



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: April 7, 2014
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road
Galiano Island, BC
V0N 1P0

Pages

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|---|----------------------------|----------------|
| 1. Call to Order | 12:30 PM - 12:50 PM | |
| 2. Approval of the Agenda | | |
| 2.1 Questions on Agenda Items | | |
| 3. Town Hall | | |
| 4. Community Information Meeting | | |
| none | | |
| 5. Public Hearing | | |
| none | | |
| 6. Previous Meetings | 12:50 PM - 1:15 PM | |
| 6.1 Local Trust Committee Minutes for Adoption | | |
| 6.1.1 Galiano Island Local Trust Committee Meeting Minutes of March 3, 2014 (attached) | | 4 - 12 |
| For consideration to Adopt | | |
| 6.1.2 Galiano Island Local Trust Committee Special Meeting Minutes of March 8, 2014 | | 13 - 14 |
| For consideration to Adopt | | |
| 6.2 Public Hearing Record and Community Information Meeting | | |
| 6.2.1 Galiano Island Local Trust Committee Community Information Meeting Notes of March 8, 2014 (attached) | | 15 - 23 |
| For consideration to Receive | | |
| 6.3 Section 26 Resolutions without Meeting (attached) | | 24 - 24 |

RWM Report dated March 2014

6.4 Advisory Planning Commission

none

7. Business Arising from the Report

7.1 Follow-up Action Report (attached)

25 - 26

FUAL Report dated March 2014

8. Delegations

none

9. Correspondence

[correspondence received concerning applications and/or projects is considered with the application/project]

10. Applications, Permits, Bylaws and Referrals

1:15 PM - 2:15 PM

10.1 GL-DP-2013.2 (Ghai) Memo (attached)

27 - 40

10.1.1 Emailed Letter dated February 17, 2014 from D. Jones to Islands Trust re GL-DP- 2013.2(Ghai) (attached)

41 - 55

Copy of same letter to the Minister FLNRO
also attached

10.2 GL-DVP-2013.4 (Haley) Staff Report (attached)

56 - 66

10.3 GL-RZ-2004.6 (Crystal Mtn) Staff Report (attached)

67 - 83

-----BREAK ----- 2:15 PM

11. Local Trust Committee Projects

11.1 Short Term Vacation Rentals (STVR) Report (attached)

2:30 PM - 3:30 PM 84 - 110

11.2 Contractor Home Base Report (attached)

111 - 118

12. Reports

12.1 Work Program Reports (attached)

3:30 PM - 4:15 PM 119 - 120

Work Program dated March 2014

12.2 Applications Reports (attached)

121 - 125

Application report dated March 2014

12.3 Expense/Budget Reports (attached)

126 - 126

LTC Expense Report dated March 2014

12.4	Bylaw Enforcement	
	none	
12.5	Policies and Standing Resolutions Report (attached)	127 - 128
	For information	
12.5.1	Standing Resolution Update - Community Test Wells (attached)	129 - 131
12.6	Galiano Island LTC Web Page for Review	
	The Galiano Island Local Trust Committee Web Page can be found at:	
	www.islandstrust.bc.ca/islands/local-trust-areas/galiano	
12.7	Chair's Report	
12.8	Trustee Report	
13.	Other Business	4:15 PM - 5:00 PM
13.1	Upcoming Meetings	
	The next Galiano Island Local Trust Committee meeting will be held on Monday, May 5, 2014, at 12:30 pm, at the South Community Hall on Galiano Island.	
13.2	Groundwater Toolkit & Memo (attached)	132 - 158
13.3	2013-2014 Annual Report Submission (attached)	159 - 161
14.	Town Hall Meeting	
15.	Motion to Close Meeting	
	THAT, pursuant to Section 90(a) and (f) of the Community Charter, the Galiano Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting February 3, 2014, Galiano LTC In-Camera Minutes and to consider Advisory Planning Commission appointments; and further that staff and Recording Secretary, David Millership remain present. (distributed under separate cover).	
16.	Recall to Order	
	Rise and report from Closed Meeting	
17.	Adjournment	5:00 PM - 5:00 PM

**MINUTES OF THE GALIANO ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON MONDAY, MARCH 3, 2014, AT 12:30 PM
AT THE SOUTH ISLAND COMMUNITY HALL,
GALIANO ISLAND, B.C.**

<u>PRESENT:</u>	Ken Hancock	Chair
	Louise Decario	Local Trustee
	Sandy Pottle	Local Trustee
	Kris Nichols	Island Planner
	David Millership	Recording Secretary

There were approximately twelve (12) members of the public present.

1. CALL TO ORDER

Chair Hancock called the meeting to order at 12:35 p.m. Introductions were made and the meeting introduced.

Chair Hancock stated appreciation and acknowledgment that today's meeting is taking place on the traditional territories of the Coast Salish people.

2. APPROVAL OF THE AGENDA

Chair Hancock asked for any additions or changes to the agenda; amendments were as follows:

- Added item 7.2 – Smart Meter Follow-up
- Added to item 11.1 – Corrected version of Proposed Bylaw No. 241
- Added item 11.4 – Capital Regional District (CRD) Memorandum Of Understanding (MOU)

The agenda was Approved as amended by consent.

2.1 Questions on Agenda Items

None

3. TOWN HALL SESSION

Chair Hancock invited the public to make comment.

Andrew Loveridge stated support for the process regarding Galiano Land and Community Housing Trust (GLCHT) to move forward. He invited the Trustees to attend the Tuesday March 4, 2014, GLCHT board meeting and/or any GLCHT board meetings thereafter. He stated that GLCHT board meetings take place every other Tuesday at 6 pm at the community information office (the old barber shop) and that the next meeting after March 4, 2014, would be held on March 18, 2014.

Chair Hancock responded that the Local Trust Committee (LTC) is attending Trust Council (TC) this week and that a Trustee is therefore not available to attend the March 4, 2014, meeting. He commented that Trustees are prohibited from discussing LTC business together when outside of a public meeting and that such, would limit any possible future Trustee attendance to one at a time.

Tom Hennessy stated support for comments made by Andrew Loveridge regarding a Trustee(s) attending a GLCHT board meeting(s). He provided an update regarding GLCHT.

Doug Latta provided an update regarding GLCHT. He stated support for the process regarding GLCHT to move forward, and for Trustee(s) input at GLCHT board meeting(s).

Planner Nichols responded that the LTC is waiting to receive the final report from GLCHT consultants before process can resume.

There was some discussion regarding the following: the GLCHT housing agreement; Trustee Pottle and Trustee Decario having attended GLCHT site visits with Planner Nichols; Capital Regional District (CRD) having some expertise in housing agreements; the need for a housing agreement(s) to be drafted by a person(s) who has a legal background and related expertise; project feasibility; concern regarding applicant cost(s) and protection; and the final report still needing to be received by the LTC.

Chair Hancock stated that the GLCHT housing agreement needs to be specific to the proposal and that the LTC needs to know that the project is affordable and affordable in perpetuity. He stated that there is a burden on government to determine the ability of enforcement regarding the housing agreement and that the LTC needs to know the particulars in order to move forward.

Doug Latta responded that GLCHT isn't able to predict the future.

Tom Hennessy stated that the GLCHT final report is almost ready and that the project has a three-year phase in plan (i.e.: ten (10) houses in the first year, five (5) houses in the second year and five (5) houses in the third year).

There being no further comments from the public, Chair Hancock closed the Town Hall meeting.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. PREVIOUS MEETINGS

6.1 Local Trust Committee Minutes for Adoption

6.1.1 Draft Galiano Island Local Trust Committee Meeting Minutes of February 3, 2014

Amendments:

- Page 1, item 2, last paragraph, last sentence – replace “held at” with “held by”.

The Galiano Island Local Trust Committee Meeting Minutes of February 3, 2014, were Adopted as amended by consent.

6.2 Public Hearing Record and Community Information Meeting

6.2.1 Draft Galiano Island Local Trust Committee Public Hearing Record of February 3, 2014

Amendments:

- None

The Galiano Island Local Trust Committee Public Hearing Record of February 3, 2014, was Received by consent.

6.2.2 Draft Galiano Island Local Trust Committee Community Information Meeting Notes of February 3, 2014

Amendments:

- None

The Galiano Island Local Trust Committee Community Information Meeting Notes of February 3, 2014, were Received by consent.

6.3 Section 26 Resolutions without Meeting

None

6.4 Advisory Planning Commission

None

7. BUSINESS ARISING FROM THE REPORT

7.1 Follow-up Action Report

Planner Nichols provided information from FUAL Report dated February 2014, and items were discussed with regards to status and action.

Specific to item No. 2 – Planner Nichols stated that the most recent covenant for the large lot has been discharged and that the original covenant (which includes decibel readings etc.) is now back in place.

Specific to item No. 12 – Chair Hancock stated that the LTC would give staff some direction soon.

7.2 Smart Meter Follow-up

Chair Hancock provided information from the document *Executive Committee Response to the Galiano Island LTC's December Resolution Regarding Smart Meter Implementation* and commented that the information would also be made available on the Galiano Island LTC Web Page.

Chair Hancock stated that the Executive Committee (EC) has advocated an affordable smart meter opt-out option for BC Hydro customers but that BC Hydro may have a different view of what is affordable. He commented that the EC has been working hard on a number of advocate issues and is doing its best with them all. He asked the LTC, to please, let the EC know if further smart meter advocacy is wanted.

There was some discussion regarding the following: possible smart meter transmission issues in forested areas; some smart meter readings being incorrect; and customers able to monitor their own smart meter usage by sending BC Hydro a written record(s) and/or digital photograph(s) of their smart meter reading(s).

8. DELEGATIONS

None

9. CORRESPONDENCE

None

10. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

10.1 GL-DVP-2014.1 (Crawley) Staff Report

Planner Nichols provided information from Staff Report dated February 17, 2014, (File No.: GL-DVP-2014.1) Re: Development Variance Permit.

Applicant Simon Crawley was in attendance and spoke on behalf of the application.

There was some discussion regarding the following: neighbours not being opposed due to the fact that no visual changes would be taking place to the barn; staff recommendations; permitted number of employees needing clarification but probably being three (3) working on site at any given time; bylaw enforcement; split-zoned properties; permitted use(s); definition of agricultural use and description of what “staff” is considered to be; home occupation; retail businesses that are zoned commercial taking issue with some home occupation ventures that aren’t subject to commercial zoning; and applicant(s) intended use for the barn being horticulture (the growing of plants).

Planner Nichols will report back to the LTC regarding permitted number of employees for Agricultural (AG)/Rural Residential (RR) zoned land(s) versus Agricultural Land Reserve (ALR) zoned land(s).

There was further discussion regarding the following: horticulture being permitted in all zones; permitted number of employees being related to potential parking issues; retailer concern(s) that intended use(s) sometimes morphs into commercial/industrial activities; complaints and bylaw enforcement; and applicant(s) request for clarification regarding the definition of “employee”.

Chair Hancock stated that the permitted number of employees is three (3) working on site at any given time and asked the applicant to work with Planner Nichols regarding any needed clarification(s) moving forward.

There was some discussion regarding Planner Nichols reporting back to the LTC regarding home occupation versus agricultural use(s).

GL-2014-015

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Development Variance Permit GL-DVP-2014.1 (Crawley) to permit a second storey in an existing accessory agricultural building (barn) be Approved.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 LUB Amendment Bylaw No. 241 – Memo

Chair Hancock provided information from Memorandum dated February 12, 2014 (File No.: GL-6500-20 (LUB Review)) Re: Adoption of Bylaw No. 241 and stated that the corrected version of Proposed Bylaw No. 241 changes “May 31st” to “May 1st” in relation to permitted sawmilling operations.

GL-2014-016

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Proposed Bylaw No. 241, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2013” be Adopted.

CARRIED

11.2 Short Term Vacation Rental Review – Memo

Planner Nichols provided information from Memorandum dated February 21, 2014 (File No.: GL 6500-20 STVR) Re: Update Report on Short Term Vacation Rental (STVR) Project.

There was some discussion regarding the March 8, 2014, Community Information Meeting (CIM) and related agenda, Survey Monkey findings and process.

Note: there was a break at 1:50 p.m. and the meeting reconvened at 2:20 p.m.

11.3 Project Charter on DPA 4 Revision - Memo

Planner Nichols provided information from Memorandum dated February 20, 2014 (File No.: 6500-20-Groundwater Protection DPA Policy Review) Re: Consideration of Project Charter for Revising Existing Development Permit Area 4.

There was some discussion regarding the following: staff needing LTC direction; Galiano having two (2) groundwater monitoring wells that work but needing more; monitoring wells being considered as a community benefit; monitoring wells as a community benefit in relation to current rezoning applications; whether or not BC Parks would permit a monitoring well on their property and/or properties; having a resolution or standing policy that would make monitoring wells a community benefit that the LTC would look favourably upon when considering a rezoning and/or rezoning with subdivision application(s).

GL-2014-017

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee directs staff to bring back a Draft Standing Resolution to establish community test wells as a potential community benefit at the time of rezoning.

CARRIED

There was some discussion regarding: Draft Project Charter scope and timeline; there being approximately thirty (30) property owners whose property is above 140 metres (m); changes to Development Permit Area (DPA) 4 probably triggering changes to Development Approval Information (DAI); and process.

GL-2014-018

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee directs staff to draft a revised Development Permit Area 4 – Elevated Groundwater Protection bylaw.

CARRIED

11.4 Capital Regional District (CRD) Memorandum of Understanding (MOU)

Planner Nichols provided information regarding establishing a MOU with Capital Regional District Housing to address administration of housing agreements and asked the LTC for direction.

There was some discussion regarding the following: if the MOU would be for Galiano only or in conjunction with the rest of the Southern Gulf Islands; CRD process and discussions; and the CRD's ability to leverage donations.

GL-2014-019

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee directs staff to work with Capital Regional District Housing to establish a Memorandum of Understanding to address administration of housing agreements.

CARRIED

12. REPORTS

12.1 Work Program Reports

Planner Nichols provided information from the Work Program Report dated February 2014. Items were discussed with regards to status and action and Planner Nichols will update the Top Priorities and Projects lists according to LTC recommended amendments.

Trustee Decario asked Planner Nichols to update the target dates for Top Priorities.

12.2 Applications Reports

Planner Nichols provided information from the Applications Report dated February 2014 and items were discussed with regards to status and action.

Specific to GL-DVP-2013.4 (Haley) – Planner Nichols stated that notices have probably gone out already.

Specific to GL-SUB-2007.1 (Zizzy/Brown) – Planner Nichols stated that BC Parks has put a deadline on things and that the application should therefore be coming up soon for further LTC consideration.

Specific to GL-SUB-2012.2 (Winmark Capital Inc.) – Planner Nichols stated that all is done and that the application will be removed from the list.

Specific to GL-SUB-2013.1 (Kelly Gesner, Landworks Consultants) – Planner Nichols will flag any communications relating to BC Parks. He stated that BC Parks isn't sure if they are interested in "broken" lands, specific to the waterfront side of Bodega Beach Drive.

12.3 Expense/Budget Reports

Provided for information.

Planner Nichols stated that Expense/Budget Reports dated February 2014 missed the agenda package printing deadline and were therefore emailed to the Trustees instead.

12.4 Bylaw Enforcement

None

12.5 Policies and Standing Resolutions Report

Provided for information and there was some discussion regarding process.

12.6 Galiano Island LTC Web Page for Review

Chair Hancock asked for any additions or changes to the LTC web page (www.islandstrust.bc.ca/islands/local-trust-areas/galiano).

Specific amendments are listed below and Planner Nichols will update routine items as necessary.

- Add – DPA 4 Project Charter
- Add – Groundwater Report
- Add – Smart Meter Follow-up Information

Trustee Pottle commented that the new website organizes information much better.

Trustee Decario commented that the public is really enjoying the mapping section(s) of the new website.

12.7 Chair's Report

Chair Hancock stated that he would be attending Trust Council from March 4-6, 2014, on Hornby Island, where the 2014-2015 Islands Trust budget will be adopted. He stated that the proposed increase for the budget is \$65,000.00 (65k) but that such would be a 0% increase for the taxpayer if passed. He stated that a lot of time would be spent with BC Treaty negotiators in order to learn about the negotiation process pertaining to settlement of First Nation land claims in the Trust area.

12.8 Trustees Report

Trustee Pottle stated that she would be attending TC from March 4-6, 2014, on Hornby Island. She stated that she is interested in BC Treaty negotiations and what reconciliations mean to the BC Government. She stated that she wasn't sure why part of the meeting would be a closed meeting. Trustee Pottle stated that her office hours continue to be on Tuesday's but that due to TC she would not be available on March 4, 2014.

Trustee Decario stated that she would be attending TC from March 4-6, 2014, on Hornby Island. She stated that her office hours continue to be on Friday's and that she would be attending the March 8, 2014, CIM. She stated that she had attended a Financial Planning Committee (FPC) meeting and a Local Planning Committee (LPC) meeting.

13. OTHER BUSINESS

13.1 Upcoming Meetings

The next regular meeting of the Galiano Island Local Trust Committee will be held April 7, 2014, at 12:30 pm at the Galiano Island South Community Hall.

The meeting is scheduled as stated.

A Special Galiano Island Local Trust Committee Meeting regarding Short Term Vacation Rentals (STVRs) will be held March 8, 2014, at 1:00 pm at the Lions Park Hall, Galiano Island.

The meeting is scheduled as stated.

14. TOWN HALL MEETING

Chair Hancock invited the public to make comment; no comments were made and he closed the Town Hall meeting.

15. MOTION TO CLOSE MEETING

None

16. RECALL TO ORDER

None

17. ADJOURNMENT

GL-2014-020

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee meeting be adjourned at approximately 3:05 p.m.

CARRIED

RECORDER

CHAIR

MINUTES OF THE GALIANO ISLAND
LOCAL TRUST COMMITTEE SPECIAL MEETING
HELD ON SATURDAY, MARCH 8, 2014, AT 1:00 PM
AT THE LIONS PARK HALL,
GALIANO ISLAND, B.C.

<u>PRESENT:</u>	Ken Hancock	Chair
	Louise Decario	Local Trustee
	Sandy Pottle	Local Trustee
	Kris Nichols	Island Planner
	Kim Farris	Planner 1
	David Millership	Recording Secretary

There were approximately forty-eight (48) members of the public present.

1. OPEN HOUSE

From 1:00 p.m. to 1:30 p.m. the public had an opportunity to view meeting material panels.

2. CALL TO ORDER

Chair Hancock called the meeting to order at 1:30 p.m. Introductions were made and the meeting introduced.

Chair Hancock stated appreciation and acknowledgment that today's meeting is taking place on the traditional territories of the Coast Salish people.

3. APPROVAL OF THE AGENDA

3.1 Additions/Deletions

Chair Hancock asked for any additions or changes to the agenda; no amendments were made.

The agenda by consent was Approved.

3.2 Questions from the public on Agenda Items

None

4. COMMUNITY INFORMATION MEETING

4.1 Short Term Vacation Rentals (STVRs)

See separate Community Information Meeting (CIM) Notes dated March 8, 2014.

5. ADJOURNMENT

GL-2014-021

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Special Meeting be
adjourned at approximately 3:40 p.m.

CARRIED

RECORDER

CHAIR

**NOTES OF THE GALIANO ISLAND
LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING
HELD ON SATURDAY, MARCH 8, 2014, AT 1:35 PM
AT THE LIONS PARK HALL,
GALIANO ISLAND, B.C.**

<u>PRESENT:</u>	Ken Hancock	Chair
	Louise Decario	Local Trustee
	Sandy Pottle	Local Trustee
	Kris Nichols	Island Planner
	Kim Farris	Planner 1
	David Millership	Recording Secretary

There were approximately forty-eight (48) members of the public present.

Chair Hancock called the meeting to order at 1:35 p.m. and stated that a Community Information Meeting (CIM) gives the public an opportunity make comment and/or to ask questions.

Chair Hancock stated CIM rules and guidelines.

4. COMMUNITY INFORMATION MEETING

4.1 Short Term Vacation Rentals (STVRs)

Trustee Decario stated that today's CIM is due to Bylaw Enforcement (BE) wanting to enforce against six (6) properties on Galiano that have had STVR related complaints. She noted that Galiano's current bylaws do not address/permit STVRs and hence the Local Trust Committee (LTC) asked BE to put STVR enforcement in abeyance until such time as the LTC could see what the community would like to do regarding STVRs. She said that the LTC is asking the public for ideas on how to move forward.

Planner Farris provided information from the document *Helpful STVR Information* and outlined what an STVR is. She stated findings from the anonymous and non-scientific survey that had been responded to by the public via mail out and/or online survey provider, Survey Monkey. She noted that 244 people started the survey and 196 people finished it. The survey findings were presented on material panels at the beginning of today's meeting and the document, *Helpful STVR Information*, would be posted to the LTC web page after today's meeting.

Planner Nichols provided information from an STVR fact sheet and stated that such had also been part of the public mail out and online survey. He noted that the LTC is aware of approximately 30 currently active STVRs on Galiano. He outlined positives and negatives associated with STVRs and that STVRs are currently legal on South Pender, Saturna, and Hornby Islands. He said that Saturna Island currently permits STVRs of cottages as a home occupation and is in the process of considering STVRs to be permitted by use of a Temporary Use Permit (TUP) instead.

Planner Nichols stated that Mayne Island permitted STVRs to be established via a TUP process.

Chair Hancock invited the Trustees to ask questions and the public to make comment.

George Harris (Galiano resident) indicated support for STVRs. He stated that he rents his house as an STVR in the summer in order to generate needed income. He commented that his renters are usually families, they are respectful of his home, and contribute to the local economy (i.e.: by shopping at the Saturday Market, going kayaking etc.).

Amanda Harris (Vancouver resident) showed support for STVRs with regulation(s). She has owned a home on Galiano for 26 years and rents it out seasonally. She stated that many of her renters have transitioned to become full-time Galiano residents. She would support STVR regulations that included an STVR business registry and/or licensing program; STVR owners paying more for recycling services; requiring STVRs to have water catchment systems and/or cisterns; and limiting the number of nights per year an STVR is permitted to be rented. She stated that STVR renters do contribute to the local economy but can also have a negative impact on the community (i.e.: water usage).

Chair Hancock responded that that there is no business licensing authority in places that are not a municipality, and stated that TUP's are used in rural areas instead.

Barbara Littlejohn (Galiano resident) indicated support for STVRs. She asked if regulation(s) would apply to STVRs that were in place prior to Bylaw No. 127. The income derived from her STVR is her only income. She pays taxes on her STVR income and is opposed to any extra fees that might be associated with STVR regulation(s). She does not rent her STVR full-time and thus her renters have less impact on the community than full-time renters do. She supports STVR businesses being dealt with on an individual basis rather than as a group and with blanket regulation(s).

There was some discussion regarding grandfather clauses.

Cathy Stephenson (address not stated) showed support for STVRs and rents her cottage as one. She said this is an important issue for the LTC to resolve and noted that the Chamber of Commerce did an informal survey regarding the types of accommodation(s) visitors used. The findings were that STVRs have a positive impact on Galiano's economy. She said that STVRs permit and accommodate the summer surge of visitors to the island and that with regards to water usage, houses and/or cottages should be habitable 365 days per year.

Conny Nordin (President, Galiano Island Chamber of Commerce / commercial business owner) stated that the Galiano Island Chamber of Commerce supports STVRs as a way to generate income. She noted that the Chamber is opposed to STVRs running weddings, having restaurants and/or accommodating a lot of guests at one time if they are not being taxed and zoned as a commercial business. She said it is important for the LTC to find a balance when considering options and decisions related to STVR regulation(s). She commented on the Chamber's informal survey of people who were leaving the island by ferry and found that those who spent the most money on their accommodation also spent the most money on local services and/or at local businesses. Families who visited were found to spend very little money locally and that visitors who didn't spend any money at all on their accommodation (i.e.: cousins of the property owner) were found not to spend any money locally. Ms. Nordin stated support for STVR regulation(s) being addressed with permanent, not temporary solutions, and requested more information regarding TUP's.

Planner Nichols responded that TUPs would allow the LTC to address STVR applications individually and with conditions. He stated that TUPs last for a period of three (3) years and can be renewed for another three (3) years before a new TUP application is required.

Conny Nordin (President, Galiano Island Chamber of Commerce / commercial business owner) supports the LTC making a permanent decision regarding STVRs and not permitting STVRs to be established via TUP process.

Bob Ford (Galiano resident) spoke in favour of STVRs as a home-based business and that he has a cottage. He commented that people should have to live on the property but be permitted to manage their STVR from their home.

Sandi Harting (Galiano resident) stated support for STVRs, that she has an STVR, and that her neighbour does too. Ms. Harting said she relies on her STVR for income, that she accommodates wedding parties, and that her STVR renters are sometimes noisy. She commented that she should be able to do what she wants and shouldn't be subject to STVR regulation(s).

Lindsay Williams (Galiano resident) indicated support for STVRs. She stated that one of her jobs is to manage STVR cottages and that this income has enabled her to live on Galiano for the past eight (8) years. She hires local services such as plumbers, electricians, fresh flower providers, and others which contribute to the island's economy. She noted that STVR renters support local festivals and are grateful to be able to share the island with those that live here permanently.

Jan Fenby (Galiano resident) supports STVR's. She offers cleaning services and generates a large portion of her income from cleaning STVRs. She noted that both STVR renters and full-time residents are sometimes noisy.

Christine Axmann (address not stated) spoke in favour of STVR's, and that she has owned a home on Galiano for 40 years, which she rents out because she needed to leave the island for employment reasons. She has many repeat renters and she thanked Conny Nordin for being so gracious.

Eric Medine (address not stated) stated support for STVRs. He stated that he owns a home at Montague and that he rents it out as an STVR. He encouraged the LTC to draft bylaws that are reflective of today's online and "easy to have an STVR" world. He stated that he believes STVRs are a net gain to Galiano's economy.

A member of the public (Galiano resident) stated support for STVRs. She stated that she has had some horrible experiences with long-term renters and would therefore prefer to rent her house as an STVR instead. She commented that she relies on her STVR for income and if they are not going to be permitted on Galiano she might have to leave the island.

Geoff Inverarity (Vancouver resident) supports STVRs. He stated that he rents his home on Galiano as an STVR and has done so for years. He has had no STVR related complaints from his neighbours and that his renters are grateful for the opportunity to visit Galiano. He commented that his STVR permits him flexibility and allows him to stay connected to the Galiano community. If his house were a long-term rental, he wouldn't be able to stay connected to the Galiano community.

Joanne Randle (Vancouver resident) supports STVRs. She stated that having an STVR is a lot of work, but it enables her to afford her house on Galiano. She commented that STVRs enable people who can't afford their own home on Galiano to still experience the island and she would like to, one day, be a permanent resident of Galiano.

There was some discussion regarding expenses associated with having an STVR (i.e.: income tax, commercial insurance etc.).

Doug Latta (Galiano resident) stated support for STVRs and asked how they can be regulated.

Planner Nichols responded that the LTC would have several options moving forward including: STVRs not being permitted at all; being permitted as an outright use; being permitted in certain zones; being permitted with conditions via TUPs; and STVRs being permitted as a home occupation use.

There was some discussion regarding: Bed and Breakfast (B&B) accommodation and that such is a permitted use under home occupation; that many currently active STVRs on Galiano could probably be defined as B&B accommodation.

Planner Nichols stated that B&Bs require the owner to live on the property. He stated that cottages are not permitted to have cooking facilities without being considered a dwelling.

Ken Kucille (address not stated) stated that he rents his cottage and his insurance allows a maximum of four (4) people to stay at one time.

Barbara Littlejohn (Galiano resident) stated that regulation is scary, she is a community member operating a home-based business, contributes to the community, and full-time residents should be able to have an STVR.

Cathy Stephenson (address not stated) stated support for STVR regulation(s). She noted that there should be a limit on the number of guests permitted at one time, that STVRs should be considered a small businesses and should; therefore, not be competition to commercial business owners (i.e.: STVRs should not be allowed to accommodate wedding parties etc.).

Eric Medine (address not stated) indicated support for STVR regulation(s). He stated that there should be a limit on the number of guests permitted at one time. He supports STVRs being required to have water catchment systems and/or cisterns. He commented that STVR regulation(s) should not address noise issues as they are addressed in other bylaws.

A member of the public (Galiano resident) stated support for comments just made by Eric Medine.

George Harris (Galiano resident) asked how many STVR complaints Bylaw Enforcement (BE) has received.

Chair Hancock responded that it is difficult to give a concrete answer as the LTC is not given the specifics of BE but he believes the number of Galiano STVR related complaints peaked at 14 with six (6) being considered enforceable. He stated that the LTC only sees files that require litigation. He stated that there are two (2) Bylaw Enforcement Officers (BEOs) for 450 islands and those BEOs have to prioritize their enforcement.

There was some discussion regarding: rental versus home occupation and accessory use(s), there being many different kinds of rental scenarios. TUPs appealing to some people because they are site specific, involve neighbours, have a public open process, and can be dealt with individually.

Sue Smith (Galiano resident) stated support for STVRs with balanced regulation(s). She is a pensioner and needs the income her STVR provides. STVR renters contribute to the local economy and that she educates her renters regarding sense of community and respect for the environment. STVRs attract quality renters from all over the world and that she should not be limited to renting to lesser quality long-term renters.

A member of the public (Galiano resident) stated that 10% of Galiano's population is on Employment Insurance (EI), which is double the norm. She stated opposition to STVRs being established via the TUP process and that STVR renters contribute to the local economy.

Doug Latta (Galiano resident) stated that permitting STVRs could make it more difficult for young people to find and keep long-term accommodation.

Christine Axmann (address not stated) noted that STVR renters contribute to BC Ferries ridership numbers.

Cathy Stephenson (address not stated) said that STVRs do not hinder the long-term rental pool. She said that Galiano needs affordable housing but that is a separate issue. STVRs are a tourism issue.

Karen Harris (Galiano resident) noted that if she was forced to live on her property and was not permitted to rent her house as an STVR, she would have to evict her long-term cottage renters.

Carolyn Jerome (Galiano resident) stated that STVR owners do not have to pay commercial rates for telephones etc. and questioned what impact(s) STVRs would have on commercial operations such as Driftwood Village and Madrona Lodge, if permitted. She stated concern that STVRs run as a business might not have to be zoned commercial.

Chair Hancock responded and there was some discussion regarding: the LTC having no jurisdiction regarding property taxation; BC Assessment basing taxes on use; the potential for an STVR to be deemed commercial by BC Assessment and separately from the Islands Trust; and that there is a gray area between what is considered a small and/or home-based business versus what is considered a commercial business.

Sue Smith (Galiano resident) said that obtaining commercial zoning is difficult and expensive. STVRs offer the ability for owners to make a living without becoming a commercial business. She noted that owners are not permitted to build without being subject to water tests.

There was some discussion regarding water testing, septic maintenance, and commercial business responsibilities versus home-based business responsibilities.

Birthe Kucille (address not stated) supports STVRs and self-regulation.

Conny Nordin (President, Galiano Island Chamber of Commerce / commercial business owner) stated that she owns the Galiano Inn and was told that she pays the highest property tax per room in all of British Columbia. She said that commercial business owners pay a lot of money for services (i.e.: telephone, hydro, propane, internet etc.) and that the Galiano Inn is subject to water testing every month.

Sandi Harting (Galiano resident) stated opposition to STVR regulation(s) that would limit the number of guests permitted at one time.

Barbara Littlejohn (Galiano resident) stated that some STVR owners don't have neighbours.

A member of the public (Galiano resident) showed support for regulation(s) that would prevent owners from putting a few trailers around their property and subsequently renting them out as STVRs. She commented that permitting STVRs would be good for Galiano's real estate market.

Amanda Harris (Vancouver resident) stated (on behalf of someone who couldn't attend today's meeting) concern that permitting STVRs could result in some permanent residents having no permanent neighbours.

Shelley Lawson (Galiano resident) stated that she is the manager of Driftwood Village and that she participated in the Galiano Island Chamber of Commerce process relating to STVRs. She asked what the next steps are regarding LTC STVR related process.

Chair Hancock responded that an Island Planner(s) will guide the LTC STVR related process and that the LTC will subsequently make decisions regarding Galiano's Land Use Bylaws (LUBs) and Official Community Plan (OCP) as well as any other STVR related issues that might need addressing.

Planner Nichols responded that he will submit a report to the LTC in April that will be based on information gathered at today's meeting as well as findings related to the STVR survey. He stated that the LTC would have several options moving forward, including: STVRs not being permitted at all; STVRs being permitted as an outright use; STVRs being permitted in certain zones; STVRs being permitted with conditions via TUPs; and STVRs being permitted as a home occupation use.

Trustee Decario asked Planner Nichols if there are any fees associated with TUPs.

Planner Nichols responded that the fee for a three (3) year TUP is \$1,100.00 and that the fee for a three (3) year renewal of that TUP is \$200.00.

Barbara Littlejohn (Galiano resident) stated concern with TUP fees.

Janet Aitken (address not stated) stated that she has an STVR on Galiano and asked in what way the TUP fees would benefit the owner/applicant.

Chair Hancock responded that monies collected from TUP fees would help pay for staff and public process.

Bob Ford (Galiano resident) stated concern with TUP fees. He said that TUPs put the LTC in a conflict of interest situation because TUP fees would help pay LTC salaries.

Birthe Kucille (address not stated) stated that she has an STVR and has been in business for 14 years, with no issues.

A member of the public (address not stated) asked what keeping the status quo regarding STVRs would mean.

Planner Nichols responded that it would mean STVRs would not be permitted on Galiano.

There was some discussion regarding home-based businesses and the LTC having other options besides STVRs being established via TUPs.

Christine Axmann (address not stated) asked the LTC if they could amend the definition of home occupation to permit STVR use.

Chair Hancock responded that it would be difficult for home occupation to include permission for STVR use because STVR use means that the owner is not living there.

Thomas Axmann (address not stated) asked if STVR regulation(s) would apply to STVRs that were in place prior to Galiano's 1994 bylaws.

Planner Nichols responded that he doesn't think STVRs have ever been legal on Galiano.

Libby McClelland (address not stated) stated that she is puzzled by the legal versus illegal discussion(s) surrounding STVRs because such have only arisen due to the fact that STVRs have not been explicitly addressed in Galiano's bylaws. She stated that long-term rentals aren't regulated and asked if STVRs are regulated because they generate money.

Chair Hancock responded that long-term rentals are subject to the *Residential Tenancy Act* (RTA). He stated that STVRs generally provide accommodations for less than 30 days and are commercial in nature (i.e.: advertising is often involved). He read aloud the definition of home occupation from the STVR fact sheet.

Libby McClelland (address not stated) suggested that the definition of home occupation be amended to permit STVR use for a specified amount of time (i.e.: four (4) months per year).

Cathy Stephenson (address not stated) stated that she does not see a benefit to possibly regulating STVR use to a specified amount of time per year. She stated that there should be good reason(s) for any regulation(s) that might be introduced.

Barbara Littlejohn (Galiano resident) stated support for self-regulation. It is the abusers that have created this issue and that they have subsequently caused problems for everyone else.

Birthe Kucille (address not stated) asked the LTC to defer addressing STVRs.

Trustee Pottle responded that the LTC has to address STVRs because Bylaw Enforcement wants to enforce against STVRs. She stated that Galiano is fortunate that BE agreed to put enforcement in abeyance.

There was some discussion regarding the internet having an effect on enforcement (i.e.: it is easy for BE to do a search for STVRs on Galiano).

Shelley Lawson (Galiano resident) stated support for the LTC making a permanent decision regarding STVRs. She stated that making a permanent decision would benefit Galiano's tourism economy and economy in general.

There was some discussion regarding process, timeline, and next steps.

Chair Hancock stated final call for comments from the public.

Bev Gautier (address not stated) stated support for STVRs. She has an STVR on Galiano, that having an STVR is a lot of work, and that guests expect you to be available 24/7. She said that Tourism BC has a strategy for the islands and that experiential travel is a growing sector. She believes STVRs are good for Galiano and that permitting them would help Galiano to grow.

Joanne Randle (Vancouver resident) said that if STVR renters don't visit Galiano then they would go somewhere else. She hires local people to help with her STVR when needed.

Shelley Lawson (Galiano resident) commented that she viewed the LTC timeline regarding STVR process and commented that it is difficult for her to advocate for STVRs during the busy summer months.

There being no further comments from the public, Chair Hancock closed the Community Information Meeting.

Trustee Decario noted that findings from the online survey and comments made by the public today show that the community would like STVRs to continue on Galiano. She stated that the community has also suggested that there should be some regulation(s) associated with STVRs on Galiano and that she is looking forward to hearing more public input regarding such. She noted that the LTC is looking to balance the needs of the community.

Chair Hancock declared the meeting adjourned at approximately 3:40 p.m.

RECORDER

DATE

RWM From: March 03, 2014 To: March 31, 2014

Galiano Island

Resolution #	Action	Resolution Description	Resolution Date
2014-01	In Favour	THAT Galiano Island Local Trust Committee Proposed Bylaw No. 227 cited as "Galiano Island Local Trust Committee Bylaw No. 127, 1999, Amendment No. 2, 2011" be Adopted.	Mar 25, 2014



Follow Up Action Report w/ Target Date

Galiano Island Dec-03-2012

No.	Activity	Responsibility	Target Date	Status
1	Retreat Cove Farm (Covenant Amendment) Staff working with Province to resolve issue.	Kris Nichols	Jul-07-2014	On Going

Nov-18-2013

No.	Activity	Responsibility	Target Date	Status
2	GL-RZ-2013.1 (Landworks) Bylaws No. 244 and 245 were given first reading. Agency Referrals required CIM and PH to be scheduled once a subdivision PLA has been received. Staff to initiate a cost recovery agreement as required and to work with applicant on F3 sustainability covenant. Staff to obtain a Letter of Understanding from BC Parks	Sharon Lloyd-deRosario Kris Nichols	Feb-03-2014	On Going

Dec-09-2013

No.	Activity	Responsibility	Target Date	Status
3	9.1 GL-DP-2013.2 (Ghai) Application deferred until: 1. Staff research whether a DVP is required if the concrete landing is not within the setback, but the dock structure leading to it is (but above ground). 2. Applicant return with a detailed report that has evaluated all the area in front of the property to determine the best location for the proposed dock.	Kris Nichols	Feb-03-2014	Done

Feb-03-2014

No.	Activity	Responsibility	Target Date	Status
4	GL-DVP-2013.3 (Williams) The application is deferred until the May 5, 2014 LTC meeting for consideration.	Kris Nichols	May-05-2014	On Going
5	Bylaw 241 - Adopted March 3, 2014 - update LUB	Sharon Lloyd-deRosario Kris Nichols	Apr-07-2014	Done
6	Ground Water DP Revision Develop a revised DPA4 for comment Put project charter on the website and update reports.	Lori Foster Kris Nichols	Apr-07-2014	On Going
7	11.5 Policies and Standing Resolutions To draft a policy for discussion that a community test well for monitoring as part of a community benefit for rezoning applications resulting in an increase in density.	Kris Nichols	Mar-03-2014	Done
8	Community Benefit Discussion - Forest Lands To determine a policy to direct decisions made on community benefit and Forest lands rezoning and how it relates to who is the recipient and the process required.	Louise Decario Kris Nichols Sandy Pottle	Jul-07-2014	On Going

Mar-03-2014

No.	Activity	Responsibility	Target Date	Status
9	GL-DVP-2014.1 (Crawley) To issue the DVP as it was approved.	Sharon Lloyd-deRosario	Apr-07-2014	Done
10	11.4 CRD MOU Staff to work with the CRD on a MOU establishing the CRD as administrators for housing agreements. Staff have contacted CRD to work on the agreement.	Kris Nichols	Apr-07-2014	Done
11	Galiano Island Local Trust Committee Meeting Minutes of February 3, 2014 adopted as amended, posted to web. Put LPC's report on Ground Water Protection on the web for information.	Lori Foster	Apr-07-2014	Done



Memorandum

Date March 28, 2014 File Number GL-DP-2013.2 (Ghai)

To Local Trust Committee
For the meeting of April 7, 2014

From Kris Nichols
Island Planner

Re **GL-DP-2013.2 - New Reports for Consideration in Evaluating the Development Permit Application**

BACKGROUND

At the December 9, 2013 Local Trust Committee (LTC) meeting, there was discussion on the development permit application. The LTC discussed whether there was sufficient information available that they could make an informed decision as to the best location of the dock construction based on the Shoreline and Marine DPA Guidelines. As a result of the discussion the LTC passed the following resolutions:

It was Moved and Seconded that the Galiano Island Local Trust Committee defers consideration of GL-DP-2013.2 (Ghai) until staff determines whether a Development Variance Permit is required with the landing upland of the setback.

CARRIED

It was Moved and Seconded that the Galiano Island Local Trust Committee finds that the Precision Identification report dated November 12, 2013 does not adequately address the resolution of October 7, 2013 and requests a more thorough evaluation of site potential for an alternative dock location.

CARRIED

APPLICATION BACKGROUND:

At the July 15, 2013 meeting, the LTC considered a Development Permit application for the construction of a private residential dock at 22525 Porlier Pass Drive facing Trincomali Channel. The property contains two Development Permit Areas: Development Permit Area 7 - Steep Slope Hazard Area and Development Permit Area 2 – Shoreline and Marine Area. The application also includes a development variance component given the fact that this is a dock and will need to connect to the land for access and egress; a setback variance from the natural boundary of the sea (from 7.5 m to 2.3 m) is required for an existing concrete abutment. The proposed dock will consist of two 12.1m aluminum spans, one 12.1 m aluminum ramp and a 35 m² float.

The Shoreline and Marine DPA Guideline No. 52 states:

“Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not be designed to accommodate boats with a draft greater than 2.2 metres or

have floats more than 35 square metres total surface area unless more than two parcels have legal access to the dock, in which case permitted total surface area should be a multiple of the number of lots the dock serves."

In addition, the LTC requested that the additional information from the applicant ensure that this dock location is the best location to minimize any impacts meeting DP Guideline 44: *"Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift."*

At the July LTC meeting, LTC passed a motion to have a secondary biologist's report done which was received at the October LTC meeting. The new report concluded that the dock pilings are located within an eelgrass bed. Further information was requested of the applicant at this meeting. Additional information was presented at the December 9, 2013 meeting. The LTC determined that this information was not adequate enough to give them assurance that they are making the best decision based on the best information available. They requested additional information in the form of a more thorough evaluation of the site potential for an alternative location of the dock.

The applicant at previous LTC meetings has supplied professional reports (e.g. biologists, bathymetric) in support of their application to allow for the initial construction of a dock (i.e. placement of pilings) to remain in its current location. The information provided to date support the present location of the dock. The biologist has determined that there was no alternative site that could be suggested based on fact that there did not appear to be any areas of low productivity from a habitat perspective. Please see <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications.aspx> for previous reports and supporting documentation.

UPDATE

It has been determined by staff that a development variance permit is required for the landing regardless of whether the dock landing is cantilevered over the shoreline or touches onto it. In order for a dock to be functional and safe for users there is a necessity for it to touch down on the ground at some point upland of the high-water mark. While the granting of a development variance permit is discretionary, staff are recommending that it be approved given that it is integral to the proper functioning of a dock.

The applicant has provided an additional environmental report from Hemmera Environmental Consultancy (See Attachment 1) who reviewed all past professional reports as well as underwater video footage of the entire foreshore adjacent to the 22525 Porlier Pass Drive. Please see attachment 2 for a visual of where the video was taken along the foreshore. This was done in order to provide the most complete picture of the foreshore habitat so that the LTC can make an informed decision regarding how to proceed with the issuance of the Development Permit.

This report states that there is no better (or worse) location for the dock. This was also the position of the previous biologist's report. Given that the pilings are already located and sea floor habitat has grown around the pilings to remove them and relocate them would at this point cause more harm to the existing habitat according to the most recent report.

A development permit (DP) has to be issued unless what is proposed does not meet the DP guidelines. It does not have to be issued in the current location of the pilings which is where the Crown lease is located if there is proof that the DP guidelines are met to a higher standard in a different location. However, given that the entire foreshore is seen as equal in terms of the importance of the habitat, to request a move of the existing pilings to an alternate location should be substantiated with rationale that the DP guidelines would be better followed in a new location. Staff believe that the applicant has shown that the DP guidelines are being followed with the dock location and its proposed construction.

A draft development permit has been drafted to be considered by the LTC. See Attachment 3.

NEXT STEPS

The LTC can consider the following options:

1. Issue the development permit (DP) for the current location of the dock pilings.
2. Issue the development permit (DP) for an alternative location more suitable for dock construction based on information received. Given that the professional reports state that there is no better (or worse) location and argument would have to be presented as to why relocation is proposed based on Islands Trust bylaws.
3. Request additional information from the applicant.
4. Deny the DP application based on the fact that it does not meet the guidelines in the OCP based on the professional reports.

RECOMMENDATION

THAT Development Permit GL-DP-2013.1 (Ghai) BE **APPROVED**.

Pc Robert Kojima, RPM

Attachment:

1. Report from Hemmera Environmental Consultancy
2. Transect of videos taken March 20, 2014
3. Development Permit GL-DP-2013.2



19 Bastion Square, 3rd Floor
 Victoria, BC V8W 1J1
 T: 250.388.3584
 F: 250.388.3517
 hemmera.com

March 28, 2014
 File: 1702-001.01

Island Marine Construction Services Ltd.
 #2 – 156 Alders Avenue
 Saltspring Island BC V8K 2K5

Attn: David McKerrell

Dear Mr. McKerrell,

Re: Dock and float location: 22525 Porlier Pass Drive, Lot B, District Lot 96, Galiano Island, Cowichan District

As per your request, we have reviewed the underwater video footage of the foreshore adjacent to 22525 Porlier Pass Drive, Galiano Island taken March 22, 2014. The following letter outlines our review of the fish habitat features associated with the proposed tenure area. Aside from the underwater video our review included:

- Project design drawings;
- A letter report prepared by Kathy Reimer, R.P.Bio., dated June 23, 2013;
- A letter report prepared by Cynthia Durance, R.P.Bio. of Precision Identification dated November 12, 2013; and,
- A phone conversation with Cynthia Durance, R.P.Bio.

1.0 VIDEO OBSERVATIONS

The subtidal area at this site is comprised of both flat, sandy substrate in the shallow subtidal area along the rocky intertidal foreshore, and rocky subtidal substrate extending from the point and bluff to the North, along the pocket beach extending towards the point. Both habitats appear productive, supporting a variety of vegetation and invertebrate species typical of these substrate conditions.

A fringe of eelgrass (*Zostera marina*) was observed in locations previously documented by Kathleen Reimer (June 23, 2013) and further discussed by Cynthia Durance (November 12, 2013). The eelgrass shoots were not dense and do not appear to have expanded. A small but continuous area (slightly more dense) of eelgrass was noted between the middle set of pilings and the outermost set of pilings (closest to Trincomali Channel; **Figure 1**).

Several new bull kelp (*Nereocystis luetkeana*) fronds were observed growing to the North of the pilings, consistent with existing documentation. As described by Cynthia Durance, many seaweed species die back in the fall and would not have been widely visible during underwater video surveys conducted in spring. The presence of a diverse variety of bladed kelps and other algae, less prone to dieback, were noted, along with the drift of unattached bladed green algae. In much of the rocky subtidal substrate, and in some areas of sandy substrate, the invasive seaweed *Sargassum muticum* was dominant; its fronds usually remain, although somewhat reduced, throughout the winter. North of the pilings, in deeper water, a diverse array of invertebrates typical of rocky intertidal and subtidal habitats was observed. Several species of sea star, sea cucumber, and sea urchin were evident on the video.

2.0 PRIVATE MOORAGE LOCATION, EFFECTS AND MITIGATION

Eelgrass is primarily limited in its distribution by adequate substrate (sand/mud) for anchoring roots and enough light penetration to maintain growth. At the northern portions of the site, eelgrass is limited by a lack of suitable substrate, and further seaward by depth (as the seafloor slopes away). This location may also be prone to wave action from winter storms which can disrupt the growth of new shoots and rhizomes. Based on the existing site physical conditions, eelgrass is likely limited to its present distribution at the site, regardless of dock location placement.

Geographical features to the North of the proposed dock location, identified by Pete McKenzie, impede navigation and do not provide adequate depth to prevent the float from grounding or resting too near the seabed. The presence of highly productive kelp habitats, which provide fish habitat and biodiversity in rocky subtidal areas, also occur to the North of the proposed dock. Bull kelp in particular can grow to lengths of greater than 30 m. Alternate placement of the dock would not be recommended for this project.

Dock placement is, in essence, a mitigation measure to prevent residual effects to fish and wildlife habitats. For this project, location would be considered a mitigation measure with low effectiveness. Instead, other design mitigation measures, inherent in the existing design, will prevent impacts to the productive habitats in the area. For example:

- The walking surface of the walkway is 2.13 meters above HWM.
- The walkway will be clad in Minimesh; a 50% light penetration decking.
- The float will be located in deep water; beyond existing eelgrass patches;
- The walkway will be oriented in a relatively North-South orientation, allowing maximum light penetration; and,
- The float will have 3.7 metres of clearance from the seabed at low water (Zero m CD).

As mentioned, these mitigation measures, designed to prevent shading and maximize light penetration have already been incorporated in the project design.

In addition, removal of the existing pilings and installation elsewhere on site will result in localized, short term construction related effects. As the site has "stabilized" after footing and piling placement, it is more practical to leave them in place.

Operational mitigation that may be considered for the project would be to not allow deep draft vessels to moor on the landwards side of the float or to prevent propeller wash by docking on the seaward side of the float and moving boats around by hand, if required.

If you have any questions or comments, please do not hesitate to contact the undersigned.

Sincerely,



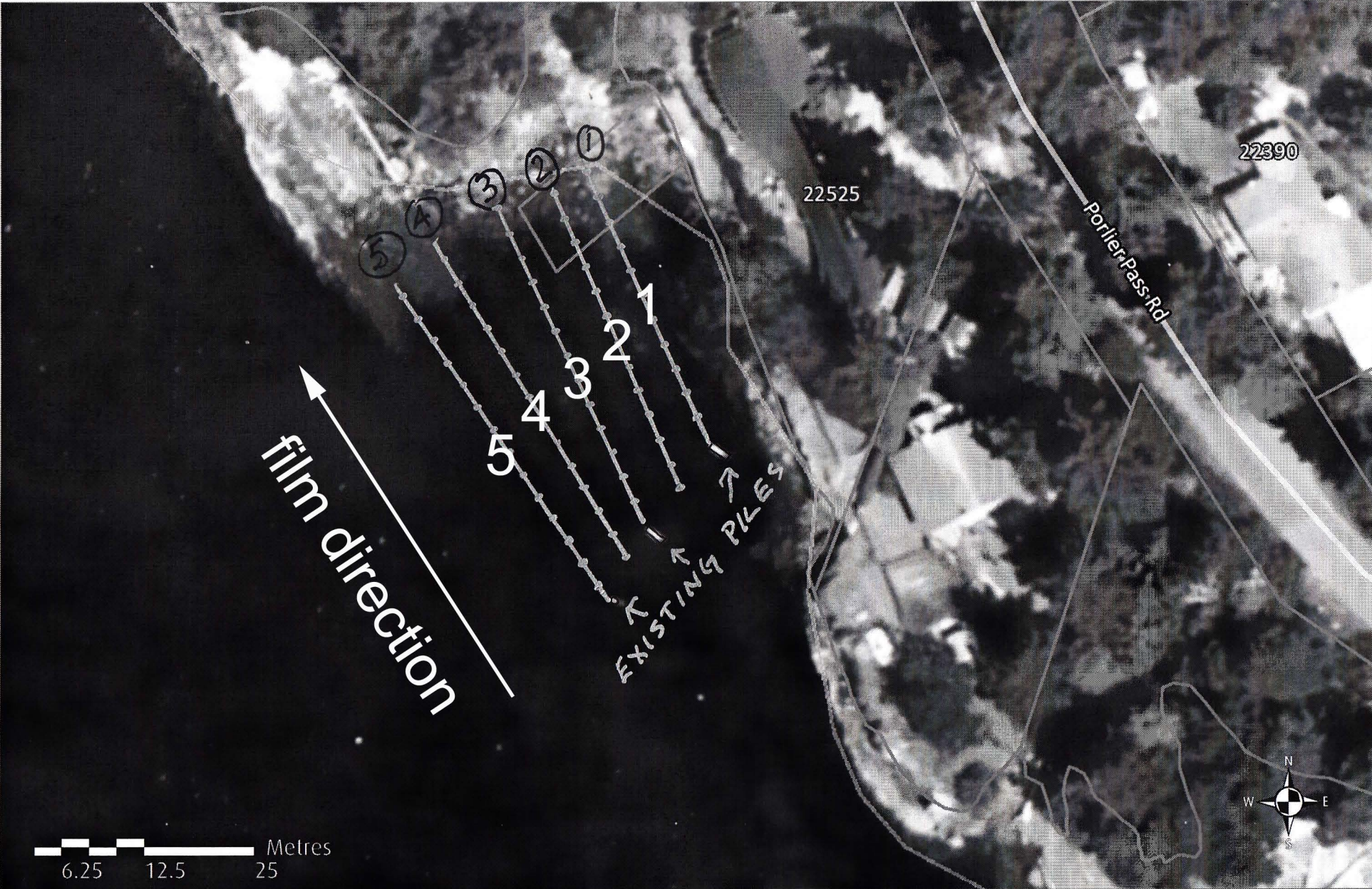
Mikaela Davis, M.Sc.
Marine Biologist
mdavis@hemmera.com



Scott Northrup, P.Biol., EP
Senior Marine Biologist, Project Director
snorthrup@hemmera.com

Figure 1 Existing pilings Installed at 22525 Porlier Pass Drive and Eelgrass Patch not Previously Documented





Important

This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

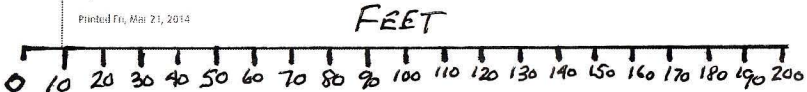
Printed Fri, Mar 21, 2014

Vari Ghai @22525 Porlier Pass Rd Galiano Island

123 35' 10" W 48 59' 45" N

Regional Community Atlas

Capital Regional District
gis@crd.bc.ca
<http://www.crd.bc.ca>





**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2013.2**

To: Vari and Neera Ghai

1. This Development Permit (the "Permit") applies to foreshore area described below and all buildings, structures and other developments therein:

Unsurveyed Crown foreshore or land covered by water being part of the bed of Trincomali Channel, Cowichan District containing 0.125 hectares, more or less that fronts Lot B, District Lot 96, Galiano Island, Cowichan District, Plan 30331.

2. This Development Permit No. GL-DP-2013.2 authorizes the construction of a walkway, ramp and dock within the development permit area, subject to the following requirements and conditions:
 - a. Construction of a walkway, ramp and dock and land alterations shall be consistent with Schedules "A", "B", "C" and "D" attached to and forming part of this permit.
 - b. That the concrete abutment (landing area for the dock) be extended landward to the edge of the bedrock step and horizontally dowelled into the bedrock and the existing landing pad in order to provide additional support. The dowels should consist of six equally spaced 5/8" reinforcing steel at each end of the extension, each embedded 8" into intact sandstone/concrete and grouted full length with non-shrink grout.
 - c. There should be no anchoring of any vessel or the dock itself within the kelp beds or the eelgrass areas.
 - d. During any unloading of building materials there should be absolutely no disturbance to the eelgrass areas identified in the Precision Identification report dated August 27, 2013.
 - e. There should be no float of any kind placed or any small boat moored in the water above the eelgrass.

- f. That there be monitoring by a qualified professional throughout the construction of the dock with a final follow up report submitted to the Islands Trust within a month of completion.
 - g. A subsequent report by a qualified professional will be submitted to the Islands Trust a year after the completion of the dock evaluating the ecosystem around the dock.
 - h. Construction practices must adhere to Department of Fisheries and Oceans (DFO) Best Management Practices for Dock Construction.
3. The Galiano Island Land Use Bylaw No. 127, 1999 is varied as follows:
- Subsection 2.14 is varied to permit a concrete abutment (dock landing) to be 2.3 metres from the natural boundary of the sea. Current bylaw regulation states that the distance for structures from the natural boundary of the sea is 7.5 metres.
- 4. Any further development involving the foreshore area will require a new Development Permit, or a Development Permit Amendment.
 - 5. This Permit does not remove any obligation on the Permittee to obtain other approvals or obligations necessary for the lawful completion of the proposed development.
 - 6. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 - 7. This permit does not relieve the applicant from complying with the provisions of the Galiano Land Use Bylaw unless varied by this Permit.

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 Galiano Island Land Use Bylaw No. 127, 1999 and to obtain other approvals necessary for completion of the proposed development.

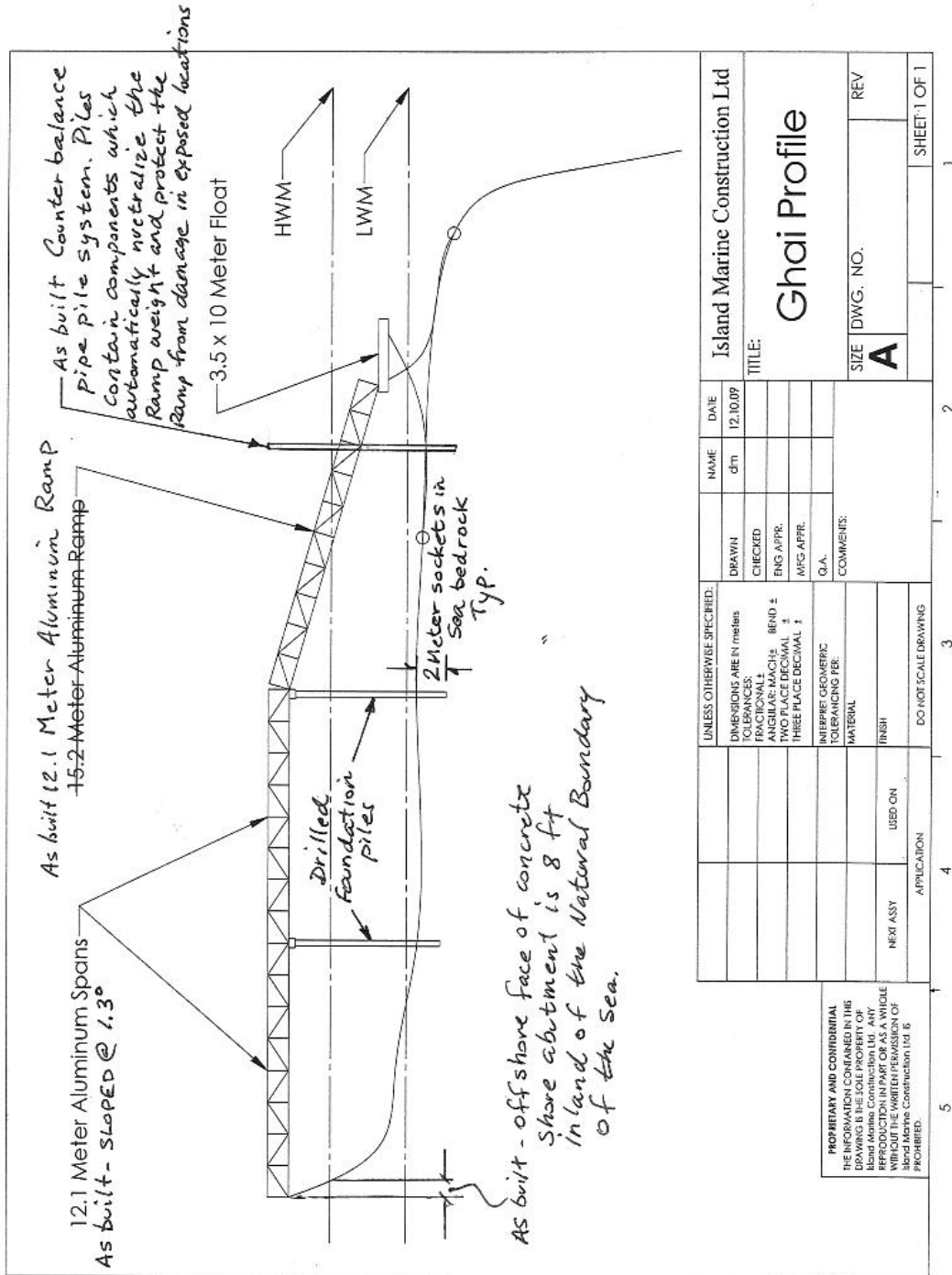
AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST
COMMITTEE THIS xx day of xx, 2013.

Deputy Secretary, Islands Trust

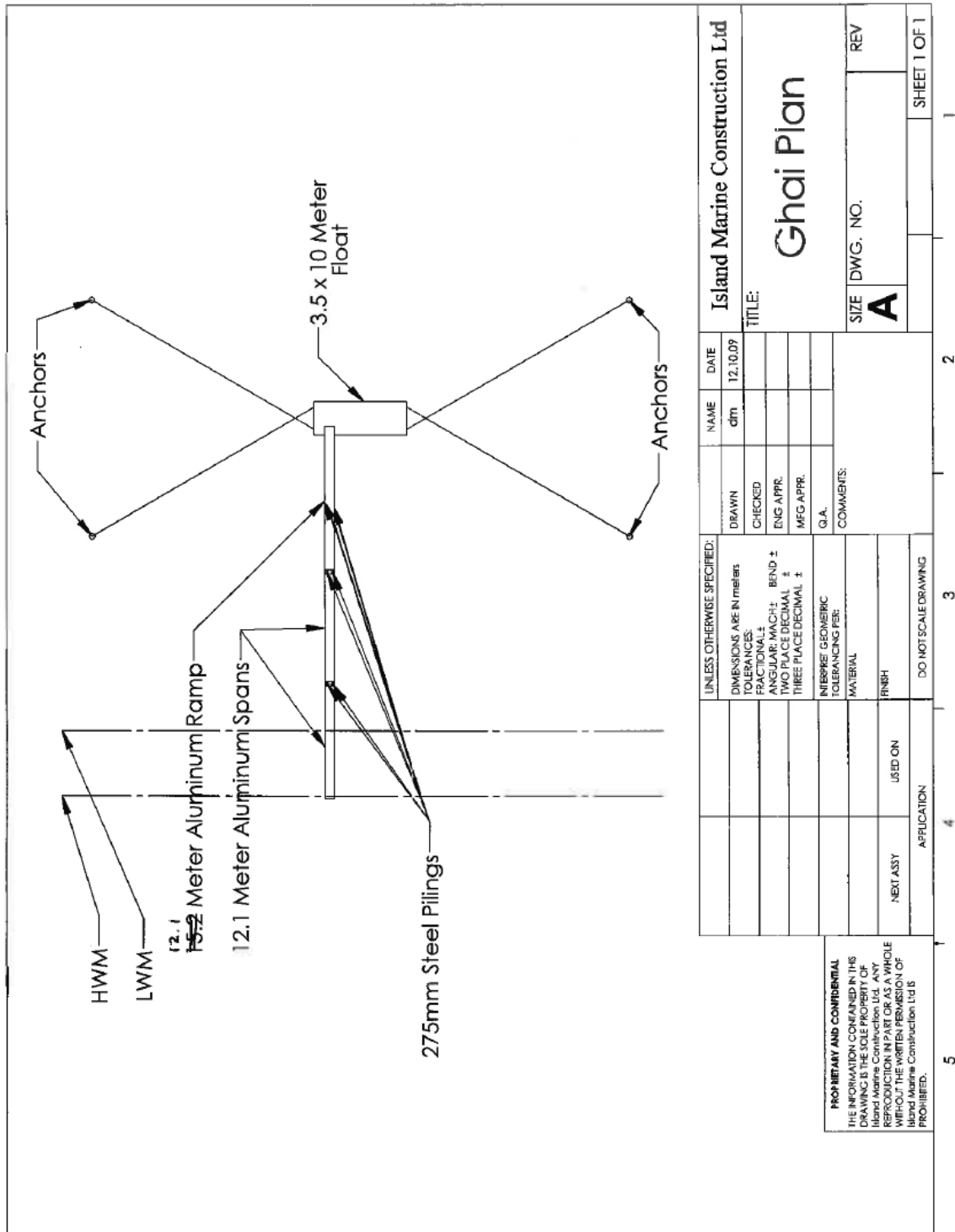
XX, 201x
Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE x DAY OF xxx, 201x THIS
PERMIT AUTOMATICALLY LAPSES.

**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2013.2
Schedule "A"**

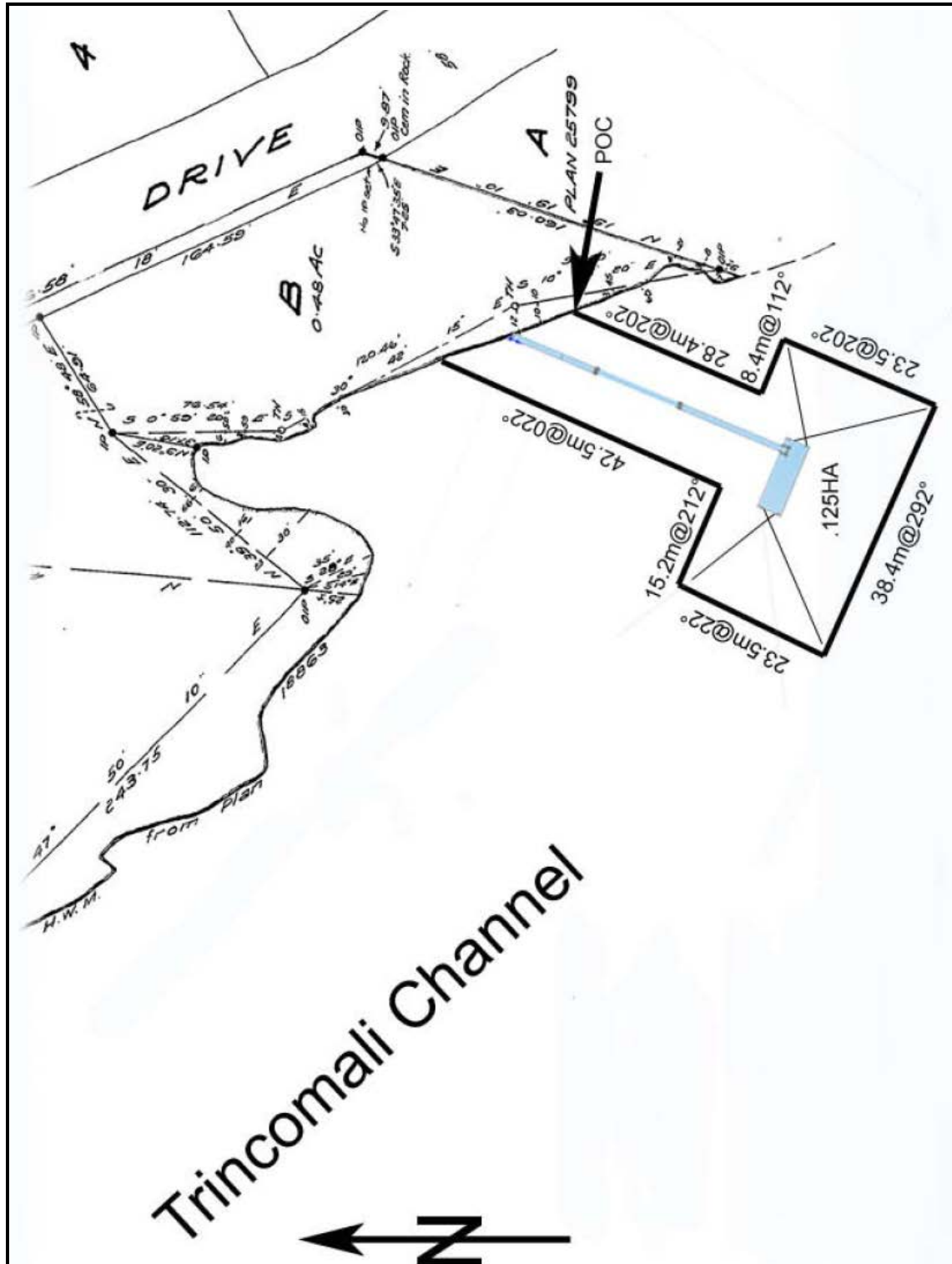


**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2013.2
Schedule "B"**



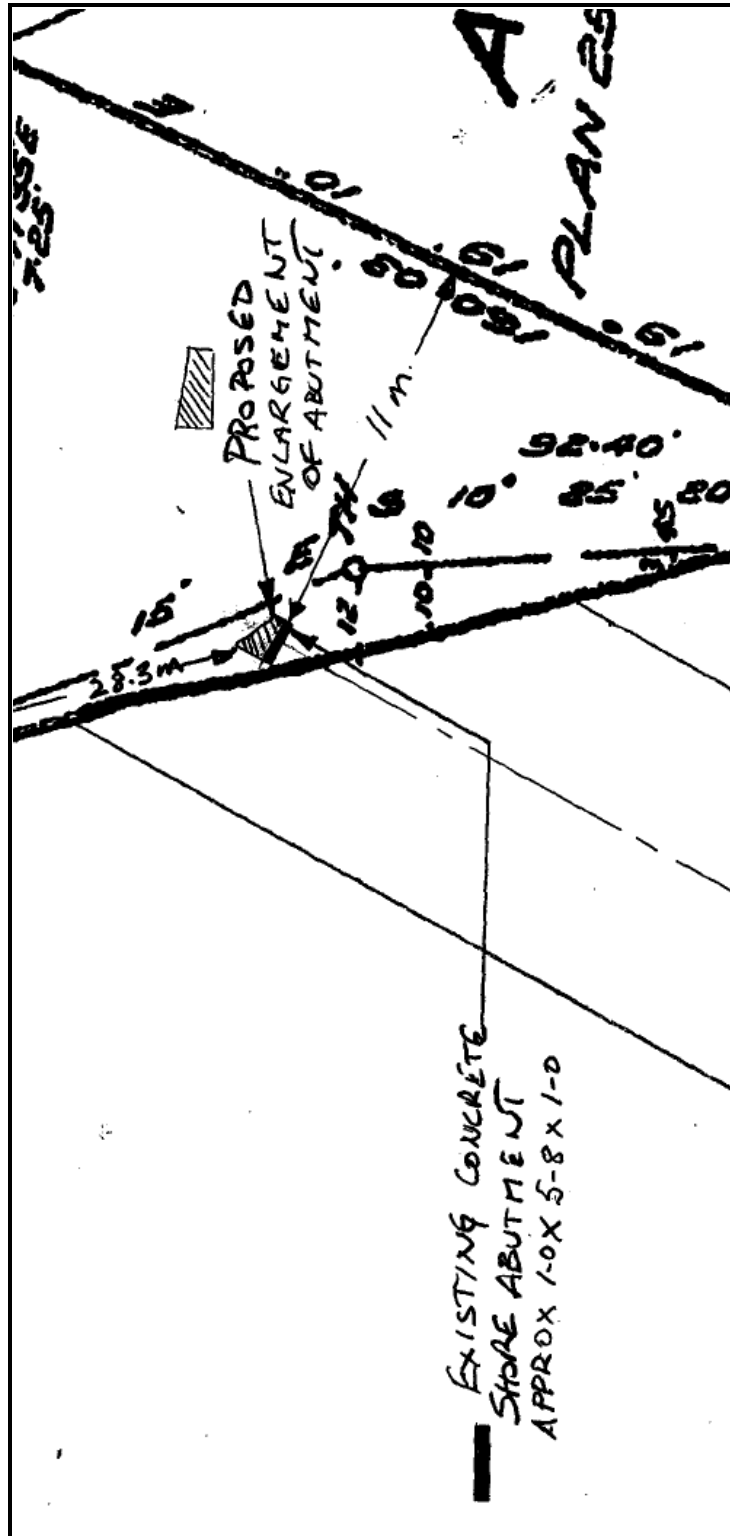
Island Marine Construction Ltd		NAME	DATE	1 2 3 4 5
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PROPRIETARY AND CONFIDENTIAL THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF ISLAND MARINE CONSTRUCTION LTD. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF Island Marine Construction Ltd IS PROHIBITED.		NEXT ASSY USED ON APPLICATION		
SHEET 1 OF 1				

**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2013.2
Schedule "C"**



GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2013.2
Schedule "D"

Development Variance 2.3m Setback from Natural Boundary of the Sea



BERNARD LLP
BARRISTERS & SOLICITORS

David K. Jones
Direct No. 604-661-0609
Email: jones@bernardllp.ca
File No. 052189-0001

February 17, 2014

By Mail and Email (knichols@islandstrust.bc.ca)

Islands Trust
Galiano Island Local Trust Committee
200 – 1627 Fort Street
Victoria, BC V8R 1H8

Attention: Kris Nichols, Island Planner

Dear Sirs/Mesdames:

Re: Development Permit Application
Your file no.: GL-DP-2013.2 (Ghai)
Owners: Vari and Neera Ghai
Location: Lot B, District Lot 96, Galiano Island, Cowichan District, Plan 30331
22525 Porlier Pass Drive

We act for Steve and Marjorie Cerezin, the owners of a waterfront property located at 22505 Porlier Pass Drive, Galiano Island. The Cerezins are the neighbours to the south of the Ghais' property (the "Owners"), for which the Owners have applied for a Development Permit for a proposed private residential dock (the "Facility").

We understand the Owners' application for a Development Permit for the Facility is on the agenda for the March 3, 2014 meeting of the Galiano Island Local Trust Committee. We write to request that the contents of this letter, and the contents of the enclosed letter to the Ministry of Forests, Lands and Natural Resource Operations, be considered by the Local Trust Committee during the Committee's deliberations on the Owners' application.

Introduction

The Cerezins oppose the Development Permit Application and request that the Local Trust Committee deny a Development Permit for the proposed Facility.

The grounds of the Cerezins' opposition to the proposed Facility is that the location of the proposed Facility interferes with the Cerezins' riparian right of access to their property; it interferes with the Cerezins' public right of navigation; the proposed Facility is in breach of covenants of the Specific Permission for Private Moorage issued by the Ministry of Forests,

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Lands and Natural Resource Operations (the “Ministry”) dated July 22, 2011 (the “Permission”); and the Permission is inconsistent with the Private Moorage policy of the Ministry dated June 1, 2011.

The Cerezins’ position is that the Local Trust Committee should deny a Development Permit to the proposed Facility pending our request to the Ministry that the Permission be revoked and withdrawn on the basis that the proposed Facility is an unlawful interference with the Cerezins’ riparian right of access to their property. We will not repeat our submissions to the Ministry in this letter, but our letter to the Ministry is attached for consideration by the Committee.

Official Community Plan

In this letter we focus on issues considered by the Islands Trust, specifically the failure of the application to meet the guidelines in the OCP based on the professional reports submitted in support of the Development Application, and the apparently inaccurate information presented in the “bathymetric survey” of water depths in the letter from Access Marine Services dated November 25, 2013 (the “AMS letter”).

Shoreline and Marine DPA Guideline No. 52

The Shoreline and Marine DPA Guideline No. 52 states that residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. The Islands Trust Memorandum dated November 25, 2013 refers to the AMS letter. The stated result of the site chosen for the location of the proposed Facility “is the best given the depth in the shortest distance to the shore.” The Owners’ position appears to be that a dock at right angles to the shoreline is not feasible because of shallow water to the north of the proposed Facility. In support of this position the Owners’ submitted the attached plan (see attached Exhibit “A”) showing a facility at right angles to the shoreline with a notation “this area unsuitable due to shallow water”, and also submitted the “bathymetric survey” conducted by AMS purporting to show shallow water in the same area (see attached Exhibit “B”).

However, the neighbour to the north of the Owner’s property, Mr. McAvity, an owner of that property for close to 40 years, has extensive experience in diving the local waters. He recently prepared the attached diagram of his understanding of the depths off the property (see attached Exhibit “C”). Although not to scale, the diagram shows deeper water in that area where the Owners’ “bathymetric survey” purports to show shallower water.

Mr. McAvity’s diagram shows the rock pinnacle indicated on the AMS survey, with further detail of the reefs, and an area of deep water just north of the pinnacle. This area of deeper water is not shown on the AMS survey.

We understand that Mr. McAvity supports the Cerezins’ position that any dock is more appropriately sited at a right angle to the shore, and further north than the present proposal.

In addition to this potential area of deeper water, there appears to be no reason why the walkway could not travel over the rock pinnacle noted on the diagrams, with a floating dock in deeper water to the west of the pinnacle. In that alignment the pinnacle would not present a navigational hazard to either the dock or a vessel moored at the float.

DP Guideline 44

DP Guideline 44 states: "Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift." Here, it appears the piles were driven into eelgrass beds in the foreshore (letter from Precision Identification dated November 12, 2013). The letter also refers to colonies of seaweeds in the area that provide "excellent fisheries habitat." The significance of these observations is that the existing piles have disturbed the area, and there appears to have been little or no consideration of the action of the anchor chains potentially damaging these eelgrass beds by scouring the bottom since the area is exposed to wind and wave action and frequent boat wake action from Trincomali Channel, causing movement of the float and the anchor chains.

Conclusion

The Cerezins request that the Development Permit application be denied on the grounds that it does not meet the guidelines in the OCP. In the alternative, the DP application be adjourned pending the Ministry's consideration of our attached letter requesting the Permissions be revoked and withdrawn.

Yours truly,

BERNARD LLP

Per:

David K. Jones

DKJ/tlc

Enclosures

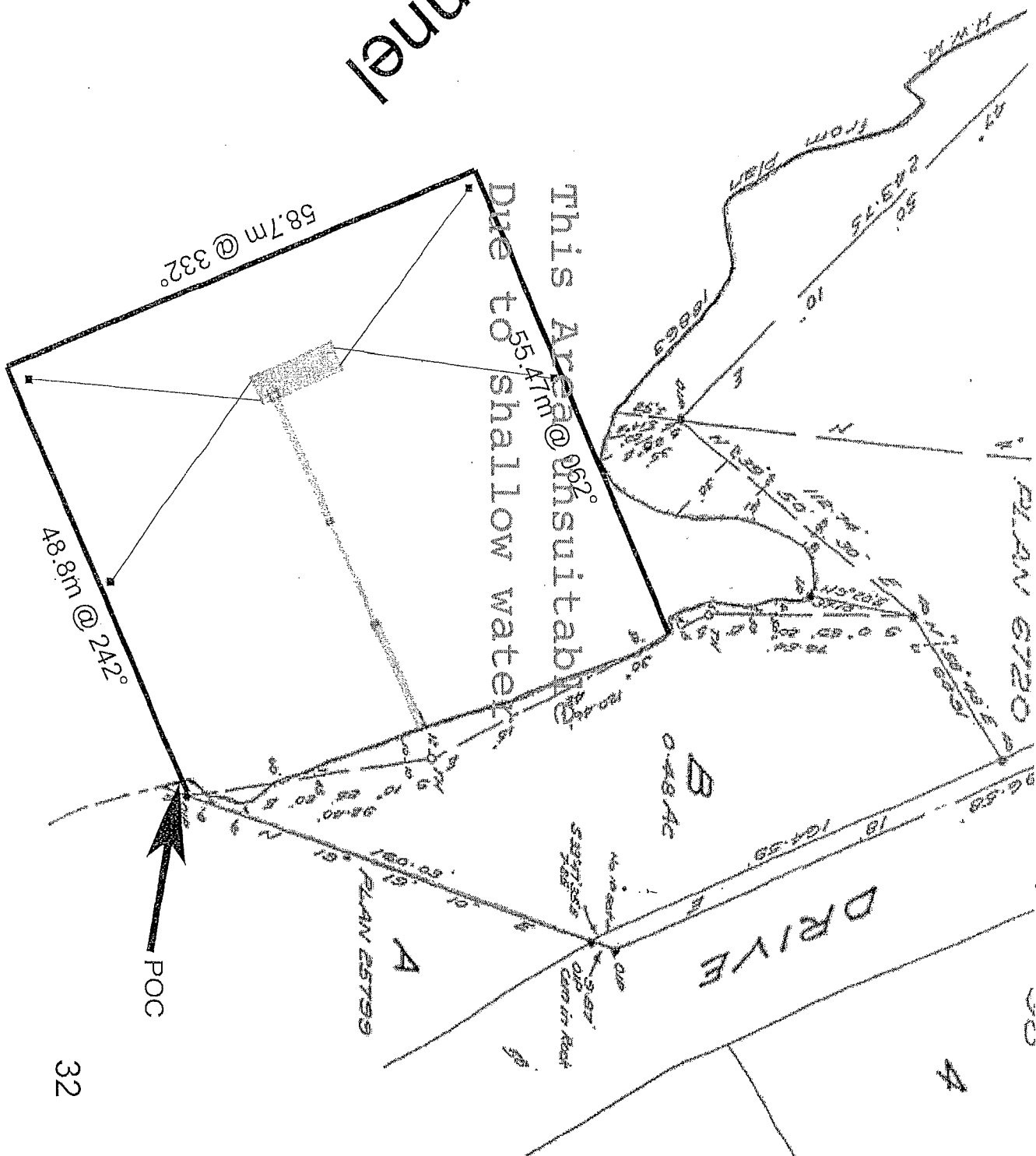
Cc: Ken Hancock, Louise Decario, Sandy Pottle (by email)

Cc: Vari and Neera Ghai

Cc: Ministry of Forest, Lands and Natural Resources Operations
Attention: Section Head, Integrated land Management Bureau



Trincomali Channel

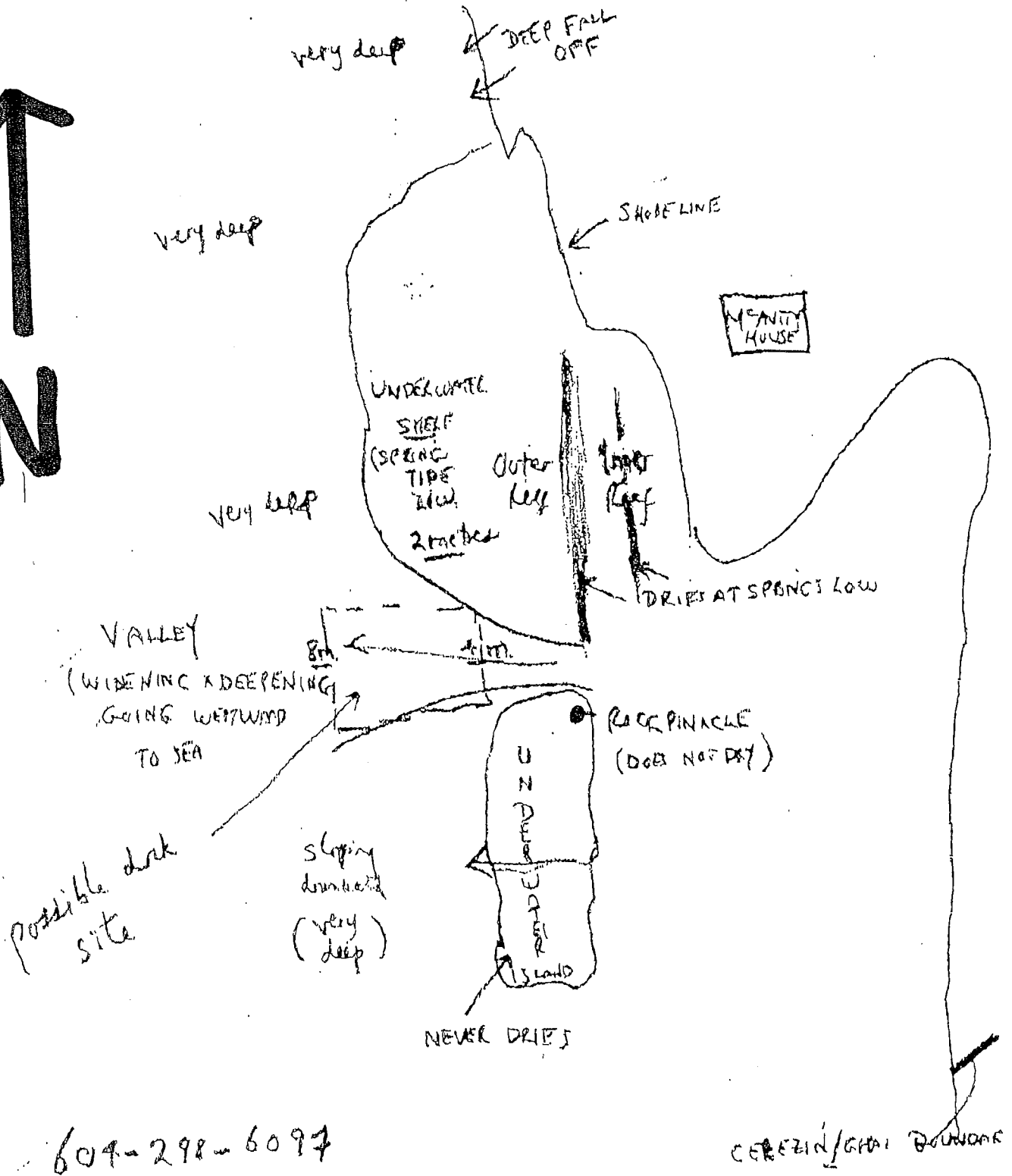
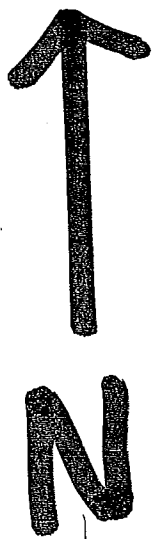


Trincomali Channel

5m isobath

Rock Pinnacle





BERNARD LLP
BARRISTERS & SOLICITORS

David K. Jones
Direct No. 604-661-0609
Email: jones@bernardllp.ca
File No. 052189-0001

February 17, 2014

COPY

By Registered Mail

Ministry of Forests, Lands and Natural Resource Operations
Crown Land Resources
West Coast Region
2080 Lapieux Road
Nanaimo, BC V9T 6J9

Attention: Section Head, Integrated Land Management Bureau

Dear Sirs/Mesdames:

Re: Specific Permission for Private Moorage
Your file no.: 1413822
Permission no.: 114029
Date: July 22, 2011
Disposition no.: 882038
Location: Trincomali Channel, off Galiano Island
Owners: Neera Ghai and Vari Ghai

We act for Steve and Marjorie Cerezin, the owners of a waterfront property located at 22505 Porlier Pass Drive, Galiano Island. The Cerezins are the neighbours to the south of the property owned by Neera and Vari Ghai (the "Owners") to whom the Specific Permission for Private Moorage no. 114029 dated July 22, 2011 (the "Permission") was granted by the Ministry.

On behalf of the Cerezins we write to request the Ministry revoke and withdraw the Specific Permission, or alternatively amend it, on the grounds that the location of the proposed private moorage facility (the "Facility"), interferes with the Cerezins' riparian right of access to their property; it interferes with the Cerezins' public right of navigation; the planned facility is a nuisance and annoyance to the Cerezins and is consequently in breach of terms and covenants of the Permission; and the Permission is inconsistent with the Private Moorage policy of the Ministry dated June 1, 2011.

1. Interference with our clients' riparian right of access

The proposed private moorage Facility includes an elevated walkway with 12.1m horizontal spans mounted on two sets of pilings leading to a third 12.1m ramp angled down from the second

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set of pilings through a third set of pilings to a floating dock. The walkway is aligned with the southern lot line of the Owner's property, which runs in a roughly north-east to south-west direction from the road to the natural boundary of Trincomali Channel. Attached for ease of reference is a copy of a plan of the proposed Facility (see attached Exhibit "A"). The southern corner of the proposed floating dock appears to be located directly on a line extending seaward at a right angle to the shore from the boundary between the Owners' and Cerezins' properties at the shoreline.

Article 4 of the Permission states that the "placement of the Private Moorage Facility must allow access for vessel passage to and from the Private Moorage Facility without interfering with the riparian rights of other properties."

The location of the Facility interferes with the Cerezins' riparian right of access in two ways:

- a. The location of the floating dock is close to shore and a significant portion of the dock spans a line extending seaward at a right angle from shore at the boundary between the two properties. If the proposed Facility is constructed, the Cerezins will be blocked from safely approaching their shore davit with their 16 foot Boston whaler from the north-west when a south-east wind is blowing, as it often does. The proposed height of the walkway above the water is insufficient to safely navigate under it. The riparian right of access is not limited to access at a right angle to every point of the owner's land, but also may encompass a right of access from an acute angle, for example, by a vessel approaching the land from, in this case, the north-west. This principle is stated in *London v. Vancouver*, [1934] B.C.R. 328 (BCSC).
- b. The Cerezins' riparian right of access is not limited to allow for access with their present vessel, their right of riparian access is judged according to the ability to manoeuvre a 30-40 foot boat without difficulty and in safety to their property. This principle is stated in the Gulf Islands case of *Nicholson v. Moran*, [1949] B.C.J. No. 102 (BCSC). Further, while the proposed Facility was originally intended to allow for moorage of the Owners' 10 metre vessel, it appears the Owners now have a larger vessel, possibly 13 – 15 metres in length, which will likely extend beyond the ends of the floating dock, causing greater interference with the Cerezins' riparian right of access to the northern portion of their property.

The Ministry cannot lawfully grant the Permission because the proposed facility illegally interferes with our clients' right of access to their property.

We also note that the Owners' riparian right of access to their property does not include the right to build a walkway and anchor a floating dock offshore that interferes with the Cerezins' riparian right of access to their property. The Owner's riparian right is to access to every point of their property, not to build structures offshore.

2. Interference with our clients' public right of navigation

The proposed Facility's interference with the Cerezins' ability to navigate their vessel to the northern portion of their property and thereby interferes with the public right of navigation. "Any substantial interference with the right of navigation is a nuisance." (*London v. Vancouver, above*). Here, as noted above, the facility's interference with the Cerezins' right of public navigation, coupled with their riparian right of access to their property is a nuisance.

3. Breach of covenants in the Ministry's Permission

The proposed Facility has breached the Permission's terms and covenants, including failing to comply with applicable laws by proceeding with construction without a development permit, by disturbing riparian vegetation, and by causing a nuisance and annoyance, described in more detail as follows.

Article 4.1 – Construction – Placement of the Facility – riparian rights

Article 4.1 of the Permission states that the placement of the Facility must allow access for vessel passage to and from the Facility without interfering with riparian right of other properties. As noted above in section 1 of this letter, the proposed Facility, if built, will interfere with the Cerezins' riparian right of access to their property.

Article 4.5 – Construction – riparian vegetation

Article 4.5 of the Permission states that riparian vegetation on Crown land shall not be unduly disturbed. The Island Trust's consideration of the Owners' application for a Development Permit has noted that the premature driving of piles in the foreshore was done in a bed of eelgrass. The Islands Trust guidelines include siting docks and wharves to minimize impacts on sensitive ecosystems such as eelgrass beds and fish habitat. Here, had the appropriate application for a development permit been made to the Islands Trust before construction commenced, the sensitive eelgrass beds would have been identified and considered in relation to the appropriate location for the Facility.

Article 6.1(d) – Compliance with applicable laws

Sub-article 6.1(d) of the Permission requires the owner to observe, abide by and comply with all applicable laws, bylaws, orders, etc., of any governmental authority having jurisdiction affecting the use of the Owners' land. The applicable government authority is the Islands Trust. The Owners breached this covenant by proceeding with construction of the facility without the required development permit from the Islands Trust.

Article 6.1(g) – Nuisance and annoyance

Further, sub-article 6.1 (g) of the Permission is a covenant that the owners will not do anything that is a nuisance or annoyance to an owner of land in the vicinity of the Owners' property. The Permission purports to deem that the lawful construction and operation and maintenance of the facility will not be a nuisance or annoyance. Here, the six pilings that have been driven were not

lawfully constructed and are a nuisance and annoyance to our clients, so the covenant has been breached. Second, the Ministry cannot grant permission deeming a facility not to be a nuisance if the facility is in law a nuisance. Here, as noted above the facility's interference with our clients' public right of navigation is a nuisance, and the location of the unsightly facility directly in front of our clients' residence will result in increased engine noise and exhaust fumes, and the noise of the dock and gangway working in the waves and wake action from the busy waterway that is Trincomali Channel and from the winds that blow in this exposed area of the coastline. All of these noises and fumes are a nuisance given the circumstances of the locale, the gravity of the annoyance, the relation of the properties to each other, and the very limited social utility of the Owners' dock.

4. The Permission is inconsistent with the Ministry's Private Moorage policy dated June 1, 2011

The Ministry's Private Moorage Policy dated June 1, 2011 (the "Policy") is applicable to the Owners' proposed private moorage facility. The Permission conflicts with the Policy in a number of ways, as follows.

a. Policy, section 11.1.5 – Advertising / Notification

The Policy, section 11.1.5, refers to adjacent owner notification, and riparian rights holders' agreement. In both notification and riparian rights holders' agreement, the Owners have failed to comply with the Policy.

Adjacent Owner Notification

The Cerezins own the property adjacent to the Owners' property. Our clients were not notified in advance of the application for the Permission. Our clients were not aware of the Permission until they arrived at their property in April 2013 to see the six steel piles that had been driven into the seabed in January 2013. There is reported to have been one legal notice of the application in the local newspaper, Island Tides, on February 4, 2010. The newspaper is local to the Gulf Islands and the notice having been printed in the middle of winter did not provide sufficient notice of the application to the Cerezins, Mr. McAvity and the local community.

Riparian rights holders' agreement

The Policy states that a riparian agreement is normally required between parties if a private moorage facility infringes on the riparian right of an adjacent property owner and the property owner is willing to grant consent. Here the facility infringes on the Cerezins' riparian rights and there has been no effort by the Owners to obtain the Cerezins' consent. Our clients are opposed to any facility at all as our clients believe a mooring buoy is sufficient in the circumstances. In the alternative, our clients would look more favourably on the facility if it were built in a more appropriate location further north in recognition of the Cerezins' riparian rights, and pursuant to the Ministry's policies and the Islands Trust guidelines.

b. Policy, section 12.5.1 – Monitoring and Enforcement – Development Requirements

Section 12.5.1 refers to the terms and conditions of the Permission being the basis for monitoring and enforcement of the requirements for the tenure. Clearly, the Owners have breached the terms of the Permission as set out above and the Ministry should enforce the terms of the Permission to ensure compliance with the terms of the Permission, and to avoid abuse in the future.

c. Policy – Appendix 3 – Requirements and Best Management Practices

Appendix 3 of the Policy states requirements and best management practices for private moorage facilities. The introductory paragraphs of this Appendix state that the Policy is intended to guide the private use of Crown foreshore “so that it does not impact the environment, navigation, safety, community values, public and First Nation interests and the legal rights of others.” As described in more detail below, the proposed facility is inconsistent with the Policy by negatively impacting the environment, and the Cerezins’ navigation and legal rights. Private moorage facilities like the proposed facility are also in conflict of the Islands Trust’s community values of the preservation and protection of the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally (*Islands Trust Act*, s. 3).

Legal rights of others: Appendix 3 of the Policy refers to the private moorage policy intending to guide owners and Crown tenure holders so that it does not impact the navigation and the legal rights of others. Here, clearly the facility will impact on the Cerezins’ riparian rights.

Interference with navigation: Appendix 3 also refers to private moorage facilities not interfering with navigation. As noted above, the proposed facility does interfere with the Cerezins’ public right of navigation.

Right angle to shoreline: Appendix 3, at p. 18, states that docks should be oriented at right angles to the general trend of the shoreline. The proposed facility does not follow this policy. The Owners’ position appears to be that a dock at right angles to the shoreline is not feasible because of shallow water. In support of this position they submitted a plan (see attached Exhibit “B”) showing a facility at right angles to the shoreline with a notation “area unsuitable due to shallow water”, and also submitted a “bathymetric survey” purporting to show shallow water in the same area (see attached Exhibit “A”); however, the neighbour to the north of the Owner’s property, Mr. McAvity, an owner of that property for close to 40 years, has extensive experience in diving the local waters. His attached diagram (Exhibit “C”), although not to scale, shows deeper water in that area where the Owners’ “bathymetric survey” purports to show shallower water. Further, there is no reason why the walkway cannot travel over the rock pinnacle noted on the diagrams, with a floating dock in deeper water to the west of the pinnacle. Mr. McAvity would favour a dock at right angles to the shoreline, rather than the proposed facility in the Permission. We understand that Mr. McAvity was also not informed of the proposed facility before the pilings were constructed.

Sensitivity to views, and impacts on neighbours: Appendix 3, p. 18, states that a facility should "remain sensitive to views, impacts on neighbours". Here, the proposed facility is completely insensitive to the Cerezins' views and its impact on them as neighbours of the Owners.

Since the proposed facility is inconsistent in a number of ways with the Ministry's Policy on private moorage, the proposed facility should be reconsidered as it appears a private moorage facility in a different location with a different alignment would be more consistent with the Ministry's Policy, and would not interfere with the neighbours' riparian rights of access, and right of navigation.

Islands Trust

For your information we also enclose a copy of our letter to the Islands Trust for consideration at a Galiano Island Local Trust Committee meeting scheduled for March 3, 2014, at which time the Owners' Development Permit Application for construction of the facility will be considered. The Cerezins oppose the application for the reasons stated herein and in the attached letter to the Islands Trust.

Conclusion

For the reasons stated above, the Cerezins request that the Ministry revoke and withdraw the Permission, or in the alternative amend the Permission to permit a walkway and dock in a more appropriate location that does not unlawfully infringe on the Cerezins' rights.

Given the interference with the Cerezins' riparian rights, and the significant non-compliance of the proposed Facility with the terms of the Permission and the Ministry's Policy as noted above, if the Permission is not revoked and withdrawn, or alternatively amended to situate the Facility in a more appropriate location, the Cerezins will be forced to consider their legal options.

Yours truly,

BERNARD LLP

Per:

David K. Jones

DKJ/tlc

Enclosures

Cc: Vari and Neera Ghai

✓ Cc: Islands Trust, Attention: Kris Nichols, Island Planner

Trincomali Channel

5m isobath

Rock Pinnacle





Trincomali Channel

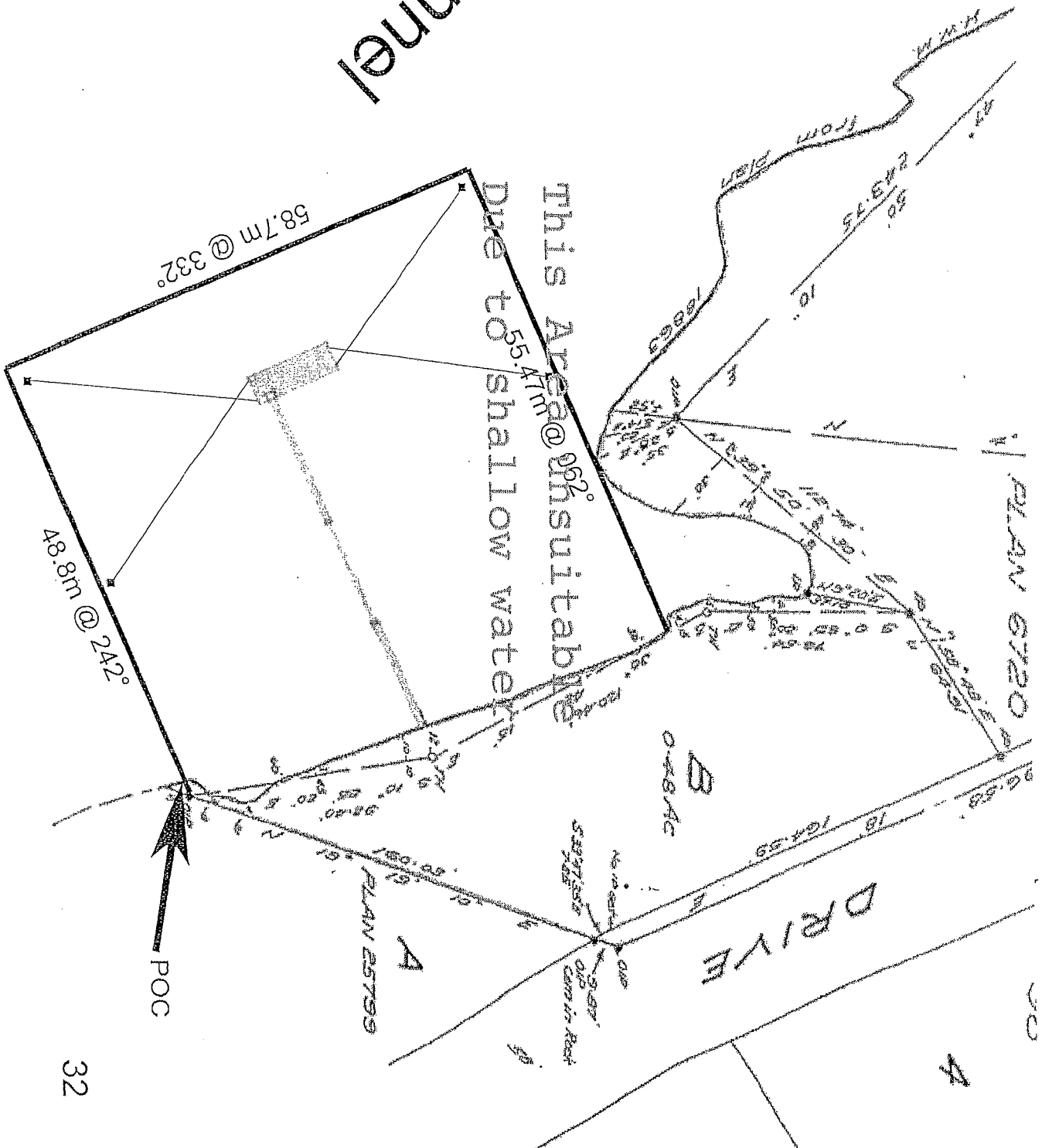
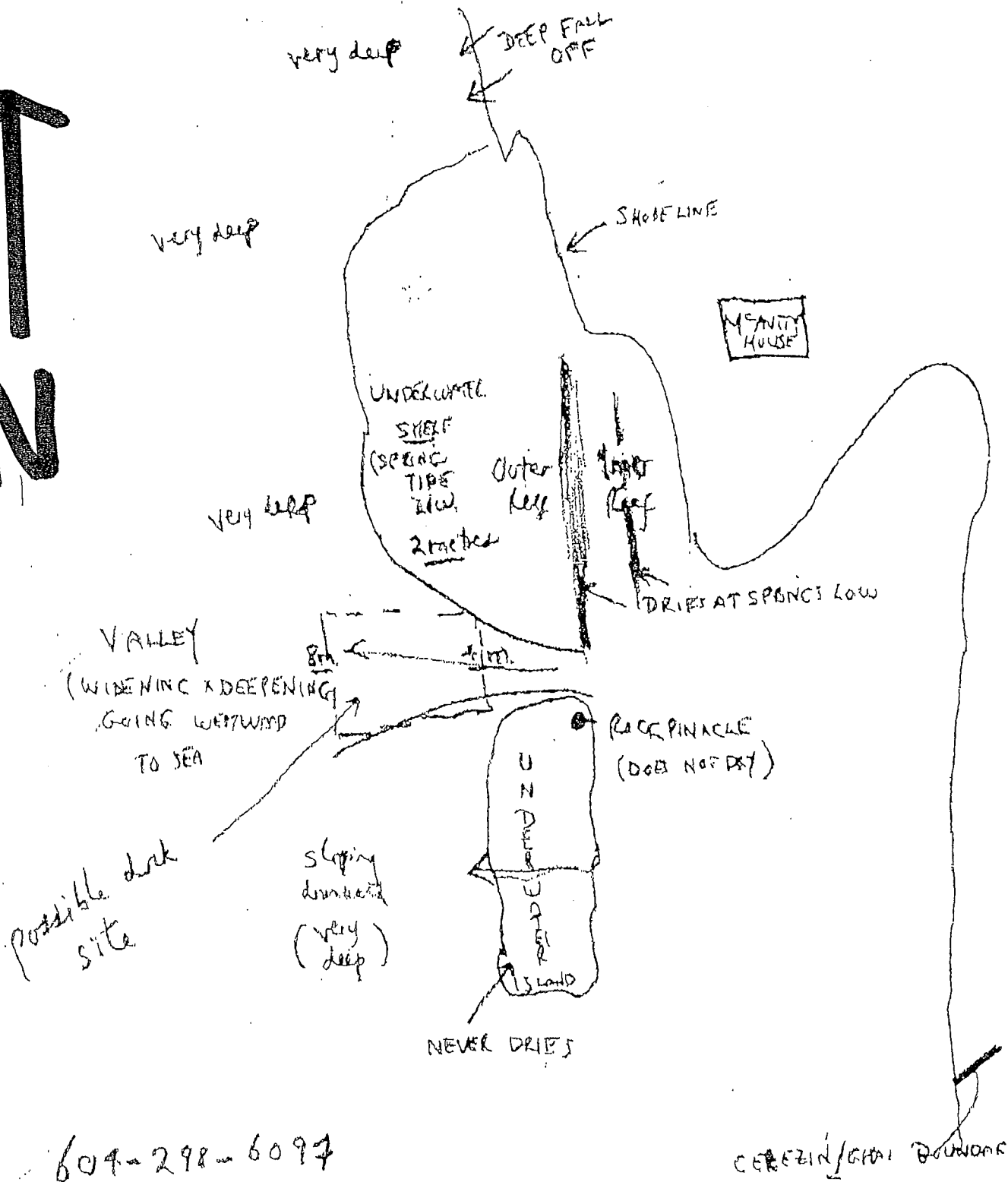


EXHIBIT "C"



604-298-6097

CERAZIN/CHAI BOWONG

March 28, 2014

File No.: GL-DVP-2013.4 (Haley)

To: Galiano Island Local Trust Committee
For the April 7, 2014 Meeting

From: Kim Farris, Planner 1

CC: Robert Kojima, Regional Planning Manager
Kris Nichols, Island Planner

Re: Development Variance Permit

Owner: Joseph Haley
Applicant: Same
Location: Lot 4, Block 1, Sections 4 and 5, Galiano Island, Cowichan District, Plan 1576
165 Warbler Road North

THE PROPOSAL:

This application seeks to vary the Galiano Land Use Bylaw 127, 1999 to permit an over-height existing one-storey detached carport by varying:

- a) Section 2.5 to increase the permitted height for a detached accessory building (carport) from 5.0 metres to 6.64 metres; and
- b) Subsection 5.4.5 to increase the permitted height for a detached accessory building (carport) from 5.0 metres to 6.64 metres.

BACKGROUND:

The previous property owner built the detached carport in 2005 without a building permit. The Capital Regional District (CRD) proceeded to place a stop work order on the property at which time the previous property owner applied for a building permit. Through the building permit process, the Islands Trust notified the applicant and the CRD that the building appeared to be over-height and a recommendation was made to re-design the structure to comply with the 5.0 metre height requirement.

A Development Variance Permit (DVP) was received in 2007 from the previous property owner in order to vary the height of the built carport. The application was deemed to be incomplete as it did not include a site survey plan and a property title. The DVP application was closed in 2009 as the applicant did not provide the required documents. The application fee was also refunded.

A Bylaw Enforcement file was opened in 2009 for the existing over-height garage. Since then, the property was sold. The new property owners have now applied for a DVP to legalize the over-height structure. As part of this application, the applicants provided a survey site plan confirming the detached carport height of 6.64 metres. The Galiano Island LUB requires accessory buildings to not exceed the maximum height of 5.0 metres.

SITE CONTEXT:

The subject property is approximately 3.7 ha (29.2 acres) in area and is zoned Rural Residential (RR). The property is surrounded by large sized RR zoned to the north, east, and south while Bluffs Park borders the western edge of the property. A single family dwelling unit, barn and three accessory buildings (woodshed, shed, and carport) are located on the lot.

Figure 1 – Subject Property

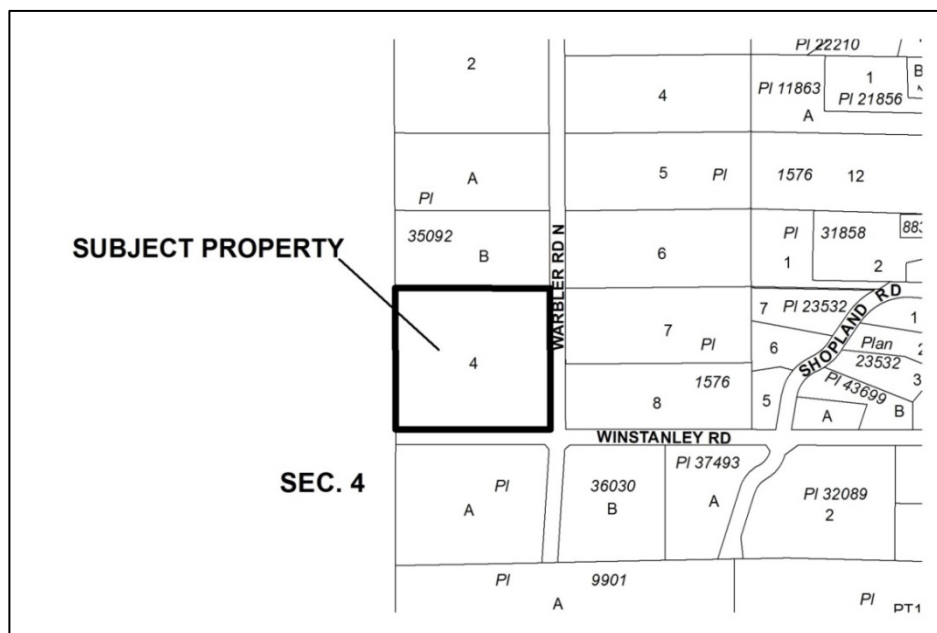
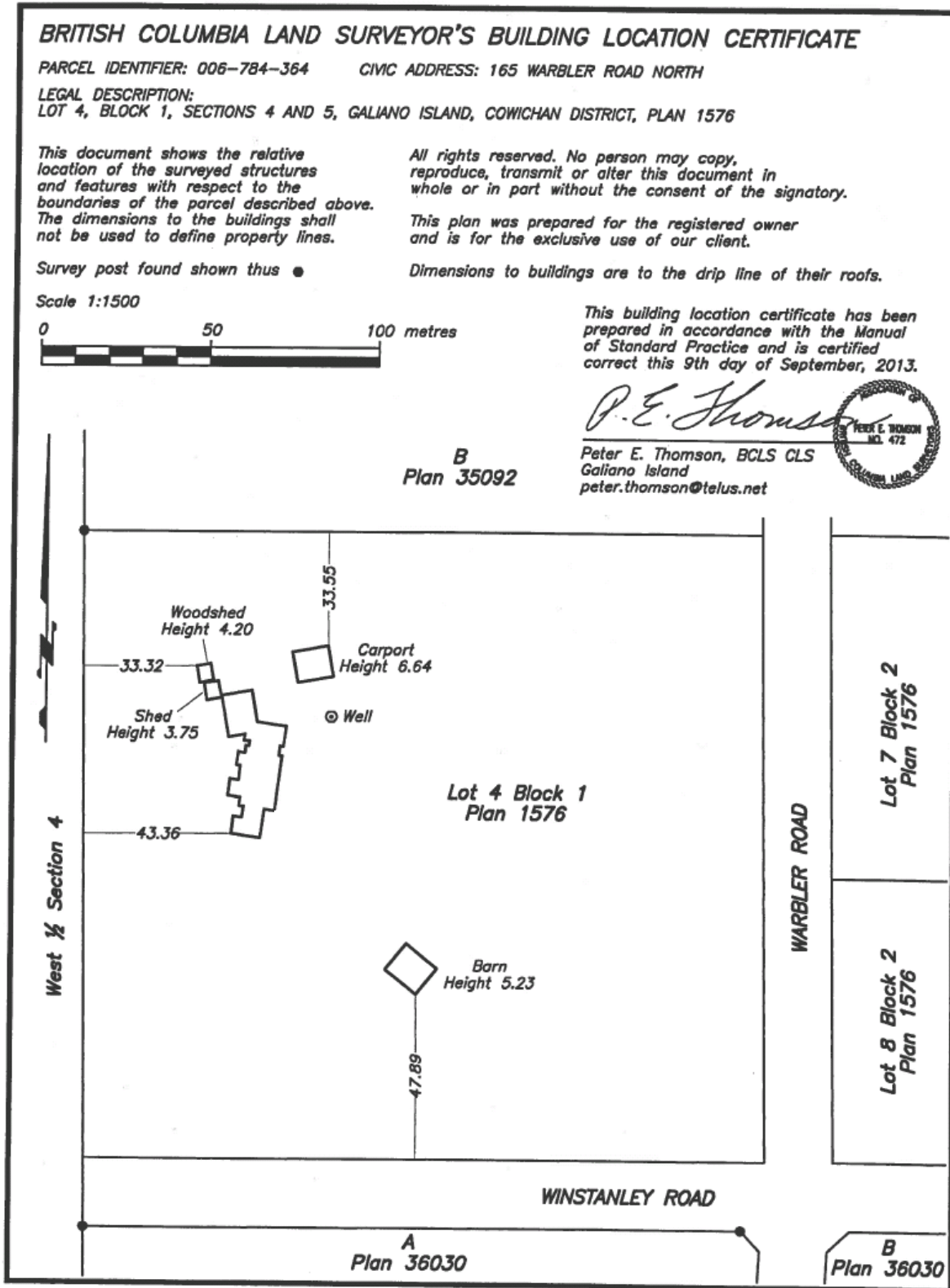


Figure 2 – Orthophoto and 2 metre Contour Lines



Figure 3 – Survey Site Plan



Picture 1 – Carport



Picture 2 – Carport



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

This application is not in contravention of the Trust Policy Statement and there are no directive policies relevant to this application.

Official Community Plan:

The subject property is designated Rural Residential (RR) in the Galiano Island Official Community Plan (OCP). The existing accessory building is not within any Development Permit Areas (DPA) therefore DPAs would not be relevant to this application.

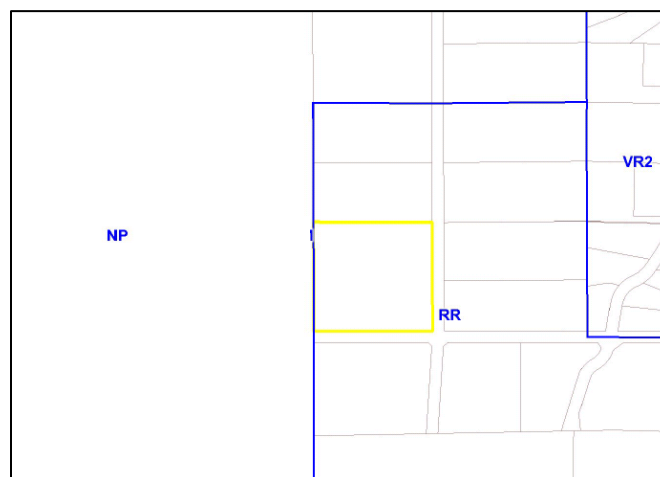
Land Use Bylaw:

The subject property is zoned Rural Residential (RR) in the Galiano Island Land Use Bylaw (LUB) No. 127, 1999. The specific regulations relevant to this application include:

General Regulation – Section 2.5: Accessory buildings and structures must not exceed a height of 5 metres or one storey, except that agricultural buildings and structures and those used for timber production and harvesting must not exceed a height of 9 metres.

SR Zone – Subsection 5.4.5: Accessory buildings and structures must not exceed one storey and a height of 5 metres.

Figure 4: Zoning Map



Islands Trust Fund:

This application has no considerations for the Island Trust Fund.

Sensitive Ecosystems and Hazard Areas:

Islands Trust Sensitive Ecosystems Mapping (SEM) does not identify any sensitive ecosystems on the property. The steep slope hazard mapping shows a low hazard on a small western portion of the property (Figure 5). The existing accessory building is not located near the slope therefore there is no concerns with this low steep slope hazard area.

Figure 5 – Low Steep Slopes



Archaeological Sites:

Based on information from the Provincial Remote Access to Archaeological Data (RAAD), there are no archaeological sites on this property. Notwithstanding the foregoing, and by copy of this report, the owners are advised that the unearthing of any archaeological resource should be reported to the Archaeological Branch.

Covenants:

There are no covenants registered on the property.

Bylaw Enforcement:

There is an active bylaw enforcement file (GL-BE-2009.5) file associated with this property. If the variance is approved, the bylaw enforcement file will be closed.

The Galiano Island LTC has a Policy and Standing Resolution (GL-2014-010) for applications with open bylaw enforcement files for planning staff to refer the planning application to the Bylaw Enforcement Manager for comment if the application meets one of the circumstances. In this case, the circumstance met was that the bylaw enforcement process had a longer than typical timeline. At the February 3, 2014 Galiano Island LTC meeting, the Bylaw Enforcement Officer in camera provided a chronological summary of the enforcement file.

Climate Change Mitigation and Adaption

This application has no direct bearing on climate change mitigation and adaptation.

Other:

A referral was sent to the CRD to provide comments on the variance application. The CRD states that the previous property owner built the carport without a building permit in 2005. A stop worked was issued by the CRD at which time a building permit application was eventually received. Final occupancy for the carport was never issued by the CRD and a Bylaw Contravention Notice was placed on the property title. The CRD has indicated that a building permit is required for this carport.

COMMUNITY CONSULTATION AND RESULTS OF CIRCULATION:

Notices were circulated to surrounding property owners and residents. At the time of the writing of this report, no public submissions have been received. Any public submissions will be forwarded to the LTC and presented at the Galiano Island Local Trust Committee meeting on April 7, 2014.

ISSUES SUMMARY:

Applicant's stated rationale for the proposed variance. The over-height accessory building (carport) was built in 2005 by a previous property owner without a building permit. To rectify the error made by the previous property owner, the current property owners have now applied for a variance to bring the accessory building into conformity with the Galiano Island Land Use Bylaw and to close the bylaw enforcement file.

The overall intent of the regulation being varied. The overall purpose of height regulations is to minimize impacts on adjacent property related to: shading, aesthetic, and privacy concerns. Regulating lower height for accessory buildings ensures that principal buildings remain dominant in size and scale relative to accessory uses. Regulating height also helps to provide a consistent pattern of development within a given zone.

Potential impacts of granting a 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, it is unlikely to generate expectations for other landowners. Each application is evaluated on its own merits.

STAFF COMMENTS:

This variance application is to legalize the height of an existing accessory building on the subject property. The applicants have requested a variance to increase the maximum height permitted for an accessory building from 5.0 metres to 6.64 metres. Previous property owners built the detached garage without gaining the necessary approvals in 2005. The current property owners are now in the process of legalizing the carport to comply with the Galiano LUB in order to address the bylaw enforcement file.

As seen in Picture 1 and 2, the accessory building is open on the lower level reducing the mass of the building. The upper level is enclosed but does not contain any habitable area and is not easily accessible. Staff is of the opinion that the height of the carport is strictly for architectural purposes as the peak of the structure matches the architectural design of the dwelling unit.

The current property owner is aware that final occupancy was never received for the carport and therefore the carport does not have a valid building permit. Islands Trust staff recommended to the applicant to apply concurrently for a building permit during the DVP process. This would have allowed the applicant to make any necessary changes to the DVP application if the carport had to be altered in any way due to the building permit requirements. At this time the applicant has not applied for a building permit. It is up to the property owner to follow up with the CRD with any necessary approvals and the CRD is also aware of this DVP application.

The location of the accessory building does not appear to impact negatively on the adjacent lots as the property is large in area and the accessory building is not visible from neighbouring properties. Staff is of the opinion that the over-height structure in its existing location should be permitted.

RECOMMENDATIONS:

THAT GL-DVP-2013.4 (Haley) to permit an existing accessory building (carport) BE APPROVED.

Prepared and Submitted by:

Kim Farris

Planner 1

March 26, 2014

Date

Concurred in by:

Robert Kojima

Regional Planning Manager

March 28, 2014

Date

Attachments:

1. Proposed Development Variance Permit



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

GL-DVP-2013.4

TO: Joseph Haley

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

Lot 4, Block 1, Sections 4 and 5, Galiano Island, Cowichan District, Plan 1576
2. "Galiano Island Land Use Bylaw 127, 1999" is varied as follows to legalize the siting of an existing one-storey detached carport:
 - a) Section 2.5 is varied to increase the permitted height for a detached accessory building (carport) from 5.0 metres to 6.64 metres.
 - b) Subsection 5.4.5 is varied to increase the permitted height for a detached accessory building (carport) from 5.0 metres to 6.64 metres.
3. All work must be consistent with that shown on Schedule 'A' and 'B' attached to and forming part of this permit.
4. 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 "Galiano Island Land Use Bylaw 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of Capital Regional District, Vancouver Island Health Authority and the Ministry of Transportation and Infrastructure.

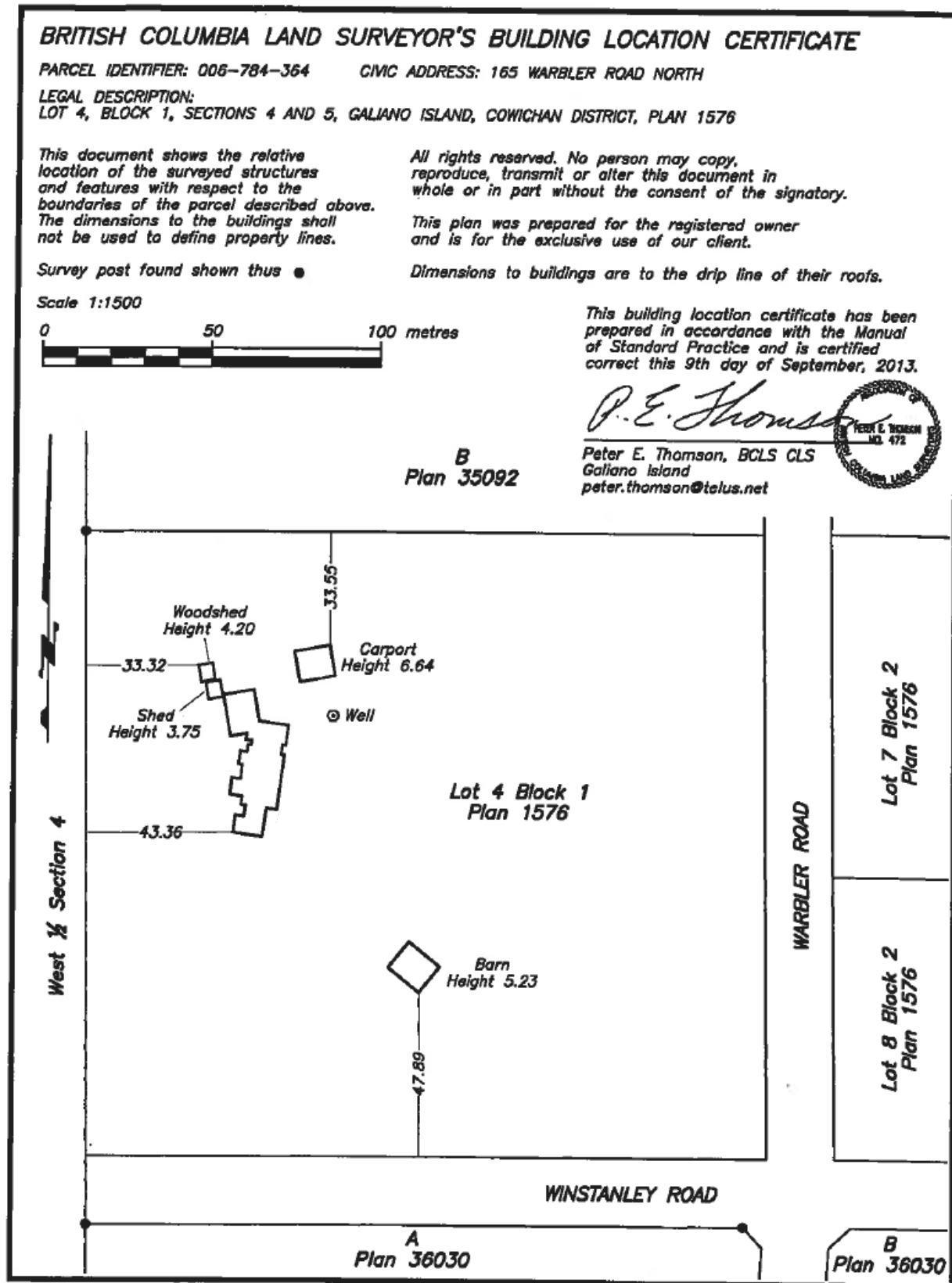
AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 201_ .

Deputy Secretary, Islands Trust

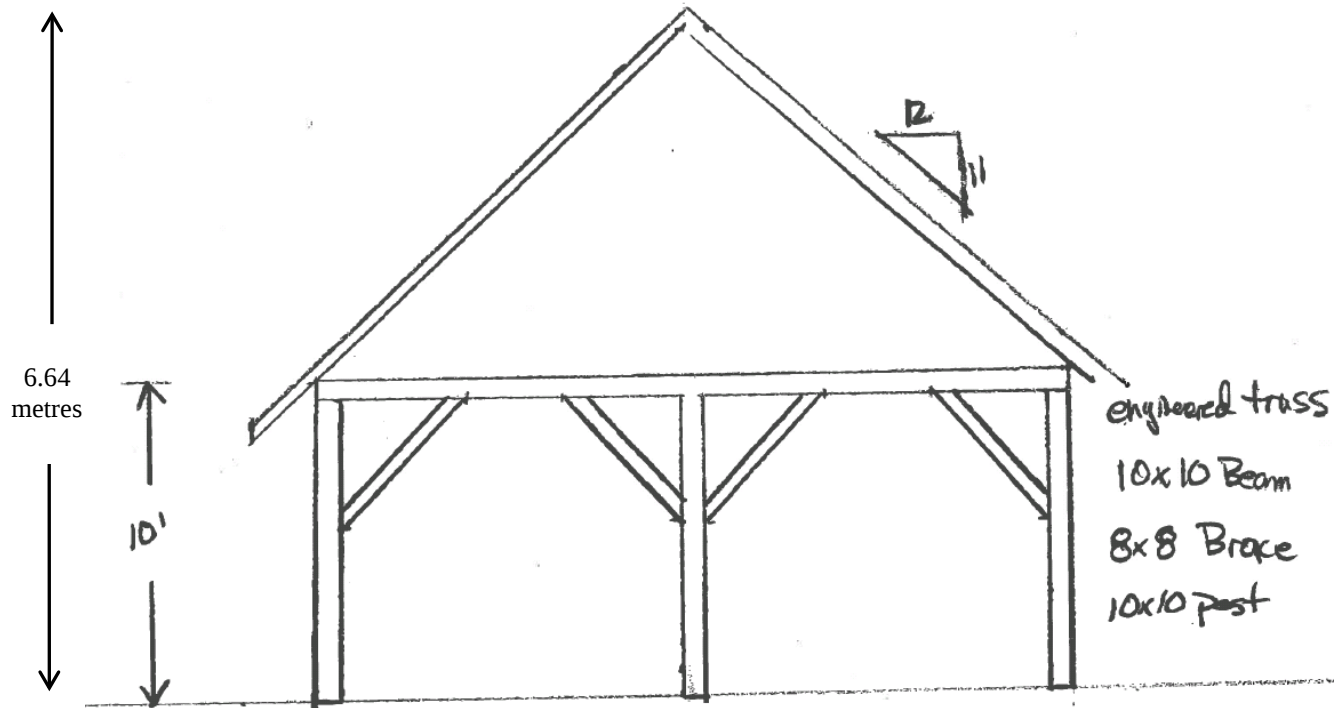
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____, 201_, THIS PERMIT AUTOMATICALLY LAPSES.

**GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2013.4
SCHEDULE 'A'**



GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2013.4
SCHEDULE 'B'



STAFF REPORT

Date: March 27, 2014

File No.: GL-RZ-2004.6
Crystal Mountain

To: Galiano Island Local Trust Committee

From: Kim Farris, Planner 1

CC: Robert Kojima, Regional Planning Manager
Kris Nichols, Island Planner

Re: Preliminary Report - Bylaw Amendment Application

Owner: Crystal Mountain – A Society for Eastern and Western Studies
Applicant: Stephen and Helen Foster
Location: Lot A, Districts Lots 88 and 89, Galiano Island, Cowichan District, Plan VIP68079 AND Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200

PURPOSE OF REPORT:

The purpose of this report is to provide a brief background and to seek direction from the Galiano Local Trust Committee (LTC) on application GL-RZ-2004.6 Crystal Mountain and whether to proceed.

BACKGROUND:

A bylaw enforcement file associated with Lot A (See Figure 1) was opened in 2002 as there were numerous buildings located on the property (outdoor kitchen, tent platforms, and sleeping huts) and uses that were not permitted in the Forestry zoning. Subsequently, the applicants applied for a bylaw amendment application in 2004. The 2004 proposal included an amendment to the Galiano Island Official Community Plan and Land Use Bylaw in order to permit a retreat centre/forest retreat on Lot A and Lot 9. The proposal also included a list of buildings (existing and proposed) to be included in the rezoning in order to support the forest retreat centre.

The following timeline provides a brief overview of the application's history. Specific details on the application are not provided:

July 2004 – Preliminary staff report at Galiano LTC meeting. The LTC asked staff to report back on the various issues and options identified as part of that review.

March 2005 – Applicant amended the proposal by amending the number and floor area of the proposed buildings and to concentrate the buildings in two geographic clusters

June 2005 – LTC Special Meeting - The discussion focused on the physical limitations of the site, the draft OCP amendment bylaw and concepts for a proposed LUB amendment bylaw.

July 2005 – Draft OCP and LUB amendments presented at Galiano Island LTC meeting. The draft bylaws were forwarded to the APC for comment.

January 2006 – LTC Special Meeting – General consensus that the applicants would wait until an OCP Forest Lands Review was complete. If policy developed that addressed Forest Retreats, then the applicants would consider coming forward with a rezoning proposal consistent with that policy framework.

December 2007 to 2012 – Numerous letters sent from Islands Trust staff to close application due to inactivity.

2013 – Applicant provided an updated proposal and site plan. Three new huts were constructed on the property. These structures are currently not permitted by zoning and therefore are illegal.

THE PROPOSAL:

This is a preliminary report to re-review a decade old application involving two subject properties (Lot A and Lot 9). Lot A is zoned Forest 1 (F1) and Lot 9 is zoned Rural 2 (R2) in the Galiano Island Land use Bylaw (LUB).

The applicant wishes to proceed with the application to rezone the two subject properties to permit a forest retreat centre on the lots. The proposed forest retreat use would permit the construction and legalization of existing non-conforming structures on the properties.

As part of the use, the application is proposing approximately 25 meditation huts, tent platforms, a caretakers cabin, a meditation hall, bath house, summer kitchen structure, utility buildings, outhouses, and parking. Some of these structures already exist on Lot A. The majority of the buildings and structures would be located on Lot A within two buildable site areas (as indicated in Figure 3 – Area Polygon).

The applicant would also like to amalgamate the two lots (Lot A and Lot 9) together. This can be completed through a subdivision application if the bylaw amendments are successful.

SITE CONTEXT:

The rezoning application includes two subject properties: Lot A and Lot 9. Both properties are located on the northwestern end of Galiano Island. Lot A is currently designated Forest (F) in the Official Community Plan (OCP) and zoned Forest 1 (F1) in the Land Use Bylaw (LUB). It is approximately 20.5 ha (50.7 acre) in area. There are a number of structures located on Lot A: outdoor kitchen, sleeping/meditation huts, and multiple accessory structures (eg. tent platforms, etc.). Lot A has two road accesses: Porlier Pass Drive and Devina Drive. The main vehicle access to Lot A is from Porlier Pass Drive. There is a roughed-in access from Devina Drive which is currently blocked. Access to both lots can be achieved through lot 9.

Lot 9 is designated Rural (R) in the OCP and is zoned Rural 2 (R2). It is approximately 4 ha (10 acre) in area. Lot 9 is largely undeveloped except for a small structure (a pagoda) located on the northern edge of the property. Lot 9 can be accessed through Devina Drive.

Figure 1: Subject Property Map

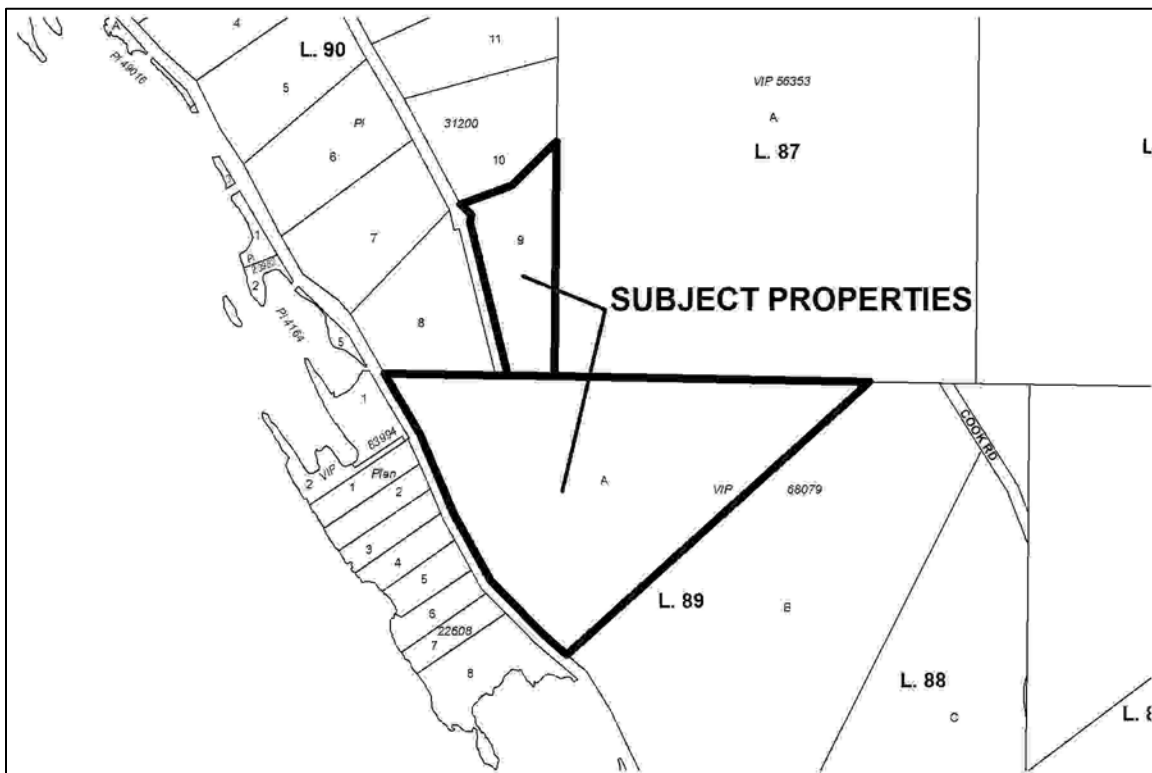
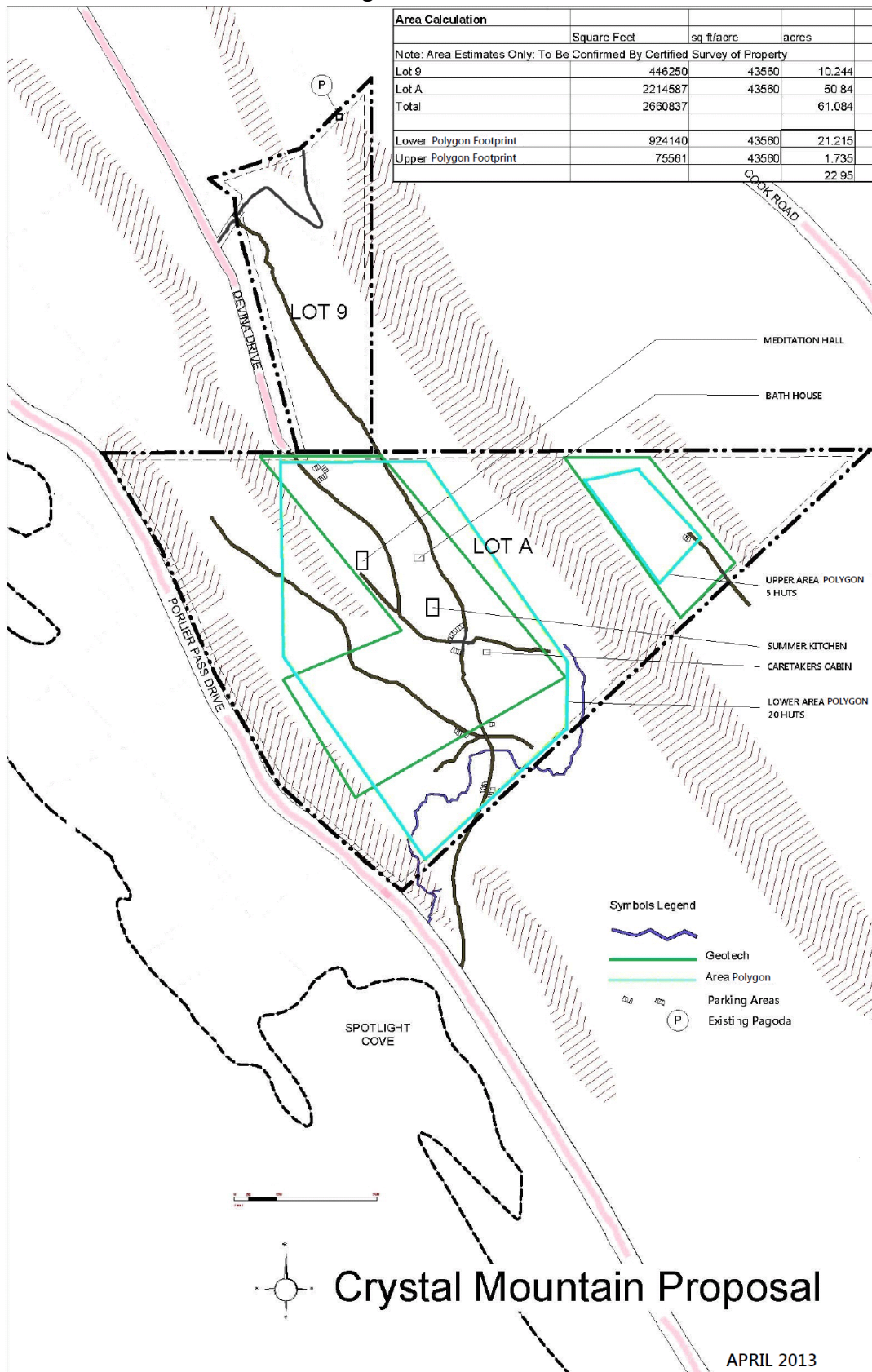


Figure 2: Orthophoto with 2 metre Contour Intervals



Figure 3: Site Plan



Picture 1: Outdoor Kitchen (on Lot A)



Picture 2: A trail on Lot A



Picture 3: Old meditation hut on Lot 9



Picture 4: Newly constructed meditation hut on Lot A



Picture 5: Pagoda (on Lot 9)



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Directive policies relevant to this application include:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.2.2 - the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
- 3.3.2 - means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
- 4.2.6 - to protect the ecological integrity on a scale of forest stands and landscapes.

- 4.2.7 - address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
- 4.2.8 - the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
- 4.4.2 - measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater.
- 5.1.3 – the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area.
- 5.2.3 - the aesthetic, environmental and social impacts of development.
- 5.2.4 - potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.2.5 – to achieve efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.2.6 - address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
- 5.3.5 - address the impacts of road location, design, construction and systems.
- 5.6.2 - the identification, protection, preservation and enhancement of local heritage.
- 5.6.3 – the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
- 5.7.2 - economic opportunities that are compatible with conservation of resources and protection of community character.
- 5.8.6 - address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

Official Community Plan:

Lot A is designated 'Forest' and Lot 9 is designated 'Rural' in the Galiano Island Official Community Plan (OCP).

The Rural policies relevant, but not limited, to this application include:

- a) The principal uses shall be residential and agriculture.

The Forest policies relevant, but not limited, to this application include:

- a) The principal use shall be forestry. All structures including dwellings (except dwellings on land rezoned to RR or CF) must be accessory to the principal forestry use and no uses should impair the long-term natural processes of forest growth and regeneration. Unplanned proliferation of residential uses throughout the forest would be contrary to many of the objectives and policies in this plan, including particularly those dealing with the integrity of forest ecosystems and surface water and groundwater supplies and the impact of residential services such as roads. Instead, in order to preserve and protect the forest resource, the plan favours the clustering of residential uses on sites within the forest, carefully selected as the basis of sound planning principles, with the balance of the lands being set aside for forest uses in perpetuity.
- c) The lot size for subdivision of Forest land shall be at least 20 hectares (49.4 acres).

- d) The protection of biodiversity shall be encouraged through appropriate forestry practices and the protection of riparian zones and other sensitive ecosystems.
- g) Appropriate small scale forest related activities such as the sustainable gathering of greenery products, food crops, hiking, bird watching and wildlife viewing, education and value added industry shall be encouraged.
- j) The siting, size, number and character of buildings for forest uses permitted on Forest-designated land shall be regulated, and buildings shall be located on the least productive portions of the land except where the site is a sensitive ecosystem, and in accordance with development approval information if it has been provided.
- k) The fragmentation of Forest-designated lands by roads or other service or communication corridors shall be minimized.
- l) A citizen association to provide information, education and advice on local forest practices shall be encouraged.
- n) Landowners are encouraged to protect the natural systems, biological sustainability, ecological services, and natural aesthetics of forest lands.
- o) Landowners are encouraged to protect riparian areas, marine shoreline areas, sensitive ecosystems, endangered habitat, soils, watersheds, biodiversity, old or large individual trees, and old growth stands.
- p) Landowners are encouraged to protect culturally modified trees and other heritage features.
- r) The Local Trust Committee encourages local economic opportunities for small-scale sustainable forestry through supporting:
 - i) the establishment of a non-profit community-owned forest that is consistent with ecosystem-based sustainable forest practices, and the lands so acquired are preserved for forestry use in perpetuity for future generations;
 - ii) the development of co-operative ecosystem-based sustainable forest management and value-added ventures;
 - iii) initiatives to provide tax incentives for maintaining ecosystem-based sustainable forest management activities;
 - iv) appropriate small scale forest related activities such as the sustainable gathering of non-timber forest products, food crops, hiking, bird watching and wildlife viewing, education and value added industry.

The current proposal is direct conflict with a number of the OCP policies. If the application proceeds as is, an amendment to the OCP is required.

Development Permit Areas:

The subject properties are located within the following Development Permit Areas (DPAs):

- DPA 1 – Riparian Areas
- DPA 3 – Tree Cutting and Removal (applies to all properties on Galiano Island)
- DPA 5 – Sensitive Ecosystems
- DPA 7 – Steep Slope Hazard Areas

Generally zoning amendment applications do not initiate DPAs. Staff are aware of existing buildings and structures located on the property although their exact location has not been

surveyed; therefore, it is not clear if any of these buildings are located in the DPA. To date the property owner/applicant has not applied for any development permits for the buildings and structures located on the property.

Figure 4: Sensitive Ecosystems DPA

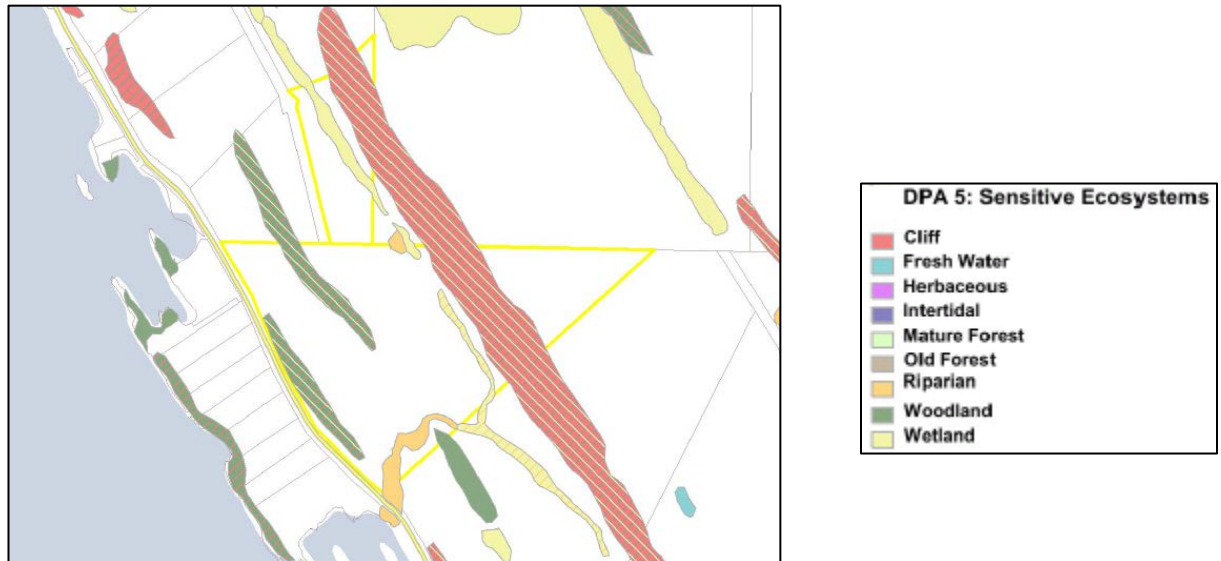
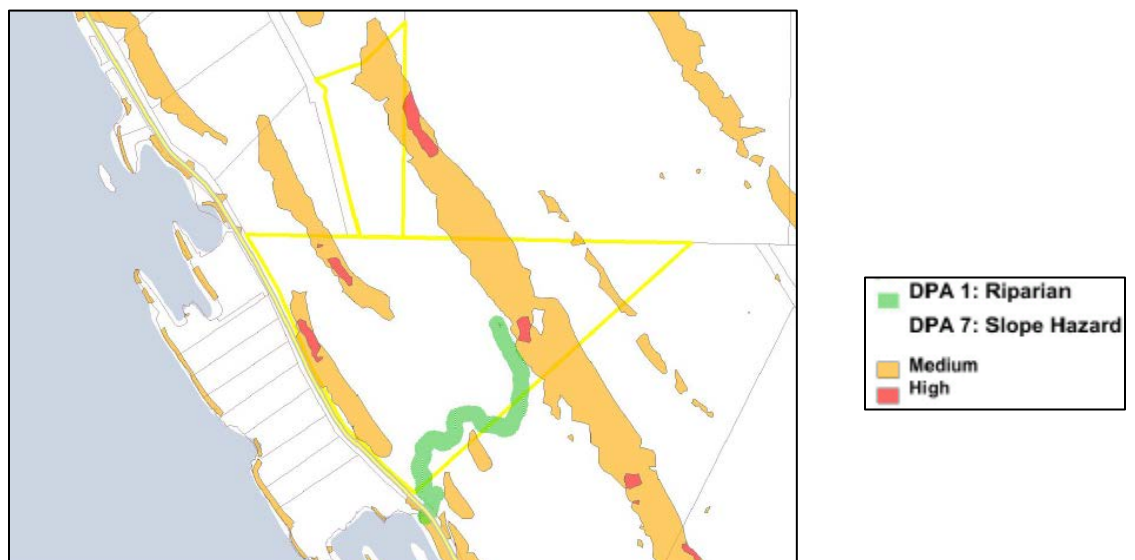


Figure 5: Steep Slope Hazard and Riparian Area DPAs



Land Use Bylaw:

Lot A is zoned Forest 1 (F1) and Lot 9 is zoned Rural 2 (R2) in the Galiano Island Land Use Bylaw, No. 127, 1999. The relevant regulations for the F1 zone are included below:

7.1.1 In the Forest 1 zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses including residential uses are prohibited.

7.1.1.1 timber production and harvesting

7.1.1.2 accessory forestry uses including the sawmilling and planting of timber harvested on the same lot and the growing of seedlings in nurseries
Buildings and Structures for Forestry Uses.

7.1.2 A single non-residential unenclosed building or structure with a floor area not exceeding 93 square metres is permitted in each lot and every such building or structure must be screened by a landscape screen not less than 9 metres in height and complying with the requirements of subsection 15.1.1 of this bylaw.

7.1.6 No lot having an area less than 65 hectares may be created by subdivision.

The relevant regulations for the R2 zone are included below:

5.5.1 In the Rural 2 (R2) zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses are prohibited.

5.5.1.1 dwellings

5.5.1.2 cottages

5.5.1.3 home occupations

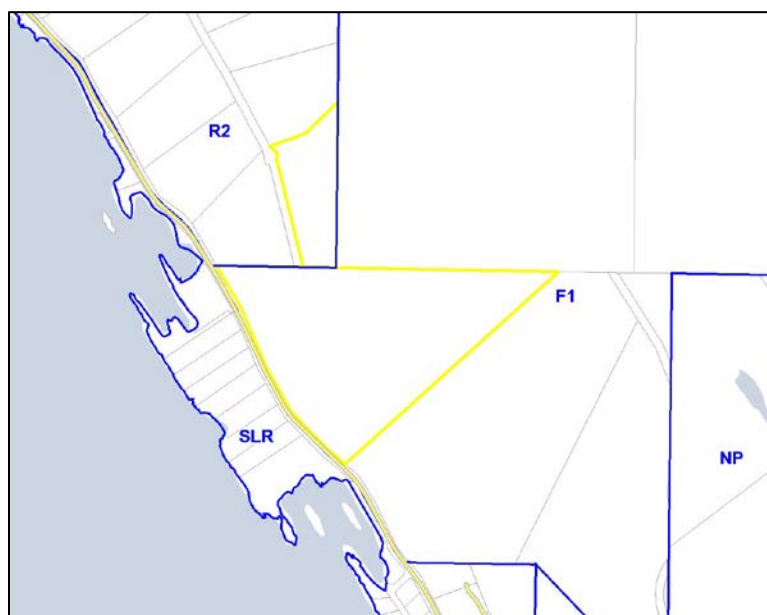
5.5.1.4 farm use

5.5.2 One dwelling is permitted on each lot, and one additional dwelling is permitted in respect of each 4 hectares of lot area over 4 hectares.

5.5.3 One cottage is permitted on each lot having an area of 0.4 hectares or more, in respect of each permitted dwelling.

5.5.4 Lot coverage must not exceed 25% of any lot.

Figure 6: Zoning Map



Islands Trust Fund:

There are no Trust Fund Board properties or covenants in the vicinity of the subject property.

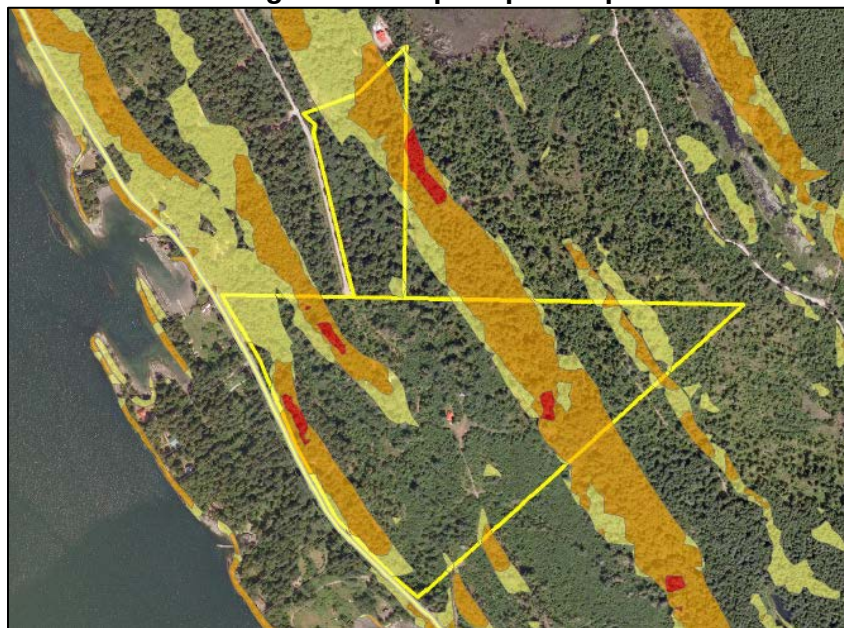
Sensitive Ecosystems and Hazard Areas:

There are similar, linear areas of both sensitive ecosystems and hazard areas located on the subject properties. The subject properties contain cliff, woodland, riparian, and wetland sensitive ecosystems areas as noted in Figure 7. There are also areas of low, moderate, and high slope hazards.

Figure 7: Sensitive Ecosystem Map



Figure 8: Steep Slopes Map



Archaeological Sites:

There are no archaeological sites on the property or in close vicinity registered in the provincial database.

Covenants:

The property is subject to two covenants that have been granted to the Capital Regional District: one covenant establishes areas of the lot that may have a geotechnical hazard and which require approval from a registered professional engineer before building may occur and the second covenant establishes a 15 metre setback from the natural boundary of Spotlight Creek and other measures for flood protection.

Bylaw Enforcement:

There is an active bylaw enforcement file (GL-BE-2002.109) from 2002 associated with Lot A as there were numerous buildings located on the property that were not permitted by zoning. Generally, if there is an active bylaw amendment file with the intent to legalize the non-conforming use or density, the bylaw enforcement file will be placed on hold until the bylaw amendment application is finalized. As the applicants applied for a rezoning, the bylaw enforcement file has been placed on hold.

In 2013, additional buildings (meditation huts – Figure 4) were constructed without the benefit of a building permit on Lot A and are not permitted by zoning. Even though the bylaw amendment application is still active, no new buildings are permitted to be constructed. Bylaw Enforcement have been notified of this bylaw infraction. The LTC may wish to proceed with bylaw enforcement to remove the newly constructed buildings.

Climate Change Mitigation and Adaption

The preservation of natural areas and forest ecosystems is an important factor to reduce greenhouse gas emissions. Forests act as an important carbon sink—absorbing and storing carbon that would otherwise be circulating in the atmosphere. An OCP objective in the Forest designation is to preserve a forest land base and to maintain or enhance carbon storage and sequestration.

Communications/Consultations:

The following agencies have been identified for referring draft bylaws for comment; the LTC may also direct staff to include other agencies not listed. Additionally the LTC may choose to refer the proposal to the Advisory Planning Commission.

- First Nations:
 - o Cowichan Tribes
 - o Halalt
 - o Lake Cowichan
 - o Lyackson
 - o Malahat (TE'Mexw Treaty Association)
 - o Pauquachin
 - o Penelakut
 - o Semiahmoo
 - o Stz'uminus

- o Tsartlip
- o Tsawout
- o Tsawwassen
- o Tseycum
- Ministry of Transportation and Infrastructure
- Island Health
- CRD, Building Inspection Services
- CRD, Electoral Area Director
- Galiano Island Fire Rescue
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee

Furthermore the public hearing notice would be circulated to all property owners and tenants within 100 m of the subject property in advance of the public hearing.

Professional Report:

The applicant to date has not provided professional reports in support of the application. Although the applicant states that an environmental assessment was completed in 2010 by an environmental professional. To date, Islands Trust staff have not received a copy of the assessment report and therefore cannot provide comments on the report.

If the rezoning application proceeds, a Development Approval Information (DAI) checklist will be provided to the applicant. The DAI checklist provides specific direction to the applicant regarding what professional reports or information will be required from them during the rezoning process. Depending upon the outcome from the preliminary staff report, staff will advise the applicant accordingly of the required information to proceed with the application through the DAI checklist.

If the applicant chooses to provide the environmental assessment report completed in 2010 as supplemental information for the rezoning application, the assessment must meet all applicable guidelines in the DAI checklist.

The LTC should advise staff if they believe any further information or professional reports that should be requested.

COMMUNITY INFORMATION MEETING(S):

At this preliminary stage in the process, there is no need for a community information meeting.

RESULTS OF CIRCULATION:

There has been no circulation associated with this application. As the application proceeds public and agency notification will be required.

STAFF COMMENTS:

There are a number of issues to be clarified and information that must be received prior to preparing draft bylaws:

Intent of Proposal:

Staff received an update to the proposal in April 2013. The proposal included a brief outline on the existing and proposed buildings/structures, an intent to amalgamate Lot A and Lot 9, and a site plan. Since that time, the applicant has suggested that changes to the proposal are forthcoming. To date, an updated proposal has not been received. If the LTC wishes the application to proceed, staff recommend asking the applicant to provide a final proposal for the application.

OCP Policy:

The bylaw amendment proposal to permit a forest retreat use currently does not comply with the OCP policies as the principal use for the Forest designation shall be forestry. In addition, the principal uses on Rural designated land shall be residential or agriculture. As the current proposal does not meet the guidelines or policies of the Forest or Rural designations, an amendment to the OCP will be required for both properties.

LUB – Use/Density:

The Forest 1 zone permits timber production and harvesting, and accessory forestry uses in addition to permitting only one non-residential unenclosed building or structure on each lot. Over the past 20 years, the property owners have constructed buildings and structures, and have conducted uses which are in direct conflict with the permitted zoning. The property owners have also constructed additional meditation huts (3) in the past year. Staff recommends enforcing the bylaw regulations for all buildings and structures that have been built after the date the application was received (June 2004). The applicant would then have to remove these structures from the subject properties until the bylaw amendment application has been finalized.

Access:

Staff recommend securing an emergency access through Lot A. Currently the lot can be accessed by vehicle from Porlier Pass Road but the driveway from Devina Drive is blocked. If the application proceeds, a referral to the local fire department and CRD will be required to comment on emergency access. The access from Porlier Pass Road should also be reviewed from the perspective of the existing covenant restricting development within 15 m of Spotlight Creek and that there is a Riparian Development Permit Area. It might be advisable to have the alternative entrance (Devina Drive) to be the primary entrance given this requirement to not be near the Creek.

Options:

The Local Trust Committee has generally three options at this time:

1. resolve to proceed no further with application;
2. direct staff to proceed with the application and to clarify outstanding issues with the applicant and bring forward a supplemental staff report to a subsequent Local Trust Committee meeting; or
3. direct staff to proceed with the application and to prepare draft bylaws.

Islands Trust staff considered recommending that the applicant apply for a Temporary Use Permit (TUP) as a possible option. As the use has been in place for over a decade, and the

structures are permanent in nature, a TUP would be a temporary solution for this property and in reality the applicants should be proceeding with the rezoning application.

As further information and clarification is required, there are inconsistencies with the proposal and OCP policies, and the proposal provides no identified community benefit. The applicant has stated that the area that would be developed (structures, buildings, parking, etc.) is approximately 25% of the site and the remainder is 75%. Given the dispersed nature of the development (two distinct nodes) and the nature of the use (meditation retreat) it is not straight forward as to other Forest 1 rezonings the LTC has been considering.

Staff recommend that the LTC proceed no further with this current application. The applicants would be refunded a portion of their fees and would have the option to re-apply. It has taken over a decade to get to this point of making a decision on the application and how to proceed. The applicants have been sent letters of application closure of the past number of years due to inactivity. Each letter has resulted in a renewed interest in the application. In the interim, they have continued to benefit by using the property, maintaining and constructing new buildings all in violation with the bylaws. Given this history of no progression on the application by the applicants and increasing illegal use of the property, staff are recommending that the current application be closed.

Should the application be closed, bylaw enforcement will be notified as well as CRD building to correct the violations on the property.

While this option may not be favorable with the applicants, this option would allow the applicants to:

- clarify the intent of the proposal – this should include the use and density of all existing and proposed buildings and a rationale for the application;
- update site plan with all existing and proposed buildings, structures and roads;
- address how the proposal would or would not meet the OCP policies;
- if the proposal does not meet the OCP policies, provide information for a OCP amendment; and
- how the proposal would provide a community benefit.

ALTERNATIVE OPTIONS:

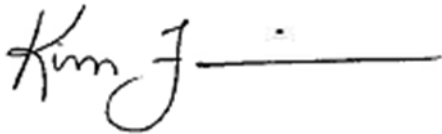
1. THAT the Galiano Island Local Trust Committee direct staff to proceed with the application GL-RZ-2004.6 (Crystal Mountain) and to bring forward a supplemental staff report to the next Local Trust Committee meeting when outstanding issues have been clarified.
2. THAT the Galiano Island Local Trust Committee direct staff to proceed with the application GL-RZ-2004.6 (Crystal Mountain) and to prepare draft bylaws.

With either of these options above staff would recommend that no further construction or use be permitted in violation of the current bylaws until such time as the rezoning is complete.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee resolve to proceed no further with application GL-RZ-2004.6 (Crystal Mountain).

Prepared and Submitted by:



Planner 1

March 28, 2014

Date

Concurred in by:

Robert Kojima

Regional Planning Manager

March 28, 2014

Date

Date: March 28, 2014

File No.: 6500-20- STVR

To: Galiano Local Trust Committee
For the meeting of April 7, 2014

From: Kris Nichols, Island Planner

CC: Robert Kojima, RPM

Re: Short Term Vacation Rental (STVR) Project – Next Steps

Purpose

This report will briefly review the STVR background for Galiano Island given the March 8, 2014 Community Information Meeting (CIM) and will recommend next steps for the Local Trust Committee to consider.

Project Objectives

In the Galiano Island Local Trust Committee's Work Program, the number one priority is Visitor Accommodation with the intent "To look at existing policy, research issues and possible solutions on Galiano". In this instance, the primary focus is Short Term Vacation Rentals. STVRs is a term commonly used to describe the rental of dwellings to paying guests for a period of time generally less than on a month-to-month basis. This use occurs in dwellings (residences or cottages) that are located in residential zones, where the common form of occupancy is owner-occupancy or month-to-month rental by tenants.

Project Background

On March 8, 2014, the LTC held a Community Information Meeting to hear from community residents/landowners and to give a brief overview on the survey results (see <http://islandstrust.bc.ca/media/257877/survey-summary-full-responses.pdf> for full survey results) regarding the future of STVRs on Galiano Island. There were approximately 50 people in attendance all with experience with STVRs as operators/owners or users. It was explained that this approach is being taken as a result of enforcement complaints and that the issue must be addressed about whether to permit STVRs on Galiano Island. The CIM minutes can be found under 6.1.2 of the April 7, 2014 Agenda. There was a good discussion around how long STVRs have been operating on the Island and under what conditions. For example some people live

on the island/property and rent out their house or cottage as an STVR on a full time basis or for seasonal use. Staff explained the options available in addressing STVRs on Galiano Island. There was support to have the practice of STVRs continue, but with some conditions as to their use.

The CIM mirrored many of the same comments received through the feedback survey with the direction being identical to proceed with permitting STVRs, but with conditions. Please see Attachment 1 for CIM materials.

Previous staff reports/memos and the project charter providing background to this report can be found at: <http://islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/short-term-vacation-rentals.aspx>

Option Analysis

There are examples on other islands that permit STVRs. Currently, South Pender Island, Saturna Island, and Hornby Island are the only islands in the Trust Area where STVR use is legal. Hornby Island refers to them as Vacation Home Rental Uses and made amendments to their OCP and LUB to accommodate them. Saturna Island permits STVR of cottages as a home occupation. Some Islands such as Mayne Island have permitted STVRs to be established through a Temporary Use Permit (TUP). Saturna Island LTC is in the process of also considering permitting STVRs by use of a TUP process.

The majority of people that responded either through the feedback form or in person at the CIM supported STVR use, but with some regulation. There are several options that could be considered in proceeding to the next steps in addressing STVRs on Galiano Island:

1. To not permit STVRs on Galiano Island.
This would not be any different than the current situation. STVRs are not legally permitted on Galiano Island. For the most part, enforcement has been put in abeyance until this STVR review project is completed. Through the feedback results and the CIM, this is not the desired option.
2. To permit them outright on the island regardless of zone or lot size.
This would make them all legal if permitted outright. While the results indicate a desire to permitting STVRs, there is also a desire to have some regulations around permitting them.
3. To permit them only in specific zones or for lots of a particular size.
This would limit the location of STVRs.
4. To permit STVRs as Home Occupations.
This would generally mean that the owners/operators would have to live permanently on the lot which would limit STVRs to only those lots with 2 dwellings on them (i.e. cottage and house) of which only one could be rented out. The Home Occupation Regulations in the Land Use Bylaw (LUB) would have to be amended to accommodate STVR use and contain specific regulations for their use. There would not be a fee as STVRs would become a home occupation in the LUB. This would require an amendment to the LUB.

5. To permit STVRs by Temporary Use Permit (TUP)
Authorization to issue TUPs must be included in the Official Community Plan (OCP). This would permit STVRs provided that an application is made and approved for a TUP. A TUP would permit the neighbours to have a say. It would last for up to 3 years with an ability to renew for 3 years. After that a new application would be required. The current cost of a TUP application is \$1100. A TUP would contain regulations around the use of the STVR on that property and be specific to that property. This would require an amendment to the OCP.
6. To permit a combination of the above. For example, to permit those lots with two dwellings to have one STVR as a home occupation as an amendment to the LUB and to permit those with one dwelling on the lot to have a STVR only through a TUP application. This would require an amendment to the OCP TUP section.

Staff are recommending permitting STVRs on Galiano Island. However, they are not recommending that they be permitted outright, but that they are permitted with conditions through the home occupation guidelines for those lots permitted two dwellings and through a TUP application process for those lots with one dwelling. In conjunction with the TUP requirement staff are proposing that the TUP fee be lessened by \$200 to \$900 per application for STVRs.

Possible Fees Bylaw Amendment for Temporary Use Permits for STVRs:

It was mentioned at the CIM as an option to be considered by the LTC is to amend the Galiano Island Fees Bylaw No. 196 to accommodate TUP applications for short term vacation rental operations. Currently, the cost of a TUP as stated in the Fees Bylaw is \$1,100 for an application and \$165 to renew the permit. The TUP application fee is similar to other LTCs with the exception of Gabriola Island (\$900 TUP fee) and Lasqueti Island (\$770 TUP fee). The renewal fee is the same for all LTCs with the exception of Gabriola Island (\$150 renewal fee).

The intention of an application fee is to cover the average cost of advertisement, notification, and staff time. Calculating the basic cost of advertisement and mail-out is required in order to assess reducing the application fee. Section 921 of the *Local Government Act* requires that a notice to be published in newspaper and be mailed to surrounding neighbours (100 metres from the subject property as per Galiano Island Trust Committee Development Procedure Bylaw No.100). The estimated cost of an advertisement and a mailout is approximately \$700. Staff recommend including an additional amount (\$200) to cover a portion of the cost for staff time. A potential \$900 application fee for TUP applications for short term vacation rental is reasonable as it would cover the basic costs of advertisement, notification, and a portion of staff time, and reflects the same application fee as the Gabriola Island LTC. Staff are recommending an amendment to the Fees Bylaw No. 196 that would establish a \$900 application fee for TUP applications for short term vacation rentals.

Communications

A CIM was held on March 8, 2014 and attended by approximately 50 people who either own an STVR or had an interest in how they were to be run on Galiano Island. This input helped to establish the options presented in this report.

Another CIM is recommended prior to a public hearing on any bylaw amendments. This would give the community an opportunity to comment and ask questions on the recommended approaches to address STVRs on Galiano Island.

Project Charter

The approved project charter can be found at:
[http://islandstrust.bc.ca/media/247484/Project%20Charter%20-STVR%20Review%20\(Amended%20Dec%2016,%202013\).pdf](http://islandstrust.bc.ca/media/247484/Project%20Charter%20-STVR%20Review%20(Amended%20Dec%2016,%202013).pdf)

Next Steps

Should the LTC agree with staff's recommendations, the next steps would be for staff to draft the required bylaw amendments to permit STVRs with conditions on Galiano Island.

Summary of Planning Recommendations

Staff have reviewed the survey feedback results and the minutes from the community information meeting. There was a strong desire by the community that responded or attended the CIM that STVRs should be permitted, but with conditions. Staff have reviewed the options and are recommending an approach that will permit some STRVs to remain outright and others to require a temporary use permit. Those that are permitted outright will be done so through the Home Occupation Guidelines and permitted only when the owner or operator lives on the property. Specific guidelines will be added to the home occupation regulations. Those lots with one residence on the property will also be permitted to have an STVR, but will have to apply for a Temporary Use Permit. The TUP section of the OCP will be amended to provide guidance and certainty for applicants, and guidance for planning staff and the LTC in assessing applications.

Staff's recommendation would require an amendment to three separate bylaws. To the Home Occupation Guidelines Section 3 in the Land Use Bylaw (LUB), an amendment to the Temporary Use Permit (TUP) Section VII of the Official Community Plan (OCP) and an amendment to the Fees Bylaw No. 196 Section 3.1 Table 2. This last bylaw is an administrative bylaw and does not require the rigor that the LUB and the OCP bylaw amendments require.

Some options that the LTC could consider in moving forward based on staff's recommendation:

1. To not agree with staff's recommendation and to select another option to address STVRs and request that staff draft bylaw amendments as per their selected option.
2. To agree to the changes to the LUB and the Home Occupation Regulations, but not to changes to the TUP section of the OCP bylaw that would have specific guidelines related to TUPs for STVRs and instead deal with the STVRs through TUPs and develop the guidelines on a more individual basis. But to still request that a change for TUP fees be implemented.
3. To agree with proceeding with staff's recommendation as presented.

RECOMMENDATIONS:

1. THAT staff be directed to draft bylaw amendments to permit short term vacation rentals by:
 - i) Amending Land Use Bylaw No. 127, 1999 Section 3 Home Occupations Regulations
 - ii) Amending Official Community Plan Bylaw No. 108, 1995, Section VII Temporary Use Permits
 - iii) Amending Fees Bylaw No. 196, 2007, Section 3.1 Table 2.

Prepared and Submitted by:

Kris Nichols

Island Planner

March 28, 2014

Date

Concurred in by:

Robert Kojima

Regional Planning Manager

March 28, 2014

Date

Attachments:

STVR = Short Term Vacation Rental

1. What is a STVR (Short Term Vacation Rental)?

Short Term Vacation Rentals (STVRs) is a term commonly used to describe the rental of dwellings to paying guests for a period of time generally less than on a month-to-month basis. This use occurs in dwellings (residences or cottages) that are located in residential zones, where the common form of occupancy is owner-occupancy or month-to-month rental by tenants.

2. Are STVRs currently permitted on Galiano Island?

STVRs are **not** a permitted use in the Galiano Land Use Bylaw No. 127. The only lawful visitor accommodation for paying guests is found in the Visitor Accommodation zones C3, C4, C5 and C5A. Restricted guest accommodation uses are permitted in residences as a home occupation if it operates as a Bed and Breakfast. Bed and Breakfasts are defined and regulated in such a manner that they are a form of visitor accommodation, but are only permitted as a use accessory to residential use of the dwelling and the operator must reside permanently in the dwelling.

3. Are there STVRs in operation currently on Galiano Island? What about enforcement?

Yes. To date, Islands Trust staff are aware of at least 30 active STVRs on Galiano Island. The Galiano Island STVR Enforcement Policy which states conditions for enforcement was adopted and the Galiano LTC has agreed to leave the policy as standing until this STVR project was completed by staff. The enforcement policy ensures that enforcement activities are directed against overtly commercial STVRs operating in the wrong zone and those that create health and safety or serious nuisances. It would also direct that enforcement be undertaken on lots with more than one dwelling used as an STVR or where camping is occurring. It should be noted however, that any STVR that advertises on Galiano is potentially subject to immediate enforcement action as the use is in violation of the LUB.

4. What are the benefits to permit STVRs on Galiano Island?

There are a number of potential benefits with permitting STVRs such as visitors supporting the local economy (restaurants, retail, and tourist attractions), additional income to property owners, and more accommodation options and prices for visitors.

5. Are there any issues with permitting STVRs?

There are a number of potential issues and impacts that may be felt by the community such as noise, traffic, parking, water use, garbage, loss of affordable rental stock, lower taxes to a comparable commercial use, competition with existing legal operations and undermining the sense of community that exists on the islands.

6. Do other LTCs permit STVRs?

Currently, South Pender Island, Saturna Island, and Hornby Island are the only islands in the Trust Area where STVR use is legal. Hornby Island refers to them as Vacation Home Rental Uses and made amendments to their OCP and LUB to accommodate them. Saturna Island permits STVR of cottages as a home occupation. Some Islands such as Mayne Island have permitted STVRs to be established through a Temporary Use Permit (TUP). Saturna Island LTC is in the process of also considering permitting STVRs by use of a TUP process.

Helpful Definitions:

"Bed and breakfast" means a home occupation comprising the provision of sleeping accommodation and a morning meal only, to paying guests.

"Cottage" means a building that is accessory to a dwelling and is used for human habitation by guests, household members or tenants, and having a floor area that does not exceed 60 square metres.

"Dwelling" means a building used as a residence for a single household and containing eating, sleeping and living facilities and a single set of facilities for food preparation.

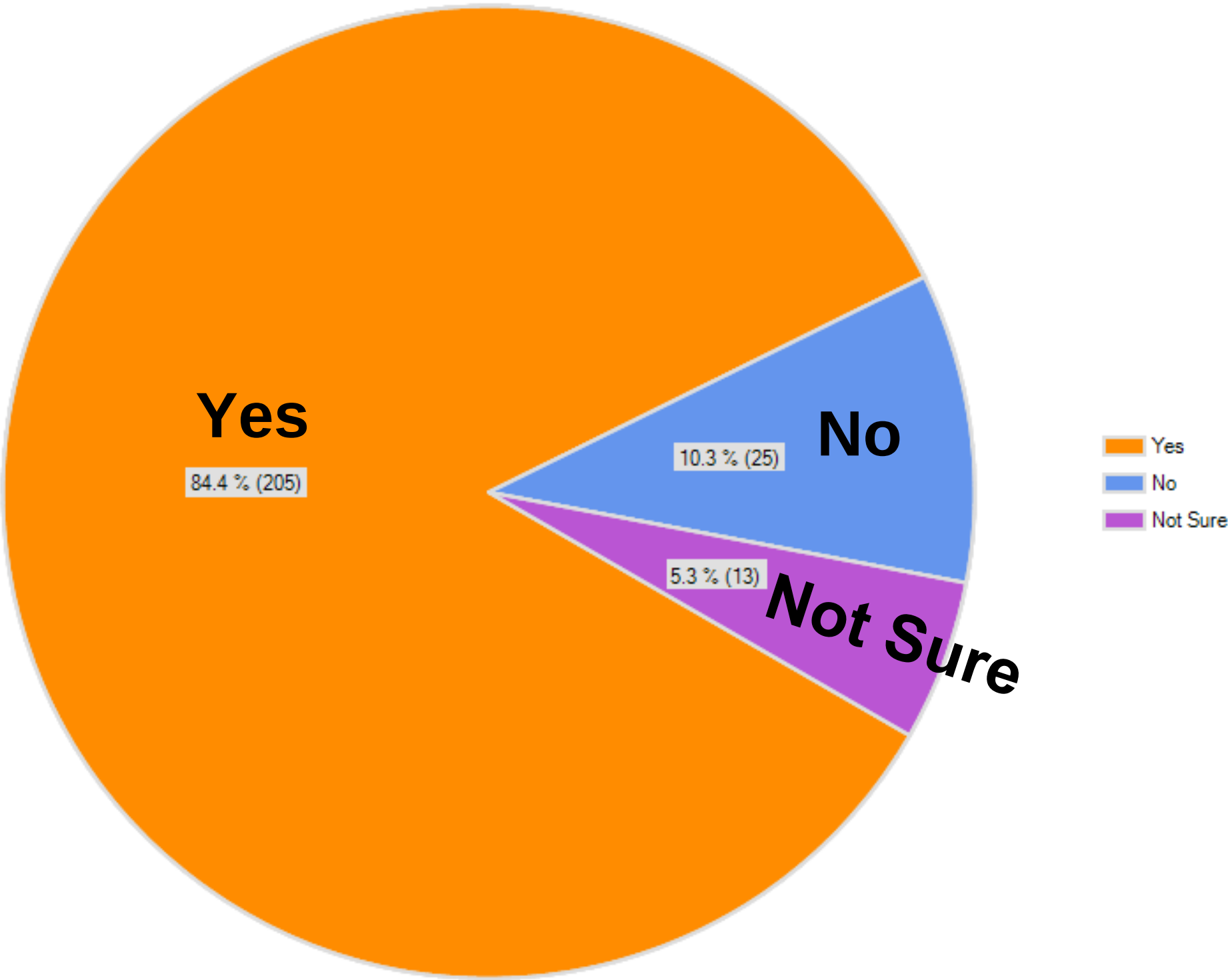
"Home occupation" means an accessory commercial use conducted on residential premises, and includes daycare facilities licensed under the Community Care Facility Act that are permitted by the Act despite local bylaws, but for certainty does not include sawmilling. No more than three persons may be employed in any home occupation, at least one of whom must reside permanently on the premises on which the home occupation is conducted.

"Temporary Use Permit" are a mechanism by which a local government can permit a use that is not otherwise permitted in a zone by issuing a permit for up to three years, renewable for an additional three years [general definition - not defined in LUB]. More information on Temporary Use Permits can be found in the Galiano Island Official Community Plan (OCP) and the *Local Government Act*.

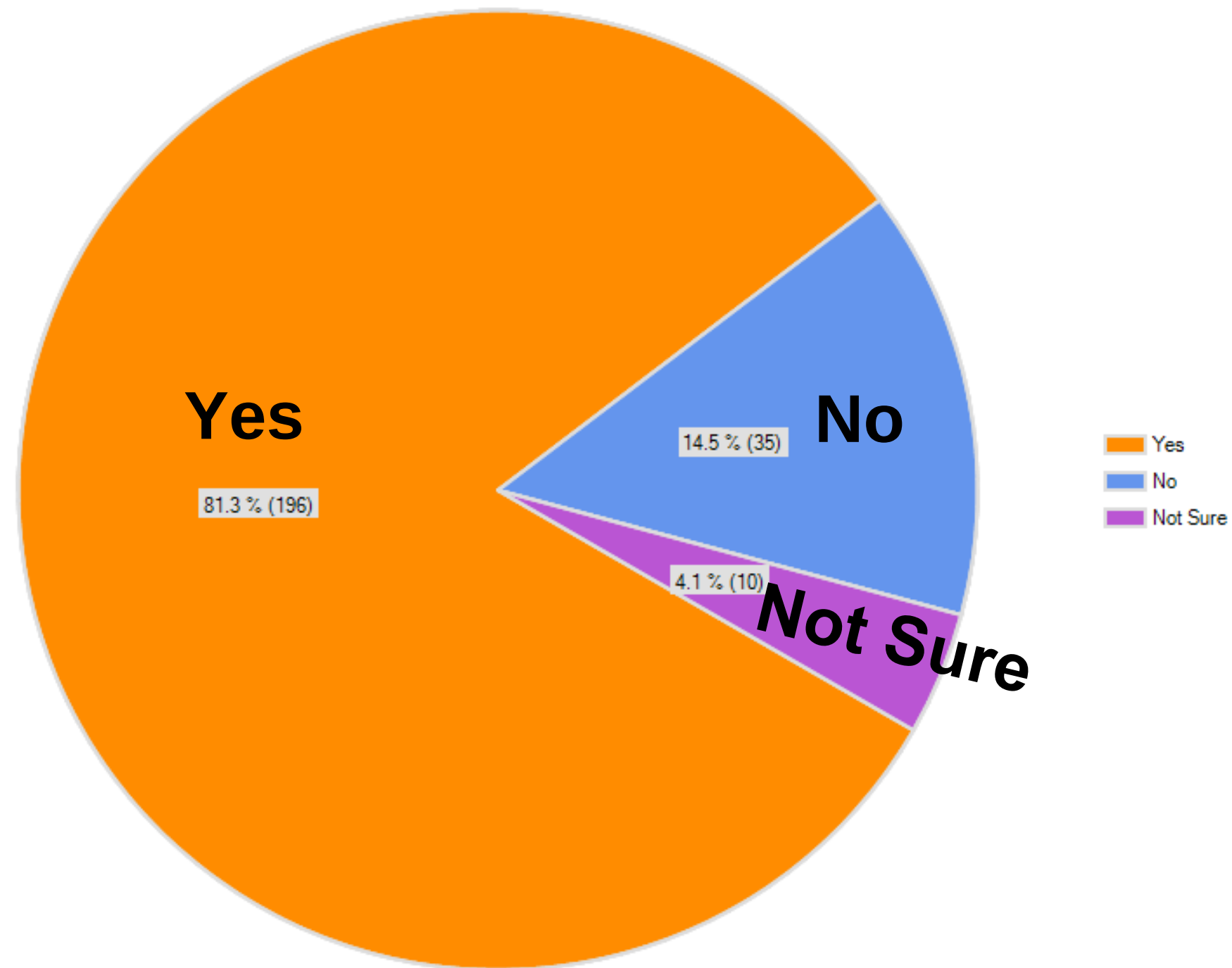
"Visitor accommodation cottage" means a building providing accommodation for travellers and having a floor area that does not exceed 46 square metres.

"Visitor accommodation room" means a room or suite of rooms providing only sleeping accommodation for travellers and having a floor area that does not exceed 30 square metres, and for this purpose the floor area must despite any other provision of this bylaw be measured to the interior surface of the walls of the room or suite of rooms.

Question #1 - Should STVRs be a permitted use on Galiano Island?



Question #2 - Would you support a STVR on a neighbouring property?



Question #3 - If you do believe STVRs on Galiano Island should be a permitted use, are there any specific conditions/regulations you would want the STVRs to abide by?

Comments from the survey:

Management:

- Property owner(s) must live on property full time
- STVR operator (either property owner or full time renter) must live on the property
- On-island management presence either property owner or manager
- Registration system for STVRs
- Online registry for STVRs
- Owner should apply for a business license in able to operate STVRs
- STVRs should pay fees or taxes
- Periodical inspection of STVRs
- Central booking registration with damage deposits
- Contact information on STVR operator should be publicly available

Use:

- Limit the number of guests per STVR
- Limit the number of STVRs allowed per property
- Only 1 STVR allowed per property
- Limit the number of STVRs per neighbourhood
- No camping allowed on property
- Limit the amount of time a renter can stay in a STVR
- Property owners should not be allowed to ask long-term renters to leave for summer months
- Must not allow commercial activities or uses (weddings, retreats, etc.)

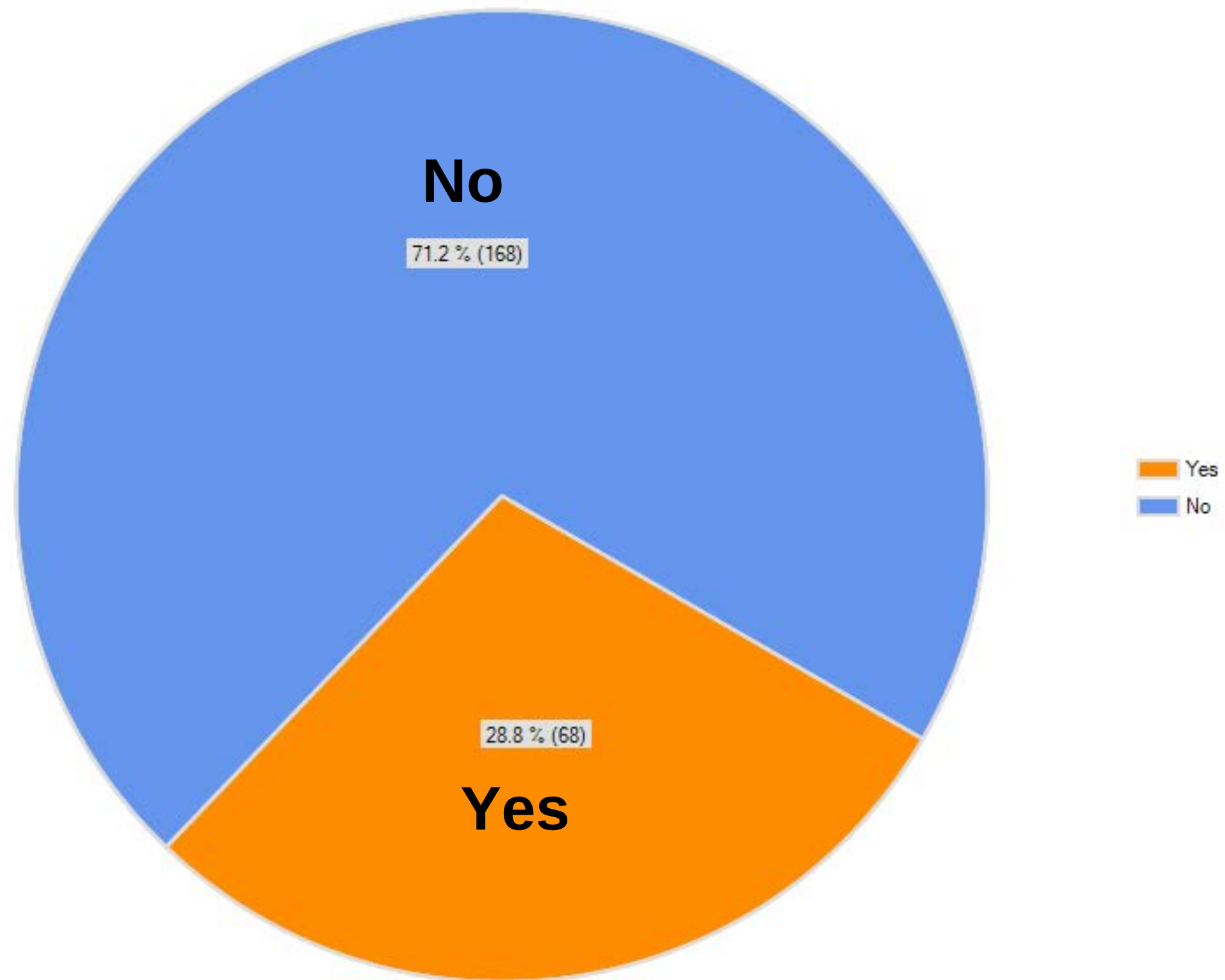
General:

- No regulations
- Must be well maintained
- Restrict noise
- No campfires
- Parking requirements – must have on-site parking
- Restrict the number of cars allowed per STVR
- Floor area should be restricted
- STVRs should not be permitted on Galiano Island
- Proper CRD Building Permits for any dwelling/cottage used as a STVR
- STVR should be zoned commercial
- STVRs should only be located in certain areas on Galiano Island
- Requiring a Temporary Use Permit so the neighbours can comment before granting the use

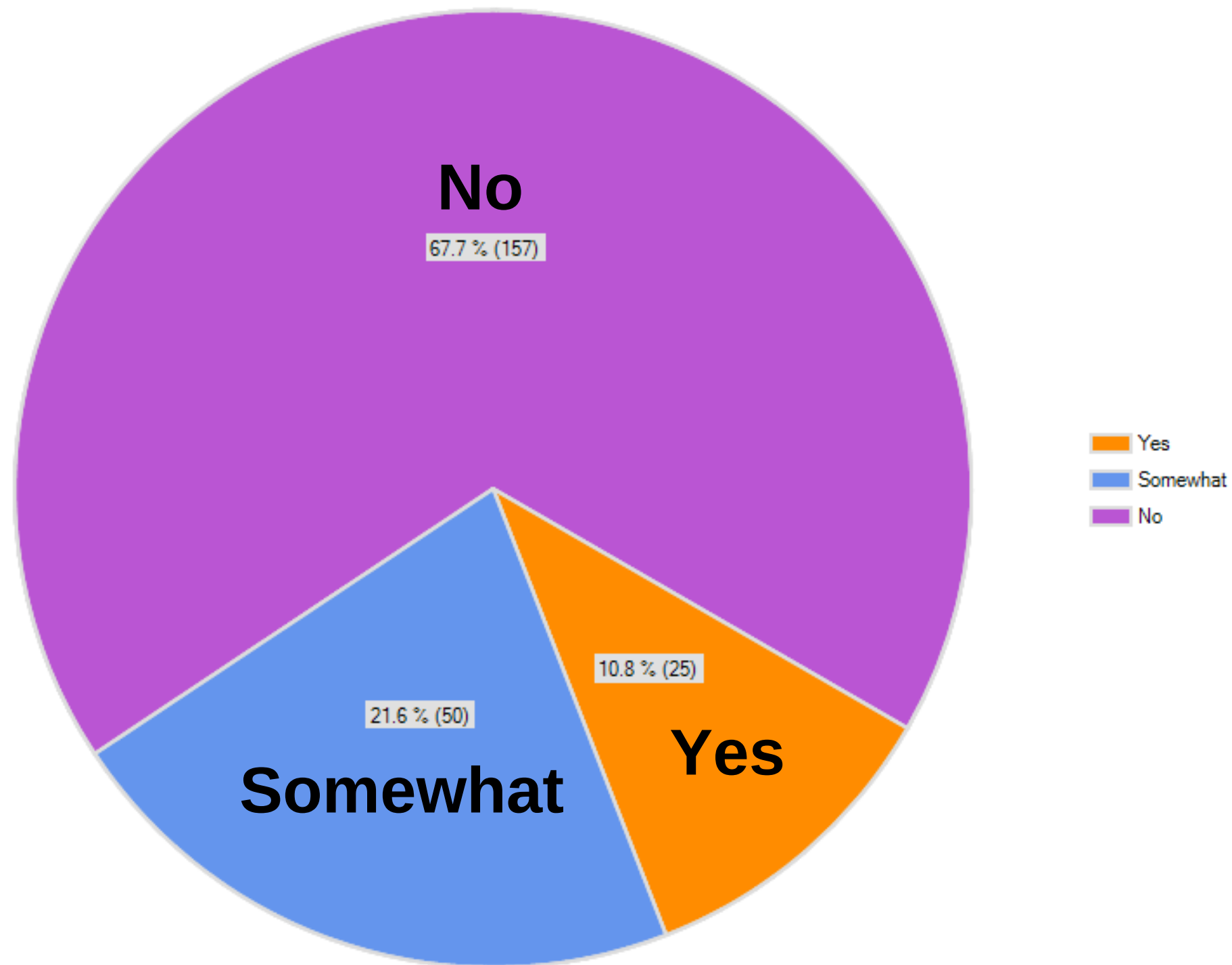
Utilities:

- Water restrictions
- Water metering
- Rainwater collection systems for STVRs
- Monitor/regulate garbage collection
- Fire hazard management
- STVR renters should be aware of water conservation and recycling responsibilities
- STVR should have adequate water and sewerage capabilities

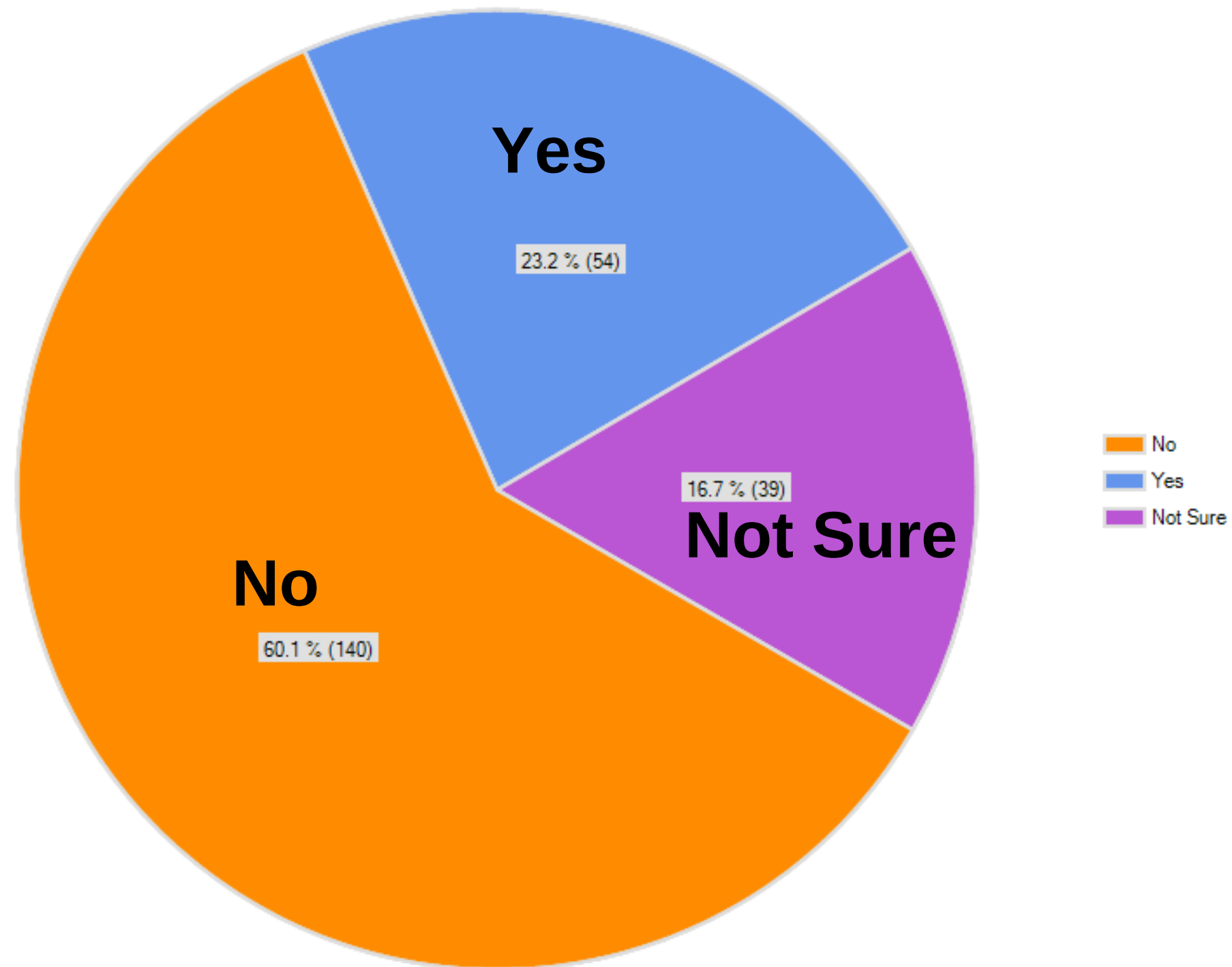
Question #4 – Have you been impacted by a STVR?



Question #5 - Do you believe owners/operators of a Visitor Accommodation business on Galiano Island would be negatively affected if STVRs were a permitted use?



Question #6 - Do you believe STVRs will affect the rental stock on Galiano Island?



Question #7 & 8 – What do you believe are the benefits and impacts to permitting STVRs on Galiano Island?

Comments from the survey:

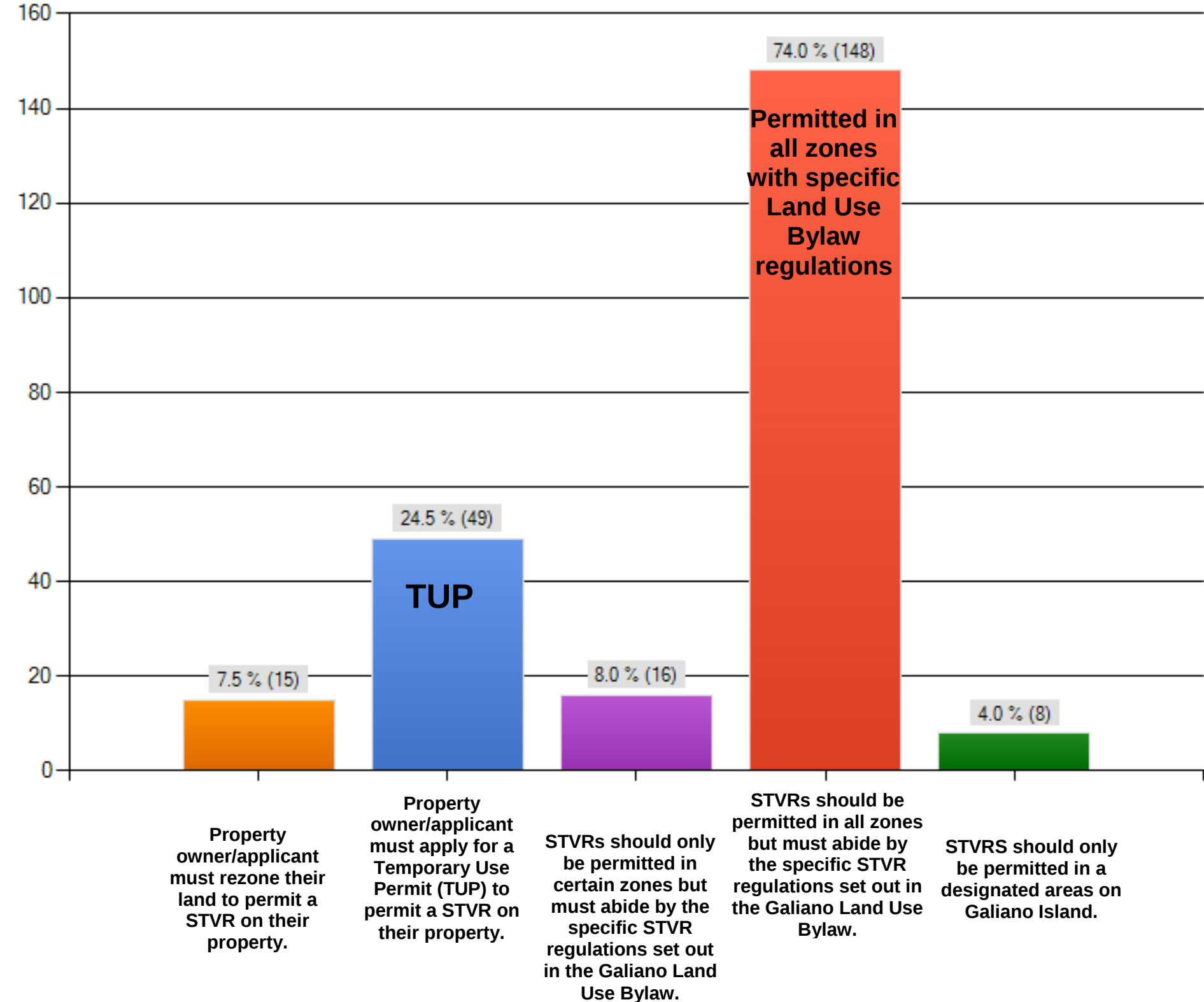
Benefits:

- Helps the Galiano economy
- More accommodation choices for Galiano visitors
- Affordable accommodation
- Increased income for Galiano businesses
- Additional income for home owners in a community with limited employment sources
- Increased visitors to Galiano Island
- Supports the tourist economy
- Helps tourism based industries and businesses
- Visitors will use services on the island – restaurants, shops, kayak rentals, Saturday market etc.
- Increased accommodation on Galiano will bring more visitors to the island
- Direct employment opportunities (property maintenance and cleaning services)
- Helps support the BC economy
- Benefits to local businesses and artists
- Keeps the community alive and exposes newcomers to Galiano Island
- May increase/stabilize property values
- A sustainable vibrant community and diversity
- Makes purchasing or building a home more financially viable
- Allows visitors to experience Galiano before purchasing property on the island
- It's better for the island to have active rentals rather than vacant properties
- Keeps BC ferry ridership up
- More people travelling to the island means less chance of ferry cuts
- Legalize what is already happening on Galiano and allow for some regulation and management
- Positive economy and increased cultural diversity
- Allows people to experience the true island culture and lifestyle
- Transparency
- No benefits

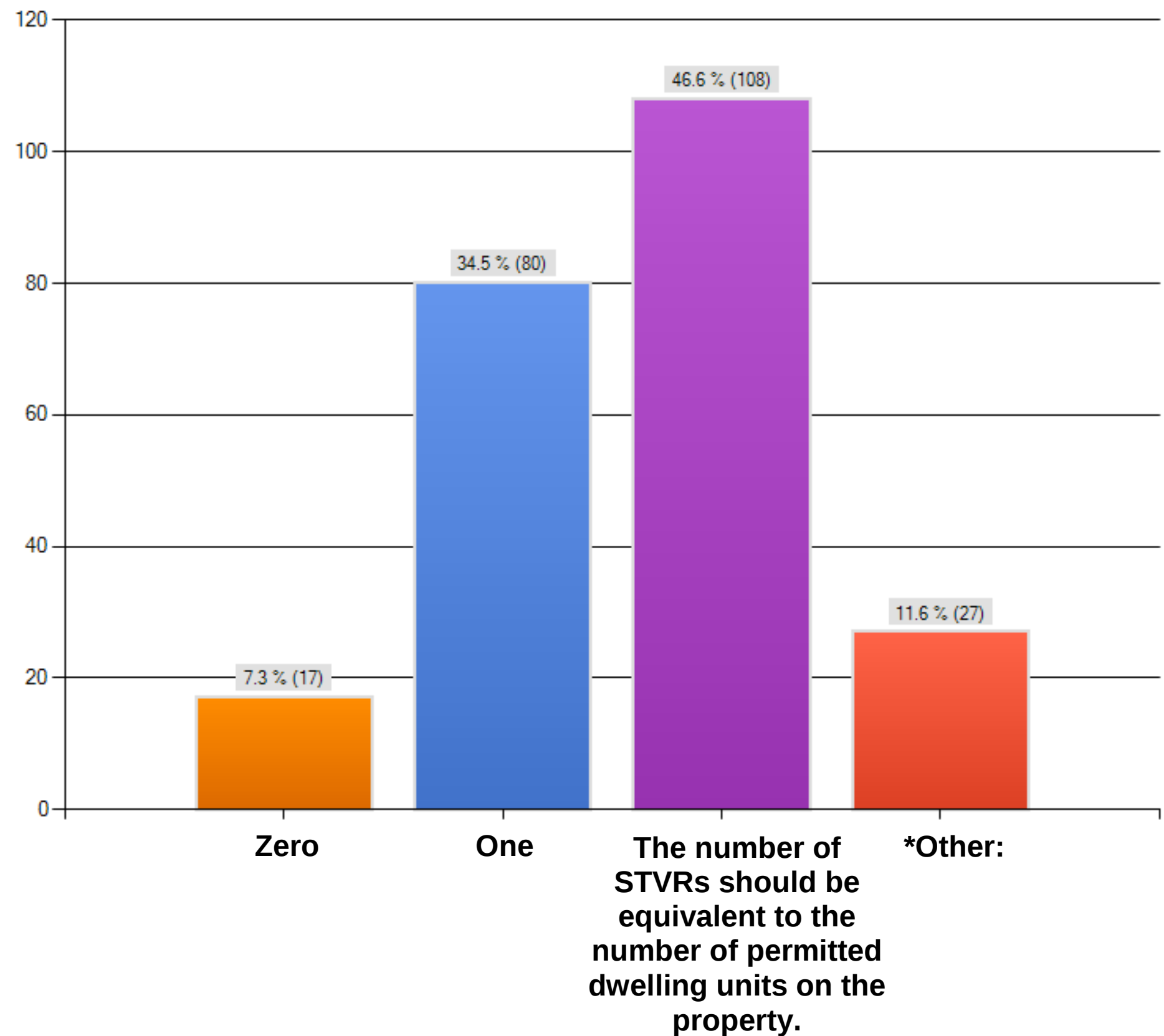
Impacts:

- Increased RCMP complaints
- Increased impact on septic and water systems
- More garbage and recycling created
- Increased noise
- Increased traffic
- May have a greater environmental impact
- Increase to water consumption
- Littering
- Use of island resources (fire, ambulance, health care clinic, police)
- Less space for islanders on peak ferry routes/times
- Changes the residential nature of a neighbourhood
- Reduction to the peace and enjoyment of Galiano
- Unfair financial impact to legal businesses
- Regulated rental
- If there are too many STVRs, less full time residents in neighbourhoods
- Low season tenants may lose their housing for more profitable high season short-term renters
- Loss of rental accommodation for locals who wish to live year-round
- Could be problems for neighbours if STVRs are unregulated
- Competition with legal existing operations
- Availability of affordable rental stock would be diminished
- Devalues commercial properties
- Will become a resort island, a tourist destination for a few months each year
- Lack of enforcement for noise and fire safety incidents
- Tourists who don't care about the fragility of our ecosystems or community
- Absentee landlords could lead to no one on-site or on-island to deal with complaints/emergencies
- Minimal impacts if total volume of STVRs is controlled
- No impacts

Question #9 - If the LTC does consider permitting STVRs, how should the STVRs be permitted?



Question #10 - How many STVRs should be permitted per lot?

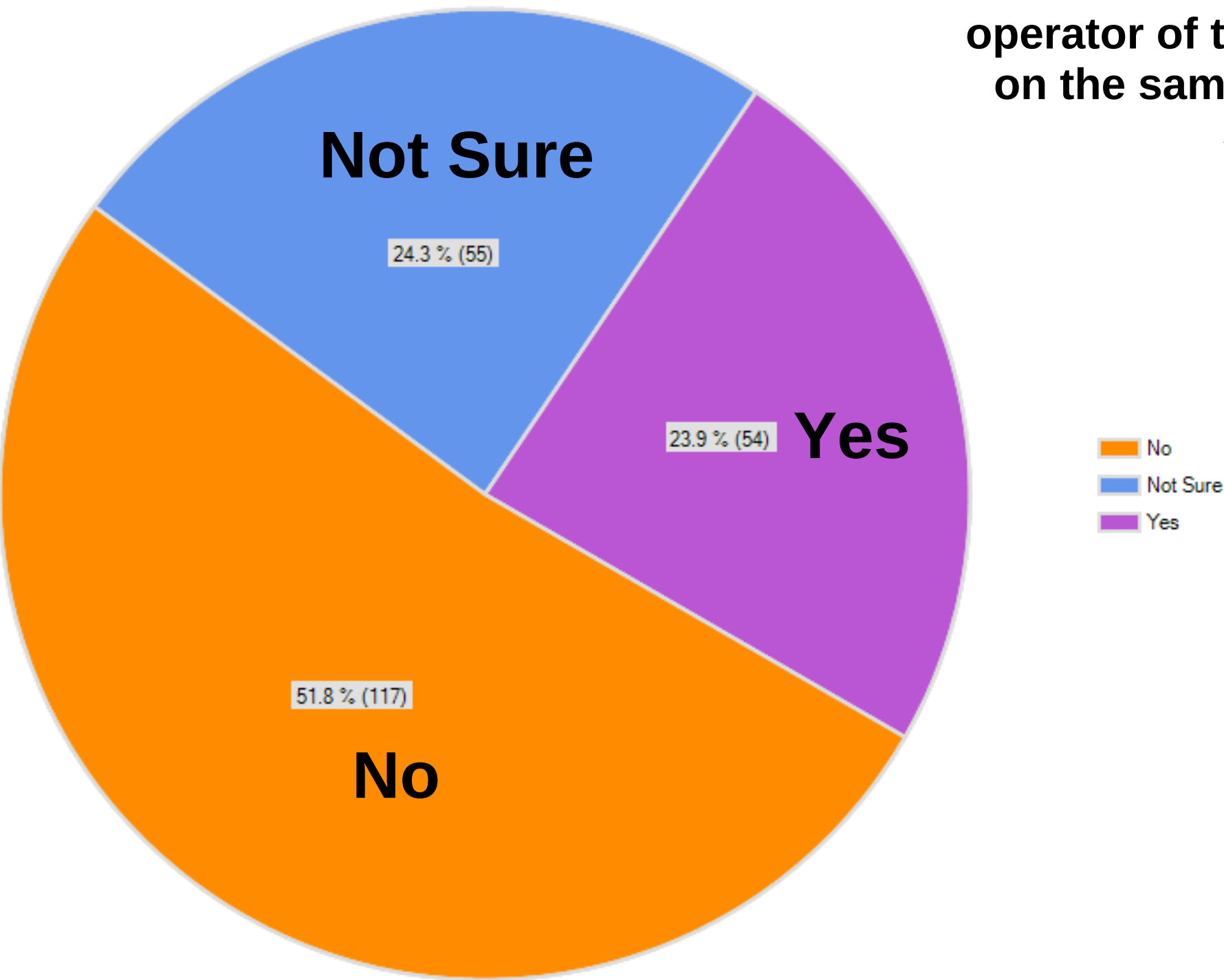


*Examples of other options suggested by responses:

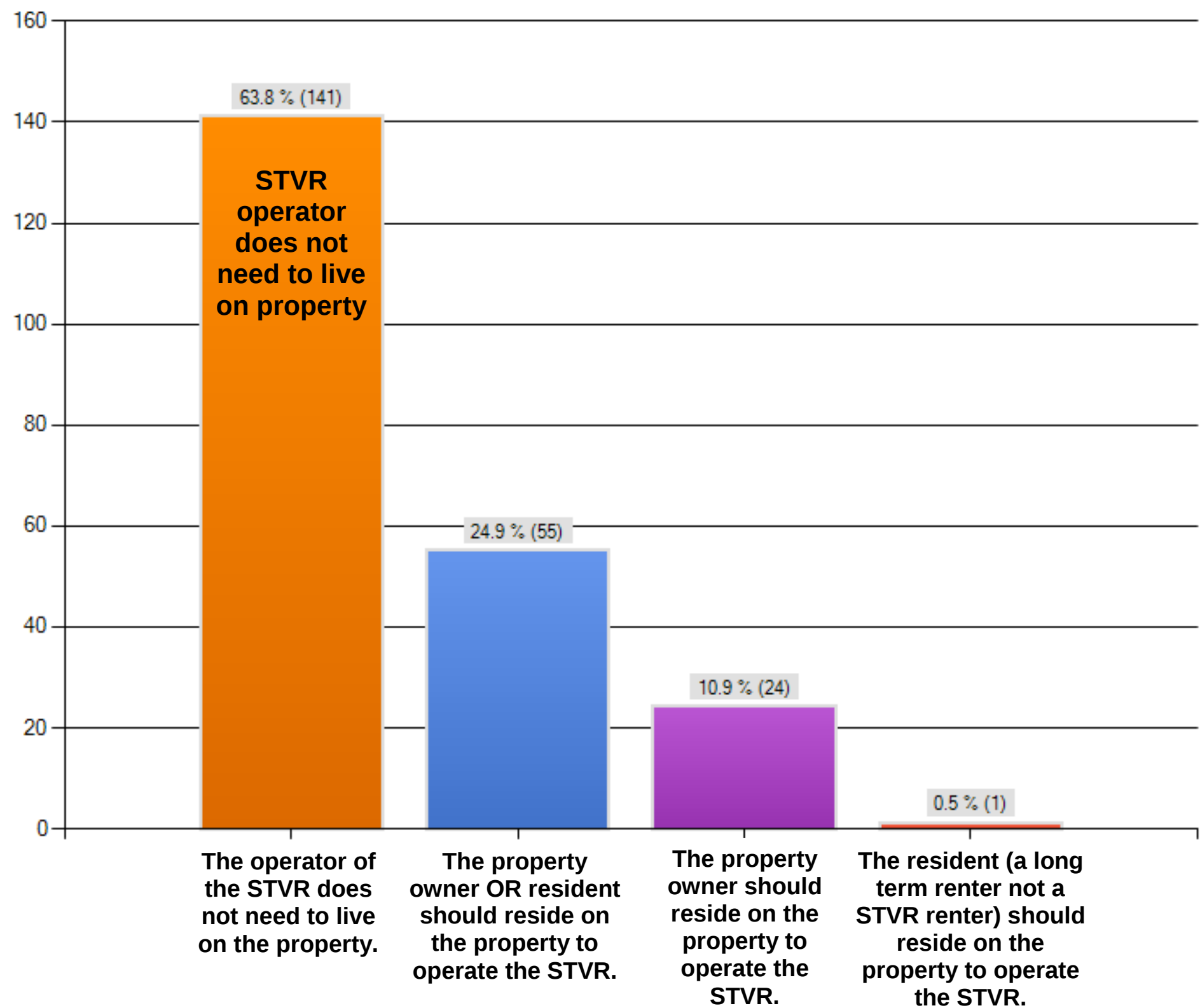
- Number of STVRs equivalent to number of cottages permitted on property.
- Maximum of 2
- Maximum of 2 if property is larger than a certain size (for example, 1.2 hectares)
- The number of STVRs should be based on the size of the property
- The number of STVRS should be one less than the number of permitted dwelling units to ensure residency for the property owner

Question #11 - Should STVRs be considered a 'home occupation' as defined in the Galiano Island Land Use Bylaw?

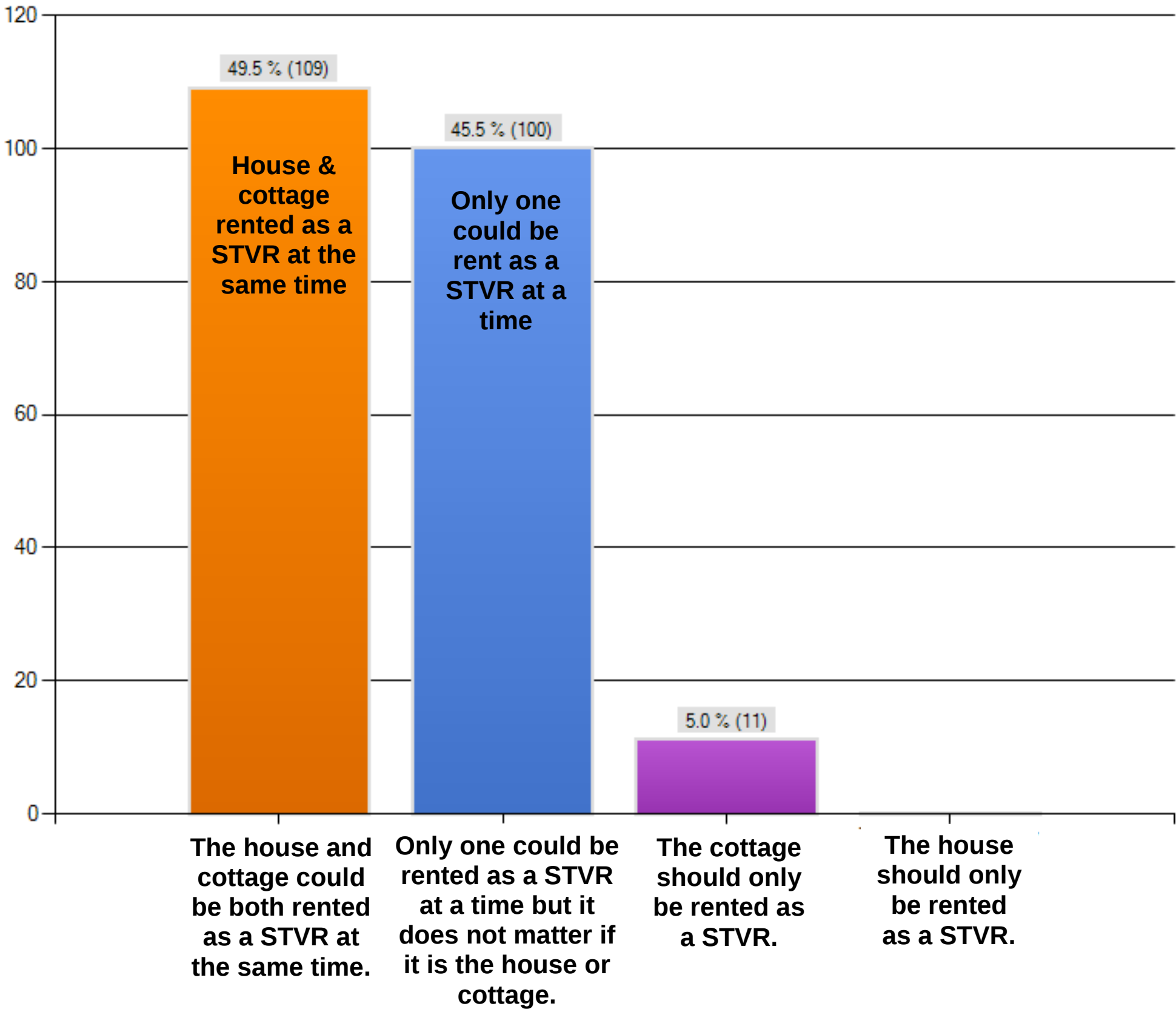
This would mean that the operator of the STVR must live on the same property as the STVR.



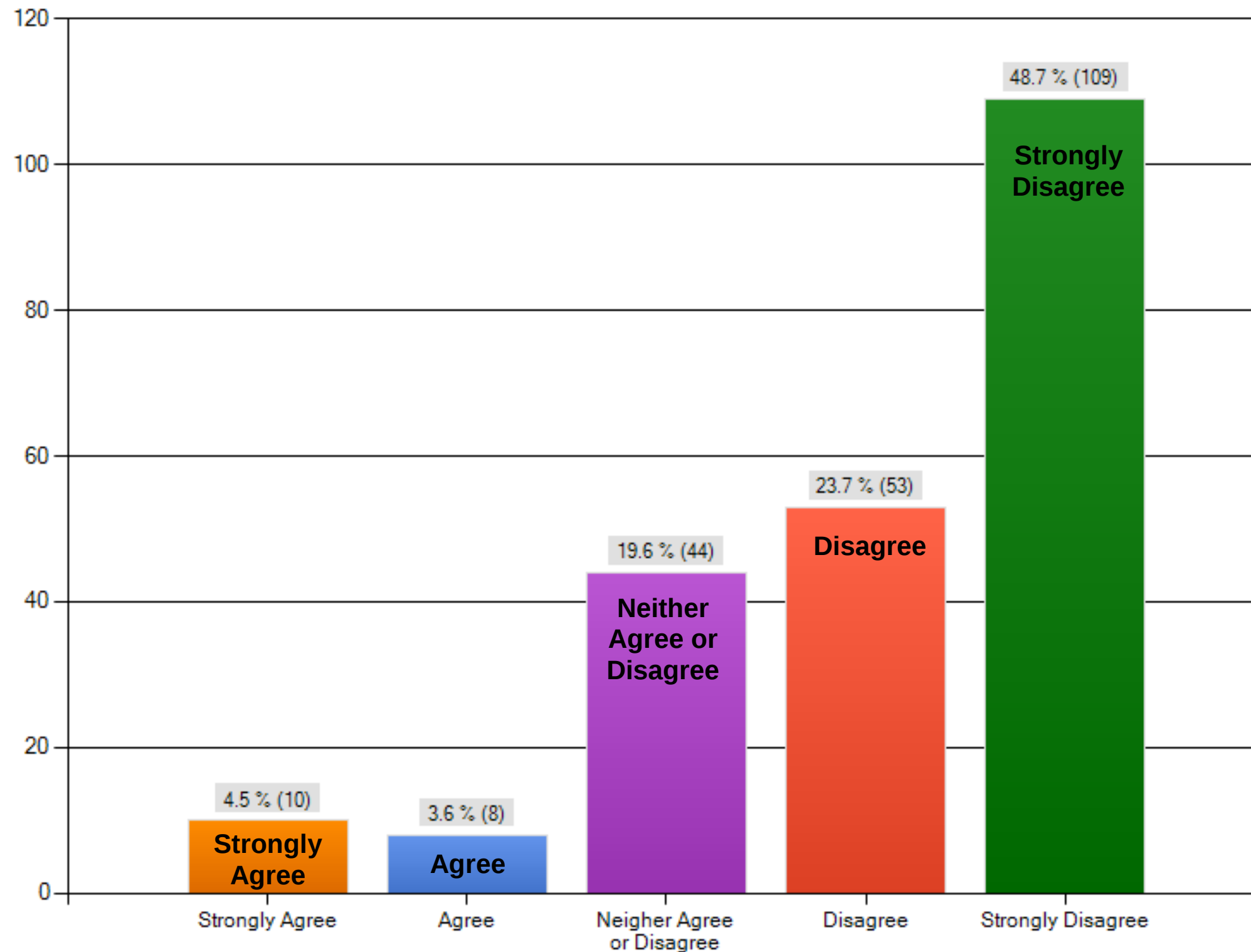
Question #12 - If the property has two dwellings (house and/or cottage), should one of the following reside on the property to operate the STVR?



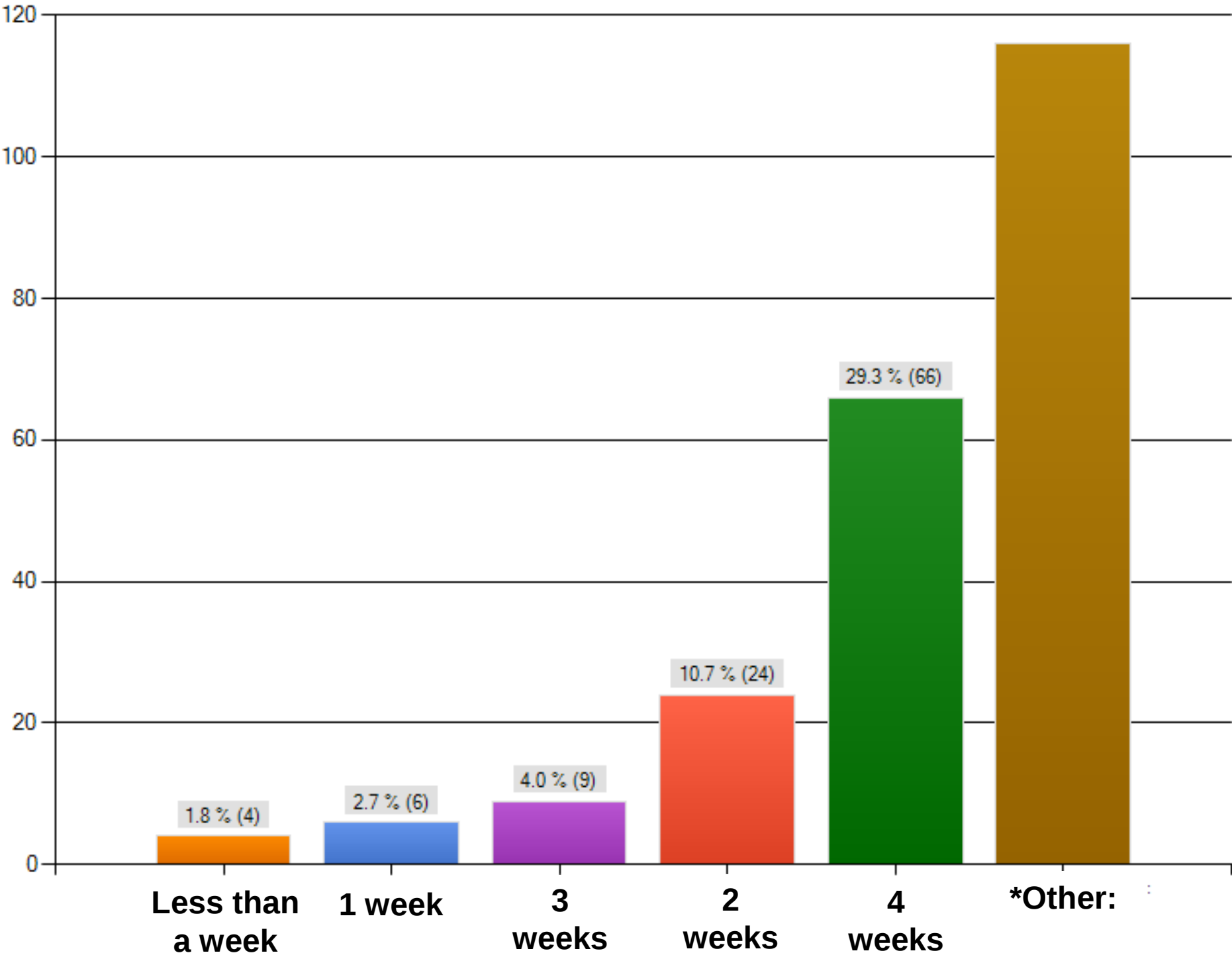
Question #13 - If a property is permitted to have both a dwelling unit and cottage, select one of the following options:



Question #14 - Should STVRS be permitted only on lots greater than 2 ha (4.94 acres)?



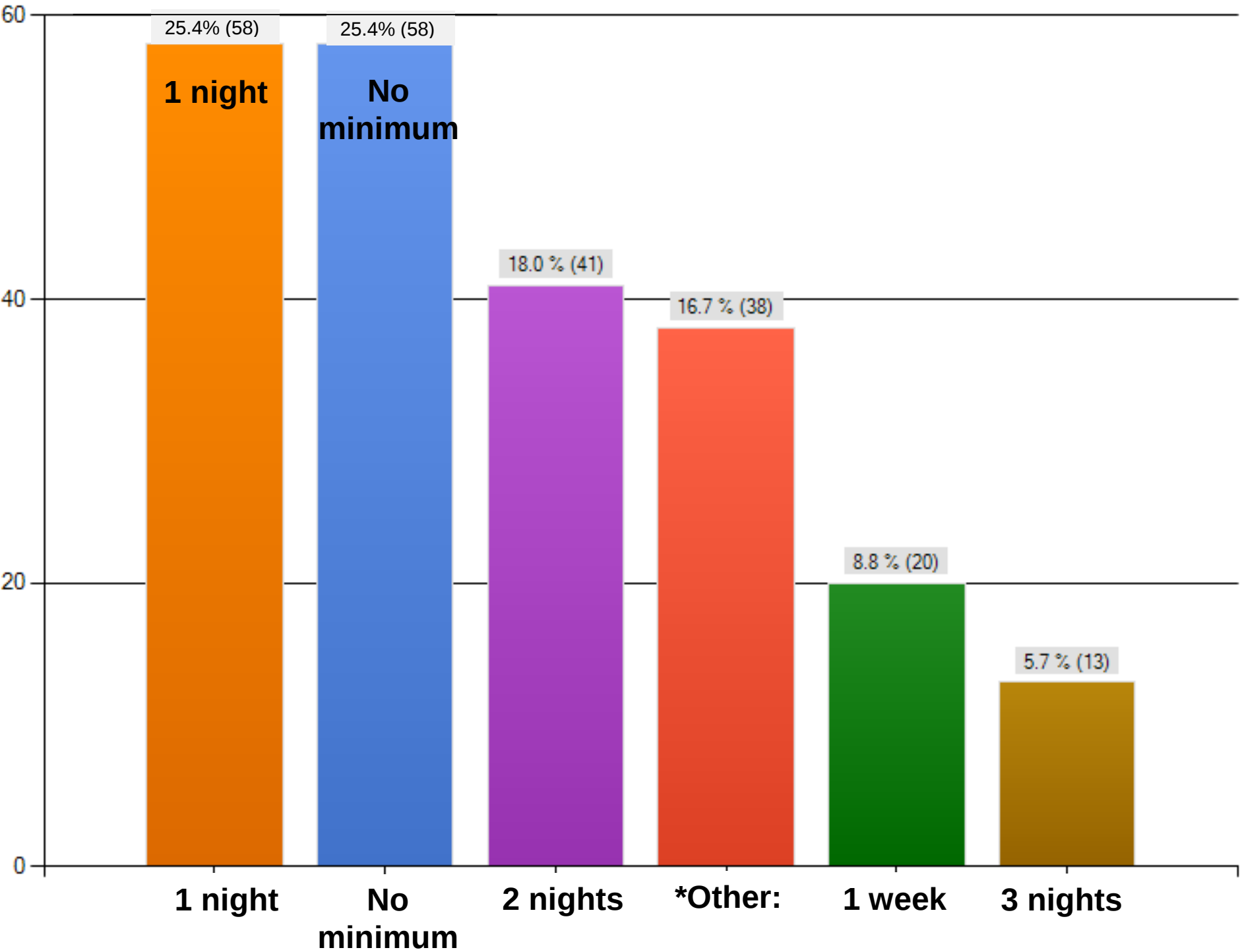
Question #15 - What do you believe should be the maximum amount of time a paying guest may rent a STVR?



*Examples of other options suggested by responses:

- Unlimited – no maximum
- It's between the renter and the owner
- Months
- 6 weeks
- 8 weeks
- 2 months
- 3 months
- 6 months
- Less than one year
- Longer periods for off-season
- 4 to 6 week cap in the summer
- After 4 weeks it's no longer a STVR

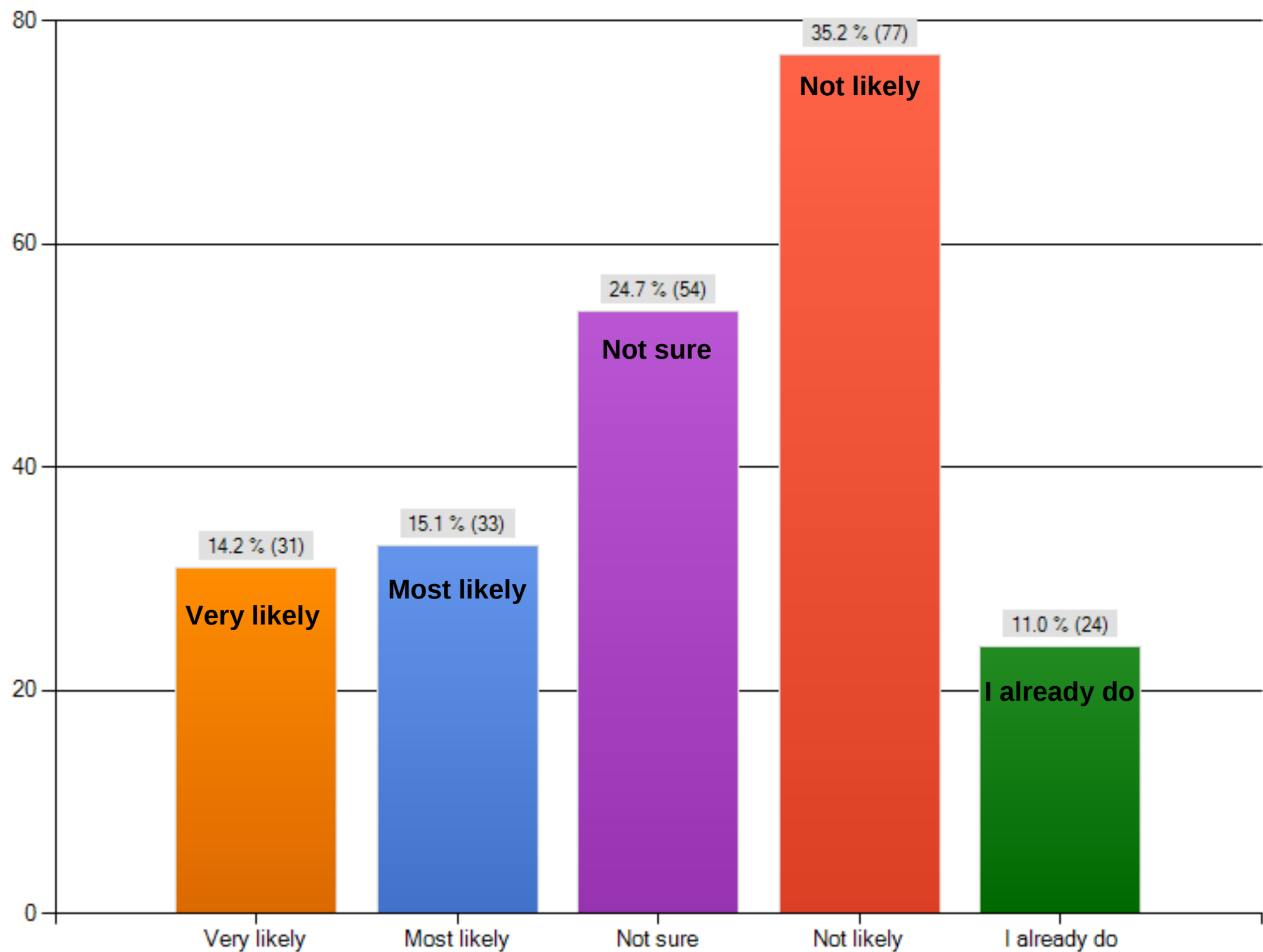
Question #16 - What do you believe should be the minimum amount of time a paying guest must rent a STVR?



*Examples of other options suggested by responses:

- Decision should be up to the operator
- Unenforceable
- 3 nights for off-season; 1 week for high season

Question #17 - If STVRs are a permitted use on Galiano Island, would you rent out your home or cottage as a STVR?



Galiano Island LTC Short Term Vacation Rental (STVR) Survey



1. Do you live on Galiano Island?

		Response Percent	Response Count
Full-time year resident		46.6%	108
Seasonal resident		29.7%	69
No, I do not live on Galiano Island		23.7%	55
answered question			232
skipped question			12

2. Do you own or rent the property you live on Galiano Island?

		Response Percent	Response Count
Own		81.7%	187
Rent		3.5%	8
I don't have property on Galiano Island		14.8%	34
answered question			229
skipped question			15

Home Occupation:

The Galiano Island Land Use Bylaw (LUB) could permit the use of one dwelling (either a single family dwelling or a cottage) to be used for a STVR as an accessory home occupation. The current Galiano LUB home occupation regulations require:

- A home occupation to be conducted entirely within the operator's dwelling unit or within buildings or structures accessory to that dwelling unit (such as a cottage).

- An employee (or property owner) of the home occupation must reside permanently on the premises on which the home occupation is conducted.

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

The LTC could amend the Galiano Island LUB to exempt STVRs from the certain existing home occupation regulations, or conversely include additional home occupation regulations specifically for STVRs.

The Saturna Island currently permits STVRs as a home occupation use in their LUB as follows:

Section 2.16 Home Occupation Regulations:

2.16.1 A home occupation use other than a horticultural use must be carried out wholly within a residence or within a permitted accessory building. The combined floor area of all accessory buildings used in the home occupation must not exceed 140 sq. metres (1500 sq feet).

2.16.2 There shall not be carried on as a home occupation, any occupation which by reason of its nature, emits or causes to be produced or emitted, noises, dust, smoke, gas or other effluents in such quantities or under such conditions as to be noxious or offensive.

2.16.3 There may be no exterior indication of the existence of the home occupation either by:

- 2.16.3(1) storage exterior to a building or structure of any material used in the processing or resulting from the processing of any product unless such storage areas are screened by a landscape screen or fence not less than 2 metres in height; or

- 2.16.3(2) displays, lighting; or

- 2.16.3(3) by any other variation from the residential character of the residence or accessory building, with the exception of signs permitted by this Bylaw.

2.16.4 A home occupation is not permitted unless the premises on which it is conducted are concurrently occupied as a residence. A person or persons residing in the residence must operate the home occupation. Not more than two additional persons (two full time equivalent positions) not residing in the residence, may be employed in the home occupation.

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

2.16.8 Sufficient off street parking spaces must be provided to accommodate customers and employees of any home occupation, in addition to the 2 off street parking spaces required for the residence as defined in Section 14 - Off Street Parking Regulations.

2.16.10 The following additional regulations apply to the short term rental of a cottage as a home occupation:

- 2.16.10(1) no more than one cottage per constructed residence may be used as a short term vacation rental at any one time;

- 2.16.10(2) despite subsection 2.16.1 the total combined floor area per lot of cottages being used for short term vacation rentals under the home occupation regulations can exceed 140 sq. metres (1500 sq. feet).

The Saturna Island LUB also defines “short term vacation rental” as:

“The use of a cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier. For this purpose, a cottage used as short term vacation rental shall be considered an accessory home occupation subject to the regulations established in section 2.16.”

Temporary Use Permit (TUP):

Temporary Use Permit allows a use that is not otherwise permitted in a zone by issuing a permit for up to three years and is renewable for an additional three years. A TUP is the only option available to an LTC for a licensing type of approach to the activity. The OCP would designate where a TUP could be applied for and would establish the guidelines that would apply to the consideration of any permit.

The advantage to TUPs is that they can contain a range of conditions that cannot be contained in a Land Use Bylaw. Neighbours also have a formal opportunity to comment on the TUP application as a notification to neighbours is required. The cost and processing time are often cited as an issue by property owners.

Saturna Island LTC is in the process of also considering permitting STVRS by use of a TUP (proposed bylaw available below).

The Gabriola Island Official Community Plan contains guidelines for STVR TUPs:

Subject to the guidelines, Temporary Use Permits may be issued for commercial vacation rentals within areas designated as 'Small Rural Residential', 'Large Rural Residential', 'Forestry', 'Agriculture' or 'Resource'.

For commercial rental of single-dwelling residential units, when considering the issuance of a temporary use permit for a commercial vacation rental, the following guidelines apply:

- i. the LTC should consider the cumulative effects on the neighborhood and Island of all the TUPs issued for commercial vacation rentals;
- ii. the LTC may consider issuance of a TUP for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood;
- iii. the LTC may require mitigating measures to address neighbour concerns, such as screening and fencing; the LTC may consider issuance of a temporary use permit for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues;
- iv. a TUP respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued;
- v. the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest;
- vi. The landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles;
- vii. the landowner should be required to provide documentation from a qualified professional septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load;
- viii. the landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code;
- ix. the owner or an operations manager should be required to reside on Gabriola and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week;
- x. a condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and a copy of the temporary use permit;
- xi. a condition of the permit should require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted);
- xii. a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom;
- xiii. a condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated;
- xiv. a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients;
- xv. a condition of the permit should limit the number of bedrooms to:
 - a maximum of 3 on lots smaller than 2.0 hectares; and
 - a maximum of 4 on lots of 2.0 hectares or larger;
- xvi. a condition of the permit should prohibit recreational vehicles or camping;
- xvii. such other considerations as are deemed applicable with respect to a specific commercial vacation rental application;
- xviii. the LTC may require water metering;
- xix. the LTC may consider a professionally registered house inspector report if an occupancy permit is not available, indicating that the house is safe and appropriate for the proposed commercial vacation rental use and activities; and
- xx. the LTC may require the landowner to post information for guests about awareness and sensitivity to First Nation sites and artifacts.

Zoning & General Regulations:

The Land Use Bylaw (LUB) can be amended to allow residences to be used as STVRs in all zones, specific zones or on lots of a certain size. The LUB could also establish certain regulations to STVRs in attempt to limit impacts. The regulations set forth in a LUB would apply to all STVRs and a variance would be required if regulations were required to be changed.

Once permitted in zoning, the use can be continued in perpetuity even if the zoning that originally permitted the use was amended. There would be no Islands Trust application fee associated with permitting the STVR use in the Land Use Bylaw.

South Pender permits STVRs as a Home Occupation and also permits STVRs as a primary use in some zones. There are also supporting policies in the South Pender Island OCP.

The South Pender Island Example:

South Pender Island Land Use Bylaw:

The LUB defines short-term vacation rental to mean the use of a single family dwelling or a cottage as temporary commercial accommodation for a period of less than a month at a time by households, other than the owner or a permanent occupier, who maintain a permanent residence elsewhere. For this purpose, a cottage used as short term vacation rental shall be considered an accessory home occupation subject to the regulations established in subsection 3.6(9).

The LUB permits short-term vacation rental of cottages in its Home Occupations and has the following regulations specific to this use:

The following additional regulations apply to the short-term vacation rental of a cottage as a home occupation:

- (a) Short-term vacation rental of a cottage is permitted in the Rural Residential One, Rural Residential Two, Rural Residential Three, Agriculture, Natural Resource and Forest zones only;
- (b) a cottage is not to be used for short-term vacation rental at the same time as a single family dwelling is being used for a short-term vacation rental on the same lot; and,
- (c) only one cottage per lot may be used for short-term vacation rental.

As an example in the Rural Residential One (RR1) Zone, short-term vacation rental of a single family dwelling is a permitted use. It is considered a permitted use in many of the zones, however, it limits the use to only one single family dwelling or cottage may be used for short-term vacation rental on a lot at the same time.

South Pender Island Official Community Plan:

The OCP explicitly states under Residential-based Economic Activities:

“...Short-term rentals of dwellings provide economic return, offer the visitor an opportunity to experience rural island living, and are an alternative form of accommodation to bed and breakfast or commercial resorts.”

3.1.2 (e)(ii) Short-term Rental of Single Family Dwellings

- *On lots where a single family dwelling is allowed as a principal use, short-term rental of those dwellings may be allowed, subject to regulation. A single family dwelling is not to be used for short-term rental during the time when a cottage is being used for this purpose. Lots having more than one single family dwelling are to be limited to using not more than one for short-term rental at any one time.*
- *Land use regulations applicable to short-term single family dwelling rentals are to be developed with the perspective of land use compatibility, as contained in the General Policies of this OCP. Their primary purpose is to minimize adverse effects on adjacent lots and on the community in general.*

NEXT STEPS:

Proposed Timeline if amendment to the Land Use Bylaw

Deliverable / Milestone	Target Completion Date
Community Information Meeting (CIM) to present survey results and gather further input from the community.	March 8, 2014
Draft options and recommendations to address STVRs and possible other related issues as a result of the consultation/discussion on the issue. Submit recommendations to LTC for consideration.	April 7, 2014
Proceed with development of bylaw amendment process if directed by LTC. Introduction of First Reading and send out to referral agencies for comment.	May 5, 2014
Give bylaw Second Reading and set a date for CIM and Public Hearing	June 9, 2014
Hold CIM, and Public Hearing and give bylaw Third Reading and refer to Executive Committee	July 7, 2014
Development of follow-up communications materials (e.g. factsheet, website update) to be released after final reading.	August
Final adoption of bylaw	September 8, 2014

Proposed Timeline if amendment to the Official Community Plan (and LUB if required)

Deliverable	Target Completion Date
Community Information Meeting (CIM) to present survey results and gather further input from the community.	March 8, 2014
Draft options and recommendations to address STVRs. Submit recommendations to LTC for consideration of bylaw amendment(s).	April 7, 2014
Proceed with development of bylaw amendment(s) process if directed by LTC. Introduction of First Reading(s) and send out to referral agencies for comment and set a date for CIM and Public Hearing	May 5, 2014
Hold CIM, and Public Hearing and give bylaw(s) Second and Third Reading and refer to Executive Committee and Province if OCP amendment (i.e. TUP) is required.	June 9, 2014
Final adoption of bylaw(s)	July 7, 2014
Development of follow-up communications materials (e.g. factsheet, website update) to be released after final reading(s).	August/September

Note: The process will vary slightly depending on if an Official Community Plan amendment is required (eg. Temporary Use Permit (TUP) criteria to permit as STVR) as a result of the direction given by the Local Trust Committee

Date: March 28, 2014

File No.: 6500-20-LUB
Amendment –
Contractor Yards

To: Galiano Local Trust Committee
For the meeting of April 7, 2014

From: Kris Nichols
Island Planner

CC: Robert Kojima, RPM

Re: Contractor Home Base – Options for Discussion

Purpose

The purpose of this report is to outline the recent history with respect to addressing contractor yards on Galiano Island and to propose options to proceeding with the discussion of a possible amendment to the Land Use Bylaw to accommodate them.

The direction to make amendments to the Land Use Bylaw to permit home industry, (later changed to contractor yards) has been under discussion for about a year. At the April 8, 2013 LTC meeting the following resolution was passed:

Resolution GL-LTC-40-13

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to report back to the Local Trust Committee regarding possible Land Use Bylaw amendments relating to home industry.

Since that time staff have worked with the LTC in proposing options for amending the Land Use Bylaw (LUB) to permit for home industry type uses/contractor yards as part of draft Bylaw 241. At one point, there was a new use and regulations proposed similar to a home occupation, but called home industry occupation which had specific criteria to permit the specific use. It addressed the lot size, types of uses, screening and times of operation in an effort to limit the impact on adjacent land owners. This approach was not supported. It was decided to try and incorporate the use under the framework of the existing Home Occupation Guidelines. The guidelines were expanded to incorporate specifics for when, where and how a contractor yard could be established. Please see Attachment 1 for specifics of the approaches attempted.

The LTC raised a number of concerns over this approach and subsequently amended the proposed Bylaw 241 by eliminating any reference to contractor yards as a Home Occupation use. This was as a result of input received and questions about whether this is an appropriate use for a residential neighbourhood given the scale of operation that was permissible under the guidelines.

At the subsequent Public Hearing on Bylaw 241, which did not include a reference to contractor yards, the LTC received a substantial amount of correspondence from the community requesting that contractor yards be reconsidered given the importance of the services they offer to the community.

As a result, at the February 3, 2014, LTC meeting the following resolution was passed.

That the Galiano Island Local Trust Committee directs staff to amend the Work Program Top Priorities list by moving Top Priority item No. 3 (Dock Review) to the Work Program Projects list and adding a new Top Priority item No. 3 called "Contractors Home Base".

CARRIED

Project Background

The Galiano Island OCP in Section 2 states: "A sustainable community requires a viable local economy. This Plan recognizes the need for local economic development and viable small enterprises supporting a diversity of livelihoods..."

There are many contracting/industry type home businesses (e.g. landscaping, excavating, etc.) that operate on the island providing much needed services and employing people that live on Galiano Island. These types of services/businesses do not fit within the definition of the home occupation section in the zoning bylaw as they may have large vehicles or require outside storage which may not be practical to have enclosed. The services they supply enable Galiano residents to hire local people rather than rely on off-island generally more expensive suppliers. Many of these operations have been supplying a needed service for years to Galiano Island residents, but have been doing so in non-conformance with the existing land use bylaw.

The options for these properties that have been functioning, some for many years, are limited. The Light Industrial Zone (L1) does permit for contractors' workshops and yards. It is likely not practical to rezone all such properties to industrial in their primarily residential neighbourhoods. Other more appropriately located lands could be identified to be rezoned to industrial, however, these lands would have to be available and have willing buyers for them. There are no industrial zoned parcels on Galiano Island that are not already in use for these businesses to move to. This is an unlikely scenario given that most contractors live and work from their residential lot and to purchase another lot for their business would be cost prohibitive. To have contractors apply for a temporary use permit (TUP) is an option. A TUP can be issued up to 3 years with a possible renewal of an additional 3 years which may not be sufficient for some. Another TUP application could be made after but the uncertainty of this approach may present too much risk to established contractors.

Analysis

Several Islands have addressed the issue of contractor yards.

Galiano Island does permit them, but within the Light Industrial Zone (L1). There are several contractor yards/operations on Galiano Island that operate from their home. The question arises is whether they should be permitted to remain in a residential neighbourhood given their scale and possible impact on the community and the environment.

Gabriola Island Land Use Bylaw No. 177, 1999:

Gabriola addresses contractor yards through its Industrial-Light (L) zone and through its Home Occupations Section of the Land Use Bylaw (LUB). Under the Home Occupations regulations the, contractor yard is limited in scale as outlined in this excerpt from the LUB. Under Home Occupations it also limits the number of employees and must also follow the general regulations for Home Occupations.

Excerpt from Gabriola's Land Use Bylaw No. 177, 1999:

See: <http://islandstrust.bc.ca/ltc/gb/pdf/gbbylbaselub0177.pdf>

B.3.4.Home Industry Provisions

B.3.4.1.The following uses and no others are permitted as home industry uses:

- a. Construction and repair of heavy equipment, boats, trailers or the body of a vehicle, including the outside parking or storage of no more than a total of two pieces of heavy equipment, boats, trailers or vehicles that are being, or waiting to be, or have been constructed or repaired;
- b. Contractor yards and related outdoor storage of equipment and materials, including the parking of a maximum of two vehicles used in the home industry; and
- c. Water distribution, including associated equipment and storage.

B.3.4.2.In addition to B.3.3, the following provisions must be complied with for a home industry to be permitted:

- a. Lot sizes must be greater than 2.0 ha (4.94 acre) in area;
- b. Home industry equipment and storage areas must be visually buffered from neighbouring properties and the road;
- c. The combined areas of all home occupations on a lot must be in accordance with the maximum size provisions Clause B.3.3.1.b.;
- d. Home industries shall only operate from 8:00 am to 8:00 pm Monday to Saturday inclusive; and
- e. Home industry areas and activities must be a minimum of 30 metres (98.4 feet) from any lot line.

The Gabriola Island bylaw defines home industry as follows:

home industry means a home occupation where the permitted uses are construction and repair of heavy equipment, boats, trailers or the body of a vehicle, contractor yards, and water distribution;

North Pender Island Land Use Bylaw No. 103, 1996

North Pender Island does permit contractor yards. It specifically addresses them in Home Industry Regulations by stating that "contractor yards providing service within the North Pender, South Pender, Saturna, Mayne, Galiano and Salt Spring Island local trust areas, provided that no more than 5 vehicles used in the home industry may be stored and no more than 930 m² of lot area may be used for outdoor storage;". There are a variety (9) of other uses permitted within this Home Industry Regulations such as boat building and repair and automobile repair. It also limits the lot size to over 2 ha, has siting restrictions, hours of operations limitations and

states that the use “must not generate any noise in the course of its operations that may be heard at any lot line”.

See: <http://www.islandstrust.bc.ca/ltc/np/pdf/npbylbaselu0103.pdf>

Mayne Island Land Use Bylaw No. 146, 2006

See: <http://www.islandstrust.bc.ca/media/243712/MayneLUB146Nov13.pdf>

Mayne Island Land Use Bylaw defines contractor's yards as: "Contractor's yard" means the use of land for the storage of materials and equipment used by a building contractor or subcontractor." The bylaw permits contractor yards within the Service Commercial (C3) Zone with restrictions on the number of accessory buildings, lot coverage and screening required. More intensive uses similar to a highway maintenance yard would require the Industrial 1 Zone.

All the islands viewed appear to place a limitation on the scale of the operation permitted in a home based type of business operation. A use that goes beyond that scale of operation is to be located in the appropriate industrial zone or permitted through a TUP. Given the apparent success of this approach on other islands it may be a worthwhile for Galiano Island LTC to consider.

Communications

Staff would recommend that given the interest in this topic and the possible impacts on residential neighbourhoods and the businesses that opportunity be given to the community to have a discussion on the impact various options could have on the Galiano Island community.

Next Steps

In considering what the next steps could be, staff believe that there a number of possible options in moving this issue forward.

Some options to consider are:

1. To request that all known contractor home base operations be located on Light Industrial 1 zoned lots which would require several rezoning applications in primarily residential neighbourhoods. This would permit for direct input by neighbours into the decision making process. Given the impact on the residential character of the neighbourhoods, staff do not support this approach.
2. To request that all known contractor home base operations apply for a TUP to become legal. This would allow the LTC to place site specific conditions on the lot plus permit neighbours to have input into whether they believe this is an appropriate use. This could permit the use to continue with specific conditions and could be a precursor to a future rezoning application.
3. That staff prepare for a community discussion to occur at an LTC meeting which would permit contractors and the community to have input into what the options should be considered.

4. That staff hold a Community Information Meeting (CIM) on the issue of contractor yards to gain further input into how these could be dealt with on Galiano. This would be a special meeting on a weekend to allow for community input on the various options.
5. That staff be directed to evaluate the scale of operation that may be permissible within a home occupation type use. This would be similar to the Gabriola Island approach, but would not address all contractors' yards that are currently operating. The remaining would be required to seek a rezoning or a temporary use permit to become legal.

Summary of Planning Recommendations

Given the interest by the community as shown in the correspondence received prior to the consideration of Bylaw No. 241, staff are recommending that the LTC hold a special CIM or allocate time at an LTC meeting to permit residents to speak on the various issues of permitting contractors' yards in residential neighbours as home based businesses, rezonings or temporary use permits. This would assist the LTC and staff in evaluating the various options and how they should proceed.

RECOMMENDATIONS:

That the Galiano Island Local Trust Committee directs staff to plan a Community Information Meeting (CIM) or to allocate time at a subsequent LTC meeting to allow for community input into the options available for permitting contractors' yard in residential neighbourhoods.

Prepared and Submitted by:

Kris Nichols

Island Planner

March 28, 2014

Date

Concurred in by:

Robert Kojima

Regional Planning Manager

March 28, 2014

Date

Attachments:

1. Excerpts from previous draft bylaw amendments.

Excerpt from Proposed Bylaw Amendments:

Stand Alone Guidelines:

- a) By adding a new Section entitled **“3. (a) HOME INDUSTRY OCCUPATIONS REGULATIONS”** as follows:

3(a).1 The following uses and no others are permitted as home industries:

- (1) contractor yards providing service within the Galiano Island local trust area, provided that no more than 5 vehicles used in the home industry may be stored on the lot and no more than 930 m² (0.23 acre) of lot area may be used for outdoor storage;

3(a).2 Not more than one home industry occupation may be conducted on a lot, the combined floor areas of all buildings and structures used in the home industry must not exceed 186 m² (2002 ft²) and areas used for outdoor storage in connection with the home industry must not exceed 930 m².

3(a).3 A home industry occupation use:

- (1) is not permitted on any lot less than 2 hectares in area;
- (2) must be sited not less than 30 metres from any lot line and not less than 30 metres from any lake, wetland, stream or the sea; and
- (3) must be screened from view by a landscape screen, as per Section 15 – Screening and Landscape Regulations, from abutting lots and from public lands and public road rights-of-way.
- (4) may only be operated between the hours of 8 am to 6 pm, Monday through Friday and excluding statutory holidays.
- (5) may not generate waste, vibration, glare, fumes, odours, illumination or electrical interference ordinarily detectable off the lot on which the home industry occupation is conducted or utilize more groundwater than would normally be consumed by a residential use of land as per Sub-section 13.23.
- (6) the operator of every home industry occupation must comply with all licensing, health and other applicable regulations of British Columbia and the Capital; Regional District, including building, public health, noise, air quality, and water quality regulations.

- (7) except for one unilluminated nameplate not exceeding 0.6 square metres in area in respect of each home industry occupation, no sign or other advertising matter may be exhibited or displayed on the premises where a home occupation is conducted, and no exterior artificial lighting may be installed or operated on the premises for a purpose associated with the home industry occupation
 - (8) in addition to the off-street parking required for the dwelling, the parking spaces required by Sub-section 14.1.11.
 - (9) Not more than four persons per lot may be employed in any home industry occupation in addition to any residents of the premises in which such business is carried on, and at least one of the employees of a home industry must live on the premises
- b) By amending Section 17.1 (Definition) by adding the following definition in alphabetical order and subsequently changing all definition numbering:
 “Home Industry Occupation – means an accessory industrial use conducted as a contractor yard accessory to a residential use on the same lot.”

As Part of Home Occupation Guidelines:

- c) By amending subsection 1.3 to add the words “, contractor yard” after the word “agriculture” and the words “unless it is related to the operation of a contractor yard.”.
- d) By adding a new subsection 1.4, renumbering all subsequent subsections adding the following under the new subsection 1.4:

“1.4 The following specific conditions are in addition to the Home Occupation Regulations and apply to all contractor yards operating as a home occupation:

- 1) Not more than one contractor yard may be conducted on a lot.
- 2) Areas used for outdoor storage which includes vehicles (trucks, trailers, etc.) and materials related to the contracting business must not exceed 5% of the lot area with a maximum permitted storage space being 1000 sq. m.
- 3) All outdoor storage areas must be screened from view by a landscape screen, as per Section 15 – Screening and Landscape Regulations, from abutting lots and from public lands and public road rights-of-way.
- 4) All outdoor storage areas must be sited not less than 7.5 metres from any lot line and not less than 30 metres from any lake, wetland, stream or the sea.
- 5) Contractor Yards may only be operated between the hours of 7 am to 7 pm, Monday through Saturday and excluding statutory holidays.

- 6) Not more than four persons per lot may be employed in any contractor yard in addition to any residents of the premises in which such business is carried on, and the owner of the contractor yard must live on the premises.”
- e) By amending Section 17.1 (Definition) by adding the following definition in alphabetical order and subsequently changing all definition numbering:
“Contractor Yard – means an accessory home occupation which contains a specific lot area for storage of vehicle parking and materials for businesses such as landscaping, excavating, etc.”



Top Priorities

Galiano Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Visitor Accommodation	To look at existing policy, research issues and possible solutions on Galiano.	May-06-2013	Kris Nichols	Oct-06-2014	On Going
2	Ground Water Protection DPA Policy Review	Review detailed recommendations of Waterline Report, review existing DPA and LUB provisions, prepare options for amendments.	Apr-16-2012	Kris Nichols	Oct-06-2014	On Going
3	Contractor Home Base	To look at options of permitting contractor yards.	Feb-03-2014	Kris Nichols	Dec-01-2014	On Going

Projects

Galiano Island

No.	Description	Activity	Received/Initiated	Status
1	Soil Removal and Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw	Sep-12-2011	On Going
2	Amendments to Forest designation and F1 zone -	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	Apr-16-2012	On Going
3	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the LUB.	Nov-18-2013	On Going
4	Parking Issues	Issue for discussion with MoTI and public parking issues generated from associated islands. (see correspondence from P. Midgely on agenda of Apr/12)	Jul-23-2012	On Going
5	Bike Trails and Camping	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.	Jul-15-2013	On Going
6	Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	Nov-18-2013	On Going
7	Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	Nov-18-2013	On Going
8	Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	Nov-18-2013	On Going



Applications w/ Status - Galiano Island Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2013.2	Ghai c/o David McKerrell	May-07-2013	22525 PORLIER PASSAGE DR Combination DP/DVP to construct a marine walkway to a dock - to vary required setback of the boundary to the sea to within 2 m.
Planner: Kris Nichols			

Planning Status

Status Date: Mar-28-2014

New report from Hemmera Environmental Consultancy to be provided for the April 7, 2014 LTC Meeting.

Status Date: Jan-15-2014

Information should be provided for the March 3 LTC meeting

Status Date: Dec-09-2013

Applicant requested to provide additional information.

File Number	Applicant Name	Date Received	Purpose
GL-DP-2013.6	Landworks Consultants Inc.	Dec-13-2013	4150 BODEGA BEACH DR
Planner: Kris Nichols			

Planning Status

Status Date: Dec-20-2013

Awaiting processing until approved subdivision PLA.

Status Date: Dec-18-2013

Opened file and gave to Planner

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
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GL-DVP-2013.1

Michael Norgang Jan-22-2013

70 Bluff Rd To vary the front lot setback line to accomodate existing dwelling.

Planner: Kim Farris

Planning Status

Status Date: Dec-18-2013

Waiting for updated site plan as applicant must conform to maximum lot coverage. Site plan expected early 2014.

Status Date: Feb-26-2013

Waiting for site survey from applicant

Status Date: Jan-23-2013

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

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2013.3	David & Nora Williams	Jul-02-2013	260 CAYZER RD to vary LUB 127.2.12 to allow a structure less than the regulated setback from the boundary of the sea.
Planner: Kris Nichols			

Planning Status

Status Date: Feb-03-2014

LTC defers decision to May 2014

Status Date: Dec-18-2013

Staff to organize new survey as seawall may be located in the foreshore

Status Date: Dec-09-2013

Application will be considered at the May LTC meeting

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2013.4	Joseph M. Haley	Oct-18-2013	165 WARBLER RD obtain DVP for current carport which exceeds height requirements

Planner: Kim Farris

Planning Status

Status Date: Mar-27-2014

staff report to April 7th LTC meeting

Status Date: Feb-24-2014

Drafting permit and notice for notification

Status Date: Nov-25-2013

Rezoning

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

Planning Status

Status Date: Mar-28-2014

Preliminary staff report to April 7th LTC meeting

Status Date: Feb-20-2014

Drafting preliminary staff report

Status Date: Jan-23-2014

Scheduling site visit for February 2014

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

Planning Status

Status Date: Dec-09-2013

Staff awaiting final feasibility study

Status Date: Nov-14-2013

CIM held on Nov 16, Draft Feasibility study submitted

Status Date: Oct-07-2013

CIM scheduled for November 16

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2013.1	Landworks Consultants Planner: Kris Nichols	Apr-16-2013	DL 79 - To amend the OCP and LUB to permit a rezoning to F3, RR, NP from two F1 zoned lots.

Planning Status

Status Date: Nov-18-2013

Bylaws given first reading. Awaiting issuance of PLA prior to CIM and PH

Status Date: Sep-09-2013

Submission updated to use just DL 79. Submission recommended to proceed to bylaw development.

Status Date: Jun-14-2013

Preliminary Report written for July 15th LTC

Subdivision

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

Planning Status

Status Date: Mar-26-2014

Rezoning approved. Letter to be sent to MOTI

Status Date: Oct-24-2013

Application near completion awaiting word from applicant to complete.

Status Date: Sep-09-2013

Survey plans completed, awaiting executed covenants by applicant.

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

Planning Status

Status Date: Mar-25-2014

Covenant received - staff reviewing covenant

Status Date: Feb-26-2013

Waiting for S.219 covenant to be drafted by applicant

Status Date: Feb-13-2013

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2013.1	Kelly Gesner, Landworks Consultants	Nov-29-2013	4150 BODEGA BEACH DR To create a conventional subdivision of 7 lots including remainder.

Planner: Kris Nichols

Planning Status

Status Date: Jan-17-2014

Comments sent to MoTI awaiting PLA

Status Date: Dec-23-2013

Application submitted to planner to initiate review

Status Date: Dec-20-2013

received subdivision pkg from applicant along with fee and supporting documents, emailed app to LTC, sent receipt letter

Islands Trust
LTC EXP SUMMARY REPORT F 2014
Invoices posted to Month ending March 2014

625 Galiano	Invoices posted to Month ending March 2014	Budget	Spent	Balance
65000-625	LTC "Trustee Expenses"	1,100.00	389.92	710.08
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	3,500.00	3,944.69	-444.69
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	165.90	334.10
65220-625	LTC - Local Exp - Communications	500.00	839.30	-339.30
65230-625	LTC - Local Exp - Special Projects	2,000.00	1,000.00	1,000.00
65240-625	LTC - Local Exp - Miscellaneous	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>7,000.00</u>	<u>5,949.89</u>	<u>1,050.11</u>
Projects				
73001-625-2002	Galiano OCP/LUB	4,000.00	2,690.89	1,309.11
73001-625-4019	Galiano Short Term Vacation Rental (STVR) Review	4,000.00	2,441.50	1,558.50
TOTAL Project Expenses		<u>8,000.00</u>	<u>5,132.39</u>	<u>2,867.61</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: September 26, 2012

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 18, 2004	GL-LTC-118-04	Road Network Plan	It was Moved and Seconded that the issue of access, including the proposals provided in the Road Network Plan, be applied to any existing and future rezoning applications brought before the LTC.
2.	June 14, 2004	GL-LTC-130-04	Forest 1 and Forest 3 lots	It was Moved and Seconded that staff be directed to draft a proposal to the Islands Trust Executive Committee requesting approval of a special Galiano Island Local Trust Committee initiative to accept, at reduced fee levels and for a limited time, applications to rezone eligible Forest 1 lots to Forest 3. In support of this request we offer that applications received under this initiative be batched in groups of two or more, each under a single bylaw. This approach, administered efficiently, will take less time to process and therefore cost less than if done singly, while still ensuring community input through full public process. The groupings we anticipate should be for properties of like nature and general location, though not necessarily contiguous.
3.	July 21, 2004	GL-LTC-137-04	F1 Zone	It was Moved and Seconded that Galiano LTC consider option 1, Cost Recovery Model, of the July 7, 2004, staff report Re: Batching/Initiating Offer, as an operating policy for the charging of fees as part of any rezoning application and in particular with reference to applications for rezoning of F1- zoned properties.
4.	February 16, 2005	n/a	F3 Covenant	Galiano LTC will hold be a covenant holder to all covenants granted as part of the F3 rezoning process The model F3 covenant will be referred to all prospective covenant holders for comment on the document and to seek confirmation that they are willing to be a covenant holder jointly with the local trust committee.

No	Meeting Date	Resolution No.	Issue	Policy
5.	June 29, 2005	n/a	Subdivision Applications	Staff are requested to prepare a report that provides wording for standing resolution to refer subdivision applications to the Galiano Fire Department and the Parks and Recreation Commission.
6.	May 11, 2009	GL-LTC-85-09	Parks Commission Referral	THAT the Galiano Island Local Trust Committee direct Staff to send rezoning applications to the Galiano Island Parks and Recreation Commission for referral.
7.	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 either the Active Page Magazine or Islands Tides Newspaper in addition to the legally required advertising in the Driftwood Newspaper.
8.	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.
9.	September 17, 2012	GL-LTC-100-12	Short Term Vacation Rentals	THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Short Term Vacation Rentals that have one or more of the following characteristics will be subject to enforcement: 1. There are issues related to health and safety; 2. There is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR; 3. The owner of the property uses more than one property on Galiano Island as a STVR. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Galiano Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time; THAT the policy remains in effect until such time as the regulatory review is complete.

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Memorandum

Date March 27, 2014 File Number 3040-06

To Galiano Island Local Trust Committee

From Kris Nichols
Island Planner

Re Draft Standing Resolution – Community Test Wells as a Community Benefit

At the meeting of March 3, 2014, the LTC passed the following resolution:

It was MOVED and SECONDED, That the Galiano Island Local Trust Committee directs staff to bring back a Draft Standing Resolution to establish community test wells as a potential community benefit at the time of rezoning.

CARRIED

This memo will provide the LTC with background and a recommendation on the above resolution. The intent of this memo is to evaluate whether the addition of a monitoring well as a potential community benefit should be an option when dealing with rezoning applications where there is an increase in density. Currently, there is policy 1.6 c, in the Official Community Plan (OCP) which has been used in the recent forest lot rezonings to acquire a community benefit in the form of a residential lot to be sold with the benefit going to a community housing society. It states:

c) A portion of lands rezoned to permit a density increase under another policy in this plan, may, if the area is deemed suitable for the purpose by the Local Trust Committee, be rezoned to CH (Community Housing) to permit affordable housing, including housing for senior citizens or persons with special needs, and the land required to be simultaneously transferred to an incorporated non-profit society having as one of its objects the development and operation of affordable, seniors' or special needs housing, or alternatively an option to purchase the land for nominal consideration may be granted to such a society. As an alternative to permitting the community housing on the parcel being rezoned, the local trust committee may consider amending zoning on other lands to permit the affordable, seniors or special needs housing to be developed in a more appropriate location and the land being transferred to the incorporated non-profit society may be zoned to permit residential uses. Any proposed location for the affordable, seniors or special needs housing should be located within modified ecosystems, avoid potentially hazardous lands, demonstrate an adequate supply of potable water, and be in proximity and accessible to existing roads, services and other amenities.

The OCP does not spell out what should be interpreted as a community benefit as there may be many options to choose from and they could be community/project specific. The idea of a community monitoring well is mention in the OCP in the Section 2 – Water Supply - Water Supply Advocacy Policies which states:

ii) identify and re-activate existing observation wells;

- iii) establish new observation wells, including establishing a minimum of one well in each significant or critical groundwater region;*
- iv) create and maintain a database of well observation records;*

Observation wells can be a benefit to the community given the importance of ground water on the islands and the information that can be gathered through the monitoring of wells. When new residential wells are developed a well log is generally registered with the Province. However, this is only a snapshot in time and a residential well is not monitored other than by the land owner for their own purposes. The intent of this draft standing resolution is to have as an option the ability to create a new observation well as part of a rezoning in order to supply the community with more well data which may help to monitor groundwater in certain areas.

There are currently two wells, part of the Provincial Observation Well Network, that are being monitored (3-4 times annually) by the Ministry of Environment on south Galiano Island. The primary purpose of the Observation Well Network is to collect, analyze and interpret groundwater data from various developed aquifers in BC. In talking with provincial staff they have agreed to consider adding new wells to their Well Network. They suggested that if there was going to be a policy requiring an observation well as part of a rezoning, that consideration be given to requiring an “instrumented” well, not simply a well. Instrumented would mean the installation of standard pressure transducer and data-logging equipment to allow for continuous measurement of water-level. This would mean that if not incorporated into the provincial network, the well could still be monitored by the community.

Ministry staff stated that even if they are not able to assume full responsibility for a given observation well, they are willing to help with set-up, training of a community member and possibly calibration of the well. They will also offer advice on the location of any proposed observation well to ensure that they fit within the long-term regional monitoring network.

Observation wells are generally equipped with automatic water level recorders or data loggers that monitor water level fluctuations on a continuous basis. Some sites are monitored manually with a wetted tape by local observers.

To see where the observation wells are located on Galiano Island or the data associated with each one please see: http://www.env.gov.bc.ca/wsd/data_searches/obswell/

The more observation wells available for monitoring provides more in-depth information that a community can base land use decisions on. However, there are a number of considerations in approving a standing policy that calls for an observation well as a community benefit for rezonings:

1. Where should the observation well be located? The best place for an observation well may not be on the property that is being rezoned given its location. An observation well may be best suited elsewhere in the community.
2. If an observation well is on private land, there would have to be an agreement with the land owner for an easement/statutory right-of-way or other agreement to permit someone to monitor the well on a regular basis.
3. Would the applicant be responsible to ensure that the well is equipped for monitoring either manually or remotely?
4. Who would be responsible to monitor the well? The Ministry of Environment, Water Protection & Sustainability Branch, currently monitors the two wells on Galiano Island. It is uncertain as to whether the Ministry would be able to monitor any additional observation wells. There may be a local group that would have an interest in doing the monitoring either manually or remotely.
5. What would be done with the information?

The Galiano LTC should consider the above questions and if it is deemed that they are not unsurmountable and that they are willing to proceed should consider adopting the following resolution. It is not meant that a community well will be requested as a community benefit each time, just that it is an option to consider.

Recommended Resolution

THAT the Galiano Island Local Trust Committee adopt the following standing policy:

THAT the Galiano 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.

pc Robert Kojima, Regional Planning Manager



Memorandum

Date March 19, 2014

To Local Trust Committees
Planning Staff
Bowen Island Municipality

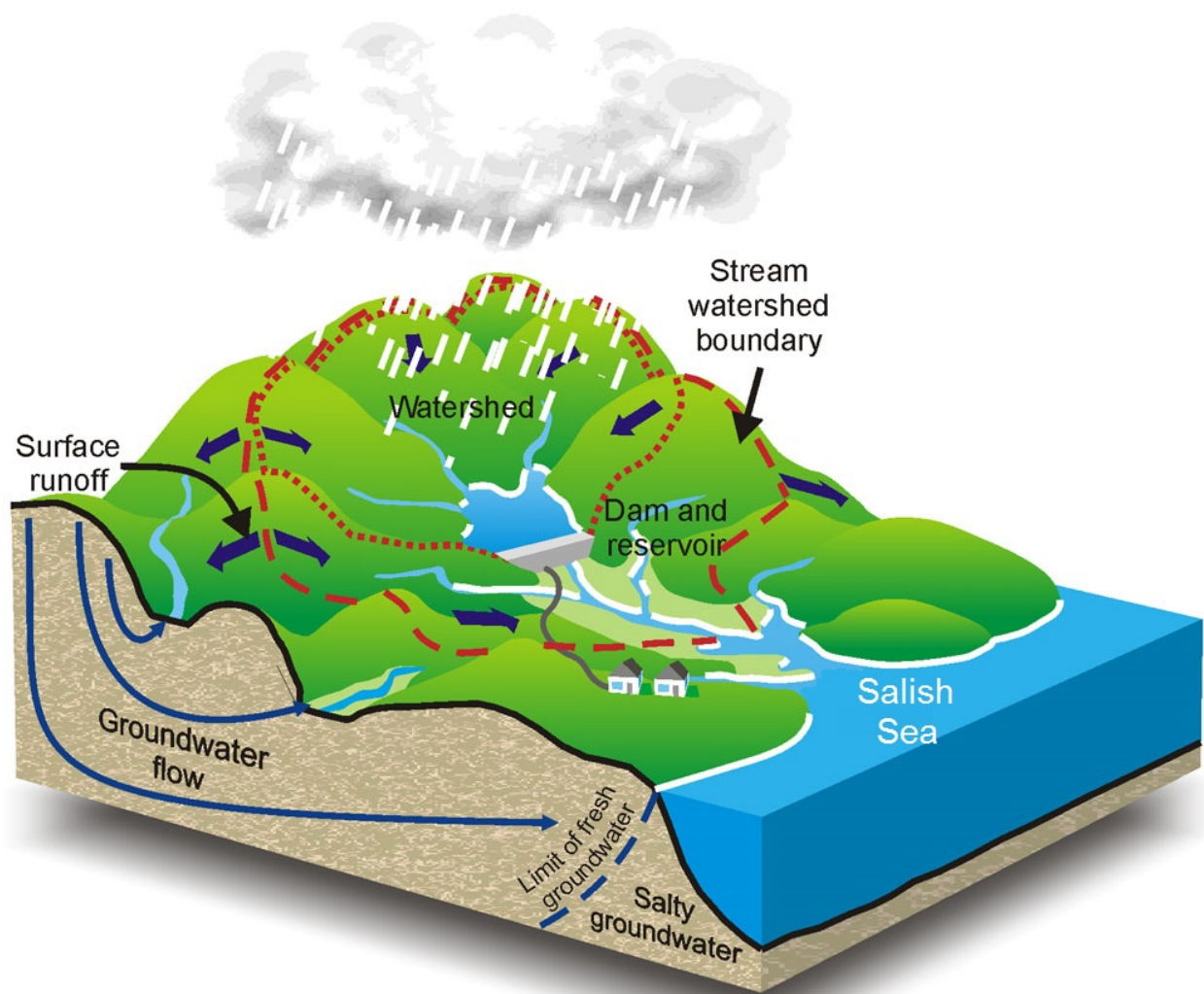
From Local Planning Committee

Re *Gulf Islands Groundwater Protection - A Regulatory Toolkit*

At its meeting on March 4-6, 2014, the Islands Trust Council passed a resolution requesting that the attached toolkit be circulated to all Local Trust Committees, planning staff and Bowen Island Municipality so that they are aware of some of the options available for the protection of groundwater.

This toolkit addresses options for the islands to consider in order to safeguard their water supplies now and into the future. The intent of this toolkit is to enable Local Trust Committees, planning staff and Bowen Island Municipality to choose the correct tool for the project at hand that suits their island.

Attachment: *Gulf Islands Groundwater Protection - A Regulatory Toolkit*



Gulf Islands Groundwater Protection

A Regulatory Toolkit

Prepared by Kris Nichols, LPC Island Planner

January 30, 2014



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Introduction

Islanders are taking voluntary actions to steward and conserve water, island organizations educate and manage their water resources, and the Islands Trust has a strong focus on the importance of voluntary actions to protect water quality and quantity. A sample can be viewed here: <http://www.islandstrust.bc.ca/trust-council/projects/water-resource-information-for-islanders.aspx>.

This project discussion paper is only about what regulatory options are available if islanders and trustees want to proceed down the regulatory route; it is not the only route to protect groundwater quality and quantity.

The Islands Trust Local Planning Committee (LPC) has on their work program the development of water quality and quantity toolkit and development of a model bylaw. This report includes a toolkit, a model Development Permit Area (DPA) bylaw and a model Development Approval Information Area (DAI) Provisions that will assist all Local Trust Committees (LTC) in addressing the issue of water conservation.

This report addresses options for the islands to consider in order to safe guard their water supplies now and into the future. The protection of a safe adequate water source will remain a priority for the Islands and will become increasingly important as the Islands continue to develop. Reaching the full potential of water conservation requires comprehensive and long-term strategic planning.

There is an ever increasing need to balance the water supply requirements for area growth against future sustainability and environmental needs. The issue of water quality and quantity has been a long standing issue on the Gulf Islands. Local Trust Committees (LTC) have approached the issue differently from no action to developing development permit area guidelines and specific water conservation bylaws or subdivision servicing regulations. However, it is believed that to plan for the future of the Islands is to include the protection of water – groundwater and surface water. Groundwater is inextricably linked to the amount of surface water which many island ecosystems and habitats rely on which is another reason why an island's groundwater supply should be protected and sustainably used.

Background

In British Columbia, water is owned by the Crown and not by individual land owners. Surface water is regulated by the *Water Act*. British Columbia is the last jurisdiction in Canada without groundwater legislation or licensing (i.e. protection). The intent of the Province in the near future is to integrate groundwater and surface water allocation. The Province is working to finalize the new *Water Sustainability Act* (see: <http://www.livingwatersmart.ca/water-act/>)

which would require all existing and new large groundwater users to apply for and obtain a water licence (e.g. waterworks, community wells, industrial and agricultural users). This proposed legislation will replace the *Water Act*. The proposed legislation would not include individual residential well users, but it would in high risk areas (priority areas) where for instance aquifers are under stress due to over use. To establish the Islands Trust as a priority area would be beneficial, but this cannot be established until the new legislation is in place. This would enable closer evaluation with the province on providing regulation for the protection of aquifers/ground water. Something all islands would benefit from.

An aquifer is the area underground where spaces between gravel, sand, clay, or rock fill with water. Water stored underground is called groundwater. There are different types of aquifers. When water is found in cracks and pores in the rock, we call this a 'bedrock' aquifer. When water is found in the spaces between sand and gravel, we call this a 'sand and gravel', or 'unconsolidated' aquifer.

There are two types of aquifers that exist in the Gulf Islands: sand and gravel layers and fractured bedrock. Fractured bedrock provides the primary source of freshwater for the majority of the island residents. Fractures in the bedrock located below the water table are filled with water and tapped by wells. The density of fractures and proximity to major faults determine the water yield from individual wells.

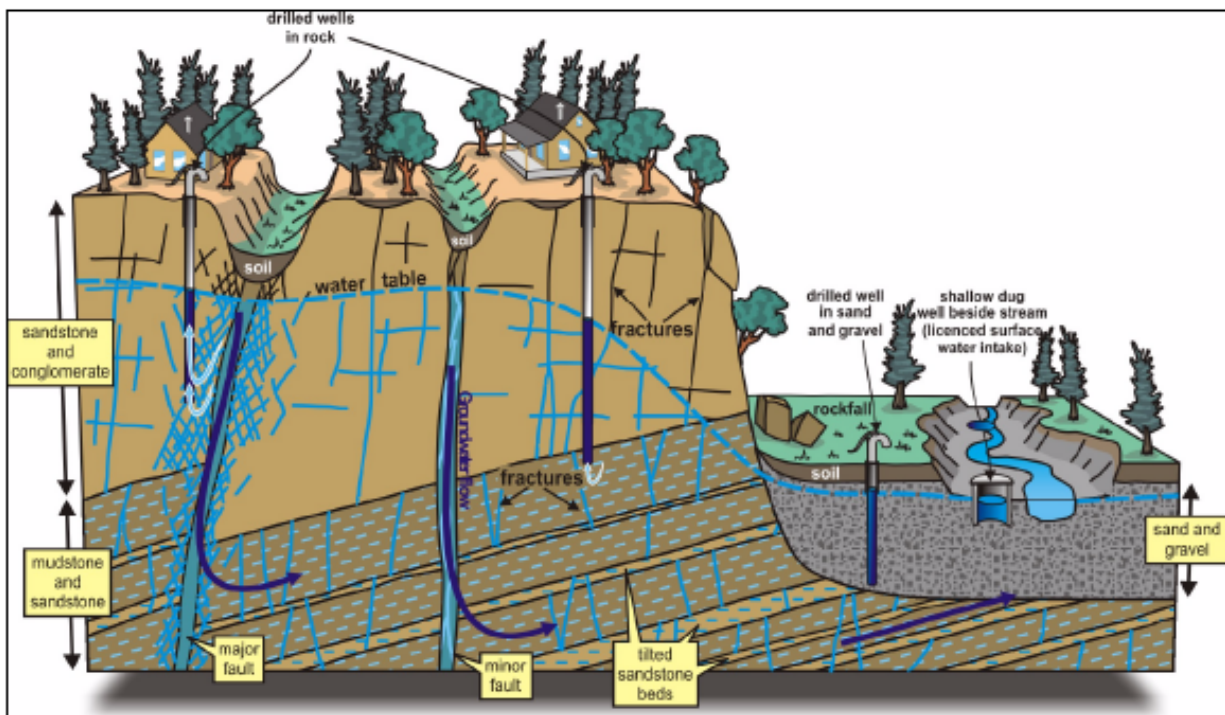


Figure 1. Ground water fills cracks and pores below the water table.

Source: Natural Resources Canada (http://ngwd-bdnes.cits.nrcan.gc.ca/service/api_ngwds:def/en/brief/pr_i03_mj.html)

Development pressures will continue to raise concerns over adequate quantity and quality of water on the Islands. The drinking water in the Gulf Islands comes from a variety of sources – private water systems, improvement districts, regional district water systems, individual wells, surface water all which rely on a safe supply of groundwater from aquifers. There are specialized systems that do not rely on groundwater such as rainwater catchment and desalinization. A few residents rely on bottled/trucked water.

Sustainable practices are required to conserve and protect fresh groundwater sources. There is currently no system to understand the cumulative impacts of individual wells drilled. There are a number of issues that impact the quality and quantity of groundwater such as saline intrusion, land use impacts (i.e. types and amount of uses), well interference, surface contamination, topography, recharge rates, soils, vegetation cover, geology, proximity to the sea, liquid waste (i.e. septic system) and seasonal water shortage. Climate change may also have an impact on groundwater supplies. The protection of existing groundwater supplies is significantly easier than finding alternative water sources on the islands. Groundwater also plays an important role in maintaining base flows in rivers and streams, which are critical in providing wildlife habitat and maintaining fish spawning areas and wetlands.

The Islands Trust has an important role to play in groundwater protection. It controls long-range development (Official Community Plans) and land use planning, zoning, development permit areas, bylaw enforcement, subdivision servicing bylaws. The Regional Districts and the Ministry of Transportation and Infrastructure (MoTI) have jurisdiction for water utilities and subdivision approvals, respectively. Island Health (formerly VIHA) has jurisdiction, through registered installers, for the approval of septic fields.

In addition to land use controls, there are several water conservation practices (e.g. low flow toilets, showers, rainwater collection, etc.) for residential home owners that should be encouraged to promote the sustainable use of water. Much of what will make the difference will not necessarily come from regulations, but from the community and its water use practices.

The Islands Trust decisions about how and where land is developed impacts groundwater quality and quantity. Therefore, the Island communities expect that the Islands Trust will manage land development to protect both water quality and quantity of groundwater. Often local government policy on groundwater is often unmanaged and unmeasured. With improved information, the Islands Trust can improve its impact on water quality and quantity. Even low density development can impact the rate of groundwater extraction through the use of wells and the ability of water to infiltrate into aquifers with development in recharge areas. Islands Trust communities have very few alternative sources of water than what they are currently using. Groundwater protection should be an overarching priority informing all land use decisions.

What is the Islands Trust Doing Currently?

The Islands Trust has recognized the significance of protecting the groundwater. Some islands have addressed water protection through development permit areas such as Salt Spring Island with its Development Permit Area 5 for the protection of Community Well Capture Zones or Galiano Island with its Development Permit Area 4 which addresses the protection Elevated Groundwater Catchment Areas. Some Islands such as Saturna Islands have specific requirements for areas of the island that have gone through studies around their groundwater. On the East Point area of Saturna Island where there is limited water quality and quantity the zoning bylaw requires that the lots contain a cistern for the storage of water. Galiano Island also has a similar bylaw requirement for areas identified as Water Management Areas and the requirement for extra cistern water storage.

In Gabriola's OCP they recognize the importance of groundwater by stating that, "there are known problems with inadequate soil percolation for septic disposal and groundwater supply because of the complex nature of groundwater flow through fractures in the bedrock. " Their OCP also "does not support the further creation of small lot residential areas except as permitted through density averaging provisions of this plan." The OCP also has a number of Water Supply Advocacy Policies that present a number of requests to the Ministry of Health and the Ministry of the Environment.

What Information is Available to Islands Trust Staff Currently?

Currently, staff have a number of sources of information that are available to them. In-house, staff have access to mapping (TAPIS) which indicates intrinsic vulnerability mapping for aquifers and various ecosystem mapping. The aquifer mapping relates specifically too how vulnerable the aquifer may be to contaminants primarily and therefore is useful for identifying land uses (industrial vs. residential). In general the islands are rural in nature with primarily large lots (> 1 acre) and therefore the vulnerability mapping has limited applicability. Both of these are valuable in determining areas where some groundwater issues may occur. Some islands as indicated previously may have specific development permits areas that can also be shown on TAPIS as well as specific zoning.

Some islands have also done advanced studies beyond what is available from the Islands Trust in general. Some have done studies for specific areas such as Saturna's East Point which was used to prescribe certain bylaw regulations (i.e. cistern requirement). Gabriola Island being part of the Regional District of Nanaimo has some of the best mapping related to groundwater and aquifers available as a result of programs the RDN has initiated.

There are several other sources of information that are available and can be used in evaluating water quality and quantity. One good source is the provincial well database on the Ministry of

Environment's website: http://www.env.gov.bc.ca/wsd/data_searches/wells/. It should be noted that unless the well is being monitored the information being provide by this well data base is a snapshot in time.

The Trust Area Services (TAS) is currently putting together an Islands Trust Water Resource Education Materials Project which will identify existing education materials by creating an inventory; to identify information gaps and if necessary develop options to address these gaps. There is a great deal of literature available on water conservation initiatives which are as important in the protection of water quality and quantity as protecting the source. Ensuring a sustainable use of the water source is beneficial. Utilizing sustainable practices is no longer a fad, but the norm.

See: <http://www.islandstrust.bc.ca/trust-council/advocacy/groundwater-regulation-advocacy.aspx>

Local Government Jurisdiction

The Islands Trust role in groundwater sustainability is limited to land use powers to:

- Ensure that rainwater is returned to streams and aquifers;
- Protect headwaters, riparian areas and other vulnerable aquifer recharge areas;
- Prevent groundwater contamination by limiting and regulating potentially polluting uses over aquifers and in groundwater recharge areas through zoning;
- Direct development to appropriate locations where the sufficiency of groundwater for domestic or commercial uses has been thoroughly assessed on a watershed scale before development occurs;
- Regulate storage and application of fertilizers and compost;
- Obtain information about the location of existing and new wells (including geothermal wells) when new development occurs; and
- Develop well protection plans.

The following will outline tools that will present some options in addressing the objectives listed in Table 1. The tools are for the development of Official Community Plans (OCP), Land Use Bylaws (LUB), Development Permit Areas (DPA), Development Approval Information (DAI) Bylaws and water conservation tools.

Official Community Plan

(*Local Government Act*, Part 26, Division 2)

Purpose: to establish a vision and policies for community development.

- Guides how and where new development occurs
- Directs LTCs and staff to undertake groundwater protection measures
- Raise awareness within a community of groundwater issues and areas of concern
- Establishes and contains the guidelines for development permit areas.

To ensure that policies and land use designations are most effective they should be based on data collection and mapping of recharge areas, local aquifers and areas of limited or critical supply. OCPs can contain explicit policies for groundwater protection.

Given that new bylaws cannot be in direct conflict with the OCP, it permits the ability for the OCP to contain policies on groundwater sustainability that will set the foundation for other bylaws (i.e. zoning) to contain specific and enforceable standards. OCPs can also establish policies around groundwater protection that can influence how development applications are reviewed/evaluated, for instance requirements placed on subdivisions.

Some examples of effective OCP policy areas for aquifer and groundwater protection:

- Protect aquifers by establishing development permit areas that require buffer zones and site specific attention through permitting prior to development.
- Designate aquifer protection zone(s) and development permit areas for which studies may be required.
- Commit the Local Trust Committee to an integrated water management planning approach that will coordinate action on the community water supply, rainwater management, green infrastructure and government regulations (e.g. RAR)
- Specify site design that maintains natural hydrologic cycles, including performance based measures such as managing rain water on site and not net increase in post development flows.
- Encourage cluster development that minimizes impervious surfaces and other impacts across the landscape.
- Direct LTCs to encourage communities to practice water conservation and protection.

It is important that OCPs are interpreted such that policy has an impact and considered in all land use decisions. The policies in the OCP are in many instances only as good as the subsequent bylaws.

Land Use Bylaw - Zoning

(Local Government Act, Part 26, Division 7)

Purpose: to regulate what, and where and how much of, activities may occur on specific parcels of land.

- Regulates use and density of property to direct development away from groundwater-limited or aquifer recharge areas
- Can limit lots sizes to reduce density in groundwater scarce areas
- Can prohibit potentially polluting uses in areas where aquifers must be protected.
- Sets standards on aspects of development that will have an impact on the water resources on the site or in an area (e.g. setbacks from riparian areas)
- Can encourage groundwater sensitive development by clustering development through rezoning and possibly utilizing density bonus provisions.
- Can leverage habitat protection or water-efficient amenities when rezoning.

Zoning permits the Local Trust Committee (LTC) to regulate the use and density and development standards (e.g. height, setbacks) through creating specific zones. Zoning for aquifer/groundwater protection would direct specific developments away from groundwater sensitive or aquifer recharge areas or prohibiting potential contaminating uses.

For instance, zoning can protect groundwater by keeping rural aquifer areas as rural zoning with low density and low risk uses. Zoning can regulate development by:

- Directing development to appropriate locations;
- Requiring development to be setback from riparian areas;
- Limiting the total impermeable site coverage;

- Establishing appropriate lot sizes;
- Limiting density;
- Requiring appropriate drainage; and
- Prohibiting potentially polluting uses in areas where aquifers must be protected.

Local Trust Committees (LTC) should review the zoning in areas that are important for aquifer protection and adjacent to riparian areas to ensure that no polluting land uses are permitted. In those areas that require aquifer/groundwater protection a form of aquifer zoning is recommended. The intent being to apply it to aquifer recharge areas, well capture zone areas and watersheds particularly ones that are relied upon for potable water. This zoning could have particular characteristics for:

- Maintaining large lots
- Increased setbacks from watercourses
- Lessened lot coverage requirements to encourage clustering of development and lessening road construction
- Amount of impervious lot coverage

Impermeable Site Coverage

It is not uncommon for zoning bylaws to address the total impermeable site coverage in a zone. This limits the amount of runoff generated. To exceed this site coverage, a development variance permit would be required.

New zoning bylaws increasingly contrast between “actual” and “effective” impermeability of a site.

Actual impermeability means the amount of the site covered by surfaces through which water will not infiltrate. This is what is generally addressed in many zoning bylaws.

Effective impermeability relates to how much of the total rainfall on a site is infiltrated into the ground. This can be enhanced through storm water detention, bio-filtration and ensuring that drainage occurs onsite.

For example where some sites may have 60% actual impervious meaning that water does not penetrate 60% of the site, but by utilizing techniques to ensure that water drainage remains on the site it may be possible to have an effective permeability significantly less than the actual impermeability. This could be achieved by a combination of drainage standards implemented through subdivision servicing bylaws and zoning regulations.

Although tough to measure, there would be benefits to ensuring actual impermeability is lessened and effective impermeability is increased.

Protecting Groundwater

The clustering of development on a portion of a site is a form of groundwater-sensitive development. There is a possibility voluntary amenity provision such as water efficient infrastructure by including it as part of a rezoning or amenity density bonus. The applicant

would have to choose an amenity density bonus zoning option that includes amenities that protect groundwater.

An amenity density bonus would permit an applicant to apply for increased density on a site in return for providing the LTC with an amenity. Some examples of LTC amenities could be:

- Building design that conserves water;
- Water efficient landscaping;
- Enhancement of riparian habitat;
- Dedication of wetlands; and
- Preservation of streams and other unique environmental attributes.

It may also be possible for an LTC to require cash-in-lieu amenity provided that the zoning bylaw specifies which cash-in-lieu contribution are favored (i.e. for what?).

Development Permit Area (DPA) Designation

To require applicants for development to obtain a permit that specifies conditions to protect groundwater/aquifers.

Development Permit Areas (DPAs) are areas designated in an OCP (in some cases a zoning bylaw) to which particular guidelines apply. A DPA may be designated for the protection of the natural environment or to promote water efficiency/conservation that will address watershed health. (see *Local Government Act* s. 919.1(i)) In order for the DPA to be effective it is important for the DPA to integrate surface water along with groundwater considerations. Generally, DPAs prohibit site disturbance before development approval which gives the LTC time to evaluate the development against established DPA guidelines. The DPA may include requirements for such things as landscaping, the siting of buildings, and the type and placement of trees and vegetation.

Some examples of guidelines are:

- Mandate replanting and rehabilitation of disturbed areas
- Erosion and sediment control (site specific plan)
- Environmental impact assessments/hydrologic studies to satisfaction of the Local Trust Committee
- Consistency between pre and post development hydrology
- Vegetation as per landscape plan
- Incorporate standards from other levels of government (e.g. Riparian Areas Regulation)
- Limits as to the amount of impermeable surfaces
- Specify areas that must remain clear of development

It is best to have a DPA as a companion tool with zone-specific requirements for groundwater protection as DPAs cannot be used to limit the amount of development permitted on a site. Nor can they address building construction standards that are addressed through the respective regional district building permit process.

DPAs do permit the LTC to monitor environmental conditions as the development progresses and for a limited amount of time post development. This is done through the collection of a security to ensure that works to complete permit conditions are finalized. If this is not done, then the intent is to use the funds/security to complete the conditions. Therefore, the security is returned only if the conditions are met.

See Appendix 1 - Development Permit Area Model Bylaw

In addition to having a stand-alone DP for groundwater/aquifer protection there are options where various guidelines could be implemented within existing DP areas for such land uses as industrial. The following guidelines are taken from the Regional District of Nanaimo's Area A OCP (Cedar Development Permit Area).

Groundwater Protection

- 1. The use or disposal of substances or contaminants that may be harmful to area aquifers shall be discouraged and wherever practical, steps shall be taken to ensure the proper disposal of such contaminants.*
- 2. The RDN may require an applicant to submit a rain water management plan prepared by a professional engineer which must ensure that any run off, rain water, or other liquid from any of the proposed land uses, buildings and impervious surfaces does not negatively impact groundwater quality. The plan must include recommendations on how to minimize the risk of deleterious substances entering the groundwater. The RDN should require the applicant to implement the report's recommendations in the proposed development.*
- 3. The RDN shall require that drainage from all impervious surfaces and areas where vehicles and machinery are stored, cleaned, operated, and maintained be directed through an appropriately sized and engineered sedimentation, oil, water and grease separator or other engineered solution to the satisfaction of the RDN. The engineer must provide an appropriate maintenance schedule.*
- 4. The RDN may require the applicant to enter into a Section 219 covenant registering on title the maintenance schedule and a commitment to maintain the sedimentation, oil, water and grease separator as per the engineer's recommendations.*
- 5. Developments that are found to pose detrimental impacts on either the quality or quantity of groundwater shall not be supported.*

Development Approval Information Areas (DAI) Bylaw

Development Approval Information (DAI) Areas Bylaws are to establish areas in which local governments may request additional information from applicants for zoning, development permits, or temporary use permits. The purpose of a DAI is to enable the LTC to obtain expert assessment of the impact of a development on the community at the expense of the applicant.

A DAI bylaw enables the development of site specific information to inform decision making and the ability to require specialized information (e.g. impact assessments, etc.).

The requirement for a detailed assessment may be triggered by an application for a rezoning, a development permit or a temporary use permit. The information required is usually in the form of a professional report and would be used by staff and the LTC in determining permit conditions.

In the case of groundwater the LTC could request a hydrological assessment of:

- The availability of groundwater;
- Cumulative effects of groundwater use;
- Other environmental impacts.

The intent of establishing this DAI is to ensure that potential negative impacts of proposed major developments are identified and documented as part of the development review process and to provide the LTC with complete information to properly assess and mitigate conditions caused by that development. Where reports identify negative impacts, the LTC will require mitigation by the applicant as part of a development permit to improve the proposal and minimize potential negative impacts on hydrology, the environment, and the neighbourhood.

In order for a LTC to establish a DAI bylaw in an OCP it must prepare a bylaw that sets out what information the LTC may require and specific policies and procedures to be followed. DAI may be valuable in that if a bylaw is established and concerns are raised about specific developments specific information can be requested that can go beyond DPAs guideline requirements.

See Appendix 2 - Development Approval Information Model Provisions

Subdivision Servicing Bylaws

The intent of these bylaws is to establish standards for the subdivision of land that maximizes infiltration of water and minimizes impervious surfaces and evaluates the sustainability of new groundwater withdrawal from a specific aquifer.

Subdivision servicing bylaws set the standards by which works and services must be constructed when land is divided into new parcels. Standards that support groundwater quality and supply can be included in subdivision servicing bylaws. They can require each proposed lot to have a reliable source of potable water, and can establish infiltration, drainage and permeability standards. Subdivision servicing standards can direct development to mimic natural hydrology by requiring rainwater infiltration and limiting impervious surfaces. If an LTC has established a wellhead protection area that is regulated by zoning or a development permit area, the requirements could also be included in a subdivision servicing bylaw.

Land developments generally have two water supply options generally a stand-alone water source (surface or well) or a community water system. Of course, on the islands there are other water source options that do not involved groundwater/aquifers such as rainwater collection or desalinization.

Approvals are based on one time “proof of water” evaluations that generally do not give consideration to long-term ground water consideration such as impacts of future development or cumulative impacts of developments over time in a watershed. Most bylaws will contain requirements that each new parcel created have a potable water source and a specific flow rate depending on the type of development proposed. However, this “proof of water” focuses on yield and quality of each well and not the sustainability and protection of the aquifer system as a whole. Some LTCs do require an evaluation of long term sustainability and a qualified professional’s hydrology report especially where a development will be drawing on the aquifer in a greater quantity than single family development (e.g. higher density development, commercial uses, etc.). On-going monitoring should be implemented in sensitive aquifers or groundwater-limited areas.

There may also be instances when “proof of water” is not required with some subdivisions such as the creating of large lots (> 20 acres) or boundary adjustments where sources of water have historically been proven.

Community water approvals (>3 connections) are dealt with through the provincial government (i.e. Vancouver Island Health Authority). If lots are to connect to a community system, the LTC has an option to require that unused wells (if any) be closed in accordance with the Ground Water Protection Regulation (GWPR) by establishing a well closure bylaw thereby protecting the groundwater/aquifer and possible contamination. Given that Island Health is involved in these community wells it may be possible to ensure monitoring is done, however, there are not that many community wells on the islands.

Water Conservation Tools – General Information

In addition to regulatory requirements that an LTC can implement, there are a number of water conservation tools that should be encouraged on the islands. These are less regulatory and more voluntary in nature. Given the groundwater source the islands are reliant on it is important that each resident does their own part to lessen the water demand. The protection of a quantity and quality of water should not be solely reliant on regulatory processes. Education and awareness is also a big part of what is needed in the sustainable use of water on the Islands – a resource used by all. Water conservation practices should become common place for all residents and visitors to the Gulf Islands.

The Trust Programs Committee has initiated a site to educate islanders about water issues and options to promote sustainable use or reuse of water. The intent is that educational materials will be regularly posted on the Islands Trust website as a resource and part of the necessary community outreach. <http://www.islandstrust.bc.ca/trust-council/projects/water-resource-information-for-islanders.aspx>



Source: Regional District of Nanaimo. For indoor and outdoor tips: <http://www.rdn.bc.ca/cms.asp?wpID=877> , <http://www.rdn.bc.ca/cms.asp?wpID=878> and <http://www.rdn.bc.ca/cms.asp?wpID=2155>

Overview

The intent of this toolkit is to provide a variety of tools (options) that will enable LTCs and planners to choose the correct tool for the project at hand that suits their island. The tools presented will aim to achieve the actions presented in Table 1. The following table outlines five objectives for groundwater protection and possible actions that local government can take.

Groundwater Protection Objectives and Actions:

#	Objective	Description	Local Government Actions
1	Minimize impacts on water sources	Streams depend on groundwater, especially during low-flow (baseflow) conditions. Groundwater pumping from many aquifers connected to surface water bodies can deplete or capture surface water flows. Retaining sufficient groundwater retains the health of fish-bearing streams and the security of community water supplies.	- Establish watershed protection zones supported by containment boundaries to preserve hydrologic function between aquifers and surface water sources - Establish well protection areas to capture zones to protect drinking water - Prohibit potentially polluting uses in critical aquifer recharge areas as well as capture or wellhead protection areas. - Understand composition of underlying aquifers
2	Sustain aquifers at healthy levels	Prevent over-use of aquifers and impacts on natural aquifer recharge to promote a healthy water balance. If this does not happen, the aquifer goes into decline and eventual depletion. Maintaining and monitoring water levels promotes healthy habitat and sustainable water supply.	- Plan land uses based on sustainable yield, not site-specific reports on proof of water. - Commit to integrated watershed management planning to coordinate action on community water supply, rainwater management, green infrastructure, and other regulations (e.g. Riparian Areas Regulation requirements) - Require all new development to provide evidence of a sustainable water source as a condition of subdivision or through the development permit process. - Monitor aquifer quality and quantity in partnership with other levels of government.
3	Maximize infiltration	Rainwater and snowmelt infiltration is key to aquifer recharge. Infiltration rates are affected by soil permeability, the amount of topsoil, and the rate that water moves across a landscape (as affected by vegetation, slope, etc.)	- Prohibit or limit development in groundwater recharge areas. - Protect sensitive ecosystems (e.g. wetlands) by establishing development permit areas that require buffer zones and special permitting before development takes place - Preserve baseflows in fish-bearing streams by maximizing groundwater recharge. - Infiltrate virtually all rainwater by limiting effective imperviousness to less than a specific percent. This includes maintaining extensive natural areas above recharge zones. - Implement cluster development through rezoning to maximize land available for

			infiltration. • Maintain native soils and vegetation (e.g. trees and other absorbent landscaping) • Establish landscaping standards for soil depth and type of landscape materials • Promote engineered infiltration systems such as infiltration ponds, vegetated swales, bioswales (i.e. grassy or vegetated areas besides roads and parking areas) or splash pads of gravel or other hard material • Create bioretention areas • Use permeable paving • Require alternative design standards and best management practices that maintain ecosystem functions (e.g. reducing impervious surfaces) • Use green roofs • Specify site design that causes no net increase in post-development flows • Maximum wetland recharge
4	Reduce groundwater use	The less the resource is extracted, the better the chances are that the system will maintain its natural balance. Each aquifer has a carrying capacity that should be considered before intensive use.	• Minimize leakage and waste within public water distribution systems (i.e. regional systems, improvement districts, etc.) • Reduce peak and annual demand for groundwater through water demand management approaches • In groundwater limited areas, limit development and require other water sources (i.e. rainwater and cisterns) • Enact restrictions on outdoor water use where a community water system is used • Promote use of native vegetation and landscaping to minimize water irrigation demand • Promote awareness for low flow devices to be installed in all new developments • Encourage individuals and non-government organizations to practice water conservation and protection
5	Protect groundwater quality	Protecting quality is critical to promoting healthy habitat and ensuring the safety and security of the potable water supply.	• Map and understand the vulnerability of aquifers • Minimize risks from point and non-point (i.e. from a diffuse source such as agricultural runoff, roads) source contaminants by prohibiting or regulating uses that could contaminate fish-bearing streams or aquifer recharge areas, capture zones or wellhead protection areas • Design sites to prevent increases in post-development flows that can pick up contaminants

			• Develop and implement a wellhead protection plan • Establish a local water quality testing program • Adopt a well closure bylaw • Plan developments to protect groundwater recharge areas
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Table 1: Primary Source: Groundwater Bylaws Toolkit (2009)

Information Note: Well Protection Toolkit

A set of voluntary guidelines developed by the Ministry of Environment to assist communities in developing well protection plans to prevent contamination of their well water supply. A well protection plan contains practical, protective measures to minimize and prevent undesirable impacts from land use activities on the source of water for the community well.

See:

http://www.env.gov.bc.ca/wsd/plan_protect_sustain/groundwater/wells/well_protection/acrobat.html

APPENDIX 1: Development Permit Area X – Groundwater Protection DPA

2.1 Designation

All lands shown on Schedule _X_ as being a groundwater protection area are designated as a development permit area.

Alternately may be designated based on an elevation

2.2 Authority

The Groundwater Protection Development Permit Area is designated a development permit area pursuant to Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity and Section 919.1(i) of the Local Government Act for the establishment of objectives to promote water conservation.

Legislative basis of designation

2.3 Special Conditions and Objectives that Justify the Designation

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

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

It is policy of the Islands Trust Council that Local Trust Committees address measures that ensure:

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
- water quality is maintained, and

The [Groundwater Study prepared by...] concluded that ... and recommended the measures in order to preserve and protect groundwater resources:

Note: insert reference to professional report supporting designation of DPA (if applicable) and summarize key conclusions and recommendations

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for private wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development on sub-surface water supplies

2.4 Development Approval Information

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

See DAI for impact assessment report requirements

2.5 Applicability

A development permit is required for the subdivision of land, construction of a new residence or commercial or industrial building, land alteration, or the cutting of trees in excess of the number exempted below.

2.6 Exemptions

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

- a) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required)
- b) Construction of a dwelling or subdivision of land that is, or will be, serviced by a community water system.
- c) Construction of a dwelling where the dwelling:
 - a) Is not to be connected to a groundwater source; and,
 - b) Is entirely serviced with water through stored and treated rain water which meets or exceeds Canadian Drinking Water Standards.
- d) Development on land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.

This is based on the DPA being intended to address impacts of individual wells

A report from an engineer or other qualified professional may be required to satisfy the Islands Trust/Regional District that the proposed rainwater system has adequate capacity to meet the year-round water demands of the dwelling being proposed and that water will be stored and treated to meet potable water standards.

- f) The placement of temporary buildings or structures
- g) All vegetation removal except for cutting and removal of more than 5 trees (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.
- j) Forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- k) Land alteration that does not alter the natural contours of the land.
- l) The construction of an accessory building or structure with a lot coverage of less than 100m², provided the accessory building or structure is not connected to a supply of water.
- m) Construction of fences.
- n) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
 - iv. Bridge repairs.
- o) Works undertaken by a local government or a body established by a local government.

From other RD bylaws and steep slope DPA, could be revised based on specific recommendations

Intended to ensure cut and fill or blasting requires a permit. Language could be revised to be more specific based on recommendations
Exempts small non-plumbed buildings, lot coverage could be altered based on specific recommendations

2.7 Guidelines

1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. Where a qualified professional hydrogeologist or engineer has made recommendations for mitigation measures, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.

Authorizes LTC to implement conditions of professional report

3. Where the a qualified professional hydro-geologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydro-geologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
 - c) not interfere with groundwater recharge;
 - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. The LTC may require the applicant to install a groundwater monitoring device in at least one well within each proposed subdivision. The LTC may require an agreement to be registered on title to allow a designated person or agency to access the property to collect the data from the device.
6. Where rainwater management is recommended by the report, rainwater should be retained on-site and managed using methods such as vegetated swales, rain gardens, or other methods which allow rainwater to return to the ground.
7. Where rainwater harvesting is recommended by the report for the construction of a new dwelling unit:
 - a) Dwelling units should be sited to allow for the optimal placement of a gravity fed rainwater collection tank which collects rainwater from the roof leaders of the dwelling unit which capture the majority of the rainwater flows.
 - b) Dwelling units should be designed to maximize opportunities for rainwater catchment from all roof surfaces.
 - c) Impervious surfaces should be minimized. The use of impervious paved driveways shall be discouraged.

Appropriate where there is an agency or community group able to monitor wells

Revise to read all buildings where commercial, industrial or institutional buildings are permitted by zoning

- d) The LTC may require that all new dwelling units include an external rainwater harvesting system such which includes the following:
 - i. External equipment for collecting and distributing rainwater from the dwelling unit roof;
 - ii. A storage tank(s) with a minimum storage capacity of 18,000 litres which is designed for rainwater collection and is rated for potable use;
 - iii. A pumping system;
 - iv. An overflow handling system.
- e) All external pipe, plumbing fixtures, and hose bibs where rainwater is used shall be clearly marked with “Non-Potable Water Do Not Drink”.
- f) Where external rainwater harvesting equipment is required as a condition of the permit, the LTC shall encourage the applicant to install dedicated plumbing lines within proposed dwelling units to make use of stored rainwater for flushing toilets and other non-potable uses.
- 8. Where tree removal which is not exempt from the requirement for a permit:
 - a) Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.
 - b) All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
 - c) Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
 - d) If the area has been previously cleared of trees, or is cleared during the process of development, replanting

requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.

- e) Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.
 - f) All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.
- 9. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage.
 - 10. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
 - 11. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.

APPENDIX 2: Model DAI Bylaw Provisions

1. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the Local Government Act for protection of the natural environment, its ecosystem and biological diversity and Section 919.1(1)(i) for the establishment of objectives to promote water conservation, for the purpose of requiring development permits for Groundwater Protection, the report shall consist of a hydrogeological assessment report containing the following information:
 - a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.
 - b. A map showing the ownership and locations of all currently used water wells, springs and surface water features within a minimum radius of 1.0 km from the development site.
 - c. A site inventory, providing information on existing pre-development conditions, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, surface water bodies, and topography.
 - d. A background analysis that includes the following known information on the site:
 - A description of the hydrogeological system and setting, including the type of aquifer, aquifer boundaries, local surficial and bedrock geology, physical hydrogeology, local surface water features, estimated recharge area and conditions and climate;
 - A conceptual model of groundwater occurrence and groundwater-surface interaction;
 - A description of existing users within 1.0 km of the development site;
 - A preliminary pre-development water budget;
 - Water quality, including characterization of natural groundwater quality, potability, as well as possibility of contamination;
 - Methodology and, if applicable, uncertainties and limitations of the report.
 - e. A description of the proposed work, detailing construction, cut and fill, blasting, road, driveway or utility line construction, vegetation clearing, water supply requirements, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

- f. An impact assessment consisting of:
 - Cumulative effects analysis;
 - Impact to existing groundwater users, identification of the potential groundwater protection issues in the area and risk of saline intrusion;
 - Impact to surface water where applicable;
 - Other potential impact implications.
- g. Conclusions and recommendations consisting of:
 - A summary of results and impact assessment;
 - An unqualified statement that the proposed development will not adversely impact aquifer(s), existing wells, or surface water bodies in terms of water quality and quantity; or
 - Where such a statement cannot categorically be made, specific recommendations on well and aquifer protection measures which would result in the requirement being met.
- h. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

REQUEST FOR DECISION

To: All Trust Council Committees, Local Trust Committees and Trust Fund Board

For the Meeting of: April 7, 2014

From: Lisa Gordon, Trust Area Services Director

Date Prepared: March 19, 2014

File No.:

SUBJECT: 2013-2014 ANNUAL REPORT – APPROVAL OF COMMITTEE SECTION

RECOMMENDATION: That the Galiano Island Local Trust Committee approves the attached text for inclusion in the 2013-2014 Annual Report for approval by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Committee reports:	Reports to be approved on the following dates
TPC	May 12
LPC	May 15
FPC	June 2
TFB	May 5
EC	April 15 / May 6
Denman	April 1 / May 2
Gambier	April 10
Gabriola	April 17
Galiano	April 7
Hornby	April 25
Lasqueti	May 1
Mayne	April 23
North Pender	April 24
Salt Spring Island	April 10
Saturna	April 17
South Pender	April 8
Thetis	April 16
Bellenas-Winchelsea Executive Islands	May 2

FINANCIAL: None

POLICY: None

IMPLEMENTATION/COMMUNICATIONS: All LTCs and Council committees will review and approve their sections at regular meetings listed above. Executive Committee requires all

contributors to report on accomplishments in terms of how they achieve goals in the strategic plan or in the Islands Trust Policy Statement. LTC and Council Committee Chairs will ensure that the text for their sections meets the new standards.

BACKGROUND

On March 4 and 18, 2014 the Executive Committee provided the following direction for changes in the way staff draft the annual report sections:

- Make the annual report more of a status report on the policy statement and the strategic plan – how are our activities contributing to achieving the higher goals?
- LTC reports should refer only to LTC projects and agenda items, not staff workload.
- Do not report building permits or referrals unless they were on an LTC or TFB agenda and reported in the minutes.
- Report only bylaw enforcement action (proactive or legal) initiated by the LTC.
- Identify grant-funded projects within Local Trust Committee and Trust Council Committee reports, rather than a separate section

REPORT/DOCUMENT: see attached draft Annual Report wording.

KEY ISSUE(S)/CONCEPT(S): Consistent reporting from each committee following new standards and committee approval of its section in the Annual Report

RELEVANT POLICY: This approach complies with Section 19 of the *Islands Trust Act* and Trust Council's [Annual Report Policy 6.10](#)

DESIRED OUTCOME: Trust Council is able to easily approve its annual report in June 2014 without further editing from staff or trustees.

RESPONSE OPTIONS

Recommended: As above

Alternative: None

Prepared By: Lisa Gordon, Director, Trust Area Services

Reviewed By/Date: David Marlor, Director, Local Planning Services

The Galiano Island Local Trust Committee held ten regular business meetings, two special meetings and five public hearings. The Local Trust Committee received and considered applications or referrals for one rezoning, six development permits, and four development variance permits.

The Local Trust Committee also concluded several applications received in the previous period, most notably a rezoning of a Forest zoned property on North Galiano to permit the development of 12 residential lots and large remainder being transferred to the province (BC Parks) to be added eventually to Bodega Ridge Provincial Park. One other similar application was approved in early 2014 and one initiated in 2013.

Projects initiated or completed during this period included a series of phased amendments to the Land Use Bylaw, implementing policy changes identified in the Official Community Plan, which was amended in 2011, and improving clarity and consistency. Additional projects initiated include addressing short term vacation rentals (STVR), and revision of the Elevated Groundwater Development Permit Area, (*Strategic Plan 3.3 and Islands Trust Policy Statement directive policy 4.4.2*).