



# **Executive Committee Acting as a Local Trust Committee (Ballenas-Winchelsea Islands) Regular Meeting Agenda**

Date: June 18, 2024  
Time: 9:00 am  
Location: Harbour House Hotel  
121 Upper Ganges Road, Salt Spring Island, BC

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## **Pages**

### **1. CALL TO ORDER**

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

### **2. APPROVAL OF AGENDA**

### **3. PUBLIC COMMENTS**

### **4. MINUTES**

#### **4.1 Local Trust Committee Minutes dated 4 October 2023**

**4 - 7**

For Adoption

#### **4.2 Resolutions Without Meeting Report dated June 2024**

**8 - 8**

For Information

### **5. BUSINESS ARISING FROM MINUTES**

#### **5.1 Follow-up Action List dated June 2024**

**9 - 10**

### **6. COMMUNITY INFORMATION MEETING - NONE**

### **7. PUBLIC HEARING - NONE**

### **8. APPLICATIONS AND REFERRALS**

#### **8.1 EX-DP-2024.1 - C. Walker - Mistaken Island**

**11 - 72**

Staff Reports

#### **8.2 EX-DVP-2024.1 - C. Walker - Mistaken Island**

**73 - 89**

Staff Reports

|        |                                                                                                           |         |
|--------|-----------------------------------------------------------------------------------------------------------|---------|
| 9.     | LOCAL TRUST COMMITTEE PROJECTS - NONE                                                                     |         |
| 10.    | DELEGATIONS - NONE                                                                                        |         |
| 11.    | CORRESPONDENCE - NONE                                                                                     |         |
|        | <i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i> |         |
| 12.    | NEW BUSINESS - NONE                                                                                       |         |
| 13.    | REPORTS                                                                                                   |         |
| 13.1   | Trustee Reports                                                                                           |         |
| 13.2   | Chairs Report                                                                                             |         |
| 13.3   | Trust Conservancy Reports                                                                                 |         |
| 13.3.1 | <u>April 2024</u>                                                                                         | 90 - 91 |
|        | For Information                                                                                           |         |
| 13.3.2 | <u>May 2024</u>                                                                                           | 92 - 93 |
|        | For Information                                                                                           |         |
| 13.4   | Regional District of Nanaimo Electoral Area E Director Update                                             |         |
| 13.5   | Snaw-naw-as (Nanoose) First Nation Representative Report                                                  |         |
| 13.6   | Applications Report - None                                                                                |         |
| 13.7   | Trustee and Local Expense Reports                                                                         |         |
| 13.7.1 | <u>September 2023</u>                                                                                     | 94 - 94 |
|        | For Information                                                                                           |         |
| 13.7.2 | <u>October 2023</u>                                                                                       | 95 - 95 |
|        | For Information                                                                                           |         |
| 13.7.3 | <u>November 2023</u>                                                                                      | 96 - 96 |
|        | For Information                                                                                           |         |
| 13.7.4 | <u>December 2023</u>                                                                                      | 97 - 97 |
|        | For Information                                                                                           |         |
| 13.7.5 | <u>January 2024</u>                                                                                       | 98 - 98 |
|        | For Information                                                                                           |         |
| 13.7.6 | <u>February 2024</u>                                                                                      | 99 - 99 |
|        | For Information                                                                                           |         |

|        |                                                                                                                                                        |           |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 13.7.7 | <u>March 2024</u>                                                                                                                                      | 100 - 100 |
|        | For Information                                                                                                                                        |           |
| 13.8   | Adopted Policies and Standing Resolutions                                                                                                              | 101 - 101 |
| 14.    | WORK PROGRAM                                                                                                                                           |           |
| 14.1   | Active Projects Report - None                                                                                                                          |           |
| 14.2   | Future Projects Report dated June 2024                                                                                                                 | 102 - 102 |
| 15.    | CLOSED MEETING - NONE                                                                                                                                  |           |
| 16.    | UPCOMING MEETINGS                                                                                                                                      |           |
| 16.1   | Next Regular Meeting Scheduled for Wednesday 9 October 2024 at 10:30 am at Islands Trust, Victoria Office Boardroom, 200-1627 Fort Street Victoria, BC |           |
| 17.    | ADJOURNMENT                                                                                                                                            |           |



# Executive Committee Acting as a Local Trust Committee (Ballenas-Winchelsea Islands) Minutes of Regular Meeting

**Date:** Wednesday, October 4, 2023

**Location:** Electronic Meeting

**Members Present:** Peter Luckham, Chair  
Tobi Elliott, Trustee  
Timothy Peterson, Trustee  
David Maude, Trustee

**Staff Present:** Chris Hutton, Regional Planning Manager  
Sarah Shugar, Recorder

**Others Present:** Approximately 0 members of the public

These minutes follow the order of the agenda although the sequence may have varied. The electronic meeting was live streamed and recorded.

## 1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:32 a.m. He welcomed everyone to a meeting and introduced himself, the Trustees and staff and acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

## 2. APPROVAL OF AGENDA

By general consent, the agenda was adopted.

## 3. PUBLIC COMMENTS

There were no comments or questions.

## 4. MINUTES

### 4.1 Local Trust Committee Minutes dated April 19, 2023

By general consent, the minutes of April 19, 2023 Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) meeting were adopted.

### 4.2 Section 26 Resolutions-Without-Meeting Report dated September 26, 2023

By general consent, the report was received.

## **5. BUSINESS ARISING FROM MINUTES**

### **5.1 Follow-up Action List dated September 26, 2023**

There was a question regarding item 2 - Share updates and invitations regarding Snaw-naw-as (Nanoose) First Nation & Islands Trust Protocol Agreement with Ballenas-Winchelsea Islands LTC. RPM Hutton will look into this item and provide an update to the LTC via email.

**By general consent**, the report was received.

### **5.2 Draft Bylaw No. 37 - Freedom of Information and Protection of Privacy Bylaw**

A Request For Decision dated September 26, 2023 regarding Draft Bylaw No. 37 – Freedom of Information and Protection of Privacy Bylaw was presented.

#### **EX-2023-013**

**It was MOVED and SECONDED,**

That Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) Bylaw No. 37, cited as “Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) Freedom of Information and Protection of Privacy Bylaw No. 37, 2023” be adopted.

**CARRIED**

## **6. APPLICATIONS AND REFERRALS - NONE**

## **7. LOCAL TRUST COMMITTEE PROJECTS - NONE**

## **8. DELEGATIONS - NONE**

## **9. CORRESPONDENCE - NONE**

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

## **10. NEW BUSINESS**

### **10.1 Mount Arrowsmith Biosphere Region Staff Report**

RPM Hutton presented a staff report dated September 27, 2023 regarding Mount Arrowsmith Biosphere Region Roundtable Update.

#### **EX-2023-014**

**It was MOVED and SECONDED,**

That the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) appoint Chair Luckham as representative for the Mount Arrowsmith Biosphere Region Roundtable.

**CARRIED**

Chair Luckham will ask whether the Mount Arrowsmith Biosphere Region Roundtable would be interested in making a presentation to the Islands Trust Conservancy.

## **11. REPORTS**

### **11.1 Trustee Reports - None**

### **11.2 Chairs Report - None**

### **11.3 Trust Conservancy Report - July 2023**

Trustee Elliott reported presented highlights from the Islands Trust Conservancy Board meeting held on July 18, 2023 and reported she attended an Islands Trust Conservancy and Executive Committee meeting regarding items of mutual interest.

**By general consent**, the report was received.

### **11.4 Regional District of Nanaimo Electoral Area E Director Update - None**

### **11.5 Snaw-naw-as (Nanoose) First Nation Representative Report - None**

### **11.6 Applications Report - None**

### **11.7 Trustee and Local Expense Reports**

**By general consent**, the reports were received.

### **11.8 Adopted Policies and Standing Resolutions**

**By general consent**, the report was received.

### **11.9 Local Trust Committee Webpage - None**

## **12. WORK PROGRAM**

### **12.1 Active Projects Report - None**

### **12.2 Future Projects Report dated September 26, 2023**

There was a suggestion that a first step in an OCP and LUB Review project would be engagement with First Nations.

**By general consent**, the report was received.

## **13. CLOSED MEETING – NONE**

#### 14. UPCOMING MEETINGS

The next meeting will be determined by Resolution Without Meeting before the end of 2023.

#### 15. ADJOURNMENT

**By general consent** the meeting adjourned at 11:08 a.m.

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Peter Luckham, Chair

**CERTIFIED CORRECT:**

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Sarah Shugar, Recorder



## Resolutions Without Meetings Log

### Ballenas-Winchelsea Islands

| Resolution Number | Action  | Date        |
|-------------------|---------|-------------|
| 2024-001          | Carried | 04-Apr-2024 |

THAT the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) request Staff to reschedule the Wednesday, April 10, 2024 regular business meeting to June 18 at 9:00AM at Harbour House Hotel, Salt Spring Island.

## Follow Up Action Report

### Ballenas-Winchelsea Islands

12-Dec-2018

| Progress | Activity                                                                                                                                                                                                                                     | Responsibility             | Dates | Status      |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-------|-------------|
| 0%       | 1 Send Nanoose FN and RDN Electoral Area director a link to the BW LTC meeting agenda packages one week prior to each meeting and remind them of the opportunity to provide verbal or written or phone in updates to the LTC. <i>ONGOING</i> | Chris Hutton<br>Rob Pingle |       | In Progress |

19-Apr-2023

| Progress | Activity                                                                                                                                                                                     | Responsibility | Dates               | Status      |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------------|-------------|
| 0%       | 1 Share updates and invitations regarding Snaw-naw-as (Nanoose) First Nation & Islands Trust Protocol Agreement with Ballenas-Winchelsea Islands LTC.                                        | Clare Frater   | Target: 02-Jun-2023 | In Progress |
| 0%       | 2 Share upcoming Meeting invitations with B-W LTC regarding Mount Arrowsmith Biosphere Region Roundtable Gathering. Next roundtable meeting June 2, 2023.<br>Next Meeting: December 1, 2023. | Chris Hutton   | Target: 21-Apr-2023 | Completed   |

03-May-2023

| Progress | Activity                                                                                                                                                                                                                                                                                             | Responsibility | Dates | Status    |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------|-----------|
| 0%       | 1 Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) Freedom of Information and Protection of Privacy Bylaw No. 37, 2023 approved by EC on May 3, 2023. Forward to Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) for adoption | Rob Pingle     |       | Completed |

## Follow Up Action Report

### Ballenas-Winchelsea Islands

04-Oct-2023

| Progress | Activity                                                                                                                                                                                     | Responsibility | Dates               | Status      |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------------|-------------|
| 0%       | 1 That the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) appoint Chair Luckham as representative for the Mount Arrowsmith Biosphere Region Roundtable. |                | Target: 02-Nov-2023 | In Progress |



File No.: EX-DP-2024.1  
X-Ref File No. EX-DVP-2024.1

DATE: June 18, 2024  
TO: Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands)  
FROM: Bruce Belcher, Planner 1  
Salt Spring Island Team  
COPY: Chris Hutton, Regional Planning Manager  
SUBJECT: EX-DP-2024.1  
Applicant: Cliff Walker  
Location: 10 Mistaken Island, Nanoose Bay, BC V9P 9B6

## RECOMMENDATION

1. **That the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) approve issuance of Development Permit application EX-DP-2024.1 (Walker).**

## REPORT SUMMARY

The purpose of this report is to consider issuance of a Development Permit (DP) application for the new construction of a single family dwelling located within the **Shoreline Development Permit Area** located at 10 Mistaken Island (PID: 009-777-261).

The application is supported by an environmental impact assessment and a flood hazard assessment which meet the DPA objectives, guidelines, and the Development Approval information (DAI) bylaw. All relevant recommendations of the report have been incorporated into the conditions of the proposed development permit.

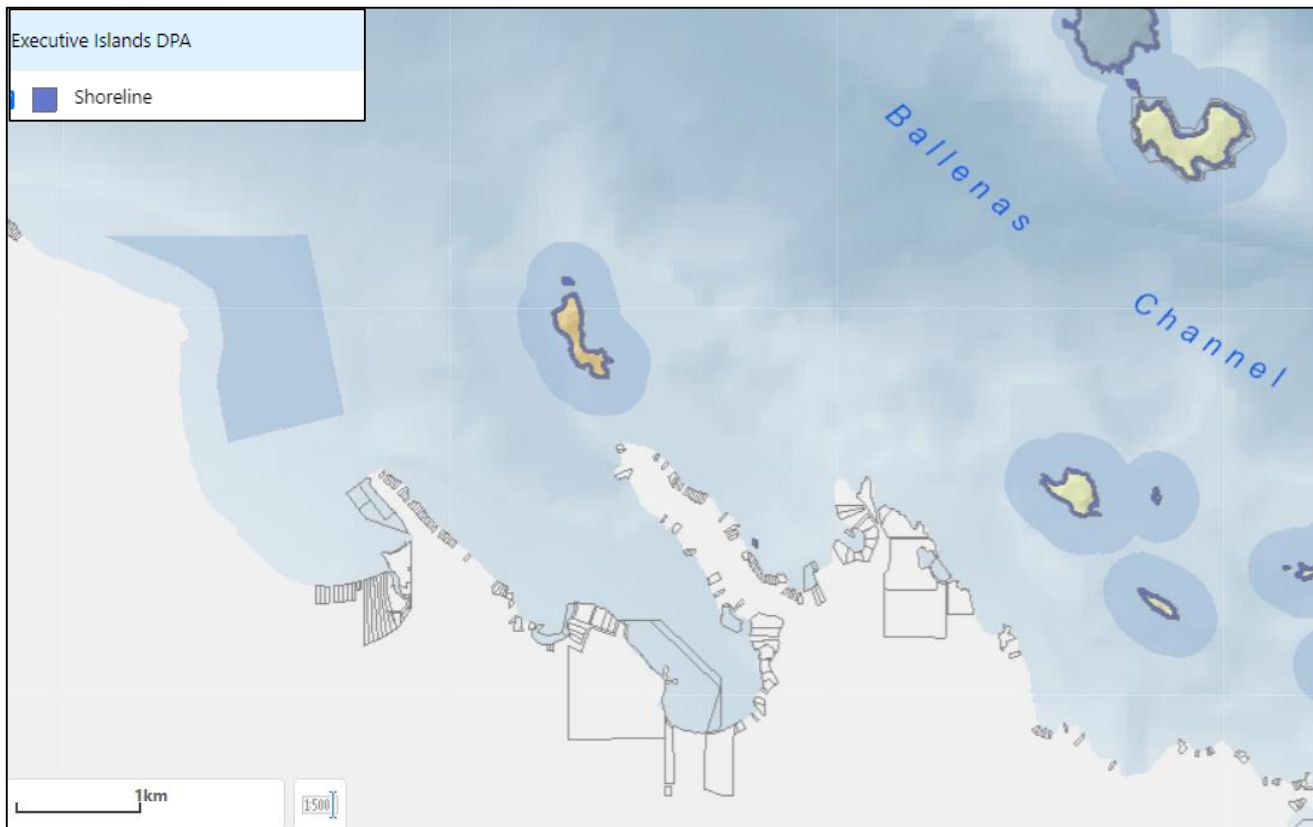
## BACKGROUND

The DP application was submitted to the Islands Trust along with a Development Variance Permit (DVP) application (EX-DVP-2024.1) for the new construction and replacement of a single family dwelling within the Shoreline Development Permit Area.

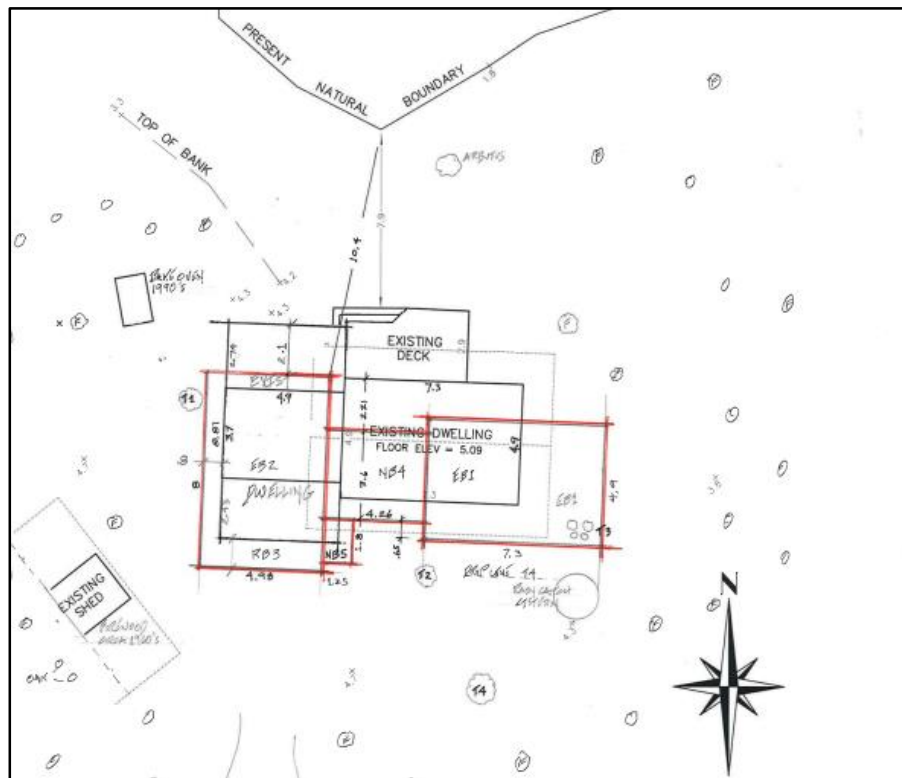
The property, zoned Residential, makes up the entirety of Mistaken Island and is 12.95 ha (32 ac) in area. A DP application is required as the proposed building site is within the DPA which is mapped as a 30 metre buffer from the natural boundary of the sea. In accordance with the Ballenas-Winchelsea Islands Official Community Plan all construction and land alteration proposed within the Shoreline DPA requires a DP or DP exemption.

The applicant has chosen this location to limit tree and vegetation removal since the area was previously disturbed. Three identified danger trees would be required to be removed for building construction. Relocating the build outside of the 15 meter natural boundary setback and the 30 meter shoreline development permit area would require more extensive vegetation and tree removal to the native habitat.

### Figure 1 – Subject Property and DPA



### Figure 2 – Site Plan



## ANALYSIS

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

The policies relevant to the proposed development:

**3.4.4** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.

**3.4.5** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

**5.2.3** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

The policies have been implemented through zoning regulations and designation of the DPA.

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

The property is designated Residential – R in the Ballenas-Winchelsea Islands Official Community Plan Bylaw No. 27, 2013 (OCP). The application as proposed does not conflict with the objective or policies of this designation.

### **Shoreline Development Permit Area**

The objectives of this DPA are:

1. 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.
2. To balance development opportunities with the ecological conservation of the shoreline environment.
3. To minimize the disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
4. To adapt to the anticipated effects of climate change.
5. To protect development from hazardous conditions.

As per section 5.1.1 of the OCP the DPA applies to all construction and land alteration proposed within the Shoreline DPA. A development permit is required for construction of, addition to, alteration of a building or structure, and land alteration, including vegetation removal except where such activities are specifically exempt.

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

The property is zoned as **Residential (R)** in the Ballenas-Winchelsea Islands Land Use Bylaw No. 28, 2013.

The plans for the proposed construction do not comply with the minimum natural boundary setback of 15 metres (50 feet). A variance application has been made along with this application to reach compliance with the

natural boundary setback. Prior to construction a preliminary plan review will be completed to verify that the plans meet all of the zone and LUB requirements.

**Professional reports** submitted and attached:

- *Environmental Impact Assessment*, May 26 2023, Prepared by Crystal Campbell, Reviewed/Revised by Sarah Bonar R.P.Bio.
- *Flood Hazard Assessment*, April 12, 2024, Prepared by Jeff Scott P. Eng., Reviewed by Chris Hudec P. Eng.

The DPA checklist can be found as Attachment 1. The Environmental Impact Assessment can be found as Attachment 2. The Flood Hazard Assessment can be found along with the draft development permit as Attachment 3.

**Consultation**

There is no public or agency consultation associated with a Development Permit application. In addition there is no statutory notification required.

**Rationale for Recommendation**

The recommendations on page 1 are supported as:

- The application is based on a professional biologist’s assessment and professional geological engineer’s assessment which meet all of the objectives and guidelines for the DPA and therefore is supported by staff;
- All recommendations of the assessments have been incorporated in the proposed DP.

**ALTERNATIVES**

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

**1. Request further information**

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

*That the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) request that the applicant submit to the Islands Trust\_\_\_\_\_.*

**2. Deny the application**

The LTC may deny the application. If this alternative is selected, the LTC MUST state the reasons for denial, including the guideline(s) the proposed development is not consistent with. Recommended wording for the resolution is as follows:

*That the Ballenas-Winchelsea Islands Local Trust Committee deny application EX-DP-2024.1 for the following reasons\_\_\_\_\_.*

|               |                          |              |
|---------------|--------------------------|--------------|
| Submitted By: | Bruce Belcher, Planner 1 | May 29, 2024 |
|---------------|--------------------------|--------------|

|              |                                         |           |
|--------------|-----------------------------------------|-----------|
| Concurrence: | Chris Hutton, Regional Planning Manager | 6/11/2024 |
|--------------|-----------------------------------------|-----------|

#### **ATTACHMENTS**

1. DPA Checklist
2. Environmental Impact Assessment
3. Draft Development Permit & Flood Hazard Assessment

# ATTACHMENT 1 – DAI REPORT REQUIREMENTS AND DPA GUIDELINES CHECKLIST

## DAI Report - Shoreline areas

| DAI Report Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |          |                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Complies | Comments                                                                                                                                                                                                                                                                                                                         |
| a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, natural boundary of the sea, the landward development permit area boundary, existing buildings and structures, floats, ramps, docks, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included. | Yes      | <b>Staff Comments:</b> Partial view survey of site provided and full view provided in the environmental impact assessment report. PNB shown on the partial view. Supplemental photos provided of project site.                                                                                                                   |
| b. A site inventory, providing information on existing plant communities, marine and terrestrial habitats, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, topography and marine sediment transport. This baseline assessment may require the involvement of several suitably qualified professionals.                                                                                                                                                                                 | Yes      | <b>Staff Comments:</b> Existing plant communities identified, plant species inventory, habitat information, land use, slope stability, and existing geological status including soil and rock conditions identified within the site description of Environmental Impact Assessment and section 2 of the Flood Hazard Assessment. |
| c. For land based developments, a site background analysis that includes the following known information on the site: <ul style="list-style-type: none"> <li>• A check for observed species and ecosystems at risk;</li> <li>• A description of the context of the site including the use of adjacent lands and proximity to protected areas; and</li> <li>• A check for the presence of raptor and heron nests.</li> </ul>                                                                                                     | Yes      | <b>Staff Comments:</b> Environmental impact assessment report provides inventory of species and ecosystems present and eagle nesting tree locations as per the Wildlife Tree Stewardship Atlas (WITS).                                                                                                                           |
| d. A description of the proposed development detailing construction (e.g. buildings, dock, ramp or trails, etc), cut and fill, blasting, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.                                                                                                          | Yes      | <b>Staff Comments:</b> Development proposed is included in report.                                                                                                                                                                                                                                                               |
| e. An assessment of the nature and extent of the impact of the proposed development, in particular anticipated impacts on identified site conditions, including but not limited to marine and terrestrial habitat, site hydrology, marine                                                                                                                                                                                                                                                                                       | Yes      | <b>Staff Comments:</b> Report complies.                                                                                                                                                                                                                                                                                          |

|                                                                                                                                                                                                                                                                                                                                                                       |            |                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------------------------------------------------------------------------------------------------------------------------|
| sediment transport, and public access to and along the foreshore. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area. The assessment should also include identification of potential impacts on adjacent sites and proximate sensitive areas. |            |                                                                                                                               |
| f. Recommended measures to limit, mitigate and manage the impacts of the proposed development on terrestrial and marine habitats, as well as geomorphic, hydrological and coastal processes. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.    | <b>Yes</b> | <b>Staff Comments:</b> Report complies.                                                                                       |
| g. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.                                                                                                                                        | <b>Yes</b> | <b>Staff Comments:</b> Monitoring to ensure that construction complies with the report recommendations is a permit condition. |
| h. Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.                                                                                                                                                                                       | <b>Yes</b> | <b>Staff Comments:</b> Report complies.                                                                                       |

### Shoreline Development Permit Area

| <b>Guideline</b>                                                                                                                                                                                                                                                | <b>Complies</b> | <b>Comments</b>                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. In general, development of the shoreline area should be limited and minimize impacts on the ecological health of the immediate area.                                                                                                                         | <b>Yes</b>      | <b>Staff Comments:</b> Proposed development is located further from the natural boundary than the existing structure.                                                      |
| 2. New upland shoreline structures, additions or land alteration should be located and designed to avoid the need for shore protection works.                                                                                                                   | <b>Yes</b>      | <b>Staff Comments:</b> Proposed development is located further from the natural boundary than the existing structure.                                                      |
| 3. Sea level rise, storm surges, increased storm intensity and other anticipated effects of climate change should be addressed in all applications.                                                                                                             | <b>Yes</b>      | <b>Staff Comments:</b> Flood Hazard Assessment prepared with consideration of EGBC Legislated Flood Assessments in a Changing Climate in BC.                               |
| 4. The LTC may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.                                                                                                    | <b>Yes</b>      | <b>Staff Comments:</b> Variance application for siting within the natural boundary setback to be considered along with DP application.                                     |
| 5. 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 be necessary during the life of the structure, as demonstrated by a geotechnical analysis for the site. | <b>N/A</b>      | <b>Staff Comments:</b> No steep slopes identified within development area.                                                                                                 |
| 6. Alteration of natural drainage systems that disrupt the natural hydrological cycle shall not be permitted.                                                                                                                                                   | <b>Yes</b>      | <b>Staff Comments:</b> Perimeter yard areas should be sloped as to direct potential flood water away from the proposed residence and preferably toward the foreshore area. |
| 7. Soil removal and deposit, as well as areas cleared and disturbed for development should be minimized.                                                                                                                                                        | <b>Yes</b>      | <b>Staff Comments:</b> Location for building minimizes disturbing existing vegetation or soil removal due to previously cleared area.                                      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |            |                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8. Shore protection measures that will cause erosion or other physical damage to adjacent or down-current areas shall not be supported.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Yes</b> | <b>Staff Comments:</b> No shore protection measures proposed through development.                                                                                                                                                                                                      |
| 9. Shore protection measures should not be allowed for the purpose of providing a sufficient setback to meet zoning requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Yes</b> | <b>Staff Comments:</b> No shore protection measures proposed through development.                                                                                                                                                                                                      |
| 10. New septic 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 design and construction of the septic system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met as conditions of the permit.                                                                                                                                                                                                             | <b>N/A</b> | <b>Staff Comments:</b> No septic system is proposed through the development application.                                                                                                                                                                                               |
| 11. 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 supervision of a qualified professional with advice from applicable senior environmental agencies. | <b>N/A</b> | <b>Staff Comments:</b> No habitat is being impacted through development since the proposed building site is an area that has been cleared since 1957. Three danger trees have been assessed to be removed with tree replacement required to meet the Tree Replacement Criteria (1996). |
| 12. Shore protection measures should not be allowed for the purpose of providing space for additions to existing structures or new outbuildings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>N/A</b> | <b>Staff Comments:</b> No shore protection measures proposed through development.                                                                                                                                                                                                      |



May 26, 2023

Cliff Walker  
Mistaken Island, Winchelsea Islands  
NanOOSE, BC  
250-954-4046

**Via Email:** cliff@timbersmith.ca

**RE: MISTAKEN ISLAND, NANAIMO BC  
ENVIRONMENTAL IMPACT ASSESSMENT**

## **1.0 INTRODUCTION**

Aquaparian Environmental Consulting Ltd. (Aquaparian) was retained to complete an Environmental Impact Assessment (EIA) for a proposed house renovation on Mistaken Island, BC. The property is a 32-acre privately-owned island within the Ballenas-Winchelsea Local Island's Trust Area. A site location map is included in Figure 1. A site plan of the proposed development is included as Figure 2.

The subject parcel is legally described as:

- District Lot 95, Nanaimo District (known as Mistaken Island) (PID: 009-777-261).

The Ballenas-Winchelsea Local Trust Area includes 11 islands including Mistaken Island and Development Permit Areas (DPAs) are described in the Ballenas-Winchelsea Islands Official Community Plan (OCP) Bylaw No. 27, 2013. The Shoreline DPA includes all land 30m upland of the natural boundary of the sea. The proposed project is a renovation of an existing cabin located within the 30m Shoreline DPA.

This Environmental Assessment report is intended to assess the existing site conditions and to identify if any sensitive features are found in proximity of the proposed development. The report will analyze the potential impacts of the construction project and provide environmental protection measures to avoid or limit impacts during construction as well as any required permitting for this development permit application.

In preparation of this report, Aquaparian reviewed the Ballenas-Winchelsea Island OCP and map, other relevant government databases and completed a site assessment of the property on

May 2, 2023. A selection of site photographs taken by Aquaparian during the assessment has been included in Appendix A.

## 2.0 SITE DESCRIPTION

The 32-acre private island is located to the east of the City of Parksville and to the north of Northwest Bay within Ballenas Channel. The island is elongated and aligned north to south. The shoreline is comprised of a bedrock cliff at the south end and low rock with pockets of pebble beaches around the rest of the shoreline. The island is almost completely natural and undisturbed. The primary vegetation communities include a dry Douglas fir (*Pseudotsuga menziesii*) and arbutus (*Arbutus menziesii*) forest ecosystem with Garry oak (*Quercus garryana*) woodlands/meadows and terrestrial herbaceous habitat. Soils are dry and relatively thin with very restricted groundwater availability.

Less than 1% of the island has been developed and the rest has been left in a natural state. The existing main house was built in the centre of the island with a detached shop (built 1963) and a secondary timber-frame cabin with a small shed and an outdoor pizza oven was constructed in 1957 within the south end of the island on the northeastern shore. The footprint of the original cabin was approximately 94m<sup>2</sup> and was located approximately 7.9m from the present natural boundary of the ocean measured from the deck that has since been removed (surveyed by J.E. Anderson & Associates and included on the site plan). The existing cabin is a single-story, timber-frame pan-abode and is built on concrete piers. The addition off the west side of the cabin has been removed. The deck off the north (seaward) side of the cabin has also been removed leaving only the 35.8m<sup>2</sup> pan-abode structure.

At the top of bank of the foreshore northwest of the cabin is a small deck with a wood-burning hot-tub and sauna originally built in 1998. A floating dock with steel gangway is located on the south end of the island. The two houses and dock are connected by narrow (<1m wide) dirt or wood chip footpaths.

The property owners have lived on the island for the past 25 years and strive to be stewards of the land with reduced human disturbance and impacts by living in an ecologically sustainable manner. Some of these initiatives include rainwater collection and use, composting toilets, solar power, removal and control of invasive plants (Scotch broom and English ivy), adhering to properly laid out paths to reduce disturbance of vegetation, avoiding clearing of vegetation and no removal of trees, planting of native trees, etc.

The site of the cabin is relatively flat followed by a slope down to the north towards the foreshore with a narrow dirt footpath through the ~8m wide riparian vegetation fronting the cabin. The tree canopy around the cabin location has been left intact and understory vegetation has been cleared (previous to 1957) in a small area for the cabin that is now grass, herbaceous groundcover species and bare dirt (no impermeable surfaces) with the existing old-growth trees surrounding the cabin. The tree canopy is dominated by old-growth mixed with younger Douglas fir, arbutus and Garry oak with one large willow tree; possible Scouler's willow (*Salix scouleriana*). Understory species include snowberry (*Symphoricarpos albus*), saskatoon berry (*Amelanchier alnifolia*), Nootka rose (*Rosa nutkana*), baldhip rose (*Rosa gymnocarpa*), oceanspray (*Holodiscus discolor*), dull-Oregon grape (*Mahonia nervosa*), tall-Oregon grape (*Mahonia aquifolium*), salal (*Gaultheria shallon*), trailing blackberry (*Rubus ursinus*), vetch (*Vicia sativa*), purple dead nettle (*Lamium purpureum*), sea blush (*Plectritis congesta*), chocolate lily (*Fritillaria lanceolata*), common camas (*Camassia quamash*) and invasive species including Scotch broom (*Cytisus scoparius*) and English ivy (*Hedera helix*). Broken topped trees, snags and wildlife trees were observed in the forested area surrounding the cabin.

The foreshore fronting the cabin is comprised of a bay with a pebble and shell hash beach, abundant driftwood logs and bedrock extrusions on either side of the pocket beach. No wetland or watercourses were identified in the vicinity of the project location and no watercourses were identified in the provincial *HabitatWizard* database.

A review of the Wildlife Tree Stewardship Atlas (WiTS) identified four Bald eagle nest trees on Mistaken Island (refer to Appendix B). According to the property owners, these nests are either erroneously mapped or have fallen in past years. One eagle nest is remaining and has been occupied in past years that is located at the northern end of the island at the following coordinates: 49° 19' 28.49" N / 124° 13' 10.15" W. This nest is approximately 240m north of the main house. An eagle nest within a broken topped mature Douglas fir tree adjacent to the cabin was being utilized by a nesting pair two years ago, but a winter storm caused the nest to fall out of the tree. No eagle nests were identified in proximity of the proposed development. According to the Great Blue Heron Atlas, no mapped Great blue heron nests are located on the island.

Old-growth and wildlife trees were identified in proximity of the cabin. Northern pygmy-owls and bats have been observed by the property owners in the forest habitat of the island and may be utilizing these trees for nesting habitat.

The Island's Trust Ballenas Winchelsea Sensitive Ecosystem Mapping identifies the following sensitive ecosystems for Mistaken Island: rock outcrop along the shoreline,

young forest, woodland and mature forest ecosystems. The Sensitive Ecosystems Inventory of East Vancouver Island and Gulf Islands (2004) identifies sensitive ecosystems for Mistaken Island including Coastal Bluff ecosystem (polygon N0330A) around the shoreline consisting of low-lying, rocky shorelines, rocky islets, and steep coastal cliffs. The remainder of the island has been identified as mixed conifer and deciduous Older Second Growth Forest with a dominant age class of 60-100 years and conifer-dominated Older Forest ecosystem of more than 100 years (SG:mx/OF:co (polygon N0330B)) (refer to Appendix C).

The Ballenas-Winchelsea Islands Trust Map 8: Eelgrass Presence identifies a polygon (#1104) of fringing, patchy eelgrass in the centre areas of the western shoreline and a 'moderate' patch on the west side of the southern tip of the island. The proposed project is on the east side of the island with no mapped eelgrass habitat.

Aquaparian completed a review of the BC Conservation Data Centre iMap which identified a polygon (#5102) of Coastal wood fern (*Dryopteris arguta*) at the northern tip of the island. The plant is a provincially blue-listed species and approximately 20 plants were recorded in this location in 1998. The polygon is located approximately 460m to the northwest of the project location and no Coastal wood fern plants were observed in the vicinity of the cabin. The BC CDC search results are included as Appendix D.

### 3.0 IMPACT ASSESSMENT

As identified in the Ballenas-Winchelsea Islands OCP Bylaw No. 27, 2013, Shoreline DPA General Guidelines relevant to the proposed project are as follows:

- Development of the shoreline area should be limited and minimize impacts on the ecological health of the immediate area.
- Soil removal and deposit, as well as areas cleared and disturbed for development should be minimized.
- 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 the extent of vegetation / tree removal (location, species and diameter of trees) and location of proposed construction, excavation and / or blasting, may be required.
- Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.
- 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.

- If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting should be required in accordance with these guidelines or requirements specified in the development permit. Areas of undisturbed bedrock exposed to the surface of natural sparsely vegetated areas should not require planting.
- All replanting should be maintained by the property owner for a minimum of 3 years from the date of completion of the planting. 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 within that time in the next regular planting season.  
(Ballenas-Winchelsea Islands OCP Bylaw No. 27, 2013)

The following information pertains to the proposed development in relation to the DPA and anticipated impact.

The existing cabin that was constructed in 1957 and is fully within the 30m DPA measured from the present natural boundary (PNB) of the ocean. The seaward deck on the north side of the cabin was 7.9m from the PNB but was recently removed as well as an addition off the west side of the cabin. The existing cabin is now approximately 11m from the PNB.

As depicted on the site plan by J.E. Anderson & Associates, the property owner intends to renovate the existing small cabin located in the centre area of the island. Two possible building footprints have been provided and have been included in Figure 2. Both possible plans involve relocating the existing cabin, which is currently supported on concrete piers, further back from the PNB. The new addition portion of the renovation is proposed to be constructed with minimal excavation either on concrete piers, a shallow concrete slab or shallow perimeter footings with a clay infill floor. The proposed construction area is limited to an area that has been cleared since 1957. The only trees that require removal are three danger trees that have been assessed by V.I Tree Services.

Building Footprint Option 1: would relocate the existing pan-abode cabin 7.3m x 4.9m (35.77m<sup>2</sup>) approximately 4m to the east and approximately 2m to the south of the current footprint. A new 1.5 story, 4.9m x 7.3m (35.77m<sup>2</sup>) timber-frame addition would be constructed to the west of the cabin (aligned north to south) and set back an additional 1.6m from the PNB from the original addition location. A 3.65 x 3.65m (13.32m<sup>2</sup>) screened porch is proposed between the two structures. The total area of the proposed additional footprint over the previous cabin is

approximately 49.09m<sup>2</sup> but will be shifted further back from the shoreline. The entry porch shown on the draft plan is no longer being contemplated.

Building Footprint Option 2: would relocate the existing cabin ~1.2m east and ~1.3m south of the current footprint. A new 1.5 story, timber-frame 35.7m<sup>2</sup> addition would be constructed to the west of the cabin (aligned east to west) and set back an additional 3.4m from the PNB from the original addition location. A 3.65 x 3.65m (13.32m<sup>2</sup>) screened porch is proposed between the two structures. The total footprint of the proposed new structures is approximately 49.02m<sup>2</sup>. The buildings will be shifted back to ~11.6m from the PNB.

Both plans are within previously disturbed areas of the original cabin that was constructed in 1957 between existing mature trees. A mature Douglas fir tree with a broken top and a Diameter-at-Breast-Height (DBH) of 92cm is located on the west side of the cabin that will require removal for the addition. A mature Arbutus tree (76cm DBH) will require removal located on the south side of the cabin and is leaning to the south away from the cabin. A 5-stem willow tree (41cm DBH) located 1.3m from the southeast corner of the cabin will require removal for the shifted cabin. These trees are all located within the DPA. As understood, the Douglas fir and arbutus tree have been deemed as 'Danger Trees' by a Certified Arborist (confirmation via Arborist report to be forwarded to the Islands Trust). No other trees or shrubs will be removed for this project.

In summary, the proposed renovation and expansion of the existing footprint of the cabin is in an area that was previously clear of understory vegetation since 1957. Two mature trees would require removal for this project which are identified as danger trees. If Option 2 is selected, a willow would also require removal. The existing shoreline vegetation is intact except for a narrow footpath leading to the beach. The alternative of relocating the building out of the 30m DPA would require removal of a greater number of mature trees and intact understory vegetation; this would be a much bigger impact than what is proposed.

Aquaparian recommends that the two danger trees and a 5-stem willow tree (likely Scouler's willow) be replaced to compensate for the impact to the DPA. The provincial Tree Replacement Criteria (1996) guidelines recommend that trees of this DBH be replaced with 4 replacement trees with a minimum height of 2.0m. However, this size is not recommended due the shallow soil and dry conditions of the island. Douglas fir appears to be the most appropriate species for planting based on the site conditions and surrounding vegetation. Therefore, Aquaparian recommends that 4 Douglas fir trees of 1 Gallon size be planted within the DPA to compensate for the loss. Plant the trees no closer than 3m apart to allow room for maturity.

It is recommended that trees be planted in the spring or fall season and should be maintained and irrigated as necessary through at least three summer seasons to optimize survival. Planting in cool wet weather will reduce transplant shock and allow the plants to establish root systems without drought stress.

Install trees with a handful of bone meal (reduces transplant shock) mixed with topsoil into the planting hole. Composted organic bark mulch will help retain moisture and reduce surface erosion. Water plantings immediately and as often as necessary until established – especially through the first three summers. Replace any dead plants within the first three years.

## 5.0 ENVIRONMENTAL PROTECTION RECOMMENDATIONS

The following environmental protection measures are recommended to prevent negative impacts during the proposed construction works:

- Avoid removing trees within the migratory bird nesting season (March 15<sup>th</sup> to August 15<sup>th</sup>). If clearing is required during that time, a pre-clearing bird nest survey is to be completed by a Qualified Biologist within three days prior to clearing. If nests are discovered, recommendations will be provided such as no-disturbance limits or a delay in clearing until fledging is confirmed.
- No sediment or other deleterious substances are to be allowed to migrate to the foreshore of the ocean. Sediment and erosion control measures are recommended during the construction phase. Measures may include timing excavation activities within the dry season and installation of silt fencing between the construction zones and the top of bank of the foreshore slope if necessary. Do not allow any concrete or concrete leachate to enter the marine foreshore.
- Trees to remain in proximity of the proposed development are to be protected from damage. Install plastic protective fencing (or other visual barrier) around the drip line of trees (or a distance of 6 times the stem diameter), adjacent to the construction footprint to prevent damage and to prevent compaction of root systems by heavy equipment.
- Following construction, areas of exposed soils are prone to erosion and sediment migration. The area may be seeded and covered with straw or composted bark mulch or similar organic mulch to reduce erosion until the soils have stabilized and vegetated. To

avoid introduction of species, Aquaparian recommends collecting local grass seeds during the late summer.

- Continue to annually remove and control invasive species within the DPA including English ivy.
- All archaeological sites, recorded or not, are protected under the Heritage Conservation Act and must not be altered or damaged without a site alteration permit from the Archaeology Branch. If evidence of an archaeological site is encountered during development, activities must be halted immediately and the Archaeological Branch contacted at 250-953-3334 for guidance. No further clearing or excavation should occur until an Archaeological Assessment is completed by a Professional Archaeologist.

## 6.0 CLOSURE

This report has been based on a site assessment, past project experience and in accordance with generally accepted biological practices. No other warranty is made, either expressed or implied. Aquaparian trusts that the information provided in this report meets your requirements. Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.



203-321 WALLACE ST, NANAIMO, BC V9R 5B6

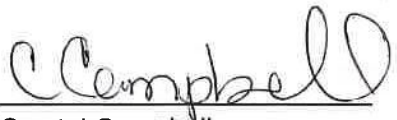
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

Sincerely,

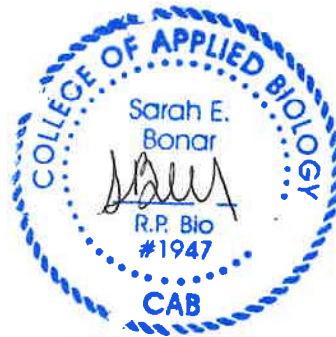
**AQUAPARIAN ENVIRONMENTAL CONSULTING LTD.**

Prepared by:

Reviewed/Revised by:



Crystal Campbell  
Environmental Technician



Sarah Bonar B.Sc., R.P.Bio  
Senior Biologist / Principal

<https://netorg5387218.sharepoint.com/sites/Shared/Shared Documents/Documents/Projects/Projects/N1053 Mistaken Island EIA/Mistaken Island Addition EIA Report.docx>

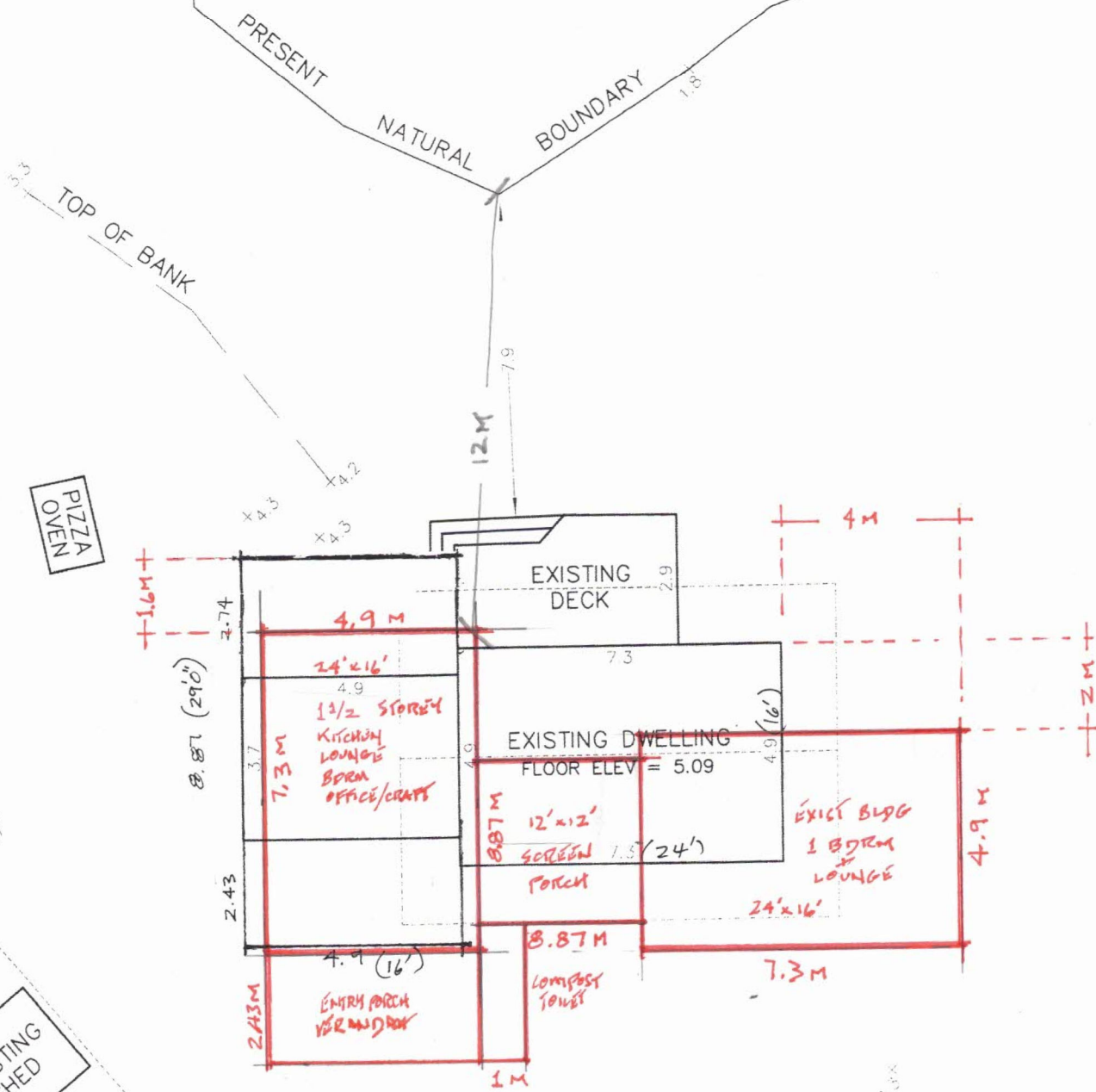
**FIGURE 1**  
**SITE LOCATION MAP**

**Figure 1. Site Location Map  
Mistaken Island, BC**



**FIGURE 2**  
**SITE PLAN**

Building Footprint - Option 1



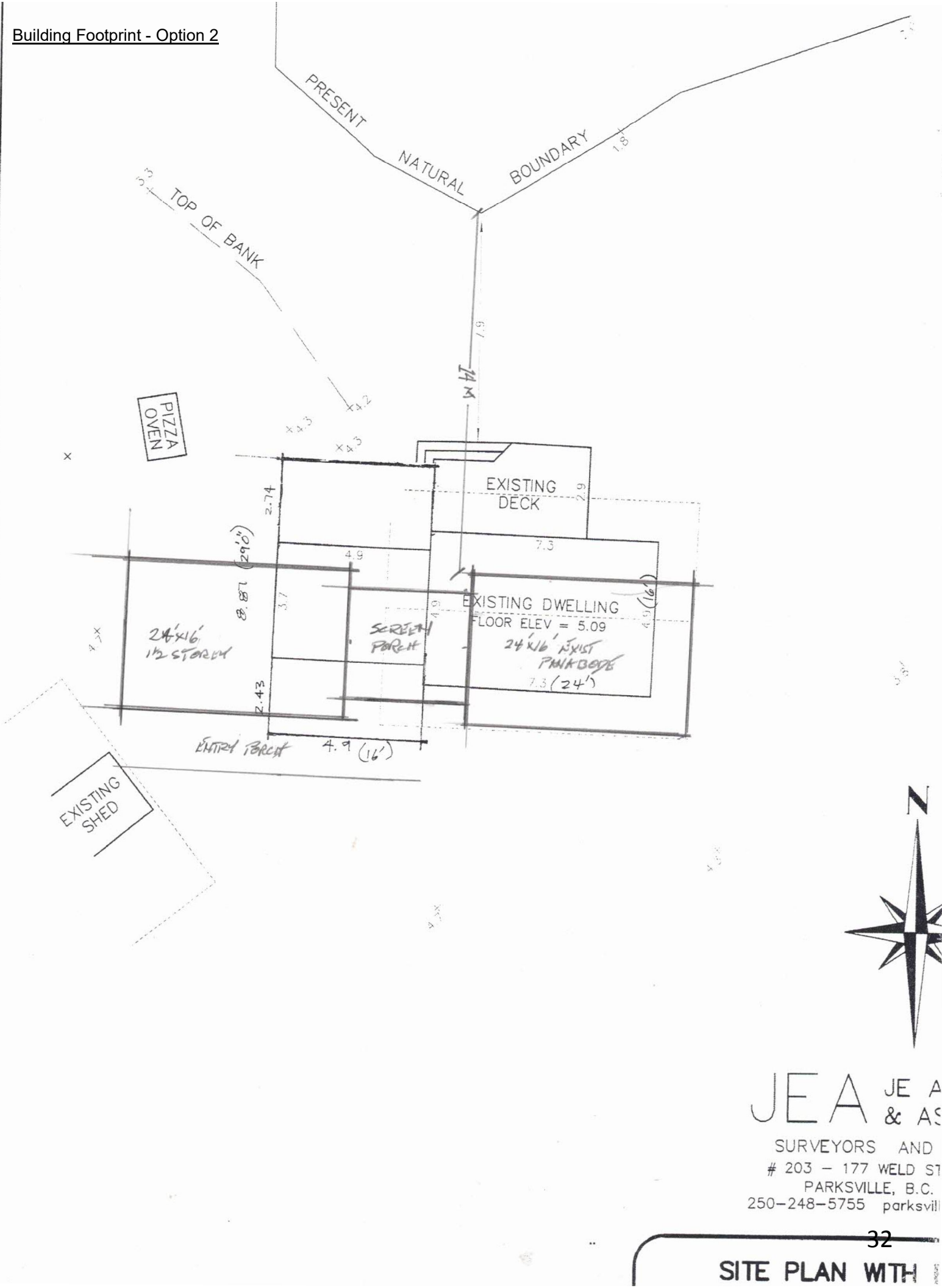
PROPOSED RENOVATION  
MISTAKEN ISLAND  
SCALE 1:150

5/5/22



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250-248-5755 parks

Building Footprint - Option 2



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PARKSVILLE, B.C.  
250-248-5755 parksvill

## **APPENDIX A**

### **SITE PHOTOGRAPHS**



203-321 WALLACE ST, NANAIMO, BC V9R 5B6

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Mistaken Island, BC  
Photo Sheet 1

Photographs provided by the property owner of the existing cabin before the addition and decking were removed.



Photo 1. The subject property on Mistaken Island, BC showing the small cabin that was built in 1957 7.9m from the present natural boundary of the eastern shoreline within the southern portion of the island.



Photos 2 & 3. Showing the cabin with the addition on the west side that has since been removed.

## Photo Sheet 2

### Photographs taken by Aquaparian during the site assessment on May 2, 2023



Photo 4. The existing small cabin with the addition off the west side of the small cabin removed (May 2, 2023).



Photo 5. Showing the back of the cabin facing northwest. The timber-frame cabin is supported by concrete piers.



Photo 6. Showing the north side of the existing cabin that faces the ocean. The deck has been removed.



Photo 7. The slope between the cabin and the foreshore is vegetated with Arbutus, Douglas fir trees and understory vegetation. A narrow footpath leads down to the beach.



Photo 8. The pathway leads down to a pebble beach with bedrock headlands on either side.



Photo 9. Showing the mature Douglas fir tree (92cm DBH) with broken top on the west side of the cabin that is planned to be removed for the new addition.



Photo 10. A mature Arbutus tree (76cm DBH) is located on the south side of the cabin that will require removal for the proposed project. This tree shows signs of centre rot and is leaning towards the south.



Photo 11. A 5-stem willow tree (41cm DBH on largest stem) is located near the southeast corner of the cabin that will require removal for the proposed project.

## Photo Sheet 4



Photo 12. A mature Douglas fir tree with a broken top is located to the southeast of the cabin. An eagle nest was located in this tree until the nest fell out of the tree ~2 years ago. This tree is to remain.



Photo 13. A small deck with wood-fired hot tub and sauna is located to the northwest of the cabin. The structure was constructed 3 years ago at the top of bank of the foreshore slope that leads down to the beach.



Photo 14. View facing southeast along the shoreline and showing the sauna and cabin locations.



Photo 15. The main house is located in the centre of the island at the top of a steep bluff with views over the eastern shoreline. The proposed project does not include any development plans for this house.

## Photo Sheet 5

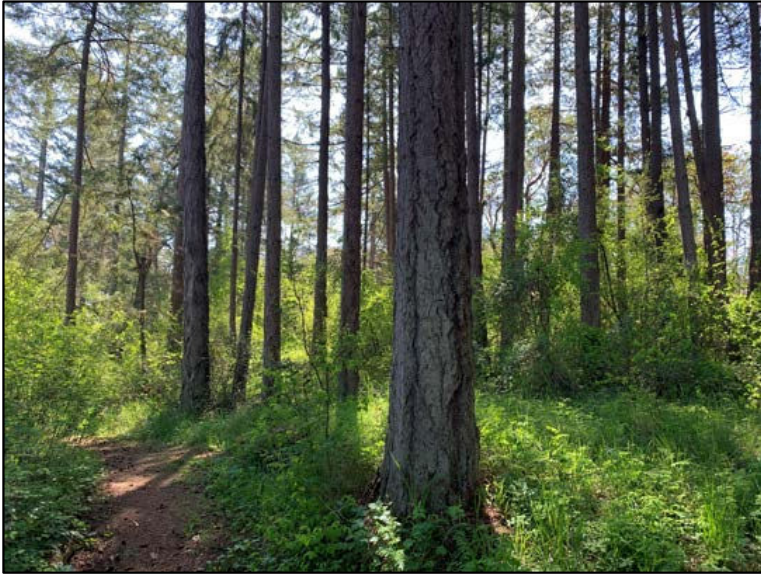


Photo 16. The forest ecosystem of the island is a dry Douglas fir/Garry oak/Arbutus forest with old-growth trees and patches of terrestrial herbaceous and Garry oak meadow habitat. Most of the island is natural with minimal human disturbance.



Photo 17. The floating dock is located at the southern end of the island within a small bay surrounded by steep bedrock cliffs.

## **APPENDIX B**

### **PROVINCIAL WILDLIFE TREE STEWARDSHIP ATLAS SEARCH RESULTS**



203-321 WALLACE ST, NANAIMO, BC V9R 5B6

SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

**Provincial Wildlife Tree Stewardship Database Search Results  
Mistaken Island, BC**



## **APPENDIX C**

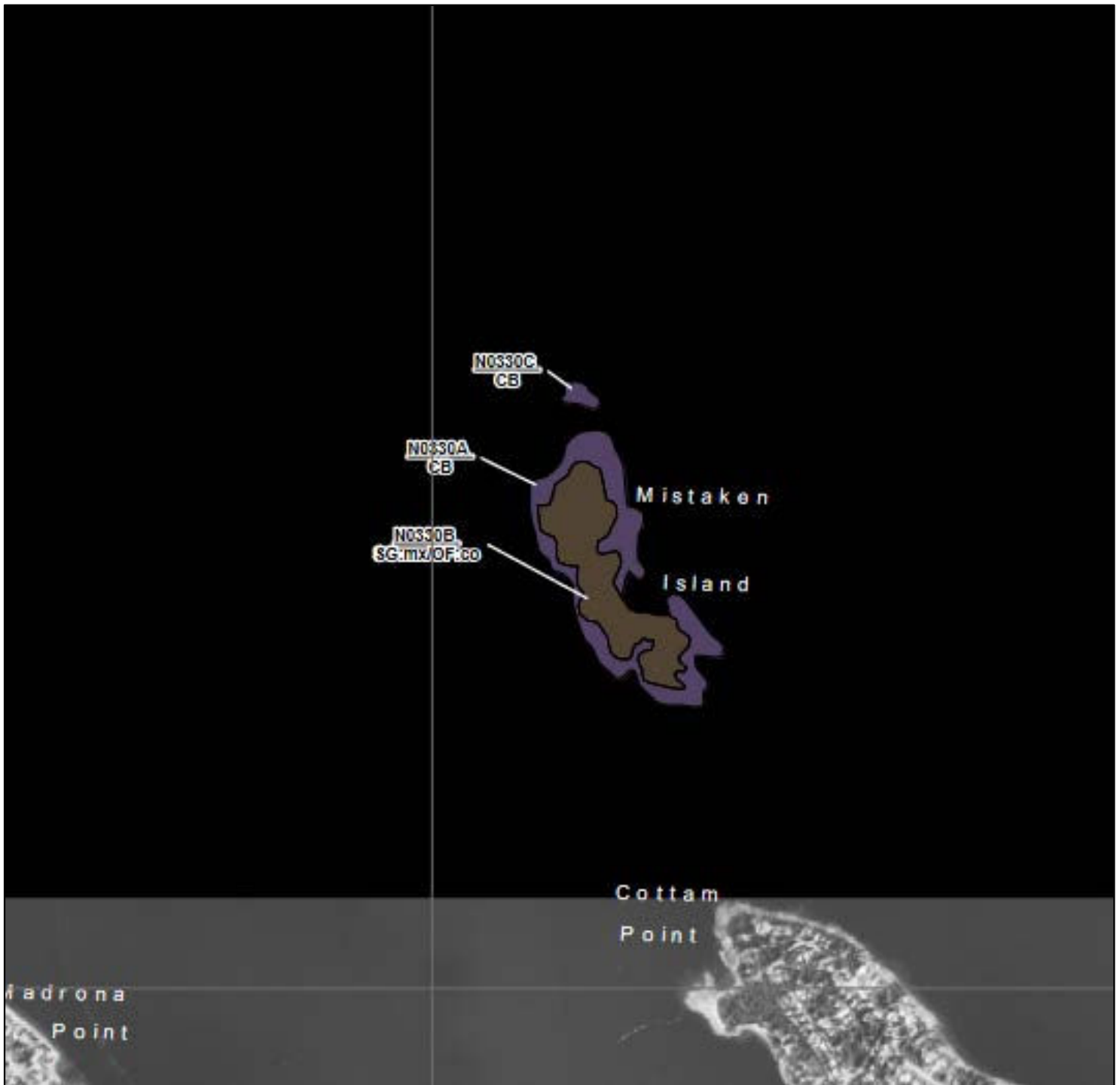
### **SENSITIVE ECOSYSTEMS INVENTORY SEARCH RESULTS**



203-321 WALLACE ST, NANAIMO, BC V9R 5B6

SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

# Sensitive Ecosystems Inventory (SEI) of East Vancouver Island and Gulf Islands Mistaken Island, BC



- CB** Coastal Bluff  
**SG:mx** Older Second Growth Forest (mixed)  
**OF:co** Older Forest (coniferous)

## **APPENDIX D**

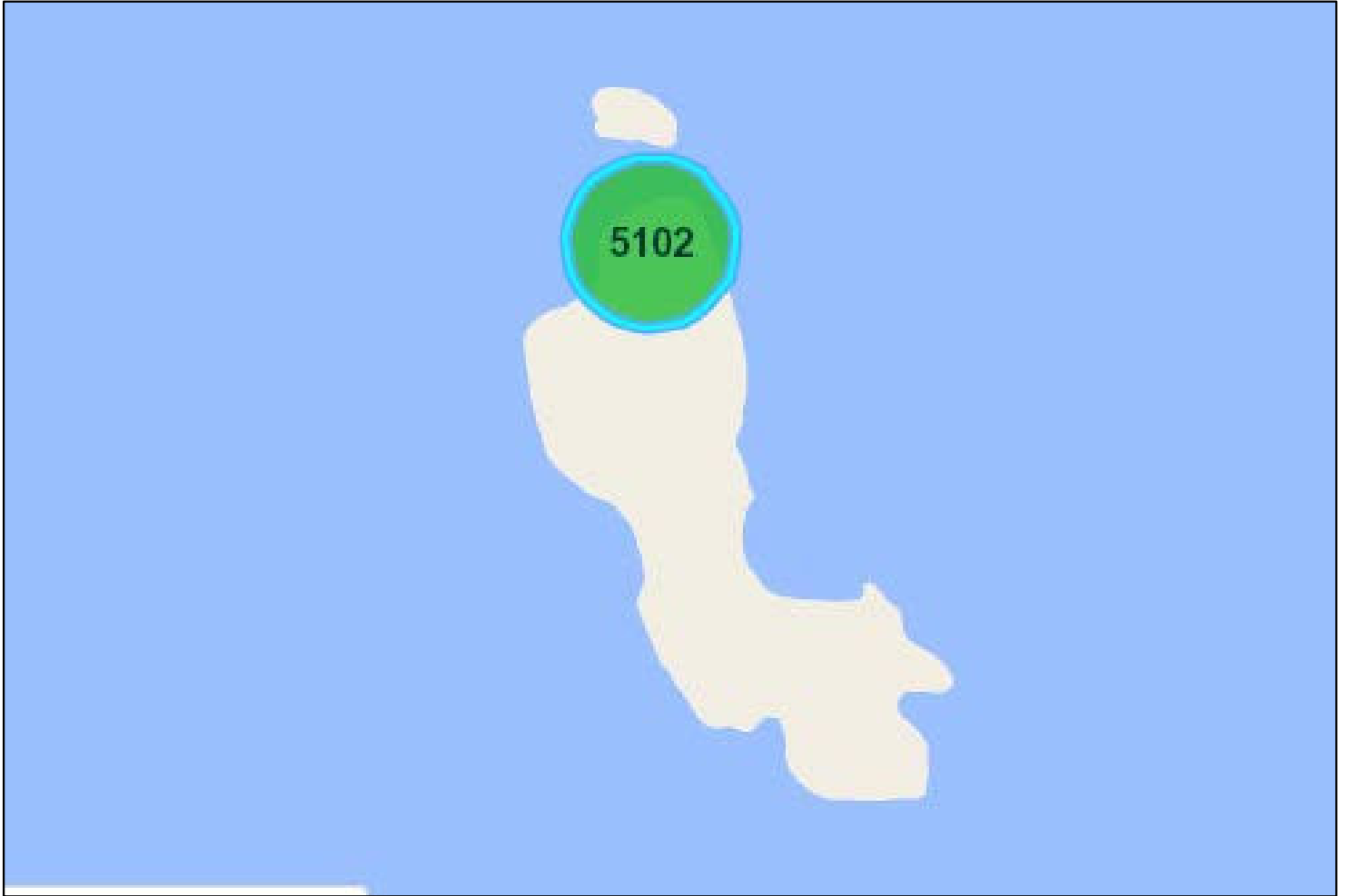
### **BC CONSERVATION DATA CENTRE SEARCH RESULTS**



203-321 WALLACE ST, NANAIMO, BC V9R 5B6

SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

**BC Conservation Data Centre Search Results**  
**Mistaken Island, BC**



Polygon 5102 – Coastal wood fern (*Dryopteris arguta*)



Islands Trust

BALLENAS-WINCHELSEA ISLANDS LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT  
EX-DP-2024.1

To: Clifford Wesley Walker & Susan Marion Miller

1. This Development Permit (the “Permit”) applies to the land described below:

DISTRICT LOT 95, NANAIMO DISTRICT (KNOWN AS MISTAKEN ISLAND)  
(PID: 009-777-261)

2. This Development Permit EX-DP-2024.1 authorizes the siting and construction of a single family dwelling within the Shoreline Development Permit Area (DPA) subject to the following requirements and conditions:

**General**

- a) The siting and dimensions of the single family dwelling shall be substantially consistent with Schedule ‘A’ and ‘B’ attached to and forming part of this permit;
- b) With the exception of the development permitted herein, there shall be no land alteration (clearing or disturbance) of native plants and trees and all construction shall minimize disturbance and maintain any undeveloped terrestrial habitat in as natural a state as possible;
- c) All contractors and construction personnel are to be notified of the location of the DPA and the conditions of this Development Permit;
- d) Contractors shall inspect their machinery, equipment and vehicles for leaks prior to operation and to ensure they are in good working order and do not transport invasive plant species seeds onto or off the property;
- e) Machinery and equipment shall only be refuelled at a designated location that is a minimum 15 metres distant landward and isolated from the natural boundary of the sea;
- f) A spill response kit shall 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;

**Environmental Protection**

- g) Avoid removing trees within the migratory bird nesting season (March 15<sup>th</sup> to August 15<sup>th</sup>). If clearing is required during that time, a pre-clearing bird nest survey is to be completed by a Qualified Biologist within three days prior to clearing. If nests are discovered, recommendations will be provided such as no-disturbance limits or a delay in clearing until fledging is confirmed;
- h) Excavation work to be completed during dry weather, halt work during heavy precipitation events to reduce the risk of soil erosion.
- i) Installation of sediment fencing between the construction zones and the top of bank of the foreshore slope consistent with Schedule ‘C’ to prevent concrete or concrete leachate from entering the marine foreshore;
- j) 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;

**Restoration**

- k) Following construction, any exposed soil area should be seeded with local grass seed and covered with organic mulch to reduce erosion until the soils have stabilized and vegetated;
- l) The two mature trees requiring removal for development should have their stumps left in place to provide some soil stabilizing influence until replacement vegetation is established. Four replacement Douglas fir trees of 1 gallon size should be planted in the spring or fall season within the development area to compensate for the removed trees;



Islands Trust

BALLENAS-WINCHELSEA ISLANDS LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT  
EX-DP-2024.1

- m) All replanting shall be maintained by the property owner including necessary irrigation for a period of 3 (three) years from the date of completion of the planting, or until they have reached a suitable 'free to grow' stage of 1.5 metres, 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 shall be replaced at the owner's expense in the next regular planting season;

***Flood Hazard Assessment***

- n) Construction of, alteration to, or addition of any building or structure and any alteration of land shall comply with the recommendations of the geotechnical assessment prepared by Jeff Scott, P. Eng. of Lewkowich Engineering Associates Ltd., dated April 12, 2024 attached to and forming part of this permit as Schedule 'D';
- o) During construction all footing and floor elevations shall be confirmed by professional survey to ensure the finished floor grade is at or above the recommended minimum FCL geodetic elevation;
- p) Perimeter yard areas should be sloped as to direct potential water away from the proposed residence and towards the foreshore area;

***Monitoring***

- q) Environmental monitoring and guidance is to be conducted by a registered professional biologist (R.P. Bio.) to ensure all restoration conditions herein have been met to the satisfaction of the R.P. Bio;
- r) The monitoring R.P. Bio(s) shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within three months (3) of the development work being completed;
- s) Geotechnical monitoring and guidance is to be conducted by a professional engineer (P. Eng) with relevant experience, to ensure that all construction conditions herein and included in the Flood Hazard Assessment attached as Schedule 'B' have been met to the satisfaction of the P. Eng;
- t) The monitoring P. Eng(s) shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within three months (3) of the development work being completed.

- 3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
- 4. 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.
- 5. This permit does not relieve the applicant from complying with the provisions of the Ballenas-Winchelsea Island Land Use Bylaw unless varied by this Permit.

This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Ballenas-Winchelsea Islands Land Use Bylaw No. 28, 2013 and to obtain other approvals necessary for completion of the proposed development.



Islands Trust

BALLENAS-WINCHELSEA ISLANDS LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT  
EX-DP-2024.1

**AUTHORIZING RESOLUTION PASSED BY THE EXECUTIVE COMMITTEE ACTING AS A LOCAL TRUST COMMITTEE  
(BALLENAS-WINCHELSEA ISLANDS) THIS ##th DAY OF MONTH, YEAR.**

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

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

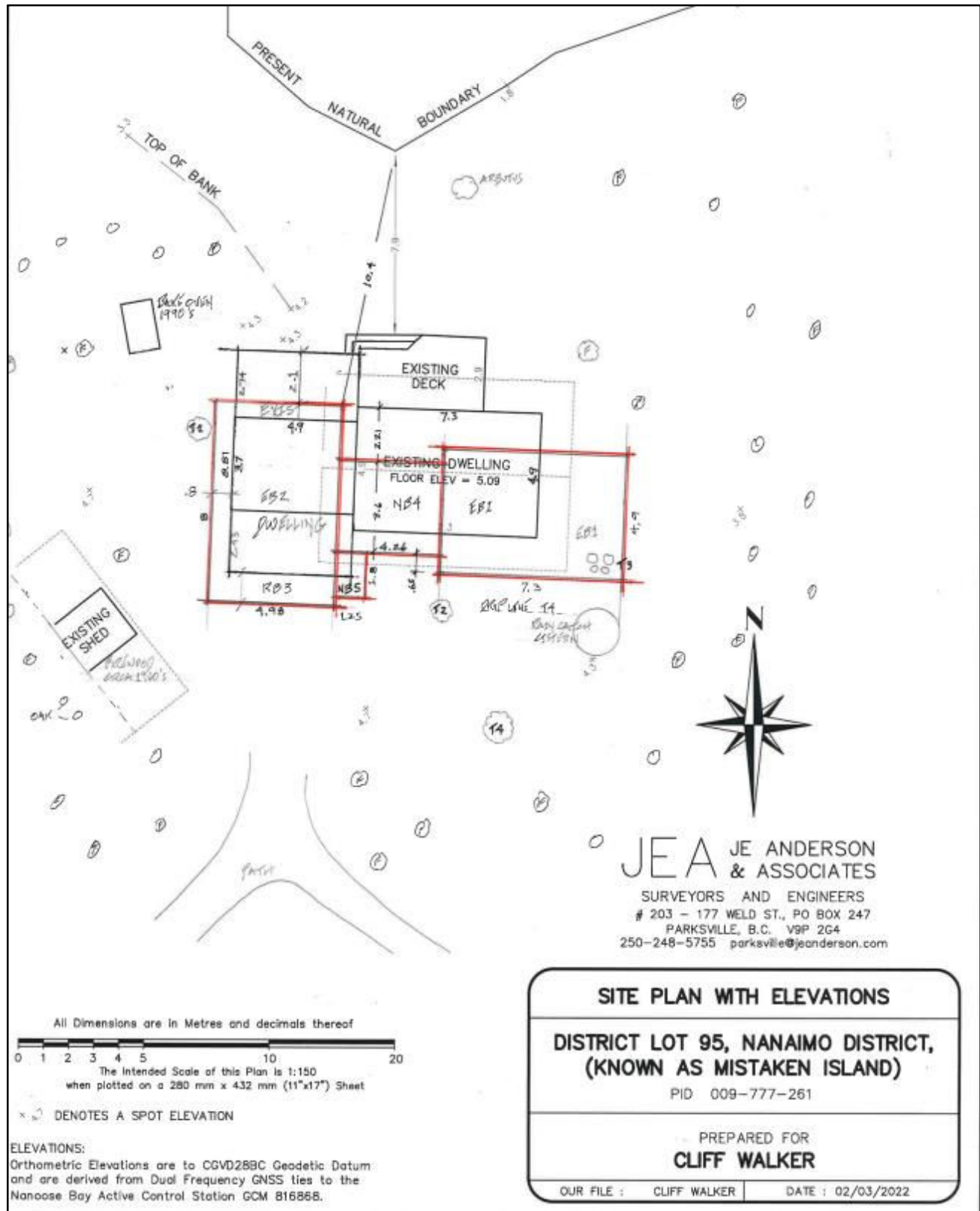
**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, YEAR, THIS PERMIT  
AUTOMATICALLY LAPSES.**

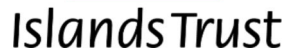


Islands Trust

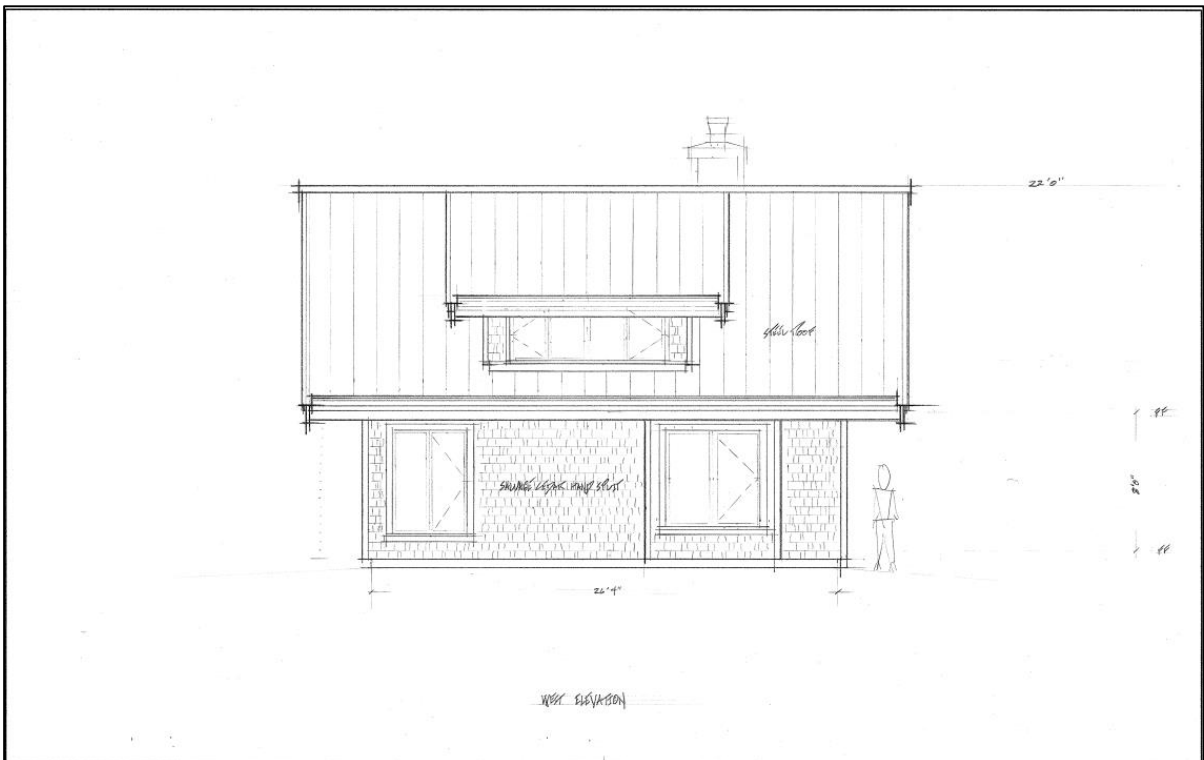
BALLENAS-WINCHESEA ISLANDS LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT  
EX-DP-2024.1

SCHEDULE 'A' – Site Plan





### SCHEDULE 'B' – Building Plans







Islands Trust

BALLENAS-WINCHELSEA ISLANDS LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT  
EX-DP-2024.1

SCHEDULE 'C' – Erosion and Sedimentation Control Measures

***Silt Fence Installation Method & SPEA Signage***

***Temporary Silt Fences***

Silt fences are one of the most common tools for controlling sediment and preventing it from entering waterways. They are also often incorrectly installed and maintained. They are designed to slow down and filter “sheet flow”. They are not to be used as dams or to control larger flows of water.

***Installing a silt fence:***

1. Think about the direction of water/sediment flow before you install the fence. The fence needs to be at 90° to the flow.
2. Make sure there is a long enough tail on the fence that it can be adequately buried. Water rarely goes over a silt fence, but often goes under.
3. The tail of the fence faces into the flow, so that sediment cannot wash underneath it. Remember the goal of the fence is to slow down the water and trap sediment so only clean water goes through the fence.
4. The posts anchoring the fence should be on the downstream (clean) side. This allows water to push fabric against the posts, rather than pull it away from the posts which could cause the fence to fail.
5. The fence should be tight. Do not allow the fabric to flop around between the posts.
6. **The bottom of the fence (tail) must be buried at least 20 cm (8”) deep so that water cannot flow under it.** If burying is not possible due to hard ground or other obstacles, use clean, washed pea gravel to weight the tail down and conform to the ground (Figure 1).
7. Make sure there are **no gaps under the fence.**
8. Make sure posts are firmly driven into the ground. If a wooden post breaks, replace it with a rebar stake and wire the fence to it.
9. On rough or rocky ground, fences that come with wooden stakes pre-attached are often difficult to use. Instead, obtain a roll of filter fabric and separate bundles of stakes.
10. Hammer the stakes into the ground at approximately 1.5 - 2 m intervals, as ground conditions allow.
11. Unroll the fabric along the fence, leaving a good tail that can be buried. Remember that the water/sediment is likely only a few inches deep and is unlikely to go over the fence.
12. Staple the fabric to the stakes with a heavy duty staple gun.
13. Dig the tail into the ground, or place a generous layer of washed, clean pea gravel on the tail to weight it down.
14. Check for gaps and ensure the fence is tight to the ground.
15. If the sediment fence appears weak, or is on a slope, put straw bales tight behind the fence to support it. Use best your judgement to determine the spacing and number of bales. If the fence collapses, it is useless.

***Maintaining a silt fence:***

1. Check the fence regularly and repair it if needed. Remove built up sediment and dispose of it away from the watercourse and where it cannot be washed into a drain or ditch.
2. Don't forget to dig away sediment for proper disposal and **remove the silt fence when the project is done** and the ground has stabilized. Make a note it on your calendar to check and remove it



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SCHEDULE 'C' – Erosion and Sedimentation Control Measures

**Silt Fence Diagram**

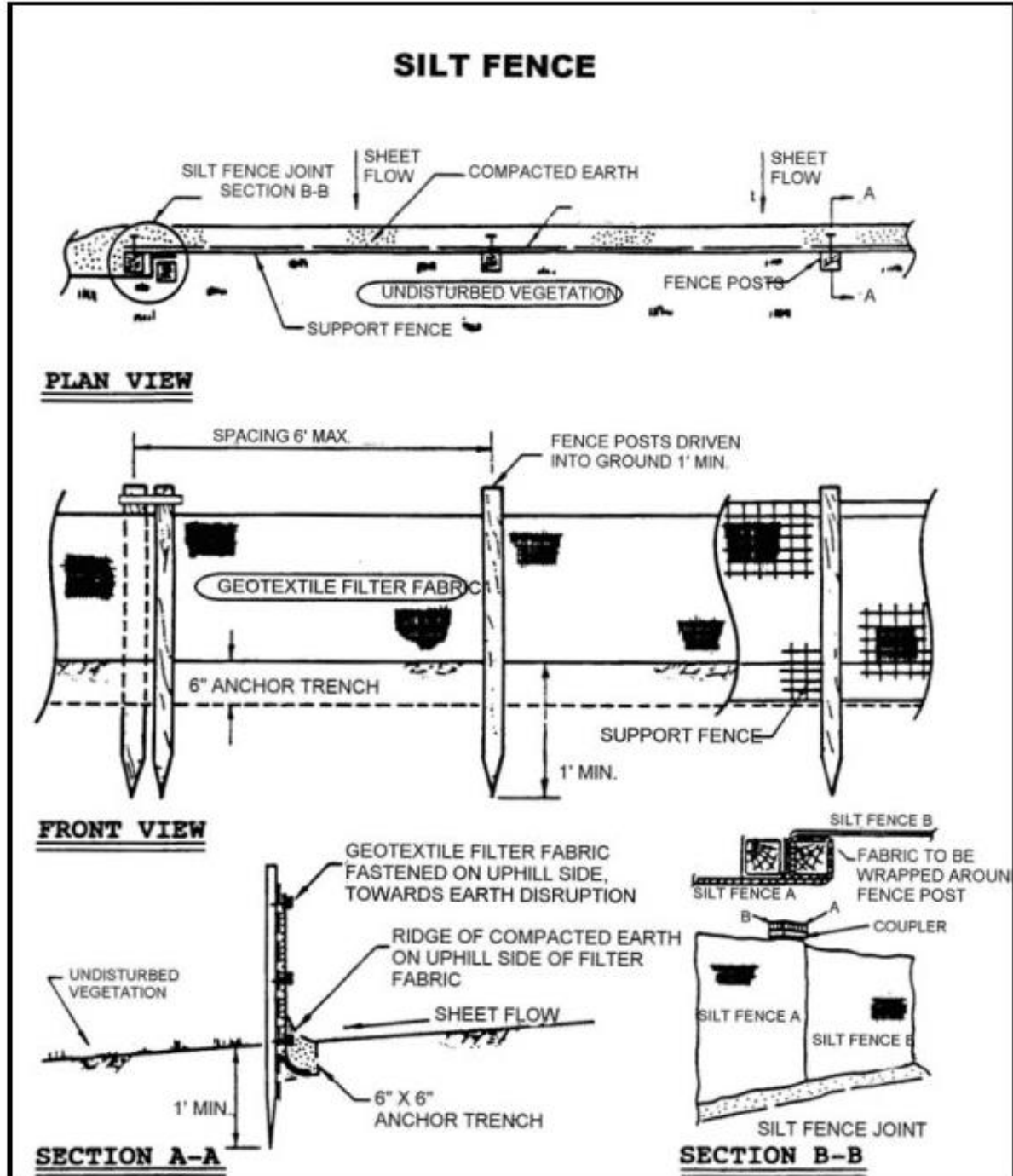


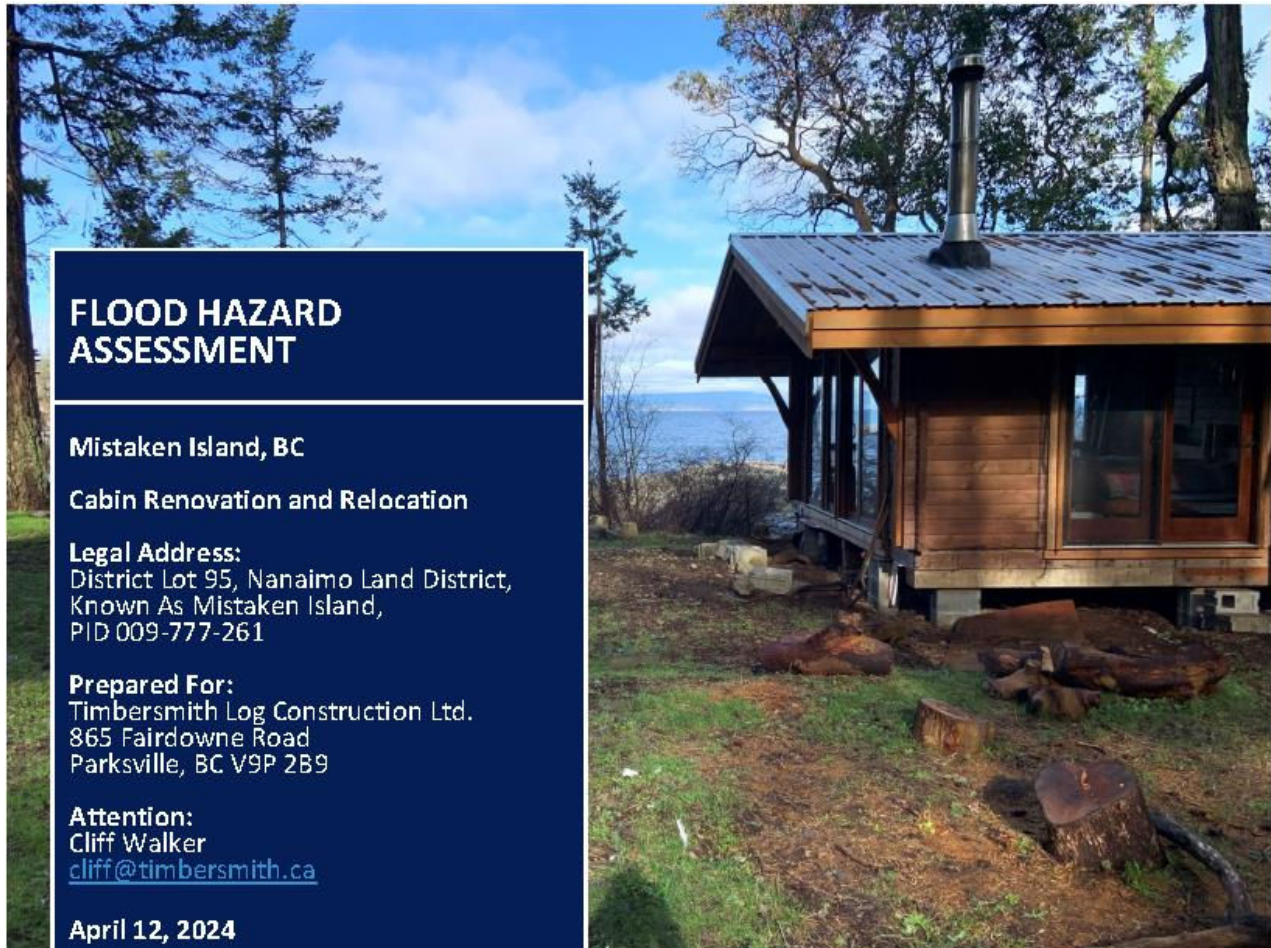
Figure 3. Schematic diagram of silt fence installation. Courtesy Nebraska H2O ([www.nebraskaH2O.org](http://www.nebraskaH2O.org))



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SCHEDULE 'D' – Flood Hazard Assessment



**FLOOD HAZARD  
ASSESSMENT**

**Mistaken Island, BC**

**Cabin Renovation and Relocation**

**Legal Address:**

District Lot 95, Nanaimo Land District,  
Known As Mistaken Island,  
PID 009-777-261

**Prepared For:**

Timbersmith Log Construction Ltd.  
865 Fairdowne Road  
Parksville, BC V9P 2B9

**Attention:**

Cliff Walker  
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**April 12, 2024**

File No.: E3104.01

Revision No.: 01

Prepared by: Jeff Scott, P.Eng.

Reviewed by: Chris Hudec, M.A.Sc., P.Eng.

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### DISCLAIMER, ACKNOWLEDGMENTS, AND LIMITATIONS

1. Lewkowich Engineering Associates Ltd. (LEA) acknowledges that this report, from this point forward referred to as "the Report," may be used by Islands Trust (IT) as a precondition to the issuance of a development and/or building permit. It is acknowledged that Approving Officers and/or Building Officials of IT may rely on this Report when making a decision on application for development of the land. It is acknowledged that this Report and any conditions contained in the Report may be included in a restrictive covenant under Section 56 of the Community Charter and registered against the title of the property at the discretion of IT.
2. This Report has been prepared in accordance with standard geotechnical engineering practice solely for and at the expense of Timbersmith Log Construction Ltd. We have not acted for or as an agent of IT in the preparation of this Report.
3. The conclusions and recommendations submitted in this Report are based upon information from relevant publications, a visual site-assessment of the property, observed and inferred subsurface conditions, current construction techniques, and generally accepted engineering practices. No other warranty, expressed or implied, is made. If unanticipated conditions become known during construction or other information pertinent to the development becomes available, the recommendations may be altered or modified in writing by the undersigned.
4. Future construction shall be carried out within the requirements and recommendations of the Environmental Consultant (if applicable), any defined jurisdictional bylaws, or any existing restrictive covenants, whichever is more stringent. Any environmental setbacks or jurisdictional limitations may supersede the recommendations in this Report.
5. The comments and recommendations of this Report are current as of the date of this Report and speak to the condition of the subject property and adjacent/adjoining properties. If there are any circumstances, such as a change in elevation, topography, or gradients within the subject property or land in proximity to the development area, the comments and recommendations of this Report become void, and will require re-evaluation by the undersigned.
6. This Report was authored, to the best of our knowledge at the time of issuance, with considerations for local requirements specific to the Authority Having Jurisdiction (AHJ) and their standards for the preparation of such reports, the 2018 British Columbia Building Code (BCBC), and current engineering standards. Updates to municipal bylaws, policies, or requirements of the AHJ, or updates to the BCBC and/or professional practice guidelines may impact the validity of this Report.
7. This Report has been prepared by Jeff Scott, P.Eng., and reviewed by Chris Hudec, M.A.Sc., P.Eng. Mr. Scott and Mr. Hudec are both adequately experienced and are also members in good standing with the Engineers and Geoscientists of British Columbia (EGBC).

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## EXECUTIVE SUMMARY

1. The following is a brief synopsis of the property, assessment methods, and findings presented in the Report. The reader must read the Report in its entirety; the reader shall not rely solely on the information provided in this summary.
2. The subject property, Mistaken Island, BC, from this point forward referred to as "the Property," is a privately owned island located off the east coast of Vancouver Island within the jurisdictional boundaries of IT. The proposed development for the Property at the time of this Report consists of the renovation and relocation of an existing cabin.
3. A site-specific geotechnical hazard assessment was conducted to identify any potential hazards for the proposed development. One hazard was identified and addressed in this Report: coastal flooding.
4. The Report recommends a coastal FCL of 5.83m CGVD28. Considering the proposed renovation will not increase the original building footprint by more than 25%, it is acceptable to allow the renovation at the original non-conforming floor elevation of 5.09m CGVD28.
5. The Report approves the proposed relocation of the cabin, shown to be set back 10.4m from the PNB.
6. The findings confirm the land is considered safe for the use intended, provided the recommendations in this Report are followed.

### List of Abbreviations Used in the Report

| Abbreviation | Title                                           |
|--------------|-------------------------------------------------|
| AEP          | Annual Exceedance Probability                   |
| AHJ          | Authority Having Jurisdiction                   |
| BCBC         | British Columbia Building Code                  |
| CGVD         | Canadian Geodetic Vertical Datum                |
| DPA          | Development Permit Area                         |
| EGBC         | Engineers and Geoscientists of British Columbia |
| FCL          | Flood Construction Level                        |
| IT           | Islands Trust                                   |
| LEA          | Lewkowich Engineering Associates Ltd.           |
| OCP          | Official Community Plan                         |
| PNB          | Present Natural Boundary                        |
| RDN          | Regional District of Nanaimo                    |
| SLR          | Sea Level Rise                                  |

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## 1.0 INTRODUCTION

### 1.1 General

- a. As requested, LEA has carried out a Geotechnical Hazard Assessment of the subject Property with respect to the proposed development. This Report provides a summary of our findings and recommendations.

### 1.2 Background

- a. We understand that the proposed development consists of the renovation and relocation of an existing cabin. The original cabin measured approximately 78.8m<sup>2</sup>, however, a section of the original cabin was removed 3 years ago in preparation for this renovation. The remaining cabin at the time of our assessment is approximately 35.7m<sup>2</sup>, single-storey, timber-framed, built on concrete piers, and originally constructed in 1957.
- b. The Property is a 32 acre privately owned island, known as Mistaken Island, situated within the jurisdictional limits of Islands Trust - Ballenas-Winchelsea Island Local Trust Area. As per the Ballenas-Winchelsea Islands OCP, the Property is located within the Shoreline DPA. Therefore, we understand a Geotechnical Assessment and report is required to assist in determining what conditions or requirements shall be included in the development permit so that the proposed development is protected from the identified natural hazards and no increase in hazard is posed to existing development on or near the Property.

### 1.3 Assessment Methodology

- a. This assessment included a desktop review of relevant background information, including applicable IT bylaws,<sup>1-3</sup> available development plans, registered covenants on title, aerial photographs, and published geology, topography, and floodplain mapping (if any). Please refer to the list of references at the end of this Report.
- b. A site reconnaissance was conducted on February 12, 2024, to visually assess the current site conditions throughout the Property, development area, and adjacent coastal foreshore.
- c. This assessment was prepared with consideration of the referenced *EGBC Legislated Flood Assessments in a Changing Climate in BC*.<sup>4</sup> Please refer to the attached EGBC assurance statement.

### 1.4 Covenant Review

- a. As part of our assessment, we have reviewed the legal title of the Property, specifically relative to any restrictive covenants that may impact the conclusions or recommendations made in this Report.
- b. At the time of this Report, there were no covenants registered to the title of the Property.



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## 2.0 SITE CONDITIONS

### 2.1 Physical Setting

- a. The Property is a 32 acre privately owned island, known as Mistaken Island, located approximately 500m off the east coast of Vancouver Island within the Ballenas Channel (Salish Sea), east of Parksville and north of Northwest Bay. The development area is located on the southeast coast of Mistaken Island fronting a small bay. Refer to Figures 2.1 and 2.2 below.



Figure 2.1: Large Scale Property Location (Google Earth)



Figure 2.2: Small Scale Property Location (Google Earth)

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## 2.2 Terrain and Features

- a. In general, the terrain within the proposed development area is relatively flat. Based on the attached Site Plan, elevations within the development area range from approximately 4.3m to 4.7m CGVD28, for a total vertical relief of 0.4m. The development area has been cleared of vegetation and covered by short grass. However, it is immediately surrounded by undisturbed natural mature coastal forest.
- b. The shoreline fronting the development area consists of a gentle, 8m wide, 10 degree slope. With the exception of a short trail leading to the foreshore, the shoreline slope is densely vegetated with thicket and mature trees.
- c. The foreshore fronting the development area is relatively complex, consisting of a narrow gently sloping cobble beach (approximately 15 to 20m wide) between rough undulating bedrock exposures. Numerous driftwood logs have collected on the beach. The bedrock exposures to the east of the beach extend north into the sea, effectively creating a protected bay.
- d. Please refer to Photos 2.2.1 to 2.2.3 below.



Photo 2.2.1: Existing cabin and development area, looking north



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**Photo 2.2.2: Shoreline conditions, looking south from the foreshore beach**



**Photo 2.2.3: Foreshore conditions, looking north from the shoreline**

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## 2.3 Regional Geology

- a. Surficial geology for the area is classified as exposed sedimentary bedrock.<sup>5</sup>
- b. Bedrock geology for the area is classified as Buttle Lake Group – Nanoose Complex, comprised of sedimentary rock from the Mississippian to Lower Permian period, generally consisting of interbedded chert-argillite, sandstone-argillite rhythmites, crinoidal limestone, chert, olistostromal melange, and/or basalt pillowed flows.<sup>6</sup>

## 2.4 Soil and Rock Conditions

- a. A subsurface investigation was not included as part of this assessment. Visual inspection of the site allowed for observation of surficial soil and rock exposures throughout the development area.
- b. In general, soil conditions as observed throughout the development area consisted of thin layers of stony topsoil and compact granular (sand and gravel) overburden, overlying bedrock at shallow depth. We estimate surficial soils will be less than 1.5m thick within the development area.
- c. Frequent bedrock exposures were observed throughout the Property and along the foreshore, predominately consisting of strong sedimentary rock. The exposed bedrock was surficially weathered. However, it is generally massive with no identified major fractures or continuous discontinuities.

## 2.5 Groundwater

- a. There was no ponding surface water, nor evidence of abnormal groundwater conditions observed during our visual reconnaissance of the development area. We expect drainage would be confined to cracks and fissures within the bedrock mantel.
- b. Groundwater levels can be expected to fluctuate seasonally with cycles of precipitation. Groundwater conditions at other times and locations can differ from those observed at the time of our assessment.

## 3.0 COASTAL FLOOD COMPONENTS

### 3.1 General

- a. Provincial flood hazard management guidelines<sup>7</sup> recommend two methods for determining a coastal FCL, the Combined Method and the Probabilistic Method. The Probabilistic Method was used for this site-specific assessment, where the water level at the shoreline is based on a probabilistic analysis of high tide and storm surge. As per provincial guidelines, a target 0.5% AEP (i.e., 200-year return period) was adopted for this assessment.

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### 3.2 Vertical Datum

- a. There are currently two vertical datums being used in Canada, the older CGVD of 1928 (CGVD28), and the newer CGVD of 2013 (CGVD2013). Considering the attached Site Plan is in terms of CGVD28, elevations and the recommended FCL presented in this Report are also in terms of CGVD28, unless otherwise stated.
- b. Conversion between CGVD28 and CGVD2013 was completed for this specific site using the on-line GPS-H software by Natural Resources Canada. If needed, the conversion is calculated as follows:
  - i.  $CGVD2013 = CGVD28 + 0.164m$ .
- c. The building designer and construction contractor should be aware of the reference vertical datum to ensure the correct FCL is being used for the project.

### 3.3 Tides

- a. Tidal data is published annually by Fisheries and Oceans Canada. The nearest tidal station to the Property is Northwest Bay (Tidal Station 07938). Refer to Table 3.3 for published tide heights current to the date of this Report.

**Table 3.3 – Northwest Bay Tidal Heights, Station ID: 07938**

| Tidal Condition | Tide Height (Chart Datum) |
|-----------------|---------------------------|
| HHWLT           | 5.20 m                    |
| HHWMT           | 4.63 m                    |
| MWL             | 3.22 m                    |
| LLWMT           | 1.32 m                    |
| LLWLT           | 0.16 m                    |

- b. Tidal heights are referenced to Chart Datum, a local datum nominally associated with the lowest tide at a given location. It is generally accepted that tidal elevation in CGVD28 can be determined by subtracting the Mean Water Level from the Chart Datum. The design HHWLT is calculated as follows:
  - i.  $5.20m \text{ HHWLT (CD)} - 3.22m \text{ MWL (CD)} = 1.98m \text{ HHWLT (CGVD28)}$ .

### 3.4 Sea Level Rise

- a. Information prepared by the provincial government in 2011 regarding policy for coastal floodplain mapping recommends assuming a 1.0m rise in sea level from the year 2000 to 2100 due to climate change.<sup>9</sup> Refer to Figure 3.4 below.

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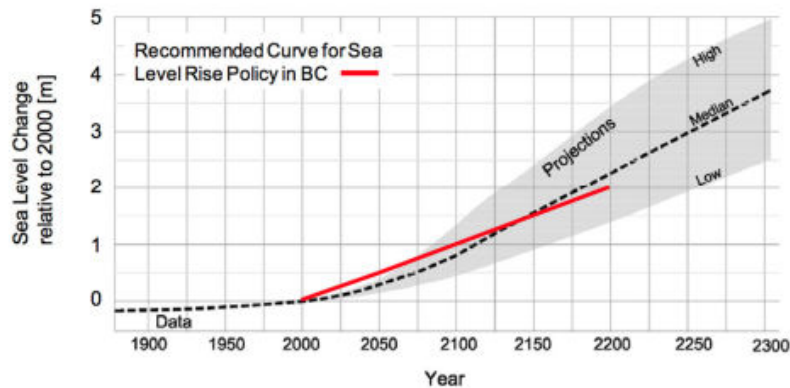


Figure 3.4 – Recommended SLR Curve for Planning and Design in BC

- b. In accordance with current flood hazard guidelines, 1.0 cm/year of SLR to the year 2100 was included in our assessment, for a total SLR of 0.76m.
- c. The assumed amount of SLR was based on information available at the time of their study and will be revaluated in the future as more information becomes available. Forecasting this far into the future carries significant uncertainties. Monitoring changes of SLR is beyond the scope of this Report. We expect local authorities to remain informed in order to adjust their flood management plans/guidelines accordingly.

### 3.5 Regional Adjustment – Isostatic Rebound

- a. Future sea level is also affected by vertical land movement due to changes in the regional uplift or subsidence of the land surface (i.e., isostatic rebound, tectonic shifting, etc.). Areas where the land elevation is increasing (uplift/rebound) should decrease the allowance for SLR, while areas where the land elevation is decreasing (subsidence) should increase the allowance for SLR.
- b. Based on current information, this area of Vancouver Island is rebounding at a rate of 2.1 mm/year, as measured at a GPS station in Nanoose Bay.<sup>8</sup> Therefore, the land is expected to rebound by 0.16m to the year 2100. A rebound value of -0.16m was included in our assessment.

### 3.6 Storm Surge

- a. Sea levels along the BC coast are not only affected by astronomical tide cycles, but also by storms. Storms may affect water levels due to changes in atmospheric pressure, strong winds acting on the water surface, and changes in ocean currents or temperature. The combined effect of all these factors is termed storm surge.
- b. Storm surge is generally estimated by an extreme value analysis of the difference between measured water level and predicted tide level. In absence of this information, provincial guidelines<sup>9</sup> provide

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suggested storm surge values which can be safely used for FCL determination. Based on a 200-year designated storm, the suggested design storm surge for this area of Vancouver Island is 1.25m.

- c. However, not all storms occur during a high tide. The intent of the Probabilistic Method is to estimate the probability of a large storm occurring during a high tide. The RDN Coastal Floodplain Mapping Final Report<sup>9</sup> estimates the probability of a large storm occurring during a high tide is about 1 in 20 (5%) (based on provincial guidelines and preliminary analysis by Cascadia Coastal Research Ltd.). Therefore, the designated storm can be reduced to a 10-year event (i.e., 200-year x 5%) when calculating an FCL that coincides with a high tide. The report provides a storm surge value of 0.92m for the coincident 10-year storm event.

### 3.7 Wave Effect

- a. Breaking waves during the design storm event must also be considered, as breaking waves may further increase the depth of water along the shoreline as well as increase the risk of runup and/or overtopping leading to flooding.
- b. Wave effect is site specific and dependent on local wind conditions, bathymetry, topography, the presence of offshore barriers (island, breakwater, etc.), as well as water levels at the time of the designated storm, which all contribute to the estimated wave runup.
- c. The shoreline adjacent the development area is complex, consisting of a narrow cobble beach and gentle shoreline slope between rough undulating bedrock outcrops, therefore wave runup was estimated using 1D calculation methods described in the European Overtopping Manual (EurOtop, 2018).<sup>10</sup> By applying these methods, wave runup is calculated in terms of a 2% exceedance value ( $R_{2\%}$ ).
- d. Deep water wave heights were based on 31 years (1992 to 2022) of wave data collected from the Fisheries and Oceans Canada, Halibut Bank buoy, located in the Strait of Georgia. The data was first analyzed to discount any data entries flagged as erroneous. Maximum wave heights for each year were plotted, then extrapolated to the designated storm event (i.e., 10-year coincident storm event).
- e. Considering the development area is within a bay and protected from prevailing winds, the design offshore waves approaching the site will be subject to diffraction as they enter the bay. The diffraction coefficient ( $K'$ ) at the site is estimated to be 0.84 based on a prevailing ESE wind/wave direction, as estimated using the methods described in the USACE Shore Protection Manual (USACE, 1984).<sup>11</sup>
- f. Inland and foreshore slopes were determined for this specific Property based on available contour information, topographic surveys, and on-site measurements.
- g. The wave runup analysis considered influence factors for surface roughness and oblique wave attack. Other influence factors were conservatively ignored.
- h. A summary of design input values and estimated wave runup are presented in Table 3.7 below.

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Table 3.7: Summary of Estimated Wave Runup

| Significant Wave Height | Diffacted Wave Height | Peak Wave Period | Still Water Level | Average Foreshore Slope | Average Inland Slope | Wave Runup (R <sub>2%</sub> ) |
|-------------------------|-----------------------|------------------|-------------------|-------------------------|----------------------|-------------------------------|
| 2.86 m                  | 2.40 m                | 6.80 sec         | 1.52 m            | 15H:1V                  | 10 deg               | 1.73 m                        |

### 3.8 Freeboard

- A nominal freeboard value is typically added when calculating an FCL. The freeboard value accounts for uncertainties associated with value estimations used.
- Provincial guidelines recommend a minimum freeboard value of 0.60m for the Probabilistic Method.<sup>7</sup>

## 4.0 FLOOD HAZARD RECOMMENDATIONS

### 4.1 Coastal Flood Construction Level

- Table 4.1 provides a summary of the site-specific coastal flood components used for the Probabilistic Method and the resulting FCL for the assessed conditions.

Table 4.1: Summary of Flood Components and FCL Calculations

| HHWLT (CGVD28) | SLR    | RA      | SS     | WE     | FB     | FCL (CGVD28) |
|----------------|--------|---------|--------|--------|--------|--------------|
| 1.98 m         | 0.76 m | -0.16 m | 0.92 m | 1.73 m | 0.60 m | 5.83 m       |

- Therefore, we recommend a coastal FCL of 5.83m CGVD28 for any Habitable Area within the proposed development.

### 4.2 Coastal Flood Construction Level Exemption

- As per EGBC and provincial flood hazard guidelines,<sup>47</sup> it is acceptable to allow a renovation at or above the original non-conforming floor elevation, provided the size of the building is not increased by more than 25% of the original building footprint and the renovation does not extend closer to the PNB than the original building footprint.
- As per the attached Site Plan, the proposed renovation will meet these criteria and therefore can be exempt from the coastal FCL requirement. The original floor elevation is 5.09m CGVD28.
- A floodplain bylaw exemption application may be required at the discretion of IT. A restrictive covenant registered on title may also be required at the discretion of IT.

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### 4.3 Coastal Natural Boundary Setback

- a. The referenced IT Land Use Bylaw No. 28, 2013,<sup>2</sup> states in part "Buildings or structures... shall not be sited within 15 metres of the natural boundary of the sea." This setback is in general agreement with provincial guidelines.
- b. As per the attached Site Plan, the proposed siting of the renovated cabin is shown to be relocated 10.4m from the PNB. Note that this location is approximately 2.5m further inland than the original cabin. We understand this proposed siting is intended to relocate the renovated cabin within a previously disturbed area, in an effort to avoid removal of existing mature native trees and to avoid disturbance to the natural environment as much as possible.
- c. Considering the preserved structure type, the intended use of the structure, the intended preservation of the natural environment, and the adjacent foreshore/shoreline conditions (exposed and shallow bedrock with cobble deposits), we consider this setback as adequate.
- d. Therefore, we approve the proposed coastal setback of 10.4m from the PNB. A floodplain bylaw variance application may be required at the discretion of IT.

### 4.4 Floodwater and Inundation

- a. The recommended coastal FCL and setback applies to any Habitable Area; defined as any room or space within a building or structure which can be used for human occupancy, commercial sales, or storage of goods, possessions, or equipment (including furnaces) which would be subject to damage if flooded.
- b. The FCL establishes the minimum elevation of the underside of a wooden floor system or top of concrete slab for any Habitable Area. During construction, all footing and floor elevations shall be confirmed by qualified survey personnel to ensure the finished floor grade is at or above the recommended minimum FCL geodetic elevation.
- c. Provided any construction within the Property satisfies the minimum recommended FCL and setback, we do not anticipate any damage to structures as a result of floodwater. However, anything constructed or stored below the recommended FCL, such as crawlspaces, basements, or storage rooms, could be subject to damage from flooding. Following best construction practices, areas below the FCL should not be used for the installation of furnaces, major electrical switchgear, or other fixed equipment susceptible to damage by floodwater.

### 4.5 Landfill and Site Grading

- a. If structural fill materials are used for foundation support, and include structural fills placed above existing site grades, further assessment may be required. Structural fills placed above existing grades may require protective measures from scour and erosion.



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- b. Perimeter yard areas should be sloped as to direct potential flood water away from the proposed residence and preferably toward the foreshore area. Every effort must be made as to not direct surface water to neighbouring properties.

## 5.0 CONCLUSIONS

### 5.1 Local Government Conformance Statement

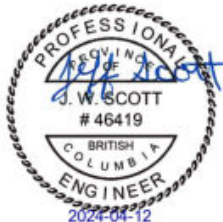
- a. From a geotechnical point of view, and provided the recommendations in this Report are followed, the land is considered safe for the use intended (defined for the purposes of this Report as a renovation and relocation of an existing cabin), with the probability of a geotechnical failure resulting in property damage of less than:
- i. 2% in 50 years for seismic events, including slope stability;
  - ii. 0.5% AEP coastal flood event, including sea level rise to the year 2100;
  - iii. 10% in 50 years for all other geotechnical hazards.

## 6.0 CLOSURE

- a. Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Respectfully Submitted,  
Lewkowich Engineering Associates Ltd.

Reviewed By:



Jeff Scott, P.Eng.  
Geotechnical Engineer

2024-04-12

Chris Hudec, M.A.Sc., P.Eng.  
Senior Project Engineer

## 7.0 ATTACHMENTS

1. J.E. Anderson & Associates, Site Plan with Elevations, District Lot 95, Nanaimo District (Known as Mistaken Island), File No. Cliff Walker, dated March 2, 2022, marked-up by Cliff Walker to show proposed cabin relocation.
2. EGBC, Appendix I: Flood Assurance Statement.

PROJECT: Mistaken Island, BC  
FILE NO.: E3104.01 REVISION: 01  
DATE: April 12, 2024



## 8.0 REFERENCES

1. Islands Trust, Ballenas-Winchelsea Islands, Official Community Plan, Bylaw No. 27, 2013, adopted February 16, 2016.
2. Islands Trust, Ballenas-Winchelsea Islands, Land Use Bylaw No. 28, 2013, adopted February 16, 2016.
3. Islands Trust, interactive web-map, MapIT, accessed March 2024.
4. Engineers and Geoscientists of British Columbia, Legislated Flood Assessments in a Changing Climate in BC, Version 2.1, dated August 28, 2018.
5. Geological Survey of Canada, Natural Resources Canada, Surficial Geology Horne Lake – Parksville British Columbia, Open File 7681, 2015.
6. Province of BC, interactive web-map, iMapBC, accessed March 2024.
7. BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Flood Hazard Area Land Use Management Guidelines, amended January 1, 2018.
8. BC Ministry of Forests, Lands, Natural Resource Operations, Coastal Floodplain Mapping – Guidelines and Specifications, prepared by Kerr Wood Leidal Associates Ltd., dated June 2011.
9. Regional District of Nanaimo, Sea Level Rise Adaptation Program Coastal Floodplain Mapping Final Report (Revision 1), prepared by Ebbwater Consulting Inc., Proj No. P180, dated October 21, 2021.
10. EurOtop, 2018. Manual on wave overtopping of sea defences and related structures. An overtopping manual largely based on European research, but for worldwide application. Van der Meer, J.W., Allsop, N.W.H., Bruce, T., De Rouck, J., Kortenhaus, A., Pullen, T., Schüttrumpf, H., Troch, P. and Zanuttigh, B., [www.overtopping-manual.com](http://www.overtopping-manual.com).
11. US Army Corps of Engineers, Coastal Engineering Research Center, Department of the Army, Shore Protection Manual, dated 1984.
12. Aquaparian Environmental Consulting Ltd., Mistaken Island, Nanaimo BC, Environmental Impact Assessment, dated May 26, 2023.



## FLOOD ASSURANCE STATEMENT

Note: This statement is to be read and completed in conjunction with the current Engineers and Geoscientists BC *Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC* ("the guidelines") and is to be provided for flood assessments for the purposes of the *Land Title Act*, *Community Charter*, or the *Local Government Act*. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

To: The Approving Authority

LEA File No.: E3104

Islands Trust

Date: April 9, 2024

1 – 500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8

Jurisdiction and address

With reference to (CHECK ONE):

- ☐ *Land Title Act* (Section 86) – Subdivision Approval
- ☒ *Local Government Act* (Part 14, Division 7) – Development Permit
- ☒ *Community Charter* (Section 56) – Building Permit
- ☒ *Local Government Act* (Section 524) – Flood Plain Bylaw Variance
- ☒ *Local Government Act* (Section 524) – Flood Plain Bylaw Exemption

For the following property ("the Property"):

District Lot 95, Nanaimo Land District, Known As Mistaken Island, PID 009-777-261

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a Qualified Professional and is a Professional Engineer or Professional Geoscientist who fulfils the education, training, and experience requirements as outlined in the guidelines.

I have signed, sealed, and dated, and thereby certified, the attached Flood Assessment Report on the Property in accordance with the guidelines. That report and this statement must be read in conjunction with each other. In preparing that Flood Assessment Report I have:

[CHECK TO THE LEFT OF APPLICABLE ITEMS]

- ☐ 1. Consulted with representatives of the following government organizations:
- ☒ 2. Collected and reviewed appropriate background information
- ☒ 3. Reviewed the Proposed Development on the Property
- ☒ 4. Investigated the presence of Covenants on the Property, and reported any relevant information
- ☒ 5. Conducted field work on and, if required, beyond the Property
- ☒ 6. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 7. Considered any changed conditions on and, if required, beyond the Property
- 8. For a Flood Hazard analysis I have:
  - ☒ 8.1 Reviewed and characterized, if appropriate, Flood Hazard that may affect the Property
  - ☒ 8.2 Estimated the Flood Hazard on the Property
  - ☒ 8.3 Considered (if appropriate) the effects of climate change and land use change
  - ☐ 8.4 Relied on a previous Flood Hazard Assessment (FHA) by others
  - ☐ 8.5 Identified any potential hazards that are not addressed by the Flood Assessment Report
- 9. For a Flood Risk analysis I have:
  - ☐ 9.1 Estimated the Flood Risk on the Property
  - ☐ 9.2 Identified existing and anticipated future Elements at Risk on and, if required, beyond the Property
  - ☐ 9.3 Estimated the Consequences to those Elements at Risk

## FLOOD ASSURANCE STATEMENT

10. In order to mitigate the estimated Flood Hazard for the Property, the following approach is taken:
- ☐ 10.1 A standard-based approach
  - ☐ 10.2 A Risk-based approach
  - ☒ 10.3 The approach outlined in the guidelines, Appendix F: Flood Assessment Considerations for Development Approvals
  - ☐ 10.4 No mitigation is required because the completed flood assessment determined that the site is not subject to a Flood Hazard
11. Where the Approving Authority has adopted a specific level of Flood Hazard or Flood Risk tolerance, I have:
- ☐ 11.1 Made a finding on the level of Flood Hazard or Flood Risk on the Property
  - ☐ 11.2 Compared the level of Flood Hazard or Flood Risk tolerance adopted by the Approving Authority with my findings
  - ☐ 11.3 Made recommendations to reduce the Flood Hazard or Flood Risk on the Property
12. Where the Approving Authority has not adopted a level of Flood Hazard or Flood Risk tolerance, I have:
- ☒ 12.1 Described the method of Flood Hazard analysis or Flood Risk analysis used
  - ☒ 12.2 Referred to an appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk
  - ☒ 12.3 Made a finding on the level of Flood Hazard or Flood Risk tolerance on the Property
  - ☒ 12.4 Compared the guidelines with the findings of my flood assessment
  - ☒ 12.5 Made recommendations to reduce the Flood Hazard or Flood Risk
- ☒ 13. Considered the potential for transfer of Flood Risk and the potential impacts to adjacent properties
- ☒ 14. Reported on the requirements for implementation of the mitigation recommendations, including the need for subsequent professional certifications and future inspections.

Based on my comparison between:

[CHECK ONE]

- ☐ The findings from the flood assessment and the adopted level of Flood Hazard or Flood Risk tolerance (item 11.2 above)
- ☒ The findings from the flood assessment and the appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk tolerance (item 12.4 above)

I hereby give my assurance that, based on the conditions contained in the attached Flood Assessment Report:

- ☐ For subdivision approval, as required by the *Land Title Act* (Section 86), "that the land may be used safely for the use intended":  
[CHECK ONE]
  - ☐ With one or more recommended registered Covenants.
  - ☐ Without any registered Covenant.
- ☒ For a development permit, as required by the *Local Government Act* (Part 14, Division 7), my Flood Assessment Report will "assist the local government in determining what conditions or requirements it will impose under subsection (2) of this section [Section 491 (4)]".
- ☒ For a building permit, as required by the *Community Charter* (Section 56), "the land may be used safely for the use intended":  
[CHECK ONE]
  - ☐ With one or more recommended registered Covenants.
  - ☐ Without any registered Covenant.
- ☒ For flood plain bylaw variance, as required by the *Flood Hazard Area Land Use Management Guidelines* and the *Amendment Section 3.5 and 3.6* associated with the *Local Government Act* (Section 524), "the development may occur safely".
- ☒ For flood plain bylaw exemption, as required by the *Local Government Act* (Section 524), "the land may be used safely for the use intended".



Islands Trust

BALLENAS-WINCHELSEA ISLANDS LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT  
EX-DP-2024.1

FLOOD ASSURANCE STATEMENT

I certify that I am a Qualified Professional as defined below.

April 9, 2024  
Date

Jeff Scott, P.Eng.  
Prepared by

Jeff Scott  
Name (print)

Jeff Scott  
Signature

1900 Boxwood Road  
Address

Nanaimo, BC V9S 5Y2

250-756-0355  
Telephone

jscott@lewkowich.com  
Email

Reviewed by

Name (print)

Signature



(Affix PROFESSIONAL SEAL here)

If the Qualified Professional is a member of a firm, complete the following:

I am a member of the firm Lewkowich Engineering Associates Ltd. - Permit to Practice No. 1001802  
and I sign this letter on behalf of the firm. (Name of firm)

File No.: EX-DVP-2024.1  
X-Ref File No. EX-DP-2024.1

DATE OF MEETING: June 18, 2024

TO: Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands)

FROM: Bruce Belcher, Planner 1  
Salt Spring Island Team

COPY: Chris Hutton, Regional Planning Manager

SUBJECT: EX-DVP-2024.1  
Applicant: Cliff Walker  
Location: 10 Mistaken Island, Nanoose Bay, BC V9P 9B6

## RECOMMENDATION

1. That the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) approve issuance of EX-DVP-2024.1.

## REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) to vary the minimum setback from the natural boundary of the sea.

## BACKGROUND

The specific variance is to the minimum setback from the natural boundary of the sea in the Ballenas-Winchelsea Islands Land Use Bylaw No. 28, 2013 (LUB).

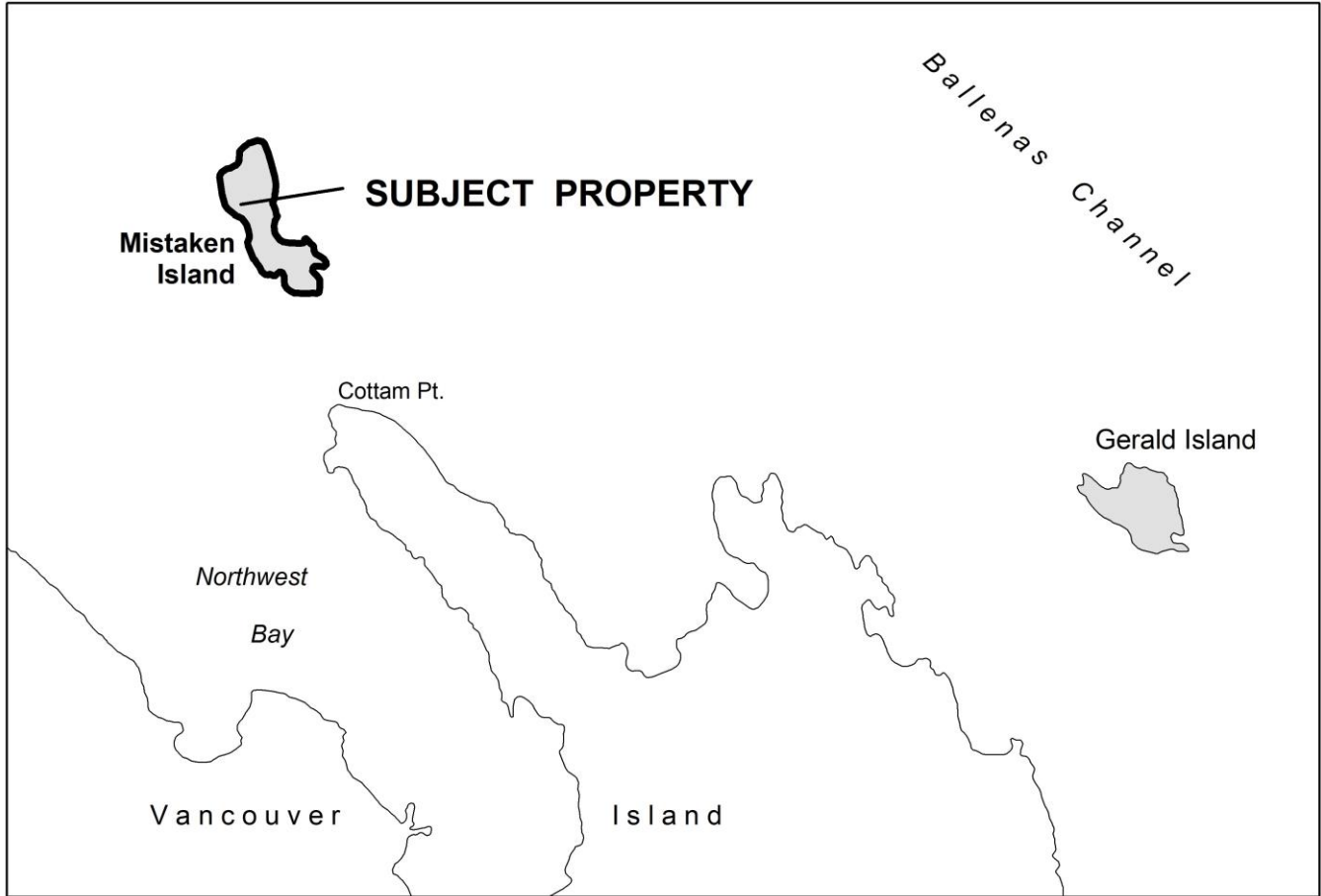
- Section 3.3 (3) which states that “buildings and structures, including a fence, or a pump/utility house shall not be sited within **15 metres** (50 feet) of the natural boundary of the sea” is varied to permit the renovation and addition of an existing cabin to be within 10.4 metres of the natural boundary of the sea.

The 12.95 ha (32 ac) in area subject property makes up the entirety of Mistaken Island in the Ballenas Channel. The property contains two dwellings; a cabin built in 1956, and a summer cottage built in 1964. The proposed addition and renovation to the 1956 cabin would involve relocating the cabins foundation approximately 4 meters to the east and 2 meters to the south. This proposed location would be 2.5 meters further from the natural boundary of the sea than the existing cabin location. The addition would increase the total floor area of the cabin by 34.5 sq m or 371 sq ft through the addition of a loft and screened porch area.

The applicant has chosen this location to limit tree and vegetation removal since the area was previously disturbed. Three identified danger trees would be required to be removed for building construction. Relocating the build outside of the 15 meter natural boundary setback and the 30 meter shoreline development permit area would require more extensive vegetation and tree removal to the native habitat.

A copy of the notice and proposed permit SS-DVP-2024.1 (Walker) are attached as Attachment 3 and 4.

Figure 1 – Subject Property Map



## ANALYSIS

### Policy/Regulatory

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

### Official Community Plan (OCP)

The property is designated Residential (R) in the Ballenas-Winchelsea OCP. The property is located in the Shoreline Development Permit Area and the applicant has applied for a Development Permit (EX-DP-2024.1) for the proposed construction.

### Land Use Bylaw

The property is zoned Residential (R) in the LUB. The proposed building construction meets the maximum size requirements, and the lot density requirements. The proposed work will require a building permit prior to construction commencing.

Figure 2 – Site Plan

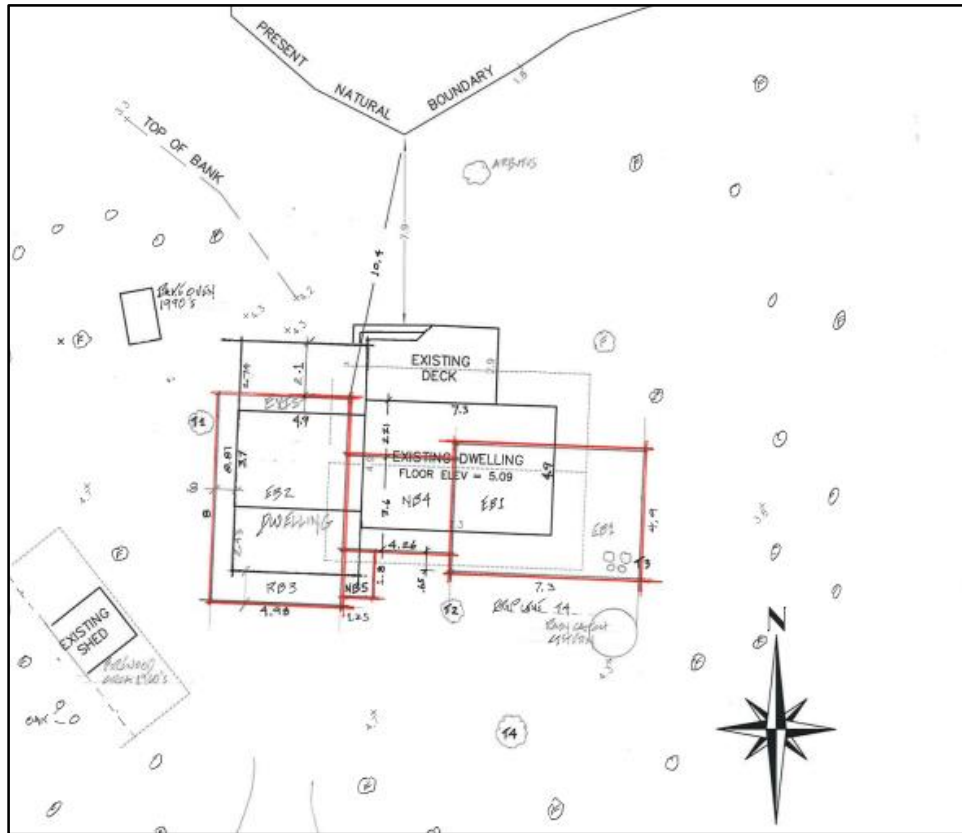
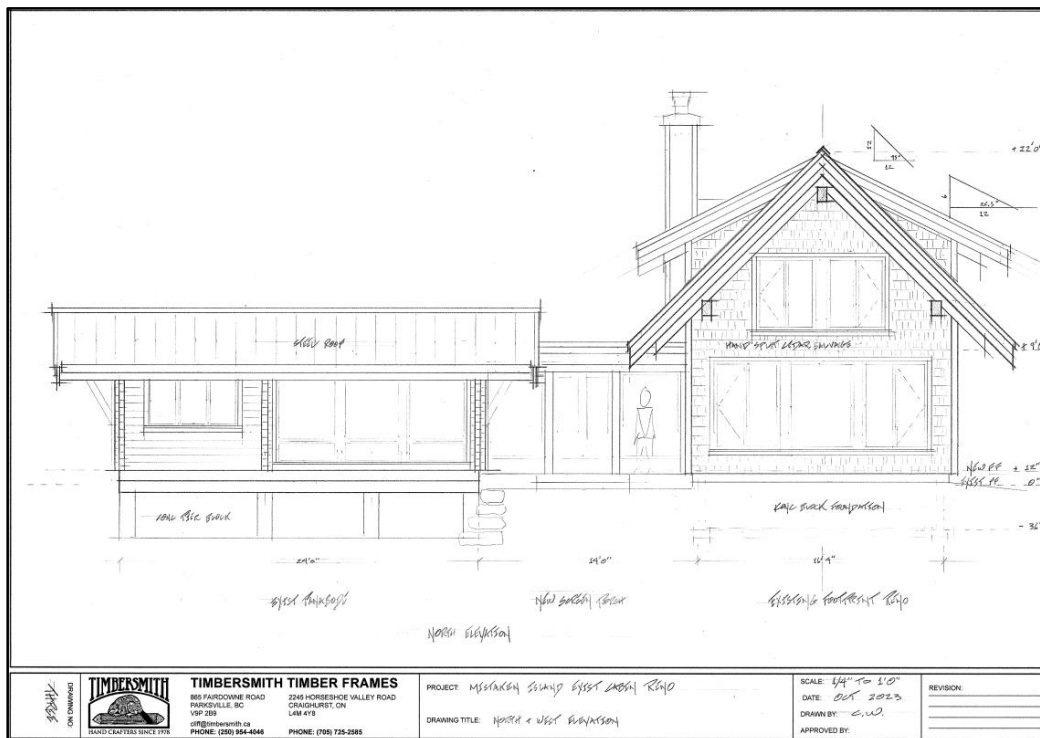


Figure 3 – Building Plan



## **Issues and Opportunities**

### ***Rational for Variance***

The applicant's rationale for the variances are:

- Original building was constructed in 1956 prior to natural boundary setback requirement.
- New addition and renovation would increase the distance of the building's location from the natural boundary of the sea.
- Location selected would use existing disturbed and cleared area to preserve the trees and ecosystem as much as possible.

### ***Intent of Regulations being varied***

The overall purpose of the setback to the natural boundary of the sea regulation is to minimize impacts on adjacent properties and the public realm related to:

- Protecting marine, foreshore, and nearshore habitats;
- Protection of development from natural hazards, particularly with sea level rise and increased storm surges;
- Limiting the visual impact of development on adjacent properties;
- Protection of views, scenic areas, and distinctive features contributing to the overall quality and scenic value of the Trust Area;
- Establishing a consistent development pattern within a local area;
- Public access;
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

### ***Potential Impacts of Granting the Variances***

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

### **Circulation**

DVP notices were circulated to surrounding property owners and residents on June 7, 2024. The notification period ended on June 17, 2024

At the time of writing staff have received no written submissions in response to the notification. Any submissions received after the agenda deadline but prior to the LTC meeting will be forwarded to Trustees, the applicant, and will be reported at the meeting.

### ***First Nations***

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

**Rationale for Recommendation**

Staff is recommending that the resolution on page 1 be supported for the following reasons:

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

**ALTERNATIVES**

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

**1. Request further information**

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

*That the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) request that the applicant submit to the Islands Trust ....*

**2. Amend and Approve**

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

*That the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) amend application EX-DVP-2024.1 (Walker) as follows:\_\_\_\_\_; and,*

*That the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) approve application EX-DVP-2024.1 (Walker) as amended.*

**3. Deny the application**

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

Recommended wording for the resolution is as follows:

*That the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) refuse application EX-DVP-2024.1 (Walker).*

|               |                                         |              |
|---------------|-----------------------------------------|--------------|
| Submitted By: | Bruce Belcher, Planner 1                | May 28, 2024 |
| Concurrence:  | Chris Hutton, Regional Planning Manager | Select Date. |

## **ATTACHMENTS**

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

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

|                   |                                                              |
|-------------------|--------------------------------------------------------------|
| Legal Description | DISTRICT LOT 95, NANAIMO DISTRICT (KNOWN AS MISTAKEN ISLAND) |
| PID               | 009-777-261                                                  |
| Civic Address     | 10 Mistaken Island, Nanoose Bay, BC V9P 9B6                  |
| Lot Size          | 12.95 ha (32 ac)                                             |

### LAND USE

|                      |                              |
|----------------------|------------------------------|
| Current Land Use     | Two Dwellings                |
| Surrounding Land Use | Residential / Marine General |

### POLICY/REGULATORY

|                                      |                                                                                                                                                                                                                                                              |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Official Community Plan Designations | <p><b>Residential – R</b> in the Ballenas-Winchelsea Islands Official Community Plan No. 27, 2013</p> <p><b>Shoreline Development Permit Area</b></p>  <p>■ Shoreline</p> |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                   |                                                                                                                                                                                             |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Use Bylaw    | <b>Residential Zone</b> in the Ballenas-Winchelsea Islands Land Use Bylaw No. 28, 2013<br><b>Zoning</b>  |
| Other Regulations | N/A                                                                                                                                                                                         |
| Covenants         | N/A                                                                                                                                                                                         |
| Bylaw Enforcement | N/A                                                                                                                                                                                         |

#### SITE INFLUENCES

|                                |                                                                                                                    |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Islands Trust Conservancy      | The application has no considerations for the Islands Trust Conservancy                                            |
| Regional Conservation Strategy | The Ballenas-Winchelsea LTA has a low conservation priority identified in the Regional Conservation Plan 2018-2027 |
| Species at Risk                | None listed                                                                                                        |
| Sensitive Ecosystems           | Herbaceous, Woodland                                                                                               |

|                                          |                                                                                                                                                                                                                                         |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          |  <p> <span style="color: pink;">■</span> Herbaceous<br/> <span style="color: green;">■</span> Woodland </p> <p><i>Sensitive Ecosystem Mapping</i></p> |
| Hazard Areas                             | None                                                                                                                                                                                                                                    |
| Archaeological Sites                     | None                                                                                                                                                                                                                                    |
| Climate Change Adaptation and Mitigation | GHG emission changes are linked to allowable density on the property and will not change with approval of the DVP and DP                                                                                                                |
| Shoreline Classification                 | Low Rock Boulder, Cliff                                                                                                                                                                                                                 |

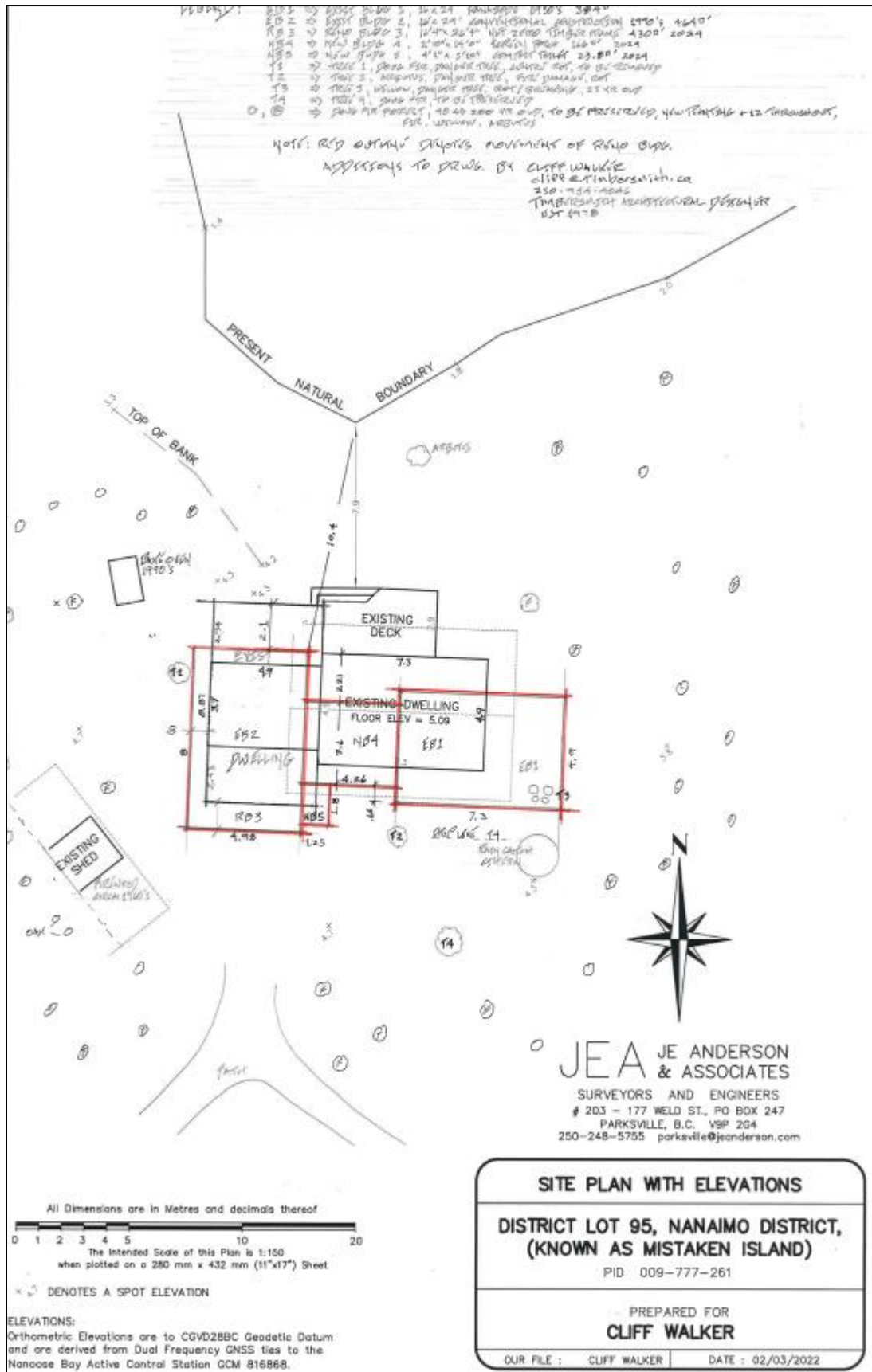
## ATTACHMENT 2 – MAPS, PLANS, DRAWINGS

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### 2.1 TWO METRE CONTOURS

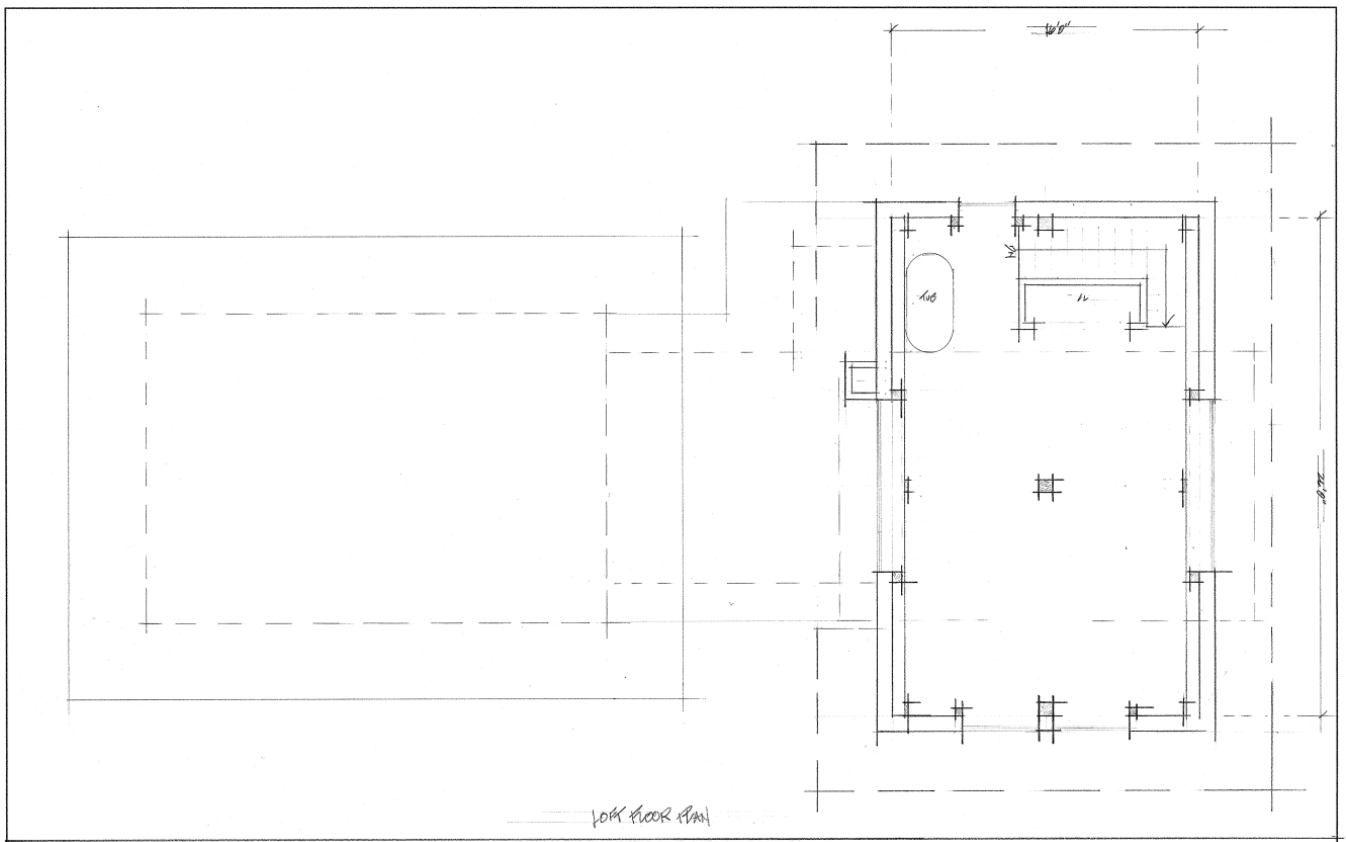
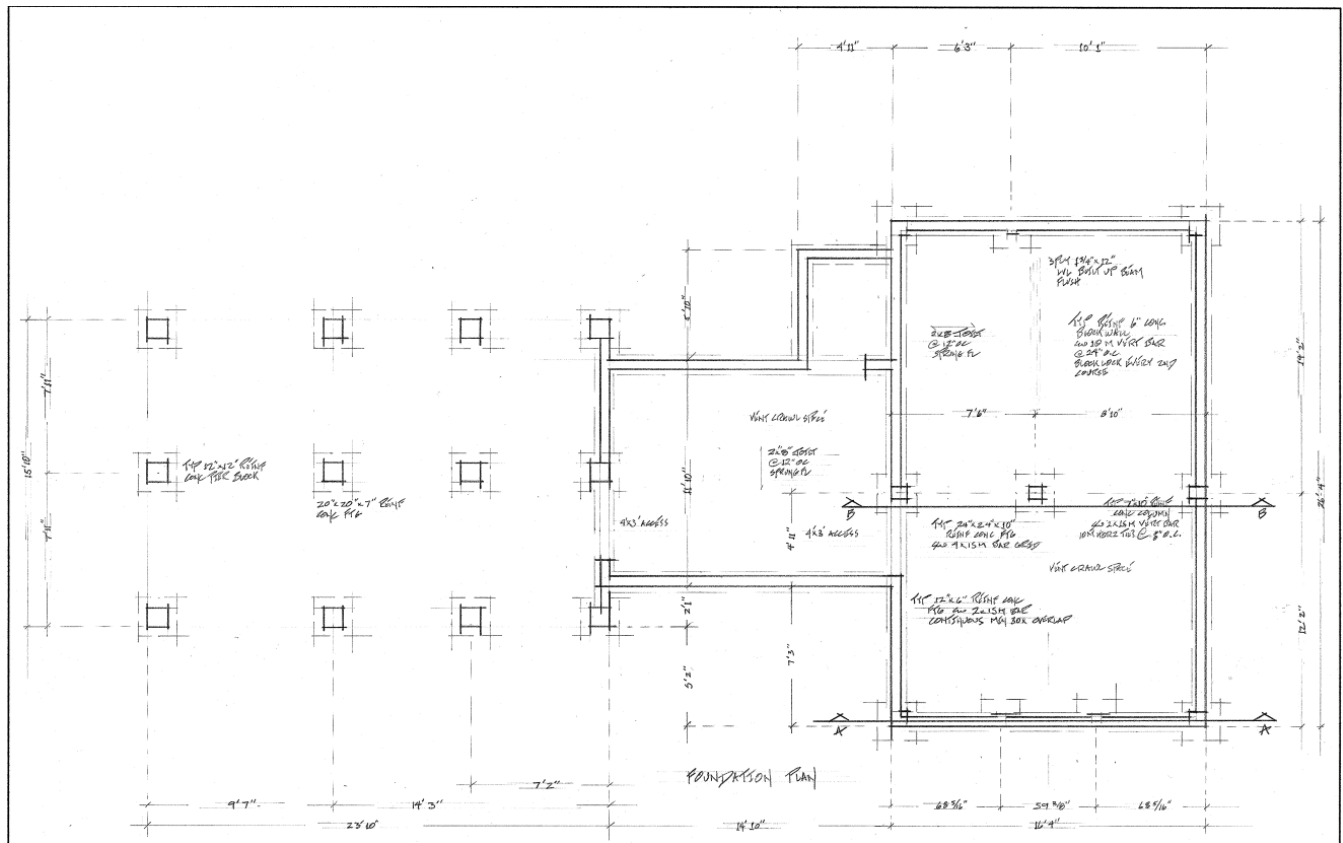


## 2.2 SURVEY PLAN



[illegible]





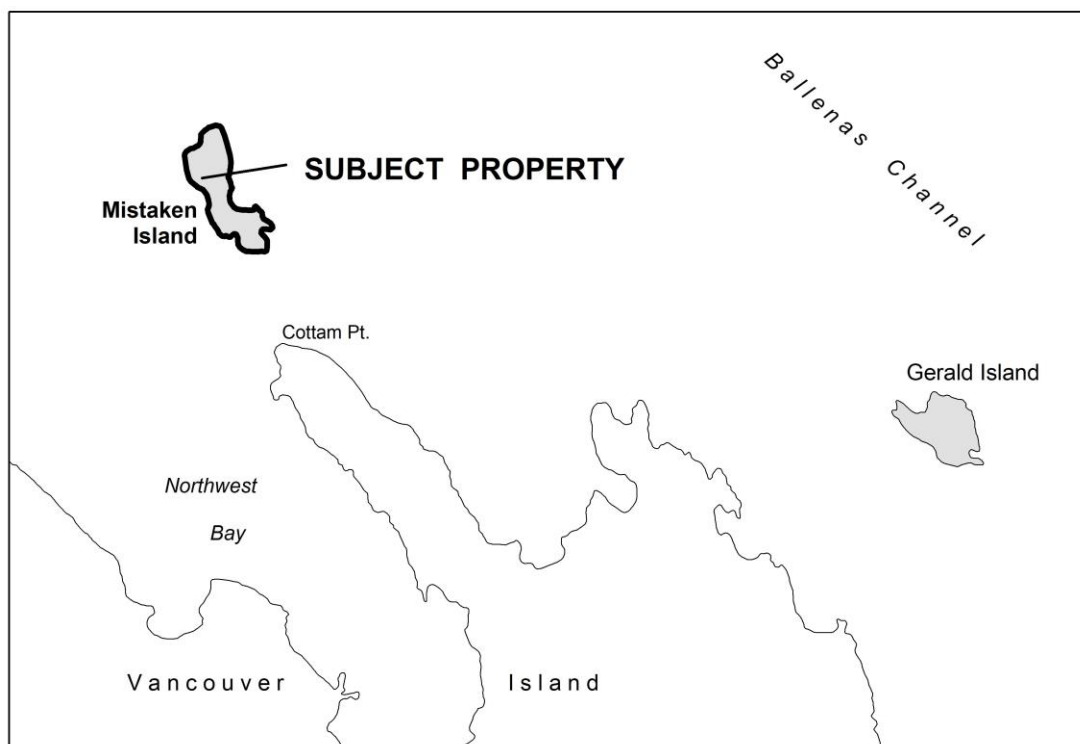
**NOTICE**  
**EX-DVP-2024.1**  
**BALLENAS-WINCHELSEA ISLANDS LOCAL TRUST COMMITTEE**

**NOTICE** is hereby given pursuant to Section 499 of the *Local Government Act* that the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the Ballenas-Winchelsea Islands Land Use Bylaw No. 28, 2013 by:

- Varying the 15 meter minimum setback from the natural boundary of the sea to permit a renovation and addition to an existing dwelling within 10.4 metres of the natural boundary of the sea.

The property is located at **10 Mistaken Island, Nanoose Bay, BC** and is legally described as DISTRICT LOT 95, NANAIMO DISTRICT (KNOWN AS MISTAKEN ISLAND) (PID: 009-777-261).

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, 1-500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8 between the hours of 8:30 a.m. to 4:30 p.m. Monday, Tuesday, Wednesday and Friday inclusive, excluding statutory holidays, commencing **June 7<sup>th</sup>** and continuing up to and including **June 17<sup>th</sup>**.

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: [ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca) before 4:30 pm, **June 17<sup>th</sup>**.

The Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) may consider a resolution allowing for the issuance of the permit during the business meeting on **June 18, 2024** starting at **9:00 am** at the Harbour House Hotel, 121 Upper Ganges Rd, Salt Spring 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.

Rob Pingle, Deputy Secretary



**BALLENAS-WINCHELSEA ISLANDS LOCAL TRUST COMMITTEE  
DEVELOPMENT VARIANCE PERMIT  
EX-DVP-2024.1**

To: Clifford Wesley Walker & Susan Marion Miller

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

DISTRICT LOT 95, NANAIMO DISTRICT (KNOWN AS MISTAKEN ISLAND)  
(PID: 009-777-261)

2. Ballenas-Winchelsea Islands Land Use Bylaw No. 28, 2013 is varied as follows:

- a) Subsection 3.3 (3) which states that *Buildings or structures, including a fence, or a pump/utility house, shall not be sited within 15 metres (50 feet) of the natural boundary of the sea* is varied to permit the construction of a dwelling within 10.4 metres of the natural boundary of the sea.

The development shall be consistent with Schedule 'A' which is attached to and form 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 "Ballenas-Winchelsea Islands Land Use Bylaw No. 28, 2013" and to obtain other approvals necessary for completion of the proposed development, including approval of the Regional District of Nanaimo and Ministry of Transportation and Infrastructure.

**AUTHORIZING RESOLUTION PASSED BY THE EXECUTIVE COMMITTEE ACTING AS A LOCAL TRUST COMMITTEE (BALLENAS-WINCHELSEA ISLANDS) THIS ##th DAY OF [MONTH], [YEAR].**

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

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

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





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

### HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MARCH 19<sup>th</sup>, 2024 BOARD MEETING

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

#### 1. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board received the Minister of Municipal Affairs' response on the Islands Trust Conservancy (ITC) Plan which included a request to engage further with First Nations regarding creation of the ITC Plan. Manager Emmings advised that any new acquisitions or covenants need to come to the Minister for review before the Board signs off on them. The ITC Board directed staff to respond to the Minister of Municipal Affairs acknowledging directions in the letter and requesting:
  - Authorization to invest ITC funds as permitted under the provisions of the *Trustee Act*
  - Direction on interaction with the Minister regarding property management of new acquisitions of covenants and nature reserves
- The ITC Board approved the Project Charter for the development of the 2026-2030 ITC Plan.
- The ITC Board amended three land securement and management policies, providing direction for early First Nations engagement prior to approval of securement projects.
- Trustee Elliot provided updates of interest to the ITC Board from Executive Committee including:
  - Executive Committee's interest in continuing to meet with Islands Trust Conservancy to strategize on how to gain support from the province
  - ITC presence at the 50<sup>th</sup> anniversary celebration of Islands Trust on Salt Spring Island
- The ITC Board requested that Executive Committee set aside time for an ITC presentation to Trust Council at the June 2024 meeting
- Trustee Gauvreau provided updates of interest to the ITC Board from Governance Committee including:
  - The roles and responsibilities of the committee to oversee the organization's governance structure, ensuring transparency and efficiency, and providing recommendations to Trust Council
  - The Committee is currently reviewing the 2022 governance review, which requires input from staff and trustees
  - The report needs to be reviewed and discussed at Trust Council before a letter is drafted to the province



## 2. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board approved a conservation proposal for the Doris McHardy NAPTEP conservation covenant on North Pender Island, subject to review of First Nations responses and Ministerial approval.
- Manager Emmings provided the Board with a status update on public applications for Crystal Mountain Nature Reserve, Robert Leader NAPTEP Covenant, and Koontz NAPTEP Covenant following the decision to decline approval of the ITC Plan by the Minister of Municipal Affairs.

## 3. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board instructed staff to proceed with the development of a risk management policy for all nature reserves, which includes warning users of the risk of danger trees.
- The ITC Board directed staff to begin work on signage for the S'ul-hween X'pey (Elder Cedar) Nature Reserve on Gabriola Island, to address risk management efforts.

## 4. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board approved a contribution of \$3,500 to support the 2024 Salish Sea Conservation Forum on Galiano Island.
- The ITC Board approved the request from the Galiano Conservation Association to install a water meter at the existing drilled well on Trincomali Nature Sanctuary to log water levels and temperature data to inform a water conservation project on Galiano Island. This approval is subject to:
  - Proper installation as guided by the Water Sustainability Act and Groundwater Protection Regulation regarding work in and around groundwater wells
  - Removal of all equipment at the end of the project

---

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

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



## HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MAY 28<sup>TH</sup>, 2024 BOARD MEETING

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

### 1. ORGANIZATION UPDATES/TEAM

- Manager Emmings notified the Islands Trust Conservancy (ITC) Board that the posting for a board member vacancy is live and has been broadly distributed. The posting closes June 7<sup>th</sup>, 2024.
- The ITC Board was introduced to Emily McLean, ITC's summer co-op student.
- Manager Emmings notified the ITC Board of her temporary appointment as Manager with the BC Conservation Data Centre from June 10<sup>th</sup>, 2024 to September 16<sup>th</sup>, 2025.
- Director Frater informed the ITC Board that Carolyn Stewart will be Acting Manager for ITC starting June 17<sup>th</sup>, 2024 until January 16<sup>th</sup>, 2025.

### 2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board considered the 2024/25 Work Plan and approved the following:
  - Extension of the Regional Conservation Plan by two years until December 2029.
  - Rescind resolution ITC-2020-030: "That the ITC Board direct staff to complete an ITC Reconciliation Action Plan that incorporates actions in Goal 2 of the Regional Conservation Plan" to ensure that steps towards Reconciliation are informed by First Nations engagement for the ITC Plan.
  - Prioritization of: Goal Two of the Regional Conservation Plan related to strengthening relationships with First Nations; components of Goal One related to knowledge, information, and data management of ITC properties; and, components of Goal Three related to ongoing management of ITC protected areas.
  - Removal of the current Climate Change Impacts Project from the ITC Work Plan.
  - Exploration of climate change projects and research to address the climate emergency in ITC protected areas once ITC has a new Property Management Team Lead.
- The ITC Board approved the Audited Financial Statements for the 2023/24 fiscal year, and referred the statements to Islands Trust Council for information.
- The ITC Board directed staff to prepare an ITC budget request, including budget allocation for \$220,000 associated with the Species at Risk Program.

### 3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board received updates on negotiations for four conservation covenants and two acquisitions.



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

### 4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board directed staff to delay work on nature reserve management plans until an approved ITC Plan from the Minister of Municipal Affairs is received.
- The ITC Board directed staff to continue work on a Risk Assessment Policy through a phased approach that includes public safety with reference to the BC *Occupier Liabilities Act*, and identification of properties that would benefit from a core policy of conservation and environmental management.

### 5. COMMUNICATIONS AND OUTREACH

- ITC issued its Spring 2024 Heron Newsletter available at <https://islandstrust.bc.ca/conservancy/heron-newsletter/>.
- The ITC Board approved the ITC Annual Report text for approval by Trust Council and submission to the Minister of Municipal Affairs.
- The ITC Board directed staff to develop communications materials for stakeholders and the public with regards to the updated ITC Work Plan and elements of the Regional Conservation Plan (2017-2029).

### 6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC issued its 2023/24 Impact Report available at <https://islandstrust.bc.ca/conservancy/our-impact/>.
- The ITC Board approved an Opportunity Fund Grant for the Bowen Island Conservancy.

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

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

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

| 610 Executive           | Invoices posted to Month ending September 2023 | <u>Budget</u> | <u>Spent</u> | <u>Balance</u> |
|-------------------------|------------------------------------------------|---------------|--------------|----------------|
| LTC Local               |                                                |               |              |                |
| TOTAL LTC Local Expense |                                                | <u>0.00</u>   | <u>0.00</u>  | <u>0.00</u>    |
| Projects                |                                                |               |              |                |
| TOTAL Project Expenses  |                                                | <u>0.00</u>   | <u>0.00</u>  | <u>0.00</u>    |

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

| 610 Executive | Invoices posted to Month ending October 2023 | <u>Budget</u> | <u>Spent</u>  | <u>Balance</u> |
|---------------|----------------------------------------------|---------------|---------------|----------------|
| LTC Local     |                                              |               |               |                |
| 65200-610     | LTC - Local Exp - LTC Meeting Expenses       | <u>0.00</u>   | <u>150.70</u> | <u>-150.70</u> |
|               | TOTAL LTC Local Expense                      | <u>0.00</u>   | <u>150.70</u> | <u>-150.70</u> |
| Projects      |                                              |               |               |                |
|               | TOTAL Project Expenses                       | <u>0.00</u>   | <u>0.00</u>   | <u>0.00</u>    |

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

| 610 Executive | Invoices posted to Month ending November 2023 | <u>Budget</u> | <u>Spent</u>  | <u>Balance</u> |
|---------------|-----------------------------------------------|---------------|---------------|----------------|
| LTC Local     |                                               |               |               |                |
| 65200-610     | LTC - Local Exp - LTC Meeting Expenses        | <u>0.00</u>   | <u>150.70</u> | <u>-150.70</u> |
|               | TOTAL LTC Local Expense                       | <u>0.00</u>   | <u>150.70</u> | <u>-150.70</u> |
| Projects      |                                               |               |               |                |
|               | TOTAL Project Expenses                        | <u>0.00</u>   | <u>0.00</u>   | <u>0.00</u>    |

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

| 610 Executive | Invoices posted to Month ending December 2023 | <u>Budget</u> | <u>Spent</u>  | <u>Balance</u> |
|---------------|-----------------------------------------------|---------------|---------------|----------------|
| LTC Local     |                                               |               |               |                |
| 65200-610     | LTC - Local Exp - LTC Meeting Expenses        | <u>0.00</u>   | <u>150.70</u> | <u>-150.70</u> |
|               | TOTAL LTC Local Expense                       | <u>0.00</u>   | <u>150.70</u> | <u>-150.70</u> |
| Projects      |                                               |               |               |                |
|               | TOTAL Project Expenses                        | <u>0.00</u>   | <u>0.00</u>   | <u>0.00</u>    |

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

| 610 Executive | Invoices posted to Month ending January 2024 | <u>Budget</u> | <u>Spent</u>  | <u>Balance</u> |
|---------------|----------------------------------------------|---------------|---------------|----------------|
| LTC Local     |                                              |               |               |                |
| 65200-610     | LTC - Local Exp - LTC Meeting Expenses       | <u>0.00</u>   | <u>338.55</u> | <u>-338.55</u> |
|               | TOTAL LTC Local Expense                      | <u>0.00</u>   | <u>338.55</u> | <u>-338.55</u> |
| Projects      |                                              |               |               |                |
|               | TOTAL Project Expenses                       | <u>0.00</u>   | <u>0.00</u>   | <u>0.00</u>    |

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

| 610 Executive | Invoices posted to Month ending February 2024 | <u>Budget</u> | <u>Spent</u>  | <u>Balance</u> |
|---------------|-----------------------------------------------|---------------|---------------|----------------|
| LTC Local     |                                               |               |               |                |
| 65200-610     | LTC - Local Exp - LTC Meeting Expenses        | <u>0.00</u>   | <u>338.55</u> | <u>-338.55</u> |
|               | TOTAL LTC Local Expense                       | <u>0.00</u>   | <u>338.55</u> | <u>-338.55</u> |
| Projects      |                                               |               |               |                |
|               | TOTAL Project Expenses                        | <u>0.00</u>   | <u>0.00</u>   | <u>0.00</u>    |

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

| 610 Executive           | Invoices posted to Month ending March 2024 | <u>Budget</u> | <u>Spent</u>  | <u>Balance</u> |
|-------------------------|--------------------------------------------|---------------|---------------|----------------|
| LTC Local               |                                            |               |               |                |
| 65200-610               | LTC - Local Exp - LTC Meeting Expenses     | <u>0.00</u>   | <u>338.55</u> | <u>-338.55</u> |
| TOTAL LTC Local Expense |                                            | <u>0.00</u>   | <u>338.55</u> | <u>-338.55</u> |
| Projects                |                                            |               |               |                |
| TOTAL Project Expenses  |                                            | <u>0.00</u>   | <u>0.00</u>   | <u>0.00</u>    |

## Executive Committee Acting as a Local Trust Committee (Ballenas-Winchelsea) Policies & Standing Resolutions

| No | Meeting Date   | Resolution No.    | Issue                                              | Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----|----------------|-------------------|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | May 19, 2015   | EX-LTC-2015-007   | Adoption of Minutes via RWM                        | <b>It was MOVED and SECONDED</b><br>that the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea) request staff to issue an Resolution Without Meeting for adoption of the minutes on a regular basis.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 2. | March 4, 2020  | EX-LTC-2020-004   | Model Radio Antenna Strategy-Briefing              | <b>It was MOVED and SECONDED,</b><br>that the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) adopt the model strategy for radio antennas as presented in the “Model Strategy for Antenna Systems - Local Planning Committee” report dated May 3, 2018.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 3. | March 12, 2020 | EX-LTC-RWM-2020.1 | Reconciliation engagement with local First Nations | <b>It was MOVED and SECONDED</b><br>that the Executive Committee Acting as a Local Trust Committee (Ballenas-Winchelsea Islands) adopt the following standing resolution:<br>Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:<br>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;<br>b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;<br>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;<br>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; and<br>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. |

## Future Projects Report

### Ballenas-Winchelsea Islands

#### 1. *OCP & LUB Review*

Responsible

Date Received

Possible OCP & LUB Projects:

29-Jun-2022

- Conduct early engagement with First Nations and others to provide input to define the project.
- Identify significant un-fragmented forest and non-forest ecosystems and ensure these are noted on mapping for environmental and carbon sequestration value.
- Implement the Protection of Coastal Douglas fir and Associated Ecosystems toolkit and Islands Trust Conservancy Regional Conservation Plan.

#### 2. *Administrative*

Responsible

Date Received

N/A

#### 3. *Advocacy and Communications*

Responsible

Date Received

N/A

#### 4. *Bylaw Enforcement*

Responsible

Date Received

N/A