



Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: August 29, 2016
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	
6.1.1 <u>LTC Minutes Dated July 4, 2016 (for Adoption)</u>	4 - 15
6.1.2 <u>Public Hearing Record Dated July 4, 2016 (for Receipt)</u>	16 - 18
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 2016	19 - 21
8. DELEGATIONS	
none	
9. CORRESPONDENCE	1:15 PM - 1:30 PM
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	

9.1	Email from R. Moyle re Requirements for a Secondary Suite	22 - 22
10.	APPLICATIONS AND REFERRALS	1:30 PM - 3:30 PM
10.1	Thetis Island Local Trust Committee Bylaw No. 101 Referral (for response)	23 - 25
10.2	Mayne Island Local Trust Committee Bylaw No. 170 Referral (for response)	26 - 28
10.3	North Pender Island LTC Bylaws No. 203 & 204 Referral (for response)	29 - 31
10.4	GL-DP-2016.3 (Barber) - Staff Report	32 - 39
10.5	GL-RZ-2016.1 (Wolstenholme) - Staff Report	40 - 48
10.6	GL-RZ-2016.2 (GL Conservancy DL 57) - Preliminary Staff Report (attachment pending)	
10.7	GL-DP-2016.4 (Swan) - Staff Report	49 - 84
10.8	GL-TUP-2016.1 (Stettner) - Staff Memo	85 - 89
11.	LOCAL TRUST COMMITTEE PROJECTS	3:30 PM - 3:45 PM
11.1	Dock Review - Staff Report	90 - 97
12.	REPORTS	3:45 PM - 4:00 PM
12.1	Work Program Reports (attached)	
12.1.1	<u>Top Priorities Report Dated August 2016</u>	98 - 98
12.1.2	<u>Projects List Report Dated August 2016</u>	99 - 99
12.2	Applications Report Dated August 2016 (attached)	100 - 105
12.3	Trustee and Local Expense Report Dated June 2016 (attached)	106 - 106
12.4	Adopted Policies and Standing Resolutions (attached)	107 - 108
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Report	
12.8	Trust Fund Board Report none	
13.	NEW BUSINESS	4:00 PM - 4:30 PM
13.1	2017-18 Budget: LTC Project Funding Requests - Staff Memo	109 - 113
13.2	Galiano Island BEN Amendment Bylaw No. 258 - Staff Report	114 - 131

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for October 1, 2016, at the South Community Hall, Galiano Island

14.2 Special Local Trust Committee Meeting to be held September 19, 2016, at 12:30 pm, at the Lion's Hall, Galiano Island

15. TOWN HALL 4:30 PM - 5:00 PM

16. CLOSED MEETING (Distributed Under Separate Cover) 5:00 PM - 5:30 PM

16.1 Motion to Close the Meeting

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

- *Adoption of In-Camera Meeting Minutes Dated May 2, 2016*
- *Appointment of APC Members*

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT 5:30 PM - 5:30 PM



DRAFT

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: July 4, 2016
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

Staff Present Robert Kojima, Regional Planning Manager
Kim Farris, Acting Planner 2
Colleen Doty, Recorder

There were approximately 50 members of the public and no media present.

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:32pm. She acknowledged the meeting was being held in traditional territory of Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

One piece of correspondence added as 9.2 on agenda. (Moyle letter of June 29, 2016)

There was discussion about how correspondence is received by the Local Trust Committee (LTC). A folder of correspondence arrived July 3, 2016. Procedure is to give folder to planner for review, filing and circulation to LTC members before posting on website. Chair Busheikin noted she would follow up on procedure.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Chair Busheikin outlined parameters for this Town Hall. A speakers list was taken, with three minutes per speaker. With respect to Draft Bylaws 259 and 260 questions and comments would be taken at the upcoming Public Hearing.

Neil Friedenberg referred to the letter sent to the Chair and Trustees from a group of North End neighbors that met to discuss concerns regarding the Crystal Mountain Society (CMS) application. He noted disappointment that draft bylaws were being presented before concerns were fully examined. These include: pace of process; lack of consultation; respectful relationships with neighbours; large size of proposed development; implications for water supply, sewer, fluctuating water table; noncompliance with established LTC practice with respect to the community benefit, specifically, exchange of land for density; fragmentation of forest, noise, and traffic. Official Community Plan (OCP) is a compromise that should not be undermined. He asked the LTC to either slow down or suspend work.

Peter raised similar concerns about the CMS application, wanted to preserve the environment of north Galiano, and requested a consultative process. He will circulate his letter to the LTC.

Diana Lilly read a letter from Carolyn Canfield about the CMS rezoning and supports the mandate of the LTC to respect diversity and environment. She questioned what would happen to zoning after CMS leaves the land or sells it and if rezoning leaves any certainty about unconventional and unenforceable land use. She noted concern about the scale of the proposal and requested the LTC to delay the rezoning process until neighbours' concerns are resolved and the application is aligned with community values.

Suzanne Fournier quoted from Adrienne and Paul Gregory's letter and expressed concerns about the scale of development, water supply and dry wells, increased traffic on a road that is currently walkable and perfect for those with mobility issues. She requested that the LTC preserve peace, solitude, wetlands, privacy and calm.

Art Moses identified that nothing in the draft bylaws address community benefit. He referred to a letter from CMS neighbors that outlined concerns that have not been addressed and urged the LTC to carefully consider these concerns and slow down the progression of the application. He questioned how draft bylaws can move forward without more information.

The LTC confirmed that the applicant had not finalized their comments with respect to additional community benefit as per the May 27, 2016 staff memo.

Avis Seeds inquired about the installation of wind chimes at Tapovan Park.

A/Planner 2 Stockdill noted bylaw enforcement had discussions with the property owner.

There was discussion about Tapovan being co-sponsored by the Galiano Trails Society and the Capital Regional District.

Andrew Loveridge spoke to the importance of moving Galiano Green forward.

Tom Hennessy hoped for a good solution for CMS and remarked that noise should not be a concern for North Enders. He compared the maximum input of 30-40 people on CMS with the maximum build-out for other forest lot re-zonings.

Sidney Brannan intends to comment on water and noise issues related to the Wolstenholme (Woodstone) rezoning application later in the meeting. With respect to the CMS application, she read a letter from Madison Cappe and Tycho Mommsen-Smith who expressed concerns about CMS's relationship with neighbours and the importance of reflecting the values of the community.

Doug Latta asked about the different types of covenants, their strengths and weaknesses, and whether covenants bind forever.

Regional Planning Manager (RPM) Kojima noted the pros and cons depend on the content and/or complexity of the covenant and explained that covenants are binding and remain with the property but zoning can be altered by the LTC.

Suzanne Fournier disagreed with the notion that covenants last forever and referred to research from Linda Hannah, Regional Vice-President, BC Region, Nature Conservancy of Canada, showing they rarely last beyond the second owner due to legal issues and challenges with respect to enforceability.

Andrew Loveridge suggested a task force to examine durability of covenants.

Elizabeth Latta enquired about when to add a point of information about Industry Canada telecommunications.

Janice Oakley appreciated the input from CMS's neighbours and suggested meeting informally to discuss concerns and options. She stated CMS is open to feedback and crafting terms that are acceptable to the community and that draft bylaws are the beginning. She questioned impacts to the community if CMS folded.

Nancy McPhee stated that CMS has plenty in common with people who have expressed concern and they respect the land and its integration with humans. She has concerns about traffic, and appreciated all of the input from neighbors, and hoped that the community could meet to discuss further.

Susan is co-chair of CMS and supports the rezoning application. She understands the fears of neighbours and looks forward to meeting people to discuss the application.

Tom Mommsen and Risa Smith sent a letter to the LTC regarding concerns about the CMS application including: number of parking spots, fragmentation of the forest due to hut placement, vague water and sewer plans, and the retreat zone location being insensitive to ecology. He requested assurances against further development and stated a change in title is only way to guarantee this.

Akasha Forest submitted a letter from Ann Thorsteinsson regarding the preservation and water integrity of Spotlight Creek and expressed dismay that CMS has proceeded 16 years without oversight from the LTC.

Akasha Forest spoke to concerns around: use of covenants versus land transfer of title, proceeding to a Community Information Meeting (CIM) without concrete information; community benefit when the proposed covenant is not unique. She referred to the work of West Coast Environmental Law around legal remedies to enforce covenants and that a covenant may be removed if it is deemed a “burden” as cited by the Western Canada Business Litigation blog. A slower and wider consultation and ensuring legitimate mandate to change the OCP would be appreciated.

Stephen Rybak stated the CMS application is premature to go to CIM and requires a concrete proposal that defines community benefit, or a definable exchange. He felt having no definable exchange sets precedent and may lead to copy-cat proposals.

With respect to Telecommunications strategy, role of APC outlined on agenda package page 47, s. 12: seems reasonable to describe current levels of services but not the identification of gaps, which should be prerogative of new providers. With respect to agenda package p. 55, dock review project, would like to see first bullet reworded.

Libby McLelland responded to recent discussion about community benefit and felt that CMS believes that what they offer is of service to the community as not only a non-profit but a charity. She suggested moving forward; there are many ways of creating space in the world and CMS is unique. She clarified Linda Hannah’s comments on conservation covenants (as presented at the Galiano Conservancy Association’s AGM) and specified that Hannah had noted that problems with covenants arise around “third generation land transfers.”

Audrey Thomas is against the CMS application moving forward as a special zone of health and wellness; she contributed to the correspondence of July 2, 2016 submitted from neighbors noting concerns. She requested more information, a more deliberative process, and the LTC to slow down.

Debbie Holmes presented a map showing outflow of Fraser River and development density pressing upon Galiano Island. She referred to Business Section of the *Victoria Times Colonist*, article of June 26, 2016, stating Tsawwassen Mills Mall development will employ 3500 people. She noted the importance of a community benefit in perpetuity and shared that August 25th, 2016 at Southern Community Hall, will be a celebration of Margaret Griffith’s life.

Kim Lenglet, with respect to CMS, would like an opportunity to comment in a more responsive, constructive forum and noted an overall contradiction: preserve and protect mandate is about residents protecting others’ lands for them. She is concerned by unfounded misinformation that is impacting the proposal and the overall build-out of CMS is much smaller than what would be permitted if it were residential.

Sheila Anderson expressed concern with the tack of the draft bylaws for the CMS application. Density proposed is contrary to Land Use Policy a)(vii) [OCP]; footprint, impacts, accesses are not clustered into one 25% portion, and thus do not meet the demands of protection of forestry lands. For this much higher density, the community benefit has not been met. OCP Principal M [Schedule A, Section I, 2 m] has been mentioned, but that clause doesn't speak to building huts. Health and Wellness zone is problematic, for it creates more accommodation units than is allowed. F3 could be applied on the basis of a Bed and Breakfast and CMS could get started that way.

There being no further comments from the public, Chair Busheikin closed the Town Hall meeting at 1:55pm. There was a break.

4. COMMUNITY INFORMATION MEETING

4.1 Galiano Island Local Trust Committee Bylaws 259 & 260

A/Planner 2 Stockdill summarized proposed bylaws Nos. 259 and 260 (information provided in agenda package). The LTC is considering bylaws to re-zone a portion of a property from Health and Wellness (HW) to Visitor Accommodation (Inn) – C3 and to re-designate it from Health and Wellness Facility to Visitor Accommodation (VA).

The applicant was not present.

In response to questions, staff confirmed the other portion of the subject property would retain the Rural Residential (RR) zone and that the VA zone is for a maximum of 12 visitor accommodation rooms.

Sidney Brannan, speaking for her mother, outlined concerns with water quality and quantity (the water table has dropped and is now sulphured), noise, and balancing development. She questioned if the LTC could tie water usage to commercial use and if noise restrictions could be attached to the bylaw.

RPM Kojima noted that water catchment can be a condition of new development but applying conditions on a change of use application is challenging; the property would be under provincial water regulations as it is a commercial use. It would be difficult to attach conditions to zoning as noise issues are under CRD bylaws and it becomes an enforcement issue.

Staff noted the LTC is under no obligation to approve the application and could lower the density allowed; there are currently more than 12 units but some are for manager's residence.

There was some discussion about the confusing use of acronyms in Land Use Bylaw (LUB) and OCP, specifically with respect to Heritage Forest versus Health and Wellness Facility; also discussed was the total allowable build-out on the Woodstone property, given there would be a split-zone.

In response to a question, A/Planner 2 Stockdill confirmed the applicant could build a house and a cottage on the RR zoned portion of the property.

Nancy McPhee expressed concern for the wetland sensitive ecosystem in regards to the application.

Concerns and requests were raised regarding the application including:

- Water regulations or recapture and irrigation requirements to mitigate consumption as a part of conditions;
- Groundwater assessment requirements;
- Limits on development or structures such as pools for climate change mitigation;
- Long term climate change adaptation strategies;
- Potential recourse for the application if water runs out; and
- Water catchment plan as a community benefit for the rezoning application.

In acknowledging the community concerns the following responses were summarized:

- New developments require a water report and there is no requirement for a community benefit for a rezoning, it is voluntary;
- There is no recourse on an application if water becomes scarce, but under the recently adopted *Water Sustainability Act*, a provincial water license is required as part of requirements;
- Pools are considered an accessory structure and could be subject to further requirements;
- Climate mitigation strategies, such as requiring water catchment, are underway but much more can be done; and
- Wording could be written into the bylaw to amend it prior to second reading to include conditions for using rainwater for irrigation and pools.

Stephen Rybak asked if we could stop the process now and require assessment of ground water status before the application goes to public hearing as more clarification is required. He stated the Woodstone was used as a HW facility, and went seven days a week and year round. As a hotel, water use may have been lower but it is unknown. The property owner should be present to answer questions.

Chair Busheikin noted the LTC advertised a Public Hearing under a quasi-judicial proceeding.

Trustee Pottle asked whether this would be considered an “up-zone”?

RPM Kojima noted it was a lateral transfer, rather than an up-zone.

Mike Hoebel, as someone who operated Woodstone for a time, noted it was not occupied year-round.

Debbie Holmes believed the Woodstone allowed community access through the property to the wetland, as a wilderness retreat. Trails were voluntarily built and maintained. Mike Hoebel confirmed this.

Trustee Pottle understands that *Water Sustainability Act (WSA)* is anticipating future water shortages.

There being no further comments from the public, Chair Busheikin closed the Community Information Meeting.

5. PUBLIC HEARING

5.1 Recess for Public Hearing

The Public Hearing was called to order at 3:04pm. See separate Public Hearing (PH) record dated July 4, 2016.

5.2 Recall to order

Chair Busheikin recalled the meeting to order at 3:33pm.

6. MINUTES

6.1 Local Trust Committee Minutes Dated June 6, 2016 (for Adoption)

The following amendments to the minutes were presented for consideration:

- Agenda package page 8, after delegation of authority remove "Director of Local Planning"
- Add the word "costs" after project, package page 9, middle of page
- Package page 4, fourth para: Correct spelling is "Friedenberg" -- without "u"
- Package page 4, fourth para: "Neilson" should be corrected to "Wilson"
- Package page 15: Sentence beginning "With reference to the last time..." replace with: "With reference to the time when trustees had conflicting opinions about the minutes, action was taken after the meeting to clarify the situation and avoid further confusion."

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions Without Meeting Report Dated June 2016

Provided as information.

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated June 2016

Trustee Pottle enquired as to the status of applicant identifying “additional community benefits”.

A/Planner 2 Stockdill indicated she has not received any type of formal comment from the applicant.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

9.1 Invitation to Groundwater Management Presentation from Salt Spring Island Watershed Protection Authority

Trustee Pottle said she would respond to attend the August 19th, 2016 event.

9.2 Email letter of June 29, 2016 from Ralph and Rocky Moyle

Discussion of correspondence was deferred to next meeting.

10. APPLICATIONS AND REFERRALS

10.1 GL-RZ-2016.1 (Wolstenholme) - Staff Memo

Bylaws 259 & 260 (for further consideration)

Provided for information in agenda package.

There was discussion about how best to get the applicant to mitigate noise, light and water issues. Trustee Harris asked staff to recommend a mechanism for addressing the community’s concerns. RPM Kojima suggested a covenant.

GL-2016-062

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee requests staff to prepare a report with respect to options for a water management strategy for the entire property, and for addressing concerns about light-pollution.

CARRIED

10.2 GL-RZ-2014.1 (Crystal Mountain) - Staff Report

Information provided in agenda package. Staff recommended having a CIM.

There was brief discussion of how long it takes for correspondence to be circulated and posted online – approximately one week.

Trustee Pottle noted she would like to see a response from the applicant concerning additional community benefits before scheduling a CIM. She expressed concern about the “if” in top sentence of the agenda package p. 31 and concern that bylaws cannot regulate the user. She asked if a s. 219 covenant would be useful and if a legal opinion is available. Trustee Pottle would like to have a legal opinion on wording for a s.219 covenant.

RPM Kojima indicated no legal opinion has been obtained, but that if the LTC decides to proceed, then a legal opinion would be sought.

Trustee Pottle would like to see a copy of the conservation covenant in hand, to give assurance to a conservation covenant holder. The transfer is very much necessary for her to be comfortable with rezoning. She referred to past rezonings which benefited community housing and parks and land for density exchanges. She expressed that there is more security with a land transfer and wants land preserved for future generations. Trust Fund board can guarantee privacy required. Trustee Pottle appreciates benefits that come to the community by having Crystal Mountain (CM), but the larger community will embrace the project if there is transfer of land that everyone can use.

Trustee Harris appreciated there is a community located beside CM that is full of concerns that needs addressing. He wants to see neighbours and applicants come together to work something out. He thinks the application cannot proceed until “community benefit” is defined. Neighbours should be fully involved in that. He thinks the application should go to the Galiano Island Advisory Planning Commission (APC) before we go to CIM.

Trustee Pottle stated that before it goes to APC, the LTC should receive information on community benefits from the applicant, clarification about the “if” on package p. 31, and, whether we can specify “only be permitted for non-profit organizations.”

There was discussion on how a neighbourhood meeting would occur and whether a CIM would be satisfactory.

GL-2016-063

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee requests staff to explore and report on: legalities of using a s.219 covenant restricting the use of land to non-profit societies only; identification of community benefits; and the legality of including the clause on package page 35 (Schedule 1, A.1., 1) c, i)

CARRIED

There was discussion of what is referred to the APC, and when. Trustees agreed APC should become involved once all information has been gathered.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Telecommunication Strategy Project - Staff Report

Provided as information.

Comments from the floor were considered.

Stephen Rybak suggested Terms of Reference (TOR) needed fine-tuning; specifically, 12(d) identify current services, gaps and needs and wordsmithing on page 49 of agenda package.

Mike Hoebel advised keeping the Project Charter as broad as possible so as to not stifle the feeling of legitimate purpose. He believes the project's purpose is appropriate.

Elizabeth Latta agreed with keeping TOR options open.

Ed Andrusiak asked how people were going to be chosen for the Special APC. What were criteria for choosing people to ensure a level playing field?

RPM Kojima noted that those who applied would likely be appointed. Expressions of interest would be discussed by LTC via in-camera discussion.

Chair Busheikin noted "preferred locations" (from staff report of June 22, 2016) does not appear again in objectives. There was some discussion of including "preferred locations... and design preferences" under Objectives.

GL-2016-064

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee endorses the Telecommunication strategy Project Charter dated June 22, 2016.

CARRIED

GL-2016-065

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee adopts the terms of reference dated June 22, 2016 for the creation of a Telecommunication Strategy Commission.

CARRIED

GL-2016-066

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee requests staff to post a notice for the expressions of interest, including in the *Active Page* and *Island Tides*.

CARRIED

11.2 Dock Review Project - Staff Report

Provided as information.

Trustee Pottle supported a staff-led project as the best option.

GL-2016-067

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee endorses the project charter attached to the staff report dated June 23, 2016.

CARRIED

GL-2016-068

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee request that staff report back with a report outlining policy and regulatory options for the Dock Review project.

CARRIED

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated June 2016

Trustee Harris supported having an affordable housing task force. Funds are available from CRD for affordable housing but Galiano needs a community group to ask for the money as the LTC cannot do that. He referred to discussions currently underway in the community about how to access funds. He would like to see the Affordable Housing project as a Top Priority fleshed out.

There was discussion about reviewing the Affordable Housing toolkit to see which recommendations would advance the cause of affordable housing. When final report comes out from Cowichan Bay, LTC would ensure that the right people received it.

12.1.2 Projects List Report Dated June 2016

Provided for information.

12.2 Applications Report Dated June 2016 (attached)

Covered earlier in agenda.

12.3 Trustee and Local Expense Report Dated May 2016

Provided for information.

12.4 Adopted Policies and Standing Resolutions (attached)

Provided for information.

12.5 Local Trust Committee Webpage

n/a

12.6 Chair's Report

Chair noted the upcoming Executive Committee meeting on Wednesday with a full agenda. The new senior policy advisor to deal with First Nations issues will be inundated with work.

12.7 Trustee Report

Trustee Harris has received a lot of correspondence.

Trustees Pottle and Harris both attended Trust Council. Tom Hennessy, Doug Latta and Trustee Pottle attended Cowichan Bay affordable housing and found it a good chance to network.

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for August 29, 2016, at 12:30 pm, at the South Community Hall, Galiano Island

15. ADJOURNMENT

By general consent the meeting was adjourned at 5:13 pm.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder

DRAFT



Galiano Island Local Trust Committee Record of Public Hearing

Date: July 4, 2016
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

Staff Present Robert Kojima, Regional Planning Manager
Kim Farris, Acting Planner 2
Colleen Doty, Recorder

There were approximately 50 members of the public present.

Chair Busheikin called the Public Hearing (PH) to order at 3:04pm. She gave notice and stated and stated Public Hearing meeting rules and guidelines.

5.1.1 Galiano Island Local Trust Committee Bylaws 259 & 260

A/Planner 2 Kim Stockdill provided a summary of the proposed bylaws. Information was provided in package.

Stockdill noted that the Ministry of Transportation had no objections to the application and no additional comments with respect to the draft bylaws. Island Health provided comments, and recommended approval with conditions with respect to BC Food and Drinking Water and Sewage regulations. CRD stated that approval is recommended but the facility is required to have a hydro supply line.

There was a written speakers list, with speakers having four minutes each.

Simon Crawley, located immediately north of Woodstone, is not against the application but is affected by operations and requested mitigation strategies for the following: over-head lights in the parking lot require sensors or other efforts to shroud lights; concerns about the amount of water drawn from the aquifer, Woodstone's septic system and potential algae blooms; and noted that Woodstone experienced a problem with the septic system and it has become a cycle of nutrients. In community discussion earlier, staff stated that its previous use as VA has no bearing on current application, but the documents, in stating its previous use, imply otherwise.

Sheila Anderson, noted the CIM has influenced her and she has no problem about the rezoning but requested that bylaws should not proceed until the LTC has thoroughly explored means of reducing water consumption and can provide reassurance to other users of the aquifer as some of the upland recharge areas have been dramatically changed in last few years.

Debbie Holmes supports the Woodstone application if it resembles the original application. She suggested that the original zoning should be part of Public Hearing record. Bylaw 65 (passed October 20, 1988) might be of interest to the LTC and public; it restricted max floor area, restricted retail uses, and had a restrictive covenant. There was an appreciation of the public benefit provided by access to bird sanctuary and wetland, but this promise was reverted. She requested that access to the bird sanctuary for public benefit be a condition.

A copy of Bylaw 65 was submitted to the LTC. A/Planner 2 Stockdill received it.

Sidney Brannan supported a return to original zoning, with some conditions to reduce noise and light pollution. Water is a huge concern. This is an opportunity to look at development.

Elizabeth Latta is on the same water aquifer that has been severely impacted because land above the valley is in the PMFL and they have control over land. She requested that water usage be a condition of rezoning.

Tom Hennessy noted that water use needs to be controlled. If Galiano Green runs out of water, a 4000 gallon truck from off island will bring in water.

Mike Hoebel went through this process 25 years ago, and lives across from property. He supports the rezoning and noted it would benefit local employment. He observed a change in land use above the valley: logging has impacted residents. He requested that water conditions are explored.

Kio Okuda stated this should be treated as a rezoning, and subject to water regulation issues. He noted concerns about higher commercial demands on island and would like to see equity across commercial lines. Woodstone and forestry have impacted the area. He requested that water be regulated in this application and sees implications for other applications. He suggested change of use should trigger a water test and demonstration of volume relative to the number of people being sustained.

Louise Decario was sad to see the eating disorder clinic leave as it was a good fit for the community. She supports the application and thinks the LTC should address water concerns, light pollution, and noise.

Akasha Forest noted the importance of impacts on neighbours, specifically around water concerns. She supported planning at the watershed level, with consideration paid to past and cumulative impacts on water sheds and felt it should be the priority. Wetlands need to be maintained by a certain flow of water and cannot compete with flushing toilets, etc.

There was some discussion about benefits and limitations of water catchment.

There being no further comments from the public, Chair Busheikin closed the Public Hearing at 3:32pm.

The Chair explained that legislatively, the LTC cannot hear new information about this application, unless it is technical information.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder

Follow Up Action Report

Galiano Island

07-Dec-2015

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

07-Mar-2016

Activity	Responsibility	Target Date	Status
Crystal Mountain (GL-RZ-2014.1)	Kim Stockdill	26-Aug-2016	On Going
1.. Staff to follow up with Trust Fund staff regarding the timeline of the TFB/Crystal Mountain conservation covenant.			
May 2, 2016 LTC Meeting:			
2. Applicant to explore additional community benefits options.			
July 4, 2016 LTC Meeting			
3. Staff to explore and report back the legality of using a s.219 restricting the use of land for non-profit societies and the reference to non-profit societies in the draft OCP amendment bylaw. (IN PROGRESS)			
1. Staff to add Affordable Housing Strategy and Dock Review to Top Priorities - DONE	Kim Stockdill	25-Mar-2016	On Going
2. LTC (local trustees) to review Affordable Housing Toolkit to determine what aspects of Affordable Housing should be addressed.			

02-May-2016

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

Follow Up Action Report

06-Jun-2016

Activity	Responsibility	Target Date	Status
GL-RZ-2011.1 (Galiano Green)	Sharon Lloyd-deRosario	26-Aug-2016	Done
1. Bylaw 234 - Second Reading was rescinded, bylaw was amended, then Second Reading was given as amended - DONE	Robert Kojima		
2. Staff to prepare housing agreement bylaw. - DONE			
3. ITPS checklist endorsed - DONE			
4. Staff to schedule CIM and Public Hearing for proposed Bylaw Nos. 233 & 234. - DONE			
5. Staff to revise draft s. 219 covenant to remove reference to phasing of development - DONE			
6. Staff to review Housing Agreement for re-sale by leaseholders to address unpaid labour and occupancy by adult children - DONE			

04-Jul-2016

Activity	Responsibility	Target Date	Status
Galiano LTC minutes for June 6, 2016 adopted as amended.	Regina Robinson	26-Aug-2016	Done
GL-RZ-2016.1 (Wolstenholme)	Kim Stockdill	26-Aug-2016	Done
1. Staff to prepare a report outlining options for water management on the property and addressing light concerns.			
Telecommunication Strategy Project	Sharon Lloyd-deRosario	26-Aug-2016	Done
1. Staff to post notice for expression of interest for Special APC in Active Page & Island Tides.	Kim Stockdill		
Dock Review Project	Kim Stockdill	26-Aug-2016	Done
1. Staff to draft report outlining options and regulatory options for dock review project.			



Follow Up Action Report

Regina Robinson

From: Ralph Moyle [REDACTED]
Sent: Wednesday, June 29, 2016 9:50 AM
To: Kim Stockdill
Cc: [REDACTED] Laura Busheikin
Subject: Requirements for a Secondary Suite



☒ **PLANNER**
☒ **LTC**
☒ *July agenda LTC*

Dear Galiano Island Local Trust Committee

Pursuant to our phone conversation earlier this afternoon with Kim Stockdill, we would like to better understand the requirements of a secondary suite.

We were informed by Thomas Loo, Bylaw Enforcement Officer that the basic requirements were that the lot size be .9 Acres.

Our lot in question is .89 Acres and we wish to know if the Islands Trust has a +/- variance to accommodate a .01 lot size difference (as close as we can determine a 20' X 20' difference in the lot size.)

Realizing that Galiano has a shortage of long term accommodation we hope that our Local Trust Committee has a means to accommodate this difference.

We are reaching the stage where we will no longer be able to maintain our large home and lot and would like to be able to move in and live with our son's family in a separate suite.....with its own entrance. We do not want to move off the island as it has been our home for the past 18 years and being able to live with our son and his family would allow us to remain as 'islanders'.

The Local Islands Trust bylaws are often difficult to determine what will be allowed, so we look forward to any and all information that you can supply us.

Would the Galiano LTC entertain potential amendment to the existing bylaws? We are located in the [REDACTED] sub division wherein we are one permanent residence along with 12 other full time residents. We are definitely not over populated. Allowing a secondary suite would increase the available accommodations for full time renters. We have loss several young families on Galiano because they did not have a permanent residence. In order to have a viable community with all of its attributes (Full time Doctor, Medical Clinic, Elementary School, Library) we need an increase in available housing.

I first purchased property on Galiano in 1979, at which time the population was 850+ and now 37 years later we have a full time population of 1250+..... definitely not a huge increase.

My wife and I would support an amendment to the LUB which would have a + or - variation to accommodate secondary suites.

Regards

Ralph and Rocky Moyle

[REDACTED]

Galiano Island, BC V0N1P0



Islands Trust

BYLAW REFERRAL FORM

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

Island: Thetis Island Local Trust Area Bylaw No.: 101 Date: August 4, 2016

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

APPLICANTS NAME / ADDRESS:

West Vancouver Yacht Club, 5854 Marine Dr., West Vancouver, BC

PURPOSE OF BYLAW:

To amend the Valdes Island Rural Land Use Bylaw No. 42 by changing the zoning classification of the unsurveyed Crown foreshore or land covered by water being part of the bed of Strait of Georgia, Nanaimo District, 0.95 ha of marine waters between Valdes Island and Kendrick Island from Marine Conservation (W-1) to Yacht Club Outstation (W2)(a) to allow a rock breakwater only.

For staff reports and background information please see the Thetis Island webpage:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/thetis/current-applications/>

GENERAL LOCATION:

Crown foreshore in adjacent to Kendrick Island near Valdes Island.

LEGAL DESCRIPTION:

Unsurveyed Crown foreshore or land covered by water being part of the bed of Strait of Georgia, Nanaimo District.

SIZE OF PROPERTY AFFECTED:

Approximately 0.95 ha

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

OTHER INFORMATION:

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

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

M. Eggen

(Signature)

Name: Marnie Eggen

Title: Planner 2
Contact Info: Tel: 250-247-2210
Email: meggen@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Federal Agencies

Environment Canada
Parks Canada
Transport Canada

Provincial Agencies

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

Non-Agency Referrals

School District No. 68 (Nanaimo-Ladysmith)
Valdes Island Conservancy

Regional Agencies

Cowichan Valley Regional District
Nanaimo Regional District

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Salt Spring Island Local Trust Committee
Gabriola Island Local Trust Committee

First Nations

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

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area

(Island)

(Signature)

(Date)

Amendment Bylaw No. 101
(Amending Valdes Island Rural Land Use Bylaw No. 42)

(Bylaw Number)

(Name and Title)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

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

Island: Mayne Island Local Trust Area Bylaw No.: 170 (LUB) Date: August 8, 2016

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

APPLICANTS NAME / ADDRESS:

Mayne Island Resort Ltd.

PURPOSE OF BYLAW:

The Mayne Island Resort has made application to amend Mayne Island Land Use Bylaw No. 146. There are two separate amendments being requested.

The first amendment being requested is that the Commercial Tourist Accommodation C2(b) zoning for Strata Lots 13-20 be amended by adding residential use, including employee housing use as permitted uses. The units are presently permitted to be used as tourist accommodation units only.

The second amendment being requested is that the C2(b) zone be amended to allow additional commercial retail space to allow for kayak and sporting equipment rental, groceries and sundries for guests and neighbouring residents.

Proposed Bylaw 170 has been prepared to implement these requested amendments to the Mayne Island Land Use Bylaw.

Professional reports and staff reports are available on the Mayne Island webpage:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne/current-applications/>

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

OTHER INFORMATION:

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

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

(Signature)

Name: Gary Richardson

Title: Island Planner
Contact Info: Tel: 250-405-5157
Email: grichardson@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Ministry of Transportation & Infrastructure

Non-Agency Referrals

Regional Agencies

Capital Regional District – Building Inspection
Island Health

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
Salt Spring Island Local Trust Committee

First Nations

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area

(Island)

170

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

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Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
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information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: North Pender Island Local Trust Area **Bylaw No.:** 203 & 204 **Date:** August 17, 2016

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

APPLICANTS NAME / ADDRESS:

N/A

PURPOSE OF BYLAW:

The purpose of Bylaw 203 is to amend the North Pender Island Official Community Plan Bylaw 171 to enable short term vacation rentals as accessory uses in Residential zones and to adopt guidelines for short term vacation rentals to be permitted by Temporary Use Permits.

The purpose of Bylaw 204 is to amend the North Pender Island Land Use Bylaw 103 to permit short term vacation rentals as an accessory use in residential zones under the home business regulations. This approach requires an owner or operator of the home business to reside on the property where the short term vacation rental takes place.

Please see the attached staff report, presented at consideration of First Reading. Background information and staff reports are available on the North Pender Island webpage: www.islandstrust.bc.ca/npender/housing

GENERAL LOCATION:

North Pender Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

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

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

Justine Starke
(Signature)

Name: Justine Starke

Title: Island Planner
Contact Info: Tel: 250-405-5189
Email: jstarke@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Federal Agencies

N/A

Provincial Agencies

BC Assessment Authority

Non-Agency Referrals

North Pender Island Advisory Planning Commission

BC Assessment Authority

BC Ferry Services

Islands Trust – Bylaw Enforcement

Outer Gulf Islands RCMP

Magic Lake Estates Water District

Regional Agencies

Capital Regional District – Electoral Area Director

Capital Regional District – Building Inspection

Capital Regional District – Infrastructure Engineering

Capital Regional District – Environmental Resource Management

Island Health

North Pender Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee

Mayne Island Local Trust Committee

Saturna Island Local Trust Committee

South Pender Island Local Trust Committee

Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Malahat First Nation - TE'Mexs Treaty Association

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Songhees Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

North Pender Island Local Trust Area

(Island)

203 & 204

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

STAFF REPORT

Date: August 19, 2016

File No.: GL-DP-2016.3
(Barber)

To: Galiano Island Local Trust Committee
For the meeting on August 29, 2016

From: Kim Stockdill, A/Planner 2

CC: Robert Kojima, Regional Planning Manager

Re: Tree Cutting Development Permit

Owner: Christine Barber & Wolfgang Weiher

Applicant: Same

Description: Lot 34, District Lot 15, Galiano Island, Cowichan District, Plan 22765

PID: 003-165-337

Civic Address: 362 E Sticks Allison Road

THE PROPOSAL:

The application is for a Development Permit (DP) for tree cutting and removal within the Development Permit Area (DPA) 3 –Tree Cutting and Removal. A copy of the proposed Development Permit GL-DP-2016.3 (Barber) is attached.

BACKGROUND:

This application is for compliance with a bylaw enforcement action resulting from a complaint for tree cutting and removal in the DPA 3 without a permit. The property owner states that they were not aware of regulations for tree cutting therefore did not apply for a permit. They have now applied for a Development Permit (DP) in order to comply with the bylaw.

The property owners removed a number of large trees from their front yard in order to increase the natural light on the property, provide firewood for personal use, and to plant a garden, fruit trees, and install an irrigation pond where the large trees were removed. The property owners state in their DP application that removal of the trees contributes to a reduction in fire hazard by removing tree debris and ground cover.

The exact number of trees is not known although based on the number and size of the firewood from the tree removal, the amount of timber is approximately 66 cubic metres (18.2 cords). Exemptions in DPA 3 stated that a development permit is not required for the cutting and removal from any lot in any 3 year period of less than 12 cubic metres (3.3 cords) of timber per hectare, no portion of which is Garry Oak. The subject property is 0.4 hectares in size therefore the property owner could only remove 4.8 cubic metres (1.3 cords) of wood in order to comply with the DPA.

As amount of firewood exceeds the DPA exemptions, a DP must be approved for the property owner to comply.

SITE CONTEXT:

The property is 0.4 ha (0.98 ac) in size and is located in the Sticks Allison Road neighbourhood on Galiano Island (Figure 1). The size and residential use is consistent with that of the local neighbourhood.

The properties topography is generally flat on the northern half where the dwelling and front yard is located but increases in elevation to the southern rear portion of the property (Figure 2). As shown in Figure 2, vegetation and tree cover surrounds the dwelling unit. The majority of the trees located in the front yard have now been removed although a few smaller trees remain (see photos below).

The property currently has a single family dwelling and a number of accessory buildings and structures (Photos).

Figure 1 - Subject Property Map

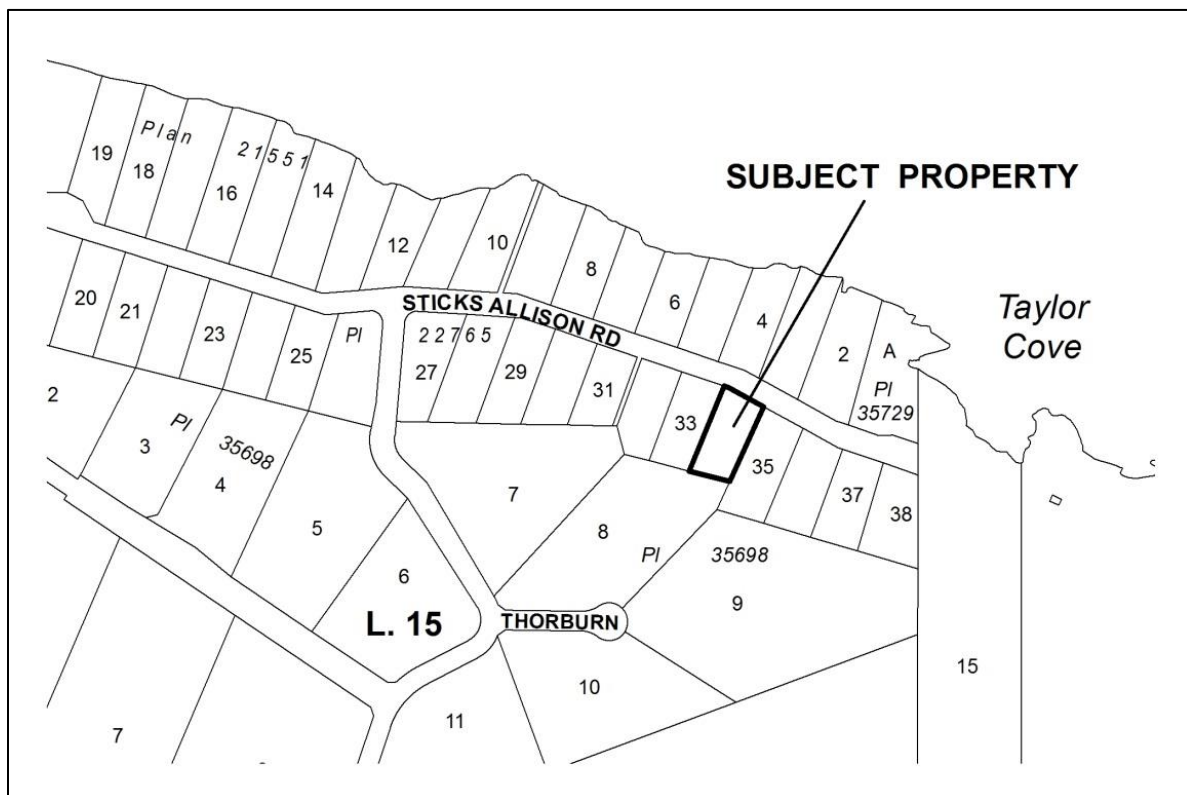
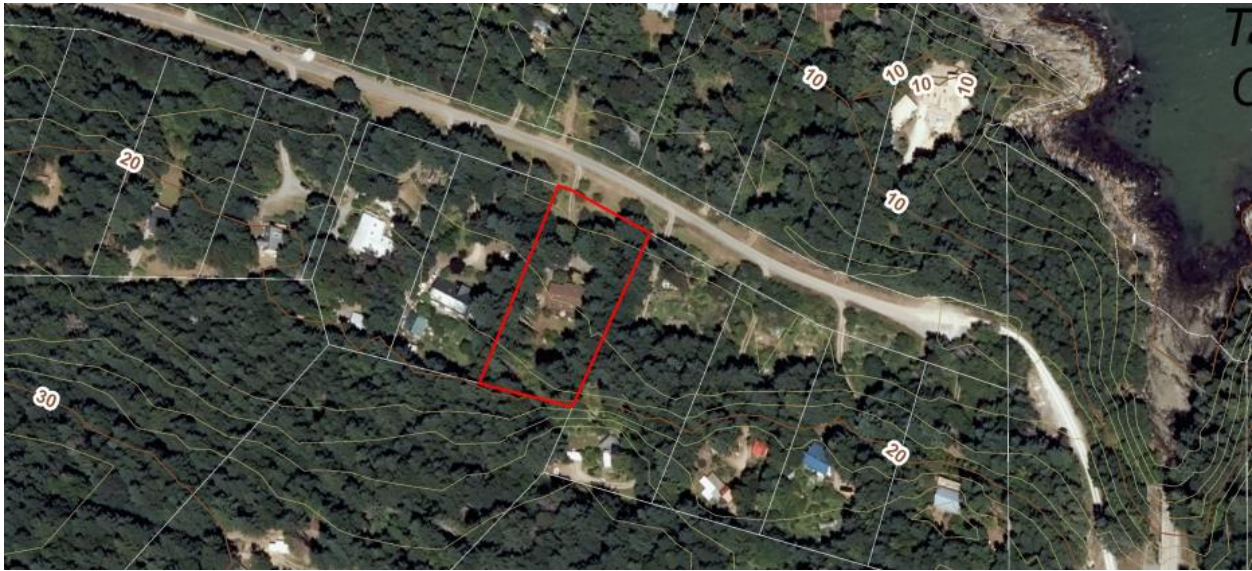


Figure 2 - Ortho Map



Picture 1 – Looking south towards the front yard and dwelling unit



Picture 2 – Looking NW from dwelling unit towards western property line (where trees were removed)



Picture 3 – Stack of timber from tree removal



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

3.2.2 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.

4.2.6 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.

Official Community Plan

The subject property is designated as Rural Residential (RR) in the Galiano Island Official Community Plan Bylaw No. 108, 1995.

Development Permit Area 3 (DPA) – Tree Cutting and Removal is designated on the entire subject property as the DPA is applicable to all properties within the Galiano Island Local Trust Area. The objective of the DPA is to protect the natural environment, its ecosystem and biological diversity, and for the purpose of requiring development permits for the cutting and removal of trees. Not all tree cutting and removal activities require development permits as exemptions are provided in the DPA for most types of non-industrial tree cutting activities.

DPA guidelines pertaining to this application are as follows:

Lands other than Forest Zoned Lands:

- permits to cut more than 12 cubic metres per hectare over a 3 year period will be issued only if, and to the extent that, the removal of trees is necessary to permit the use of the lot in question for a use permitted by the Galiano Island Land Use Bylaw, at the maximum density that the bylaw specifies for that use.
- activities permitted by the Land Use Bylaw and necessitating the removal of trees should be conducted at those locations on the lot that will involve removal of the fewest trees and the removal of no Garry Oak trees.

Staff have determined an assessment report by a Registered Professional Forester is not required as tree removal has been completed and the amount of timber removed and its impact is minimal. Furthermore the applicant has stated that replanting is already proposed as a measure for mitigation.

Land Use Bylaw (LUB)

The property is zoned as Rural Residential (RR) in the Galiano Island LUB No. 127, 1999.

Islands Trust Fund

The application does not affect the interests of the Trust Fund Board.

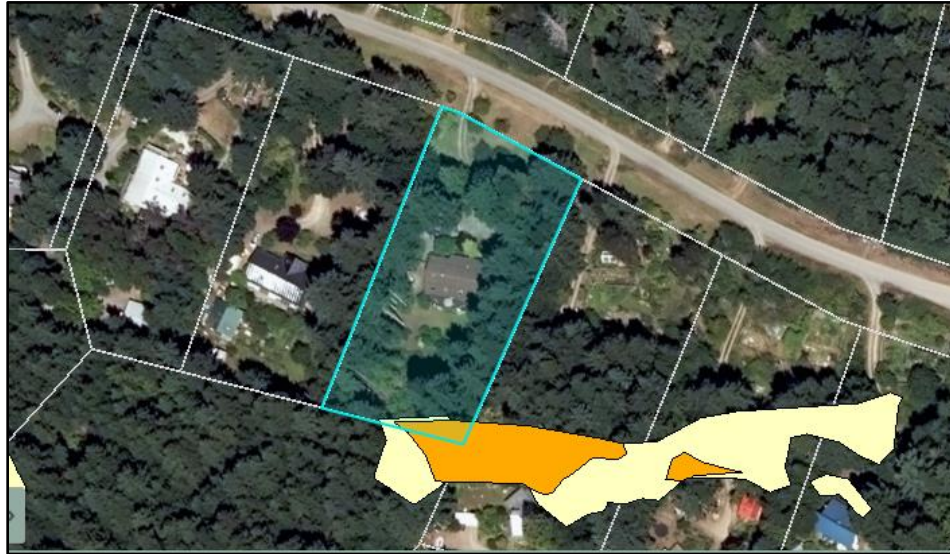
Regional Conservation Plan

The development permit does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.

Sensitive Ecosystems and Hazard Areas

There are no sensitive ecosystems located on the property. There are low to moderate steep slopes in the rear yard on the subject property. This application has no impact on the steep slope as the tree removal is outside of the steep slope area.

Figure 3 – Steep Slopes



Archaeological Sites

There are no archaeological sites listed on the Provincial RAAD database for the subject property.

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

Covenants

There is a restrictive covenant (426934G) – a building scheme – that is not applicable to this development permit application.

Bylaw Enforcement:

As described above, this application is for compliance with a bylaw enforcement action file resulting from a complaint of tree cutting in the DPA without a permit. A ticket was not issued as the owner is in process of voluntarily complying with the bylaw.

The bylaw enforcement file will be closed if the Development Permit is issued.

Climate Change Mitigation and Adaptation

The GHG emission changes resulting from the removal of trees and vegetation should be offset by the required replanting. There are no climate change induced hazards associated with this application.

COMMUNITY INFORMATION MEETING(S):

There is no community information meeting associated with the development permit application as they are not a requirement.

RESULTS OF CIRCULATION:

There is no notification requirement for the Development Permit.

STAFF COMMENTS:

This application is for a Development Permit to authorize the removal of 66 cubic metres of timber from the subject property that is located within the Development Permit Area 3 – Tree Cutting and Removal.

The purpose of DPA 3 is to ensure tree cutting and removal is conducted in a sustainable manner, primarily for larger lots. The DPA includes exemptions such that in most cases tree cutting activities would be exempt. In this case as the property is small (0.4 ha in area), it reduces the amount of timber that is permitted to be removed (4.8 cubic metres (1.3 cords)). The DPA guidelines state that for lands not zoned Forestry, a cut greater than 12 cubic metres per hectare is permitted if the removal of trees is necessary to permit the use of the lot in question for a use permitted by the Galiano Island LUB. In this case, the property owners wish to install an irrigation pond, garden, and fruit trees for personal use which is permitted by the LUB. Also, the location of the existing driveway, existing septic field, and compliance with setbacks in the Galiano Island LUB (the pond may be considered a watercourse therefore the pond must be located 15 metres from the dwelling unit) limits where the improvements could be located.

Staff are of the opinion that the impact to groundwater is minimal as the rear yard and surrounding properties are heavily forested.

Given the foregoing, staff is recommending that GL-DP-2016.3 (Barber) be approved.

RECOMMENDATIONS:

1. THAT Development Permit GL-DP-2016.3 (Barber) BE APPROVED.

Prepared and Submitted by:



Kim Stockdill, A/Planner 2

August 19, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

August 22, 2016

Date

Attachments:

GL-DP-2016.3 (Barber)



**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2016.3**

To: Christine Barber & Wolfgang Weiher

1. This Development Permit applies to the lands described below:

Lot 34, District Lot 15, Galiano Island, Cowichan District, Plan 22765

2. This Development Permit authorizes the removal of up to 66 cubic metres of timber from the subject property within a three year period from the date of this permit from the Development Permit Area 3 – Tree Cutting and Removal.
4. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Galiano Island Land Use Bylaw No. 127, 1999 and to obtain other approvals necessary for completion of the proposed development.

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

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE XX DAY OF XX, 201X, THIS PERMIT AUTOMATICALLY LAPSES.

STAFF REPORT

Date: August 18, 2016

File No.: RZ-GL-2016.1
(Wolstenholme)

To: Galiano Island Local Trust Committee
For the meeting of August 29, 2016

From: Kim Stockdill, A/Planner 2

CC: Robert Kojima, Regional Planning Manager

Re: Proposed Bylaw Nos. 259 & 260 (OCP & LUB) – Water Management Options

Owner: Woodstone Country Inn Ltd., Inc No. 357, 040

Applicant: David Wolstenholme

Description: Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 48087

PID: 013-184-261

Civic Address: 743 Georgeson Bay Road

Background:

The Local Trust Committee is considering bylaws to re-zone a portion of a property from Health and Wellness (HW) to Visitor Accommodation (Inn) – C3 and to also re-designate it from Health & Wellness Facility (HF) to Visitor Accommodation (VA). Please see Attachments 1 and 2 for a copy of proposed Bylaw No. 259 and proposed Bylaw No. 260 at First Reading which was given on June 6, 2016. A public hearing was scheduled and held on July 4, 2016.

A number of concerns were raised at the public hearing on July 4th, 2016 concerning groundwater consumption and management and driveway lighting (light pollution). The Galiano Island LTC passed the following resolution at the July 4th meeting:

“GL-2016-062

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee requests staff to prepare a report with respect to options for a water management strategy for the entire property, and for addressing concerns about light-pollution.”

Post Public Hearing:

As a reminder to the Galiano Island LTC, as this application is post public hearing the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

Groundwater Options:

The following are options to evaluate and reduce potential impacts on the surrounding groundwater:

1. Groundwater Assessment Report: The LTC could request that the applicant provide a report that would evaluate the impacts of the proposed inn use on the quality and quantity of groundwater. Receiving this report would be considered new information and would require a new Public Hearing. The April 19, 2016 staff report did comment on whether or not the proposal would be a change in the intensity of use that could result in increased pressures on water and septic capacities. In that report, staff did not recommend any requirement for a professional report as the proposed inn use would have the same number of rooms and a similar number of users as in the current eating disorder clinic use.
2. Section 219 Covenant: The LTC may request that the applicant prepare and register a s.219 covenant to restrict uses without holding a new hearing, provided the requirement is based on information received at or prior to the hearing. Such a covenant could require a rainwater collection system for any newly constructed dwelling units (including a cottage). Although the covenant would be registered as a condition of rezoning, the requirement for installation of the rainwater collection system would be required at the Building Permit stage for newly constructed dwelling units.
3. No requirements: Given the information above, the LTC may proceed to Third Reading without requirement groundwater conditions.

Lighting:

A concern with light pollution from a driveway overhead light was raised at the Public Hearing. The applicant has stated that the light reduces safety concerns for guests arriving after daylight hours and that a deflector was added to the light a few years ago in order to reduce impacts to neighbouring properties. Furthermore, the applicant stated that the light can be turned off when it is not required. Staff recommend that the concern with lighting should be a discussion between the concerned neighbour and the property owner and not a requirement of bylaw approval. Staff will continue to facilitate discussions between the neighbour and property owner.

Next Steps:

The following are procedural steps the Galiano Island LTC may consider as the Public Hearing has been held:

1. Require conditions of bylaw approval as outlined above.
2. Consideration of Second and Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaw only).
5. Reconsideration and adoption.

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

In order to satisfy the concerns related to groundwater management, staff recommends moving forward with the requirement for a s.219 covenant for rainwater catchment for any new construction. This would be consistent with properties located within the Water Management Area in the Galiano Island Land Use Bylaw. The LTC also has the option to move forward to Third Reading if they believe a groundwater measure (report or covenant) is not justified or required.

1. THAT the Galiano Island Local Trust Committee give Second Reading to proposed Bylaw No. 259, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2016”.
2. THAT the Galiano Island Local Trust Committee give Third Reading to proposed Bylaw No. 259, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2016”.
3. THAT the Galiano Island Local Trust Committee give Second Reading to proposed Bylaw No. 260, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2016”.
4. THAT the Galiano Island Local Trust Committee give Third Reading to proposed Bylaw No. 260, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2016”.
5. THAT the Galiano Island Local Trust Committee proposed Bylaw Nos. 259 and 260 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.
6. THAT the Galiano Island Local Trust Committee proposed Bylaw No. 259 be forwarded to the Minister of Community, Sport and Cultural Development for approval.
7. THAT the Galiano Island Local Trust Committee require the registration of a covenant under section 219 of the *Land Title Act* from the registered owners of Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 48087 that would require a rainwater collection systems with a capacity of 16,000L for the construction of dwelling units on the subject property as a condition of final bylaw approval.

8. THAT the Galiano Island Local Trust Committee require a Groundwater Assessment Report prepared by a Registered Professional Engineer to determine if the proposed change of use would have impacts on the quality and quantity on groundwater.

Prepared and Submitted by:



Kim Stockdill
A/Planner 2

August 18, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

August 22, 2016

Date

Attachments: Proposed Bylaws Nos. 259 (OCP) & 260 (LUB)

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

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

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Galiano Island Local Trust Committee the same power and authority of a Regional District under Part 14, except sections 558 to 570 and 507 to 508, of the *Local Government Act*;

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

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2016”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME this 6th day of June , 2016.

PUBLIC HEARING HELD this 4th day of July , 2016.

READ A SECOND TIME this day of , 20.

READ A THIRD TIME this day of , 20.

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

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

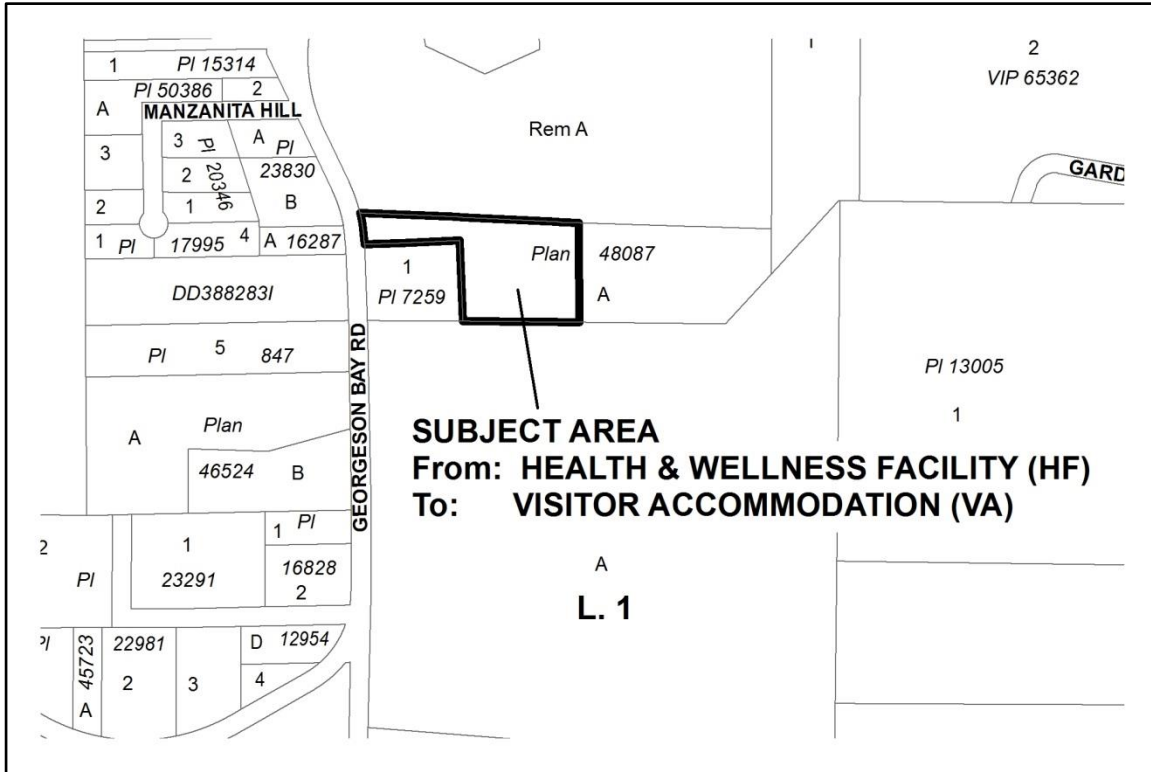
ADOPTED this day of , 20.

SECRETARY

CHAIRPERSON

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 259
SCHEDULE 1

1. Schedule B (Land Use Designation) is amended for a portion of the lands legally described Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 48087 as depicted in the map below.



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

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

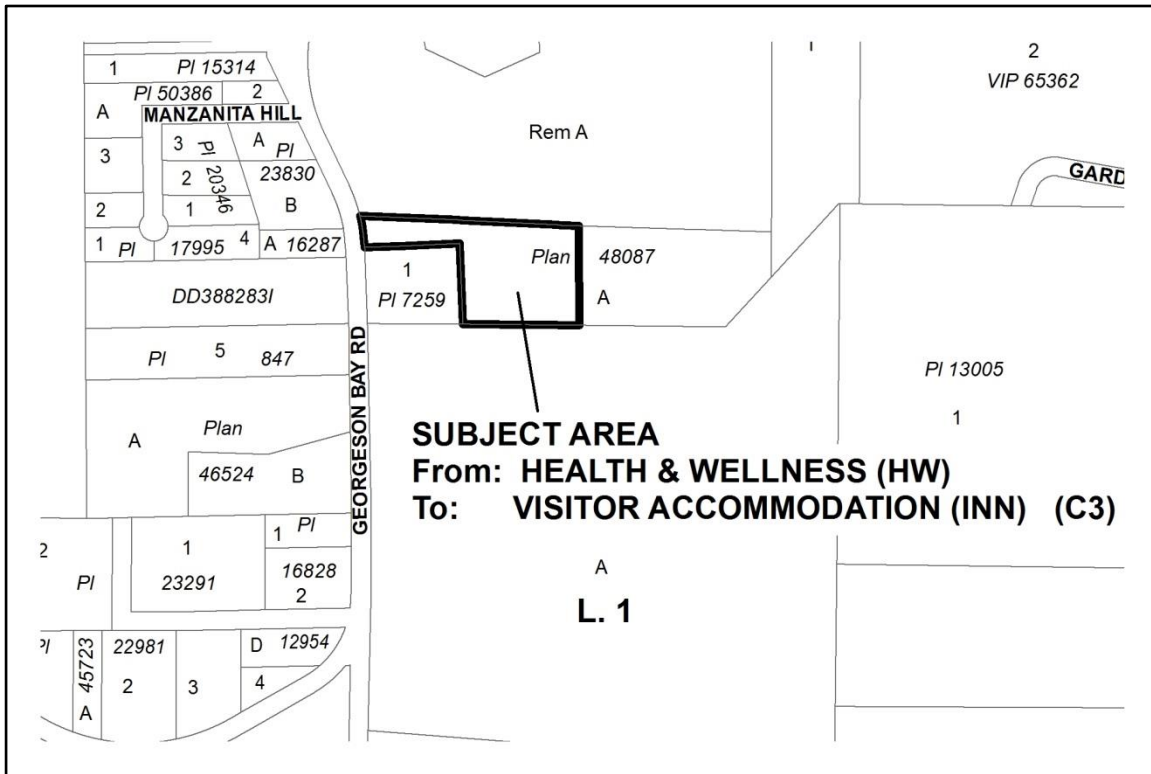
- A. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
1. Schedule B (Zoning Map) is amended for a portion of the lands legally described Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 48087 from Health & Wellness (HW) to Visitor Accommodation (Inn) – C3 as shown on Plan No.1 which is attached to and forms part of this bylaw.
- B. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2016”.

READ A FIRST TIME THIS	6 th	DAY OF	June	2016
PUBLIC HEARING HELD THIS	4 th	DAY OF	July	2016
READ A SECOND TIME THIS		DAY OF		201_
READ A THIRD TIME THIS		DAY OF		201_
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
		DAY OF		201_
ADOPTED THIS		DAY OF		201_

DEPUTY SECRETARY

CHAIRPERSON

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 260
PLAN NO. 1





File No.: GL-DP-2016.4 (Swan)

(x-ref: GL-CL-2016.1)

DATE OF MEETING: August 29, 2016
TO: Galiano Island Local Trust Committee
FROM: Phil Testemale, A/Planner 2
Victoria Office
SUBJECT: Development Permit
Applicant: Martin and Janice Swan
Location: 3315 Montague Road

RECOMMENDATION

1. That the Galiano Local Trust Committee approve issuance of Development Permit GL-DP-2015.4 (Swan).

REPORT SUMMARY

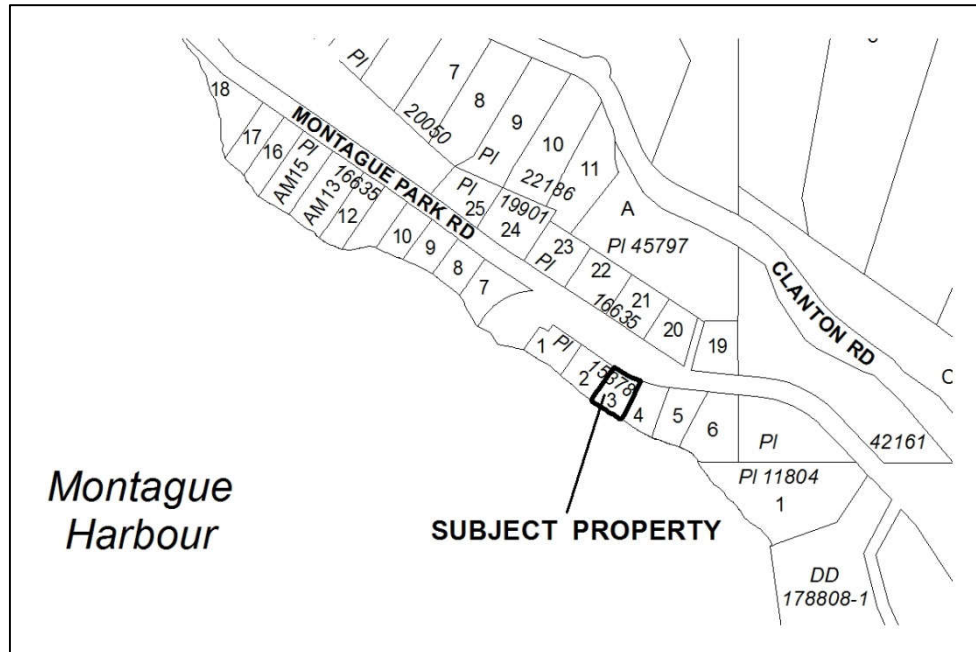
This report is to consider a Development Permit (DP) application.

The application is to replace and upgrade an existing private dock in Montague Harbour. The purpose of the development is to reach deeper water and reorient the floating portion of the dock structure. The application is for measures for the protection of shorelines and associated foreshore areas and to manage the proposed development that is within the **Development Permit Area 2 – Shoreline and Marine DPA**. The applicable objectives of the DPA are summarized as follows:

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

In summary, the above recommendation for the redevelopment proposal is supported as it is a permitted use in the LUB, it meets the objectives and specific guidelines of the DPA, and by the conclusions and recommendations of a Biologist's report (Attachment 5).

A copy of the Development Permit Area Checklist for DPA 2 and the proposed Development Permit GL-DP-2016.4 (Swan) are attached.



BACKGROUND

The **existing** private dock consists of: a concrete abutment (landing) on the upland property; a walkway in poor condition supported by pilings on concrete columns; a ramp; and, a float that is approximately 5 m. x 3 m. or 15 m² (16.4 ft. x 10 ft. /161 ft²) and is oriented in line with the access ramp and walkway in a southwest to northeast line (see: Attachments 2.1, 2.2 and 2.8). The dock structure and float extends approximately 21 metres from the Natural Boundary of the boundary of the sea.

The existing Crown Water Lease water lot area is 13 m. wide x 32 m. seaward and has an area of 0.0413 ha.

The **proposed** structure and float will reuse the concrete abutment (landing) on the upland property as well as the two concrete columns placed in the seabed. Structural risers will be placed on these to give 2.0 metres of clearance under a new aluminium walkway at the Highest High Water (HHW - see: Attachments 2.2 to 2.4). The Walkway will be 1.5 m. x 12.19 m. in length and will connect to a 1.5 m. x 18.28 m. hinged aluminium ramp. The float will be oriented perpendicular to the ramps; be 2.13 m x 15.24 m. or 32.5 m² (7 ft. x 50 ft./350 ft²) in area ; and will be supported by four (4) .273 m diameter steel pilings (two at each end).

The proposed, reconfigured Crown Water lease will occupy the same 0.0413 ha. area, however be narrower and form an 'L' shape as shown in Attachments 2.2 & 2.3 and meet the minimum 3.0 m. setback from the seaward projection of the side lot lines (12.2.4 of LUB).

The applicant's rationale for the proposed redevelopment are: to enable the dock to extend to deeper water and gain a larger float; to mitigate the effects of climate change by raising the ramp/walkway structure on existing columns; and, to improve public access across the foreshore.

Staff visited the site on July 27, 2016

The application is attached in full.

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

- 3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
- 3.4.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
- 3.4.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.
- 4.5.10 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.

Official Community Plan (DPA):

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

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

Land Use Bylaw:

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

In addition, the proposed reconfiguration conforms to the siting provision of subsection 12.2.4 where *"docks, wharves, floats and wharves must be sited entirely within the Crown tenure and at least 3 metres from the seaward projection of any side lot line of the abutting upland lot."*

Issues and Opportunities:

Biologist's Report

Biologist's report entitled 'Montague Harbour Foreshore, Proposed Dock Upgrade' (K. Reimer, RP Bio, July 18, 2016) is attached in full and includes the required DAI checklist (Attachment 5). The report made the following conclusions and recommendations:

- That there are no shellfish beds at or near the proposed dock and float, and that Montague Harbour does not support a commercial or recreational shellfish harvest.
- That there is a substantial eelgrass bed under and around the existing float and hundreds of small fish (perch) were observed. The area of the new, proposed float is approximately 11 metres further seaward and the seabed there is composed of broken shell and mud with sea lettuce. No eelgrass was found in that area.
- That the walkway and ramp should be constructed with light penetrating materials.

- That the measures for protection of the eelgrass beds during construction and monitoring by a qualified professional be implemented.

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

Protection and Preservation of Sensitive Areas

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

- All upland and backshore facilities (concrete abutment for walkway) are being reused to minimize impacts. The existing abutment was in place prior to adoption of Shoreline DPA.
- The walkway reuses existing column structures to minimize disruption to the seabed.
- The design (and DP condition) that the walkway and ramp achieve 50% light penetration will improve conditions for eelgrass and other marine habitat
- Situating the floating portion in deeper water will move the float away from the eelgrass bed, allowing more habitat and improving light penetration as the existing float is located partially over the bed.
- A condition of the DP is that the dock should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time and creosote treated pilings are not to be used. The dock and access ramps and walkways should be constructed of stable materials that will not degrade water quality.

Public Access and Climate Change

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

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

Consultation:

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

Rationale for Recommendation:

Based on the compliance with the DPA guidelines, the Biologist's conclusions, and the improved conditions for the sensitive eelgrass ecosystem and public access, staff is recommending that the LTC approve issuance of Development Permit GL-DP-2015.4 (Swan) as per the resolution on Page 1.

ALTERNATIVES

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

1. Request further information

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

Resolution:

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

2. Deny the application

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

Resolution:

That the Galiano Island Local Trust Committee deny application GL-DP-2016.4 (Swan) as it does not comply with guideline_____.

Submitted By:	Phil Testemale, A/Planner2	August 19, 2016
Concurrence:	Robert Kojima, Regional Planning Manager	August 19, 2016

ATTACHMENTS

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

ATTACHMENT 1- SITE CONTEXT

LOCATION

Legal Description	Unsurveyed Crown foreshore abutting Lot 3, District Lot 33, Galiano Island, Cowichan District, Plan 15378
PID	004-261-071
Civic Address	3315 Montague Road.
Property Size	Water Lease: 0.0413 ha (.1 ac) Upland: 0.14 ha (.34 ac)
Site Description	The seabed and water area in front of 3315 Montague Road is described in the Biologist's report (Attachment 5) and is directly adjacent and to the southeast of the Montague Harbour Marina and CRD dock (Attachment 2.1).

LAND USE

Current Land Use	Water: Private Dock Facility (subject). Upland: Residential
Surrounding Land Use	Water: Marina (Marine Commercial Water) directly adjacent and to the northwest. Upland: surrounding uses are residential and Marine Commercial (Marina upland facility)

HISTORICAL ACTIVITY

File No.	Purpose
GL-CL-2015.1	Private Moorage, applying for permission to amend existing improvements and tenure area fronting 3315 Montague Rd (concurrent with this application).

POLICY/REGULATORY

Official Community Plan Designations	Galiano Island OCP No. 108, 1995 Designations: M – Marine & SLR - Small Lot Residential (upland) Development Permit Areas (DPAs): • DPA 2 – Shoreline and Marine (see: Attachment 2.5) • DPA 7 – Steep Slope High Hazard and Medium Hazard (Upland)
Land Use Bylaw	Galiano Island LUB No. 127, 1999: Marine (M) and Small Lot Residential (SLR) – Upland/Abutting Property). See: Attachment 2.6.
Other Regulations	The applicant/owner currently has a Water License (ref. 1406453) from the Ministry of Forest, Lands and Natural Resource Operations (FLNRO) and has applied to reconfigure that in accordance with the proposed plan (GL-CL-2015.1).
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Fund	There are no Trust Fund Board or Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
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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	Eelgrass Mapping in the direct vicinity and partially under the existing float is identified on attached mapping and is also addressed in the Biologist's report (Attachment 5) .
Hazard Areas	High and Medium Steep Slope Hazard Designated along the foreshore, however no works or vegetation removal are proposed in these areas.
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The proposal addresses the impacts and hazards of Climate Change through the design which elevates the walkway and ramp to mitigate sea level rise and potential damage from wave action and tidal surge.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Eelgrass Beds (Fringing, continuous) identified at location. See: Attachment 2.7 and Biologist's report.

ATTACHMENT 2- MAPS, PLANS, DRAWINGS AND PHOTOGRAPHS

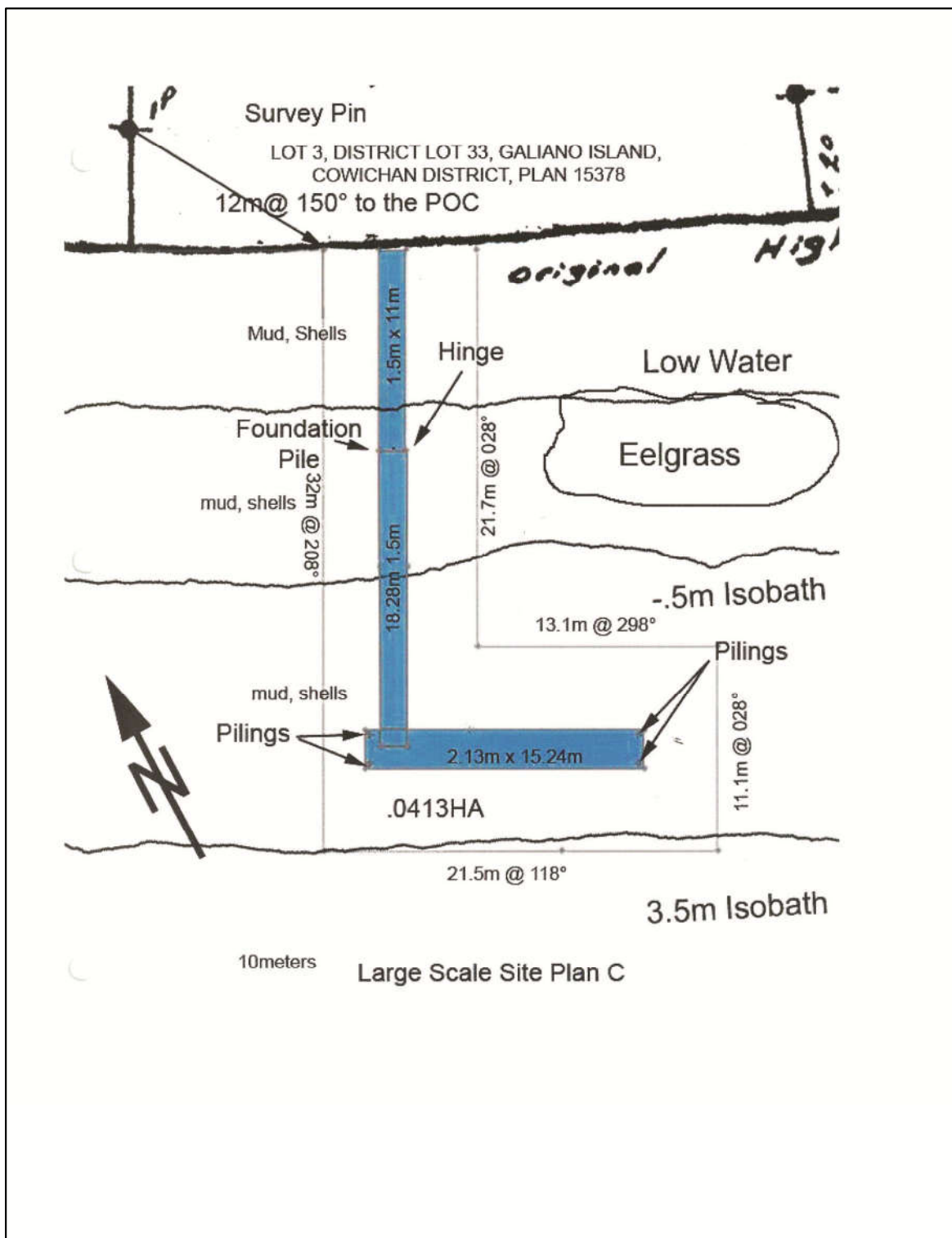
Attachment 2.1 – Orthophoto



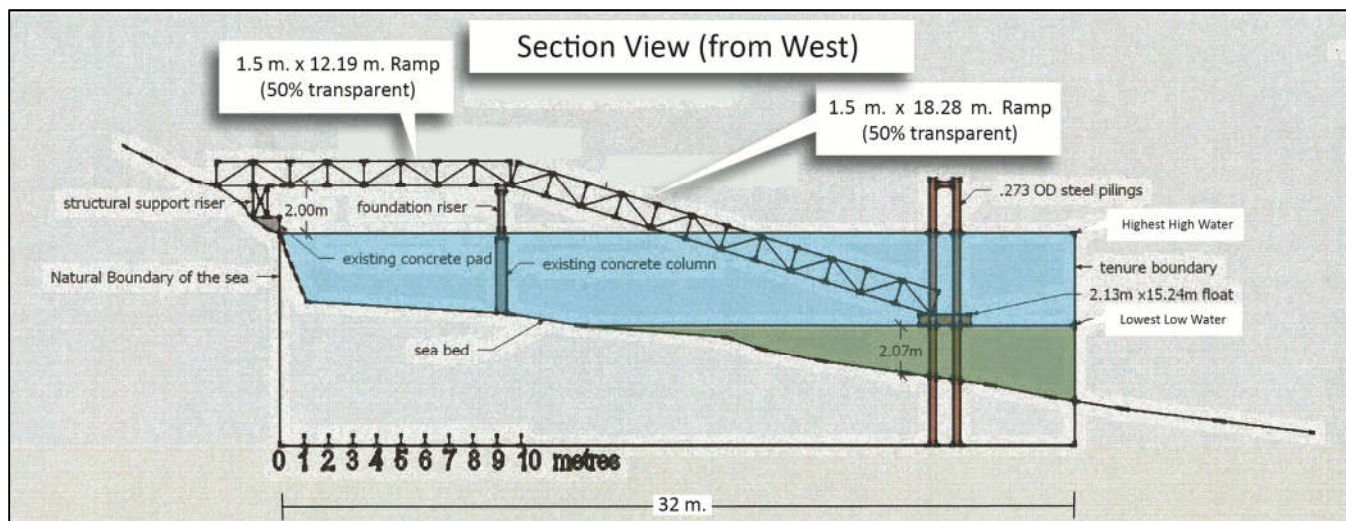
Attachment 2.2 – Plan of Existing and Proposed Dock Structure and Water Lease



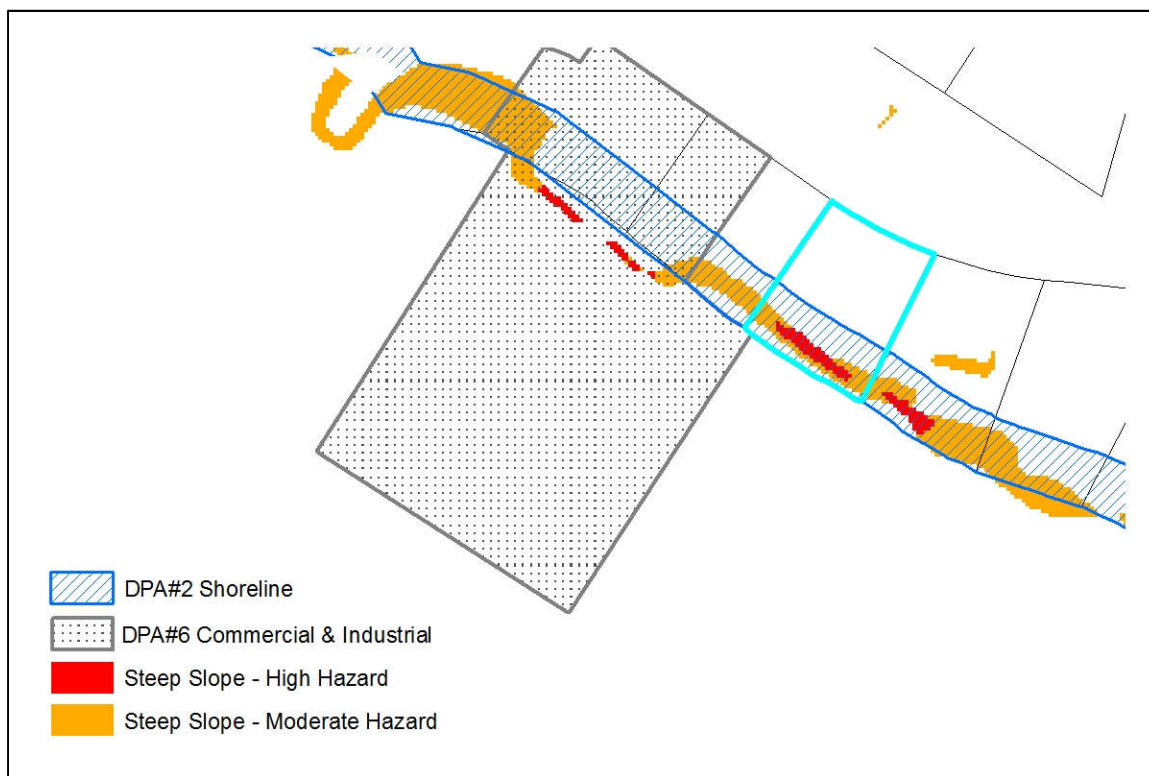
Attachment 2.3 – Detail Plan of Proposed Dock Structure and Water Lease



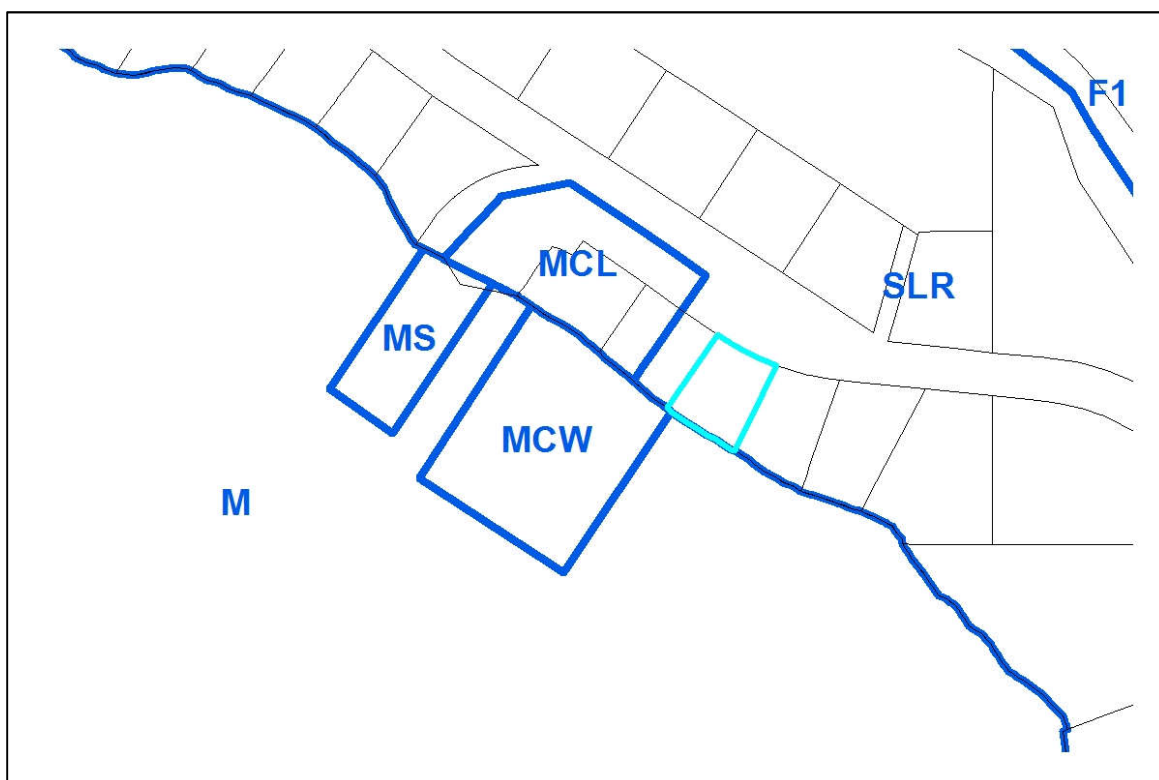
Attachment 2.4 – Section View of Proposed Dock Structure



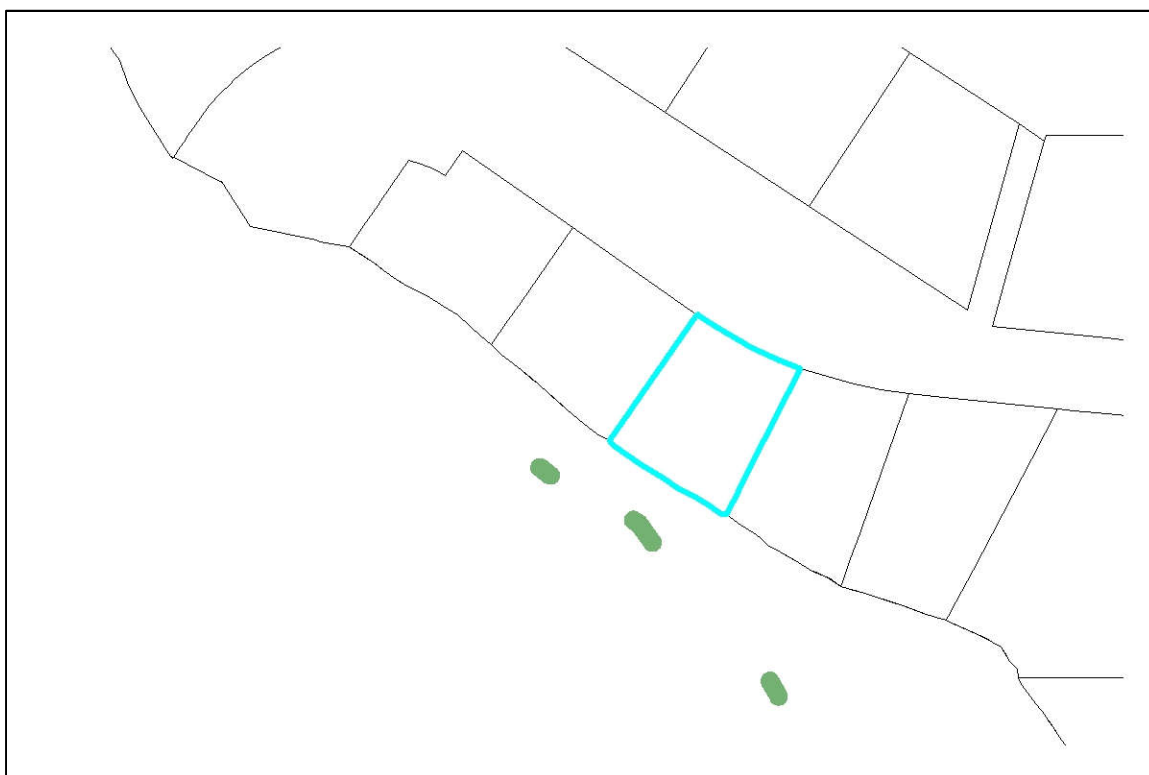
Attachment 2.5 – DPAs



Attachment 2.6 – Zoning



Attachment 2.7 – Sensitive Ecosystems (Eelgrass)



Attachment 2.8 – Photos

Photo One: View of existing dock from west

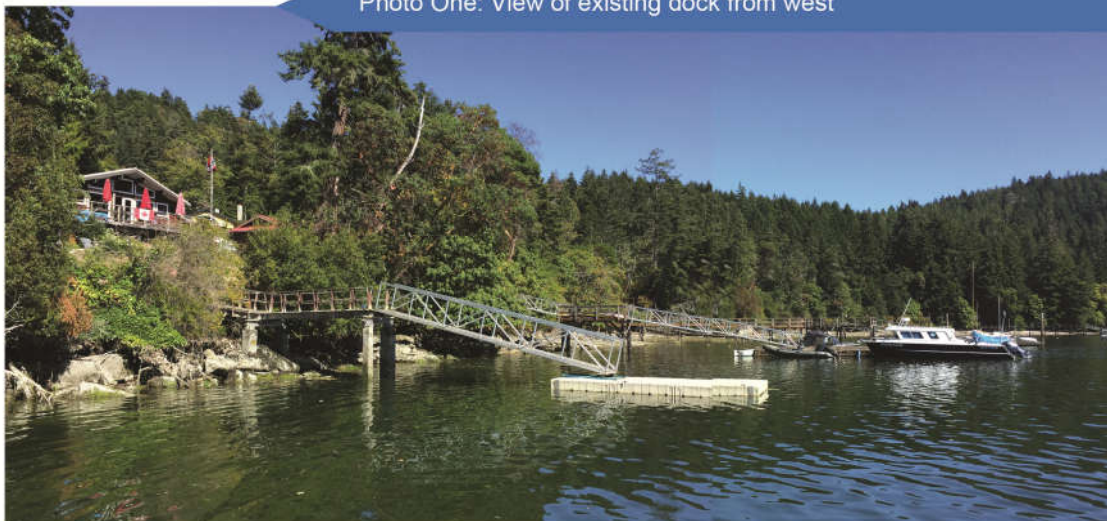


Photo Two: View of existing walkway

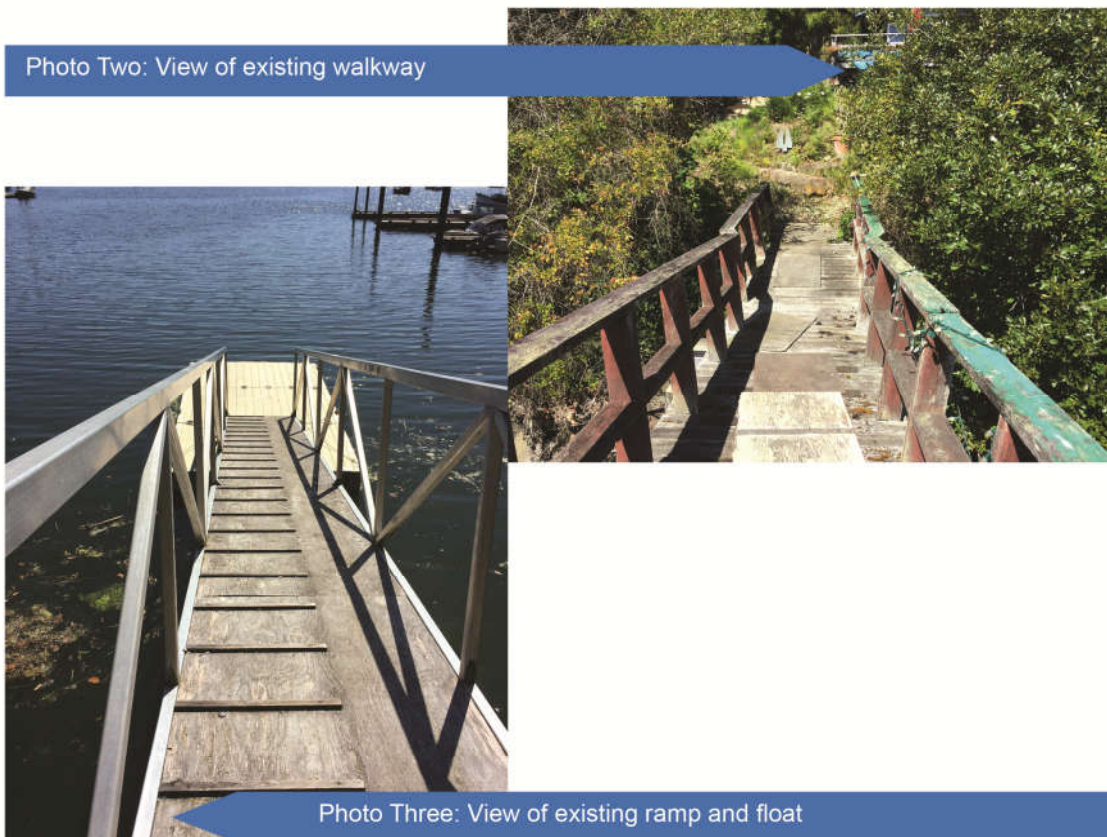
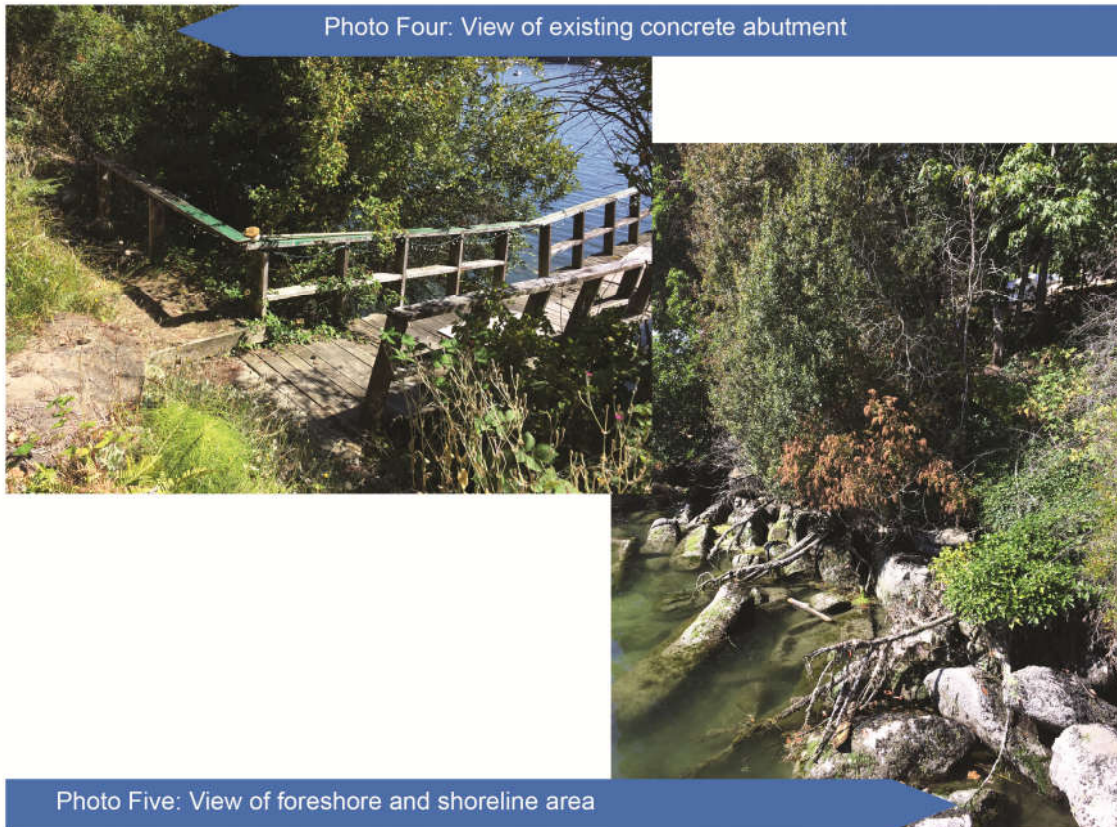


Photo Three: View of existing ramp and float

Attachment 2.8 – Photos (cont'd)



ATTACHMENT 3 – DPA CHECKLIST

Galiano Island

OCP Bylaw No. 108, 1995 - Shoreline and Marine Development Permit Area (DPA 2)

GL-DP-2016.4 (Swan) Guideline Checklist- (Re) Development of a Private Dock

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

Guideline	Complies			Comments
	Yes	No	N/A	
b. the erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage. The geotechnical analysis should evaluate on-site drainage problems and investigate drainage solutions away from the shoreline edge before considering structural shoreline stabilization;	☐	☐	☒	
c. non-structural measures, such as locating new buildings and structures further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or sufficient to address the stabilization issues; and	☐	☐	☒	
d. unavoidable damage to shoreline ecological function is mitigated as much as feasible and restoration is undertaken when feasible.	☐	☐	☒	
8. All structural shore protection measures should be installed within the property line or upland of the natural boundary of the sea, whichever is further inland. 'Soft' shoreline protection measures that provide restoration of previously damaged ecological functions may be permitted seaward of the natural boundary subject to obtaining necessary approvals from the provincial and federal governments.	☐	☐	☒	
9. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical assessment of the site.	☐	☐	☒	
10. Shore protection measures that are likely to cause erosion or other physical damage to adjacent or down-current properties shall not be supported.	☐	☐	☒	
11. Shore protection measures should not be considered for solely the purpose of providing a sufficient setback to meet other land use bylaw requirements.	☐	☐	☒	
12. New driveways and sewage disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the development permit may require that the assessment, design and construction of the road or sewage disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met.	☐	☐	☒	
13. Where this development permit area includes native plant species or plant communities dependent on a marine shoreline habitat that are identified locally, provincially, or federally as sensitive, rare, threatened or endangered, or have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation / compensation measures shall be undertaken only under the supervisions of a qualified professional with advice from provincial and federal environmental agencies.	☒	☐	☐	New float is being located more distant from identified Eelgrass beds (see: mapping). Biologist's report also prescribes construction management that protects area. Monitoring by Biologist is a condition of DP
14. Shore protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing structures or new outbuildings.	☐	☐	☒	

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

Guideline	Complies			Comments
	Yes	No	N/A	
Guidelines for Specific Shoreline Types:				
21. Because of their extreme sensitivity to disturbance and slow rate of recovery, dredging or filling of estuaries should not be permitted, sea walls and rip rap embankments should not be permitted in estuaries, and when shore protection measures are necessary "beach nourishment" designs are preferred, which add appropriately sized material to the upper beach, creating a natural beach slope and beach armour.	☐	☐	☒	
22. New structures on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis for the structure.	☐	☐	☒	
23. Removal of trees or other vegetation from steep slopes or bluffs should only be allowed where necessary and where replacement vegetation / erosion control measures are established. If possible, stumps should be left in place to provide some soil stabilizing influence until replacement vegetation is established. Plans delineating extent of vegetation / tree removal (location, species and diameter of trees) and location of proposed construction, excavation and / or blasting, may be required.	☐	☐	☒	
Guidelines for Construction Practices:				
Erosion Control:				
24. All development within this development permit area should be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.	☐	☐	☒	
Monitoring:				
25. A development permit may require monitoring by a qualified professional of the implementation of environmental mitigation, restoration or enhancement planting or other measures required by a development permit, until all such measures have been completed and the professional has provided a report confirming completion to the standard specified in the permit.	☒	☐	☐	Monitoring and verification of compliance by a qualified professional are conditions in DP.
Guidelines for Vegetation Management, Restoration and Enhancement:				
26. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.	☐	☐	☒	
27. Existing trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
28. If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.	☐	☐	☒	
29. Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or fish and wildlife habitat values as needed. Suitably adapted, non-invasive, non-native vegetation may also be considered acceptable.	☐	☐	☒	
30. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.	☐	☐	☒	
Guidelines for Shore Protection Measures Design:				
31. Materials used for shoreline stabilization should be inert. Stabilization materials should not consist of debris or contaminated material that could result in pollution of tidal water.	☐	☐	☒	
32. Revetments (rip rap slopes) and bulkheads (retaining walls) should only be constructed if no other alternative exists.	☐	☐	☒	
33. Where revetments are proposed:				
a. They should not result in the loss of shoreline vegetation or fish habitat;	☐	☐	☒	
b. The size and quantity of materials used should be limited to that necessary to withstand the estimated energy of the location's hydraulic action and prevent collapse; and	☐	☐	☒	
c. Filter cloth should be used to aid drainage.	☐	☐	☒	
34. Where bulkheads are proposed:				
a. They should not be located where geomorphic and hydrologic processes are critical to shoreline conservation. Feeder bluffs, marshes, wetlands, spits and hooks should be avoided;	☐	☐	☒	
b. They should be located parallel to and landward of the natural boundary of the sea, as close to any natural bank as possible;	☐	☐	☒	
c. They should allow the passage of surface or groundwater without causing ponding or saturation; and	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
d. They should be constructed of stable, non-erodible materials that preserve natural shoreline characteristics. Adequate toe protection including proper footings and retention mesh should be included. Beach materials should not be used for fill behind bulkheads.	☐	☐	☒	
Guidelines for Beach Nourishment and Fill:				
35. Fill upland of the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.	☐	☐	☒	
36. Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design.	☐	☐	☒	
37. Fill should not be placed at or below the natural boundary for the purposes of providing a trail or walkway.	☐	☐	☒	
38. All upland fill and beach nourishment materials should be clean and free of debris and contaminated material. All fill and beach nourishment proposals are subject to review and approval by provincial and federal authorities having jurisdiction.	☐	☐	☒	
Guidelines for Shore Access and Parking:				
39. Roads, driveways, trails and pathways should follow the contours of the land, appropriately manage drainage, not require retaining walls, and only use stairs as a last resort.	☒	☐	☐	All upland and backshore facilities are being reused to minimize impacts.
40. Accesses in extremely sensitive areas or hazardous areas should be restricted or prohibited.	☐	☐	☒	
41. Parking areas should be located away from the shore, buffered or landscaped, and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, filtration trenches or swales, unpaved or permeable all weather surfaces should be considered for this purpose.	☐	☐	☒	
Guidelines for the Construction and Replacement of Docks and Boat Launch Facilities:				
42. For residential properties, preference is to be given to the placement of mooring buoys and floats instead of docks.	☐	☐	☒	Redevelopment.
43. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.	☒	☐	☐	Reconstruction new walkway on existing columns to a height of 2 m. above HHW will improve access across the foreshore and nearshore waters.

Guideline	Complies			Comments
	Yes	No	N/A	
44. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.	☒	☐	☐	Relocation of float and pilings are more distant and outside of known sensitive area (eelgrass beds). Moving existing float will provide more habitat area for eelgrass (Biologist's report). In addition design and DP condition that walkway and ramp achieve 50% light penetration will benefit eelgrass and other marine habitat.
45. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.	☒	☐	☐	New Floating dock will be affixed with four metal pilings only.
46. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.	☒	☐	☐	
47. Piers and pilings and floating docks are preferred over solid-core piers.	☒	☐	☐	
48. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.	☒	☐	☐	Condition in DP.
49. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes.	☐	☐	☒	
50. Construction of a private ramp on an individual residential lot or parcel is discouraged. Owners are urged to seek opportunities to use public ramps or to share existing private ramps.	☐	☐	☒	
51. Residential docks should be located and designed to avoid the need for shore defence works or breakwaters.	☒	☐	☐	
52. Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not be designed to accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area unless more than two parcels have legal access to the dock, in which case permitted total surface area should be a multiple of the number of lots the dock serves.	☒	☐	☐	Design and location of float size meets depth and size parameters.



e-mail



salmonkathy@gmail.com

phone 250-537-7580, 250-537-8983

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

July 18, 2016

To: Islands Trust, Galiano Island
Attn. Islands Trust Planners

Re: Montague Harbour foreshore, proposed dock upgrade

We have conducted a foreshore ecological survey at and around the site at 3315 Montague Road, Galiano Island where the property owner is planning to replace an existing recreational dock and float with one that reaches deeper water.

There were no shellfish beds at or near the proposed dock and float. This area of Montague Harbour does not support a commercial or recreational shellfish harvest.

An underwater video camera was used to survey the intertidal and sub-tidal areas. There was a substantial eelgrass bed partially under and around the Northeast and East side of the existing float (Photograph 3). Under the existing float there were hundreds of small fish seen (mainly perch) (Photograph 2).

There was no eelgrass found in the area of the proposed new float, which would be placed approximately 11 meters further out in deeper water, see Maps 3 and 4.

At the new float site the substrate on the bottom is composed of broken shell and mud. The main vegetation seen was sea lettuce, (*Ulva sp.*), Photograph 4.

Because of the presence of the eelgrass beds in this area of the harbour, the dock walkway and ramp should be constructed with materials that permit light penetration.

Please let me know if you need more information.

Kathleen Reimer, MSc.

RPBiologist

List of references:

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

Druehl, Louis D. 2000. Pacific Seaweeds, A guide to common seaweeds of the West Coast. Harbour Publishing, Madeira Park, B.C.

Kozloff, E.N. 2000. Seashore life of the Northern Pacific Coast. University of Washington Press.

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

Map 1. Large CRD Natural Areas Atlas view showing subject site general location



Map 2. Islands Trust aerial photograph showing existing float



Photograph 1. The existing dock and float



Survey Pin

LOT 3, DISTRICT LOT 33, GALIANO ISLAND,
COWICHAN DISTRICT, PLAN 15378

12m @ 150° to the POC

original High

Mud, Shells

Hinge

Low Water

Eelgrass

Foundation

Pile

mud, shells

32m @ 206°

11.5m x 11m

11.5m

21.7m @ 028°

18.24m

15.24m

13.1m @ 298°

-.5m Isobath

Pilings

11.1m @ 028°

2.13m x 15.24m

.0413HA

21.5m @ 118°

3.5m Isobath

10meters

Large Scale Site Plan C

[illegible]

Photograph 2. Perch are thriving under the existing float



Photograph 3. Healthy Eelgrass growing off the northeast side of the existing float



Photograph 3a. Thick bed of eelgrass near the existing float



Photograph 4. Mud and Shell bottom at proposed new float site



Galiano Island Local Trust Committee

Development Approval Information Checklist

Development Permit Area Applications

The attached checklists are intended to assist consulting professionals in submitting complete and relevant reports. A completed checklist(s) for each relevant Development Permit Area should be submitted to the Islands Trust along with all professional reports.

Instructions

Landowners/applicants should ensure that:

1. The relevant checklist(s) is provided to all their consulting professionals
2. A completed checklist is submitted with the professional reports
3. If not all information is provided in the report or with the application, that the professional has consulted with, and obtained prior approval, of the Islands Trust.

Consulting Professionals:

1. Complete and attach the relevant checklist(s) to your professional report indicating that the report has addressed all relevant development approval information requirements.
2. Where the professional is of the opinion that because of the nature of the site or the development proposal specific information is not relevant, the professional should:
 - a. Contact the planner as early as possible and consult on the need for the particular information;
 - b. Describe clearly in the report why the particular information is not relevant; and
 - c. Indicate on the checklist that the information is not applicable (N/A)
3. Where a site is designated within two or more DPAs, all relevant checklists should be completed.

Note: it is at the determination of the Islands Trust planner whether or not specific information is required. Failure to provide complete information without prior consultation with and the approval of the Islands Trust may result in delays in processing an application or requirements for additional information.

Pursuant to Galiano Island Local Trust Committee Development Approval Information Bylaw No 148, 2012, the applicant shall provide, as part of a development permit application, a report prepared by a qualified professional with relevant experience containing the following information. Where a professional is of the opinion that any of the following information requirements are not relevant for the proposal in question, the professional shall indicate the rationale for such an opinion, either in the body of the report or in a separate certification. The determination of whether and what extent that development approval information is required is at the discretion of the Islands Trust official.

OFFICE USE ONLY

File No: _____

SHORELINE AND MARINES AREAS DEVELOPMENT PERMIT AREA (DPA 2)			Office Use only
	Information and Documentation Required	✓	QEP comments
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:		
	The proposed development and associated features		See site plan below, section 1.
	The natural boundary of the sea		
	The development permit area boundary		
	Existing buildings and structures	n/a	
	Roads and driveways	n/a	
	Significant features identified in the site inventory		
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance	n/a	
Site Inventory	A site inventory providing information on existing plant communities, marine and terrestrial habitats, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, topography and marine sediment transport.		See below section 2. The current site is in an area of Montague Harbour that has many marinas and recreational docks
Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.		No cutting and filling or vegetation removal or changes to the hydrology are planned. See section 3 of the notes below.
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development consisting of anticipated impacts on the following:		See section 4 .
	Marine and terrestrial habitat		No change to terrestrial habitat New dock will have less impact on the eelgrass bed
	Site hydrology		No change from present situation
	Marine sediment transport		No change from existing conditions
	Public access to and along the foreshore		No change to present public access along the shoreline
	The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area, including on adjacent and proximate sites		See section 4 below regarding possible environmental impacts during the construction phase
Measures	A description of all measures to limit, mitigate and manage the impacts of the development on:		
	terrestrial and marine habitat		No changes to terrestrial area In the area of the old float, measures must be taken to

SHORELINE AND MARINES AREAS DEVELOPMENT PERMIT AREA (DPA 2)			Office Use only
	Information and Documentation Required	✓	QEP comments
			prevent impacts to the nearby eelgrass bed
	geomorphic, hydrological and coastal processes	n/a	Upgrade of existing dock
	A description of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.		See measures section below
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance		
Restoration	Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development		There will be no long term impact on the eelgrass bed if all the measures are followed

OFFICE USE ONLY

File No: _____

DPA Checklist. Biologist concerns and recommendations

1. Site Plan (legal survey)

SKETCH PLAN OF FORESHORE FRONTING LOT 3, DISTRICT LOT 33,
GALIANO ISLAND, COWICHAN DISTRICT, PLAN 15378.
BCOS MAP SHEET 928.084
P.L.D. 004-261-071

Civic Address: 3315 Montague Road

Scale 1:250

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

The intended plot size of this plan is 100m in width by 400m in height (0.50 ha) when plotted at a scale of 1:250.

Elevations are in metres and are referred to Chart Datum.

Contours are at 0.5 metre intervals.

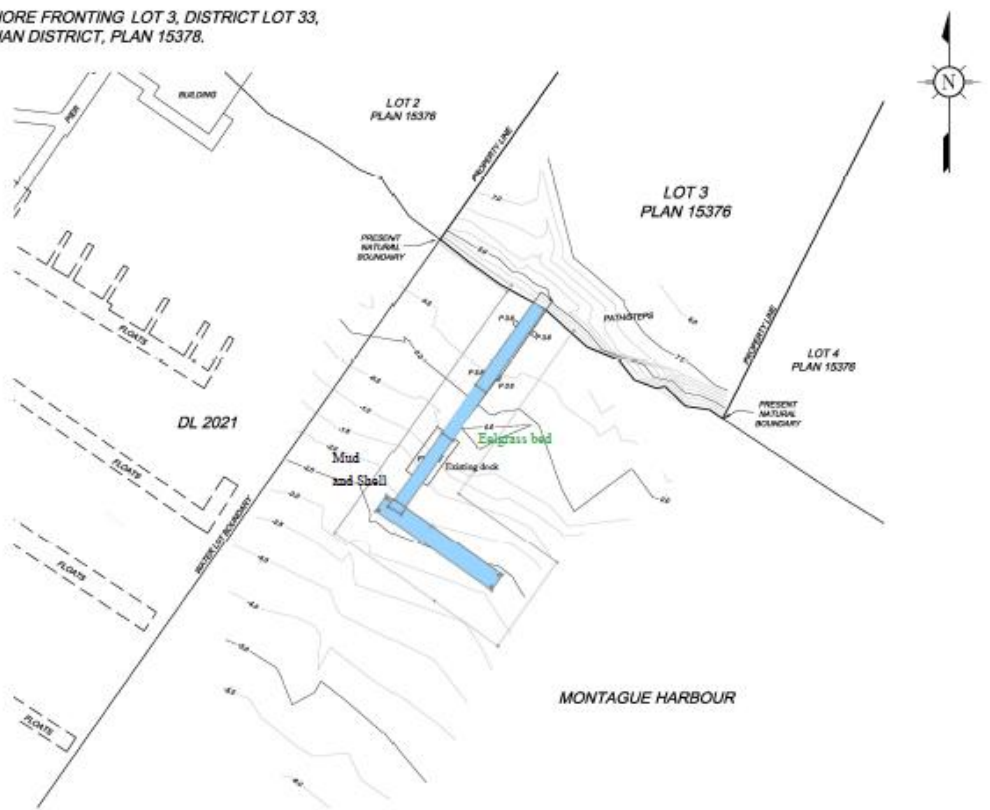
P.L.D. shows elevation at top of concrete pier.

Polestar 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.

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Date: 2015-12-18
File: 0029-Inland Marine-01
Drawing: 0029-001
Layout: C-Landscape

2. Site Inventory

A. Species present near existing float

There is a healthy eelgrass bed near the old float, there are many small perch present (Photographs 2-3a) On the bottom between the dock and the marina, the sea bottom is mud, and there are small patches of sea lettuce (*Ulva sp.*) Photographs 4-5

B. Marine life near proposed float

The sea bottom is mud is mud and broken shell, there are patches of sea lettuce, but no other kelps were seen during the survey (Photos 4-5)

3. Development Proposal

A. Removal of existing float and dock

B. Placement of new pilings

C. Placement of new float, ramp and walkway

4. Impact Assessment

A There will be no vegetation removal or other disturbance to the backshore. The existing concrete abutment will be used. There will be no disturbance to the upland area. There will be no clearing of the vegetation in the riparian area along the backshore.

Placement of the new pilings could cause silting in the water of the harbour as well as disturbance to the surrounding sea bottom. Standard industry Measures must be taken to reduce these impacts. The concrete pads used for the two existing pilings will retained for the new dock supports. The new pilings for the dock extension and the new float will be placed outside of the sensitive areas.

B. There will no need to disturb the existing eelgrass bed during the removal of the old structures and placement of the new dock and float. Measures must be taken to prevent any disturbance from occurring. (see comments in Measures section)

5. Measures

A. Marine habitats—eelgrass area

The eelgrass beds must be marked off with floats and the marine construction company must ensure that there is no anchoring of boats and no disturbance of any kind occurring to the sensitive environmental area.

B. Marine habitats general area

Care must be taken when placing the new pilings to minimize silting in the harbor. All best DFO operating standards must be applied, and an outside sheath must be used to prevent excessive sediment transport during the pile driving process.

6. Monitoring

There should be a DPA permit completion report done by a QEP, that summarizes the impacts of the dock upgrade on the eelgrass beds.

7. Restoration

Because Montague Harbour has so much marine and backshore development, there are no areas near this site suitable for restoration or enhancement, but changing the float location would be an improvement over the existing conditions.

There will be less shade potential and therefore more eelgrass habitat available when the old float is removed. The new dock materials also provide for increase light penetration.



Islands Trust

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT GL-DP-2016.4

To: Martin Swan and Janice Tepoorten-Swan

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

The unsurveyed Crown foreshore abutting Lot 3, District Lot 33, Galiano Island,
Cowichan District, Plan 15378
PID: 004-261-071

2. This Development Permit No. GL-DP-2016.4 authorizes the construction of a private dock within Development Permit Area 2 – Shoreline and Marine DPA ("DPA"), subject to the following requirements and conditions:

- a. All construction shall be consistent with Schedules "A", "B", and "C" attached to and forming part of this permit.

Upland & Foreshore Area

- b. There is to be no vegetation or soil removal or other disturbance to the upland shoreline area of the property, nor to the foreshore area abutting the water area that is subject to this permit.
 - c. The new dock structure is to reuse the existing concrete abutment on upland shoreline abutting the water area that is subject to this permit.

Construction

- d. All deconstruction and construction shall be in accordance with DFO best practices, *DFO Pathways of Effects for Structure Removal* and *Pathways for Effects for Placement of Materials or Structures in Water*.
 - e. The placement (driving) of the four (4) steel pilings for the float shall minimize silting and sediment transport in the harbour by use of an outside sheathing during the pile driving activity.
 - f. The ramp and walkway portions of the proposed dock structure must meet a minimum 50% light penetration standard for horizontal surfaces.
 - g. The proposed dock structure shall not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. The dock structure shall be constructed of stable materials that will not degrade water quality.
 - h. The use of creosote-treated pilings is prohibited.

Construction Management

- i. All deconstruction and construction, including anchoring, shall occur outside of the eelgrass area shown on Schedule 'B.'
 - j. There is to be no disturbance to the eelgrass area from the deconstruction or construction activity

- k. Prior to any deconstruction or construction the extent of the eelgrass area is to be marked with high visibility floats.
- l. All contractors and construction personnel are to be notified of the location of the eelgrass bed and the conditions of this Development Permit.

Monitoring

- m. Upon completion of construction, a registered professional biologist (QEP) shall provide written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.
- 3. Any further development within designated Development Permit Area will require a new Development Permit, or a Development Permit Amendment.
 - 4. This Permit does not remove any obligation on the Permittee to obtain other approvals or obligations necessary for the lawful completion of the proposed development.
 - 5. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 - 6. This permit does not relieve the applicant from complying with the provisions of the Galiano Island Land Use Bylaw unless varied by this Permit.

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

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE, THIS rd DAY OF , 2016.

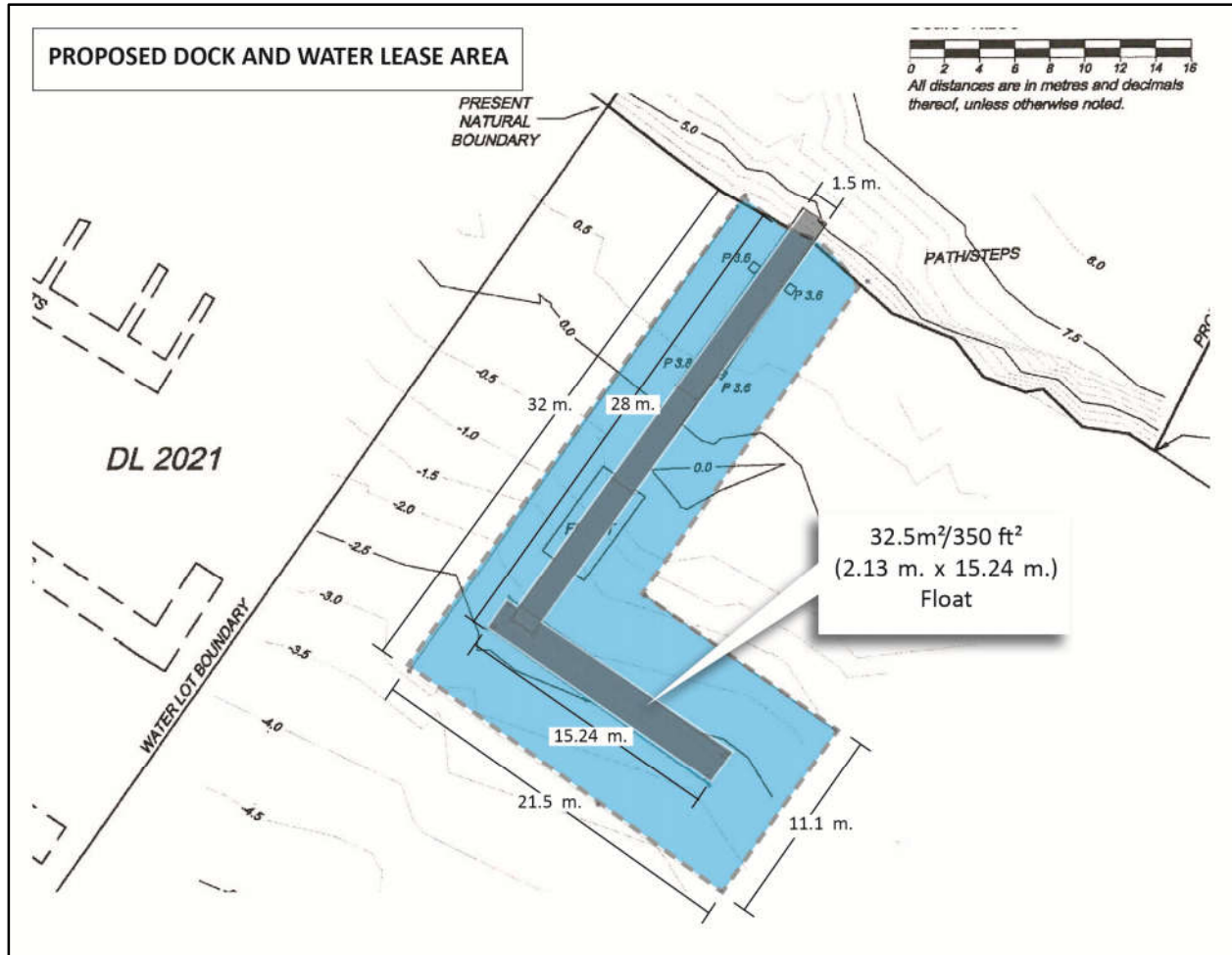
_____, 2016	_____, 2016
Deputy Secretary, Islands Trust	Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, 201# THIS PERMIT AUTOMATICALLY LAPSES.

GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT GL-DP- 2016.4 Schedule "A"

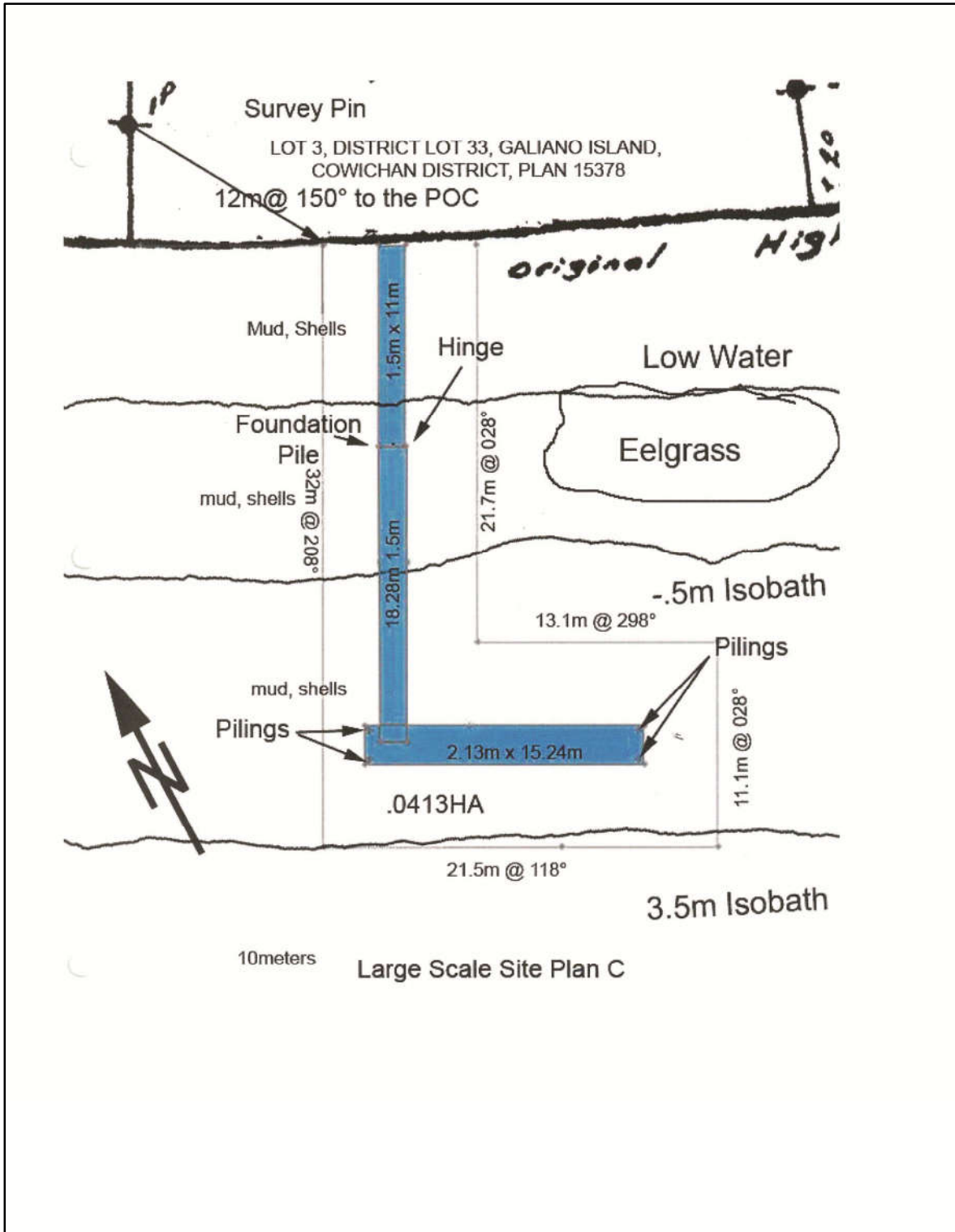
Site Plan



GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT GL-DP- 2016.4
Schedule "B"

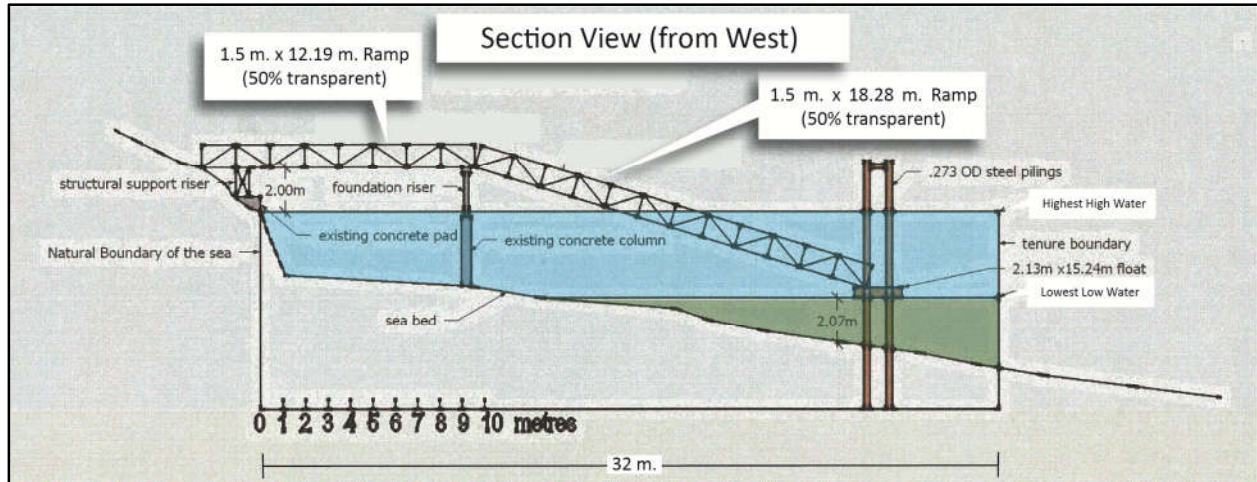
Construction Plan



GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT GL-DP- 2016.4 Schedule "C"

Section Plan





Memorandum

Date August 19, 2016 File Number GL-TUP-2016.1 Stettner
To Galiano Island Local Trust Committee for the meeting of August 29, 2016
From Kim Stockdill, A/Planner 2
Re Correspondence from Applicant – Jon & Connie Stettner, 1801 Sturdies Bay Road

At the May 2, 2016 Galiano Island Local Trust Committee (LTC) regular meeting, the LTC considered a Temporary Use Permit (TUP) for a short term vacation rental (STVR) at 1801 Sturdies Bay Road. The subject property is within the Water Management Area established in the LUB and in a registered water improvement district (Section Seven Water Works [SSWW]). Referral comments were received from the SSWW requesting the LTC to require a covenant between the SSWW and the property owner as a condition of the TUP. The covenant proposed by the SSWW would restrict the maximum monthly water use allowance to 18,927 liters per month (5,000 gallons per month). If the water used exceeds the maximum, the SSWW would have the option to shut off the water supply.

The LTC made the following resolution at the May 2, 2016th regular meeting:

GL-2016-027

It was MOVED and SECONDED,

THAT, Galiano Island Local Trust Committee Temporary Use Permit GL-TUP-2016.1 (Stettner) be deferred until a covenant, endorsed by Section Seven Water Works and agreed to by the applicant, has been drafted.

The property owners were unable to attend the May 2, 2016 and have now provided a letter to the Galiano Island LTC in response to the requirement for a covenant prior to reconsidering the TUP application (correspondence attached). The applicant is requesting the Galiano LTC to rescind the requirement for a covenant and instead require the installation of a 16,000L capacity rainwater collection system similar to other TUP applications.

Options:

The LTC has the following options for consideration:

1. Continue to require a covenant between the property owner and SSWW prior to reconsidering the application. No further action or resolution is required until the covenant has been drafted.
2. Approve the TUP without the covenant requirement.
3. Not approve TUP and close application.

pc Robert Kojima, Regional Planning Manager

Attachments:

Draft TUP Permit – GL-TUP-2016.1 (Stettner)

Correspondence – J. & C. Stettner – August 2, 2016



PROPOSED

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

1801 Sturdies Bay Road

To: Jon & Connie Stettner

1. This Permit applies to the land described below:

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

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

- a) a Commercial Vacation Rental within the Dwelling Unit;

3. and is subject to the following conditions:

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

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

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

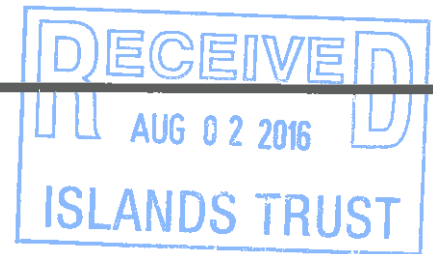
Deputy Secretary, Islands Trust

Date Issued

Regina Robinson

From: Jon stettner [REDACTED]
Sent: Saturday, July 30, 2016 9:20 PM
To: Kim Stockdill
Cc: Jon stettner; Connie Stettner; Jon Stettner
Subject: TUP [REDACTED]

Follow Up Flag: Follow up
Flag Status: Flagged



Dear Kim,

Below is our View of the current situation pertaining to the TUP for our property. We will be on Galiano from August 5th through August 30th. As we discussed, you indicated there is a meeting in late August. Can we be put on the agenda for this meeting and could you tell us when and where the meeting is? Thank you for your time in this matter.

Sincerely,
 Jon and Connie

To whom it may concern,

As the owners of [REDACTED] we have applied for a TUP for this property.

We have owned the property for 14 years, currently coming for one month per year at a time. The cottage is small approximately 820 ft.², has two bedrooms and one bathroom. We belong to the SSWW which provides water to the property. Our annual fees cover 5000 gallons per month with an overage fee of one cent per gallon. We have never gone over the 5000 gallons in one month.

We were informed by the islands trust through Kim Stockdill, that instead of the rainwater collection system requirement in the land use bylaw, we were required to negotiate with the SSWW for a covenant on our property, which was requested by Michael Sharp president of the SSWW.

In corresponding with Mr. Sharp, he's indicated that the covenant he would like endorsed is that if our residence uses over 5000 gallons per month that the SSWW has the right to turn the water off. As you can imagine this would cause us a tremendous hardship because we would be legally liable if we had a guest in the cottage and the water was turned off on them. The covenant would also change the relationship that we currently have with the SSWW and that would be inappropriate.

When we look at the long-term conservation on the island, in fact it is the off Islanders like ourselves that provide the greatest conservation efforts as we pay the same taxes as everyone else except we use less of the services, much less. When we specifically look at water usage, the fact that we're only there usually one month out of the year, means that in our water district, the SSWW, we might use a total of 5000 gallons in a year. Full-time residences are using probably at least 60,000 gallons annually or more because of the size of their land, home, and the number of people in the family. How does this make sense?

For the few months of the year, 4 to 5 at most, that the cottage can be rented we are also providing employment on the island with our cottage. We employ someone to manage the cottage, someone who cleans the cottage, and maintenance people. This is all good for the island.

Our cottage is small as I indicated earlier in this document and our environmental footprint is much less then any of the full-time residences, and we should be treated appropriately. We prefer not to change our arrangement with the SSWW as it is

onerous and does not relate to how you are treating other TUP applications. We would rather be treated as you are treating the other TUP applications requiring a rainwater collection system, which by the way, the 16,000 gallon requirement is too high for a four-person cottage.

We would like to see an equitable system put in place that treats all residences equally and without prejudice.

Thank you for your time in this matter we look forward to your reply.

Jon and Connie Stettner

Date: August 19, 2016

File No.: 6500-20-Dock
Review

To: Galiano Island Local Trust Committee
For the meeting of August 29, 2016

From: Kim Stockdill, A/Planner 2

CC: Robert Kojima, Regional Planning Manager

Re: Dock Review

Preliminary Report

This staff report is to present options for the dock project for the Galiano Island Local Trust Committee's (LTC) consideration.

Project Objectives

The intent of the project is to consider amending current or adding new policies and regulations for private docks within the Galiano Island Local Trust Area.

Project Background

In March 2016, the Galiano Island LTC added the Dock Review project to the Top Priority list. At the July 4, 2016th LTC meeting, the following resolution was passed:

"GL-2016-067

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee endorses the project charter attached to the staff report dated June 23, 2016.

GL-2016-068

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee request that staff report back with a report outlining policy and regulatory options for the Dock Review project."

Dock Implications:

In the past few years, issues concerning private docks have increased. The impacts of docks include environmental impacts, particularly on eelgrass or forage fish spawning areas and archaeological sites along shorelines can be impacted by dock development. Increasingly First Nations are expressing concerns about the proliferation of private

docks as they impact First Nations' ability to engage in traditional food gathering activities, other cultural impacts, and rights and title implications. The protection of public access to the shoreline is also a concern for community members, and visitors to the Island. Visual impacts of docks can be significant for neighbours, as the Galiano Island LTC has experienced when dealing with the last two Development Permits for dock construction within the Shoreline & Marine Development Permit Area. The community has expressed a desire to have the opportunity to speak to specific dock construction, design, and location.

Relevant Policy and Land Use Considerations

Islands Trust Policy Statement

Support for regulating the use of private docks can be found in the following relevant policies:

3.4.4 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.

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

4.5.8 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.

4.5.10 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.

4.5.11 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

5.1.3 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.

5.5.4 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.

5.5.5 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.

Official Community Plan

The following are policies related to private docks in the Galiano Island Official Community Plan (OCP):

- The establishment of group or shared docks shall be encouraged.
- The Local Trust Committee may consider amending the existing Marine zone to not permit new individual private docks. Applications for rezoning for shared docks should be considered.

The OCP also includes specific Shoreline & Marine Development Permit Area (DPA) guidelines for dock construction or replacement:

- 42. For residential properties, preference is to be given to the placement of mooring buoys and floats instead of docks.*
- 43. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.*
- 44. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.*
- 45. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.*
- 46. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.*
- 47. Piers and pilings and floating docks are preferred over solid-core piers.*
- 48. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.*
- 49. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geohydraulic processes.*
- 50. Construction of a private ramp on an individual residential lot or parcel is discouraged. Owners are urged to seek opportunities to use public ramps or to share existing private ramps.*
- 51. Residential docks should be located and designed to avoid the need for shore defence works or breakwaters.*
- 52. Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not be designed to accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area unless more than two parcels have legal access to the dock, in which case permitted total surface area should be a multiple of the number of lots the dock serves.*

Land Use Bylaw

The Marine (M) zone currently permits docks. The Marine Zone is as follows:

12.2.1 In the Marine 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.

12.2.1.1 docks, private floats, wharves, piers and walkways accessory to the residential use of an abutting upland lot and providing access to that lot

12.2.1.2 moorage of boats accessory to the residential use of an upland lot

12.2.2 Despite Subsection 12.2.1 one private float and walkway is permitted, not to exceed a total length of 35 metres from the natural boundary of District Lot 145, Cowichan District, without the establishment of a residential use on the upland lot.

12.2.3 Without limiting the generality of the foregoing, no commercial or industrial activity is permitted in this zone in connection with the use of docks, floats or wharves and the residential use of a watercraft of any kind, whether temporary or permanent, is prohibited.

Minimum Setbacks

12.2.4 Docks, floats and wharves must be sited entirely within the boundaries of the owner's water lot lease, licence of occupation or other Crown tenure and at least 3 metres from the seaward projection of any side lot line of the abutting upland lot.

Docks are also currently permitted in the Marine Service (MS) zone and the Marine Commercial Land (MCL) zone although these are for commercial purposes, not intended to regulate private residential docks.

Climate Change Mitigation and Adaptation

Sea level rise is an anticipated concern with climate change and its impact on shoreline development. More extreme storms and weather events will shape the way development is managed along shorelines. There are now programs with goal to educate shoreline property owners and encourage them to use softer and greener approaches to shoreline development.

Sensitive Ecosystem, Hazard, Shoreline, or Archaeological Resources

Recent mapping and other initiatives have provided new sources of data to inform decisions and policy-making related to shoreline issues which could guide policy and regulations for private docks. These include:

- Shoreline Features Mapping
- Integrated Shoreline Mapping
- Forage Fish Mapping
- Eelgrass mapping

Dock Policy & Regulatory Options

The Galiano LTC should consider following options for the dock review project. Addressing dock implications as mentioned above should be considered when the LTC reviews the following options for dock regulations and policies.

Land Use Bylaw:

Land use bylaws (LUB) can be used to encourage a wide range of dock configurations, length and width, and location. Currently the LUB permits private residential docks outright in the Marine Zone. The Marine zone includes only one regulation for docks which requires docks to meet the setback regulations (3 metres) from the seaward projection of the property line. Most new dock proposals meet the current LUB regulations although a Development Variance Permit may be required for upland structures as they must comply with the setback to the sea (7.5 metres).

The following are options for the LTC to consider:

- a) Restrict docks outright: Restricting docks outright would require rezoning applications for new proposals. The benefit to this approach is a rezoning application would involve a formal public consultation process which provides an avenue for public input. The LTC would be provided an opportunity to review an application based on its own merits and could design specific regulations for each dock. Issues with this approach include the financial consideration for applicants (a rezoning application fee is currently \$4,400); time consuming for applicants, staff, and the LTC; and no guarantee that the application will be approved.

Restricting docks outright would involve removing the use from the Marine zone (and potentially the Marine Service zone). Docks that are currently existing or in the process obtaining a Development Permit would be given legal non-conforming status or be permitted site specifically in the LUB bylaw amendment. This approach would be guided by amending the OCP to include policies for dock construction and regulation.

- b) Amend existing regulations: The LTC has the option to amend the Marine and Marine Service zones to further restrict (or remove current regulations) for residential docks. New regulations should be consistent with the Provincial Best Practices for Private Moorage Facilities and Dock Construction. Regulations could include restricting the float area, width of ramp, and setbacks (or exemptions from) from natural boundary of the sea for upland structures. LUB amendments could also permit docks only in certain areas, while restricting the use in known areas of sensitive ecosystems (eelgrass, forage fish, sensitive shoreline, steep slopes, etc.). Amending the LUB regulations for dock would require a public consultation process and a Public Hearing.
- c) Retain current dock regulations: The option to retain the current regulations and continue to review applications for docks by Shoreline & Marine Development

Permits. This approach has a number of issues as outlined above; lack of public input, absence of regulations consistent with Provincial Best Practices, and upland structures for docks must comply with setback to the sea which generally requires a Development Variance Permit for new dock construction.

Official Community Plan:

The Official Community Plan (OCP) outlines policies and guidelines related to dock construction. Currently the OCP contains guidelines in the Marine & Shoreline Development Permit Area (DPA). Some issues have been raised with regard to new dock applications that comply with the LUB but require a Shoreline & Marine Development Permit (DP). The DP process does not provide an opportunity for public input, rather if the proposal meets the guidelines in the DPA, the LTC must approve the DP.

The following are options for the LTC to consider:

- a) Amend the Marine & Shoreline DPA guidelines: Although the OCP current contains guidelines for new dock construction and replacement, these guidelines may not be consistent to the current Provincial Best Practices for dock construction. With research and mapping information received in the last few years regarding eelgrass and forage fish, the guidelines should be amended to reflect this information (for example, specific guidelines to reduce impacts on these sensitive ecosystems). The DPA guidelines also include regulations regarding a maximum float area of 35m². This type of specific regulation should be included in the LUB.
- b) Add dock policies to OCP that support LUB regulations: Currently the OCP has two policies regarding dock construction as outlined above. If LUB amendments are considered for this project, an OCP amendment would be required to include policies to support the LUB regulations.
- c) Retain existing policies and DPA guidelines: The LTC also has the option to make no amendments to the OCP during this project. Although if LUB amendments are considered, staff recommend ensuring supporting OCP policies are in place.

The options outlined above are for LTC's consideration only and a decision on the direction of the project is not required at this time. Community consultation will be initiated to provide comments on the options. The LTC should make staff aware if it believes an option is missing from the above.

Communications and Community Consultation

Implementation of a review of policies and regulations for private docks within the Galiano Island Local Trust Area would typically require significant consultation with affected stakeholders, publication of the initiative, and multiple opportunities for

community input. Given this topic could be a contentious issue with the community, expectations would be for a significant amount of community consultation. Staff are suggesting the following consultation steps:

- An online survey to gather input from the community regarding what policies or regulations should be amended or added.
- A webpage with background information and options for public comment.
- A written summary introducing the initiative to be placed in the Active Page as a trustee report, to be posted on the webpage, and available for distribution as hard copies.
- An early referral to First Nations and FLNRO (issuers of private moorage leases).
- An invitation to First Nation representatives to speak to the issues of private docks from a cultural and rights and title perspective.
- An open house and community information meeting (likely in the late fall) to obtain further community feedback.
- LTC consideration of options and recommendations
- Direction to prepare draft bylaws (if warranted)
- Referral to agencies and the APC.
- An option for a later, additional stand-alone community information meeting if needed.
- A public hearing, likely later in 2017, with a community information meeting. Depending on the level of community interest this could be in a regular meeting or as a special Saturday meeting.

This approach assumes that the consultation is staff led and organized. Alternatives would be to appoint an advisory group to provide input to the LTC or for the LTC to undertake more direct consultation through a series of community information meetings. As the project could involve an OCP amendment, the LTC is required by the Local Government Act to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. If the LTC considers that there shall be additional consultation than identified above it should identify that.

Project Charter

The Project Charter was endorsed at the July 4, 2016 LTC meeting and can be viewed on the LTC Project webpage. As the project proceeds the charter is regularly reviewed to determine if the project is proceeding with the defined scope or if the scope and thus the charter should be reviewed and potentially revised.

Next Steps

The success of this project is heavily reliant on the community's desires on how to address residential dock regulation, policies, and guidelines. Staff suggest initiating the first portion of the community consultation process to determine which policy and regulatory options is preferred. An online survey could be initiated by mid-September to

mid-October in order for staff to present the results at the November meeting or at a Special Meeting in the fall.

At a subsequent meeting, staff would report back with updates regarding the following:

- Invitation to First Nations contact to attend a future LTC meeting to discuss the cultural aspects of private docks – potentially the November regular LTC meeting or Special Meeting scheduled this fall.
- Wording for local trustees to include in a local trustee report.
- Early referral letters to First Nations, with copies to the Ministry of Community, Sport and Cultural Development.
- Early referral letters to the Ministry of Forest, Lands, and Natural Resources.
- Mapping information to determine the number of current docks and private moorage licenses.

Summary of Planning Recommendations

If the LTC is satisfied with the direction proposed in this staff report, the recommendation is for the LTC to request staff to draft questions for an online survey to gather community input regarding dock policies and regulations.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee request that staff to draft an online survey to gather input from the community regarding dock policies and regulations.

Prepared and Submitted by:



Kim Stockdill
A/Planner 2

August 22, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

August 22, 2016

Date

Top Priorities

Galiano Island

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

**Projects****Galiano Island**

Description	Activity	R/Initiated
Soil Removal and Deposit Bylaw	Review need and options for implementation of soil removal and deposit bylaw	12-Sep-2011
Amendments to Forest designation and F1 zone -	Consider options for amendments to Forest Land Designation and policies and F1 zoning for lands without Managed Forest Status. Draft bylaws have been prepared, project deferred at meeting of April/12	16-Apr-2012
Parking Issues	Issue for discussion with MoTI and public parking issues generated from associated islands. (see correspondence from P. Midgely on agenda of Apr/12)	23-Jul-2012
Bike Trails and Camping	Letter dated July 8, 2013 received from Galiano Parks and Recreation Commission regarding bike safety on Galiano roads (See Transportation policy U of Section 1.1) and for the allowance of non-commercial camping on private lots.	15-Jul-2013
Ocean Based Geo-Exchange Systems	Review of regulations for geo-thermal exchange use.	18-Nov-2013
Information Note Addition	Add in Information Note on Archeological Sites under General Regulations	18-Nov-2013
Light Industrial Zoning	A review and inventory assessment of existing and potential light industrial zones.	18-Nov-2013
Land Use Bylaw Amendments	To review LUB for: any technical/administrative bylaw amendments (e.g. definition references and numbering), shoreline zoning wording, crown lot rezonings, and review park zoning (specifically to allow stairs in setbacks).	07-Jul-2014
Community Benefit Review for Forest Lands	Staff to prepare preliminary report for new LTC	08-Sep-2014
Consider amendments to re-designate and rezone crown owned Forest lots.- Bylaws 231, 232 at First Reading	re-refer to FLNRO for comment	



Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2016.3	BARBER, CHRISTINE	01-Jun-2016	362 STICKS ALLISON RD. Remove existing trees to build a garden and pond for irrigation.

Planner: Kim Stockdill

Planning Status

Status Date: 19-Aug-2016
Staff report on August agenda.

Status Date: 21-Jun-2016
Waiting for further information from applicant.

Status Date: 01-Jun-2016
File opened and forwarded to planner and LTC.

File Number	Applicant Name	Date Received	Purpose
GL-DP-2016.4	SWAN, MARTIN	19-Jul-2016	3315 Montague Rd. Redevelopment of existing private dock with the same area but in a different shape.

Planner: Phil Testemale

Planning Status

Status Date: 19-Aug-2016
Staff Report completed and on August 29 agenda with recommendation to approve for issuance

Status Date: 19-Jul-2016
File opened and forwarded to planner and LTC

File Number	Applicant Name	Date Received	Purpose
GL-DP-2016.5	ALLAN DIAMOND ARCHITECT c/o D. & P. TAYLOR	09-Aug-2016	754 Ellis Rd Reinforce and repair damage to existing retaining wall.

Planner: Phil Testemale

Planning Status

Applications

Status Date: 10-Aug-2016

File opened and forwarded to planner and LTC

Rezoning

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

Planner: Robert Kojima

Planning Status

Status Date: 25-Jul-2016

Public hearing scheduled for September 19

Status Date: 30-Jun-2016

Bylaw amended. Application re-referred to FNs and referred to Parks Commission for comment. Direction to schedule CIM and PH

Status Date: 27-May-2016

Revised housing agreement prepared, reviewed by applicants, staff report prepared for June 6th agenda

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

To allow for year round use of the Forest Retreat Centre

Planner: Kim Stockdill

Planning Status

Status Date: 22-Jun-2016

OCP & LUB Amendment bylaws drafted.

Status Date: 25-Apr-2016

Staff report on May 2016 agenda.

Status Date: 07-Mar-2016

**Applications**

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

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

Planner: Kim Stockdill

Planning Status

Status Date: 16-Aug-2016

Staff report on August agenda with water management options.

Status Date: 06-Jun-2016

Bylaws given First Reading and Public Hearing scheduled for July 4, 2016

Status Date: 04-May-2016

Staff to draft LUB and OCP bylaws.

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: Kim Stockdill

Planning Status

Status Date: 10-Aug-2016

File opened and forwarded to planner and LTC

Subdivision

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

Planner: Kim Stockdill

Planning Status

Applications

Status Date: 18-Jul-2016

development control covenant registered, forestry and park covenants executed, undertakings to register received.

Subdivision approval pending

Status Date: 13-Aug-2015

PLA extension granted by MOTI

Status Date: 24-Nov-2014

SD file on hold until zoning amendment bylaws are adopted

Temporary and Industrial Use Permit

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

Planner: Kim Stockdill

Planning Status

Status Date: 18-Aug-2016

Correspondence from applicant received and placed on August agenda.

Status Date: 03-May-2016

Property owner & water district to draft covenant restricting water quantity.

Status Date: 25-Apr-2016

Staff report complete and placed on May 2016 LTC agenda.

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.5	CHOUINARD, PATRICIA	17-Jun-2016	750 Bodega Beach Dr TUP for STVR

Planner: Phil Testemale

Planning Status

Status Date: 27-Jun-2016

On August 28th agenda for consideration. Notification drafted to be sent out and put in paper in early August

Status Date: 21-Jun-2016

File opened and forwarded to planner and LTC



Applications

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.6	WILFRIED/VERENA KRAMER (OTHER OWNERS) Planner: Kim Stockdill	15-Jul-2016	45 Alder Way TUP for STVR
Planning Status			

Status Date: 18-Jul-2016

File opened and forwarded to planner and LTC.

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.7	AMANDA HARRIS - WIFE - CONTACT Planner: Kim Stockdill	21-Jul-2016	425 Clementine Lane TUP for a STVR
Planning Status			

Status Date: 21-Jul-2016

File opened and forwarded to planner and LTC.

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.8	WATERFALL, LAWRENCE Planner: Kim Stockdill	22-Jul-2016	350 Mary Ann Point Rd TUP for STVR
Planning Status			

Status Date: 22-Jul-2016

File opened and forwarded to planner and LTC

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2016.9	KEATING, CRAIG Planner: Kim Stockdill	25-Jul-2016	1541 Sticks Allison Rd TUP for a STVR
Planning Status			

Status Date: 28-Jul-2016

File opened and forwarded to planner and LTC



Applications

Islands Trust
LTC EXP SUMMARY REPORT F2017
Invoices posted to Month ending June 2016

625 Galiano	Invoices posted to Month ending June 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	750.00	0.00	750.00
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	5,500.00	1,374.11	4,125.89
65210-625	LTC - Local Exp - APC Meeting Expenses	500.00	0.00	500.00
65220-625	LTC - Local Exp - Communications	500.00	199.59	300.41
65230-625	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>7,000.00</u>	<u>1,573.70</u>	<u>5,426.30</u>
Projects				
73001-625-2002	Galiano OCP/LUB	4,000.00	0.00	4,000.00
73001-625-4065	Galiano Dock Review	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>8,000.00</u>	<u>0.00</u>	<u>8,000.00</u>

Galiano Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: April 7, 2014

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 11, 2009 / Amended February 3, 2014	GL-LTC-85-09 Amended:	Parks Commission Referral	That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment
2.	October 18, 2010	GL-LTC-115-10	Publishing Notices beyond legal requirements	THAT the Galiano Island Local Trust Committee will advertise Public Hearing Notices in either the Active Page Magazine or Islands Tides Newspaper in addition to the legally required advertising in the Driftwood Newspaper.
3.	October 17, 2011	GL-LTC-205-11	Special Occasion Liquor Licenses	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property on which Galiano Island Land Use Bylaw No. 127, 1999 permits public assembly uses, such as restaurants or community halls, and where there have been no issues related to parking or past complaints for the preceding three years , staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
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.

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

STAFF REPORT

Date: July 20, 2016

File No.:

To: Local Trust Committees

From: Robert Kojima
Regional Planning Manager

CC: Island Planner

Re: 2017-2018 Budget Requests

Purpose

Local trust committees have been requested to submit project budget requests for the next fiscal year (2017-18).

Local Trust Committee Expense Budgets:

A budget for the Local Expense Account has been developed based on the current budget (2016/17) and expenditures – copy attached. Local Trust Committees may request changes to this allocation, however, consideration should be given to historical spending and a rationale provided for making such a request.

A small amount of funding is included in the Special Projects line item in the Local Trust Committee Expense Account. This funding is intended to support local planning initiatives at the discretion of the local trust committee (a local trust committee resolution is required to use these funds).

LTC Projects Budgets:

The Local Trust Committee will need to make funding requests to support anticipated project work in the next fiscal year.

Special Consideration:

Projects planned for the current fiscal (2016/17) which are not completed should be considered as a new project for the 2017/18 fiscal year with resources allocated to support that work.

Budget Request Timeline:

July	Regional Planning Managers develop detailed budget estimates for consideration by Local Trust Committees
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July to Sept	Local Trust Committees review and approve budget requests at LTC meeting
Sept	Budget requests submitted to the Director of Local Planning Services
Oct	Management finalizes budget recommendations to FPC
Oct 19	FPC reviews and discusses first draft of the Budget
Nov 16	FPC approves a draft Budget and principles to be submitted to December Trust Council
Dec 9	Trust Council debates and endorses budget principles and preliminary budget

LTC Budget Requests

I have prepared a draft LTC project budget using the following approach:

- On-going Top Priority projects that are not anticipated to be completed in the current fiscal year with an estimated amount sufficient to complete the projects; where project charters have been endorsed, budgets noted in those documents have been used;
- Other projects from the Projects list that are anticipated become Top Priorities in next fiscal year have been identified in a general way, with an amount sufficient to commence a typical project. There is the option for this budget to be re-allocated to an appropriate alternate administratively after adoption of the budget.

The LTC should review the draft budget requests and:

1. delete any projects included in the draft budget request it does not consider a priority
2. identify any other projects it currently considers a priority for the next term and add them to the budget request (and the work program if necessary),
3. identify any additional expenses associated with any of the projects.

Resolution Wording

1. THAT the _____ Island Local Trust Committee approve and forward the draft 2017-18 LTC Project Budget Request to the Financial Planning Committee as presented; or
2. THAT the _____ Island Local Trust Committee revise the draft 2017-18 LTC Project Budget Request by including/deleting _____ with a budget of \$_____ and forward to Financial Planning Committee as revised.

Prepared and Submitted by:



Robert Kojima
Regional Planning Manager

July 20, 2016

Date

Attachments:

1. Draft 2017-18 LTC expense budget
2. Summary table of LTC project budget requests

2017/18 LTC EXPENSE BUDGET

Total 2017/18

	615-Denman	620-Gabriola	625-Galiano	630-Gambier	635-Hornby	640-Lasqueti	645-Mayne	650-N.Pender	655-Salt Spring	660-Saturna	665-S.Pender	670-Thetis	EC as LTC	
population	1095	4050	1258	313	1074	359	1112	1996	9780	359	236	372		22004
	5%	18%	6%	1%	5%	2%	5%	9%	44%	2%	1%	2%		
LTC EXPENSES **														
LTC Meeting Expenses	4,500	4,750	5,500	4,750	2,750	1,250	1,500	4,000	7,000	2,500	2,000	1,000		41,500
APC Meeting Expenses	600	600	500	500	500	500	500	600	1,500	500	500	500		7,300
Communications	500	1,250	500	1,000	1,000	1,000	1,000	500	1,250	300	300	1,000		9,600
Special Projects	500	1,000	500	500	500	500	500	500	1,000	500	500	500	500	7,500
SUB-TOTAL EXPENSES	6,100	7,600	7,000	6,750	4,750	3,250	3,500	5,600	10,750	3,800	3,300	3,000	500	65,900
Program	0	0	0	0	0	0	0	24,000	0	0	0	0	0	24,000
TOTAL	6,100	7,600	7,000	6,750	4,750	3,250	3,500	29,600	10,750	3,800	3,300	3,000	500	89,900
	7%	8%	8%	8%	5%	4%	4%	33%	12%	4%	4%	3%		

PROJECT CODE						
GALIANO	Project		Budget	Strategic Plan	Prov. Requirement	Continuation of existing OCP/LUB
	Dock Review	\$	4,500.00			
	Telecommunications Strategy	\$	5,000.00			
	OCP / LUB	\$	5,000.00			
	TOTAL PROJECTS	\$	14,500.00			
						Newly Adopted Policy in OCP
						Notes
						continuation of 2016-17 project
						completion / implementation of 2016 - 17 project
						specific project to be determined (technical amendments, forest policy)

STAFF REPORT

Date: August 4, 2016

File No.: Bylaw No. 228

To: Galiano Island Local Trust Committee
For the Meeting of August 29, 2016

From: Miles Drew
Bylaw Enforcement Manager

Re: **Amendment of Galiano Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 228, 2011**

THE PROPOSAL:

This report recommends that the Galiano Island Local Trust Committee amend Galiano Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 228, 2011 (BEN) so that the changes brought about by Amendment Bylaws No. 243, No. 245 and No. 255 are included; so that most of the penalties for voluntary compliance can be adjusted to zero; and so that various housekeeping amendments can be made.

STAFF COMMENTS:

Since the adoption of the BEN Bylaw the Galiano Island Land Use Bylaw has some significant amendments. These include short term vacation rentals regulations, suites regulations and various other changes. This means that Schedule A of the BEN is now out of date and should be substituted for a new Schedule A which will be up to date with the current Galiano Island Land Use Bylaw No. 127.

Staff also recommends that Schedule A be changed to reduce fine amounts to zero for persons who agree to comply with the Land Use Bylaw. In the current Schedule A, fines can be reduced by 75% or 50% in return for compliance. Experience with these fine structures has shown that, even after compliance is achieved, sometimes the fines are unpaid. Thus, staff must pursue persons in court or by debt collection procedures for non-payment of a fine despite the fact that the original bylaw violation is resolved. This situation is counterproductive as it consumes scarce resources and damages good will. Additionally, in many cases the cost to comply with bylaws is sometimes substantial and reducing the fine to zero is a powerful incentive.

Finally, various housekeeping amendments are proposed such as changing the title of the Bylaw Enforcement Coordinator to Bylaw Enforcement Manager and correcting the wording in section 9.0.

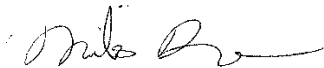
RECOMMENDATION:

That the Galiano Island Local Trust Committee make the above mentioned changes to the "Galiano Island Local Trust Area Bylaw Enforcement Notification Bylaw No.228, 2011, by giving the attached draft bylaw three readings and referring the Bylaw to the Executive Committee for approval by making the following resolutions:

- 1) The Galiano Island Local Trust Committee gives First Reading to Draft Bylaw No. 258 cited as Galiano Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 228, 2011 Amendment No. 1, 2016.
- 2) The Galiano Island Local Trust Committee gives Second Reading to Proposed Bylaw No. 258 cited as the Galiano Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 228, 2011 Amendment No. 1, 2016.
- 3) The Galiano Island Local Trust Committee gives Third Reading to Proposed Bylaw No. 258 cited as Galiano Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 228, 2011 Amendment No. 1, 2016.
- 4) The Galiano Island Local Trust Committee refers Proposed Bylaw No. 258 to the Executive Committee for approval.

Prepared and Submitted by:

August 1, 2016



Date

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.1.1	Non Permitted Use Of Conduits/Poles/Towers In Nature Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
2.1.2	Non Permitted Bicycling And Equestrian Trails In Nature Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
2.1.3	Non Permitted Accessory Use/Building/Structure Or Non Permitted Agricultural And Horticultural Use Or Non Permitted Farm Animals in Nature Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
2.1.4	Non Permitted Sawmilling In Nature Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
2.2	Non Permitted Use Of Accessory Building/Structure As Home Occupation Prior To Primary Building/Structure Constructed And Occupied	\$250.00	\$187.50	\$125.00	Yes	100%
2.3.1	Non Permitted Use Of Accessory Building/Structure, Other Than Cottage, For Human Habitation	\$300.00	\$225.00	\$150.00	Yes	100%
2.3.2	Non Permitted Use Of Land/Building/Structure For Mobile Home Parks/Manufactured Home Parks/Commercial Campgrounds	\$300.00	\$225.00	\$150.00	Yes	100%
2.3.3	Non Permitted Use Of Land/Building/Structure For Commercial Aquaculture	\$300.00	\$225.00	\$150.00	Yes	100%
2.3.4	Non Permitted Use Of Land/Building/Structure For Airports Other Than Float Plane Bases	\$300.00	\$225.00	\$150.00	Yes	100%
2.3.5	Non Permitted Use Of Boat Launching Ramp/Marina/Dock For Launching Personal Watercraft	\$300.00	\$225.00	\$150.00	Yes	100%
2.3.6	Non Permitted Use Of Land/Building/Structure For Helipads	\$300.00	\$225.00	\$150.00	Yes	100%
2.3.7	Non Permitted Use Of Land/Building/Structure For Private Golf Courses/Marinas	\$300.00	\$225.00	\$150.00	Yes	100%
2.3.8	Non Permitted Use Of Land/Building/Structure For Waste Disposal On Land/Marine Areas	\$500.00	\$375.00	\$250.00	Yes	50%
2.4	Non Permitted Use Of Lot For Wrecking/Storage Of Derelict Automobiles/Used Or Discarded Machinery/Equipment Except As Permitted In Light Industrial Zone.	\$150.00	\$112.50	\$75.00	Yes	100%
2.5	Exceed Height Restriction For Accessory Building/Structure	\$300.00	\$225.00	\$150.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

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2.6	Accessory Building/Structure Exceeds One Story	\$300.00	\$225.00	\$150.00	Yes	100%
2.8	Fence exceeds permitted height.	\$300.00	\$225.00	\$150.00	Yes	100%
2.9	Exceed Floor Area Restriction For Cottage	\$300.00	\$225.00	\$150.00	Yes	100%
2.12	Non Permitted residential design of forestry use building or structure.	\$300.00	\$225.00	\$150.00	Yes	100%
2.14	Non-Permitted Siting Of Building/Structure In Set Back From Sea/Lake/Swamp/Watercourse.	\$300.00	\$225.00	\$150.00	Yes	100%
2.15	Non-Permitted Siting Of Sewage Absorption Field In Set Back From Sea/Lake/Swamp/Watercourse/Well.	\$300.00	\$225.00	\$150.00	Yes	100%
2.16	Non Permitted Siting Of Building/Structure For Farm Animals In Set Back From Sea/Lake/Swamp/Watercourse/Well	\$300.00	\$225.00	\$150.00	Yes	100%
2.17	Non Permitted Siting Of Building/Structure Used For Human Habitation/Occupancy In Agriculture Zone	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.1	Non Permitted Secondary Suite	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.2	Non Permitted Secondary Suite/Cottage	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.3	Secondary Suite Too Large	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.4	Secondary Suite Not Located In Principal Dwelling	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.5	Secondary Suit Without Separate Entrance	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.6	Secondary Suite Without Adequate Rainwater Storage	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.8.1	Non Resident Employee In Suite Home Occupation	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.9	No Parking Provided For Secondary Suite	\$300.00	\$225.00	\$150.00	Yes	100%
3.2	Home Occupation On Premise Not Being Occupied As Dwelling	\$250.00	\$187.50	\$125.00	Yes	100%
3.3	Home Occupation Not Conducted Entirely Within Operator's Dwelling Unit Or Accessory Building/Structure	\$250.00	\$187.50	\$125.00	Yes	100%
3.3	Non Permitted Exterior Storage Of Materials/Products/Equipment	\$250.00	\$187.00	\$125.00	Yes	100%
3.4	Not Retaining Residential Appearance Due To Home Occupation	\$250.00	\$187.50	\$125.00	Yes	100%
3.5	Non Permitted Home Occupation Sign/ Lighting					
3.6	More Than Three Persons Employed In Home Occupation Or No Employee Residing Permanently	\$250.00	\$187.50	\$125.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.7	Non Permitted Home Occupation Activity	\$250.00	\$187.50	\$125.00	Yes	100%
3.8	Non-Permitted Home Occupation	\$250.00	\$187.50	\$125.00	Yes	100%
3.9	Home Occupation Producing Waste/Noise/Vibration/Glare/Fumes/Odours/Illumination/Electrical Interference Detectable Off Lot Or Home Occupation Consumes Excessive Groundwater	\$250.00	\$187.50	\$125.00	Yes	100%
3.10	Exceed Maximum Number Bedrooms In B&B	\$250.00	\$187.50	\$125.00	Yes	100%
5.1.1	Non Permitted Use In Village Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.2	More Than One Dwelling On Lot In Village Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.3	Non Permitted Cottage In Village Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.4	Exceed Lot Coverage Restriction In Village Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.5	Exceed Height Restriction For Building/Structure In Village Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.6	Encroachment Of Building/Structure Into Setback In Village Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.7	Encroachment Of Building/Structure For Animals Into Setback In Village Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.8	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.1	Non Permitted Use In Village Residential 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.2	More Than One Dwelling On Lot In Village Residential 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.3	Non Permitted Cottage In Village Residential 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.4	Exceed Lot Coverage Restriction In Village Residential 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.5	Exceed Height Restriction For Building/Structure In Village Residential 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.6	Encroachment Of Building/Structure Into Setback In Village Residential 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.7	Encroachment Of Building/Structure For Animals In Village Residential 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.8	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%

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CONTRAVENTIONS AND PENALTIES

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5.3.1	Non Permitted Use In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.2	Non Permitted Cottage On Lot 1, District Lot 83 In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.3	Non Permitted Use On District Lot 145 In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.4	Non Permitted Additional Dwelling In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.5	Non Permitted Cottage On Lots Smaller Than 0.4 Hectares In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.6	Exceed Lot Coverage Restriction In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.7	Exceed Height Restriction For Building/Structure In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.8	Encroachment Of Building/Structure Into Setback In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.10	Encroachment Of Building/Structure For Farm Animals Into Setback In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.1	Non Permitted Use In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.2	Non Permitted Additional Dwelling In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.3	Non Permitted Cottage In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.4	Exceed Lot Coverage	\$300.00	\$300.00	\$150.00	Yes	100%
5.4.5	Exceed Height Restriction For Building/Structure In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.6	Encroachment Of Building/Structure Into Setback In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.7	Encroachment Of Building/Structure For Farm Animals Into Setback In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.1	Non Permitted Use In Rural 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.8	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.13	Building/ Structure/Paved Area Outside Developable Area	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.15	Building/Structure/Paved Area Outside Designated Area	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.17	Building/ Structure/Paved Area Outside Developable Area	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.2	Non Permitted Additional Dwelling In Rural 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%

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CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
5.5.3	Non Permitted Cottage In Rural 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.4	Exceed Lot Coverage	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.5	Exceed Height Restriction For Building/Structure In Rural 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.6	Encroachment Of Building/Structure Into Setback In Rural 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.7	Encroachment Of Building/Structure For Farm Animals Into Setback In Rural 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.8	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.1	Non Permitted Use In Rural 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.2	Non Permitted Additional Dwelling In Rural 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.3	Non Permitted Cottage In Rural 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.4	Exceed Lot Coverage	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.5	Exceed Height Restriction For Building/Structure In Rural 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.6	Encroachment Of Building/Structure Into Setback In Rural 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.7	Encroachment Of Building/Structure/Use Permitted Under Article 5.6.1 Into Setback In Rural 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.8	Encroachment Of Building/Structure For Animals Into Setback In Rural 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.9	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
6.1.1	Non Permitted Use In Agriculture Zone	\$300.00	\$225.00	\$150.00	Yes	100%
6.1.2	Non Permitted Additional Dwelling In Agriculture Zone					
6.1.4	Exceed Lot Coverage	\$300.00	\$225.00	\$150.00	Yes	100%
6.1.5	Exceed Height Restriction For Building/Structure In Agriculture Zone	\$300.00	\$225.00	\$150.00	Yes	100%
6.1.6	Encroachment Of Building/Structure Into Setback In Agriculture Zone	\$300.00	\$225.00	\$150.00	Yes	100%
6.1.7	Encroachment Of Non-Residential Building/Structure Into Setback In Agriculture Zone	\$300.00	\$225.00	\$150.00	Yes	100%
6.1.10	Agri-tourist Accommodatin Not Accessry To Working Farm	\$300.00	\$225.00	\$150.00	Yes	100%
6.1.11	Agri-Tourist Accomidation Not In AG Zone and ALR.					
6.1.12	Agri-tourist Accommodation Not	\$300.00	\$225.00	\$150.00	Yes	100%

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GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Situated In Dwelling or Cottage					
6.1.13	Agri-tourist Accommodation With Unpermitted Restaurant/Commercial Or Retail Sales And Services					
6.1.14	Agri-tourist Operation Exceed Maximum Guests/Bedrooms					
7.1.1	Non Permitted Use In Forest 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.1.2	Non Permitted Building/Structure Or Permitted Building/Structure Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Forest 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.1.3	Exceed Height Restriction For Building/Structure In Forest 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.1.4	Encroachment Of Building/Structure Into Setback In Forest 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.1.5	Encroachment Of Building/Structure Into Setback Of Lot Line That Does Not Abut Highway In Forest 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.2.1	Non Permitted Use In Forest 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.2.2	Non Permitted Additional Dwelling Accessory To Timber Production And Harvesting In Forest 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.2.3	Non Permitted Building/Structure Or Permitted Building/Structure Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Forest 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.2.4	Exceed Height Restriction For Building/Structure In Forest 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.2.5	Encroachment Of Building/Structure Into Setback In Forest 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.2.6	Encroachment Of Building/Structure Into Setback From Lot Line That Does Not Abut Highway In Forest 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.2.7	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
7.3.1	Non Permitted Use In Forest 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.3.2	Non Permitted Building/Structure Or Permitted Building/Structure Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Forest 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.3.3	Non Permitted Additional Dwelling Or Dwelling/Accessory Building/Structure Exceed Maximum Floor/Lot Area In Forest 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.3.4	Exceed Height Restriction For Building/Structure In Forest 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.3.5	Encroachment Of Building/Structure Into Setback In Forest 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.3.6	Buildings/Structures Used For	\$300.00	\$225.00	\$150.00	Yes	100%

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CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Human Habitation In Setback From AG Zone.					
7.4.1	Non Permitted Use In Heritage Forest Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.4.2	Non Permitted Building/Structure Or Permitted Building/Structure For Timber Production And Harvesting Uses Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Heritage Forest Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.4.3	Non Permitted Building/Structure Or Permitted Building/Structure For Forestry Education And Research Uses Exceed Maximum Floor/Lot Area In Heritage Forest Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.4.4	Exceed Height Restriction For Building/Structure In Heritage Forest Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.4.5	Encroachment Of Building/Structure Into Setback In Heritage Forest Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.4.6	Encroachment Of Building/Structure Into Setback From Lot Line That Does Not Abut A Highway In Heritage Forest Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.5.1	Non Permitted Use In Forest Land Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.5.2	Non Permitted Building/Structure Or Permitted Building/Structure Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Forest Land Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.5.3	Non Permitted Accessory Dwelling Or Permitted Accessory Dwelling Does Not Have Highway Access In Forest Land Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.5.4	Exceed Height Restriction For Building/Structure In Forest Land Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.5.5	Encroachment Of Building/Structure Into Setback In Forest Land Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.5.6	Encroachment Of Building/Structure Into Setback From Lot Line That Does Not Abut Highway In Forest Land Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.5.7	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
8.1.1	Non Permitted Use In Senior Citizen Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.1.2	Exceed Density Of Development	\$300.00	\$225.00	\$150.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Restriction In Senior Citizen Residential Zone					
8.1.3	Exceed Lot Coverage Restriction In Senior Citizen Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.1.4	Exceed Height Restriction For Building/Structure In Senior Citizen Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.1.5	Encroachment Of Building/Structure Into Setback In Senior Citizen Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.1.6	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
8.2.1	Non Permitted Use In Community Facility Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.2.2	Fail To Meet Site Specific Usage Regulations In Community Facility Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.2.3	Exceed Density Restriction Of Affordable And Special Needs Housing In Community Facility Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.2.4	Exceed Lot Coverage Restriction On Lot 2 In Community Facility Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.2.5	Exceed Height Restriction For Building/Structure In Community Facility Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.2.6	Encroachment Of Building/Structure Into Setback In Community Facility Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.2.7	Fail To Meet Site Specific Setback Regulations In Community Facility Zone					
8.3.1	Non Permitted Use In Emergency And Health Services Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.3.2	Exceed Height Restriction For Building/Structure In Emergency And Health Services Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.3.3	Encroachment Of Building/Structure Into Setback In Emergency And Health Services Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.3.4	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
8.4.1	Non Permitted Use In Utility Service Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.4.2	Exceed Height Restriction For Building/Structure In Utility Service Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.4.3	Encroachment Of Building/Structure Into Setback In Utility Service Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.4.4	Inadequate Landscape Screen For	\$100.00	\$75.00	\$50.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Storage Areas In Utility Service Zone					
8.5.1	Non Permitted Use In Health And Wellness Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.2	Treatment Facility Accommodation Room Exceeds Maximum Floor Area In Health And Wellness Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.4	Exceed Maximum Lot Coverage Area In Health And Wellness Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.5	Exceed Maximum Floor Space Ratio In Health And Wellness Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.6	More Than One Treatment Facility On Lot In Health And Wellness Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.7	Exceed Height Restriction For Building/Structure In Health And Wellness Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.8	Encroachment Of Building/Structure Into Setback In Health And Wellness Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.9	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.11	Inadequate Landscape Screen For Unenclosed Storage Areas In Health And Wellness Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.1.1	Non Permitted Use In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.2	Fail To Meet Site Specific Usage Regulations In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.3	Exceed Lot Coverage Restriction In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.4	More Than One Dwelling On Lot In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.5	Exceed Height Restriction For Building/Structure In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.6	Encroachment Of Building/Structure/Unenclosed Accessory Storage Areas Into Setback In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.7	Encroachment Of Building/Structure Used For Farm Animals Into Setback In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.8	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.10	Fail To Meet Site Specific Vegetation Regulations In Retail Commercial Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.1.11	Inadequate Landscape Screen For Unenclosed Storage Areas In Retail	\$100.00	\$75.00	\$50.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Commercial Zone					
9.1.12	Fail To Provide Compliant Area For Unloading Of Goods From Commercial Vehicles In Retail Commercial Zone	\$250.00	\$187.50	\$125.00	Yes	100%
9.2.1	Non Permitted Use In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.2	Accommodation Facility Exceeds Maximum Visitor Accommodation Rooms Or Does Not Contain Accommodation/Restaurant And Dwelling In Single Building In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.3	Accommodation Facility In Lot A District Lot 26 In Visitor Accommodation (Inn) Zone Does Not Meet Site Specific Regulations	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.5	More Than One Inn On Lot In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.6	Exceed Maximum Lot Coverage In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.7.1	Exceed Floor Space Ratio Restriction In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.7.2	Exceed Maximum Floor Area Restriction For Visitor Accommodation Rooms In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.7.3	Exceed Maximum Floor Area Restriction For Accessory Retail Sales In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.8	Exceed Maximum Height Restriction For Building/Structure In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.9	Encroachment Of Building/Structure Into Setback In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.10	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.12	Inadequate Landscape Screen For Unenclosed Storage Areas In Visitor Accommodation (Inn) Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.3.1	Non Permitted Use In Visitor Accommodation (Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3.3	More Than One Resort On Lot In Visitor Accommodation (Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3.4	Exceed Maximum Lot Coverage Restriction In Visitor Accommodation	\$300.00	\$225.00	\$150.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	(Resort) Zone					
9.3.5	Exceed Maximum Height Restriction Of Building/Structure In Visitor Accommodation (Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3.6	Encroachment Of Building/Structure Into Setback In Visitor Accommodation (Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3.7	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
9.3.9	Inadequate Landscape Screen For Unenclosed Storage Areas In Visitor Accommodation (Resort) Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.3(A).1	Non Permitted Use In Visitor Accommodation (Rural Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).2	More Than One Resort On Lot In Visitor Accommodation (Rural Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).3	Exceed Total Floor Area Restriction For All Buildings/Structures Excluding Owner/Operator's Dwelling In Visitor Accommodation (Rural Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).4	Exceed Maximum Floor Area Restriction For Accessory Buildings Other Than Barn In Visitor Accommodation (Rural Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).5	Exceed Maximum Height Restriction Of Building/Structure In Visitor Accommodation (Rural Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).6	Encroachment Of Building/Structure Except Fence/Pumphouse Into Setback In Visitor Accommodation (Rural Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).7	Encroachment Of Building/Structure For Animals Into Setback In Visitor Accommodation (Rural Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).8	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).10	Inadequate Landscape Screen For Unenclosed Storage Areas In Visitor Accommodation (Rural Resort) Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.3(B).1	Non Permitted Use In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).3	More Than One Comprehensive Resort On Lot In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).4	Exceed Maximum Lot Coverage Restriction Of Building/Structure In Galiano Inn (Comprehensive Resort)	\$300.00	\$225.00	\$150.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Zone					
9.3(B).5	Exceed Maximum Lot Coverage Restriction Of Asphalt And Concrete Paving In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).6	Visitor Accommodation Sleeping Rooms Exceed Maximum Total Combined Floor Area Restriction In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).7	Visitor Accommodation Units Exceed Maximum Total Combined Floor Area Restriction In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).8	More Than One Restaurant Or Restaurant Exceeds Maximum Seating Restriction In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).9	More Than One Retail Area Or Retail Area Exceeds Maximum Area Restriction In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).10	More Than One Dwelling For Owner/Operator Or Dwelling Exceeds Maximum Area Restriction In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).11	More Than One Laundry Area Or Laundry Area Exceeds Maximum Area Restriction In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).12	Non-licenced Lounge Or More Than One Licenced Lounge Or Lounge Exceeds Maximum Seating Restriction In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).13	Exceed Maximum Height Restriction Of Building/Structure In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).14	Encroachment Of Buildings/Structures/Tanks/Sheds/Replacement Parking Sites Into Setback In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).15	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).17	Inadequate Landscape Screen For Unenclosed Storage Areas In Galiano Inn (Comprehensive Resort) Zone	\$100.00	\$75.00	\$50.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
9.4.1	Non Permitted Use In Public House Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.4.2	Exceed Maximum Lot Coverage Restriction In Public House Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.4.3	More Than One Accessory Dwelling On Permitted Lot In Public House Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.4.4	Floor Area For Serving Customers/ Seating Capacity Exceeds Maximum Restriction In Public House Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.4.5	Exceed Maximum Height Restriction For Building/Structure In Public House Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.4.6	Encroachment Of Building/Structure/Unenclosed Storage Areas Into Setback In Public House Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.4.7	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
9.4.9	Inadequate Landscape Screen For Unenclosed Storage Areas In Public House Commercial Land Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.4.10	Fail To Provide Compliant Area For Unloading Of Goods From Commercial Vehicles In Public House Commercial Land Zone	\$250.00	\$187.50	\$125.00	Yes	100%
9.5.1	Non Permitted Use In Commercial Private Film School Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.5.2	More Than One Commercial Private Film School Or School Exceeds Total Floor Area Restriction In Commercial Private Film School Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.5.3	Overnight Accommodation Of Students/Staff Exceed Maximum Restriction In Commercial Private Film School Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.5.4	More Than One Accessory Dwelling On Permitted Lot In Commercial Private Film School Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.5.5	Exceed Maximum Lot Coverage Restriction In Commercial Private Film School Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.5.6	Exceed Maximum Height Restriction For Building/Structure In Commercial Private Film School Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.5.7	Encroachment Of Building/Structure/Unenclosed Accessory Storage Area Into	\$300.00	\$225.00	\$150.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Setback In Commercial Private Film School Zone					
9.5.8	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
9.5.10	Inadequate Landscape Screen For Unenclosed Storage Areas In Commercial Private Film School Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.6.1	Non Permitted Use In Light Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6.2	Exceed Maximum Lot Coverage Restriction In Light Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6.3	More Than One Dwelling On Lot In Light Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6.4	Exceed Maximum Height Restriction For Building/Structure In Light Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6.5	Encroachment Of Building/Structure Into Setback In Light Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6.6	Encroachment Of Building/Structure For Animals Into Setback In Light Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6.8	Inadequate Landscape Screen In Light Industrial Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.6(A).1	Non Permitted Use In Forest Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6(A).2	Exceed Maximum Lot Coverage Restriction In Forest Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6(A).3	More Than One Dwelling On Lot In Forest Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6(A).4	Exceed Maximum Height Restriction For Building/Structure In Forest Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6(A).5	Encroachment Of Building/Structure Into Setback In Forest Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6(A).6	Encroachment Of Building/Structure For Animals Into Setback In Forest Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6(A).7	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
9.6(A).9	Inadequate Landscape Screen On Lots On Which Light Industrial Uses Are Conducted In Forest Industrial Zone	\$100.00	\$75.00	\$50.00	Yes	100%
10.1.1	Non Permitted Use in Public Recreation Zone	\$300.00	\$225.00	\$150.00	Yes	100%
10.1.2	Exceed Accessory Dwellings Number	\$300.00	\$225.00	\$150.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
10.1.3	Exceed Maximum Height	\$300.00	\$225.00	\$150.00	Yes	100%
10.1.4	Encroachment of Buildings/Structures Into Setback In Public Recreation Zone	\$300.00	\$225.00	\$150.00	Yes	100%
10.1.5	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
11.1.1	Non Permitted Use In Nature Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
11.1.2	Non Permitted Building/Structure In Nature Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.1.1	Non Permitted Use In Marine Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.1.2	Non Permitted Building/Structure Or Residential Use Of A Watercraft In Marine Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.2.1	Non Permitted Use In Marine Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.2.2	Private Float And Walkway Exceed Total Length Permitted From Natural Boundary Of Sea In Marine Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.2.3	Non Permitted Commercial/Industrial Activity In Connection With Use Of Docks/Floats/Wharves Or Non Permitted Residential Use Of A Watercraft In Marine Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.2.4	Non Permitted Siting Of Docks/Floats/Wharves In Marine Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.3.1	Non Permitted Use In Marine Service Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.3.2	Non Permitted Siting Of Structures In Marine Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.4.1	Non Permitted Use In Marine Commercial Water Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.4.2	Exceed Maximum Height Restriction For Building/Structure In Marine Commercial Water Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.4.3	Non Permitted Siting Of Building/Structure In Marine Commercial Water Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.4.4	Non Permitted Residential Use Of Watercraft In Marine Commercial Water Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.5.1	Non Permitted Use In Marine Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.5.2	More Than One Dwelling On Lot In Marine Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.5.3	Exceed Maximum Lot Coverage Area Restriction In Marine Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
12.5.4	Exceed Maximum Height Restriction Of Building/Structure In Marine Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.5.5	Encroachment Of Building/Structure/Unenclosed Storage Area From Setback In Marine Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.5.6	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
12.5.8	Inadequate Landscape Screen For Unenclosed Storage Areas In Marine Commercial Land Zone	\$100.00	\$75.00	\$50.00	Yes	100%
12.6.1	Movement Of Float Planes Other Than Taxiing Or Water Area Used For Recreational/Transportation Activities Involving Personal Watercraft In Montague Harbour	\$300.00	\$225.00	\$150.00	Yes	100%
14.1	Fail To Provide Minimum Parking Spaces As Per Table 2: Off Street Parking Standards	\$250.00	\$187.50	\$125.00	Yes	100%
14.5	Non Permitted Siting/Setback Of Parking Space	\$250.00	\$187.50	\$125.00	Yes	100%
14.6	Fail To Provide Sufficient Manoeuvring Area For Parking Space	\$250.00	\$187.50	\$125.00	Yes	100%
14.7	Parking Space Does Not Meet Size Requirements	\$250.00	\$187.50	\$125.00	Yes	100%
14.8	Fail To Provide Minimum Bicycle Parking	\$250.00	\$187.50	\$125.00	Yes	100%
15.1	Parking Areas Improperly Screened	\$250.00	\$187.50	\$125.00	Yes	100%
16.1	Non Permitted Commercial Sign	\$150.00	\$112.50	\$75.00	Yes	100%
16.4	Sign Not On Lot Of Referred Use	\$150.00	\$112.50	\$75.00	Yes	100%
16.5	Non Permitted/Too Large Sign	\$150.00	\$112.50	\$75.00	Yes	100%
16.6.1	Sign Projecting Over Highway/Public Property	\$150.00	\$112.50	\$75.00	Yes	100%
16.6.2	Sign Flashing Or Blinking	\$150.00	\$112.50	\$75.00	Yes	100%
16.6.3	Sign Making Noise To Attract Attention	\$150.00	\$112.50	\$75.00	Yes	100%
16.6.4	Sign With Misdirected Flood Light	\$150.00	\$112.50	\$75.00	Yes	100%
16.6.5	Sign Advertising Discontinued Business/Service/Activity	\$150.00	\$112.50	\$75.00	Yes	100%