Galiano Island Local Trust Committee
Regular Meeting Agenda

Date:	May 2, 2016
Time:	12:30 pm
Location:	North Community Hall
	20925 Porlier Pass Road, Galiano Island, BC

Pages

1. CALL TO ORDER 12:30 PM - 1:00 PM

2. APPROVAL OF AGENDA

3. TOWN HALL AND QUESTIONS

4. COMMUNITY INFORMATION MEETING

   none

5. PUBLIC HEARING

   none

6. MINUTES 1:00 PM - 1:15 PM

   6.1 Local Trust Committee Minutes Dated April 4, 2016 (for Adoption) 4 - 13

   6.2 Section 26 Resolutions Without Meeting Report Dated April 2016 14 - 14

   6.3 Advisory Planning Commission Minutes

   none

7. BUSINESS ARISING FROM MINUTES

   7.1 Follow-up Action List Dated April 2016 15 - 16

8. DELEGATIONS

   none

9. CORRESPONDENCE

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

   none

10. APPLICATIONS AND REFERRALS 1:15 PM - 1:30 PM

10.1 Salt Spring Island Local Trust Committee Bylaw No. 491 Referral (for Response) 17 - 19

10.2 Salt Spring Island Local Trust Committee Bylaw No. 492 Referral (for Response) 20 - 21

10.3 Salt Spring Island Local Trust Committee Bylaw No. 493 Referral (for Response) 22 - 23

10.4 Thetis Island Local Trust Committee Bylaw No. 98 Referral (for Response) 24 - 26

---------- BREAK ---------- 1:30 PM - 1:45 PM

10.5 GL-TUP-2016.1 (Stettner) - Staff Report 1:45 PM - 3:45 PM 27 - 36

10.6 GL-TUP-2016.2 (Axmann) - Staff Report 37 - 46

10.7 GL-TUP-2016.3 (Coleman) - Staff Report 47 - 56

10.8 GL-RZ-2016.1 (Wolstenholme) - Staff Report 57 - 67

10.9 GL-RZ-2014.1 (Crystal Mountain) - Staff Report 68 - 76

11. LOCAL TRUST COMMITTEE PROJECTS

none

12. REPORTS 3:45 PM - 4:15 PM

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated April 2016 77 - 77

12.1.2 Projects List Report Dated April 2016 78 - 78

12.2 Applications Report Dated April 2016 (attached) 79 - 82

12.3 Trustee and Local Expense Report Dated March 2016 (attached) 83 - 83

12.4 Adopted Policies and Standing Resolutions (attached) 84 - 85

12.5 Local Trust Committee Webpage

12.6 Chair's Report

12.7 Trustee Report

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

13.1 2015-2016 Annual Report - Galiano Island Local Trust Committee Section 86 - 88

Request for Decision attached

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for June 6, 2016, 12:30 pm, at the Galiano Island South Community Hall

14.2 Consideration to Reschedule the October 3, 2016 LTC Meeting to October 1, 2016.

15. TOWN HALL 4:15 PM - 4:45 PM

16. CLOSED MEETING (Distributed Under Separate Cover) 4:45 PM - 5:00 PM

16.1 Motion to Close Meeting

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

- Adoption of In-Camera Minutes Dated February 1, 2016
- Appointment of Minute Taker

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT 5:00 PM - 5:00 PM

DRAFT

Local Trust Committee
Minutes Subject to Approval by
the Local Trust Committee

Galiano Island Local Trust Committee
Minutes of Regular Meeting

Date: April 4, 2016
Location: North Community Hall
20925 Porlier Pass Road, Galiano Island, BC

Members Present Laura Busheikin, Chair
Sandy Pottle, Local Trustee
George Harris, Local Trustee

Staff Present Robert Kojima, Regional Planning Manager
David Millership, Recorder

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:30 pm. Introductions were made and she acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. There were approximately 41 members of the public present and no media.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Chair Busheikin outlined the Town Hall (TH) rules and guidelines, which included a two minute per speaker time limit. She stated that the intent of this TH, the first of the meeting, is to give the public the opportunity to speak to items on the agenda. She stated that the intent of the second TH, at the end of the meeting, is to give the public the opportunity to speak to items on the agenda or not.

Louise Decario stated concern with the limiting intent of this TH.

Chair Busheikin responded that the intent of this TH is a practise of the Trust.

There was some discussion regarding process.

Debbie Holmes spoke to a letter she sent the Island Tides newspaper editor regarding Galiano's forestlands and relating to GL-RZ-2014.1 (Crystal Mountain Society). She stated concern with potential changes to the use(s) of forestlands and that Chair Busheikin and Trustee Harris have so far favoured a covenant(s) approach.

Debbie Holmes commented that Margaret Griffiths is in palliative care and that she is able to pass messages from the public to her.

Gary Moore spoke to Galiano's history regarding forestlands and commented that the forestlands have to be saved.

Chair Busheikin asked Mr. Moore to speak to items on the agenda and reminded the public of the intent of this Town Hall.

There was some discussion regarding process, with many members of the public expressing opposition to the limiting intent of this Town Hall.

Regional Planning Manager (RPM) Kojima encouraged Chair Busheikin to move on with the agenda if the intent of this Town Hall is not being adhered to.

Kiyo Okuda requested that he be able to speak to the minutes of March 7, 2016.

Chair Busheikin and Mr. Okuda had some discussion regarding whether or not he would be speaking to the minutes themselves or about topics within the minutes.
Chair Busheikin closed the Town Hall and moved on to the next agenda item.

4. COMMUNITY INFORMATION MEETING

None.

5. PUBLIC HEARING

None.

6. MINUTES

6.1 Local Trust Committee Minutes Dated March 7, 2016

The following amendments to the minutes were presented for consideration:

- Page 2, fourth bullet point – add "is" after "(GCA)" and replace "Learning Centre" with "F1 zoned lands."
- Page 10, under Kiyo Okuda, last sentence – replace "addresses" with "addressed"

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions Without Meeting Report

None.

6.3 Advisory Planning Commission Minutes

None.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated March 2016

RPM Kojima summarized the report.

Regarding No. 3, this has been done.

Regarding No. 2, counsel comments pertaining to the housing agreement have been received.

8. DELEGATIONS

None.

Bowie Keefer stated that he was expecting to make a delegation today because he had asked Acting Planner 2 (A/Planner 2) Stockdill to put him on the agenda.

Chair Busheikin responded that staff will follow-up with A/Planner 2 Stockdill and that Mr. Keefer would be welcome to make a delegation at the next meeting instead.

9. CORRESPONDENCE

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

None.

10. APPLICATIONS AND REFERRALS

None.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Telecommunication Strategy - Project Charter - Staff Report

RPM Kojima provided information from Staff Report dated March 30, 2016 (File No.: 6500-20-Telecommunication Strategy).

There was some discussion regarding:

- Whether or not the Local Trust Committee (LTC) wants to develop its own consultation process, and if so, then what the guidelines would be;
- Process, budget, timeline and project charter;
- Seeing what other islands are doing;
- The possibility of a Trust wide policy, using a template;
- The need for community input regarding the siting of infrastructure;
- Advisory Planning Commission (APC) not functioning as well as it could be;
- Desire to know provider services and to which parts of the island;

- Having a telecommunication strategy Special Advisory Planning Committee (Special APC), specific to Galiano;
- Process surrounding the formation of a Special APC;
- A Special APC being similar to advisory committees that were used during the Official Community Plan (OCP) review.

GL-2016-019
It was MOVED and SECONDED,
THAT, the Galiano Island Local Trust Committee appoint a Special Advisory Planning Committee to develop recommendations for consultation procedures.

CARRIED

GL-2016-020
It was MOVED and SECONDED,
THAT, the Galiano Island Local Trust Committee requests staff to report back with a draft project charter.

CARRIED

There was some discussion regarding:
- Process, scope and Terms of Reference (ToR);
- If the Special APC would look at siting;
- Needing an inventory of current internet and cell phone infrastructure, including coverage;
- Scope and ToR being broad;
- Jurisdiction and Galiano having been a de-facto decider in the past;
- ToR including Capital Region Emergency Service Telecommunications (CREST) and the east side of the island.

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated March 2016

RPM Kojima asked for direction regarding No. 2 (Affordable Housing Strategy) and asked what does the LTC want to address.

There was some discussion regarding:
- The affordable housing crisis on Galiano;
- The need for short/long term strategies/solutions and advocacy/leadership;
- Not necessarily needing a Special APC because the objective is not to create more policy;
- Capital Regional District (CRD) mandate and funding;
- How to advance Galiano's affordable housing policies and liaise with the CRD;
- Maybe inviting the CRD Electoral Area Director to have a meeting.
- Next step being to consult the affordable housing toolkit;

RPM Kojima asked for direction regarding No. 3 (Dock Review) and asked what does the LTC want to address.

There was some discussion regarding:
- Development Permit Areas (DPAs) not being able to regulate the aesthetic/impact of docks;
- Whether or not docks should be permitted;
- First Nations not wanting more docks;
- Private docks being on public land (the ocean);
- Ministry of Forests, Lands and Natural Resource Operations (FLNRO) guidelines;
- LTC having spent a lot of time on this in its last term and the need to be clear on what it is the LTC is trying to solve;
- Whether or not docks should be permitted via rezoning;
- Next step being to find out what's permitted on other islands.

12.1.2 Projects List Report Dated March 2016

Provided for information.

12.2 Applications Report Dated March 2016

Provided for information.

RPM Kojima summarized the report.

Regarding GL-RZ-2011.1 (Galiano Green), staff is waiting to receive park dedication and layout plan information.

Regarding GL-RZ-2013.1 (Landworks), staff is waiting to receive the sustainable forestry covenant.

There was some discussion regarding:
- The Land Conservancy (TLC) having been added as a covenant holder, by the applicant;
- Costs associated with multiple legal reviews;
- Efficiency of process;
- Counsel comments having been received and needing to be reflected;
- Best practice guidelines.

Regarding GL-RZ-2014.1 (Crystal Mountain Society), draft bylaws will be available at the next meeting.

There was some discussion regarding:
- Private Managed Forest Land (PMFL) Act;
- Reviewing draft bylaws prior to deciding on the need for legal advice;
- Staff attaching a legal summary, based on past opinion(s)/experience(s), to the draft bylaws.

Regarding Temporary Use Permit (TUP) applications, two have been received (GL-TUP-2016.1 (Stettner) and GL-TUP-2016.2 (Axmann)).

There was some discussion regarding TUP process being with the decision to take place during one meeting and seeing how the process goes.

12.3 Trustee and Local Expense Report

none

12.4 Adopted Policies and Standing Resolutions

Provided for information.

12.5 Local Trust Committee Webpage

The Galiano Island Local Trust Committee webpage can be found at the following URL: www.islandstrust.bc.ca/galiano

No specific updates were made; routine items will be updated as necessary.

12.6 Chair's Report

Chair Busheikin had nothing to report.

12.7 Trustee Report

Trustee Pottle reported that: she attended Trust Council (TC) on Hornby Island from March 22-24; she attended a Local Planning Committee (LPC) meeting via telephone; she's fielded lots of questions from the public regarding TUPs, Short Term Vacation Rentals (STVRs) and cottage sizes; and she plans to attend an upcoming meeting regarding affordable housing.

Trustee Harris reported that: he's a bit concerned that it's been five months since Galiano's bylaws (Re: STVRs, cottage sizes etc.) were sent to the Ministry for approval; he was away for three weeks; his office hours are Wednesday's from 4-6pm; and he enjoys email/telephone conversations and encourages people to share their thoughts/concerns with him.

RPM Kojima responded that if the Ministry had a problem with the referred bylaws, then the LTC would probably know by now.

12.8 Trust Fund Board Report Dated March 2016

Provided for information.

13. NEW BUSINESS

None.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for May 2, 2016, at the North Community Hall, Galiano Island

The meeting is scheduled as stated. There was some discussion regarding the location of the meeting and that it might be a mistake that it is to be held at the North Community Hall.

Trustee Harris stated that some community members would prefer LTC meetings to take place outside of regular business hours.

There was some discussion regarding:
- Saturday meetings being better than evening meetings;
- It being more expensive to hold meetings outside of regular business hours;
- Rescheduling logistics.

GL-2016-021
It was MOVED and SECONDED,
THAT, the Galiano Island Local Trust Committee requests staff to look into rescheduling a summer or fall Local Trust Committee meeting for a Saturday.

CARRIED

15. TOWN HALL

Chair Busheikin outlined the Town Hall rules and guidelines, which included a two minute per speaker time limit.

Debbie Holmes spoke to her recorded comments on Page 10 of the March 7, 2016 minutes.

Gary Moore spoke to Galiano's history regarding forestlands and stated support for rezoning(s) being achieved via community benefit.

Diana Lilly read a letter, which she had previously sent to the Trustees, regarding GL-RZ-2014.1 (Crystal Mountain Society). She stated support for meaningful community benefit and OCP compliance.

Nadia Krebs spoke to affordable housing and stated that she is willing to help try and solve the crisis.

Art Moses spoke to GL-RZ-2014.1 (Crystal Mountain Society). He stated: support for OCP and Land Use Bylaw (LUB) compliance; support for community benefit being achieved via land donation not covenant; and concern regarding PMFL implications. He commented that process is important.

Suzanne Fournier spoke to GL-RZ-2014.1 (Crystal Mountain Society) and stated: support for comments made by Art Moses; opposition to forest policies being revisited; and concern

regarding PMFL implications. She commented that the LTC needs to listen to the community and she doesn't agree that landowners are the best land stewards.

Suzanne Fournier read a letter, which had previously been sent to the Trustees, on behalf of Carolyn Canfield. The letter spoke to: GL-RZ-2014.1 (Crystal Mountain Society); Ms. Canfield's concern regarding the commercialization of the forest; and Ms. Canfield's support for community benefit being achieved via land donation.

Risa Smith spoke to GL-RZ-2014.1 (Crystal Mountain Society). She stated: support for OCP compliance, which is a compromise; that the community wants an unfragmented forest; that the Trustees have a mandate to uphold the OCP; and that the Crystal Mountain Society (CMS) needs to follow process and respect Galiano's OCP and LUBs.

Tom Munson spoke to GL-RZ-2014.1 (Crystal Mountain Society) and stated support for comments made by Risa Smith. He commented that the community benefit land donation portion should include the treed lot.

Bowie Keefer commented that LTC meetings need to be run in an orderly and democratic way and that he supports the Chair's handling of the first Town Hall. He provided an update regarding GL-RZ-2013.1 (Landworks) and stated that he looks forward to the conclusion of process.

Chair Busheikin responded that the LTC will be able to continue with process once the revised draft covenant has been received.

Carolyn Jerome spoke to the Telecommunication Strategy and asked that the call for volunteers, to form a Special APC, be written in friendly layman's terms. She stated concern with the Chair's handling of the first Town Hall. She stated support for comments made by Diana Lilly, Art Moses, Suzanne Fournier and Risa Smith regarding CMS.

Bill Russell spoke to the Telecommunication Strategy and stated support for putting towers where the coverage is needed. He commented that he believes that Trustee Harris reflects the opinion(s) of a large segment of the community.

Kiyo Okuda spoke to GL-RZ-2014.1 (Crystal Mountain Society) and stated that the OCP, which gives voice to the birds, bees, trees etc, needs to be respected. He spoke to the Telecommunication Strategy and stated support for infrastructure being on and synonymous with power poles. He commented that Trustees hold a position of trust.

Gary Coward spoke to GL-RZ-2014.1 (Crystal Mountain Society) and stated support for OCP compliance and the Islands Trust Act. He encouraged CMS to trust the community.

Akasha Forest stated concern with the democratic process and the ability for the public to speak to their Trustees. She spoke to GL-RZ-2014.1 (Crystal Mountain Society) and stated concern with the LTC wanting to move the application forward. She stated support for community input and due diligence.

Chair Busheikin reminded the public of the Town Hall rules and guidelines, which include no clapping and/or booing.

Steve Nemtin spoke to GL-RZ-2014.1 (Crystal Mountain Society) and stated concern with Trustee Harris, integrity of process and OCP disregard. He stated concern with the limiting intent of the first Town Hall and the Chair's handling of it. He commented that he finds it hard to trust the 'engage then change' pattern of applicant GL-RZ-2013.1 (Landworks).

Tom Hennessey spoke to cell towers and stated support for a delay in any implementation of infrastructure until federal government Electromagnetic field (EMF)/radiation exposure safety guidelines are updated. He stated support for GL-RZ-2014.1 (Crystal Mountain Society) but concern regarding the community benefit portion.

Roger Pettit spoke to GL-RZ-2014.1 (Crystal Mountain Society). He stated that process shouldn't be bound to OCP guidelines that were limited by PMFL implications. He encouraged the LTC and community to work together to find solutions.

Trish Flynn stated: concern with boutique zoning in forestlands; support for F1 rezoning(s) being attached to an affordable housing community benefit; and opposition to GL-RZ-2014.1 (Crystal Mountain Society). She commented that gated waterfronts and big estates are not of public interest and that she supports village zoning.

Chessi Miltner spoke to GL-RZ-2014.1 (Crystal Mountain Society). He stated support for OCP compliance and asked the LTC to retract their decision to move forward with draft bylaws on the basis that 75 percent of the land be protected with a conservation covenant. He stated concern with process and the Chair's handling of the meeting.

Louise Decario asked the LTC to rethink the limiting intent of the first Town Hall. She provided an update regarding the Galiano Conservancy Association (GCA) Keefer covenant associated with GL-RZ-2013.1 (Landworks). She stated that, for the past six years, the LTC has had successful rezonings whilst following the OCP.

Doug Latta stated concern with Galiano's affordable housing crisis. He stated support for GL-RZ-2011.1 (Galiano Green).

Teague Mulbair stated that CMS is not for profit and that monies received are for the basic maintenance of the property.

Stephen Ryback spoke to the Telecommunication Strategy and stated concern that it will be difficult for the LTC to balance the opinions of the community. He stated support for: industry providing a template for Galiano to fit into; a Special APC to be permanent; legal precedent being acknowledged; and open and transparent process.

Kiyo Okuda asked the LTC to rethink the limiting intent of the first Town Hall. He read a letter, which he had previously sent to the Trustees, regarding GL-RZ-2014.1 (Crystal Mountain Society). He stated concern regarding Resolution GL-2016-010 and support for meetings being recorded electronically. He stated concern regarding information available to Trustees and asked if Trustee Harris has read the OCP review Forest Advisory Committee report.

Trustee Harris responded yes, and the OCP itself.

Suzanne Fournier stated: support for democracy; concern with the limiting intent of the first Town Hall; that the OCP reflects the will of the community; and opposition to forest policies

being revisited. She commented that she believes Margaret Griffiths would be opposed to GL-RZ-2014.1 (Crystal Mountain Society).

There was some discussion regarding Margaret Griffiths.

16. CLOSED MEETING

None.

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:15 pm.

_____
Laura Busheikin, Chair

Certified Correct:

_____
David Millership, Recorder

Print Date: April 25, 2016

Resolutions Without Meeting

Galiano Island

Resolution #	Action	Resolution Desciption	Resolution Date
2016-01	In Favour	THAT the Galiano Island Local Trust Committee requests staff to enter into a Cost Recovery Agreement with property owner of Lot A, District Lot 15, Galiano Island, Cowichan District, Plan 35729, to cover all costs related to the discharge of Covenant CA2563404	14-Apr-2016

Islands Trust

Print Date: April 25, 2016

Follow Up Action Report

Galiano Island

07-Dec-2015

Activity	Responsibility	Target Date	Status
Staff to contact Ministry to follow up with Retreat Cove Covenant (IN PROGRESS).	Kim Stockdill	23-Dec-2015	On Going

01-Feb-2016

Activity	Responsibility	Target Date	Status
Galiano Green (GL-RZ-2011.1) 1. Staff to report with amendments to proposed Bylaw 234 with regards to bare land strata subdivision. 2. Staff to enter into a cost recovery agreement for review and revisions to the draft housing agreement - DONE 3. Prior to further consideration of the rezoning, staff to receive information from applicant regarding a revised layout plan, s.510 parkland requirements, and proposal outlining housing agreement administration.	Robert Kojima	01-Apr-2016	On Going

07-Mar-2016

Activity	Responsibility	Target Date	Status
Crystal Mountain (GL-RZ-2014.1) 1. Staff to research PMFL implications for potential OCP & LUB amendments relevant to OCP Forestry policies and the Crystal Mountain application. DONE 2. Staff to draft bylaws on the basis that 75% of land be protected with a conservation covenant. 3. Staff to follow up with Trust Fund staff regarding the timeline of the TFB/Crystal Mountain conservation covenant.	Sharon Lloyd-deRosario Kim Stockdill	29-Apr-2016	On Going

Follow Up Action Report

1. Staff to add Affordable Housing Strategy and Dock Review to Top Priorities - DONE 2. LTC to review Affordable Housing Toolkit to determine what aspects of Affordable Housing should be addressed.	Kim Stockdill	25-Mar-2016	On Going

04-Apr-2016

Activity	Responsibility	Target Date	Status
6.1 Minutes adopted as amended	Sharon Lloyd-deRosario Regina Robinson	25-Apr-2016	Done
11.1 Telecommunication Strategy: staff to draft a terms of reference for a special APC to develop recommendations for consultation procedures. APC work should include inventory of existing services, including internet and CREST, potential siting procedures, and options for consultation process. Staff to report back with a draft Terms of Reference and Project Charter	Kim Stockdill	25-Apr-2016	On Going
May meeting: confirm if meeting is scheduled for North Hall, follow up with local trustees	Sharon Lloyd-deRosario Regina Robinson	11-Apr-2016	Done
Staff to look at re-scheduling a future regular meeting (July or the fall) for to Saturday.	Kim Stockdill Regina Robinson	29-Apr-2016	On Going

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area **Bylaw No.:** 491 **Date:** April 6, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days, by May 6, 2016. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held in the summer of 2016.

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee, Islands Trust, 1-500 Lower Ganges Road, Salt Spring Island, BC, V8K 2N8

PURPOSE OF BYLAW:

To rezone four properties abutting a proposed Ganges Harbour Boardwalk.

GENERAL LOCATION:

Ganges Harbour, Salt Spring Island

LEGAL DESCRIPTION:

(a) Lot A, Section 1, Ranges 3 and 4 East, North Salt Spring Island, and of District Lot 2066 Cowichan District, Plan VIP83860 and a portion of the Shoreline (PID 027-249-794, 145 Lower Ganges Road)
(b) Lot 1 Sec.1, Ranges 3 and 4, North Salt Spring Island, Cowichan District, Plan 49983 and a portion of Shoreline (PID 017-088-364, Lower Ganges Road)
(c) Lot A, Section 2, Range 4 East, North Salt Spring Island and District Lot 689, Cowichan District, Plan VIP 65932 (PID 023-882-921, 151 Lower Ganges Road)
(d) Lot 3, Section 2, Range 4 East, North Salt Spring Island, Cowichan District, Plan VIP 59755 and a portion of the Shoreline (PID 018-951-775).

SIZE OF PROPERTIES AFFECTED:

(a) 0.02 hectares
(b) 14.86 square metres
(c) 0.1 hectares
(d) 3.97 hectares,

ALR STATUS:

None

OFFICIAL COMMUNITY PLAN DESIGNATION:

- Ganges Village Core
- Shoreline Development

OTHER INFORMATION:

To amend Salt Spring Island Land Use Bylaw No. 355 to provide for a new, mixed use, yet primarily commercial zoning to accommodate four properties abutting or fronting the proposed "Ganges Harbour Walk" in Ganges on Salt Spring Island. See attached staff report and proposed bylaw at first reading for further details.

Please fill out the Response Summary on the back of this form. If your agency's interests are *"Unaffected"*, no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Stefan Cermak

Title: Regional Planning Manager, Salt Spring Island Planning Team

This referral has been sent to the following agencies:

Federal Agencies
Fisheries & Oceans, Canada – Habitat & Enhancement
Transport Canada Programs

Regional Agencies
CRD – All Referrals & K. Campbell
CRD – SSI Economic Development Commission
CRD – SSI Parks and Recreation
CRD – SSI Senior Manager
CRD – SSI Building Inspection
CRD – SSI Director
CRD – SSI Transportation Commission
CRD – Environmental Eng. Division
CRD – Housing Secretariat
CRD – Parks & Community Services
CRD – Ganges Water & Sewer Commission
CRD – SSI Liquid Waste Disposal Local Service Commission
CRD – SGI Small Craft Harbours Commission

PLEASE TURN OVER

Provincial Agencies
BC Assessment Authority
Ministry of Community, Sport & Cultural Development
Ministry of Transportation & Infrastructure
Ministry of Natural Resource Operations – Archaeology Branch
Ministry of Forest Lands & Natural Resource Operations (Environment)
Ministry of Forest Lands & Natural Resource Operations
- Front Counter BC
Ministry of Jobs, Tourism & Skills
Ministry of Transportation and Infrastructure

Adjacent Local Trust Committees and Municipalities
Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee

Non-Agency Referrals
BC Ambulance Service
North Salt Spring Waterworks District
RCMP
School District 64
SSI Chamber of Commerce
SSI Fire-Rescue
SSI Harbour Authority
SSI Salmon Enhancement Society

First Nations
Te'Mexw Treaty Association
Hul'qumi'num Treaty Group (for information only)
Pauquachin First Nation
Malahat First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
Chemainus First Nation
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut First Nation
Semiahmoo First Nation

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reasons Outlined Below**

☐ **Approval Recommended Subject to Conditions Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason Outlined Below**

Salt Spring Island Trust Area	491
(Island)	(Bylaw Number)
(Signature)	(Title)
(Date)	(Agency)

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area **Bylaw No.:** 492 **Date:** April 18, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee

PURPOSE OF BYLAW:

A bylaw to amend the Salt Spring Island Land Use Bylaw No. 355 for minor housekeeping amendments which fall within one of the three following criteria:

- congruent with current legislation;
- clarification for consistent interpretation; and
- consistent with intended purpose.

GENERAL LOCATION:

Salt Spring Island and Associated Islands and Waters

LEGAL DESCRIPTION:

Capital Regional District Electoral Area "F" including Salt Spring Island, Associated Islands and Waters

SIZE OF PROPERTY AFFECTED:	ALR STATUS:	OFFICIAL COMMUNITY PLAN DESIGNATION:
		Salt Spring Island Local Trust Committee Bylaw No. 434

OTHER INFORMATION:

Please fill out the Response Summary on the back of this form. If your agency's interests are *"Unaffected"*, no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Seth Wright

Title: Planner

This referral has been sent to the following agencies:

Provincial Agencies
Agricultural Land Commission
Ministry of Agriculture
BC Assessment Authority
Ministry of Transportation & Infrastructure
Ministry of Forest Lands & Natural Resource Operations – Front Counter BC

First Nations
Te'Mexw Treaty Association
Hul'qumi'num Treaty Group (for information only)
Pauquachin First Nation
Malahat First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
Chemainus First Nation
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut First Nation
Semiahmoo First Nation

Regional Agencies
CRD – All Referrals & K. Campbell
CRD – SSI Economic Development Commission
CRD – SSI Parks and Recreation
CRD – SSI Senior Manager
CRD – SSI Building Inspection
CRD – SSI Director
CRD – SSI Transportation Commission
CRD – Parks & Community Services
CRD – Ganges Water & Sewer Commission
CRD – SSI Liquid Waste Disposal Local Service Commission
Vancouver Island Health Authority

Non-Agency Referrals
North Salt Spring Waterworks District
School District 64
SSI Chamber of Commerce
SSI Fire-Rescue
SSI Harbour Authority

Adjacent Local Trust Committees and Municipalities
Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reasons Outlined Below**

☐ **Approval Recommended Subject to Conditions Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason Outlined Below**

Salt Spring Island Trust Area	492
(Island)	(Bylaw Number)
(Signature)	(Title)
(Date)	(Agency)

PRELIMINARY BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area **Bylaw No.:** 493 **Date:** April 18, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:
Salt Spring Island Local Trust Committee

PURPOSE OF BYLAW:
To amend the Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (Green house gas emission reduction targets, policies and actions) per Section 473, Subsection 3 of the Local Government Act.

GENERAL LOCATION:
Piers Island, South West of Salt Spring Island, North East of Saanich Peninsula

LEGAL DESCRIPTION:
Piers Island, Victoria District

SIZE OF PROPERTY AFFECTED:

ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:
Piers Island Official Community Plan Bylaw No. 51

OTHER INFORMATION:

Please fill out the Response Summary on the back of this form. If your agency's interests are *"Unaffected"*, no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Seth Wright

Title: Planner

This referral has been sent to the following agencies:

Provincial Agencies
BC Assessment Authority
BC Ferry Services Inc.
Ministry of Community, Sport & Cultural Development
Ministry of Energy
Ministry of Transportation & Infrastructure
Ministry of Forest Lands & Natural Resource Operations – Environment
Ministry of Forest Lands & Natural Resource Operations – Front Counter BC

First Nations
Te'Mexw Treaty Association
Hul'qumi'num Treaty Group (for information only)
Pauquachin First Nation
Malahat First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Chemainus First Nation
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut First Nation
Semiahmoo First Nation

Regional Agencies
CRD – All Referrals & K. Campbell
CRD – SSI Building Inspection
CRD – SSI Director
CRD – Environmental Eng. Division
CRD- SGI Small Craft Harbours Commission
Vancouver Island Health Authority

Non-Agency Referrals
SS Ferry Advisory Committee

Adjacent Local Trust Committees and Municipalities
Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Islands Trust Fund

PRELIMINARY BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ **Approval Recommended for Reasons Outlined Below**

☐ **Approval Recommended Subject to Conditions Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason Outlined Below**

Salt Spring Island Trust Area	493
(Island)	(Bylaw Number)
(Signature)	(Title)
(Date)	(Agency)

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Thetis Island Local Trust Area **Bylaw No.s:** 98 **Date:** April 13, 2016

You are requested to comment on the attached Bylaws for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS: Hardy Island Granite Quarries Ltd., 47312 Schooner Way, Pender Island, BC

PURPOSE OF BYLAW:

To amend the Valdes Island Rural Land Use Bylaw No. 42 by changing the zoning classification of the Crown foreshore or land covered by water being part being part of the bed of Pylades Channel, adjacent to Lyackson IR3, Valdes Island, from Marine Conservation (W1) to Marine Barge Facility (W7) to allow barge loading and unloading.

For staff reports and background information please see the Thetis Island webpage:
http://www.islandstrust.bc.ca/islands/local-trust-areas/thetis/current-applications/

GENERAL LOCATION:

Crown foreshore in Pylades Channel adjacent to Lyackson IR3, Valdes Island.

LEGAL DESCRIPTION:

Unsurveyed Crown foreshore or land covered by water being part of the bed of Pylades Channel, adjacent to Lyackson IR3, Valdes Island.

SIZE OF PROPERTY AFFECTED:	ALR STATUS:	OFFICIAL COMMUNITY PLAN DESIGNATION:
Approximately 0.272 ha (0.67 ac)	n/a	n/a

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

Please fill out the Response Summary on the back of this form. If your agency's interests are *"Unaffected"*, no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

M. Eggen

(Signature)

Name: Marnie Eggen

Title: Planner 2

Contact Info: Tel: 250-247-2210
Email: meggen@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Federal Agencies
Environment Canada
Parks Canada
Transport Canada

Provincial Agencies
Ministry of Environment
Ministry of Forest, Lands & Natural Resource Operations
- Archaeology Branch
- Ecosystems Branch

Non-Agency Referrals
School District No. 68 (Nanaimo-Ladysmith)
Ruxton Island Property Owners Association
DeCourcy Island Community Association

Regional Agencies
Cowichan Valley Regional District
Nanaimo Regional District

Adjacent Local Trust Committees and Municipalities
Galiano Island Local Trust Committee
Salt Spring Island Local Trust Committee
Gabriola Island Local Trust Committee
Town of Ladysmith

First Nations
Semiahmoo First Nation
Stz'uminus First Nation
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Snuneymuxw First Nation
Hul'qumi'num Treaty Group

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reasons Outlined Below**

☐ **Approval Recommended Subject to Conditions Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason Outlined Below**

Thetis Island Local Trust Area	Amendment Bylaw No. 98 (Amending Valdes Island Rural Land Use Bylaw No. 42)
(Island)	(Bylaw Number)
(Signature)	(Name and Title)
(Date)	(Agency)

STAFF REPORT

April 21, 2016 **File No.:** GL-TUP-2016.1

To: Galiano Local Trust Committee
For LTC Meeting: May 2, 2016

From: Phil Testemale, A/Planner 2

CC: Kim Stockdill, A/Planner 2
Robert Kojima, Regional Planning Manager
Thomas Loo, Bylaw Enforcement Officer

Re: Temporary Use Permit Application

Owner: Jon and Connie Stettner
Applicant: Same
Description: Lot 2, Section 7, Galiano Island, Cowichan District, Plan 11812, Except Part in Plan 44188
PID: 004-857-950
Civic Address: 1801 Sturdies Bay Road

THE PROPOSAL:
This application is to consider a Temporary Use Permit (TUP) for a Commercial Vacation Rental within a Dwelling Unit.

BACKGROUND:
The proposal is to allow for a TUP for a Commercial Vacation Rental use within an existing single family dwelling that has a 100 m² (1050 ft²) building footprint with a smaller second floor area. The application is the result of the bylaw enforcement action for illegal Short Term Vacation Rentals on Galiano (see Bylaw Enforcement - below).

The applicant's stated reasons for the proposed temporary use are to create revenue to cover costs (taxes, etc.); to provide work for Galiano residents; and to share their residence with people that would like to have a gulf island experience.

The applicants have rented specifically with Airbnb for the past year (approx.). They have a minimum stay of 3 nights and maximum of 4 weeks. They rent year round but primarily in the summer months and use the dwelling themselves for one month each summer.

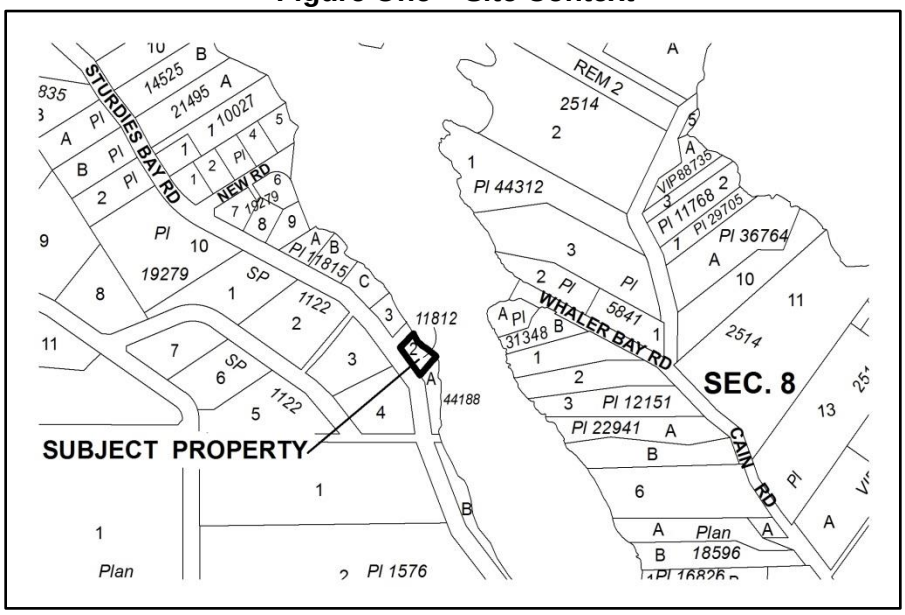
There is no construction or land alteration associated with this application.

The proposed TUP is for a term of three (3) years which can be renewed for a further three (3) years by application. A copy of the proposed GL-TUP-2016.1 and a completed TUP checklist are attached.

SITE CONTEXT:

The property is a small 0.1 ha (0.25 ac) waterfront property on Whaler Bay. There is only one direct neighbour (to the southeast) with all others being separated by Sturdies Bay Road or the public access to the north (Figure One). All surrounding properties are residential and of the same or larger size.

Figure One – Site Context



Photos

Figure Two – Orthophoto

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.

5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for commercial vacation rental within a dwelling unit with water conservation measures is consistent with above policies.

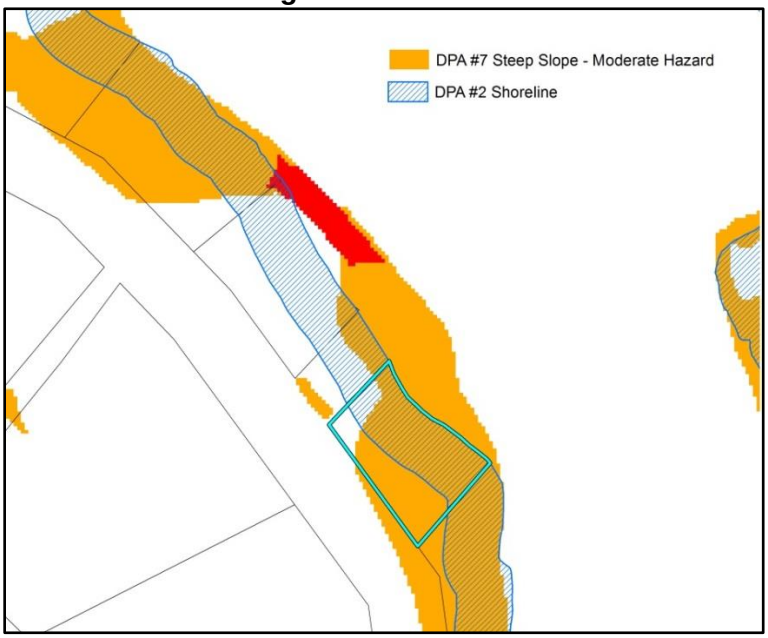
Official Community Plan

The property is designated as **Village Residential 2 (VR2)** in the Galiano Island Official Community Plan No. 108, 1995 (OCP).

Conformity of proposal with the objectives and guidelines for TUP applications for vacation rentals is analyzed in the 'TUP – Commercial Vacation Rental' Checklist - attached.

Development Permit Areas 2 – Shoreline and **7 – Steep Slope – Moderate Hazard** are designated on the subject property (Figure Two).

Figure Two - DPAs



Land Use Bylaw
The property is zoned as **Village Residential 2 Zone (VR2)** in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB).

The property is within the Water Management Area established in the LUB wherein a building permit for a dwelling would require a cistern for rainwater collection with a capacity of 16,000L.

Islands Trust Fund
This application has no considerations for the Islands Trust Fund and has no considerations for the Regional Conservation Plan.

Covenants
There are no covenants registered on the subject property's title.

Sensitive Ecosystems and Hazard Areas
Other than the identified shoreline ecosystem (above) there are no other sensitive ecosystems identified with mapping databases. The DPA 7 (above) identifies the area as being in the steep slope moderate hazard.

Archaeological Sites
There are no identified archaeological sites on the property.

Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Bylaw Enforcement:
The application is for compliance that resulted from LTC enforcement strategy (property file: GL-BE-2015.36) for illegal STVRs on the island. There are no other enforcement issues recorded for the property.

Climate Change Mitigation and Adaptation
There is no development associated with this application therefore GHG emission changes resulting from approval and anticipated or possible climate change induced hazards are neutral.

Shoreline
The identified shoreline type is **Low Rock/Boulder.**

RESULTS OF CIRCULATION:
TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on April 13, 2016. The notification period will end at 4:30 p.m. on April 29, 2016. At the writing of this report no public submissions were received.

Any further public submissions will be forwarded to the LTC and presented at the Galiano Island LTC meeting on May 2, 2016.

STAFF COMMENTS:

TUP Objectives and Guidelines

The attached 'TUP Checklist for Commercial Vacation Rental' analyzes the proposal and proposed TUP for compliance with objectives and guidelines of the OCP, which, with the exception of water supply (see next), the proposal is compliant.

Water

The subject property is within the Water Management Area established in the LUB. This area is identified as having issues of water shortages associated with aquifer depletion and recharge, and salt water intrusion. Although the dwelling is small in size, it is on a small lot and there is potential for increased water usage resulting from the use. The aggregate of multiple vacation rentals in the area should also be considered.

New dwellings in the Management Area require a minimum 16,000 litre capacity rainwater catchment cistern be installed. A condition for the same standard has been put in the proposed TUP with the reasonable consideration that it must be installed within 12 months from the date of issuance of the permit.

Staff received information on April 21, 2016 that the property was in a registered water improvement district (Section Seven Water Works [SSWW]) that is not indicated on the Islands Trust mapping database and was previously unknown to staff. A copy of the proposed TUP has been referred to the SSWW and it is anticipated that they will either respond in writing to the LTC or present the concerns at the meeting.

Applicant's Rational for the Proposed Use

The applicants have provided reasons for the use that reflect the common situation for absent owners who wish to rent their dwellings. Namely, the rental offsets costs associated with ownership, providing work for island residents and sharing the cottage with those who want a gulf island experience.

Response to Neighbour and Public Notification

At the time of writing, there has been no response to the notification process. The applicants have indicated that they have spoken to neighbours, and to date have had no complaints.

Permit Conditions

The proposed TUP incorporates all of the conditions that have been established in the OCP, plus water conservation measures. In this case the permit allows for a maximum of four (4) guests in two (2) bedrooms.

Given the foregoing and attached information, staff is recommending that GL-TUP-2016.1 (Stettner) be approved.

RECOMMENDATIONS:

1. **THAT** Temporary Use Permit GL-TUP-2016.1 (Stettner) **BE APPROVED**.

Prepared and Submitted by:

April 21, 2016

Date

Concurred in by:

April 21, 2016

Robert Kojima
Regional Planning Manager

Date

Attachments: Proposed GL-TUP-2016.1 (Stettner)
TUP Checklist for Commercial Vacation Rental

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2016.1 (Stettner)

1801 Sturdies Bay Road

To: Jon & Connie Stettner

1. This Permit applies to the land described below:

   Lot 2, Section 7, Galiano Island, Cowichan District, Plan 11812, except part in Plan 44188 (PID: 004-857-950).

2. This Permit is issued for the purpose of permitting the owner to conduct the following uses on their property:

   a) a Commercial Vacation Rental within the Dwelling Unit;

3. and is subject to the following conditions:

   a) the property owner or other contact person be available on Galiano Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and on island contact person must be provided to guests upon arrival;
   b) the property owner or Commercial Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact persons phone number, and a copy of the temporary use permit;
   c) the property owner or Commercial Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
   d) the owner will install a cistern for the storage of rainwater having a capacity if at least 16,000 litres.
   e) the cistern cited in d) shall be installed within twelve (12) months of the issuance of this permit.
   f) the maximum number of guests is limited to four (4) persons;
   g) the maximum number of guests per bedroom is two (2) persons;
   h) camping and occupancy of recreational vehicles are prohibited;
   i) a maximum of one sign unilluminated not exceeding a total sign area of 0.4 square metres advertising the Commercial Vacation Rental is permitted . The sign must be located on the lot occupied by the Commercial Vacation Rental use;
   j) the rental or provision of motorized personal watercraft is prohibited;
   k) all outdoor fires are prohibited;
   l) the owner must provide parking for a minimum of two (2) vehicles on the property;
   ~~m) outdoor lighting must not be directed onto surrounding properties;~~
   n) the property owner or Commercial Vacation Rental operator must post for guests emergency service contact information and to provide a means for contacting them;
   o) the property owner or Commercial Vacation Rental operator must post name and contact number of property owner and on island contact person, and permit information at the entrance to the property; and

p) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint.

4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.

5. 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, including approvals from the Capital Regional District, Vancouver Island Health Authority and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS Xth DAY OF MONTH, 201X.

_____
Deputy Secretary, Islands Trust

_____
Date Issued

TUP Checklist for Commercial Vacation Rental: GL-TUP-2016.1 (Stettner)
1801 Sturdies Bay Road

Guidelines	Comments
Overall TUP Guidelines	
a) **Time Period** - For the purpose of a temporary use permit, "commercial vacation rental" means the use of a *residence* 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	Yes – by definition of the use in TUP.
b) **Cumulative Effects** - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	This is one of only two current TUP applications in Whaler Bay.
c) **Residential Appearance** - The Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.	No alterations proposed
d) **Neighbour Concerns** - The Local Trust Committee may require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening.	At the time of writing, notification has not generated any comments.
e) **Water Supply** - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min) Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	**Water:** The property is inside the water management area. Small dwelling size. A condition to install a 16,000 litre rainwater catchment cistern within one year of issuance of the permit has been put in the proposed TUP. **Septic:** They have two (2) 950 litre (250 gal) septic tanks.
f) **Parking** - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	2 spaces
Permit Conditions	
g) ***Conditions*** - In addition to any other conditions the LTC may consider appropriate, the permit may:	

Guidelines	Comments
i. require that the owner or other **contact** be available on Galiano by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit	Yes – on Island contact
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a **copy** of the temporary use permit	Yes
iii. require the landowner to **post for guests information** on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area	Yes
iv. establish a **maximum number of people** that can stay	Four (4)
v. establish a **maximum number of guests** per bedroom	Two (2) in two (2) bedrooms
vi. **prohibit camping** or occupancy of RVs on the property	Yes
vii. **restrict advertising** to one unilluminated sign, with a maximum area	Yes
viii. **prohibit** the rental or provision of **motorized personal watercraft**	Yes
ix. prohibit outdoor fires	Yes
x. establish the **dates** during which the use may occur	n/a
xi. include a provision stating that the **bylaw enforcement officer may enter** the property between certain hours without prior consultation if a complaint is received	yes
xii. require that the landowner/operator **post for guests emergency service contact information** and to provide a means for contacting them	Yes
xiii. require the landowner/operator to **post contact information and permit information** at the entrance to the property	Yes
Agriculture Land Reserve	
h) ***Agriculture Land Reserve (ALR)***- A temporary use permit respecting a parcel in the ALR may require the approval of the Agriculture Land Commission prior to the permit being issued.	n/a

***Water Management Areas** – as established on Schedule C of the *Galiano Island Land Use Bylaw No. 127, 1999*

STAFF REPORT

April 21, 2016 **File No.:** GL-TUP-2016.2 (Axmann)

To: Galiano Local Trust Committee
For LTC Meeting: May 2, 2016

From: Phil Testemale, A/Planner 2

CC: Kim Stockdill, A/Planner 2
Robert Kojima, Regional Planning Manager
Thomas Loo, Bylaw Enforcement Officer

Re: Temporary Use Permit Application

Owner: Thomas Axmann
Applicant: Same
Description: Lot 5, District Lot 6, Galiano Island, Cowichan District, Plan 11839
PID: 002-253-267

Civic Address: 625 Harper Road

THE PROPOSAL:
This application is to consider a Temporary Use Permit (TUP) for a Commercial Vacation Rental within a Dwelling Unit.

BACKGROUND:
The proposal is to allow for a TUP for a Commercial Vacation Rental use within an existing single family dwelling. The application is the result of the bylaw enforcement action for illegal Short Term Vacation Rentals on Galliano (see Bylaw Enforcement - below).

The subject dwelling is a two bedroom second home which the owners' use for approximately half of the year primarily to repeat guests. They have owned the house since 1994 and have been renting the house in this manner for many of those years. The stated reasons for the proposed temporary use are to create revenue to cover costs (insurance, taxes, utilities, maintenance).

There is no construction or land alteration associated with this application.

The proposed TUP is for a term of three (3) years which can be renewed for a further three (3) years by application. A copy of the proposed GL-TUP-2016.2 and a completed TUP checklist are attached.

SITE CONTEXT:
The property is a 0.38 ha (0.93 ac) waterfront property on Harper Road. The property has direct neighbours either side (west and east) with water frontage to the north. With the exception of the properties in the same subdivision, surrounding properties are larger parcels with residential uses. (Figure One).

Figure One – Site Context

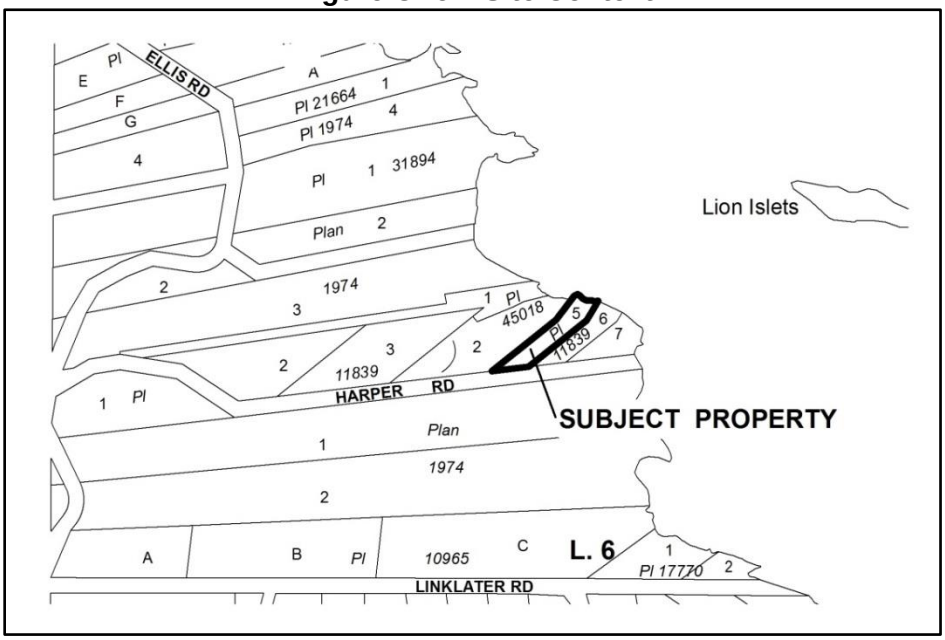


Figure Two – Orthophoto with Archaeological Site

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.

5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for commercial vacation rental within a dwelling unit is consistent with above policies.

Official Community Plan

The property is designated as **Small Lot Residential (SLR)** in the Galiano Island Official Community Plan No. 108, 1995 (OCP).

Conformity of this proposal with the objectives and guidelines for TUP applications for commercial vacation rentals is analyzed in the 'TUP – Commercial Vacation Rental' Checklist - attached.

Development Permit Areas 2 – Shoreline and **7 – Steep Slope – Moderate Hazard** are designated on the subject property (Figure Three). No development activity requiring a DP is proposed.

Land Use Bylaw

The property is zoned as **Small Lot Residential (SLR)** in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB)

The property is not within the Water Management Area established in the LUB.

Islands Trust Fund

This application has no considerations for the Islands Trust Fund and has no considerations for the Regional Conservation Plan.

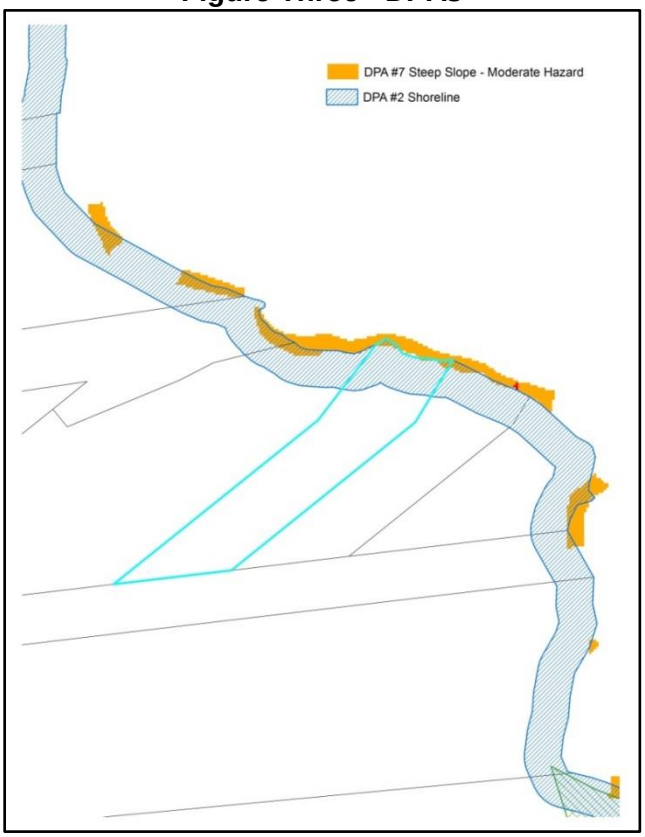
Covenants

There are no covenants registered on the subject property's title.

Sensitive Ecosystems and Hazard Areas

Other than the identified shoreline ecosystem (above) there are no other sensitive ecosystems identified with mapping databases. The DPA 7 (above) identifies the area as being in the steep slope moderate hazard.

Figure Three - DPAs



Archaeological Sites
There is an archaeological site on the property as shown in Figure Two (above).

Notwithstanding the foregoing and the fact that no development is associated with this application and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain additional, previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Bylaw Enforcement:
The application is for compliance that resulted from LTC enforcement strategy (property file: GL-BE-2015.30) for illegal STVRs on the island. There are no other enforcement issues recorded for the property

There is no development associated with this application therefore GHG emission changes resulting from approval and anticipated or possible climate change induced hazards are neutral.

Shoreline
The identified shoreline type is **Low Rock/Boulder.**

RESULTS OF CIRCULATION:

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on April 13, 2016. The notification period will end at 4:30 p.m. on April 29, 2016. At the writing of this report no public submissions were received.

Any further public submissions will be forwarded to the LTC and presented at the Galiano Island LTC meeting on May 2, 2016.

STAFF COMMENTS:

TUP Objectives and Guidelines

The attached 'TUP Checklist for Commercial Vacation Rental' analyzes the proposal and proposed TUP for the objectives and guidelines of the OCP with which the proposal is compliant. The property is outside of a water management area; is a reasonably large property in an area of primarily larger parcels; they rent to a maximum of four (4) guests in two bedrooms; and the applicants have stated that the water supply has proved "more than adequate" since owning the house (1994).

Applicant's Rational for the Proposed Use

The applicants have provided reasons for the use that reflect the common situation for absent owners who rent their dwelling for commercial vacation rental. Namely, the rentals offsets costs associated with ownership including insurance, taxes, utilities and maintenance.

Response to Neighbour and Public Notification

At the time of writing, there has been no response to the notification process. The applicants have indicated that they have spoken to neighbours, and to date have had no complaints.

Permit Conditions

The proposed TUP incorporates all of the conditions that have been established in the OCP. In this case the permit allows for a maximum of four (4) guests in two (2) bedrooms.

Given the foregoing and attached information, staff is recommending that GL-TUP-2016.2 (Axmann) be approved.

RECOMMENDATIONS:

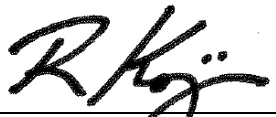
1. **THAT** Temporary Use Permit GL-TUP-2016.2 (Axmann) **BE APPROVED**.

Prepared and Submitted by:

April 21, 2016

Date

Concurred in by:



April 21, 2016

Date

Robert Kojima
Regional Planning Manager

Attachments: Proposed GL-TUP-2016.2 (Axmann)
TUP (STVR) Checklist

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2016.2 (Axmann)

625 Harper Road

To: Thomas Axmann

1. This Permit applies to the land described below:

   Lot 5, District Lot 6, Galiano Island, Cowichan District, Plan 11839,
   (PID: 002-253-267).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

   a) a Commercial Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

   a) the property owner or other contact person be available on Galiano Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and on island contact person must be provided to guests upon arrival;
   b) the property owner or Commercial Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact persons phone number, and a copy of the temporary use permit;
   c) the property owner or Commercial Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
   d) the maximum number of guests is limited to four (4) persons;
   e) the maximum number of guests per bedroom is two (2) persons;
   f) camping and occupancy of recreational vehicles are prohibited;
   g) a maximum of one sign unilluminated not exceeding a total sign area of 0.4 square metres advertising the Commercial Vacation Rental is permitted . The sign must be located on the lot occupied by the Commercial Vacation Rental use;
   h) the rental or provision of motorized personal watercraft is prohibited;
   i) all outdoor fires are prohibited;
   j) the owner must provide parking for a minimum of two (2) vehicles on the property;
   k) outdoor lighting must not be directed onto surrounding properties;
   l) the property owner or Commercial Vacation Rental operator must post for guests emergency service contact information and to provide a means for contacting them;
   m) the property owner or Commercial Vacation Rental operator must post name and contact number of property owner and on island contact person, and permit information at the entrance to the property; and

n) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint.

4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.

5. 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, including approvals from the Capital Regional District, Vancouver Island Health Authority and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS Xth DAY OF MONTH, 201X.

_____
Deputy Secretary, Islands Trust

_____
Date Issued

TUP Checklist for Commercial Vacation Rental: GL-TUP-2016.2 (Axmann)
625 Harper Road

Guidelines	Comments
Overall TUP Guidelines	
a) **Time Period** - For the purpose of a temporary use permit, "commercial vacation rental" means the use of a *residence* 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	Yes – by definition of the use in TUP.
b) **Cumulative Effects** - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	At this point there have been no other TUP applications in this neighbourhood.
c) **Residential Appearance** - The Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.	No alterations proposed
d) **Neighbour Concerns** - The Local Trust Committee may require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening.	At the time of writing, notification has not generated any comments.
e) **Water Supply** - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min) Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	**Water:** The property is outside of a water management area, and: • is a reasonably large property in an area of primarily larger parcels • they rent to a maximum of four (4) guests in two bedrooms, and • applicants have stated that the water supply has proved "more than adequate" since owning the house (1994). • currently, they post signs reminding guests to be mindful of the water usage. • Water conservation information to be posted (g.iii – below) **Septic:** They have a 2727 litre (600 gal) septic tank that is pumped regularly without issues.
f) **Parking** - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	2 spaces
Permit Conditions	
g) ***Conditions*** - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. require that the owner or other **contact** be	Yes

Guidelines	Comments
available on Galiano by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit	
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a **copy** of the temporary use permit	Yes
iii. require the landowner to **post for guests information** on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area.	Yes
iv. establish a **maximum number of people** that can stay	Four (4)
v. establish a **maximum number of guests** per bedroom	Two (2) in two (2) bedrooms
vi. **prohibit camping** or occupancy of RVs on the property	Yes
vii. **restrict advertising** to one unilluminated sign, with a maximum area	Yes
viii. **prohibit** the rental or provision of **motorized personal watercraft**	Yes
ix. prohibit outdoor fires	Yes
x. establish the **dates** during which the use may occur	n/a
xi. include a provision stating that the **bylaw enforcement officer may enter** the property between certain hours without prior consultation if a complaint is received	yes
xii. require that the landowner/operator **post for guests emergency service contact information** and to provide a means for contacting them	Yes
xiii. require the landowner/operator to **post contact information and permit information** at the entrance to the property	Yes
Agriculture Land Reserve	
h) ***Agriculture Land Reserve*** - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	n/a

***Water Management Areas** – as established on Schedule C of the *Galiano Island Land Use Bylaw No. 127, 1999*

STAFF REPORT

April 21, 2016 **File No.:** GL-TUP-2016.3 (Coleman)

To: Galiano Local Trust Committee
For LTC Meeting: May 2, 2016

From: Phil Testemale, A/Planner 2

CC: Kim Stockdill, A/Planner 2
Robert Kojima, Regional Planning Manager
Thomas Loo, Bylaw Enforcement Officer

Re: Temporary Use Permit Application

Owner: Graham and Linda Coleman
Applicant: Same
Description: Lot 3, Section 4 and 5, Galiano Island, Cowichan District, Plan 16826,
PID: 004-067-452
Civic Address: 2333 Sturdies Bay Road

THE PROPOSAL:
This application is to consider a Temporary Use Permit (TUP) for a Commercial Vacation Rental within a Dwelling Unit.

BACKGROUND:
The proposal is to allow for a TUP for a Commercial Vacation Rental use within an existing 300 m² (3235 ft²) two storey, single family dwelling. The application is the result of the bylaw enforcement action for illegal short term vacation rentals on Galiano (see Bylaw Enforcement - below).

The applicant's stated reasons for the proposed temporary use are to be able to rent out the home as a vacation rental to help offset the costs of the home. In addition, they assert the use will increase tourism and employment on the island. The applicant has stated that the long term plan is to cease the use when they retire and move to the house.

Currently they rent three (3) rooms with queen beds and one (1) room with two (2) single beds for a total of eight (8) people.

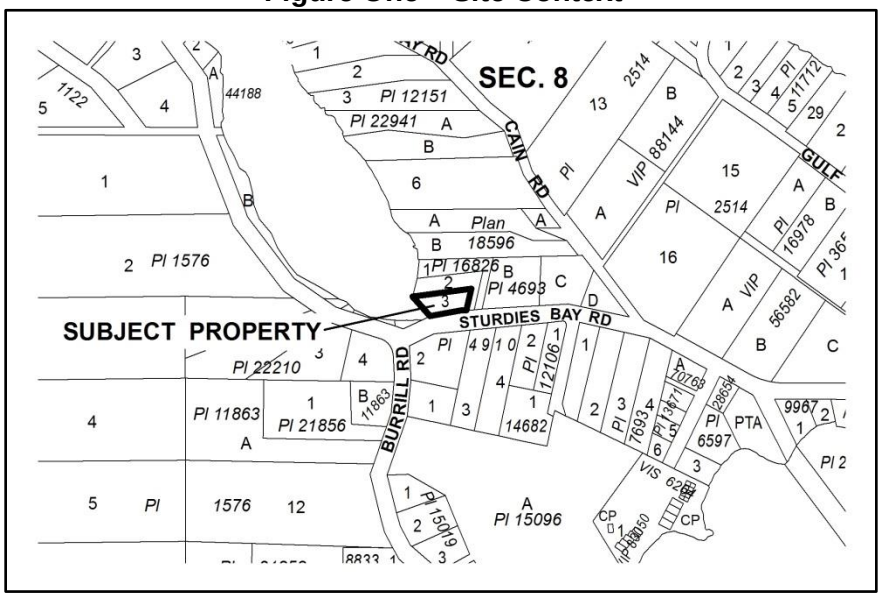
There is no construction or land alteration associated with this application.

The proposed TUP is for a term of three (3) years which can be renewed for a further three (3) years by application. A copy of the proposed GL-TUP-2016.3 and a completed TUP checklist are attached.

SITE CONTEXT:

The property is a small 0.17 ha (0.42 ac) waterfront property at the head of Whaler Bay. There is only one direct neighbour (to the north) with all others being separated by Sturdies Bay Road (Figure One). All surrounding properties are residential and of a similar size.

Figure One – Site Context



Photos

Figure Two – Orthophoto

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.

5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for commercial vacation rental within a dwelling unit with water conservation measures is consistent with above policies.

Official Community Plan

The property is designated as **Village Residential 2 (VR2)** in the Galiano Island Official Community Plan No. 108, 1995 (OCP).

Conformity of proposal with the objectives and guidelines for TUP applications for vacation rentals is analyzed in the 'TUP – Commercial Vacation Rental' Checklist - attached.

Development Permit Areas 1 – Riparian and Development Permit 2 – Shoreline are designated on the subject property (Figure Two). No development activity requiring a DP is proposed.

Land Use Bylaw

The property is zoned as **Village Residential 2 Zone (VR2)** in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB)

The property is within the Water Management Area established in the LUB wherein a building permit for a dwelling would require a cistern for rainwater collection.

Islands Trust Fund

This application has no considerations for the Islands Trust Fund and has no considerations for the Regional Conservation Plan.

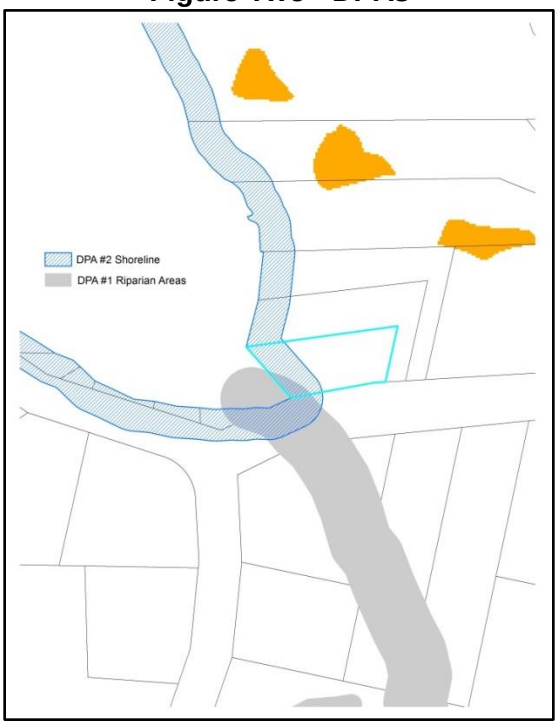
Covenants

There is a covenant registered in favour of the CRD on the subject property's title. This is a standard covenant requiring an engineer's report for lands subject to flooding.

Sensitive Ecosystems and Hazard Areas

Other than the identified riparian and shoreline ecosystems (above) there are no other sensitive ecosystems identified with mapping databases. There are no areas identified as being in the steep slope hazard area.

Figure Two - DPAs



Archaeological Sites
There are no identified archaeological sites on the property.

Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Bylaw Enforcement:
The application is for compliance that resulted from LTC enforcement strategy (property file: GL-BE-2015.8) for illegal STVRs on the island. There are no other enforcement issues recorded for the property.

Climate Change Mitigation and Adaptation
There is no development associated with this application therefore GHG emission changes resulting from approval and anticipated or possible climate change induced hazards are neutral.

Shoreline
The identified shoreline type is **pebble/sand beach.**

RESULTS OF CIRCULATION:

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on April 13, 2016. The notification period will end at 4:30 p.m. on April 29, 2016. At the writing of this report no public submissions were received.

Any further public submissions will be forwarded to the LTC and presented at the Galiano Island LTC meeting on May 2, 2016.

STAFF COMMENTS:

TUP Objectives and Guidelines

The attached 'TUP Checklist for Commercial Vacation Rental' analyzes the proposal and proposed TUP for compliance with objectives and guidelines of the OCP, which, with the exception of water supply (see next), the proposal is compliant.

Water

The subject property is within the Water Management Area established in the LUB. This area is identified as having issues of water shortages associated with aquifer depletion and recharge, and salt water intrusion. The dwelling is large in size and is on a small lot and there is potential for increased water usage resulting from the use. The aggregate of multiple vacation rentals in the area should also be considered.

The applicant has stated that there is a 1364 litre (300 gal) water storage tank in the property's wellhouse, plus 682 litres (150 gal) of storage in the well (total of 2045 litres/450 gallons) with an estimated recovery of 136 litres (30 gallons) per hour. In addition there is a rainwater water catchment system with a 9000 litre (2000 gal) cistern.

New dwellings in the Water Management Area require a minimum 16,000 litre capacity rainwater catchment cistern be installed. A condition to increase the cistern capacity to the same standard (by adding 7000 litres) has been put in the proposed TUP with the reasonable consideration that it must be installed within 12 months from the date of issuance of the permit.

Applicant's Rational for the Proposed Use

The applicants have provided reasons for the use that reflect the common situation for absent owners who wish to rent their dwellings. Namely, the rental offsets costs associated with ownership, providing work for island residents and adding to tourism on the island.

Response to Neighbour and Public Notification

At the time of writing, there has been no response to the notification process.

Permit Conditions

The proposed TUP incorporates all of the conditions that have been established in the OCP, plus water conservation measures. In this case the permit allows for a maximum of eight (8) guests in four (4) bedrooms.

Given the foregoing and attached information, staff is recommending that GL-TUP-2016.3 (Coleman) be approved.

RECOMMENDATIONS:

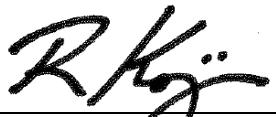
1. **THAT** Temporary Use Permit GL-TUP-2016.3 (Coleman) **BE APPROVED**.

Prepared and Submitted by:

April 21, 2016

Date

Concurred in by:



April 21, 2016

Date

Robert Kojima
Regional Planning Manager

Attachments: Proposed GL-TUP-2016.3 (Coleman)
TUP Checklist - Commercial Vacation Rental

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2016.3 (Coleman)

2333 Sturdies Bay Road

To: Graham & Linda Coleman

1. This Permit applies to the land described below:

   Lot 3, Section 4 and 5, Galiano Island, Cowichan District, Plan 16826,
   (PID: 004-067-452).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

   a) a Commercial Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

   a) the property owner or other contact person be available on Galiano Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and on island contact person must be provided to guests upon arrival;
   b) the property owner or Commercial Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact persons phone number, and a copy of the temporary use permit;
   c) the property owner or Commercial Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
   d) the owner will install a cistern for the storage of rainwater having a capacity if at least 7,000 litres;
   e) the cistern cited in d) shall be installed within twelve (12) months of the issuance of this permit;
   f) the maximum number of guests is limited to eight (8) persons;
   g) the maximum number of guests per bedroom is two (2) persons;
   h) camping and occupancy of recreational vehicles are prohibited;
   i) a maximum of one sign unilluminated not exceeding a total sign area of 0.4 square metres advertising the Commercial Vacation Rental is permitted . The sign must be located on the lot occupied by the Commercial Vacation Rental use;
   j) the rental or provision of motorized personal watercraft is prohibited;
   k) all outdoor fires are prohibited;
   l) the owner must provide parking for a minimum of two (2) vehicles on the property;
   ~~m) outdoor lighting must not be directed onto surrounding properties;~~
   n) the property owner or Commercial Vacation Rental operator must post for guests emergency service contact information and to provide a means for contacting them;
   o) the property owner or Commercial Vacation Rental operator must post name and contact number of property owner and on island contact person, and permit information at the entrance to the property; and

p) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint.

4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.

5. 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, including approvals from the Capital Regional District, Vancouver Island Health Authority and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS Xth DAY OF MONTH, 201X.

_____
Deputy Secretary, Islands Trust

_____
Date Issued

TUP Checklist for Commercial Vacation Rental: GL-TUP-2016.3 (Coleman)
2333 Sturdies Bay Road

Guidelines	Comments
Overall TUP Guidelines	
a) **Time Period** - For the purpose of a temporary use permit, "commercial vacation rental" means the use of a *residence* 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	Yes – by definition of the use in TUP.
b) **Cumulative Effects** - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	This is one of only two current TUP applications in Whaler Bay.
c) **Residential Appearance** - The Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.	No alterations proposed
d) **Neighbour Concerns** - The Local Trust Committee may require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening.	At the time of writing, notification has not generated any comments.
e) **Water Supply** - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min) Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	**Water:** The property is inside the water management area. Exiting storage capacity of 1364 litres with well and 9,000 litre rainwater cistern Large dwelling size. A condition to install a 7,000 litre rainwater catchment cistern within one year of issuance of the permit has been put in the proposed TUP. **Septic:** No information given, however, the house was built in 2007/8 and would have an approved system.
f) **Parking** - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Minimum two (2) spaces
Permit Conditions	
g) ***Conditions*** - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. require that the owner or other **contact** be	Yes

Guidelines	Comments
available on Galiano by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit	
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a **copy** of the temporary use permit	Yes
iii. require the landowner to **post for guests information** on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area.	Yes
iv. establish a **maximum number of people** that can stay	Eight (8)
v. establish a **maximum number of guests** per bedroom	Two (2) in four (4) bedrooms
vi. **prohibit camping** or occupancy of RVs on the property	Yes
vii. **restrict advertising** to one unilluminated sign, with a maximum area	Yes
viii. **prohibit** the rental or provision of **motorized personal watercraft**	Yes
ix. prohibit outdoor fires	Yes
x. establish the **dates** during which the use may occur	n/a
xi. include a provision stating that the **bylaw enforcement officer may enter** the property between certain hours without prior consultation if a complaint is received	yes
xii. require that the landowner/operator **post for guests emergency service contact information** and to provide a means for contacting them	Yes
xiii. require the landowner/operator to **post contact information and permit information** at the entrance to the property	Yes
Agriculture Land Reserve	
h) ***Agriculture Land Reserve*** - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	n/a

***Water Management Areas** – as established on Schedule C of the *Galiano Island Land Use Bylaw No. 127, 1999*

STAFF REPORT

Date: April 19, 2016 **File No.:** RZ-GL-2016.1 (Wolstenholme)

To: Galiano Island Local Trust Committee
For the meeting of May 2, 2016

From: Kim Stockdill, A/Planner 2

CC: Robert Kojima, Regional Planning Manager

Re: Preliminary Staff Report – Bylaw Amendment Application

Owner: Woodstone Country Inn Ltd., Inc No. 357, 040
Applicant: David Wolstenholme
Description: Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 48087
PID: 013-184-261
Civic Address: 743 Georgeson Bay Road

PURPOSE OF REPORT:

The purpose of this report is to provide background to proposed bylaw amendments and to seek direction from the Galiano Local Trust Committee (LTC) to proceed, or not proceed, with application GL-RZ-2016.1 (Wolstenholme).

BACKGROUND:

The subject property was once split zoned Visitor Accommodation (Inn) – C3 and Rural Residential (RR). Prior to 2009, a large building located on the C3 zoned portion of the property was used as the Woodstone Inn providing visitor accommodation on Galiano Island. The RR zoned portion of the property remained vacant.

In 2009, an application was received to rezone a portion of the property to permit an eating disorder clinic in the Woodstone building. The C3 zoned portion of the land was subsequently rezoned to a Health & Wellness (HW) zone that only permitted residential treatment facilities for the treatment of eating disorders – the use of the building as an inn was not permitted. The HW zone was drafted specifically for this property as it only allowed one primary specific land use (eating disorder treatment centre). An OCP amendment was also required to redesignate a portion of the land from Visitor Accommodation (VA) to Health & Wellness Facility (HF). No changes were made to the portion of the property zoned RR and designated Rural Residential.

The site specific nature of the HW zone limits the potential to re-use the existing building for any other purpose. The eating disorder clinic is no longer in operation and the current property owners have listed the property for sale.

THE PROPOSAL:

The applicant is proposing to rezone the portion of the property zoned HW to Visitor Accommodation (Inn) – C3 in order to reestablish the Woodstone building for a potential inn operation. This proposal would also require an amendment to the Official Community Plan No. 108, 1995 to amend a portion of the property's designation from Health & Wellness Facility (HF) to Visitor Accommodation (VA).

The applicant states that the Woodstone Inn eating disorder clinic could not operate unless it moved to Victoria or Vancouver to continue to receive the required provincial funding. The existing building on the structure, known as the Woodstone, has received considerable upgrades and improvements to the building and surrounding lands. Reverting the zoning back to Visitor Accommodation would ensure the reuse of the Woodstone building and provide additional visitor accommodation options on Galiano Island.

SITE CONTEXT:

The subject property is 3.6 hectares in area and is split zoned between the Health and Wellness (HW) zone and the Rural Residential (RR) zone. The HW portion contains the building formerly used as the Woodstone Inn and the RR portion is undeveloped land. The Woodstone Inn building was also formally operated as a facility for eating disorders. The Woodstone building is not currently used as an eating disorder clinic and the property is currently for sale. The main building is two storeys and faces south towards a large agricultural field. Other buildings and structures on the lot include a detached garage, water pump shed and a septic holding tank and percolation field. There is a circular driveway coming on to the property via a panhandle off of Georgeson Bay Road.

The subject property is surrounded by Agriculture zoned parcels with the exception of a RR zoned parcel to the north, and Single Lot Residential zone parcels to the west across Georgeson Bay Road. A stream and wetland area is located on the undeveloped western edge of the property within the RR zone portion of the property. This portion of the property is not included in the proposal.

Figure 1 – Subject Property Map

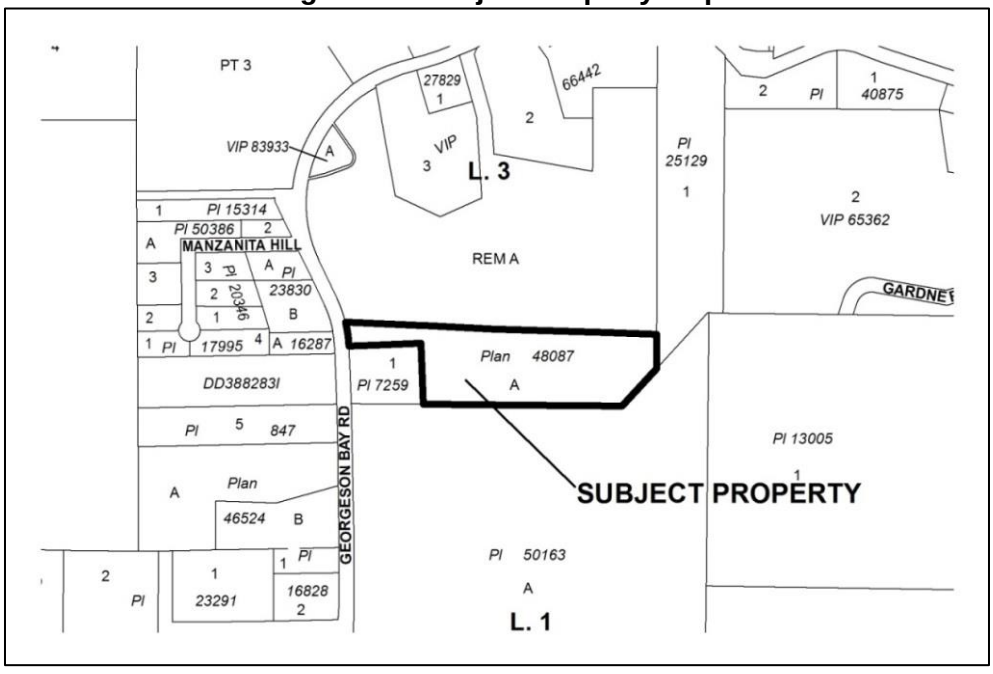


Figure 2 – Orthophoto

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:
The following policies may have relevance to the consideration of this application:

> *4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.*
>
> *5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.*
>
> *5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.*
>
> *5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.*

5.8.6 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

Official Community Plan

The property is split-designated Health & Wellness Facility (HF) and Rural Residential (RR) in the Galiano Island Official Community Plan Bylaw No.108, 1995 (OCP). If the application proceeds, an amendment to the OCP to redesignate the portion of the property from Health & Wellness Facility (HF) to Visitor Accommodation (VA) would be required. The RR designated of the property would be retained.

The Health & Wellness Facilities Designation (excerpt from OCP):

*"**4.3 Health and Wellness Facilities***

Health and Wellness Facilities Objective

The objective of this subsection is:

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

Health and Wellness Facilities Policies

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

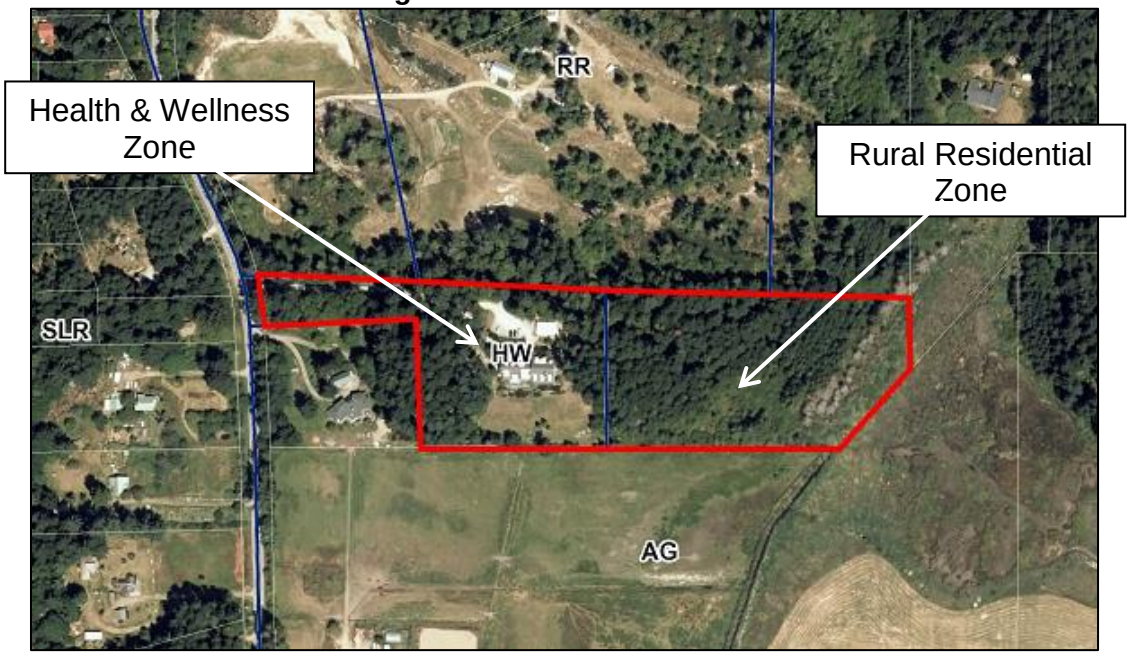
Land Use Bylaw

The property is split zoned Health and Wellness (HW) and Rural Residential (RR). The LUB amendment would rezone the HW zoned portion on the land back to Visitor Accommodation (Inn) – C3 (zone attached to staff report).

The following are permitted uses for the HW zone:

- 8.5.1 - In the Health and Wellness 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.
    - 8.5.1.1 - residential treatment facilities for the treatment of eating disorders.
- 8.5.2 - For the purposes of this bylaw, a residential treatment facility is a building comprising of up to 12 treatment facility accommodation rooms and a dwelling unit for the owner, employee or operator, all contained in a single building. A treatment facility accommodation room is meant to provide for the sleeping accommodation of the facility residents only and each room cannot exceed 30 square metres in floor area.
- 8.5.3 - Despite subsection 8.5.2, on the HW zoned portion of land legally described as Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 48087 the dwelling unit for the owner operator may be in a separate building.

Figure 3 – Current Land Use



Islands Trust Fund

There are no Island Trust Fund Board properties or covenants in proximity to the subject property.

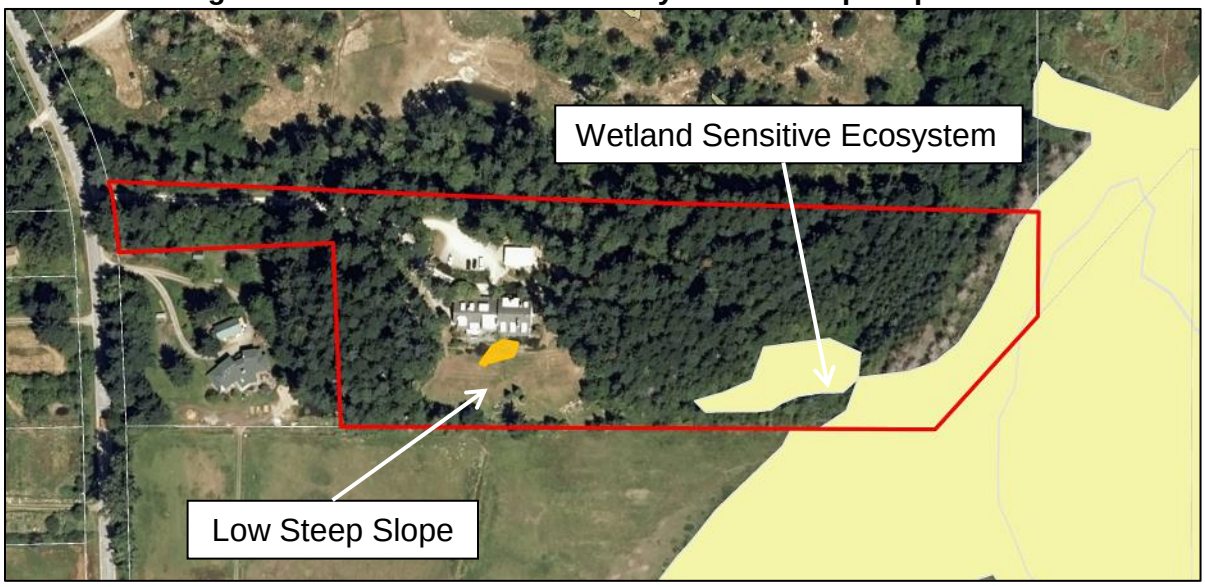
Regional Conservation Plan

This application has no considerations for the Regional Conservation Plan.

Sensitive Ecosystems and Hazard Areas

A small portion of the western portion of the property is located within a wetland sensitive ecosystem area and there is a small area south of the dwelling unit indicating a low risk steep slope hazard. There are no anticipated impacts as from the proposed TUP.

Figure 4 – Wetland Sensitive Ecosystem & Steep Slope Hazards



Archaeological Sites
The Provincial RAAD mapping shows no listed archaeological sites on the subject property.

Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately at (250) 953-3334 as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Covenants
There are two covenants on the subject property.

EC14291 – Place on the property title in 1989 and is in favour of Capital Regional Health Services regarding septic disposal. A referral was sent to Island Health for comment.

EC14292 – In favour of the Islands Trust restricting further subdivision of the lot and restricting type of liquor licence that can be obtained.

Bylaw Enforcement:
There are no bylaw enforcement files associated with this property.

Climate Change Mitigation and Adaptation
There is a benefit to reuse an existing building compared to constructing a new dwelling unit. The reuse of the building reduces the potential of a larger buildable footprint on the property, and eliminates construction activities that contribute to climate change (construction and transportation of building material).

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.

- First Nations:
    - Cowichan Tribes
    - Halalt
    - Lake Cowichan
    - Lyackson
    - Penelakut
    - Semiahmoo
    - Stz'uminus
    - Tsawwassen
- Ministry of Transportation and Infrastructure
- Capital Regional District (Building Inspection)
- Galiano Island Fire Rescue
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Thetis Island Local Trust Committee

Additionally the LTC may choose to refer the proposal to the Advisory Planning Commission, but this is unnecessary given the nature of the application. 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 (s):
Given the nature of the proposal, staff is not requiring any reports for this application.

COMMUNITY INFORMATION MEETING(S):

At this preliminary stage in the process, there is no need for a community information meeting. If the application proceeds, staff does not anticipate at this point that a community information meeting separate from the public meeting would be necessary.

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:

The purpose of this report is to provide a brief background and to seek direction from the Galiano Local Trust Committee (LTC) to proceed or not proceed with zoning amendment application.

The applicant is proposing to rezone a portion of the property from Health and Wellness (HW) zone to Visitor Accommodation (Inn) – C3 and amend the OCP to redesignate the portion of the property from Health & Wellness Facility (HF) to Visitor Accommodation (VA).

Implications with current land use:
The building, known as the Woodstone, is located within the Health and Wellness (HW) zone on the subject property. Currently the building is not used as the treatment facility as the eating disorder clinic is no longer in operation. The HW zone only permits residential treatment facilities for the treatment of eating disorders which limits the potential to reuse any of buildings and structures on the property. When the property was in the process of being rezoned in 2009, staff identified issues with creating a zone that would only permit one primary site specific use. Staff at that time recommended adding a site specific use for this property to the C3 zone in order to retain the existing C3 uses while allowing a treatment facility centre for this property. This option addressed the concern that if the eating disorder clinic was no longer viable, or becomes an intermittent use, the property owners could use the property for C3 tourist accommodation purposes without going through a rezoning process.

Visitor Accommodation
The Galiano Island Land Use bylaw permits visitor accommodation in two forms – commercial vacation rental (commercial zones) or as a home occupation in the form of a Bed and Breakfast or Short Term Vacation Rental (STVR). Although options for visitor accommodation have diversified in the last few years by permitting STVRs, the variety of commercial vacation rentals in the form of commercially operated units are limited.

The Visitor Accommodation (Inn) C3 zone permits an inn which can comprise of up to 12 visitor accommodation rooms, a dwelling for the owner or operator, guest services and a restaurant, all contained in a single building. Currently there is limited potential to operate an inn on Galiano as only one other property is zoned Visitor Accommodation (Inn) C3. Rezoning the property back to the original C3 zone would create an opportunity to create more visitor

accommodations units on Galiano while using existing infrastructure. Rezoning the subject property back to the visitor accommodation zone would also value to the local economy and create employment opportunities.

Intensity of Use
The change in intensity of use is a consideration when considering an amendment that proposes to change the land use of a property. Neighborhood issues such as traffic and noise can change with different types of use. Also an increase to the intensity of use can also increase pressures on water and septic capacities. Staff does not have reason to believe that the change in use will result in a substantial change in intensity of use.

OCP Compliance
The property is currently designated Health & Wellness Facility (HF) and Rural Residential (RR). If the application proceeds, an amendment to the OCP will be required to change the designation from HF to Visitor Accommodation (VA) would be required. The objectives of the VA designation are to provide for a variety of visitor accommodations, and to ensure visitor accommodations do not adversely affect the natural environment. The proposal meets the intent of the VA designation as the application will increase options for visitor accommodation and impacts to water or sensitive ecosystems are not anticipated.

Options:
The Local Trust Committee has generally two options at this time:

1. resolve to proceed no further with application; or
2. request staff to proceed with the application and to prepare draft bylaws.

Based on the foregoing, staff recommends proceeding with the application and for staff to prepare draft OCP and LUB amendment bylaws as the proposal is generally supported by the OCP, it provides support to the local economy, and existing infrastructure is in place for the proposed use.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee request staff to proceed with the application GL-RZ-2016.1 (Wolstenholme) and to prepare draft bylaws.

Prepared and Submitted by:

Kim Stockdill
A/Planner 2

April 19, 2016
Date

Concurred in by:

Robert Kojima
Regional Planning Manager

April 19, 2016
Date

Attachments:

1. C3 zone (excerpt from Land Use Bylaw)

Minimum Lot Size

9.1.9 No lot having an area less than 0.5 hectares may be created by subdivision.

BL143 9.1.10 On lands legally described as Lot 1, Section 5, Plan 7693, Galiano Island, Cowichan District the natural vegetation is to be maintained between the proposed building site, identified in the plan attached to this Bylaw (as shown on Plan 2, which can be viewed at the Islands Trust Office), and Sturdies Bay and Manzanita Roads and that the trees identified in the plan be maintained.

Accessory Storage

9.1.11 Areas used for the unenclosed storage of goods, materials or equipment must be screened by a landscape screen not less than 2 metres in height and complying with the requirements of Part 15 of this bylaw.

Loading Regulations

9.1.12 In addition to the off-street parking spaces required by Part 14 of this bylaw the owner must provide an area measuring not less than 3 metres by 9 metres for the unloading of goods from commercial vehicles.

9.2 Visitor Accommodation (Inn) Zone – C3

Permitted Uses

9.2.1 In the Visitor Accommodation (Inn) 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.

9.2.1.1 inns

BL209 9.2.2 For the purposes of this bylaw, an inn is a visitor accommodation facility comprising up to 12 visitor accommodation rooms, a dwelling for the owner or operator, guest services and a restaurant, all contained in a single building.

9.2.3 Despite subsections 9.2.1 and 9.2.2, on land legally described as Lot A District Lot 26 Galiano Island Cowichan District Plan VIP62482, an inn may comprise only 3 visitor accommodation rooms and a restaurant in a single building with a common entrance.

BL237 9.2.4 Despite subsection 9.2.1, on the C3 zoned portion of land legally described as Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 48087 the dwelling for the owner, employee or operator may be in a separate building.

Permitted Density

9.2.5 One inn only is permitted per lot.

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

9.2.7 On land referred to in subsection 9.2.4:

9.2.7.1 the floor space ratio must not exceed .087;
9.2.7.2 not more than 511 square metres of floor area may be used for visitor accommodation rooms; and
9.2.7.3 not more than 28 square metres of floor area may be used for accessory retail sales.

Permitted Height

BL237 9.2.8 No building or structure for a use permitted by this section may exceed 9 metres in height. Accessory buildings and structures must not exceed one storey and a height of 5 metres

Minimum Setbacks

BL209 9.2.9 Buildings and structures must be sited

9.2.9.1 at least 7.5 metres from front and rear lot lines;
9.2.9.2 at least 6 metres from any interior side lot line except where the lot line is common to a lot in a commercial or industrial zone, in which case the required distance is 3 metres; and
9.2.9.3 at least 6 metres from an exterior side lot line.

BL209 9.2.10 Buildings and structures used for human habitation or occupancy and not located within the Agriculture (AG) zone must be sited at least 15 metres from the boundary of the Agriculture (AG) zone.

Minimum Lot Size

9.2.11 No lot having an area less than 1.2 hectares may be created by subdivision.

Accessory Storage

9.2.12 Areas used for the unenclosed storage of goods, materials or equipment must be screened by a landscape screen not less than 2 metres in height and complying with the requirements of Part 15 of this bylaw.

9.3 Visitor Accommodation (Resort) Zone - C4

BL136

Permitted Uses

9.3.1 In the Visitor Accommodation (Resort) 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.

9.3.1.1 resorts
9.3.1.2 accessory retail sales

BL237 9.3.2 For the purposes of this bylaw, a resort is a visitor accommodation facility comprising up to 12 visitor accommodation rooms or cottages, a central building providing guest services, a restaurant and a dwelling for the owner, employee or operator.

Permitted Density

9.3.3 One resort only is permitted per lot.

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

BL178

Permitted Height

BL237 9.3.5 No building or structure for a use permitted by this section may exceed 9 metres in height. Accessory buildings and structures must not exceed one storey and a height of 5 metres

Minimum Setbacks

BL209 9.3.6 Buildings and structures must be sited

STAFF REPORT

Date: April 22, 2016

File No.: GL-RZ-2014.1
Crystal Mountain

To: Galiano Island Local Trust Committee
For the meeting of May 2, 2016

From: Kim Stockdill
A/Planner 2

CC: Robert Kojima
Regional Planning Manager

Re: LUB and OCP Bylaw Amendments 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 & Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200

PURPOSE OF REPORT:

This staff report will provide an update on the status of this application, comment on the *Private Managed Forest Land (PMFL) Act*, and provide options for draft bylaws. Background information on the property, the proposal, correspondence, and previous staff reports are available on the LTC webpage under Current Applications.

BACKGROUND:

At the March 7, 2016 regular meeting the Galiano Island Local Trust Committee (LTC) passed the following resolution:

> **GL-2016-015**
> **It was MOVED and SECONDED,**
> that the Galiano Island Local Trust Committee proceed with the application and request staff to draft bylaws on the basis that 75 percent of the land be protected with a conservation covenant.
>
> **GL-2016-016**
> **It was MOVED and SECONDED,**
> that the Galiano Island Local Trust Committee requests staff to research Private Managed Forest Land Act implications for potential Official Community Plan and Land Use Bylaw amendments relevant to application GL-RZ-2014.1 (Crystal Mountain) and to seek legal opinion.

STAFF COMMENTS:

PMFL:
At the March 7, 2015 the LTC requested staff to seek legal advice regarding potential implications with the *PMFL Act* and bylaw amendments (OCP and LUB) associated with the Crystal Mountain rezoning. Section 21 of the *PMFL Act* outlines restrictions on local government authority regarding uses of private managed forest land:

> **"21** (1) A local government must not do any of the following in respect of land that is private managed forest land if doing so would have the effect of restricting, directly or indirectly, a forest management activity:
>
> (a) adopt a bylaw under any enactment;
>
> (b) issue a permit under section 8 (3) (l) *[authority in relation to buildings and other structures]* of the *Community Charter* or Division 1 *[Building Regulation]* of Part 9 *[Regional Districts: Specific Service Powers]* of the *Local Government Act*;
>
> (c) issue a permit under Part 14 *[Planning and Land Use Management]* of the *Local Government Act*.
>
> (2) For certainty, this section applies if the bylaw or permit would have the effect described in subsection (1) even though the bylaw or permit does not directly apply to land referred to in that subsection."

The *Private Managed Forest Land Regulation* outlines the following as being 'forest management activity':

> (a) silviculture and timber harvesting activities;
> (b) transportation, delivery, handling and sale;
> (c) dryland sorting and scaling;
> (d) road, bridge and trail construction and maintenance;
> (e) drilling and blasting;
> (f) aggregate production and processing;
> (g) storage and repair of equipment and vehicles;
> (h) slash and prescribed burning;
> (i) treatment of noxious weeds, introduced plants, competing vegetation, other pests and damaging agents;
> (j) protection of forest crops including but not limited to fire protection and suppression and wildlife management;
> (k) safety and security measures;
> (l) water storage, including reservoirs for providing water for fire protection purposes or other use;
> (m) agroforestry and silvopasture systems;
> (n) soil production, improvement or processing;
> (o) site rehabilitation and improvement;
> (p) disposal of wood waste;
> (q) harvesting and sale of botanical forest products;
> (r) portable processing of forest resources;
> (s) one dwelling per registered parcel unless additional dwellings are permitted under applicable local bylaws;
> (t) forest management administration, including accommodation of personnel.

Over the years, Islands Trust has received numerous legal opinions regarding the *PMFL Act* and bylaw amendments. Staff have reviewed these opinions and believe that a new legal opinion is not required because the legal opinions received in the past provide sufficient information to assess if Crystal Mountain amendment bylaws would potentially be restricted under the *PMFL Act*. The following is based staff's review and understanding of legal opinions received from 2004 to 2011. Although the legal opinions have been circulated to the LTC members, all legal opinions are confidential and not publicly available unless released by resolution of the Executive Committee.

The subject properties associated with the Crystal Mountain rezoning application (Lot 9, Plan 31200 & Lot A, Plan VIP68079) are not classified as Managed Forest. Similarly, lots directly surrounding the subject properties are also not classified as Managed Forest (see Map 1 below).

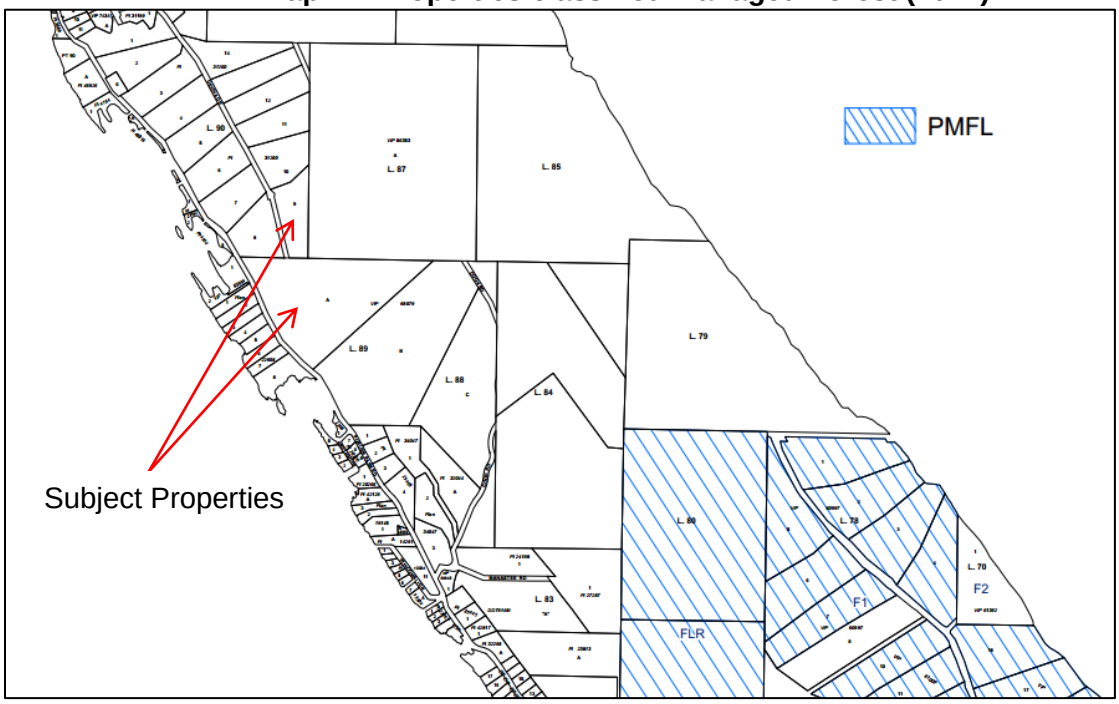
Section 21 of the *PMFL Act* states that local governments may not adopt a bylaw that would directly or indirectly restrict a forest management activity on land that is classified as private managed forest land, and this could include a bylaw that does not directly apply to land with managed forest classification. It is abundantly clear that if a property subject to a rezoning application is classified as managed forest, there is the potential that the amendment bylaws could contravene Section 21 of the *PMFL Act*. Less clear is under what circumstances a bylaw rezoning property that is not classified as managed forest would run afoul of Section 21 of the *PMFL Act?* Staff have reviewed a legal opinion that discusses this specific situation. One example could be where a property without managed forest classification, but which directly borders a PMFL lot, was rezoned to an intensive industrial use could contravene Section 21 if the industrial use had such an effect on the neighbouring managed forest lot that it interfered with the ability of the owner of the managed forest lot to conduct forestry management activities. In the case of Crystal Mountain, the subject properties are not classified as managed forest, nor are the surrounding properties as seen in Map 1, so it is difficult to see any circumstances where the potential bylaw amendments would contravene Section 21 of the *PMFL Act*.

Second, would the re-designation of the property be precluded by Section 21 of the *PMFL Act*? The potential OCP bylaw amendment for Crystal Mountain would involve changing the OCP designations on the subject properties from their current designations (Rural and Forestry) to another OCP designation(s). Staff are not proposing any policy amendments to the Forest designation section of the OCP therefore there will be no implications under s. 21 of the *PMFL Act*.

Staff have also reviewed a legal option that expresses the importance of timing of bylaw adoption. If an OCP bylaw amendment was subsequently found by the courts to contravene Section 21 of the *PMFL Act*, it does not contaminate the entire OCP (in other words, the entire OCP cannot be challenged), rather the amending bylaw would likely be found invalid, or a portion of it severed by the courts, and the preceding regulations and policies would be reinstated. Bylaws that were adopted prior to the *PMFL Act* are not subject to Section 21, only bylaws that are adopted after the *PMFL Act*.

To summarize, based on staff's review and understanding of the legal opinions, the bylaw amendments regarding the Crystal Mountain rezoning application could not contravene Section 21 of the *PMFL Act* as the potential bylaws would not directly or indirectly restrict a forest management activity on land that is classified as private managed forest land. During the bylaw referral process, the bylaws will be forwarded to the Managed Forest Council for comment.

Map 1 – Properties classified Managed Forest (2012)



Draft Bylaw Options:

Official Community Plan (OCP) Amendment:
The OCP bylaw amendment would have two goals: amending the land use designation map and creating policies to enable the proposed spiritual retreat use. Staff recommend redesignating the portion of the subject properties proposed to be subject to a conservation covenant (75 percent) to Nature Protection. The Nature Protection objective and policies are as follows:

"The objective of this subsection is:

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

Nature Protection Policies

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

The remaining 25 percent of land must be redesignated as the proposal does not meet the policies in either the current Rural and Forest designations. The LTC should consider if a new designation should be created or amend an existing designation.

Creation of New Designation
The Crystal Mountain proposal is currently not consistent with any of the existing land use designation policies in the OCP therefore an OCP amendment is required to redesignate the subject properties. This can be done be achieved in two ways: creating a new OCP designation or amend an existing OCP designation.

The intent of an Official Community Plan is to establish broad land use designations that provide objectives and policies and that is applicable to multiple properties. Creating a new site specific designation would involve drafting specific objectives and policies for only the Crystal Mountain proposal. Where possible, staff encourage retaining broad land use designations and avoid creating new site specific designations in the OCP. The Land Use Bylaw should establish specific land use regulations for individual properties.

Amend Existing Designation
There are a number of existing OCP designations that could be amended for this application: Community Facilities and Utilities; Visitor Accommodation; or Health and Wellness Facilities.

Community Facilities and Utilities
The objective of this designation is to enhance the social, economic, educational, environmental, and cultural aspects of life on the island and in a manner that minimizes impacts on the natural environment. Generally community facilities are to provide a benefit and service to the entire community. Providing a very specific service (spiritual retreat) would only service the interest of a limited portion of the community therefore, this designation is not recommended to be amended for the Crystal Mountain proposal.

Visitor Accommodation
The objective of the Visitor Accommodation designation is to provide for a variety of visitor accommodations and to ensure they do not adversely affect the natural environment. Visitor accommodation is a commercial-based use as it has a pay-for-service function intended to generate a profit. Although retreat participants may pay to use the Crystal Mountain retreat facilities, the money generated from participants is used to cover retreat operations and not to make a profit. Amending this designation is not recommended as Crystal Mountain is not proposing a commercially-based use.

Health and Wellness Facilities
The objectives and policies of the Health and Wellness Facilities designation are similar to the intent of the Crystal Mountain proposal. The Health and Wellness Facilities objective and policies are as follows:

"The objective of this subsection is:
1) to encourage facilities that enhance the economy of the island, the health of its residents and visitors, and that do not adversely affect the natural environment.

Health and Wellness Facilities Policies
a) The principal use shall be health facilities.
b) Zoning for a health and wellness facility shall be considered on a site specific basis."

The Health & Wellness Facilities designation can be amended to include objectives and policies regarding spiritual health and if required, specific policies for Crystal Mountain. Reusing an existing OCP designation also reduces administrative and technical amendments (renumber sections and references to sections).

Staff recommend amending the HW Facilities designation is it is similar to the intent of the proposal, limits further administrative amendments, and would retain broad land use designations.

Land Use Bylaw Amendment (75/25):
The LTC has requested staff to draft a LUB amendment bylaw based on the applicant protecting 75 percent of the land with a conservation covenant. Consistent with the approach recommended for the OCP amendment, staff recommend drafting a LUB amendment bylaw that would rezone 75 percent of the land to the Nature Protection (NP) zone. The NP zone permits the following uses:

11.1.1.1 ecological reserves and nature conservancies
11.1.1.2 research and educational activities
11.1.1.3 groundwater retention and recharge
11.1.1.4 ecological restoration
11.1.1.5 passive recreation

The comprehensive ecosystem-based land use plan (environmental assessment) prepared by Keith Erickson (R.P. Bio) made recommendations for forest restoration practices for the entire property in order to reduce wildfire risk, increase resilience to climate change and provide wood products for Crystal Mountain use. Staff are of the opinion that any forest restoration activities (tree thinning, planting native vegetation, dispersal of slash piles) would be considered ecological restoration.

The NP zone does not permit any buildings or structures of any kind, other than signs. There is currently a pagoda located on Lot 9. Although this structure is not permitted in the NP zone, it will be protected as a pre-existing non-conforming structure under Section 529 of the *Local Government Act.*

The other 25 percent of the subject property is where the development areas are located (see site plan on LTC Current Applications website - www.islandstrust.bc.ca/galiano/current-applications). Staff are proposing to create a new zone (Crystal Mountain Comprehensive Development Zone (CD) – Area 1 and Area 2) which includes specific regulations for the Crystal Mountain property. Area 1 and Area 2 would be associated with the northern and southern developable areas. The site specific zone would limit the potential to use the property for any other use.

The Crystal Mountain CD – Area 1 and Area 2 zone would include the following:
- Permitted uses;
- Definitions;
- Maximum number of buildings and structures;
- Maximum floor area for each building and structure;
- Setbacks; and
- Height Restrictions.

The following are potential permitted uses and definitions:
- comprehensive spiritual retreat - means a facility that provides contemplative, spiritual or meditative opportunities for visitors and for certainty a comprehensive spiritual retreat shall not be used as a comprehensive resort, resort, inn, visitor accommodation cottage, visitor accommodation room, visitor accommodation unit, short term vacation rentals,

bed and breakfast, or any other form of commercial accommodation for the travelling public and shall not provide for restaurant or other forms of food supply to the general public.

- sleeping hut - means a hut that provides for the sleeping, shelter and contemplative, spiritual or meditative opportunities of a visitor to a comprehensive spiritual retreat.
- triple sleeping hut - means a maximum of three sleeping huts connected together.
- dwelling unit accessory to the spiritual retreat use for the use of a caretaker.
- ecological restoration.

The following are examples of restricting the number of units and maximum floor area:
Area 1 (southern developable area)

- X number of sleeping huts with a maximum floor area of 15 square metres each;
- X number triple sleeping huts with a total maximum floor area of 45 square metres for all three connected sleeping huts;
- one meditation hall restricted to meditation use only with a maximum floor area of 125 square metres;
- two dining/kitchen buildings with one having a maximum floor area of 125 square metres and one having a maximum floor area of 35 square metres;
- one bathing and laundry building not exceeding a floor area of 70 square metres;
- accessory structures not exceeding a total maximum floor area of 20 square metres;
- one workshop not exceeding a floor area of 130 square metres;
- accessory storage structure with a maximum floor area 70 square metres; and
- one accessory dwelling with a maximum floor area of 100 square metres;

Area 2 (northern developable area)

- X number of sleeping hut with a maximum floor area of 15 square metres;

Number of Sleep Huts
The applicant has requested sleeping huts to provide sleeping accommodation for up to 30 participants. Staff recommend limiting the maximum number of sleeping huts for the southern developable area (Area 1) and the northern developable area (Area 2) in the LUB amendment. Staff will continue to work with the applicant to refine the maximum number of sleeping huts that's agreeable to both parties in order to achieve the retreat's objective and to lessen the buildable footprint. Determining the sufficient number of sleeping huts is crucial at the land use bylaw amendment stage as after final adoption of bylaws, if the applicant wishes to increase the number of sleeping huts, a rezoning would be required (a Development Variance Permit cannot vary use or density).

Parking
The applicants have included 12 off street parking spaces (2 in Area 2, 10 next to Devina Drive in Area 1) within their proposal. A review of current parking standards would suggest that the following standards could apply:

Use	Standard	# of Parking Spaces
1 Dwelling	2 per dwelling	2
30 Sleeping huts	1 per cottage	30
Meditation Hall - 125 m²	1 per 3.25m²	38
TOTAL		70

The use of this site may not generate parking demands as calculated if the users come from off island, car pool to minimize costs, or if the retreat is not at full capacity. Furthermore, the meditation hall will generally be used by retreat participants. Given the proposed use of this property, it may not be necessary to create formal parking areas for 70 spaces, but it may be necessary to identify capacity for up to 20 vehicles on the property in a combination of assigned parking spaces and a parking overflow area.

Covenants:
The conservation covenant between the applicant and the Trust Fund Board is still in progress. In order to eliminate delays with registering the conservation covenant as a condition of rezoning, staff recommend requiring an executable version of the conservation covenant at the time of Public Hearing.

In addition, the LTC may wish to consider registering a covenant on the property that would limit the use of the land for non-profit societies only.

Required Applicant Information:
The following is information still required from the applicant:

- Updated site plan;
- Finalized number of individual sleeping huts;
- Finalized number of triple sleeping huts; and
- Finalized number of accessory buildings (outhouses, bathroom structures, rainwater collection systems with cisterns).

Land Donation:
Comments were made at the March 7, 2016 LTC meeting suggesting the applicant, in conjunction with registering a conservation covenant, donate a residential lot for affordable housing. After completing a site visit in early April 2016 with Trust Fund Board staff, it was apparent that there was not a suitable portion of the Lot A or Lot 9 for donation. Trust Fund Board staff encouraged retaining Lot 9 as it has the highest ecological value. Donating a portion of Lot 9 bordering Porlier Pass Road was also discussed although certain factors (slope, sensitive ecosystems, etc.) make this area also unsuitable for creation of a residential lot.

This application is not similar to other forest lot rezoning applications – it does not include creating residential lots, no subdivision is proposed, and the applicants are a non-profit society. Based on this information and that there is no apparent suitable land for donation, staff are of the opinion that donation is not a viable option.

The Galiano OCP does not have a policy that outlines options for cash donations in lieu of land donations for affordable housing. Furthermore, cash donations cannot be made a condition of rezoning approvals – it must be donated on a voluntary basis.

Correspondence:

All correspondence received by the LTC will be posted on the LTC's Current Applications - correspondence webpage.

Community Information Meeting:
No formal community consultation for this application has taken place at this time. A Community Information Meeting (CIM) often takes place in advance of a public hearing in order to provide

the public with an opportunity to ask questions regarding the application and for any changes to be incorporated in the proposed bylaws. The LTC may wish to consider scheduling a CIM once draft bylaws are prepared otherwise a CIM can be scheduled later in the process when a Public Hearing is schedule and held. Further direction from the LTC will be required if any additional community consultation or special meetings above and beyond the standard process are desired.

Options:

The LTC should consider the following options:

1. amend the OCP by re-designating the portion of the land to protected by conservation covenant to Nature Protection and creating a new land use designation for 25 percent of the land where the retreat activities would occur; OR
2. amend the OCP by re-designating the portion of the land to protected by conservation covenant to Nature Protection and by amending the existing Health and Wellness Facilities designation for 25 percent of the land where the retreat activities would occur; OR
3. request staff to schedule a community information meeting once draft bylaws are prepared; OR
4. resolve to proceed no further with application;

Staff recommends drafting the OCP amendment bylaw to amend the existing Health and Wellness Facilities designation and to draft a comprehensive development zone for the Crystal Mountain application. The site specific zone would limit the potential to use the property for any other use.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee request staff to amend Health and Wellness Facilities OCP designation and to draft a comprehensive development zone for the Crystal Mountain rezoning application (GL-RZ-2014.1).

Prepared and Submitted by:

Kim Stockdill
A/Planner 2

April 22, 2016
Date

Concurred in by:

Robert Kojima
Regional Planning Manager

April 25, 2016
Date

Islands Trust

Top Priorities

Galiano Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Telecommunication Strategy	Review telecommunication options, including policies for telecommunication towers, on Galiano Island.	01-Feb-2016	Kim Stockdill	28-Feb-2017
2	Affordable Housing Strategy	to be determined.	07-Mar-2016	Kim Stockdill	31-Mar-2017
3	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the LUB.	07-Mar-2016	Kim Stockdill	31-Jul-2017

Islands Trust

Projects

Galiano Island

Description	Activity	R/Initiated
Soil Removal and Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw	12-Sep-2011
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	16-Apr-2012
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)	23-Jul-2012
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.	15-Jul-2013
Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	18-Nov-2013
Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	18-Nov-2013
Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	18-Nov-2013
Land Use Bylaw Amendments	To review LUB for: any technical/administrative bylaw amendments (e.g. definition references and numbering), shoreline zoning wording, crown lot rezonings, and review park zoning (specifically to allow stairs in setbacks).	07-Jul-2014
Community Benefit Review for Forest Lands	Staff to prepare preliminary report for new LTC	08-Sep-2014
Consider amendments to re-designate and rezone crown owned Forest lots.- Bylaws 231, 232 at First Reading	re-refer to FLNRO for comment	

Islands Trust

Applications

Rezoning

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

Planning Status

Status Date: 11-Apr-2016
draft layout plan received, under review

Status Date: 29-Mar-2016
Legal redraft of Housing Agreement received, under review by staff

Status Date: 01-Feb-2016
LTC authorizes cost recovery for housing agreement review, applicant to provide revised site plan addressing park dedication, and to provide plan for administering housing agreement

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

Planning Status

Status Date: 07-Apr-2016
draft covenant received, reviewed by staff, circulated to covenant holders for comment

Status Date: 29-Mar-2016
Draft covenant being reviewed by GCA legal counsel

Status Date: 19-Aug-2015
Staff & LTC reviewing sustainable forestry covenant.

File Number	Applicant Name	Date Received	Purpose

GL-RZ-2014.1	Crystal Mountain Society	28-Oct-2014	20300 PORLIER PASS RD To allow for year round use of the Forest Retreat Centre

Planner: Kim Stockdill

Planning Status

Status Date: 25-Apr-2016

Staff report on May 2016 agenda.

Status Date: 07-Mar-2016

LTC requested to staff to draft bylaws based on a conservation covenant on 75% of land. Legal review of PMFL also requested.

Status Date: 30-Nov-2015

Updated proposal received by staff. Staff report on Dec 7/15 LTC agenda

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2016.1	WOLSTENHOLME, DAVID	05-Apr-2016	743 GEORGESON BAY RD APPLICATION TO CHANGE ZONING TO ALLOW USE AS A RESTAURANT/INN

Planner: Kim Stockdill

Planning Status

Status Date: 25-Apr-2016

Preliminary staff report on May 2016 LTC agenda.

Status Date: 07-Apr-2016

File opened. Created application, forwarded to LTC and planner.

Subdivision

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

Planner: Kim Stockdill

Planning Status

Status Date: 13-Aug-2015
PLA extension granted by MOTI

Status Date: 24-Nov-2014
SD file on hold until zoning amendment bylaws are adopted

Status Date: 08-Sep-2014
10 percent waiver approved by LTC

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.1	Jon & Connie Stettner	07-Mar-2016	2625 E. BEEKMAN PL Requesting a permit to use property as a STVR.

Planner: Kim Stockdill

Planning Status

Status Date: 25-Apr-2016
Staff report complete and placed on May 2016 LTC agenda.

Status Date: 05-Apr-2016
Permit and notice circulated.

Status Date: 09-Mar-2016
File opened and given to Planner.

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.2	THOMAS AXMANN	18-Mar-2016	625 Harper Road TUP for STVR use of second home on Galiano.

Planner: Kim Stockdill

Planning Status

Status Date: 25-Apr-2016
Staff report complete and placed on May 2016 LTC agenda.

Status Date: 05-Apr-2016
Permit and notice circulated.

Status Date: 18-Mar-2016

File created and given to Planner.

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.3	COLEMAN, GRAHAM	04-Apr-2016	2333 Sturdies Bay Rd CHANGE USE TO ALLOW HOLIDAY RENTAL

Planner: Kim Stockdill

Planning Status

Status Date: 25-Apr-2016

Staff report complete and placed on May agenda.

Status Date: 06-Apr-2016

Permit and notice circulated.

Status Date: 05-Apr-2016

File opened

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.4	CALVERT, SHIRLEY	12-Apr-2016	18865 PORLIER PASS RD Permit to operate STVR

Planner: Phil Testemale

Planning Status

Status Date: 13-Apr-2016

File opened and forwarded to LTC and planner

Islands Trust

LTC EXP SUMMARY REPORT F2016

Invoices posted to Month ending March 2016

625 Galiano	Invoices posted to Month ending March 2016	Budget	Spent	Balance
65000-625	LTC "Trustee Expenses"	750.00	1,109.68	-359.68
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	2,500.00	5,680.87	-3,180.87
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	1,243.80	-743.80
65220-625	LTC - Local Exp - Communications	300.00	731.82	-431.82
65230-625	LTC - Local Exp - Special Projects	750.00	10.51	739.49
TOTAL LTC Local Expense		4,050.00	7,667.00	-3,617.00
Projects				
73001-625-4049	Galiano Contractor Yard Review	2,500.00	946.57	1,553.43
73001-625-4050	Galiano Secondary Suite Review	2,500.00	1,269.79	1,230.21
73001-625-4051	Galiano Cottage Review	2,500.00	1,230.71	1,269.29
TOTAL Project Expenses		7,500.00	3,447.07	4,052.93

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: April 7, 2014

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

No	Meeting Date	Resolution No.	Issue	Policy
5.	April 7, 2014	GL-2014-029	Community Wells as a Community Benefit	That the Galiano Island Local Trust Committee will consider as a community benefit for all rezoning applications where there is an increase in density, the establishment of an instrumented observation well.

REQUEST FOR DECISION

To: Galiano Island Local Trust Committee **For the Meeting of:**: May 2, 2016

From: Robert Kojima, Regional Planning Manager **Date Prepared:** April 20, 2016

SUBJECT: 2015-2016 ANNUAL REPORT – APPROVAL OF GALIANO ISLAND LOCAL TRUST COMMITTEE SECTION

RECOMMENDATION: That the Galiano Island Local Trust Committee approves the attached text for inclusion in the 2015-2016 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:
Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's Annual Report Policy 6.10.i. To comply with the schedule indicated in the policy, the Executive Committee has adopted the following schedule for preparation of individual committee reports:

Committee reports:	Reports to be approved on the following dates:
TPC	May 16
LPC	May 25
FPC	May 31
TFB	May 10
EC	May 18
Denman	April 19 /May 17
Gambier	March 17 / May 19
Gabriola	April 14 / May 7
Galiano	April 4 / May 2
Hornby	April 1
Lasqueti	April 18 / May 14
Galiano	March 21 / April 25
North Pender	April 28
Salt Spring Island	April 7 / May 5
Galiano	April 21 / May 21
South Pender	April 5 / May 10
Thetis	March 29 / May 24
Ballenas-Winchelsea	May 18
Executive Islands	

Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings listed above.

FINANCIAL: None

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Community Sport and Cultural Development and circulate it as indicated in Trust Council's policy.

OTHER: n/a

BACKGROUND

- The Executive Committee will consider the format and outline of the 2015-2016 Annual Report at its meeting on March 22nd or April 6th.

REPORT/DOCUMENT: Galiano Island Local Trust Committee input to Annual Report (draft)

KEY ISSUE(S)/CONCEPT(S): Consistent Annual Report sections from each committee

RELEVANT POLICY: This approach complies with Section 19 of the *Islands Trust Act and* Trust Council's Annual Report Policy 6.10.i.

DESIRED OUTCOME: Trust Council is able to easily approve its annual report in June 2016 without further editing from staff or trustees at the Trust Council meeting.

RESPONSE OPTIONS

Recommended: That the Galiano Island Local Trust Committee approves the attached text for inclusion in the 2015-2016 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

Alternative: None

Prepared By: Robert Kojima, Regional Planning Manager

Reviewed By/Date: Robert Kojima, Regional Planning Manager

Text for Inclusion in 2015-16 Annual Report

The Galiano Island Local Trust Committee held ten regular business meetings and one special meeting. The Local Trust Committee received and considered applications for three development variance permits, one development permit, one Industry Canada referral, and two new and three on-going rezonings.

Projects considered during this period included policies and regulations increased cottage floor area, policies and regulations to permit secondary suites, and temporary use permit guidelines for contractors yards.