



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: October 4, 2021
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

			Pages
1.	CALL TO ORDER	12:30 PM - 12:50 PM	
2.	APPROVAL OF AGENDA		
3.	TRUSTEE REPORT		
4.	CHAIR'S REPORT		
5.	TOWN HALL AND QUESTIONS	12:50 PM - 1:10 PM	
6.	COMMUNITY INFORMATION MEETING		
	None		
7.	PUBLIC HEARING		
	None		
8.	MINUTES	1:10 PM - 1:20 PM	
8.1.	Local Trust Committee Minutes Dated September 7, 2021 (for Adoption)		3 - 12
8.2.	Section 26 Resolutions Without Meeting Report Dated Sept 2021		13 - 13
8.3.	Advisory Planning Commission Minutes Dated September 15, 2021 (for Receipt)		14 - 18
9.	BUSINESS ARISING FROM MINUTES		
9.1.	Follow-up Action List Dated Sept 2021		19 - 21
10.	DELEGATIONS		
11.	CORRESPONDENCE		
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>			

12.	MEETING BREAK - COMMUNITY UPDATE		
13.	APPLICATIONS AND REFERRALS	1:20 PM - 1:40 PM	
13.1.	GL-RZ-2005.2 (Romagnoli-Smith) – Email update		22 - 22
14.	LOCAL TRUST COMMITTEE PROJECTS		
15.	REPORTS	1:40 PM - 1:50 PM	
15.1.	Work Program Reports (attached)		
15.1.1.	<u>Top Priorities Report Dated Sept 2021</u>		23 - 23
15.1.2.	<u>Projects List Report Dated Sept 2021</u>		24 - 26
15.2.	Applications Report Dated Sept 2021 (attached)		27 - 35
15.3.	Trustee and Local Expense Report Dated July 2021 (attached)		36 - 36
15.4.	Adopted Policies and Standing Resolutions (attached)		37 - 41
15.5.	Local Trust Committee Webpage		
15.6.	Islands Trust Conservancy Report Dated August 2021		42 - 43
16.	NEW BUSINESS	1:50 PM - 2:50 PM	
16.1.	Ministry Response - Galiano Island Mines Act application_0800175-2021-01 (attached)		44 - 52
16.2.	Community Notification of Future Applications for DL12		
16.3.	New Fee Bylaw - Request for Decision (attached)		53 - 69
16.4.	Dealing with complaints prior to Bylaw Enforcement - Discussion		
17.	UPCOMING MEETINGS	2:50 PM - 3:10 PM	
17.1.	Next Regular Meeting Scheduled for November 8, 2021 at the South Community Hall, Galiano Island		
17.2.	Draft 2022 LTC Meeting Schedule (attached) (for approval)		70 - 70
18.	TOWN HALL	3:10 PM - 3:30 PM	
19.	CLOSED MEETING		
	None		
20.	ADJOURNMENT	3:30 PM - 3:30 PM	



Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: September 7, 2021
Location: Electronic Meeting (Zoom Webinar)

Members Present: Dan Rogers, Chair
Jane Wolverton, Local Trustee
Tahirih Rockafella, Local Trustee

Staff Present: Brad Smith, Island Planner
Phil Testemale, Planner 2
Dionne LoForte, Administrative Assistant (Host)
Carly Bilney, Recorder

Others Present: There were approximately 27 attendees in the Zoom Webinar.

1. CALL TO ORDER

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

Trustee Wolverton commented on the need to ensure Local Trust Committee (LTC) meetings are a safe place for everyone who attends them and that animosity among attendees creates an uncomfortable environment.

2. APPROVAL OF AGENDA

The following amendment to the agenda was presented for consideration:

- Move Item 13.5 GL-DP-2021.1 (Orlitzky) to the top of the applications section.

By general consent the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee Rockafella reminded attendees of the upcoming Trust Council meeting. Trustee Wolverton reported on the following:

- There have been communications with BC Ferries related to a reduction of speed by ferries in Active Pass because wave action is causing erosion and damage to middens in the area; and

- Complaints have been received about non-permitted activities on properties and the unnecessary use of groundwater during a drought.

4. CHAIR'S REPORT

Chair Rogers reported on the following:

- The Trust Policy Statement has not received First Reading but has been received by the Trust Council and referred out to agencies, including the Galiano LTC;
- Efforts are underway to develop a new engagement strategy concerning the Trust Policy Statement in response to concerns raised by members of the public who do not feel like they were properly engaged in previous discussions; and
- Efforts are being made by Islands Trust to provide an option to LTC for a hybrid model that allows for meeting both electronically and in-person.

5. TOWN HALL AND QUESTIONS

Town hall was held and the following comments were made:

- Trustees were urged to consider classifying the proposed zoning and land use designation for the Crystal Mountain Society (CMS) property as Economic Activity;
- There should be no groundwater use on the Crystal Mountain property;
- First Nations, including Lelum Sar Augh Ta Naogh, should be more thoroughly consulted in regards to the Crystal Mountain application;
- Concern was expressed that the proposed rezoning will restrict public access to Crown land on DL87;
- Concern was expressed that the proposed rezoning might lead to the creation of a luxury spa;
- Concern was expressed about the precedent that may be set if the CMS application proceeds as proposed, particularly regarding density on a forest lot;
- Support was expressed for adding another use to the Community Facilities section of the Official Community Plan as currently proposed (OCP);
- Trustees were asked to consider broadening the “spiritual education” zoning proposed for CMS to “non-profit education” or “educational retreat;”
- The minutes from the June Community Information Meeting (CIM) related to the CMS application do not accurately reflect the reasoning put forward for moving the proposed rezoning to Economic Activity;
- Thanks was given to Islands Trust Freshwater Specialist William Shulba for the recent CIM in which he described groundwater as a “unique amenity” that ought to be protected;
- Support was expressed for meeting in person instead of electronically; and
- The LTC has not yet seen a plan related to funding received by the Islands Trust from the Local Government Development Approvals Program to improve processes related to affordable housing applications.

Trustee Wolverton recused herself from the meeting at 1:35 pm due to conflict of interest with GL-RZ-2019.1 Gulf Islands Galisle Affordable Rental Housing Society (GIGARHS). The following comments were made:

- Support was expressed for an independent fire risk assessment from a professional forester for the GIGARHS application;
- The Planner has had ongoing correspondence with South Galiano Volunteer Fire Department Chief Sugden, who has access to all material related to the GIGARHS application;
- A professional report by a qualified forester should be part of the approval process; and
- Trustees were asked to request that GIGARHS applicants present a detailed business plan before the application proceeds.

Trustee Wolverton returned to the meeting at 1:49 pm.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated July 5, 2021 (for Adoption)

By general consent the Local Trust Committee meeting minutes of July 5, 2021 were adopted.

8.2 Section 26 Resolutions Without Meeting Report - None

8.3 Advisory Planning Commission Minutes Dated July 27, 2021 (for Receipt)

9. BUSINESS ARISING FROM MINUTES

9.1 Follow-up Action List Dated August 2021

10. DELEGATIONS

10.1 Galiano EcoForestry Association (GEFA)

A delegation, including Bowie Keefer and Karen Harris, introduced the Galiano EcoForestry Association (GEFA) to the LTC and described its aim to provide leadership and education on environmentally sensitive forest management practices and actions to increase fire mitigation.

11. CORRESPONDENCE

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

12. MEETING BREAK - COMMUNITY UPDATE – A break was deferred until after Item 13.5.

13. APPLICATIONS AND REFERRALS

Item 13.5 GL-DP-2021.1 (Orlitzky) was moved to the top of the Applications List.

13.5 GL-DP-2021.1 (Orlitzky) - Staff Report

Planner Testemale provided an update on the Staff Report related to GL-DP-2021.1 (Orlitzky).

GL-2021-067

It was Moved and Seconded

that the Galiano Island Local Trust Committee amend Development Permit GL-DP-2021.1 (Orlitzky) as specified in Attachment 3 to the staff report dated September 7, 2021.

CARRIED

GL-2021-068

It was Moved and Seconded

that the Galiano Island Local Trust Committee approve issuance of Development Permit GL-DP-2021.1 (Orlitzky) as amended.

CARRIED

A break was held between 2:23 and 2:33 pm.

13.1 GL-RZ-2014.1 (Crystal Mountain) - Staff Report

Planner Smith reviewed the staff report regarding GL-RZ-2014.1 (Crystal Mountain) and provided an update on the application. Discussion was held and the following comments were made:

- A covenant would define which areas of CMS land can be developed;
- Any development on the upper ridge would be restricted by covenant until proof of water can be demonstrated;
- Section 5.5 of the OCP states that subdivision of land requires a development permit (DP) when it occurs within The Sensitive Ecosystem development permit area (DPA);
- A DP is necessary if this application proceeds, and another would be necessary if CMS wants to undertake any development in DP areas in the future;
- The CMS area is in the highest rainfall area on the island with the highest recharge potential, but the water budget shows a high number of wells in the region;
- A monitoring well is considered a community amenity in the OCP and would be of benefit to both the Trincomali and Spanish Hill groundwater regions;
- A 12-hour pump test was completed in October 2015; and

- The CMS property is not in the water management area.

The applicants were invited to address questions from the LTC and the following comments were made:

- A designated monitoring well is part of the application;
- Rainwater catchment is part of the water management plan for both the upper and lower portions of the property;
- CMS has proposed further forest protection within its share of the property;
- A typical retreat has a mix of people who are both new and experienced to the spiritual education offered by CMS;
- CMS is open to anyone who is looking for a spiritual path;
- “Retreat users” could be defined in the Land Use Bylaw (LUB); and
- CMS has provided a parking plan to provide for 25 spots.

Discussion followed among the Trustees and the following comments were made:

- Whoever takes on the land would be restricted to both the bylaw and the covenant in terms of what they can and cannot do;
- There is a lot of work yet to be done on this application before a Public Hearing can be scheduled; and
- Another CIM is needed to discuss the water management plan, the Section 219 Covenant and the position of the Capital Regional District (CRD) on emergency access.

A five minute break was held from 3:55 pm to 4:00 pm. Discussion continued and the following comments were made:

- Bylaws can still be amended after they are read a first time; and
- Zoning the property under Community Facility seems appropriate as it fits better with the Millard Learning Centre (MLC), Galiano Island Film and Television School and churches than it would with commercial businesses.

GL-2021-069

It was Moved and Seconded,

that the Galiano Island Local Trust Committee amend Bylaw No. 257 to update the numbering in section 8.7 and to amend the parking requirements in 8.7.12 to provide one parking space per hut or tent platform.

CARRIED

GL-2021-070

It was Moved and Seconded,

that the Galiano Island Local Trust Committee amend Bylaw No. 257 Section 2.2 and Section 8.7 to read “Crystal Mountain Spiritual Education Zone.”

CARRIED

GL-2021-071

It was Moved and Seconded,

that the Galiano Island Local Trust Committee ask staff to investigate Section 1(d) of Bylaw No. 256 and give recommendations as to whether it is lawful.

CARRIED

GL-2021-072

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw No. 256, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2016," be read a first time as amended.

CARRIED

GL-2021-073

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw No. 257, cited as "Galiano Island Land Use Bylaw 127, 1999, Amendment No. 1, 2016" be read a first time as amended.

CARRIED

GL-2021-074

It was Moved and Seconded,

that the Galiano Island Local Trust Committee ask staff to investigate the possibility of maintaining a percentage of forest cover by covenant as part of GL-RZ-2014.1.

CARRIED

It was Moved and Seconded that the Galiano Island Local Trust Committee request that the applicants put a data logger into the source well starting as soon as possible into the indefinite future.

The motion was amended to note that the data be summarized by a professional hydrogeologist following the recharge period. Discussion was held about how to frame a resolution that clearly describes the information that the LTC expects and by when it is expected.

It was Moved and Seconded that the Galiano Island Local Trust Committee request that the applicants put a data logger into the source well starting as soon as possible into the indefinite future and to report upon recharge of the aquifer by January 2022.

The motion was amended again to note that the report must be done by a professional hydrogeologist.

GL-2021-075

It was Moved and Seconded,

that the Galiano Island Local Trust Committee request that GL-RZ-2014.1 applicants put a data logger into the source well starting as soon as possible into the indefinite future and to report, by a professional hydrogeologist, upon recharge of the aquifer by January 2022.

CARRIED

Discussion was held about how best to define “retreat user.”

GL-2021-076

It was Moved and Seconded

that the Galiano Island Local Trust Committee request that staff draft a definition of “retreat user” consistent with considerations raised in discussion about GL-RZ-2014.1 at this meeting.

CARRIED

GL-2021-077

It was Moved and Seconded

that the Galiano Island Local Trust Committee direct GL-RZ-2014.1 applicants to draft a suitably worded Land Title Act Section 219 covenant that reflects the required conditions of rezoning prior to the public hearing.

CARRIED

GL-2021-078

It was Moved and Seconded

that the Galiano Island Local Trust Committee direct GL-RZ-2014.1 applicants to register an emergency access right of way that is acceptable to the Capital Regional District prior to the public hearing.

CARRIED

13.2 GL-RZ-2019.2 (Gauvreau) - Staff Report

Planner Smith reviewed the staff report related to GL-RZ-2019.2 (Gauvreau).

GL-2021-079

It was Moved and Seconded

that the Galiano Island Local Trust Committee Bylaw No. 271, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2019”, be read a third time.

CARRIED

GL-2021-080

It was Moved and Seconded

that the Galiano Island Local Trust Committee Bylaw No. 271 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

CARRIED

13.3 GL-RZ-2021.1 (GALI) - Staff Memo

Trustee Rockafella recused herself from the meeting at 4:40 pm due to conflict of interest with GL-RZ-2021.1 (GALI).

Planner Smith reviewed the staff memo and provided an update on the GALI application.

Discussion was held and the following comments were made:

- At the October CIM, the applicants will provide an overview of the draft bylaws and professionals will be on hand to speak to ecological and water assessment work;
- The applicants have had a data logger in since June, and are seeking guidance as to when a reading should be done to capture the recharge rate; and
- The applicants have been in discussion with engineers about using permeable asphalt.

13.4 GL-RZ-2019.1 (GIGARHS) Staff Memo

Trustee Wolverton recused herself from the meeting at 5:00 pm due to conflict of interest with GL-RZ-2019.1 (GIGARHS). Trustee Rockafella returned to the meeting at 5:00 pm.

GL-2021-081

It was Moved and Seconded

that the Galiano Island Local Trust Committee request that the GL-RZ-2019.1 (GIGARHS) applicants provide a report from a professional hydrogeologist to summarize the results from data logger tracking from June 2021 to January 2022.

CARRIED

Discussion was held and the following comments were made:

- A housing agreement will need to be at least nearing completion before a public hearing is held; and
- The LTC will need to see what is being proposed in a Section 219 Covenant.

13.6 Trust Council Policy Statement Bylaw No. 183 Referral

Trustee Wolverton returned to the meeting at 5:12 pm.

Comments were made about determining how to engage the Galiano community in updating the Trust Council Policy Statement.

13.7 Gambier Island Local Trust Committee Referral for Proposed Bylaws No. 153 and 154

GL-2021-082

It was Moved and Seconded

that the Galiano Island Local Trust Committee respond to referrals listed in Items 13.7, 13.8 and 13.9 to note its interests are unaffected.

CARRIED

13.8 Salt Spring Island Local Trust Committee Referral for Proposed Bylaws No. 504 and 505

Interests unaffected - See Resolution GL-2021-82 above

13.9 Salt Spring Island Local Trust Committee Referral for Proposed Bylaws No. 523 and 524

Interests unaffected - See Resolution GL-2021-82 above

14. LOCAL TRUST COMMITTEE PROJECTS

NOTE: As time ran out for the meeting, all remaining matters were deferred to the LTC meeting scheduled for October 4, 2021.

15. REPORTS - DEFERRED

15.1 Work Program Reports

15.1.1 Top Priorities Report Dated August 2021

15.1.2 Projects List Report Dated August 2021

15.1.2.1 Review of LUB tiny home/trailer regulations, maximum house sizes and lot coverage - Discussion

15.2 Applications Report Dated August 2021

15.3 Trustee and Local Expense Report Dated June 2021

- 15.4 **Adopted Policies and Standing Resolutions**
- 15.5 **Local Trust Committee Webpage**
- 15.6 **Islands Trust Conservancy Report Dated July 2021**
- 16. **NEW BUSINESS - DEFERRED**
 - 16.1 **Ministry Response - Galiano Island Mines Act application_0800175-2021-01**
- 17. **UPCOMING MEETINGS**
 - 17.1 **Next Regular Meeting Scheduled for October 4, 2021 at the South Community Hall, Galiano Island**
- 18. **TOWN HALL**
- 19. **CLOSED MEETING**
 - None
- 20. **ADJOURNMENT**
 - By general consent** the meeting was adjourned at 5:15 pm.

Dan Rogers, Chair

Certified Correct:

Carly Bilney, Recorder



Resolutions Without Meetings Log

Galiano Island

Resolution Number	Action	Date
2021-003	Carried	22-Sep-2021
That the Galiano Island Local Trust Committee request staff to reschedule the October 2, 2021 in person Community Information Meeting for application GL-RZ-2021.1 (GALI) to October 23, 2021 to be held electronically.		



DRAFT



**Galiano Island
Advisory Planning Commission
Minutes**

Date: September 15, 2021 @ 4:30 p.m.
Location: Electronic via Zoom

Members Present: Patrick Ramsay (Chair)
Al De Genova
Robert Matson
Laurene Stefanyk

Recused: Karen Harris and Dave Koster

Regrets: Robin Paterson

Members of the Public: No members of the public were present.

Staff Present: Carly Bilney (Recorder)

1. CALL TO ORDER

Chair Ramsay called the meeting to order at 4:30 pm. He acknowledged that the meeting was being held in the unceded territories of the Coast Salish Peoples.

2. APPROVAL OF THE AGENDA

By general consent, the agenda was approved as presented.

3. MINUTES OF JULY 27, 2021 FOR ADOPTION

It was Moved and Seconded,
that the Galiano Advisory Planning Commission minutes of July 27, 2021 be adopted as presented.

CARRIED

DRAFT

4. CONSIDERATION OF APC REFERRAL PACKAGE & MEMO RE. GL-2021-039 (GALI)

Discussion was held about responses received by Islands Trust Planner Brad Smith to questions arising from the last meeting of the Advisory Planning Commission (APC).

The following comments were made regarding trees on the subject property:

- It may be a good idea to request that an arborist's report be included with the application given the significant trees in the location and their proximity to proposed building sites;
- Concern was expressed about adding another layer of expense to the application, particularly given that trees were already discussed in the biologist's report;
- The APC might recommend that an arborist's report could be beneficial; and
- Ensuring safety and ecological integrity is a priority.

It was Moved and Seconded,

that the Galiano Advisory Planning Commission recommend that an arborist's report be part of the submission for the application.

CARRIED

Chair Ramsay reviewed correspondence received by the APC and discussion was held about water considerations with respect to the application. The following comments were made:

- The inclusion of a water catchment system is important, particularly considering climate change, and would not be prohibitive to the applicants;
- Water has been looked at with very careful, thorough consideration by the applicants who have done incredible due diligence in getting expert opinion;
- The report by professional hydrogeologist Al Kohut shows that the water quality is good and in an area that has low to medium density;
- An integrated catchment system could be used in an unforeseen scenario, such as a well going dry, and would ultimately be beneficial to the community; and
- Even though water catchment is not supposed to be used for potable water, having the system in place would serve to address long-term concerns that may arise.

Recognizing all the hard work that has been done, members of the APC discussed whether an integrated catchment system for long-term use would be beneficial even if only kept on standby to protect from worst case scenarios.

It was Moved and Seconded,

that the Galiano Advisory Planning Commission recommend that an integrated water catchment system be considered by the applicant to mitigate any future water issues.

CARRIED

DRAFT

Discussion continued and the following comments were made:

- The science and knowledge related to groundwater shared by William Shulba and other water experts is very impressive and science-based researchers would not support applications that were not good for the community;
- The applicants did an exceptional job explaining the application when members of the APC toured the property;
- Concern was expressed that there may not have been sufficient engagement with First Nations at the beginning of the application process;
- Comments were made that the applicants have engaged with First Nations and providing affordable housing to the local First Nations population is a priority; and
- Support was given for recognizing that the APC would like to continue to build upon better engagement with First Nations in the long-term.

Chair Ramsay reviewed Bylaw No. 280 – a bylaw to amend Galiano Island Land Use Bylaw No. 127, 1999.

It was Moved and Seconded,

that the Galiano Advisory Planning Commission recommend that the Local Trust Committee accept Bylaw No. 280 (a bylaw to amend Galiano Island Land Use Bylaw No. 127, 1999) as written.

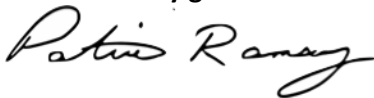
CARRIED

5. Next meeting and date

On behalf of the APC, Chair Ramsay will summarize the discussion in a final report to the LTC.

6. ADJOURNMENT

By general consent the meeting was adjourned at 5:25pm.



CHAIR

DATE

CERTIFIED CORRECT:

Carly Bilney, Recording Secretary



Galiano Island Advisory Planning Commission

To: The Galiano Island Local Trust Committee (LTC)
Regarding: Application GL-2021-039

September 16, 2021

The Galiano Advisory Planning Commission (APC) started with a comprehensive site tour of application number **GL-2021-039 (GALI)** on July 27, 2021. We followed up with a meeting later that day and another meeting on September 15, 2021. Two of our members recused themselves and 1 was unable to attend meetings.

Overall we were very impressed with the application and work the Planning Department has put into this application. There are three points we would like to expand upon:

1. Water

In some of the advocacy letters sent to the LTC, the one overarching concern was with regards to water. It is our recommendation that a full water catchment system be considered and available in case there are issues down the road. We were very pleased to read the water reports presented and are not saying that we believe there is a problem in the quality of the work done thus far, this is just our way of saying, be prepared in the future in case there is a water shortage.

The inclusion of a water catchment system is important, particularly considering climate change, and would not be prohibitive to the applicants.

- Water has been looked at with very careful, thorough consideration by the applicants who have done incredible due diligence in getting expert opinion;
- The report by professional hydrogeologist Al Kohut shows that the water quality is good and in an area that has low to medium density;
- An integrated catchment system could be used in an unforeseen scenario, such as a well going dry, and would ultimately be beneficial to the community; and
- Even though water catchment is not supposed to be used for potable water, having the system in place would serve to address long-term concerns that may arise.

One member of the APC does not see the necessity of an integrated water catchment system.

Recognizing all the hard work that has been done, members of the APC discussed whether an integrated catchment system for long-term use would be beneficial even if only kept on standby to protect from worst case scenarios.

It was Moved and Seconded,

that the Galiano Advisory Planning Commission recommend that an integrated water catchment system be considered by the applicant to mitigate any future water issues.

CARRIED

2. Forest

The forested area within the building zone is comprised of some larger second growth trees. We understand that some will have to be removed for construction and we would like to ensure that the overall integrity of the forest is not compromised by the removal of some trees. Again we were very happy with all the reports presented and this is only a suggestion to the LTC.

- It may be a good idea to request that an arborist's report be included with the application given the significant trees in the location and their proximity to proposed building sites;
- Concern was expressed about adding another layer of expense to the application, particularly given that trees were already discussed in the biologist's report;
- The APC might recommend that an arborist's report could be beneficial; and
- Ensuring safety and ecological integrity is a priority.

One APC member does not think such a report is necessary and feels the ecological assessment report is sufficient.

It was Moved and Seconded,

that the Galiano Advisory Planning Commission recommend that an arborist's report be part of the submission for the application. **CARRIED**

3. Indigenous interaction

We assume that this application will be, or has been presented so that all groups can offer their opinions and thoughts.

- Concern was expressed that there may not have been sufficient engagement with First Nations at the beginning of the application process;
- Comments were made that the applicants have engaged with First Nations and providing affordable housing to the local First Nations population is a priority; and
- Support was given for recognizing that the APC would like to continue to build upon better engagement with First Nations in the long-term.

Our opinion is that modifications to Bylaw No. 127 are acceptable as presented in Bylaw No. 280 – a bylaw to amend Galiano Island Land Use Bylaw No. 127, 1999.

It was Moved and Seconded,

that the Galiano Advisory Planning Commission recommend that the Local Trust Committee accept Bylaw No. 280 (a bylaw to amend Galiano Island Land Use Bylaw No. 127, 1999) as written.

CARRIED

On behalf of the APC board, I would like to thank everyone for their attention to detail and diligence with regards to this application.

Sincerely, Patrick Ramsay

Follow Up Action Report

Galiano Island

01-Mar-2021

Activity	Responsibility	Dates	Status
1 GL-RZ-2019.1 (GIGARHS) - develop s 219 covenant for recommendations of ecological assessment, a 30 m tree buffer, water management plan, hydrogeological assessment recommendations, site plan and elevation drawings.	Brad Smith	Target: 19-Nov-2021	In Progress

12-Apr-2021

Activity	Responsibility	Dates	Status
1 14.1 GL-RZ-2014.1 (Crystal Mountain) Include ecological assessment recommendations in s 219 covenant	Brad Smith	Target: 19-Nov-2021	In Progress

05-Jul-2021

Activity	Responsibility	Dates	Status
1 13.4 GL-RZ-2019.1 (GALI) - Schedule CIM for Saturday Oct 2 on Galiano in-person (Done MH), undertake advertising and secure venue (Lions Hall or South Hall would be best)	Jas Chonk Sheree Rialp	Target: 30-Jul-2021	Completed
2 13.5 GL-RZ-2019.1 (GIGARHS) - include s. 219 covenant condition restricting groundwater use for irrigation purposes	Brad Smith	Target: 19-Nov-2021	In Progress
3 16.1 CRD Business Licensing - RPM to follow-up with resolution passed by LTC	Robert Kojima	Target: 30-Jul-2021	In Progress



Follow Up Action Report

Galiano Island

07-Sep-2021

Activity	Responsibility	Dates	Status
1 8.1 Local Trust Committee Minutes Dated July 5, 2021 adopted as presented.	Dionne LoForte	Target: 24-Sep-2021	Completed
2 13.5. GL-DP-2021.1 (Orlitzky) - DP approved, issue permit, set-up monitoring, close out file - hold issuance until security deposit received.	Jas Chonk Phil Testemale	Target: 24-Sep-2021	Completed
3 13.1. GL-RZ-2014.1 (Crystal Mountain) - BL 256/257 given 1st reading as amended - update in file and online with amendments	Brad Smith Jas Chonk	Target: 07-Sep-2021	Completed
4 13.2 GL-RZ-2019.2 (Gauvreau) - BL 271 given 3rd reading, update in files and online, send to Executive Committee for approval	Brad Smith Jas Chonk	Target: 24-Sep-2021	Completed
5 13.1 GL-RZ-2014.1 (Crystal Mountain) - staff to investigate Section 1(d) of Bylaw 256 and give recommendations regarding whether it is lawful and staff draft a definition of "retreat user" consistent with the consideration raised in LTC discussion.	Brad Smith	Target: 19-Nov-2021	In Progress
6 13.1 GL-RZ-2014.1 (Crystal Mountain) - staff to investigate the possibility of maintaining a percentage of forest cover by covenant.	Brad Smith	Target: 19-Nov-2021	In Progress
7 13.1 GL-RZ-2014.1 (Crystal Mountain) draft a suitably worded Land Title Act Section 219 covenant that reflects the required conditions of rezoning	Brad Smith	Target: 19-Nov-2021	In Progress

Follow Up Action Report

Galiano Island

07-Sep-2021

Activity	Responsibility	Dates	Status
8 13.7, 8, 9 - Respond to referrals in Items 13.7, 13.8 and 13.9 to note GL LTC interests are unaffected.	Jas Chonk	Target: 24-Sep-2021	Completed
9 16.1 New Business - Mines Letter deferred to Oct 4, meeting - add to draft agenda and agenda package	Jas Chonk	Target: 24-Sep-2021	Completed

From: Alastair Smith <[REDACTED]>
Sent: Wednesday, September 15, 2021 12:51 AM
To: Brad Smith
Cc: Robert Kojima; 'Bowie Keefer'; 'chief.ngvfd@gmail.com'; 'Victor Romagnoli'
Subject: RE: Smith/Romagnoli for GEFA Covenant/F3 Rezoning: REPLY

Hi Brad,

Thanks for the update.

Our understanding is that GEFA is currently in the process of obtaining the necessary authorizations for holding covenants, and will soon be in a position to hold the covenant as required for our rezoning process. We are in touch with GEFA and fully support their efforts. With this new option, we feel that it makes good sense to allow our file to remain open so that we can finally see this process through to its completion. We enthusiastically and emphatically want to proceed on this path to our land's F3 rezoning with GEFA's involvement and ask that an extension be granted in order for this to be possible. It seems reasonable, under the circumstances, to keep the file open, allowing for these positive recent developments fully to unfold. For us, it would be discouraging, at this point, if the file were to be closed when we are so near to a solution which we heartily endorse.

Please could you pass this message on to the Galiano LTC?

Thank you, Brad, for all your efforts. We appreciate them very much, along with the efforts and consideration of all those involved, especially the local trustees who, of course, have the island's best interests in mind, which is crucial for Galiano's continued wellbeing. We look forward to being fully part of the community one day very soon and participating in the productive projects that are currently underway on Galiano, as well as new ones in the works.

All the very best, Alastair and Victor



Top Priorities Report

Galiano Island

1. Affordable Housing Strategy - STVR Review

Responsible

Dates

Phase 1: STVR review: public hearing in February 2021

Brad Smith

Rec'd: 04-Mar-2019
Target: 31-Mar-2021

2. Groundwater Sustainability

Responsible

Dates

Phase 1 and 2: mapping and data analysis - COMPLETING SPRING 2021

Phase 3: Implement of mapping and data analysis

- Project Charter - February 2021

Narrisa Chadwick

William Shulba

Rec'd: 02-Apr-2019
Target: 30-Sep-2022

3. Land Use Bylaw amendments

Responsible

Dates

To review LUB for: any technical/administrative bylaw amendments (e.g. definition references and numbering), shoreline zoning wording, crown lot rezonings, and review park zoning (specifically to allow stairs in setbacks).

LTC review in early 2021, public hearing in spring 2021

Brad Smith

Rec'd: 28-Apr-2020
Target: 31-Mar-2021



Projects Report

Galiano Island

1. *Parking Issues*

Responsible

Date Received

Issue for discussion with MoTI and public parking issues generated from associated islands.

23-Jul-2012

(see correspondence from P. Midgely on agenda of Apr/12)

2. *Light Industrial Zoning*

Responsible

Date Received

A review and inventory assessment of existing and potential light industrial zones.

18-Nov-2013

3. *Coastal Douglas-Fir Protection*

Responsible

Date Received

Review 'Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)' and provide recommendations from toolkit.

04-Feb-2019

- LPC is intending to develop a model bylaw in 2021-22.

Include review the Contiguous Forest Mapping in the Islands Trust Area Report.

4. *Cannabis Retail and production*

Responsible

Date Received

Consider review of policies and regulations to address cannabis retail sales and production

05-Mar-2019

5. *Dock review*

Responsible

Date Received

To review policies and regulations relating to private moorage, including suitable locations, siting and size, and incorporating First Nations sites

02-Apr-2019



Projects Report

Galiano Island

6. *Emergency Access Planning*

Responsible

Date Received

Follow-up from CRD emergency planning process - include consideration of developing driveway guidelines for emergency access within land use bylaw

02-Apr-2019

7. *Review of forestry land designations, policies and community benefit approaches*

Responsible

Date Received

Project represents a consolidation of a number of previously identified projects with a similar theme related to forestry zoning on Galiano Island. Project scope within previous projects included: current and potential future approaches to community benefit agreements, use of split zoning, F1 forest lot issues, issues regarding lands without managed forest status, amendments to re-designate and rezone crown owned Forest lots (Bylaws 231, 232 at First Reading)

03-Feb-2020

8. *Review of Road Network Plan*

Responsible

Date Received

Review of Road Network Plan - include December 11th APC memo in review process - meet with MOTI

02-Mar-2020

9. *Review of LUB tiny home/trailer regulations, maximum house sizes and lot coverage*

Responsible

Date Received

01-Jun-2021

10. *Review of LUB water management and cistern regulations*

Responsible

Date Received

02-Nov-2020

Projects Report

Galiano Island

11. *Revisit rezoning of DL 87*

Responsible

Date Received

12-Apr-2021



Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2021.1	ORLITZKY, ROXANNE	06-Jan-2021	743 Georgeson Bay Road - Application for a DP for development in a sensitive ecosystem DPA

Planner: Phil Testemale

Planning Status

Status Date: 22-Sep-2021
security deposit received, RPM notified - DL

Status Date: 14-Sep-2021
E-transfer instructions sent via email to applicant for security deposit - DL

Status Date: 09-Sep-2021
Letter drafted for security and sent to PTA

File Number	Applicant Name	Date Received	Purpose
GL-DP-2021.3	Ted Murray/Ted Murray Architect Inc.	22-Jun-2021	309 MONTAGUE PARK RD - Application for a DP for development in a 2-shoreline and marine DPA encroachment

Planner: Brad Smith

Planning Status

Status Date: 31-Aug-2021
Planner provided detailed comments to applicant re next steps - applicant requires biologists report for DPA 2 incursion

Status Date: 11-Aug-2021
Planner conducted site visit and discussed proposal with property owner

Status Date: 07-Jul-2021
Created and sent payt recd ltr to Applicant, emailed AppPkg to LTC; created physical folder. - SR



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2021.4	Gerald Longson Architect AIBC	13-Aug-2021	160 MONTAGUE RD - application for a DP for development in a commercial form and character DPA, x-ref GL-DVP-2021.9

Planner: Brad Smith

Planning Status

Status Date: 04-Oct-2021

Site visit scheduled for Oct 4, 2021

Status Date: 30-Aug-2021

Planner to schedule a site visit for early September

Status Date: 24-Aug-2021

BC Cont Site Disclosure Statement received - DL

File Number	Applicant Name	Date Received	Purpose
GL-DP-2021.5	Neave O'Shaughnessy	17-Aug-2021	835 STURDIES BAY RD - application for a DP for development in a sensitive ecosystem DPA

Planner: Phil Testemale

Planning Status

Status Date: 27-Sep-2021

E-mail request to applicant for Biologist's report requirement.

Status Date: 31-Aug-2021

Planner to schedule a site visit in September

Status Date: 23-Aug-2021

Reviewed by RPM, assigned to Phil T, payment received/chance-find LTR sent to applicant, LTC emailed - DL

**Development Variance Permit**

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2021.5	Ted Murray/Ted Murray Architect Inc.	22-Jun-2021	309 MONTAGUE PARK RD - Application for a variance for siting of a new deck in a rear yard setback
Planner: Brad Smith			
Planning Status			
<u>Status Date:</u> 11-Aug-2021 Planner conducted site visit and discussed proposal with property owner			
<u>Status Date:</u> 07-Jul-2021 Created and sent payt recd ltr to Applicant, emailed AppPkg to LTC; created physical folder. - SR			
<u>Status Date:</u> 05-Jul-2021 RPM assigned Planner. - SRialp			

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2021.6	Terry Ingram	28-Jun-2021	1665 Sturdies Bay Rd - application for variance relaxations on a septic field
Planner: Phil Testemale			
Planning Status			
<u>Status Date:</u> 27-Sep-2021 Deferred to November 8, 2021 LTC agenda			
<u>Status Date:</u> 19-Aug-2021 Application deferred to October 4 agenda. Require information from engineer and possible renotification			
<u>Status Date:</u> 11-Aug-2021 Island Planner conducted site visit and took photos			



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2021.7	Gerald Longson Architect AIBC	29-Jun-2021	401 SHOPLAND RD - convert the existing two vehicle bay, workshop and sleeping loft into a cottage all within the structure of the existing building

Planner: Phil Testemale

Planning Status

Status Date: 14-Sep-2021

Owners requested deferral. Removed from Oct. 4 agenda

Status Date: 07-Sep-2021

Planner communicated to applicant non-support from staff for current proposal.

Status Date: 11-Aug-2021

Island Planner conducted site visit and discussed proposal with property owner and architect

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2021.8	Neave O'Shaughnessy	27-Jul-2021	835 STURDIES BAY RD - application for the siting of a water supply line along the BC hydro easement.

Planner: Phil Testemale

Planning Status

Status Date: 08-Sep-2021

Contaminated Site Disclosure Statement rec'd - DL

Status Date: 23-Aug-2021

Reviewed by RPM, assigned to Phil T, payment received/chance-find LTR sent to applicant, LTC emailed - DL

Status Date: 13-Aug-2021

cheques received via Canada Post -DL



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2021.9	Gerald Longson Architect AIBC Planner: Brad Smith	13-Aug-2021	160 MONTAGUE RD - Application for a variance for siting of a front entry and HC lift in the front and side yard setbacks
Planning Status			
Status Date: 27-Sep-2021 Site visit scheduled for Oct 4, 2021			
Status Date: 25-Aug-2021 updated site plans sent, added to application package -DL			
Status Date: 19-Aug-2021 Assigned to planner Brad Smith, applicant emailed payment received letter and chance find archeological docs. LTC emailed - DL			

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2005.2	Romagnoli Planner: Brad Smith	21-Mar-2005	Application to amend the LUB to rezone from F1 to F3 - Bylaw 210
Planning Status			
Status Date: 27-Sep-2021 Email update from applicant on Oct 4 LTC agenda			
Status Date: 31-Aug-2021 Applicant still seeking covenant holder - update to be provided at October meeting			
Status Date: 01-Jun-2021 LTC has given applicants until Sept 30, 2021 to come to suitable terms on a covenant or application will be closed			



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2014.1	Crystal Mountain Society	28-Oct-2014	20300 PORLIER PASS RD: Application for rezoning to amend the OCP and LUB to allow for a Forest Retreat Centre - Bylaws 256 (OCP) and 257 (LUB)

Planner: Brad Smith

Planning Status

Status Date: 27-Sep-2021

Planner working on covenant, applicant working on installing data logger

Status Date: 31-Aug-2021

Application on Sep 7 agenda

Status Date: 14-Jun-2021

Community Information Meeting completed via Zoom on June 14, 2021

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2019.1	GIGAHRs	11-Sep-2019	Georgia View Rd: rezoning application for to amend the OCP and LUB to permit an affordable housing development - Bylaws 276, (OCP), 277 (LUB), 274 (Housing Agreement)

Planner: Brad Smith

Planning Status

Status Date: 27-Sep-2021

Planner working on covenant language - legal review of housing agreement still ongoing

Status Date: 30-Aug-2021

Applicant submitted updated Water Management Plan

Status Date: 24-Jun-2021

Planner met with applicant to review housing agreement



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2019.2	Gauvreau, Lisa	01-Oct-2019	Application to amend the LUB rezone to commercial - Bylaw 271 (LUB)

Planner: Brad Smith

Planning Status

Status Date: 27-Sep-2021

Amending bylaw given 3rd reading by LTC Sep 7, on October 6th Executive Committee for approval prior to LTC consideration of 4th reading adoption

Status Date: 31-Aug-2021

Application on Sep 7, 2021 agenda

Status Date: 10-Aug-2021

Island Planner met with project manager to review project status/next steps

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2020.1	KING, FRED & DEBBIE	27-Oct-2020	51 Galiano Way - Application for rezoning to amend the OCP to permit residential use - Bylaw 279 (LUB)

Planner: Brad Smith

Planning Status

Status Date: 31-Aug-2021

Planner to contact applicant for status update

Status Date: 22-Jun-2021

Applicant working on TOR items - no clear timeline for coming back to LTC

Status Date: 09-Mar-2021

Planner conducted site visit with applicant



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2021.1	New Commons Development	08-Mar-2021	409 Porlier Pass Road - Application for rezoning to amend the LUB to permit an affordable housing development with a total of 20 units (within 4 buildings). Bylaw 280 (LUB)

Planner: Brad Smith

Planning Status

Status Date: 27-Sep-2021

Staff working on covenant language

Status Date: 31-Aug-2021

Staff memo on Sept 7 agenda

Status Date: 05-Aug-2021

Island Planner and freshwater specialist met with applicant to review updated water management plan

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2021.2	Andy Gaylor of McElhanney Ltd.	16-Aug-2021	COOK RD - application for rezoning to emend the OCP and LUB to permit a rezoning from F1 to create an F3 zoned parcel, two 2.0 hectare Rural Residential-zoned parcels, and 12+ ha of parkland and road dedication. And to allow a small enclosed sawmill in proposed F3 zoned area.

Planner: Brad Smith

Planning Status

Status Date: 31-Aug-2021

Planner to provide TOR to applicant in September

Status Date: 26-Aug-2021

reviewed by RPM, assigned to Brad, requested applicant to send and unlocked version of their Title Certificate. -DL

Status Date: 25-Aug-2021

payment received, GIS and RPM emailed -DL



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2020.1	Mitchell, Glen	19-Dec-2019	GIGHARS - Proposed two lot conventional subdivision referral of Lot 1 District Lots 30 and 31

Planner: Brad Smith

Planning Status

Status Date: 18-May-2021

Applicant has received preliminary conditions approval letter from MOTI - subdivision subject to successful rezoning

Status Date: 19-Feb-2021

Applicant working on referral report items

Status Date: 15-Dec-2020

Referral report reviewed with applicant

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2021.1	Lawrence Waterfall	09-Jul-2021	350 MARY ANN POINT RD - Referral of a subdivision application for 3 new lots

Planner: Phil Testemale

Planning Status

Status Date: 17-Sep-2021

Terms of Reference for Hydrogeologist's proof of potable water sent to applicant.

Status Date: 10-Sep-2021

Revised response for updated plan (park dedication removed - 2021-08-08) sent to MoTI. cc'd to LTC, CRD, GIPRC and Freshwater Specialist

Status Date: 19-Aug-2021

Revised subdivision layout plan received

Islands Trust
 LTC EXP SUMMARY REPORT F2022
 Invoices posted to Month ending July 2021

625 Galiano	Invoices posted to Month ending July 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	331.00	99.55	231.45
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	4,771.00	1,367.85	3,403.15
65210-625	LTC - Local Exp - APC Meeting Expenses	370.00	798.84	-428.84
65220-625	LTC - Local Exp - Communications	250.00	815.41	-565.41
65230-625	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>5,685.00</u>	<u>2,982.10</u>	<u>2,702.90</u>
Projects				
73001-625-2002	Galiano OCP/LUB	1,500.00	1,106.97	393.03
73001-625-4114	Galiano Groundwater Strategy Implementation	2,500.00	0.00	2,500.00
TOTAL Project Expenses		<u>4,000.00</u>	<u>1,106.97</u>	<u>2,893.03</u>

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2020-042 (Standing)	Carried	08-Sep-2020
That the Galiano Island Local Trust Committee request that development permit applications where a variance is requested be processed as a combined application with both a development permit and a development variance permit.		
2020-041 (Standing)	Carried	06-Jul-2020
that the Galiano Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and that staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee; bylaw enforcement actions, including the issuing of notices, will continue. d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.		

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2020-013 (Standing) that the Galiano Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.	Carried	03-Feb-2020
2019-057 (Standing) that the Galiano Island Local Trust Committee initiate a moratorium on new TUP applications until the STVR project is completed and that bylaw enforcement is directed to require that unlawful STVRs comply with the land use bylaw.	Rescinded	08-Jul-2019
2019-053 (Standing) that the Local Trust Committee seek to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite First Nations to attend meetings; as well as, provide a traditional welcome to their territory if they would like; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.	Carried	03-Jun-2019



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2019-014 (Standing)	Carried	04-Mar-2019
that the Galiano Local Trust Committee adopt the following standing resolution with respect to the processing of non-medicinal cannabis retail license applications: - Proposed or amended licenses for non-medicinal cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.		
2018-064 (Standing)	Carried	04-Jun-2018
that the Galiano Island Local Trust Committee endorses the Telecommunication strategy Project Charter dated June 22, 2016		



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2016-000 (Standing) Without fettering its discretion, the LTC provided the following guidance with respect to its consideration of TUP applications for Commercial Vacation Rentals: 1. A Commercial Vacation Rental use should only be considered in one dwelling per lot 2. Permits being considered in Water Management Areas should include conditions requiring cisterns with a minimum capacity of 16,000 litres and a water meter. 3. In order to assist in assessing cumulative impacts, staff are requested to continue to provide an updated map showing the location, status, and maximum number of guests of all Commercial Vacation Rental TUP applications.	Rescinded	05-Dec-2016
2014-029 (Standing) 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.	Carried	07-Apr-2014
2014-000 (Standing) 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.	Carried	03-Feb-2014

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2011-205 (Standing) 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.	Carried	17-Oct-2011
2010-115 (Standing) That the Galiano Island Local Trust Committee will advertise Public Hearing Notices in the Active Page Magazine in addition to the legally required advertising in the Driftwood Newspaper.	Carried	18-Oct-2010
2009-085 (Standing) That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment	Carried	11-May-2009



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY AUGUST 24, 2021 BOARD SPECIAL MEETING (OPEN PORTION)

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) Board thanked Donald Clarke for his service as an appointed member of the ITC Board from August 2019 to August 2021. Don Clarke is a member of the Black River First Nation, and has spent over 25 years working in over 50 First Nations communities (throughout Western Canada) in the area of political advising, negotiations, administration, education, capacity building, strategic planning, Treaty rights, and in strengthening of local, economic and cultural development. His expertise provided important insights to Board decision-making and he will be missed.
- The Minister of Municipal Affairs has reappointed Linda Adams to the ITC Board for a term ending in August 2023. Linda Adams has served on the Board since August 2018. She is an educator, land use planner, local government consultant and the former Chief Administrative Officer (CAO) of Islands Trust. Linda is currently on the faculty of Capilano University's School of Public Administration, where she coordinates a course for Chief Administrative Officers in BC local governments.
- The ITC Board thanked Devin Hentschel for his work as the ITC Conservation Technician. Devin joined ITC as a summer co-op student and assisted the ITC with annual property monitoring, restoration projects and the Species at Risk Program. Devin is returning to study Biology at the University of Victoria.
- The ITC Board thanked Erin Coulson for her work with ITC as a part-time Communications Specialist. Erin assisted with the ITC Annual Report, the Heron Newsletter and with issuing ITC News Releases and she will be missed.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board received and approved its audited financial statements. These are available at islandstrust.bc.ca/about-us/accountability/finance/
- The Minister of Municipal Affairs will be posting a notice of position for a vacant seat at the ITC Board. Staff will circulate the notice of position to trustees and the Bowen Island Municipality and will post it to the Islands Trust website at islandstrust.bc.ca/whats-happening/expressions-of-interest/.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board considered land conservation proposals in the in camera portion of its meeting.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board reviewed the Sidney Island Ecological Restoration Project Plan, including the Sidney Island Forest Restoration Strategy and Fallow Deer Eradication on Sidney Island. The Sidney Island Ecological Restoration Project is a joint project with First Nations, Parks Canada, the Province of BC and the Sallia Forest Strata. More information about the project is available at pc.gc.ca/en/agence-agency/bib-lib/rapports-reports/core-2018/ouest-west/ouest-west11
- The ITC Board approved Property Management Fund Guidelines. These guidelines will provide direction for use of the Property Management Fund

5. COMMUNICATIONS AND OUTREACH

- The 2020/2021 Annual Report process has been completed and the final report will be posted to the website at islandstrust.bc.ca/about-us/accountability/annual-report/ shortly.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- There were no updates regarding fundraising and conservancy support, but those interested in donating to ongoing Conservancy campaigns can find information at islandstrust.bc.ca/conservancy/current-campaigns/
- Islands Trust Conservancy is now participating in the Willpower campaign. Information about gifts in your will can be found at willpower.ca/charities/islands-trust-conservancy/

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)



August 03, 2021

File: 14675-20-0800175

Mr. Brad Bowcott,
Galiano Excavating Ltd.

Galiano Island BC V0N1P0

Via email to:

ATTENTION: Mr. Brad Bowcott, Galiano Excavating Ltd.

Re: Application for *Mines Act* Permit – Mine Number 0800175
Property: 1128 Montague Harbour Rd, Galiano Island (DL12)

This letter serves as formal notice that the Notice of Work and Reclamation application dated January 19, 2021 for the above noted property has been discontinued for the proposed project.

I have reviewed information regarding the application (Application) for a *Mines Act* permit at 1128 Montague Harbour Road at the southern end of Galiano Island (the Property, also described as PID 023-531-975, Lot 1, DL 12, Galiano Island, Cowichan District, Plan VIP63916). The Property and surrounding property lines are shown in Figure 1. (Reference of a Covenant over Parts of DL 12, Galiano Island, dated March 1996).

The Application area at the south part of the Property is shown in Figure 2. (Plan Showing Proposed Gravel Quarry). This map was submitted by the applicant, Brad Bowcott of Galiano Excavating Ltd., and forms part of the Application. The Application proposes a gravel pit for construction aggregate of up to 8,000 tonnes per year for almost 12 years. I have decided to reject this Application; a summary of my reasons is outlined below.

Parts of the Property are covered by a restrictive covenant (the Covenant) registered in the Land Title Office under number EK94049 and jointly applied by the BC Ministry of Transportation and Infrastructure (MOTI) and the Capital Regional District (CRD), which restricts excavation, among other things, without the written consent of both the MOTI and the CRD.

A map of the Covenant area with a legal survey of the Covenant boundary is shown in Figure 3. This map overlays the location of the proposed gravel pit (in red) in relation to the Covenant boundary, property boundaries and other land features. Figure 3. indicates the proposed gravel pit is within the legally surveyed boundary of the Covenant and therefore subject to conditions of the Covenant.

On July 14, 2021, I sent an email to the Applicant, Mr. Bowcott of Galiano Excavating Ltd., and copied Mr. Ben Mabberly, the landowner upon which the gravel pit is proposed. My email included two maps which indicate the area of the proposed gravel pit is within the Covenant area. My email included three questions which I indicated would inform my decision on the Application:

- Do you have written authorization from both MOTI and the CRD to excavate and remove soil from the proposed gravel pit which is within the covenant area?

- Are you aware that if a *Mines Act* permit is issued, you may not be able to proceed with the gravel operation due to the covenant restrictions?
- Do you have anything else to add in support of your application that I may consider?

I heard back from Mr. Mabberly later that same day. He wrote, "The new application would be outside of the Covenant area." and provided two maps. Figure 1. of this letter is one of the maps Mr. Mabberly provided in his response. It shows the Covenant area but not in relation to the proposed mine area. The other map provided by Mr. Mabberly is contained in the March 1994 geotechnical report by C.N. Ryzuk & Associates Ltd, which is attached to the Covenant as Annexure #2. The map appears to be a hand drawn sketch of the Property and Covenant boundary, with a note (Note 3.) that indicates field stations shown on the map represent the estimated location of the stations marked by labelled survey flagging, and that the locations are approximate.

The Covenant, signed by Mr. Mabberly in 1996, states that the Grantor (which includes), agrees that he will not cause the removal of any vegetation or soils from the Covenant area without first obtaining the written permission of the MOTI and the CRD.

On July 15, 2021, I received an email from Galiano Excavating Ltd. in response to my email of the previous day, which indicated that they would get back to me soon. As of the writing of this letter I have not heard back from Galiano Excavating Ltd.

In response to my questions above, it appears to me that neither Mr. Bowcott (nor Galiano Excavating Ltd.) nor Mr. Mabberly have, or are expecting to receive, written authorization from both the MOTI and CRD to excavate within the Covenant area. Without such written authorization, excavation within the Covenant area may not proceed, even if a *Mines Act* permit was issued. I have not received additional information from Mr. Mabberly or from Mr. Bowcott or Galiano Excavating Ltd. since their respective emails to me of July 14 and 15, 2021.

I am aware that parts of the Property within the Covenant have been excavated in the past by mechanical means, most recently in 2020, to produce sand and/or gravel as construction aggregate.

The definition of a mine under the *Mines Act* includes:

" a place where mechanical disturbance of the ground or any excavation is made to explore for or to produce coal, mineral bearing substances, placer minerals, rock, limestone, earth, clay, sand or gravel,"

The aforementioned excavation(s) constitutes a mining activity carried out without a written exemption, authorization or permit issued under section 10 of the *Mines Act*.

I am also aware that the proposed permit area is within two Development Permit Areas (DPAs) designated under the Galiano Island Official Community Plan. The DPAs are referred to as DPA 4 (Elevated Groundwater Catchment Area) and DPA 7 (Steep Slope Hazard).

I am aware that the availability, quantity, and quality of the groundwater resources on Galiano Island, and especially clean water for domestic use, are very sensitive and important issues for the residents and non-resident property owners on Galiano Island.



As an appointed Inspector of Mines under section 6 of the *Mines Act* and as a delegated statutory decision maker under section 8.3 of the *Mines Act*, I am not bound to the regulations of the Islands Trust or local government, but I may consider them in my decision-making.

The Southwest Mines office has already received various correspondence from members of the Galiano public with concerns about this Application, past excavations on the Property, and concerns about groundwater issues in the area of the Property. This correspondence has been received despite any public notice of the Application.

Having considered the above information, the primary basis for my rejection of the Application is that written permission from the MOTI or CRD to excavate within the Covenant area has not been provided to Mr. Mabberly as the landowner and Grantor of the Covenant; nor does it appear written permission is forthcoming from the MOTI or CRD. Without the required written permission, I will not consider further review of the Application.

Given the degree of interest in this Application at this stage, I see no need to proceed with further processing and review of the Application without the required written permission from the MOTI or CRD. The applicant or landowner is welcome to reapply for a *Mines Act* permit at this location when the required written permission is obtained, or at another location on the Property outside the Covenant area. I recommend any future *Mines Act* permit applications on the Property include, but not be limited to both a geotechnical (ground stability) study and a hydrogeological (groundwater) study prepared by Qualified Professionals with appropriate training and experience in these disciplines.

Future proposals for mining activities on the above noted property will require the submission of a new *Mines Act* permit application via the on-line Notice of Work form. Should you require further information or have questions please do not hesitate to contact me.

Regards,

Don Harrison
Inspector of Mines

Email: Donald.Harrison@gov.bc.ca

Phone: 778-698-7014

cc: Ben Mabberly, ()
Haley Leech, MOTI (Haley.Leech@gov.bc.ca)
Shawn Carby, CRD (scarby@crd.bc.ca)
Robert Kojima, Islands Trust (rkojima@islandstrust.bc.ca)
Matthew MacLean, EMLI (Matthew.MacLean@gov.bc.ca)

Figure 1.

Reference of a Covenant over Parts of DL 12, Galiano Island, dated March 1996

(on following page)

48

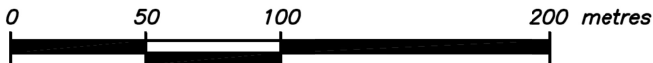
Figure 2.
Plan Showing Proposed Gravel Quarry
(on following page)

PLAN SHOWING PROPOSED GRAVEL QUARRY

CIVIC ADDRESS: 1128 MONTAGUE HARBOUR ROAD

LEGAL DESCRIPTION: LOT 1 DISTRICT LOT 12
GALIANO ISLAND COWICHAN DISTRICT PLAN VIP63916

Scale 1:2500



Proposed quarry shown thus 
Cross sections shown thus 

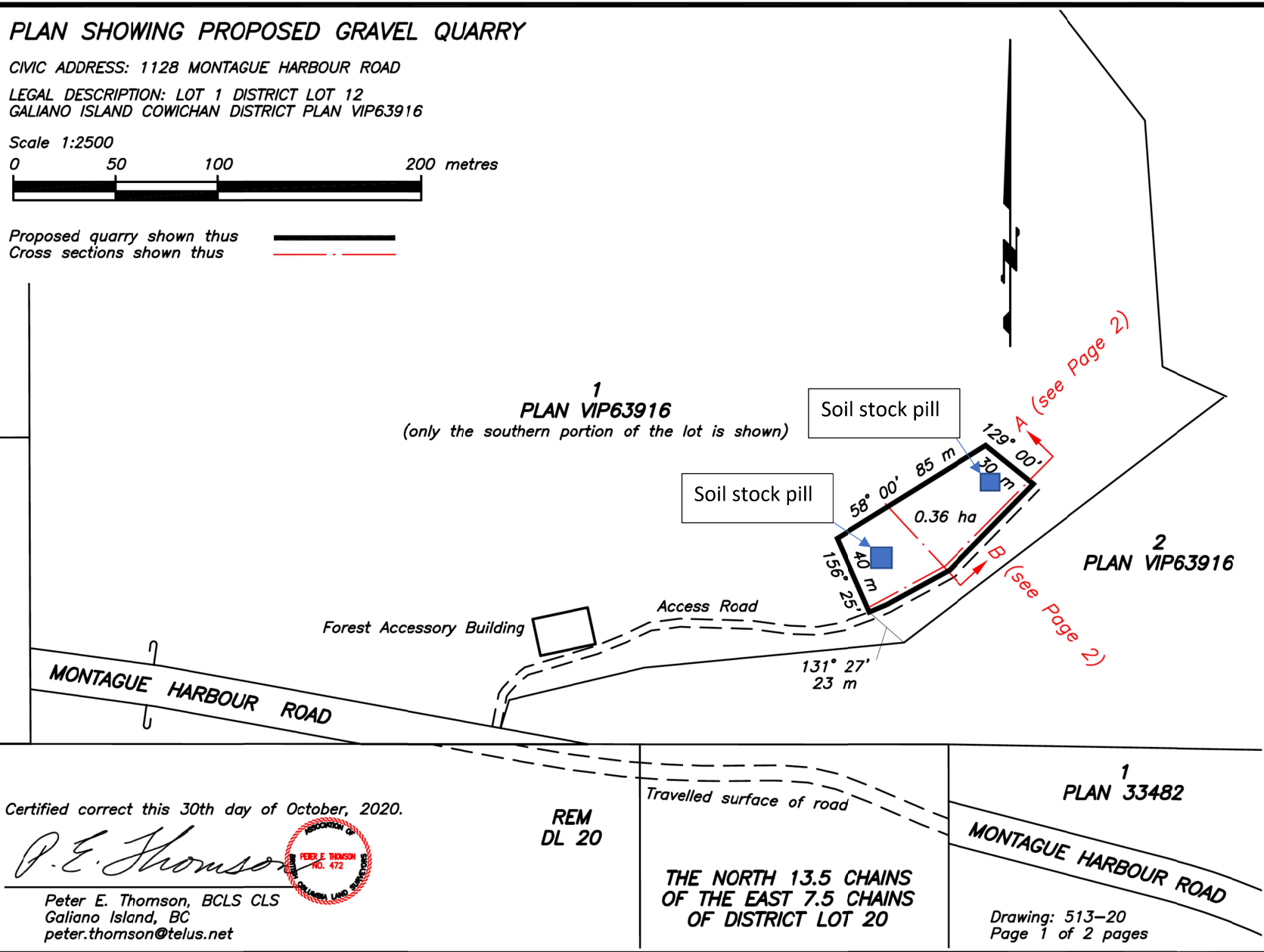
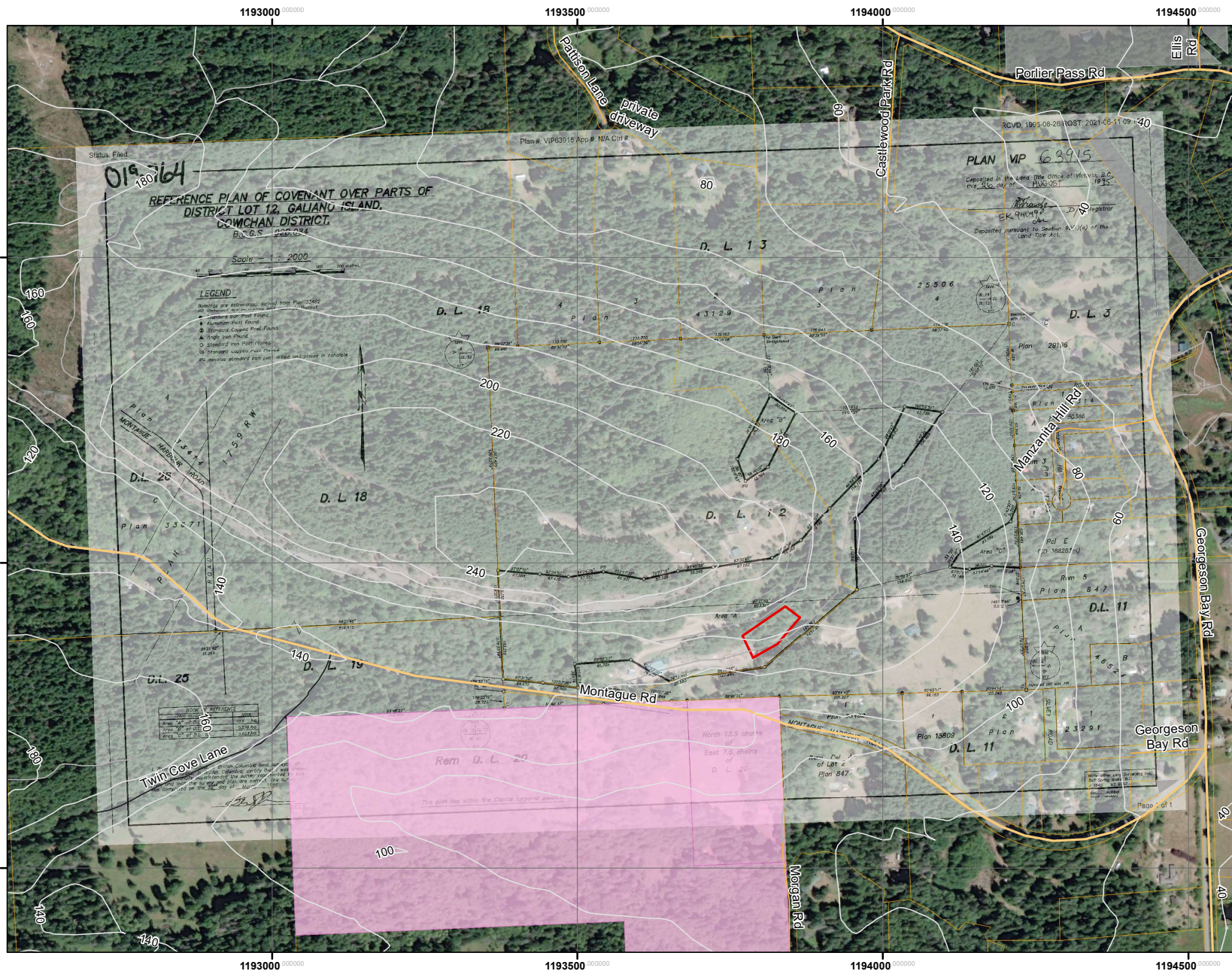


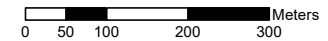
Figure 3.

1128 Montague Harbour Road, Galiano Island - Covenant Area and Proposed Mine Site
(on following page)



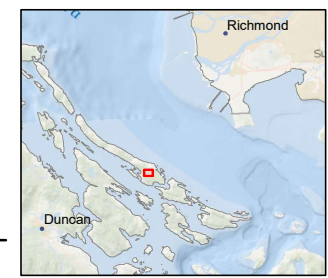
0800175
1128 Montague
Harbour Road
Galiano Island
Covenant Area and
Proposed Mine Site

- Contours - (1:20,000)
- Collector Road
- Local Road
- Lane
- Unknown Road
- 0800175 Proposed Mine Area
- PMBC - Crown Provincial
- PMBC - Private
- PMBC - Unknown



1:6,000

FOR INFORMATIONAL PURPOSES ONLY
Please refer to Mineral Titles Online for the latest information



July 19, 2021
Projection: Albers - Datum: NAD83
Data Source: BCGW
Mineral Titles - Ministry of Energy, Mines and
Low Carbon Innovation
Drawn By: SCOOKIE

Document Path: W:\em\ic\mtb\Local\projects\NoW\0800175_Galiano\mxds\0800175_Galiano_(11x17L)_2021Jul19.mxd

REQUEST FOR DECISION

To: Local Trust Committees **For the Meeting of:** October 4, 2021

From: David Marlor, Director, Local Planning Services **Date Prepared:** September 15, 2021

SUBJECT: New Fee Bylaws

RECOMMENDATION:

That the Galiano Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”

DIRECTOR COMMENTS:

The recommendation will allow staff to draft a fee bylaw specific to each local trust committee’s needs based on the model fee bylaw adopted by Trust Council.

1 PURPOSE: To update all local trust committee fee bylaws to be consistent with the new Application Processing Services policy.

2 BACKGROUND:

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. Trust Council also passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new application processing fees bylaw based on the model fees bylaw attached to Policy 5.6.1 “Application Processing Services”.

The Trust Council application processing services policy has been amended to:

1. clarify more specifically the activities covered by the application fee to remove ambiguity;
2. remove the need for planners to determine the work required at the start of the process, which has been identified as practically impossible to implement;
3. establish an objective of 80 per cent of the average processing cost for cost recovery;
4. add more clarity around when cost recovery agreements are required, and what are considered extraordinary cost charges; and
5. add a model fees bylaw to the policy as an attachment.

A new model fees bylaw has been developed that:

1. has updated fees that better reflect the actual average cost of processing the various types of applications, designed to include the staff costs and the fixed costs, such as meeting expenses and advertising;
2. adds consideration for recovery of costs associated with First Nation site visits if required;
3. adds more robust fee refund policy to improve fairness;
4. adds an annual automatic increase of fees of two percent to reflect the estimated actual cost increases due to inflation and collective agreement increases for staff;
5. retains ability of local trust committees to reduce fees by up to 20 percent, intended to allow flexibility recognizing local factors affecting cost of application processing;
6. adds flexibility to allow for reduced temporary use permits fees for community benefits as defined by the local trust committee in its official community plan; and
7. adds a 20 per cent higher fee for applications where development began without a permit or permission to reflect the higher cost of processing such an application.

Each local trust committee has been asked by Trust Council to update its fee bylaw to be consistent with the model fee bylaw approved by Trust Council. If a local trust committee wishes to adjust fees in accordance with items 5 and 6 above, the local trust committee should include this request in the resolution to develop a draft fee bylaw. While a local trust committee is under no legislative obligation to amend its fees bylaw, Trust Council has developed the model fee bylaw to assist in assuring the fees charged better reflect the cost of processing applications using shared resources throughout the Islands Trust Area.

Please note that fees charged are to recover the average cost of processing that type of application. Fees cannot be used to be punitive, or to raises funds above the average cost of processing an application. Local trust committees cannot charge fees for building permit referrals or Crown land referrals as there is no authority provided to do so.

Local trust committees are authorized to charge fees for different types of applications as follows:

- **Section 462 of the *Local Government Act*** provides that a local government may, by bylaw, impose fees related to applications and inspections to recover the average costs of processing official community plan amendments, land use bylaw amendments, subdivisions bylaw amendments, heritage conservation bylaw amendments, issuance of a development permit, development variance permit, temporary use permit, heritage alteration permit, land use contract amendments, heritage revitalisation agreement amendments, board of variance orders, and inspection of works and services related to applications and permits, and subdivision applications;
- **Section 31(2)(b) of the *Islands Trust Act*** provides that a local trust committee may impose fees to recover the cost of processing siting and use permits;
- **Section 41 of the *Liquor Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing liquor and liquor licensing referrals; and
- **Section 35 of the *Cannabis Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing a referral for a license under that Act.

Section 462 of the *Local Government Act* also states that local governments must not impose a fee, charge a tax or require works or services to be provided unless authorized by this Act or any other Act. For this reason, fees are not charged for processing of building permit and Crown land referrals, as there is no authorization in any Act for local trust committees to recover these costs.

Fee bylaws are administrative bylaws. There is no requirement for public input. The local trust committee may consider first, second and third readings all at one meeting. The Executive Committee must approve the bylaw before the local trust committee can consider adoption.

Ideally, all local trust committees will have considered updating their bylaws by March 2022 so that the assumptions on revenue can be included in the next fiscal year budget process.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Staff will draft a fee bylaw based on the model fee bylaw and bring back to a future local trust committee meeting for consideration.

FINANCIAL:

No financial implication from the recommendation.

POLICY:

Updating the Fee bylaw will be consistent with Trust Council Policy 5.6.1 Application Processing Services.

IMPLEMENTATION/COMMUNICATIONS:

Local planning staff assigned to the local trust committee will draft fee bylaw for local trust committee consideration.

FIRST NATIONS:

No First Nations implications from the recommendations.

OTHER:

No other implications from the recommendations.

4 RELEVANT POLICY(S):

Trust Council Policy 5.6.1 Application Servicing Process

5 ATTACHMENT(S):

Trust Council Policy 5.6.1 Application Processing Services

RESPONSE OPTIONS

Recommendation:

That the Galiano Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services."

Alternative:

That the Galiano Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services" with the following modifications: [list modifications].

Prepared By: David Marlors, Director, Local Planning Services

Reviewed By/Date: Julia Mobbs, Director, Administrative Services/August, 2021



Policy:	5.6.1
Approved By:	Trust Council
Approval Date:	June 9, 2021 Repeals policies 5.6.1, 5.6.2 and 5.6.3
Amendment Dates:	
Policy Holder:	Director of Local Planning Services

APPLICATION PROCESSING SERVICES POLICY

Purpose

This policy is intended:

- to identify the services provided by Islands Trust and the different levels of costs associated with these services;
- to provide direction for the preparation of Fees Bylaws and Schedules by Local Trust Committees (LTCs);
- to provide the principles by which cost recovery for extraordinary services beyond the standard fee can be negotiated and agreed to by an applicant and a LTC;
- to recover from applicants 100 per cent of the average cost of processing the development applications, while permitting consideration of lower cost recovery for environmental protection and community benefit.

A. Definitions

1. Application Processing Services include:

- 1.1 Bylaw Amendments to an official community plan, zoning bylaw, subdivision bylaw or other land use bylaws;
- 1.2 Development Application Requests for:
 - 1.2.1 Development Permits,
 - 1.2.2 Development Variance Permits,
 - 1.2.3 Temporary Use Permits,
 - 1.2.4 Soil Removal and Deposit Permits,
 - 1.2.5 Heritage Alteration Permits,
 - 1.2.6 Board of Variance Orders,
 - 1.2.7 Liquor Licensing Permits,
 - 1.2.8 Cannabis Licensing Permits,
 - 1.2.9 Siting & Use Permits,
 - 1.2.10 Land Use Contracts;
- 1.3 Agency Referral Responses and Comments on applications referred from other agencies.

2. Service Levels include:

- 2.1 Information Service that involves providing information to applicants and the general public at no cost, as a public service, and funded by property taxation revenues.
- 2.2 Standard Application Processing Service that involves providing a specific service to applicants as a direct response to an application, whether directly to Islands Trust or through a referral from another agency, and primarily funded by established fees paid by an applicant.
- 2.3 Extraordinary Processing Service is a service provided to the applicant that is beyond the standard processing service, with funding provided by the applicant as a deposit with the application fee or through a cost recovery agreement.
- 3. Costs:
 - 3.1 General Service Costs includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.
 - 3.2 Estimated Direct Costs include advertisements, delivery of notices, hall rentals, minute taking at public hearings and community information meetings, and staff travel to attend public hearings and community information meetings.
 - 3.3 Extraordinary Processing Costs include costs beyond the standard processing service such as additional community information meetings, review of technical reports provided by specialists hired by the applicant, and specific legal services such as the preparation and registration of legal documents and the acquisition of legal advice.
- 4. Community Benefit:
 - 4.1 Community benefit is the provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit or amenity.

B. Policy

1. Standard Application Processing Services

Applicants are responsible for paying different rates based on the level of service. The details involved in each level of a standard application processing service are identified below.

1.1 Information Service – No Fee Required

Information services are considered a public service and include:

- 1.1.1 ***providing information*** on application process requirements including a meeting with staff;
- 1.1.2 ***providing assistance*** to complete an application;
- 1.1.3 ***determination*** of applicable fees;

1.1.4 **identification** of readily identifiable issues to be addressed.

1.2 Application and Processing Service – Included in Application Fee

For rezoning applications, temporary use permit applications, development variances, development permits, liquor and cannabis retail license applications, and strata conversion applications, the application fee covers the following services:

- 1.2.1 comprehensive staff assessment including site visit where required;
- 1.2.2 staff reports;
- 1.2.3 discussion between planners and applicant throughout process;
- 1.2.4 review of archaeological data;
- 1.2.5 staff referral to other agencies, advisory planning commissions, and analysis of their comments;
- 1.2.6 bylaw or resolution drafting, including review for compatibility with Trust Object and policies and the relevant Official Community Plan;
- 1.2.7 staff report with recommendation for Local Trust Committee (LTC) approval consideration;
- 1.2.8 processing bylaws through Executive Committee for approval consideration, if necessary;
- 1.2.9 forwarding to Minister of Municipal Affairs and Housing for approval consideration, if necessary;
- 1.2.10 adoption of all bylaws or issuing of permits as required.

1.3 Public Hearing – Included in Application Fee

Services related to a Public Hearing that will be provided to an applicant who has paid an application fee include:

- 1.3.1 conducting one public hearing with staff present (includes staff time, staff travel costs and estimated direct costs such as meeting place rental, newspaper notice of public hearing, minute taker fee, and delivery of notices when needed).

1.4 Community Information Meeting – Included in Application Fee

Services related to a Community Information Meeting that will be provided to an applicant who has paid an application fee include:

- 1.4.1 conducting one community information meeting with staff present (includes staff time, staff travel costs, and estimated direct costs such as meeting place rental and delivery of notices when needed).

2. Extraordinary Processing Services – additional fees required

Extraordinary Processing Services are services provided to the applicant that are beyond the standard processing services identified in 1.1- 1.4. Applicants are responsible for paying additional fees for extraordinary processing services.

2.1 Role of LTC in Determining Necessity for Extraordinary Services

- 2.1.1 Local trust committees (LTCs) can determine the necessary requirements for processing applications. These requirements may necessitate extraordinary processing services, where the actual or estimated processing service level costs are in excess of the costs of a standard application fee for a similar process because:
 - 2.1.1.1 of additional requirements such as additional public consultation, complex covenant requirements or extensive staff time; or,
 - 2.1.1.2 the processing requirements include services obtained from professions outside Islands Trust such as special technical assistance and/or specific legal services; or,
 - 2.1.1.3 the processing requirements include First Nations site visit(s).
- 2.1.2 The Regional Planning Manager is responsible for assisting LTCs in identifying and costing extraordinary processing service requirements and advising the LTCs of the options available to handle these requirements.
- 2.1.3 The Regional Planning Manager is responsible for ensuring that complex service requirements include terms of reference which outline detailed criteria and parameters for the extraordinary services that are required.

2.2 Provision of Extraordinary Processing Services

- 2.2.1 Extraordinary processing services can be provided by Islands Trust via a cost recovery agreement, with costs to be paid by the applicant, in addition to the applicable standard fee.
- 2.2.2 A resolution of the LTC following the recommendation of the Regional Planning Manager is required to proceed.
- 2.2.3 When extraordinary processing service requirements have been identified, the applicant should be advised by staff that the application cannot be processed until additional funds are provided by the applicant and a cost recovery agreement with the Islands Trust is signed and a security deposit has been received.

3. Extraordinary Services Cost Recovery Agreements

3.1 Extraordinary Services Cost Recovery – Principles

- 3.1.1 Cost Recovery Agreements reflect a service level which includes the extraordinary services needed to undertake the approval process for a complex application.
- 3.1.2 Cost Recovery Agreements will endeavour to recover all costs of processing that exceed the standard costs of processing services.
- 3.1.3 The existence of a Cost Recovery Agreement will not fetter a LTC's discretion with respect to an application before the committee.
- 3.1.4 Authority for negotiating Cost Recovery Agreements is provided within the respective LTC Fees Bylaws.
- 3.1.5 Cost Recovery Agreements will proceed only by resolution of the LTC after consultation with the Regional Planning Manager, except in situations where an applicant is seeking to discuss an issue directly with Islands Trust legal advisors, in which case the Director of Local Planning Services may approve the Cost Recovery Agreement.
- 3.1.6 The Cost Recovery Agreement letter will be submitted, together with the recommendation of the Regional Planning Manager and the LTC resolution, for approval by the Director of Local Planning Services (or designate) prior to final agreement with the applicant.

3.2 Services Requiring Extraordinary Services Cost Recovery Agreement

The services identified below are considered to be beyond the scope of standard processing services. These services require payment, in addition to standard application fees established in the Fees Bylaw, of additional fees based on a cost recovery agreement between the Islands Trust and an applicant:

- 3.2.1 staff time required for covenant development;
- 3.2.2 staff time to attend more public consultation meetings than that already covered by the standard application fee, including community information meetings, advisory planning commission meetings, and public hearings;
- 3.2.3 technical assessments or studies as required by the local trust committee;
- 3.2.4 retaining special technical assistance required by the local trust committee;
- 3.2.5 additional legal counsel services required for the application not covered under the estimated direct costs of the Fees Bylaw;
- 3.2.6 process agreement negotiation;
- 3.2.7 First Nations site visits;
- 3.2.8 other resources and/or services required by the local trust committee to process the application not covered by the Fees Bylaw.

4. Funding Basis and Fee Adjustments

- 4.1 Application processing services are funded primarily through fees, as per a LTC's Fees Bylaw. Local trust committees should adopt a Fees Bylaw consistent with the model Fees Bylaw in Attachment 1.
- 4.2 Standard fees in Fees Bylaws are to be based on average processing costs, as per Section 462 of the *Local Government Act*, Section 31(2)(b) of the *Islands Trust Act*, Section 41 of the *Liquor Control and Licensing Act*, and Section 35 of the *Cannabis Control and Licensing Act*. Standard fees are calculated as the product of staff labour costs multiplied by processing time (including Planner and administrative support). Standard application fees include estimated direct costs.
- 4.3 A local trust committee may enact variances of up to 20% below what is indicated in the Trust Council's Model Fees Bylaw when adopting a LTC Fees Bylaw. The following criteria must be considered when evaluating a fee variance:
 - 4.3.1 the level of community/environmental benefit offered by the type of application;
 - 4.3.2 variances in direct costs (e.g. hall rental); and,
 - 4.3.3 an amendment to an approved application occurring within 6 months of the approval date.
- 4.4 Variance to a Fees Bylaw must be adopted by bylaw amendment. All LTC Fees Bylaws and Fees Bylaw amendments must be approved by the Executive Committee before adoption by a LTC.
- 4.5 Where the model fees bylaw permits reduced fees for temporary use permits that have a community benefit and are small scale, the local trust committee fees bylaw must specify the actual community benefit to which the fee applies, and should be supported by policies in the official community plan on what are considered amenities to the community.
- 4.6 Applications for development that begin without a permit or bylaw authorisation are subject to a 20 per cent surcharge to recover the additional cost in processing these types of applications.

5. Application Fee Sponsorship

- 5.1 If eligible, as identified in [Trust Council Policy 4.1.13 Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications](#), the applicant may apply for development application fee sponsorship.

6. Development Approval Information

- 6.1 The Development Approval Information (DAI) Bylaw provides a mechanism to ensure that the LTC receives appropriate reports and documentation (such as reports from engineers, biologists, hydrogeologists, and geotechnical specialists) from applicants to support rezoning, temporary use permit, and development permit applications.
- 6.2 DAI bylaws reduce operational costs by ensuring that applications are complete and the information provided is appropriate.
- 6.3 Local trust committees should adopt a development approval information bylaw.
- 6.4 The Regional Planning Committee should develop a model Development Approval Information bylaw for addition as Attachment 2 to this policy.

C. Legislated References

Local Government Act, S.462

Local Government Act, S.486

Liquor Control and Licensing Act, S.41

Cannabis Control and Licensing Act, S.35

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

- 1. Model Fees Bylaw

[INSERT LTC NAME] LOCAL TRUST COMMITTEE

BYLAW NO. [XX]

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications. Model fees reflect the cost recovery for application processing.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act, **[DENMAN AND HORNBY ONLY and Section 31(2)(b) of the Islands Trust Act provides that a local trust committee may impose a fees to recover the cost of processing siting and use permits]** ;

NOW THEREFORE the **[Insert LTC Name]** Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the **[Insert LTC Name]** Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "[Insert LTC Name] Local Trust Committee Fees Bylaw, No. [XX]".

Interpretation

2.1 In this bylaw:

"Applicant" means:

2.1.1 the person authorized under the _____ Island Local Trust Committee Procedures Bylaw No. ____, _____ to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;

2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;

- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit.

[NOTE: This is in relation to temporary use permits for a use under a specified size that provides a community benefit. The local trust committee would define community benefit here based on its official community plan definition of community benefit]

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw)	
Column 1: Type of Application	Column 2: Fee
1. Major (e.g. change to density or land use designation)	\$7,800
2. Minor (e.g. policy change without changing density or land use designation not requiring an OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000

Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit for residential uses and commercial uses under 95 square metres that provide community benefit..	\$1000
13. Temporary Use Permit Renewal	\$700
14. Temporary Use Permit Renewal (Community Benefit)	\$350
Other Permits	
15. Siting and Use Permit	\$250
16. Heritage Alteration Permit	\$1,700
Combination Applications	
17. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
18. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,000
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rated in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.

- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The (Insert LTC Name) will maintain a record of annual 2% increases and make that record available for public inspection.

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 “[Insert LTC Name] Local Trust Committee Fees Bylaw No. [XX]” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME this st day of , 20

READ A SECOND TIME this st day of , 20

READ A THIRD TIME this st day of , 20

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

this th day of , 20

ADOPTED this th day of , 20

Chair

Deputy Secretary



Updated: September 23, 2021

GALIANO ISLAND LOCAL TRUST COMMITTEE

NOTICE OF 2022 BUSINESS MEETINGS

THE LTC HAS ADOPTED THE FOLLOWING DATES FOR ITS 2022 MEETING SCHEDULE.
MEETINGS ARE SUBJECT TO CHANGE. PLEASE VISIT THE GALIANO LTC WEBSITE FOR
UP-TO-DATE SCHEDULE INFORMATION. THE LTC WILL MEET ON THE FIRST MONDAY OF EACH
MONTH @12:30 P.M. UNLESS OTHERWISE NOTED*

DATE	LOCATION
February 7	TBD
March 7	TBD
April 4	TBD
May 2	TBD
June 6	TBD
July 4	TBD
September 1* (Thursday)	TBD
October 3	TBD
November 7	TBD
December 5	TBD

These are regular business meetings of the Local Trust Committee, where they will consider items such as bylaws, applications, and correspondence.

ELECTRONIC MEETINGS: You will be able to join the meeting with a ZOOM Webinar link. The links will be available on the news webpage prior to the meeting on our news landing page here:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/>

Website: www.islandstrust.bc.ca/galiano

Email: southinfo@islandstrust.bc.ca

Phone: 250-405-5151