



Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: April 3, 2017
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

Pages

1. CALL TO ORDER 12:30 PM - 1:00 PM
2. APPROVAL OF AGENDA
3. TOWN HALL AND QUESTIONS
4. COMMUNITY INFORMATION MEETING
none
5. PUBLIC HEARING
none
6. MINUTES 1:00 PM - 1:15 PM
 - 6.1 Local Trust Committee Minutes Dated March 21, 2017 (for Adoption-Pending)
 - 6.2 Section 26 Resolutions Without Meeting Report
none
 - 6.3 Advisory Planning Commission Minutes
none
7. BUSINESS ARISING FROM MINUTES
 - 7.1 Follow-up Action List Dated March 2017 3 - 5
8. DELEGATIONS
none
9. CORRESPONDENCE

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

none

- | | | | |
|---------------------------------------|---|-------------------|---------|
| 10. | APPLICATIONS AND REFERRALS | 1:15 PM - 2:15 PM | |
| 10.1 | Salt Spring Island Local Trust Committee Bylaws No. 488, 489 & 490 Referral
(for Response) | | 6 - 9 |
| 10.2 | GL-DVP-2017.1 (Wilshire) - Staff Report | | 10 - 25 |
| 10.3 | GL-DP-2017.1 (Wilshire) - Staff Report | | 26 - 62 |
| 10.4 | GL-TUP-2017.1 (Pankratz) - Staff Report | | 63 - 74 |
|
-----BREAK -----2:15 PM - 2:30 PM | | | |
| 11. | LOCAL TRUST COMMITTEE PROJECTS | 2:30 PM - 3:30 PM | |
| 11.1 | Special Advisory Planning Commission Telecommunications Strategy Report -
Staff Report (pending) | | |
| 12. | REPORTS | 3:30 PM - 4:00 PM | |
| 12.1 | Work Program Reports (attached) | | |
| 12.1.1 | <u>Top Priorities Report Dated March 2017</u> | | 75 - 75 |
| 12.1.2 | <u>Projects List Report Dated March 2017</u> | | 76 - 77 |
| 12.2 | Applications Report Dated March 2017 (attached) | | 78 - 81 |
| 12.3 | Trustee and Local Expense Report Dated February 2017 | | 82 - 82 |
| 12.4 | Adopted Policies and Standing Resolutions (attached) | | 83 - 84 |
| 12.5 | Local Trust Committee Webpage | | |
| 12.6 | Chair's Report | | |
| 12.7 | Trustee Report | | |
| 12.8 | Trust Fund Board Report | | |
| | none | | |
| 13. | NEW BUSINESS | | |
| | none | | |
| 14. | UPCOMING MEETINGS | | |
| 14.1 | Next Regular Meeting Scheduled for May 1, 2017, at the South
Community Hall, Galiano Island | | |
| 15. | TOWN HALL | 4:00 PM - 4:30 PM | |
| 16. | CLOSED MEETING | | |
| | none | | |
| 17. | ADJOURNMENT | 4:30 PM - 4:30 PM | |

Follow Up Action Report

Galiano Island

07-Mar-2016

Activity	Responsibility	Target Date	Status
1. Staff to add Affordable Housing Strategy and Dock Review to Top Priorities - DONE	Rob Milne	25-Mar-2016	On Going
2. LTC (local trustees) to review Affordable Housing Toolkit to determine what aspects of Affordable Housing should be addressed.			

02-May-2016

Activity	Responsibility	Target Date	Status
GL-TUP-2016.1 (Stettner) - application deferred until such time a draft covenant between the property owner and the Section Seven Water Works is agreed upon. (IN PROGRESS)	Kim Stockdill	01-Jul-2016	On Going

29-Aug-2016

Activity	Responsibility	Target Date	Status
GL-RZ-2016.2 (Galiano Conservancy)	Sharon Lloyd-deRosario	28-Oct-2016	Done
1. Staff to draft LUB & OCP bylaws. (In progress)	Rob Milne		
2. Applicant must provide groundwater assessment report. (In progress)			

06-Mar-2017

Activity	Responsibility	Target Date	Status
GL-RZ-2016.2 (Galiano Conservancy)	Rob Milne		Done
Staff to work with applicants to develop a comprehensive development zone approach to the rezoning application.			

**Follow Up Action Report**

Staff to draft a thank you letter to the SAPC which is to be signed by the LTC Chair.	Kim Stockdill	On Going
Staff to follow up with Retreat Cove Farms covenant removal	Kim Stockdill	On Going

21-Mar-2017

Activity	Responsibility	Target Date	Status
Motion adopted directing staff to organize a meeting with Penelakut First Nation to discuss the dock review project being undertaken by the Galiano Local Trust Committee	Rob Milne		On Going
Motion adopted to amend bullet 3 of the Objectives section of the Dock Review project charter to read as follows: ·To consider the need for potential regulatory changes to restrict private docks.	Rob Milne		Done
Motion adopted to amend the dock review project charter Purpose to read as follows: To consider amendments to the OCP and LUB to regulate private docks on Galiano Island while at the same time recognizing that private docks are a near necessity of life for residents of the associated islands and water access only neighbourhoods.	Rob Milne		Done
Direction provided to staff to revise the Dock Review Project Discussion Paper to include a new section, Community and Shared Docks, and report back to the LTC on the issues involved such as access options and liability and insurance implications.	Rob Milne		On Going
Staff directed to look into and report back on the legalities and protocols involved in allowing the Galiano Island Local Trust Committee and Advisory Planning Commission to conduct electronic meetings.	Rob Milne		On Going
Staff to pursue a C2C grant to facilitate further First Nations relationship building.	Rob Milne		On Going



Follow Up Action Report



Islands Trust

BYLAW REFERRAL FORM

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

Island: Salt Spring Island Trust Area Bylaw No.: 488-489-490 Date: March 14, 2017

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 60 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

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

PURPOSE OF BYLAW:

Proposed Bylaw No. 488 amends Salt Spring Island Official Community Plan Bylaw No. 434 by introducing a new definition of "General Employment" as a basis for zoning changes in Land Use Bylaw No. 355 (LUB 355) and by introducing a policy context for the Salt Spring Island Local Trust Committee to entertain future rezoning applications in certain areas of Salt Spring Island and by modifying development permit guidelines to address new uses envisioned in Proposed Bylaw No. 489 including the addition of new development permit guidelines for the protection of farming.

Proposed Bylaw No. 489 amends LUB 355 by replacing Section 9.7 with a new "General Employment" zoning structure which reworks the existing industrial land use framework by adding permitted uses, amending site coverage, setback regulations as well as zone variations. In addition, a total of 54 properties are potentially rezoned by this draft bylaw; however, some of the properties are currently zoned for commercial and industrial uses and the rezoning is more reflective of the new "General Employment" zoning approach rather than a substantive change to permitted uses on those properties.

Proposed Bylaw No. 490 amends LUB 355 by amending the zoning classification of some existing Waste Management Facilities to reflect that use.

A copy of the most recent staff report and proposed bylaws may be found at the following link:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/projects-initiatives/industrial-land-uses/>

For your reference [Land Use Bylaw No. 355](#) and [Official Community Plan Bylaw No. 434](#) and their current amendments can be accessed at these links.

GENERAL LOCATION:

Salt Spring Island Electoral Area F

LEGAL DESCRIPTION:

Salt Spring Island Electoral Area F

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Bylaw No. 488

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

(Signature)

Name: Rob Milne

Title: Island Planner

This referral has been sent to the following agencies:

Provincial Agencies

Agricultural Land Commission
Ministry of Agriculture
Ministry of Community, Sport & Cultural Development
Ministry of Forest Lands & Natural Resource Operations – Environment
Ministry of Jobs, Tourism & Skills

Non-Agency Referrals

North Salt Spring Waterworks District
SSI Chamber of Commerce
SSI Fire Protection District
SS Farmer's Institute
SSI Farmland Trust
SSI Agricultural Alliance
Cusheon Lake Stewardship Committee
SSI Water Council Society
SSI Water Preservation Society

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

Regional Agencies

CRD – J. Arnett, All referrals
CRD – K. Campbell, Senior Manager
CRD – SSI Economic Development Commission
CRD – SSI Parks and Recreation Commission
CRD – Ganges Sewer Commission
CRD – Fulford Water Service Commission
Vancouver Island Health Authority

First Nations

Malahat First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
St'z'uminus First Nation

Semiahmoo First Nation
Tsawwassen First Nation

Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only)

PLEASE TURN OVER ➔

BYLAW # 488 - REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

488
(Bylaw Number)

(Title)

(Agency)

BYLAW # 489 - REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

489
(Bylaw Number)

(Title)

(Agency)

BYLAW # 490 - REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

490
(Bylaw Number)

(Title)

(Agency)



File No.: GL-DVP- 2017.1 (Wilshire)

DATE OF MEETING: April 3, 2017
TO: Galiano Island Local Trust Committee
FROM: Rob Milne, Island Planner
Victoria Office
SUBJECT: Development Variance Permit
Applicant: Ann Wilshire
Location: 437 Montague Park Road

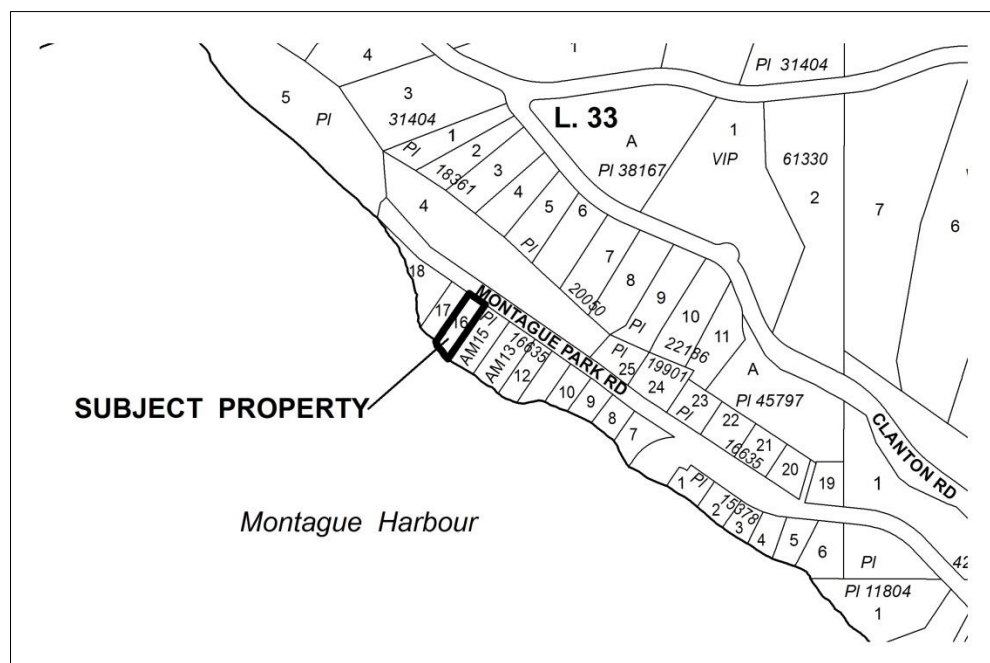
RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2017.1 (Wilshire).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit.

In summary, the above recommendation for the issuance of the DVP is supported as the proposed private dock use is permitted by the Galiano Island land use bylaw (LUB) and is supported by policies in the Galiano Island Official Community Plan (OCP). The requested variance is considered to be reasonable and consistent with the intent of the regulations.



BACKGROUND

The proposal is to vary the setback for the siting of structures adjacent to the natural boundary at 437 Montague Park Road. The variance will allow for placement of a walkway from the property to a ramp as part of the construction of a private dock. The proposed use conforms to the zoning on the foreshore area.

Specifically, the proposal is to allow for a DVP for the following:

- Installation of a new private dock comprised of a walkway, ramp and float. The LUB regulation is for a setback of at least 7.5 metres from the natural boundary and 6.0 metres from a side yard. The intent of the variance would be to reduce the 7.5 metre natural boundary setback to 0.0 metres and the side yard setback to 4.0 metres, for the dock walkway only.

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

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

Development Permit Area DPA 2 – Shoreline and Marine DPA is designated on the property. There is a requirement for a DP in order to construct a private dock in association with this property. Application GL-DP-2017.1 has been submitted in support of this application.

Land Use Bylaw:

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

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

Subsection 2.14 of “General Regulations” states that, “Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea”.

Regulation 5.3.8.2 of Section 5.3, “Small Lot Residential Zone” requires, “at least 6 metres from each interior side lot line”.

Islands Trust Fund:

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

Issues and Opportunities:

Rational for the Variance

It is the wish of the applicant to install a private dock on the foreshore adjacent to their waterfront property. The proposed private dock is a permitted use and both of the adjacent neighbouring properties have docks in place.

It is proposed that the dock would intersect with an existing stone stair and pathway that runs down the bluff face to the foreshore (See Attachment 2). Utilizing this stairway to connect to the proposed dock walkway will minimize the disturbance and impact to the area at the top of the bluff and will reduce the visibility of the walkway and ramp from adjacent properties.

In order to connect the walkway from the foreshore to the upland area the setback distance from the foreshore area will have to be reduced to 0.0 metres (for the walkway only). Given the location of the existing stairway near the southeasterly side lot line there will also be a need to reduce the side yard setback to allow for the proposed intersection of the walkway and the stairway to allow for a minimum height of 2.0 metres between the underside of the walkway and the foreshore. It is anticipated that the applicant will be able to site the walkway 5.0 metres from the stairway, however, given the nature of the adjacent foreshore the applicant is seeking a reduction for the walkway to 4.0 metres, from the required 6.0 metres, to allow for a margin of error should there be difficulties in locating the proposed concrete pier on a solid footing.

The Overall Intent of the Regulation (s) being Varied.

The overall purpose of the setback regulations is to minimize impacts on adjacent property related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.

Potential Impacts of Granting the Variance.

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Water

The subject property is not within a water service area and is not within the Water Management Area established in the LUB. The proposed use is allowable under the zoning and the applicant is not constructing a new building or addition, therefore there is no requirement with respect to water supply.

Response to Neighbour and Public Notification

The applicant has stated that he has spoken with adjacent neighbours and they support the application. Letters of support have been received from the two directly adjacent waterfront properties. (Attachment 5)

At the time of writing this report, one letter of support has been received from an adjacent neighbour.

Circulation/Consultation:

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on March 31, 2017.

As stated above, staff has received one submission to date. Any further submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

Rationale for Recommendation:

Staff are recommending that the variance be supported for the following reasons:

- The reasonableness of the applicant's request, particularly given emphasis on reducing the visual impact of the proposed dock access walkway and ramp.
- Private docks are a permitted use and common in the locale
- The variances would not impact the intent of the bylaws.
- The indication of support from the neighbours most likely to be affected.

ALTERNATIVES

The LTC could consider the following alternatives to the above recommendations:

1. Request further information

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

Resolution:

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

2. Deny the application

The LTC may deny the application. Resolution:

That the Galiano Island Local Trust Committee deny application-GL-DVP-2016.2 (Coburn).

Submitted By:	Rob Milne, Island Planner	March 13, 2017
Concurrence:	Justine Starke, A/Regional Planning Manager	March 13, 2017

ATTACHMENTS

1. Site Context
2. Maps and Photos
3. Notice
4. Proposed Development Variance Permit GL-GL-DVP-2017.1 (Wilshire)
5. Correspondence

ATTACHMENT 1: SITE CONTEXT

LOCATION

Legal Description	Unsurveyed Crown foreshore abutting Lot 16, District Lot 33, Galiano Island, Cowichan District, Plan 16635
PID	003-994-601
Civic Address	437 Montague Park Road.
Property Size	Water Lease: N/A Upland: 0.19 ha (.47 ac)
Site Description	The seabed and water area in front of 437 Montague Park Road is described in the Biologist's report (Attachment 4).

LAND USE

Current Land Use	Water: Private Dock Facility (subject). Upland: Residential
Surrounding Land Use	The properties on both sides of the subject property have residential uses and both properties have a private dock in place. The property across Montague Park Road is treed and undeveloped.

HISTORICAL ACTIVITY

File No.	Purpose
	N/A

POLICY/REGULATORY

Official Community Plan Designations	Galiano Island OCP No. 108, 1995 Designations: M – Marine & SLR - Small Lot Residential (upland) Development Permit Areas (DPAs): • DPA 2 – Shoreline and Marine (Attachment 2.4) • DPA 7 – Steep Slope Moderate Hazard (Upland)
Land Use Bylaw	Galiano Island LUB No. 127, 1999: Marine (M) and Small Lot Residential (SLR – Upland/Abutting Property) . (Attachment 2.5)
Other Regulations	N/A
Covenants	EP34031, Statutory Right of Way, BC Hydro EP34032, Statutory Right of Way, Telus Communications
Bylaw Enforcement	N/A

SITE INFLUENCES

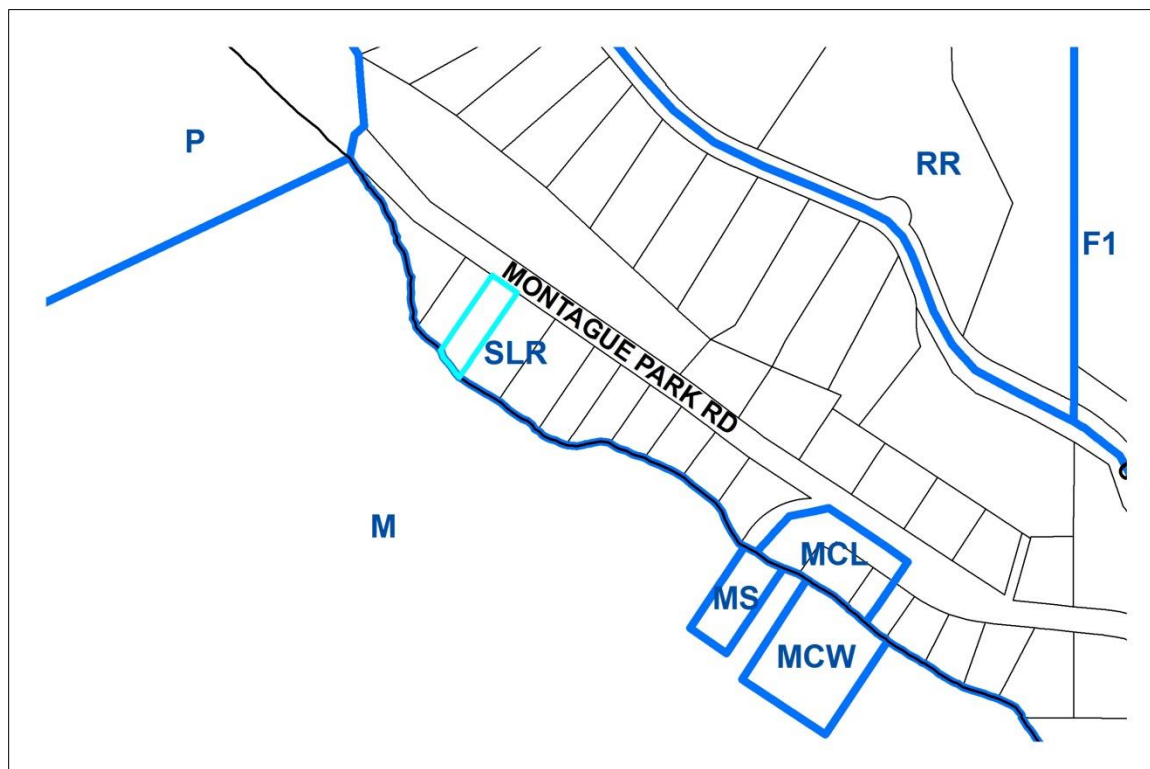
Islands Trust Fund	There are no Trust Fund Board or Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Fund regional conservation plan.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

Sensitive Ecosystems	Mapping indicates no eel grass or other sensitive ecosystems in the proximity of the subject property.
Hazard Areas	Moderate Steep Slope Hazard Designated along the foreshore, however no works or vegetation removal is proposed in these areas.
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The proposal addresses the impacts and hazards of Climate Change through the design which elevates the walkway and ramp to mitigate sea level rise and potential damage from wave action and tidal surge.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	No evidence of Eelgrass Beds (Fringing, continuous) identified at location. See Biologist's report.

ATTACHMENT 2: MAPPING AND PHOTOS
ORTHOPHOTO



ZONING



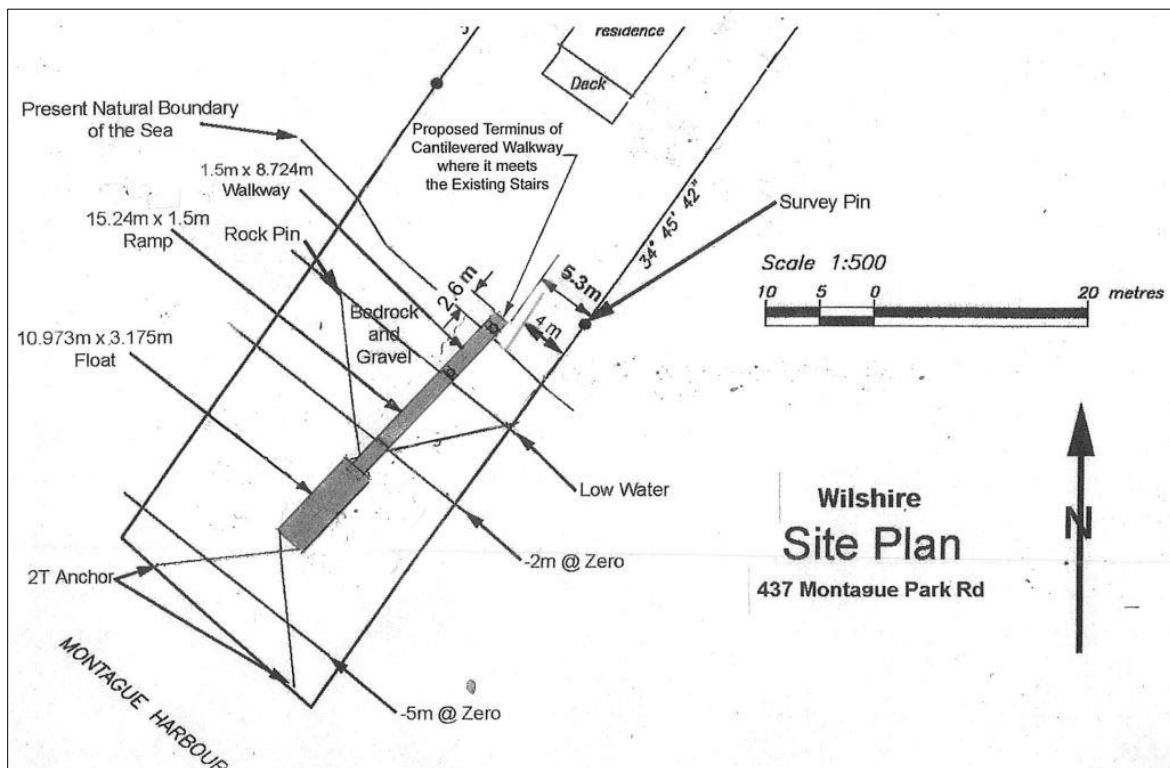
ATTACHMENT 2: MAPPING AND PHOTOS (CONT'D)
STAIRWAY AND FORESHORE AREA



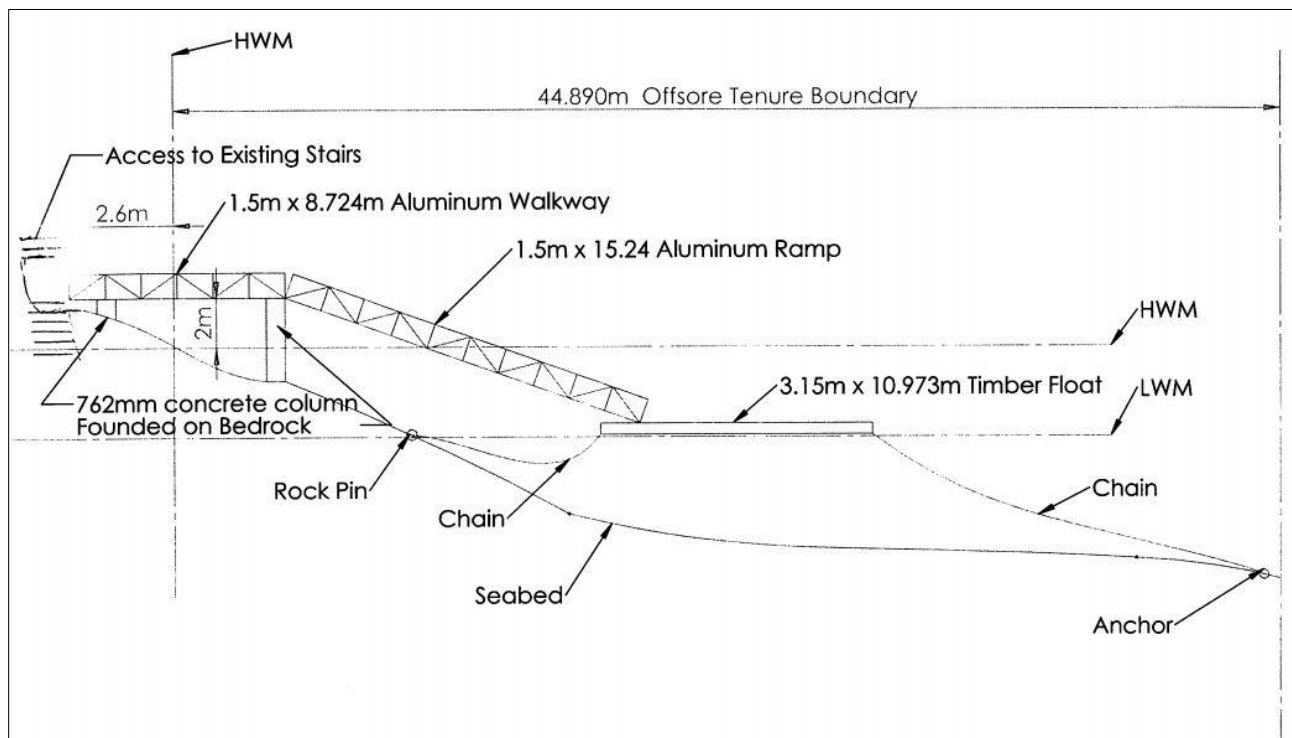
View of property from foreshore showing existing stairs

ATTACHMENT 2: MAPPING AND PHOTOS (CONT'D)

SITE PLAN



PROFILE PLAN



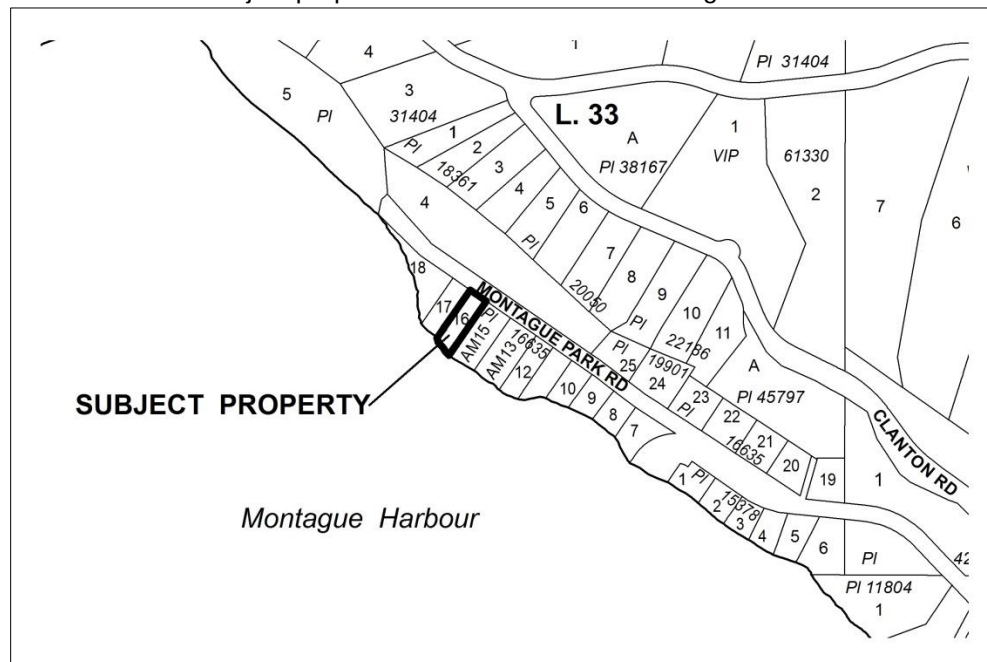
**NOTICE
GL-DVP-2017.1
GALIANO ISLAND LOCAL TRUST COMMITTEE**

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

- a) Subsection 2.14 of “General Regulations” which states in part that, “Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea” is varied to permit the siting of a private dock walkway to be sited as close as 0.0 metres from the natural boundary of the sea; and
- b) Regulation 5.3.8.2 of Section 5.3, “Small Lot Residential Zone” which states that Buildings and Structures must be sited, “at least 6 metres from each interior side lot line”, is varied to permit the siting of a private dock walkway to be sited as close as 4.0 metres from an interior side lot line.

The property is located at 437 Montague Park Road and is legally described as Lot 16, District Lot 33, Galiano Island, Cowichan District, Plan 16635 (PID: 003-994-601).

The general location of the subject properties 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 **March 20, 2017** and continuing up to and including **March 31, 2017**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing **March 20, 2017**. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Rob Milne, Island Planner at (250) 405-5177, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **March 31, 2017**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., April 3, 2017**, at the South Community Hall, 141 Sturdies Bay Road, on Galiano Island.

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

Sharon Lloyd-deRosario, Deputy Secretary



Attachment 4: Draft Permit

GALIANO ISLAND LAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

GL-DVP-2017.1

To: Ann Wilshire

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

Lot 16, District Lot 33, Galiano Island, Cowichan District, Plan 16635
(PID: 003-994-601)

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

- a) Subsection 2.14 of "General Regulations" which states in part that, "Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea" is varied to permit the siting of a private dock walkway to be sited as close as 0.0 metres from the natural boundary of the sea; and
- b) Regulation 5.3.8.2 of Section 5.3, "Small Lot Residential Zone" which states that Buildings and Structures must be sited, "at least 6 metres from each interior side lot line", is varied to permit the siting of a private dock walkway to be sited as close as 4.0 metres from an interior side lot line.

The development shall be consistent with Schedules 'A' and 'B' that are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District, Island Health and the Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS DAY OF 2017.

Deputy Secretary, Islands Trust

Date of Issuance

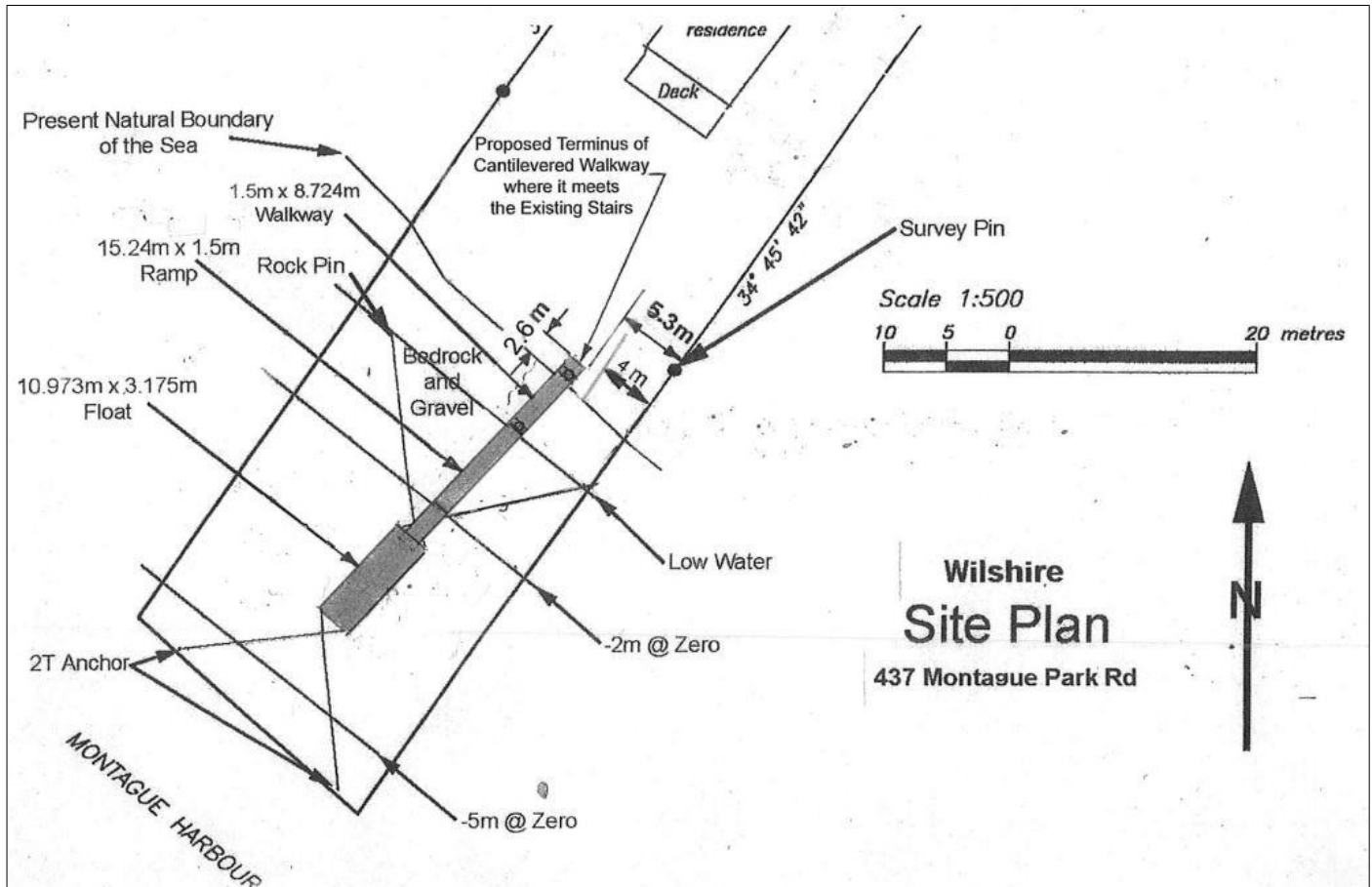
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE DAY OF , 2019, THIS PERMIT AUTOMATICALLY LAPSES.

GALIANO ISLAND LOCAL TRUST COMMITTEE

GL-DVP-2017.1

SCHEDULE 'A'

SITE PLAN

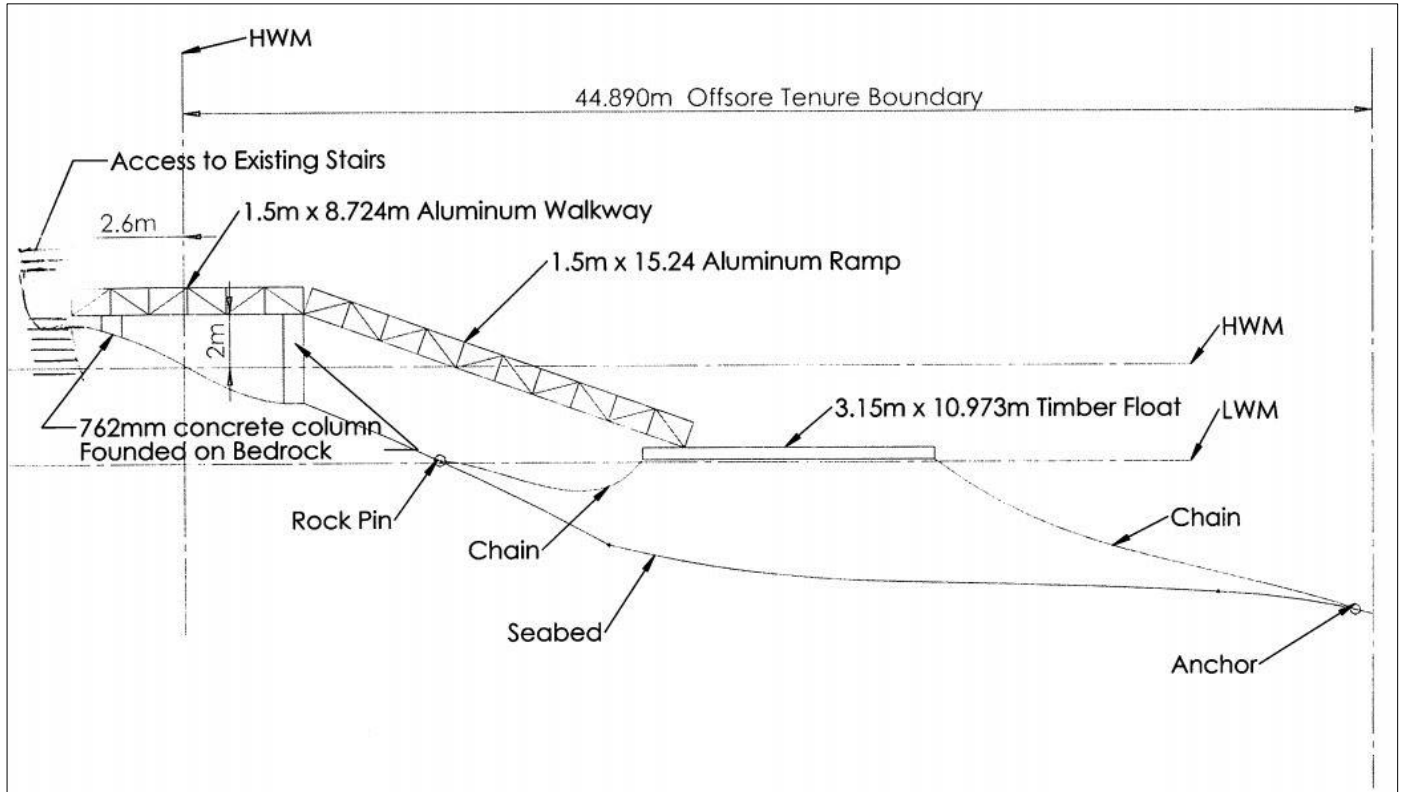


GALIANO ISLAND LOCAL TRUST COMMITTEE

GL-DVP-2017.1

SCHEDULE 'B'

PROFILE



Craig S. Wilshire

521 Second Street, New Westminster, B.C. V3L 2M2

February 28, 2017

Galiano Island Local Trust Committee
23 Madrona Road
Galiano Island, BC

Dear Committee Members,

Re: DPA 2 and Variance for Proposed Dock at 437 Montague Park Road.

Further to our submission of documents on February 20th for our dock application and emails and discussions with planner Rob Milne since then, I would like to amend our application for clarity.

We would like to request that the side yard variance shown on the survey certificate dated February 27, 2017 as 5.3m (which is the intended terminus of the cantilevered walkway where it meets the existing stairs) be amended to 4.0m to allow for flexibility during construction and to ensure the FLRNO requirement for pedestrian access of 2m from the high water mark to the underside of the walkway is met. By allowing the option to move the landing up the stairs and closer to the SE property line, the height of the walkway can be increased if required. It is not anticipated that this lateral movement, if necessary, would involve further intrusion of the walkway beyond the currently proposed 2.6m beyond the natural boundary into the property.

In addition, the notation on the survey plan "Centerline of Proposed Dock" should be disregarded as the walkway, ramp and dock are offset slightly at an angle away from the parallel of the lot line as shown on the site plans.

Thank you for your consideration.

Sincerely

A handwritten signature in blue ink, appearing to read 'Craig S. Wilshire', written over a circular stamp or seal.

Craig S. Wilshire

PLAN SHOWING PROPOSED DOCK

CIVIC ADDRESS: 437 MONTAGUE PARK ROAD

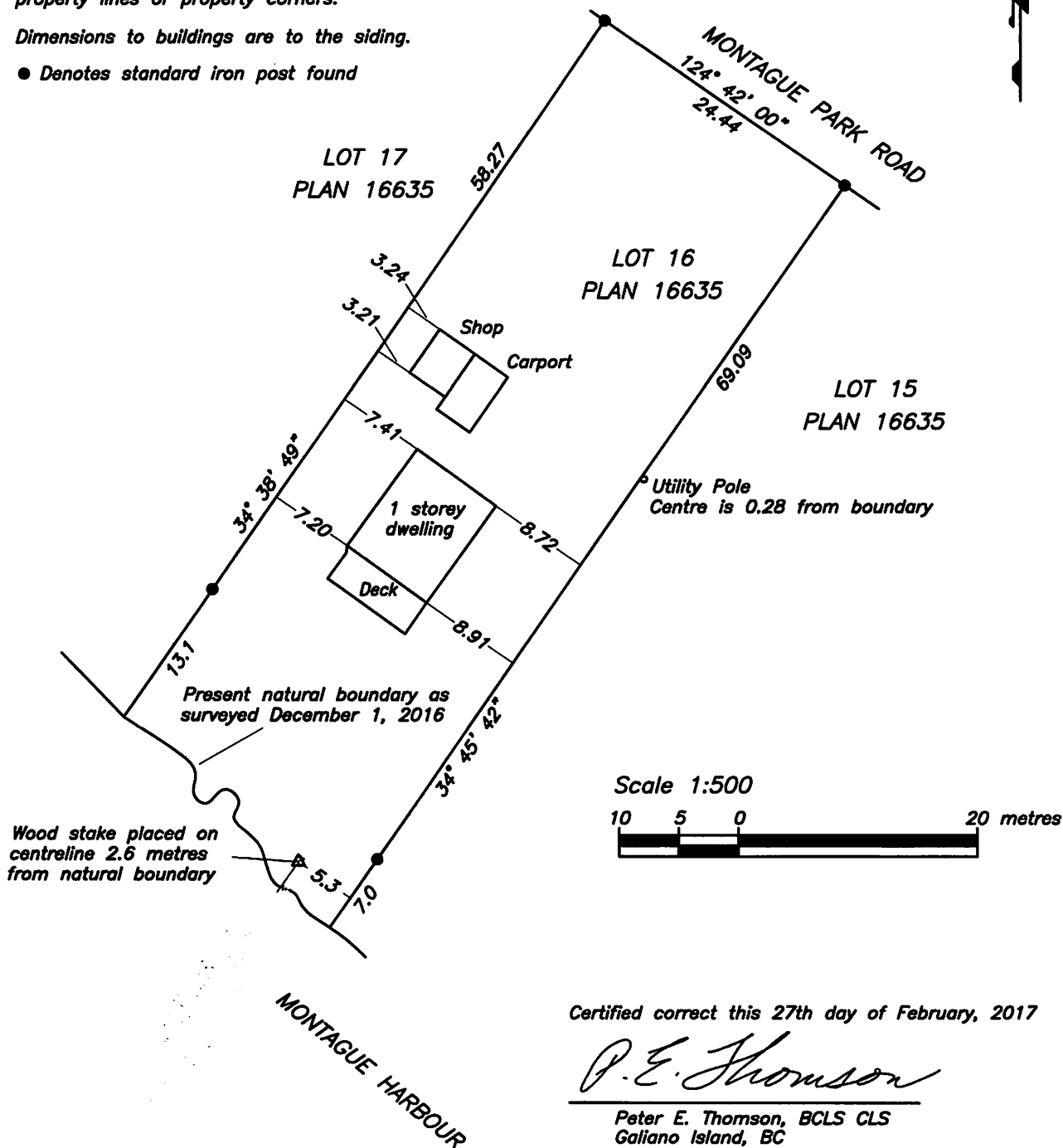
LEGAL DESCRIPTION:

LOT 16 OF LOT 33, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 16635

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.

Dimensions to buildings are to the siding.

● Denotes standard iron post found



Certified correct this 27th day of February, 2017

P. E. Thomson

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

GL-DVP-2017.1
rec'd @LTC meeting



January 13th, 2017

To whom It may concern,
Galiano Island Local Trust Committee

My name is Janet Adamson and I own the property [REDACTED] Craig Wilshire on Montague Park Road.¹ Recently, Craig was very considerate in advising me of his plans to build a dock. He provided me the necessary information (architectural drawings with specifications, pictures) that explained in detail how the dock would be constructed and what the structure would look like. As well, aerial view photographs pinpointed the exact location of the dock in relation to both our properties. Craig made himself freely available to address any questions or concerns that I had. In particular, he advised me that the dock would have minimal impact on my view. I really appreciated Craig taking this concern into consideration in his dock proposal. Craig also spoke with my brother [REDACTED] (secondary property owner) regarding any potential dock concerns. As such, after several exchanges with Craig I am writing to inform you of my approval of this aforementioned dock construction on the Wilshire property. My brother also approves. If you have any questions you can contact me at [REDACTED]

Sincerely,

Janet Adamson
[REDACTED]

¹ My property address is [REDACTED]



File No.: GL-DP-2017.1 (Wilshire)
(x-ref: GL-DVP-2017.1)

DATE OF MEETING: April 3, 2017
TO: Galiano Island Local Trust Committee
FROM: Rob Milne, Island Planner
Victoria Office
SUBJECT: Development Permit
Applicant: Ann Wilshire
Location: 437 Montague Park Road

RECOMMENDATION

1. That the Galiano Local Trust Committee approve issuance of Development Permit GL-DP-2017.1 (Wilshire).

REPORT SUMMARY

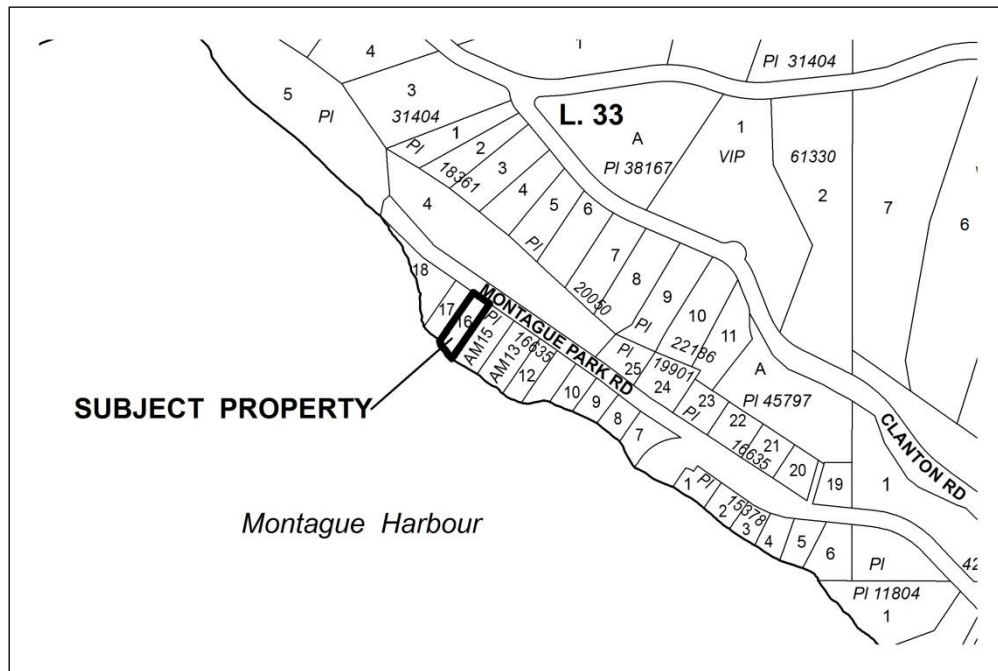
This report is to consider a Development Permit (DP) application.

The purpose of this application is to enable the construction a private dock in Montague Harbour. The application is for measures for the protection of shorelines and associated foreshore areas and to manage the proposed development that is within the **Development Permit Area 2 – Shoreline and Marine DPA**. The applicable objectives of the DPA are summarized as follows:

- preservation and protection of the long term physical integrity and ecological values of shorelines and associated foreshore and upland areas;
- to manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and features;
- to maintain public's use and access;
- to adapt to the anticipated effects of climate change; and,
- to protect development from hazardous conditions resulting from shoreline erosion.

In summary, the above recommendation for the redevelopment proposal is supported as it is a permitted use in the LUB, it meets the objectives and specific guidelines of the DPA, and by the conclusions and recommendations of a Biologist's report (Attachment 4).

A copy of the Development Permit Area Checklist for DPA 2 and the proposed Development Permit GL-DP-2017.1 (Wilshire) are attached.



BACKGROUND

The foreshore area fronting this property is currently accessed by set of steps down to the waterline and beach area as there is currently no dock (Attachment item 2.6). The purpose of this application to is seek approval to construct and install a private dock in compliance with development permit area requirements. Staff visited the site on February 16, 2017 to confirm site detail information.

The proposed structure and float will utilize two concrete columns founded on bedrock below the HWM and two shorter columns close to shore which are above the HWM. Structural risers will be placed on these to give 2.0 metres of clearance under the aluminium walkway at the Highest High Water (HHW), (see Attachment items 2.2 and 2.3). The walkway will be 1.5 m. x 8.72 m. in length and will connect to a 1.5 m. x 15.24 m. hinged aluminium ramp. The float will be oriented in alignment with the ramp and walkway and be 3.17 m x 10.97 m. or 34.77 m² (374.3 ft²) in area; and will be stabilized by four corner anchor chains.

The DP foreshore application area is within the Provincial "Application Only" designation.

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

- 3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of

protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.

- 3.4.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
- 3.4.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.
- 4.5.10 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, 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.

Official Community Plan (DPA):

The water area is designated as Marine (M) in the OCP. The Guidelines for the Shoreline DPA are contained in the Official Community Plan. The DPA checklist (Attachment 3) analyses each applicable guideline for the proposal's compliance. In addition, the Biologist's report includes a completed checklist.

In summary, the proposal meets the applicable guidelines contained in the DPA.

Land Use Bylaw:

The existing and proposed use is permitted in the water area which is zoned as **Marine Zone - M** in the Galiano LUB **Marine Zone – M**. Subsection 12.2.1.1 of the LUB permits *"docks, private floats, wharves, piers and walkways accessory to the residential use of an abutting upland lot and providing access to that lot."*

The proposed configuration conforms to the siting provision of subsection 12.2.4 where *"docks, wharves, floats and wharves must be sited entirely within the Crown tenure and at least 3 metres from the seaward projection of any side lot line of the abutting upland lot."* However, relief is required from subsection 2.14 which requires that, *"Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea"* as the proposed walkway is to extend 2.5m into the subject property from the natural boundary. The applicant has submitted application GL-DVP-2017.1 in pursuit of this relief and in support of this application.

Issues and Opportunities:

Biologist's Report

Biologist's report entitled 'Montague Harbour proposed recreational dock' (K. Reimer, RP Bio, January 21, 2017) is attached in full (Attachment 4) and includes the required DAI checklist. The report provided the following conclusions and recommendations:

- There are no eel grass beds at or near the proposed dock and float, and there were no gravel beds suitable for shell fish harvest.
- Montague Harbour does not support a commercial or recreational shellfish harvest.
- That the walkway and ramp should be constructed with light penetrating materials.

All of the recommendations of the report have been incorporated as conditions into the DP.

Protection and Preservation of Sensitive Areas

The design and location of the dock proposal responds to the objectives and guidelines of the DPA for protection of sensitive ecosystems as follows:

- The design (and DP condition) that the walkway and ramp achieve 50% light penetration will improve conditions for the marine habitat
- A condition of the DP is that the dock should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time and creosote treated pilings are not to be used. The dock and access ramp and walkway should be constructed of stable materials that will not degrade water quality.

Public Access and Climate Change

The design and location of the dock proposal responds to the objectives and guidelines of the DPA for public access and climate change mitigation as follows:

- Raising the walkway will achieve 2.0 metre clearance at HHW permitting better access across the foreshore and nearshore for the public.
- The use of anchor chains for stabilizing the floating dock portion will also mitigate some of the potential impacts associated with climate change such as sea level rise, wave action and storm surges.

Consultation:

There is no public or agency consultation regularly associated with a Development Permit application. In addition, there is no statutory notification required.

Rationale for Recommendation:

Based on the compliance with the DPA guidelines, the Biologist's conclusions, and ensuring public foreshore access, staff is recommending that the LTC approve issuance of Development Permit GL-DP-2017.1 (Wilshire) as per the resolution on Page 1.

ALTERNATIVES

The LTC could consider the following alternatives to the above recommendations:

1. Request further information

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

Resolution:

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

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should specify which guideline(s) the application does not comply with.

Resolution:

That the Galiano Island Local Trust Committee deny application GL-DP-2017.1 (Wilshire) as it does not comply with guideline_____.

Submitted By:	Rob Milne, Island Planner	March 6, 2017
Concurrence:	Justine Starke, A/Regional Planning Manager	March 13, 2017

ATTACHMENTS

1. Site Context
2. Maps, Plans and Photographs
3. DPA Checklist
4. Biologist's Report
5. Correspondence
6. Draft Development Permit

ATTACHMENT 1- SITE CONTEXT

LOCATION

Legal Description	Unsurveyed Crown foreshore abutting Lot 16, District Lot 33, Galiano Island, Cowichan District, Plan 16635
PID	003-994-601
Civic Address	437 Montague Park Road.
Property Size	Water Lease: N/A Upland: 0.19 ha (.47 ac)
Site Description	The seabed and water area in front of 437 Montague Park Road is described in the Biologist's report (Attachment 4).

LAND USE

Current Land Use	Water: Private Dock Facility (subject). Upland: Residential
Surrounding Land Use	The properties on both sides of the subject property have residential uses and both properties have a private dock in place. The property across Montague Park Road is treed and undeveloped.

HISTORICAL ACTIVITY

File No.	Purpose
	N/A

POLICY/REGULATORY

Official Community Plan Designations	Galiano Island OCP No. 108, 1995 Designations: M – Marine & SLR - Small Lot Residential (upland) Development Permit Areas (DPAs): • DPA 2 – Shoreline and Marine (Attachment 2.4) • DPA 7 – Steep Slope Moderate Hazard (Upland)
Land Use Bylaw	Galiano Island LUB No. 127, 1999: Marine (M) and Small Lot Residential (SLR – Upland/Abutting Property) . (Attachment 2.5)
Other Regulations	N/A
Covenants	EP34031, Statutory Right of Way, BC Hydro EP34032, Statutory Right of Way, Telus Communications
Bylaw Enforcement	N/A

SITE INFLUENCES

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

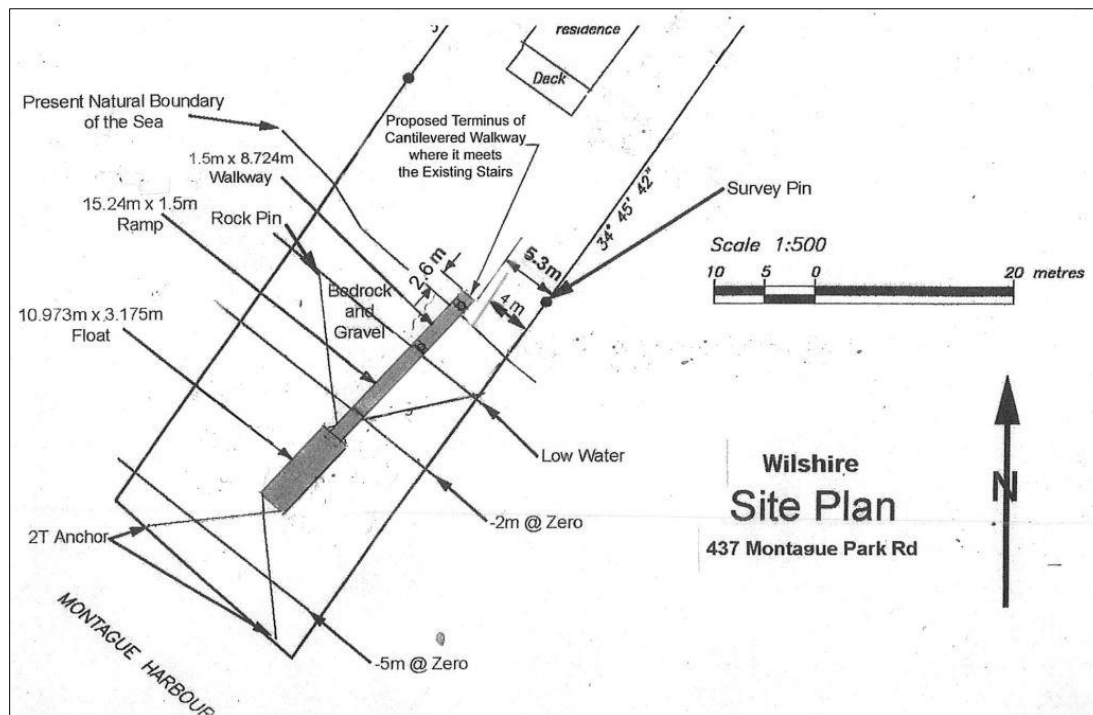
Sensitive Ecosystems	Mapping indicates no eel grass or other sensitive ecosystems in the proximity of the subject property.
Hazard Areas	Moderate Steep Slope Hazard Designated along the foreshore, however no works or vegetation removal is proposed in these areas.
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The proposal addresses the impacts and hazards of Climate Change through the design which elevates the walkway and ramp to mitigate sea level rise and potential damage from wave action and tidal surge.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	No evidence of Eelgrass Beds (Fringing, continuous) identified at location. See Biologist's report.

ATTACHMENT 2- MAPS, PLANS, DRAWINGS AND PHOTOGRAPHS

2.1 – Orthophoto

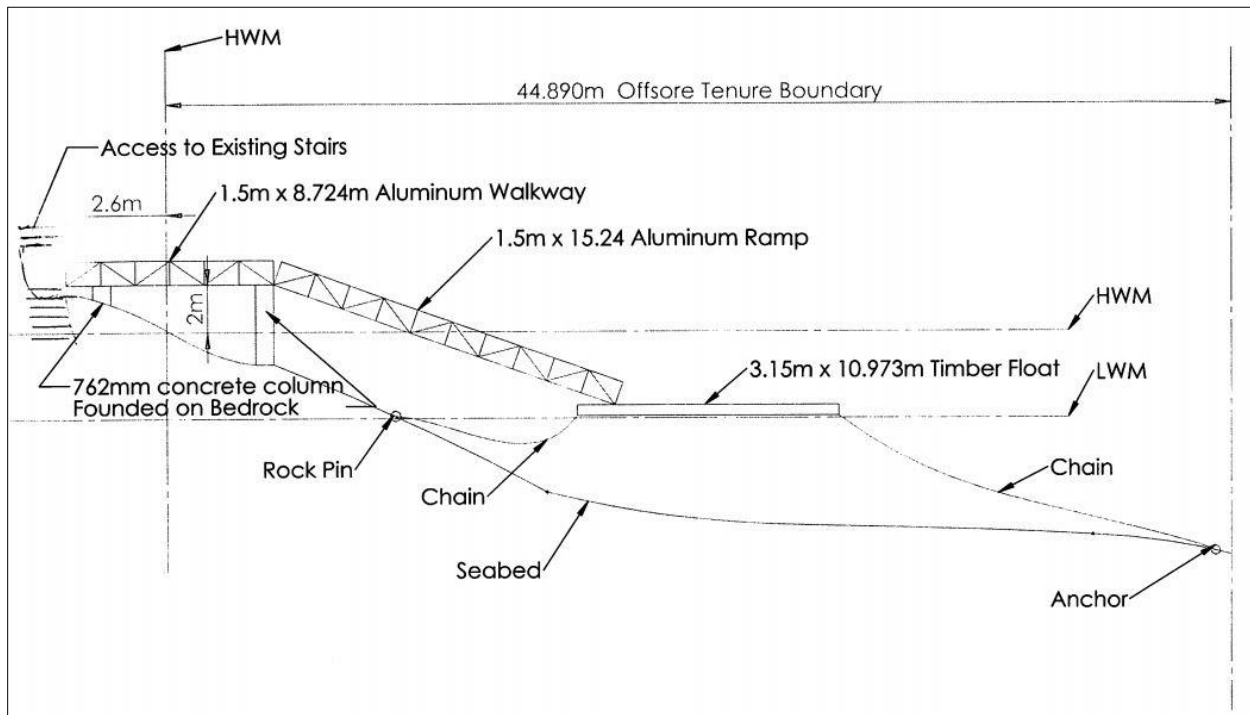


2.2 – Plan of Proposed Dock Structure and Tenure Area



ATTACHMENT 2- MAPS, PLANS, DRAWINGS AND PHOTOGRAPHS (CONT'D)

2.3 – Section View of Proposed Dock Structure



2.4 – DPAs



ATTACHMENT 2- MAPS, PLANS, DRAWINGS AND PHOTOGRAPHS (CONT'D)

2.5 – Zoning



2.6 – Photos



Attachment 2.6 – Photos (cont'd)





Private dock on adjacent property to southeast

Galiano Island
OCP Bylaw No. 108, 1995
Shoreline and Marine Development Permit Area (DPA 2)
GL-DP-2017.1 (Wilshire) Guideline Checklist
(Re) Development of a Private Dock

Guideline	Complies			Comments
	Yes	No	N/A	
1. In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access.	☒	☐	☐	Reuse of existing in seabed structures, and relocation of float to deeper water and away from eelgrass bed, and improved light penetration are positive to ecology. Public access improved with increased height of walkway.
2. Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works are exhausted should such works be considered.	☐	☐	☒	
3. Sea level rise, storm surges, and other anticipated effects of climate change should be addressed in all applications.	☒	☐	☐	By raising the new walkway on columns to a above Highest High Water (HHW), the dock structure will be better protected from sea level rise and storm surge.
4. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.	☒	☐	☐	Development Variance Permit application GL-DVP-2017.1 submitted for relief of natural boundary setback requirements to permit installation of walkway for dock access.
5. New upland structures or additions to existing structures should be located and designed to avoid the need for shore protection works.	☐	☐	☒	
6. When required, shore protection measures should:				
a. Apply the 'softest' possible shore protection measure that will still provide satisfactory protection; and	☐	☐	☒	
b. Limit the size of shore protection works to the minimum necessary.	☐	☐	☒	
7. 'Hard' structural shore protection measures (e.g. concrete walls, lock block, stacked rock) may be considered in support of existing development only when a geotechnical and biophysical analysis demonstrates that:				
a. an existing structure is at immediate risk from shoreline erosion caused by tidal action, currents, or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;	☐	☐	☒	
b. the erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage. The geotechnical analysis should evaluate on-site drainage problems and investigate drainage solutions away from the shoreline edge before considering structural shoreline stabilization;	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
c. non-structural measures, such as locating new buildings and structures further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or sufficient to address the stabilization issues; and	☐	☐	☒	
d. unavoidable damage to shoreline ecological function is mitigated as much as feasible and restoration is undertaken when feasible.	☐	☐	☒	
8. All structural shore protection measures should be installed within the property line or upland of the natural boundary of the sea, whichever is further inland. 'Soft' shoreline protection measures that provide restoration of previously damaged ecological functions may be permitted seaward of the natural boundary subject to obtaining necessary approvals from the provincial and federal governments.	☐	☐	☒	
9. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical assessment of the site.	☐	☐	☒	
10. Shore protection measures that are likely to cause erosion or other physical damage to adjacent or down-current properties shall not be supported.	☐	☐	☒	
11. Shore protection measures should not be considered for solely the purpose of providing a sufficient setback to meet other land use bylaw requirements.	☐	☐	☒	
12. New driveways and sewage disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the development permit may require that the assessment, design and construction of the road or sewage disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met.	☐	☐	☒	
13. Where this development permit area includes native plant species or plant communities dependent on a marine shoreline habitat that are identified locally, provincially, or federally as sensitive, rare, threatened or endangered, or have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation / compensation measures shall be undertaken only under the supervisions of a qualified professional with advice from provincial and federal environmental agencies.	☐	☐	☒	Biologist's report identifies that there are no sensitive, rare, threatened or endangered species within or adjacent to the development permit application area. The proposed work is to be constructed in accordance with DFO best operational standards for dock construction.
14. Shore protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing structures or new outbuildings.	☐	☐	☒	
15. Existing shore protection works may be replaced if the existing works can no longer adequately serve their purpose provided that:				
a. The replacement shore protection works are of the same size and footprint as the existing works, unless required to prevent shoreline erosion as determined by a qualified professional;	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
b. The replacement shore protection works are designed, located, sized, and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;	☐	☐	☒	
c. Replacement walls or bulkheads do not encroach seaward of the natural boundary or the seaward limit of the existing shore protection works unless there are significant safety or environmental concerns that could only be addressed via such an encroachment. In such cases, the replacement of shore protection works should utilize the 'softest' approach possible and should abut the existing shore protection works; and	☐	☐	☒	
d. Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.	☐	☐	☒	
Guidelines for Subdivisions:				
16. All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development.	☐	☐	☒	
Guidelines for Commercial and Industrial Development:				
17. Boat maintenance and repair facilities shall be designed and sited in a manner that minimizes the potential for the discharge of toxic materials from boats (e.g. fuels, oils, maintenance by-products).	☐	☐	☒	
18. Lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility. Light fixtures on such sites should focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high-cut off angle should be used. Full-spectrum fixtures are preferred. Neon lighting should not be used outside buildings.	☐	☐	☒	
19. Signs on commercial and industrial developments built over the water surface should not move or be audible and should not incorporate lighting that moves or flashes or gives the impression of doing so.	☐	☐	☒	
20. Offshore log storage should be located such that natural flushing and water circulation will disperse waste materials, and log dumping facilities should be designed and operated to prevent bark and other debris from accumulating on the sea bed.	☐	☐	☒	
Guidelines for Specific Shoreline Types:				
21. Because of their extreme sensitivity to disturbance and slow rate of recovery, dredging or filling of estuaries should not be permitted, sea walls and rip rap embankments should not be permitted in estuaries, and when shore protection measures are necessary "beach nourishment" designs are preferred, which add appropriately sized material to the upper beach, creating a natural beach slope and beach armour.	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
22. New structures on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis for the structure.	☐	☐	☒	
23. Removal of trees or other vegetation from steep slopes or bluffs should only be allowed where necessary and where replacement vegetation / erosion control measures are established. If possible, stumps should be left in place to provide some soil stabilizing influence until replacement vegetation is established. Plans delineating extent of vegetation / tree removal (location, species and diameter of trees) and location of proposed construction, excavation and / or blasting, may be required.	☐	☐	☒	
Guidelines for Construction Practices:				
Erosion Control:				
24. All development within this development permit area should be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.	☐	☐	☒	
Monitoring:				
25. A development permit may require monitoring by a qualified professional of the implementation of environmental mitigation, restoration or enhancement planting or other measures required by a development permit, until all such measures have been completed and the professional has provided a report confirming completion to the standard specified in the permit.	☐	☐	☒	
Guidelines for Vegetation Management, Restoration and Enhancement:				
26. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.	☐	☐	☒	
27. Existing trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.	☐	☐	☒	
28. If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.	☐	☐	☒	
29. Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or fish and wildlife habitat values as needed. Suitably adapted, non-invasive, non-native vegetation may also be considered acceptable.	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
30. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.	☐	☐	☒	
Guidelines for Shore Protection Measures Design:				
31. Materials used for shoreline stabilization should be inert. Stabilization materials should not consist of debris or contaminated material that could result in pollution of tidal water.	☐	☐	☒	
32. Revetments (rip rap slopes) and bulkheads (retaining walls) should only be constructed if no other alternative exists.	☐	☐	☒	
33. Where revetments are proposed:				
a. They should not result in the loss of shoreline vegetation or fish habitat;	☐	☐	☒	
b. The size and quantity of materials used should be limited to that necessary to withstand the estimated energy of the location's hydraulic action and prevent collapse; and	☐	☐	☒	
c. Filter cloth should be used to aid drainage.	☐	☐	☒	
34. Where bulkheads are proposed:				
a. They should not be located where geomorphic and hydrologic processes are critical to shoreline conservation. Feeder bluffs, marshes, wetlands, spits and hooks should be avoided;	☐	☐	☒	
b. They should be located parallel to and landward of the natural boundary of the sea, as close to any natural bank as possible;	☐	☐	☒	
c. They should allow the passage of surface or groundwater without causing ponding or saturation; and	☐	☐	☒	
d. They should be constructed of stable, non-erodible materials that preserve natural shoreline characteristics. Adequate toe protection including proper footings and retention mesh should be included. Beach materials should not be used for fill behind bulkheads.	☐	☐	☒	
Guidelines for Beach Nourishment and Fill:				
35. Fill upland of the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.	☐	☐	☒	
36. Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design.	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
37. Fill should not be placed at or below the natural boundary for the purposes of providing a trail or walkway.	☐	☐	☒	
38. All upland fill and beach nourishment materials should be clean and free of debris and contaminated material. All fill and beach nourishment proposals are subject to review and approval by provincial and federal authorities having jurisdiction.	☐	☐	☒	
Guidelines for Shore Access and Parking:				
39. Roads, driveways, trails and pathways should follow the contours of the land, appropriately manage drainage, not require retaining walls, and only use stairs as a last resort.	☐	☐	☒	
40. Accesses in extremely sensitive areas or hazardous areas should be restricted or prohibited.	☐	☐	☒	
41. Parking areas should be located away from the shore, buffered or landscaped, and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, filtration trenches or swales, unpaved or permeable all weather surfaces should be considered for this purpose.	☐	☐	☒	
Guidelines for the Construction and Replacement of Docks and Boat Launch Facilities:				
42. For residential properties, preference is to be given to the placement of mooring buoys and floats instead of docks.	☐	☐	☒	Redevelopment.
43. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.	☒	☐	☐	Construction of a new walkway on columns above Highest High Water will allow unimpeded access across the foreshore and nearshore waters.
44. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.	☒	☐	☐	Biologist's report identifies that there are no sensitive, rare, threatened or endangered species within or adjacent to the development permit application area. The proposed work is to be constructed in accordance with DFO best operational standards for dock construction.
45. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.	☒	☐	☐	New Floating dock will be affixed with four corner anchor chains only.
46. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.	☒	☐	☐	
47. Piers and pilings and floating docks are preferred over solid-core piers.	☒	☐	☐	
48. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.	☒	☐	☐	Condition in DP.

Guideline	Complies			Comments
	Yes	No	N/A	
49. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes.	☐	☐	☒	
50. Construction of a private ramp on an individual residential lot or parcel is discouraged. Owners are urged to seek opportunities to use public ramps or to share existing private ramps.	☐	☐	☒	
51. Residential docks should be located and designed to avoid the need for shore defence works or breakwaters.	☒	☐	☐	
52. Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not be designed to accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area unless more than two parcels have legal access to the dock, in which case permitted total surface area should be a multiple of the number of lots the dock serves.	☒	☐	☐	Design and location of float size meets depth and size parameters.



Island Stream and Salmon Enhancement Society
Box 289, Ganges P.O.
Salt Spring Island, B.C. V8K 2V9

Email: salmonkathy@gmail.com

January 21, 2017

To: Mr. David McKerrell
Island Marine Construction, Ganges BC.

Regarding: Montague Harbour proposed recreational dock.

The property owners of 437 Montague Park Road, Galiano Island, have applied for permits to construct a marine dock for recreational boating use.

We have visited the subject foreshore site two times on January 12, 2017. The survey was completed during daylight hours at a 3m tide and later (2230hr.) at the low tide level (0.2m). The marine life on and between the intertidal rocks was mainly rock weed, Sargassum sea weed, small barnacles and snails. There were also side-striped shrimp, Northern kelp crab (seen at night in deeper water) and numerous leather stars (*Dermasterias sp.*) and purple starfish (*Pisaster sp.*) (Photographs 7,8). The starfish all appeared to be healthy. Several lemon nudibranchs were seen on the rocks at the lowest tide level (Photograph 8).

At the site where the two concrete columns will be placed (one at the 2.0 m tide level, and the other higher up the slope) the marine life consists mainly rock weed (two species of *Fucus sp.*), and small barnacles.

The Islands Trust ecosystem mapping project (Map 3) shows the location of known eelgrass beds in the Montague Harbour area. There were no eelgrass beds located near the survey site. Along the intertidal area, there were no gravel beds suitable for shellfish harvest. This section of Montague harbour does not have any registered shellfish beds suitable for harvest (DFO Mapster web information). We checked the foreshore for evidence of the Bull Kelp (*Nereocystis luetkeana*). Although there were no fronds washed ashore, and any kelp growing in the area would not regrow until the summer months, it is recommended that the new walkway and ramp should be constructed of materials that allow some light penetration.

The backshore riparian area is a landscaped yard with a few mature cedar trees, some small arbutus and some small Douglas fir. The bank down to the foreshore is a sandstone cliff with a



layer of topsoil. The landing site for the dock will not require any tree removal or disturbance to the backshore bank.

If the proposed work is constructed according to the Department and Fisheries and Oceans best operational standards for dock construction, there should be minimal disturbance to the marine life in the area.

Please let me know if you need more information.

Kathleen Reimer

Kathleen Reimer MSc. RPBiologist

List of references:

Department of Fisheries and Oceans 1989. Coastal /Estuarine fish habitat description and assessment manual. DFO publication Vancouver, B.C...

DFO Mapster : <http://www.pac.dfo-mpo.gc.ca/gis-sig/maps-cartes-eng.htm>

Lamb, Andy and B. Hanley. 2005. Marine Life of the Pacific Northwest. Harbour Publishing, Madeira Park B.C.

The Islands Trust. Eelgrass mapping project: [Eelgrass Habitat Mapping in the Salish Sea](#)

Wright Nikki, Leanna Boyer and Keith Erikson 2014. Nearshore Eelgrass Inventory. Final Report for the Islands Trust.

Map 1. CRD Natural Areas map shows subject site and Montague Harbour area



Map 2. Close up of the subject site showing photograph locations P1-P8



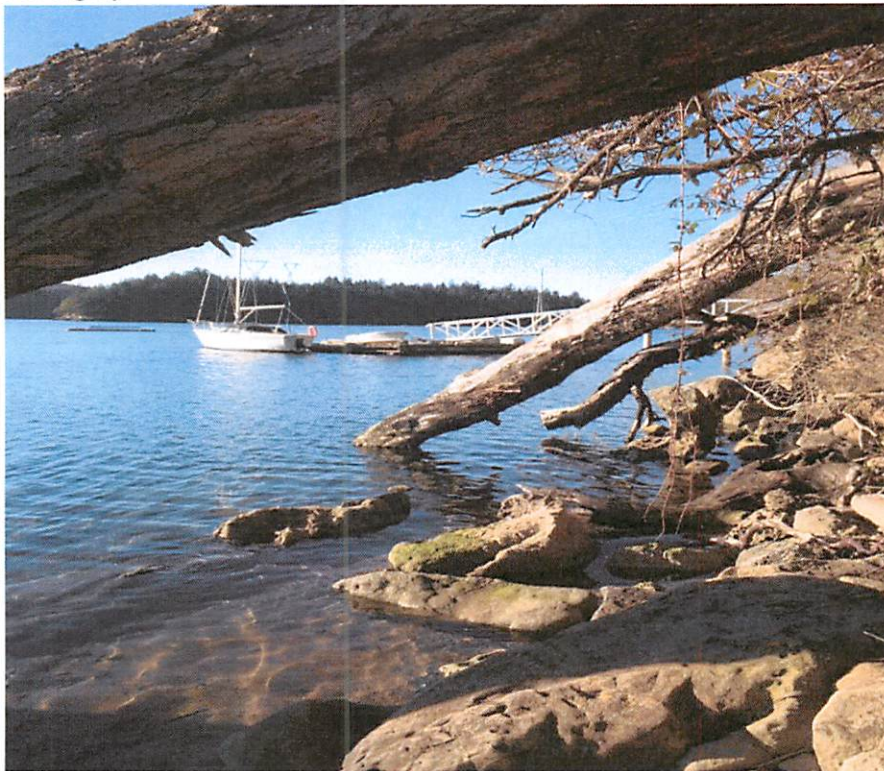
Map 3. Islands Trust Galiano Island eelgrass map showing known Montague Harbour eelgrass locations



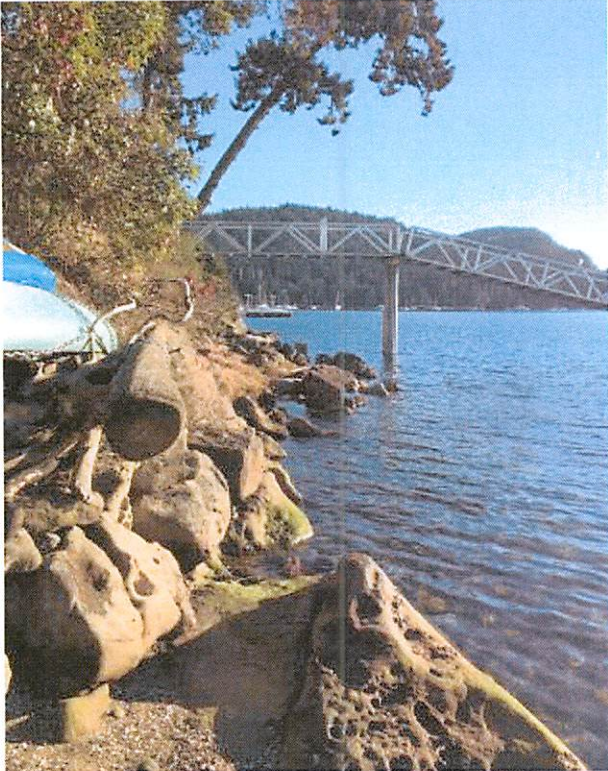
Photograph 1. View of subject site from the water



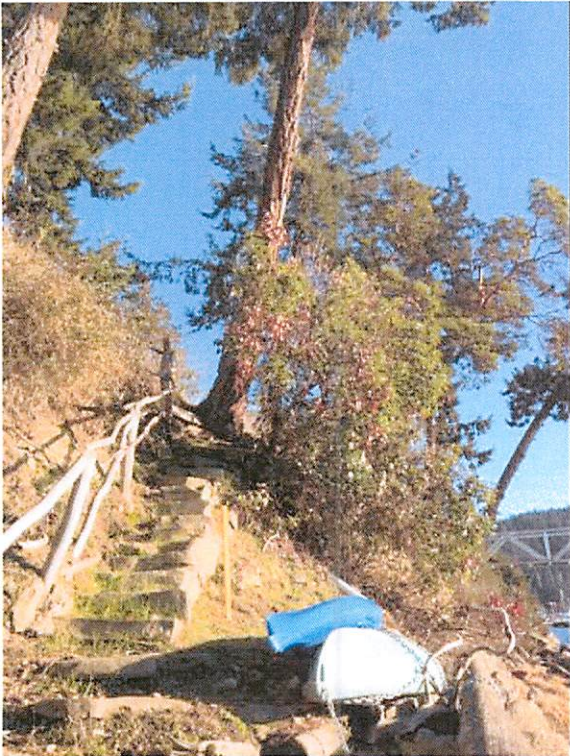
Photograph 2. View to the North from the subject site, shows sandstone boulder substrate



Photograph 3. View to the south from the subject site



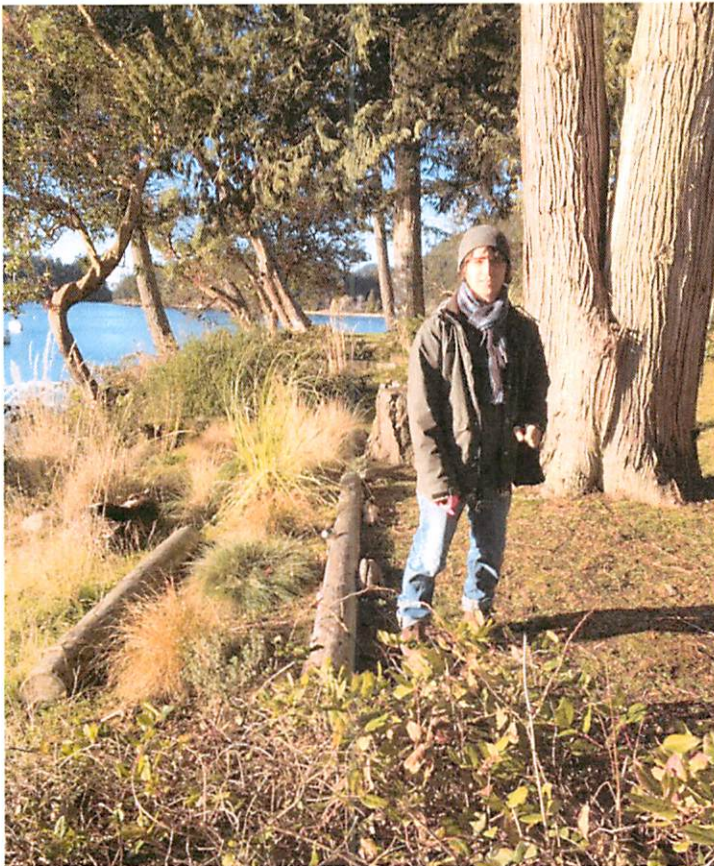
Photograph 4. The proposed dock entrance is halfway up the existing stairway (at yellow stake)



Photograph 5. View of top of bank above landing site



Photograph 6. View of riparian area near south property boundary



Photograph 7. The sealife on the rocks at low 0.2m tide 2230 hr. Green sea lettuce (*Ulva* sp.), small barnacles, rockweed (*Fucus* sp.) and two species of starfish (*Pisaster* and *Dermasteria* sp.)



Photograph 8. Yellow intertidal nudibranch (*Doris* sp.)



OFFICE USE ONLY

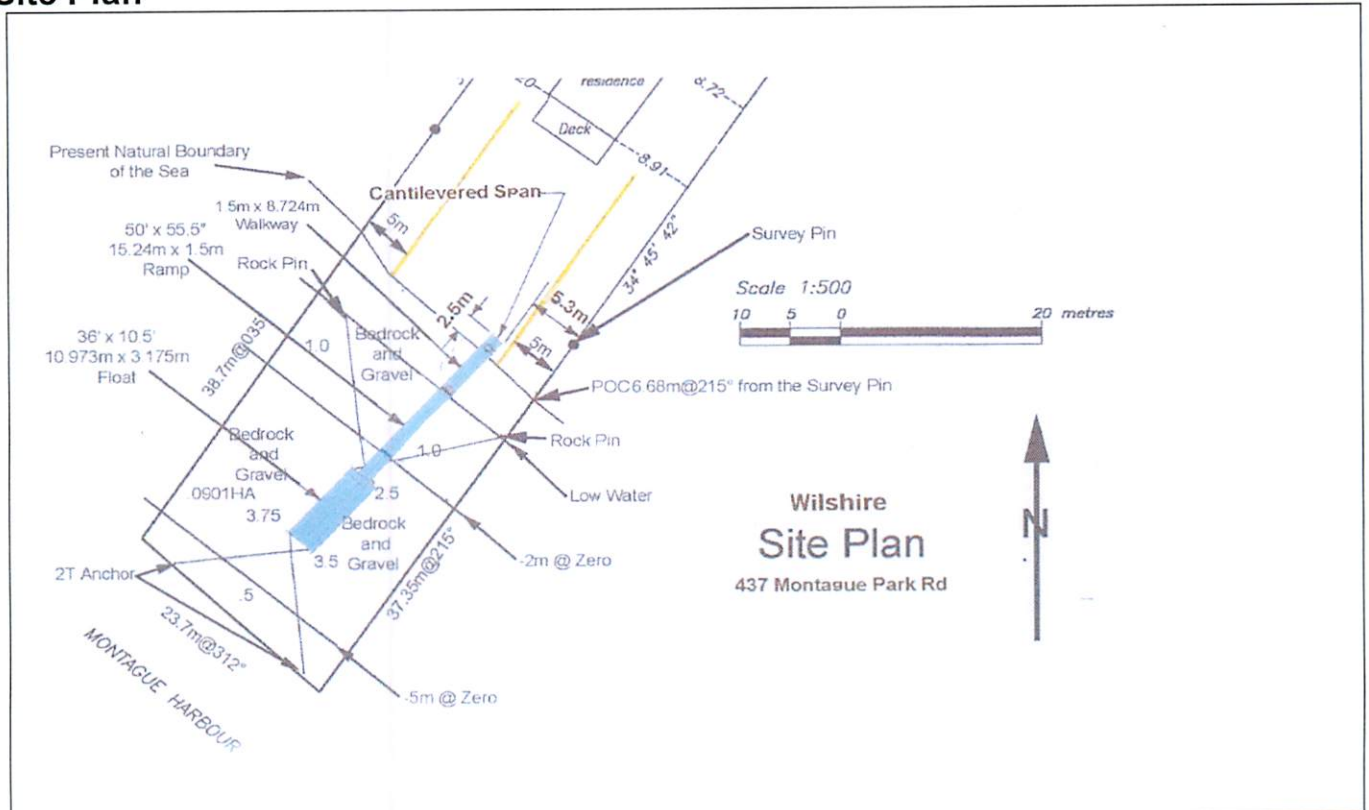
File No: _____

SHORELINE AND MARINES AREAS DEVELOPMENT PERMIT AREA (DPA 2)			Office Use only
	Information and Documentation Required	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:		See site plan below, section 1.
	▪ The proposed development and associated features		
	▪ The natural boundary of the sea		
	▪ The development permit area boundary		
	▪ Existing buildings and structures		One residence only see site plan
	▪ Roads and driveways		
	▪ Significant features identified in the site inventory		
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance	n/a	
Site Inventory	A site inventory providing information on existing plant communities, marine and terrestrial habitats, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, topography and marine sediment transport.		The entrance to the dock walkway will be in a landscaped area where there are no endangered plant species. See the attached biologist report for marine habitat information
Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.		No cutting and filling or vegetation removal or change to the hydrology are planned. See section 3 of the notes below.
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development consisting of anticipated impacts on the following:		
	▪ Marine and terrestrial habitat		No change to terrestrial habitat. No eelgrass beds or shellfish beds are present in the area.
	▪ Site hydrology		No change from present situation.
	▪ Marine sediment transport		No change to existing situation. The new dock is between two existing similar structures
	▪ Public access to and along the foreshore		Access is limited by the cliff frontage that is not accessible at very high tides. There will be no post construction change to the present access conditions.
	The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area, including on		There will be some impact when the lower cement column is placed

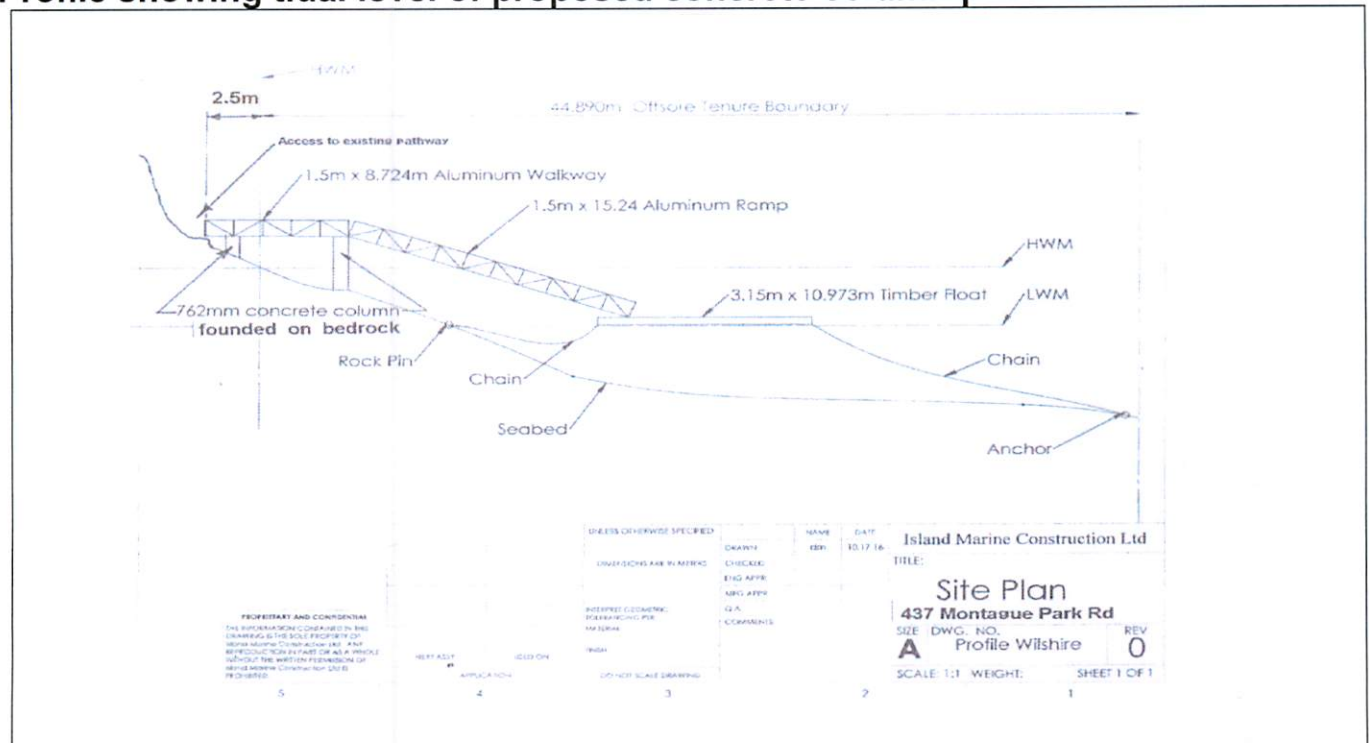
SHORELINE AND MARINES AREAS DEVELOPMENT PERMIT AREA (DPA 2)			Office Use only
	Information and Documentation Required	✓	
	adjacent and proximate sites		but fortunately there is little sea life on the higher tide level sandstone platform that will be used as the base
Measures	A description of all measures to limit, mitigate and manage the impacts of the development on:		There must be no disturbance to the existing trees along the top of the bank. There must be no disturbance to the large woody debris along the cliff front. See photos 1, 2 of the Biologist report.
	terrestrial and marine habitat		The dock structure construction materials must allow for some light penetration
	geomorphic, hydrological and coastal processes		The harbour is a relatively protected area and this new dock will be placed between two existing ones.
	A description of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.		Ensuring there is no damage to the intertidal area during the column placements and protecting the trees above the top of the bank are the measures that should be taken.
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance		A post development report should be completed at a low tide to determine the impact of the new cement columns on the intertidal area.
Restoration	Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development		The only intertidal impact of the dock construction will be the two concrete column placements

DPA Checklist. Biologist concerns and recommendations

1. Site Plan



2. Profile showing tidal level of proposed concrete column placements



3. Site inventory –see attached biologist report.

4. Development Proposal

- A. Installation of two concrete columns
- B. Installation of dock structure—walkway, ramp and float

5. Impact Assessment

The only possible impact of this type of construction would be damage to the trees in the riparian area, or damage to the intertidal area caused by the installation of the two cement columns.

6. Measures

If any kind of machine work might take place near any of the few, but environmentally valuable, existing trees within the DPA, they must be well wrapped with landscape fabric to protect them from damage.

Placing the dock columns at a medium tide level will prevent any disturbance to the different species we found at the low tidal areas. Because we were there at night we observed a diversity of sealife that would not have been as evident in day light.

7. Monitoring

A post development report should be completed at a low tide to assess the impact of the new cement columns on the intertidal area and to determine if there has been any damage within the Development Permit Area.



Memo addressing applicable guidelines 42-52 of Construction and Replacement of Docks.

Island Marine Construction Services on Saltspring Island follows profession construction practices and has many years of dock building experience including being up to date with all the latest guidelines and regulations. The plans in the application should cover most of the points, but specifically the guidelines are addressed as follows:

- 43. Island Marine Construction Services has designed the dock to allow for 2.1 metres of clearance above the HHW mark to allow for public beach access.
- 44. Kathy Reimer will conduct a Biologist report, checklist and map eelgrass to provide for siting that avoids ecological, fish or current impacts. In addition, the ramp and walkway will be constructed of min-mesh allowing for light transmitting through.
- 45. The walkway and ramp are to be located on two 762mm concrete columns formed on bedrock to allow for free flow of water without excavation as shown on the attached plans. The walkway will be cantilevered so it is hovering just above the approach to the existing stairs on the property which will allow for minimal impact on the land. The float will be anchored with 2 anchors and 2 rock pins attached to chains to allow for free flow of water underneath.
- 46. The float will sit in 2m of water at a zero tide to ensure it does not rest on the bottom with access by moveable aluminum ramp.
- 47. Only two concrete columns will support the walkway and ramp.
- 48. Sealed non-degradable plastic floatation will support timber float with two concrete pilings.
- 51. There is no breakwater or wave protection for this dock as it is located in sheltered Montague Harbour.
- 52. The dock will be positioned as close to shore as possible to accommodate the minimum 2m depth required at zero tide. The 3.15m x 10.973m float is less than 35sq.m.

ATTACHMENT 5: CORRESPONDENCE

Jackie Grist
#327 – 2245 Kelly Ave.
Port Coquitlam BC
V3C 0B1

December 9 , 2016 .

Dear Local Trust Committee,

My next door neighbour , Craig Wilshire is placing an application for a dock on his property at 437 Montague Park Road in the near future. I would like to go on record as to not objecting to this application . He has sent me a drawing and aerial view of what he is proposing and I believe it should be approved.

Yours sincerely ,

GL-DVP-2017.1
rec'd @LTC meeting



January 13th, 2017

To whom It may concern,
Galiano Island Local Trust Committee

My name is Janet Adamson and I own the property [REDACTED] Craig Wilshire on Montague Park Road.¹ Recently, Craig was very considerate in advising me of his plans to build a dock. He provided me the necessary information (architectural drawings with specifications, pictures) that explained in detail how the dock would be constructed and what the structure would look like. As well, aerial view photographs pinpointed the exact location of the dock in relation to both our properties. Craig made himself freely available to address any questions or concerns that I had. In particular, he advised me that the dock would have minimal impact on my view. I really appreciated Craig taking this concern into consideration in his dock proposal. Craig also spoke with my brother [REDACTED] (secondary property owner) regarding any potential dock concerns. As such, after several exchanges with Craig I am writing to inform you of my approval of this aforementioned dock construction on the Wilshire property. My brother also approves. If you have any questions you can contact me at [REDACTED]

Sincerely,

Janet Adamson
[REDACTED]

¹ My property address is [REDACTED]



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT GL-DP-2017.1

To: Ann Wilshire

1. This Development Permit (the "Permit") applies to the water area over land described below and all structures and other developments therein:

The Unsurveyed Crown foreshore abutting Lot 16, District Lot 33, Galiano Island, Cowichan District, Plan 16635 (003-994-601)

2. This Development Permit No. GL-DP-2017.1 authorizes the construction of a private dock within Development Permit Area 2 – Shoreline and Marine DPA ("DPA"), subject to the following requirements and conditions:
 - a. All construction shall be consistent with Schedules "A" and "B" attached to and forming part of this permit.

Upland & Foreshore Area

- b. There is to be no vegetation or soil removal or other disturbance to the upland shoreline area of the property, nor to the foreshore area abutting the water area that is subject to this permit.

Construction

- c. All construction shall be in accordance with DFO best practices, DFO Pathways of Effects for Placement of Materials or Structures in Water.
 - d. The ramp and walkway portions of the proposed dock structure must meet a minimum 50% light penetration standard for horizontal surfaces.
 - e. The proposed dock structure shall not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. The dock structure shall be constructed of stable materials that will not degrade water quality.
 - f. The use of creosote-treated pilings is prohibited.

Construction Management

- g. All contractors and construction personnel are to be notified of the conditions of this Development Permit.

Monitoring

- h. Upon completion of construction, a registered professional biologist (QEP) shall provide written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.
3. Any further development within designated Development Permit Area will require a new Development Permit, or a Development Permit Amendment.

- This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Galiano Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

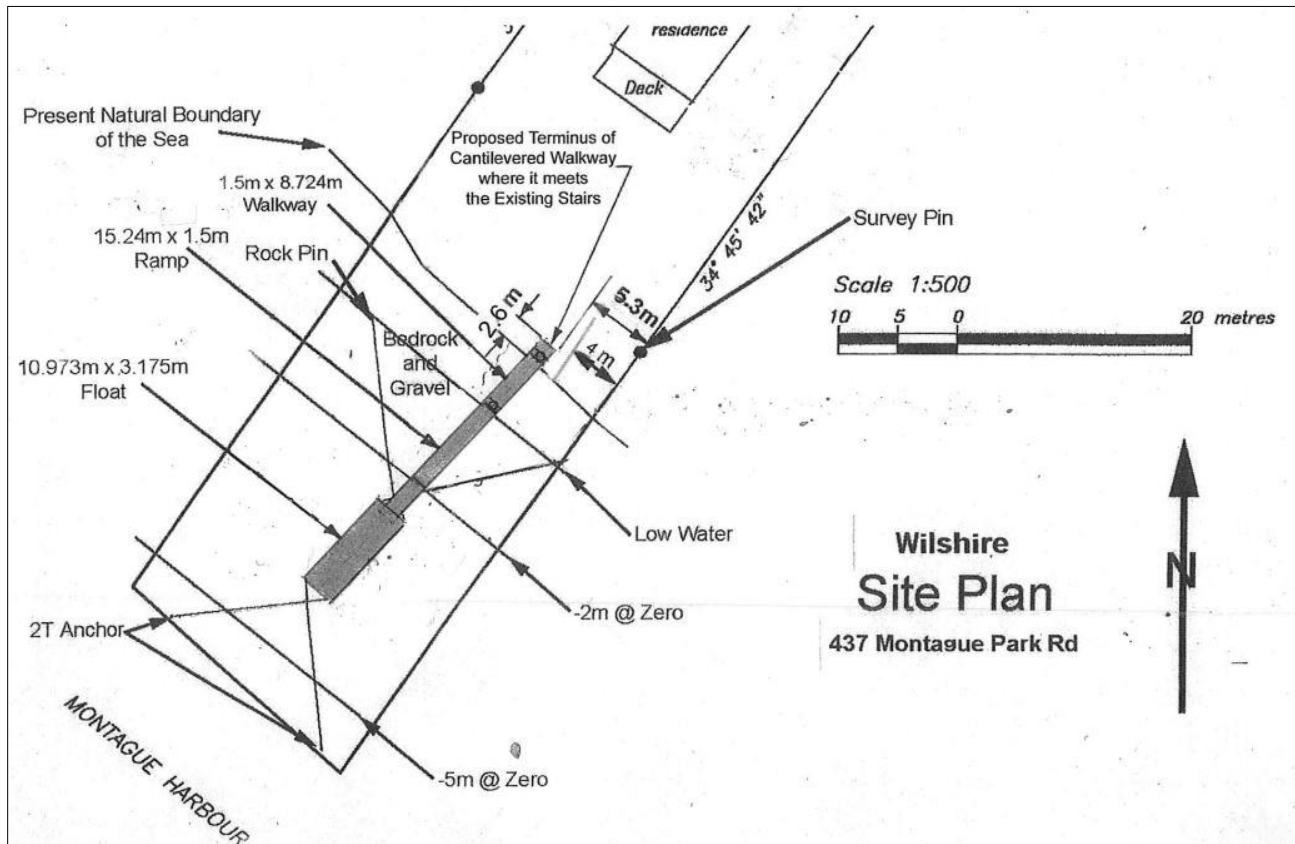
Deputy Secretary, Islands Trust	, 2017 Date Issued
---------------------------------	-----------------------

60

GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT GL-DP- 2017.1
Schedule "A"

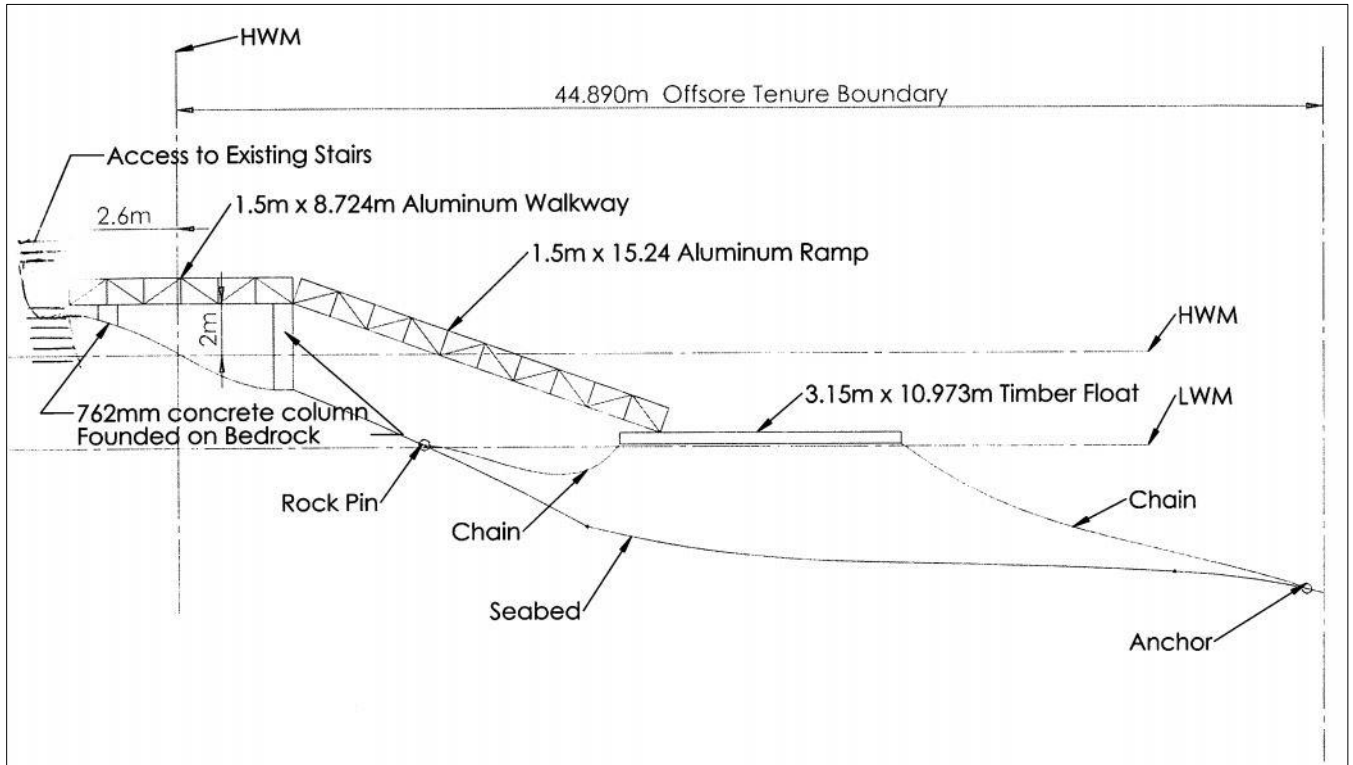
Site Plan



GALIANO ISLAND LOCAL TRUST COMMITTEE

**DEVELOPMENT PERMIT GL-DP- 2017.1
Schedule "B"**

Section Plan





File No.: GL-TUP-2017.1
(Pankratz – x-ref : GL-BE-2007.1)

DATE OF MEETING: April 3, 2017

TO: Galiano Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner, Rob Milne, Island Planner,
Thomas Loo, Bylaw Enforcement Officer

SUBJECT: Temporary Use Permit for an Commercial Vacation Rental

Applicant: Sally and Edgar Pankratz

Location: 154 W. Sticks Allison Road

RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-TUP-2017.1 (Pankratz).

REPORT SUMMARY

The purpose of the report is to consider a Temporary Use Permit (TUP) for a Commercial Vacation Rental within a dwelling unit.

In summary, the above recommendation for the issuance of the TUP is supported as it has not been opposed by any neighbouring property owners, the rationale is reasonable, it meets the specific guidelines of the OCP, and the guest capacity is small. Additionally, the proposed permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance or, ultimately, for the LTC to not renew the TUP.

BACKGROUND

The proposal is for a TUP for a Commercial Vacation Rental use within an existing dwelling on the property. The application is the result of the bylaw enforcement action for illegal short term vacation rentals on Galiano (GL-BE-2007.1).

The applicants are applying in order to bring the property into compliance with the bylaw regulations and to maintain the use. The dwelling was built in 1998 and is approximately 46.5 m² (500 ft²) in size (the 'dwelling') and is a studio layout with a loft sleeping area. The dwelling is referred to by the applicants as a 'cottage,' however, as it is the only dwelling on the property, it is defined as the principal dwelling. The applicants own the neighbouring property to the east where they reside full-time, and the cottage was built for the use of their

Official Community Plan

The Guidelines for the TUPs for Commercial Vacation Rentals are contained in the Official Community Plan. Conformity of the proposal with those guidelines is analyzed in the 'TUP – Commercial Vacation Rental' Checklist – Attachment 4.

In summary, the proposal meets the applicable guidelines contained in the OCP.

Land Use Bylaw

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

The property is within the Water Management Area established in the LUB (see 'Water and Septic' – below).

Issues and Opportunities

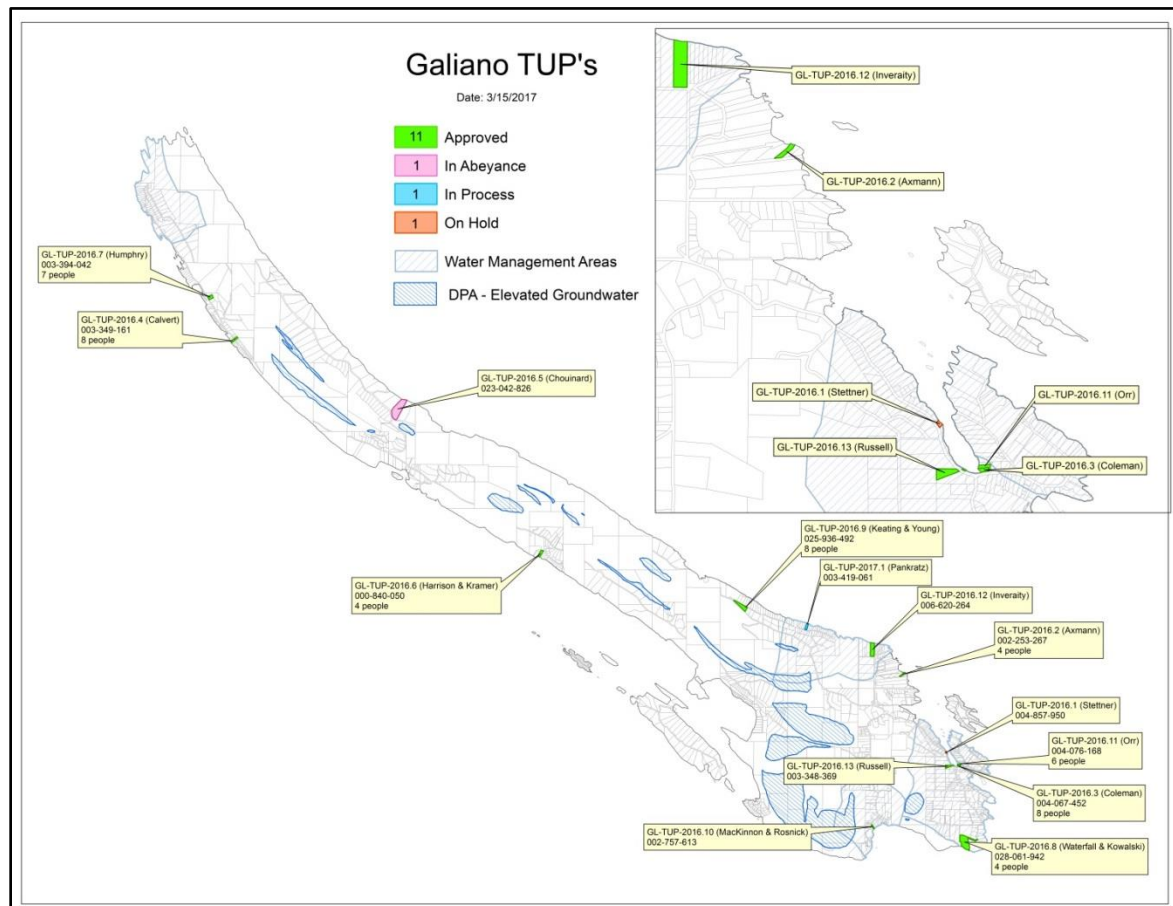
CVR Location Map/Cumulative Impacts

Staff has provided the mapping in Figure 2 to inform the OCP Guideline for assessing cumulative impacts. Guideline 2.iii. a) states the following:.

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;

The closest other TUPs for a CVR is 1.5 kilometres both west and east.

Figure 2 – CRV Location Map



Water & Septic

The subject property is within a Water Management Area (WMA) established in the LUB. In addition, the property is part of the Sticks Allison Water System which is administered by the CRD.

In accordance with the LTC's standing resolution on TUP applications within WMAs, the requirement for a 16,000 litre rainwater catchment cistern has been placed as a condition in the proposed TUP that was circulated for notification. The CRD has confirmed that the property has a water meter.

The applicants have stated their opposition to the cistern requirement based on numerous reasons: Primarily, their monthly consumption is very low with peak summer usage at 3000 gallons/month and close to nil through the balance of the year; they do not have a garden or lawns on the property; and, they have installed water saving appliances such as low flush toilets and a European washer, etc. In addition, they have questioned why they (as part of a water district) should have to install a cistern when other people in the service area with large consumption rates are not obliged to do so.

Staff have responded that, despite their own water use and rental patterns, there is the potential for increased consumption that needs to be considered as the TUP 'runs with land,' and a different owner or operator may have a more intensive impact. Additionally, it was explained that the resolution is reflective of a strong policy on water conservation that is being exercised by the LTC. Applications for change of use and for Building Permits provide a logical opportunity to have conservation infrastructure put in place. Doing so does not require that the current or future owner actually use the cistern, but incentivises it given that it has been installed and is readily available.

As stated above, the subject property is in the Sticks Allison Water System. Staff referred the proposed TUP to the CRD Engineering Department and received the following response:

As it doesn't appear that the proposed permit will result in a considerable increase in water consumption from the existing water service to the subject property, the CRD does not have any comment on the permit application.

The septic system was installed at the time of construction in 1998 and has had no issues according to the owners.

Applicant's Rational for the Proposed Use

The applicants are applying to bring the property into compliance with the bylaw regulations, and in order to have short term vacation rentals for a portion of the year.

Response to Neighbour and Public Notification

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

Permit Conditions

The proposed TUP incorporates most of the conditions that have been established in the OCP, including the water conservation measures discussed above. The permit allows for a maximum of number (6) guests.

Consultation

Statutory Requirement – Notification

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on March 22, 2017. The notification period will end at 4:30 p.m. on March 31, 2017.

At the time of writing, staff have received no submissions.

Rationale for Recommendation

The rationale for the staff recommendation on Page 1 is that it has not been opposed by any neighbouring property owners, the application is reasonable, it meets the specific guidelines of the OCP, and the guest capacity is reasonable. Additionally it brings the use into compliance with the bylaws, water conservation has been incorporated for the WMA; and, other permit conditions mitigate the potential for issues to arise from the proposed use.

ALTERNATIVES

The LTC could consider the following alternatives to the above recommendations:

1. Request further information

The LTC may request further information be provided prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed.

Resolution:

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

2. That LTC may deny the application

Resolution:

That the Galiano Island Local Trust Committee deny application GL-TUP-2017.1 (Pankratz).

Submitted By:	Phil Testemale, A/Planner 2	March 20, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	March 21, 2017

ATTACHMENTS

1. Site Context
2. TUP Guidelines Checklist
3. Notice
4. Proposed TUP Permit (GL-TUP-2017.1 – Pankratz)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 15, District Lot 15, Galiano Island, Cowichan District, Plan 21551
PID	003-419-061
Civic Address	154 Sticks Allison Road

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as SLR – Small Lot Residential in the in the Galiano Island Official Community Plan No. 108, 1995 (OCP). The property has the following Development Permit Areas (see mapping attached)designated on it: • DPA 2 – Shoreline and Marine • DPA 5 – Sensitive Ecosystems Note: there is no development associated with the application
Land Use Bylaw	The property is zoned as Small Lot Residential (SLR) in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB).
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	The application is for compliance with the LTC enforcement strategy (property file: GL-BE-2007.1) for illegal STVRs on the island. There are no other enforcement issues recorded for the property

SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	[Include any information on species at risk]
Sensitive Ecosystems	DPA 5 – above, however, no development associated with the proposal.
Hazard Areas	N/A

Archaeological Sites	No archaeological sites are noted within the property or within 100 metres on the provincial RAAD database. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no development associated with this application therefore GHG emission changes resulting from approval and anticipated or possible climate change induced hazards are neutral.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	N/A

**Attachment 2 - TUP Checklist for Commercial Vacation Rental: GL-TUP-2017.1
(Pankratz)
STVR in Dwelling**

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “commercial vacation rental” means the use of a <i>residence</i> 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	Complies, by definition of the use in TUP.
b) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	The closest other TUPs for a CVR is 1.5 kilometres both west and east.
c) Residential Appearance - The Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.	No alterations proposed.
d) Neighbour Concerns - The Local Trust Committee may require mitigating measures to address neighbours’ concerns, such as retention of existing screening and fencing, or installation of additional screening.	At the time of writing, notification has not generated any comments
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min);or, ▪ Letter from Professional Hydrologist with experience with Groundwater assessing a recent pump test for adequate quantity for use and no impacts on neighboring properties. Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	This property is within a Water Management Area A requirement for 16,000 litre cistern for storage of rainwater is a condition of the proposed TUP. The property is connected to the Sticks Allison Water System, and the CRD has indicated they have no objection to the use. The property has water meter. Small dwelling size (46.5 m² (500 ft²) m²) Studio layout with Loft bedrooms. Low flush toilet and European washer. Maximum of six (6) guests
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Minimum two (2) spaces is a condition in Draft Permit.
Permit Conditions	
g) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. require that the owner or other contact be available on Galiano by telephone 24 hours/day, seven days	Condition in Draft Permit.

Guidelines	Comments
per week and include the name and contact information in the conditions of the permit	
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Condition in Draft Permit.
iii. require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area	Condition in Draft Permit.
iv. establish a maximum number of people that can stay	Maximum of number (6) as a condition in Draft Permit.
v. establish a maximum number of guests per bedroom	Maximum of number (3) as a condition in Draft Permit.
vi. prohibit camping or occupancy of RVs on the property	Condition in Draft Permit.
vii. restrict advertising to one unilluminated sign, with a maximum area	0.4 m ² , unilluminated and on subject property as a condition in Draft Permit.
viii. prohibit the rental or provision of motorized personal watercraft	Condition in Draft Permit.
ix. prohibit outdoor fires	Condition in Draft Permit.
x. establish the dates during which the use may occur	No condition for dates in Draft Permit. The owners only rent the cottage periodically between April and October.
xi. include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received	Between 9 a.m. and 5 p.m. of any day as a condition in Draft Permit.
xii. require that the landowner/operator post for guests emergency service contact information and to provide a means for contacting them	Condition in Draft Permit.
xiii. require the landowner/operator to post contact information and permit information at the entrance to the property	Condition in Draft Permit.
Agriculture Land Reserve	
h) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A

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



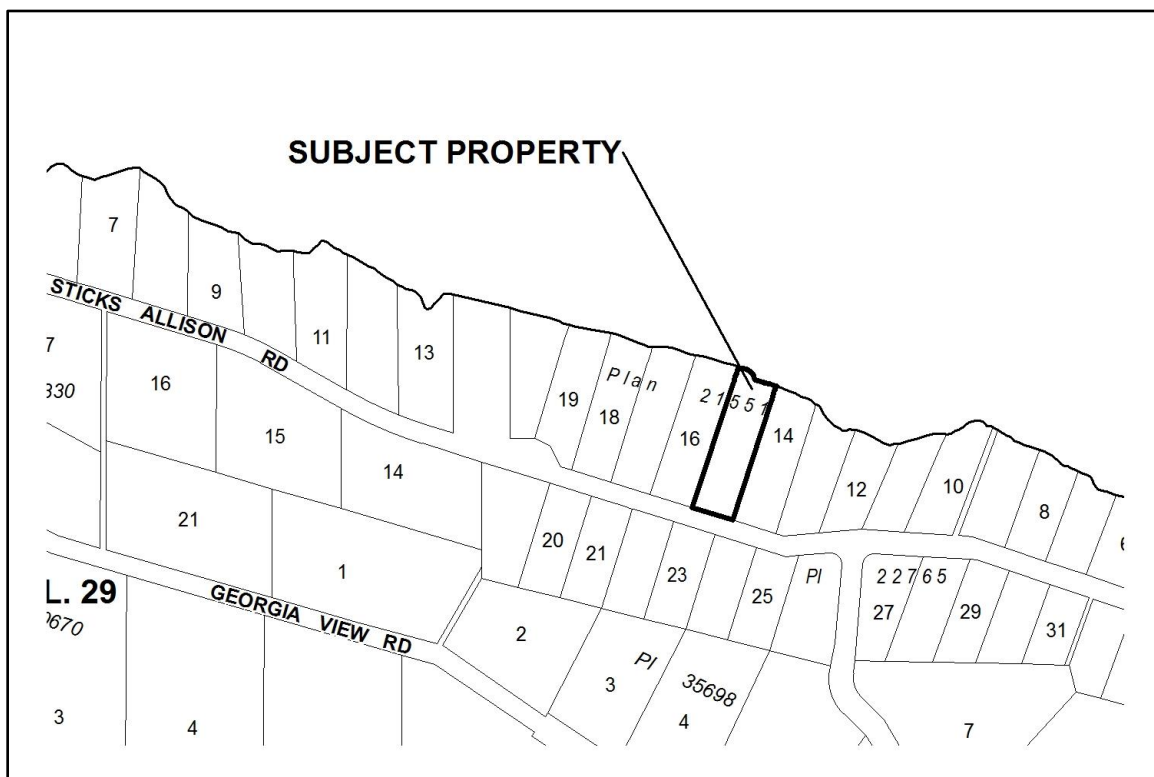
Islands Trust

**NOTICE
GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-TUP-2017.1**

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot 15, District Lot 15, Galiano Island, Cowichan District, Plan 21551 (PID: 003-419-061) – **154 W Sticks Allison Rd.**

The purpose of this temporary use permit would be to permit a “commercial vacation rental” in the dwelling unit on the subject property. The establishment of the temporary use would be subject to a number of conditions specified in the permit. The permit would be issued for up to three years and the owner may apply to the Galiano Island Local Trust Committee to have it renewed once for up to an additional three years.

The general location of the subject property is shown in 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. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **March 20, 2017** and up to and including **March 31, 2017**.

For the convenience of the public only, and not to satisfy Section 494(1) (a) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing **March 20, 2017**.

Enquiries or comments should be directed to Phil Testemale, A/ Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before **4:30 p.m., March 31, 2017**. The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., April 3, 2017**, 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



Islands Trust

PROPOSED

**GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2017.1 (Pankratz)**

154 Sticks Allison Road

To: Edgar and Sally Pankratz

1. This Permit applies to the land described below:

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

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

a) a Commercial Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) the property owner or other contact person be available on Galiano Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and on island contact person must be provided to guests upon arrival;
- b) the property owner or Commercial Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact persons phone number, and a copy of the temporary use permit;
- c) the property owner or Commercial Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
- d) the owner will install a cistern for the storage of rainwater having a capacity of at least 16,000 litres;
- e) the cistern cited in d) shall be installed within twelve (12) months of the issuance of this permit;
- f) the maximum number of guests is limited to six (6) persons;
- g) the maximum number of guests per bedroom is three (3) persons;
- h) camping and occupancy of recreational vehicles are prohibited;
- i) a maximum of one sign unilluminated not exceeding a total sign area of 0.4 square metres advertising the Commercial Vacation Rental is permitted. The sign must be located on the lot occupied by the Commercial Vacation Rental use;
- j) the rental or provision of motorized personal watercraft is prohibited;
- k) all outdoor fires are prohibited;
- l) the owner must provide parking for a minimum of two (2) vehicles on the property;
- m) the property owner or Commercial Vacation Rental operator must post for guests emergency service contact information and to provide a means for contacting them;

- n) the property owner or Commercial Vacation Rental operator must post name and contact number of property owner and on island contact person, and permit information at the entrance to the property; and
 - o) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint.
4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

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

Deputy Secretary, Islands Trust

Date Issued



Top Priorities

Galiano Island

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

**Projects****Galiano Island**

Description	Activity	R/Initiated
Soil Removal and Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw	12-Sep-2011
Comprehensive Watershed Planning	?	01-Oct-2016
Commercial Vacation Rental (TUP) Review	Review the Temporary Use Permit (TUP) guidelines in the Official Community Plan in relation to commercial vacation rentals.	05-Dec-2016
Amendments to Forest designation and F1 zone -	Consider options for amendments to Forest Land Designation and policies and F1 zoning for lands without Managed Forest Status. Draft bylaws have been prepared, project deferred at meeting of April/12	16-Apr-2012
Parking Issues	Issue for discussion with MoTI and public parking issues generated from associated islands. (see correspondence from P. Midgely on agenda of Apr/12)	23-Jul-2012
Bike Trails and Camping	Letter dated July 8, 2013 received from Galiano Parks and Recreation Commission regarding bike safety on Galiano roads (See Transportation policy U of Section 1.1) and for the allowance of non-commercial camping on private lots.	15-Jul-2013
Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	18-Nov-2013
Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	18-Nov-2013
Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	18-Nov-2013
Land Use Bylaw Amendments	To review LUB for: any technical/administrative bylaw amendments (e.g. definition references and numbering), shoreline zoning wording, crown lot rezonings, and review park zoning (specifically to allow stairs in setbacks).	07-Jul-2014

Projects

Galiano Island

Description	Activity	R/Initiated
Community Benefit Review for Forest Lands	Staff to prepare preliminary report for new LTC	08-Sep-2014
Consider amendments to re-designate and rezone crown owned Forest lots.- Bylaws 231, 232 at First Reading	re-refer to FLNRO for comment	



Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2016.5	DEAN A TAYLOR PATRICIA M TAYLOR c/o ALLAN DIAMOND ARCHITECT Planner: Rob Milne Planning Status	09-Aug-2016	754 Ellis Rd - Reinforce and repair damage to existing retaining wall.

Status Date: 21-Mar-2017

Email sent March 20, 2017 advising biologist report and DVP application for natural boundary setback relief remain as outstanding items.

Status Date: 23-Jan-2017

Applicant confirmed by telephone that they are gathering additional information to allow application to proceed.

Status Date: 30-Nov-2016

Response sent to November 29th request for information and comments respecting the application process.

File Number	Applicant Name	Date Received	Purpose
GL-DP-2017.1	c/o CRAIG WILSHIRE Planner: Rob Milne Planning Status	10-Feb-2017	437 MONTAGUE PARK RD Shoreline Development Permit Area 2 and Variance for proposed new floating anchored dock.

Status Date: 13-Mar-2017

Report for April 3 LTC meeting approved for agenda

Status Date: 14-Feb-2017

File forwarded to planner and LTC.

Status Date: 10-Feb-2017

File opened.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------

**Applications**

GL-DVP-2017.1 c/o CRAIG WILSHIRE 10-Feb-2017 437 MONTAGUE PARK RD File opened and forwarded to LTC and Planner.

Planner: Rob Milne

Planning Status

Status Date: 13-Mar-2017

Staff report for April 3 LTC meeting approved for agenda

Status Date: 14-Feb-2017

437 MONTAGUE PARK RD - DP and DVP application - Shoreline Development Permit Area 2 and Variance for proposed new floating anchored dock.

Rezoning

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

Planner: Robert Kojima

Planning Status

Status Date: 18-Jan-2017

EC approval of bylaws 233, 234 and 261. Bylaw 233 forwarded to Minister.

Status Date: 05-Dec-2016

Bylaw 261 (housing agreement) given three readings, Bylaws 233, 234 and 261 forwarded to EC. Chair appointed to execute covenant

Status Date: 28-Nov-2016

Amended bylaws, draft housing agreement bylaw, and draft covenant placed on December 5th agenda for referral to EC.

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2014.1	Crystal Mountain Society	28-Oct-2014	20300 PORLIER PASS RD To allow for year round use of the Forest Retreat Centre

Planner: Rob Milne

Planning Status

Applications

Status Date: 28-Nov-2016

Waiting for final community benefit document, proposal, and community consultation review from applicant.

Status Date: 22-Sep-2016

Applicant finalizing community benefit document for November LTC meeting.

Status Date: 22-Jun-2016

OCP & LUB Amendment bylaws drafted.

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2016.2	GALIANO CONSERVANCY ASSOCIATION Planner: Rob Milne	08-Aug-2016	DL 57 10825 Porlier Pass Rd Rezoning from Rural to Environmental Education use and Nature Protection.

Planning Status

Status Date: 07-Mar-2017

Staff to work with applicants to develop a comprehensive development zone approach to the rezoning application

Status Date: 16-Jan-2017

Onsite meeting with applicant. Review of physical site and discussion regarding application details. Applicant provided draft of proposed zone wording for review and comment.

Status Date: 22-Sep-2016

Staff in the process of drafting LUB and OCP bylaws.

Temporary and Industrial Use Permit

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

Planning Status

Status Date: 25-Jan-2017

Covenant still in process.

Status Date: 23-Jan-2017

Covenant status update requested from property owner.

Applications

Status Date: 18-Aug-2016

Correspondence from applicant received and placed on August agenda.

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.10	GARY ROSNICK	14-Sep-2016	257 ACTIVE PASS DR\nTUP for STVR

Planner: Phil Testemale

Planning Status

Status Date: 30-Jan-2017

On February LTC for consideration of approval.

Status Date: 28-Nov-2016

Deferred to February meeting - require information on legal status of cottage and policy on two dwellings.

Status Date: 09-Nov-2016

Notices drafted and forwarded to DS

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2017.1	EDGAR J PANKRATZ	04-Jan-2017	154 STICKS ALLISON RD\nTUP for STVR

SALLY L PANKRATZ

Planner: Phil Testemale

Planning Status

Status Date: 23-Mar-2017

Notification complete including newspaper

Status Date: 23-Mar-2017

On April 3 agenda for consideration of approval

Status Date: 30-Jan-2017

Sent e-mail to applicant requesting information on size of house, water, etc.

Islands Trust
 LTC EXP SUMMARY REPORT F2017
 Invoices posted to Month ending February 2017

625 Galiano	Invoices posted to Month ending February 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	750.00	991.91	-241.91
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	5,500.00	4,518.58	981.42
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	1,166.04	-666.04
65220-625	LTC - Local Exp - Communications	500.00	853.11	-353.11
65230-625	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>7,000.00</u>	<u>6,537.73</u>	<u>462.27</u>
Projects				
73001-625-2002	Galiano OCP/LUB	4,000.00	3,203.53	796.47
73001-625-4065	Galiano Dock Review	4,000.00	74.66	3,925.34
TOTAL Project Expenses		<u>8,000.00</u>	<u>3,278.19</u>	<u>4,721.81</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: December 5, 2016

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

No	Meeting Date	Resolution No.	Issue	Policy
5.	April 7, 2014	GL-2014-029	Community Wells as a Community Benefit	That the Galiano Island Local Trust Committee will consider as a community benefit for all rezoning applications where there is an increase in density, the establishment of an instrumented observation well.
6.	December 5, 2016	By consent	TUP for Commercial Vacation Rentals	Without fettering its discretion, the LTC provided the following guidance with respect to its consideration of TUP applications for Commercial Vacation Rentals: 1. A Commercial Vacation Rental use should only be considered in one dwelling per lot 2. Permits being considered in Water Management Areas should include conditions requiring cisterns with a minimum capacity of 16,000 litres and a water meter. 3. In order to assist in assessing cumulative impacts, staff are requested to continue to provide an updated map showing the location, status, and maximum number of guests of all Commercial Vacation Rental TUP applications.

K:\LTC\Galiano\Standing Resolutions\Policies and standing resolutions.doc