



## Galiano Island Local Trust Committee Regular Meeting Agenda

Date: February 13, 2024  
Time: 1:00 pm  
Location: Galiano South Community Hall  
141 Sturdies Bay Road, Galiano Island, BC

---

|                                                                           | <b>Pages</b>      |
|---------------------------------------------------------------------------|-------------------|
| 1. CALL TO ORDER                                                          | 1:00 PM - 1:20 PM |
| 2. APPROVAL OF AGENDA                                                     |                   |
| 3. TRUSTEE REPORT                                                         |                   |
| 4. CHAIR'S REPORT                                                         |                   |
| 5. ELECTORAL AREA DIRECTOR'S REPORT                                       |                   |
| 6. FIRST NATION REPORT                                                    |                   |
| 7. TOWN HALL AND QUESTIONS                                                | 1:20 PM - 1:40 PM |
| 8. COMMUNITY INFORMATION MEETING - None                                   |                   |
| 9. PUBLIC HEARING - None                                                  |                   |
| 10. MINUTES                                                               | 1:40 PM - 1:50 PM |
| 10.1 Local Trust Committee Minutes Dated December 12, 2023 (for Adoption) | 3 - 7             |
| 10.2 Section 26 Resolutions Without Meeting Report Dated Feb 2023         | 8 - 8             |
| 10.3 Advisory Planning Commission Minutes - None                          |                   |
| 11. BUSINESS ARISING FROM MINUTES                                         |                   |
| 11.1 Follow-up Action List Dated Feb 2024                                 | 9 - 10            |
| 12. DELEGATIONS                                                           |                   |
| 13. CORRESPONDENCE                                                        |                   |

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

|        |                                                                                                        |                   |
|--------|--------------------------------------------------------------------------------------------------------|-------------------|
| 14.    | MEETING BREAK - COMMUNITY UPDATE                                                                       |                   |
| 15.    | APPLICATIONS AND REFERRALS                                                                             | 1:50 PM - 2:40 PM |
| 15.1   | Salt Spring Island Local Trust Committee Referral for Draft Bylaw No. 536 (for Response) (attached)    | 11 - 14           |
| 15.2   | GL-DVP-2023.5 (Scoones) - Staff Report (attached)                                                      | 15 - 69           |
| 15.3   | GL-TUP-2023.3 (Keefer) - Staff Report (attached)                                                       | 70 - 106          |
| 15.4   | GL-RZ-2022.2 (Hayes) - Proposed Bylaws 287 and 288 - Consideration of Adoption - Staff Memo (Attached) | 107 - 112         |
| 16.    | LOCAL TRUST COMMITTEE PROJECTS                                                                         |                   |
| 17.    | REPORTS                                                                                                | 2:40 PM - 2:50 PM |
| 17.1   | Work Program Reports (attached)                                                                        |                   |
| 17.1.1 | <u>Active Projects Report Dated Feb 2024</u>                                                           | 113 - 113         |
| 17.1.2 | <u>Future Projects Report Dated Feb 2024</u>                                                           | 114 - 115         |
| 17.2   | Applications Report Dated Feb 2024 (attached)                                                          | 116 - 123         |
| 17.3   | Trustee and Local Expense Report Dated Dec 2023 (attached)                                             | 124 - 124         |
| 17.4   | Adopted Policies and Standing Resolutions (attached)                                                   | 125 - 129         |
| 17.5   | Local Trust Committee Webpage                                                                          |                   |
| 17.6   | Islands Trust Conservancy Report - None                                                                |                   |
| 18.    | NEW BUSINESS                                                                                           | 2:50 PM - 3:10 PM |
| 18.1   | Housing Statute Changes to British Columbia Legislation - Staff Memo (attached)                        | 130 - 144         |
| 19.    | UPCOMING MEETINGS                                                                                      |                   |
| 19.1   | Next Regular Meeting Scheduled for April 9, 2024 at the South Community Hall, Galiano Island           |                   |
| 20.    | TOWN HALL                                                                                              | 3:10 PM - 3:30 PM |
| 21.    | CLOSED MEETING - None                                                                                  |                   |
| 22.    | ADJOURNMENT                                                                                            | 3:30 PM - 3:30 PM |

## Galiano Island Local Trust Committee Minutes of Regular Meeting

**Date:** December 12, 2023

**Location:** Electronic Meeting

**Members Present:** Timothy Peterson, Chair (electronic)  
Ben Mabberley, Local Trustee (electronic)  
Lisa Gauvreau, Local Trustee (electronic)

**Staff Present:** Kim Stockdill, Island Planner (electronic)  
Carly Bilney, Recorder (electronic)

**Others Present:** Approximately (10) ten members of the public were present online.

### 1. CALL TO ORDER

Chair Peterson called the meeting to order at 1:00 p.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

**By general consent**, the agenda was approved as presented.

### 3. TRUSTEE REPORT

Trustee Gauvreau commented on:

- Updates from the recently held Islands Trust Conservancy meeting
- Discussions at the recently held Trust Council meeting about the merits of in-person versus virtual meetings, the Islands Trust Housing Options Toolkit, and work done related to the vision statement

Trustee Mabberley commented on:

- Topics discussed at Trust Council and noted financial discussions will be dealt with in March
- Discussions at the recently held WSÁNEĆ Leadership Council meeting on Pender Island
- A meeting with the Ministry of Transportation and Infrastructure (MoTI) regarding Murchison Bay, and noted MoTI was opposed to placing a barrier along the trail as the road front is on private property
- Pressure being put on MoTI regarding repainting of the yellow road lines; Trustee Mabberley noted the lines were a topic of concern at the recently held Southern Gulf Islands Forum

**4. CHAIR'S REPORT**

Chair Peterson commented on the recently held Trust Council meeting where a joint session with the San Juan County Councillors was held, and a motion was brought forward regarding a regular performance review of the Chief Administrative Officer.

**5. ELECTORAL AREA DIRECTOR'S REPORT – None**

**6. FIRST NATION REPORT**

It was noted that some Galiano Local Trust Committee (LTC) Trustees and staff attended the Penelakut Council meeting at the end of November.

**7. TOWN HALL AND QUESTIONS**

Town hall was held and the following comments were made:

- The Galiano Parks and Recreation Commission contacted MoTI regarding Murchison Bay and were told that some flexible steel reflective strips would be installed
- When applications are represented in maps in staff reports, it would be helpful to note land uses on parcels that neighbour the subject properties that are proposing subdivision
- Staff recommended the present meeting be virtual given the relatively light agenda, and to limit travel during flu season
- Support was expressed for the owners of DL85 and DL86 to bring their land use into compliance
- Concern was expressed for the configuration of the lot layouts in DL85 and DL86 and a question was raised as to whether they conform to policies within the Official Community Plan (OCP) or the rural residential heritage model
- Maps showing DL85 and DL86 in the staff report show proposed land as a “donation” and the suggestion was made that this should be noted as an “exchange” instead; staff was asked to change the designation of “donation” on the map to “transfer of title” or “exchange”
- The proposed map for DL85 and DL86 should include a large portion of the waterfront as part of the land transfer
- Trustees were asked to work with the applicants of GL-RZ-2021.2 and GL-RZ-2023.2 to maximize ecological protection and public interest in a revised proposal
- The staff report says five lots are being rezoned to Rural Residential, but it should only note three

**8. COMMUNITY INFORMATION MEETING – None**

**9. PUBLIC HEARING – None**

**10. MINUTES**

**10.1 Local Trust Committee Minutes Dated November 14, 2023 (for Adoption)**

By general consent the Galiano Island Local Trust Committee meeting minutes of November 14, 2023 were adopted.

**10.2 Local Trust Committee Public Hearing Record of November 14, 2023 (for Receipt)**

**10.3 Section 26 Resolutions Without Meeting Report Dated Dec 2023**

**10.4 Advisory Planning Commission Minutes – None**

**11. BUSINESS ARISING FROM MINUTES**

**11.1 Follow-up Action List Dated Dec 2023**

Received for information.

**12. DELEGATIONS – none**

**13. CORRESPONDENCE**

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

**14. MEETING BREAK – COMMUNITY UPDATE**

**15. APPLICATIONS AND REFERRALS**

**15.1 GL-RZ-2021.2 (Matheson-Bairstow) - Staff Report**

Island Planner Stockdill reviewed the staff report regarding GL-RZ-2021.2 (Matheson-Bairstow). Discussion was held and the following comments were made:

- The staff report flagged topics that will need to be addressed through the application process and do not need to be decided upon at the present meeting.
- Drafting bylaws would provide an example of what the bylaws might be and would identify what may or may not work
- Preference was expressed for receiving information from Penelakut Tribe before describing conditions and requirements in draft bylaws
- Preference was expressed for allowing additional time to receive public input before drafting bylaws

The staff report regarding GL-RZ-2021.2 (Matheson-Bairstow) was received for information.

**15.2 GL-RZ-2023.2 (McElhanney) - Staff Report**

Island Planner Stockdill reviewed the staff report regarding GL-RZ-2023.2 (McElhanney). Discussion was held and the following comments were made:

- Preference was expressed to allow time for further discussion on the application and a more formal response from Penelakut Tribe before proceeding
- The applicants for GL-RZ-2021.2 commented that input from the Penelakut Tribe and the public is essential, the development of the draft bylaws should not be slowed
- The applicants for GL-RZ-2021.2 commented that the proposed donation can make Galiano safer (e.g. through funding donated to the fire department or Health Care Society)
- Meeting with Penelakut Tribe is important and will give the LTC direction
- The site plan proposed by the applicants is the exact same as the one the former LTC had flagged for concern

The staff report regarding GL-RZ-2023.2 (McElhanney) was received for information.

## **16. LOCAL TRUST COMMITTEE PROJECTS**

## **17. REPORTS**

### **17.1 Work Program Reports**

#### **17.1.1 Active Projects Report Dated Dec 2023**

Received for information.

#### **17.1.2 Future Projects Report Dated Dec 2023**

Received for information.

### **17.2 Applications Report Dated Dec 2023**

Received for information.

### **17.3 Trustee and Local Expense Report Dated Oct 2023**

Received for information.

### **17.4 Adopted Policies and Standing Resolutions**

### **17.5 Local Trust Committee Webpage**

### **17.6 Islands Trust Conservancy Report – None**

## **18. NEW BUSINESS – None**

## **19. UPCOMING MEETINGS**

### **19.1 Next Regular Meeting Scheduled for February 13, 2024 at the South Community Hall, Galiano Island**

## **20. TOWN HALL**

Town hall was held and the following comments were made:

- Conflict resolution always requires movement from both sides

- Trustees were asked to encourage forest owners to commit to sustainable forestry and extend the trail network by allowing access through forests
- Trustees should not request requirements of applicants that are not specified in the bylaws or the OCP
- Trustees were asked to consider the applications discussed today as an opportunity to install an observation well in the north end of the island

**21. CLOSED MEETING (Distributed Under Separate Cover)**

**21.1 Motion to Close the Meeting**

**GL-2023-66**

**It was Moved and Seconded,**

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

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

AND that the recorder and staff attend the meeting.

**CARRIED**

**21.2 Recall to Order**

**21.3 Rise and Report – None**

**22. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:50 p.m.

---

Tim Peterson, Chair

Certified Correct:

---

Carly Bilney, Recorder



## Resolutions Without Meetings Log

### Galiano Island

| Resolution Number                                                                                                                    | Action         | Date               |
|--------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|
| <b>2023-001</b>                                                                                                                      | <b>Carried</b> | <b>01-Dec-2023</b> |
| <b>December 12, 2023 Meeting</b>                                                                                                     |                |                    |
| That the Galiano Island Local Trust Committee direct staff to change the December 12, 2023 regular meeting to an electronic meeting. |                |                    |

## Follow Up Action Report

### Galiano Island

#### 14-Mar-2023

| Activity                                                                                                   | Responsibility | Dates               | Status      |
|------------------------------------------------------------------------------------------------------------|----------------|---------------------|-------------|
| 1 17.1 Staff to request APC to investigate siting and use options in relation to Galiano Island. (ON HOLD) | Kim Stockdill  | Target: 07-Apr-2023 | In Progress |

#### 06-May-2023

| Activity                                                                                                            | Responsibility          | Dates               | Status      |
|---------------------------------------------------------------------------------------------------------------------|-------------------------|---------------------|-------------|
| 1 5.1 GL-RZ-2014.1 (Crystal Mountain) - staff to initiate and conduct further consultation with the Penelakut Tribe | Brad Smith<br>Jas Chonk | Target: 20-May-2023 | In Progress |

#### 11-Jul-2023

| Activity                                                                                                | Responsibility | Dates               | Status      |
|---------------------------------------------------------------------------------------------------------|----------------|---------------------|-------------|
| 1 16.1 Staff to bring forward staff report for public participation options regarding the work program. | Kim Stockdill  | Target: 01-Sep-2023 | In Progress |

#### 10-Oct-2023

| Activity                                                                                                              | Responsibility | Dates               | Status      |
|-----------------------------------------------------------------------------------------------------------------------|----------------|---------------------|-------------|
| 1 16.1 Groundwater Sustainability Project - Staff to provide more data on land ownership and summary of FN referrals. | Kim Stockdill  | Target: 24-Nov-2023 | In Progress |

#### 14-Nov-2023

| Activity | Responsibility | Dates | Status |
|----------|----------------|-------|--------|
|----------|----------------|-------|--------|

## Follow Up Action Report

### Galiano Island

#### 14-Nov-2023

| Activity                                                                                                                                                                                                                                                                                | Responsibility             | Dates               | Status    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|---------------------|-----------|
| <b>1</b> 15.1 GL-RZ-2022.2 (Hayes) - Proposed Bylaws 287 and 288<br>1. Bylaws given Second and Third Reading. Staff to update bylaws with reading date. (DONE)<br>2. Staff to send bylaws to EC for approval. (DONE)<br>3. Staff to send Bylaw No. 287 to Minister for approval. (DONE) | Jas Chonk<br>Kim Stockdill | Target: 22-Dec-2023 | Completed |
| <b>2</b> 19.2 GL LTC adopted 2024 regular meeting schedule with changes to location of meeting on July 9th and October 8th.                                                                                                                                                             | Emily Bryant               | Target: 24-Nov-2023 | Completed |

#### 12-Dec-2023

| Activity                                                                                                                                                                                      | Responsibility                        | Dates               | Status      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|---------------------|-------------|
| <b>1</b> 10.1 GL LTC minutes of November 14, 2023 adopted as is.                                                                                                                              | Emily Bryant                          | Target: 22-Dec-2023 | Completed   |
| <b>2</b> 3.1 & 3.2 GL LTC In-camera meeting minutes of March 14 and May 9, 2023 adopted as is.                                                                                                | Emily Bryant                          | Target: 22-Dec-2023 | Completed   |
| <b>3</b> GL-RZ-2021.2 & GL-RZ-2023.2 - Staff to bring forward both staff reports for February 2024 LTC meeting. Staff to look into well monitoring as community benefit. (defer until April). | Kim Stockdill                         | Target: 26-Jan-2024 | In Progress |
| <b>4</b> Staff to refer GL LTC in-camera staff report dated December 12, 2023 to EC and staff to also prepare communications plan for the associated file.                                    | Morgana van Niekerk<br>Warren Dingman | Target: 26-Jan-2024 | In Progress |

**From:** Rob Pingle  
**Sent:** Monday, December 4, 2023 1:56 PM  
**To:** cathie.mcintyre@bcassessment.ca; achan@crd.bc.ca; jarnet@crd.bc.ca; kcampbell@crd.bc.ca; mtippett@cprd.bc.ca; ReferralsPacific.XPAC@dfo-mpo-gc.ca; Luigi.Sposato@gov.bc.ca; Sharon.Erickson@gov.bc.ca; Diana.Cooper@gov.bc.ca; vss@bcassessment.ca; ron.burleson@gov.bc.ca; Michael.Pearson@gov.bc.ca; dlundy@saltspringfire.com; gateway\_office@islandhealth.ca; Corlynn Strachan; Jas Chonk  
**Subject:** Salt Spring Island Local Trust Committee Draft Bylaw No. 536 Referral - For Response  
**Attachments:** SS-LTC\_2023-12-04\_SS-BL-536\_ReferralFRM-Final.pdf

Hello Referral Coordinators:

The Salt Spring Island Local Trust Committee has asked that its draft Bylaw No. 536 be referred to you for comment. The referral package is attached.

Purpose: The purpose of draft Bylaw No. 536 is to make amendments to the Salt Spring Island Land Use Bylaw No. 355 (LUB) to permit four (4) dwellings and one (1) seasonal cottage on the property.

The applicant is seeking to use the shared residential policy in the OCP (H.2) to allow for four single family dwellings and one seasonal cottage on the subject property. The application satisfies policies in this section and is a reduction in density from what would otherwise be permitted through subdivision, as the site could yield 7 lots. 7 lots would allow for one single family dwelling and one seasonal cottage on each lot (totalling 7 single family dwellings and 7 seasonal cottages in total). The proposed rezoning is a reduction in overall density on the site and would restrict future subdivision through a covenant.

Additional background, including the preliminary staff report and draft Bylaw No. 536 are located at: <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/> as SS-RZ-2022.1: Land Use Bylaw Amendment.

A reply is respectfully requested by Monday January 8, 2024.

Should you have any questions, or require further information, please contact Island Planner Anthony Fotino at 250-247-2112 or [afotino@islandstrust.bc.ca](mailto:afotino@islandstrust.bc.ca) and he would be happy to answer any questions you may have.

Referral responses should be addressed to [rpingle@islandstrust.bc.ca](mailto:rpingle@islandstrust.bc.ca) or by mail to: Islands Trust, 1 – 500 Lower Ganges Road, SSI, BC V8K 2N8

Thank you for your time and attention to this referral.  
Yours truly, Rob

**Rob Pingle**  
Legislative Clerk | Deputy Secretary  
Islands Trust  
1-500 Lower Ganges Road | Salt Spring Island, BC V8K 2N8  
Phone: 250-538-5600 | [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

### **Preserving and protecting over 450 islands and surrounding waters in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəwəθən, səlilwətał, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SȚÁUTW, Stz'uminus, ɬaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁEŁP, WSIKEM, Xeláltxw, Xwémalhkwx, Xwsepsum, and x"məθk"əyəm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*



Islands Trust

# BYLAW REFERRAL FORM

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

Island: Salt Spring Island Trust Area Bylaw No.: 536 Date: 4 December 2023

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

**APPLICANTS NAME / ADDRESS:**

Mischa Gelb, PO Box 674, Hope BC V0X 1L0

**PURPOSE OF BYLAW:**

A proposal to permit four (4) dwellings and one (1) seasonal cottage on the property.

**GENERAL LOCATION:**

Sec 50 Musgrave Road, Salt Spring Island

**LEGAL DESCRIPTION:**

THE NORTH EAST 1/4 OF SECTION 50, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT

**SIZE OF PROPERTY AFFECTED:**

63.56 Ha – 157.07 Ac

**ALR STATUS:**

Not in ALR

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

Forestry (F)

**OTHER INFORMATION:**

The applicant is seeking to use the shared residential policy in the OCP (H.2) to allow for four single family dwellings and one seasonal cottage on the subject property. The application satisfies policies in this section and is a reduction in density from what would otherwise be permitted through subdivision, as the site could yield 7 lots. 7 lots would allow for one single family dwelling and one seasonal cottage on each lot (totalling 7 single family dwellings and 7 seasonal cottages in total). The proposed rezoning is a reduction in overall density on the site and would restrict future subdivision through a covenant.

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

(Signature)

Name: Rob Pingle

Title: Legislative Clerk – Deputy Secretary

This referral has been sent to the following agencies:

**Federal Agencies**

Fisheries & Oceans, Canada - Pacific Region  
Indian & Northern Affairs Canada

**First Nations**

Cowichan Tribes  
Halalt First Nation  
Lyackson First Nation  
Penelakut Tribe  
Stz'uminus First Nation  
Pauquachin First Nation  
Semiahmoo First Nation  
Tsartlip First Nation  
Tsawout First Nation  
Tsawwassen First Nation  
Tseycum First Nation  
Ts'uubaa-Asatx (Lake Cowichan) First Nation

**Adjacent Local Trust Committees and Municipalities**

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

**Regional Agencies**

CRD – All Referrals & K. Campbell (SSI Senior Manager)  
CRD – SSI Parks and Recreation  
CRD – SSI Building Inspection  
CRD – Environmental Eng. Division  
CRD – Parks & Community Services  
Vancouver Island Health Authority  
Islands Trust – Islands Trust Conservancy  
SSI Advisory Planning Commission

**Provincial Agencies**

Ministry of Environment and Climate Change Strategy  
(BC Parks and Conservation Officer Service Division)  
Ministry of Forests, Lands, Natural Resource Operations  
and Rural Development – Archaeology  
Ministry of Forests, Lands, Natural Resource Operations  
and Rural Development – Crown Land Authorizations  
Ministry of Municipal Affairs  
Ministry of Transportation and Infrastructure  
BC Assessment Authority  
Front Counter BC

**Non-Agency Referrals**

SSI Fire-Rescue  
Salt Spring Island Coast Salish Society

**BYLAW REFERRAL FORM**  
**RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area  
(Island)

(Signature)

(Date)

536  
(Bylaw Number)

(Title)

(Agency)

DATE OF MEETING: February 13, 2024  
TO: Galiano Island Local Trust Committee  
FROM: Bruce Belcher, Planner 1  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: GL-DVP-2023.5  
Applicant: Kate Scoones  
Location: 3307 Montague Road, Galiano Island

## RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Development Variance Permit application GL-DVP-2023.5 (Scoones).

## REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) to legalize the siting of existing structures and buildings.

## BACKGROUND

The owner is seeking a DVP to bring the existing buildings and structures into compliance with the current zoning regulations. The DVP seeks to legalize the siting of the following by varying the setback to the natural boundary of the sea from 7.5 metres for structures and 30 metres for a septic field, the interior side lot setback from 6.0 metres, and the front lot setback from 7.5 metres:

- i. 1.5 metres from the interior side lot line for the existing accessory building.
- ii. 0.4 metres from the interior side lot line for the western rock retaining wall.
- iii. 4.6 metres from the interior side lot line and 0.0 metres from the front lot line for the woodshed/pump-house.
- iv. 4.0 metres from the interior side lot line for the northern rock retaining wall.
- v. 3.3 metres from the interior side lot line and 2.5 metres from the natural boundary of the sea for the southern rock retaining wall.
- vi. 6.7 metres from the front lot line for the dwelling.
- vii. 2.0 metres from the natural boundary of the sea for the western fence.
- viii. 7.3 metres from the natural boundary of the sea for the sewage absorption field.

These structures and features within the setbacks are summarized below, and shown in Figure 1:

1. House (orange) - Originally constructed in the 1950s, previous owner applied for a permit for an addition to the dwelling in 1973 but was never issued. The encroachment has legal non-conforming status due to the original date of construction, the owner has opted to include the house as a part of the variance to certify compliance. A sundeck was added to the dwelling in 2006 with a permit from the CRD.
2. Accessory building (blue) - Constructed in 2006 as a replacement for an existing studio cabin built by the previous owner in the 1970s. CRD issued the building permit in 2006 with the condition that it was not to be used for human habitation. The building had a stove which has now been removed to meet the definition of an accessory building. The property has a maximum density of one single family dwelling and no cottages, any habitation use of the accessory building is non-compliant. The building requires a variance to become compliant with the Galiano LUB setbacks as the legal-non-conforming status could not be confirmed.
3. Woodshed/pump-house (green) - Pump and well house with an enclosed drilled water well, pump system, and holding tank. The well head is in the southwest corner of the building about a foot inside each wall. The building includes an unenclosed covered storage area previously used for wood. The building received a permit for construction from the CRD in 1982. The previous owner received a permit from the Ministry of Transportation and Infrastructure to authorize the building's location within the provincial public highway right-of-way in September of 2018. The building has legal non-conforming status, but requires a variance to further certify compliance with the LUB.
4. Rock retaining wall (yellow) - Two retaining walls create two separate levels to the yard, the southern of which contains the sewage absorption field. Both walls encroach in the east interior side setback line, while only the south wall encroaches in the natural boundary and the west interior side setback line. Date of construction is unknown, judging on appearance the retaining walls are long-standing.
5. Sewage absorption field (pink) - The sewage absorption field is sited in the lower filled area above the shoreline rock wall. The sewage absorption field is 32 metres from the well head located inside the pump-house which meets the setback requirement in section 2.15 of the Galiano LUB. The sewage absorption field received repairs in accordance with the BC Sewage Disposal regulations and approval from Vancouver Island Health Authority in 2005.
6. Fence (purple) - The fence partially encroaches onto the western neighbours' property to which the property owner has a received written permission for the fence to remain in its current location provided that it is not altered or replaced.

There has been ongoing bylaw enforcement action on the property related to siting and lot coverage. The following has not been included in the proposed permit:

1. Lot coverage – Calculated as 36%, the permitted coverage of the lot is 25%. The owner has opted to leave the non-compliant lot coverage out of this variance permit as they intend to sell the property upon attaining compliance for the existing structures. The future owner would then be responsible for reaching compliance with the lot coverage on the property. The future owner could reach compliance through reducing the paved areas on the property.
2. Wharf, Ramp, Float – Constructed to the specifications of the 2005 issued development permit (GL-DP-2005.1). The construction met the existing OCP requirements, no variance is required.

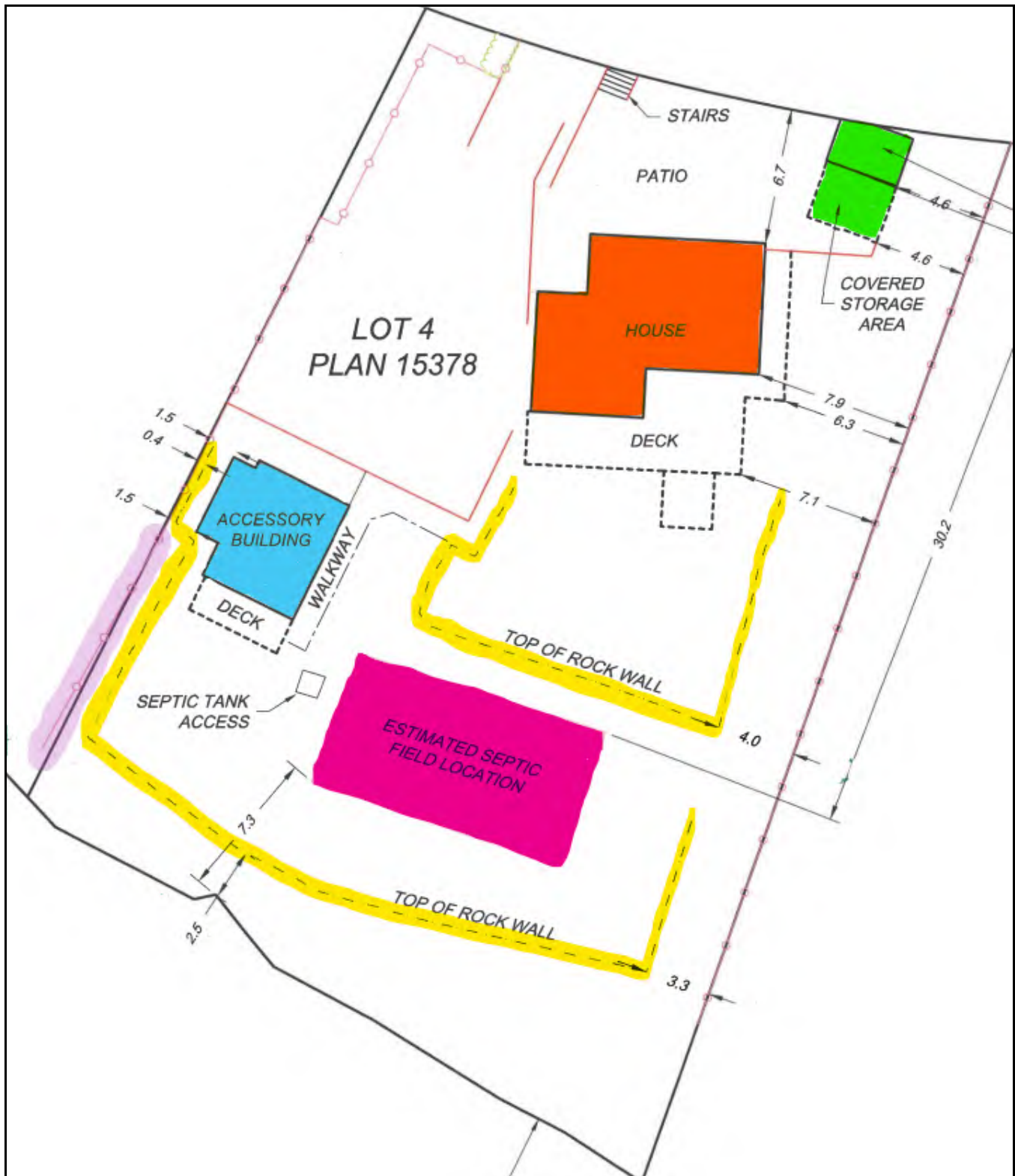


Figure 1 – Site Plan

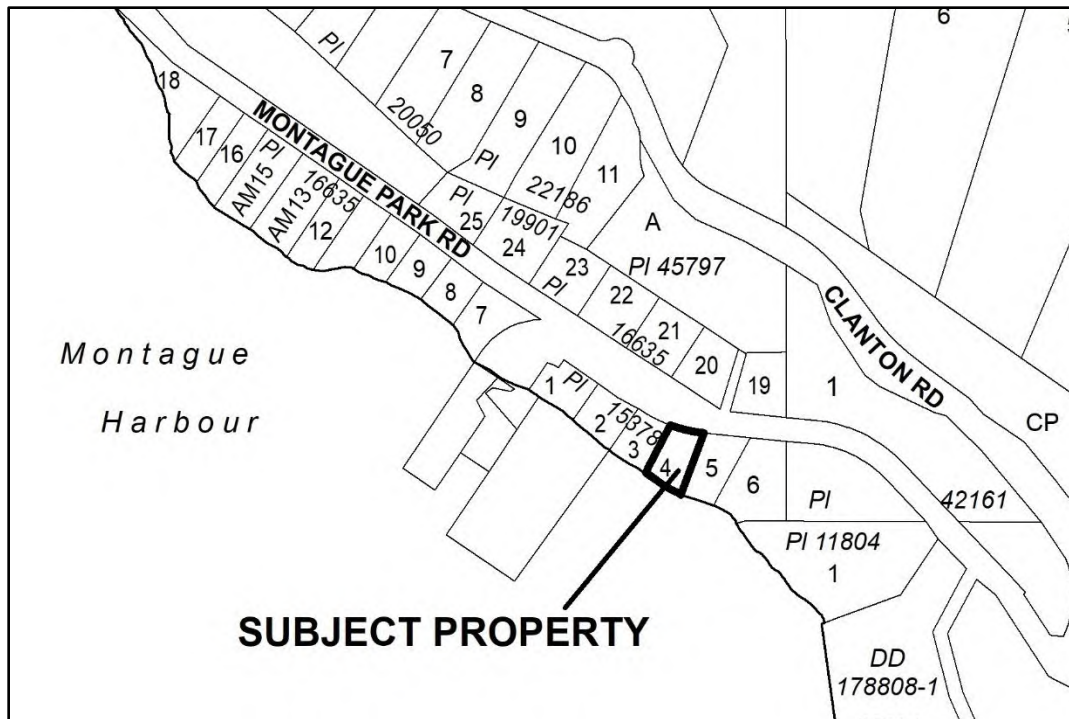


Figure 1: Subject Property Location

## ANALYSIS

### Policy/Regulatory

Section 498 of the *Local Government Act* enables the Local Trust Committee to issue (approve) a DVP in order to vary a siting regulation in the LUB. A DVP may not be used to vary density or land use. In this case, a variance to siting regulations is being sought.

### Official Community Plan (OCP)

The property is designated Small Lot Residential (SLR) in the Galiano OCP. **DPA 2 – Shoreline and Marine**, is designated on the property and adjacent water area. **DPA 7 – Steep Slope Hazard Areas** is designated along the along the shoreline and central part of the property.

### Land Use Bylaw (LUB)

The property is zoned as **Small Lot Residential (SLR)** and the adjacent water area **Marine (M)** in the Galiano LUB. The residential dwelling on the subject property conforms to zoning and density requirements. The Galiano Island LUB prohibits the use of an accessory building or structure to be used for human habitation.

### Development Variance Permit

The applicant is seeking variances for the following Galiano LUB provisions:

- 2.14 Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea, and at least 15 metres from any lake, a swamp and any other natural watercourse. This setback from the sea does not apply to structures located on a highway and for stairway structures located in the Park Zone.

- 2.15 Sewage absorption fields must be sited at least 30 metres from the natural boundary of the sea, any lake, swamp, or other natural watercourse and any well.

Buildings and structures must be sited;

5.3.8.1 at least 7.5 metres from front and rear lot lines;

5.3.8.2 at least 6 metres from each interior side lot line.

The proposed DVP permit (Attachment 5) states:

- 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 the siting of:
- i. The existing southern rock retaining wall within 2.5 metres of the natural boundary of the sea;
  - ii. The existing western fence within 2.0 metres of the natural boundary of the sea;
- b) Section 2.15 which states that sewage absorption fields must be sited at least 30 metres from the natural boundary of the sea is varied to permit the siting of:
- i. The existing sewage absorption field within 7.3 metres of the natural boundary of the sea;
- c) Subsection 5.3.8.1 which states that buildings and structures must be sited at least 7.5 metres from front and rear lot lines is varied to permit the siting of:
- i. The existing woodshed/pump-house building within 0.0 metres of the front lot line;
  - ii. The existing dwelling within 6.7 metres of the front lot line;
- d) Subsection 5.3.8.2 which states that buildings and structures must be sited at least 6 metres from each interior side lot line is varied to permit the siting of:
- i. The existing accessory building within 1.5 metres of the interior side lot line;
  - ii. The existing western rock retaining wall within 0.4 metres of the interior side lot line;
  - iii. The existing northern rock retaining wall within 4.0 metres of the interior side lot line;
  - iv. The existing southern rock retaining wall within 3.3 metres of the interior side lot line;

### ***Rationale for the Variance***

The property has changed owners through the means of inheritance twice since 2016. The new owner is seeking a variance to bring the property into compliance with the Galiano LUB prior to selling.

### ***Intent of the Regulations being Varied***

The overall purpose of the setback to the natural boundary of the sea regulation, interior side lot setback, and front lot setback regulations is to minimize impacts on adjacent properties and the public realm related to:

- Protecting marine and foreshore and nearshore habitats;
- 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 rural character;
- Establishing certainty with respect to residential development by maintaining consistent siting 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.

### **Circulation**

DVP notices were circulated to surrounding property owners and residents on January 22, 2024 (Attachment 3). The notification period ended on February 2, 2024.

At the time of writing, staff have received five written submissions in response to the notification (Attachment 3). Two submissions supported the variance, and three including the immediate neighbours were opposed to certain aspects the variance. Any submissions received after the agenda deadline but prior to the LTC meeting will be forwarded to Trustees and the applicant and will be reported at the meeting.

### ***First Nations***

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

### **Rationale for Recommendation**

Staff is recommending that the proposed variance permit be approved in order to bring the existing structures into compliance. The rationale for approval is as follows:

- The rationale for the variance is reasonable.
- Owner is bringing the unoccupied property into compliance with the current land use bylaw.
- The existing buildings and structures have been in place for many years, adjacent neighbours have noted concerns with the siting of buildings and structures in relation to their properties.
- Excluding lot coverage from the permit ensures that the future owner must reach compliance.
- Any future development will require Islands Trust review to confirm compliance with the LUB or requirement for further variance.

**ALTERNATIVES**

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

**1. Further amend the permit and approve the permit as amended**

The LTC may opt to make amendments to the permit as circulated provided the amendments do not allow further encroachments. Recommended wording for the resolution is as follows:

*That the Galiano Island Local Trust Committee amend GL-DVP-2023.5 by\_\_\_\_; and,  
That the Galiano Island Local Trust Committee approve issuance of GL-DVP-2023.5 (Scoones) as amended.*

**2. 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 ....*

**3. Deny the application**

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

*That the Galiano Island Local Trust Committee refuse application GL-DVP-2023.5 (Scoones).*

|               |                                          |                  |
|---------------|------------------------------------------|------------------|
| Submitted By: | Bruce Belcher, Planner 1                 | February 1, 2024 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | February 1, 2024 |

**ATTACHMENTS**

- 1. Site Context
- 2. Maps, Plans, Photographs
- 3. Correspondence
- 4. Notice
- 5. Draft Development Variance Permit

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

|                   |                                                                       |
|-------------------|-----------------------------------------------------------------------|
| Legal Description | LOT 4, DISTRICT LOT 33, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 15378 |
| PID               | 004-253-540                                                           |
| Civic Address     | 3307 Montague Road, Galiano Island BC                                 |
| Lot Size          | 0.16 ha (0.39 ac)                                                     |

### LAND USE

|                      |                        |
|----------------------|------------------------|
| Current Land Use     | Residential            |
| Surrounding Land Use | Residential and Marine |

### HISTORICAL ACTIVITY

| File No.      | Purpose                                          |
|---------------|--------------------------------------------------|
| GL-DP-2003.2  | Private boat moorage                             |
| GL-DP-2005.1  | DP amendment to construct wharf, ramp, and float |
| GL-DVP-2010.2 | Incomplete DVP for retaining wall within setback |

### POLICY/REGULATORY

|                                      |                                                                                                                                                                            |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Official Community Plan Designations | Galiano Island OCP No. 108, 1995 – Small Lot Residential (SLR)<br><br>Development Permit Area 2 – Shoreline and Marine<br>Development Permit Area 7 – Steep Slope Moderate |
| Land Use Bylaw                       | Galiano Island LUB No. 127, 1999:<br>The subject property is zoned Small Lot Residential                                                                                   |
| Other Regulations                    | N/A                                                                                                                                                                        |
| Covenants                            | N/A                                                                                                                                                                        |
| Bylaw Enforcement                    | GL-BE-2005.6: Dock construction began prior to DP issued<br>GL-BE-2010.1: Retaining wall encroaches onto neighbour's property.                                             |

### SITE INFLUENCES

|                                |                                                                                                                                       |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Islands Trust Conservancy      | There are no Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.                |
| Regional Conservation Strategy | The subject property appears to be within the MEDIUM relative value area for important natural areas in the Galiano Local Trust Area. |
| Species at Risk                | N/A                                                                                                                                   |
| Sensitive Ecosystems           | N/A                                                                                                                                   |
| Hazard Areas                   | Low, Moderate, High risk steep slope                                                                                                  |
| Archaeological Sites           | Mapping indicates archaeological potential on the property.                                                                           |

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          | Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. If such material is encountered during development, all work should cease and the Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. |
| Climate Change Adaptation and Mitigation | No additional impacts to GHG emissions anticipated as a result of this application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Shoreline Classification                 | Boulder/Cobble Beach – Low Rock/Boulder                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Shoreline Data in TAPIS                  | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

---

### 2.1 ORTHOZONING



### 2.2 DPAs

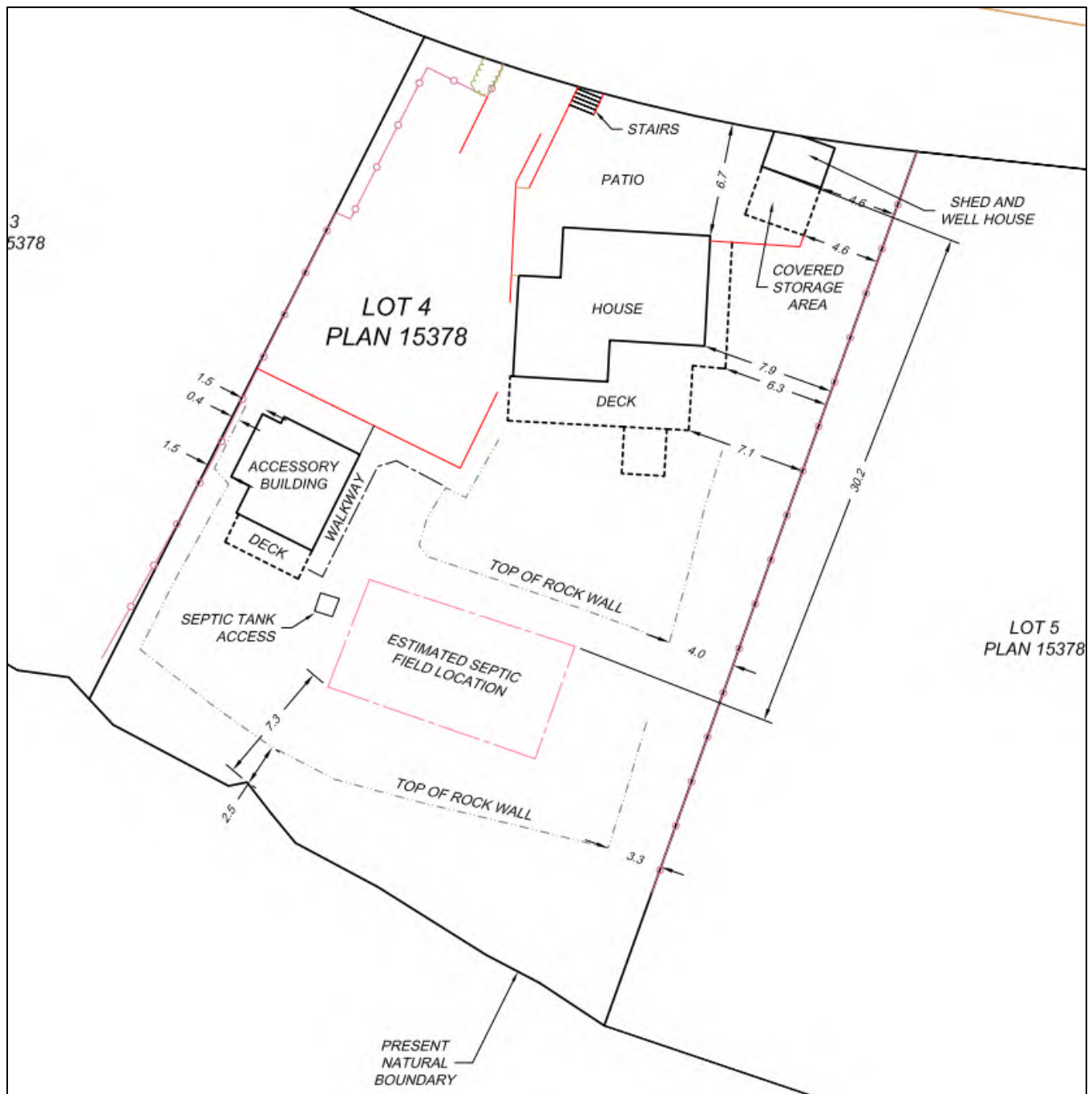




### 2.3 TWO METRE CONTOURS



## 2.4 SURVEY PLAN

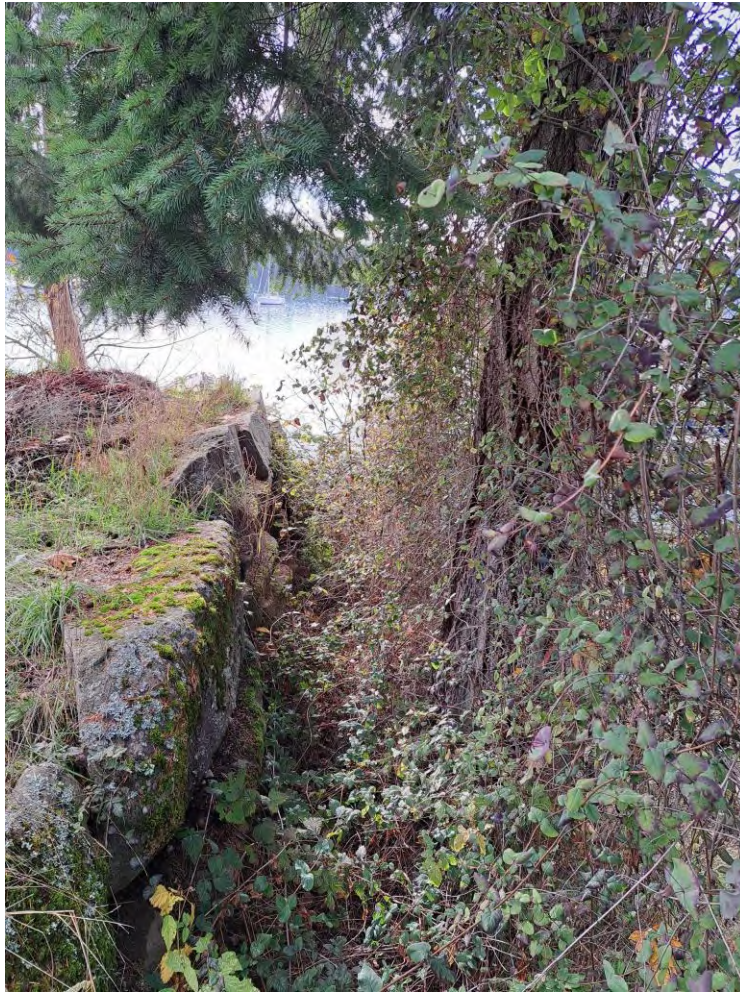


## 2.5 PHOTOGRAPHS



*Accessory building 1.5 m from interior side lot line*





*Western rock retaining wall 0.4 m from interior side lot line*





*Woodshed/pump-house within 4.6 m of interior side lot line and 0.0 m of front lot line*



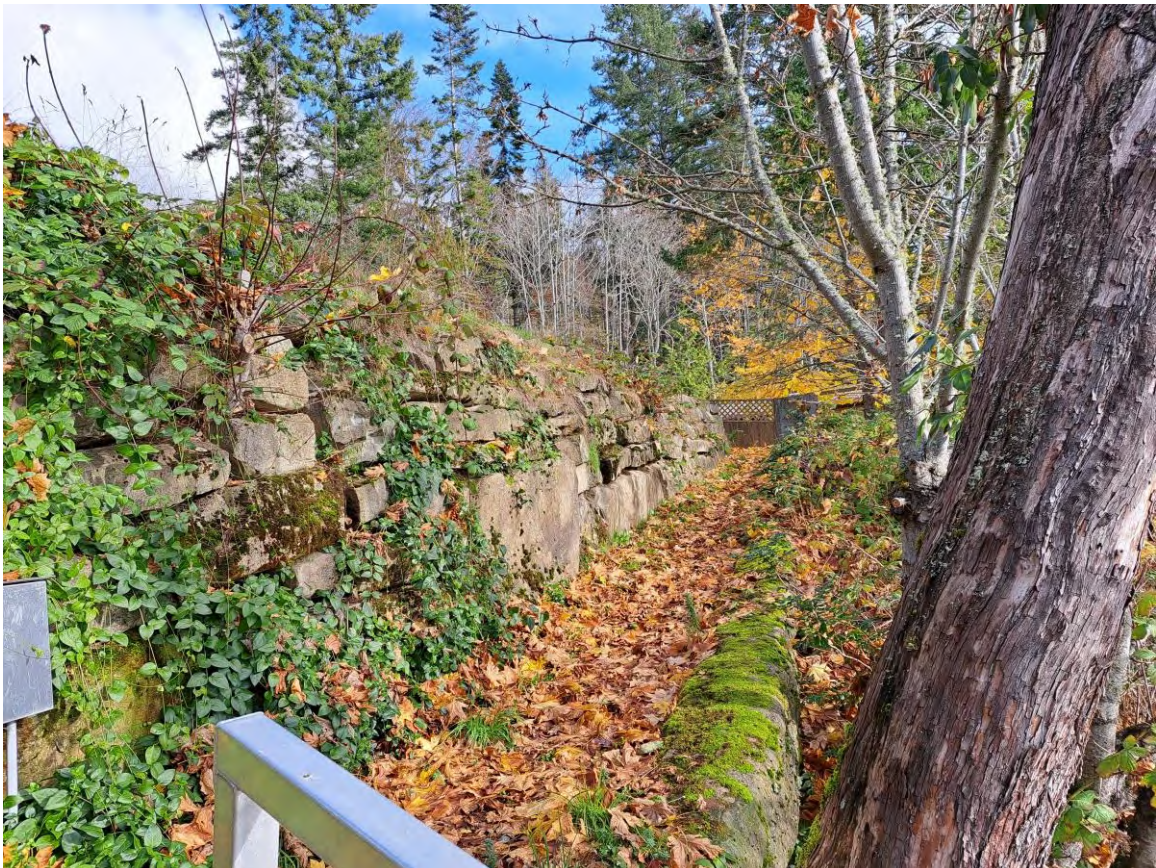


*Northern and southern rock retaining wall within 4.0 m and 3.3 m of interior side lot line*



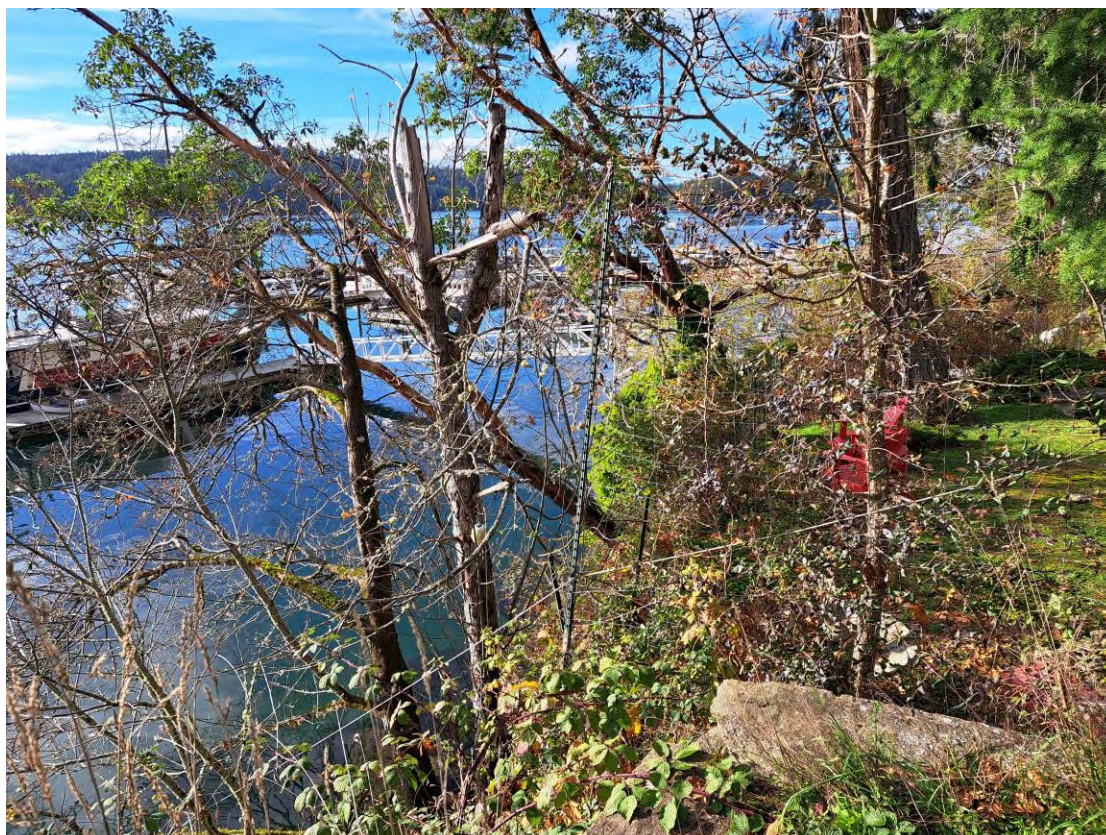


*Southern rock retaining wall within 2.5 m of the natural boundary of the sea*





*Dwelling within 6.7 m of front lot line*



*Western fence within 2.0 m from the natural boundary of the sea*



*Sewage absorption field within 7.3 m from the natural boundary of the sea*



TO: ISLANDS TRUST LOCAL TRUST COMMITTEE GL-DVP-2023.5.

Attachment 3  
Jan. 22, 2014

RE: Variance Development Permit for:

LOT 4, DISTRICT LOT 33, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 15378

My Concerns:

1. Proximity of septic field to ocean – fear of polluting Montague Harbour
  - a. Drainage field is 7.5 metres from ocean and requirement is 30 metres.
2. Proximity of accessory building adjacent to west lot line – noise issue and potential for Airbnb or other short-term rental usage
  - a. Accessory building is located 1.5 metres from lot line and requirement is 6 metres.
3. Solid patio and parking area- water drainage concerns for further contamination of septic field and bank erosion into Montague harbour.
4. Pump house/shed abutting lot line – impaired parking area for marine and summer visitors.
  - a. Building must be at least 7.5 metres from front lot lines and this structure is actually over the lot line on road allowance.

I adamantly oppose the granting of a development variance permit for the above reasons.

SIGNED:

Dorothy A. Beauchamp

Resident Owner  
[REDACTED]  
[REDACTED]  
[REDACTED]

From: Sydne Gomez <[REDACTED]>  
Sent: Wednesday, January 24, 2024 10:00 PM  
To: SouthInfo <[SouthInfo@islandstrust.bc.ca](mailto:SouthInfo@islandstrust.bc.ca)>  
Subject: Scoones variance permit

January 24, 2024

Bruce Belcher  
Galiano Islands Trust Committee

I am writing in support of approval of the Development Variance Permit application submitted by Catherine Scoones, regarding Lot 4, District Lot 33, Galiano Island.

My family are longtime property owners on Montague Park Road. I have also known the Scoones family for many years. Approval of the Variance application would benefit our Montague neighborhood on Galiano because this would allow the property to be sold and then upgraded to meet Islands Trust bylaw regulations. This property is part of an estate settlement, since the death of John Scoones, which should be allowed to move forward for the next generation.

Thank you,  
Sydne (Kissinger) Gomez  
[REDACTED], Galiano Island

January 30th, 2024

Islands Trust

Galiano Island Local Trust Committee

Re: GL-DVP-2023.5

To whom it may concern;

My name is Lorne Drozdowski current Chair of the Montague Improvement District (MID). The MID is responsible for operating and maintaining a water delivery system which provides a safe potable supply to over 30 households in the Montague Harbour area. The MID utilizes a network of underground pipes to facilitate potable water delivery to households on our distribution network. Wherever possible MID main distribution lines reside within highway roadway allowances to facilitate easy access, maintenance and improvements when necessary.

The property as identified as Lot 4 Plan 15378 has erected a fence parallel Montague Road on land that is designated as highway road allowance. When the MID originally laid the water distribution pipework (CIRCA 1980) the main service line to the southern properties on Montague Road was routed through a culvert underneath the roadway directly in front of the property in question (Lot 4 Plan 15378). This distribution pipe was accessible on the roadway allowance prior to the property owner erecting a fence and planting hedges resulting in access to the MID main infrastructure line only being accessible from the property side of the fence and hedge impediment.

The MID requires that either the fence and hedge impediment be moved back to the actual property line or a restrictive covenant be placed on the property for a minimum of 2.5 meters from the property side of the current fence location. This restriction must specify that no building or structures be erected or large trees or concrete slab, paving stones, etc. or any other impediment be placed on the area specified which would prevent or hinder the MID from servicing the water lines if and when servicing is required. The MID may also request a ground level service box and cover (not less than 1 meter in diameter) be installed over the existing infrastructure as a temporary access measure. In addition, the area in question must be restricted to soft terrain landscaping (grass, vegetable garden, flower garden, etc.). MID board members and any authorized representatives must be granted unfettered access when required (problem diagnosis, repairs, improvements, etc.).

Please be advised that rerouting current piping infrastructure would be expensive and may not even be possible from the MID's perspective as we believe the cement culvert running under Montague Road extends to the hedge and fence impediment erected on road allowance at the rear of the property.

Please direct any inquiries to the undersigned.

[REDACTED]  
Lorne Drozdowski

MID Chair [REDACTED]

cc.

Yolande Slater - MID Trustee

Leif Palmberg - MID Trustee

Meg Schofield - MID Secretary Treasurer

Bob Boyechko - MID System Operations

From: Dana Lynch <[REDACTED]>  
Sent: Wednesday, January 31, 2024 5:10 PM  
To: SouthInfo <[SouthInfo@islandstrust.bc.ca](mailto:SouthInfo@islandstrust.bc.ca)>  
Subject: Scoones variance permit

To Bruce Belcher,

I am sending this email in support of approval of the Development Variance Permit application submitted by Catherine Scoones , regarding Lot 4 ,District lot 33 , Galiano Island.

Approval of the Variance application would be beneficial to the Montague community, as it would allow it to be sold and upgraded to meet Islands Trust bylaws & regulations. John Scoones property is part of an estate settlement, this would also allow his family to settle his estate and move forward.

Our family have owned property on Montague Park Road for over 50 years and a lot on the North end prior to that.

Thanks you,

Dana ( Kissinger) Lynch

[REDACTED]

Galiano Island

February 1, 2024

Ms. J. Tepoorten-Swan &  
Mr. M. Swan

[REDACTED]  
Galiano, B.C.  
[REDACTED]

Ms. M. Boyce-Sargent &  
Mr. R Boyce-Sargent

[REDACTED]  
Galiano, B.C.  
[REDACTED]

Mr. Bruce Belcher  
Islands Trust  
Planner 1  
(250) 405-5179

**Subject: Comments Concerning Proposed Development Variance Permit GL-DVP-2023.5**

Dear Mr. Belcher:

Thank you for providing us with a copy of Galiano Island Local Trust Committee Proposed Development Variance Permit GL-DVP-2023.5 and an opportunity to provide you with our comments.

We, the adjacent property owners, are surprised and annoyed that the authorities have chosen an administrative approach to dealing with the multiple bylaw violations carried out on Lot 4, District Lot 33, Galiano Island, Cowichan District, Plan 15378 (PID: 004-253-540) – referred to as the Scoones property in this letter. We expected that the many violations involving the construction of buildings, structures and other alterations on the property and road allowance would be corrected by physical removal, by the current owners. We believe that land use bylaws are put in place to protect the rights of property owners against rogue developers. Mr. John Scoones, the deceased property owner, engaged in construction and usage activities that blatantly disregarded numerous applicable bylaw provisions, resulting in offenses that should be met with strict enforcement of the rules, not an administrative patch job. The outrageous actions carried out by Mr. Scoones should serve as a poster child of why land use bylaws are both necessary and should be enforced.

Our comments relating to proposed Development Variance Permit GL-DVP-2023.5 are provided in the table below, presented in the order in which they appear in the proposed DVP. We have also provided a list of 18 additional violations.

| Proposed Development Variance Permit GL-DVP-2023.5 |                                                                                                                                                                 |                                                                                                         |                                                                                                                                     |                                                                                                                                                                                                                                                                |
|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item                                               | Description                                                                                                                                                     |                                                                                                         |                                                                                                                                     | Comments                                                                                                                                                                                                                                                       |
| 1.                                                 | The Development Variance Permit applies to the land described below:<br>Lot 4, District Lot 33, Galiano Island, Cowichan District, Plan 15378 (PID:004-253-540) |                                                                                                         |                                                                                                                                     | Noted                                                                                                                                                                                                                                                          |
|                                                    | <b>Bylaw 127 (1999)</b>                                                                                                                                         |                                                                                                         | <b>Proposed Variance</b>                                                                                                            |                                                                                                                                                                                                                                                                |
| 2. a)                                              | 2.14                                                                                                                                                            | <i>Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea.</i> | i. Varied to permit the siting of the existing southern rock retaining wall within 2.5 metres of the natural boundary of the sea.   | <b>Not supported.</b><br>Altering the natural grade of the property, utilizing retaining walls within the prohibited setback areas, is impactful to adjacent property owners and should not be permitted.<br><b>See Additional Violations, Item 16, below.</b> |
|                                                    |                                                                                                                                                                 |                                                                                                         | ii. Varied to permit the siting of the existing western fence within 2.0 metres of the natural boundary of the sea.                 | <b>Agreed.</b><br>The fence consisting of steel tee bar posts and deer wire mesh has an insignificant adverse effect on the western property owner.                                                                                                            |
| 2. b)                                              | 2.15                                                                                                                                                            | <i>Sewage absorption fields must be sited at least 30 metres from the natural boundary of the sea.</i>  | i. Varied to permit the siting of the existing sewage absorption system field within 7.3 metres of the natural boundary of the sea. | <b>Not supported.</b><br>The surface of the sewage absorption field has been raised above the natural level and the soil is supported by the eastern, southern and western rock retaining walls, which were unlawfully sited within the setback areas.         |
| 2. c)                                              | 5.3.8.1                                                                                                                                                         | <i>Buildings and structures must be sited at least 7.5 metres from front and rear lot lines.</i>        | i. Varied to permit the siting of the existing woodshed/ pump-house building within 0.0 metres of the front lot line.               | <b>Not supported.</b><br>Existing pumphouse is larger than 10 square metres due to the roof over the covered storage area. See <b>Section 2.18</b> (below table).                                                                                              |
|                                                    |                                                                                                                                                                 |                                                                                                         | ii. Varied to permit the siting of the existing dwelling within 6.7 metres of the front lot line.                                   | <b>May not be necessary.</b><br>It seems possible that a dwelling constructed in the early 1950's would be grandfathered from this requirement.                                                                                                                |

| Item  | Bylaw 127 (1999)                                                                                            | Proposed Variance                                                                                                              | Comments                                                                                                                                                                                                                                                                                                          |
|-------|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. d) | 5.3.8.2<br><i>Buildings and structures must be sited at least 6 metres from each interior side lot line</i> | i. Varied to permit the siting of the accessory building within 1.5 metres of the interior side lot line.                      | <b>Not supported.</b><br>This building was pushed over to the lot line, illegally expanded, altered for human habitation and was rented. This also contravenes Subsection 2.3.1 – Prohibited Uses and Subsection 5.3.5 – Permitted Density<br>See <b>Additional Violations, Items 6, 8, 13, 14 and 15,</b> below. |
|       |                                                                                                             | ii. Varied to permit the siting of the existing western rock retaining wall within 0.4 metres of the interior side lot line.   | <b>Not supported.</b><br>Raising the natural grade of the property, utilizing retaining walls within the prohibited setback areas, is impactful to adjacent property owners and should not be permitted.<br>See <b>Additional Violations, Items 6 and 16,</b> below.                                              |
|       |                                                                                                             | iii. Varied to permit the siting of the existing northern rock retaining wall within 4.0 metres of the interior side lot line. | <b>Not supported.</b><br>Raising the natural grade of the property, utilizing retaining walls within the prohibited setback areas, is impactful to adjacent property owners and should not be permitted. This can be easily corrected.                                                                            |
|       |                                                                                                             | iv. Varied to permit the siting of the existing southern rock retaining wall within 3.3 metres of the interior side lot line.  | <b>Not supported.</b><br>Raising the natural grade of the property, utilizing retaining walls within the prohibited setback areas, is impactful to adjacent property owners and should not be permitted. This can be easily corrected.                                                                            |

### **Section 2.18 – Siting Exceptions**

*The siting regulations set out in this bylaw do not apply to any sign or pumphouse so long as the pumphouse has a floor area of 10 square metres or less.*

## **Additional Violations**

We wish to bring to your attention, additional violations associated with the Scoones property, which are not addressed in proposed Development Variance Permit GL-DVP-2023.5.

### **1. Development Violation**

Mr. John Scoones is responsible for the turmoil inflicted on his neighbours while he carried out development on land (accessory building, structures and excavating land in the setback areas) and the surface of the water (oversized float) in a manner prohibited by or contrary to provisions of Galiano Land Use Bylaw 127 (1999). Section 1.2 states:

#### ***Section 1.2 – Violation***

*Every person commits an offence who, being owner or occupier of land or the surface of water in the Galiano Island Local Trust Area:*

#### ***Subsection 1.2.4***

*carries out, causes or permits to be carried out and development of land or the surface of water in a manner prohibited by or contrary to any of the provisions in this bylaw*

Mr. Scoones' self-interest and intimidating conduct, while carrying out the many physical changes in violation of Subsection 1.2.4, has not only tested the patience of the adjacent property owners, but has also caused them significant emotional distress.

### **2. No Development and Building Permits**

The entire process went wrong from the very beginning. Prior to commencing any alterations to his property, Mr. Scoones should have made application for a development permit. After being assigned a planner, he would have been required to describe the scope of his development. Knowing the scope, the planner would have made him aware of the many applicable provisions in Galiano Bylaws 108 (Official Community Plan - 1995) & 127 (Land Use Bylaw - 1999). Had Mr. Scoones familiarized himself with the applicable provisions and prepared a site plan (required by Section 2.24), he would have realized that his lot was far too small (0.39 acres or 0.158 hectares) to accommodate the driveway, parking lot, patio, gates, fence, hedge, garden block walls, land terracing using concrete and rock retaining walls and accessory building (see **Schedule E1** – green development area). In addition, would have discovered that he was limited to a 35 square meter float and prohibited from renting the accessory building for human habitation and providing moorage to boaters, for a fee. Had he submitted a site plan defining the location of the building and structures (similar to **Schedule A**), disclosed that he intended to build an addition to an existing shed, after pushing it close to the west interior lot line and incorporate features to support human habitation, the planner would have flatly rejected it. His building permit application would also have been denied, if he had followed the rules and applied for one. Then, if Mr. Scoones had stubbornly charged ahead with construction of the

building, structures and other development, per the rejected plan and with no building permit, a stop work order would have been issued. All the problems of today would have been avoided had Mr. Scoones not violated Section 2.23 and 2.24 – Enforcement of Siting Regulations (see below). Mr. Scoones’ transgressions of the past do not justify not taking physical corrective action today.

### ***Enforcement of Siting Regulations***

#### ***Section 2.23***

*Every applicant for a building permit must provide to the building inspector a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, water courses, wells and the sea, and in relation to other buildings on the lot, unless the building inspector determines that the provision of such a plan is not reasonably necessary to establish that proposed buildings, structures and sewage absorption fields comply with the siting requirements of this bylaw.*

#### ***Section 2.24***

*Every applicant for a development permit or a development variance permit must provide a plan as described in section 2.23 unless the Galiano Island Local Trust Committee makes the determination referred to in that section.*

### **3. Lot Coverage Exceedance**

As a result of Mr. Scoones locating buildings, structures (retaining walls) and then leveling the lot by cutting and filling within setback areas before installing concrete pavers and tile, he has covered 36% of the lot (see **Schedule E3** – purple area). This is in violation of Subsection 5.3.6 – Permitted Density, which prescribes that lot coverage, must not exceed 25%.

#### ***Subsection 17.1.29 – Lot Coverage***

*Lot coverage means the total area of those portions of a lot that are covered by buildings or structures divided by the area of the lot, and for this purpose the area of the lot is covered by a roofed building or structure is measured to the drip line of the roof and “structures” includes asphalt and concrete paving.*

#### ***Subsection 5.3.6 – Permitted Density***

*Lot coverage must not exceed 25%.*

The installation of semi-permeable pavers and tile in the driveway, parking area and patio also raises concern about water runoff during periods of high precipitation (e.g. atmospheric river); see video with high water runoff - **Schedule D**.

#### **4. Oversized float**

Mr. Scoones installed a float 60 feet long by 12 feet wide; excluding the two (2) six foot cantilevered protrusions located at the seaward end (see photo in **Schedule B**). This calculates to an area of 720 square feet or 66.9 square metres. The maximum permitted is 35 square metres.

**Official Community Plan (OCP) Bylaw No. 108 (1995) - Section V, 2 Development Permit Area 2 Shoreline and Marine DPA, 2.7 Guideline 52)**

*which states in part, residential docks should not be designed to have floats with more than 35 square metres total surface area.*

#### **5. Float Made Available To Boaters For A Fee**

As a result of Mr. Scoones installing a float 1.9 times larger than permitted, the float has excess capacity to the upland owner's needs. This has created a situation where the owner has provided moorage to others for a fee. Article 12.2.1.2 prohibits the use of the float to anyone other than the upland owner. Subsection 12.3.4 and Specific Permission for Private Moorage Article 5.1 prohibits the owner of the Private Moorage Facility from making the float available to others for a fee.

**Subsection 12.2.1 Marine Zone – M**

*In the Marine zone the following uses are permitted, subject to the regulations set out in this section and general regulations in Part 2 and 3, and all other uses are prohibited.*

**Article 12.2.1.2**

*Moorage of boats accessory to the residential use of an upland owner.*

**Subsection 12.2.3 Marine Zone – M**

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

**Specific Permission For Private Moorage – Article 5.1 - Use**

*The Private Moorage Facility shall be used for private, non-commercial moorage purposes only and the Owner of the Private Moorage Facility must not make the Private Moorage Facility available to others for a fee.*

Selling moorage at the float caused a disturbance to the adjacent property owners by people transiting to and from their boats. When returning to their vehicles parked on Montague Road, people could look into the windows and onto the deck of the residence located adjacent to the

eastern interior lot line, destroying their privacy. During periods of the summer of 2018, a boat owner paying moorage lived aboard their boat, which is also not permitted. A boat owner visiting the live aboard intimated to an adjacent float owner that they also should break the law by offering moorage to them, for a fee.

At times there were as many as four boats paying for moorage at the Scoones float, which generated an annoying amount of pedestrian traffic along the interior lot line.

Although the selling of moorage to boaters has stopped for now, it is primed and ready for future abuse. The solution is to bring the size of the float into compliance with the rules. We are aware of similar circumstances, where recently, enforcement action has been taken; even where the exceedance in float area was much less than 90%.

#### 6. Accessory Building Alterations Without A Building Permit

Once the noncompliant rock retaining wall was completed, located 0.4 metres from the western interior lot line, an existing shed was dragged across the lot to within 1.5 meters of the same lot line and expanded to 390 square feet, requiring a building permit. As no building permit was applied for, no building siting inspection was carried out, nor was the addition to the shed, wiring and plumbing inspected.

The building is clearly intended for human habitation (see photos in **Schedule C**). There is a kitchen sink, counters and cabinets bar fridge, 240V receptacle and space to install a stove/oven – including a range hood, bathroom (toilet, sink & shower), living area and closet space. The photos clearly show that calling this an accessory building is a sham and disingenuous to the adjacent property owners. In the current real estate listing for the Scoones property (see link, below), this building is marketed as an artist studio or office (human habitation).

<https://www.realtor.ca/real-estate/25986850/3307-montague-road-galiano-island>

#### Listing Description

*ATTENTION BOATERS! Sunny, SW-facing waterfront property in protected Galiano's Montague Harbour with deep water moorage. Take the lovely seaside path – bordered by a solid rock wall - down to the well-constructed dock. The 1 BR, 830 sqft cottage is situated on a 0.39 gently sloping acre overlooking the terraced land and enjoying panoramic views of Montague Harbour and Parker Isld beyond. **Separate studio (300 sqft) with bathroom for the artist, for storage or office.** Property has its own drilled well and is also connected to a community water system. Good swimming, beach combing, walking trails & sunset watching at nearby Montague Provincial Park. Treat yourself to a gourmet meal at the nearby Pilgrimage Restaurant. If you look for safe moorage year round, don't miss this rare opportunity! (28796697)*

Being equipped with a full kitchen and sink, fridge, provisions for an electric stove/oven (range hood), bathroom with toilet, shower and sink and living area, it is obvious that this is a fully livable cottage.

This building, with its illegal close proximity to the western interior lot line and wiring installed without a permit or inspection is a potential fire hazard to the adjacent property owner - requiring its removal from the property.

#### **7. Accessory Building Rental**

The accessory building has been rented as a cottage by the sea. Human occupancy of this building (voices, music, cigarette and other smoking), right on the western interior lot line, destroys the privacy of the adjacent lot owner. The previous owner of the property adjacent to the western interior lot line indicated that the disturbance created by the tenant in the accessory building contributed greatly to their decision to sell the property in 2014. Similar to the oversized float, the building invites future abuse as a rental for human habitation. This temptation for abuse needs to be eliminated, by removing the building.

#### **8. Lot Density With Cottage**

The Scoones property is zoned Small Lot Residential (SLR). Indeed, the lot is small, measuring 0.39 acres or 0.158 hectares in size. Subsection 2.3.1 states that it is unlawful to rent an accessory building for human habitation.

##### ***Section 2.3 – Prohibited Uses***

*The following uses of land, buildings and structures are prohibited in all zones:*

##### ***Subsection 2.3.1***

*The use of an accessory building or structure, other than a cottage, for human habitation.*

This means the accessory building is really a cottage, as it is set up and has been used for human habitation – just like the way it is presented in the real estate advertisement. Subsection 5.3.5 does not permit a cottage on a lot having an area less than 0.4 hectares.

##### ***Subsection 5.3.5 – Permitted Density***

*One cottage is permitted on each lot having an area of 0.4 hectares or more, in respect of each permitted dwelling.*

Had Mr. Scoones applied for a Development Permit and presented a site plan showing the size, location and intended use of this building (human habitation), it would have been flatly rejected. It is a disgrace that this building has not been removed.

#### **9. Encroachment On Road Allowance**

Mr. Scoones constructed a driveway, gates, fence and hedge 4.0 metres onto road allowance, as well as garden block walls. We, the adjacent property owners, find it peculiar that this large encroachment over the front lot line was not included in the proposed Development Variance Permit. The Islands Trust is clearly culpable for not putting a halt to construction and ordering removal of these features. We, the adjacent property owners, feel the Islands Trust should take the lead in correcting this mess, not the Highways Department.

#### **10. Montague Road Shoulder Unstable**

In constructing a level patio area in the front lot line setback area, Mr. Scoones removed material, changing the gradual natural slope supporting the shoulder of Montague Road to a steep unstable slope. He then constructed a garden bed and a vertical retaining wall to support the road using small, hand placed decorative concrete blocks. It's possible that Mr. Scoones erected "no parking" signs along his hedge in recognition that the parked vehicle surcharge load would contribute to road shoulder settlement. The retaining wall is bulging and settling, which means it is slowly failing.

#### **11. Damage to MID Water System**

In the early 1980's, the Montague Improvement District (MID) legally installed their community water system (2 inch pipe) on road allowance along Montague Road and a water service connection to the Scoones property (consisting of a meter box, shut-off valve and water meter). Mr. Scoones damaged the MID system multiple times while steepening the slope (see Item 10, above), and while installing his decorative block garden bed and retaining wall. Consequently, Mr. Scoones has incorporated the MID system in the garden bed. The MID continue to have failures (resulting in the loss of water) in this area, as the hand placed block retaining wall is bulging and settling on the MID pipes. The MID may need to consider relocating their water works further onto road allowance to remove the threat caused by Mr. Scoones landscaping alterations.

When installing his new driveway, Mr. Scoones removed material from road allowance to reduce the grade. This excavation reduced the depth of soil protecting a 2 inch pipe in the MID Water System. The pipe eventually failed due to driveway traffic. Again, this caused the unnecessary release of water and required repairs by the MID, at their expense.

Mr. Scoones' complete disregard for rules, this time MID Bylaws, has jeopardized the reliable delivery of safe drinking water to 35 households, on numerous occasions.

#### **12. Tampering With the MID Water System**

While the "accessory" building was rented, the tenant utilized the running water and septic field connection. When the well water supply became insufficient, a person on the Scoones

property contravened MID Bylaw #2, Section 8, by tampering with the dormant MID water service connection.

***MID Bylaw #2, Section 8***

*No person except the Trustees shall open, shut, adjust, draw water from or tamper with any of the District's works.*

This resulted in the MID losing an estimated 15,000 gallons of water.

**13. Unauthorized Water Hook Up to MID Water System**

We believe the MID is unaware that the accessory building is connected to the dwelling. This contravenes MID Bylaw #2, Section 11.

***MID Bylaw #2, Section 11***

*No person to whose premises water is supplied shall make; or permit to be made any additional connection to his service of either temporary or permanent nature for the purpose of supplying water to another building, boat ramp, or house trailer on his, or any other property without permission of the Trustees.*

**14. Unauthorized Sewage Hookup to Accessory Building**

Given that no permits were issued for the construction of the accessory building, it is unlikely the sewer hookup has received proper approval and oversight.

**15. Unauthorized Electrical Hookup to Accessory Building**

Given that no permits were issued for the construction of the accessory building, it is unlikely the electrical hookup has received proper approval and oversight.

**16. Retaining Walls Located in Setback Areas**

Mr. Scoones' reckless disregard of Section 5.3.8 – Minimum Setbacks has fundamentally altered the natural grade of the property in the setback areas. Machine placed rock walls and concrete blocks retain fill material, artificially raising the finished grade on the Scoones property to a level much higher than the natural grade existing on the adjacent property; which have been unaltered. The retaining walls being located virtually right on the lot line creates a creepy eavesdropping atmosphere and unsightly appearance, particularly along the western interior lot line.

***Subsection 5.3.8 Minimum Setbacks***

*Buildings and structures must be sited*

***Article 5.3.8.1***

*At least 7.5 metres from front and rear lot lines;*

**Article 5.3.8.2**

*At least 6 metres from each interior side lot line; and,*

**Article 5.3.8.3**

*At least 6 metres from an exterior side lot line.*

There are also poured concrete retaining walls on the upper portion of the western interior side lot line (Montague Road end), with a setback of approximately 1.5 metres. The wall is necessary to shore up the western adjacent land, as Mr. Scoones has cut the soil down on his property in the setback area, to create a level parking area. In addition, to support the fill used to expand the parking area near the accessory building, a machine placed concrete block wall was constructed (perpendicular to the western interior lot line), 6 metres of which is in the setback area.

Had these retaining walls (structures) been sited in compliance with Section 5.3.8 (respecting the setback distances), the impact to adjacent neighbours would have been minimal and acceptable. They all need to be removed, and where practicable, relocated in compliance with Section 5.3.8.

Setback is not the only issue associated with these walls. The general integrity, regarding strength, stability and drainage of the retaining walls is unknown.

**17. Buried Partial Wall Located on Neighbours Property – West Interior Lot Line**

We are unaware of any physical corrections that have been made to the buildings and structures illegally constructed on the Scoones property, except for the “partial removal” of a concrete wall that Mr. Scoones built on the neighbours property (located over the west interior lot line, near front lot line) and the removal of a stove in the accessory building. Regarding the concrete wall, Mr. Scoones made a commitment to the neighbor at the time that he would remove it. Actually, only the top of the wall was removed with the rest buried to conceal its existence. This was discovered when the MID maintenance provider happened to be doing some shovel digging near the neighbours MID water service box. He also discovered a runoff pipe starting from the Scoones driveway gate and ending in the vicinity of the neighbour’s MID water service box. It is extremely annoying that the entire wall was not removed, as previously committed, and that a driveway drain pipe was installed, causing the neighbour’s MID water service box to flood.

**18. Sewage Absorption Field – General**

The existing sewage absorption field was installed after the west, south and east rock retaining walls were installed, which raised the field above the natural grade. This creates a risk of sewage leaking through the retaining walls. In addition, it is possible the sewage drainage field was not sized to accommodate the extra effluent generated by the illegal accessory building.

During a recent atmospheric river, runoff from Montague Road was observed pouring down the stairs (See **Schedule D**), running past the west side of the house and then pouring onto the septic field.

The actual functional capability of the field is largely untested, as the house has essentially been occupied by only one elderly person, and virtually unused for the past eight years. Had the house been fully occupied, coupled with the added demand from the illegal tenant, the drainage field may have released sewage through any or all of the surrounding rock retaining walls.

### **Closing Remarks**

The fact that this extent of unauthorized development took place, with no oversight, is shameful. That the building, structures and alterations violating bylaws continue to exist for nearly 2 decades, is boarding on gross negligence. Putting forward an administrative solution, as presented in proposed omnibus Development Variance Permit GL-DVP-2023.5, is a cop out.

It is important to understand that the Scoones lot being so small (0.39 acres or 0.158 hectares), and the setback requirements being large relative to the size of the lot, leaves only 42% of the total lot area available to locate buildings and structures in the legal development area (See **Schedule E1** – green area). By unlawfully carrying out development in the setback areas and encroaching on road allowance, Mr. Scoones helped himself to extra land equivalent to 34% of the legal development area (See **Schedule E2** – red and blue areas). It would be grossly unfair to authorize the proposed setback variances, rewarding the Scoones estate for their fathers' transgressions and forever crowding and annoying the adjacent property owners.

In our opinion, the property owner should be required to apply for a development permit and present a plan defining a configuration in full compliance with all the applicable bylaw provisions. The plan would not only cover the land enclosed by the four (4) lot lines, but also include correcting the oversized float and Montague Road encroachment. The cost to correct the violations should not be used to justify doing nothing. The driveway, parking lot, patio, gates, fence, hedge, garden block walls, land terracing using concrete and rock walls, accessory building and the oversized float can be dealt with at a cost that is a fraction of the amount waterfront property in Montague Harbour has appreciated, even in the last few years. Professional house movers can easily remove the 390 square foot building and an excavating company could remove the structures encroaching on road allowance and those located in the prohibited setback areas. The existing float could be easily replaced with a smaller one (35 square meters or less).

Further to the above, with the high value of waterfront real estate in Montague Harbour, it is likely the future property owner will want to replace the 1950's built, single bedroom house with a modern home. Mr. Scoones' mistakes should not be papered over with the proposed Development Variance

Permit GL-DVP-2023.5 to advantage the future property owner and to the continued detriment to the adjacent property owners.

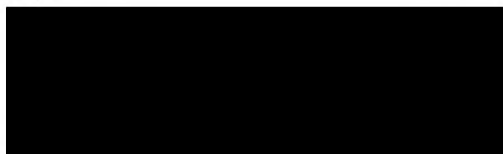
Clearly, there is an obligation for the Scoones estate to physically correct the many problems, created by their ancestor. This would greatly simplify matters moving forward – no variances, thereby standardizing the lot and making it easier when considering future development plans and permits.

Please remove this burden placed on us, an imposition we do not deserve.

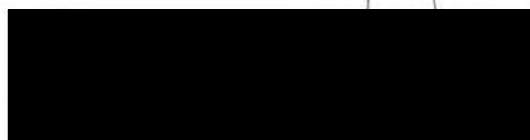
Respectfully submitted by,



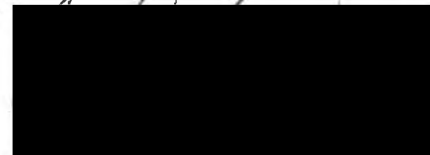
Michelle Boyce-Sargent



Richard Boyce-Sargent



Jan Tepoorten-Swan



Martin Swan



Atts:

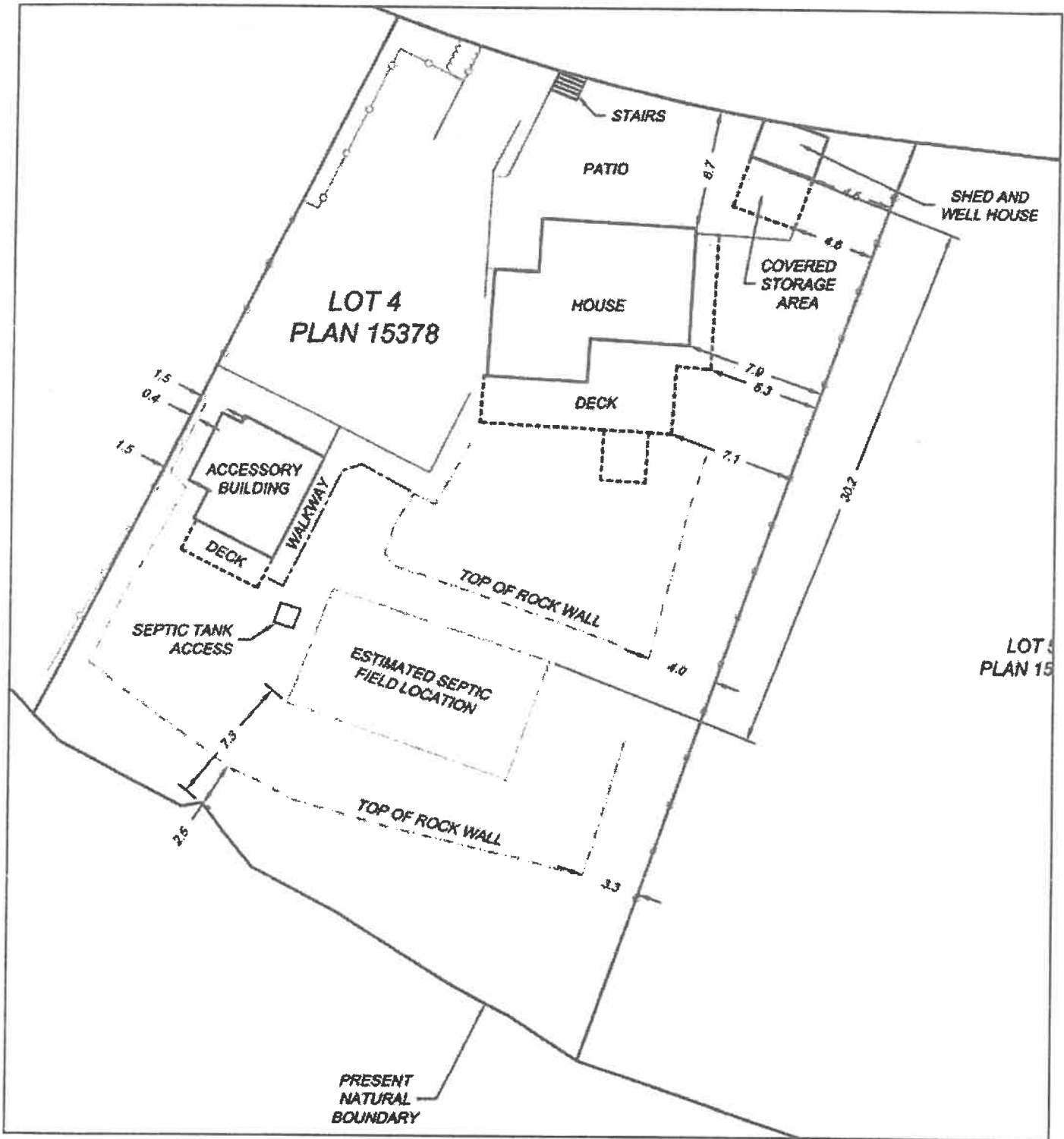
- 1) Schedule A – Site Map with dimensions
- 2) Schedule B – Photo of float
- 3) Schedule C – Photos of the accessory building
- 4) Schedule D – Video of rainfall runoff
- 5) Schedule E – Development areas  
(lawful area & prohibited setback areas)

## **Schedule A**

Site Map With Dimensions

**GALIANO ISLAND LOCAL TRUST COMMITTEE**  
**GL-DVP-2023.5**

**SCHEDULE 'A'**



## **Schedule B**

Photo of Float

## Schedule B



### **Oversized Float**

The 60 ft x 12 ft (66.9 square metres) float shown above exceeds the maximum size (35 square metres) prescribed in Official Community Plan Bylaw No. 108 (1995), Section V, 2 Development Permit Area 2 Shoreline and Marine DPA, 2.7 Guideline 52) which states in part, residential docks should not be designed to have floats with more than 35 square metres total surface area.

## **Schedule C**

Photos of Accessory Building

## Schedule C



**Photo #1**

Accessory building setback 1.5 metres from the west interior side lot line. Article 5.3.8.2 requires a setback of at least 6 metres.

## Schedule C



**Photo #2**

Front view and east side of accessory building.

## Schedule C



**Photo #3**

Interior view of the accessory building showing fridge, kitchen sink, counters & cabinets.

## Schedule C



### Photo #4

Interior view of the accessory building showing the entrance to the bathroom and a closet. Also shown is the 240V receptacle and space to install an electric stove/oven, immediately below the vent hood.

## Schedule C



**Photo #5**

Interior view of the accessory building showing the bathroom with a toilet, shower and sink.

## Schedule C



**Photo #6**

Interior view of the accessory building showing living space, storage area and closet.

## **Schedule E**

E1 – Legal Development Area

E2 – Alterations in the Setback Areas & Road Allowance

E3 – Lot Coverage Area

SCHEDULE  
E1

FRONT LOT  
LINE

EDGE OF PAVEMENT

GATES

GATE

WEST INTERIOR  
LOT LINE

DEVELOPMENT  
AREA  
(COMPLIANT WITH  
SETBACK  
PROVISIONS)

DRIVEWAY

GARDEN BED

STAIRS

PATIO

ALTERNATE  
ACCESS

COVERED  
STORAGE  
AREA

LOT 4  
PLAN 15378

HOUSE

DECK

ACCESSORY  
BUILDING

DECK

WALKWAY

SEPTIC TANK  
ACCESS

TOP OF ROCK WALL

ESTIMATED SEPTIC  
FIELD LOCATION

TOP OF ROCK WALL

WATERFRONT

BOYCE - SARGENT PROPERTY

EAST INTERIOR  
LOT LINE

REAR LOT  
LINE

PRESENT  
NATURAL

SCHEDULE E2 FRONT LOT LINE

STRUCTURES BUILT ON ROAD ALLOWANCE  
WEST INTERIOR LOT LINE

ALTERATIONS TO THE SETBACK AREAS

EDGE OF PAVEMENT

GATES

GATE

DRIVEWAY

GARDEN BED

STAIRS

PATIO

ALTERNATE ACCESS

COVERED STORAGE AREA

HOUSE

DECK

SWAN PROPERTY

LOT 4  
PLAN 15378

ACCESSORY BUILDING

DECK

WALKWAY

SEPTIC TANK ACCESS

ESTIMATED SEPTIC FIELD LOCATION

TOP OF ROCK WALL

TOP OF ROCK WALL

BOYCE - SARGENT PROPERTY

WATERFRONT

EAST INTERIOR LOT LINE

REAR LOT LINE PRESENT NATURAL

SCHEDULE  
E3

FRONT LOT  
LINE

EDGE OF PAVEMENT

GATES

GATE

WEST INTERIOR  
LOT LINE

LOT COVERAGE  
AREA

DRIVEWAY

GARDEN BED

STAIRS

PATIO

ALTERNATE  
ACCESS

COVERED  
STORAGE  
AREA

HOUSE

DECK

SWAN PROPERTY

LOT 4  
PLAN 15378

ACCESSORY  
BUILDING

DECK

WALKWAY

SEPTIC TANK  
ACCESS

TOP OF ROCK WALL

ESTIMATED SEPTIC  
FIELD LOCATION

TOP OF ROCK WALL

WATERFRONT

BOYCE - SARGENT PROPERTY

EAST INTERIOR  
LOT LINE

REAR LOT  
LINE

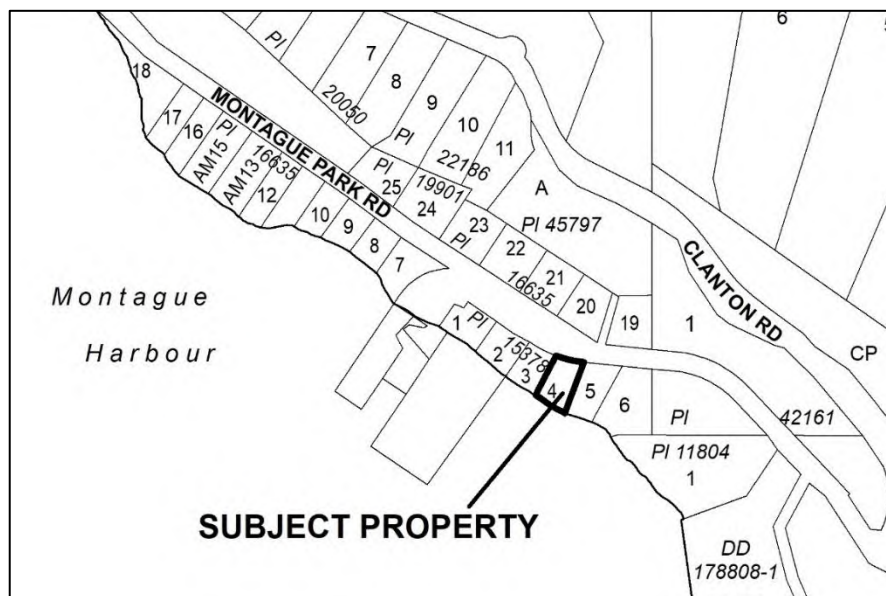
PRESENT  
NATURAL  
BOUNDARY

**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 would vary the Galiano Island Land Use Bylaw No. 127, 1999 by:

- A variance to the setback from the natural boundary of the sea to legalize the siting of an existing retaining wall, existing fence, and existing sewage absorption field.
- A variance to the setback from the front lot line to legalize the siting of an existing woodshed/pump-house, and an existing single family dwelling.
- A variance to the setback from the interior side lot line to legalize the siting of an existing accessory building, and existing retaining walls.

The property is located at **3307 Montague Road** and is legally described as LOT 4, DISTRICT LOT 33, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 15378 (PID: 004-253-540).

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 22<sup>nd</sup>, 2024** and continuing up to and including **February 2<sup>nd</sup>, 2024**.

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 22<sup>nd</sup>, 2024**.

Enquiries or comments should be directed to Bruce Belcher, Planner 1 at (250) 405-5179, 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](mailto:southinfo@islandstrust.bc.ca) before 4:30 pm, **February 2<sup>nd</sup>, 2024**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:00 p.m., February 13<sup>th</sup>, 2024** at **Galiano South Community Hall, 141 Sturdies Bay Road, Galiano Island**.

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



Islands Trust

**GALIANO ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT VARIANCE PERMIT  
GL-DVP-2023.5**

To: Catherine Scoones

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

LOT 4, DISTRICT LOT 33, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 15378  
(PID: 004-253-540)

2. Galiano Island Land Use Bylaw 127, 1999 is varied 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 the siting of:
  - i. The existing southern rock retaining wall within 2.5 metres of the natural boundary of the sea;
  - ii. The existing western fence within 2.0 metres of the natural boundary of the sea;
- b) Section 2.15 which states that *sewage absorption fields must be sited at least 30 metres from the natural boundary of the sea* is varied to permit the siting of:
  - i. The existing sewage absorption field within 7.3 metres of the natural boundary of the sea;
- c) Subsection 5.3.8.1 which states that *buildings and structures must be sited at least 7.5 metres from front and rear lot lines* is varied to permit the siting of:
  - i. The existing woodshed/pump-house building within 0.0 metres of the front lot line;
  - ii. The existing dwelling within 6.7 metres of the front lot line;
- d) Subsection 5.3.8.2 which states that *buildings and structures must be sited at least 6 metres from each interior side lot line* is varied to permit the siting of:
  - i. The existing accessory building within 1.5 metres of the interior side lot line;
  - ii. The existing western rock retaining wall within 0.4 metres of the interior side lot line;
  - iii. The existing northern rock retaining wall within 4.0 metres of the interior side lot line;
  - iv. The existing southern rock retaining wall within 3.3 metres of the interior side lot line;

The development shall be consistent with Schedule 'A' which is attached to and forms part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw 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 LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], [YEAR].**

\_\_\_\_\_  
Deputy Secretary, Islands Trust

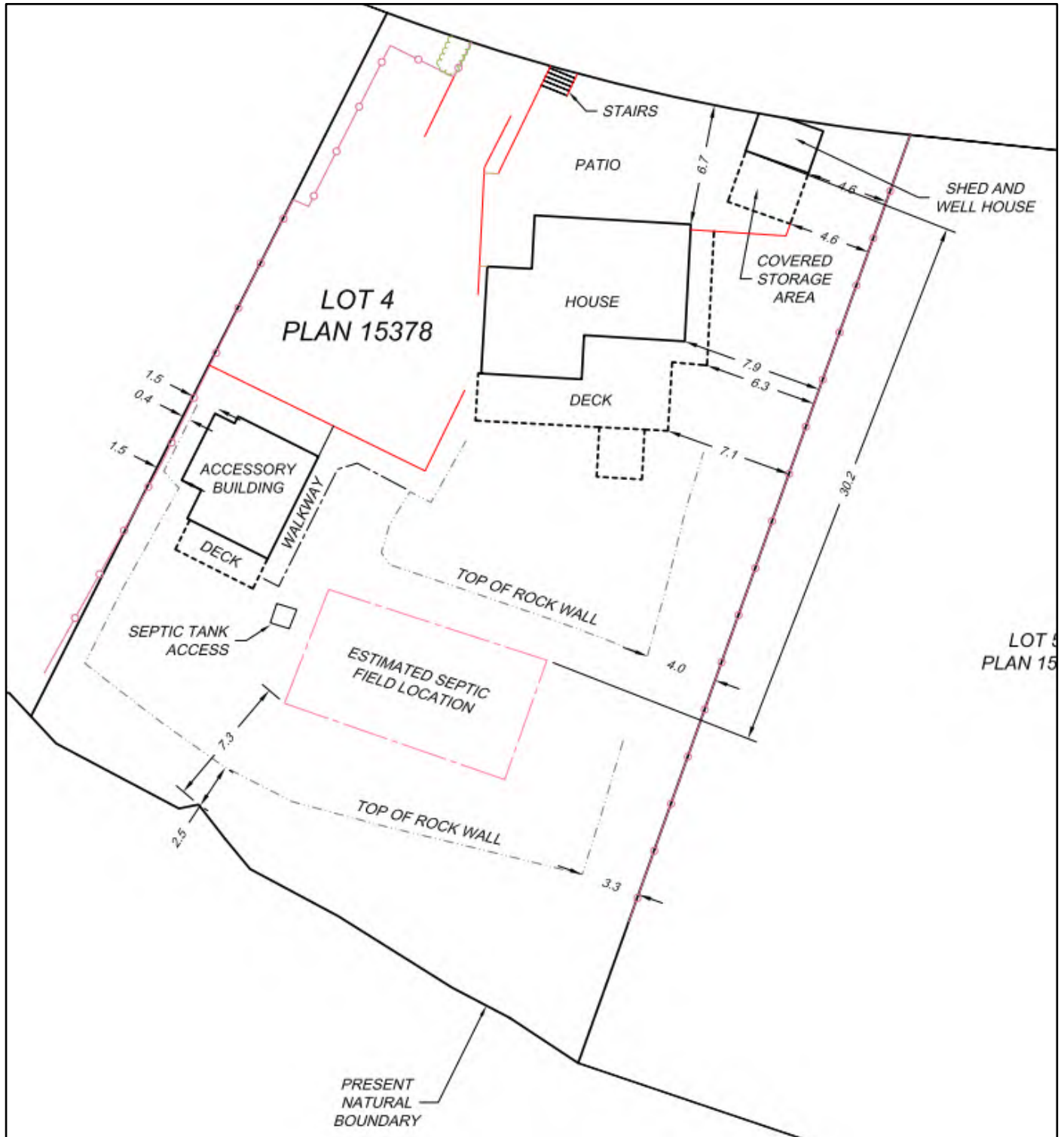
\_\_\_\_\_  
Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.**

**GALIANO ISLAND LOCAL TRUST COMMITTEE**

**GL-DVP-2023.5**

**SCHEDULE 'A'**



DATE OF MEETING: February 13, 2024

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Temporary Use Permit  
Applicant: Jesse Keefer  
Location: 120 Manastee Road

## RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-TUP-2023.3 (Keefer) for a period of three (3) years.

## REPORT SUMMARY

The purpose of this report is to permit temporary employee accommodation use within recreational vehicles via a Temporary Use Permit (TUP).

## BACKGROUND

The subject property, known as Bodega Ridge, is currently split zoned; the western portion of the property is zoned for visitor accommodation use, and the eastern section zoned for residential use. The approximate 9 ha in area property is located at the northern end of Galiano. The property owners operate the Bodega Ridge resort on the subject property. They also operate Bodega Cove (visitor accommodation units) at 18715 Porlier Pass Road and are in the process of opening a restaurant and food retail store at 18585 Porlier Pass Road.

A riparian stream (Jack Creek) borders the western edge of the property from the Galiano Island North Fire Hall property. Bodega Ridge resort located on the visitor accommodation zoned portion of the property includes seven log cabins and a main building with restaurant. The slope of the property gradually increases as it extends eastward towards the residential portion of the property which contains one dwelling, several accessory buildings, a barn, and pasture land.

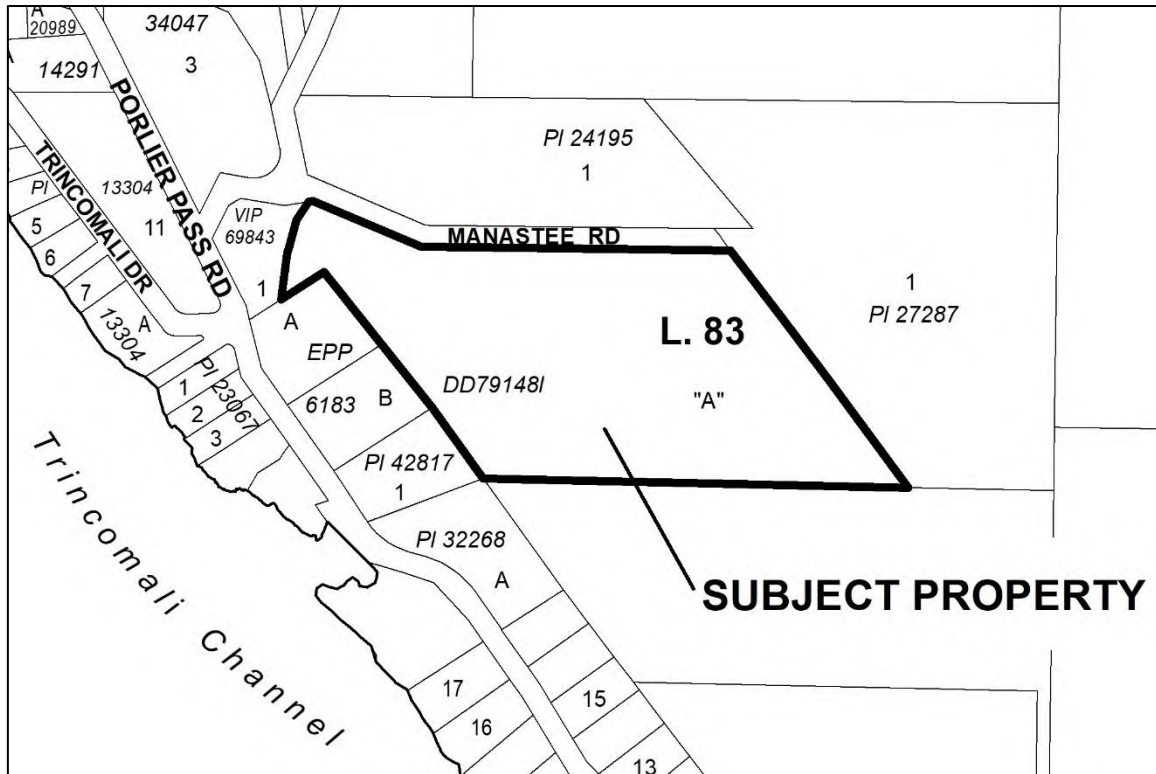
The site for the proposed TUP area is located on the residential portion of the property, and not visible from visitor accommodation use (Bodega Ridge). Although a number of trees are located within the TUP area, the applicant has noted that no trees will be removed. According to the applicant, the site is optimal for the employee accommodation use due to its proximity to an existing well, hydro connection, proposed sewage system area, and is visually screened from the resort. In addition the applicant states that no disturbance, digging or road construction would be required.

## *Proposal*

The applicant is requesting temporary employee accommodation use within four recreational vehicles. As a condition of the TUP, the recreational vehicles will be required to connect to a water supply and a septic system. The application indicates that a septic system will be engineered to handle the waste from the proposed use.

Staff completed a site visit on January 30, 2024. A draft permit is attached to this staff report.

**Figure 1 – Subject Property**



## ANALYSIS

### ***Islands Trust Policy Statement:***

- 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.
- 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.
- 5.8.6 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.

The temporary use as outlined in the TUP application is consistent with the above policies.

### ***Official Community Plan:***

The property is split designated as **Visitor Accommodation (VA) and Rural (R)** in the Galiano Island Official Community Plan (OCP) Bylaw No. 108.

The OCP provides guidelines for TUPs and the proposal complies with the two applicable TUP guidelines – see TUP Guidelines Checklist Attachment No 3.

The following Development Permit Areas (DPAs) are located on the property:

- DPA 1 – Riparian Areas
- DPA 3 – Tree Cutting
- DPA 5 – Sensitive Ecosystems
- DPA 6 – Commercial & Industrial
- DPA 7 – High & Moderate Steep Slope

The proposed TUP area is not located within DPA 1, 5, 6, or 7 and is exempt from DPA 3.

If the applicant does apply to rezone the subject property to permanently permit employee accommodation then a Commercial & Industrial DPA will be required prior to any permanent construction.

#### ***Land Use Bylaw:***

The property is split zoned as **Visitor Accommodation (Rural Resort) – C5 and Rural 2 – R2** in the Galiano Island Land Use Bylaw (LUB) No. 127. As the temporary employee accommodation is not permitted in the Rural 2 zone, the applicant has applied for a TUP.

#### ***Issues and Opportunities***

##### **Temporary Use Permits (TUP)**

A temporary use permit may allow a use not permitted by zoning, specify conditions under which the use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. This is a mechanism that facilitates a short term use, either a use that is intended to be temporary, or allows the use to be initiated while determining its compatibility for the property through the rezoning process. In this circumstance the applicant is seeking a duration of six years (i.e. a three year TUP with a three year renewal).

##### **Draft Permit Conditions**

The draft permit includes a number of conditions ensuring the applicant complies with the *Water Sustainability Act* for the use, and also connects the recreational vehicles to a proper domestic water supply and sewage disposal.

The applicant has indicated employee accommodation within the recreational vehicles is a temporary solution to the larger issue - the lack of employee accommodation options on Galiano Island. The long term goal is to construct permanent employee housing on the subject property. The TUP allows the applicant to test the site for compatibility of use prior to moving forward with a permanent solution. Although TUP applicants have the option to request the renewal of TUP once, a condition was added to the draft TUP to clearly state that temporary use must cease on the date of the expiry of the permit and the recreational vehicles removed from the site.

The LTC has the option to amend the draft TUP as long as the additional conditions make the use more restrictive. For example, the LTC may wish to consider adding a condition for visual screening along the northern edge of the property (along Manastee Road).

Draft condition for consideration:

- *The four recreational vehicles used for Employee Accommodation must be screened from view consistent with Section 15 ('Screening and Landscaping Regulations') of the Galiano Island Land Use Bylaw No. 127, 1999.*

If the LTC wishes to specify additional conditions to the draft TUP, draft motions are available under Alternative No. 2.

### **Applicant's Rationale**

As stated in the applicant's letter (Attachment No. 5), the rationale for the temporary employee housing use is in order to properly service the needs of the growing businesses. The project will contribute to the local community by providing amenities to local residents in an area of the island without any offerings currently. Additionally, by providing staff housing, we aim to minimize pressure on the already limited local housing resources

### **Consultation**

TUP Notices were circulated to surrounding property owners and residents (Attachment 5). The required advertisement was placed in the *Driftwood* on January 31, 2024. The notification period ends on February 6, 2024 at 4:30 p.m.

At the time of writing, staff have received 19 submissions all in support of the application. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

### **First Nations**

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. To provide awareness regarding areas of archaeological potential, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on the *Heritage Conservation Act* directly to the applicants.

### **Rationale for Recommendation**

The recommendation found on the first page of this report is supported as:

- The TUP would provide a temporary solution to the lack of affordable employee housing on Galiano Island
- The TUP as drafted meets the OCP TUP objectives
- The application has received nineteen letters of support
- The rationale for the TUP is supportable and would benefit a number of local Galiano businesses

## ALTERNATIVES

### 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. Add conditions

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

Recommended wording for the resolution is as follows:

*That the Galiano Island Local Trust Committee amend Temporary Use Permit GL-TUP-2023.3 (Keefer) by adding the following conditions: \_\_\_\_\_; and,*

*That the Galiano Island Local Trust Committee approve Temporary Use Permit application GL-TUP-2023.3 (Keefer) as amended*

### 3. Deny the application

The LTC may deny the application and proceed no further.

Recommended wording for the resolution is as follows:

*That the Galiano Island Local Trust Committee deny Temporary Use Permit application GL-TUP-2023.3 (Keefer).*

|               |                                          |                  |
|---------------|------------------------------------------|------------------|
| Submitted By: | Kim Stockdill, Island Planner            | February 1, 2024 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | February 2, 2024 |

## ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. TUP Guidelines Checklist
4. Notice
5. Applicant's Letter
6. Correspondence
7. Proposed Permit GL-TUP-2023.3 (Keefer)

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

|                   |                                                                                                                             |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Legal Description | PARCEL A, (DD 79148-I), OF LOT 83, GALIANO ISLAND, COWICHAN DISTRICT, EXCEPT PART IN PLANS 13304, 24195, 27287 AND VIP69843 |
| PID               | 004-966-295                                                                                                                 |
| Civic Address     | 120 Manastee Road                                                                                                           |
| Lot Size          | Approximately 9 ha (22 acres)                                                                                               |

### LAND USE

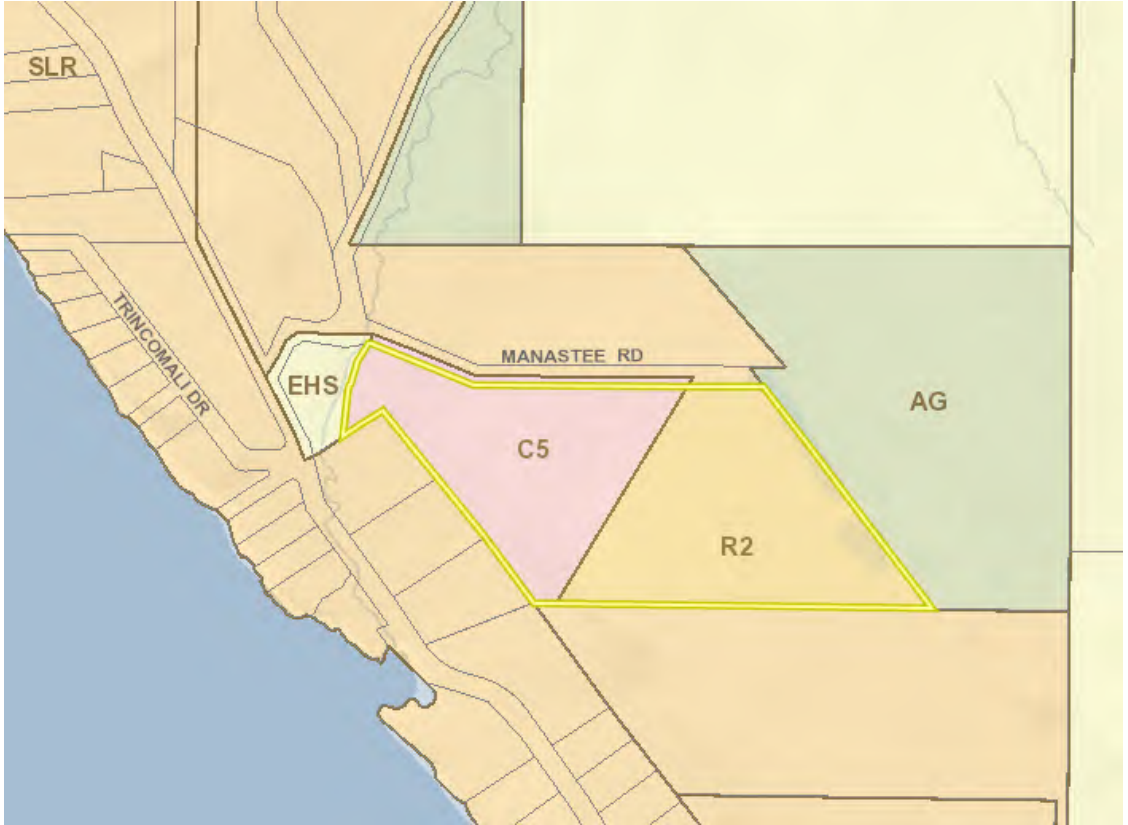
|                      |                                                                      |
|----------------------|----------------------------------------------------------------------|
| Current Land Use     | Village Residential 2 (VR2)                                          |
| Surrounding Land Use | Village Residential 2 (VR2) and Community Facility/Commercial (CF/C) |

### HISTORICAL ACTIVITY

| File No.      | Purpose |
|---------------|---------|
| GL-DVP-1996.1 | N/A     |
| GL-RZ-1991.37 | N/A     |
| GL-RZ-1994.1  | N/A     |
| GL-RZ-1997.3  | N/A     |
| GL-SUB-1997.2 | N/A     |

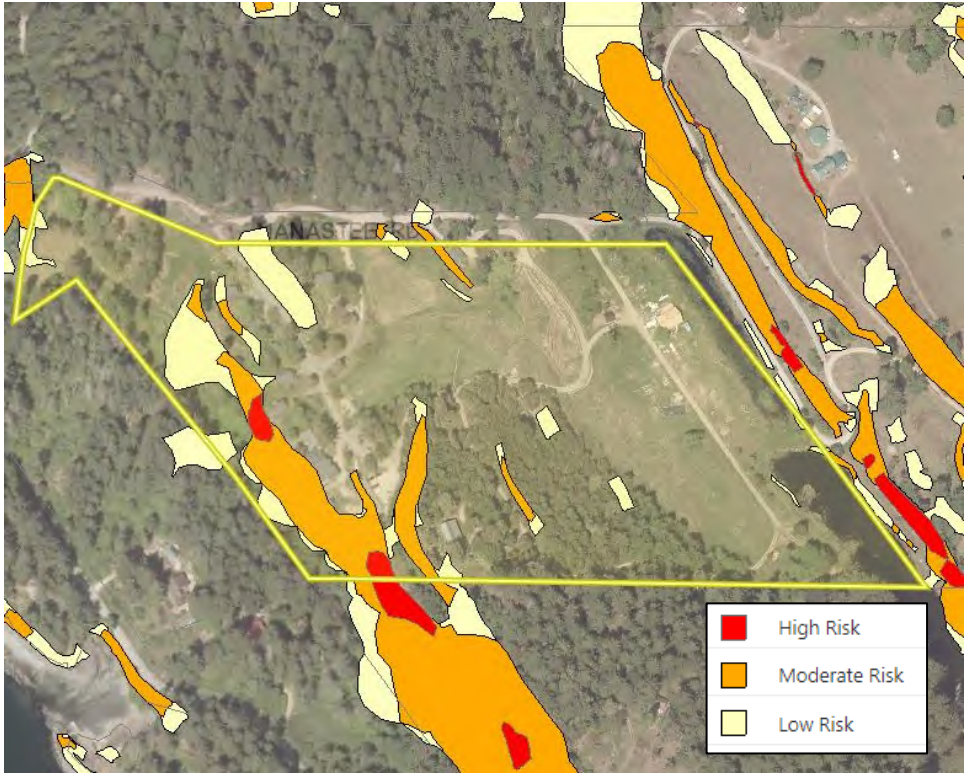
### POLICY/REGULATORY

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OCP Designations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Galiano Island OCP No. 108, 1995 Designations <b>VA – Visitor Accommodation &amp; R - Rural; Development Permit Area (DPA): 1, 3, 5, 6 and 7. All not applicable to this application.</b></p>  |
| <div> <div> <div><span style="border: 1px solid blue; display: inline-block; width: 10px; height: 10px;"></span> Zoning</div> <div><span style="background-color: purple; display: inline-block; width: 10px; height: 10px;"></span> DPA 1 – Riparian Areas</div> <div><span style="background-color: blue; display: inline-block; width: 10px; height: 10px;"></span> DPA 2 - Shoreline &amp; Marine</div> <div><span style="background-color: teal; display: inline-block; width: 10px; height: 10px;"></span> DPA 4 - Elevated Groundwater Catchment Areas</div> <div><span style="background-color: green; display: inline-block; width: 10px; height: 10px;"></span> DPA 5 - Sensitive Ecosystems</div> <div><span style="background-color: yellow; display: inline-block; width: 10px; height: 10px;"></span> DPA 6 - Commercial &amp; Industrial</div> <div><span style="background-color: red; display: inline-block; width: 10px; height: 10px;"></span> DPA 7 - Steep Slope High Hazard</div> <div><span style="background-color: orange; display: inline-block; width: 10px; height: 10px;"></span> DPA 7 - Steep Slope Moderate Hazard</div> </div> </div> |                                                                                                                                                                                                                                                                                       |

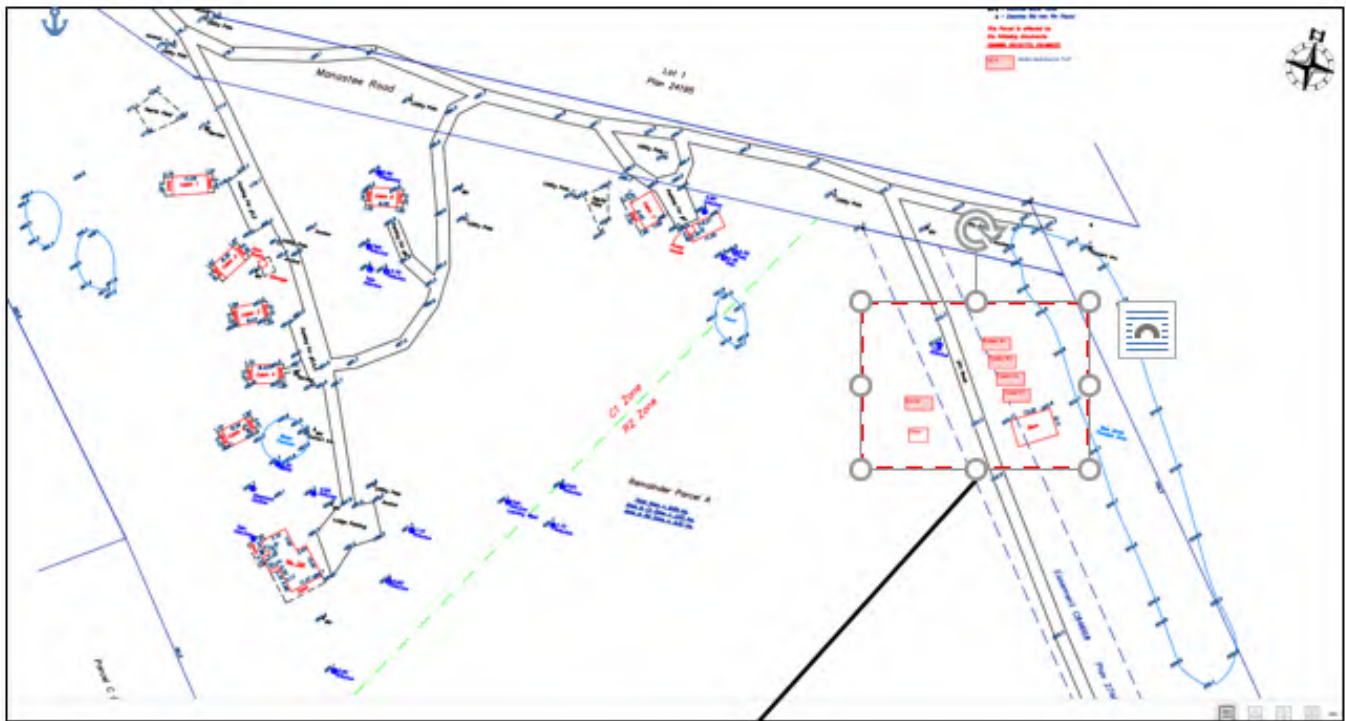
|                   |                                                                                                                                                                                                                     |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Use Bylaw    | <p>Galiano Island LUB No. 127: <b>R2 – Rural 2 and C5 – Visitor Accommodation (Rural Resort) 5</b></p>  <p><i>Zoning Map</i></p> |
| Other Regulations | N/A                                                                                                                                                                                                                 |
| Covenants         | EK131773 – LTC covenant to protect Jack Creek (northwest tip of property)                                                                                                                                           |
| Bylaw Enforcement | <p>GL-BE-2016.8 – Development Permit</p> <p>GL-BE-2021.9 – Unlawful Dwelling</p>                                                                                                                                    |

#### 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 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           | Freshwater, Riparian, Cliff, and Mature Forest                                                                                                     |

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hazard Areas                             |  <p><i>Steep Slope Hazard Mapping</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Archaeological Sites                     | <p>Remote Access to Archaeological Data (RAAD) information indicates there are areas of high archaeological potential mapped on the property. Notwithstanding, the applicant has been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological sites. By copy of this report, the owners and applicant should be aware that there 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. The applicant has also been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological site</p> |
| Climate Change Adaptation and Mitigation | <p>The development proposal may reduce GHG emissions as it would decrease the transportation of employees on and off the island.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## ATTACHMENT 2 – SITE PLAN AND PICTURES



**PHOTOGRAPHS: STAFF CONDUCTED A SITE VISIT ON JANUARY 30, 2024**



**LOOKING NORTHEAST TOWARDS LOCATION OF TEMPORARY EMPLOYEE HOUSING AREA – NO TREES TO BE REMOVED**



**LOOKING WEST TOWARDS RESORT – TREES ACT AS VISUAL BUFFER**



**LOOKING SOUTHEAST TOWARDS TUP AREA**

## ATTACHMENT 3 – TEMPORARY USE PERMIT GUIDELINES

---

### CONTRACTOR YARD

| Guideline                                                                                                                                                                         | Complies | Comments                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------------------------------------------------------------|
| Permits for temporary uses may be issued for short term uses or as a test of the compatibility of the proposed land use, which may not have been anticipated, with existing uses. | Yes*     | <b>Staff Comments:</b><br>The employee housing use is temporary. |
| Permits can be issued for any period up to three years and could be considered for renewal once for any further period up to three years.                                         | Yes      | <b>Staff Comments:</b> TUP is drafted for 3 years.               |
| In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a temporary use permit for a contractor yard...                         | N/A      | <b>Staff Comments:</b> N/A                                       |

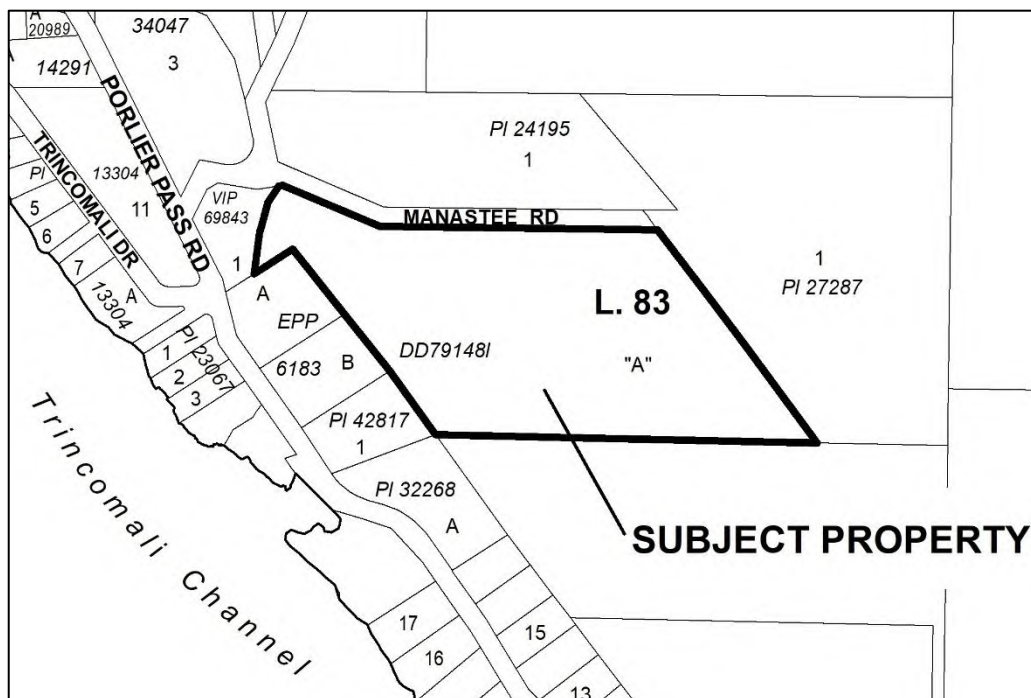
**NOTICE**  
**GL-TUP-2023.3**  
**GALIANO ISLAND LOCAL TRUST COMMITTEE**

**NOTICE** is hereby given pursuant to Section 494 of the *Local Government Act* that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to PARCEL A, (DD 79148-I), OF LOT 83, GALIANO ISLAND, COWICHAN DISTRICT, EXCEPT PART IN PLANS 13304, 24195, 27287 AND VIP69843 (PID: 004-966-295). This property is located at **120 Manastee Road**.

The purpose of this temporary use permit would be to permit four recreational vehicles for employee accommodation.

The establishment of these uses would be subject to the conditions specified in the attached proposed permit. The permit would be issued for three (3) years and the owner may apply to the LTC to have it renewed once for an additional three (3) years.

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 26, 2024** and continuing up to and including **February 6, 2024**.

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

Enquiries or comments should be directed to 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](mailto:southinfo@islandstrust.bc.ca) before 4:30 p.m., **February 6, 2024**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:00 p.m., February 13, 2024**.

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

Jas Chonk, Deputy Secretary

# BODEGA RIDGE

Islands Trust  
Victoria Office  
200 - 1627 Fort Street  
Victoria, BC V8R 1H8

9<sup>th</sup> November 2023

## **Re: Temporary Use Permit Application at Bodega Ridge Property**

To Whom It May Concern:

I am writing to submit an application for a Temporary Use Permit to accommodate staff housing within the Bodega Ridge resort property at 120 Manastee Road on Galiano Island.

### **Project Overview:**

Our growing business, including a grocery store and café which is set to open soon, requires affordable staff housing in order to properly service the needs of the operation. We believe providing this housing ourselves is preferable to removing accommodation from the local pool, which is in high demand by residents. The proposed site, located on the Bodega Ridge Property, is currently an undeveloped field within a Residential Zone. The land is former logging land, requiring no disturbance, digging, road construction etc.

### **Details of Proposed Use:**

**Number and Type of Structures:** Four temporary trailers for staff accommodation.

**Location:** A Residential Zone, on the Bodega Ridge property (as per attached site plan).

**Infrastructure:** Utilizing pre-existing road networks, with no new infrastructure required.

**Parking:** Staff will use the existing parking lot; no additional parking is required.

**Utilities:** Water storage tank and electrical supply are less than 10 meters from the proposed site.

**Waste Management:** A septic system will be engineered to handle waste appropriately.

### **Environmental Impact:**

The project aims to minimize environmental impact with no soil movement, minimal land disturbance, and no requirement for new infrastructure. By opening a café and general store at the North of Galiano Island, we will also reduce the carbon footprint of local residents choosing to utilize our services rather than driving South.

# BODEGA RIDGE

The use of quick-connect trailers to the septic system ensures efficient waste management, whilst maintaining the temporary nature of the units.

Staff will be informed of fire smart policies and it will be a strictly non-smoking site. It is located withing 15 metres of a filling station that the fire department has access to and we will keep hose bibs at each trailer for use in an emergency.

## **Community Benefits:**

Our project will contribute to the local community by providing amenities to local residents in an area of the island without any offerings currently. Additionally, by providing staff housing, we aim to minimize pressure on the already limited local housing resources.

We only have a single neighbour in close proximity to the site we have selected for the temporary housing. To ensure that he is not disturbed by noise, etc, we will have the staff sign an addendum in their accommodation agreement that will include a 9 PM quiet time.

## **Notes:**

- please see the attached photo of a sample trailer. They are CSA approved as required by the CRD
- please see the staff agreement

## **Conclusion:**

Given the lack of affordable housing on Galiano Island, we believe our proposal aligns with the community's needs and makes sense in the context of similar projects on neighboring islands. Following guidance from the trust itself, we believe that temporary trailers are the best option for accommodating our staff and therefore request that our application for a Temporary Use Permit in order to allow for these at the site be approved.

We kindly request a review of our application and the opportunity to discuss any further details or address any concerns you may have.

Thank you for considering our application. We look forward to your positive response.

Sincerely,



Jesse Keefer

Owner, Bodega Ridge Lodge & Cabins Ltd

**From:** McGowan, D. Ross <[REDACTED]>  
**Sent:** Sunday, February 4, 2024 8:29 PM  
**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
**Subject:** Bodega Ridge - Temporary Use Permit

We write in support of the proposed Temporary Use Permit (TUP) for staff housing to assist the employee housing needs at Bodega Ridge/Bodega Cove/Pink Geranium.

We have owned a cottage on Galiano at [REDACTED] since 1995 and then built our home on [REDACTED] in 2015/2016. We are familiar with the properties affected by the TUP, the important role of the businesses to our community and the challenges for meeting the housing needs of new or seasonal workers.

When we built our home in 2015/2016, one of the most critical impediments to the process was the fact that Galiano lacks housing solutions for the people (typically being younger workers) that need a place to live while they are working or first arrive on island. Ultimately, we too landed on the temporary use of a trailer for accommodations as the most feasible and least invasive option. The solution is sensitive to the lands, the neighbors and as a means to provide temporary housing, especially for younger workers who may be making their first sojourn into independent living on Galiano.

We have seen the effort and thoughtful impact that Jesse Keefer and his team have accomplished with Bodega Ridge and Bodega Cove. The properties have been sensitively improved and stand as an example of how to preserve and protect the environs, while adding a valuable contribution to our community. We support the proposed TUP with the benefit of perspective of having been a guest at a grand wedding at Bodega, a participant in the New Years festivities, as an occasional casual diner at the restaurant and as a neighbor with a long-term perspective on the value and community achieved through thoughtful business leadership and stewardship.

Ross McGowan  
[REDACTED]  
[REDACTED]

**From:** Sandy Cooper <[REDACTED]>  
**Sent:** Sunday, February 4, 2024 9:44 PM  
**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
**Subject:** Bodega Ridge staff housing

Hello Kim,

I live mid-north on Galiano Island. I have only been here for just over 5 years. In that time we have so enjoyed heading the 10 minutes up the road to have many enjoyable dinners at the restaurant and attended the wonderful events that Jesse and his crew work so hard to put on.

We all know housing is an issue on the island. I commend Bodega Ridge for finding a creative and responsible solution for their own needs. Safe and convenient housing for staff. It is so important.

I support what they would like to do wholeheartedly. I have seen how hard they work, they never give up, and always try new things to make magic for everyone who is lucky enough to visit them.

I look forward to the Pink Peppercorn that will hopefully open in April. How nice it will be to drive only 10 minutes to meet with neighbours, have amazing food, and pick up local groceries. I wish them lots of luck and hope their plans come to fruition.

Best regards  
Sandy Cooper  
[REDACTED]

Galiano.

**From:** Bill Boyd <[REDACTED]>  
**Sent:** Monday, February 5, 2024 11:31 AM  
**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
**Subject:** TUP application from Bodega Ridge Resort on Galiano

Dear Kim Stockwell,

My wife Jade and I, long time Galiano residents, are in support of the TUP application from Jesse Keefer to provide staff housing for his employees. One of the biggest problems on the gulf islands is the lack of housing. Businesses have difficulty succeeding when there is no accommodations available for the employees.

Mr Keefer has taken reasonable steps to mitigate most concerns anyone would have.

Mr Keefer is a creative entrepreneur that supplies us locals and visitors with services that improve all of our lives here on Galiano. The population on the islands is getting older and the young people who live here have fewer opportunities because of the shrinking services.

We have to be careful to not kill any attempts to provide new service facilities especially if reasonable steps are taken to minimize the environment impact.

Mr. Keefer is not making noise, plowing down forests, or polluting. He is providing all of us with nice places to go out and have good food, and rooms our visiting guests can stay in.

Please accept this TUP application.

Bill and Jade Boyd

[REDACTED]

Galiano Island, BC

[REDACTED]



**From:** GERRY BELEC <[REDACTED]>

**Sent:** Monday, February 5, 2024 9:38 AM

**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>

**Cc:** Jesse Keefer <[jesse@bodegaridge.com](mailto:jesse@bodegaridge.com)>; [REDACTED]>

**Subject:** Bodega Ridge TUP Application

Dear Kim.

A quick note of endorsement for the Bodega Ridge TUP application on Galiano Island.

Jesse Keefer and the Bodega Ridge team are a shining example of the type of business and community that we need on Galiano Island.

We admire and support their sustainable business practices and their commitment to servicing the guests and residents of the island.

Thank you in advance for every consideration of this important local initiative.

Gerry Belec

[REDACTED]

Galiano Island, BC.

-----Original Message-----

From: Joe Haley <[REDACTED]>  
Sent: Monday, February 5, 2024 8:48 AM  
To: Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
Subject: TPU for the Pink Geranium

Kim,

I am writing to you to express our support for the Pink Geranium and everything it offers to Galiano island.

Creating this opportunity invites more folks to venture to the northern part of the island as well as much needed food options!

Thank you for considering,

Joseph Haley & Family.

[REDACTED], Galiano Island.

**From:** Jason Jawes <[REDACTED]>  
**Sent:** Monday, February 5, 2024 11:33 AM  
**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
**Cc:** JaWeS also Hawes <[REDACTED]>  
**Subject:** TUP support for Bodega Ridge

I'm reaching out to acknowledge and show our support for the Temporary Use Permit (TUP) application, addressing the staff housing needs at Bodega Ridge, Bodega Cove, Lola and the Pink Geranium. Lack of affordable housing is crippling our established communities from being sustainable or viable.

Jason Hawes

[REDACTED]

Galiano Island, BC

[REDACTED]

[REDACTED]

[REDACTED]

**From:** John Lando <[REDACTED]>  
**Sent:** Monday, February 5, 2024 8:00 PM  
**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
**Subject:** Housing idea for Pink Geranium/Bodega Resort etc.

Hi,

I've been made aware of the approach that the folks at Pink Geranium and Bodega Resort are trying to bring to the staffing /housing issues they have to deal with. As a North Ender, the prospect of having a store/community hub and coffee shop is very positive. We need what they are trying to provide. My experiences dealing with Jesse and others at Bodega has always been excellent. They respect the needs of the island and have succeeded in making it better.

Please take this as a letter of support for what they are proposing regarding housing accommodations for their staff. I have no doubt they will do it in a manner that is responsible, and will bring a much needed service to North end residents who don't want to drive for 50 minutes to get supplies or a snack.

Thanks for listening,

John Lando  
[REDACTED]  
[REDACTED]

**From:** Joanne Randle <[REDACTED]>  
**Sent:** Monday, February 5, 2024 11:27 AM  
**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
**Cc:** Jesse Keefer <[REDACTED]>  
**Subject:** Bodega TUP Support

Hello,

I would like to express my support for a TUP for proposed staff housing at Bodega.

The need for affordable rental accommodation on Galiano Island is well documented. The last housing needs assessment, completed in 2018, expressed a need for 72 units of housing at that time. As we all know, the housing crisis has worsened across the country especially since the covid pandemic and the ensuing inflation. Although there are currently a number of housing initiatives on Galiano, it will be some time until any of that housing will be available for tenants.

Business on Galiano is largely tourist driven and seasonal. As a successful business on Galiano, Bodega hires both local, and off-island staff who require accommodation, some permanent and some seasonally. My understanding is that they are hoping to acquire modern trailers, including all essentials and designed to be environmentally friendly, which would be connected to power, water, and a new septic system.

Thank you,  
Joanne Randle

**From:** stuart georgeson <[REDACTED]>  
**Sent:** Monday, February 5, 2024 10:05 AM  
**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
**Subject:** Bodega Ridge

Hello Kim, my name is Stuart Georgeson and our family has been on Galiano island since 1862 and our entire family is in full support of Bodega Ridge staff housing problems. I personally have worked for Jesse for about 12 years now and see all he goes thru with staffing problems. The biggest problem is staff housing to keep all comfortable. As Pink Geranium is moving along and hopefully opening soon it will require more staff and in all will provide many jobs available. Thanks Stu

Get [Outlook for Android](#)

**From:** Steve Thorp <[REDACTED]>  
**Sent:** Monday, February 5, 2024 6:16 AM  
**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
**Subject:** TUP Application - Jesse Keefer - In Support

Hi Kim,

I'm writing to you in Support of Jesse's Keepers TUP application for staff housing.

Jesse has created an amazing amenity and attraction for Galiano that respects and adds value to the community. I live part time near Bodega Ridge and have dined at Lola, and I'm very excited for the Pink Geranium to open. I understand the difficulty in staff accommodation on Galiano, most communities are going through the same issues, and I think what Jesse is proposing is innovative, safe and needed.

Thank you

--

Steve Thorp | Founder

.....

[REDACTED]  
[REDACTED]

From: Shirley Webster <[REDACTED]>  
Sent: Monday, February 5, 2024 7:23 AM  
To: Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
Subject: Support for Accommodation at Bodega

Hi

I fully support Jesse Keefer's application to arrange staffing accommodation. It is clear lack of housing is an issue on our island particularly for businesses to attract and retain staff.

It appears due diligence has been undertaken to ensure this initiative will benefit the community and enhance our amenities Thank you for your consideration Shirley Webster

[REDACTED]  
Galiano Island

Sent from my iPhone

**From:** Ted Bentley <[REDACTED]>

**Sent:** Monday, February 5, 2024 12:20 PM

**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>

**Cc:** Jesse Keefer <[REDACTED]>

**Subject:** Fwd: Support Request for TUP Application: Staff Housing at Bodega Ridge

Kim:

I support Bodega Resort's Application to put in place trailers to accommodate their staff as Jesse Keefer outlines below. A Temporary Use Permit (TUP) to allow that is a good idea.

Approving the TUP will make it possible for commercial food or beverage or grocery operations to survive and hopefully thrive in north Galiano. It will help our community. We are about 25 km from the next closest restaurant, coffee shop, grocery, or pub. That makes many things inconvenient. Having accommodation for staff for services will improve our end of the island.

I think the proposal will cause a minimum of disturbance to the community and neighbours. The proposed location is sensibly isolated.

If you would like to hear more from me about why I support this please call me at [REDACTED].

I am not speaking for these organizations but as an involved community member I am with or on the following Galiano north end organization: fire department, North Galiano Community Association, North Galiano Men, garden club. So I do converse with locals. I believe many of us are patronizing, will patronize and want to patronize Lola's at Bodega Resort and the Pink Geranium when it opens.

Ted Bentley

From: Tim Smith <[REDACTED]>  
Sent: Monday, February 5, 2024 7:59 AM  
To: Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
Subject: Pink Geranium, Galiano Island

Hello Kim, I live at [REDACTED] the North End end of Galiano. I am very much looking forward to the opening of The Pink Geranium and I want to support the TUP application that addresses the housing needs for staff at Bodega Ridge, Bodega Cove, Lola and Pink Geranium. I strongly support the expected business and community contributions of these plans. I am certain that the addition of employed and housed staff will be very beneficial to our community. As a local, I welcome this addition to the community. Thank you for your consideration.

Sincerely,  
Tim Smith

Tim Smith  
[REDACTED]  
[REDACTED]

**From:** Wayne <[REDACTED]>  
**Sent:** Monday, February 5, 2024 5:08 PM  
**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
**Cc:** Jesse Keefer <[REDACTED]>  
**Subject:** Staff housing

Hi Kim and Trustees,

Corinne and I would like to offer our support for the TUP for staff housing at Bodega Ridge Resort. Considering all of the demand for housing, having some of the staff not taking up local housing would be a boon to the island. We are very much looking forward to the saving and environmental benefits that not having to go to the south end for groceries will provide, and being able to house the employees of the Pink Geranium is an important step in making that business sustainable and huge community resource.

Thanks,

**Wayne Bairstow**  
Galiano Island, BC, Canada  
[REDACTED]  
[REDACTED]

**From:** Buzz Shuttleworth <[REDACTED]>  
**Sent:** Tuesday, February 6, 2024 9:01 AM  
**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
**Subject:** Bodega Ridge TUP Application

Dear Ms Stockdill

I am writing in support of the TUP Application by Bodega Ridge Resort to provide accommodation for staff.

As I am sure you are aware, affordable housing is pretty much non-existing on Galiano, making it extremely difficult for businesses to hire staff, as there is nowhere for them to live. My own business (Galiano Courier) and many others, together with the jobs of the local people we employ, are dependent on our tourist economy, so the impact of service industry businesses not being able to function fully due to staff shortages is felt throughout the community.

Jesse Keefer, the owner of Bodega Ridge, has a fine track record of caring for our community and the environment and I have no doubt that the accommodations he provides for his staff will be of a high standard, well maintained, and have minimal impact on the environment.

Sincerely,

Rod Shuttleworth  
[REDACTED]

From: **John Ronsley** <[REDACTED]>  
Date: Tue, Feb 6, 2024 at 6:16 AM  
Subject: T.U.P. application: GL-T.U.P.-2023.3 (Keefer) 120 Manastee Road, Galiano  
To: <[kstockdill@islandstrust.bc](mailto:kstockdill@islandstrust.bc)>  
CC: Lisa Gauvreau <[lgauvreau@islandstrust.bc.ca](mailto:lgauvreau@islandstrust.bc.ca)>, Mabberley Ben  
<[REDACTED]>

Dear Trustees and Ms Stockdill,

We are writing to support of the above Temporary Use Application because it is an innovative initiative to provide affordable housing for staff at an existing commercial establishment at the north end of Galiano.

We understand that the proposed trailers will have minimal environmental impact and that they will be connected to a new septic system on the property.

It is also our understanding that this T.U.P. will support the re-opening of the Pink Geranium which is also a commercially zoned property nearby. Currently, there are no retail services such as a local corner store at the north end on Galiano so a minimum 20 minute commute by car or truck to the south end is required for even the most basic groceries. We look forward to having a better alternative both for the community and environmentally once the Pink Geranium reopens.

Thank-you for your consideration.

Sincerely,

John Ronsley  
Barbara Fitzgerald

[REDACTED]  
Galiano

**From:** Jeff Webster <[REDACTED]>  
**Sent:** Tuesday, February 6, 2024 9:18 AM  
**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
**Subject:** support for application

Hello: I wish to support Jesse Keefer Temporary Use Permit (TUP) application for eco-friendly trailers to house staff members.

Thank you,

Jeff Webster, [REDACTED] Galiano Island

--

**Jeffrey Dean Webster, PhD,**

[REDACTED]

[REDACTED]

[REDACTED]

**From:** Peter Barrett <[REDACTED]>  
**Sent:** Tuesday, February 6, 2024 9:05 AM  
**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
**Subject:** TUP application: Bodega Ridge Staff housing application: Temporary Use Permit (TUP)

Dear Ms. Stockdill,

I am writing in support of Bodega Ridge's Temporary Use Permit (TUP) application for staff housing.

I have known the owners of Bodega Ridge for over 19 years and have always appreciated their commitment and practical support to furthering the values of community, Indigenous advocacy, environmental advocacy, and sustainable tourism on Galiano Island.

I trust that their proposal will follow all prescribed rules and regulations and, if approved, would go some way toward addressing the pressing concerns regarding recruitment and retention of support staff on the island as a whole.

Thank you for your consideration of their application.

all the best,  
Peter

[Peter Barrett](#)

[REDACTED]

Galiano Island  
British Columbia, Canada

[REDACTED]

[REDACTED]



**GALIANO ISLAND LOCAL TRUST COMMITTEE  
TEMPORARY USE PERMIT  
GL-TUP-2023.3 (Keefer)**

**120 Manastee Road**

To: Jesse Keefer

1. This Permit applies to the land described below:

PARCEL A, (DD 79148-I), OF LOT 83, GALIANO ISLAND, COWICHAN DISTRICT, EXCEPT PART IN PLANS 13304, 24195, 27287 AND VIP69843 (PID: 004-966-295)

As shown on Schedule 'A' attached to and forming part of this permit.

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

- a) Employee Accommodation within four Recreational Vehicles.

3. The uses shall be carried on subject to the following conditions and specifications substantively consistent with Schedule 'A', attached to and forming part of this permit:

- a) The Employee Accommodation use is restricted to four recreational vehicles.
  - b) The maximum occupancy of each recreational vehicle is four (4) people, two (2) of whom must be employees.
  - c) The recreational vehicles used for Employee Accommodation must be connected to a domestic water supply.
  - d) The holder of this Permit is responsible to ensure the temporary use permitted by issuance of this permit complies with the *Water Sustainability Act*.
  - e) The recreational vehicles used for Employee Accommodation must be connected to sewage disposal facilities complying with the *Public Health Act*.
  - f) The four recreational vehicles used for Employee Accommodation are to be removed from the site by the date of the expiry of this permit.
  - g) The temporary use permitted by this permit shall cease on the date of the expiry of this permit unless the permit is renewed.
  - h) The holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit for the purpose of investigating a complaint.

4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit; the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.

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

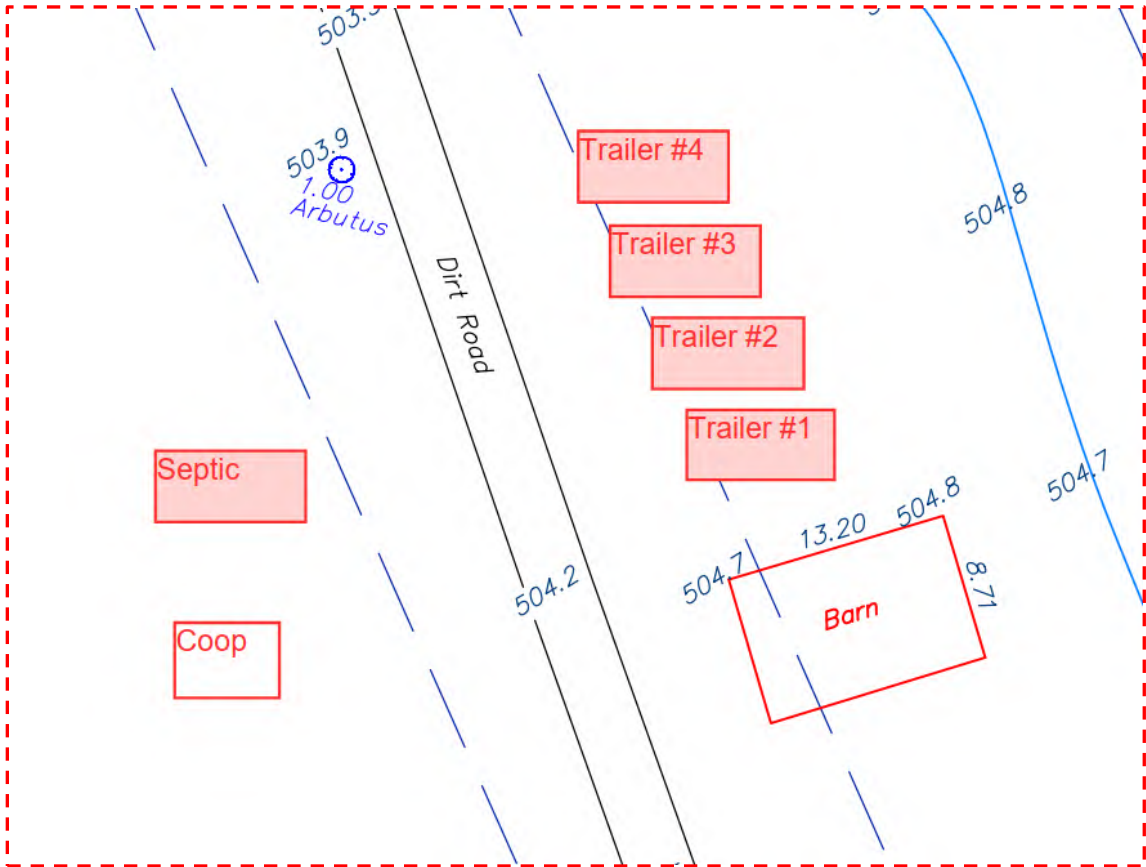
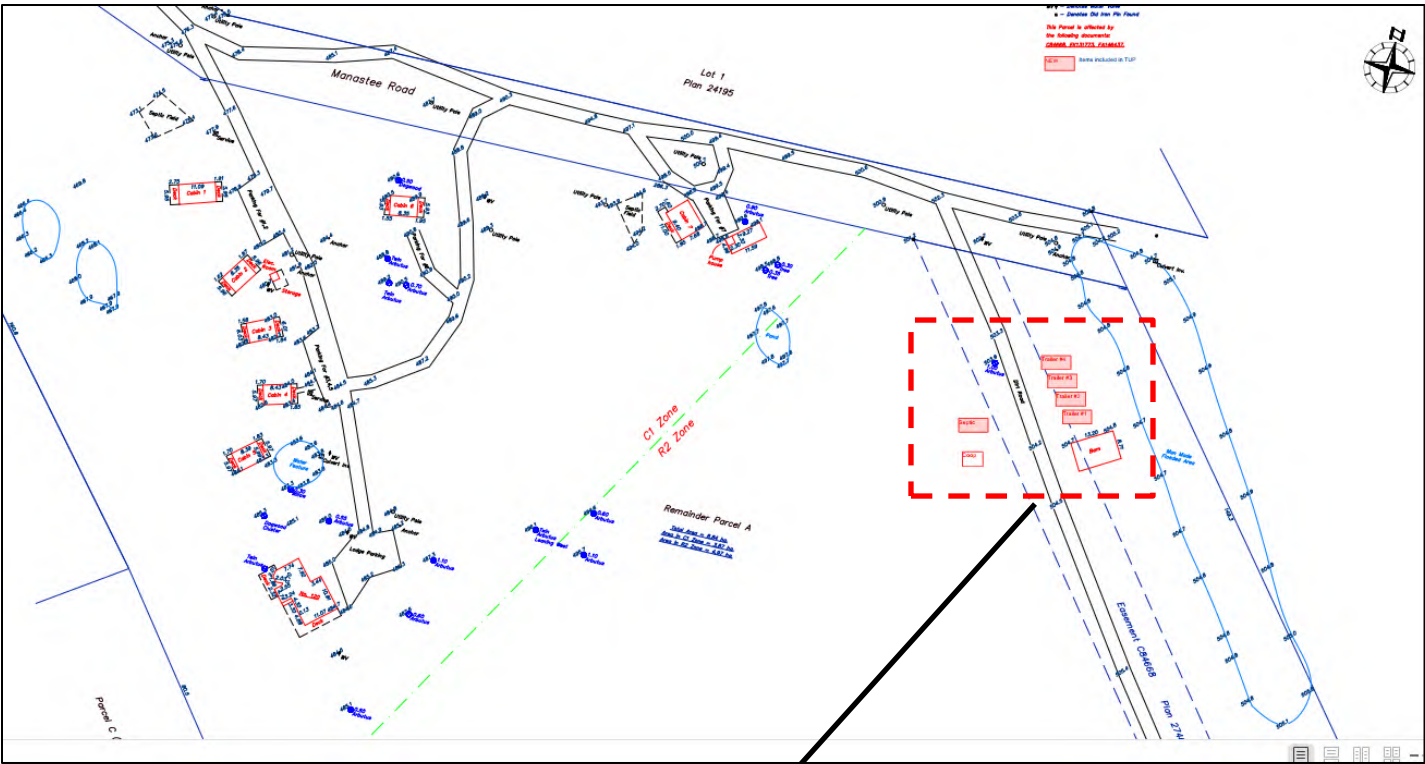
**AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS XX<sup>TH</sup> DAY OF XXX, 2023.**

\_\_\_\_\_  
Deputy Secretary, Islands Trust

\_\_\_\_\_  
Date Issued

GALIANO ISLAND LOCAL TRUST COMMITTEE  
GL-TUP-2023.3 (Keefer)

SCHEDULE 'A' - SITE PLAN



DATE OF MEETING: February 13, 2024

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager  
Southern Team

SUBJECT: Bylaw Nos. 287 & 288 – Rezoning Application  
Applicant: Judy Hayes  
Location: 490 Gardner Road – PID: 001-416-987

## RECOMMENDATION

1. That Galiano Island Local Trust Committee Bylaw No 287, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2022”, be adopted.
2. That Galiano Island Local Trust Committee Bylaw No 288, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2022”, be adopted.

## REPORT SUMMARY

The property owner is seeking to rezone and re-designate a portion of the 13.4 hectare (33.2 acre) subject property from Rural Residential (RR) to Agriculture (AG) to enable the subdivision of the property to create one additional residential lot. The proposed bylaws would amend the Galiano Island Land Use Bylaw (LUB) No. 127, 1999 and the Galiano Island Official Community Plan (OCP) No. 108, 1995 by rezoning and re-designating a portion of the subject property from Rural Residential (RR) to Agriculture (AG) in order to facilitate the subdivision.

Previous reports and background can be found here: <https://islandstrust.bc.ca/island-planning/galiano/current-applications/>

## BACKGROUND

At the December 5, 2022 regular meeting the Galiano Island Local Trust Committee (LTC) directed staff to proceed with the application and to prepare draft bylaws. The LTC gave first reading of proposed Bylaw Nos. 287 and 288 on April 11, 2023. A Community Information Meeting and Public Hearing were held on November 14, 2023. Following the completion of the public hearing, the LTC gave proposed Bylaw Nos. 287 and 288 second and third reading at the November 14, 2023 meeting.

The LTC considered and determined that proposed Bylaw Nos. 287 and 288 are not contrary to or at variance with the Islands Trust Policy Statement on April 11, 2023. The Islands Trust Executive Committee approved the bylaws on December 5, 2023 and the Minister approved Bylaw No. 287 on January 29, 2024.

\\islandstrust.local\DFSMain\EDM\09 Current Planning\04 GL\3650 RZ\25 Applications (P)\2022\GL-RZ-2022.2 (Hayes)\06 Staff Reports\2024-02-13\_GL-RZ-2022.2 (Hayes)\_Bylaw Adoption Staff Report.docx

### Rationale for Recommendation

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

- The proposed bylaws have been determined to be consistent with the Islands Trust Policy Statement by the LTC
- First Nation referrals were completed and no concerns were raised
- Agency referrals were completed and no concerns were raised
- Executive Committee and the Minister have approved the bylaw(s)

### ALTERNATIVES

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

**1. Deny the application**

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

*That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2022.2 (Hayes).*

**2. Hold the application in abeyance**

The LTC may choose to hold the application in abeyance.

**3. Receive for information**

The LTC may receive the report for information

### NEXT STEPS

If the LTC adopts the bylaws, staff will consolidate the amendments into the base bylaws.

|               |                                          |                  |
|---------------|------------------------------------------|------------------|
| Submitted By: | Kim Stockdill, Island Planner            | February 6, 2024 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | February 6, 2024 |

### ATTACHMENTS

1. Proposed Bylaw No. 287
2. Proposed Bylaw No. 288

# PROPOSED

## GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 287

---

### 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. 2, 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                                        | 11 <sup>TH</sup> | DAY OF | APRIL    | 2023.  |
| PUBLIC HEARING HELD THIS                                      | 14 <sup>TH</sup> | DAY OF | NOVEMBER | 2023.  |
| READ A SECOND TIME THIS                                       | 14 <sup>TH</sup> | DAY OF | NOVEMBER | 2023.  |
| READ A THIRD TIME THIS                                        | 14 <sup>TH</sup> | DAY OF | NOVEMBER | 2023.  |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS | 5 <sup>TH</sup>  | DAY OF | DECEMBER | 2023.  |
| APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS               | 29 <sup>TH</sup> | DAY OF | JANUARY  | 2024.  |
| ADOPTED THIS                                                  | _____            | DAY OF | _____    | 20____ |

---

CHAIR

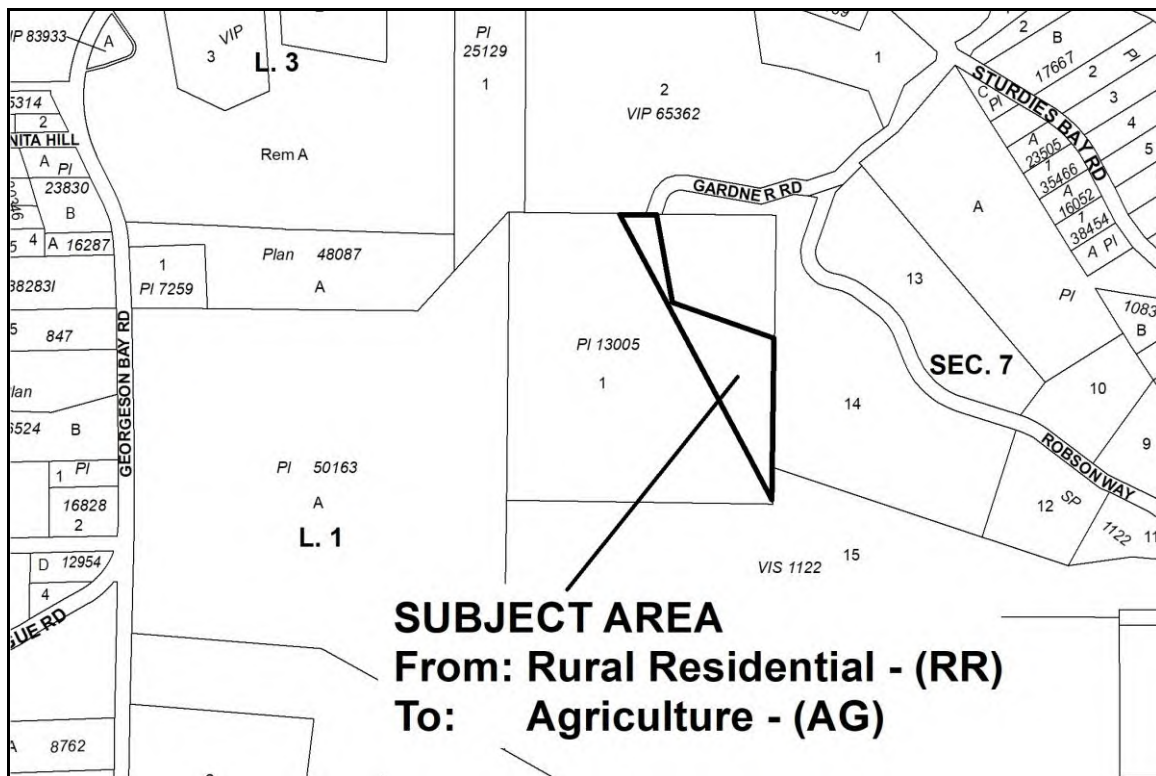
---

SECRETARY

**GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 287**

**SCHEDULE 1**

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



# PROPOSED

## GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 288

---

### 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. 2, 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 Schedule “1” – Zoning Map, is amended by changing the zoning classification of a portion of Lot 1, District Lots 1 and 3 and of Section 7, Galiano Island, Cowichan District, Plan 13005 except all of District Lots 1 and 3 now included in Plan 50163 from Rural Residential (RR) to Agriculture (AG), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 127 as are required to effect this change.

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                                        | 11 <sup>TH</sup> | DAY OF | APRIL    | 2023.  |
| PUBLIC HEARING HELD THIS                                      | 14 <sup>TH</sup> | DAY OF | NOVMEBER | 2023.  |
| READ A SECOND TIME THIS                                       | 14 <sup>TH</sup> | DAY OF | NOVEMBER | 2023.  |
| READ A THIRD TIME THIS                                        | 14 <sup>TH</sup> | DAY OF | NOVEMBER | 2023.  |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS | 5 <sup>TH</sup>  | DAY OF | DECEMBER | 2023.  |
| ADOPTED THIS                                                  | _____            | DAY OF | _____    | 20____ |

---

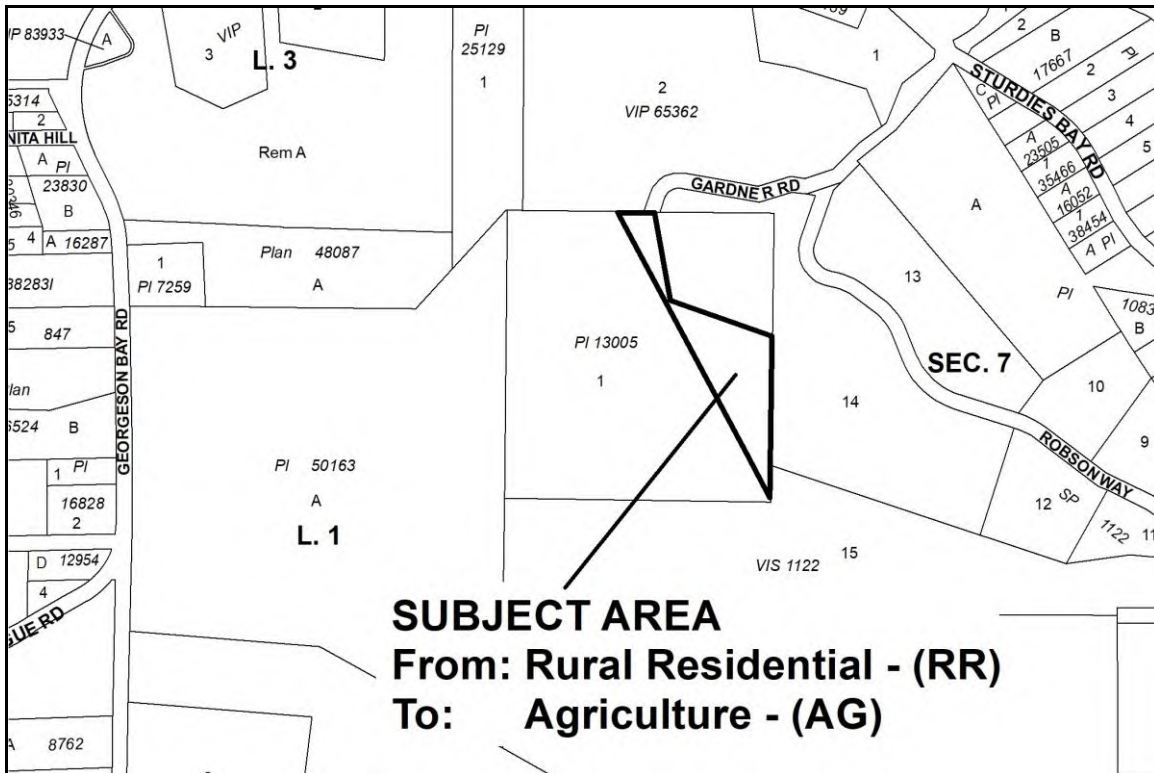
CHAIR

---

SECRETARY

GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 288

Plan No. 1



## 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

Kim Stockdill

Dates

Rec'd: 02-Apr-2019  
 Target: 30-Sep-2023

## Future Projects Report

### Galiano Island

#### 1. *Parking Issues*

Responsible

Date Received

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

23-Jul-2012

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

#### 2. *Light Industrial Zoning*

Responsible

Date Received

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

18-Nov-2013

#### 3. *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.

#### 4. *Cannabis Retail and production*

Responsible

Date Received

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

05-Mar-2019

## Future Projects Report

### Galiano Island

#### 5. *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

#### 6. *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

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

Responsible

Date Received

01-Jun-2021

#### 8. *Wise Island bylaw review*

Responsible

Date Received

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

06-Sep-2022

#### 9. *Shoreline model protection bylaw*

Responsible

Date Received

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

06-Sep-2022

## Applications

### Agricultural Land Reserve

| File Number   | Applicant Name | Date Received | Purpose                                                                             |
|---------------|----------------|---------------|-------------------------------------------------------------------------------------|
| GL-ALR-2023.1 | Cupples, Linda | 16-Feb-2023   | 771 GEORGESON BAY RD: Application for subdivision in the Agricultural Land Reserve. |

**Planner:** Charly Caproff

#### Planning Status

**Status Date:** 12-Jul-2023

Sent trustee comments to ALC. Last update: The application will now be processed and reviewed by the Commission at its earliest opportunity.

**Status Date:** 26-Jun-2023

GL-2023-37\nIt was Moved and Seconded,\nthat the Galiano Island Local Trust Committee supports application GL-ALR-2023.1 on condition of an animal corridor on the proposed lot line and requests staff to forward the application to the Agricultural Land Commission for further consideration.\n

**Status Date:** 26-Jun-2023

Resolution sent to ALC.

| File Number   | Applicant Name    | Date Received | Purpose                                                                          |
|---------------|-------------------|---------------|----------------------------------------------------------------------------------|
| GL-ALR-2023.2 | Mabberley, Samuel | 19-Oct-2023   | 1008 Montague Rd - Application to include land in the Agricultural Land Reserve. |

**Planner:** Kim Stockdill

#### Planning Status

**Status Date:** 19-Oct-2023

Application received

**Status Date:** 19-Oct-2023

Application assigned to Island Planner Stockdill

## Applications

### Development Permit

| File Number  | Applicant Name | Date Received | Purpose                                                                   |
|--------------|----------------|---------------|---------------------------------------------------------------------------|
| GL-DP-2023.6 | 1302222 BC LTD | 14-Sep-2023   | 1656 sticks Allison Rd- Application for a tree cutting DP for restoration |

**Planner:** Bruce Belcher

#### Planning Status

**Status Date:** 14-Dec-2023

Requested applicant demonstrate why tree removal was necessary and reasonable for construction to take place.

**Status Date:** 23-Nov-2023

Requested restoration plan/report from a professional forester/biologist

**Status Date:** 16-Nov-2023

Site Visit

### Development Variance Permit

| File Number   | Applicant Name | Date Received | Purpose                                                                                 |
|---------------|----------------|---------------|-----------------------------------------------------------------------------------------|
| GL-DVP-2023.4 | Meden, Erik    | 09-Aug-2023   | 4121 PORLIER PASS RD: Application for a variance for siting of a building in a setback. |

**Planner:** Phil Testemale

#### Planning Status

**Status Date:** 30-Jan-2024

Site visit completed. KS

**Status Date:** 25-Jan-2024

Planner Testemale assigned.

**Status Date:** 23-Jan-2024

Fee received

## Applications

### Development Variance Permit

| File Number   | Applicant Name     | Date Received | Purpose                                                                          |
|---------------|--------------------|---------------|----------------------------------------------------------------------------------|
| GL-DVP-2023.5 | Scoones, Catherine | 06-Nov-2023   | 3307 Montague Road - Variance to permit non-compliant buildings and lot coverage |

**Planner:** Bruce Belcher

#### Planning Status

**Status Date:** 18-Jan-2024

Application on Feb 13th LTC meeting agenda

**Status Date:** 15-Nov-2023

Fee received

**Status Date:** 15-Nov-2023

Application assigned to Planner Belcher

### 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:** 06-May-2023

Staff to engage with Penelakut

**Status Date:** 04-Apr-2023

Public hearing scheduled for May 6, 2023

**Status Date:** 31-Jan-2023

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

## Applications

### Rezoning

| File Number  | Applicant Name         | Date Received | Purpose                                                                   |
|--------------|------------------------|---------------|---------------------------------------------------------------------------|
| GL-RZ-2020.1 | KING, FRED &<br>DEBBIE | 27-Oct-2020   | 51 Galiano Way - Application for rezoning from F1 to F3 - Bylaw 279 (LUB) |

**Planner:** Kim Stockdill

#### Planning Status

**Status Date:** 27-Jun-2023

Applicant working on sustainable forestry covenant.

**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

| File Number  | Applicant Name | Date Received | Purpose                                                                                                                                                                                                                     |
|--------------|----------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GL-RZ-2021.2 | McElhaney      | 16-Aug-2021   | DL 86 - COOK RD - application for rezoning to emend the OCP and LUB to permit a rezoning from F1 to create an F3 zoned parcel, two 2.0 hectare Rural Residential-zoned parcels, and 12+ ha of parkland and road dedication. |

**Planner:** Kim Stockdill

#### Planning Status

**Status Date:** 04-Jul-2023

Application on July 11, 2023 meeting with new options.

**Status Date:** 25-Apr-2023

Applicants working on updated site plan and proposal, as well as info on land dedication.

**Status Date:** 28-Oct-2022

Application status changed to 'abeyance' pending new proposal from applicants

## 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:** 29-Jan-2024

Minister approved Bylaw. No 287 on January 29, 2024.

**Status Date:** 08-Dec-2023

Proposed Bylaw No. 287 sent to Minister for approval.

**Status Date:** 05-Dec-2023

Bylaw Nos. 287/288 sent to EC for approval.

| File Number  | Applicant Name      | Date Received | Purpose                                                                                                  |
|--------------|---------------------|---------------|----------------------------------------------------------------------------------------------------------|
| GL-RZ-2023.1 | Rockafella, Tahirih | 28-Mar-2023   | HAULBACK RD: Application for rezoning to amend the zoning from F1 to F3 and Forest Industrial. Bylaw 291 |

**Planner:** Kim Stockdill

#### Planning Status

**Status Date:** 19-Oct-2023

Terms of Reference sent to applicant.

**Status Date:** 20-Jun-2023

Direction to staff to draft bylaws and to report back on rezoning conditions.

**Status Date:** 11-Apr-2023

Planner Kim Stockdill assigned.

## Applications

### Rezoning

| File Number  | Applicant Name  | Date Received | Purpose                                                        |
|--------------|-----------------|---------------|----------------------------------------------------------------|
| GL-RZ-2023.2 | McElhanney Ltd. | 26-Apr-2023   | DL 85 - 5500 BODEGA BEACH DR: Application for rezoning from F1 |

**Planner:** Kim Stockdill

#### Planning Status

**Status Date:** 04-Oct-2023

The previous agent no longer works for McElhanney. From now on, please contact applicants using these email addresses: mturner@shaw.ca; bradandolga@telus.net; sue\_whittlesey@hotmail.com; flemming-lynn@hotmail.com - WAITING ON UPDATED EMAIL FOR MARION HOWE

**Status Date:** 13-Jun-2023

Preliminary staff report on July agenda.

**Status Date:** 26-Apr-2023

File created in EDM.

### 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:** 17-Jan-2024

Final subdivision letter (IT sign-off) sent to MOTI.

**Status Date:** 11-Jul-2023

PLR received from MOTI.

**Status Date:** 30-Jan-2023

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

## 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:** 03-Oct-2023

Updated PLR received (dated June 15, 2023) from MOTI. Applicant is seeking a reduction in roadway width and speed. MOTI to review.

**Status Date:** 25-Aug-2023

Emailed applicant regarding outstanding SUB conditions.

**Status Date:** 28-Mar-2023

MOTI confirmed that they will be sending us an updated PLRS letter as conditions have been fulfilled. Asked applicant to confirm most recent site plan and when a DP application will be submitted to IT.

| File Number   | Applicant Name | Date Received | Purpose                                                              |
|---------------|----------------|---------------|----------------------------------------------------------------------|
| GL-SUB-2023.1 | Taylor, Jared  | 31-Mar-2023   | 172 BURRILL RD: Referral of a subdivision application for 1 new lot. |

**Planner:** Bruce Belcher

#### Planning Status

**Status Date:** 12-Sep-2023

PLR Received

**Status Date:** 25-May-2023

Requires development permit for work within Riparian Area

**Status Date:** 24-May-2023

Referral Response sent to MoTI

## Applications

### Subdivision

| File Number                               | Applicant Name | Date Received | Purpose                                                                |
|-------------------------------------------|----------------|---------------|------------------------------------------------------------------------|
| GL-SUB-2023.2                             | Hayes, Judy    | 21-Dec-2023   | 490 Gardner Road: Referral of a subdivision application for 2 new lots |
| <b>Planner:</b> Phil Testemale            |                |               |                                                                        |
| <b>Planning Status</b>                    |                |               |                                                                        |
| <b>Status Date:</b> 05-Jan-2024           |                |               |                                                                        |
| Application assigned to Planner Testemale |                |               |                                                                        |
| <b>Status Date:</b> 22-Dec-2023           |                |               |                                                                        |
| Fee received                              |                |               |                                                                        |
| <b>Status Date:</b> 21-Dec-2023           |                |               |                                                                        |
| Received                                  |                |               |                                                                        |

### Temporary and Industrial Use Permit

| File Number                                                                        | Applicant Name                   | Date Received | Purpose                                                                                                                        |
|------------------------------------------------------------------------------------|----------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------|
| GL-TUP-2023.3                                                                      | Bodega Ridge Lodge & Cabins Ltd. | 08-Dec-2023   | 120 MANASTEE RD: Application for a temporary use permit for four trailers to provide staff with low-cost rental accommodation. |
| <b>Planner:</b> Kim Stockdill                                                      |                                  |               |                                                                                                                                |
| <b>Planning Status</b>                                                             |                                  |               |                                                                                                                                |
| <b>Status Date:</b> 06-Feb-2024                                                    |                                  |               |                                                                                                                                |
| Notice, draft TUP and staff report completed. To be placed on Feb 13, 2024 agenda. |                                  |               |                                                                                                                                |
| <b>Status Date:</b> 08-Dec-2023                                                    |                                  |               |                                                                                                                                |
| Mapping Requested                                                                  |                                  |               |                                                                                                                                |
| <b>Status Date:</b> 08-Dec-2023                                                    |                                  |               |                                                                                                                                |
| Fee Paid                                                                           |                                  |               |                                                                                                                                |

***Islands Trust***  
LTC EXP SUMMARY REPORT F2024  
Invoices posted to Month ending December 2023

| 625 Galiano             | Invoices posted to Month ending December 2023 | <u>Budget</u>   | <u>Spent</u>    | <u>Balance</u>   |
|-------------------------|-----------------------------------------------|-----------------|-----------------|------------------|
| 65000-625               | LTC "Trustee Expenses"                        | 284.00          | 0.00            | 284.00           |
| LTC Local               |                                               |                 |                 |                  |
| 65200-625               | LTC - Local Exp - LTC Meeting Expenses        | 1,723.00        | 2,609.45        | -886.45          |
| 65210-625               | LTC - Local Exp - APC Meeting Expenses        | 333.00          | 143.85          | 189.15           |
| 65220-625               | LTC - Local Exp - Communications              | 250.00          | 2,629.77        | -2,379.77        |
| 65230-625               | LTC - Local Exp - Special Projects            | 279.00          | 0.00            | 279.00           |
| TOTAL LTC Local Expense |                                               | <u>2,585.00</u> | <u>5,383.07</u> | <u>-2,798.07</u> |
| Projects                |                                               |                 |                 |                  |
| 73001-625-4114          | Galiano Groundwater Strategy Implementation   | 5,000.00        | 434.32          | 4,565.68         |
| TOTAL Project Expenses  |                                               | <u>5,000.00</u> | <u>434.32</u>   | <u>4,565.68</u>  |

## Standing Resolutions Log

### Galiano Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Action  | Date        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <b>2023-015 (Standing)</b><br><br><b>First Nations Reconciliation</b><br><br>That the Galiano Island Local Trust Committee seek to engage in reconciliation with local First Nations, governments and island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, the United Nations Declaration on Rights of Indigenous Peoples, draft principles that guide the Province of British Columbia's relationship with Indigenous Peoples and Islands Trust First Nations engagement principles. The Galiano Island Local Trust Committee endeavour to: <ul style="list-style-type: none"> <li>a. Annually write a letter to all First Nations knowledge holders 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;</li> <li>b. For various Local Trust Committee meetings, invite local First Nations and knowledge holders to attend meetings, as well as provide a traditional welcome to the Territory if they would like;</li> <li>c. Work with Local First Nations Governments and knowledge holders on cooperative initiatives, including but not limited to, language, place names, territorial acknowledgements and community education on Coast Salish and local First Nations cultural heritage and history;</li> <li>d. Work with Local First Nation Governments and knowledge holders on engagement principles for inclusive land use, marine use and climate change planning advocacy, protection and stewardship and knowledge and information sharing protocols; and</li> <li>e. Establish and maintain government to government dialogue with Local First Nations and knowledge holders now and into the future based on respect and recognition of Aboriginal Rights and Titles, Treaty Rights, and First Nations Traditional Territories within the Islands Trust Area.</li> </ul> | Carried | 14-Mar-2023 |
| <b>2020-042 (Standing)</b><br><br><b>Use of Development Permits for Variances</b><br><br>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 |

## Standing Resolutions Log

### Galiano Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Action  | Date        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <b>2020-041 (Standing)</b><br><br><b>Unlawful Land Uses and Planning Applications</b><br><br>that the Galiano Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:<br>a. 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.<br>b. 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.<br>c. 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.<br>d. 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 |
| <b>2020-013 (Standing)</b><br><br><b>Advisory Planning Commission</b><br><br>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 |

## Standing Resolutions Log

### Galiano Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Action  | Date        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <b>2019-014 (Standing)</b><br><br><b>13.1 Cannabis Retail - Staff Report</b><br><br>that the Galiano Local Trust Committee adopt the following standing resolution with respect to the processing of non-medicinal cannabis retail license applications: <ul style="list-style-type: none"> <li>- Proposed or amended licenses for non-medicinal cannabis retail establishments require an application to the local trust committee.</li> <li>- 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.</li> <li>- The public consultation process shall be determined by the local trust committee after initial review of the proposal.</li> <li>- 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:               <ul style="list-style-type: none"> <li>o Name of the applicant and a description of the proposal in general terms</li> <li>o The location of the proposed establishment and the subject site</li> <li>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.</li> <li>o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application</li> <li>o How public comments may be submitted to the local trust committee.</li> </ul> </li> </ul> | Carried | 04-Mar-2019 |
| <b>2018-064 (Standing)</b><br><br><b>11.1 Telecommunication Strategy Project - Staff Report</b><br><br>that the Galiano Island Local Trust Committee endorses the Telecommunication strategy Project Charter dated June 22, 2016                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Carried | 04-Jun-2018 |
| <b>2014-029 (Standing)</b><br><br><b>Community Wells as a Community Benefit</b><br><br>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               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|
| <b>2014-000 (Standing)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Carried</b> | <b>03-Feb-2014</b> |
| <p>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:</p> <ol style="list-style-type: none"> <li>1. There have been significant delays or longer than typical timelines in the enforcement process</li> <li>2. The LTC is considering on-going, relevant policy or regulatory changes that could impact enforcement</li> <li>3. Litigation has been recommended</li> <li>4. Legal counsel has been involved (beyond providing a basic interpretation)</li> <li>5. There has been enforcement action beyond seeking voluntary compliance (e.g. a BEN warning or ticket, adjudication, a compliance agreement negotiated, etc.)</li> <li>6. There has been, or is an expectation of, joint enforcement with other jurisdictions</li> <li>7. There is potential for impact on other related enforcement files.</li> </ol> |                |                    |
| <b>2011-205 (Standing)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Carried</b> | <b>17-Oct-2011</b> |
| <p><b>Special Occasion Liquor Licenses</b></p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                        |                |                    |
| <b>2010-115 (Standing)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Carried</b> | <b>18-Oct-2010</b> |
| <p><b>Publishing Notices beyond legal requirements</b></p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |                    |



## Standing Resolutions Log

### Galiano Island

| Resolution Number                                                                                                                      | Action  | Date        |
|----------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| 2009-085 (Standing)                                                                                                                    | Carried | 11-May-2009 |
| <b>Parks Commission Referral</b>                                                                                                       |         |             |
| That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment |         |             |

# MEMORANDUM

File No.: 400-30  
12-RPT-HSNG

DATE OF MEETING: January or February 2024  
TO: All Local Trust Committees  
FROM: Stefan Cermak, Director  
Planning Service  
SUBJECT: **Housing Statute Changes to British Columbia Legislation**

## PURPOSE

The purpose of this memorandum is for Local Trust Committee's to receive a copy of the Housing Statutes and Regulation Changes to BC Legislation briefings received at Trust Council December 7, 2023 and subsequently updated at Executive Committee December 20, 2023. The Executive Committee recommends that Local Trust Committees consider requesting to opt-in to the provincial's principal residence requirement for short term rental accommodations.

## BACKGROUND

On December 7, 2023, Trust Council received a briefing: Housing Statute Changes to British Columbia (Attachment 1). The briefing provided an update and speaking notes on:

- The Short Term Rental Accommodation Act (Bill 35)
- The Housing Statutes (Residential Development) Amendment Act (Bill 44)
- Housing Statutes (Development Financing) Amendment Act (Bill 46)
- Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)
- Speculation and Vacancy Tax Act

On December 20, 2023, the Executive Committee received an update (Attachment 2) to the above briefing as provincial regulations were adopted the same day Trust Council considered the original briefing. After consideration, the Executive Committee carried the following resolution:

"That Executive Committee request staff to forward the housing statutes and regulation changes of BC legislation to local trust committees with a recommended consideration of request for opting in to the short term accommodation regulation for the 2025 intake."

CARRIED

As per the attached briefing:

A sample Local Trust Committee resolution to opt-in to the provincial principle residence requirement may read:

That the [ ] Local Trust Committee request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [ ] Local Trust Area and that the [ ] Local Trust Area be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.

Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024. If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.

**NEXT STEPS**

All Local Trust Committees, to the exception of Ballenas-Winchelsea, meet before the 2024 March Trust Council meeting. Staff will respond to the ministry in one letter that contains all opt-in resolutions immediately following Trust Council in March 2024. Staff will provide the appropriate background information that describes the area and jurisdiction.

|               |                                              |                  |
|---------------|----------------------------------------------|------------------|
| Submitted By: | Stefan Cermak<br>Director, Planning Services | January 18, 2024 |
|---------------|----------------------------------------------|------------------|

**ATTACHMENTS**

1. Attachment 1 - Trust Council Housing Statue Changes to British Columbia Briefing for the meeting December 7, 2023
2. Attachment 2 – Executive Committee Housing Statue Changes to British Columbia Briefing Update for the meeting December 20, 2023

---

|                 |                                                                |                            |                   |
|-----------------|----------------------------------------------------------------|----------------------------|-------------------|
| <b>To:</b>      | <b>Trust Council</b>                                           | <b>For the Meeting of:</b> | December 5, 2023  |
| <b>From:</b>    | <b>Stefan Cermak, Director,<br/>Planning Services</b>          | <b>Date Prepared:</b>      | November 15, 2023 |
| <b>SUBJECT:</b> | <b>Housing Statute Changes to British Columbia Legislation</b> |                            |                   |

---

**PURPOSE:** To provide Trust Council with an update on recent and upcoming legislative changes regarding provision of housing in British Columbia, and how the legislation may affect the Islands Trust Area and local trust committees.

**BACKGROUND:**

The British Columbia Government has so far enacted, or is in the process of enacting, five pieces of legislation to increase housing supply throughout BC. They are:

1. ***Speculation and Vacancy Tax Act*** – came into force in on November 27, 2018. The Speculation and Vacancy Tax Regulation was last amended April 3, 2023.
2. ***The Short Term Rental Accommodation Act (Bill 35)*** – received Royal Assent on October 26, 2023 and will be brought into force by Ministerial regulations expected in December 2023.
3. ***The Housing Statutes (Residential Development) Amendment Act (Bill 44)*** - received First Reading on November 6, 2023, and is expected to receive Royal Assent before the end of 2023. This Act will also be brought into force by Ministerial regulations, which are expected in early 2024.
4. ***Housing Statutes (Development Financing) Amendment Act (Bill 46)*** – received First Reading on November 7, 2023, and is expected to receive Royal Assent before the end of 2023.
5. ***Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)*** received First reading on November 8, 2023 and is expected to receive Royal Assent before the end of 2023.

***Speculation and Vacancy Tax Act***

The *Speculation and Vacancy Tax Act* requires owners in prescribed areas to declare their primary home, and with certain exceptions, would be taxed on homes that they do not occupy as a primary residence. The Act applies to areas specified in the Act (municipalities in the Capital Regional District and Metro Vancouver, as well as seven other municipalities (Abbotsford, Chilliwack, Kelowna, Nanaimo, West Kelowna, Lantzville and Mission)). The Act also includes one unincorporated area, the University Endowment Lands. In April 2023, the list was expanded by Ministerial regulation to include six more municipalities (Duncan, North Cowichan, Squamish, Ladysmith, Lake Cowichan and Lions Bay).

Islands Trust Area and the rest of the Province is excluded from the *Speculation and Vacancy Tax Act* requirements. The Act allows the Minister, by regulation, to add areas to the list of areas to which the *Speculation and Vacancy Tax Act* applies.

### ***The Short-Term Rental Accommodation Act.***

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area. Staff understands that the regulations that bring the Act into force will include the ability for any municipality, regional district electoral area or local trust committee area, that are currently not included in the principal residence requirement for a short-term vacation rental, to opt-in. The regulation should address whether opting-out (once in) is something that could be considered, and if so, what the mechanism would be. Staff will know more about this once the regulations are released in December 2023.

The Act requires that platforms that advertise short-term rental accommodations to be registered with the Province. This may help with bylaw enforcement if the Province shares that information with local governments (the Act authorizes disclosure of personal information collected by the province under the authority of the legislation to be disclosed to local governments to support bylaw enforcement).

The Act also allows regional districts to issue business licenses for short-term rental accommodations, and where a business license scheme is in place, that a business license be required for advertising on platforms. The option for business licenses is not open to local trust committees, only regional districts.

The Act also removes legal non-conforming protection for short-term rental accommodation uses.

**Action** for the Islands Trust is for each local trust committee to consider whether or not it wants to opt-in. Opting-in would mean the Provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).

### **The Housing Statutes (Residential Development) Amendment Act**

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area.

#### **Residential Density Requirements**

The Islands Trust Area is excluded by an amendment to the *Islands Trust Act* from the provincially mandated minimum density requirements. Ministerial regulation will establish to which municipalities the minimum density requirements will apply (staff understands that this will be all municipalities over 5,000 population).

The Act also allows the Minister by regulation to add an electoral area to the list on request of a regional district board. It is important to note that local trust committee areas could never be included in the density requirement without an amendment to the *Islands Trust Act*. However, Bowen Island Municipality could be included by Ministerial regulation either by virtue of its population (if the population goes over 5,000 Bowen may be automatically included), or on request of Bowen Island Municipal Council. The Act excludes land that is not on a municipal water or sewer system, is protected or are lots over a certain size.

There is no action required on this for local trust committees.

#### **Housing Needs Reports Amendments**

Housing Needs Reports now must include housing needs for 20 years (previously it was 5 years), and the first report is due by December 2028. Transitional provisions in the Act require that an interim report be received before a date to be prescribed by Ministerial regulation, or existing reports be updated by the

prescribed date to reflect the new 20 year horizon and a few other changes to housing needs content requirements.

These reports must then be published as soon as possible to the Islands Trust website, and the requirement to consider them in official community plans is continued. It appears that the mandatory requirement to adopt an official community plan and land use bylaw to reflect the housing needs report does not apply to local trust committees (this appears to apply only to municipal councils). This is a point that needs clarification with Ministry staff.

**Action** for Islands Trust is to ensure resources and funding is in place to update existing housing needs reports to meet the new requirements so they qualify as transitional, and then plan budget and resources to commission updates to the housing needs reports starting in 2028 and then every five years after that. While it is not mandatory for local trust committees, there should also be a program to ensure that all 20 official community plans are kept up to date reflecting the housing needs reports findings.

### Public Hearing Changes

The Act now prohibits public hearings being held for land use bylaw amendments that are consistent with the official community plan and exclusively, or at least 50 per cent, residential. The intent is to allow public comment at the policy level (amendments to official community plans still require public hearings) and to streamline the approval process. There is nothing in the legislation that would prohibit less formal discussions between the local trust committees and Bowen Municipal Council and the community, such as open houses, surveys and community information meetings.

**Action** for Islands Trust is a change in process for local trust committees when considering land use bylaw amendments that are consistent with the Official Community Plan for residential rezonings, or land use bylaw amendments that contains at least a 50 per cent component of residential. Note that if there is a Official Community Plan amendment as part of the land use bylaw amendment, then a public hearing is required for the amendment to the Official Community Plan.

## **Housing Statutes (Development Financing) Amendment Act**

### Amenity Cost Charges

The Act adds a new section to the *Local Government Act* regulating how local governments develop and levy amenity cost charges (ACC), and makes changes to development cost charges and development cost levies (in the Vancouver Charter). The new system provides a framework and regulation on what may be considered as an amenity, who may be required to pay them and who may be exempted, the process to develop an amenity cost charges bylaw, and a reporting requirement. Amenity cost charges are charged at time of subdivision or issuance of a building permit.

Local trust committees are excluded by an amendment to the *Islands Trust Act* from the new ability of local government to levy amenity cost charges. Local trust committees are already exempt from the ability to levy development cost charges. The reason for the exemption is that both of these tools are intended to fund infrastructure improvements related to development, and local trust committee are not responsible for infrastructure.

The new legislation appears to apply to regional districts, and regional districts could, by bylaw, determine to collect amenity cost charges for new construction in the Islands Trust Area.

## **Housing Statutes (Transit Oriented Areas) Amendment Act**

The Act adds a new section to the *Local Government Act* establishing minimum density and height requirements around prescribed transit stations and major bus stops. Regulations will establish which transit stops are included (likely in larger cities) and establish the distance around the stop and the minimum height requirements.

While local trust committees are excluded by an amendment to the *Islands Trust Act*, this is included here to complete the currently known legislative updates to the local government planning legislation.

**ATTACHMENT(S):**

Speaking Notes – Bill 35 (Short-term Vacation Accommodation) and Bill 44 (Housing Statutes).

**FOLLOW-UP:**

As requested by the Regional Planning Committee.

As this is new information, staff will update as more information on regulations becomes available. This should be forwarded to Trust Council and all trustees for information and to assist with answering public questions.

---

**Prepared By:** David Marlor, Director, Legislative Services

**Reviewed By/Date:** Robert Kojima, Regional Planning Manager  
Stefan Cermak, Director, Planning Services/ November 8, 2023

## Backgrounder/Speaking Notes

**Bill 44** - Housing Statutes (Residential Development) Amendment Act, 2023 (First Reading version)

**Bill 35** - 2023 Short-Term Rental Accommodations Act (Royal Assent)

---

November 9, 2023

### [Bill 44 Housing Statutes \(Residential Development\) Amendment Act, 2023](#)

- The first reading of Bill 44 – 2023 Housing Statutes (Residential Development) Amendment Act, 2023 was on November 1.
- In this Act, "housing unit" means a self-contained dwelling unit
- "local government" includes a local trust committee as defined in section 1 of the *Islands Trust Act*

### Minimum Density Requirements

The new provincially mandated minimum residential density requirements added to the planning section (Part 14) of the Local Government Act do not apply to local trust committees by a consequential amendment to the Islands Trust Act. Staff understanding is that this section will also not apply to municipalities under a certain population. The BC Government news release suggests most municipalities with a population under 5,000 people will be exempt; however this will be implemented by regulation. Likely this section will not apply to Bowen Island Municipality based on population. And if it does, would only apply where lots are connected to municipal water and sewage and the legislation excludes specified protected lots or large lots. Staff will need to wait for the regulation to know for sure.

### Housing Needs Reports

Changes to the Housing Needs Reports requirements apply to local trust committees and Bowen Island Municipality as follows:

- Housing needs report must be received by December 31, 2028, and then by December 31<sup>st</sup> every five years after that. A transitional provision in the legislation requires that existing housing needs reports are updated to reflect the new requirements by a prescribed date – that date will be in the forthcoming regulations and will likely be by the end of 2024 or early 2025.
- Housing needs reports must consider five-year and 20-year timelines for expected housing requirements (previously only five years required).
- When developing or amending an Official Community Plan (OCP), the governing body must consider the most recent housing needs report and the OCP must include statements and map designations. The housing needs report should include approximate location, amount, type, and density of residential development that is required to meet anticipated housing needs over a period of 20 years.
- An OCP must now include provisions for 20 years of housing as determined in the housing needs report
- OCPs must be updated within a time period to be prescribed by regulation following receipt of an updated housing report (which will be required once every five years).
- The minimum requirements for housing must be permitted outright in the OCP, not conditional (i.e. cannot require conditions (such as provision of amenities) for the housing to be provided).

---

***Preserving and protecting over 450 islands and surrounding waters in the Salish Sea***

Bowen, Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

## Public Hearing for Housing Rezoning

The following changes to the public hearing requirements for housing rezoning apply to local trust committees and Bowen Island Municipality:

- Public hearings on proposed zoning bylaws must **not** be held if:
  - an official community plan is in place for that area
  - the bylaw is consistent with the official community plan
  - the purpose of the bylaw is to permit a residential development
  - the residential component of the development accounts for at least half of the floor area of all proposed structures in the development
- Note that notice must be given if a public hearing is not held.

## Official Community Plan Adoption

Previously, the decision to adopt an official community plan was discretionary. **Now it is mandatory.** This appears to not apply to the Islands Trust as it states municipal council and a prescribed class of regional districts. This needs to be clarified with Ministry staff but will be obvious once the regulation has been released.

- All municipal councils, board of a regional district, or a board in a prescribed class of regional districts must adopt one or more OCPs.

## Bill 35: 2023 Short-Term Rental Accommodations Act

- **Royal Ascent October 26, 2023**– will be brought into force by regulation, which is expected in December 2023.

### Registration of Short Term Rental Platforms

- Requires that all platforms advertising short-term rentals must be registered with the Province

### Restrictions on Homes that can be used for Short Term Rentals

- For those lands not exempted, legislation requires that the short term rental occurs in the host's residence, or in not more than one accessory dwelling unit.
- Local trust committees are exempted; municipalities under a certain size will be exempted, unless adjacent to a major municipality that is not exempted. Staff not sure if Bowen Municipality will be included or exempted given its proximity to Metro Vancouver.
- Provincial staff have advised that local trust committees will be able to opt-in so that the residence restriction applies. How this happens will be determined by regulation; however, it is likely a resolution of the local trust committee requesting to be removed from the exempted list. The regulation will also indicate how a local trust committees that chooses to opt-in can opt-out in the future.

## No Legal Non-Conforming Status

- The legislation removes legal non-conforming status for short-term rentals. This means that if there are any short-term rentals operating and the bylaws change to prohibit them, those short-term rentals cannot continue to operate. Non-conforming use protection will continue to exist for other land uses.

## **Business Licenses**

- The legislation now allows regional districts to require business licenses for short term rentals. This option is not available to local trust committees.

## **Focus of the Legislation**

- The legislation focuses on three key areas:
  - Increasing fines for Municipal Ticket Information (MTI), and strengthening tools for local governments. This is not applicable in all local trust areas, since only three LTCs have MTI bylaws (though those that don't can adopt an MTI bylaw). Bylaw Enforcement Notification ticketing can continue to be used to enforce.
  - Returning more short-term rentals to long-term homes
  - Establishing provincial rules and enforcement
- This proposed legislation will not apply to:
  - Hotels and motels
  - Additional types of properties, for example, timeshares and fishing lodges
  - Communities on First Nations reserve land
  - Modern Treaty Nations will also be exempt but will be able to opt into the legislation, if desired
  - Resort municipalities and mountain resort areas
  - Regional district electoral areas
  - Municipalities of less than 10,000 population, unless adjacent to a larger municipality that is under the regulation (but not an electoral area close to one)

## **Islands Trust Background:**

- Islands Trust is a special-purpose government mandated to preserve and protect over 450 Islands and surrounding waters in the Salish Sea in cooperation with other levels of government
  - Poorly managed growth could threaten the preservation and protection of the Trust Area
- The Islands Trust Council has declared that a housing equity and workforce shortage crisis exists on many of the islands within the Islands Trust Area
  - Strengthening housing affordability is an Islands Trust Council priority
  - Lack of available workforce housing impacts the viability of island businesses, the ability to deliver services, and other aspects of community life such as volunteerism
- Short Term Vacation Rentals (STVR) have been a long standing concern for Islands Trust
  - In 2012, the Salt Spring Island Local Trust Committee was unsuccessful at seeking an injunction via the Supreme Court of British Columbia to restrain a company from using or offering residentially-zoned properties for commercial guest accommodation rather than on individual property owners
- It is recognized that STVRs likely have a positive economic impact on the islands
- While some STVRs are operated legally and responsibly, many are completely unlawful

- The funds generated through the rental of STVRs are also, in many cases, vital to the financial well-being and solvency of the property owner
- Primary concerns with STVRs are around impacts on availability of long-term rental housing, as well as the effect on limited groundwater resources
- Other negative impacts which are frequently mentioned are:
  - Increased noise, traffic and parking concerns
  - Increased fire risk
  - Increased consumption of disposable goods, production of solid waste, and sewage
  - Impacts to community character and cohesiveness
  - Lack of a fair playing field between legal and non-legal STVR operators, as well as regular commercial accommodation such as hotels and motels

### Existing Islands Trust Regulations

- Local trust committees have taken a variety of approaches consistent with its each island's individual culture, history, and intensity of tourist use
- The main tools available to LTAs under the *Islands Trust Act* are modifications to the official community plans (OCP) and associated land use bylaws (LUB) to include STVR-specific provisions
  - Within the LUBs, this generally takes the form of home occupation regulations or zoning that specifically permits STVR use, and places limits upon their operations.
- The OCP allows Temporary Use Permits to be issued for limited periods of time, and several islands have created specific guidelines
  - Bowen Island Municipality issues business licenses to operate a Residential Guest Accommodation, as it is incorporated as an island municipality and has more powers than local trust areas
  - There is interest from some islands in advocating to regional districts to institute business licenses for STVRs

### Current Islands Trust Enforcement

- Since the 2012 Islands Trust loss in the Supreme Court of BC of a case that would have restrained a rental agent from using or facilitating the use of residential homes for STVRs on Salt Spring Island, Islands Trust has continuously found that accommodation platforms are not cooperative or assistive to bylaw enforcement efforts. In the 2012 case the judge found that the activities of the rental agent did not, on their own, constitute a breach of the land use bylaw.
- Currently, 204 open bylaw enforcement files, with the majority on Salt Spring Island
- There may be 500+ advertisements at any given time for all local trust areas, which must be continually vetted to ensure compliance
- Bylaw staff regularly review and update a database for the known operators
  - Co-op planning students have, at times, reviewed the listings
    - Since 2005, 532 STVR enforcement files have been closed

- During the peak summer season, the majority of bylaw staff resources are for STVRs
- Seven local trust areas have directed proactive bylaw enforcement on STVRs because of concerns about diminishing housing supply
- Bylaw notices (tickets) are issued when contraventions are confirmed. There is a mixed response to ticketing:
  - Some are disputed and there is a good response to negotiating compliance agreements to ensure a cease of unlawful operations
  - For those that have proceeded to adjudication, 90 percent of the tickets are upheld by an adjudicator
  - However, with a \$500.00 limit on bylaw notices penalties, the upscale operations charging \$500-700 per night can treat the penalties as the cost of doing business and makes court action, the next step in enforcement, an expensive choice.
- Enforcement staff note that the clear bylaw language in the Gabriola Island Land Use Bylaw has resulted in less complications and conflicts than have occurred in other local trust areas.
  - The Gabriola Island Land Use Bylaw also explicitly states that you cannot operate without that permit:
    - *B.6.3 Commercial Vacation Rentals*
    - B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee*
- There is currently a trend towards “glamping” operations on larger lots in an effort to maximize the number of rentals:
  - These operations are considered non-permitted campgrounds and it appears to be the next trend for STVRs, as it offers a lower cost for guests
  - These non-permitted campgrounds create a unique challenge because of the risks of improper sewage disposal for a large number of customers, and the threat to neighboring wells

## Provincial Statistics

- In British Columbia in June 2023, there was an average of 28,510 short-term rental listings active each day (a year-over-year increase of 17.8%)\*
- While the province’s STVR market is dominated by commercial operators\*, this may not be the case for the Islands Trust Area
- The top 10% of hosts earned 48.8% of revenue\*
- Listings operated by hosts with multiple listings were 48.4% of active listings and 51.7% of total host revenue in June 2023\*
- In June 2023, 16,810 housing units were taken off BC’s long-term and shifting to the STVR market\*

*\*Data from The Housing Impacts of Short-Terms Rentals in British Columbia’s Regions. A report prepared by researchers from the Urban Politics and Governance research group, School of Urban Planning, McGill University*

# BRIEFING

---

|                 |                                                                               |                            |                   |
|-----------------|-------------------------------------------------------------------------------|----------------------------|-------------------|
| <b>To:</b>      | <b>Executive Committee</b>                                                    | <b>For the Meeting of:</b> | December 20, 2023 |
| <b>From:</b>    | <b>Stefan Cermak, Director,<br/>Planning Services</b>                         | <b>Date Prepared:</b>      | December 14, 2023 |
| <b>SUBJECT:</b> | <b>Housing Statute and Regulation Changes to British Columbia Legislation</b> |                            |                   |

---

## PURPOSE:

To provide the Executive Committee with an update on recent and upcoming legislative and regulatory changes regarding provision of housing in British Columbia, and how the changes may affect the Islands Trust area and local trust committees.

## Key Takeaways:

- A draft resolution is provided for local trust committees to opt-in to the principal residence requirement for Short Term Rental. Such a resolution needs to be made by March 31, 2024 to take effect by November 1, 2024.
- Local Trust Committees with MTI Bylaws (Gabriola, North Pender, Salt Spring, and Thetis) may amend the penalty fees to \$3,000 per infraction per day. Other LTCs would require MTI bylaws if seeking the extra short term rental disincentive.
- Housing Need Reports Regulations have not been adopted at time of drafting this briefing.

## BACKGROUND:

On December 7, 2023, the Islands Trust Council was briefed on five recent and upcoming provincial legislative changes designed to increase housing supply throughout BC. On the same day, the province adopted Orders-In-Council (Regulations) for Bills 35 and 44 (Short Term Rental Accommodation and Housing Statutes (Residential Development) respectively) and released policy documents to assist local governments implement the changes.

1. **The Short Term Rental Accommodation Act (Bill 35)**
  - Received Royal Assent on October 26, 2023
  - NEW regulations (Order in Council) adopted December 7, 2023
2. **The Housing Statutes (Residential Development) Amendment Act (Bill 44)**
  - Received Royal Assent on November 30, 2023
  - NEW regulations (Order in Council) adopted December 7, 2023
3. **Housing Statutes (Development Financing) Amendment Act (Bill 46)**
  - Received Royal Assent on November 30, 2023
  - Does not apply to Local Trust Committees; applies to Bowen Island Municipality
4. **Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)**
  - Received Royal Assent on November 30, 2023

- Does not apply to Local Trust Committees; applies to Bowen Island Municipality
5. **Speculation and Vacancy Tax Act**
- Came into force in on November 27, 2018
  - The *Speculation and Vacancy Tax Regulation* was last amended November 16, 2023
  - Does not apply to properties in the Islands Trust area

**The Short-Term Rental Accommodation Act and Regulations.**

Materials pertaining to [Bill 35](#) - *Short-Term Rental Accommodation Act* include:

- Order in Council [679](#) – bringing into force specific provisions of the *Short-Term Rental Accommodation Act*, and making a regulation that addresses various details including interpretation, changes to exempt land, and general and specific exemptions.
- A policy guidance [document](#) for local governments detailing the new short-term rental framework including key considerations relating to principal residence requirements, time period regulations, legal non-conforming use, business licensing updates and enforcement responsibilities.
- Properties in the Islands Trust Area are exempt from the principal residence requirement. A local trust committee or Bowen Island Municipality needs a resolution requesting to be removed from the list of exempt land in order to “opt-into” the principal residence requirement. Opting-in would mean the provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).
- A sample LTC resolution to opt-in may read:
  - That the [XX Local Trust Committee] request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [XX Local Trust Area] and that the [XX Local Trust Area] be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.
  - Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024.
  - If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.
- Order in Council [680](#) - increases possible maximum bylaw ticketing fine from \$1,000 to \$3,000 (amends BC Reg 425/2003).
  - The maximum fine that a local trust committee may set for a bylaw ticket has been increased to \$3,000 per infraction per day in accordance with the Community Charter Bylaw Enforcement Ticket Regulation. Note that this has been implemented via “Municipal Ticket Information System Bylaws” (MTI Bylaw) within the Islands Trust Area. The following local trust committees have MTI Bylaws: Gabriola, North Pender, Salt Spring, and Thetis (Table 1).
  - MTI Bylaws have been generally replaced in favour of Bylaw Enforcement Notification (BEN) Bylaws. The maximum Local Trust Committee bylaw notices penalty of \$500 under the Local Government Bylaw Notice Enforcement Act (Bylaw Enforcement Notification (BEN) Bylaws) is overseen by the Ministry of Attorney General and remains unchanged (Table 1).

Table 1 LTCs Enforcement Bylaws and Associated Maximum Permitted Penalty

| Local Trust Committee | MTI Bylaw<br>(max: \$3,000 penalty) | BEN Bylaw<br>(max: \$500 penalty) |
|-----------------------|-------------------------------------|-----------------------------------|
| Ballenas-Winchelsea   | N/A                                 | ✓                                 |
| Denman                | N/A                                 | ✓                                 |
| Gabriola              | ✓                                   | ✓                                 |
| Galiano               | N/A                                 | ✓                                 |
| Gambier               | N/A                                 | ✓                                 |
| Hornby                | N/A                                 | ✓                                 |
| Lasqueti              | N/A                                 | N/A                               |
| Mayne                 | N/A                                 | ✓                                 |
| North Pender          | ✓                                   | ✓                                 |
| Salt Spring           | ✓                                   | ✓                                 |
| Saturna               | N/A                                 | N/A                               |
| South Pender          | N/A                                 | ✓                                 |
| Thetis                | ✓                                   | ✓                                 |

- Effective May 1, 2024, the *Short-Term Rental Accommodation Act* removes legal non-conforming protection for short-term rental accommodation uses.

Bill 35, Order in Council 679, and the policy guidance document for local governments will be forwarded to the Regional Planning Committee as per the December 7, 2023 [draft] Islands Trust Council resolution:

“THAT Trust Council request the Regional Planning Committee to evaluate the Short Term Rental Accommodation Act to identify opportunities and challenges for implementation of the act on the management of short term rentals in the Trust Area.”

### The Housing Statutes (Residential Development) Amendment Act

Materials pertaining to [Bill 44](#) – *Housing Statutes (Residential Development) Amendment Act* include:

- A Policy [Manual](#) & Site Standards document to guide updates to zoning bylaws, other regulatory bylaws, and policies undertaken to comply with Small Scale Multi-Unit Housing (SSMUH) legislation. In preparing, amending, or adopting a zoning bylaw to permit the use and density required by the SSMUH legislation, a local government must consider any applicable guidelines for SSMUH, including this Policy Manual.
- Order in Council [673](#) – bringing into force specific provisions of the *Housing Statutes (Residential Development) Amendment Act* and making a Local Government Zoning Bylaw Regulation that among other things, prescribes: minimum densities, distances and parcel sizes. The regulation also provides additional details on what constitutes a bus stop, and details exemptions from small-scale multi-family housing requirements. Does not apply to local trust committees.

### ATTACHMENT(S):

- Hyperlinks provided to Orders In Council and Policy Manuals

**FOLLOW-UP:**

Staff will update as more information on regulations becomes available (ex: Housing Needs Reports).  
Staff may forward to Local Trust Committees for consideration of opting to the principal residence regulations.

---

**Prepared By:** Stefan Cermak, Director, Planning Services

**Reviewed By/Date:**