



**Islands Trust**

**GALIANO ISLAND  
LOCAL TRUST COMMITTEE**

**OFFICIAL COMMUNITY PLAN  
BYLAW NO. 108, 1995**

AS AMENDED BY GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAWS NO: 124, 138, 141, 169, 171, 179, 203, 204, 206, 207, 214,  
215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225 AND 226

**NOTE:** This Bylaw is consolidated for convenience only and is not to be construed as a legal document

Certified copies of the Official Community Plan are available from the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B. C. V8R 1H8

This copy is consolidated for convenience only and includes the following **text amendments only**:

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 124	Amendment No. 1, 1999	March 1, 2000
Bylaw No. 138	Amendment No. 2, 2000	February 20, 2002
Bylaw No. 141	Amendment No. 4, 2000	November 14 2001
Bylaw No. 169	Amendment No. 3, 2004	November 14, 2005
Bylaw No. 171	Amendment No. 4, 2004	February 15, 2006
Bylaw No. 179	Amendment No. 1, 2005	May 24, 2006
Bylaw No. 203	Amendment No. 1, 2009	October 19, 2009
Bylaw No. 204	Amendment No. 2, 2009	June 14, 2010
Bylaw No. 206	Amendment No. 1, 2010	June 14, 2010
Bylaw No. 207	Amendment No. 2, 2010	February 14, 2011
Bylaw No. 214	Amendment No. 1, 2011	November 14, 2011
Bylaw No. 215	Amendment No. 2, 2011	November 14, 2011
Bylaw No. 216	Amendment No. 3, 2011	November 14, 2011
Bylaw No. 217	Amendment No. 4, 2011	November 14, 2011
Bylaw No. 218	Amendment No. 5, 2011	November 14, 2011
Bylaw No. 219	Amendment No. 6, 2011	November 14, 2011
Bylaw No. 220	Amendment No. 7, 2011	November 14, 2011
Bylaw No. 221	Amendment No. 8, 2011	November 14, 2011
Bylaw No. 222	Amendment No. 9, 2011	November 14, 2011
Bylaw No. 223	Amendment No. 10, 2011	November 14, 2011
Bylaw No. 224	Amendment No. 11, 2011	November 14, 2011
Bylaw No. 225	Amendment No. 12, 2011	November 14, 2011
Bylaw No. 226	Amendment No. 13, 2011	November 14, 2011

**GALIANO ISLAND LOCAL TRUST COMMITTEE**

**BYLAW NO. 108**

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**A BYLAW TO DESIGNATE THE COMMUNITY PLAN FOR GALIANO ISLAND LOCAL TRUST AREA AS THE OFFICIAL COMMUNITY PLAN FOR GALIANO ISLAND LOCAL TRUST AREA.**

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WHEREAS Section 27 of the *Islands Trust Act* gives the Galiano Island Local Trust Committee the same power and authority as a Regional District under Section 988 and Division (1) to (5) and (7), other than Section 990, of Part 29 of the *Municipal Act*; and

WHEREAS Sections 944 and 948, respectively, of Division (1) of Part 29 of the *Municipal Act* applies to the Committee and authorizes it to adopt Official Community Plans and outlines procedures for developing and adopting such plans including a public hearing and Ministerial approval; and

WHEREAS Section 25 of the *Islands Trust Act* requires that the Executive Committee of the Islands Trust must approve an Official Community Plan prior to adoption; and

WHEREAS Section 945 of the *Municipal Act* lists the subjects that must be addressed in a Plan; and

WHEREAS Section 949(1) of the *Municipal Act* does not commit or authorize the Galiano Island Local Trust Committee to proceed with any project that is specified in the Plan; and

WHEREAS Section 949(2) requires all bylaws enacted, permits issued, and works undertaken by the Galiano Island Local Trust Committee be consistent with the Official Community Plan;

NOW THEREFORE the Galiano Island Local Trust Committee being the Trust Committee having jurisdiction on and in respect of Galiano Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, R.S.B.C., 1989, enacts as follows:

TITLE

1. This Bylaw may be cited as the "Galiano Island Official Community Plan Bylaw No. 108, 1995".

APPLICATION

2. This Bylaw applies to :

Galiano Island, Gossip Island, Julia Island, Parker Island, Sphinx Island,  
Charles Island, Wise Island, Ballingall Islets, Lion Islet, Retreat Island,

and unnamed islands and islets and the surface of water within the Galiano Island Local Trust Committee Area as shown on Schedule AA.

## ORGANIZATION

3. Schedules AA, A, B, C, D, E, F and G, attached to and forming part of this Bylaw, are hereby designated as the "Galiano Island Official Community Plan Bylaw No. 108, 1995".
4. The schedules comprising this Bylaw are as follows:  
BL124, 224
- Schedule AA - Galiano Island Local Trust Area
  - Schedule B - Land Use Designations
  - Schedule C - Road Network Plan
  - Schedule D - Water Resources
  - Schedule E - Parks and Trail Network Plan.
  - Schedule F - Development Permit Area 1: Riparian
  - Schedule G - Development Permit Area 4: Elevated Groundwater Catchment
  - Schedule H - Development Permit Area 5: Sensitive Ecosystems
  - Schedule I - Development Permit Area 7: Steep Slope Hazard

## SEVERABILITY

BL124

5. The objectives, policies and map designations of this plan are severable.

## BYLAW REPEAL

The "Official Community Plan (Galiano Island and Area) Bylaw, 1973" is repealed upon adoption of the Bylaw.

## READINGS

READ A FIRST TIME THIS	6th	DAY OF	March	, 1995
PUBLIC HEARING HELD THIS	6th	DAY OF	May	, 1995
READ A SECOND TIME THIS	29th	DAY OF	April	, 1995
READ A THIRD TIME AS AMENDED THIS	11TH	DAY OF	July	, 1995
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	12th	DAY OF	July	1995
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	20th	DAY OF	September	, 1995
RECONSIDERED AND FINALLY ADOPTED THIS	26th	DAY OF	September	, 1995

Gordon McIntosh  
SECRETARY

Graeme A. Dinsdale  
CHAIRPERSON

**GALIANO ISLAND OFFICIAL COMMUNITY PLAN  
SCHEDULE A  
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# GALIANO ISLAND OFFICIAL COMMUNITY PLAN

## SCHEDULE A POLICY DOCUMENT

### SECTION I COMMUNITY OBJECTIVES

#### 1. Preamble

BL214

The following preamble, adopted from our first Official Community Plan (1974), speaks as eloquently today as it did more than 35 years ago. The People of Galiano Island being mindful of the pressures from a growing West Coast population and a demonstrated desire of many to find relief from urban congestion and associated tension through a rural atmosphere, and being aware of the physical limitations of Galiano Island to accept uncontrolled population increase without degradation of the rural way of life and damage to the ecological systems, deem it desirable to create a Community Plan to deal with these issues.

The rural character of the Galiano Island Trust Area must be preserved. The water fronts, beaches and waters surrounding them must be preserved and kept free of pollution for the enjoyment of users and the preservation of marine life. Groundwater supplies must be protected from contamination by effluent of all types. Ground cover and trees must be preserved to the extent necessary to maintain the natural beauty of the island, the ability of the soil to retain moisture and to prevent erosion of soil and soft rocks. Particular care must be taken to preserve sufficient land and water in their natural state to enable wildlife, plant life and marine life of the island to continue to exist and flourish.

As the present generation inherited these islands in a relatively preserved state so this Plan attempts to perpetuate this state and preserve the unique environment for future generations.

Even seemingly small changes can damage or deplete resources, compromise self-sufficiency and distort long term planning. It is a tribute to the continuing vigour, passion and foresight of our community that much of the natural character and resources of Galiano has been maintained.

All our resolve, however, might not have prevailed without the support and protection of the *Islands Trust Act* of 1974 with its Object:

*To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the province.*

In renewed recognition of the importance of the Trust Area, and the increasing pressures which could destroy the social and ecological fabric of the islands, the Provincial government strengthened the *Act* in 1990, including provision for Trust Council to adopt a Policy Statement. In response, the *Islands Trust Policy Statement* was adopted in 1994 and established a vision for the future and a general strategy for land use planning in the Trust Area. It contains commitments of Trust Council, and policies and recommendations to direct and guide Local Trust Committees. An OCP must be consistent with the *Islands Trust Policy Statement* directive policies.

This official Community Plan applies to the Galiano Island Local Trust Area as shown on the map, Schedule AA.

## 2. Principles

BL124; 214

- a. This Plan advances the Object of the Islands Trust to “preserve and protect the Trust area and its unique amenities and environment” and supports the limitations the Object presents for the type and scale of development in the Galiano Island Local Trust Area (‘Galiano’).
- b. This Plan supports the preservation and protection of Galiano’s ecosystems. Galiano is part of the vulnerable Coastal Douglas-fir biogeoclimatic zone. This is the smallest and rarest biogeoclimatic zone in British Columbia and it has the highest density of species that are of both provincial and global conservation concern of any B.C. biogeoclimatic zone. These ecosystems provide key services that sustain human health and wellbeing, including timber and non-timber resources, clean air and water, nutrient cycling, carbon dioxide absorption and carbon storage.
- c. The forested landscape is integral to Galiano’s character. Maintaining and restoring Galiano’s forest ecosystem is critical for ecosystem-based sustainable forest management.
- d. Several First Nations have traditional ties and territories on Galiano. The community supports continued and strengthened collaboration and cooperation with First Nations in planning land and resource management and protection of cultural heritage and sites.
- e. Islanders have chosen space, privacy and aesthetic qualities over urban conveniences, and want Galiano to continue to function as a resident-centred rural island community. The social and economic diversity and creativity of the island community, and the important role of volunteer-based groups in community life, are fundamental to our identity.
- f. A sustainable community requires a viable local economy. This Plan recognizes the need for local economic development and viable small enterprises supporting a diversity of livelihoods. At the same time, the Plan recognizes that there are limits to economic and population growth determined by Galiano’s finite boundaries, resources, and ecosystems.
- g. Diversity is integral to a sustainable and healthy community. Young families require employment opportunities, affordable housing, and a local school. Seniors require adequate community services to continue living on the island. Good health care facilities are essential for residents and visitors of all ages. An island community depends on the activities and services of its volunteers.
- h. This Plan supports increased local food security, protection of water resources, and development of transportation services that reduce dependence on fossil fuels.
- i. Galiano’s natural beauty and tranquility are valued by residents and visitors alike. The Island provides opportunities for renewal of body, mind, and spirit. This includes experiencing the community’s vibrant artistic and cultural life,

participating in low-impact outdoor pursuits and enjoying the many trails, beaches, parks and nature preserves. However, groundwater, fire hazards, and the fragility of island ecosystems pose limits for visitors and residents. Visitor services should be appropriately scaled for a small rural community to ensure protection of the natural environment.

- j. This Plan supports using the precautionary principle in land use decisions: “When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically.”
- k. There are often competing interests to consider in land use decisions. To achieve a balance among these interests land use policies and regulations must be articulated clearly and administered equitably.
- l. The climate is changing. This plan supports policies to reduce greenhouse gas emissions, to work towards carbon neutrality, and to adapt to climate change.
- m. This Plan supports the passive contemplation, spiritual connection, and low-impact recreational and educational access to the forest.

## SECTION II LAND USE

This section reflects current land uses and designates future land uses based on physical features or constraints, initiatives of other government agencies and objectives defined by the community. Land Use Designations are shown on map Schedule B.

### Land Use Policies

- BL#124  
BL215 a) Land use decisions for all zones shall be directed by the following criteria where relevant:
- BL215 i) preservation of the rural nature of the area,
  - BL215 ii) potential impacts on existing land use,
  - BL215 iii) soil conditions with special regard to stability, liability to ponding, drainage, slope and topography, fertility and suitability for farming, horticulture or silviculture,
  - BL215 iv) proven availability of adequate potable water,
  - BL215 v) proven capability for sewage disposal without danger of contaminating groundwater, surface water and the marine environment,
  - BL215 vi) the desirability of securing reasonable privacy for residents,
  - BL215 vii) the desirability of having the intensity of development decline as distance from the existing small lot development increases,
  - BL215 viii) the desirability of providing public access to beaches and other natural areas for residents and visitors alike,
  - BL215 ix) the need to minimize impacts on the quality of the visual landscape,
  - BL215 x) the need to protect areas identified as important for the maintenance of the groundwater resources,
  - BL215 xi) the need to protect life and property from the threat of fire,
  - BL215 xii) the importance of forest cover and the retention of unfragmented forest ecosystems,
  - BL215 xiii) the protection of development from hazardous conditions,
  - BL215 xiv) the protection of riparian habitat,
  - BL215 xv) climate change mitigation and impacts,
  - BL215 xvi) the protection of sensitive and rare ecosystems, and habitat for rare and endangered species,
  - BL215 xvii) the creation and expansion of a network of protected areas,
  - BL215 xviii) the protection of areas or ecosystems identified as a high priority for conservation by the Trust Fund Board's regional conservation plan,
  - BL215 xix) consideration of ecosystem restoration,
  - BL215 xx) implementation of green building practices,
  - BL215 xxi) impacts on food security,
  - BL215 xxii) the availability of permanent access maintained to safe standards to properties proposed for residential land use, or for land uses that create increased demand for road access,
  - BL215 xxiii) access for emergency purposes, and
  - BL215 xxiv) the cumulative demand on the highway routes serving a property.
- BL215 b) As a plan for a local trust area designated under the *Islands Trust Act* and placing priority on the preservation and protection of unique amenities and environment of the area, the overriding policy of this plan with regard to the net residential density of the local trust area is that it will not be increased through rezoning except where explicitly allowed for in this plan.
- c) All rezonings shall go to a public hearing. Covenants granted to the Local Trust Committee and to third parties in accordance with policies in this plan are not intended to be modified or discharged without a similar public process.

BL215 d) In order to protect the integrity of Sensitive Ecosystems identified in Schedule "H" existing density from these designations may be transferred and shall be considered only by rezoning on a site specific basis.

BL215 (deleted)

## 1. Residential

BL#124  
BL215

As of 2009 there were slightly over 1200 residentially zoned parcels on Galiano, of which just over 1000 were developed. In addition, the current zoning would permit an additional 225 parcels to be created by subdivision. Based on past growth rates, the existing vacant and subdividable parcels are sufficient for at least 10 years of anticipated housing needs.

The following residential land use objectives and policies apply to areas designated Village Residential 1 and 2, Small Lot Residential, Rural Residential and Rural. These general policies are followed by policies specific to individual residential designations.

### Residential Objectives

The objectives of this subsection are:

BL215 1) to maintain the rural character, minimize impacts to ecosystems and services they provide and support social diversity of the Galiano Island Local Trust Area, and

BL215 2) to encourage affordable, rental and special needs housing.

### Residential Policies

BL#124

BL215 a) The total potential residential density of the Galiano Island Local Trust Area under the provisions of this Plan shall be considered in every review of the Plan.

BL215 b) Single dwelling units shall be the principal permitted use.

BL215 c) Trailer parks shall not be permitted in the Galiano Island Local Trust Area.

BL215 d) Subdivision regulations shall establish a large minimum lot area for subdivisions to provide residence for a relative under Section 946 of the *Local Government Act*.

BL215 e) The lot size for new subdivision shall be at least 1.2 hectares (3 acres) except in the existing VR1 and VR2 and SLR designations as shown on Schedule "B".

BL215 f) Lot clustering shall be permitted through the implementation of lot averaging in order to create separation between neighbouring developments to protect sensitive ecosystems to cluster near existing services and to discourage "ribbon" type development.

BL#124 g) Subdivision regulations shall provide for a mix of lot sizes.

- BL215 h) An adequate supply of potable water, as specified in regulation, must be proven for each new lot created by subdivision.
- BL215 i) Appropriate setbacks of buildings and structures from water bodies shall be included in zoning.
- BL215 j) A conservation zone may be assigned to land covenanted or deeded against further development or use, including common property in strata title subdivisions.
- BL215 k) Zoning should allow for small scale animal husbandry and horticulture on lots in all residential zones.

BL215 Residential Advocacy Policies

- BL215 l) Water access only subdivisions shall be limited to the outer islands in the Galiano Island Local Trust area.
- BL215 m) Where water access only lots are approved and where it is intended that access be provided from Galiano Island, the Approving Officer shall be requested to secure adequate parking on Galiano Island to service each lot created.
- BL215 n) The Ministry of Community, Sport and Cultural Development, the Capital Regional District and other appropriate government agencies shall be requested to assist in determining rural and geographically suitable building standards and processes that enable the construction of affordable housing.
- BL215 o) The Approving Officer shall be requested to ensure that before a subdivision is approved, it must be demonstrated that withdrawal of groundwater for new lots will not adversely affect the supply to existing and potential water users.
- BL215 p) The Capital Regional District is encouraged to enforce noise and unsightly premises bylaws.
- BL215 q) The Local Trust Committee considers that it is in the public interest that the approving officer requires provision of access to bodies of water or Crown land under section 75 of the *Land Title Act* whenever land is subdivided, regardless of whether the access may practically be developed as a roadway for motor vehicles.

**1.1 Village Residential 1**

Village Residential Policies

- a) The principal use shall be residential.
- b) One dwelling unit shall be permitted per lot.
- c) On lots 0.4 hectares (1 acre) or more, one cottage shall be permitted per dwelling unit permitted.
- BL215 d) The lot size for new subdivision shall be at least 0.4 hectares (1 acre) in area.

- BL215 e) In areas where individual septic systems are adversely affecting the environment or the quality of water, subdivision regulations may require a sewer system in new development.

## 1.2 Village Residential 2

### Village Residential 2 Policies

- a) The principal use shall be residential.
- b) One dwelling unit shall be permitted per lot.
- c) On lots 0.4 hectares (1 acre) or more one cottage shall be permitted per dwelling unit permitted.
- BL215 d) The minimum average lot size for new subdivision shall be at least 0.8 hectare (2 acres) in area.
- BL215 e) In areas where individual septic systems are adversely affecting the environment or the quality of water, subdivision regulations may require a sewer system in new development.
- BL215 f) The lot size for new subdivisions where each lot will be serviced by community water and sewer shall be at least 0.6 hectares (1 1/2 acre).

## 1.3 Small Lot Residential

### Small Lot Residential Policies

- a) The principal use shall be residential.
- b) One dwelling unit shall be permitted per lot and one additional dwelling shall be permitted for every 1.2 hectares (3 acres) of lot area over 1.2 hectares (3 acres).
- c) On lots 0.4 hectares (1 acre) or more one cottage shall be permitted per dwelling unit permitted.
- BL215 d) The lot size for new subdivision on lots without ocean frontage, shall be at least 0.8 hectare (2 acres) in area.
- BL215 e) The lot size for new subdivision on lots with ocean frontage, shall be at least 0.6 hectare (1 1/2 acres) in area.
- f) The average lot size for new subdivision shall be at least 1.2 hectares (3 acres).

## 1.4 Rural Residential

This area designation is meant to provide a transitional zone between the more intensely used small lot residential zones and the rural, forest and agricultural areas.

### Rural Residential Policies

BL124

- a) The principal use shall be residential.
- b) One dwelling unit shall be permitted per lot and one additional dwelling shall be permitted for every 2 hectares (4.94 acres) of lot area over 2 hectares (4.94 acres).
- c) On lots 0.4 hectares (1 acre) or more one cottage shall be permitted per dwelling unit permitted.
- d) The average lot size for subdivision of Rural Residential land shall be at least 2 hectares (4.94 acres).

BL226

- e) For the properties described as District Lot 72, Galiano Island, Cowichan District except that part in Plan VIP75373 and Lot 15, District Lot 71 and 77, Galiano Island, Cowichan District, Plan VIP61007, zoning shall establish a minimum average parcel area of 65 hectares, with a minimum average subdivision parcel area as low as 2 hectares (5 acres) on the RR designated portion of the lands, applicable only if the landowner provides land to be transferred to the Crown as represented by the Province of British Columbia, the Trust Fund Board, the Capital Regional District or other transferee designated in the Land Use Bylaw amendment, to be used for conservation, ecosystem protection, public parkland, community forest, or trails. Approval of any such rezoning shall be subject to the following conditions:
  - i) the area of land to be transferred shall represent at least 75% of the land subject to rezoning;
  - ii) incorporation of a siting plan into the Land Use Bylaw identifying the location and area of the residential home plate, including driveways, on each lot in the proposed subdivision, sited in a manner that avoids sensitive ecosystems and hazardous lands, and minimizes extension of services; and
  - iii) the registration of a s.219 covenant granted to the LTC which restricts the layout and area of the future lots to provide for the contiguous clustering of lots in a manner that protects the integrity of forest ecosystems, surface water and groundwater supplies and minimizes the impact of residential services such as roads.

## 1.5 Rural

This area is intended to allow for larger lot developments to provide opportunities for a variety of rural activities without impinging on neighbours.

### Rural Policies

BL215

- a) The principal uses shall be residential and agriculture.
- b) One dwelling unit shall be permitted per lot and one additional dwelling shall be permitted for every 4 hectares (9.88 acres) of lot area over 4 hectares (9.88 acres).
- c) On lots 0.4 hectares (1 acre) or more, one cottage shall be permitted per dwelling unit permitted.
- d) The average lot size for subdivision of Rural land shall be at least 4 hectares (9.88 acres).
- e) Within this designation a number of different zones may be applied allowing differing levels of uses accessory to residential uses,

## 1.6 Community Housing

BL215

This designation is intended for affordable, rental and special needs housing, allowing for a range of community housing types to enable seniors, persons with special needs, and residents of low to middle incomes to secure safe, accessible and permanent housing.

### Community Housing Policies

- a) The LTC should support efforts by organizations or agencies to conduct a housing needs assessment in order identify housing priorities and to guide affordable, seniors and special needs housing policies and land use decisions.
- b) Applications for rezoning to a higher density than permitted by current zoning shall be considered where the application would result in the provision of seniors, affordable or special needs housing, subject to the following:
  - i) All additional density greater than that permitted by current zoning shall be in the form of units reserved exclusively for occupancy as affordable, seniors or special needs housing.
  - ii) Applications shall include provision of a housing agreement ensuring that for affordable housing the rental, lease, sale or share prices are fixed below average rates within the region, and the agreement may limit occupancy of the dwellings to rental, lease, co-housing or cooperative tenure, and may limit occupancy.

- iii) Applications may be for units in the form of clustered detached dwellings, duplexes or attached ground-oriented housing, and are encouraged to incorporate water conservation and energy efficient building design elements, including rainwater catchment.
  - iv) All applications shall site development on land with modified ecosystems, avoid potentially hazardous lands, demonstrate an adequate supply of potable water, and be in proximity and accessible to existing roads, services and other amenities.
  - v) Consideration of applications for affordable or seniors or other special needs housing shall include the following where appropriate: amendment of the OCP to designate the land as Community Housing, designation as a development permit area, amendment of the zoning to designate the area for affordable or special needs housing, site-specific zoning regulation of density, siting and size, and registration of a housing agreement and a section 219 covenant.
- c) A portion of lands rezoned to permit a density increase under another policy in this plan, may, if the area is deemed suitable for the purpose by the Local Trust Committee, be rezoned to CH (Community Housing) to permit affordable housing, including housing for senior citizens or persons with special needs, and the land required to be simultaneously transferred to an incorporated non-profit society having as one of its objects the development and operation of affordable, seniors' or special needs housing, or alternatively an option to purchase the land for nominal consideration may be granted to such a society. As an alternative to permitting the community housing on the parcel being rezoned, the local trust committee may consider amending zoning on other lands to permit the affordable, seniors or special needs housing to be developed in a more appropriate location and the land being transferred to the incorporated non-profit society may be zoned to permit residential uses. Any proposed location for the affordable, seniors or special needs housing should be located within modified ecosystems, avoid potentially hazardous lands, demonstrate an adequate supply of potable water, and be in proximity and accessible to existing roads, services and other amenities.
- d) The Local Trust Committee may consider amending zoning to allow for secondary dwellings for affordable housing in residential zones in areas close to existing roads, services and amenities and where there is an adequate supply of potable water.
- e) The Local Trust Committee may consider amending zoning to create a new zone for a manufactured home park subject to the criteria in 1.6(b) above.

## 2. Agriculture

BL215

In British Columbia, the *Agricultural Land Commission Act* established the Agricultural Land Commission to "preserve agricultural land, encourage the establishment and maintenance of farms and the use of land in an agricultural reserve compatible with agricultural purposes". Thus local regulations still apply but in addition, lands within

agricultural land reserves are subject to this *Act* and the regulations pursuant to it. The community endorses this protection and supports the intent of the *Agricultural Land Commission Act*. Land designated 'Agriculture' on Schedule B may include land not currently in the ALR and ALR land may be included in other designations.

#### Agriculture Objectives

The objectives of this subsection are:

- BL215 1) to preserve agricultural land, limit non-farm uses and prevent conversion of agricultural land to other uses.
- BL215 2) to encourage agricultural activities, agricultural best practices, the protection of farmland, and the maintenance of agricultural production.
- BL215 3) to minimize impacts on environmentally sensitive ecosystems, at-risk species and their habitats, and biodiversity.
- BL215 4) to increase local food security by encouraging local production of agricultural and horticultural products that could be sold directly to the public.
- BL215 5) to support farming as an important traditional land use, lifestyle and livelihood on Galiano Island.
- BL215 6) to increase public awareness of agriculture and farming.

#### Agriculture Policies

- a) The principal use shall be agriculture.
- BL215 b) One dwelling unit shall be permitted per lot with an additional dwelling for every 4 hectares (9.88 acres) of lot area over 4 hectares (9.88 acres).
- BL215 c) The lot size for subdivision of Agricultural land shall be at least 4 hectares (9.88 acres).
- BL215 d) The keeping of animals and the storage and handling of manure shall be regulated through zoning in accordance with the *Agricultural Land Commission Act and Regulations*.
- BL215 e) Zoning regulations shall ensure setbacks and permitted uses on properties adjacent to agricultural uses shall be appropriate for the protection and the continuation of the agricultural operation.
- BL215 f) The LTC will not approve an application resulting in the fragmentation of agricultural land by roads or other service or communication corridors.
- BL215 g) The Galiano Island Local Trust Committee shall support the retention of farm land within the agricultural land reserve and applications for inclusions of suitable land should be supported.
- BL215 h) Zoning regulations shall regulate the floor area of accessory buildings while ensuring that the needs of farm operations are met.

- BL215 i) The LTC shall consider amending the LUB to permit community gardens and farmers markets in all appropriate zones.
- BL215 j) The LTC may consider issuance of temporary use permits to provide for farm worker accommodation necessary to support farm operations. Consideration of issuance of such permits and the inclusion of appropriate conditions should be made in consultation with the Agricultural Land Commission and the Ministry of Agriculture.
- BL215 k) When it considers rezoning applications that are not related to farming, the local trust committee should ensure that the proposed new use will not reduce the quality and quantity of water for farming.
- BL215 l) The local trust committee may amend the Land Use Bylaw to permit agri-tourist accommodation at the same density and as an alternative to bed and breakfast accommodation.
- BL215 m) The local trust committee should only support applications to the Agricultural Land Commission for non-farm use or exclusion of land within the Agricultural Land Reserve where local farming or the greater community would benefit. Support for such applications should only be considered in the following circumstances:
- i) the proposed non-farm use or exclusion would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the property; or
  - ii) in the instance of a proposed exclusion, the Local Trust Committee may consider an application that would result in inclusion of non-ALR farmland into the ALR of an equivalent or greater amount.
- BL215 Agricultural Advocacy Policies
- BL215 n) Farm operators shall be encouraged to:
- i) avoid the use of pesticides, herbicides, fungicides and other noxious chemicals,
  - ii) ensure production methods maintain soil quality and minimize erosion,
  - iii) ensure surface and groundwater recharge areas are not contaminated by agricultural activities,
  - iv) collect and store rainwater for irrigation purposes, and
  - v) avoid the use or introduction of genetically modified organisms.
- BL215 o) The Ministry of Agriculture, and Lands shall be requested to:
- i) provide technical support and financial incentives for productive use of agricultural land, and
  - ii) provide local inspection facilities where such inspection is a requirement of Provincial statute or regulation.
- BL215 p) The Ministry of Transportation and Infrastructure and other agencies shall be requested to develop policies that would protect agricultural land from conversion to roads or other uses.

- BL215 q) The removal of gravel and soil from agricultural lands should only be permitted on the condition that the result is improved agricultural capability.
- BL215 r) The local trust committee will support efforts to increase local food security, including:
- i) development of a comprehensive food security strategy;
  - ii) creation of an Area Farm Plan;
  - iii) promotion of sustainable and organic farming;
  - iv) increased food processing, slaughtering and storage facilities in the community;
  - v) the establishment of co-operatives and farm alliances;
  - vi) implementation of community supported agriculture;
  - vii) efforts to promote locally grown food;
  - viii) promotion of composting and seed saving.
- BL215 s) BC Ferry Services should be requested to discuss the impact of fares on the transport of locally grown produce with the Ferry Advisory Committee.

### 3. Forest

BL124

Forestry and timber harvesting have contributed strongly to the local island economy. Over the years a large portion of the island has been managed as a tree farm. Some small scale sustainable forestry is being practised and several small mills are producing lumber for local use.

BL215

For many years most of Galiano's forest designated lands were assessed for property tax purposes as tree farm land and, as long as the land remained in that assessment status, no residential use was permitted even though existing bylaws would otherwise have allowed some residential use. In January 1992, in anticipation of wholesale removal of forest land from tree farm assessment status, the Local Trust Committee removed residential use on Forest 1 zoned lands and increased the minimum parcel size for subdivision from 20 acres (8 ha) to 50 acres (20 ha). This new regulation was adopted to ensure that planning could occur before development, and better reflect the community's objectives for the forest lands. During a brief period between the B.C. Supreme Court and the Court of Appeal decisions dealing with the validity of the new bylaws (from 1993–1995), more than fifty forest lots less than 50 acres (20 ha) in area were created by subdivision under the bylaws that had been replaced in 1992. A number of residential building permits were issued for these smaller lots, which had increased the total number of Forest designated lots from 65 to over 100. Whether dwellings should be permitted on these new smaller lots became a contentious matter in the local trust area after the Court of Appeal confirmed the validity of the 1992 land use regulations. The minimum lot area for subdivision of the forest lots was increased to 160 acres (65 ha) to discourage any further subdivision.

Galiano Island lies within the coastal Douglas-fir biogeoclimatic zone. This zone is limited to a small part of southeastern Vancouver Island, several islands in the Strait of Georgia and a narrow strip of the adjacent mainland and vegetation is distinct from other areas in coastal B.C and Canada. The Galiano Island forests therefore warrant preservation and protection in the manner described in the following objectives and policies:

BL124

### Forest Objectives

All land use decisions for lands in the Forest designation must be guided by the following objectives:

- 1) to preserve a forest land base,
- 2) to preserve and protect the forest, its biodiversity, integrity and ecological services,
- 3) to encourage ecosystem-based sustainable forest management for all forested lots and to encourage economic opportunities through this forest management practice,
- 4) to encourage ecological restoration of degraded forest stands, and
- 5) to maintain or enhance carbon storage and sequestration..

BL124

### Forest Policies

- a) The principal use shall be forestry. All structures including dwellings (except dwellings on land rezoned to RR or CF) must be accessory to the principal forestry use and no uses should impair the long-term natural processes of forest growth and regeneration. Unplanned proliferation of residential uses throughout the forest would be contrary to many of the objectives and policies in this plan, including particularly those dealing with the integrity of forest ecosystems and surface water and groundwater supplies and the impact of residential services such as roads. Instead, in order to preserve and protect the forest resource, the plan favours the clustering of residential uses on sites within the forest, carefully selected as the basis of sound planning principles, with the balance of the lands being set aside for forest uses in perpetuity.
- b) Dwellings are permitted in the Forest designation in the following circumstances:
  - i) on land in the Forest Land Reserve and zoned FLR under the Land Use Bylaw, one accessory dwelling is permitted per lot if the lot complies with Land Transportation Policy o).
  - ii) land whose owner grants to the Silva Forest Foundation and the Local Trust Committee or any other covenantee satisfactory to the Local Trust Committee a covenant to manage the land in accordance with sustainable forest practices and prohibiting subdivision of the land into lots less than 20 hectares (49.4 acres), may be rezoned to permit one accessory dwelling per 20 hectares (49.4 acres) if the lot complies with Land Transportation Policy o). The location of the dwelling and any accessory buildings or structures must be selected to minimize their impact and the impact of related services on the forest, and the land use bylaw amendment must specify the location of the buildings.
  - iii) on lands zoned F2 on the date of adoption of this policy, one accessory dwelling is permitted per lot.

BL 203

- c) The lot size for subdivision of Forest land shall be at least 20 hectares (49.4 acres).

BL 203

- d) The protection of biodiversity shall be encouraged through appropriate forestry practices and the protection of riparian zones and other sensitive ecosystems.
- e) The Assessment Authority shall be requested to provide tax incentives for maintaining forestry activities.
- f) Forest managers are encouraged to:
  - i) ensure that the rate of extraction of timber does not exceed the rate of growth of the forests, and
  - ii) use silviculture methods that promote healthy forests and minimize fire hazards.
- g) Appropriate small scale forest related activities such as the sustainable gathering of greenery products, food crops, hiking, bird watching and wildlife viewing, education and value added industry shall be encouraged.
- h) The Provincial Government shall be encouraged to apply the Forest Practices Code to private land to ensure:
  - i) fire protection and water catchment,
  - ii) a governed rate of harvest that leaves some areas unharvested,
  - iii) logging by individual tree selection or small group selection and the use of appropriate harvesting equipment,
  - iv) the elimination of chemical management,
  - v) encouragement of alternatives to slash burning,
  - vi) immediate replanting,
  - vii) minimization of soil compaction and erosion,
  - viii) rehabilitation of abandoned roads, skidtrails and landings,
  - ix) substantial buffer zones around streams, lakes, roadways and neighbouring properties, and
  - x) encouragement of community employment in silviculture and harvesting.
- i) In areas under the jurisdiction of the Forest Land Commission, land use and the subdivision of properties must be consistent with the *Forest Land Reserve Act*, Regulations to the Act, or an order of the Commission. If land is removed from the Forest Land Reserve, it will continue to be subject to the land use designations in this plan. If land is added to the Forest Land Reserve, the Local Trust Committee will consider the owner's application for FLR zoning.
- j) The siting, size, number and character of buildings for forest uses permitted on Forest-designated land shall be regulated, and buildings shall be located on the least productive portions of the land except where the site is a sensitive ecosystem, and in accordance with development approval information if it has been provided.
- k) The fragmentation of Forest-designated lands by roads or other service or communication corridors shall be minimized.
- l) A citizen association to provide information, education and advice on local forest practices shall be encouraged.

- m) Residential policies b), l), f), h), o), and q) shall apply in the Forest designation if and where the zoning permits residential uses.
- BL215 n) Landowners are encouraged to protect the natural systems, biological sustainability, ecological services, and natural aesthetics of forest lands.
- BL215 o) Landowners are encouraged to protect riparian areas, marine shoreline areas, sensitive ecosystems, endangered habitat, soils, watersheds, biodiversity, old or large individual trees, and old growth stands.
- BL215 p) Landowners are encouraged to protect culturally modified trees and other heritage features.
- BL215 q) The LTC should advocate the mitigation of climate change through :
  - i) encouraging the provincial government to provide tax incentives and reforestation programs;
  - ii) local education programs; and
  - iii) encouraging well-coordinated management practices to maintain the health of the forest, to promote carbon sequestration in the forest and soil, and to reduce the risk of stand-destroying wildfires.
- BL215 r) The Local Trust Committee encourages local economic opportunities for small-scale sustainable forestry through supporting:
  - i) the establishment of a non-profit community-owned forest that is consistent with ecosystem-based sustainable forest practices, and the lands so acquired are preserved for forestry use in perpetuity for future generations;
  - ii) the development of co-operative ecosystem-based sustainable forest management and value-added ventures;
  - iii) initiatives to provide tax incentives for maintaining ecosystem-based sustainable forest management activities;
  - iv) appropriate small scale forest related activities such as the sustainable gathering of non-timber forest products, food crops, hiking, bird watching and wildlife viewing, education and value added industry.

#### **4. Community Facilities and Utilities**

##### **4.1 Community Facilities**

BL215 Galiano's community facilities for social and cultural services currently include a recycling centre, fire halls, ambulance station, a health care centre, a church, a school, a cemetery, community halls.

##### Community Facilities Objective

The objective of this subsection is:

- BL215 1) to promote the establishment of community facilities that enhance the social, economic, educational, environmental and cultural aspects of life

on the island and in a manner that minimizes impacts on the natural environment.

### Community Facilities Policies

- BL215 a) The principal use shall be community facilities.
- BL215 b) Community facility zones shall be developed for such uses as community orchards, nurseries, gardens and woodlots, farmers markets, arts facilities recycling centre, ambulance station, R.C.M.P. facilities, emergency evacuation services and fire halls.
- BL215 c) Zoning for a community facility shall be considered on a site specific basis.
- BL215 d) As a plan for a local trust area designated under the *Islands Trust Act* and placing priority on the preservation and protection of unique amenities and environment of the area, rezoning for new community facility uses should not be considered in advance of demonstrated need.

### Community Facilities Advocacy Policies

- BL215 e) The delivery of services by local non-profit organizations shall be encouraged.
- f) Opportunities for creation and ownership of community facilities through vehicles such as a Community Land Trust, shall be encouraged.
- BL 207; 215 g) The Local Trust Committee will support efforts to expand electronic communications and infrastructure within the community provided it can be demonstrated that there are no harmful health or environmental effects.
- BL215 h) Green building techniques are encouraged in new construction.
- BL215 i) Green burials in cemeteries are encouraged.

## **4.2 Utilities**

### Utilities Objective

The objective of this subsection is:

- BL215 1) to ensure the delivery of utility services compatible with rural character in a way that minimizes impacts on the natural environment.

### Utilities Policies

- BL215 a) Community or public utilities other than transmission lines and telephone or electricity services on an easement or registered right of way, shall be zoned on a site specific basis.

BL215

Utilities Advocacy Policies

BL215

- b) All community or public utilities shall be requested, and where possible, required, not to spray herbicides, fungicides or pesticides or introduce exotic vegetation or GMOs on any sites in the Galiano Island Trust Area.

BL215

- c) Utility companies are requested to follow highway or emergency access routes as identified in Schedule 'C' when installing hydro and telephone service lines.

**4.3 Health and Wellness Facilities**

BL 204; 215

Health and Wellness Facilities Objective

The objective of this subsection is:

- 1) to encourage facilities that enhance the economy of the island, the health of its residents and visitors, and that do not adversely affect the natural environment.

Health and Wellness Facilities Policies

BL215

- a) The principal use shall be health facilities.
- b) Zoning for a health and wellness facility shall be considered on a site specific basis.

**5. Economic Activity**

Economic activity land use policies are classified into four categories as follows: Commercial, Home Occupation, Visitor Accommodation and Light Industrial.

**5.1 Commercial Land Use**

For this section, commercial uses include retail sales and services and visitor accommodations.

Commercial Objectives

The objectives of this subsection are:

- 1) to encourage a diversity of on-island commercial enterprises to minimize the reliance on off-island travel,
- 2) to ensure the scale of all commercial developments harmonizes with the natural surroundings and the rural character of Galiano Island,
- 3) to protect the character and integrity of quiet residential and rural neighbourhoods, and

- 4) to ensure that the use of each commercial property is specific and predictable.

Commercial Policies

BL124

- a) The principal use shall be commercial.

BL215

- b) The lot size shall be at least 0.5 hectares (1.2 acres).
- c) One dwelling unit may be permitted as an accessory residential use. If the lot is the minimum area permitted or smaller, the dwelling must be in the same building as the commercial use.
- d) Commercial development shall be small in scale and appropriate to the needs of the community and visitors.
- e) Commercial uses may be clustered but separation between clusters shall be maintained to ensure strip development does not occur.
- f) The central areas for commercial activity are shown on Schedule "B" in a mixed Community Facilities/Commercial designation, indicating a community area where regular commercial activities, and social and cultural interchanges can take place.
- g) Rezoning for commercial activities shall be considered on a site specific basis.
- h) Within this designation a number of different zones may be applied allowing differing types and levels of commercial uses.
- BL215
- i) Commercial zoning shall not be applied to ecosystems identified on Schedule "H".
- BL215
- j) Commercial uses of the foreshore shall preserve public access, minimize negative impact on upland owners and the natural environment.
- k) Commercial advertising signs shall be restricted in quantity, size and location, and billboards shall not be permitted.
- l) Commercial establishments may be required to screen commercial activity from view.
- BL215
- m) In considering a rezoning for commercial use, the potential impacts of the use on the environment, groundwater, transportation, adjacent land uses, natural hazards and natural resources shall be considered.
- BL215
- n) As a plan for a local trust area designated under the *Islands Trust Act* and placing priority on the preservation and protection of unique amenities and environment of the area, rezoning for new commercial uses should not be considered in advance of demonstrated need. The Local Trust Committee may undertake a review and inventory of existing commercially zoned land and uses, assess existing and future projected demand for commercial land, and on the basis of this assessment, consider re-designating and rezoning land.

- BL215 o) The Local Trust Committee will encourage and may require implementation of green building standards in new development.
- BL215 p) In reviewing development applications, the local trust committee will consider greenhouse gas and other emissions anticipated to result from the development.
- BL215 q) The Local Trust Committee may consider amending zoning to require that on-site staff accommodation be provided for larger new commercial developments.

## 5.2 Home Occupation

### Home Occupation Objectives

The objectives of this subsection are:

- 1) to provide opportunities for home occupations,
- 2) to preserve the residential character of neighbourhoods, and
- 3) to ensure that home occupations do not adversely affect the environment.

### Home Occupation Policies

- a) A home occupation shall be accessory to residential use.
- BL215 b) A home occupation shall be conducted entirely within the dwelling unit or within legal structures with exceptions for horticultural uses.
- c) The number of employees including the primary operator of a home occupation shall be regulated.
- d) A home occupation shall be permitted only if the residential character of the property is maintained.
- e) A home occupation that would use large amounts of groundwater shall be specifically prohibited.
- BL215 f) Restaurants shall not be permitted as a home occupation.
- g) A product produced on the site by a resident may be sold from that site and zoning regulations may permit some limited sales of products associated with a service.
- h) Adequate off-street parking of vehicles for the benefit of a home occupation shall be required.
- BL215 i) Home occupations should be regulated to ensure that they do not negatively impact neighbouring properties and uses.

### 5.3 Visitor Accommodation

#### Visitor Accommodation Objectives

The objectives of this subsection are:

- 1) to provide for a variety of visitor accommodations, and
- 2) to ensure visitor accommodations do not adversely affect the natural environment.

#### Visitor Accommodation Policies

- a) Bed and Breakfast with from 1 to 3 rental rooms accommodating up to three persons per room shall be accessory to a residential use.
- b) Where Bed and Breakfast is permitted, the residential character of the site shall be maintained.
- c) The number of rooms permitted for the Bed and Breakfast shall be determined by lot size.
- d) Visitor accommodation beyond the scale of a Bed and Breakfast shall require commercial zoning characterized as:
  - i) guesthouses with from 4 to 8 rooms,
  - ii) inns with from 8 to 12 rooms and a restaurant in one building,
  - iii) resorts with from 8 to 12 rooms or cottages, a central building and a restaurant, and
  - iv) a comprehensive resort limited to up to 10 visitor accommodation units, 10 visitor accommodation sleeping rooms, a central building for accessory uses, a dwelling for the owner or operator, a restaurant and comprehensive resort accessory uses.
- e) Zoning may permit and regulate accessory on-site activities.
- f) Commercial campgrounds and trailer parks shall not be permitted in the Galiano Island Local Trust Area outside of provincial parks.
- g) The Vancouver Island Health Authority and Building Inspection are requested to ensure the supply of water and provisions for sewage disposal are sufficient to support the number of rooms permitted by bylaw.

BL179; 215

BL215

BL215

BL215

BL215

BL215

#### Visitor Accommodation Advocacy Policies

- h) The provision and maintenance of public drinking water sources for the use of visitors to the Island shall be encouraged.

## 5.4 Light Industry

### Light Industry Objectives

The objectives of this subsection are:

- 1) to ensure there is opportunity for light industrial uses that support the local economy, and
- 2) to ensure all light industrial activity is compatible with rural character and does not adversely affect the natural environment.

### Light Industry Policies

- BL 138
- a) The principal use shall be light industry.
  - b) Light industrial zones shall not be permitted in areas containing Sensitive Ecosystems identified in Schedule "H".
  - c) Light industrial uses shall be permitted through site specific zoning and subject to development permit. The following guidelines will be used for determining zoning and issuing a development permit:
    - i) different criteria may be applied to allow different levels of activity,
    - ii) light industrial activity shall only be allowed on sufficiently large properties in a scale proportionate to the lot size,
    - iii) light industrial building sizes shall be in scale with the rural character,
    - iv) an assessment will be required to determine the impact on local water flow patterns, groundwater and waste water disposal and shall show evidence of adequate water supply and waste disposal,
    - v) all light industrial activity parking and storage must be screened and wide buffers must be left along roads and property lines, and
    - vi) signage and lighting shall be regulated to ensure maintenance of the rural landscape,
    - vii) in reviewing development applications, the Local Trust Committee will assess greenhouse gas and other emissions anticipated to result from the development.
- BL215
- d) The lot size for industrial zoning shall be at least 1 hectare (2.47 acres).
- BL215
- e) Industrial uses of the foreshore and water lots shall preserve public access minimize negative impacts on upland owners and the natural environment.
- BL215
- f) Value added industry on an appropriate scale shall be encouraged.
- BL215
- g) The Local Trust Committee should consider implementing regulations that would limit noise impacts generated by industrial uses and activities.

- BL215 h) One dwelling may be permitted as an accessory residential use. If the lot is the minimum area permitted or smaller, the dwelling must be in the same building as the light industry use.
- BL215 i) As a plan for a local trust area designated under the *Islands Trust Act* and placing priority on the preservation and protection of unique amenities and environment of the area, rezoning for new industrial uses should not be considered in advance of demonstrated need. The Local Trust Committee may undertake a review and inventory of existing industrially zoned land and uses, assess existing and future projected demand for industrial land, and on the basis of this assessment, consider re-designating and rezoning land.
- BL215 j) The Local Trust Committee will encourage, and may require, implementation of green building standards in new development.
- BL215 Light Industry Advocacy Policies
- BL215 k) The provincial Ministry responsible shall be requested to ensure that, consistent with the Islands Trust Policy Statement, there should be no extraction of peat, metals, minerals, coal or petroleum in the Galiano Island Local Trust Area.
- BL215 l) The provincial Ministry responsible shall be requested to refer all proposals for sand and gravel extraction on Galiano Island to the Local Trust Committee for review and comment.
- BL215 m) The provincial Ministry responsible shall be requested to ensure light industrial activities involving emission of toxic or irritant material meet the most stringent interpretation of its standards with specific regard for the protection of groundwater catchment areas, surface water and riparian areas from these industrial pollutants.

## **6. Parks and Recreation**

- BL215 There are several Provincial parks in the Galiano Island Trust Area, numerous local community parks, and Capital Regional District parks.
- BL215 Shore access points, parks and proposed Trail Network are shown on Schedule "E" and provincial, community and small parks acquired at the time of subdivision are identified on Schedule "B" of this Plan.

### Parks and Recreation Objectives

The objectives of this subsection are:

- 1) to ensure that recreational activities are non intrusive, do not endanger ecologically or archaeologically sensitive areas, and are compatible with the rural character,
- 2) to ensure that the provision of recreation facilities are directed toward community needs first, and
- 3) to provide local recreational opportunities for visitors to Galiano that do not stress existing facilities, services and resources or generate undue cost to local taxpayers.

### Parks and Recreation Policies

BL124

- a) Parks planning and the provision of recreational facilities shall be assessed on the basis of existing opportunities, conservation of natural values and potential duplication.

BL215

- b) Dedication of land, rather than cash-in-lieu, shall be required on lands identified on Schedule "E" of this plan where parkland dedication is required at the time of subdivision.

BL215

### Parks and Recreation Advocacy Policies

BL215

- c) The Capital Regional District shall be requested to maintain a local Parks and Recreation Commission to administer local parks created at time of subdivision.

BL215

- d) B.C. Parks shall be requested to maintain a reservation system for all Provincial campsites in the Galiano Island Local Trust Area.

BL215

- e) B.C. Parks shall be requested to consult with the Local Trust Committee and the community when developing or reviewing Parks Plans for all Provincial Parks in the Galiano Island Local Trust Area.
- f) B.C. Parks shall be requested to continue to supply adequate and safe drinking water at Montague Harbour and Dionisio and that the visitor capacity of the parks is limited to prevent damage to ecologically sensitive areas.

- g) The RCMP shall be requested to enforce the prohibition of camping on public beach accesses and road allowances.

- h) Initiatives for providing information to visitors on the limited public drinking water and toilet facilities, the need for recycling or removing garbage from the island, the safe use of rural roads, and the danger of fire, shall be encouraged.

BL215

- i) A trail network map developed by the Parks and Recreation Commission, in cooperation with the Local Trust Committee and other stakeholders, is included on Schedule "E" of the Community Plan. Development of any trails in the ALR shall require the approval of the Agricultural Land Commission.

**7. Nature Protection**

BL124  
BL215

The protection of special natural areas, removed from the threat of future development, is an ongoing process on Galiano Island. Over the past decades, several Nature Protection areas resulted from the combined efforts of residents, visitors, non-profit organizations and public agencies. These protected areas, along with public lands intended for conservation, are designated as Nature Protection in this plan.

Nature Protection Objective

The objective of this subsection is:

- 1) to preserve natural values,
- BL215 2) to create connections establishing a network of protected areas,
- BL215 3) to protect and enhance the island's capacity for carbon storage,

Nature Protection Policies

- a) A separate zone for conservation shall be applied to new and existing Nature Protection areas.
- b) Lands covenanted against further development or subdivision shall be identified through appropriate zoning designation.
- BL215 c) Zoning for Nature Protection areas may permit trails, ecological restoration, and low impact recreation.
- d) Where Nature Protection areas meet the high tide line, the water and foreshore shall be zoned for protection.

BL215 Nature Protection Advocacy Policies

- BL215 e) B.C. Parks shall be requested to continue a public consultative process of developing and periodically reviewing management plans for all ecological reserves in the Galiano Island Local Trust Area.
- BL215 f) Landowners are encouraged to protect sensitive areas on their lands through granting conservation covenants under the Natural Area Protection Tax Exemption Program (NAPTEP).

## SECTION III SERVICES

BL216 The Galiano Island Local Trust Committee does not have authority to provide services. In order to ensure integration of its mandate, policies and programs, the Local Trust Committee and the Islands Trust enter into agreements with agencies which have statutory authorities. The Local Trust Committee can exercise its land use planning authority to influence the delivery of services. This section outlines the basis for discussion with Provincial agencies to assist them in recognizing the needs of the Island and its community in the context of Provincial authority.

### 1. Transportation

#### 1.1 Land Transportation

BL216 The development and maintenance of the island's road network is fundamentally connected to the land use pattern, with development and services occurring in several clusters of small lot development. The density and intensity of development generally declines as distance from existing small lot development increases.

In 1992 the Islands Trust Council and Ministry of Transportation and Infrastructure entered into an agreement to ensure an ongoing consultative process between the agencies. The agreement includes road functional classifications as per Schedule "C", procedures for the designation of scenic and heritage roads and cycle route plans in the Local Trust Area. The road standards are modified from Provincial standards to protect the rural character of island roads. In 1994 the Minister of Municipal Affairs announced efforts to complete a road network plan for Galiano Island. The Galiano Island Transportation Advisory Committee (GITAC) was asked to prepare a report regarding a proposed road network plan, which was tabled with the Local Trust Committee in March 2001. In July 2002 the Local Trust Committee directed that the road network plan report be integrated into the Official Community Plan. The following objectives and policies incorporate those initiatives.

#### Land Transportation Objectives

BL124

The objectives of this subsection are:

- BL216
- 1) to achieve over the long term planned road and emergency access routes based on the network depicted in Schedule "C", including further components of the network that may be identified by amending Schedule "C",
- BL216
- 2) to create opportunities for trail acquisition and achieve over the long term a planned trail network identified on Schedules C and E.
- BL216
- 3) to ensure that island roads are rural in character and that impacts on the environment are minimized,
- BL216
- 4) to support the design of quiet safe neighbourhoods by encouraging slower vehicle speeds and by managing land use to limit traffic generation through such neighbourhoods

- 5) to ensure that parking for all land uses is safe and compatible with the rural character of the island,
- 6) to ensure roadways are safe for all users,
- BL216 7) to encourage alternative forms of transportation resulting in reduced emissions of greenhouse gases, and
- BL216 8) to ensure that emergency road access is available and maintained to all lots on Galiano Island.

Land Transportation Policies

- BL124
- BL216 a) Land uses shall be required to provide adequate off-street parking and where appropriate the Local Trust Committee may require alternatives to parking spaces, including but not limited to bicycle racks. Parking standards may be established for electric vehicle plug-ins in appropriate locations.
- BL216 b) The Ministry of Transportation and Infrastructure shall be requested to install minimal signs that are rural in character.
- BL216 c) The Road Network shown on Schedule C represents both existing and proposed roads, and is subject to the following:
  - i) the locations of proposed highways and emergency access routes shall be considered approximate locations;
  - ii) locations of proposed highways and emergency access routes shall be confirmed at time of rezoning, subdivision or building permit;
  - iii) highway and emergency access route connections at property boundaries should be consistent with the approximate locations identified on Schedule 'C', unless more detailed site investigation of all lots concerned identifies a more suitable point of connection consistent with the general continuity of routes through adjacent lots as identified on Schedule 'C';
  - iv) there should be no additional highway route or emergency access route interconnections, except for local access to lots within a new subdivision, other than provided for in Schedule 'C';
  - v) highway routes should be of sufficient width to accommodate hydro and telephone service line requirements.
  - vi) Any new highway or emergency access routes within the Agricultural Land Reserve receive the approval of Agricultural Land Commission.
- BL216 d) The Local Trust Committee should consider reviewing and amending the subdivision and servicing regulations in the Land Use Bylaw in order to more effectively meet the objectives and policies of this section of the Plan.

- BL216 e) The Local Trust Committee may consider amending the Land Use Bylaw to require that parking be provided on Galiano Island, to a specified number and standard, for new development on associated islands.
- BL216 f) Land that is rezoned to any Economic Activity Zone should have direct frontage and suitable access on a highway classified as Main Rural or Minor Rural.
- BL216 g) The local trust committee may consider rezoning or temporary use permit applications to allow for an off-street parking area for vehicles and boat and utility trailers in a location close to public docks or boat launches.
- BL216 h) All parties are encouraged to meet their obligations with respect to The Letter of Agreement with the Ministry of Transportation and Infrastructure and the public consultative process expressed therein shall be supported.
- BL216 i) Utilities and their contractors shall be requested to engage in a consultative process with the community with respect to the use of the road right-of-way and the Local Trust Committee may consider entering into letters of agreement with the utilities or their contractors.
- BL216 j) The Ministry of Transportation and Infrastructure shall be requested to address safety by posting lower speed limits, installing crosswalks, and posting cyclist and pedestrian awareness signs in identified problem areas rather than by requiring roads to be straightened and widened.
- BL216 k) The Ministry of Transportation and Infrastructure shall be requested to leave the natural vegetation alongside the travelled portion of the road undisturbed, except as required for safety.
- BL216 l) When paving is required, the Ministry of Transportation and Infrastructure shall be requested to require paving to minimum widths as specified in the Letter of Agreement.
- BL216 m) All new roads should follow the natural contour of the land and avoid unnecessary interference with surface and subsurface water flow.
- BL216 n) The use of road allowances for parallel transportation routes to separate motor vehicles and non-motorized vehicles shall be encouraged.
- BL216 o) Residential use should only be permitted on any lot on Galiano Island where there is access to the lot providing continuous road access to the Sturdies Bay Ferry Terminal by any combination of dedicated highway, statutory right of way and private easement identified on Schedule C as Proposed Highway or Proposed Emergency Access.
- BL216 p) The responsible agencies shall be requested to provide adequate facilities to decrease long term parking on road ways at ferry terminals, beach accesses, boat launches and government docks.

- BL216 q) In all subdivisions bordering on a body of water, the Approving Officer shall be requested to require public access to the foreshore, subject to the Approving Officer's discretion, sufficient area for parking at foreshore accesses, emergency vehicle standards for all new roads, and driveways, road construction designed only for the zoned residential capacity and consolidation of road accesses from subdivisions onto main roads.
- BL216 r) The Ministry of Transportation and Infrastructure shall be requested to ensure that the subdivider provides adequate areas for off-street parking at an appropriate location considering the likely point of departure by water to access the subdivision, as a condition of approval of any subdivision on Valdes, Hall, or Reid Island, the Secretary Islands, or the smaller islands associated with Galiano Island.
- BL216 s) The Local Trust Committee does not consider it to be in the public interest for lots without public road access, or without access by private road as part of a bare land strata plan, connecting to the public road system and to island services and the ferry terminal to be created by subdivision on Galiano Island.
- BL216 t) The Ministry of Transportation and Infrastructure, and other appropriate agencies, are encouraged to support alternative transportation initiatives, including, but not limited to, transit, car stops, neighbourhood zero and low emission vehicles, car shares, a bicycle path network and walking trails linking population to services.
- BL216 u) The LTC supports the development of a bicycle path network, and the Ministry of Transportation and Infrastructure should be requested to consider the creation of bicycle paths within existing highway dedications. As a priority, particular focus should be placed on Sturdies Bay Road.
- BL216 v) The local trust committee supports the installation of traffic calming features in high traffic locations.
- BL216 w) The Local Trust Committee considers that the Approving Officer should, at the time of subdivision, consider the following:
- i) the location of any highway route or emergency access route identified by Schedule "C" as the appropriate location for new highway or statutory rights of way for emergency access other than those necessary for local access to lots within a new subdivision;
  - ii) that new highways designed to serve subdivisions should generally not permit through traffic unless provided for on Schedule "C";
  - iii) that in order to minimize disruption and compaction of the land, new highways or statutory rights of way for emergency access designed to serve subdivisions should, whenever possible, follow existing road corridors, whether logging roads, existing easements or rights of way or other established routes;

- iv) that statutory rights of way for emergency access should be provided for use in such emergencies as major road closures or fire evacuation;
- v) that new highways or statutory rights of way for emergency access are located and developed to minimize impacts on environmentally sensitive areas;
- vi) that providing for public trail development adjacent to, but separated from, the traveled surface of highways designated as Main Rural, is a means of improving road safety for pedestrians.

BL216

- x) Any agency with authority regarding the management of trails for use by the public is requested to restrict trail use to non-motorized use.

## 1.2 Air Transportation

BL216

Float plane and emergency helicopter services are available to meet the air transportation needs of the Island. In many areas of Galiano the community experiences disruptive levels of noise from low flying smaller aircraft travelling between the urban centres of Vancouver and Victoria.

### Air Transportation Objectives

The objectives of this subsection are:

- 1) to minimize noise pollution from aircraft, and
- 2) to meet limit services to community needs.

BL216

BL216

### Air Transportation Advocacy Policies

BL216

- a) Transport Canada and the Canadian Coast Guard shall be requested to regulate take-off and landing procedures, flight routes and minimum flying altitudes over the Galiano Island Local Trust Area, in order to reduce noise levels.

BL216

- b) A private or public airstrip or helipad shall not be supported in the Galiano Island Local Trust Area except for emergency evacuations associated with police, fire or ambulance facilities or hospitals.
- c) All air transport operators shall be requested to ensure that services do not exceed the needs of the local community.
- d) Land use regulation shall permit the location of emergency evacuation points where appropriate.

## 1.3 Water Transportation

### Water Transportation Objectives

The objectives of this subsection are:

- BL216 1) to ensure water transportation facilities minimize impacts to the natural environment and the natural processes of the shoreline,
- BL216 2) to ensure water transportation meets the needs of the local community without using seasonal or peak demands as a fixed schedule,
- 3) to promote water traffic safety in the Galiano Island Local Trust Area.
- BL216 4) to recognize the unique challenges and issues in providing and maintaining access to the associated islands, and
- BL216 5) to encourage foot passenger only, multiple port, inter island ferry service.

Water Transportation Policies

- BL124 a) Wharves, barge landing and boat launching ramps shall be sited to minimize the impact on the natural environment.
- b) All water transport operators shall be requested to ensure services do not exceed the needs of the local community.
- c) All government authorities shall be requested to ensure Galiano does not become joined by a bridge to any other land and that it not become, nor its water passages be modified to provide, a transportation link between the mainland and Vancouver Island.
- BL216 d) The Agencies administering boating regulations, shall be requested to minimize noise disruption and to protect the safe use of water transport.
- BL216 e) The establishment of group or shared docks shall be encouraged.
- BL216 f) B.C. Ferry Services Inc. shall be requested to ensure that on-shore facilities encourage foot passenger service.
- BL216 g) The operation of personal watercraft in Montague Harbour shall be discouraged.
- BL216 h) BC Ferry Services Inc. is encouraged to undertake efforts to reduce greenhouse gas emissions within its own operations, to support lower fares for smaller, low-emission vehicles, and to create and maintain facilities and services, including bicycle racks, supporting travel by means other than private automobile.
- BL216 i) The Local Trust Committee will support efforts to develop a foot passenger-only ferry service.

**2. Water Supply**

Water Supply Objectives

BL124

The objectives of this subsection are:

- 1) to ensure an adequate supply of water to all users,
- 2) to ensure water use does not pollute the resource,
- BL216 3) to ensure that the local trust area develops only in a manner that utilizes the precautionary principle and the best information available regarding water resources, so that the resource will be preserved for current and future use.
- BL216 4) to protect elevated groundwater recharge areas, and
- BL216 5) to address the impacts of climate change on groundwater supply and quality.

Water Supply Policies

BL# 124, 141

- BL216 a) Areas above 140 metres in elevation shall be preserved and protected because of the importance of elevated water recharge areas for water supply at lower elevations, fresh water catchment, storage and recharge. No density of residential development greater than 1 dwelling per 20 hectares (49.4 acres) shall be permitted except where Development Approval Information indicates a higher density would not impair water quality or quantity at lower elevations.

Land above 140 metres with less than 30 cm (12 inches) of soil according to Agriculture Canada Research Branch, "Soil of the Gulf Islands, B.C. Soils Survey, 1988" shall be designated as a development permit area for the protection of the natural environment and for water conservation and the provisions of the development permit areas shall ensure that:

- i) the shallow soil area shall only be used for purposes of providing sufficient area for calculating the average lot size of lots that will be created by a proposed subdivision,
- ii) the buildings shall be constructed outside of the shallow soil area,
- iii) a restrictive covenant shall be registered to protect the shallow soil area, and
- iv) the area of shallow soil is to be determined by ground survey by a qualified consultant.

The Local Trust Committee does not consider it to be in the public interest for road building to conventional highway standards to occur above 140 metres in elevation because of the risk to the quality of groundwater supply at lower levels through run-off in the elevated water catchment.

- BL216 b) Aquifers and recharge areas should be identified and measures and standards recommended through professional analysis. Once the professional analysis is completed, policies and regulations should be amended to ensure that development minimizes impacts on the sustainability of the potable water resource. The following regulatory provisions may be considered:
  - i) amending zoning to establish groundwater protection zones;
  - ii) amending zoning to permit lot clustering;
  - iii) amending zoning to increase minimum lot sizes in critical areas;
  - iv) amending lot coverage requirements to limit impermeability;
  - v) amending zoning to limit floor area;
  - vi) review and replace the existing elevated groundwater catchment DPA by implementing relevant recommendations of professional studies and

- reports, including new or amended DPA designations for critical groundwater areas;
- vii) new or amended subdivision and servicing regulations to ensure that appropriate and effective requirements are in place for new subdivisions, including improved data collection and assessment requirements, implementation of best management practices, green development requirements, infiltration and recharge assessment, on-going monitoring requirements, regulation of well-drilling in areas with saline intrusion;
  - viii) amendment to servicing regulations to extend water catchment requirements to additional areas;
  - ix) amendment to servicing regulations to require community water systems for significant new development in identified critical areas.
- BL216 c) Regulations shall require new developments to provide cisterns in critical groundwater areas.
- BL216 d) Retail sale or wholesaling of groundwater extracted on Galiano Island shall not be permitted.
- BL216 e) Any rezoning application involving an increase in density or intensity of use should be required to provide an assessment of the availability of sustainable, long-term groundwater. Any additional density or intensity of use that would negatively affect the quality or quantity of groundwater should not be permitted in critical groundwater areas.
- BL216 f) Desalination systems should be regulated and use may be limited.
- BL216 g) The Local Trust Committee should undertake efforts and initiatives to increase awareness of groundwater issues and promote best practices.
- BL216 Water Supply Advocacy Policies
- BL216 h) The Local Trust Committee may request that the Ministry of Environment designate the Galiano Island Local Trust Area as a Water Management area and initiate the preparation of a Water Management Plan.
- i) The Approving Officer shall be requested to ensure that the use of groundwater for new subdivisions does not adversely affect existing water users.
- BL216 j) The Ministry of Environment shall be requested to ensure all groundwater wells in which saltwater intrusion occurs are capped and not available for use.
- k) Alternatives and supplements to the use of groundwater, such as collection of rainwater and use of cisterns, shall be encouraged.
- BL216 l) The Ministry of Environment shall be requested to ensure that inexpensive and accessible well water testing is available.
- m) Residents are encouraged to conserve groundwater by using water catchment for irrigation and by landscaping with drought tolerant plants.
- BL216 n) The Local Trust Committee will undertake initiatives and supports efforts by appropriate bodies to:
- i) undertake education concerning groundwater conservation;

- ii) identify and re-activate existing observation wells;
- iii) establish new observation wells, including establishing a minimum of one well in each significant or critical groundwater region;
- iv) create and maintain a database of well observation records;
- v) establish a pilot project to produce and share information;
- vi) establish assistance for the installation of water saving devices and technology;
- vii) establish programs or undertake enforcement to protect groundwater from toxic or noxious leaching from industrial or other uses.

### **3. Waste Disposal**

#### **3.1 Water Borne Waste Disposal**

##### Water Borne Waste Disposal Objective

The objective of this subsection is:

- 1) to protect groundwater, surface water and marine waters from degradation through improper disposal of water borne waste.

BL216

##### Water Borne Waste Disposal Advocacy Policies

BL216

- a) Vancouver Island Health Authority shall be requested to:
  - i) ensure all existing and new sewage disposal systems meet health standards,
  - ii) consider the use of all effective, non polluting sewage treatment methods that minimize water consumption,
  - iii) encourage the installation of low flow fixtures that utilize untreated cistern water or grey water,
  - iv) ensure septic disposal fields are positioned to avoid pollution of groundwater sources,
  - v) evaluate areas with suspected problems for cumulative effect of existing and proposed septic field disposal systems,
  - vi) permit the use and separate disposal of grey water,
  - vii) monitor and enforce strict septic and disposal methods for lots bordering marine areas, and
  - ix) monitor the adequacy and condition of an existing septic field for each house or property offered for sale and make this information available to the public.

#### **3.2 Solid Waste Disposal**

##### Solid Waste Disposal Objectives

The objectives of this subsection are:

- 1) to reduce waste, and
- 2) to recycle materials and waste.



## SECTION IV CONSERVATION AND ENVIRONMENT

BL124, BL217

BL217 The management of natural resources is generally under the authority of jurisdictions other than the Local Trust Committee. The majority of policies in this section therefore, are requests to agencies to consider the concerns of the local community in making decisions and offer an approach to coordinate effectively all actions of government to a common good. Schedule H is a generalized presentation of detailed Islands Trust Ecosystem Mapping prepared for the Trust Fund Board and the Islands Trust.

The conservation importance of Galiano's diverse ecology is among the highest in British Columbia. Galiano's ecosystems are characteristic of the Coastal Douglas-fir Biogeoclimatic Zone (CDF), an ecological classification that is limited in B.C. to a small part of southeastern Vancouver Island, the Gulf Islands and a narrow strip along the adjacent mainland. The CDF has recently been ranked as imperilled (high risk of extinction due to very restricted range, steep declines, or other factors) both provincially and globally, and is one of the most endangered ecosystems in Canada. B.C. contains over 80% of the global range of the CDF. The CDF is home to 24 species of global conservation concern and 170 species of provincial conservation concern and has the highest density of species of conservation concern in BC. This conservation challenge is further intensified when considering the future impacts of climate change, and has led to the CDF being identified as BC's highest priority for conservation.

Natural ecosystems provide an enormous range of goods and services that sustain our health and well-being including food, materials, clean air, clean water, nutrient cycling, as well as recreation, education and spiritual uplift. A recent global assessment of human impacts on the world's ecosystems found that 60 percent of ecosystem services including fresh water, air and water purification, and the regulation of climate are in decline. The loss of natural habitat worldwide due to human impact has resulted in an estimated loss of \$250 billion per year. Climate change will exacerbate the degradation of ecosystems and the loss of ecosystem services.

Natural ecosystems provide key services related to climate change notably carbon dioxide absorption and carbon storage. For example, global ocean and land ecosystems typically remove about 50-60 percent of human-caused carbon dioxide emissions. Intact natural ecosystems are the most resilient to change, therefore they provide the best opportunities for adaptation as the climate changes through the provision of corridors for migrating wildlife, water storage, and flood protection. Intact natural systems also store the most carbon. (Wilson, Hebda. 2008).

BL217

### **General Environmental Policies:**

- a) The use of pesticides, herbicides, fungicides, insecticides for cosmetic purposes and the introduction of exotic species and genetically modified organisms is discouraged.

1. **Fresh Water**

BL217

Water supply shortages are common in areas of small lot subdivisions. Deteriorating water quality is evident in the Galiano Island Local Trust Area generally and the demands on groundwater resources continue to increase.

#### Fresh Water Objectives (see also Water Supply Policies in this Plan)

BL124, BL217

The objectives of this subsection are:

- 1) to preserve and protect fresh water resources, and
- 2) to maintain a sustainable supply of fresh water.

Fresh Water Policies

BL217

BL217

- a) When accurate data is available to designate sensitive watershed areas, water recharge areas and wetlands and streams, they shall be protected through designations as development permit areas or through other appropriate mechanisms.
- b) Zoning regulations shall be designed to protect surface water and streams from contamination.

BL217

Fresh Water Advocacy Policies

BL217

- c) Fisheries and Oceans Canada, Environment Canada and the Provincial Ministry of Environment, Ministry of Transportation and Infrastructure, and Ministry of Forests, Lands and Natural Resource Operations shall be requested to work in partnership to manage fresh water resources effectively.

BL217

- d) The Ministry of Environment shall be requested to assist the Local Trust Committee to:
  - i) identify aquifer recharge, discharge and elevated catchment areas,
  - ii) protect these areas from contamination,
  - iii) maintain the collection and ongoing analysis of data on groundwater use and supply, and
  - iv) analyze the available well data and use that data to guide decision making.

BL217

- e) The provincial Ministries responsible shall be requested to enact legislation that would preserve natural ground cover in aquifer recharge areas.

BL217

- f) Efforts to raise awareness of groundwater conservation through education will be supported.

**2. Shoreline and Marine Protection**

BL217

The complex geography and geology of Galiano Island and surrounding islands and waters have produced a tremendous diversity of coastal and marine habitats. Unique relationships exist between terrestrial, fresh water and marine areas; as a result, coastal ecosystems are the most diverse and productive of all ecosystems. Significant recreational, commercial, industrial and residential activities occur within the shoreline area and this sensitive area is under intense pressure from development and human activity.

The Shoreline and Marine designation incorporates as all waters beyond high tide line up to the full boundary of the Galiano Island Local Trust Area. The boundary is shown in Schedule "AA". Some designations such as the marine commercial designation may extend onto adjacent upland areas where deemed appropriate.

### Shoreline and Marine Objectives

BL217

The objectives of this subsection are:

- BL217
- 1) to protect shoreline and marine ecosystems in the local trust area,
  - 2) to ensure public access to the foreshore, and
  - 3) to encourage safe and considerate use of the marine environment.

### Shoreline and Marine Policies

BL124, BL 171; BL217

- a) Zoning regulations for marine zones shall be consistent with those for abutting upland zones. In particular, the permitted uses in marine zones shall be accessory to residential when the abutting upland zone is residential, and may be residential or commercial in nature when the abutting upland zone is commercial. Notwithstanding this policy the marine area surrounding District Lot 145, Cowichan District may be used for one private float and walkway ramp without a residence being established on the abutting upland.
- b) A Marine Protection zone shall be designated for marine areas fronting Nature Protection areas and where an upland owner has requested it be applied.

BL217

- c) The Local Trust Committee may consider amending the existing Marine zone to not permit new individual private docks. Applications for rezoning for shared docks should be considered.
- d) A Marine Service zone shall be designated for necessary transportation facilities such as ferry terminals, public docks and barge loading sites.
- e) A Marine Commercial zone shall be designated for facilities and associated upland services such as marinas.
- f) In order to protect the character of the residential neighbourhoods and the integrity of Marine Protection areas, zoning shall not permit commercial aquaculture for rearing of fin fish or mollusca.
- g) All zoning regulations for each water zone designated on the Plan Map Schedule "B" shall include provisions that ensure public access across the foreshore is retained.

BL217

### Shoreline and Marine Advocacy Policies

BL217

- h) The Ministry of Forests, Lands and Natural Resource Operations, the Ministry of Agriculture, and Fisheries and Oceans Canada shall be requested to:
  - i) preserve and recover marine species and habitats by prohibiting commercial and limiting personal harvesting of all marine life with the exception of First Nations rights,
  - ii) prohibit commercial harvesting of clams,
  - iii) encourage protection of bird habitat in shoreline areas, and
  - iv) undertake measures to protect glass sponge reefs.

BL217

BL217

- BL217 i) Fisheries and Oceans Canada shall be requested not to authorize the dumping of waste of any kind, including toxic waste, within the waters of the Galiano Island Local Trust Area, and to monitor the dumping of such waste to ensure that it occurs only outside the Trust Area and only in areas where such dumping has been authorized.
- BL217 j) Responsible local and provincial agencies shall be requested to maintain the Provincial Emergency Preparedness program for the protection of waters and shoreline from pollution due to maritime accidents or disasters.
- BL217 k) The Ministry of Transportation and Infrastructure and the Galiano Parks and Recreation Commission shall be requested to provide signs at foreshore accesses.
- BL217 l) The Province of B.C. or the Federal government shall be requested to establish a National Marine Conservation Area in the waters of the Local Trust Area.
- BL217 m) Efforts to provide education on the fragility of intertidal ecosystems shall be supported.
- BL217 n) The Southern Gulf Islands Harbours Commission shall be requested to continue to manage and maintain public moorage facilities.

### 3. Heritage Conservation

BL217

Galiano Island is within the traditional territory of the several First Nations, including Penelakut Band of the Cowichan Nation which has a reserve on Galiano. Middens are found at nearly every beach on the island, with extensive deposits occurring at Montague Harbour and Dionisio Point. Evidence of First Nations and more recent settlers can be found throughout the Galiano Island Local Trust Area.

#### Heritage Objectives

The objectives of this subsection are:

- 1) to identify, preserve, protect and enhance local heritage, and
- BL217 2) to recognize First Nations presence on Galiano and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

BL217

#### First Nations Cultural and Archaeological Policies

- BL217 a) The Local Trust Committee should, in cooperation with First Nations and other agencies, develop improved methods of determining and assessing impacts on potential archaeological sites, or other First Nations cultural sites, when it is considering land use applications and referrals.
- b) An updated inventory of archaeological resources will be supported through provision of updated archaeological site location information to the Archaeology Branch and using archaeological potential mapping to identify areas having significant potential to contain unrecorded, protected archaeological sites.

- c) All development applications shall be reviewed for the presence of known and recorded archaeological sites. Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.
- d) The Local Trust Committee should avoid approving applications that would result in disturbance to an archaeological site. Should there be unavoidable conflicts with significant archaeological sites or other known First Nations cultural sites, measures should be required or encouraged to manage the impacts.
- e) Landowners are encouraged to contact and work with First Nations to protect archaeological and cultural sites.

BL217 Heritage Advocacy Policies

- BL217 f) The establishment of Advisory Planning Commission to identify heritage value and character shall be considered.
- g) Private land owners shall be encouraged to enter into voluntary covenants to protect heritage values.
- BL217 h) The Local Trust Committee continues to support facilities that serve as a repository for artifacts, oral history tapes, photographs and materials relating to heritage buildings and sites.
- BL217 i) Heritage roads as identified on the road network plan shall be protected as part of the Islands Trust agreement with the Ministry of Transportation and Infrastructure.
- BL217 j) The Ministry of Forests, Lands and Natural Resource Operations shall be requested to ensure archaeological and heritage sites are protected from disturbance under the provisions of the *Heritage Conservation Act*.
- BL217 k) The repair and restoration of heritage sites shall be permitted through amending regulations, including zoning that provides for some special uses of restored buildings.
- BL217 l) The Local Trust Committee may support a program of identification of heritage trees for incorporation into the Community Plan.

**4. Wildlife Protection**

BL217

The biological diversity represented by wildlife and its habitats are an important component of Galiano Island's environmental resources and natural heritage. Diversity of plant and animal species contributes to ecosystem stability, provides food, medicine, and other products of economic value, has immeasurable aesthetic and cultural value, and performs critical ecosystem functions essential to all life. The diversity of the forests, wildflower communities, marine life and bird species is appreciated by both residents and visitors.

### Wildlife Objectives

The objectives of this subsection are:

- 1) to protect wildlife resources, and
- 2) to preserve habitat for wildlife.

### Wildlife Policies

BL124

BL217 a) The identification and map of eagle nest sites shall be supported by the Galiano Island Local Trust Committee and regulations should be considered to protect nest trees.

BL217 b) The protection and recovery of rare and endangered plant and animal species and critical habitat shall be considered and addressed in all land use decisions.

### Wildlife Advocacy Policies

BL217

c) Sufficient natural habitat areas shall be preserved to maintain a healthy wildlife population.

d) The protection of heritage orchards shall be encouraged as valuable habitat for island wildlife.

BL217 e) The Ministry of Forestry, Lands and Natural Resource Operations shall be requested to retain Crown land in its natural state to contribute to biological diversity.

BL217 f) The agency responsible shall be requested to actively enforce and educate the public about hunting regulations in the local trust area.

## **5. Air Quality**

BL217

Although air emissions from commercial and industrial activities are regulated, many activities carried out by private individuals cause harmful degradation of air quality. These activities are not regulated through land use controls and are only influenced by a sense of individual responsibility for the environment. To be responsible, users of resources must be diligent in using only well seasoned fuel, maintaining and cleaning wood stoves regularly, minimizing the use of motor vehicles and properly maintaining all combustion engines.

### Air Objective

BL217

The objective of this subsection is:

BL217 1) to maintain a high standard of air quality in the Galiano Island Local Trust Area.

BL217

### Air Advocacy Policies

BL217

- a) The Forestry, Lands and Natural Resource Operations shall be requested to enact and enforce air quality legislation.
- b) Air pollution shall be minimized by:
  - i) restricting garbage and other waste burning,
  - ii) encouraging composting as a means of organic disposal,
  - iii) prohibiting industries which release noxious gases or wastes into the atmosphere, and
  - iv) requesting that the local fire departments actively enforce provincial and regional open burning regulations in order to reduce harmful particulate levels.
- c) Crown corporations and the Ministries of Forests, Lands and Natural Resource Operations and Agriculture shall be requested to prohibit aerial spraying of herbicides or pesticides in the Galiano Island Local Trust Area.

BL217

## **6. Climate Change Mitigation and Adaption**

BL 206; BL217

Climate change mitigation and adaptation is the result of the increasing concentration of heat-trapping greenhouse gases in the atmosphere as the result of human activities— primarily the burning of fossil fuels and large-scale deforestation. The rise in atmospheric greenhouse gas concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise 1.1° to 6.4° C over the next century. Although seemingly slight, these temperature changes will have dramatic and negative impacts on ecological systems around the globe.

The *Local Government Act* now requires that all local governments include in their Official Community Plans targets to reduce greenhouse gas (GHG) emissions and policies and actions to achieve these targets.

The following targets, objectives, policies and actions are the first step to ensuring that the reduction of GHG emissions specifically and the impact of climate change in general become part of the planning process for Galiano Island. This part of the Plan contains objectives and policies relating to the reduction of GHG emissions and the broader topic of climate change adaptation and mitigation.

This plan sets the following target:

*To reduce greenhouse gas emissions by 33% by 2020 from 2007 levels. Within the local trust area this reduction will be achieved by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.*

### Climate Change Objectives

The objectives of this subsection are:

- BL217
- 1) To establish climate change as a fundamental factor in land use decision-making.
  - 2) To move to a land use pattern that results in a more compact and complete community in a manner that ensures that overall development potential and density are not increased unless authorized elsewhere in the plan.
  - 3) To support efforts and policies to help our community adapt to climate change impacts.
  - 4) To work with others to support actions to limit emissions.

### Climate Change Policies and Actions

- BL217
- a) In reviewing development applications, the local trust committee will assess the potential greenhouse gas emission and climate change impacts anticipated to result from the development.
  - b) In considering applications for new development, the LTC should ensure that additional density is located in areas accessible to existing transportation and services.
  - c) The Local Trust Committee should consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating.
  - d) The Local Trust Committee should consider amending the parking requirements for commercial and community uses, to require alternatives to some parking spaces, including but not limited to bicycle racks.
  - e) The Local Trust Committee encourages, and may require, new development to utilize building technology that minimizes energy use.
  - f) The Local Trust Committee supports alternative transportation initiatives, including, but not limited to, transit, car stops, neighbourhood zero and low emission vehicles, car shares, a bicycle path network and walking trails linking population to services.
  - g) The LTC supports the development of a bicycle path and trail network, and the Ministry of Transportation and Infrastructure should be requested to consider the creation of bicycle paths within existing highway dedications.

## 7. Environmentally Sensitive Areas

BL124; 217

Information on sensitive areas has been collected as follows: Benn D.R., Natural Areas Inventory, 1975, Outdoor Recreation Features Mapping, 1978; Ministry of Environment, Lands and Parks, Howes D.E. and Wainwright P., Coastal Resources and Oil Spill Response Atlas for Southern Strait of Georgia, November 1993; Agriculture Canada Research Branch, Soils of the Gulf Islands, B.C. Soils Survey, 1988; Galiano Island Sensitive Area Inventory, 1988 and Community Task Forces 1993; Environment Canada, Gulf Islands of British Columbia: A Landscape Analysis, 1980; Environment Canada and Ministry of Environment, Sensitive Ecosystems Inventory, 1997; Ministry of Environment, Lands and Parks, A.P. Kohut and D.A. Johanson, Assessment of Groundwater Availability and Quality, Galiano Island, British Columbia, 1998. More recently, mapping has been conducted by Islands Trust and the Trust Fund Board, including the Islands Trust Ecosystem Mapping initiative (ITEM) and recently the Sensitive Ecosystem Mapping (SEM) project, utilizing provincial Terrestrial Ecosystem Mapping standards. This most recent Sensitive Ecosystem mapping information combined with the local knowledge from members of the community provides the basis for Schedule H.

Protection of environmentally sensitive areas lies principally in the hands of private land owners. Existing information is useful but needs to be continually updated and refined. The Local Trust Committee has used the recent Sensitive Ecosystem mapping as the basis for establishment of development permit areas and will also take into account the impact of proposed development on environmentally sensitive areas when considering rezoning applications and the approving officer may consider them when reviewing subdivision applications.

### Environmentally Sensitive Areas Objective

The objective of this subsection is:

- 1) to assist in the protection of areas sensitive to disturbance and pollution and of areas rich in diversity and productivity within the Galiano Island Trust Area.

### Environmentally Sensitive Areas Policies

- BL217 a) The Local Trust Committee has designated development permit areas for protection of the natural environment, along with other tools, to ensure that development is appropriately managed and that potential impacts on sensitive ecosystems are minimized.

### Environmentally Sensitive Areas Advocacy Policies

- BL217 b) Private landowners are encouraged to use voluntary conservation covenants, in particular the Natural Area Protection Tax Exemption Program, (NAPTEP) and other tools to protect sensitive natural features and sensitive areas identified in plan map Schedule "H".
- BL217 c) The Ministry of Forestry, Lands and Natural Resource Operations shall be requested to assist in delineating wetland and riparian areas in the Galiano Island Local Trust Area.

BL217

- d) Landowners and relevant agencies shall be requested to restore and rehabilitate wetland and riparian areas.

## **SECTION V DEVELOPMENT PERMIT AREAS**

BL124

BL218 Where the Local Trust Committee has designated certain areas as DPA, the owner must obtain a Development Permit before subdividing land within the DPA; starting construction of, addition to, or alteration of a building or other structure; or altering land, unless otherwise exempted. In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and in the instance where there are conflicts or inconsistencies between guidelines, precedence shall be given to DPAs for protection of the natural environment, its ecosystems and biological diversity. Only one development permit, containing conditions based on guidelines in all applicable DPA, is required.

### **1. Development Permit Area 1 - Riparian Areas**

BL218

1.1 Development permit area 1 includes all land designated on Schedule F of this plan as being within the Riparian DPA. This DPA includes the following:

1.1.1 Riparian assessment areas related to the watercourses, wetlands and water bodies identified on Schedule F as streams as that term is defined in the Riparian Areas Regulation, which includes any of the following that provides fish habitat:

- a watercourse, whether it usually contains water or not;
- a pond, lake, river, creek or brook;
- a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b);

and consisting of the surface of the water body and:

- a) for a watercourse, a 30 metre strip on both sides of the stream measured from the high water mark;
- b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank;
- c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank;
- d) for a lake, wetland or other water body, 30 m around the water body measured from the high water mark of the water body;
- e) for a ditch, a 5 metre strip on both sides of the ditch measured from the high water mark.

1.1.2 Other watercourses, lakes and wetlands, consisting of the surface area of the water body and a riparian area consisting of:

- a) for a watercourse, a 15 metre strip on both sides of the of the watercourse, measured from the high water mark;
- b) for a lake, wetland, or other water body, 15 m around the water body measured from the high water mark of the water body;
- c) for a ditch, a 5 metre strip on both sides of the ditch measured from the top of bank.

and Schedule F shall be so interpreted. The designation and delineation of Development Permit Area 1 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust. The actual location of the streams and water bodies may need to be determined on a site-specific basis by a qualified environmental professional or a surveyor.

## **1.2 Authority**

This development permit area is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

Terms used in this section that are defined in the Riparian Areas Regulation (RAR) are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time.

## **1.3 Special Conditions and Objectives that Justify the Designation**

Riparian areas occur adjacent to lakes, streams, and wetlands where the increased soil moisture supports and enhances plant communities distinct from the adjacent terrestrial areas. Generally, the protection of riparian areas is important for the following reasons: the protection of their biodiversity, the maintenance of water quality, the protection of aquatic habitat, and the retention of wildlife corridors.

Many of the lakes, streams and wetlands are an important source of drinking water for the community. Drinking water is a valuable resource that must be protected. Poor water quality is detrimental to fish, wildlife and residents of Galiano Island.

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is a policy of the Islands Trust Council that local trust committees shall in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the province of British Columbia’s *Fish Protection Act*, requires that local governments establish regulations to protect riparian areas. This designation is intended, in part, to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

## **1.4 Development Approval Information**

The Riparian DPA is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local*

*Government Act.* Development approval information in the form of a report from a qualified environmental professional (QEP) or another professional may be required due to the special conditions and objectives described above.

### **1.5 Application Requirements**

The applicant may be required, in addition to any other application requirements enacted or imposed by the Local Trust Committee, to provide at their expense an assessment report from a Qualified Environmental Professional (QEP) which has been submitted to the RAR Notification System.

### **1.6 Applicability**

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- a) Subdivision of land;
- b) Construction of, addition to or alteration of a building or other structure;
- c) Alteration of land; and
- d) Development as that term is defined in the Riparian Areas Regulation.

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another development permit area designated in this plan.

### **1.7 Exemptions**

The following activities are exempt from any requirement for a development permit:

- a) the reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation;
- b) interior or structural exterior alterations, renovations or repair to a pre-existing permanent building or structure on an existing foundation to an extent that does not alter, extend or increase the building's footprint;
- c) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- d) gardening and yard maintenance activities within an existing landscaped area, including mowing, pruning, planting of native species and minor soil disturbance that does not alter the general contours of the land;
- e) the placement of impermanent or moveable structures, such as benches, tables and garden ornaments;

- f) ecological restoration and enhancement projects undertaken or authorized by a public body;
- g) work that is authorized by Fisheries and Oceans Canada by permit under section 35 of the *Fisheries Act*;
- h) emergency procedures to prevent, control or reduce immediate threats to life or property including:
  - i) emergency actions for flood protection and erosion protection;
  - ii) clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow;
  - iii) repairs to bridges and safety fences carried out in accordance with the *Water Act*.
- i) changes in or about a stream authorized under Section 9 of the *Water Act*;
- j) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*;
- k) forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- l) forest management activities on land that is the subject of a woodlot license or tree farm license under the *Forest and Range Practices Act*;
- m) mining activities regulated by the *Mines Act*;
- n) actions undertaken by the Crown or an agent of the Crown;
- o) works undertaken by a local government or a body established by a local government.

## 1.8 Guidelines

Prior to undertaking any development activities within the Riparian DPA an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- a) In general, all development in this DPA should be undertaken in a manner that minimizes impact on the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems consistent with the measures and recommendations described in the report.

- b) The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.
- c) Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- d) The following guidelines are applicable to floats and associated structures within the development permit area:
  - i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the processes;
  - ii) a ramp or float should not rest on the bed of the water body;
  - iii) the use of treated wood in the water body should be avoided;
  - iv) floatation material should be contained within a durable shell to prevent disintegration;
  - v) pervious surfacing should be used on ramps and floats (e.g. grating or separated boards);
  - vi) any areas disturbed during installation should be restored;
  - vii) where a float is being replaced, all old materials should be removed from the riparian area.
- e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and DP conditions may be amended accordingly.
- f) The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.

## 2. Development Permit Area 2 – Shoreline and Marine DPA

### 2.1 Designation

Development Permit Area 2 includes all land 15 m upland of the natural boundary of the sea, and seaward to the boundary of the area of bylaw application.

### 2.2 Authority

The Shoreline and Marine Development Permit Area is designated a development permit area pursuant to Section 919.1(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity, Section 919.1(1)(b) for the protection of development from hazardous conditions, and Section 919.1(1)(f) for establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

### 2.3 Special Conditions and Objectives that Justify the Designation

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is Provincial legislation in Section 877(1)(d) of the *Local Government Act* that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development.

It is policy of the Islands Trust Council that protection must be given to the natural processes, habitats and species of the Trust Area, including those of open coastal grasslands, the vegetation of dry rocky areas, estuaries, tidal flats, salt water marshes, drift sectors, lagoons, kelp and eel grass beds and that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.

It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address:

- the protection of sensitive coastal areas;
- the planning for and regulation of development in coastal regions to protect natural coastal processes;
- opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways; and

- the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning area.

Shorelines within the Galiano Island Local Trust Area have high ecological function and values and may be subject to shoreline erosion in some locations. Due to their physical and biological characteristics and situation they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements or protection measures can threaten the ecological and physical integrity of the foreshore and upland.

The Objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk
5. To adapt to the anticipated effects of climate change.
6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

## **2.4 Development Approval Information**

The area is also designated an area for which development approval information (DAI) may be required according to Section 920.01(1)(c) of the Local Government Act. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impact of the proposed activity or development on the community or the natural environment.

## **2.5 Applicability**

This Development Permit Area applies to all development proposed within the Shoreline and Marine DPA. A development permit is required for the subdivision of land, construction of, addition to, or alteration of a building or structure, or the alteration of land, except where such activities are specifically exempt.

## 2.6 Exemptions

The following activities are exempt from any requirement for a development permit:

- a) Repair, maintenance, alteration or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming, provided there is no alteration of undisturbed land or vegetation (a building permit may still be required).
- b) The placement of impermanent structures such as benches, tables and garden ornaments.
- c) Development on land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- d) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.
- e) The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- f) Removal of invasive plants or noxious weeds on a small scale within the Development Permit Area.
- g) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation.
- h) Forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- i) Construction of a fence so long as no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- j) Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land.
- k) The pruning or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree.
- l) The construction of a small accessory structure such as a pump house, gazebo, garden shed or play house if all the following apply:
  - The structure is located within an existing landscaped area;
  - No native trees are removed;
  - The structure is located a minimum of 7.5 metres from the natural boundary of sea or, where the bank has a slope greater than 3:1 at any point, 7.5 m from the top of the bank, whichever is further; and
  - The accessory structure does not cover an area greater than 10 m<sup>2</sup>.
- m) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
  - Forest fire, flood and erosion protection works;
  - Protection, repair or replacement of public facilities;

- Clearing of an obstruction from a bridge, culvert, dock wharf or stream;  
or
  - Bridge repairs.
- n) The installation of mooring buoys.
- o) Works undertaken by a local government or a body established by a local government.

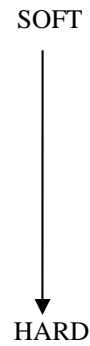
## 2.7 Guidelines

### General Guidelines:

1. In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access.
2. Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works are exhausted should such works be considered.
3. Sea level rise, storm surges, and other anticipated effects of climate change should be addressed in all applications.
4. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.
5. New upland structures or additions to existing structures should be located and designed to avoid the need for shore protection works.
6. When required, shore protection measures should:
  - a. Apply the 'softest' possible shore protection measure that will still provide satisfactory protection; and
  - b. Limit the size of shore protection works to the minimum necessary.

Shore Protection Measures are modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection against erosion. Structural protection measures are often referred to as 'hard' and 'soft'. 'Hard' measures refer to those with solid, hard surfaces, such as concrete bulkheads, while 'soft' structural measures rely on less rigid materials such as biotechnical vegetation measures (biotechnical measures are the specialized use of woody plant materials to stabilize soil) or beach enhancement. There is a range of measures varying from soft to hard that include:

- Vegetation enhancement
- Upland drainage control
- Biotechnical measures
- Beach enhancement
- Anchor trees
- Gravel placement
- Rock (rip rap) revetments
- Gabions
- Concrete groins
- Retaining walls or bulkheads
- Seawalls



In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

7. 'Hard' structural shore protection measures (e.g. concrete walls, lock block, stacked rock) may be considered in support of existing development only when a geotechnical and biophysical analysis demonstrates that:
  - a. an existing structure is at immediate risk from shoreline erosion caused by tidal action, currents, or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;
  - b. the erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage. The geotechnical analysis should evaluate on-site drainage problems and investigate drainage solutions away from the shoreline edge before considering structural shoreline stabilization;
  - c. non-structural measures, such as locating new buildings and structures further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or sufficient to address the stabilization issues; and
  - d. unavoidable damage to shoreline ecological function is mitigated as much as feasible and restoration is undertaken when feasible.
8. All structural shore protection measures should be installed within the property line or upland of the natural boundary of the sea, whichever is further inland. 'Soft' shoreline protection measures that provide restoration of previously damaged ecological functions may be permitted seaward of the natural boundary subject to obtaining necessary approvals from the provincial and federal governments.
9. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical assessment of the site.
10. Shore protection measures that are likely to cause erosion or other physical damage to adjacent or down-current properties shall not be supported.
11. Shore protection measures should not be considered for solely the purpose of providing a sufficient setback to meet other land use bylaw requirements.

12. New driveways and sewage disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the development permit may require that the assessment, design and construction of the road or sewage disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met.
13. Where this development permit area includes native plant species or plant communities dependent on a marine shoreline habitat that are identified locally, provincially, or federally as sensitive, rare, threatened or endangered, or have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation / compensation measures shall be undertaken only under the supervisions of a qualified professional with advice from provincial and federal environmental agencies.
14. Shore protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing structures or new outbuildings.
15. Existing shore protection works may be replaced if the existing works can no longer adequately serve their purpose provided that:
  - a. The replacement shore protection works are of the same size and footprint as the existing works, unless required to prevent shoreline erosion as determined by a qualified professional;
  - b. The replacement shore protection works are designed, located, sized, and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;
  - c. Replacement walls or bulkheads do not encroach seaward of the natural boundary or the seaward limit of the existing shore protection works unless there are significant safety or environmental concerns that could only be addressed via such an encroachment. In such cases, the replacement of shore protection works should utilize the 'softest' approach possible and should abut the existing shore protection works; and
  - d. Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.

Guidelines for Subdivisions:

16. All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development.

Guidelines for Commercial and Industrial Development:

17. Boat maintenance and repair facilities shall be designed and sited in a manner that minimizes the potential for the discharge of toxic materials from boats (e.g. fuels, oils, maintenance by-products).
18. Lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility.

Light fixtures on such sites should focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high-cut off angle should be used. Full-spectrum fixtures are preferred. Neon lighting should not be used outside buildings.

19. Signs on commercial and industrial developments built over the water surface should not move or be audible and should not incorporate lighting that moves or flashes or gives the impression of doing so.
20. Offshore log storage should be located such that natural flushing and water circulation will disperse waste materials, and log dumping facilities should be designed and operated to prevent bark and other debris from accumulating on the sea bed.

#### Guidelines for Specific Shoreline Types:

21. Because of their extreme sensitivity to disturbance and slow rate of recovery, dredging or filling of estuaries should not be permitted, sea walls and rip rap embankments should not be permitted in estuaries, and when shore protection measures are necessary "beach nourishment" designs are preferred, which add appropriately sized material to the upper beach, creating a natural beach slope and beach armour.
22. New structures on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis for the structure.
23. Removal of trees or other vegetation from steep slopes or bluffs should only be allowed where necessary and where replacement vegetation / erosion control measures are established. If possible, stumps should be left in place to provide some soil stabilizing influence until replacement vegetation is established. Plans delineating extent of vegetation / tree removal (location, species and diameter of trees) and location of proposed construction, excavation and / or blasting, may be required.

#### Guidelines for Construction Practices:

##### Erosion Control:

24. All development within this development permit area should be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.

##### Monitoring:

25. A development permit may require monitoring by a qualified professional of the implementation of environmental mitigation, restoration or enhancement planting or other measures required by a development permit, until all such measures have been completed and the professional has provided a report confirming completion to the standard specified in the permit.

#### Guidelines for Vegetation Management, Restoration and Enhancement:

26. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.
27. Existing trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
28. If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.

29. Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or fish and wildlife habitat values as needed. Suitably adapted, non-invasive, non-native vegetation may also be considered acceptable.
30. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.

Guidelines for Shore Protection Measures Design:

31. Materials used for shoreline stabilization should be inert. Stabilization materials should not consist of debris or contaminated material that could result in pollution of tidal water.
32. Revetments (rip rap slopes) and bulkheads (retaining walls) should only be constructed if no other alternative exists.
33. Where revetments are proposed:
  - a. They should not result in the loss of shoreline vegetation or fish habitat;
  - b. The size and quantity of materials used should be limited to that necessary to withstand the estimated energy of the location's hydraulic action and prevent collapse; and
  - c. Filter cloth should be used to aid drainage.
34. Where bulkheads are proposed:
  - a. They should not be located where geomorphic and hydrologic processes are critical to shoreline conservation. Feeder bluffs, marshes, wetlands, spits and hooks should be avoided;
  - b. They should be located parallel to and landward of the natural boundary of the sea, as close to any natural bank as possible;
  - c. They should allow the passage of surface or groundwater without causing ponding or saturation; and
  - d. They should be constructed of stable, non-erodible materials that preserve natural shoreline characteristics. Adequate toe protection including proper footings and retention mesh should be included. Beach materials should not be used for fill behind bulkheads.

Guidelines for Beach Nourishment and Fill:

35. Fill upland of the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

36. Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design.
37. Fill should not be placed at or below the natural boundary for the purposes of providing a trail or walkway.
38. All upland fill and beach nourishment materials should be clean and free of debris and contaminated material. All fill and beach nourishment proposals are subject to review and approval by provincial and federal authorities having jurisdiction.

Guidelines for Shore Access and Parking:

39. Roads, driveways, trails and pathways should follow the contours of the land, appropriately manage drainage, not require retaining walls, and only use stairs as a last resort.
40. Accesses in extremely sensitive areas or hazardous areas should be restricted or prohibited.
41. Parking areas should be located away from the shore, buffered or landscaped, and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, filtration trenches or swales, unpaved or permeable all weather surfaces should be considered for this purpose.

Guidelines for the Construction and Replacement of Docks and Boat Launch Facilities:

42. For residential properties, preference is to be given to the placement of mooring buoys and floats instead of docks.
43. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.
44. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.
45. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.
46. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.
47. Piers and pilings and floating docks are preferred over solid-core piers.
48. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.
49. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept

flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes.

50. Construction of a private ramp on an individual residential lot or parcel is discouraged. Owners are urged to seek opportunities to use public ramps or to share existing private ramps.
51. Residential docks should be located and designed to avoid the need for shore defence works or breakwaters.
52. Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not be designed to accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area unless more than two parcels have legal access to the dock, in which case permitted total surface area should be a multiple of the number of lots the dock serves.

### **3. Development Permit Area 3 - Tree Cutting and Removal**

BL220

#### **3.1 Description of Area**

The entire Galiano Island local trust area is designated as a development permit area for the protection of the natural environment, its ecosystem and biological diversity, for the purpose of requiring development permits for the cutting and removal of trees. However, not all tree cutting and removal activities will require development permits; exemptions are provided under section 3.4 below for most types of non-industrial tree cutting activities.

#### **3.2 Special Conditions**

BL220

The forests and other treed areas of Galiano Island and the smaller islands in the local trust area are an important aspect of the character of the island that led to the enactment of the Islands Trust Act; they are in large part the "unique amenities and environment" the Islands Trust was created to preserve and protect. In addition, the island's forests' role in capturing and storing carbon are important in supporting the Local Trust Committee's greenhouse gas emission reduction goals. It is therefore important that the rate of tree cutting is sustainable. The forests are part of the Coastal Douglas-fir biogeoclimatic zone, a biotic community unique in the world. Most such forests in southwestern British Columbia have been heavily modified by logging and land clearing, with the result that those remaining have a critical role to play in conserving biodiversity.

In areas of the island that have been settled, both the remaining forest cover and more isolated groves of trees are important features of the local environment, providing habitat for wildlife. Species such as Garry Oak thrive on the island but are increasingly rare and therefore warrant special protection.

Throughout the local trust area, the maintenance of forest cover is closely related to the continued productivity of groundwater recharge areas. The indiscriminate removal of trees impairs groundwater supplies by reducing the groundwater retention capabilities of the land, and increasing the velocity of runoff. The 1998 Groundwater Study recommended that research be undertaken on the effect of logging on groundwater supplies and quality in bedrock terrains such as Galiano Island, and in the meantime that planning proceed on the "precautionary principle" that, where an activity poses a serious threat of harm to the environment or human health, precautionary measures be taken even in the face of scientific uncertainty. In the context of tree cutting and removal on Galiano Island, this principle suggests that tree removal ought to occur only to a limited extent and with due regard to its impact on groundwater recharge areas.

### 3.3 Development Approval Information

BL220

The Tree Cutting and Removal DPA is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a qualified professional may be required due to the special conditions and objectives described above.

### 3.4 Exceptions

BL220

- i. A development permit is **NOT** required for the subdivision of land, for the construction or alteration of a building or structure, or for the alteration of land except where the alteration is the cutting or removal of trees not covered by the following exceptions.
- ii. A development permit is **NOT** for
  - the cutting or removal of any tree, other than a Garry Oak, that is not required under the Forest Act to be marked with a timber mark
  - the cutting or removal from any lot in any 3 year period of less than 12 cubic metres of timber per hectare, no portion of which is Garry Oak
  - the cutting or removal of any tree from the Agricultural Land Reserve or from any area charged by a covenant granted pursuant to Forest policy b)ii) of this Plan that restricts the use of the area to forest uses exclusively.

### 3.5 Guidelines

BL220

The *Local Government Act* prohibits the alteration of land in Development Permit Area 3 unless the owner first obtains a development permit. Development permits for tree cutting and removal will be issued in accordance with the following guidelines; guidelines in section 1.4 may also be applicable if the area in question is within a riparian area.

- i. Forest Zoned Lands
  - permits to cut more than 12 cubic metres per hectare over a 3 year period will be issued only on the basis of development approval information indicating that the cutting and any proposed silviculture and reforestation program are elements of a sustainable forest management strategy on the lot in question and will not impair the quality or quantity of groundwater in the local groundwater region.
- ii. Other Lands

- permits to cut more than 12 cubic metres per hectare over a 3 year period will be issued only if, and to the extent that, the removal of trees is necessary to permit the use of the lot in question for a use permitted by the Galiano Island Land Use Bylaw, at the maximum density that the bylaw specifies for that use.
- activities permitted by the Land Use Bylaw and necessitating the removal of trees should be conducted at those locations on the lot that will involve removal of the fewest trees and the removal of no Garry Oak trees.

#### **4. Development Permit Area 4 - Elevated Groundwater Catchment Areas**

BL220

##### **4.1 Description of Area**

Development Permit Area 4 includes groundwater catchment areas above 140 meter elevation contours, identified and mapped in a 1998 B.C. Environment Study, Assessment of Groundwater Availability and Quality, Galiano Island, British Columbia.

##### **4.2 Special Conditions**

Wetlands at intermediate elevations were identified in the 1998 Groundwater Study as warranting special management consideration in view of their function as recharge areas for downslope groundwater regions. The 1998 Groundwater Study concluded that judicious management of groundwater recharge areas will be critical to sustaining groundwater availability and quality in all of the groundwater regions of Galiano Island. Only those portions of the catchment areas having shallow soils and being particularly sensitive to development for that reason are included in the development permit area.

##### **4.3 Development approval Information**

BL220

The Elevated Groundwater Catchment Area DPA is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a qualified professional may be required due to the special conditions and objectives described above.

##### **4.4 Guidelines**

BL220

The *Local Government Act* prohibits construction of buildings and structures and the alteration of land and subdivision in Development Permit Area 4 unless the owner first obtains a development permit. Development permits will be issued in accordance with the following guidelines; guidelines in section 3.5 may also be applicable.

- Buildings and structures may be sited only where development approval information provided by the permit applicant indicates that such structures can be accommodated without impairing the quantity or quality of groundwater in the local groundwater region.
- The construction of roads and utility corridors and other activities involving the disturbance of the soil, must be conducted in such a manner that the productivity of the local groundwater recharge area is not impaired through soil compaction, altered surface drainage patterns, siltation, erosion, or salt water intrusion.

- The layout of subdivision must ensure that building sites are located and are of sufficient area that development permitted by the Land Use Bylaw may fully comply with these guidelines.

## 5. Development Permit Area 5 – Sensitive Ecosystems

### 5.1 Designation

All lands shown on Schedule H as being a sensitive ecosystem are designated as a development permit area.

### 5.2 Authority

The Sensitive Ecosystem development permit area is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. In considering the issuance of a development permit, the Local Trust Committee should be satisfied that the guidelines of the DPA have been met where applicable and may impose conditions where appropriate.

### 5.3 Special Conditions or Objectives that Justify the Designation

The objective of this development permit area is to preserve and protect remaining sensitive ecosystems on Galiano Island.

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is policy of the Islands Trust Council that local trust committees 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 and, 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.

The sensitive ecosystem mapping is at a scale of 1:5,000, is based on air photos flown in 1998 and 2002, and was updated in 2011. The mapping was themed using Terrestrial Ecosystem Mapping (TEM) standards consistent with the Resource Information Standards Committee (RISC) Standard for Mapping Ecosystems at Risk in BC. The Galiano Local Trust Area Sensitive Ecosystem Mapping consists of a digital record compiled by means of a geographic information system maintained at the offices of the Islands Trust. A generalized copy of the Islands Trust Ecosystem Map is partially reproduced as Schedule H of this OCP.

This DPA includes lands identified as containing the following sensitive ecosystems:

- Woodland Ecosystems, one of the most threatened ecosystems in the region and are nationally, provincially, and regionally rare. Woodland Ecosystems are open deciduous forests, composed of pure or mixed stands of Garry oak or mixed stand of arbutus and Douglas-fir; mature big-leaf maple can also be found in sites designated as woodland. Woodlands may include non-forested openings, often with shallow soils and bedrock outcroppings. The diverse physical structure of woodland stands (snags, rotten limbs, and logs) increases the range of habitat niches available to different species. A rich assemblage of plants, insects, reptiles and birds are drawn to these ecosystems due to the food sources, habitat and proximity to the ocean. Garry oak woodlands support the highest plant species diversity of any terrestrial ecosystem in British Columbia and have been particularly affected by development, fragmentation, and invasive species. It has been estimated that only 5% of the historic Garry oak woodlands in B.C. remain.
- Herbaceous Ecosystems are very rare, comprising the island's open wildflower meadows and grassy hilltops, and are usually interspersed with moss-covered rock outcrops. They typically occur as small openings in forested areas with gentle to moderate slopes not exceeding 30% grades. They are located from the salt spray zone near shorelines to the summits of local hills. Herbaceous ecosystems are characterized by thin soils which are easily disturbed and attractive to development and recreational uses.
- Older forest ecosystems are conifer-dominated tree stands that are generally older than 250 years. Older forests contain large mature trees, standing dead trees and fallen logs and support a large number of plant and animal species. Older forest ecosystems are not specific to terrain or elevation and are found in various environments throughout the island. Existing in areas with historically little to no human disturbance, older forests are scarce in the Islands Trust Area – less than 1% remains. Older forest ecosystems are vital in the world's fight to combat air pollution and climate change: absorbing carbon dioxide, releasing oxygen and cleaning the air. Older forest ecosystems represent an important and dwindling piece of our natural and cultural heritage. In addition to supporting high levels of biodiversity and vital habitat, older forest ecosystems provide important economic benefits through recreation and the harvesting of non-timber forest products such as wild mushrooms and salal.
- Riparian ecosystems support a high concentration of vascular plants, mosses, amphibians and small mammal species. Riparian areas function as natural water storage and purifying systems for improved water quality and provide safe corridors for wildlife movement. The riparian areas need to be large enough to protect habitat, prevent flooding, control erosion, reduce sedimentation and recharge groundwater.
- Wetland ecosystems include areas on the island that are characteristically wet or contain saturated soils and are dominated by water-loving plants. Classes of wetlands include swamps, marshes, bogs, fens, wet meadows, estuaries and similar shallow water areas that are not part of an active floodplain or stream. Wetlands provide a specialized habitat for diverse and unique species, and are a vital link between upland and open water aquatic environment. They are cherished for their diversity of life and as opportunities for recreational activities and eco-tourism. Wetland

ecosystems are sensitive and important because they exhibit rarity, high biodiversity, fragility, specialized habitat, specialized functions and connectivity. Wetland ecosystems are rare in the Trust Area. Over the past 150 years, wetlands have declined due to agricultural development, flood control, forestry, and residential development.

- Freshwater ecosystems include lakes and ponds. They generally have areas with little or no floating vegetation and are deeper than two metres. Freshwater ecosystems form complex relationships with the riparian ecosystems found along their shorelines. Freshwater ecosystems are not specific to terrain or elevation and are found in various environments throughout the island. The water levels of freshwater ecosystems can be influenced by groundwater, precipitation, stream flow and evaporation. Freshwater ecosystems serve a vital role in the lives of humans and animals as a source of drinking water. They also provide breeding habitat for insects, amphibians, fish, and invertebrates. These ecosystems serve as a rich source of nutrients for aquatic and terrestrial inhabitants alike
- Cliff ecosystems consist of the island's steep, vertical or overhanging rock faces where sparse vegetation may occur in crevices or on ledges. Although rocky outcrops, shorelines, and cliffs are generally robust and stable, the shallow soils are especially susceptible to erosion, damage from recreational activities, and other human disturbances. Open ledges and horizontal fissures on cliffs are known to provide nesting sites for birds such as the blue listed Turkey Vulture or the red listed 'Anatum' Peregrine Falcon. Cliff crevices are used for roosting by bats, and the open cliff faces are used for foraging. Deep crevices are used for shelter and overwintering of snakes and lizards.

#### **5.4 Development Approval Information**

The Sensitive Ecosystem development permit area is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a qualified professional may be required due to the special conditions and objectives described above.

#### **5.5 General Applicability**

The following activities shall require a development permit whenever they occur within The Sensitive Ecosystem development permit area, unless specifically exempted below.

- a) Subdivision of land.
- b) Construction of, addition to or alteration of a building or other structure.
- c) Alteration of land.

## 5.6 Development Permit Exemptions

The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must meet any other applicable local, provincial or federal requirements:

- a) activities on land in respect of which the Islands Trust has received a written statement from a registered professional biologist with relevant experience certifying the absence of a sensitive ecosystem within the area that would be affected by the proposed work;
- b) activities on land in respect of which there has been a determination by Islands Trust staff upon site inspection that the land subject to the proposed work does not contain a sensitive ecosystem;
- c) the placement of impermanent structures, such as benches, tables and garden ornaments;
- d) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*;
- e) forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- f) forest management activities on land that is the subject of a woodlot license or tree farm license under the *Forest and Range Practices Act*;
- g) mining activities regulated by the *Mines Act*;
- h) actions undertaken by the Crown or an agent of the Crown.
- i) gardening and yard maintenance activities within an existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land;
- j) planting of indigenous vegetation characteristic of the sensitive ecosystem;
- k) the construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- l) the construction of a trail if all of the following apply:
  - the trail is 1 metre wide or less;
  - no native trees are removed;
  - the surface of the trail is pervious;
  - the trail is designed to prevent soil erosion where slopes occur; and
  - where the trail parallels a stream, the trail is more than 5 metres away from the high water mark of the stream.
- m) ecological restoration and enhancement projects undertaken or authorized by a public body;
- n) the reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation;
- o) tree limbing or tree topping, unless the work can reasonably be expected to result in the death and removal of the tree and root system;
- p) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- q) the removal of invasive, non-indigenous trees or vegetation;
- r) the repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway,

- path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing;
- s) activities on lands within the Nature Protection (NP) zone; or development on land that is subject to a conservation covenant under section 219(4) of the Land Title Act in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the Land Title Act.
  - t) works undertaken by a local government or a body established by a local government.

## **5.7 Sensitive Ecosystem Development Permit Guidelines**

- a) Avoid development being located in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.
- b) Minimize the area cleared and disturbed for development.
- c) Retain large, connected undisturbed areas, with connections and corridors providing continuity between sensitive ecosystems and important habitat
- d) Site buildings and associated infrastructure to allow sufficient undisturbed space around significant mature or established trees to protect root systems.
- e) Retain undeveloped buffer areas around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.
- f) Natural features may be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, spits and dunes should be protected.
- g) Preserve native grasses, rare plants, and wildflower ecosystems and associated soils.
- h) Avoid the planting or introduction of non-native plants. The use of drought resistant and native plants in landscaping should be encouraged.
- i) Avoid removal of mature and old trees, dead and declining trees and the root systems of trees.
- j) Protect denning and nesting sites of rare, threatened or endangered species.
- k) Minimize soil removal and deposit.
- l) Avoid alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem.
- m) Locate septic fields in a manner that minimizes potential impacts on sensitive ecosystems or habitat.

- n) Limit driveways and other accesses to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.
- o) Limit shoreline structural modifications in scale and extent to structures necessary to support or protect an existing use or structure.
- p) Preference should be given to shoreline modifications that have a minimal impact or enhance ecological functions, including vegetation enhancement, upland drainage control, beach enhancement or nourishment, anchor trees, or gravel placement. Harder construction measures should be avoided.
- q) Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.
- r) Limit stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline to those required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.
- s) In addition to the other guidelines, the following guidelines apply specifically to applications within a woodland sensitive ecosystem:
  - i) Protect large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated under-storey vegetation.
  - ii) Avoid unnecessary removal of dead or declining trees, downed logs, snags and leaf litter.
  - iii) Where feasible, cut dangerous trees to a level where they are safe rather than removed entirely.
- t) In addition to the other guidelines, the following specific guidelines apply to applications within a wetland ecosystem:
  - i) Avoid filling or draining of permanent or seasonally wet areas.
  - ii) Retain wetland vegetation and structure.
  - iii) Avoid locating roads, driveways and utility corridors through wetland ecosystems; where crossings have to be located within the ecosystem the crossing should, to the extent feasible:
    - Be narrow and perpendicular to a wetland ecosystem;
    - Share facilities;
    - Minimize impacts on water bodies;
    - Conform to topography to minimize cut and fill;
    - Not restrict the natural movement of surface and groundwater;

- Have appropriate native vegetation planted on shoulders to provide screening and assist soil stability.
- iv) Conduct construction involving disturbance of soil in such a manner as to avoid direct run-off into wetlands.
  - v) Avoid disruption of natural hydrologic cycles and natural aquatic processes, including water flows, seasonal flooding, channel movements, windthrow or natural slope.
  - vi) Maintain vegetation cover which helps stabilize banks and reduce erosion and provides habitat.
  - vii) Avoid removal of vegetation that would reduce the natural functions of the sensitive ecosystem.
  - viii) Avoid alteration of vernal pools to create year-round water features.
- u) In addition to the other guidelines, the following specific guidelines apply to applications within a cliff ecosystem:
    - i) Maintain talus and rock debris that occurs at the base of rock outcroppings.
    - ii) Protect the faces of rock outcrops and cliffs.
  - v) The following guidelines are applicable to any subdivision proposal within the Sensitive Ecosystem development permit area:
    - i) Where feasible, protect sensitive ecosystems and habitat by clustering lots in areas with disturbed or modified ecosystems.
    - ii) Proposed lots containing sensitive ecosystems and habitats should be of sufficient size to accommodate the permitted level of development, including driveway access and septic disposal systems, while also avoiding alteration and fragmentation of the sensitive ecosystems and habitat.
    - iii) Protect sensitive ecosystems and habitat from clearing, grading and filling during the land development and construction phases of subdivision. Permit conditions may include requirements for fencing, signs and timing of work.
    - iv) Make provision for any recommended buffer areas adjacent to sensitive ecosystems and habitat.
    - v) Configure lots to minimize driveway lengths within sensitive ecosystems. The provision of shared driveways may be considered as a condition of a permit if it can reduce impacts on sensitive ecosystems and habitat.
    - vi) A community water system, as an alternative to individual wells, may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.

- vii) Locate septic disposal sites in a manner that minimizes potential impacts on sensitive ecosystems and habitat.
  - viii) Design storm water management systems, where proposed, in a manner that avoids the impacts of run-off on sensitive ecosystems and habitat.
  - ix) Where applicable, configure lots to allow the siting of docks and stairs to the foreshore with minimal impact on sensitive shoreline and intertidal areas.
  - x) Pre-designation of building sites, septic disposal fields and driveways may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.
- w) In general, where a professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Conditions of a permit may include:
- i) the designation of areas within which no development shall occur;
  - ii) requirements of building siting, size, design or construction that would minimize impacts, protect or enhance sensitive ecosystems or habitat;
  - iii) use of native vegetation in landscaping;
  - iv) the use of pervious surfaces;
  - v) the placement of permanent or temporary fencing around sensitive features;
  - vi) fencing, flagging and posting of notices during construction;
  - vii) limits on blasting in sensitive areas;
  - viii) limits on construction timing;
  - ix) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;
  - x) restoration or enhancement of disturbed sensitive ecosystems and habitat;
  - xi) the layout of lots, including clustering, driveways, access routes, and septic disposal facilities in a plan of subdivision.
- x) Where restoration or enhancement work is required as a condition of a permit, the applicant may be required to provide to the Islands Trust a security deposit, in the form of an irrevocable letter of credit, equal to

125% of the estimated costs of all materials and labour, as determined by a professional with relevant experience.

- y) The Local Trust Committee may consider variances to subdivision or building siting or size regulations where the variance may result in protection of a sensitive ecosystem or habitat.

## **6. Development Permit Area 6 – Commercial and Industrial Form and Character**

### **6.1 Designation**

This development permit area includes all land that is zoned C1, C3, C4, C5, C5A, C6, C7, L1, FI, MCW, and MCL.

### **6.2 Authority**

This development permit area is established, pursuant to Section 919.1(1)(f) of the *Local Government Act*, for the purpose of establishing objectives for the form and character of commercial and industrial development.

### **6.3 Special Conditions or Objectives that Justify the Designation**

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address the aesthetic, environmental and social impacts of development.

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.

### **6.4 General Applicability**

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- (a) Construction of, addition to or alteration of a building or other structure.

### **6.5 Exemptions**

The following activities are exempt from any requirement for a development permit:

- a) subdivision of land;
- b) the maintenance of existing landscaping;
- c) provided there is no addition to lot coverage or floor area:

- the repair or maintenance of existing buildings or structures, including lighting, parking, or signage,
  - exterior alterations not requiring a building permit;
  - changes to external materials that results in no 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  
construction of unpaved driveways and walkways.
- g) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*;
- h) forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- i) forest management activities on land that is the subject of a woodlot license or tree farm license under the *Forest and Range Practices Act*;
- j) mining activities regulated by the *Mines Act*;
- k) actions undertaken by the Crown or an agent of the Crown;
- l) works undertaken by a local government or a body established by a local government.

## 6.6 Guidelines

1. Where an application involves retail commercial 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:
  - a) 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.
  - b) 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 where appropriate.
  - c) Building form and character should not overwhelm the scale, mass and character of adjacent non-commercial properties.
  - d) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height.
  - e) 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.
  - f) 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.

- g) Buildings giving the impression of strip development should not be considered.
- h) Natural materials should be incorporated into the design of buildings with construction materials.
- i) Architectural variety should be provided through the use of features such as pitched roofs, dormers and similar features.
- j) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation.
- k) 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.
- l) Social gathering should be encouraged by creating spaces such as porches, patios and gardens that are visible and accessible.

2. Where an application involves visitor accommodation 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:

- a) 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.
- b) 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.
- c) 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.
- d) Building mass should be limited to two storeys above grade.
- e) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height.
- f) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture.
- g) Architectural variety should be provided through the use of features such as pitched roofs, dormers and similar features.

- h) New buildings should result in minimal disturbance to existing vegetation.
  - i) 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.
  - j) Development along the shoreline should be visually unobtrusive and conform to the existing contours of the shoreline.
  - k) 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 a first storey below grade where it results in a lower profile building and protection of views.
  - l) 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.
3. Where an application involves industrial buildings or structures, building form and character should adhere to the following guidelines:
- a) 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.
  - b) Industrial buildings and structures should be functional and not include unnecessary design features or elements.
  - c) Buildings should be designed and sited to avoid creating visual and noise impacts from industrial operations and using material blending with the surrounding.
  - d) 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.
4. All applications should include landscaping adhering to the following guidelines:
- a) A landscape plan prepared by a landscape professional should:
    - 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;

- ii. identify existing vegetation by type and identify areas which are to be cleared;
  - iii. provide for the landscape treatment of the frontage of the site which abuts onto existing or future public roads;
  - iv. provide for vegetative buffers along lot lines;
  - v. identify how landscape treatment will avoid the use of herbicides, pesticides and fungicides.
- b) 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.
- c) Appropriate natural buffering and landscaping 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. Appropriate buffering should also be provided adjacent to the boundary of the Agricultural Land Reserve, along abutting residential properties and adjacent to watercourses.
- d) 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.
- e) 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.
- f) 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.
- g) 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.
- h) 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.

- i) 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.
5. All applications should provide a parking layout plan, adhering to the following guidelines:
- a) 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 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.
  - b) Visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in and around parking areas
  - c) Parking should be located at the sides or rear of buildings wherever feasible.
  - d) Development should provide for and clearly identify pedestrian circulation areas, preferably with different paving and/or landscaping treatment.
  - e) All significant paved parking areas should be included within the context of any stormwater water plan and incorporate oil/water separators.
  - f) 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.
  - g) All new development should include provision for bicycle parking or storage.
6. Lighting proposed as part of an application for a new building or overall site development should adhere to the following guidelines:
- a) Lighting for walks and parking areas should be small in scale and used to illuminate signs, displays and pedestrian paths.
  - b) High intensity lighting in parking lots and along roadsides is discouraged.
  - c) 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.
7. Signs should adhere to the following guidelines:
- a) Each site should have no more than one freestanding sign, located on the same lot as the development.

- b) 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.
  - c) Signs should not be backlit or equipped with flashing, oscillating or moving lights or beacons.
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.

## **7. Development Permit Area 7 – Steep Slope Hazard Areas**

### **7.1 Designation**

The Steep Slopes Hazard Development Permit Area designates lands of Moderate Hazard Slope (22.5 - 45 degrees) and High Hazard Slope (>45 degrees). These two classifications are shown in a generalized representation on Schedule I. The definitive designation and delineation of Development Permit Area 7 consists of a digital record compiled by means of a digital elevation model. This digital record is stored and maintained in a Geographic Information System at the offices of the Islands Trust.

Generally, the DPA contains land that may be potentially hazardous because of a combination of steep slope and geological conditions

### **7.2 Authority**

This development permit area is established pursuant to Section 919.1(1)(b) of the *Local Government Act*.

### **7.3 Special Conditions or Objectives that Justify the Designation**

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address the identification of areas potentially hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

Furthermore, the province of British Columbia’s *Local Government Act*, requires that an Official Community Plan include restrictions on the use of land that is subject to hazardous conditions.

The Galiano Island Local Trust Area contains areas of steep slope that, in combination with geological conditions, may pose a hazard to development, principally in the form of rock fall. The Local Trust Committee has obtained advice from a geotechnical consulting firm on the general location of such areas, as well as recommendations to restrict development activities that could increase or exacerbate such hazards.

The general intent of the designation of this development permit area is to ensure that land alteration, including tree removal, that is not subject to

assessment by a registered professional that is initiated by the subdivision approving officer or the building inspector in the exercise of their respective powers, does not expose persons or property to an unacceptable probability of slope instability or other geological failure occurring under post-development conditions. The Local Trust Committee has determined, on the basis of the expert recommendations, that a probability in excess of 10% in 50 years is unacceptable for this type of hazard.

The Steep Slopes Hazard DPA is also designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a qualified engineer or geoscientist may be required due to the special conditions and objectives described above.

#### **7.4 Development Approval Information**

The Steep Slope Hazard development permit area is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a qualified professional may be required due to the special conditions and objectives described above.

#### **7.5 Application Requirements**

All applications shall be consistent with all requirements established in the fees bylaw, development procedures bylaw and development approval information bylaw.

#### **7.6 Development Permit Exemptions**

The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must meet any other applicable local, provincial or federal requirements:

- a) construction of, addition to or alteration of a building or other structure for which a building permit has been granted;
- b) land alteration for which a written statement from a registered professional engineer or geoscientist with appropriate education, training, certification and experience in geological hazard assessment has been submitted to the Islands Trust, providing an unqualified opinion that the development as proposed would not expose persons or property to slope instability or other geological failure hazard with a probability in excess of 10% in 50 years;
- c) subdivision not involving land alteration;
- d) land alteration and tree cutting within 5 metres of the foundation of a building or structure for which a building permit has been granted;
- e) the placement of impermanent or moveable structures, such as benches, tables and garden ornaments;

- f) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure*;
- g) forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- h) forest management activities on land that is the subject of a woodlot license or tree farm license under the *Forest and Range Practices Act*;
- i) mining activities regulated by the *Mines Act*;
- j) actions undertaken by the Crown or an agent of the Crown.
- k) works undertaken by a local government or a body established by a local government;
- l) gardening and yard maintenance activities within an existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land;
- m) tree limbing or tree topping, unless the work can reasonably be expected to result in the death and removal of the tree and root system;
- n) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- o) the construction of a trail provided all of the following apply:
  - i) the trail is 1 metre wide or less;
  - ii) no trees with a trunk diameter greater than 20 centimetres (measured 1.5 metres above the ground), are removed;
  - iii) the surface of the trail is pervious; and
  - iv) the trail follows the existing topography and does not alter the contours of the land;
- p) the construction of a fence provided no trees with a trunk diameter greater than 20 centimetres (measured 1.5 metres above the ground) are removed, there is no alteration to the contours of the land, and the disturbance of vegetation is restricted to 0.5 metres on either side of the fence;
- q) repair and maintenance of existing roads, driveways, utility lines, infrastructure, paths or trails, provided there is no:
  - i) expansion of the width or length;
  - ii) blasting, excavation or fill placement which alters the pre-existing grade; or
  - iii) installation of new or additional impervious surfacing, including paving, asphaltting or similar surfacing.
- r) within the moderate hazard slope classification only (22.5 – 45 degrees of slope) all land alteration is exempt except for the following:
  - i) construction of retaining structures greater than 1.2 metres in height;
  - ii) blasting, excavation, or fill placement that alters the pre-existing natural grade by more than 0.5 metres at any point;
  - iii) cutting and removal of more than 5 trees (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot, provided the stumps are not removed; or
  - iv) removal of trees directly upslope of an existing building or structure.

## 7.7 Guidelines

The intent of this development permit area is to ensure that development in the form of land alteration and tree cutting meets the objectives described above. The Local Trust Committee should be satisfied that the objectives have been met where applicable and impose conditions where appropriate:

1. In general, all development in this DPA should be undertaken in a manner that does not expose persons or property to slope instability or other geological failure hazard with a probability in excess of 10% in 50 years.
2. Where an applicant proposes to:
  - a) construct services, including roads, driveways, utilities, or septic fields;
  - b) alter land, including placement of fill or excavation; or,
  - c) remove trees or other vegetation,

the application should include a report assessing the likelihood and probability of a geological failure occurring and, through provision of a detailed geological hazard assessment, identify options and measures to ensure that the proposed development would not expose persons or property to slope instability or other geotechnical hazard with a probability in excess of 10% in 50 years. Where the geological hazard assessment report describes an area as suitable for development provided that specific mitigating measures are taken, the development permit should only allow the development to occur in compliance with the measures described in the report. The report shall be prepared at the applicant's expense and certified by a professional engineer or geoscientist with experience relevant to the applicable matter.

3. Monitoring and regular reporting to the Islands Trust by a registered professional engineer or geoscientist at the applicant's expense may be required during construction and land development phases, as specified in a development permit
4. A development permit should not allow any development activities to take place within any area identified by a geological hazard assessment as exposing persons or property to a landslide or other geotechnical hazard with a probability in excess of 10% in 50 years.
5. If the nature of the proposed work in the DPA changes after the geological hazard assessment report has been prepared such that the professional's assessment of the impact of the development may reasonably be expected to be affected, the LTC may require the applicant to obtain a new development permit, or to have the professional update the hazard assessment at the applicant's expense and in that event may revise DP conditions accordingly.

6. Where a permit authorizes the cutting of trees, re-planting and maintenance of disturbed areas should be considered for inclusion as conditions of the permit. The planting and introduction of non-native tree species should be avoided and the permit may require a landscaping plan and a security, in the form of an irrevocable letter of credit, for 125% of the cost of re-planting the site as determined by a certified professional.
7. Applications involving construction of new driveways or other accesses should be referred to the Fire Chief for information and in order to coordinate approval processes.
8. The Local Trust Committee may consider variances in the siting of buildings and structures required by the Land Use Bylaw where the variance may result in a reduction in potential hazards to development.

## SECTION VI DEVELOPMENT APPROVAL INFORMATION

### 1. Circumstances

BL 203; BL224

- i. Applicants for development permits in Development Permit Areas 1, 2, 3, 4, 5 and 7 must provide development approval information pursuant to Galiano Island Local Trust Committee Impact Assessment Bylaw No. 58, 1998.

### 2. Special Conditions

- i. The areas zoned Forest 1 under the Galiano Island Land Use Bylaw are historically areas in which the principal use has been forestry. This plan anticipates sustained forestry uses of those lands, which also play an important role in the groundwater supply system for the entire island, but it also provides for the rezoning of such of the lands as can be demonstrated to be better suited to clustered residential development than to forestry. Some information is already available (see Galiano Island, GIS, and a Democratic Means to Sustainability, by M.C. Holden, 1998 and the Forest Productivity Map prepared by M.C. Holden from studies conducted in 1989 by MacMillan Bloedel for the open process of the Forest and Land Use Council) on the suitability of Forest 1 lands for sustainable forestry. Development approval information is required to supplement the existing information on a site-specific basis, and to ensure that areas best suited for residential development are chosen for such development. This plan anticipates a "comprehensive development" zoning approach in such circumstances; development approval information is also required to assist the local trust committee to determine appropriate residential subdivision designs and building locations.

BL224

- ii. Development Permit Areas 1, 2, 3, 4 and 5 are designated respectively to protect riparian areas, marine and intertidal areas, the forest cover in the local trust area, elevated groundwater catchment areas, and sensitive ecosystems. In each case, development approval information is required to determine under what circumstances and conditions development permits may be issued to permit development that potentially has a significant impact on the natural environment.

BL224

- iii. Development Permit Area 7 is designated to protect development from the natural hazards associated with steep slopes. Development approval information is required to determine under what circumstances and conditions development permits may be issued to permit development that could be subject to, create or exacerbate a natural hazard.

## **SECTION VII – TEMPORARY USE PERMITS**

BL224

### **1. Circumstances**

- i. The Local Trust Committee may issue Temporary Permits for all areas covered by this Plan.
- ii. The Local Trust Committee may consider preparing amendments to Galiano Island Local Trust Committee Impact Assessment Bylaw No. 58, 1998 for adoption by Trust Council to require development approval information for Temporary Use Permit Applications through adoption of a development approval information bylaw.

### **2. Objectives**

- i. Permits for temporary uses may be issued for short term uses or as a test of the compatibility of the proposed land use, which may not have been anticipated, with existing uses.

## SECTION VIII - ADMINISTRATION

BL224

### 1. Purpose

BL224

The purpose of this official community plan bylaw is to further the object of the *Islands Trust Act* through long-range land use policy for the Galiano Island Local Trust Area. This bylaw provides a statement of local government goals, objectives and policies. It is intended to provide policy guidance for the Galiano Island Local Trust Committee and the public regarding the existing and proposed land use and development in the Local Trust Area

### 2. Islands Trust Authority

BL224

The Islands Trust Act gives the Islands Trust, via its Local Trust Committees, essentially the same land use planning authority as a regional district board under the *Local Government Act*. Bylaws must be approved by the Islands Trust Executive Committee and, in the case of Official Community Plans, also by the Minister of Community, Sport and Cultural Development before adoption by the Local Trust Committee.

The Galiano Island Local Trust Committee is the Local Trust Committee with responsibility for land use planning and regulations within the Galiano Island Local Trust Area. This committee has three members; two locally elected trustees and a member of the Executive Committee appointed by the chairperson of the Islands Trust Council.

The purpose of the Trust Council, Executive Committee, and Local Trust Committees, is to carry out the object of the Islands Trust which is:

*To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the province.*

The legislated object defines the purpose of providing authority to the Islands Trust for land use regulation. Local trust committees employ the available planning powers of the *Local Government Act* to preserve, protect, and effectively maintain the rural nature, health, natural environment and vitality of the Trust Area.

### 3. Area of Jurisdiction

BL224

The provisions of this Bylaw apply to that portion of the Galiano Island Local Trust Area shown on schedule "AA", which forms part of this bylaw.

### 4. Advocacy Policies

BL224

Community goals and objectives included in this Bylaw that address matters that are partially or completely outside the jurisdiction of the Galiano Island Local Trust Committee are presented as "advocacy policies". These advocacy policies encourage others to take actions that the Local Trust Committee believes would contribute to the goals and objectives of the plan. This Bylaw cannot and does not represent a

commitment from other agencies or persons to act according to community goals, objectives or policies.

## 5. Public Facilities

BL224

Any designation or policy for proposed public facilities on private lands including but not restricted to roads, parks, trails, parking facilities, and public and community facilities that are not available for acquisition through dedication, grants, or as an amenity through a zoning regulation and that are not subject to committed funds either through a capital expenditure plan or other budgeting process of the public agency responsible for the proposed facility, shall be deemed to be a community goal of this Bylaw.

## 6. Implementation

BL224

"An official community plan does not commit or authorize a municipality, regional district (includes a local trust committee pursuant to Section 27 of the *Islands Trust Act*) or improvement district to proceed with any project that is specified in the plan."

and

"All bylaws enacted or works undertaken by a council, board or greater board (includes a local trust committee pursuant to Section 27 of the *Islands Trust Act*), or by the trustees of an improvement district, after the adoption of an official community plan must be consistent with the relevant plan."

## 7. Interpretation

BL224

1. In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the three digit numbers policies and the lower case letters articles:

Section: I  
Subsection: 1 and 1.1  
Objectives: 1)  
Policies: a)  
Articles i)

2. The final interpretation as to the precise location of boundaries on any map schedule shall be defined by:

- a) Where boundaries coincide with lot lines, the boundaries are the lot lines.
- b) Where a boundary is shown as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream the centreline of that feature is the boundary.
- c) Where land based and water based boundaries coincide, the common boundary shall be the surveyed lot line as shown on a plan registered in

the Land Title Office, and where there is no such plan the natural boundary of the sea is the common boundary.

- d) Where a boundary does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from the map schedule and in that case the boundary is the midpoint of the line delineating the boundary on the schedule.
- e) In interpreting the objectives and policies of the Plan, the term "shall" or "will" denotes that the indicated measure must be taken or applied. The term "should" or "may" indicates that the suggestion is intended as a guideline.

## 8. Amendment Procedure

BL224

This Bylaw may be amended by the Galiano Island Local Trust Committee, at its initiative or in response to an application. Individuals seeking amendment shall submit applications in the form provided for in the bylaws of the Local Trust Committee that address fees and procedures.

## 9. Definitions

BL224

BL124; 224 **accessory building** and **accessory structure** mean one that is customarily incidental, subordinate and exclusively devoted to a principal building or structure or use.

BL224 **affordable housing** describes rental or owned housing that can be acquired without exceeding 30 per cent of the median gross income of low to moderate income families on Galiano.

BL224 **average lot size** means the sum of the areas of the lots proposed to be created divided by the number of proposed lots and which determines the number of lots that can be created by subdivision.

**biodiversity** means the diversity of plants, animals, and other living organisms in all their forms and levels of organization, including genes, species, ecosystems, and the evolutionary and functional processes that link them.

**cluster** means a grouping of structures, buildings, dwelling units or lots in proximity to each other.

BL124 **cottage** means a separate dwelling unit with a total floor area of 60 square metres (645 square feet) or less.

BL224 **dwelling unit** means a room or set of rooms:

- a) used or capable of being used for human habitation by one or more individuals living in common occupancy as a single domestic unit and sharing facilities contained in that unit;
- b) contained in a single building, manufactured home; and
- c) containing only one kitchen.

- BL224 **ecosystem-based sustainable forest management** means relating to and using the ecosystem in ways that ensure the protection, maintenance, and, where necessary, restoration of biological diversity from the genetic and species levels to the community and landscape levels.
- BL224 **green building** means incorporating the principles of sustainable development into design such that the impact of a building on the environment will be minimal over the lifetime of that building. Green buildings incorporate principles of energy and resource efficiency, and waste and emission reduction.
- BL224 **green burial** means a process by which the body of a deceased person is interred in the ground in a manner that does not inhibit decomposition and allows the body to recycle naturally.
- BL224 **emergency access route** means an area identified on Schedule “C” that is proposed as a dedicated route or statutory right of way for emergency access purposes.
- BL224 **heritage road** means roadways with unique and significant scenic and/or heritage value. Consultation will occur between the Ministry of Transportation and Infrastructure and the Local Trust Committee regarding any planned works on roadways designated as “heritage.”
- BL224 **manufactured home park** means an area equipped to accommodate and provide services to dwelling units suitable for year-round occupancy, designed, constructed or manufactured to be moved from one place to another by being towed or carried and which meet a minimum CSA-Z240 standard.
- BL224 **residential home plate** means a delineated area within a parcel within which residential uses, including dwellings and ancillary uses, must be sited.
- restaurant** means an establishment providing primarily for the preparation and sale of food for eating in the establishment or taking out, and may include the serving of alcoholic beverages in conjunction with food.
- rezoning** means any bylaw that changes a requirement in a zone or in its application to land.
- riparian** the area of the streambank, including any side channels and associated banks, and the area of influence, which contains upland areas not normally inundated during high water conditions.
- subdivision** means any change in the existing size, shape, number or arrangements of lots registered in the Land Title office which would require issuance of a new certificate of Indefeasible Title.
- BL124 **tree** means any erect, living woody plant 5 metres or more in height and having a diameter of at least 10 centimetres measured 1.2 metres above the ground, and for this purpose diameter is measured by dividing the circumference of the tree by 3.142.
- BL124 **undergrowth** means any living vegetation.
- utility** means the provision of water, solid waste disposal, gas, electrical, telephone and television services by a government body or agency or a company regulated by the *Utilities Commission Act* or the *Radio Communication Act of Canada*, serving the Galiano Island Trust Area.
- wildlife** means raptors, threatened species, endangered species, fish, game or other species of vertebrates or invertebrates prescribed under the *Wildlife Act* as wildlife, and the air, soil, water,

food and cover components of the environment on which they depend to carry out their life processes.

## LIST OF SCHEDULES

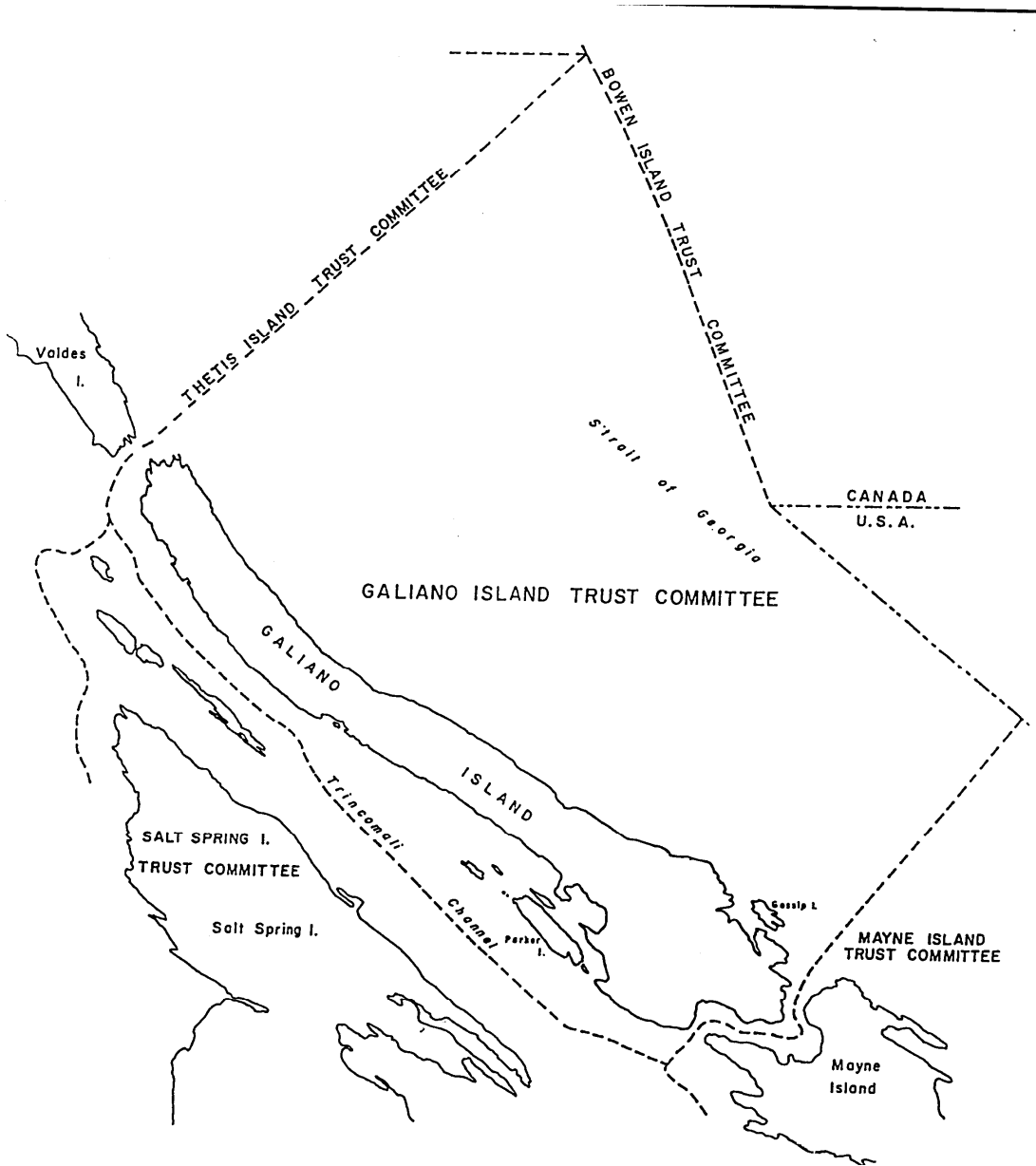
### POLICY DOCUMENT - SCHEDULE A

#### MAP SCHEDULES

BL124. 224

- Schedule AA - Galiano Island Local Trust Area
- Schedule B - Land Use Designations
- Schedule C - Road Network Plan
- Schedule D - Water Resources
- Schedule E - Parks and Trail Network Plan.
- Schedule F - Development Permit Area 1: Riparian
- Schedule G - Development Permit Area 4: Elevated Groundwater Catchment
- Schedule H - Development Permit Area 5: Sensitive Ecosystems
- Schedule I - Development Permit Area 7: Steep Slope Hazard

**GALIANO ISLAND LOCAL TRUST COMMITTEE AREA**  
**Schedule "AA"**



**GALIANO ISLAND LOCAL TRUST COMMITTEE AREA**  
**Schedule "B"**

**GALIANO ISLAND LOCAL TRUST COMMITTEE AREA  
Schedule "C"**

**GALIANO ISLAND LOCAL TRUST COMMITTEE AREA**  
**Schedule "D"**

**GALIANO ISLAND LOCAL TRUST COMMITTEE AREA**  
**Schedule "E"**

**GALIANO ISLAND LOCAL TRUST COMMITTEE AREA**  
**Schedule "F"**

**GALIANO ISLAND LOCAL TRUST COMMITTEE AREA  
Schedule "G"**

**GALIANO ISLAND LOCAL TRUST COMMITTEE AREA**  
**Schedule "H"**

**GALIANO ISLAND LOCAL TRUST COMMITTEE AREA**  
**Schedule "I"**