



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: February 7, 2023
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

	Pages
1. CALL TO ORDER	12:30 PM - 12:50 PM
2. APPROVAL OF AGENDA	
3. TRUSTEE REPORT	
4. CHAIR'S REPORT	
5. ELECTORAL AREA DIRECTOR'S REPORT	
6. TOWN HALL AND QUESTIONS	12:50 PM - 1:10 PM
7. COMMUNITY INFORMATION MEETING - None	
8. PUBLIC HEARING - None	
9. MINUTES	1:10 PM - 1:20 PM
9.1 Local Trust Committee Minutes Dated December 15, 2022 (for Adoption)	3 - 10
9.2 Section 26 Resolutions Without Meeting Report - None	
9.3 Advisory Planning Commission Minutes - None	
10. BUSINESS ARISING FROM MINUTES	
10.1 Follow-up Action List Dated Jan 2023	11 - 12
11. DELEGATIONS	
12. CORRESPONDENCE	1:20 PM - 1:25 PM
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
12.1 Sandy Pottle re Standing Resolutions - unlawful dwellings LTA	13 - 17

12.2	Jennifer Margison re Standing Resolutions - unlawful dwellings	18 - 19
13.	MEETING BREAK - COMMUNITY UPDATE	
14.	APPLICATIONS AND REFERRALS	1:25 PM - 2:25 PM
14.1	GL-DVP-2021.8 (O'Shaughnessy) - Staff Report (attached)	20 - 71
14.2	GL-RZ-2014.1 (Crystal Mountain) - Staff Report (attached)	72 - 95
14.3	GL-DP-2022.5 (Longson) - Staff Report (attached)	96 - 122
15.	LOCAL TRUST COMMITTEE PROJECTS	2:25 PM - 2:45 PM
15.1	Groundwater Implementation Project - Staff Report (attached)	123 - 145
16.	REPORTS	2:45 PM - 2:55 PM
16.1	Work Program Reports (attached)	
16.1.1	<u>Active Projects Report Dated Jan 2023</u>	146 - 146
16.1.2	<u>Future Projects Report Dated Jan 2023</u>	147 - 148
16.2	Applications Report Dated Jan 2023 (attached)	149 - 156
16.3	Trustee and Local Expense Report Dated Nov 2022 (attached)	157 - 157
16.4	Adopted Policies and Standing Resolutions (attached)	158 - 162
16.5	Local Trust Committee Webpage	
16.6	Islands Trust Conservancy Report Dated Nov 2022	163 - 164
17.	NEW BUSINESS	2:55 PM - 3:10 PM
17.1	Deferred Enforcement on Unlawful Dwellings - Staff Report (attached)	165 - 166
18.	UPCOMING MEETINGS	
18.1	Next Regular Meeting Scheduled for March 14, 2023 at the South Community Hall, Galiano Island	
19.	TOWN HALL	3:10 PM - 3:30 PM
20.	CLOSED MEETING - None	
21.	ADJOURNMENT	3:30 PM - 3:30 PM



Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: December 15, 2022
Location: Lions Park Society
992 Burrill Road, Galiano Island, BC

Members Present: Tim Peterson, Chair
Ben Mabberley, Trustee
Lisa Gauvreau, Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Brad Smith, Island Planner
Charly Caproff, Planning Technician
Narissa Chadwick, Island Planner (electronic)
Sarah Shugar, Recorder (electronic)

There were approximately 25 members of the public in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 12:59 p.m. Chair Peterson acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 16.3 Letter from Emma Davis re Rural Economic Diversification and Infrastructure Program Grant
- 16.4 GL-RZ-2022-1 (Gaylor)
- 16.5 Bylaw Enforcement on Unlawful Dwellings

By general consent the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee Gauvreau reported she attended two Trust Council meetings and a Southern Gulf Islands Forum meeting. Trustee Gauvreau reported the Southern Gulf Islands Forum is an excellent opportunity to connect with local, Provincial and Federal elected officials.

Trustee Mabberley reported he is looking forward to getting work underway and acknowledged community member Rose Longini for her support.

4. CHAIR'S REPORT

Chair Peterson reported that he is a resident on Lasqueti Island. Chair Peterson has also been appointed Chair of the Salt Spring Island Local Trust Committee and Chair of the Hornby Island Local Trust Committee. Executive Committee met with Honourable Anne Kang Minister of Municipal Affairs on December 14, 2022. Chair Peterson advised he intends to be available on Galiano Island for community engagement.

5. TOWN HALL AND QUESTIONS

Chair Peterson opened the town hall at 1:06 p.m.

A Galiano Island Resident welcomed Chair Peterson to the Galiano Island Local Trust Committee.

A Wise Island Resident requested the LTC to move project 15.1.2-GA-2022-106 - Wise Island Bylaw Review to the priority projects list.

A Galiano Resident welcomed Chair Peterson to the Galiano Island Local Trust Committee and asked Trustees to provide their contact information and office hours.

Trustee Gauvreau reported her Trustee office hours are Mondays 9:00 a.m. to 11:00 a.m. at Babes In the Woods, 2540 Sturdies Bay Road and her email is lgauvreau@islandstrust.bc.ca.

Trustee Mabblerley reported his Trustee office hours are Tuesdays 9:00 a.m. to 11:00 a.m. at the CRD office and his email is bmabblerley@islandstrust.bc.ca.

6. COMMUNITY INFORMATION MEETING – None

7. PUBLIC HEARING - None

8. MINUTES

8.1 Local Trust Committee Minutes - None

8.2 Section 26 Resolutions Without Meeting Report Dated Nov 2022

The report was received.

8.3 Advisory Planning Commission Minutes - None

9. BUSINESS ARISING FROM MINUTES

9.1 Follow-up Action List Dated Nov 2022

The report was received.

10. DELEGATIONS - None

11. CORRESPONDENCE

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

11.1 Chair Rogers Response to Rogers Communication

The correspondence item was received.

12. MEETING BREAK - COMMUNITY UPDATE - None

13. APPLICATIONS AND REFERRALS

13.1 GL-DVP-2022.5 (Grehan) - Staff Report

Planner Caproff presented a staff report dated November 25, 2022 regarding a Development Variance Permit to vary the 7.5 metre setback from the natural boundary of the sea to permit the existing stairs, landing, and deck which are located 4.94 metres from the natural boundary and to vary the 7.5 metre setback from the rear lot line to permit the existing stairs, landing, and deck which are located 4.94 metres from the lot line.

Applicant Barbara Grehan spoke to the application.

GL-2022-138

It was Moved and Seconded,

that the Galiano Island Local Trust Committee approve issuance of Development Variance Permit application GL-DVP-2022.5 (Grehan).

CARRIED

13.2 GL-DP-2022.4 (Keefer) - Staff Report

Planner Caproff presented a staff report dated November 16, 2022 regarding a development permit to refurbish and reopen the existing building that is a former restaurant.

Applicant Jesse Keefer spoke to the application.

GL-2022-139

It was Moved and Seconded,

that the Galiano Island Local Trust Committee approve issuance of Development Variance Permit application GL-DP-2022.4 (Keefer).

CARRIED

Trustee Gauvreau declared conflict of interest with Item 13.3 and left the meeting at 1:24 p.m.

13.3 GL-RZ-2019.1 (GIGARHS) - Staff Report

Planner Smith presented a staff report dated December 6, 2022 regarding a rezoning application to allow for the development of up to 12 units of affordable housing in the community forest property located at the terminus of Georgia View Road.

GL-2022-140

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw No. 276, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2020” be adopted (GIGARHS).

CARRIED

GL-2022-141

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw No. 277, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2020” be adopted (GIGARHS).

CARRIED

Trustee Gauvreau returned to the meeting at 1:27 p.m.

13.4 GL-RZ-2022.2 (Hayes) - Preliminary Staff Report

Planner Smith presented a staff report dated November 22, 2022 regarding a rezoning application to rezone and re-designate a portion of the subject property from Rural Residential (RR) to Agriculture (AG) to enable the subdivision of the property to create one additional residential lot.

GL-2022-142

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to proceed with application GL-RZ-2022.2 (Hayes) and to prepare draft bylaws.

CARRIED

13.5 Mayne Island Local Trust Committee Referral for Proposed Bylaws 181 and 183

Planner Smith presented a Mayne Island Local Trust Committee Referral for proposed Bylaws 181 and 183.

The referral was received.

Chair Peterson introduced CRD Director Paul Brent. Director Brent expressed interest in working with the Galiano Island Local Trust Committee this term.

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Groundwater Project - Staff Report

Planner Chadwick presented a staff report dated November 17, 2022 regarding the Groundwater Sustainability Implementation Project.

A Trustee asked whether the project mapping is complete and requested the exempt areas be identified on the map. Planner Chadwick reported the mapping is complete and staff will update the map to identify the areas that are exempt.

GL-2022-143

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw No.283 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” and the Galiano Island Local Trust Committee Bylaw No. 284 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022” be brought forward for consideration of first reading and scheduling of a public hearing at the next regular LTC meeting.

CARRIED

15. REPORTS

15.1 Work Program Reports

15.1.1 Local Trust Committee Work Program Review - Staff Report

Planner Smith presented a staff report dated November 17, 2022 regarding the Local Trust Committee Work Program Review.

The staff report was received.

15.1.2 Active Projects List Report Dated Nov 2022

The report was received.

15.1.3 Future Projects Report Dated Nov 2022

The report was received.

15.2 Applications Report Dated November 2022

The report was received.

15.3 Trustee and Local Expense Report Dated October 2022

The report was received.

15.4 Adopted Policies and Standing Resolutions

The report was received.

A Trustee expressed support to include Coast Salish Peoples of Salt Spring Island and Coast Salish Peoples of Galiano Island in the list of First Nation Referrals.

15.5 Local Trust Committee Webpage - None

15.6 Islands Trust Conservancy Report Dated October 2022

The report was received.

16. NEW BUSINESS

16.1 Letter from W̱SANEC Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments

The correspondence was received.

16.2 Letter to Telus re: public use telephone access

Trustee Gauvreau reported the last public telephone was removed from the Sturdies Bay Ferry Terminal.

Chair Peterson reported Lasqueti Island is looking into an option to have a community telephone at a cost of \$20 per month with a three-year contract and a community agency would need to be the holder of the contract. Chair Peterson will provide the Telus contact information to investigate whether a public telephone can be maintained on Galiano Island.

16.3 Letter from Emma Davis re Rural Economic Diversification and Infrastructure Program Grant

Trustee Mabberley reported the LTC received a letter from Emma Davis requesting LTC support for a the Rural Economic Diversification and Infrastructure Program grant to provide last mile broadband for Galiano Island.

GL-2022-144

It was Moved and Seconded,

that the Galiano Island Local Trust Committee support a letter to the Rural Economic Diversification and Infrastructure Program grant that would provide the remaining 10% of funding for last mile broadband for Galiano Island and that any member of the LTC can sign the letter.

CARRIED

16.4 GL-RZ-2022-1 (Gaylor)

Trustee Mabberley reported at the July 4, 2022 LTC meeting, the LTC approved a motion to proceed no further with application GL-RZ-2022.1 (Gaylor). Trustee Mabberley expressed support to consider the application. Staff advised the application has been closed and the application fee has been refunded.

GL-2022-145

It was Moved and Seconded,

that the Galiano Island Local Trust Committee will accept an identical application for application GL-RZ-2022.1 (Gaylor).

CARRIED

16.5 Bylaw Enforcement on Unlawful Dwellings

Trustee Mabberley presented a notice of motion as follows:

That the Galiano Island Local Trust Committee direct staff to take enforcement action against unlawful dwellings only if one of the following conditions exists:

- 1.1. There is a complaint from an immediate neighbor; or,

- 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement.

Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Galiano Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

17. UPCOMING MEETINGS

17.1 Draft 2023 LTC Meeting Schedule

The draft 2023 LTC meeting schedule was presented.

GL-2022-145

It was Moved and Seconded,

that the Galiano Island Local Trust Committee approve the proposed 2023 Regular Meeting schedule as presented in Appendix 1 to establish a meeting schedule as required by Galiano Island Meeting Procedures Bylaw No. 282 and that staff consider holding up to three meetings at the North hall.

CARRIED

17.2 Next Regular Meeting Scheduled for February 7, 2023 at the South Community Hall, Galiano Island

18. TOWN HALL

A resident of Wise Island reported that at the September 6, 2022 meeting, a group of Wise Island residents requested the LTC to put bylaw enforcement actions in abeyance until a new bylaw is developed for Wise Island and reported there are ongoing issues of bylaw enforcement on Wise Island. Staff clarified that at that September meeting the LTC made no decision to defer bylaw enforcement on Wise Island.

A member of the public asked for clarification regarding the Community Information Meeting/Public Hearing process for the Groundwater Sustainability Project. The member of the public expressed support for a Community Information Meeting to be held prior to the Public Hearing to provide an update on any updates since the last information meeting. Planner Smith reported there was a CIM regarding the results of the groundwater analysis and that the LTC could choose to hold another CIM prior to a public hearing.

CRD Director Brent reported the CRD is working on tiny home and recreational vehicle regulations and Saturna Island Local Trust Committee adopted a standing resolution regarding bylaw enforcement of unlawful dwellings. Director Brent expressed support for elected officials to be a unified voice regarding housing as it is a critical issue on the Southern Gulf Islands.

A Trustee expressed support for using Temporary Use Permits (TUP's) as a mechanism to regulate tiny homes.

Chair Peterson reported housing was discussed with Honourable Anne Kang Minister of Municipal Affairs and that there are BC Building Code issues for tiny homes and that assistance to reduce barriers would help to address housing issues on the Southern Gulf Islands.

A member of the public advised that water and septic are important considerations when considering tiny home regulations.

19. CLOSED MEETING - None

20. ADJOURNMENT

By general consent the meeting was adjourned at 2:36 pm.

Tim Peterson, Chair

Certified Correct:

Sarah Shugar, Recorder

Follow Up Action Report

Galiano Island

27-Sep-2022

Activity	Responsibility	Dates	Status
1 16.2 Local Trust Committee direct staff to report back to the new LTC on bylaw enforcement options for the trust with respect to livestock at large ie uncontained feral animals - DEFERRED PENDING RECEIPT OF LEGAL OPINION - FREEZE ON NEW LEGAL OPINIONS FOR FISCAL 22/23	Warren Dingman	Target: 20-Jan-2023	In Progress
2 15.1 Prepare draft bylaws to amend BL 148 (DAI Bylaw) and 286 (Delegation) if needed, to be consistent with BL 283 - CONTINGENT ON LTC DIRECTION TO PROCEED WITH GROUNDWATER PROJECT	Narrisa Chadwick	Target: 20-Jan-2023	Completed

15-Dec-2022

Activity	Responsibility	Dates	Status
1 13.1 GL-DVP-2022.5 (Grehan) - DVP approved as presented, staff to issue permit, update TAPIS and close out file	Charly Caproff Jas Chonk Robin Ellchuk	Target: 30-Dec-2022	Completed
2 13.2 GL-DP-2022.4 (Keefer) - DP approved as presented, staff to issue permit subject to receipt of security deposit, set-up DP compliance monitoring in TAPIS and close-out file	Charly Caproff Jas Chonk Robin Ellchuk	Target: 30-Dec-2022	Completed
3 13.3 GL-RZ-2019.1 (GIGARHS) Bylaws 276 and 277 adopted as presented - staff to update amending bylaws to adoption and base OCP and LUB bylaws to reflect changes, update TAPIS and close-out file	Brad Smith Jas Chonk Robin Ellchuk	Target: 13-Jan-2023	Completed

Follow Up Action Report

Galiano Island

15-Dec-2022

Activity	Responsibility	Dates	Status
4 13.4 GL-RZ-2022.2 (Hayes) - LTC directed staff to proceed, staff to draft amending bylaws and provide terms of reference (TOR) to applicant consistent with DAI bylaw - * TOR IS DONE AND PROVIDED TO APPLICANT	Jas Chonk Kim Stockdill	Target: 13-Jan-2023	Completed
5 13.5 Mayne BL 181/183 referral - LTC's interests not affected, bylaws post public hearing	Jas Chonk	Target: 30-Dec-2022	Completed
6 14.1 Groundwater project - staff to bring BL 283 and 284 forward for consideration of first reading and scheduling of a public hearing at the next regular LTC meeting. Staff to include in mapping all exempted area including ALR and PMFL.	Narrisa Chadwick	Target: 20-Jan-2023	Completed
7 16.3 Staff to provide admin support for LTC Chair sending a letter to funding partners for last 10% of funding to complete last mile broadband project on Galiano Island	Robin Ellchuk	Target: 20-Jan-2023	In Progress
8 17.1 Annual meeting schedule adopted and staff requested to identify potential dates for changing meeting venue for regular meetings to North Hall - possibly up to 3 meetings at North Hall	Jas Chonk Robin Ellchuk	Target: 13-Jan-2023	Completed

From: Sandy Pottle [REDACTED]
Sent: Sunday, January 8, 2023 10:06 AM
To: Timothy Peterson <tpeterson@islandstrust.bc.ca>; Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>; Ben Mabberley <bmabberley@islandstrust.bc.ca>
Cc: Robert Kojima <rkojima@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>; directorsgi@crd.bc.ca
Subject: GILTC Notice of motion

Dear Chair Peterson and Trustees Gauvreau and Mabberley

I have compiled this document which summarizes standing resolutions on islands in the Islands Trust Area regarding enforcement on unlawful dwellings.

At the meeting of the Galiano Islands Trust on December 15 2022 Trustee Mabberley gave notice of his intention to introduce a motion that would have the Galiano Island LTC consider a standing resolution identical to those which have been adopted by the Mayne Island and Saturna Island.

The Standing resolutions on Mayne and Saturna were adopted at different dates but contain the same wording as follows:

2017-027 (Standing) Carried 26-Jun-2017 That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: 1.1. There is a complaint from an immediate neighbor; or, 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. 2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

I have attached this document and note that I can find no similar standing resolutions on either South Pender, Lasqueti, Denman, Gambier, Gabriola or Thetis Islands.

In preparation for the meeting in which this issue will be discussed I would like to draw the attention of trustees and planning staff to this information. I hope it is helpful.

Thank you

Yours Sincerely,

Sandy Pottle
[REDACTED]

North Pender Island Resolution Number Action Date 2022-002 (Standing) Carried 27-Jan-2022 that the North Pender Island Local Trust Committee direct bylaw staff to defer enforcement on unlawful dwellings, except in the following circumstances: a. There are concerns regarding health and safety; b. There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings; c. There are concerns of possible contamination of wells or other drinking water sources; d. Unlawful dwellings are in environmentally sensitive areas; e. There are non-permitted campgrounds; and f. That the North Pender Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement.

2017-027 (Standing) Carried 26-Jun-2017 That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: 1.1. There is a complaint from an immediate neighbor; or, 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. 2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

2019-011 (Standing) Carried 17-Jan-2019 that the Saturna Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: There is a complaint from an immediate neighbour; or there is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Saturna Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

2007-016 (Standing) Carried 16-May-2007 It was Moved and Seconded that staff be directed to not take enforcement action against property owners when a travel trailer or camper is located on a lot when: - The travel trailer or camper is being used for recreational purposes by the owners of the lot and; - The travel trailer or camper is being used intermittently and for short periods not exceeding two months. Notwithstanding this direction, staff is to take action to prevent the recreational use of travel trailers or campers on inappropriately zoned land if: - The travel trailer or camper is being used as a second residence or; - The trailer or camper is situated within the setbacks for a structure or; - There are serious safety issues, unsightliness, noise, or health problems related to the use or; - A complaint based on the above three items is received from a person who owns neighboring property. Nothing in this direction should be interpreted by a property owner as giving permission to violate the Land Use Bylaw and the Saturna Island Trust Committee may change this policy at any time and may give direction to enforce the Bylaw at any time.

7. June 6, 2019 *Amended January 19, 2021 *Amended July 19, 2022 DE-2019-056 DE-2021-015 DE-2022.072 DE-2022-075 Bylaw enforcement against unlawful dwellings It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: 'The Denman Island Local Trust Committee directs Bylaw Compliance and

Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following conditions apply: a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property; b) It appears that there is more than one unlawful dwelling on a lot; c) An unlawful dwelling appears to be larger than 90 square meters; or d) An unlawful dwelling appears to be located within a Development Permit Area; and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.' And that site inspections for the purpose of gathering information and communication with property owners will continue; And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities.

No. Meeting Date Resolution No. Issue Policy 1. January 27, 2017 UPDATES-below: September 28, 2018 November 6, 2020 October 8, 2021 HO-2017-011 UPDATES-below: HO-2018-070 HO-2020-081 HO-2021-053 Enforcement actions against three specific properties for unlawful dwellings It was MOVED and SECONDED that the Hornby Island Local Trust Committee adopt the following Standing Resolution: 1. That whereas the Hornby Island Local Trust Committee intends to facilitate a community process to review residential density to address community housing needs, which may result in amendments to the Official Community Plan and Land Use Bylaw, it is resolved that related enforcement actions against properties identified as: a) Lot B, Section 15, Hornby Island, Plan 24652 (1655 Central Road); b) Lot B, Section 6, Hornby Island, Plan 30442 (7205 Central Road); and c) Lot 6, Section 10, Hornby Island, Plan 26332 (2475 St. Johns Point Road) shall be held in abeyance; 2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Hornby Island Land Use Bylaw No. 150 and the Hornby Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice; and 3. That unless the Hornby Island Local Trust Committee extends the effective period, this enforcement policy expires on October 31, 2018 or when the housing needs project is complete, whichever is the sooner.

3. September 28, 2018 HO-2018-070 See HO-2017-011 above Enforcement actions against three specific properties for unlawful dwellings It was MOVED and SECONDED, that the Hornby Island Local Trust Committee extend the effective period of Standing Resolution HO-2017-011 to expire on October 31, 2020 or when the Housing Review Project is complete, whichever is the sooner.

8. November 6, 2020 HO-2020-074 Proactive Enforcement of YearAround Unlawful Housing It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution: That enforcement on unlawful permanent dwellings be deferred until such time that the Local Trust Committee can review the critical housing supply issue on Hornby Island or until December 31, 2021.

10. October 8, 2021 HO-2021-053 See HO-2017-011 HO-2018-070 and HO-2020-081 above Enforcement actions against three specific properties for unlawful dwellings It was MOVED and

SECONDED, that Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2023.

11. October 8, 2021 HO-2021-054 Enforcement actions on unlawful permanent dwellings – deferral It was MOVED and SECONDED, that Hornby Island Local Trust Committee adopt the following Standing Resolution: That enforcement on unlawful permanent dwellings be deferred until such time that the Local Trust Committee can review the critical housing supply issue on Hornby Island or until December 31, 2023.

June 6, 2019 *Amended January 19, 2021 *Amended July 19, 2022 DE-2019-056 DE-2021-015 DE-2022-072 DE-2022-075 Bylaw enforcement against unlawful dwellings It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: 'The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following conditions apply: a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property; b) It appears that there is more than one unlawful dwelling on a lot; c) An unlawful dwelling appears to be larger than 90 square meters; or d) An unlawful dwelling appears to be located within a Development Permit Area; and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.' And that site inspections for the purpose of gathering information and communication with property owners will continue; And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities.

2021-06-29 Amended 2021-11-09 Amended 2022-02-15 SS-2021-109 SS-2021-214 SS-2022-017 Unlawful Dwellings It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force's recommendation to amend standing resolution SS-2021-109 to state that enforcement activities will be deferred for all existing unlawful dwellings being used for residential purposes until there are safe, secure appropriate housing options that are affordable for all demographics and household types in perpetuity, except in the following circumstances: a. there are concerns regarding health and safety; b. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; c. there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings; d. there are concerns of possible contamination of wells or other drinking water sources; e. unlawful dwellings are in environmentally sensitive areas; f. there are non-permitted campgrounds; and, g. that the Salt Spring Island Local Trust Committee may give direction to resume enforcement activities on any property that poses risk to the health and safety of the neighbouring residents and the residents on the property in question. CARRIED

2. August 28, 2018 TH-2018-036 Suspension of enforcement action regarding unlawful non-tourist accommodation at 49 Harbour Road It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution: 1. That whereas the

Thetis Island Local Trust Committee intends to facilitate a community process to consider allowing Temporary Use Permits (TUP) to permit temporary non-tourist accommodation use, staff are directed to take no enforcement action against properties where temporary accommodations used for non-tourist accommodation exist. In particular, staff are directed to suspend enforcement action regarding unlawful non-tourist accommodation at 49 Harbour Road, Strata Lot B, District Lot 1, Thetis Island, Cowichan District, Strata Plan EPS644; together with an interest in the Common Property shown in proportion to the unit entitlement to the Strata Lot shown on Form V. PID 028-987-691. 2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Thetis Island Land Use Bylaw No. 89 and the Thetis Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice. That unless the Thetis Island Local Trust Committee extends the effective period, this enforcement policy expires on July 30, 2019, or when the temporary use permit review project is complete, whichever is the soon

From: Jennifer Margison <[REDACTED]>

Sent: Tuesday, January 10, 2023 6:28 PM

To: Ben Mabberley <bmabberley@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>; Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>; lpeterson@islandstrust.bc.ca

Subject: Corrected Email

Dear Chair Peterson, Trustees Gauvreau and Mabberley and Kim Stockdill, Planner

At the Dec 15, 2022 LTC meeting, Trustee Mabberley gave notice of his intention to introduce a motion that would have the Galiano Island LTC consider a standing resolution on suspension of enforcement action of unlawful dwellings.

While similar resolutions have been adopted by the Mayne Island and Saturna Island LTCs, I question the actual effectiveness of such a resolution in addressing the issue of housing on Galiano and believe there should be serious consideration of other consequences and the longer term impacts before such a resolution is voted on.

If no complaint has been made about unlawful dwellings, no enforcement action is likely. We know there are illegal dwellings that are not of concern to anyone. So why is there a need for such a resolution? But unlawful dwellings have the potential to cause problems for neighbours - impact on water, sewage, noise, parking, fire risk etc., and a clear message should be communicated to the community that enforcement is a consequence and will occur.

In an ideal world, complaints would be resolved informally, person to person. But bylaws and enforcement are important to civil societies when this does not work. A complaint is not anonymous to bylaw enforcement but offers some protection to people who feel that their own or the greater community's health and safety is affected by the unlawful dwelling. Even so, I think neighbours in a small community are often afraid of retaliation if they fill out a bylaw enforcement complaint and I fear that this will further compromise confidentiality and anonymity if complaints about unlawful dwellings are treated as exceptional according to this proposed resolution. I have been told that there are people who have sold their houses and moved after being intimidated by persons who identified them as the complainants.

I believe this resolution communicates a contradictory message and could lead to the proliferation of unlawful dwellings that are a poor solution to housing, both for the occupants (Trustee Gauvreau noted 3 trailer fires recently), for the neighbours and for Galiano, and will possibly create an even larger cumulative and difficult-to-deal with problem in the future.

Communicating that the islands have declared they are open to unlawful dwellings is not consistent with the Islands Trust mandate to protect the environment from unconstrained development and will place an even greater burden on our limited support services.

The Mayne and Saturna resolutions are worded as follows:

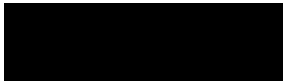
017-027 (Standing) Carried 26-Jun-2017 That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: 1.1. There is a complaint from an immediate neighbor; or, 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. 2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

If such wording is considered, in my view “immediate neighbour” is far too restrictive (and without a definition) as unlawful dwellings can cause problems for a neighbourhood (again water, sewage, noise, parking, traffic, fire risk and other environmental impacts), that under this bylaw would have no recourse unless they are considered immediate neighbours. How would a neighbour even know that sewage for example is not being managed properly?

Further, such a resolution is not respectful of residents who adhere to our bylaws and zoning. As it is known that Trustee Mabblerley currently has several unlawful dwellings on his property and would stand to benefit directly from the resolution he has proposed, how can he could be seen as free from bias in proposing and voting in favor of such a resolution? This seems a regrettable way for our LTC to begin their new term.

Sincerely,

Jennifer Margison



File No.: GL-DVP-2021.8
(O'Shaughnessy)
GL-DP-2021.5;GL-BE-2021.4

DATE OF MEETING: February 7, 2023
TO: Galiano Island Local Trust Committee
FROM: Kim Stockdill
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Variance Permit Application
Applicant: Lyall O'Shaughnessy
Location: 835 Sturdies Bay Road

RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2021.8 (O'Shaughnessy).

REPORT SUMMARY

This report is to consider a **Development Variance Permit (DVP)** application.

RATIONALE FOR VARIANCE

Granting the variance will permit the construction of a structure – stacked boulder slope stabilization works - to remediate a slide area to provide protection to development and to a water service line and gravel driveway from further erosion and risk.

BACKGROUND

A DP application (GL-DP-2021.5) was submitted to the Islands Trust as compliance for a Bylaw Enforcement action (GL-BE-2021.4) for development in the Development Permit Areas (DPAs) (the installation of a water service line – March 2021) both on the subject property and adjacent road Right of Way without obtaining a permit. In November 2021, the 'Atmospheric River' event caused the failure of areas of the slope between the water line and the shoreline of Murcheson Cove within DPAs 2 and 7 (Figure 2). Staff required the applicants provide a Geotechnical Assessment with options for remediation and stabilization. The Development Permit (DP) application has been delegated to staff, and will be considered for issuance by the Director of Planning pending a decision on this DVP.

Analysis of the recommended geotechnical slope remediation determined that a variance was required under the 'General Regulations' of the LUB specifically as follows:

- a) Section 2.14 which states that buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea is varied to permit structures (stacked boulder slope stabilization works) within 0.0 metres of the natural boundary of the sea.

The water line installation does not require a variance as it is not defined as a “structure” in the Galiano Island Land Use Bylaw (LUB). Further, an existing pumphouse and cistern will be relocated a minimum of 15 metres from the present Natural Boundary of the Sea (NBS) as a condition of the draft DP.

The slope stabilization structures were designed by Ryzuk Geotechnical in consultation with Keith Erikson, R.P. Bio (the Qualified Environmental Professional [QEP] for the DP application) and staff. The initial Geotechnical design recommendations were amended to allow for some natural remediation using native plantings and smaller rock material of the slide block area between the two structural areas and also to allow ‘pockets’ of planting within the structures themselves.

Referencing Figures 2 and 3 (below) the extent of the proposed development is as follows:

- i. Construction of two (2) areas of stacked boulder rip-rap stabilization structure with pockets of planting medium in voids; and,
- ii. Between the two areas, the installation of natural stabilization measures including smaller aggregate and native plantings.

All the proposed work would be constructed under the conditions of draft GL-DP-2021.5 and the supervision of a Geotechnical Engineer and in consultation with the QEP. All construction will be sited and undertaken above the NBS.

The subject property is 0.58 ha (1.46 ac) in size. Currently the property has a single family dwelling, pumphouse and shed. The dwelling is accessed by a shared gravel driveway from Sturdies Bay Road. Figure 2 also identifies the location of the buried water service line. Surrounding properties to the south and north are generally smaller in size, with similar residential development clustered along the shoreline area. More detail on the property is found in Attachment 1 (Site Context).

If the application for variance is denied, the owners have the option to submit a Board of Variance application.

A copy of the proposed DVP is Attachment #5.

Staff conducted a site visit to the property on November 8, 2022.

Figure 1 – Subject Property

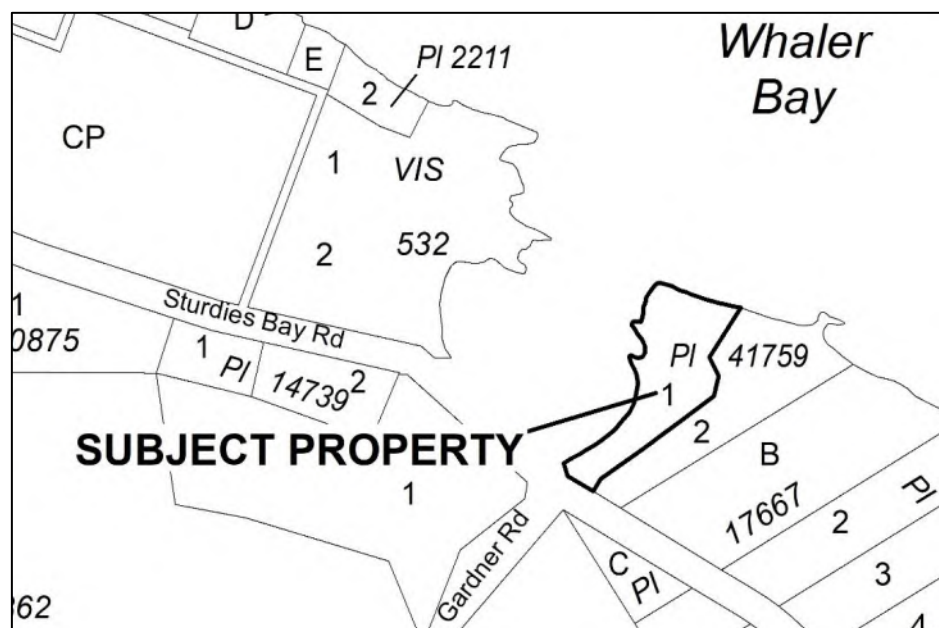


Figure 2 – Site Plan

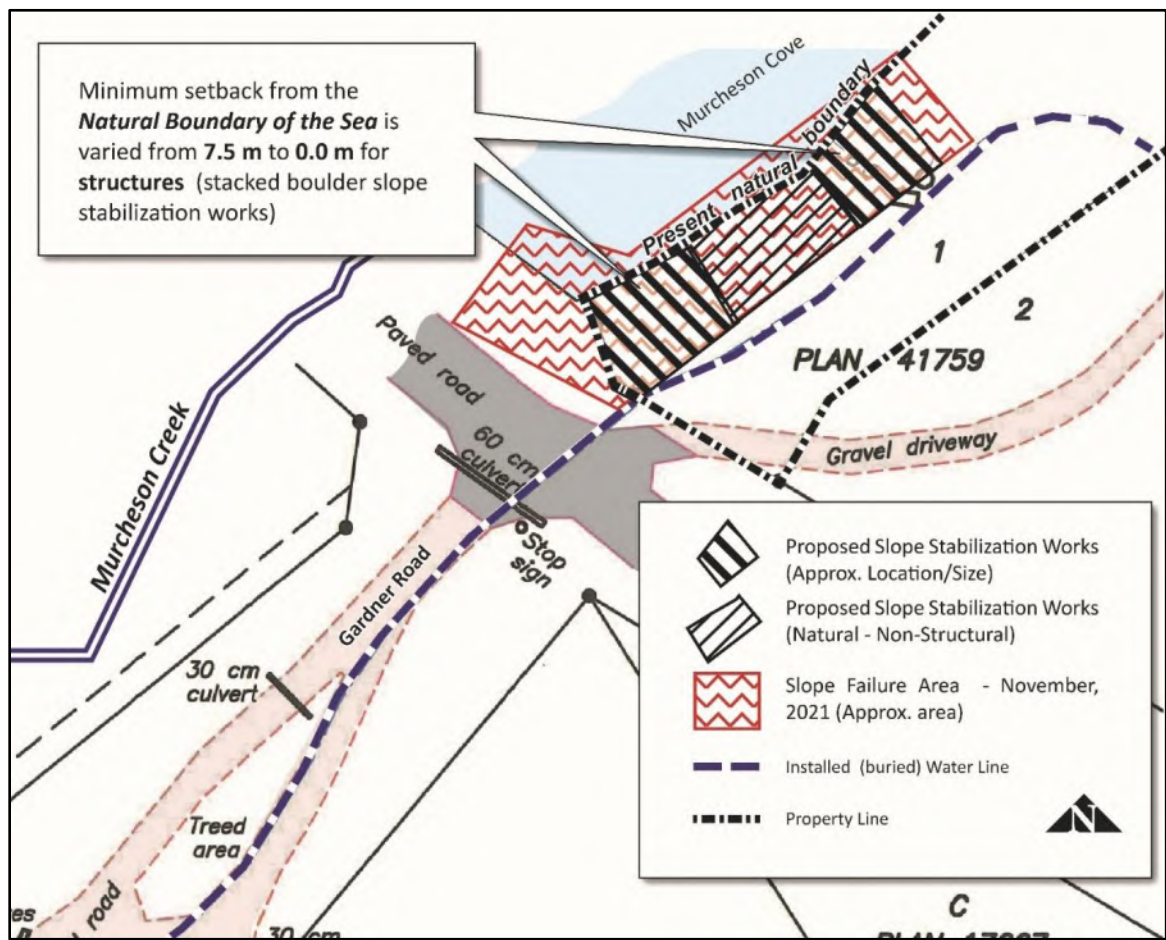
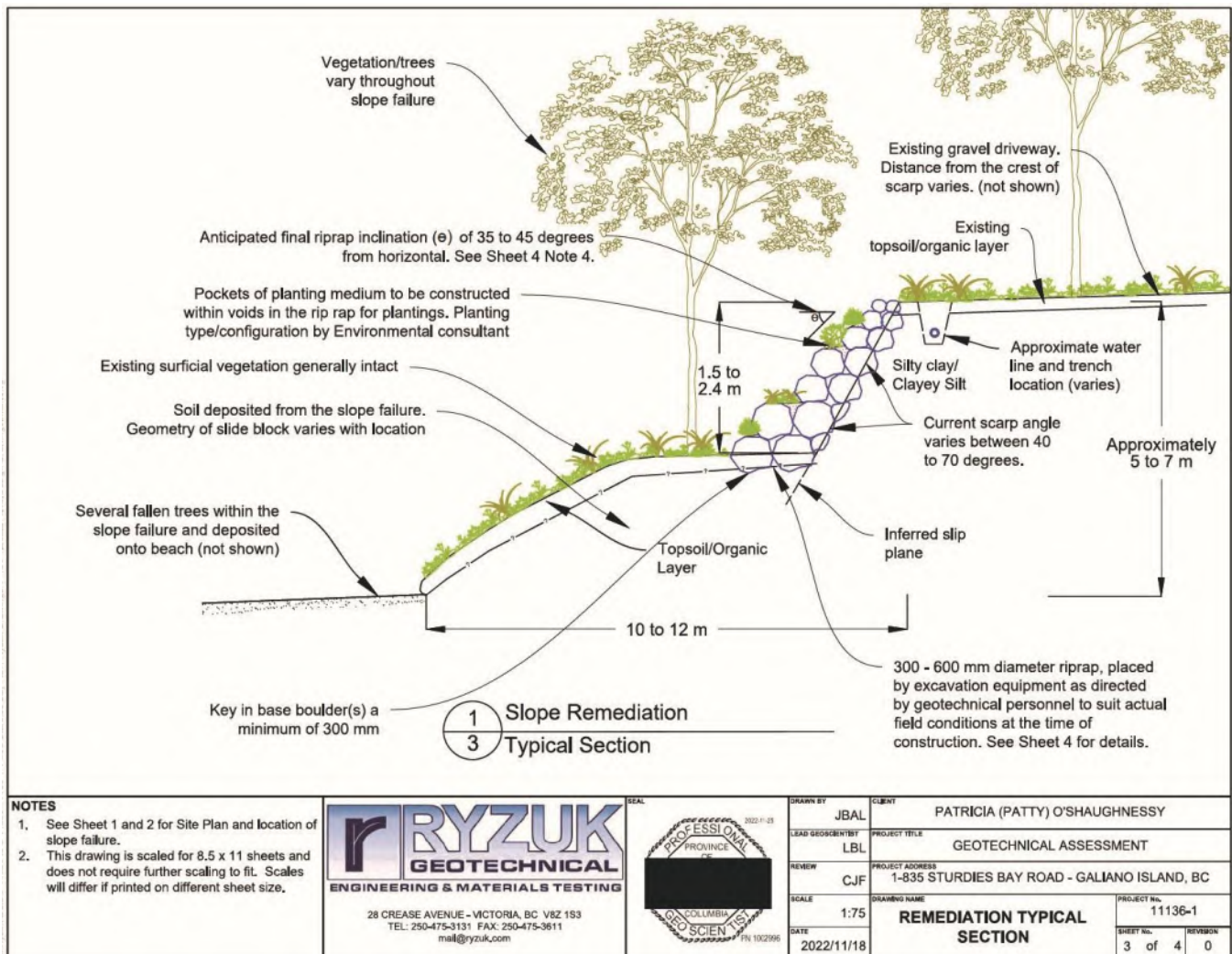


Figure 3 – Section Plan



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **VR2 – Village Residential 2** and the adjacent water area **M- Marine** in the Galiano Island Official Community Plan (OCP) Bylaw 108.

Development Permit Areas:

DPA 1 - Riparian (Nominally), DPA 2 – Marine and Shoreline, DPA 5 - Sensitive Ecosystems and DPA 7 – Steep Slope (High and Moderate Hazard) are designated on the property and adjacent water area (Attachment 1). The proposed development is part of proposed GL-DP-2021.5.

Land Use Bylaw:

The property is zoned as **Village Residential 2 (VR2)** and the adjacent water area **Marine (M)** in the Galiano Island LUB. The residential use on the subject property conforms to zoning, although the siting of the seawall requires a variance be obtained.

Issues and Opportunities

Rationale for the Variance

The rationale is development is intended to remediate a slide area and mitigate any further loss and risk to development, specifically the gravel access driveway and a newly installed water service. Staff is of the opinion that the rationale is supportable.

Impact on Neighbouring Properties and Marine Ecosystems

The location and size of the remediation structures and intervening areas will not impact the use and enjoyment of the directly adjacent properties or the public (marine) realm. Further, the Geotechnical Assessment concludes that there would be not be impacts on neighbouring properties or the existing shoreline hydrological regime.

As above Ryzuk Geotechnical ('Ryzuk') and Keith Erickson, R.P.Bio worked in conjunction and reviewed the range of stabilization options from soft ("Green Shores") to hard engineering solutions, and determined that with the specific grade of the slide block, softer options such as strictly planting or bioengineering will not be sufficient to stabilize and accomplish the necessary protection of the area from further erosion and loss

Intent of the Regulations being Varied

The overall purpose of the setback from the Natural Boundary of the Sea (NBS) is for the:

- Protection of the natural shoreline environment and sensitive ecosystems.
- Protection of development from natural hazards, particularly with sea level rise and increased storm surges.
- Limiting the visual impact of development on adjacent properties.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining privacy.
- Establishing a consistent development pattern within a local area.
- Public Access
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.
- The proposed variance does not challenge the intent of the bylaw regulations.

Potential Impacts of Granting the Variances

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

Consultation

DVP Notices were circulated to surrounding property owners and residents (Attachment 4). The notification period ended at 4:30 p.m. on January 27, 2023.

At the time of writing, staff have not received any submissions in response to notification. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

With respect to the potential for archaeological material to be found on the property during the proposed additions, Islands Trust reviews all applications/permits using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Staff have provided the Islands Trust Chance Find Protocol and the Provincial Archaeological Branch guidelines on *Heritage Act* and other guidance itemized in Attachment 1.

Rationale for Recommendation

The recommendations on page with respect to the proposed Development Variance Permit are supported as:

- The variance is minor given and the construction has been deemed necessary by the Geotechnical Engineer for protection of upland development due to erosion and loss;
- the design facilitates areas of more natural protection using small aggregate and native plantings;
- the potential impacts from granting the variances are minor;
- notification to surrounding neighbours has generated no response; and,
- the variance does not challenge the intent of the bylaw provision.

ALTERNATIVES

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

1. Request further information

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

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

2. Deny the application

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee deny application GL-DVP-2021.8 (O'Shaughnessy).

Submitted By:	Kim Stockdill, Island Planner	January 30, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	January 30, 2023

ATTACHMENTS

1. Site Context
2. Environmental Assessment
3. Geotechnical Assessment and Design (combined)
4. DVP Notice
5. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 1, Section 7, Galiano Island, Plan 41759
PID	000-840-530
Civic Address	835 Sturdies Bay Road

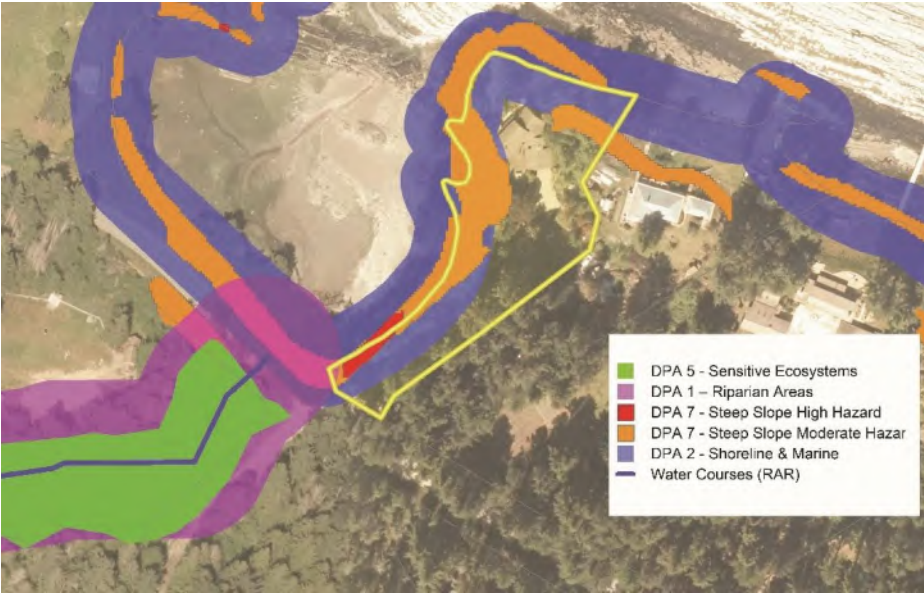
LAND USE

Current Land Use	Residential (Village Residential 2 – VR2)
Surrounding Land Use	Residential: (East - VR2; Northwest - SLR; Southwest – RR) and Nature Protection (NP- School - Southeast)  <i>Orthophoto</i>

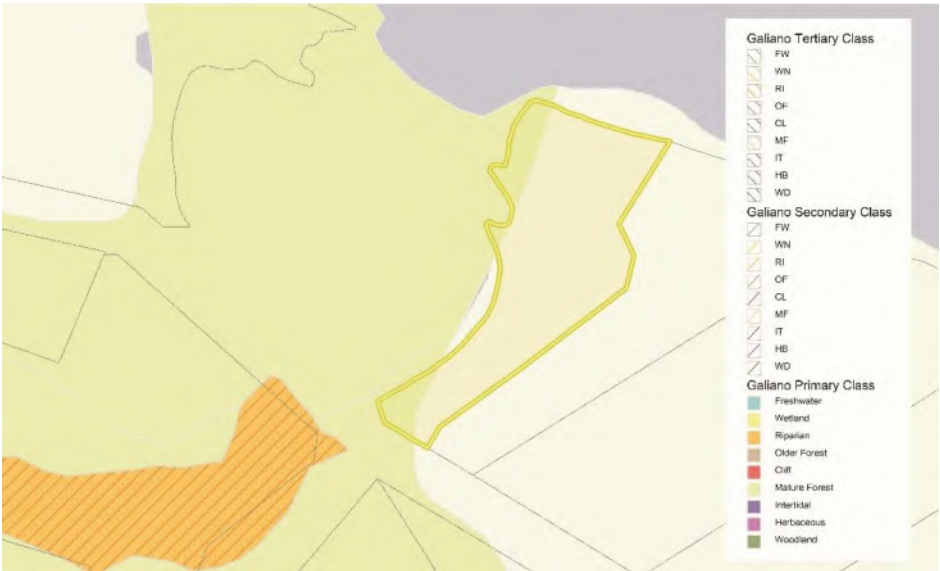
HISTORICAL ACTIVITY

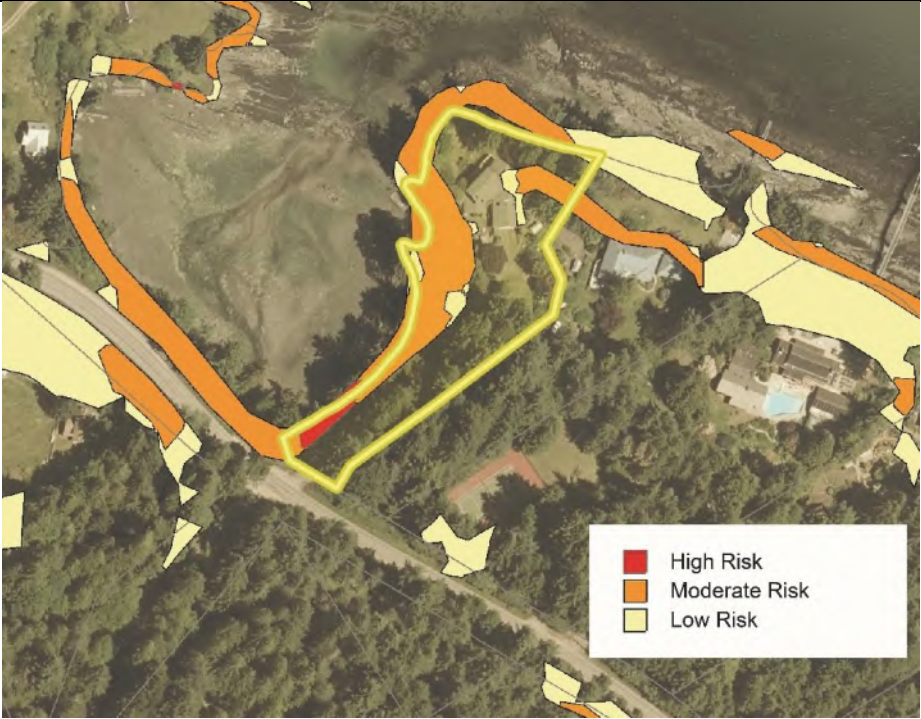
File No.	Purpose
See 'Bylaw Enforcement' (Below)	

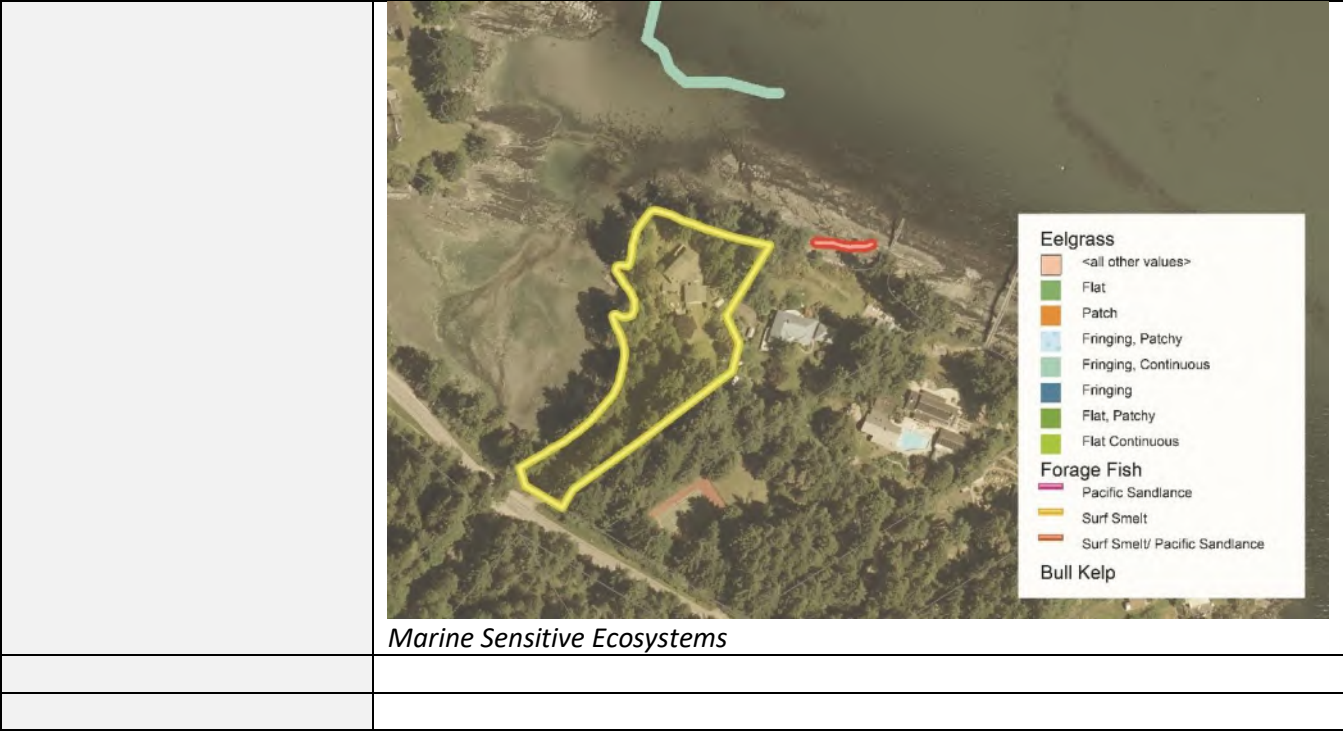
POLICY/REGULATORY

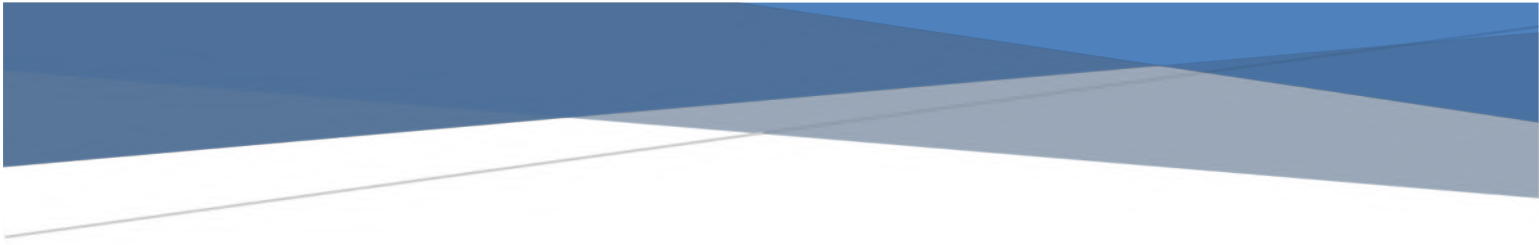
Official Community Plan Designations	Galiano Island OCP No. 108, 1995 Designations: VR2 – Village Residential 2; Development Permit Areas:  <i>Development Permit Areas</i>
Land Use Bylaw	Galiano Island LUB No. 127, 1999: Village Residential 2 Zone (VR2); Marine Zone (M)  <i>Zoning</i>
Other Regulations	In Water Conservation Area - No applicability to current development application
Covenants	N77323 – Ministry of Transportation and Highways
Bylaw Enforcement	GL-BE-2001.62 – siting of a structure within setbacks (removed and closed)
	GL-BE-2004.7 – siting of a structure within setbacks (closed)
	GL-BE-2021.4 – work in DPA without a permit (Installation of water line - current application)

SITE INFLUENCES

Islands Trust Conservancy	There are no Conservancy covenants or properties in the direct area; therefore The proposal does not impact the ITC and no referral has been made.
Regional Conservation Plan	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	None on TAPIS, nor identified in BMHA Report.
Sensitive Ecosystems	 The map displays the distribution of sensitive ecosystems within the Islands Trust Conservancy. It is categorized into three main classes: Tertiary, Secondary, and Primary. The Tertiary Class includes Freshwater (FW), Wetland (WN), Riparian (RI), Older Forest (OF), Mature Forest (MF), Interstitial (IT), Herbaceous (HB), and Woodland (WD). The Secondary Class includes Freshwater (FW), Wetland (WN), Riparian (RI), Older Forest (OF), Mature Forest (MF), Interstitial (IT), Herbaceous (HB), and Woodland (WD). The Primary Class includes Freshwater (FW), Wetland (WN), Riparian (RI), Older Forest (OF), Mature Forest (MF), Interstitial (IT), Herbaceous (HB), and Woodland (WD). The map shows a large area of Mature Forest (MF) in the center, with a significant area of Riparian (RI) habitat along the southern boundary. Other areas include Wetland (WN), Herbaceous (HB), and Woodland (WD). <i>IT Sensitive Ecosystem Mapping</i>
Hazard Areas	

	 <i>Steep Slope Mapping</i>
Archaeological Sites	Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	[Comment on any potential GHG emission changes resulting from approval and comment on any potential impacts on proposed development from anticipated or possible climate change induced hazards, eg sea level rise.]
Shoreline Classification	Sediment Shoreline - Pebble/Sand
Shoreline Data in TAPIS	





DEVELOPMENT PERMIT AREA ASSESSMENT REPORT

Lot 1, Section 7, Galiano Island, Plan 41759

835 Sturdies Bay Road, Galiano Island, BC

PID 000-840-548

January 13th, 2022

Prepared For

Neave O'Shaughnessy
835 Sturdies Bay Road
Galiano Island, BC, V0N 1P0

Keith Erickson R.P.Bio (#2132)

355 Melissa Road, Galiano Island, BC, V0N 1P0, kericksongaliano@gmail.com

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Summary

This report has been prepared for Lot 1, Section 7, Plan 41759, Galiano Island (Map 1) to provide a retroactive impact assessment and to provide mitigation recommendations associated with the installation of a drilled well, buried water and electrical lines, and the construction of a pump house with respect to Development Permit Area (DPA) 2 - Marine and Shoreline Areas, and DPA1 - Riparian Areas (Galiano Island Official Community Plan Bylaw No. 108, 1995).

The report describes the development and shows it in relation to DPA boundaries, summarizes relevant ecological communities in the area affected, summarizes impacts to the DPA's, and makes recommendations for mitigating impacts of the works to the DPA's.

The landowner completed their water supply system in May 2021. The system includes a drilled well that is located within an easement area on a neighbouring property across Sturdies Bay Road to the west of the subject property. The well is located outside of the mapped 30m riparian setback from Murcheson Creek established under DPA 1. From the well head, water pipe and electrical cable was laid and buried in a trench under Gardner Road. Part of Gardner Road and the buried pipe/cable is within the 30m riparian setback. The pipe/cable then crosses under Sturdies Bay Road through conduit that was installed via augur and continues within the subject property in a trench that follows a pre-existing power line corridor and terminates at a pumphouse and water tank. The pumphouse, tank, and pipe/cable are all located within the 15m shoreline setback, established under DPA 2.

The landowner has volunteered to relocate the pumphouse and water tank to a location outside of the DPA 2 shoreline setback area and will complete restoration measures for the current site.

A small area around the well head was cleared and will be maintained to provide ongoing access to the infrastructure. This clearing is outside of the DPA 1 boundary but is adjacent to a small ditch moving runoff from Gardner Road down to Murcheson Creek. The landowner has agreed to establish native plants along the 8m portion of the ditch bank where vegetation was removed.

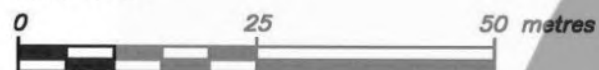
A section of an old, overgrown logging road, just to the northeast of the well head, was reopened in error, prior to creating the correct well access. The section of old roadbed is located just inside the DPA 1 boundary. Upon recognition of this error, the site was immediately rehabilitated and is recovering. The landowner has agreed to complete a supplementary planting of native species on this site.

In November 2021, in association with significant rainfall and flooding, including the flooding of Murcheson Creek over top of Sturdies Bay Road, a slope failure occurred on the subject property and the neighbouring Sturdies Bay Road allowance. Soil material just downslope from the pipe/cable trench on the subject property and along the shoulder of the road sloughed down into Murcheson Cove. Despite being in immediate proximity to the landslide, the works remain intact and operational. Sturdies Bay Road was impacted and will require repair and slope stabilization measures. The landowner is collaborating with local Highways Contractors and ultimately with the Ministry of Transportation and Infrastructure to address slope stabilization of the area. The issue of slope stability is outside of the scope of this report and will require professional Geotechnical services.

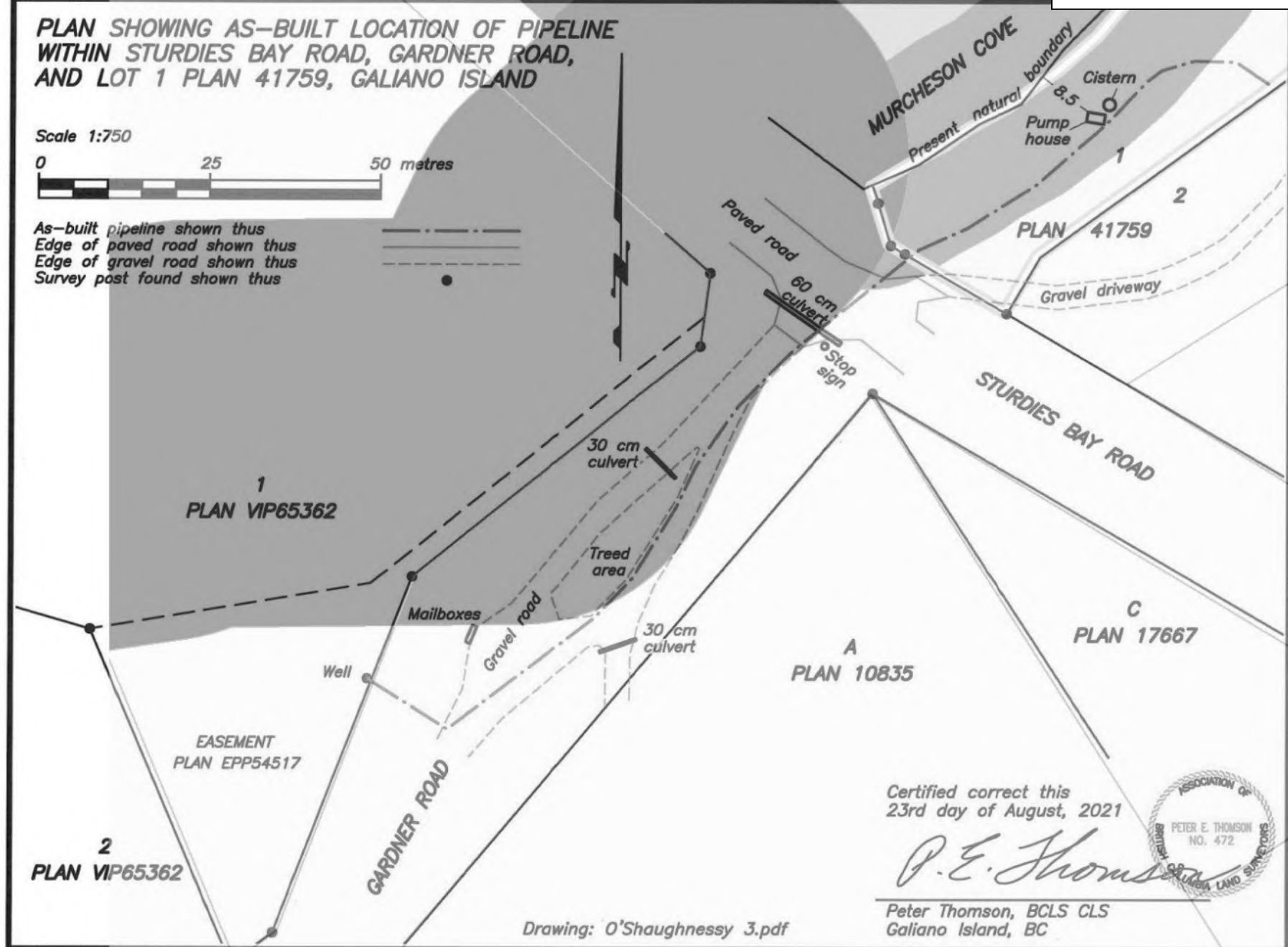
Map 1: Site Plan

PLAN SHOWING AS-BUILT LOCATION OF PIPELINE
WITHIN STURDIES BAY ROAD, GARDNER ROAD,
AND LOT 1 PLAN 41759, GALIANO ISLAND

Scale 1:750



As-built pipeline shown thus
Edge of paved road shown thus
Edge of gravel road shown thus
Survey post found shown thus



Certified correct this
23rd day of August, 2021

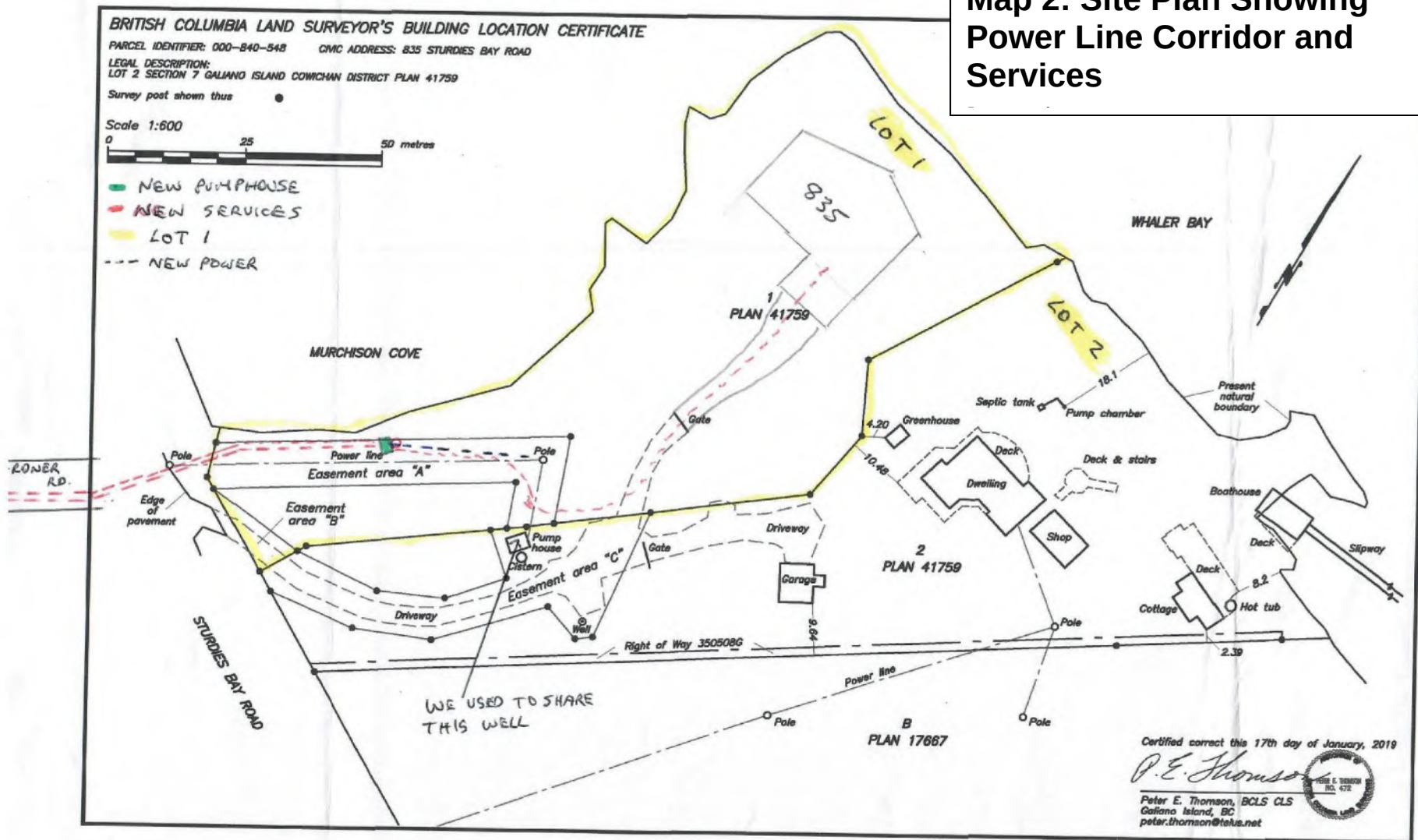
P. E. Thomson

Peter Thomson, BCLS CLS
Galiano Island, BC

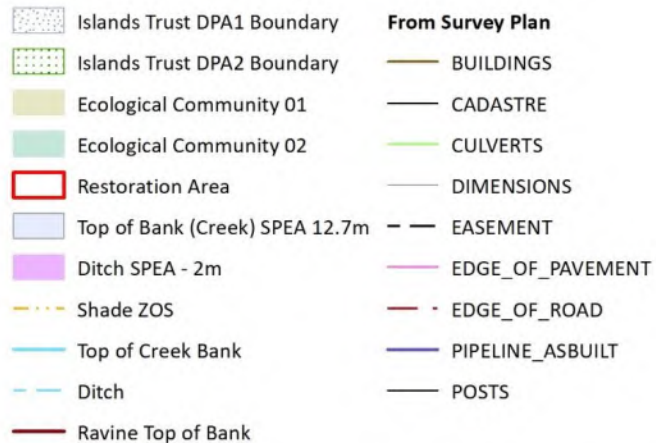


Drawing: O'Shaughnessy 3.pdf

Map 2: Site Plan Showing Power Line Corridor and Services



Lot 1, Plan 41759, Galiano Island Site Plan, Setbacks, and Restoration



Disturbance Area

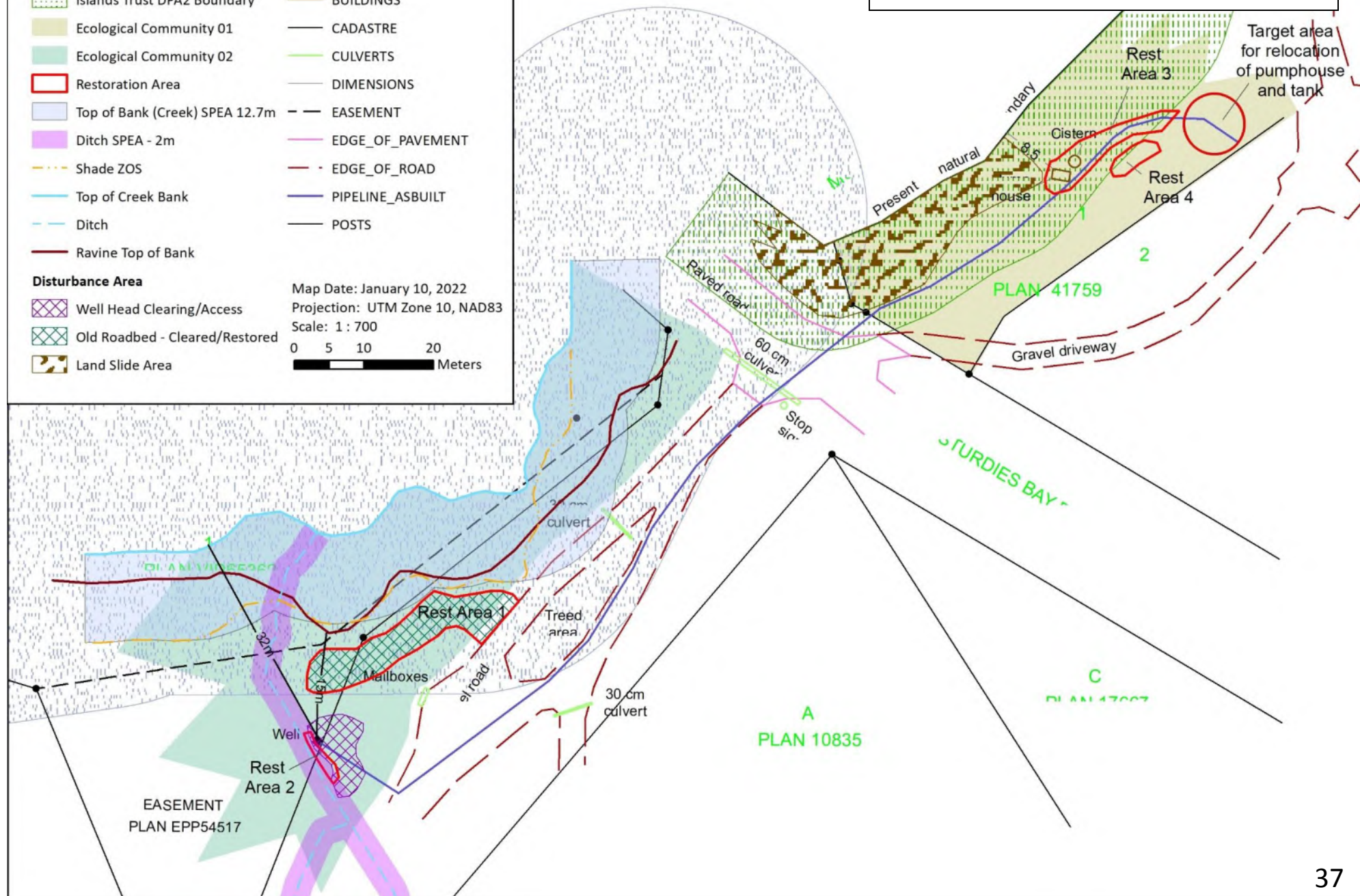
-  Well Head Clearing/Access
-  Old Roadbed - Cleared/Restored
-  Land Slide Area

Map Date: January 10, 2022
Projection: UTM Zone 10, NAD83
Scale: 1 : 700

0 5 10 20
Meters



Map 3: Site Plan, Setbacks, and Restoration



Description of Land Alteration / Development

The landowner completed the installation and construction of a potable water supply system in between February and May 2021. The system includes a drilled well, a small pumphouse (4' x 8'), a 1000-gallon water tank, and a roughly 150m stretch of buried water pipe and electrical cable connecting the well to the building.

The system spans two properties with the pumphouse and tank located on the owners land (Lot 1, Plan 41759) and the well located within an Easement (Plan EPP54517) area on a neighbouring property (Lot 1, Plan VIP65362) across Sturdies Bay Road to the west (See Map 1 for detailed plan).

Pipe and cable were routed along a path that required the least alteration to vegetation and ecological communities. It extends from the well head along the shortest route through a recently disturbed area to Gardner Road where it is then buried under the road surface to Sturdies Bay Road. It crosses under the highway via a conduit that was installed with an augur and permitted by Ministry of Transportation and Infrastructure (in person, Neave O'Shaughnessy, Nov 2021). The pipe/cable then resumes along a pre-existing power line corridor on the landowner's property within a 2'x2' trench up to a pumphouse and water tank (See Map 2 - Site Plan Showing Power Line Corridor and Services).

The well and the portion of the buried pipe/cable that are located on the neighbouring property are subject to DPA 1: Riparian Areas of the Galiano Island Official Community Plan (OCP).

The well is located outside of the DPA Boundary. Only a portion of the buried pipe/cable is within the DPA Boundary. This portion is buried under the pre-existing surface of Gardner Road.

A small area around the well head was cleared to provide access and will be maintained for future access to the site. This clearing is also outside of the DPA 1 boundary.

A 30m section of old, overgrown logging road just to the northeast of the well head, was cleared in error, prior to creating the correct well access. The road is used as an informal walking trail by local neighbours. No trees were removed. The roadbed is located just inside the DPA 1 boundary. Upon recognition of the error, the site was immediately rehabilitated (decompact soil, add large woody debris, planted with suitable native species – mainly sword fern) and is recovering. The landowner has agreed to complete a supplementary planting of native species on this site.

The pumphouse, water tank, and portion of buried pipe/cable located on the landowner's property are subject to DPA 2: Shoreline and Marine of the Galiano OCP.

The structures and trench are located roughly 8.5m from the natural boundary of the sea along a previously established BC Hydro power line corridor. The structures are not on permanent foundations. While no trees were removed, surface vegetation and soils were disturbed along the length of the trench and around the structures. Once the trench was backfilled, the landowner planted several Douglas-fir and western redcedar seedlings along with salvaged sword fern along the length of the trench.

The landowner has volunteered to relocate the pumphouse and cistern outside of the DPA 2 area and complete restoration of the current building site.



Photo 1: Shows the water tank and pumphouse along with the access path from driveway.



Photo 2: Shows the pumphouse and pipe/cable route from the edge of Sturdies Bay Road.



Photo 3: Shows the well head (blue cap in middle of photo) and access. The edge of Gardner Road is in the foreground. Murcheson Creek is over 30m and down a slope in the background.



Photo 4: Shows the old roadbed that was cleared in error and then rehabilitated.



Photo 5: Looking up Gardner Road from Sturdies Bay Road. The pipe/cable is buried under the fork on the left and then crosses over to the well head just beyond the mailboxes in the background.

Site Inventory

Terrestrial Ecosystem Description

For the purposes of this report, the assessment area was divided into 2 primary ecological communities according to slope position, soils, and observed vegetation. The descriptions for each community below are based on observations from a site visit conducted on November 20th, 2021. The locations of the ecological communities are shown in relation to land alteration, development and DPA boundaries on Map 3. The description was focused on areas nearby the proposed works and was not a comprehensive assessment of the entire property.

Rare Ecosystems: No rare ecosystems were observed.

Species-at-risk: No Species-at-risk were directly observed during the site visit. A comprehensive survey was not conducted.

Northern Red-legged Frog (Rana Aurora): Certain to occur on and around the site. Blue listed Provincially. (B.C. Conservation Data Centre. 2014. Occurrence Report Summary, Shape ID: 27659, Northern Red-legged Frog. B.C. Ministry of Environment. Available: <http://maps.gov.bc.ca/ess/hm/cdc>, (accessed Sep 28, 2021)). This species is abundant on Galiano Island and likely occurs on the subject property.

Topography: The site includes a moderate northwest facing slope with a consistent grade of 5 to 10 percent leading to the shoreline 'Top of Bank' (TOB) on the subject property and the ravine TOB on the neighbouring property where in both cases there are transitions to a steeper slope approaching 60% in places, leading down to the Murcheson Cove and Murcheson Creek respectively.

Slope Stability and Erosion: (based on field observations and subject to Geotechnical Assessment by a qualified professional)

No evidence of soil erosion or slope instability was observed within DPA 1 or in the vicinity of the drilled well. Soil erosion observed along the banks of Murcheson Creek was minimal and well within what would naturally be expected. No stream bank instability was observed.

In November 2021, in association with significant rainfall and flooding, including the flooding of Murcheson Creek over top of Sturdies Bay Road, a slope failure occurred. Soil material just downslope from the pipe/cable trench on the subject property and along the northeast side of the Sturdies Bay Road allowance, sloughed down into Murcheson Cove. Despite being in immediate proximity to the landslide, the pipes and cable remain intact, were not exposed, and continue to be operational.

Ecological Community 01 (EC01)

This is a band of 65- to 70-year-old, maturing Douglas-fir (*Pseudotsuga menziesii*) – salal (*Gaultheria shallon*) CDFmm/01 forest that transitions from the relatively flat upland to a northwest facing, ‘marine riparian’ slope down to Murcheson Cove. Douglas-fir is the dominant canopy with scattered red alder (*Alnus rubra*) and Western redcedar (*Thuja plicata*) throughout. Salal provides the dominant shrub cover in the understory mixed with patches of sword fern (*Polystichum munitum*) and scattered oceanspray (*Holodiscus discolor*). Several Scouler’s willow (*Salix Scouleriana*), big-leaf maple (*Acer macrophyllum*) and grand fir (*Abies grandis*), along with individual and small patches of salmonberry (*Rubus spectabilis*) were observed near the shoreline and appear to be associated with slightly moister seepage areas.

There is a narrow powerline corridor along the flat upland, where it begins to transition to the shoreline slope. The trench with buried pipes/cables is located along this corridor and consists of a roughly meter wide band of freshly exposed soil. Scattered sword fern and slough sedge, along with several Douglas-fir and western redcedar seedlings were planted by the landowner in an effort to restore the site after the trench was filled (March, 2021). The pumphouse and cistern are also located along this corridor and include exposed soils around their perimeter.

An old dug and lined pond, roughly 5 meters by 3 meters in size, is located along side the access trail to the pumphouse.

Slope failure: Soil sloughed roughly from the top of bank (transition between the flat upland and shoreline slope) down into Murcheson Cove leaving a ‘face of exposed soil roughly 1 to 2m in height below the TOB. Much of the vegetation, including some trees, remains intact, though assessment of long-term survival was not possible as part of this report.

Slope: steep 10 to 60%	Aspect: Northwest	Site Series: CDFmm/01
Tree: 50%	Shrub: 40%	Herb: 30%
	Moss: 10%	Exposed Soil: 15%



Photo 6: Gives a sense of EC01 and how the infrastructure is situated within it.



Photo 7: Shows the landslide down into Murcheson Cove and state of vegetation. Also illustrates the 'face' of exposed soil along with the intact utility trench (under the red soil probe on right of photo).



Photo 8: Shows the small dug pond and liner adjacent to the pump house and tank.

Ecological Community 02 (EC02)

This community is characterized by a mature Western redcedar / grand fir – sword fern CDFmm/04 forest. Sword fern is the dominant understory cover with patches of salal and salmonberry scattered throughout. Douglas-fir along with the odd bigleaf maple are scattered throughout. The community includes the relatively flat upland portion northwest of Gardner Road as well as the relatively steep northwest slope down to the bank of Murcheson Creek. The area appears to have been logged sometime in the early the 20th century. There are a few patches of young red alder trees on the flatter upland portion in proximity to Gardner Road indicating areas that were more recently logged and disturbed.

This community includes the drilled well and related access along with the old road that was cleared in error and subsequently restored. They are both located within more recently disturbed red alder patches on the flat upland area in proximity to Gardner Road. The well access includes a modest berm along its entrance from Gardner Road to mask the well head and prevent unauthorized access.

Slope: variable 10-60%

Aspect: Northwest

Site Series: CDFmm/04

Tree: 70% Shrub: 10% Herb: 50% Moss: 10% Exposed Soil: 5%



Photo 9: Shows EC02 looking north from Gardner Road into the old roadbed that has been restored. A glimpse of Murcheson Creek can be seen on the right of the photo.



Photo 10: Shows the well head and access clearing. The ditch is on the right just out of sight. Gardner Road is just beyond the alders, sword ferns and salmonberry towards the back of the photo.

Stream, Riparian, and Hydrology Description

Murcheson creek runs through the neighbouring property, Lot 1 Plan VIP65362, roughly parallel to the well easement area. Murcheson Creek has the largest watershed on Galiano Island. Records from a report prepared in 2000 indicate a resident cutthroat trout (*Oncorhynchus clarkii*) population in reaches upstream from the property (Erickson K. 2000. *1999/2000 Urban Salmon Habitat Program Final Report*. Galiano Conservancy Association). The report also states, “that access to spawning beds by anadromous salmonids is not possible due to a steep bedrock incline located 80 meters from the estuary in the first reach and a series of bedrock falls in the second reach”. The steep bedrock incline was noted during the site visit for this report.

There is a small ditch that skirts along the southern edge of the well access and down the steep slope to empty into Murcheson Creek. The ditch collects water from roadside ditches on either side of Gardner Road. The ditches pick up surface water from either side of the road for a length of about 120 meters. No creeks, springs or established channels were observed feeding into the ditches. The ditch is intermittent (runs during heavy rain) and the slope down to the creek (~50%) makes it impossible to fish.

There was no surface flow or evidence of such hydrological occurrences observed in or around the pumphouse or on the subject property within DPA2.

Marine Ecosystem Description

According to the BC ShoreZone Assessment the shoreline associated with the area in question on the property is a wide (>30m) sand and gravel flat. There is a large eelgrass bed mapped in and around Murcheson Cove (Islands Trust Eelgrass Mapping).

The shoreline has also been ranked for sensitivity to sea level rise (BC Parks Shoreline Sensitivity to Sea Level Rise Model - Bifford, Stevens). The foreshore sensitivity ranking is ‘High’, the backshore sensitivity ranking is ‘High’ and the overall sensitivity to sea level rise ranking is ‘High’.

Adjacent Land Uses

The property is part of a residential subdivision along the waterfront of Whaler Bay. It is flanked by similar properties to the west and east, all with dwellings, a mix of landscaped and natural areas that extend to the high tide line, many with docks and stairs to access the shore.

Impact Assessment

DPA 1 Riparian

The well and its access are located outside of the DPA Boundary and have no substantive impact on the DPA. The well is located 32+ meters from Murcheson Creek’s top of bank and 15m from the ravine top of bank (based on Trimble GeoXH GPS data for top of bank locations).

The area cleared of vegetation around the well head is adjacent to the small ditch transporting runoff from Gardner Road into Murcheson Creek. There is a small section of the ditch, roughly 8m in length,

where vegetation was cleared up to its bank. Re-establishing native vegetation along the bank would be of benefit to the ecology of the site and would not impact access to the well.

The section of old road that was cleared of vegetation in error and then rehabilitated is located within the DPA Boundary. The impacts of this disturbance to the DPA are minimal, as it occurred on a previously disturbed site and there were no trees removed. Further, soils were decompacted after the clearing, woody debris was spread back over the site, and ferns and seedlings were re-established. The site could benefit from additional planting. The section of old roadbed also provides a route for a small foot trail used by residents on adjacent properties. The trail was re-established as part of the restoration work.

The only infrastructure that is encroaching within the DPA is a portion of the buried pipe/cable. However, this portion is entirely contained within the pre-existing footprint of Gardner Road and has not resulted in any additional impacts to the DPA or ecology of the site.

As this is an existing human disturbance, no Riparian Area Regulation (RAR) report was completed as part of this assessment. However, a Streamside Protection and Enhancement Area (SPEA) was determined based on standard RAR methodology to ensure that infrastructure was appropriately sited. The stream reach that is the subject of this report is a pool/riffle and is located within a ravine. The stream top of bank and the ravine top of bank were both mapped using a Trimble GeoXH GPS along with a digital elevation model to improve accuracy. The Streamside Potential Vegetation Type is "Tree". The average bank full width of the stream is 4.2m (based on 10 measurements 4.4, 3.6, 4.6, 3.8, ~~3.4~~, ~~5.8~~, 4.6, 4.4, 5.0, 3.6, 4.1). Under a detailed assessment, the Zones of Sensitivity (ZOS) for large woody debris and for litterfall were 12.7m and the ZOS for shade did not exceed that value at any point along the reach. The SPEA width was determined to be 12.7m from the ravine top of bank. See Map 3 to view the location of the SPEA and ZOS. A SPEA of 2m was determined for the small ditch and is also shown on the map.



Photo 11: Looking upstream along the first reach of Murcheson Creek and its riparian forest. The well head is located in the background in the top left corner of the photo but cannot be seen through the vegetation.



Photo 12: Looking out towards Gardner Road from the back of the old roadbed. Shows the woody debris and sword fern plantings on the restored portion (left) and the small foot trail on the right.



Photo 13: Shows the small ditch adjacent to the well head and access clearing and the strip of ditch bank where vegetation was cleared. A glimpse of Gardner Road can be seen in the background.

DPA 2: Shoreline and Marine

The pumphouse, water tank and buried pipe/cable on the landowner's property are all located within the 15m setback from the natural boundary of the sea and have impacted the ecology of the DPA area through clearing of understory vegetation.

The removal of vegetation for the trench was limited to a narrow strip, roughly 3 to 4 meters in width, within the existing corridor/easement accommodating BC hydro Lines. The trench did not require the cutting or removal of any trees. This routing, despite being within the 15m setback, resulted in the least amount of disturbance to vegetation as it was within the previously established power line corridor. All other routes would have required the removal of trees and/or extensive damage to root systems. The pumphouse and tank sit on top of a gravel pad and do not have permanent foundations. The landowner has committed to moving the pumphouse and tank to a location within the existing powerline corridor that is outside of the 15m DPA setback and to restore the current location back to native vegetation.

Removal of shrubby and herbaceous vegetation for the works was likely not a significant factor in the in the slope failure that occurred in association with the major rainfall and Murcheson Creek flooding event in November 2021. Determining the impacts, if any, of the trenching and augered conduit (under Sturdies Bay Road) on sub-surface hydrology and soil structure is beyond the scope of this report and requires geotechnical and hydrological expertise.

Within the public road dedication, the landslide has impacted a portion of the shoulder of Sturdies Bay Road, requiring repair and slope stabilization measures to secure safe, long-term use of the road. Mitigation will require assessment and implementation of measures on the subject property as well as on the road allowance. This work is outside of the scope of this report and requires professional Geotechnical services. The landowner has reached out to local Highways Contractors and the Ministry of Transportation and Infrastructure and will collaborate to address slope stabilization.

Several trees within the DPA were toppled in association with the landslide. One large Douglas-fir near the road dedication is leaning significantly towards BC Hydro power lines and Sturdies Bay Road and will likely be removed by the managing agencies to protect their assets.

There are no impacts to public access along the shoreline from the works.



Photo 14: Shows the pumphouse and water tank.



Photo 15: Shows the landslide and some of the damage to Sturdies Bay Road.

Recommended Mitigation Measures and Restoration

The following measures are recommended in consideration of the impacts to the site from the completed works. See Map 2 for locations of restoration recommendations.

DPA 1: Riparian

1. Conduct additional planting of native tree species to speed up the re-establishment of a forest canopy within the old road area cleared in error (Restoration Area 1). Ensure each plant is fenced with minimum 4ft tall fencing to protect from deer (fencing should approximate 2ft radius 4ft tall, stucco wire cylinder, anchored with 2 x 30in rebar pins attached to fence with zap strap or wire)
 - 6 x red alder (*Alnus rubra*)
 - 4 x western redcedar (*Thuja plicata*)
 - 2 x grand fir (*Abies grandis*)
2. Conduct planting of native species on 8m long portion of ditch bank adjacent to well head (Restoration Area 2) to provide bank stabilization, vegetation screening. Fence as above.
 - 8 x Scouler's willow (*Salix scouleriana*) – live staking is effective for willow species (see Appendix 1)
3. Ensure that future access to the well site does not result in further vegetation clearing or soil compaction.

DPA 2: Shoreline and Marine

4. Consult with a Geotechnical Engineer /and or collaborate with BC MOTI to address slope stability. Bioengineering using native species is encouraged wherever possible.

5. Continue to utilize existing trench for buried pipes and electrical wiring if possible (deferring to any future recommendations for slope stability provided by Geotech or Hydrologist). This will avoid further disturbance to vegetation within or adjacent to the DPA.
6. Relocate pumphouse and water tank to a location outside of the 15m DPA setback but within the area already cleared for the BC Hydro power line corridor. Have an excavator rough-up compacted soils to provide a favourable surface for native plant establishment around the footprint of the structures and along the portion of the access path that will no longer be required (Restoration Area 3). Depth of soil penetration must account for buried pipe/cable. Mitigation of slope stability issues in the vicinity of the pumphouse will require consultation with a geotechnical professional.
 - a) Minimize disturbance to soil and vegetation by restricting machine access to the existing compacted pathway leading up to the pumphouse during the move. Storage of equipment, machinery, excavated and waste material, soil, fill can be accommodated within in existing areas designated for parking or driveway.
 - b) Use permeable materials for access trail and parking areas to reduce surface runoff into the ocean.
 - c) Ensure any imported soil or aggregate materials are sterile and do not contain viable seeds of exotic invasive plants.
 - d) Excavation and site preparation should be undertaken during dry weather and not during periods of prolonged, heavy rainfall.
 - e) The use of machinery and equipment should be restricted to the minimum area required.
 - f) Contractors should inspect their equipment and vehicles to ensure they do not transport invasive plant species seeds onto or off the property. All equipment should be washed prior to arrival. Manual removal of weeds should be performed on a regular basis.
 - g) All machinery and equipment should be inspected for leaks prior to operation.
 - h) Machinery and equipment should ideally be refuelled offsite or at a designated location on an impermeable surface where spills can be contained. A spill response kit is to be on site during all periods when machinery is being operated and all operators are to be trained in the use of the spill kit.
 - i) Ensure any areas within the DPA where soils are exposed are planted, ideally with native species but at a minimum seeded to grass to prevent surface erosion and deposition of sediment in the marine environment.
7. Recommend planting and fencing native shrubs on the rehabilitated pumphouse/tank site and access trail to improve habitat and soil stability (Restoration Area 3).
 - 12 x *Salix scouleriana* (Scouler's willow)
 - 12 x sword fern (*Polystichum munitum*)
8. Remove pond liner from small dug pond and dispose as appropriate off-site. Decompact soils under the liner and leave 'rough and loose' (Restoration Area 4). For more information on rough and loose see: https://publicdocs.nait.ca/sites/pd/_layouts/15/DocIdRedir.aspx?ID=4NUSZQ57DJN7-208515216-6043).

9. Recommend planting and fencing native shrubs on the rehabilitated pond site to improve habitat and soil stability (Restoration Area 4).
- 4 x *Salix scouleriana* (Scouler's willow) below platform
 - 4 x salmonberry (*Rubus spectabilis*)
 - 4 x sword fern (*Polystichum munitum*)

Monitoring

The authoring QEP will be retained as project environmental monitor by Neave O'Shaughnessy. The environmental monitor will be available to provide guidance in fulfilling the requirements of this report. Monitoring will ensure:

- Impacts to DPA1 and DPA2 are mitigated as recommended in this report.
- Restoration is complete.

If required, the authoring QEP will verify the points above through a site visit or through photos provided by the landowner. The QEP may provide a signed letter of confirmation, or a letter outlining further mitigation measures that must be taken to address any insufficiencies.

File No: _____

RIPARIAN AREAS DEVELOPMENT PERMIT AREA (DPA 1)			Office Use only
	Information and Documentation Required	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:		
	The proposed development and associated features	✓	
	The development permit area boundary	✓	
	Existing buildings and structures	✓	
	Roads and driveways	✓	
	Topographic features	✓	
	The locations of the top of bank	✓	
	The high water mark	✓	
	SPEA widths and the width of any zones of sensitivity	✓	
	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 a description and evaluation of the riparian values, including species of fish that frequent the waterbody, and riparian features and habitat present	✓	
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 watercourse, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.	✓	
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development consisting of the following:		
	For a stream: the results of the riparian assessment, using a detailed or simple assessment as indicated in the Riparian Areas Regulation, and establishing the Streamside Protection and Enhancement Area (SPEA) width for the subject parcel.	✓	
	For other watercourses: an assessment of anticipated impacts on riparian habitat and features, the watercourse, and site hydrology.	✓	
	The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development	✓	
Measures	For a stream: a description of all measures that will be taken to maintain and protect the SPEA from development, including, where appropriate, assessment and treatment of danger trees, windthrow, slope stability, tree protection during construction, encroachment and sediment and erosion control.	✓	
	For other watercourses: recommended measures to limit, mitigate and manage the impacts of the proposed development on riparian habit and features, the watercourse, and site hydrology.	✓	
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	✓	

RIPARIAN AREAS DEVELOPMENT PERMIT AREA (DPA 1)			Office Use only
	Information and Documentation Required	✓	
Restoration	Recommended actions to restore or enhance riparian functions or habitat that have been degraded prior to development or that would be impacted by the proposed development	✓	
Certification	For a stream, professional certification by the Qualified Environmental Professional(s) preparing the report that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and providing his or her professional opinion that:		
	i. If the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or		
	ii. If the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.	✓	

File No:

SHORELINE AND MARINES AREAS DEVELOPMENT PERMIT AREA (DPA 2)			Office Use only
	Information and Documentation Required	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:	✓	
	▪ The proposed development and associated features	✓	
	▪ The natural boundary of the sea	✓	
	▪ The development permit area boundary	✓	
	▪ Existing buildings and structures	✓	
	▪ Roads and driveways	✓	
	▪ Significant features identified in the site inventory	✓	
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance	N/A	
Site Inventory	A site inventory providing information on existing plant communities, marine and terrestrial habitats, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, topography and marine sediment transport.	✓	
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.	✓	
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development consisting of anticipated impacts on the following:	✓	
	▪ Marine and terrestrial habitat	✓	
	▪ Site hydrology	✓	
	▪ Marine sediment transport	✓	
	▪ Public access to and along the foreshore	✓	
	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	✓	
Measures	A description of all measures to limit, mitigate and manage the impacts of the development on:	✓	
	▪ terrestrial and marine habitat	✓	
	▪ geomorphic, hydrological and coastal processes	✓	
	A description of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.	✓	
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	✓	

SHORELINE AND MARINES AREAS DEVELOPMENT PERMIT AREA (DPA 2)			Office Use only
	Information and Documentation Required	✓	
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	✓	

APPENDIX 1: Guidance for Live Staking

Steps to collecting live stakes:

1. Live stakes should be collected and installed when the plants are dormant, from late fall to early spring.
2. Cut 3 to 5 foot long sections at least ½ inch in diameter.
3. Make a flat cut on the top, and a diagonal cut on the bottom. The diagonal cut on the bottom makes it easier to drive into the ground, it also aids in telling which end is up.

How to store live stakes:

From the time stakes are cut to when they go in the ground they must be kept moist, as they will dry out easily. For best results it is recommended that live stakes be planted within 24 hours of cutting. If necessary they may be stored before planting in a cool dark place if they are kept moist. They may even be set outside in plastic bags. They will be safe from freezing as long as they have not begun to root.

How to install live stakes:

Stakes should be installed in wetlands or riparian corridors where there will be available soil moisture throughout the growing season. They should be planted in the dormant season, from November to February, before bud-break. Stakes may be planted at other times but the success rate will greatly decrease.

1. Using a length of rebar or crowbar, create a hole in the soil to insert the stake into. This step may not be necessary in some soils.
2. Drive the stakes into the pre-made hole. If necessary a rubber mallet may be used to help drive the stake into the ground. They should be planted at least one foot deep, with at least 2 to 3 nodes in the ground. Because rooting is key to the success of live stakes, deeper is better. Only a small portion of the stake needs to be left above
3. Ground to sprout (3 to 6 inches). Leave a longer section above ground if the stake may be shaded out by other vegetation.
4. When used to control invasive species, stakes should be densely planted. A spacing of 18 to 24 inches will create a dense shade that will reduce the vigor of invasive species. The dense planting will reduce maintenance, and may be thinned out once the invasive are under control.

Development Permit Area Assessment Report

DPA 2: Shoreline and Marine

**Lot 1, Section 7, Galiano Island, Plan 41759
835 Sturdies Bay Road, Galiano Island, BC**

February 21, 2022

Prepared By:

**Thomas C. Demlow, P.Eng.
License No. 12036**

1. Summary

This report has been prepared for Lot 1, Section 7, Plan 41759, Galiano Island (see attached Map 1) to provide a retroactive impact assessment and to provide mitigation recommendations associated with constructing a water line and well pump power line trench along the foreshore from Sturdies Bay Road to the new pump house on the property. This document supersedes the Development Permit Area (DPA) 2 – Marine and Shoreline Areas developed by Erickson on 13 January 2022.

This report describes the development in relation to the DPA 2 boundaries, its impact on the marine and terrestrial habitat, site hydrology, marine sediment transport, public access, long-term use of the site, and measures to mitigate and manage the impacts.

On 14-15 November 2021, a large rainfall and flooding event occurred that caused Murchison Creek to flood overtopping Sturdies Bay Road. The capacity of the culverts under the highway were exceeded, leading to an eddy that formed in Murchison Cove that attacked the base of the slope where the slide occurred. A slope failure occurred that impacted the shoulder of Sturdies Bay Road and along the bankline with Murchison Cove. This slump or slope failure was in the direct vicinity of the water line and well pump power line trench, however, they were intact and operational. The landowner is in discussions with Ministry of Transportation and Infrastructure to address slope stabilization of the area. The issue of the slope stability is outside the scope of this report since it was not caused by the construction of the waterline.

2. Site Plan

The site plan was provided in a submittal entitled: Development Permit Area Assessment Report, dated 13 January 2022, by Keith Erickson R. P. Bio. which has already been submitted for DPA 1. The Erickson 13 January 2022 report discusses the development and associated features, the natural boundary of the sea, the development permit area boundary, existing buildings and structures, roads and driveways, and significant features identified in the site inventory.

3. Site Inventory

Along the water line right of way, the ground slopes towards the top of the bank along Murchison Cove. The grade is gentle and is sloping at approximately 10 to 20 percent down to the top of bank. At that point bank transitions to near vertical down to Murchison Cove.

Murchison Cove is a small cove that is well protected from the Salish Sea. At the entrance there are two sets of rock outcrops plus a rock breakwater on the adjacent property. Any wave action in Whaler Bay (also a protected body of water from the Salish Sea by Gossip Island) is almost completely dissipated by the rock outcrops. Within the cove the bed consists of very fine sediment and clay. From year to year, it is difficult to determine if there is any significant sediment transport.

The water line is within the BC Hydro powerline corridor from Sturdies Bay Road to an existing pump house, see the attached Map 2.

On November 14-15, 2021 there was extensive flooding on Murchison Creek that exceeded the capacity of the highway culverts on Sturdies Bay Road and overtopped the roadway. A slope failure occurred from Sturdies Bay Road for approximately 25 m along shoreline property line and sloughed into the cove. The slope failure is in the immediate proximity of the water line; however, the water line was intact and there was no evidence that the slope failure originated in the water line trench, see Demlow 17 January 2022 inspection summary and Erickson 13 January 2022 development assessment report. The landowners are in discussions with the Ministry of Transportation and Infrastructure with possible decision in the next few months.

4. Development Proposal

The waterline and associated well pump power line are buried in an approximately 0.6 m wide by 0.6 m deep trench, see Photo 1. No trees were removed in digging of the trench for placement of the water line and power line and was backfilled, see Photos 7 and 8 of Demlow 17 January 2022 inspection summary. Vegetation will be reestablished according to Erickson 13 January 2022 report.

In developing the location of the water line route, the narrowness of the property near Sturdies Bay Road effectively eliminated any other route. The only other possibility was to have the route closer to the landowner's driveway, however that would have required the removal of numerous trees. Thus, water line route within the BC Hydro powerline corridor was selected.

The water line extends to a new pump house and tank where it then connects to an existing water line to the house. As stated in the Erickson 13 January 2022 report, the owners have agreed to move the new pump house and tank so that it is outside the setback from the cove. The new proposed site is shown in Map 3.



Photo 1 – Water line and power line construction trench.

The water line and well pump power line trench was backfilled to the same grade as the surrounding ground. The route was selected to avoid all trees, however, low shrubs along the route were impacted or removed, see Photo 1. No septic field was impacted.

5. Impact Assessment

As discussed previously, the pump house and water tank, along with the water line and well pump power line are within the setback from the natural boundary of sea. However, the construction trench was within an established powerline corridor from Sturdies Bay Road to the residence, see Photo 2. The construction associated with the water line/power line trench and construction of the pump house and water tank foundation impacted the terrestrial habitat. Those areas will be revegetated according to Erickson 13 January 2022 report.



Photo 2 – View from the pump house towards Sturdies Bay Road. The trench for the water line and power line was adjacent to the trees on the left. Note new vegetation that has been placed near Sturdies Bay Road. Vegetation debris lays across the trench location.

The site hydrology was not impacted from the construction of the trench for the water line and well pump power line. The slope was maintained so that no ponding of water would occur.

During construction the displaced soil was placed adjacent to the trench and then placed back in the trench after the water line and well pump power line were laid. Some soil could have been moved by rain however, very little exposed soil was observed in December 2021, approximately 8 months after construction.

There are no impacts to public access along the shoreline from the development.

Since the water line and well pump power line are buried and the trench refilled to match the surrounding groundline (see Photo 2) and revegetated, long-term use of the site should not change.

6. Measures to Mitigate Impacts and Restoration

The landowners have agreed to relocate the pump house and tank to be outside the DPA setback but within the already cleared BC Hydro power line corridor.

The area where construction occurred will be revegetated according to Erickson 13 January 2022 report. Note some revegetation has already been completed.

The small dug pond (Restoration 4 discussed in the Erickson 13 January 2022 report) will be removed, and soils under the liner will be loosened and left for revegetation.

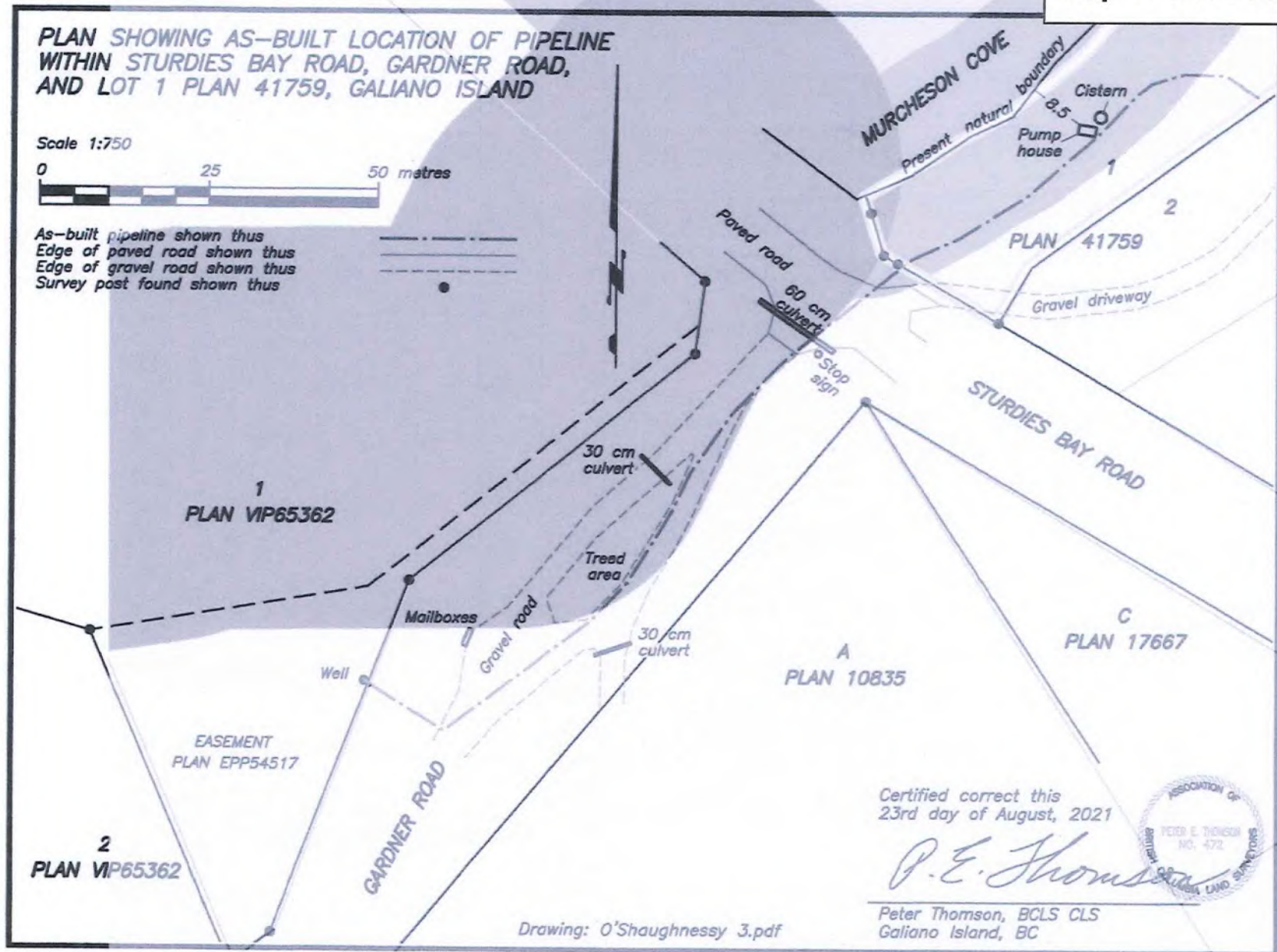
The landowners are presently in discussions with Ministry of Transportation and Infrastructure regarding the slope failure adjacent to the water line. This is expected to be resolved in next several months.

Since the water line and well pump power line trench was located in the upland portion of the property and backfilled and will be replanted, there should be no impact to terrestrial and marine habitat. The geomorphic, hydrology, and coastal processes will not be impacted.

7. Monitoring

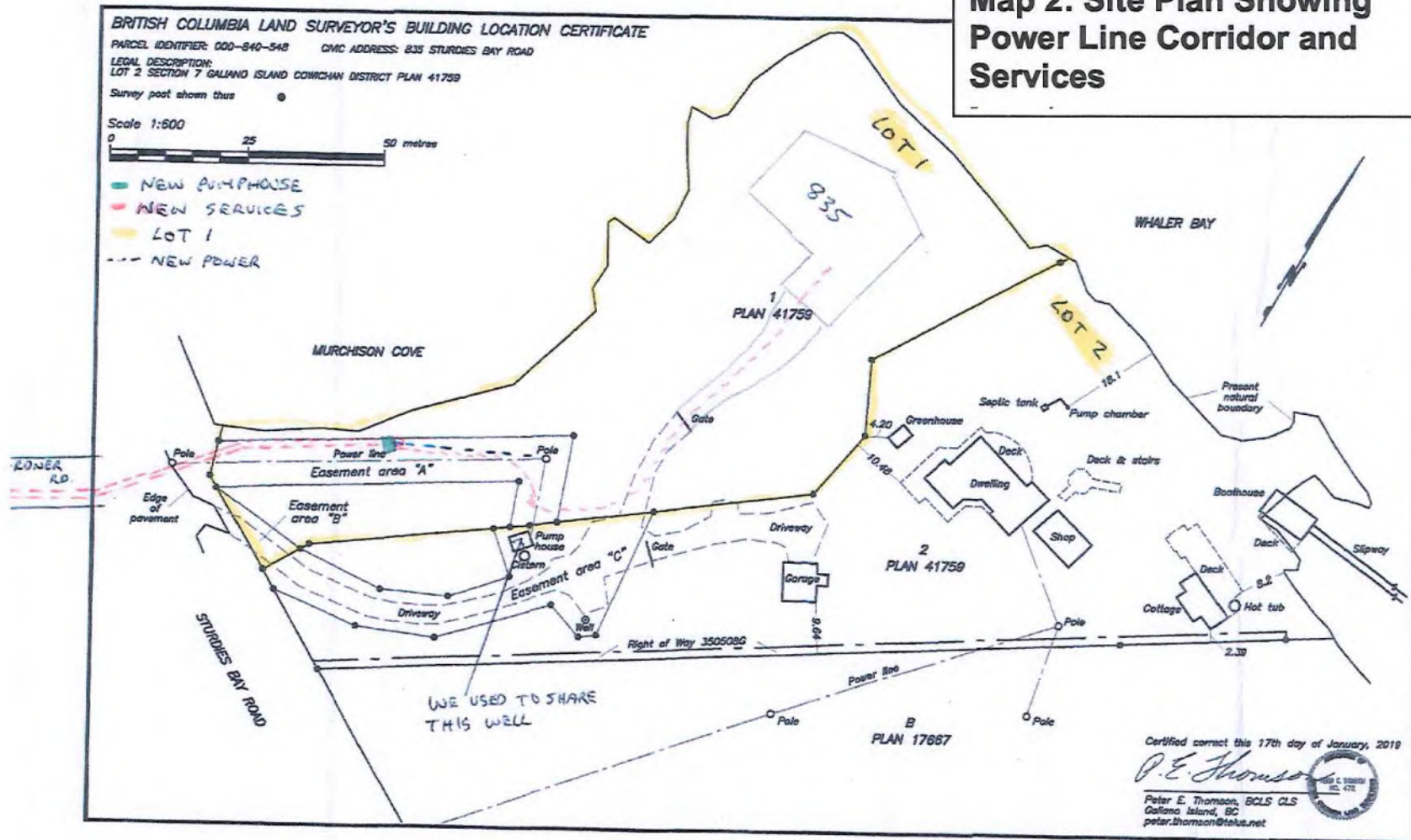
Keith Erickson will be retained as project environmental monitor by the landowners to provide guidance in fulfilling the requirements of DPA 2 as recommended in this report and to ensure restoration is complete.

Map 1: Site Plan



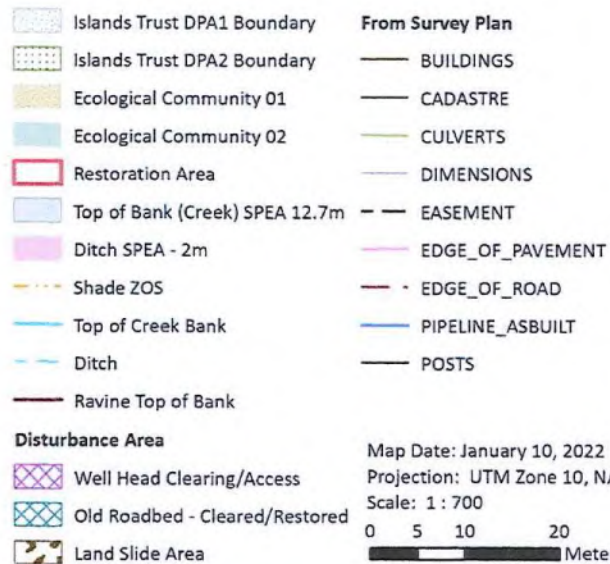
Ref: Erickson, 13 February 2022 DPA Assessment Report

Map 2: Site Plan Showing Power Line Corridor and Services



Ref: Erickson, 13 February 2022 DPA Assessment Report

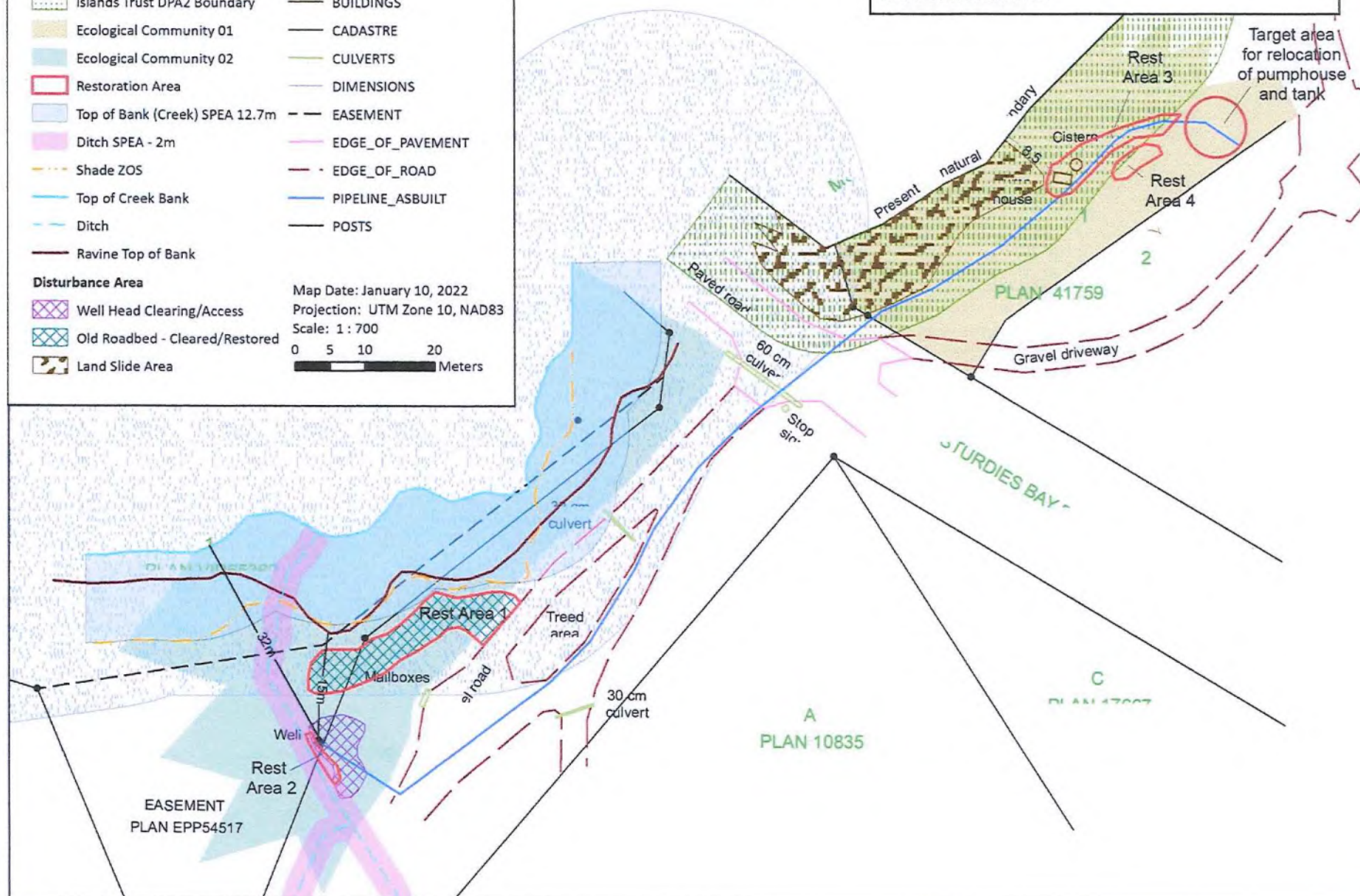
Lot 1, Plan 41759, Galiano Island Site Plan, Setbacks, and Restoration



Map Date: January 10, 2022
 Projection: UTM Zone 10, NAD83
 Scale: 1 : 700
 0 5 10 20
 Meters



Map 3: Site Plan, Setbacks, and Restoration





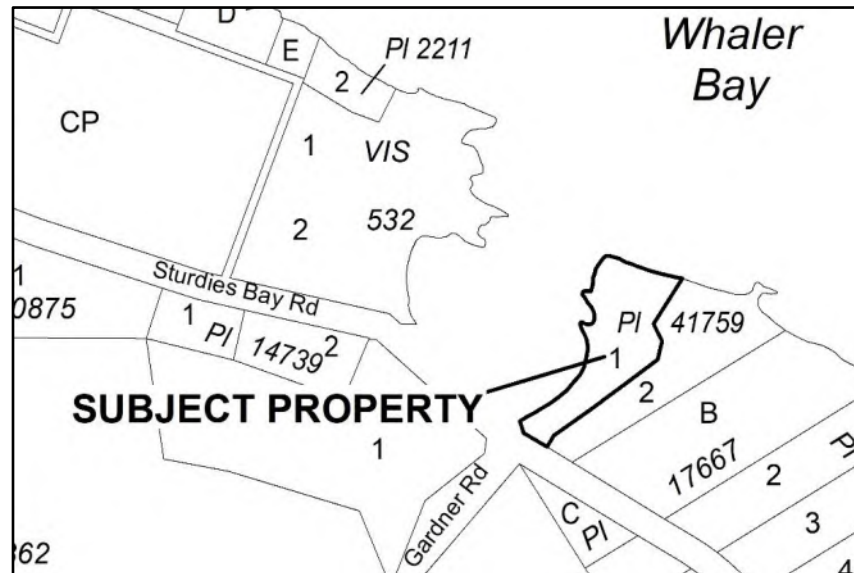
NOTICE
GL-DVP-2021.8
GALIANO ISLAND LOCAL TRUST COMMITTEE

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

- A variance to the setback from the natural boundary of the sea for the siting of slope stabilization works (stacked boulder walls) as shown on the proposed permit.

The property is located at **835 Sturdies Bay Road** and is legally described as Lot 1, Section 7, Galiano Island, Cowichan District, Plan 41759 (PID: 000-840-530).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **January 16, 2023** and continuing up to and including **January 27, 2023**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, BC, commencing **January 16, 2023**.

Enquiries or comments should be directed to Kim Stockdill, Island Planner at (250) 405-5157, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **January 27, 2023**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., February 7, 2023**.

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

Jas Chonk, Deputy Secretary



PROPOSED

**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GL-DVP-2021.8**

To: Patricia O'Shaughnessy
Lynda O'Shaughnessy
Robert O'Shaughnessy

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

Lot 1, Section 7, Galiano Island, Cowichan District, Plan 41759
(PID: 000-840-530)

2. Galiano Island Land Use Bylaw 127, 1999 is varied to allow for the siting of the following:

- a) Section 2.14 which states that buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea is varied to permit structures (stacked boulder slope stabilization works) within 0.0 metres of the natural boundary of the sea.

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

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

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 202#.

Deputy Secretary, Islands Trust

Date of Issuance

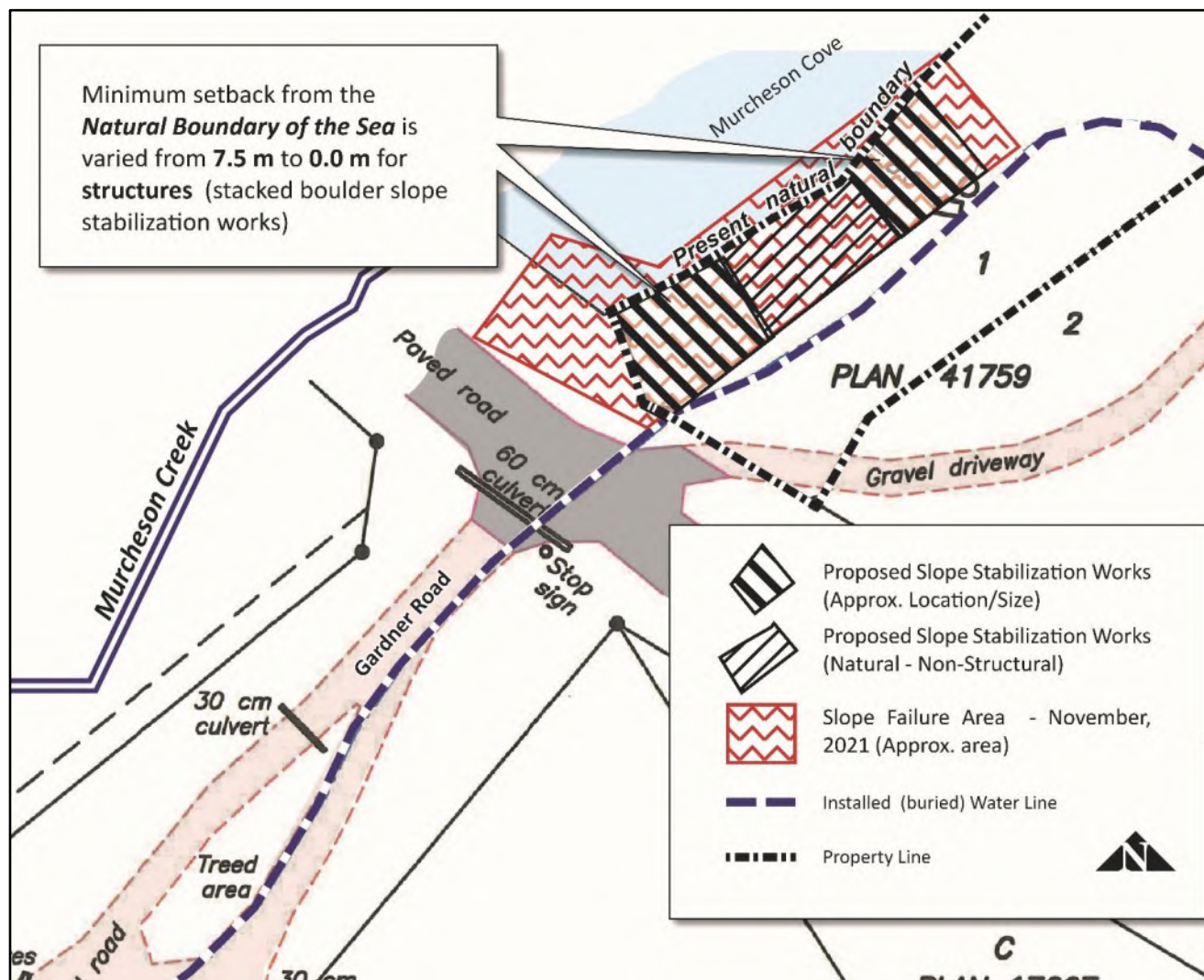
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF MONTH, 202#, THIS PERMIT AUTOMATICALLY LAPSES.

GALIANO ISLAND LOCAL TRUST COMMITTEE

GL-DVP-2021.8

SCHEDULE 'A'

Site Plan

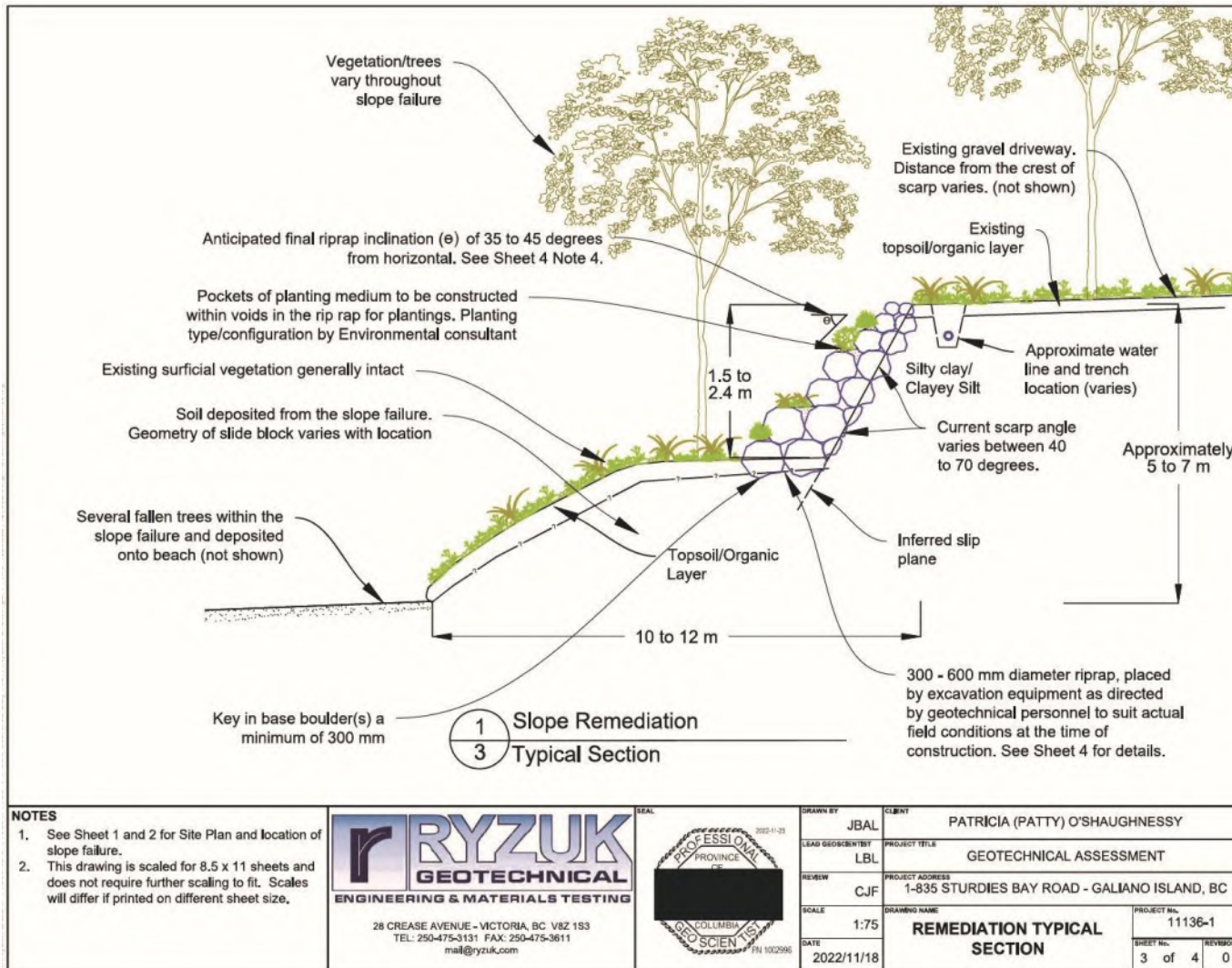


GALIANO ISLAND LOCAL TRUST COMMITTEE

GL-DVP-2021.8

SCHEDULE 'B'

Section Plan



GALIANO ISLAND LOCAL TRUST COMMITTEE

GL-DVP-2021.8

SCHEDULE 'C'

Geotechnical Notes

TYPICAL NOTES AND DETAILS:

1. Proposed design is intended to cover and protect soils in failure scarp from erosion due to over steepened angle and weathering by wetting/drying and stormwater runoff.
2. Further subsidence of soil failure block below is anticipated in the future and may result in subsidence of the erosion protection. Maintenance (ie. placement of additional material at the crest) will be required.
3. Protection with the proposed remediation to be constructed in areas most vulnerable to crest regression (ie. near the driveway at Sturdies Bay Road and in the area of the existing pumphouse). Remediation between these areas to be confirmed at the time of construction and may consist of a more natural approach, such as localized rock placement and re-vegetation.
4. The proposed remediation consists of placement of 300 mm to 600 mm (approximate) diameter boulders (riprap), by excavation equipment. Access/feasibility to be confirmed by a contractor. Base boulders in front row should keyed in a minimum of 300 mm for stability. The quality of boulder support is dependent on subgrade soils, which will likely be loose/disturbed due to the existing failure, and should be assessed by a geotechnical professional at the time of construction. Depending on the actual gradation of the riprap supplied, as well as method of placement, a final angle of 35 to 45 degrees is anticipated. Placement of a filter fabric against the slide scarp is recommended to prevent migration of fine-grained slope soils into the void space within the riprap.

NOTES

1. This drawing is scaled for 8.5x11 sheet and does not require further scaling to fit. Scales will differ if printed on different sheet size.



PTPN: 1002996

DRAWN BY JBAL	CLIENT PATRICIA (PATTY) O'SHAUGHNESSY
LEAD GEOSCIENTIST LBL	PROJECT TITLE GEOTECHNICAL ASSESSMENT
REVIEW CJF	PROJECT ADDRESS 1-835 STURDIES BAY ROAD - GALIANO ISLAND, BC
SCALE -	DRAWING NAME Remediation Design Notes and Details
DATE 2022/11/18	PROJECT NO. 11136-1
	SHEET NO. 4 of 4
	REVISION 0

File No.: GL-RZ-2014.1 (Crystal Mountain)

DATE OF MEETING: February 7, 2023

TO: Galiano Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Kate Emmings, Manager, Islands Trust Conservancy

SUBJECT: Crystal Mountain Rezoning Application – Bylaws No. 256 and 257

Applicant: Crystal Mountain Society (CMS)

Location: District Lot (DL) Lot 90 Lot 9 and DL 88 & 89 Lot A, North Galiano Island

RECOMMENDATION

1. That the Galiano Island Local Trust Committee direct staff to schedule a Public Hearing on application GL-RZ-2014.1 (Crystal Mountain).

REPORT SUMMARY

The purpose of this report is to provide an update to the Galiano Island Local Trust Committee (LTC) on application GL-RZ-2014.1 (Crystal Mountain), and to seek direction from the LTC regarding next steps for proposed Bylaws No. 256 and 257.

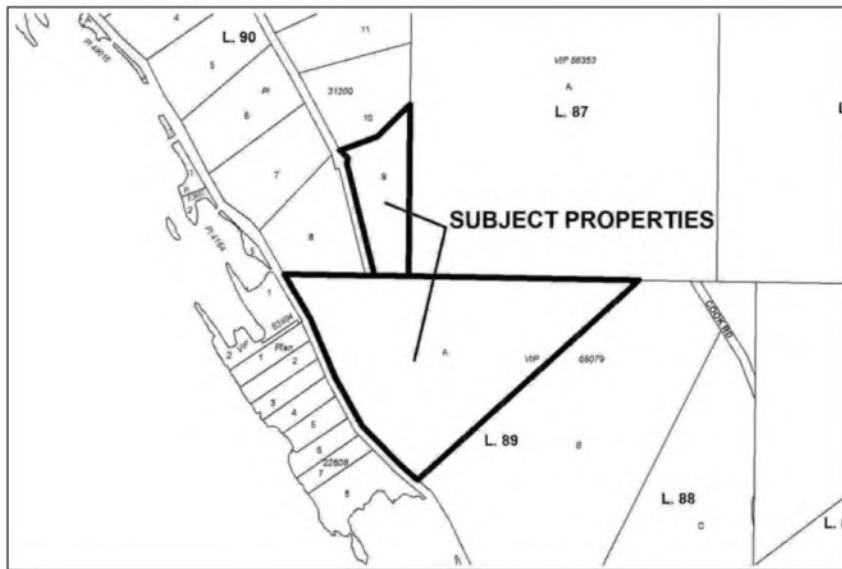
The above recommendation is supported as:

- The application has been in process for several years and from a staff perspective all information requested from the applicant to date has been provided in a satisfactory manner;
- Proposed Bylaws No. [256](#) and [257](#) have received first reading and the previous LTC has reviewed the Islands Trust Policy Statement Directive Policies Checklist and determined that the bylaws are not contrary to or at variance with the Islands Trust Policy Statement;
- First Nations and agency referrals have been completed and no major issues remain to be addressed;
- A Community Information Meeting was held in September 2022 with over 90 people in attendance; and,
- Proceeding to a public hearing will allow for additional community input prior to potential consideration of second and third reading of proposed Bylaw No. 256 and 257.

BACKGROUND

This application is to rezone two subject properties (DL Lot 90 Lot 9 and DL 88 & 89 Lot A) on the north end of Galiano Island in order to permit a *spiritual education* land use (Figure 1). Lot 9 is currently zoned Rural 2 (R2) and Lot A is zoned Forest 1 (F1). The rezoning application has been open since 2014.

Figure 1. Subject property map



Further background to this application, including previous staff reports, proposed bylaws, professional reports and correspondence, is available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications/current-application-documents/>

ANALYSIS

Community Information Meeting Summary

A CIM was held in person at the Galiano Island south community hall and via zoom on Saturday, September 24, 2022. Approximately 90 people were in attendance. Staff and the applicant (including hired professionals) provided a summary of the application status and details of the proposed development and then attendees were provided an opportunity to ask questions. Meeting minutes are included as Attachment 1.

Water Monitoring Update

The applicant has provided a professional report on groundwater level monitoring occurring in the central well and observation well for the period of September 6 to November 14, 2022 (Attachment 2). The report concludes:

1. Both the Central Well and the Observation show natural seasonal water level fluctuations in the range of about 3 metres, likely indicative of their location in a regional groundwater discharge zone where groundwater is moving upwards towards the land surface.
2. Both wells show minor water level effects of a few centimeters likely due to pumping of neighbouring wells.
3. Observation Well WID 23229 has also shown tidal effects of about 5 cm.
4. Pumping of the Central Well in August 2022 at rates between 150 and 175 USgals/day resulted in an overall water decline of less than 2 metres in the Central Well during the month with no discernible effects observed in the Observation Well.
5. The monitoring results are consistent with previous observations, assumptions and results reported on the pumping test carried out on the Central Well WID 23227 in 2015 (Kohut, 2015).

Staff are of the view that the monitoring results are consistent with previous studies and that adequate groundwater testing has been done with respect to the rezoning application. Well monitoring will be continued by the applicant in perpetuity as required by the s. 219 covenant.

The province has still not assigned a reviewing officer to the CMS water license application. The province may require that additional groundwater testing be complete prior to consideration of a water license.

Should the LTC decide to proceed at some point with consideration of adoption of Bylaw No. 256 and 257 prior to the issuance of a water license by the province, the LTC could make final rezoning subject to license approval.

The detailed [water management plan](#) (WMP) provides additional assurance that groundwater and surface water resources are adequately protected. Key requirements of the WMP are now captured in the draft s. 219 covenant for LTC consideration, as described in the section below.

S. 219 Covenant Additions

Staff have worked with legal counsel and the applicant to draft s. 219 covenant conditions that capture the key requirements of the WMP (shown in track changes in Attachment 3). The proposed new conditions include:

- Clearing and revegetation requirements for new buildings;
- Potable groundwater and non-potable rainwater storage volume requirements;
- Water metering requirements;
- Perimeter drainage requirements;
- Restrictions on paving of road and parking areas;
- Surface water management requirements on access road;
- Central wellhead protection including vegetation buffering requirements; and,
- Existing greywater filtration system decommissioning.

The LTC could propose amendments or suggest additional covenant conditions at this time.

Statutory Requirements

In accordance with regular statutory requirements, a public hearing would be required as part of the bylaw amendment process. Staff are recommending that the application proceed to public hearing at this time.

Public hearing notice would be posted as per statutory and bylaw requirements in advance of any public hearing.

Rationale for Recommendation

Based on the foregoing, the recommendations on page 1 are supported as:

- The application has been in process for several years and from a staff perspective all information requested from the applicant to date has been provided in a satisfactory manner;
- Proposed Bylaws No. [256](#) and [257](#) have received first reading and the previous LTC has reviewed the Islands Trust Policy Statement Directive Policies Checklist and determined that the bylaws are not contrary to or at variance with the Islands Trust Policy Statement;
- First Nations and agency referrals have been completed and no issues remain to be addressed;
- A Community Information Meeting was held in September 2022 with over 90 people in attendance; and,
- Proceeding to a public hearing will allow for additional community input prior to potential consideration of second and third reading of proposed Bylaw No. 256 and 257.

ALTERNATIVES

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

1. Request further information

The LTC may request further information 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. Request additional amendments to draft Bylaw No. 256/257 prior to consideration of next steps.

The LTC may request that additional amendments be made to the existing draft bylaws.

Resolution:

That the Galiano Island Local Trust Committee direct staff to make the following amendments to draft Bylaws No. 256 and 257 _____.

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

Resolution:

That the Galiano Island Local Trust Committee hold application GL-RZ-2014.1 (Crystal Mountain) in abeyance.

4. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2014.1 (Crystal Mountain).

NEXT STEPS

With direction from LTC, staff will schedule a public hearing and initiate statutory notifications

Submitted By:	Brad Smith, Island Planner	January 30, 2023
Concurrence:	Robert Kojima, RPM	January 30, 2023

ATTACHMENTS

Attachment 1. September 2022 CIM meeting minutes

Attachment 2. January 2023 groundwater report

Attachment 3. Draft s.219 covenant and site plan

ADOPTED



Galiano Island Local Trust Committee

Minutes of Special Meeting

Date: September 24, 2022
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

Staff Present: Brad Smith, Island Planner
Lauren Edwards, Recorder

Attendees: There were approximately 90 people in attendance

1. CALL TO ORDER

The meeting was called to order at 1:00 pm. Acknowledgement and gratitude was stated for the opportunity to live, work and play in the traditional territory of the Penelakut First Nation people.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS

3.1 Community Information Meeting re GL-RZ-2014.1 (Crystal Mountain)

Planner Smith presented on the rezoning application and provided an overview of the amendments for Bylaws 256 and 257, including that:

- the approval of the Minister of Municipal Affairs is required for bylaw 256 which will amend the Official Community Plan (OCP) to include policies and designation as Spiritual Education for 6.14 hectares of the site;
- 18.4 hectares will be designated as nature protection and transferred to the Islands Trust Conservancy;
- a Section 219 Covenant is in place for the land in perpetuity; and
- the LTC to consider public hearing prior to third reading.

Speakers on behalf of the Crystal Mountain site presented information, including:

- the purpose, history and use of the retreat and property;
- maximum users are limited to 30 people and four scheduled special events per year with user increase to 60 people on those four days;
- a description of proposed infrastructure, sleeping huts; footprint, environmental impact and FireSmart building materials;
- a description of relationship building that is occurring with the Penelakut First Nation people;
- technical information from a professional ecological assessment report was presented by biologist, Keith Erickson;
- technical information from a professional groundwater report was presented by Al Kohut, HyGeo Consulting;
- technical information from a professional water management plan report was presented by Gord Baird, EcoSense; and
- policy is supported for land use and preservation as well as community benefits and consideration for climate change.

Chair Rogers introduced the Q&A section of the meeting and responses included the following information.

- Zoning consideration is based on land use planning and protection;
- Staff reports and trustees have provided rationale for the zoning designation;
- Zoning does not permit commercial tourism and there are mechanisms set up to protect land and limit development as described in the presentation;
- Limits on the number of users per day is unique to this property on Galiano, but unknown with regards to other islands;
- There are no neighbour concerns previously presented which have not been addressed;
- The 12-hour well test will be adjudicated by the Ministry of Forests and Lands and they will decide if it is sufficient. If they require a 72-hour test, that would be fine;
- The water demand assessment was described in detail;
- The kitchen greywater system can no longer exist and greywater will go into the new septic system;
- There is a yearly two-level system for well testing;
- Prior to 2016, there were no regulations regarding greywater compost system. Any since 2016 have been grandfathered in. Approvals were only given after 2016;
- The water from the kitchen has been going into the greywater pit between two and four weeks per year for the last 15 years. No permission was required prior to 2016;
- Rezoning is to seek legal use of the property for the land use activity. Bylaw Enforcement and the LTC decided not to actively enforce land use bylaw;
- There is an allowable combination for potable and non-potable water;
- There is an aspect of the study program that requires isolation, therefore, separation is beneficial;

- In total, eco preservation is at 90%;
- An easement road currently exists and there is extra protection within the 219 covenant;
- On the upper property level, there is a meditation hut of 160 sq. ft. on skids which should not have been built;
- Applicant stated that in 2004, building was done to assist in designing the retreat and that there was no idea rezoning would take so long. She stated that the three huts should not have been built and apologized for this;
- The applicant commented that there had been meetings with the community over the years, that they are being as transparent as possible; and, that opinions, fears and advice were incorporated resulting in a decrease in huts, people and other parameters, such as the kitchen platform;
- Keith Erickson, Biologist, stated that the opinion of his professional organization was that there was no conflict of interest relating to his separate contracts associated with this site;
- Chair Rogers stated that Islands Trust take expert reports for what they are and sometimes will question such reports or get more than one opinion;
- Because the land donation is going to a public body, there are slightly different requirements regarding the subdivision process and the role of the approving officer is different;
- A water license would not apply to the existing hut on skids on the upper level without proof of potable water and, therefore, the structure could not be used;
- In all cases where there is non-compliance, bylaw enforcement has the right to enforcement;
- With regards to property boundary markings between Crystal Mountain and Islands Trust Conservancy, there is a rope across the easement road indicating private property, there will be added signage, the Islands Trust Conservancy requires corner marker stakes and there will likely be communication;
- Some indecipherable discussion occurred regarding lot access. The approving officer has the ability to allow for an easement access. There are alternative provisions as well. A portion of the lot will be accessed and the lot, as a whole, has road frontage;
- The Society requires 75% in favour in order to sell the property. The zoning and covenant would flow with the property;
- LTC can consider any rezoning application;
- Water use projection is determined by the land use permitted;
- Groundwater potential on the property was evaluated and it was concluded that it meets the use demand;
- Trustee Wolverton stated that she is weighing all the information regarding the application;
- Trustee Wolverton stated that trustees are at arms-length with regards to bylaw enforcement, there is a standing resolution regarding enforcement; and, the advice received was that it would be difficult to apply it retroactively; and
- Discussion became indecipherable at this point.

4. ADJOURNMENT

The meeting adjourned at 4:15 pm

Dan Rogers, Chair

Certified Correct:
Lauren Edwards, Recorder

January 30, 2023

Crystal Mountain Society
Galiano Island BC V0N 1P0

Re: Update on 2022 Groundwater Level Monitoring, Crystal Mountain Retreat Centre, Observation Well WID 23229 and Central Well WID 23227, Galiano Island

Background

Further to my report (Kohut, 2022) on water level monitoring carried out at the above site from July 5, 2022 to September 6, 2022 the water level dataloggers were downloaded and reinstalled on November 14, 2022. This report summarizes the results of the water level monitoring carried out between September 6 and November 14, 2022.

Monitoring Results

Observation Well WID 23229

Figure 1 shows the water levels in the Observation Well from (a) July 5 to September 6, and (b) from September 6 to November 14, 2022. The water level shows a relatively steady decline of about 2.2 m from July to early November and then rises about 0.8 m with precipitation recharge in November. The Observation Well does not show any discernable effects (interference) from the Central Well that was last pumped in early September 2022 (Figure 2). Daily, minor pumping effects less than 0.5 cm in magnitude possibly due to a neighbouring well in the region are observed during the September - November period. Previously observed tidal effects appear to be masked by these pumping effects. The raw data for the September - November monitoring period is provided in Excel[®] spreadsheet titled "Crystal Mtn Observation Well Sept to November 2022.csv".

Central Well WID 23227

Figure 2 shows the water levels in the Central Well from (a) July 5 to September 6, 2022 and (b) September 6 to November 14, 2022. The water level shows a relatively steady decline of about 1.6 m from July to early November and then rises about 0.25 m in November with precipitation recharge. Pumping effects in the well during August are apparent in hydrograph 2(a) as the well was pumped daily between August 5 and August 24 and once in early September as shown in hydrograph 2(b). The raw data for the September-November monitoring period is provided in Excel[®] spreadsheets titled "Crystal Mtn Central Well Sept to November 2022.csv".

Conclusions

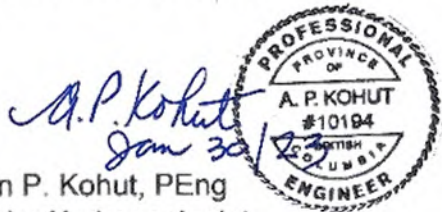
Based on the water level monitoring conducted on Observation Well WID 23229 and the Central Well WID 23227 between September 5, 2022 and November 14, 2022, the following conclusions can be made:

1. Water levels in both wells behaved in a similar fashion declining 1.6 to 2.2 m during the period July-November 2022. The decline in the observation well was greater likely due its location closer to neighbouring production wells downslope.
2. Water levels in Observation Well WID 23229 showed daily possible pumping effects of less than 5 cm in magnitude, masking previously observed tidal fluctuations.
3. Pumping of the Central Well in early September 2022 showed no discernible interference effects on the Observation Well.

Closure

This report was prepared in accordance with generally accepted engineering, hydro-geological and consulting practices. It is intended for the prime use of Crystal Mountain Society, in connection with its purpose as outlined under the scope of work for this project. This report is based on data and information available to the author from various sources at the time of its preparation and the findings of this report may therefore be subject to revision. Data and information supplied by others has not been independently confirmed or verified to be correct or accurate in all cases. Any errors, omissions or issues requiring clarification should be brought to the attention of the author. The author retains full copyright of the material contained in the report. The author and Hy-Geo Consulting accepts no responsibility for damages suffered by any third party as a result of any unauthorized use of this report.

Respectfully submitted:


Alan P. Kohut, PEng
Senior Hydrogeologist

Hy-Geo Consulting
Permit to Practice Number: 1001034

References

Kohut, A.P. 2022. *Groundwater Level Monitoring, Crystal Mountain Retreat Centre, Observation Well WID 23229 and Central Well WID 23227, Galiano Island*. Report prepared of Crystal Mountain Society. Hy-Geo Consulting, Victoria, British Columbia. September 14, 2022. File: 1508141.

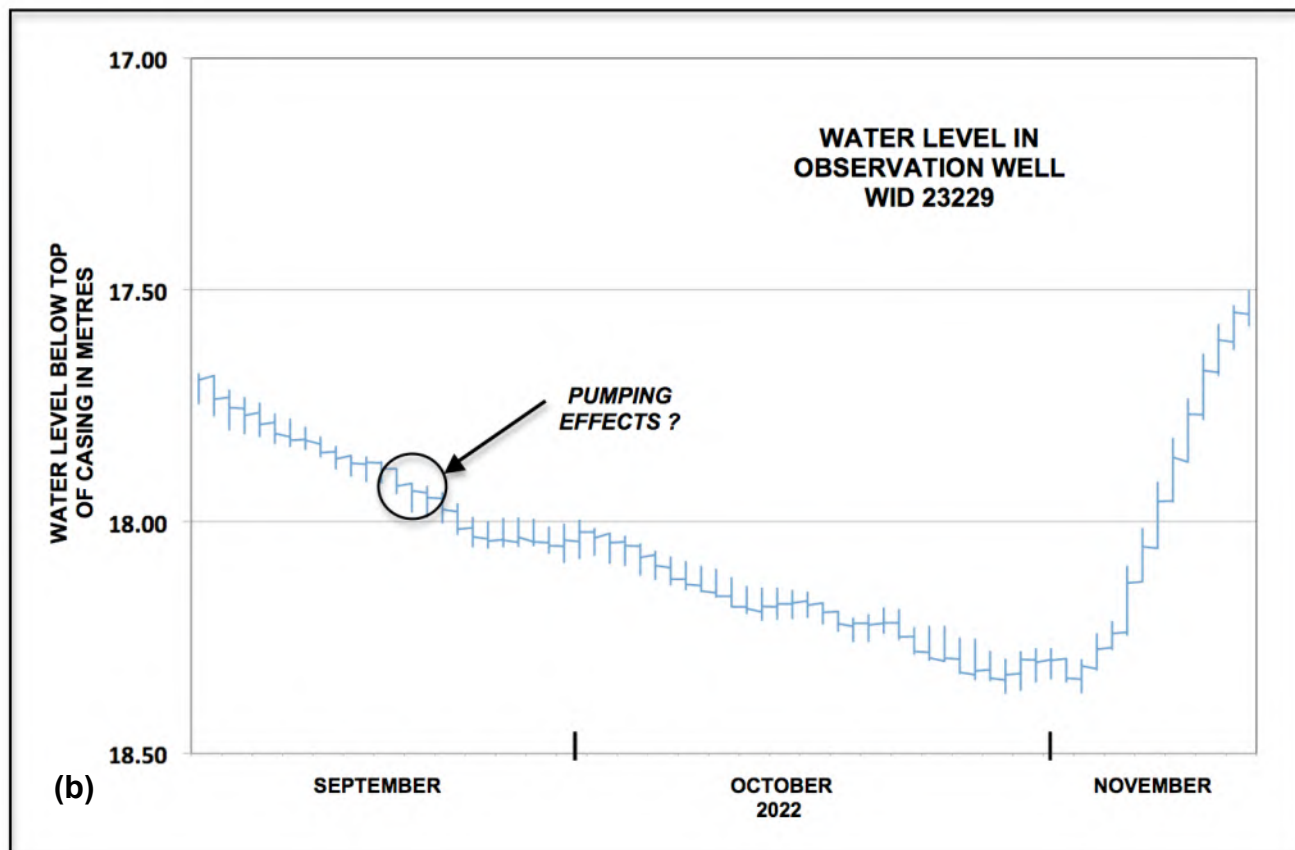
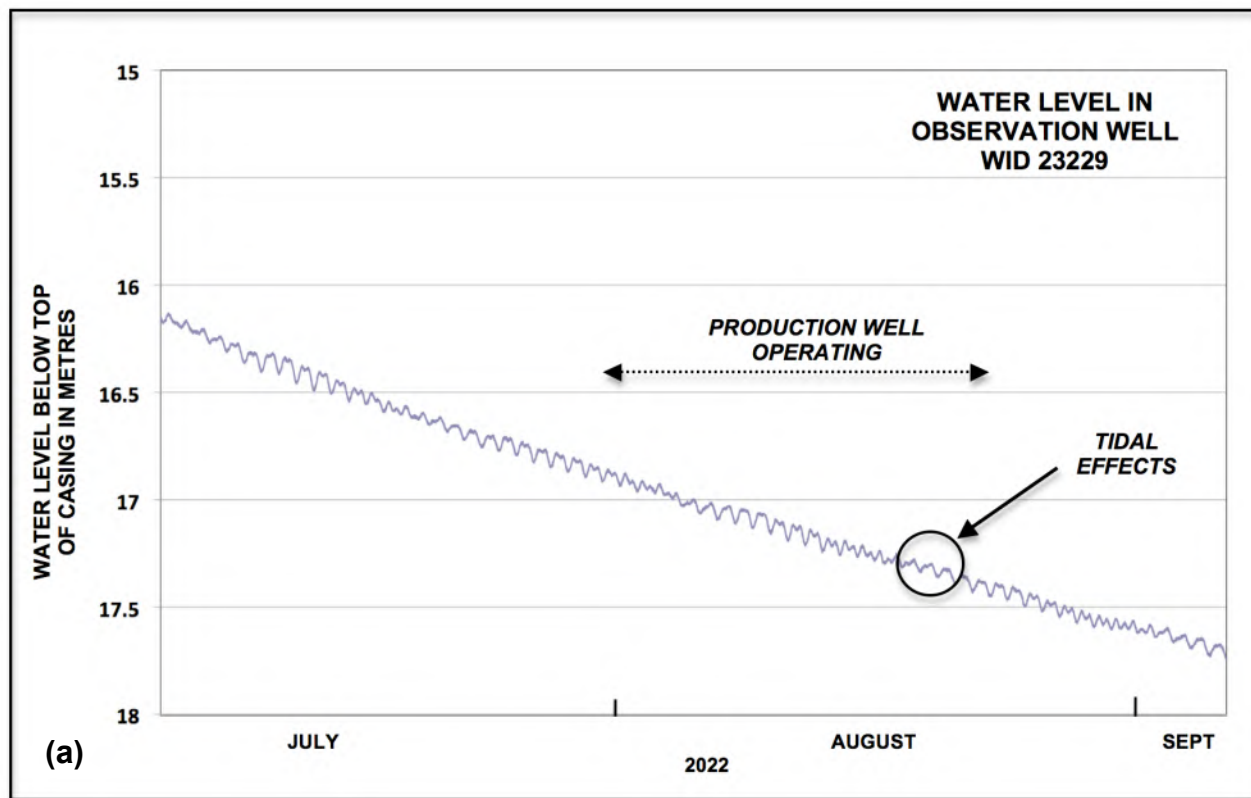


Figure 1. Variations in water levels in Observation Well from (a) July 5 to September 6, 2022, and (b) September 6 to November 14, 2022.

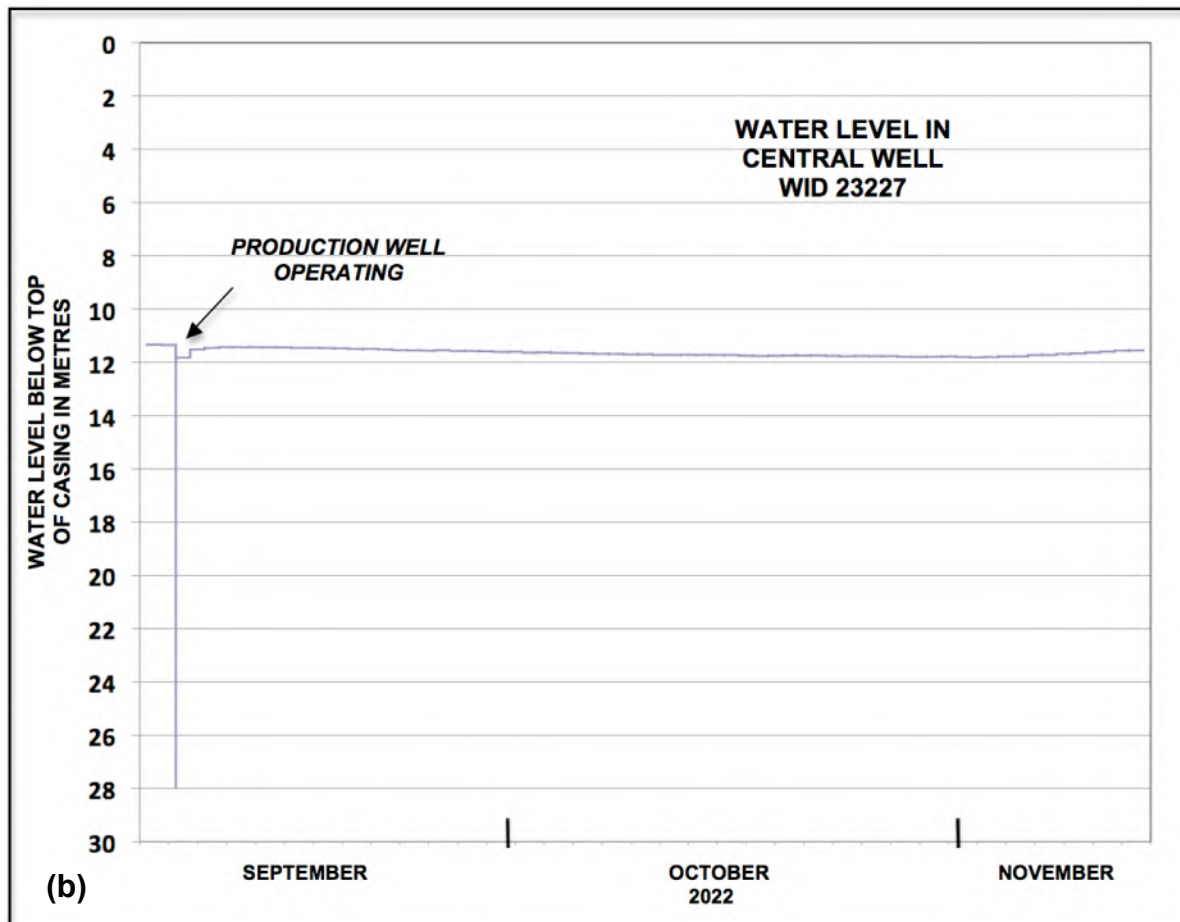
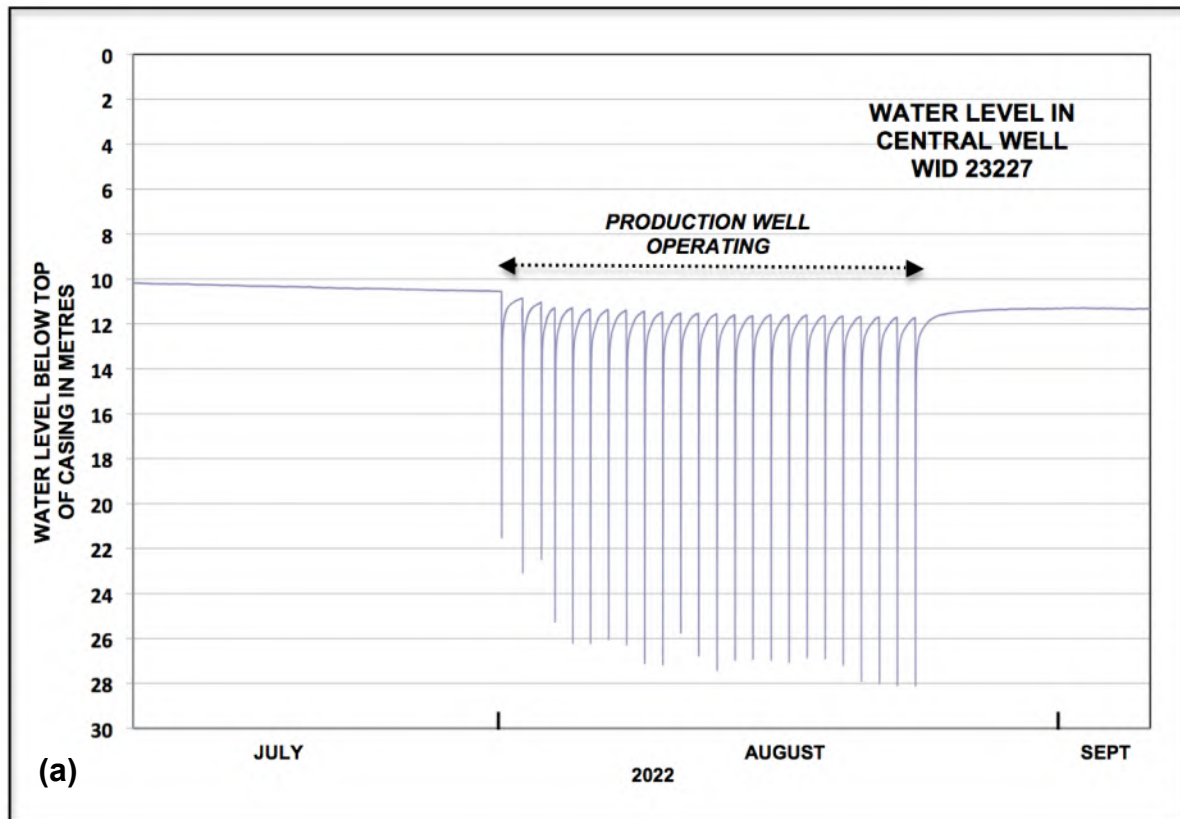


Figure 2. Variations in water levels in Production Well from (a) July 5 to September 6, 2022, and (b) September 6 to November 14, 2022.

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference the ____ day of _____, 2022 is

AMONG:

CRYSTAL MOUNTAIN - A SOCIETY FOR EASTERN AND WESTERN STUDIES (Incorporation
No. S12799), c/o 300B - 2555 Cook Rd, Galiano Island, BC V0N 1P0

(the “Owner”)

AND:

GALIANO ISLAND LOCAL TRUST COMMITTEE
Suite 200, 1627 Fort Street, Victoria, British Columbia, V8R 1H8

(the “Trust Committee”)

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of land more particularly described as:

NOTE: This section may need to be updated to include new legal descriptions before covenant is finalized depending on timing of rezoning in relation to subdivision

PID: 000-851-035

**Legal Description: LOT 9 DISTRICT LOT 90 GALIANO ISLAND COWICHAN DISTRICT PLAN
31200**

PID: 024-351-041

**Legal Description: LOT A DISTRICT LOTS 88 AND 89 GALIANO ISLAND COWICHAN
DISTRICT PLAN VIP68079**

(the “Lands”);

- B. The Owner has applied to the Trust Committee to amend the Galiano Island Land Use Bylaw to authorize a year-round Spiritual Education centre development on the Lands.
- C. Section 219 of the *Land Title Act* (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land;
- D. The Owner wishes to grant and the Trust Committee wishes to accept this covenant over the Lands, restricting the use of the Lands in the manner specified.

This Agreement is evidence that in consideration of the premises and covenants herein contained, the payment of two dollars (\$2.00) by the Trust Committee to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree pursuant to s. 219 of the *Land Title Act* as follows:

Definitions

1. In this Agreement:

- (a) "Ecological Assessment Report" means the report prepared by Keith Erickson and dated March 2021, a copy of which is attached to this Agreement as Schedule A.
- (b) "Natural Forest Cover" means areas characterized by forest in which natural tree canopy cover is greater than 30%, areas subject to natural disturbance such as disease or landslide, or areas characterized by naturally open ecosystems such as a marsh or meadow.
- (c) "Protected Tree" means any tree marked as a "Protected Live Tree" or a "Protected Dead Standing Tree (dbh > 50 cm)" on the Tree Protection Map.
- (d) "Root Protection Zone" means, in relation to a Protected Tree, any area of land within a distance equal to 12 times the diameter of the trunk of the tree, measured at breast height, or is within a distance a professional arborist determines is necessary to protect the health of the tree.
- (e) "Sensitive Ecosystem Areas" means the areas of the Lands shown on the Site Plan as "Old Forest, Moist Forest, Wetlands, Ridges, Cliffs"; "30m Stream Buffer", or "Stream".
- (f) "Site Plan" means the proposed plan for the use and development of the Lands attached to this Agreement as Schedule B.

(g) "Tree Protection Plan" means the map titled "Covenant Schedule 2 – Protected Trees" and dated January 2022, a copy of which is attached to this Agreement as Schedule C.

(g)(h) "Wellhead Buffer Area" means the area of the Lands shown as "Wellhead Buffer" on the map titled "Figure 5 Well Head Protection Map" and dated January 2022, a copy of which is attached to this Agreement as Schedule D.

Permitted Structures: Siting and Size

2. The Owner shall not construct on or develop any buildings or structures on the Lands except in accordance with the Site Plan, and in the case of a building or structure shown on the Site Plan that is also included in the list of buildings and structures attached to this Agreement as Schedule ED, subject to the maximum size set out in that list.

2.3. New buildings must be situated within the natural forest with clearing as minimal as commercially reasonable. Where clearing around buildings occurs, surfaces must be revegetated with native grasses and other landscaping vegetation. Gravel or mineral soil may be maintained within a 1.5m perimeter around buildings in compliance with Firesmart recommendations.

Ecological Protection Measures

3.4. The Owner shall not construct on or develop the Lands, or otherwise use or alter the Lands, except in accordance with the recommendations of the Ecological Assessment Report, and in particular but without limitation the Owner shall:

- (a) not construct or develop any structures within any of the Sensitive Ecosystem Areas, except that the proposed meditation hall may be sited within the portion of the Sensitive Ecosystem Areas that is currently occupied by the existing meditation platform, as shown on the Site Plan;
- (b) not construct any roads on the Land other than the Roads shown on the Site Plan;
- (c) not construct utilities unless constructed along existing roads and designated utility routes as shown on the Site Plan;
- (d) not trim, prune, cut down, damage, destroy, move, or remove any Protected Tree, unless a professional arborist has first certified in writing that the Protected Tree poses a risk of harm to people or property, in which case the Owner may prune or cut down the Protected Tree but only to the extent necessary to address the risk;
- (e) not alter, construct or develop within any Root Protection Zone; and
- (f) utilize existing compacted soil areas for siting structures whenever possible.

Maintenance of Forest Cover

4.5. The Owner shall maintain at least 60 percent of the Lands as Natural Forest Cover.

Groundwater Use Restrictions and Monitoring

5.6. The central well located on the Lands, with the well identification number 23227 (the “Central Well”), shall be equipped with a totalizing flow meter and the Owner must maintain records of the total amount of water produced each month. The Owner shall keep these records and shall submit them to the Trust Committee upon request.

6.7. The well located on the Lands, with the well identification number 23229, shall be registered and maintained as a provincial observation well.

Water Storage and Management

8. The Lands must not be used or occupied for spiritual education purposes until and unless the owner has installed a dedicated potable water storage tank with a capacity of at least 45,415 litres.

9. A caretaker cottage is not permitted on the Lands unless the owner has installed a rainwater catchment system for non-potable water with a minimum of 6,825 litres of dedicated storage.
10. The Owner shall install domestic water meters on the caretaker cottage and the central kitchen/washroom/laundry facility, and the caretaker cottage and kitchen/washroom/laundry facility shall not be occupied or used until its water meter has been installed and is functioning properly.
11. The construction of the 'dining/kitchen' and 'communal bathroom and laundry' buildings is not permitted unless the owner has installed a rainwater catchment system for non-potable water with a minimum of 91,000 litres of dedicated storage.
12. All buildings subject to building permits must have perimeter drainage as per the BC Building code, and the required perimeter drainage for buildings within the 30 metre Central Well Wellhead Buffer Area must be designed to drain/infiltrate to land outside the buffer area, down gradient from the wellhead.
13. All roads and parking areas must remain unpaved. The access road requires a ditch or swale to mitigate and divert surface flows to the east and west at regular intervals to avoid surface flows that could migrate toward the Wellhead Buffer Area.
14. A 6 meter vegetated buffer must be placed between the Central Well and the central kitchen / washroom / laundry facility.
15. The existing greywater infiltration system servicing the existing open-walled kitchen must be decommissioned and removed upon completion of an approved wastewater system.

Potable Water Supply

16. The Owner shall not construct on or develop on the upper portion of the hooked lot, identified as "CMS Area 2" on the Site Plan, unless the Owner demonstrates a potable water source that supplies at least 572.4 liters of water per day.

Costs

- 7-17. The Owner covenants and agrees to perform all requirements and obligations of this Agreement at the Owner's sole cost and expense.

No Effect on Laws or Powers

- 8-18. This Agreement does not:

- (a) affect or limit the discretion, rights, duties or powers of the Trust Committee or the Capital Regional District under any enactment or at common law, including in relation to the use or subdivision of the Lands;
- (b) impose on the Trust Committee or the Capital Regional District any duty of care or other legal duty of any kind to the Owner or to anyone else;

- (c) oblige the Trust Committee to enforce this Agreement, which is a policy matter within the sole discretion of the Trust Committee;
- (d) affect or limit any enactment relating to the use or subdivision of the Lands;
- (e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Lands.

Limitation on Obligations

~~9.19.~~ The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the requirements of any enactments or law or any order, directive, ruling or government action thereunder. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Lands and then only to the extent of that interest.

Indemnity

~~10.20.~~ Pursuant to section 219(6) of the *Land Title Act*, the Owner hereby indemnifies and saves harmless the Trust Committee and its elected and appointed officials, officers, employees and agents, from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Trust Committee may at any time suffer or incur arising out of or related to this Agreement or any breach of it.

No Liability in Tort

~~11.21.~~ The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs with the Lands

~~12.22.~~ Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* (British Columbia) in respect of the Lands. This Agreement burdens the Lands and runs with it and binds the successors in title to the Lands. This Agreement burdens and charges all of the Lands and any parcel into which it is subdivided by any means and any parcel into which the Lands is consolidated.

Registration

~~13.23.~~ The Owner agrees to do everything necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

Waiver

~~14.24.~~ An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Trust Committee of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

Priority

~~15.25.~~ The Owner shall cause this Agreement to be registered in the applicable land title office against title to the Land with priority over all financial liens, charges and encumbrances, and any leases and options to purchase, registered or pending registration at the time of application for registration of this Agreement, including by causing the holder of each such lien, charge, encumbrance, lease or option to purchase to execute an instrument in a form required by the Trust Committee under which such holder postpones all of the holder's rights to those of the Trust Committee under this Agreement in the same manner and to the same extent as if such lien, charge, encumbrance, lease or option to purchase had been registered immediately after the registration of this Agreement.

Modification

~~16.26.~~ This Agreement may not be modified except by an agreement or instrument in writing signed by the Owner or its successors in title and the Trust Committee or a successor or assignee.

Severance

~~17.27.~~ If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

~~18.28.~~ This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Binding of Successors

~~19.29.~~ This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Further Acts

~~20.30.~~ The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

Governing Law

~~21.31.~~ This Agreement shall be governed by and constructed in accordance with the law of the Province of British Columbia, which shall be deemed to be the proper law hereof.

Deed and Contract

~~22.32.~~ By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

Execution in Counterparts & Electronic Delivery

~~23.33.~~ This Agreement may be executed in any number of counterparts and delivered by e-mail, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument, provided that any party delivering this Agreement by e-mail shall also deliver to the other party an originally executed copy of this Agreement.

As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed the Land Title Office Form C which is attached hereto and which forms part of this Agreement.

INSERT SCHEDULES

Schedule A – Ecological Assessment Report

Schedule B– Site Plan

Schedule C – Tree Protection Plan

Schedule D – Well Head Protection Map

Schedule ~~ED~~ – List of Structures and Cumulative Lot Coverage

Crystal Mountain Society (CMS) Site Plan

January 2023

Proposed Lot Boundaries

- Crystal Mountain Society
- Islands Trust Conservancy
- Property Line Setbacks

Water System

- Observation Well
- Primary Well
- Proposed Ridge Well

Access Routes

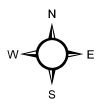
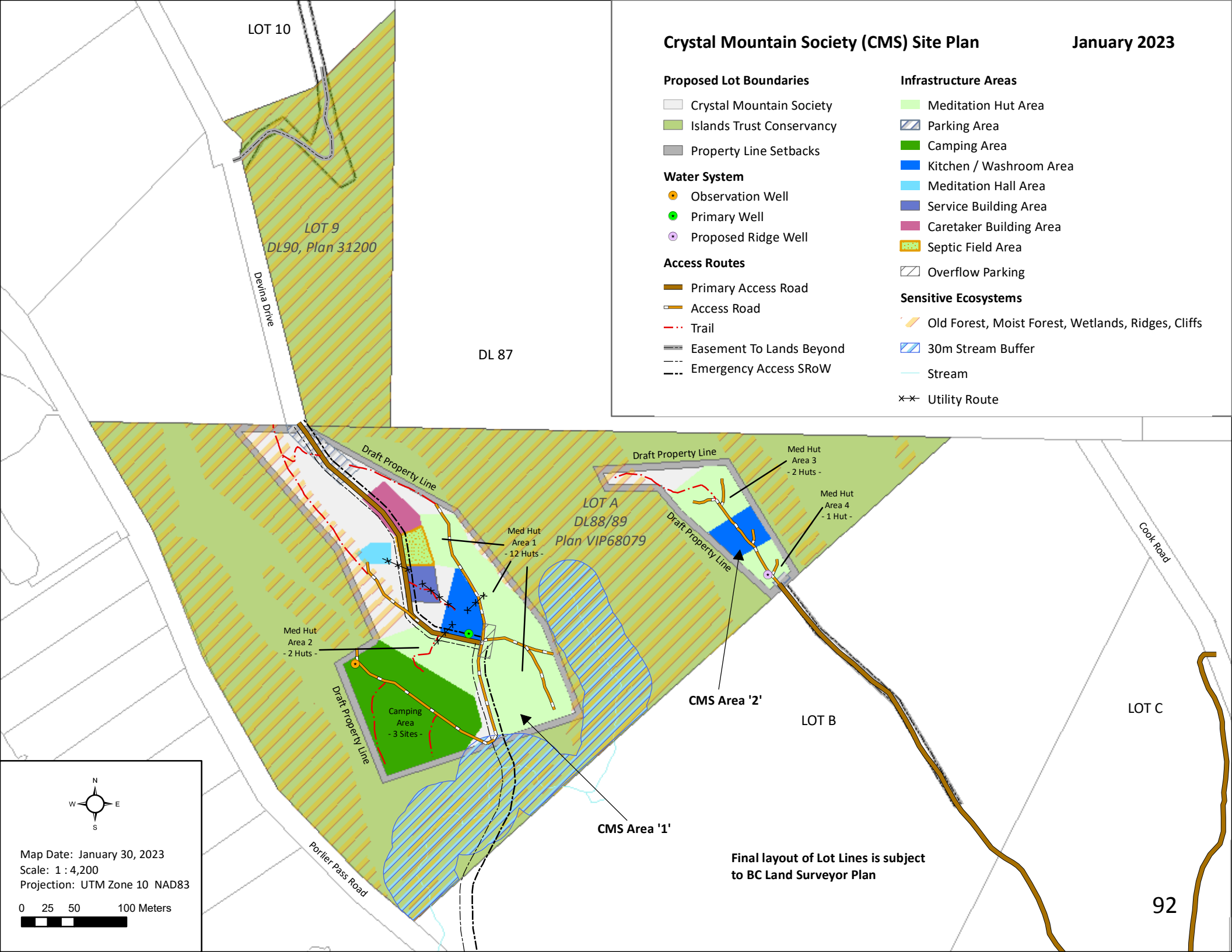
- Primary Access Road
- Access Road
- Trail
- Easement To Lands Beyond
- Emergency Access SRow

Infrastructure Areas

- Meditation Hut Area
- Parking Area
- Camping Area
- Kitchen / Washroom Area
- Meditation Hall Area
- Service Building Area
- Caretaker Building Area
- Septic Field Area
- Overflow Parking

Sensitive Ecosystems

- Old Forest, Moist Forest, Wetlands, Ridges, Cliffs
- 30m Stream Buffer
- Stream
- Utility Route



Map Date: January 30, 2023
Scale: 1 : 4,200
Projection: UTM Zone 10 NAD83

0 25 50 100 Meters



Final layout of Lot Lines is subject
to BC Land Surveyor Plan

Crystal Mountain Society (CMS) Covenant Schedule 2 -- Protected Trees

January 2022

Protected Trees

- Protected Live Tree
- Protected Dead Standing Tree (dbh > 50cm)
- Protected Trees - Critical Rooting Zone

Sensitive Ecosystems

- Old Forest, Moist Forest, Wetlands, Ridges, Cliffs
- 30m Stream Buffer
- Stream

Access Routes

- Primary Access Road
- Access Road
- Trail
- Easement To Lands Beyond
- Emergency Access SRoW

Proposed Lot Boundaries

- Crystal Mountain Society
- Islands Trust Conservancy
- Property Line Setbacks

Infrastructure Areas

- Meditation Hut Area
- Parking Area
- Camping Area
- Kitchen / Washroom Area
- Meditation Hall Area
- Service Building Area
- Caretaker Building Area
- Septic Field Area

0 25 50 100 Meters

Map Date: January 6, 2022
Scale: 1 : 4,200
Projection: UTM Zone 10 NAD83



Protected Trees

Protected Trees were established prior to the most recent logging event and are significantly larger than those generally comprising the main regenerating canopy. They are dominant structures in the stand.

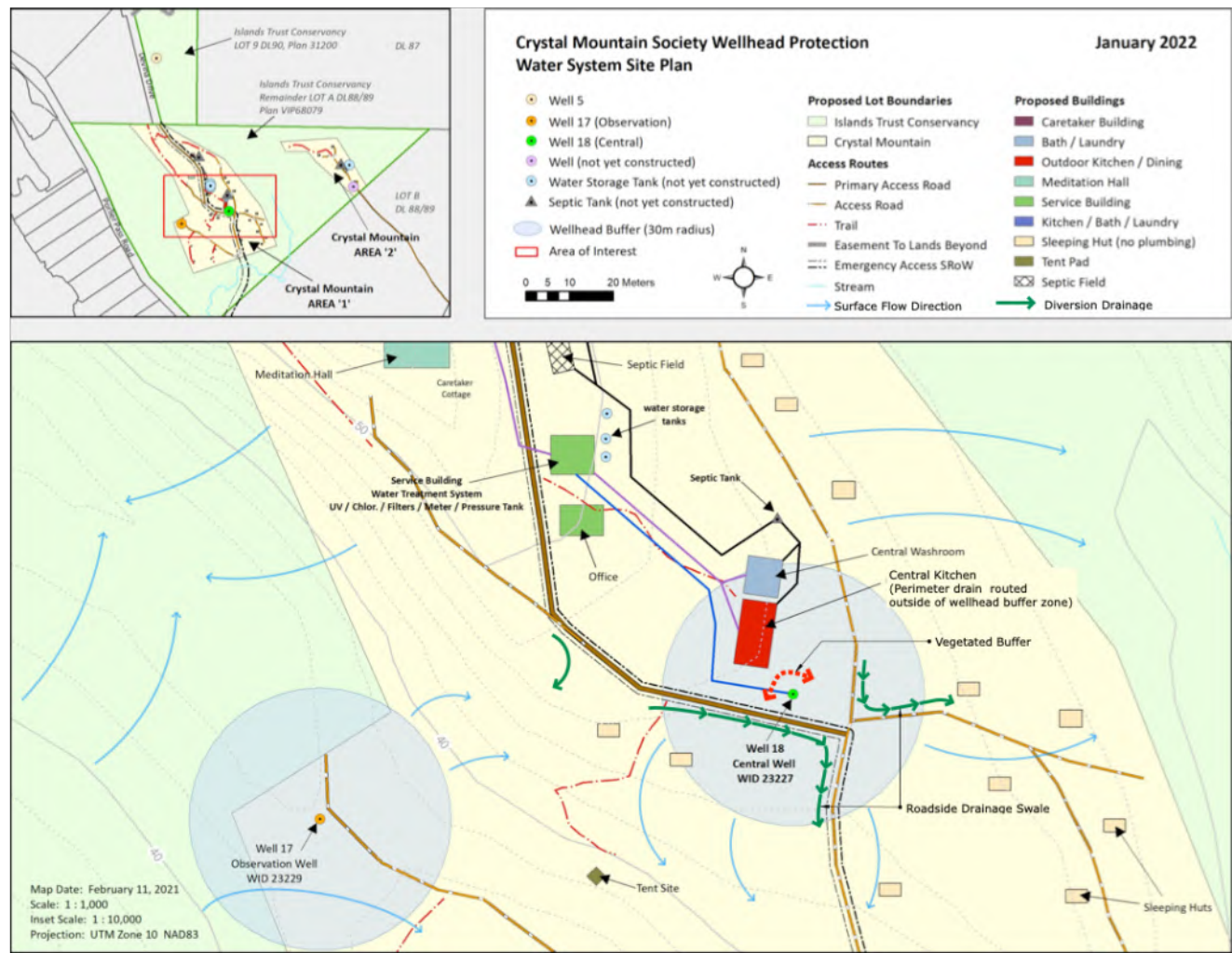
Tree Locations

Protected Trees and Dead Standing Trees were mapped using a Trimble GeoXH GPS. The accuracy of the locations are generally within 5m.

Critical Rooting Zones

Critical Rooting Zones are buffer around each protected tree, with a radius equal to 12 x the measured diameter (dbh). Dbh was measured using standard protocols.

Figure 5 Well Head Protection Map



Schedule E – List of Structures and Cumulative Lot Coverage

Area	# Structures	Area (m2)	Area (ft2)
LOWER SITE “CMS AREA 1”			
Meditation Hall	1	125	1346
Kitchen / Dining Hall	1	125	1346
Bath / Laundry	1	70	753
Storage / Workshop	1	80	861
Office	1	70	753
Sleeping Hut @21m2/226ft2	2	42	452
Sleeping Hut @15m2/161ft2	12	180	1938
Caretaker Building	1	80	861
Seasonal Tent Platforms @14m2/150ft2	3	42	452
Total Area 1	23	814	8762
UPPER RIDGE SITE “CMS AREA 2”			
Kitchen / Bath / Laundry	1	36	388
Storage Building	1	10	108
Sleeping Hut (@21m2/226ft2)	3	63	678
Total Area 2	5	109	1173
Total Structures Entire Parcel	28	923	9935
LOT COVERAGE (based on 6.131 ha. Lot)			1.55%

DATE OF MEETING: February 7, 2023
TO: Galiano Island Local Trust Committee
FROM: Charly Caproff, Planner 1

COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Permit
Applicant: Gerald Longson
Location: 90 Montague Road, Galiano Island

RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Development Permit GL-DP-2022.5 (Longson)

REPORT SUMMARY

The subject property is designated in **Development Permit Area Six – Commercial and Industrial Form and Character (DPA)**. The objective of this DPA is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural island character and minimizes impacts on adjacent properties.

The above recommendation is supported as the proposed development is compliant with the DPA guidelines and the uses, siting and parking conform to provisions of the Land Use Bylaw (LUB).

BACKGROUND

British Columbia's *Local Government Act* enables communities to designate parts of their planning area as Development Permit Areas (DPAs) so they can set objectives and guidelines for development within those areas. The Galiano Island Official Community Plan (OCP) designates seven DPAs generally designed to protect sensitive ecosystems or to guide development in areas with special circumstances. With the exception of DPA 6, issuance for Galiano Island DPAs has recently been delegated to staff.

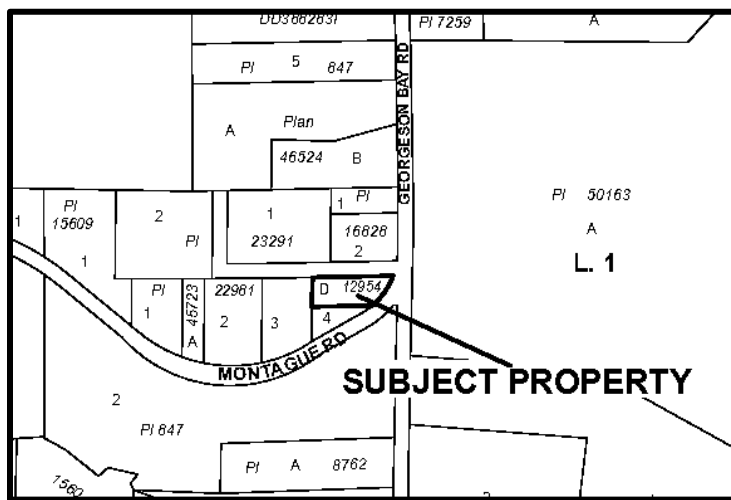
The DP application is for new construction of a building, located at 90 Montague Road, for the purposes of food production and as a support facility for the Valley Mill Restaurant. The subject property is zoned Retail Commercial (C1). The main floor of the building will include a commercial kitchen, a mill room, a small retail area, leasable space for other food producers, and general office and storage space. The upper floor will be a four-bedroom residential space for Valley Mill owner and/or operator housing. In addition, three temporary structures ("Sea-Can commissaries") will be in proximity to the building for the purposes of food concession

and temporary storage and office space while the building is under construction. Staff have noted that there are three structures within the 6.0 m exterior side lot setback. Two of the structures, pump houses, are exempted due to their use and total area (subsection 2.18 of Bylaw No. 127). The applicant has indicated that the final structure, an electrical shed, will be brought into compliance during the building permit process.

Documents submitted as part of this application include:

- a site plan and survey showing existing and proposed structures;
- proposed building plan and elevations;
- lighting, signage, and bike rack plan;
- a landscape plan;
- lighting, signage and bike rack plan; and
- summary statements of the proposed development and how it aligns with the objectives of DPA 6

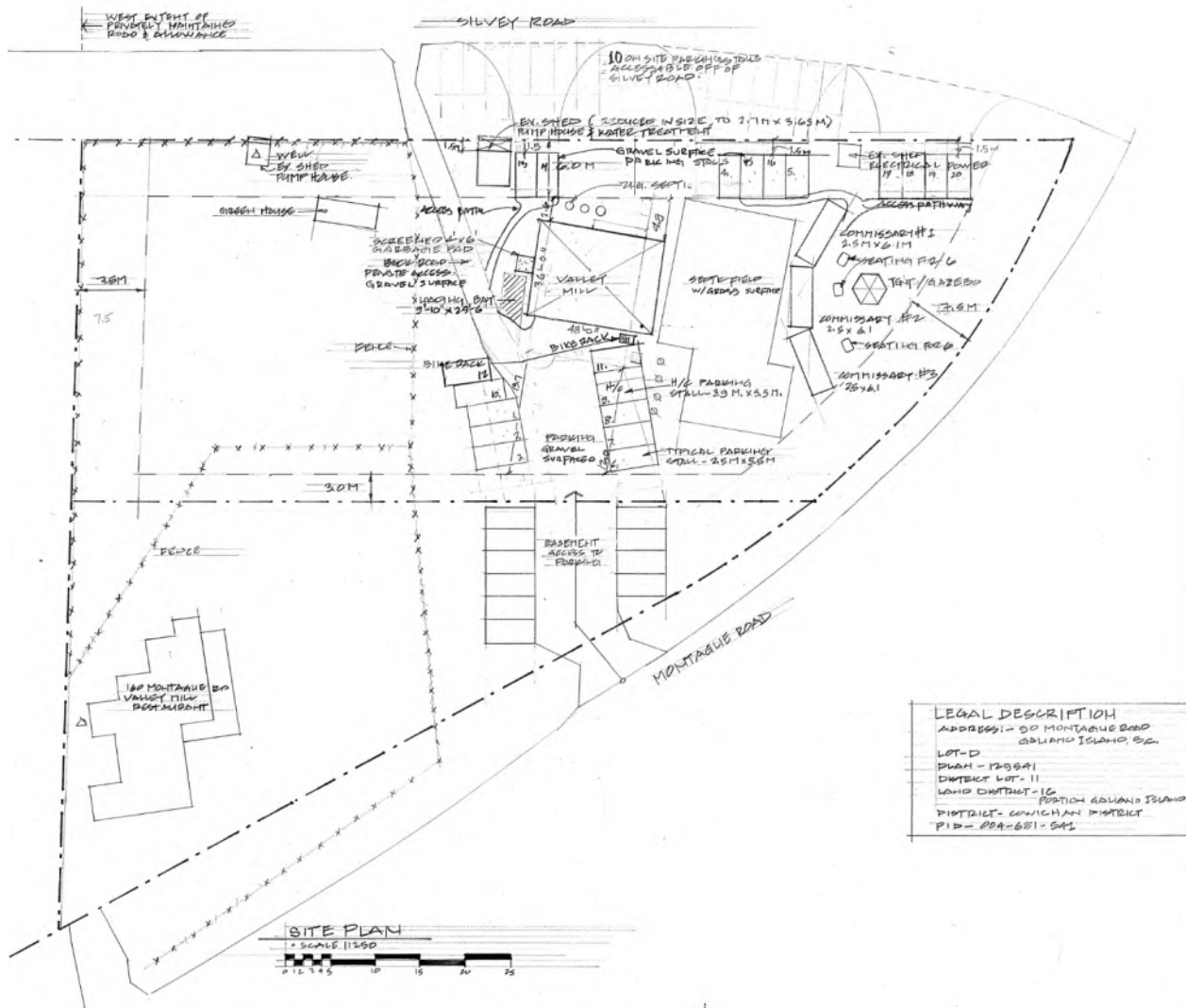
Figure 1 – Subject Property



The proposed work on the existing building and site includes the following, all in preparation for the operation of a commercial kitchen/retail area and on-site accommodation:

- the existing house is to be replaced, using similar scale, mass and character of the original building;
- landscaping designed by a certified horticulturalist that aligns with DPA 6 specifications;
- installation of lighting for walkways, parking areas, and signage;
- gravel parking areas to accommodate parking for 21 vehicles and bicycle storage; and
- pedestrian paths and seating for patrons of the “Sea-can commissaries”

Figure 2 – Site Plan



Staff conducted a site visit on January 18, 2023. Additional site context is included as Attachment 1 and a map, photos and the site plan are included as Attachment 2.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

The relevant policy to the proposed development is:

5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

The policy has been implemented through zoning regulations and designation of the DPA.

Official Community Plan

The property is designated **Commercial (C)** in the Galiano Island Official Community Plan No. 108, 1995.

The property is designated **Development Permit Area Six – Commercial and Industrial Form and Character**. The objective of the DPA is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural island character and minimizes impacts on adjacent properties.

Analysis of the proposed development's conformity to the objectives and guidelines is found in the Development Permit Area Checklist (Attachment 3) and discussed in detail below ('Issues and Opportunities').

In summary the proposal conforms to the DPA guidelines.

Land Use Bylaw

The property is zoned **Retail Commercial (C1)** in the LUB. The application complies with the siting, use and parking requirement provisions of the Galiano Island Official Community Plan No. 108, 1995.

Issues and Opportunities

The guidelines for DPA 6 are analyzed in Attachment 3 – DPA Checklist. Some specific comments are as follows:

Form and Character

- The proposed building's form would not overwhelm the scale, mass and character of adjacent non-commercial properties and, as proposed, displays requisite character by using Hardie-Panel-Board and natural wood materials; and
- The visual impacts of the proposal are minimal, unobtrusive, and align with the objectives of DPA 6

Overall the form and character of the proposed development is consistent with the DP guidelines.

Landscape and Parking

- Pedestrian paths and social gathering space are provided;
- The landscape plan shows that existing trees and plantings will be retained, and bee-friendly native plantings will be introduced and;
- Large impervious and surfaced parking area avoided with the use of permeable gravel and parking is located appropriately. A commercial loading bay is also provided.

Signage and Lighting

- Low voltage lighting is used for parking lot lighting

Consultation

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

Rationale for Recommendation

Based on the proposal's compliance with the DPA guidelines and that the uses and siting and parking conform to the provisions of the LUB, staff is recommending that the LTC approve issuance of Development Permit GL-DP-2022.5 (Longson) as per the resolution on Page 1.

ALTERNATIVES

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Determine that the DPA guidelines are not being met

The LTC may determine that the application as presented does not meet one or more guidelines of DPA-6. If this is the case, the LTC may request that the applicant amend the proposal to more closely align with DPA guidelines. The LTC should indicate which guidelines are not being met and the reasons for this.

Recommended wording for the resolution is as follows:

*That the **Galiano Island Local Trust Committee** has determined that application GL-DP-2022.5 (Longson) as presented on February 7, 2023 does not meet guideline(s) _____ for the following reasons: _____*

Submitted By:	Charly Caproff, Planner 1	January 25, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	January 26, 2023

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. DPA Guideline Checklist
4. Draft Development Permit GL-DP-2022.5

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT D, DISTRICT LOT 11, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 12954
PID	004-681-541
Civic Address	90 Montague Rd Galiano
Lot Size	0.4 ha (0.98 ac)

LAND USE

Current Land Use	Retail Commercial (C1)
Surrounding Land Use	Small Lot Residential (SLR) and Agriculture (AG)

HISTORICAL ACTIVITY

File No.	Purpose
	N/A

POLICY/REGULATORY

Official Community Plan Designations	Commercial (C) DPA 6 – Commercial and Industrial Form and Character
Land Use Bylaw	Retail Commercial 
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	The proposal has no implications for the Islands Trust Conservancy.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	N/A

Hazard Areas	Low and moderate risk steep slope on subject site.
Archaeological Sites	Mapping does not indicate archaeological sites or potential on the subject site or within 100 m it. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	N/A
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, PHOTOGRAPHS

2.1 ORTHOPHOTO AND ZONING

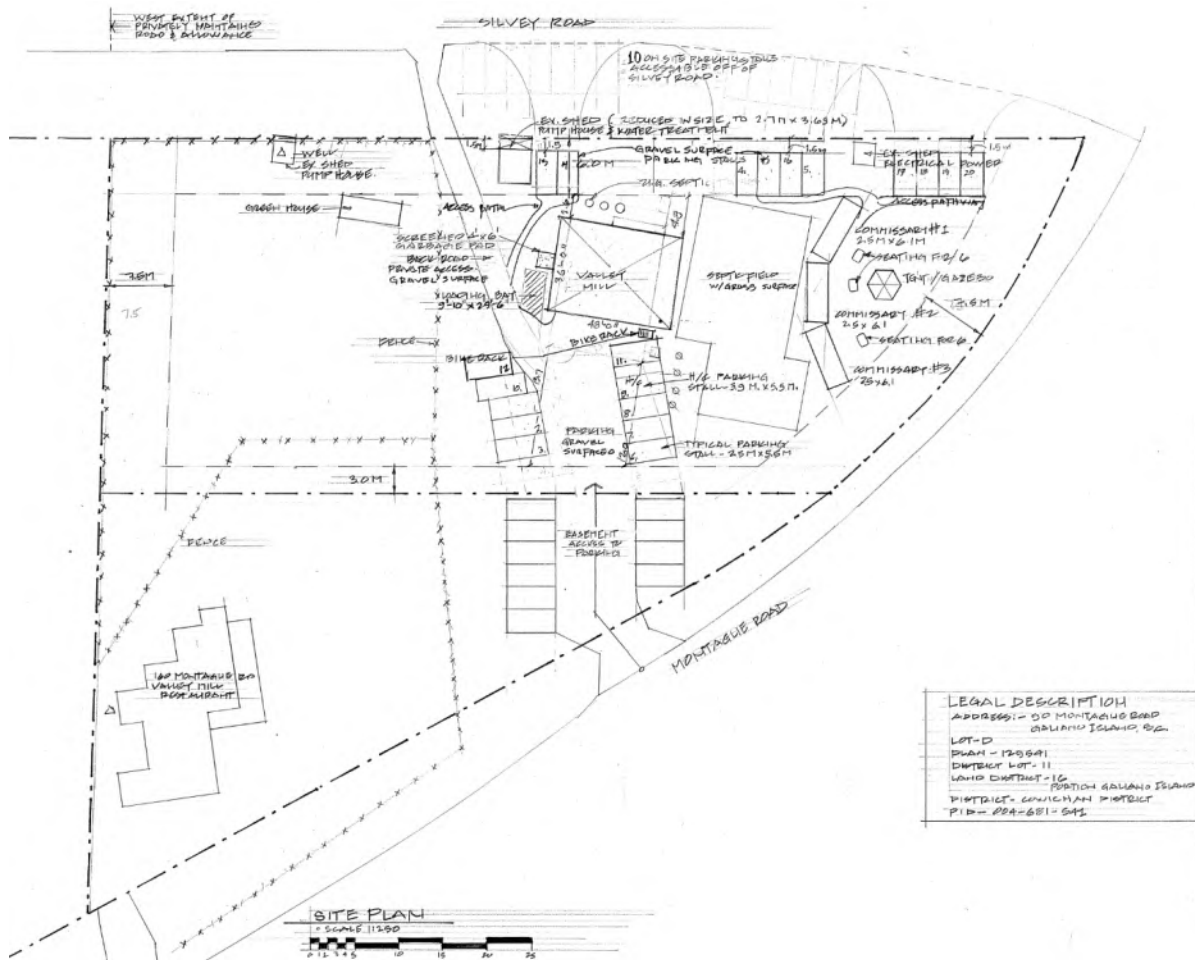


2.2 DPA

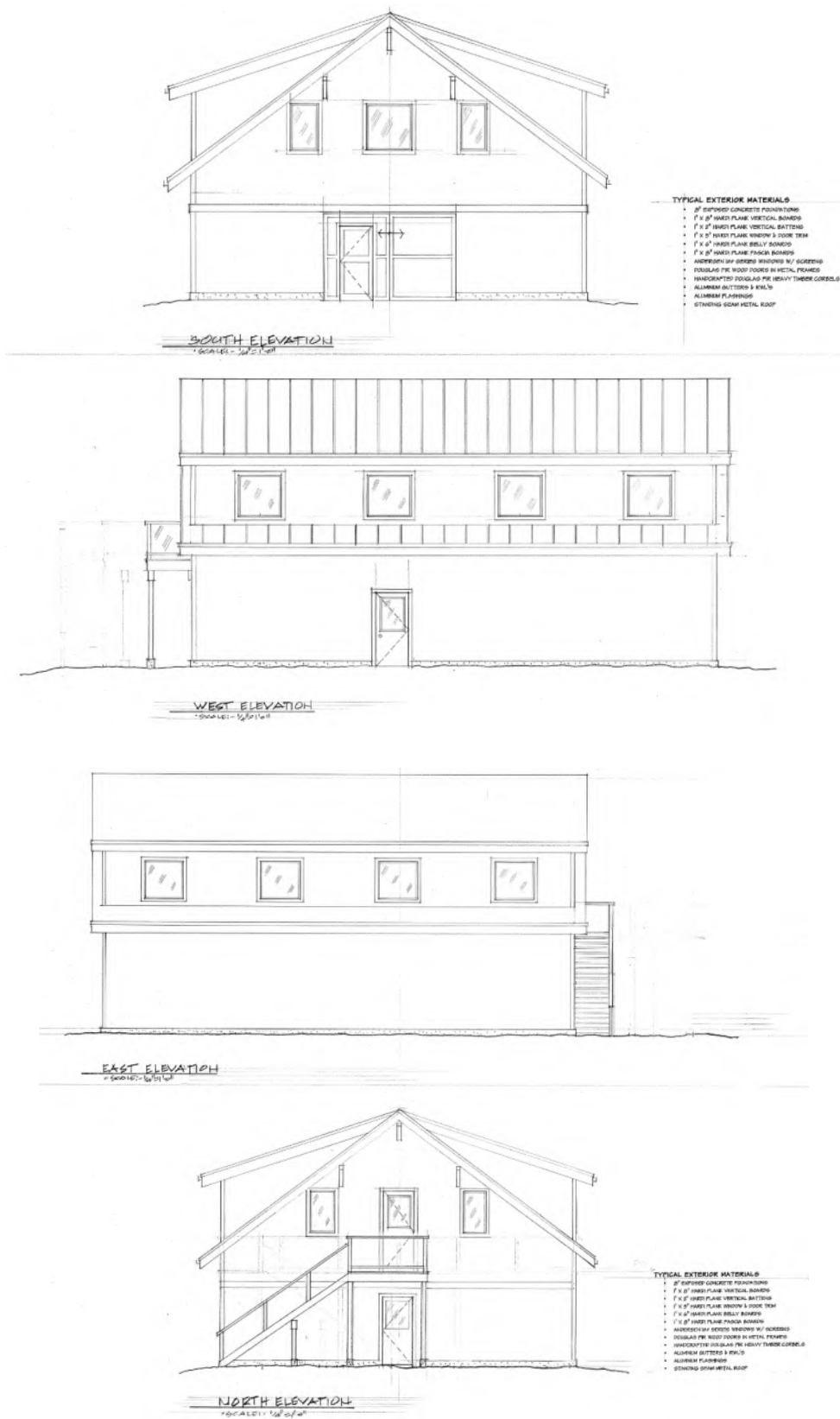


 DPA 6 - Commercial & Industrial

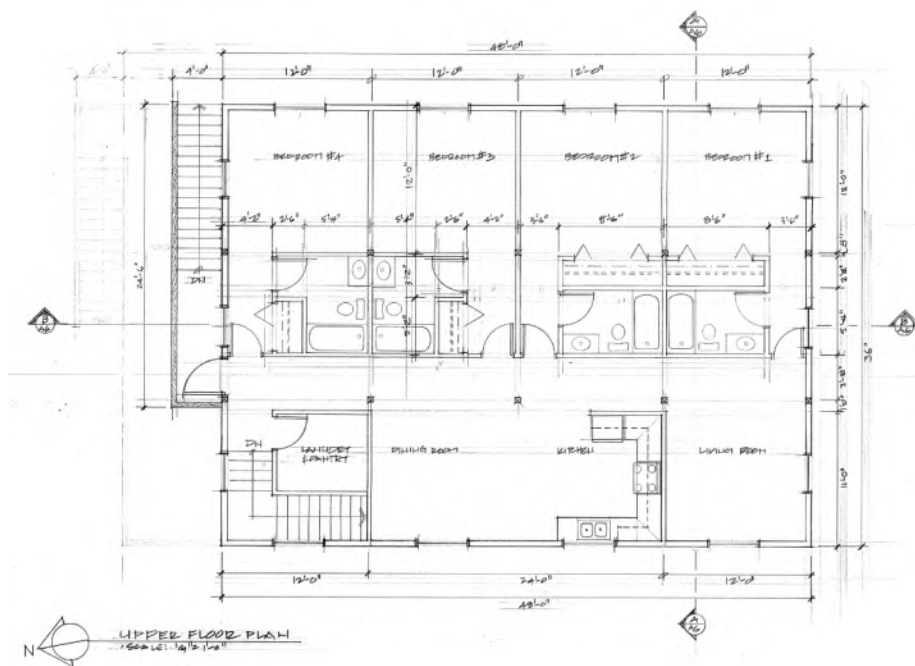
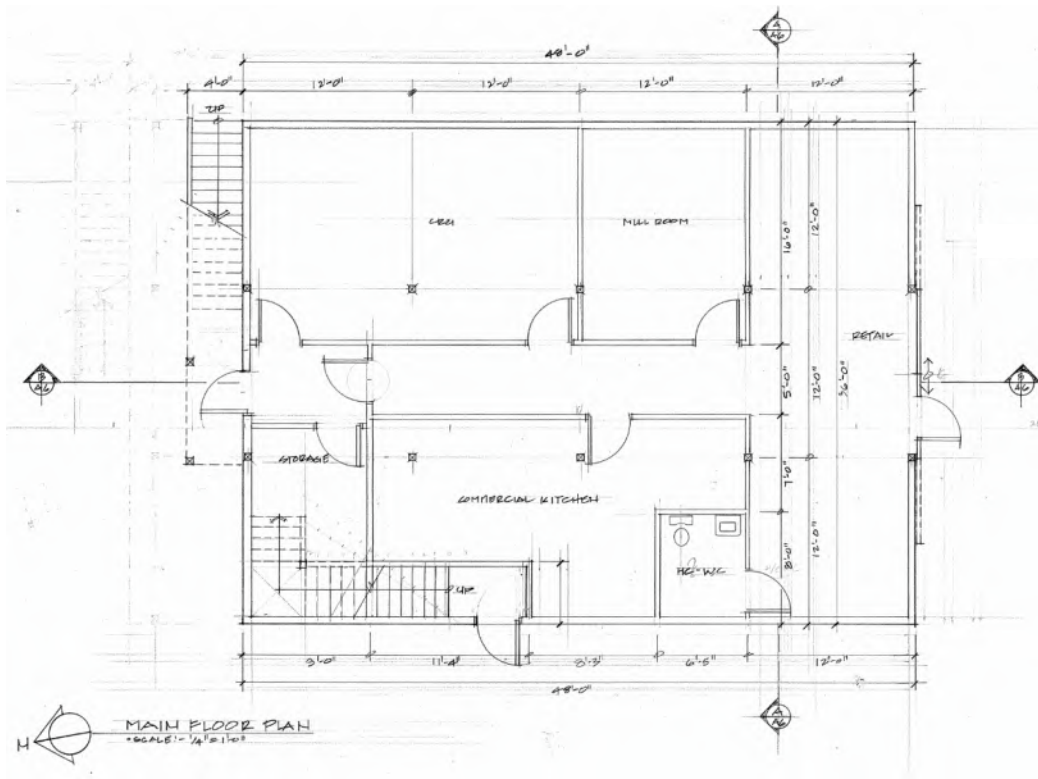
2.3 SITE AND BIKE RACK PLAN



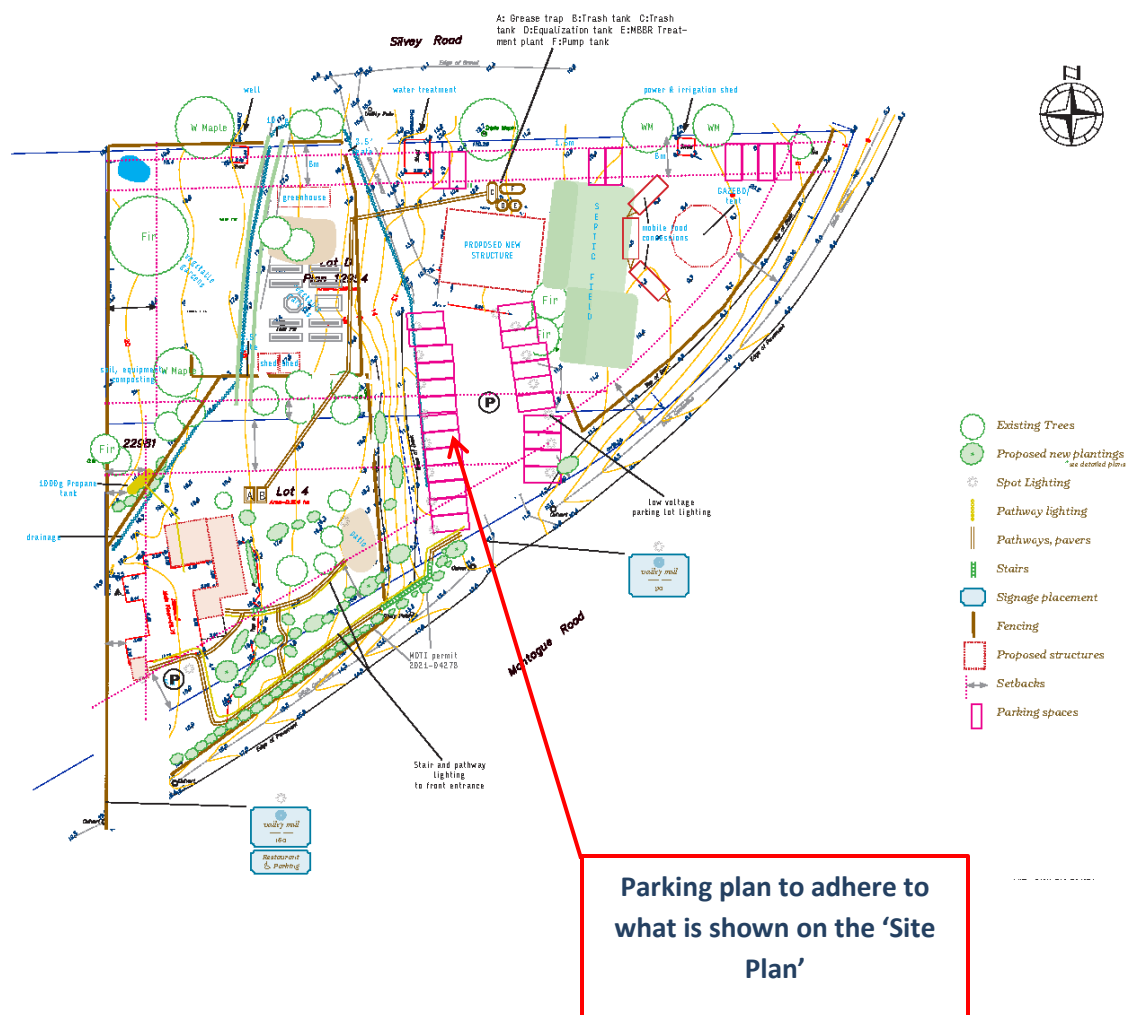
2.4 BUILDING ELEVATIONS



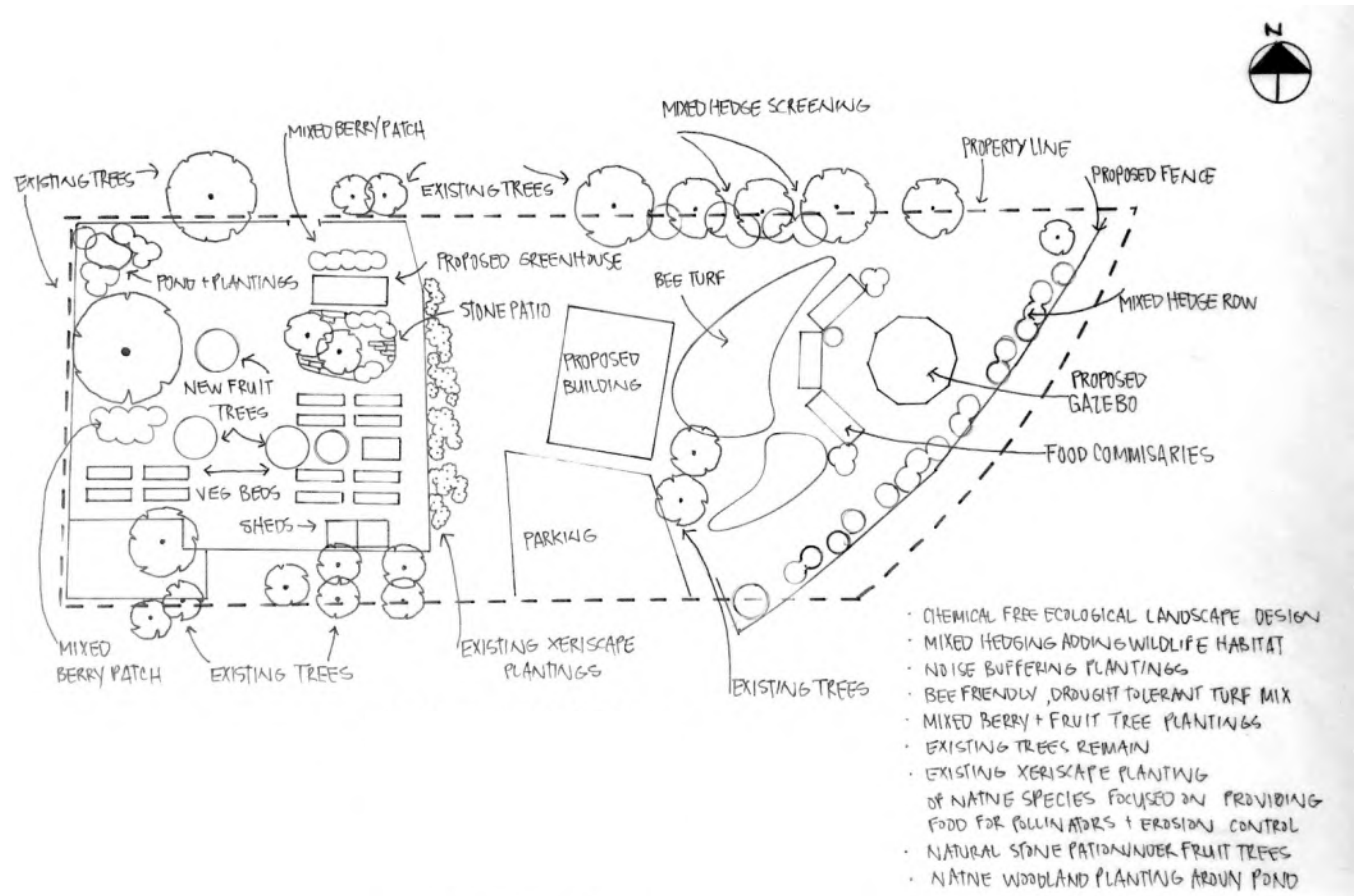
2.5 BUILDING PLANS



2.6 LIGHTING, SIGNAGE AND PARKING PLAN



2.7 LANDSCAPE PLAN



2.8 EXISTING SITE CONDITIONS (JANUARY 18, 2023)



2.9 BUILDING RENDERING



Galiano Island
OCP Bylaw No. 108, 1995
Commercial and Industrial Form and Character Development Permit Area
(DPA 6)
Guideline Checklist

Guideline	Complies			Comments
	Yes	No	N/A	
1. Where an application involves <u>retail commercial</u> buildings or structures, which are buildings and structures designed and intended for commercial uses other than for visitor accommodation, the building form and character should adhere to the following guidelines:				
a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.	☒	☐	☐	Mixed hedge screening provided and landscape plan utilizes existing trees and shrubs
b) Buildings should be designed and sited with the main entrance oriented to the front lot line or to the main point of entry from the road where appropriate.	☒	☐	☐	
c) Building form and character should not overwhelm the scale, mass and character of adjacent non-commercial properties.	☒	☐	☐	Structure height is 8.0 m, permitted height is 9.0 m
d) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height.	☒	☐	☐	
e) Building mass should be softened by the use of small-scale elements such as windows, panels, entrances and other detail features in order to avoid monotony in design.	☒	☐	☐	
f) Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas; features such as garage doors and windowless facades should be minimized.	☒	☐	☐	
g) Buildings giving the impression of strip development should not be considered.	☒	☐	☐	
h) Natural materials should be incorporated into the design of buildings with construction materials.	☒	☐	☐	
i) Architectural variety should be provided through the use of features such as pitched roofs, dormers and similar features.	☒	☐	☐	
j) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation.	☒	☐	☐	Sited in approximate location of house (to be demolished)
k) In order to reduce noise, elements such as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing and building design.	☐	☐	☒	
l) Social gathering should be encouraged by creating spaces such as porches, patios and gardens that are visible and accessible.	☒	☐	☐	
4. All applications should include <u>landscaping</u> adhering to the following guidelines:				
a) A landscape plan prepared by a landscape professional should:				
i. provide supporting documentary evidence pertaining to landscape specifications, irrigation requirements, planting lists (highlighting indigenous species), cost estimates, and the total value of the work;	☒	☐	☐	
ii. identify existing vegetation by type and identify areas which are to be cleared;	☒	☐	☐	
iii. provide for the landscape treatment of the frontage of the site which abuts onto existing or future public roads;	☒	☐	☐	

Guideline	Complies			Comments
	Yes	No	N/A	
iv. provide for vegetative buffers along lot lines;	☒	☐	☐	
v. identify how landscape treatment will avoid the use of herbicides, pesticides and fungicides.	☒	☐	☐	
b) Existing site topography, landscape features, and indigenous vegetation should be retained wherever possible. Significant or important existing indigenous vegetation within all setback areas should be preserved (i.e. wetlands and mature wooded areas). Significant existing indigenous vegetation within the buildable area of the site should be preserved wherever possible through careful and innovative site design.	☒	☐	☐	
c) Appropriate natural buffering and landscaping should be provided along all roads. The width and extent of this buffer strip should be established based on the overall useable site area of the parcel, the extent of existing vegetation, the provision for adequate access and visual clearances, and any zoning requirements for landscape screening. Appropriate buffering should also be provided adjacent to the boundary of the Agricultural Land Reserve, along abutting residential properties and adjacent to watercourses.	☒	☐	☐	
d) Any storage areas on the property facing public roadways should have adequate landscape screening or the provision of other screening consistent with the overall character of the site and with the other guidelines in this section.	☐	☐	☒	
e) Proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions; buffer planting using massing of indigenous trees and shrubs is encouraged.	☒	☐	☐	
f) Appropriate planting should be used to soften building massing, to break up parking areas and to provide screening along lot lines. It is not intended that plantings form a full-height visual screen around the whole site and screen all buildings from view; planting should reduce and soften the apparent scale and mass of buildings, provide screens, and create breaks in a building façade or at building corners.	☒	☐	☐	
g) New drainage swales and detention basins should be planted with materials that will assist in the treatment of stormwater runoff and that are also complementary to the surrounding natural vegetation.	☐	☐	☒	
h) All landscaping and screening should be completed within 12 months of an occupancy permit being issued and should meet or exceed the British Columbia Society of Landscape Architects and British Columbia Nursery Trades Association standards.	☐	☐	☐	
i) The application may include a security, in the form of an irrevocable letter of credit for 125% of the value of the quoted landscaping cost.	☒	☐	☐	As new planting will occur, a security is required for this application.
5. All applications should provide a <u>parking</u> layout plan, adhering to the following guidelines:				
a) Large impervious and surfaced parking areas should be avoided. Parking should be provided through smaller parking areas dispersed throughout the development and separated with planted landscaped areas. Porous or permeable surfaces should be used where practical and impervious surfaces should be minimized and swales and open ditches should be installed rather than curb and gutter systems.	☒	☐	☐	
b) Visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in and around parking areas	☒	☐	☐	

Guideline	Complies			Comments
	Yes	No	N/A	
c) Parking should be located at the sides or rear of buildings wherever feasible.	☒	☐	☐	
d) Development should provide for and clearly identify pedestrian circulation areas, preferably with different paving and/or landscaping treatment.	☒	☐	☐	
e) All significant paved parking areas should be included within the context of any stormwater water plan and incorporate oil/water separators.	☐	☐	☒	
f) The shared use of a common access between businesses is encouraged. The number of accesses should be limited to the number required for traffic safety.	☐	☐	☒	
g) All new development should include provision for bicycle parking or storage.	☒	☐	☐	
6. <u>Lighting</u> proposed as part of an application for a new building or overall site development should adhere to the following guidelines:				
a) Lighting for walks and parking areas should be small in scale and used to illuminate signs, displays and pedestrian paths.	☒	☐	☐	
b) High intensity lighting in parking lots and along roadsides is discouraged.	☒	☐	☐	
c) Security and other lighting should not be placed so as to shine directly onto residential or agricultural properties or to reduce the effectiveness of any landscaped buffer.	☒	☐	☐	
7. <u>Signs</u> should adhere to the following guidelines:				
a) Each site should have no more than one freestanding sign, located on the same lot as the development.	☒	☐	☐	
b) One sign should be installed for each business premise. All signs should be integrated into the overall design of the building and should not extend above the top wall of a building.	☒	☐	☐	Access for 90 Montague Road parking lot is via the 160 Montague Road parking lot – signage will be on road allowance near the entrance to 160 Montague.
c) Signs should not be backlit or equipped with flashing, oscillating or moving lights or beacons.	☒	☐	☐	
8. The LTC may consider variances to siting, size, or parking regulations where the variance may result in closer adherence to the objectives and guidelines of this development permit area.	☐	☐	☒	



**PROPOSED
GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2022.5**

To: Gerald Longson

1. This Development Permit (the "Permit") applies the land described below and all buildings, structures and other developments therein:

Lot D, District Lot 11, Galiano Island, Cowichan District, Plan 12954.
(PID: 004-681-541)

2. This Development Permit GL-DP-2022.5 authorizes the construction of a building for the purposes of a retail/commercial space and three food concessions ("Sea-can commissaries") as well as landscaping and parking areas all within **Development Permit Area ("DPA") 6 – Commercial and Industrial Form and Character**, subject to the following requirements and conditions:

Siting, Bicycle Storage and Layout

- a) The siting and layout of the building and structures shall be substantially in accordance with the Site Plan attached to and forming part of this permit as **Schedule 'A'**;
- b) The location and provision of bicycle storage shall be substantially in accordance with the Site Plan attached to and forming part of this permit as **Schedule 'A'**;
- c) The commercial loading bay (9'-10" x 29'-6") shall be sited in accordance with the Site Plan attached to and forming part of this permit as **Schedule 'A'**;

Building Form and Character

- b) Construction of the building shall be substantially in accordance with the Building and Elevation Plans as attached to and forming part of this permit as **Schedule 'B Plan 1-4'**;
- c) Building design should substantively adhere to descriptions and visuals provided, including:
 - i. incorporation of natural materials, such as cedar and Douglas Fir, into the design of the building;
 - ii. small-scale elements such as windows, doors, siding and trim to soften the building mass

Landscaping

- d) Landscaping shall be substantially in accordance with the Landscape Plan forming part of this permit as **Schedule 'C'**;
- e) Landscaping shall substantively adhere to the following conditions:
 - i. existing trees and plantings shall be retained whenever possible;
 - ii. landscape buffering shall be provided along Silvey Road and Montague Road as shown in **Schedule 'C'**;

- iii. proposed new plantings shall consist of native vegetation or other non-invasive vegetation suitable for local environmental conditions as shown on **Schedule 'C'**;
- iv. pedestrian paths and outdoor seating will be provided as shown on **Schedule 'A'**;

Lighting, Signage, and Parking

- f) Lighting and signage shall be substantially in accordance with the Lighting, Signage and Parking Plan attached to and forming part of this permit as **Schedule 'D'**;
 - g) Parking configuration, number of stalls, landscaping components and construction shall generally be in accordance with the Site Plan attached to and forming part of this Permit as **Schedule 'A'**;
3. Pursuant to Section 502 of the *Local Government Act*, the Local Trust Committee requires security to ensure that any conditions respecting new planting and other landscape elements are satisfied:
- a) Where the Local Trust Committee considers that a condition in the permit respecting landscaping has not been satisfied the Local Trust Committee may undertake and complete the works required to satisfy the landscaping condition, at the cost of the permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the permit holder.
 - b) Any interest earned on the security provided under Condition 4 shall accrue to the permit holder and be paid to them immediately on return of the security or, on default, become part of the amount of the security.
 - c) The security provided by the permit holder shall be in the form of:
 - I. An irrevocable letter of credit with a clause for automatic renewal, or cash equivalent.
 - II. Payable to the Islands Trust,
 - III. In the amount of 125% of the quoted landscaping cost totaling \$6,250.00 based upon the cost estimate of \$5,000.00 confirmed by the applicant January 26, 2023.
4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
5. The area described herein shall be developed substantively 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 No. 127, 1999 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. 127, 1999 and to obtain other approvals necessary for completion of the proposed development including,

but not limited to, the provincial Ministry of Forests, Lands And Natural Resource Operations and Rural Development and the Department of Fisheries and Oceans.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE, THIS xxTH DAY OF MONTH, 2023.

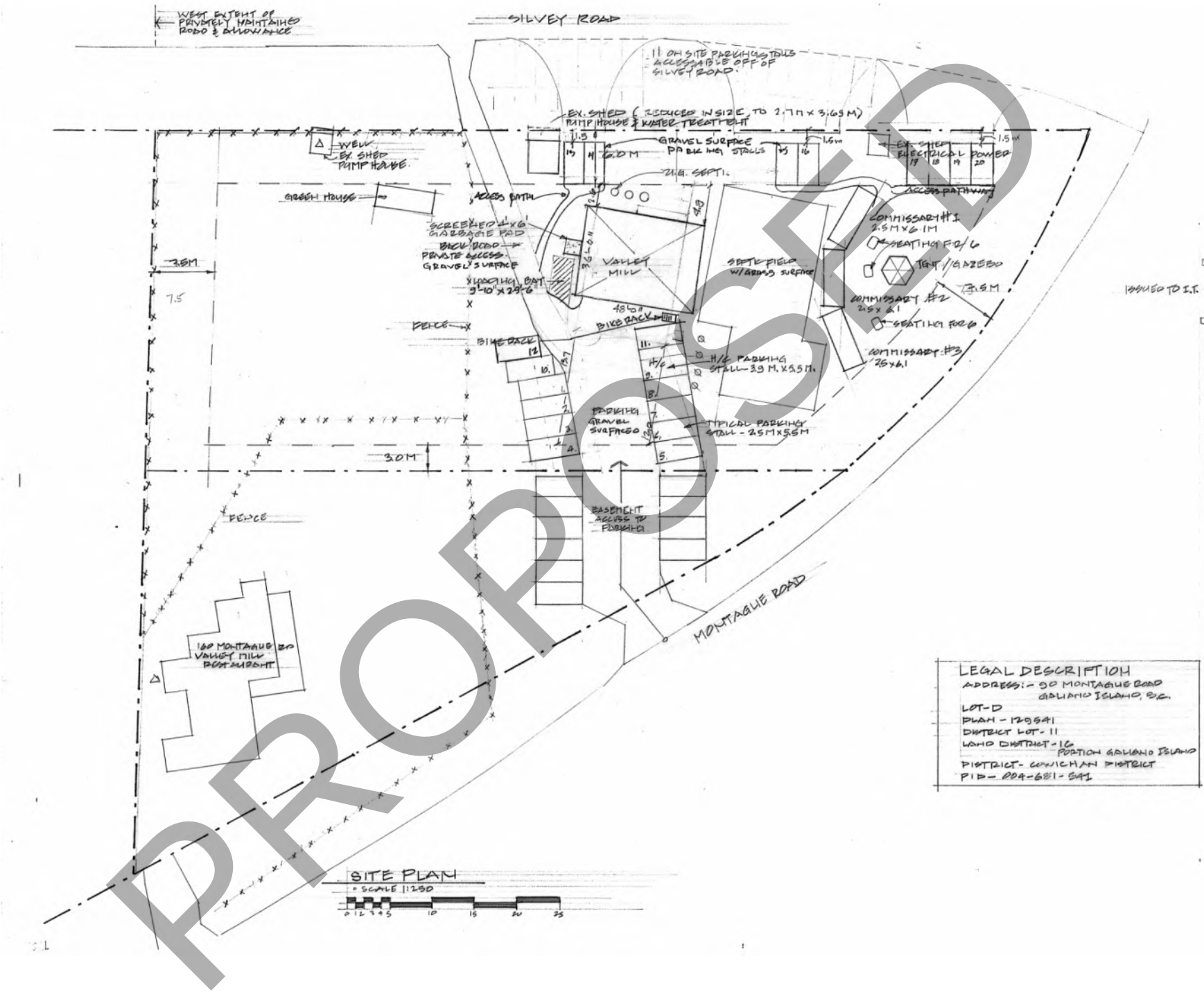
Deputy Secretary, Islands Trust

Date Issued

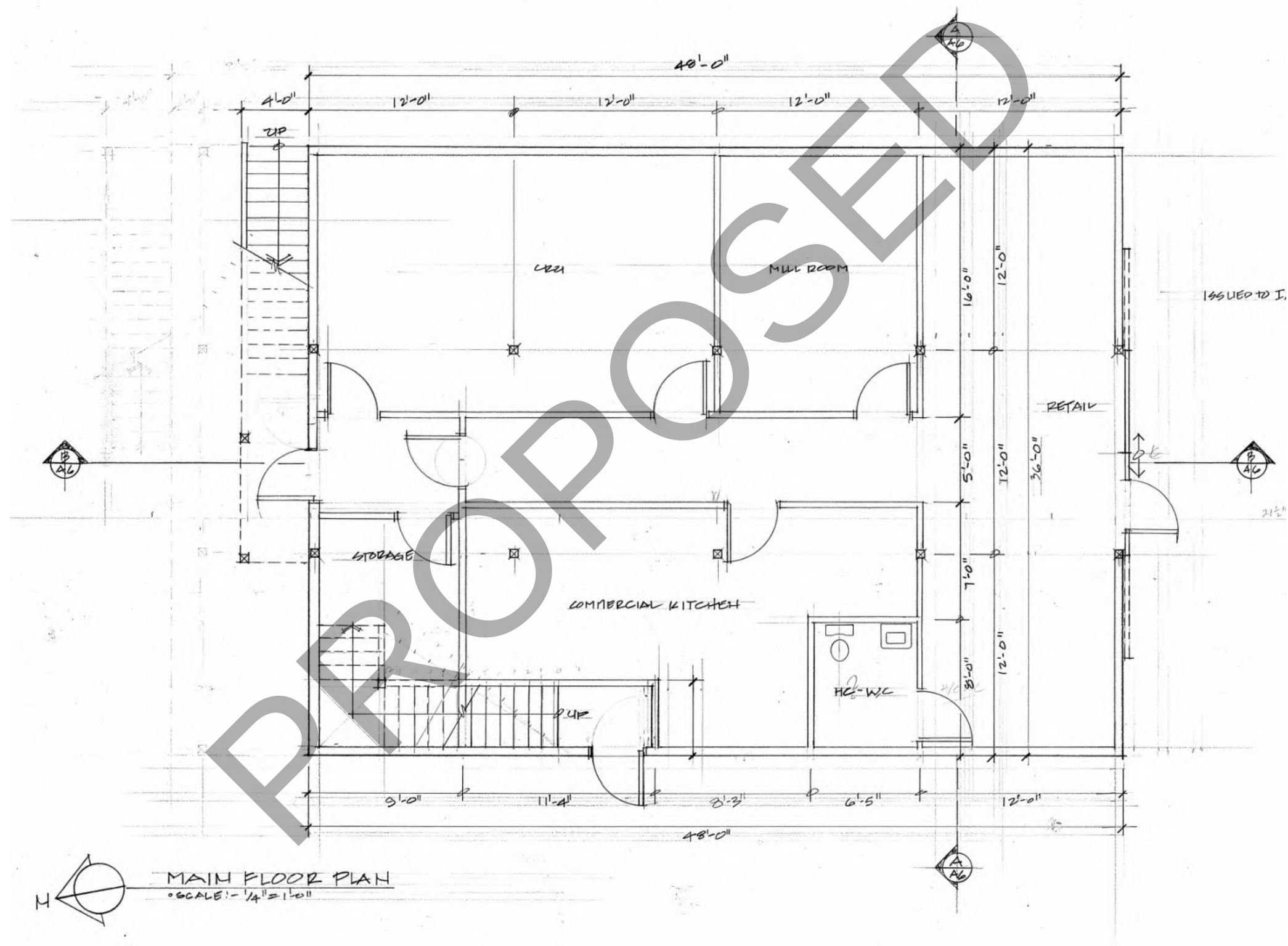
IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE TH DAY OF MONTH, 2025 THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

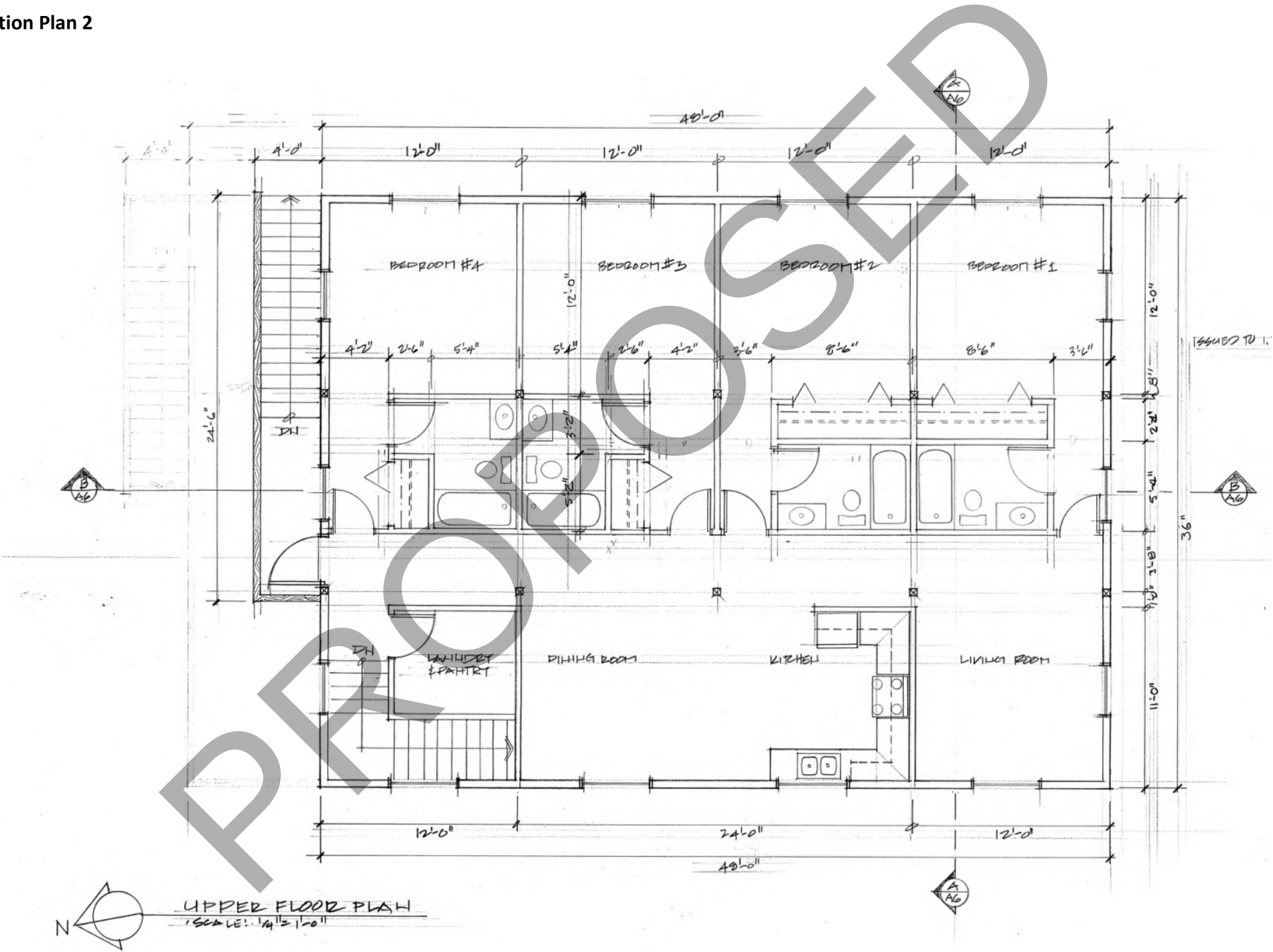
GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2022.5
Schedule 'A' – Site and Bike Storage Plan



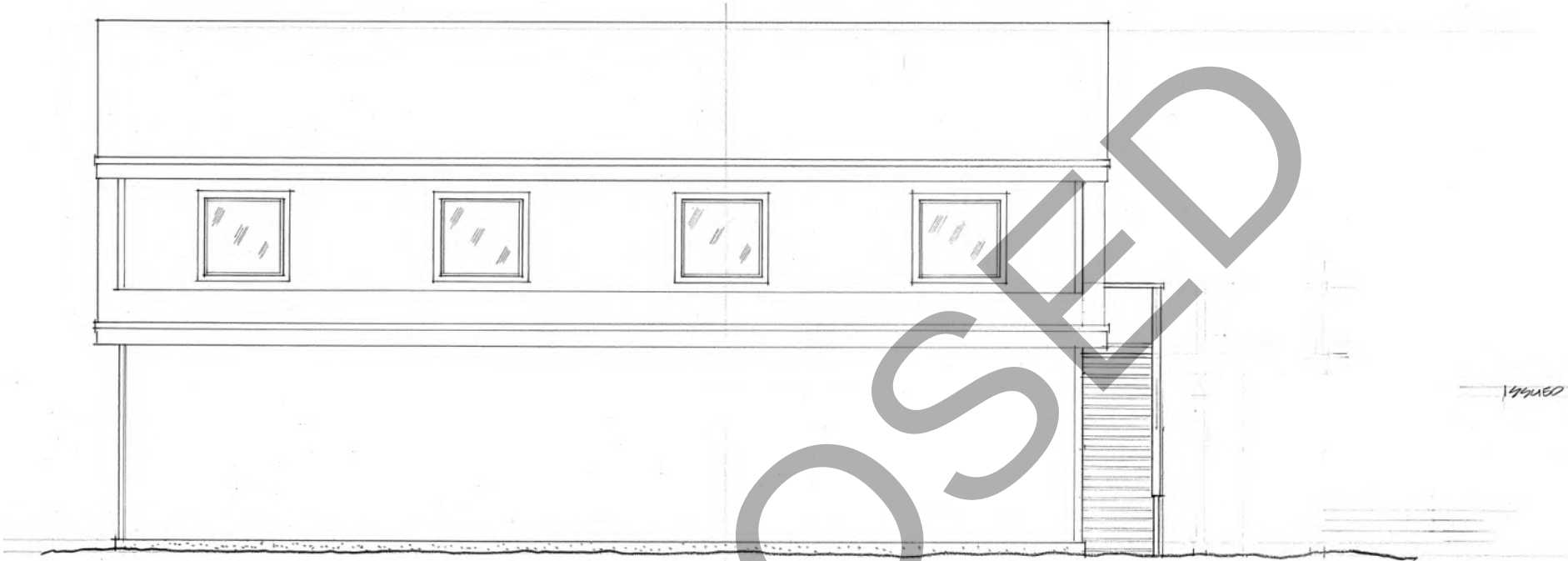
**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2022.5
Schedule 'B'
Building and Elevation Plan 1**



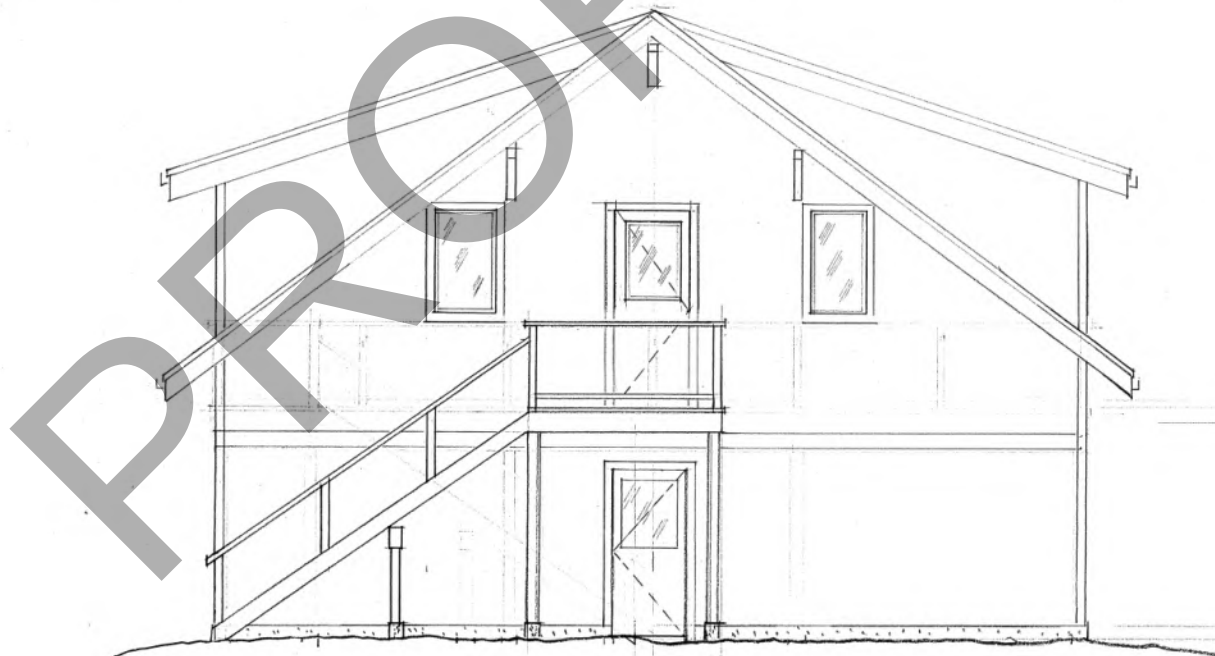
GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2022.5
Schedule 'B' Cont.' - Building and Elevation Plan 2





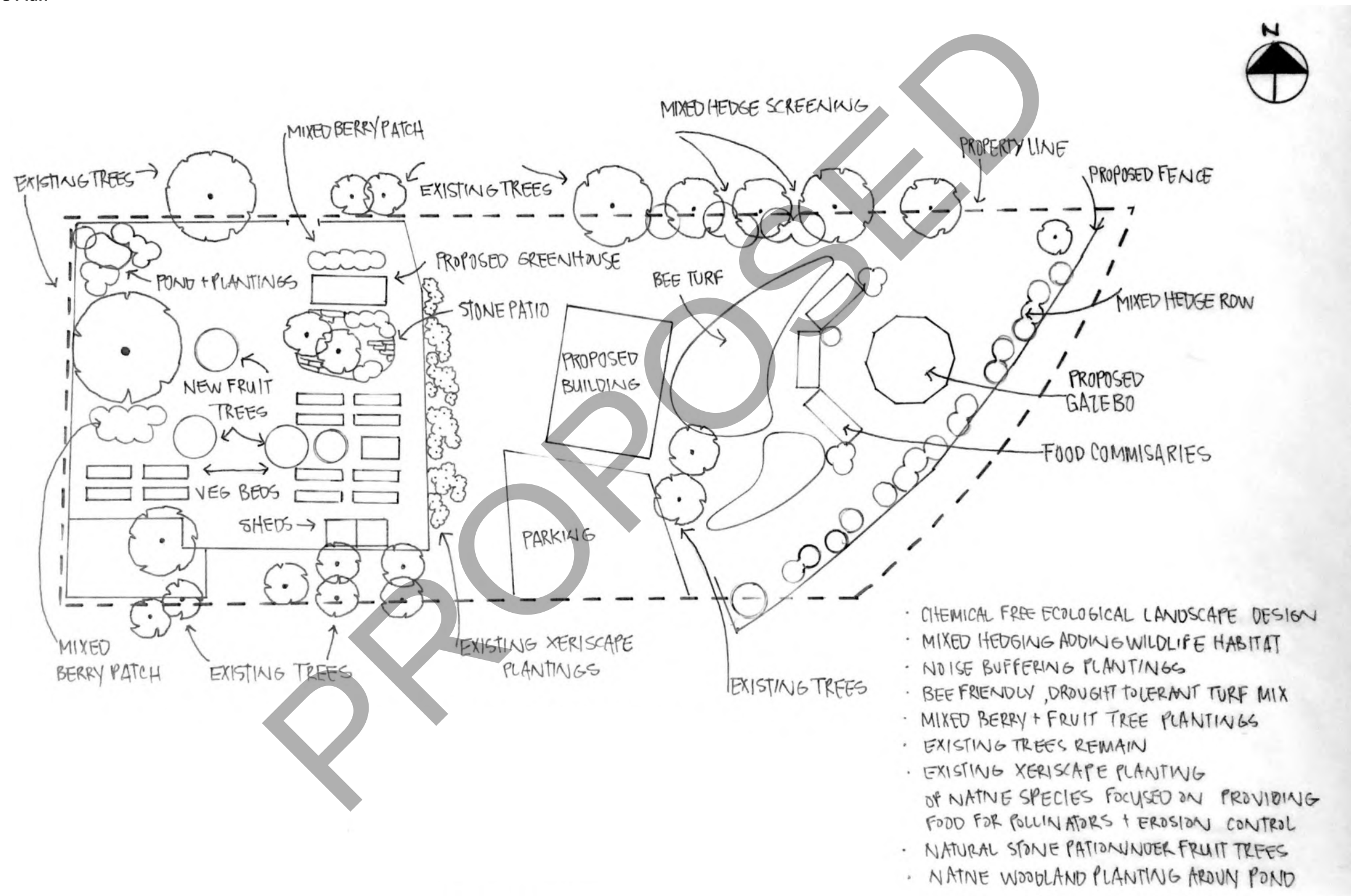


EAST ELEVATION
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"

- TYPICAL EXTERIOR MATERIALS
- 8" EXPOSED CONCRETE FOUNDATIONS
 - 1" X 8" HARD PLANK VERTICAL BOARDS
 - 1" X 2" HARD PLANK VERTICAL BATTENS
 - 1" X 3" HARD PLANK WINDOW & DOOR TRIM
 - 1" X 6" HARD PLANK BELLY BOARDS
 - 1" X 8" HARD PLANK FASCIA BOARDS
 - ANDERSEN 100 SERIES WINDOWS W/ SCREENS
 - DOUGLAS FIR WOOD DOORS IN METAL FRAMES
 - HANDCRAFTED DOUGLAS FIR HEAVY TIMBER CORBELS
 - ALUMINUM GUTTERS & RVL'S
 - ALUMINUM FLASHINGS
 - STANDING SEAM METAL ROOF



File No.: 2021 Groundwater
Implementation

DATE OF MEETING: February 7, 2023

TO: Galiano Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner

SUBJECT: Groundwater Implementation: Bylaws 283 and 284 First Reading

RECOMMENDATION

1. That the Galiano Island Local Trust Committee Bylaw No.283 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” be read for the first time.
2. That the Galiano Island Local Trust Committee Bylaw No. 284 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022” be read for the first time.
3. That the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No.283 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” and Bylaw No. 284 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022” are not contrary to or at variance with the Islands Trust Policy Statement.
4. That the Galiano Island Local Trust Committee request staff schedule a public hearing for Bylaws No. 283 and 284 before March 31, 2023.

REPORT SUMMARY

This report presents Bylaw No. 283 and Bylaw No. 284 for first reading.

BACKGROUND

At the December 5, 2022 meeting staff provided the Galiano LTC with background on the Galiano Groundwater Sustainability Implementation Project, an overview of the methodology used to identify the proposed boundaries for a Groundwater Protection DPA and related draft Bylaws that had been endorsed by the previous LTC.

At the December 5, 2022 LTC meeting the LTC supported moving to first reading with the following resolution: *That the Galiano Island Local Trust Committee Bylaw No.283 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” and the Galiano Island Local Trust Committee Bylaw No. 284 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022” be brought forward for consideration of first reading and scheduling of a public hearing at the next regular LTC meeting.*

Draft Bylaws No. 283 and No. 284 are attached. The bylaw amendments are comprised of:

1. Bylaw 284 - Amendments to the Land-Use Bylaw (Attachment 2)

- New definitions
- Cistern Requirements for all new builds (18,000 litres). Increase in cistern size for secondary suites to 18,000 litres. Captured and stored water is not required to be potable or connected to the dwelling except in the Water Management Areas as per existing regulation 13.23.
- References to “rainwater” with respect to cisterns has been changed to “freshwater” to support the capture and retention of groundwater as well as rainwater.
- Updates to regulations related to proof of water for subdivision based on model bylaw for the Southern Gulf Islands. These regulations have been extensively reviewed by provincial staff through a multi-year project of the Salt Spring Islands LTC.

2. Bylaw 283 - General Amendments to OCP (Attachment 1)

- Minor changes to OCP language
- Updates to relevant policies and objectives to facilitate consistency with revised language, the new Groundwater Recharge Protection DPA, and other proposed changes to the OCP and the LUB.
- Replacement of Schedule D – Water Resources, with Schedule D – Groundwater Regions.
- Replacement of Schedule G – DPA Area 4: Elevated Groundwater Catchment, with DPA 4: Groundwater Recharge Protection.

3. Bylaw 283- A Groundwater Recharge Protection DPA (Attachment 1)

- New DPA guidelines which would amend the DPA guidelines for Galiano’s Elevated Groundwater Catchment DPA. Amendments include: reference to 2021 mapping of recharge areas, additional exemptions including clustering development and professional reliance, changes consistent with introduction of cistern requirements for new builds, and changing the name of the DPA.
- The draft Bylaw includes the Schedule map for the 5 hectare critical aquifer coverage option with the parks and protected areas taken out. This is the DPA option that had been endorsed by the previous LTC.

All related staff reports can be found here: <https://islandstrust.bc.ca/island-planning/galiano/projects/>.

ANALYSIS

Islands Trust Policy Statement:

The proposed amendments are consistent with the Islands Trust Policy Statement.

The Policy Statement Directives Checklist is included as Attachment 3 and will need to be endorsed by the LTC if the LTC gives first reading to the draft bylaws. The checklist will then be forwarded to the Executive Committee with the bylaws after third reading.

Official Community Plan:

The inclusion of a new development permit area for groundwater protection will be the most significant amendment to the OCP. Minor language changes and updates to relevant policies have been made to ensure consistency throughout the OCP.

Land Use Bylaw:

Updates to definitions have been made to support consistency with the amendments related to cisterns, capture and storage of freshwater and proposed proof of water for subdivision regulations.

Islands Trust Conservancy :

The proposed amendments do not impact Islands Trust Conservancy interests.

Consultation

As the project involves 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. The LTC should consider if it wishes to undertake consultation additional to what has been identified above and direct staff accordingly. By resolution the LTC may also refer the draft bylaw to the Advisory Planning Commission.

Agencies

The draft bylaws will be referred to the following agencies:

Ministry of Municipal Affairs	Mayne Island Local Trust Committee
Ministry of Water Land and Natural Resources –	Salt Spring Island Local Trust Committee
Water Stewardship Branch	Thetis Island Local Trust Committee
CRD - Building Inspection	Islands Trust – Bylaw Enforcement

First Nations

The draft bylaws will be referred to the following First Nations:

Cowichan Tribes	Semiahmoo First Nation
Halalt First Nation	Snuneymuxw First Nation
Lake Cowichan First Nation	Stz’uminus First Nation
Lyackson First Nation	Tsartlip First Nation
Malahat First Nation	Tsawout First Nation
Musqueam Indian Band	Tsawwassen First Nation
Pauquachin First Nation	Tseycum First Nation
Penelakut Tribe	WSANEC Leadership Council

Rationale for Recommendation

The draft bylaws are designed to support the sustainability of freshwater into the future. The staff recommended DPA boundary based on 5 hectares of critical aquifer recharge area coverage (excluding parks and protected areas that are exempt from the DPA) will provide a substantial amount of protection without burdening small lot property owners with a process that may have limited impact (a number of smaller lots may be in areas that are already disturbed). In addition, including smaller lots will require additional staff time for application processing.

ALTERNATIVES

1. Identify DPA boundaries that are alternative to staff recommendations

The LTC may decide not to support staff recommendation support the DPA boundary which includes lots covered by 5hectares or more of critical aquifer recharge area.

That the Galiano Island Local Trust Committee endorse Bylaw No.283 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” with Schedule G including the Groundwater Recharge Protection Development Permit Area boundaries based on X hectares of lot coverage excluding areas designated as park or conservation.

2. The LTC make changes to the proposed bylaws before first reading

The LTC can make changes to the Bylaws before first reading. The changes will need to be specified in the resolution.

That the Galiano Island Local Trust Committee Draft Bylaw No.283 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” be amended

That the Galiano Island Local Trust Committee Bylaw No.284 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” be amended

3. Request further information prior to first reading

The LTC may request further information before moving to first reading. The LTC needs to specify what they would like further information on.

That the Galiano Island Local Trust Committee request further information related to.....

NEXT STEPS

If the recommendations are supported by the LTC staff will:

- Refer the bylaws to relevant agencies and First Nations
- Schedule Public Hearing
- Provide the LTC with a staff report including all comments received
- Present bylaws to LTC for Second and Third reading

Submitted By:	Narissa Chadwick, RPP Island Planner	January 25, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	January 26, 2023

ATTACHMENTS

1. Draft Bylaw 283 (OCP)
2. Draft Bylaw 284 (LUB)
3. Policy Statement Directives Checklist

DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 283

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

The Galiano Island Local Trust Committee in open meeting assembled enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 283**

SCHEDULE 1

The Galiano Island Official Community Plan No. 108, 1995, is amended as follows:

1. Table of Contents Section V is amended by deleting “4. Development Permit Area 4 – Elevated Groundwater Catchment Areas” and replacing it with “4. Development Permit Area 4 – Groundwater Recharge Protection”.
2. Section II Land Use, Residential Policy “o)” is amended by deleting “Community, Sport and Cultural Development” and replacing it with “Municipal Affairs”.
3. Section II Land Use, Subsection 5.4 Light Industry, Light Industry Advocacy Policy “m)” is amended by inserting “recharge and” after “groundwater” and before “catchment areas”.
4. Section III Services, Subsection 2 Water Supply, Water Supply Objectives is amended by deleting Objectives 1-4 in entirety and replacing with:
 - “1) to ensure an adequate supply of potable freshwater to all users now and into the future,
 - 2) to ensure that groundwater use, and alteration to the land does not pollute or otherwise increase the vulnerability of groundwater regions,
 - 3) to protect critical groundwater recharge areas by evaluating land use decision based on available groundwater vulnerability data and applying the precautionary principle to land use decisions, and
 - 4) to consider and address climate change impacts on freshwater supply and quality.”
5. Section III Services, Subsection 2 Water Supply, Water Supply Policies is amended by deleting policy “a)” in its entirety and replacing it with:
 - “a) Areas identified to be key areas for water supply , fresh water catchment, storage and recharge shall be preserved and protected.

Land identified through groundwater recharge mapping to have significant recharge potential shall be designated as a development permit area for the protection of the watershed.”

6. Section III Water Supply, Water Supply Policy “b) vi)” is amended by deleting “elevated groundwater catchment” and replacing it with “groundwater recharge protection”.
7. Section III Water Supply, Water Supply Policies is amended by removing policy “c)” in its entirety and replacing it with “c) Regulations may require new developments to provide cisterns.”
8. Section IV Conservation and Environment is amended by deleting all instances of “Fresh Water” and replacing them with “Freshwater”.
9. Section IV Conservation and Environment, Freshwater Advocacy Policies is amended by deleting “and the Provincial Ministry of Environment, Ministry of Transportation and Infrastructure, and Ministry of Forests, Lands and Natural Resource Operations” and replacing it with “and relevant Provincial Ministries”.
10. Section V Development Permit Areas is amended by deleting subsection “4. Development Permit Area 4-Elevated Groundwater Protection” in its entirety and replacing it with:

“4. Development Permit Area 4 – Groundwater Recharge Protection

4.1 Description of Area

Development Permit Area 4 includes critical groundwater recharge areas identified on Schedule G. Critical groundwater recharge areas contain hydrogeological conditions that facilitate aquifer recharge and/or transmit contaminants to an underlying aquifer. Factors considered in the identification of critical aquifer recharge areas include topography, remote sensing, satellite multispectral analysis depth to water table, presence of highly permeable soils, land-cover analysis, structural geology, presence of flat terrain, and the presence of more permeable surficial geology.

4.2 Authority

The Groundwater Recharge Protection Development Permit Area is designated a development permit area pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity and Section 488(1)(i) of the *Local Government Act* for the establishment of objectives to promote water conservation.

4.3 Special Conditions and Objectives that Justify the Designation

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

It is Provincial legislation in Section 473(1)(d) of the Local Government Act that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is environmentally sensitive to development.

The Islands Trust Council has committed to identifying, protecting and, where possible, restoring or rehabilitating groundwater recharge areas in the Trust Area.

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

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, and
- the quality and quantity of drinking water sources for current and future Trust Area residents is preserved and protected, and
- the overall health of watersheds and ground water in the Islands Trust Area is protected.

Mapping of recharge and water balance completed in 2021 for Galiano Island identifies that the island has a number of areas of critical concern with respect to groundwater vulnerability.

The Objectives of the development permit area are:

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

4.4 Development Approval Information

The Groundwater Recharge Protection DPA is also designated an area for which development approval information (DAI) may be required according to Section 485(1) of the *Local Government Act*. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impact of the proposed activity or development on the community or the natural environment.

4.5 Applicability

A development permit is required for the subdivision of land, construction of, addition to or alteration of a building or other structure, or land alteration, including the cutting of trees, unless exempted below.

4.6 Development Permit Exemptions

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

- a) Development for which Islands Trust has been provided with a written statement from a registered professional hydrogeologist with relevant experience certifying that the proposed would have no impact on critical groundwater recharge.

- b) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required).
- c) Dwellings, cottages, accessory buildings and structures, and associated land alteration that are clustered within a residential home plate not exceeding an area of 1000m², and one access driveway and overhead utility lines and poles outside of the residential home plate
- d) Land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.
- f) Removal of invasive species.
- g) Cutting and removal of up to 5 trees per hectare (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.
- j) Forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- k) The construction of an accessory building or structure with a lot coverage of less than 100m².
- l) Construction of trails or fences that does not alter contours of the land.
- m) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
 - iv. Bridge repairs.
- n) Works undertaken by a local government or a body established by a local government.
- o) Works authorized under a provincial statute.

4.7 Guidelines

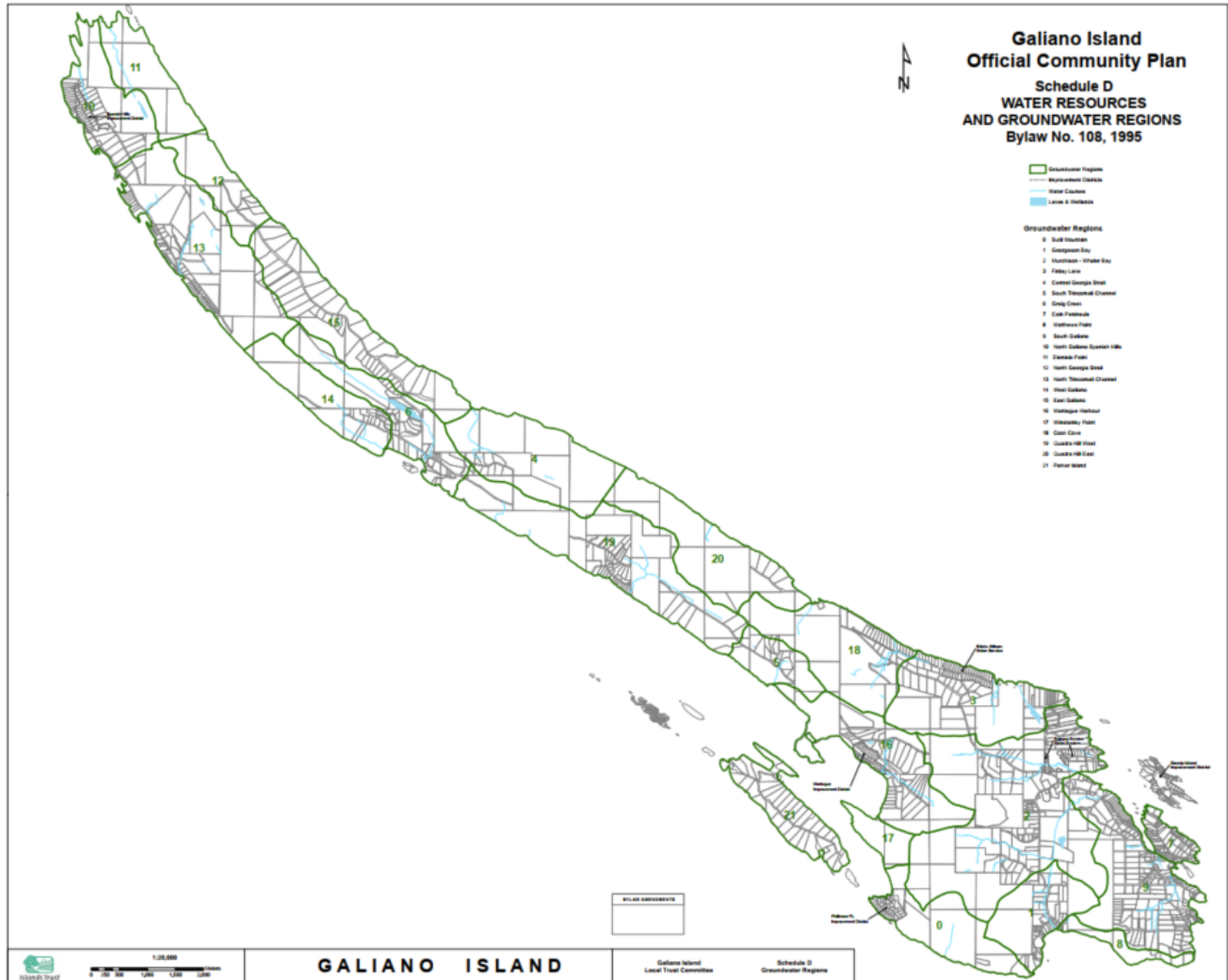
The *Local Government Act* prohibits construction of buildings and structures and the alteration of land and subdivision in Development Permit Area 4 unless the owner first obtains a development permit. Development permits will be issued in accordance with the following guidelines.

1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. Where a qualified professional hydrogeologist or engineer has made recommendations for mitigation measures, the permit conditions may include a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.
3. Where the qualified professional hydrogeologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydrogeologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be, to the greatest extent possible, designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
 - c) minimize interference with groundwater recharge;
 - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. Where freshwater collection and storage cisterns are required as a condition of the construction of a building, impervious surfaces should be minimized.
6. Where freshwater collection cisterns are required as a condition of construction of a building, the LTC may require that all new dwelling units include:
 - i. External equipment for collecting and distributing rainwater from the dwelling unit roof;
 - ii. A pumping system;
 - iii. An overflow handling system.
7. The use of impervious paved driveways shall be discouraged.
8. Where tree removal is not exempt from the requirement for a permit:
 - a. Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.

- b. All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
 - c. Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
 - d. If the area has been previously cleared of trees, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.
 - e. Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.
 - f. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.
9. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage. The construction of roads and utility corridors and other activities involving the disturbance of the soil, must be conducted in such a manner that the productivity of the local groundwater recharge area is not impaired through soil compaction, altered surface drainage patterns, siltation, erosion, or salt water intrusion.
10. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
11. Permits may include minor variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area."
12. Section VI Development Approval Information, Subsection 2. Special Conditions "ii" is amended by deleting "elevated groundwater catchments" and replacing it with "groundwater recharge".
13. Schedule "D – Water Resources" is removed and replaced with Schedule "D – Groundwater Regions" as shown on Plan No.1 attached and forming part of this bylaw.

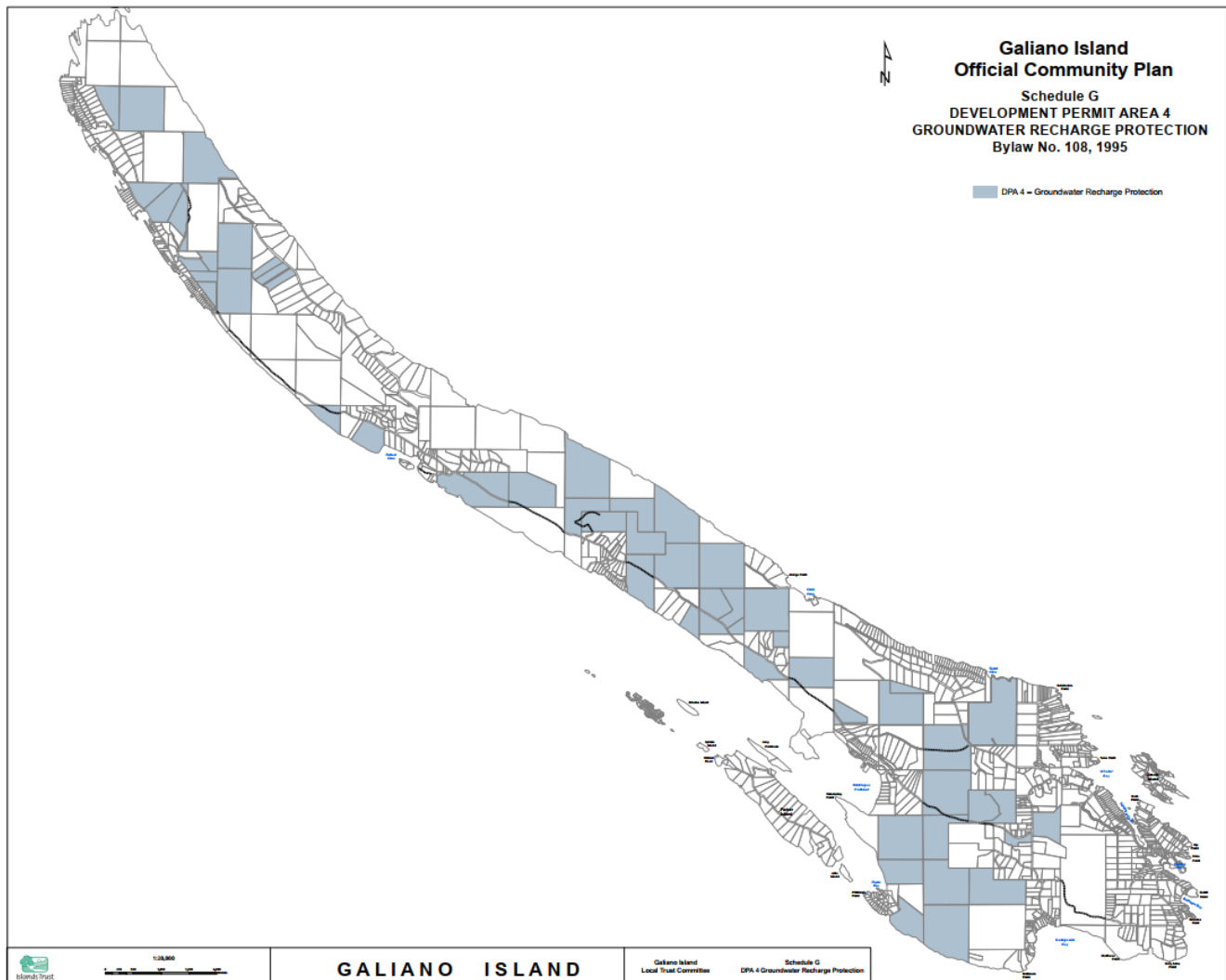
14. Schedule "G – Development Permit Area 4: Elevated Groundwater Catchment" is removed and replaced with Schedule "G – Development Permit Area 4: Groundwater Recharge Protection" as shown on Plan No.2 attached and forming part of this bylaw.

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 283
Plan No.1



GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 283
Plan No.2

Schedule G – Development Permit Area 4: Groundwater Recharge Protection



DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 284

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

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

1. Citation

This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022”.

2. Galiano Island Local Trust Committee Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999,” is amended as follows:

2.1 Section 2 General Regulations, Subsection 2.28– Secondary Suites is amended by removing 2.28.6 in entirety and replacing it with “ 2.28.6 A building permit for a property outside a water service area shall not be issued for a secondary suite unless a freshwater catchment and storage system having a capacity of at least 18,000 litres is installed on the property.”

2.2 Section 2 General Regulations is amended by inserting “Cistern Requirements” as a new heading under Section 2.28.

2.3 Section 2 General Regulations is amended by inserting, under the heading “Cistern Requirements” the following:

“2.29 A building permit for a property outside a water service area shall not be issued for a new building to be used as a dwelling, including a cottage, unless a cistern (or combination of cisterns) for the storage of freshwater having a capacity of at least 18,000 litre is installed on the property.

2.30 The floor area occupied by any cistern located in a building and the housing provided for such cistern is excluded from the calculation of the floor area of the building and the lot coverage of the lot on which it is located. “

2.4 Section 13 Subdivision and Development Regulations 13.23 is amended by removing “16,000” and replacing it with “18,000”.

2.5 Section 13 Subdivision and Development Regulations is amended by deleting 13.24 through 13.29 in its entirety and replacing it with the following and by making such consequential numbering alterations to effect this change.

“Standards for Potable Water Supply

Information Note: If more than one dwelling unit is connected to the same source of water, the water system may be subject to the Drinking Water Protection Act, the Water Utility Act or other regulations pertaining to water supply systems.

Information Note: Water obtained from a stream, or non-domestic groundwater use requires a licence under the Water Sustainability Act.

- 13.24 Where potable water is proposed to be supplied to lots in a subdivision by an established community water system, the applicant for subdivision must provide written confirmation from the community water system that it is able to supply potable water for the permitted principal use and density to each lot.
- 13.25 Where potable water is proposed to be supplied to lots in a subdivision by creating a community water system, the applicant for subdivision must provide proof of all authorizations required under the *Drinking Water Protection Act*, the *Water Utility Act* or any other enactment pertaining to water supply systems.
- 13.26 Where potable water is proposed to be supplied to lots in a subdivision from a stream, the applicant for subdivision must provide proof of authorization in the form of a water licence confirming that the total volume of water granted to the licence holder is able to supply potable water for domestic uses at the volume specified in Table 1 to each lot.
- 13.27 Where potable water is proposed to be supplied to lots in a subdivision by drilled wells the applicant for subdivision must provide written certification under seal of a hydrogeologist that:
- Each well has been constructed in accordance with the *Groundwater Protection Regulation*;
 - Each well has been constructed in accordance with Sections 13.29, 13.30 and 13.31;
 - Each well has sufficient available groundwater to provide the daily required volume of potable water for the permitted domestic uses on each lot in accordance with Table 1;
 - Each well for which a water licence has not been issued has sufficient available groundwater volume for all permitted non-domestic, non-agricultural, non-park, non-conservation area principal uses for each lot at the permitted density of use; and
 - Includes recommendations for mitigation measures, if applicable, to ensure long-term sustainable yield of the drilled well.

TABLE 1 DOMESTIC POTABLE WATER SUPPLY STANDARDS FOR SUBDIVISION	
USE	VOLUME (litres per day)
<i>Per lot (including one dwelling)</i>	2000

<i>Each additional permitted dwelling and cottage per lot</i>	2000
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- 13.28 Where the potable water is proposed to be supplied to lots in a subdivision by drilled wells, for any well where a water licence has not been issued the applicant for subdivision must also provide written certification under seal of a hydrogeologist:
- Results of a water quality analysis, completed by an accredited laboratory;
 - A plan of the proposed subdivision indicating the location where each water sample was taken;
 - A statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan.
 - Confirmation, based on the accredited laboratory water quality analysis, that each proposed water supply source is potable, or can be made potable, with a treatment system; and
 - Confirmation, based on the accredited laboratory water quality analysis of chloride concentrations, that each drilled well is not likely to be affected by the intrusion of saline groundwater or sea water in accordance with the Province of British Columbia guidance documents.
- 13.29 Where a water license has not been issued and where potable water is proposed to be supplied to lots in a subdivision by a drilled well, a pumping test shall be carried out on each well in a proposed subdivision by:
- pumping groundwater, at a constant rate, for a minimum period of 12 hours; and
 - withdrawing the total daily required volume specified in section 13.27 over a maximum period of 24 hours; and
 - monitoring groundwater levels continuously during the pumping test and during the recovery period.
- 13.30 Where potable water is to be supplied by a drilled well a sounding tube or wellhead port must be installed to enable the insertion of water level monitoring equipment.
- 13.31 Drilled wells used for the purposes of subdivision must not be located within 50 metres of the natural boundary of the sea.
- 13.32 If the daily required volume of potable water cannot be supplied in accordance with Section 13.24 or if the certification in Subsections 13.27(c) and 13.27(d) cannot be made, the Approving Officer may nonetheless approve the subdivision provided that the applicant grants a s.219 covenant to the Galiano Island Local Trust Committee and the Capital Regional District that restricts the development of the subdivision to the uses or density of the uses for which a certification has been made under Sections 13.24 or 13.27.
- 13.33 Where the certification under subsection 13.28(d) states that a water supply is not potable but can be made potable with a treatment system, the Approving Officer may approve subdivision provided that the applicant grants a s. 219 covenant under the *Land Title Act* to the Galiano Island Local Trust Committee and the Capital Regional District that requires on-going treatment of the water to potable water standards recommended by a hydrogeologist.

- 13.34 For the purposes of subdivision, drilled wells impacted by seawater intrusion or whose operation is likely to cause seawater intrusion are not permitted sources of potable water.
- 13.35 For the purposes of subdivision, alternative potable water supplies including, but not limited to, shallow dug wells, rainwater catchment and desalination are not permitted sources of potable water.
- 13.36 The requirements of Sections 13.24-13.35 do not apply where the proposed subdivision is a boundary adjustment that does not result in an increase in the number of lots or permitted dwelling units, provided that all lots in the subdivision are currently serviced by existing wells, community water system connection or water licence.
- 2.6 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by inserting the following in alphabetical order:
- ““aquifer” means a geological formation; or a group of geological formations, or a part of one or more geological formations that is groundwater bearing and capable of storing, transmitting and yielding groundwater.
- “groundwater” means water naturally occurring below the surface of the ground.
- “Hydrogeologist” means an engineer or geoscientist with competency in the field of hydrogeology, regulated under the Professional Governance Act, Engineers and Geoscientists Regulation.
- “potable” means water that is safe to drink, fit for domestic purposes and meets the Health Canada Guidelines for Canadian Drinking Water Quality or any guidance documents or legislation which may be enacted in substitution.”
- “pumping test” means a flow test to determine the long-term sustainable yield of a well, conducted under supervision of a hydrogeologist, and that is consistent with the British Columbia Guide to Conducting Pumping Tests, Guidance for Technical Assessments in Support of an Application for Groundwater Use in British Columbia, other guidance documents which may be issued, applicable legislation, and consists of pumping groundwater from a well typically for 12 to 72 hours depending on aquifer characteristics.
- 2.7 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by removing the definition of “community water system” in its entirety and replacing it with:
- ““community water system” means a system of waterworks that serves more than one lot and is owned, operated and maintained by an improvement district, a regional district, a water utility, a society, or a water supplier.”

are currently serviced by existing wells, community water system connection or water licence.”

- 2.5 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by adding the following in alphabetical order:

““aquifer” means a geological formation; or a group of geological formations, or a part of one or more geological formations that is groundwater bearing and capable of storing, transmitting and yielding groundwater.

“groundwater” means water naturally occurring below the surface of the ground.

“Hydrogeologist” means an engineer or geoscientist with competency in the field of hydrogeology, regulated under the Professional Governance Act, Engineers and Geoscientists Regulation.

“potable” means water that is safe to drink, fit for domestic purposes and meets the Health Canada Guidelines for Canadian Drinking Water Quality or any guidance documents or legislation which may be enacted in substitution.”

“pumping test” means a flow test to determine the long-term sustainable yield of a well, conducted under supervision of a hydrogeologist, and that is consistent with the British Columbia Guide to Conducting Pumping Tests, Guidance for Technical Assessments in Support of an Application for Groundwater Use in British Columbia, other guidance documents which may be issued, applicable legislation, and consists of pumping groundwater from a well typically for 12 to 72 hours depending on aquifer characteristics.

- 2.6 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by removing the definition of “community water system” in its entirety and replacing it with:

““community water system” means a system of waterworks that serves more than one lot and is owned, operated and maintained by an improvement district, a regional district, a water utility, a society, or a water supplier.”

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File Name: 2021 Groundwater
Implementation

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	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.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	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.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	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.
N/A	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.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	No.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	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.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	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.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	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.
N/A	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.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	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.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	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.
N/A	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.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

Active Projects Report

Galiano Island

1. Groundwater Sustainability

Phase 1 and 2: mapping and data analysis - Completed
Phase 3: Implementation of mapping and data analysis

Responsible

Narrisa Chadwick
William Shulba

Dates

Rec'd: 02-Apr-2019
Target: 30-Sep-2022

2. Rezoning of DL 64, 68, 72, 87

Responsible

Brad Smith

Dates

Rec'd: 06-Dec-2021
Target: 31-Mar-2023

Future Projects Report

Galiano Island

1. *Light Industrial Zoning*

Responsible

Date Received

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

18-Nov-2013

2. *Coastal Douglas-Fir Protection*

Responsible

Date Received

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

04-Feb-2019

- LPC is intending to develop a model bylaw in 2021-22.

Include review the Contiguous Forest Mapping in the Islands Trust Area Report.

3. *Cannabis Retail and production*

Responsible

Date Received

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

05-Mar-2019

4. *Emergency Access Planning*

Responsible

Date Received

Follow-up from CRD emergency planning process - include consideration of developing driveway guidelines for emergency access within land use bylaw

02-Apr-2019

5. *Review of Road Network Plan*

Responsible

Date Received

Review of Road Network Plan - include December 11th APC memo in review process - meet with MOTI

02-Mar-2020

Future Projects Report

Galiano Island

6. *Review of LUB tiny home/trailer regulations, maximum house sizes and lot coverage*

Responsible

Date Received

01-Jun-2021

7. *Wise Island bylaw review*

Responsible

Date Received

Review of Wise Island bylaws and potentially other islands with water access only

06-Sep-2022

8. *Shoreline model protection bylaw*

Responsible

Date Received

Review APC report in consideration of development of shoreline model protection bylaw

06-Sep-2022

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2021.5	Neave O'Shaughnessy	17-Aug-2021	835 STURDIES BAY RD - application for a DP for development in a sensitive ecosystem DPA

Planner: Kim Stockdill

Planning Status

Status Date: 31-Jan-2023

DP to be delegated to staff after DVP is approved by LTC.

Status Date: 19-Dec-2022

File re-assigned to Kim Stockdill

Status Date: 29-Nov-2022

Revised recommendation letter from Ryzuk (November 24) received.

File Number	Applicant Name	Date Received	Purpose
GL-DP-2022.3	Galiano Island Contracting LTD	11-Aug-2022	675 Cain Rd - Improvement to an existing revetment structure, x-ref GL-DVP-2022.6

Planner: Kim Stockdill

Planning Status

Status Date: 31-Jan-2023

Further information required from applicant before application can proceed.

Status Date: 19-Dec-2022

File re-assigned to Kim Stockdill

Status Date: 10-Nov-2022

Updated Survey (Glen Mitchell) by end of November

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2022.5	Longson, Gerald	26-Oct-2022	Application for a DP for development in a commercial form and character DPA.

Planner: Charly Caproff

Planning Status

Status Date: 27-Jan-2023

Staff report finalized for Feb 7 agenda

Status Date: 23-Nov-2022

Staff report tentatively scheduled for Feb 2023 LTC agenda

Status Date: 28-Oct-2022

Fee received from applicant.

File Number	Applicant Name	Date Received	Purpose
GL-DP-2023.1	Carrick, Ian	04-Jan-2023	Application for a DP for development in a shoreline DPA.

Planner: Kim Stockdill

Planning Status

Status Date: 31-Jan-2023

Application on hold until Environmental Assessment is received. KS

Status Date: 11-Jan-2023

Planner Kim Stockdill assigned.

Status Date: 09-Jan-2023

File created in EDM.

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2021.8	Neave O'Shaughnessy	27-Jul-2021	835 STURDIES BAY RD - application for slope stabilization works in slide area adjacent to NBS

Planner: Kim Stockdill

Planning Status

Status Date: 31-Jan-2023
Application on Feb 7th agenda.

Status Date: 19-Dec-2022
File re-assigned to Kim Stockdill

Status Date: 05-Dec-2022
Fee received from applicant

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2022.4	Carrick, Ian	31-May-2022	Application for stairs and deck

Planner: Kim Stockdill

Planning Status

Status Date: 11-Jan-2023
Application on hold until Environmental Assessment is received. KS

Status Date: 19-Dec-2022
File re-assigned to Kim Stockdill

Status Date: 15-Dec-2022
E-mail resent (KS cc'd) to applicant require DP application and fees req'd.

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2022.6	Galiano Island Contracting LTD	03-Oct-2022	675 Cain Rd - Application for a variance for siting of a seawall in a setback.

Planner: Kim Stockdill

Planning Status

Status Date: 31-Jan-2023

Further information required by applicant before application can proceed.

Status Date: 19-Dec-2022

File re-assigned to Kim Stockdill

Status Date: 10-Nov-2022

Updated Survey (Glen Mitchell) by end of November

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2023.1	Yellowhouse Art Centre Society	10-Jan-2023	2517 STURDIES BAY RD: Application for a variance for parking and existing structures in a setback.

Planner: Kim Stockdill

Planning Status

Status Date: 31-Jan-2023

Application to be placed on March 14th agenda.

Status Date: 24-Jan-2023

Planner Kim Stockdill assigned.

Status Date: 12-Jan-2023

File opened simultaneously with GL-TUP-2023.1.

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2014.1	Crystal Mountain Society	28-Oct-2014	20300 PORLIER PASS RD: Application for rezoning to amend the OCP and LUB to allow for a Forest Retreat Centre - Bylaws 256 (OCP) and 257 (LUB)

Planner: Brad Smith

Planning Status

Status Date: 31-Jan-2023

Staff report on Feb 7, 2023 agenda recommending the application go to public hearing

Status Date: 23-Jan-2023

Draft Water Management Plan covenant conditions to legal counsel for review

Status Date: 19-Jan-2023

Planner met with applicant and rezoning project manager to discuss status and next steps

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2020.1	KING, FRED & DEBBIE	27-Oct-2020	51 Galiano Way - Application for rezoning to amend the OCP to permit residential use - Bylaw 279 (LUB)

Planner: Kim Stockdill

Planning Status

Status Date: 12-Jan-2023

Planner contacted applicant re status of TOR deliverables: well drilled, conducting pump testing, geotech assessment complete, no progress on covenant

Status Date: 28-Oct-2021

Applicant working on DAI TOR items

Status Date: 31-Aug-2021

Planner to contact applicant for status update

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2022.2	Hayes, Judy	02-Aug-2022	Bylaw Amendment & Rezoning - Bylaws 287 (OCP) and 288 (LUB)

Planner: Kim Stockdill

Planning Status

Status Date: 19-Dec-2022

Applicant sent Terms of Reference consistent with DAI bylaw

Status Date: 15-Dec-2022

LTC directed staff to proceed with drafting amending bylaws - staff to issue TOR to applicant consistent with DAI bylaw

Status Date: 23-Nov-2022

Staff report on Dec 5, 2022 LTC agenda

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2020.1	Mitchell, Glen	19-Dec-2019	GIGHARS - Proposed two lot conventional subdivision referral of Lot 1 District Lots 30 and 31

Planner: Kim Stockdill

Planning Status

Status Date: 30-Jan-2023

Staff contacted by applicant to initiate DP application for DPA 1, 2, 5 with respect to subdivision

Status Date: 18-May-2021

Applicant has received preliminary conditions approval letter from MOTI - subdivision subject to successful rezoning

Status Date: 19-Feb-2021

Applicant working on referral report items

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2021.1	Lawrence Waterfall	09-Jul-2021	350 MARY ANN POINT RD - Referral of a subdivision application for 3 new lots

Planner: Charly Caproff

Planning Status

Status Date: 19-Dec-2022

File re-assigned to Charly Caproff

Status Date: 23-Jun-2022

Applicant hiring environmental professional for required DP application.

Status Date: 01-Dec-2021

New subdivision layout plan rec'd

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2022.1	Okuda Andersen, Kadek	13-Jan-2022	The subdivision of two lots zoned rural residential into three lots with the same zoning. One of these proposed lots has already been developed and the other two proposed are vacant. The subdivision will not increase density. There are no covenants, easements, rights-of-way, or other charges registered against either title.

Planner: Brad Smith

Planning Status

Status Date: 12-Oct-2022

PLR letter received from MOTI and filed in EDM

Status Date: 10-Mar-2022

Review completed -response sent to MOTI

Status Date: 28-Feb-2022

Staff to initiate review in early March and response to MOTI

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2023.1	Yellowhouse Art Centre Society	10-Jan-2023	Application for a temporary use permit for use of the property as a community arts centre with residential use.
Planner: Kim Stockdill			
Planning Status			
Status Date: 31-Jan-2023			
Application to be placed on March 14th agenda.			
Status Date: 24-Jan-2023			
Planner Kim Stockdill assigned.			
Status Date: 12-Jan-2023			
File created in EDM.			

Islands Trust

LTC EXP SUMMARY REPORT F2023

Invoices posted to Month ending November 2022

625 Galiano	Invoices posted to Month ending November 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	302.00	148.20	153.80
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	4,294.00	3,871.47	422.53
65210-625	LTC - Local Exp - APC Meeting Expenses	333.00	715.28	-382.28
65220-625	LTC - Local Exp - Communications	250.00	1,578.75	-1,328.75
65230-625	LTC - Local Exp - Special Projects	279.00	0.00	279.00
TOTAL LTC Local Expense		<u>5,156.00</u>	<u>6,165.50</u>	<u>-1,009.50</u>
Projects				
73001-625-4114	Galiano Groundwater Strategy Implementation	2,000.00	156.30	1,843.70
73001-625-4125	Galiano Crown Lot Rezoning	1,000.00	2,141.06	-1,141.06
TOTAL Project Expenses		<u>3,000.00</u>	<u>2,297.36</u>	<u>702.64</u>

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2020-042 (Standing) Use of Development Permits for Variances That the Galiano Island Local Trust Committee request that development permit applications where a variance is requested be processed as a combined application with both a development permit and a development variance permit.	Carried	08-Sep-2020
2020-041 (Standing) Unlawful Land Uses and Planning Applications that the Galiano Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: - Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and that staff are directed to continue with enforcement until the use is ceased. - The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. - Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee; bylaw enforcement actions, including the issuing of notices, will continue. - In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.	Carried	06-Jul-2020

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2020-013 (Standing) Advisory Planning Commission that the Galiano Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.	Carried	03-Feb-2020
2019-053 (Standing) 12.4 Adopted Policies and Standing Resolutions that the Local Trust Committee seek to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite First Nations to attend meetings; as well as, provide a traditional welcome to their territory if they would like; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.	Carried	03-Jun-2019

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2019-014 (Standing) 13.1 Cannabis Retail - Staff Report that the Galiano Local Trust Committee adopt the following standing resolution with respect to the processing of non-medicinal cannabis retail license applications: - Proposed or amended licenses for non-medicinal cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.	Carried	04-Mar-2019
2018-064 (Standing) 11.1 Telecommunication Strategy Project - Staff Report that the Galiano Island Local Trust Committee endorses the Telecommunication strategy Project Charter dated June 22, 2016	Carried	04-Jun-2018
2014-029 (Standing) 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.	Carried	07-Apr-2014

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2014-000 (Standing)	Carried	03-Feb-2014
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.		
2011-205 (Standing)	Carried	17-Oct-2011
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.		
2010-115 (Standing)	Carried	18-Oct-2010
Publishing Notices beyond legal requirements That the Galiano Island Local Trust Committee will advertise Public Hearing Notices in the Active Page Magazine in addition to the legally required advertising in the Driftwood Newspaper.		



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2009-085 (Standing)	Carried	11-May-2009
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		



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY NOVEMBER 22, 2022 BOARD MEETING

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- ***This meeting was the first Islands Trust Conservancy (ITC) Board meeting following the Islands Trust Council elections. Two new board members were elected to the ITC board (Trustee Scott and Trustee Yates) and one appointed by the Executive Committee (Trustee Elliott). ITC Board members appointed by the Minister of Municipal Affairs will continue on the ITC Board and are unaffected by local government elections.***
- Nominations for the Chair, Vice-Chair and Financial Planning Committee (FPC) representative were held. Trustee Adams was voted Chair of ITC Board, Trustee Smith was voted Vice-Chair, and Trustee Scott is the FPC representative. The ITC Manager advised that ITC will have an ex officio seat on the Governance Committee once the committee is constituted, noting the ITC Chair will appoint a member to the committee.
- The ITC Board continues to have a vacancy for one Ministerial appointment. The posting for the vacancy closed on October 7, 2022. The ITC Board is awaiting news from the [Crown Agencies and Board Resourcing Office](#) regarding a potential new member.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board approved the draft 2023-2025 Islands Trust Conservancy Interim Plan and directed staff to forward it to the Minister of Municipal Affairs by December 31, 2022, for review and approval.
- The ITC Board reviewed a referral for Galiano Islands Local Trust Committee bylaws 231 and 232. The ITC Board recommended that the Galiano Island Local Trust Committee approve bylaws 231 and 232 because they bring zoning into agreement with the use of conservation lands and further strengthen the conservation status for District Lots 64 and 68, which are adjacent to Islands Trust Conservancy covenanted areas.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board received reports on covenants and acquisitions for information.

4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board approved a request for tree planting by the Pender Islands Parks and Recreation Commission in Enchanted Forest Covenant (South Pender Island).



5. COMMUNICATIONS AND OUTREACH

- ITC staff provided an overview and orientation presentation to incoming Board members.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board accepted a donation of approximately \$45,000 from the estate of William Tempest for the purpose of conservation initiatives on Hornby Island. From this approx. \$25,000 has been designated for covenant management activities and approx. \$20,000 to the Opportunity Fund for grants for Hornby Island.

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)

DATE OF MEETING: February 7, 2023
TO: Galiano Island Local Trust Committee
FROM: Warren Dingman Bylaw Compliance & Enforcement Manager
SUBJECT: Policy options for Unlawful Dwellings

RECOMMENDATION

1. That the Galiano Island Local Trust Committee adopt the following resolution:

- 1. That the Galiano Island Local Trust Committee direct bylaw staff to defer enforcement on unlawful dwellings except in the following circumstances:**
 - a. There are concerns regarding health and safety;**
 - b. There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings;**
 - c. There are concerns of possible contamination of wells or other drinking water sources;**
 - d. Unlawful dwellings are in environmentally sensitive areas;**
 - e. There are non-permitted campgrounds; and**

Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Galiano Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement.

REPORT SUMMARY

Galiano Island has a limited number of files for unlawful dwellings, with no new files opened since 2020, but given there is concern about a housing shortage within the Islands Trust areas as whole, it is recommended that an enforcement policy consistent with the majority of Local Trust Areas be adopted by the Galiano Local Trust Committee.

BACKGROUND

The following notice of motion was tabled at the December 15th, 2022 Local Trust Committee meeting:

That the Galiano Island Local Trust Committee direct staff to take enforcement action against unlawful dwellings only if one of the following conditions exists:

- 1.1. There is a complaint from an immediate neighbor; or,
- 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement.

Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Galiano Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

Galiano has ten open files for unlawful dwellings, with eight of those on Forest 1 Zone (F1) Lots and two on Rural Residential (RR). There have been no new complaints or files opened for unlawful dwellings since 2020.

ANALYSIS

There is concern in all Local Trust Areas regarding housing and the lack of available rental units, and the majority of Local Trust Areas now have policies regarding deferred enforcement on unlawful dwellings. The recommended enforcement policy has been adopted by multiple Local Trust Committees and it is providing clear guidance on how to work with the community when it comes to complaints and to prioritize on health and safety and environmental concerns. Those most concerned about unlawful dwellings are concerned about the impacts of sewage disposal and the risk of contamination of wells and environmentally sensitive areas.

Adoption of the recommended policy would provide consistency for bylaw staff on how to deal with the sensitive housing matters but it would also provide consistent messaging for residents of the Trust Area as a whole.

ALTERNATIVES

Adopt the original motion as tabled:

That the Galiano Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists:

1.1. There is a complaint from an immediate neighbor; or,

1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement.

2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

Submitted By:	Warren Dingman, Bylaw Compliance & Enforcement Manager	January 27, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	January 27, 2023