



Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: September 9, 2019
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

			Pages
1.	CALL TO ORDER	12:30 PM - 12:30 PM	
2.	APPROVAL OF AGENDA		
3.	TRUSTEE REPORT	12:30 PM - 12:50 PM	
4.	CHAIR'S REPORT		
5.	TOWN HALL AND QUESTIONS		
6.	DELEGATIONS		
7.	COMMUNITY INFORMATION MEETING		
	none		
8.	PUBLIC HEARING		
	none		
9.	MINUTES		
9.1	Local Trust Committee Minutes Dated July 8 & August 2, 2019 (for Adoption)	12:50 PM - 1:00 PM	4 - 12
9.2	Section 26 Resolutions Without Meeting Report Dated September 2019		13 - 13
9.3	Advisory Planning Commission Minutes		
	none		
10.	BUSINESS ARISING FROM MINUTES		
10.1	Follow-up Action List Dated September 2019	1:00 PM - 1:10 PM	14 - 14

11.	CORRESPONDENCE	1:10 PM - 1:30 PM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
11.1	Letter Dated July 27, 2019 - re GL-RZ-2017.1		15 - 15
11.2	Letter from L. Page Dated August 27, 2019 re GL-TUP-2019.4		16 - 20
12.	APPLICATIONS AND REFERRALS	1:30 PM - 2:00 PM	
12.1	GL-DVP-2019.2 (Pankratz) - Staff Report (attached)		21 - 32
12.2	GL-DVP-2019.3 (Webster) - Staff Report (attached)		33 - 46
13.	LOCAL TRUST COMMITTEE PROJECTS	2:00 PM - 12:15 PM	
13.1	Short Term Vacation Rental (STVR) Review - Staff Report (attached)		47 - 83
14.	REPORTS	2:15 PM - 2:45 PM	
14.1	Work Program Reports (attached)		
	14.1.1 <u>Top Priorities Report Dated September 2019</u>		84 - 84
	14.1.2 <u>Projects List Report Dated September 2019</u>		85 - 87
14.2	Applications Report Dated September 2019 (attached)		88 - 90
14.3	Trustee and Local Expense Report Dated June 2019 (attached)		91 - 91
14.4	Adopted Policies and Standing Resolutions (attached)		92 - 94
14.5	Local Trust Committee Webpage		
14.6	Islands Trust Conservancy Report		
	none		
15.	NEW BUSINESS		
15.1	Community Stewardship Awards		
15.2	Rezoning Options & Community Benefits Re: Forest Lots - Discussion		
15.3	Road Network & Emergency Access - Holding a Community Information Meeting - Discussion		
15.4	Trust Council Climate Change Reports - Memo		95 - 113

16. **UPCOMING MEETINGS** 2:45 PM - 3:05 PM
- 16.1 **Next Regular Meeting Scheduled for October 7, 2019, at the South Community Hall,
Galiano Island**
17. **TOWN HALL** 3:05 PM - 3:20 PM
18. **CLOSED MEETING (Distributed Under Separate Cover)**
- 18.1 **Motion to Close the Meeting**
- That the meeting be closed to the public in accordance with the Community Charter,
Part 4, Division 3, s. 90(1) (d & f) for the purpose of considering:*
- *Adoption of In-Camera Meeting Minutes Dated August 2, 2019*
 - *Bylaw Enforcement Issue*
- AND that the recorder and staff attend the meeting.*
- 18.2 **Recall to Order**
- 18.3 **Rise and Report**
19. **ADJOURNMENT** 3:20 PM - 3:20 PM



Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: July 8, 2019
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

Staff Present: Robert Kojima, Regional Planning Manager
Miles Drew, Bylaw Compliance and Enforcement Manager
Warren Dingman, Bylaw Compliance and Enforcement Officer
Yasemin Schnorr Von Carolsfeld, Recorder

Public: There were approximately (29) members of the public.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 12:37 p.m. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations in particular the Penelakut people.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Chair Rogers set out the expectations for the meeting and commented on items of general interest. He mentioned that names of the public and verbatim comments will no longer be included in the minutes, which is consistent with the minute-taking guidelines.

There were 19 submissions in response to the Temporary Use Permit (TUP) received.

A member of the public questioned why the LTC was not reporting decisions in the local paper.

Trustee Rockafella mentioned that social media and the Islands Trust website had been used to post information publically. She said that they were willing to look at summarizing the key issues to be included in the newspaper.

Trustee Wolverton noted that upwards of 400 people have watched the meeting online.

Members of the public commented on the following points:

- The Local Trust Committee (LTC) needs to lead and govern with consistency, not capriciousness;

- It was questioned how can it be an open government if the public are not identified in the town hall;
- The minutes show the process of thought that leads to decisions;
- In a climate emergency, forest comes to the forefront and that humans bring fire;

Comments against the current application for a new Short Term Vacation Rental (STVR); and

Concerns were raised about not being able to find comments regarding the new STVR application online. Chair Rogers mentioned the agenda package went out before the comments had arrived.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated June 3, 2019 (for Adoption)

The following amendments to the minutes were presented for consideration:

Sheila Andersen noted a correction to the last minutes, saying it should read: "requested to move item 11 of the projects list (split zoning) to top priorities."

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions Without Meeting Report

None

6.3 Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated July 2019

Regional Planning Manager (RPM) Kojima stated the actions on the FUAL are complete.

Received for information.

8. DELEGATIONS

None

9. CORRESPONDENCE

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

None

10. APPLICATIONS AND REFERRALS

10.1 GL-TUP-2019.4 (Page) - Staff Report

RPM Kojima reviewed the report and stated that there had been 19 submissions received from the neighbours. He noted that two vacation rentals already exist within the same vicinity, along with two resorts.

Laurie MacCallum, the applicant's representative, was asked if she wished time to review the submissions. She responded to some of concerns and mentioned there aren't many places at the north end for families, that owners of the house come for a month yearly, that they have expenses and making this home into a STVR is a way to make it work.

Trustee Rockafella asked some clarifying questions of Laurie McCallum.

Trustee Wolverton commented there is concern that we're losing our community and our community is becoming a playground for people who're visiting. It doesn't feel like there's a lot of respect shown by visitors for the community. There are concerns such as: noise, water usage, garbage. The community is under pressure and a number of visitors are not as light on the land as we might like. The LTC needs to consider the cumulative effects. By November there should be more information from the project report. It would also be good to have neighbourhood meetings to discuss issues.

GL-2019-054

It was Moved and Seconded,

that the Galiano Island Local Trust Committee deny application GL-TUP-2019.4 (Page).

CARRIED

10.2 GL-RZ-2017.1 (Stevens) - Staff Report

RPM Kojima and the Trustees discussed the complications of the application.

Chair Rogers commented that the community is caught in a dilemma 45 years in the making.

GL-2019-055

It was Moved and Seconded,

that the Galiano Local Trust Committee rescind the third reading.

WITHDRAWN

Chair Rogers spoke to rescinding 3rd reading. He expressed that that could lead to another dead end and indicated that there are potential complications with all of the options.

The LTC recessed the meeting between 2:20 p.m. - 2:40 p.m.

GL-2019-056

It was Moved and Seconded,

that the Galiano Local Trust Committee proceed no further with Bylaws 265 and 266 and designate the Chair to sign the documents discharging the s.219 covenant granted to the LTC as a condition of rezoning.

CARRIED

Chair Rogers Opposed

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Short Term Vacation Rentals (STVR) Review - Staff Memo

RPM Kojima noted that staff amended the project charter. He said that they are currently working to document the STVR's with an updated map and an overview of existing policies. The next step would be public engagement and stakeholder meetings in the fall. He stated that there are 8 enforcement files currently and approximately 10 bylaw enforcement issues pending.

The Trustees asked questions for clarification.

Trustee Rockafella said she supported putting a moratorium on further TUPs, but not on renewals.

GL-2019-057

It was Moved and Seconded,

that the Galiano Island Local Trust Committee initiate a moratorium on new TUP applications until the STVR project is completed and that bylaw enforcement is directed to require that unlawful STVRs comply with the land use bylaw.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated July 2019

Trustee Wolverton mentioned the dates on the STVR document should read "March 2020".

Received for information.

12.1.2 Projects List Report Dated July 2019

Received for information.

12.2 Applications Report Dated July 2019

A member of the public mentioned that the applicants for the Crystal Mountain rezoning are waiting for a survey.

Received for information.

12.3 Trustee and Local Expense Report

None

12.4 Adopted Policies and Standing Resolutions

None

12.5 Local Trust Committee Webpage

There were discussions clarifying how to structure the LTC Webpage.

12.6 Trustee Report

Trustee Wolverton reported on her trustee hours and that regular streams of people are meeting her. She is hoping to organize a forum on forestry, fire smart and the appropriate treatment of forestry. She mentioned about most people living in the forest and that it would be good to find research on what to do with dead branches.

Trustee Rockafella reported her office hours: Thursday mornings. This can be found on their webpage.

12.7 Chair's Report

Chair Rogers reported on a very successful Trust Council and an Executive Committee meeting.

12.8 Islands Trust Conservancy Report Dated May 2019

There was discussion about elder cedar on Galiano Island. The Board and Executive Committee has a meeting next week.

13. NEW BUSINESS

13.1 Private Managed Forest Land (PMFL) Letter - Discussion

GL-2019-058

It was Moved and Seconded,

that the Galiano Island Local Trust Committee draft and submit a letter in response to the Private Managed Forest Land Program Review.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for September 9, 2019, at the South Community Hall, Galiano Island

15. TOWN HALL

Members of the public commented on the following points:

- The LTC was thanked for the emphasis on the educational portion of their job;
- Appreciated the fact that good mapping will be available to everyone;
- STVR's cumulative impacts on aquifers and the neighbourhood should be considered;

- There should be more emphasis on projects and less on applications;
- The committee was congratulated on decisions made today. The public process was appreciated;
- The Committee was thanked for making difficult decisions;
- There is a need to look at home occupations and commercial uses;
- Licensing was suggested as something to use. Whether it could be written into our bylaws that operators post at the entrance to their properties, that they are doing a visitor accommodation. It's a way of gathering data without licensing;
- Regarding legalizing STVRs, it was suggested to ask people to volunteer who they are;
- Suggestions for the Islands Trust to ensure all hydro lines in a forest area are insulated as insulated power lines mitigate fire risk; and
- Request to ban power lines that have any length in a forested area.

RPM Kojima replied that power lines are exempt from zoning.

Trustee Wolverton added that it's an area of advocacy that we can bring to BC Hydro.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close the Meeting

GL-2019-059

It was Moved and Seconded,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (a, d & f) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated June 3, 2019
- Appointment of APC Secretary
- Bylaw Enforcement Issue

AND that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

Chair Rogers recalled the meeting to order at 3:37 p.m.

16.3 Rise and Report

Chair Rogers reported that Carly Bilney is appointed as the secretary of the Galiano Advisory Planning Commission (APC)

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:30 p.m.

Dan Rogers, Chair

Certified Correct:

Yasemin Schnorr Von Carolsfeld, Recorder



Galiano Island Local Trust Committee Minutes of Electronic Special Meeting

Date: August 2, 2019
Location: Islands Trust Victoria Office Boardroom
200-1627 Fort Street, Victoria, BC

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

Staff Present: Warren Dingman, Bylaw Compliance and Enforcement Manager
Maple Hung, Recorder / Planning Team Assistant

1. CALL TO ORDER

Chair Rogers gave thanks to the staff for the organization of the meeting.

Chair Rogers called the meeting to order at 1:23 p.m. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. CLOSED MEETING (Distributed Under Separate Cover)

3.1 Motion to Close the Meeting

GL-2019-060

It was Moved and Seconded,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, S. 90 (1) (d & f) for the purpose of considering:

- Adoption of In-Camera Minutes Dated July 8, 2019
- Bylaw Enforcement Issues

AND that the recorder and staff attend the meeting

CARRIED

3.2 Recall to Order

Chair Rogers recalled the meeting to order at 1:40 p.m.

3.3 Rise and Report

Chair Rogers reported the in-camera minutes of July 8, 2019 are adopted as presented.

4. ADJOURNMENT

By general consent, the meeting was adjourned at 1:46 p.m.

Dan Rogers, Chair

Certified Correct:

Maple Hung, Recorder



Islands Trust

Galiano Island

Print Date: August 29, 2019

Resolutions Without Meeting

Resolution #	Action	Resolution Description	Resolution Date
2019-03	In Favour	That the Galiano Island Local Trust Committee agree to conduct a Special Meeting entirely by means of audio or audio and visual electronic communication facilities for the purpose of holding an In-Camera Meeting to discuss a Bylaw Enforcement issue AND That staff schedule this meeting at a pre-determined date.	24-Jul-2019



Follow Up Action Report

Galiano Island

08-Jul-2019

Activity	Responsibility	Dates	Status
1 6.1 Minutes of June 3rd adopted as amended	Maple Hung	Target: 15-Jul-2019	Completed
2 10.2 GL-TUP-2019.4 (Page) - application denied, letter to applicant and close file	Sharon Lloyd-deRosario	Target: 15-Jul-2019	Completed
3 10.2 GL-RZ-2017.1 (Stevens) proceed no further with bylaws (Done), close file (Done) and discharge existing covenant	Robert Kojima Sharon Lloyd-deRosario	Target: 15-Jul-2019	In Progress
4 2. agenda - revise agenda template to move trustee reports to follow approval of agenda	Sharon Lloyd-deRosario	Target: 15-Jul-2019	Completed
5 11.1 Update policies and standing resolutions to include moratorium on STVR TUPs and that bylaw enforcement is to require unlawful STVRs to comply with the LUB	Robert Kojima Warren Dingman	Target: 15-Jul-2019	Completed
6 13.1 LTC to draft and submit a letter in response to the PMFL Program review	Robert Kojima	Target: 22-Jul-2019	Completed
7 16.3 Rise and Report from closed meeting: minutes of June 3rd approved as presented and Carly Bilney appointed as APC secretary effective immediately	Maple Hung	Target: 15-Jul-2019	Completed
8 16.3 Bylaw enforcement to report on options at September meeting	Warren Dingman	Target: 19-Aug-2019	Completed

Jane Wolverton, Trustee
Tahirih Rockafella, Trustee
Dan Rogers, Chair



July 29, 2019

Dear Trustees,

I wish to express my profound disappointment in the handling of the Stevens' rezoning application. I have lost much faith in the possibility of fair process on our island. I am saddened by this because I love the Islands Trust as an innovative eco-government and we need a credible Islands Trust more than ever in this time of climate emergency. The lack of fair process for the Stevens' rezoning application has, for many, eroded public confidence in the Islands Trust.

The LTC decisions (2019) around the Stevens' application defy logic, sound public policy, and technical advice. Further, the handling of this application exposes the Trust to high risk for legal action. LTC conduct has wasted hundreds of hours of precious staff time and tax payer dollars (for ongoing legal advice and a survey), resources that could have been allocated to the serious climate change mitigation that we need.

The LTC 2/3 decision to go no further with the Stevens' rezoning application for 5.5 acres of land comes at the same time as several Forest 1 owners have been told by Bylaw Enforcement that their homes are unlawful and that "options" will be discussed with them. What options? 1) Rezone, 2) tear down the dwelling, or 3) ignore Bylaw Enforcement? It is highly problematic (both ethically and practically speaking from the perspective of Bylaw Enforcement officers) to tell people they are unlawful and then, not provide them with viable, good-faith options for compliance. Rezoning on our island has not been shown to be a respectful process. The Galiano community has witnessed the Stevens' rezoning fiasco play out, where willing applicants met all the requirements of the LTC, and then were dealt with by an LTC that kept changing the goal posts.

It would have been prudent for the Trustees to have dealt with the Stevens' application in good faith and demonstrated a fair process that resulted in bylaw compliance and the community benefit of a statutory right-of-way for emergency access. Now the LTC is left with a serious credibility problem and most Forestry Lot owners will continue to scoff at the Islands Trust and Bylaw Enforcement.

Do you really want more polarization in our community?

How will our community get secured emergency access routes without the good will of the Forest Lot owners?

We all lose when there is a lack of fair process.

I ask that the LTC immediately take all necessary steps to adopt Bylaws 265 and 266. It's not too late to fix this and be bridge-builders.

Colleen Doty
[REDACTED]



Lesley Page and Mark Starr

Email [REDACTED]

To Galiano Island Trust Committee via bsmith@islandstrust.bc.ca

27th August 2019

Dear Chair and Trustees Galiano Island Trust Committee

Re: Application GL-TUP-2019.4

We are writing to request that you reconsider your decision to refuse the STVR TUP permit for Red Roof Galiano, Application GL-TUP-2019.4. We request also that Lesley Page be able to attend the meeting of the Local Trust Committee in September 2019 electronically, and that our agent and partner Laurie MacCallum will attend in person. We appreciate the chair's agreement to having this brought back to the LTC.

Process of consideration

As you know, we were extremely unhappy with the process of consideration by the LTC. We believe the proceedings were biased, lacked transparency, and that our application did not get a fair hearing and consideration. In retrospect we believe that there was little chance of it being approved, given the political nature of the process and the decision.

The report prepared by the Island Planner and submitted to the LTC recommended that our application be approved, although we were told before the meeting that the decision was at the discretion of the committee. At that point there had been no objections.

Letters of objection

We note the principles for incoming local trust correspondence concerned with timing and defamatory content have not been observed. See:

<http://www.islandstrust.bc.ca/media/246778/74iincomingltccorrespondence.pdf>

Principle 2 states : 'Correspondence addressed to a quorum of a local trust committee that is relevant to the actions or decisions of the local trust committee should be received in an open and transparent manner, so that those with interests in the topic have an opportunity to hear and respond to all information considered by the local trust committee that has been received within the relevant time limits for decision-making'.

We were puzzled because the letter from the Island Planner suggested a public notice period of June 16th to the 26th. and in correspondence after this cut-off date was passed, said no letters of objection had been received 'yet'. As it happened 18 letters of objection were lodged immediately before the meeting, these were dated 28th June to 3rd July 5 days before the meeting. We had no idea that these had been

received. Neither did Laurie MacCallum who attended the meeting to observe the proceedings. Laurie was handed these letters a few minutes before the discussion started. There was no opportunity to read or respond to them. Surely the deadline for receipt of correspondence would have been 10-12 days before the meeting? If letters received after that were to be considered, then the decision should have been deferred to give us the chance to respond to them.

Principle 3 states: 'Despite the principles of openness and transparency expressed in Principle 2, Islands Trust bodies should not consider correspondence from anonymous sources and should not consider or publish written materials that are defamatory, profane or otherwise inappropriate for general circulation. Senders of such correspondence should have the opportunity to have their views considered by a local trust committee, by being informed of the necessary amendments that would make their correspondence eligible for receipt and circulation on an open public agenda'.

Subsequently we have seen the letters of objection, some of which contain misrepresentations, some very serious. According to the Islands Trust principles, senders of the letters, some of which we consider to be defamatory, based on the Island's Trust definition, ("Defamatory" means false statements communicated to other people about a person that tends to hurt the person's reputation'), should have been given the opportunity to amend their letters.

From the accounts of the meeting given to us by several people, we understand there was considerable organised lobbying against our application. While such lobbying might be expected, we would also expect that a balanced view be sought.

I understand from an email from Robert Kojima Regional Planning Manager Southern Team Islands Trust, that the decision to deny our application was based on a strength of feeling from the meeting concerned with water usage, noise, impacts of vacation rentals generally. There is certainly a strong undercurrent of disquiet regarding visitors to Galiano. However, we are also aware that there is a different view and that visitors are important to local businesses and the local economy.

The letters, all of which were submitted late in the process, and the account of issues raised, expressed well known concerns and contained no new information. Given the previous report recommending our application be approved, we were surprised that the decision was made to deny the TUP, given an absence of any new information.

One question is why was the moratorium allowed to expire if the central issues contained in the letters were known and already of concern?

We have seen no evidence of criteria as a basis to the decision to reject our application. We are surprised that no time was taken to verify the letters, in which case the decision could have been deferred. We are not clear at all what the decision-making process was.

We are left with 3 central questions:

- 1) Why did the LTC not consider delaying their decision on our TUP given they knew the Charter was up and coming?
- 2) Why were we encouraged to submit a TUP after one moratorium was lifted and another enacted?
- 3) How does the LTC weight information from islanders and planners?

Comments on issues

We would like to emphasise that we share concerns about the substantive issues raised within the letters, and that we understand were raised in the meeting. We understand the fear of fire, losing water supply, the damage to the environment that might come from uncontrolled tourism. We understand also the problems of affordable housing and short-term vacation rentals (STVRs).

Benefits and hazards

We note that the LTC has commissioned a report on the benefits and hazards of STVRs on Galiano. This report, due to be completed in 2020, will provide a much more objective estimate of the effects of STVRs on the community than that obtained by the TUP applications.

We note from a survey in 2014 by the Galiano Island LTC when asked "Would you support a STVR on a neighbouring property?" 81.4% of respondents answered 'yes' and one respondent commented

"We currently have one next door and there is no down-side to it. If anything, the guests are more respectful than other full or part time neighbours and generally more appreciative to spend time on the island. Many guests have a connection to the island as real as those of us who are lucky enough to live full or part time on the island."

Comments from the LCT survey were overwhelmingly in favour of STVRs in contrast to the letters of objection. The first question on the survey, "Should STVRs be a permitted use on Galiano Island?" received a response of 'yes' from a resounding 84.3% of respondents.

Increased fire risk

The risk of fire must top the list of dangers confronting residents and long-term renters as well as short-term. Our instructions to guests give warning of fire risk and we have a no smoking policy. We also have an external hose pipe connected to a powerful pump. But this is not enough, and we would gladly participate in any program designed to reduce fire risk.

Carolyn Canfield tells the story of a grass fire started by an exploding transformer. The fire was extinguished only because the property was "the home of a permanent member of the community who was also a volunteer firefighter." That firefighter is our son, Iain Weatherston*. The anecdote illustrates many things, not the least of

which is the need for communities to have firefighting skills: more professional firefighters on-call, effective training programs for volunteers, and so forth.

STVRs provide income to support and develop a fire-fighting infrastructure. The story also shows not all fires are started by visitors to the island.

**Iain has moved to Dawson City where he is a Captain in the local fire department.*

Water conservation

We are environmentally conscious, and we decided therefore not to drill a well, but to draw from a spring and collect rainwater. We invested in a system that would not draw from the aquifer. We took advice and a local plumber installed our system. Our property is awash with surface water. We would draw to your attention that even if there are not short-term renters there will be somebody living in the cabin so water will still be used. Our instructions for the cabin include education about and advice on use of water.

Visitor noise and refuse

We have worked with Laurie MacCallum who is acting as our agent on a way of marketing to people who wish for a quieter experience. We do not want to run a party house. The plan is for Laurie to meet guests and be available if there were problems. She would monitor the situation. We would limit to 6 people and may consider a minimum visit of 1 week. It should be noted that Laurie has been centrally involved in developing community at the North End and is a respected leader in the community.

Disclaimer: We have no connection with the Bodega Resort and are not intending to offer 'party' options. Instead we intend to offer a place to work for those simply wishing to enjoy Galiano, or who are looking for a sabbatical or retreat experience.

Affordable housing

We recognise the need for what is simply called 'affordable housing', but in practice the term has many specific meanings and the devil is in the detail of how affordable is defined and measured. Wikipedia defines affordable housing as

Affordable housing is **housing** which is deemed **affordable** to those with a median household income as rated by the national government or a local government by a recognized **housing** affordability index.

The Red Roof was not designed or built for use in affordable housing schemes that are better managed by government agencies that have the resources to collect census data, house-hold income data and other demographic data necessary to create affordability indices.

Importantly Red Roof will be used frequently by family and friends, making it impractical to count on it as a part of affordable housing stock. It should be noted

also that the main priority for affordable housing is on the South end of the Island and we are at the North end.

Conclusion

We have deep roots, long term connection to, and love of Galiano. It was when we visited for a weekend in 1983, we fell in love with Galiano. We bought our property with a small cabin with no water or electricity, and were married in St Margaret's in 1986, with a celebration in the North End Community Hall and on our property. This was long before weddings became an industry on the Island. Iain Weatherston our son owned the property and lived in Galiano for years and we have all, including our other adult children Anna and David, at some point lived on the Island. Our cabin was built a few years ago by local builders and tradespeople, with involvement of all the family and friends, with most supplies coming from the Hardware store. We visit as often as possible. We relish our friendships on the Island and participate fully in the life and community of Galiano while we are there.

We hope that you will consider and review your process based on our observations and complaints. However, our main reason for writing is to request that you reconsider our application carefully.

Ours is a high quality, comfortable but modest holiday cabin. We are responsible owners. We would like to share with others who we hope will enjoy and appreciate Galiano and contribute to its economy. If you are unable at this stage to approve our application, we request that you defer the decision until the publication of the charter early in 2020, when we believe the decision might be based on current objective information and a balance of opinion.

With many thanks for your consideration and best wishes

Yours sincerely

Lesley Page and Mark Starr

Cc Laurie MacCallum

DATE OF MEETING: September 9, 2019

TO: Galiano Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Development Variance Permit (GL-DVP-2019.2)
Applicant: Pankratz
Location: 154 Sticks Allison Road, Galiano Island (Lot 15, District Lot 15, Galiano Island, Cowichan District, Plan 21551)

RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2019.2 (Pankratz).

REPORT SUMMARY

This report is to consider a Development Variance Permit (DVP) application to legalize the siting of a dwelling that is encroaching within the required 6.0 meter interior side lot setback for land parcels that are zoned Small Lot Residential (SLR) as defined in the Galiano Island Land Use Bylaw 127, 1999 (LUB).

The recommendation to approve the DVP request considers that the variance being sought is relatively minor, the structure has been in place since 1999, and a building permit was issued at the time of construction. The alternative of moving the structure would be hugely costly and time-consuming with minimal gain. In addition, there have been no community concerns raised with the proposed variance (at the time this report is written) and the applicants also own the adjacent property most immediately impacted by the setback encroachment (i.e. 80 Allison Sticks Road).

BACKGROUND

The applicants are seeking to build an addition on to the existing dwelling located on the subject-property. In preparation to apply for a building permit for the addition, a legal survey has been obtained. The site plan shows that a portion of the existing dwelling is encroaching (at most 1.36 m) within the 6.0 m interior side lot setback requirements as defined in the LUB.

Section 5.3.8.2 of the LUB states that buildings and structures must *be at least 6.0 metres from each interior side lot line*.

Given there is a side lot line setback encroachment at the subject property, the applicants are now seeking a variance for the siting of the existing dwelling structure prior to seeking a building permit for the proposed addition which would meet all LUB setback requirements

Additional site context is provided in Attachment 1. A property location map, ortho-photo, site plan showing the location of the existing dwelling and proposed addition on the property (including setback distances), and site photographs are included as Attachment 2. A copy of the notice and proposed permit GL- DVP-2019.2 (Pankratz) are included as Attachments 3 & 4.

ANALYSIS

Policy/Regulatory

Section 498 of the Local Government Act enables the Local Trust Committee to issue (approve) a DVP in order to vary a siting regulation in the LUB; although a DVP may not be used to vary density or land use. In this case, a variance to a siting regulation is being sought.

Official Community Plan (OCP)

The property is designated Small Lot Residential (SLR) in the Galiano Island OCP. There are no specific OCP policies or principles in conflict with the variance request.

Land Use Bylaw (LUB)

Section 5.3.8.2 of the LUB states that buildings and structures must be at least 6.0 metres from each interior side lot line. In this case, a portion of the dwelling structure encroaches up to 1.36 m into the interior side lot setback.

Issues and Opportunities

The applicant has provided the following rationale for the variance:

- The variance being sought is relatively minor (1.36 m at most), the structure has been in place since 1999, and a building permit was issued at the time of construction (note: site surveys were typically not required by building inspection at that time);
- Until the setback issue is resolved a building permit cannot be obtained for the proposed addition to the house which meets all LUB setback requirements;
- The property owners also own the adjacent property most immediately impacted by the setback encroachment (i.e. 80 Allison Sticks Road); and,
- The alternative of moving or altering the structure, or adjusting the property boundary to conform to setback provisions, would be hugely costly and time-consuming with minimal gain.

The Overall Intent of the Regulation (s) being Varied

The purpose of the setback requirement is to minimize impacts to adjacent neighbours and to provide emergency access if needed. In this case, given the encroachment is relatively minor, the structure has been in place since 1999, and the applicants own the property immediately adjacent to the setback encroachment, the overall intent of the setback requirement would not be compromised.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits. In this case, the variance is relatively minor and the alternative of moving the structure would be unreasonably costly and time-consuming.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. September 3, 2019.

No submissions have been received to date (i.e. at the time of writing this report prior to the agenda deadline). Any submissions received prior to the LTC meeting will be forwarded to Trustees and the applicant and will be reported at the meeting.

Agencies

No agency referrals were required.

First Nations

The property is privately owned in fee-simple, has been previously developed, and the proposed variance is for a structure that has been in place since 1999. Although there is a small area on the property located within 100 m of the setback encroachment that is identified as having potential for the presence of archaeological material, there are no known First Nation interests or potential impacts with respect to the DVP application requesting a variance.

Rationale for Recommendation

There are several factors that lead to a recommendation to approve the DVP request:

- The variance being sought is relatively minor (1.36 m at most), the structure has been in place since 1999, and a building permit was issued at the time of construction;
- The variance would not affect the intent of the regulation;
- The property owners also own the adjacent property most immediately impacted by the setback encroachment (i.e. 80 Allison Sticks Road);
- The alternative of moving the structure would be hugely costly and time-consuming with minimal gain;
- There have been no concerns raised by the community with respect to the variance request (at the time of writing this report).

ALTERNATIVES

1. Request further information

The LTC may request additional information prior to making a decision. If selecting this alternative, the LTC should be advised to describe the specific information needed and the rationale for this request.

Resolution:

That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust additional information including _____.

2. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee deny application GL-DVP-2019.2 (Pankratz).

Submitted By:	Brad Smith, Island Planner	August 29, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	August 29, 2019

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 15, District Lot 15, Galiano Island, Cowichan District, Plan 21551
PID	003-419-061
Civic Address	154 Sticks Allison Road, Galiano Island
Lot Size	0.68 hectares (1.67 acres)

LAND USE

Current Land Use	Small Lot Residential
Surrounding Land Use	Small Lot Residential, Rural Residential, Marine

HISTORICAL ACTIVITY

File No.	Purpose
GL-TUP-2017.1 and GL-BE-2007.1	STVR bylaw enforcement file opened in 2007. STVR TUP issued in April 2017. Property is not currently in use as an STVR.

POLICY/REGULATORY

Official Community Plan Designations	Galiano Island OCP No. 108, 1995 Designations: SLR - Small Lot Residential Development Permit Areas (DPAs): • DPA 2 – Shoreline and Marine • DPA 5 – Sensitive Ecosystems There is no encroachment of the proposed variance within DPA areas.
Land Use Bylaw	Galiano Island LUB No. 127, 1999: Small Lot Residential (SLR)
Other Regulations	N/A
Covenants	None
Bylaw Enforcement	No active BE files.

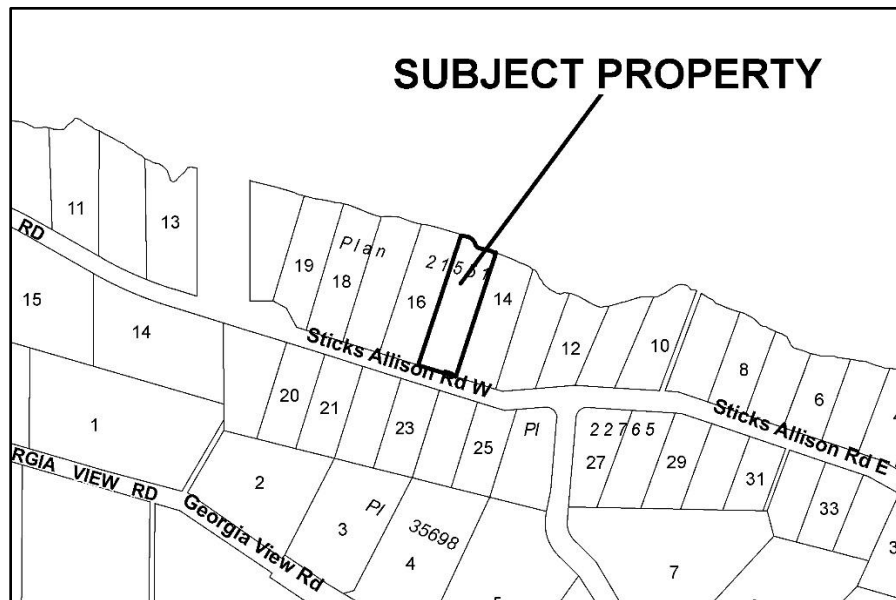
SITE INFLUENCES

Islands Trust Fund	There are no Trust Fund Board or Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Fund regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	There is no encroachment of the proposed variance within DPA 5 – sensitive ecosystem areas.
Hazard Areas	N/A
Archaeological Sites	There is a small portion of the property identified on the provincial RAAD site as having potential for archeological material. The sites identified with potential are not impacted by the DVP request for variance.

	Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	N/A
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	No evidence of Eelgrass Beds.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

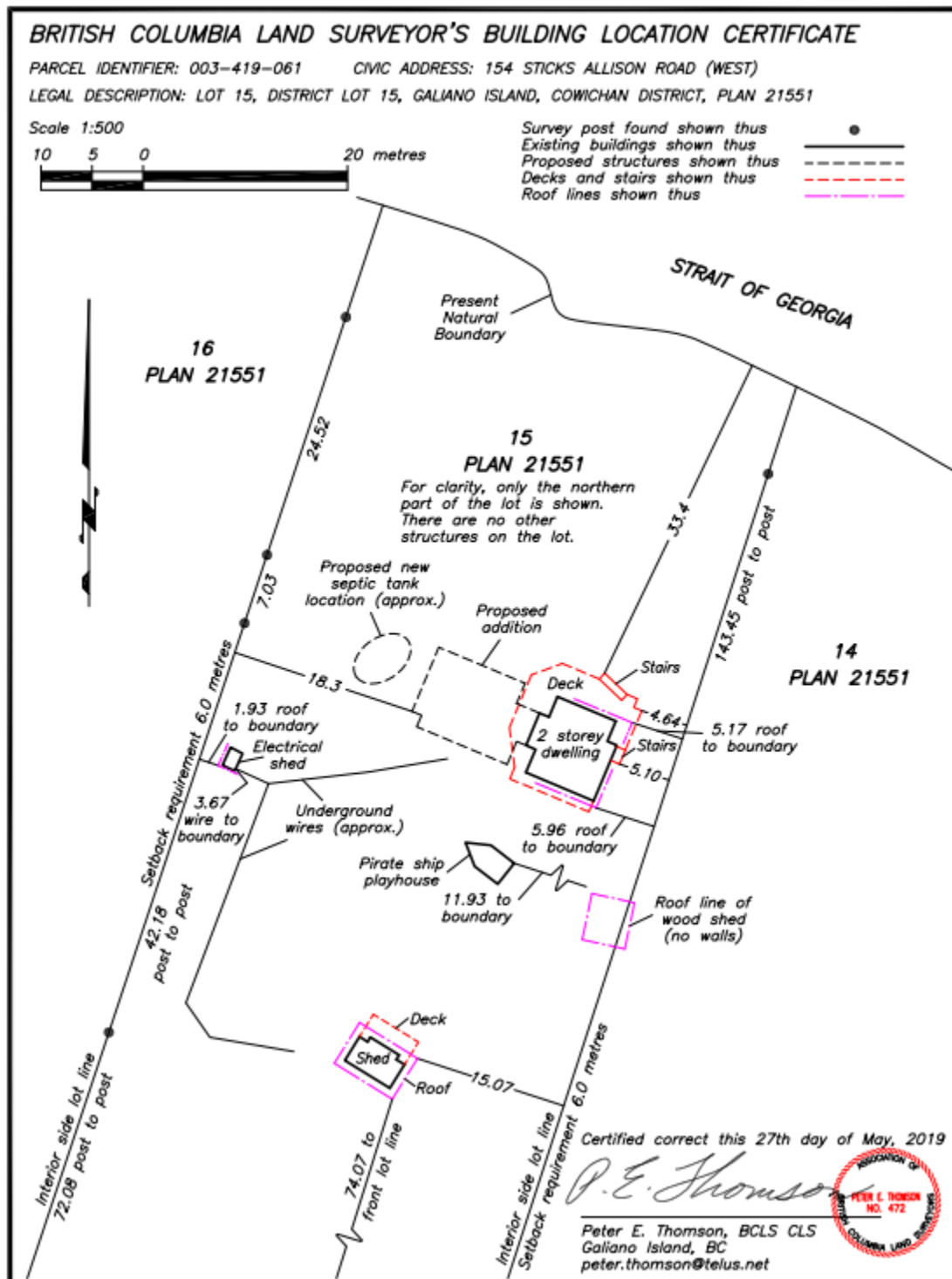
2.1 SUBJECT PROPERTY MAP



2.2 SUBJECT PROPERTY ORTHO-PHOTO



2.3 SITE PLAN

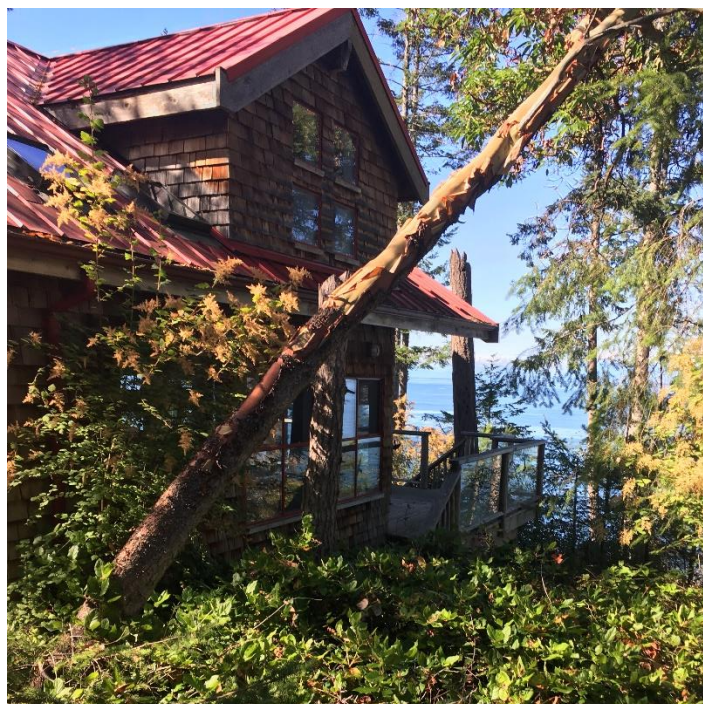


2.4 PHOTOGRAPHS

PHOTO 1. SIDE VIEW OF DECK AND HOUSE AT LOCATION OF SETBACK ENCROACHMENT



PHOTO 2. SIDE SETBACK AREA



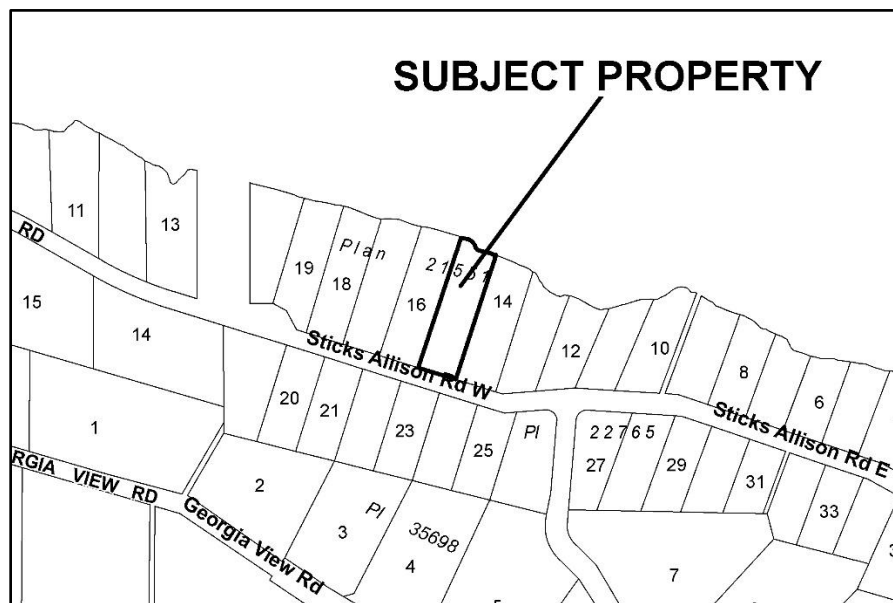
NOTICE
GL-DVP-2019.2
GALIANO ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the Galiano Island Land Use Bylaw No.127, 1999, by varying:

- a) Section 5.3.8.2, which states that buildings and structures must be at least 6.0 metres from each interior side lot line, to permit an existing building (dwelling) to be located within 4.64 metres of the interior side lot line.

The property is located at **154 Sticks Allison Road** and is legally described as Lot 15, District Lot 15, Galiano Island, Cowichan District, Plan 21551 (PID: 003-419-061).

The general location of the subject property is shown on the following sketch.



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **August 21, 2019** and continuing up to and including **September 3, 2019**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island.

Enquiries or comments should be directed to Brad Smith, Island Planner at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **September 3, 2019**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., September 9, 2019**, at the **South Community Hall**, 141 Sturdies Bay Road, on Galiano Island.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Sharon Lloyd-deRosario, Deputy Secretary



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT GL- DVP-2019.2

To: Sally and Edgar Pankratz

1. This Development Variance Permit applies to the land described below:

Lot 15, District Lot 15, Galiano Island, Cowichan District, Plan 21551 (PID: 003-419-061)

2. Galiano Island Land Use Bylaw 127, 1999 is varied as follows:

- a) Section 5.3.8.2, which states that buildings and structures must be at least 6.0 metres from each interior side lot line, to permit an existing building (dwelling) to be located within 4.64 metres of the interior side lot line.

The development shall be consistent with Schedule 'A' attached to and forming part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the "Galiano Island Land Use Bylaw 127,1999" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF MONTH, YEAR.

Deputy Secretary, Islands Trust

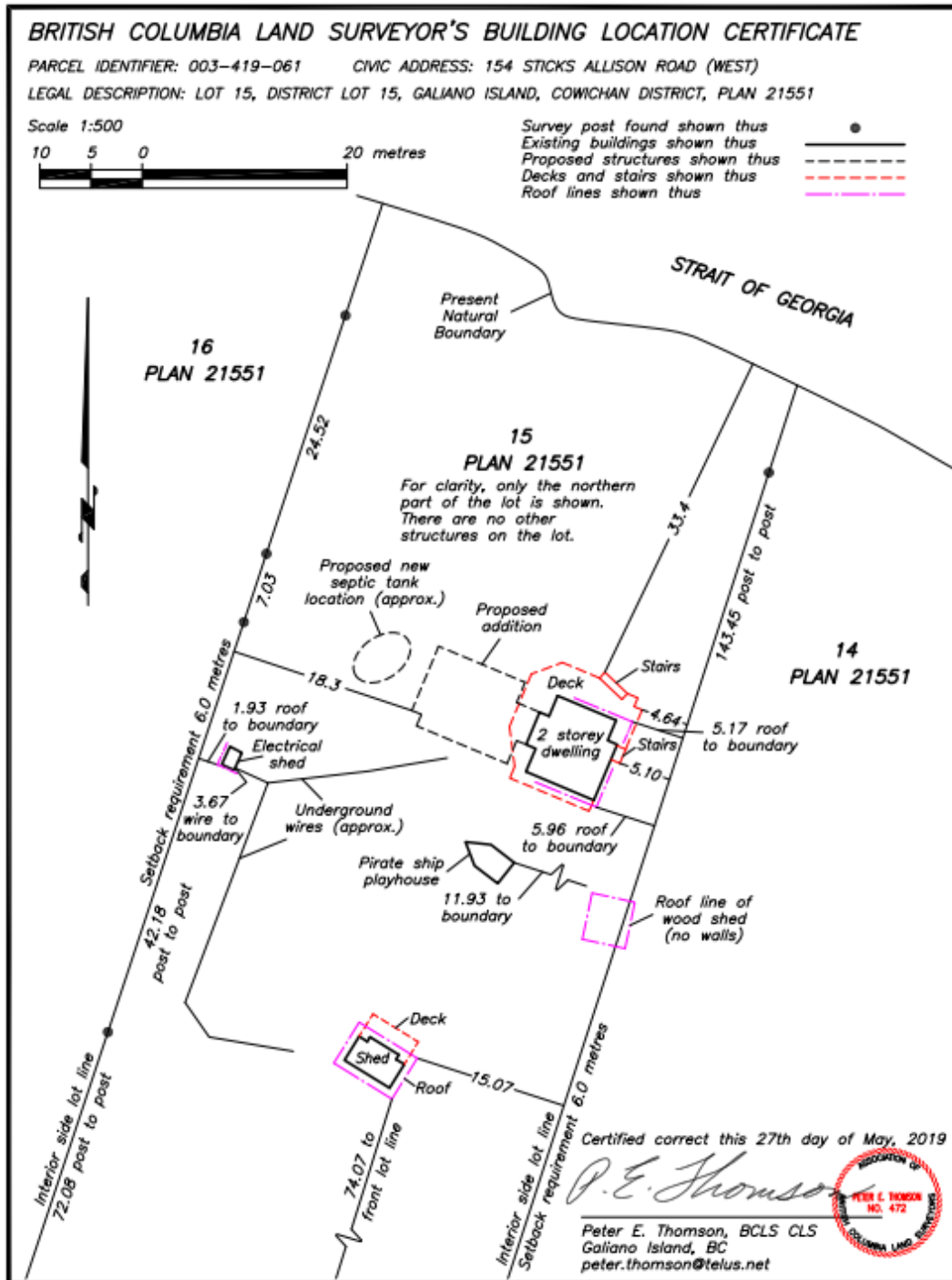
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, YEAR , THIS PERMIT AUTOMATICALLY LAPSES.

GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2019.2

SCHEDULE 'A'

Site Plan



DATE OF MEETING: September 9, 2019

TO: Galiano Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Development Variance Permit (GL-DVP-2019.3)
Applicant: Shirley and Jeff Webster
Location: 240 Panorama Lane, Galiano Island (Lot 3 District Lots 65 and 68 Galiano Island, Cowichan District, Plan EPP31161)

RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2019.3 (Webster).

REPORT SUMMARY

This report is to consider a Development Variance Permit (DVP) application to legalize the siting of a septic system that was installed outside of the 'Developable Area' as defined in Plan No. 4, Schedule D of the Galiano Island Land Use Bylaw 127, 1999 (LUB).

The recommendation to approve the DVP request considers that the location where the septic system is installed takes advantage of previously cleared land, the septic system was installed by a certified professional that deemed the siting of the system to be most appropriate with respect to site conditions, and that limited alternatives exist on the property to re-site the septic system. There have also been no community concerns raised with respect to the variance request (at the time this report is written).

BACKGROUND

The applicants are in the process of preparing their bare land lot for house construction. This includes the installation of a septic system on the property that was completed in January 2019.

A septic system is considered a structure in the LUB and therefore must meet minimum setback and other bylaw requirements. The subject property is located in the site specific 'RR(b)' zone. Section 5.4.13 of the LUB requires that all structures on each RR(b) lot must be sited entirely within the area marked "Developable Area" designated on Plan 4, Schedule D of the LUB (Attachment 1). The Developable Area was established when the subject property was created via the sub-division and rezoning of a Forest 1 (F1) zoned lot. The intent of the site-specific regulation is to cluster development on the property, sometimes referred to as establishing a 'home plate'.

Neither the property-owners nor the certified system installer were aware of the Developable Area requirements pertaining to the subject property and as a result the septic system has been installed outside of the Developable Area.

Given this error, the applicants are now seeking a variance for the siting of the septic system with respect to section 5.4.13 of the LUB which states:

On the lands zoned RR(b), in addition to the other regulations in 5.4, all buildings, structures and paved parking areas on each lot must be sited entirely within the area marked “Developable Area” designated on Plan 4 of Schedule D of this bylaw.

Additional site context is provided in Attachment 1. A property location map, ortho-photo, site plan showing the location of the installed septic system on the subject property in relation to the Developable Area, and site photographs are included as Attachment 2. A copy of the notice and proposed permit GL-DVP-2019.3 (Webster) are included as Attachments 3 & 4. A letter from the applicants is included as Attachment 5.

ANALYSIS

Policy/Regulatory

Section 498 of the *Local Government Act* enables the Local Trust Committee (LTC) to issue (approve) a DVP in order to vary a siting regulation in the LUB; although a DVP may not be used to vary density or land use. In this case, a variance to a siting regulation is being sought.

Official Community Plan (OCP)

The property is designated Rural Residential (RR) in the Galiano Island OCP No. 108, 1995. The Galiano Island OCP includes specific policies for the subject property within its RR policy framework. Section 1.4 (f) of the OCP requires that upon rezoning the property is subject to the incorporation of a siting plan into the LUB identifying the location and area of the residential home plate (i.e. the establishment of the ‘developable area’).

Land Use Bylaw (LUB)

The LUB includes site specific ‘RR(b)’ zoning requirements for the subject property. Section 5.4.13 of the LUB requires that all structures on each RR(b) lot must be sited entirely within the area marked “Developable Area” designated on Plan 4, Schedule D of the LUB.

Issues and Opportunities

The applicant has provided the following rationale for the variance:

- The location where the septic system is installed takes advantage of previously cleared land (done prior to current ownership) which negated the necessity for additional tree removal and soil disturbance;
- The septic system was installed by a certified professional that deemed the siting of the system to be most appropriate with respect to site conditions (unfortunately the contractor was not aware of the constraints of the site specific RR(b) zoning);
- Limited alternatives exist on the property to re-site the septic system – alternative options may impact water quality and would likely require further tree removal and/or the pumping of effluent uphill;
- The septic system is wholly contained within standard LUB RR zoned lot setback requirements.

The Overall Intent of the Regulation (s) being Varied

The purpose of the Developable Area requirement is to minimize impacts related to sensitive ecosystems and hazardous areas, and to minimize the extension of services. In this case, given the location of the septic system on the property was already cleared for development prior to the current ownership and no sensitive species or

habitat presently exist, the septic field would not pose a hazard, and the extension of services would be minimal the overall intent of the Developable Area regulation would be maintained.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits. In this case, given the sound rationale provided for the request, and the limited application of other site specific Developable Area requirements in the LUB it is unlikely to create any expectations for future requests.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. September 3, 2019.

No submissions have been received to date (i.e. at the time of writing this report prior to the agenda deadline). Any submissions received prior to the LTC meeting will be forwarded to Trustees and the applicant and will be reported at the meeting.

Agencies

No agency referrals were required.

First Nations

The property is privately owned in fee-simple and the site of the septic system has been previously cleared during subdivision development. There are no sites located within 100 m of the septic system identified as having potential for the presence of archaeological material, and there are no known First Nation interests or potential impacts with respect to the DVP application requesting a variance.

Rationale for Recommendation

The proposed variance to locate the septic system outside of the developable area is a significant deviation from the original LUB siting plan. However, there are several factors that lead to a recommendation to approve the DVP request:

- The septic system was installed by a certified professional that deemed the siting of the system to be most appropriate with respect to site conditions;
- The location where the septic system is installed takes advantage of previously cleared land (done prior to current ownership) and negated the necessity for additional tree removal and soil disturbance;
- Limited alternatives exist on the property to re-site the septic system – alternative options may impact water quality and would likely require further tree removal and/or the pumping of effluent uphill;
- The error was made in good faith and the effort/cost to re-site the septic system would be significant;
- The septic system is wholly contained within standard LUB RR zoned lot setback requirements; and,
- There have been no concerns raised by the community with respect to the variance request (at the time of writing this report).

ALTERNATIVES

1. Request further information

The LTC may request additional information prior to making a decision. If selecting this alternative, the LTC should be advised to describe the specific information needed and the rationale for this request.

Resolution:

That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust additional information including _____.

2. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee deny application GL-DVP-2019.3 (Webster).

Submitted By:	Brad Smith, Island Planner	August 29, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	August 29, 2019

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Development Variance Permit
5. Letter from Applicants

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 3 District Lots 65 and 68 Galiano Island, Cowichan District, Plan EPP31161
PID	029-265-614
Civic Address	240 Panorama Lane, Galiano Island
Lot Size	2.04 hectares (5.04 acres)

LAND USE

Current Land Use	Rural Residential
Surrounding Land Use	Rural Residential, Nature Protection, Forest 1

HISTORICAL ACTIVITY

File No.	Purpose
GL-RZ-2011.2 and GL-Sub-2012.2	The subject property was created via the rezoning and subsequent subdivision of an F1 Forest Lot to Rural Residential between 2011-2013.

POLICY/REGULATORY

Official Community Plan Designations	Galiano Island OCP No. 108, 1995 Designations: Rural Residential There is a small portion of the property designated as a steep slope (moderate hazard) Development Permit Area (DPA). The current siting of the septic system is not located within the steep slope DPA zone.
Land Use Bylaw	Galiano Island LUB No. 127, 1999: Rural Residential (b) or RR(b) Section 5.4.13 of the LUB requires that all structures on each RR(b) lot must be sited entirely within the area marked “Developable Area” designated on Plan 4, Schedule D of the LUB (see Attachment 2).
Other Regulations	N/A
Covenants	Covenant CA3814898 establishes a Section 219 covenant under the <i>Land Title Act</i> to restrict the installation or operation of any gate or similar structure that prevents vehicular access from Vineyard Way. The current siting of the septic system has no impact on the covenant.
Bylaw Enforcement	No active BE files.

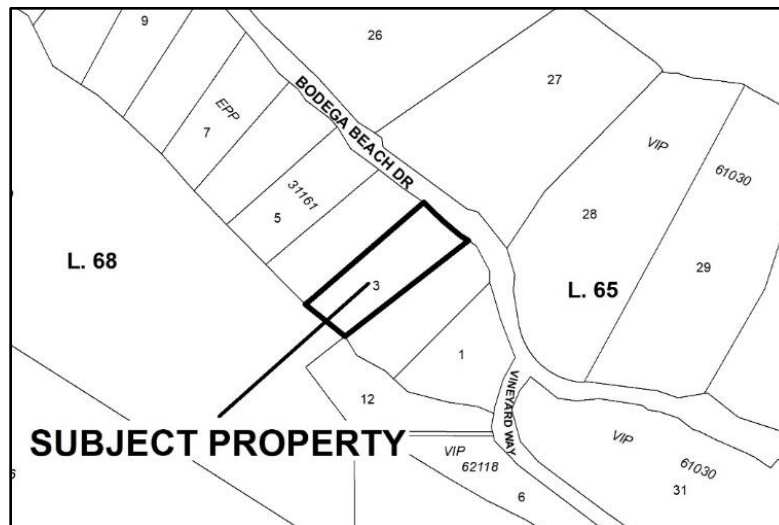
SITE INFLUENCES

Islands Trust Fund	There are no Trust Fund Board or Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Fund regional conservation plan.
Species at Risk	N/A

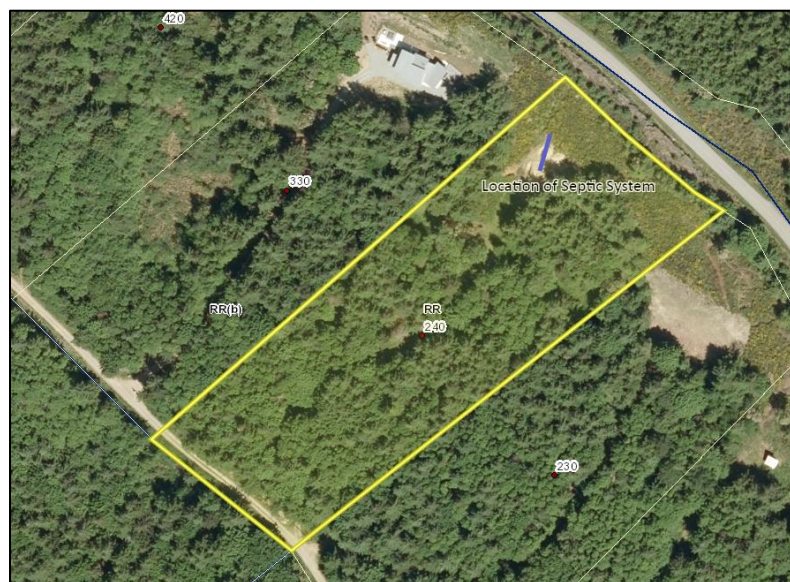
Sensitive Ecosystems	N/A
Hazard Areas	N/A
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. There are however sites with archaeological potential identified in RAAD on adjacent properties. Notwithstanding the lack of sites identified in RAAD on the subject property, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The siting of the septic system in the area previously cleared during subdivision development has reduced the need to remove additional trees that help to mitigate climate change.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

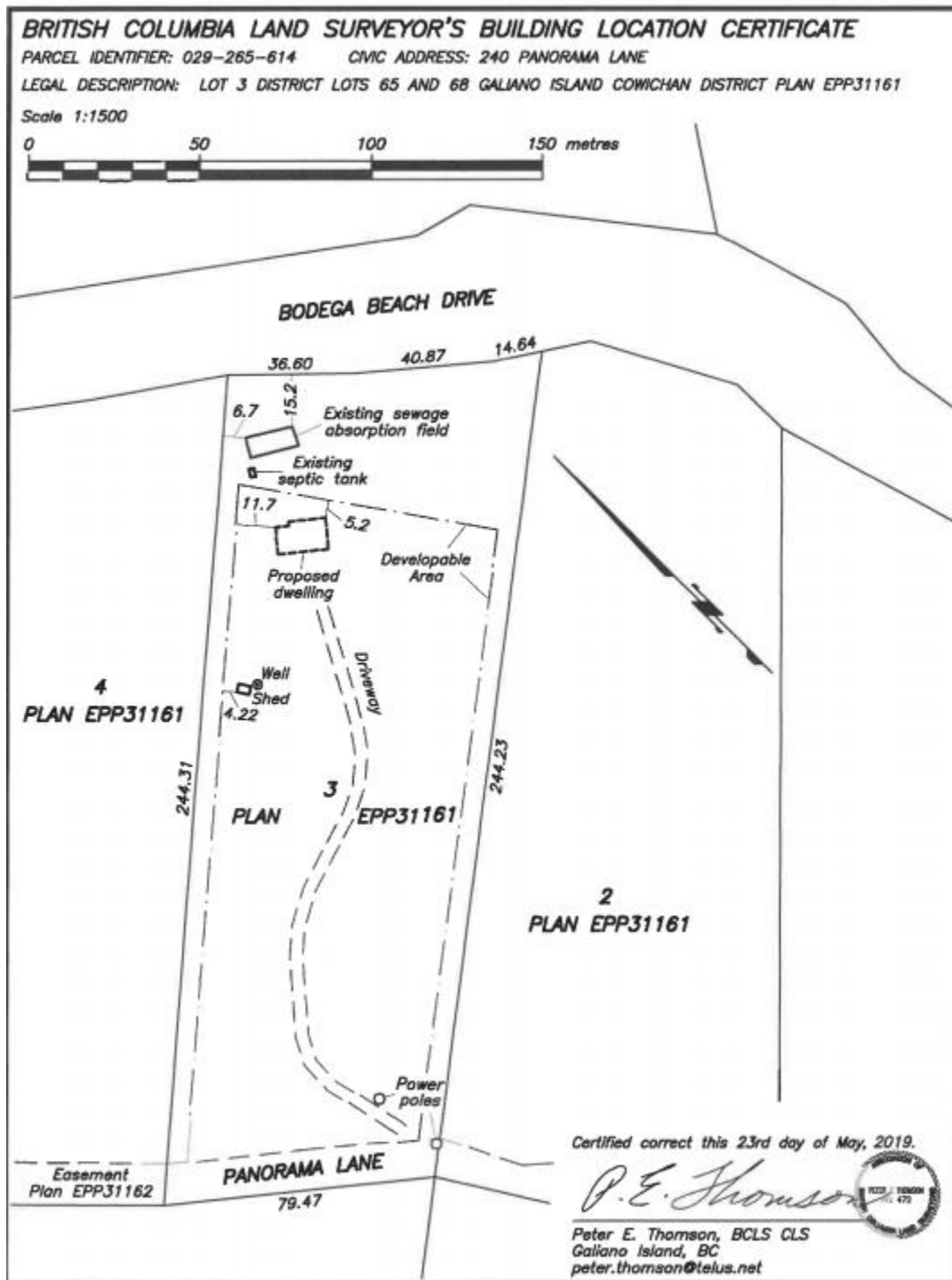
2.1 SUBJECT PROPERTY MAP



2.2 SUBJECT PROPERTY ORTHO PHOTO



2.3 SITE PLAN



2.4 PHOTOGRAPHS

PHOTO 1. SEPTIC SYSTEM



PHOTO 2. SEPTIC FIELD



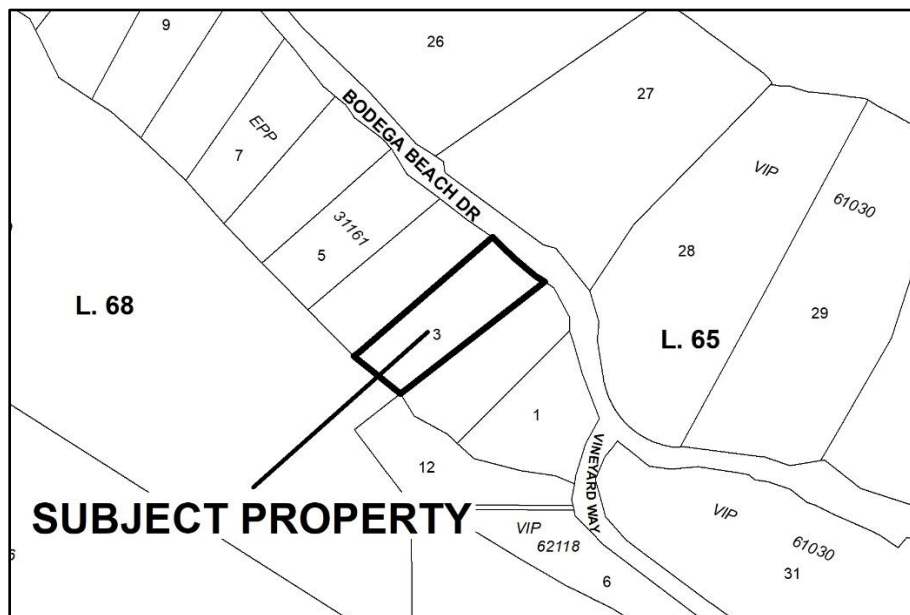
NOTICE
GL-DVP-2019.3
GALIANO ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the Galiano Island Land Use Bylaw No.127, 1999, by varying:

- a) Section 5.4.13, which states that on the lands zoned RR(b), in addition to the other regulations in 5.4, all buildings, structures and paved parking areas on each lot must be sited entirely within the area marked "Developable Area" designated on Plan 4 of Schedule D of this bylaw, to permit an existing septic system structure to be located outside of the "Developable Area".

The property is located at **240 Panorama Lane** and is legally described as Lot 3 District Lots 65 and 68 Galiano Island, Cowichan District, Plan EPP31161 (PID: 029-265-614)

The general location of the subject property is shown on the following sketch.



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **August 21, 2019** and continuing up to and including **September 3, 2019**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island.

Enquiries or comments should be directed to Brad Smith, Island Planner at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **September 3, 2019**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., September 9, 2019**, at the **South Community Hall**, 141 Sturdies Bay Road, on Galiano Island.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Sharon Lloyd-deRosario, Deputy Secretary



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT GL- DVP-2019.3

To: Shirley and Jeff Webster

1. This Development Variance Permit applies to the land described below:

Lot 3 District Lots 65 and 68 Galiano Island, Cowichan District, Plan EPP31161 (PID: 029-265-614)

2. Galiano Island Land Use Bylaw 127, 1999 is varied as follows:

- a) Section 5.4.13, which states that on the lands zoned RR(b), in addition to the other regulations in 5.4, all buildings, structures and paved parking areas on each lot must be sited entirely within the area marked "Developable Area" designated on Plan 4 of Schedule D of this bylaw, to permit an existing septic system structure to be located outside of the "Developable Area".

The development shall be consistent with Schedule 'A' attached to and forming part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the "Galiano Island Land Use Bylaw 127,1999" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF MONTH, YEAR.

Deputy Secretary, Islands Trust

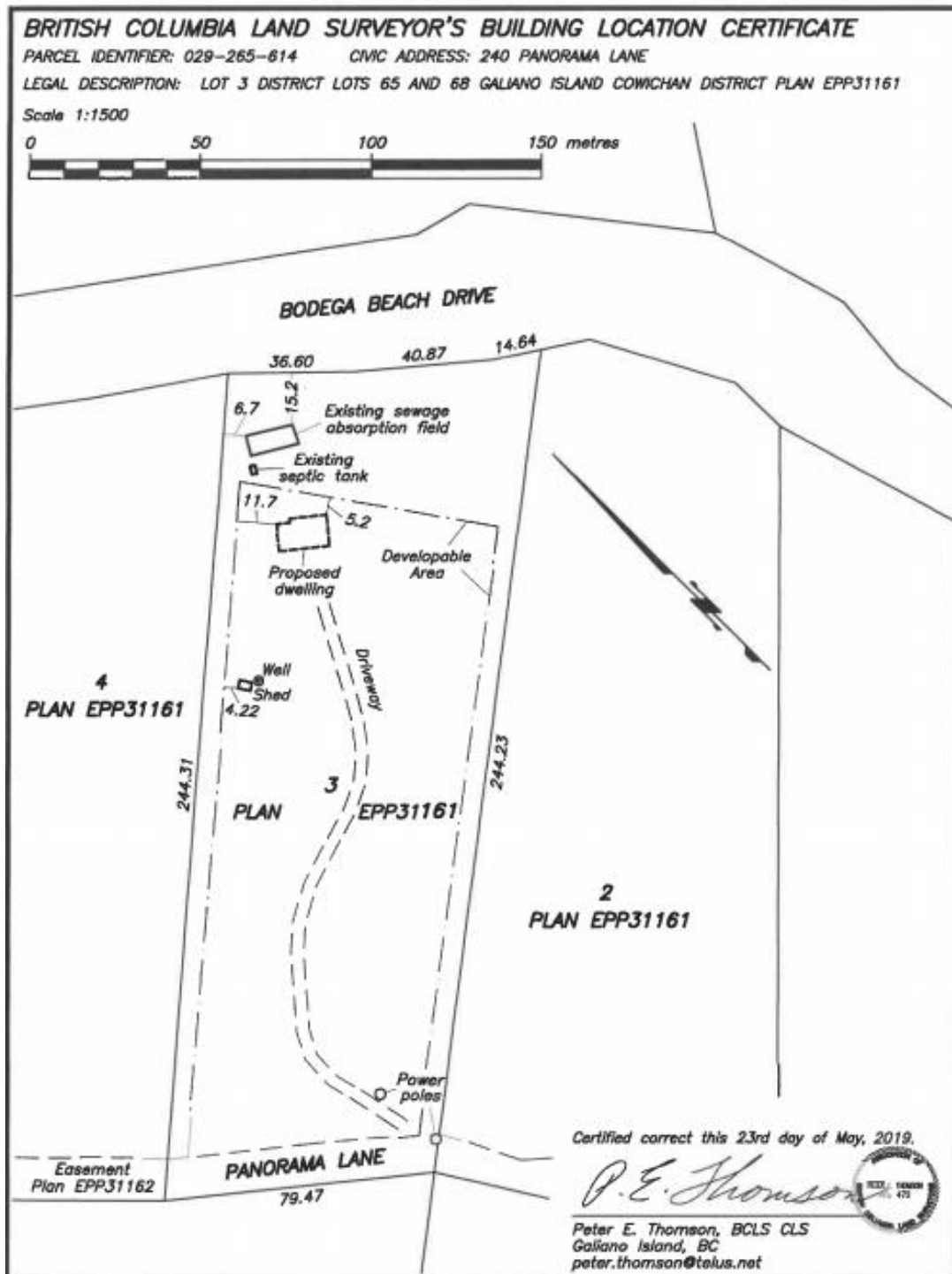
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, YEAR , THIS PERMIT AUTOMATICALLY LAPSES.

GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2019.3

SCHEDULE 'A'

Site Plan



Dear Committee Members

Re: 240 Panorama Lane, Galiano Island BC V0N 1P0

It has recently come to our attention that the current placement of our septic system is outside of the allowable developable area as indicated in the Galiano Island Trust bylaws (Land Use Bylaw 127; 5.4.13). We were given a partial copy of the bylaws when we purchased the property and failed to understand that the term “structure” referred to underground components. We assumed that a “structure” consisted of above ground constructions such as houses, wind generator towers, fixed solar panel arrays, etc. Subsequently, we were referred to the section of the bylaws which provided a clearer definition of structure and now realize our mistake. This was certainly unintentional on our part. Nevertheless, we understand that a mistake has been made and we thank you for this opportunity to seek a variance on this issue. We briefly highlight some of the points which we believe are relevant.

We consulted with a highly regarded and experienced septic system installer who is a Registered Onsite Wastewater Practitioner. The system was installed and all the requisite permits (e.g., Island Health Sewerage System Letter of Certification) were obtained.

Following recently having had a site plan completed by a BC Land Surveyor in preparation for the building of our home, we became aware the septic system had been inadvertently installed outside the developable area boundaries as designated on Plan 4 Schedule D of bylaw 127; however inside the 6.0 metre (interior lot) and 7.5m (front/back lot) minimum setbacks that apply to most other Rural Residential Zone lots as per section 5.4.6 of bylaw 127.

Given required setbacks from both the proposed house and current well site for a septic system, very limited alternative sites are available on our property and all would have negative environmental impacts. Any alternative would involve pumping effluent uphill. In one case, a large number of mature trees would have to be felled to create the sewerage absorption field which would (a) cause severe degradation to the wooded area to the East of the proposed home site, (b) virtually eliminate the natural vegetative screening and contribute to increased surface temperature in consequence of removal of the forest canopy in that area. In the second case, a new placement of the septic tanks would also entail tree removal, but also situate the absorption field in a depression, or slight swale in the property which is aligned with the position of our

well. We are concerned that such a placement could possibly lead to contamination of the well water.

In short, the current position of our septic system:

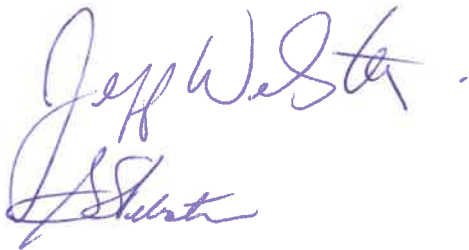
- a. Has the support of local residents,
- b. Takes advantage of previously cleared land, negating the necessity for additional extensive tree removal and soil disturbance,
- c. Was strongly recommended by a highly respected, experienced, and licensed installer,
- d. Allows for a passive, gravity-fed system which does not require additional tanks, pumps, or other mechanical equipment,
- e. Is situated in a non-environmentally sensitive area,
- f. Is considered a logical and safe placement

Given the difficulties (financial, environmental, esthetic) in relocating the septic system, and the advantages (as indicated above) of retaining the current placement, we respectfully request a Variance to extend the original "developable area" to include the area which the current septic system now occupies (see amended site survey).

We are eager to work with the committee to find a satisfactory solution to this issue.

Respectfully,

Jeff and Shirley Webster

The block contains two handwritten signatures in blue ink. The top signature is 'Jeff Webster' and the bottom signature is 'Shirley Webster'. Both are written in a cursive, flowing style.



Memorandum

Date: August 29, 2019

File Number: 6500-20
Affordable Housing –
STVR Review

To: Galiano Island Local Trust Committee
For the meeting of September 9, 2019

From: Morgan Henderson, Student Planner
Southern Team

CC: Robert Kojima, Regional Planning Manager
Brad Smith, Island Planner

Re Galiano Island STVR Review Project

Purpose

The purpose of this memo is to update the Galiano Island Local Trust Committee (LTC) on the progress to date of the STVR review project, outline the next steps in the project, and to provide the discussion paper and supporting documents resulting from the first stages of the project.

Background

At the June 3rd, 2019 regular meeting staff presented the amended project charter for LTC endorsement. The Galiano Island LTC passed the following resolution:

GL-2019-051

It was Moved and Seconded,

that the Galiano Local Trust Committee:

- a) endorse the attached Galiano Island Short Term Vacation Rental (STVR) Review Project Charter as amended and associated scope of work, timelines and budget;
- b) Direct staff to begin working on Galiano Island STVR Review Project deliverables.

Project Update

Staff have been working to identify and document STVRs currently operating on Galiano Island, as well as conducting a review on associated bylaws and policies within the Islands Trust jurisdiction and other comparable communities. The results of this review are available in the attached discussion paper (see Attachment 1) and its supporting appendices. This discussion paper also provides preliminary perspectives on options for potential policy or regulatory changes to STVR regulations on Galiano Island.

The information gathered during the review, including the location of STVRs currently operating on Galiano Island, is currently being used in bylaw enforcement efforts to require that unlawful STVRs comply with the land use bylaw.

An updated map of current STVR TUPs issued, expired, withdrawn, or in the application process (see Attachment 2) on Galiano Island is now posted to the [website](#). This map will continue to be updated on an ongoing basis as TUPs are applied for or expire.

Next Steps

Proposed next steps include:

- LTC review report and provide feedback to staff with aim to finalize report before proceeding to next phase of project (endorsement of final report could occur either at September 9 or October 7 LTC meeting depending on scope of revisions and edits required by LTC)
- Public and stakeholder consultation (October-November 2019)
- Summarize results of consultation for LTC (December-January 2020)
- Potential for public hearing in late winter/early spring 2020 if the LTC decides to proceed with bylaw amendments, with attendant statutory notification requirements

Attachments: 1. STVR Review Discussion Paper
2. Current STVR TUP Map (August 2019)

GALIANO ISLAND LOCAL TRUST COMMITTEE
SHORT TERM VACATION RENTAL REVIEW PROJECT

DISCUSSION PAPER

AUGUST 2019

Morgan Henderson, Planning Co-op Student
Brad Smith, Island Planner



Contents

Contents.....	1
Summary	3
1. Background	3
2. Limitations.....	4
3. Existing Islands Trust Policies	5
3.1. Galiano Island STVR Regulations.....	6
3.2. STVRs as Home Occupation	6
3.3. STVRs through Temporary Use Permits.....	7
3.4. STVRs through Zoning	8
3.5. Bed & Breakfasts	9
3.6. Bylaw Enforcement	9
4. External Jurisdictional Policies	10
4.1. Business License.....	10
4.2. Zoning.....	11
4.3. Principal Residence Only.....	11
4.4. Entire Home Restriction.....	11
4.5. Cap on Days per Year	12
4.6. Temporary Use Permit	12
4.7. Municipal & Regional District Tax	12
5. Current Status and Impacts of STVRs.....	13
5.1. Current Status of STVRs	13
5.2. Home Occupation STVRs.....	14
5.3. TUP STVRs	14
5.4. STVRs under Review.....	16
5.5. Potential Impacts on Housing	16
5.6. Potential Impacts on Groundwater Supply.....	18
5.7. Other Impacts	19
6. Options.....	19
6.1. Changes to Home Occupation Use	19
6.2. Changes to Temporary Use Permits	20
6.3. Changes to Zoning.....	21
6.4. Bylaw Enforcement.....	21
6.5. Business Licenses	22

7.	Conclusion.....	22
8.	Appendix 1 – Galiano TUP Maps.....	24
9.	Appendix 2 – Islands Trust Regulatory and Policy Summaries	24
10.	Appendix 3 – Galiano Active STVR Snapshot Spreadsheet	24
11.	Appendix 4 – Water Management Area Map.....	24

List of Figures

Figure 1: Type of STVR Operation.....	13
Figure 2: Type of STVR Dwelling	14
Figure 3: Type of Dwelling - Home Occupation	14
Figure 4: TUP Status - June 2019	15
Figure 5: TUP Status - August 2019.....	15
Figure 6: Type of Dwelling - TUP	16
Figure 7: Type of Dwelling - Under Review	16
Figure 8: Water Management Areas.....	18

Summary

The Galiano Island Local Trust Committee (LTC) is engaged in a review of Short Term Vacation Rental (STVR) regulations, policies, and current use on Galiano Island. As a first step and as a mechanism for providing background and context, the LTC has requested that planning staff prepare a discussion paper on STVRs currently operating on Galiano, as well as on existing STVR regulations and policies. The purpose of this discussion paper is to provide context, analysis, and technical information in order to inform discussion and deliberation.

Prior to making any decisions with respect to altering STVR regulations and policies, the LTC is expected to undertake further consultation and receive professional advice in the form of one or more staff reports. Following LTC endorsement of this discussion paper, the next step in the review process is to consult with the community on their perspectives and experiences with STVRs on Galiano, with a view toward potentially proposing bylaw amendments and/or policy changes that reflect the community's needs and expectations regarding STVR uses on Galiano Island.

1. Background

Issues of STVR use are not new to Galiano Island. The LTC has considered the issue of managing STVR uses as recently as 2013, and adopted a set of regulations in 2014, as outlined below in section 3.1. These regulations include permitting STVRs as of right in certain zones as a home occupation, with limitations on the number of rooms and guests. Temporary Use Permits (TUPs) are also permitted for STVR use for operators who do not live on the property, and therefore cannot operate as a home occupation. The map of existing TUPs issued for STVRs is available in Appendix 1.

The question of how to best manage STVRs on Galiano Island is being revisited in light of an increasingly tight housing market for renters, a perceived reduction in full-time residents, and a marked increase in tourist activity on the islands from those that are seeking STVRs for accommodation. These twin effects of decreased housing access and increased STVR tourist activities are suspected to be linked, leading to a need for data on how many STVRs are operating on Galiano Island and how they are being regulated. Other associated impacts of STVR use, such as unwanted noise and overuse of water resources are also factors when considering the use and regulation of STVRs.

This report has been prepared for the Galiano Island LTC as a starting point to better understand the use and impact of STVRs on Galiano. The report includes the planning context of each Local Trust Area (LTA) such as Official Community Plan (OCP) policies, Land Use Bylaw (LUB) regulations, and definitions used to address short term commercial rentals on islands within the Trust Area. Appendix 2 summarizes this information with a brief overview of Trust Area policy approaches.

The LTC has endorsed a project charter which establishes a process and timeline for the Galiano Island STVR review project. This discussion paper represents the second step in the timeline of this project, summarizing the data on existing STVRs gathered in the first stage. This topic has been the subject of significant community interest and LTC consideration. The points in this paper are intended to inform discussion and deliberation, moving forward into the community consultation portion of the project.

The findings of this discussion paper and resulting deliberation will be developed into a survey and distributed to Galiano stakeholders to glean information on their perspectives as renters, homeowners, business operators, and visitors to Galiano. Public information sessions and other stakeholder engagement efforts will also be undertaken. These efforts will inform the LTC as they move forward with considering the existing STVR policies and regulations.

The data collected on existing STVR uses is available in Appendix 3, subject to the limitations described below. The data gathered on active STVRs has also been used to advance the LTC standing resolution enacted July 8, 2019, to begin active bylaw enforcement against unlawful STVRs.

2. Limitations

This discussion paper has several limitations that should be considered relevant. An overarching goal of this project is to draw connections between STVR uses and the availability of long-term rental housing, as well as the effect of STVRs on groundwater resources. While some connections can be drawn, there is a lack definitive information on how STVRs affect either of those concerns. It is difficult to draw a direct causal line between increased STVRs and decreased rental housing; for example, anecdotal evidence from some homeowners suggest that many would rather leave their homes empty than rent to long-term tenants if they were no longer able to operate short term rentals. Therefore, we cannot assume a one-to-one relationship between STVR units and lost rental housing units.

While available data suggests strongly that STVRs result in increased water usage, we are not able to quantify this increase. The effects on groundwater, while likely negative, would need to be studied separately and more extensively than was undertaken in this review in order to come to specific conclusions. Without clear data points of how STVR use affects groundwater on Galiano, the available data collected in this review can be used to create general guidelines, but may struggle to inform more specific regulations to protect groundwater.

The discussion in section 5 uses data from the 2016 census, as presented by Statistics Canada, to provide background information on land use and demographic trends on Galiano Island. Due to population size and census procedures, there are significant limitations associated with the use of Census Canada statistics for small areas. These limitations include significant non-response rates, significant margins of error due to the long form questionnaire being provided to only a 20% sample of households, as well as data suppression and random rounding by Statistics Canada to protect privacy.

Finally, the inventory of all known STVRs operating on Galiano, included in Appendix 3, is subject to limitations. It was assembled to give an overview of the types and extent of STVRs available on the island. This data was collected during the month of June, 2019, through review of online databases of short term housing for rent, with most of the postings originating on Airbnb and VRBO. While every posting on Airbnb and VRBO during the month of June has been accounted for, it is possible that there are other STVRs operating either by word of mouth or by advertising on their own websites, which may have been missed. Any STVRs which happened to not be booking during the month of June will not have been accounted for. The inventory is likely incomplete, and there may be further instances of STVRs operating on Galiano that have not been documented in this report.

3. Existing Islands Trust Policies

STVR is a term commonly used to describe the rental of dwellings to paying guests for a period of time less than on a month-to-month basis. This use occurs in dwellings that are located in residential zones, where the more common form of occupancy is owner-occupancy or long-term rental by tenants. The rental of short-term accommodation to members of the public who maintain a permanent residence elsewhere is generally considered a commercial use rather than a residential use. Commercial activities can be permitted on land that is otherwise zoned residential, as with home occupations, provided the regulations permit the use.

The islands of the Trust have taken a variety of approaches to address the use of STVRs. As each LTA has its own Land Use Bylaw (LUB) and its own Official Community Plan (OCP), each island has taken an approach consistent with its own individual culture, history, and intensity of tourist use. The main tools available to the LTAs under the *Islands Trust Act* are modifications to the OCP and associated LUBs to include STVR-specific provisions. Within the LUBs, this generally takes the form of home occupation regulations or zoning that specifically permits STVR use, and places limits upon their operations. The OCP allows TUPs to be issued for limited periods of time, and several islands have created specific guidelines for STVRs to be issued TUPS. Finally, Bowen Island has the ability to issue business licenses to operate STVRs, as it is incorporated as a municipality and has expanded legislative powers.

The table below provides a brief overview of how the LTAs in the Islands Trust regulate STVR use. Further summaries of each island's policies are outlined in Appendix 2, the Islands Trust Regulatory and Policy Summaries. Associated Islands bylaws were not included in this study.

Table 1: Summary of Islands Trust STVR Regulations and Enforcement

STVR Policy Overview Table	STVRs permitted in cottages	STVRs permitted in dwellings	STVRs permitted as home occupation	STVRs permitted via TUP	STVRs permitted via zoning	B&Bs permitted	Proactive enforcement	Complaint-based enforcement
Bowen	X	X			X	X		X
Denman		X	X			X	X	
Gabriola				X		X		X
Galiano	X	X	X	X		X	X	
Gambier	X	X	X					X
Hornby	X	X	X	X	X	X	X	
Lasqueti						X		X
Mayne	X		X	X*		X	X	
North Pender	X	X	X	X		X	X	
Salt Spring						X	X	
Saturna	X		X	X		X		X
South Pender	X	X	X	X*	X			X
Thetis	X		X	X		X		X

*While permitted via TUP, this island does not have specific STVR TUP guidelines.

3.1. Galiano Island STVR Regulations

The Galiano Island LTA allows STVRs through two routes: as a home occupation and with a TUP. Regulations for STVR use as a home occupation include:

- That the property must be simultaneously occupied as a dwelling;
- A maximum of one unit, three bedrooms, and four beds be rented;
- Bed and breakfasts (B&Bs) are permitted, but unlike STVRs they must not have food preparation facilities in the unit.

STVR operations that do not fit within the home occupation limits can apply for a TUP, which are subject to a series of requirements, including:

- Demonstration of adequate parking, septic, and water provision;
- That an island contact be available on Galiano at all times, and that this person's contact information be provided to neighbours within a 100 metre radius of the vacation rental;
- The establishment of a maximum number of guests and bedrooms, and requirements that guests be provided with relevant information on noise bylaws, water conservation, fire safety, and waste disposal; and
- Any other conditions deemed appropriate by the LTC.

TUPs require an application to the LTC, which allows for neighbourhood input. If approved by the LTC, they can be valid for up to three years, and may be renewed one time only for up to a further three years. The TUP application costs \$1,100, and the renewal application costs \$165. Cumulative impact on both the neighbourhood and the island is taken into account when the LTC considers issuing a TUP. There is currently a moratorium on new Galiano Island TUP applications for STVR use pending the completion of this project.

Galiano Island moved from a complaint-based enforcement system to a proactive enforcement system via standing policy on July 8, 2019. STVRs are now being investigated for contravening bylaws even in cases where complaints have not been received, in response to concerns from the community about the increasing prevalence of STVRs and their associated impacts.

3.2. STVRs as Home Occupation

A majority of the islands regulate STVRs as a home occupation. Only Gabriola, Lasqueti, and Salt Spring islands do not permit STVRs through home occupation. Regulation through home occupation is enabled by including STVRs within the definition of permitted home occupation activities. The terms each island uses for STVRs vary, including "short term vacation rental," and "temporary guest accommodation," among others. Home occupations are considered as commercial accessory uses. The associated bylaws establish regulations, or conditions of use, that regulate this commercial accessory use.

Conditions of use for STVRs as home occupations are wide-ranging and include limiting the activity to operate only within the primary dwelling, as on Denman, and forbidding STVRs in secondary suites or cottages. In contrast, both Mayne and Thetis islands permit STVRs *only* in cottages, and do not permit them to operate in primary dwellings. It is also common in bylaws to place limits on the amount of the property used; for example, Denman Island limits STVR operations by floor area, while several other islands place limits on the number of units, bedrooms, or beds permissible.

Many islands place a limit of only one dwelling unit being rented as an STVR at a time, with the intent of pre-empting informal resorts created out of clusters of cottages or units on individual properties. Those islands that do place limits on the number of bedrooms tend to mandate a maximum of three or four bedrooms. Unlike many B&B regulations, STVRs operating as home occupations are generally permitted to have food preparation facilities in the unit.

The consistent factor in regulating STVRs through home occupation across the islands is that it by definition requires someone – a tenant or owner – to occupy the property. Therefore, home occupation goes some way to addressing concerns of absentee owners, unaware that their guests are causing undue noise, creating excess garbage, or being insufficiently cautious with regard to fire safety. It also partially addresses concerns of “hollowing out” neighbourhoods, caused by a rotating cast of guests who don’t engage with or become part of the fabric of the community in a meaningful way, the way that most long-term residents do.

3.3. STVRs through Temporary Use Permits

Regulations for Temporary Use Permits (TUPs) are incorporated within OCPs. They are issued for short term uses or as a test of the compatibility of the proposed land use, which may not have been previously anticipated, with existing uses. TUPs are often sought for items such as festivals or other events— the application is considered by the LTC and, if approved, a TUP is issued for a short period of time despite the proposed use not currently existing within the bylaw.

STVRs are permitted by TUP on Gabriola, Galiano, Hornby, Mayne, North Pender, Saturna, South Pender, and Thetis islands, although there is currently a moratorium in place on Galiano island for new STVR TUP applications. Gabriola Island permits STVRs solely through TUP, while Galiano, Hornby, Mayne, North Pender, Saturna, South Pender, and Thetis islands use TUPs to manage STVR operations that do not fit within the existing home occupation requirements.

The most common reason for operators to apply for a TUP is because they wish to rent out a property with only one existing dwelling unit, meaning that they are not able to meet the operator occupancy requirement of a home occupation. On Thetis Island, where STVRs are permitted as home occupations in only one zone, TUPs are generally used for STVRs outside of this zone, and not for properties without resident operators. On South Pender Island, where STVRs are permitted through zoning, a TUP could be issued if an operator wanted to run two STVRs on the same property.

Because TUPs address activities that are not permitted outright, they require an application to the LTC. This application triggers a notification process and allows for community input to be included in the LTC’s deliberations. TUPs are issued for two or three years (varying per island) and can be renewed once, for a fee. If the operator wants to continue the use after both the initial permit period and the renewal period, they must reapply as a new applicant. Initial application costs for a TUP range by island from \$900 to \$1,300, and the renewal cost ranges from \$165 to \$200.

Gabriola, Galiano, North Pender, and Thetis islands have created specific guidelines when considering TUPs to be issued for STVR use. Saturna is currently in the process of amending the TUP requirements to speak to STVRs specifically. As part of the permit process, the STVR guidelines

generally require that operators provide proof of adequate parking, septic, and water provision, as well as documentation indicating that their property meets building health and safety standards.

North Pender, Galiano, and Thetis islands require that guests be provided with relevant information on noise bylaws, water conservation, fire safety, and waste disposal, generally through posting this information in a visible location of the STVR unit. TUP Guidelines also frequently require an on-island contact person to be available at all times, and that this person's contact information be provided to neighbours within a certain distance of the STVR, generally a 100m to 200m radius. It is also common for TUPs to establish a maximum number of guests and bedrooms, as on North Pender, Gabriola, and Galiano islands.

While most islands have very similar TUP application requirements, some have added unique specifications. The Hornby Island TUP guidelines allow the LTC to consider the proposed time periods available for renting, along with the above-noted typical considerations. Gabriola Island allows the LTC to require water metering of STVR properties when issuing a permit, which may be of interest in groundwater-challenged jurisdictions such as Galiano Island.

STVR TUP guidelines on all islands require that the cumulative impact on both the neighbourhood and the island is taken into account when considering issuing a TUP. This provision will have effects in upcoming years, as the STVRs that initially received TUPs and then renewals will be coming to the end of those permits. Reapplication for these existing STVRs will have to contend with the increased presence of STVRs. It is up to the LTC to determine how this will be addressed.

3.4. STVRs through Zoning

The use of zoning bylaws to regulate STVRs is most prevalent as outlined above, through home occupation. However, three islands use zoning to permit STVRs outright. Bowen Island Municipality has established several limited areas zoned for commercial STVR use, which they consider to include any housing rented for less than 30 days. This definition folds guest house accommodation in with more traditional commercial accommodation, such as inns, hostels, and lodges. The municipality uses this commercial zoning in combination with home occupation regulations permitting only B&Bs.

Hornby Island also permits commercial vacation rentals outright in several limited zones. These properties may only be occupied by paying guests from May through September, and can occur only on properties which are seasonally or regularly occupied by an owner or tenant. Effectively, this means that STVRs are not permitted as absentee owner investment properties. Hornby Island limits guest turnover within a seven day period to only one group, with the intention of minimizing disruption to the neighbourhood.

South Pender Island permits STVRs outright on lots where a single family dwelling is allowed as a principal use, subject to the restriction that only one dwelling on the lot at a time be used for STVR. For example, if a property owner doesn't live on the island and their property has both a primary dwelling and a cottage, only one of them may be used for STVR; the other could be used for long term rental. South Pender also permits STVRs through home occupation and TUPs.

3.5. Bed & Breakfasts

The Gulf Islands have a long history of tourist accommodation, with much of it filling the more traditional niche of hotels, motels, or B&Bs. B&Bs are the closest existing pre-cursor to STVRs on the islands, and are permitted in the significant majority of LTAs. They are a long standing commercial use undertaken on residential property and are generally accepted in public opinion. This is largely because B&Bs, while frequently operating as commercial uses in residential zones, must inherently have someone on the property to provide breakfast. This addresses some of the same concerns as home occupation STVRs do, where the presence of a long-term resident is perceived to cut down on bad visitor behaviour.

B&Bs are regulated through zoning as an accessory commercial use or home occupation. They are generally limited in the number of rooms, beds, and guests allowed, as well as being permitted to serve only breakfast, to keep them from becoming de-facto restaurants inappropriately located in residential areas. No island allows B&B units to have kitchens (although Salt Spring Island permits kitchens but not the use of them in their seasonal cottages). Both B&Bs and STVRs are typically required to maintain the residential character of the site, generally through limited signage and no other outward appearance of a commercial operation.

3.6. Bylaw Enforcement

Bylaw enforcement with respect to STVRs varies between islands, ranging from complaint-based to proactive. Currently, seven LTAs operate on a complaint-based system, requiring one or two written complaints from neighbours, while six others are currently using a proactive approach. The proactive approach includes bylaw officers monitoring STVR posting sites such as Airbnb, conducting site visits to determine if the use is contrary to the bylaw, and opening files to pursue bylaw compliance if warranted through ticketing and other measures.

Bowen Island is currently in the process of moving from a complaint-based process to a proactive one, in concert with their establishment of a business license program. Business licensing is a tool available to Bowen Island due to their status as a municipality under the *Local Government Act*; it is not available to the rest of the Trust area as the LTCs are not authorized to establish business licensing services within the *Islands Trust Act*. Licensing has been used successfully in other jurisdictions to increase enforcement efficacy, as pinning enforcement to a requirement to have one's license number posted in all commercial materials simplifies enforcement versus enforcement staff having to prove that STVR use has exceeded the permitted number of bedrooms, days, or guests.

Enforcement policies shift over time based on the changing perspectives of individual LTCs. Historically, several LTCs decided to hold off on enforcement of illegal STVRs due to a predominant concern over the economic climate of their islands, leading to a view of STVRs as important income generators for the public and subsequently a more cautious approach to enforcement. Today, when housing affordability is a more pressing concern, the pendulum has swung more toward restricting STVR use of housing, with LTCs like Galiano and Mayne islands passing standing resolutions to enforce in absence of complaints.

Enforcement efficacy is closely tied to the wording and structure of the STVR regulations. It is observed by enforcement staff that the more nebulous the bylaws, the more difficult they are to

enforce. Furthermore, regulations that attempt to restrict difficult-to-observe aspects of STVRs such as number of guests or days used out of the year will be faced with challenges in enforcing those regulations. Operators are often motivated to find loopholes in these regulations, and will do all that they can to present a convincing case that their STVR is bylaw compliant. As a result, the most effective bylaws are simple, clear, and concise.

4. External Jurisdictional Policies

Policies regulating STVRs within other jurisdictions range from prohibition to no regulation. The most common practice is to permit STVRs with conditions, imposed either through a business licence or a land use bylaw. Local considerations in selecting an approach include the jurisdiction's housing supply, legislative powers, and resources available to administer and enforce the regulations.

4.1. Business License

One very common way that local governments regulate STVRs is via business licensing. This option may require fees, verify compliance, and impose additional conditions of use, including good neighbour policies. Administration of business licensing is resource-intensive for local governments, but costs can generally be recouped through fees.

Jurisdictions including Vancouver, Portland (Oregon), and Nelson require that business license numbers be listed on all booking platforms, both to help visitors choose legal lodgings and also to assist with enforcement. A requirement to display business license numbers in postings puts the emphasis on illegal marketing and advertising, rather than requiring proof of rental activity taking place. Nelson and Portland further require that hosts keep a written record of tenant's names, available for inspection by the city.

Several jurisdictions place caps on the number of STVR licences available within a given time frame or geographic area. Powell River has a cap of 10 licenses for secondary residence vacation rental, but has no cap for primary residence rental licenses. Only one license can be issued per person – i.e. you cannot operate an STVR in both a primary and a secondary residence. Nelson has a cap of 110 annual short-term rental licences, and a maximum of 40 four-month short term rental licenses. There is also a maximum of three STVR licences permitted within one block, defined as the two sides of a single street that face one another and are bordered on either end by the nearest street or cul-de-sac, to keep from oversaturating any given neighbourhood with STVRs.

Victoria has two different fees for obtaining a STVR business license, ranging from a nominal fee for home operators renting out their primary residence, to \$1,500 for non-resident operators renting out a secondary property.

Business licensing is not a tool easily available to the Islands Trust, as the legislation that created the Trust did not grant the full powers and responsibilities of a municipality, including business licensing. A licensing scheme, if pursued, would need to be implemented at the Regional District level.

4.2. Zoning

Some local governments only permit STVRs in specific zones deemed acceptable for this type of use. This ensures that STVRs are not located in proximity to sensitive or non-compatible uses. Alternatively, in some jurisdictions STVRs may be permitted via site-specific zoning. Zoning regulations can also include conditions of use such as maximum bedrooms, requirements for contact information of a responsible party, screening of the STVR use from neighbours, parking requirements, and whatever else the bylaw deems appropriate.

This type of regulation encompasses home occupation use in specific zones. Regulation through zoning is used by many Islands Trust jurisdictions, as well as by Tofino, who uses zoning in conjunction with business licensing.

The City of Revelstoke has established vacation rental districts within some zones of the municipality, by appending a “V” on the end of several standard residential zones, slightly modifying those existing zones to add vacation rental use. Revelstoke also uses site specific rezoning for STVRs that wish to operate outside of these established vacation rental districts.

4.3. Principal Residence Only

Several municipalities, including Boulder (Colorado), Nelson, and Vancouver, require that an STVR may only be located within an operator’s principal residence where they live for most of the year. This is the address generally used in government records such as income tax, driver’s licence, and medical services plans. Principal residence status for most properties may be determined from property tax records.

A principal residence only requirement helps preserve long-term rental properties and maintain neighbourhood character. However, it may not meet the needs of many operators on Galiano Island, given that many Island properties are used as seasonal cabins and not as primary residences.

In Portland, this provision is framed as a requirement that hosts must live in the property at least nine months of the year. This is likely difficult to enforce and not a particularly effective regulation.

4.4. Entire Home Restriction

Restricting STVRs from using entire homes can help ensure that some portion of the home remains available for long-term dwelling use. It also aims to maintain the quality of life in neighbourhoods by preventing excessive noise, traffic, and parking demand perceived to be more likely with unsupervised STVR guests. However, as with the principal residence provision, this may not work for homeowners who are seasonal residents.

The City of Richmond specifically prohibits rental of whole residential units for less than 30 days under any circumstance. Richmond supports only hosted short term rentals, through either boarding or B&B use, where the operator resides in the home.

4.5. Cap on Days per Year

The number of days in a year for which an STVR may be used can be capped. Similar to the principal residence restriction, this cap can help reduce neighbourhood nuisance and loss of potential long-term properties.

Revelstoke stipulates a maximum of 120 days (four months) per year for STVR use, and primary residence use for the rest of the year. The 120-day limit is based on the maximum number of days before BC Assessment considers the rental operation as commercial and is taxed.

4.6. Temporary Use Permit

Many other local governments use TUPs to govern STVR use, which allows STVR use for a limited period of time and places additional conditions of use as part of the permit. The TUP process also generally requires public notification and a public comment period. However, the process is fairly onerous, and the solution is inherently short term, requiring operators to reapply frequently. Additionally, it requires the municipality to repeatedly deal with these applications on a case by case basis.

The Village of Lions Bay prohibits STVRs in all zones, except where authorized by a TUP. Their guidance policy is similar to those outlined in section 3.3. They also require securities and proof of insurance, and keep the initial TUP to a one- year term.

The San Juan Islands issue permits that run with the land and are not temporary. These permits must certify compliance with the conditions of permit approval annually. They put an emphasis on environmental considerations, including restrictions on STVRs in sensitive areas like conservancy or natural shoreline designation areas, amongst others. The San Juan Islands also emphasise water conservation, requiring that best practices to conserve water be included in the rules of conduct provided to guests. The San Juan Islands regulations are implemented at the county level, equivalent to a Canadian upper-tier municipality or regional district.

4.7. Municipal & Regional District Tax

The Municipal and Regional District Tax (MRDT) is a tax of up to three percent on the purchase of accommodation imposed in designated accommodation areas on behalf of municipalities or regional districts. The funds collected are used for local tourism and affordable housing. A municipality must register with the MRDT program to impose the tax.

Online accommodation platforms are enabled to collect the 8% Provincial Sales Tax and the MRDT. The PST collected by AirBnb in BC is earmarked for affordable housing, while the MRDT revenue allocation is determined by the regional district or municipality.

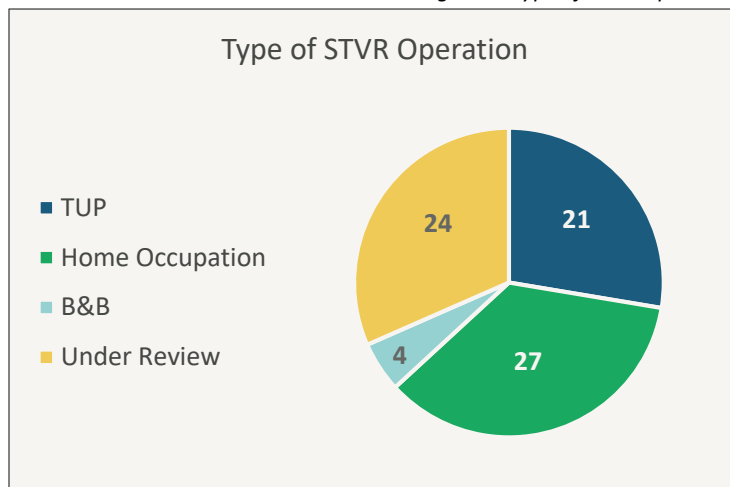
The Islands Trust would need to collaborate at the regional district level to implement any taxation scheme with respect to STVR uses.

5. Current Status and Impacts of STVRs

5.1. Current Status of STVRs

Data on STVRs was collected through a review of online databases of short term housing for rent, with AirBnb and VRBO making up the majority of the postings. Several other private STVR websites were also reviewed, as were postings on Craigslist, Kijiji, Used Victoria, HomeAway, and other small hosting platforms. As outlined in section 2, limitations to this inventory include probable gaps in information, most specifically of STVRs operating by word of mouth or not advertising during the data collection period.

Figure 1: Type of STVR Operation



Based on the data collected, there were at least 76 online STVR rentals on Galiano Island during June 2019 (see Appendix 3 for a comprehensive list). They are composed of a mixture of entire home rentals, suite rentals, cottage rentals, and B&Bs. Many are operating legally through LUB home occupancy regulations or via a TUP. Others are currently in the bylaw review and compliance process.

Of the 76 STVRs, 21 have or are applying for a TUP, 27 are operating as an STVR home occupation, 4 are operating as a B&B home occupation, and 24 are under review (Figure 1).

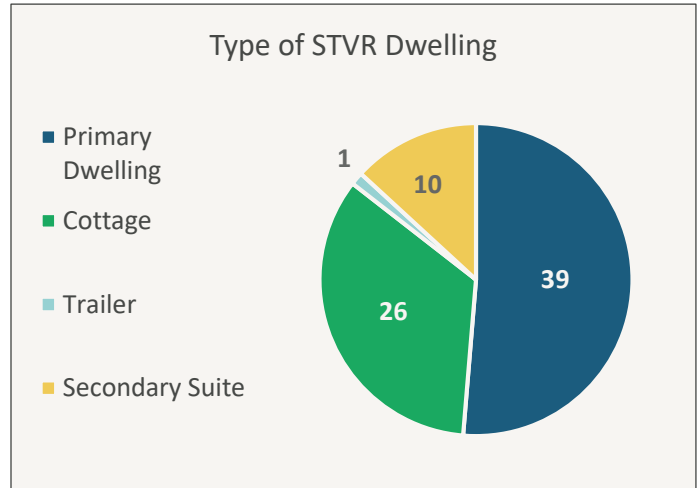
The significant majority represent single rental units being run by a single operator. However, there are some instances of multiple listings and multiple rental units being run out of a single property. Six of the postings listed are managed by a professional property management company, with 3 of those postings being for properties with TUPs and the other 3 currently under review.

The distribution of STVRs corresponds generally with the distribution of housing on Galiano Island, with the highest numbers of STVRs being on the southern end of the island, including near Sturdies Bay, Sticks Allison Road, and Montague Harbour. Other clusters moving northward on the island include the general areas of Ganner Drive and McClure Road, Retreat Cove, and south of Spotlight Cove.

Figure 2: Type of STVR Dwelling

The 76 STVRs are operating in a variety of dwelling types, with 39 STVRs in primary dwellings, 26 in cottages, 10 in secondary suites, and 1 in a trailer (Figure 2).

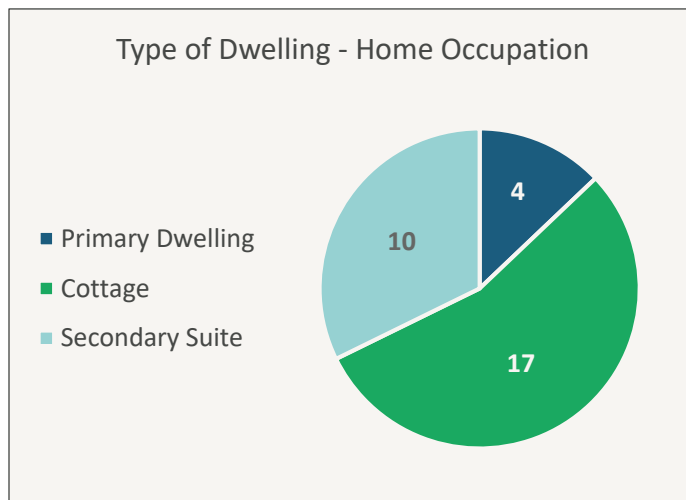
The 76 STVRs rent for an average nightly rate of \$200. The nightly rate ranges from \$40 to \$1,000 per night, with the median being \$170. The postings are distributed roughly evenly between waterfront properties (36 postings) or inland properties (40 postings).



5.2. Home Occupation STVRs

The 31 STVRs operating as legal home occupations (including B&Bs) rent for an average of \$160 per night. The lowest advertised price is \$65, the highest is \$450, and the median price is \$150. Home occupation STVRs accommodate between 2 and 9 guests, with a median advertised guest capacity of 4. These guests are accommodated within a range of 1 to 3 bedrooms, with a median of 1 bedroom (only 3 bedrooms are permitted for home occupation guest accommodation as per the LUB).

Figure 3: Type of Dwelling - Home Occupation



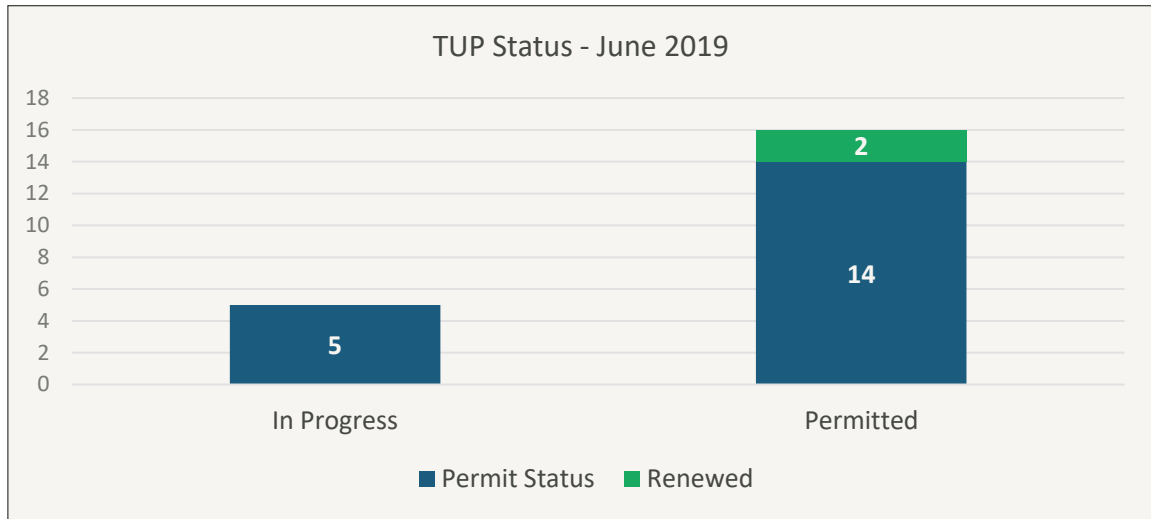
The type of dwelling unit used for home occupation skews heavily toward cottages, with 17 cottages advertised as compared to 10 suites and only 4 primary dwellings (Figure 3). The preference to rent cottages can likely be explained through permanent residents preferring to live in the primary dwelling. Those renting out the primary dwelling on the lot while living in the cottage command a higher price, with all 4 of the primary dwelling home occupation STVRs renting at above the average and median nightly price. This

price difference also likely accounts for the disproportionate number of primary dwelling rentals in the “under review” category, as compared to the home occupation category. While it is not permitted to rent out an entire primary dwelling without a permanent resident, the profit potential can incentivize this illegal commercial activity.

5.3. TUP STVRs

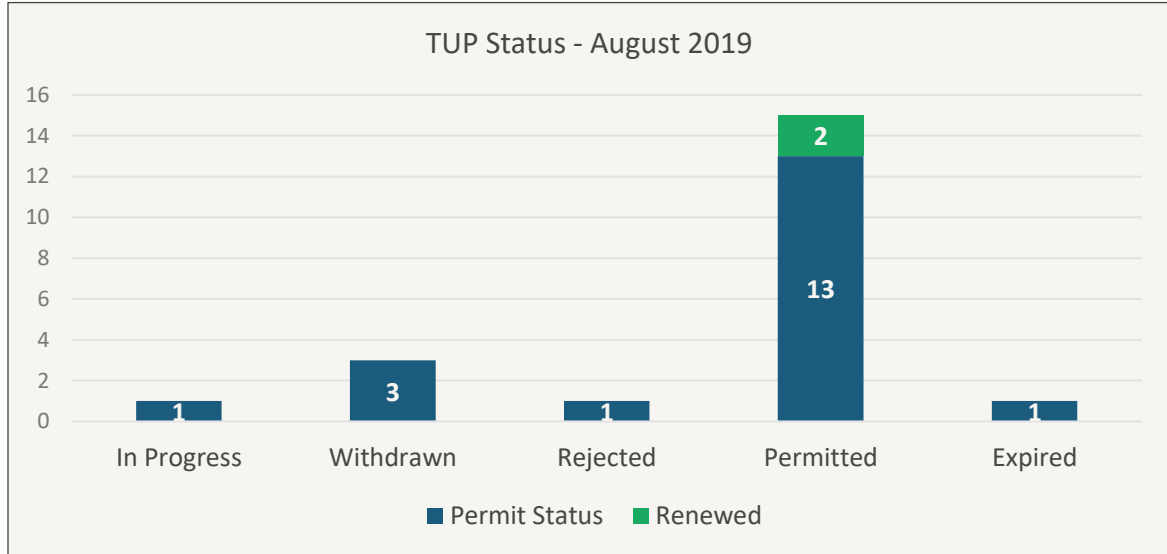
In June 2019, during the data collection period, there were 16 STVR TUPs operating with issued permits, 2 of which had been renewed in May 2019. There were 5 applications for TUPs in progress, one of which accounts for 3 separate STVRs on a single property (Figure 4).

Figure 4: TUP Status - June 2019



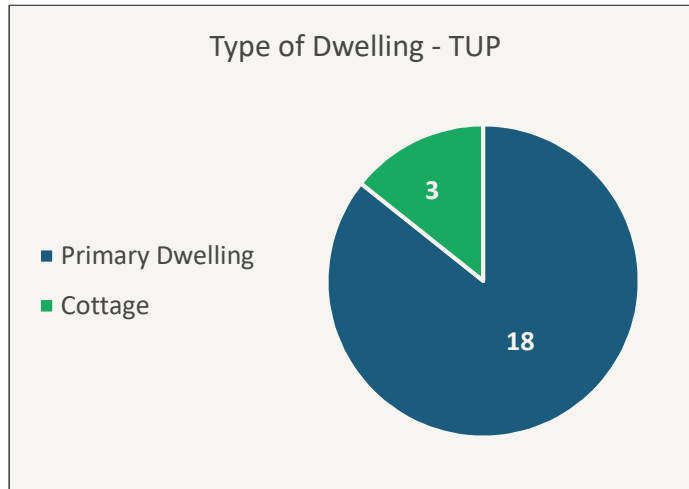
At time of writing, in August 2019, there were 15 active STVR TUPs, as one of the existing TUPs had expired (Figure 5). The five TUPs in the application process had been reduced to 1, as one application for 3 STVRs was withdrawn and another TUP request was considered and denied by the LTC at the July 8th LTC meeting. A map summarizing the locations and statuses of commercial vacation rental TUPs can be found in Appendix 1.

Figure 5: TUP Status - August 2019



Generally, TUP STVRs rent for more than home occupation STVRs, with a minimum advertised nightly price of \$95, a maximum of \$650, an average of \$239, and a median price of \$255. Postings for units that have already been issued permits can accommodate between 2 and 8 guests, with a median advertised guest capacity of 6. These guests are accommodated within a range of 1 to 5 bedrooms, with a median of 2 bedrooms. Postings that are currently working toward a TUP permit advertise for a range of 4 to 12 guests, also with a median of 6. These units advertise between 1 and 8 bedrooms, with a median of 3 bedrooms offered.

Figure 6: Type of Dwelling - TUP

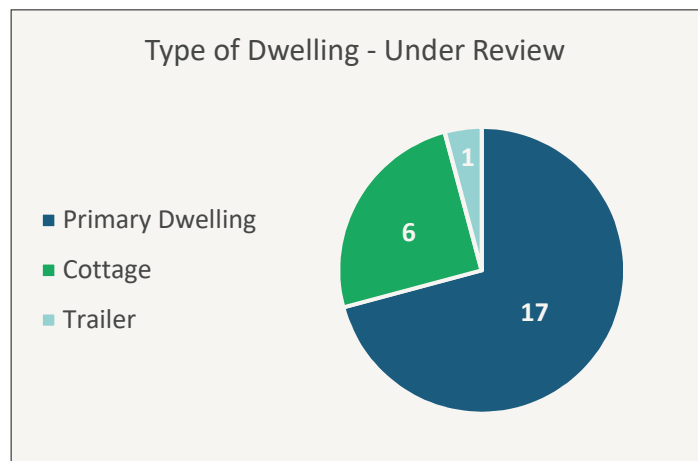


STVRs using TUPs are generally based in primary dwellings. The three STVRs using TUPs for cottages require the permit either because their lot is undersized for the cottage to be legal, or because the cottage is being used as one of multiple advertised units on a single lot. The remaining 18 STVRs are within primary dwellings (Figure 6).

5.4. STVRs under Review

The 24 STVRs identified as 'under review' include 17 primary dwellings, 6 cottages, and 1 trailer (Figure 7). These STVRs are currently being checked for bylaw compliance; the STVRs generally appear to be whole home rentals with no mention of an on site permanent resident. As outlined above, a permanent resident is required in order for an STVR to fall within the legal home occupation category. If it is found that these STVRs do not have an on-site operator or resident, they would need to cease operations in order to be in compliant with the LUB, given there is currently a moratorium on new TUP applications.

Figure 7: Type of Dwelling - Under Review



Other reasons for being under review may include that the dwelling used for either the STVR guest or the permanent occupant is not a legal dwelling, resulting from either the dwelling being of an unsafe standard or prohibited by the bylaw, or the lot size being too small for a secondary dwelling to be permitted.

5.5. Potential Impacts on Housing

A significant issue of concern with STVRs on Galiano Island is their impact on the long-term rental market.

The 2016 Census shows Galiano's population of 1,044 people are housed in 564 principal residences out of a total of 1,170 private dwellings on the Island. The census estimate may be conservative as there is no certainty that all cottages and secondary suites were captured in the count. The

remainder of dwellings are generally empty homes or seasonal homes. The proportion of empty or seasonal homes on Galiano, at 52%, is very slightly higher than the ratio of empty or seasonal homes in the greater Southern Gulf Islands regions, which is 50%.

The occupancy breakdown for occupied homes is 22% renter households and 78% owner households. The ongoing concerns about availability of rental housing should take into account that roughly a fifth of Galiano's community currently uses rental housing. Additionally, the census indicates that while 23% of owner-occupied households spend over 30% of their incomes on housing, this proportion jumps to 54% among tenant households. Renter households on Galiano Island are twice as likely to be rent burdened, and in fact a slight majority of renter households pay more than 30% of their income to rent.

Galiano also has a lack of housing diversity, as 94% of dwellings are single-detached, while 3.5% are multi-unit and 2.5% are movable dwellings. This means that there are few smaller units for singles, couples, low income residents, or empty nesters. For the purpose of short term rentals, it also means that most units have a buffering distance from their neighbour, likely reducing conflicts that could occur from STVRs in apartment buildings or similar.

As noted above, Galiano has 564 principal residences out of a total of 1,170 private dwellings on the Island. The current STVR use of these dwellings is 76 units, totalling 162 bedrooms.

The 76 STVRs representing 162 bedrooms should not be straightforwardly interpreted as being potential rental units lost to STVR use. Several of those STVRs are not appropriate for long term rental use, largely due to a lack of cooking facilities. Others, while located within bylaw-compliant dwelling units, would not be rented long-term even if STVR use was rendered entirely illegal. Previous surveys and public engagement initiatives have indicated a significant segment of the property-owning population would rather leave their dwellings empty for much of the year rather than rent to long-term tenants.

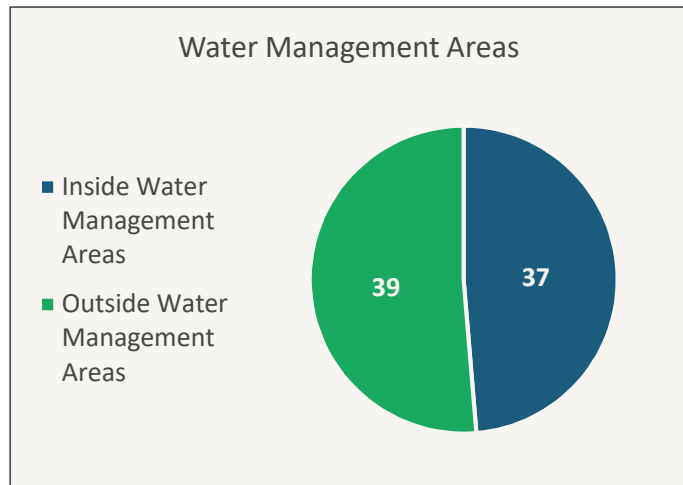
There are several reasons for this—primarily, many units on Galiano Island are owned as vacation properties, and owners want the opportunity to use their properties themselves for certain times of the year, particularly in the summer. This precludes most long term rental use, as renters who need housing from fall through to spring generally also need housing in the summer, when employment opportunities are at their peak along with tourist season. Workforce rental housing needs are not served by tenancy arrangements that oust the tenant come summer. Additionally, many property owners have expressed concerns that long-term tenants are more challenging to deal with or leave the property in worse condition than short term guests.

While impossible to quantify, it is probable that some housing units that would otherwise serve the long term rental market are currently being used as STVRs, both because of an owner preference for short term guests and because there is a much higher rate of return on STVRs than on long term rental, as demonstrated by the nightly rates discussed above and displayed in Appendix 3.

5.6. Potential Impacts on Groundwater Supply

There has been increasing concern from the community about the potential effects of STVRs on groundwater usage. Previous to this study the LTC did not have information on where exactly STVRs were operating, and particularly if they were operating in water management areas. The data collected from this study indicates that there is roughly an even split of properties within and outside of water management areas; there are 37 postings in water management areas, and 39 postings outside (Figure 8).

Figure 8: Water Management Areas



Water management areas were established in response to concerns about water supply and safety, including the risk of saltwater intrusion to groundwater aquifers. The map depicting Galiano's water management areas is attached as Appendix 4.

The LUB establishes standards for potable water supply, including a requirement that a new building permit not be issued for a building to be used as a dwelling in a water management area unless the building is equipped with a rainwater storage cistern having a capacity of at least 16,000 litres. As part of their consideration of groundwater resources, the LTC has issued several permits under the condition that operators install a rainwater cistern. Of the 16 TUPs issued, 8 have cistern requirements, while 8 do not. The required cistern capacity ranges from 5,000 litres to 16,000 litres.

Although difficult to quantify, it can be generally assumed that STVRs place higher demands on water sources than dwellings that are inhabited by permanent residents. This increased use has a number of sources, for example the need to run one or multiple sets of sheets and towels through the laundry after each set of visitors, which could occur multiple times per week depending on guest unit turnover. Additionally, while guests are provided with information on water conservation, it is possible that guests may feel less responsibility toward island water resources than permanent residents, who are personally effected when the wells run dry.

The average household size on Galiano Island per the 2016 census is 1.8, which is slightly less than the smallest advertised guest capacity in the STVR listings, at 2 guests. The census, while subject to the limitations outlined in section 2, reports only 10 households of 5 or more persons residing full time on Galiano Island. In contrast, 32 of the 76 STVR listings advertise a guest capacity of 5 or more. While it is unlikely that these STVRs are always operating at capacity, the STVR pool has the capacity to have a higher average number of people per unit than the average Galiano house. This may equally lead to higher water usage through regular household activities being done by more people. Additionally, peak tourist season occurs in the summer, just at the time when there is decreased water availability; seasonal demand increases while water supply goes down.

5.7. Other Impacts

It is recognized that STVRs likely have a positive economic impact on Galiano Island. Many STVRs are operated legally and responsibly, and the visitors of these properties support local attractions and businesses with their tourist dollars. The funds generated through the rental of STVRs would also in many cases be vital to the financial well-being and solvency of the property owner, and income would be cycled back into the community, particularly in those cases where the STVR use is through home occupation via a permanent resident living onsite.

While not easily quantifiable, other negative impacts of STVR uses on Galiano Island have also been identified within the community including:

- Increased noise, traffic and parking concerns;
- Increased fire risk;
- Increased consumption of disposal goods, production of solid waste, and sewage;
- Impacts to community character and cohesiveness;
- Lack of a fair playing field between legal and non-legal STVR operators.

6. Options

As outlined in section 3.1, the Galiano Island OCP and LUB currently regulate STVRs through a combination of home occupation use and TUPs. Outlined below is a brief discussion of potential options that could be considered by the LTC for further enhancing the STVR regulatory and policy framework on Galiano Island.

6.1. Changes to Home Occupation Use

Potential changes to the home occupation regulations concerning STVRs vary significantly between encouraging or deterring STVR use. The range of potential options here includes:

- Remove the requirement in section 3.13.1 of the LUB that only one dwelling or cottage or secondary suite per lot be used for STVR use at one time, thereby increasing potential STVR use for lots with multiple legal dwellings.
- Modify section 3.13.2 of the LUB, which places a maximum of three bedrooms with a total of four beds per lot on guest accommodation, including both STVRs and B&Bs. The number of bedrooms and beds permitted could be increased, decreased, or removed entirely, depending on the goals of the LTC.
- Place a more stringent restriction on what type of unit STVRs are permitted in, for example by forbidding STVR operations in secondary suites. This would have the intention of preserving secondary suites for long term rental stock, but would also require amending the OCP, which currently provides guidance that secondary suites can be used for vacation rental accommodation.
- Add some of the standard TUP guidelines to the home occupation regulations; for example, provisions concerning a responsible person available to reach 24/7 whose information has been distributed to neighbours, rainwater catchment system requirements, provision to guests of

information on noise bylaws, water conservation, fire safety, and waste disposal, or other considerations the LTC feels are appropriate.

- Establish a minimum parcel size to conduct STVR operations, as an approach to addressing the perceived noise and privacy impacts. A minimum lot size regulation for STVRs could be clearly established and could be enforced with a degree of certainty. This would also have the effect of ensuring that the potential use was limited to a proportion of the overall residential lots on the Island and not all residential lots. However, this would necessarily preclude owners of lots smaller than the minimum established in the bylaw.
- Limit the number of dwellings used for short-term rental to a maximum number in any zone, neighbourhood, or block. A similar approach is to limit the impacts by permitting no additional short-term rentals within a certain distance of an existing short-term rental. However, without business licensing, such an approach would be virtually impossible to administer on Galiano Island within the home occupation category.
- Remove STVR as a permitted use entirely. This would require amending the LUB to take STVR use out of the home occupation regulations; this could be done either in concert with a continued TUP regulatory scheme to gain more control over STVRs, or jointly with the removal of STVR TUPs, if the LTC felt that a total STVR moratorium was more appropriate.
- Alter the regulations to state that home occupation could occur in the temporary absence of an operator; while a significant departure from the current regulations, this would adhere more closely to Airbnb's original intent of homeowners renting their primary residence while they are on vacation or otherwise absent for a short period of time. This option would face enforcement difficulties, as it has proven to be difficult to determine how much of the year a residence is occupied.
- Allow STVRs to operate in single family dwellings with no on-site operator under the condition that there be an operator elsewhere on the Island, with the standard provision that the responsible person be available 24/7 and their contact information be distributed to neighbours within a given geographic range.
- Prohibit the use of secondary suites both for STVR rental and for owners to live in while operating an STVR in a primary suite. This change would provide some protection for secondary suites as long-term rental stock.

6.2. Changes to Temporary Use Permits

Changes to TUPs will require amendments to the OCP, which currently has STVR-specific guidelines. Potential options here include that the LTC:

- Require that TUP numbers be displayed in all advertising and promotional materials. This would simplify bylaw enforcement investigation of potential bylaw contraventions.
- Forbid or limit TUPs issued in water management zones. Concerns about groundwater usage could be somewhat addressed through placing a specific number of acceptable TUPs or number of bedrooms in water management areas. This would refine the current guideline directive that the LTC "consider the cumulative effects on the neighbourhood and Island," and move toward a more quantified approach to groundwater protection.
- Require water metering of STVR TUPs. This would serve to provide data on water usage of STVRs, and could be taken into consideration in a TUP renewal application. This data could prove difficult to collect, quantify, or interpret, and may require increased administration efforts and attendant costs.

- Limit the number of dwellings issued STVR TUPs to a maximum number in any zone, neighbourhood, or block. A similar approach is to limit the impacts by permitting no additional STVR TUPs within a certain distance of an existing STVR TUP. This approach has the clear limitation that, while home occupation STVR use continues, limiting the number of TUPs in a given area will not necessarily correlate to limiting the number of STVRs.
- Remove STVR TUPs from the OCP entirely, requiring that all STVR operations adhere to the home occupation regulations. This would substantially curtail STVR operations by off-island residents by making it impossible to operate an STVR on a lot with only one dwelling unit, given the resident operator requirement within the home occupation regulations.
- Refuse TUPs to people or entities who own multiple properties, either on Galiano Island or within Trust Area generally. This would serve to restrict the possibility of one management company running a multitude of STVRs as a large-scale commercial operation, as is a noted issue in larger jurisdictions such as Vancouver.

Potential changes to TUPs should take into account that there is a possibility that STVR operators may keep applying for TUPs after their initial renewal expires. This requires that both the LTC and the applicant continue expending resources on application processes, and is also problematic in that TUPs, as indicated in their name, are intended as temporary measures. In light of this, using TUPs as a permanent and ongoing regulatory tool should be considered carefully.

6.3. Changes to Zoning

Beyond looking at the home occupation regulations, there is potential for wider changes to the LUB through zoning to effect STVR use. One potential approach to managing STVRs through zoning would be to remove the home occupation and TUP avenues to compliance and create a new zone specifically for STVRs, similar to but distinct from existing LUB Inn or other accommodation zoning. Applicants would need to go through the rezoning process including a public hearing, which would allow for public notification and comment.

A potential STVR zone could have the same general requirements as are currently in the TUP guidelines, or could be more refined depending on LTC goals. The drawbacks of this approach include the cost of rezoning, the time involved in processing a rezoning, the need to develop guidelines, and the possibility of a continuing series of contentious rezoning decisions put forward to the LTC.

Alternately, another potential zoning approach to changing STVR regulation would be for the LTC to choose not to regulate the activity beyond making it a permitted use in all zones. This would presumably be based on the perception that there are no appreciable negative impacts resulting from STVR activity, or that existing regulations are undesirable to the community. This approach would require amending both the OCP and LUB to remove specific guidelines for STVR use.

6.4. Bylaw Enforcement

A crucial consideration in the formulation of any regulations is the ability to effectively enforce those regulations. In terms of enforcement of on-going activities, Galiano Island's enforcement policy is typically based on complaint rather than proactive enforcement, although a current standing regulation requires active bylaw enforcement of unlawful STVRs. Enforcement is based on the principle of seeking voluntary compliance, with legal action as a last resort.

Policy 5.5.1 of the Trust Council Policy Manual, Bylaw Compliance and Enforcement, outlines the conditions under which an investigation for unlawful activity may commence. Local Trust Committees have the ability to modify their own enforcement approaches from this policy by way of standing resolutions. The Galiano LTC could modify the current standing resolution requiring proactive enforcement such that it remained in force after the conclusion of the STVR review project. Continued proactive enforcement would address some concerns about over proliferation of STVRs, particularly of whole home rentals with no resident operator, as those are the most easily enforced STVR bylaw contraventions.

There are significant costs to enforcing at a higher level than is currently maintained. Continuing proactive enforcement would require an increase in bylaw enforcement resources, or could affect enforcement's ability to respond to other matters if resources remain the same. An approach used by several municipalities is the use of a third-party STVR monitoring software service, such as Host Compliance, to maintain a list of active STVRs and reduce the time required of bylaw officers in investigation. However, this software can be costly, and the financial feasibility of this method would need to be further explored.

The LTC also has the ability to amend the Bylaw Enforcement Notification (BEN) bylaw, which sets out the manner in which bylaw regulation is conducted. This includes designating bylaw contraventions and penalties for such contraventions. The LTC could increase or decrease the penalty amounts to reflect their perspectives and goals concerning STVR usage.

Bylaw enforcement would also be affected by any changes to the OCP or LUB that modify regulations for STVR use, by changing what is or is not bylaw compliant.

6.5. Business Licenses

Many jurisdictions use business licensing to review and control uses such as STVRs; however, as the Islands Trust does not have the legislative ability to implement business licensing, this tool is not available. Bowen Island is an exception due to its status as a municipality. As explored in section 4.1, the benefits to business licensing include the potential to cover administrative costs through fees, simplify bylaw enforcement, and impose conditions of use.

The Islands Trust would need to collaborate at the regional district level to implement any business licensing scheme with respect to STVR uses.

7. Conclusion

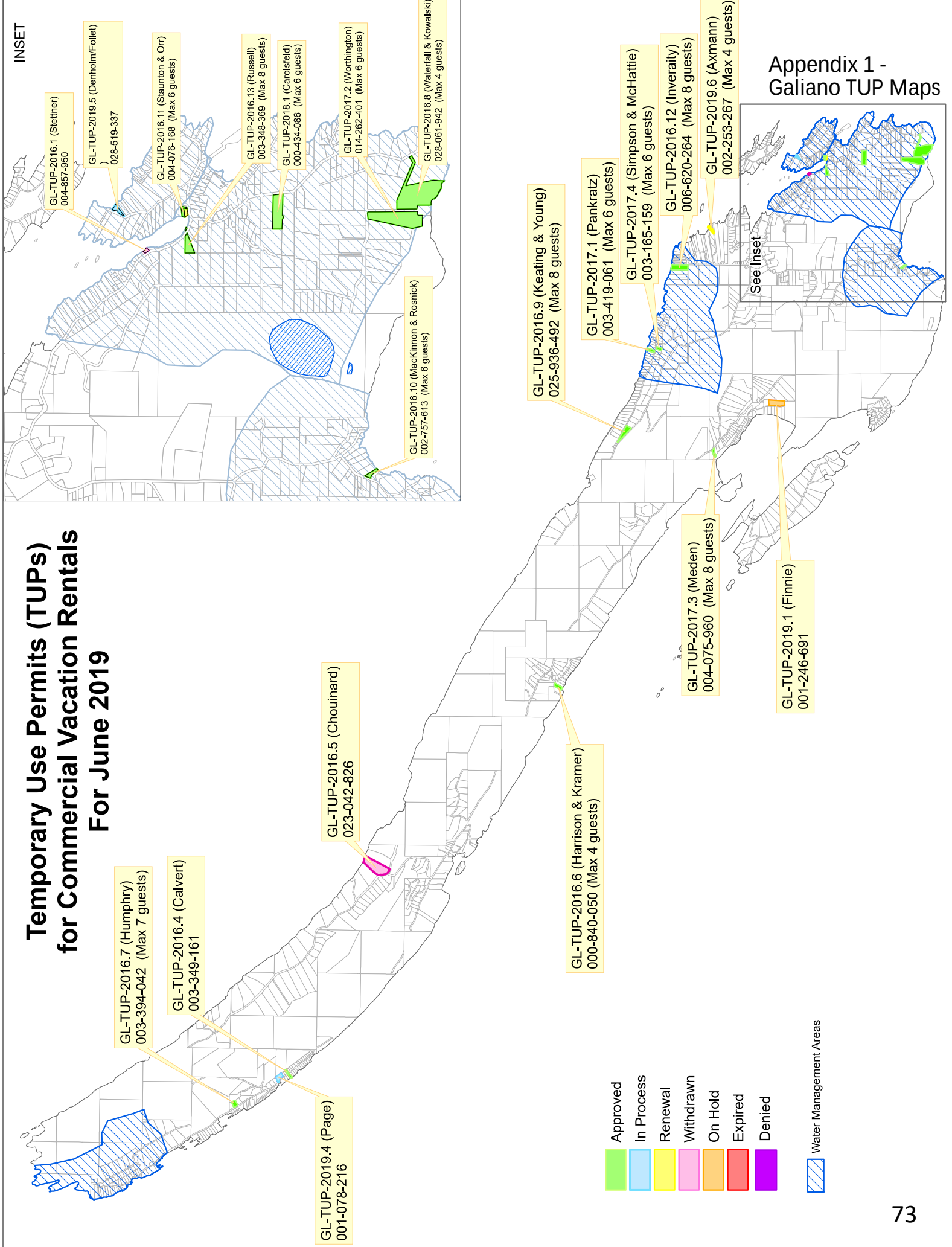
This discussion paper is intended to identify and document the number and extent of STVRs currently operating on Galiano Island, assess the impact of STVRs, and review current STVR regulations and policies to better understand how to maintain or adjust the STVR framework to reflect current community goals.

The options presented in section 6 represent some potential regulations that could be enacted in response to specific concerns from the community. The LTC could also consider no change to current

regulations as an option, particularly since current policies and regulations were put in place through a consultation process less than five years ago. Choosing this option would represent a tacit acknowledgement that the current system, while not perfect, is functioning well enough to leave alone, supported by the documented number of STVRs outlined as operating. The LTC may alternately wish to consider regulatory measures that would further mitigate impacts stemming from STVR activity, particularly as it pertains to water management areas and rental housing options.

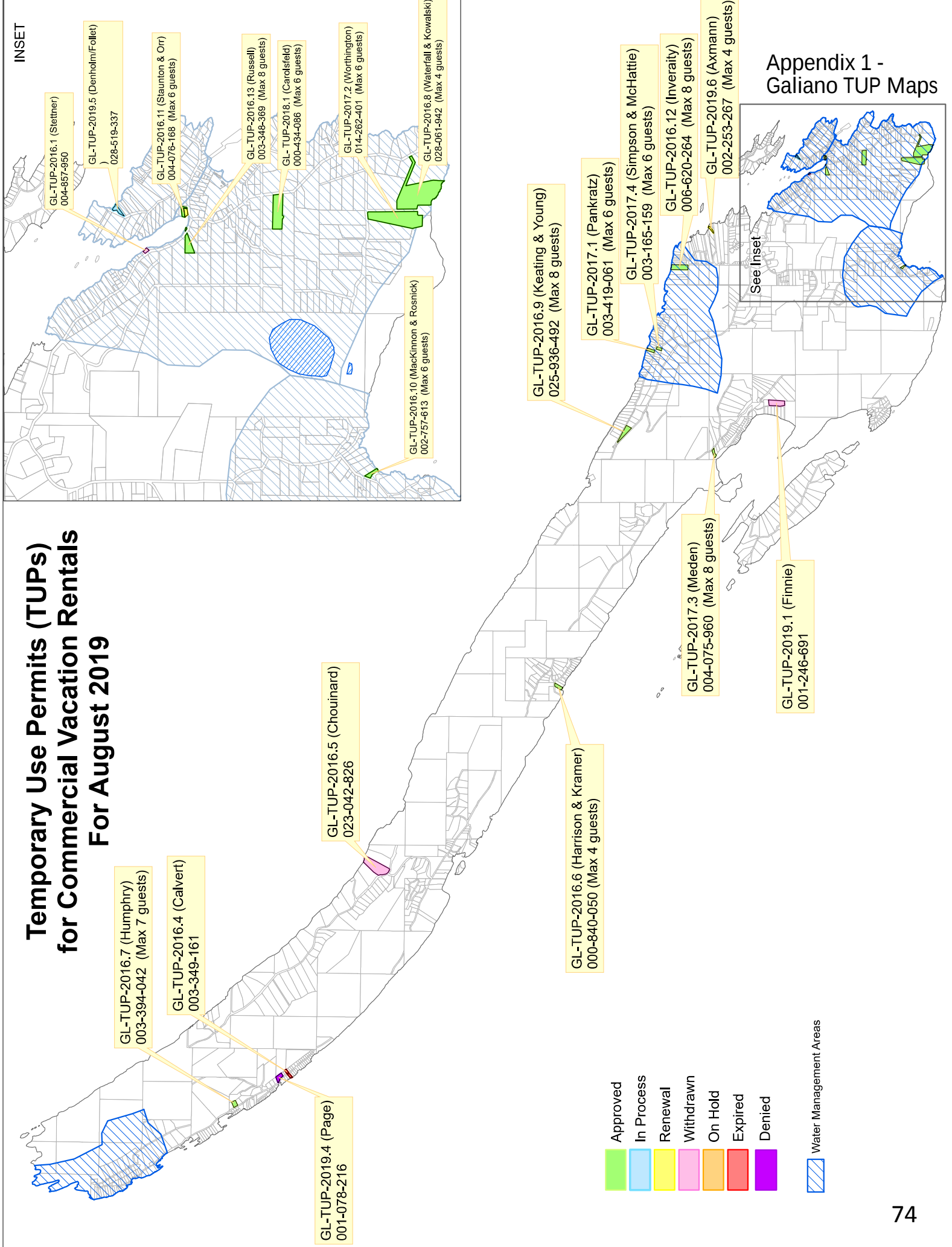
Next steps for the project include public and stakeholder consultation. This outreach will be used to disseminate the results of the initial research findings. Further outreach will be directed at gauging community opinion on potential changes to STVR regulations and policies. If this outreach results in moving forward with bylaw amendments, the public and stakeholders will also be engaged during the bylaw amendment process, including through a public hearing.

Temporary Use Permits (TUPs) for Commercial Vacation Rentals For June 2019



Appendix 1 -
Galiano TUP Maps

Temporary Use Permits (TUPs) for Commercial Vacation Rentals For August 2019



Appendix 2 – Islands Trust Regulatory and Policy Summaries

STVR Policy Overview Table	STVRs permitted in cottages	STVRs permitted in dwellings	STVRs permitted as home occupation	STVRs permitted via TUP	STVRs permitted via zoning	B&Bs permitted	Proactive enforcement	Complaint-based enforcement
Bowen	X	X			X	X		X
Denman		X	X			X	X	
Gabriola				X		X		X
Galiano	X	X	X	X		X	X	
Gambier	X	X	X					X
Hornby	X	X	X	X	X	X	X	
Lasqueti						X		X
Mayne	X		X	X*		X	X	
North Pender	X	X	X	X		X	X	
Salt Spring						X	X	
Saturna	X		X	X		X		X
South Pender	X	X	X	X*	X			X
Thetis	X		X	X		X		X

*While permitted via TUP, this island does not have specific STVR TUP guidelines.

Bowen Island Municipality:

Bowen Island Municipality has several limited areas zoned for commercial STVR use, which they consider to include any housing rented for less than 30 days. STVRs are not generally permitted in residential areas. B&Bs are allowed as a home occupation on all residential lots that do not have an accessory residential use (secondary suite). This provision is intended to protect rental housing stock. The B&B must be operated by a resident of the dwelling, which means that entire dwellings are not allowed to be used for STVRs. Bowen implemented a business licensing scheme for commercial lodgings and B&Bs in 2019, which requires among other terms that the license must be prominently displayed on the premises.

Denman:

Denman Island permits STVR use as a home occupation in some residential zones. An STVR can only be operated within the main dwelling, and is not permitted in secondary suites or cottages. It must be accessory to an active residential use, which means that single-dwelling lots are not allowed to be used for STVRs. Denman places limits on floor area, and allows no more than three bedrooms to be used in an STVR, with a maximum of two beds each. Cooking facilities are permitted in the guest suite. Denman has a proactive enforcement policy and an active BEN bylaw, which allows for ticketing of unlawful STVRs.

Gabriola:

The Gabriola Island Local Trust Area generally prohibits STVRs, but B&Bs are permitted as home occupations. STVRs are permitted only by Temporary Use Permit (TUP). The TUP is valid for two years, and may be permitted for a further two years after that. An application to the LTC is required, which allows for neighbourhood input. The TUP costs \$1,300, and the renewal costs \$200. There are a series of requirements for a TUP, including a water supply plan, documentation of meeting health and safety requirements and proof of adequate parking. Bedrooms in the STVR are limited to three or four, depending on lot size, with a maximum of two guests per bedroom. There must be an owner or operations manager on Gabriola available at all times, and this person's contact information must be provided to neighbours within a 100 metre radius of the vacation rental. Cumulative impact on the neighbourhood is taken into account when the LTC considers issuing a TUP. As well, the LTC may require water metering.

Galiano:

The Galiano Local Trust Area permits STVRs through two routes: as home occupation and with a TUP. Regulations for STVR use as a home occupation include that the property must be simultaneously occupied as a dwelling, and there is a maximum of one unit, three bedrooms, and four beds maximum. B&Bs are also permitted on Galiano as home occupations, but unlike STVRs they must not have food preparation facilities in the unit.

STVR operations that do not fit within the home occupation limits can apply for a TUP, which are subject to a series of requirements, including demonstration of adequate parking, septic, and water provision. The permit may also require that an island contact be available on Galiano at all times, and that this person's contact information be provided to neighbours within a 100 metre radius of the vacation rental. It may also establish a maximum number of guests and bedrooms, and require that guests be provided with relevant information on noise bylaws, water conservation, fire safety, and waste disposal. TUPs require an application to the LTC, which allows for neighbourhood input. They are valid for three years, and may be permitted for a further three years after that. The TUP costs \$1,100, and the renewal costs \$165. Cumulative impact on both the neighbourhood and the island is taken into account when the LTC considers issuing a TUP.

Gambier:

Gambier permits temporary overnight accommodation as a home occupation. The STVR must be operated by a resident of a dwelling on the lot, and there is a maximum of two non-resident employees and four guest bedrooms.

Hornby:

Hornby permits STVRs through zoning, by permitting commercial rentals as of right in several limited zones on the island. They may only be occupied by paying guests from May through September, and can occur only on properties which are seasonally or regularly occupied by an owner or tenant. Hornby limits guest turnover within a seven day period to only one group. There are guest room and bed limits dependant on lot area, and a sign visible to the public must be posted on the property indicating the contact information of a person who is reasonably available to deal with any impacts of the STVR on neighbouring areas.

STVRs unable to comply with the regulations outlined above have the option of applying for a TUP, with the exception of properties smaller than ¼ hectare or identified as an environmentally sensitive area (unless information is provided that the STVR would not negatively impact the environmentally sensitive features). TUP applications can provide opportunity for public input through referral to the Advisory Planning Commission. TUPs require proof of adequate water, parking, and septic provision, and guests must be provided with relevant information on noise bylaws, water conservation, fire safety, and waste disposal. In their decision, the LTC can consider the proposed time periods available for renting, the proposed maximum number of occupants, the cumulative effects on the neighbourhood and the island, and any other considerations they feel are appropriate.

Lasqueti:

Lasqueti permits tourist accommodation in only one zone as a commercial use. There is no provision in the bylaws for STVRs to operate in residential areas. To date, there has been little interest in or discussion of STVRs in the Lasqueti Local Trust Area. Lasqueti does permit B&Bs as a home occupation.

Mayne:

Mayne Local Trust Area permits STVRs as a home occupation in several residential zones. STVRs are permitted only in cottages, and they must be operated by a person permanently residing in the primary dwelling unit. Only one cottage per lot can be used as an STVR at any given time. B&Bs are also permitted on Mayne, with a maximum of three bedrooms and eight guests. Mayne Island also permits STVRs by TUP, although they do not currently have specific guidelines for TUP applications.

North Pender:

North Pender Local Trust Area (excluding the Associated Islands, which are not considered in this report) permits STVRs in residential zones through both home occupation and TUPs. STVRs are limited to no more than one dwelling or cottage per lot, and the person responsible for the vacation rental must live in a permitted dwelling or cottage on the property. B&Bs are permitted with a maximum of six guests and three bedrooms. North Pender's home occupation regulations for STVRs specifically require that the operator or another person responsible for the vacation rental must live in a permitted dwelling on the property.

STVR operations that do not fit within the home occupation limits can apply for a TUP, which are subject to a series of requirements including demonstration of adequate parking, septic, and water provision. The permit may require that an island contact be available on North or South Pender at all times, and that this person's contact information be provided to neighbours within a 200 metre radius of the vacation rental. It may also establish a maximum number of guests and bedrooms, and require that guests be provided with relevant information on noise bylaws, water conservation, fire safety, and waste disposal. TUPs require an application to the LTC, which allows for neighbourhood input. They are valid for three years, and may be permitted for a further three years after that. The TUP costs \$900, and the renewal costs \$165. Cumulative impact on both the neighbourhood and the island is taken into account when the LTC considers issuing a TUP.

Salt Spring:

Salt Spring does not currently allow STVRs. The only commercial renting permitted in residentially zoned properties is through B&Bs as a home occupation. B&Bs must be operated by someone permanently residing on the property. There is a limit of one B&B per lot, and a maximum of three or four bedrooms,

depending on lot size. B&Bs are also subject to Salt Spring's unique bylaw provisions requiring that cottages are only occupied seasonally.

Saturna:

Saturna Local Trust Area permits STVR operations as of right as home occupations, or through application for a TUP. As a home occupation, STVRs are only permitted in cottages, and an operator must live in a permitted dwelling on the property. No more than one cottage may be used as an STVR at any one time. B&Bs are also permitted as a home occupation, with a maximum of three bedrooms for guest use.

STVR operations that do not fit within the home occupation limits can apply for a TUP. Saturna's TUPs are valid for two years, and may be considered for renewal once for a further period of up to two years. The permit costs \$1,000, and the renewal costs \$165. TUPs require an application to the LTC, which allows for neighbourhood input. Saturna is currently in the process of amending the TUP requirements to speak to STVRs specifically.

South Pender:

The South Pender Local Trust Area permits STVRs outright on lots where a single family dwelling is allowed as a principal use, subject to the restriction that only one dwelling on the lot at a time be used for STVR. For example, if a property owner doesn't live on the island and their property has both a primary dwelling and a cottage, only one of them may be used for STVR; the other could be used for long term rental.

Additionally, STVR use is permitted in several residential zones as a home occupation, with the STVR restricted to a cottage. B&Bs are also permitted, with a maximum of three guest bedrooms. South Pender also has the ability to issue STVR TUPs, although they have no specific guidelines for this eventuality.

Thetis:

Thetis Island (excluding Valdes Island and the Thetis Associated Islands) allows STVRs as a home occupation under limited circumstances. It is permitted only in the R2 zone, on a lot where there is both a principal residence and a cottage, with only the cottage being used for STVR. The dwelling must be occupied by the operator while the STVR is rented.

STVRs that would otherwise contravene the LUB can apply for a TUP. On Thetis, TUPs are generally used for STVRs outside of the R2 zone, and not for properties without resident operators. As part of the permit process, operators must demonstrate adequate parking, septic, and water provision. The permit also requires that guests be provided with relevant information on noise bylaws, water conservation, fire safety, and waste disposal. TUPs require an application to the LTC, which allows for neighbourhood input. They are valid for three years, and may be permitted for a further three years after that. The TUP costs \$1,100, and the renewal costs \$165. Cumulative impact on both the neighbourhood and the island is taken into account when the LTC considers issuing a TUP.

Thetis also permits B&Bs, which are limited to a maximum of three bedrooms and four guests per room.

Appendix 3 - Galiano Active STVR Snapshot - June 2019

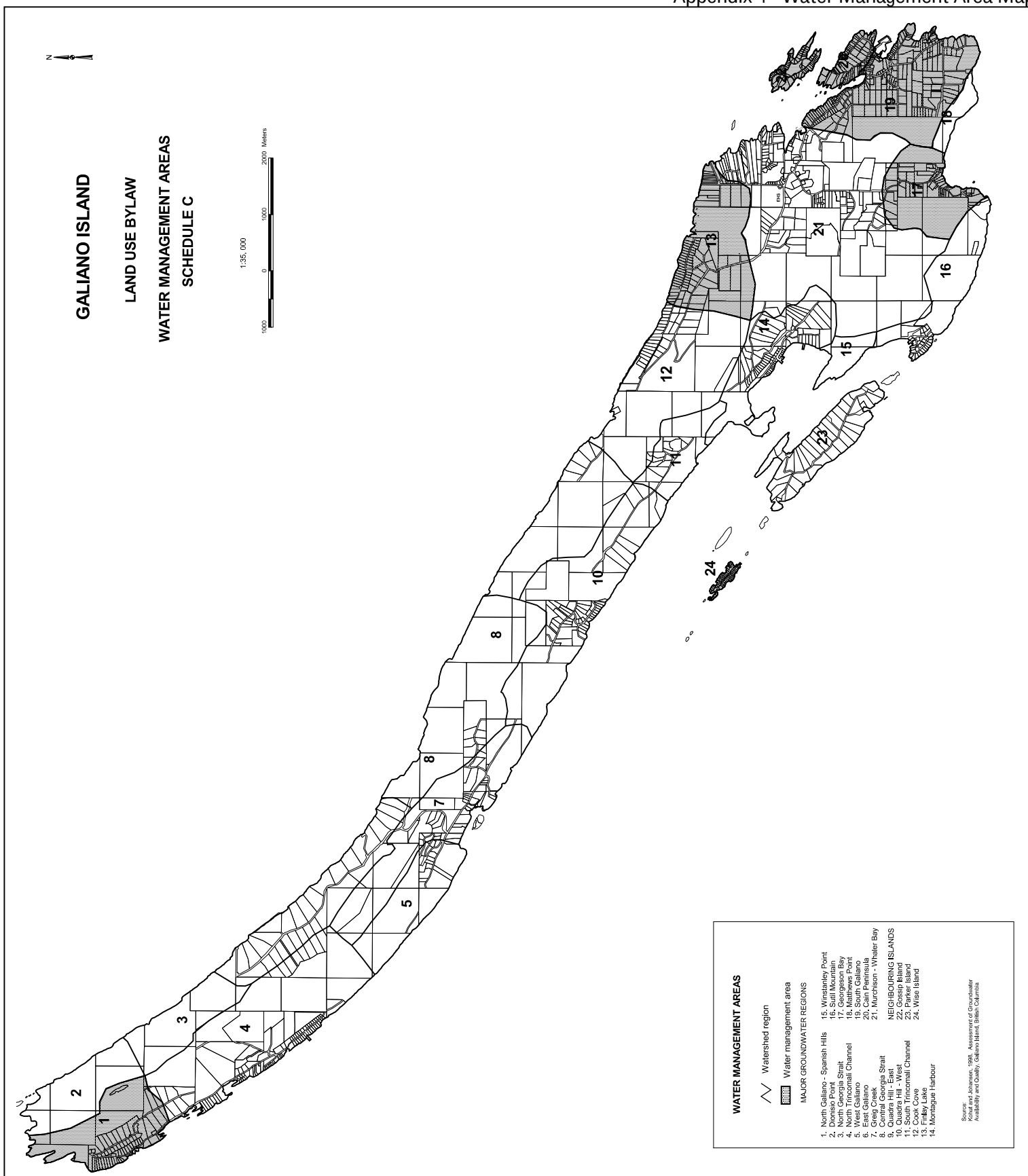
Bedrooms	Guests	Cost per Night	Property Size (Hectares)	Water Management Area?	Zoning	Waterfront?	Unit Type	Regulatory Type	Cistern requirements (from TUP)
2	7	211	2.54	No	SLR	Yes	Suite	Home Occupation	
1	2	95	0.53	Yes	VR2	Yes	Suite	Home Occupation	
2	4	185	0.7	No	SLR	Yes	Cottages	Under Review	
3	5	291	0.69	Yes	VR2	Yes	Main Dwelling	Under Review	
3	2	150	0.88	No	SLR	Yes	Cottage	B&B	
2	3	125	21.99	Yes	R2	No	Main Dwelling	Under Review	
1	2	65	0.2	Yes	SLR	No	Suite	Home Occupation	
2	4	150	2.03	No	RR	No	Main Dwelling	Under Review	
1	2	185	0.69	Yes	VR2	Yes	Cottage	Home Occupation	
1	2	135	0.37	Yes	VR1	No	Cottage	TUP-2019.2	None specified
1	4	150	4.05	No	EE NP	No	Cottage	Home Occupation	
1	2	249	0.85	Yes	VR2	No	Main Dwelling	Under Review	
2	5	199	4.04	No	AG	No	Cottage	Under Review	
2	4	95	0.39	Yes	VR2	No	Cottage	Under Review	
2	4	150	2.72	No	RR	Yes	Cottage	Under Review	
3	8	290	2.72	No	RR	Yes	Main Dwelling	Under Review	
1	2	150	0.27	Yes	SLR	Yes	Suite	Home Occupation	
2	6	79	1.26	Yes	VR2	No	Cottage	Home Occupation	
3	8	187	2.83	Yes	SLR	Yes	Main Dwelling	TUP-2016.12	None specified
			0.68	Yes	SLR	Yes	Main Dwelling	TUP-2017.1	16,000 litres
4	8	295	2.12	No	RR	No	Main Dwelling	TUP-2016.9	None specified
8	16	1009	3.68	Yes	RR	No	Main Dwelling	Under Review	
2	4	395	0.99	No	SLR	No	Main Dwelling	Home Occupation	
1	2	40	2.96	No	SLR	No	Trailer	Under Review	
1	3	170	0.57	No	SLR	Yes	Suite	Home Occupation	
1	4	139	0.62	No	C1	Yes	Cottage	Home Occupation	
1	2	150	0.63	No	SLR	Yes	Suite	Home Occupation	
3	6	125	1.11	No	SLR	No	Main dwelling	TUP-2019.4	In progress
3	8	175	2.91	No	SLR	Yes	Main Dwelling	Home Occupation	
1	4	101		Yes	R2	No	Suite	Home Occupation	

Appendix 3 - Galiano Active STVR Snapshot - June 2019

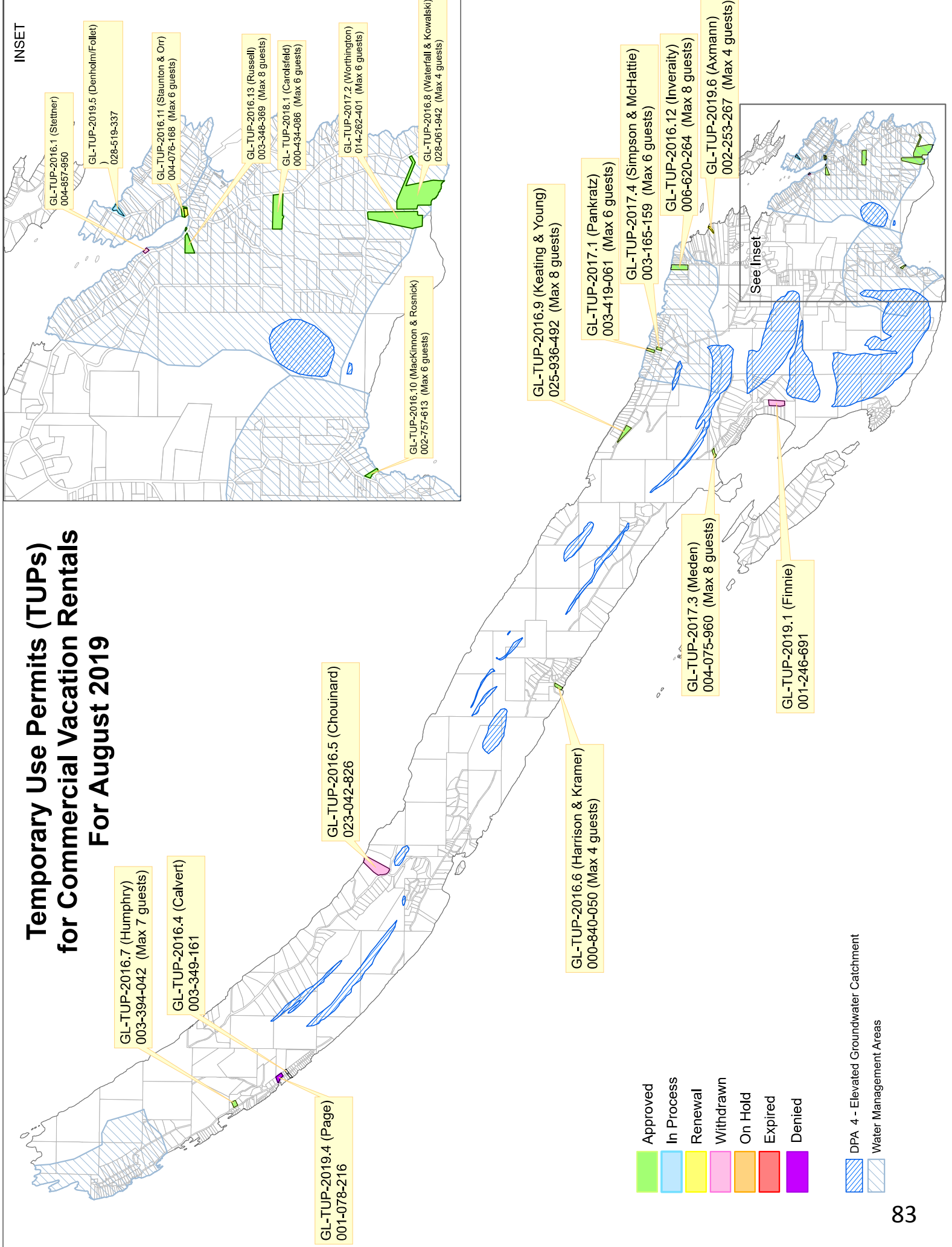
Bedrooms	Guests	Cost per Night	Property Size (Hectares)	Water Management Area?	Zoning	Waterfront?	Unit Type	Regulatory Type	Cistern requirements (from TUP)
1	4	150	0.84	No	SLR	Yes	Cottage	Home Occupation	
5	8	350	0.71	Yes	VR2	Yes	Main Dwelling	TUP-2016.13	5,000 litres
2	4	157	0.43	Yes	SLR	Yes	Cottage	Home Occupation	
2	5	150	0.36	Yes	RR	No	Suite	B&B	
4	8	279	0.15	Yes	VR2	Yes	Main Dwelling	TUP-2019.3	7,000 litres
2	6	200	0.19	Yes	VR2	Yes	Main Dwelling	TUP-2016.11	8,000 litres
2	4	140	4.04	Yes	R2	No	Cottage	Under Review	
2	4	225	0.26	Yes	SLR	Yes	Main Dwelling	TUP-2016.10	None specified
1	2	195	0.18	No	SLR	Yes	Suite	B&B	
3	8	250	0.22	No	SLR	No	Main Dwelling	Under Review	
1	4	95	2.94	No	RR	No	Cottage	TUP--2019.1	In progress
2	6	125	2.94	No	RR	No	Cottage	TUP--2019.1	In progress
8	12	650	2.94	No	RR	No	Main Dwelling	TUP--2019.1	In progress
3	6	450	0.97	No	SLR	No	Suite	Home Occupation	
1	4		0.41	Yes	RR	No	Cottage	Home Occupation	
3	8	217	0.85	Yes	SLR	Yes	Main Dwelling	Under Review	
1	2	175	0.76	No	SLR	Yes	Cottage	Home Occupation	
1	2	76	4.26	No	R3	No	Cottage	Home Occupation	
2	6	196	0.22	No	SLR	No	Main Dwelling	Under Review	
2	4	289	6.12	Yes	SLR	Yes	Main Dwelling	TUP-2016.8	8,000 litres
1	3	150	4.16	No	R3	No	Cottage	Home Occupation	
3	7	240	0.61	No	SLR	Yes	Main Dwelling	TUP-2017.3	None specified
3	5	175	0.87	No	SLR	No	Main Dwelling	TUP 2016.7	None specified
2	4	200	0.87	No	SLR	Yes	Main Dwelling	TUP-2016.6	None specified
1	2	98	0.48	Yes	RR	No	Main Dwelling	Home Occupation	
1	4	70	3.35	No	EE NP	No	Cottage	Home Occupation	
1	2	80	0.64	No	SLR	No	Main Dwelling	Under Review	
3	7	215	0.27	Yes	VR2	Yes	Main Dwelling	Under Review	
1	2	150	2.03	No	RR	No	Cottage	Home Occupation	
5	10	138	3.88	No	RR	No	Main Dwelling	Under Review	

Appendix 3 - Galiano Active STVR Snapshot - June 2019

Bedrooms	Guests	Cost per Night	Property Size (Hectares)	Water Management Area?	Zoning	Waterfront?	Unit Type	Regulatory Type	Cistern requirements (from TUP)
2	4	180	0.21	Yes	SLR	No	Main Dwelling	Under Review	
2	6	250	4.1	Yes	R2	No	Main Dwelling	TUP-2017.2	16,000 litres
2	4	175	0.37	No	SLR	Yes	Main Dwelling	TUP-2019.6	None specified
3	9	195	0.4	No	SLR	Yes	Main Dwelling	B&B	
2	6	225	0.46	Yes	RR	No	Main Dwelling	TUP-2017.4	16,000 litres
1	2	170	2.02	Yes	RR	No	Cottage	Home Occupation	
1	2	120	0.27	Yes	VR2	No	Main Dwelling	Under Review	
4	6	250	0.25	Yes	VR2	Yes	Main Dwelling	TUP-2019.5	In progress
1	4	155	0.84	No	SLR	No	Cottage	Home Occupation	
1	2	125	7.62	Yes	R2	Yes	Cottage	Under Review	
5	6	500	7.62	Yes	R2	Yes	Main Dwelling	Under Review	
1	6	160	0.7	No	SLR	Yes	Main Dwelling	Under Review	
2	2	150	0.45	Yes	VR2	Yes	Main Dwelling	Under Review	
3	6	300	2.05	Yes	RR	No	Main Dwelling	TUP-2018.1	16,000 litres
2	5	123	0.49	Yes	SLR	Yes	Cottage	Home Occupation	
1	2	125	0.56	No	SLR	No	Cottage	Home Occupation	



Temporary Use Permits (TUPs) for Commercial Vacation Rentals For August 2019



Top Priorities Report

Galiano Island

1. Affordable Housing Strategy

Responsible

Dates

Phase 1: STVR review

Brad Smith

Rec'd: 04-Mar-2019
Target: 31-Mar-2020

2. Groundwater Sustainability

Responsible

Dates

Phase 1: mapping and data analysis

William Shulba

Rec'd: 02-Apr-2019
Target: 01-Apr-2020

**Projects Report****Galiano Island****1. Soil Removal and Deposit Bylaw****Responsible****Date Received**

Review need and options for implementation of soil removal and deposit bylaw

12-Sep-2011

2. Amendments to Forest designation and F1 zone -**Responsible****Date Received**

Consider options for amendments to Forest Land Designation and policies and F1 zoning for lands without Managed Forest Status. Draft bylaws have been prepared, project deferred at meeting of April/12

Robert Kojima

16-Apr-2012

3. Parking Issues**Responsible****Date Received**

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

23-Jul-2012

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

4. Bike Trails and Camping**Responsible****Date Received**

Letter dated July 8, 2013 received from Galiano Parks and Recreation Commission regarding bike safety on Galiano roads (See Transportation policy U of Section 1.1) and for the allowance of non-commercial camping on private lots.

15-Jul-2013

5. Ocean Based Geo-Exchange Systems**Responsible****Date Received**

Review of regulations for geo-thermal exchange use.

18-Nov-2013

6. Information Note Addition**Responsible****Date Received**

Add in Information Note on Archeological Sites under General Regulations

18-Nov-2013



Projects Report

Galiano Island

7. Light Industrial Zoning	Responsible	Date Received
A review and inventory assessment of existing and potential light industrial zones.		18-Nov-2013
8. Land Use Bylaw Amendments	Responsible	Date Received
To review LUB for: any technical/administrative bylaw amendments (e.g. definition references and numbering), shoreline zoning wording, crown lot rezonings, and review park zoning (specifically to allow stairs in setbacks).		07-Jul-2014
9. Community Benefit Review for Forest Lands	Responsible	Date Received
Staff to prepare preliminary report for new LTC		08-Sep-2014
10. Consider amendments to re-designate and rezone crown owned Forest lots.- Bylaws 231, 232 at First	Responsible	Date Received
re-refer to FLNRO for comment		
11. Review of split zonings.	Responsible	Date Received
		05-Mar-2018
12. Coastal Douglas-Fir Protection	Responsible	Date Received
Review 'Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)' and provide recommendations from toolkit.		04-Feb-2019
13. Cannabis Retail and production	Responsible	Date Received

Projects Report

Galiano Island

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

05-Mar-2019

14. Dock review

Responsible

Date Received

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

02-Apr-2019

15. Emergency Access Planning

Responsible

Date Received

Follow-up from CRD emergency planning process

02-Apr-2019

16. Review of maximum house sizes

Responsible

Date Received

To review policies and regulations to potentially establish maximum floor area(s) for dwellings

06-May-2019

17.

Responsible

Date Received

18.

Responsible

Date Received



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2019.2	Sally Louise Pankratz Planner: Brad Smith	12-Jun-2019	Variance for encroachment

Planning Status

Status Date: 25-Jul-2019

Site visit conducted by Island Planner - met with property owner to discuss site specific conditions and take site photos

Status Date: 18-Jun-2019

PTA Created file, LTC notified, fees received, given to Planner

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2019.3	Webster, Shirley Planner: Brad Smith	19-Jun-2019	Proposed variance for siting of septic system

Planning Status

Status Date: 25-Jul-2019

Site visit conducted by Island Planner - met with property owner to discuss site specific conditions and take site photos

Status Date: 19-Jun-2019

PTA created file, files received, LTC notified

Rezoning

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

Planning Status

Status Date: 05-Feb-2019

Applicant to work on new sustainable forestry covenant draft and Baseline Report. Applicant to also secure third party for covenant. Staff is in the process of discussing granting emergency access by SROW with CRD. No new public hearing required.

Applications

Status Date: 21-Jan-2019

Application placed on Feb 4/19 agenda. Direction from LTC required to proceed with or without holding a new Public Hearing.

Status Date: 18-Jul-2018

Applicants requested to provide information on how to proceed with their application. Application will be closed August 31, 2018 if staff do not hear back.

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2014.1	Crystal Mountain Society	28-Oct-2014	20300 PORLIER PASS RD

To allow for year round use of the Forest Retreat Centre

Planner: Brad Smith

Planning Status

Status Date: 20-Aug-2019

Site visit conducted by Island Planner to assess site conditions first hand and take site photos - follow-up discussion with CM rezoning committee planned for September

Status Date: 19-Jul-2019

Revised layout plan provided by applicants' surveyor

Status Date: 07-May-2019

Applicants in process of preparing subdivision plan

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2017.2	PETER THOMSON	22-Dec-2017	409 Porlier Pass Drive - proposed 20-lot bare land strata subdivision

Planner: Brad Smith

Planning Status

Status Date: 15-Oct-2018

DP and DVP related to subdivision application approved.

Status Date: 09-Aug-2018

SD referral response sent to MOTI. Applicant required to apply for a DP and DVP.

Applications

Status Date: 19-Jul-2018

Emailed Applicant's completed Subd Ref Review form to LTC cc Planner, MoTI; gave folder to Planner.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2019.5	Follett & Denholm	10-Apr-2019	A temporary use short term vacation rental
Planner: Brad Smith			
Planning Status			

Status Date: 12-Aug-2019

Followed-up with applicant re status of TUP application - applicant is still working with MOTI on encroachment permit for fence and structures in statutory Right of Way

Status Date: 03-Jun-2019

Site visit conducted by Planner - fence and structures observed in highway ROW/LUB setbacks - proponent advised to seek encroachment permit from MOTI - will also require variance for structures sited in LUB setback

Status Date: 29-Apr-2019

File assigned, site visit pending

Islands Trust
LTC EXP SUMMARY REPORT F2020
Invoices posted to Month ending July 2019

625 Galiano	Invoices posted to Month ending July 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	666.00	158.57	507.43
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	5,301.00	1,912.31	3,388.69
65210-625	LTC - Local Exp - APC Meeting Expenses	411.00	0.00	411.00
65220-625	LTC - Local Exp - Communications	250.00	966.25	-716.25
65230-625	LTC - Local Exp - Special Projects	294.00	4,000.00	-3,706.00
TOTAL LTC Local Expense		<u>6,256.00</u>	<u>6,878.56</u>	<u>-622.56</u>
Projects				
73001-625-4051	Galiano Affordable Housing	3,000.00	0.00	3,000.00
TOTAL Project Expenses		<u>3,000.00</u>	<u>0.00</u>	<u>3,000.00</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: June 21, 2019

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 11, 2009 / Amended February 3, 2014	GL-LTC-85-09 Amended:	Parks Commission Referral	That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment
2.	October 18, 2010	GL-LTC-115-10	Publishing Notices beyond legal requirements	That the Galiano Island Local Trust Committee will advertise Public Hearing Notices in the Active Page Magazine in addition to the legally required advertising in the Driftwood Newspaper.
3.	October 17, 2011	GL-LTC-205-11	Special Occasion Liquor Licenses	That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property on which Galiano Island Land Use Bylaw No. 127, 1999 permits public assembly uses, such as restaurants or community halls, and where there have been no issues related to parking or past complaints for the preceding three years , staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
4.	February 3, 2014		Applications with Open Bylaw Enforcement files	On properties where there is an open bylaw enforcement file, planning staff should refer planning applications to the Bylaw Enforcement Manager for comment where one or more of the following circumstances exist: 1. There have been significant delays or longer than typical timelines in the enforcement process 2. The LTC is considering on-going, relevant policy or regulatory changes that could impact enforcement 3. Litigation has been recommended 4. Legal counsel has been involved (beyond providing a basic interpretation) 5. There has been enforcement action beyond seeking voluntary compliance (e.g. a BEN warning or ticket, adjudication, a compliance agreement negotiated, etc.) 6. There has been, or is an expectation of, joint enforcement with other jurisdictions 7. There is potential for impact on other related enforcement files.
5.	April 7, 2014	GL-2014-029	Community Wells as a Community Benefit	That the Galiano Island Local Trust Committee will consider as a community benefit for all rezoning applications where there is an increase in density, the establishment of an instrumented observation well.
6.	December 5, 2016	By consent	TUP for Commercial Vacation Rentals	Without fettering its discretion, the LTC provided the following guidance with respect to its consideration of TUP applications for Commercial Vacation Rentals: 1. A Commercial Vacation Rental use should only be considered in one dwelling per lot

No	Meeting Date	Resolution No.	Issue	Policy
				2. Permits being considered in Water Management Areas should include conditions requiring cisterns with a minimum capacity of 16,000 litres and a water meter. 3. In order to assist in assessing cumulative impacts, staff are requested to continue to provide an updated map showing the location, status, and maximum number of guests of all Commercial Vacation Rental TUP applications.
7.	March 5, 2018	GL-2018-023	TUPs for Short Term Vacation Rental use	That the Galiano Island Local Trust Committee place a 12 month moratorium on the issuance of new temporary use permits for Short Term Vacation Rental (STVR). (EXPIRED)
8.	September 17, 2017	GL-2018-65	Antenna System Siting & Consultation	That the Galiano Island Local Trust Committee Adopt the Galiano Island Antenna System Siting & Consultation Protocol as the tool for the review and consideration of antenna system proposals with the Galiano Island Local Trust Area.
9.	March 4, 2019	GL-2019-14	Cannabis Retail Referrals	That the Galiano Local Trust Committee adopt the following standing resolution with respect to the processing of non-medicinal cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - Name of the applicant and a description of the proposal in general terms - The location of the proposed establishment and the subject site - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - How public comments may be submitted to the local trust committee.
10.	June 3, 2019	GL-2019-54	A Standing Resolution on Reconciliation	That the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current

No	Meeting Date	Resolution No.	Issue	Policy
				projects and advocacy activities; b) For various Local Trust Committee meetings, invite First Nations to attend meetings; as well as, provide a traditional welcome to their territory if they would like; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations’ cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations’ traditional territories within the Islands Trust Area.”

Z:\01 Administration\0340 Policies Procedures Manuals\30 LTC (P)\GL\Policies and Standing Resolutions\Policies and standing resolutions 2019-03-04.doc

DATE OF MEETING: Various

TO: Local Trust Committees

FROM: David Marlor, Director,
Local Planning Services

SUBJECT: Climate Change Adaptation and Mitigation Strategies

PURPOSE

At its regular business meeting in June 2019, Trust Council passed the following resolution:

TC-2019-043

It was Moved by Trustee Fast and Seconded by Trustee Peterson,

That Trust Council direct staff to add agenda items 6.4 and 8.4 regarding climate emergency tools and strategies to all Local Trust Committee's upcoming agendas and suggest to the Bowen Island Municipality.

NEXT STEPS

The two reports "Report on Climate Change Adaptation and Mitigation strategies by the Islands Trust" and "Climate Change Emergency Declaration – Local Planning Tools for Mitigation and Adaptation" are provided for information on the local trust committees, and to assist when determining local actions to take in response to Trust Council's climate emergency declaration.

Submitted By:	David Marlor, MCIP, RPP Director, Local Planning Services	August 29, 2019
---------------	--	-----------------

ATTACHMENTS

1. Attachment 1: Items 6.4 and 8.4 from June 2019 Trust Council

To: Trust Council **For the Meeting of:** June 19, 2019
From: CAO **Date Prepared:** May 23, 2019
SUBJECT: Report on Climate Change Adaptation and Mitigation strategies by the Islands Trust

PURPOSE: To provide Trust Council a summary report on current and past actions, and policies adopted by the Islands Trust to address climate change. This report is a companion report to the land use actions report on the current agenda and is offered to provide context for Trust Council as they contemplate a range of potential options to address climate change within the Trust Area.

BACKGROUND: On March 13, Trust Council passed the following resolution:

That the Islands Trust Council:

1. Declare a Climate Change Emergency in the Islands Trust Area.
2. Add climate change mitigation, resilience, and adaptation policies to the Islands Trust Policy Statement amendment project.
3. Direct the Trust Council Chair to write to the Chairs of Regional Districts in the Islands Trust Area asserting Trust Council's full support for declarations of a Climate Emergency;
4. Direct the Trust Council Chair to write to the Provincial Minister of the Environment, asserting the Islands Trust Council's support to help the Province close the 25% emissions gap in the Clean BC Plan, and calling on the Province to provide the powers and resources to local governments;
5. Direct the Trust Council Chair to write to the Federal Minister of the Environment, asserting the Islands Trust Council's support to help Canada meet its Nationally Determined Contribution target made in the Paris Agreement and call on the federal government to provide the powers and resources to local governments.
6. Direct staff to report back to the June 2019 Trust Council meeting on measures and land-use planning actions that the Islands Trust can take to advance progress toward Local Trust Committee climate reduction targets and achieve further reductions in carbon from Trust operations.
7. Direct staff to include a central focus on equitable climate change mitigation, adaptation, and resilience into strategic planning to provide guidance and support for the Trust Area's efforts to transition away from fossil fuels in ways that prioritize those most vulnerable to climate impacts and most in need of support in transitioning to renewable energy.
8. Trust Council directs staff to work with First Nations and First Nations government agencies to seek support for the climate change emergency and to engage to coordinate climate action strategies with First Nations within the Islands Trust Area.

While the Islands Trust, as a function of its mandate and authority, has included climate change adaptation and mitigation measures in its decision making, including Bill 27 OCP implementation and the application of land use regulations, this briefing provides an overview of specific climate actions that the organization has taken.

1. **Anticipated climate changes within the Trust Area:** Given accessible climate change information for the region, it is anticipated that with an increase in global warming at or above 1.5 C the Trust Area would be impacted in the following ways.
 - i. Wetter fall seasons
 - ii. Dryer, hotter summers, drought conditions
 - iii. More inclement weather, extreme weather events
 - iv. Warmer winters
 - v. No frost
 - vi. Rise in sea level
 - vii. Species shift
2. The following table provides a timeline of key climate change actions by the Islands Trust and Islands Trust Conservancy over the last 15 years.

Table 1. Timeline of climate change actions

2005	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
passed resolution for advocacy on climate change	Signed BC Climate Action Charter	developed "Trust Area Climate Vulnerabilities" document	Bill 27 requirements, develop OCP amendments: Climate Smart Islands Program	over 2 year span, the majority of OCPs are amended to incorporate Bill 27			adoption of Carbon Neutral Operations Policy 7.4.v		Letter to Prime Minister Trudeau re Paris Climate Accord	State of the Islands Report	initiated groundwater workshops	delivered seal level rise workshops	declared climate emergency
		adopted Corporate Climate Action Plan					Corporate Sustainability Advisory Group Initiated					Adopted CDF toolkit	

3. BC Climate Action Charter

The Islands Trust is a signatory to the BC Climate Action Charter and has taken a number of steps to honor that commitment. Since 2007, we have reported on our website on our plan to achieve our climate action goals. We participate in the Climate Action Revenue Incentive Plan (CARIP) that requires we summarize our GHG emissions and energy consumption and detail our programming towards carbon neutrality. To summarize, the Islands Trust as an organization generates between 55 and 65 tCO₂e per year. We have traditionally then purchased carbon credits to achieve carbon neutrality from the Community Carbon Marketplace, which we been doing since 2012.

Using 2017 CARIP report as an example, key emissions measures are the following:

- a) Direct emissions
 - a. Vehicles fuel 14652 L
 - b. Stationary gigajoule 346
- b) Indirect Emissions
 - a. Purchased energy gigajoule 506
 - b. Purchased reported gigajoule 126
- c) Scope 3 emissions
 - a. Office paper packages 608

Please note that while the Province committed to providing Community Energy and Emission Inventory data for local governments, there is insufficient data for the Islands Trust specifically, requiring that we use a conversion factor to approximate some of our emissions measures.

4. **Bill 27 OCP Greenhouse Gas amendments**

Under separate cover a report will be provided to the June 2019 Trust Council meeting that will include the amendments to local trust committees OCPs required by Bill 27. Generally, each LTC/Bowen Island Municipality (except Piers Island) adopted target reductions for their area, either a 50% or 33% reduction by 2020 and a greater, 85% reduction by 2050. Land use bylaws have not been comprehensively updated to reflect OCP direction. There has been no sustained performance measurement of each local trust area/island municipality to determine how successful the OCP amendments have been in reducing emissions. Datasets are limited on an LTA/IM by LTA/IM basis for specific GHG reductions.

5. **Corporate Actions**

- i. In 2007, the Islands Trust adopted a **Corporate Climate Action Plan**. From a corporate perspective, the three areas effecting our emissions levels are travel, paper and building heating and maintenance. The Climate Action Plan provides a reasonably rigorous analysis of these target emission sources as well as others and make recommendations for mitigations. The Action Plan has led to a number of business practices that are still in place including:
 - a. Reduction of printing
 - b. Reduction of color printing
 - c. Double siding of documents
 - d. Not producing paper agendas
 - e. Support for employees to commute by bike
 - f. Increased ride sharing to staff and Trust meetings
 - g. Replacement of the windows and shading of Victoria office
 - h. Revised purchasing policy to emphasize energy efficiency

The plan is now somewhat dated and could be refreshed to find new points of emphasis and education for staff and trustees.

Since 2007 the Trust has monitored its GHG generation and in support of the Action Plan.

- ii. Adoption of **Policy 7.4.5 Carbon Neutral Operations**. This policy formalized a number of Trust wide operations dedicated to GHG reduction, including a carbon reduction goal, identification of carbon emission sources, dedication to using offsets to achieve carbon neutrality (including purchasing criteria) and reporting requirements.
- iii. In January 2013, a Corporate Sustainability Advisory Group (Green Team) was identified consisting of one member of Trust Council and a department representative across the organization. The term was for 12 months and the terms of reference included develop innovating ways to address climate change impacts and GHG reductions and to implement the Corporate Action Plan.

From the available data on Islands Trust operations, it is reasonable to conclude that we are a low carbon producing organization.

6. **Regional and National Context**

It would be impractical to provide a comprehensive overview of regional climate change initiatives; however, it is worth noting that there have been 16 declarations of a climate emergency in BC. Prominent among them is the City of Vancouver who have recently unanimously approved a motion recognizing the climate emergency and passing an ambitious set of six “Big Moves” that will guide

the City's response to Climate Change. The goal is to meet the objective of limiting warming to 1.5C as per the Paris Agreement.

The initial wave of climate emergency declarations occurred in Quebec (2018-2019), with over 300 communities having taken this step.

7. Issues and Opportunities

The following items provide a list of issues, amongst many, that could form the basis for further discussion by Trust Council.

- We do not have accurate Community Energy and Emissions Inventory information which limits our ability to accurately measure how emissions programing is reducing carbon levels.
- Issue of built form density is central to lessening climate change impacts and GHG production within the Trust Area.
- The Islands Trust does not have climate change policy in the Policy Statement but does in Official Community Plans and a variable level of climate regulation in LUBs.
- Corporate opportunities: electronic meetings, carbon friendly foods, further policies on travel.
- We have not liaised with First Nations on climate change in any substantial manner and will need to include this issue in our Policy Statement discussions.

ATTACHMENT(S):

- 1. N/A**

FOLLOW-UP: As directed by Trust Council

Prepared By: R Hotsenpiller

Reviewed By/Date: May 28, 2019



Islands Trust Council Plan for Continuous Learning

(What other topics would trustees like to propose?)

Updated May 9, 2019

Year	Trust Council Meeting	Trust Wide and Administrative Topics	Legal and Governance Topics	Planning How-To	Working With Others
2019	December (Victoria)				
	September (Bowen)				
	June (Galiano)	Strategic Plan	What Elected Officials Need to Know about FOI & Protection of Privacy Training (LGMA) June 25 th webinar.		Chair, Vice Chair, Committee Chairs & ITC Chair training
	March 2019 (Gabriola)	Strategic Plan	Young/Anderson Introduction Bill Buholzer		
	January 2019 Nanaimo	Orientation	Orientation		NA
2018	November (Victoria)	Orientation	Orientation	Orientation	Orientation
	September (Gambier/Keats)	Lessons Learned 2014 -2018	Implications of the Water Sustainability Act		
	June (Saturna)	Strategic Plan	<i>Islands Trust Act</i> Amendments		Agricultural Land Commission/Islands Trust
	March (Salt Spring)	(Freshwater Specialist) (Water Sustainability Act) Regional Conservation Plan		Adapting to Climate Change	March (Salt Spring)

BRIEFING

To: Trust Council **For the Meeting of:** June 18, 2019

From: David Marlor, Director, Local Planning Services **Date Prepared:** May 30, 2019

SUBJECT: **Climate Change Emergency Declaration – Local Planning Tools for Mitigation and Adaptation**

PURPOSE:

To provide an initial approach in response to Trust Council’s Climate Change Emergency Declaration in respect to local planning tools to address climate change.

BACKGROUND:

At its regular business meeting in March 2019, Trust Council declared a Climate Change Emergency. As part of that declaration, Trust Council requested that staff:

“report back to June 2019 Trust Council meeting on measures and land use planning actions that the Islands Trust can take to advance progress towards Local Trust Committee climate reduction targets and achieve further reductions in carbon from Trust operations”.

This briefing focuses on land use planning actions that the local trust committees and Bowen Island Municipality could take to advance progress towards greenhouse gas reduction targets and to adapt to the effects of climate change.

Following the implementation of new mandatory requirements for official community plans to include targets and policies for greenhouse gas reductions, all local trust committees and Bowen Island Municipality amended their official community plans to include those targets and policies.

The following table includes a summary of the targets established by each local trust committee and Bowen Island Municipality in their official community plans. Each local trust committee and Bowen Island Municipality also adopted related policies on how to achieve those targets.

Local Trust Committee/Island Municipality	Reduction By 2015	Reduction By 2020	Reduction By 2050	Notes
Bowen Island Municipality	-	33%	80%	Reduction over 2007 emissions
Ballenas-Winchelsea	-	50%	50%	Below per Canadian per capita for 2020/2050
Gabriola	-	33%	85%	Reduction over 2007 emissions

• Mudge	-	50%	50%	Below per Canadian per capita for 2020/2050
• DeCourcy	-	50%	50%	Below per Canadian per capita for 2020/2050
Galiano	-	33%	-	Reduction over 2007 emissions
Gambier	-	33%	85%	Reduction over 2007 emissions
• Associated	-	20%	85%	Reduction over 2007 emissions
• Keats	-	33%	85%	Reduction over 2007 emissions
Denman	-	33%	85%	Reduction over 2007 emissions
Hornby	-	25%	80%	Reduction over 2007 emissions
Lasqueti	-	50%	50%	Below per Canadian per capita for 2020/2050
Mayne	-	33%	-	Reduction over 2007 emissions
North Pender	-	33%	-	Reduction over 2007 emissions
• Associated	-	50%	50%	Below per Canadian per capita for 2020/2050
Saturna	-	33%	-	Reduction over 2007 emissions
SSI	15%	40%	85%	Reduction over 2007 emissions
• Piers	-	-	-	Bylaw is not compliant
South Pender	-	33%	-	Reduction over 2007 emissions
Thetis	-	33%	85%	Reduction over 2007 emissions
Associated	-	-	-	Bylaw contains no targets
Valdes	-	50%	50%	Below per Canadian per capita for 2020/2050

A. Local Planning Actions Since 2010

Since 2010, planning Staff regularly include consideration of climate change mitigation and adaptation in staff reports on planning applications and projects. As a result, all planning decisions by local trust committees over the past eight years have included a climate change lens. In addition to this, local trust committees adopted specific policies in their official community plans related to climate change mitigation and adaptation. Many of these policies have been implemented through land use bylaw amendments. A list of these implemented policies is included in Appendix 1.

Appendix 2 lists the official community plan policies that have not yet been implemented in the land use bylaws.

The remainder of this briefing provides information on land use planning actions that can be undertaken in relation to climate change. Section B addresses actions related to climate change mitigation and Section C addresses actions related to climate change adaptation.

B. Climate Change Mitigation Tools

Climate change mitigation involves actions that reduce greenhouse gas emissions (GHGs). In the local trust areas the main source of GHGs is combustion from transportation and combustion from heating and cooling buildings. Therefore, any policies and regulations that reduce the need for transportation, or reduce the need for heating or cooling of buildings will help in reducing GHGs.

The Province committed to providing the Community Energy and Emissions Inventory (CEEI) for local governments. For the Islands Trust area there is very little data available. The only metric is residential heating using wood, propane or oil (and this is withheld for Lasqueti and Gambier LTAs). There are no metrics available for transportation or any other source of GHG emissions. The last year CEEI reports were undertaken was 2012. As a result we currently do not have metrics to measure progress towards targets in OCPs. Bowen Island Municipality has Community Energy and Emission Inventories (starting on page 40 of this linked document <https://bowenisland.civicweb.net/document/118760>).

Local trust committees and Bowen Island Municipality have the following tools available to them to reduce GHGs:

- **GHG Reduction Targets** - Section 473 of the *Local Government Act* – required content for official community plans, inclusion of targets and policies with respect to reducing greenhouse gas emissions.
- **Zoning Authority** – Section 479 of the *Local Government Act*.
- **Development Permit Area to Promote Energy Conservation** – Section 488(1)(h) of the *Local Government Act*.
- **Development Permit Area to Promote the Reduction of Greenhouse Gas Emissions** - Section 488(1)(j) of the *Local Government Act*.

Local trust committees and Bowen Island Municipality could undertake the following to mitigate climate change.

1. **Enact existing Official Community Plan policies** for the mitigation of climate change that are already in the official community plans but have not yet been acted on (Appendix 2 contains a list of these policies).
2. **Update official community plans** to ensure the mandatory GHG reduction targets and policies are relevant and up to date; Galiano Island, Mayne Island, North Pender Island, South Pender Island and Saturna Island local trust committees have targets for GHG reduction set for 2020 with no targets for any future dates, and as such those targets will be out of date next year. The Salt Spring Island Local Trust Committee has not adopted any targets or policies for the Piers Island OCP. The Thetis Associated Islands OCP contains objectives and policies but no targets. While the Islands Trust has very limited metrics to measure progress, the requirement to have targets and policies in official community plans is mandatory under s. 473 of the *Local Government Act*. These official community plans should be updated within the next year to ensure they remain compliant with required content for an official community plan, and to address targets and policies for GHG reduction. Other local trust committees should review their targets and policies for relevance to current conditions.
3. **Use the zoning authority under s. 479 of the *Local Government Act* to cluster development** and move away from large lots to small compact "villages". This can be accomplished through OCP policies to require this kind of development, rezoning appropriately by increasing density in appropriate locations and reducing in other locations and density transfer to move density to appropriate areas. Some local trust committees already have some form of this in their OCPs. Salt Spring and Gabriola have density transfer that has seen some significant land use changes. While these were not specifically created to address climate change mitigation, they can be

effective in changing the land use pattern to one that is more sustainable and reduces the need for transportation.

5. **Use the climate change development permit areas to reduce the heating and cooling requirements for buildings.** To improve building energy efficiency, land use planning can require landscaping and orientation of buildings in a way to maximize sun in winter and shade in summer. This would be done through a development permit area (DPA), with the justification and objectives in the Official Community Plan and the guidelines in the Land Use Bylaw. Local trust committees and Bowen Island Municipality may use DPAs to reduce GHG emissions and for energy conservation under s. 488 of the *Local Government Act*. Using these DPAs, local trust committees and Bowen Island Municipality may establish guidelines around landscaping, siting of buildings and structures, form and exterior design of buildings and structures, machinery, equipment and systems external to buildings or structures. The DPA may also place restrictions on type and placement of trees and other vegetation in proximity to buildings and structures to provide for energy conservation and reduction of GHGs.

C. Climate Change Adaptation Tools:

Climate change adaptation involves adapting communities to the anticipated effects of climate change. In the Islands Trust area, these effects include sea-level rise, longer periods of drought, more intense storm events, wildfires, warmer summers and warmer winters, and ecosystem changes which may impact plant and animal species.

Local trust committees and Bowen Island Municipality have the following tools available to them to adapt to climate change:

- **Zoning Authority** - Section 479 of the *Local Government Act*.
- **Runoff Control Bylaw** - Section 523 of the *Local Government Act*.
- **Development Permit Area to Protect Development from Hazardous Conditions** – Section 488(1)(b) of the *Local Government Act*.
- **Development Permit Area to Promote Energy Conservation** - Section 488(1)(h) of the *Local Government Act*.
- **Development Permit Area to Promote Water Conservation** – Section 488(1)(i) of the *Local Government Act*.

Local trust committees and Bowen Island Municipality could undertake the following to adapt their communities to the effects of climate change:

1. **Sea Level Rise Adaptation Tools**

The Provincial government has established an expected sea-level rise in the Victoria area of 3.1 cm/50 years.

The Provincial (Subdivision) Approving Officer is currently requiring at time of subdivision a covenant for a 15 metres setback and 1.5 metres above the current high high water mark for any buildings or structures. This approach by the Provincial Approving Officer is a broad-brush approach to adapting to climate change and does not consider site specific conditions. Before initiating adaptation measures local trust committees and Bowen Island Municipality should have an understanding of the local situation.

- a) **Undertake mapping of sea-level rise** on the islands to provide information to assist with developing policies and regulations to adapt to sea-level rise.
- b) **Enact zoning regulations under s.479 of the *Local Government Act* and flood level regulations under s. 524 of the *Local Government Act*.** Using these provisions, local trust committees and Bowen Island Municipality may enact regulations to require setbacks for

buildings and structures from the future anticipated natural boundary of the sea, as well as establish a minimum elevation for buildings and structures above the anticipated future elevation of the sea. Local trust committees and Bowen Island Municipality could make exceptions for structures that are designed to be moved (not on permanent foundation). Notwithstanding, the Provincial Approving Officer will continue to have independent authority to establish different requirements.

2. **Longer Periods of Drought Adaptation Tools**

Islands Trust Staff currently has little information on groundwater such as the effects of climate change on recharge and capacity of the aquifers to provide water. Research and mapping of aquifers would allow local trust committees to develop policies and regulations that reflect the capacity of the aquifers including anticipated climate change effects. Water storage and alternative water supplies could be considered. Means to reduce water consumption includes using development permit areas for water conservation, requiring drought tolerant planting, and requiring features to reduce water use.

- a) **Undertake research and mapping of aquifers, develop water consumption budgets, and identify salt water intrusion risks**, based on expected climate change effects. This work would then inform the land use planning for future development on the islands. This work is already underway for some islands, and staff is working with the Ministry of Forest, Lands, Natural Resource Operations and Rural Development to undertake a robust salt water intrusion risk assessment and mapping for the Islands Trust area.
- b) **Update policies and regulations to align their development potential** – through land use and density provisions – with the anticipated capacity of the aquifers.
- c) **Use the climate change development permit areas under s. 488 of the *Local Government Act* to promote water conservation.** Local trust committees and Bowen Island Municipality could establish goals, objectives and guidelines related to landscaping; siting of buildings and structures; form of exterior design of buildings and structures; specific features in the development; and machinery, equipment and systems external to buildings and structures to promote water conservation. The guidelines may restrict the type and placement of trees and other vegetation in proximity to buildings and structures in order to provide for water conservation.

4. **More Intense Storms Adaptation Tools**

Climate change is expected to result in more intense storm events, with higher winds and heavier rain than in the past.

- a) **Develop runoff control bylaws** under s. 523 to deal with anticipated flood and runoff from storm events.
- b) **Establish development permit areas for the protection of development from hazard conditions** under s. 488 of the *Local Government Act*. Under this development permit area, local trust committees and Bowen Island Municipality could establish areas subject to flooding and require they remain free from development except development may be permitted in accordance with the guidelines. These requirements may vary use and density but only as it relates to health, safety or protection of property from damage. The legislation also allows the local trust committee and Bowen Island Municipality to require a professional report at the applicant's expense to help with determining appropriate development permit conditions.

5. **Wildfire Adaptation Tools**

As climate change results in hotter and longer dryer periods during the summer months, the risk of wildfires on the islands increases. Most islands have a wildfire plan prepared by the fire district or regional district.

- a) **Establish development permit areas for the protection of development from hazard conditions** under s. 488 of the *Local Government Act*. Under this development permit area, local trust committees and Bowen Island Municipality could establish areas at risk to wildfires and include requirements respecting the character of development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures, and establish restrictions on the type and placement of trees and other vegetation in proximity to the development. These requirements may vary use and density but only as it relates to health, safety or protection of property from damage. The legislation also allows the local trust committee and Bowen Island Municipality to require a professional report at the applicant's expense to help with determining appropriate development permit conditions.

6. **Warmer Summers and Warmer Winters Adaptation Tools**

Climate change is expected to lead to our summers and winters becoming warmer.

- a) **Establish development permit areas for energy conservation** under s. 488 of the *Local Government Act* to require that the exterior form and design of buildings, and other specific features of the development, reduce the need for energy in summer and winter. Local trust committees and Bowen Island Municipality could establish goals, objective and guidelines related to landscaping; siting of buildings and structures; form of exterior design of buildings and structures; specific features in the development; and machinery, equipment and systems external to buildings and structures to promote energy conservation. The guidelines may restrict the type and placement of trees and other vegetation in proximity to buildings and structures in order to provide for energy conservation.

ATTACHMENTS:

1. Summary of Local Trust Committee OCP climate change policies already implemented
2. Summary of Local Trust Committee OCP climate change policies not yet implemented

FOLLOW-UP:

Further work in specified areas as indicated in the briefing, or as requested by the Trust Council, Executive Committee, Local Planning Committee or local trust committees.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date: Russ Hotsenpiller, Chief Administrative Officer/

Summary of Official Community Plan policies, listed by local trust area, that have been implemented in the land use bylaws.

Ballenas-Winchelsea Local Trust Area

- Shoreline Development Permit Area (applicable to 30 m upland of the natural boundary of the sea).
- Regulations in the land use bylaw exempts solar collectors, wind generators and water storage tanks from height restrictions.

Denman Island Local Trust Area

- Climate change impacts are considered in staff.
- Providing the dedication of conservation area, consistent with OCP policies for density transfer.

Gabriola Island Local Trust Area

Gabriola Island

- Climate change impacts are considered in staff reports.
- Providing for rainwater collection and storage, trail/path connections and dedication of 300+ acres of parkland.
- Development Approval Information (DAI) Bylaw amended (2013) to include option to address GHG emissions, anticipated energy usage, carbon emissions and groundwater resources in conjunction with bylaw amendment or TUP applications [Criteria for assessing OCP/LUB applications developed.
- Land Use Bylaw (parking regulations and Village DPA guidelines) amended to encourage public transit, smaller vehicles, non-polluting vehicles, and permeable parking surfaces and increase walkability.
- Land Use Bylaw amended to measure the footprint of buildings and structures from the interior walls instead of the outer perimeter of the foundation of the building, so increased insulation is encouraged, and to exclude cisterns from floor area calculation.
- Official Community Plan and Land Use Bylaw amended to encourage local food production.

Mudge Island

- Climate change impacts considered in staff reports.
- Land Use Bylaw amended to exclude from the calculation of lot coverage in the RR zone: cisterns and similar structures for rainwater collection and storage; fire-fighting towers; pervious paths, driveways and parking spaces; and garden beds.

DeCourcey Island

- Climate change impacts considered in staff reports.

Galiano Island Local Trust Area

- Climate change impacts considered in staff reports, and inclusion of a policy in the Land Use Policies section of the Official Community Plan applicable to consideration of all applications.
- Amendments to shoreline development permit area to include guidelines to consider and address sea level rise impacts.
- Changes to zoning regulations to permit small-scale renewable energy, specifically height regulations amended.

Gambier Island Local Trust Area

- Climate change impacts considered in staff reports.

Hornby Island Local Trust Area

- Climate change impacts considered in staff reports.
- Official Community Plan Water Supply Protection and Water Resource Protection Development Permit Area includes guidelines to protect water resources.
- Official Community Plan Community Service Use Development Permit Area includes guidelines to provide rainwater catchment and storage; and hydrology study.
- Official Community Plan Commercial Development Permit Area includes guidelines to maintain natural vegetation and reduce light pollution.
- Water storage tanks and wind turbines exempt from Land Use Bylaw height regulations.

Lasqueti Island Local Trust Area

- Climate change impacts considered in staff reports.

Mayne Island Local Trust Area

- Climate change impacts considered in staff reports.
- Zoning amended to exclude solar collectors, wind generators and water tanks from maximum height regulations.
- Geothermal heating systems permitted.
- Amendments to Land Use Bylaw to permit mixed use (second storey residential) in commercial zones.
- Zoning for employee accommodation in commercial resorts.
- Secondary suites permitted.

North Pender Island Local Trust Area

North Pender Island

- Climate change impacts considered in staff reports.
- Secondary suites permitted.
- Temporary use permit guidelines amended to include climate change impacts.

North Pender Associated Islands

- Climate change impacts considered in staff reports.
- Shoreline DPAs include erosion provisions.

Salt Spring Island Local Trust Area

Salt Spring Island

- Climate change impacts considered in staff reports.
- Secondary suites permitted in select areas.
- Amenity Zoning includes implementation of energy efficient building design criteria that exceeds that required by the B.C. Building Code or other regulations.
- Climate change considered when evaluating suitability of density transfer.
- Rezoning application supporting local food production and storage as a community amenity
- Coordination with local and provincial agencies regarding fresh water demand and supply in relation to climate change.
- Land use regulations require 15m setbacks from natural bodies of water; 1.5 m elevation above natural body of water.
- Pathways and bikeways dedication at time of subdivision as per OCP Cycle Route map.

- DAI Bylaw including development permit checklist (both are drafted but not yet implemented).

Piers Island

- Climate change impacts considered in staff reports.
- 3.0 m elevation of buildings required if within 30m of water body.

Prevost Island

- Climate change impacts considered in staff reports.

Saturna Island Local Trust Area

- Climate change impacts considered in staff reports.
- Geothermal heating permitted.
- Secondary dwelling units (secondary suites amendment in process).
- Sustainability checklist.
- TUP guidelines amended to include consideration of climate change impacts.

South Pender Island Local Trust Area

- Climate change impacts considered in staff reports.
- Although not a Bill 27 requirement, LUB was amended to limit dwelling floor area and overall floor area on residential lots.

South Pender Island Local Trust Area

- Climate change impacts considered in staff reports.

Thetis Island Local Trust Area

Thetis Island and Valdes Island

- Climate change impacts considered in staff reports.

Thetis Associated Islands

- Climate change impacts considered in staff reports.
- Land Use Bylaw definition of floor area excludes any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection.
- Land Use Bylaw permits the following uses in all zones: conservation; water supply facilities for the purposes of supplying potable or grey water on an individual island, including cisterns, reservoirs, pipes, treatment facilities, catchment and storage facilities and pumping and intake structures; solar collectors; wind turbines; and ocean geothermal loop exchange systems.
- Solar collectors are exempt from Land Use Bylaw height regulations.

Summary of Local Trust Committee Official Community Plan Policies that have yet to be implemented.

The following is a summary of Official Community Plan policies on climate change that have not yet been enacted in the land use bylaw regulations or through development permit areas. For actual wording of the policies, please consult that relevant official community plan bylaw.

Ballenas-Winchelsea Local Trust Area

- Identify significant un-fragmented forest and non-forest ecosystems and ensure these are noted on mapping for environmental and carbon sequestration value.

Denman Island Local Trust Area

- Review zoning to ensure provisions encourage energy efficiency and the greenhouse gas emissions reduction in new construction.
- Review development permit area guidelines and incorporate provisions to promote energy conservation, water conservation and greenhouse gas emissions reduction.
- Encourage renewable energy, limit fossil fuel consumption, encourage energy-efficient and carbon-efficient building construction.

Gabriola Island Local Trust Area

Gabriola Island

- Consider new development permit area guidelines that promote low impact land uses, alternative transportation, energy conservation, water conservation, and the reduction of GHGs.
- Identify significant un-fragmented forest ecosystems within the planning area and ensure that these areas are noted on mapping both for their environmental values as well as carbon sequestration areas.
- Amend LUB to consider setbacks from the ocean in relation to sea level rise.

Mudge Island

- Establish climate change as a fundamental factor in land use decision making.
- Encourage on-island agriculture and sharing of local food production.
- Encourage all new construction be built at the highest possible energy-efficiency standards.
- Further policies and actions to be considered as part of a future review of the OCP.

DeCourcey Island

- Encourage on-island agriculture and the sharing of local food production.
- Encourage new construction built at highest possible standards to reduce energy needs.
- Specific policies and actions to be included in a future OCP review.

Galiano Island Local Trust Area

- Amendments to parking requirements to require alternatives to parking spaces.
- Requiring new development to utilize building technology that minimizes energy use.

Gambier Island Local Trust Area

Gambier Island

- Develop new criteria for assessing OCP or zoning amendment applications from the perspective of climate change adaptation and mitigation.
- Support protection of forest resources.
- Require water storage with every dwelling unit.

Gambier Associated Islands

- Support actions to minimize GHG emissions.
- Recognize importance of forested lands in removing carbon dioxide from the atmosphere.
- Consider potential impacts on global climate change and GHG reduction targets when considering applications.
- Identify significant un-fragmented forest ecosystems within the planning area and ensure that these areas are noted on mapping for both their environmental value and as carbon sequestration areas.
- Reduce extent of infrastructure (e.g. development of common docks).
- Zoning regulations should support small scale residential solar and wind power generation on residential lots.

Keats Island

- Promote use and development of renewable energy sources.
- Develop new criteria for assessing OCP or zoning amendment applications from the perspective of climate change adaptation and mitigation.
- Support cluster development appropriate for Keats Island.
- Encourage energy efficient buildings.
- Encourage use of alternative energy.
- Encourage water storage for every dwelling unit

Hornby Island Local Trust Area

- Develop criteria for assessing OCP or LUB amendment applications from the perspective of climate change adaptation and mitigation.
- Encourage retention of forest cover except for the clearing of land for farming in the ALR.
- Limit size of buildings and opportunities for attached dwelling units and visitor accommodation units.
- Encourage green building techniques and alternative energy systems (solar, wind, geothermal, or water based) into residential housing.
- Encourage safe multi-use trails and bike lanes to facilitate non-motorized forms of travel.
- Encourage “climate wise” actions, including water conservation, storm water retention, the use of alternative energy sources for home use, and the use of alternative transportation methods.
- Support the local provision of services that residents presently travel off-island to access.
- Review LUB to provide for community gardens and community food processing and storage.
- Encourage local food production.

Lasqueti Island Local Trust Area

- Develop criteria for assessing OCP or zoning applications from the perspective of climate change adaptation and mitigation.
- Encourage energy conserving buildings.
- Encourage cycling and walking trails to permit non-automobile based forms of travel.
- Encourage water conservation and rainwater catchment.

Mayne Island Local Trust Area

- Permitting attached dwellings.
- DPA to manage lot layout.
- DPA for energy conservation.
- Amendments to amenity zoning and density transfer policies.

North Pender Island Local Trust Area

North Pender Island

- A review of overall development potential to consider amendments to zoning where changes could limit or reduce emissions.
- Permitting attached dwellings.
- Amending parking requirements.
- DPA to manage subdivision layout (conservation subdivision design project started but later abandoned by LTC).
- Second storey residential over commercial.
- Requiring cisterns or other water conservation measures in new development.
- Permitting community wood chipping or composting.
- Amend existing DPA to include energy conservation provisions.

North Pender Associated Islands

- Specific policies and actions to be included in a future review of the plan.

Salt Spring Island Local Trust Area

Salt Spring Island

- Calculation of carbon budget at time of rezoning or demonstrated conformity with LEED or similar.
- GHG or energy efficiency specific DPA.
- Amend fees bylaw to support energy efficient building design.
- Mapping and analysis to anticipate potential impacts of climate change on land use.
- Height relaxation for solar and wind power generation on residential lots.

Piers Island

- In progress of updating OCP for Climate Change.

Prevost Island

- No policies on climate change – bylaw requires updating

Saturna Island Local Trust Area

- Amending zoning to allow mixed use, including second storey residential in commercial designation.
- Amending parking requirements.
- Include energy conservation measures in DPA.
- Implement DPA for lot layout and tree removal.
- Permitting attached dwellings.
- Limit floor area of dwellings.

South Pender Island Local Trust Area

- Permit community gardens.

Thetis Island Local Trust Area

Thetis Island

- Develop new criteria for assessing OCP or LUB amendment applications from the perspective of climate change adaptation and mitigation.

- Promote land use that supports local food production to reduce food transportation costs and GHGs.
- Support new forms of housing that include clustering and zero emission housing.
- Encourage local, small-scale generation of alternative non-polluting energy sources.
- Regulate the size, siting and height of wind turbines to minimize environmental impacts and safety risks.

Thetis Associated Islands

- Consider the potential impacts on climate change GHG emissions in bylaw provisions and review of development applications.
- Identify significant un-fragmented forest and wetland ecosystems within the planning area and ensure that these areas are noted on mapping for both their environmental value and as carbon sequestration areas.
- Through bylaw provisions, support residential renewable energy (e.g. micro hydro, solar, wind, waste heat, etc.) use.
- Promote the conservation of forested lands and wetlands as a cost effective and important climate change mitigation strategy.

Valdes Island

- Establish climate change as a fundamental factor in land use decision-making.
- Policies and actions with respect to climate change mitigation will be considered as part of a future review of the Rural Land Use Bylaw.