



Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: May 5, 2014
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road
Galiano Island, BC
V0N 1P0

Pages

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|---|----------------------------|----------------|
| 1. Call to Order | 12:30 PM - 12:50 PM | |
| 2. Approval of the Agenda | | |
| 2.1 Questions on Agenda Items | | |
| 3. Town Hall Session | | |
| 4. Community Information Meeting | | |
| none | | |
| 5. Public Hearing | | |
| none | | |
| 6. Previous Meetings | 12:50 PM - 1:15 PM | |
| 6.1 Local Trust Committee Minutes for Adoption | | |
| 6.1.1 Galiano Island Local Trust Committee Meeting Minutes of April 7, 2014 (attached) | | 4 - 15 |
| For Consideration to Adopt | | |
| 6.2 Public Hearing Record and Community Information Meeting | | |
| none | | |
| 6.3 Section 26 Resolutions without Meeting | | 16 - 16 |
| RWM Report dated April 2014 (attached) | | |
| 6.4 Advisory Planning Commission | | |
| none | | |

7.	Business Arising from the Report	
7.1	Follow-up Action Report (attached)	17 - 19
	FUAL Report dated April 2014	
8.	Delegations	
8.1	Galiano Land and Community Housing Trust - Galiano Green	
9.	Correspondence	
	<i>[Correspondence received concerning applications and/or projects is considered with the applicaiton/project]</i>	
10.	Applications, Permits, Bylaws and Referrals	1:15 PM - 2:15 PM
10.1	GL-DVP-2013.3 (Williams) - Staff Report (attached)	20 - 65
10.2	GL-SUB-2013.1 / GL-RZ-2013.1 (Landworks) Memo (attached)	66 - 69
	-----BREAK-----	2:15 PM
11.	Local Trust Committee Projects	2:30 PM - 4:00 PM
11.1	Short Term Vacation Rentals (STVR) - Staff Report (attached)	70 - 88
11.2	Groundwater Development Permit Area (DPA) Revision - Staff Report (attached)	89 - 104
11.3	Contractor Home Base - Staff Report (attached)	105 - 115
12.	Reports	4:00 PM - 4:30 PM
12.1	Work Program Reports (attached)	116 - 117
	Work Program Report dated April 2014	
12.2	Applications Reports (attached)	118 - 121
	Applications Report dated April 2014	
12.3	Expense/Budget Reports	122 - 122
	LTC Expense Report dated March 2014 (attached)	
12.4	Bylaw Enforcement	
	none	
12.5	Policies and Standing Resolutions Report (attached)	123 - 124
	For Information	
12.6	Galiano Island LTC Web Page for Review	

The Galiano Island Local Trust Committee Web
Page can be found at:

www.islandstrust.bc.ca/islands/local-trust-areas/galiano

12.7 Chair's Report

12.8 Trustee Report

13. Other Business

4:30 PM - 5:00 PM

13.1 Upcoming Meetings

The next meeting of the Galiano Island Local Trust Committee will be held Monday, June 9, 2014, at 12:30 pm, at the South Community Hall, Galiano Island.

14. Town Hall Meeting

15. In-Camera Meeting

THAT, pursuant to Section 90 (d), (f) and (g) of the Community Charter, the Galiano Island Local Trust Committee resolves to close the meeting to the public for the purpose of Adopting April 7, 2014, Galiano LTC In-Camera minutes and to consider Bylaw Enforcement, pending litigation; and further that Bylaw Enforcement Officer Drew, staff and Recording Secretary remain present. (distributed under separate cover)

16. Recall to Order

Rise and Report from In-Camera Meeting

17. Adjournment

5:00 PM - 5:00 PM

**MINUTES OF THE GALIANO ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON MONDAY, APRIL 7, 2014, AT 12:30 PM
AT THE SOUTH ISLAND COMMUNITY HALL,
GALIANO ISLAND, B.C.**

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

There were approximately fifteen (15) members of the public present.

1. CALL TO ORDER

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

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

2. APPROVAL OF THE AGENDA

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

- Added to item 10.2 – Proposed Development Variance Permit for GL-DVP-2013.4 (Haley)
- Added to item 10.3 – Response to the Staff Report dated March 28, 2014 Re: Crystal Mountain Rezoning Application
- Added to item 12.2 – Discussion regarding GL-RZ-2013.1 and GL-SUB-2013.1 applications

The agenda was Approved, as amended, by consent.

2.1 Questions on Agenda Items

None

3. TOWN HALL

Chair Hancock invited the public to make comment.

Andrew Loveridge stated support for affordable housing, the Galiano Land and Community Housing Trust (GLCHT), and invited the Trustees to attend the Tuesday March 18, 2014, GLCHT board meeting.

Doug Latta provided an update regarding GLCHT and stated reluctance with the Local Trust Committee's (LTC) support for the Capital Regional District (CRD) to administer the GLCHT housing agreement.

Jemma Lee stated support for affordable housing, GLCHT, and the LTC not CRD administering the GLCHT housing agreement.

There was some discussion regarding the GLCHT final report still needing to be received by the LTC and Community Information Meeting (CIM) process.

Elizabeth Latta stated support for GLCHT and the LTC not CRD administering the GLCHT housing agreement. She commented that the GLCHT housing agreement could become a template for other islands and that it makes more sense for the Islands Trust' not another government agency (i.e.: the CRD) to govern such, noting the messy handling of recycling programs. Ms. Latta also stated support for GL-RZ-2004.6 (Crystal Mtn).

Chair Hancock responded that there are seven regional districts and that the CRD, not Islands Trust, has jurisdiction over solid waste and affordable housing. He said that the CRD would work with GLCHT to administer the housing agreement. The CRD became involved in such matters due to difficulties arising from a Salt Spring Island affordable housing project.

There was some discussion regarding process.

Chair Hancock stated that the CRD, not the LTC, has the expertise to administer the GLCHT housing agreement and that the LTC will gladly support/assist GLCHT when possible.

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

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. PREVIOUS MEETINGS

6.1 Local Trust Committee Minutes for Adoption

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

The Minutes of March 3, 2014, Local Trust Committee Meeting were Adopted by consent.

6.1.2 Galiano Island Local Trust Committee Special Meeting Minutes of March 8, 2014

The Minutes of March 8, 2014, Local Trust Committee Special Meeting were Adopted by consent.

6.2 Public Hearing Record and Community Information Meeting

6.2.1 Galiano Island Local Trust Committee Community Information Meeting Notes of March 8, 2014

The Notes of March 8, 2014, Local Trust Committee Community Information Meeting were Received by consent.

6.3 Section 26 Resolutions without Meeting

RWM Report dated March 2014, provided for information.

One resolution regarding Proposed Bylaw No. 227 being Adopted via Resolution without Meeting (RWM) and relating to the Zizzy/Brown application was mentioned.

6.4 Advisory Planning Commission

None

7. BUSINESS ARISING FROM THE REPORT

7.1 Follow-up Action Report

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

Specific to item No. 9 – Planner Nichols reported that employees are not regulated under home occupation, as agriculture is a permitted use.

8. DELEGATIONS

None

9. CORRESPONDENCE

Note: correspondence received concerning applications and/or projects is considered with the application/project.

None

10. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

10.1 GL-DP-2013.2 (Ghai) Memo

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

Chair Hancock stated that item 10.1 and item 10.1.1 would be addressed together.

Planner Nichols provided information from Memorandum dated March 28, 2014, (File No.: GL-DP-2013.2 (Ghai)) Re: GL-DP-2013.2 New Reports for Consideration in Evaluating the Development Permit Application.

David McKerrell and Stephen Carter were in attendance and spoke on behalf of the application.

Marjorie and Steve Cerezin, neighbours of the applicant, were in attendance and spoke in opposition to the application.

There was some discussion regarding: D. Jones correspondence not being copied to the applicant (Ghai); Member of the Legislative Assembly (MLA) and Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) involvement; two different biologist reports supporting the current location of the proposed dock; impact(s) the proposed dock would have on neighbours and the environment; proposed dock preventing neighbours from launching their boat; observations made by diver Andy Lamb of Thetis Island, which were read aloud by Marjorie Cerezin; possibility of legal action if the Development Permit (DP) is issued; eel grass, kelp and sensitive ecosystems; resiliency of environment; potential deconstruction impact(s) of current dock structure(s); possible alternate location(s) for the proposed dock; applicant bathymetric mapping; process being messy due to the LTC not having the opportunity to be involved from the beginning; considering the application as though the pilings, which were constructed prior to reporting, are not there already; riparian rights; LTC authority; docks ordinarily being considered via rezoning application(s) as per Galiano's Official Community Plan (OCP); Tenures Branch waiting for a response from the Islands Trust; new mapping information; riparian rights being civil matters; LTC not being able to deny the DP if guidelines are met; neighbours appealing to the Ombudsman due to proper process not having being followed; LTC and neighbours frustration with process; neighbours being ok with the proposed dock if it is moved northward and put on a 90 degree angle; concern(s) regarding eel grass; property owners not being able to sign away riparian rights that are on Crown Land(s); LTC options; best location for the proposed dock; possible safety issues related to moving the proposed dock northward and putting it on a 90 degree angle; initial referral and information that was or was not included; process and next steps.

GL-2014-022

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee directs staff to amend GL-DP-2013.2 (Ghai) to reflect the orientation of the dock that was contained in the original application for tenure.

CARRIED

David McKerrell stated that DP guidelines have been met.

Chair Hancock responded that the proposed dock pilings were constructed prior to the applicant consulting the LTC and that such is a problem, which has resulted in LTC guidelines not having been met.

Chair Hancock stated that the new location for the proposed dock would hopefully meet LTC guidelines.

10.2 GL-DVP-2013.4 (Haley) Staff Report

Planner Nichols provided information from Staff Report dated March 28, 2014, (File No.: GL-DVP-2013.4 (Haley)) Re: Development Variance Permit and stated that no concerns have been raised by neighbours or the public regarding this application. He noted that under site context on page two of the staff report he would replace "3.7 ha (29.2 acres)" with "3.7 ha (9.2 acres)".

Applicant Joseph Haley was in attendance and spoke on behalf of the application.

There was some discussion regarding the history of the property, the property being well screened and bylaw enforcement.

GL-2014-023

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee Development Variance Permit GL-DVP-2013.4 (Haley) to permit an existing accessory dwelling (carport) be Approved.

CARRIED

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

Planner Nichols provided information from Staff Report dated March 27, 2014, (File No.: GL-RZ-2004.6 Crystal Mountain) Re: Preliminary Report – Bylaw Amendment Application.

Applicants Stephen Foster and Helen Foster as well as Crystal Mountain Board of Directors member Elizabeth Mclelland were in attendance and spoke on behalf of the application.

There was some discussion regarding: application history; LTC options; staff recommendations; Temporary Use Permits (TUPs); illegal use; rezoning; Stephen Foster's written response to Staff Report dated March 28, 2014, Re: Crystal Mountain Rezoning Application, which he read aloud; land(s)/lots involved; latest development plan; OCP; forestlands; retreat centre's; process; Trustee Pottle's site visit; number of planned meditation huts; clustering; emergency access; covenants; and concern regarding extra meditation huts having already been built, even if they are removable.

Note: there was a break at 2:35 p.m. and the meeting reconvened at 3:00 p.m.

There was further discussion regarding: Crystal Mountain being a not for profit registered charity; the land(s) having being purchased via donation(s); the need for a retreat centre such as Crystal Mountain; Crystal Mountain being a community benefit/amenity; topography of the land(s) and various habitats; intent being to cherish the land(s); profit not being a motive for development; desire to cluster 25 meditation huts on 25% of the land(s) and covenant the other 75% of land(s); ecosystem protection being a priority; ecosystem education opportunities; privacy needs for the people using the meditation huts; this being a unique application; meditation huts being 150 square feet (sqf) each; challenges related to merging one lot that is zoned residential with one lot that is zoned forestry; 75/25 rule; rezoning; transferring 75% of the land(s) to a conservancy of some sort instead of covenanting it; Crystal Mountain's mission statement; Galiano Island Film School zoning; Crystal Mountain being a meditation and educational centre; Rural Comprehensive Development (RCD) zoning; Crystal Mountain mostly serving three kinds of meditators; desire to use the whole environment if possible; concern regarding emergency access, building codes and fire issues; Vancouver Island Health Authority (VIHA); water supply; bible camps on Keats Island and Gambier Island; onus being on the applicant to provide the LTC with information and keep an application moving forward; applications usually being closed after a period of two years with no activity; staff recommendations; LTC options; the complicated history of this file as it has been open for 10 years; bylaw compliance issues; need for Crystal Mountain to consult with Planner Nichols; closing this application and starting fresh with a new one; timeline; fees; and fee credits.

GL-2014-024

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee resolves to proceed no further with application GL-RZ-2004.6 (Crystal Mountain) and directs staff to assist Crystal Mountain with any information regarding new application procedures.

CARRIED

There was some discussion regarding Bylaw Enforcement (BE) and liabilities.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Short Term Vacation Rentals (STVR) Report

Planner Nichols provided information from Staff Report dated March 28, 2014, (File No.: 6500-20-STVR) Re: Short Term Vacation Rental (STVR) Project – Next Steps.

There was some discussion regarding: TUPs; home occupation in relation to owners and renters; different scenarios that would permit an owner(s) to have an STVR; TUPs for owners not living on their property; owners with multiple properties; not amending the fees bylaw; costs associated with mail outs and BE; and the average STVR generating \$1265.00 per week.

GL-2014-025

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee directs staff to draft bylaw amendments to permit Short Term Vacation Rentals by: i) amending Land Use Bylaw cited as "Galiano Land Use Bylaw No. 127, 1999", Section 3, Home Occupations Regulations ii) amending Official Community Plan cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995", Section VII, Temporary Use Permits.

CARRIED

11.2 Contractor Home Base Report

Planner Nichols provided information from Staff Report dated March 28, 2014, (File No.: 6500-20-LUB Amendment-Contractor Yards) Re: Contractor Home Base – Options for Discussion.

There was some discussion regarding: it probably being too soon for a CIM; the need for contractor yards on Galiano; possibility of setting up an advisory committee; LTC needing more information; Light Industrial (LI) zoning; and outside storage.

GL-2014-026

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee directs staff to prepare a Project Charter and Terms of Reference making use of a Focus Group to advise the Galiano Island Local Trust Committee on issues related to Contractor Home Base.

CARRIED

There was some discussion regarding noise and estimating the number of contractor yards on Galiano.

12. REPORTS

12.1 Work Program Reports

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

12.2 Applications Reports

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

Specific to GL-RZ-2013.1 Purpose – Planner Nichols will replace "from two F1 zoned lots" to "from one F1 zoned lot".

There was some discussion regarding GL-RZ-2013.1 and GL-SUB-2013.1, specifically relating to: land(s) that would be transferred to parks; BC Parks not wanting the land(s); communication(s) between agencies; and community support for a trail.

GL-2014-027

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee request that the Approving Officer not waive Section 75 (access to water) of the *Land Title Act* as it pertains to application GL-SUB-2013.1 due to the policies contained in the Galiano Island Official Community Plan cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995", requesting that public access to the foreshore be implemented. The policies addressing foreshore access are outlined as follows:

1. Residential - Residential Advocacy Policies

The Local Trust Committee considers that it is in the public interest that the approving officer requires provision of access to bodies of water or Crown land under section 75 of the *Land Title Act* whenever land is subdivided, regardless of whether the access may practically be developed as a roadway for motor vehicles.

2. Shoreline and Marine Protection

The Ministry of Transportation and Infrastructure and the Galiano Parks and Recreation Commission shall be requested to provide signs at foreshore accesses.

6. Parks and Recreation

Shore access points, parks, and proposed Trail Network are shown on Schedule "E" and provincial, community and small parks acquired at the time of subdivision are identified on Schedule "B" of this Plan.

Section III

Land Transportation Policies

q) In all subdivisions bordering on a body of water, the Approving Officer shall be requested to require public access to the foreshore, subject to the Approving Officer's discretion, sufficient area for parking at foreshore accesses, emergency vehicle standards for all new roads, and driveways, road construction designed only for the zoned residential capacity and consolidation of road accesses from subdivisions onto main roads.

Plus Schedule E – Parks and Trails

<http://www.islandstrust.bc.ca/ltc/gl/pdf/glocpsche.pdf>

CARRIED

GL-2014-028

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee directs staff to work with applicant GL-RZ-2013.1 to pursue dedication of land east of the roadway as a local park to be managed by the Capital Regional District.

CARRIED

There was some discussion regarding BC Parks, and enforcement may be a reason why they don't want the land(s).

12.3 Expense/Budget Reports

Expense/Budget Reports dated March 2014, provided for information.

The LTC noted some inaccuracies.

12.4 Bylaw Enforcement

None

12.5 Policies and Standing Resolutions Report

12.5.1 Policies and Standing Resolutions Report

Planner Nichols provided information from Memorandum dated March 27, 2014, (File No.: 3040-06) Re: Draft Standing Resolution – Community Wells as a Community Benefit.

GL-2014-029

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee adopt the following standing policy: 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.

CARRIED

The LTC agreed by consent to address item 13.2 prior to item 12.6.

13.2 Groundwater Toolkit & Memo

Trustee Decario provided information from Memorandum dated March 19, 2014, Re: Gulf Islands Groundwater Protection – A Regulatory Toolkit.

12.6 Galiano Island LTC Web Page for Review

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

No specific updates were made; Planner Nichols will update routine items as necessary.

12.7 Chair's Report

Chair Hancock stated that he attended a wonderful conference on civic governance and that the highlight was a workshop on catalyzing communities. He said that he is preparing for the Association of Vancouver Island & Coastal Communities convention on April 11, 2014, in Parksville.

12.8 Trustee Report

Trustee Decario stated that Colleen Doty would be the new backup minute taker for the LTC whilst also being the minute taker for the Advisory Planning Commission (APC). Trustee Decario said that she has been attending to regular business and office hours and has had many discussions with the public regarding mobile food trucks, parks etc.

Trustee Pottle stated that she has been attending to regular business and office hours and has had many discussions with the public outside of office hours. She said that concerns have been raised regarding mobile food trucks and contractors that have a lot of equipment in their yards. She mentioned that she would be participating in the April 12, 2014, floating protest associated with the Peoples' Procession & Rally Against the Pipelines, which is being organized by Burnaby Residents Opposing Kinder Morgan Expansion (BROKE).

13. OTHER BUSINESS

13.1 Upcoming Meetings

The next Galiano Island Local Trust Committee meeting will be held on May 5, 2014, at 12:30 pm, at the South Community Hall on Galiano Island.

The meeting is scheduled as stated.

13.2 Groundwater Toolkit & Memo

As amended, this item was addressed prior to item 12.6.

13.3 2013-2014 Annual Report Submission

GL-2014-030

It was MOVED and SECONDED,

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

CARRIED

14. TOWN HALL MEETING

Chair Hancock invited the public to make comment.

Michael Hoebel stated that the Southern Gulf Islands Economic Development Commission (SGI EDC) would make their water transportation survey results available in approximately eight weeks.

There was some discussion regarding regional versus local projects and that affordable housing is included in the SGI EDC agenda.

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

15. MOTION TO CLOSE MEETING

GL-2014-031

It was MOVED and SECONDED,

That pursuant to Section 90(a) and (f) of the Community Charter, the Galiano Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting February 3, 2014, Galiano LTC In-Camera Minutes and to consider Advisory Planning Commission appointments; and further that staff and Recording Secretary, David Millership remain present.

CARRIED

Note: the public was asked to adjourn at 5:00 p.m.

See separate In Camera Meeting minutes dated April 7, 2014.

Note: the public reconvened at 5:10 p.m.

16. RECALL TO ORDER

Chair Hancock reported: the adoption of February 3, 2014, Local Trust Committee In Camera Meeting minutes; appointment of Colleen Doty as Alternate Minute Taker to the LTC and Secretary to the Galiano APC; and appointment(s) of Barry New and Dave Koster to the Galiano APC.

17. ADJOURNMENT

GL-2014-032

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee meeting be adjourned at approximately 5:15 p.m.

CARRIED

RECORDER

CHAIR



Islands Trust

Print Date: Apr-28-2014

RWM From: April 07, 2014 To: April 28, 2014

Galiano Island

Resolution #	Action	Resolution Description	Resolution Date
2014-02	In Favour	THAT the Galiano Island Local Trust Committee authorize the Chair of the Galiano Island Local Trust Committee to execute a section 219 covenants required as a condition of final approval of subdivision application GL-SUB-2012.1.	Apr 28, 2014



Follow Up Action Report w/ Target Date

Galiano Island Dec-03-2012

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

Nov-18-2013

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

Feb-03-2014

No.	Activity	Responsibility	Target Date	Status
3	GL-DVP-2013.3 (Williams) The application is deferred until the May 5, 2014 LTC meeting for consideration.	Kris Nichols	May-05-2014	Done
4	Ground Water DP Revision Develop a revised DPA4 for comment	Kris Nichols	May-05-2014	Done
5	Post Groundwater DP Project Charter and update reports on website.	Lori Foster	May-05-2014	Done

6	Community Benefit Discussion - Forest Lands To determine a policy to direct decisions made on community benefit and Forest lands rezoning and how it relates to who is the recipient and the process required.	Louise Decario Kris Nichols Sandy Pottle	Jul-07-2014	On Going
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Apr-07-2014

No.	Activity	Responsibility	Target Date	Status
7	GL-RZ-2004.6 (Crystal Mountain) Staff work with applicant on a future application and direct them on the information required.	Kim Farris Lori Foster Kris Nichols	May-05-2014	Done
8	Short Term Vacation Rentals That staff work on drafting an amendment to the OCP and the LUB.	Kim Farris Kris Nichols	May-05-2014	Done
9	Contractor Home Base Staff to develop a Project Charter and a terms of reference to establish a focus group to advise on contractor home base.	Kris Nichols	May-05-2014	Done
10	GL-DVP-2013.4 (Haley) That GL-DVP-2013.4 be issued. A copy be forwarded to CRD building.	Sharon Lloyd-deRosario	May-05-2014	Done
11	GL-DP-2013.2 (Ghai) Staff to amend GL-DP-2013.2 to reflect original orientation of the dock (90 degrees from shoreline) in the original tenure and to notify FLNRO	Kris Nichols	May-05-2014	On Going
12	Standing Resolution Update - that the standing resolutions be updated to include the approved resolution dealing with provision of a community well as part of a community benefit.	Lori Foster Kris Nichols	May-05-2014	On Going
13	2013-2014 Annual Report Submission - it was approved as provided for in the agenda and can be included in the Annual Report	Kris Nichols Laura Stringer	May-05-2014	Done
14	GL-SUB-2013.1 (Landworks) Staff to ensure that the Approving Officer is aware of the resolution passed to address the road dedication proposed as part of subdivision.	Kris Nichols	May-05-2014	Done

15	GL-RZ-2013.1 (Landworks) That staff follow up with applicant regarding the resolution passed that the applicant pursue dedication of the lands west of the main road to CRD Parks.	Kris Nichols	May-05-2014	Done
16	Galiano Island Local Trust Committee Meeting Minutes of March 3, 2014 adopted as amended, posted to web.	Lori Foster	May-05-2014	Done

STAFF REPORT

File No.: GL-DVP-2013.3
(Williams)

To: Galiano Island Local Trust Committee
For the meeting of May 5, 2014

From: Kris Nichols, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Reconsideration of Development Variance Permit Application GL-DVP-2013.3 (Williams)

Owner: David and Nora Williams
Applicant: Same as above
Location: Lot 1, of Lot 6, Galiano Island, Cowichan District, Plan 11928
260 Cayzer Road

PURPOSE

To reconsider a development variance permit to legalize the existing building (dwelling) and structures (retaining wall, shed, stairs and deck).

BACKGROUND

Chronolgy:

September 9, 2013:

At the September 9, 2013 Local Trust Committee meeting a Development Variance Permit (DVP) application (GL-DVP-2013.3) was considered regarding a number of requested variances. The application is to vary the Galiano Island Land Use Bylaw 127, 1999 to legalize the existing building (dwelling) and structures (retaining wall, shed, stairs and deck) on the subject property by varying:

- a) Section 2.14 to reduce the setback to the natural boundary of the sea from 7.5 metres to:
 - i. 0.96 metres for an existing retaining wall,
 - ii. 0.0 metres for an existing deck, and
 - iii. 0.39 metres for existing stairs.
- b) Article 5.3.8.2 to reduce the setback from the interior side lot line from 6.0 metres to:
 - i. 5.69 metres for an existing single family dwelling unit,
 - ii. 0.82 metres for an existing shed,
 - iii. 0.65 metres for an existing retaining wall, and
 - iv. 4.13 metres for an existing deck.

The September 9, 2013 staff report included an overview of the site and provided a history of the retaining wall constructed within the setback to the sea. There is also a bylaw enforcement file initiated in 2002. In the report, staff recommended issuing the permit for the dwelling unit and shed but to deny the variances for the retaining wall, deck, and accompanying stairs.

December 9, 2013:

At the December 9, 2013 Local Trust Committee (LTC) Meeting, two resolutions were passed. The first one was based on determining the natural boundary of the sea given that the Trustees had two documents, a survey and a consultant's report, that differed in their interpretation of the natural boundary of the sea. The following resolution was passed:

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to obtain a second survey to determine natural boundary of the sea pertaining to GL-DVP-2013.3 (Williams).

The second motion was in consideration of when the application would be dealt with at an LTC meeting given that the applicants would be out of the country for a number of months and the fact that a second survey would take time to accomplish. The LTC passed the following motion:

It was Moved and Seconded that the Galiano Island Local Trust Committee defers further consideration of GL-DVP-2013.3 (Williams) to May 2014.

At the December 9 meeting the applicants also presented a professional report to evaluate the existing seawall. It stated that the seawall has not had any observable effect on the intertidal in the area. The most significant effect of the seawall construction is in compromising of riparian ecological function along the walled portion of the property. The report does call into question the original need for the retaining wall given the lack of erosion shown on the adjacent properties. The report also provides a summary and suggested mitigative measures based on whether the retaining wall is to be removed or kept and riparian ecological enhancement done.

February 3, 2014:

At the February 3, 2014 Local Trust Committee meeting staff updated the Committee on the resolution request for a second survey. After discussions with the original surveyor and a possible second surveyor it was determined that a second survey would not provide any conclusive new evidence as to the location of the natural boundary of the sea.

The LTC passed the following resolution:

That the Galiano Island Local Trust Committee rescinds their December 9, 2013 resolution recommending that staff obtain a second survey to determine the natural boundary of the sea as it pertains to GL-DVP-2013.3 (Williams).

All previous reports can be found at <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications.aspx>

STAFF COMMENTS

The Galiano Island LTC had set the date of the May LTC meeting to enable the applicants to be in attendance for reconsideration of their application. The staff original recommendation remains for issuing the permit for the dwelling unit and shed but to deny the variances requested for the retaining wall, deck, and accompanying stairs. The development variance permit proposed originally in September 2013 is still the permit attached and therefore will require an amendment by the LTC as per the recommendations. Please see Attachment 1

It remains staff's opinion that should an application be made to construct a retaining wall at the current location today staff would not recommend approval. There does not appear to be any immediate threat to the property and its associated structures as a result of coastal erosion as is evidenced by the adjacent properties and how they have withstood any coastal erosion. The applicant's consultant's report also calls into question the original need for a seawall given the lack of erosion on these adjacent properties.

Staff are recommending that the existing structures (retaining wall, stairs and deck) should be removed in their entirety and a remediation plan put in place through a development permit to create the once natural shoreline. The deck and stairs were built to permit access to the foreshore as a result of the retaining wall blocking easy access via the natural bank that had existed previously. Many jurisdictions including the Islands Trust are not in support of hard structures such as seawalls where there are options due to the fact that they have an environmental impact as was stated in the consultant's report. Many jurisdictions recommend the removal of seawalls to reintroduce natural coastal processes. There are many alternatives to seawalls that exist for managing risks to structures and infrastructure posed by coastal erosion. The main concept is utilizing soft shore protection approaches which are a contrast to the hard approach such as seawalls as they preserve the natural coastal shoreline dynamics that are negatively impacted by seawall type structures. Seawalls are seen as a last resort to protect property in extreme cases where structures require protection. In this case it appears to be more of a landscaping alternative.

It is understood that to remove the structures (retaining wall, deck and stairs) would require time given that as the wall was built by hand it too must be taken down by hand as the ability for large equipment to access the site is limited due to existing infrastructure (septic field, etc.) on the property. There would have to be remediation through a development permit to reestablish the bank with vegetation over time.

Examples of how reclaiming the natural coastal processes can occur have been clearly illustrated in two recent documents released in March 2014. One is titled Marine Shorelines Design Guidelines - Washington State Aquatic Habitat Guidelines Program (See Chapter 7 <http://wdfw.wa.gov/publications/01583/wdfw01583.pdf>) and another titled Soft Shore Stabilization – Shoreline Master Program Planning and Implementation Guidance (Department of Ecology State of Washington) (<https://fortress.wa.gov/ecy/publications/publications/1406009.pdf>).

OPTIONS

Should the LTC decide to permit the retaining wall and associated deck and stairs to remain through the development variance permit, it is important to understand that with a DVP there is no ability to put conditions regarding what the LTC would deem to be appropriate with the property (e.g. revegetation, etc.). The ability to put conditions on a development would rest with

requiring a development permit as part of the deconstruction (i.e. wall, deck, stair removal) and remediation process.

The Galiano Island LTC has the following options with regard to this variance permit:

1. Issue the permit as presented at the September 9, 2013 meeting (Attachment 1); or
2. Issue an amended permit for the dwelling unit, shed, and retaining wall but deny the variance for the deck, and accompanying stairs; or
3. Issue an amended permit for the dwelling unit and shed but deny the variance for the retaining wall, deck, and accompanying stairs as previously recommended by staff; or
4. Deny the issuance of the permit and all presented variances.

Should the variances be denied for retaining wall, deck and stairs as stated in option 3 the following would apply:

- The remaining variances would be addressed in the development variance permit.
- The wall, stairs and deck would have to be removed and a development permit applied for to ensure proper removal and environmental monitoring is done.

Next Steps

Staff have attached the original application report as Attachment 2 and the December 9, 2013 Memo as Attachment 3 should the LTC wish to review the application further at this meeting. The LTC now has all the information requested previously, and the owners are available to be at the meeting in May given that the application discussion was put on hold until May at their request.

RECOMMENDATIONS:

1. THAT GL-DVP-2013.3 (Williams) be amended by deleting variances for the retaining wall (Part 2c), the variances for the deck (Part 2d), and variance for the stairs (Part 2e);
2. That GL-DVP-2013.3 (Williams) be amended by removing the retaining wall, deck and stairs from Schedules A and B; and
3. THAT the amended GL-DVP-2013.3 (Williams) be APPROVED.

Alternate Resolution:

1. THAT GL-DVP-2013.3 (Williams) be amended by deleting variances for the deck (Part 2d), and variance for the stairs (Part e); and
2. THAT GL-DVP-2013.3 (Williams) be amended by removing the deck and stairs from Schedules A and B.

Prepared and Submitted by:

Kris Nichols

April 22, 2014

Date

Concurred in by:

Robert Kojima

Regional Planning Manager

April 24, 2014

Date

Attachments:

1. Proposed Development Variance Permit GL-DVP-2013.3 (Williams)
2. Original Application Report dated August 28, 2013.
3. Memo dated November 25, 2013.



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

GL-DVP-2013.3

TO: David and Nora Williams

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

Lot 1, of Lot 6, Galiano Island, Cowichan District, Plan 11928
2. "Galiano Island Land Use Bylaw 127, 1999" is varied as follows:
 - a) *For the existing single family dwelling unit (Shown on Schedule A):*
 - i) Article 5.3.8.2 to reduce the setback from an interior side lot line from 6.0 metres to 5.69 metres.
 - b) *For the existing accessory building – shed (Shown on Schedule A):*
 - i) Article 5.3.8.2 to reduce the setback from an interior side lot line from 6.0 metres to 0.82 metres.
 - c) *For the existing retaining wall (Shown on Schedule B):*
 - i) Section 2.14 to reduce the setback from the natural boundary of the sea from 7.5 metres to 0.96 metres.
 - ii) Article 5.3.8.2 to reduce the setback from an interior side lot line from 6.0 metres to 0.65 metres.
 - d) *For the existing deck (Shown on Schedule B):*
 - i) Section 2.14 to reduce the setback from the natural boundary of the sea from 7.5 metres to 0.0 metres.
 - ii) Article 5.3.8.2 to reduce the setback from an interior side lot line from 6.0 metres to 4.13 metres.
 - e) *For the existing stairs (Shown on Schedule B):*
 - i) Section 2.14 to reduce the setback from the natural boundary of the sea from 7.5 metres to 0.39 metres.
3. All work must be consistent with that shown on Schedule 'A' and Schedule 'B' attached to and forming part of this permit.
4. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of Capital Regional District, Vancouver Island Health Authority and the Ministry of Transportation and Infrastructure.

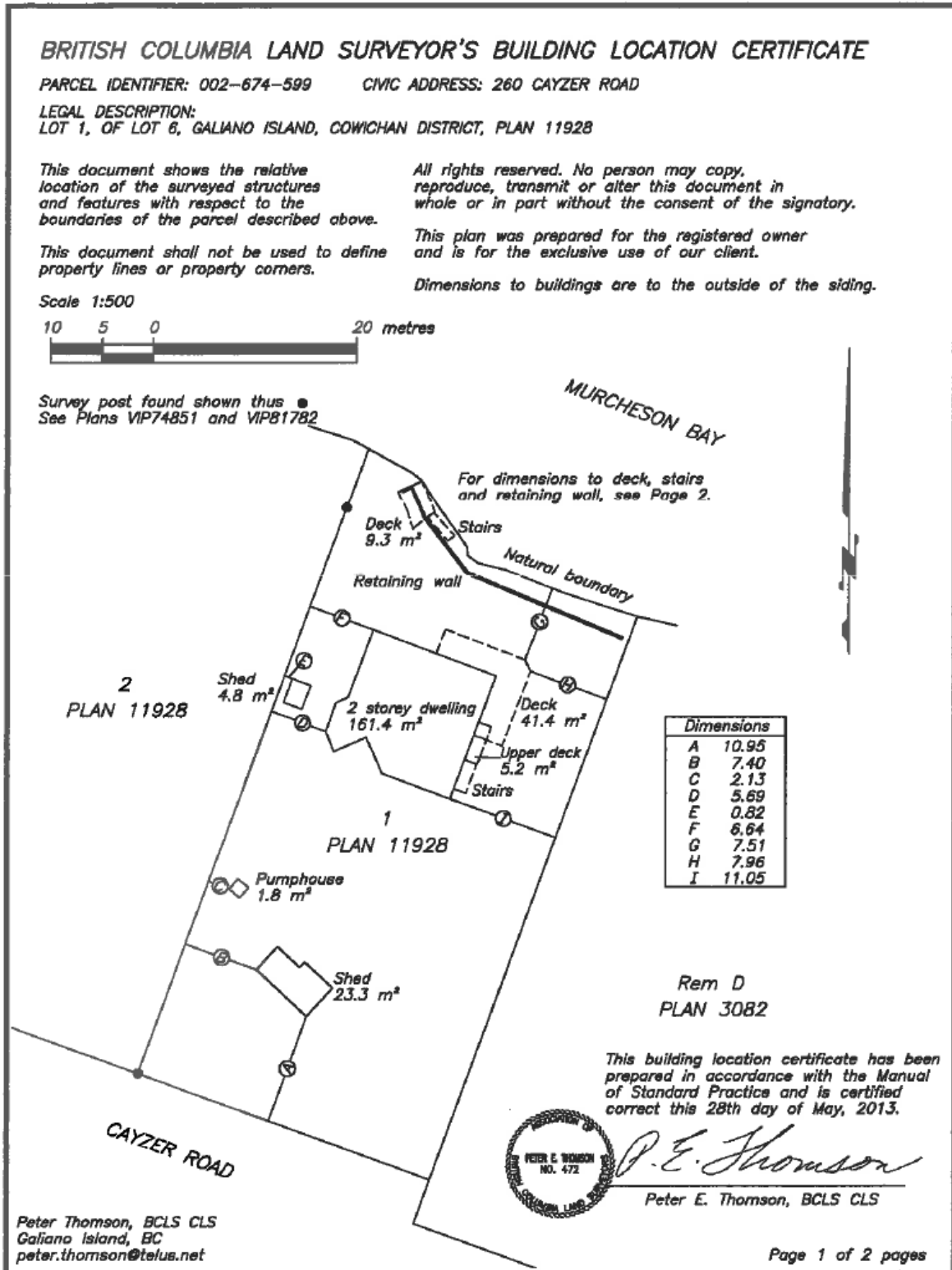
**AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE
THIS ____ DAY OF ____, 201_ .**

Deputy Secretary, Islands Trust

Date of Issuance

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

GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2013.3
SCHEDULE 'A'



GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2013.3
SCHEDULE 'B'

BRITISH COLUMBIA LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE

PARCEL IDENTIFIER: 002-674-599

CIVIC ADDRESS: 260 CAYZER ROAD

LEGAL DESCRIPTION:

LOT 1, OF LOT 6, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 11928

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above.

This document shall not be used to define property lines or property corners.

Scale 1:250

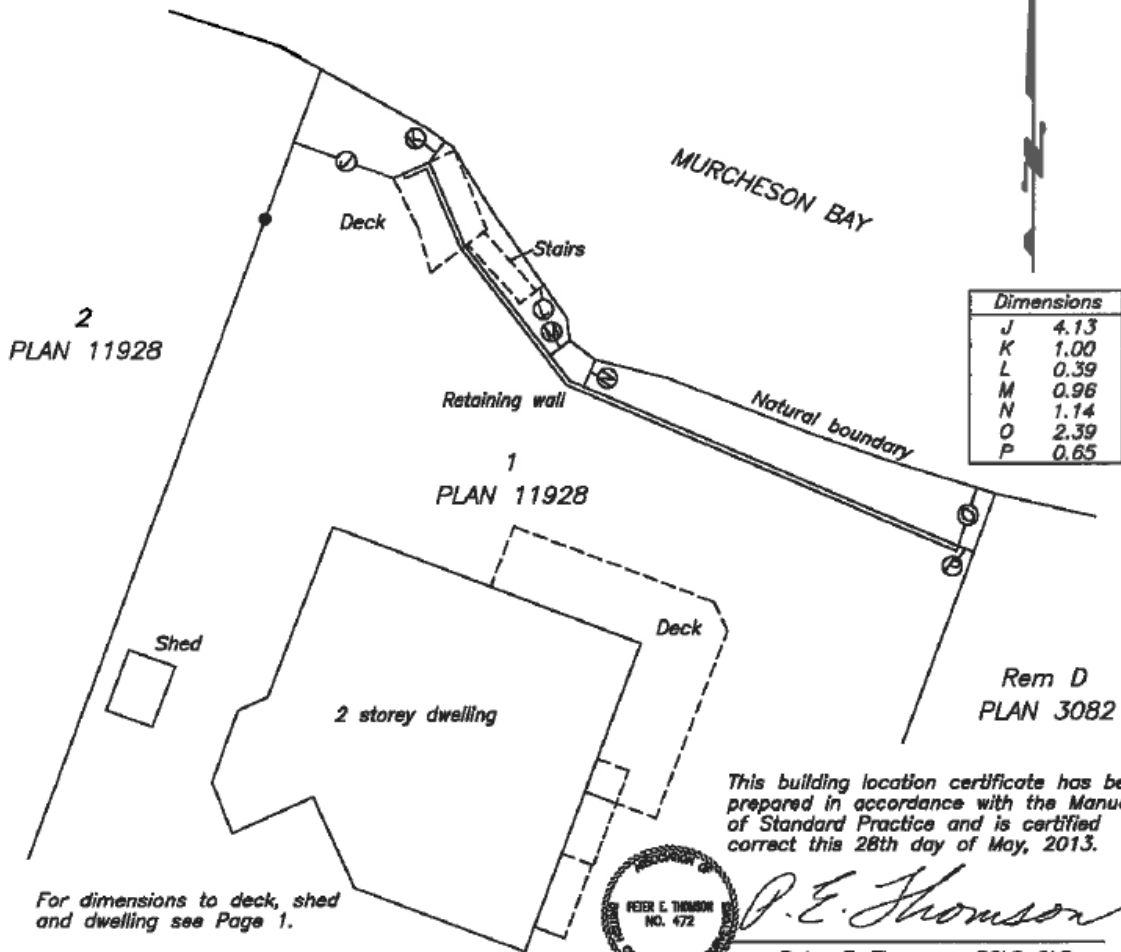


Survey post found shown thus ●
See Plans VIP74851 and VIP81782

All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

This plan was prepared for the registered owner and is for the exclusive use of our client.

Dimensions to buildings are to the outside of the siding.



This building location certificate has been prepared in accordance with the Manual of Standard Practice and is certified correct this 28th day of May, 2013.



Peter E. Thomson, BCLS CLS

Peter Thomson, BCLS CLS
Galiano Island, BC
peter.thomson@telus.net

Page 2 of 2 pages

August 28, 2013

File No.: GL-DVP-2013.3
(Williams)

To: Galiano Island Local Trust Committee

From: Kim Farris, Planner 1

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

Re: Development Variance Permit

Owner: David and Nora Williams
Applicant: Same
Location: Lot 1, of Lot 6, Galiano Island, Cowichan District, Plan 11928
260 Cayzer Road

THE PROPOSAL:

This application seeks to vary the Galiano Island Land Use Bylaw 127, 1999 to legalize the existing building (dwelling) and structures (retaining wall, shed, stairs and deck) on the subject property by varying:

- a) Section 2.14 is varied to reduce the setback to the natural boundary of the sea from 7.5 metres to:
 - i. 0.96 metres for an existing retaining wall,
 - ii. 0.0 metres for an existing deck, and
 - iii. 0.39 metres for existing stairs.
- b) Article 5.3.8.2 is varied to reduce the setback from the interior side lot line from 6.0 metres to:
 - i. 5.69 metres for an existing single family dwelling unit,
 - ii. 0.82 metres for an existing shed,
 - iii. 0.65 metres for an existing retaining wall, and
 - iv. 4.13 metres for an existing deck.

In 2002, the property owner outlined a proposal for a retaining wall to a Galiano trustee to discuss the viability of the project. Unfortunately, the property owner was unaware that the proposal did not meet the regulations in the Galiano Island Land Use Bylaw and that variances and a development permit were required. The property owner started the retaining wall construction in July 2002 which included backfilling the property along the retaining wall to level out the rear yard. Later that year, after construction had started, the Islands Trust Bylaw enforcement received a complaint that a retaining wall was being built within the setback from the natural boundary of the sea. Bylaw enforcement notified the property owner that a

Development Variance Permit (DVP) was required for retaining wall; furthermore, if the variance was not granted that the retaining wall must be removed.

In August 2002 the property owner applied for a DVP but the application was deemed incomplete as the applicant did not pay the application fee nor provided a site survey. Bylaw enforcement revisited the property in 2005 at which time they noticed that a deck and accompanying stairs accessing the foreshore were built and were attached to the retaining wall (Picture 3).

Bylaw enforcement recently revisited their file in order to gain compliance for the retaining wall. The applicants reapplied for a DVP and are now requesting setbacks for the retaining wall, stairs, and deck. After reviewing the site survey, staff noted that a portion of the existing house and garden shed were located within the side yard setback (Picture 5). In order to bring the property into compliance, the DVP application includes requested setback variances for the house and a shed.

SITE CONTEXT:

The north-facing waterfront property is located at the southeastern end of Galiano Island facing Whaler Bay. The subject property is 0.18 ha (0.45 acre) in area and subject property is and is zoned Small Lot Residential (SLR). Small Lot Residential zoned parcels surround the subject property and the foreshore borders north property lot line.

There are multiple buildings and structures located on the subject property – a dwelling unit, two sheds, a wood shed, a pumphouse, and a retaining wall with deck and accompanying stairs to access the foreshore. One of the accessory buildings, a wood shed, is not located on the site survey (see Figure 2 and Picture 6).

Figure 1 indicates the location of the subject property and Figure 3 and 4 show the locations of the existing buildings and structures.

Figure 1: Subject Property Map

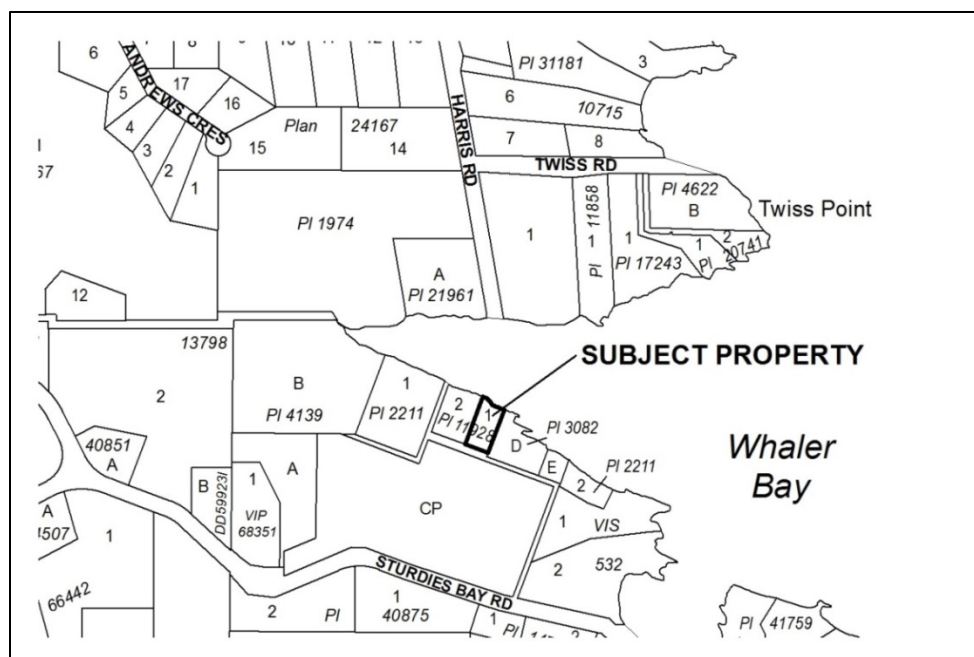


Figure 2: Orthophoto and 2 metre contour lines



Picture 1: View of retaining wall from foreshore



Picture 2: Retaining wall and stairs included in requested variance



Picture 3: Deck and stairs on retaining wall



Picture 4: Rear yard looking west (retaining wall along the right)



Picture 5: Portion of dwelling unit and garden shed included in variance



Picture 6: Woodshed not include on site survey



Picture 7: Shoreline of neighbouring property to the north



Figure 3: Survey Site Plan – Subject Property

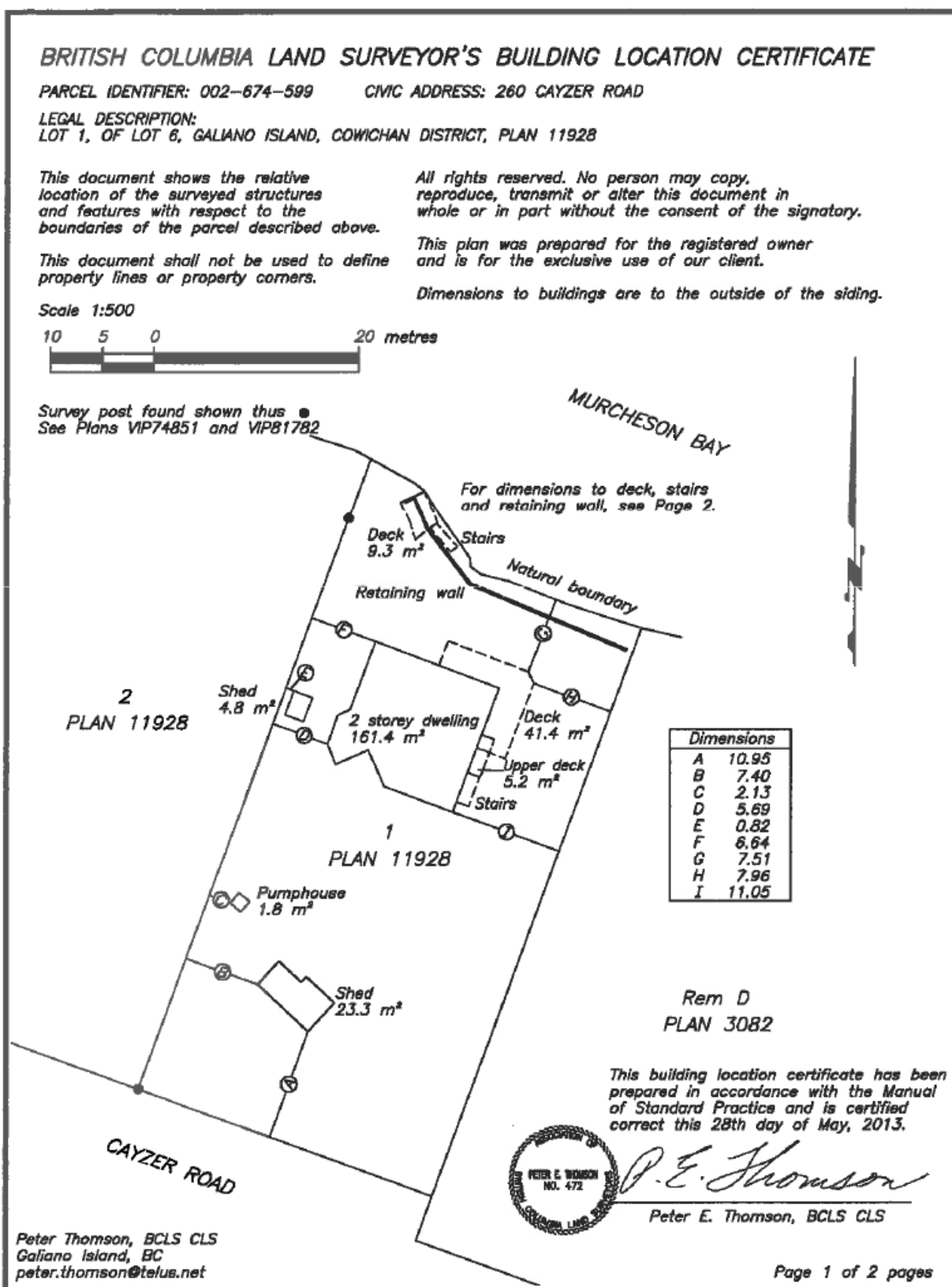
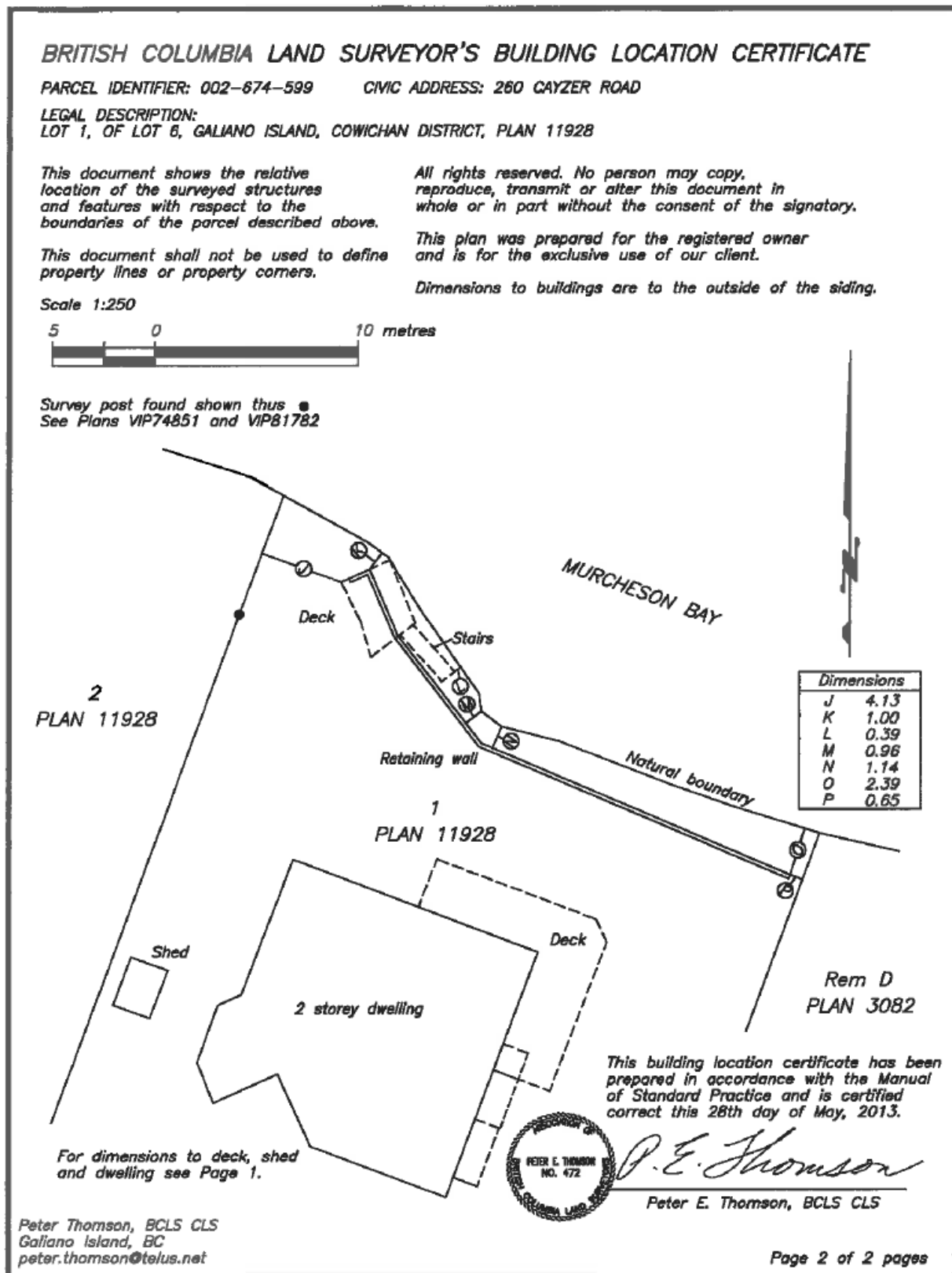


Figure 4: Survey Site Plan – Retaining Wall, Stairs, & Deck



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include:

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

- 3.4.4 ...address the protection of sensitive coastal areas.
- 3.4.5 ...address the planning for and regulation of development in coastal regions to protect natural coastal processes.
- 4.5.10 ...address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
- 5.1.3...address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.

Official Community Plan:

The subject property is designated Small Lot Residential in the Official Community Plan (OCP); relevant Residential policies include:

- B) - Single dwelling units shall be the principal permitted use.
- I) - Appropriate setbacks of buildings and structures from water bodies shall be included in zoning.

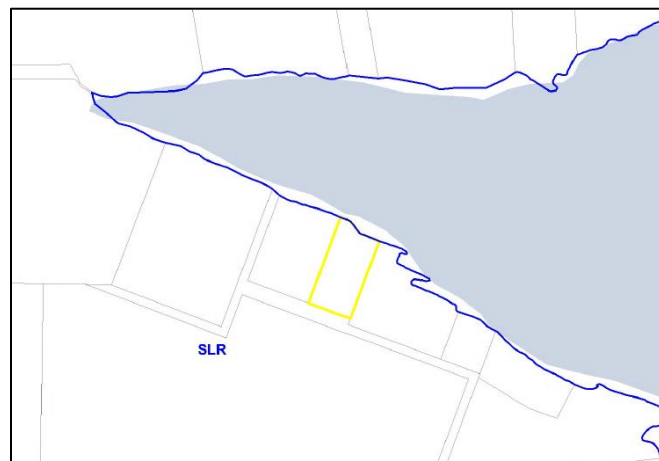
The property is located within the Shoreline & Marine Development Permit Area (DPA) and the Steep Slopes DPA. The Shoreline & Marine DPA was established in the OCP in 2000 prior to the construction of the retaining wall, stairs, and deck therefore a Development Permit was required for these structures at that time.

Land Use Bylaw:

The subject property is zoned Small Lot Residential (SLR) in the Galiano Island Land Use Bylaw 127, 1999. The specific bylaw regulations relevant to this application include:

- Section 2.14 - Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea, and at least 15 metres from any lake, a swamp and any other natural watercourse.
- Article 5.3.8.2 – Buildings and structures must be sited at least 6.0 metres from each interior side lot line.

Figure 5: Zoning Map



Islands Trust Fund:

This application has no considerations for the Island Trust Fund.

Sensitive Ecosystems and Hazard Areas:

The steep slope hazard mapping indicates low and medium hazards on a small portion of the subject property. The steep slope is located along the retaining wall and extends towards the foreshore (see Figure 6). There are no sensitive ecosystems identified on or near the property.

Figure 6: Steep Slopes



Archaeological Sites:

There is a record of an archaeological site along the foreshore to the east of the retaining wall. Had the residents contacted the Archaeology Branch prior to the construction, they would have been advised that if any suspected archaeological materials were encountered during the construction, they would need to stop construction and contact the Archaeology Branch for direction. If the variance for the retaining wall, stairs, and/or deck is not granted and they must be dismantled, and if any materials suspected to be archaeological in nature are encountered during the dismantling, the work must be halted and the Archaeology Branch contacted for direction.

Covenants:

There are no covenants registered on the property.

Bylaw Enforcement:

Bylaw enforcement received a bylaw complaint concerning the construction of the retaining wall within the setback to the sea in 2002. The bylaw enforcement file is still open and will not be closed until the conforming structures are either removed or variances are granted.

There is an existing woodshed that is within the setbacks and is not included in this application. The applicant has stated that they will move the structure. Bylaw Enforcement will be notified to follow up to ensure the structure is moved.

Climate Change Mitigation and Adaption

Increased storm activity along British Columbia's coast associated with climate change has facilitated an increase in wave action and contributes to shoreline erosion. Shore protection measures are modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection against erosion. Structural protection measures are often referred to as 'hard' and 'soft'. Although the retaining wall (hard structure) may help to stabilize the eroding bank, the Galiano Island OCP states that shore protection measures should apply the 'softest' possible shore protection measure that will still provide satisfactory protection. In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

Shoreline

The TAPIS shoreline data classifies the subject property's shoreline as a Sand/Cobble Shoreline. Pictures 1 and 2 in the staff report show the shoreline as a low rock and boulder shoreline.

CRD Building Inspection:

The CRD Building Inspection completed a site inspection in 2002 after the retaining wall was constructed. The building inspector determined a Building Permit was not required. The referral was recently sent to the CRD to collect comments on the current DVP application. To date, a response from the CRD has not been received. Any relevant comments from the CRD will be forwarded to the LTC and presented at the Galiano Island Local Trust Committee meeting on September 9, 2013.

RESULTS OF CIRCULATION:

Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m on September 8, 2013. At the writing of this report, no public submissions have been received. Any additional public submissions will be forwarded to the LTC and presented at the Galiano Island Local Trust Committee meeting on September 9, 2013.

ISSUES SUMMARY:

Applicant's stated rationale for the proposed variance. In 2002, the applicant proposed to construct a retaining wall in order to protect the property from erosion to prevent silting in Whaler Bay to protect an oyster bed. The applicant had a conversation with a local trustee at that time, in which the applicant thought he had enough information to move forward with the retaining wall. During this time, the applicant noticed a large section of his property along the foreshore was sliding down into the shoreline area. As his son was planning to be in town, the applicant went forward with building the retaining wall in late July 2002. Soon after the applicant was notified by the CRD and Islands Trust that the retaining wall was in non-compliance but the applicant continued with the construction as they felt it would create more problems to stop then to continue on. In order to bring the retaining wall into compliance, the applicant has now submitted a complete DVP application.

The overall intent of the regulation being varied. The overall purpose of setback requirements is to ensure a safe separation between uses, reduce impacts on neighbouring uses and to the sea, maintain a consistent pattern of development and the maintenance of green space.

Potential impacts of granting a variance. Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, it is unlikely to generate expectations for other landowners. Each application is evaluated on its own merits.

STAFF COMMENTS:

This variance application is to legalize the siting of existing buildings and structures located on the subject property. The applicant originally requested a variance for the retaining wall, deck, and accompanying stairs. After reviewing the site survey, staff noted that a portion of the existing house and shed were located within the side yard setback and suggested to the applicant to include them in the DVP application as well.

Dwelling Unit & Garden Shed:

The existing non-conforming portion of the dwelling unit and garden shed does not appear to negatively impact the adjacent property owners. If the variance for the house was denied, the removal of the non-conforming portion of the dwelling unit would bestow a considerable cost to the applicant. Staff is of the opinion that the requested variances to reduce the interior side yard setback from 6.0 metres to 5.69 metres for the existing single family dwelling unit and from 6.0 metres to 0.82 metres for an existing shed should be permitted to bring the existing structures into compliance with the Galiano Island Land Use Bylaw.

Woodshed:

The wood shed was noted missing from the site survey after a site visit was completed by Island Trust staff. As the wood shed is a small accessory structure and is minor in nature, it was not asked to be resurveyed onto the site plan. It is the property owners' responsibility to either apply for a variance for the wood shed to legalize its siting or relocate or remove the accessory structure so it conforms to the SLR zone setbacks. The property owner has indicated that he will relocate the woodshed to meet the required setbacks.

Retaining Wall:

The retaining wall is a large concrete structure located approximately 1.0 metre from the natural boundary of the sea. If the retaining wall was proposed today, the property owner would be required to obtain a Development Permit to address the Shoreline & Marine and Steep Slope DPA guidelines and associated variances. The Shoreline & Marine DPA requires a report from a Qualified Environmental Professional to address all the DPA guidelines and to ensure the development has no negative impacts to the shoreline area. Furthermore, the Shoreline & Marine DPA requires applications to apply the 'softest' possible shore protection measure that will still provide satisfactory protection. A variation of the current Shoreline DPA was in place at the time the retaining wall was constructed and should have been applied for at that time due to the sensitive nature of the shoreline.

If the variance for the retaining wall is denied, the applicant will be required to apply for a Shoreline & Marine DPA for the dismantling of the structure. Removal of the structure may have

a more detrimental effect on the shoreline area and would be a significant cost to the property owner.

When the retaining wall was built, it would have required a DVP and a DP for approval. Even though the property owners were aware of the requirement for a variance by Islands Trust staff, they continued with the construction. They were also notified by Islands Trust Bylaw Enforcement staff in 2002 that if the variance was denied, the retaining wall would have to be removed. Given the above, staff is of the opinion that the retaining wall should be permitted if the property owner provides a report, prepared by Environmental Professional with shoreline and marine assessment experience, stating the retaining wall, had and will not have any associated negative impacts to the shoreline and marine sensitive ecosystem.

Deck & Accompanying Stairs:

The deck and accompanying stairs were not built during the initial bylaw complaint in 2002. After a site visit in 2005 by Islands Trust staff, it was documented that a deck and stairs were built attached to the retaining wall. The property owners use the stairs to gain access to the foreshore. As the structures were built after the original bylaw complaint, and at that time the property owners were aware of the required setback to the sea for structures, staff does not support the variance for the deck and accompanying stairs.

Options:

Staff recommends issuing the permit for the dwelling unit and shed but deny the variance for the retaining wall, deck, and accompanying stairs.

If the Local Trust Committee (LTC) is open to approving the variance for the retaining wall, staff then recommends gathering more information from the applicant in the form of a report from an Environmental Professional with shoreline and marine assessment experience. If the report states that the retaining wall had and will not have any associated negative impacts to the shoreline and marine sensitive ecosystem, the LTC may consider approving the variance for the retaining wall. It should be noted that if the applicant provides the said report, it does not guarantee approval of the variance but rather provides scientific data for the rationale of the retaining wall and any associated impacts.

The Galiano Island LTC has the following options with regard to this variance permit:

1. Issue the permit as presented (Attachment 1); or
2. Table the application subject to the applicant providing a report, prepared by an Environmental Professional with shoreline and marine assessment experience, stating the retaining wall had and will not have any associated negative impacts to the shoreline and marine sensitive ecosystem. The application will be considered at a subsequent LTC meeting no later than December 9, 2013. Staff will still be recommending that the variance for the deck, and accompanying stairs not be included; or
3. Issue the permit for the dwelling unit, shed, and retaining wall but deny the variance for the deck, and accompanying stairs; or
4. Issue the permit for the dwelling unit and shed but deny the variance for the retaining wall, deck, and accompanying stairs; or
5. Deny the permit and all presented variances.

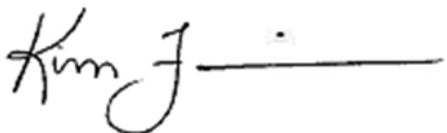
RECOMMENDATIONS:

1. THAT GL-DVP-2013.3 (Williams) be amended by deleting variances for the retaining wall (Part 2c), the variances for the deck (Part 2d), and variance for the stairs (Part 2e); and,
2. THAT the amended GL-DVP-2013.3 (Williams) be APPROVED.

Alternate Resolution:

1. THAT GL-DVP-2013.3 (Williams) be amended by deleting variances for the deck (Part 2d), and variance for the stairs (Part e); and,
2. THAT amended GL-DVP-2013.3 (Williams) be tabled until the Local Trust Committee meeting on December 9, 2013 pending additional information by the applicant.

Prepared and Submitted by:

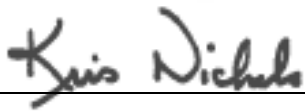


Kim Farris, Planner 1

August 28, 2013

Date

Concurred in by:



August 28, 2013

Date



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

GL-DVP-2013.3

TO: David and Nora Williams

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

Lot 1, of Lot 6, Galiano Island, Cowichan District, Plan 11928
2. "Galiano Island Land Use Bylaw 127, 1999" is varied as follows:
 - a) *For the existing single family dwelling unit (Shown on Schedule A):*
 - i) Article 5.3.8.2 is varied to reduce the setback from an interior side lot line from 6.0 metres to 5.69 metres.
 - b) *For the existing accessory building – shed (Shown on Schedule A):*
 - i) Article 5.3.8.2 is varied to reduce the setback from an interior side lot line from 6.0 metres to 0.82 metres.
 - c) *For the existing retaining wall (Shown on Schedule B):*
 - i) Section 2.14 is varied to reduce the setback from the natural boundary of the sea from 7.5 metres to 0.96 metres.
 - ii) Article 5.3.8.2 is varied to reduce the setback from an interior side lot line from 6.0 metres to 0.65 metres.
 - d) *For the existing deck (Shown on Schedule B):*
 - i) Section 2.14 is varied to reduce the setback from the natural boundary of the sea from 7.5 metres to 0.0 metres.
 - ii) Article 5.3.8.2 is varied to reduce the setback from an interior side lot line from 6.0 metres to 4.13 metres.
 - e) *For the existing stairs (Shown on Schedule B):*
 - i) Section 2.14 is varied to reduce the setback from the natural boundary of the sea from 7.5 metres to 0.39 metres.
3. All work must be consistent with that shown on Schedule 'A' and Schedule 'B' attached to and forming part of this permit.
4. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of Capital Regional District, Vancouver Island Health Authority and the Ministry of Transportation and Infrastructure.

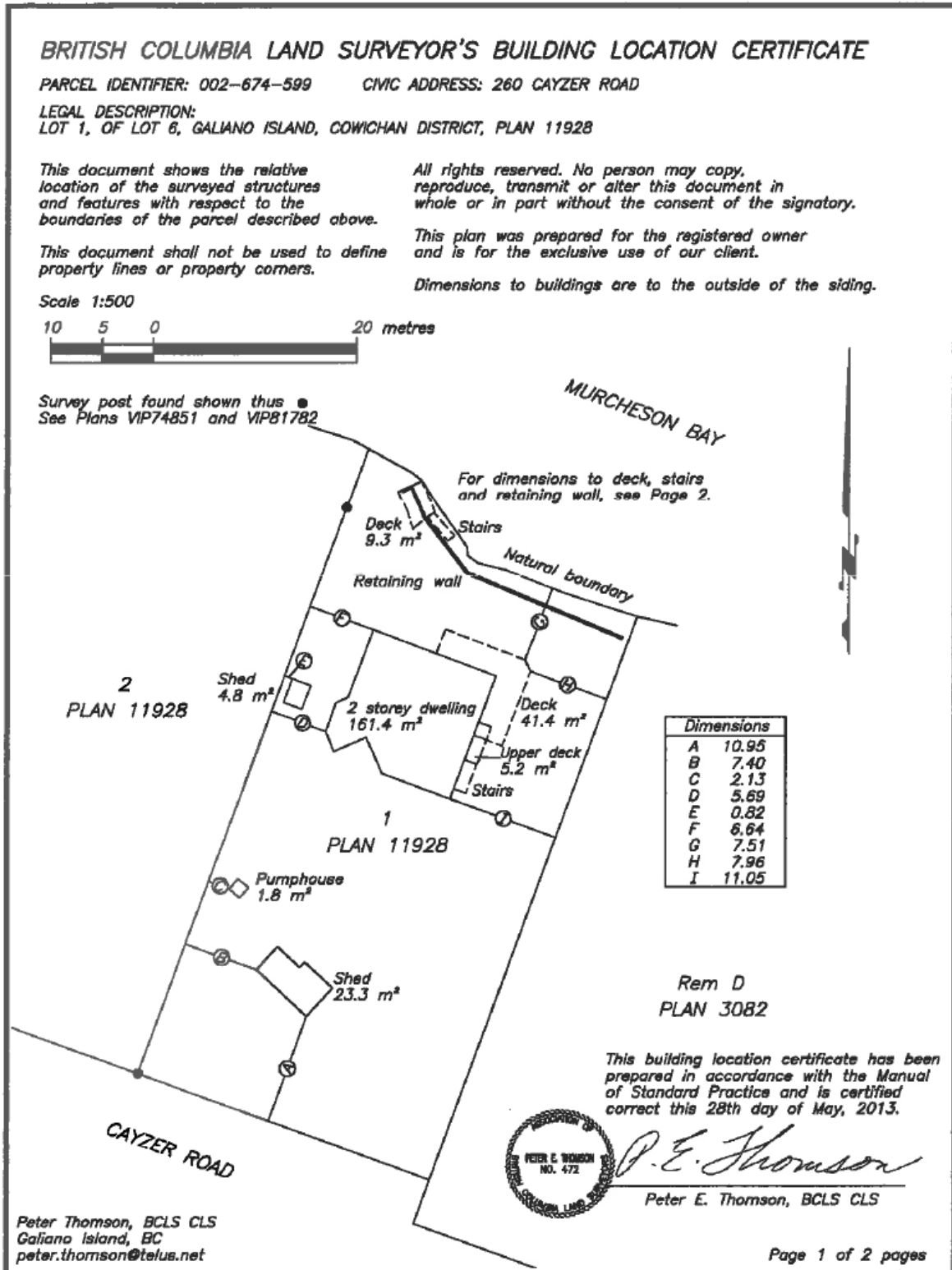
**AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE
THIS ____ DAY OF ____, 201_ .**

Deputy Secretary, Islands Trust

Date of Issuance

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

GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2013.3
SCHEDULE 'A'



GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2013.3
SCHEDULE 'B'

BRITISH COLUMBIA LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE

PARCEL IDENTIFIER: 002-674-599

CIVIC ADDRESS: 260 CAYZER ROAD

LEGAL DESCRIPTION:

LOT 1, OF LOT 6, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 11928

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above.

This document shall not be used to define property lines or property corners.

Scale 1:250

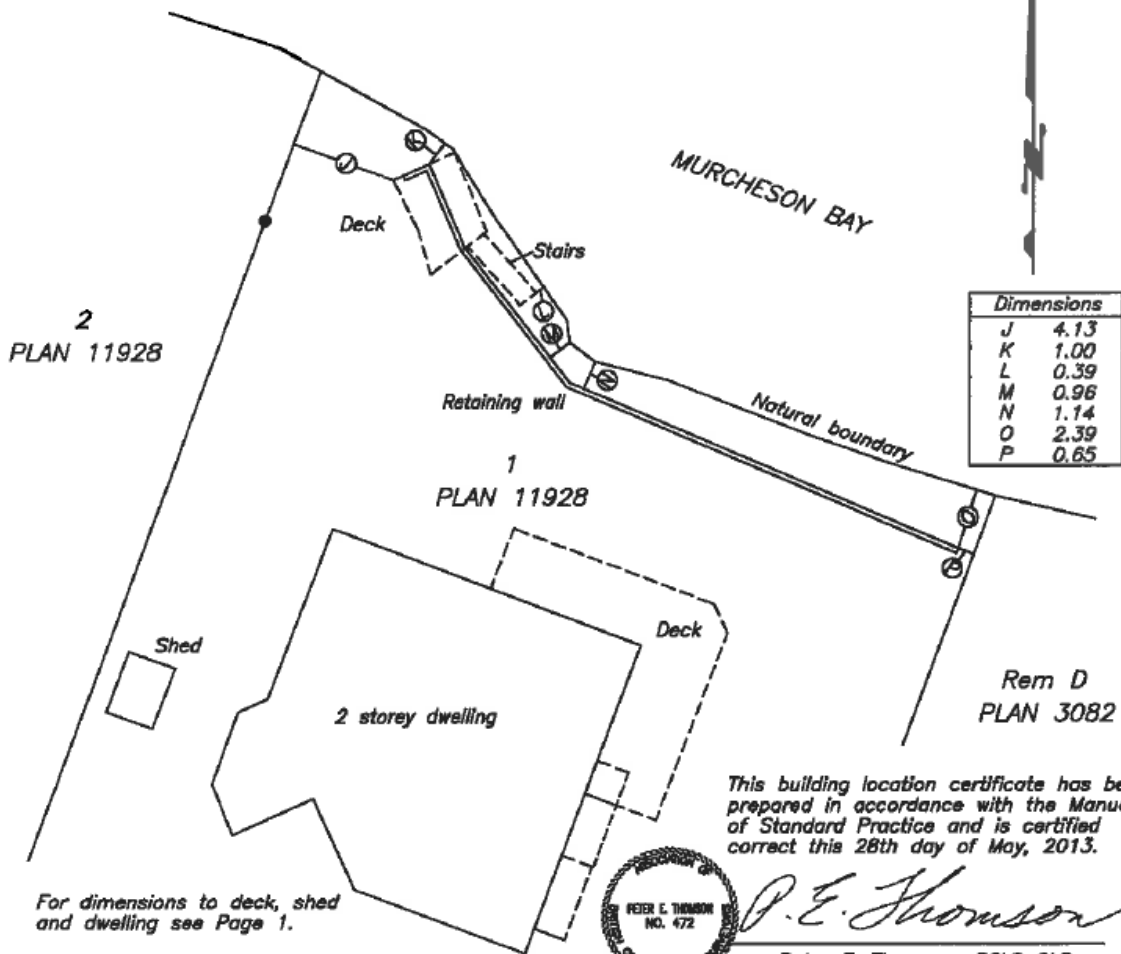


Survey post found shown thus ●
See Plans VIP74851 and VIP81782

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This plan was prepared for the registered owner and is for the exclusive use of our client.

Dimensions to buildings are to the outside of the siding.



This building location certificate has been prepared in accordance with the Manual of Standard Practice and is certified correct this 28th day of May, 2013.



Peter E. Thomson, BCLS CLS

Peter Thomson, BCLS CLS
Galiano Island, BC
peter.thomson@telus.net

Page 2 of 2 pages



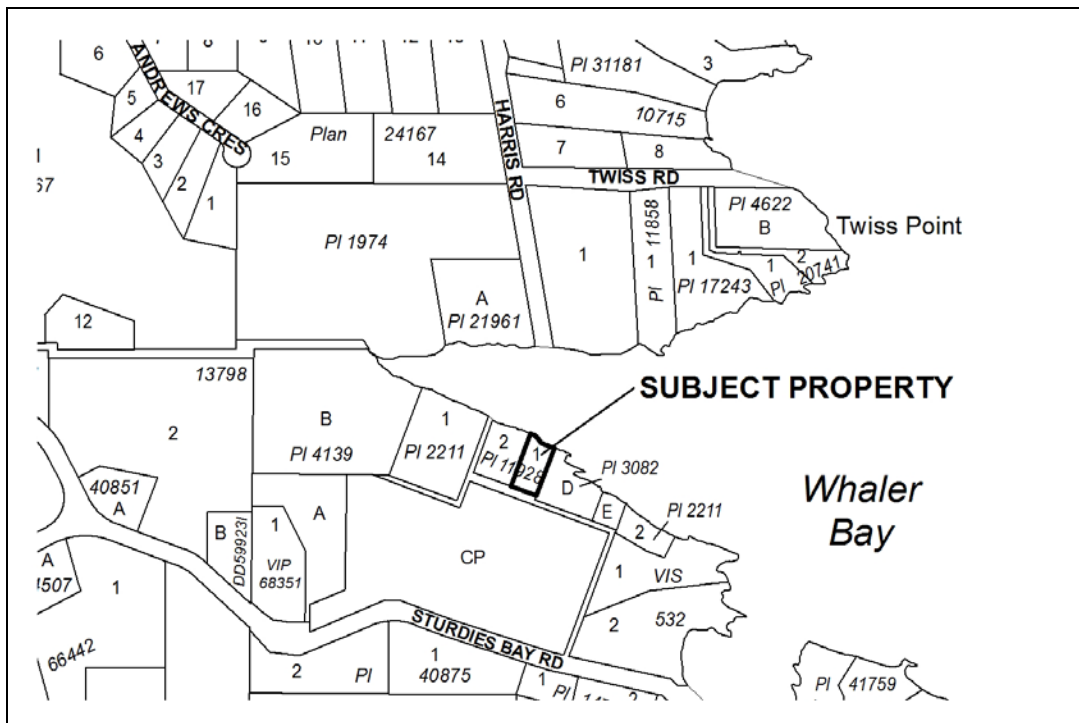
NOTICE
GL-DVP-2013.3
GALIANO ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*. The proposed permit would vary the Galiano Island Land Use Bylaw 127, 1999 to legalize the existing building and structures on the subject property by varying:

- a) Section 2.14 is varied to reduce the setback to the natural boundary of the sea from 7.5 metres to:
 - i. 0.96 metres for an existing retaining wall,
 - ii. 0.0 metres for an existing deck, and
 - iii. 0.39 metres for existing stairs.
- b) Article 5.3.8.2 is varied to reduce the setback from the interior side lot line from 6.0 metres to:
 - i. 5.69 metres for an existing single family dwelling unit,
 - ii. 0.82 metres for an existing shed,
 - iii. 0.65 metres for an existing retaining wall, and
 - iv. 4.13 metres for an existing deck.

The property is located at 260 Cayzer Road. The property is legally described as Lot 1, of Lot 6, Galiano Island, Cowichan District, Plan 11928.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **August 27, 2013** and continuing up to and including **September 8, 2013**.

For the convenience of the public only, and not to satisfy Section 922(5) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing **August 27, 2013**. Also, attached for your convenience is a copy of the proposed permit.

If you have any questions or comments please contact the Planner 1, Kim Farris at (250) 405-5194; for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867 before 4:30 p.m., **September 8, 2013**.

Written comments may be mailed to Islands Trust, 200 – 1627 Fort Street, Victoria BC V8R 1H8; faxed to (250) 405-5155; or emailed to information@islandstrust.bc.ca before 4:30 p.m., **September 8, 2013**.

The Galiano Island Local Trust Committee may give consideration to the proposed permit during their regular business meeting starting at 12:30 p.m., **September 9, 2013** at the South Community Hall, 141 Sturdies Bay Road, Galiano Island, BC.

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

Sharon Lloyd-deRosario
Deputy Secretary



Memorandum

Date November 25, 2013 File Number GL-DVP-2013.3
(Williams)

To Galiano Local Trust Committee
For the Meeting of December 9, 2013

From Kris Nichols
Island Planner

Re Requested Qualified Professional Report to Address Retaining Wall

PURPOSE

To review a professional report submitted by the applicant pertaining to an existing retaining wall and to evaluate the requested variances as part of a development variance permit application that was deferred at the September 9, 2013 meeting.

BACKGROUND

At the September 9, 2013 Local Trust Committee meeting a Development Variance Permit (DVP) application (GL-DVP-2013.3) was considered regarding a number of requested variances. The application is to vary the Galiano Island Land Use Bylaw 127, 1999 to legalize the existing building (dwelling) and structures (retaining wall, shed, stairs and deck) on the subject property by varying:

- a) Section 2.14 to reduce the setback to the natural boundary of the sea from 7.5 metres to:
 - i. 0.96 metres for an existing retaining wall,
 - ii. 0.0 metres for an existing deck, and
 - iii. 0.39 metres for existing stairs.
- b) Article 5.3.8.2 to reduce the setback from the interior side lot line from 6.0 metres to:
 - i. 5.69 metres for an existing single family dwelling unit,
 - ii. 0.82 metres for an existing shed,
 - iii. 0.65 metres for an existing retaining wall, and
 - iv. 4.13 metres for an existing deck.

The previous staff report included an overview of the site and provided a history of the retaining wall constructed within the setback to the sea. There is also a bylaw enforcement file initiated in 2002. In the report, staff recommended issuing the permit for the dwelling unit and shed but to deny the variances for the retaining wall, deck, and accompanying stairs

The majority of the discussion regarding the variances centered on the retaining wall that was constructed without the benefit of a permit within the setback to the sea and the subsequently built stairs and deck. As a result of the discussion, the following resolution was passed:

GL-DVP-2013.3 (Williams)

It was Moved and Seconded that the Galiano Island Local Trust Committee defer consideration of GL-DVP-2013.3 (Williams) until such time as the applicant supplies a report from a qualified environmental professional with shoreline and marine assessment experience explaining the impact of the wall's construction and potential deconstruction.

Professional Report:

The applicant hired John Harper, P. Geo, PhD., to conduct a site assessment to evaluate the presence of seawall constructed along the waterfront of the property. The site assessment consisted of a four-hour visit to the property to make dimensional measurements of the seawall, to assess the walls effect on sediment transport processes and to evaluate its potential effects of the wall on coastal ecology.

The report (see Attachment 1) addresses such issues as coastal stability, coastal sediment transport and coastal ecology. It outlined that the retaining wall is in some places below the natural boundary of the sea and that the seawall has had no effect on nearby coastal stability, sediment transport or the sediment budget of the system. The seawall has not had any observable effect on the intertidal in the area. The most significant effect of the seawall construction is in compromising of riparian ecological function along the walled portion of the property. The report does call into question the original need for the retaining wall given the lack of erosion shown on adjacent properties. The report also provides a summary and suggested mitigative measures based on whether the retaining wall is to be removed or kept and riparian ecological enhancement done.

Next Steps:

The Galiano Island LTC has the following options with regard to this variance permit:

1. Issue the permit as presented at the September 9, 2013 meeting (Attachment 2); or
2. Issue an amended permit for the dwelling unit, shed, and retaining wall but deny the variance for the deck, and accompanying stairs; or
3. Issue an amended permit for the dwelling unit and shed but deny the variance for the retaining wall, deck, and accompanying stairs as previously recommended by staff; or
4. Deny the issuance of the permit and all presented variances.

Should the variances be denied for retaining wall, deck and stairs as stated in option 3 the following would apply:

- The remaining variances would be addressed in the development variance permit.
- The wall, stairs and deck would have to be removed and a development permit applied for to ensure proper removal and environmental monitoring is done.

pc Robert Kojima, RPM

Attachments:

1. Site Assessment Report by John Harper
2. Development Variance Permit

Shoreline Site Assessment, 260 Cayzer Place, Whaler Bay, Galiano Island

By John Harper, P.Geo., Ph.D., 12 November 2013

Introduction

This report provides a summary of a site assessment at 260 Cayzer Road on Galiano Island. The purpose of the site assessment was to evaluate the presence of seawall constructed along the waterfront of the property. The site assessment consisted of a four-hour visit to the property to make dimensional measurements of the seawall, to assess the wall's effect on sediment transport processes and to evaluate its potential effects of the wall on coastal ecology. In addition to the site visit, aerial photos provided additional background on the site. The Galiano Official Community Plan (version dated 25 November 2011) was also consulted as part of the assessment.

Conversations with the owner indicate the wall was owner-built in 2002 to stop shoreline erosion on the property.

Site

The property of interest is a northeast-facing arm of Whaler Bay (Fig. 1). While this arm of the Bay does not receive direct waves from the Strait of Georgia, it is likely to receive refracted swell from the Strait of Georgia. The site would be considered a *semi-protected* wave exposure. The upper intertidal zone is comprised of sandstone in the form of a bedrock ramp (this bedrock extends landward to the foundation of the house). The lower portion of the intertidal zone dries at low tides and is reportedly muddy sand (Fig. 2). During a 2005 ShoreZone survey of the island, the low-tide flat and associated eelgrass beds were visible (Fig. 2). The supratidal zone on neighboring properties supports a riparian vegetation band of bushes but this riparian buffer was not present on the property according to the present owner.

Site Measurements

The seawall extends almost the entire length of the property from the eastern boundary to about 4.3 m from the western property boundary. The seawall is 28.4 m in length with a slight jog in the western third (Fig. 3). A number of measurements were made of the sea wall elevation relative to tidal datum (Fig. 4). The measurements were corrected to predicted-tidal heights (not actual *recorded tidal heights*) so the measurements are approximate. The top of the wall is approximately 6.5 m above tidal datum and appears to be level. The base of the wall varies in height to the bedrock surface – the base of the wall ranges from 4.3 m to 5.1 m above tidal datum (Canadian Hydrographic Service list Higher High Water of Large Tides as 3.6 m at Whaler Bay).

The wall is reinforced concrete and is in good condition with no obvious cracking or failures. Drain rock and drain tiles appear to have been installed on the landward side of the wall (Fig. 3). A cantilevered deck extends over the intertidal zone near the western end and the deck leads to the stairway (Fig. 3).

The seawall is approximately 6.0 m seaward of the house decking and 8 m seaward of the house foundation.

The natural boundary, taken as the distinctive change between marine and terrestrial vegetation was measured on the adjacent property (to the west), which do not have seawalls and where there is a riparian vegetation band. The lowest elevations of terrestrial roots (see note in inset) at the lot to the west showed the natural boundary to be +5.02 m above tidal datum.

The measurements and sighting observations (Fig. 5) show that the base of the wall extends below the natural boundary at a few locations.

Natural Boundary as defined in BC

“natural boundary” is defined as “the visible high-water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long-continued in all ordinary years, as to mark on the soil of the bed of the water a character distinct from that of its banks, in vegetation as well as in the nature of the soil itself.”

I have interpreted this definition as the distinct break in vegetation types between the terrestrial and marine vegetation. This *natural boundary* is most clearly defined by the base of terrestrial vascular, vegetation. While moss is terrestrial vegetation, I consider moss as ephemeral and *not* meeting the criteria of ‘so long continued’.

Coastal Stability

The intertidal zone is primarily bedrock and is stable. There is a thin soil horizon above the bedrock and this supports the vegetation cover near the shore. There is a well-developed shrub thicket on both of the adjoining properties and no evidence of erosion occurring on either of those properties. Obviously, the seawall shoreline is also stable.

It is unlikely that any of the adjacent properties contributed a significant amount of sediment to the shoreline sediment budget. It is unlikely that the 260 Cayzer Rd property contributed any significant amount of sediment prior to the construction of the seawall. It is highly unlikely that the construction of the seawall altered the coastal sediment budget for this section of shoreline.

Coastal Sediment Transport

There are no obvious indicators of sediment transport at the site, and the bedrock nature of the upper intertidal zone means sediment transport would be minimal. The sand flat in the lower intertidal was not visible during the site visit but from aerial photos (Fig. 2), it appears to be a deposition flat with sediment contributed by a small stream at the west end of the arm (Fig. 1) and by shell fragments from barnacles predated from the surrounding bedrock. There are no indications that the seawall has affected coastal sediment transport.

Coastal Ecology

The coastal ecology is described in terms of supratidal and intertidal ecology.

Supratidal Ecology

The area was formerly farmland (David Williams, property owner, pers com, October 2013) and so was likely logged in the early 1900s. The farm and subsequent housing developments have further altered

the upland vegetation. The supratidal area of adjacent properties consists of low shrubs (broadleaf maple, snowberry and other native shrubs). On the seawall portion of the property, the lawn extends to top of the seawall (except for 4.3 m at the western-most portion of the property where a natural riparian area is present (broad leaf maple, snow berry and other native shrubs) and eastern-most portion, where a thin band of ornamental, California Lilac is present above the seawall (~4m). It is estimated that the total property is 32.7 m in alongshore length, of which the section with no wall and natural riparian is 4.3 m (13%) and the portion with a wall and the non-native vegetation is ~4 m (12%).

Intertidal Ecology

The upper intertidal of the property is sandstone bedrock, a signature bedrock type on the Gulf Islands. This is colonized by a rocky, *semi-protected* intertidal community dominated by barnacles, rockweed (*Fucus sp*) and sea lettuce (*Ulva sp*); the community appears to be similar on adjacent properties and the 260 Cayzer Rd. property. That is, the sea wall does not appear to have had any effect on the upper intertidal, bedrock community.

The lower intertidal tidal flat could not be observed during the site visit because of the tidal stage (+2.5 m and higher). Observations of the exposed tidal flat during the 2005 ShoreZone aerial survey show a normal tidal flat community with eelgrass visible in the subtidal. There is no indication of any effect of the seawall and it is highly unlikely that the construction of the seawall would cause any effect on the lower intertidal zone.

Summary

The seawall at 260 Cayzer Rd. on Whaler Bay is approximately 28.4 m in length and extends along 87% of the property. The base of the seawall is below the interpreted natural boundary in places. The seawall has had no effect on nearby coastal stability, sediment transport or the sediment budget of the system. The seawall has not had any observable effect on the intertidal in the area.

The most significant effect of the seawall construction is in compromising of riparian ecological function along the walled portion of the property. The vertical face of the wall prevents most animals from effectively using a riparian buffer, which did not exist on this property according to the owner. There are no riparian vegetation (shrubs, trees) on 75% of the property and 12% of that is the non-native California Lilac. The ornamental California Lilac provides some riparian value on the eastern end of the property (Fig. 5).

Table 1 provides a summary checklist of some of the issues identified in the official community plan as concerns to Islands Trust and to the Galiano community.

Mitigation

There are probably only two mitigation alternatives for restoring the ecological function of the coastal riparian: (a) removal of the wall and restoration to pre-construction conditions or (b) implementation of a planting program that would help restore *some* of the riparian ecological function along the wall.

Table 1. 260 Cayzer Road Seawall Assessment – Checklist of Issues

1. The seawall and stairs do not impede access along the shoreline
2. The seawall does not impede water access
3. The seawall is not a hazard to navigation
4. The wall is mostly built above the natural boundary. An estimated 10 m (~20% of lot frontage) is built below the natural boundary (estimated to be 0.6 to 0.7 m below natural boundary in a few places).
5. Riparian vegetation overhang occurs along ~25% of the lot frontage
6. The wall does not impede sediment transport
7. The wall has had no effect on sediment budget to the bay
8. There is no impact on intertidal biota
9. The wall has not altered intertidal substrates
10. No intertidal sediment was used in the wall construction
11. No debris was placed in the intertidal zone as a result of construction
12. No wetlands were impacted
13. The wall was constructed to “stop erosion” (comment by present owner), although there is no noticeable erosion on adjacent properties.

Wall Removal

Removal of the wall would probably require heavy or specialized equipment to break up and excavate the concrete. Backfill behind the wall would have to be graded to a natural slope; with the distance to the existing deck of 6 m (8 m to house foundation) and the height of the wall of approximately 2 m, this would result in an average slope of 18°. Topsoil would need to be added to assist in re-vegetation. A planting program would be required to first stabilize the re-graded surface and then to re-establish a natural riparian vegetation band (native shrubs and trees). This restoration would require approximately five years before the ecological function of the riparian was restored. A monitoring program might be required to ensure the restoration was implemented as intended.

This restoration alternative would be invasive and costly.

Riparian Enhancement

Some of the riparian function could be re-established by an enhanced planting program. The wall will still prevent transient animal use between the terrestrial and marine zones but some “softening” of the wall effects could be achieved. By developing a planting program of native shrubs and a few larger trees some restored ecological value could be achieved for shore bird perches and cover, wildlife corridors and a foliage canopy (shading and insect habitat). Native vegetation that hangs down along the wall would be beneficial. While there might be some short-term impact on the property view-scape, judicious pruning would allow this to be preserved. Monitoring might be required to ensure the planting project was implemented as planned.

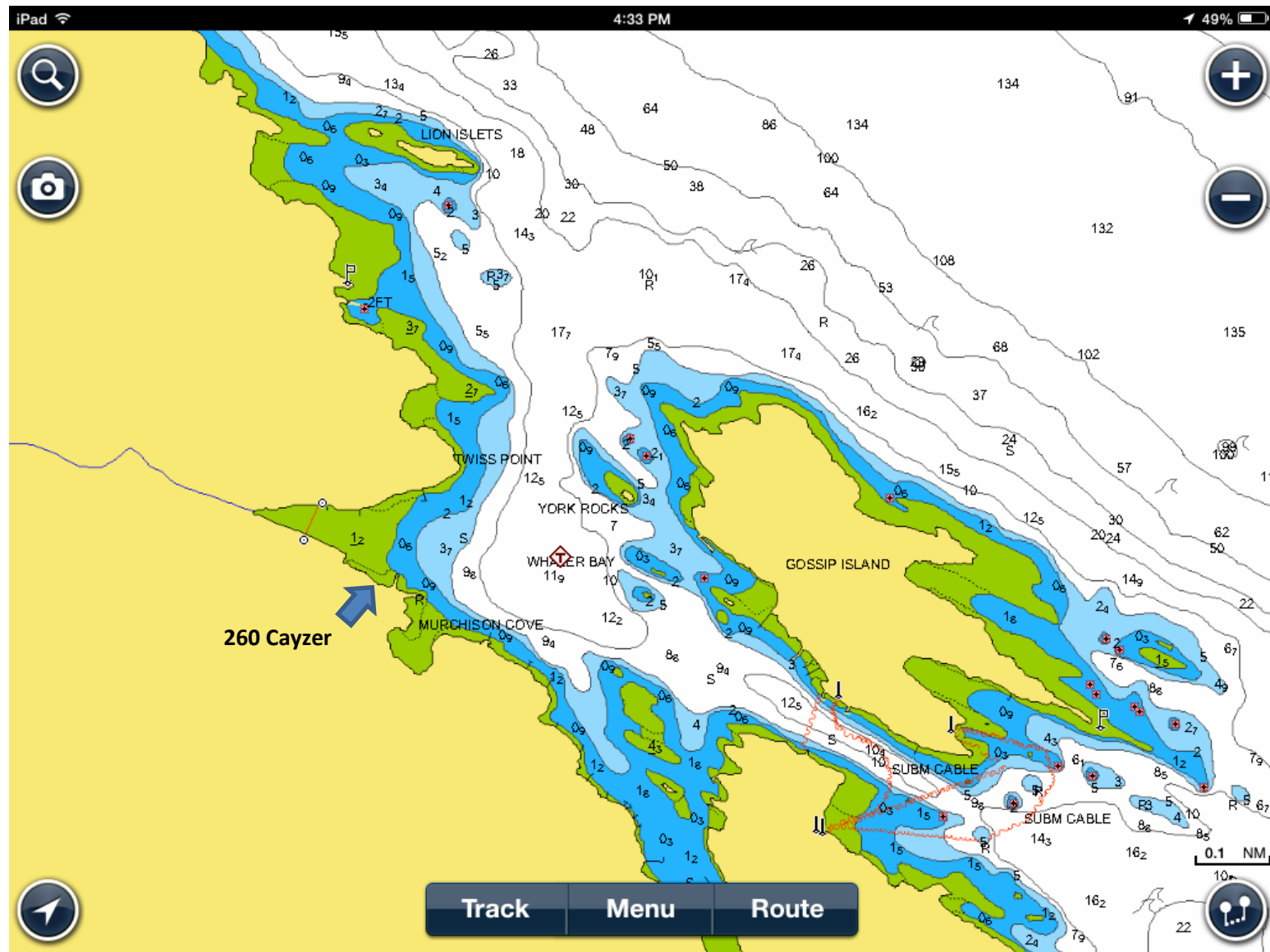


Figure 1. Chart showing the location of 260 Cayzer Road property relative to the general features of southeast of portion of Galiano Island and Whaler Bay.



Figure 2. Aerial photo from the July 2005 ShoreZone survey showing 260 Cayzer Road property and the associated seawall. The photo was shot at a near “zero” tide.



Figure 3. Photo along the top of the seawall. Note the absence of riparian vegetation.



Figure 4. Measured elevations along the seawall. Elevations are referenced to tidal datum.



Figure 5. The natural boundary was estimated to be 5.0 m above tidal datum, as measured to the base of the roots on the property just to the west of 260 Cayzer Rd. The dashed line indicates the approximate extension of the elevation across the property.



Figure 6. Photo of upper intertidal zone showing the seawall, rock ramp morphology of the upper intertidal and the upper intertidal community of barnacles-rockweed-sea lettuce. Note the overhanging riparian vegetation in the foreground. This is considered a typical vegetation of many Gulf Island waterfront properties and provides riparian ecological function.



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

GL-DVP-2013.3

TO: David and Nora Williams

1. This Development Variance Permit applies to the land described below:
 Lot 1, of Lot 6, Galiano Island, Cowichan District, Plan 11928
2. "Galiano Island Land Use Bylaw 127, 1999" is varied as follows:
 - a) *For the existing single family dwelling unit (Shown on Schedule A):*
 - i) Article 5.3.8.2 to reduce the setback from an interior side lot line from 6.0 metres to 5.69 metres.
 - b) *For the existing accessory building – shed (Shown on Schedule A):*
 - i) Article 5.3.8.2 to reduce the setback from an interior side lot line from 6.0 metres to 0.82 metres.
 - c) *For the existing retaining wall (Shown on Schedule B):*
 - i) Section 2.14 to reduce the setback from the natural boundary of the sea from 7.5 metres to 0.96 metres.
 - ii) Article 5.3.8.2 to reduce the setback from an interior side lot line from 6.0 metres to 0.65 metres.
 - d) *For the existing deck (Shown on Schedule B):*
 - i) Section 2.14 to reduce the setback from the natural boundary of the sea from 7.5 metres to 0.0 metres.
 - ii) Article 5.3.8.2 to reduce the setback from an interior side lot line from 6.0 metres to 4.13 metres.
 - e) *For the existing stairs (Shown on Schedule B):*
 - i) Section 2.14 to reduce the setback from the natural boundary of the sea from 7.5 metres to 0.39 metres.
3. All work must be consistent with that shown on Schedule 'A' and Schedule 'B' attached to and forming part of this permit.
4. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of Capital Regional District, Vancouver Island Health Authority and the Ministry of Transportation and Infrastructure.

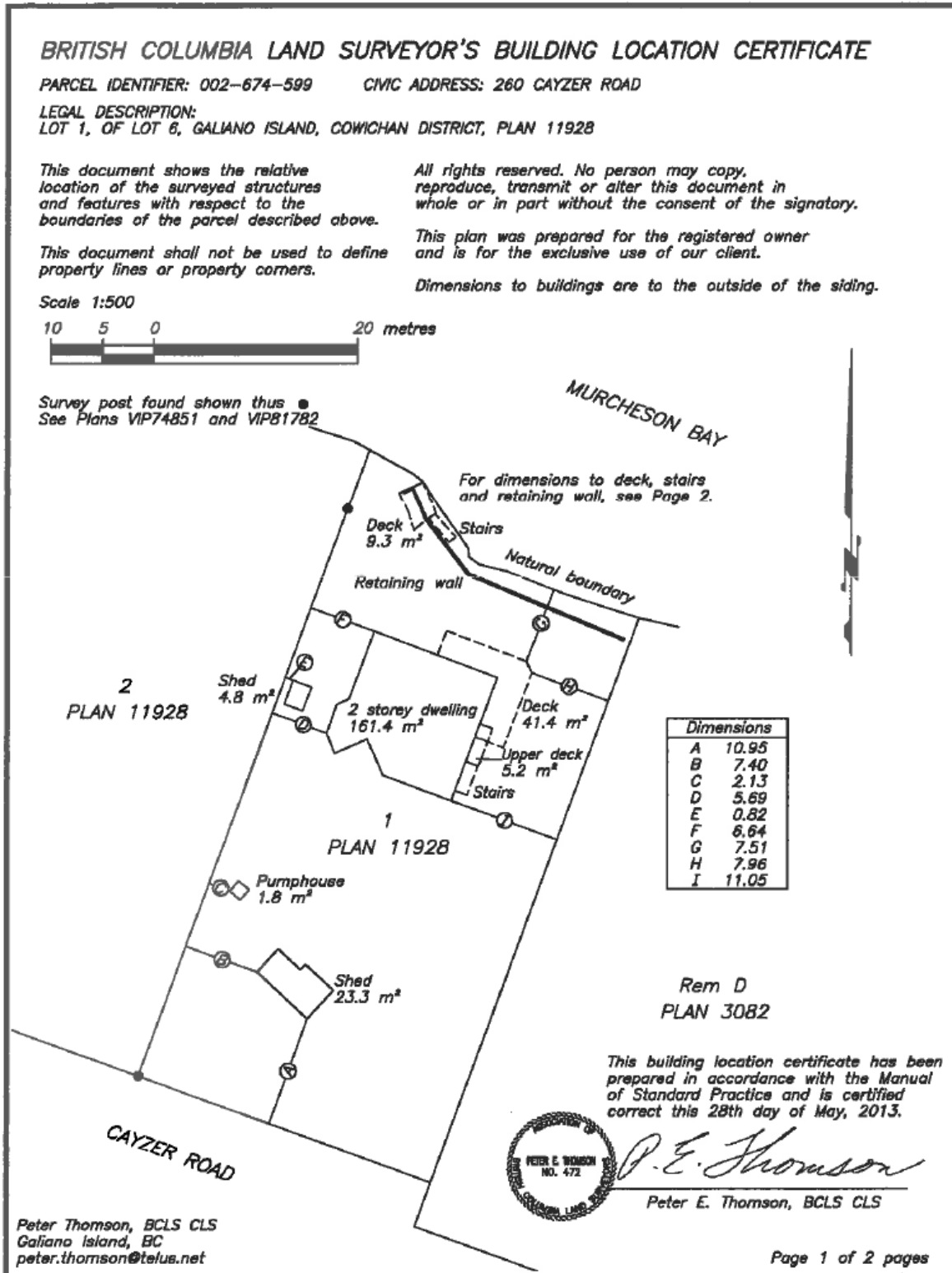
**AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE
THIS ____ DAY OF ____, 201_ .**

Deputy Secretary, Islands Trust

Date of Issuance

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

**GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2013.3
SCHEDULE 'A'**



**GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2013.3
SCHEDULE 'B'**

BRITISH COLUMBIA LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE

PARCEL IDENTIFIER: 002-674-599

CIVIC ADDRESS: 260 CAYZER ROAD

LEGAL DESCRIPTION:

LOT 1, OF LOT 6, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 11928

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above.

This document shall not be used to define property lines or property corners.

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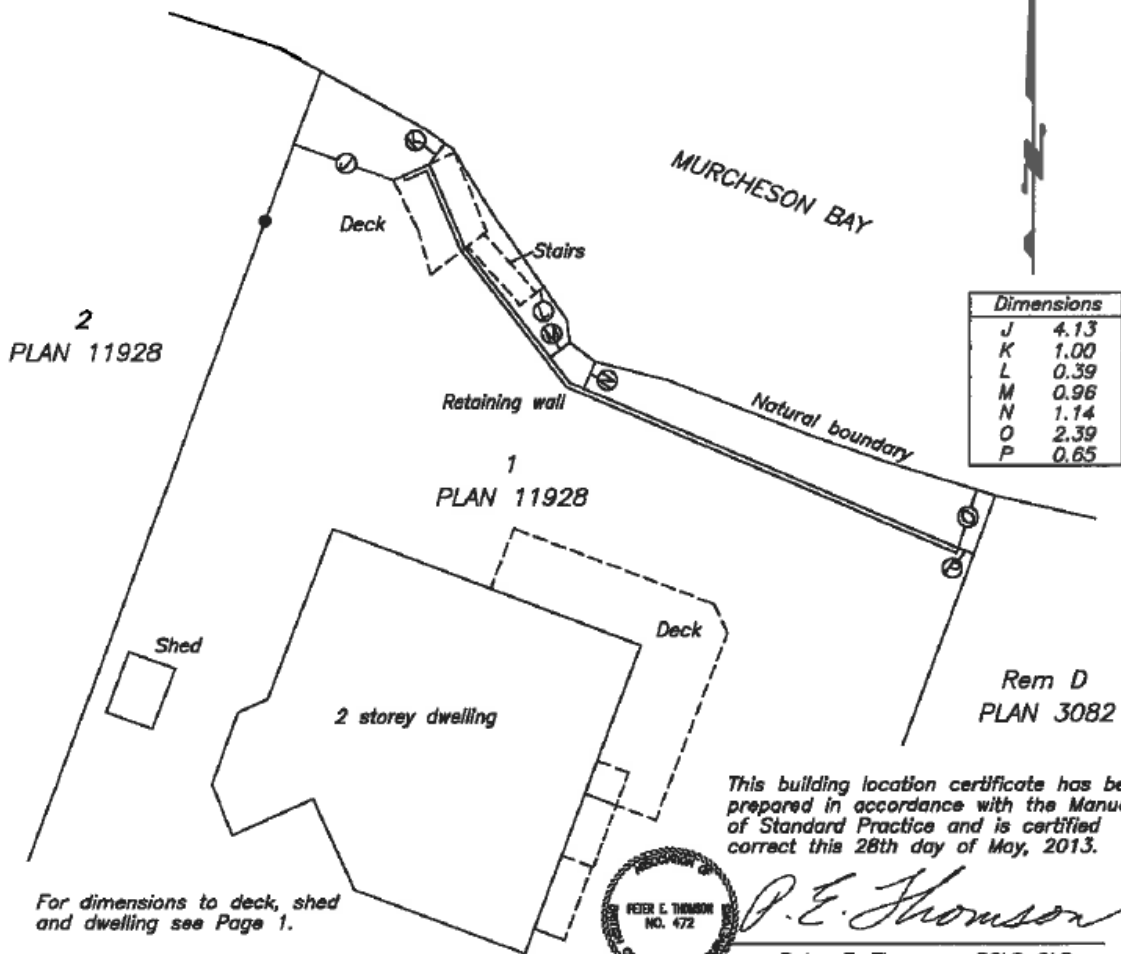
This plan was prepared for the registered owner and is for the exclusive use of our client.

Dimensions to buildings are to the outside of the siding.

Scale 1:250



Survey post found shown thus ●
See Plans VIP74851 and VIP81782



This building location certificate has been prepared in accordance with the Manual of Standard Practice and is certified correct this 28th day of May, 2013.



Peter E. Thomson, BCLS CLS

Peter Thomson, BCLS CLS
Galiano Island, BC
peter.thomson@telus.net

Page 2 of 2 pages



Memorandum

Date April 24, 2014 File Number GL-RZ-2013.1/GL-SUB-2013.1

To Galiano Island Local Trust Committee
For the meeting of May 5, 2014

From Kris Nichols, Island Planner

Re **Update from April 7, 2014 Galiano Island Local Trust Committee Resolutions**

Purpose:

To update the Galiano Island Local Trust Committee on the results of their resolutions passed at the April 7, 2014 Local Trust Committee Meeting regarding GL-RZ-2013.1 and GL-SUB-2013.1.

Background:

At the April 7, 2014 LTC meeting the following two resolutions were passed:

Resolution 1:

That the Galiano Island Local Trust Committee request that the Approving Officer not waive Section 75 (access to water) of the Land Title Act as it pertains to application GL-SUB-2013.1 due to the policies contained in the Galiano Island Official Community Plan requesting that public access to the foreshore be implemented. The policies addressing foreshore access are outlined as follows:

1. Residential - Residential Advocacy Policies

The Local Trust Committee considers that it is in the public interest that the approving officer requires provision of access to bodies of water or Crown land under section 75 of the Land Title Act whenever land is subdivided, regardless of whether the access may practically be developed as a roadway for motor vehicles.

2. Shoreline and Marine Protection

The Ministry of Transportation and Infrastructure and the Galiano Parks and Recreation Commission shall be requested to provide signs at foreshore accesses.

6. Parks and Recreation

Shore access points, parks and proposed Trail Network are shown on Schedule "E" and provincial, community and small parks acquired at the time of subdivision are identified on Schedule "B" of this Plan.

Section III

\\ITFile\South\PSI\LOCAL TRUST COMMITTEES\Galiano\Applications\RZ\2013\GL-RZ-2013.1 (Landworks)\Staff Reports\May 5, 2014\Memo Landworks Update.docx

Land Transportation Policies

q) In all subdivisions bordering on a body of water, the Approving Officer shall be requested to require public access to the foreshore, subject to the Approving Officer's discretion, sufficient area for parking at foreshore accesses, emergency vehicle standards for all new roads, and driveways, road construction designed only for the zoned residential capacity and consolidation of road accesses from subdivisions onto main roads.

Plus Schedule E – Parks and Trails <http://www.islandstrust.bc.ca/lrc/gl/pdf/glocpsche.pdf>

Resolution 2:

That the Galiano Island Local Trust Committee directs staff to work with applicant GL-RZ-2013.1 to pursue dedication of land east of the roadway as a local park to be managed by the Capital Regional District.

Resolution 1 Update Discussion

The applicant was made aware of the resolutions passed. Staff sent a copy of the first resolution to the Ministry of Transportation and Infrastructure (MoTI) to ensure that the Approving Officer was made aware of the Local Trust Committee's position on the provision of public access to the foreshore. Staff in response to the MoTI's subdivision referral had also stated in January the need for public access to the foreshore.

Staff had informed the Trustees that other agencies were weighing in with MoTI and others on the necessity of a public access in the location shown on the original plans (i.e. through proposed Lot 7).

At the time of writing this Memo there had been no decision from the Approving Officer on the Preliminary Layout Approval (PLA).

Given the concern raised over the location of the proposed public access to the foreshore, the applicant is proposing a new scenario for the access (See Attachment 1). The revised dedicated public access is proposed for alongside the proposed Lot 5 and Lot 1. This would serve a dual purpose by providing a dedicated access for these lots and frontage for lots 2 and 3 in addition to providing public access to the foreshore as well it does not "divide" lot 7.

Request of Applicant: The applicant is requesting that the Local Trust Committee review the revised proposal (See Attachment 1) for the public access and advise them as to whether it is an acceptable approach. If it is deemed an acceptable approach the applicant will revise their submission to MoTI for the PLA.

Resolution 2 Update Discussion

Staff sent a copy of the second resolution to Capital Regional District (CRD) Parks for comment. CRD Regional Parks indicated that the proposed park area is not identified in the Regional Parks Strategic Plan as an area of interest for a future regional park. But suggested that the area may be of interest to the Galiano Island Parks and Recreation Commission as a community park and suggested that staff forward this proposal to them.

After receiving the forwarded proposal, the Galiano Island Parks and Recreation Commission (GIPRC) held a special meeting to discuss the possibility of a community park in this area. As a result, GIPRC stated that they would welcome the opportunity of developing and managing a community park on D.L. 79. Their intent would be to engage the community in a collaborative planning process for the future development of the park. Given the difference between BC Parks legislative requirements to become a Provincial Park and that of a CRD Community Park, the CRD option is an approach where the community can have input into the parkland in the short term through the GIPRC. The intent being that those lands west of the main road and adjacent to BC

Parks/Ministry of Environment holdings would be transferred to BC Parks and the land east to CRD/Community Parks.

GIPRC will require approval from the CRD, most likely through by the CRD Board, for this option to proceed. At the time of writing this report staff had not heard from GIPRC as to whether there was approval to proceed with this initiative.

The fact that the GIPRC is interested in providing and managing a community park as part (east side of main road) of Lot 7 gives the applicant and the community another option for the provision of parkland in this location as part of the application and moving it forward. BC Parks remains interested in the potential of parkland in this location as well.

Next Steps

The Local Trust Committee should consider the request of the applicant regarding the new revised proposal that now permit dedicated access to the rural residential lots 1,2,3,5 with an access to the water. In terms of the interest in the potential parkland by both the local Galiano Island Parks Commission and the BC Parks that is for discussion at the Local Trust Committee meeting as required.

pc Robert Kojima, Regional Planning Manager

Attachment 1 – Revised Public Access Route for DL 79



Date: April 24, 2014

File No.: 6500-20-STVR

To: Galiano Island Local Trust Committee
For the meeting of May 5, 2014

From: Kim Farris, Planner 1

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

**Re: Short Term Vacation Rental (STVR) Project – Draft Land Use and
Official Community Plan Bylaw Amendments**

Purpose

The purpose of this report is to present the draft Land Use Bylaw (LUB) and Official Community Plan (OCP) Bylaw amendments for Short Term Vacation Rentals to the Galiano Island Local Trust Committee (LTC). The report also outlines the project's next steps for the Galiano LTC to consider.

Project Objectives

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

Project Background

A staff report was presented at the April 7, 2014 regular Galiano Island LTC meeting. The report outlined different options for the LTC to consider in relation to STVRs on Galiano Island. Staff recommended an approach that permits some STRVs to remain outright and others to require a temporary use permit. Those that are permitted outright would be done so through the Home Occupation regulations in the LUB and would only be permitted in cottages when the owner or operator lives on the property (in the main dwelling unit). Those lots with one residence and no cottage on the property would also be permitted to have an STVR, but would have to apply for a Temporary Use Permit. The Temporary Use Permit (TUP) section of the OCP would need be amended to provide guidance and certainty for applicants, and guidance for planning staff and the LTC in assessing applications.

Staff also recommended an amendment to the Galiano Island Fees Bylaw No. 196 to reduce the TUP application fee to accommodate applications for short term vacation rental operations.

At the April 7, 2014 Galiano LTC meeting, the LTC directed staff to draft two bylaw amendments to permit STVRs: one to amend the LUB home occupation guidelines (See Attachment 1), and the second to amend the OCP Temporary Use Permit (TUP) guidelines (See Attachment 2). The LTC chose not to pursue an amendment to the fees bylaw to reduce the TUP application fee for short term vacation rental operations. The resolution from the April 7, 2014 Galiano Island LTC meeting:

“GL-2014-025

It was MOVED and SECONDED, That the Galiano Island Local Trust Committee directs staff to draft bylaw amendments to permit Short Term Vacation Rentals by: i) Amending Land Use Bylaw No. 127, 1999 Section 3 Home Occupations Regulations ii) Amending Official Community Plan Bylaw No. 108, 1995, Section VII Temporary Use Permits.”

Background information on the project and previous staff reports are available under ‘Projects & Initiatives’ on the Galiano Island LTC webpage: **STVR Project Information**. The Project Charter is attached to this staff report (See Attachment 3). No changes to the Project Charter are proposed at this time.

Draft Amendment Bylaws

There are two draft amendment bylaws attached to the staff report. For clarity, two definitions have been provided to differentiate between permitting STVRs by use of home occupation regulations for a cottage and permitting STVRs by use of a TUP for a residence. The use of a cottage by home occupation is defined as a “short term vacation rental” and the use of a residence by a TUP is defined as a “commercial vacation rental”.

LUB Draft Amendment Bylaw No. 247- Home Occupation Regulations:

Based on a review of options at the last meeting, the LTC provided direction to staff to proceed with drafting a LUB amendment bylaw in order to permit STVRs in cottages by use of home occupation regulations. The draft bylaw includes amendments to the home occupation regulation and an addition of a new definition in the interpretation section. Staff are of the opinion that the draft LUB bylaw meets the Home Occupation objectives and policies in the OCP. The Home Occupation objectives and policies are attached to the staff report (See Attachment 4).

Definition:

The following definition is included in the draft bylaw: “short term vacation rental” means the use of a *cottage* as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier. For this purpose, a *cottage* used as *short term vacation rental* shall be considered an accessory *home occupation* subject to the regulations established in Section 3.”

Home Occupation Regulations:

The current Galiano Island LUB home occupation regulations outline specific regulations for home occupations. Staff recommend adding additional regulations specific to the STVR use to the home occupation section. The attached draft amendment bylaw currently regulates the

number of STVRs per property. The following are regulations the LTC may also wish to add to the draft bylaw:

1. Signage/Contact Information:
 - The LTC may wish to include a regulation stating all properties with a STVR in use must require a sign stating the STVR operator's contact information. For example, the Hornby Island LUB Sign Regulations requires a STVR to provide a clearly readable sign from a public road that must provide contact information including name and telephone number of the owner or their agent who is reasonably available on an ongoing basis. If the LTC decides to add a requirement for signage, an amendment to the Sign Regulations in the LUB may be required.
2. Limit the number of guests
 - The LTC may wish to include a regulation limiting the number of guests to use a STVR. This could be based on the number of bedrooms and to ensure that the STVR is not used for large functions.
3. Limit the number of STVRs per property
 - The draft bylaw currently restricts the number of STVRs to one cottage per lot. This can be amended to allow the STVR use in more than one cottage if more than one cottage is permitted on the lot.
4. Limit rental days
 - The STVR definition states that the use of a STVR may be for a period of less than a month at a time by persons, other than the owner or a permanent occupier. For clarity, the LTC may wish to add a STVR home occupation regulation reiterating the restriction to less than one month.
5. Water restrictions
 - The LTC may wish to include a regulation stating that all cottages to be used as a STVR must be equipped with a water catchment system and cistern(s) for the storage of rainwater with a certain minimum cistern capacity. This option will be an additional expense to the property owners for the installation and maintenance of the rainwater collection system.
6. Parking regulations
 - The Galiano LUB currently requires 1 parking space per cottage. The LTC may wish to require an additional parking space requirement for STVRs (totalling 2 parking spaces).
7. B&B considerations
 - The Galiano LTC may wish to restrict the use to one visitor accommodation at a time on a property. The Home Occupation regulations currently permit a bed and breakfast operation on a property to accommodate paying guests in a residence or a cottage (restrictions on bedrooms determined by zoning). The LTC may decide to add a regulation stating a bed and breakfast home occupation and STVR home occupation are not permitted to be in concurrent operation on the same property.

Temporary Use Permit (TUP) Guidelines:

Based on a review of options at the last meeting, the LTC has provided direction to proceed with adding Temporary Use Permit guidelines that would assist in assessing applications to allow STVRs in residences. Temporary Use Permits are a mechanism by which a local government can permit a use that is not otherwise permitted in a zone by issuing a permit for up to three years, renewable for an additional three years. Conditions of use of a STVR will then be included in the temporary use permit.

Authorization to issue TUPs must be included in the Galiano Island Official Community Plan (OCP). The Galiano Island OCP currently permits the issuance of TUPs and a landowner could currently apply for a temporary use permit for a STVR. However, the LTC has identified that specific guidelines relating to issuance of TUPs for STVRs should be drafted for inclusion in the OCP. This would provide guidance and certainty for applicants, and guidance for planning staff and the LTC in assessing applications.

Since the OCP was adopted, statutory changes have resulted in TUPs being issuable for up to 3 years (from the previous 2 years) and for all uses (previously TUPs could only be issued for commercial and industrial uses). If the amendments proceed, it provides an opportunity to also bring the wording in Section VII of the Galiano Island OCP into conformity with current legislation.

Staff have drafted a revision to Section VII of the OCP based on the current direction of the LTC and input gathered from the community. The attached draft bylaw would:

- Include a regulation that states a TUP can be issued for any period up to three years and can be considered for renewal once for another three years. This guideline would reflect a legislative change.
- Add short term commercial vacation rental as a specific use for which a permit may be issued. This wording is slightly different from “short term vacation rental” in order to avoid confusion with the proposed permitted use in the LUB (cottage rental as a home occupation).
- Include a new set of guidelines for commercial vacation rentals that would provide criteria for review of a permit application, and potential conditions that could be included in a permit where appropriate. These draft guidelines are based, in part, on guidelines in place for TUPs from the draft Saturna OCP amendment bylaw, and on conditions that have been included in a TUP issued by the Mayne LTC. The guidelines are intended to allow the LTC to address potential impacts commonly or potentially associated with the use.

In addition, at the time of the TUP application the LTC may add additional conditions specific to the property's use as with all TUPs.

Visitor Accommodation

Staff are recommending an amendment to the Visitor Accommodation Section in the Galiano Island OCP (see Attachment 2 for draft OCP amendment and Attachment 5 for current OCP section). The policy amendments are technical in nature and would include adding the use of STVRs and Commercial Vacation Rentals in existing policies. The following are proposed to be amended by adding “Short Term Vacation Rental, and Commercial Vacation Rental” after “Bed and Breakfast” in the following policies:

b) Where Bed and Breakfast is permitted, the residential character of the site shall be maintained.

d) Visitor accommodation beyond the scale of a Bed and Breakfast shall require commercial zoning characterized as:

- i) guesthouses with from 4 to 8 rooms,
- ii) inns with from 8 to 12 rooms and a restaurant in one building,
- iii) resorts with from 8 to 12 rooms or cottages, a central building and a restaurant, and
- iv) a comprehensive resort limited to up to 10 visitor accommodation units, 10 visitor accommodation sleeping rooms, a central building for accessory uses, a dwelling for the owner or operator, a restaurant and comprehensive resort accessory uses.

Communications

Agency Referrals:

As a next step, staff are recommending to refer the draft bylaws to agencies, Advisory Planning Commission (resolution from the Galiano Island LTC is required), and First Nations. This will allow the LTC to make any necessary changes to the draft bylaw prior to Second Reading.

Community Information Meeting:

A Community Information Meeting (CIM) was held on March 8, 2014 and was attended by approximately 50 people. A second CIM may be required to allow for feedback by the community of the proposed bylaws.

Public Hearing:

A Public Hearing should be scheduled once the agency referrals are received. There is a notification period prior to the public hearing during which time surrounding neighbours will be contacted and advertisements placed in a newspaper. Further direction from the LTC will be required if any additional community consultation or special meetings above and beyond the standard process are desired.

Summary of Planning Recommendations

Staff have prepared the attached draft bylaws for consideration of the LTC and have outlined some possible options or areas for discussion with regards to additional home occupation regulations. The home occupation regulations adopted by bylaw will enable a cottage the ability to be an STVR outright. It is important that the LTC ensure that the conditions they want for these STVRs are established in the home occupation regulations as this is what will regulate their use. Whereas, with the TUP, there is the ability of the LTC at the time of reviewing the TUP application to address specific conditions that go beyond those in the bylaw through the permit itself that are specific to the site.

Options for LTC Consideration:

- Give First Reading to draft bylaw no. 247 and draft bylaw no. 248;
- Amend draft bylaw no. 247 and/or draft bylaw no. 248 and then give First Reading to both bylaws;

- Direct staff to revise the draft bylaws and present them at a subsequent meeting for further consideration;
- Direct staff to refer the bylaws to the Galiano Island Advisory Planning Commission;
- Direct staff to schedule public hearing; and/or
- Direct staff to schedule a second community information meeting prior to the public hearing.

Staff are recommending that the Draft Bylaws No. 247 and 248 be given First Reading. After First Reading the proposed bylaws will be referred to agencies for comment. However, if there are significant amendments recommended by the agencies, then staff would bring the bylaw back to the LTC for consideration of amendments at Second Reading, prior to holding a public hearing. At this time, the LTC can also give staff direction to schedule a public hearing or wait until all referral comments are collected and presented, and then schedule a public hearing to address any necessary amendments.

The Project Charter will be revised and attached to a subsequent staff report once the LTC decides how to proceed with the draft bylaws.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee give First Reading to Draft Bylaw No. 247, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2014".
2. THAT the Galiano Island Local Trust Committee give First Reading to Draft Bylaw No. 248, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2014."
3. THAT the Galiano Island Local Trust Committee direct staff to schedule a public hearing for Proposed Bylaw No. 247 and Proposed Bylaw No. 248.

Prepared and Submitted by:



Kim Farris, Planner 1

April 24, 2014

Date

Concurred in by:

Robert Kojima
Regional Planning Manager

April 28, 2014

Date

Attachments:

1. Draft LUB Amendment Bylaw no. 247
2. Draft OCP Amendment Bylaw no. 248
3. Project Charter
4. OCP Home Occupation Section 5.2
5. OCP Visitor Accommodation Section 5.3

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 247

A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW NO. 127, 1999

The Galiano Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Galiano Island Trust Committee Area under the *Islands Trust Act*, enacts as follows:

1. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
 - a) By amending Section 3.1 by adding the words “and short term vacation rental home occupations” in front of the words “bed and breakfast home occupations”.
 - b) By adding Section 3.13:

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

3.13(1) no more than one cottage per lot may be used as a short term vacation rental at any one time.
 - c) By amending Section 17.1 (Interpretation) by adding the following definition in alphabetical order and subsequently changing all definition numbering:

“short term vacation rental” means the use of a *cottage* as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier. For this purpose, a *cottage* used as *short term vacation rental* shall be considered an accessory *home occupation* subject to the regulations established in Section 3.”
2. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2014”.

BYLAW NO. 248

A BYLAW TO AMEND THE GALIANO ISLAND OFFICIAL COMMUNITY PLAN

WHEREAS the Galiano Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Galiano Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Galiano Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Galiano Island Local Trust Committee wishes to amend the Galiano Island Official Community Plan Bylaw No. 108, 1995;

AND WHEREAS the Galiano Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Galiano Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2014.”

2. SCHEDULES

Schedules A (Policy Document) of Galiano Island Official Community Plan No. 108, 1995 are amended as indicated on Schedule 1, attached to and forming part of this amending bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this _____ day of _____, 201_.

READ A SECOND TIME this _____ day of _____, 201_.

PUBLIC HEARING HELD this _____ day of _____, 201__.

READ A THIRD TIME this _____ day of _____, 201__.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of _____, 201_.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this _____ day of _____, 201_.

ADOPTED this _____ day of _____, 201__.

DEPUTY SECRETARY

CHAIRPERSON

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 248**

SCHEDULE 1

A. Schedule A of the Galiano Island Local Trust Committee Bylaw No. 108, cited as, "Galiano Island Official Community Plan Bylaw No. 108, 1995" is amended as follows:

1. By deleting Section 5.3 Visitor Accommodation Policies a) and b) and replacing it with the following:

"a) Where Bed and Breakfast, Short Term Vacation Rental, and Commercial Vacation Rental are permitted, the residential character of the site shall be maintained."

"b) Bed and Breakfast with 1 to 3 rental rooms accommodating up to three persons per room shall be accessory to a residential use."

2. By amending Section 5.3 Visitor Accommodation Policy d) by inserting ", Short Term Vacation Rental, and Commercial Vacation Rental" after the words "Bed and Breakfast".
3. By deleting Section VII (Temporary Use Permits) in its entirety and replacing it with the following:

"SECTION VII - TEMPORARY USE PERMITS

BL224

1. Circumstances

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

2. Objectives

- i. Permits for temporary uses may be issued for short term uses or as a test of the compatibility of the proposed land use, which may not have been anticipated, with existing uses.
- ii. Permits can be issued for any period up to three years and could be considered for renewal once for any further period up to three years.
- iii. In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a temporary use permit for a commercial vacation rental:
 - a) 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;

(3)

- b) 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;
- c) 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;
- d) 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;
- e) the landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use;
- f) the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles;
- g) in addition to any other conditions the LTC may consider appropriate, the permit may:
 - 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;
 - 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;
 - require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area;
 - establish a maximum number of people that can stay;
 - establish a maximum number of guests per bedroom;
 - prohibit camping or occupancy of RVs on the property;
 - restrict advertising to one unilluminated sign, with a maximum area;
 - prohibit the rental or provision of motorized personal watercraft;
 - prohibit outdoor fires;
 - establish the dates during which the use may occur; and
 - include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received; and
- h) 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."

Project Charter

Project Name: Review of Short Term Vacation Rentals (STVRs) – Prospects and Policy

Creation Date: August 28, 2013

Last Updated: December 16, 2013

Version: 1.0

File # 6500-20 STVR

Purpose

The purpose of this project is to review the Short Term Vacation Rentals (STVRs) issue on Galiano Island through research and community input and to develop policy and regulatory options.

Background

This project has been initiated by the Local Trust Committee (LTC) as a work program priority. The intent of the project is: "To look at existing policy, research issues and possible solutions on Galiano" with the primary focus of Short Term Vacation Rentals (STVR). STVR is a term commonly used to describe the rental of dwellings to paying guests for a period of time generally less than a month. This use occurs in dwellings (residences or cottages) in residential zones, where the permitted form of occupancy is owner-occupancy or month-to-month rental by tenants.

The Galiano Land Use Bylaw (LUB) No. 127 does not permit STVRs. The only lawful visitor accommodation in the form of short-term accommodation for travelers is permitted in the various visitor accommodation zones (i.e. C3, C4, C5, C5A) or in a permitted bed and breakfast as a home occupation. STVRs are not new phenomena as home owners have occasionally 'lent' their homes to others for short periods and collected a fee. In the past decade their prevalence and impact has grown with the use of internet advertising, absentee ownership and property managers. STVRs operating in an overtly commercial manner are often distinguished from residential uses by their land use impacts, including noise, traffic, parking, water use, garbage, erosion of long term rental stock, competition for zoned accommodation uses, and undermining the sense of community.

The LTC has adopted the following STVR Enforcement Policy in conjunction with this policy review:

1. *THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Short Term Vacation Rentals that have one or more of the following characteristics will be subject to enforcement:*
 1. *There are issues related to health and safety;*
 2. *There is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR;*
 3. *The owner of the property uses more than one property on Galiano Island as a STVR.*
2. *THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Galiano Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time;*
3. *THAT the policy remains in effect until such time as the regulatory review is complete.*

This enforcement policy prioritizes enforcement activities upon overtly commercial STVRs that create health and safety or serious nuisances; however, the absence of current enforcement does not condone the establishment of STVRs.

For this project, staff will conduct background research on STVR policy and bylaws in other jurisdictions. The community and stakeholders will be consulted through community information meetings and Local Trust Committee meetings. A survey, communications and written submissions will assist in developing policy and regulatory options.

Project Objectives

- Address the long standing issue of whether to permit Short Term Vacation Rentals (STVR) on Galiano Island.
- Develop options to address STVRs for consideration of the Local Trust Committee (LTC) and the community.
- Recommend policies and/or regulatory amendments to address STVRs.
- Implement bylaw amendments if directed
- Develop communications so that all operators of STVRs are aware of any changes that may impact their operation. Communications will also be directed to inform the community.

Project Scope

In Scope	Out of Scope
▪ Review STVR policy and bylaws within Islands Trust and other jurisdictions. ▪ Development of communication and background materials ▪ Community information meeting ▪ Development of a qualitative survey (survey monkey) to obtain input from the community on STVRs ▪ Recommended options for addressing STVRs (if required) ▪ Policy and/or regulatory amendments to address STVRs ▪ Follow-up communication materials ▪ Number of all known STVRs on Galiano ▪ Number of all visitor accommodations being offered on Galiano.	▪ Assessment of economic impacts, either positive or negative, of STVRs on the Galiano economy and tourism industry. ▪ Consultant studies

Project Deliverables

- Communications (fact sheet) and background materials on STVR issue to inform the community.
- A qualitative survey (web access and mailout) to gain community input.
- A report on the results of the community information meeting and the survey and recommend next steps.
- A Community Information meeting to discuss the LTC report on results and next steps.
- Draft policy and/or regulatory options to implement changes to accommodate Short Term Vacation Rentals (STVRs).
- If directed: a report and draft amending bylaws implementing policy and/or regulatory amendments.
- Legislative process to amendment bylaws.
- Communications (fact sheet) to update the community on outcome of project.

Stakeholders

Stakeholder	Represented by	Interests, expectations, concerns
<i>All property/business owner,s residents, and visitors</i>	<i>Individuals, businesses, community groups</i>	• To understand the impacts both positive and negative of STVRs in their community. • To be consulted on development of policy/bylaws to address this issue on Galiano.
<i>STVR owners/operators</i>	<i>Owners, property managers</i>	• To obtain certainty with respect to regulation of the use • To be consulted on development of policy/bylaws to address this issue on Galiano.
<i>Neighbourhoods</i>	<i>Individual residents and owners, neighbourhood associations</i>	• To have concerns about impacts of STVRs heard and considered
<i>Community Water Systems</i>	<i>Operators, trustees</i>	• To have potential impacts on water usage considered

Stakeholder	Represented by	Interests, expectations, concerns
<i>Chamber of Commerce/ Accommodation Business Owners</i>	<i>Chamber members, leadership and owners of tourist related business (accommodation based or otherwise)</i>	• To understand the impacts both positive and negative of STVRs as they relate to other commercial enterprises on the island (i.e. commercial accommodations and those with zoning) and to tourism for the island. To be consulted on development of policy/bylaws to address this issue on Galiano.
<i>Other regulatory bodies</i>	<i>CRD building inspection, Galiano Fire Departments, Islands Trust Bylaw enforcement, VIHA</i>	• To be consulted if bylaw amendments are considered

Project Team Resources

Name	Role	Responsibility
<i>Galiano Local Trust Committee</i>	<i>Project Sponsor</i>	Provides support through maintaining the project as a work program priority and provide input where appropriate in the process.
<i>Robert Kojima</i>	<i>Project Champion</i>	Ensures project aligns with strategic goals, provide adequate project resources
<i>Kris Nichols</i>	<i>Project Manager</i>	All project management of the project, lead/ direct all project work (reports, communications, surveys, meetings, etc.)
<i>Kim Farris</i>	<i>Planner</i>	Project support – research, report writing, and bylaw drafting
<i>Barb Dashwood</i>	<i>GIS/Mapping Support</i>	Provides mapping as required.
<i>Lori Foster/Sharon Lloyd-deRosario</i>	<i>Admin support</i>	Provides general administrative support, including advertising, booking meetings, preparing notices, updating website, etc.

Project Budget

The budget allocated for 2013/14 is \$4000 and for 2014/15 \$2500 has been requested.

Item	Details	Fiscal Yr 2013/14	Fiscal Yr 2014/15
Communications	(survey, advertisements, background materials)	\$1800	\$200
Meetings and Workshops	(One community meetings)	\$850	
Public Hearing	If a bylaw amendment be required at the end of the process		\$1500
Contingency	(may be used for additional hours for 0.6 FTE Planner 1)	\$1974	
Totals		\$4624	\$1700

Project Timeline

Deliverable / Milestone	Target Completion Date
Develop communications material and background information.	November 2013
Develop a survey to be distributed (web based and mail out) to residents on the island for completion end of February 2014. At same time send out background materials and invite to CIM.	December 2013 to February 2014
Summarize findings to date from the survey and consultation to date and present to LTC	February 2014
Community Information meeting to present survey results and gather further input	March 2014
Draft options and recommendations to address STVRs and possible other related issues as a result of the consultation/discussion on the issue. Submit recommendations to LTC for consideration	April 2014
Proceed with bylaw amendment process if directed	May 2014
Development of follow-up communications materials (e.g. factsheet, website)	June 2014

Endorsements

	Name	Endorsement Date
Project Champion	Robert Kojima	October 7, 2013
Project Manager	Kris Nichols	October 7, 2013
Project Sponsor	Galiano Local Trust Committee	October 7, 2013

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

5.2 Home Occupation

Home Occupation Objectives

The objectives of this subsection are:

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

Home Occupation Policies

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

5.3 Visitor Accommodation

Visitor Accommodation Objectives

The objectives of this subsection are:

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

Visitor Accommodation Policies

- | | | |
|------------|-----|---|
| | a) | Bed and Breakfast with from 1 to 3 rental rooms accommodating up to three persons per room shall be accessory to a residential use. |
| | b) | Where Bed and Breakfast is permitted, the residential character of the site shall be maintained. |
| | c) | The number of rooms permitted for the Bed and Breakfast shall be determined by lot size. |
| BL179; 215 | d) | Visitor accommodation beyond the scale of a Bed and Breakfast shall require commercial zoning characterized as:
i) guesthouses with from 4 to 8 rooms,
ii) inns with from 8 to 12 rooms and a restaurant in one building,
iii) resorts with from 8 to 12 rooms or cottages, a central building and a restaurant, and |
| BL215 | iv) | a comprehensive resort limited to up to 10 visitor accommodation units, 10 visitor accommodation sleeping rooms, a central building for accessory uses, a dwelling for the owner or operator, a restaurant and comprehensive resort accessory uses. |
| BL215 | e) | Zoning may permit and regulate accessory on-site activities. |
| BL215 | f) | Commercial campgrounds and trailer parks shall not be permitted in the Galiano Island Local Trust Area outside of provincial parks. |
| BL215 | g) | The Vancouver Island Health Authority and Building Inspection are requested to ensure the supply of water and provisions for sewage disposal are sufficient to support the number of rooms permitted by bylaw. |

Visitor Accommodation Advocacy Policies

- | | | |
|-------|----|---|
| BL215 | h) | The provision and maintenance of public drinking water sources for the use of visitors to the Island shall be encouraged. |
|-------|----|---|

Date: April 24, 2014

File No.: 6500-20-
Groundwater
Protection DPA
Policy Review

To: Galiano Island Local Trust Committee
For the meeting of May 5, 2014

From: Kris Nichols, Island Planner

CC: Robert Kojima, Regional Planning Manager

**Re: Revised Elevated Groundwater Catchment Area Development Permit
Area Bylaw**

Purpose

The purpose of this report is to introduce a revised Elevated Groundwater Catchment Area Development Permit Area Bylaw for consideration.

Background

Ground Water Protection DPA Policy Review is the number 2 priority in the LTC Work Program. On March 3, 2014 the LTC after reviewing the Project Charter (See Attachment 1) passed the following resolution directing staff to draft a revised Development Permit Area Bylaw for the Elevated Groundwater Catchment Area:

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

Previously, staff evaluated the existing Galiano DPA, Development Permit Area 4 – Elevated Groundwater Catchment Areas, to see what if any amendments could be made to improve its ability to protect ground water on Galiano Island. Staff also evaluated the Waterline Resources Inc. reports (Phase One 2011 and Phase Two 2012) and past research reports particular to Galiano Island. The research recommended that the existing development permit area be amended. Staff determined that while agreeing with the Waterline Reports that amendments are required to the DPA that the proposed changes contained in the reports would also be difficult to implement, administer and enforce. See previous background reports:
<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/groundwater-study.aspx>

The Local Planning Committee (LPC) has developed a draft document entitled, *“Gulf Islands Groundwater Protection – Water Quality and Quantity Toolkit, Model Development Permit Area Bylaw and Development Approval Information Area Provisions”*. This document has been sent to all LTCs and Planners as an information tool. The document contains a sample development permit area bylaw which was used in the development of the revised DPA 4.

Local Trust Committee’s Role:

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

In addition to land use controls, there are several water conservation practices (e.g. low flow toilets, showers, rainwater collection, etc.) for residential home owners that should be encouraged to promote the sustainable use of water. There are also alternatives to landscaping and making land more permeable rather than hard surfaces to increase the amount of water infiltration. Much of what will make the difference in conserving water will not necessarily come from land use regulations, but from the community and its water use practices. The Islands Trust has developed an excellent resource for island residents to conserve water: <http://www.islandstrust.bc.ca/trust-council/projects/water-resource-information-for-islanders.aspx>

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

The protection of existing groundwater supplies is significantly easier than finding alternative water sources on the islands.

Existing Development Permit Area 4 – Elevated Groundwater Protection:

The existing DPA 4 was last revised and adopted in November 2011. The intent is to guide development such as construction of buildings and structures and alteration of land and the subdivision of land within areas identified as groundwater recharge areas for downslope groundwater regions. Only those portions of the catchment areas having shallow soils and being particularly sensitive to development for that reason are included in the development permit area. Development Permit Area 4 includes groundwater catchment areas above 140 meter elevation contours, identified and mapped in a 1998 B.C. Environment Study, Assessment of Groundwater Availability and Quality, Galiano Island, British Columbia.

The existing DPA 4 is attached to this report as a reference to compare the differences between the two. See Attachment 2.

Revised Development Permit Area 4 – Elevated Groundwater Protection:

The revised DPA 4 (See Attachment 3) is probably more accurately described as a new DPA. However, the intent remains the same and it continues to remain applicable to those areas over the 140 m elevation as it is shown in Schedule G of the Galiano Official Community Plan (OCP).

The revised bylaw has been updated with a number of additions:

- Addition of legislative authority 4.2
- Addition of Special Conditions and Objectives that Justify the Designation section 4.3
- Addition of Applicability section 4.5
- Addition Development Permit Exemptions section 4.6
- Addition of an improved and more detailed Guidelines section 4.7

The intent of the revised bylaw is to improve clarity and applicability by establishing where and how the DPA applies and where it doesn't through adding an improved Guidelines section and Exemption Section. The addition of an improved Guideline sections help to improve clarity on what is required through the DPA.

Communications

There is a budget allocated for a mailout (for 91 properties) if desired in conjunction with newspaper advertisements for a community information meeting. At a minimum, staff would recommend a community information meeting and the production of a background information sheet for this meeting.

Everyone on the island relies on a fresh source of water and therefore would likely be interested in this process, but certainly those that feel that they may be directly impacted as the DPA is on their property.

Staff Comments

Staff have reviewed the Waterline Inc. reports addressing concerns with the existing DPA 4 – Elevated Groundwater Catchment Areas and Local Planning Committee Document entitled, *"Gulf Islands Groundwater Protection – Water Quality and Quantity Toolkit, Model Development Permit Area Bylaw and Development Approval Information Area Provisions"* in developing the revised DPA4.

The revised DPA was drafted including elements of the proposed amendments by Waterline Resources Inc., but primarily by incorporating elements of a draft bylaw included in the Local Planning Committee (LPC) groundwater document mentioned above.

The protection of a safe adequate water source is a priority for Galiano Island and will become increasingly important as the island continues to develop. Reaching the full potential of water conservation requires comprehensive and long-term strategic planning. There is an ever increasing need to balance the water supply requirements for area growth against future sustainability and environmental needs. The issue of water quality and quantity has been a long standing issue on the Gulf Islands. To ensure that land can be developed sustainably from a groundwater resource perspective is of particular importance in an island environment.

There are 91 properties that are located within the existing and proposed DPA. They are the same, as elevation limit is to remain at 140m. The majority are park or vacant (residential and forestry) lands. There is no statutory requirement to notify all property owners affected by the revised bylaw; however, the LTC may want to send the owners a copy of the revised DPA 4 to see if there are any concerns with the revision and notify them of the public hearing at the same time.

Options:

1. That the LTC approve the revised DPA 4 Bylaw No.246 for first reading and to schedule a public hearing. That the LTC request that a mailout be done for the properties impacted by the revised DPA.
2. That the LTC approve the revised DPA 4 Bylaw No.246 as amended through LTC discussions for first reading and to schedule a public hearing. That the LTC request that a mailout be done for the properties impacted by the revised DPA.
3. To request that staff review comments and draft a revised bylaw amendment.
4. To proceed no further with the groundwater project.

RECOMMENDATIONS:

1. THAT the Galiano Local Trust Committee give draft Bylaw No. 246, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1 , 2014" First Reading.
2. THAT staff be directed to schedule a Community Information Meeting and a Public Hearing.
3. THAT the Galiano Local Trust Committee direct staff to mail a notice to all properties that contain DPA 4 on the proposed changes and timing of a public hearing.

Prepared and Submitted by:

Kris Nichols

Name, Title

April 24, 2014

Date

Concurred in by:



Robert Kojima, RPM

April 24, 2014

Date

Attachments:

1. DPA 4 Project Charter
2. Existing Development Permit Area 4
3. Draft Bylaw No. 246 – Revised Development Permit Area 4

Draft Project Charter

Project Name:

Creation Date: February 20, 2014

Last Updated: February 20, 2014

Version: 1

Purpose

The purpose of this project is to revise the existing Development Permit Area 4 (DPA 4) based on research by Water Resources Inc.'s reports and work conducted by the Local Planning Committee.

Background

This project has been initiated by the Galiano Island Local Trust Committee. It is Number 2 on their Work Program Top Priorities. The Galiano Island Official Community Plan contains an Elevated Groundwater Protection DPA 4. This has a number of development guidelines for identified areas above 140m.

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

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

Project Objectives

- Develop a revised Development Permit Area 4 – Elevated Groundwater Catchment Area
- Revision to be based on the Waterline Resources Inc.'s recommendations and other current research.
- Revision is to keep the 140 m elevation requirement.

Project Scope

In Scope	Out of Scope
▪ To review the current DPA 4 and how it has been applied in the past. ▪ To review Waterline Resources Inc.'s reports. ▪ To review the report developed by the Local Planning Committee as part of a Ground Water Toolkit. ▪ Review of Galiano studies related to ground water protection. ▪ Draft new DPA guidelines ▪ Undertake bylaw process to amend DPA	▪ Change to the development permit area designation (areas above 140m).

Project Deliverables

- A revised Development Permit Area 4 that addresses the same development permit area, above 140m, but with improved guidelines, and exemptions.
- Development of a fact sheet for landowners and applicants.

Stakeholders

Stakeholder	Represented by	Interests, expectations, concerns
<i>Primarily residents and property owners with properties affected by the current 140 m elevation line, but also others that may be interested in or affected by protection of ground water.</i>	<i>All</i>	• To have an adequate supply and quality of water. • To protect water sources through awareness and regulation(s). • Expect clear, concise proactive communication • Understanding of how the revised DPA guidelines apply
<i>Any water distribution bodies (e.g. CRD, community water systems, etc.)</i>	<i>Those that are in or near to the development permit area.</i>	• To have a protected supply and quality of water. • Understanding how the revised DPA guidelines will apply and improve groundwater protection.
<i>Regulatory Agency</i>	<i>Island Health</i>	• To understand how the guidelines will work within the given framework to improve groundwater quality and quantity.

Project Team Resources

Name	Role	Responsibility
<i>Galiano Island Local Trust Committee</i>	<i>Project Sponsor</i>	Provides support through maintaining the project as a work program priority
<i>Robert Kojima, Regional Planning Manager</i>	<i>Project Champion</i>	Ensures project aligns with strategic goals, provide adequate Project resources.
<i>Kris Nichols, Island Planner</i>	<i>Project Manager</i>	Day-to-day management of the project, and research, report writing, and bylaw drafting.
<i>Barb Dashwood</i>	<i>GIS/Mapping Support</i>	Provides mapping as required (likely not required for this project)
<i>Sharon Lloyd-deRosario and Lori Foster</i>	<i>Admin support</i>	Provides general administrative support, including advertising, booking meetings, preparing notices, updating website, etc.

Project Budget

Item	Details	2014-15 Fiscal Yr	Fiscal Yr
Communications	Mailout to residents/owners with current DPA, newspaper advertisements.	\$1500.00	
Mapping	Not required as mapping will remain		
Meetings and Workshops	Community Information Meeting (tied into the Public Hearing)		
Consultants/Contractors			
Public Hearing	Public Hearing	\$1000.00	
Contingency			
Totals		\$2500.00	

Project Timeline

For minor projects use this table, for major projects attach a more detailed table

Deliverable / Milestone	Target Completion Date
Development of Project Charter, approval to proceed by LTC	March 3, 2014
Development of a revised draft development permit area bylaw, give First Reading and send to referral agencies.	April 7, 2014
Development of a DPA fact sheet	May 5, 2014
Community Information Meeting and Public Hearing, Second and Third Readings and bylaw sent to Executive Committee and Minister for approval	June 2, 2014
Adoption of DPA Bylaw	September 1, 2014

Endorsements

	Name	Endorsement Date
Project Sponsor	<i>Local Trust Committee</i>	
Project Champion	<i>Robert Kojima, RPM</i>	
Project Manager	<i>Kris Nichols, Island Planner</i>	

Development Permit Area 4 - Elevated Groundwater Catchment Areas

4.1 Description of Area

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

4.2 Special Conditions

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

4.3 Development approval Information

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

4.4 Guidelines

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

- Buildings and structures may be sited only where development approval information provided by the permit applicant indicates that such structures can be accommodated without impairing the quantity or quality of groundwater in the local groundwater region.
- The construction of roads and utility corridors and other activities involving the disturbance of the soil, must be conducted in such a manner that the productivity of the local groundwater recharge area is not impaired through soil compaction, altered surface drainage patterns, siltation, erosion, or salt water intrusion.
- The layout of subdivision must ensure that building sites are located and are of sufficient area that development permitted by the Land Use Bylaw may fully comply with these guidelines.

**A BYLAW TO AMEND THE GALIANO ISLAND
OFFICIAL COMMUNITY PLAN BYLAW NO. 108, 1995**

WHEREAS the Galiano Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Galiano Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Galiano Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Galiano Island Local Trust Committee wishes to amend the Galiano Island Official Community Plan Bylaw No. 108, 1995;

AND WHEREAS the Galiano Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Galiano Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2014.”

2. SCHEDULES

Galiano Island Official Community Plan No. 108, 1995 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this day of , 2014.

PUBLIC HEARING HELD this day of , 20.

READ A SECOND TIME this _____ day of _____, 20. _____

READ A THIRD TIME this _____ day of _____, 20. _____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this _____ day of _____, 20____.

ADOPTED this _____ day of _____, 20.

SECRETARY

CHAIRPERSON

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 246
SCHEDULE 1**

1. Schedule A, Section V, 4 Development Permit Area 4 – Elevated Groundwater Catchment Areas is amended by replacing it in its entirety with the following:

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

4.1 Description of Area

Development Permit Area 4 includes groundwater catchment areas above 140 meter elevation contours as shown on Schedule G.

4.2 Authority

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

4.3 Special Conditions and Objectives that Justify the Designation

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

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

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

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
- water quality is maintained, and
- The 1998 B.C. Environment Study Assessment of Groundwater Availability and Quality, Galiano Island, British Columbia identified wetlands at intermediate elevations as warranting special management consideration in view of their function as recharge areas for downslope groundwater regions. The 1998 Groundwater Study concluded that judicious management of groundwater recharge areas will be critical to sustaining groundwater availability and quality in all of the groundwater regions of Galiano Island.

The Objectives of the development permit area are:

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

4.4 Development Approval Information

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

4.5 Applicability

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

4.6 Development Permit Exemptions

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

- a) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required)
- b) Construction of a dwelling or subdivision of land that is, or will be, serviced by a community water system.
- c) Construction of a dwelling where the dwelling:
 - a) Is not to be connected to a groundwater source; and,
 - b) Is entirely serviced with water through stored and treated rain water which meets or exceeds Canadian Drinking Water Standards.
- d) Development on land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.
- f) The placement of temporary buildings or structures
- g) All vegetation removal except for cutting and removal of more than 5 trees (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.
- j) Forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- k) Land alteration that does not alter the natural contours of the land.
- l) The construction of an accessory building or structure with a lot coverage of less than 100m², provided the accessory building or structure is not connected to a supply of water.
- m) Construction of trails or fences that does not alter contours of the land.
- n) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;

- iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream;
or
 - iv. Bridge repairs.
- o) Works undertaken by a local government or a body established by a local government.

4.7 Guidelines

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

1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. Where a qualified professional hydro geologist or engineer has made recommendations for mitigation measures, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.
3. Where the a qualified professional hydro-geologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydro-geologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
 - c) not interfere with groundwater recharge;
 - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. The LTC may require the applicant to install a groundwater monitoring device in at least one well within each proposed subdivision. The LTC may require an agreement to be registered on title to allow a designated person or agency to access the property to collect the data from the device.
6. Where rainwater management is recommended by the report, rainwater should be retained on-site and managed using methods such as vegetated swales, rain gardens, or other methods which allow rainwater to return to the ground.
7. Where rainwater harvesting is recommended by the report for the construction of a building (residential, commercial, industrial or institutional as permitted by zoning):
 - a) Buildings should be sited to allow for the optimal placement of a gravity fed rainwater collection tank which collects rainwater from the roof leaders of the dwelling unit which capture the majority of the rainwater flows.
 - b) Buildings should be designed to maximize opportunities for rainwater catchment from all roof surfaces.
 - c) Impervious surfaces should be minimized. The use of impervious paved driveways shall be discouraged.
8. The LTC may require that all new dwelling units include an external rainwater harvesting system such which includes the following:

- i. External equipment for collecting and distributing rainwater from the dwelling unit roof;
 - ii. A storage tank(s) with a minimum storage capacity of 18,000 litres which is designed for rainwater collection and is rated for potable use;
 - iii. A pumping system;
 - iv. An overflow handling system.
9. Where external rainwater harvesting equipment is required as a condition of the permit, the LTC shall encourage the applicant to install dedicated plumbing lines within proposed dwelling units to make use of stored rainwater for flushing toilets and other non-potable uses.
10. Where tree removal which is not exempt from the requirement for a permit:
- a. Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.
 - b. All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
 - c. Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
 - d. If the area has been previously cleared of trees, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.
 - e. Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.
 - f. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.
11. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage.
12. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
13. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.
14. The construction of roads and utility corridors and other activities involving the disturbance of the soil, must be conducted in such a manner that the productivity of the local groundwater recharge area is not impaired through soil compaction, altered surface drainage patterns, siltation, erosion, or salt water intrusion.



Memorandum

Date April 23, 2014 File Number 6500-20-LUB Contractor Home Base Review

To Galiano Island Local Trust Committee
For May 5, 2014 Meeting

From Kris Nichols, Island Planner

Re Contractor Home Base: Project Charter and Focus Group Terms of Reference

Purpose:

To provide a draft Project Charter and options for establishing a Focus Group to address Contractor Home Base businesses on Galiano Island.

Background

On April 7, 2014 the Galiano Local Trust Committee passed the following resolution:

That the Galiano Island Local Trust Committee directs staff to prepare a Project Charter and Terms of Reference making use of a Focus Group to advise the Galiano Island Local Trust Committee on issues related to Contractor Home Base.

Staff Comments

Staff have drafted a Project Charter (See Attachment 1) for addressing the Contractor Home Base businesses on Galiano Island. Financial resources will be required for this project. Staff have allocated approximately \$3000.00 most of which is attributed to community consultation, focus group formation and advertising for meetings. One-third of the estimated amount is attributed to a possible public hearing should the project proceed to bylaw introduction. The project is anticipated to go into 2015 depending on the outcome of the focus group and the direction recommendation it makes to the Local Trust Committee.

Part of the Project Charter and the second part to the above resolution is the development of a Terms of Reference for establishing a Focus Group. Staff have provided two options for the LTC to consider in creating a focus group:

1. Establish a Focus Group similar to a formal Advisory Planning Commission (APC) as was done for the Official Community Plan review. Should this direction be chosen there will be a need for resources to support it with a minute taker, meeting notices, advertisements and appointments of people to the Focus Group. See Attachment 2.

2. This would be a less formal approach and rely on appointing a Chair who would be primarily responsible for establishing an opportunity for people to discuss the issue of Contractor Home Base businesses and report the findings to the LTC and possibly at a CIM. There will also be a need for resources, but to a lesser extent than the above option. See Attachment 3.

Staff are recommending the Second Option to establish a focus group being that it is less formal and given that the meeting schedule is running into summer it will provide some flexibility for who can participate with having the Chair as the only appointed member. The meetings would be established in advance and a single notice put up on island, in the Active Page and on the Islands Trust website

Recommendations:

1. THAT the Galiano Island Local Trust Committee approve the Project Charter for the Contractor Home Base review;
2. THAT the Galiano Island Local Trust Committee approve the Terms of Reference entitled "Contractor Home Base Review Terms of Reference for the Chair Leading the Focus Group Reviewing Contractor Home Base"; and
3. THAT the Galiano Island Local Trust Committee direct staff to initiate the process for advertising for a Chair to be appointed either by Resolution Without Meeting or at the next Local Trust Committee meeting.

pc Robert Kojima, Regional Planning Manager

Attachments:

1. Contractor Home Base Project Charter
2. Galiano Island Contractor Home Base Review – Terms of Reference for the Contractor Home Base Focus Group
3. Galiano Island Contractor Home Base Review – Terms of Reference for the Chair Leading the Focus Group Reviewing Contractor Home Base

DRAFT Project Charter

Project Name:

Creation Date: April 23, 2014

Last Updated: April 23, 2014

Version: 1.0

Purpose

The purpose of this project is to address the issue of contractor yards/contractor home base on Galiano Island and to propose options to proceeding with the discussion of a possible amendment to the Galiano Island Land Use Bylaw to accommodate them.

Background

This project has been initiated by the Galiano Island Local Trust Committee. It is Number 3 on their Work Program Top Priorities.

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

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

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

Project Objectives

- To establish a focus group that would assist in providing insight into Home Contractor Yards on Galiano Island
- To identify issues (positive and negative) around permitting home contractor base in residential areas

- To identify options for permitting Home Contractor Yards on Galiano Island
- To develop bylaw amendments for consideration of the Local Trust Committee (if required)

Project Scope

In Scope	Out of Scope
▪ To establish a focus group to address the issues around contractor home base and provide recommendations. ▪ To review existing bylaws in Islands Trust regarding contractor home base and how they may apply. ▪ Draft bylaw amendments to the OCP or LUB (if required)	▪ Industrial land review ▪ Identification of all contractor type businesses and locations on Galiano Island

Project Deliverables

- Establishment of a contractor home base focus group
- Identification of issues from both the contractor and the residential perspective
- Recommendations on the best approach to address home contractor base
- Development of amending bylaws (if required)

Stakeholders

Stakeholder	Represented by	Interests, expectations, concerns
<i>Primarily residents and property owners with contractor businesses on the island, but also those that depend on such businesses.</i>	<i>ALL</i>	• Wanting to maintain a business and service to the community • Remain employed (as employer or employee) • Keep businesses on the island • Keep businesses in a residential setting • Losing affordable contractor services
<i>Residents concerned about impacts from home contractor base operations in residential areas.</i>	<i>All, neighbourhood groups/associations</i>	• Residents concerned about businesses impacting on residential communities.

Project Team Resources

Name	Role	Responsibility
<i>Galiano Local Trust Committee</i>	<i>Project Sponsor</i>	Provides support and direction through maintaining the project as a work program priority and giving direction and approvals as required.
<i>Robert Kojima, Regional Planning Manager</i>	<i>Project Champion</i>	Provides adequate project resources, strategic direction and oversight, and ensures project aligns with overall goals and objectives.
<i>Kris Nichols, Island Planner</i>	<i>Project Manager</i>	Day-to-day management of the project, research, oversees focus group, report writing and bylaw drafting.
<i>Barb Dashwood</i>	<i>GIS/Mapping Support</i>	Provides mapping as required. Likely not required for this project.
<i>Sharon Lloyd-deRosario and Lori Foster</i>	<i>Admin support</i>	Provides general administrative support, including advertising, booking meetings, preparing notices, updating website, etc

Project Budget

Item	Details	2014 Fiscal Yr	Fiscal Yr
Communications	Advertising for focus group participants/Chair, advertising for focus group meetings ,CIM and public hearing advertisements (if required)	\$1000	
Mapping			
Meetings and Workshops	Focus Group meetings, CIM	\$500	Note: Possibly use Islands Trust Office.
Consultants/Contractors			
Public Hearing	Public Hearing (if required)	\$1000	
Contingency		\$500	
Totals (estimated)		\$3000	

Project Timeline

For minor projects use this table, for major projects attach a more detailed table

Deliverable / Milestone	Target Completion Date
Advertisement for Focus Group members/Chair	May/June , 2014
Appointment of Contract Home Base focus group/Chair	June 9, 2014
Focus group meetings	June-August 2014
Presentation of focus group findings and staff recommendations	September 2014
Presentation of staff recommendations and options for LTC consideration	October 2014
If Required:	
Development of bylaw amendments and First Reading and Second Reading and referral to agencies for comment	November2014

Deliverable / Milestone	Target Completion Date
Community Information Meeting and Public Hearing on bylaw amendments and Third Reading	December 2014
Sent to Executive Committee and Ministry	December 2014
Adoption of Bylaw	February 2015

Endorsements

	Name	Endorsement Date
Project Sponsor	<i>Galiano Island Local Trust Committee</i>	
Project Champion	<i>Robert Kojima, Regional Planning Manager</i>	
Project Manager	<i>Kris Nichols, Island Planner</i>	



GALIANO ISLAND CONTRACTOR HOME BASE REVIEW

TERMS OF REFERENCE FOR THE CONTRACTOR HOME BASE FOCUS GROUP

Introduction

The Galiano Island Local Trust Committee (LTC) has embarked upon a review of regulations pertaining to contractor home base businesses. As part of this process, the LTC has committed to having community consultation initiated through the establishment of a focus group. Islands Trust staff have over the past year prepared various reports in an attempt to address contractor home base use businesses located in residential areas. The focus group will be asked to examine the specific topic in more detail and make specific suggestions and recommendations to the LTC.

Focus Group Objectives

1. The objectives of the Focus Group are to research the topic, obtain community comment on the issue, and to report to the Local Trust Committee and the Islands Trust with recommendations, options and comments.
2. Specifically the Focus Group should consider, but not limit recommendations to, the following aspects of this issue:
 - a. The role of and appropriate location for contractor home base.
 - b. Home businesses and the potential for home industry.
 - c. Residential neighbourhood concerns.
 - d. Scale of businesses permitted in residential areas.
3. The Focus Group should seek to provide recommendations that are options that can be implemented by the LTC through its policies and regulations, or which can be endorsed or adopted by the LTC as broad objectives.

Focus Group Procedure

4. The Focus Group shall be appointed as an additional advisory planning commission as allowed under the Advisory Planning Commission Bylaw (Bylaw No. 177).
5. The meeting procedures of the Focus Group shall be as set out in the Advisory Planning Commission Bylaw, including but not limited to:
 - a. Appointment of a Chair and Deputy Chair
 - b. A secretary appointed by the LTC
 - c. Meetings advertised by notice, open to the public and minutes recorded.
6. Specifically, the Chair of the Focus Group shall:
 - a. Schedule one or more working meetings;
 - b. Communicate with the local trustees and Islands Trust staff with any questions or concerns;
 - c. Lead and facilitate discussion at the meetings;
 - d. Ensure that all points of view are heard;
 - e. Ensure that good order and civility are maintained at meetings;
 - f. Ensure that discussion is relevant and addresses the questions laid out in this terms of reference;
 - g. Ensure that there is appropriate provision for public input at each meeting;
 - h. Ensure that appropriate resources, documents and support are available for each meeting within any approved budget;
 - i. Prepare a written summary of the meeting(s)' outcome;
 - j. Submit the written summary, with options or recommendations if appropriate, to the Local Trust Committee.
7. The Chair will provide the Islands Trust with a brief statement indicating the dates and locations of the meeting(s) and a summary budget of any costs anticipated to be associated with the meeting(s) by July 7, 2014.
8. Costs should be limited to rental of a meeting hall, materials such as paper and markers, and light refreshments. A summary budget of meeting costs may be approved by the LTC and Islands Trust staff prior to any meeting.
9. Local Trustees may attend and participate in any meeting, at the discretion of the trustees.
10. Islands Trust staff may be available to serve as a resource at any meeting, at the discretion of staff.

11. The Chair should ensure, to the best of the Chair's knowledge and ability, that any options or recommendations are consistent with:
 - a. The "principles" of the Official Community Plan;
 - b. The Object of the Islands Trust;
 - c. The policies of the Islands Trust Policy Statement;
 - d. The statutory authority of the Local Trust Committee;
 - e. Generally accepted good planning principles.
12. The Chair should encourage members to ensure that options or recommendations are stated as the policy outcomes and objectives desired, not as specific policy wording or regulatory prescriptions.
13. The Chair should remind participants that the Local Trust Committee is under no obligation to implement any recommendations. By law the Local Trust Committee has absolute and unfettered discretion to amend its bylaws.
14. A written report will be provided by the Chair by September 8, 2014, briefly summarizing the discussion and issues raised at the meetings(s), and providing options and/or recommendations where there was a consensus or majority view. Any minority or dissenting views should also be reported. The report shall be addressed to the Galiano Island Local Trust Committee and copies are to be delivered to the offices of the Islands Trust for filing and distribution.



GALIANO ISLAND CONTRACTOR HOME BASE REVIEW

TERMS OF REFERENCE FOR THE CHAIR LEADING THE FOCUS GROUP REVIEWING CONTRACTOR HOME BASE

1. The objective of the Focus Group is to obtain the widest possible community participation, to identify and comment on potential amendments to the Land Use Bylaw and to report to the community and to the Local Trust Committee.
2. The role of the Chair is to:
 - a. Organize one or more meetings of the Focus Group;
 - b. To encourage members of the community who may be interested in participating, or who may have a particular expertise or experience related to the issue, to participate;
 - c. Communicate with local trustees and Islands Trust staff;
 - d. Lead and facilitate discussion at the meeting(s);
 - e. Ensure that all points of view are heard;
 - f. Ensure that good order and civility are maintained at meetings;
 - g. Ensure that discussion is relevant and addresses the criteria laid out in this terms of reference;
 - h. Ensure that necessary resources and support are available for each meeting within an approved budget;
 - i. Prepare a written summary of the meeting(s) outcome;
 - j. Submit and present the written summary, with options or recommendations if appropriate, to the community and the Local Trust Committee.
3. The Chair will provide the Islands Trust with a brief statement indicating the proposed dates, times and places of the meeting(s) and a summary budget of any costs anticipated to be associated with the meeting(s) by July 7, 2014.
4. A notice of the meeting times, places and topics will be prepared and posted by Islands Trust staff.
5. Costs should be limited to rental of the meeting hall, materials such as paper and markers, and light refreshments. The summary budget of

- meeting costs is to be provided to the trustees and Islands Trust staff prior to the meetings.
6. The Focus Group will not have specific membership, but be open to any member of the public who wishes to participate at any meeting.
 7. Local Trustees may attend and participate in any meeting, at the discretion of the trustees.
 8. Islands Trust staff can be available to serve as a resource, at the discretion of staff.
 9. The Chair should ensure that discussion at the meeting(s) addresses the relevant sections of the Land Use Bylaw.
 10. The Chair should ensure, to the best of the Chair's knowledge and ability, that any options or recommendations are consistent with:
 - a. The overall goals and objectives of the Official Community Plan;
 - b. The Object of the Islands Trust;
 - c. The policies of the Islands Trust Policy Statement;
 - d. The statutory authority of the Local Trust Committee;
 11. The Chair should strive to ensure that any options or recommendations include a justification for the position.
 12. The Chair should advise participants that the Local Trust Committee is under no obligation to implement any recommendations. By law the Local Trust Committee has absolute and unfettered discretion.
 13. A preliminary written report will be provided by the Chair by September 8, 2014, briefly summarizing the discussion and issues raised at the meetings(s), and providing options and/or recommendations where there was a consensus or majority view. Any minority or dissenting views should also be reported. The report shall be addressed to the Galiano Island Local Trust Committee and emailed to the offices of the Islands Trust for distribution.
 14. At the discretion of the LTC, the Chair may be requested to present the results of the Focus Group consultation at a community information meeting.



Top Priorities

Galiano Island

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

Projects

Galiano Island

No.	Description	Activity	Received/Initiated	Status
1	Soil Removal and Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw	Sep-12-2011	On Going
2	Amendments to Forest designation and F1 zone -	consider options for amendments to Forest Land Designation and policies and F1 zoning for lands without Managed Forest Status. Draft bylaws have been prepared, project deferred at meeting of April/12	Apr-16-2012	On Going
3	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the LUB.	Nov-18-2013	On Going
4	Parking Issues	Issue for discussion with MoTI and public parking issues generated from associated islands. (see correspondence from P. Midgely on agenda of Apr/12)	Jul-23-2012	On Going
5	Bike Trails and Camping	Letter dated July 8, 2013 received from Galiano Parks and Recreation Commission regarding bike safety on Galiano roads (See Transportation policy U of Section 1.1) and for the allowance of non-commercial camping on private lots.	Jul-15-2013	On Going
6	Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	Nov-18-2013	On Going
7	Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	Nov-18-2013	On Going
8	Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	Nov-18-2013	On Going



Applications w/ Status - Galiano Island Status: Open

Applications

Development Permit

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

Planning Status

Status Date: Apr-07-2014

LTC passed a resolution stating issuance of DP for a dock location at a right angle to shoreline and not where the current lease is located.

Status Date: Mar-28-2014

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

Status Date: Jan-15-2014

Information should be provided for the March 3 LTC meeting

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

Planning Status

Status Date: Dec-20-2013

Awaiting processing until approved subdivision PLA.

Status Date: Dec-18-2013

Opened file and gave to Planner

File Number	Applicant Name	Date Received	Purpose
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GL-DP-2014.1

John and Elizabeth
Olson

Apr-07-2014

368 SOUTHWIND DR
To build a dock

Planner: Kim Farris

Planning Status

Status Date: Apr-07-2014

Opened this main DP file and cross-ref to GL-DVP-2014.2

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2013.1	Michael Norgang	Jan-22-2013	70 Bluff Rd To vary the front lot setback line to accomodate existing dwelling.

Planner: Kim Farris

Planning Status

Status Date: Dec-18-2013

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

Status Date: Feb-26-2013

Waiting for site survey from applicant

Status Date: Jan-23-2013

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

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

Planner: Kris Nichols

Planning Status

Status Date: Feb-03-2014

LTC defers decision to May 2014

Status Date: Dec-18-2013

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

Status Date: Dec-09-2013

Application will be considered at the May LTC meeting

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2014.2	John and Elizabeth Olson	Apr-07-2014	368 SOUTHWIND DR To build a dock

Planner: Kim Farris

Planning Status

Status Date: Apr-07-2014

see GL-DP-2014.1

Rezoning

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

Planning Status

Status Date: Dec-09-2013

Staff awaiting final feasibility study

Status Date: Nov-14-2013

CIM held on Nov 16, Draft Feasibility study submitted

Status Date: Oct-07-2013

CIM scheduled for November 16

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

Planning Status

Status Date: Nov-18-2013

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

Status Date: Sep-09-2013

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

Status Date: Jun-14-2013

Preliminary Report written for July 15th LTC

Subdivision

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

Planner: Kim Farris

Planning Status

Status Date: Mar-25-2014

Covenant received - staff reviewing covenant

Status Date: Feb-26-2013

Waiting for S.219 covenant to be drafted by applicant

Status Date: Feb-13-2013

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

Planning Status

Status Date: Apr-25-2014

Applicant revised subdivision plan with new access to shore/dedicated road access for RR lots.

Status Date: Jan-17-2014

Comments sent to MoTI awaiting PLA

Status Date: Dec-23-2013

Application submitted to planner to initiate review

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2014.1	Galiano Conservancy Association Planner: Kris Nichols	Apr-09-2014	10825 PORLIER PASSAGE DR To allow camping use and construction of supporting facilities.

Planning Status

Status Date: Apr-14-2014

Opened file. Note that EC resolved to pay the fees for this application

Status Date: Apr-14-2014

Resolution: EC 216-2013 to pay fees for application

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

625 Galiano	Invoices posted to Month ending March 2014	Budget	Spent	Balance
65000-625	LTC "Trustee Expenses"	1,100.00	453.52	646.48
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	3,500.00	4,124.69	-624.69
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	165.90	334.10
65220-625	LTC - Local Exp - Communications	500.00	903.89	-403.89
65230-625	LTC - Local Exp - Special Projects	2,000.00	1,000.00	1,000.00
65240-625	LTC - Local Exp - Miscellaneous	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>7,000.00</u>	<u>6,194.48</u>	<u>805.52</u>
Projects				
73001-625-2002	Galiano OCP/LUB	4,000.00	2,690.89	1,309.11
73001-625-4019	Galiano Short Term Vacation Rental (STVR) Review	4,000.00	3,005.70	994.30
TOTAL Project Expenses		<u>8,000.00</u>	<u>5,696.59</u>	<u>2,303.41</u>

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.

No	Meeting Date	Resolution No.	Issue	Policy
4.	September 17, 2012	GL-LTC-100-12	Short Term Vacation Rentals	THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Short Term Vacation Rentals that have one or more of the following characteristics will be subject to enforcement: 1. There are issues related to health and safety; 2. There is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR; 3. The owner of the property uses more than one property on Galiano Island as a STVR. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Galiano Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time; THAT the policy remains in effect until such time as the regulatory review is complete.
5.	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.
6.	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.

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