 - vii) the desirability of having the intensity of development decline as distance from the existing small lot development increases,
 - ix) the need to minimize impacts on the quality of the visual landscape,
 - x) the need to protect areas identified as important for the maintenance of the groundwater resources

1. Residential Objectives

- 2) to encourage affordable, rental and special needs housing

1.6 Community Housing Policies

- d) The Local Trust Committee may consider amending zoning to allow for secondary dwellings for affordable housing in residential zones in areas close to existing roads, services and amenities and where there is an adequate supply of potable water.

6. Climate Change Mitigation and Adaptation

- 2) To move to a land use pattern that results in a more compact and complete community in a manner that ensures that overall development potential and density are not increased unless authorized elsewhere in the plan

9. Definitions

affordable housing describes rental or owned housing that can be acquired without exceeding 30 per cent of the median gross income of low to moderate income families on Galiano.

The OCP would need to be amended to provide enabling policies to permit secondary suites.

Land Use Bylaw

The residential zones currently permit “dwellings”, defined as:

"dwelling" means a building used as a residence for a single household and containing eating, sleeping and living facilities and a single set of facilities for food preparation .

Amendments would be required to the LUB to create a definition of secondary suite, to permit the use in appropriate locations, and to establish relevant regulations relating to secondary suites.

Climate Change Mitigation and Adaption

Secondary suites can result in reduced greenhouse gas emissions by providing new residential units within existing buildings and within existing developed areas and advance the OCP policy of fostering a more compact and complete community.

Sensitive Ecosystem, Hazard, Shoreline, or Archaeological Resources

Impacts on sensitive ecosystems, hazard lands, shorelines and archaeological resources would be minimal. Suites would be sited within existing or permitted dwellings. Construction of new dwellings with a suite would be subject to the existing DPAs for sensitive ecosystems and shorelines, development in steep slopes would be regulated through the building permitting process and archaeological impacts are assessed through the current process of alerting landowners to potential sites.

Project Charter

Staff have prepare the attached project charter for LTC endorsement. The purpose of a project charter is to establish in a single document the scope, deliverables, timeline, and resources associated with the project. As the project proceeds the charter is regularly reviewed to determine if the project is proceeding with the defined scope or if the scope and thus the charter should be reviewed and potentially revised.

Project Scope and Timeline

In order to adhere to the goal of completing the project within the first year of the term, the scope of the project is proposed to be limited to solely addressing the secondary suite issue; other initiatives or amendments should not be considered as part of this project. The proposed timeline anticipates creating a draft bylaw early in the process, holding community, agency, and First Nations consultation in the spring, culminating in an open house/community information meeting in June. The timeline builds in an optional secondary community information meeting in the late summer, which may be necessary if the initial consultation results in changes to draft bylaws. The consultation is followed by readings and a public hearing in the fall. As an OCP amendment will

almost certainly be needed, the requirement for ministerial approval likely results in formal adoption in 2016.

A draft outline of the timeline is shown below. While this timeline builds in a provision for additional consultation, it is a tight timeline for a project such as this and the LTC should be prepared to re-visit the timeline if early consultation results in significant concerns or issues arising.

Task	Target Date
Project initiation	March 2, 2015
LTC review of options, potentially direction to draft bylaws	April 2015
Trustee report, Fact sheet	April 2015
Early consultation letters to water systems and First Nations	April 2015
1) Review of draft bylaws (or (2) direction to draft bylaws)	May 2015
Bylaw referrals to agencies and First Nations	May 2015
Open House and CIM	June 2015
Review of Consultation, First Reading	July 2015
Second Community Information Meeting (optional)	September 2015
Second Reading (with potential amendments)	September 2015
Public Hearing	November 2015
Third Reading	November 2015
Executive Committee	November 25, 2016
OCP amendment to Minister	November 2015
Consideration of adoption	February 2016

Resources and Roles

The proposed costs associated with the project include up to two community information meetings, costs associated with limited advertising, and the cost of a public hearing. The proposed total budget for the project would be \$2500. The approved program budget for the Galiano LTC does not identify secondary suites as a specific project; consequently staff are proposing that the \$2500 initially allocated for a 'Dock Review' be re-allocated to the secondary suite review (re-allocation is an administrative process consisting of a recommendation by the RPM, approval by the Director of Local Planning Services, and a briefing to Financial Planning Committee). The project would be managed by the assigned Galiano planner, with support from the Regional Planning Manager, administrative support staff, and mapping staff.

Communications and Community Consultation

In the previous report, staff noted that an initiative such as permitting secondary suites typically involves significant consultation and community input. Staff outlined a number of early consultation steps, including:

- A letter to community water systems informing them of the initiative and inviting comment.
- Discussion between Islands Trust and building inspection staff.
- A written summary outlining the initiative to be placed in the Active Page as a trustee report, to be posted on the webpage, and available for distribution as hard copies.
- An early consultation letter to First Nations.
- A document outlining the proposal with graphics and background information, to be posted on the website and hard copies for distribution.
- Posting of background information and options for public comment on the LTC webpage.
- Once draft bylaws have been prepared and reviewed, an open house and community information meeting to obtain community feedback.

The LTC supported this approach at the last meeting, it has been incorporated into the project charter and staff are proceeding on that basis.

Analysis

In the previous report, staff highlighted a number of issues that will require LTC direction prior to preparing a draft bylaw. These are outlined as follows; however the LTC will likely wish to revisit most of these issues following the consultation stage of the project

1. **Affordability:** The principal objective of permitting secondary suites would be to increase the stock of affordable housing. And the OCP (Community Housing Policy 1.6(d)) does support secondary dwellings for affordable housing in residential areas². However, as a form of market housing (as opposed to non-market social housing), there is no guarantee that existing or new secondary suites would meet strictly meet the OCP definition of affordable housing³. However, analysis prepared for the Galiano Green rezoning application indicates that there is significant need for affordable rental housing, and that average rents in 2014 were estimated to be \$650 for a one-bedroom unit and \$825 for a two bedroom unit⁴. Mechanisms to ensure affordability, such as affordable housing

² The Local Trust Committee may consider amending zoning to allow for secondary dwellings for affordable housing in residential zones in areas close to existing roads, services and amenities and where there is an adequate supply of potable water.

³ **affordable housing** describes rental or owned housing that can be acquired without exceeding 30 per cent of the median gross income of low to moderate income families on Galiano.

⁴ Thomson, Matt. Housing on Galiano: Trends, Needs and Demands. 2014. Page 23.

agreements are not feasible for secondary suites, both in terms of administration and as a disincentive for owners; therefore there is no ability to guarantee that suites would fall within the definition of affordability in the OCP. Despite that, the expectation is that the majority of suites, new or existing, would provide needed market rental housing and be affordable for most renters. Given the wording of Policy 1.6(d), in order to proceed with amendments to permit secondary suites this policy should be amended to specifically permit secondary suites with the intent of increasing the supply of affordable housing.

2. Proximity to services: a number of OCP policies would support the creation of more intensive housing provided it is in proximity to services and amenities. In addition to Community Housing policy 1.6(d), Land Use policy (a)(vii)⁵ and Climate Change Objective (2)⁶ would support compact development and reduced intensity of development further from services and amenities. This implies that the LTC should not support intensification in the form of secondary suites in all locations or all zones, but instead consider limiting the location of suites in some areas. Options include:
 - a. By Zone/Land Use Designation: in order to support the intent of the policies (to concentrate intensification close to services and amenities) the LTC could consider limiting secondary suites to specific land use designations and zones. The following table outlines the Land Use Designations, zones, approximate number of lots in each and comments on the appropriateness for secondary suites:

Land Use Designation	Zones	Number of Lots	Lots in water systems	Comments
Village Residential One	VR1	11		Centrally located and adjacent to services
Village Residential Two	VR2	168		Relatively close to services and amenities
Small Lot Residential	SLR	628	220	Small lots, clustered in nodes, many areas close to services, some relatively isolated from services. Approximately half of all residential lots are in this zone. Almost all water systems are in this zone.
Rural Residential	RR	211	19	Some areas close to services, others relatively

⁵ Land use decisions for all zones shall be directed by the following criteria where relevant: the desirability of having the intensity of development decline as distance from the existing small lot development increases.

⁶ To move to a land use pattern that results in a more compact and complete community in a manner that ensures that overall development potential and density are not increased unless authorized elsewhere in the plan.

				isolated from services
Rural	R2, R3	130	4	Larger Rural lots, these tend to be further from amenities and services
Agricultural	AG	39 (includes split-zoned)		Although lots are larger, a majority are in the south end of the island. One secondary suite is permitted by ALR regulation. Suites may also help support farm operations, either providing accommodation for workers or additional income
Forest	F2, F3, FLR	12		Dwellings are defined as accessory to forestry uses and lots are further from amenities.

- b. By overlay: an alternate approach would be to permit secondary suites within a designated area, delineated by overlaying a buffer around principal commercial nodes, community amenities and main roads. While the overlay approach may hew more closely to the intent of the policies, permitting secondary suites by zone would be fairer and simpler for owners to understand, and more straight-forward to implement administratively.

In terms of zones, the Village Residential zones and the Small Lot Residential zone certainly adhere most closely to the goal of intensifying development close to services and amenities. The Rural Residential and Rural zones tend to be less accessible to services and amenities, however lots in these zones only represent a quarter of the lots and impacts could be further minimized by limiting the number of secondary suites to one per dwelling. The agricultural zone appears to also be a good candidate for permitting one suite per parcel for the reasons shown in the table. Forest lots because of their isolation and the clear intent that dwellings be accessory to forestry use are likely not candidates for suites.

3. Potable Water: Islands Trust Policy Statement states (policy 4.4.2) that there should be no increase in intensity of use in areas with drinking water quality or quantity issues. OCP Land Use policies (a) (iv) and (x), along with Water Supply policy (c) also provide guidance indicating that intensification of development should be limited in water short areas. This implies that unless other measures are required (e.g. cisterns) then suites should not be permitted in groundwater management areas or in the groundwater DPA. Given general concerns and uncertainty related to groundwater, and the experience elsewhere (Salt Spring, Mayne, Saturna) that community water systems are reluctant to support amendments to permit secondary suites within the water systems out of an abundance of caution, requiring cisterns as a condition of secondary suites should likely be a universal requirement. I would recommend including rezoning permitting secondary suites in areas with community water systems and reviewing and potentially excluding water systems following consultation.

4. Regulations: there are a number of specific regulatory provisions for the LTC to consider if the project proceeds:
- a. Floor area limit. Building code requirements limit the size of secondary suites to 40% of floor area of the principal dwelling and 90m². The Mayne LTC has limited the floor area to 60 m² in order to minimize impacts and maximize affordability. For the same reasons, I would recommend consistency with the Mayne regulations.
 - b. Consistent with other bylaws and the building code, the secondary suite should be sited within a principal dwelling and have a separate entrance.
 - c. In order to minimize proliferation of suites and cottages on larger, unsubdivided parcels, the number of suites should be limited to one per lot.
 - d. The Mayne LUB does not permit suites on lots under 4 hectares where a cottage is constructed and conversely would not permit a cottage to be constructed on such a lot under 4 hectares where there is a secondary suite. While this would potentially reduce the incentive for secondary suites, it would serve to mitigate the impact of having 3 dwellings on smaller lots.
 - e. Secondary suites should not be subdividable as strata lots, ensuring they are retained as rentals.
 - f. In order to encourage rentals, the TUP guidelines for commercial vacation rentals should be amended to include a guideline stating that the use should not be permitted in secondary suites.
 - g. One additional parking space should be required for suites.
 - h. Accessory home businesses (e.g. bed and breakfast) should be limited to home offices within secondary suites. This would reduce potential impacts on neighbours.

While these specific proposed regulations should be considered preliminary and subject to review following community and agency consultation, consistency with regulations recently adopted in the Mayne Local Trust Area provide a starting point for consultation and review.

Next Steps

First, the LTC should review the draft Project Charter and, if satisfied, endorse it by resolution. If endorsed, staff would proceed with the early consultation identified in the charter (letters to water systems, first nations, fact sheet and prepare wording for trustee report)

With respect to proceeding with amendments, the LTC has two options:

1. Provide direction to staff to prepare draft bylaws based on the options and recommendations discussed above. The draft bylaws would be brought back to the next LTC meeting for review.

2. Defer direction to draft bylaws and request further information or analysis for the next meeting.
3. Defer direction to draft bylaws until preliminary consultation has been undertaken (this would entail revisions to the draft project charter).

Summary of Planning Recommendations

If the LTC is prepared to proceed with a review of draft bylaws, staff recommends that the approach be consistent with the recently adopted Mayne LUB regulations, at least initially. Changes can be subsequently made to draft bylaws based on the outcome of consultation. In summary, the following specific amendments would be recommended for inclusion in draft bylaws:

1. That the OCP be amended to support secondary suites, both generally in the community housing section and in the relevant land use policy sections, and the TUP guidelines be amended to include a guideline stating that commercial vacation rentals should not be permitted in suites.
2. That the LUB be amended to:
 - a. Include a definition of secondary suite
 - b. Include secondary suite as a permitted use in the following zones:
 - i. VR1
 - ii. VR2
 - iii. SLR
 - iv. RR
 - v. R2, R3
 - vi. AG
 - c. Include specific provisions in the general regulations to:
 - i. Require a cistern for all secondary suites
 - ii. Limit the number of suites to one per parcel
 - iii. Permit either a suite or a cottage, not both, on lots under 4 hectares
 - iv. Limit the floor area of suites to a maximum of 40% of floor area or 60m².
 - v. Require suites to be located within the principal dwelling and have a separate entrance.
 - vi. Prohibit strata subdivision of suites.
 - vii. Limit home occupations within suites to home offices.
 - viii. Require one additional parking space per suite.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee endorse the project charter attached to the staff report dated April 1, 2015.

2. THAT the Galiano Island Local Trust Committee request that staff report back with draft bylaws as outlined in the staff report dated April 1, 2015.

Prepared and Submitted by:



Robert Kojima, RPM

April 1, 2015

Date

Attachment: draft project charter

Secondary Suite Review - Charter v1

Galiano Island Local Trust Committee

Date: March 26, 2015

Purpose *To consider amendments to the OCP and LUB to permit and regulate secondary suites*

Background *The LTC identified this as a Top Priority in February 2015, with the goal of completing the project within the first year of the term. The intent of the project is to consider increasing affordable housing through the means of secondary suites. Secondary suites are ground-oriented, market rental housing that is typically considered affordable. They are permitted within existing single-family dwellings and are usually in the basement or at ground level (thus often referred to as 'basement suites'). They can also benefit homeowners by providing income to off-set a mortgage or provide accommodation for live-in care-givers.*

Objectives

- To identify options for permitting secondary suites as a form of affordable housing
- To consider amendments to the OCP and LUB
- To implement potential regulatory changes permitting secondary suites

In Scope

- Review of options for permitting secondary suites
- Public consultation on secondary suite options
- Consultation with agencies, water systems and first nations
- Bylaw amendment process
- Implementation

Out of Scope

- Unrelated OCP or LUB amendments

Workplan Overview

Deliverable/Milestone	Date
Early consultation—trustee newsletter, fact sheet, letters to water systems, First Nations	April 2015
LTC direction, review of draft bylaws, bylaw referrals	April - May 2015
Open house and Community Information meeting	June 2015
First reading	July 2015
Second community information meeting (optional)	September 2015
Second reading	October 2015
Public hearing	November 2015

Project Team

Robert Kojima	Project Manager
Kim Farris	Planner
Lori Foster	Admin Support
Barb Dashwood	GIS technician

Budget

Budget Source:

Fiscal	Item	Cost
2015-16	Advertising, communications	\$200
	Open house/CIM	\$400
	Second CIM (optional)	\$400
	Public Hearing	\$1500
	Total	\$2500

70

RPM Approval:

Date:

LTC Endorsement:

Resolution #:

Date:

Date: April 2, 2015

File No.: 6500-20-Galiano
Cottage Review

To: Galiano Island Local Trust Committee
For the meeting of April 13, 2015

From: Robert Kojima
Regional Planning Manager

CC: Kim Farris, A/Planner 2

Re: Cottage Review Project

Preliminary Report

The purpose of this report is to provide the LTC with options and recommendations for proceeding with its Top Priority project to consider changes to the cottage size regulations.

Project Objectives

The objective of the project is for the LTC to consider amendments to its Official Community Plan and Land Use Bylaw to permit a larger floor area and greater height for cottages.

Project Background

At the regular meeting of February 2, 2015, the LTC reviewed its work program and identified a review of cottage regulations as one of three Top Priority projects. The LTC has identified this as one of three projects with a goal of completing the work within the first year of the term.

At the March meeting, the LTC gave direction to proceed with a project charter and to report back with policy and regulatory options.

Cottages are defined in the OCP and the LUB, with slightly different definitions. However, under both definitions a cottage is considered a dwelling with a limited floor area. As the floor area is included in the OCP, changes to the zoning regulation for floor area will also require an OCP amendment. While this would be a minor change, amendment to the OCP has additional procedural requirements than just an LUB amendment.

Relevant Policy and Land Use Considerations

Islands Trust Policy Statement

Support for affordable housing can be found in the Islands Trust Policy Statement, Part V: Sustainable Communities. The goal of this Part is “to sustain island character and healthy communities” which are defined as “human communities that have achieved a balance between environmental, economic and social systems and which respect the carrying capacity of the supporting environment.”

The Islands Trust Policy Statement also provides direction to local trust committees regarding how growth and development should be addressed in official community plans and regulatory bylaws (land use bylaws). Relevant extracts include:

4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:

- *neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,*
- *water quality is maintained, and*
- *existing, anticipated and seasonal demands for water are considered and allowed for.*

5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.

5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

Official Community Plan

Relevant OCP policies include the following:

1.1 Village Residential

- c) On lots 0.4 hectares (1 acre) or more, one cottage shall be permitted per dwelling unit permitted.

1.2 Village Residential 2

- c) On lots 0.4 hectares (1 acre) or more one cottage shall be permitted per dwelling unit permitted.

1.3 Small Lot Residential

- c) On lots 0.4 hectares (1 acre) or more one cottage shall be permitted per dwelling unit permitted.

1.4 Rural Residential

- c) On lots 0.4 hectares (1 acre) or more one cottage shall be permitted per dwelling unit permitted.

1.5 Rural

- c) On lots 0.4 hectares (1 acre) or more, one cottage shall be permitted per dwelling unit permitted.

5.3 Visitor Accommodation

- d) Visitor accommodation beyond the scale of a Bed and Breakfast, Short Term Vacation Rental, and Commercial Vacation Rental shall require commercial zoning characterized as:
 - i) guesthouses with from 4 to 8 rooms,
 - ii) inns with from 8 to 12 rooms and a restaurant in one building,
 - iii) resorts with from 8 to 12 rooms or **cottages**, a central building and a restaurant, and

9. Definitions

cottage means a separate dwelling unit with a total floor area of 60 square metres (645 square feet) or less.

The OCP definition would need to be amended to permit a greater floor area for cottages. The visitor accommodation policies should also be amended to distinguish visitor accommodation units from residential cottages.

Land Use Bylaw

General Regulations

- 2.3 The following uses of land, buildings and structures are prohibited in all zones:
 - 2.3.1 the use of an accessory building or structure, other than a cottage, for human habitation;
- 2.5 Accessory buildings and structures must not exceed a height of 5 metres or one storey, except that agricultural buildings and structures and those used for timber production and harvesting must not exceed a height of 9 metres.

- 2.9 Except as provided in section 2.10, the floor area of a cottage must not exceed 60 square metres.
- 2.10 If the cottage is a building identified as a heritage building on Schedule "E" to the Galiano Island Official Community Plan, the floor area of the cottage may exceed 60 square metres provided that the floor area does not exceed the floor area of the building as of the date of adoption of this bylaw.
- 3.13 On properties with a principal dwelling and a legal cottage the following additional regulations apply to short term vacation rental as a home occupation:
- 3.13.1 no more than one dwelling or cottage per lot may be used as a short term vacation rental at any one time.
- 3.13.2 no more than three bedrooms with a total of four beds per lot may be used to accommodate paying guests for short term vacation rental and bed and breakfast home occupation.

"Cottage" is a permitted use in the VR1, VR2, SLR, RR, R2, and R3 zones on lots with an area of 0.4 hectares or more. Only one is permitted in the VR1 and VR2 zones, and one per dwelling in the other zones. The term cottage is also used in reference to visitor accommodation units in the C4 and C5 zone where a floor area of 774 square feet is permitted.

In each of the zones, the maximum height for accessory buildings is one storey and 5 metres.

17 Interpretation

- 17.1.10 "cottage" means a building that is accessory to a dwelling and is used for human habitation by guests, household members or tenants, and having a floor area that does not exceed 60 square metres except as provided in s.2.9.

Climate Change Mitigation and Adaptation

Changing the cottage floor area and height provisions would have minimal impacts with respect to climate change mitigation. Allowing a second storey could result in reduced building footprints and less land disturbance.

Sensitive Ecosystem, Hazard, Shoreline, or Archaeological Resources

Impacts on sensitive ecosystems, hazard lands, shorelines and archaeological resources would be minimal. Cottages are already permitted, and while a larger floor area could result in a bigger footprint, this would likely be offset by the ability to construct a second storey. As currently, construction of cottages would continue to be subject to the existing DPAs for sensitive ecosystems, shorelines, and elevated groundwater catchment areas; development on steep slopes would be regulated through the building permitting process, and archaeological impacts are assessed through the current process.

Project Charter

Staff have prepared the attached project charter for LTC endorsement. The purpose of a project charter is to establish in a single document the scope, deliverables, timeline, and resources associated with the project. As the project proceeds the charter is regularly reviewed to determine if the project is proceeding within the defined scope or if the scope and thus the charter should be reviewed and potentially revised.

Project Scope and Timeline

In order to adhere to the goal of completing the project within the first year of the term, the scope of the project is proposed to be limited to solely addressing cottage size and floor area; other initiatives or amendments should not be considered as part of this project. The proposed timeline anticipates creating a draft bylaw early in the process, holding community, agency, and First Nations consultation in the spring, culminating in an open house/community information meeting in June. The consultation is followed by readings and a public hearing in the fall. As an OCP amendment is required, ministerial approval will likely result in formal adoption in 2016.

A draft outline of the timeline is shown below. The LTC should recognize this is a tight timeline for a project such as this and the LTC should be prepared to re-visit it if early consultation results in significant concerns or issues arising.

Task	Target Date
Project initiation	March 2, 2015
LTC review of options, direction to draft bylaws	April 2015
Trustee report	April 2015
Early consultation letters to First Nations	April 2015
Review of draft bylaws	May 2015
Bylaw referrals to agencies and First Nations	May 2015
Open House and CIM	June 2015
Review of Consultation, First and Second Readings	July 2015
Public Hearing	September 2015
Third Reading	October 2015
Executive Committee	November 2015
OCP amendment to Minister	November 2015
Consideration of adoption	February 2016

Resources and Roles

The proposed costs associated with the project include one community information meeting, costs associated with limited advertising, the cost of a public hearing, and a

contingency. The proposed total budget for the project would be \$2500. The approved program budget for the Galiano LTC does not identify cottage review as a specific project; consequently staff propose that the \$2500 be re-allocated to this project from the OCP and LUB budgets (re-allocation is an administrative process consisting of a recommendation by the RPM, approval by the Director of Local Planning Services, and a briefing to Financial Planning Committee). The project would be managed by the assigned Galiano planner, with support from the Regional Planning Manager, administrative support staff, and mapping staff.

Communications and Community Consultation

In the previous report, staff outlined a number of early consultation steps, including:

- As with secondary suites, a written summary introducing the initiative to be placed in the Active Page as a trustee report, to be posted on the webpage, and as a hard copy document available for distribution.
- An early referral to First Nations.
- Posting of background information on the webpage.
- Once draft bylaws have been prepared and reviewed, a community information meeting and open house to obtain community feedback. This could be held during a regular meeting or as a special meeting, potentially in conjunction with another project CIM; the level of interest should be gauged closer to the date of the CIM.
- Referral to agencies and potentially the APC.
- A public hearing, likely in the fall, with a community information meeting. Again, depending on the level of community interest this could be held within a regular meeting or as a special meeting. The hearing could also be held in conjunction with a hearing for one or both of the other projects, depending upon timing and level of interest.
- As implementation, a document outlining the changes with graphics and background information, to be posted on the website and hard copies for distribution

The LTC supported this approach at the last meeting and it is incorporated in the draft project charter.

Analysis

Cottages have long been considered an option for providing affordable housing. Cottages were originally permitted in early zoning bylaws in the form of 'guest cabins' and were only for the accommodation of non-paying guests or family. Over time, these early provisions were amended to allow long term residential use of cottages and the permitted floor area increased; however the current bylaw still retains the link to the principal dwelling by defining them as accessory to dwellings. This accessory provision is no longer necessary, as cottages are simply a dwelling with a limited floor area. Some Land Use Bylaws in the Trust Area no longer include "accessory" in the definition

of cottage (e.g. see the North Pender Island Land Use Bylaw). In fact, retaining the term accessory in the definition causes issues for some properties: where corporate co-ops have been established under the dwelling equivalent to lot provisions, interests in cottages have been sold separately from those for dwellings. In these instances there is clearly no accessory relationship between the dwellings and cottages.

The intent of permitting larger floor areas for cottages would be to provide greater options for affordable housing. The goal of allowing increased height is to clarify uncertainty about the regulation in the community, and would serve to mitigate the impacts of an increased floor area by permitting second storeys, provide more building design options for landowners, and potentially allow for building efficiencies in terms of construction costs.

The principle issue is the proposed increased floor area. An increase from the current 60 m² to 70 m², as was proposed in 2013, would be relatively minor and could reasonably be applied to all cottages. At the time, this increase was not supported because of the need for a concurrent OCP amendment and because the LTC was in the midst of reviewing its vacation rental provisions. The vacation rental amendments adopted last year now permit vacation rentals in one cottage or dwelling on a property as a home occupation. Permitting an increased cottage floor area would not change this, but could provide more options for owners wishing to operate a vacation rental as a home occupation: larger cottages could be more feasible as rentals or alternately as a residence for the owner/operator if the dwelling is rented. While this would not advance the goal of increasing affordable housing options, permitting vacation rentals outright where the owner/operator is resident on the property had widespread support.

A larger increase in floor area than the previously proposed 70 m² could also be considered; the Mayne LUB was recently amended to permit up to 93m² cottages, but only on lots over 1 hectare in area. This approach is an option the LTC could consider. However, I would recommend only an increase to 70 m² for the following reasons:

1. It was previously supported, with caveats, by the APC but deferred only because the LTC did not wish to consider an OCP amendment at the time and wanted to await the outcome of the vacation rental review project.
2. An increase to 70 m² (750ft²) is sufficiently large a floor area to enable a two bedroom cottage, thus potentially providing housing options for families while still keeping the size small enough to limit construction costs.
3. An increase to 70 m² would likely have minimal impacts, particularly in combination with an increase to permitted height. A larger floor area increase would involve a detailed consideration of potential impacts.
4. An increase greater than 70 m² may require a more complex approach because of greater impacts, resulting in regulations such as in the Mayne LUB where

there are differing cottage floor areas depending on lot size, which could in turn result in administrative issues and issues related to future subdivision.

5. An larger increase would likely involve more consultation and potentially delay the project, conflicting with the LTC's goal of completing the project within the first year of the term.

An increase in height should be consistent with current the height for a dwelling (up to 9 metres). While this could potentially affect neighbouring properties, impacts would be anticipated to be minimal and mitigated by setbacks and by smaller footprints (and thus less building massing).

There are a number of amendments that would be included in amending bylaws:

1. Islands Trust Policy Statement states (policy 4.4.2) that there should be no increase in intensity of use in areas with drinking water quality or quantity issues. Section 13.22 of the LUB currently requires new buildings that are used as dwellings in Water Management Areas to be equipped with cisterns. This LUB provision should be amended to clearly specify that it applies to new construction for both dwellings and cottages, thus addressing the policy.
2. In order to permit a larger cottage floor area, the OCP must be amended by replacing the definition in Section 9 with a revised definition.
3. The OCP should also be amended to replace the reference to cottages in section 5.3 for visitor accommodation units with an alternate term.
4. The general regulations in the LUB should be amended to remove references to cottages as accessory buildings, to provide certainty with respect to cottage height, and to establish an increased maximum floor area.
5. The separate zone regulations will likely not require amendment to implement the changes to height or floor (but this will be reviewed during bylaw drafting). However, the C4 and C5 zones should be amended to replace the word 'cottage', in this case referring to a commercial accommodation unit, with an alternate term.
6. The definition of cottage would need to be amended.

Next Steps

First, the LTC should review the draft Project Charter and, if satisfied, endorse it by resolution. If endorsed, staff would proceed with the early consultation identified in the charter (letters to first nations and prepare wording for a trustee report)

With respect to proceeding with amendments, the LTC has three options:

1. Provide direction to staff to prepare draft bylaws based on the recommendations outlined above. The draft bylaws would be brought back to the next LTC meeting for review.
2. Defer direction to draft bylaws and request further information or analysis for the next meeting. In particular, if the LTC wishes to consider a maximum floor area for cottages greater than 70m² further deliberation may be required.
3. Defer direction to draft bylaws until preliminary consultation has been undertaken (this would entail revisions to the draft project charter).

Summary of Planning Recommendations

If the LTC is prepared to proceed with a review of draft bylaws, staff recommends that the approach be as outlined above, specifically to:

- Amend the OCP to change the definition of cottage
- Amend the LUB to increase cottage height to a maximum of 9 metres and a maximum floor area of 70 m².

Changes can be subsequently made to draft bylaws based on the outcome of consultation.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee endorse the project charter attached to the staff report dated April 2, 2015.
2. THAT the Galiano Island Local Trust Committee request that staff report back with draft bylaws as outlined in the staff report dated April 2, 2015.

Prepared and Submitted by:



Robert Kojima, RPM

April 2, 2015

Date

Cottage Review - Charter v1

Galiano Island Local Trust Committee

Date: April 2, 2015

Purpose *To consider amendments to the OCP and LUB to increase cottage floor area and height*

Background *The LTC identified this as a Top Priority in February 2015, with the goal of completing the project within the first year of the term. The intent of the project is to consider increasing cottage floor area and height. The increased floor area would create additional housing options while the height increase would address uncertainty with the current regulations and encourage smaller footprints.*

Objectives

- To identify options for increasing cottage floor area
- To identify amendments to height regulations
- To consider related amendments to the OCP and LUB
- To implement potential regulatory changes

In Scope

- Review of options for permitting larger cottage floor area
- Public consultation on cottage floor area and height options
- Consultation with agencies, stakeholders and first nations
- Bylaw amendment process
- Implementation

Out of Scope

- Unrelated OCP or LUB amendments

Workplan Overview

Deliverable/Milestone	Date
Early consultation—trustee report, letters to First Nations	April 2015
LTC direction, review of draft bylaws, bylaw referrals	April - May 2015
Open house and Community Information meeting	June 2015
Review of consultation outcomes, First and Second readings	July 2015
Public Hearing	September 2015
Third reading	October 2015
Executive Committee approval, bylaw forwarded to Minister	November 2015

Project Team

Kim Farris	Project Manager
Robert Kojima	Project Sponsor
Lori Foster	Admin Support
Barb Dashwood	GIS technician

RPM Approval:

Date:

LTC Endorsement:

Resolution #:

Date:

Budget

Budget Source:

Fiscal	Item	Cost
2015-16	Advertising, communications	\$200
	Open house/CIM	\$400
	Public Hearing	\$1500
	Contingency	\$400
	Total	\$2500



Top Priorities

Galiano Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Secondary Suite Review	To research potential issues and options for secondary suites on Galiano Island.	Feb-02-2015	Kim Farris	Feb-02-2016	On Going
2	Cottage Regulations Review	To review cottage regulations in the Galiano Island Land Use Bylaw with respect to height and maximum floor area. Also to review cottage definition and policies in the Galiano Island Official Community Plan.	Feb-02-2015	Kim Farris	Feb-02-2016	On Going
3	Home-based Contractors	To look at options of permitting contractor yards	Feb-03-2014	Kim Farris Robert Kojima	Nov-30-2015	On Going

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	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
3	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the LUB.	Nov-18-2013	On Going
4	Parking Issues	Issue for discussion with MoTI and public parking issues generated from associated islands. (see correspondence from P. Midgely on agenda of Apr/12)	Jul-23-2012	On Going
5	Bike Trails and Camping	Letter dated July 8, 2013 received from Galiano Parks and Recreation Commission regarding bike safety on Galiano roads (See Transportation policy U of Section 1.1) and for the allowance of non-commercial camping on private lots.	Jul-15-2013	On Going
6	Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	Nov-18-2013	On Going
7	Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	Nov-18-2013	On Going
8	Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	Nov-18-2013	On Going

9	Land Use Bylaw Amendments	To review LUB for: any technical/administrative bylaw amendments (e.g. definition references and numbering), shoreline zoning wording, crown lot rezonings	Jul-07-2014	On Going
10	Community Benefit Review for Forest Lands	Staff to prepare preliminary report for new LTC	Sep-08-2014	On Going
11	Consider amendments to re-designate and rezone crown owned Forest lots.- Bylaws 231, 232 at First Reading	re-refer to FLNRO for comment		On Going



Applications w/ Status - Galiano Island Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2014.5	Dave Koster	Nov-24-2014	14875 PORLIER PASS RD Addition to a cabin to include a kitchen and bath.

Planner: Phil Testemale

Planning Status

Status Date: Dec-18-2014

Application on hold as land has been altered in Shoreline DPA

Status Date: Nov-24-2014

opened file, processed fee, notified LTC

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2011.1	Galiano Land and Community Housing c/o Tom Hennessy	Oct-06-2011	Rezone Agriculture and Residential to Community Facility-Affordable housing.

Planner: Robert Kojima

Planning Status

Status Date: Feb-20-2015

summary of proposed approach received, update for March 3rd LTC meeting

Status Date: Feb-02-2015

applicants state they are no longer proceeding with RHTF application. Will provide detailed summary of proposed changes

Status Date: Jan-21-2015

applicants withdrawing RHTF application

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2013.1	Landworks Consultants Planner: Kim Farris	Apr-16-2013	DL 79 - To amend the OCP and LUB to permit a rezoning to F3, RR, NP from an F1 zoned lot.

Planning Status

Status Date: Apr-02-2015

Draft covenant received. Staff and applicant are reviewing the draft covenant.

Status Date: Feb-16-2015

Consultant drafting sustainable forestry covenant

Status Date: Jan-09-2015

Consultant hire to review sustainable forestry covenant - draft covenant in progress

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2014.1	Crystal Mountain Society Planner: Kim Farris	Oct-28-2014	20300 PORLIER PASS RD To allow for year round use of the Forest Retreat Centre

Planning Status

Status Date: Apr-02-2015

Staff met with applicant to discuss requested information and next steps.

Status Date: Feb-23-2015

Staff forwarded requested information to applicant

Status Date: Jan-09-2015

Preliminary staff report to Feb LTC meeting

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2015.1	Galiano Conservancy Association Planner: Kim Farris	Feb-25-2015	006-620-965 ELLIS RD Change land use designation in OCP from Rural to Nature Protection and LUB from Rural 2 to Nature Protection

Planning Status

Status Date: Mar-31-2015

Preliminary staff report on April 13th agenda.

Status Date: Feb-24-2015

Opened file, processed fee, spoke with planner about EC sponsorship process

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2013.1	Kelly Gesner, Landworks Consultants Planner: Kim Farris	Nov-29-2013	4150 BODEGA BEACH DR To create a conventinal subdivision of 7 lots including remainder.

Planning Status

Status Date: Nov-24-2014

SD file on hold until zoning amendment bylaws are adopted

Status Date: Sep-08-2014

10 percent waiver approved by LTC

Status Date: Aug-28-2014

request for 10 percent frontage waiver on sept agenda

Islands Trust
LTC EXP SUMMARY REPORT F2015
Invoices posted to Month ending February 2015

625 Galiano	Invoices posted to Month ending February 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	500.00	150.80	349.20
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	2,500.00	3,501.17	-1,001.17
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	574.69	-74.69
65220-625	LTC - Local Exp - Communications	300.00	556.43	-256.43
65230-625	LTC - Local Exp - Special Projects	750.00	80.00	670.00
TOTAL LTC Local Expense		<u>4,050.00</u>	<u>4,712.29</u>	<u>-662.29</u>
Projects				
73001-625-2002	Galiano OCP/LUB	3,000.00	77.38	2,922.62
73001-625-4002	Galiano Groundwater Protection	2,500.00	1,146.93	1,353.07
73001-625-4019	Galiano Short Term Vacation Rental (STVR) Review	2,500.00	1,152.47	1,347.53
TOTAL Project Expenses		<u>8,000.00</u>	<u>2,376.78</u>	<u>5,623.22</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: April 7, 2014

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 11, 2009 / Amended February 3, 2014	GL-LTC-85-09 Amended:	Parks Commission Referral	That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment
2.	October 18, 2010	GL-LTC-115-10	Publishing Notices beyond legal requirements	THAT the Galiano Island Local Trust Committee will advertise Public Hearing Notices in either the Active Page Magazine or Islands Tides Newspaper in addition to the legally required advertising in the Driftwood Newspaper.
3.	October 17, 2011	GL-LTC-205-11	Special Occasion Liquor Licenses	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property on which Galiano Island Land Use Bylaw No. 127, 1999 permits public assembly uses, such as restaurants or community halls, and where there have been no issues related to parking or past complaints for the preceding three years , staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.

No	Meeting Date	Resolution No.	Issue	Policy
4.	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.
5.	February 3, 2014		Applications with Open Bylaw Enforcement files	On properties where there is an open bylaw enforcement file, planning staff should refer planning applications to the Bylaw Enforcement Manager for comment where one or more of the following circumstances exist: 1. There have been significant delays or longer than typical timelines in the enforcement process 2. The LTC is considering on-going, relevant policy or regulatory changes that could impact enforcement 3. Litigation has been recommended 4. Legal counsel has been involved (beyond providing a basic interpretation) 5. There has been enforcement action beyond seeking voluntary compliance (e.g. a BEN warning or ticket, adjudication, a compliance agreement negotiated, etc.) 6. There has been, or is an expectation of, joint enforcement with other jurisdictions 7. There is potential for impact on other related enforcement files.
6.	April 7, 2014	GL-2014-029	Community Wells as a Community Benefit	That the Galiano Island Local Trust Committee will consider as a community benefit for all rezoning applications where there is an increase in density, the establishment of an instrumented observation well.

K:\LTC\Galiano\Standing Resolutions\Policies and standing resolutions.doc



BRIEFING

To: Trust Council

For the Meeting of: March 10-12, 2015

From: Miles Drew, Bylaw Enforcement Manager

Date : February 17, 2015

SUBJECT: BYLAW ENFORCEMENT REPORT

DESCRIPTION OF ISSUE:

A report on the number of enforcement files; organized by local trust area, and by the type of enforcement. Also included are reports on the status of open files and the length of time current files have been open.

BACKGROUND:

Attached are four tables and two pie charts that provide information on bylaw enforcement activity.

Table 1 shows the total number of bylaw enforcement files for each local trust area by fiscal year and the number of files remaining open at the end of the fiscal year. Information is provided for the 2012/13, 2013/14 and 2014/15 Fiscal years. For the current fiscal year the information is broken down by Quarter, in addition to providing a total for the 2014/15 Fiscal year.

Chart 1 shows the number of files open at the end of the most recent reporting Quarter.

Table 2 shows the number of open files by violation type. The table includes the more common categories of enforcement types. The "Other Land Use" column includes a mix of enforcement types that do not fit in the larger categories.

Chart 2 shows the percentage of open files by type.

Table 3 shows the status of open files as well as the numbers of new and closed files during the most recent reporting Quarter.

Table 4 shows how long current bylaw enforcement files have been open.

COMMENT:

Since December 2013 there has been a small decrease (3% of total files) in the number of files open longer than five years.

There was a large reduction in the number of open files in the Gabriola Island Local Trust Area, dropping from 45 open files to 28 open files. This was due to a

comprehensive review of existing files by a Bylaw Enforcement Officer who discovered that many files had been resolved but not formally closed.

No files were formally closed in the Salt Spring Island Local Trust Area during this quarter; however, the report to June 2015 Trust Council will reflect the work that has been recently done reviewing old files.

The number of on hold files in the Galiano Island Local Trust Area will drop next quarter because the short-term vacation rental bylaw amendments are complete and enforcement work can now resume.

The bylaw enforcement officers' primary goal in the next quarter is to develop and implement procedures for taking contested Bylaw Violation Notices through the adjudication process.

ATTACHMENT(S):

Bylaw Enforcement - File Volume
Bylaw Enforcement - Violation Type
Bylaw Enforcement - Status of Open Files
Bylaw Enforcement - Length of Time Files Have Been Open

AVAILABLE OPTIONS:

1. Receive for information.
2. Request additional information to be presented in the report.

FOLLOW-UP:

Reports will be updated and presented every quarter to Trust Council.

Prepared By: Miles Drew, Bylaw Enforcement Manager

Reviewed By/Date: David Marlor, Director, Local Planning Services/
February 17, 2015

Executive Committee/ February 25, 2015

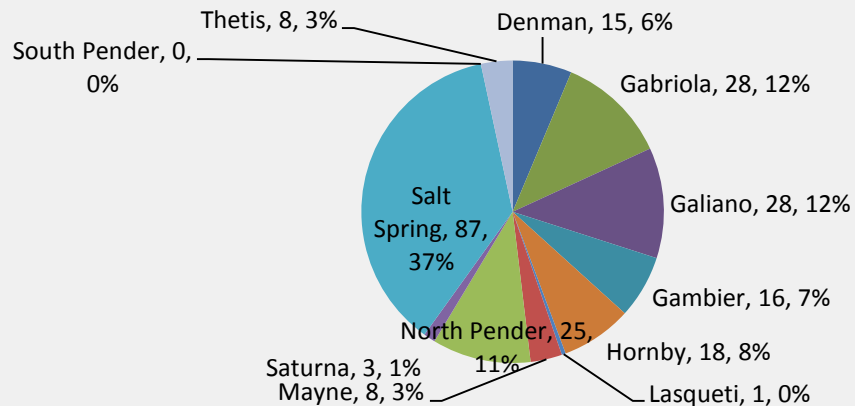
Chief Administrative Officer

Bylaw Enforcement - File Volume

TABLE 1

LTC	Fiscal 2012/13				Fiscal 2013/14				Fiscal 2014/15							
	Total	%	Open	%	Total	%	Open	%	Q1	Q2	Q3	Q4	YTD Total	YTD %	T Open	%
Denman	19	6%	18	6%	21	7%	14	6%	14	13	15		3	5%	15	6%
Executive	0	0%	0	0%	0	0%	0	0%	0	0	0		0	0%	0	0%
Gabriola	40	13%	40	14%	60	20%	51	20%	45	43	28		8	13%	28	12%
Galiano	25	8%	25	9%	32	11%	30	12%	28	24	28		4	7%	28	12%
Gambier	16	5%	16	6%	18	6%	17	7%	17	15	16		1	2%	16	7%
Hornby	17	6%	16	6%	16	5%	15	6%	16	15	18		3	5%	18	8%
Lasqueti	1	0%	1	0%	1	0%	1	0%	1	1	1		0	0%	1	0%
Mayne	8	3%	5	2%	10	3%	9	4%	12	6	8		3	5%	8	3%
North Pender	43	14%	40	14%	45	15%	36	14%	35	31	25		2	3%	25	11%
Saturna	8	3%	6	2%	6	2%	3	1%	3	4	3		1	2%	3	1%
Salt Spring	112	37%	104	37%	81	27%	66	26%	78	72	87		32	53%	87	37%
South Pender	1	0%	1	0%	1	0%	0	0%	0	0	0		0	0%	0	0%
Thetis	12	4%	10	4%	11	4%	8	3%	9	8	8		3	5%	8	3%
TOTAL	302	100%	282	100%	302	100%	250	100%	258	232	237	0	60	100%	237	100%

Chart 1: Open Files to Dec 31, 2014



LEGEND

YTD Total = Total number of open files year to date, including open files carried over from the previous quarter and files opened during the current reporting period.

T Open = Total number of files remaining open at the end of the current reporting period

Q1 = April 1 to June 30 - reported to September Trust Council

Q2 = July 1 to September 30, Report to December Trust Council

Q3 = October 1 to December 31, Reported to March Trust Council

Q4 = January 1 to March 31, Reported to June Trust Council

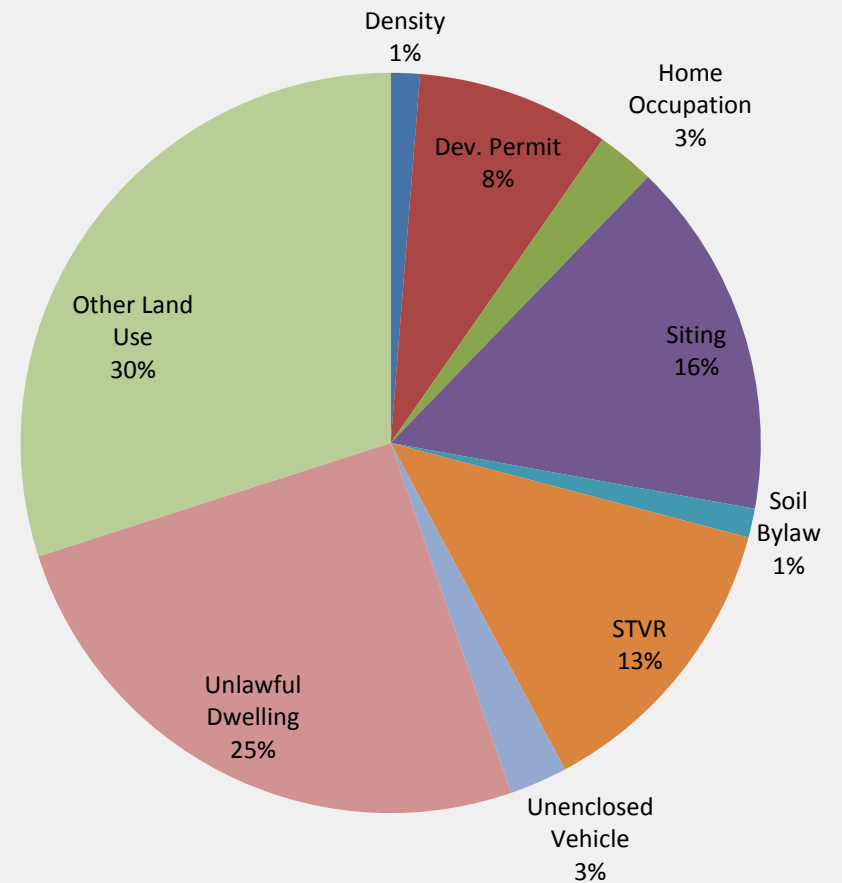
The numbers for each quarter are a running total of all open and closed files in the period.

Bylaw Enforcement - Violation Type

Table 2

LTC	Violation Type										
	Density	Dev. Permit	Home Occupation	Siting	Soil Bylaw	STVR	Unenclosed Vehicle	Unlawful Dwelling	Other Land Use	TOTALS	Percentage
Denman		6				1		4	4	15	6%
Executive										0	0%
Gabriola	2	1	1	5		5		8	6	28	12%
Galiano		1	1	7		3	2	6	8	28	12%
Gambier				6				1	9	16	7%
Hornby	1	1	1	4		2		6	3	18	8%
Lasqueti								1		1	0%
Mayne				1		4			3	8	3%
North Pender				4		8	1	5	7	25	11%
Saturna				2		1				3	1%
South Pender										0	0%
Salt Spring		11	3	4	3	7	3	28	28	87	37%
Thetis				4				1	3	8	3%
TOTALS	3	20	6	37	3	31	6	60	71	237	100%
%	1%	8%	3%	16%	1%	13%	3%	25%	30%	100%	

Chart 2: Open Files by Type



Bylaw Enforcement - Status of Open Files

Table 3

Local Trust Area	2014/2015 3rd Quarter (Oct 1 - Dec 31)				Proceeding to Compliance	On Hold			Litigation	TOTAL
	OPEN Start of Quarter	NEW	CLOSED	OPEN End of Quarter		Application in to LTC	LTC Direction	Staff Direction*		
Denman	15	0	0	15	10		3	1	1	15
Executive	0			0						0
Gabriola	43	0	15	28	28					28
Galiano	24	4		28	14	2		10	2	28
Gambier	15	1		16	8		5	1	2	16
Hornby	15	3		18	11		6	1		18
Lasqueti	1			1	1					1
Mayne	6	2		8	7	1				8
North Pender	31		6	25	10	1		11	3	25
Saturna	4		1	3	2		1			3
Salt Spring	72	15	0	87	65		16	5	1	87
South Pender	0			0						0
Thetis	7	1		8	8					8
Total	233	26	22	237	164	4	31	29	9	237
Percentage					69%	2%	13%	12%	4%	100%

* "Staff Direction" refers to files that Staff have decided not to pursue at this time for a variety of reasons, such as waiting for a court decision or for bylaw amendments that could alter the need for enforcement.

Bylaw Enforcement - Length of Time Files Have Been Open

Table 4

Local Trust Area	<1 year	1-5 Years	> 5 years	Total Open Files
Denman	2	11	2	15
Executive				0
Gabriola	11	16	1	28
Galiano	2	13	13	28
Gambier	2	14		16
Hornby	1	14	3	18
Lasqueti		1		1
Mayne	2	6		8
North Pender	4	20	1	25
Saturna	1	1	1	3
South Pender				0
Salt Spring	34	36	17	87
Thetis	3	4	1	8
TOTAL	62	136	39	237
PERCENTAGE	26%	57%	16%	

STAFF REPORT

To: Galiano Island Local Trust Committee

From: Miles Drew, Bylaw Enforcement Manager

Date: For the Galiano Island Local Trust Committee meeting of April 13, 2015,

Re: **Galiano Island Bylaw Enforcement Policy for Short Term Vacation Rentals in Residential Zones**

THE PROPOSAL:

This report will propose various enforcement policies pertaining to short term vacation rentals (STVR) for the Galiano Island Local Trust Committee to consider.

Issues Summary:

In November of 2014 the Galiano Island Local Trust Committee adopted Bylaw 247 amending the Galiano Island Land Use Bylaw No. 127 to permit STVRs on some residentially zoned properties. STVRs are now permitted on properties with two legal residences, one of which is occupied by the operator of the STVR, provided that there are no more than three bedrooms with a total of four beds in the STVR. The LTC also made provisions for temporary use permits to be issued for STRV operations which do not meet the above requirements.

Given that there are up to 22 advertised unlawful STVR operations on Galiano Island and there may be many more that do not advertise but may be subject to a complaint it would be beneficial for the LTC to give specific direction on how and when to carry out enforcement on the STVR issue.

Background:

Currently there are three open bylaw enforcement files concerning STVRs. A quick internet search indicates that there are between 16 and 22 STVRs advertised on Galiano Island. Only a few of these seem to meet the requirements of the new provisions in the Land Use Bylaw. There may be many other property owners who occasionally rent out their properties by word of mouth for less than 30 days. Other than Bed and Breakfast and STVR operations the only lawful visitor accommodation for paying guests is found in the Visitor Accommodation zones C4, C5 and C5A of Bylaw 127.

Previously the Galiano LTC had a specific enforcement policy restricting enforcement on STVRs except if there were health and safety issues, nuisance complaints from residents or owners of two properties and if the STVR operator operated two or more STVRs on Galiano Island. This enforcement policy expired on the adoption of the new STVR bylaw amendments.

The current Trust Council enforcement policy says that any advertised activity that is not permitted in the local land use bylaw may be subject to enforcement without complaint. Therefore, any unlawful STVR on Galiano that advertises is potentially subject to immediate enforcement action. The policy also directs bylaw enforcement officers to prevent any unlawful activity that is subject to a complaint. The Trust Council enforcement policy also directs bylaw officers to seek voluntary compliance before initiating any other enforcement actions. As the LTC has made provisions for temporary use permits for STVRs enforcement officers will promote this option for unlawful STVR operators before requiring that they be shut down.

STAFF COMMENTS:

There are two viable enforcement options available to the LTC.

The first is to rely of the existing default Trust Council enforcement policy. If this option were chosen any advertised unlawful STVR may be subject to enforcement without complaint. Additionally, even unadvertised unlawful STVRs that have been complained about will be subject to enforcement.

The second option is to choose an enforcement policy which restricts enforcement against unadvertised unlawful STVRs and authorizes proactive enforcement against unlawful advertised STVRs. Such a policy would prevent most persons who occasionally rent their properties for less than 30 days to friends and family and by word of mouth only from being subject to enforcement but would also ensure that the only advertised STVRs are lawful. Proactive enforcement against advertised unlawful STVRs is appropriate because they operate in an overtly commercial way and thus directly compete with other lawful tourist accommodations.

The enforcement policy should also permit enforcement if there are complaints about nuisances or health and safety issues or over use of a property caused by camping etc. Examples of health, safety, and nuisance issues may be building or health regulation violations, septic field problems, ongoing noise disturbances and traffic congestion cause by too many vacationers.

RECOMMENDATIONS:

Staff recommended that the Galliano Island Local Trust Committee adopt the below unlawful STVR enforcement policy.

The Galiano Island Local Trust Committee resolves:

1. THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Unlawful Short Term Vacation Rentals that have one or more of the following characteristics will be subject to enforcement:

1. They are advertised on the internet, newspapers, or other media;
2. More than one dwelling on the lot is simultaneously made available for unlawful STVR;
3. While the property is rented persons also stay in tents, trailers or RVs;
4. There are issues related to health and safety;
5. 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 unlawful STVR;
6. The owner of the property uses more than one property in the Galiano Local Trust Area as an unlawful STVR;
7. The unlawful STVR is not managed by the property owner.

2. 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.

Miles Drew
Bylaw Enforcement Manager

REQUEST FOR DECISION

To: Galiano Island Local Trust Committee **For the Meeting of::** April 13, 2015

From: Robert Kojima
Regional Planning Manager

Date Prepared: April 1, 2015

SUBJECT: 2014-2015 ANNUAL REPORT – APPROVAL OF GALIANO ISLAND LOCAL TRUST COMMITTEE SECTION

RECOMMENDATION: That the Galiano Island Local Trust Committee approves the attached text for inclusion in the 2014-2015 Annual Report for approval by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.i](#). To comply with the schedule indicated in the policy, the Executive Committee has adopted the following schedule for preparation of individual committee reports:

Committee reports:	Reports to be approved on the following dates:
TPC	June 1
LPC	May 28
FPC	June 3
TFB	May 12
EC	April 22 / May 27
Denman	April 21
Gambier	March 26 / May 7
Gabriola	April 2 / May 7
Galiano	April 13
Hornby	March 27 / May 15
Lasqueti	April 9 / May 14
Mayne	May 25
North Pender	May 21
Salt Spring Island	April 16 / May 14
Saturna	April 23
South Pender	April 28
Thetis	April 14
Bellenas-Winchelsea	May 19
Executive Islands	

Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings listed above.

FINANCIAL: None

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's policy. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and consideration of Trust Council in June. Upon approval by Trust Council, the Annual Report is sent to the Minister of Community Sport and Cultural Development and circulated as indicated in Trust Council's policy.

OTHER: n/a

BACKGROUND

- At its February 25, 2015 meeting, the Executive Committee approved the format and outline of the 2014-2015 Annual Report.
- A joint message from former and current Islands Trust Council and Trust Fund Board Chairs will be included in the Report.
- Messages from Council Chairs, Trust Fund Board Chair and the Chief Administrative Officer will be accompanied by their photos. Section 2 (Islands Trust Council Highlights) will be accompanied by Council group photo.

REPORT/DOCUMENT: Galiano Island Local Trust Committee input to Annual Report (draft - attached)

KEY ISSUE(S)/CONCEPT(S): Consistent reporting from each committee following new standards and committee approval of its section in the Annual Report

RELEVANT POLICY: This approach complies with Section 19 of the *Islands Trust Act* and Trust Council's [Annual Report Policy 6.10.i](#).

DESIRED OUTCOME: Trust Council is able to easily approve its annual report in June 2015 without further editing from staff or trustees at the Trust Council meeting.

RESPONSE OPTIONS

Recommended: That the Galiano Island Local Trust Committee approves the attached text for inclusion in the 2014-2015 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

Alternative: None

Prepared By: Robert Kojima
Regional Planning Manager

Reviewed By/Date: David Marlor
Director, LPS

The Galiano Island Local Trust Committee held nine regular business meetings, three special meetings and three public hearings. The Local Trust Committee received and considered applications or referrals for two rezonings, six development permits, one ALR application, one temporary use permit, one referral of a cellular tower proposal, and three development variance permits.

The Local Trust Committee also advanced several applications received in the previous period, most notably a rezoning of a Forest zoned property on North Galiano to permit the development of 5 residential lots, one forest lot, and two large remainder parcels to be transferred to the province (BC Parks) to be added to Bodega Ridge Provincial Park and to the Capital Regional District for a community park.

Projects completed during this period included significant updates to an existing development permit area for the protection of groundwater (*Strategic Plan 3.3 and Islands Trust Policy Statement directive policy 4.4.2*), and adoption of guidelines for Temporary Use Permit for short-term vacation rentals. Projects were also initiated to permit secondary suites, to review cottage floor area and to permit home-based contractor businesses.