



Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: November 2, 2020
Time: 12:30 pm
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	12:30 PM - 12:30 PM	
2.	APPROVAL OF AGENDA	12:30 PM - 12:35 PM	
3.	TRUSTEE REPORT	12:35 PM - 12:45 PM	
4.	CHAIR'S REPORT		
5.	TOWN HALL AND QUESTIONS	12:35 PM - 1:05 PM	
6.	COMMUNITY INFORMATION MEETING		
	None		
7.	PUBLIC HEARING		
	None		
8.	MINUTES		
8.1.	Local Trust Committee Minutes Dated October 5, 2020 (for Adoption)	1:05 PM - 1:15 PM	3 - 9
8.2.	Section 26 Resolutions Without Meeting Report - None		
8.3.	Advisory Planning Commission Minutes Dated October 1, 2020 (for Receipt)		10 - 11
9.	BUSINESS ARISING FROM MINUTES	1:15 PM - 1:20 PM	
9.1.	Follow-up Action List Dated October 2020		12 - 13
10.	DELEGATIONS		
11.	CORRESPONDENCE		
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>			

12.	APPLICATIONS AND REFERRALS	1:20 PM - 3:00 PM	
12.1.	GL-DVP-2020.3/GL-DP-2020.1 (Koster) - Staff Report (Attached)		14 - 60
12.2.	GL-TUP-2020.6 (Meden) – Staff Report (Attached)		61 - 73
12.3.	GL-RZ-2019.1 (GIGARHS) – Staff Report (Attached)		74 - 134
12.4.	Mayne Island Local Trust Committee Bylaws 177 and 178 Referral (Attached)		135 - 143
13.	LOCAL TRUST COMMITTEE PROJECTS	3:00 PM - 3:40 PM	
13.1.	Short Term Vacation Rentals Review project – Staff Report (Attached)		144 - 206
13.2.	Land Use Bylaw Technical Review – Staff Report (Attached)		207 - 213
14.	REPORTS		
14.1.	Work Program Reports (attached)	3:40 PM - 3:55 PM	
14.1.1.	<u>Top Priorities Report Dated October 2020</u>		214 - 214
14.1.2.	<u>Projects List Report Dated October 2020</u>		215 - 217
14.2.	Applications Report Dated October 2020 (attached)		218 - 223
14.3.	Trustee and Local Expense Report Dated September 2020 (attached)		224 - 224
14.4.	Adopted Policies and Standing Resolutions (attached)		225 - 229
14.5.	Local Trust Committee Webpage		
14.6.	Islands Trust Conservancy Report - None		
15.	NEW BUSINESS	3:55 PM - 4:15 PM	
15.1.	Options for enforcement of variance issues encountered in unrelated land use applications - Staff Memo (Attached)		230 - 231
16.	UPCOMING MEETINGS		
16.1.	Next Regular Meeting Scheduled for December 7, 2020 - LTC may consider a resolution to hold it electronically.		
17.	TOWN HALL	4:15 PM - 4:35 PM	
18.	CLOSED MEETING		
	None		
19.	ADJOURNMENT	4:35 PM - 4:35 PM	



Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: October 5, 2020
Location: Electronic Meeting (Zoom Webinar)

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

Staff Present: Brad Smith, Island Planner
Maple Hung, Planning Team Assistant (Host)
Carly Bilney, Recorder

Public: There were approximately (30) attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 12:30 p.m. He acknowledged the meeting was being held in traditional territory of the Coast Salish First Nations.

2. RISE AND REPORT – In-Camera Meeting September 8, 2020 re Adoption of Minutes and APC Appointment

Chair Rogers reported that the in-camera minutes of the Local Trust Committee (LTC) meeting of September 8, 2020 were adopted and the LTC appointed Robin Paterson to the Galiano Advisory Planning Commission (APC).

3. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

4. TRUSTEE REPORT

Trustee Wolverton reported on the following:

- Participation at the latest Trust Council meeting, meetings with residents, site visits and research conducted since the last LTC meeting; and
- A new virus on Galiano and other nearby islands that is killing deer.

Trustee Rockafella reported on the following:

- A letter from the LTC to the Galiano Conservancy Association (GCA) in support of the Ecological Footprint Project.

5. CHAIR'S REPORT

Chair Rogers reported on the following:

- Trust Council was held electronically with an increased number of delegations than usual – including presentations related to climate change, bylaw enforcement and expansion of the docks in Tsawwassen;
- Trust Council has been engaged in discussions regarding meeting logistics in response to COVID-19 in 2021;
- The meeting held by the Union of BC Municipalities included thought provoking presentations on racism; and
- The Islands Trust Climate Change Speaker Series has begun.

6. TOWN HALL AND QUESTIONS

The following comments were made regarding GL-RZ-2014.1 (Crystal Mountain):

- Neighbours of Crystal Mountain Society (CMS) expressed mixed views for the application;
- Opponents noted that the north end of Galiano already has two commercial zones and the proposed development would set precedent;
- The application would allow for the largest accommodation on the island;
- The current proposal differs from that of the 2017 agreement and is more ambitious than the proposal sent to neighbours in 2020;
- The application does not provide enough information for evidence-based decision making;
- Application GL-RZ-2014.1 requires:
 - comprehensive mapping to accurately reflect biological resources;
 - greater detail about tent pads, land use limits (density) and emergency access;
 - water and waste management plans; and
 - a plan for the removal of outhouses.
- The application poses environmental risks such as increased fire hazards (from cooking facilities), negative impact on the wetland, forest fragmentation, and reduced water availability to neighbouring residents on Porlier Pass Road;
- Mitigating climate change should be a priority and there is a need to exercise caution when developing land; and
- CMS has operated without bylaw approval.

7. COMMUNITY INFORMATION MEETING - None

8. PUBLIC HEARING - None

9. MINUTES

9.1 Local Trust Committee Minutes Dated September 8, 2020 (for Adoption)

By general consent the Local Trust Committee meeting minutes of September 8, 2020 were adopted.

9.2 Section 26 Resolutions Without Meeting (RWM) Report Dated September 2020

Received for information.

9.3 Advisory Planning Commission Minutes

None

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-up Action List Dated September 2020

Planner Smith informed LTC of the election of Patrick Ramsay as Chair and Karen Harris as Vice-Chair of the Galiano Advisory Planning Commission (APC).

11. DELEGATIONS

None

12. CORRESPONDENCE

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

13. APPLICATIONS AND REFERRALS

13.1 GL-RZ-2014.1 (Crystal Mountain) – Staff Report

Planner Smith reviewed the Staff Report related to GL-RZ-2014.1 (Crystal Mountain). Discussion was held and the following comments were made:

- Subdivision approval will require that road access meets a certain standard on both hooked lots, access challenges exist with upper hooked portion;
- Huts may be limited to single-person occupancy via bylaw or covenant;
- Proposed environmental assessment update could include a review of proposed alternative driveway routing;
- Parking needs more detailed consideration;
- The hydrogeologist's report deems the water quantity of the wells sufficient to support land use;
- Applicants would need a commercial water license;
- Galiano has used site specific zoning in the past (ie the film school and eating disorder clinic);
- Greater definition of tent platforms, including their square footage, should be included in the bylaw; and
- Questions raised as to what constitutes food preparation facilities.

After discussion, the following motions were passed by LTC:

GL-2020-058

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to provide recommended amendments to draft bylaws 256 and 257 that reflect the updated 2020 Crystal Mountain Society rezoning proposal.

CARRIED

GL-2020-059

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct the applicant to develop a water management plan that considers the recommendations of the 2015 Kohut water report and includes a water catchment system designed to supplement groundwater supply for potable water in peak use/low flow periods.

CARRIED

GL-2020-060

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct the applicant to provide an updated environmental report once it is available.

CARRIED

GL-2020-061

It was Moved and Seconded,

that the Galiano Island Local Trust Committee ask staff to include previous language in draft bylaws 256 and 257 prohibiting cooking facilities in the huts.

CARRIED

13.2 GL-DP-2020.3 (Knight) - Staff Report

Planner Smith reviewed the staff report related to GL-DP-2020.3 (Knight).

GL-2020-062

It was Moved and Seconded,

that the Galiano Island Local Trust Committee approve issuance of Development Permit GL-DP-2020.3 (Knight).

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Land Use Bylaw Technical Review – Staff Report

Planner Smith reviewed the staff report regarding the Land Use Bylaw (LUB) Technical Review.

By general consent the matter was deferred to the November 2, 2020 Local Trust Committee meeting.

15. REPORTS

15.1 Work Program Reports

15.1.1 Top Priorities Report Dated September 2020

Received for information.

15.1.2 Projects List Report Dated September 2020

Received for information.

15.2 Applications Report Dated September 2020

Received for information.

15.3 Trustee and Local Expense Report - None

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage

None

15.6 Islands Trust Conservancy Report

None

16. NEW BUSINESS

16.1 Contiguous Forest Mapping in the Islands Trust Area Report

GL-2020-063

It was Moved and Seconded,

that the Galiano Local Trust Committee amend Item 3 on the Projects List (Coastal Douglas-Fir Protection) to include in the review the Contiguous Forest Mapping in the Islands Trust Area Report.

CARRIED

Trustee Wolverton recused herself at 4:17 p.m. due to conflict of interest on the Gulf Islands Galisle Affordable Rental Housing Society (GIGARHS) application discussion.

16.2 Advisory Planning Commission

None

16.3 LTC Reconciliation Grant – Discussion

Trustee Wolverton rejoined the meeting at 4:22 p.m. Discussion was held about potential uses for the excess money from the LTC Reconciliation Grant.

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for November 2, 2020 at the South Community Hall, Galiano Island

18. TOWN HALL

The following comments were made:

- CMS should continue to consult with neighbours, the ITC and the Galiano Trails Society and consider mitigation of impacts

Trustee Wolverton left the meeting at 4:44 p.m.

- Renewals for Temporary Use Permits (TUP) are being accepted while the moratorium on new TUPs remains in effect;
- Funding formula's for affordable housing projects across the province are set by BC Housing
- GIGARHS intends to submit a funding application to the provincial Community Housing Fund – the next intake deadline is January 15, 2020.

19. CLOSED MEETING (Distributed Under Separate Cover)

19.1 Motion to Close the Meeting

GL-2020-064

It was Moved and Seconded,

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

- Adoption of In-Camera Meeting Minutes Dated September 8, 2020;
- Bylaw Enforcement;
- Affordable Housing;

AND that the recorder and staff attend the meeting.

CARRIED

The webinar electronic meeting was closed to public attendees at 5:00 p.m.

19.2 Recall to Order

Chair Rogers recalled the meeting to order at 5:30 p.m.

19.3 Rise and Report

If there are any items to be reported, it will be presented at the next November 2, 2020 Galiano Local Trust Committee regular business meeting.

20. ADJOURNMENT

By general consent the meeting was adjourned at 5:30 p.m.

Dan Rogers, Chair

Certified Correct:

Carly Bilney, Recorder



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**Galiano Island
Advisory Planning Commission
Record of Meeting**

Received by:
Galiano Local Trust Committee
Galiano Island Planner
Legislative Clerk

Date: October 1, 2020 @ 10:00 AM
Location: Electronic via Zoom

Members Present: Allan De Genova
Karen Harris
Dave Koster
Robert Matson
Robin Paterson
Patrick Ramsay

Regrets: Susie Johnson

Staff Present: Brad Smith, Islands Planner
Carly Bilney, Recorder

1. CALL TO ORDER

The meeting was called to order at 10:00 a.m.

2. INTRODUCTIONS

Planner Smith welcomed participants and led introductions.

3. APPROVAL OF THE AGENDA

By general consent, the agenda was approved as presented.

4. APC ORIENTATION BY BRAD SMITH, ISLANDS PLANNER

Planner Smith reviewed the role of the Islands Trust and Advisory Planning Commission (APC) orientation documents including the Islands Trust Act and the Local Trust Committee (LTC) APC bylaw.

There was some discussion about how the APC is to handle instances where conflicts of interest arise and the following comments were made:

DRAFT

- Committee members are encouraged to reflect on where biases exist; and
- Committee members are mutually responsible to manage and openly discuss conflict of interest.

Other comments were made during general discussion including:

- APC members are to deal only with matters that are directly referred to them by the LTC; and
- The public is to be given notice five days in advance of an upcoming APC meeting.

5. ELECTION OF CHAIR

It was Moved and Seconded,
that the Galiano Advisory Planning Commission elect Patrick Ramsay as Chair.

CARRIED

6. ELECTION OF VICE-CHAIR

It was Moved and Seconded,
that the Galiano Advisory Planning Commission elect Karen Harris as Vice-Chair.

CARRIED

7. ADJOURNMENT

It was Moved and Seconded,
that the meeting be adjourned at 11:15am.

CARRIED

CHAIR

DATE

CERTIFIED CORRECT:

Carly Bilney, Recording Secretary



Follow Up Action Report

Galiano Island

08-Sep-2020

Activity	Responsibility	Dates	Status
1 12.1 GL-RZ-2019.1 - Draft bylaw and housing agreement framework	Brad Smith Jas Chonk	Target: 23-Oct-2020	Completed
2 12.1 GL-RZ-2019.1 - Organize CIM	Brad Smith Jas Chonk Maple Hung	Target: 19-Nov-2020	Completed
3 15.2 Staff to contact MOE re: discussion of leg hold trap regulations	Brad Smith	Target: 23-Oct-2020	Completed
4 New Business - staff to provide memo re: options for LTC enforcing variance issues encountered in unrelated land use applications	Robert Kojima	Target: 23-Oct-2020	Completed

05-Oct-2020

Activity	Responsibility	Dates	Status
1 9.1 September 8 meeting minutes adopted as presented	Maple Hung	Target: 23-Oct-2020	Completed
2 13.1 GL-RZ-2019.1 (CMS) Amend draft bylaws 256 and 257 to reflect current proposal	Brad Smith Jas Chonk	Target: 30-Nov-2020	In Progress
3 13.1 GL-RZ-2019.1 (CMS) Include a definition of tent platforms in draft bylaw 257	Brad Smith	Target: 30-Nov-2020	In Progress

Follow Up Action Report

Galiano Island

05-Oct-2020

Activity	Responsibility	Dates	Status
4 14.1 Defer LUB technical review staff report to November 2 meeting	Brad Smith Jas Chonk	Target: 23-Oct-2020	Completed
5 GL-RZ-2019.1 (GIGARHS) - Initiate APC referral	Brad Smith Jas Chonk Maple Hung	Target: 23-Oct-2020	Completed
6 LTC Reconciliation Grant - Lisa to engage with Trustee Wolverton re use of extra funds	Lisa Wilcox	Target: 30-Oct-2020	In Progress
7 Amend item 3 on the Projects List "Coastal Douglas Fir Protection" to include in the review the Contiguous Forest Mapping in the Islands Trust Area Report.	Brad Smith	Target: 09-Oct-2020	Completed
8 Adopt September 8, 2020 in-camera minutes as presented	Maple Hung	Target: 23-Oct-2020	Completed
9 Conduct RWM to extend ability of LTC to meet electronically	Jas Chonk	Target: 16-Oct-2020	Completed
10 GL-DP-2020.3 (Knight) - Issue permit close out file	Jas Chonk Maple Hung Phil Testemale	Target: 30-Oct-2020	Completed

STAFF REPORT

File No.: GL-DVP-2020.3 (Koster)

GL-DP-2020.1 (Koster)

DATE OF MEETING: November 2, 2020

TO: Galiano Island Local Trust Committee

FROM: Phil Testemale
Southern Team

COPY: Brad Smith, Island Planner

SUBJECT: Combined Development Permit & Development Variance Permit Application
Applicant: Dave Koster
Location: Lot 29, Wise Island (PID 003-614-549)

RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Development Permit GL-DP-2020.1 (Koster);
2. That the Galiano Island Local Trust Committee amend Development Variance Permit GL-DVP-2020.3 (Koster) by removing wooden platform 'C' from 2. a) iii), 2. b) in its entirety, and making changes to Schedule 'A' accordingly ; and,
3. That the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2020.3 as amended.

REPORT SUMMARY

This report is to consider a combined Development Permit (DP) and Development Variance Permit (DVP) application.

The purpose of the DP application is for measures for the protection of the sensitive marine ecosystem and construction management for proposed construction of a new deck and roof overhang, both attached to an existing dwelling and within **Development Permit Area 2 – Shoreline and Marine (DPA)**.

In summary, the above recommendations for the DP proposal is supported as:

- the objectives and specific guidelines of the DPA have been met;
- all relevant recommendations of a professional biological assessment report have been incorporated into the conditions of the proposed DP; and,
- conditions in the draft DP will ensure the protection of the terrestrial shoreline and marine ecosystems.

The DVP application is to consider siting variances for portions of the new proposed attached deck, as well as other existing non-conforming structures on the subject property. The variances would bring the property into conformity with the Galiano Island Land Use Bylaw.

Z:\08 Governance\3030 GL LTC\20 Meetings - Open (P)\06 Agenda Items\2020\11-02\GL-DVP-2020.3 and DP-2020.1 (Koster)\GL-DVP-2020.3 (Koster) x-ref GL-DP-2020.1_ Staff REP_2020-11-02.docx

The recommendations support two (2) of three (3) of the proposed variances from the Natural Boundary of the Sea (decks 'A', 'B' and 'D') given:

- With the exception of Deck 'D', they are minor in nature;
- the potential impacts from granting the variances are relatively minor, particularly to the most impacted adjacent properties;
- for deck 'D' the impacts of not granting the variance and removing the deck would be more impactful to the sensitive ecosystems than maintaining that deck.
- notification to surrounding neighbours has been undertaken and to date staff have received one written responses that does not oppose these variances; and,
- with the exception of deck 'D', they do not challenge the intent of the bylaw provision.

The above recommendations do not support the proposed variances from the Natural Boundary of the Sea and the interior side lot line for deck 'C' given:

- They are not minor;
- they more impactful, particularly to the adjacent neighbour, the sensitive ecosystem and the public realm; and,
- they challenge the intent of the bylaw provisions.

Copies of the DPA Checklist and proposed Development Permit GL-DP-2020.1 (Koster) are Attachments 7 and 8. Copies of the Notice and proposed Development Variance Permit GL-DVP-2020.3 (Koster) as circulated are Attachments 9 and 10.

BACKGROUND

The combined DP-DVP application was submitted to the Islands Trust in advance of a Building Permit application to secure necessary approvals for the construction. The application is for new construction of a 1.8 m (6') wide deck extension and 0.9 m (3') wide roof overhang that will wrap around the western and southern walls of the existing house (see Figure 2). The deck requires several footings to support the outside edge. The roof overhang will be attached and supported by return braces to the house (see Figure 2.6).

The purpose of the construction is to reduce impacts from sun, wind and salt spray on vulnerable windows running along the southeast wall of the existing residence.

Referencing Figure 2: The property is fully developed including a private dock (the primary access to the property that includes a landing, ramp and float that was approved by a DP in 2001 (GL-DP-2001.4) and a Crown Lands referral (GL-CL-2001.5); the dwelling, an accessory building (shed), three (3) water storage tanks, and three (3) decks ('B', 'C' and 'D' - 'raised wooden platforms'). All structures were in place when the current owner acquired the property in the mid 2000's. The structure identified as 'C' is reportedly in poor condition.

The submitted Biology Report and Addendum (below) describe the overall disturbance on the site as low and minimal. The ecosystems are largely intact and undisturbed with a small network of foot trails and a narrow band of heavily used/ semi-landscaped area situated around the perimeter of the dwelling and shed.

Development Permit

Overall, the primary objective of the DPA is to

To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.

More specifically, the shorelines area is recognized as having:

... a high ecological function and values and may be subject to shoreline erosion in some locations. Due to their physical and biological characteristics and situation they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements or protection measures can threaten the ecological and physical integrity of the foreshore and upland.

As required, the owners retained Keith Erikson, R.P. Bio. to undertake a biological assessment and make recommendations for mitigation. The report “Development Permit Assessment Report” (Keith Erickson, R.P.Bio., September 10, 2020 – ‘Biology Report’) is Attachment 3. It analyses the proposed new development within the DPA 2, includes a basic terrestrial and marine ecological inventory and makes recommendations for mitigating the impacts to the sensitive ecosystem(s). The report concludes that given that existing residential development, the additional impact to the ecological health of the shoreline area from the proposed works would be minimal. The Biology Report is discussed further in ‘Issues and Opportunities’ (below).

Development Variance Permit

Upon review, of the submitted Site Survey (Attachment 2.5 and Figure 2) numerous existing structures (platforms/decks) that do not comply with the setback regulations in the Land Use Bylaw (LUB) were identified. These include the three (3) raised wooden platforms shown as ‘B’, ‘C’ and ‘D’. The legal status of these could not be verified by the present owner. Therefore, staff recommended they be included in the application, removed to conform, or altered and included in the application. The owner has indicated that he wishes to have all non-complying structures included in the development variance permit and committed to make further necessary applications to legalize all structures and buildings on the property.

An addendum letter to the Biology Report was submitted on October 4, 2020 by Keith Erikson to provide further information on the potential removal Deck ‘C’ (‘Addendum’ - Attachment 4)

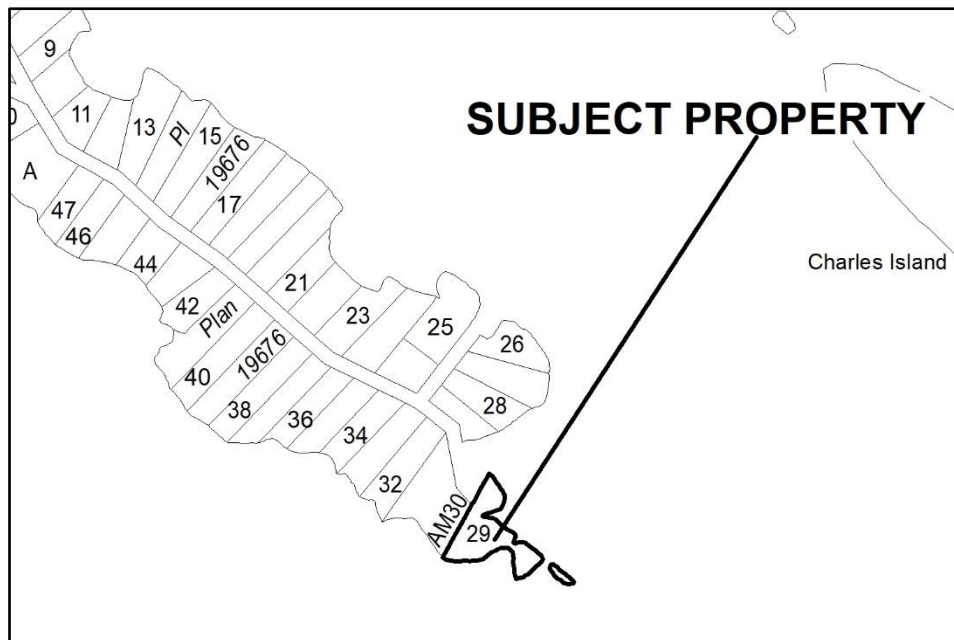
The draft permit circulated for notification included variances to the LUB as follows:

- a) Section 2.14 which states that buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea, is varied to permit:
 - i) the siting of a new, attached structure (deck ‘A’) within 6.8 metres of the natural boundary of the sea;
 - ii) the siting of an existing structure (wooden platform ‘B’) within 3.3 metres of the natural boundary of the sea; and,
 - iii) the siting of two (2) existing structures (raised wooden platforms ‘C’ and ‘D’) within 0.0 metres of the natural boundary of the sea.
- b) Article 5.3.8.2 which states that buildings and structures must be sited at least 6 metres from each interior side lot line is varied to permit the siting of an existing structure (raised wooden platform ‘C’) within 0.5 metres of an interior side lot line.

The portions of structures 'B' and 'C' that are below the Natural Boundary of the Sea (NBS - over the foreshore/water) are not included and can only be legalized through a site-specific rezoning of the Marine Zone (M) and with Crown Lands approval. Alternatively, those portions could be removed ('cutting back') the structures to the NBS or further back.

Staff have not visited the property due to the location and current protocols. Staff references the Biology Report and Addendum for context photos. The photos that are Attachment 2.7 to 2.9 were provided as part of the application.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **RR- Rural Residential** in the Galiano Island Official Community Plan Bylaw 108.

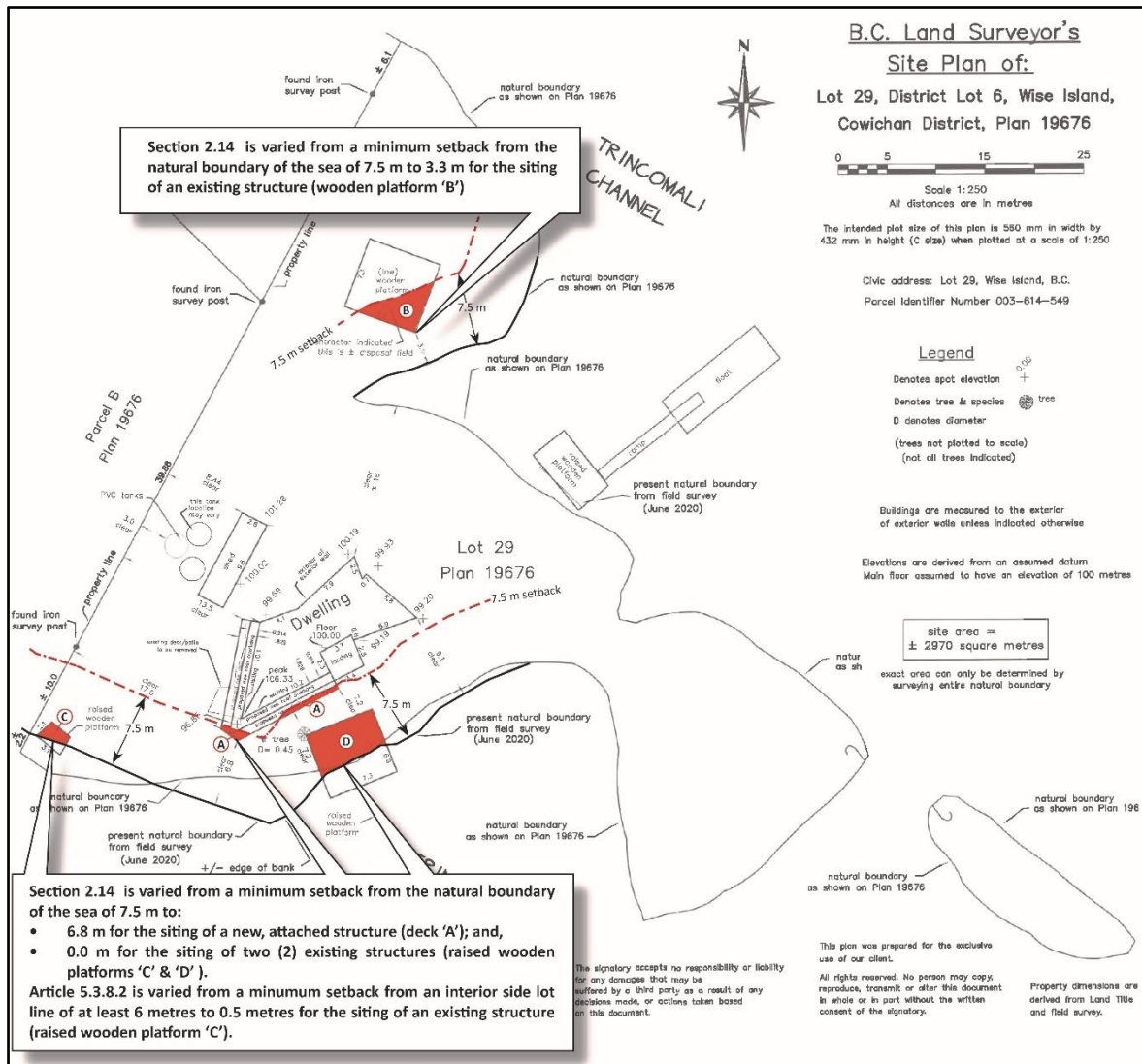
Development Permit Areas:

Development Permit Area 2 – Marine and Shoreline is designated on the property (Attachment 2.2). A DPA checklist for relevant guidelines has been completed and is Attachment 7. In summary, the proposal meets the applicable guidelines contained in the DPA.

Land Use Bylaw:

The property is zoned as **Rural Residential (RR)** in the Galiano Island Land Use Bylaw 127. The residential use of is conforming. The variances as drafted, would bring the siting of buildings and structures into conformity with the LUB. The exception of the portions of decks 'C' and 'D' below the NBS would require further application to be legalized.

Figure 2 – Site Plan



Issues and Opportunities

Development Permit

Biology Report & Addendum

As above, a Biology Report was submitted in support of the application (Attachment 3).

The report describes the assessment area and divides the terrestrial area into two (2) ecological communities based on slope position, soils and vegetation. These are described in detail in the report and mapped in Figure 3 (below - extracted from page 5 of report). The ecological sensitivity of both is emphasized as follows:

“Both Ecological Community 01 and 02 are considered ‘Ecosystems-at-risk’ and are Red listed Provincially. They are considered imperilled to critically imperilled globally. The primary threat to these ecosystems within the Southern Gulf Islands is from residential development.” (p.6)

The report further assesses the marine ecosystem summarized as follows:

“The shoreline has been ranked for sensitivity to sea level rise with a foreshore sensitivity ranking of ‘Not Susceptible’, a backshore sensitivity ranking of ‘Low’ and an overall sensitivity to sea level rise ranking of ‘Low’ (BC Parks Shoreline Sensitivity to Sea Level Rise Model - Bifford, Stevens). “(p.9)

The impacts of the proposed development are summarized as follows:

“...the cumulative impact to the ecological health of the shoreline area from the proposed works are minimal. There is no impact to public access, the works will not cause any discernable erosion or contribute any sediment to the marine system, there are no impacts to bank or shoreline stability and no shoreline protection is required. “ (p.11)

The roof additions are noted as minimal and that they will not result in additional shading and all but one of the required footings for the deck will be inside the existing disturbed area around the perimeter of the house.

The report makes recommendations for mitigation measures, restoration of a small area previously disturbed area on the edge of Ecological Community 1 and monitoring. These are found on pages 12 – 14 of the report and all have been incorporated as conditions into the draft DP, in addition to other conditions consistent with the DPA guidelines. The required professional DP Checklist is attached to the report.

Development Variance Permit

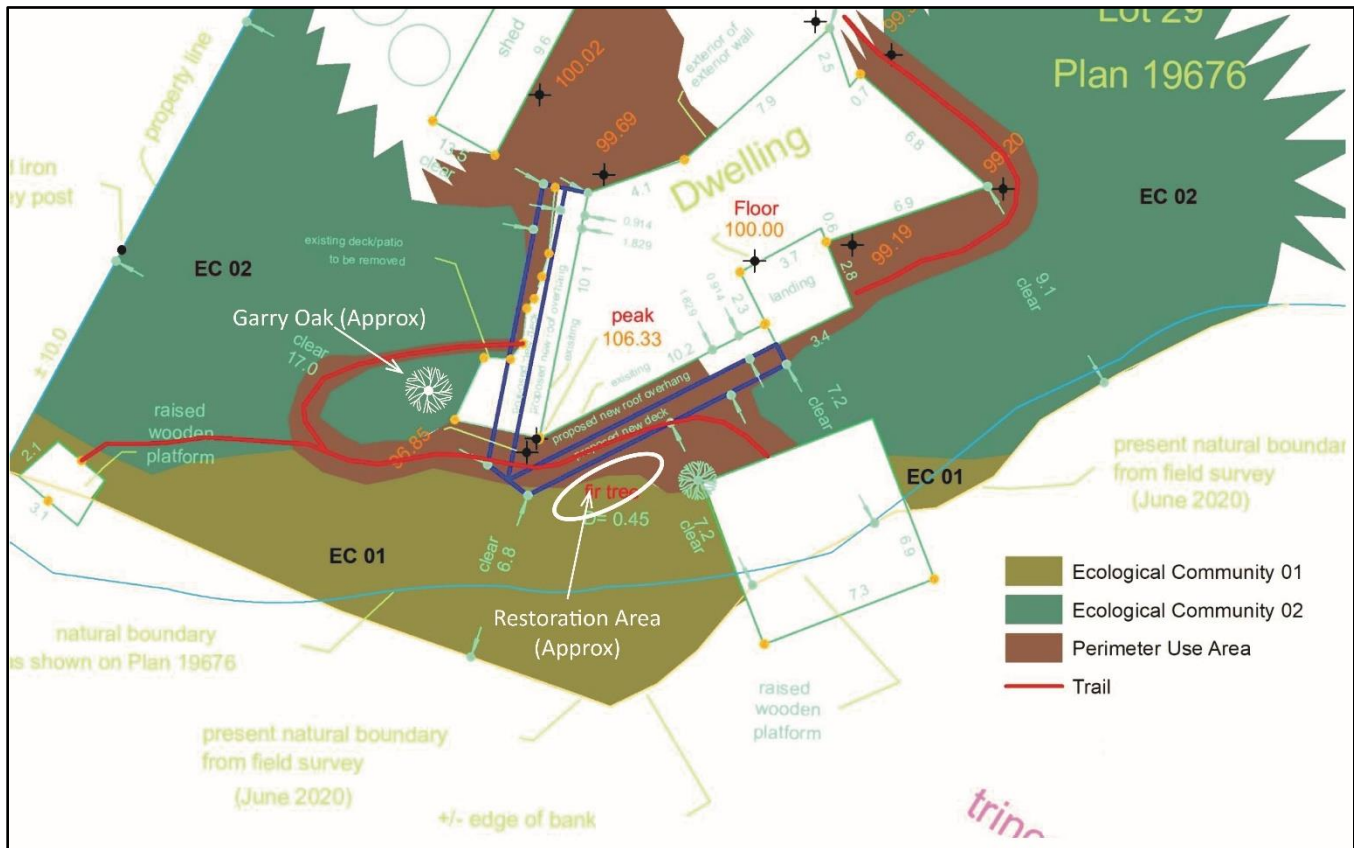
Rationale for the Variances

The rationale provided by the owners for the new construction variance is to provide protection to the windows on the house which is sited on the extreme south of Wise Island and is exposed to wind, rain and spray from winter storm events and sun in the summertime. The roof overhangs will reduce water penetration and sun exposure and the deck and railings (glass) will help to ‘break’ and dissipate wind and rain energy (see Attachment 2.6). The variance is required for small portions of the proposed deck only (not the awnings) and the rationale is supportable in staff’s opinion.

The rationale for the variances for existing structures is to bring the property into compliance with the LUB. Given that all of the structures are existing and were in place and the impacts of removing these on the sensitive ecosystems (next) the rationale of maintaining and legalizing the two larger decks (‘B’ and ‘D’) is supportable.

However, the location, size and deteriorating condition reported by the applicant of Deck ‘C’ a rationale for keeping it by variance is not supportable.

Figure 3 – Ecological Communities from Adapted from Biology Report)



Impact on Neighbouring Properties

The location and scale of the new construction of the decks and awnings indicate that they should not be impactful to the one neighbouring property. The residence on the property to the northwest is 50 metres distant. Additionally, the proposed additions would not significantly change the pattern of use on the property.

The impacts of granting the variances for existing decks 'B' and 'D' on the neighbouring property do not appear impactful given their size and distance from the neighbouring property. Therefore, granting those variances would represent minimal impacts to the adjacent properties or from the water.

Conversely, deck 'C' is located close to the property line and is impactful to the privacy of the neighbouring property, as there is 'overlook' to parts of that property. The neighbour has stated that he opposes the variances for that particular deck and would like to see that deck be removed (below – Attachment 6).

Impact on Sensitive Ecosystems

The Biology Report underlines the highly sensitive ecosystems on the property and the potential impacts of development. For the new construction variances, those are largely mitigated by the existing disturbed condition in the deck location and by construction management and restoration conditions incorporated into the proposed DP.

The Addendum Letter (Attachment 4) provides an impact assessment for the existing larger wooden platform in front of the dwelling (deck 'D'), and the potential impacts of removing the structure if that variance is not granted (Figure 2). That deck extends from the shoreline over the intertidal area south of the dwelling it currently has a minimal impact on the marine and intertidal system. The primary impact is the elimination of soil and vegetation under the structural footprint. Importantly, the Addendum Letter identifies how removing the structure would be impactful to the terrestrial ecosystem communities by the dismantling and transporting of the materials, and that any restoration would require intensive, long-term measures.

Intent of the Regulations being Varied

The overall purpose of the setback from the Natural Boundary of the Sea and interior side lot regulations are to minimize impacts on adjacent properties and the public realm related to:

- Limiting the visual impact of development on adjacent properties.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining privacy.
- Establishing a consistent development pattern within a local area.
- Public Access
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations. The proposed variances for new deck construction are supported by staff as they are minor in nature and do not challenge the intent of the bylaw regulations. Those for deck 'B' are similarly minor and do not challenge the intent of the regulation. The deck 'D' variance is not minor and does challenge some of the purposes of the bylaw. The variance for deck 'C' is not minor and challenges many of the purposes listed above, particularly privacy to the neighbour.

Potential Impacts of Granting the Variances

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

Consultation

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

DVP Notices were circulated to surrounding property owners and residents (Attachment 9). The notification period ended at 4:30 p.m. on October 23, 2020.

At the time of writing, staff has received one written submission in response to notification from the neighbour to the west (Attachment 6). That e-mail states an opposition to the particular variances for that deck 'C' based on privacy and its deteriorating condition, and that he would like to see that deck be removed.

Any further submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

With respect to the potential for archaeological material to be found on the property during the proposed additions, Islands Trust reviews all applications/permits using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Further to that review, staff have provided the following guidance directly to the applicants:

- All archaeological and cultural heritage is protected under the *Heritage Conservation Act* and areas of archaeological potential may contain undocumented archaeological sites which would be automatically protected under the *Heritage Conservation Act* (including all intact or disturbed sites) and require a permit from the BC Archaeology Branch. Further information regarding permits: <https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits>.
 - In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.
 - Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork.
 - For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: www.archdatarequest.nrs.gov.bc.ca, or contact Islands Trust to access mapping of the subject property.
- Rationale for Recommendation

Rationale for Recommendation

The recommendations on page 1 with respect to the Development Permit are supported as:

- The objectives and specific guidelines of the DPA have been met;
- All relevant recommendations of a professional biological assessment report and additional conditions consistent with the DPA guidelines have been incorporated into the conditions of the proposed DP; and,
- The conditions in the draft DP will ensure the protection of the wetland ecosystem.

The recommendations on page 1 supports two (2) of three (3) of the proposed variances from the NBS(decks 'A', 'B' and 'D') given:

- With the exception of Deck 'D', they are minor in nature;
- the potential impacts from granting the variances are relatively minor, particularly to the most impacted adjacent properties;
- for deck 'D' the impacts of not granting the variance and removing the deck would be more impactful to the sensitive ecosystems than granting the variance.
- notification to surrounding neighbours has been undertaken and to date staff have received one written responses that does not oppose those variances; and,
- with the exception of deck 'D', they do not challenge the intent of the bylaw provision.

The recommendations on page 1 do not support the proposed variances from the NBS and the interior side lot line for deck 'C' given:

- They are not minor;

- they more impactful, particularly to the privacy of the adjacent neighbour, the sensitive ecosystem and the public realm; and,
- they challenge the intent of the bylaw provisions.

ALTERNATIVES

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

Development Permit

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are a potential delay in construction and costs to the applicant. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

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

2. Deny the application

The LTC may deny the application. Note, if this alternative is selected, the decision MUST be accompanied by specifying which guideline(s) the application does not comply with. Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee deny application GL-DP-2020.1 (Koster) as it does not comply with guideline_____.

Development Variance Permit

1. Approve the permit as drafted and circulated

The LTC may approve the permit as circulated. Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee approve issuance of GL-DVP-2020.3.

2. Further amend the permit and approve the permit as amended

The LTC may opt to make amendments to the permit as circulated in addition to those recommended on page 1. Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee amend GL-DVP-2020.3 by____; and, .

That the Galiano Island Local Trust Committee approve issuance of GL-DVP-2020 as amended.

3. Request further information

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

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

4. Deny the application

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

That the Galiano Island Local Trust Committee deny application GL-DVP-2020.3.

NEXT STEPS:

- If the variances are granted as recommended, the owner will be required to remove deck 'C' within a timeframe agreed to by Compliance and Enforcement staff, and apply for a rezoning of the portion of deck 'D' that is below the NBS.

Submitted By:	Phil Testemale, Planner 2	October 23, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	October 23, 2020

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. "Development Permit Assessment Report" (Keith Erickson, R.P.Bio., September 10, 2020 – Biology Report)
4. Addendum to Biology Report (October 4, 2020)
5. Applicant submission
6. Correspondence
7. DPA Guideline Checklist
8. Draft Development Permit GL-DP-2020.1
9. DVP Notice
10. Draft Development Variance Permit GL-DVP-2020.3

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 29, District Lot 6, Wise Island, Cowichan District, Plan 19676
PID	003-614-549
Civic Address	Lot 29, Wise Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
GL-DP-2001.4	Construction of dock (with platform, ramp & floating dock)
GL-CL-2001.5	Referral from CL for above

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR- Rural Residential in the Galiano Island Official Community Plan Bylaw 108 Development Permit Area 2 – Marine and Shoreline Ecosystems is designated on the property (application subject – Attachment 2.2)
Land Use Bylaw	The property is zoned as Rural Residential (RR) in the Galiano Island Land Use Bylaw 127
Other Regulations	N/A
Covenants	None
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	This 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	See Biology Report (Attachment 3) and Addendum (Attachment 4)
Sensitive Ecosystems	See Biology Report (Attachment 3) and Addendum (Attachment 4)
Hazard Areas	N/A
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates areas of archaeological potential on the property. The applicant has been advised and sent the Islands Trust Chance Find Protocol and provincial guidance. Additionally, by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all

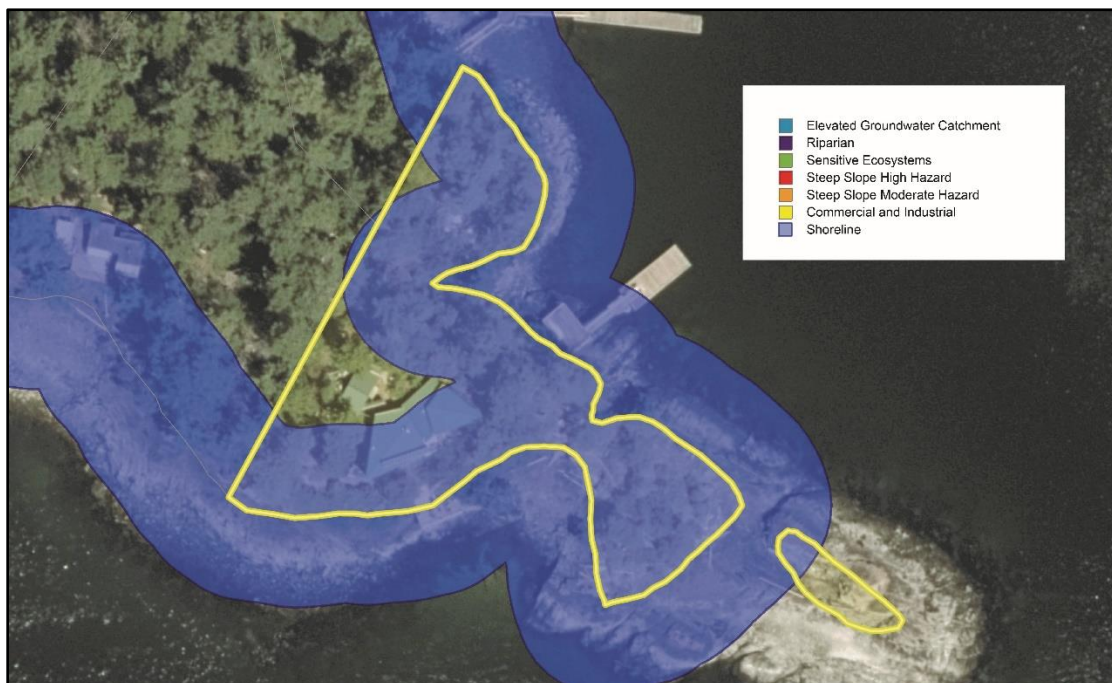
	work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Minimal new development / impact to green house gas emissions; new construction not susceptible to impacts of climate change.
Shoreline Classification	Rock Shoreline - Sea Cliff
Shoreline Data in TAPIS	No Mapping available - refer to Biologist's Report - Attachment

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO WITH ZONING



2.2 DPAs



2.3 SENSITIVE ECOSYSTEM MAPPING



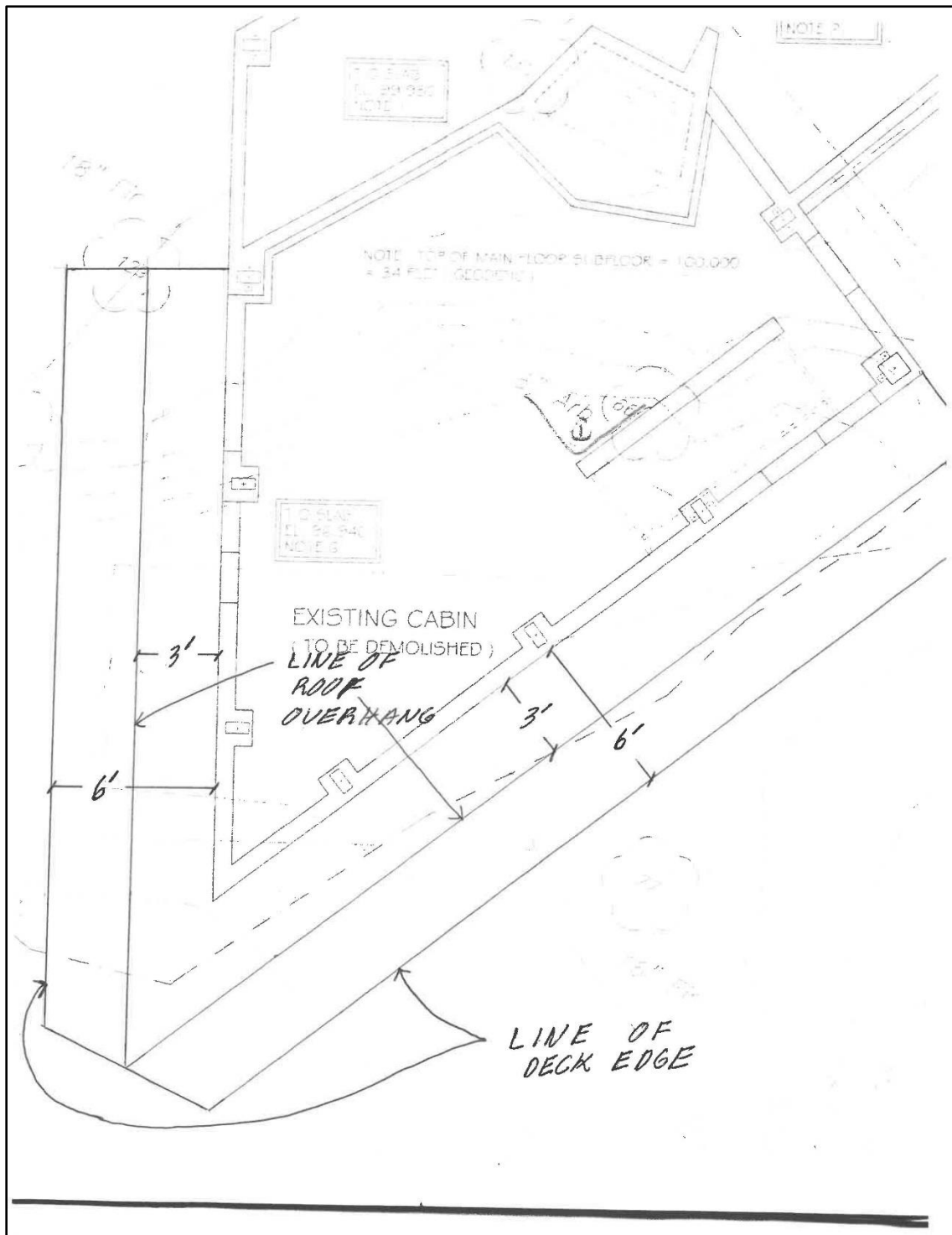
2.4 SHORELINE TYPES



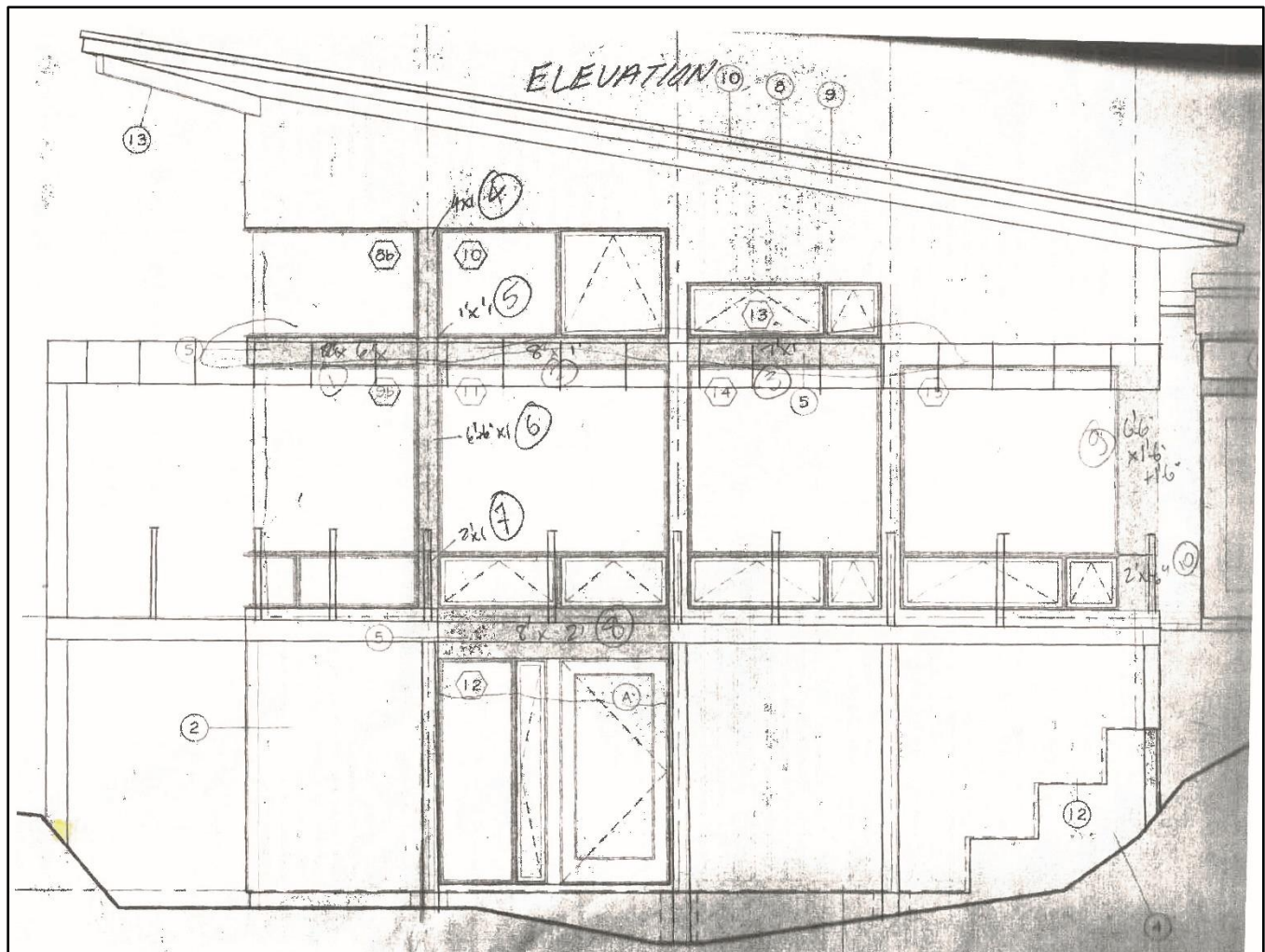
Islands Trust



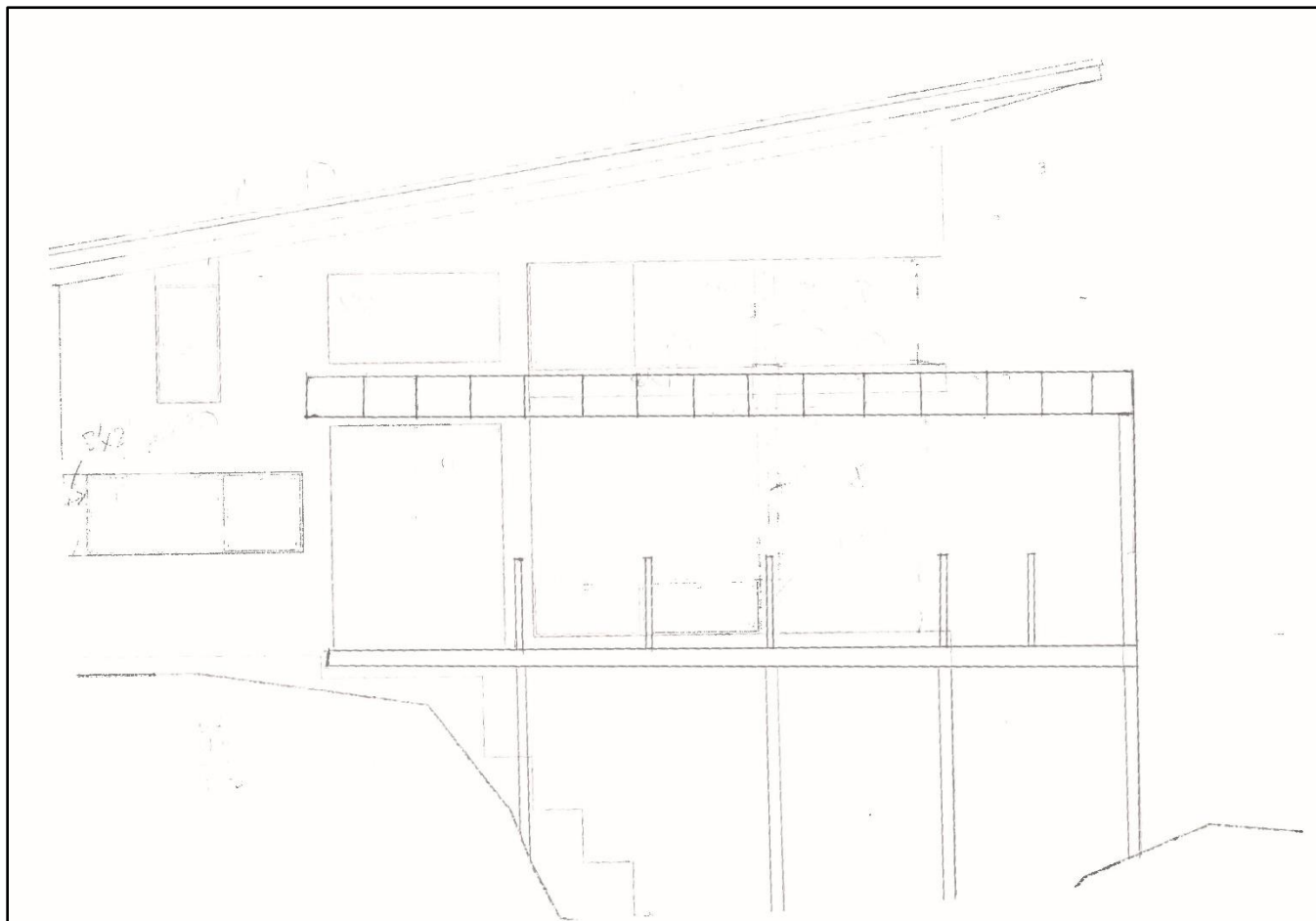
2.6 BUILDING ADDITION (PLAN VIEW)



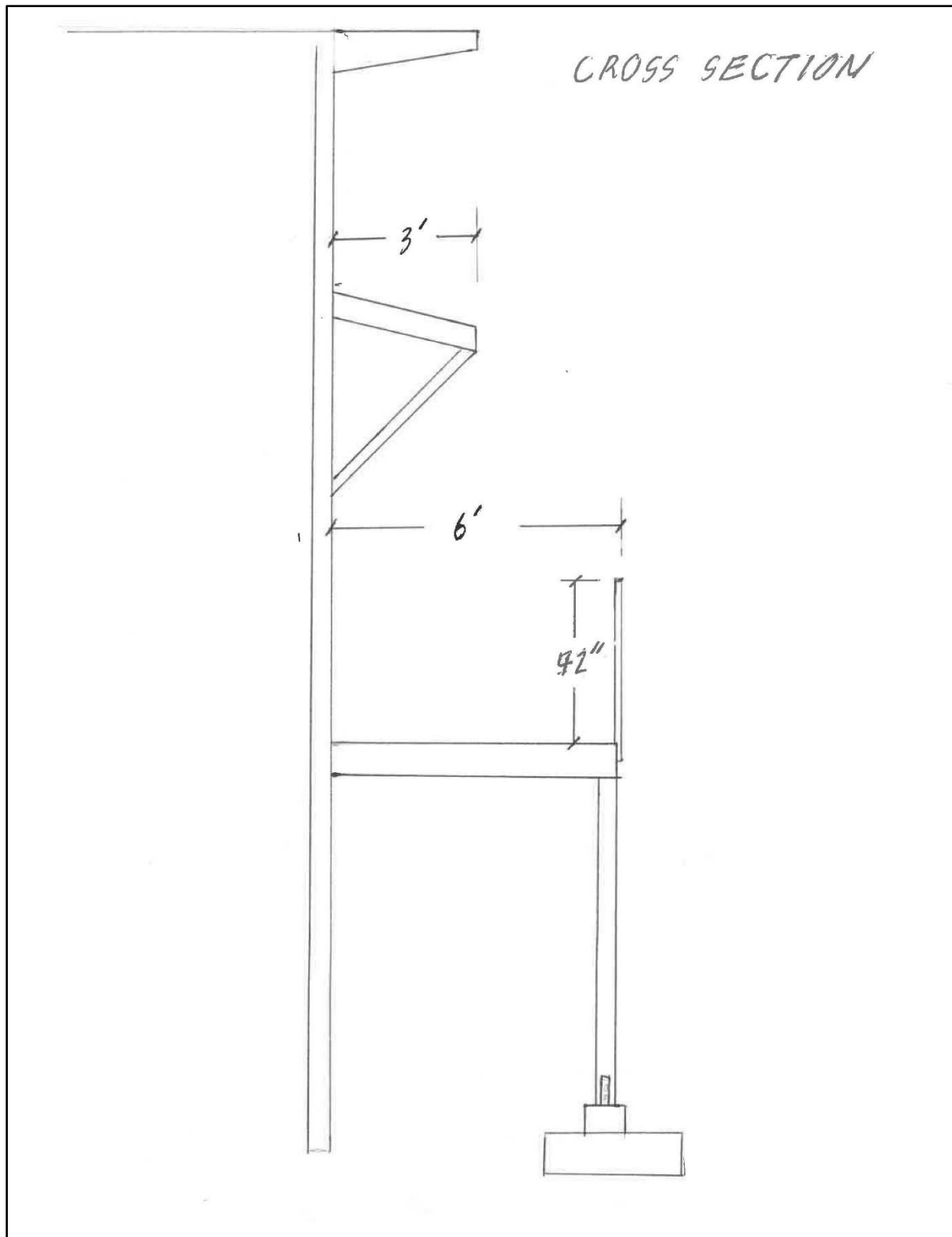
2.6 BUILDING ADDITION (SOUTH ELEVATION)



2.6 BUILDING ADDITION (NORTH ELEVATION)



2.6 BUILDING ADDITION (CROSS SECTION)



2.7 PHOTO - VIEW FROM WATER (SOUTHEAST OF DWELLING)



2.8 PHOTO - VIEW FROM WATER (SOUTH OF DWELLING)



2.9 PHOTO - VIEW OF DWELLING FROM WEST



Keith Erickson
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kericksongaliano@gmail.com
250.539.3481

Dave Koster
Hunterston Homes
3-14485 Porlier Pass Road
Galiano Island, BC, V0N 1P0
koster@gulfislands.com
250.539.5642

October 4th, 2020

RE: Lot 29, Plan 19676, Wise Island, Cowichan District

This letter is being written in addendum to the Development Area Assessment Report completed for Lot 29, Plan 19676, Wise Island, Cowichan District, dated August 10th, 2020. The developer has requested further information regarding the potential removal of a deck platform that extends from the shoreline into the intertidal area to the south of the primary residence.

The information I am able to provide is limited in scope as I did not complete a targeted assessment of the impact of the existing structure or its removal as part of my original report. The information provided in this letter is anecdotal to the field survey completed to determine the impacts of the proposed deck addition to the primary residence.

The current impact of the deck platform structure on the marine and intertidal system appears to be minimal due to the following considerations:

- The shoreline along the southern boundary of the property where the structure is located is characterized by a short, exposed bedrock cliff. No marine sediments were observed, nor any bank erosion or stability issues. Marine vegetation along the intertidal area primarily consisted of rockweed (*Fucus distichus*) growing along side dense concentrations

of Acorn Barnacles. (See photos below). This community appears uninterrupted and unaffected by the deck platform structure.

- The shoreline has been ranked for sensitivity to sea level rise with a foreshore sensitivity ranking of 'Not Susceptible', a backshore sensitivity ranking of 'Low' and an overall sensitivity to sea level rise ranking of 'Low' (BC Parks Shoreline Sensitivity to Sea Level Rise Model - Bifford, Stevens).
- Shading of marine or intertidal areas caused by the structure is minimal.
- There are no visible accumulations of organic material deposited from terrestrial vegetation in the marine riparian in adjacent "intact" locations.

The primary impact of the platform structure is the elimination of vegetation and removal of soil from its footprint area within the terrestrial ecosystems of Ecological Community 01 and 02 (see Map). Currently, vegetation in these ecosystems is growing right up to the edges of the structure.

Removal of the structure will likely, by necessity, heavily impact the portions of EC01 and EC02 immediately adjacent to the structure that are currently intact. There is no large clearing or 'landing' adjacent to the platform where dismantling could occur without additional ecological damage to these sensitive ecosystems. Also, widening of trail systems may need to occur in order to remove structural elements.

Due to the extreme nature of the site (sun and wind exposure, lack of soil), restoration of an intact vegetation community in the case that the structure is removed will be difficult. Restoration may be possible with intensive, long-term measures including importation of soil, planting and irrigation.

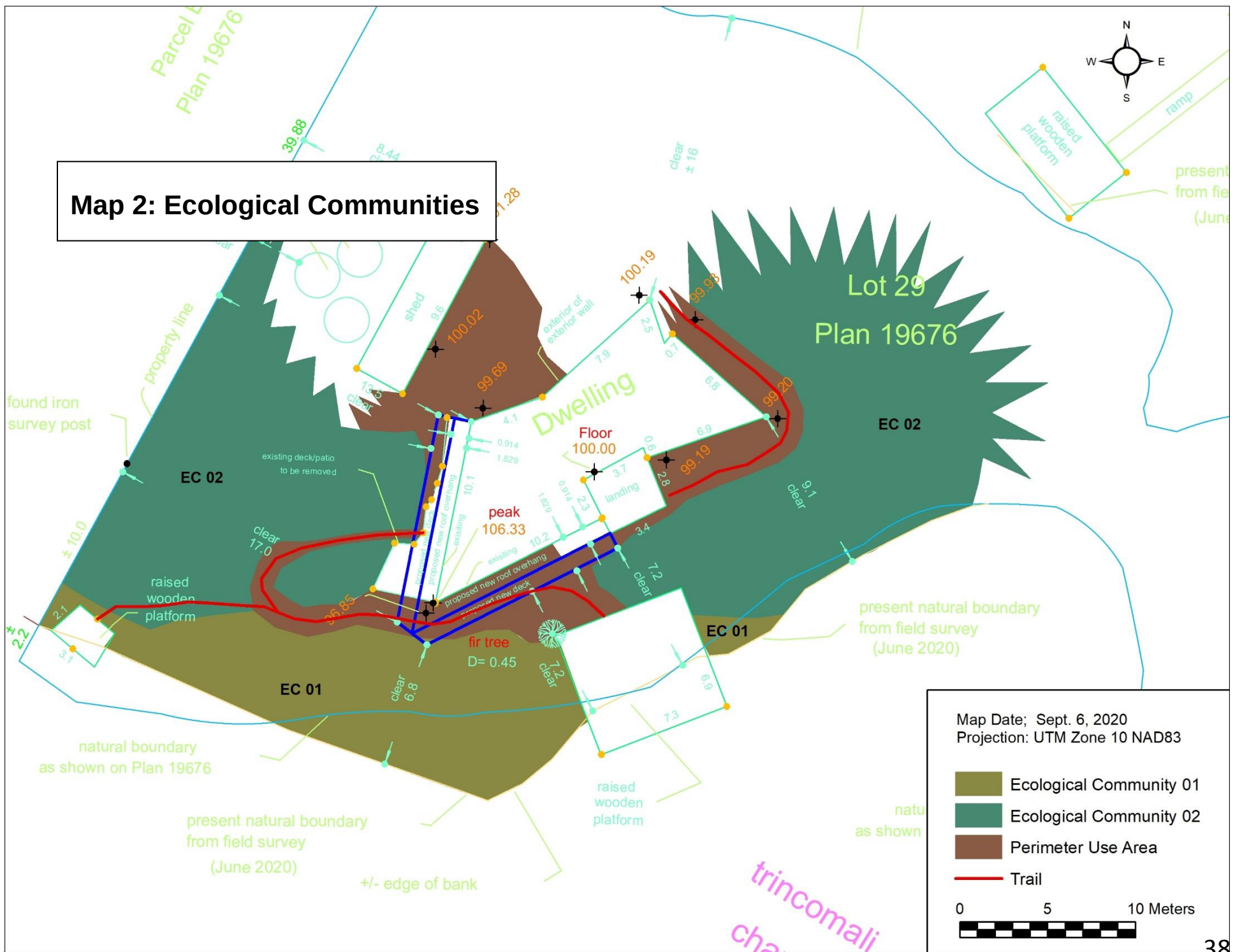
The current owners have been extremely conscientious of minimizing the impacts of ongoing use of the property on ecosystems. Clearing of vegetation and disturbance to soils in areas other than those directly required for footprints of infrastructure are minimal. With the exception of the direct footprint of the infrastructure and small trail network, the property appears¹ to be comprised of intact ecosystems, left to natural processes.

Sincerely,

Keith Erickson R.P.Bio.

¹ Based on thorough assessment of the extent of Ecological Communities depicted on Map, walk along shoreline to point opposing house site, and traverse from dock on NE side of property to house site.

Map 2: Ecological Communities









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The current owners have been extremely conscientious of minimizing the impacts of ongoing use of the property on ecosystems. Clearing of vegetation and disturbance to soils in areas other than those directly required for footprints of infrastructure are minimal. With the exception of the direct footprint of the infrastructure and small trail network, the property appears¹ to be comprised of intact ecosystems, left to natural processes.

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Keith Erickson R.P.Bio.

¹ Based on thorough assessment of the extent of Ecological Communities depicted on Map, walk along shoreline to point opposing house site, and traverse from dock on NE side of property to house site.

Map 2: Ecological Communities









Description of additions to house on Lot 29 Wise Island

We would like to add a 6' wide deck and a 3' wide overhang on the living room part of the house. With the one face of the living room facing south it takes the brunt of the storms in the wintertime and the sun in the summer which has caused all the windows along that face at floor level to fail to the point they are not repairable and have to be replaced. The upper windows are still as good as the day they were installed. This is due to them being higher on the wall and being protected from the roof overhang. This is the purpose for wanting to add the 3' wide roof overhang which will be attached between the lower and upper windows. This will help protect the upper part of the windows. We would like to add the deck (which will be just below the windows) as the railing on it will help to break some of the force of the wind and rain against these windows. This deck railing will be constructed with just posts and glass (no top or bottom rail) to minimize the deck's visibility from the water. To keep symmetry to the house we would wrap this deck and roof around the prow and back the other side. The deck will be seen from looking at the house from the south but will not be visible at all when passing along the length of the island as it sits behind a rock ridge.

One of the windows on the south face has failed in the past and had to be replaced but now with all of them failing which has also caused some damage to the inside of the house we would like to not have to repeat this procedure in another 20 years. The cost involved in replacing all these windows is upwards of \$60,000.00.

Thank you for your consideration

Dave Koster

From: Nic Carolsfeld <[REDACTED]>
Sent: Thursday, October 22, 2020 10:14 PM
To: information <information@islandstrust.bc.ca>
Subject: Lot 29 Wise Island

Hello Phil Testemale at Islands Trust.

I am sending this note in response to the information notice concerning Lot #29 on Wise Island. Our family has been enjoying the adjacent property to the West, Lot B, for several decades. We know the area well and fully understand local property owners desire to access the foreshore

and to sit on their decks and enjoy the view. We are also so inclined.

However, I am compelled to comment, in particular, on the existing structure 'C'.

Structure C is well onto the setbacks in two directions and also extends well out over the high bank foreshore.

This particular structure is also very much visible from the sandstone tidal bench which we access often from our place next door. Frankly, it's not a pretty sight. Never has been, and, even if properly or more nicely constructed, is in my opinion in a very awkward location. A shore based, landscaping type sitting area would be far more appropriate.

I have commented publicly at our annual community meetings in the past, in a general and conceptual manner, on the benefits of keeping off the foreshore with our structures as much as possible.

This is not a new issue in the Gulf Islands in general and on Wise Island as well.

Respectfully
Nic Carolsfeld
[REDACTED]

Attachment 7
Galiano Island OCP Bylaw No. 108, 1995
Shoreline and Marine Development Permit Area (DPA 2)
Guideline Checklist

Guideline	Complies			Comments
	Yes	No	N/A	
1. In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access.	☒	☐	☐	
2. Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works are exhausted should such works be considered.	☐	☐	☒	
3. Sea level rise, storm surges, and other anticipated effects of climate change should be addressed in all applications.	☒	☐	☐	
4. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.	☐	☐	☒	
5. New upland structures or additions to existing structures should be located and designed to avoid the need for shore protection works.	☒	☐	☐	
6. When required, shore protection measures should:				
a. Apply the 'softest' possible shore protection measure that will still provide satisfactory protection; and	☐	☐	☒	
b. Limit the size of shore protection works to the minimum necessary.	☐	☐	☒	
7. 'Hard' structural shore protection measures (e.g. concrete walls, lock block, stacked rock) may be considered in support of existing development only when a geotechnical and biophysical analysis demonstrates that:				
a. an existing structure is at immediate risk from shoreline erosion caused by tidal action, currents, or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;	☐	☐	☒	
b. the erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage. The geotechnical analysis should evaluate on-site drainage problems and investigate drainage solutions away from the shoreline edge before considering structural shoreline stabilization;	☐	☐	☒	
c. non-structural measures, such as locating new buildings and structures further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or sufficient to address the stabilization issues; and	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
d. unavoidable damage to shoreline ecological function is mitigated as much as feasible and restoration is undertaken when feasible.	☐	☐	☒	
8. All structural shore protection measures should be installed within the property line or upland of the natural boundary of the sea, whichever is further inland. 'Soft' shoreline protection measures that provide restoration of previously damaged ecological functions may be permitted seaward of the natural boundary subject to obtaining necessary approvals from the provincial and federal governments.	☐	☐	☒	
9. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical assessment of the site.	☐	☐	☒	
10. Shore protection measures that are likely to cause erosion or other physical damage to adjacent or down-current properties shall not be supported.	☐	☐	☒	
11. Shore protection measures should not be considered for solely the purpose of providing a sufficient setback to meet other land use bylaw requirements.	☐	☐	☒	
12. New driveways and sewage disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the development permit may require that the assessment, design and construction of the road or sewage disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met.	☐	☐	☒	
13. Where this development permit area includes native plant species or plant communities dependent on a marine shoreline habitat that are identified locally, provincially, or federally as sensitive, rare, threatened or endangered, or have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation / compensation measures shall be undertaken only under the supervisions of a qualified professional with advice from provincial and federal environmental agencies.	☒	☐	☐	Restoration measures in draft DP
14. Shore protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing structures or new outbuildings.	☐	☐	☒	
15. Existing shore protection works may be replaced if the existing works can no longer adequately serve their purpose provided that:				
a. The replacement shore protection works are of the same size and footprint as the existing works, unless required to prevent shoreline erosion as determined by a qualified professional;	☐	☐	☒	
b. The replacement shore protection works are designed, located, sized, and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;	☐	☐	☒	

Guideline	Complies			Comments
	Yes	No	N/A	
c. Replacement walls or bulkheads do not encroach seaward of the natural boundary or the seaward limit of the existing shore protection works unless there are significant safety or environmental concerns that could only be addressed via such an encroachment. In such cases, the replacement of shore protection works should utilize the 'softest' approach possible and should abut the existing shore protection works; and	☐	☐	☒	
d. Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.	☐	☐	☒	
Guidelines for Specific Shoreline Types:				
16. Because of their extreme sensitivity to disturbance and slow rate of recovery, dredging or filling of estuaries should not be permitted, sea walls and rip rap embankments should not be permitted in estuaries, and when shore protection measures are necessary "beach nourishment" designs are preferred, which add appropriately sized material to the upper beach, creating a natural beach slope and beach armour.	☐	☐	☒	
17. New structures on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis for the structure.	☒	☐	☐	
18. Removal of trees or other vegetation from steep slopes or bluffs should only be allowed where necessary and where replacement vegetation / erosion control measures are established. If possible, stumps should be left in place to provide some soil stabilizing influence until replacement vegetation is established. Plans delineating extent of vegetation / tree removal (location, species and diameter of trees) and location of proposed construction, excavation and / or blasting, may be required.	☐	☐	☒	
Guidelines for Construction Practices:				
Erosion Control:				
19. All development within this development permit area should be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.	☒	☐	☐	Conditions in draft DP
Monitoring:				
20. A development permit may require monitoring by a qualified professional of the implementation of environmental mitigation, restoration or enhancement planting or other measures required by a development permit, until all such measures have been completed and the professional has provided a report confirming completion to the standard specified in the permit.	☒	☐	☐	Conditions in draft DP
Guidelines for Vegetation Management, Restoration and Enhancement:				

Guideline	Complies			Comments
	Yes	No	N/A	
21. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.	☒	☐	☐	Conditions in draft DP
22. Existing trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.	☒	☐	☐	Conditions in draft DP
23. If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.	☒	☐	☐	Restoration measures in draft DP
24. Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or fish and wildlife habitat values as needed. Suitably adapted, non-invasive, non-native vegetation may also be considered acceptable.	☒	☐	☐	Conditions in draft DP
25. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.	☒	☐	☐	Conditions in draft DP (Biologist recommended one summer only)



**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GL-DP-2020.1**

To: David Maglio
c/o Dave Koster

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

Lot 29, District Lot 6, Wise Island, Cowichan District, Plan 19676
(PID: 003-614-549)

2. This Development Permit GL-DP-2020.1 authorizes the construction of an addition to an existing dwelling (deck structure and awnings) within Development Permit Area (DPA) 2 – Shoreline and Marine Areas DPA ("DPA"), subject to the following requirements and conditions:

- a. All construction shall be substantively consistent with Schedule 'A', attached to and forming part of this permit.

Construction of Deck and Awnings

- b. The construction of the deck structures shall be located and constructed to minimize the number of required deck footings and the area of excavation and disturbance required for the footings.
- c. Support posts for the deck should be secured by drilling and anchoring brackets directly into bedrock rather than excavation and concrete footings where possible.
- d. Excavation for deck footings shall be the minimal required size and excavated precisely.
- e. There is to be no disturbance of soil or clearing of native plants or trees within the DPA, with the exception of the minimum required for deck footings.
- f. There shall be no blasting.

Construction Management

- g. All necessary measures to protect the sensitive ecosystems must be used by the property owners and contractors throughout the construction process, specifically:
 - i. Soil from excavations should be removed from the property or stored within the 'Perimeter Use Area' as shown on Schedule 'A'.
 - ii. Any soils exposed or deposited for a period of greater than two (2) weeks shall be placed away from the DPA in the 'Perimeter Use Area' and covered and maintained by means of tarps in good repair.
 - iii. The Garry oak tree located adjacent to existing deck on the southwest side of the house shall be protected from inadvertent damage due to construction activity by temporary high-visibility fencing.
- h. All contractors and construction personnel are to be notified of the location of the DPA and the conditions of this permit by providing copies to the contractor.

- i. The use of machinery and equipment shall be restricted to the minimum area for the construction of the footings and deck as shown on Schedule 'A' and specified herein.
- j. Access to the construction site should use the existing trail or basement door to access the front (southeast side) of the house, and construction activity shall not increase the width / size of 'Trails' and the 'Perimeter Use Area' as shown on Schedule 'A'
- k. Contractors should inspect their equipment and vehicles to ensure they do not transport invasive plant species seeds onto or off the property. All equipment should be washed prior to arrival. Manual removal of weeds should be performed on a regular basis.
- l. All machinery and equipment is to be inspected for leaks prior to operation.
- m. Machinery and equipment is only to be refuelled at a designated location that is a minimum 15 metres distant and isolated from the DPA.
- n. A spill response kit is to be on site during all periods when machinery is being operated and all operators are to be trained in the use of the spill kit.

Timing

- o. Construction shall be undertaken during dry weather and not during periods of prolonged rainfall deposition.

Restoration

- p. Restoration of a previously disturbed area of Ecological Community 01 ('Restoration Area') on the southeast side of the house adjacent to the fir tree shown on Schedule 'A' is specified as follows:
- q. Removal of navy jack currently stored in the restoration area.
- r. Replanting of the restoration area shall consist of 4 to 6 snowberry and/or oceanspray plants (1 gallon size if soil depth permits or 4" if not)
- s. All replanting shall be maintained by the property owner with a mulch of leaf litter or wood chips and watered over the first summer.

Protection from Introduction of Non-Native Flora

- t. The removal of non-native and invasive species such as Scotch broom, Himalayan blackberry, English ivy and non-native rose is encouraged. Keeping the Scotch broom and Himalayan blackberry trimmed before flowering will help reduce the spread of seed in the area.
- u. The retention of dead or declining trees, downed logs, snags and leaf litter within the DPA is encouraged.

Monitoring

- v. Monitoring and guidance is to be conducted by a registered professional biologist (R.P. Bio.) to ensure that all construction, construction management and restoration conditions herein have been met to the satisfaction of the R.P. Bio.
 - w. Upon completion of construction, the monitoring R.P. Bio. shall provide written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.
3. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.

4. Any further development within designated Development Permit Area will require a new Development Permit, or a Development Permit Amendment.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Galiano Island Land Use Bylaw No. 127, 1999 and/or Galiano Island Official Community No. 108, 1995 and to obtain other approvals necessary for the lawful completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE, THIS ##TH DAY OF Month, 2020.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE #TH DAY OF Month, 20##, THIS PERMIT AUTOMATICALLY LAPSES.

DEVELOPMENT PERMIT GL-DP- 2020.3
Schedule "A"
Site Plan (Adapted from Biology Report)

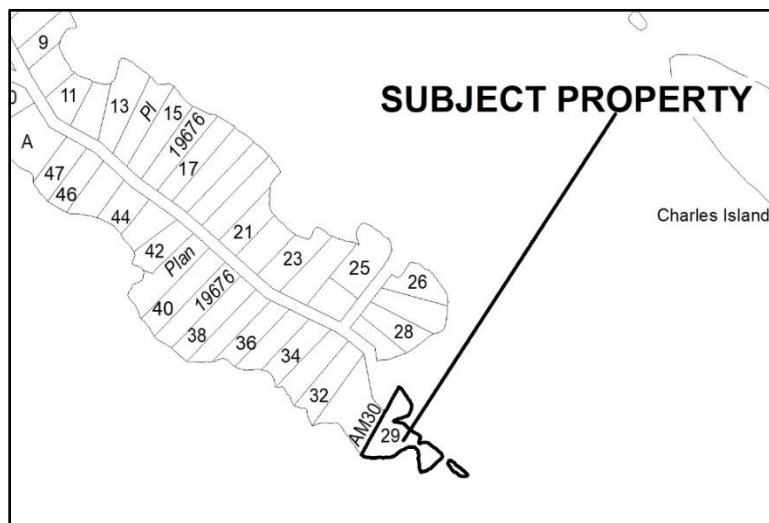


NOTICE
GL-DVP-2020.3
GALIANO ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the Galiano Island Land Use Bylaw No.103, 1996 as follows:

- Variances to reduce the setback from the natural boundary of the sea for a new deck (attached to a dwelling) and for three (3) existing structures (wooden platforms); and, a variance to reduce an interior side lot line for one (1) of the existing structures, all shown on the attached draft permit.

The property is located at the **south easternmost extent of Wise Island** and is legally described Lot 29, District Lot 6, Wise Island, Cowichan District, Plan 19676 (PID: 003-614-549). 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 **October 13, 2020** and continuing up to and including **October 23, 2020**.

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 **October 13, 2020**.

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: information@islandstrust.bc.ca before 4:30 pm, **October 23, 2020**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 pm., November 2, 2020**, to be conducted electronically.

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



Islands Trust

**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GL-DVP-2020.3**

To: David Maglio
c/o Dave Koster

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

Lot 29, District Lot 6, Wise Island, Cowichan District, Plan 19676
(PID: 003-614-549)

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

- a) Section 2.14 which states that buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea, is varied to permit:
- i) the siting of a new, attached structure (deck 'A') within 6.8 metres of the natural boundary of the sea;
 - ii) the siting of an existing structure (wooden platform 'B') within 3.3 metres of the natural boundary of the sea; and,
 - iii) the siting of two (2) existing structures (raised wooden platforms 'C' and 'D') within 0.0 metres of the natural boundary of the sea.
- b) Article 5.3.8.2 which states that buildings and structures must be sited at least 6 metres from each interior side lot line is varied to permit the siting of an existing structure (raised wooden platform 'C') within 0.5 metres of an interior side lot line.

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

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

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 2020.

Deputy Secretary, Islands Trust

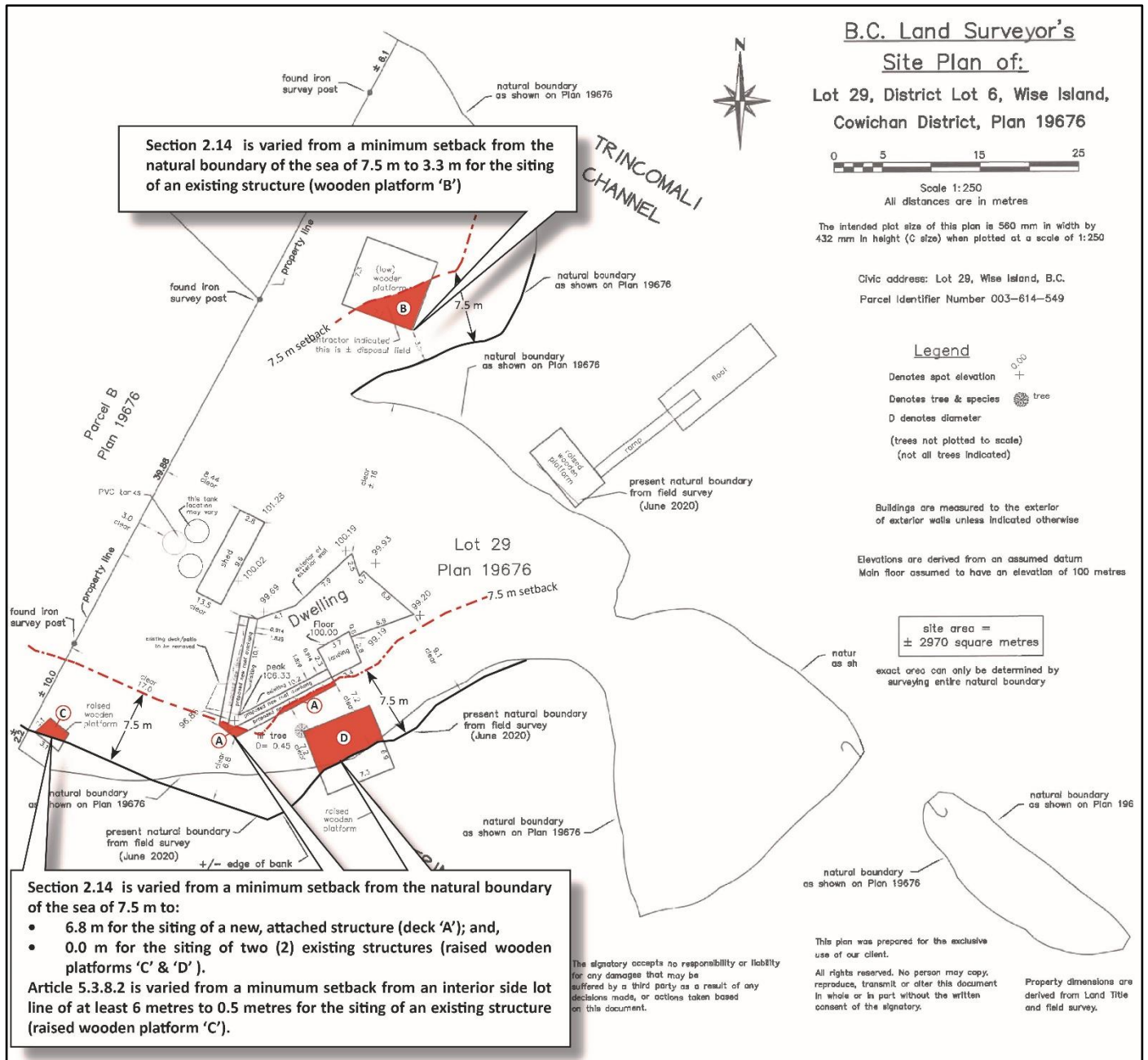
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF MONTH, 2022, THIS PERMIT AUTOGLTICALLY LAPSES.

GALIANO ISLAND LOCAL TRUST COMMITTEE

GL-DVP-2020.3

SCHEDULE 'A'





File No.: GL-TUP-2020.6 (Meden)
(x ref: GL-TUP-2017.3)

DATE OF MEETING: November 2, 2020

TO: Galiano Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Brad Smith, Island Planner

SUBJECT: Renewal of Temporary Use Permit for an Commercial Vacation Rental
Applicant: Peter Meden
Location: 617 Bluff Road

RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve the issuance of a renewal Temporary Use Permit GL-TUP-2020.6 (Meden) for a period of two (2) years; and,
2. That the Galiano Island Local Trust Committee require that the applicant submit well meter records from the date of issuance to the date of expiration for GL-TUP-2020.6 (Meden) for any new Temporary Use Permit application.

REPORT SUMMARY

The purpose of the report is to consider the renewal of a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within a dwelling unit.

In summary, the above recommendation for the issuance of the TUP is supported as:

- A two-year renewal period is consistent with other recent STVR TUP renewal decisions by the Local Trust Committee (LTC);
- Well records for the property supplied in 2017 indicate that the groundwater well exceeds subdivision standards;
- The rationale for renewal is reasonable;
- The guest capacity is sizeable;
- There have been no known complaints about the STVR use since the original TUP was issued;
- The application meets the current, specific guidelines of the OCP; and,
- The permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

BACKGROUND

The proposal is for a TUP for a Commercial Vacation Rental use within an existing single-family dwelling. The maximum number of renters is eight (8).

The subject dwelling is an existing three-bedroom dwelling on the property and that is the applicant's primary residence. He states that he finds alternative accommodation on the Island when the dwelling is used by vacationers. Advertising is primarily through web-based platforms such as Airbnb.

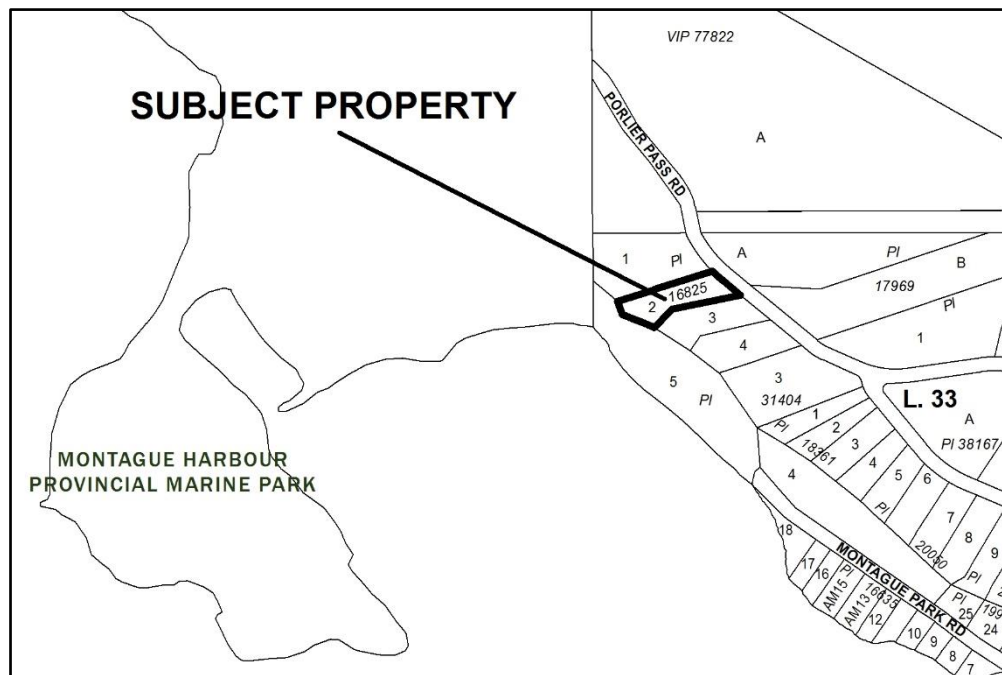
A detailed staff report on the initial application including background, analysis and mapping can be found on pages 55-77 of the agenda package for the October 2, 2017, Galiano Island Local Trust Committee (LTC) meeting:

<http://www.islandstrust.bc.ca/media/344486/gi-2017-10-02-ltc-agd-pkg.pdf>

Upon receipt of the renewal application, staff communicated with the applicant who verified that all conditions had been adhered to over the past three (3) years.

An updated TUP map, a completed TUP checklist and a copy of the proposed renewal permit (GL-TUP-2020.6) are included as Attachments 1, 2 and 3, respectively.

Figure 1 – Subject Property



ANALYSIS

Issues and Opportunities

STVR Regulatory Review

The LTC is currently reviewing existing regulations governing the operation of STVRs on Galiano Island. This project is underway and is expected to be completed in early 2021. A resolution was passed by the LTC at the March 2, 2020 meeting directing staff to draft OCP amendments removing the ability to issue TUPs for an STVR use. A 60-day notification period for comments on the proposed changes ended on September 20, 2020. If the proposed bylaw amendments are adopted, this would impact the future approval of STVR TUP renewals such as this along with new STVR TUP applications.

Cumulative Impacts

The closest other TUPs for a CVR is 1.5 kilometres northeast, on the opposite side of the island (Attachment 1). The maximum guest capacity at eight (8) is sizeable, however, there have been no complaints to the Islands Trust regarding STVRs operating on this property.

TUP Objectives and Guidelines

The attached 'TUP Checklist for Commercial Vacation Rental' analyzes the proposal for compliance with objectives and guidelines of the OCP. The proposal is compliant.

Water & Septic

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

As reported in 2017:

Potable water is provided via a drilled well on the property. A 1987 well log provided by the applicant shows the well on the property to pump at a rate of 7 gallons per minute, which works out to approximately 38,000 litres per day (Attachment 4). By comparison, the Galiano Island Land Use Bylaw requires wells on new lots to provide 2275 litres per day, and wells supplying commercial accommodation units to provide 3185 litres per day. An additional report dated May 13, 2017 shows the static water level of the well to be 150 feet from the wellhead, while the total depth of the well according to the 1987 report is 405 feet, suggesting that the well remains plentiful. The applicant states that he has no reason to believe the well today pumps at a lower rate than it did in 1987.

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

Applicant's Rational for the Proposed Use

The applicant stated in 2017 that the Commercial Vacation Rental provides the majority of his income and he would like to maintain the revenue stream.

Response to Neighbour and Public Notification

There is no statutory notification required for this renewal application as the permit conditions are unchanged. As the application is a renewal, the LTC has the ability to issue the renewal or deny the renewal. Under the *Local Government Act* a renewal permit can only extend the expiration date of the temporary use permit.

TUP Conditions

The TUP is unchanged from the original permit and incorporates most of the conditions that have been established in the OCP. The permit allows for a maximum of number of eight (8) guests.

First Nations

The renewal is applicable to an application where the use remains in the current footprint of the existing building structure with no additional disturbance or impact to the lands or waters to ensure protection of any possible archaeological sites.

Rationale for Recommendation

The recommendations on page 1 are supported given:

- A two-year renewal period is consistent with other recent STVR TUP renewal decisions by the Local Trust Committee (LTC);
- Well records for the property supplied in 2017 indicate that the groundwater well exceeds subdivision standards;
- The rationale for renewal is reasonable;
- The guest capacity is sizeable;
- There have been no known complaints about the STVR since the original TUP was issued;
- The application meets the current, specific guidelines of the OCP; and,
- The permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

ALTERNATIVES

1. Approve the TUP renewal for the maximum 3-year period

The LTC may wish to approve the TUP for the maximum period of 3-years which has been requested by the applicant.

Resolution:

That the Galiano Island Local Trust Committee approve the issuance of renewal Temporary Use Permit GL-2020.6 (Meden) for the maximum 3-year period.

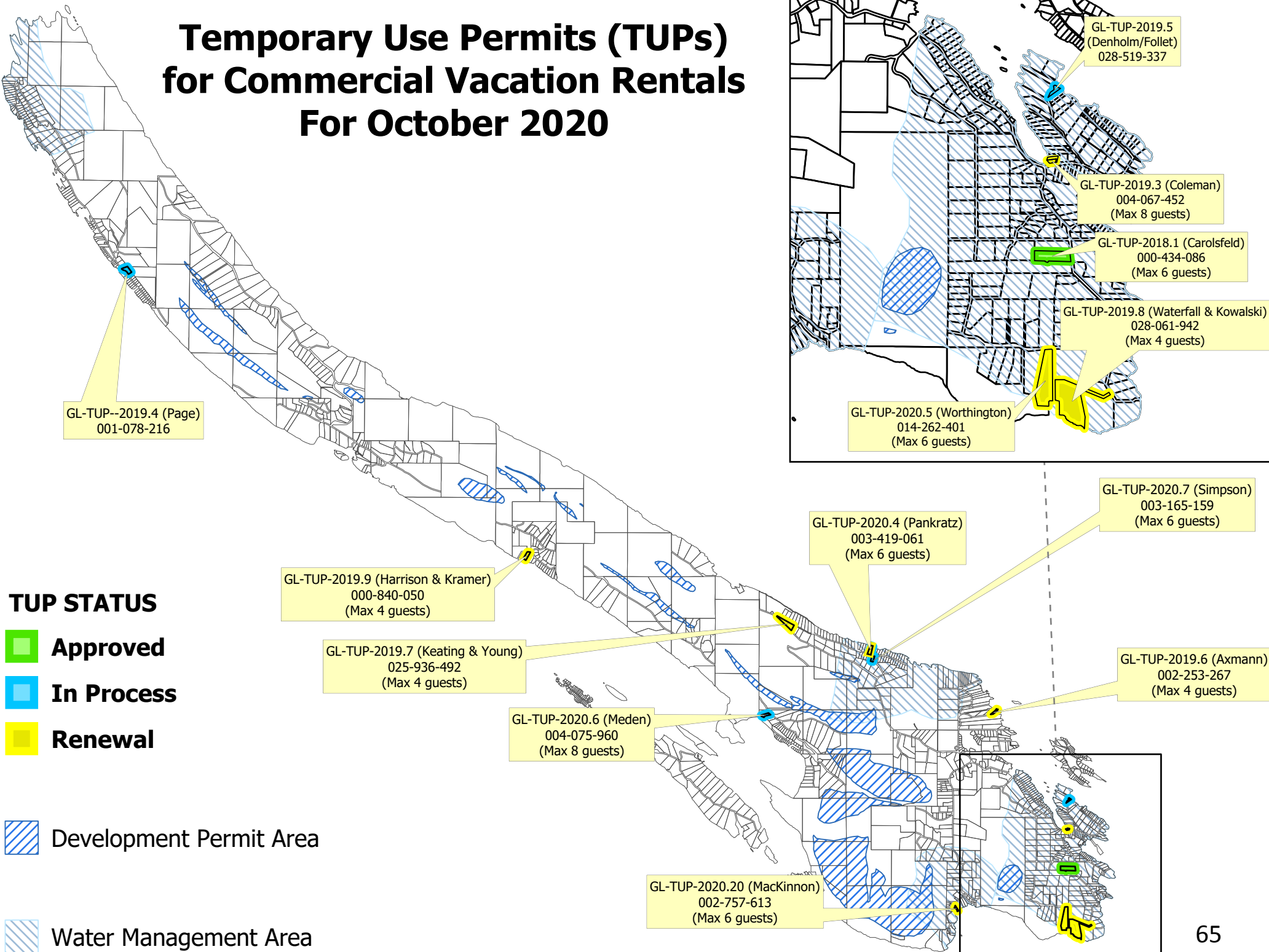
2. Request further information

The LTC may request further information be provided prior to making a decision (i.e. a professional report, or proof of application to the Water Authorizations Office). If selecting this alternative, the LTC should describe the specific information needed.

Resolution:

That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust further information including: _____

Temporary Use Permits (TUPs) for Commercial Vacation Rentals For October 2020



**Appendix 2 - TUP Checklist for Commercial Vacation Rental: GL-TUP-2020.6 Reenwal
of GL-TUP-2017.3 (Meden)
STVR in Dwelling**

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

Guidelines	Comments
	be conservative in order to avoid future shortages & the infiltration of salt water in to the water table, as is happening in other parts of Galiano and the other islands. ” “There is laundry facilities in the house which guests may use, but we ask that you help us save water by doing so only if absolutely necessary”
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Minimum four (4) spaces is a condition in Permit.
Permit Conditions	
g) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. require that the owner or other contact be available on Galiano by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit	Condition in Permit.
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager’s phone number, and a copy of the temporary use permit	Condition in Permit.
iii. require the landowner to post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area	Condition in Permit.
iv. establish a maximum number of people that can stay	Maximum of number (8) as a condition in Permit.
v. establish a maximum number of guests per bedroom	Not a condition in Permit
vi. prohibit camping or occupancy of RVs on the property	Condition in Permit.
vii. restrict advertising to one unilluminated sign, with a maximum area	0.4 m ² , unilluminated and on subject property as a condition in Draft Permit.
viii. prohibit the rental or provision of motorized personal watercraft	Condition in Permit.
ix. prohibit outdoor fires	Condition in Permit.
x. establish the dates during which the use may occur	Not a condition in Permit
xi. include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received	Between 9 a.m. and 5 p.m. of any day as a condition in Permit.
xii. require that the landowner/operator post for guests emergency service contact information and to provide a means for contacting them	Condition in Permit.
xiii. require the landowner/operator to post contact information and permit information at the entrance to the property	Condition in Permit.
Agriculture Land Reserve	

Guidelines	Comments
h) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A

***Water Management Areas** – as established on Schedule C of the *Galiano Island Land Use Bylaw No. 127, 1999*



Islands Trust

**GALIANO ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GL-TUP-2020.6 (Meden)
Renewal of GL-TUP-2017.3 (Meden)**

4121 Porlier Pass Road

To: Erik Meden

1. This Permit applies to the land described below:

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

(PID: 004-075-960)

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

a) a Commercial Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) the property owner or other contact person be available on Galiano Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and on island contact person must be provided to guests upon arrival;
- b) the property owner or Commercial Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact person's phone number, and a copy of the temporary use permit;
- c) the property owner or Commercial Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
- d) the maximum number of guests is limited to eight (8);
- e) camping and occupancy of recreational vehicles are prohibited;
- f) a maximum of one sign unilluminated not exceeding a total sign area of 0.4 square metres advertising the Commercial Vacation Rental is permitted. The sign must be located on the lot occupied by the Commercial Vacation Rental use;
- g) the rental or provision of motorized personal watercraft is prohibited;
- h) all outdoor fires are prohibited;
- i) the owner must provide parking for a minimum of four (4) vehicles on the property;
- j) the property owner or Commercial Vacation Rental operator must post for guests emergency service contact information and provide a means for contacting them;

- k) the property owner or Commercial Vacation Rental operator must post the name and contact number of the property owner and on island contact person, and Permit information, at the entrance to the property; and
 - l) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint.
4. This permit is valid for two (2) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS ##nd DAY OF MONTH, 20##.

Deputy Secretary, Islands Trust

Date Issued

Water System Solutions
Gulf Islands BC

INVOICE

Date: 13 May2017

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

Item Qty Description
Parts

Price
\$ N/A

Labour

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

GST \$ 4.88
Total \$ 102.38*

Due on receipt

Please make cheques payable to Jim Estabrook*

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

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

Cell. 604-230-9447

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

3. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee deny renewal application GL-TUP-2020.6(Meden).

Submitted By:	Phil Testemale, Planner 2	October 23, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	October 23, 2020

ATTACHMENTS

1. TUP Map (Updated October 2020)
2. TUP Checklist (Updated October 2020)
3. Draft TUP (GL-TUP-2020.6 - Renewal of GL-TUP-2017.)
4. 2017 Well Information

DATE OF MEETING: November 2, 2020

TO: Galiano Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Rezoning Application GL-RZ-2019.1 – Draft Bylaws and Content of Housing Agreement

Applicant: Gulf Islands Galisle Affordable Rental Housing Society (GIGARHS)

Location: District Lots 30/31 (Heritage Forest), Galiano Island

RECOMMENDATIONS

1. That the Galiano Island Local Trust Committee receive draft Bylaws No. 276 and No. 277 for information and for use in public engagement on application GL-RZ-2019.1 (GIGARHS).
2. That the Galiano Island Local Trust Committee direct staff to refer draft Bylaws No. 276 and 277 to the Galiano Island Advisory Planning Commission for comment.
3. That the Galiano Island Local Trust Committee authorize staff to enter into a cost recovery agreement, if necessary, with the applicant/agent allowing Islands Trust legal counsel to prepare a draft housing agreement for application GL-RZ-2019.1 (GIGARHS).
4. That the Galiano Island Local Trust Committee schedule a Community Information Meeting for Saturday, November 28, 2020 on application GL-RZ-2019.1 (GIGARHS), to be held electronically.

REPORT SUMMARY

The purpose of this staff report is to introduce Bylaws No. 276 and 277 to the Galiano Island Local Trust Committee (LTC), to provide an update on the development of an associated housing agreement, and to seek direction on next steps with respect to rezoning application GL-RZ-2019.1.

The above recommendations are supported as:

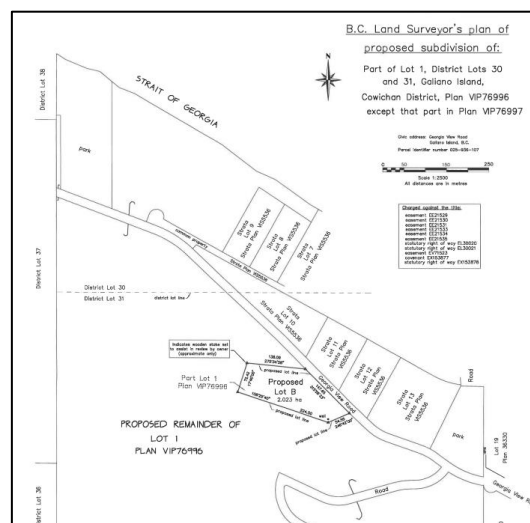
- LTC provided direction at the September 8, 2020 LTC for staff to develop draft bylaws for GL-RZ-2019.1;
- Receiving the draft Bylaws No. 276 and 277 for information only will allow for additional community engagement and input before consideration of 1st reading;
- APC has already been referred the application for comment by LTC and the draft bylaws will add additional context to that review;
- A cost recovery agreement is necessary to ensure that legal costs of preparing a housing agreement are recovered from the applicant/agent;

- LTC provided direction at the September 8, 2020 LTC meeting for staff to organize a Community Information Meeting (CIM) and November 28th is confirmed to be a day where staff, LTC and the applicants are all available. .

BACKGROUND

A rezoning application was submitted to the Islands Trust in September 2019 by the Gulf Islands Galisle Affordable Rental Housing Society (GIGARHS), which is acting as an agent for the Galiano Club. The intent of this rezoning application is to allow for the development of up to 12 units of affordable housing in the Heritage Forest.

Figure 1 – Proposed Location of Subject Property in Heritage Forest



After a period of application abeyance that was requested by GIGARHS, the LTC reconsidered the application in September 2020 and the following three resolutions were passed:

GL-2020-043

It was Moved and Seconded,

that the Galiano Island Local Trust Committee direct staff to proceed with application GL-RZ-2019.1 (GIGARHS) and to prepare draft bylaws and a draft housing agreement.

CARRIED

GL-2020-044

It was Moved and Seconded,

that the Galiano Island Local Trust Committee refer application GL-RZ-2019.1 (GIGARHS) to the Galiano Island Advisory Planning Commission for comment.

CARRIED

GL-2020-045

It was Moved and Seconded,

that the Galiano Island Local Trust Committee hold one or more Community Information Meetings (CIM's) electronically on application GL-RZ-2019.1 (GIGARHS).

Staff have now developed draft Bylaws No. 266 and 277 for LTC consideration, and are seeking direction with respect to next steps regarding those bylaws, the associated housing agreement, and scheduling of a CIM.

Background information, including previous staff reports, professional reports and correspondence for the application can be found here: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications/current-application-documents/>

ANALYSIS

Draft Bylaw No. 276 – OCP Amendment

If adopted, draft Bylaw No. 276 would result in:

- a 2 hectare portion of the subject property that is to currently designated **Heritage Forest** in the OCP to be re-designated as a **Community Housing 2 (CH 2)** land use designation which would be reflected in an amendment to Schedule B of the OCP.

OCP Policy 1.6 (b)(i) and (ii)

The proposed amendment is generally consistent with the policies of the OCP; Section 1.6 (b)(i) and (ii) of the OCP states that *applications for rezoning to a higher density than permitted by current zoning shall be considered where the application would result in the provision of seniors, affordable or special needs housing, subject to the following:*

- i) All additional density greater than that permitted by current zoning shall be in the form of units reserved exclusively for occupancy as affordable, seniors or special needs housing.
- ii) Applications shall include provision of a housing agreement ensuring that for affordable housing the rental, lease, sale or share prices are fixed below average rates within the region, and the agreement may limit occupancy of the dwellings to rental, lease, co-housing or cooperative tenure, and may limit occupancy.

In order to receive BC Housing funding requires that 30% of the units within the GIGARHS proposal would be rented at market rate as “Affordable Market”. (see Table 1. excerpted from [BC Housing Community Housing Fund RFP](#)).

2.2. **Building BC: Community Housing Fund Program**

The Building BC: Community Housing Fund Program ("CHF Program") facilitates the development of mixed income, affordable rental housing projects across the province of BC as outlined more specifically below.

2.2.1. Unit Mix Details

Proposals must reflect the following mix of rents and incomes within a single building:

30% of Units	Affordable Market
Eligibility	Current low- and moderate-income limits per unit size (\$74,150/\$113,040) as of January 1, 2020), as determined by BC Housing ¹
Rents	Initial market rents approved by BC Housing with annual RTA increases. Must be maintained at no less than CMHC Average Market Rent ² .
Income Testing	At move-in

Currently, all BC Housing [Community Housing Fund](#) proposals must reflect the following mix of rents and incomes within a single building:

- 30% Affordable housing (moderate income)
- 50% Rent geared to income (housing income limit)
- 20% Deep subsidy (Deep Subsidy Income Limit)

The intent of this rental structure is for the moderate income units to help offset the income limited and deep subsidized units in order to provide a viable long-term operating model for publically-funded affordable housing developments. The GIGARHS application is proposing this mixed rent structure.

The GIGARHS proposal includes 30% of **affordable market rate** units which are required to be set at Canadian Housing and Mortgage Corporation (CMHC) average market rates by community, while the OCP policy establishes that a housing agreement should restrict rents to *below average rate*.

The LTC should address this policy and whether the LUB amendment, and related housing agreement, would be consistent with the OCP as a whole. However, given the recommendation is to only receive the bylaws for information at this time, staff recommend proceeding with public engagement while reviewing this issue.

Definition of Affordable Housing

The Galiano Island OCP currently provides the following definition for Affordable Housing:

Affordable housing describes rental or owned housing that can be acquired without exceeding 30 per cent of the median gross income of low to moderate income families on Galiano

On Gabriola Island, with respect to affordable housing rezoning proposal GB-RZ-2020.1, staff have considered a similar definition of *affordable housing* to be outdated, as it does not consider a combination of factors or situations, and may not be achievable for the proposed development or for future affordable housing proposals.

The Gabriola Island OCP currently provides the following definition for Affordable Housing:

“Affordable housing” is housing that costs no more than 30% of a household’s gross income applied to those households with incomes at or below 60% of the median household income for Gabriola Island (using Canada Census information);

The Gabriola Island LTC has given first reading to bylaw amendments that would amend the definition of *affordable housing* in the Gabriola Island Local Trust Area to mean:

“Affordable housing” is a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement registered on title.

GIGARHS has requested that the LTC consider this same approach to updating the definition of affordable housing on Galiano Island. Staff have not included this potential amendment in Draft Bylaw No. 276, as further consideration and direction is required from the LTC.

Bylaw No. 277 – LUB Amendment

If adopted as written, draft Bylaw No. 276 would result in:

- a 2 hectare portion of the subject property that is to currently zoned **Heritage Forest (FH)** in the OCP to be rezoned Community Housing 2 (CH2) which would be reflected in an amendment to Schedule B of the OCP;
- The only uses permitted in the FH zone are timber production and harvesting and accessory forest uses. Rezoning to CH2 would allow for the development of affordable housing as a permitted use, with up to 12 dwelling units and a single communal/services building;
- Home occupations would be allowed;
- Dwellings and communal building floor sizes would be restricted to what is currently proposed;
- Maximum building height would be 9 metres and standard setbacks of 7.5 metres would apply;
- Residential rental tenure would be required on 100% of the units.

Home Occupation

At the request of the applicant, staff have included home occupations as a permitted use. GIGARHS intends to establish additional mechanisms such as overarching operational policy, tenancy and other agreements to manage the allowance and operation of home occupations on-site in accordance with the LUB.

Residential Rental Tenure

Staff have included a zone-specific regulation that regulates tenure in the **Community Housing 2** zone to “residential rental tenure”, along with an associated definition.

In May 2018, the Province amended the *Local Government Act* (LGA) to provide local governments with the authority to zone land for residential rental tenure. The intent is to give local governments’ greater ability to preserve existing rental housing and/or increase the supply of new rental housing in their communities. This authority applies to any location where multi-family residential use is permitted and can apply to an entire parcel of land, require a certain number or percentage of units, or require a portion of a building to be rental tenure.

The following bylaw provision is proposed in draft Bylaw No. 277:

- 8.7.10 100% of the dwelling units in the Community Housing 2 zone shall be limited to residential rental tenure

And the definition of residential rental tenure that is provided in the bylaw is:

means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit.

This definition is consistent with what has been proposed for use on Gabriola Island via proposed Bylaw No. 307 which has been given first reading by the Gabriola Island LTC.

Housing Agreement

Section 483 of the *Local Government Act* authorizes an LTC to enter into a housing agreement, which defines terms and conditions agreed to by the LTC and the property-owner/operator regarding the occupancy of the housing units identified in the agreement. The purpose of a housing agreement is to ensure that a development provides affordable rentals in the long term, as intended.

There are three parts to a housing agreement:

1. **A bylaw.** The bylaw is adopted by the LTC and authorizes the LTC to enter into a housing agreement with another party.
2. **The housing agreement.** The housing agreement is attached to the bylaw, and is a contract between the parties to provide affordable housing.
3. **Registration on title.** Once the housing agreement bylaw is approved, notice of the housing agreement will be registered on title.

Contents of a housing agreement generally include:

- Definitions and Interpretation
- Agreement over the lands on use and development, including property maintenance;
- Affordable rental housing eligibility;
- Rental rates;
- Rules governing the establishment of rental policies by owners to ensure alignment with policy goals of the housing agreement and the *Residential Tenancy Act*;
- Restrictions on subletting or assignment;
- Monitoring and reporting requirements to the LTC; and,
- General terms related to various legal matters such as order to comply if in default, site inspections, indemnity, covenant runs with the land, amendment and termination etc.

Staff are beginning the process of developing a draft housing agreement for the proposed development in consultation with the applicant. As the housing agreement is a complex legal document, staff are recommending that the LTC authorize a cost recovery agreement with the applicant allowing Islands Trust legal counsel to review the draft housing agreement once terms are agreed upon. This is the typical approach taken in all housing agreements to ensure that any legal costs are borne by the applicant.

Update on Water and Septic Analysis

Waterline Resources Ltd (Waterline) was retained by a group of local neighbours to provide a peer review of technical documents relating to the Proposed GIGARHS Residential Development. Waterline a consulting

company based in Nanaimo with professional expertise in groundwater assessment (report included as Attachment 2).

In general,

- Waterline concluded that the expected per capita water demand of 182 litres/day (equivalent to a per connection water demand of 485 litres/day/connection) is considered founded and appropriate.
- Waterline concluded that sufficient water supply likely exists to meet the anticipated demand for the Project.
- Waterline concluded that although the test work did not completely follow the recommended *Water Sustainability Act* (WSA) technical guidance to conduct a constant rate test in dry season in support of an application for groundwater use in BC (Todd et.al, 2016), the aquifer test rate was more than 5 times the demand and provides a conservative assessment of the long-term yield of the aquifer for that time of year.
- Waterline concluded that the aquifer response from pumping during the dry season (middle of March till early September) has not been assessed and does not address the aquifer sensitivity to groundwater levels during low recharge periods.
- Waterline recommends an aquifer test be completed during the dry season.
- Waterline recommends data loggers be installed at the site well and any adjacent monitoring wells to further assess seasonal water level fluctuations;
- Waterline recommends an updated field verification survey should be completed to ensure all groundwater users within a 1 km radius of the project location are identified; and,
- Waterline recommends a qualified wastewater practitioner should be retained to assess the suitability of the site for effluent disposal.

GIGARHS has applied for a commercial water license (Application No. 20013441). GIGARHS was informed on September 16, 2020 by the Provincial Water Licensing Branch that the application will soon be assigned to a Provincial Water Officer. GIGARHS is intending to seek feedback from the Provincial Water Officer before determining any additional steps with respect to groundwater assessment.

The applicant has installed a pressure transducer datalogger in the proposed source well to collect continuous water level data, but none to date have been installed in nearby observation wells.

As requested by the LTC, the applicant is working on a Water Management Plan to address: economizing groundwater usage, monitoring usage, metering units, reporting to the public authorities, and, collecting and storing rainwater for fire mitigation and irrigation purposes.

The applicant is awaiting a summary report of a recent percolation test that was conducted by Galiano Excavating on the proposed septic field. These results will be shared with LTC once finalized.

Consultation

CIM

Staff are recommending a CIM be held electronically on November 28, 2020. Staff would advertise the CIM via the Islands Trust website, emails sent to the Galiano Island subscriber's list, and notices posted on island bulletin boards. LTC could also use their own communication platforms to advertise the CIM. An Active Page ad would not be possible based on the proposed timing.

Statutory Requirements

In accordance with regular statutory requirements, a public hearing would be required as part of the bylaw amendment process to rezone the property. Should the application proceed to public hearing, public hearing notice would be posted as per statutory and bylaw requirements in advance of any public hearing.

Agency Referrals

Draft Bylaw No. 276 and 277 have not yet been referred to potentially affected agencies. Should the LTC proceed as recommended, staff will provide a list of specific agencies identified for referral in a future staff report.

First Nations

Draft Bylaw No. 276 and 277 have not been referred to First Nations. Staff have identified the following First Nations for referral:

- Stz'uminus First Nation
- Lake Cowichan First Nation
- Halalt First Nation
- Lyackson First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Pauquachin First Nation
- Tsartlip First Nation
- Tseycum First Nation
- Cowichan Tribes
- Tsawwassen First Nation
- Tsawout First Nation
- Musqueam Indian Band

Staff recommend in this case, given that the proposed alteration of the land is significant, and that there may be other First Nation interests with respect to the provision of affordable housing on Galiano Island, an introductory letter be sent to these First Nations at the draft bylaw stage informing them of the proposed project and seeking input.

Rationale for Recommendation

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

- The LTC provided direction at the September 8, 2020 LTC for staff to develop draft bylaws for GL-RZ-2019.1;
- Receiving the draft bylaws for information only will allow for additional community engagement and input before consideration of 1st reading;
- APC has already been referred the application for comment by LTC and the draft bylaws will add additional context to that review;
- A cost recovery agreement is necessary to ensure that any legal costs of reviewing a housing agreement are recovered from the applicant/agent;

- The LTC provided direction at the September 8, 2020 LTC meeting for staff to organize a Community Information Meeting (CIM) and November 28th is confirmed to be a day where staff, LTC and the applicants are all available; and,

ALTERNATIVES

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

1. Request additional bylaw amendments before receiving draft bylaws for information

The LTC may request that additional amendments be made before receiving the draft bylaws.

Resolution:

That the Galiano Island Local Trust Committee direct staff to make the following amendments to draft Bylaws No. 276 and 277 _____.

2. Defer the CIM until the applicant has provided more specifics for the housing agreement content and/or to determine whether to amend the OCP affordable housing definition

The LTC may decide to wait until there is more definitive information before proceeding with the CIM.

3. 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.

Resolution:

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

4. Hold the application in abeyance

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

Resolution:

That the Galiano Island Local Trust Committee hold application GL-RZ-2019.1 (GIGARHS) in abeyance.

5. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2019.1 (GIGARHS).

NEXT STEPS

With direction from the LTC, Staff will:

- Finalize arrangements and advertising for a CIM on November 28, 2020, to be held electronically
- Refer draft Bylaws No. 276 and 277 to the APC for comment
- Work with applicant on development of a housing agreement and associated cost-share agreement

Staff will also continue to:

- Communicate with provincial staff regarding GIGARHS application for a commercial water licence;
- Process the GIGARHS subdivision application referral (approval of which would be subject to rezoning);

Submitted By:	Brad Smith, Island Planner	October 22, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	October 23, 2020

ATTACHMENTS

1. Draft Bylaws No. 276 and 277
2. Waterline Report – Final - October 22, 2020

DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 276

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2020”.

2. SCHEDULES

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

3. SEVERABILITY

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

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

CHAIR

SECRETARY

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 276**

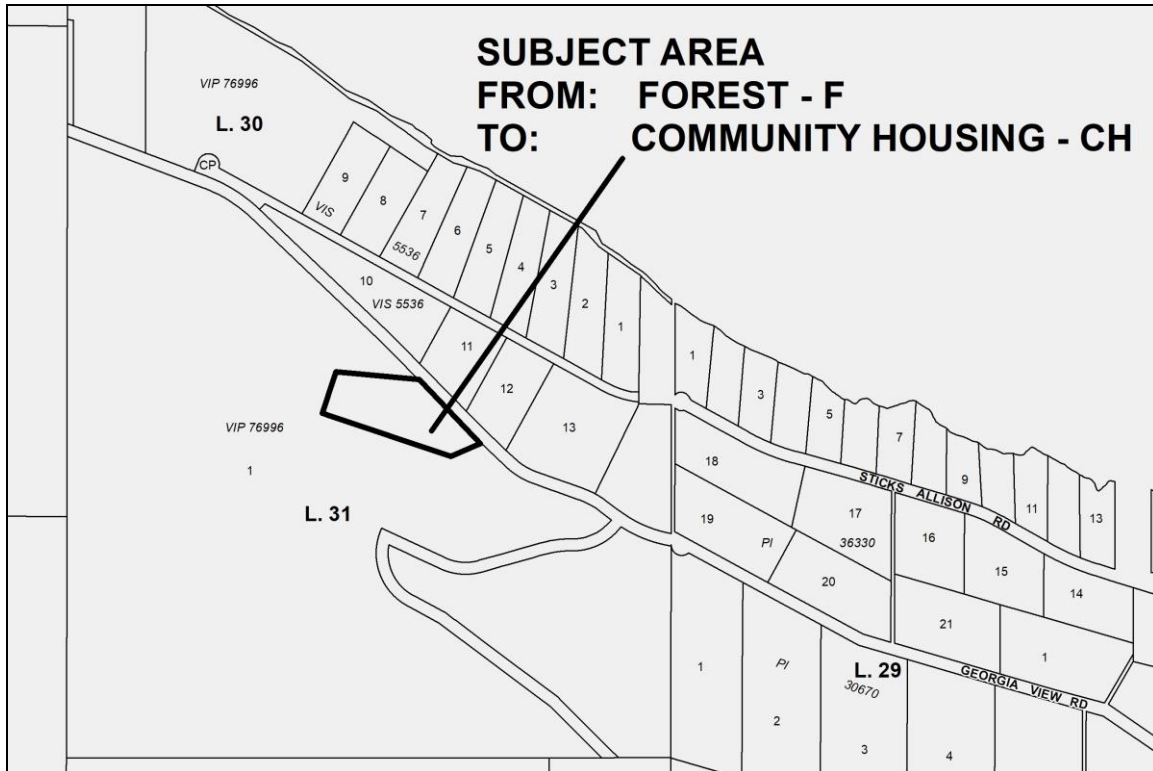
SCHEDULE 1

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

- 1.1 Schedule “B” – LAND USE DESIGNATIONS is amended by changing the land use designation of a portion of the lands legally described as Lot 1 District Lots 30 and 31 Galiano Island Cowichan District Plan VIP76996 except that part in plan VIP76997 from Forest – F to Community Housing – CH as shown on Plan No. 1 attached to and forming part of this bylaw.

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 276

Plan No. 1



DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 277

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

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

1. Citation

This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2020”.

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

- a) By adding “Community Housing 2 (CH2) in Section 4.1 immediately following Community Housing 1 (CH1)”
- b) By adding the following after Section 8.6:

“8.7 Community Housing 2 – CH2

Permitted Uses

8.7.1 In the Community Housing 2 zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses are prohibited.

- 8.7.1.1 Dwellings for the provision of affordable housing
- 8.7.1.2 Communal/services building
- 8.7.1.3 Home occupations

Permitted Density

8.7.2 A maximum of 12 dwellings are permitted on each lot.

8.7.3 Maximum floor area of a dwelling must not exceed

- 8.7.3.1 65 square metres for a 1 bedroom unit
- 8.7.3.2 151 square metres for a 2 bedroom unit
- 8.7.3.3 184 square metres for a 3 bedroom unit

8.7.4 One communal/services building is permitted on each lot.

8.7.5 Maximum floor area of communal/services building must not exceed 75 square metres

8.7.6 Lot coverage must not exceed 25%.

Permitted Height

8.7.7 No building or structure for a use permitted by this section may exceed 9 metres in height.

Minimum Setbacks

8.7.8 Buildings and structures must be sited at least 7.5 metres from all lot lines.

Minimum Lot Size

8.7.9 No lot having an area less than 2 hectares may be created by subdivision.

Form of Tenure

8.7.10 100% of the dwelling units in the Community Housing 2 zone shall be limited to residential rental tenure

c) Section 13.22 is amended by adding the words “or Community Housing 2” immediately following the words “or in an area zoned Community Housing 1”.

d) Section 17.1 is amended by adding the following definition:

17.1.42 “residential rental tenure” means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit.

And the subsequent definitions are re-numbered accordingly

e) Map Schedule “B”, is amended as follows:

(i) By changing the zoning of a portion of the lands legally described as Lot 1 District Lots 30 and 31 Galiano Island Cowichan District Plan VIP76996 except that part in plan VIP76997 from Heritage Forest – HF to Community Housing 2 – CH2 as shown on Plan No. 1 attached to and forming part of this bylaw.

(ii) By adding Community Housing 2 (CH2) to the map legend.

3. SEVERABILITY

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

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

CHAIR

SECRETARY



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www.waterlineresources.com

October 22, 2020
3239-20-001

1417 Sticks Allison Road
Galiano Island, BC,
V0N 2J0

Attention: President of 13-lot Subdivision, Jennifer Margison

Dear Ms. Margison,

RE: Peer Review of Technical Documents for the Proposed GIGARHS Residential Development, Galiano Island, BC

1.0 INTRODUCTION

The Gulf Islands Galisle Affordable Rental Housing Society (GIGARHS) applied to Islands Trust to rezone 5-acres of community forest (Heritage Forest Management Area) for a 12-unit residential housing complex on Georgia View Road, Galiano Island (the Project; Figure 1). The Project proposes to source groundwater from a well (Well Tag # 115952 or Well ID # 48624) on the property, with plans to alter the land cover type through construction of the various onsite infrastructure, including sewage disposal (septic discharge field). A site development plan, showing the preliminary infrastructure proposed by GIGARHS is included in Appendix A.

Included as part of the rezoning application, a report on groundwater feasibility for the Project was completed by Hy-Geo Consulting, entitled *Report on Proposed Water Supply for Affordable Rental Housing Project, Galiano Island* (Hy-Geo, 2019), dated December 2, 2019. This technical document was commissioned by GIGARHS to satisfy Section III, Sub-section 2e of the Official Community Plan Bylaw No. 108, 1995 (OCP, 2019). The requirements stipulate that all new projects must determine if the increase in density or intensity of land use will negatively affect the quality or quantity of groundwater in the area.

In response to the finding of the groundwater feasibility report by Hy-Geo (2019) and rezoning application, a resident of the neighboring 13-lot subdivision (Jennifer Margison; the Client), has requested that a qualified professional peer review the Hy-Geo report (2019) and supporting documents due to concerns regarding possible impact to its groundwater supply. The Client wants to confirm that all requirements in the regulations have been met and that GIGARHS has considered the possibility that the added water demand will not negatively impact the local groundwater supply for existing users and the surrounding environment.

1.1 Objective and Scope of work

The Client retained Waterline Resources Inc. (Waterline) to peer review the Hy-Geo report (2019) and supporting documents, to determine possible risks to the local groundwater conditions (quantity and quality) from the additional groundwater use at the Project and from the construction of a community septic system.

To meet these objectives, Waterline conducted the following scope of work:

- Reviewed the applicable regulatory standards and requirements;
- Reviewed the rezoning permit application;
- Reviewed the assessment report for the groundwater feasibility at the Project;
- Reviewed assessment reports for the watershed, land use density and groundwater conditions; and
- Reviewed publicly available geological and hydrogeological data;

The findings from the document review are summarized in this letter report.

1.2 Regulatory Standards

Local subdivision and development requirements for potable water supply (quantity and quality) are listed in the Galiano Island Local Trust Committee - Standards for Potable Water Supply, Land Use Bylaw 127, 1995 (Bylaw, 2019). These guidelines were the basis for the Hy-Geo's technical assessment and were considered by Waterline during the peer review. Also, in the Province of British Columbia, groundwater allocation is governed by the Ministry of Forests, Lands, Natural Resources Operations and Rural Development (FLNRORD) in accordance with the Water Sustainability Act (WSA; Government of BC, 2016b). The WSA requires that all non-domestic users apply for a license to use groundwater, proving beneficial use and understanding the first in time, first in right precedence for all new use license applications. In the context of this document review, Waterline will consider the Guidelines for Technical Assessment Requirements in Support of an Application for Groundwater Use in British Columbia (Todd et.al, 2016) to ensure all requirements of the WSA are satisfied.

As the Project infrastructure includes a septic discharge area, the Project is required to comply with the Galiano Island Local Trust Committee - Standards for Sewage Disposal, Land Use Bylaw 127, 1995 (Bylaw, 2019). The Bylaw refers to the Vancouver Island Health Authority (VIHA) – Island Health Subdivision Standards (Subdivision Standards, 2013) for all site and design requirements. As such, Waterline will comment on any concerns or omissions as it relates to the setback requirements for the proposed discharge area (design requirement), to address concerns of detrimental cumulative impact from increased density on the local groundwater quality.

A concordance table of the relevant regulatory requirements are summarized in Table 1.

Table 1: Concordance Table of Relevant Regulatory Requirements

Approval Condition Number	Regulatory Requirements
Standards for Potable Water Supply, Land Use Bylaw 127 (Bylaw, 2019)	
Section 13.23	Assessing groundwater requirements for residential zoning
Section 13.25	Methodology for assessing the adequacy of the supply
Section 13.26	Methodology for assessing the groundwater quality
Section 13.27	Assessing potential impacts on nearby users and the environment
Guidelines for Technical Assessment Requirements (Todd et.al, 2016)	
<i>Section 3 – Preliminary Self Screening</i>	
3.1	Proposed quantity of water use
3.2	The aquifer type
3.3	Potential for impacts to domestic users and licensed diversions
<i>Section 4 – Technical Assessment</i>	
4.1	Assessing adequacy of supply
4.2	Assessing likelihood of hydraulic connection to streams and other aquifers
4.3	Assessing potential impacts on nearby users
4.4	identifying other relevant issues
Standards for Sewage Disposal, Land Use Bylaw 127 (Bylaw, 2019)	
Section 13.29	VIHA subdivision standards for Part E (Design Requirements)

2.0 METHODS

Waterline used its in-house geodatabase and web-based geographic information system (GIS) viewer tool to conceptualize the groundwater and watershed conditions in the Project area. Information available through the GIS viewer includes geological (surficial and bedrock), hydrogeological (including water well records, aquifer mapping) and surface water hydrology, among other available datasets. The GIS viewer tool provides a one-window approach for quickly obtaining and overlaying pertinent information regarding a site and adjacent lands, which thereby allows for a rapid determination of potential risks to local environmental receptors. Datasets accessed through the GIS viewer tool included:

- BC Ground Water Wells and Aquifer Databases;
- Environment and Climate Change Canada – Climate Station Data; and
- Freshwater Atlas - Stream Network.

In addition to the publicly available data, other data sources used in this assessment included:

- The Report on Proposed Water Supply for the Affordable Rental Housing Project, Galiano Island completed by Hy-Geo Consulting;
- The Heritage Forest Management Plan completed by the Heritage Forest Management Committee;
- The BC Land Surveyor's Plan for the Proposed Subdivision of: Part of Lot 1, District Lots 30 and 31, Galiano Island (file 19-gal-1963) completed by Glen Mitchell;

- The 2018 Sticks Allison Water System Report completed by the Capital Regional District;
- Groundwater chemistry data provided by the Client from the groundwater well (Well Tag # 117791) at 1417 Sticks Allison Road Galiano, BC; and
- The Georgia Hills Neighborhood Property use distribution provided by the Client on January 6, 2020.

3.0 SETTING

3.1 Physiography and Drainage

The Project has proposed to develop a 5-acre parcel in the Heritage Forest Management area (HFMA), on Galiano Island, BC (Figure 2). The HFMA is composed of district lots 30, 31, 32, encompassing an area of 1.3 km² (HFMC, 2008). The land cover type in the HFMA has a variety of vegetation (mature treed areas to shrub lands), with the land use type zoned as forest (HFMC, 2008). Precipitation data collected from the Environment and Climate Change Canada (2019) climate station (ID #1017101) on Saturna Island (actively recording), indicates the highest monthly accumulation of rainfall is from mid-late September till early March (wet season). During the remainder of the year (middle of March till early September) monthly rainfall accumulation is much less and is considered the dry season.

The HFMA extends from sea level to 210 meters above sea level (masl) and is a prominent surface water and groundwater capture zone area in the larger Cook Cove watershed (HFMC, 2008; OCP, 2019; Figure 3). Surface water drainage is from southwest to northeast perpendicular to topography (Figure 3). One creek, "Sticks Allison Creek", flows from west to east, following topography, discharging into the ocean (HFMC, 2008). The creek is seasonal and is sustained by several groundwater springs that are expressed near ground surface (HFMC, 2008). The occurrence of these springs at the elevation of the creek is indication that this area of the Cook Cove watershed is a groundwater discharge area. The Project, which is situated at an elevation of 40-60 masl, is generally in this discharge zone (Figure 3).

3.2 Hydrogeology

Terrain mapping completed by the BC Ministry of Environment (MOE, 2013) shows a Moraine till or Glaciomarine material overlying bedrock (Figure 4). Based on the well reports for Well 115952 and Well 117791 (GWELLS, 2019), included in Appendix B, a confining layer (≥2 m thick) was identified above bedrock at both locations.

The proposed groundwater source for the Project is a mapped fractured bedrock aquifer (Aquifer #320; GWELLS, 2017) that is regionally extensive across the Cook Cove watershed and the entire Galiano Island (Figure 5). Aquifer #320 encompasses an area of 58 km², has a low productivity and moderate vulnerability (GWELLS, 2017). The aquifer is confined by a till blanket in the Project area. An aquifer fact sheet is included for reference in Appendix C.

3.2.1 Groundwater Levels

Groundwater flow in Aquifer #320 is controlled by the earth's gravity and will ultimately flow towards the ocean. Baseline groundwater conditions for Aquifer #320 were confirmed through review of continuous monitoring data collected at the active Provincial groundwater observation well (OW 258) located approximately 6 km southeast of the Project (Figure 5). Historical groundwater levels (1983 to 2019) published for OW 258 suggest that the highest water table is in wet season, while the lowest water table is in dry season (GWELL, 2017). An average seasonal groundwater fluctuation of 12 m has been observed at OW 258 since groundwater monitoring began (GWELLS, 2017). This is consistent with groundwater level data provided for the Stick Allison water supply well (Well Tag # 21935; Appendix B), which suggest the same seasonal pattern in groundwater levels (CRD, 2018). Long term water level trends in the bedrock aquifer show a stable to moderate decline in groundwater levels since monitoring was initiated in 1983 (0.05 m/year; GWELLS, 2017). At the time of the Hy-geo's investigation, the groundwater level reported in the Project well (Well 115952; Figure 5) was 11.5 meters below ground level (mbgl) or 47.5 masl (Hy-Geo, 2019).

3.2.2 Aquifer Characteristics and Parameters

Fluctuations in groundwater levels correlate directly with precipitation patterns, suggesting that groundwater recharge to Aquifer #320 is seasonal. The 2019 analytical chemistry results for groundwater collected from Aquifer #320 at OW 258, and from the Client's well (Well 117791), show that both well locations have a similar groundwater chemistry and are likely completed in the same source. General routine parameters and metal concentrations are below the Guidelines for Canadian Drinking Water Quality (Health Canada, 2019). The total dissolved solids (TDS) concentration reported for OW 258 is 336 mg/L, suggesting that groundwater near the Project is from a fresh source. Groundwater with a TDS >700 mg/L is considered influenced by saltwater (MOE, 2016).

3.2.3 Local Groundwater Users

Adjacent the Project and within the Cook Cove watershed are small lot residential and rural residential zoned land parcels of the Sticks Allison West, Georgia View and Heritage Forest neighborhoods. These properties are considered domestic groundwater users, with a single well supplying water (from Aquifer #320) for an individual land parcel. As stipulated in the WSA, domestic groundwater users have a statutory right to water but are not required to license their water use under the WSA (Government of BC, 2016b).

East of the Cook Cove watershed but still considered a part of the greater Georgia Hills neighborhood is the Sticks Allison water service area. Residents are supplied groundwater from Well 21935, operated by the CRD and completed in Aquifer #320 (Appendix B; CRD, 2018). This type of water use is considered communal use and requires a license for water withdrawal as stipulated under the WSA (Government of BC, 2016b).

From a recent survey completed by the Client (included in Appendix D), water use of the 91 registered land parcels, suggest there is a relatively equal distribution of full time (35%), part time (27%) and seldom use or vacant lots (37%). Confirmation of water use is difficult given this

distribution of occupancy and the limited number of registered wells in the area. A search of existing groundwater wells within a 1 km radius of Well 115952, reveals that only 27 wells are registered out of a possible 50 land parcels zoned for domestic use (Figure 6; GWELLS, 2019).

4.0 RESULTS OF TECHNICAL DOCUMENT REVIEW

The findings of Hy-Geo report (2019) and supporting documents are discussed in terms of the regulatory requirement listed in Table 1. Groundwater quantity and quality are presented separately in the discussions below.

4.1 Assessment of Groundwater Quantity:

- 1. All Sections of the Preliminary Self Screening (Todd et. al, 2016) and Section 13.23 (Bylaw, 2019)** - Well 115952 is completed in the fractured bedrock Aquifer #320, the proposed water use for the project is 5.8 m³/day, and domestic groundwater users (existing) were identified near the Project (16 registered/unregistered wells). Based on these characteristics, a desktop technical assessment is sufficient to support groundwater licensing in the Province of British Columbia. A constant rate aquifer test was performed (December 2018) to confirm that the Project water demand could be supplied from Well 115952 (Hy-Geo, 2019).

The Project has an expected per capita water demand of 182 Liters/day/capita, which is equivalent to a per connection water demand of 485 Liter/day/connection (Hy-geo, 2019). This per connection amount is higher than the annual average water use reported by the Sticks Allison water system of 467 Liter/day/connection (Hy-Geo, 2019). Considering the Sticks Allison water supply system is located in close proximity to the Project and the annual average water use is a measured water consumption collected over a time period of 5-years (between 2012 and 2017), the expected water demand proposed for the Project is considered founded and appropriate.

- 2. Section 4.1 (Todd et.al, 2016) and Section 13.25 (Bylaw, 2019)** - A 72-hour constant rate pump test was completed at Well 115952 in December 2018 which was a wet period where groundwater recharge could affect the surrounding water levels and over-estimate the sustainability of the supply during the drier summer months of the year. The duration of the test and the number of observation wells (one well; Well 117791) met the regulatory guidance requirement for the aquifer type (fractured bedrock) and a water demand of <10 m³/day (Table 1; Todd et.al, 2016).

The flow rates during the 72-hour constant rate test were not maintained within the +/- 5% variability tolerance for the entirety of the testing period due to early stabilization in the well. The “constant rate test” which is recommended for licensing purposes was actually a variable rate test”, conducted at incrementally higher flow rates. However, the pumping rates were about two, three, and five times higher than the estimated water demand for the Project (11 m³/day, 17 m³/day and 28 m³/day) and provided sufficient stress to the aquifer. The cumulative pumping during the test resulted in a drawdown equal to 26% of the

available head in the well. The available head is a measure of the “static” water column in the well from the main water-bearing fracture to the non-pumping water level.

Using the specific capacity calculated for Well 115952 (MOE, 1999) and the water demand requirement for the project, the predicted drawdown in the aquifer would be equal to 8% of the available head. This provides a safety factor of 92% to accommodate for seasonal water level fluctuations and any potential nearby well interference (Hy-Geo, 2019). The Ministry of Environment only recommends that a safe factor of 30% be maintained for safe operation of a water supply well in a fractured bedrock aquifer (MOE, 1999).

3. **Section 4.2 & 4.3 (Todd et.al, 2016) and Section 13.27 (Bylaw, 2019)** – The Project is in a groundwater discharge zone (Hy-Geo, 2019), consistent with the descriptions provided in the Heritage Forest Management Area for the Cook Cove watershed (HFMC, 2008). Recharge to the aquifer is at higher elevation in the watershed, derived mainly from precipitation during the late fall and winter. Given the Project location at a lower elevation in the watershed (40-60 masl), the static groundwater level in Aquifer #320 is relatively shallow and near ground surface (Hy-Geo, 2019). Although the province of BC (GeoBC 2011) has not named a creek in this area, “Sticks Allison Creek” has been named locally and identified as having seasonal flow and presumed dry during summer months (HFMC, 2008). As such, no investigation of the creek or drainage was completed as part of the groundwater feasibility study by Hy-Geo (2019).

Electrical conductivity was monitored during the 72-hour constant rate test and remained within a narrow range of 220-280 $\mu\text{S}/\text{cm}$ (Hy-Geo, 2019); the reported TDS was 148 mg/L at the end of the testing period. This final TDS value is below the 700 mg/L cut off (MOE, 2016), suggesting the water from Well 115952 is not influenced by saltwater intrusion and is from a fresh source.

Impacts to neighboring groundwater users from pumping at Well 115952 were assessed through a field verification survey of registered groundwater well owners. Well 117791, located at 1417 Sticks Allison Road Galiano, BC (~200 m northeast of Project Well site) was also instrumented with a data logger prior to aquifer testing. During the 72-hour constant rate test from December 9 to 12, 2018, there was no measurable drawdown effects recorded that could be attributed to pumping the Project well (Well 115952). Despite continued use of Well 117791 by the resident, effects from pumping at Well 115952 were negligible, indicating that Aquifer #320 can maintain flow needs for both users at the tested rates for that period of the year.

4. **Section 4.4 (Todd et.al, 2016)** – Identifying aquifer supply limits was assessed by Kohut & Johanson (1998). An aquifer storage versus water demand ratio of 0.04 was assigned for the Cook Cove watershed in 1998 based on a well density of 0.017acre/well. Using an updated well density of 0.03 wells/acre (7 new domestic groundwater wells), confirmed during the field verification survey completed by Hy-Geo in 2018, the water demand by existing users was still considered low given the previously estimated aquifer storage volumes (Hy-Geo, 2019). However, a moderate decline in groundwater levels reported by

the Province (0.05 m/year; GWELLS, 2017) is sign of changing conditions that requires further consideration during well licensing.

4.2 Assessment of Groundwater Quality:

1. **Section 4.1 (Todd et.al, 2016) and Section 13.26 (Bylaw, 2019)** – Groundwater quality samples collected to determine water potability after 72-hours of pumping met the Guidelines for Canadian Drinking Water Quality (Health Canada, 2019) except for total coliform. These results were not concerning given the limited use of the well between the date of well drilling (September 2018) and well testing (December 2018). This period of non-use likely allowed for stagnate water in the wellbore to develop coliform bacteria, which can be mitigated through proper well maintenance during operation (E.g.: shock chlorination). Groundwater chemistry results from Well 115952 are generally representative of baseline aquifer conditions and are comparable to samples collected from Well 117791 and OW 258 suggesting the water quality is adequate for the intended use.
2. **Section 4.4 (Todd et.al, 2016) and Section 13.29 (Bylaw, 2019)** – Waterline assumes the septic field design will comply with all standards for sewage disposal (Subdivision Standards, 2013). It is expected that a site investigation will be completed at a later stage of the application (building permit phase), to confirm the minimum soil thickness, the soil percolation rates and the land slope % for proper disposal of effluent. The developer will also need to confirm that all setback requirements listed in the Subdivision Standards (2013) are maintained between the septic field discharge area (source) and the local groundwater wells (receptors). Any risks to supply wells through preferential flow pathways caused by well drilling will be mitigated through proper well construction practices that comply with the Groundwater Protection Regulation (Government of BC, 2016a).

Based on the drawing provided by the BC Land Surveyor's (Appendix A), the well report data and the interpreted distances to nearby water supply wells (Figure 7), the following was concluded by Waterline:

- A confining layer (till blanket) is expected to separate the base of the proposed septic field at the Project and the top of the bedrock (Aquifer #320);
- The septic field discharge area is >30.5 m from any water supply well; and
- Only one registered well (Well Tag # 117857; Appendix B) is directly downgradient of the proposed septic field but is located >160 m away (Figure 7).

5.0 CONCLUSIONS

Based on our review, Waterline provides the following conclusions:

1. It should be noted that the scope of the Hy-Geo work was to meet the water supply requirements for a rezoning application and was not specifically for licensing the water supply well under the WSA. In this regard, the Hy-Geo report demonstrates that sufficient water supply likely exists to meet the anticipated demand for the Project. Although the test work did not completely follow the recommended WSA guidance (conduct a constant rate test in dry season; Todd et.al, 2016), the aquifer test rate was more than 5 times the demand and provides a conservative assessment of the long-term yield of the aquifer for that time of year.
2. The Hy-Geo report (2019) indicates that Well 115952 will be operated with a 92% safety factor to accommodate for low precipitation and recharge conditions. Even if the proposed water demand is less than the expected long-term yield, the aquifer response from pumping during the dry season (middle of March till early September) has not been assessed and does not address the aquifer sensitivity to groundwater levels during low recharge periods. Based on historical data collected from OW 258, the static water level in Aquifer #320 could be 12 m lower during the dry season, resulting in a change of static water level from 11.5 mbgl to 23.5 mbgl for Well 115952. This lower water level would decrease the available drawdown (distance from the main water bearing fracture [63 masl] to the static water table) by 20%, accentuating any drawdown from pumping and reducing the safety factor from 92% to 72%, and closer to the 30% threshold limit.
3. Waterline completed a desk-top search of the groundwater well database (GWELLS, 2019) around the Project well 115952 and identified registered groundwater wells not listed in Hy-geo's report (2019). These wells could be newly installed since the field visit in December 2018 and the completion of the report in December 2019.
4. Based on Waterline's review, the risk to groundwater quality from septic field disposal associated with the Project has not been evaluated by a qualified Wastewater Practitioner. Septic suitability and design are required to satisfy the Subdivision Standards (2013) for effluent disposal, which will need to be addressed as part of the building permit application phase once re-zoning, is complete. If suitable ground discharge is not feasible, then an alternative method should be implemented (septic tanks or other).

6.0 RECOMMENDATIONS

Waterline recommends that data loggers be installed immediately in the Project well and any adjacent monitoring wells to further assess the seasonal water level fluctuations (if not already installed).

If a WSA license is pursued by GIGARHS, then Waterline recommends that an aquifer test be completed during the dry season. The new testing data should be compared with the test results from the December 2018 aquifer test, to determine if Aquifer #320 responds differently during low level groundwater conditions and low recharge periods. An updated field verification survey should be completed to ensure that all existing groundwater users are identified within a 1 km radius of the Project location.

A qualified Wastewater Practitioner should be retained to assess the suitability of the site for effluent disposal in accordance with the VIHA - Islands Trust Subdivision Standards (2013). Although it is not specifically required at the re-zoning application stage, it would be prudent for the proponent to confirm the suitability of the site for waste effluent disposal and/or provide appropriate alternatives.

7.0 CERTIFICATION

This document was prepared under the direction of a professional geoscientist registered in the Province of British Columbia.

Waterline Resources Inc. trusts that the information provided in this document is sufficient for your requirements. Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Respectfully submitted,

Waterline Resources Inc.

Original signed and stamped

Simon Wing, B.Sc., P.Geo. (BC)
Hydrogeologist

Original signed

Darren David, M.Sc., P.Geo. (BC)
Principal Hydrogeologist

8.0 REFERENCES

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FIGURES

Figure 1: Project Location Map

Figure 2: Project Setting

Figure 3: Cook Cove Watershed Area and Surface Water Drainage

Figure 4: Surficial Geology Map

Figure 5: Bedrock Aquifer and Groundwater Well Location Map

Figure 6: Registered Groundwater Wells and Land Parcels within a 1 km Radius of Well 115952 (Project Well)

Figure 7: Location of the Proposed Septic Field and Groundwater Wells

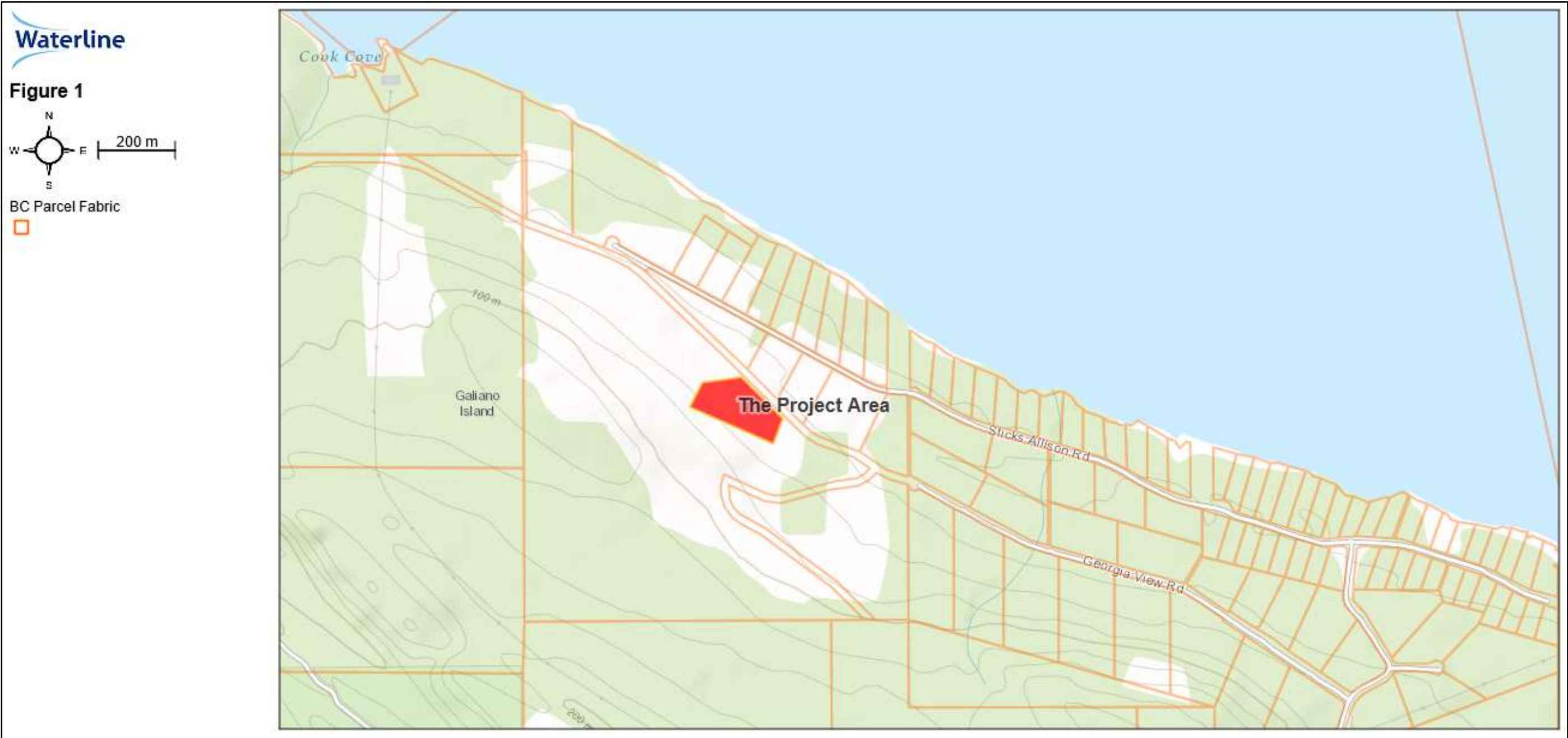


Figure 1: Project Location Map

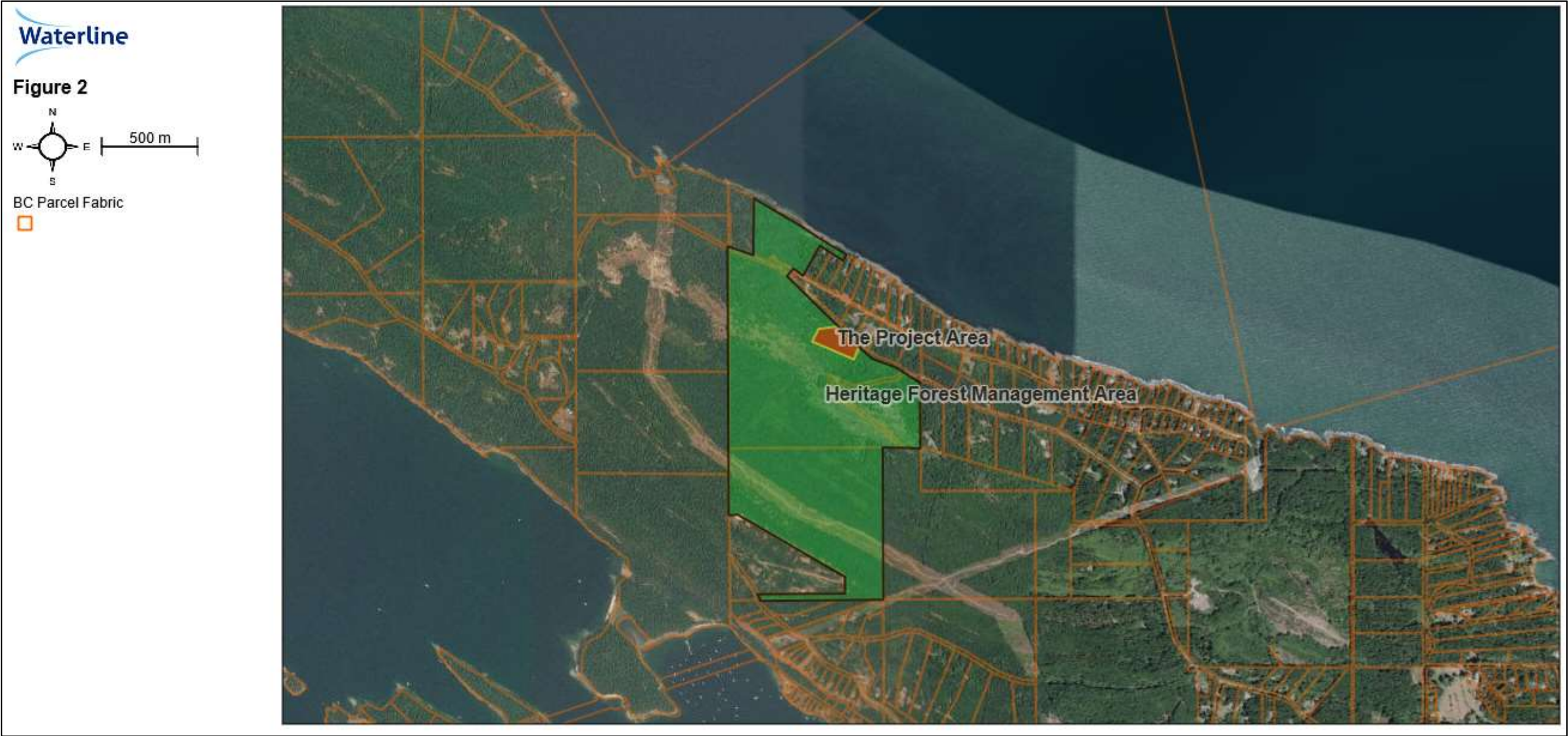


Figure 2: Project Setting

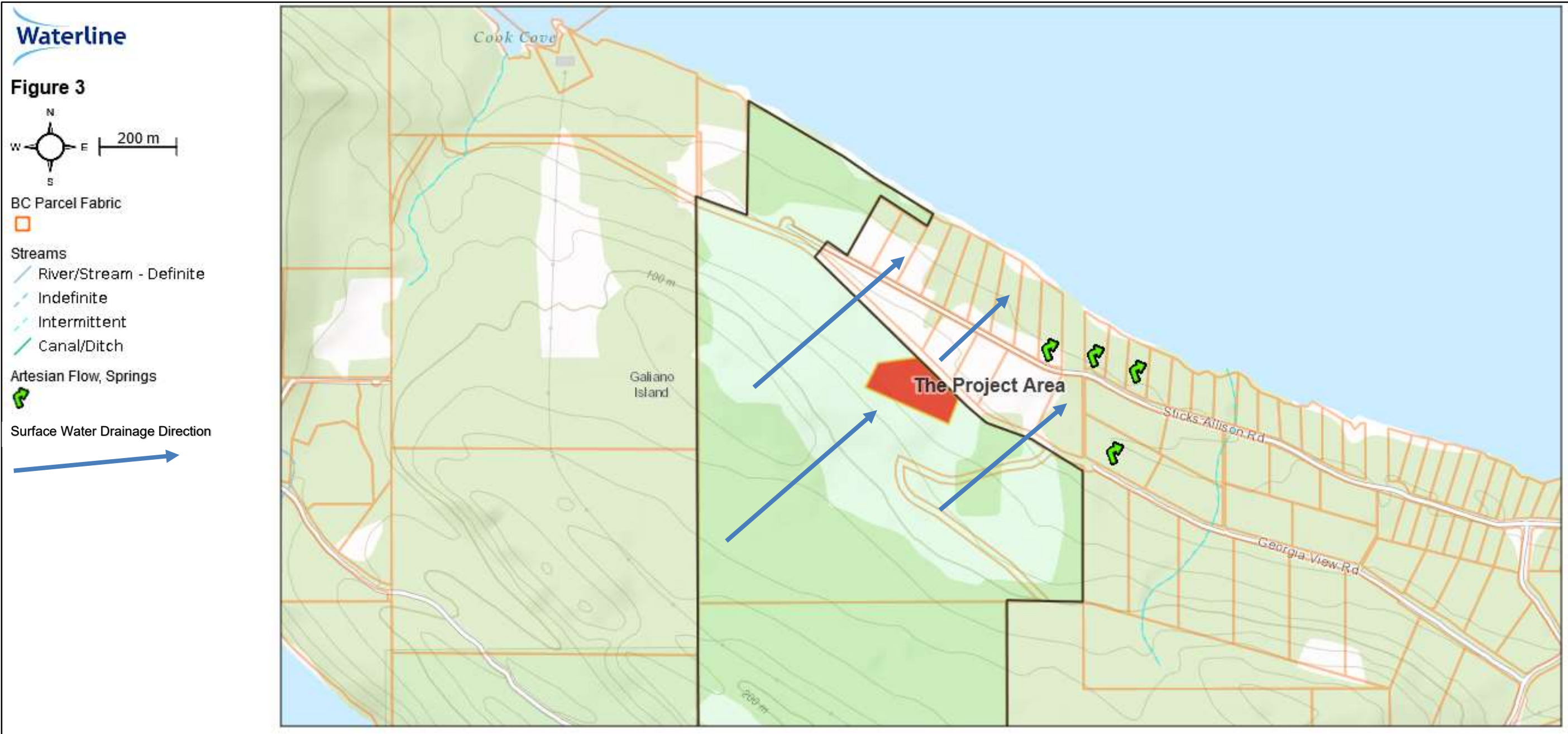


Figure 3: Cook Cove Watershed Area and Surface Water Drainage



Figure 4: Surficial Geology Map

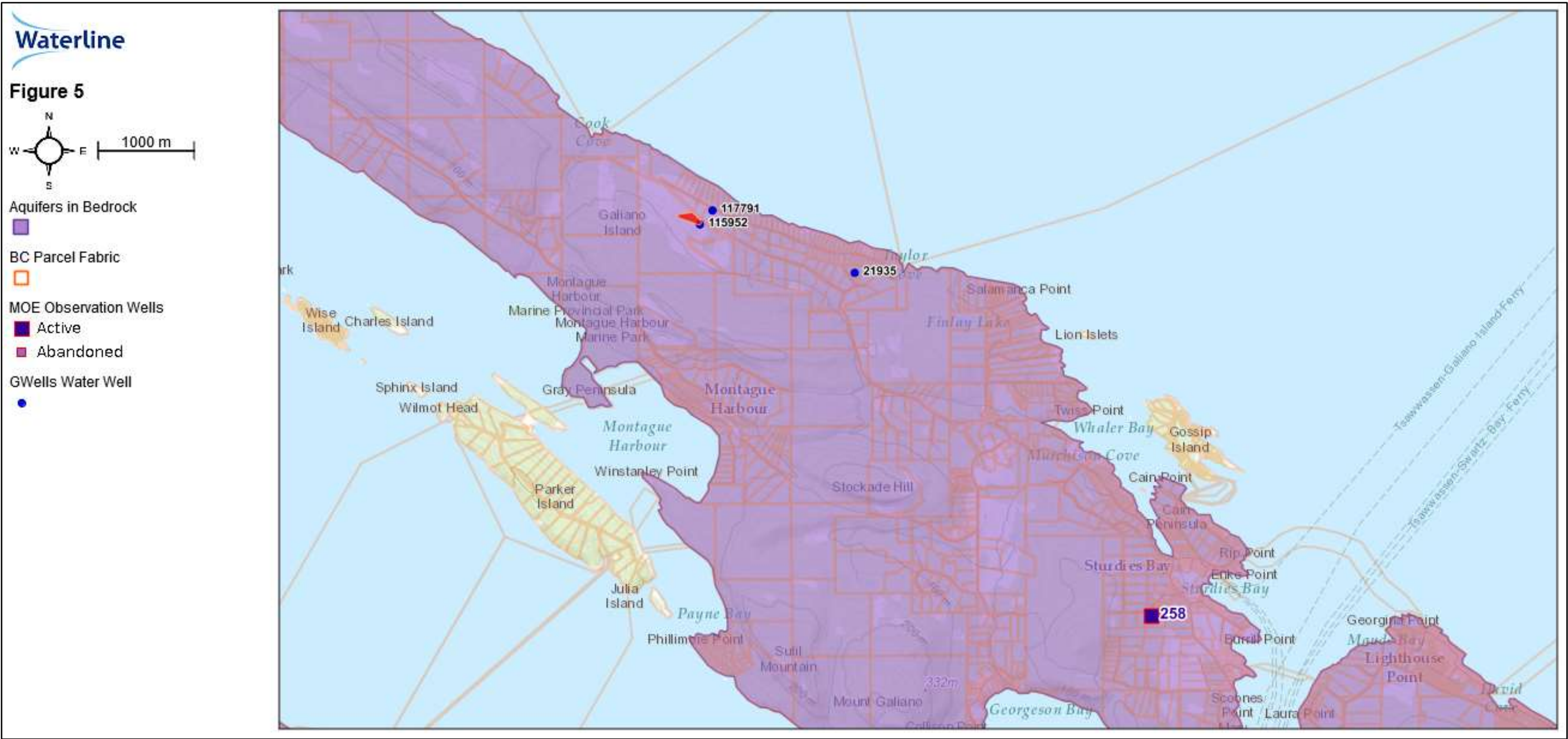


Figure 5: Bedrock Aquifer and Groundwater Well Location Map

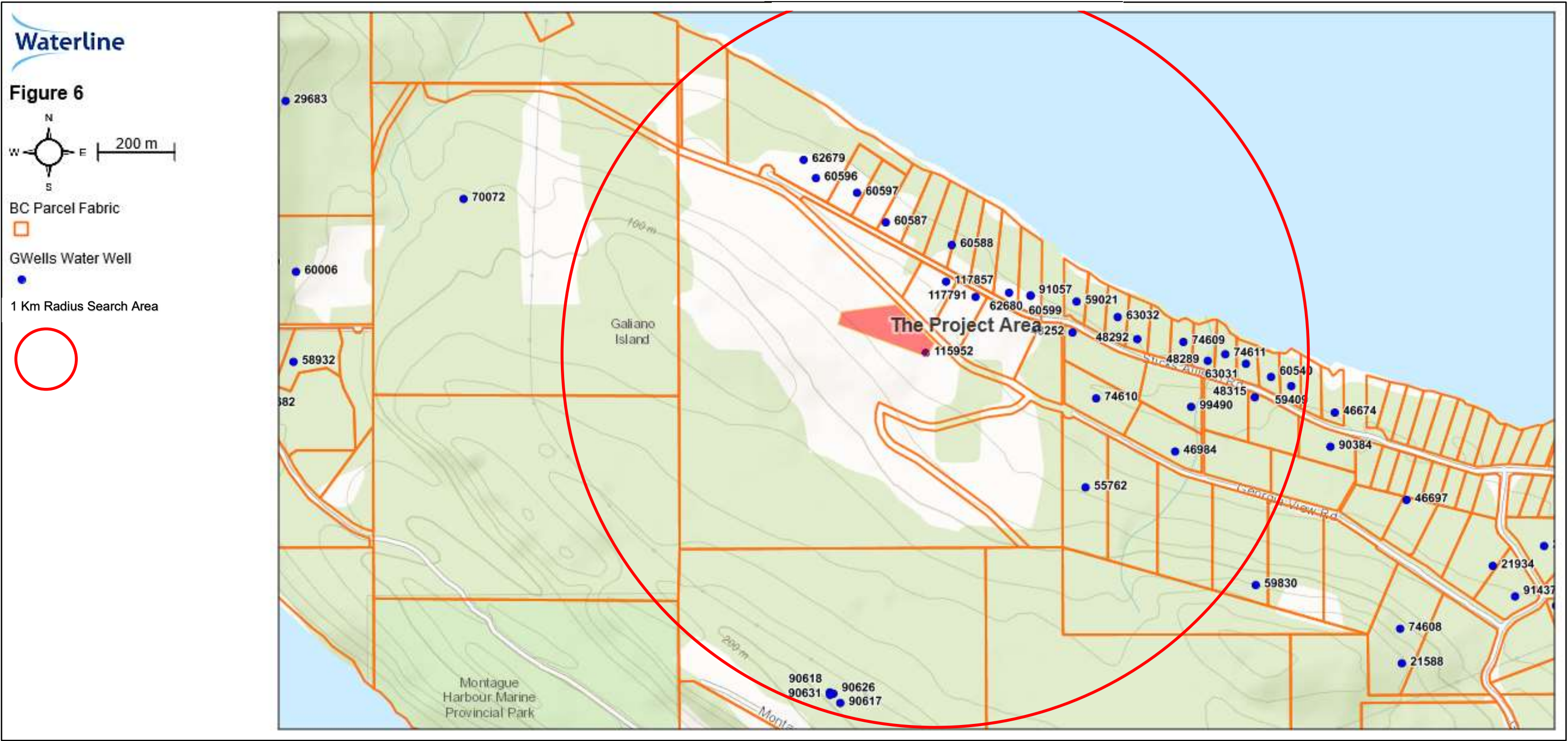


Figure 6: Registered Groundwater Wells and Land Parcels within a 1 km Radius of Well 115952 (Project Well)

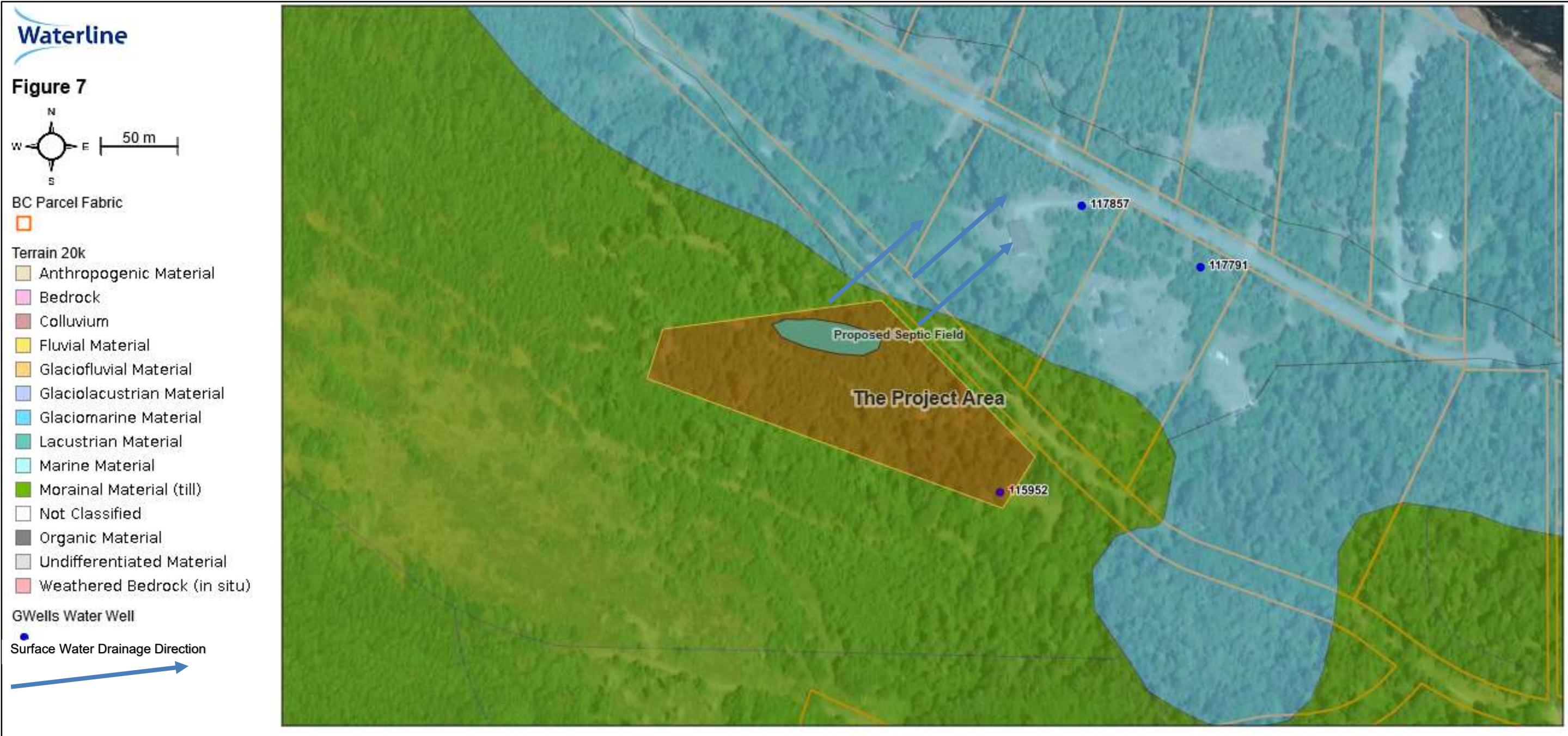


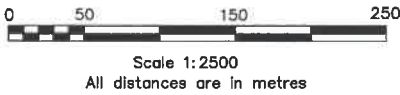
Figure 7: Location of the Proposed Septic Field and Groundwater Wells

APPENDIX A – SITE PLAN

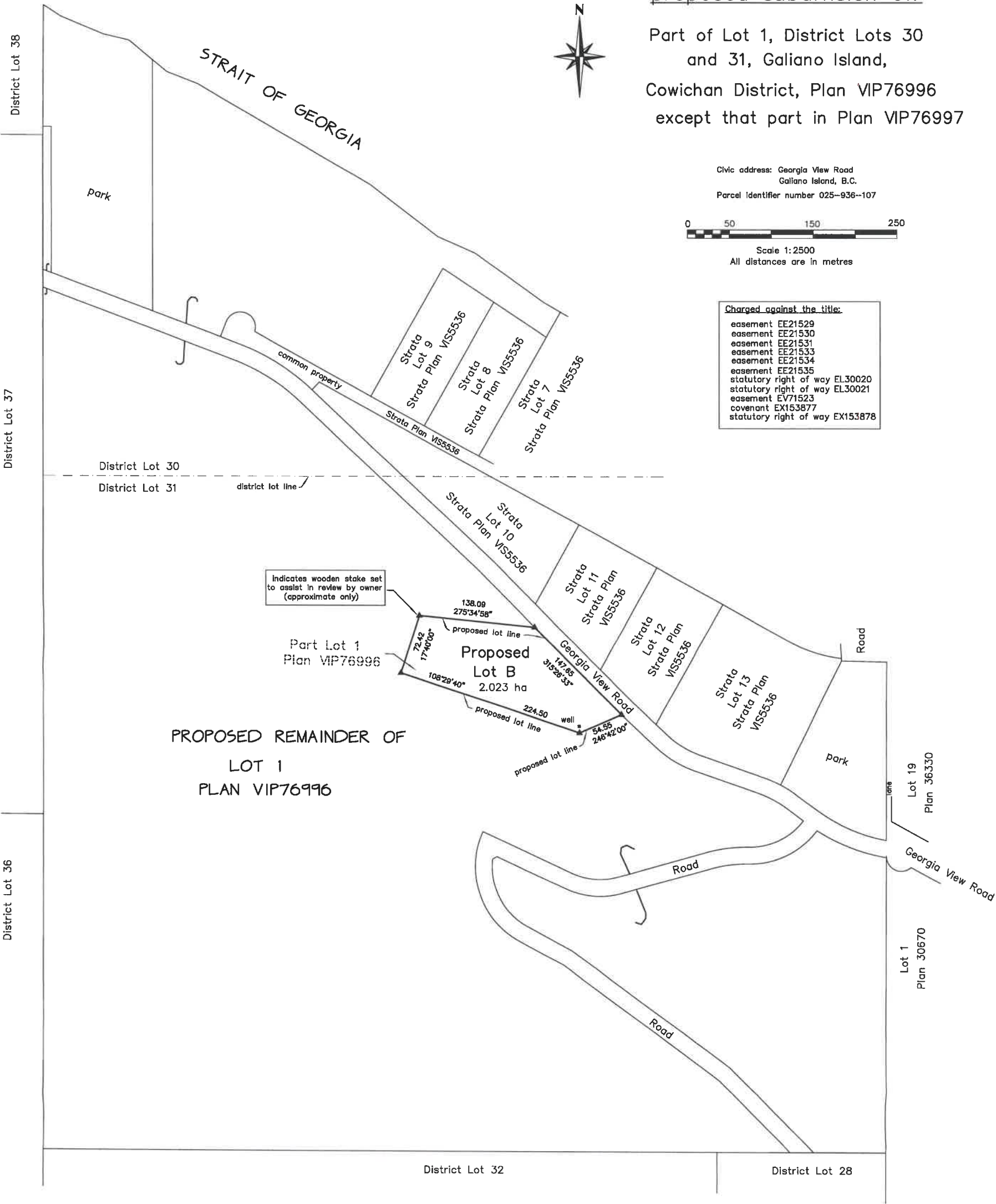
B.C. Land Surveyor's plan of
proposed subdivision of:
Part of Lot 1, District Lots 30
and 31, Galiano Island,
Cowichan District, Plan VIP76996
except that part in Plan VIP76997



Civic address: Georgia View Road
Galiano Island, B.C.
Parcel Identifier number 025--936--107



- Charged against the title:
- easement EE21529
 - easement EE21530
 - easement EE21531
 - easement EE21533
 - easement EE21534
 - easement EE21535
 - statutory right of way EL30020
 - statutory right of way EL30021
 - easement EV71523
 - covenant EX153877
 - statutory right of way EX153878



June 2019
Glen Mitchell
Land Surveying Inc.
1030 North Park Street
Victoria, B.C.
V8T 1C6
tel 250-385-1712
fax 250-385-1713
email glen @ mitchellsurvey.ca

Property owners: The Galiano Club
Subject to rezoning/approval

APPENDIX B – WELL REPORTS



Groundwater Wells and Aquifers

Well Summary

Well Tag Number: 115952	Well Status: New	Observation Well Number:
Well Identification Plate Number: 46824	Well Class: Water Supply	Observation Well Status:
Owner Name: Gulf Island Galisle Affordable Rental Housing Society	Well Subclass: Domestic	Environmental Monitoring System (EMS) ID:
Intended Water Use: Private Domestic	Aquifer Number: 320	Alternative specs submitted: No

Licensing Information

Licensed Status: Unlicensed	Licence Number:
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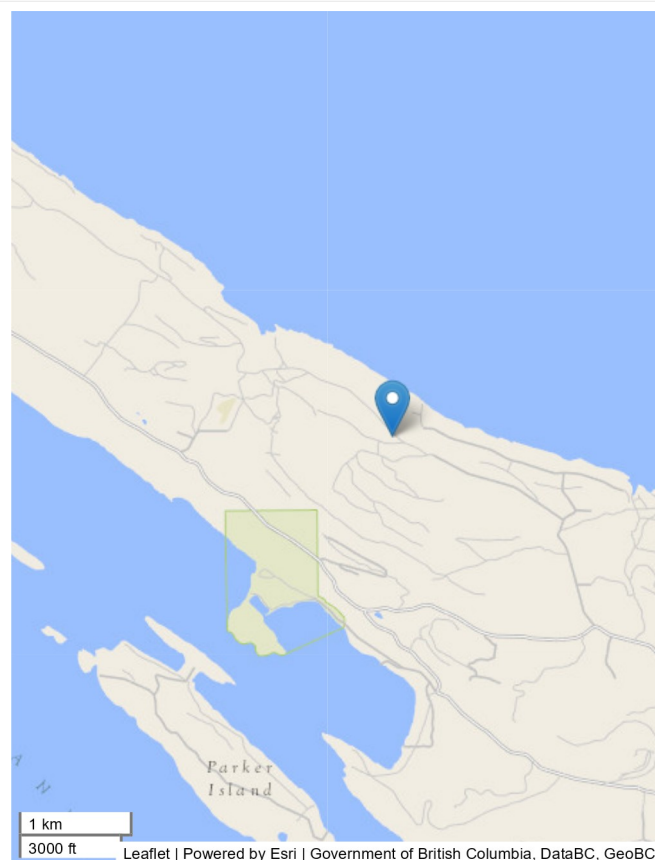
Location Information

Street Address: 1751 Georgia View Road
Town/City: Galiano Island

Legal Description:

Lot	Pt of Lt 1
Plan	VIP 76996
District Lot	31
Block	
Section	
Township	
Range	
Land District	16
Property Identification Description (PID)	

Description of Well Location: Within property boundaries.



Geographic Coordinates - North American Datum of 1983 (NAD 83)

Latitude: 48.91072	Longitude: -123.39073
UTM Easting: 471370	UTM Northing: 5417605
Zone: 10	Coordinate Acquisition Code: (10 m accuracy) Handheld GPS with accuracy of +/- 10 metres

Well Activity

Activity	↕ Work Start Date	↕ Work End Date	↕ Drilling Company	↕ Date Entered	↕
Legacy record	2018-09-11	2018-09-12		November 8th 2018 at 4:01 AM	

Well Work Dates

Start Date of Construction	End Date of Construction	Start Date of Alteration	End Date of Alteration	Start Date of Decommission	End Date of Decommission
2018-09-11	2018-09-12				

Well Completion Data

Total Depth Drilled: 220.00 feet
 Finished Well Depth: 220.00 feet
 Final Casing Stick Up: 24.000 inches
 Depth to Bedrock:
 Ground elevation: 59.00

Static Water Level (BTOC): 38.00 feet
 Estimated Well Yield: 5.000 USGPM
 Artesian Flow:
 Artesian Pressure:
 Method of determining elevation: GPS

Well Cap: Vermin proof
 Well Disinfected Status: Disinfected
 Drilling Method: Air Rotary
 Orientation of Well: VERTICAL

Lithology

From (ft bgl)	To (ft bgl)	Raw Data	Description	Moisture	Colour	Hardness	Observations	Water Bearing Flow Estimate (USGPM)
0.00	6.00	and gravel	silty		brown			
6.00	28.00				brown			
28.00	47.00							
47.00	123.00				grey			
123.00	167.00							
167.00	207.00				grey			
207.00	209.00		fractured					5.0000
209.00	220.00							

Casing Details

From (ft)	To (ft)	Casing Type	Casing Material	Diameter	Wall Thickness	Drive Shoe
0.00	16.10		Steel	6.000	0.250	Not Installed

Surface Seal and Backfill Details

Surface Seal Material: Bentonite clay
 Surface Seal Installation Method: Poured
 Surface Seal Thickness: 2.00
 Surface Seal Depth:

Backfill Material Above Surface Seal:
 Backfill Depth:

Liner Details

Liner Material:
 Liner Diameter:
 Liner from:

Liner Thickness:
 Liner to:

Liner perforations

From To
 There are no records to show

Screen Details

Intake Method:
 Type:
 Material:
 Opening:
 Bottom:

Installed Screens

From To Diameter Assembly Type Slot Size
 There are no records to show

Well Development

Developed by:

Development Total Duration: 1.00 hours

Well Yield

No well yield data available.

Well Decommission Information

Reason for Decommission:

Method of Decommission:

Sealant Material:

Backfill Material:

Decommission Details:

Comments

No comments submitted

Alternative Specs Submitted: No

Documents

No additional documentation available for this well.

Disclaimer

The information provided should not be used as a basis for making financial or any other commitments. The Government of British Columbia accepts no liability for the accuracy, availability, suitability, reliability, usability, completeness or timeliness of the data or graphical depictions rendered from the data.



Groundwater Wells and Aquifers

Well Summary

Well Tag Number: 117791
 Well Identification Plate Number:
 Owner Name: TINGIRA HOLDINGS
 Intended Water Use: Private Domestic

Well Status: New
 Well Class: Water Supply
 Well Subclass: Domestic
 Aquifer Number:

Observation Well Number:
 Observation Well Status:
 Environmental Monitoring System (EMS) ID:
 Alternative specs submitted: No

Licensing Information

Licensed Status: Unlicensed

Licence Number:

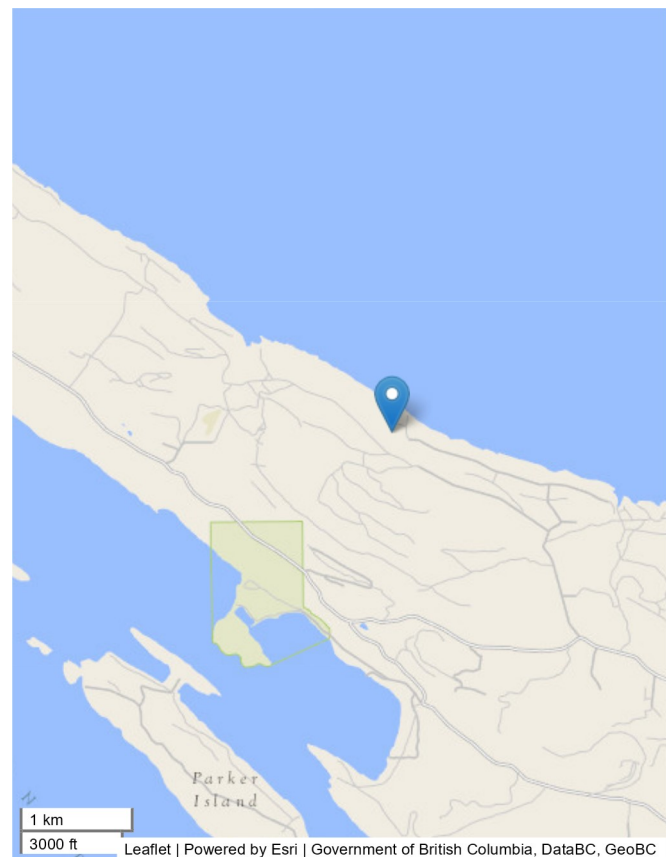
Location Information

Street Address: 1417 STICKS ALLISON ROAD
 Town/City: GALIANO ISLAND

Legal Description:

Lot	12
Plan	VIS5536
District Lot	31
Block	
Section	
Township	
Range	
Land District	16
Property Identification Description (PID)	025936514

Description of Well Location: 5 METERS FROM DRIVEWAY



Geographic Coordinates - North American Datum of 1983 (NAD 83)

Latitude: 48.91204 Longitude: -123.38894
 UTM Easting: 471502 UTM Northing: 5417751
 Zone: 10 Coordinate Acquisition Code: (10 m accuracy) Handheld GPS with accuracy of +/- 10 metres

Well Activity

Activity	↕ Work Start Date	↕ Work End Date	↕ Drilling Company	↕ Date Entered	↕
Construction report	2004-05-04	2004-05-04	Gulf Island Pumps	August 5th 2019 at 6:21 AM	

Well Work Dates

Start Date of Construction	End Date of Construction	Start Date of Alteration	End Date of Alteration	Start Date of Decommission	End Date of Decommission
2004-05-04	2004-05-04				

Well Completion Data

Total Depth Drilled:	Static Water Level (BTOC):	Well Cap:
Finished Well Depth: 200.00 feet	Estimated Well Yield:	Well Disinfected Status:
Final Casing Stick Up:	Artesian Flow:	Drilling Method: Air Rotary
Depth to Bedrock:	Artesian Pressure:	Orientation of Well: VERTICAL
Ground elevation:	Method of determining elevation:	

Lithology

From (ft bgl)	To (ft bgl)	Raw Data	Description	Moisture	Colour	Hardness	Observations	Water Bearing Flow Estimate (USGPM)
0.00	18.00	UNREADABLE						
18.00	200.00	UNREADABLE						
200.00	200.00	UNREADABLE						

Casing Details

From (ft)	To (ft)	Casing Type	Casing Material	Diameter	Wall Thickness	Drive Shoe
0.00	70.00		Steel	6.630	0.188	

Surface Seal and Backfill Details

Surface Seal Material:	Backfill Material Above Surface Seal:
Surface Seal Installation Method:	Backfill Depth:
Surface Seal Thickness:	
Surface Seal Depth:	

Liner Details

Liner Material:	Liner Thickness:	Liner perforations
Liner Diameter:	Liner to:	From To
Liner from:		There are no records to show

Screen Details

Intake Method:	Installed Screens
Type:	From To Diameter Assembly Type Slot Size
Material:	
Opening:	There are no records to show
Bottom:	

Well Development

Developed by:	Development Total Duration:
---------------	-----------------------------

Well Yield

No well yield data available.

Well Decommission Information

Reason for Decommission:

Method of Decommission:

Sealant Material:

Backfill Material:

Decommission Details:

Comments

WELL = DRILLED; WELL DIAMETER = 6"; YIELD MAY BE 4 GPM, DIFFICULT TO READ CONSTRUCTION REPORT; CASING "TO 70'" MAY BE INCORRECT, DIFFICULT TO READ CONSTRUCTION REPORT

Alternative Specs Submitted: No

Documents

No additional documentation available for this well.

Disclaimer

The information provided should not be used as a basis for making financial or any other commitments. The Government of British Columbia accepts no liability for the accuracy, availability, suitability, reliability, usability, completeness or timeliness of the data or graphical depictions rendered from the data.



Groundwater Wells and Aquifers

Well Summary

Well Tag Number: 21935
Well Identification Plate Number: 12905
Owner Name: CAPITAL REGIONAL DISTRICT

Well Status: New
Well Class: Water Supply
Well Subclass: Domestic

Observation Well Number:
Observation Well Status:
Environmental Monitoring System (EMS) ID:
1401577
Alternative specs submitted: No

Intended Water Use: Water Supply System

Aquifer Number: 320

Licensing Information

Licensed Status: Unlicensed

Licence Number:

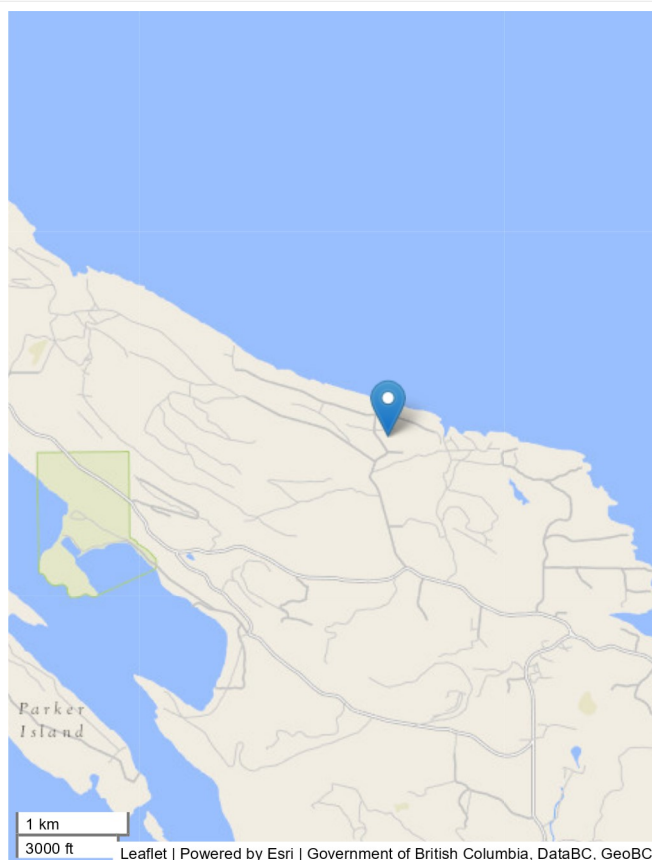
Location Information

Street Address: 1254 GALIANO WAY
Town/City: GALIANO ISLAND

Legal Description:

Lot	7
Plan	35698
District Lot	15
Block	
Section	
Township	
Range	
Land District	16
Property Identification Description (PID)	000100595

Description of Well Location: STICKS ALLISON SUBDIVISION GALIANO ISLAND. WELL LOCATED IN PUMP HOUSE. PREVIOUS LEGAL DESCRIPTION: LOT 15.



Geographic Coordinates - North American Datum of 1983 (NAD 83)

Latitude: 48.90617

Longitude: -123.36856

UTM Easting: 472992

UTM Northing: 5417091

Zone: 10

Coordinate Acquisition Code: (10 m accuracy) Handheld GPS with accuracy of +/- 10 metres

Well Activity

Activity	↕ Work Start Date	↕ Work End Date	↕ Drilling Company	↕ Date Entered	↕
Legacy record	1968-11-01	1968-11-01		August 13th 2003 at 4:47 AM	

Well Work Dates

Start Date of Construction	End Date of Construction	Start Date of Alteration	End Date of Alteration	Start Date of Decommission	End Date of Decommission
1968-11-01	1968-11-01				

Well Completion Data

Total Depth Drilled:	Static Water Level (BTOC): 2.00 feet	Well Cap:
Finished Well Depth: 225.00 feet	Estimated Well Yield: 25.000 USGPM	Well Disinfected Status: Not Disinfected
Final Casing Stick Up:	Artesian Flow:	Drilling Method: Other
Depth to Bedrock: 8.00 feet	Artesian Pressure:	Orientation of Well: VERTICAL
Ground elevation: 141.00	Method of determining elevation: Unknown	

Lithology

From (ft bgl)	To (ft bgl)	Raw Data	Description	Moisture	Colour	Hardness	Observations	Water Bearing Flow Estimate (USGPM)
0.00	8.00	OVERBURDEN						
8.00	15.00	W.B. SHALE 0.25 GPM AT 15'						
15.00	190.00	SANDSTONE 8.25 GPM AT 114'						
190.00	195.00	W.B. SHALE 6.5 GPM AT 195'						
195.00	225.00	W.B. SANDSTONE 45 GPM AT 205'						

Casing Details

From (ft)	To (ft)	Casing Type	Casing Material	Diameter	Wall Thickness	Drive Shoe
There are no records to show						

Surface Seal and Backfill Details

Surface Seal Material:	Backfill Material Above Surface Seal:
Surface Seal Installation Method:	Backfill Depth:
Surface Seal Thickness:	
Surface Seal Depth:	

Liner Details

Liner Material:		Liner perforations	
Liner Diameter:	Liner Thickness:	From	To
Liner from:	Liner to:		
		There are no records to show	

Screen Details

Intake Method:	Installed Screens				
Type:	From	To	Diameter	Assembly Type	Slot Size
Material:	There are no records to show				
Opening:					
Bottom:					

Well Development

Developed by:	Development Total Duration:
---------------	-----------------------------

Well Yield

No well yield data available.

Well Decommission Information

Reason for Decommission:

Method of Decommission:

Sealant Material:

Backfill Material:

Decommission Details:

Comments

METHOD OF DRILLING = DRILLED. WELL X-REF'D AND ASSOCIATED W/GW LICENCE APPLICATION

Alternative Specs Submitted: No

Documents

No additional documentation available for this well.

Disclaimer

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Groundwater Wells and Aquifers

Well Summary

Well Tag Number: 117857
 Well Identification Plate Number:
 Owner Name: MARGARET H. STEMBER
 Intended Water Use: Private Domestic

Well Status: New
 Well Class: Water Supply
 Well Subclass: Domestic
 Aquifer Number:

Observation Well Number:
 Observation Well Status:
 Environmental Monitoring System (EMS) ID:
 Alternative specs submitted: No

Licensing Information

Licensed Status: Unlicensed

Licence Number:

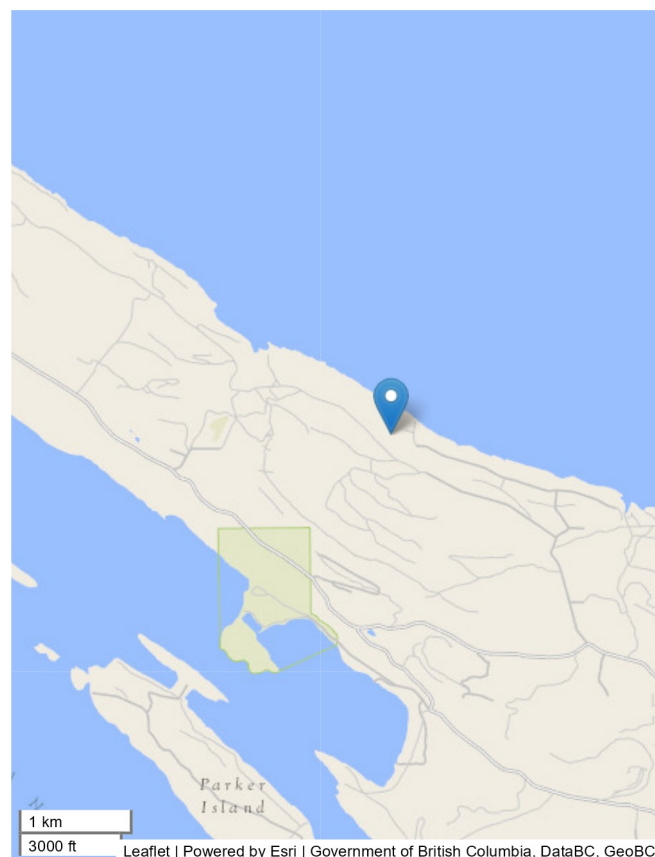
Location Information

Street Address: 1497 STICKS ALISON ROAD
 Town/City: WEST GALIANO ISLAND

Legal Description:

Lot	11
Plan	STRATA VIS5536
District Lot	30
Block	
Section	
Township	
Range	
Land District	16
Property Identification Description (PID)	025936506

Description of Well Location: 30 METERS WEST OF NORTHWEST CORNER OF HOUSE



Geographic Coordinates - North American Datum of 1983 (NAD 83)

Latitude: 48.9124 Longitude: -123.39
 UTM Easting: 471424 UTM Northing: 5417791
 Zone: 10 Coordinate Acquisition Code: (10 m accuracy) Handheld GPS with accuracy of +/- 10 metres

Well Activity

Activity	↕ Work Start Date	↕ Work End Date	↕ Drilling Company	↕ Date Entered	↕
Construction report	2019-08-14	2019-08-14	D.A. Smithson & Sons Ltd.	August 14th 2019 at 4:05 PM	

Well Work Dates

Start Date of Construction	End Date of Construction	Start Date of Alteration	End Date of Alteration	Start Date of Decommission	End Date of Decommission

Well Completion Data

Total Depth Drilled: 200.00 feet
 Finished Well Depth: 200.00 feet
 Final Casing Stick Up: 24.000 inches
 Depth to Bedrock:
 Ground elevation:

Static Water Level (BTOC):
 Estimated Well Yield: 4.000 USGPM
 Artesian Flow:
 Artesian Pressure:
 Method of determining elevation:

Well Cap:
 Well Disinfected Status:
 Drilling Method: Air Rotary
 Orientation of Well: VERTICAL

Lithology

From (ft bgl)	To (ft bgl)	Raw Data	Description	Moisture	Colour	Hardness	Observations	Water Bearing Flow Estimate (USGPM)
0.00	18.00	STARTING OUT IN BROWN [REST IS UNREADABLE]						
18.00	200.00	UNREADABLE						

Casing Details

From (ft)	To (ft)	Casing Type	Casing Material	Diameter	Wall Thickness	Drive Shoe
0.00	20.00		Steel	6.630	0.188	

Surface Seal and Backfill Details

Surface Seal Material:
 Surface Seal Installation Method:
 Surface Seal Thickness:
 Surface Seal Depth:

Backfill Material Above Surface Seal:
 Backfill Depth:

Liner Details

Liner Material:	Liner Thickness:	Liner perforations
Liner Diameter:	Liner to:	From To
Liner from:		There are no records to show

Screen Details

Intake Method:	Installed Screens
Type:	From To Diameter Assembly Type Slot Size
Material:	
Opening:	There are no records to show
Bottom:	

Well Development

Developed by: Development Total Duration:

Well Yield

No well yield data available.

Well Decommission Information

Reason for Decommission:

Method of Decommission:

Sealant Material:

Backfill Material:

Decommission Details:

Comments

WELL YIELD=4 GPM; CONSTRUCTION DATE=UNKNOWN

Alternative Specs Submitted: No

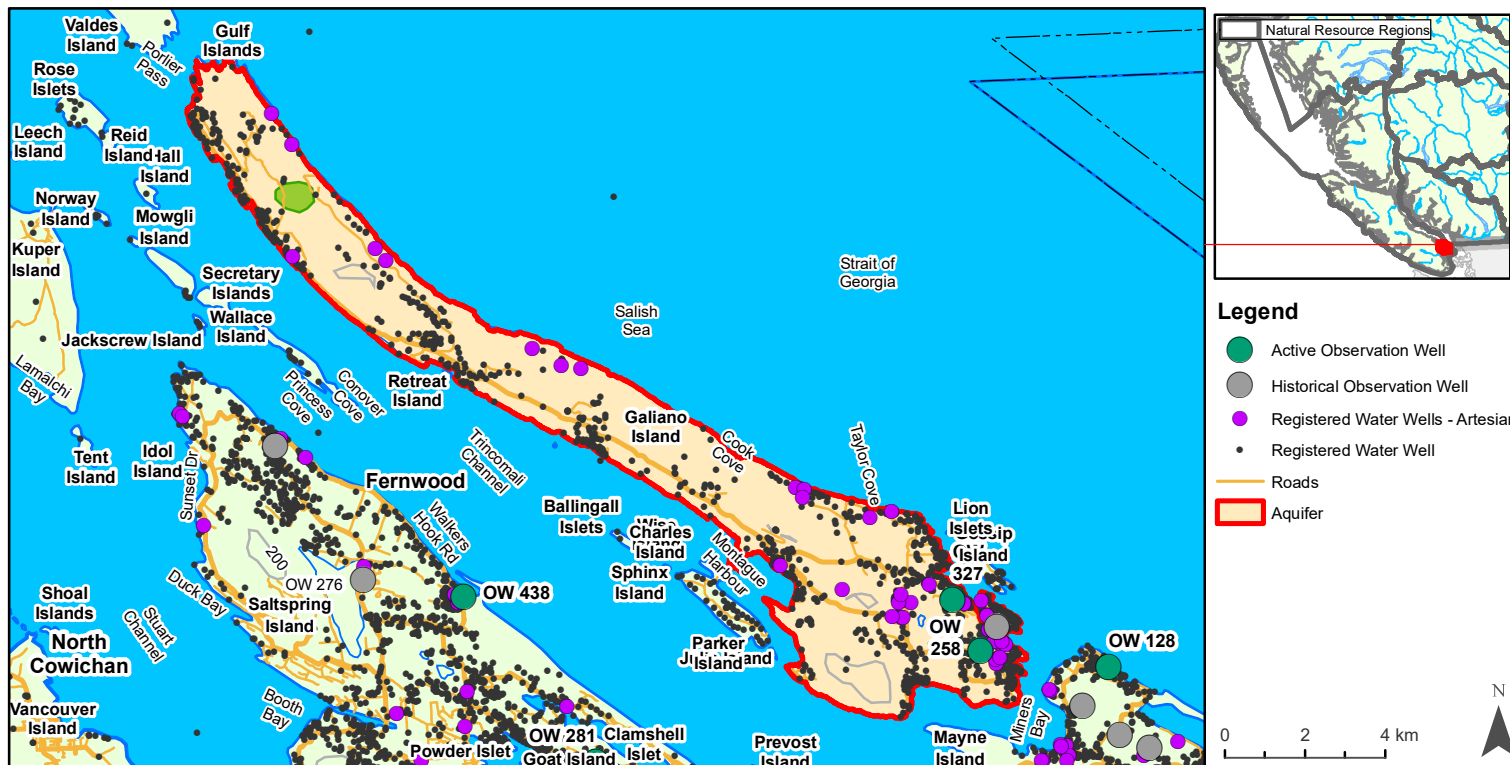
Documents

No additional documentation available for this well.

Disclaimer

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APPENDIX C – AQUIFER #320 FACT SHEET



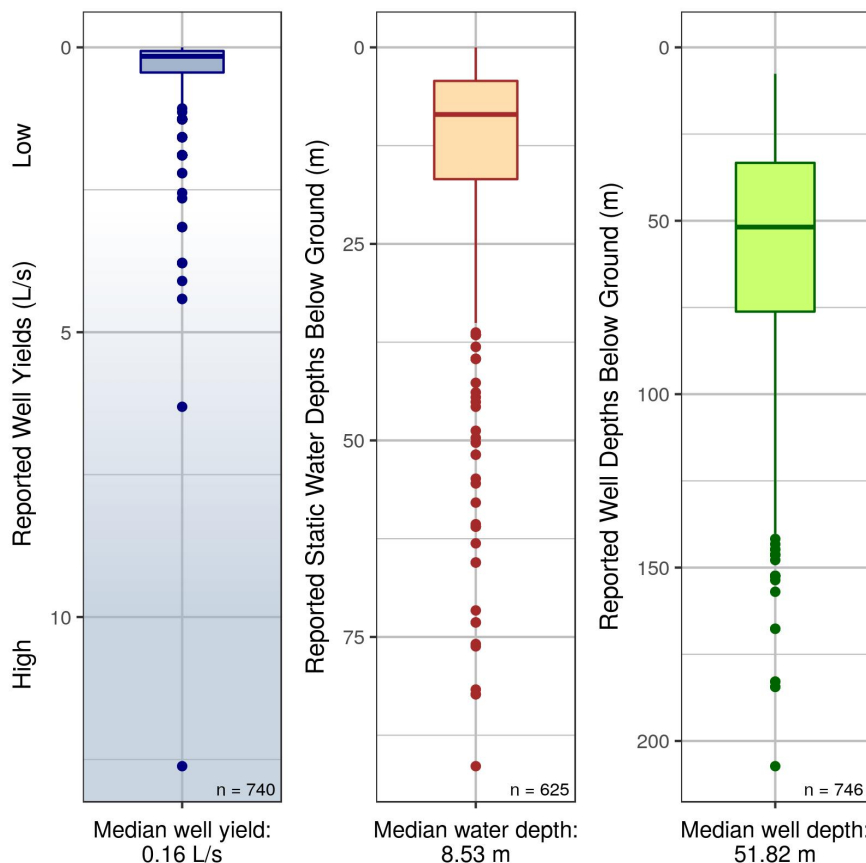
Aquifer Description (Mapping Report):

Fractured sedimentary rock aquifers primarily found in association with old sedimentary basins (subtype = 5a).

Aquifer Details

Region	West Coast
Water District	Victoria
Aquifer Area	58.2 km ²
No. Wells Correlated to Aquifer	746
Vulnerability to Contamination	Moderate
Productivity	Low
Aquifer Classification	IIB
Hydraulic Connectivity ¹	Not Likely
Aquifer Stress Index	Method not applicable - confined aquifer
No. Water Licences Issued to Wells	0
Observation Wells (Active , Inactive)	327 , 326, 258

¹ Based on broad regional assessment



Disclaimer:

Use of information from Aquifer factsheets (accessed by BC government website) is subject to limitation of liability provisions (further described on that website). That information is provided by the BC government as a public service on an "as is" basis, without warranty of any kind, whether express or implied, and its use is at your own risk. Under no circumstances will the BC government, or its staff, agents and contractors, be responsible or liable to any person or business entity, for any direct, indirect, special, incidental, consequential or any other loss or damages to any person or business entity based on this factsheet or any use of information from it.

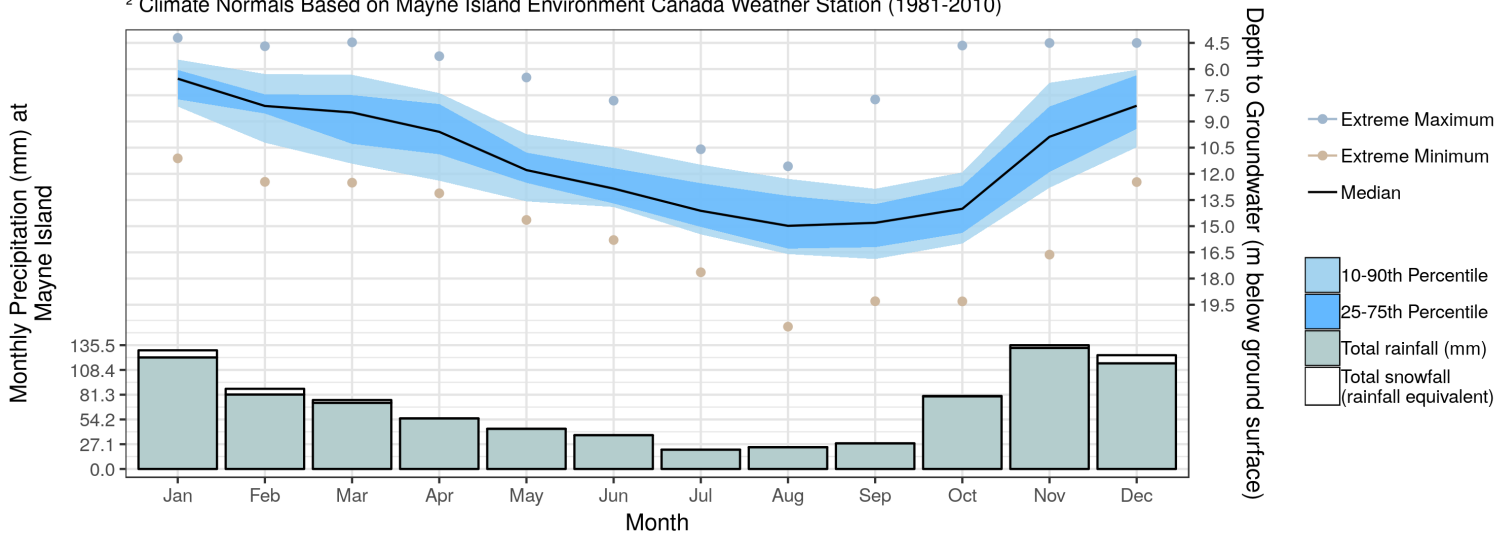
Detailed methods for all figures are described in the companion document (Aquifer Factsheet - Companion Document.pdf).

Factsheet generated: 2019-03-06. Available from: https://s3.ca-central-1.amazonaws.com/aquifer-docs/00000/00320_Aquifer_Factsheet.pdf.

Monthly Groundwater Level¹ with Precipitation from Climate Normals²

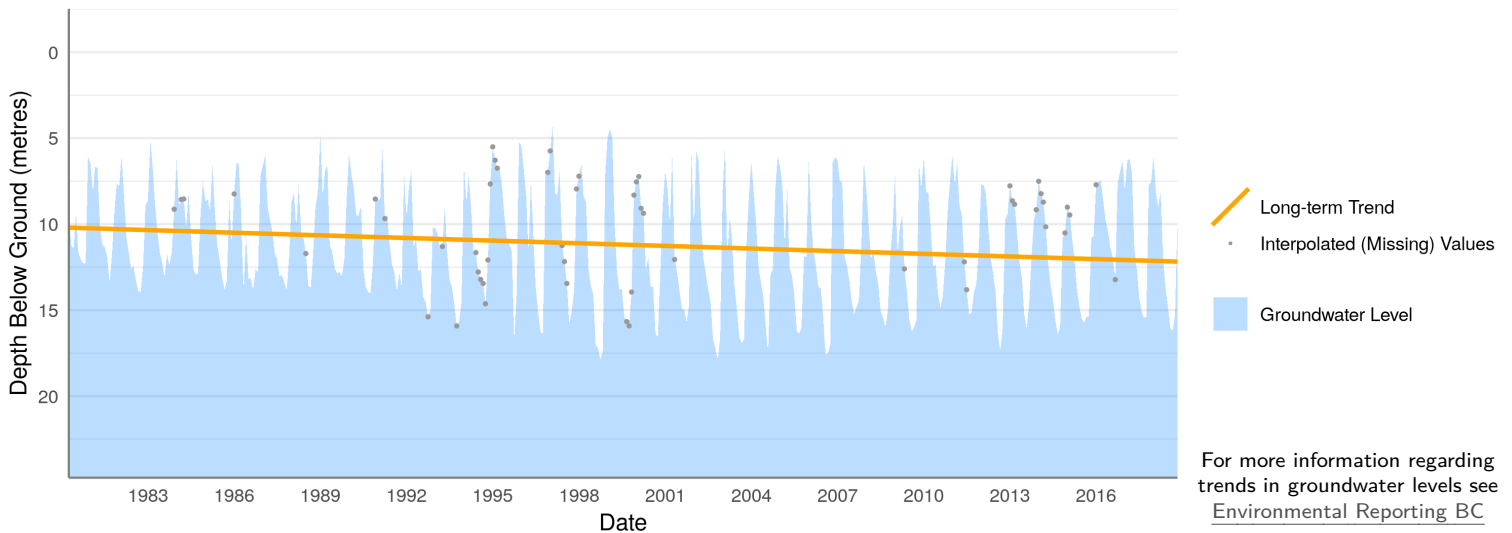
¹ Full Monthly Water Level Summary (38 years of data; 1980-2018)

² Climate Normals Based on Mayne Island Environment Canada Weather Station (1981-2010)

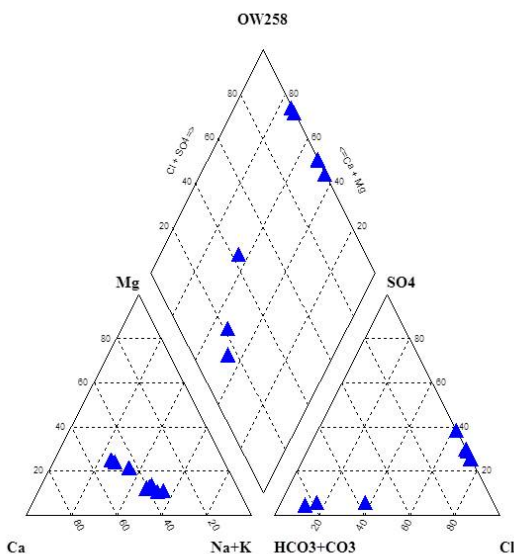


Groundwater Levels and Long-term Trend

Category: Moderate Rate of Decline (-0.051 m/year)



Piper Plot

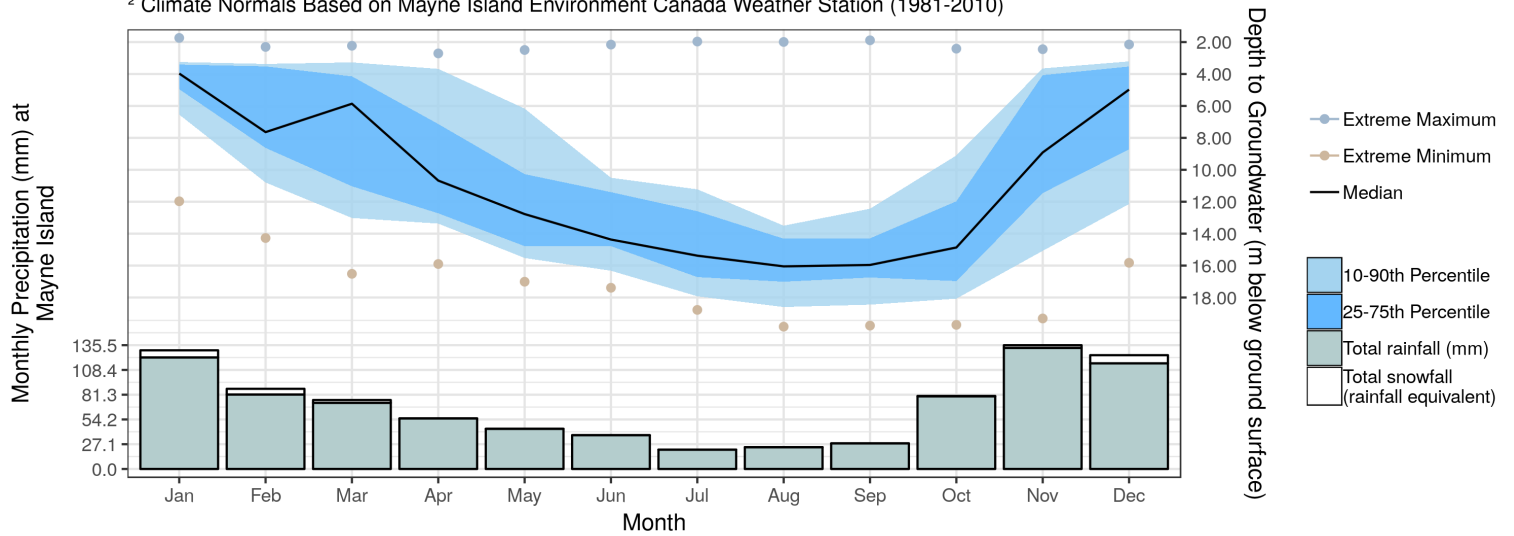


The groundwater samples are typically of the Ca-Mg-HCO₃ & Ca-Mg-HCO₃-Cl type. Ca and Mg are the dominant cations, which indicate a less evolved/short flow path recharge area type of groundwater. HCO₃ is the dominant anion followed by Cl. The fact that HCO₃ is the dominant anion shows the source is primarily recent precipitation in the bedrock aquifer #320. Cl enrichment could be attributed to sea water intrusion and/or anthropogenic activities such as application of chemical fertilizers and/or sewage effluents. For EMS water chemistry data, EMSID 1401490.

Monthly Groundwater Level¹ with Precipitation from Climate Normals²

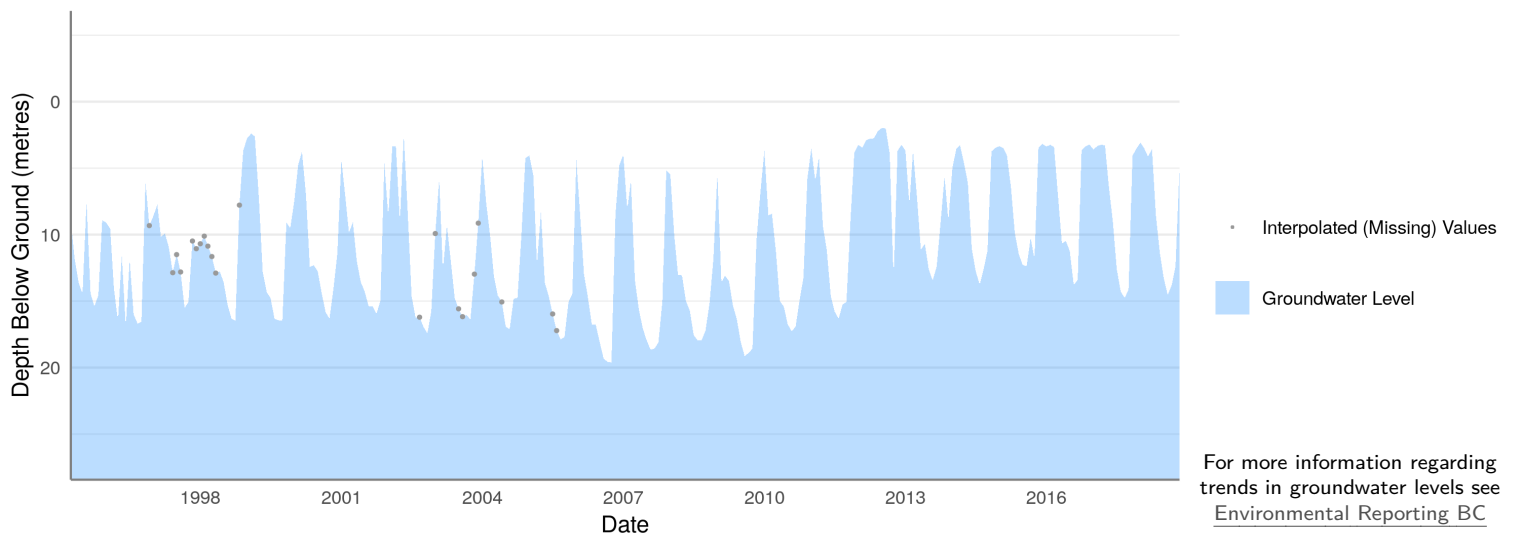
¹ Full Monthly Water Level Summary (23 years of data; 1995-2018)

² Climate Normals Based on Mayne Island Environment Canada Weather Station (1981-2010)



Groundwater Levels and Long-term Trend

Category: Stable



Piper Plot

No summary at this point

Graph not available
(insufficient chemistry data)

APPENDIX D – LAND USE REPORT

GEORGIA HILLS NEIGHBOURHOOD PROPERTY USE

DRAFT

<u>Sticks Allison Water System</u>		
<u>Current Use</u>		<u>Allowed</u>
Full Time	18	76
Part Time	8	
Seldom Used	8	
Vacant	4	
Total	38	76
<u>Structures</u>		
Houses	29	38
Cottages	12	38
Total	41	76

<u>Sticks West Extension</u>		
<u>Current Use</u>		<u>Allowed</u>
Full Time	4	36
Part Time	8	
Seldom Used	5	
Vacant	1	
Total	18	36
<u>Structures</u>		
Houses	12	18
Cottages	5	18
Total	17	36

<u>GEORGIA VIEW/GALIANO WAY /THORBURN</u>		
<u>Current Use</u>		<u>Allowed</u>
Full Time	6	44
Part Time	6	
Seldom Used	2	
Vacant	8	
Total	22	44
<u>Structures</u>		
Houses	10	22
Cottages	7	22
Total	17	44

<u>HERITAGE FOREST STRATA LOTS</u>		
<u>Current Use</u>		<u>Allowed</u>
Full Time	4	26
Part Time	3	
Seldom Used	1	
Vacant	5	
Total	13	26
<u>Structures</u>		
Houses	7	13
Cottages	3	13
Total	10	26

<u>GEORGIA HILLS NEIGHBOURHOOD</u>		
<u>Current Use</u>		<u>Allowed</u>
Full Time	32	182
Part Time	25	
Seldom Used	16	
Vacant	18	
Total	91	182
<u>Structures</u>		
Houses	58	91
Cottages	27	91
Total	85	182

Houses under construction are counted as vacant since no one has lived there.

Disclaimer:
100% accuracy on Current Use is impossible as it often changes.



Islands Trust

BYLAW REFERRAL FORM

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

Island: Mayne Island Local Trust Area **Bylaw No.:** 177 and 178 **Date:** October 8, 2020

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

APPLICANTS NAME / ADDRESS:

Capital Regional District

PURPOSE OF BYLAW:

To rezone property from Rural (R) to Community Park (P(b)).

Professional reports and staff reports are available on the Mayne Island webpage: <http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne/current-applications/current-application-documents/>

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

THE SOUTH WEST 1/4 OF THE NORTH EAST 1/4 OF SECTION 14 MAYNE ISLAND COWICHAN DISTRICT EXCEPT PARCEL G (DD 89729I)

SIZE OF PROPERTY AFFECTED:

3.13 Hectares (7.74 Acres)

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural (R)

OTHER INFORMATION:

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

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

Narissa Chadwick

(Signature)

Name: Narissa Chadwick

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

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Transportation and Infrastructure

Non-Agency Referrals

Mayne Island Parks and Recreation Commission

Regional Agencies

Capital Regional District – Regional Parks and Community Services

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee

North Pender Island Local Trust Committee

Saturna Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area

(Island)

177 and 178

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 177

A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007

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

1. CITATION

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2019”.

2. SCHEDULES

Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS	25 TH	DAY OF	MARCH	2019.
READ A SECOND TIME THIS	28 TH	DAY OF	SEPTEMBER	2020.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20__
READ A THIRD TIME THIS	_____	DAY OF	_____	20__
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20__
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20__
ADOPTED THIS	_____	DAY OF	_____	20__

Chair

Secretary

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177**

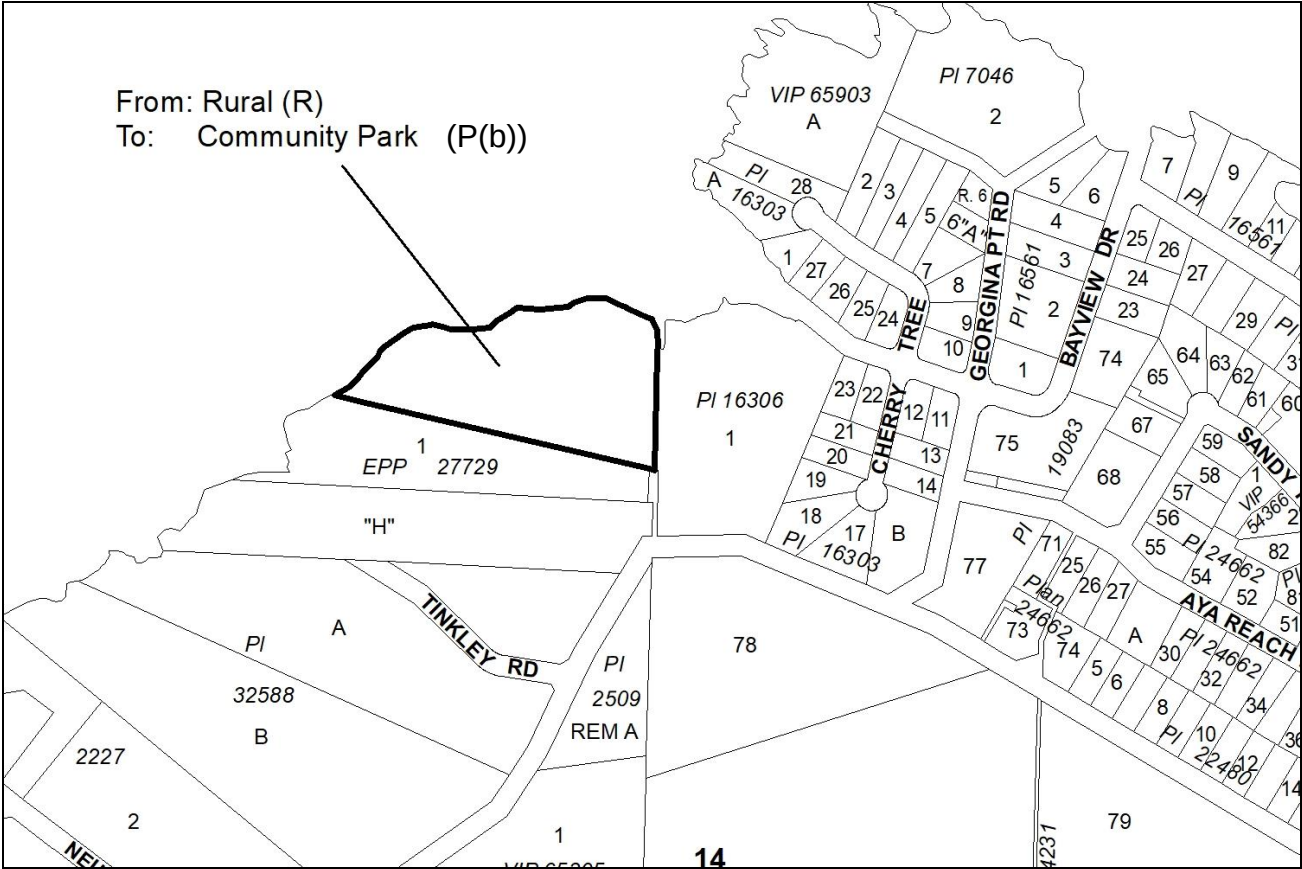
SCHEDULE 1

The Mayne Island Official Community Plan No. 144, 2007, is amended as follows:

1. By amending Schedule B by changing the land use designation on the South West $\frac{1}{4}$ of the North east $\frac{1}{4}$ of Section 14, Mayne Island, Cowichan District, except Parcel G (DD89729I) from the Rural (R) land use designation to the Community Park (P) land use designation as shown on Plan No. 1, which is attached to and forms part of this bylaw.

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177

Plan No.1



PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 178

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2019”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw No. 146, 2008,” is amended as follows:

2.1 The Table listing “Site Specific Regulations” in subsection 5.17(6) is amended by adding the following immediately after Site Specific Zone P(a):

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
P(b)	South West ¼ of the North east ¼ of Section 14, Mayne Island, Cowichan District, except Parcel G (DD89729I)	Despite 5.17(2) the maximum combined area covered by all buildings and structures shall not exceed 44m ² (474ft ²).

2.2 Schedule “B” – Zoning Map, is amended by changing the zoning classification of the South West ¼ of the North east ¼ of Section 14, Mayne Island, Cowichan District, except Parcel G (DD89729I) from Rural (R) to Community and Regional Park P(b) as shown on Plan No. 1, which is attached to and forms part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 146 as are required to effect this change.

3. SEVERABILITY

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

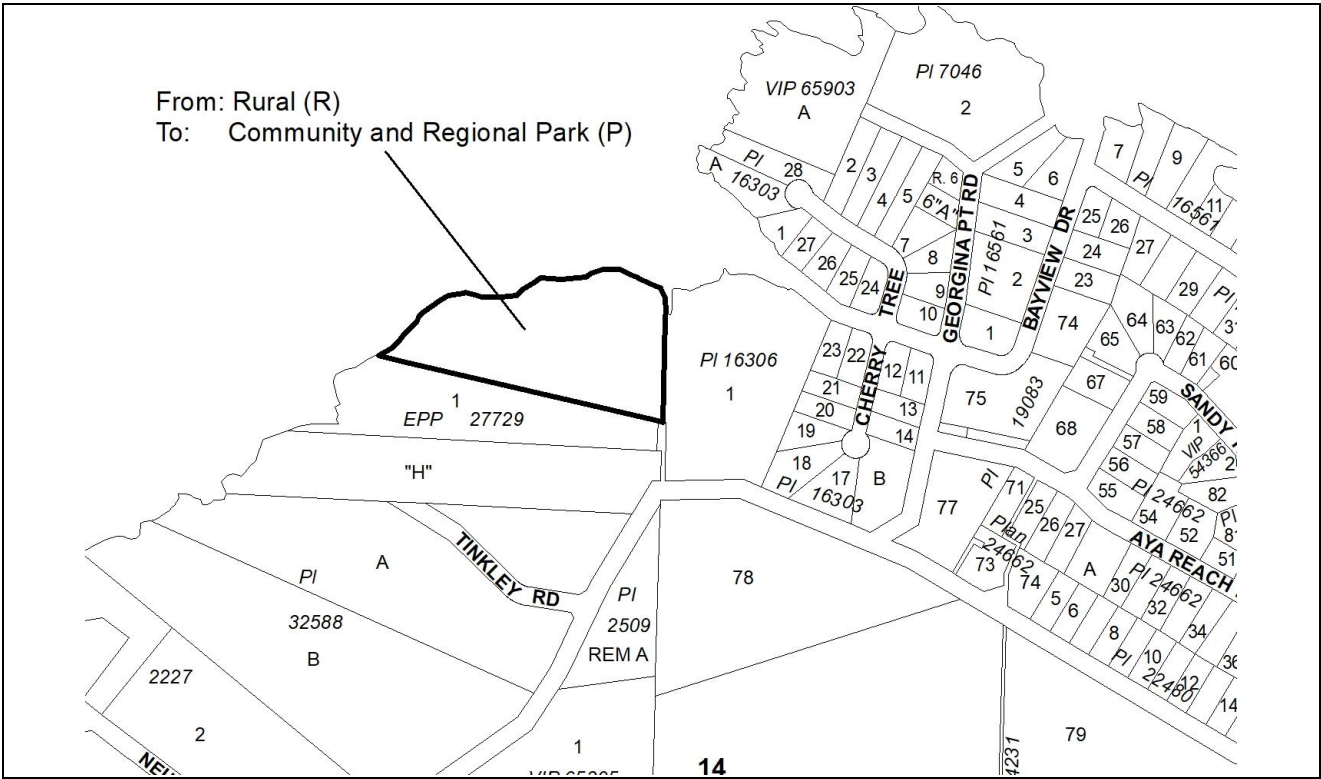
READ A FIRST TIME THIS	25 TH	DAY OF	MARCH	2019.
PUBLIC HEARING HELD THIS	28 TH	DAY OF	SEPTEMBER	2020.
READ A SECOND TIME THIS	_____	DAY OF	_____	20__
READ A THIRD TIME THIS	_____	DAY OF	_____	20__
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20__
ADOPTED THIS	_____	DAY OF	_____	20__

Chair

Secretary

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 178

Plan No. 1



File No.: GL-6500-20 Affordable
Housing - STVR Review

DATE OF MEETING: November 2, 2020
TO: Galiano Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: STVR Review – Results of comment period on proposed Bylaw No. 275

RECOMMENDATION

1. **That the Galiano Island Local Trust Committee direct staff to schedule a Public Hearing for Bylaw No. 275.**
2. **That the Galiano Island Local Trust Committee direct staff to schedule a Community Information Meeting in conjunction with the Public Hearing for Bylaw No. 275.**

REPORT SUMMARY

The purpose of this staff report is to present results of the public comment period on proposed amending Bylaw No. 275 to the LTC for consideration and to seek direction on next steps.

The recommendations above are supported as:

- Significant research and community outreach has taken place to help inform the LTC on this topic;
- Results of the public comment period further indicate there is diverse opinion on this topic with several responses received both for and against the proposed amendments;
- Proceeding with a Community Information Meeting (CIM) in conjunction with a Public Hearing will help to further clarify community and stakeholder opinion, benefits and concerns with the proposed amendments prior to LTC consideration to second and third reading.

BACKGROUND

At the June 3, 2019 meeting LTC endorsed a project charter for the Galiano Island STVR Review project. The endorsed project charter includes the following key tasks:

1. Complete review of STVRs currently operating on Galiano Island and research of STVR regulations/policies in other jurisdictions
2. Develop discussion paper summarizing findings of review
3. Complete public/stakeholder outreach (including public meetings)
4. Finalize recommendations and confirm scope of proposed bylaw amendments with LTC
5. Complete bylaw amendment process (if changes are sought by LTC)

The project is now in the fifth step of this process, with proposed bylaw amendment No. 275 currently under consideration by LTC.

At the June 1, 2020 LTC meeting LTC passed the following resolution:

GL-2020-029

It was Moved and Seconded,

that the Galiano Local Trust Committee Bylaw No. 275, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2020”, be read a first time.

CARRIED

At that meeting, LTC also directed staff to prepare a pamphlet for distribution on Galiano Island setting out proposed Bylaw No. 275 and to establish a 60 day comment period for providing input to LTC on the proposed changes. This staff report provides results of public feedback from that comment period.

Attachment 1 provides proposed Bylaw No. 275. Attachment 2 provides the LTC public comment period notification. Attachment 3 includes the public submissions received.

Additional project information, including previous staff reports and results of public engagement is located here: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/2019-stvr-review/>

ANALYSIS

Consultation

Summary of Responses from Comment Period

In general, the arguments both for and against are similar to what LTC has already heard through previous consultation on this topic.

A total of 46 submissions were received (included as Attachment 3). Of those, 27 were generally in favour of the proposed bylaw changes removing TUPs for STVRs, and 19 were generally opposed (including the Galiano Island Chamber of Commerce). Those in favour cited reasons such as impacts on long-term rental housing and affordability, neighbourhood and island character, and water, septic and other environmental resources. Those opposed cited reasons such as impacts to the local economy, the unique quality of experiences provided by STVRs, and challenges with correlating impacts of STVRs versus other uses of the property.

Many letters describe individual STVR operations and the steps taken to minimize impacts on resources and disruptions to neighbours. Many of the letters also offer alternative solutions for LTC consideration such as on-island property manager requirements or the capping of STVRs based on factors such as neighbourhood density, total # year, total days/year per STVR etc. Some also seek more bylaw enforcement under the existing regulatory regime.

Statutory Requirements

In accordance with regular statutory requirements, a Public Hearing is required for any bylaw amendment and it is normal practice to hold a CIM prior to that. Staff are recommending that the CIM be scheduled in conjunction with the Public Hearing given there has already been extensive public and stakeholder consultation on this topic.

If LTC decides to proceed with a Public Hearing (with or without a CIM), LTC will need to decide whether it be scheduled as part of a regular LTC meeting or a Special Meeting. The Public Hearing notice would be posted as per statutory and bylaw requirements in advance of the Public Hearing.

First Nations

The proposed bylaw amendments were referred to the following First Nations:

- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Malahat First Nation - TE'Mexs Treaty Association
- Pauquachin First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Stz'uminus First Nation
- Tsartlip First Nation
- Tsawout First Nation
- Tsawwassen First Nation
- Tseycum First Nation

No responses were received.

Agency Referrals

The proposed bylaw amendments were referred to the following agencies:

- Capital Regional District – Building Inspection
- Gambier Island Local Trust Committee
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Thetis Island Local Trust Committee

Thetis Island, Mayne and Saltspring LTCs have indicated their interests are unaffected. No other responses were received.

Rationale for Recommendation

Based on the foregoing, the recommendation on page 1 is supported as:

- Significant research and community outreach has taken place to help inform the LTC on this topic;
- Results of the public comment period further indicate there is diverse opinion on this topic with several responses received both for and against the proposed amendments;
- Proceeding with a Community Information Meeting (CIM) in conjunction with a Public Hearing will help to further clarify community and stakeholder opinion, benefits and concerns with the proposed amendments prior to LTC consideration of second and third reading.

ALTERNATIVES

- 1. Conduct a CIM on a separate day prior to the Public Hearing.**

The LTC may consider conducting a CIM electronically on a day prior to holding a Public Hearing.

Resolution:

That the Galiano Island Local Trust Committee direct staff to schedule an electronic Community Information Meeting for proposed Bylaw No. 275 on a day prior to the Public Hearing for proposed Bylaw No. 275.

2. Request further information

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

Resolution:

That the Galiano Island Local Trust Committee request that staff provide the following additional information:_____.

3. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Based on direction from LTC, Staff will make arrangements for a Public Hearing in conjunction with a CIM.

Submitted By:	Brad Smith, Island Planner	October 19, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	October 20, 2020

ATTACHMENTS

1. Proposed Bylaw No. 275
2. Comment Period Public Notice
3. Public Comment Submissions

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 275

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2020”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS	1 ST	DAY OF	JUNE	2020
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 275**

SCHEDULE 1

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

- 1) Section VII, Subsection 1 (Circumstances) is amended by inserting a new article (iii) as follows:

“iii) A Temporary Use Permit shall not be issued by the Local Trust Committee for the purpose of a commercial vacation rental.”

- 2) Section VII, Subsection 2 (Objectives) is amended by deleting article iii in its entirety.
- 3) Section VII, Subsection 2 (Objectives) is amended by reordering article iv as article iii.



GALIANO ISLAND LOCAL TRUST COMMITTEE

Visit our web site at:
www.islandstrust.bc.ca

NOTICE OF PROPOSED BYLAW AMENDMENTS TO TEMPORARY USE PERMITS – 60 DAY COMMENT PERIOD

BACKGROUND

Short Term Vacation Rentals (STVRs) are rentals of **30** days or less. The Galiano Island Local Trust Committee (LTC) is reviewing STVR bylaws and land uses in the Galiano Island Local Trust Area (LTA). This work is part of a more broadly-scoped LTC project on affordable housing. The intent of the affordable housing project is to review and potentially amend policies and regulations to encourage and support affordable housing in the Galiano Island LTA.

Based on the results of the STVR review, the LTC is now proposing amendments to the Galiano Island Official Community Plan No. 108, 1995 (OCP), to restrict the issuing of Temporary Use Permits (TUPs) for STVR land uses in the Galiano Island Local Trust Area. The proposed changes will **not** affect home occupation STVRs. The proposed amending Bylaw No. 275 is located here:

http://www.islandstrust.bc.ca/media/349613/gl-bl-275_ocp_1st-reading.pdf

More project information including the project charter, staff reports, a background discussion paper, and results of public and stakeholder engagement to date can be found here: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/2019-stvr-review/>

WHAT ARE TEMPORARY USE PERMITS?

TUPs can be issued for short term uses or as a test of the compatibility of the proposed land use, which may not have been anticipated, with existing uses. TUPs can be issued for up to 3 years and may be considered for renewal once for up to 3 years. TUPs require an application to the Islands Trust and notification is provided to property owners and residents. LTC then decides if a TUP is approved and what permit conditions may apply. TUP regulations are described starting on page 94 of the OCP:

http://www.islandstrust.bc.ca/media/347224/ocp-bylaw-108_consolidated_feb-7-19.pdf

TUPs are different than operating an STVR under **Home Occupation** regulations. The key difference is that to operate as a home occupation, there **must** be a permanent resident living on the property. Home occupation regulations are described starting on page 8 of the Galiano Island Land Use Bylaw 127, 1999.

http://www.islandstrust.bc.ca/media/347223/bylaw-no-127_lub_consolidated_feb-7-19.pdf

COMMUNITY INFORMATION MEETING

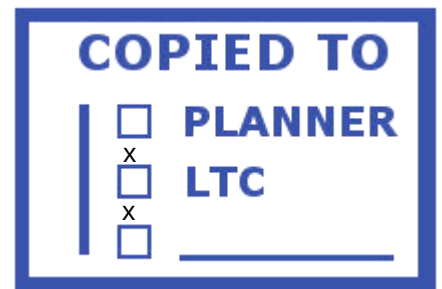
It is the intent of the LTC to hold an in-person **Community Information Meeting (CIM)** on Bylaw No. 275.

However, Covid-19 is limiting the ability of the LTC to host an in-person CIM at this time. If public health measures continue beyond the 60 day comment period, LTC may consider hosting a CIM electronically.

NOTIFICATION PERIOD

The **Notification Period** for submitting written comments on Bylaw No. 275 will end on **September 30, 2020**. Comments and enquiries can be directed to: glitcwebmail@islandstrust.bc.ca

From: shirlene raines <[REDACTED]>
Sent: Sunday, August 30, 2020 11:43 AM
To: Tahirih Rockafella <trockafella@islandstrust.bc.ca>; Jane Wolverton <jwolverton@islandstrust.bc.ca>; Brad Smith <bsmith@islandstrust.bc.ca>
Cc: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: FW: Proposed Amendment to bylaw 275



From: shirlene raines [REDACTED]
Sent: August 30, 2020 11:40 AM
Subject: Proposed Amendment to bylaw 275

All correspondence has been received by the Galiano Local Trust Committee

To Galiano Island local trust committee and islands trust planner. I support the proposed amendment to bylaw 275 in its entirety.
Shirlene Raines
[REDACTED]
[REDACTED]
[REDACTED]

September 12, 2020

RE: STVR Review

Dear Trustees,

Regulation should be used to protect and benefit people and the environment. Unfortunately TUP's have become an allowable way to break our bylaws. At the same time Forest Lot-parcels of land have created a culture where anything goes and nothing is enforced.

Why should STVR's not be allowed on Galiano? It's not like anyone is going to enforce our new bylaw. Owners will still continue to operate without any enforcement. Heck! Who needs regulation? All we need is a casino on the new res and away we go! Galiano Island will continue to be the wild wild west where anything goes and a free for all exists.

We clearly need more tourists on the Island. The Trust has already made it clear that Preserve and Protect is no longer the priority of their mandate. For some reason, economic development priorities are leading the way, thanks to a very small-minded group of islanders. We all got to sell our vegetables and fish at the Pop Up to the hordes of tourists- what could be more important?

This is as good of an idea as harvesting rainwater and not using it for anything, which is the only current measure in place for mitigating STVR's damage to groundwater supply.

STVR's shouldn't be allowed. Many inland 30 GPM wells are drying up. For years, the majority of oceanfront wells have been showing signs of saltwater intrusion because of over-use, causing neighbouring wells to have brackish water.

When will enough be enough?

The time has come to place a cap on tourism. Placing limits on the number of tourists that visit the island each summer should become a high priority for the Trust so that our aquifers aren't totally destroyed.

The stability of our water is far more important than any numbers game regarding letters you will receive. Obviously, those who financially benefit from STVRs have a big incentive to write in. Smells like a conflict of interest...

Please stop allowing TUP's and STVR's altogether. I support your bylaw and think you need to take it one big step further.

With you in these trying times,

Brad Lockett

From: Graham Ramsay

Sent: Thursday, September 10, 2020 9:25 AM

To: glltcwebmail

Subject: TUP and STVR Amendment

Dear Trustees. Thank you for addressing the TUP permits and STVR's for Galiano Island. Based on sustainability, housing and community impact I support NOT adding or renewing any TUP's for STVR's. In fact, I would be in support of stopping all STVR's on Galiano. We have such limited resources on this island that the process, review and enforcement is not a prudent use of resources. I believe the Islands Trust should focus on preserving and protecting Galiano and its unique character. I believe there is a good economic base for the island, without adding additional rentals when we have such a shortage of housing.

Thanks for your time and attention to this matter.

Graham Ramsay

[REDACTED]
[REDACTED]

Jane Wolverton and Tahirih Rockafella
Galiano Island Local Trust Committee
jwolverton@islandstrust.bc.ca
trockafella@islandstrust.bc.ca

September 14, 2020

Regarding the request for public input on STVR's

Dear Trustees,

I am writing in support of your proposed Bylaw to restrict STVR's on Galiano.

I do not think that commercial vacation rentals without home-occupation should continue on Galiano. Period. People can offer these vacation rentals if they live on the property. I would also urge that no further TUP's be issued for STVR's until after this review has concluded.

I also would support and urge the consideration of:

1. a cap on the number of STVR's operating each year;
2. consideration of the geographic distribution of STVR's (i.e. to avoid oversaturation in neighbourhoods and on aquifers);
3. an enforced quota for each STVR on the number of "person days" of use per year, particularly in the drought months of May-September;
4. a mandatory water saving plan which goes beyond an empty water tank not connected, not being used, and not being enforced. This should include water metering and clear guidelines given to guests to reduce overuse.

I last wrote about this issue last summer and have attached my July 2019 letter below instead of just repeating myself. My concerns shared last July still stand.

Sincerely,

Jenna Falk

PS: I hope this request for public input is not weighted based on the number of letters in support vs against the bylaw. Of course there will be higher motivation for STVR operators to write in – they have a significant financial incentive to seeing business as usual continue. Having fewer letters in support does not mean that the community is not deeply concerned about STVR's. People are busy and often don't write in. I find it offensive that the long-term ecological and social damage of these operations to this island are often being underplayed when it comes to the benefits to STVR operators. The cost is too high. This community, which continues to bear these costs and will for decades to come, deserves the respect of having STVR's scaled back and managed sustainably.

[REDACTED]
[REDACTED]
[REDACTED]

Jane Wolverton and Tahirih Rockafella
Galiano Island Local Trust Committee
jwolverton@islandstrust.bc.ca
trockafella@islandstrust.bc.ca

July 1, 2019

Regarding the application GL-TUP-2019.4

Dear Trustee Wolverton and Trustee Rockafella,

Since you began your term as trustees you have brought energy and enthusiasm to the areas of climate change and water conservation for Galiano, offering public information sessions and bringing in guest speakers. This is all positive, but we feel that short-term vacation rentals are the elephant in the room with deep impact for climate change and water conservation on the island.

A search of just a few web platforms shows that there are around 100 STVRs registered and operating on Galiano Island, hosting anywhere from 2-16 people at a time and booked nearly solid throughout the spring and summer months. Assuming an average of 4 guests per STVR, operating at a modest 75% of the time (or 90 days from May to August), that is 36,000 visitor-days in our busy season. 2016 Census showed our year-round population to be 1,049, but with only 46% of the 1,220 houses on Galiano being occupied by “usual residents”.

The impact of short-term stays on the island’s ecosystems, groundwater, services and infrastructure is likely profound and while we continue to wait for an official report on the status of STVRs on the island, residents can and are making keen observations of these impacts.

Common concerns and observations include:

- Increased fire risk: both from the simple statistic of having more people, and also due to visitors not being educated or sensitive to the unique fire risks in rural forested communities such as from campfires, cigarette disposal, machinery use.
- Groundwater overdraws and saltwater intrusion in high use and waterfront locations: Many STVRs are located on waterfront or water view properties, and in higher density neighbourhoods. The nature of this siting adds further pressure on aquifers that are most likely already at risk. This is happening on Mayne Island. In the San Juan Islands, entire islands have unusable groundwater due to overuse and salt water intrusion.
- Demand on community infrastructure: Our roads, medical care, emergency services and fire departments are not set up to handle the thousands of visiting people that enjoy Galiano Island in the summer months.
- Affordable Housing: Many STVRs take away from the rental housing market. The housing crisis continues.
- Transportation off-island (BC Ferries): Residents are often left behind at Swartz Bay or Tsawwassen due to heavy summer tourist traffic, leading some to avoid travel for Friday-Sunday in May-September. This is a significant disruption in people’s daily lives and schedules that should not be trivialized.

What we are essentially saying is, “when is enough, enough?” When more and more Galiano homes run out of water? When entire neighbourhoods are left without water due to salt water intrusion? This is a reality for many wells already. The Islands Trust and CRD have both declared an official State of Climate Emergency - but the integrity of this political direction is null and void when the CRD places increasing funds into tourism promotion for these islands with limited resources and carrying capacities.

The Galiano community has the right to water security, access to housing, and access to core infrastructure and services. We can re-establish balance for Galiano’s environment and community by putting these first when planning for the future.

We ask that you as our Trustees stand up for this vision and put Galiano first before STVRs. Please uphold the State of Climate Emergency for the Trust Area and CRD. Please do not continue to ignore this elephant in the room and approve further STVR TUP’s without a comprehensive and long-term plan in place.

Sincerely,

Brad Lockett and Jenna Falk

cc: Brad Smith, Planner information@islandstrust.bc.ca

From: Olaf <[REDACTED]>

Sent: Wednesday, August 12, 2020 3:39 PM

To: glitcwebmail <glitcwebmail@islandstrust.bc.ca>

Subject: Comment Re Proposed Bylaw 275

X

X

August 12, 2020.

GLITC

The proposed amendments should not proceed as the proposed article (iii) fetters the discretion of a local trust Committee.

I believe fettering the discretion of local elected governments is, outside of the Islands Trust, an unacceptable practice in BC local governments.

Olaf Knezevic

From: Patrick Ramsay <[REDACTED]>
Sent: Sunday, August 9, 2020 3:28 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: Temporary use permit, 60 day comment period

X
X

I think that limiting the number of days that any residence can be rented out is more important than whether it is occupied by the owner at the same time.

Short term vacation rentals are important to the financial stability of our community and the revenue stream should not be limited to only homeowners residing on their property at the same time.

Speaking as a local, I would say a maximum of 30 days rental on any property from June to the end of August and then up to 60 days from September to the end of May. I say that particularly because of our water supply issue. If any homeowner wanted to rent out of their home during the summer for more than 30 days I would want a % portion of that rent to be taxed or somehow find its way back into the community as revenue for infrastructure.

Another method would be a much higher license fee for people who want to rent places beyond a certain number of days per year.

I would rather see locals be able to make a certain amount of money to offset the cost of living than allow the use of homes strictly as a source of revenue.

I don't necessarily feel that principal residence owners have to be on their property while the renters are there either. It might be one or two weeks a year where the revenue that they receive pays for ongoing upkeep or helps a homeowner who could use a little extra money to be able to live comfortably on the island.

For sure there would have to be a designated local property manager if the local resident was away during the rental period.

I would also say that locals who wish to have STVR's and work within these criteria should not have to pay large fees. For people to comfortably self regulate, they have to know that they are getting fair and equitable input from the Islands Trust.

The proposed amendment of restricting the issuing of TUPS for STVR's it's too heavy handed and removes the ability for local homeowners to self regulate.

We may not need to limit the number of STVR's because the very nature of the STVR criteria I have proposed would knock down the total number of rental days for the year and the number of applicants who would qualify.

Many Thanks, Patrick Ramsay

From: Robin Paterson <[REDACTED]>
Sent: Friday, August 28, 2020 9:30 AM
To: glitcwebmail <glitcwebmail@islandstrust.bc.ca>
Subject: TUP's for STVR's

X

X

I am writing in support of the proposed bylaw amendments regarding TUP's for STVR's.

I believe strongly that in order to operate as an STVR, a property should house at least one full time resident.

As a seasonal restaurant owner, I obviously appreciate tourism on the island. I believe, however, that in order to create a healthy and sustainable environment for residents and visitors alike, it is in our best interest to be aware of the ratio of committed residents to tourists.

Houses operating as hotels should be zoned, licensed and taxed appropriately.

Thank you.

Robin Paterson, Galiano Island.

Sent from my iPhone

From: Rachael Peters [REDACTED]
Sent: Saturday, September 5, 2020 8:38 PM
To: Tahirih Rockafella
Subject: Comment on bylaw amendment to T.U.P's.

Dear Trustee Rockafella,

I am writing in support of the proposal to restrict the issuing of Temporary Use Permits for Short Stay Vacation rentals. The amendment shows great foresight in regard to affordable housing and also in preserving the community on Galiano.

As it stands overseas and outside companies and individuals are free to buy up multiple properties on Galiano with the sole purpose of letting them out as tourist accommodation. It is already happening. This takes available housing out of reach of the community and brings little or no benefit to the island. The proposed amendment will not affect community members, as long as they are residents they will still be able to rent out parts of their homes or their cabins as tourist accommodation if they choose to do so.

I don't think many residents really want to see Galiano turn into somewhere like Whistler, a soulless resort town, a cash grab for the wealthy. This is a timely amendment to help preserve the community and help protect available housing.

Sincerely,
Rachael Peters.

From: Amanda <[REDACTED]>
Sent: Thursday, October 1, 2020 12:25 AM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: STVR's on Galiano Island

Hello.

I would like to express my support for Short Term Vacation Rentals continuing to be allowed on Galiano Island.

I have personally run a STVR at the north end of Galiano since 1990. I have worked hard to establish a business that allows me to keep my home and still use it throughout the year. I have weekly renters in July and August and then rent weekends in June and September with a long term renter usually from October through April.

In the next few weeks I will be hiring an on-island carpenter, cleaner, electrician and plumber. We buy as many supplies on island as possible and encourage our renters to shop, eat, recreate and stock up on the island. They eat out frequently, rent kayaks and motorbikes, hire a boat to go into Dionisio Park, buy crafts and soaps and buy groceries and liquor at the three grocery stores.

I can understand the pros and cons of allowing STVR's without the owner living on the island but I think that completely disallowing them will hurt the island significantly.

We have never had a noise complaint in 30 years of renting and we've never had any neighbours be concerned about our guests. The majority of people can not afford to own recreational property and STVR's let others share in the bounty of those of us who do own recreational property.

One concern that has been mentioned against STVR's is water usage. I really don't think we use any more water than a family would use (especially if they had a garden) year round. But, one way to ensure that STVR's use less water is to mandate that all STVR's use water catchment for grey water. It would be an initial investment for home owners but I feel it could reduce fears of over usage of water.

Thank you for considering my thoughts on this matter.

Best regards.
Amanda Harris/Jim Humphry

From: Rob Butterfield <[REDACTED]>
Sent: Wednesday, September 30, 2020 11:51 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: TUP amendment - Bylaw 275

To whom it may concern,

We are writing in support of the proposed amendment to make it mandatory for there to be a permanent resident on property in order for them to be issued a TUP. It isn't fair to the working class of Galiano island to be priced out of an opportunity to live here because some and many people choose to exploit and profit at our expense, and more importantly at the degradation of the natural environment that makes this such a unique place.

We have a neighbour who has chosen to skirt the rules and make their once fulltime rented house an AirBnB. They did this by making the minimum stay 30 days and hiring someone to take care of the business and caretaking. What bothers us about this is we are the immediate neighbours and will be the first to have to tackle any crisis that may result from careless tourists. we shouldn't have to be calling the caretaker to let them know any of our concerns. Their previous tenant was someone our age who worked hard to live on the island and was a lovely person to have living in our area.

Rob Butterfield & Chelsa Scott
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

30 September 2020

Chair, Galiano Islands Trust, Galiano Trustees, Islands Trust Executive, Regional Planning Staff
Island Trust Administration
200 – 1627 Fort Street
Victoria, British Columbia V8R 1H8

EMAILED to:

GLLTCWEBMAIL@islandstrust.bc.ca

cc: mlung@islandstrust.bc.ca

cc: bsmith@islandstrust.bc.ca

cc: execadmin@islandstrust.bc.ca

Dear Island Trustees and Planners and Executive for Galiano Island,

I am writing to provide some input to the review of Islanders renting out their vacation homes or cottages on Galiano Island.

I have a background both in public service as an executive in charge of a broad range of policy as it related to the organization's impacts on the broader British Columbia community, and as the Owner and Manager of a commercial business on Galiano: a resort hotel. I hope my perspective is of value.

We are in very different times, with a pandemic spreading across the world, and visitors have not been welcome, for very good reasons. That has become a reaction to tourism as a whole, seeing it as not desirable. At the same time, we are in a different economic climate, with people's and small businesses' incomes hit hard, with the likelihood they may not recover. That includes everyone's friends and neighbours on the island who rent out their cottage for extra income. So here are some of the issues I want to focus on:

Survey Question How surveys are structured can influence their outcome, as we know. Your survey asked about cottage rentals when someone lives on the property vs someone renting who is absent. You did not include a third option of a responsible Island manager who would answer queries, assist guests. Why did you not include it this time?

Public Policy My experience in dealing with public policy on very sensitive issues showed that meeting with stakeholders directly impacted should be done whenever possible. And I know the Trust stated its desire to garner input from "stakeholders and the community at large". In this case, the stakeholders would be the owners of cottages and houses, whose rental, in the words of the Trust Research Report, is "vital to the financial solvency and viability of the islander owners" as well as the organizations that help them. With names of owners and email addresses obtained through this research, was contacting them directly not considered?

Economy Do visitors have an impact on the Economy of Galiano Island? Absolutely. When my husband and I owned the Inn, people thought I would be against Vacation Rentals because they were "competition". I did not feel that way: I could see their visitors coming for dinner, having spa treatments, buying art.

At that time, there were questions around STVR's impact, so I proposed a simple survey of visitors leaving the island after the long weekend in September. I, and other volunteers, surveyed as many as we could. We asked where they stayed (inn, resort, B & B, house/cottage rental (STVR's), campground, or family/friends) and what they spent. Frankly, I was surprised by the results, we all were. In order of contributions (spend) to our wee economy: Resorts highest, next STVR's and B&B's similar, then campgrounds. They all ate at restaurants, bought food at the grocery stores, rented kayaks, bought art, engaged in the community. What we found out that was surprising is that people who came and stayed at the houses of friends and family for free spent almost nothing. That's right, nothing. They packed their groceries from city supermarkets and brought it with them; then they hung out at their free accommodation. Has the economic impact on the community been considered?

NEED So why is that so much more significant today? Because those cottages that people cannot rent out when you change the bylaws, may just become 'free rentals' with little benefit to our community. With the reactions to the pandemic, people are needing to get away, and more are looking for what they perceive is a safer, whole house environment, where they can stay with their children. Personally, we prefer hotels over any STVR when we travel. Always. With one exception. When we travel with our grandchildren, our family prefers to have a house or full apartment to feed the baby, to fix snacks, to hang out as a family.

MANAGEMENT If there is a problem with an STVR, then that one should be dealt with, as was done with the large house that was exceeding its capacity and running a commercial retreat centre. In that case, and any other, the license (tup) can be cancelled, yes? Why not manage the programme, rather than throw out people's livelihoods? Both those who own them and those islanders who help manage them, and the other businesses that depend on them.

I respectfully suggest that that sector of the economy will go underground, and we will not benefit from taxes or the percentage that goes towards affordable housing. If the survey you conducted had included an option of a responsible on-island manager for a property, you may have had a different response.

Thank you for accepting my letter.

Best regards,
Conny Nordin

1

Carolyn Canfield

Owner, 19210 Porlier Pass Road since 1987

September 30, 2020

Dear Galiano Island Trust Committee,

I am writing in support of the proposed amending Bylaw No. 275 to the Galiano Island Official Community Plan No. 108, 1995 to restrict the issuing of Temporary Use Permits for Short Term Vacation Rental (STVR) land uses in the Galiano Island Local Trust Area.

This amendment requires all STVRs to conform to the rules as a "home occupation". A home occupation must be a secondary use on a property, that is secondary to a person's permanent home. This use is further specified by the Land Use Bylaw, under section 3: Home Occupations Regulation. Key is the requirement that the operator of the business occupies the property while the visitor is present.

Here are the present LUB sections that mean the most to me:

3.2	A home occupation is not permitted unless the premises on which it is conducted are
concurrently occupied as a dwelling	
3.6	No more than three persons may be employed in any home occupation, at least one of

whom must reside permanently on the premises on which the home occupation is conducted.

3.13 On properties with a principal dwelling and a legal cottage or secondary suite the following additional regulations apply to short term vacation rental as a home occupation:

3.13.1 no more than one dwelling or cottage or secondary suite per lot may be used as a short term vacation rental at any one time.

3.13.2 no more than three bedrooms with a total of four beds per lot may be used to accommodate paying guests for short term vacation rental and bed and breakfast home occupation.

These provisions, then, allow the resident owner of the property to run the STVR business.

Alternatively, an absentee owner can employ a full-time tenant to run the STVR business as long as the tenant makes this same address their permanent residence. A tenant could also run an STVR as their own business. Proof that a tenant is a permanent resident might be demonstrated by this Galiano address appearing on the tenant's BC Driver's Licence. Proof that an owner is a full time resident is also provable by the homeowner grant on property taxes.

These LUB provisions require that the property is concurrently occupied by the person "employed in" the business of the STVR. So this responsible person resides permanently on the property, not just to run the business and not only to make this address their home. The person must occupy the property at the same time as the STVR visitor. This gives the neighbours a person to contact in the moment of disturbance or misbehaviour. Further, the LUB restricts

2

density to a single STVR with no more than 4 beds within a building that carries a legal residential use under the bylaws.

The amending bylaw as proposed ends the multi-year trial experiment that allowed Temporary Use Permits to extend provisions for STVRs to properties where there is no permanent resident

responsible for the STVR on the premises. Experience has shown that the consequences of such expanded STVR were very often damaging, irritating and annoying to the environment, neighbours and other visitors. In many cases the resultant suffering and harm have not been reversed or mitigated by enforcement. It is yet again a reminder of how clumsy, slow and ineffective are our bylaw infraction complaint and enforcement processes.

I am grateful that the Trustees have brought forward this bylaw to curb the growth STVRs where they don't belong and where there is no accounting for the behaviour of casual tenants. However, there is much more that can be done to enforce the LUB provisions and ensure that the Islands Trust mandate to preserve and protect is sustained.

I would urge the Trustees to work with members of the community, with the Chamber of Commerce and other local organizations, with Islands Trust Bylaw Enforcement, with the RCMP and CRD, and with other levels of government to protect of the Galiano Island Trust Area and its surrounding waters and airshed through available regulatory and enforcement tools.

Among the threats from STVR-driven abuse are depletion and destruction of natural resources, degradation of the ecology, disruption of rural peace and quiet for humans and wildlife, lifethreatening wild fire from incaution and ignorance, despoiled landscapes, pollution and pest nuisance from scattered trash and unmanaged garbage, and overuse and negligence from insensitive recreation. Furthermore, STVR proliferation can remove affordable rental housing for community families and workers. Such damaging excesses that can be controlled with awareness and creativity from within our own population, and by learning from other visitor destinations in British Columbia and other communities with limited geographic, physical, and social resources.

The Galiano's people and environment will only benefit if we are alert to problems early in their appearance, adapting quickly and responding effectively. It is so much more difficult, and frequently impossible, to catch up after the fact of damage done.

Thank you for your time and diligence in advancing the mandate of the Islands Trust.

Best regards,

Carolyn Canfield

████████████████████
████████████████████

From: Josli Rockafella <[REDACTED]>
Sent: Wednesday, September 30, 2020 5:08 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: Bylaw 275

Attn: Galiano Trust Committee

If the community of Galiano supports affordable housing, then the community of Galiano supports restrictions on STVRs. If STVRs are restricted to those that are run as Home Occupations, then there will be empty houses freed up for potential long-term rentals, which in turn supports those that choose to live and work on the island, making it their home, partaking in the community, usage of schools, parks, events, and the local economy.

I support Bylaw No. 275. It may be a big shift for those who have purchased homes for the purpose of gaining income, but it will also be a shift towards the better – providing rental accommodation for both long-term residents and new ones, thus growing the community and the economy in a sustainable and considered way.

Signed,
Josli Rockafella

To: Galiano Island Local Trust Committee
via email

glltcwebmail@islandtrust.bc.ca

drogers@islandtrust.bc.ca

jwolverton@islandtrust.bc.ca

trockafella@islandtrust.bc.ca

Re: Proposed bylaw amendments to Temporary Use Permits for Short Term Vacation Rentals

Dear Trustees:

I am writing in support of the Galiano Island Trustees' amendments to restrict the use of Temporary Use Permits for Short

Term Vacation Rentals (STVRs). STVRs on properties without a permanent resident are basically commercial use properties, but lack the support commercial

outfits provide (e.g. local staff, safe water, water conservation, on-site recycling and garbage removal, etc.), while also failing to contribute to the local economy through employment and commercial taxes.

The presence of a permanent resident with local knowledge on an STRV property will ensure that visitors will be aware of the challenges of island living and adjust accordingly. On Galiano, specific challenges are water availability, recycling, garbage, sewage and the abundance of wildlife. With presence of a 'local', visitors to STRVs would be aware of the need to conserve water, heed fire restrictions, and respect the neighbours, and respect (and not feed!) wildlife. Visitor will also have

a local contact to learn about local gems that may not be advertised on the web, about the many community services provided by local and often volunteer endeavours and on-site support if something goes wrong.

The proposed bylaw amendments will also encourage STVR owners who don't use their properties as permanent residence, to rent out a room or a cottage on the property to a permanent Galiano resident. As such, the bylaws would provide an onsite manager, while also offering badly needed year-round rental accommodation on Galiano. Finally, these bylaws would drastically reduce speculation focussed on revenues alone, without any contributions to Galiano, its people and natural beauty.

Best regards,

Tom Mommsen

[REDACTED]
[REDACTED]
[REDACTED]

From: Michael Carrothers <[REDACTED]>
Sent: Wednesday, September 30, 2020 3:27 PM
To: gltwebmail@gltwebmail@islandstrust.bc.ca>
Subject: Galiano Island TUP for STVR

Dear Islands Trust,

I am in favour of ending TUPs for STVRs on Galiano Island. I have been living and working full time on Galiano since 2012 and as Air BnB has taken off I have watched the rental housing stock disappear and the cost of real estate quickly climb to a level where average working class folks like myself no longer have a possibility of ever purchasing a home on Galiano. With no rentals and housing prices climbing higher and higher this significantly affects the health of the community and limits who is able to have a life on Galiano. A healthy community cannot simply be made up of retirees with money and pensions and wealthy off island people making money off of the limited housing stock. There needs to working people on Galiano and for that you need housing.

I agree that residents on Galiano that operate vacation rentals should be allowed to continue, as long as they are doing it legally of course and meeting the rules. It makes no sense to my why any TUPs are approved for non/residents to simply purchase a property and make money off of it, which results in them being wealthier and the Galiano community being affected negatively by having less local housing stock available for rent or purchase at reasonable rates. I know some people make the argument that these off-Island owners that are making money off of the houses they purchase provide jobs for local people to clean the houses, but that is a very insignificant amount of work and not good justification for allowing it to continue. There is plenty of other work available on Galiano for those that are willing and actually want to work, we need housing security and stability and less people using the limited housing stock simply as a way to make a buck.

Galiano is a wonderful place with many wonderful people in the community, though it is getting harder and harder to live here. I am living in my 7th rental house now, and I have exemplary references and a stable government contract for work. So I am a very desirable tenant, yet stable housing is a challenge and only being made worse by the amount of TUPs causing houses to be used solely to make money.

Thank you for considering my feedback and for looking at ways to sustain the Galiano community. Please do what you can to prevent housing on Galiano from being a commodity for off island people to make a profit. Galiano needs housing and needs more regulations to ensure the community remains healthy and vital.

Please feel free to contact me if you have any questions about my feedback or would like any further information from me.

Best Regards, Michael Carrothers

From: Annette Shaw <[REDACTED]>
Sent: Wednesday, September 30, 2020 3:15 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: STVRs On Galiano

Dear Trustees,

I am in favour of allowing STVRs on Galiano--as long as the owner or proprietor lives on the property--so they can monitor activities, and make sure the renters are respectful and peaceful.

I do understand the concern about Air BnBs taking away long term rentals. There has to be a balance!
I know several residents who can only live here because they have the income from a rental cottage. That should NOT be taken away. But perhaps there could be some kind of limit on AirBnBs so we can free up more rentals for the long term.

I greatly appreciate all the hard work you are doing, especially on these more difficult situations.
Thank you,

Annette Shaw

[REDACTED]

To: Galiano Island Local Trust Committee

From: Risa Smith, [REDACTED]

Re: Proposed bylaw amendments to Temporary Use Permits for Short Term Vacation Rentals
Sept. 30, 2020

Dear local trust committee,

Thank you for the draft amendments to restrict the use of Temporary Use Permits for Short Term Vacation Rentals. I know these amendments will be controversial for some and appreciate your willingness to do what is needed rather than what is popular.

I think your amendments provide an appropriate balance between the legitimate needs of people living on Galiano to supplement their incomes with short term vacation rentals and ensuring the safety, protection of environmental resources, viability of community services.

Restricting STVRs to properties where there is a permanent resident living on the property will provide some assurances that guests will respect the island's resources and services, including water conservation, garbage and recycling removal, neighbourhood characters, and other community services. It is my hope, and presumably the intention of these bylaw amendments, to encourage those who own unoccupied residents to rent out their houses, or cabins, to permanent Galiano residents who are in need of long-term affordable rental housing and who could also act as managers for STVR businesses, if there is more than one dwelling, or extra rooms, on the property of an absentee owner.

Absentee landowners who do not wish to rent their properties still have the option, of course, to leave them vacant. However, these bylaws would stop speculation by those interested only in STVR revenues without any commitment to the resources, people, needs and neighbourhoods of Galiano.

Sincerely,

Risa Smith
[REDACTED]
[REDACTED]

From: Stephen Rybak <[REDACTED]>
Sent: Wednesday, September 30, 2020 1:00 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: STVR Review

In making any decisions about using the Temporary Use Permit process to manage Short Term Vacation Rentals on Galiano Island, the Local Trust Committee should be very clear why the TUP process was introduced and evaluate its effectiveness and value on that basis.

Reviewing the staff discussion paper and easier staff reports on adopting the TUP process, it is clear that the process was introduced to manage the potential impacts of STVRs on neighbourhoods and the community.

The discussion paper itself notes a "lack of definite information" on how STVRs affect "the availability of long term rental housing as well as the effect on ground water resources". And "it is impossible to quantify how many STVRs displace long-term housing units on Galiano".

Many STVR operators have publicly noted they would not opt for long-term renters in their dwellings. According to the 2016 Census of the 1170 private dwellings on Galiano, 564 are principal residences while the rest are empty or are used as seasonal homes. Of those principal residences, only 76 are rented as a legal STVR. There is a distinct paucity of evidence that STVRs - both legal and illegal - have an impact on long term rental housing on Galiano.

In assessing the value of the TUP process, the LTC should be very circumspect in relying on anecdotal comments on the relationship between STVRs and the affordable local housing crisis.

While the TUP process may have a potential value in mitigating the use of ground water resources in stressed, water short neighbourhoods, its actual use by the LTC has been an abject failure. The LTC can require the installation of a water catchment system as a TUP condition, but there is no mechanism for the LTC to require that the water catchment system actually be hooked up to a property's water system. All too often, it appears that large cisterns/water tanks are mere green window dressing.

Only when and if the LTC can insist that such water collection systems are actually being used to protect/offset ground water draw downs should this variable be used in determining the value of the TUP process.

That leaves the management of STVRs on neighbourhoods as the only rational criteria on which to evaluate the effectiveness of the TUP process.

It is a valid, proven land use management instrument to effectively control the appearance of STVRs in neighbourhoods that considers a range of social and environmental impacts. It appears to have worked and is continuing to work to help legalize visitor accommodation operations.

The TUP process is one of a number of options potential operators can use to provide legal, temporary visitor accommodation on Galiano Island. It should be maintained as an option for potential STVR operators.

The LTC may, however, might wish to consider whether or not access to the TUP process should be open to non-resident property owners or whether legal access to STVR operations should be restricted to home occupation or commercial zoned classifications. The impact on continuing and expanded unregulated STVR operations removal of the TUP option has not been adequately assessed.

Do you drive legal STVR operators underground? How do you manage the impacts on neighbourhoods? What enforcement tools do you wish to use? Can you regulate and for what?

I would urge the LTC to maintain the current TUP process as an effective regulatory instrument for managing the impact of STVR operations on neighbourhoods and to step up enforcement to bring operators into compliance and level the playing field with other providers of legal temporary accommodation.

Stephen Rybak

To: Galiano Island Local Trust Committee

From: Art Moses, [REDACTED]

Re: Proposed bylaw amendments to Temporary Use Permits for Short Term Vacation Rentals
Sept. 30, 2020

I support your amendments which I understand would restrict the use of Temporary Use Permits for Short Term Vacation Rentals.

I believe STVRs are properly restricted to properties where there is a permanent resident living on the property. This ensures on-going supervision of guest activities, and on-the-spot education about use of the property including water conservation, garbage and recycling removal, neighbourhood dynamics, and island community services.

To enable widespread establishment of absentee owner Short Term Vacation Rentals with TUPs, where there is no resident on the property, in effect converts these properties into commercial use (without commercial taxes being paid). It is an abuse of residential zoning and denies residential neighbourhoods the stability and reliability of full-time residents at a time of a severe shortage of rental housing for people who want to live and work on Galiano.

These bylaw amendments could encourage owners of STVRs who do not wish to use their properties as permanent residents, to rent out a room or a second dwelling on the property (if there is one) to a permanent Galiano resident who could act as on-the-spot manager for their STVR business. Several absentee owners have already done this, and thereby qualify to operate their STVR as a home occupation.

If they don't wish to rent any of their property to a permanent resident that is their choice, and their property would be vacant for the times they are not using it... as many off-island property owners prefer to do anyway.

People should not be purchasing island homes counting on STVR revenues to pay the mortgage. I'm concerned the use of TUPs for absentee owners unwilling to rent to permanent residents will create neighbourhoods full of hotel-type properties. This is not the purpose of residential zoning and is antithetical to the idea of a healthy community.

I congratulate the trustees for bringing these amendments forward, knowing they will give rise to substantial opposition. I hope you persist in doing the right thing.

Art Moses, [REDACTED]

From: Don Anderson <[REDACTED]>
Sent: Wednesday, September 30, 2020 12:23 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: Proposed OCP Amending Bylaw 275 TUP

To the Galiano Island LTC,

I strongly support ending Commercial STVR uses by TUP.

I believe we need some STVRs but they should only be allowed as home occupations and operated by the full time resident on the same property.

However we also need to get licensing in place for the Islands Trust because we need to track how many we have, ensure the basic safety standards of accommodation, and if necessary limit how many licenses are given out. The Trust need to get on this, and convince the Province that to protect these Islands we need the tools.

Don Anderson
[REDACTED]
[REDACTED]
[REDACTED]

From: Sally Pankratz <[REDACTED]>
Sent: Wednesday, September 30, 2020 11:59 AM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: STVR/TLU comments

>>>> The Local Islands Trust must be fair and inclusive . It is not appropriate to create a by law such as for a STVR or Temporary Land Use permit based on the Trustees perception and determination of permanent residency on Galiano . If a person owns a house on Galiano should their use of their home and land be different if they spend 6 months and one day versus 5 months and 29 days residing on that property .

>>>> Canadian citizens who file income tax in Canada should be free to partake in the full ownership rights of their property . If STVRs are permitted on the island, it is important to be inclusive .

>>>> There are many reasons why STVRs are a benefit to the island. Tourists spend money, stimulating the local economy, particularly in specialized markets such as art, dining and sporting activities at a much higher rates than residents. The income from rentals also enters the local economy.

>>>>

>>>> Concerns over the impact of STVRs on the island are no different than if the home was occupied by the owner . If an area is zoned single family and is rented short term to a single family, the impact on water and noise should be similar.

>>>>

>>>> If there is a noise problem from an STVR that should be dealt with on as need / complaint driven basis . But let us not forget that “ permanent residents “ can also be water hogs and sources of offensive noise levels . I have rented my cottage for many years , the only noise problem I had to deal with was “ permanent resident “ renters partying until 3 am adjacent to my property ; never the visitors who came to Galiano seeking nature and solitude.

>>>> If noise is a problem enact a noise bylaw and enforce it equitably and require respectful behaviour of all people present in the community .

>>>> Allowing STVRs on all properties , supervised by an on island

>>>> individual (another employment opportunity) Or by the owner resident on the property is beneficial to the community . This allows “islanders “ who happen to be away for a short period of time to benefit financially from their property; it allows a “weekender “ to maintain their vacation home perhaps before joining the community permanently and it allows other Canadians and possibly international visitors to enjoy what we are so lucky to enjoy . Sharing a cottage with others is a Canadian tradition.

>>>>

>>>> In considering changes to the bylaw, propose to solve problems that arise with individual properties; deal with these issues, intervene and resolve these problems; rather a blanket approach . Class detentions have never achieved a desirable outcome; they only caused resentment. Empower Galiano be a more progressive welcoming sharing place rather than an increasingly divided exclusive community, where some are more equal than others.

>>>>

>>> Sally and John Pankratz

>>>>

Sent from my iPhone

From: Ben Miltner <[REDACTED]>
Sent: Wednesday, September 30, 2020 11:45 AM
To: GalanoIslandLocalTrustCommittee@islandstrust.bc.ca
Cc: Maple Hung <mhung@islandstrust.bc.ca>; Executive Admin <execadmin@islandstrust.bc.ca>; Brad Smith <bsmith@islandstrust.bc.ca>
Subject: STVR Submittiion

[REDACTED]
[REDACTED]

www.galianoisland.com
September 28, 2020

Chair, Galiano Islands Trust, Galiano Trustees, Islands Trust Executive, Regional Planning Staff
Island Trust Administration
200 – 1627 Fort Street
Victoria, British Columbia V8R 1H8

EMAILED to: GalanoIslandLocalTrustCommittee@islandstrust.bc.ca
cc: mhung@islandstrust.bc.ca
cc: bsmith@islandstrust.bc.ca
cc: execadmin@islandstrust.bc.ca
Subject: Trust Request for Input to STVR's and their impact on Galiano Island.

Dear Islands Trust

At this time, as an employer, long term resident and parent and as a strong supporter of low income housing on Galiano Island I support STVRs to help accommodate the primary engine of our economy and lifestyle, which is tourism.

Thank you,

Ben Miltner
Gulf Island Kayaking

Letter Regarding Proposed By-Law Changes (Bylaw no. 275) 28 Sept. 2020

Dear Galiano Islands Local Trust committee,

I am writing on behalf of my family with respect to the proposed amendment to Bylaw No. 275 regarding short term

vacation rentals (STVRs), which we firmly oppose. We see no benefit in enacting a bylaw that prohibits the LTC from

issuing Temporary Use Permits (TUP's) for the purposes of commercial vacation rentals, especially when the current bylaw

provides the necessary flexibility to the LTC. We also note that the wording of the proposed amendment is misleading in

that it does not refer to 'short term' and would seem to propose an outright ban on all vacation rentals.

BACKGROUND & BENEFITS

We purchased property on Galiano in 2016, partially based on the fact that Galiano allowed STVRs through TUPs. Our

intent was to help off-set the costs of the property through occasional short term rental, since we are currently only able

to be on the island part time due to work commitments.

In the process of building our modest residence, we were very careful to employ local Galiano labour for the bulk of the

work, including surveying, construction, plumbing, electrical, yard work, etc. We also purchased the majority of our

construction materials through the Galiano Trading Company to support the local economy (even though this came with

a cost premium). We took these actions because we love Galiano and have a strong interest in being a part of the

community, not only through enjoyment of the land and the people by supporting local commerce and residents.

It is our dream to retire on Galiano and we are well aware that it requires more than just love of community and land to

keep a community going – it requires the ability for people to make a living for themselves. We believe that STVRs

provide essential work for people on the island, as tourists and visitors support local businesses, restaurants, tour

companies/guides, corner stores, artisans, markets, and novelty and other shops and service providers.

AFFORDABLE HOUSING

We are aware of the concerns regarding the STVRs and affordable housing. We are very much in support of more

affordable housing on Galiano, and beyond. (In fact, one of us received a volunteer of the year award from the Homes

First society in Toronto, for work done to contribute to that organization's mission of supportive housing.) However, the

possibility of a long term rental is not an option for our family since it would preclude our very ability to stay and spend

longer periods of time on the island.

WATER

We are also aware of the concern regarding water usage with regards to STVRs. However, it is difficult to make a case

that short term rentals are more intensive users of water than longer term rentals, and may in fact may use less water

than homes with full time residents. In addition, we intend to further mitigate water usage by keeping the landscaping

indigenous throughout most of our property and through the implementation of a cistern system of water catchment for landscaping and emergency uses. We believe that other more effective options are available to the LTC should water retention be a primary goal (ie. metering, water restrictions, etc).

Conclusion

The Short Term Vacation Rental Review Project Discussion Paper (dated August 2019) outlines various community concerns regarding STVR's, especially with regards to affordable housing and water usage. However, no subsequent impacts have been clearly demonstrated and in the absence of any clear correlation, the proposed change to the bylaw appears to be unjustified.

A final thought relates to the efficacy of the proposed change to the bylaw, which in no way addresses the issue of noncompliance. An outright ban on STVR's through TUP's prevents owners from making an application for reasonable consideration, which may ultimately have the adverse effect of leading to more cases of bylaw infraction.

The current system provides flexibility and allows decisions to be made within a constantly evolving context. We trust you will take our comments with due consideration.

Kind regards,

Alex Percy

From: Monica Burrow [REDACTED]
Sent: Wednesday, September 30, 2020 10:10 AM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: STVR comment - Galiano

We don't have a problem with those that are well run and screen renters carefully, but now and then the one in our bay will have less respectful people.

Generally they are very good renters that come.

With the lack of regular police presence on the island and the resulting lack of oversight, please consider having a requirement that landlords who own these places and are absent have to post a contact number/email or use a responsive property manager where neighbours can contact so that if there are concerns, we have a way to give constructive feedback.

Also to create a report line where people can report mismanaged properties or a pattern of disrespectful renters being tolerated. When you are across a bay and there's an issue it's not easy to do anything.

The intent of the contact would not be to create a civilian police person who would confront, rather a way to help landlords to weed out bad actors and for the trust to become aware of landlords who are solely motivated by money and not respectful of the neighbours around the property in terms of the anticipated enjoyment of property for those people.

Also it would be nice to consider that owners could rent each year with a cap based on paying 50-100% of ones property taxes from the rent. Taxes divided by a max number of days equals your cap.

Monica and Doug Burrow

From: Oleann <[REDACTED]>
Sent: Tuesday, September 29, 2020 10:50 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: I support the TUP bylaw amendment

To whom it may concern,

I support the TUP bylaw amendment... for all the obvious reasons that major cities around the world have done the same.

Thank you,
Oleann Rockafella

Sent from my iPhone

From: lawrenceh20fall@gmail.com <[REDACTED]>
Sent: Tuesday, September 29, 2020 9:38 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: Response to Notice of Proposed Bylaw Amendments to Temporary Use Permits from a Stakeholder (STVR owner and operator)

Dear Galiano Island Local Trust Committee:

I have perused the staff reports and materials associated with your STVR review and I find it startling in a perverse sort of way at how much material can be assembled, graphed and attractively charted and yet be entirely off the mark. A distraction while the affordable housing ball keeps getting fumbled, despite having essentially free land at your fingertips and funding opportunities? A Goals & Objectives checkmark? Actually, I see it all the time in the business world - garbage in, garbage out.

For first hand insight, all you had to do was reach out to the current stakeholders. Shockingly, we can provide an infinitely clearer understanding of standalone STVR's on Galiano. In our case, we can offer up real data - not just operating one of the most successful and stunning waterfront rental properties on Galiano (www.InTheBluff.ca) – but we can also speak first hand on living immediately next door (a few feet) from the island's most successful and well run STVR, Orca Bay Retreat. We can illustrate why there is very little relationship between Galiano STVR's and the provision of affordable housing. We are not Vancouver, we are not Victoria, we are Galiano and there is no hotel lobby against us. Our offering improves the financial viability of commercial operations on the island. STVR's by nature do not use more water, they do not generate more noise, nor do they make bad neighbours. Many STVR guests have far more long term and emotional connections to Galiano than most reading this. Just not everyone connected to Galiano is privileged enough to reside and/or own property here. End of story.

There are what, nine or ten active TUP's, and a few new or renewals in process? Take a day or two and call all of us? Your agenda to not work with/for us in a sincere attempt to have a real understanding was apparent in the rhetoric I received in January after I questioned why we did not get the "promised" three year term for the renewal. We invested \$120K to fulfill the TUP's rain water collection provision as it entailed replacing the decks so the tanks could be hidden from passing ferry traffic. Don't get me wrong, I am not in love with TUP's per se, but before there is any change of direction in a business or public process, those affected should be provided with an alternative process. Being an information gatherer myself, one aspect I do appreciate about the TUP or any permit process is the inventorying of real property characteristics.

I do completely support STVR's as home occupation – but disallowing the greenest ones that you have the most information on just because someone does not live full time on the same legal parcel is illogical and poorly thought out. Before you regurgitate some fake news (apologies – just watching the Presidential Debate and feeling a tad ill) like home based businesses are better run than ones with absentee owners/operators, take a peek at our reviews. If you want to know how much we have paid our cleaners and maintenance locals over the years, just ask. Millions have entered the local economy every year due to the availability of STVR's. Our 2020 property taxes were \$3,288 per bed at InTheBluff – compare that to commercial accommodation. Notably,

that's a lot more than your recently rezoned commercial campground (<https://www.firesideadventures.ca/homeplace-family-getaways>), which I believe paid about \$0 in property taxes on a property assessed for \$4.15 Million. At our STVR, we collect and remit 15% in taxes (5% GST, 8% PST & 2% MRDT - Municipal & Regional District Tax). We have run InTheBluff for 14 years, much of the time being off the island (pre-COVID). How deeply have you considered the financial ramifications of not providing an alternative to TUP's?

“STVR” and “Airbnb” are new names or descriptions of a land use that predates all of us and particularly the Islands Trust by generations. In the old days, we just called them cabin rentals. They were advertised word of mouth and via old fashion newsprint. They have been with us since before our grandparents and it's a good thing - it's probably one of the earliest examples of the shared economy.

Clearly I can go on and on and it's truly because we receive and give incredible joy by offering InTheBluff as a short term rental home. It's our semi retirement gig. We spend months ridding the forest floor of fuel and the bluff of invasive vegetation, primarily broom and spurge laurel. Our hobby that offers only good stuff to the island as a whole would become a rich person's parttime residence or a new development should we be forced to close and sale.

Concerning affordable housing, change your thinking. Call it purpose build rental accommodation. It will be affordable if a reasonable density is permitted. Galiano is not unique, the lack of developer incentive and alternative development opportunities resulted in next to no new rental product entering the markets across the Country since the 1980's. Give some thought to what incentives you can offer to kick start some construction? Meanwhile, go for the low hanging fruit – existing cabin stock on undersized lots. Offer to legalize these predicated on them being brought up to code and offered as long term rentals for some stipulated time period. Think laneway house plus basement suite below the main house on larger parcels – very Vancouver but a similar albeit rural version could work here.

I appreciated that you changed course and offered the opportunity for the public to comment. I have been a real property specialist for 35 years so I'm happy to discuss any of the above.

Regards, Lawrence Waterfall

[REDACTED]
[REDACTED]
[REDACTED]

From: Janusz Kowalski <[REDACTED]>
Sent: Tuesday, September 29, 2020 8:49 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: Bylaw No.275

Dear Trustees,

As a resident of Galiano Island since 2000 and the co-owner of a successful STVR since 2006, I would like to submit my comments for the proposed restriction of STVR within the TUP.

We have provided employment to community members on Galiano and contributed in various ways to the well being of the island. Our guests have supported many Galiano businesses during their stays. Most of our guests are repeat visitors and some of them have become permanent residents.

Our property would not be considered to be classified as a candidate for an affordable housing because of its size and location, therefore I invite you to discuss it with us further and provide alternate ways, for us, to continue our services and to support this island.

Perhaps simplifying The Trust's procedure to allow STVR and collecting a fee to be transferred to support affordable housing initiatives would be an option?

Regards,

Janusz Kowalski

From: Daystar Market <[REDACTED]>
Sent: Tuesday, September 29, 2020 8:20 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: TUP Bylaw Amendment Proposal

Dear Galiano LTC,

I have been a full time resident on Galiano for 20 years. I own and operate commercial businesses on this Island and struggle to find long term employees due to the shortage of housing, particularly rental. In the time I've lived on the Island I have seen long term rental housing lost to STVRs, and known Islanders who have been evicted from rentals for STVR purposes.

As a 7-year member of the South Galiano Fire Department, I see the shortage of housing affecting our volunteer organization.

It is absurd to have a housing crises on this Island and not restrict STVRs to home-based occupations.

I support the amendment to Bylaw 275.

Sincerely,

Gabriel Shoichet

From: katie veal <[REDACTED]>
Sent: Tuesday, September 29, 2020 8:17 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject:

Dear Local Trust Committee,

As a renter on Galiano Island, and a working member of the community, I find it extremely difficult to find secure housing. I actually managed to get a place during the Spring when Covid concerns temporarily eliminated Airbnb's. And then the restrictions eased and the non-resident who owned the cabin opened it up for thier commercial accommodation business again, rendering me homeless. An Island that caters solely to that of tourists and the wealthy is unsustainable. To achieve a balanced and healthy community, there must be a limit to capital enterprises. In this case, ensuring that houses that are used as mini-hotels are also accommodating a year-round, participating member (or family!) of our community is essential. There are plenty of other beautiful places for absent corporations and capitalists to embark on dubious rental schemes that result in the depletion of valuable housing - let's not make Galiano one of them. I support the TUP amendment.

From: Ana Bobas <[REDACTED]>
Sent: Tuesday, September 29, 2020 8:11 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject:

Dear Local Trust Committee,

As a renter on Galiano Island, and a working member of the community, I find it extremely difficult to find secure housing. I actually managed to get a place during the Spring when Covid concerns temporarily eliminated Airbnb's. And then the restrictions eased and the non-resident who owned the cabin opened it up for their commercial accommodation business again, rendering me homeless. An Island that caters solely to that of tourists and the wealthy is unsustainable. To achieve a balanced and healthy community, there must be a limit to capital enterprises. In this case, ensuring that houses that are used as mini-hotels are also accommodating a year-round, participating member (or family!) of our community is essential. There are plenty of other beautiful places for absent corporations and capitalists to embark on dubious rental schemes that result in the depletion of valuable housing - let's not make Galiano one of them. I support the TUP amendment.



2635 Sturdies Bay Rd Galiano Island
British Columbia Canada V0N1P0
www.galianoisland.com

September 28, 2020

Chair, Galiano Islands Trust, Galiano Trustees, Islands Trust Executive, Regional Planning Staff
Island Trust Administration
200 – 1627 Fort Street
Victoria, British Columbia V8R 1H8

EMAILED to: GalanolIslandLocalTrustCommittee@islandstrust.bc.ca
cc: mhung@islandstrust.bc.ca
cc: bsmith@islandstrust.bc.ca
cc: execadmin@islandstrust.bc.ca

Subject: Trust Request for Input to STVR's and their impact on Galiano Island.

The Board of the Chamber of Commerce appreciates the opportunity to provide input to the Trustees on vacation rentals. We are very concerned that decisions made will significantly impact the economic base of the community: people renting out their cottages or houses, and the small businesses that depend on them..

As a community of small business owners, we are of course concerned about Affordable Housing, and have sent submissions of support for the building of affordable rental housing to you, as you know. But that is not the issue here. The issue is about people's livelihoods. Some islanders seem to have the impression that eliminating the ability of islanders to rent out their cottage or house will result in a large influx of 'affordable rental housing' into the market. We would respectfully request the Trustees reconsider any decisions made without the Community's full understanding and discussion with the stakeholders, as your research recommends.

We have noted that the **Trust's STVR Research** makes the following significant points, details follow:

- a) *The Trust's STVR Report is Not about Affordable Housing*
- b) *The same Report finds **no causal link** between eliminating STVR's and increasing Affordable Housing*
- c) *The Report states that STVR's are **"vital to the financial solvency and viability of the islander owners"**.*
- d) *The Trust's STVR Report recommends **"consulting with the Public and with stakeholders"**.*

A) Trust STVR report is about STVR's: not Affordable Housing

The term "Affordable Housing" was mentioned once in the report.

And that mention actually was not related to any housing issue. It talked about the increased funding that STVR's bring to a fund for Affordable Housing. Are people aware of that?

The report refers to Affordable Housing only with respect to the new Municipal and Regional District Tax (MRDT) imposed on accommodation. The funds collected are used for local tourism and *affordable housing*. The *PST collected by Airbnb in BC is earmarked for affordable housing*, while the MRDT revenue allocation is determined by the regional district or municipality. (from the Trust report)

We request that the Trust consider the impact this lack of revenue (and that portion of the tax earmarked for Affordable Housing) would have on the Island.

We also do not see recognition that this direction of the Trust to prevent some people from listing and renting their cottages has already forced the vacation rental market underground. Hence no taxes are paid or received. Neither is there an identified responsible, island-based manager to contact should the need arise. People are renting to their peer group or previous tenants. At the moment there are so many places being rented that do not appear on any listing agency or the chamber site. Is this your intention?

If the intention was (as the newspapers reported and the trust press release identified) to deal with a large party retreat centre, then we suggest your bylaws could reflect that, rather than a broader, wholesale prevention of vacation rentals.

B) The Report discussed its Relevant Limitations

"This discussion paper has several limitations that should be considered by the Trust. An overarching goal of this project is to draw connections between STVR uses and the availability of long-term rental housing, as well as the effect of STVRs on groundwater resources. While some connections can be drawn, *there is a lack definitive information on how STVRs affect either of those concerns. It is difficult to draw a direct causal line between increased STVRs and decreased rental housing; for example, anecdotal evidence from some homeowners suggest that many would rather leave their homes empty than rent to long- term tenants if they were no longer able to operate short term rentals. Therefore, we cannot assume a one-to-one relationship between STVR units and lost rental housing units*".... (from the Trust report)

".... Several of those STVRs are not appropriate for long term rental use, largely due to a lack of cooking facilities.

"Others, while located within bylaw-compliant dwelling units, would not be rented long-term even if STVR use was rendered entirely illegal....

"Previous surveys and public engagement initiatives have indicated a significant segment of the property-owning population would rather leave their dwellings empty for much of the year rather than rent to long-term tenants.

“There are several reasons for this—

- primarily, many units on Galiano Island are owned as vacation properties, and owners want the opportunity to use their properties themselves for certain times of the year, particularly in the summer. This precludes most long term rental use, as renters who need housing from fall through to spring generally also need housing in the summer,
- other reasons: long-term tenants are more challenging to deal with or leave the property in worse condition than short term guests.
- much higher rate of return on STVRs”

This is all from the Trust report, we recommend that these highlights be brought for review and discussion with the people impacted.

C) Will there be a Negative Economic Impact on Islanders by shutting down STVR’s?

From the report: a few significant quotes:

- *“It is recognized that STVRs likely have a positive economic impact on Galiano Island”.*
- *“the visitors of these properties support local attractions and businesses with their tourist dollars”.*
- *“vital to the financial well-being and solvency of the property owner, and income would be cycled back into the community”*

The Chamber is deeply concerned about the impact on people’s livelihood, and the economy of our Island. We respectfully ask that the Trust focus on this, and use other means, such as **approving Affordable Housing Initiatives**, to improve rental accommodation on the Island.

D) Stakeholder Consultation as recommended in your report:

Respectfully, we ask:

- Did you consider sending the STVR survey directly to impacted Islanders who depend on this income? Since the researcher had accumulated this information, it should have been simplified.
- Why was this survey distributed only online, unlike all previous surveys of important Island issues, which were mailed to Island homes?
- Did you consider engaging in any consultation with stakeholders who would directly, personally and financially be impacted by any changes?
- Why did you not send any material on the STVR issue to the Chamber of Commerce, as a stakeholder organization?
- Why did you remove an option about responsible on-island management of a property and structure the survey so that it was only an either-or option? Either one chose the option of “owner-occupied” or “off-island owner”.
- Did you consider surveying the economic impacts of your direction? On the people impacted (as identified in your research document), or also on other small businesses who depend on this sector?

Thank you for receiving our submission. We look forward to responses to these concerns, and to Stakeholder consultations and economic impact research and consideration.

Yours truly,

Conny Nordin, President, Galiano Island Chamber of Commerce
cc. Board of the Galiano Chamber of Commerce

To: **Galiano Island Local Trust Committee** Sept. 30th, 2020

Re: **STVR Review - Citizen Comment**

From: **Noah Russell,** [REDACTED]

I am writing this letter as a property owner, seasonal resident and tax payer in response to the Island Trusts request for comment on the proposed By-Law changes regarding short term vacation rentals (STVR's) on Galiano. Having read the related information on the Trust website and having previously held a TUP on our prior address, I feel it important to communicate my whole-hearted *support for the continuation of STVR's on the island.*

In reading the STVR Review Charter, the initial background section clearly identifies Affordable Housing as one of the islands top priorities and suggests a possible inverse correlation between STVR's and the availability of long-term rental housing stock. Furthermore, under Objectives, the Charter mandates some review of how STVR's might impact the groundwater supply. The following community out-reach, via both the Survey Monkey and Open House explored the public's opinions on economic, community and environmental footprint associated with STVR's. Finally, there seemed to be discrepancy between STVR's being conducted as a home-occupation versus STVR's owned by seasonal residents were to be handled. I feel that most of the above points are non-conclusive and I will expand upon each. In addressing the claim that STVR's are effecting long term rental housing stock, I reflect that as a seasonal resident, that I would never be open to a full year rental on our property because my family uses it through holidays, summer break and regular weekend getaways as schedules allow. When we previously had a property with a TUP, we rented it a small fraction of the year to help with the costs of taxes, insurance and upkeep. This also allowed our friends to escape the city and experience the many things we love about Galiano. Sites such as Airbnb and VRBO were originally intended to fill this "part-time" availability of one's residence and not to become a full time business of short-term tenants. Suggesting that by banning STVR's (from non-island residents) is going to provide a whole stock of long-term rental housing is clearly a fallacy. People would not have vacation property on island if they were no longer able to use it themselves; particularly in light of the fact that long-term rental rates on island are incredibly low compared to housing values, an indication of the economic realities of the island.

Interestingly, if Affordable Housing is such a top priority on island, why has the nearly 10 years of effort to create a viable model to develop met with so much resistance from islanders?

Everyone might agree it's needed, too few want it to be in their neighbourhood. Despite the concerted effort of a number of groups to develop an affordable housing initiative, the roadblocks seem less about available funding and more about zoning, community on-boarding and footprint. Perhaps STVR's are not the primary reason there is a shortage of affordable, long-term housing on island, just an easier target to blame.

The discussion around groundwater usage as impacted by STVR's is not specifically studied or addressed in the LTC paperwork I was able to review however there are a few points worth consideration. First, by renting our property part-time through STVR's, there is nothing to suggest that our property would use any more water than a year-round, full-time resident; in fact, as many STVR's are unoccupied during long stretches of the winter, one could even argue that these properties use less ground water. There is no mandate to study how individual houses use the island's water resources, particularly with numerous home-based occupations, so identifying STVR's as a heavy user is bias thinking. Perhaps most illuminating is the pushback to the Island's proposal for Affordable Housing on the Heritage Forrest lands were the other local residents all suggest that such a development will consume and stress the available groundwater. Does this mean that Affordable Housing is a stressor on groundwater or that it's a convenient fear rather than hard science?

In looking at the results of the Survey Monkey and Open House engagements, I would first point out the obvious; the sample of the public that actually participated is small relative to both the number of residents and the number of private dwellings on island. As a long-time

tax-payer on island and one who operated a STVR under a TUP, I am surprised that I did not receive any direct mail, email or communication when the Survey Monkey STVR survey was online. I eventually heard about it from another islander but the timeline had already past so I was unable to participate. The Open House, held in late November is also well out high season when many of the part-time resident owners might be on island. As such the data collected is naturally biased towards the full-time resident owners and renters. I accept that it's my job as a citizen to become involved but the communication, especially with owners who were operating under an existing TUP should have been more direct. All tax payers on island, regardless of whether they are full-time or part time residents share an equal vote in matters that can effect the value of properties and I wish I was made aware of this sooner.

The two public consultations as well as the minutes of the LTC meeting on Nov.23, 2019 clearly indicate that *the public acknowledges the economic benefit* to the island - tourism is a primary source of income for Galiano and STVR's are one of the primary means of handling the volumes of tourists around the summer season. If STVR's are made illegal, this would prevent many of the regular vacationers to the island from coming if there is a shortage of available accommodation. This has the potential for a huge economic impact for business and individuals. STVR's, particularly those operated by seasonal residents (off-island) employ people on island to manage, clean, maintain and repair properties to keep them functioning for short-term rentals. The island's many resident artists and craftspeople rely on tourists and vacationers to build their incomes. Restaurants, Grocers, Tour operators, Farmers and more all rely on the increased demands of seasonal tourism to maintain their level of income. STVR's are a critical part of this and this is clearly recognized in all the collected data.

The concept of Community on island was identified as a possible negative impact from STVR's however, I would contend that tourism is part of the island's identity. Though some residents might prefer that we close the door and do away with tourists all together, the influx of outside money and interest in our community is what allows the many business, artisans and Saturday market to thrive. These are important parts of the community fabric and the economic windfall from tourism provides many islanders incomes for the slower off-season months. Our provincial parks are definitely a huge asset and they are funded for the people of BC, not solely our island residents so they represent yet another assets to year-round residents that adds to our community. The other benefit of tourism, as aided by STVR's is a bit more diversity. How many current islanders came to Galiano first as a tourist, then came back (or stayed) as a fulltime resident? Our sense of community is an important part of Galiano but it doesn't require that we close ourselves off from the world to maintain our unique character.

The question around environmental footprint is harder to argue. More people means more cars, sewage, potential garbage and wear and tear of island resources. But to suggest that users of STVR's are any more or less aware than some island residents is unclear. And the impact of a full-time residential property versus a part-time residential property on water, air quality (think outdoor burns by residents), etc is hard to prove. I think we need to start with the belief that most people who are coming to Galiano are looking to get away from city life and become more in-tune with nature. We all have a footprint - awareness and education are key.

Finally, and perhaps most frustrating to contemplate is that the LTC seems to want to distinguish between STVR's operated as home-occupations and STVR's owned by part-time residents. If all owners are tax payers, why are full time residents being treated with a different set of rules? Assuming that the reasons for making STVR's illegal as outlined (and contested) above are applicable, then surely they would apply equitably across all property owners? Does a STVR owned and operated by a full-time resident not take away a potential long-term rental unit? Do their guests use less water? Have less negative impact on the community or walk with lighter footsteps on the environment? Of course not. The previous TUP system required a fulltime resident to act as manager or caretaker for properties used as STVR's by non-resident owners. This solved the question of who's responsible. The TUP identified the need for signage

and education of guests around noise, fire, water and general respect for the island. To the best of my knowledge, there were few bylaw issues around STVR's that followed the TUP rules and guidelines. Any STVR can have a bad guest - this is not a factor of whether the owner is an island resident or not. This point is important. My tax dollars fund the fire hall, school, medical centre, the LTC, roads, and other island resources in the same way that those of full-time residents do. While I am currently a part-time owner, I will one day call Galiano home on a full time basis, a transition familiar to many of the current full-time residents. To separate the legality of STVR's by the distinction of current residence of the owners is to clearly break with equitable treatment of all property owners and tax payers.

I began by stating **my support for the continuation of STVR's on Galiano** and I return to that now. I think that any change to the bylaws and zoning need to first take into consideration the impact of removing this form of accommodation on both tourism and the resulting island economy. Perhaps by curtailing tourist accommodation, and thereby tourism, we can also reduce the need for further long-term rental needs? If the island economy suffers, we won't need to house the many workers, young families and multi-generational families that want to call Galiano home. Doping away with STVR's is not a great solution; more a poor fix to the larger questions of what the community of Galiano wants in the future.

Thanks for your time in reading my comments. Please feel free to contact me with any questions or response.

With Respect,
Noah Russell



From: Sheila Anderson <[REDACTED]>
Sent: Tuesday, September 29, 2020 1:22 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: Submission re Proposed Bylaw Amendment to end TUPs for Commercial STVR Use

Sheila Anderson,
[REDACTED]
[REDACTED]

September 29, 2020

Galiano Island Local Trust Committee,
c/o gltwebmail@islandstrust.bc.ca

RE: Proposed Amendments to Temporary Use Permits for STVR use of Residential Zoned Land.

Dear Local Trust Committee Members,

I write to confirm support for the LTC amending our Bylaws to prohibit further issuance of TUPs for commercial STVR use of residential properties in the Galiano Trust Area.

I support this action because I consider it fundamentally flawed to permit an essentially principle commercial use on land that is zoned for residential use. Also because I consider that in terms of policy, regulations and their application, improvement is needed to protect rural residential values from commercial and industrial infringement. It is hard to say how much influence this amendment will have upon availability of long-term secure rentals on Galiano. Time will tell. If people can't afford to keep their recreational or investment land holdings without doing STVR, they may eventually rent long term, or sell. Whether to locals looking to rent or buy or new folk wanting to live here we cannot predict.

Another reason I support this proposal to end commercial STVRs is that I am in favour of an overall reduction in STVRs and with a setting a limit on how many we should have. Over the last 10 years I have been quite shocked at how the steady increase in visitor accommodation and tourism has changed the feel of our community. This is of course NOT just caused by commercial STVR by TUP alone, but in combination with rejuvenated commercially zoned visitor accommodation resorts and with home occupation STVR use being legalized. The increase in speeding and impatient vehicle traffic racing about the island, the heavy wear and tear on our trails and beaches and natural areas, parking congestion in our commercial areas, and the problem of visitors leaving garbage "gifts" about the island, cause me to want to stay home for long weekends, and the months of July and August. In a context of a lack of vivid visible public and tourist education about open burning regulations, and general fire prevention practices, the high tourist season is nerve wracking time for those who know the risks and how defenseless we actually are to a major forest fire. And then there is the known, but difficult to measure, increased burden on our groundwater supply at the worst possible time of the year.

Therefore, in addition to supporting amendments to cease issuance and renewals of TUP STVRs, I urge the GILTC lobby on Galiano's behalf for the Trust gaining the tool of licensing, and to implement its use for managing home occupation STVRs. Without this tool we will have no way to limit total numbers of STVRs to a proportion suitable to our resident community numbers. Without it we will have no way to ensure operators are offering a safe and healthy space for visitors and taking responsibility for their garbage. Tourist destination communities all over the world struggle to achieve a balance between the economic benefits of some tourism with the

preservation of their community values and esthetics. Leaving the Islands Trust Area (except Bowen) without needed tools to manage tourism is irresponsible and negligent. Please work to correct this.

There is also an immediate need for the LTC to amend our Home Occupation regulations to clearly state that all STVR operations must include in their rental fee, the acceptance of their paying guests' garbage and recycling, provide a secure storage for it, and ensure that the resident operator regularly delivers it to CRD Hartland land fill, or arranges collection by our local garbage hauling service business. Garbage bags being left at our Ambulance Hall, Community Hall, ferry terminal, Provincial parks and local stores, or along our roadsides is unacceptable! Those who are directly benefitting from Home Occupation STVR income need to be made responsible for the impacts of that use. STVRs advertising "take your garbage with you...we have no garbage collection here" is the cause of it being dumped elsewhere in the community. Please help stop this practice!

Thank you for reading my submission and I trust you will consider its content in deliberations.
Sheila Anderson

September 29, 2020

To The Islands Trust,

RE: Bylaw Amendment to STVRs

Let me start by stating that I have no vested interest in the decisions made by the Islands Trust concerning the future of STVRs. While my husband and I are Galiano homeowners currently operating our house as an STVR, we intend to move to Galiano as full-time residents when our permit expires in 2022.

However, the rationale implied in the notice (which, by the way and surprisingly, as permit holders we did not receive directly) for potentially curtailing or shutting down STVRs in order to provide more affordable housing for island residents is so fundamentally flawed that I am compelled comment on it.

Affordable housing is, indeed, a necessity in all cities and regions of Canada, and measures must be taken to ensure that Canadians have access to it. I do not understand, however, why STVRs are even part of this discussion, as it is my understanding that most are waterfront or water view properties that would not be considered affordable housing in any scenario.

A more surgical and ultimately effective approach to assessing the value of STVRs as affordable homes would be to make that determination on a case-by-case basis upon application or renewal of a permit. A waterfront home valued at \$800,000 or more simply does not fall into the category of affordable housing.

Exactly what will be accomplished by pulling these homes off the STV rental market will be a change of ownership from one seasonal owner to another, not an opportunity for existing low to medium income residents to buy or rent a home. Moreover, the net effect will be negative for Galiano residents who own businesses, or are tradespeople or cleaners, all of who rely heavily on short-term rental accommodations for their livelihoods.

If the Islands Trust has a problem with STVRs, that discussion should be addressed in a separate forum, and not conflated with the problem of affordable housing. These are two entirely separate and unrelated issues.

It is also worth noting that STVRs give people – overwhelmingly Canadians from all parts of the country who otherwise would not be able to afford a home in an idyllic setting as Galiano, - an opportunity to enjoy what island residents are privileged to experience every single day, which is having the bounty and beauty of nature at their doorstep.

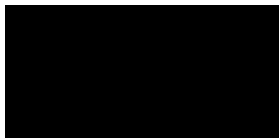
The notion that Galiano's riches should be restricted overwhelmingly for the enjoyment of the people who live there is anathema to a generous and welcoming people, that as Canadians, most of us strive to be.

There is a huge demand for vacation rentals on Galiano, as evidenced by the fact that most properties - STVRs and home occupations rentals alike - are, under normal circumstances, fully booked from May through September and during long weekends and holidays. In light of this fact, reducing rental opportunities for a reason that will not have the desired outcome seems ill conceived. If I am missing something in this equation, please educate me.

Also, please ensure that I am on your mailing list for further notices regarding this matter.

Thank you,

Lisa MacKinnon



From: Gary Simpson <[REDACTED]>
Sent: Tuesday, September 29, 2020 10:57 AM
To: glltcwebmail <glltcwebmail@islandstrust.bc.ca>
Subject: Bylaw 275 Amendments

The proposed amendments to the Galiano Island, Bylaw 275, OCP Bylaw 108, 1995

I would oppose these amendments. Making these changes will more or less eliminate STVRs for those homeowners that do not have either 2 legal residences on their property or a residence with a legal suite. This seems discretionary.

There are a lot of good reasons why people may choose to make their only residence available for short term rental, the principal one being that they don't want their home left empty and unattended. This is coupled with the reality that they reside in that home for most of the year and so are not willing to give up their property to long term rentals. The reason's to leave their homes temporarily may be health priorities, travel, employment opportunities, family commitments, etc.

Lets be realistic, Galiano's economy has become more or less a tourism based economy. The recent survey done in 2019 shows that STVRs have a positive benefit for the local economy.

I believe that each TUP STVR application should be considered on its own merit considering the bylaws and conditions that are in place now. The conditions (objectives) laid out in Schedule 1, Section V!!, Subsection 2, articles g) lay out a good working guideline. If any amendment is needed to protect the community why not add it to this area.

From: j_fenby@telus.net <[REDACTED]>
Sent: Monday, September 28, 2020 1:13 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Cc: Tahirih Rockafella <trockafella@islandstrust.bc.ca>; Dan Rogers <drogers@islandstrust.bc.ca>; Jane Wolverton <jwolverton@islandstrust.bc.ca>
Subject: Re: Bylaw 275

I believe that non resident TUP's over burden resources. I believe that in spite of best educational initiatives for many island guests, there is excessive use of resources, there is increased fire risk and too great a footprint to burden a little island

I do not make these statements lightly or without compassion as I know (personally) that some livelihoods become affected when there are fewer (non resident) STVR's

What is the point of declaring a 'Climate Emergency' without making changes to support action? We, each one of us must make changes in how we live our lives. Choking smoke, yearly summer droughts, catastrophic floods, wind speeds beyond comprehension; these are no longer anomalies but become the ' new normal' .

With Covid19 we meet with success when we follow the science. We must also heed science with climate. This year, 2020, is our last year to begin aggressive mitigation if we are to survive. No longer ' business as usual' or a return to ' life as we knew it'. Clearly these are what has brought us here. Our little island; how do we know when too much is too much when it comes to our limited resources?

When Bylaw 275 was initiated, none of us had any idea how rapidly climate destruction would advance OR how the effects would be impacting ALL life.

Please rescind non resident TUP's (Bylaw 275); they are not sustainable. Act now, act like your life depends on it (because it does)

Thank you, Jan Fenby

From: Ron Taylor <[REDACTED]>
Sent: Sunday, September 27, 2020 7:36 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Cc: Tahirih Rockafella <trockafella@islandstrust.bc.ca>
Subject: GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 275

To the Galiano Island Trust committee
Re Bylaw 275
I support the adoption of Bylaw 275
Commercial vacation rentals should not be allowed in residential neighbourhoods
Ron Taylor
Galiano Island

From: Stephen Saugestad <[REDACTED]>
Sent: Saturday, September 26, 2020 1:48 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: Commets regarding STVR

Hello,

I am submitting comments for the proposed amendments to bylaw 275. I am a part time 60/40 resident on Galiano.

I've followed this issue closely, and attended the last meeting. It was good to hear the many opinions and concerns of people in the community. I also talked to a few people outside who spoke at the meeting to dig a bit deeper on these issues. It's pretty clear to me that there is more support to having STVR than banning them. It feels like this issue is being driven by those who are complaining loudly about the water, noise, or crowd issues while they are small issues in comparison to the challenges faced by those who are financially dependent on renting STVRs, servicing them, or taking in income from the visitors who rent them. I do understand the concerns around long term housing, and I've talked to people on the island who are having a tough time finding rentals. I also have a friend on Galiano who lives overseas, and rented his house to long term tenants multiple times. Each time, his tenants trashed his home and didn't pay rent. There is simply no accountability, and he's spent many thousands of dollars fixing the mess left behind by renters. This is what I see.

Now I understand that's anecdotal, but the issue of long term rental is not helped much by banning STVRs. This moratorium has been in place for some time now, and this should be a window into a post-STVR world. However we can see that the problem has not improved. That's likely because the majority of homes on short term rental sites are part time homes that people want to use part time themselves, or they are not suitable for long term tenants. The long term housing problem is a problem that is beyond STVRs. Moreover, creating more long term rentals without the means for people to have an income is self-defeating. How do they afford homes when there are no jobs? When you can no longer rent out your spare bedroom or cottage? Your own research and consultation has made it clear that people on Galiano see STVRs as an economic driver and rely on its benefit to sustain or supplement their income. There is a lack of opportunity on Galiano, and that's a much longer discussion. But technology and connectivity has provided a new way for people in this small community to make money from a previously idle asset. Economic opportunity was created without any investment in infrastructure; if anything, we should be talking about how to expand internet access so we can create better opportunities for people who want to live and thrive in Galiano. Young people here are having a tough time earning an income and saving for a future. It is the folks who have no mortgage, are retired, and don't have to worry about their income who have the luxury to complain about STVRs.

If the intent here is to have a measured response, and a balanced approach that considers both sides of the STVR issue - that solution already exists: it's regulation. It allows for close monitoring, policies (e.g. signage in homes asking people to conserve water or respect their neighbors), and taxation (application fees and taxes, with the money promoting long term housing or water infrastructure). These restrictions alleviate many of the problems associated

with STVRs while still providing the economic opportunities to those that need it. It's the best way to address the concerns of all residents, while not shutting out one side over the other, or subjectively prioritizing one issue over another because a few people are complaining more loudly than others.

Thanks,

-- Stephen

From: harry lipetz <[REDACTED]>
Sent: Thursday, September 24, 2020 7:44 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: STVR's

As a property owner or 45 years

I am in favour of the bylaw as proposed, so that short term vacation rentals can only take place as home occupations. I support the bylaw as it limits proliferation of STVRs.

Harry Lipetz
Twiss Road
Galiano

From: Avis Seeds <[REDACTED]>
Sent: Thursday, September 24, 2020 5:41 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: temporary use permits

The short term vacation rentals (STVRs) are a misnomer. A three year term plus an extension of another three years is not short term but long term. There should be no temporary use permits allowed other than operating an STVR under Home Occupation regulations with the restriction that there must be a permanent resident living on the property.

Avis Seeds
172 Ellis Road
Galiano Island, British Columbia

From: Louise Decario [REDACTED]
Sent: Wednesday, September 23, 2020 11:43 AM
To: Jane Wolverton; Tahirih Rockafella; Dan Rogers
Cc: Robert Kojima
Subject: Short Term Vacation Rentals

STVRs limit (significantly) accommodations for local families who work on island and support the Galiano economy. Furthermore, these local renters already know and respect island ways: care with use of water, recycling and garbage disposal, fire and road issues as well as the peaceful nature of the island.

Owners who remain in residence while offering vacation rentals as a home occupation help ensure that guests are aware of the above concerns.

Temporary use permits for non-residents are not effective in most cases for achieving the above.

Sincerely,
Louise Decario and Brian Mitche

From: Sandy Pottle <[REDACTED]>
Sent: Tuesday, September 22, 2020 1:39 PM
To: gltwebmail <gltwebmail@islandtrust.bc.ca>
Subject: cop Amendment re TUP for CVR

Dear Galiano Island local Trust Committee:

I write in support of the OCP amendment to Section V1 Subsections 1 and 2 and 3 which would eliminate the issuance of a Temporary Use Permit for Commercial vacation rental.

The administration of the TUPs has taken up much time of the LTC, added to the cost of housing as people purchase residential properties for the primary purpose of a commercial use, put extra pressure on water resources and community resources such as recycling.

I look forward to LTC meetings which are not dominated by consideration of CVR TUPs

Thank you for addressing this issue. I have spoken to many residents who support this move and have encouraged them to write to the LTC expressing their views.

Yours sincerely

Sandra F. Pottle **From:** [REDACTED] >
Sent: Monday, September 21, 2020 10:37 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: Proposed Amendment Bylaw No. 275 - 60 Day Comment Period

I am against the proposed bylaw change. It will lead to unemployment of a number of individuals on this small island. Property managers, housekeepers, and handymen that work in vacation rentals will be left unemployed. Our fragile economy will suffer and will lead to individuals not being able to pay their monthly costs, lose their housing and become homeless. Please do not destroy the tourism economy of Galiano. The vacation rentals will not be converted into cheap rentals - instead they will just sit empty. This is a bad idea and a bad bylaw amendment.

Thanks!
Resident Galiano Island

From: Holly Schofield <[REDACTED]>
Sent: Sunday, September 20, 2020 10:08 AM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: Bylaw 275 Amendment re TUPs

Dear Trustees,

This letter is in support of the proposed amendment to the OCP to restrict TUPs for STVRs. I fully agree we need to limit the number of short-term rentals on Galiano.

Thank you,
Holly Schofield

From: Erik Meden <[REDACTED]>
Sent: Saturday, September 12, 2020 10:41 AM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: TUP - STVR Bylaw Amendments

Attn:

Tahirih Rockafella
Jane Wolverton

Brad Smith

Hi Jane, Tahirih. Brad.

Thank you for the notice requesting comments on the proposed changes to the regulations on STVRs. I am writing you to ask that the bylaw be amended in a manner that will allow well run businesses such as mine to continue to operate.

I have read the March 2020 staff report on the issue, and would like to highlight the following passages:

On pg 53, I note that it is stated:

"Many respondents think an on - island operator should suffice for the granting of a TUP and / or home occupation allowance"

On pg 57, the planners suggest as a potential option for "Changes to Home Occupation Use":
"Alter the regulations to state that home occupation could occur in the temporary absence of an operator... etc."

"Allow STVRs to operate in single family dwellings with no on - site operator under the condition that an operator be elsewhere on the island, ... etc."

As you all know, I am the owner - operator of a short term vacation rental, my home is both my residence for most nights of the year and a vacation rental in the summer and on holidays and some weekends through the quiet months. I operate my little business on a TUP as I do not have a second home on the property, but I am a full time Galiano resident with legal accommodations available very close to my property for all nights of the year when my house is rented. I am scrupulously careful with screening my guests, have never had parties and do not allow large gatherings of any kind. I am strict with maximum occupancy rules etc., and I greet all of my guests on arrival to talk about issues such as water conservation, noise, returnable bottles for GIRR, and best walks, restaurants, galleries, boat and kayak rentals etc. etc. I ensure that my guests know that I am always available to support them if there are any concerns during their stay, and I do not leave the island while I have guests without first arranging a representative to monitor my house and help guests if necessary.

My water supply is as good as it gets on Galiano, as evidenced by the inspection done by Jim Estabrook for my initial TUP application in 2017

I have studied the staff report quite carefully, and I cannot find any evidence that island residents would like to see small businesses like mine, owned and operated by an island resident, shut down on the grounds that I do not have a second home on my property.

The loss of revenue from the rental of my home would be a devastating blow for me, it is my primary income and I am not physically able to return to the trade which was my business prior to the STVR business. I ask that you focus your amendments to the bylaw on the Results that we all want, which is that these businesses be well run, quiet, and operated in a fashion that is considerate and respectful of neighbours and other Island residents. I feel strongly that my business is all of those things, and that it would be entirely wrong to force me to choose between the expense of building a cabin on my property or the closure my business.

I ask also that, in making decisions on revising the bylaw, that you recognize a fundamental injustice in the existing arrangement. The current rules allow those persons with both a house and cottage to have a legal STVR with no licensing cost, whereas those of us who are not so fortunate as to have a second home must pay an initial \$1100 application fee and then a further \$165 to ask for a renewal. I understand that those who wrote these regulations were likely well meaning, but I would hope that the Trustees will agree that this inequity is not an appropriate use of the Trusts authority.

Thank You,

From: Robin Paterson <[REDACTED]>
Sent: Friday, August 28, 2020 9:30 AM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>
Subject: TUP's for STVR's

I am writing in support of the proposed bylaw amendments regarding TUP's for STVR's.

I believe strongly that in order to operate as an STVR, a property should house at least one full time resident.

As a seasonal restaurant owner, I obviously appreciate tourism on the island. I believe, however, that in order to create a healthy and sustainable environment for residents and visitors alike, it is in our best interest to be aware of the ratio of committed residents to tourists.

Houses operating as hotels should be zoned, licensed and taxed appropriately.

Thank you.

Robin Paterson, Galiano Island.

From: Victoria Harrison <[REDACTED]>
Sent: Friday, October 16, 2020 11:54 AM
To: Brad Smith
Subject: Bylaw 108, 1995

Dear Brad,

October 16, 2020

I'm reaching out to you to discuss the proposed amendment of the Galiano Island Official Community Plan, Bylaw number 108, 1995.

Our cottage at 45 Alder Way has been co-owned for 27 years and rented out for the summer months of June to October. During this period of time, we have had no complaints from our neighbours regarding noise or other nuisances. We have excellent relationships with our neighbours and when our accommodation has been rented, we always recommend our neighbours to potential guests. During the winter, we look out for each other, making sure one another's property has not suffered any damages. Of course, our two families spend time on Galiano Island ourselves when we're not booked. Our cottage is a family owned operation, and we don't intend to increase commercial interest. Any profit we make goes into the upkeep of our cottage.

When we need repairs, we get locals to do our maintenance in order to support the economy on Galiano Island. We employ locals to help with the upkeep of our cottage and our last housekeeper worked with us for 10 years.

Before our guests arrive, we ask them to take their garbage with them when they head home, as well as we request they bring their own towels to minimize laundry and water usage. We supply our guests with brochures so that they can enjoy all Galiano Island has to offer. We also contact our guests prior to their visit so that we can tell them about what to do on the island, as well as answer any inquiries they may have. Having guests stay at our cottage gives them a unique experience on one of BC's beautiful gulf islands. This increases tourism, and is good for our economy. We have been successful in providing accommodation for Jan Adler's annual retreats. Our guests often leave us raving reviews about how wonderful our property is, and how it fulfills their needs of a retreat from everyday life.

I would like to ask; why is Bylaw 108 being enforced now? We've been renting our cottage to guests for over 25 years, and haven't run into any problems. It seems like this bylaw was created for people taking advantage of real estate and commercial gain, but it doesn't feel like it should concern us and our guests.

For the past 27 years we have been renting our cottage on Galiano Island, and we would like you to consider exempting us from the Bylaw 108, 1995, permitting us to rent our cottage out for more than 30 days. We only operate from June to October, and we have never had any complaints from our neighbours, and run an eco friendly business.

If you would like to call me, my phone number is [REDACTED]

I plan on attending the zoom town hall session on November 2, 2020 at 12:30pm.

I look forward to speaking with you,

Victoria Harrison



File No.: GL-6500-20
(LUB Technical Review)

DATE OF MEETING: October 5, 2020
TO: Galiano Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Galiano Island Land Use Bylaw Technical Review

RECOMMENDATION

1. That the Galiano Island Local Trust Committee direct staff to prepare a draft bylaw that incorporates the recommended technical amendments to Galiano Island Land Use Bylaw No. 127, 1999.

REPORT SUMMARY

The purpose of this report is to obtain direction from the Galiano Island Local Trust Committee (LTC) on a list of potential technical amendments to the Galiano Island Land Use Bylaw No.127, 1999 (LUB).

The list has been compiled ongoing by staff since 2014 with new entries made whenever technical issues have arisen. Staff have also recently reviewed the LUB in a more general way to identify additional potential amendments.

The above recommendation is supported as:

- Staff have recently reviewed the LUB for technical amendments and have been documenting technical issues identified with the LUB since 2014;
- Addressing technical issues and errors will improve the clarity of the LUB and consistency of application;
- Developing a draft bylaw will allow for additional community input on the proposed revisions and the potential identification of other technical issues or amendments that may be considered.

BACKGROUND

A technical review of the LUB has been on the list of LTC projects since 2014. In April 2020, LTC passed two resolutions without meeting (RWMs) to 1) establish the LUB technical review as a priority project, and 2) direct staff to develop a project charter.

The project charter was subsequently endorsed by LTC at the June 1, 2020 LTC meeting. Process steps in the project charter include:

1. Review LUB for additional potential technical amendments
2. Develop recommendations for consideration by LTC
3. Draft bylaw amendments based on LTC direction
4. Conduct public consultation on proposed amendments
5. First Reading
6. Legislative process

Staff have now reviewed the LUB (step 1) and this staff report provides recommendations for consideration by LTC (step 2).

Additional project information, including the project charter, is located here:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/lub-technical-review/>

ANALYSIS

Table 1 contains a list of potential amendments and associated recommendations for LTC consideration. In a few instances more analysis is required before a recommendation is provided.



STAFF REPORT

Table 1. LUB Technical Amendments and Recommendations

LUB Citation	Topic	Issue	Staff Comments	Amend?
SECTION 2: GENERAL REGULATIONS				
General regulations		Clarity for additions versus separate building	Add a general regulation to require fully enclosed connections for additions to maintain a single dwelling (see North Pender 3.4.2)	Yes
2.3.1	RVs	Use of RVs as a temporary residence while building should be recognized and limited	Add clear language to permit Recreation Vehicles as 'Temporary Dwelling Units' only if a valid building permit has been issued for the construction of a dwelling unit and connection to sewer and water (similar to South Pender and Saturna LUBs). OR permit them as dwelling units or cottages similar to the Galiano LUB language (Section 3.9).	Requires direction, should be included if clarification of existing approach
2.14	General Docks	Upland structures permitted in setback from sea	Consider exempting upland fixtures of docks in setbacks	Requires direction, should be included if minor structures only
2.14	Stairs in setback from sea	Stair accesses in parks	Amend setback from the sea by zone (or by land status) to permit stairs in setback in park zones.	Yes
2.15	Setbacks from watercourses	Setback from watercourses	Setback from watercourses language in general regulations should be consistent with RAR and not just reference "natural" watercourses	Yes

2.15	Sewage absorption field setbacks	30 m setbacks should be changed to 15 m	Should be consistent with Island Health setbacks (15 m in most cases) and 'swamp' is uncertain, ie has been interpreted to be a permanent as opposed to ephemeral wetland.	Yes
2.18	Setback exemptions	Wells should be exempted from setbacks	Current siting exemptions do not include "well" explicitly with "pumphouse", being interpreted to be exempt as a utility line	Yes
2.25	Determination of setbacks	No written description of determination of setbacks to the closest point of the building	Add written description so there is not total reliance on drawing only	Yes
SECTION 3: HOME OCCUPATION REGULATIONS				
3.7	Numbering	Section 3.7 is followed by Section 3.7	Basic administrative amendment	Yes
SECTION 5: RESIDENTIAL ZONES				
5.4.6, 5.4.7, 5.5.6,	Numbering	Subsections are not in proper number sequence.	Basic administrative amendment	Yes
RR Zone	Agricultural buildings	Zone permits farm buildings but not keeping of animals	While the Rural 2 Zone (R2) explicitly permits farm use, the RR does not. However, the RR zone does contain a provision for buildings and structures for the accommodation of farm animals, and this may indicate that the intention was not to permit farm uses but horticulture as stated in the general regulations. Options – amend RR to allow Farm Use or remove 5.4.8	Requires direction
RR zone	Corporate Co-ops/Dwellings equivalent to lots/ Accessory cottages	Accessory Cottages in corporate co-ops	Montague Heights/Therah: cottages and dwellings – cottages will not be accessory to dwellings as being marketed separately within a corporate co-op	No – has significant policy considerations
SECTION 6: AGRICULTURE ZONES				

6.1.5	Accessory building	Two storey farm buildings	Permit two storey agricultural buildings in AG zone as allowable building height is 9 m	Yes
6.1.6,	Numbering	Subsections are not in proper number sequence.	Basic administrative amendment	Yes
6.1.13	Typo	Should read “agri-tourism accommodation may include” not “my include	Basic administrative amendment	Yes
SECTION 7: FOREST ZONES				
7.5.1.2	cross-reference	refers to wrong subsection	Change to... “as defined in section 17.1.24”	Yes
7.5.5	Numbering	Subsections are not in proper number sequence.	Basic administrative amendment	Yes
SECTION 9: ECONOMIC ACTIVITY ZONES				
9.6	Numbering	9.6.B.7 should be B.6	Basic administrative amendment	Yes
SECTION 13: SUBDIVISION AND DEVELOPMENT REGULATIONS				
13.1	Clarity	Lot line adjustment exemption	Insert an exemption from minimum average lot area for boundary/lot line adjustments	Yes
13.5	Depth to width	exclude panhandle from depth to width calculations	eg: No lot in a proposed subdivision may have a depth greater than three times its width, exclusive of any panhandle access strip.	Yes
13.22	Cisterns	Section 13.22 requiring cisterns in water management areas is poorly worded and should focus the requirement on the owner not the Regional District	revise wording to focus requirement on owner via Islands Trust authority not issuance of CRD building permit, and provide clarity that it only applies to new buildings	Yes
1.9	Clarity	First sentence is confusing	Remove “must be” and “should”, add the creation of a lot “by subdivision”.	Yes
SECTION 14: PARKING REGULATIONS				
14.1.16	Numbering	Duplication of numbering	two occurrences of this subsection due to delay in bylaw 234	Yes

14.6	Parking	45° parking manoeuvring aisle width is too narrow to turn around, forcing vehicles to back into highway which is contrary to intent of precluding vehicles from backing onto the highway	Increase aisle width to 5.5	Yes
SECTION 16: SIGN REGULATIONS				
16.5	Correction	cross-reference	reference to section 3.4, should be section 3.5	Yes
16.6	Numbering	Subsections are incorrectly numbered.	Basic administrative amendment	Yes
Section 17: INTERPRETATION				
171	Definition	There is no definition for cistern	LTC could turn attention to providing clarity for staff and applicants on what defines a cistern – could potentially include description of associated catchment system infrastructure in definition	Yes
17.1.22	Administration	Definition of Height	Definition of height refers to “average finished grade”, average finished grade is defined as natural grade	Yes
17.1.48	Definition	Definition of structure	Amend to add exclusion for septic fields, tanks and related appurtenances, concrete and asphalt paving, wells and related appurtenances, landscaping, and retaining structures less than 1.2 metres in height, but amend setback from the sea to include these structures	Yes
	Definitions	Remove numbering of definitions	Numbering of definitions is unnecessary, and creates cross-referencing issues. Remove numbers.	Yes



ALTERNATIVES

1. Suggest additional amendments

The LTC could provide additional amendments or revisions.

Resolution:

That the Galiano Island Local Trust Committee direct the planner to add the following additional or amended recommendations to the LUB technical amendments table:

2. Request further information

The LTC could ask for more information.

Resolution:

That the Galiano Island Local Trust Committee request that the planner provide further information on the following LUB sections... prior to giving direction.

NEXT STEPS

With LTC direction, staff will prepare an amending bylaw that considers the proposed amendments and associated recommendations

Submitted By:	Brad Smith, Island Planner	September 24, 2020
Concurrence:	Robert Kojima, RPM	September 28, 2020

Top Priorities Report

Galiano Island

1. Affordable Housing Strategy - STVR Review

Phase 1: STVR review

Responsible

Brad Smith

Dates

Rec'd: 04-Mar-2019
Target: 31-Dec-2020

2. Groundwater Sustainability

Phase 1: mapping and data analysis

Responsible

William Shulba

Dates

Rec'd: 02-Apr-2019
Target: 01-Apr-2020

3. Land Use Bylaw amendments

To review LUB for: any technical/administrative bylaw amendments (e.g. definition references and numbering), shoreline zoning wording, crown lot rezonings, and review park zoning (specifically to allow stairs in setbacks).

Responsible

Brad Smith

Dates

Rec'd: 28-Apr-2020
Target: 31-Mar-2021



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

5. *Dock review*

Responsible

Date Received

To review policies and regulations relating to private moorage, including suitable locations, siting and size, and incorporating First Nations sites

02-Apr-2019



Projects Report

Galiano Island

6. *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

7. *Review of maximum house sizes*

Responsible

Date Received

To review policies and regulations to potentially establish maximum floor area(s) for dwellings

06-May-2019

8. *Review of forestry land designations, policies and community benefit approaches*

Responsible

Date Received

Project represents a consolidation of a number of previously identified projects with a similar theme related to forestry zoning on Galiano Island. Project scope within previous projects included: current and potential future approaches to community benefit agreements, use of split zoning, F1 forest lot issues, issues regarding lands without managed forest status, amendments to re-designate and rezone crown owned Forest lots (Bylaws 231, 232 at First Reading)

03-Feb-2020

9. *Climate Change Adaptation and Mitigation Strategies*

Responsible

Date Received

Development of climate change adaptation and mitigation strategies for Galiano Island - starting point is December 12th APC review of staff memo on Trust wide approaches to climate change adaptation

03-Feb-2020

Projects Report

Galiano Island

10. <i>Review of Road Network Plan</i>	Responsible	Date Received
Review of Road Network Plan - include December 11th APC memo in review process - meet with MOTI		02-Mar-2020



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2020.1	Koster, Dave	23-Jul-2020	Lot 29 Wise Island - Permit to add a deck

Planner: Phil Testemale

Planning Status

Status Date: 21-Oct-2020

Report on Nov 2 LTC agenda

Status Date: 17-Sep-2020

Requested further direction from applicant given encroachments.

Status Date: 11-Sep-2020

Deferred to Nov 2 agenda

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2020.2	Hotte, Brenda	09-Jun-2020	14475B Porlier Pass Road - Variance Permit for the existing stairs and the set back of the existing cottage

Planner: Brad Smith

Planning Status

Status Date: 22-Sep-2020

Informed applicant of requirement to get geotechnical assessment on stairs to address MOTI covenant requirement prior to LTC consideration

Status Date: 20-Aug-2020

Confirmed from MOTI that geo-tech report required to satisfy covenant - planner to follow up with applicant

Status Date: 17-Jun-2020

Planner working on aspects of application with applicant including review of covenant requirements



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2020.3	Koster, Dave	23-Jul-2020	Lot 29 Wise Island - Combined DVP and DP application re: a wide deck.

Planner: Phil Testemale

Planning Status

Status Date: 21-Oct-2020

Staff report on Nov 2 LTC agenda

Status Date: 22-Sep-2020

Deferred to November 2 LTC agenda

Status Date: 17-Sep-2020

Requested direction from applicant on other encroachments

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2020.4	FOLETT, Lance & DENHOLM, Suzannah	04-Aug-2020	660 Cain Road - Variance to address the encroachment of existing structures on the standard setback.

Planner: Brad Smith

Planning Status

Status Date: 21-Oct-2020

Deferred to Dec 5 LTC agenda

Status Date: 22-Sep-2020

Notice prepared for consideration on Nov 2 LTC agenda

Status Date: 01-Sep-2020

Application is sent to LTC; given to planner



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2005.2	Romagnoli	21-Mar-2005	Application to amend the LUB to rezone from F1 to F3

Planner: Brad Smith

Planning Status

Status Date: 30-Oct-2020

Planner contacted applicant who indicated no further progress - reminded again that file close-out is required

Status Date: 25-Aug-2020

Planner to contact Galiano Conservancy re: covenant negotiation status

Status Date: 17-Jun-2020

Planner contacted applicant seeking update on June 30th deadline imposed in April

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

Planner: Brad Smith

Planning Status

Status Date: 22-Sep-2020

Staff report on Oct 5 LTC agenda

Status Date: 01-Sep-2020

Planner conducted site visit with Trustee Rockafella

Status Date: 31-Aug-2020

Staff report deferred to Oct 5 agenda to allow more time for planner to analyse



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2019.1	GIGAHR	11-Sep-2019	Georgia View rd: rezoning application for to amend the OCP and LUB to permit an affordable housing development

Planner: Brad Smith

Planning Status

Status Date: 21-Oct-2020

Staff report on Nov 2 LTC agenda introducing draft bylaws

Status Date: 15-Sep-2020

Applicant directed by LTC to develop water management plan - staff provided reference water planning materials to applicant

Status Date: 31-Aug-2020

Staff report on Sept 8 agenda

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2019.2	Gauvreau, Lisa	01-Oct-2019	Application to amend the LUB rezone to commercial

Planner: Brad Smith

Planning Status

Status Date: 25-Aug-2020

Applicant still exploring water supply alternatives

Status Date: 17-Jun-2020

Water lease agreement with neighbour has fallen through - applicant seeking alternatives - waiving of public hearing on hold for now

Status Date: 22-May-2020

Staff report on June 1 LTC agenda recommending waiving of Public Hearing



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: Brad Smith

Planning Status

Status Date: 21-Oct-2020

Review initiated by planner

Status Date: 25-Aug-2020

RZ application out of abeyance - subdivision referral to go ahead - planner to review when time permits

Status Date: 17-Jun-2020

Applicant has requested further abeyance of RZ application, Planner seeking to confirm if subdivision referral still required

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2019.5	Follett & Denholm	10-Apr-2019	An application for a temporary use short term vacation rental

Planner: Brad Smith

Planning Status

Status Date: 21-Oct-2020

Deferred to Dec 2 LTC meeting

Status Date: 22-Sep-2020

Notice prepared for consideration on Nov 2 LTC agenda

Status Date: 18-Aug-2020

Associated application now received re: DVP for structures in setbacks



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2020.6	Meden, Erik	16-Sep-2020	4121 Porlier Pass Road. TUP Renewal for an STVR.

Planner: Phil Testemale

Planning Status

Status Date: 21-Oct-2020

Staff report on Nov 2 LTC agenda

Status Date: 28-Sep-2020

Schedule for Nov 2, 2020 agenda

Status Date: 17-Sep-2020

Check is paid, LTC notified, given to Planner

File Number	Applicant Name	Date Received	Purpose
GL-TUP-2020.7	Simpson, Gary	29-Sep-2020	65 Sticks Allison Road - Temporary Use Permit Renewal for an STVR

Planner: Phil Testemale

Planning Status

Status Date: 26-Oct-2020

December 7, 2020 LTC Agenda

Status Date: 09-Oct-2020

Fees received , given to Planner, LTC notified.

Status Date: 07-Oct-2020

PTA created file, waiting on fees.

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending September 2020

625 Galiano	Invoices posted to Month ending September 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	507.00	112.75	394.25
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	4,528.00	1,112.61	3,415.39
65210-625	LTC - Local Exp - APC Meeting Expenses	253.00	75.23	177.77
65220-625	LTC - Local Exp - Communications	250.00	1,007.04	-757.04
65230-625	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>5,325.00</u>	<u>2,194.88</u>	<u>3,130.12</u>
Projects				
73001-625-2002	Galiano OCP/LUB	3,000.00	0.00	3,000.00
73001-625-4051	Galiano Affordable Housing	3,000.00	929.90	2,070.10
TOTAL Project Expenses		<u>6,000.00</u>	<u>929.90</u>	<u>5,070.10</u>

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2020-042 (Standing)	Carried	08-Sep-2020
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.		
2020-041 (Standing)	Carried	06-Jul-2020
That the Galiano Island Local Trust Committee move the motion, as circulated, regarding the unlawful land uses and planning applications. (Motion Circulated) That the Galiano Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:		
a. Where an application has been 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.		
2020-013 (Standing)	Carried	03-Feb-2020
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.		

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2019-057 (Standing) that the Galiano Island Local Trust Committee initiate a moratorium on new TUP applications until the STVR project is completed and that bylaw enforcement is directed to require that unlawful STVRs comply with the land use bylaw.	Carried	08-Jul-2019
2019-053 (Standing) that the Local Trust Committee seek to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite First Nations to attend meetings; as well as, provide a traditional welcome to their territory if they would like; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.	Carried	03-Jun-2019



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2019-014 (Standing)	Carried	04-Mar-2019
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
that the Galiano Island Local Trust Committee endorses the Telecommunication strategy Project Charter dated June 22, 2016		



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2016-000 (Standing) Without fettering its discretion, the LTC provided the following guidance with respect to its consideration of TUP applications for Commercial Vacation Rentals: 1. A Commercial Vacation Rental use should only be considered in one dwelling per lot 2. Permits being considered in Water Management Areas should include conditions requiring cisterns with a minimum capacity of 16,000 litres and a water meter. 3. In order to assist in assessing cumulative impacts, staff are requested to continue to provide an updated map showing the location, status, and maximum number of guests of all Commercial Vacation Rental TUP applications.	Carried	05-Dec-2016
2014-029 (Standing) That the Galiano Island Local Trust Committee will consider as a community benefit for all rezoning applications where there is an increase in density, the establishment of an instrumented observation well.	Carried	07-Apr-2014
2014-000 (Standing) 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.	Carried	03-Feb-2014

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2011-205 (Standing)	Carried	17-Oct-2011
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
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.		
2009-085 (Standing)	Carried	11-May-2009
That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment		



File No.: 09-3110-01
Current Planning

DATE OF MEETING: November 2, 2020
TO: Galiano Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Enforcement of siting issues in unrelated applications

PURPOSE

The purpose of the memorandum is to provide the Local Trust Committee (LTC) with information on how siting issues noted during an unrelated application process can be addressed.

At the September 8, 2020 meeting, the LTC held the following discussion and adopted the resolution:

15.6 Variances

Discussion was held about properties that contain variance issues and how the LTC should proceed with compliance.

GL-2020-055

It was Moved and Seconded,

that the Galiano Island Local Trust Committee requests staff to provide a report on how the Local Trust Committee can deal with encroachments that become obvious in other applications.

CARRIED

It is not uncommon that during the course of reviewing site plans or conducting site visits for an application or referral, an unrelated, but unlawful structure is noted; typically, but not always, it involves an encroachment into a setback. Survey plans required for most applications may include other buildings or structures, although not all surveys include all building and structures on a lot. Site visits also often result in planners noting other, non-trivial issues on a property. Many of these encroachments are relatively minor and long-standing, often pre-dating the current owners. In some instances building permits were not required for small detached structures, and for older permits surveys were not required.

I have confirmed with planners that the practice is that the owner is notified of the unrelated non-conforming issue and advised on how the non-conformity can be addressed. There are typically a number of options provided to an owner:

- The structure may be pre-existing non-conforming – if so the owner must demonstrate that it pre-dates the bylaw.
- The structure may be lawful – a permitted encroachment, or have received a development variance permit or Board of Variance order in the past.

- The encroachment could be removed – the owner is typically given a reasonable amount of time to complete the work.
- If the current application is for a variance, the unrelated encroachment may be included in that application.
- A new application can be made for a variance or an appeal made to the Board of Variance, or in some instances a boundary adjustment subdivision can be applied for with a neighbouring lot.

Owners are encouraged to address the issue in a timely manner and that it is in their interest to address it now rather than try and delay. If owners are unresponsive, the issue can be referred to bylaw enforcement to open a file (Trust Council's bylaw enforcement policy authorizes commencement of investigations resulting from contraventions appearing to occur as part of a permitting process).

Ultimately, where the LTC is considering a discretionary land use permit (i.e a DVP or TUP) on the same property, it could refuse or defer an approval where there is an unrelated unlawful issue. On the other hand, a development permit for an unrelated development should not be refused, nor can a regional district withhold a building permit for a lawful structure; however a bylaw enforcement file can be opened if the owner is unresponsive or unduly delays seeking compliance.

Submitted By:	Robert Kojima, Regional Planning Manager	October 21, 2020
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