



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: October 7, 2019
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

			Pages
1.	CALL TO ORDER	12:30 PM - 12:30 PM	
2.	APPROVAL OF AGENDA		
3.	TRUSTEE REPORT	12:30 PM - 12:50 PM	
4.	CHAIR'S REPORT		
5.	TOWN HALL AND QUESTIONS	12:50 PM - 1:10 PM	
6.	COMMUNITY INFORMATION MEETING		
	none		
7.	PUBLIC HEARING		
	none		
8.	MINUTES	1:10 PM - 1:20 PM	
8.1	Local Trust Committee Minutes Dated September 9, 2019 (for Adoption)		4 - 12
8.2	Section 26 Resolutions Without Meeting Report		
	none		
8.3	Advisory Planning Commission Minutes		
	none		
9.	BUSINESS ARISING FROM MINUTES	1:20 PM - 1:30 PM	
9.1	Follow-up Action List Dated September 2019		13 - 14
10.	DELEGATIONS	1:30 PM - 1:50 PM	

10.1	Southern Gulf Islands Community Economic Sustainability Commission - CRD Representative	15 - 34
11.	CORRESPONDENCE	1:50 PM - 2:00 PM
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage.</i>	
11.1	Email from Fire Chief Harris Dated September 20, 2019 Re: Driveway Specifications	35 - 41
12.	APPLICATIONS AND REFERRALS	2:00 PM - 2:30 PM
12.1	GL-TUP-2019.9 (Harrison /Kramer) - Staff Report (attached)	42 - 51
12.2	GL-DVP-2018.5 (Meden) - Staff Report (attached)	52 - 84
12.3	GL-TUP-2019.7 (Keating & Young) - Staff Report (attached)	85 - 95
13.	LOCAL TRUST COMMITTEE PROJECTS	
	none	
14.	REPORTS	2:30 PM - 3:00 PM
14.1	Work Program Reports (attached)	
14.1.1	<u>Top Priorities Report Dated September 2019</u>	96 - 96
14.1.2	<u>Projects List Report Dated September 2019</u>	97 - 99
14.2	Applications Report Dated September 2019 (attached)	100 - 103
14.3	Trustee and Local Expense Report Dated August, 2019 (attached)	104 - 104
14.4	Adopted Policies and Standing Resolutions (attached)	105 - 107
14.5	Local Trust Committee Webpage	
14.6	Islands Trust Conservancy Report	
	none	
15.	NEW BUSINESS	3:00 PM - 3:20 PM
15.1	Road Network and Emergency Access - Discussion to Hold a Community Information Meeting	
15.2	F1 Lot Rezoning Options and Community Benefit/Development Agreements - Staff Report (attached)	108 - 112
15.3	Options for Improving Management of Public Comments for Land Use Applications - Staff Memo (attached)	113 - 117

16. UPCOMING MEETINGS

16.1 **Next Regular Meeting Scheduled for November 4, 2019, at the North
Community Hall, Galiano Island**

17. TOWN HALL **3:20 PM - 3:35 PM**

18. CLOSED MEETING

none

19. ADJOURNMENT **3:35 PM - 3:35 PM**



Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: September 9, 2019

Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

Staff Present: Robert Kojima, Regional Planning Manager
Brad Smith, Island Planner
Warren Dingman, Bylaw Compliance and Enforcement Manager
Yasemin Schnorr Von Carolsfeld, Recorder

Public: There were approximately (75) members of the public.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 12:30 p.m. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations, particularly the Penelakut.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Amendment under 15.5 to the applications process;
- Correspondence from an applicant, from July, to be added under 11.2; and
- Community stewardship award.

By general consent the agenda was approved as amended.

3. TRUSTEE REPORTS

Trustee Rockafella provided a report including the following updates:

- Work has started on a Climate Action project with the Capital Regional District (CRD) and First Nations with participation from Pender and Saturna Islands;
- Should the grant application be successful, two from our community will be able to attend the conference.

Trustee Wolverton provided a report including the following points:

- Although the Local Trust Committee (LTC) hasn't met in person since July 8th, an electronic LTC meeting was conducted on August 2nd
- Digital meetings offer the opportunity to reduce carbon footprint but can be challenging due to poor internet service on the islands.
- Next Wednesday as part of a learning session on First Nations, Trustee Wolverton will be viewing the video: Dust & Bones; and
- She's had 10 days with office hours, 20 visitors and hundreds of people out in the community whom she's had the opportunity to speak with.

4. CHAIR'S REPORT

Chair Rogers provided a report including the following points:

- Trustee Wolverton has been working to move the agenda around Reconciliation at the Islands Trust. He noted that she has volunteered for a new internal working group. It will include an intensive study group, intended to deepen institutional First Nations knowledge and reconciliation efforts;
- The roll out of the Trust Policy Statement review will begin Sept. 10th. It will include engagement with residents of the islands and is akin to the Official Community Plan (OCP) for the whole Trust area;
- September 30th, at the Galiano Lion's Hall, an open house will offer the opportunity for the community to provide input on potential updates and revisions to the Trust Policy Statement; and
- Trust Council is being held on Bowen Island next week.

5. TOWN HALL AND QUESTIONS

Members of the public made the following points:

- The LTC was thanked for the work they're doing;
- Re: the F1 lot issues, it was suggested that the community needs to be on board and that previously completed work be honoured;
- The value of the road network plan was questioned by some and supported by others;
- Credit was given to previous LTCs for the liveability of our community and safety; and
- Community needs before the needs of one individual, was a sentiment expressed.

On the issue of conflict of interest, Chair Rogers mentioned there are resources and training available for all on the Local Trust Committees. He explained the process when a Trustee recuses themselves.

Members of the public made the additional following points:

- It was suggested that emergency services need to be involved in the planning process;
- There are signs of stress in the community because several commercial properties are vacant and/or for sale at the south end of Galiano Island;
- Questions were raised on how long the new affordable housing project would take;
- Minimizing greenhouse gas emissions and sustaining the local economy could be facilitated by keeping businesses such as the gravel pit on Galiano Island; and

- Reconsideration of Lesley Page's application was encouraged.

Chair Rogers invited people to address the Stevens matter:

Members of the public made the following points:

- The Stevens bought their forest lot when residents were allowed to live on them; and
- Fred Stevens is a vibrant member of the community and has volunteered much of his time.

Chair Rogers mentioned that he was aware of the input from the community about the good reputation of these people and noted that this situation is not about the people, it is about the land.

Public comments continued:

- Fred Stevens should be allowed to rezone, this situation has been going on too long;
- Zoning goes with the land, not the person;
- The community will benefit from passing these Bylaws;
- The other benefit is the community easement;
- There needs to be consistency with the Official Community Plan (OCP) and the location of the emergency access did not conform to the OCP;
- Keep greenhouse emissions down. The *Local Government Act* includes in their plans targets to achieve their emissions;
- There was a call to action for the reconciliation with First Nations;
- Fred Stevens' land ownership was questioned; and
- Support was expressed for the First Nations people to buy back their land..

During discussion the additional points were made by LTC:

- There is no further action being taken with the Stevens' application and it's sitting in legal purgatory;
- One of the letters had the writer's name crossed out and it will be looked into;
- Processes were explained for third readings of bylaws; and
- The decision was made in May for the Trust to pay for the survey and seemed fair.

Staff were directed to take no further action on the bylaws 265 & 266 at the July meeting.

A break was held 2:17 p.m. to 2:30 p.m.

6. DELEGATIONS

None

7. COMMUNITY INFORMATION MEETING

None

8. PUBLIC HEARING

None

9. MINUTES

Galiano Island Local Trust Committee
Regular Meeting Minutes
September 9, 2019

DRAFT

3 of 9

9.1 Local Trust Committee Minutes Dated July 8 & August 2, 2019 (for Adoption)

The following amendments to the minutes were presented for consideration:

By general consent the minutes of July 8, 2019 were adopted with the following amendments:

- Item 12.6 should read “what to do with dead trees” and not branches;
- There’s a small change needed at the end of town hall, the last bullet under 15. Change the wording to “Powerlines that have any uninsulated length”; and
- Item 13, RPM Kojima, follow-up action.

AND

By general consent the minutes of August 2, 2019 were adopted.

9.2 Section 26 Resolutions Without Meeting Report Dated September 2019

None

9.3 Advisory Planning Commission Minutes

None

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-up Action List Dated September 2019

Planner Smith commented that all follow-up action items have been addressed.

11. CORRESPONDENCE

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

11.1 Letter Dated July 27, 2019 - re GL-RZ-2017.1

The letter was received.

11.2 Letter from L. Page Dated August 27, 2019 re GL-TUP-2019.4

Ms. Page made comments in support of her application and in response to letters received by the LTC at the July 8th meeting. She sought clarification as to when she could expect the STVR review process to be completed.

Chair Rogers and Planner Smith stated that by early to late spring of 2020 the STVR study is expected to be completed.

Ms. Page requested either a reconsideration of her application for a shorter timeframe or deferral of a decision on her application until the STVR study is complete.

GL-2019-061

It was Moved and Seconded,

that the Galiano Island Local Trust Committee rescind resolution GL-2019-054.

CARRIED

Trustee Rockafella Opposed

GL-2019-062

It was Moved and Seconded,

that GL-TUP-2019.4 (Page) be held in abeyance until the STVR project is concluded .

CARRIED

12. APPLICATIONS AND REFERRALS

12.1 GL-DVP-2019.2 (Pankratz) - Staff Report

Planner Smith reported that there has been no response from neighbours with respect to the application and staff recommend approval of the development variance.

GL-2019-063

It was Moved and Seconded,

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

CARRIED

12.2 GL-DVP-2019.3 (Webster) - Staff Report

Planner Smith reported that there's been no response from neighbours with respect to the application and staff recommend approval of the development variance.

GL-2019-064

It was Moved and Seconded,

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

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Short Term Vacation Rental (STVR) Review - Staff Report

Planner Smith gave an overview of the project status and a summary of the STVR discussion paper findings. Public input will be sought once the paper is finalized.

Discussion ensued on the following points:

- The depth of the staff report and that the LTC is looking forward to the public process;
- Temporary Use Permits (TUPs) are intended to be temporary;
- Consideration needs to be given on how to deal with visitor accommodation;

- Business licences could be examined;
- Enforcement is tied to advertisement for AirBnB's and Vacation Rentals By Owners (VRBO), etc; and
- A clarification was made on the chart on page 54 by Planner Smith re: STVRs permitted via zoning.

14. REPORTS

14.1 Work Program Reports

14.1.1 Top Priorities Report Dated September 2019

Chair Rogers requested an update on the status of the groundwater sustainability study.

RPM Kojima replied there will be a report in the fall.

14.1.2 Projects List Report Dated September 2019

Received for information.

14.2 Applications Report Dated September 2019

Chair Rogers stated that there was one other TUP application received during the period when the moratorium was lifted. Planner Smith agreed to provide the applicant an update.

RPM Kojima mentioned they are waiting to hear back from the applicants: Romagnoli & Smith regarding the GL-RZ-2005.2 application.

It was noted that Planner Smith will have a conversation soon with the proponent in regards to the Crystal Mountain Society rezoning application.

14.3 Trustee and Local Expense Report Dated June 2019

Received for information.

14.4 Adopted Policies and Standing Resolutions

None

14.5 Local Trust Committee Webpage

None

14.6 Islands Trust Conservancy Report

None

15. NEW BUSINESS

15.1 Community Stewardship Awards

It was reported that there were 15-25 nominees and Andrew Simon was 1 of the 7 that was chosen. He has done many conservation research projects on the island and has accounted for 1000 unique species on the island.

15.2 Rezoning Options & Community Benefits Re: Forest Lots - Discussion

GL-2019-065

It was Moved and Seconded,

that staff provide a report at the next LTC meeting regarding existing options for F1 lot rezoning and potential community benefits.

CARRIED

15.3 Road Network & Emergency Access - Holding a Community Information Meeting (CIM) - Discussion

Trustee Wolverton indicated that she would like to hold a community information meeting and involve Galiano Island emergency response representatives and a representative from the Ministry of Transportation and Infrastructure (MOTI). This would help to clarify information about the roads for the community.

The LTC discussed the following points:

- Road network plan and forest lots;
- Cycling and walking paths;
- Three “top priorities” and could look to add in new year depending on resource availability and other priorities; and
- Have item 15.3 ‘Road Network & Emergency Access – Holding a CIM’ put back on the agenda for the next month in October.

GL-2019-66

It was Moved and Seconded,

that the Galiano Island Local Trust Committee defer item 15.3 to the October LTC meeting.

CARRIED

15.4 Trust Council Climate Change Reports – Memo

There was discussion regarding the report.

GL-2019-067

It was Moved and Seconded,

that the Galiano Island Local Trust Committee refer the climate adaption and mitigation strategy report to the Galiano Island Advisory Planning Commission to make specific recommendations on strategies.

CARRIED

15.5 Applications Process

GL-2019-068

It was Moved and Seconded,

that the Galiano Island Local Trust Committee report on options to set in place more explicit deadlines for public comments on applications to the LTC that do not require a public hearing process.

CARRIED

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for October 7, 2019, at the South Community Hall, Galiano Island

17. TOWN HALL

Members of the public made the following points:

- The LTC should consider rescinding 3rd reading (Stevens), so that the application can go back to public hearing;
- Have a community information meeting on the Road Network Plan, as public education, in advance of the public hearing;
- Inaccurate information was given by a community member regarding Crystal Mountain;
- The STVR review identifies that dwellings used as STVRs represent less than 6% of all Galiano Island dwellings;
- A report regarding item 15.2 and rezoning/potential community amenity options in the F1 zone was requested;
- Carbon footprint is reduced by using gravel sourced on Galiano Island;
- Sustainability on the island is important and don't make it only for the rich;
- Focus on the road network plan, which is a more burning issue than STVRs;
- The Trustees were thanked for reconsidering their position with respect to publishing news in the Active Page;
- Parking issues and questions were raised about whether the roads could be widened with a gravel shoulder; and
- Shutting down DL 37 application impacts the road network plan and did not make sense.

18. CLOSED MEETING (Distributed Under Separate Cover)

18.1 Motion to Close the Meeting

GL-2019-069

It was Moved and Seconded,

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

- Adoption of In-Camera Meeting Minutes Dated August 2, 2019;

- Bylaw Enforcement Issue;
AND that the recorder and staff attend the meeting.

CARRIED

18.2 Recall to Order

Chair Rogers recalled the meeting to order at 5:15 p.m.

18.3 Rise and Report

Chair Rogers reported that the In-Camera Minutes of Aug. 2nd were adopted.

19. ADJOURNMENT

By general consent the meeting was adjourned at 5:16 p.m.

Dan Rogers, Chair

Certified Correct:

Yasemin Schnorr Von Carolsfeld, Recorder



Follow Up Action Report

Galiano Island

08-Jul-2019

Activity	Responsibility	Dates	Status
1 10.2 GL-RZ-2017.1 (Stevens) proceed no further with bylaws (Done), close file (Done) and discharge existing covenant (pending direction from applicant)	Robert Kojima	Target: 15-Jul-2019	In Progress

09-Sep-2019

Activity	Responsibility	Dates	Status
1 9.1 Minutes of July 2 adopted as amended and minutes of August 8 adopted as provided	Maple Hung	Target: 16-Sep-2019	Completed
2 11.2 GL-TUP-2019.4 (Page) motion to deny application rescinded, motion to place application in abeyance until completion of STVR review project, re-open file	Maple Hung	Target: 16-Sep-2019	Completed
3 15.2 - staff report summarizing current F1 rezoning options and potential range of community benefits	Brad Smith	Target: 30-Sep-2019	Completed
4 12.2 DVP-2019.2 (Pankratz) - application approved, issue permit	Sharon Lloyd-deRosario	Target: 16-Sep-2019	Completed
5 12.3 GL-DVP-2019.3 (Webster) - application approved, issue permit	Sharon Lloyd-deRosario	Target: 16-Sep-2019	Completed
6 15.5 Staff report summarizing potential options for improving sharing of correspondence with applicants	Robert Kojima	Target: 30-Sep-2019	Completed

Follow Up Action Report

Galiano Island

09-Sep-2019

Activity	Responsibility	Dates	Status
7 15.3 Defer item to October agenda	Sharon Lloyd-deRosario	Target: 30-Sep-2019	Completed
8 18.3 In-Camera minutes August 2 adopted as presented	Maple Hung	Target: 16-Sep-2019	Completed
9 15.4 Refer Trust Council climate change memo to Galiano Island APC for review/comment	Brad Smith	Target: 16-Sep-2019	Completed

August 30, 2019

To: Galiano Island Local Trust Committee

Within the Southern Gulf Islands Electoral Area, the Community Economic Sustainability Commission (CESC) has given direction to pursue connectivity planning as a top priority for its work program. Improving broadband connection in SGI as a way to support sustainable economic development has been a long standing goal of the Electoral Area Director. We are undertaking community engagement to discover how greater connectivity can advance each island's common goals of sustainable economic development and community health and resilience. We are writing to keep you informed about this integrated connectivity planning process and invite you to participate in the conversation.

The region lags far behind the internet speeds identified by the Federal government as a minimum standard: broadband speeds of at least 50 Mbps download and 10 Mbps upload. The persisting digital divide between urban areas and the SGI affects quality and accessibility of healthcare and education, level of safety and security, access to government services, economic diversification and more. Improved connectivity will strengthen this region's potential, diversity, and sustainability. Not only are improvements to our internet service levels crucial for the realization of our economic development goals, improved connectivity will support us in working together to reduce our carbon footprint – from alternative transportation to tele-health and distance education.

Provincial and Federal granting agencies that support infrastructure investment, including last mile connectivity, are now requesting community connectivity plans to support applications. Connectivity planning ensures infrastructure investments are coordinated, scalable, provide value for money, and achieve priority objectives for the region. Our approach is to develop a community based connectivity plan that can guide Internet Service Providers in their investment decisions.

The CRD is currently undertaking Phase 1 of this program: we are working with Network BC and the Ministry of Citizen Services Connected Communities program to develop a "Digital Roadmap," for the SGI. The Digital Roadmap is a framework tool and presents a strategic approach to address the needs, benefits and trade-offs of greater connectivity. We will engage different sectors in each island community on the potential for increased connectivity to support the social, economic, and sustainability goals of the Southern Gulf Islands. By focusing on how better connectivity can help the SGI meet its needs and objectives, we will offer a new way to approach community conversations about the impacts and benefits of increased broadband, cell service, and wifi.

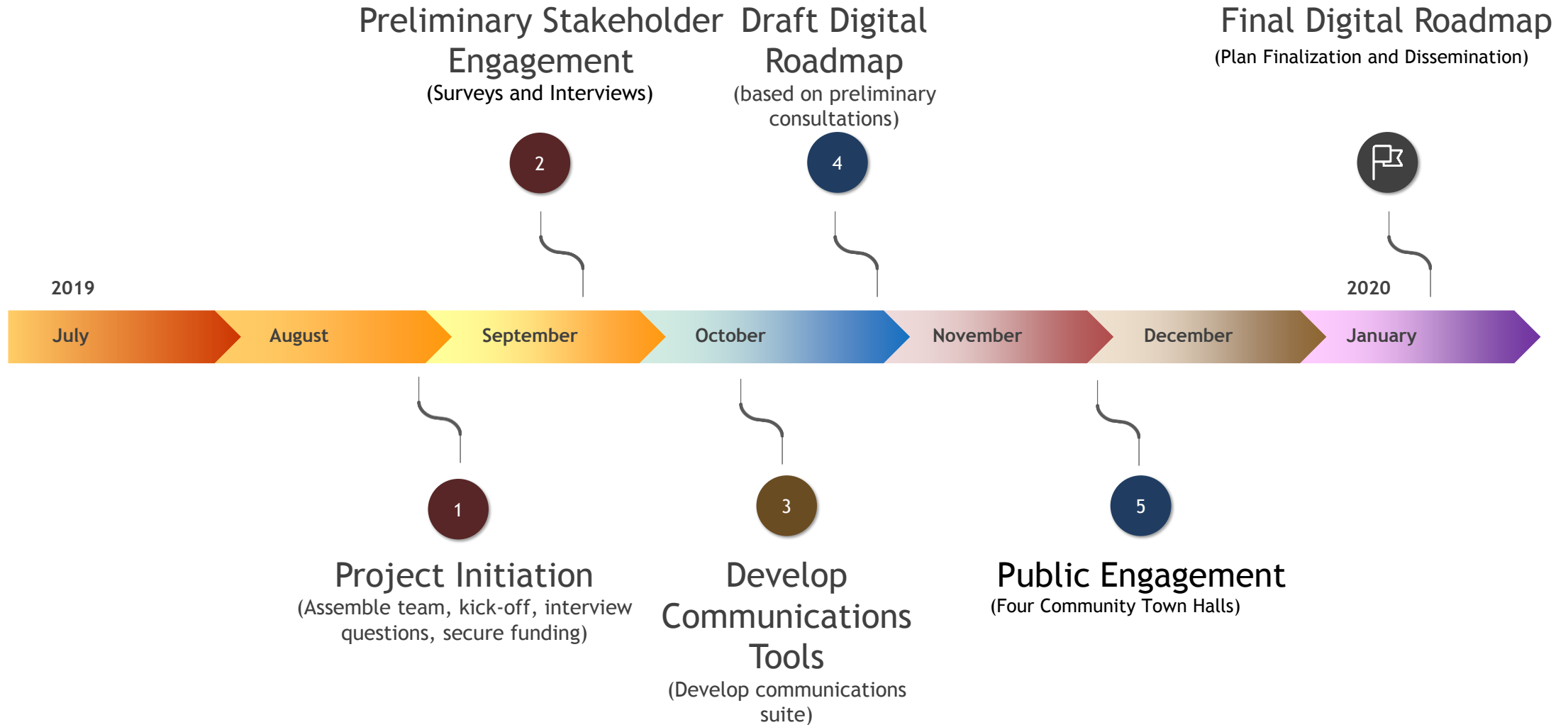
Phase 2 of the project will engage qualified professionals to develop a "Southern Gulf Islands Connectivity Design Strategy." It will consider how the community goals identified in phase 1 can be advanced through infrastructure design. It will take into account existing service hubs and will present the region with options for infrastructure and technology to advance our communities' own connectivity goals, as identified in Phase 1.

We look forward to any comments or feedback the LTC may have on this work program and will be pleased to keep the LTC informed about community meetings and other opportunities for engagement.

Sincerely,

Deborah Goldman,
Chair, Southern Gulf Islands Economic Sustainability Commission

Connectivity Planning in the Southern Gulf Islands: The Timeline



Phase I: Develop and Finalize the Digital Roadmap

Connectivity and the Islands Trust

Islands Trust Council has formally requested that the appropriate agencies of Canada and the Province “take steps to facilitate and fund the safe and reliable improvement of internet connectivity throughout the Trust Area.” In particular, Trust Council encouraged “the provision of additional landing sites to service islands in the Trust Area that may request such service through the Connected Coast project”

(See http://www.islandstrust.bc.ca/media/347928/tc_2019-06_18-19-20_decisionhighlights_final.pdf).

Within the Southern Gulf Islands, each Local Trust Area has an Official Community Plan that addresses the issue of connectivity in slightly different ways and which guide the approach to connectivity planning for the region. This project will directly support the LTCs' objectives through the development of a community-based Southern Gulf Islands Connectivity Design Strategy.

Excerpts of each Local Trust Area's OCPs are attached. Sections of the OCPs that support the development of connectivity infrastructure include:

Saturna Island OCP BL 70: (Section F.6.6) and South Pender OCP BL 107 (Section 6.2.2):
“providers of internet and other electronic communication services should be encouraged to expand and improve the delivery of services to, and the development of infrastructure for, the local community”

South Pender OCP BL 107: “advancements in electronic communication...[allow for] increased opportunities to engage in economic activities from residences [and enhance] the island residents' economic capacity” (Section 3.1.2).

Galiano Island OCP BL 108: “in order to enhance the social, economic, educational, environmental, and cultural aspects of life on the island...the LTC will support efforts to expand electronic communications and infrastructure within the community provided it can be demonstrated that there are no harmful health or environmental effects” (Section 4.1.1.g).

North Pender Island OCP BL 171: “The North Pender Island LTC should support and encourage efforts to expand or improve the electronic communications on the island in order to reduce the need to travel” (Section 2.3.6).

Mayne Island OCP BL 144: the Mayne Island LTC “should support and encourage efforts to expand or improve the digital infrastructure on the island in order to reduce the need to travel” (Section 2.6.1.10).



SOUTH PENDER ISLAND

OFFICIAL COMMUNITY PLAN

BYLAW NO. 107, 2011

AS AMENDED BY SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW(S) NO. 113 and 115

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Certified copies of the Official Community Plan are available from the Islands Trust Office, Suite 200 – 1627 Fort Street, Victoria BC V8R 1H8

ii) Other allowed uses on Rural Residential designated lands are to be compatible, both in type and scale, with small lot rural residential living. Land use regulatory bylaws are to make provision for the following uses customarily associated with small lot rural living: short-term rental of a single family dwelling; home occupations; horticulture, including small-scale greenhouse and nursery uses; the keeping of poultry for domestic use; and the sale of produce originating on the lot, including the use of small roadside stands.

iii) The Local Trust Committee may consider implementing regulations that would permit outbuildings as a permitted principal use prior to construction of a residential dwelling on Rural Residential designated lands.

iv) Single family residential use is to be permitted on lots within the Agricultural (A), Forest (F), and Natural Resource (NR) Land Use Designations as a principal use.

3.1.2 (b) Number of Dwellings

i) One single family dwelling only is to be allowed on RR designated lots less than 0.8 hectares (2.0 acres) in area.

ii) One single family dwelling and one cottage are to be allowed on RR designated lots 0.8 hectares (2.0 acres) and larger in area.

iii) Two single family dwellings and two cottages are to be allowed on RR designated lots 4.0 hectares (9.88 acres) and larger in area.

iv) Additional single family dwellings and/or additional cottages on RR designated lots as an alternative to subdivision are to be subject to rezoning.

3.1.2 (c) Lot Area Requirements for Subdivision of Land

Land use regulations applicable for RR lands shall be developed with zoning classes to permit, except where otherwise stated, the minimum lot area requirements for subdivision to be:

- 0.4 hectares (1.0 acre) for lots in the RR1 zone
- 0.8 hectare (2.0 acres) for lots in the RR2 zone
- 4.0 hectare (9.9 acres) for lots in the RR3 zone

3.1.2 (d) Housing Policies for Affordable Housing, Rental Housing, and Special Needs Housing

Provision is to be made for affordable housing, rental housing, and special needs housing land uses and developments when justified by demand from the community.

3.1.2 (e) Residential-based Economic Activities

Background

Advancements in electronic communication and the use of home computers are allowing increased opportunities to engage in economic activities from residences, thereby enhancing island residents' economic capacity. Home occupations are economic enterprises operated on the premises by residents. On South Pender Island they include such activities as home offices, bed and breakfast accommodation, artist studios, and craftsperson workshops. Short-term rentals of dwellings provide economic return, offer the visitor an opportunity to experience rural island living, and are an alternative form of accommodation to bed and breakfast or commercial resorts.

3.1.2 (e)(i) Home Occupations

- Home occupations are to be allowed as an accessory use on every lot where there is residential use of a single family dwelling.
- Land use regulations applicable to home occupations are to be developed with the perspective of land use compatibility, as contained in the General Policies of this OCP. Their primary purpose is to minimize adverse effects on both the adjacent lots and the subject lot. Measures to be addressed are to include: types of home occupation; where, to what extent, and under what conditions these activities are to be conducted; the number of employees permitted; residential requirements; exterior storage of materials and necessary screening; and provisions for off-street parking.
- Lots having more than one cottage are limited to using not more than one cottage for short-term rental at any one time.

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

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

3.2 Commercial Land Use and Development

Background

Commercial development on South Pender Island presently consists of the visitor accommodation facilities and associated retail and service facilities of the resort and marina development at Bedwell Harbour. The commercial retail and service development of North Pender Island is readily accessible to the South Pender Island community.

Poets Cove Resort at Bedwell Harbour is a destination resort for both land and marine based visitors with visitor accommodation facilities. Existing commercial retail and service facilities on the island are the small store, pub, licensed retail liquor store and the restaurant operating as an accessory use to the resort at Bedwell Harbour. Historically the majority of commercial needs for South Pender Island residents have been met on North Pender Island or regionally, and this pattern is expected to continue into the future.

Lands for commercial development are designated Commercial (C) in Schedule "B".

3.2.1 Commercial Objectives

- a) To ensure all future on-island commercial land use and development occurs in response to the needs of the community, is compatible with its immediate surroundings, and is in keeping with the island's rural character.

regarding aircraft noise and flight routes within and over the South Pender Island Local Trust Area.

ii) Land based aircraft facilities are to be limited to those necessary for emergency helicopter evacuations.

iii) Floatplane facilities only allowed in foreshore and marine water areas designated Marine Commercial on Schedule "B".

6.2 Communication and Utilities Services

Background

Private sector companies provide telephone and electronic communication services to the island via fixed link or electronic transmission. Electrical power is provided by BC Hydro, a provincial Crown corporation. Both federal and provincial regulatory agencies are involved in the provision of these services. The advent of increased telecommunication services and electronic forms of communication is gradually making it more feasible for people to live on-island and work from home.

6.2.1 Communications and Utilities Objectives

- a) To ensure communication and utilities services land use and development on South Pender Island is primarily for the needs of its community.
- b) To support cooperation with and between the communication and utilities service providers serving the needs of the community, as a means of efficiently providing services.

6.2.2 Communication and Utilities Policies

- a) Communication and utilities land use and development whose primary purposes are for meeting the needs of the community are to be recognized and provided for in the regulatory bylaws implementing this OCP. No such provision is to be given for those whose primary purpose does not serve the community's needs.
- b) Locations for additional communication and utilities service development, excluding electrical, telephone, and cablevision distribution lines, are only to be considered on a site-specific basis upon application and consultation with the community.

Advocacy Policies

- c) Providers of communication and utilities services involving overhead or underground transmission wires, cables, or piping are encouraged to use existing public rights-of-ways and common corridor routings wherever practical.
- d) Providers of internet and other electronic communications services are encouraged to expand and improve the delivery of services to, and the development of infrastructure for, the community.
- e) Industry Canada and its agents are requested to ensure adequate community consultation occurs prior to approval of new communications towers.

6.3 Water Supply Services

Background

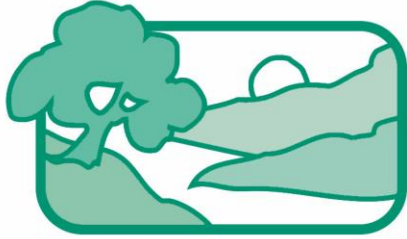
Freshwater supplies on South Pender Island are obtained almost exclusively from groundwater sources, primarily from aquifers located in fractured bedrock. An exception is the water taken under licence from Greenburn Lake.

6.3.1 Water Supply Objectives

- a) To maintain self-sufficiency as a fundamental principle of the island's freshwater supply servicing.
- b) To protect adequate freshwater supplies for current and future land use and development.
- c) To encourage conservation of freshwater supplies.
- d) To ensure adequate supplies of water are available for fire protection purposes.

6.3.2 Water Supply Policies

- a) The supply of freshwater for South Pender Island is only to be from on-island sources, except for direct deliveries by tanker truck in circumstances where the regular source of freshwater becomes temporarily inadequate. Facility use and development for off-island sourced bulk water supplies is to be prohibited by zoning regulations.
- b) The Local Trust Committee is to help protect supplies of freshwater for current and future land use and development by taking into consideration the possible effects of increased freshwater supply services and use associated with major new developments.
- c) Conservation of freshwater supplies is to be encouraged; supportive measures may include but are not limited to:
 - i) the use of drought tolerant plants for landscaping purposes.
 - ii) information programs to increase awareness of:
 - water conservation practices;
 - new technologies for water purification; and
 - potential impacts from the practice of well hydrofracturing.
 - iii) installation of water saving plumbing fixtures and appliances;
 - iii) collection, storage, and use of rainwater as an alternative to groundwater by means of:
 - ponds to increase freshwater supplies available for non-domestic uses such as irrigation, lawn and garden watering, and fire suppression; and
 - cisterns for domestic use where the collected rainwater supply is kept and treated in a manner conforming to standards meeting the requirements of the Medical Health Officer, Vancouver Island Health Authority.
- d) The Local Trust Committee will permit and promote rainwater catchment systems for fire protection, irrigation, and as an alternate source of potable water for domestic use.
- e) The Local Trust Committee may consider implementing regulatory provisions to address groundwater protection, such as:
 - i) requiring rainwater catchment systems for new construction;
 - ii) limiting the extent of impermeable surfaces on a lot;



Islands Trust

GALIANO ISLAND LOCAL TRUST COMMITTEE

OFFICIAL COMMUNITY PLAN BYLAW NO. 108, 1995

AS AMENDED BY GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAWS NO: 124, 138, 141, 169, 171, 179, 203, 204, 206, 207, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 235, 242, 244, 246, 248, 252, 253, 254, 259 AND 233

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document

Certified copies of the Official Community Plan are available from the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B. C. V8R 1H8

Consolidated: August 16, 2017

- | | | |
|-------|----|---|
| BL215 | n) | Landowners are encouraged to protect the natural systems, biological sustainability, ecological services, and natural aesthetics of forest lands. |
| BL215 | o) | Landowners are encouraged to protect riparian areas, marine shoreline areas, sensitive ecosystems, endangered habitat, soils, watersheds, biodiversity, old or large individual trees, and old growth stands. |
| BL215 | p) | Landowners are encouraged to protect culturally modified trees and other heritage features. |
| BL215 | q) | The LTC should advocate the mitigation of climate change through :
i) encouraging the provincial government to provide tax incentives and reforestation programs;
ii) local education programs; and
iii) encouraging well-coordinated management practices to maintain the health of the forest, to promote carbon sequestration in the forest and soil, and to reduce the risk of stand-destroying wildfires. |
| BL215 | r) | The Local Trust Committee encourages local economic opportunities for small-scale sustainable forestry through supporting:
i) the establishment of a non-profit community-owned forest that is consistent with ecosystem-based sustainable forest practices, and the lands so acquired are preserved for forestry use in perpetuity for future generations;
ii) the development of co-operative ecosystem-based sustainable forest management and value-added ventures;
iii) initiatives to provide tax incentives for maintaining ecosystem-based sustainable forest management activities;
iv) appropriate small scale forest related activities such as the sustainable gathering of non-timber forest products, food crops, hiking, bird watching and wildlife viewing, education and value added industry. |

4. Community Facilities and Utilities

4.1 Community Facilities

BL215 Galiano's community facilities for social and cultural services currently include a recycling centre, fire halls, ambulance station, a health care centre, a church, a school, a cemetery, community halls.

Community Facilities Objective

The objective of this subsection is:

- | | | |
|-------|----|--|
| BL215 | 1) | to promote the establishment of community facilities that enhance the social, economic, educational, environmental and cultural aspects of life on the island and in a manner that minimizes impacts on the natural environment. |
|-------|----|--|

Community Facilities Policies

- BL215 a) The principal use shall be community facilities.
- BL215 b) Community facility zones shall be developed for such uses as community orchards, nurseries, gardens and woodlots, farmers markets, arts facilities recycling centre, ambulance station, R.C.M.P. facilities, emergency evacuation services and fire halls.
- BL215 c) Zoning for a community facility shall be considered on a site specific basis.
- BL215 d) As a plan for a local trust area designated under the *Islands Trust Act* and placing priority on the preservation and protection of unique amenities and environment of the area, rezoning for new community facility uses should not be considered in advance of demonstrated need.

Community Facilities Advocacy Policies

- BL215 e) The delivery of services by local non-profit organizations shall be encouraged.
- f) Opportunities for creation and ownership of community facilities through vehicles such as a Community Land Trust, shall be encouraged.
- BL 207; 215 g) The Local Trust Committee will support efforts to expand electronic communications and infrastructure within the community provided it can be demonstrated that there are no harmful health or environmental effects.
- BL215 h) Green building techniques are encouraged in new construction.
- BL215 i) Green burials in cemeteries are encouraged.

4.2 Utilities

Utilities Objective

The objective of this subsection is:

- BL215 1) to ensure the delivery of utility services compatible with rural character in a way that minimizes impacts on the natural environment.

Utilities Policies

- BL215 a) Community or public utilities other than transmission lines and telephone or electricity services on an easement or registered right of way, shall be zoned on a site specific basis.



NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW No. 171, 2007

AS AMENDED BY NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW(S) NO. 182, 184, 197, 203, 207, 209, 211 and 216

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Certified copies of the Official Community Plan are available from the
Islands Trust Office, Suite 200 – 1627 Fort Street, Victoria BC V8R 1H8

Consolidated: December 10, 2018

2.3 COMMUNITY SERVICE LAND USES

Background

North Pender is well served by facilities for health care, education, public protection, and community and social services. Most facilities are provided through the voluntary initiatives of members of the community. Residents value maintaining a diverse community able to accommodate people of varying ages, income and abilities. In order to achieve this, the community may need to explore options for ensuring housing for working people, young families, seniors and those who have special needs. Currently, seniors housing is provided at Plumtree Court, which is owned and operated by the non-profit Pender Islands Seniors Housing Society.



Photo: Islands Trust

Community Service Objectives

- 2) To ensure that North Pender Island is a healthy community with residents working together to improve the quality of life.
- 3) To facilitate community services that meet the social and physical needs of the community.
- 4) To support community facilities through efforts of community members.
- 5) To ensure that all community service facilities are accessible to all members of the community.

- 6) To permit a range of housing options without detracting from the rural character of North Pender Island.

Community Service Policies

- 2.3.1 Preference shall be given to applications involving community service facilities that will be located close to the school and medical centre, the library, the Driftwood Centre and the fire stations.
- 2.3.2 Regulations shall require that adequate parking facilities be provided in any expansion of existing public facilities or in the development of new facilities.
- 2.3.3 Land acquired or dedicated for public service use may be zoned for public service use within any land use designation except the Agricultural designation or zone.

Community Service Advocacy Policies

- 2.3.4 Development of recreational and cultural facilities to serve the needs of all groups within the island community, including people with special needs, is encouraged.
- 2.3.5 Public service facilities shall be for the Pender Islands only.
- 2.3.6 The North Pender Island Local Trust Committee should support and encourage efforts to expand or improve the electronic communications on the island in order to reduce the need to travel.

BL 182

Seniors Housing Policies



Photo: Islands Trust



SATURNA ISLAND LOCAL TRUST COMMITTEE

OFFICIAL COMMUNITY PLAN

AS AMENDED BY SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAWS: 101, 109 and 117

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Certified copies of the Official Community Plan are available from the Islands Trust Office,
200 - 1627 Fort Street, Victoria, B.C. V8R 1H8

Consolidated April 26, 2018

F.4 AIR TRANSPORTATION

The objective of this section is to provide a balance between the need for air transportation and the quiet enjoyment of the island.

Air Transportation Advocacy Policies

- F.4.1** The Saturna Island Local Trust Committee shall support maintenance of the emergency landing facilities, including helicopter landing pads, at Winter Cove and East Point; and location of terminal facilities for regularly scheduled flights in conjunction with the public wharf.
- F.4.2** The Saturna Island Local Trust Committee should continue to make representations, as required, to Transport Canada regarding aircraft noise and routing that affect the Area.

F.5 WATER SUPPLY

The objective of this section is to ensure safe potable water supply for the residents and visitors of Saturna Island.

- F.5.1** The availability of potable water sufficient to support the proposed use while meeting environmental objectives should be a condition of subdivision approval.
- BL 101 **F.5.2** The Saturna Island Local Trust Committee in reviewing all development requirements, referrals, and approvals should consider or require developers provide a guarantee of the availability and sustainability of freshwater resources and will support the use of sources other than ground water including conservation, the collection and storage of rain water.
- F.5.3** The use of new technologies for water conservation, purification, desalinization, and efficient use of water may be permitted provided all by-products can be disposed of in a safe and environmentally acceptable manner.
- F.5.4** The Saturna Island Local Trust Committee will permit and promote rainwater cisterns and ponds for fire protection, irrigation, and to supplement or as an alternate source of potable water for households.
- F.5.5** The Saturna Island Local Trust Committee should create and maintain a data base of water well information through the subdivision referral process to supplement the information contained in the Groundwater report by Diane Allan 1998.
- F.5.6** Community water systems, the collection and storage of water, shared wells, and new technologies are to be encouraged and required as a condition of subdivision approval where groundwater sources are insufficient or endangered.

Water Supply Advocacy Policies

- F.5.7** The Ministry of Environment, Lands and Parks is requested to create a groundwater well registration system, including water quality and quantity information and site locations with a global positioning system.

F.5.8 Where a groundwater well produces a high salt content, it should be grouted to protect against the intrusion of salt into the fresh water table. Development approval by the Medical Health Officer should be refused when a proposed lot contains an ungrouted high salt-content well unless an impermeable lining in the water well is installed to protect the freshwater table.

F.5.9 The Saturna Island Local Trust Committee will request:

- a) the Ministry of Environment and Lands and Parks to undertake a full investigation of water sources, quality, use, and hydrogeology as the basis for a wetlands, water table recharge, and groundwater strategic plan to assist in future land use decisions;
- b) the Ministry of Environment, Lands and Parks to develop groundwater management legislation, including a groundwater licensing program that would protect existing wells from depletion;
- c) the Capital Health Region to permit the development and use of on-island sewage treatment methods that create re-circulated grey water for garden or other non-potable use and to require more water-efficient plumbing fixtures in its building bylaw; and
- d) the Capital Health Region to monitor the water quality of community water systems.

F.6 UTILITIES

The objective of this section is to provide services in a way that is sensitive to community needs.

F.6.1 The Saturna Island Local Trust Committee shall specifically zone public utilities, not located on public rights-of-way, in separate public service use zones and permit only the particular public service use that is required.

Utilities Advocacy Policies

F.6.2 Infrastructure construction and maintenance should conform to the guidelines contained in publications of the federal Department of Fisheries and Oceans, and the Ministry of Environment, Lands and Parks.

BL 101 **F.6.3** The Saturna Island Local Trust Committee encourages the use of renewable energy sources and non-polluting alternate methods of power generation. The Local Trust Committee may consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating.

F.6.4 The Saturna Island Local Trust Committee shall support classification of Saturna Island as a single rate area with respect to telephonic, electromagnetic, and light-based information infrastructure or similar transmission systems.

F.6.5 The Saturna Island Local Trust Committee encourages the maintenance of an on-island facility for automotive and marine fuel supply.

BL 101 **F.6.6** Providers of internet and other electronic communications services should be encouraged to expand and improve the delivery of services to, and the development of infrastructure for, the local community.



Islands Trust

MAYNE ISLAND LOCAL TRUST COMMITTEE

OFFICIAL COMMUNITY PLAN

Bylaw No. 144, 2007

AS AMENDED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAWS: 147, 149, 150, 151, 152, 155, 159, 161, 165, 168 and 171

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Certified copies of the Official Community Plans are available from the Islands Trust Office, 200 - 1627 Fort St., Victoria, B.C. V8R 1H8

Consolidated: December 20, 2018

- 2.5.1.5 All goods, materials and equipment associated with or produced by an industrial operation must be stored in a manner that does not cause environmental damage.
- 2.5.1.6 The map does not identify sand and gravel deposits because they are small and dispersed around the island, processing shall be under a temporary use permit.
- 2.5.1.7 In reviewing any application for new industrial uses, or increased density in industrial zones, the LTC should consider potential climate change impacts.

2.6 PUBLIC USE AND PUBLIC SERVICES

2.6.1 Public Use, Services and Utilities

Background

These objectives and policies address the community's current and future needs for public services, public use facilities and utilities.

Objectives

The objectives of this section are:

- 1) to provide public services on a scale appropriate for the island,
- 2) to protect the health and safety of residents and visitors, and
- 3) to ensure that services and utilities are of a scale and cost appropriate for the island.

Policies

- 2.6.1.1 Multiple uses of public facilities and services shall be encouraged.
- 2.6.1.2 Off street parking, signage and lighting shall be regulated in keeping with the rural character of the island.
- 2.6.1.3 Locations for service depots such as Telus or B.C. Hydro shall be considered upon application for rezoning.
- 2.6.1.4 All goods, materials and equipment associated with a public use, service or utility must be stored in a manner that does not cause any environmental damage and be adequately screened from roads and neighbours.

Advocacy Policies

BL 151	2.6.1.5	The recycling depot shall be encouraged to consider expansion of recycling, composting and chipping services, while maintaining the highest environmental health standards and shall ensure that the storage of recyclable material be designed with special regard for the protection of groundwater.
	2.6.1.6	All public use facilities and services must meet the strictest interpretation of all health and environment standards.
	2.6.1.7	B.C. Hydro is encouraged to conduct an appropriate level of tree trimming to minimize downed power lines.
	2.6.1.8	The community is encouraged to implement Fire-smart practices in order to minimize the impact that a wildfire can have on the island.
BL 147	2.6.1.9	The Mayne Island Local Trust Committee recognizes the value of community policing and supports community policing initiatives by the RCMP.
BL 151	2.6.1.10	The Mayne Island Local Trust Committee should support and encourage efforts to expand or improve the digital infrastructure on the island in order to reduce the need to travel.

2.7 PARKS AND RECREATION

There are a number of parks of varying uses on Mayne Island most under the jurisdiction of the Capital Regional District through a local Parks Commission. There is a Regional Park, Mount Parke, situated in the centre of the island. There are areas of the Mayne Island Trust area that have recently become part of the Gulf Island National Park Reserve.

2.7.1 Regional Parks

Background

Mount Parke, a Regional Park is situated inland on the south western portion of the Island and includes approximately 40 hectares (100 acres) of land. A management plan for this park has been completed by the CRD Parks.

Objectives

The objectives of this section are:

- 1) to support education, aesthetics, recreation and spiritual values of the park system, and
- 2) to protect the natural system from degradation by public use of land.

From: Chief NGVFD <chiefngvfd@gmail.com>

Sent: Friday, September 20, 2019 1:16 PM

To: Tahirih Rockafella <trockafella@islandstrust.bc.ca>; Jane Wolverton <jwolverton@islandstrust.bc.ca>; Robert Kojima <rkojima@islandstrust.bc.ca>

Subject: Driveway specifications

One of the things that are unclear for members of the community building on the island are the expectations around driveways for emergency access. For some reason, the CRD Building Bylaw 3341 specifies in section 2.1.7 Essential Services (4) Access to property, "A driveway of sufficient strength, grade and width for access and egress to all principal buildings by the fire and emergency vehicles within 30 m of a building", without specifying any design parameters.

I recently brought this up at a Southern Gulf Islands' Fire Chiefs' Meeting, and was surprised to discover that on Salt Spring Island the Islands Trust have included the expected driveway specifications in their Land Use Bylaw.

I have attached their Schedule D, Driveway Guidelines for your information. The reference in the Bylaw is included below:

5.17 DRIVEWAY GUIDELINES

5.17.1 Each lot in a proposed subdivision must be of sufficient area and appropriate configuration to permit the construction of an access driveway to a building site on the lot, complying with the guidelines

illustrated on Schedule “D”. Compliance with these guidelines is to be confirmed by an engineer or a surveyor.

Would it be possible for Galiano to adopt something similar as part of their Land Use Bylaw? This would ensure access for lots proposed by subdivision, and early access to the guidelines for everyone building a home.

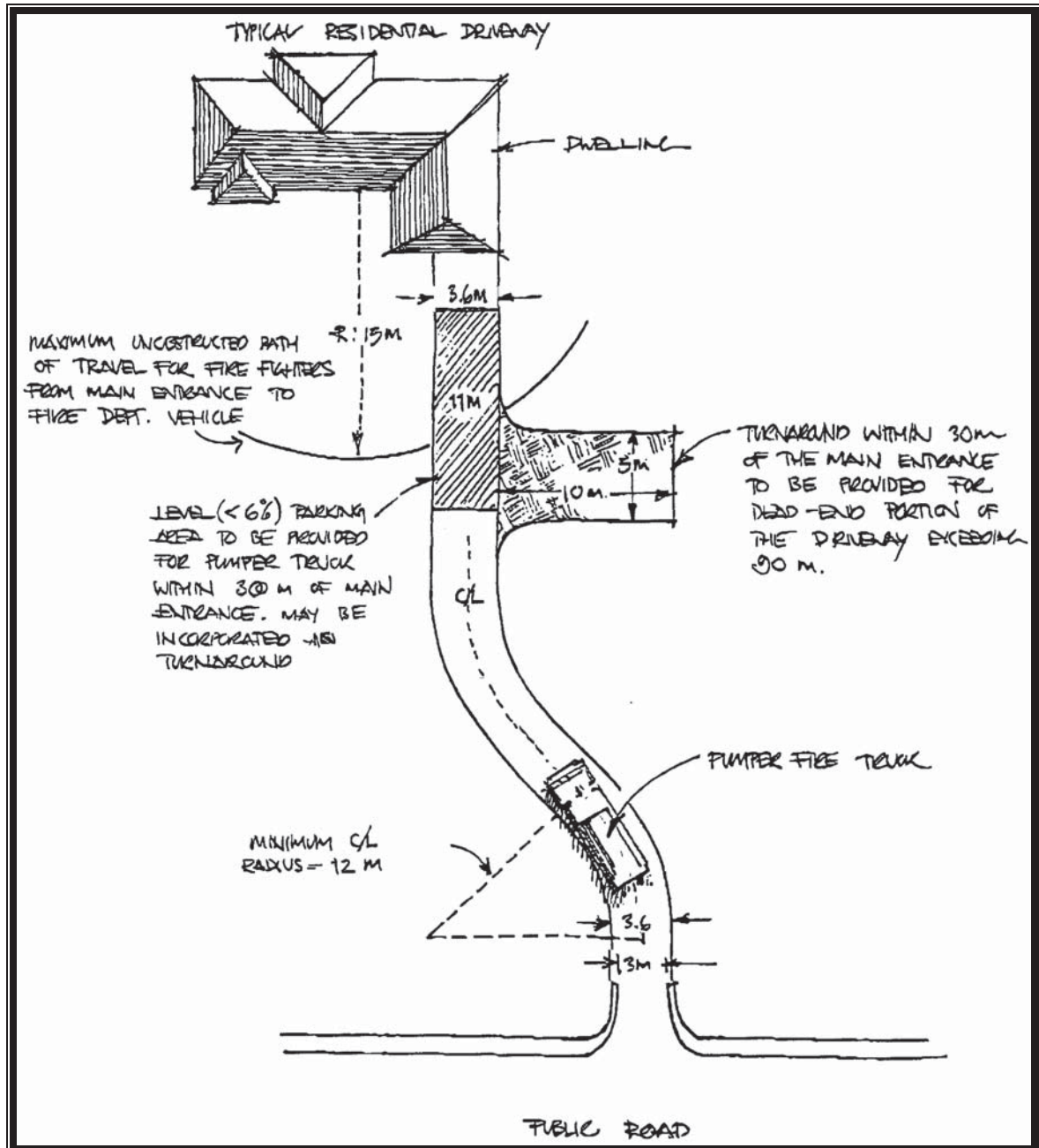
One addition to the SSI specifications that I would like to see if this were adopted is the maximum grade of 15% for unpaved or 20% for paved driveways, as per the policy developed by JBR Highway Consulting and followed by most SGI Fire Chiefs & the CRD Building Department since 1997 (also attached).

Thank you,

Karen Harris,
Fire Chief,
North Galiano Volunteer Fire Department,
19400 Porlier Pass Road, Galiano Island BC V0N 1P0
250-539-5453; 250-539-0204
chief.ngvfd@gmail.com

SCHEDULE "D"- DRIVEWAY GUIDELINES

Information Note: These diagrams show standard driveway specifications that ensure emergency vehicles can access new buildings. They would apply only in new subdivisions. Similar guidelines are issued when application for a building permit is made.



Mr. Charlie Boyte, Fire Chief
North Pender Island Volunteer Fire Department
4709 Canal Road
Pender Island, B.C., V0N 2M2

February 19, 1997

RE: Guidelines for adequate access Requirements

Dear Charlie:

As requested, a second meeting was held on February 6, 1997 between the Fire Department and the Building Inspection Division. During this meeting, topics of discussion included:

- Guidelines for adequate access requirements
 - a) standard to be used?
 - b) who will determine acceptability?
 - c) how and when will the residents (owners) be informed of non-compliance?

It was agreed that the standard to be used for access will be as per the attached standard design by Bruce Robertson, JBR Highway Consulting Ltd. This standard would be a starting guideline that would be handed out to the residents (owners) of the property for new proposed SFD. The building inspector would also determine whether further assistance is necessary to approve the road access in the case of a difficult site. In the case of a difficult site, if necessary, design and supervision of construction of the access would be supervised by a professional engineer. Once completed, the fire department would be contacted by the owner to confirm the access. In the case of existing buildings it is recommended that owners be notified of the guidelines for access and that delayed emergency response may result if these guidelines are not met. Information for road access criteria could be handled out by the N.P.I. Building Inspection Division. In the case of commercial buildings the B.C. Building Code, sentence 3.2.5.1 (1), page 129, addresses road access design (see attached criteria).

Other alternatives for commercial buildings would be for the applicant to hire a code consultant for alternative methods. If the applicant considers the alternative method, the design must be approved by the Building Inspection Division with assistance from the N.P.I. Fire Department, if necessary.

Yours truly,
CAPITAL REGIONAL DISTRICT

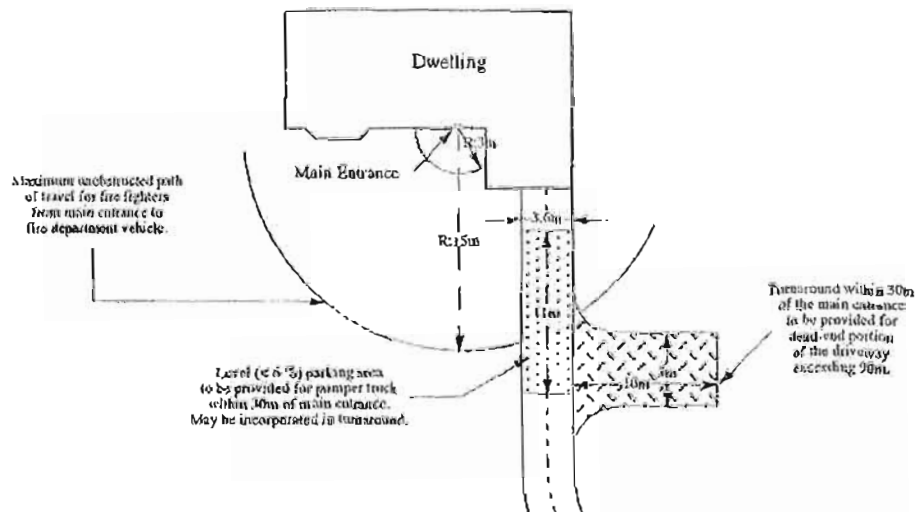
R. Gutierrez
Senior Building Inspector

RG/dch
Attachments

SUBURBAN ROAD STANDARDS

Class: Residential Driveway

Typical Residential Driveway



Horizontal Elements

Construction Requirements:

1. Driveway to be designed to support the expected loads imposed by fire fighting equipment and surfaced with materials designed to permit accessibility under all climatic conditions.
2. The driveway shall have a minimum centre-line radius of 12 metres.
3. Minimum width of driveway shall be 3.6 metres.
4. The maximum allowable grade will be 15%, but a maximum grade of 20% may be allowed when the driveway is surfaced to a minimum width of 3.0 metres with concrete or asphaltic pavement.
5. The minimum "K" value for vertical curves shall be "0.5".
6. Full width of driveway to have a minimum overhead clearance of 4 metres.

for detail see
Dwg No: RS.Drv/Res-1



JBR Highway Consulting Ltd.

1019 Loch Glen Place
Victoria, B.C. V9B 4N9

Phone (250) 478-6235
Fax (250) 478-4491

Typical Residential Driveway

Fire Access Route

Scale 1" = 500'

Dwg. No: RS.Drv / Res-2

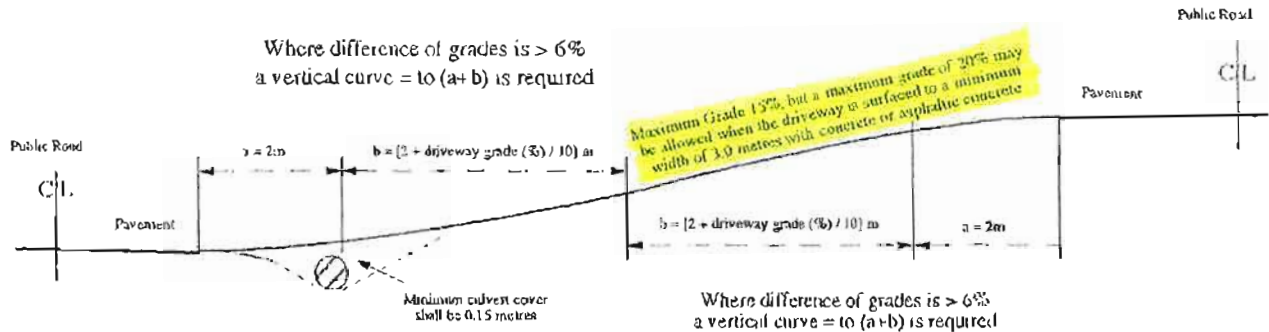
Date: 9/6/7/14

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SUBURBAN ROAD STANDARDS

Class: Residential Driveway

Typical Residential Driveway

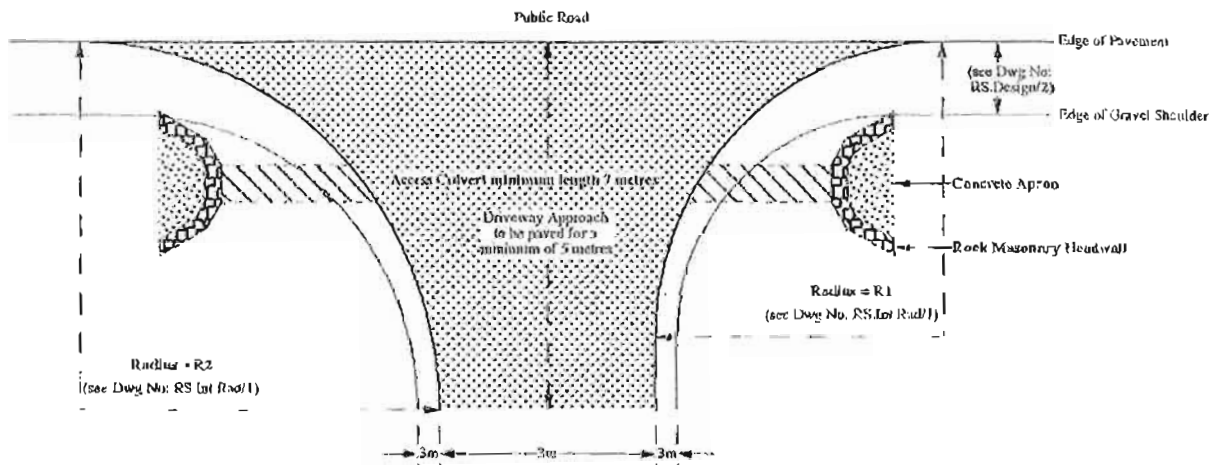


NOTE

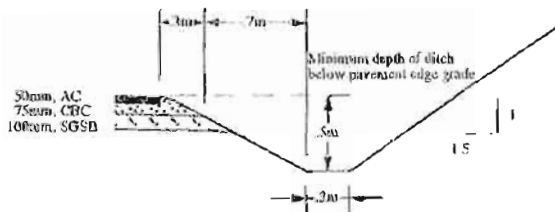
If the driveway grade does not prevent surface water from flowing onto the road surface a suitable water control device will be installed on the driveway.

Typical Profile

nts



Typical Driveway Intersection Detail



Typical Earth Cut Section

Scale 1:50

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1019 Loch Glen Place
Victoria, B.C. V9B 4N9

Phone (250) 478-6235
Fax (250) 478-4491

Typical Residential

Driveway

Scale 1:100

Dwg. No: RS Drv / Res-1

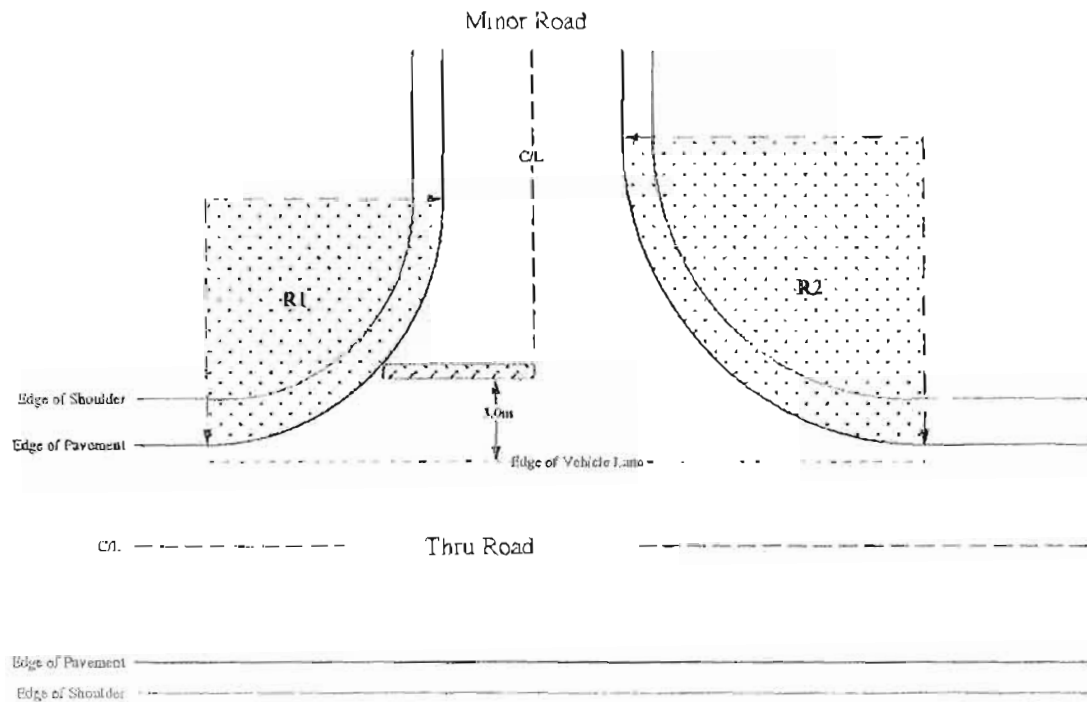
Date: 9/15/12

SUBURBAN ROAD STANDARDS

Class: All Classes

Intersection Turning Radius

(Stop Controlled)



	Classification	Minor Road										Driveway			
		Major		Collector		Local A		Local B		Local C		Business		Residential	
		R1	R2	R1	R2	R1	R2	R1	R2	R1	R2	R1	R2	R1	R2
		Radius in metres													
Thru Road	Major	12	15	10	15	9	12	8	12	6	12	8	12	5	10
	Collector			10	12	9	12	8	10	6	10	8	12	5	8
	Local A					9	10	8	10	6	10	8	10	5	8
	Local B							8	8	6	8	6	8	5	6
	Local C									6	8	6	8	5	6

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Victoria, B.C. V9B 4N9

Phone (250) 478-6235
Fax (250) 478-4491

Minimum Intersection

Turning Radius

Scale 1: 500

Dwg No: RS.Int.Rnd/1

Date: 97/5/13



File No.: GL-TUP-2019.9 (Harrison and
Kramer)
(GL-TUP-2016.6)

DATE OF MEETING: October 7, 2019
TO: Galiano Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Renewal of Temporary Use Permit for an Commercial Vacation Rental
Applicant: Victoria Harrison, and Wilfried and Verena Kramer
Location: 45 Alder Way

RECOMMENDATION

- 1. That the Galiano Island Local Trust Committee approve the issuance of a renewal for GL-TUP-2019.9 (Harrison and Kramer) for the maximum period of three (3) years.**

REPORT SUMMARY

The purpose of the report is to consider the renewal of 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 there have been no complaints about the vacation rental since the original TUP was issued; the use has been undertaken for over twenty years without complaints; 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 with TUP.

BACKGROUND

The proposal is to allow for the renewal of a TUP for a Commercial Vacation Rental use within an existing smaller single family dwelling (size not specified – described as “cottage”). The maximum number of renters is four (4). The original application and issued permit was the result of the bylaw enforcement action for illegal short term vacation rentals on Galiano (GI-BP-2016.6).

A detailed staff report on the initial application including background, analysis and mapping can be found in the agenda package for the November 7, 2016 Galiano Island Local Trust Committee (LTC) meeting:

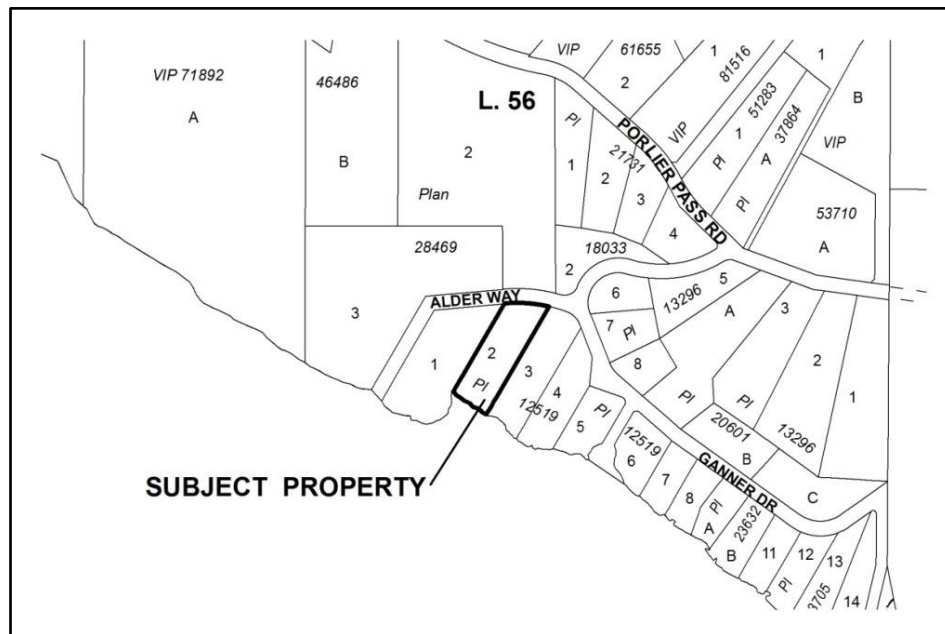
<http://www.islandstrust.bc.ca/media/341464/gl-2016-11-07-ltc-agd-pkg.pdf>

The proposed TUP is for a term of three (3) years. Under the *Local Government Act* a TUP can be renewed only once. The only amendments permitted to a renewal TUP are the addition of conditions to make the permit more restrictive. Removing conditions from the original would require new notice to neighbouring properties.

A completed TUP checklist and a copy of the proposed GL-TUP-2019.9 are Attachments 2 and 4, respectively.

Analysis of 'Issues and Opportunities' relevant to the renewal follows.

Figure 1 – Subject Property



ANALYSIS

Issues and Opportunities

CVR Policy and Regulation Review

A current top priority of the LTC is to review existing policies and regulations for commercial vacation rentals to address any impacts on affordable housing. This project is underway and is expected to be completed in 2020. Results of the project may further inform the LTC with respect to the approval of renewals such as this and future commercial vacation rental TUP requests from property-owners. The LTC may also consider the alternative to shorten the valid period of the renewal in light of the review (see 'Alternatives' – below).

TUP Objectives and Guidelines:

The 'TUP Checklist' (Attachment 3) analyzes the proposal for compliance with objectives and guidelines of the OCP. The proposal is compliant.

Cumulative Impacts

There is minimal potential for cumulative impacts as there are no other TUP commercial vacation rentals located in proximity to the subject property (see: TUP- Map – Attachment 3) .

Water & Septic

The subject property is not within a water service area and is not in a Water Management Area established in the LUB. The dwelling is small in size and is on a reasonably large lot. There is potential for increased water usage resulting from the use.

A supplied well log from 1968 indicates a depth of 25 metres (80 ft.) and a yield of 27 l/min. (6 gal./min.). The owners have not had any issues with capacity with personal and rental use over twenty eight (28) years.

There is not a rainwater catchment system on the property. The LTC of the day had the alternative with the original application to amend the permit with a condition for a rainwater catchment system. They did not exercise that as water quantity was not seen as an issue. Staff has confirmed with the applicant that they have had not any changes or issues with quantity or quality in the last three years. Regardless, the LTC could chose to amend the permit for a condition for a cistern if it feels that is reasonable.

The applicants have stated that they have not had any issues with the septic sewage disposal system; the system is sufficient for the STVR use; and they have not had any issues over the past three years. The applicants remind renters to be conscious of the amount of water/paper they use since they have a septic system.

Applicant's Rational for the Proposed Use

The applicant has submitted a letter (Attachment 1) in support of the renewal application. This identifies that the rental in the summers is used to maintain the cottage. They also speak to their long-term ownership and rental through the Chamber of Commerce for over 20 years. They state that this has never generated complaints from neighbours or bad reviews over a 30 year period.

Response to Neighbour and Public Notification

As below, there is no notification required for a renewal application.

TUP Conditions

The renewal TUP is unchanged from the original and incorporates most of the conditions that have been established in the OCP. As above, a renewal can only add conditions to make the permit more restrictive, otherwise renotification of TUP is required.

Circulation/Consultation

There is no notification required for a renewal application.

Rationale for Recommendation

The recommendation on page 1 is supported given:

- The as there have been no complaints about the vacation rental since the original TUP was issued, nor previously according to the applicants;
- the use has been undertaken for over twenty years without complaints;
- the guest capacity is limited and the rental is seasonal only; and,
- 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 with TUP.

ALTERNATIVES

1. Reduce the length of the TUP to two-years to be consistent with recent TUP renewals

The LTC may wish to approve the TUP for less than 3 years; two years to be consistent with recent TUP renewals and in consideration of the STVR regulations review project that is currently underway.

Resolution:

That the Galiano Island Local Trust Committee approve the issuance of Temporary Use Permit GL-TUP-2019.9 (Harrison and Kramer) for a ____ (#) year period.

2. 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 further information including: _____

3. Add additional conditions

The LTC may wish to amend the TUP by adding additional conditions. If selecting this alternative the LTC should specify the additional conditions.

Resolution:

That the Galiano Island Local Trust Committee request that the proposed Temporary Use Permit GL-TUP-2019.9 (Harrison and Kramer) be amended by the addition of the following conditions: _____

4. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee deny application GL-TUP-2019.9 (Harrison and Kramer).

Submitted By:	Phil Testemale, Planner 2	September 25, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	September 26, 2019

ATTACHMENTS

1. Letter from Applicant (2019-09-14)
2. TUP Checklist (Updated Sept, 2019)
3. TUP Map (Updated Sept, 2019)
4. Draft TUP (GL-TUP-2019.9 Renewal of GL-TUP-2016.6)

Brad Smith

Sept 14, 2019

Island Planer, Southern Team Island Trust

Re: GL-TUP-2016.6 - 45 Alder Way, Galiano Island Renewal Request

We are submitting an application for a three year renewal of this TUP permit.

We have been well established co-owners of this water front property for over 28 years and have been offering renter summer vacations for over 20 years through the Chamber of Commerce. The cottage is available to renters for 6 months and when not used by renters, is enjoyed by the owners. During this time our neighbors have never complained of noise or trespassing and reviews have been outstanding. The income generated by summer renters is used to maintain the cottage.

We believe our cottage offers a contribution to both renters and the island community, therefore our TUP permit should be renewed.

Thank you for your consideration.

[REDACTED]
Victoria Harrison [REDACTED]

[REDACTED]
Verena Kramer [REDACTED]

**TUP Checklist for Commercial Vacation Rental: GL-TUP-2016.6 (Harrison & Kramer) –
Updated for GL-TUP-2019.9 (Harrison & Kramer
45 Alder Way**

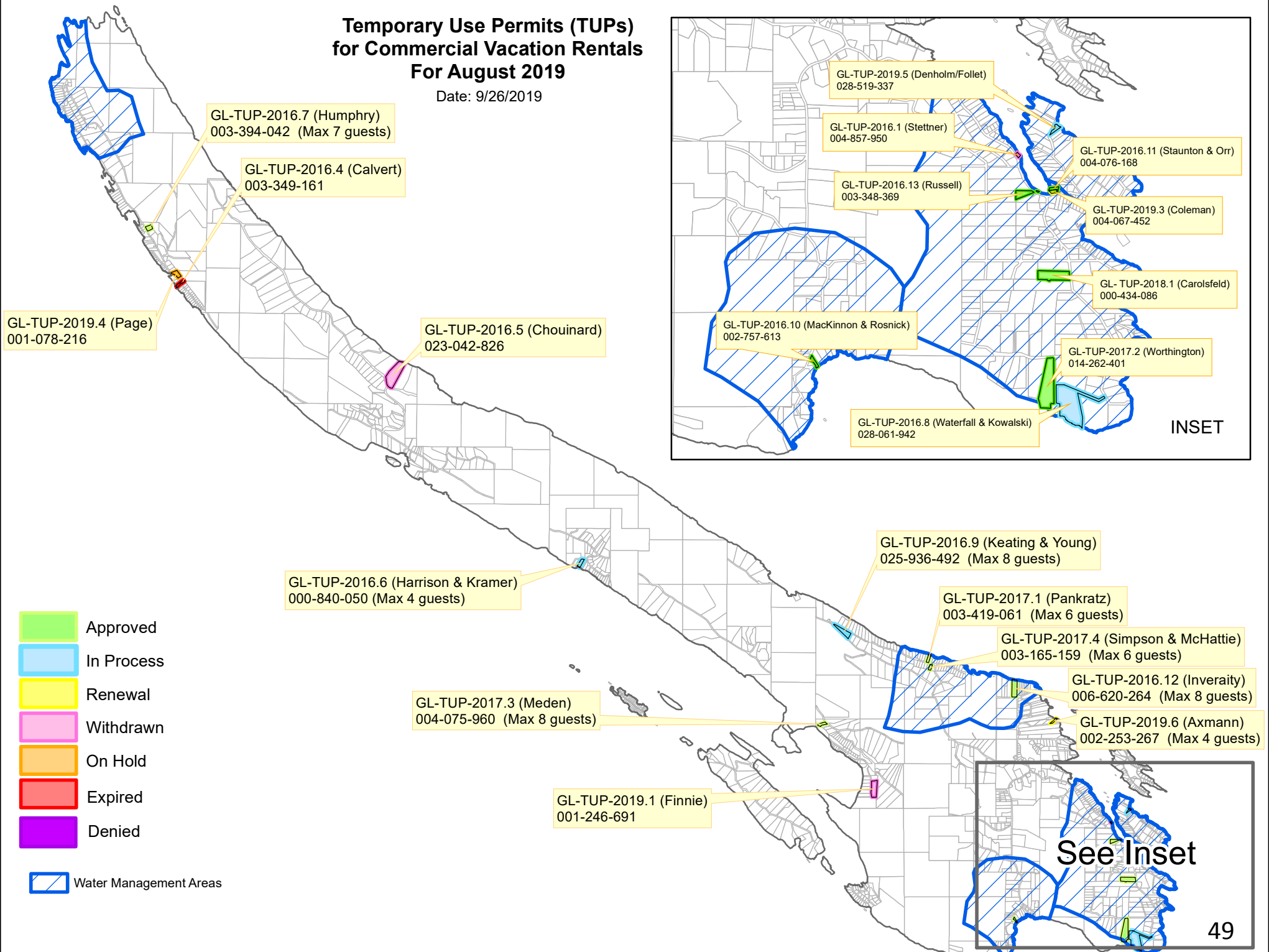
Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “commercial vacation rental” means the use of a <i>residence</i> as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier	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.	No issued permits or applications for CVRs in area.
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.	No complaints received over term of TUP or prior .
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min) Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	Water: The property is not in a water management area. The property is serviced by a well with a depth of 25 metres (80 ft.) that provides sufficient capacity for the use. They have rented the cottage occasionally for 23 years. There is currently no cistern for storage of rainwater. The house is a small one bedroom and alcove. The property is reasonably large in size at 0.87 ha (2.15 ac).
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 original/renewal 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 original/renewal 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 original/renewal 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 original/renewal permit.
iv. establish a maximum number of people that can stay	Applicant rents to a maximum of four (4) as a condition in original/renewal permit.
v. establish a maximum number of guests per bedroom	Maximum of two (2) as a condition in original/renewal permit.
vi. prohibit camping or occupancy of RVs on the property	Condition in original/renewal 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 original/renewal permit.
viii. prohibit the rental or provision of motorized personal watercraft	Condition in original/renewal permit.
ix. prohibit outdoor fires	Condition in original/renewal permit.
x. establish the dates during which the use may occur	No condition for dates in original/renewal 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 original/renewal permit.
xii. require that the landowner/operator post for guests emergency service contact information and to provide a means for contacting them	Condition in original/renewal permit.
xiii. require the landowner/operator to post contact information and permit information at the entrance to the property	Condition in original/renewal 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*

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

Date: 9/26/2019





GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2019.9 (Harrison & Kramer)
Renewal of GL-TUP-2016.6 (Harrison & Kramer)

45 Alder Way

To: Victoria Harrison
Wilfried and Verena Kramer

1. This Permit applies to the land described below:

Lot 2, District Lot 56, Galiano Island, Cowichan District, Plan 12519,
(PID: 000-840-050).

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

a) a Commercial Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

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

- m) 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 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 7th DAY OF NOVEMBER, 2016.

Deputy Secretary, Islands Trust

Date Issued

File No.: GL-DVP-2018.2 (Meden)
(GL-BE-2017.14)

DATE OF MEETING: October 7, 2019
TO: Galiano Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Report subject Development Variance Permit
Applicant: Erik Meden
Location: 4121 Porlier Pass Road

RECOMMENDATION

1. That the Galiano Island Local Trust Committee amend Development Variance Permit GL-DVP-2018.2 (Meden) by: removing from section 2. a) the phrase from “the construction of shelter structure within 1.2 metres of an interior side lot line as shown on Schedule ‘A’; and”, and adding the phrase “as shown on Schedule ‘A’” after “...interior side lot line.” ; and, by removing section 2. b) in its entirety; and,
2. That the Galiano Island Local Trust Committee approve Development Variance Permit GL-DVP-2018.2 (Meden) as amended.

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) for the exterior side and interior side lot lines and for **an accessory structure** under construction and **an existing deck and dwelling** on the subject property.

The above recommendations:

- Do not support the proposed variances for the accessory structure as: the variances are significant; multiple neighbours, particularly those most directly impacted, have expressed their opposition to the proposal; the applicant has alternatives to comply with the Land Use Bylaw including the existing area and other sites on the subject property; he has been given a substantial amount of time to explore these alternatives, propose others and/or satisfy neighbour concerns with no results; and, the variances challenge the intent of the bylaw regulations.
- Support the proposed variances for the deck and dwelling as: the variances are minor for existing building and structure, particularly for the dwelling; only the neighbour to the north is impacted and they have not expressed concerns about these particular variances; the variances do not challenge the intent of the bylaw regulations.

BACKGROUND

The application is to vary the setback regulations for the subject property in the Galiano Island Land Use Bylaw No. 127, 1999. These are shown on Figure 2 and are specifically:

- a) Article 5.3.8.2 which states that buildings and structures must be sited at least 6.0 metres from an interior side lot line is varied to permit the construction of shelter structure within 1.2 metres of an interior side lot line; and, the siting of an existing dwelling and deck within 3.96 metres of an interior side lot line.
- b) Article 5.3.8.3 which states that buildings and structures must be sited at least 6.0 metres from an exterior side lot line is varied to permit the construction of shelter structure on a concrete slab within 3.5 metres of an exterior side lot line.

The application is proceeding as a result of a Bylaw Enforcement action (GL-BE-2017.14) that arose through the building permit process.

Accessory Structure Variance

The proposed accessory structure has been partially constructed with the slab foundation being installed in 2017 as shown in Figure 2 and Attachment 2.4. The standing structure is a manufactured fabric on frame structure 8.2 m x 12.2 m (100 m²) x 4.8 m high. The structure will be secured to the slab foundation and requires a Building Permit from the CRD. The use of the building is to be accessory to the residential on the property and is intended for storage and workshop space.

The slab base was poured to within 0.3 m of the side yard setback to the south and within 3.5 m of the exterior side yard¹ setback fronting Porlier Pass Road. The applicant has asserted that the development proceeded on the advice of the CRD Building Inspector who indicated that a Building Permit would not be required. This cannot be confirmed. Subsequent to pouring the slab, the CRD Building Inspection department informed him that a BP was in fact required and the matter was referred to the Islands Trust. The applicant was under the assumption that setbacks did not apply for the structure. Notwithstanding, it is the responsibility of the land owner to familiarize himself with applicable bylaws and conform regardless of whether a BP is required or not. The applicant has reported that four (4) mature trees were removed to construct the slab. This cannot be verified.

Prior to the required notification to neighbours, the applicant shifted the proposed location of the shelter 0.9 m northward from where he originally planned and lowered the proposed height to conform to the 5 m height limit. This would situate the structure the minimum 1.2 m fire access setback from the property line as per the Building Code. The proponent has also stated that he will remove the portion the concrete slab to within 0.9 of the property line to the south.

¹ Definitions in the Galiano LUB state that where there are more than one lot line abutting a highway, the shortest is deemed the **front lot line**. All other abutting lines are deemed as **exterior lot lines**. In this case there are two (2) lot lines fronting the highway

Dwelling and Deck

The main dwelling is sited and the deck and a small part of the dwelling encroach into the north interior lot line setback as described above. The applicant purchased the property in 2014 and these were constructed and he was unaware they did not conform to the setback regulation. As he is not able to verify that the date of construction predates the bylaw, staff advised that the variances should be added to his application to legalize all buildings and structures.

General

The principal use is residential and there is a permit for a commercial vacation rental (GL-TUP-2017.3). It is noted that the vacation rental operation is legal under the issued TUP and comments in 'correspondence' (below and attached) should not be considered in deliberating on the merits of this application.

Other structures on the property include a pumphouse and a 10 m² storage shed on the property. A complaint was received in August about a wood shed within the setbacks on the south property line. That woodshed has now been deconstructed by the applicant. There is building on wheels that is not sited permanently on the property (see Attachment 2.6).

The property is well treed and slopes from Porlier Pass Road west toward the Provincial Park below (see Attachment 2.3). The area of the proposed structure where the slab was poured is relatively flat. Westward the slope increases and becomes steeper on the lower half of the property where it is precipitous.

The rationale for the application is discussed in 'Issues and Opportunities' below.

Timeline

The lengthy timeline of the application is a result of the following sequence of events:

- The Notice and Permit were mailed and delivered to all neighbouring properties within 100 metres as required for the consideration of the application at the October 15, 2018 LTC agenda.
- The Islands Trust received four (4) letters from direct neighbours in response to notification: three (3) opposed and one stating no objections.
- Staff informed the applicant that based on opposition and analysis of the proposal that staff could not recommend supporting the application.
- The applicant requested that the application be deferred to the December 2018 LTC meeting so he could address concerns with neighbours.
- In early December 2018 the applicant requested that his application be put in abeyance for six (6) months in order for him to either propose an alternative acceptable to his direct neighbours or gain the support those neighbours. A letter of support was received from a different neighbour in May (W. Amsterdam - Attachment 3). Otherwise, by the June 3, 2019 deadline, the applicant had not made any progress with his neighbours or on proposing alternatives or new information.
- At the request of the applicant, staff conducted a follow-up site inspection on June 17, 2019 (see Attachment 2.6).

- A further request to extend the abeyance was made and staff gave the applicant to the beginning of August for consideration at the September 9th LTC. Based on staff and agenda schedules that was then moved to the current LTC agenda.
- A letter reaffirming opposition from the direct neighbour to the south was received in early August (Attachment 3). Another neighbour has also confirmed their opposition.

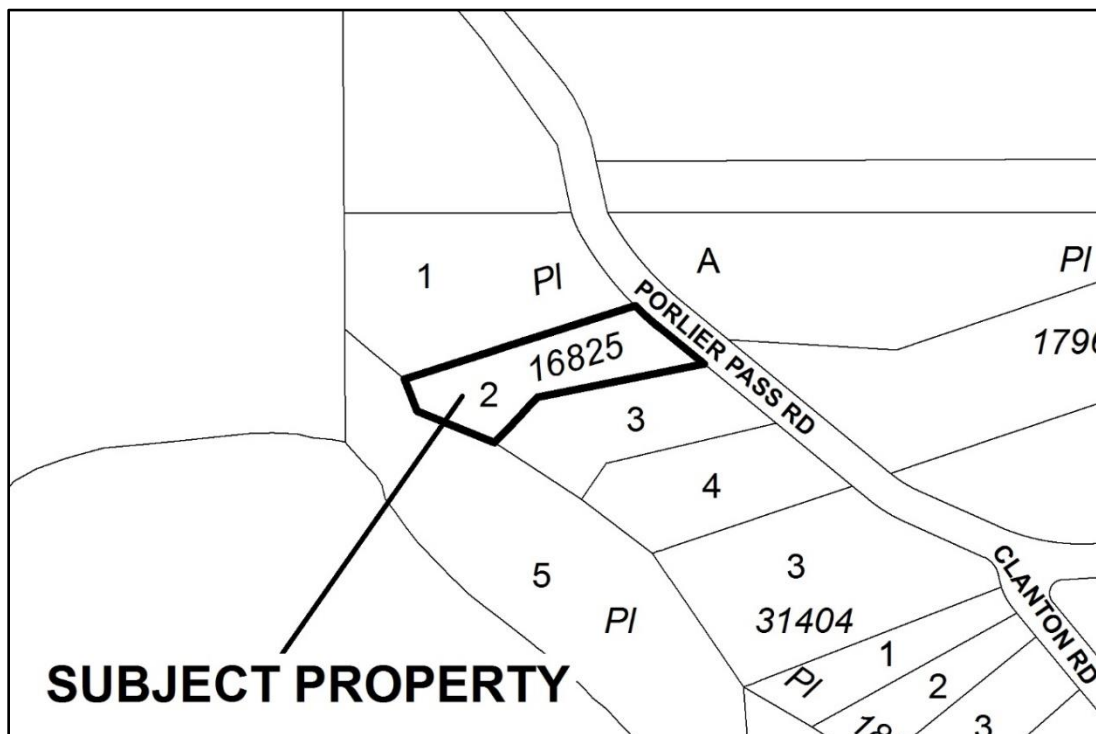
Throughout the process, staff have encouraged the applicant to consider alternatives and attempt to find a compromise for the siting of the accessory structure with neighbours. These are discussed below in 'Issues and Opportunities' - below. Although it is acknowledged these would come with significant costs, there has been no apparent attempt to explore and propose any of these.

There does not appear to be any opposition from neighbours to the variances for the deck and a portion of the main dwelling. These are minor and existing and with lessor impacts than the accessory building.

The notice circulated to neighbours and a draft of the DVP are Attachments 5 and 6.

Staff have visited the site on numerous occasions, most recently on June 17, 2019.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

The property is designated **SLR - Small Lot Residential** in the Galiano Island Official Community Plan 108, 1995 (OCP).

Development Permit Areas (DPAs) designated in the OCP:

- **DPA 5 – Sensitive Ecosystems**
- **DPA 7 – High and Moderate Steep Slope Risk**

See: Attachment 2.2. All proposed development is outside of the DPAs.

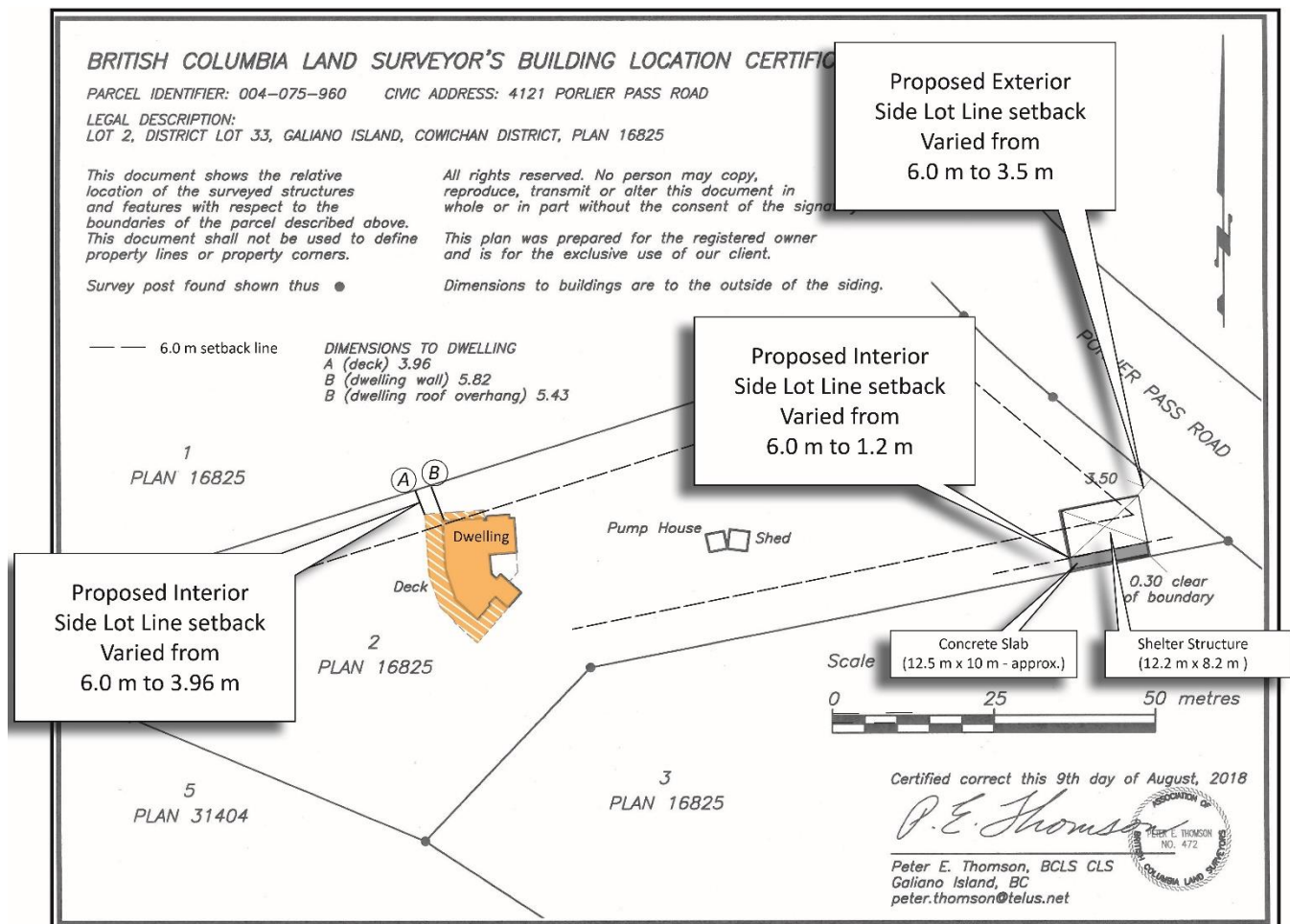
Land Use Bylaw:

The subject property is zoned as **Small Lot Residential (SLR)** in the Galiano Island Land Use Bylaw No. 127, 1999. The residential use of the property and use of the dwelling as a vacation rental conforms to the LUB and the TUP issued for the property.

Islands Trust Conservancy:

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

Figure 2 – Site Plan



Issues and Opportunities

Rationale for the Variances

The rationale given by the applicant for the proposed variance for the accessory shelter structure is based on his investment to date for the concrete slab and purchase of the fabric structure, and the estimated cost of moving or relocating the slab and structure to conform. He has also stated that any relocation would have impacts due to further tree removal. He has acknowledged he made mistakes in proceeding with construction prior to obtaining permits.

The rationale given for the proposed variance for the dwelling and deck is that they were sited in the current location when he purchased the property. As above, the only way for those to be deemed legal (non-conforming) is for the applicant to provide evidence that they pre-date the zoning bylaw. As he is unable to do so, staff recommended that those variances be included in the current application.

Impact on Neighbouring Properties

The impacts of the accessory structure in its current, proposed location are mainly related to locating a large structure on a highly visible and open site in close proximity to the public roadway and neighbours (see Photos – Attachment 2.6). Although the most impacted neighbour to south is undeveloped, good planning dictates that one should assume the impacts in the context of that property someday being developed. In addition, the neighbours across the street are also strongly opposed as their home looks down a steep slope towards the entrance of the subject property. These impacts are both visual and the infringement on the privacy of neighbours.

Given the fabric exterior of the proposed structure, the rural setting, and the intended use as a mechanical ‘shop’ it is conceivable to suggest there may also be unwanted noise created that could impact the adjacent neighbour.

Further, the high visibility and close proximity to the public roadway create visual impacts for the general public.

The appearance and design of the building is relevant to the application as different designs, building styles and materials can have varied impacts in the setbacks. In this case the proposed structure is substantial, uniform in appearance and colour, and is without windows (see Attachment 2.5 and draft permit).

Siting buildings and structures on the edges of properties is both contrary to, and undermines, the intent of the bylaw. Further it unreasonably imposes the impacts of development on surrounding neighbours to the advantage of the landowner.

The impacts of the existing dwelling and deck are significantly less impactful on the one neighbour given their location and the limited size and extent of incursions into the side yard.

The Overall Intent of the Regulations being Varied

The overall purpose of the **exterior and interior side lot setback** regulations are to minimize impacts on adjacent properties and the public roadway related to:

- Limiting the visual impact of development on adjacent properties and the public roadway.
- 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.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

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.

Alternatives

Based on site visits and review, the applicant does have alternatives for the accessory structure to either modify the existing site to conform, or to move it to an alternative site on the property.

The existing site could be modified by either reducing the slab in the setback and extending it north and west outside of the setback and/or reducing the size of the structure footprint. These options would require substantive effort and cost the applicant. Relocating or altering the location north and west to keep the structure still on the top portion of the property may require the driveway to be re-aligned and/or for the two driveways to be integrated into one. This may require some additional tree removal and cost.

There are other sites that could be utilized on the property lower down towards the dwelling that would meet setback requirements. For this alternative, the size and scale of the shop footprint may need to be adjusted to accommodate these other locations, some tree removal may also be required and again cost would be significant.

To be clear, there is no requirement for the applicant to remove the cement slab, as that structure on its own is exempt from the setback requirements.

Circulation/Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on October 12, 2018.

As above, initially four (4) responses were received. One of those was in favour (Paul Stewart) has been forwarded to the Islands Trust multiple times. The other three are from the neighbours directly to the north, the south and across Porlier Pass and all are opposed. The neighbour to the south (Collins) re-affirmed her opposition subsequent to speaking the applicant numerous times. A further letter of support (Amsterdam) was received in May of 2019.

To summarize concerns are as follows:

- Visual – to immediate neighbours and public by placing a large structure in the proposed location.
- Privacy – particularly from the neighbour to the south.
- The significant size of the variances being requested.
- Safety, associated with the access points to the property and the changes made to facilitate direct and separate entry for the proposed accessory structure. It is noted that the applicant has two access permits for his property issued by the Ministry of Transportation and Infrastructure. He is also required to obtain a permit to construct within 4.5 metres of a highway from the same.
- The design and nature of the structure. These comments relate to the rural context and character.

The applicant has supplied a response to the letters received and that is Attachment 4.

Rationale for Recommendation

- The variance requests for the accessory structure are not supportable as: they are significant variances; neighbours most directly impacted have expressed their strong opposition; the applicant has alternatives to comply and time to either propose these and/or satisfy neighbour concerns with no results; and, the variances challenge the intent of the bylaw regulations.
- The variance request for the deck and dwelling is supportable as: the variances are minor and are for existing buildings and structures, particularly the dwelling; only the one neighbour to the north is impacted and they have not expressed concerns about these particular variances; the variances do not challenge the intent of the bylaw regulations.

ALTERNATIVES

- **Request further information**

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

Recommended wording for the resolution is as follows:

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

- **Approve the application**

The LTC may approve the application as drafted.

Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee approve issuance of application GL-DVP-2018.2 (Meden).

- **Deny the application**

The LTC may deny the application as drafted.

Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee deny issuance of application GL-DVP-2018.2 (Meden).

NEXT STEPS:

- If the application is denied as recommended, the applicant can opt to apply for a Board of Variance order or conform by altering the building.

Submitted By:	Phil Testemale	September 25, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	September 26, 2019

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Public Correspondence
4. Letter from Applicant
5. Notice
6. Draft GL-DVP-2018.2

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 2, District Lot 33, Galiano Island, Cowichan District, Plan16825
PID	004-075-960
Civic Address	4121 Porlier Pass Road

LAND USE

Current Land Use	Residential and STVR
Surrounding Land Use	Residential and Montague Harbour Marine Provincial Park (West)

HISTORICAL ACTIVITY

File No.	Purpose
GL-TUP-2017.3	Vacation Rental

POLICY/REGULATORY

Official Community Plan Designations	The property is designated SLR - Small Lot Residential in the Galiano Island Official Community Plan 108, 1995 (OCP). The following Development Permit Areas (DPAs) are designated in the OCP: • DPA 5 – Sensitive Ecosystems • DPA 7 – High and Moderate Steep Slope Risk See: Attachment #2. The proposed development is outside of the DPAs.
Land Use Bylaw	The subject property is zoned as Small Lot Residential (SLR) in the Galiano Island Land Use Bylaw No. 127, 1999.
Other Regulations	The applicant has a permit for a second driveway access to the subject property issued by the Ministry of Transportation and Infrastructure.
Covenants	None
Bylaw Enforcement	GL-BE-2017.14 Current application – Structure in a setback. GL-BE-2015.23 (STVR). Closed – TUP issued (GL-TUP-2017.3)

SITE INFLUENCES

Islands Trust Conservancy	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	No occurrences listed on TAPIS.
Sensitive Ecosystems	See above comments 'OCP' and Attachment 2.#
Hazard Areas	Areas of Low, Medium and High Slope Hazard Risk on the bottom (west) portion of the property (see Attachment 2.#). Current development unaffected.
Archaeological Sites	No archaeological sites are noted on the subject property. However known site is downslope and approximately west of the western property

	boundary. In addition, there are some small bands of archaeological potential. The proposed development is distant from the potential areas and over 100 metres from the 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> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	n/a
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

Attachment 3 - Public Correspondence

Galiano Island Local trust Committee

Variance Request for 4121 Porlier Pass Road Lot 2 District Lot 33 Galiano Island Cowichan District Plan 16825 (PID:000-075-960)

Objection to Variances from Neighbor across the Rd at [REDACTED]

Our objection to this variance request is based on several issues with the property and the proposal. The current property owner has, without approval, added 2 extra driveway accesses for a total of 3 driveway accesses at the top of a blind hill for traffic traveling in both directions.

The set up for access to the proposed structure is directly on to the road and without changes would result in at least 2 driveway accesses for one property, the proposed drawing does not show access to the structure using just 1 driveway access to the Road and therefore should not be accepted.

The current owners runs an AIR BNB at the property and there are constant vehicles coming and going at all times of the day and night complicated by the recently added 2 additional illegal road accesses.

We object to what is an ugly "Temporary Style Structure" being placed on a slab making it a "Permanent Structure" which is in full view of the road. The design is not in keeping with the character of Galiano Island. Every passerby will have to look at something that is "ugly" and should not be located where it is given the existing Land Use Bylaws. The Structure would be in full view of our property. It is not suitable to us or other neighbors to have to look at.

The amount of relaxation requested is just too much of a variance. To go from a requirement of 6 m to 1.2 m (19.6 ft to 3.93 ft) side yard and from the road 6 m to 3.5 M (19.6ft to 11.4ft) is unreasonable, even if what is being proposed, added some character or benefit to the neighbors and the community at large.

These are not minor variances and if granted they will negatively affect the area and the neighboring properties. The requested variances would magnify the impact of what is an inappropriate structure in the wrong place.

The subject property is over 3 acres, so the owner has lots of options to meet the Land Use Bylaws without requiring variances. Let's do this right and keep the visual integrity of our pleasant tree lined roadways of Galiano in tack.

As a neighbor we do not support this request for any of the variances and would ask The Galiano Island Local Trust Committee not to grant any of the requested variances.

Sincerely

Jacquie and Chuck Meagher

[REDACTED]



From: ANN KNAPP [REDACTED]
Sent: Wednesday, October 10, 2018 8:41 PM
To: information
Subject: Re: variance permit request, Lot 2, District 33, Galiano Island



Dear Sirs,

My husband, Michael J. Knapp, is the owner of Lot 1,
immediately adjacent to Lot 2, District 33, Galiano Island

We have reviewed the information sent re: the Development
Variance Request by the owner of Lot 2.

Please see below a copy of the letter sent to by Chuck Meagher
to the Galiano Island Trust Committee.

We are in complete agreement with his opposition to granting
the Variance, for all the reasons he has detailed.

Yours truly,
Ann B. Knapp,
PoA for Michael J. Knapp

Galiano Island Local trust Committee

Variance Request for 4121 Porlier Pass Road Lot 2 District Lot 33 Galiano Island Cowichan District Plan 16825 (PID:000-075-960)

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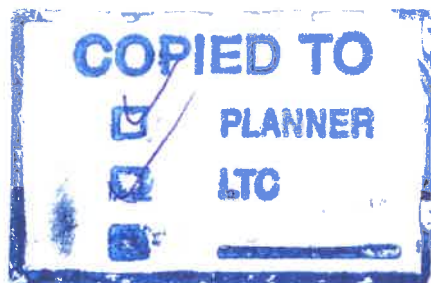
As a neighbor we do not support this request for any of the variances and would ask The Galiano Island Local Trust Committee not to grant any of the requested variances.

Sincerely

Jacquie and Chuck Meagher

[REDACTED]





Jean Collins



Attention: Mr. Phil Testemale
A/Planner 2
Galiano Island Local Trust Committee

October 04, 2018

Dear Mr. Testemale,

As per our telephone conversation on October 1st, 2018, I am writing to register my strong opposition to the Development Variance Permit issued for **4121 Porlier Pass Road, Galiano Island, and legally described as Lot 2, District Lot 33, Galiano Island, Cowichan District, Plan 16825 (PID: 004-075-960)**

As the owner of Lot 3, I am opposed to the structure, as well as the change in variation in setback from 6.0 metres to 1.2 meters.

These changes will have a negative effect on the privacy of Lot 3, and yield a significant visual disturbance. If these changes are approved it will drastically compromise the integrity and value of my property.

Sincerely,

Jean Collins

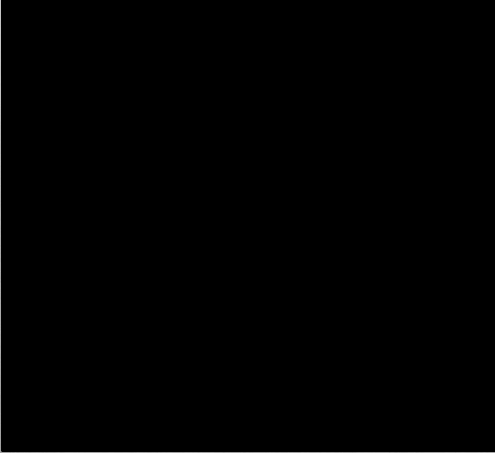
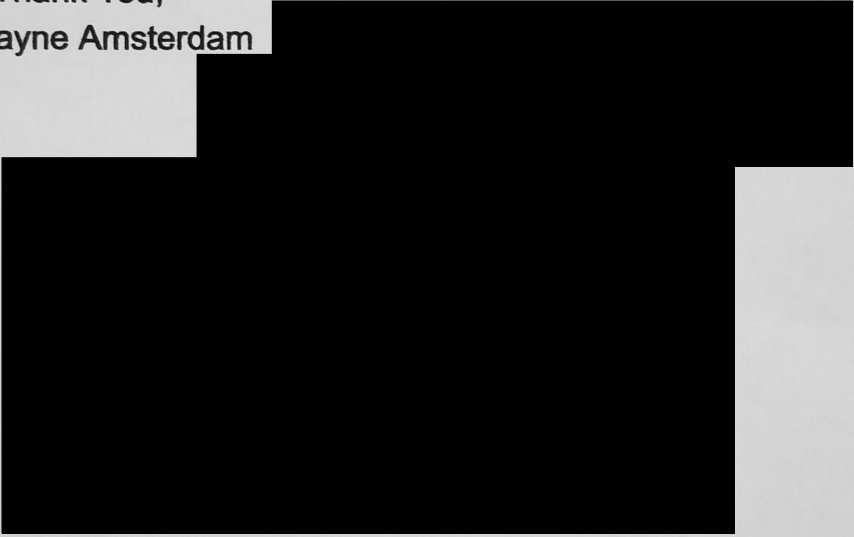
Islands Trust

re: variance, 4121 Porlier Pass Rd

At the request of Erik Meden I am providing this letter concerning an application for a variance on his property at 4121 Porlier Pass Rd, Galiano Island.

I am the owner of a property on the west side of Porlier Pass Rd, one lot to the north of Mr Medens' property. I am aware that the site that he is requesting a variance for is within setbacks and I have no objection to the Islands Trust issuing a variance to Mr Meden for this project.

Thank You,
Wayne Amsterdam



Islands Trust

re: variance, 4121 Porlier Pass Rd

At the request of Erik Meden I am providing this letter concerning an application for a variance on his property at [REDACTED] Galiano Island.

I am the owner of a house and property on the east side of Porlier Pass Rd, across the road from Mr Medens' property. I am aware that the site that he is requesting a variance for is within setbacks and I have no objection to the Islands Trust issuing a variance to Mr Meden for this project.

Thank You,

Paul H. Stewart

[REDACTED]

From: Emily Collins <[REDACTED]>
Sent: Monday, August 5, 2019 9:55 AM
To: Phil Testemale <ptestemale@islandstrust.bc.ca>
Subject: Variance Permit for 4121 Porlier Pass Road Galiano Island BC



Attention: Phil Testemale,

This letter is to **reaffirm** my **opposition** expressed in my letter of October 4, 2018 to the development variance permit which is for 4121 Porlier Pass Road , Lot 2, district lot 33, Galiano Island ,Cowichan District, Plan 16825 (PID ..004-075-960) .

Sincerely,

Emily Collins on behalf of Jean Collins (owner of [REDACTED],
[REDACTED])

From: Erik Meden <[REDACTED]>
Sent: Thursday, September 19, 2019 7:50 AM
To: Phil Testemale <ptestemale@islandstrust.bc.ca>
Subject: Ann Knapp, Chuck Meagher letters

Hi Phil,

As per your advice on the phone yesterday I am writing a letter to you with comments on the letter you received from Ann Knapp in October of 2018, and the attached letter from Chuck Meagher to herself which she specifically references as the basis for her objection to my variance application. Please note that I did not receive copies of these letters until August 26 2019.

I submit to you that the information in Mr Meaghers letter is incorrect on the following points:

a) Location:

Mr. Meagher states that this property is "over 3 acres, so the owner has lots of options". This is not accurate.

The property is 1.5 acres, much of which is steep hillside / cliff.

There are only two level areas available on my property where this structure could be set up. The location for which I have requested variances was chosen for maximum separation from residential buildings, including future residential development on both of the vacant lots beside mine.

Location:

Mr. Meagher speaks of our pleasant tree lined roadways.

If the variance to the interior lot line is not granted there is no place on my property where the structure can be built without removing a significant number of trees.

Please note that this location was carefully selected with tree preservation in mind, as it has no trees for three or four meters on the south side where my driveway is, and no trees on the north side for three or four metres also.

b) Appearance:

I appreciate Mr. Meaghers concern, but the wording of his letter indicates that he is objecting for reasons that are not relevant to a variance application, ie: "not in keeping with the character of Galiano Island."

In fact, the best choice for relocating the site if the variance to the interior lot line is not granted would place the structure such that it is more visible from his property, not less. The structure will be dark green, I have left a screen of trees between the site and the road, and I intend to plant more trees around it also.

c) airbnb: My home is a permitted vacation rental. It is not available for large groups. I have set the maximum occupancy at seven, and I have a number of measures in place to ensure that this is not exceeded including a policy of always greeting guests on arrival as

this is of great importance to me. Mr. Meaghers statement that there are cars coming and going all night is not accurate.

d) Driveways:

My property has two legal driveway accesses, both approved by the ministry of Transport.

Mr. Meagher has stated that there are three access points, two of which are illegal. This is not accurate, and it is not current information.

I ask that you note in your report to the Local Trust Committe that these two letters show that the objections raised by Chuck Meagher and Ann Knapp are based on information that is not accurate, not current, and not relevant.

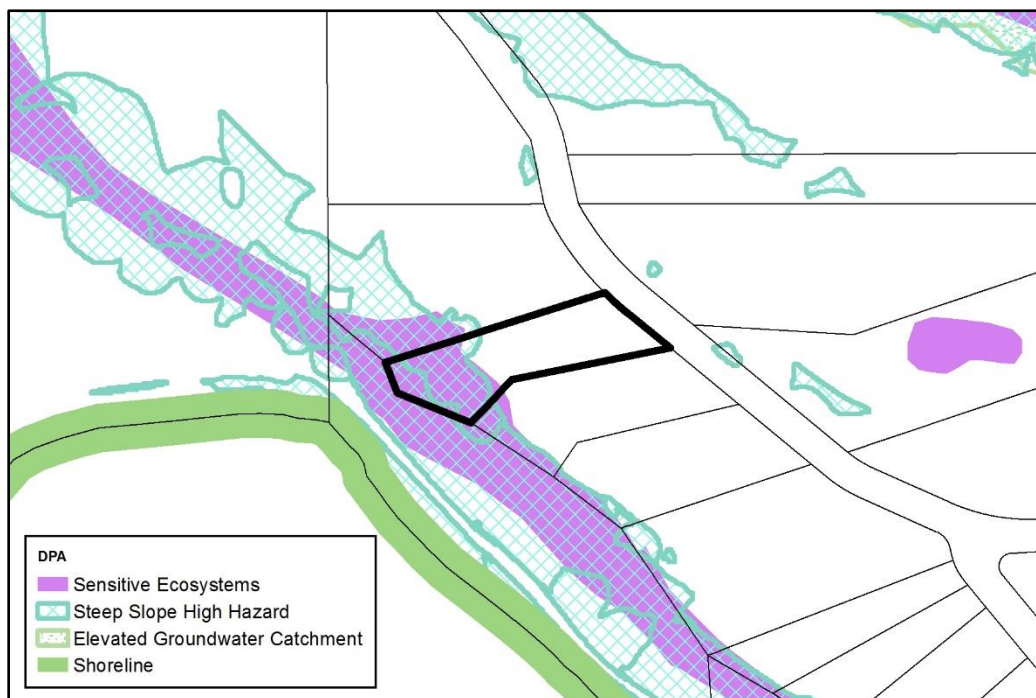
Thank you,
Erik Meden

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

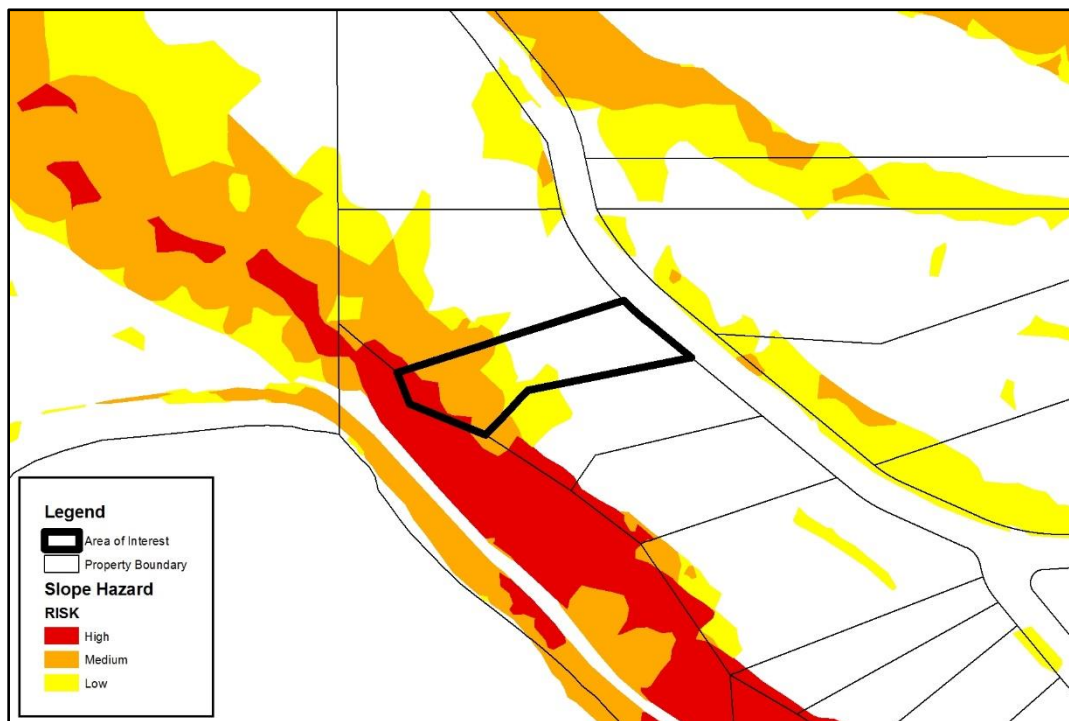
2.1 ORTHOPHOTO WITH ZONING



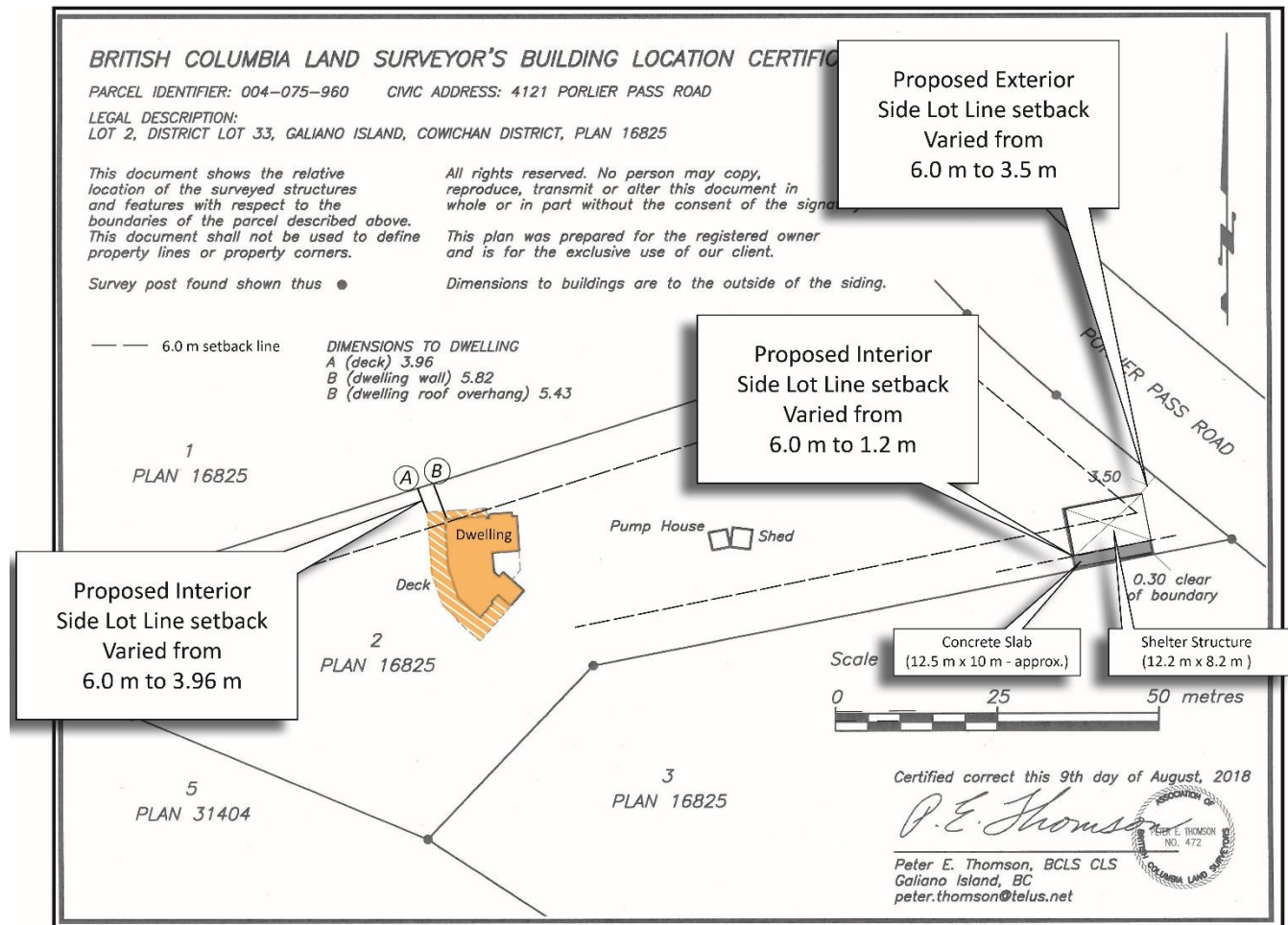
2.2 DEVELOPMENT PERMIT AREAS



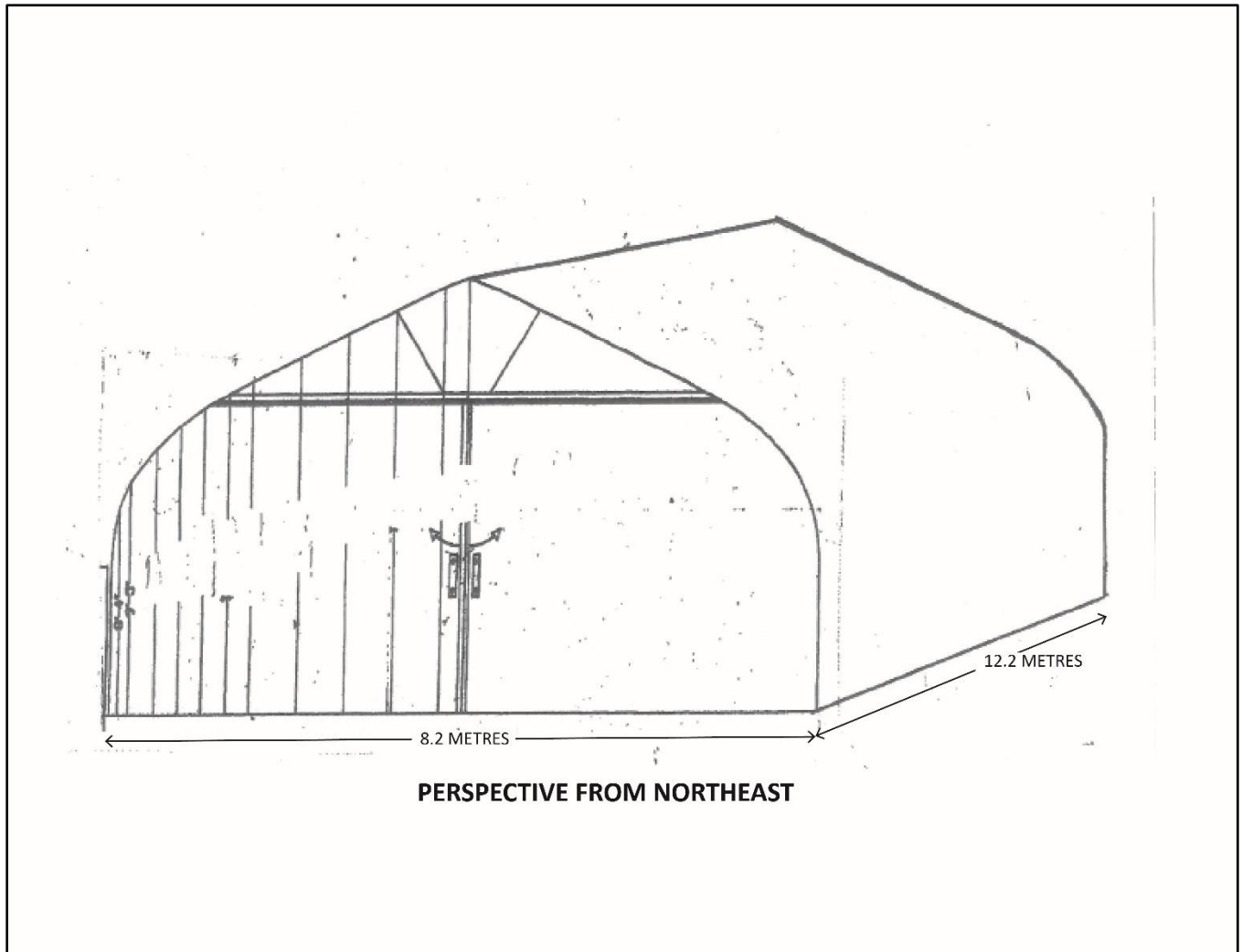
2.3 STEEP SLOPE HAZARD MAPPING



2.4 SITE PLAN



2.5 ELEVATIONS/PERSPECTIVE

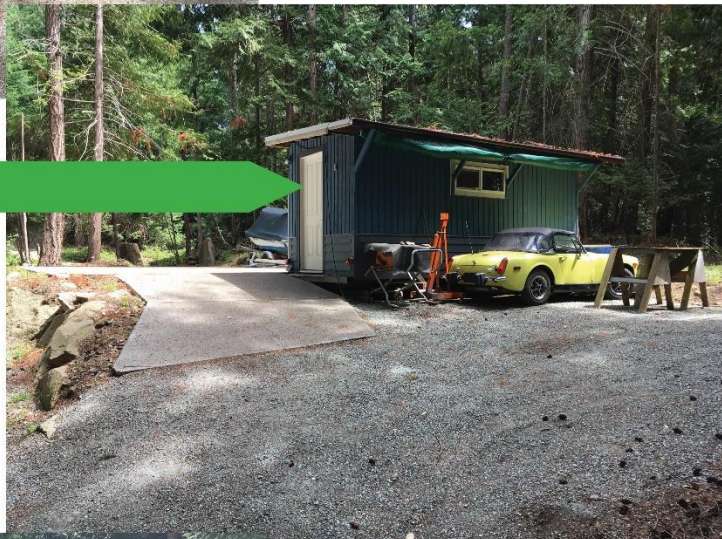


2.6 PHOTOGRAPHS



Slab Foundation from Porlier Pass Rd

Slab Foundation from inside property



View from second access on Porlier Pass Rd.

2.6 PHOTOGRAPHS

View from neighbouring property to the south



North access on Porlier Pass Rd.



South access on Porlier Pass Rd.



2.6 PHOTOGRAPHS

Areas below (west) of proposed accessory structure site



2.6 PHOTOGRAPHS



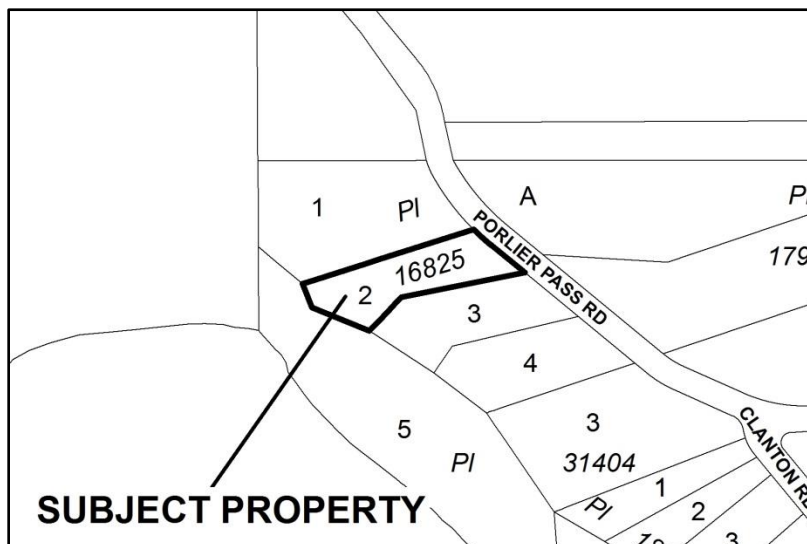
NOTICE
GL-DVP-2018.2
GALIANO ISLAND LOCAL TRUST COMMITTEE

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

- a) Article 5.3.8.2 which states that buildings and structures must be sited at least 6.0 metres from an interior side lot line is varied to permit the construction of shelter structure within 1.2 metres of an interior side lot line as shown on Schedule 'A'; and, the siting of an existing dwelling and deck within 3.96 metres of an interior side lot line.
- b) Article 5.3.8.3 which states that buildings and structures must be sited at least 6.0 metres from an exterior side lot line is varied to permit the construction of shelter structure on a concrete slab within 3.5 metres of an exterior side lot line as shown on Schedule 'A'.

The property is located at **4121 Porlier Pass Road** and is legally described as Lot 2, District Lot 33, Galiano Island, Cowichan District, Plan 16825 (PID: 004-075-960)

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 **October 1, 2018** and continuing up to and including **October 12, 2018**.

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 Pender Island.

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 pm, **October 12, 2018**.

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., October 15, 2018**, at the **North Community Hall**, 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.



Islands Trust

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT GL- DVP-2018.2

To: Erik Meden

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

Lot 2, District Lot 33, Galiano Island, Cowichan District, Plan 16825
(PID: 004-075-960)

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

- a) Article 5.3.8.2 which states that buildings and structures must be sited at least 6.0 metres from an interior side lot line is varied to permit the construction of shelter structure within 1.2 metres of an interior side lot line as shown on Schedule 'A'; and, the siting of an existing dwelling and deck within 3.96 metres of an interior side lot line.
- b) Article 5.3.8.3 which states that buildings and structures must be sited at least 6.0 metres from an exterior side lot line is varied to permit the construction of shelter structure on a concrete slab within 3.5 metres of an exterior side lot line as shown on Schedule 'A'.

The development shall be consistent with Schedules 'A', 'B' and 'C' attached to and forming part of this permit.

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

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

Deputy Secretary, Islands Trust

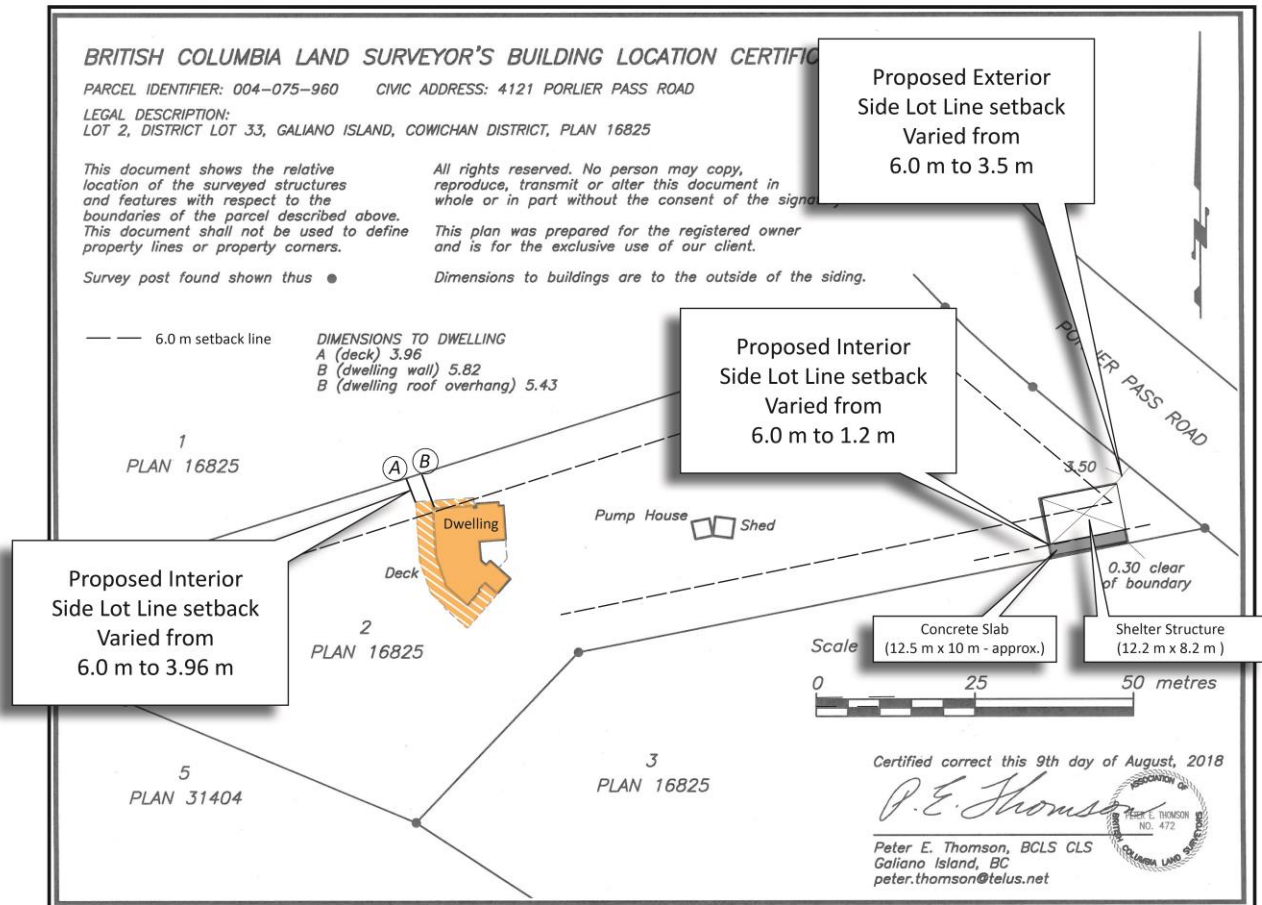
Date of Issuance

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

GALIANO ISLAND LOCAL TRUST COMMITTEE

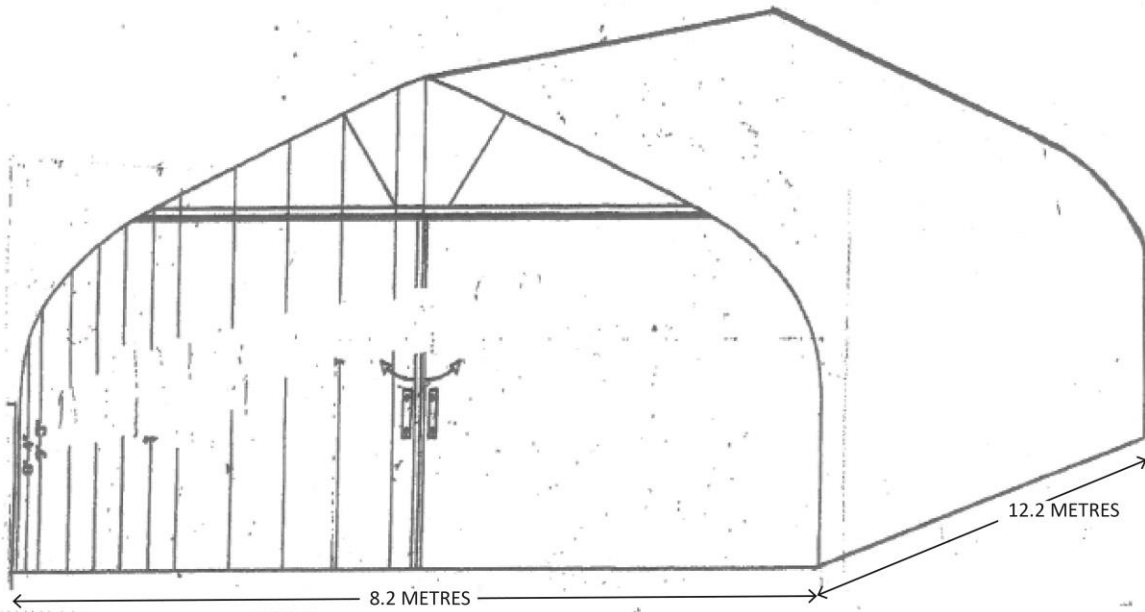
GL-DVP-2018.2

SCHEDULE 'A'



**GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2018.2**

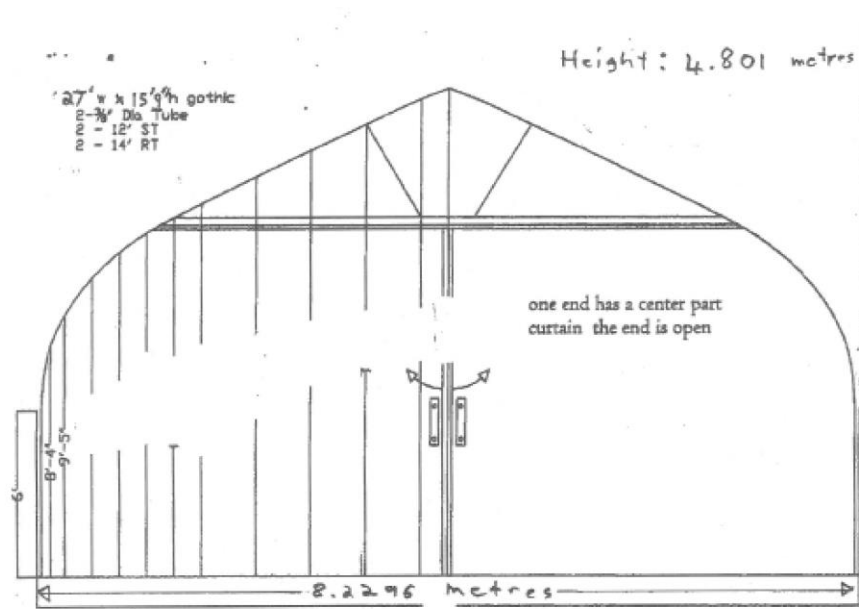
SCHEDULE 'B'



PERSPECTIVE FROM NORTHEAST

GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2018.2

SCHEDULE 'C'



EAST/WEST ELEVATIONS

File No.: GL-TUP-2019.7 (Keating & Young) (GL-TUP-2016.9)

DATE OF MEETING: October 7, 2019
TO: Galiano Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Renewal of TUP for Short Term Vacation Rental
Applicant: Craig Keating and Joanne Young
Location: 1541 Sticks Allison Road, Galiano Island

RECOMMENDATION

1. That the Galiano Island Local Trust Committee (LTC) approve renewal of the Temporary Use Permit (TUP) GL-TUP-2019.7 (Keating & Young) for the maximum allowed three (3) years.

REPORT SUMMARY

The purpose of this report is to consider the renewal of a Temporary Use Permit (TUP) for a Commercial Vacation Rental (CVR) within a dwelling unit at 1541 Sticks Allison Road, Galiano Island.

The above recommendation for the renewal of the TUP is supported as there is no record of complaint or bylaw infringement issues over the term of the original TUP. In addition, the applicant has indicated and demonstrated that they have adhered to the conditions identified in the original permit.

BACKGROUND

The application would like to renew a TUP for commercial vacation rental use of an existing single family dwelling. The original application and issued permit was the result of the bylaw enforcement action for illegal short term vacation rentals on Galiano.

The original TUP was issued on November 8, 2016 for the maximum allowed period of three (3) years. The TUP for commercial vacation rental on this property is one (1) of sixteen (16) previously approved and currently operating on Galiano Island (see map Appendix 1).

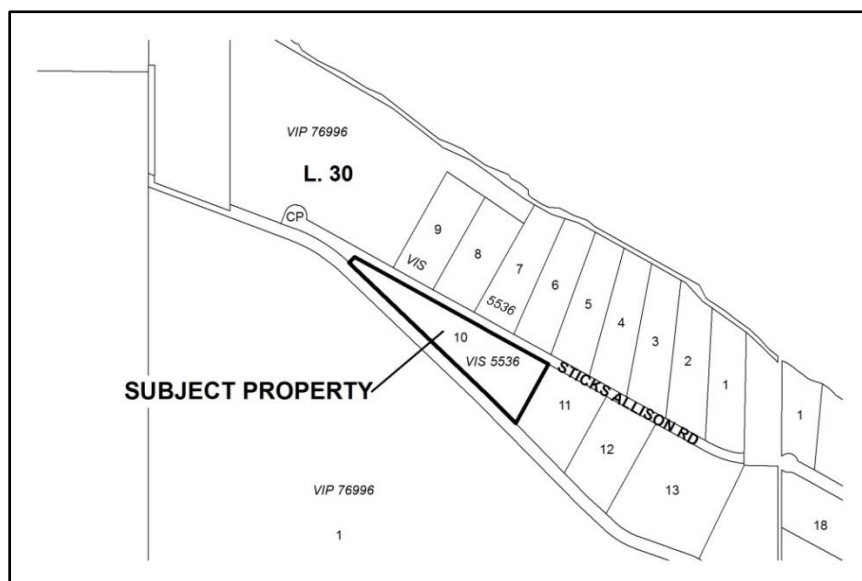
The detailed staff report on the initial application including background, analysis and attached maps can be found in the agenda package for the November 7, 2016 Galiano Island Local Trust Committee (LTC) meeting:

<http://www.islandstrust.bc.ca/media/341464/gl-2016-11-07-ltc-agd-pkg.pdf>

Under s.497 (2) of the *Local Government Act* a TUP may be renewed only once. Additional conditions, including those that were not imposed on the original term, can be added. Once the renewed permit has expired, the applicant can submit an application for a new TUP.

A completed TUP checklist and a copy of the proposed permit are Attachments 2 and 3.

Figure 1 – Subject Property



ANALYSIS

Issues and Opportunities

CVR Policy and Regulation Review

The LTC is currently reviewing existing policies and regulations for commercial vacation rentals. This project is expected to be completed in 2020. Results of the project may influence the timeframe for current renewals and how the LTC deals with TUP renewals in the future.

TUP Objectives and Guidelines:

The 'TUP Checklist' (Attachment 2) analyzes the proposal for compliance with objectives and guidelines of the OCP. The proposal is compliant.

Cumulative Impacts

There is minimal potential for cumulative impacts as there are no other TUP commercial vacation rentals located in proximity to the subject property (see map Attachment 1) .

Water & Septic

The subject property is not within a water service area and is not within a Water Management Area established in the LUB. The dwelling is 233 m² in size on a reasonably large lot (2.12 ha). There is potential for increased water usage resulting from the use.

The well report for this property from 1994 indicates a well depth of 60 metres (200 ft.) and a good yield of 19 litres/min (4 imp.g.m.)

There is no rainwater catchment system on the property. There was no requirement for a rainwater catchment system in the original permit. Staff have confirmed with the applicant that they have not had any major issues with water.

The septic system was installed in 2005 with a permit from Island Health. The owners have stated that the septic system is sufficient for the STRV use.

Applicant's Rational for the Proposed Use

The applicants have indicated that renting their property as an STRV provides them with the flexibility of being able to generate revenue for upkeep of the property while being able to use the property themselves as well. They identify that they have good relationships with their neighbours and their STRV has never generated complaints.

Response to Neighbour and Public Notification

There is no notification required for a renewal application. The owners did indicate that they have updated their guest instruction (Appendix 4) and will be circulating this update to their neighbours.

TUP Conditions

The renewed TUP is unchanged from the original and incorporates most of the conditions that have been established in the OCP. The permit allows for a maximum of eight (8) guests in three (3) bedrooms.

Circulation/Consultation

There is no notification required for a renewal application.

Rationale for Recommendation

The applicant, in conversation with staff and by sending a copy of the information provided to guests, has indicated and demonstrated that they have adhered to the conditions identified in the original permit (see Appendix 4)

Given that there have been no bylaw infringements or recorded complaints from neighbours during the past three years, staff recommend that a three (3) year renewal of the TUP be granted. Staff also see no need for additional conditions to be added at this time (see Draft Permit Appendix 3). 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 with TUP.

ALTERNATIVES

- 1. Reduce the length of the TUP to two-years to be consistent with recent TUP renewals**

The LTC may wish to approve the TUP for less than three (3) years in light of the CVR regulations review project currently underway. A two (2) year renewal would be consistent with recent TUP renewal decisions.

Resolution:

That the Galiano Island Local Trust Committee approve the issuance of Temporary Use GL-TUP-2019.7 (Keating & Young) for a ____ (#) year period.

2. Request further information

The LTC may request further information from the applicant before proceeding with a decision. If selecting this alternative, the LTC should describe specific information needed.

Resolution:

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

3. Add additional conditions

The LTC may wish to amend the TUP by adding additional conditions. If selecting this alternative the LTC should specify additional conditions.

Resolution:

That the Galiano Island Local Trust Committee request that the proposed Temporary Use Permit GL-TUP-2019.7 (Keating & Young) be amended by the addition of the following conditions: _____

4. Deny the application

The applicant would no longer be able to use the property for STVR purposes once the original permit has expired (November 8, 2019). The applicant may submit another application for a new permit at a later date.

Resolution:

That the Galiano Island Local Trust Committee deny application

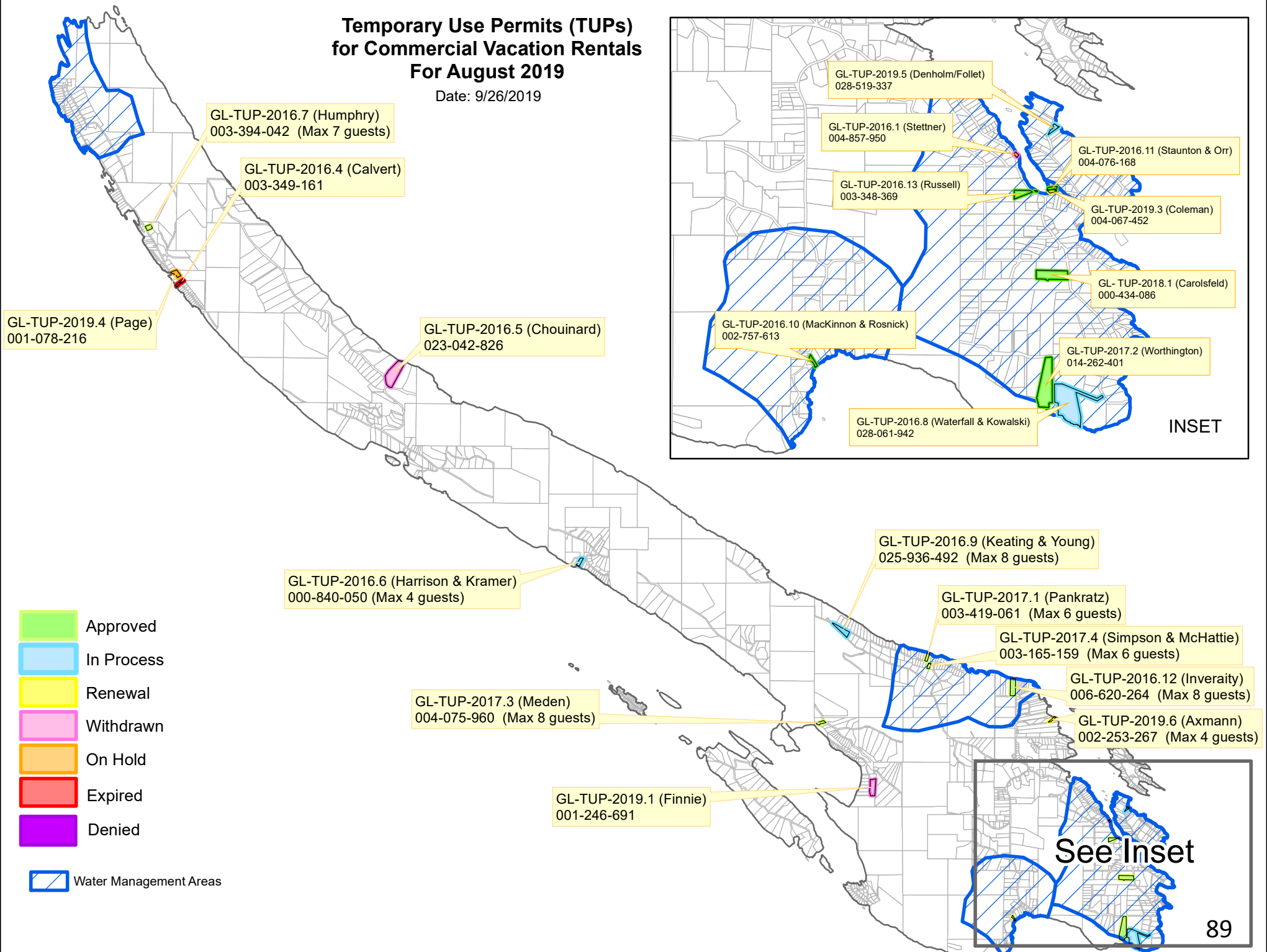
Submitted By:	Narissa Chadwick	September 22, 2019
Concurrence:	Robert Kojima	September 26, 2019

ATTACHMENTS

1. Galiano TUP Map (Updated Sept., 2019)
2. TUP Checklist (Updated Sept., 2019)
3. Draft TUP (GL-TUP-2019.7 Renewal of GL-TUP-2016.9)
4. Copy of information provided to guests

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

Date: 9/26/2019



TUP Checklist for Commercial Vacation Rental: GL-TUP-2019.7 (Keating & Young)

1541 Sticks Allison Road

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “commercial vacation rental” means the use of a <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.	This is the only property in the area for which a TUP for CVR has been issued.
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.	There are no neighbour concerns on record.
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min) Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	The property is not in a water management area. The property is serviced by a well with a depth of 60 metres that provides sufficient capacity for the use.. There is currently no cistern for storage of rainwater. The dwelling is 233 m² in size on a reasonably large lot (2.12 ha).
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	

Guidelines	Comments
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 per week and include the name and contact information in the conditions of the permit	Condition in Draft 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 eight (8) as a condition in Draft Permit.
v. establish a maximum number of guests per bedroom	Maximum of two (2) 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.
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	N/A

Guidelines	Comments
Agriculture Land Commission prior to the permit being issued.	

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



Islands Trust

**GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2019.7 (Keating & Young) (GL-TUP-2016.9)**

1541 Sticks Allison Road

To: Craig Keating and Joanne Young

1. This Permit applies to the land described below:

Strata Lot 10, District Lots 30 and 31, Galiano Island, Cowichan District, Strata Plan VIS5536 (PID: 025-936-492)

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

a) a Commercial Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

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

- m) 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 DAY OF .

Deputy Secretary, Islands Trust

Date Issued

Dear Guest –

Welcome to Fireside Cottage!

At any time during your visit, should an issue arise with your accommodations please feel free to contact our on-island manager, Trelly Aguda, at 604-417-5123. Craig and Joanne, your hosts, are also available at 604-787-0226.

In the event of an emergency (police, fire/rescue, ambulance), please dial 911. Galiano Island is served by the 911 emergency service.

Remember that Fireside Cottage is located in a residential neighbourhood. Please be respectful of our neighbours when it comes to noise (especially after hours) and keeping any accompanying pets under control.

As part of our business permit, the local government requires that we provide information to guests about various local bylaws (for noise and animal control). Excerpts from those bylaws can be found in this package. A copy of our business permit is also attached.

As part of our business permit, outdoor fires are banned.

Garbage and recycling should be placed in the appropriate receptacles located at Fireside Cottage – garbage in the outside bins and recycling in the recycle bin in the basement. We also provide composting for all non-meat organic items. There is a compost container under the kitchen sink and a composter just outside the house.

Water conservation is a priority on Galiano Island as it experiences long periods without rain and many of its aquifers can run dry in the summer months. While our specific area tends not to experience water shortages and while there is usually plenty of water for regular household use, we encourage guests to limit unnecessary water consumption.

Fireside Cottage operates on a septic system. Please do not put the following down house drains: fat, grease, motor oil, fuel, paint, egg shells, coffee grounds, cigarette butts, plastic, paper, sanitary napkins, tampons, condoms.

Many thanks for helping Fireside Cottage stay a wonderful place for all our guests.

Top Priorities Report

Galiano Island

1. *Affordable Housing Strategy*

Responsible

Dates

Phase 1: STVR review

Brad Smith

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

2. *Groundwater Sustainability*

Responsible

Dates

Phase 1: mapping and data analysis

William Shulba

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



Projects Report

Galiano Island

1. Soil Removal and Deposit Bylaw**Responsible****Date Received**

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

12-Sep-2011

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

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

Robert Kojima

16-Apr-2012

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

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

23-Jul-2012

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

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

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

15-Jul-2013

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

Review of regulations for geo-thermal exchange use.

18-Nov-2013

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

Add in Information Note on Archeological Sites under General Regulations

18-Nov-2013



Projects Report

Galiano Island

7. *Light Industrial Zoning*

Responsible

Date Received

A review and inventory assessment of existing and potential light industrial zones.

18-Nov-2013

8. *Land Use Bylaw Amendments*

Responsible

Date Received

To review LUB for: any technical/administrative bylaw amendments (e.g. definition references and numbering), shoreline zoning wording, crown lot rezonings, and review park zoning (specifically to allow stairs in setbacks).

07-Jul-2014

9. *Community Benefit Review for Forest Lands*

Responsible

Date Received

Staff to prepare preliminary report for new LTC

08-Sep-2014

10. *Consider amendments to re-designate and rezone crown owned Forest lots.- Bylaws 231, 232 at First*

Responsible

Date Received

re-refer to FLNRO for comment

11. *Review of split zonings.*

Responsible

Date Received

05-Mar-2018

12. *Coastal Douglas-Fir Protection*

Responsible

Date Received

Review 'Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)' and provide recommendations from toolkit.

04-Feb-2019

13. *Cannabis Retail and production*

Responsible

Date Received

Projects Report

Galiano Island

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

05-Mar-2019

14. Dock review

Responsible

Date Received

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

02-Apr-2019

15. Emergency Access Planning

Responsible

Date Received

Follow-up from CRD emergency planning process

02-Apr-2019

16. Review of maximum house sizes

Responsible

Date Received

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

06-May-2019

17.

Responsible

Date Received

18.

Responsible

Date Received



Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2019.1	Simons, Linda	17-Sep-2019	development permit and development variance permit for rock seawall construction

Planner: Brad Smith

Planning Status

Status Date: 18-Sep-2019

Preliminary site visit conducted by Island Planner - working with applicant to clarify project details and obtain required ecological/engineering assessments etc.

Status Date: 17-Sep-2019

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

File Number	Applicant Name	Date Received	Purpose
GL-DP-2019.2	Koster, Dave	24-Sep-2019	DP for moderate/steep slope DPA

Planner:

Planning Status

Status Date: 26-Sep-2019

Pending receipt of application and supporting materials

Rezoning

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

Planner: Brad Smith

Planning Status

Status Date: 05-Feb-2019

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

Applications

Status Date: 21-Jan-2019

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

Status Date: 18-Jul-2018

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

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

To allow for year round use of the Forest Retreat Centre

Planner: Brad Smith

Planning Status

Status Date: 26-Sep-2019

Island Planner and RPM hosted conference call with CMS rezoning committee - clarified next steps and potential timelines for CMS going forward

Status Date: 20-Aug-2019

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

Status Date: 19-Jul-2019

Revised layout plan provided by applicants' surveyor

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2019.1	Dewinetz - GIGARHS	11-Sep-2019	rezoning application for community affordable housing development

Planner: Brad Smith

Planning Status

Status Date: 26-Sep-2019

Island Planner scoping project application - next step is to meet with project proponent to discuss project details and explore potential next steps

Status Date: 25-Sep-2019

PTA created file, LTC notified, fees received, given to Planner.



Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2017.2	PETER THOMSON Planner: Brad Smith	22-Dec-2017	409 Porlier Pass Drive - proposed 20-lot bare land strata subdivision
Planning Status			
Status Date: 15-Oct-2018 DP and DVP related to subdivision application approved.			
Status Date: 09-Aug-2018 SD referral response sent to MOTI. Applicant required to apply for a DP and DVP.			
Status Date: 19-Jul-2018 Emailed Applicant's completed Subd Ref Review form to LTC cc Planner, MoTI; gave folder to Planner.			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2019.5	Follett & Denholm Planner: Brad Smith	10-Apr-2019	A temporary use short term vacation rental
Planning Status			
Status Date: 26-Sep-2019 Island Planner notified applicant of current moratorium on new STVR TUP applications and deferral of Page application (GL-TUP-2019.4) by LTC			
Status Date: 12-Aug-2019 Followed-up with applicant re status of TUP application - applicant is still working with MOTI on encroachment permit for fence and structures in statutory Right of Way			
Status Date: 03-Jun-2019 Site visit conducted by Planner - fence and structures observed in highway ROW/LUB setbacks - proponent advised to seek encroachment permit from MOTI - will also require variance for structures sited in LUB setback			

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2019.7	Keating, Craig & Young, Joanne	28-Aug-2019	renewal TUP application

Applications

Planner: Narrisa Chadwick

Planning Status

Status Date: 26-Sep-2019

Application scheduled to be considered by LTC at Oct 7 meeting

Status Date: 28-Aug-2019

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

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2019.8	Waterfall, Lawrence & Kowalski, Janusz	03-Sep-2019	Renewal temporary use permit application.
Planner: Phil Testemale			

Planning Status

Status Date: 17-Sep-2019

E-mailed applicant to confirm November 4, 2019 agenda for LTC consideration.

Status Date: 11-Sep-2019

PTA created file, LTC Notified, fees received, given to Planner.

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2019.9	Harrison, Victoria & Kramer, Verena/Wilfried	09-Sep-2019	TUP Renewal application
Planner: Phil Testemale			

Planning Status

Status Date: 26-Sep-2019

Application scheduled to be considered by LTC at Oct 7 meeting

Status Date: 11-Sep-2019

PTA created file, LTC notified, fees received, given to Planner.

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

625 Galiano	Invoices posted to Month ending August 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	666.00	158.57	507.43
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	5,301.00	1,912.31	3,388.69
65210-625	LTC - Local Exp - APC Meeting Expenses	411.00	0.00	411.00
65220-625	LTC - Local Exp - Communications	250.00	1,159.50	-909.50
65230-625	LTC - Local Exp - Special Projects	294.00	4,000.00	-3,706.00
TOTAL LTC Local Expense		<u>6,256.00</u>	<u>7,071.81</u>	<u>-815.81</u>
Projects				
73001-625-4051	Galiano Affordable Housing	3,000.00	0.00	3,000.00
TOTAL Project Expenses		<u>3,000.00</u>	<u>0.00</u>	<u>3,000.00</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: July 8, 2019

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

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

No	Meeting Date	Resolution No.	Issue	Policy
				c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.”
10.	July 8, 2019		TUPs for Short Term Vacation Rental use	That the Galiano Island Local Trust Committee initiate a moratorium on new TUP applications until the STVR project is completed and that bylaw enforcement is to require that unlawful STVRs comply with the LUB

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DATE OF MEETING: October 7, 2019
TO: Galiano Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager (RPM)
SUBJECT: Current options for Forest 1 (F1) lot rezoning and an overview of amenity provisions

PURPOSE

The purpose of this memorandum is to provide the Galiano Island Local Trust Committee (LTC) with:

- 1) a summary of the existing options for potential rezoning of Forest 1 (F1) lots on Galiano Island; and,
- 2) a summary of the general rules and limitations with respect to the inclusion of community benefits/amenities as a component of property rezoning.

This information was requested at the September 9, 2019 LTC meeting where the following resolution was passed:

GL-2019-065

It was Moved and Seconded,

that staff provide a report at the next LTC meeting regarding existing options for F1 lot rezoning and potential community benefits

CARRIED

DISCUSSION

Existing Forest 1 Lot Rezoning Options

There are currently two potential options for Galiano Island property owners to obtain the legal right to locate a dwelling on parcels currently zoned as F1 in the Galiano Island Land Use Bylaw (LUB) 127, 1999. Both options require rezoning.

Option 1 – Enter a forestry covenant agreement with the LTC and another body

Under this scenario, the property-owner enters a sustainable forestry covenant agreement with the LTC and another body that pertains to the entire F1 property.

In exchange for the forestry covenant, the F1 property is rezoned as Forest 3 (F3). F3 zoning allows for:

- A single dwelling ‘accessory to timber production and harvesting uses and home occupations’.
- A cottage is not permitted.

- No lot having an area less than 20 hectares may be created by subdivision.

This option is enabled via forest policy statement b) ii) of the OCP. The specific wording in the OCP is:

“land whose owner grants to the Silva Forest Foundation and the Local Trust Committee or any other covenantee satisfactory to the Local Trust Committee a covenant to manage the land in accordance with sustainable forest practices and prohibiting subdivision of the land into lots less than 20 hectares (49.4 acres), may be rezoned to permit one accessory dwelling per 20 hectares (49.4 acres) if the lot complies with Land Transportation Policy o). The location of the dwelling and any accessory buildings or structures must be selected to minimize their impact and the impact of related services on the forest, and the land use bylaw amendment must specify the location of the buildings.”

Option 2 - Transfer at least 75% of the F1 property to a public body

Formerly referred to as the ‘RR/FH’ option, this option is not currently guided by policy in the OCP. Despite this, there have been several rezoning approvals that use this approach. Under this scenario, the property-owner donates at least 75% of the property to a public body. To date, there have been four rezoning approvals under these terms.

In exchange for 75% of the property transferred to public ownership, the existing remaining 25% of the property was rezoned to Rural Residential (RR), with a minimum average sub-division size of 2 hectares (5 acres). RR zoning allows for:

- One dwelling permitted on each lot, and one additional dwelling permitted in respect of each 2 hectares of lot area over 2 hectares.
- One cottage on each lot having an area of 0.4 hectares or more in respect of each permitted dwelling.
- One secondary suite in a dwelling would be permitted on each lot having an area of 0.4 hectares or greater (in lieu of the ability to have a cottage on the lot), providing a rainwater catchment and storage system with a capacity of at least 16,000 litres is installed.
- Lot coverage cannot exceed 25%.

Three of the rezoning agreements also included specific conditions requiring:

- Incorporation of a siting plan that dictates the location and area of the residential home plate including driveways on each lot of the subdivision.
- Registration of a covenant granted to the LTC which restricts the layout and area of the future lots to provide for the contiguous clustering of lots.
- For two of the three, the creation of one additional RR lot from the 75%, with the net proceeds from the sale of the lot being transferred to an affordable or seniors housing society on Galiano

Specific details of three agreements are incorporated into the Galiano Island Official Community Plan (OCP) 108, 1995 (pages 8-9). Associated siting plan maps are incorporated into the LUB as Plans 3, 4 and 5 of Schedule D (pages 65-67).

This option also requires subdivision approval, approved subsequent to the rezoning by the provincial approving officer.

There are no specific requirements to include ocean frontage within the land area donated to a public body.

Density Zoning/Development Agreements/Amenity Contributions

Growth and development often lead to a demand for increased community amenities. The exchange of zoning for community amenities is a longstanding practice undertaken by local governments in B.C. The *Local Government Act* specifically authorizes local governments to permit zoning density bonuses in exchange for the provision of amenities or affordable/special needs housing. Other more ad hoc development agreements and community amenity schemes are also utilized. These approaches are intended to achieve objectives similar to those underlying more formal density bonus schemes.

In general, the definition of amenities that is applied is broad enough to include a wide range of community benefits (including cash contributions towards a specific purpose such as affordable housing). The most appropriate form of amenity is generally dependant on the circumstances of each rezoning proposal, and is often reached through negotiation between the local government and the property owner/developer. Community input may also help to shape the provision of community amenities.

Provincial guidelines locate the authority for imposing amenity provisions in the discretion that local government councils, boards and committees exercise with respect to rezoning applications. However, provincial guidelines also caution local governments to ensure that there is a direct link or 'nexus' between amenity contributions and development impacts, and that amenity provision requirements imposed on a development are proportional to its impacts and consistent with requirements imposed on other similar developments.

Density Bonus Zoning

Zoning bylaws can include the option of additional (bonus) density subject to specific conditions, which can include providing amenities. The *Local Government Act* allows local governments in B.C. to exchange bonus density for amenities or affordable housing by including density bonus provisions in their zoning bylaw. Local governments may also develop density bonus policies.

A density bonus model is a voluntary system of exchange between a local government and a land developer. A land developer can choose to either:

- develop to the permitted base density with no additional contribution required; or
- build additional bonus density or floor space in exchange for a contribution back to the local government.

Contributions can be:

- a specific number of affordable housing units;
- a developer-provided amenity (e.g. energy-efficient building features that reduce costs for occupants); or,
- funding that the local government can use towards amenities or affordable or special needs housing.

Some of the drawbacks with implementing density bonus schemes via regulation include that they apply only to density (not use), that the amenity needs to be well defined, and that there is no discretion to refuse the increased density if terms are met by the developer once the bylaw is in place.

Development Agreements

A development agreement is a legally binding contract between a property owner or developer and a local government, often including terms not otherwise required through existing regulations. To establish a development agreement, the developer and the local government both work with legal counsel to develop and execute a contract that binds all parties. Development Agreements may include a variety of terms and conditions such as the provision of amenities and parkland, timing and phasing of the development, and registration of covenants.

Community Amenity Contributions (CACs)

CACs are negotiated amenity contributions agreed to by the developer/property-owner and a local government as part of a rezoning process initiated by the developer/property-owner. Community amenity contributions typically include the provision of amenities, affordable housing and/or financial contributions towards amenities. The agreed-to contribution is obtained by the local government, if the local government decides to adopt the rezoning bylaw.

Local governments do not have legal authority to require applicants for rezoning to pay CACs. They must ensure that any CACs are obtained as part of a negotiation process. Local governments must also not commit to pass a rezoning bylaw on the condition that CACs are provided. Local government elected officials are legally required to remain open-minded on a proposed rezoning, until they have heard the public's perspectives at one or more public hearings.

Although they are not labelled as such, both the F3 and 75% options discussed previously fall into the CAC category as the contribution is negotiated on a case-by-case basis, the lands are rezoned once the agreement is reached, and as there is a change of use rather than just an increase in density they cannot be structured as a density bonus.

CONCLUSIONS AND NEXT STEPS

Two rezoning options currently exist for Galiano Island F1 lot owners to gain access to the right to have one or more dwellings located on their F1 property; however the limited uptake of these options by F1 property-owners suggests that the exploration of additional options may be needed.

The provision of community amenities in exchange for rezoning is an approach that is widely utilized by local governments in B.C. The definition of amenities is applied broadly and as such, the LTC would have significant discretion in the type of amenities that could be sought, including cash contributions held in reserve (or land that could be sold with profits held in cash reserve) for specific community needs such as affordable housing.

If the LTC is willing to consider alternative options for rezoning that provide community amenities in lieu (or in conjunction with) a transfer of a portion of land and/or a conservation covenant, the following points should be considered:

- Will the decision to include a particular community amenity in an F1 lot rezoning agreement create a precedent for future F1 rezoning proposals – if so, is this precedent appropriate and desired by the LTC?
- Is the community amenity appropriately scaled to the magnitude of the development opportunity created by the rezoning?
- Can a range of potential community amenities be considered to provide flexibility for F1 lot owners depending on individual circumstances while still respecting the need to provide a level and fair playing field for all?

If the LTC is interested in further pursuing the possible use of alternative community amenity approaches for F1 lots on Galiano Island, recommended next steps include:

- Establish the project as a priority LTC project and direct staff to develop an associated project charter/work plan;
- Undertake a more in-depth review/analysis of existing amenity provision agreements and approaches across other jurisdictions that may be appropriate for Galiano Island;
- Engage the community and stakeholders on the topic via one or more community information sessions and/or other outreach processes;
- Summarize findings including a description of the scope and magnitude of community amenities that may be considered appropriate by the LTC in exchange for rezoning of F1 lots; and,
- Implement bylaw amendments (if deemed necessary).

Submitted By:	Brad Smith Island Planner	September 25, 2019
Concurrence:	Robert Kojima Regional Planning Manager	September 26, 2019



File No.:

DATE OF MEETING: October 7, 2019
TO: Galiano Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Deadlines for public comments

PURPOSE

The purpose of the memo is to provide the LTC with background and options relating to the receipt of public comments on applications that are not subject to public hearing, specifically Temporary Use Permits (TUP) and Development Variance Permits (DVP). The LTC adopted the following resolution at the September 9th meeting:

GL-2019-068

It was Moved and Seconded,

that the Galiano Island Local Trust Committee report on options to set in place more explicit deadlines for public comments on applications to the LTC that do not require a public hearing process.

CARRIED

In certain instances a significant number of public comments may be received shortly before, or at, an LTC meeting and after the meeting agenda is finalized and published. This can result in:

- Applicants not receiving copies of comments, or receiving them only at the last moment
- The LTC not receiving comments in time to effectively consider in their decision-making
- Comments made on an application are not available for the public to read

There are several issues associated with the notification process:

- Legislative: DVP and TUP are not subject to the same process as a public hearing for a bylaw, the requirement is to give notice only, and the statutory requirements for that notice establish windows for publishing, mailing and delivering notices (see Attachment 1: *Local Government Act* excerpts).
- Case law has confirmed that applications such as DVP and TUP do not trigger an obligation for the LTC to hear from an applicant, or the public, before a permit is issued, rather the requirement is to disclose an intent to consider issuance of a permit.
- Consistent with the legislation, notices do not speak to public submissions or the time and place that the public can make submissions to the LTC (as they do for public hearing notices). Rather, these notices direct “questions or comments” to the planner by a specified date (please see Attachment 2: DVP notice). In the case of DVP applications, as the notice must simply be mailed and delivered 10 days prior to the meeting, staff strive to establish the administrative deadline for questions and comments prior to the agenda deadline so that comments can be compiled with the staff report and incorporated in the

planner's analysis. Given the timing of meetings, pressures to process applications in a timely manner, and routine delays the administrative deadlines in notices often fall after the agenda deadline. TUP applications, with a requirement to publish the notice in a newspaper between 3 and 14 days before the resolution creates a narrow window.

- Galiano meetings are held on Mondays, agendas are published on the Monday preceding the meeting, staff reports are finalized in the week before the agenda deadline, resulting in a minimum of 10 days between a report being finalized and the meeting.
- Comments submitted for applications such as DVP or TUP are not posted on the webpage: comments that are submitted by the notice deadline are either attached to the staff report, and thus in the agenda, or comments received after the agenda is finalized are distributed to trustees by email prior to the meeting.
- Practically, handling of incoming correspondence is only a small portion of one administrative position's duties. If comments are emailed on the Friday before a Monday meeting, or on the weekend before a Monday meeting, there is a chance of it not being received or processed in time for the LTC to consider it before the meeting.
- Applicant's receipt of comments has been addressed by changing the process so that redacted copies of comments are forwarded to the applicant.

Options

There are limited changes that can be made that would ensure that comments are not submitted at the 11th hour, if an application generates concern (or support) interested persons are going to engage with the Local Trust Committee.

1. The LTC can choose to not consider comments that are received after the administrative deadline established in the notice; and
2. Staff can change application processing practices so that notice deadlines are at least a week in advance of meeting dates, this would ensure that all comments received by the deadline are in the agenda package. This would likely increase processing times for applications.

The second option – to ensure comment deadlines fall prior to the agenda deadline – is currently our best practice, but as noted above, is not practical in all cases.

Submitted By:	Robert Kojima, Regional Planning Manager	September 27, 2019
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ATTACHMENTS

1. Attachment 1 – Local Government Act excerpts
2. Attachment 2- Example notice

TUP notice requirements

- 494** (1) If a local government proposes to pass a resolution under section 493 (1) (a), it must give notice in accordance with subsections (2) to (4) of this section.
- (2) The notice must state
- (a) in general terms, the purpose of the proposed permit,
 - (b) the land or lands that are the subject of the proposed permit,
 - (c) the place where and the times and dates when copies of the proposed permit may be inspected, and
 - (d) the place where and the time and date when the resolution will be considered.
- (3) The notice must be published in a newspaper at least 3 days and not more than 14 days before the adoption of the resolution to issue the permit.
- (4) Section 466 (4) to (8) [*specific requirements in relation to notice of public hearing*] applies to the notice as if the resolution were a bylaw
- 466** (4) ...the notice must
- (a) subject to subsection (6), include a sketch that shows the area that is the subject of the bylaw alteration, including the name of adjoining roads if applicable, and
 - (b) be mailed or otherwise delivered at least 10 days before the [resolution]
 - (i) to the owners, as shown on the assessment roll as at the date of the [application for the permit], and
 - (ii) to any tenants in occupation, as at the date of the mailing or delivery of the notice,
- of all parcels, any part of which is the subject of the {permit] or is within a distance specified by bylaw from that part of the area that is subject to the [permit].
- (5) ...
- (6) If the location of the land can be clearly identified in the notice in a manner other than a sketch, it may be identified in that manner.
- (7) ...
- (8) The obligation to deliver a notice under subsection (4) or (5) is satisfied if a reasonable effort was made to mail or otherwise deliver the notice.

DVP Notice Requirements

- 499** (1) If a local government proposes to pass a resolution to issue a development variance permit, it must give notice in accordance with this section.
- (2) The notice must state the following:
- (a) in general terms, the purpose of the proposed permit;
 - (b) the land or lands that are the subject of the proposed permit;
 - (c) the place where and the times and dates when copies of the proposed permit may be inspected.
- (3) The notice must be mailed or otherwise delivered at least 10 days before adoption of the resolution to issue the permit
- (a) to the owners, as shown on the assessment roll as at the date of application for the permit, and
 - (b) to any tenants in occupation, as at the date of the mailing or delivery of the notice,
- of each parcel, any part of which is the subject of the permit or is within a distance specified by bylaw from that part of the land that is subject to the permit.
- (4) The obligation to give notice under this section is satisfied if the local government made a reasonable effort to mail or otherwise deliver the notice.

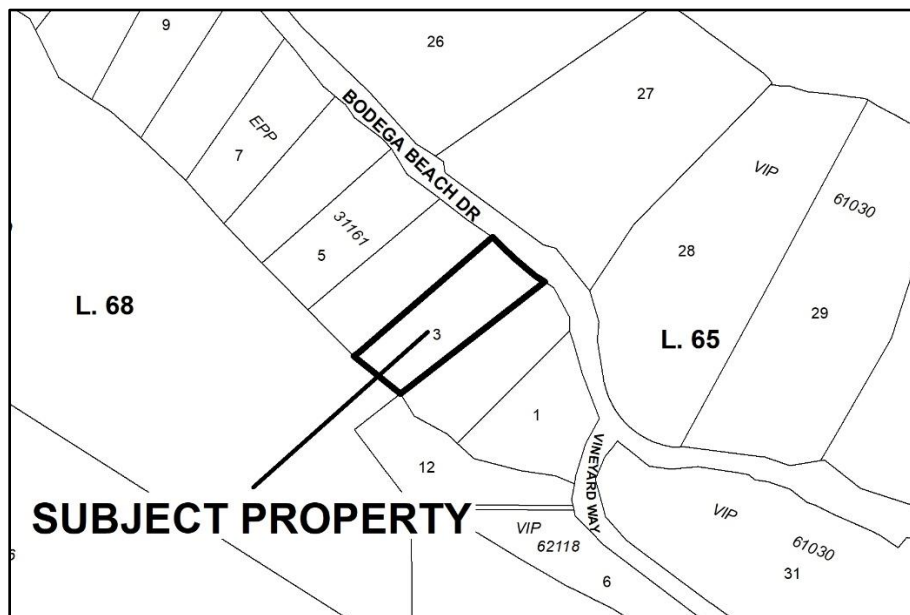
NOTICE
GL-DVP-2019.3
GALIANO ISLAND LOCAL TRUST COMMITTEE

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

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

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

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



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

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

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

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

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

Sharon Lloyd-deRosario, Deputy Secretary