



Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: April 9, 2024
Time: 1:00 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

			Pages
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 February 13, 2024 (for Adoption)		3 - 8
10.2	Section 26 Resolutions Without Meeting Report - None		
10.3	Advisory Planning Commission Minutes - None		
11.	BUSINESS ARISING FROM MINUTES		
11.1	Follow-up Action List Dated April 2024		9 - 11
12.	DELEGATIONS	1:50 PM - 2:00 PM	
12.1	Adjacent Property Owners re 3307 Montague Road		12 - 33

13.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
14.	MEETING BREAK - COMMUNITY UPDATE	
15.	APPLICATIONS AND REFERRALS	2:00 PM - 3:00 PM
15.1	GL-DVP-2024.1 (Mossman) - Staff Report (attached)	34 - 59
15.2	GL-DVP-2023.5 (Scoones) - Staff Report (attached)	60 - 71
15.3	Covenant CA3321096 – Request for Exemption - Staff Report (attached)	72 - 92
16.	LOCAL TRUST COMMITTEE PROJECTS	
17.	REPORTS	3:00 PM - 3:10 PM
17.1	Work Program Reports (attached)	
17.1.1	<u>Active Projects Report Dated April 2024</u>	93 - 93
17.1.2	<u>Future Projects Report Dated April 2024</u>	94 - 95
17.2	Applications Report Dated April 2024 (attached)	96 - 104
17.3	Trustee and Local Expense Report Dated Feb 2024 (attached)	105 - 105
17.4	Adopted Policies and Standing Resolutions (attached)	106 - 110
17.5	Local Trust Committee Webpage	
17.6	Islands Trust Conservancy Report Dated Jan 2024	111 - 112
18.	NEW BUSINESS	3:10 PM - 3:20 PM
18.1	Chair Peterson re Funding Request for Meetings	113 - 113
19.	UPCOMING MEETINGS	
19.1	Next Regular Meeting Scheduled for May 14, 2024 at the Galiano South Community Hall, Galiano Island	
20.	TOWN HALL	3:20 PM - 3:40 PM
21.	CLOSED MEETING - None	
22.	ADJOURNMENT	3:40 PM - 3:40 PM

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: February 13, 2024

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

Members Present: Timothy Peterson, Chair
Ben Mabberley, Local Trustee
Lisa Gauvreau, Local Trustee

Staff Present: Kim Stockdill, Island Planner
Warren Dingman, Bylaw Compliance and Enforcement Manager
(electronic)
Bruce Belcher, Planner 1
Carly Bilney, Recorder (electronic)

Others Present: There were twenty-seven (27) members of the public present.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 1:00 p.m. He acknowledged that the meeting was being 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 provided a report that included a description of meetings she recently attended. She noted that Galiano was well represented at the Islands Trust Conservancy.

Trustee Mabberley provided a report that described recent consultation with the Capital Regional District and Islands Trust staff regarding an agreement that would facilitate affordable home ownership. He acknowledged the passing of three Elders since the last Trust Committee meeting.

4. CHAIR'S REPORT

In his report, Chair Peterson:

- Noted the Financial Planning Committee had been meeting frequently in anticipation of the March Trust Council meeting

- Described the integrated corporate planning process to which the Trust Council is moving to allow for more long-term planning
- Commented on the Salish Sea Symposium held in Vancouver where he raised the issue of mooring buoys with the Deputy and Assistant Deputy Ministers

5. ELECTORAL AREA DIRECTOR'S REPORT – None

6. FIRST NATION REPORT

It was noted that today is the election of Chief and Council on Penelakut Island.

7. TOWN HALL AND QUESTIONS

Town hall was held and the following comments were made:

- The Trust is made aware when a Temporary Use Permit expires and monitors to see if there is continued use; bylaw enforcement followed up with all those whose Temporary Use Permits have expired
- Islands Trust staff met with members of Penelakut Tribe and introduced a number of applications; staff will follow up at the end of this month to see if Penelakut has had the opportunity to review the applications
- The official referral process outlined by the Province is inadequate and the Islands Trust attempts to go above and beyond it

The following comments were made regarding GL-DVP-2023.5 (Scoones):

- Support was expressed for denying GL-DVP-2023.5 (Scoones) as an incentive for other property owners to respect bylaws, and given concerns raised by neighbours and water operators
- It is the responsibility of the estate to bring the property into compliance
- An illegal barrier (hedge and fence) impedes service infrastructure supplied by the Montague Improvement District that wants to ensure unfettered access
- The accessory building should be moved
- Some of the bylaw infractions have impact beyond the property line
- To receive a variance, the landowner should provide a community benefit
- Islands Trust staff should compile an exhaustive list of violations on the property, carry out a setback impact study, review existing float size, examine the authenticity of designating the structure as an 'accessory building', order an environmental study regarding development in the ecologically sensitive areas, and file a letter on title advising prospective buyers that the area is under review

8. COMMUNITY INFORMATION MEETING – None

9. PUBLIC HEARING – None

10. MINUTES

10.1 Local Trust Committee Minutes Dated December 12, 2023 (for Adoption)

By general consent the Galiano Island Local Trust Committee meeting minutes of December 12, 2023 were adopted.

10.2 Section 26 Resolutions Without Meeting Report Dated Feb 2023

Received for information.

10.3 Advisory Planning Commission Minutes – None

11. BUSINESS ARISING FROM MINUTES

11.1 Follow-up Action List Dated Feb 2024

Received for information. Island Planner Stockdill provided an update regarding discussions with the Capital Regional District Manager of Southern Gulf Islands about affordable housing options and cottages.

12. DELEGATIONS

13. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the Local Trust Committee webpage

14. MEETING BREAK – COMMUNITY UPDATE

15. APPLICATIONS AND REFERRALS

15.1 Salt Spring Island Local Trust Committee Referral for Draft Bylaw No. 536 (for Response)

GL-2024-001

It was Moved and Seconded,

that Galiano Island Local Trust Committee interests are unaffected by the Salt Spring Island Local Trust Committee Draft Bylaw No. 536.

CARRIED

15.2 GL-DVP-2023.5 (Scoones) - Staff Report

Planner Belcher reviewed the staff report related to GL-DVP-2023.5 (Scoones). The applicant noted that, as the executor of the estate to which the property belongs, she is required to sell the property. Discussion was held and the following comments were made:

- Concern was expressed about the fence and pump house near the district water line
- The fence should not have been erected, and perhaps the Montague Improvement District can put a structure on the property (e.g. a manhole-cover sized cap that notes “Property of Montague Improvement District – do not remove”)
- The sale agreement of the property should include a provision that ensures the fence will eventually be moved

- A future owner might assume that everything within the fence would belong to them, however, the fence lies on the Ministry of Transportation and Infrastructure's right of way
- The variances are not minor
- The applicant has decided that lot coverage will be left to the new potential property owner
- It is not fair to reject the application and not provide a path forward for the applicant
- Pulling down the rock walls would likely create more damage
- The accessory building was especially contentious with the neighbours and addressing it might be a plausible path forward
- The applicant should seek a compromise with the neighbours, and might consider producing a record of neighbourhood consultation
- The Local Trust Committee should specify on what exactly the applicant should follow up

GL-2024-002

It was Moved and Seconded,

that Galiano Island Local Trust Committee defer a decision on GL-DVP-2023.5 (Scoones) to allow the applicant more time with the neighbours to address the variances.

CARRIED

A break was held between 2:40-2:50 p.m.

15.3 GL-TUP-2023.3 (Keefer) - Staff Report

Island Planner Stockdill reviewed the staff report related to GL-TUP-2023.3 (Keefer). Discussion was held and it was noted that the application received an overwhelming amount of correspondence, the majority of which was in favour of approval.

GL-2024-003

It was Moved and Seconded,

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

CARRIED

15.4 GL-RZ-2022.2 (Hayes) - Proposed Bylaws 287 and 288 – Consideration of Adoption – Staff Memo

Island Planner Stockdill reviewed the staff memo related to GL-RZ-2022.2 (Hayes).

GL-2024-004

It was Moved and Seconded,

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.

CARRIED

GL-2024-005

It was Moved and Seconded,

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.

CARRIED

16. LOCAL TRUST COMMITTEE PROJECTS

It was noted that the Public Hearing for the Groundwater Sustainability Project is on hold until adequate discussion with Penelakut Tribe has been held, and will thus extend into the new fiscal year.

17. REPORTS

17.1 Work Program Reports

17.1.1 Active Projects Report Dated Feb 2024

Received for information.

17.1.2 Future Projects Report Dated Feb 2024

Received for information.

17.2 Applications Report Dated Feb 2024

Received for information.

17.3 Trustee and Local Expense Report Dated Dec 2023

Received for information.

17.4 Adopted Policies and Standing Resolutions

Received for information.

17.5 Local Trust Committee Webpage

17.6 Islands Trust Conservancy Report – None

18. NEW BUSINESS

18.1 Housing Statute Changes to British Columbia Legislation – Staff Memo

Received for information. Discussion was held about the need for more analysis on the implications of the Local Trust Committee opting in to the province’s principal residence requirement for short term rental accommodations.

19. UPCOMING MEETINGS

19.1 Next Regular Meeting Scheduled for April 9, 2024 at the South Community Hall, Galiano Island

20. TOWN HALL

Town hall was held and the following comments were made:

- Concern was expressed about the impact of climate change (e.g. heavy rains) causing damage to the GL-DVP-2023.5 (Scoones) property
- The previous owner of the Scoones property was a skilled builder who worked on many successful projects and would have applied his skills to the subject property
- The bylaw infractions described in GL-DVP-2023.5 (Scoones) would be the responsibility of the new property owner if the property sold
- The Islands Trust does not have authority to add an authoritative letter on title to notify prospective buyers of non-compliance
- It is perhaps time to change the Galiano Island Official Community Plan to allow for the creation of mobile home parks
- Creating a mobile home park could be a project initiated by the Local Trust Committee, or someone could come forward with a rezoning application to do so
- A lot of requests have been made to allow tiny homes to comply with the British Columbia Building Code, and the Province has said “no”
- The Regional Planning Committee’s Affordable Housing Toolkit on the Islands Trust website outlines options that the Local Trust Committee can consider
- GL-TUP-2023.3 (Keefer) is a good example of getting quick, easy and affordable housing – the applicant had a septic field engineered for four trailers and got a water license with the Vancouver Island Healthy Authority
- GL-TUP-2023.3 (Keefer) application has received a lot of interest from other islands

21. CLOSED MEETING – None

22. ADJOURNMENT

By general consent the meeting was adjourned at 3:37 p.m.

Tim Peterson, Chair

Certified Correct:

Carly Bilney, Recorder

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 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

12-Dec-2023

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Galiano Island

12-Dec-2023

Activity	Responsibility	Dates	Status
1 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 further communication with Penelakut).	Kim Stockdill	Target: 26-Jan-2024	In Progress
2 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 Warren Dingman	Target: 26-Jan-2024	In Progress

13-Feb-2024

Activity	Responsibility	Dates	Status
1 10.1 GL LTC minutes of December 12, 2023 approved as is.	Emily Bryant	Target: 23-Feb-2024	Completed
2 15.1 SSI LTC Bylaw No. 536 - Galiano LTC states interests unaffected.	Jas Chonk	Target: 23-Feb-2024	Completed
3 GL-DVP-2023.5 (Scoones) - Decision deferred by LTC. Applicant to engage with neighbours to discuss possible changes to requested variances. Staff to follow up with applicant.	Bruce Belcher	Target: 26-Apr-2024	Completed
4 GL-TUP-2023.3 (Keefer) - TUP approved as is for 3 years. Staff to issue permit and add monitoring details into TAPIS.	Jas Chonk	Target: 23-Feb-2024	Completed

Follow Up Action Report

Galiano Island

13-Feb-2024

Activity	Responsibility	Dates	Status
5 GL-RZ-2022.2 - Bylaw Nos. 287 and 288 adopted by LTC. Staff to close rezoning file, add adoption date to bylaws, and send zoning and OCP designation mapping changes to GIS.	Jas Chonk	Target: 23-Feb-2024	Completed

3307 Montague Road

Bylaw Infractions and Recommended Remediation

Presented by:

Adjacent Property Owners

Dorothy Beauchamp

Michelle Boyce-Sargent

Janice Tepoorten-Swan

Richard Beauchamp

Richard Boyce-Sargent

Martin Swan

April 9, 2024

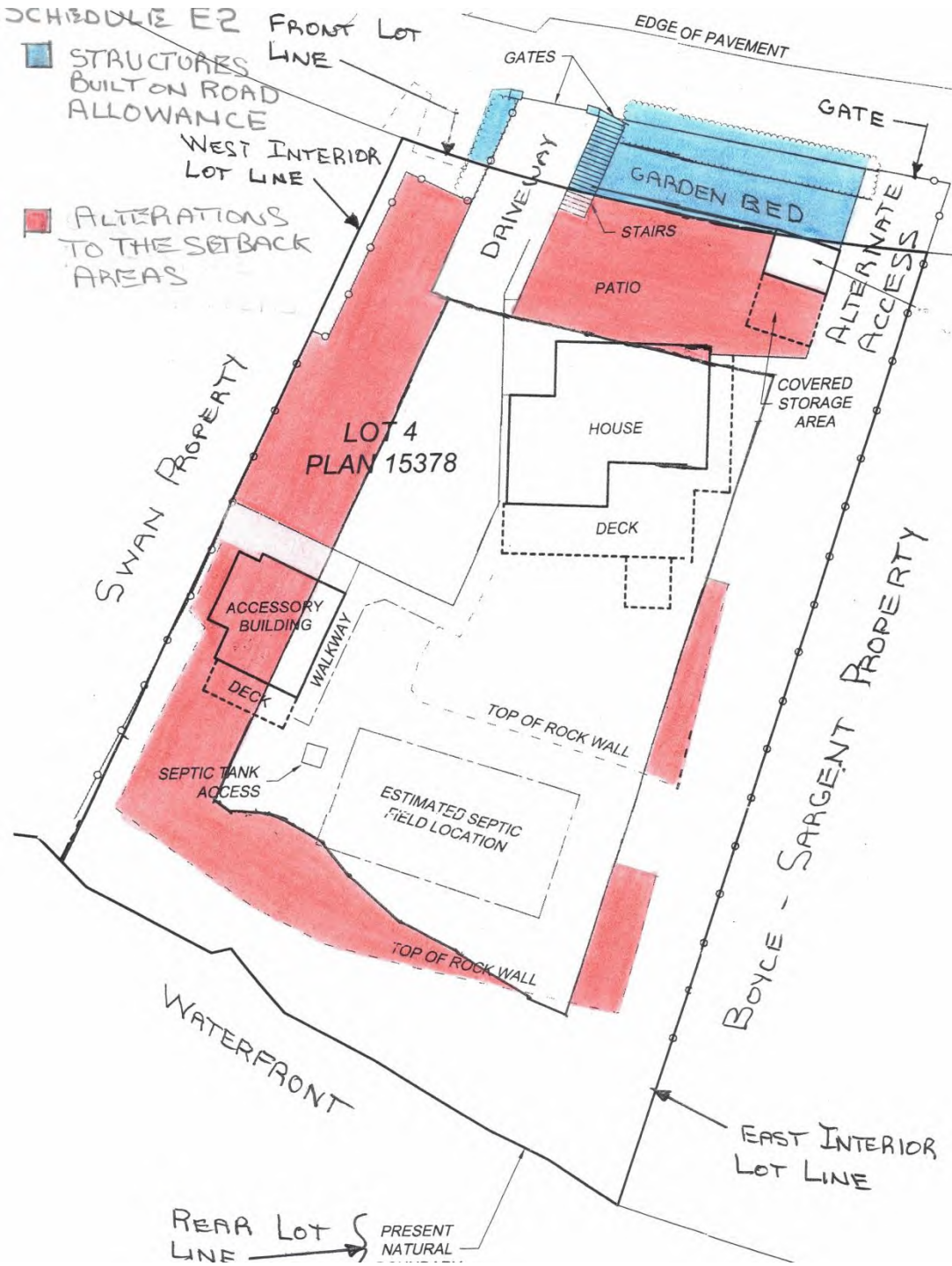
3307 Montague Road



Legal Development Area

- 3307 Montague Road is zoned Small Lot Residential (SLR) in Galiano Land Use Bylaw (LUB) No. 127.
- The 6m setback for interior side lot lines and 7.5m setback for front and rear lot lines is applied to many zones in LUB No. 127; not just those zoned Small Lot Residential.
- The “green” portion comprises the area inside the lot line setbacks.
- **When applied to 3307 Montague Road, the legal development area (green) is only 42% of the entire lot area.**
- On small sized SLR lots, the lot line setbacks substantially reduce the size of the legal development area.
- **All buildings and structures located outside the “green” area violate the setback provisions in LUB No. 127.**





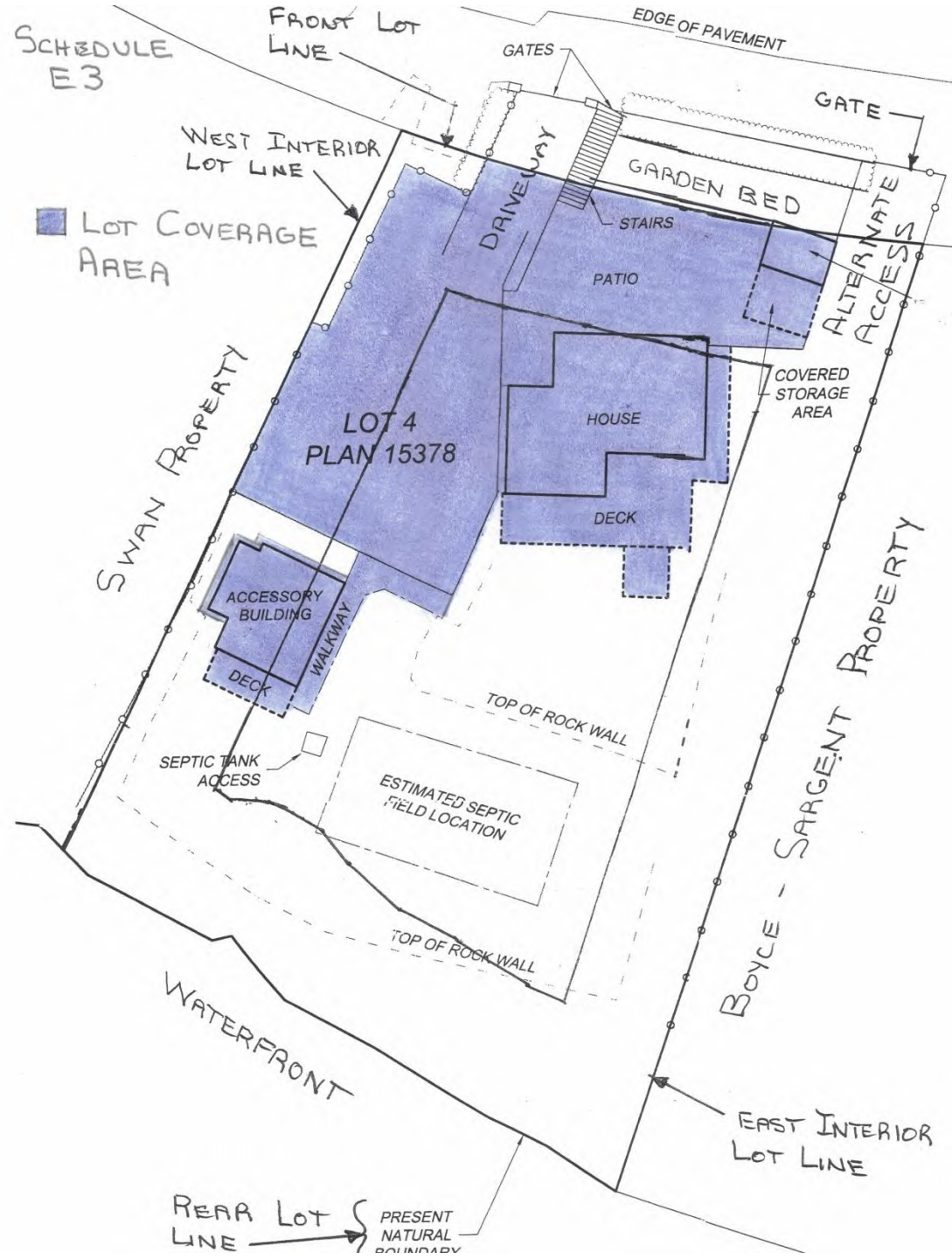
Alterations in Setback Areas

- The “red” portion comprises the setback areas that have been developed.
- LUB No. 127 prohibits development in the these setback areas.
- **The “red” portion is 25% of the legal development area; the “green” portion in the previous slide.**

Structures Built on Road Allowance

- The “blue” portion comprises the area where structures have been built on road allowance
- The “blue” portion comprises 9.3% of the legal development area.

Note: The development on 3307 Montague Road exceeds the area permitted in LUB No. 127 by 34%.



Lot Coverage Area

- The coloured portion comprises the lot area covered by buildings and cement tiles.
- **The development on 3307 Montague Road covers 36% of the lot area.**
- LUB No. 127 permits a maximum lot coverage of 25%.
- 165 sq. m. of lot coverage needs to be removed to bring the property into compliance with the 25% requirement.
- **The extensive development in the setback areas results in a lot coverage exceedance of 44%.**

Western Interior Lot Line

Bylaw requiring a 6 m setback distance has been violated along the entire property line.



Eastern Interior Lot Line

Trees on neighbour's side of the lot line were removed without consent.

Before



After



SEP 11 2014

BETWEEN:



NO. 141455
VICTORIA REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

GALIANO ISLAND LOCAL TRUST COMMITTEE

PETITIONER

AND:

JOHN O. SCOONES

RESPONDENT

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE _____

JUSTICE N. Smith

11 / Sep /2014

ON THE APPLICATION of the Petitioner Galiano Island Local Trust Committee, coming on for hearing at Victoria, British Columbia on 11 / Sep /2014 and on hearing Elizabeth Anderson on behalf of the Petitioner and John O. Scoones, appearing in person, and upon being advised of the consent of the parties to this order;

THIS COURT DECLARES that:

1. That the Respondent has contravened the Galiano Island Land Use Bylaw No. 127, 1999 (the "Land Use Bylaw") by constructing or locating:
 1. a shed;
 2. four retaining walls;
 3. a principal dwelling house; and
 4. a cottage;

(collectively called the "Structures") within the required setbacks on the Property at 3307 Montague Road, Galiano Island, having legal description of: PID 004-253-540, Lot 4, District Lot 3, Galiano Island, Cowichan District Plan 15378. (the "Property"). BY CONSENT

2. That the Respondent has contravened the Land Use Bylaw by exceeding the permitted density for the Property. BY CONSENT
3. That the Respondent has contravened the Land Use Bylaw by using a cottage on the Property for human habitation. BY CONSENT

THIS COURT ORDERS that:

The Respondent shall make the appropriate applications to the Petitioner with respect to the:

1. location of the Structures on the Property; and
2. the permitted density of the Property;

within 365 days of the date of the Order made by the court following the hearing of the Petition, BY CONSENT

The order requested in paragraph 5 of the prayer for relief in the Petition is adjourned generally returnable upon five days clear notice after Respondent's Development Variance Permit application has been heard and a decision rendered. BY CONSENT

With respect to the return date of the Petition, if one is required, the Petitioner and the Respondents are at leave to file fresh affidavits as follows:

3. The Petitioner's affidavits must be filed 10 clear days before the return date of the Petitioner; and
4. The Respondent's affidavit must be filed 5 clear days before return of the Petition. BY CONSENT

The use of the cottage for human habitation is prohibited. BY CONSENT

The Petitioner's application for costs is adjourned generally and may be returnable upon three days clear notice to the Respondents by regular mail to 3307 Montague Road Galiano Island BC V0N 2J0 upon proof that the Respondent has failed to comply with this order. BY CONSENT.

Court Order

Nothing in the order precludes the Petitioner from commencing contempt proceedings in the event it is alleged that that the Respondent have failed to comply with this order. BY CONSENT.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:


Signature of lawyer for the Petitioner Galiano Island Local Trust
Committee, Elizabeth Anderson


Signature of John O. Scoones

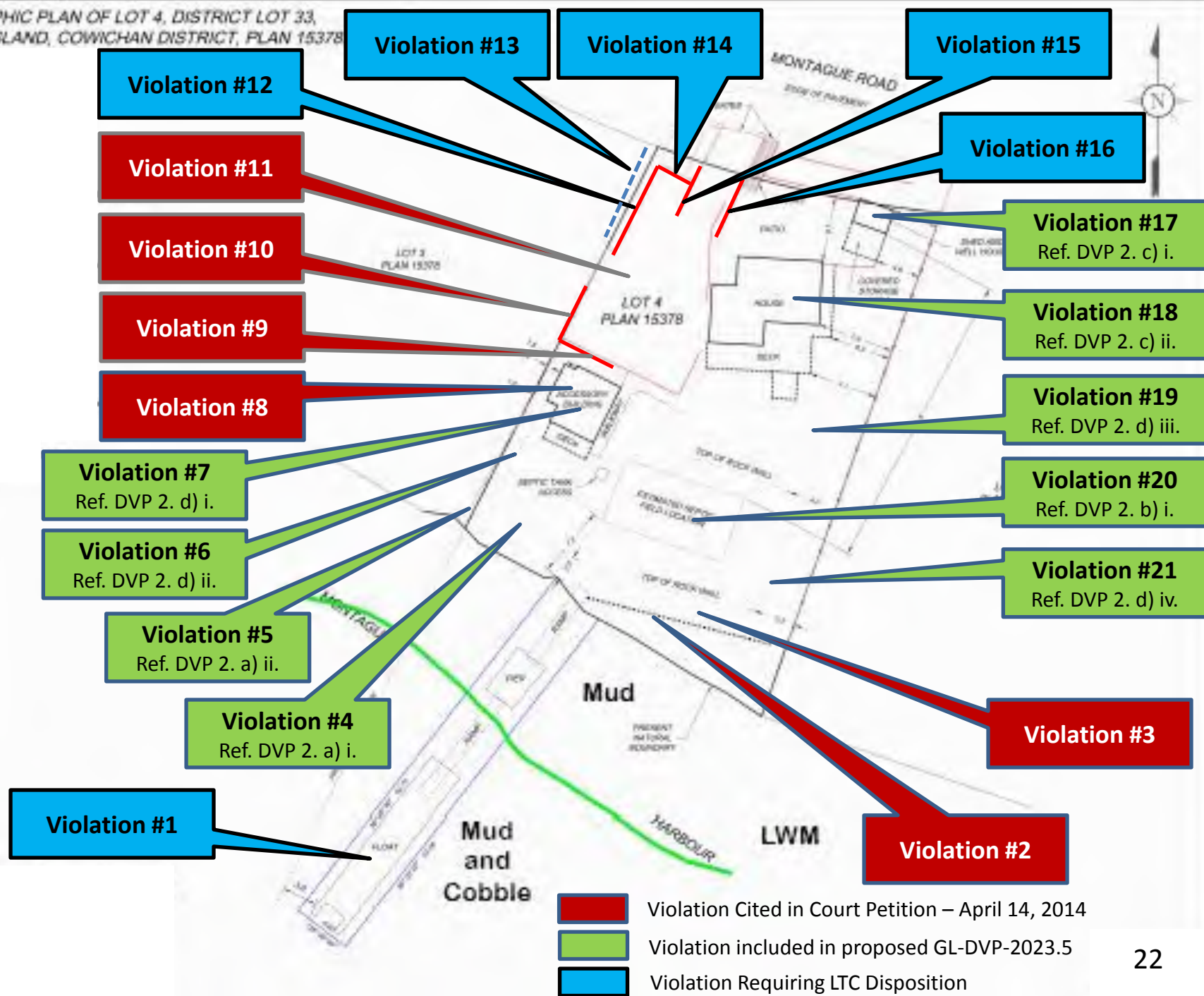
By the Court.


Regist

- In 2014, the Islands Trust took John Scoones to court.
- **Islands Trust prevailed on all counts.**
- Court declared that John Scoones
 1. contravened Bylaw No. 127 by constructing or locating:
 1. a shed;
 2. four retaining walls
 3. a principal dwelling house; and,
 4. a cottage;within the required setbacks.
 2. Contravened Bylaw No. 127 by exceeding the permitted **density** for the property.
 3. Contravened Bylaw No. 127 by using a cottage on the property for human habitation.
- Court gave John Scoones 365 days from September 11, 2014 to apply for a Development Variance Permit (DVP).
- Court expected the LTC, not the court, to determine where the public interest lies.
- **No DVP application was made before the deadline set by the court.**
- **No effective follow up by the Islands Trust on the court order.**
- **Setback violations still exist nearly 10 years after the court order was issued.**

Current Situation

- **A Development Variance Permit (DVP) application has been made 8 years after the deadline set by the Supreme Court of BC.**
- A proposed DVP (GL-DVP-2023.5) is before the Local Trust Committee (LTC) for their review and consideration.
- **It contains nine (9) violations to Bylaw No. 127 requesting the LTC to vary setback requirements on all four (4) lot lines to achieve compliance.**
- Islands Trust Staff recommend that the LTC approve all items in the proposed DVP.
- **The proposed DVP does not address six contraventions cited in the Order issued by the Supreme Court of BC.**
- A complaint has been submitted to the Islands Trust Enforcement Branch for:
 - 20 violations on the 3307 Montague Road property; and,
 - 1 violation on the western neighbour's property.
- **The adjacent property owners have submitted a detailed Bylaw Violations Impact Assessment Report to the Islands Trust LTC and Staff.**
- The Report contains remediation recommendations for the 20 violations.



Violations Description

Violation	GL-DVP-2023.5 Reference	Description
1		Existing float 12 ft x 66 ft does not conform to Development Permit GL-DP-2005.1 which specifies float 12 ft x 53 ft.
2		First front rock retaining wall located within: 1) 1.5 m of the natural boundary of the sea; 2) DPA 2; and 3) DPA 7.
3		Ramp (pathway) located between violations 2 and 4.
4	2. a) i.	Second front rock retaining wall located within: 1) 2.5 m of the natural boundary of the sea; 2) DPA 2; and 3) DPA 7.
5	2. a) ii.	Fence located within 2 m of the natural boundary of the sea.
6	2. d) ii.	Western rock retaining wall located within 0.4 m of the western interior lot line.
7	2. d) i.	Cottage located within 1.5 m of the western interior lot line.
8		Cottage violates lot density provision for lot size under 0.4 hectares.
9		Lock block retaining wall located within 0.0 to 6.0 m of western interior lot line.
10		Lock block retaining wall located within 0.0 m of western interior lot line.
11		Existing lot coverage of 36% exceeds the 25% that is permitted.
12		Concrete retaining wall located within 0.8 m of the western interior lot line.
13		Retaining wall encroaches onto neighbour's property (Reference: Bylaw Enforcement File GL-BE-2010.1).
14		Concrete retaining wall located within 3.0 m of the front lot line.
15		Concrete retaining wall west of driveway located within 0.0 m from front lot line.
16		Concrete retaining wall east of driveway located with 0.0 m from front lot line.
17	2. c) i.	Pumphouse/Wood Shed located within 4.0 m of eastern interior lot line and encroaches over front lot line.
18	2. c) ii.	Dwelling located within 6.7 m of front lot line.
19	2. d) iii.	Northern rock wall located within 4.0 m of eastern interior lot line.
20	2. b) i.	Sewage absorption field located within 7.3 m of the natural boundary of the sea.
21	2. d) iv.	Southern rock wall located within 3.3 m of eastern interior lot line.

	Violation Cited in Court Petition – April 14, 2014
	Violation Included In Proposed GL-DVP-2023.5
	Other Violations Not Covered by the Proposed DVP or Court Documents

Bylaw Violation Impact Assessment

- Dealing with 20 bylaw violations is complex.
- **The Islands Trust has established comprehensive criteria to assess the impact setback violations have on adjacent properties and the public realm (environment and public interest).**
- The adjacent property owners conducted a rigorous impact assessment by applying the Islands Trust's impact criteria to each of the 20 bylaw violations.
- The Bylaw Violation Impact Assessment quantified the impact level for each violation.
- **Some of the violations are interrelated and could be organized into four (4) groups:**
 1. **Parking lot;**
 2. **Front walls;**
 3. **Cottage; and,**
 4. **Misc.**

Bylaw Violations Impact Analysis

Violation	GL-DVP-2023.5 Reference	Weighting Factor	Adjacent Properties			Public Realm - Environment and Public Interest				Impact Score	Group
			1	1	1	1.5	1.5	2	2		
		Description	Visual Impact	Impact on Privacy	Impact on Rural Character	DPA 2 Impact	DPA 7 Impact	Impact of Allowing Inconsistent Development Pattern	Impact of Inconsistently Applying Siting Regulations		
9		Lock block wall 0 to 6 m from lot line	1	5	5	0	0	5	5	31	parking lot
10		Lock block wall 0 m from lot line	5	5	5	0	0	5	5	35	parking lot
11		Lot Coverage	3	5	5	0	0	5	5	33	parking lot
12		Concrete wall side lot line	1	3	5	0	0	5	5	29	parking lot
14		Concrete wall within 1.5 m from front lot line	1	3	5	0	0	5	5	29	parking lot
15		Concrete wall west of driveway	1	3	5	0	0	5	5	29	parking lot
16		Concrete wall east of driveway	1	3	5	0	0	5	5	29	parking lot
										215	
2		First front wall	1	5	1	5	5	3	5	38	front walls
3		Ramp (pathway)	1	5	1	5	5	3	5	38	front walls
4	2. a) i.	Second front wall	3	5	5	5	5	5	5	48	front walls
19	2. d) iii.	Northern rock wall swithin 4.0 m of lot line	5	5	5	0	0	3	3	27	front walls
21	2. d) iv.	Southern rock wall within 3.3 m of lot line	5	3	5	3	0	3	3	29.5	front walls
										180.5	
6	2. d) ii.	Western Wall 0.4 m from side lot line	5	5	5	5	3	5	5	47	cottage
7	2. d) i.	Cottage 1.5 m from side Lot Line	5	5	5	1	0	5	5	36.5	cottage
8		Lot density	5	5	5	0	0	5	5	35	cottage
										118.5	
1		Float	3	3	3	3	0	3	3	25.5	misc
5	2. a) ii.	Fence within 2 m of natural boundary of sea	1	1	1	1	1	1	1	10	misc
17	2. c) i.	Pumphouse/Wood Shed	3	1	3	0	0	3	5	23	misc
18	2. c) ii.	Dwelling witin 6.7 m of front lot line	1	1	1	0	0	1	1	7	misc
20	2. b) i.	Sewage Absorption Field	3	3	1	5	1	3	3	28	misc
										93.5	
13		Wall built on neighbour's lot	0	0	0	0	0	0	0	0	

1	Low impact
3	Moderate impact
5	High impact

20 or less
21 to 30
> than 30

Violations Cited in Court Petition - April 14, 2014
Violations Included in Proposed GL-DVP-2023.5
Other Violations Not Covered by the Proposed DVP or Court Documents

Remediation Recommendations

Remediation recommendations were developed for each of the four groups.

Group 1 – Parking Lot

- Seven (7) bylaw violations relate to the parking lot.
- All have high to moderate impact scores.
- This signifies the remediation should involve physical corrections.
- **The impact assessment recommends that:**
 - the reinforced concrete walls remain in place;
 - parking lot tiles be removed in the 6m and 7.5m setback areas; and,
 - setback areas are to be backfilled to return the land to its natural level.
- The impact assessment recommends that:
 - the two (2) concrete lock block walls should be removed;
 - the backfill removed in the western interior lot line setback area; and,
 - the land returned to its natural level.

Remediation Recommendations (cont.)

Remediation recommendations were developed for each of the four groups.

Group 2 – Front Rock Retaining Walls

- **Five (5) violations relate to the front rock retaining walls.**
- All have high to moderate impact scores.
- This signifies that the remediation should involve physical corrections.
- All five retaining walls are constructed with dry stacked rock, which can be easily disassembled.
- **The impact assessment recommends that:**
 - **the five rock retaining walls be removed;**
 - **the backfill removed in the eastern interior lot line and seaward setback areas; and,**
 - **the land returned to its natural level.**
- **Walls are located in DPA 2 (Shoreline and Marine) and DPA 7 (Steep Slope High Hazard) areas – recommend this work be carried out under the supervision of a professional.**
- In removing the fill in the seaward setback area, care must be taken not to disrupt the existing sewage absorption field.

Remediation Recommendations (cont.)

Remediation recommendations were developed for each of the four groups.

Group 3 – Cottage

- Three (3) violations relate to the cottage.
- All have high impact scores.
- This signifies that the remediation should involve physical corrections.
- **The impact assessment recommends that:**
 - the cottage be removed;
 - the rock retaining wall located along western interior lot line be removed;
 - the backfill in the western interior lot line setback area be removed; and,
 - the land returned to its natural level.

Remediation Recommendations (cont.)

Remediation recommendations were developed for each of the four groups.

Group 4 – Miscellaneous Violations

- **Violation #5 - Fence Within 2 m of the Natural Boundary of the Sea**
 - The impact assessment recommends that this violation be varied in the DVP.
- **Violation #18 - Dwelling Within 6.7 m of Front Lot Line**
 - The impact assessment recommends that this violation be varied in the DVP.
- **Violation # 20 - Sewage Absorption Field**
 - The impact assessment recommends that this violation be varied in the DVP.

Note: A new field should be sited in compliance with the setback requirements when a new house is constructed.

- **Violation #1 - Oversized Float**
 - The impact assessment recommends that the float be shortened to bring it into conformity with the existing Development Permit GL-DVP-2005.1.
- **Violation #17 - Pumphouse/Woodshed**
 - The impact assessment recommends that the pumphouse/woodshed building be brought into compliance (10 sq. m.) by removing the roof sheltering the covered area.

Conclusion

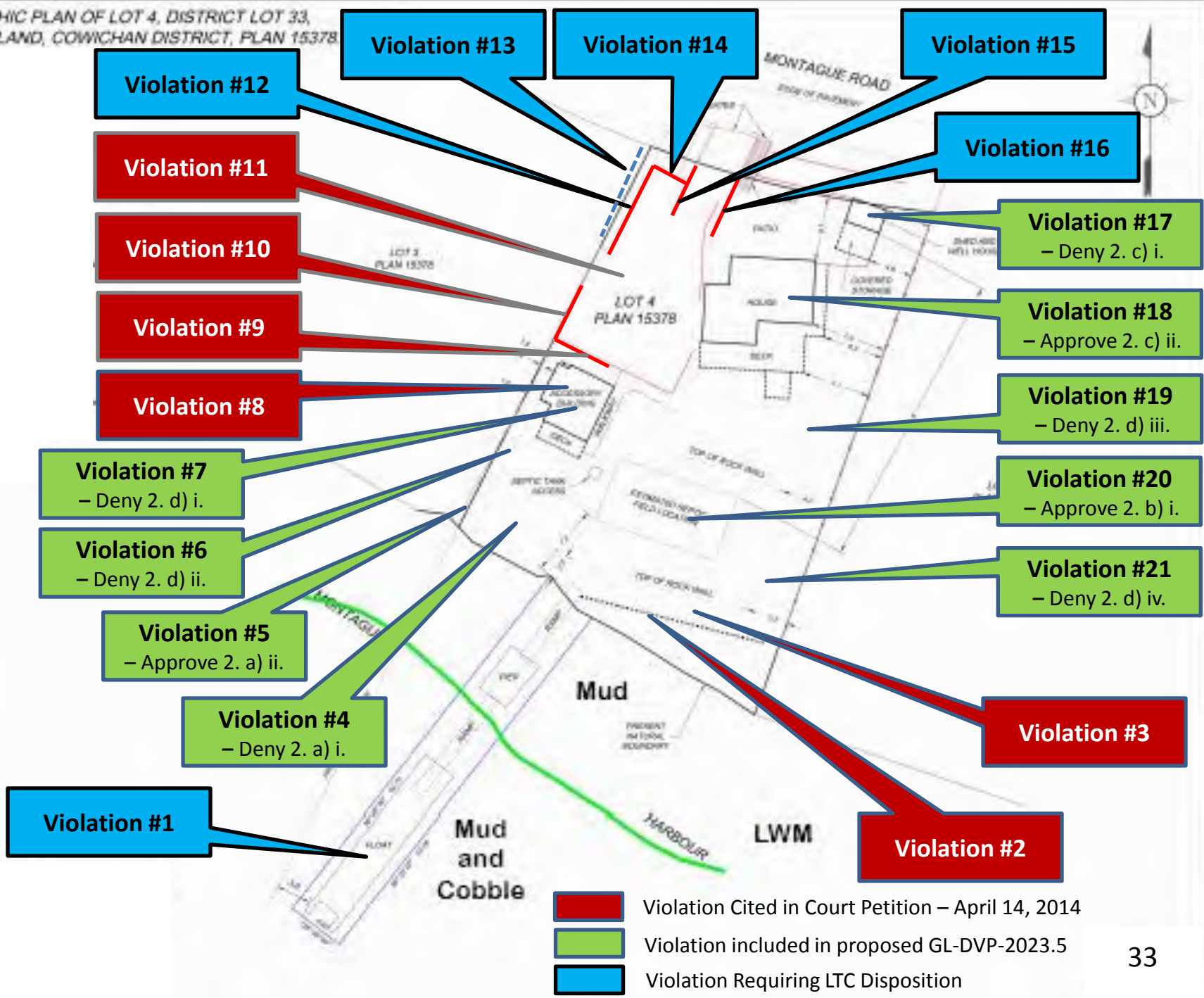
- Development at 3307 Montague Road created a plethora of bylaw violations (20).
- The impact assessment produced sensible and easily achievable outcomes.
- The impacts were determined by applying Islands Trust criteria, which considers:
 - the impacts on the adjacent properties and public realm; and,
 - not the desire of the owner to quickly sell the property.
- **Removing the cottage and the driveway tiles covering the 6m setback area from the lock block wall to the front lot line reduces the lot coverage by 172 sq. m.**
Note: 165 sq. m. is the minimum lot coverage that must be removed to bring the property into compliance with the 25% lot coverage rule.
- **The cost of the physical corrections is more than covered by the increase in the BC Property Assessment value in the last year alone (\$113,000).**
- Many problems of today don't have solutions as obvious and affordable as this one.

Conclusion (cont.)

- The existing property owner should correct the violations, prior to selling the property:
 - **Do what's right!**
- **The Islands Trust must protect the rights of adjacent property owners and the public realm (environment & public interest) by upholding LUB No. 127:**
 - **Do what's right!**

APPENDIX

Recommendations specific to proposed GL-DVP-2023.5





File No.: GL-DVP-2024.1 (Mossman)
(GL-DP-2024.1 &
GL-BP-2023.8)

DATE OF MEETING: April 9, 2024
TO: Galiano Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: GL-DVP-2024.1 (Mossman)
Applicant: Alex Mossman
Location: 677 Simpson Crescent, Gossip Island

RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of GL-DVP-2024.1 (Mossman)

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit for the siting of a proposed dwelling, the siting and height of an existing accessory building, and the siting of proposed structures (a septic field and infrastructure and a rain water storage tank).

A concurrent DP application (GL-DP-2024.1) has been made. The DP application is delegated and staff will issue the permit pending the LTC's approval of the DVP.

RATIONALE FOR VARIANCE

The applicant's rationale for the variances are:

- Minimize ground and vegetation disturbance and avoid mature tree removal.
- Utilize the previous siting for the cabin as it is optimal given ground conditions and topography.
- For the accessory building: to maintain the siting based on constraints of tree location and topography.

See also: Attachment 3

BACKGROUND

The application is the result of a Preliminary Plan Review application (GL-BP-2023.8) and the purpose is to comply with the Land Use Bylaw (LUB).

The specific variances are to the **Galiano** Land Use Bylaw No. 127, 1999 (LUB) are shown in Figure 2 and are listed as follows:

- a) Section 2.5 which states that accessory buildings and structures must not exceed a height of **5 metres** is varied to permit an existing accessory building shown as Building 'B' on Schedule 'A' with a height of **5.5 metres**.
- 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 a Sewage Absorption Field shown as Structure 'G' on Schedule 'A' within **22 metres** of the natural boundary of the sea.
- c) Article 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:
 - i) the siting of an existing accessory building shown as Building 'B' on Schedule 'A' within **2.9 metres** of the front lot line; and,
 - ii) the siting of structures (Buried Sewer Pipe and Septic Absorption Field) shown as Structures 'F' and 'G' on Schedule 'A' within **3.5 metres** of the front lot line.
- d) Article 5.3.8.2 which states that buildings and structures must be sited at least **6.0 metres** from each interior side lot line is varied to permit:
 - i) the siting of a structure (Rain Water Tank) shown as Structure 'D' on Schedule 'A' within **4.0 metres** of an interior side lot line;
 - ii) the siting of a building (Dwelling) shown as Building 'A' on Schedules 'A' and 'B' within **1.8 metres** of an interior side lot line; and,
 - iii) the siting of an existing accessory building shown as Building 'B' on Schedule 'A' within **5.5 metres** of an interior side lot line.

The proposed 48 m² (516 ft²) dwelling would be located approximately on the same footprint as a previous cabin that was in place for approximately 100 years and recently destroyed by tree fall. The proposed construction will not require any cutting or removal of standing trees. The design shown as Attachment 2 is a main storey with a bedroom loft elevated on stilts that will require minimal excavation for the (pier) foundations.

The proposal includes a new septic disposal system which is a Type 3 system¹ designed by a licenced installer (Cleartech Consulting Ltd. – Attachment 4). The filing of the licence with Island Health is pending the outcome of this variance application. There are no wells located within 30 metres of the proposed septic field.

The proposed rainwater tank will be less than 3 metres in height and is sited for an efficient connection to the dwelling with rainwater catchment as the proposed source of potable water.

The existing accessory building was moved from the neighbouring property to the south approximately 10 years ago without a building permit. It is not sited on a permanent foundation and is moveable, however, it was located to avoid tree removal and is situated on the southern border of a small, steep gully. The applicant has stated that it could potentially be moved southeast, but any siting to the northwest would require tree removal.

¹ A Type 3 Septic System is a specially designed septic system that is capable of treating sewage to produce effluent of a higher quality standard, by including a disinfection process before being discharged into the environment via the drain field.

They propose to use the building as a temporary dwelling while constructing the new dwelling and are aware that it cannot be used for human habitation once they receive Final Occupancy.

The property is small in size (0.15 ha / 0.36 ac) and has been previously disturbed by historic land use. It is composed of grasses, shrubs, and young to mature trees with some topographic constraints owing to a large depression in the middle of the property (Attachment 2 - Photos).

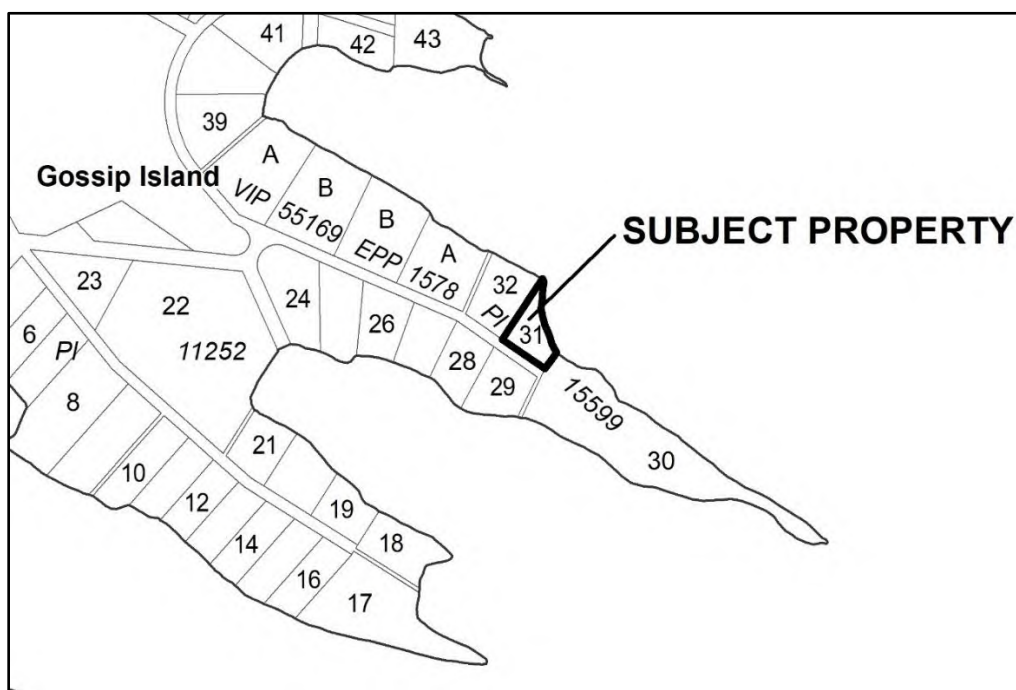
The applicant has provided a letter explaining the rationale for the variances (Attachment 3).

If the application is denied, the owners could apply to the Board of Variance.

A copy of the Notice and proposed permit GL-DVP-2024.1 (Mossman) are Attachments 5 & 6.

Staff have not visited the property owing to its location. Images in Attachment 2 are from the Biologist's report that was submitted as part of the DP application.

Figure 1 – Subject Property



ANALYSIS

Official Community Plan:

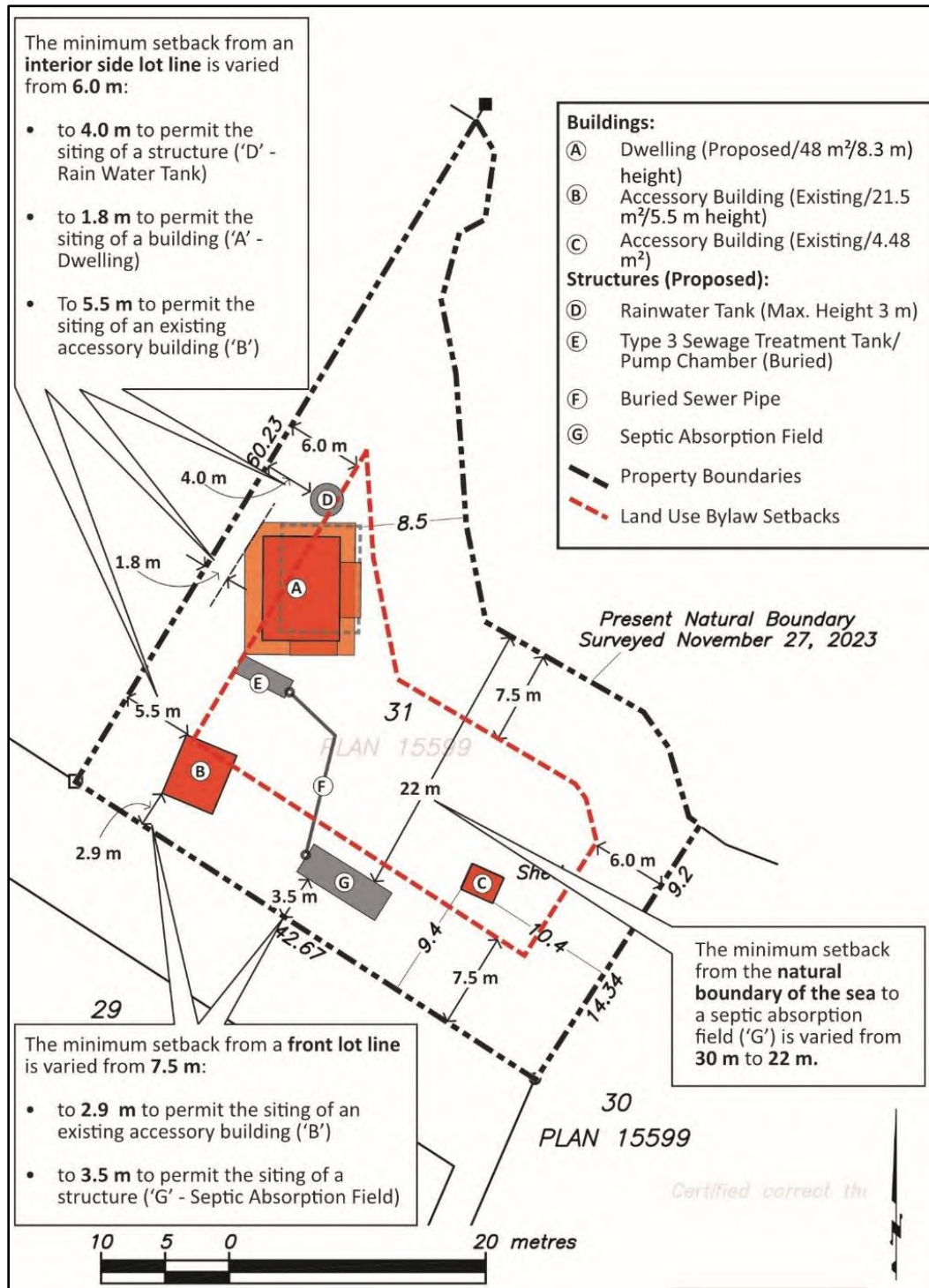
The property is designated **Small Lot Residential – SLR** in the Galiano Island Official Community Plan No. 108, 1995 (OCP – Attachment 1).

Development Permit Area 2 – Shoreline is designated on the subject property. As above, a delegated DP application is in process.

Land Use Bylaw:

The property is zoned as **Small Lot Residential Zone** in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB – Attachment 1). The proposed uses are all permitted and approval of the variances will bring the property in conformance with the LUB.

Figure 2 – Site Plan



Issues and Opportunities

Intent of Regulations being varied

The overall purpose of front and interior side yard siting and height regulations are to minimize impacts on adjacent properties related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to development by maintaining consistent height and siting regulations.

The overall purpose of setback from the natural boundary of the sea are to:

- Protection of the natural environment, and more specifically the sensitive shoreline.
- Align LUB regulations with those for the Ministry of Health and Island Health.

Potential impacts of granting to variance

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

Impact on Neighbouring Properties and the Environment

The most impacted neighbours by the proposed variances would be abutting Lot 32 to the west and Lot 29 to the south across Simpson Road. The size and design of the dwelling is modest and the accessory building has been in place for approximately ten years.

The applicant has reported that they have been in discussion with the owner of Lot 32 and as a result have amended the original siting proposal to shift the dwelling eastward and to move the treatment tank and pump chamber for the septic system completely out of the west side yard setback.

The variance for the setback to NBS for the septic absorption field has been designed by the licenced installer to maximize the distance to the natural boundary of the sea to the extent feasible.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on March 29, 2024.

At the time of writing, staff have received no submissions in response to notification. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

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 resolution on page 1 be supported for the following reasons:

- The rationale for the variances is reasonable.
- Impacts on neighbouring properties from approval of the variances would be not be significant.
- Minimizing impacts on the natural environment is the primary objective with the siting.
- The proposed variances do not challenge the intent of the regulation.
- At the time of writing, there has been no response to the notification.

ALTERNATIVES

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

1. Request further information

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

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. Amend and Approve

The LTC may opt to amend the permit by adding conditions or denying specific variances. Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee amend application GL-DVP-2024.1 (Mossman) as follows: _____; and,

That the Galiano Island Local Trust Committee approve application GL-DVP-2024.1 (Mossman) as amended.

3. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee deny application GL-DVP-2024.1 (Mossman) for the follows reasons _____.

Submitted By:	Phil Testemale, Planner 2	March 22, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	March 22, 2024

ATTACHMENTS

1. Site Context
2. Plans and Photographs
3. Applicant Rationale
4. Septic System Design
5. Notice
6. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 31 GOSSIP ISLAND COWICHAN DISTRICT PLAN 15599
PID	004-523-423
Civic Address	677 Simpson Crescent
Lot Size	0.5 ha (0.36 ac)

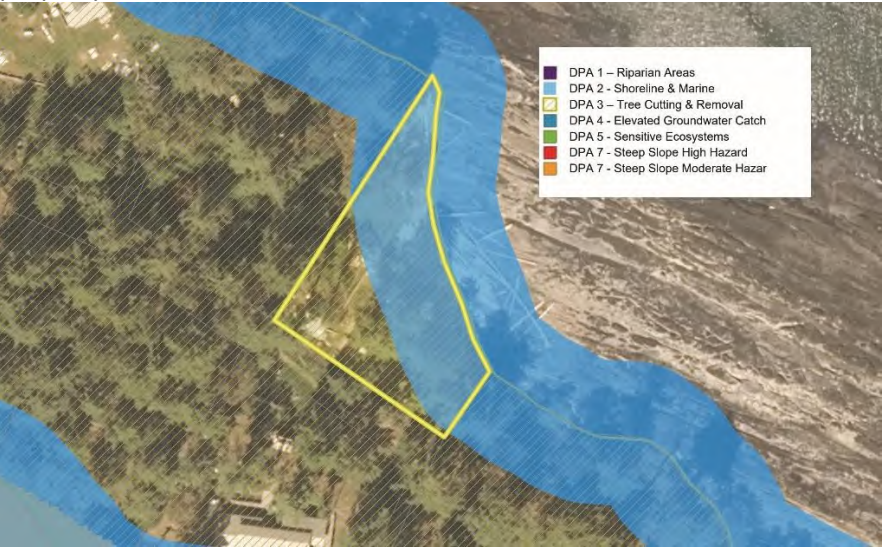
LAND USE

Current Land Use	Vacant (previously occupied) Small Lot Residential
Surrounding Land Use	Small Lot Residential

HISTORICAL ACTIVITY

File No.	Purpose
GL-BP-2023.8	Dwelling
GL-DP-2024.1	Concurrent application (DPA 2 - Delegated)

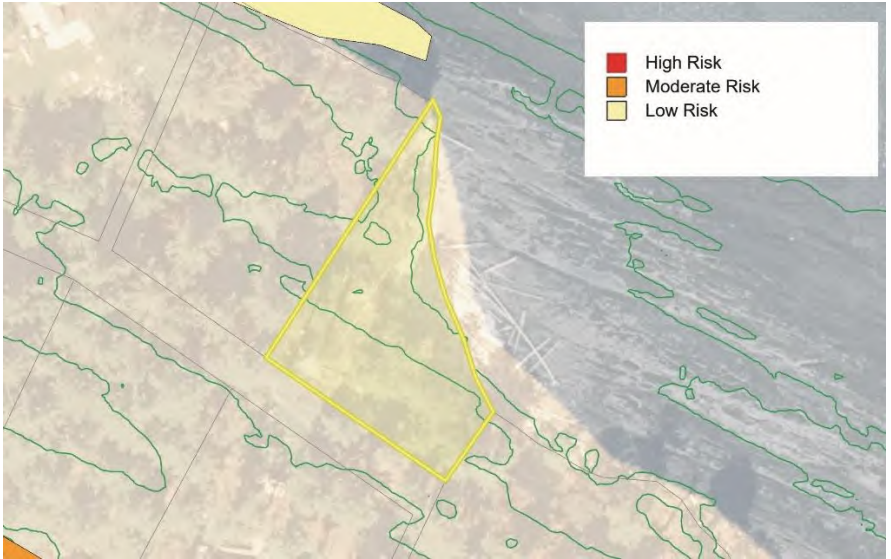
POLICY/REGULATORY

Official Community Plan Designations	The property is designated Small Lot Residential – SLR in in the Galiano Island Official Community Plan No. 108, 1995 Development Permit Area 2 – Shoreline is designated on the subject property:  <i>DPA Mapping</i>
--------------------------------------	---

Land Use Bylaw	The property is zoned as Small Lot Residential Zone in the Galiano Island Land Use Bylaw No. 127, 1999.  <i>Zoning Map</i>
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

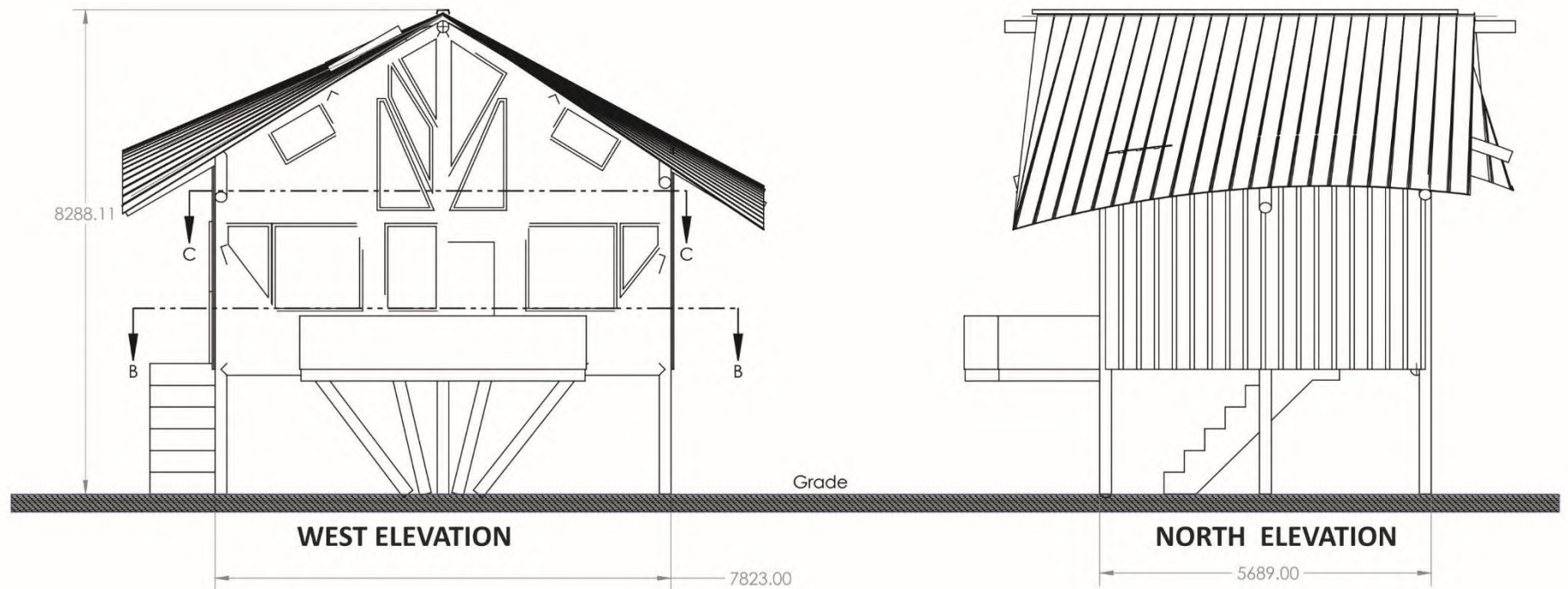
SITE INFLUENCES

Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None
Sensitive Ecosystems	None identified on property  <i>Sensitive Ecosystem Mapping</i>

Hazard Areas	None  <i>2 m Contours and Steep Slope Hazard Mapping</i>
Archaeological Sites	Archaeological Potential on property (See report under 'First Nations')
Climate Change Adaptation and Mitigation	GHG emission changes are linked to allowable density on the property and will not change with approval of the DVP and DP
Shoreline Classification	Low Rock/Boulder
Shoreline Data in TAPIS	 <i>Marine Sensitive Ecosystem Mapping</i>

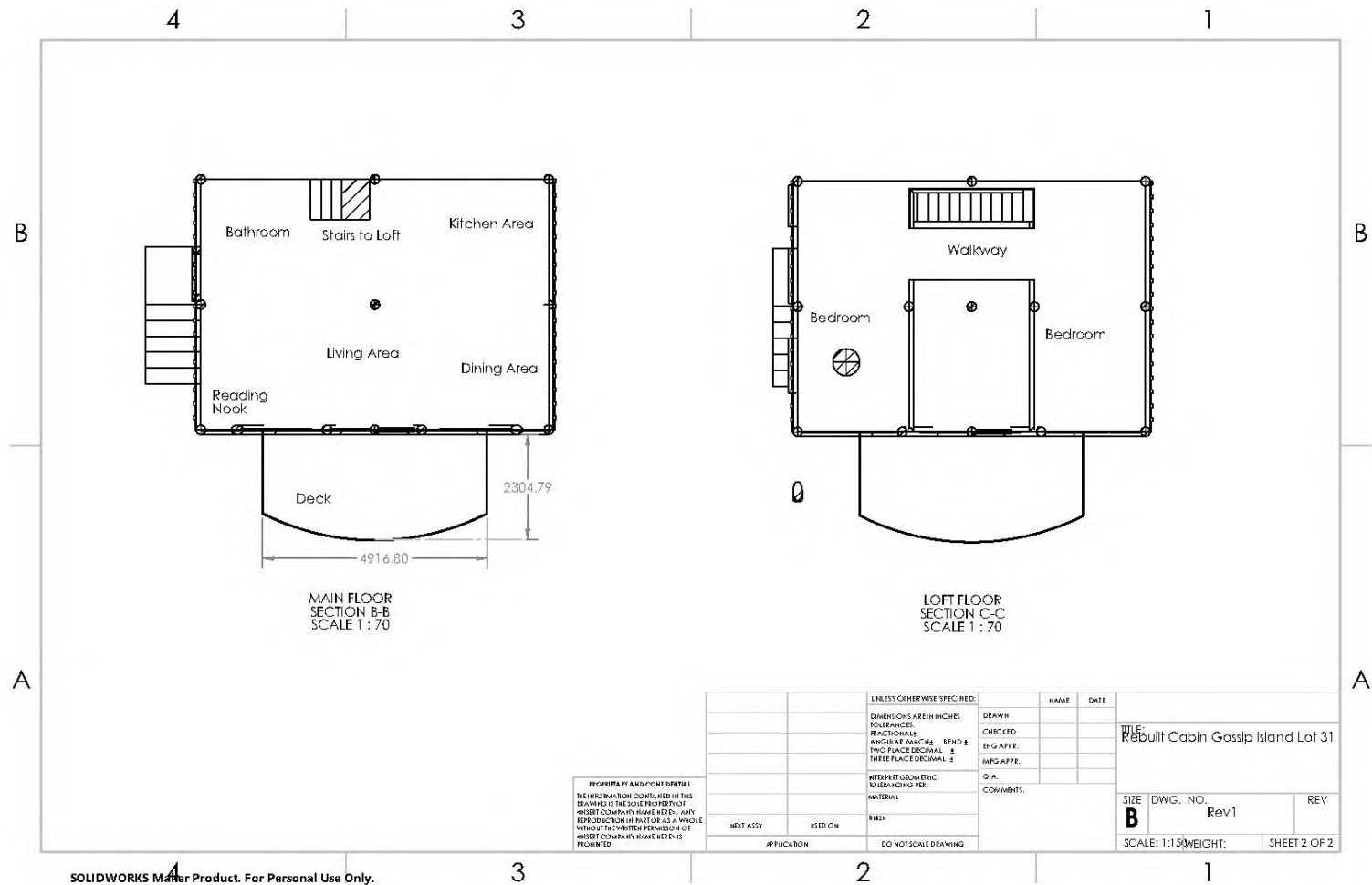
ATTACHMENT 2 – PLANS AND PHOTOS

DWELLING ELEVATIONS



ATTACHMENT 2 – CONT'D

DWELLING FLOOR PLANS



ATTACHMENT 2 – CONT'D

PHOTOGRAPHS



View south from shoreline - dwelling site in foreground (remnant of previous cabin)



Accessory building (looking northwest)



View northwest from Simpson Road



View west of dwelling on neighbouring Lot 32

ATTACHMENT 2 – CONT'D

PHOTOGRAPHS



Accessory shed (looking east)



View east along foreshore



View of shoreline (looking northwest)

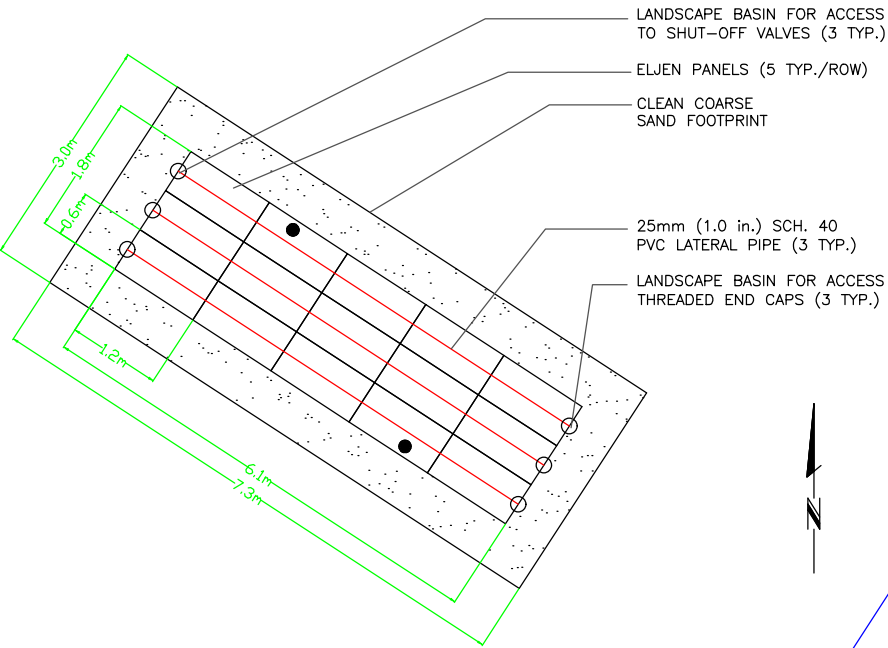
Rec'd via e-mail from Alex Mossman 2024-03-22:

We propose to locate our new dwelling largely on the site of the old cabin that existed on the property until recently. This will result in minimal disturbance of the ground and vegetation of the site, and avoid taking down any of the mature trees. The site also appeals for the same reasons that likely informed the siting of the original cabin: the ground is flat, outcrops of bedrock provide a good support for foundations, and it is a private location away from the road. To gain an additional buffer against erosion, we propose to move the footprint 1.5 meters landward from the original site.

In order to locate the building accordingly we request that the setback to the neighboring property be varied to permit the portion of the site that lies within 6 meters of the property line. We have applied for a shoreline development permit to allow the portion of the structure that is within the Shoreline Development Permit Area.

We also request that the 7.5 m setback from the road be varied to allow the auxiliary structure on our lot to remain to serve as storage. Its current location is constrained by several mature trees and sloping ground to its north which make it challenging to locate without varying the setback.

* NOTE CLEARTech DOES NOT CONDUCT ELECTRICAL INSPECTION OR CONFIRM COMPLIANCE WITH ANY ELECTRICAL CODES. CLEARTech WILL TEST FOR ELECTRICAL FUNCTION ONLY.
* NO GARBURATOR OR WATER SOFTENER DISCHARGE ALLOWED



DISPOSAL FIELD INSET
N.T.S.

LEGEND

- APPROX. LOCATION OF TEST PIT (SEE DWG. NO. 2)
- INSPECTION WELL (SEE DETAIL 1)
- PROPERTY LINE
- DISTRIBUTION LATERAL

- PROPOSED 1000 lgal 2-CHAMBER POLYETHYLENE SEPTIC TANK (RKS1000LP/2) W/ POLYLOK PL-122 FILTER (SEE DETAIL 2)
- PROPOSED 300 lgal POLYETHYLENE PUMP CHAMBER (CANWEST RKP300LP) WITH ASHLAND EPF30 PUMP (115/1/60) AND RHOMBUS CONTROL PANEL/C-LEVEL SENSOR (SEE DETAIL 3)
- PROPOSED 38mm (1.5 in.) Ø SCH. 40 PVC TRANSPORT LINE TO DISPOSAL FIELD
- PROPOSED ELJEN DISPOSAL FIELD:
BASAL AREA (TOTAL SAND FOOTPRINT) = 7.3m (24 ft.) x 3.0m (10 ft.)
INFILTRATION AREA = 6.1m (20 ft.) x 1.8m (6 ft.) x MIN. 150mm (6 in.) CLEAN COARSE SAND REQUIRED UNDER BED WITH 3 ROWS OF 5 ELJEN PANELS PER ROW (TOTAL 15); W/ 3 x 6.1m (20 ft.) LONG x 25mm (1.0 in.) Ø SCH. 40 PVC ELJEN LATERALS. EACH LATERAL TO HAVE 10 x 3mm (1/8 in.) Ø ORIFICES AT 610mm (24 in.) SPACING. SEE DWG. NO. 2 AND DETAIL 4.

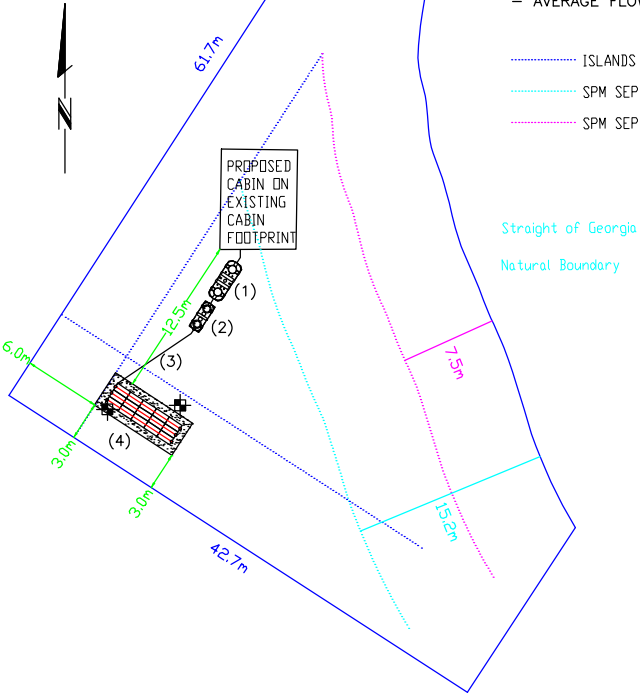
CONSTRUCTION NOTES:

- WORK TO BE COMPLETED DURING DRY WEATHER ONLY
- ACTUAL PROPERTY BOUNDARIES TO BE CONFIRMED IN FIELD BY CONTRACTOR/OWNER AS REQUIRED
- ALL WORKS TO BE COMPLETED AS PER CURRENT STANDARDS AS PER LATEST EDITION OF STANDARD PRACTICE MANUAL
- ANY CONFLICTS BETWEEN THESE DRAWINGS AND SITE CONDITIONS TO BE REPORTED TO ENGINEER PRIOR TO CONSTRUCTION
- ALL UTILITIES TO BE LOCATED PRIOR TO SYSTEM INSTALLATION
WATER LINE TO BE SLEEVED IF WITHIN 3.0m OF NEW DISPOSAL FIELD (OR RELOCATED)

LOADING RATE INFORMATION

- LOADED BASAL AREA = 22 sq.m. = 240 sq.ft.
- LOADED BASAL AREA LR = 45.5 L/sq.m/d = 0.9 lgal/sq.ft./d
- SYSTEM DESIGNED FOR:
2 BEDROOM RESIDENCE MAX. 80 sq.m. (864 sq.ft.)
- PEAK FLOW = SPM TABLE II-8 = 1000 L/d = 220 lgp/d
- AVERAGE FLOW = 500 L/d = 110 lgp/d

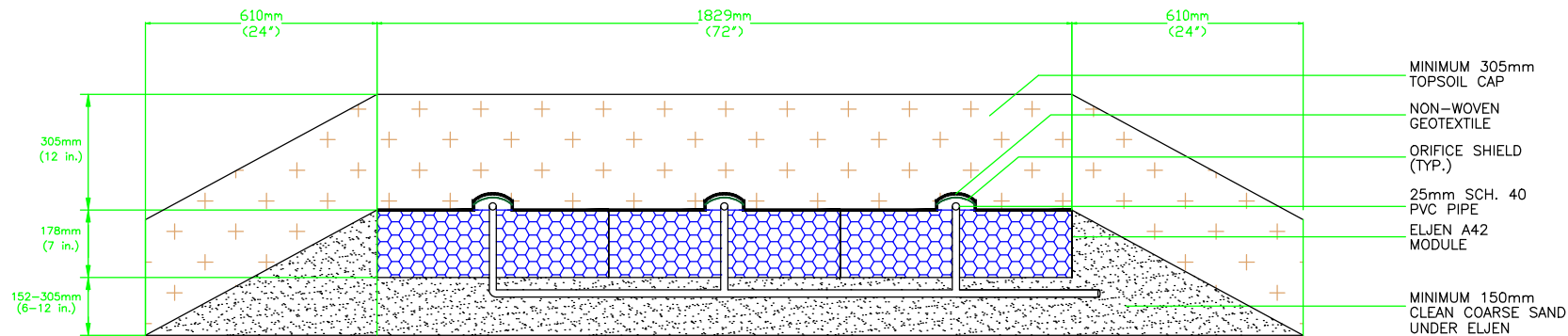
- ISLANDS TRUST SETBACK
- SPM SEPTIC FIELD SETBACK
- SPM SEPTIC TANK SETBACK



SITE PLAN
1:400 (11" x 17")

677 SIMPSON CRES, GOSSIP ISLAND, BC
LOT 31, PLAN VIP15599, COWICHAN LAND DISTRICT, PORTION GOSSIP ISLAND

SEAL	CLIENT: MOSSMAN	1345 SALISBURY DRIVE, VANCOUVER, BC V6L 4B4 TEL: 604-271-8888 EMAIL: info@cleartechconsultingltd.com WEB: www.cleartechconsultingltd.com EG&S PERMIT TO PRACTICE # 1028157				PROJECT 677 SIMPSON CRES, GOSSIP ISLAND, BC				
		TITLE PROPOSED ON-SITE SEWAGE DISPOSAL SYSTEM – SITE PLAN								
		SCALE DRAWN	SHOWN	DESIGN	CLR	DATE OF ISSUE DEC 2023	PROJECT No. 323-0103	DWG. No. 1 OF 6	REV. A	
			YK	REVIEWED	CLR					
		REVISION:				INITIAL				DATE
						NOTE: THIS DRAWING IS THE SOLE PROPERTY OF CLEARTECH CONSULTING LTD. AND CANNOT BE REPRODUCED OR COPIED WITHOUT EXPRESS WRITTEN PERMISSION				



DISPOSAL FIELD CROSS-SECTION A-A

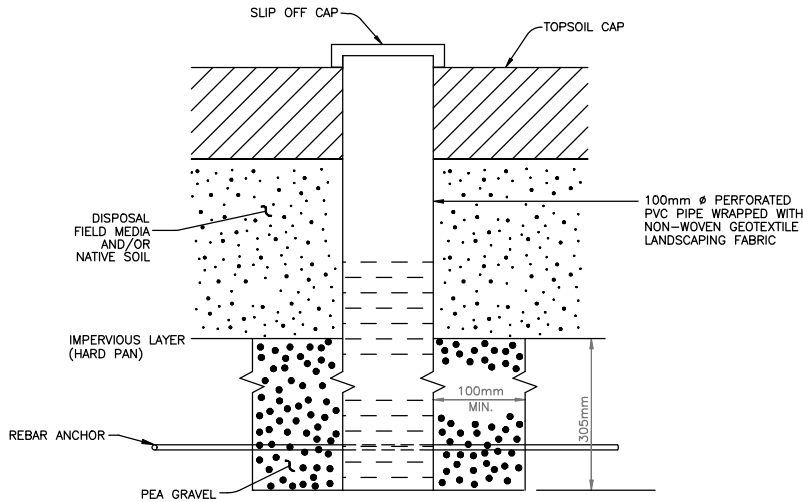
N.T.S.

NOTES:

- 1) SEEPAGE BED AREA TO BE SCARIFIED PRIOR TO PLACEMENT OF SAND
- 2) EXCAVATIONS TO BE REVIEWED BY CLARTECH PRIOR TO PLACEMENT OF SAND/GRAVEL. EXCAVATION BOTTOM AND LATERALS TO BE LEVEL.
- 3) BED EXCAVATION TO BE COMPLETED IN DRY WEATHER UTILIZING A TRACK MOUNTED EXCAVATOR BY A CONTRACTOR EXPERIENCED IN DISPOSAL FIELD CONSTRUCTION.

SOIL PROFILE

- TP1
 0-11cm - TOPSOIL, organics
 11-41cm - reddish brown SILT, sandy, some clay, trace gravel, occas. cobble, strong granular structure, roots
 @41cm - REFUSAL (suspected bedrock)
 - PH1 = 2.5 min./25mm



INSPECTION WELL 1

N.T.S.

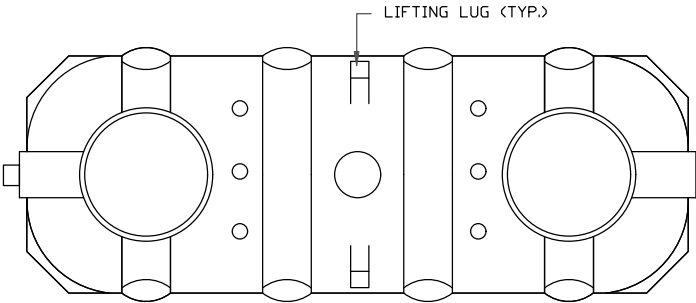
**CLEAN COARSE SAND - SPM V3 TABLE II-25
 AGGREGATE GRADATION CHART**

THE FILTER MEDIA SHALL MEET THE FOLLOWING PARTICLE SIZE GRADATION:

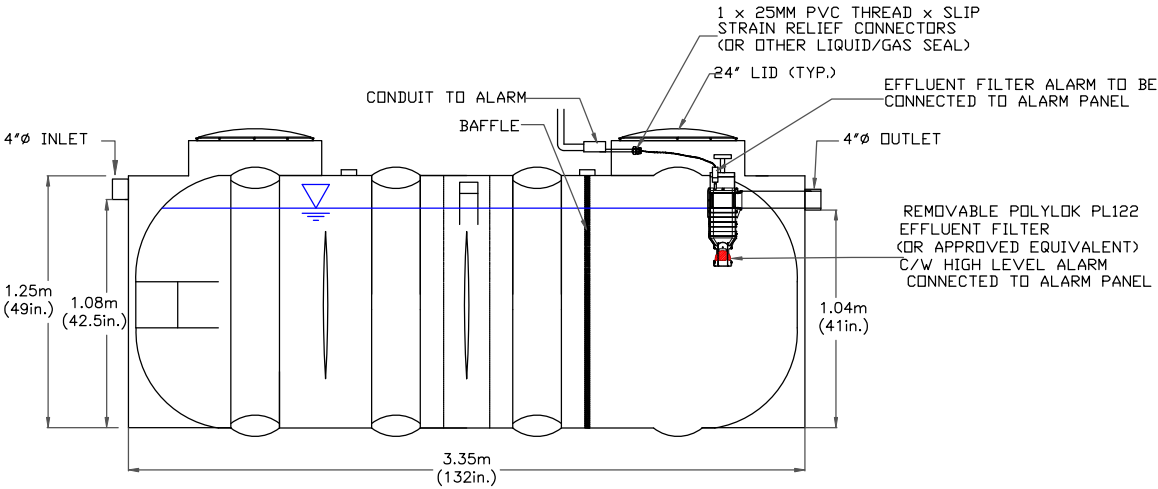
Sieve	Effective particle size	% Passing (by weight)
3/8 in	9.5mm	100%
No. 4	4.75mm	95-100%
No. 8	2.36mm	80-100%
No. 16	1.18mm	50-85%
No. 30	0.6mm	25-60%
No. 50	0.3mm	10-30%
No. 100	0.15mm	0-7%
No. 200	0.075mm	0-3%

PROJECT		677 SIMPSON CRES, GOSSIP ISLAND, BC	
TITLE		PROPOSED ON-SITE SEWAGE DISPOSAL SYSTEM - FIELD CROSS-SECTION	
SCALE	SHOWN	DESIGN	CLR
	DRAWN	REVIEWED	CLR
CLIENT:		MOSSMAN	
SEAL		REVISION:	
PROJECT NO.		323-0103	
DATE OF ISSUE		DEC 2023	
DWG. No.		2 OF 6	
REV.		A	
DATE		DATE	
INITIAL		INITIAL	

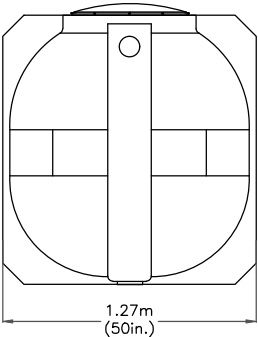
NOTES: CONTRACTOR TO PROVIDE STABLE AND LEVEL FOUNDATION SUBGRADE FOR ALL TANKS. MANUFACTURERS BACKFILL SPECIFICATION MUST BE FOLLOWED. TANK DIMENSIONS BASED ON CANWEST RKS1000LP/2



TOP VIEW



SECTION VIEW



END VIEW

SECTION AND ELEVATION VIEW THROUGH 1000 lgal SEPTIC TANK 2
N.T.S.

SEAL	CLIENT: MOSSMAN	1345 SAUSBURY DRIVE, VANCOUVER, BC V6L 4B4 TEL: 604-329-8324 WWW.MOSSMANENGINEERING.COM EGBC PERMIT TO PRACTICE # 1002157				PROJECT 677 SIMPSON CRES, GOSSIP ISLAND, BC			
		1345 SAUSBURY DRIVE, VANCOUVER, BC V6L 4B4 TEL: 604-329-8324 WWW.MOSSMANENGINEERING.COM EGBC PERMIT TO PRACTICE # 1002157				PROJECT 677 SIMPSON CRES, GOSSIP ISLAND, BC			
		1345 SAUSBURY DRIVE, VANCOUVER, BC V6L 4B4 TEL: 604-329-8324 WWW.MOSSMANENGINEERING.COM EGBC PERMIT TO PRACTICE # 1002157				PROJECT 677 SIMPSON CRES, GOSSIP ISLAND, BC			
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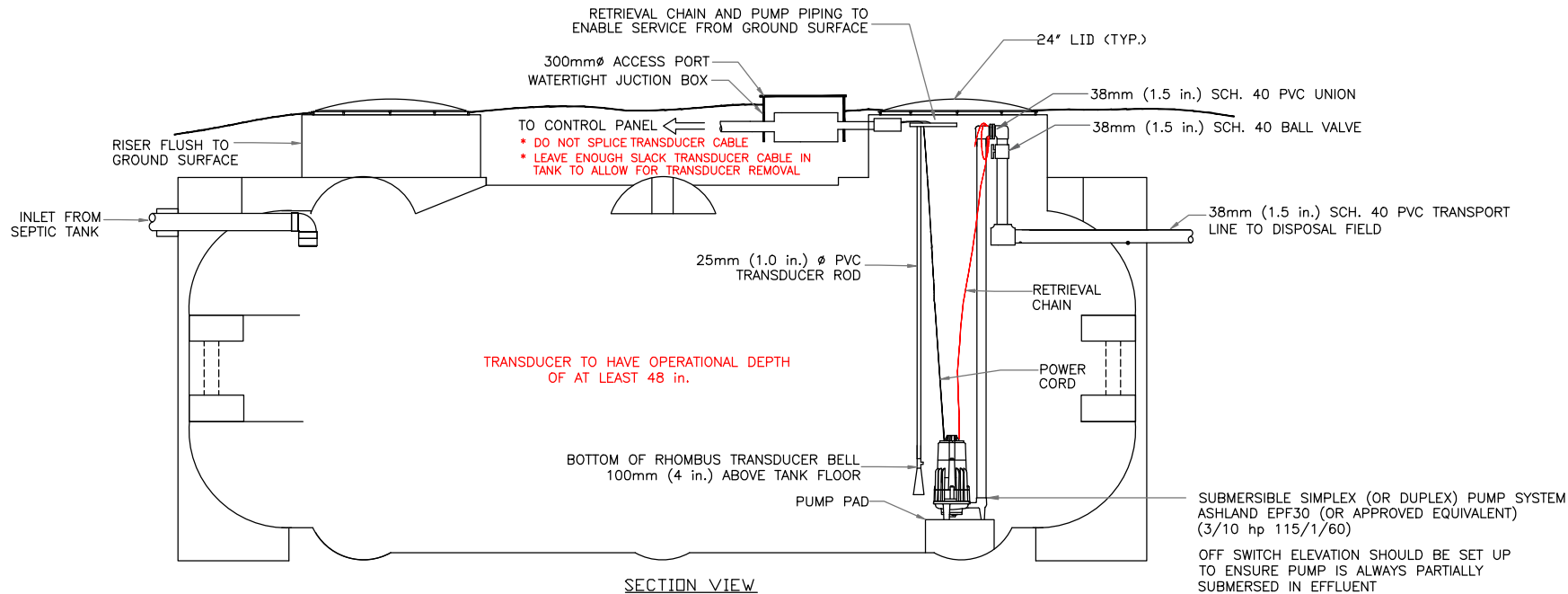
CONTROL PANEL SPECIFICATIONS

PROVIDE A PRESSURE TRANSDUCER AND SIMPLEX/DUPLEX RHOMBUS PUMP CONTROL PANEL IN A VANDAL PROOF ENCLOSURE (EEMAC OR EQUIVALENT) FOR INDOOR MOUNTING. PANEL TO BE CSA APPROVED.

* PUMP AND ALARM TO BE WIRED TO SEPARATE POWER SUPPLY CIRCUITS

- NOTES:
- 1) TRANSDUCER PANEL SETTINGS TO BE PROVIDED UPON CONFIRMATION OF PUMP CHAMBER SIZE AND DIMENSIONS
 - 2) IF TRANSPORT LINE TO REMAIN FULL (USING CHECK VALVE) THEN THE TRANSPORT LINE MUST BE FROST PROTECTED
 - 3) DOSE VOLUME TO INCREASE TO INCLUDE TRANSPORT LINE CHARGE VOLUME IF TRANSPORT LINE DRAINS BACK (IE. NO CHECK VALVE)
 - 4) GENERAL CONTRACTOR TO PROVIDE A MINIMUM OF TWO 3-CONDUCTOR 120/240 VAC CABLES AT CONTROL PANEL LOCATION FOR WIRING OF PANEL

* NOTE CLEARTECH DOES NOT CONDUCT ELECTRICAL INSPECTION OR CONFIRM COMPLIANCE WITH ANY ELECTRICAL CODES. CLEARTECH WILL TEST FOR ELECTRICAL FUNCTION ONLY.



SECTION VIEW THROUGH 300 lgal (MIN.) PUMP CHAMBER

N.T.S.

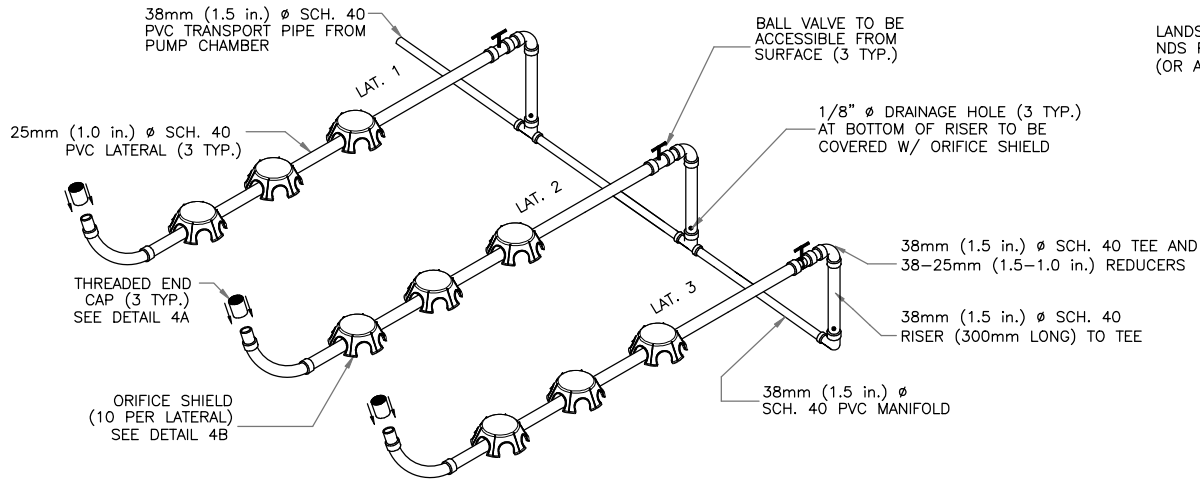
*** ALL PIPING TO BE CSA APPROVED SCH. 40 PVC ***

3

CLEARTECH CONSULTING LTD. 1345 SALISBURY DRIVE, VANCOUVER, BC V6L 4B4 TEL: 604-399-8324 EMAIL: info@cleartechconsulting.com WEB: www.cleartechconsulting.com EBC PERMIT TO PRACTICE # 1002157	PROJECT										677 SIMPSON CRES, GOSSIP ISLAND, BC																			
	CLIENT: MOSSMAN										TITLE										PROPOSED ON-SITE SEWAGE DISPOSAL SYSTEM – PUMP CHAMBER, EFFLUENT PUMP (SIMPLEX OR DUPLEX), AND CONTROL PANEL SPECIFICATIONS									
	SCALE DRAWN										SHOWN		DESIGN		CLR		DATE OF ISSUE		PROJECT No.		DWG. No.		REV.							
											YK		REVIEWED		CLR		DEC 2023		323-0103		4 OF 6		A							
																	INITIAL		DATE											
	SEAL										REVISION:										NOTE: THIS DRAWING IS THE SOLE PROPERTY OF CLEARTECH CONSULTING LTD. AND OF CLEARTECH CONSULTING LTD. AND OF CLEARTECH CONSULTING LTD. WITHOUT EXPRESS WRITTEN PERMISSION									

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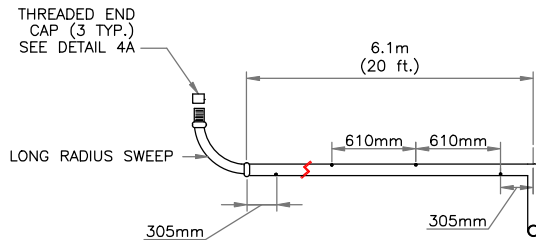
*** ALL PIPING TO BE SCH. 40 PVC ***



MANIFOLD CONNECTION TO LATERAL PIPES

N.T.S.

4

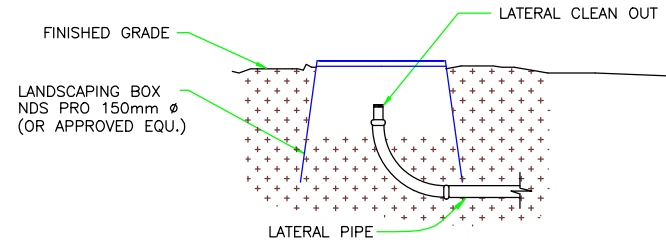


ORIFICES LOCATED ON LATERAL @ 12 O'CLOCK POSITION EXCEPT FIRST AND LAST ORIFICES ARE LOCATED @ 6 O'CLOCK. FIRST AND LAST ORIFICE AT 1/2 SPACING FROM THE MANIFOLD AND END CLEANOUT RESPECTIVELY. LATERAL TO BE LAID LEVEL.

ELEVATION VIEW OF LATERAL PIPE

N.T.S.

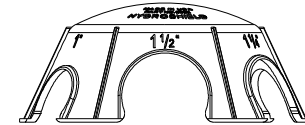
SEE TABLE OF LATERAL AND ORIFICE SPECIFICATIONS



ACCESS PORT

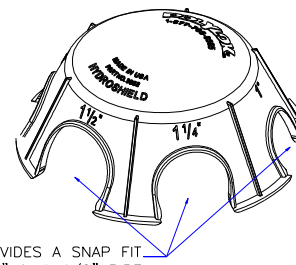
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4A



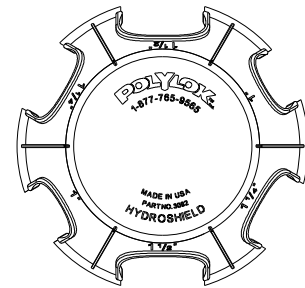
SIDE VIEW

POLYLOK HYDROSHIELD
PART NO. 3082
MATERIAL - ABS



DETAIL PROVIDES A SNAP FIT FOR 1", 1 1/4" & 1 1/2" PIPE

OBLIQUE VIEW



TOP VIEW

ORIFICE SHIELD

N.T.S.

4B

PROJECT 677 SIMPSON CRES, GOSSIP ISLAND, BC

TITLE PROPOSED ON-SITE SEWAGE DISPOSAL SYSTEM - PIPING DETAILS

CLIENT: MOSSMAN

1345 SAUSURUP DRIVE, VANCOUVER, BC V6L 4B4

TEL: 604-299-8324 FAX: 604-299-8324

WWW.CLEARTECHCONSULTING.COM

EGBC PERMIT TO PRACTICE # 1002157

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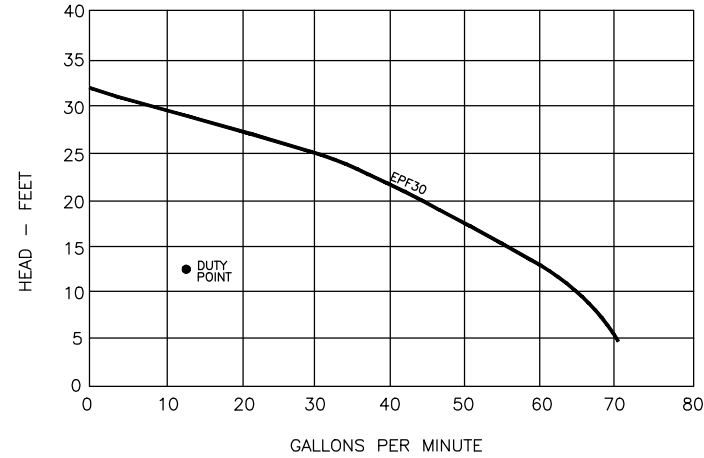
EGBC PERMIT TO PRACTICE # 1002157

CONSTRUCTION REVIEW SCHEDULE

- 1) UPON PREPARATION OF DISPOSAL FIELD AREA, PRIOR TO PLACEMENT OF SAND.
- 2) UPON PLACEMENT OF TANKS, PRIOR TO BACKFILLING.
- 3) UPON COMPLETION OF FIELD INSTALLATION AND PLUMBING WORKS, PRIOR TO PLACEMENT OF ORIFICE SHIELDS. PRESSURE TEST TO BE CONDUCTED AT THIS TIME.
- 4) UPON COMPLETION OF CONTROL PANEL, ALARM, AND FLOAT INSTALLATION AND AFTER DISPOSAL FIELD HAS BEEN BACKFILLED.

* 24 HOUR NOTICE REQUIRED FOR CONSTRUCTION REVIEW VISITS.

* NOTE CLARETECH DOES NOT CONDUCT ELECTRICAL INSPECTION OR CONFIRM COMPLIANCE WITH ANY ELECTRICAL CODES. CLARETECH WILL TEST FOR ELECTRICAL FUNCTION ONLY.



ASHLAND EPF30 PUMP PERFORMANCE CURVES

LATERAL AND ORIFICE SPECIFICATIONS

LATERAL	LENGTH (ft)	NO. of ORIFICES	ORIFICE DIAMETER (INCHES)	ORIFICE SPACING (INCHES)	ORIFICE DISCHARGE (U.S. GPM)	RESIDUAL HEAD (ft)	LATERAL DISCHARGE (U.S. GPM)
1	20.0	10	1/8	24.0	0.41	5	4.1
2	20.0	10	1/8	24.0	0.41	5	4.1
3	20.0	10	1/8	24.0	0.41	5	4.1
MINIMUM FLOW RATE							12.3

TOTAL DYNAMIC HEAD	
38mm (1.5 in.) Ø TRANSPORT LINE	1.4 ft.
LATERALS, RISERS, AND MANIFOLD	0.3 ft.
ELEVATION LIFT	6.0 ft.
RESIDUAL HEAD	5.0 ft.
TOTAL DYNAMIC HEAD	
12.7 ft.	

PROJECT

677 SIMPSON CRES, GOSSIP ISLAND, BC

TITLE

PROPOSED ON-SITE SEWAGE DISPOSAL SYSTEM – DESIGN DETAILS

CLEARTECH CONSULTING LTD.

1345 SAUSURRY DRIVE, VANCOUVER, BC V6L 4B4
TEL: 604-299-8324
WWW.CLEARTECHCONSULTING.COM
EGBC PERMIT TO PRACTICE # 1002157

CLIENT:

MOSSMAN

SCALE

SHOWN

YK

DATE OF ISSUE

DEC 2023

PROJECT No.

323-0103

DWG. No.

6 OF 6

REV.

A

SEAL

REVISION:

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Islands Trust

**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GL-DVP-2024.1**

To: Alexander Mossman and Selena Lam

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

LOT 31, GOSSIP ISLAND, COWICHAN DISTRICT, PLAN 15599
(PID: 004-523-423)

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

- a) Section 2.5 which states that accessory buildings and structures must not exceed a height of **5 metres** is varied to permit an existing accessory building shown as Building 'B' on Schedule 'A' with a height of **5.5 metres**.
- 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 a Sewage Absorption Field shown as Structure 'G' on Schedule 'A' within **22 metres** of the natural boundary of the sea.
- c) Article 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:
 - i) the siting of an existing accessory building shown as Building 'B' on Schedule 'A' within **2.9 metres** of the front lot line; and,
 - ii) the siting of structures (Buried Sewer Pipe and Septic Absorption Field) shown as Structures 'F' and 'G' on Schedule 'A' within **3.5 metres** of the front lot line.
- d) Article 5.3.8.2 which states that buildings and structures must be sited at least **6.0 metres** from each interior side lot line is varied to permit:
 - i) the siting of a structure (Rain Water Tank) shown as Structure 'D' on Schedule 'A' within **4.0 metres** of an interior side lot line;
 - ii) the siting of a building (Dwelling) shown as Building 'A' on Schedules 'A' and 'B' within **1.8 metres** siting of an interior side lot line; and,
 - iii) the siting of an existing accessory building shown as Building 'B' on Schedule 'A' within **5.5 metres** of an interior side lot line.

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

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

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], 2024

Deputy Secretary, Islands Trust

Date of Issuance

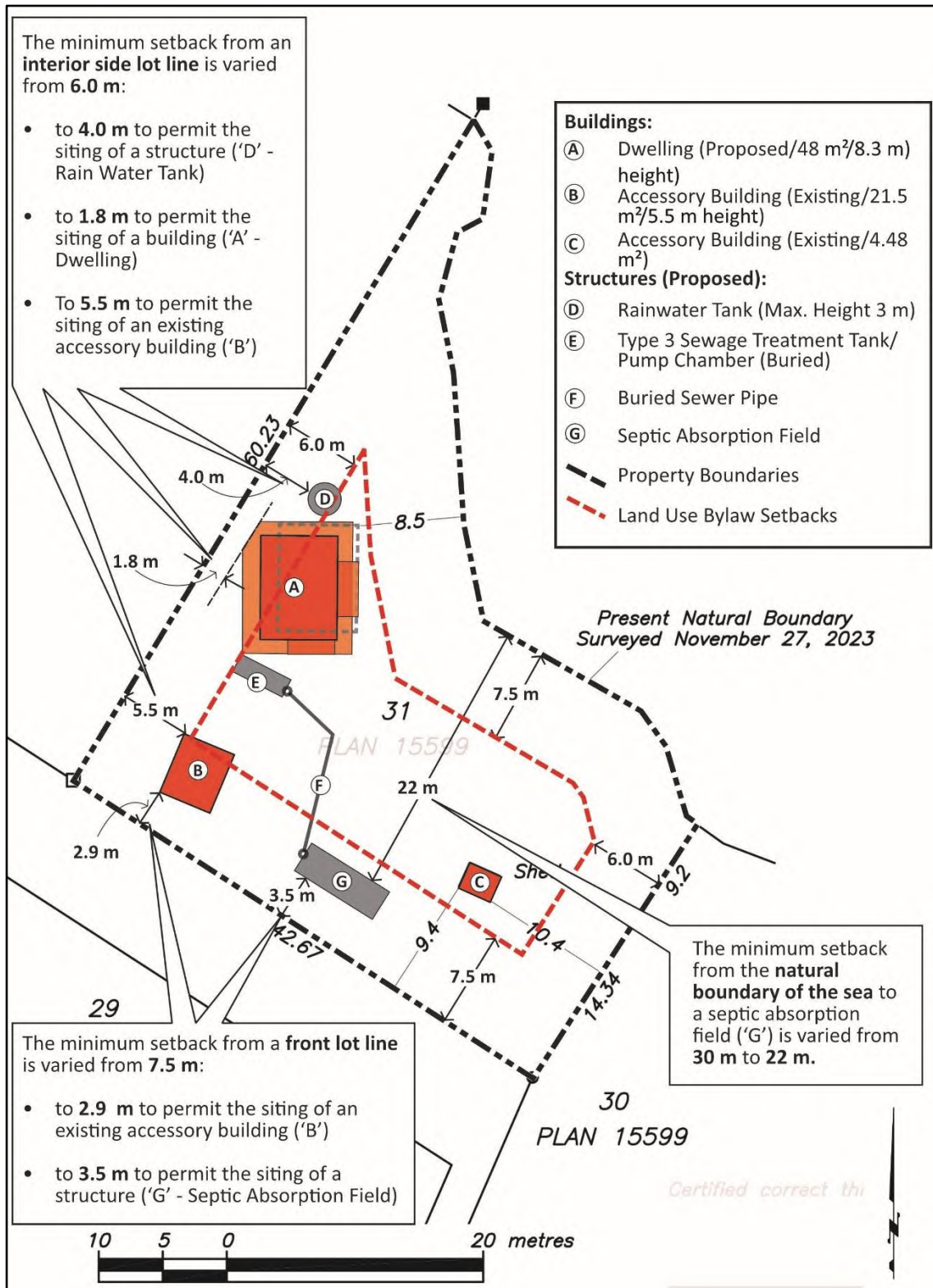
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], YEAR THIS PERMIT AUTOMATICALLY LAPSES.

DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE

GL-DVP-2024.1

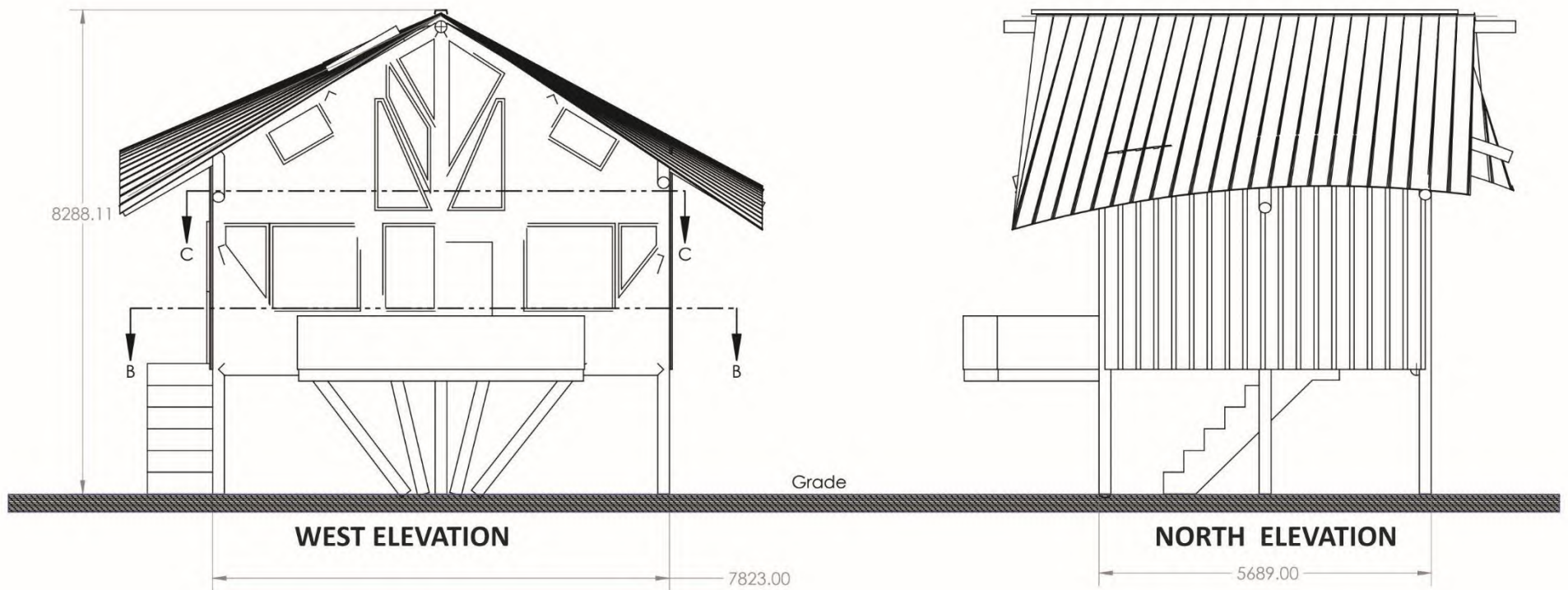
SCHEDULE 'A'



GALIANO ISLAND LOCAL TRUST COMMITTEE

GL-DVP-2024.1

SCHEDULE 'B'



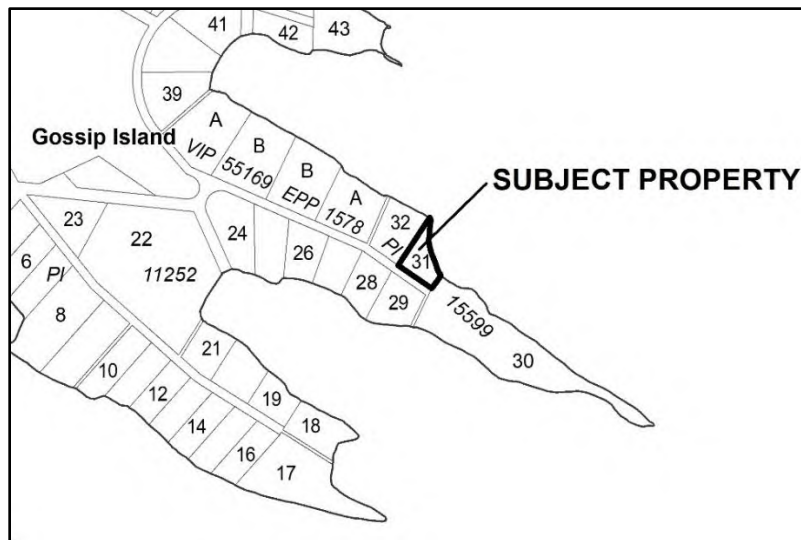


NOTICE
GL-DVP-2024.1
GALIANO ISLAND LOCAL TRUST COMMITTEE

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

- Variances to: the setback from the interior side lot line for construction of a proposed new dwelling and a structure (rainwater tank); the setback from the interior side and front lot line and height regulations for an existing accessory building; and, the setback from the front lot line and natural boundary of the sea for a septic absorption field and buried piping.

The property is located at **677 Simpson Crescent** and is legally described as LOT 31, GOSSIP ISLAND, COWICHAN DISTRICT, PLAN 15599 (PID: 004-523-423). 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 **March 18, 2024** and continuing up to and including **March 29, 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 **March 18, 2024**.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **March 29, 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., April 9, 2024**, at the **Galiano South Community Hall, 141 Sturdies Bay Road** on Galiano Island.

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

Jas Chonk, Deputy Secretary

MEMORANDUM

File No.: GL-DVP-2023.5 (Scoones)

DATE OF MEETING: April 9, 2024
TO: Galiano Island Local Trust Committee
FROM: Bruce Belcher, Planner 1
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: GL-DVP-2023.5

PURPOSE

To provide an update to the Local Trust Committee regarding the status of the Development Variance Permit (DVP) Application GL-DVP-2023.5 (Scoones).

BACKGROUND

At the February 13, 2024 meeting, the LTC passed a resolution in response to the DVP application at 1656 Sticks Allison Road:

GL-2024-002

It was Moved and Seconded,

that Galiano Island Local Trust Committee defer a decision on GL-DVP-2023.5 (Scoones) to allow the applicant more time with the neighbours to address the variances.

CARRIED

Following the February 13, 2024 meeting the applicant has not made changes to the original DVP application and is resubmitting the application for LTC review for the April 9, 2024 meeting. The applicant has submitted a letter in response to the concerns submitted by neighbours (Attachment 1), as well as a Certified Septic Inspection letter completed in 2022 (Attachment 2).

Circulation

DVP notices were re-circulated to surrounding property owners and residents on March 18, 2024 (Attachment 3). The notification period ended on March 29, 2024.

At the time of writing, staff have received two written submission additional to the previous five responses to the notification. Correspondence related to this application is posted on the Islands Trust website:

<https://islandstrust.bc.ca/island-planning/galiano/current-applications/>

Submitted By:	Bruce Belcher, Planner 1	March 26, 2024
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Concurrence:	Robert Kojima, Regional Planning Manager	March 26, 2024
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ATTACHMENTS

1. Applicant Letter
2. Certified Septic Inspection Letter
3. Notice

[REDACTED]
[REDACTED]
[REDACTED]

March 22, 2024

Bruce Belcher
Islands Trust
Planner 1
Galiano Island, BC
bbelcher@islandstrust.bc.ca

Dear Bruce,

Re: GL-DVP-2023.5, 3307 Montague Road, Galiano Island, BC

This letter and attached documents are intended to provide supporting information for the above DVP application to the Islands Trust and the Local Trust Committee prior to the LTC meeting on April 9, 2024.

On February 1, 2024 Islands Trust received a letter jointly signed by [REDACTED] adjacent neighbours to the subject property, in response to the above DVP application. In it they collectively expressed contempt for the proposed variance permit calling it variously a “sham”, “bordering on negligence”, an “administrative patch job”, and a “cop out”.

Despite the [REDACTED] Letter and based on the Islands Trust Staff Report prepared in advance of the Galiano Local Trust Committee meeting on February 13, I was hopeful the LTC would approve my application. Instead, I was subjected to [REDACTED] frequent disparaging comments directed at my deceased father, John Scoones. I also heard [REDACTED] comments regarding his opposition to the proposed variance permit.

As a result of the LTC Meeting, the LTC put a focus on me discussing the subject variances with the neighbours ahead of any upcoming LTC meeting, as a pathway for moving forward with the file. However, immediately after the LTC Meeting, I spoke with LTC member Lisa Gauvreau, and told her, given [REDACTED] behaviour and the contemptuous language in the [REDACTED] Letter, I would not negotiate directly with [REDACTED], or the other adjacent neighbours. I was looking for alternative ways to comply and Lisa suggested that I go through you instead, as you're the Islands Trust Planner.

There were many comments during the Town Hall meeting regarding the accessory building on the subject property. One of the features on this building has been identified as the “bump-out”, which is currently 1.5 metres from the Interior Lot line, as shown on Schedule A to the proposed variance permit. The bump-out was in place before the [REDACTED] purchased their property in 2014, and approval of the variance would make the building compliant with the LUB 127.

However, as a concession I am prepared to have the bump-out removed, subject to all four signatories to the [REDACTED] Letter confirming in writing that they no longer object to the proposed variance permit.

During the LTC meeting, a person in attendance expressed concern about possible leakage from the septic absorption field on the subject property, as it is within the setback from the natural boundary. Lisa Gauvreau also wondered whether the septic system that Island Health approved in 2005 has reached the end of its life.

In May 2022, a Registered Onsite Wastewater Practitioner inspected the septic system. He reported that the absorption field “. . . looks to be in as new condition”. A copy of the report is attached. All of the recommendations have been completed. (Documentation is available, if required.)

While the [REDACTED] Letter acknowledged that their allegations of "additional violations" are outside the scope of the variance application, my comments in the attached schedule correspond to the 18 subheadings in the letter.

I believe that the proposed variance permit is a reasonable way to move forward, and I thank the Islands Trust staff and the Local Trust Committee members for considering my application.

Best regards,

[REDACTED]

Catherine Scoones
Executrix
Estate of John Scoones

SCHEDULE
Responses to Alleged “Additional Violations”
Set out in the [REDACTED] Letter

1. Development Violation

- The short-lived construction of the rock retaining walls took place between February 5, 2005, when Mr. Scoones purchased the property, and May 26, 2005, when Island Health approved the new onsite sewage system. Nine years later, the [REDACTED] purchased their adjacent property.
- The [REDACTED] have owned their property since 1993. However, as there is no septic system on their property, I understand they were not living there in 2005, and they are not living there now. As seasonal property owners, it is unlikely they would have been unusually impacted during the short-lived landscaping activity in the winter and spring of 2005.
- The rock retaining walls built on the Scoones property were built to professional standards by Mr. Scoones, a professional heavy equipment operator with expertise in steep slope mitigation. Before the rock walls were constructed, the property was subject to heavy runoff and erosion. Other walls constructed by Mr. Scoones include the Galiano Inn seawall at Sturdies Bay and Montague Provincial Park.
- Since 2005, the rock retaining walls have created a new and significantly larger septic absorption field, which prevents drainage into Montague Harbour.
- In May 2022, the sewage system on the Scoones Property was inspected by a certified ROWP, who noted that the sewage absorption field installed in 2005 “looks to be in as-new condition”. ROWP Certified Inspection Report is attached.

2. No Development and Building Permits

- In fact, Mr. Scoones obtained a permit for the accessory building in 2006. As noted above, in 2005 he obtained a permit for the septic system. In 2010, Mr. Scoones applied for a DVP to legalize the siting of other structures and buildings, and the proposed variance permit is the culmination of that application.

3. Lot Coverage Exceedance

- As the dwelling on the Scoones property is uninhabitable, the Executrix concluded that the new owner would have to apply to Islands Trust for either a renovation permit or a development permit, at which time the lot coverage will be addressed
- As pointed out in the Islands Trust Staff Report dated February 7, 2024 (the Staff Report), the Executrix opted out of applying for this variance.

4. Oversized Float

- All Crown Land, including those parcels abutting the [REDACTED] and [REDACTED] upland properties, is currently under review as part of the Province's proposed amendments to the Land Act.
- Proposed amendments are to provide for a co-management regime with First Nations to co-manage Crown Land. The proposed amendments, originally scheduled to be passed before the Legislature's summer break, are now on hold pending further consultation with the public and with stakeholders.
- The new owner of the property will have to comply with the rules pursuant to a co-management agreement, after the legislation amendments are brought into force.

5. Float Made Available to Boaters for a Fee

- See paragraph 4 above.

6. Accessory Building without a Building Permit

- As noted in paragraph 2 above, Mr. Scoones obtained a permit for the accessory building in 2006; no variance is required.

7. Accessory Building Rental

- Human habitation of the accessory building is prohibited. The new owner of the property will have to inform themselves on bylaw requirements and comply with the prohibition on human habitation.

8. Lot Density with Cottage

- As noted in paragraph 3 above, the dwelling on the Scoones property is uninhabitable. Consequently, the Executrix concluded that the new owner must apply for either a renovation permit or a development permit, at which time the lot coverage will be addressed.
- As pointed out in the Islands Trust Staff Report, the Executrix opted out of applying for this variance.

9. Encroachment on Road Allowance

- Montague Road is a highway as defined in the Transportation Act, administered by the Minister of Transportation and Infrastructure.

10. Montague Road Shoulder Unstable

- See paragraph 9 above.

11. Damage to MID Water System

- As [REDACTED] is an official, or former official, with the MID, she is in a position to know, and should have known, that in 2018 MID proposed to relocate the service.
- On June 1, 2018, [REDACTED], then and now Chair of the MID, met with the then Executor, Daniel Scoones. During their conversation, I understand [REDACTED] said the relocation was needed, in part, to enlarge the MID service line to the [REDACTED] property.
- [REDACTED] acknowledged that while the Scoones property was no longer connected to the MID system, he asked that the Estate help pay for the cost of the improvements.
- The Executor agreed to [REDACTED] request, and in July 2020, the Estate paid the MID's invoice in the amount of \$1,731.87. In any event, the Estate has never denied the MID access to the Scoones property for any required maintenance.

12. Tampering with the MID Water System

- During [REDACTED] conversation with the Executor, described in paragraph 11 above, [REDACTED] expressed his opinion that a part of the MID infrastructure was damaged by a guest of the property owner who attempted to repair the equipment. I understand that [REDACTED] comment factored into the Executor's agreement to contribute to the MID's costs.

13. Unauthorized Water Hook Up to MID Water System

- As [REDACTED] is an official, or former official, with the MID, she is in a position to know, and should have known, that the Scoones property is not connected to the MID system and has not been for many years.

14. Unauthorized Sewage Hookup to Accessory Building

- As noted in paragraph 2 above, Mr. Scoones obtained a permit for the accessory building in 2006; no variance is required.
- As noted above, Island Health approved the septic system in 2005.

15. Unauthorized Electrical Hookup to Accessory Building

- As noted above, Mr. Scoones obtained a permit for the accessory building in 2006; no variance is required.
- An electrician attended at the accessory building in October 2023, at which time he updated the electrical connection to the septic system pump.

16. Retaining Walls Located in Setback Areas

- The comparatively small portions of the retaining walls located in the setback areas are included in the present variance application for a DVP.

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

- The Executrix has applied to Islands Trust for a Development Variance Permit to bring existing structures and buildings into compliance with the bylaws, as set out in the Staff Report.

18. Sewage Absorption Field – General

- As noted in the Staff Report (page 25) the waterfront of both the Scoones property and the [REDACTED] property are in “Steep Slope High Hazard” locations. Retaining walls are commonly used to address hazards on steep slopes.
- The rock retaining walls on the Scoones property not only reduced or eliminated the steep slope high hazard, but also significantly enlarged the septic absorption field, thereby reducing the risk of drainage from the field into the ocean.
- By contrast, and with respect to the septic system on the [REDACTED] property:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

- The [REDACTED] Letter inferred that it is best to not disturb the “Steep Slope High Hazard” area on the [REDACTED] property; to leave it in its natural state, despite the long-used sewage absorption field it contains, without protection of retaining walls.
- The [REDACTED] Letter states that the Scoones property should be returned to its natural state, by removing the existing rock retaining walls that have:
 - existed for almost 20 years.
 - protected an approved septic system.
 - stabilized a steep slope high hazard; and
 - prevented erosion and septic drainage into the ocean.

DAVID MILNER
dba
CERTIFIED SEPTIC INSPECTION

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

MAY 11, 2022
OUR FILE #GALIANOMONTAGUEROAD3307

Ms Kate Scoones
3307 Montague Road
Galiano Island, BC.



**RE: Performance Inspection of the Onsite Sewerage System at
3307 Montague Road, Galiano Island, BC.**

Dear Ms Kate Scoones

I attended on May 11, 2022 to carry out an inspection of the onsite sewerage system serving this home noted above.

A performance inspection was carried out to determine the size, condition and overall performance of the system.

During the **performance inspection** the following items were noted:

Tank Location

- Location of the old septic tank is under the front deck of the home.
- Septic tank lids are at ground level.

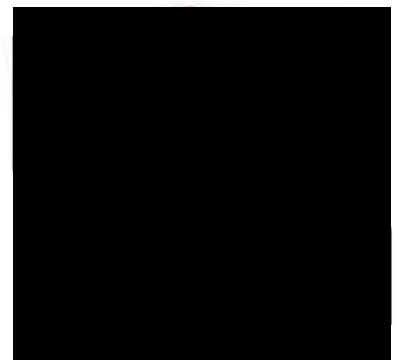
Operating System

- The septic tank is a 600-gallon, single compartment concrete tank.
- The septic tank outlet lid was removed to inspect the interior of the tank.
- These tanks were made very thin and it could collapse at any time.
- The septic tank is in poor condition. The reinforcing wire is corroding. The inlet and outlet Ts have corroded off, allowing solids from the septic tank to enter the septic field.
- The distribution box was located approximately 5 feet from the septic tank and is approximately 24 inches below ground level. The distribution lines are plugged with solids and biomat.
- The absorption field and septic tank are at the end of their service life.
- The older house system is not connected to the newer system installed below.
- The newer system has a 600-gallon pump chamber that pumps up to a newer pressure field that could not be tested due to the pump has been pulled out and not replaced.
- There is a 800 gallon plastic tank installed beside the cottage.
- The septic tank outlet “T” contains an effluent filter that needs to be cleaned every 6 months.
- The absorption field is a pressure field that appears to have been installed previous to 2005 standards. It looks to be in as new condition.

Recommendations

- The main home should be connected into the newer system.
- A new pump needs to be installed in the pump chamber.
- The plastic septic tank and pump chamber are about to over flow. They need to be pumped out before any use.
- The effluent filter needs to be cleaned every 6 months.

Please see attached photographs in regards to the system.



Disclaimer

This report represents my professional opinion as a certified residential septic inspector.

This inspection report is furnished as an aid in determining the physical condition of the inspected septic system.

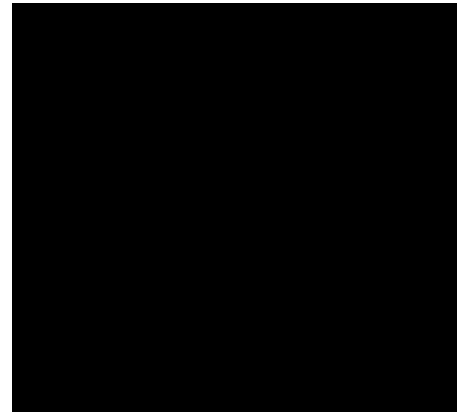
This inspection report does not guarantee or warranty future performance.

The inspection report excludes and does not intend to cover components that are inaccessible (by reasonable hand digging) or are otherwise not observable.

I certify that this report is current and accurate as of the date of inspection.

Thank you for the opportunity to help you with this matter. If at any time you have a question, please don't hesitate to call me.

David M. Milner
Onsite Wastewater Practitioner
Private Inspector of Residential Systems
ASTTBC Member Number OW0495

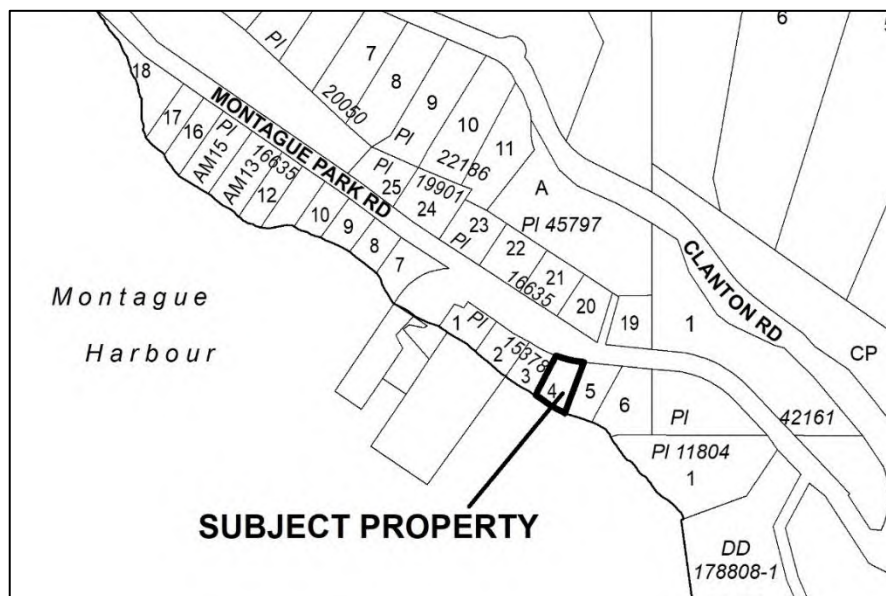


NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the Galiano Island Land Use Bylaw No. 127, 1999 by:

- 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 **March 18, 2024** and continuing up to and including **March 29, 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 **March 18, 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 before 4:30 pm, **March 29, 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., April 9th, 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.

DATE OF MEETING: April 9, 2024

TO: Galiano Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Covenant CA3321096 – Request for Exemption
Applicant: Lindsay Dakin & David Davis
Location: Lot 2, Plan EPP31161 – Panorama Lane

RECOMMENDATION

1. That the Galiano Island Local Trust Committee approves the removal of four trees from the Wetland Area on Lot 2 as shown on Schedule A of the Covenant CA3321096.

REPORT SUMMARY

To request the Galiano Island Local Trust Committee (LTC) to grant the property owners of Lot 2, Plan EPP31161 to remove four trees from the 'Wetland Area' as indicated in Section 219 Covenant CA3321096.

BACKGROUND

As a condition of subdividing the parent parcel in 2013 (GL-SUB-2012.2), a Section 219 covenant was registered on the parent parcel with the purpose of:

- Restricting the owner to subdivide the land in accordance with the subdivision plan shown on Schedule A of the covenant
- Identifying and protecting the Wetland Areas as shown on Schedule A of the covenant.

COVENANT EXEMPTION REQUEST

The property owners of Lot 2 (Plan EPP31161) Panorama Lane are in the process of developing their dwelling unit plans for this bare land lot. As stated in the attached letter from the property owners, they wish to locate a BC Hydro line across the wetland area in order to connect to an existing pole to service their lot as per BC Hydro's lay-out recommendation. In order to run the line across the wetland area, four trees are required to be removed from the covenanted wetland area. No hydro poles will be installed within the covenanted wetland area.

As stated in Section 2.2(f) of Covenant CA3321096, the owner shall not remove any trees from the wetland area without prior written approval from the LTC. If the LTC denies the request to remove the four trees, the property owners will be forced to move the BC Hydro line to a secondary area that could result in the loss of approximately 35 trees. In order to avoid the removal of additional trees, and the additional financial cost of the

second option, the property owners request the LTC approve the removal of the four trees from the covenant area.

Rationale for Recommendation

Staff supports the request to remove four trees from the wetland area as indicated in Schedule A of Covenant CA3321096 as this option would result in less tree removal from the subject property. If the Local Trust Committee supports this request, staff will visit the site after the tree removal to ensure the tree removal was in compliance with other conditions in Covenant CA3321096.

ALTERNATIVES

1. Deny the request

The LTC may deny the request to remove the four trees from the covenant area. With this option, the property owners must comply with the conditions contained in Section 219 Covenant CA3321096.

Submitted By:	Kim Stockdill, Island Planner	March 27, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	March 28, 2024

ATTACHMENTS

1. Letter from D. Davis & L. Dakin dated February 4, 2024
2. CA3321096

DAVID DAVIS & LINDSAY DAKIN

Lindsay Dakin | 778 835 7001 | lindsay.dakin@gmail.com

David Davis | 604 363 2810 | ddavislabour@gmail.com

February 4, 2024

Local Trust Committee
Galiano Island

Dear Local Trust Committee:

We are in the process of beginning to build our family's first home on Galiano and have encountered some obstacles regarding the installation of hydro power on our property which we hope you can help with.

We wish to run a two-service power line from the only existing pole within reach with two available services. This would require going over the wetland covenant at the bottom of our driveway, as laid out by BC Hydro. A six-meter easement is needed along which to run said line which would therefore involve removing four trees from the covenant. Thus, we are requesting permission to remove these four trees in order to avoid having to run power from two other poles and therefore require us to remove at least thirty-five more trees and add an additional power pole if we can't run the line over top of the covenant. We hope very much to be able to not only avoid the thousands of dollars in additional costs to remove so many more trees and install an additional pole, but also to preserve the trees, as the dense forest of the island is so much of what drew us to living on the land to begin with.

Attached for your reference is a notated copy of the plans provided to us from BC Hydro, as well as photos more clearly showing the trees in question.

Sincerely,

David Davis & Lindsay Dakin

75

Trees in Wetland to be removed

Pole B

Trees on property to be removed

View From inside the property

Additional trees
on property to be removed
(if Split Line required)

<--- Pole A

Trees on property to be removed

Trees in wetland to be removed

View from the road

<--- Pole B

-----Removed Trees-----

(if Split Line required)

Pole C

Extra Pole-->

View From inside the property

Removed Trees

Pole C

View from the road

VICTORIA LAND TITLE OFFICE

Aug-29-2013 13:44:13.002

CA3321096

LAND TITLE ACT
FORM C (Section 233) CHARGE

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 13 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Julian Thomas
Webster Kenney
82EEW7

Digitally signed by Julian Thomas
Webster Kenney 82EEW7
DN: c=CA, cn=Julian Thomas Webster
Kenney 82EEW7, o=Lawyer,
ou=Verify ID at www.juricert.com/
LKUP.dfm?id=82EEW7
Date: 2013.08.29 13:38:26 -0700

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

MESSNER KENNEY LLP

Barristers and Solicitors, Notaries Public

PO Box 819, 201 - 438 Birch Avenue

100 Mile House

BC V0K 2E0

Our File: 2383-001

LTO Number: 10559

Phone Number: 250-395-3881

Document Fees: \$73.50

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

SEE SCHEDULESTC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

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

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

WINMARK CAPITAL INC., INCORPORATION NO. 299688

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

SEE SCHEDULE

7. ADDITIONAL OR MODIFIED TERMS:

N/A

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

Officer Signature(s)

Megan S. Knight

Notary Public

#103-1656 Martin Drive

Surrey, BC V4A 6E7

Tel: 604-531-6655

Execution Date

Y	M	D
13	07	26

Transferor(s) Signature(s)

WINMARK CAPITAL INC., by its
authorized signatory(ies):

Print Name:

Richard Dewinetz, President

Print Name:

OFFICER CERTIFICATION:

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

**LAND TITLE ACT
FORM D****EXECUTIONS CONTINUED**

PAGE 2 of 13 pages

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Carmen Ida Thiel
Commissioner for Taking Affidavits in BC
200-1627 Fort Street
Victoria, BC V8R 1H8
Commission Expires February 28,
2014

Y	M	D
13	08	20

GALIANO ISLAND LOCAL TRUST
COMMITTEE, by its authorized
signatory(ies):

Print Name: Ken Hancock

Print Name:

OFFICER CERTIFICATION:

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

FORM_E_V19

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 3 OF 13 PAGES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND

STC for each PID listed below? YES ☐

[PID]	[LEGAL DESCRIPTION – must fit in a single text line]
023-042-699	LOT 25 DISTRICT LOT 69 GALIANO ISLAND COWICHAN DISTRICT PLAN VIP61020
023-042-869	LOT 32 DISTRICT LOT 65 AND 68 GALIANO ISLAND COWICHAN DISTRICT PLAN VIP61030
009-624-996	DL 68 GALIANO ISLAND COWICHAN DISTRICT EXCEPT PARTS IN PLANS VIP61030 AND VIP76636
023-042-630	LOT 20 DISTRICT LOT 69 AND 71 GALIANO ISLAND COWICHAN DISTRICT PLAN VIP61020
023-042-648	LOT 21 DISTRICT LOT 69 GALIANO ISLAND COWICHAN DISTRICT PLAN VIP61020
023-042-681	LOT 24 DISTRICT LOT 69 GALIANO ISLAND COWICHAN DISTRICT PLAN VIP61020

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 4 OF 13 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

6. TRANSFEREE(S):

GALIANO ISLAND LOCAL TRUST COMMITTEE,
a corporation under the Islands Trust Act, R.S.B.C. 1996, c.239,
SUITE 200, 1627 FORT STREET
VICTORIA, BC V8R 1H8

PART 2— TERMS OF INSTRUMENT**SECTION 219 COVENANT**

This Agreement dated for reference the ____ day of _____, 20____ is

BETWEEN:

WINMARK CAPITAL INC., INC. NO. 299688, of
402-15050 Prospect Avenue,
White Rock, BC V4B 2B4

(the "Owner")

AND:

GALIANO ISLAND LOCAL TRUST COMMITTEE,
a corporation under the Islands Trust Act, R.S.B.C. 1996, c.239,
with an office at Suite 200, 1627 Fort Street,
Victoria, BC V8R 1H8

(the "Local Trust Committee")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of those parcels of land located on Galiano Island, British Columbia which is legally described and with Parcel Identifier as follows:

(PID)	(LEGAL DESCRIPTION)
023-042-699	Lot 25 District Lot 69 Galiano Island Cowichan District Plan VIP61020
023-042-869	Lot 32 District Lot 65 and 68 Galiano Island Cowichan District Plan VIP61030
009-624-996	District Lot 68 Galiano Island Cowichan District except Parts in Plans VIP61030 and VIP76636
023-042-630	Lot 20 District Lot 69 and 71 Galiano Island Cowichan District Plan VIP61020
023-042-648	Lot 21 District Lot 69 Galiano Island Cowichan District Plan VIP61020

023-042-681 Lot 24 District Lot 69 Galiano Island Cowichan District
Plan VIP61020

(the "Lands");

- B. The Owner proposes to subdivide the Lands, according to a proposed plan of subdivision, to create, inter alia, 12 residential parcels substantially as shown and numbered 1 through 12 inclusive in the proposed plan of subdivision attached to and forming part of this Agreement as Schedule "A" (the "New Residential Parcels");
- C. The proposed plan of subdivision includes five (5) areas identified as "Wetlands", as shown on Schedule "A" (the "Wetland Areas") within the boundaries of certain of the New Residential Parcels;
- D. The Wetland Areas contain significant natural area values including surface water bodies, flora, fauna and natural features of importance to the Owner, the Local Trust Committee and the public;
- E. The Owner intends to grant and the Local Trust Committee wish to accept a covenant under s.219 of the Land Title Act (British Columbia) to regulate the use of the Wetland Areas in the interests of ensuring the preservation and protection of the natural state of the Wetland Areas;
- F. The Local Trust Committee is authorized to accept covenants under section 219 of the Land Title Act (British Columbia); and
- G. Section 219 of the Land Title Act (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specified feature on the land.

In consideration of the payment of two dollars (\$2.00) now paid by the Local Trust Committee to the Owner, the receipt and sufficiency of which is hereby acknowledged by the Owner, and in consideration of the promises exchanged below, the parties covenant and agree as follows, in accordance with section 219 of the Land Title Act (British Columbia):

1. Interpretation

1.1 In this Agreement

- (a) **"Covenant Area Lot"** means a New Residential Parcel within which a Wetland Area is located;

- (b) **“Wetland Areas”** has the meaning described in Recital C and includes any part or parts of the Wetland Areas;
- (c) **“Lands”** has the meaning described in Recital A;
- (d) **“Local Trust Committee”** means Galiano Island Local Trust Committee, a corporation under the Islands Trust Act. R.S.B.C. 1996, c.239;
- (e) **“Notice of Breach”** means a notice of breach given under Section 5.2 of this Agreement.

2. Restriction on Use

- 2.1 Except as expressly permitted in this Agreement, the Owner shall not do anything, or allow anything to be done on the Lands, that does or could reasonably be expected to destroy, impair, diminish, negatively affect, or alter the Wetland Areas from their natural state.
- 2.2 Without restricting the generality of Section 2.1, the Owner shall not, except with the prior written approval of the Local Trust Committee, cause or allow:
 - (a) silts, leachates, fills or other deleterious substances to be released as a result of human activity into any watercourse on the Wetland Areas;
 - (b) soil, gravel or rock to be disturbed, explored for minerals, moved or removed from or deposited in or on the Wetland Areas;
 - (c) the alteration or interference with the hydrology of the Wetland Areas as a result of human activity, including the diversion of natural drainage or flow of water in, on or through the Wetland Areas;
 - (d) fill, rubbish, ashes, garbage, waste or other material foreign to the Wetland Areas to be deposited in, on or under the Wetland Areas;
 - (e) pesticides, herbicides, fungicides or insecticides to be applied to or introduced onto the Wetland Areas;
 - (f) native plants, including trees and shrubs, to be cut down, destroyed, damaged, defoliated, or removed from the any part of the Wetland Areas;

- (g) the construction, building, or affixing of any buildings, structures, fixtures or improvements on the Wetland Areas;
- (h) fishing, hunting, gathering, or grazing domestic animals, to be carried out on the Wetland Areas;
- (l) the construction of any new roads or trails on the Wetland Areas; or
- j) fires to be ignited in or on the Wetland Areas.

The Local Trust Committee will not unreasonably withhold or delay any such prior written approval. In particular and without limiting the generality of the foregoing, if the Owner presents a plan intended to improve the health, vigour or regeneration of the Wetland Areas or to abate the hazard of fire, harmful insects or disease, the Local Trust Committee will give due consideration to such plan and will not unreasonably withhold approval.

3. Owner's Reserved Rights

- 3.1 Subject to Part 2, the Owner reserves all of its rights with respect to the Wetland Areas, including the right to use, occupy and maintain the Wetland Areas in any way that is not expressly restricted or prohibited by this Agreement, so long as the use, occupation or maintenance is consistent with the intent of this Agreement.
- 3.2 The Owner may trim, prune, cut down, or remove any non-native invasive plants from the Wetland Areas.
- 3.3 Nothing in this Agreement restricts or affects the right of the Owner or any other party to do anything reasonably necessary to:
 - (a) prevent potential injury or death to any individual; or
 - (b) prevent, abate or mitigate any damage or loss to any real or personal property,

provided that the Owner shall send notice of such action to the Local Trust Committee within 30 days after taking any such action.

4. No Effect On Laws or Powers

- 4.1 This Agreement does not:

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

5. Enforcement

- 5.1 The Owner agrees that the public interest in the preservation and protection of the natural state of the Wetland Areas favours an order for specific performance of the Owner's obligations in this Agreement, and that damages are not an adequate remedy for the Local Trust Committee in the event of any breach by the Owner.
- 5.2 If the Local Trust Committee, in its sole discretion, believes that the Owner has neglected or refused to perform any of the obligations set out in this Agreement or is in breach of any term of this Agreement, the Local Trust Committee may give a Notice of Breach to the Owner setting out particulars of the breach, including the Local Trust Committee's estimated maximum costs of remedying the breach.
- 5.3 On receipt of a Notice of Breach, the Owner must:
- (a) immediately cease all activities giving rise to the breach; and
 - (b) within 60 days remedy the breach or make arrangements satisfactory to the Local Trust Committee to remedy the breach, including with respect to the time within which the breach must be remedied

provided that the Owner will not be considered to be in default under Section 5.3(b) if the nature of the breach is one that cannot be readily remedied within the 60-day remedy period and the Owner is diligently working towards remedying the breach.

- 5.4 For clarity, the requirement in Section 5.3 to remedy a breach requires the Owner to undertake such rehabilitation or restoration necessary to remedy any damage done to the Wetland Areas contrary this Agreement, at the Owner's sole expense.
- 5.5 If the Owner does not comply with the requirements of Section 5.3 within the time required or agreed upon, the Local Trust Committee may enter

upon the Land and take any required actions to cease any activities giving rise to the breach, and to remedy the breach or carry out the arrangements referred to in Section 5.3. The Owner must reimburse the Local Trust Committee for any reasonable expenses incurred in taking any action under this Section 5.5, up to the estimated maximum costs of remedying the breach as set out in the Notice of Breach.

6. Indemnity

The Owner hereby indemnifies and saves harmless the Local Trust Committee, and their employees and agents, from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Local Trust Committee may at any time suffer or incur arising out of or related to this Agreement or any breach of it, except to the extent that any such arises due to the negligence or breach of this agreement by an indemnified party.

7. Limitation on Obligations

- 7.1 The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner, or which the Owner specifically permits or allows, in respect of such registered interest in the Lands as the Owner may hold from time to time and such limitation applies to the Indemnity granted under Section 6 hereof. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Lands and then only to the extent of that interest.
- 7.2 The Owner is not liable for:
- (a) alterations to the Wetland Areas resulting from acts of nature, or causes beyond the Owner's reasonable control, including accidental fire, flood, or storm, and trespass and vandalism;
 - (b) any prudent action taken by the Owner under emergency conditions to prevent, abate, or mitigate significant injury to the Wetland Areas resulting from acts of nature, including accidental fire, flood, or storm; or
 - (c) injury or alteration to the Wetland Areas caused by the Local Trust Committee.

8. No Liability in Tort

The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of this Agreement. The intent of this Section 8 is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

9. Covenant Runs With the Land

- 9.1 Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the Land Title Act (British Columbia) in respect of the Lands. This Agreement burdens the Lands and runs with the Lands and binds the successors in title to the Lands. This Agreement burdens and charges all of the Lands and any parcels into which they are subdivided by any means and any parcel into which the Land are consolidated.
- 9.2 Notwithstanding the provisions of Section 9.1 of this Agreement, in the event that the Lands are subdivided then the Owner or an owner for the time being of any New Residential Parcel which is not a Covenant Area Lot may require the Local Trust Committee to provide a registrable discharge of this Agreement with respect to such New Residential Parcel only and the Local Trust Committee hereby agrees to provide such discharge upon request.
- 9.3 A discharge may be obtained under Section 9.2 by presenting a registrable discharge document to the Local Trust Committee for execution and the cost of preparation and registration of the document shall be for the account of the parties requiring the discharge.

10. Registration

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

11. Waiver

An alleged waiver of any breach of the Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Local Trust

Committee of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

12. Severance

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

13. No Other Agreements

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

14. Binding of Successors

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

15. Further Acts

The Owner will do everything reasonably necessary to give effect to the intent of the Agreement, including execution of further instruments.

16. Deed and Contract

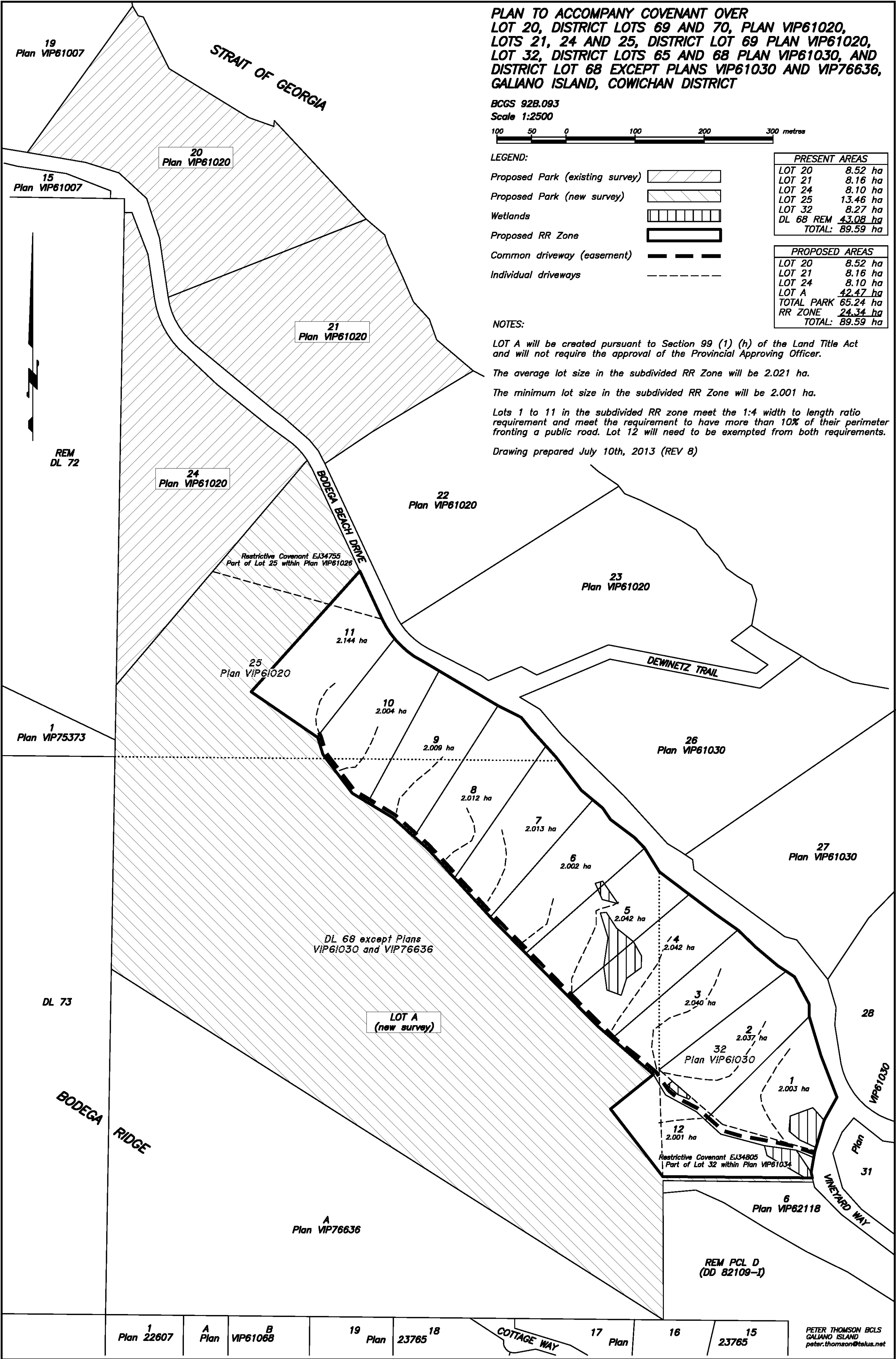
By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

17. Execution Using Form C

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

(next page is Schedule "A")

SCHEDULE "A"



End of document

Active Projects Report

Galiano Island

1. *Groundwater Sustainability*

Responsible

Dates

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

Kim Stockdill

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-2023.2	Mabberley, Samuel	19-Oct-2023	1008 Montague Rd - Application to include land in the Agricultural Land Reserve.

Planner: Phil Testemale

Planning Status

Status Date: 18-Mar-2024

Pending enquiry with ALC on residential use in ALR and zoning

Status Date: 06-Mar-2024

Re-assigned to Phil

Status Date: 19-Oct-2023

Application received

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: 25-Mar-2024

Passed 45 day deadline, enforcement required

Status Date: 06-Feb-2024

Action required within 45 days

Status Date: 14-Dec-2023

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

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2024.1	Mossman, Alex	02-Feb-2024	677 SIMPSON CRES: Application for a combination DP and DVP for development in a shoreline [marine] DPA and a variance for siting of a septic field in the setback from the road.

Planner: Phil Testemale

Planning Status

Status Date: 05-Mar-2024

Delegated DP - pending decision on GL-DVP-2024.1

Status Date: 12-Feb-2024

Planner Testemale assigned

Status Date: 12-Feb-2024

Fee received

File Number	Applicant Name	Date Received	Purpose
GL-DP-2024.2	Poppleton, John	06-Mar-2024	2990 GEORGESON BAY RD: An application in combination with GL-DVP-2023.6 for a DP for development in a sensitive ecosystem DPA.

Planner: Phil Testemale

Planning Status

Status Date: 14-Mar-2024

Delegated - requested professional reports.

Status Date: 07-Mar-2024

Requested fee for the remaining balance of a combination DP/DVP application.

Status Date: 07-Mar-2024

Fee received. Planner Testemale assigned

Applications

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: 28-Mar-2024

Applicant has submitted improved plans

Status Date: 04-Mar-2024

May 14 Agenda for consideration

Status Date: 30-Jan-2024

Site visit completed. KS

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: 28-Mar-2024

Application deferred to April 9th LTC meeting agenda

Status Date: 18-Jan-2024

Application on Feb 13th LTC meeting agenda

Status Date: 15-Nov-2023

Fee received

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2023.6	Poppleton, John	22-Dec-2023	2990 Georgeson Bay Rd: Siting of a septic system in a setback.

Planner: Phil Testemale

Planning Status

Status Date: 28-Mar-2024

DP (GL-DP-2024.2) added. Awaiting reports.

Status Date: 06-Mar-2024

Applicant contacted about amending application to add DP, fees, prof. reports

Status Date: 06-Mar-2024

Requested info from Arch Branch and Hydrogeologist (well to septic)

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2024.1	Mossman, Alex	02-Feb-2024	677 SIMPSON CRES: Application for a combination DP and DVP for development in a shoreline [marine] DPA and a variance for siting of a septic field in the setback from the road.

Planner: Phil Testemale

Planning Status

Status Date: 04-Mar-2024

April 9 agenda for consideration

Status Date: 12-Feb-2024

Assigned to Planner Testemale

Status Date: 02-Feb-2024

Application received

Applications

Rezoning

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

Planner: Brad Smith

Planning Status

Status Date: 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

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2020.1	KING, FRED & 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

Applications

Rezoning

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

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.

Applications

Rezoning

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.

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.

Applications

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

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: Phil Testemale

Planning Status

Status Date: 05-Mar-2024

Re-assigned to Phil

Status Date: 28-Feb-2024

Contacted applicant regarding outstanding SUB conditions.

Status Date: 09-Jan-2024

Freshwater Specialist Shulba recommends that the hydrogeological report for the proposed subdivision be sent to a provincial hydrogeologist for comment.

Applications

Subdivision

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: Phil Testemale

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

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

Planner: Phil Testemale

Planning Status

Status Date: 05-Mar-2024

Enquiry to M of E re: report for required DP (RAPR)

Status Date: 04-Mar-2024

Requires DP (Riparian and Sen Ecosystems)

Status Date: 14-Feb-2024

Email response from ALC - no concerns

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending February 2024

625 Galiano	Invoices posted to Month ending February 2024	<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	3,066.91	-1,343.91
65210-625	LTC - Local Exp - APC Meeting Expenses	333.00	143.85	189.15
65220-625	LTC - Local Exp - Communications	250.00	3,126.61	-2,876.61
65230-625	LTC - Local Exp - Special Projects	279.00	0.00	279.00
TOTAL LTC Local Expense		<u>2,585.00</u>	<u>6,337.37</u>	<u>-3,752.37</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
2023-015 (Standing) First Nations Reconciliation 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: 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; 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; 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; 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 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.	Carried	14-Mar-2023
2020-042 (Standing) Use of Development Permits for Variances That the Galiano Island Local Trust Committee request that development permit applications where a variance is requested be processed as a combined application with both a development permit and a development variance permit.	Carried	08-Sep-2020

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2020-041 (Standing) Unlawful Land Uses and Planning Applications that the Galiano Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: 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. 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. 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. 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
2020-013 (Standing) Advisory Planning Commission that the Galiano Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.	Carried	03-Feb-2020

Standing Resolutions Log

Galiano Island

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

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2014-000 (Standing)	Carried	03-Feb-2014

On properties where there is an open bylaw enforcement file, planning staff should refer planning applications to the Bylaw Enforcement Manager for comment where one or more of the following circumstances exist:

1. There have been significant delays or longer than typical timelines in the enforcement process
2. The LTC is considering on-going, relevant policy or regulatory changes that could impact enforcement
3. Litigation has been recommended
4. Legal counsel has been involved (beyond providing a basic interpretation)
5. There has been enforcement action beyond seeking voluntary compliance (e.g. a BEN warning or ticket, adjudication, a compliance agreement negotiated, etc.)
6. There has been, or is an expectation of, joint enforcement with other jurisdictions
7. There is potential for impact on other related enforcement files.

2011-205 (Standing)	Carried	17-Oct-2011
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Special Occasion Liquor Licenses

That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property on which Galiano Island Land Use Bylaw No. 127, 1999 permits public assembly uses, such as restaurants or community halls, and where there have been no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.

2010-115 (Standing)	Carried	18-Oct-2010
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Publishing Notices beyond legal requirements

That the Galiano Island Local Trust Committee will advertise Public Hearing Notices in the Active Page Magazine in addition to the legally required advertising in the Driftwood Newspaper.



Standing Resolutions Log

Galiano Island

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



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY NOVEMBER 21st, 2023 and JANUARY 23RD, 2024 BOARD MEETINGS

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

1. ORGANIZATION UPDATES/TEAM

- Trustee Risa Smith was elected Chair of the ITC Board. Trustee Gauvreau was elected Vice-Chair of the ITC Board.
- Trustee Gauvreau was appointed as a representative to the Governance Committee.
- Mike Richards was hired as the new Strategic Fundraising Specialist.
- Aislyn King was hired as the Temporary GIS Technician.
- The ITC Board approved a 2024 meeting schedule.

2. STRATEGIC PLANNING/ADMINISTRATION

- The Islands Trust, Trust Area Services Director provided background on the following:
 - Advised Board members that Trust Council will receive a briefing with the climate change emergency materials, produced in 2019, to support a discussion about further action regarding the climate change emergency.
 - Provided background on the eelgrass mapping project and funding for phase II.
 - Presented a briefing from Trust Council about Islands Trust 50th Anniversary Activities.
 - Noted that Executive Committee will be considering a request to sponsor a Natural Area Protection Tax Exemption Program (NAPTEP) fee.
- Trustee Elliot advised Chair Smith's presentation to Trust Council in September on NAPTEP was well received.
- The Islands Trust Conservancy Board directed staff to review ITC Board policies regarding approval of acquisitions of land, conservation covenants or leases to require that applicants waive confidentiality for the purpose of engagement with First Nations.
- The Islands Trust Director presented a briefing on ITC Mapping and Technical Needs. The Board directed staff to forward the briefing to the Executive Committee for the January 31st meeting.
- The ITC Board recommended to the Islands Trust Council that the 2024-2025 budget include funding for a permanent Protected Areas Manager and selection and implementation of a protected area management database.
- The Trust Area Director presented an update on the Municipal Insurance Association Agreement. Staff are reassessing insurance coverage for the Conservancy, including coverage for volunteers. Staff are reviewing and will report back to the Board on the development risk-management policy.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

- Trustee Elliot provided updates of interest to the Conservancy from Executive Committee including:
 - The policy statement amendment project which is currently with First Nations for comment in line with Islands Trust commitment to reconciliation. Once comments are in, the Board will be able to provide further review before approval.
 - An invitation to ITC Board members to attend the regular Executive Committee meeting on January 31st.

3. COVENANT AND PROPERTY ACQUISITIONS

- ITC increased the size of the Nighthawk Hill NAPTEP Covenant on North Pender Island by 1 ha.
- ITC registered a revised covenant over Brooks Point Regional Park on South Pender, including expanding the covenant to cover the entire 5.2 ha park.

4. COVENANT AND PROPERTY MANAGEMENT

- ITC's Property Monitoring Specialist presented the ITC Nature Reserves Monitoring Report for 2023. The Board accepted the 2023 report and as appropriate, requested staff explore opportunities to engage the public in nature reserve monitoring.
- ITC's Covenant Management and Outreach Specialist presented the ITC NAPTEP Covenant Monitoring Report for 2023. The Board accepted the 2023 report and directed staff to address violations and ecological concerns as identified in the report.
- The ITC Board endorsed the Operational Plan for the eradication of Fallow Deer from Sidney Island, subject to terms and conditions to mitigate risk of damage to ITC covenant areas.

5. COMMUNICATIONS AND OUTREACH

- ITC issued its Fall 2024 Heron Newsletter available at <https://islandstrust.bc.ca/conservancy/heron-newsletter/>

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board approved an Opportunity Fund Grant of up to \$7,000 be awarded to Gabriola Land and Trails Trust for costs associated with placing a NAPTEP conservation covenant on a Gabriola property.

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- **Learn more about Islands Trust Conservancy:** <https://islandstrust.bc.ca/conservancy/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>

From: Kim Stockdill
Sent: Wednesday, March 27, 2024 12:11 PM
To: Jas Chonk
Subject: FW: Agenda Item for April 9

From: Timothy Peterson <tpeterson@islandstrust.bc.ca>
Sent: Wednesday, March 27, 2024 12:02 PM
To: Galiano Island Local Trust Committee <GalianoIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: Agenda Item for April 9

Please add the following item for the meeting.

I have been advised at Executive Committee meeting that funding the attendance of these meetings is a decision of Local Trust Committees.

I can provide additional information about the utility of having representation at these meetings, if desired.

Request for Decision regarding funding Chair Peterson's attendance at:

1. Meeting with Ministry of Transportation and Infrastructure, April 29th, in Victoria
2. Collaboration on Marine Issues CRD Meeting, April 30, in Victoria

Chair Peterson will be attending on behalf of both Salt Spring and Galiano for both of these meetings.

Staff advice on how expenses would be shared between LTCs might be useful.

Regards,

Tim