



**GALIANO ISLAND
LOCAL TRUST COMMITTEE
BUSINESS MEETING AGENDA
TO COMMENCE AT 1:00 PM, FEBRUARY 18, 2013
AT THE SOUTH COMMUNITY HALL
141 STURDIES BAY ROAD, GALIANO ISLAND, B.C**

LATE ITEMS

- 8. CORRESPONDENCE**
 - 8.2 G. Coward letter dated February 14, 2013 re: Terms of Agreement between F1 Landowners and the LTC**

- 9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS**
 - 9.3 GL-DVP-2012.5 (Bird) – additional public submissions (attached)**

- 10. LOCAL TRUST COMMITTEE PROJECTS**
 - 10.1 Proposed Bylaw No. 237 (Land Use Bylaw Amendment) – for further consideration (attached)**
 - 10.3 Proposed Bylaw No. 239 (Land Use Bylaw Amendment) – for consideration of second reading (attached)**
 - 10.4 Proposed Bylaw No. 240 (Land Use Bylaw Amendment) (attached)**

- 11. REPORTS**
 - 11.2 Applications Report - for information**
 - 11.2.1 Galiano Island Applications Report dated February 2013 (attached)**

Received Feb. 18, 2013
at LTC mtg.

To: Galiano Local Trust Committee
From: Gary Coward
Re: GL-RZ-2011.1
Date: Feb 14, 2013

8.2
Late item

Regarding the terms of agreement between F1 Landowners and the LTC:

The agreement is loosely modeled on the now-defunct RR/FH Option for F1 re-zoning. The landowner receives bonus density, and in exchange gives title to 75% of the total land under rezoning to an organization that will preserve and protect that land. The exchange portion will be rezoned Nature Protection (NP).

What guarantees its care and protection?

The LUB cannot specify an organization to hold the land exchanged for density bonus. However, the reason for wanting a local organization that has a longstanding policy of land stewardship was based in the trust that the community would have in a legitimate and truly local community organization with local accountability. The community and that type of organization have a bond. There is real trust that no external agenda will govern the organization's decisions, because the organization is subject to direct community input and oversight.

So while the community cannot prescribe any specific organization, it can expect that, whatever the organization, it must be, at the very least, legally bound by covenant to preserve and protect the land. However, landowners have rejected community organizations and the Islands Trust Fund in favour of the BC Parks organization.

I want to ask my LTC 3 questions that require answers:

1. Local organizations and the Trust Fund will accept a covenant: Will BC Parks?
2. Local organizations and the Trust Fund will restore the land: Will BC Parks?
3. Local organizations and the Trust Fund will provide a Management Plan: Will BC Parks?

Without a covenant, BC Parks may do whatever it wishes, including selling the land; developing campsites; leasing the land to a private operator for a camp site or lodge etc.

Without management & restoration, these lands will degenerate under the inundation of invasive exotics.

Without a covenant and a management plan, we are getting a pig in a poke.

These lands must be covenanted before this rezoning process is completed and the title transferred. The covenants should include a prohibition on sale, and uses should be subject to a management plan approved by the Islands Trust Fund, a plan that would include restoration. Nothing less will guarantee the care and protection this land needs and deserves.



GL-DVP-2012.5 (Bird) – additional public submissions

Kathy Jones

From: Calen Darnel <caldar@telus.net>
Sent: February-10-13 1:06 PM
To: Kathy Jones
Subject: Response to hot tub variance notice at 18715 Porlier Pass Drive

To: Kathy Jones
Secretary,
Islands Trust

As next-door neighbours, we understand, from the notice received, that there are concerns regarding the placement of said hot tub at 18715 Porlier Pass Drive.

After seeing the situation for ourselves, we see no issues that can reasonably be considered a problem.

As far as privacy goes, from the hot tub deck, we could barely see the neighbour's roof line through the trees.

The tub itself runs very quietly and is almost noiseless at only a few yards away.

We hope this issue can be settled in a neighbourly fashion.

Thank-you,
Calen and Julie Darnel

Kathy Jones

From: Christopher Lyons <cjlyons@telus.net>
Sent: February-11-13 8:32 PM
To: Kathy Jones
Cc: Kim Farris
Subject: Hot tub variance notice at 18715 Porlier Pass Drive

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Jones, I am Mr and Mrs Bird's next-door neighbour on the South side; I understand from your recent notice that concerns have been raised regarding the position of the hot tub on Mr and Mrs Bird's property, 18715 Porlier Pass Drive.

I wanted to let you know that we are aware the hot tub motor has been replaced and it is extremely quiet and could not be a source of disturbance. Also, the tub is situated out of sight of their neighbours' house on the North side. We are in support of the proposed variance option mentioned in your recent notice.

Please do not hesitate to contact me if I can be of further help.

Sincerely,
Christopher Lyons

Gwen and Hart Will

3981 West 32nd Ave., Vancouver, B.C. V6S 1Z4

Tel: 604-228-8122 (Vancouver) Tel: 250-539-9827 (Galiano)

Email: ghwill1@hotmail.com

February 14, 2013

Dear Louise Decario, Sandy Pottle (Galiano Trustees), and Chris Nichols (Islands Trust Planner):

As long-time property owners of Galiano for 44 years, we have enjoyed many quiet and peaceful times on the island. We, our children and grandchildren have had excellent neighbourly relations with the Allens, the Bird's predecessors, and to this day with the Mussell sisters on the other side.

We come here often to rest and recuperate. Enjoyment of the quiet and peaceful outdoors is the main focus and we spend the better part of the day outdoors working on the property and in the garden.

About four or five years ago, Kate and George Bird, the new owners of the Madrona Lodge, decided to install a hot tub on their property, which emitted constant and disturbing noise. As we learned later, it is only 1.2m from our property line. Two years ago there was one diplomatic attempt by our daughter Gudrun, to discuss the pump noise with George, because she came here to relax and couldn't. They had an unpleasant verbal exchange.

We appreciate George's and Kate's attempt to reduce the noise level of the pump; however, the humming noise is still very annoying to us, our family and our visitors. Our drive way passes right next to the hot tub structure. The small screen does not hide the tub and the high and unsightly platform so close to our property is overlooking our sundeck. This impacts our privacy and the quiet enjoyment of our property seriously.

Madrona Lodge is commercially zoned as a resort and allows visitors to use the hot tub now and in perpetuity. Our privacy could be potentially infringed forever by strangers, thus reducing the value of our property.

We would have never agreed to this kind of structure so close to our property line. In our opinion, there would have been other sites to position the hot tub outside the 6m setback.

We also have learned that the platform for the hot tub was built without permit. As law-abiding islanders we are strictly opposed to retro-actively making illegal actions legal.

Please, do not hesitate to contact us for more details.

Respectfully yours, hhhhhhh



Memorandum

Date February 8, 2013 File Number GL-6500-20 (LUB Review)

To Galiano Island Local Trust Committee
For the meeting of February 18, 2013

From Kris Nichols
Island Planner

Re **Post Public Hearing Procedures - Proposed Bylaw No. 237**

The Local Trust Committee is considering a bylaw to amend the Galiano Island Land Use Bylaw. A public hearing is scheduled for Monday February 18, 2013. A public hearing is a quasi-judicial process and specific procedures must be followed within and following the hearing.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Third Reading (this may include amendments to alter a bylaw).
2. Forwarding of the bylaws to Executive Committee for approval.
3. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee approves the bylaw, the next step for the LTC would be to adopt the bylaw.

Attached to this memo is Bylaw 237 (LUB) (See Attachment 1) as it stands at Second Reading. Consideration of any amendments to the proposed bylaw based on information or comments received at the Public Hearing can be discussed at the February 18, 2013 LTC meeting.

Also attached (See Attachment 1) is a Policy Statement Checklist for the proposed bylaw. The checklist is used when reviewing proposed bylaws for compliance with the directive policies in the Policy Statement and would form part of the referral package to Executive Committee.

RECOMMENDATIONS:

1. THAT Galiano Island Local Trust Committee proposed Bylaw No. 237, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2012” be read a Third time.
2. THAT the Galiano Island Local Trust Committee proposed Bylaw No. 237 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2012” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

Attachment 1 – Proposed Bylaw 237 at Second Reading
Attachment 2 – Policy Statement Checklist

pc Robert Kojima, Regional Planning Manager



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No:

Galiano Proposed Bylaw 237

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

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

PART IV: Policies for the Stewardship of Resources

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

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
✓	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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PART V: Policies for Sustainable Communities

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

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

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

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 237

A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW NO. 127, 1999

The Galiano Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Galiano Island Trust Committee Area under the *Islands Trust Act*, enacts as follows:

1. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
 - a) By amending Section 2.1 by adding Subsection 2.1.5 “emergency landing area for emergency evacuation” and by adding Subsection 2.1.6 “horticulture in all residential zones”
 - b) By amending Subsection 2.3.2 by deleting “,manufactured home parks”
 - c) By amending Section 2.6 by inserting the words “, wind turbine, roof top mounted solar panels” after the word “silo”.
 - d) By amending Section 2.9 by replacing the words “section 2.9” with “section 2.10”
 - e) By amending Section 2.13 by replacing the words “section 2.7” with “section 2.8”
 - f) By amending Section 2.24 by replacing the words “section 2.20” with “section 2.23”
 - g) By amending Subsection 6.1.1 by adding Article 6.1.1.6 “agri-tourist accommodation as an accessory use, subject to Subsection 6.1.8, and as permitted by the Land Reserve Commission.”
 - h) By amending Section 6.1 by adding the following after Subsection 6.1.8:

“Agri-Tourist Accommodation

 - 6.1.9 agri-tourist accommodation must be accessory to a working farm operation;
 - 6.1.10 agri-tourist accommodation must be situated on land that is in the AG (Agricultural) zone and the Agricultural Land Reserve;
 - 6.1.11 agri-tourist accommodation must be situated in a permitted dwelling or cottage;
 - 6.1.12 agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests, but may not include a restaurant or any commercial or retail goods and services other than those permitted by the Agricultural (AG) Zone;
 - 6.1.13 the maximum number of guests that may be accommodated in any agri-tourist operation at any one time, either alone or in combination with a bed and breakfast, is not to exceed 6 guests and 3 bedrooms.”
 - i) By amending Subsection 8.2.1 by adding the following Articles: “8.2.1.5 community gardens”, “8.2.1.6 farmers’ markets”, “8.2.1.7 community orchards”, and “8.2.1.8 community nurseries”

PROPOSED

- j) By amending Subsection 10.1.1 by adding Articles “10.1.1.4 farmers’ markets” and “10.1.1.5 community hall”.
- k) By amending Subsection 5.1.5 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- l) By amending Subsection 5.2.5 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- m) By amending Subsection 5.3.7 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- n) By amending Subsection 5.4.4 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- o) By amending Subsection 5.5.4 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres, except that agricultural buildings and structures and those used for timber production and harvesting must not exceed a height of 9 metres.”
- p) By amending Subsection 5.6.4 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres, except that agricultural buildings and structures and those used for timber production and harvesting must not exceed a height of 9 metres.”
- q) By amending Subsection 6.1.4 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres, except that agricultural buildings and structures and those used for timber production and harvesting must not exceed a height of 9 metres.”
- r) By amending Subsection 7.2.4 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres, except those used for timber production and harvesting must not exceed a height of 9 metres.”
- s) By amending Subsection 7.5.1 by deleting the numbers “7.1.5.8” and replacing with “7.5.1.8”.
- t) By amending Subsection 7.5.4 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres, except those used for timber production and harvesting must not exceed a height of 9 metres.”
- u) By amending Subsection 8.1.4 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- v) By amending Subsection 8.2.5 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres”

PROPOSED

- w) By amending Subsection 8.3.2 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- x) By amending Subsection 8.4.2 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- y) By amending Subsection 8.5.7 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- z) By amending Subsection 9.1.2 by adding the word “, employee” after the word “owner”.
- aa) By amending Subsection 9.1.5 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- bb) By amending Subsection 9.2.4 by adding by adding the word “, employee” after the word “owner” .
- cc) By amending Subsection 9.2.8 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- dd) By amending Subsection 9.3.2 by adding the word “, employee” after the word “owner”.
- ee) By amending Subsection 9.3.5 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- ff) By amending Subsection 9.3(A).3 by adding by adding the word “, employee’s” after the word “owner’s”.
- gg) By amending Subsection 9.3(A).5 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- hh) By amending Subsection 9.3(B).10 by adding by adding the word “, employee” after the word “owner”.
- ii) By amending Subsection 9.4.5 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- jj) By amending Subsection 9.5.6 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- kk) By amending Subsection 9.6.4 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”

PROPOSED

- ll) By amending Subsection 9.6(A).4 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- mm) By amending Subsection 10.1.3 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- nn) By amending Subsection 12.5.4 by adding after the first sentence the words, “Accessory buildings and structures must not exceed one storey and a height of 5 metres.”
- oo) By amending Subsection 7.2.2 by replacing the words “Section 2.7” with “Sections 2.8 – 2.13”
- pp) By amending Subsection 9.6.1 by adding Article “9.6.1.11 one self-contained accessory dwelling unit for the owner, employee or operator of a principle use”
- qq) By amending Subsection 11.1.1 by adding Articles “11.1.1.4 ecological restoration” and 11.1.1.5 “passive recreation”
- rr) By amending Subsection 13.9 by deleting the words “avoided wherever possible” and replaced with “is prohibited” and to remove “if possible” in the second sentence.
- ss) By amending Section 17.1 by adding the following definitions in alphabetical order:

“agri-tourist accommodation” means a use accessory to a working farm operation for the purpose of accommodating commercial guests within specific structures on specific portions of a parcel of land.”

“community gardens” means a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.”

“ecological restoration” is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed.”

“farmers’ market means an occasional or periodic market held in an open area or in a structure where groups of individual vendors offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items and bakery goods.”

“horticulture” means the use of land for the rearing of plants.”

“passive recreation” means non-motorized outdoor leisure activities which can be carried out with a minimal impact to the natural environment including but not limited to hiking, picnicking, horseback riding and bicycling.”

PROPOSED

B. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2012”.

READ A FIRST TIME THIS 15th DAY OF October 2012

READ A SECOND TIME THIS 19th DAY OF November 2012

PUBLIC HEARING HELD THIS DAY OF 201x

READ A THIRD TIME THIS DAY OF 201x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
DAY OF 201x

ADOPTED THIS DAY OF 201x

DEPUTY SECRETARY

CHAIR



STAFF REPORT

File No.: GL 6500-20 (LUB
Review)

To: Galiano Local Trust Committee
For the meeting of February 18, 2012

From: Kris Nichols
Island Planner

CC: Robert Kojima
Regional Planning Manager

Re: Galiano Bylaw No. 239, Amendment No. 4, 2012
A Bylaw to Amend Galiano Island Land Use Bylaw No. 127, 1999

BACKGROUND:

The Galiano Island Local Trust Committee (LTC) at the November 19, 2012 meeting reviewed the draft bylaw. The LTC passed the following resolution:

"It was Moved and Seconded that Galiano Island Local Trust Committee Draft Bylaw No. 239 cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.4, 2012" be given First Reading."

A second resolution was passed that the proposed bylaw be forwarded to the Galiano Island Advisory Planning Commission (APC) for review and comment.

This amending bylaw is a set of land use bylaw amendments that address split zoned lots, permitting stairs within setbacks for public bodies, environmentally friendly buildings floor area measurement, small lot sawmilling, accessory building allowances and lot coverage and the Lions Hall property.

STAFF COMMENTS:

The proposed bylaw has been forwarded to the APC and other agencies for review and comment. As of the writing of this report two comments have been received:

1. Ministry of Transportation and Infrastructure as having no objections.

2. Galiano Island Advisory Planning Commission
Proposed Bylaw No. 239

4.1 Item 1.a), d), e) and f).

Recommendation: *“The Commission supports the objectives of the Local Trust Committee in relaxing the regulations with respect to accessory building entitlements, and allowing property owners to make their own decisions as to how much land is covered by dwellings and accessory buildings. However, bearing in mind the Islands Trust Mandate and public policy objectives, the Commission encourages the LTC to consider lower maximum lot coverage percentages, such as 10%, in Zones RR, R2, and R3.”*

4.2 Item 1.g) Lot Coverage percentage for AG zone

Recommendation: *“While the Commission supports the objectives of the Local Trust Committee in relaxing accessory building regulations the APC recommend the proposed maximum lot coverage for AG zone only be increased to a total maximum allowance of 35% with no additional specific amount for commercial greenhouses.”*

4.3 Items 1. b), c), and h) through l

No recommendations for changes.

Staff have attached a copy of the Policy Statement Checklist (Attachment 1) to show that what is being proposed in this bylaw amendment is consistent with Islands Trust Policy.

Should the LTC wish the bylaw can be given second reading and staff be directed to schedule a public hearing.

RECOMMENDATIONS:

1. **THAT** the Galiano Island Local Trust Committee give proposed Bylaw No. 239 Second Reading.
2. **THAT** the Galiano Island Local Trust Committee direct staff to schedule a public hearing for proposed Bylaw No. 239.

Prepared and Submitted by:



Kris Nichols

February 8, 2013

Date

Concurred in by:



February 8, 2013

Date

Attachment 1: Policy Statement Checklist



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: Galiano Proposed Bylaw 239

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

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

PART IV: Policies for the Stewardship of Resources

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

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
N/A	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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PART V: Policies for Sustainable Communities

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

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

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



STAFF REPORT

File No.: GL 6500-20 (LUB
Review)

To: Galiano Local Trust Committee
For the meeting of February 18, 2013

From: Kris Nichols
Island Planner

CC: Robert Kojima
Regional Planning Manager

Re: Galiano Bylaw No. 240, Amendment No. 5, 2012
A Bylaw to Amend Galiano Island Land Use Bylaw No. 127, 1999

BACKGROUND:

Land Use Bylaw Amendments

The Galiano Island Local Trust Committee (LTC) at their November 19, 2012 meeting passed the following resolution:

"It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to bring back a draft bylaw pertaining to signs, home occupation and small animal husbandry in residential zones."

The report provides background on the three areas requested for bylaw amendments and recommends specific bylaw amendments. See Attachment 1 for proposed amending draft BylawNo. 240.

1. Sign Regulation Amendments

The LTC directed staff specifically to bring back the following four items for review:

1. Sandwich board signs must be on the lot where the business is being conducted.
2. Signage recommendations for home based businesses.
3. Potential sizes of building mounted signs.
4. Adding signage regulations for Community Facility and in accordance with Commercial signage regulations.

Section 16 in the Land Use Bylaw (LUB) outlines the current regulations for commercial and non-commercial zones. Since the inclusion of Section 16 in the LUB, Section 6 Development Permit Area 6 – Commercial and Industrial Form and Character has been added to the OCP and applies to zones C1, C3, C4, C5, C5A, C6, C7, L1, MCW and MCL. The OCP's Subsection 6.6 7 contains development permit guidelines for signs that should be adhered to in these zones if requiring a building permit.

The bylaw currently states commercial zones listed (C1, C2, C3, C4, C5, C5A, C6, C7, LI, FI, MS, MC) can only have one building-mounted sign and one sandwich-board sign per highway frontage, each not exceeding a total sign area of 1.2 sq. metres, identifying a business carried out at those premises or the principal service or product sold at those premises.

Bylaw Revisions:

The amendments staff are proposing (See Attachment 2) are to address specifically the four items mentioned above. In addition, staff have added wording on the provision of commercial free-standing signs and signs for political parties or government agencies.

2. Home Occupation and Retail Sales

The LTC directed staff to proceed according to the recommendations in the November 19, 2013 report.

Previously, staff recommended that the home occupation guidelines and definition be made more explicit to describe the use to include bed and breakfast and cottage use and any profession, trade, business, artistic endeavor, where such activities are clearly accessory to the principal residential use. -The LTC expressed that being more explicit in the description would help in defining home occupation and related retail sales. The proposed amendments regarding retail sales will now limit them to the retail sale of goods produced, processed or repaired as part of a home occupation, and retail sale of articles directly related to a personal service provided as a home occupation. This does not include retail or wholesale selling of any product or material not produced on the premise or incidental to the service, or the serving of food or drink other than for a bed and breakfast.

Staff have proposed four new sections to the Home Occupation Regulations (See Attachment 3) and reworded one section which should improve the clarity, understanding and implementation of the home occupation regulations. Staff have also revised the definition of home occupation.

3. Small Scale Husbandry (Residential Zones)

The Local Trust Committee directed staff to recommended limitations that should be implemented within the definition of small scale animal husbandry (residential zones) in terms of numbers and types of animals and possible lot size restrictions.

Background:

The intent of permitting small scale husbandry or the keeping of farm animals is to enable people in residential zoned areas where agriculture is not permitted outright to conduct animal husbandry (raising of animals) for their own use (e.g. domestic fowl (chickens, ducks, geese, and turkeys), livestock, etc.). Food security is important to many islanders and this is another way to permit residents to meet their own food demands.

Many municipalities deal with the issue of small scale husbandry by limiting the variety of animals (e.g. livestock, poultry (domestic fowl), bees, etc.) permitted to the size of the lot as well as identifying special setbacks, structures and requiring a certain level of upkeep and management (e.g. structure conditions, manure storage, etc.).

In the Land Use Bylaw Subsection 2.13 of Part 2 General Regulations – Uses Permitted in all Zones, it currently states "... agricultural and horticultural uses that by their nature are accessory to and compatible with residential uses...". As well, all the residential zones (i.e. VR1, VR2, SLR, RR) already include building and structure setbacks to address the keeping of farm animals including poultry. This would indicate that small scale husbandry or the accommodation of farm animals is permitted. The location of the structures would be restricted by the setbacks of 30m (100 ft) from the rear and interior side lot lines as already indicated in the bylaw.

The residential zoned lots vary in lot size from 0.01 to 23.88 hectares in size (see table below). It would appear that the best way to regulate small farm husbandry/ accommodation of farm animals on residential lots is through the setback regulations and types of animals permitted. The intent would not be to make the bylaw amendments too onerous for the land owner or for enforcement.

The following table outlines the number of lots of each zone and the lot sizes:

Galiano Residential Lot sizes:

Zone	Number of Lots	Average Size (ha)	Range (ha)
VR1	11	0.28 (0.69 acres)	0.06-0.42
VR2	163	0.55 (1.3 acres)	0.01-6.14
SLR	627	0.71 (1.7 acres)	0.03-2.86
RR	189	2.19 (5.4 acres)	0.02-23.88

Often the concern around the accommodation of farm animals in residential areas is related to lot size and setbacks. The bylaw currently does not define farm animals. Given that the term farm animals is used but not defined this bylaw amendment will define the term for the use in residential zones.

Given the rural nature of Galiano Island, it might be feasible to permit small scale husbandry/accommodation of farm animals outright in residential zones as long as the properties have a principal residence and that the structures used to house the animals meet the current setbacks for structures. Given the variation in lot sizes it would seem appropriate that the minimum lot size be 0.4ha (1.0 acre) and structures and buildings would be regulated through the existing setbacks. This would not include intensive agriculture uses.

All keeping of farm animals must conform to the *Public Health Act, Integrated Pest Management Act, and Environmental Management Act*, the regulations under those Acts or any land use regulation.

In general, it is recommended that the accommodation of farm animals be defined and permitted in all residential zones (i.e. VR1, VR2, SLR, RR) providing it is an accessory use to the principal residential dwelling and that all buildings and structures used for the keeping of the farm animals meet the established setback requirements.

Staff are proposing a definition for the accommodation of farm animals to be added to Definitions Section 17.1as follows:

“Accommodation of farm animals – means the keeping of 4 or more domesticated animals such as goats, sheep, rabbits, chickens, ducks, turkeys and similar fowl which are kept primarily for personal use and not for sale on residential zoned lots.0.4 ha or greater. The keeping of these farm animals is accessory to the principal residential use.”

Given that the building and structure setbacks for this use (i.e. accommodation of farm animals) is already within the bylaw for residential zones, this amendment states the types of animals permitted and states that the property has to have a minimum lot size of 0.4 ha.

Additional OCP and LUB Amendments

There were additional bylaw amendments discussed at previous meetings. Two of the topics would involve amendments to the LUB and the OCP: Eagle Nests Identification and Protection, and Marine Geo-Thermal. These will require amendments to development permit areas to provide additional guidelines. In addition to these amendments staff will also address the proposed subdivision servicing requirements that deal with such topics as water quality, desalinization, bike parking, etc. These will be presented at subsequent meeting.

STAFF COMMENTS:

The amendments addressed in the draft Bylaw No. 240 further brings the LUB into conformity with the OCP and improves clarity and/or resolves issues around permitted uses. The amendments build on the discussion and resolutions passed by the LTC at the November 19, 2012 meeting.

Staff are recommending that the Amending Bylaw No. 240 be given first reading and that it be forwarded to the Galiano APC for review and comment. The bylaw will also be referred to agencies for comment. However, if there are significant amendments recommended by the APC or by agencies, then staff would bring the bylaw back to the LTC for consideration of amendments at Second Reading, prior to holding a public hearing. At this time, the LTC can also give staff direction to schedule a public hearing or wait until all LUB related amendments are presented and schedule a public hearing to address all of the amendments at one time. Alternately, the LTC could defer consideration of this bylaw until bylaws on the additional topics are drafted.

RECOMMENDATIONS:

1. **THAT** the Galiano Island Local Trust Committee give Bylaw No. 240 First Reading.
2. **THAT** the Galiano Local Trust Committee forward proposed Bylaw No. 240 to the Galiano APC for review and comment.

Prepared and Submitted by:



Kris Nichols

February 12, 2013

Date

Concurred in by:



February 13, 2013

Date

Attachments:

1. Draft Bylaw No. 240
2. Sign Bylaw section revisions

3. Home Occupation section revisions

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GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 240

A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW NO. 127, 1999

The Galiano Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Galiano Island Trust Committee Area under the *Islands Trust Act*, enacts as follows:

1. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
 - a) By amending Section 3.3 by replacing the words “A home occupation other than one involving agriculture or horticulture must be conducted entirely within the operator's dwelling unit or within buildings or structures accessory to that dwelling unit” with the words, “Home occupations must be conducted entirely within the operator’s dwelling or permitted accessory building except that this restriction does not apply to the use of the land for outdoor activities associated with a kindergarten, nursery school, daycare, agriculture or horticulture”
 - b) By amending Section 3.4 by removing the words “except that an unilluminated business sign not exceeding 0.2 square metres in area may be placed on the premises”.
 - c) By adding Section 3.5 “Except for one unilluminated nameplate not exceeding 0.6 square metres in area in respect of each home occupation, no sign or other advertising matter may be exhibited or displayed on the premises where a home occupation is conducted, and no exterior artificial lighting may be installed or operated on the premises for a purpose associated with the home occupation.”
 - d) By amending the numbering of Sections 3.5 to 3.6, 3.6 to 3.8, 3.7 to 3.9, 3.8 to 3.10 and Subsections 3.8.1 to 3.10.1 and 3.8.2 to 3.10.2.
 - e) By adding Section 3.7 “Except for the retail sale of goods produced, processed or repaired as part of a home occupation, and retail sale of articles directly related to a personal service provided as a home occupation, the following activities are not permitted:
 1. Retail or wholesale selling of any product or material
 2. The serving of food or drink products on the premises as part of a home occupation except for bed and breakfast home occupation in which case a morning meal may be served to paying guests.”;
 - f) By adding Section 3.11 “The operator of every home occupation must comply with all licensing, health and other applicable regulations of British Columbia and the Capital; Regional District, including building, public health, noise, air quality, and water quality regulations.”
 - g) By adding Section 3.12 “No vehicle or equipment used by, or in the conduct of, a home business shall be stored in a required front yard setback or in a required side yard setback without being screened from view.”

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- h) By adding an information note after Section 3.12 as follows:
Information Note: On properties located within the Agricultural Land Reserve (ALR), some provincial regulations apply to home-based businesses, unless variances are applied for and approved in writing by the Provincial Land Reserve Commission. No retail sales of goods or products are permitted in the ALR unless they are produced or repaired as part of the home-based business
- i) By amending Section 16.1 by adding the sentence “Sandwich board signs must be located on the lot where the business is located and not within the highway right-of-way.” at the end of the first paragraph.
- j) By removing Sub-sections 16.1.1 to 16.1.7.inclusive and replacing with the following:
- “16.1.1 Economic Activity Zones:
 Retail Commercial – C1
 Visitor Accommodation (inn) Zone – C3
 Visitor Accommodation (Resort) Zone – C4
 Visitor Accommodation (Rural Resort) Zone – C5
 Galiano Inn (Comprehensive Resort) Zone – CR5
 Public House Commercial Land Zone – C6
 Commercial Private Film School Zone – C7
 Light Industrial Zone – L1
 Forest Industrial Zone – FI
- 16.1.2. Marine Zones:
 Marine Service - MS
 Marine Commercial Water Zones - MCW
 Marine Commercial Land Zones - MCL
- 16.1.3 Community Facility Zones
 Senior Citizen Residential Zone – SCR
 Community Facility Zone – CF
 Emergency and Health Services Zone – EHS
 Health and Wellness Zone – HW”
- k) By adding “Section 16.3 For those zones that permit more than one commercial use one free standing sign listing all businesses is permitted in accordance with Development Permit Area 6 – Commercial and Industrial Form and Character.”
- l) By adding “Section 16.4 Signs must be located on the lot occupied by the use to which they refer.”
- m) By replacing Sections 16.3 and 16.4 with 16.5 and 16.6 consecutively.
- n) By adding “Section 16.7 Nothing in this Bylaw prohibits the erection of a sign by an agency of government for purposes of public health or safety, or by a candidate in a municipal, provincial or federal election during the period prior to the election.”
- o) By replacing in its entirety the definition Article 17.1.18 Home Occupation with “Home Occupation means an accessory commercial use conducted on a residential lot and includes: bed and breakfast and cottage uses and any profession, trade, business, artistic endeavour, where such activities are clearly

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accessory to a principal residential use, but for certainty does not include sawmilling.”

- p) By amending Section 17.1 (Definition) by adding the following definition in alphabetical order and subsequently changing all definition numbering:
 “Accommodation of farm animals – means the keeping of 4 or more domesticated animals such as goats, sheep, rabbits, chickens, ducks, turkeys and similar fowl which are kept primarily for personal use and not for sale on residential zoned lots.0.4 ha or greater. The keeping of these farm animals is accessory to the principal residential use.”

B. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 5, 2013”.

READ A FIRST TIME THIS	DAY OF	2013
PUBLIC HEARING HELD THIS	DAY OF	201x
READ A SECOND TIME THIS	DAY OF	201x
READ A THIRD TIME THIS	DAY OF	201x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	DAY OF	201x
ADOPTED THIS	DAY OF	201x

 DEPUTY SECRETARY

 CHAIR

1. SIGN REGULATIONS

Permitted Signs - Commercial Zones

1.0 No sign may be erected or placed on any premises in any of the zones listed in this section, except one building-mounted sign and one sandwich-board sign per highway frontage, each not exceeding a total sign area of 1.2 square metres, identifying a business carried on at those premises or the principal service or product sold at those premises. Sandwich board signs must be located on the lot where the business is located and not within the highway right-of-way. :

16.1.1 Economic Activity Zones:

- Retail Commercial – C1
- Visitor Accommodation (inn) Zone – C3
- Visitor Accommodation (Resort) Zone – C4
- Visitor Accommodation (Rural Resort) Zone – C5
- Galiano Inn (Comprehensive Resort) Zone – CR5
- Public House Commercial Land Zone – C6
- Commercial Private Film School Zone – C7
- Light Industrial Zone – L1
- Forest Industrial Zone – FI

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16.1.2. Marine Zones:

- Marine Service - MS
- Marine Commercial Water Zones - MCW
- Marine Commercial Land Zones - MCL

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16.1.3 Community Facility Zones

- Senior Citizen Residential Zone – SCR
- Community Facility Zone – CF
- Emergency and Health Services Zone – EHS
- Health and Wellness Zone - HW

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16.1.1	Retail Commercial	C1
16.1.2	Public House Commercial	C6
16.1.3	Visitor Accommodation	C2, C3, C4, C5, C5A
16.1.4	Light Industry	LI, FI
16.1.5	Marine Service	MS
16.1.6	Marine Commercial	MC
16.1.7	Commercial Private Film School	C&

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1.2 For the purposes of this section, a sign displaying a message or information on each of two sides constitutes a single sign.

16.3 For those zones that permit more than one commercial use one free standing sign listing all businesses is permitted in accordance with Development Permit Area 6 – Commercial and Industrial Form and Character.

16.4 Signs must be located on the lot occupied by the use to which they refer.

Permitted Signs - Non-Commercial Zones

| 1.53 Except as provided by section 3.4, no sign may be erected or placed on any premises in any other zones established by this bylaw except one sign not exceeding a total sign area of 1.2 square metres pertaining to the offering for lease or sale of the lot on which the sign is located, and one sign identifying the owner or address of the premises.

| 1.64 Despite sections 16.1 and 16.3, the following types of signs are prohibited throughout the Galiano Island Local Trust Area:

- 1.46.1 any permanent sign that projects over a highway or other public property;
- 1.64.2 flashing or blinking illuminated signs;
- 1.64.3 signs that make any noise calculated to attract attention to the sign;
- 1.46.4 signs that are illuminated by a floodlight or spotlight such that the light from the floodlight or spotlight shines directly into the path of oncoming motor vehicle traffic or onto adjoining property; and
- 1.46.5 any sign which advertises or pertains to a business, service, or activity which has been discontinued for 30 days or more.

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16.7 Nothing in this Bylaw prohibits the erection of a sign by an agency of government for purposes of public health or safety, or by a candidate in a municipal, provincial or federal election during the period prior to the election.

1. HOME OCCUPATIONS REGULATIONS

1.1 The purpose of the regulations set out in this Part is to ensure that the conduct of home occupations including bed and breakfast home occupations does not give a non-residential appearance to premises on which they are conducted.

1.2 A home occupation is not permitted unless the premises on which it is conducted are concurrently occupied as a dwelling.

1.3 ~~Home occupations must be conducted entirely within the operator's dwelling or permitted accessory building except that this restriction does not apply to the use of the land for outdoor activities associated with a kindergarten, nursery school, daycare, agriculture or horticulture. A home occupation other than one involving agriculture or horticulture must be conducted entirely within the operator's dwelling unit or within buildings or structures accessory to that dwelling unit, and no exterior storage of materials, products or equipment is permitted.~~

1.4 No dwelling unit may be constructed or altered to accommodate a home occupation such that the external appearance of the dwelling unit in which it is conducted plainly indicates the presence of a home occupation use.

~~3.5 Except for one unilluminated nameplate not exceeding 0.6 square metres in area in respect of each home occupation, no sign or other advertising matter may be exhibited or displayed on the premises where a home occupation is conducted, and no exterior artificial lighting may be installed or operated on the premises for a purpose associated with the home occupation, except that an unilluminated business sign not exceeding 0.2 square metres in area may be placed on the premises.~~

1.56 No more than three persons may be employed in any home occupation, at least one of whom must reside permanently on the premises on which the home occupation is conducted.

3.7 ~~Except for the retail sale of goods produced, processed or repaired as part of a home occupation, and retail sale of articles directly related to a personal service provided as a home occupation, the following activities are not permitted:~~

1. ~~Retail or wholesale selling of any product or material~~
2. ~~The serving of food or drink products on the premises as part of a home occupation except for bed and breakfast home occupation in which case a morning meal may be served to paying guests.~~

1.86 No restaurant, cafe, commercial water bottling enterprise, boarding kennel, fur farm, feed lot or manure-based mushroom growing enterprise is permitted as a home occupation.

1.79 No home occupation may generate waste, noise, vibration, glare, fumes, odours, illumination or electrical interference ordinarily detectable off the lot on which the home occupation is conducted or consume more groundwater than would normally be consumed by a residential use of land.

1.810 The number of bedrooms used to accommodate paying guests in a bed and breakfast home occupation including any accommodation in a cottage must not exceed:

1.810.1 two if the lot is in the VR1 or VR2 zone; and

1.810.2 three if the lot is in any other zone permitting home occupations.

3.11 ~~The operator of every home occupation must comply with all licensing, health and other applicable regulations of British Columbia and the Capital, Regional District, including building, public health, noise, air quality, and water quality regulations.~~

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3.12. No vehicle or equipment used by, or in the conduct of, a home business shall be stored in a required front yard setback or in a required side yard setback without being screened from view.

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Information Note: On properties located within the Agricultural Land Reserve (ALR), some provincial regulations apply to home-based businesses, unless variances are applied for and approved in writing by the Provincial Land Reserve Commission. No retail sales of goods or products are permitted in the ALR unless they are produced or repaired as part of the home-based business.

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Applications w/ Status - Galiano Island Status: Open

Applications

Development Variance Permit

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

Planning Status

Status Date: Jan-14-2013

Additional survey required to identify other encroachments, lot coverage, DVP file on hold BE file re-activated

Status Date: Nov-13-2012

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

Status Date: Nov-08-2012

Survey submitted by applicant showing encroachment.

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2012.5	George & Katherine Bird Planner: Kim Farris	Dec-05-2012	18715 PORLIER PASSAGE DR To vary the interior lot line from 6m to 1.68m to accomodate for an existing hot tub deck.

Planning Status

Status Date: Jan-16-2013

Permit drafted and circulated

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2013.1	Michael Norgang Planner: Kim Farris	Jan-22-2013	70 Bluff Rd To vary the front lot line to accomodate existing dwelling.

Planning Status

Status Date: Jan-23-2013

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

Rezoning

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

Planning Status

Status Date: Nov-20-2012

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

Status Date: Nov-15-2012

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

Status Date: Jul-27-2012

application on-hold to fall 2012

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

Planning Status

Status Date: Jan-29-2013

applicants again requested to provide comments

Status Date: Jan-13-2013

applicants indicate they will provide comments by end of Jan

Status Date: Jan-04-2013

Applicants again requested to provide potential covenant revisions

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

Planning Status

Status Date: Sep-03-2012

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

Status Date: Aug-30-2012

Met with applicants to walk the site

Status Date: Jul-09-2012

Re-reading of first reading given to amended bylaws.

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

Planning Status

Status Date: Feb-01-2013

Staff working on required covenants and CIM scheduled for February 18, 2013

Status Date: Nov-16-2012

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

Status Date: Nov-09-2012

Well summary for lot 2 (and rest) submitted.

Subdivision

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

Planning Status

Status Date: Jan-10-2013

applicant indicates additional well-drilling and surveying still required. Working on removing easements to provide BC Parks with clean title

Status Date: Oct-15-2012

staff contacted by consultant indicating well drilling pending

Status Date: May-03-2012

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

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

Planning Status

Status Date: Feb-09-2012

PLA received from MoTI dated April 1, 2011

Status Date: Sep-13-2010

Response sent to MOTI September 13, 2010.

Status Date: Sep-01-2010

Staff to send response to MOTI by September 10, 2010

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

Planning Status

Status Date: Feb-13-2013

Status Date: May-17-2012

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

Status Date: May-03-2012

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

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

Planning Status

Status Date: Sep-06-2012

PLA received from MOT

Status Date: Jul-31-2012

Referral response sent to MOT

Status Date: Jul-25-2012

Planner initiating review of application
