



**GALIANO ISLAND  
LOCAL TRUST COMMITTEE  
SPECIAL MEETING  
THURSDAY, JANUARY 20, 2011 AT 1:00 PM  
AT THE SOUTH COMMUNITY HALL  
141 STURDIES BAY ROAD, GALIANO ISLAND, B.C**

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
  - 2.1 Questions on Agenda Items**
- 3. CORRESPONDENCE**
  - 3.1 Correspondence of December 18, 2010 from Richard Dewinetz (attached)**
- 4. Local Trust Committee Minutes for Adoption and Community Information Meeting Notes for receipt**
  - 4.1 Minutes of the Regular meeting of December 13, 2010 (attached)**
  - 4.2 Community Information Meeting Notes of October 18, 2010 (attached)**
- 5. MOTION TO CLOSE MEETING**

THAT, pursuant to Section 90(1)(i) of the Community Charter, the Galiano Island Local Trust Committee resolves to close the meeting to the public to allow the Local Trust Committee to consider the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and to adopt December 13, 2010 Local Trust Committee In Camera Minutes, and further that Island Planner Robert Kojima, and minute-taker David Millership remain present. (agenda distributed under separate cover)
- 6. RECALL TO ORDER**
  - 6.1 Rise and Report from Closed Meeting**
- 7. OCP REVIEW PROJECT**
  - 7.1 Draft 3 of OCP – for LTC receipt and review (attached under separate cover)**



**Robert Kojima**

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**From:** Richard Dewinetz [dewinetz@shaw.ca]  
**Sent:** Saturday, December 18, 2010 4:07 PM  
**To:** Robert Kojima  
**Subject:** Fw:  
**Attachments:** Dec. 2010 proposal to Trustees.bmp

With best regards

Richard M. Dewinetz

Tel: 604.538.6858

Fax: 604.538.6809

----- Original Message -----

**From:** Richard Dewinetz

**To:** spottle@islandstrust.bc.ca ; ldecario@islandstrust.bc.ca ; Steeves, Gary (North Pender Trustee)

**Sent:** Saturday, December 18, 2010 3:58 PM

**Memo to Galiano Trustees and Other Interested Parties;**

I was in attendance at the LTC meeting on December 13th and was shocked at the response by your legal counsel that it is legal to treat the 20 acre lot Owners differently than the "large lot" Owners even though all these lots are in the F1 zone. He stated that he believes if three Owners own three contiguous 20 acre parcels, it is legal to allow only one of the Owners the right to a residence while the other two will NEVER be allowed to live on their land.

What he seems to be implying is that the 5 or 6 subdivisions that were created between the two MB court cases were not legal and therefore the Owners of these lots can be treated in this draconian manner.

Yet at the same time, our Trustees have agreed to allow residential rights for certain F1 lots that are under 50 acres, again suggesting that any under 50 acre lots created by subdivision between the court cases are illegal.

I bring to your attention the court case of 1994 (The Galiano Conservancy vs Treeco Developments), wherein the Judge ruled that all the 20 acre lots created were totally legal!

I would like to hope that the proposed discrimination of the approx. 55 20 acre lots will NOT find its way into the final OCP/LUB currently under review. If so, it may result in yet again further litigation.

As a gesture towards resolving this issue, I ask that you review the attached and note that this proposal would add 200 acres to Bodega Ridge Provincial Park including over a half kilometer of waterfront.

It's time to put the past behind us and stop the war that has been raging for almost 20 years. You could go a long way to bring peace to our island....the decision is in your hands.

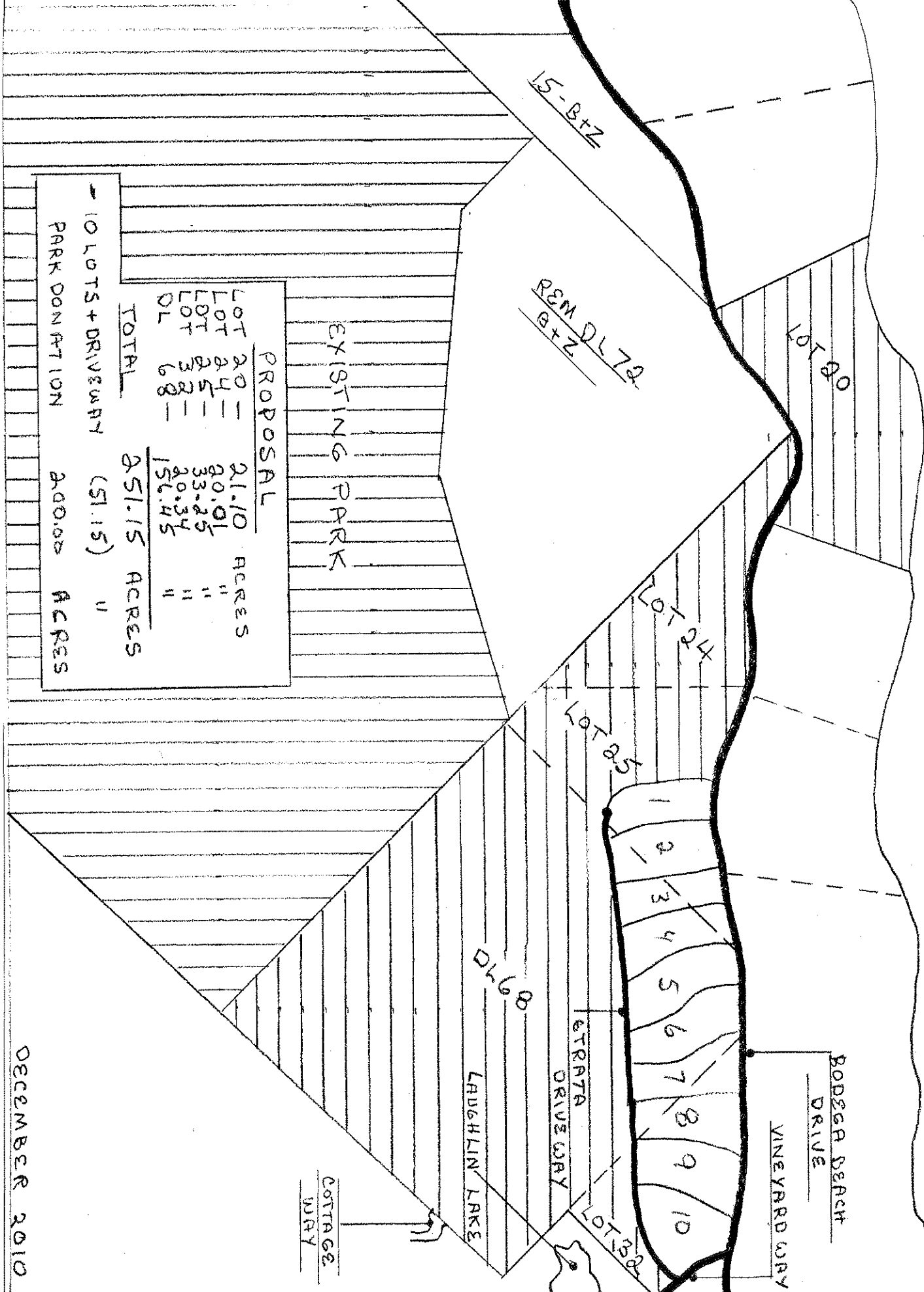
Richard M. Dewinetz

Tel: 604.538.6858

Fax: 604.538.6809

APPROX. 1650'  
"WATER FRONT"

GEORGIA STRAIT



EXISTING PARK		PROPOSAL	
LOT 20	21.10	ACRES	
LOT 21	20.01	"	
LOT 22	33.25	"	
LOT 23	20.34	"	
DL	156.45	"	
<b>TOTAL</b>	<b>251.15</b>	<b>ACRES</b>	

10 LOTS + DRIVEWAY (51.15) ACRES  
PARK DONATION 200.00 ACRES

DECEMBER 2010

**MINUTES OF THE GALIANO ISLAND  
LOCAL TRUST COMMITTEE MEETING  
HELD ON MONDAY, DECEMBER 13, 2010 AT 1:00 PM  
AT THE SOUTH ISLAND COMMUNITY HALL,  
GALIANO ISLAND, B.C.**

<b><u>PRESENT:</u></b>	Sheila Malcolmson	Chair
	Sandy Pottle	Local Trustee
	Louise Decario	Local Trustee
	Robert Kojima	Island Planner
	Gary Richardson	Island Planner
	Bill Buholzer	Legal Counsel
	David Millership	Recording Secretary

There were approximately twenty-four (24) members of the public present.

**1. CALL TO ORDER**

Chair Malcolmson called the meeting to order at 1:00 p.m. Introductions were made and the meeting introduced.

Chair Malcolmson thanked the Coast Salish people for the land this meeting is taking place on.

**2. APPROVAL OF AGENDA**

Chair Malcolmson asked for any additions or changes to the agenda.

The agenda was completely revised and the new agenda with additions and changes was as follows:

1. CALL TO ORDER
2. APPROVAL OF AGENDA
  - 2.1 Questions on Agenda Items
  - 2.2 Town Hall Session
3. MOTION TO CLOSE MEETING
4. RECALL TO ORDER
  - 4.1 Rise and Report from Closed Meeting
5. LOCAL TRUST COMMITTEE PROJECTS

- 5.1 OCP Review / Staff Report dated December 9, 2010  
Re: OCP Review – Forest Policy Advisory Committee  
Report (File No: GL-OCP-209.1) / Town Hall Session
- 5.2 GL-LUB-2010.1 (various Land Use Bylaw Text  
Amendments) – Draft Bylaw No. 209 - for consideration  
of First Reading
- 5.3 GL-OCP-2010.2 (various Land Use Bylaw mapping  
Amendments) - Draft Bylaw No. 211 (OCP Amendment)  
and Draft Bylaw No.212 (LUB Amendment – for  
consideration of First Reading / Staff Report dated  
December 10, 2010 (File No: GL-OCP-2010.2)
- 6. NEW BUSINESS
  - 6.1 Galiano APC Appointments Expiring
  - 6.2 Draft Minutes of December 1, 2010 APC Meeting
- 7. PREVIOUS MEETINGS
  - 7.1 Local Trust Committee Minutes for Adoption
    - 7.1.1 Minutes of November 8, 2010 Local Trust  
Committee Business Meeting
    - 7.1.2 Minutes of October 26, 2010 Local Trust  
Committee Special Meeting
    - 7.1.3 Minutes of November 30, 2010 Local Trust  
Committee Special Meeting
- 8. CORRESPONDENCE
  - 8.1 Graham Coleman dated October 16, 2010 re: Fences
  - 8.2 Dana Weber dated October 28, 2010 re: Unacceptable  
Noise from Gunfire
  - 8.3 Eileen Beaudine dated October 28, 2010 re: Gun Club  
disturbance
  - 8.4 Conny Nordin dated November 8, 2010 re: Development  
Permit Zone

- 8.5 Carolyn Jerome dated November 16, 2010 re: Legal Decision and Short Term Vacation Rentals on North Pender
- 8.6 Ken Millard, Director Galiano Conservancy Association dated December 12, 2010 re: Proposed Map Changes 2010

9. TOWN HALL MEETING

10. ADJOURNMENT

The agenda was approved as amended by consent.

## 2.1 Questions on Agenda Items

None

## 2.2 Town Hall Session

Chair Malcolmson opened the meeting to the public for comments.

**Sheila Anderson** asked how long the in-camera meeting would take.

Chair Malcolmson responded that the Local Trust Committee (LTC) does not know exactly.

**Dirk Oullet** asked what is the value of an in camera meeting.

Chair Malcolmson responded that in camera meetings are held for a variety of reasons such as to receive legal advice or approve minutes.

Planner Kojima responded that LTC decisions are made in public not in camera and that any advice or discussion that takes place in camera is in turn reflected in public process.

**Avis Seeds** asked if it would be possible in the future for the LTC to hold in camera meetings via conference rather than within scheduled meetings so as not to inconvenience the public.

Chair Malcolmson responded that it is a good suggestion and encouraged Ms. Seeds to write to the LTC supporting such an idea. Chair Malcolmson commented that bylaw change would be required in order for the LTC to meet via conference call.

Chair Malcolmson closed the meeting to the public for comments.

**3. MOTION TO CLOSE MEETING**

Resolution GL-LTC-143-10

It was Moved and Seconded that pursuant to Section 90(1)(i) of the Community Charter, the Galiano Island Local Trust Committee resolves to close the meeting to the public to consider legal advice and to adopt Galiano Island Local Trust Committee In Camera Minutes of November 8, 2010, November 30, 2010(1) and November 30, 2010 (2); and further that Island Planner Gary Richardson, Island Planner Robert Kojima, Legal Counsel Bill Buholzer and Minute Taker David Millership remain present.

**CARRIED**

*Note: the public was asked to adjourn at 1:15 p.m.*

See separate In Camera Meeting minutes dated December 13, 2010.

*Note: the public reconvened at 2:00 p.m.*

**4. RECALL TO ORDER**

**4.1 Rise and Report from Closed Meeting**

Resolution GL-LTC-145-10

It was Moved and Seconded that the Galiano Island Local Trust Committee opens the meeting to the Public.

**CARRIED**

**5. LOCAL TRUST COMMITTEE PROJECTS**

**5.1 OCP Review / Staff Report dated December 9, 2010  
Re: OCP Review – Forest Policy Advisory Committee  
Report (File No: GL-OCP-209.1) / Town Hall Session**

Planner Kojima provided information from Staff Report dated December 9, 2010 Re: OCP Review – Forest Policy Advisory Committee Report (File No: GL-OCP-209.1) and requested the LTC provide him direction as to which option to move forward with.

Trustee Decario and Trustee Pottle asked Planner Kojima several questions and there was some discussion regarding Statutory Right of Way (SRW), Ministry of Transportation and Infrastructure (MoTI), F3 option, labeling, rezoning, intent, lots that pre-date the sale of former MacMillan Bloedel lands, Road Network Plan (RNP), siting, covenants, boundary adjustments and the Staff Report in general.

Chair Malcolmson opened the meeting to the public for comments.

**Mike Hoebel** stated support for preserving public process.

**Sheila Anderson** stated concern with emergency lane SRW process and stated support for further exploration and MoTI comment.

Planner Kojima responded that the intent is there for clear routes for emergency access and agreed that further exploration and MoTI comment would be beneficial.

**Gary Coward** stated support for a planning mechanism that would guarantee no further subdivision regarding F3 lands and fetter future LTC's. Mr. Coward stated concern that j) ii) does not provide a clear community benefit.

Legal Counsel Bill Buholzer responded that fettering future LTC's is not a favourable option and can provide a false sense of security - there is no way to guarantee future process.

**Richard Dewinitz** asked if it would be legal to only permit one residence on three side by side twenty (20) acre lots.

Planner Kojima responded that it would be legal if each lot were less than twenty (20) acres.

Legal Counsel Bill Buholzer responded that it would be legal if each lot were less than twenty (20) acres and that it would be unlikely to happen.

**Bowie Keefer** stated support for the benefits of voluntary covenants and Option One (outright accessory dwelling use) of the Staff Report.

**Dirk Oullet** asked where the two options in the Staff Report came from.

Planner Kojima responded that the two options resulted from decisions made by the LTC.

**Akasha Forest** asked for clarification regarding the words "case-by case-basis" pertaining to the sentence "The determination of that status would continue to be made on a case-by-case basis, initially by planning staff, and with the advice of legal counsel if necessary." referring to Development Permit Areas (DPA) - page seven (7) of the Staff Report.

Planner Kojima responded that it is like an interpretation of a regulation and could ultimately end up in the court system.

**Andrew Loveridge** stated support for the “home plate” concept being written explicitly in the Official Community Plan (OCP).

Planner Kojima responded that the “home plate” concept would be dealt with on a case-by-case basis and outlined in the OCP.

Chair Malcolmson closed the meeting to the public for comments.

Trustee Decario and Trustee Pottle asked Planner Kojima several more questions and there was some clarification of various points in the Staff Report.

There was some discussion regarding Option One (outright accessory dwelling use) and Option Two (accessory dwelling use by rezoning application) in the Staff Report.

Trustee Decario stated that Option Two provides more public process and feels right yet it might not really move Galiano forward in any way. Trustee Decario stated that Option One requires some leap of faith due to past experiences but that it might provide the best chance for Galiano gaining exemption from Section 21 of the Private Managed Forest Land Act (PMFLA).

Trustee Pottle stated agreement with Trustee Decario. Trustee Pottle commented that she is more comfortable with the on-island control that Option Two provides but that it may be better to move forward with something new – Option One requires some leap of faith due to past experiences but it might be the right one to move Galiano forward.

Chair Malcolmson commented that Option One – with community input and carefully crafted bylaws - might provide more certainty of future planning process - Option Two deals with future planning process on a case-by-case basis and is subsequently subject to no guarantee of who will be making those future case-by-case decisions.

Resolution GL-LTC-146-10

It was Moved and Seconded that the Galiano Island Local Trust Committee directs Staff to include Option One of the draft Forest Policy in the draft Official Community Plan.

**CARRIED**

Planner Kojima was directed to include the following in the next draft of the OCP:

1. Relating to h) and i) density bonus provisions should refer to rezoning to new zones or the F3 zone where relevant.
2. Ensuring that RNP policies (c) apply to smaller lots.
3. Specific re c) iii) that the word “collectively” be inserted before the word “on” after the word “dwelling”.
4. Confirm that the use of the term “residential” is correct where stated.
5. Confirming that c) iv) and c) v) are sufficiently clear as to not allow a dwelling with only an easement on the parcel.
6. That it is clear that F1 zoned lots can re-zone to Forest Industrial.
7. Remove j) ii) as an option.
8. Re j) iii) – confirmation with Staff on the Trust Fund Board that that is possible.

Resolution GL-LTC-147-10

It was Moved and Seconded that the Galiano Island Local Trust Committee directs Staff to continue to meet with Staff at the Ministry of Transportation and Infrastructure regarding the Road Network Plan for Galiano and meet with the Ministry of Sport and Cultural Development regarding the draft Official Community Plan policies and exemption from Section 21 of the Private Managed Forest Land Act.

**CARRIED**

Resolution GL-LTC-148-10

It was Moved and Seconded that the Galiano Island Local Trust Committee directs Staff to prepare a draft Official Community Plan for review.

**CARRIED**

*Note: Legal Counsel Bill Buholzer left the meeting at 4:00 p.m.*

*Note: there was a break at 4:00 p.m. and the meeting reconvened at 4:10 p.m.*

**5.2 GL-LUB-2010.1 (various Land Use Bylaw Text Amendments) – Draft Bylaw No. 209 - for consideration of First Reading**

Planner Richardson provided information and there was some discussion regarding wording in Draft Bylaw No. 209.

Planner Richardson was directed to amend Draft Bylaw No. 209 as follows:

1. Referring to g) - insert the words “the sea and” after the word “from” before the word “watercourses.”
2. Referring to z) – insert an end quotation (”) after the second instance of the word “Act;”

Trustee Decario commented that the LTC would be reviewing the permitted floor area of accessory buildings and structures in other zones too.

Resolution GL-LTC-149-10

It was Moved and Seconded that the Galiano Island Local Trust Committee give first reading to Draft Bylaw No. 209 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2010”.

**CARRIED**

Planner Richardson will refer Proposed Bylaw No. 209 to other necessary sources as needed.

Resolution GL-LTC-150-10

It was Moved and Seconded that the Galiano Island Local Trust Committee send Proposed Bylaw No. 209 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2010” to the Advisory Planning Commission for review and comment.

**CARRIED**

Chair Malcolmson opened the meeting to the public for comments.

**Sheila Anderson** stated concern regarding f) and g) as they relate to fencing and the definition of watercourses – Ms. Anderson opposed the possibility that some people may be forced to move their fences and/or lose the potential of some of their agricultural land.

**Roger Pettit** stated concern with the possibility of losing potential farming land on his property due to setbacks for structures, including fences, from watercourses.

Chair Malcolmson closed the meeting to the public for comments.

**5.3 GL-OCP-2010.2 (various Land Use Bylaw mapping Amendments) - Draft Bylaw No. 211 (OCP Amendment) and Draft Bylaw No.212 (LUB Amendment – for consideration of First Reading / Staff Report dated December 10, 2010 (File No: GL-OCP-2010.2)**

Planner Richardson provided information from Staff Report dated December 10, 2010 (File No: GL-OCP-2010.2).

Planner Richardson was directed to check on items sixteen (16) and thirty (30) of Table 1 and confirm amendments to change them to “Nature Protection” zoning as well as receive comment from the Capital Regional District (CRD).

Correspondence item 8.6 - Ken Millard, Director Galiano Conservancy Association dated December 12, 2010 re: Proposed Map Changes 2010 was received.

Chair Malcolmson opened the meeting to the public for comments.

**Sheila Anderson** stated concern regarding items thirty (30) and thirty-one (31) of Table 1 - parking and signage is being erected at Mathews Point and it shouldn't be as parking and signage is not permitted in a Nature Protection zone – there is a difference between Park and Nature Protection in terms of permitted structures.

Chair Malcolmson closed the meeting to the public for comments.

Resolution GL-LTC-151-10

It was Moved and Seconded that the Galiano Island Local Trust Committee directs Staff to incorporate changes as per the Ken Millard, Director Galiano Conservancy Association email dated December 12, 2010 re: Proposed Map Changes 2010, in reference to Staff Report dated December 10, 2010 (File No: GL-OCP-2010.2).

**CARRIED**

Resolution GL-LTC-152-10

It was Moved and Seconded that the Galiano Island Local Trust Committee directs Staff to forward the Preliminary Staff Report to all the property owners subject to the proposed amendments to obtain comment from them.

**CARRIED**

## 6. NEW BUSINESS

### 6.1 Galiano APC Appointments Expiring

#### Resolution GL-LTC-153-10

It was Moved and Seconded that the Galiano Island Local Trust Committee directs Staff to draft a letter and send it to the present Galiano Advisory Planning Commission members asking if they would like to serve another two year term.

**CARRIED**

### 6.2 Draft Minutes of December 1, 2010 APC Meeting

Received by virtue of being on the agenda.

Deferred to a later date.

## 7. PREVIOUS MEETINGS

### 7.1 Local Trust Committee Minutes for Adoption

#### 7.1.1 Minutes of November 8, 2010 Local Trust Committee Business Meeting

Amendments:

- *None*

The Minutes of November 8, 2010 Local Trust Committee Business Meeting were approved by consent.

#### 7.1.2 Minutes of October 26, 2010 Local Trust Committee Special Meeting

Amendments:

- *None*

The Minutes of October 26, 2010 Local Trust Committee Special Meeting were approved by consent.

#### 7.1.3 Minutes of November 30, 2010 Local Trust Committee Special Meeting

Amendments:

- *None*

The Minutes of November 30, 2010 Local Trust Committee Special Meeting were approved by consent.

Chair Malcolmson requested that Staff follow-up with regards to wording/procedure for minutes when coming in/out of in camera meetings – there should be a template.

## **8. CORRESPONDENCE**

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

### **8.1 Graham Coleman dated October 16, 2010 re: Fences**

Planner Richardson was directed to follow-up with a response.

### **8.2 Dana Weber dated October 28, 2010 re: Unacceptable Noise from Gunfire**

Planner Richardson was directed to follow-up with a response.

### **8.3 Eileen Beaudine dated October 28, 2010 re: Gun Club disturbance**

Planner Richardson was directed to follow-up with a response.

### **8.4 Conny Nordin dated November 8, 2010 re: Development Permit Zone**

Planner Richardson was directed to follow-up with a response.

### **8.5 Carolyn Jerome dated November 16, 2010 re: Legal Decision and Short Term Vacation Rentals on North Pender**

Planner Richardson was directed to follow-up with a response.

### **8.6 Ken Millard, Director Galiano Conservancy Association dated December 12, 2010 re: Proposed Map Changes 2010**

Please refer to item 5.3 discussion and related resolution.

*Note: Planner Kojima and Planner Richardson left the meeting at 5:10 p.m.*

**9. TOWN HALL MEETING**

Chair Malcolmson opened the meeting to the public for comments.

**Mike Hoebel** stated concern regarding some items on the agenda not being dealt with fully.

**Ken Millard** stated concern regarding page eight (8) Process points one (1) through four (4) of Staff Report dated December 9, 2010 Re: OCP Review – Forest Policy Advisory Committee Report (File No: GL-OCP-209.1) – referral from building inspector seems unreliable and lawyer’s undertaking seems unreasonable.

**Roger Pettit** stated support for increasing the permitted floor area of accessory buildings and structures in the F3 zone.

**Sheila Anderson** stated support for proper process and scrutiny of details moving forward – things have to be rock solid before any bylaws are adopted.

**Roger Pettit** stated that nothing is rock solid when lawyers are involved.

Chair Malcolmson closed the meeting to the public for comments.

**10. ADJOURNMENT**

Resolution GL-LTC-154-10

It was Moved and Seconded that the meeting be adjourned at approximately 5:20 p.m.

**CARRIED**

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**RECORDER**

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**CHAIR**

# DRAFT

**MINUTES OF THE GALIANO ISLAND  
LOCAL TRUST COMMITTEE  
COMMUNITY INFORMATION MEETING  
HELD ON MONDAY, OCTOBER 18, 2010 AT 1:35 PM  
AT THE NORTH ISLAND COMMUNITY HALL,  
GALIANO ISLAND, B.C.**

**PRESENT:** Gary Steeves Chair  
Sandy Pottle Local Trustee  
Louise Decario Local Trustee  
Gary Richardson Island Planner  
David Millership Recording Secretary

There were approximately six (6) members of the public present.

Chair Steeves called the meeting to order at 1:35 p.m. Introductions were made and the meeting introduced.

**3.1 Proposed Bylaw 207 (OCP)** (reduction in parcel size requirement for lands to be used for affordable and/or senior housing resulting from rezoning from F1 to RR and FH)

Planner Richardson stated that Proposed Bylaw No. 207 (OCP) would reduce the parcel size requirement to 1.5 hectares from 2.0 hectares for lands to be used for affordable and/or senior housing resulting from rezoning from F1 to RR and FH.

Chair Steeves opened the meeting to the public for comments.

**Don Anderson** identified the land in question via a map that was on display and stated that the 7.5 hectare (ha) property has a 1.72 ha portion set aside within it for affordable housing. Mr. Anderson stated that the exact location of the 1.72 ha portion set aside within the 7.5 ha property for affordable housing has yet to be determined. Mr. Anderson stated that goals of the Galiano Club for the property and portion in general were; access, minimization of forest fragmentation, minimization of impact on protected ecology and proximity to existing rural residential areas with existing services.

**Tom Hennessy** stated support for the location of the 1.72 ha portion as shown on the map on display. Mr. Hennessy stated concern regarding the process/difficulty to obtain an easement for the land in question.

**Don Anderson** stated that water resources do not appear to be a problem in the area, that guest cottages are currently not permitted and that the current number of permitted densities is three.

Mr. Anderson stated that the Galiano Club would most likely sell the 1.72 ha portion to an organization such as the Galiano Land and Community Housing Trust as Heritage Forest and then such organization would need to go through the process of rezoning the land to Community Facility.

**Tom Hennessy** stated support for addressing affordable housing.

**Diana Lilly** stated support for increased density for affordable housing.

**Don Anderson** stated there was community support and appeared approval regarding the Galiano Club management plan for Heritage Forest via three open houses.

Chair Steeves closed the meeting to the public for comments.

### **3.2 Proposed Bylaw 208 (Discharging of Land Use Contract G70321)**

Planner Richardson stated that Proposed Bylaw No. 208 would discharge Land Use Contract G70321 for application mentioned properties only – it would not discharge Land Use Contract G70321 for all properties that are part of the related covenant. Land Use Contract G70321 restricts cottage size to five hundred square feet and Proposed Bylaw No. 208, would discharge Land Use Contract G70321 for application mentioned properties only resulting in a cottage size allowance of 646 square feet. Planner Richardson stated that a 646 square foot cottage size allowance is in keeping with other Rural Residential (RR) zoned properties on Galiano.

Chair Steeves opened the meeting to the public for comments.

No comments were made.

Chair Steeves closed the meeting to the public for comments.

The meeting was adjourned at approximately 1:45 p.m.

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**RECORDER**

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**DATE**



# STAFF REPORT

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**Date** January 12, 2011

**File No.:** GL-OCP-2009.1

**To:** Galiano Island Local Trust Committee  
For the meeting of January 20, 2011

**From:** Robert Kojima  
Island Planner  
Local Planning Services

**CC:** David Marlor, RPM

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**Re: OCP Review – Commercial Form and Character Development Permit Areas**

**BACKGROUND:** The review and update of the Official Community Plan (OCP) is a top priority project of the Galiano Island Local Trust Committee (LTC). The LTC has received Draft 3 of the OCP, a full text draft with the exception of development permit area provisions for the form and character of commercial and industrial development. The LTC deferred inclusion of these provisions into the draft pending receipt of the Advisory Planning Commission's (APC) comments on the potential DPA. The APC completed its review of model DPA provisions in December and has provided the LTC with clause-by-clause comments on the model provisions. This staff report attaches the APC's comments and provides the LTC with staff comments and recommendations in the attached table. The report also provides a brief summary of the purpose and context of the use of development permit areas, specifically for form and character.

## Summary of Development Permit Areas

A development permit area (DPA) is an area designated in the OCP that manages how development occurs on lands or locations that are of particular concern or which may be sensitive to the impacts of development. Within these designated DPA, further review may be warranted before development can proceed. Development permits provide a tool for review and management of development at the site level and development is restricted until a development permit is obtained. Land may be designated in an Official Community Plan (OCP) for one of a number of purposes, including the protection of development from hazardous conditions, protection of the natural environment, protection of farming, energy conservation, water conservation, reduction of greenhouse gas emissions and objectives for the form and character of commercial, industrial, or multi-family development.

Typically DPA are designated on a map that is a schedule to the OCP. However, some DPA may be designated by reference to legal descriptions of land or to a particular zone or land use designation. A DPA for commercial form and character is typically designated by reference to land use designations or zones. Designating land as being within a development permit area

cannot prevent development that is permitted by zoning and which is consistent with the guidelines of the DPA. DPA guidelines should be more general and non-prescriptive than regulations, with specific conditions being included in individual development permits. The OCP may also specify circumstances under which a development permit is not required (exemptions). Usually exemptions are for minor or trivial activities, or identify activities that a local government cannot regulate (for example activities undertaken by the Crown) or does not wish to regulate (for example the form and character of structures not requiring a building permit). A development permit can only impose conditions on development in accordance with the guidelines specified for that DPA.

The Galiano OCP does not currently include designation of a development permit area for the form and character of commercial or industrial development. This type of DPA is one of the older and more commonly utilized designations and is essentially a mechanism for the general design control of non-residential development. It would allow for guidelines to require that new commercial development include certain general design elements: the form the building (e.g. pitched roofs, massing), the character of the development (e.g. use of natural materials), building layout, lighting, parking layout, and landscaping. Similarly, for new industrial development, such a DPA would control the design and layout, mainly with the objective of minimizing impacts on adjacent properties. Form and character DPA have been adopted in the North Pender and Mayne OCPs recently, and a model based on these was provided to the LTC and subsequently referred to the APC for comment.

Staff have reviewed the APC's comments, and with minor exceptions, support the APC's recommendations for inclusion of a modified version of the model DPA in the next draft of the OCP.

### **Next Steps**

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If the LTC is satisfied with proceeding with the proposed DPA designations and provisions as outlined in the attached table, direction should be given to staff to include these in the next draft of the OCP (Draft 4).

### **Recommendations:**

1. THAT the Galiano Island Local Trust Committee review the recommendations in the attached table and provide staff with direction to include a commercial and industrial form and character DPA in the next draft of the OCP:

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Respectfully submitted by:



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Robert Kojima

January 13, 2011

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Date

Attachments: Table of APC comments on Commercial and Industrial Form and Character DPA

<b><u>DRAFT Model Form &amp; Character DPA</u></b>	<b><u>APC Comments and Recommendations</u></b>	<b><u>Staff Comments</u></b>
<p><b>Designation</b> This development permit area includes all land that is designated XXXXX.</p> <p><b>Authority</b> This development permit area is established, pursuant to Section 919.1(1)(f) of the <i>Local Government Act</i>, for the purpose of establishing objectives for the form and character of commercial and industrial development.</p> <p><b>Objectives</b> The objective of this development permit area is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural island character and minimizes impacts on adjacent properties.</p>	<p>Regarding the process and authority under the LGA and ITA, the APC members would prefer to see official notice to neighbours and the public conducted when DP applications are to be considered, particularly significant ones. It was felt that this could provide valuable insight into issues for the Local Trust Committee. Although not required by LGA, still desirable.</p> <p>APC agree with the <b>Objective</b> as stated.</p>	<p>Initiating notification of neighbours is not recommended, the legislation establishes that it is consultation on the OCP that informs the DPA guidelines and the DPs should then be considered based on consistency with the guidelines. It is difficult to separate relevant comments and consideration of neighbours' comments in issuing or refusing a DP could result in challenge of the LTC's decision.</p>
<p><b>General Applicability</b> The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below.</p> <p>(a) Construction of, addition to or alteration of a building or other structure.</p> <p><b>Work Not Requiring a Permit (Exemptions)</b> The following activities are exempt from any requirement for a development permit:</p> <p>a) subdivision of land; b) the maintenance of existing landscaping; c) the repair or maintenance of existing buildings or structures, including lighting, parking, or signage, provided there is no addition to lot coverage or area, no exterior alterations requiring a building permit or no change in the use of external materials that results in the alteration to the form or character of the building or structure; d) internal renovations or alterations; e) construction of buildings or structures not requiring a building permit; f) repair and maintenance of existing roads, parking areas, paths and trails; and g) construction of unpaved driveways and walkways.</p>	<p>c) Members agreed with the intent of c) which we understand is to avoid applications for minor work on existing building. However this section was considered nebulous and problematic at first read. After further consideration members suggest that this clause be slightly restructured for ease of interpretation. Eg. Start with " Provided there is no addition to lot coverage etc...." and then bullet the list of exemptions from the first sentence under that.</p>	<p>✓</p> <p>Could be re-worded as suggested and resulting in no DP except where there is an addition requiring a Building Permit</p>
<p><b>Guidelines</b></p> <p>The intent of this development permit area is to ensure that development in the form of new buildings or structures, or major additions to buildings or structures, meets the objectives described above. In considering the issuance of a development permit, the LTC should be satisfied that the following guidelines have been met where</p>		

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applicable and impose conditions where appropriate:		
Guideline 1 Where an application involves <u>retail commercial</u> buildings or structures, which are buildings and structures designed and intended for commercial uses other than for visitor accommodation, the building form and character should adhere to the following guidelines:		
1) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.	APC recommend that "is relatively unobtrusive" be omitted.	✓
2) Buildings should be designed and sited with the main entrance oriented to the front lot line or to the main point of entry from the road.	In some cases access from both front and rear may be needed, especially if parking is provided in rear.	As a guideline, it would give the LTC the discretion to consider instances where access should be from rear
3) Building form and character should not overwhelm the scale, mass and character of adjacent non-commercial properties.	Agree	✓
4) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height.	Agree	✓
5) Building mass should be softened by the use of small-scale elements such as windows, panels, entrances and other detail features in order to avoid monotony in design.	Agree	✓
6) Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas; features such as garage doors and windowless facades should be minimized.	Agree	✓
7) Buildings giving the impression of strip development should not be considered.	The term "strip development" should have meaning clarified	✓ Could be reworded for greater clarity.
8) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture.	Initially members agreed this clause could be removed. After further discussion it was agreed that it was the definition of a particular "style" that concerned us most. In conclusion we agreed that if amended to delete ".and styles relating to the	✓ However, removing this would limit an LTC's ability manage to the style of future development and would not provide direction to

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	vernacular style of coastal architecture” we could agree with the first part regarding natural materials and adding “where practical” to that.	designers.
9) Architectural variety should be provided through the use of pitched roofs, dormers and similar features.	Considered unnecessary and too specific, and that there is sufficient direction in 1.5 to achieve suitable form.	Removing this would limit an LTC's ability to require these features if development otherwise complies with guidelines.
10) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation.	Suggest move up as 2) so close to 1)	✓
11) In order to reduce noise, elements such as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing and building design.	We agreed that screening should be required as applied to the activities and equipment listed. APC recommend removing “In order to reduce noise,..” from the sentence as screening does not necessarily reduce noise as items listed to be screened don't necessarily cause noise.	✓
12) Social gathering should be encouraged by creating spaces such as porches, patios and gardens that are visible and accessible.	Agree	✓
Guideline 2 Where an application involves <u>visitor accommodation</u> buildings or structures, which are buildings designed and intended for use as commercial visitor accommodation units, building form and character should adhere to the following guidelines:		✓
1) Buildings and structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.	Agree Recommend edit – substitute “,and” for “to” following “vegetation”	✓
2) Where there are significant numbers of visitor accommodation units proposed or permitted on a site, development should incorporate a variety of building types, including attached or multi-unit buildings, in order to minimize the development footprint on the site and to minimize impacts on adjacent properties.	It is not clear how exactly this guideline would result in the stated goals. Recommend that the paragraph end with "multi-use buildings." and that the lines following be deleted.	Not recommended, the final portion of the guideline provides the intent and objective of the provision. The intent is not just to have a mix of single and multi-units (not uses) for its own sake, but to provide for this where it would result in development that

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		reduces visual and other impacts.
3) Building form and character should not overwhelm the scale, mass and character of adjacent non-commercial properties, without being imitative or derivative of adjacent dwellings.	Agree	✓
4) Building mass should be limited to two storeys above grade.	Majority of APC agreed this one could be removed. They feel that 2 - 1) above, combined with LUB height regulations could achieve building form. One member would prefer leaving this clause in guidelines.	✓
5) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height.	Agree	✓
6) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture.	( as for 1. 8) Initially members agreed this clause could be removed. After further discussion it was agreed that it was the definition of a particular "style" that concerned us most. In conclusion we agreed that if amended to delete ".and styles relating to the vernacular style of coastal architecture" we could agree with the first part regarding natural materials and adding "where practical" to that.	✓
7) Architectural variety should be provided through the use of pitched roofs, peaked roof lines, dormers and similar features.	Considered unnecessary – could be removed	See above
8) New buildings should result in minimal disturbance to existing vegetation.	Agree with but could move to follow 1) in list	✓
9) In order to reduce noise such elements as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing, and building design.	We agreed that screening should be required as applied to the activities and equipment listed. We recommend removing "In order to reduce noise,.. " from the sentence as screening does not necessarily reduce noise as items listed to be screened don't necessarily cause noise.	✓
10) Development along the shoreline should be visually unobtrusive and conform to the existing contours of the shoreline.	Agree	✓
11) Development should be designed and sited in such a manner as to preserve existing significant views, public paths and view corridors from adjacent properties and public lands. Consideration should be given to siting	Recommend that reference to <i>public paths</i> should be deleted from first sentence (line 2) and all remaining text should remain. APC members considered that public paths are usually on public land, or	✓

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a first storey below grade where it results in a lower profile building and protection of views.	are secured by SRW on private land, so meaning here not clear.	
12) Structures intended to access the foreshore, docks and marinas should be small-scale and low-profile. Stairs and ramps should follow the existing contours of the site, incorporate landings, public paths, utilize small concrete pilings and have gaps between boards.	Agree	✓
Guideline 3 Where an application involves industrial buildings or structures, building form and character should adhere to the following guidelines:		
1) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.	Agree Edit Recommendation. Line 2: " <i>vegetation and be sited</i> "	✓
2) Industrial buildings and structures should be functional and not include unnecessary design features or elements.	Recommendation that this guideline could be removed.	✓
3) Buildings should be designed and sited to avoid creating visual and noise impacts from industrial operations and using material blending with the surrounding.	Agree Edit Recommendation: line3 : " <i>..should use materials blending with the surrounding landscape</i> ".	✓
4) Elements such as roof top mechanical equipment, shipping and loading areas, external storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing, and building design.	Agree	✓
Guideline 4 All applications should include landscaping adhering to the following guidelines:		
1) A landscape plan prepared by a professional such as a landscape architect should: <ul style="list-style-type: none"> <li>i. provide supporting documentary evidence pertaining to landscape specifications, irrigation requirements, planting lists (highlighting indigenous species), cost estimates, and the total value of the work;</li> <li>ii. identify existing vegetation by type and identify areas which are to be cleared;</li> </ul>	APC members agreed to recommend that the reference to a plan prepared by a professional landscape architect be removed, instead just referencing "a landscaping plan should" in the introduction. Bullet i. refers to cost estimates and total value of work and relates, we assume, to clause 10) of this section. We suggest the reference to them be contained within that clause instead of here.	Requirement is not necessarily that plans be by a landscape architect, but by a professional. It does not preclude plans by others.

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<ul style="list-style-type: none"> <li>iii. provide for the landscape treatment of the frontage of the site which abuts onto existing or future public roads;</li> <li>iv. provide for vegetative buffers along lot lines;</li> <li>v. identify how landscape treatment will avoid the use of herbicides, pesticides and fungicides.</li> </ul>		
<p>2) Existing site topography, landscape features, and indigenous vegetation should be retained wherever possible. Significant or important existing indigenous vegetation within all setback areas should be preserved (i.e. wetlands and mature wooded areas). Significant existing indigenous vegetation within the buildable area of the site should be preserved wherever possible through careful and innovative site design.</p>	Agree	✓
<p>3) An adequate landscaped strip should be provided along all roads. The width and extent of this buffer strip should be established based on the overall useable site area of the parcel, the extent of existing vegetation, the provision for adequate access and visual clearances, and any zoning requirements for landscape screening.</p>	The Committee suggests that zoning regulations cover these concerns, and were not sure this is necessary.	The guideline would supplement the zoning regulations. Could be reworded and combined with (4) below.
<p>4) Landscaped strips or appropriate buffering should be provided adjacent to the boundary of the Agricultural Land Reserve, along abutting residential properties and adjacent to watercourses.</p>	The Committee suggests that zoning regulations cover these concerns; so that the guideline may not be needed. Recommendation: Edit line 1: to read: <i>Appropriate natural buffering should be provided</i>	✓ Could be combined with a reworded (3) above.
<p>5) Any storage areas on the property facing public roadways should have adequate landscape screening or the provision of other screening consistent with the overall character of the site and with the other guidelines in this section.</p>	Agree	✓

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6) Proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions; buffer planting using massing of indigenous trees and shrubs is encouraged.	Members questioned assumption that all indigenous are not invasive. Recommendation: Edit line 2 to read " <i>and non-invasive vegetation suitable for..</i> "	✓
7) Appropriate planting should be used to soften building massing, to break up parking areas and to provide screening along lot lines. It is not intended that plantings form a full-height visual screen around the whole site and screen all buildings from view; planting should reduce and soften the apparent scale and mass of buildings, provide screens, and create breaks in a building façade or at building corners.	Recommendation: That the first sentence only stand. The remaining text be removed.	Second sentence provides guidance on intent to designers, reviewers and LTC.
8) New drainage swales and detention basins should be planted with materials that will assist in the treatment of stormwater runoff and that are also complementary to the surrounding natural vegetation.	Agree	✓
9) All landscaping and screening should be completed within 12 months of an occupancy permit being issued and should meet or exceed the British Columbia Society of Landscape Architects and British Columbia Nursery Trades Association standards.	Recommendation: That the guideline end on line 2 after the word <i>issued</i> .	✓
10) The application may include a security, in the form of an irrevocable letter of credit for 125% of the value of the quoted landscaping cost.	Recommendation: that this item include wording to explain the reason, such as "To ensure that landscaping is completed as proposed and survives the initial year the applicant may be required to include ..etc."	✓
Guideline 5 All applications should provide a parking layout plan, adhering to the following guidelines:		
1) Large impervious and surfaced parking areas should be avoided. Parking should be provided through smaller parking areas dispersed throughout the development and separated with planted landscaped areas. Porous	Recommendation: That the Second sentence be extended. i.e. delete period after <i>areas</i> and add <i>where practical</i> . And, the Third sentence be edited to read: <i>Porous or permeable surfaces should also be used where practical, and</i>	✓

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or permeable surfaces should be used where practical and impervious surfaces should be minimized and swales and open ditches should be installed rather than curb and gutter systems.	.....with the remaining text standing.	
2) Visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in and around parking areas.	Recommendation: Delete 2nd sentence, as the committee presumes that <i>Tree planting</i> would be included in 1) under <i>planted landscaped areas</i> . The Committee suggests that Parking regulations are covered by zoning regulation, so that the guideline could be deleted.	✓
3) Parking should be located at the sides or rear of buildings wherever feasible.	Agree Recommendation: Edit in line 2: perhaps substitute <i>practical</i> for feasible	✓
4) Development should provide for and clearly identify pedestrian circulation areas, preferably with different paving and/or landscaping treatment.	Recommendation: Begin the paragraph to read: <i>Where appropriate and follow with the sentence as is</i> . APC consider that this guideline may not be necessary for industrial premises.	✓
5) All significant paved parking areas should be included within the context of any stormwater water plan and incorporate oil/water separators.	Agree	✓
6) The shared use of a common access between businesses is encouraged. The number of accesses should be limited to the number required for traffic safety.	Recommendation: Edit Line 1 to read: <i>The shared use of a common access between "premises" or "sites" – delete businesses</i>	✓
7) All new development should include provision for bicycle parking or storage.	Agree	✓
Guideline 6 Lighting proposed as part of an application for a new building or overall site development should adhere to the following guidelines:	Members noted that this guideline includes a threshold of applicability, that might be useful in other areas of DPA	✓ Reword overall applicability of DPA to clarify that a DP should address new construction.
1) Lighting for walks and parking areas should be small in scale and used to illuminate signs, displays and pedestrian paths.	Agree	✓

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2) High intensity lighting in parking lots and along roadsides is discouraged.	Agree	✓
3) Security and other lighting should not be placed so as to shine directly onto residential or agricultural properties or to reduce the effectiveness of any landscaped buffer.	Agree	✓
Guideline 7 Signs should adhere to the following guidelines:		
1) Each site should have no more than one freestanding sign, located on the same lot as the development.	Agree	✓
2) One sign should be installed for each business premise. All signs should be integrated into the overall design of the building and should not extend above the top wall of a building.	Agree	✓
3) Signs should not be backlit or equipped with flashing, oscillating or moving lights or beacons.	Agree	✓
Guideline 8 The LTC may consider variances to siting, size, or parking regulations where the variance may result in closer adherence to the objectives and guidelines of this development permit area.	Agree	✓



# Memorandum

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Date January 13, 2011 File Number GL/02

To Galiano Island Local Trust Committee

From Kathy Jones  
Planning Clerk  
Local Planning

Re Galiano Island Advisory Planning Commission Terms

At the December 13, 2010 Galiano Island Local Trust Committee Meeting, the LTC passed the following resolution:

"Resolution GL-LTC-153-10"

It was Moved and Seconded that the Galiano Island Local Trust Committee directs Staff to draft a letter and send it to the present Galiano Advisory Planning Commission members asking if they would like to serve another two year term."

This letter was sent to the APC members on December 15 and they were asked to respond by January 6<sup>th</sup>. Responses were received from Sheila Anderson, Ursula Deshield and Keith Erickson who indicated that they are interested in serving another term. This leaves one vacancy.

The LTC may consider a resolution to appoint Sheila Andersona, Ursuala Deshield and Keith Erickson to serve a two year term commencing February 1, 2011.

For the vacant position the LTC could direct staff to advertise as identified in Options 1 or 2 below:

Advertise for a new APC

1. Advertising could be done by publishing a notice in the Active Page, posting on island and on the Galiano Island Web Page.
2. Advertise through an island mailout.

Excerpt from APC Bylaw:

- (c) The Local Trust Committee shall by resolution appoint members to serve up to a two year term commencing February 1.  
[Information Note: Appointment terms may vary to allow for alteration in 50% of membership on an annual basis]

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