



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: October 2, 2017
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

			Pages
1.	CALL TO ORDER	12:30 PM - 1:00 PM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS		
4.	COMMUNITY INFORMATION MEETING		
	none		
5.	PUBLIC HEARING		
	none		
6.	MINUTES	1:00 PM - 1:15 PM	
6.1	Local Trust Committee Minutes Dated September 11, 2017 (for Adoption)		4 - 15
6.2	Section 26 Resolutions Without Meeting Report		
	none		
6.3	Advisory Planning Commission Minutes		
	none		
7.	BUSINESS ARISING FROM MINUTES		
7.1	Follow-up Action List Dated September 2017	1:15 PM - 1:30 PM	16 - 17
8.	DELEGATIONS		
	none		
9.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
	none		

10. **CLOSED MEETING (Distributed under Separate Cover)** 1:30 PM - 2:00 PM
- 10.1 **Motion to Close Meeting**
That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(i) for the purpose of considering:
- *Legal Advice*
- AND that the recorder and staff attend the meeting.*
- 10.2 **Recall to Order**
- 10.3 **Rise and Report**
11. **APPLICATIONS AND REFERRALS** 2:00 PM - 2:45 PM
- 11.1 **GL-RZ-2017.1 (Stevens) - Staff Report (attached)** 18 - 29
- 11.2 **GL-DVP-2017.3 (White Pine Environmental) - Staff Report (attached)** 30 - 54
- 11.3 **GL-TUP-2017.3 (Meden) - Staff Report (attached)** 55 - 77
- 11.4 **GL-DVP-2017.4 (McMillan) - Staff Report (attached)** 78 - 102
12. **LOCAL TRUST COMMITTEE PROJECTS**
 none
13. **REPORTS** 2:45 PM - 3:30 PM
- 13.1 **Work Program Reports (attached)**
- 13.1.1 Top Priorities Report Dated September 2017 103 - 103
- 13.1.2 Projects List Report Dated September 2017 104 - 105
- 13.2 **Applications Report Dated September 2017 (attached)** 106 - 109
- 13.3 **Trustee and Local Expense Report Dated August 2017 (attached)** 110 - 110
- 13.4 **Adopted Policies and Standing Resolutions (attached)** 111 - 112
- 13.5 **Local Trust Committee Webpage**
- 13.6 **Chair's Report**
- 13.7 **Trustee Report**
- 13.8 **Trust Fund Board Report**
 none
14. **NEW BUSINESS**
 none

- | | | |
|------|---|-------------------|
| 15. | UPCOMING MEETINGS | 3:30 PM - 3:45 PM |
| 15.1 | Next Regular Meeting Scheduled for November 6, 2017, at the South
Community Hall, Galiano Island | |
| 16. | TOWN HALL | 3:45 PM - 4:00 PM |
| 17. | ADJOURNMENT | 4:00 PM - 4:00 PM |



DRAFT

**Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee**

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: September 11, 2017
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

Staff Present: Rob Milne, Island Planner
Colleen Doty, Recorder

Public Present: There were approximately 27 members of the public in attendance.

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:30pm. She acknowledged the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

For consideration as an addition under Item 13 New Business - 13.1 Addition to Bodega Ridge Park.

By general consent the agenda as amended was Approved.

3. TOWN HALL AND QUESTIONS

Chair Busheikin noted this Town Hall was an opportunity to speak to items on the agenda. Given the full agenda ahead, approximately three minutes would be given to each speaker.

Elizabeth Latta expressed concern about a possible duplication of effort with respect to a recent Local Planning Committee meeting in Ladysmith where a staff report recommended spending \$6000 on a telecommunications consultation protocol. She requested an update on the work being undertaken.

Chair Busheikin noted that draft minutes from the committee in Ladysmith were most likely unavailable until they were adopted, unless considered urgent or critical. Our local telecommunications Special Advisory Planning Commission (SAPC) created a "made-in-Galiano" process, so their work is not necessarily being duplicated.

Trustee Pottle added she is a member of the Local Planning Committee and has repeatedly mentioned the work undertaken by the Galiano SAPC however could not attend the last meeting nor has seen the draft minutes.

Karen Wilke requested follow-up about improved cell-phone reception. She was recently involved in a serious, potentially life-threatening incident on Galiano, where she was trapped on her property, with no cell-phone reception. She was of the impression that the recent telecommunications survey indicated that people overwhelmingly wanted better cell phone service on Galiano.

The LTC provided a brief history of the telecommunications SAPC and its mandate.

Mike Hoebel, a member of the former telecommunications SAPC, noted that their mandate was to clarify the consultation process. The next step was to have a Community Information Meeting (CIM).

Stephen Rybak, Chair of the telecommunications SAPC, noted useful outcomes of their work:

- a draft protocol outlining consultation requirements framework to evaluate new proposals,
- examination of telecommunications strategy within the context of worldwide developments,
- the SAPC contacted all service providers, who responded they had no capital or plans for developments on Galiano,
- the advocacy role for the LTC, in the future, was a matter that still needed to be decided.

Roger Pettit spoke in support of the Stevens application for rezoning. He noted the invaluable work -- terracing and delivery of sand -- provided by Stevens on Sunshine Farms. Mr. Pettit expressed concerns about the extent to which the newly constituted telecommunications SAPC, currently with three members, was balanced. He would like to see volunteer positions more broadly advertised.

Stephen Rybak noted frustration with the lack of progress made on the telecommunications protocol since June. The section on the public consultation process had been weakened. Section 4.6.6 (p. 28) of the SAPC report was more robust. The fact that consultation was a very important part of any protocol as underlined recently at a Local Planning Committee meeting when staff recommended spending \$6000 to direct a consultation process. Mr. Rybak noted that we could probably move to a CIM as long as we focused on the protocol drafted by staff. Weaknesses in the public consultation elements will come to light at that CIM. He requested that staff also be at the CIM as co-presenters of the protocol, because of their particular revisions. He felt the three remaining SAPC members could present the draft protocol as a package to the community as long as they focused on the protocol. He noted that there has been no resolution to any of the key unresolved issues (notably, BC Hydro's role and the relationship with the LTC with respect to telecommunications siting).

With respect to the Regional Trail Route, he noted general support of what they are proposing and thinks it will be of benefit to community to have a safe route. He asked whether the trail would be on one or both sides of the road, noting that the BC Motor Vehicle Act states that one has to walk facing traffic or else one is breaking the law. He expressed concern about mindless, petty, vandalism that has been repeatedly occurring to park signage, creating a safety issue; he referred to a recent incident of a disoriented woman hiking in Heritage Mountain. He supports the Stevens rezoning application.

Tom Hennessy expressed concern about the reference to “the Affordable Housing Project” (agenda package p. 150 Affordable Housing Strategy) being confused with Galiano Green. He indicated interest in being a member of that SAPC. With respect to telecommunications, he noted that there is great feeling on both sides of the issue with respect to electro-magnetic radiation (EMF), with many people in the middle. It takes a number of years to be affected by EMF. He urged the LTC to go no further on promoting cell phones.

Louise Decario noted her support for rezoning in the Stevens application. She asked whether staff had visited the site prior to preparing the recommendations in the staff report. She referred to Land Use Bylaw section 13.9 (prohibiting the creation of a lot lying within two or more zones), noting it had not been mentioned in the staff report despite its relevancy to the application.

With respect to application GL-DVP-2017.4 (McMillan), she also enquired about a site visit. It was noted that while there were three DPA's on that property, the survey does not indicate the location of the DPA's in relation to the proposed building. The proposed structure is only 16.5 metres approximately from the water course, yet the regulations specify needing 30 metres from a water course. The locations of the wells and septic field are unknown. It was noted that the upper floor of the proposed structure resembles a house. Ms. Decario referred to LUB sections 2.23 and 2.24, enforcement of siting regulations.

Planner Milne indicated that he had not yet visited the Stevens' site, but would be soon. He confirmed that, with respect to the GL-DVP-2017.4 (McMillan), a site visit has been conducted.

Mike Hoebel supported going to a CIM on the telecommunications siting and consultation protocol as soon as possible and supported the rezoning of the Stevens' property.

4. COMMUNITY INFORMATION MEETING
none

5. PUBLIC HEARING
none

6. MINUTES

6.1 Local Trust Committee Minutes Dated July 10, 2017 (for Adoption)

By general consent the Local Trust Committee meeting minutes of July 10, 2017 were adopted.

6.2 Section 26 Resolutions Without Meeting Report
none

6.3 Advisory Planning Commission Minutes
none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated August 2017

With the exception of inviting the CRD to provide a report prior to every LTC meeting - an invitation would go out later this week - all items were complete.

8. DELEGATIONS

8.1 A. Loveridge re: Seeking LTC Support for Transfer of Lands

Mr. Loveridge proposed that VIP61007 Lot 9, on the northern edge of Bodega Ridge Park, makes a natural addition to the Bodega Ridge Provincial Park Reserve but currently belongs to the Ministry of Finance. The LTC is in the process of rezoning two recent additions to "Nature Protection." He suggested that the LTC request the Ministry of Finance to transfer the land to Parks BC with a view to it being incorporated into the Park Reserve, to bring it into conformity with the terrain of Bodega Ridge.

He brought a resolution forward for consideration. It was noted this would be discussed under 13.1 later on in the agenda.

9. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage
none

10. APPLICATIONS AND REFERRALS

10.1 Salt Spring Island Local Trust Committee Bylaws No. 502 & 503 Referral (attached)

GL-2017-069

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee considers its interests unaffected by Salt Spring Island Bylaws No. 502 and 503.

CARRIED

10.2 Salt Spring Island Local Trust Committee Bylaws No. 500 & 501 Referral (attached)

GL-2017-070

It was MOVED and SECONDED

That the Galiano Island Local Trust Committee indicates that their interests are unaffected by Salt Spring Island Bylaws No. 500 and 501.

CARRIED

10.3 CRD - Gulf Islands Regional Trails Plan (attached)

The LTC thanked the commissioners for their hard work, and received the plan for information.

10.4 GL-DVP-2017.4 (McMillan) - Staff Report (attached)

Planner Milne provided a summary of the staff report noting the applicants were not involved with animal husbandry, they are in the process of developing an orchard and no cooking facilities show on the plan.

Louise Decario asked Planner Milne to look at DPA setbacks.

Trustees noted that neighbours had provided verbal reports of animal husbandry, specifically, the raising of pigs. Neighbours have expressed concern with increased activity happening in the general area. It was noted that marihuana was grown nearby, the effects of off-lighting having been satisfactorily mitigated. A concern had been expressed by neighbours about the potential for the proposed structure to become a retail outlet without a commercial permit.

Questions were noted with respect to:

- Whether there was a building permit for the mobile home;
- Where the septic field is located;
- Specific location of the water course;
- Specific location of the well(s).

GL-2017-071

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee defers application GL-DVP-2017.4 (McMillan) pending receipt of information with respect to: the septic field, wells, water course, and information on the Development Permit Area.

CARRIED

The LTC noted the importance of ensuring the owner is informed of setbacks with respect to animal husbandry.

A twenty minute break was called at 1:49 p.m.

The meeting reconvened at 2:11 p.m.

10.5 GL-RZ-2016.2 (Galiano Conservancy) - Staff Report (attached)

Planner Milne provided introductory comments.

Keith Erickson, Director of the Galiano Conservancy Association (GCA), referred to the Staff Report, p. 82 (agenda package), which itemizes several concerns from the Advisory Planning Commission (APC). The GCA was happy to comply with a number of the concerns. Clarification or further discussion was required on the following:

- Agricultural zoning: the GCA sought clarification of the APC's comments. Trustee Pottle thought that this was more of comment in support of the AG zoned land continuing to be used in that way, rather than a direction.

- Dedicated and secured public trail access to the foreshore: Mr. Erickson acknowledged the community desire for foreshore access, while noting the complications it would present to some of the GCA's programming requiring both privacy and security. The complexity arises in that it is about 2km, and would be potentially costly to secure in some sort of permanent, public way. Further conversations are anticipated with the Parks and Recreation Commission and the CRD, to explore ways of providing that security. The 2km trail would avoid the education areas. A permit might be held by Parks and Recreation, or, a statutory right-of-way might be possible.
- Full road allowance dedication: As Porlier Pass Road is a section 4 road, MOTI has the right to manage and maintain the surface of the road, but there is no formal road dedication. The APC identified an interest in having that actual dedication of the full 66 foot allowance. MOTI does not have that requirement themselves. GCA would prefer not to have to survey the property to have that dedication. The reason behind this recommendation is to allow for the potential to have some type of cycling path alongside the road. One possible solution is to put a statutory right-of-way in place, rather than surveyed out 33 feet on either side from centre then the CRD would have the right to develop alongside if needed in future, in a less costly solution than a legal survey.

It was noted that the Nature Conservancy of Canada had already approved the GCA management plan.

- That a site plan be attached to the bylaw for readers reference: Clarification was required on this request. Mr. Erickson was concerned this would add an inflexible layer to the bylaws.
- Sheila Anderson, Chair of the APC, clarified that their request arose because of confusion about the reference to two camping areas. A map, for reference, made it clear. A request was made for plain language in the bylaw.
- Fire safety: Noted as being at the top of the GCA's priority.
- Management of water and septic systems: GCA is in talks with Vancouver Island Health Authority to ensure compliance with building codes.

Further comments from the LTC:

- The work of the APC and GCA on this application was commended;
- Trustee Harris hoped that continued efforts would be made to address the road and beach access concerns;
- It was noted there were many beach accesses that were open all the time;
- Trustee Pottle felt the GCA addressed all the concerns she had;
- Chair Busheikin asked whether it would be possible to attach a site plan to the LUB that would be clearly indicated as illustrative or general, but not binding. She noted the difficulty of writing bylaws in plain, descriptive language. She supported not being overly restrictive.

- Planner Milne noted that, in general terms, people are not going to look at zoning bylaws for a site map. The property is being controlled by a management plan. A link to a management plan may help people to understand it all.
- Trustee Harris asked how to ensure that two points were being dealt with, without holding up the process.
- Planner Milne noted that the LTC needed to decide if they wanted an illustrative only map attached. What right-of-way would be required to have the trail? These items would need to be in place prior to a Public Hearing. The application could go to second reading.

GL-2017-072

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Bylaw No. 263, cited as “Galiano Island Land Use Bylaw, 1999, Amendment No. 1, 2017” be amended by:

- Amending item 11.2.1.2 by adding the words, “with accessory camping” to the end of the existing text;
- Amending item 11.2.1.5 by inserting the word “accessory” at the beginning of the existing text;
- Amending the fourth bullet in item 11.2.2.1 by inserting the text, “not to exceed 76 persons,” after the text, “program participants”;
- Amending item 11.2.2 by the insertion of the word “accessory” after the text, “In association with”; and
- Amending item 11.2.2 by the addition of a new point 11.2.2.3 which reads as follows:
“Campsites and tent platforms shall be sited in designated areas and shall not exceed a combined total of 36.”

CARRIED

GL-2017-073

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Bylaw No. 263, cited as “Galiano Island Land Use Bylaw, 1999, Amendment No. 1, 2017,” be read a second time as amended.

CARRIED

The applicant questioned the extent to which items had to be completed before a public hearing.

Planner Milne noted there would be an expectation the GCA would be engaged with MOTI with respect to the road issue and with the CRD and Parks and Recreation with respect to the trail. It was noted that the residents of the area were entitled to see documentation on those issues.

The public hearing would not be scheduled until the matter was further along.

10.6 GL-RZ-2017.1 (Stevens) - Staff Report (attached)

The applicants were present. After introductory remarks, there was extensive discussion about section 13.9 of the LUB; Planner Milne noted that the split-zoning prohibition was in the context of subdivision regulations which he felt were not relevant to this application.

Trustee Pottle noted an interest in seeing planners explore, with the applicants, the possibility of rezoning to Forest Industrial (FI) zone. The approach of having two zones on one property was questioned. The following points were discussed:

- Having a home plate for residential use, with the rest of the property rezoned Forest Industrial;
- Zoning options related to potential for future subdivisions;
- The number of uses and activities on the property;
- Vehicle storage and traffic impacts;
- The extent to which the community would be sensitive about removing the Forest Zone;
- The importance of having staff visit the site;
- Timber production and harvesting not being permitted in Forest Industrial;
- The need for more analysis about options for rezoning.

Questions raised:

- Would putting the entire property into Forest Industrial impact the PMFL?
- Planner Milne said he would have to consider this further and have further discussions.
- When would it be appropriate to refer the application to the APC to analyse different approaches to rezoning?
- If, down the road, Stevens Excavating ceases to excavate, would the home, then, become legally non-conforming? Does the home become a permissible use related to the use of the property?

Fred Stevens noted that most of the services they perform, are done off-site. There is storage and loading of some product at their property. He questioned the benefit of putting the whole property into one zone and moving the Forest zone into Forest Industrial.

Planner Milne noted that under F1, the intent is to create value-added industrial uses, which captures the work that is going on there, with the option of having the least impact on the land, and allowing the mechanical extraction. Whereas the Forest Industrial (FI) anticipates significantly smaller parcels.

GL-2017-074

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee request that staff, in cooperation with the applicant, submit to the Galiano Island Local Trust Committee, information regarding the possibility of rezoning the entire property to Forest Industrial, with a home-plate approach, with the area already identified as a Forest Industrial portion.

CARRIED

GL-2017-075

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee request staff to provide information about whether potential rezoning supports all current industrial uses of the property.

CARRIED

Trustee Harris opposed

Further discussion noted:

- Importance of rezoning to reflect the uses.
- Possibility of site-specific rezoning to a variant, since the FI zone does not allow the activities the applicants wish to undertake.
- A significant number of activities on the property are all covered under the *Mines Act* which does not require compliance with zoning.
- Timing for staff will be tight for next month's meeting of October 2nd.
- There appeared to be consensus that the LTC did not want to remove forestry as a permitted use.

A short recess at 3:43pm was called.

The meeting reconvened at 3:48pm.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Telecommunications Special APC Terms of Reference - Staff Report (attached)

Staff noted their intention to be present at the Community Information Meeting (CIM).

There was consideration as to whether the CIM would happen at the same time as the October LTC meeting or at another time. There was consensus that a Special Meeting of the LTC was preferable, possibly an afternoon event, and that the timing of this would be coordinated with SAPC members.

Stephen Rybak expressed concern about the lack of communication with the community. Only the siting protocol has been discussed at the LTC. Few have looked at the telecommunications strategy. Compounding this, very few people on this island have seen the report that came out. Only hard copies at LTC or on the Islands Trust website. It will be difficult to get the information out. It might be easier to hold a CIM on the protocol itself and to deal with feedback on the

protocol, as opposed to the larger strategy. Mr. Rybak noted his preference for having a tighter focus for the CIM. He would like to have the CIM on the protocol and public consultation process that staff prepared, based on SAPC recommendations. He requested the LTC and staff look at the larger strategy recommendations that the SAPC made, as well as the further items requiring follow-up.

GL-2017-076

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee confirm that the Community Information Meeting focus only on the siting and consultation protocol.

CARRIED

11.2 Affordable Housing Special APC - Staff Report (attached)

To date, only one person stepped forward (during Town Hall) to volunteer on the Affordable Housing SAPC. The LTC is awaiting the CRD housing report.

GL-2017-077

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee refers the Affordable Housing project to the regular Advisory Planning Commission.

CARRIED

Planner Milne advised that very clear direction be given to the Advisory Planning Commission.

GL-2017-078

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee amends the Terms of Reference for the Special Advisory Planning Commission reviewing affordable housing on Galiano and send it to the Advisory Planning Commission.

CARRIED

April 2018 is the desired due date for a written report.

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated August 2017

The dock review project has been challenging in light of recent notice given by the Penelakut Band Manager. The Penelakut were meeting today to discuss the implications for ongoing projects.

The consensus of the LTC was to leave priorities as is, pending further information from the Penelakut.

12.1.2 Projects List Report Dated August 2017
Information as provided.

12.2 Applications Report Dated August 2017 (attached)
Information as provided.

12.3 Trustee and Local Expense Report Dated June 2017 (attached)
Information as provided.

12.4 Adopted Policies and Standing Resolutions (attached)
Information as provided.

12.5 Local Trust Committee Webpage

Updated as directed.

12.6 Chair's Report

Chair Busheikin reported that Salt Spring Island residents voted against incorporation. This will lead to further conversation about concerns and improvements moving forward. For the upcoming Trust Council on Denman Island, there is a pertinent section on advocacy and a community presentation on marine protection and shellfish. Discussions about the Trust Committee structure are beginning. At the end of September all Executive Committee members are going to the Union of BC Municipalities convention and perhaps bringing forward a request to change the *Islands Trust Act*. The new government may be more receptive to some of the requests. More funding is available for small communities and even island communities.

12.7 Trustee Report

Trustee Harris went to a very short Financial Planning Committee meeting. He expressed relief that the Salt Spring Island (SSI) question had been resolved. He had been impressed with Gary Holman and his defence of the Islands Trust. He has met Member of the Legislative Assembly, Adam Olson, and was also impressed with him, thinking he will be an asset to Galiano. Trustee Harris' office hours have resumed Wednesdays at 4 p.m. He noted his interest in the Trust Fund Board's report on Crystal Mountain.

Trustee Pottle noted the SSI incorporation vote was occupying the minds of many trustees. She hoped there would be lots of public input for the upcoming Trust Council. She stressed the importance of engaging First Nations (FN). Provincial rules for engaging FN's are very clear. Once there is a land claim, the consultation process must be turned over to the province. She wants to undertake rezoning in a thorough and thoughtful fashion. She expressed to MLA Adam Olson her hope for the reintroduction of the forests' lands reserve. The PMFL Act was very industry friendly. She has met with Member of Parliament, Elizabeth May.

12.8 Trust Fund Board Report

12.8.1 Crystal Mountain Conservation Proposal - Memo & Staff Report (attached)

The Islands Trust Fund Memorandum and Staff Report were received for information. The applicant has asked to be on the agenda of the next Trust Fund Board meeting, which is soon.

13. NEW BUSINESS

13.1 Addition to Bodega Park

Planner Milne recommended a letter to the appropriate official at BC Parks explaining the latest suggestion as supported by LTC resolution. The consensus was not to send anything to the Ministry of Finance.

GL-2017-079

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee write a letter, signed by the Chair, contacting BC Parks and informing them that the LTC would be in favour of transferring VIP 61007 Lot 9 land from the Ministry of Finance to BC Parks.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for October 2, 2017, at the South Community Hall, Galiano Island

15. TOWN HALL

No speakers.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:44 p.m.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder

Follow Up Action Report

Galiano Island

02-May-2016

Activity	Responsibility	Target Date	Status
GL-TUP-2016.1 (Stettner) - Proposed covenant received. Staff waiting for confirmation of registration.	Rob Milne	01-Jul-2016	On Going

10-Jul-2017

Activity	Responsibility	Target Date	Status
Staff to invite the CRD to provide a report before every Local Trust Committee meeting.	Robert Kojima		On Going

11-Sep-2017

Activity	Responsibility	Target Date	Status
Minutes of July 10, 2017 meeting adopted as presented	Lori Foster		Done
That the SSI LTC be advised that the Galiano LTCs interests are unaffected by Bylaw Nos. 502 and 503.	Sharon Lloyd-deRosario		Done
That the SSI LTC be advised that the Galiano LTCs interests are unaffected by Bylaw Nos. 500 and 501.	Rob Milne		
That further consideration of application GL-DVP-2017.4 is deferred pending receipt of information regarding: ·Well and septic location information ·accurate setback information from watercourse ·Information regarding the impacts of DPAs on the property with respect to the siting of the proposed barn.	Phil Testemale		On Going

Follow Up Action Report

That application GL-RZ-2016.2 be read a second time amended as per recommendations 1 and 2 of the staff report (DONE) and that further actions wait until receipt of a draft right of way for Porlier Pass Road and a mechanism to provide public trail access to the satisfaction of Galiano Parks and Recreation and CRD Parks.

Sharon Lloyd-deRosario
Rob Milne

On Going

GL-RZ-2017.1- Staff to Staff to meet with applicant and submit to LTC information regarding possible rezoning of entire property to Forest Industrial with

Rob Milne

Done

Staff to proceed with organizing and scheduling a Community Information Meeting for the draft Antenna System Siting & Consultation Protocol and that staff consider a mailout and other approaches to more fully engage community members.

Rob Milne
Lori Foster

On Going

Staff to refer the Affordable Housing Project Charter and amended Terms of Reference to the Galiano Island APC.

Rob Milne
Lori Foster

Done

That a letter be sent to Parks BC advising that the Galiano Island LTC supports a transfer of Lot 9, VIP51007 from the Ministry of Finance to Parks BC.

Rob Milne

Done

CRD Gulf Island Regional Trails Plan- Trustees to submit completed comment forms.

On Going



File No.: GL-RZ-2017.1 (Stevens)

DATE OF MEETING: October 2, 2017
TO: Galiano Island Local Trust Committee
FROM: Rob Milne, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Rezoning of a Portion of District Lot 37
Applicant: Fred and Isobel Stevens
Location: 303 Betty Ann Drive

RECOMMENDATION

1. That the Galiano Island Local Trust Committee directs staff to prepare draft bylaws for the review and consideration of the Local Trust Committee based upon the Forest Industrial (FI) split zoning approach requested by the applicants in their application.

REPORT SUMMARY

The purpose of this report is to report back on the direction provide to staff by the LTC at their September 11, 2017 meeting.

BACKGROUND

After consideration of a staff report dated August 21, 2017 at their September 11th regular meeting the LTC adopted the following two motions:

GL-2017-074

That the Galiano Island Local Trust Committee request that staff, in cooperation with the applicant, submit to the Galiano Island Local Trust Committee, information regarding the possibility of rezoning the entire property to Forest Industrial, with a home-plate approach, with the area already identified as a Forest Industrial portion.

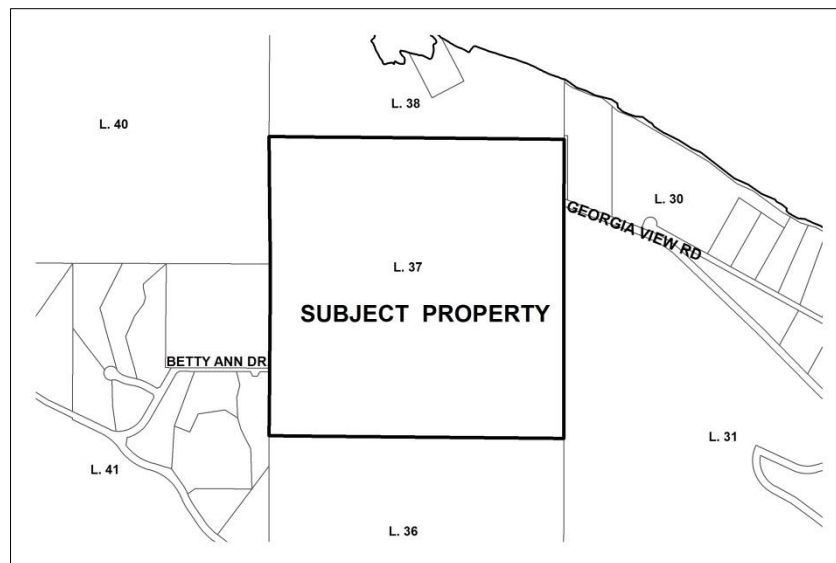
GL-2017-075

That the Galiano Island Local Trust Committee request staff to provide information about whether potential rezoning supports all current industrial uses of the property.

With respect to resolution GL-2017-074, staff met with the applicants on the subject property on September 19th to discuss the application and the resolutions of the LTC.

It is the view of staff that the applicants understand the Forest Industrial (FI) zoning approach suggested by the LTC, which would utilize a modified, site-specific, FI zone that would see a “home plate” which allows for the basic Forest Industrial suite of permitted uses on the area defined on Attachment 1 and the same limited forestry uses as Forestry 1 zone (F1) on the balance of the property. Notwithstanding this understanding, the applicants are not supportive of this approach and in email correspondence dated September 20th (Attachment

4) have stated that they wish to proceed with their application on the current basis of a rezoning of only the area defined on the survey (Attachment 1) to the FI zone. Part of the applicants' concern regarding the home plate approach appeared to staff to be the known sensitivity within the Galiano Island community regarding F1 lands, the integrity of which may be seen as being endangered by the application and the perception of setting a precedent with a rezoning of the entire property to FI.



With respect to resolution GL-2017-075 staff conducted an inventory of current uses of the property which were seen to include:

- Home and accessory structures
- Storage structures accessory to aggregate extraction
- Timber production and harvesting
- Aggregate extraction and storage
- Heavy equipment storage

It is noted that at the time of the site meeting a convoy of BC Hydro and subcontractor vehicles, both marked and unmarked passed through the site on their way to a sub-station which is located over the ridge below the quarry site. According to the applicants this is a regular occurrence for maintenance work on the substation. The BC Hydro vehicles access the substation by way of the applicant's driveway access off of Betty Ann Drive. It should be noted that substations and the activities related to them are exempt from zoning.

ANALYSIS

As directed by the LTC staff met with the applicants on the subject property to view and note the current uses of the property and to discuss the FI 'home plate' rezoning approach. Based upon staff observations either approach, i.e. - a modified FI zone or a FI split zoning, would capture the current use of the property. However, as has been noted in this report the applicants are not supportive of a modified FI zone approach.

It should be noted that the FI zone (Attachment 2) does include uses which are not present on the property and are not of interest to the applicants, the removal of which is supported by the applicants. More specifically those uses, as presented in the FI zone, are:

- | | |
|------------|---|
| 9.6(A).1.1 | warehouses |
| 9.6(A).1.3 | sale of building materials and supplies manufactured on the lot |
| 9.6(A).1.5 | mechanical repairs including boat repairs and boat building |

Consideration of this application at the September 11th meeting also included discussion as to whether the modified FI zone approach would have any impacts upon the status of the subject property which is registered under the *Private Managed Forest Land Act*. In light of this concern staff discussed the proposal with Phil O'Connor who is the executive director for the Managed Forest Council. It was his view that as long as the zoning does not prohibit or hinder timber production and harvesting, and that those uses continue to take place, there would be no impact on the status of the property under the *Private Managed Forest Land Act*. This is consistent with staff interpretation of potential impacts. The two amendment options would not restrict forest management activities.

Rationale for Recommendation

The owners of the F1 zoned property who live in an unauthorized residence on the property have submitted an application to rezone a small portion of the parcel to FI in order to achieve compliance with zoning regulations. The LTC has suggested that the applicants consider an alternative approach of rezoning the whole property to a variant of the FI zone which would allow for FI uses on a 'home plate' area and F1 uses on the balance of the property. The 'home-plate' approach would in effect strip all of the FI uses out of the non-home-plate portion of the zone, except 'sawmilling and planing', and then add a use that doesn't currently exist in the FI zone: timber production and harvesting.

Staff met with the applicants on September 19th to review that option and document the current uses of the property. The applicants have advised that, after consideration of the options, they have determined that they do not support the alternative approach.

Staff is of the view that either option could be viable but is also aware that in very true sense the application belongs to the applicants and they are entitled to an expectation of pursuing the option of their choice. Therefore, staff supports their choice based upon the understanding that they fully comprehend both options.

However, staff's position on support of the original option stated in their application is also influenced by concerns that a perceived precedent could be set through the use of an FI variant. It is the understanding of staff that there are a significant number of F1 property owners who have expressed an interest, or may have an interest, in having a residential use on their property. The use of the proposed FI variant approach could provide the appearance of an alternative pathway to allowing a residential use on F1 lands other than the approach which has been previously required, based upon an application intended to resolve a decades long situation. It is the view of staff that the requested split zoning approach would provide greater clarity with respect to the intent of the application to address the unique circumstances of this property while avoiding the perception of an alternative pathway to residential use of F1 lands in the absence of a larger community discussion of the matter.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information be provided prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed. Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust [list information required].

2. Choose to proceed no further

The LTC may choose to proceed no further with the application. If this alternative is selected, the LTC should state the reasons for this choice. Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2017.1 for the following reasons [insert reasons].

3. Proceed with a property specific Forest Industrial zone

The LTC may choose to direct staff to prepare draft bylaws using a site specific Forest Industrial zone for the whole property, with two sub-zones – one with limited FI regulations, the other with F1 uses and regulations. If this alternative is selected, the LTC should state the reasons for this choice. Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee directs staff to prepare draft bylaws for the review and consideration of the Local Trust Committee based upon a hybrid Forest Industrial (FI) zone allowing for the FI uses on a “home plate” area and F1 uses on the balance of the property.

4. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or receipt of other information. If this alternative is selected, the LTC should state the reasons for this choice. Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee holds application GL-RZ-2017.1 in abeyance until the following information has been received [list information required].

NEXT STEPS

Following receipt and consideration of draft bylaws which support this application a reasonable next step, given the community interest in F1 lands, would be to consider holding an open house prior to a statutory referral of the bylaws and supporting information to community and agency stakeholders.

Submitted By:	Rob Milne M.A., RPP, MCIP Island Planner	September 19, 2017
Concurrence:	Robert Kojima Regional Planning Manager	September 25, 2017

ATTACHMENTS

1. Proposed area of rezoning
2. Forest Industry zone extract
3. Site photos
4. Applicant email dated September 20, 2017

Attachment 2a

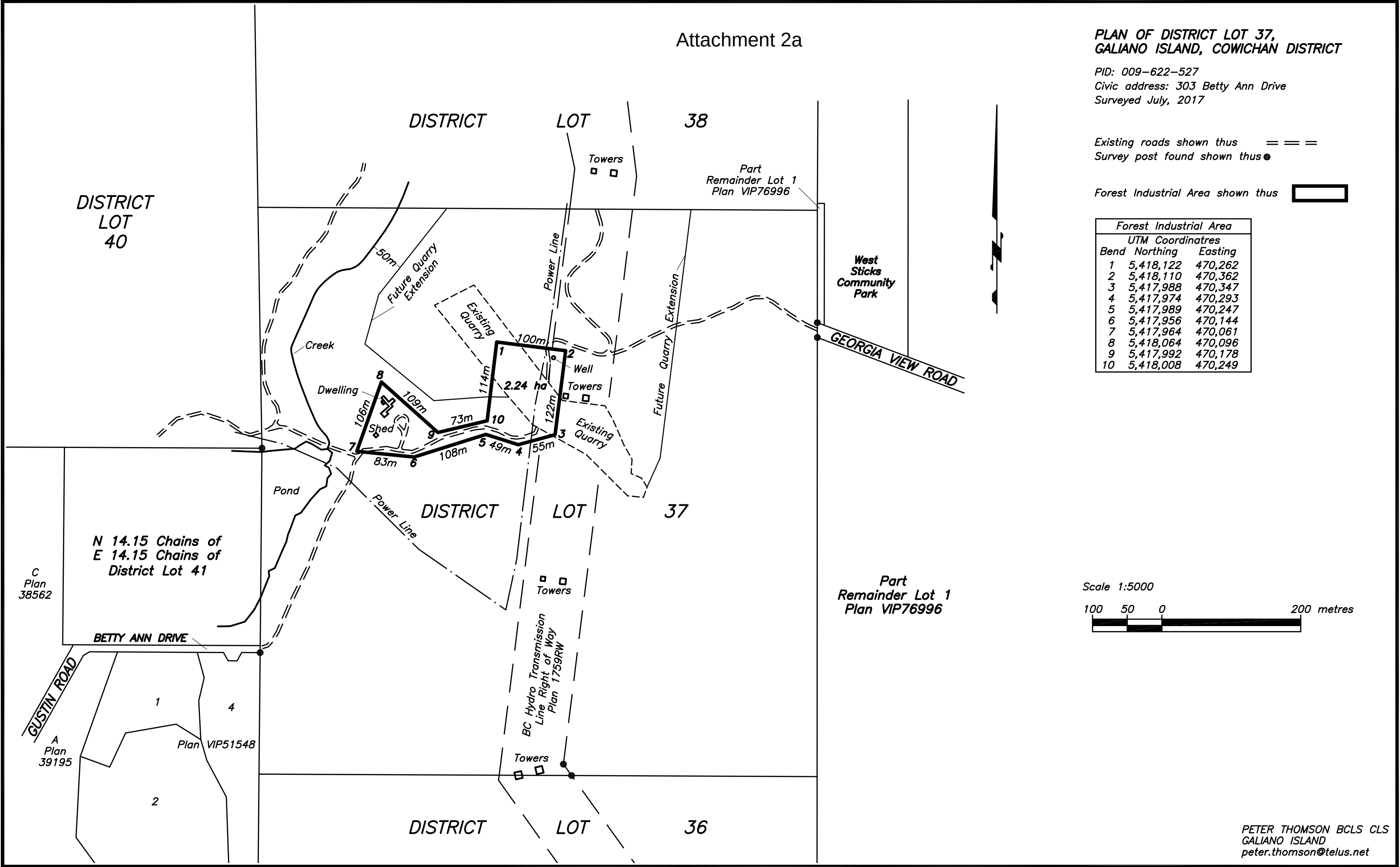
PLAN OF DISTRICT LOT 37,
GALIANO ISLAND, COWICHAN DISTRICT

PID: 009-622-527
Civic address: 303 Betty Ann Drive
Surveyed July, 2017

Existing roads shown thus ==
Survey post found shown thus ●

Forest Industrial Area shown thus

Forest Industrial Area		
UTM Coordinates		
Bend	Northing	Easting
1	5,418,122	470,262
2	5,418,110	470,362
3	5,417,988	470,347
4	5,417,974	470,293
5	5,417,989	470,247
6	5,417,956	470,144
7	5,417,964	470,061
8	5,418,064	470,096
9	5,417,992	470,178
10	5,418,008	470,249



Attachment 2b - Proposed Rezoning Area Orthophoto



ATTACHMENT 5 – FI ZONING EXTRACT

9.6(A) Forest Industrial Zone – FI

The intent of the FI Zone is to permit value added forestry uses with a limited number of associated light industrial uses.

Permitted Uses

9.6(A)1 In the Forest Industrial FI zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses are prohibited.

- 9.6(A).1.1 warehouses
- 9.6(A).1.2 contractors' workshops and yards
- 9.6(A).1.3 sale of building materials and supplies manufactured on the lot
- 9.6(A).1.4 sawmilling, planing and manufacturing of wood products
- 9.6(A).1.5 mechanical repairs including boat repairs and boat building
- 9.6(A).1.6 gravel processing and storage
- 9.6(A).1.7 one self-contained accessory dwelling unit for the owner or operator of a principle use

Permitted Density

- 9.6(A).2 Lot coverage must not exceed 20% of any lot.
- 9.6(A).3 Not more than one dwelling is permitted on each lot.

Permitted Height

- 9.6(A).4 No building or structure for a use permitted by this section may exceed 9 metres in height. Accessory buildings and structures must not exceed one storey and a height of 5 metres

Minimum Setbacks

- 9.6(A).5 Buildings and structures must be sited
 - 9.6(A).5.1 at least 7.5 metres from a front or rear lot line;
 - 9.6(A).5.2 at least 6 metres from each interior side lot line, except where the lot line is common to a lot in a commercial or industrial zone, in which case the required distance is 3 metres; and
 - 9.6(A).5.3 at least 4.5 metres from any exterior side lot line.
- 9.6(A).6 Buildings and structures for the accommodation of farm animals including poultry must be sited
 - 9.6(A).6.1 at least 7.5 metres from a front lot line;
 - 9.6(A).6.2 at least 30 metres from rear and interior side lot lines; and
 - 9.6(A).6.3 at least 6 metres from an exterior side lot line.
- 9.6(A).7 Buildings and structures used for human habitation or occupancy and not located within the Agriculture (AG) zone must be sited at least 15 metres from the boundary of the Agriculture (AG) zone.

Minimum Lot Size

- 9.6(A).8 No lot having an area less than 2-hectare may be created by subdivision.

Screening

- 9.6(A).9 Lots on which light industrial uses are carried on must be screened by a landscape screen not less than 2 metres in height and complying with the requirements of Part 15 of this bylaw.

Appendix 3
Site Photos





First aid building and Tidy Tank fuel storage



Storage buildings



Gravel pit north of operations area



Owner residence

Attachment 4

After consultations with planner Rob Milne and the local trustees we have given serious thought and consideration regarding all the information we have received about our rezoning application GL-RZ-2017.1 and have decided that the application continue as originally proposed having the 2.24 HA as indicted on the surveyed drawing to be rezoned to Forest Industrial and the remainder of DL 37 to stay in Forest 1 zone under Managed Forest.

This is the best option for us and our company and look forward to moving ahead with this application.

Regards,

Fred & Isobel



File No.: GL-DVP- 2017.3 (White Pine)

DATE OF MEETING: October 2, 2017
TO: Galiano Island Local Trust Committee
FROM: Rob Milne, Island Planner
Victoria Office
SUBJECT: Development Variance Permit
Applicant: White Pine Environmental Resources
Location: 105 Serenity Lane

RECOMMENDATION

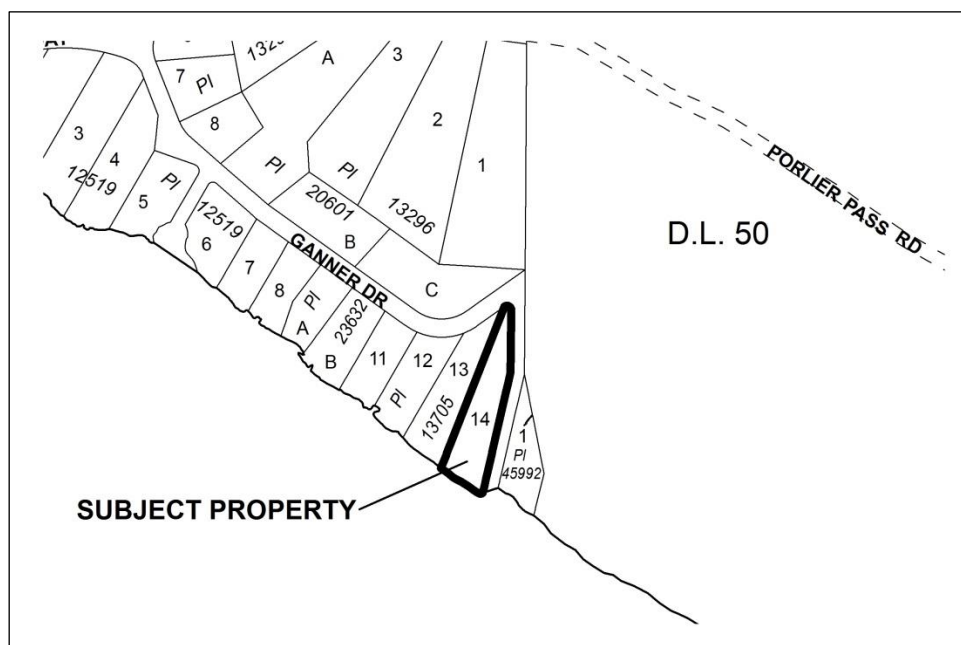
1. That the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2017.3 (White Pine Environmental).

REPORT SUMMARY

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

In summary, the above recommendation for the issuance of the DVP is supported as the request is reasonable and will bring the siting and use into conformance with the zoning and any impacts on neighbours would be negligible.

Figure 1 – Subject Property



BACKGROUND

The proposal is to vary the setbacks for the siting of an existing cottage with decks located in the southwest corner of the property adjacent to the natural boundary at 105 Serenity Lane (Attachment 2). Approval of the requested variances will legalize the current non-conforming siting of the existing cottage which is used for short term vacation rentals (STVRs).

The proposal is seeking variances specific to the cottage to:

- Reduce the setback from an interior lot line from 6.0 metres to 1.3 metres; and
- Reduce the setback from the natural boundary of the sea from 7.5 metres to 5.2 metres.

The cottage is sited at the top of a slope face above the natural boundary. The matter of the cottage came to the attention of the Islands Trust as a result of a bylaw complaint (GL-BE-1998.53) which expressed concerns regarding the use of buildings on the property. As an outcome of that discussion it became apparent that, in addition to other structures, the siting of the subject cottage was not in compliance with the requirements of the Galiano Island land use bylaw (LUB).

The other compliance issues are related to a deck located at the base of the cliff just above the natural boundary and the use of a structure, identified as a cottage which is located on the northerly sided of the main residence (Attachment 2), for short term vacation rentals (STRVs). Staff have been advised that Bylaw Enforcement is in the process of completing a compliance agreement for those issues.

Islands Trust staff including Bylaw Enforcement have been encouraging the applicants to seek compliance with the LUB requirements through development variance applications (DVPs) since 1998. In March, 2002 development variance permit GL-DVP-01-2000 (Attachment 3) was issued to vary the setback requirements for the principle residence and barn located on the property (Attachment 2). The current DVP application, which is the subject of this report, seeks to legalize the siting of the cottage which is located too close to both the natural boundary and the interior lot line on the west.

As may be seen from the photos on Attachment 4 the cabin is sited on a rock ledge overlooking Trincomali Channel which raises concerns related to safety of the building, a responsibility which falls to the Capital Regional District (CRD) who provide building inspection services for Galiano Island. As part of their due diligence the CRD required the applicant to commission a geotechnical assessment for the structure, a process which did indicate a level of risk from seismic induced slope instability. That geotechnical assessment is a schedule to covenant FB377870 (Attachment 5) which is registered upon the title of the property, a covenant which states that the transferor, *"...shall not construct or place any building or structures, or alter or add to the buildings or structures on the land unless the Transferor provides a report certified by a professional engineer..."*. The covenant also indemnifies the CRD from any and all future, *"claims, causes of action, suits, demands, expenses, costs and legal fees"*. The covenant does not prohibit or limit the current use of the property. Approval of a DVP for the siting of the existing structure would not, therefore, be in conflict with the provisions of that covenant.

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

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

Development Permit Area DPA 2 – The Shoreline and Marine DPA is designated along the natural boundary of the property fronting Trincomali Channel. However, as there is no development related to this application there is no requirement for a development permit application to be submitted in support of this variance request.

Land Use Bylaw:

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

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

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

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

Islands Trust Fund:

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

Issues and Opportunities:***Rational for the Variance***

It is the wish of the applicant to vary the setbacks for the siting of an existing cottage with decks located in the southwest corner of the property adjacent to the natural boundary at 105 Serenity Lane. Varying the setbacks as requested would have the effect of legalizing the siting of the cottage which is presently being used for Short Term Vacation Rentals (STVRs) and advertised as the Cliffside Cottage.

The applicant has provided the following rationale for the variance is as follows:

- The seaside cabin was constructed when the owner of Lot 14 also owned Lot 13 and there was no property line demarcation- most likely pre-1980 when the cabin was constructed.

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

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Maintaining a degree of privacy for adjacent properties.
- Reducing impacts upon the environmental values of the upland interface with the marine environment.

Potential Impacts of Granting the Variance.

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

Water

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

Response to Neighbour and Public Notification

The applicant has stated that he has spoken with the adjacent neighbour to the west and that they had “no issues” with the application.

Circulation/Consultation:

DVP Notices were circulated to surrounding property owners and residents (Attachment 6). The notification period will end at 12:30 p.m. on October 2, 2017.

Staff has received no submissions to date. Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

Rationale for Recommendation:

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

- The length of time the cabin has been in place (approx. 25 years)
- The fact that the CRD has not prohibited the occupancy of the cottage due to geotechnical concerns.
- The variances would not be in direct conflict with the intent of the bylaws.
- The indication of support from the neighbour most likely to be affected.

ALTERNATIVES

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

1. Request further information

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

Resolution:

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

_____.

2. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee deny application-GL-DVP-2017.3 (White Pine).

Submitted By:	Rob Milne, Island Planner	September 11, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	September 12, 2017

ATTACHMENTS

1. Site Context
2. Site survey
3. GL-DVP-01-2000
4. Maps and Photos
5. Covenant FB377870
6. Notice
7. Proposed Development Variance Permit GL-GL-DVP-2017. (White Pine)

ATTACHMENT 1: SITE CONTEXT

LOCATION

Legal Description	Lot 14, District Lot 56, Galiano Island, Cowichan District, Plan 13705
PID	004-610-211
Civic Address	105 Serenity Land
Property Size	0.7ha (1.74 acres)
Site Description	The subject property is long and narrow and bordered along the easterly side by an unopened road allowance. The lot is well treed with a moderately steep rock slope along the southerly natural boundary. The property has several buildings sited on it in addition to the cottage which is the subject of the application.

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
GL-DVP-2000.1	Application to legalize siting of main dwelling and barn.
GL-BE-1998.53	Use of buildings

POLICY/REGULATORY

Official Community Plan Designations	Galiano Island OCP No. 108, 1995 Designations: SLR - Small Lot Residential Development Permit Areas (DPAs): • DPA 1 - Riparian • DPA 2 – Shoreline and Marine (Attachment 2.4) • DPA 2 – Tree Cutting and Removal • DPA 5 – Sensitive Ecosystems • DPA 7 – Steep Slope Moderate Hazard (Upland)
Land Use Bylaw	Galiano Island LUB No. 127, 1999: Small Lot Residential (SLR)
Other Regulations	N/A
Covenants	EP14771, Statutory Right of Way, BC Hydro FB377870, Covenant, Telus Capital Regional District
Bylaw Enforcement	GL-BE-1998.53 – use of structures

SITE INFLUENCES

Islands Trust Fund	There are no Trust Fund Board or Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
--------------------	--

Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Fund regional conservation plan.
Species at Risk	n/a
Sensitive Ecosystems	Mapping indicates Primary and Secondary sensitive ecosystems on the seaward edge of the subject property.
Hazard Areas	Moderate Steep Slope Hazard Designated along the foreshore, however no works or vegetation removal is proposed in these areas.
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The proposal addresses the impacts and hazards of Climate Change through the design which elevates the walkway and ramp to mitigate sea level rise and potential damage from wave action and tidal surge.
Shoreline Classification	Rock Shoreline - Sea Cliff
Shoreline Data in TAPIS	No evidence of Eelgrass Beds.

BRITISH COLUMBIA LAND SURVEYOR'S BUILDING LOCATION
CERTIFICATE ON LOT 14, DISTRICT LOT 56, GALIANO ISLAND, COWICHAN
DISTRICT, PLAN 13705.

P.I.D. 004-610-211



All distances are in metres and decimals thereof, unless otherwise noted.

The intended plot size of this plan is 432mm in width by 280mm in height (B Size) when plotted at a scale of 1:500.

Parcel dimensions shown hereon are derived from Plan 13705.

Setbacks are to exterior sheathing and eaves and are derived from field survey completed on July 23rd, 2015 and November 1st, 2016.

This plan was prepared for building inspection purposes and is for the exclusive use of Frank Berry.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

The civic address of the house is:
105 Serenity Lane
Galiano Island, BC
V0N 1P0

The following non-financial charges are shown on the current Certificate of Title and may affect the property:

- | | |
|----------|------------------------|
| 292848G | Easement |
| 292849G | Easement |
| 292850G | Easement |
| EB14771 | Statutory Right of Way |
| EG152619 | Easement |
| FB377870 | Covenant |

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described hereon. This document shall not be used to define property lines or property corners.

Note: Area of structures are shown to the nearest 5 square metres and do not account for wall thicknesses.

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Polaris Land Surveying Inc.
Box 324, #110-174 Wilson Street
Victoria BC V9A 7N7

File: 0537-BERRY-PLS1001
Drawing: 0537-BLC2.DWG
Date: 2016-12-19

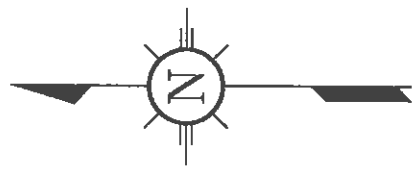
Based on Land Title & Survey Authority Records and Field Survey. Unregistered interests have not been included or considered.

This building location certificate has been prepared in accordance with the Professional Reference Manual and it is certified correct as of the 1st day of November, 2016.

Jordan Elliot Litke
c=CA, cn=Jordan Litke
P643XQ, o=BC Land
Surveyor, ou=Verify ID at
www.juricert.com/
LKUP.cfm?id=P643XQ

Jordan Elliot Litke, BCLS 905

This document is not valid unless digitally signed.



DL

56

EASEMENT

PLAN

13705

LOT 13
PLAN 13705

LOT 14
PLAN 13705

SERENITY LANE

SHED
15 m²

BARN
35 m²

COTTAGE
35 m²

COTTAGE
140 m²

COTTAGE
60 m²

SAUNA

TRINCOMALI
CHANNEL

LOT 1
PLAN 45992

GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

GL-DVP-01-2000

To: Dan Christian & Kim Fisher

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

Lot 14, Plan 13705, District Lot 56, Galiano Island, Cowichan District

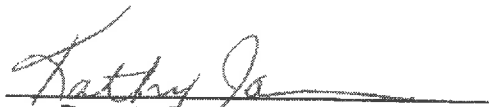
2. "Galiano Island Land Use Bylaw No. 127, 1999" is varied as follows:

Section 5.3.6.2 – buildings and structures must be sited at least 6 metres from each interior side lot line is varied to permit an existing accessory building to be sited 1.22 metres from the interior side lot line; and

Section 5.3.6.3 – buildings and structures must be sited at least 6 metres from an exterior side lot line is varied to permit an existing residence to be sited 0.0 metres from an exterior side lot line, as shown on Schedule 'A' which is attached to and forms part of this permit.

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

AUTHORISING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS 13th DAY OF March , 2002.


Deputy Secretary, Islands Trust

March 14, 2002-03-14
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE 14th DAY OF March , 2004, THIS PERMIT AUTOMATICALLY LAPSES.

I hereby certify this to be Schedule "A" which is attached to and forms part of Development Variance Permit No. GL-DVP-01-2000.

Kathy Jon
Deputy Secretary, Islands Trust

March 14, 2002
Date of Issuance

**B.C. Land Surveyor's Building Location Certificate on
Lot 14, District Lot 56, Galiano Island, Cowichan
District, Plan 13705.**

P.L.D. 004-610-211

Scale -- 1 : 1250



All distances are in metres.

Lot dimensions illustrated on this document are derived from registered survey plans and the measurements taken at the site.

This Certificate shows the relative location of the surveyed structures with respect to the boundaries of the parcel described above. This Certificate shall not be used to define property lines or property corners.

List of non-financial charges, liens or interests over property:
Easements.....2928486 to 2928500 and EC152619
Statutory right of way.....EB14771

NOTE:

Not all of the structures on the lot are illustrated on this certificate.

This building location certificate has been prepared in accordance with the Manual of Standard Practice and is certified correct this 8th day of December, 2000.

SEAL

B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

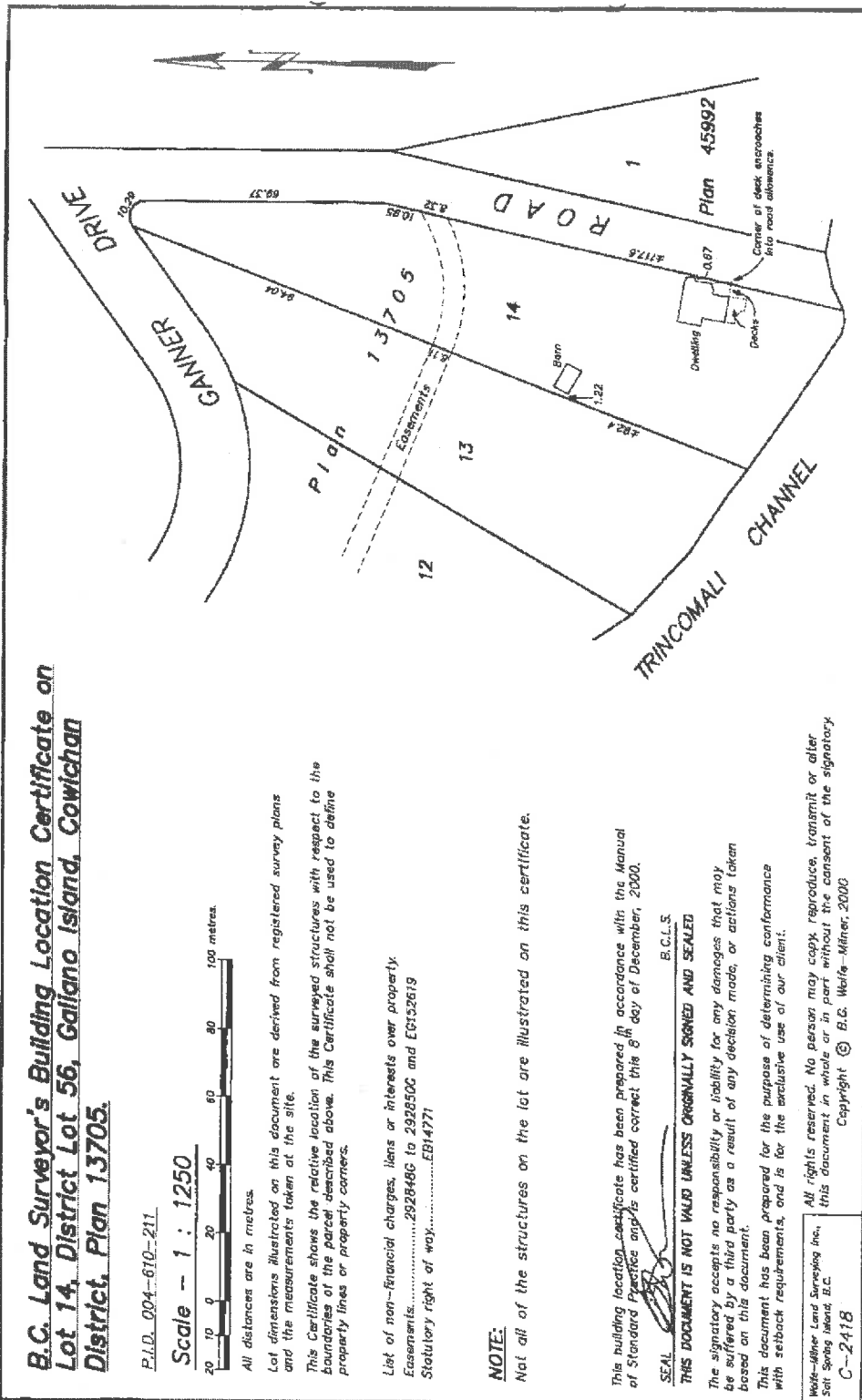
This document has been prepared for the purpose of determining conformance with setback requirements, and is for the exclusive use of our client.

Wells-Miner Land Surveying Inc.,
Salt Spring Island, B.C.

C-2418

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**GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-01-2000
SCHEDULE "A"**



ATTACHMENT 2: MAPPING AND PHOTOS

ZONING



DEVELOPMENT PERMIT AREAS



ATTACHMENT 2: MAPPING AND PHOTOS (CONT'D)

CLIFF SIDE COTTAGE

VIEW TO THE SOUTH TOWARDS TRINCOMALI CHANNEL

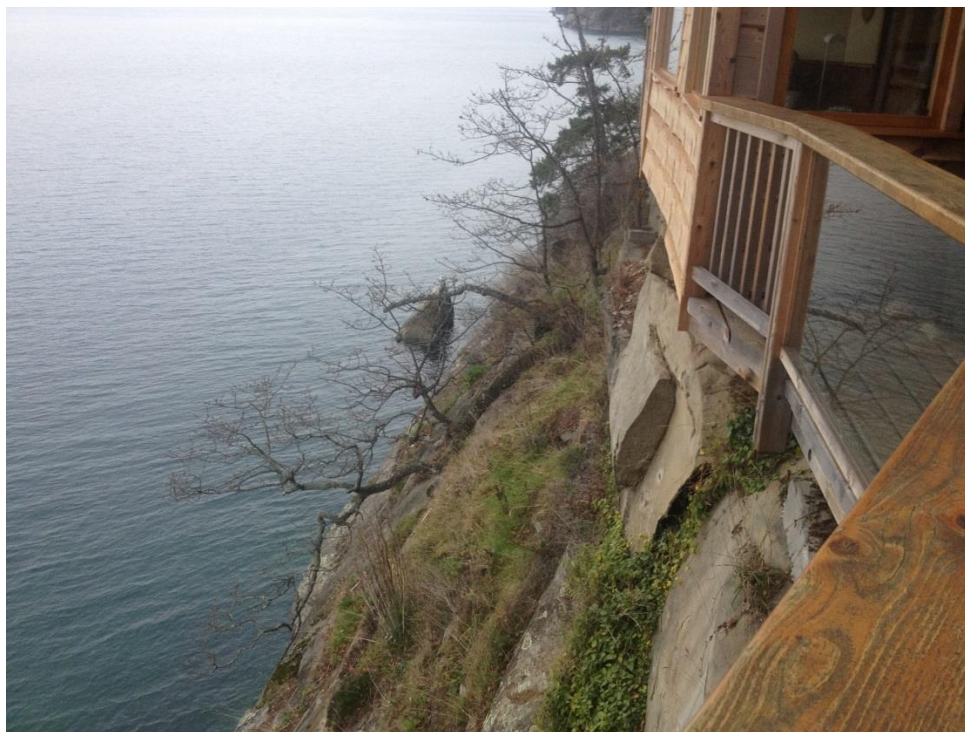


ATTACHMENT 2: MAPPING AND PHOTOS (CONT'D)

VIEW OF CABIN LOOKING WEST



VIEW OF NATURAL BOUNDARY LOOKING WEST



ATTACHMENT 2: MAPPING AND PHOTOS (CONT'D)

VIEW OF NATURAL BOUNDARY LOOKING DOWN FROM DECK OF COTTAGE



-7 OCT 2010 13:27

FB377870

**LAND TITLE ACT
FORM C
(Section 233)
Province of British Columbia**

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office use)

Page 1 of 3 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)
Christine Condron
Capital Regional District,
825 Fisgard Street,
Victoria, BC V8W 2S6
250 360 3176
MS10-26


Authorized Signatory

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND: *
(PID) (LEGAL DESCRIPTION)
004-610-211 Lot 14 DISTRICT LOT 56, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 13705

1C
3. NATURE OF INTEREST: * Document Reference Person Entitled to Interest
(Description) (Page and Paragraph)
S. 219 Land Title Act Covenant Entire Document Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

sc 10/7/2010 1:28:07 PM 2 1
Charge 1 \$73.40

- | | | |
|--------------------------------|-------------------------------------|---------------------------------------|
| (a) File Standard Charge Terms | ☐ | D.F. No. |
| (b) Express Charge Terms | ☒ | Annexed as Part 2 |
| (c) Release | ☐ | There is no Part 2 of this instrument |

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S) GRANTOR(S):

WHITE PINE ENVIRONMENTAL RESOURCES INC., INC.NO. BC0509017
564 WINDERMERE STREET,
VANCOUVER, BC, V5K 4J2

6. TRANSFEREE(S) GRANTEE(S): (including postal address(es) and postal code(s))

CAPITAL REGIONAL DISTRICT
625 Fisgard Street, PO Box 1000
Victoria, BC V8W 2S6

7. ADDITIONAL OR MODIFIED TERMS: * N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)



Shirley M. Manfron

Notary Public

#3 2445 East Hastings Street
Vancouver, B.C., V5K 1Y8
PH: 604-293-9241 FX: 604-293-9252

(as to both signatures)



Christine M. Condon

Capital Regional District

625 Fisgard St., Victoria BC V8W 1R7

A Commissioner for taking Affidavits
in the Province of British Columbia

Execution Date

Y M D

10 10 05

2010 10 07

Party(ies) Signature(s)

For the Transferor:
WHITE PINE ENVIRONMENTAL
RESOURCES INC., INC.NO.
BC0509017

by its authorized signatory(ies)


TERESA LAMONTAGNA


Frank Berry

For the Transferee:
CAPITAL REGIONAL DISTRICT
by its authorized signatory



RAJAT SHARMA
Acting General Manager
Planning & Protective Services

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space sufficient, continue executions on additional page(s) in Form D.

TERMS OF INSTRUMENT - PART 2

WHEREAS,

- A. The Transferor is the registered owner in fee simple of:

CR 14 PARCEL IDENTIFIER. 004-610-211
DISTRICT LOT 56, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 13705
(the "Land")

- B. The Transferee is the Capital Regional District;
- C. The Transferee's Building Inspector considers that construction on the Land is subject to or is likely to be subject to erosion, land slip, rock falls, subsidence or avalanche and has required the Transferor to provide the Building Inspector with a report certified by a professional engineer, with experience in geotechnical engineering (the "Engineer") that the Land may be used safely for the use intended;
- D. The Transferor has provided the Transferee with the Report of the Engineer, which report is attached to this Agreement as Schedule "A" (the "Report"); and
- E. The Transferor has agreed to enter into this Agreement and to register it against the title to the Land as a covenant and indemnity under Section 219 of the Land Title Act and Section 56 of the Community Charter.

NOW THEREFORE, in consideration of the premises and the covenants herein contained and for other valuable consideration, receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree with each other as follows:

1. The Transferor shall use the Land only in the manner determined and certified by the Engineer in the Report as enabling the safe use of the Land for the use intended.
2. The Transferor shall not construct or place any building or structure, or alter or add to the buildings or structures on the Land unless the Transferor provides a report certified by a professional engineer with experience and qualifications in geotechnical engineering confirming that the Land may be used safely for the use intended by such construction, placement, alterations or additions.
3. The Transferors shall, at their sole expense, do all that is necessary to ensure that this Covenant is registered against the Lands at the Victoria Land Title Office.
4. The Transferor shall reimburse the Transferee for any expense that may be incurred by the Transferee as a result of a breach of a covenant under this Agreement.
5. The Transferors acknowledge that the Capital Regional District does not represent to the Transferors or any other person that any residential building constructed or mobile home located in accordance with the terms and conditions of this Covenant will not be damaged due to slope instabilities, rock fall, flooding or erosion, and the Transferors

covenant and agree not to claim damages from the Transferees or hold the Transferees responsible for damages caused to the Lands thereby or to any buildings, mobile home, improvements or other structure built, constructed or placed upon the Lands and to any contents thereof.

6. The Transferees may, at any time, without the consent of the Transferors or anyone, release or cause to be released or relax or cause to be relaxed, this Covenant as a charge against title to the Lands or any portion thereof and, upon such release or relaxation, this Covenant shall be discharged and of no further force and effect or otherwise relaxed as the case may be.
7. The Transferor and the Transferee agree that the enforcement of this Agreement shall be entirely within the discretion of the Transferee and that the execution and registration of this Covenant against the title to the Land shall not be interpreted as creating any duty on the part of the Transferee to the Transferor or to any other person to enforce any provision or the breach of any provision of this Agreement.
8. The Transferor hereby releases and forever discharges the Transferee of and from any claim, cause of action, suit, demand, expenses, costs and legal fees whatsoever which the Transferor can or may have against the said Transferee for any loss or damage or injury that the Transferor may sustain or suffer arising out of the issuance of a Building Permit under this Agreement or the use of the Land as a result of the issuance of a Building Permit to construct, alter or add to a building or structure on the Land, or as result of erosion, and slip, rock falls, subsidence or avalanche.
9. The Transferor covenants and agrees to indemnify and save harmless the Transferees from any and all claims, causes of action, suits, demands, expenses, costs and legal fees whatsoever that anyone might have as owner, occupier or user of the Land, or by a person who has an interest in or comes onto the Land, or by anyone who suffers loss of life or injury to his person or property, that arises out of the issuance of a Building Permit under this Agreement or the use of the Land as a result of the issuance of a Building Permit, or as a result of erosion, land slip, rock falls, subsidence or avalanche.
10. Nothing contained or implied herein shall prejudice or affect the rights and powers of the Transferee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Land as if the Agreement had not been executed and delivered by the Transferor, and in particular, without limiting the generality of the foregoing, the Building Inspector of the Transferee may request further or additional reports be prepared by an Engineer with experience in Geotechnical Engineering prior to the issuance of a building permit for the Land.
11. It is mutually understood, acknowledged and agreed by the parties hereto that the Transferee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Transferor other than those contained in this Agreement.
12. The Transferor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
13. The Transferor shall pay the administration and legal fees and disbursements incurred by the Transferee in connection with this Agreement.

14. The Transferor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Transferor as personal covenants only during the period of its respective ownership of any interest in the Land.
15. The restrictions and covenants herein contained shall be covenants running with the Land and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Land Title Office pursuant to Section 219 of the Land Title Act and Section 56 of the Community Charter as covenants in favor of the Transferee as a first charge against the Land.
16. The expressions "Transferors" and "Transferees" shall and shall be deemed to include the heirs, executors, administrators, successors and assigns of such parties; provided that all covenants herein contained and all agreements, provisos and other stipulations herein contained imposing an obligation or obligations on a party hereto are with the intent that the same shall be binding upon all persons who may for the time being be purchasers, assignees, transferees, lessees, occupiers or successors in title of the Transferors only so long as any of them shall have any right, title or interest in or to the Lands, or any part thereof, as the case may be, either at law or in equity other than an interest by way mortgage or the interest of the vendor under an agreement for sale.
17. This Agreement shall enure to the benefit of the Transferee and shall be binding upon the parties hereto and their respective heirs, executors, successors and assigns.
18. Wherever the expressions "Transferor" and "Transferee" are used herein, they shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

SCHEDULE "A"

REPORT OF THE ENGINEER C.N. RYZUK & ASSOCIATES LTD. Geotechnical/Materials Engineering

28 Crease Avenue Victoria, B.C. V8Z 1S3 Tel: (250) 475-3131 Fax: (250) 475-3611

May 3, 2010
File No: 8-5665-1

White Pine Environmental Resources Inc.
564 Windermere Street
Vancouver, BC
V5K 4J2

Attn: Mr. Franck Berry

Dear Sir,

Re: Geotechnical Assessment
45 Serenity Lane – Galiano, BC

As requested, we attended the referenced site to assess the geotechnical conditions as such relate to an existing residential structure. We understand that you have applied for a building permit to undertake some works on the small structure referred to as the Cliff House, which is a one storey wood frame building of approximately 40 m² in area. Our work has involved a visual assessment of the site conditions, along with a review of bedrock and surficial geology mapping, draft steep slopes geohazard mapping, and digital orthophoto imagery. We have herein provided our associated comments and recommendations, and our work has been undertaken in accordance with, and is subject to, the attached Statement of Terms of Engagement.

The site is located on the southwest side of Galiano, approximately 2 km northwest of Montague Harbour. The property is bounded to the west by a similar single family residential property, and to the north and east by road and/or roadway easements. To the southwest, a near vertical shoreline bluff descends down to the active intertidal area of Trincomali Channel. Elsewhere, the topography appears to consist of relatively gentle to moderate slopes, however we did not undertake a detailed assessment of the entire property area.

The Cliff House site is apparently bedrock controlled, with sedimentary sandstone of the Nanaimo Group of approximately cretaceous age exposed along the shoreline slope. We did not rappel down the face of the slope to assess the fractures or joint sets, however, on the basis of our experience in nearby areas and from observations at the crest of slope, we expect that an orthogonal joint set is present, and noted that there is a strong sub-parallel fracture set within approximately 0.75 m of the shoreline slope. In this location, a potentially unstable rock slab is visible along the face of the crest, however, back of this, the rock appears relatively massive without any indication of adverse joint sets.

C.N. RYZUK & ASSOCIATES LTD.

White Pine Environmental Resources Inc.
45 Serenity Lane – Galliano, BC

May 3, 2010

The existing building is located proximal to the crest of the shoreline slope, and in fact, some of the foundations supporting the deck are located on the marginally stable rock slab on the face of the slope. The foundations appear to consist of a variety of construction techniques, including small concrete pads directly atop the upper limit of this rock slab, with timbers directly atop rock elsewhere. The foundation elements in back of the slab were visible directly atop solid rock. There was a small approximately 0.5 m high rock and mortar retaining wall along the upslope side of the house, with the wall visible on the interior. It would appear that this rock and mortar retaining wall is in fact a form of foundation, and is likely situated directly atop solid rock. Solid bedrock is exposed on the upslope side of the house without any significant adverse fractures or potential unstable blocks.

On the basis of our visual assessment, we believe that the steep shoreline slope has been subject to large scale rock failures in the past. There is evidence of considerable rock fall accumulation on the shoreline slope, and the portion of slope immediately to the south exhibits a substantial fracture at an inclination of approximately $\frac{1}{2}$ H : 1 V (Horizontal : Vertical) with a rock block encompassing some 20 cubic meters or more that is at risk of failure. In the location of the Cliff House, it is apparent that an equivalent mass of rock has previously detached from the slope and has come to rest on the shoreline at the base of slope. As noted, there remains a relatively thin rock wedge that will likely detach during seismic activity.

We believe that the existing structure is not at immediate risk of large scale rock slope instability, however, it may be affected by detachment of planer wedges and/or slabs from the rock slope, particularly the one noted which is currently supporting some of the deck foundations. We believe that the foundation elements that are located back of the steep crest of the slope a distance of approximately 1.0 m and beyond would not be affected by a design seismic event, provided that such were anchored with suitably sized anchors into bedrock.

The details relating to seismic anchors for this building and ultimately for the stability of the foundations and accordingly the structure, are best resolved in conjunction with the structural engineer once they have had an opportunity to review the existing foundation arrangement and have given consideration to the location and configuration of possible new foundations. We would be pleased to assist your structural engineer in this regards if requested.

Considering the above, we believe that the existing structure may be at risk of seismic induced slope instability whereby some of the foundation elements, particularly for the deck, could be subject to failure. We do not believe that all of the foundation elements will fail, however we are uncertain as to how such failure would affect the existing building. It is our opinion that the current building could be remediated to improve the stability of the foundations in the event of a design seismic event. As noted, this would involve anchoring those footings back into sound bedrock. Provided that this work is done, we believe that the land may be safely used for the use intended, that being a single family residential building. Our assessment has been undertaken with consideration of a seismic design event with a 2% probability of exceedance in 50 years (1 in 2,475 year event) as per Section 56 of the Community Charter and recent changes to the B.C.

C.N. RYZUK & ASSOCIATES LTD.

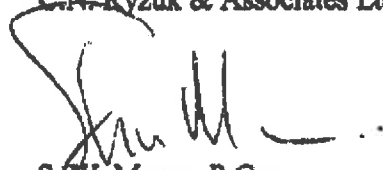
White Pine Environmental Resources Inc.
45 Serenity Lane – Galiano, BC

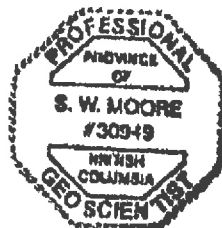
May 3, 2010

Building Code (February 1, 2010 – Revision 7). It will be necessary for us to undertake further analyses and coordinate with the structural engineer, as well as undertake site inspections during construction of the new foundations to confirm our assessment and assumptions herein. It should be noted as well, that we expect that Schedules B-1 and B-2 (geotechnical) will be required under the B.C. Building Code and we would be pleased to provide such in support of your building permit application.

We hope the preceding is suitable for your purposes at present, and that it is consistent with your account of our discussions in this regard. If you have any questions with respect to the above, please contact us.

Yours very truly,
C.N. Ryzuk & Associates Ltd.


S.W. Moore, P.Geo.
Geoscientist
SWM/aam

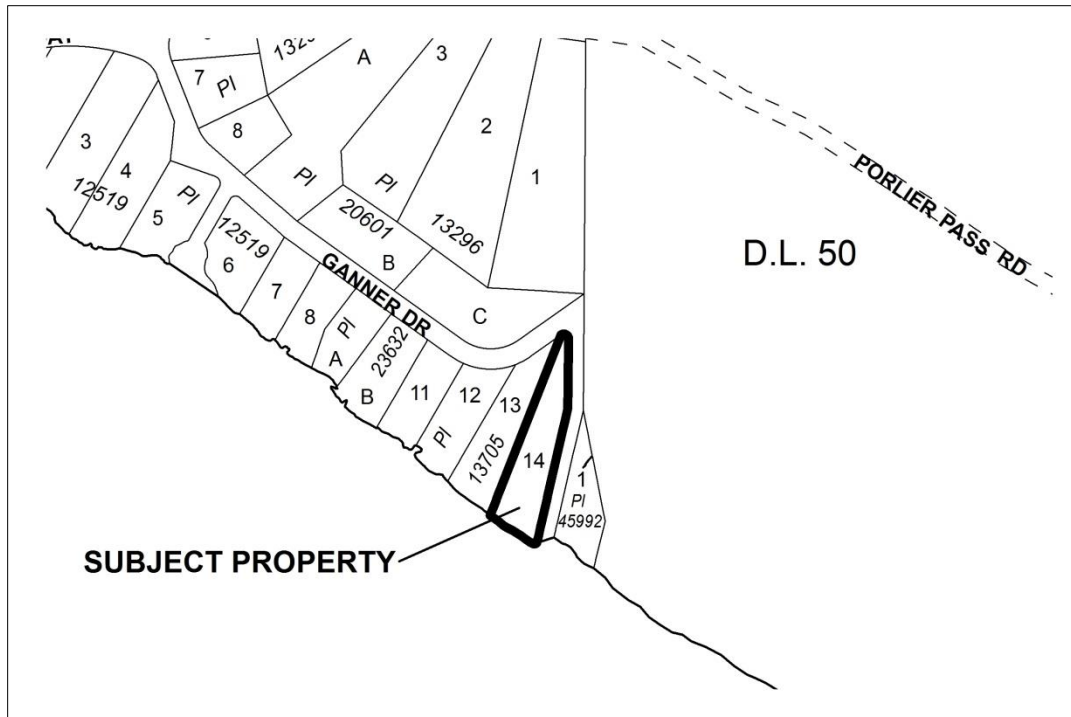


Attachment – Statement of Terms of Engagement

**NOTICE
GL-DVP-2017.3
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, as follows:

- a) Subsection 2.14 of “General Regulations” which states in part that, “Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea” is varied to permit the siting of a cottage with decks as close as 5.2 metres from the natural boundary of the sea; and
- b) Regulation 5.3.8.2 of Section 5.3, “Small Lot Residential Zone” which states that Buildings and Structures must be sited, “at least 6 metres from each interior side lot line”, is varied to permit the siting of a cabin with decks as close as 1.3 metres from an interior side lot line.



The property is located 105 Serenity Lane and is legally described as Lot 14, District Lot 56, Galiano Island, Cowichan District, Plan 13705 (PID: 004-610-211)

The general location of the subject properties is shown on the a sketch shown above.

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 **September 18, 2017** and continuing up to and including **September 29, 2017**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, B.C., commencing **September 18, 2017**. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Rob Milne, Island Planner at (250) 405-5177, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **September 29, 2017**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., October 2, 2017**, at the South Community Hall, 141 Sturdies Bay Road, on Galiano Island.

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

Sharon Lloyd-deRosario, Deputy Secretary



Islands Trust

PROPOSED

GALIANO ISLAND LAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

GL-DVP-2017.3

To: Ann Wilshire

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

Lot 14, District Lot 56, Galiano Island, Cowichan District, Plan 13705
(PID: 004-610-211)

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

- a) Subsection 2.14 of "General Regulations" which states in part that, "Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea" is varied to permit the siting of a cottage with decks as close as 5.2 metres from the natural boundary of the sea; and
- b) Regulation 5.3.8.2 of Section 5.3, "Small Lot Residential Zone" which states that Buildings and Structures must be sited, "at least 6 metres from each interior side lot line", is varied to permit the siting of a cottage with decks as close as 1.3 metres from an interior side lot line.

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

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

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

Deputy Secretary, Islands Trust

Date of Issuance

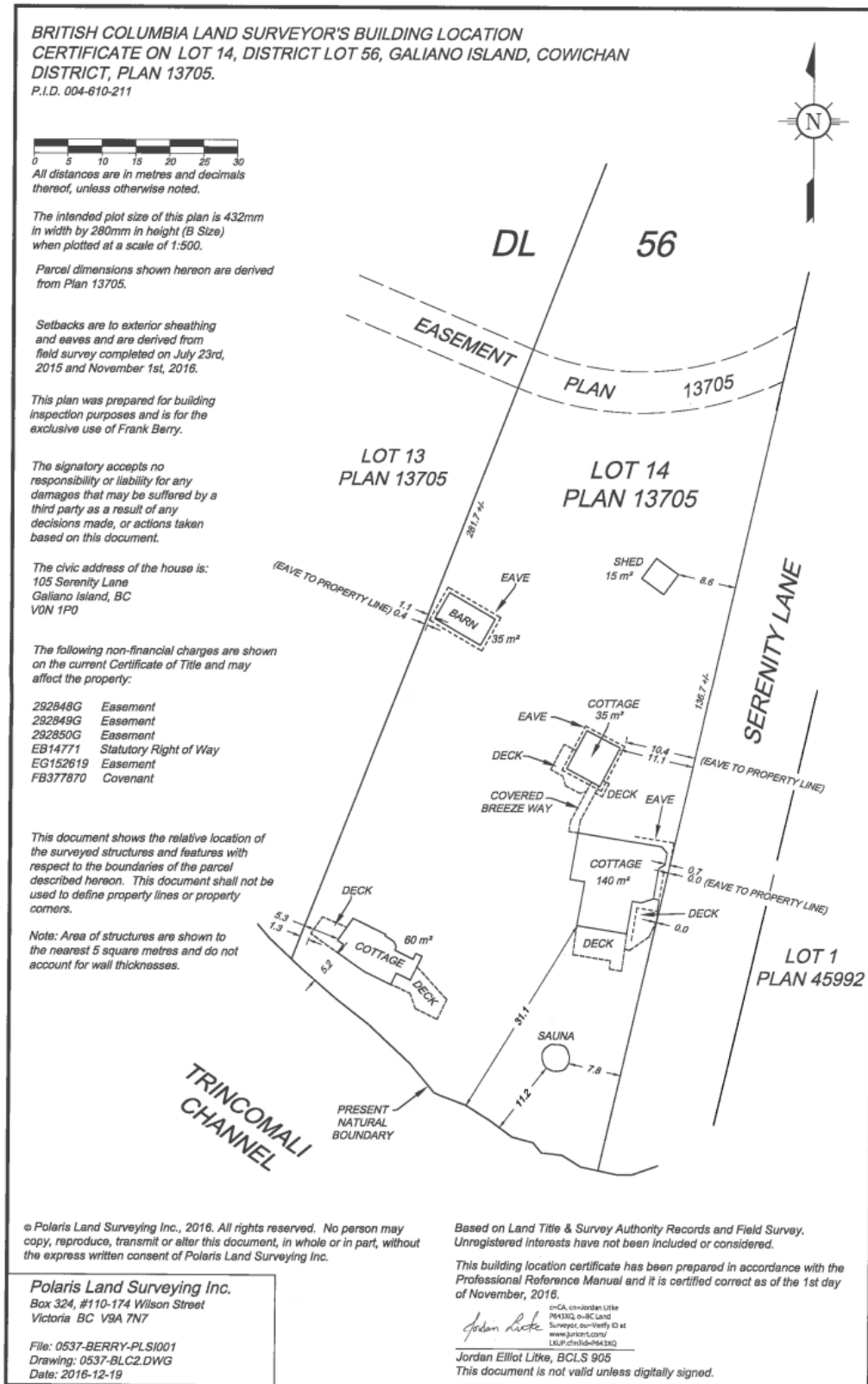
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XX DAY OF XXXX, 2019, THIS PERMIT AUTOMATICALLY LAPSES.

GALIANO ISLAND LOCAL TRUST COMMITTEE

GL-DVP-2017.3

SCHEDULE 'A'

Site Survey





File No.: GL-TUP-2017.3
(X-Ref : GL-BE-2015.23)

DATE OF MEETING: October 2, 2017
TO: Galiano Island Local Trust Committee
FROM: Jason Youmans/Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
Warren Dingman, Bylaw Enforcement Officer
SUBJECT: Temporary Use Permit for a Commercial Vacation Rental
Applicant: Erik Meden
Location: 4121 Porlier Pass Road

RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-TUP-2017.3 (Meden).

REPORT SUMMARY

The purpose of the report is to consider a Temporary Use Permit (TUP) for the Commercial Vacation Rental (CVR) of an existing dwelling unit (see Appendix 1).

In sum, the above recommendation to issue the TUP is supportable. It has not been opposed by any neighbouring property owners and it meets the specific guidelines of the OCP. Additionally, the proposed permit provides conditions to ensure that the use does not unreasonably impact the local area. In the event the CVR does become a cause of neighbourhood concern, permit compliance can be enforced or, ultimately, the LTC can reject renewal of the TUP.

BACKGROUND

The proposal is for a TUP for a Commercial Vacation Rental use within an existing three-bedroom dwelling on the property. The application is a result of bylaw enforcement action on unlawful short term vacation rentals on Galiano Island (GL-BE-2015.23). Through this TUP application, the applicant wishes to bring the property into compliance and maintain the CVR use.

The applicant states that in recent years the house has been booked for vacation rentals an average of 25 nights per month from mid-June to mid-September and approximately 4 nights per month for the rest of the year.

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

The dwelling is the applicant's primary residence. He states that he finds alternative accommodation on the Island when the dwelling is used by vacationers. The applicant [advertises](#) on AirB&B.

The proposed TUP is for a term of three (3) years which can be renewed for a further three (3) years by application.

A copy of proposed permit GL-TUP-2017.3 and a completed TUP checklist are attached as Appendices 1 and 2. Appendices 3 and 4 provide information on the context of the site.

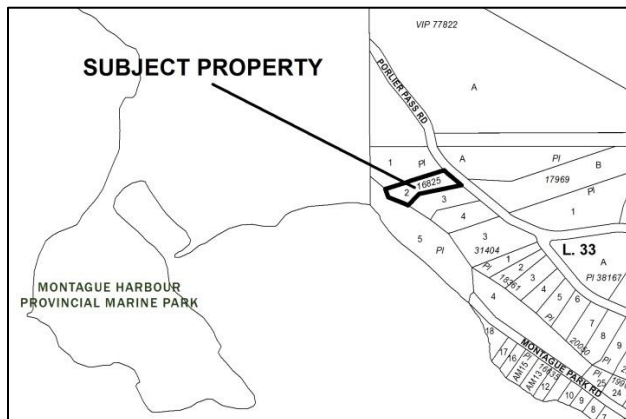


Image 1: Relative location of the subject property



Image 2: 2013 ortho photo of subject property

ANALYSIS

Policy/Regulatory

Official Community Plan

The Guidelines for the TUPs for Commercial Vacation Rentals are contained in Section 7 of the Official Community Plan. Conformity of the proposal with those guidelines is analyzed in the 'TUP – Commercial Vacation Rental' Checklist attached as Appendix 2.

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

The property is also in Development Permit Area 5 for the protection of sensitive ecosystems and Development Permit Area 7 for slope hazard. However, as no land works are proposed as part of this application, the requirement for a development permit is not triggered.

Land Use Bylaw

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

The SLR zone permits single-family dwellings. A survey plan provided by the applicant suggests that the dwelling unit may infringe on the required 6 metre interior side lot line setback. The applicant has been informed of this fact.

Issues and Opportunities

CVR Location Map/Cumulative Impacts

See Appendix 5 for a map of all TUPs for CVRs approved to date on Galiano Island. This map is helpful to inform the LTC's considerations relative to the cumulative impact of CVRs on the Island. TUP CVR Guideline 2.iii. a) states:

the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals;

The closest approved TUP for a CVR to the subject property is 1.5 kilometres away, on the northeast side of the island.

Since 2016, the LTC has approved 12 TUPs for CVRs. These are in addition to any other CVRs operating lawfully under Galiano Island's home-based business regulations.

Water & Septic

The subject property is not within a Water Management Area (WMA) as established in the LUB, and as such there is no guiding policy that would require installation of a rainwater catchment system and cistern.

Potable water is provided via a drilled well on the property. A 1987 well log provided by the applicant shows the well on the property to pump at a rate of 7 gallons per minute, which works out to approximately 38,000 litres per day (see Appendix 6). By comparison, the Galiano Island Land Use Bylaw requires wells on new lots to provide 2275 litres per day, and wells supplying commercial accommodation units to provide 3185 litres per day. An additional report dated May 13, 2017 shows the static water level of the well to be 150 feet from the well head, while the total depth of the well according to the 1987 report is 405 feet, suggesting that the well remains plentiful (see Appendix 6). The applicant states that he has no reason to believe the well today pumps at a lower rate than it did in 1987.

Liquid waste is disposed of via a septic field. The applicant was unable to confirm when the field was installed. The applicant states that he has no reason to believe the septic system cannot accommodate the wastes generated by use of the dwelling unit as a commercial vacation rental. According to the applicant the septic tank was pumped in the Fall of 2015, with the D-Box and drainfield inspected at that time (see Appendix 6).

Applicant's Rational for the Proposed Use

The applicant is applying to bring the property into compliance with the Land Use Bylaw. The applicant states that the Commercial Vacation Rental provides the majority of his income and he would like to maintain the revenue stream.

Response to Neighbour and Public Notification

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

A 2013 ortho photo of the area suggests that lots immediately adjacent to the property both north and south are vacant, thereby reducing the potential nuisance the lot's use as a CVR could otherwise cause, at least until such time as those properties are developed.

The applicant provided several letters of support from Porlier Pass Road residents (see Appendix 6). None of these letters are from neighbours immediately adjacent to the subject lot, though two do come from residents directly across the road from the subject property.

Permit Conditions

The proposed TUP incorporates most of the conditions that have been established in the OCP. It allows for a maximum of (8) guests.

Consultation

Statutory Requirement – Notification

TUP Notices were circulated to surrounding property owners and residents and published in the Gulf Islands Driftwood newspaper on Wednesday, September 20, 2017. The notification period will end at 4:30 p.m. on Friday, September 29, 2017.

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

Rationale for Recommendation

The rationale for the staff recommendation on Page 1 of this report is that the application, as of agenda publication, has not been opposed by any neighbouring property owners. Furthermore, the request is reasonable and its operations will meet the specific guidelines of the OCP. Additionally, it brings the use into compliance with the bylaws and, other permit conditions mitigate the potential for issues to arise from the proposed use.

ALTERNATIVES

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

1. Request further information

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

Resolution:

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

2. Deny the application

Resolution:

That the Galiano Island Local Trust Committee deny application GL-TUP-2017.3 (Meden).

Submitted By:	Jason Youmans, Island Planner	September 19, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	September 20, 2017

ATTACHMENTS

1. Proposed TUP Permit (GL-TUP-2017.3)
2. TUP Guidelines Checklist
3. Site Context
4. Maps, Plans and Images
5. Galiano CVR TUP Map
6. Applicant submission



Islands Trust

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT GL-TUP-2017.3 (Meden)

4121 Porlier Pass Road

To: Erik Meden

1. This Permit applies to the land described below:

Lot 2, District Lot 33, Galiano Island, Cowichan District, Plan 16825

(PID: 004-075-960)

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 person's 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);
- e) camping and occupancy of recreational vehicles are prohibited;
- f) 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;
- g) the rental or provision of motorized personal watercraft is prohibited;
- h) all outdoor fires are prohibited;
- i) the owner must provide parking for a minimum of four (4) vehicles on the property;
- j) the property owner or Commercial Vacation Rental operator must post for guests emergency service contact information and provide a means for contacting them;

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

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

Deputy Secretary, Islands Trust

Date Issued

**Appendix 2 - TUP Checklist for Commercial Vacation Rental: GL-TUP-2017.3 (Meden)
STVR in Dwelling**

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “commercial vacation rental” means the use of a <i>residence</i> as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier	Complies, by definition of the use in TUP.
b) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	The closest other TUPs for a CVR is 1.5 kilometres northeast, on the opposite side of the island.
c) Residential Appearance - The Local Trust Committee may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.	No alterations proposed.
d) Neighbour Concerns - The Local Trust Committee may require mitigating measures to address neighbours’ concerns, such as retention of existing screening and fencing, or installation of additional screening.	At the time of writing, notification has not generated any comments
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (e):</u> Within Water Management Areas*: ▪ Cistern for storage of rainwater (16000 litres min);or, ▪ Letter from Professional Hydrologist with experience with Groundwater assessing a recent pump test for adequate quantity for use and no impacts on neighboring properties. Considerations outside of Water Management Areas: ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	This property is not within a Water Management Area The applicant provided a well log from 1987 as well as a 2017 assessment of water level. See Appendix 6 for documents and staff report for discussion. The applicant provided the following comment regarding water supply: “I have low volume flush toilets. I also keep the breakers and water supply to the laundry machine shut off while guests from the lower mainland or Vancouver Island are in the house, but will turn them on for guests who have traveled greater distances or who have rented the house for longer stays of a week or more. “ Furthermore, the applicant references the limitations of the Gulf Islands water supply multiply times in his AirB&B post, writing, for example: “The \$30 surcharge for having the hot tub available is primarily intended to provide a mild disincentive to those who would likely not use it anyways, allowing me to keep the water cold most of the time. This greatly reduces the frequency of complete water changes, an important issue on an island with limited water supply.” “The water quality is excellent, but I request that guests be conservative in order to avoid future shortages & the

Guidelines	Comments
	infiltration of salt water in to the water table, as is happening in other parts of Galiano and the other islands. "
	"There is laundry facilities in the house which guests may use, but we ask that you help us save water by doing so only if absolutely necessary"
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Minimum four (4) spaces is a condition in Draft Permit.
Permit Conditions	
g) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. require that the owner or other contact be available on Galiano by telephone 24 hours/day, seven days 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 number (8) as a condition in Draft Permit.
v. establish a maximum number of guests per bedroom	Staff do not believe it is necessary to limit the number of guests per bedroom.
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	The applicant wishes the dwelling to be available for CVR use year-round. The Draft Permit reflects this.
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	

Guidelines	Comments
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

APPENDIX 3 – SITE CONTEXT

LOCATION

Legal Description	Lot 2, District Lot 33, Galiano Island, Cowichan District, Plan 16825
PID	004-075-960
Civic Address	4121 Porlier Pass Road

LAND USE

Current Land Use	Single-family dwelling unit, frequently used as a Commercial Vacation Rental
Surrounding Land Use	Rural residential to the north and east. Small lot residential to the south. 2013 ortho photo suggests properties immediately to the and south are vacant. Montague Harbour Marine Provincial Park to the west.

HISTORICAL ACTIVITY

File No.	Purpose
GL-BE-2015.23	Bylaw enforcement file related to operation of a commercial vacation rental

POLICY/REGULATORY

Official Community Plan Designations	OCP Land Use Designation: Small Lot Residential (SLR) Development Permit Areas: DPA5 (sensitive ecosystems), DPA7 (steep slope hazard) (See Image 3 in Appendix 4).
Land Use Bylaw	Small Lot Residential (SLR) The SLR zone permits single-family dwellings. Survey provided by the applicants shows the dwelling unit to be in contravention of the 6 metre interior side lot line setback.
Other Regulations	Survey plan submitted by applicant suggests that dwelling unit may infringe of side lot line setback area. This is not considered relevant to the subject application. Staff are unaware of other regulatory issues associated with this property.
Covenants	Property title does not show any registered documents
Bylaw Enforcement	This TUP application is being made to resolve bylaw enforcement action related to the operation of a Commercial Vacation Rental.

SITE INFLUENCES

Islands Trust Fund	The Islands Trust Fund does not have an interest in any nearby properties.
Regional Conservation Strategy	The subject property is of lower to medium habitat composition importance

	under the Regional Conservation Plan. However, it borders Montague Harbour Marine Provincial Park, where the relative habitat composition value is high.
Species at Risk	Ecological Community: Pseudotsuga Menzies/Mahonia Nervosa (Coast Douglas Fir/Oregon Grape ecosystem) Species at Risk: Megascops Kennicottii (Western Screech Owl)
Sensitive Ecosystems	Southwest portion of the property includes Woodland and Cliff ecosystems.
Hazard Areas	Islands Trust mapping indicates that the southwest half of the property is a slope hazard area, with the hazard level increasing moving west on the property from low risk to high risk. However, as part of his TUP application, the land owner has provided a report from Ryzuk Geotechnical that identifies the true extent of the hazard area.
Archaeological Sites	The subject property is within 100 metres of a known archaeological site. Remote Access to Archaeological Data (RAAD) shows the subject property to contain an area of archaeological potential. No additional land use impacts on the archaeological site are anticipated as a result of this Temporary Use Permit application. Nonetheless, the applicant has been advised to contact the B.C. Archaeological Branch to determine whether any permits are required from that agency.
Climate Change Adaptation and Mitigation	Additional commercial accommodation options on Galiano Island may result in an increase in greenhouse gas emissions associated with travel to and from the Island. Staff do not consider there to be any climate change risks associated with consideration of this TUP application.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

APPENDIX 4 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS



Image 3: 2013 ortho photo with Development Permit Area 5 and 7 overlay.



Image 4: View of available parking on site



Image 5: View up driveway from parking area



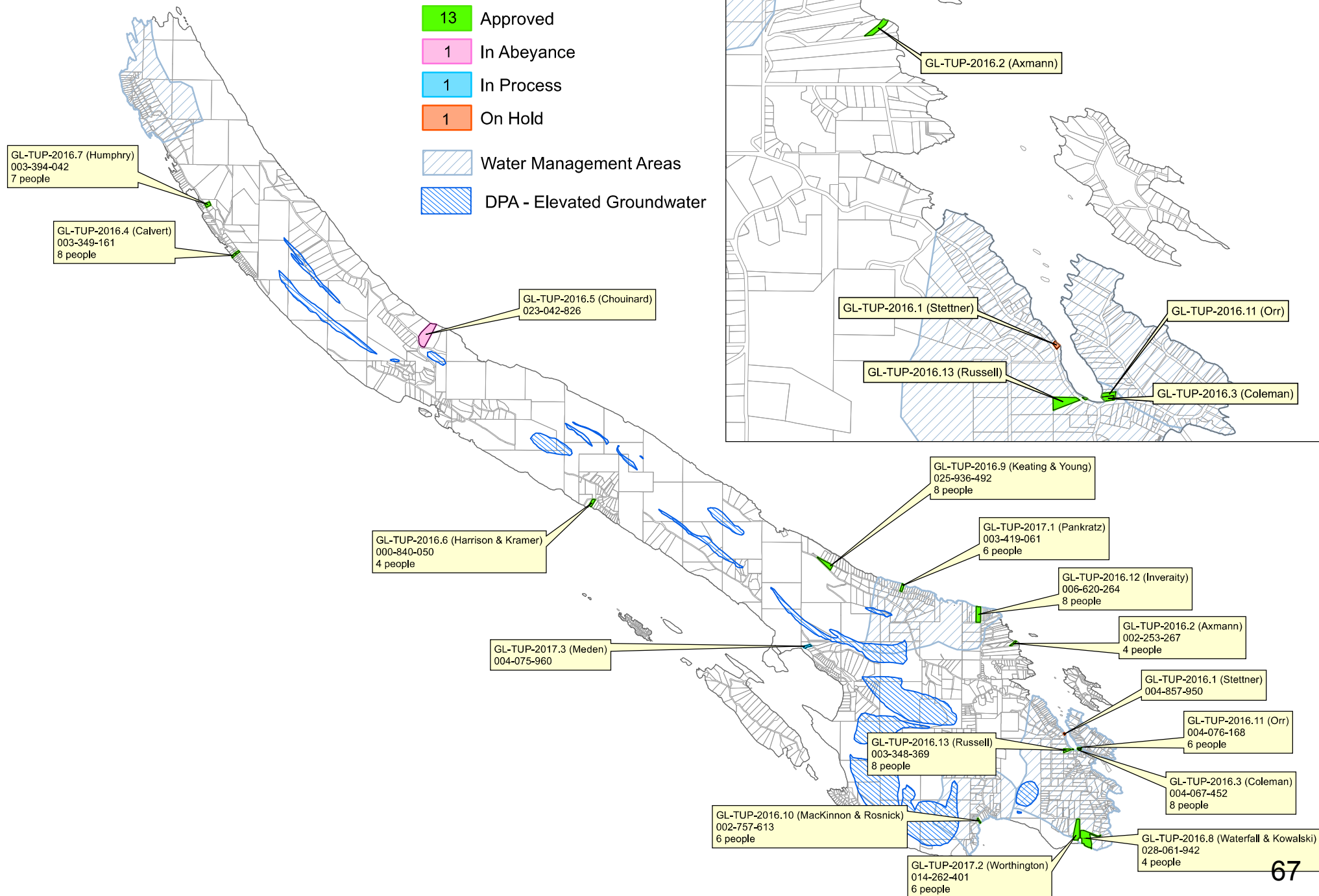
Image 6: View of dwelling unit from driveway



Image 7: Deck facing Montague Harbour Provincial Park

Galiano TUP's

Date: 8/22/2017



Erik Meden
July 12th, 2017
4121 Porlier Pass Rd. Galiano BC



Islands Trust

Attn:Lori Foster, Trust Committee re: application for TUP,
Short Term Vacation Rentals
File # GL-BE-2015.23

Dear Ms. Foster,

Please accept the following as my accompanying letter for the application for a temporary use permit for vacation rentals at my Galiano home. A pre application letter was submitted to Kim Farris on February 16th, 2016.

Please be aware that this is a one and one half acre property with wooded vacant lots on either side. I believe that it is an ideal location for a vacation rental as there is no impact on neighbours - the nearest home is a seasonal residence over one hundred metres away. I have good relations with this neighbour, they have my contact information and have never reported any noise concerns or other issues whatsoever.

There are a number of points that I will cover in this letter that are drawn directly from the Islands Trust brochure on Vacation Rentals - STVRs.

The vacation rental provides me with most of my income, which is largely folded back in to the island economy. However, I also have the position of Wharfinger at the CRD - SGIHC Montague Harbour dock below the house, and therefore regularly greet visitors to Galiano and advise about things to do, restaurants, groceries etc. I enjoy this process very much, and have also made a point of greeting guests at my home on arrival to provide such advice and to give a warm greeting to the island. I feel strongly that greeting guests on arrival has a very large positive impact on Galianos public image, and encourages good behaviour on the part of the guests and good relationships between guests and hosts. Resorts and hotels still have their place in the tourism industry, but the personal relationship with a host that vacation home rentals can provide is indeed part of a different vacation experience. This also provides me with an opportunity to talk with visitors about the importance of conserving water, and the recycling program on Galiano and the absence of a landfill for waste disposal.

My guests are therefore aware that laundry is available for those who really need it - ie, overseas visitors - but I generally keep the water and power to the laundry machines shut off, and I do not provide laundry detergent. Guests are encouraged to do their laundry after they return to the mainland or Vancouver Island, and they are also encouraged to take their bag of garbage with them. I advise guests about our extensive recycling program here, and ask that they leave returnable items such as bottles for donation to the recycling program, as well as money making items such as newspaper.

I have found that almost all of my guests are happy to do this, and I try to provide extra benefits to the guests through such things as flexibility on check in and check out times as an added incentive.

I am very focussed on avoiding rentals to people who wish to party, and have always had strict rules on the number of persons in the house etc. I always request a guest list of full

names of all who will be staying in my home, and guests are informed well ahead of time that I will be here to meet them when they arrive - so no cheating on the #s of persons in the house. Greeting guests on arrival allows me to give them a sense that although my location is extremely private, it is still closely monitored for noise etc.

I would suggest that those who will be reviewing this application may wish to look at my house rules and other written information on my airbnb listing, "Galiano Harbour View House".

There is more than adequate parking with room for four vehicles immediately in front of the house, which is about seventy five metres from the road. There is no direct line of sight between the road and the house, so my vacation rental has no visual impact on the rural appearance of the area, and there is no change in the sense of community for neighbours. I have never had the house rented full time, and have no interest in doing so, and as such I believe that using it as a vacation rental has no impact on the availability of affordable housing stock. I do not allow campfires, or persons staying in RVs or tents on the property.

There are no wetlands on the property.

The water quality and quantity is exceptionally good for Galiano. A new pump was installed by local plumber Brian Widdows in August 2015.

The septic system was pumped out in the fall of 2015, and the D-box and drainfield was also inspected and mapped out at this time.

Documents included with this application:

State of Title Certificate for the property.

A copy of the BC Land Surveyors Building Location Certificate, prepared by local surveyor Peter Thompson. Note that I have added a few comments on this paper.

A Well Log, and a copy of the statement from Jim Estabrook of Water System Solutions showing the static water level in the well.

A copy of the contact information sign posted at the entrance to my driveway.

Several letters from my closest neighbours expressing awareness of the existence of my vacation rental, and no concerns re: noise etc. or any objection to continued use of the property as a vacation rental.

A current drawing of the septic system.

Thank you for considering this application. I will of course provide more supporting information if it is required.

Erik Meden



No wetlands on property
Dwellings can be used for vacation rental
1200 sq Dwelling, 100 sq Toolshed, RD 21 Pump house
-Adjacent 2nd Vacant

Dwelling maximum Height 13'
Toolshed & Pump house maximum Height 9'
-Adjacent 2nd Vacant

BRITISH COLUMBIA LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE

PARCEL IDENTIFIER: 004-075-960 CMC ADDRESS: 4121 PORLIER PASS ROAD

LEGAL DESCRIPTION:

LOT 2, DISTRICT LOT 33, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 16825

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory. This plan was prepared for the registered owner and is for the exclusive use of our client.

Survey post found shown thus ●

Dimensions to buildings are to the outside of the siding.

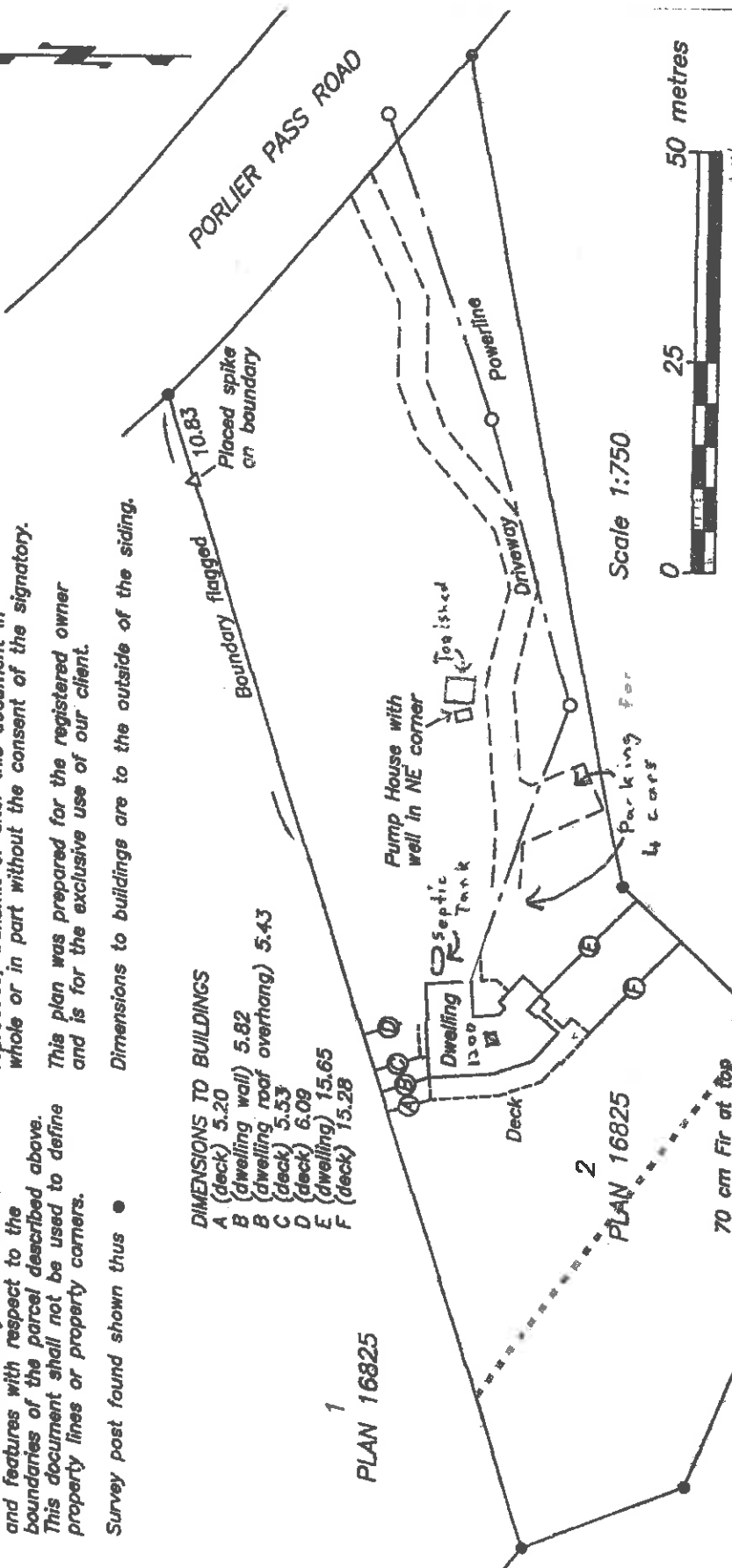
DIMENSIONS TO BUILDINGS

- A (deck) 5.20
- B (dwelling wall) 5.82
- B (dwelling roof overhang) 5.43
- C (deck) 5.53
- D (deck) 6.09
- E (dwelling) 15.65
- F (deck) 15.28

1
PLAN 16825

5
PLAN 31404

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



Scale 1:750



This building location certificate has been prepared in accordance with the Manual of Standard Practice and is certified correct this 19th day of March, 2012.

P. E. Thomson

Peter E. Thomson, BCLS CLS

Note some details added by Property owner



WATER WELL RECORD

Date 18.7.81

Legal Description & Address

Descriptive Location POLIER ROAD, GALIANO IS. B.C. (100 YDS. N. OF POWER LINE)

Owners Name & Address POLIER ROAD, GALIANO IS. B.C.

S. T. S. MAP

ELEV

WELL No

Date 19

1. TYPE OF WORK

- 1 ☐ New Well 2 ☐ Reconditioned
3 ☒ Deepened 4 ☐ Abandoned

2. WORK METHOD

- 1 ☐ Cable tool 2 ☐ Bored 3 ☐ Jetted
4 ☒ Rotary a ☐ mud b ☐ air c ☐ reverse
5 ☐ Other

3. WATER WELL USE

- 1 ☒ Domestic 2 ☐ Municipal 3 ☐ Irrigation
4 ☐ Commercial & Industrial
5 ☐ Other

4. DRILLING ADDITIVES

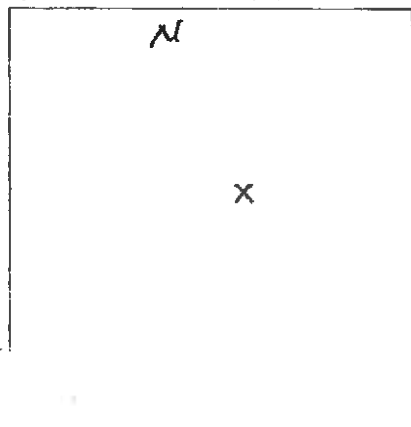
5. MEASUREMENTS from 1 ☐ ground level 2 ☐ top of casing

FROM ft	TO ft	6. WELL LOG DESCRIPTION	SWL ft
0	2	OVER BURDEN	
2	30	FACILITY, BROWN SANDSTONE	
30	36	GREY SANDSTONE	
36	37	SHALE	
37	194	HARD, BLUE SANDSTONE	
194	196	SHALE	
196	244	HARD BLUE SANDSTONE	
		SOURCE OF WATER:-	
		129 gpm @ 244 ft.	
		S.L. - 199 ft.	
		THIS PORTION OF WELL DRILLED	
		IN FEB. 1968 FOR FRED ROSSON	
		THE ABOVE WELL DRILLED - UP COMPLETELY	
		IN JULY 1987. & WAS DEEMED ADEQ. 1971	
244	366	GRAY SANDSTONE WITH SHALE	
		SANDSTONE LENSES.	
366	405	SHALEY SANDSTONE	
		SOURCE OF WATER:-	
		79 gpm @ 390 ft.	
		S.L. - 250 ft.	

7. CONSULTANT

Address

8. WELL LOCATION SKETCH



9. CASING Materials

- 1 ☐ Steel 2 ☐ Galvanized 3 ☐ Wood
4 ☐ Plastic 5 ☐ Concrete
6 ☐ Other

Hole Diameter	units
6	ins
Diameter	ins
from 4.6"	ft
to 5.6"	ft
Thickness .188	ins
Weight 14	lb/ft

Pitless unit _____ ft 1 ☐ above 2 ☐ below ground level1 ☐ Welded 2 ☐ Cemented 3 ☐ Threaded 4 ☐ New 5 ☐ Used

Perforations:

Shoe(s): NO

Open hole, from 6 to 405 ft Diameter 6 ins

Grout:

10. SCREEN: 1 ☐ Nominal 2 ☐ Pipe Size

- Type 1 ☐ Continuous Slot 2 ☐ Perforated 3 ☐ Louvre
4 ☐ Other

Material 1 ☐ Stainless Steel 2 ☐ Plastic 3 ☐ Other
Set from _____ to _____ ft below ground level

SCREEN & BLANKS						units
Length						ft
Diam. I.D.						ins
Slot Size						ins
from						ft
to						ft

Fittings, top _____ bottom _____

Gravel Pack

11. DEVELOPED BY: 1 ☐ Surging 2 ☐ Jetting 3 ☐ Air
4 ☐ Bailing 5 ☐ Pumping 6 ☐ Other12. TEST 1 ☐ Pump 2 ☐ Bail Date _____
Rate _____ USgpm Temp _____ °C SWL before test _____ ft
_____ ft after test of _____ hrs _____ mins

TIME in mins & DRAWDOWN in ft				TIME in mins & RECOVERY in ft			
mins	WL	mins	WL	mins	WL	mins	WL

13. RECOMMENDED PUMP TYPE RECOMMENDED PUMP SETTINGS RECOMMENDED PUMP RATE
ft USgpm14. WATER TYPE: 1 ☒ fresh 2 ☐ salty 3 ☐ clear 4 ☐ cloudy
colour _____ smell NIL gas 1 ☐ yes 2 ☒ no15. WATER ANALYSIS: 1 ☐ Hardness _____ mg/l
2 ☐ Iron _____ mg/l 3 ☐ Chloride _____ mg/l
4 ☐ pH _____ Field Date _____

SITE ID No

Lab Date

16. FINAL WELL COMPLETION DATA

Well Depth 405 ft Water Flowing 7 USgpm
Static Water Level 250 ft Pressure Head _____ ft
Back filled _____
Well Head Completion _____17. DRILLER SURNAME FIRST NAME
PLEASE PRINT W.L.L.A.M.S. R.E.D.
Signature

18. CONTRACTOR, Address

ISLAND WELL DRILLING LTD,
R.R.1,
LADYSMITH B.C.Member, BCWDA ☒ yes ☐ no

Water System Solutions
Gulf Islands BC

INVOICE

Date: 13 May2017

To: Erik Meden e; [REDACTED]
Re: 4121 Porlier Pass Rd. Galiano Island

Item Qty Description
Parts

Price
\$ N/A

Labour

To attend site to measure Well static level, measures 150' from top of Well head.
1.5hrs x \$65.00

GST \$ 4.88
Total \$ 102.38*

Due on receipt

Please make cheques payable to Jim Estabrook*

810 Linklater Rd., RR# 1, S-11, C-9, Galiano Island BC V0N 1P0

Phn. 250-539-2497 Fax. 250-539-2497

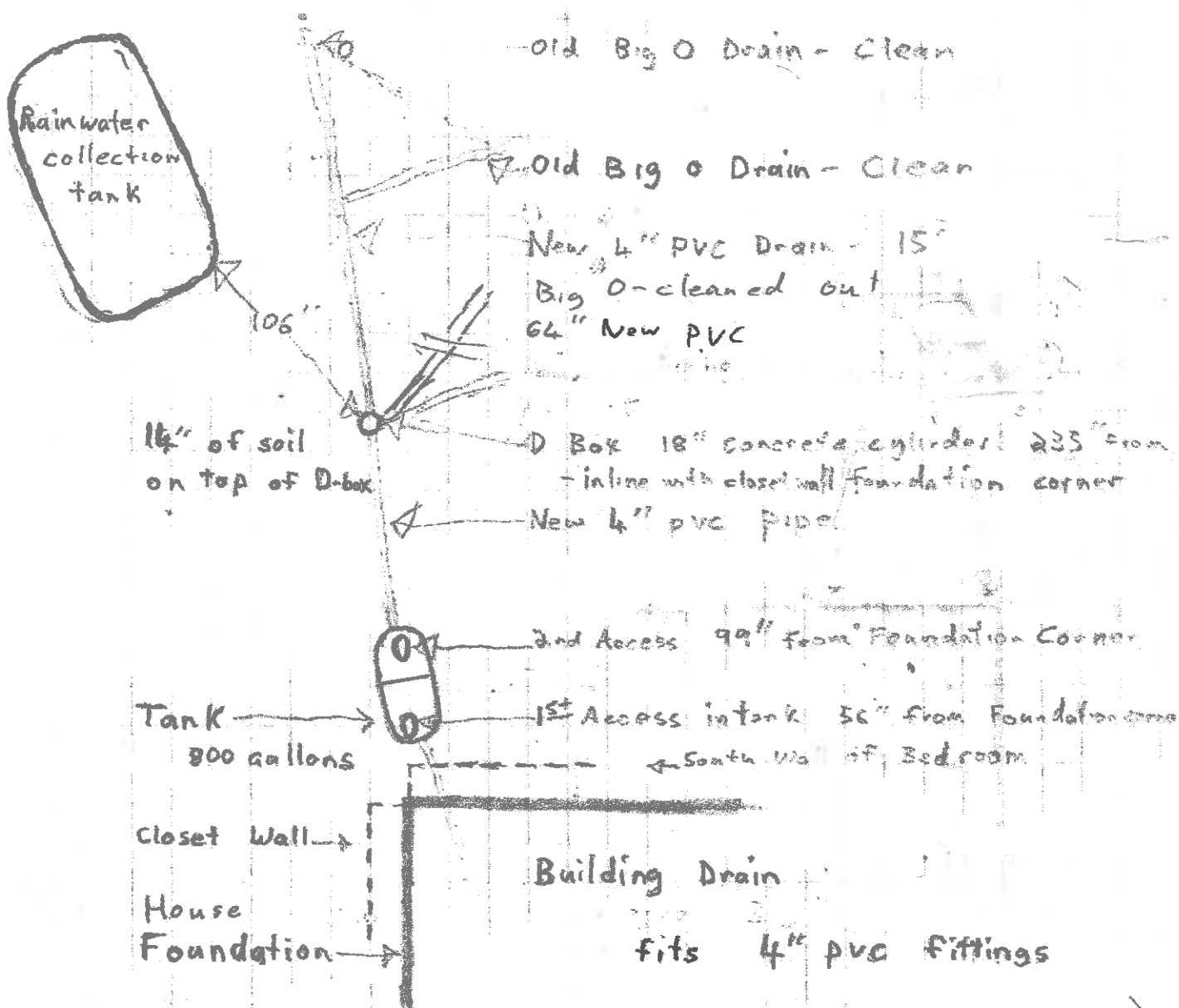
Cell. 604-230-9447

Note that well log shows total
Depth of well to be 405'

Septic System 4121 Perlier Pass Road

Scale Aprox. $\frac{1}{8}" / "$

North
←



Galiano Harbour View House

Vacation Rental by Owner

Contact Information: Erik Meden



Attn: Islands Trust

July 5th, 2017

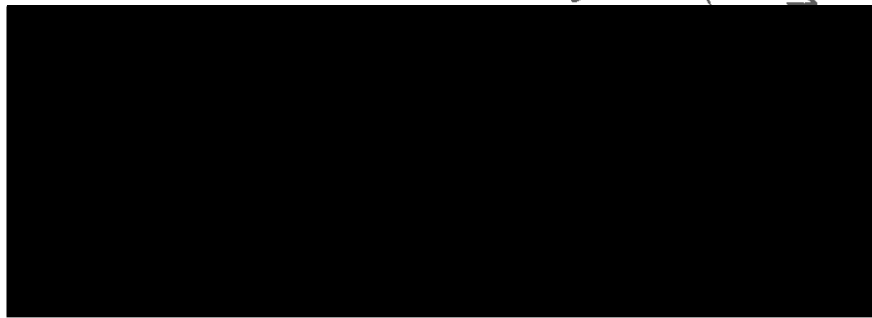
Re: STVR at 4121 Porlier Pass Rd, Galiano Island
Erik Meden

Please be advised that I, a neighbour of Erik Meden, am aware of his application for a Temporary Use Permit for the purpose of operating a short term vacation rental. I have noticed no issues with noise, parking, or any other disruption to the quiet rural character of our neighbourhood, and see no reason to oppose this application.

Thank You,



Porlier Pass



Attn: Islands Trust
Re: STVR at 4121 Portier Pass Rd, Galiano Island
Erik Meden

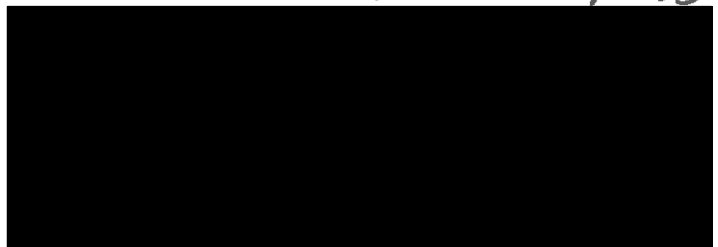
July 5th, 2017

Please be advised that I, a neighbour of Erik Meden, am aware of his application for a Temporary Use Permit for the purpose of operating a short term vacation rental. I have noticed no issues with noise, parking, or any other disruption to the quiet rural character of our neighbourhood, and see no reason to oppose this application.

Thank You,



Portier Pass



Attn: Islands Trust

July 5th, 2017

Re: STVR at 4121 Porlier Pass Rd, Galiano Island
Erik Meden

Please be advised that I, a neighbour of Erik Meden, am aware of his application for a Temporary Use Permit for the purpose of operating a short term vacation rental. I have noticed no issues with noise, parking, or any other disruption to the quiet rural character of our neighbourhood, and see no reason to oppose this application.

Thank You,

[Redacted signature block]

[Redacted address block]

[Redacted address block]

porlier Pass

File No.: GL-DVP-2017.4 (McMillan)
(Cross Ref. GL-BP-2017.11)

DATE OF MEETING: October 2, 2017
TO: Galiano Island Local Trust Committee
FROM: Phil Testemale, A/Planner 2
Southern Team
COPY: Rob Milne, Island Planner
SUBJECT: Development Variance Permit
Applicant: Chase McMillan
Location: 556 Bluff Road E – South Galiano Island

RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2017.4 (McMillan)

REPORT SUMMARY

The purpose of the report is to provide further information requested by the LTC and to consider a Development Variance Permit (DVP) to permit a second storey for an accessory building (barn).

In summary, the above recommendation for the issuance of the DVP is supported as: the request is reasonable; the siting and use conform the zoning; the proposed construction does not require a Development Permit; the external appearance and height of the barn would not be larger than otherwise allowed for agricultural buildings; impacts on neighbours would be negligible; neighbours have been notified with no written responses received to date; the applicant and surveyor have provided the information requested by the LTC; and, the variance does not impact the intent of the bylaw.

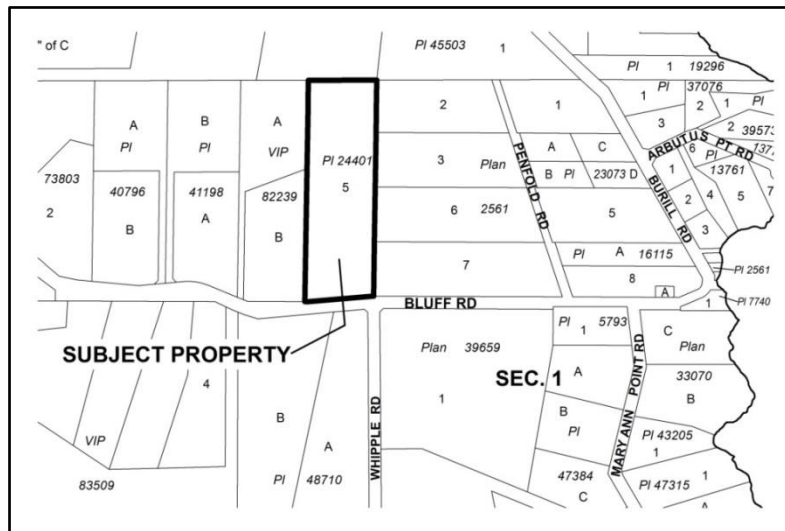
BACKGROUND

The proposal is to vary the provision in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) that states that accessory buildings cannot exceed one storey in height to allow for a barn with a second storey at **556 Bluff Road E**. The variance will permit the construction that is the subject of a Building Permit referral received on June 9, 2017 (GL-BP-2017.11). The proposed use conforms to the zoning and is outside of Development Permit Areas designated on the property (Attachment 2.3).

Specifically, the proposed variance is as follows:

- Section 2.6 which states that accessory buildings and structures must not exceed one storey in height, except for cottages, would be varied to permit the construction of an accessory building (barn) that is two storeys in height.

Figure 1 – Subject Property



The reasons for the variance that were provided by the applicant are that a second floor will allow more space to store hay and dry food and for the processing of agriculture products without the need to construct a larger foundation. In addition, the division of the barn (by storey) will ensure a safe separation of the storage and processing from the use of the lower floor for equipment storage and repair and workshop space. (Attachments 2.9 to 2.12)

Background to this application, including a preliminary staff report is available on the September 11, 2017 LTC Regular Meeting 'Agenda Package': <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/meeting-calendar-agendas-minutes/>

The proposal was previously before the Local Trust Committee (LTC) at its September 11, 2017 Regular Meeting. At that meeting the LTC made the following resolution:

GL-2017-071

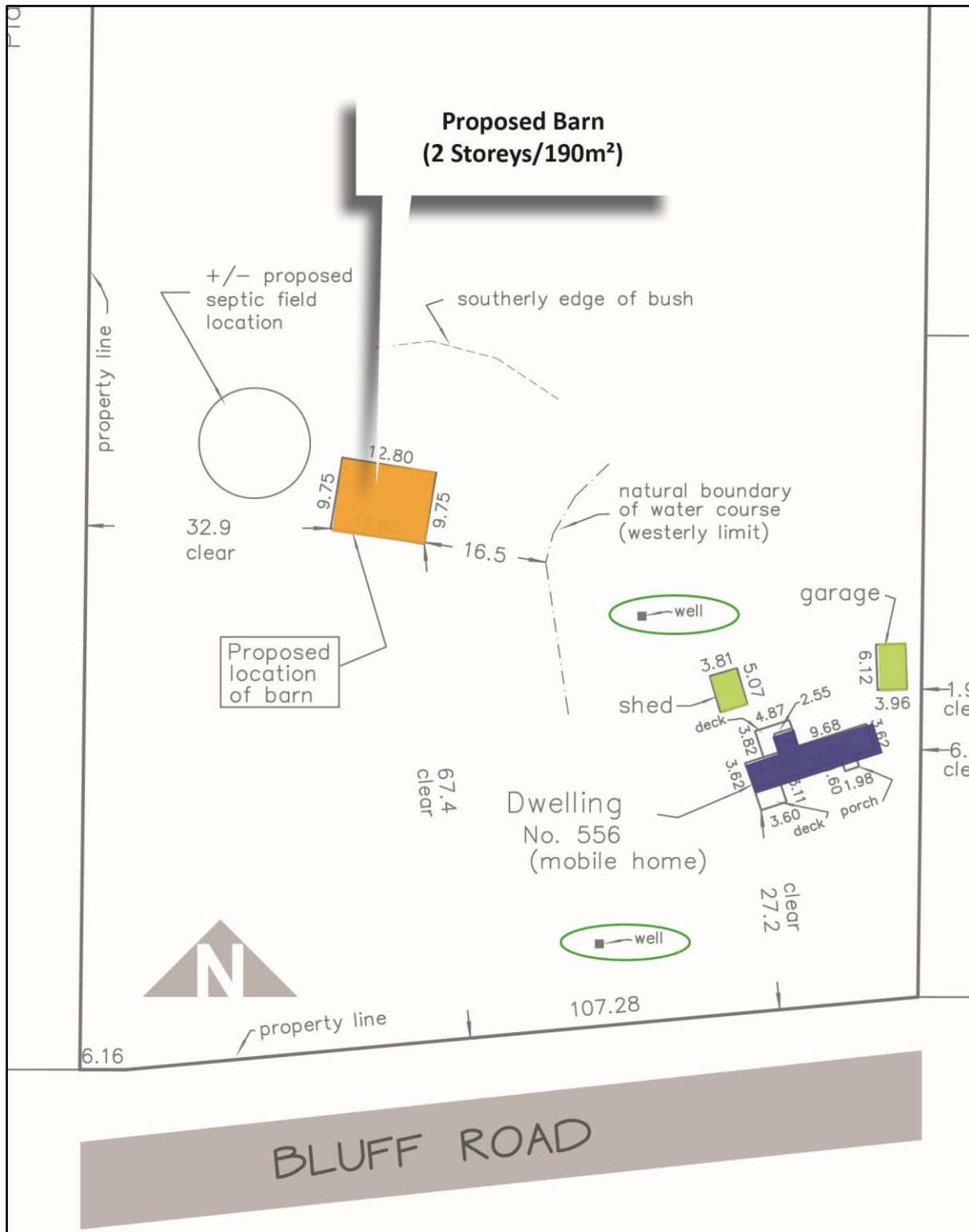
It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee defers application GL-DVP-2017.4 pending receipt of information with respect to: the septic field, wells, water course, and information on Development Permit Area.

That requested information is outlined and discussed in 'Issues and Opportunities' (below)

A copy of the Notice is Attachment 3 and the Proposed GL-DVP-2017.4 Permit (revised) is Attachment 4.

Figure 2 – Revised Site Plan (Detail)



ANALYSIS

Issues and Opportunities

Survey Plan

Subsequent to the September 11 LTC meeting, staff requested that the survey plan originally submitted be clarified and further information be added. The surveyor submitted a revised survey plan (Attachment 2.2 and base for Figure 1 and Attachment 2.3). That clarifies the well locations, the location of the watercourse (ditch) relative to the proposed barn, and the proposed septic field location.

Requested Information

The LTC has requested information prior to making a decision on the proposed variance. Specifically information on the location of the septic field, the water course, the wells and Development Permit Areas are as follows:

Septic Field Location

The septic field location is shown on the revised survey plan (Figure 2 and Schedule 1 of the Draft Permit). The area identified is outside of the Development Permit Areas (DPAs) designated on the property (below). The distance to wells on the property and the natural watercourse on the property exceeds the required 30 metres in the LUB (Subsection 2.15).

Water Well Locations

The location of the two (2) wells on the property is shown (circled) on the revised survey plan. As with the previous, the distance from the septic field to the nearest well exceeds the minimum 30 metres required under Subsection 2.15.

Watercourse

The distance of the closest location of the watercourse (ditch) has been verified by the revised survey at 16.5 metres. The location of the proposed barn conforms to the required 15 metre setback in the LUB (Subsection 2.14).

There is no accommodation of farm animals proposed for the Barn. That would require a 30 metre setback to any natural watercourse or well on the property (Subsection 2.16).

Development Permit Areas

The location of the DPAs is shown on Attachment 2.3. DPAs 1 (Riparian), 3 (Tree Cutting) and 5 (Sensitive Ecosystems) are all designated on the subject property.

It is noted that in the mapping of the previous staff report, the location of the DPAs was partially in error due to a mistake in scaling. This is particularly relevant to the stream (ditch) location relative to the proposed barn.

DPA 1 – Riparian Areas is designated with the majority of the watercourses on the subject property being unnatural watercourses (ditches). For these, the DPA is designated 5 metres back from either side of the natural boundary of the watercourse. The south portion of the property has a natural watercourse designation where the boundary is 15 metres back.

DPA 5 – Sensitive Ecosystems is designated for the occurrence of Riparian Ecosystems.

The proposed barn is clearly outside of the DPAs and a Development Permit is not required for the proposed construction.

Rationale for the Variance

The applicant has provided the following rationale for the variance is as follows:

- A second floor will allow more space to store hay and dry foods and for the processing of agriculture products without the need to construct a larger foundation.
- The division of space (by having two (2) storeys) will ensure a safe separation of the storage and processing from the use of the lower floor for equipment storage and repair and workshop space.
- The barn design will facilitate an expanded agricultural use on the property. The owners have recently been planting orchard trees on the property.

The Overall Intent of the Regulation being Varied

The overall purpose of the regulations is to restrict the size and height of accessory buildings in general for the following reasons:

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

Notwithstanding the foregoing, Section 2.5 of the LUB does permits agricultural buildings and structures to have a height not to exceed 9 metres. Therefore the impacts of granting a variance would not result in a barn with a size and height that is greater were it to be designed and built as a single storey. Given this, staff have noted as a potential future technical amendment to include agricultural buildings and structures to the cottage exemption in Section 2.6.

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.

Circulation/Consultation

DVP Notices were circulated to surrounding property owners and residents (Attachment 3). The notification period ended at 4:30 p.m. on September 8, 2017.

Staff to date has not received any written submissions. The LTC heard concerns from the public at the September 11 meeting.

As the amendment to the draft Permit is the clarification on information provided on Schedule 'A' 'Site Plan' and the proposed use or variance proposed is unchanged, further notification to surrounding properties is not required.

Rationale for Recommendation

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

- The reasonableness of the applicant's request, particularly that the effect of the variance does not change the external appearance or size of the barn, rather the internal organization of space.
- The siting and use conform the zoning on the property.
- The variance and construction do not require a Development Permit.
- The impacts on neighbouring properties are negligible, as the siting and land use context are such that the proposed building is a minimum of 32 metres to the nearest property line.
- Neighbours have been notified and, at the time of writing, no submissions been received registering objections or concerns.
- The applicant has clarified and provided all information arising from the September 11, 2017 LTC Meeting including a revised survey plan.
- The variance does not impact the intent of the bylaws.

ALTERNATIVES

1. 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

2. Deny the application

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee deny application GL-DVP-2017.4 (McMillan).

Submitted By:	Phil Testemale, A/Planner 2	September 22, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	September 22, 2017

ATTACHMENTS

1. Site Context
2. Mapping and Plans
3. Notice
4. (Revised) Proposed GL-DVP-2017.4 (McMillan)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 5, Section 4, Cowichan District, Plan 24401
PID	000-503-479
Property Size	4.06 ha (10.04 acres)
Civic Address	556 Bluff Road E, Galiano Island

LAND USE

Current Land Use	Rural Residential and Agriculture (Orchard and fields)
Surrounding Land Use	Rural Residential and Agriculture.

HISTORICAL ACTIVITY

File No.	Purpose
GL-BP-2017.11	Referral for subject barn construction.

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR- Rural Residential (RR) in the Galiano Island Land Use Official Community Plan No. 108, 1995
Land Use Bylaw	The property is zoned as Rural Residential (RR) in the Galiano Island Land Use Bylaw No. 127, 1999
Other Regulations	The following Development Permit Areas (DPAs) are designated on the property (see Attachment 2.3): • DPA 1 – Riparian Areas • DPA 3 – Tree Cutting and Removal • DPA 5 – Sensitive Ecosystems The proposed barn is outside of the designated DPAs.
Covenants	None
Bylaw Enforcement	Not Applicable

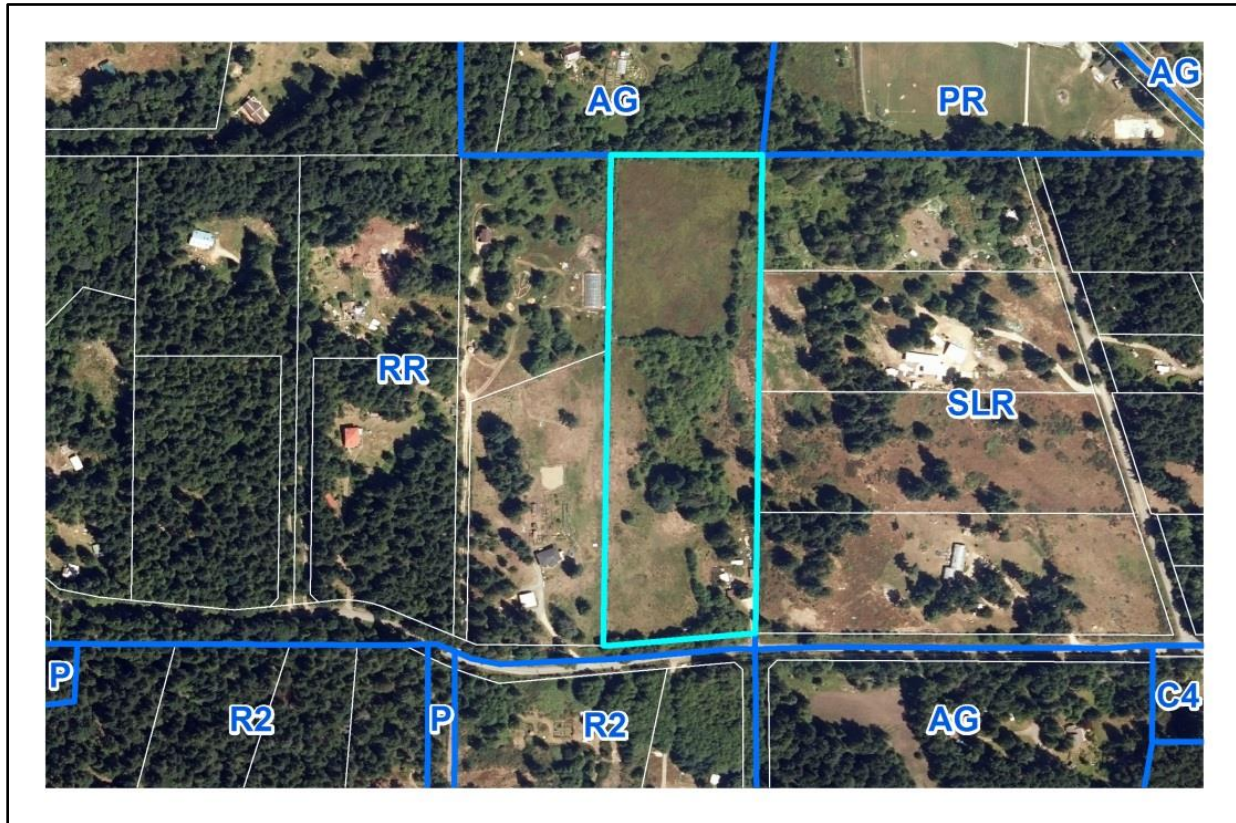
SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None
Sensitive Ecosystems	See DPA designations (above)
Hazard Areas	There is potential for flood risk as the property does have a watercourse (Attachment 2.4) and there are adjacent drainage ditches.
Archaeological Sites	There are no archaeological sites listed in the Remote Access to Archaeological Data (RAAD) within the property or within 100 metres. 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	The change in GHG emission resulting from approval are negligible given the nature of the proposed variance (internal to building). As it is new construction there will be emissions linked to material consumption, energy and waste associated with the barn construction. These will arguably be offset as the owners are in the process of establishing fruit orchards associated with the proposed barn. There should not be any impacts on the proposed development from anticipated or possible climate change induced hazards given the topographic conditions and the elevation of the property.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

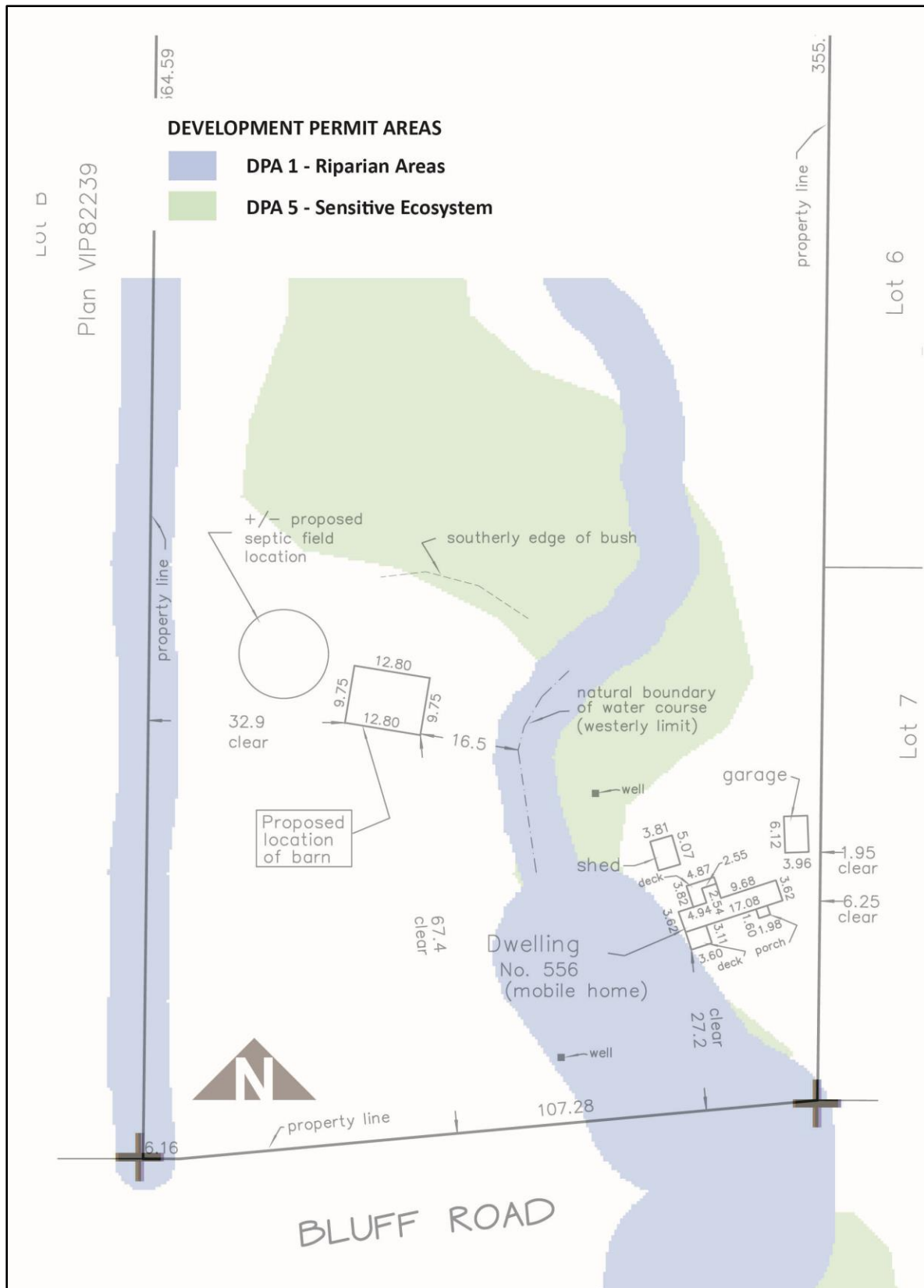
2.1 ORTHOPHOTO WITH ZONING



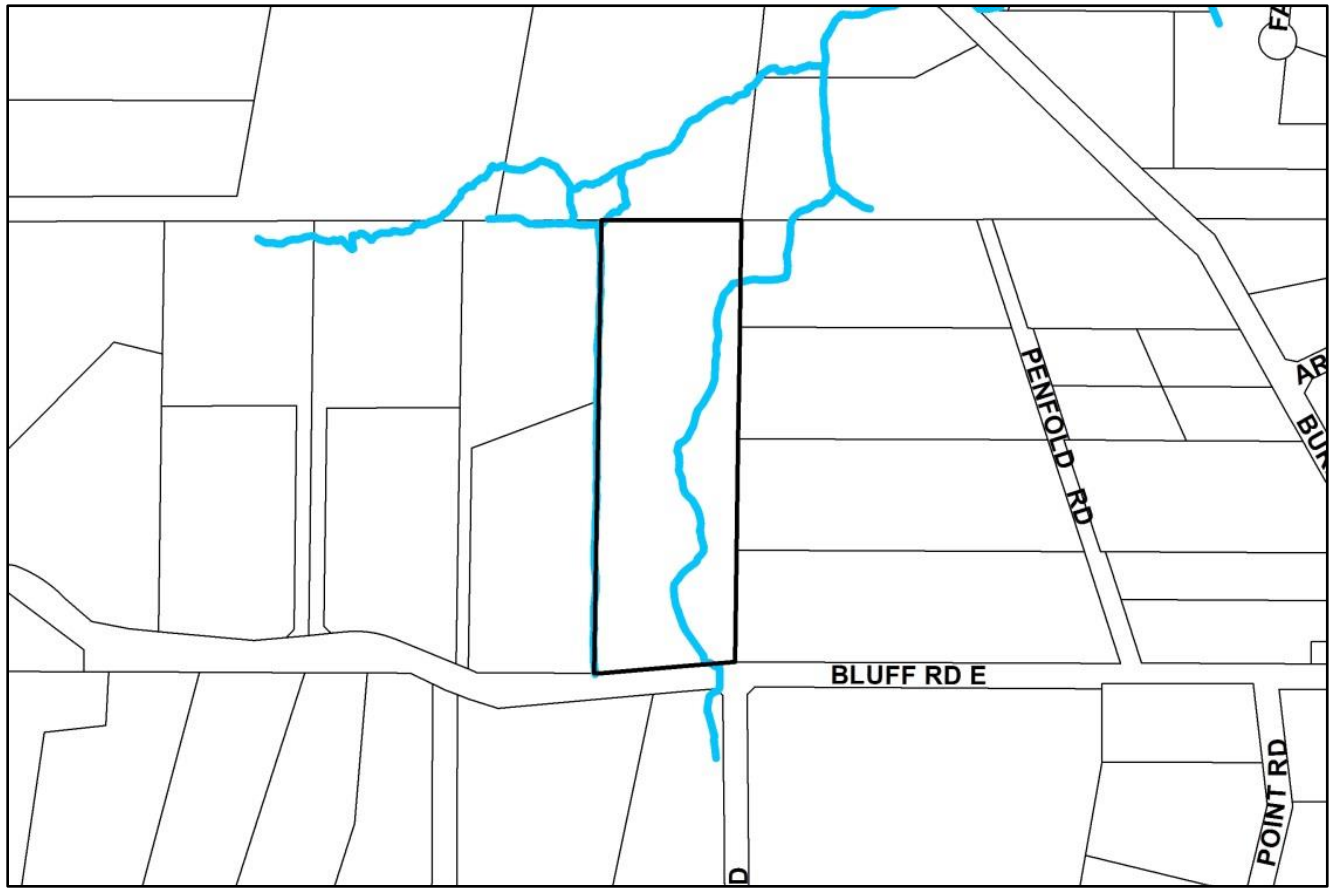
Islands Trust



2.3 DEVELOPMENT PERMIT AREAS (REVISED)



2.4 WATERCOURSES



2.5 VIEW EAST FROM PROPOSED BARN SITE



2.6 VIEW EAST (ZOOMED) FROM PROPOSED BARN SITE



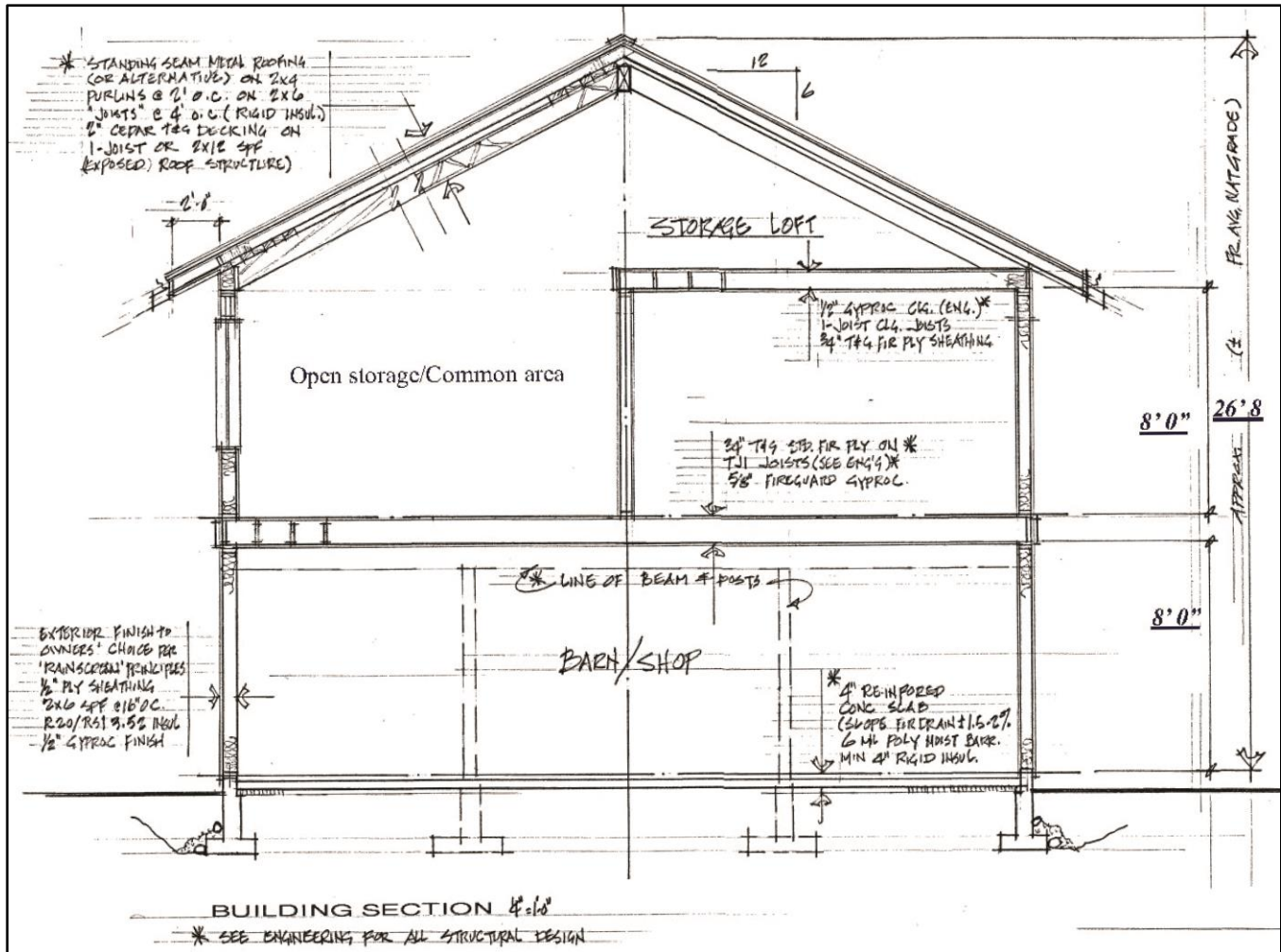
2.7 VIEW WEST FROM PROPOSED BARN SITE



2.8 VIEW NORTH FROM BLUFF ROAD E TO EXISTING DWELLING



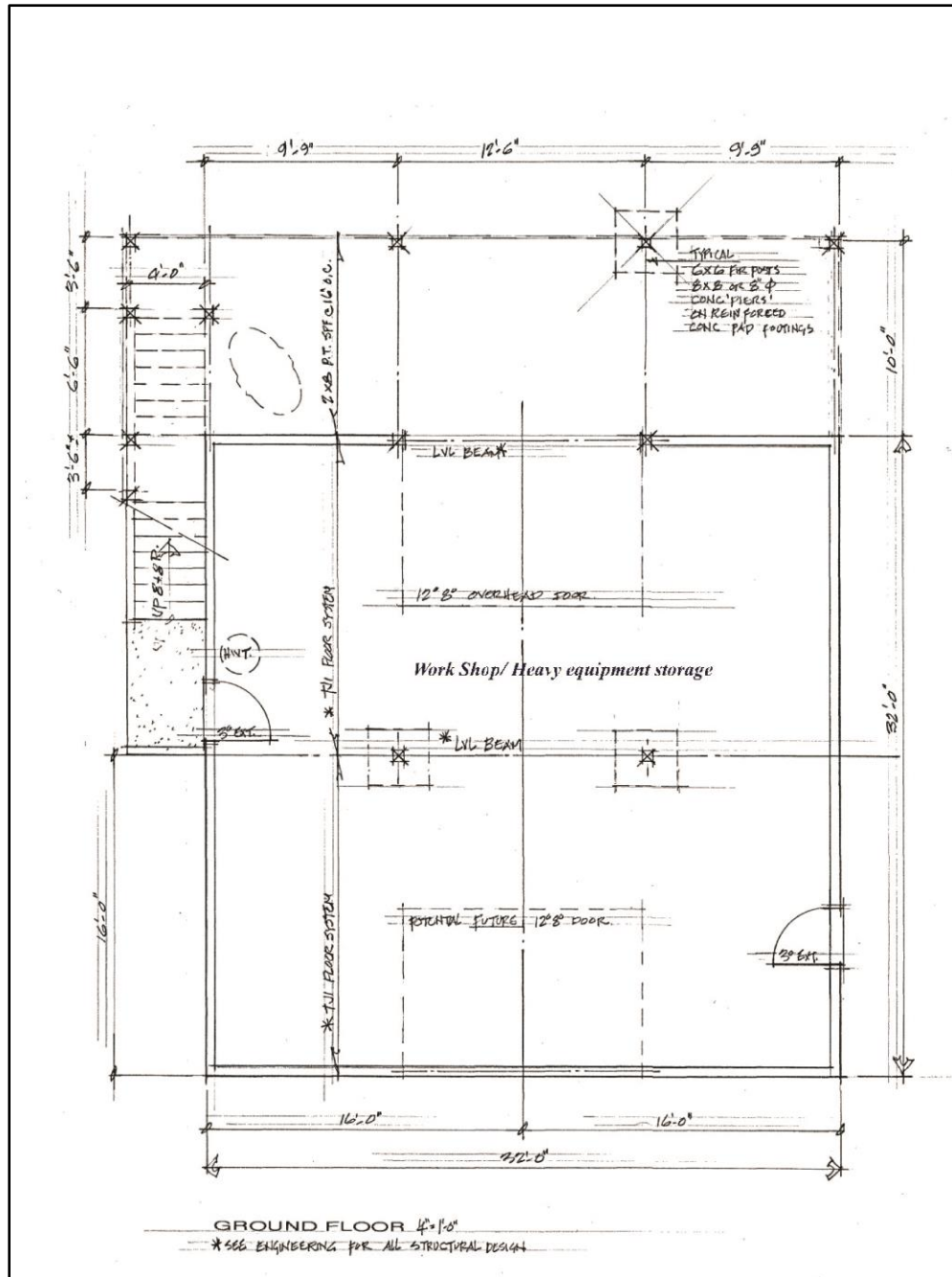
2.9 CROSS SECTION OF PROPOSED BARN



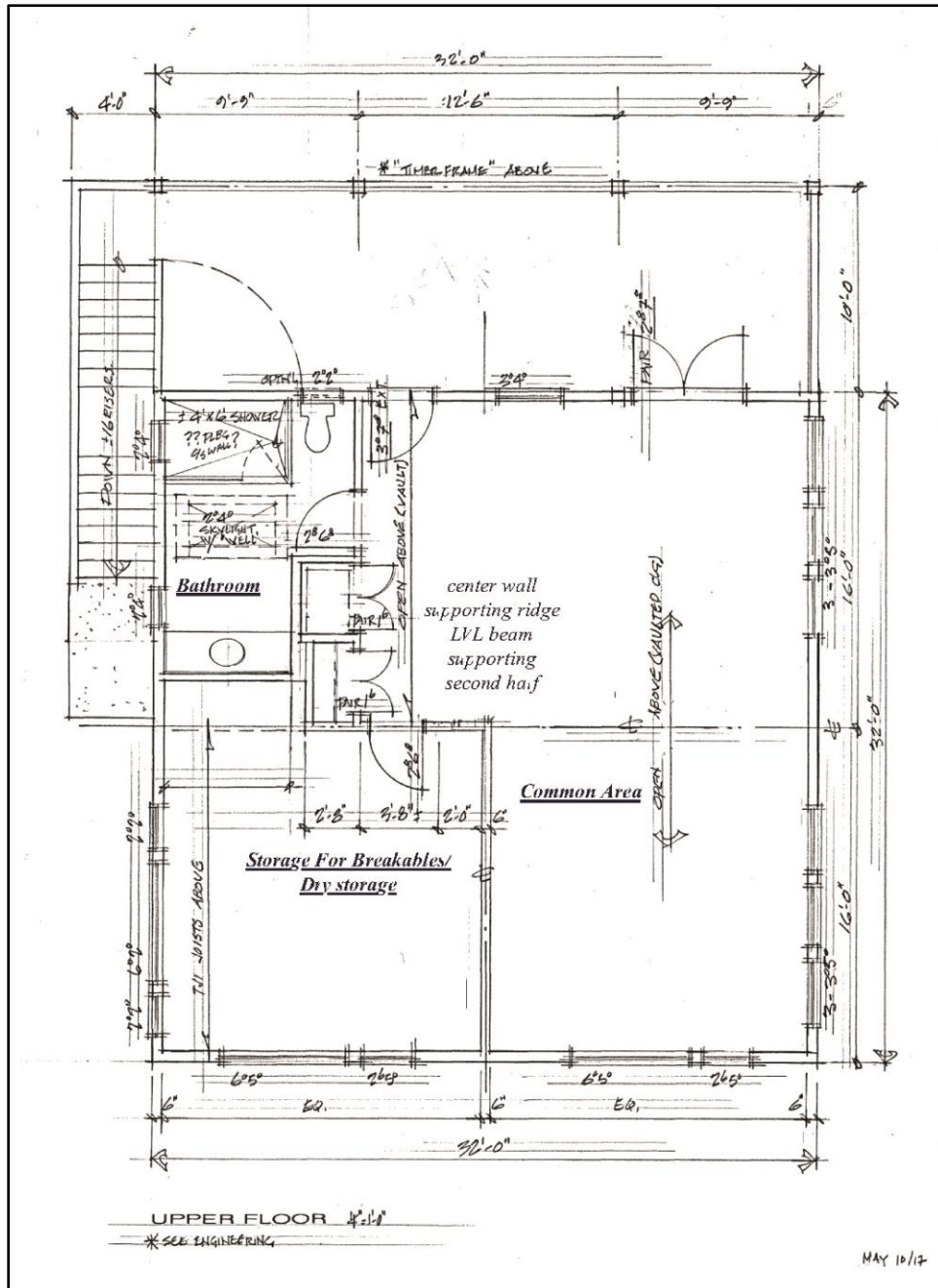
Islands Trust



2.11 GROUND FLOOR PLAN



2.12 UPPER FLOOR PLAN



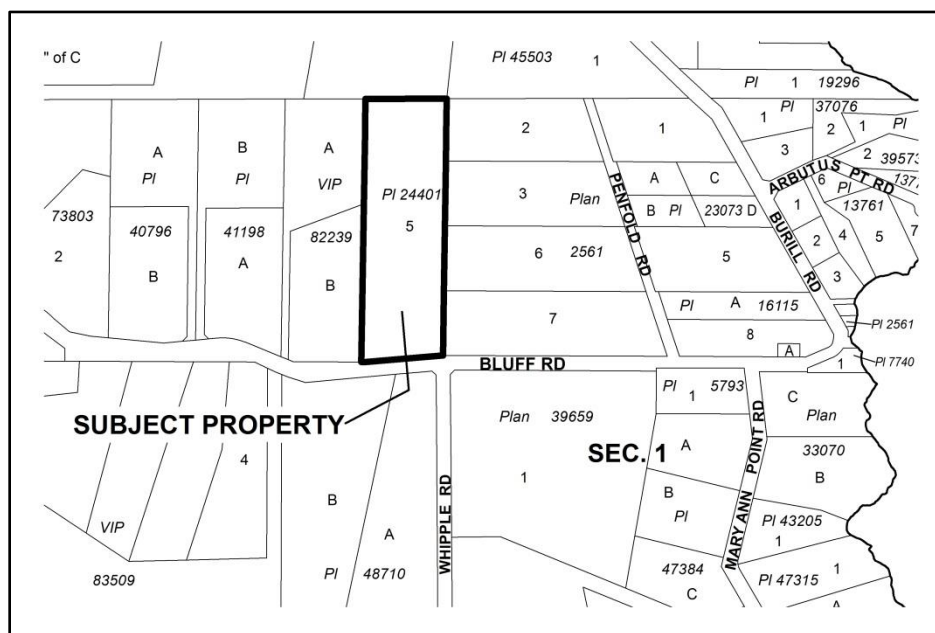
NOTICE
GL-DVP-2017.4
GALIANO ISLAND LOCAL TRUST COMMITTEE

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 2.6 of "General Regulations" which states that, "Accessory buildings and structures must not exceed one storey in height, except for cottages" is varied to permit the construction of an accessory building (barn) that is two storeys in height.

The property is located at 556 Bluff Rd E. and is legally described as Lot 5, Section 4, Galiano Island, Cowichan District, Plan 24401 (PID: 000-503-479).

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 **August 28, 2017** and continuing up to and including **September 8, 2017**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island, B.C., commencing **August 28, 2017**. Also, attached for your convenience is a copy of the proposed permit.

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, **September 8, 2017**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., September 11, 2017**, at the South Community Hall, 141 Sturdies Bay Road on Galiano Island.

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



PROPOSED

**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GL-DVP-2017.4**

To: Nils Gornall and Lyndan Kelly
c/o Chase McMillan

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

Lot 5, Section 4, Galiano Island, Cowichan District, Plan 24401
(PID: 000-503-479)

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

- a) Section 2.6 which states that accessory buildings and structures must not exceed one storey in height, except for cottages is varied to permit the construction of an accessory building (barn) that is two storeys in height.

The development shall be consistent with Schedules 'A', 'B', 'C', 'D' and 'E' which are attached to and form part of this permit.

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

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

Deputy Secretary, Islands Trust

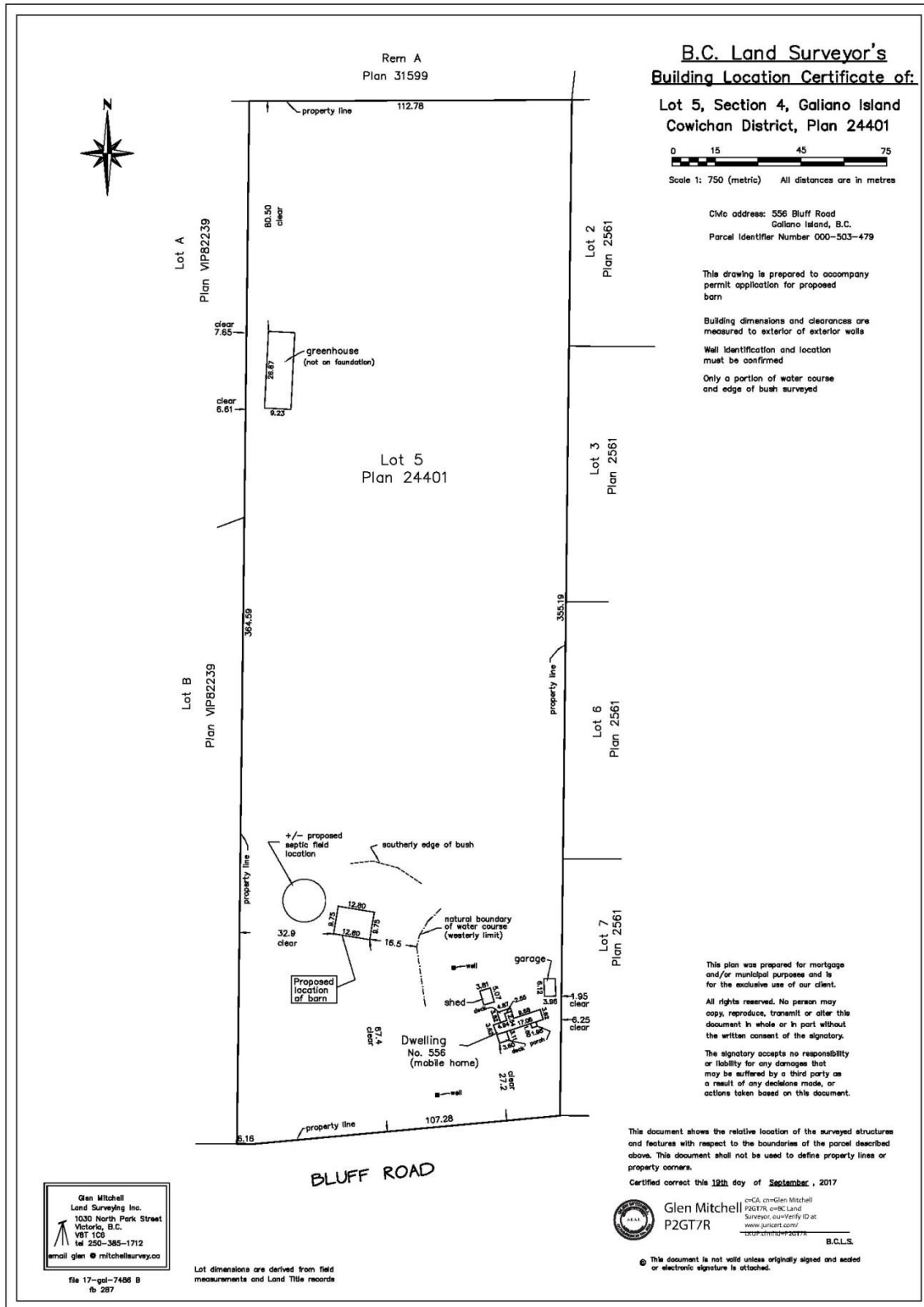
Date of Issuance

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

GALIANO ISLAND LOCAL TRUST COMMITTEE

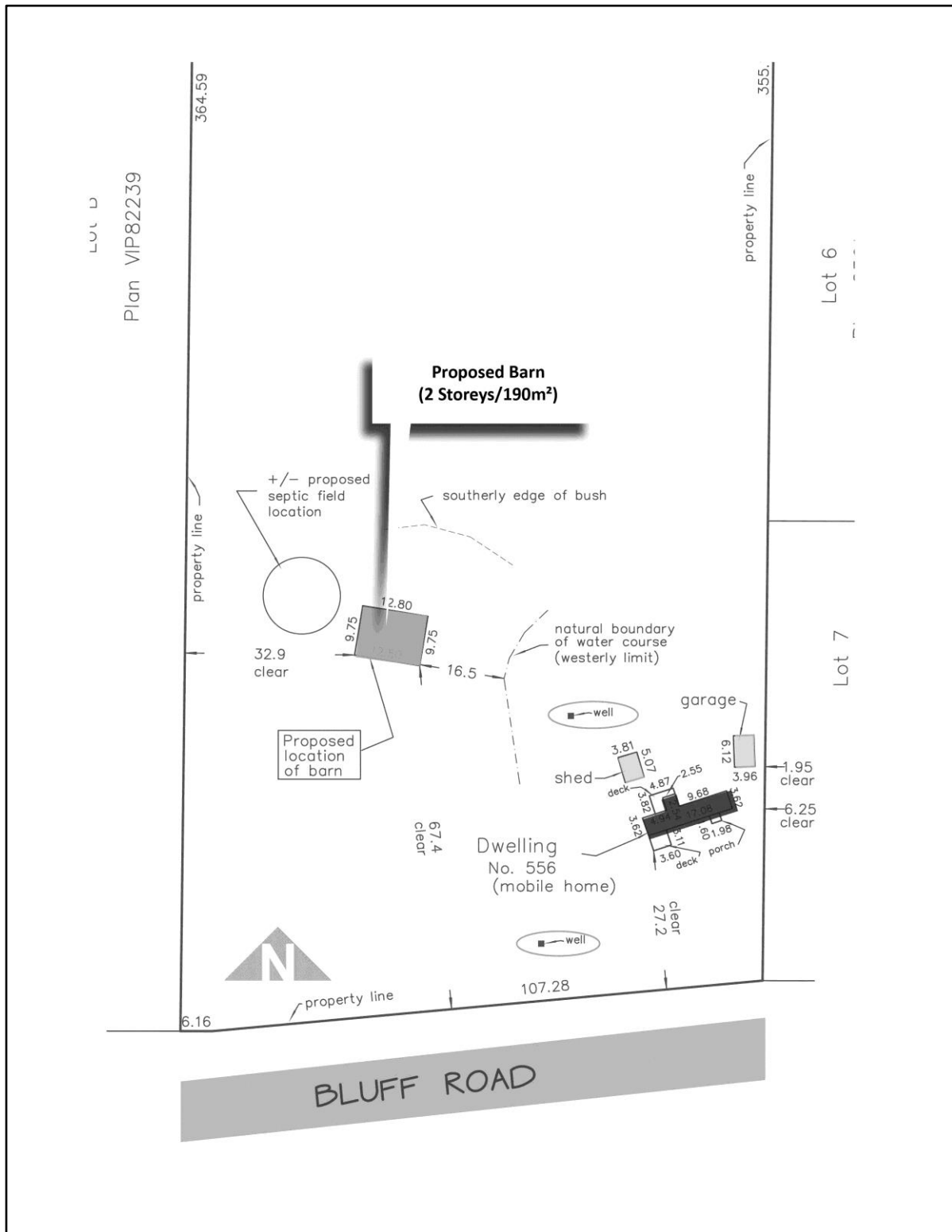
GL-DVP-2017.4

SCHEDULE 'A'



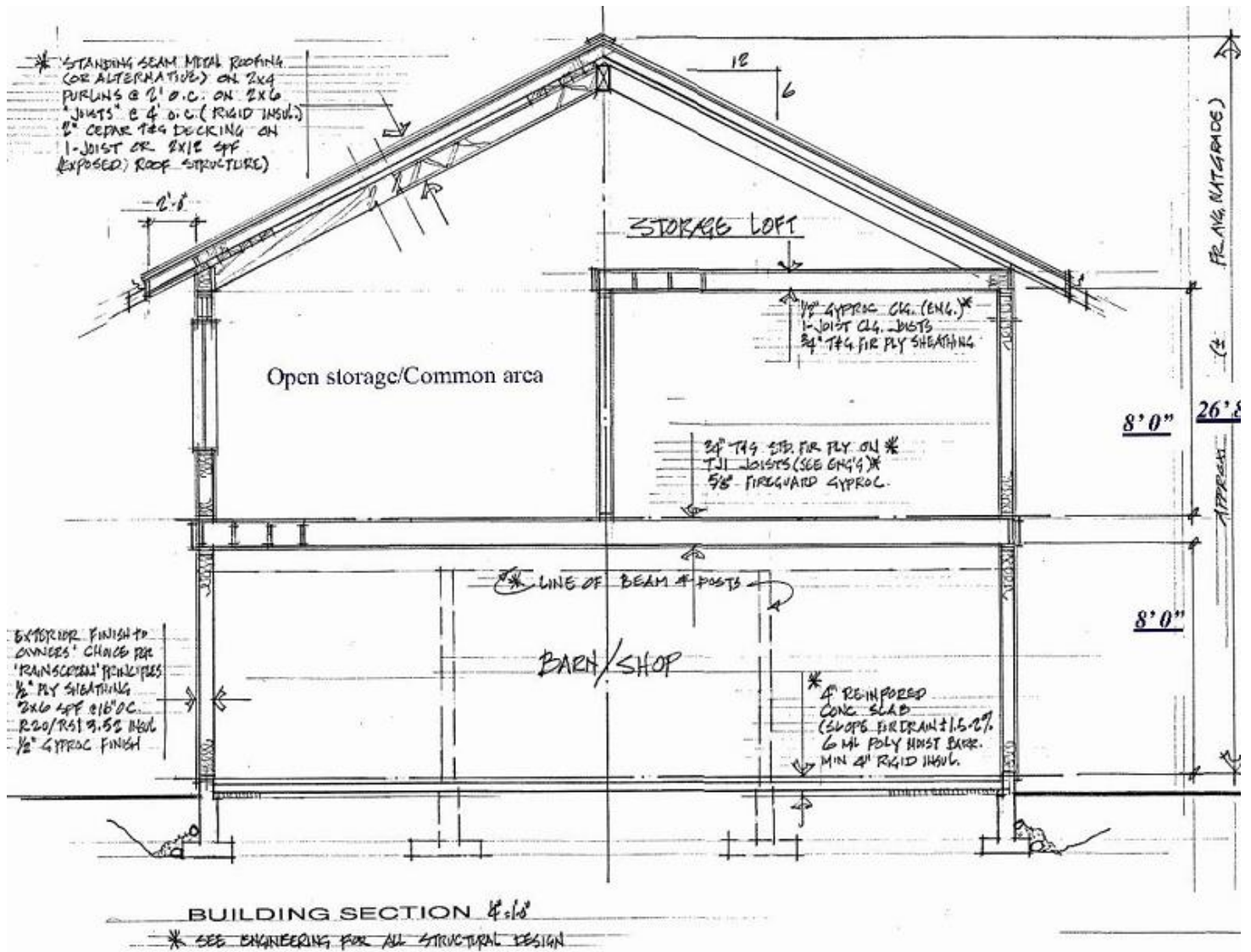
GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2017.4

SCHEDULE 'D'



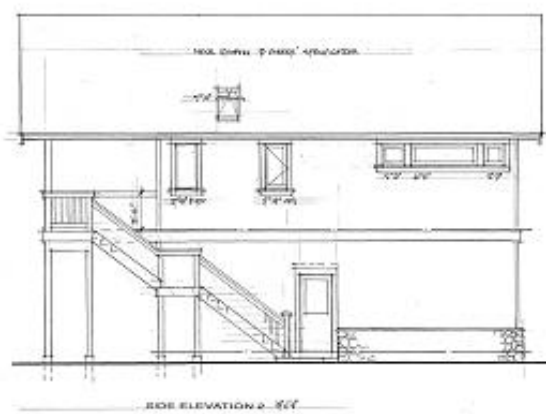
GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2017.4

SCHEDULE 'C'



GALIANO ISLAND LOCAL TRUST COMMITTEE
GL-DVP-2017.4

SCHEDULE 'E'





Top Priorities

Galiano Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Telecommunication Strategy	Review telecommunication options, including policies for telecommunication towers, on Galiano Island.	01-Feb-2016	Rob Milne	01-Dec-2017
2	Affordable Housing Strategy	Special APC to review options	07-Mar-2016	Rob Milne	31-Oct-2018
3	Dock Review	Review issues regarding docks and new shoreline information and whether changes are required to the LUB.	07-Mar-2016	Rob Milne	31-Oct-2018

**Projects****Galiano Island**

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

Projects

Galiano Island

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



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2017.3	WHITE PINE ENVIRONMENTAL RESOURCES INC Planner: Rob Milne	01-Jun-2017	Serenity Lane - Legalize siting of existing seaside cabin.
Planning Status			
Status Date: 25-Sep-2017 Report and materials submitted for October 2nd LTC meeting			
Status Date: 19-Sep-2017 Site visit September 19th. Onsite meeting with applicant.			
Status Date: 29-Aug-2017 File review and commencement of staff report preparation.			
File Number	Applicant Name	Date Received	Purpose
GL-DVP-2017.4	Chase MCMILLAN Planner: Phil Testemale	20-Jun-2017	Variance for 2nd floor in barn.
Planning Status			
Status Date: 25-Sep-2017 Report with requested information on October 2 LTC Agenda for consideration of issuance.			
Status Date: 29-Aug-2017 Notification sent. Staff Report with draft permit and notification on Sept 11, 2017 agenda for consideration.			
Status Date: 26-Jul-2017 Waiting for Site Plan from applicant. Consideration at September 11th LTC.			
File Number	Applicant Name	Date Received	Purpose
GL-DVP-2017.5	CHRISTOPH J SEPP DARLENE A KINNEY Planner: Rob Milne	28-Aug-2017	Vary allowable floor area of existing cottage.
Planning Status			

Applications

Status Date: 01-Sep-2017

Determined dwellings were pre-existing so no variance required. PTA to close once refund is given.

Status Date: 29-Aug-2017

File review and commencement of preparation of staff report

Status Date: 28-Aug-2017

opened file, processed fees, notified LTC, gave to planner.

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2014.1	Crystal Mountain Society	28-Oct-2014	20300 PORLIER PASS RD Retreat Centre
Planner: Rob Milne			
Planning Status			

Status Date: 28-Nov-2016

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

Status Date: 22-Sep-2016

Applicant finalizing community benefit document for November LTC meeting.

Status Date: 22-Jun-2016

OCP & LUB Amendment bylaws drafted.

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

Status Date: 11-Sep-2017

BL 263 amended at 2nd reading. Applicant working with MOTI and CRD/Galiano Parks and Rec regarding road r/w and trail access mechanism

Status Date: 29-Aug-2017

Approved staff report submitted for Sept/2017 agenda

Applications

Status Date: 15-Aug-2017

Met with applicants in Galiano IT office to review APC recommendations.

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2017.1	DL37 Holdings, F. Stevens & I. Stevens	02-Aug-2017	Rezone DL37 from F1 to FLR
Planner: Rob Milne			

Planning Status

Status Date: 25-Sep-2017

Staff report and attachments submitted for October 2nd agenda

Status Date: 19-Sep-2017

Onsite meeting with applicant to view activities and uses and discuss options as per LTC direction. Photos taken

Status Date: 19-Sep-2017

Onsite meeting with applicant to view activities and uses and discuss options as per LTC direction. Photos taken

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2017.1	Glen Mitchell, Land Surveying Inc.	16-Jun-2017	Boundary adjustment between two parcels.
Planner: Rob Milne			

Planning Status

Status Date: 21-Jun-2017

Review response sent to MOTI, agent and LTC.

Status Date: 20-Jun-2017

Staff review of referral and response sent to MOTI. No concerns with proposed subdivision as referred. No conditions precedent of PLA recommended.

Status Date: 20-Jun-2017

Staff review/report completed.

Temporary and Industrial Use Permit



Applications

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

Planner: Phil Testemale

Planning Status

Status Date: 25-Sep-2017

Covenant completed waiting for confirmation that it has been executed and registered with LTO

Status Date: 26-Jul-2017

Lawyer has indicated that Covenant is close to being finalized

Status Date: 29-May-2017

Lawyer for applicant has requested extension as he has been unable to get a response to drafted Covenant from SSWW

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2017.3	ERIK S MEDEN	17-Jul-2017	Establish a vacation rental.

Planner: Jason Youmans

Planning Status

Status Date: 25-Sep-2017

On Oct 2 LTC agenda

Status Date: 25-Sep-2017

On Oct 2 LTC agenda

Status Date: 19-Sep-2017

Site visit. Confirmation of adequate on-site parking.

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending August 2017

625 Galiano	Invoices posted to Month ending August 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	750.00	197.16	552.84
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	5,500.00	1,314.00	4,186.00
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	731.28	-231.28
65220-625	LTC - Local Exp - Communications	500.00	518.55	-18.55
65230-625	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>7,000.00</u>	<u>2,563.83</u>	<u>4,436.17</u>
Projects				
73001-625-2002	Galiano OCP/LUB	5,000.00	0.00	5,000.00
73001-625-4065	Galiano Dock Review	4,500.00	0.00	4,500.00
73001-625-4081	Galiano Telecommunications Strategy	5,000.00	0.00	5,000.00
TOTAL Project Expenses		<u>14,500.00</u>	<u>0.00</u>	<u>14,500.00</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: December 5, 2016

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

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

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