



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

### PURPOSE

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

### BACKGROUND

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

#### GL-2024-002

#### It was Moved and Seconded,

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

**CARRIED**

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

### Circulation

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

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

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

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

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

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March 22, 2024

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

Dear Bruce,

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

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

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

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

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

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

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

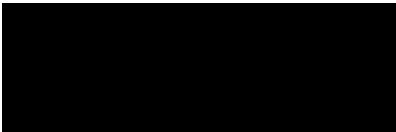
During the LTC meeting, a person in attendance expressed concern about possible leakage from the septic absorption field on the subject property, as it is within the setback from the natural boundary. Lisa Gauvreau also wondered whether the septic system that Island Health approved in 2005 has reached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

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

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

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

Best regards,

A large black rectangular redaction box covering the signature area.

Catherine Scoones  
Executrix  
Estate of John Scoones

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

**1. Development Violation**

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

**2. No Development and Building Permits**

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

**3. Lot Coverage Exceedance**

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

#### **4. Oversized Float**

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

#### **5. Float Made Available to Boaters for a Fee**

- See paragraph 4 above.

#### **6. Accessory Building without a Building Permit**

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

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

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

#### **8. Lot Density with Cottage**

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

#### **9. Encroachment on Road Allowance**

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

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

- See paragraph 9 above.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**18. Sewage Absorption Field – General**

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

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

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



**DAVID MILNER**  
dba  
**CERTIFIED SEPTIC INSPECTION**

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

MAY 11, 2022

OUR FILE #GALIANOMONTAGUEROAD3307

Ms Kate Scoones  
3307 Montague Road  
Galiano Island, BC.



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

Dear Ms Kate Scoones

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

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

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

## **Tank Location**

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

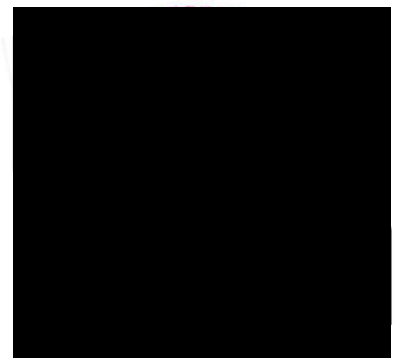
## **Operating System**

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

## **Recommendations**

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

**Please see attached photographs in regards to the system.**



## **Disclaimer**

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

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

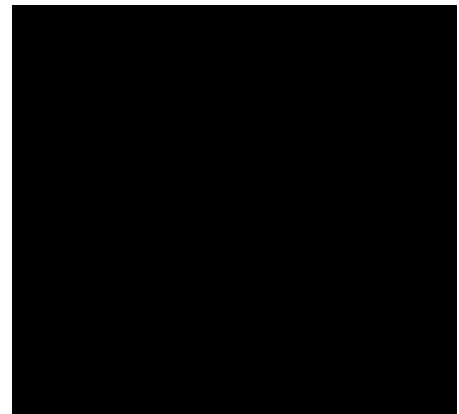
This inspection report does not guarantee or warranty future performance.

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

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

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

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

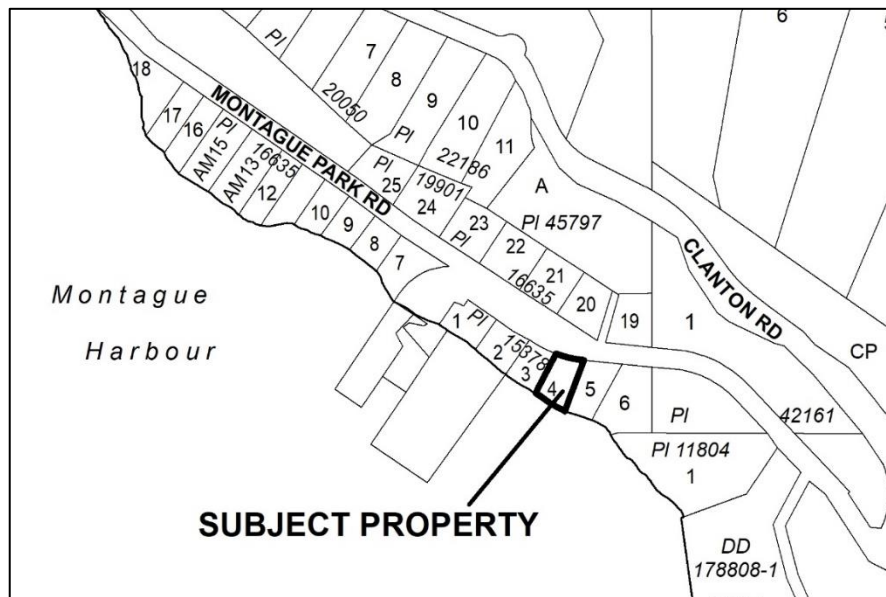


**NOTICE** is hereby given pursuant to Section 499 of the *Local Government Act* that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the Galiano Island Land Use Bylaw No. 127, 1999 by:

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

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

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **March 18, 2024** and continuing up to and including **March 29, 2024**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, BC, commencing **March 18, 2024**.

Enquiries or comments should be directed to Bruce Belcher, Planner 1 at (250) 405-5179, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca) before 4:30 pm, **March 29, 2024**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:00 p.m., April 9<sup>th</sup>, 2024** at **Galiano South Community Hall, 141 Sturdies Bay Road, Galiano Island**.

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