



Executive Committee

Agenda

Date: Wednesday, August 3, 2022
Time: 9:00 am
Location: Islands Trust - Victoria
200 - 1627 Fort Street, Victoria, BC

	Pages
1. CALL TO ORDER / LAND ACKNOWLEDGEMENT	
2. APPROVAL OF AGENDA	
2.1. Introduction of New Items	
2.2. Approval of Agenda	
2.2.1. Agenda Context Notes	5 - 5
3. RISE AND REPORT DECISIONS FROM CLOSED MEETING - None	
4. ADOPTION OF MINUTES	
4.1. July 7, 2022 Executive Committee draft minutes	6 - 11
5. FOLLOW UP ACTION LIST AND UPDATES	
5.1. Follow Up Action List/Director/CAO Updates	12 - 16
5.2. Local Trust Committee Chair Updates	
5.3. Islands Trust Conservancy Liaison Update	
6. BYLAWS FOR APPROVAL CONSIDERATION	
6.1. Galiano LTC Bylaws No. 276 (OCP), No. 277 (LUB), and No. 274 (housing agreement) - RFD	17 - 69
See item 2.2.1 Agenda Context Notes	
1. THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 276, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2020" in accordance with Section 27 of the <i>Islands Trust Act</i> .	
2. THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 277, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2020" in accordance with Section 27 of the <i>Islands Trust Act</i> .	
3. THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 274, cited as "Galiano Island Housing Agreement Bylaw 274, 2019" in accordance with Section 27 of the <i>Islands Trust Act</i> .	

6.2.	Mayne Island LTC Bylaws No. 189 (OCP) and No. 184 (LUB) - RFD	70 - 102
	1. THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 189, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022” in accordance with Section 27 of the <i>Islands Trust Act</i> .	
	2. THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 184, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021” in accordance with Section 27 of the <i>Islands Trust Act</i> .	
6.3.	Mayne Island LTC Bylaws No.186 (OCP) and No. 187 (LUB) - RFD	103 - 134
	1. THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 186, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2021” in accordance with Section 27 of the <i>Islands Trust Act</i> .	
	2. THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 187, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021” in accordance with Section 27 of the <i>Islands Trust Act</i> .	
6.4.	Saturna Island LTC Bylaws No. 133 (OCP) and No. 134 (LUB) - RFD	135 - 166
	1. THAT the Islands Trust Executive Committee approve Saturna Island Local Trust Committee Bylaw No. 133, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2021” in accordance with Section 27 of the <i>Islands Trust Act</i> .	
	2. THAT the Islands Trust Executive Committee approve Saturna Island Local Trust Committee Bylaw No. 134, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2021” in accordance with Section 27 of the <i>Islands Trust Act</i> .	
6.5.	Bowen Island Municipality Bylaw No. 580 (LUB) - RFD	167 - 181
	THAT the Executive Committee advise Bowen Island Municipality that Bylaw No. 580 cited as “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 580, 2022” is not contrary to or at variance with the Islands Trust Policy Statement.	
7.	TRUST COUNCIL MEETING PREPARATION	
7.1.	Executive	
	7.1.1. Trust Council Orientation Overview - Briefing	182 - 186
7.2.	Local Planning Services	
7.3.	Administrative Services	
7.4.	Trust Area Services	
8.	EXECUTIVE COMMITTEE PROJECTS	
8.1.	Trust Council Initiated	
	8.1.1. Executive	
	8.1.2. Trust Area Services	
	8.1.3. Local Planning Services	
	8.1.4. Administrative Services	

8.2.	Executive Committee Initiated	
8.2.1.	Executive	
8.2.2.	Trust Area Services	
8.2.2.1.	History Heritage Grants-in-aid Policy 2.1.14 amendments - RFD	187 - 197
	See item 2.2.1 Agenda Context Notes	
8.2.2.2.	Advocacy Summary (2018-2022 term) - Briefing	198 - 212
8.2.3.	Local Planning Services	
8.2.3.1.	Amendments to Trust Council Policies 6.2.1 and 6.7.1 - Briefing	213 - 220
8.2.4.	Administrative Services	
9.	NEW BUSINESS	
9.1.	Executive/Trust Council	
9.2.	Trust Area Services	
9.2.1.	LTC Chairs Report on Local Advocacy Topics	
9.3.	Local Planning Services	
9.4.	Administrative Services	
10.	CORRESPONDENCE (for information unless raised for action)	
10.1.	RPM Kojima response dated July 27, 2022 to J. Margison	221 - 222
	EC-2020-088 resolution from its June 21 meeting (item 10.4) requesting RPM respond to correspondence.	
10.2.	J. Margison et al letter with attachments dated July 28, 2022 re: GL LTC Bylaws No. 276 and 277	223 - 317
	<u>Appendix 1 b. Guidance for Technical Assessment Requirements</u>	
10.3.	C. Menyhart letter dated June 27 [sic] sent July 27 via email re: GL LTC Bylaws No. 274, 276 and 277	318 - 322
10.4.	D. Holmes letter with attachments dated July 25, 2022 re: GL LTC Bylaws No. 276 and 277	323 - 336
10.5.	G. Dusting letter dated July 28, 2022 re: GL LTC Bylaws No. 276 and 277	337 - 337
10.6.	Oceans Protection Plan newsletter (Special edition - July 20th)	338 - 342
	Click on this hyperlink for announcement re: Delivering clean oceans and healthy coasts with an expanded OPP	
	<u>https://pm.gc.ca/en/news/news-releases/2022/07/19/delivering-clean-oceans-and-healthy-coasts-expanded-oceans-protection?utm_source=email&utm_medium=email&utm_source=opp-news-20220720&utm_content=newsletter-6-en&utm_campaign=opp-newsletter</u>	
11.	WORK PROGRAM	
11.1.	Review and amendment of current work program	343 - 347

12. NEXT MEETING

The next Executive Committee meeting is scheduled to be held in-person beginning at 9:00 a.m., September 7, 2022, at the Victoria office #200 - 1627 Fort Street, Victoria BC.

13. CLOSED MEETING - scheduled

That the meeting be closed to the public subject to Sections 90(1) (g) and (i) of the Community Charter in order to consider matters related to litigation affecting the Islands Trust and receipt of advice that is subject to solicitor-client privilege and that staff attend the meeting.

14. ADJOURNMENT

Agenda No.	From	Context Notes
6.1	Executive Coordinator	Galiano LTC Bylaws No. 276 (OCP), No. 277 (LUB), and No. 274 (housing agreement) - RFD See associated correspondence items 10.2 through 10.5 re: item 6.1 Galiano LTC Bylaws.
8.2.2.1	Executive Coordinator	History Heritage Grants-in-aid Policy 2.1.14 amendments – RFD This request for decision, as presented, is addressed to Trust Council; however, is presented for Executive Committee consideration, review and approval before being forwarded to September's TC meeting.



Executive Committee Minutes of Regular Meeting

Date: July 7, 2022
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC
Electronic Meeting

Members Present: Peter Luckham, Chair, Thetis Island Trustee
Dan Rogers, Vice-Chair, Gambier/Keats Island Trustee
Laura Patrick, Vice-Chair, Salt Spring Island Trustee
Sue Ellen Fast, Vice-Chair, Bowen Island Municipal Trustee

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (CAO)
David Marlor, Director, Legislative Services (DLS)
Clare Frater, Director, Trust Area Services (DTAS)
Wanda Boden, Acting Director, Administrative Services (A/DAS)
Sonja Zupanec, Island Planner
Warren Dingman, Manager, Bylaw Compliance and Enforcement
Lori Foster, Executive Coordinator/Recorder

Others Present: 1 member of the public attended via telephone

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:06 a.m. and humbly stated gratitude to live and work on Coast Salish First Nations traditional and treaty territory then introduced elected officials and staff.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

An addendum was circulated adding the following items to the agenda:

- 8.1.2.2 History and Heritage Grant in aid applications – RFD
- 8.1.2.3 Office of the Lieutenant Governor's Correspondence Guidelines – Briefing

In consideration of possible public attendance, a Public Comments/Town Hall session will be added accordingly.

2.2 Approval of Agenda

By general consent, the agenda was approved as amended.

2.2.1 Agenda Context Notes

Attached as indicated for item 8.2.1.2.

3. RISE AND REPORT DECISIONS FROM CLOSED MEETING - None

4. ADOPTION OF MINUTES

4.1 June 21 Executive Committee draft minutes for adoption

By general consent, the minutes were adopted as presented.

5. FOLLOW UP ACTION LIST AND UPDATES

5.1 Follow Up Action List (FUAL)/Director/CAO Updates

Chief Administrative Officer (CAO) Hotsenpiller and directors reviewed their FUAL list items, spoke to emerging issues, recently attended meetings, and gave staffing updates.

Discussion ensued regarding CAO FUAL item #1 – “process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area.”:

- How the item sits with other committees e.g. Trust Programs,
- Consider referral of the item to the new Governance Committee,
- Wait for outcomes from the Policy Statement amendment project (Islands 2050),
- Pass on as background information to the Province,
- Amend the item or remove it from the FUAL.

5.2 Local Trust Committee Chair Updates

Local Trust Committee (LTC) chairs gave verbal updates on recently attended and upcoming LTC meetings, applications in progress, projects status and advocacy items.

5.3 Islands Trust Conservancy Liaison Update

The Islands Trust Conservancy/Executive Committee joint meeting is scheduled July 13th, and the agenda has been published.

6. BYLAWS FOR APPROVAL CONSIDERATION

Chair Luckham addressed anyone listening to the livestream that if they wished to speak at this meeting to join via the “attend” link on the website.

Executive Committee reviewed associated correspondence items 10.1, 10.2, and 10.3 for the Denman Bylaws items 6.1, 6.2, and 6.3. noting that correspondence was sent in after the public hearing process.

EC-2022-090

It was Moved and Seconded,

That Executive Committee receive the correspondence items 10.1, 10.2 and 10.3 for information.

CARRIED

6.1 Denman Island LTC Bylaw No. 241 (OCP amendment) - RFD

Planner Zupanec spoke to the suite of bylaws, that although presently separately are in concert with each other. This has been a multi-year application on affordable housing that the community has been working through.

EC-2022-091

It was Moved and Seconded,

That the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 241, cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2021", in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

6.2 Denman Island LTC Bylaw No. 242 (LUB amendment) - RFD

EC-2022-092

It was Moved and Seconded,

That the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 242, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021", in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

6.3 Denman Island LTC Bylaw No. 243 (housing agreement) - RFD

EC-2022-093

It was Moved and Seconded,

That the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 243, cited as "Denman Island Housing Agreement Bylaw No. 243, 2021", in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

6.4 Denman Island LTC Bylaw No. 245 (fees bylaw) – RFD

Vice-Chair Fast spoke to the fees bylaw which was amended by the local trust committee from the "model" fees bylaw recommended by Trust Council at its June 2021 meeting.

EC-2022-094

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 245, cited as the "Denman Island Local Trust Committee Fees Bylaw, 2022", in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

EC-2022-095

It was Moved and Seconded,

That Executive Committee refer the Denman Island Local Trust Committee Bylaw No. 245 amendments regarding the model fees bylaw to the Regional Planning Committee for reference.

Discussion regarding capturing subtle changes to model fees bylaws would be useful.

CARRIED

One attendee joined the meeting (electronically) via telephone call in. The attendee was addressed asking if they wished to speak, no response was heard.

7. TRUST COUNCIL MEETING PREPARATION

7.1 Executive

7.1.1 June Trust Council Quarterly Roundtable Review

Executive Committee and staff discussed the following:

- Creating space at September Trust Council to discuss the Governance Review report,
- Voting procedure via roll call proved successful as tracking electronic attendance (who is actually present) is still a challenge with regards to a vote recorded as an abstention,
- Creating an electronic meeting decorum for trustees for attendance, voting and notification when coming and going from the meeting.

7.1.2 Trust Council Business Decision Highlights

The following changes to the document were requested:

- Change comma to semicolon after the word “Municipalities” in paragraph 7.
- Third paragraph, after the words “Trust Council” add “for consideration.”

By general consent, circulate the business decision highlights as amended.

7.1.3 Trust Council (FUAL) Follow-up Action List

Received for information.

7.2 Local Planning Services - None

7.3 Administrative Services - None

7.4 Trust Area Services - None

8. EXECUTIVE COMMITTEE PROJECTS

8.1 Trust Council Initiated

8.1.1 Executive - None

8.1.2 Trust Area Services - None

8.1.2.1 Advocacy Evaluation - Verbal Update

Trustee Patrick left the meeting at 10:53 a.m.

Executive Committee discussed Trust Council Policy 6.10.3 Advocacy with regards to end-of-term evaluation, staff resources, and depth of analysis.

EC-2022-096

It was Moved and Seconded,

That Executive Committee defer the discussion on this issue (advocacy evaluation) to the next Executive Committee meeting.

CARRIED

8.1.2.2 History and Heritage Grants-in-Aid Applications

Discussion to amend the main budget in September to address further funding for this program ensued.

At 11:09 a.m., Chair Luckham lost electronic connection.

The meeting recessed for a break at 11:09 a.m. and reconvened at 11:20 a.m.

Executive Committee continued discussion regarding the grant application from siyēye nii 'u tthu sut'ku'luts siyēye tun'i 'utl sqwun'u to support the Water We Call Home exhibition.

EC-2022-097

It was Moved and Seconded,

That Executive Committee authorize a grant to the Water We Call Home Group in the amount of \$2,000 subject to the support of local trustees.

CARRIED

8.1.2.3 Office of the Lieutenant Governor's Correspondence Guidelines - Briefing

Received for information.

8.1.3 Local Planning Services - None

8.1.4 Administrative Services - None

8.2 Executive Committee Initiated

8.2.1 Executive - None

8.2.2 Trust Area Services - None

8.2.3 Local Planning Services - None

8.2.4 Administrative Services

8.2.4.1 Budget Item Adjustments - Discussion

Executive Committee discussed bringing budget adjustment items to September Trust Council for consideration regarding the History, Heritage Grants-in-aid policy and computer funding.

EC-2022-098

It was Moved and Seconded,

That Executive Committee request staff to provide budgetary financial options to achieve an increase in History, Heritage and Grants-in-aid funding by 5,000 and to increase the allocation for computers for trustees to 20,000.

CARRIED

9. NEW BUSINESS - None

9.1 **Executive/Trust Council** - None

9.2 **Trust Area Services** - None

9.2.1 LTC Chairs Report on Local Advocacy Topics

Addressed at item 5.2.

9.3 Local Planning Services - None

9.4 Administrative Services - None

10. CORRESPONDENCE (for information unless raised for action)

10.1 C. Kinch re: Comments on Denman Island Bylaw Nos. 241, 242, and 243 for Executive Committee letter dated June 14, 2022

Received for information.

10.2 J. Armstrong re: Executive Committee - addition to agenda - DE Bylaws 241, 242, and 243 email dated June 14, 2022

Received for information.

10.3 S. Palmer re: Denman Housing Association letter dated June 29, 2022

Received for information.

10.4 A. Barford (Stand.earth) letter dated June 22, 2022 re UBCM motion

The subject of this letter will be taken into consideration when voting at the Union of BC Municipalities meeting being held in Whistler this September.

11. WORK PROGRAM

11.1 Review and amendment of current work program

Received for information.

12. NEXT MEETING

The next Executive Committee meeting is scheduled to be held electronically August 3, 2022.

13. CLOSED MEETING - None

14. ADJOURNMENT

By general consent, the meeting was adjourned at 11:44 a.m.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator

Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 Discuss with the province and report to Trust Council at the December Trust Council meeting on a process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area. By general consent, at its Dec 16, 2020 meeting, Executive Committee put this item on hold pending review by Trust Programs Committee.	Russ Hotsenpiller	Meeting: 12-Sep-2017 Target: 05-Dec-2017	In Progress
2 That the report Potential legislative and procedure change by the Islands Trust in relation to forest protection - Briefing be brought to a future Executive Committee meeting for next steps.	Russ Hotsenpiller	Meeting: 18-Nov-2020 Target: 07-Sep-2022	In Progress
3 Bring a briefing to September Trust Council regarding 2022-2026 new term Trust Orientation that covers the Continuous Learning Plan.	Russ Hotsenpiller	Meeting: 08-Jun-2022 Target: 20-Sep-2022	In Progress

Director, Administrative Services

Activity	Responsibility	Dates	Status
1 Review Islands Trust Policy 6.5.2 as a whole and specifically make recommendations to amend the policy to ensure the policy is clear in regards to the process and decision making authority related to proposed 'overspends' for any particular budget item.	Julia Mobbs	Meeting: 21-Oct-2020 Target: 07-Sep-2022	In Progress

Follow Up Action Report

Executive Committee

Director, Administrative Services

Activity	Responsibility	Dates	Status
2 That more information be brought back regarding the financial implications of Employee & Family Assistance Plan EFAP if the deductible changed to further consider if staff should enrol the new term of trustees in the Union of British Columbia Municipalities (UBCM) enhanced benefits plan with the Employee & Family Assistance Plan add-on.	Julia Mobbs Wanda Boden	Meeting: 26-May-2021 Target: 07-Sep-2022	In Progress
3 Staff to provide budgetary financial options to achieve an increase in History, Heritage and Grants-in-aid funding by 5,000 and to increase the allocation for computers for trustees to 20,000.	Wanda Boden	Meeting: 07-Jul-2022 Target: 07-Sep-2022	In Progress

Director, Legislative Services

Activity	Responsibility	Dates	Status
1 Staff to draft amendments for replacement of those Trust Council policies deemed as top priority for updating, based on policy review analysis, for consideration of approval by Trust Council. As of March 2022, amendments to 11 out of 17 policies deemed out of date have been adopted.	David Marlor	Meeting: 03-Feb-2021 Target: 23-Sep-2022	In Progress
2 Staff review the sponsorship policy and report back recommendations on local trust committee approvals, communications, and funding mechanisms.	David Marlor	Meeting: 14-Apr-2021 Target: 07-Sep-2022	In Progress

Follow Up Action Report

Executive Committee

Director, Legislative Services

Activity	Responsibility	Dates	Status
3 Advise Denman LTC of Executive Committee approval re: Bylaws No. 241, 242, 243, and 245.	David Marlor	Meeting: 07-Jul-2022 Target: 03-Aug-2022	Completed

Director, Trust Area Services

Activity	Responsibility	Dates	Status
1 Investigate options for local trust committees with respect to being notified of aquaculture and mariculture license changes including changes in species in its negotiation of protocol agreements with the province.	Clare Frater	Meeting: 30-Jan-2019 Target: 07-Sep-2022	In Progress
2 Legislative Monitoring Chart (bi-annually to Trust Council) Staff to produce the Legislative Monitoring briefing every 6 months with the next one being September 2022.	Clare Frater	Meeting: 23-Feb-2022 Target: 20-Sep-2022	In Progress
3 Authorize a grant of \$4,500 (from History and Heritage Grants) to Drama Camp Productions in support of the application to host screenings of the movie Dust n Bones and reconciliation discussions on Hornby, Denman (COMPLETE) and Gabriola Islands, subject to support of local trustees and affected local trust committees.	Clare Frater	Meeting: 26-Feb-2020 Target: 07-Sep-2022	In Progress

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
4 That staff redirect funding approved by resolution EC-2020-032 from its February 26th business meeting for Hornby Island under the History and Heritage grant application, be allocated to a Dust n Bones screening event on Salt Spring Island.	Clare Frater	Meeting: 10-Mar-2020 Target: 07-Sep-2022	In Progress
5 That Trust Council request that the Executive Committee support Bowen Island Municipality in its efforts to oppose recreational use of motorized vehicles on Mount Gardner Crown land, subject to consultation with First Nations.	Clare Frater	Meeting: 17-Jun-2020 Target: 07-Sep-2022	In Progress
6 Ask staff to investigate options for policies or policy updates for formal opportunities for First Nations presentations and engagement at Trust Council meetings.	Clare Frater	Meeting: 27-Oct-2021 Target: 07-Sep-2022	In Progress
7 Staff bring back an amendment to the History, Heritage and Conservation Grants-in-Aid Policy 2.1.14 regarding grant applications with indications about an intake period and maximum amount.	Clare Frater	Meeting: 13-Apr-2022 Target: 08-Jun-2022	Completed
8 Staff to develop policy regarding s. 8 (2) (h.1) (iii) and (iv) of the Islands Trust Act.	Clare Frater	Meeting: 13-Apr-2022 Target: 07-Sep-2022	In Progress
9 Continue to work with K'ómoks First Nation and Gabriola Historical Society in terms of its funding request and Executive Committee consider ways to allocate funds for such requests.	Clare Frater	Meeting: 04-May-2022 Target: 07-Sep-2022	In Progress

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
10 Staff to provide advice to the Executive Committee in time for the September Trust Council on alternatives to increase the History Heritage Grants-in-aid funding for the current fiscal year.	Clare Frater	Meeting: 25-May-2022 Target: 07-Sep-2022	In Progress
11 Staff to prepare a letter from the Chair to the Ministry of Forests, Land, Natural Resource Operations advocating for the proper disposal of replaced docks.	Clare Frater	Meeting: 25-May-2022 Target: 03-Aug-2022	In Progress
12 Authorize a grant to the Water We Call Home Group in the amount of \$2,000 subject to the support of local trustees.	Clare Frater	Meeting: 07-Jul-2022 Target: 03-Aug-2022	Completed
13 Defer the discussion on this issue (advocacy evaluation) to the next Executive Committee meeting.	Clare Frater	Meeting: 07-Jul-2022 Target: 03-Aug-2022	Completed

Regional Planning Manager

Activity	Responsibility	Dates	Status
1 RPM for southern team respond to correspondence item 10.4 from J. Margison re: My letter - items dated April 12th, May 4th, and June 8th.	Robert Kojima	Meeting: 21-Jun-2022 Target: 03-Aug-2022	Completed
2 Refer the Denman Island Local Trust Committee Bylaw No. 245 amendments regarding the model fees bylaw to the Regional Planning Committee for reference. (RPC next meeting August 24).	Heather Kauer	Meeting: 07-Jul-2022 Target: 24-Aug-2022	In Progress

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: 3900-004
GL-RZ-2019.1 (GIGARHS)

DATE OF MEETING: August 3, 2022
TO: Islands Trust Executive Committee
FROM: Brad Smith, Island Planner
SUBJECT: Galiano Island Local Trust Committee – Bylaw No. 274, No. 276 and No. 277

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 274, cited as “Galiano Island Housing Agreement Bylaw No. 274, 2019” in accordance with Section 27 of the *Islands Trust Act*.**
2. **THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 276, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2020” in accordance with Section 27 of the *Islands Trust Act*.**
3. **THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 277, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2020” in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Galiano Island Local Trust Committee (LTC) has referred Bylaw No. 274, No. 276 and No. 277 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommend that the Executive Committee approve the bylaws as they are not contrary to or at variance to the Islands Trust Policy Statement (ITPS).

IMPLICATIONS OF RECOMMENDATION

Organizational

None

Financial

None

Policy

None

Implementation/Communications

Communication to Galiano Island Local Trust Committee regarding the Executive Committee decision by August 4, 2022.

Other

None

PURPOSE

Galiano Island Local Trust Committee Bylaw No. 276, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2020” and Galiano Island Local Trust Committee Bylaw No. 277, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2020” (Attachment 6 and 7) are intended to amend the land use designation and zoning classification of a 2 hectare portion of the subject property known as the 'Heritage Forest' to allow for the development of up to 12 residential affordable housing rental units.

Galiano Island Local Trust Committee Bylaw No. 274, cited as “Galiano Island Housing Agreement Bylaw No. 274, 2019” (Attachment 8) is an administrative bylaw that would establish a housing agreement between the LTC, the property owner (The Galiano Club) and the project proponent (The Gulf Islands Galisle Affordable Rental Housing Society, or GIGARHS). There is an accompanying s. 219 covenant that provides ecological, groundwater protection and monitoring, tree protection, and various pre and post construction requirements to protect and restore habitat features. There is also an accompanying Water Management Plan that includes numerous groundwater protection and conservation requirements.

BACKGROUND

Galiano Island Local Trust Committee Bylaw No. 274, No. 276 and No. 277

An application to rezone a 2 hectare portion of the subject property was received by Islands Trust on August 19, 2019. At the December 9, 2019 meeting, LTC directed staff to proceed with the application including the drafting of amending bylaws and a housing agreement, and to schedule a Community Information Meeting (CIM) that was held on November 28, 2020.

The LTC gave first reading of proposed Bylaw No. 276 and No. 277 at the March 1, 2021 regular LTC meeting. At the June 6, 2022 LTC meeting, the LTC directed staff to schedule a second CIM and a public hearing. A second CIM was held on July 4, 2022 and a public hearing was held on July 16, 2022. At the public hearing, there were approximately 120 participants (90 in person, 30 on zoom) and there were approximately 160 public submissions. Overall, the public input was significantly supportive of the rezoning. Approximately 10-15 people spoke or wrote letters against the rezoning, generally due to concerns regarding groundwater protection, species protection and habitat impacts in the forested landscape where the project is proposed to be located.

Following the completion of the public hearing, the LTC gave proposed Bylaw No. 276 and No. 277 second and third reading at the July 16, 2022 special meeting of the LTC. The LTC also gave first, second and third reading of proposed administrative Bylaw No. 274 at the July 16, 2022 special meeting.

The LTC considered and determined that proposed bylaw No. 276 and No. 277 are not contrary to or at variance with the Islands Trust Policy Statement at the February 7, 2022 regular LTC meeting.

The LTC considered and determined that administrative bylaw No. 274 is not contrary to or at variance with the Islands Trust Policy Statement at the July 26, 2022 special meeting of the LTC.

Issues Relating To Provincial Interest

Proposed Bylaw No. 276 and No. 277 were referred to the following agencies:

- Ministry of Forests, Lands & Natural Resource Operations – Water Licensing Branch
- Ministry of Attorney General and Minister responsible for Housing
- Ministry of Municipal Affairs
- Ministry of Transportation and Infrastructure
- BC Hydro and Power Authority
- Telus
- Galiano Trails Society
- BC Assessment Authority
- BC Housing
- CRD, Planning and Protective Services, Building Inspection
- CRD, Planning and Protective Services, Regional Housing
- CRD, Integrated Water Services
- CRD, Galiano Island Parks and Recreation Commission
- Island Health
- Galiano Island Fire Rescue – South Department
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Thetis Island Local Trust Committee

Initial concerns were raised by FLNRO with respect to groundwater protection which were dealt with as they conducted further review of the applicants water license application. FLNRO has now issued a water license for the project and has no concerns with the rezoning proceeding.

Issues Relating To First Nation Interest

Proposed Bylaw No. 276 and No. 277 were referred to the following First Nations:

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

- Tseycum First Nation
- WSANEC Leadership Council

First Nations consultation has resulted in a request for a cultural monitor to be on site during site excavation at the cost of the applicant. The applicant has voluntarily agreed to this request.

Issues Relating To Resources and Enforcement

None

Public Comments

None at time of finalizing staff report.

Staff Comments

Executive Committee is being asked to approve Galiano Island Local Trust Committee Bylaw No. 274, cited as “Galiano Island Housing Agreement Bylaw No. 274, 2019”, Galiano Island Local Trust Committee Bylaw No. 276, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2020” and Galiano Island Local Trust Committee Bylaw No. 277, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2020” in accordance with Section 27 of the *Islands Trust Act*.

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

- The proposed bylaws have been determined to be consistent with the ITPS by the LTC;
- First Nation referrals were completed which has resulted in a request for a cultural monitor to be on site during site excavation at the cost of the applicant. The applicant has voluntarily agreed to this request;
- Agency referrals were completed and concerns have been addressed;
- Statutory processes have been completed including the statutory notification and holding of a public hearing prior to third reading of the bylaw.

KEY ISSUES/CONCEPTS

- The amending bylaws will rezone a 2 hectare portion of the subject property from Heritage Forest to Community Housing 2;
- If rezoning is successful, subdivision approval will also be required to transfer the 2 hectare portion to the applicant prior to land development;
- The applicant has been diligent in addressing all concerns raised throughout the rezoning process and has received significant community support;
- The proposed rent structure in the housing agreement (Bylaw No. 274) has been determined to be consistent with the affordable housing policies of the OCP as a whole;
- An accompanying s. 219 covenant provides ecological and groundwater protection measures consistent with the recommendations provided within professional reports associated with the proposed development.
- An accompanying Water Management Plan provides additional groundwater protection and conservation measures. FLNRO has issued a water license for the project.

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- Islands Trust Policy 1.3.i [Policy Statement Implementation Policy]

ALTERNATIVE

1. Determine that the bylaw(s) are contrary to the Islands Trust Policy Statement:

THAT the Executive Committee request that staff advise Galiano Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 274, cited as “Galiano Island Housing Agreement Bylaw No. 274, 2019” is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Galiano Island Local Trust Committee on steps needed to address the specified issues.

THAT the Executive Committee request that staff advise Galiano Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 276, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2020” is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Galiano Island Local Trust Committee on steps needed to address the specified issues.

THAT the Executive Committee request that staff advise Galiano Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 277, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2020” is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Galiano Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Brad Smith, Island Planner	July 16, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	July 22, 2022

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaw No. 276
7. Bylaw No. 277
8. Bylaw. No. 274
9. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Galiano Island Local Trust Committee

Bylaw No.: GL-276

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 16-Jul-2022

- ☒ Bylaw Submission Checklist attached
- ☒ Policy Statement Checklist attached*
* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Galiano Island Local Trust Committee

Bylaw No.: GL-277

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 16-Jul-2022

- ☒ Bylaw Submission Checklist attached
- ☒ Policy Statement Checklist attached*
* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Trust Area: Galiano Island Local Trust Committee
Type: Official Community Plan Bylaw
Bylaw No.: GL-276
Application No.: GL-RZ-2019.1
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: Yes

First Reading Date: 01-Mar-2021

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 03-Mar-2021

Resolutions:

Resolution Waiving Public Hearing: No
Resolution Authorizing Public Hearing: Yes
Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: Chonk, Jas

Date: 30-Jun-2022

File complete and ready for Public review: No

Public Hearings:

Location: Galiano South Community Hall
Proofread By: Chonk, Jas

Legal Paper: Gulf Island Driftwood
First Publish Date: 29-Jun-2022

Second Publish Date: 06-Jul-2022

Alternate Paper: The Active Page
First Publish Date: 01-Jul-2022

Second Publish Date:

Mailout Date: 27-Jun-2022
Second Reading Date: 16-Jul-2022

Delivery Notices: 28-Jun-2022
Date Public Hearing Held: 16-Jul-2022
Third Reading Date: 16-Jul-2022

Bylaw: GL-277

Trust Area: Galiano Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: GL-277
Application No.: GL-RZ-2019.1
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 01-Mar-2021

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 03-Mar-2021

Resolutions:

Resolution Waiving Public Hearing: No
Resolution Authorizing Public Hearing: Yes
Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: Chonk, Jas

Date: 30-Jun-2022

File complete and ready for Public review: Yes

Public Hearings:

Location: Galiano South Community Hall
Proofread By: Chonk, Jas

Legal Paper: Gulf Island Driftwood
First Publish Date: 29-Jun-2022

Second Publish Date: 06-Jul-2022

Alternate Paper: The Active Page
First Publish Date: 01-Jul-2022

Second Publish Date:

Mailout Date: 27-Jun-2022
Second Reading Date: 16-Jul-2022

Delivery Notices: 28-Jun-2022
Date Public Hearing Held: 16-Jul-2022
Third Reading Date: 16-Jul-2022

Referrals: Bylaw GL-277

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	25-Jan-2021	
BC Housing <i>Vancouver Island Region Office: Heidi Hartman</i> <i>Comment: Approval recommended for the reasons outlined below: - Permitted use aligns with BC Housing's goal of provision of affordable housing. - The proposed Bylaw amendments do not conflict with the existing requirements of BC Housing's funding programs.</i>	25-Jan-2021	08-Feb-2021
BC Hydro & Power Authority <i>333 Dunsmuir Street, Floor 12: Gary Holisko</i>	25-Jan-2021	
Capital Regional District - All Referrals Aggie Chan and Jessica Arnet <i>625 Fisgard Street: Referrals Coordinator</i> <i>Comment: The Galiano Island Parks and Recreation Commission has three Community Parks and two Shore Accesses which are served by the parking lot at the top of Sticks Community Park and have the potential for being affected by the proposed bylaws and subsequent development. At its meeting March 04, 2021, the GIPRC approved the bylaw 276 and 277 referral subject to the conditions below: 1. That the proponent ensure a safe route for pedestrians and cyclists from the parking lot at the head of Sticks Community Park to the new terminus of the extended Georgia View roadway to access Sticks West Community Park. 2. That the proponent consider providing some public parking at any new terminus of the extension of Georgia View roadway. 3. That the proponent ensure that surface runoff into the seasonal stream that runs through Sticks Community Park and Gulfside shore access does not increase as a result of the proposed housing development or the extension of the Georgia View roadway. The Galiano Island Parks and Recreation Commission wishes to make an amendment clarifying our Bylaw referral response of 04 March 2021. I notified the Local Trust Committee of our intention during its electronic meeting of 01 June 2021. Public concern was raised with the Commission that our second condition, referencing the terminus of the Georgia View Road, might be misinterpreted as referring to the current end of public access on the roadbed at the boundary of DL 37. To clarify our second condition, the Commission today (03 June 2021) adopted a resolution to amend the condition to read: "That the proponent consider providing some public parking at any new terminus of the extension of Georgia View roadway".</i>	25-Jan-2021	03-Jun-2021
Cowichan Tribes <i>Chief and Council: Candace Charlie</i> <i>Comment: From the FN Coordinator - Based on data from our traditional use database the area proposed for rezoning is in the vicinity of a traditional Cowichan hunting area and traditional travel/trail route. The applicant should be advised of heightened archaeological potential in the area. Other than the foregoing Cowichan Tribes has no further comment on the two proposed bylaws at this time.</i>	21-Jan-2021	17-Feb-2021
Galiano Island Fire Department	25-Jan-2021	25-Feb-2021

Referrals: Bylaw GL-277

Agency	Sent	Received
RR #2, Site 46 Comp 23: Karen Harris <i>Comment:</i> Approval recommended subject to conditions outlined below: The proposed development will require water storage for fire fighting purposes. It is my recommendation that this water supply be established prior to construction.		
Galiano Trails Society <i>Galiano Trails Society:</i> Bowie Keefer <i>Comment:</i> Approval is strongly recommended, in view of rising needs for affordable housing. The current Covid-19 pandemic is driving intensified pressure on housing availability and costs, as more urban people seek a safe rural lifestyle and increasingly can perform office work from remotely located homes. The housing situation is particularly desperate for young people. The Galiano community needs to attract and adequately accommodate more young people that are needed for improved social balance and economic health. While some work opportunities are concentrated in the village area, there are many jobs in tourism, forestry and construction along the entire length of the island. The Heritage Forest location is ideal for workers in the forest restoration and wildfire risk reduction field, subject to necessary funding. The site at 1633 George View is directly on the north-south Galiano Island bikeway route that has been proposed by the Galiano Trails Society. See agency responses folder for additional comments.	25-Jan-2021	19-Feb-2021
Halalt First Nation <i>7973 Chemainus Rd:</i> Raven August <i>Comment:</i> No Comment Received	21-Jan-2021	
Island Health <i>Health Protection and Environmental Services:</i> Doug Watters	25-Jan-2021	
Lake Cowichan First Nation <i>313B Deer Road:</i> Carole Livingstone <i>Comment:</i> No Comment Received	21-Jan-2021	
Lyackson First Nation <i>8017 Chemainus Road:</i> Linda Aidnell <i>Comment:</i> Lyackson First Nation recognizes this referral as being in the Hul'qumi'num Treaty Group's Marine Statement of Intent area. Lyackson First Nation had primary and secondary, fishing and marine harvesting rights/practices in this area, but not necessarily title and governing authority. As this referral is in close proximity to other First Nations' territorial lands and marine areas, Lyackson First Nation defers to (Penealkut Tribe) those First Nations' whose title and governing authorities are directly affected. By deferring this referral to another First Nation, Lyackson First Nation in no way surrenders its current rights and title claims. This decision is based on knowledge available at this time. Should Lyackson First Nation identify greater interests in the future we retain the right to revise this assessment.	21-Jan-2021	04-Mar-2021
Malahat First Nation <i>110 Thunder Road, RR4:</i> Heather Adams	02-Feb-2022	02-Mar-2022

Referrals: Bylaw GL-277

Agency	Sent	Received
<i>Comment:</i> Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding this draft bylaw.		
Mayne Island Local Trust Committee <i>Islands Trust:</i> Jas Chonk	21-Jan-2021	
Ministry of Attorney General and Minister <i>Ministry of AG - Housing Policy Branch:</i> . .	25-Jan-2021	
Ministry of Forests, Land, Natural Resource Operations & Rural Development - Water Authorization Sec <i>1520 Blanshard Street:</i> Cali Melnechenko <i>Comment:</i> Authorization Water Specialist's comments included: Approval Recommended Subject to Conditions Outlined below (see attached response summary).	25-Jan-2021	26-Jan-2021
Ministry of Municipal Affairs and Housing <i>Planning and Land Use Management:</i> Kris Nichols	25-Jan-2021	
Ministry of Transportation and Infrastructure <i>Vancouver Island District:</i> Michael Pearson	25-Jan-2021	
Musqueam Nation <i>6735 Salish Dr.:</i> Referrals Coordinator	21-Jan-2021	
Pauquachin First Nation <i>9010 West Saanich Road:</i> Darlene Henry <i>Comment:</i> No Comment Received	21-Jan-2021	
Penelakut Tribe <i>Box 360:</i> Denise James <i>Comment:</i> No Comment Received	21-Jan-2021	
Salt Spring Island Local Trust Committee <i>1 - 500 Lower Ganges Road:</i> Claire Olivier	21-Jan-2021	
Semiahmoo First Nation <i>16049 Beach Rd:</i> Chief & Council <i>Comment:</i> No Comment Received	21-Jan-2021	
Snuneymuxw First Nation	02-Feb-2022	

Referrals: Bylaw GL-277

Agency	Sent	Received
668 Centre Street: Desiree Thomas		
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	21-Jan-2021	
Telus - National Access Network Design 3980 Quadra Street: Bruce Lum	25-Jan-2021	
Thetis Island Local Trust Committee Northern Office: Laura Patrick	21-Jan-2021	
Tsartlip First Nation PO Box 70: Karen Harry Comment: No Comment Received	21-Jan-2021	
Tsawout First Nation Box 121: Cathy Webster Comment: Tsawout First Nation has no concerns at this time with the proposed changes to zoning. However, Tsawout First Nation is requesting that at time of development of proposed housing, that a Tsawout Cultural Monitor be present for any digging involved, at the cost of the proponent.	21-Jan-2021	02-Feb-2021
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams Comment: No Comment Received	21-Jan-2021	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy Comment: No Comment Received	21-Jan-2021	
WSANEC WSANEC Leadership Council Society: Justin Fritz	21-Jan-2021	

Referrals: Bylaw GL-276

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	25-Jan-2021	
BC Housing <i>Vancouver Island Region Office: Heidi Hartman</i> <i>Comment: Approval recommended for the reasons outlined below: - Permitted use aligns with BC Housing's goal of provision of affordable housing. - The proposed Bylaw amendments do not conflict with the existing requirements of BC Housing's funding programs.</i>	25-Jan-2021	08-Feb-2021
BC Hydro & Power Authority <i>333 Dunsmuir Street, Floor 12: Gary Holisko</i>	25-Jan-2021	
Capital Regional District - All Referrals Aggie Chan and Jessica Arnet <i>625 Fisgard Street: Referrals Coordinator</i> <i>Comment: The Galiano Island Parks and Recreation Commission has three Community Parks and two Shore Accesses which are served by the parking lot at the top of Sticks Community Park and have the potential for being affected by the proposed bylaws and subsequent development. At its meeting March 04, 2021, the GIPRC approved the bylaw 276 and 277 referral subject to the conditions below: 1. That the proponent ensure a safe route for pedestrians and cyclists from the parking lot at the head of Sticks Community Park to the new terminus of the extended Georgia View roadway to access Sticks West Community Park. 2. That the proponent consider providing some public parking at any new terminus of the extension of Georgia View roadway. 3. That the proponent ensure that surface runoff into the seasonal stream that runs through Sticks Community Park and Gulfside shore access does not increase as a result of the proposed housing development or the extension of the Georgia View roadway. The Galiano Island Parks and Recreation Commission wishes to make an amendment clarifying our Bylaw referral response of 04 March 2021. I notified the Local Trust Committee of our intention during its electronic meeting of 01 June 2021. Public concern was raised with the Commission that our second condition, referencing the terminus of the Georgia View Road, might be misinterpreted as referring to the current end of public access on the roadbed at the boundary of DL 37. To clarify our second condition, the Commission today (03 June 2021) adopted a resolution to amend the condition to read: "That the proponent consider providing some public parking at any new terminus of the extension of Georgia View roadway".</i>	25-Jan-2021	03-Jun-2021
Cowichan Tribes <i>Chief and Council: Candace Charlie</i> <i>Comment: From the FN Coordinator - Based on data from our traditional use database the area proposed for rezoning is in the vicinity of a traditional Cowichan hunting area and traditional travel/trail route. The applicant should be advised of heightened archaeological potential in the area. Other than the foregoing Cowichan Tribes has no further comment on the two proposed bylaws at this time.</i>	21-Jan-2021	17-Feb-2021
Galiano Island Fire Department	25-Jan-2021	25-Feb-2021

Referrals: Bylaw GL-276

Agency	Sent	Received
RR #2, Site 46 Comp 23: Karen Harris <i>Comment:</i> Approval recommended subject to conditions outlined below: The proposed development will require water storage for fire fighting purposes. It is my recommendation that this water supply be established prior to construction.		
Galiano Trails Society <i>Galiano Trails Society:</i> Bowie Keefer <i>Comment:</i> Approval is strongly recommended, in view of rising needs for affordable housing. The current Covid-19 pandemic is driving intensified pressure on housing availability and costs, as more urban people seek a safe rural lifestyle and increasingly can perform office work from remotely located homes. The housing situation is particularly desperate for young people. The Galiano community needs to attract and adequately accommodate more young people that are needed for improved social balance and economic health. While some work opportunities are concentrated in the village area, there are many jobs in tourism, forestry and construction along the entire length of the island. The Heritage Forest location is ideal for workers in the forest restoration and wildfire risk reduction field, subject to necessary funding. The site at 1633 George View is directly on the north-south Galiano Island bikeway route that has been proposed by the Galiano Trails Society. See agency responses folder for additional comments.	25-Jan-2021	19-Feb-2021
Halalt First Nation <i>7973 Chemainus Rd:</i> Raven August <i>Comment:</i> No Comment Received	21-Jan-2021	
Island Health <i>Health Protection and Environmental Services:</i> Doug Watters	25-Jan-2021	
Lake Cowichan First Nation <i>313B Deer Road:</i> Carole Livingstone <i>Comment:</i> No Comment Received	21-Jan-2021	
Lyackson First Nation <i>8017 Chemainus Road:</i> Linda Aidnell <i>Comment:</i> Lyackson First Nation recognizes this referral as being in the Hul'qumi'num Treaty Group's Marine Statement of Intent area. Lyackson First Nation had primary and secondary, fishing and marine harvesting rights/practices in this area, but not necessarily title and governing authority. As this referral is in close proximity to other First Nations' territorial lands and marine areas, Lyackson First Nation defers to (Penealkut Tribe) those First Nations' whose title and governing authorities are directly affected. By deferring this referral to another First Nation, Lyackson First Nation in no way surrenders its current rights and title claims. This decision is based on knowledge available at this time. Should Lyackson First Nation identify greater interests in the future we retain the right to revise this assessment.	21-Jan-2021	04-Mar-2021
Malahat First Nation <i>110 Thunder Road, RR4:</i> Heather Adams	02-Feb-2022	02-Mar-2022

Referrals: Bylaw GL-276

Agency	Sent	Received
<i>Comment:</i> Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding this draft bylaw.		
Mayne Island Local Trust Committee <i>Islands Trust:</i> Jas Chonk <i>Comment:</i>	25-Jan-2021	
Ministry of Attorney General and Minister <i>Ministry of AG - Housing Policy Branch:</i> . .	25-Jan-2021	
Ministry of Forests, Land, Natural Resource Operations & Rural Development - Water Authorization Sec <i>1520 Blanshard Street:</i> Cali Melnechenko <i>Comment:</i> Approval Recommended Subject to Conditions Outlined Below: Under the Water Sustainability Act an authorization is required to legally divert and use groundwater for non-domestic purposes. As such, an authorization(s) would need to be applied for, and granted, prior to use of groundwater for the proposed lot. Note there is no guarantee that an authorization will be granted by the decision maker. Water Authorizations has received an application for commercial enterprise purpose for this proposed affordable rental housing project and the application is under review. For your records, the file number is 20013441. During the review of a water authorization application, the following factors are considered: - Availability of water in the intended source; - Potential impacts to the environment (including hydraulically connected streams); - Potential impacts to nearby water users (including other well users and those diverting from hydraulically connected streams); and, - Potential impacts to First Nation's Interests. Please note that: - The proposed well is within 1 km of a stream. An assessment of hydraulic connectivity to surface water may be required. - The proposed well is within 1 km of domestic groundwater users. An assessment of risk of well interference between the proposed well and neighbouring domestic groundwater users may be required. - A technical assessment by a qualified professional has been provided in support of the water licence application and may address the factors noted above.	21-Jan-2021	26-Jan-2021
Ministry of Municipal Affairs and Housing <i>Planning and Land Use Management:</i> Kris Nichols	21-Jan-2021	
Ministry of Transportation and Infrastructure <i>Vancouver Island District:</i> Michael Pearson	21-Jan-2021	
Musqueam Nation <i>6735 Salish Dr.:</i> Referrals Coordinator	21-Jan-2021	

Referrals: Bylaw GL-276

Agency	Sent	Received
Pauquachin First Nation 9010 West Saanich Road: Darlene Henry <i>Comment: No Comment Received</i>	21-Jan-2021	
Penelakut Tribe Box 360: Denise James <i>Comment: No Comment Received</i>	21-Jan-2021	
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Claire Olivier	21-Jan-2021	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment: No Comment Received</i>	21-Jan-2021	
Snuneymuxw First Nation 668 Centre Street: Desiree Thomas	02-Feb-2022	
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	21-Jan-2021	
Telus - National Access Network Design 3980 Quadra Street: Bruce Lum	25-Jan-2021	
Thetis Island Local Trust Committee Northern Office: Laura Patrick	21-Jan-2021	
Tsartlip First Nation PO Box 70: Karen Harry <i>Comment: No Comment Received</i>	21-Jan-2021	
Tsawout First Nation Box 121: Cathy Webster <i>Comment: Response: Tsawout First Nation has no concerns at this time with the proposed changes to zoning. However, Tsawout First Nation is requesting that at time of development of proposed housing, that a Tsawout Cultural Monitor be present for any digging involved, at the cost of the proponent.</i>	21-Jan-2021	02-Feb-2021
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams <i>Comment: No Comment Received</i>	21-Jan-2021	
Tseycum First Nation	21-Jan-2021	



Referrals: Bylaw GL-276

Agency	Sent	Received
1210 Totem Lane: Chief Tanya Jimmy		
Comment: No Comment Received		
WSANEC	21-Jan-2021	
WSANEC Leadership Council Society: Justin Fritz		



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 276 (OCP) 277 (LUB)
GL-RZ-2019.1 (GIGARHS)

LTC Endorsement: Feb 7, 2022 Resolution GL-2022-009

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	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.
N/A	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.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSIST ENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
✓	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources

N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.
-----	-------	--

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	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.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
✓	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation

N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

Executive Committee

Policy Checklist

Checklist Key:

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Executive Committee Legislative Role Policy (2.4)

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By: Jas Chonk

Status

Date Resolution Referred to Exective Committee: 16-Jul-2022

Reading:

Executive Committee

Policy Checklist

Checklist Key:

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Executive Committee Legislative Role Policy (2.4)

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By: Jas Chonk

Status

Date Resolution Referred to Exective Committee: 16-Jul-2022

Reading:

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 276

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

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

1. CITATION

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

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS	1 ST	DAY OF	MARCH	2021.
PUBLIC HEARING HELD THIS	16 TH	DAY OF	JULY	2022.
READ A SECOND TIME THIS	16 TH	DAY OF	JULY	2022.
READ A THIRD TIME THIS	16 TH	DAY OF	JULY	2022.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

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

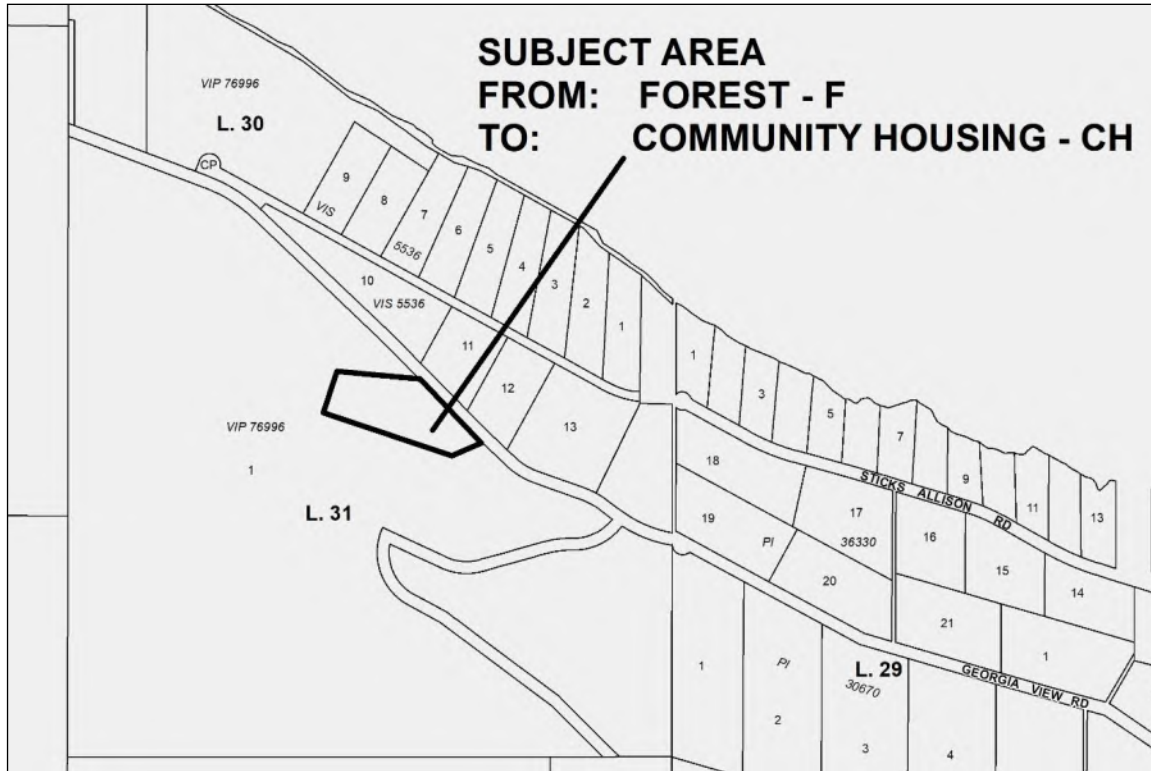
SCHEDULE 1

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

- 1.1 Section 2, subsection 1.6 (Community Housing), Community Housing Policy b)i) is deleted and replaced with “i) all additional density greater than that permitted by current zoning shall be in the form of units reserved primarily for occupancy as affordable, seniors or special needs housing as operated on a not for profit basis.”
- 1.2 Schedule “B” – LAND USE DESIGNATIONS is amended by changing the land use designation of a portion of the lands legally described as Lot 1 District Lots 30 and 31 Galiano Island Cowichan District Plan VIP76996 except that part in plan VIP76997 from Forest – F to Community Housing – CH as shown on Plan No. 1 attached to and forming part of this bylaw.

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 276

Plan No. 1



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 277

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

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

1. Citation

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

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

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

“8.7 Community Housing 2 – CH2

Permitted Uses

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

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

Permitted Density

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

8.7.3 Maximum floor area of a dwelling must not exceed

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

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

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

8.7.6 Lot coverage must not exceed 25%.

Permitted Height

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

Minimum Setbacks

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

Minimum Lot Size

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

Form of Tenure

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

c) Section 13.23 is amended by adding the words “or Community Housing 2” immediately following the words “or in an area zoned Community Housing 1”.

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

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

And the subsequent definitions are re-numbered accordingly

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

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

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

3. SEVERABILITY

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

READ A FIRST TIME THIS 1ST DAY OF MARCH 2021.

PUBLIC HEARING HELD THIS 16TH DAY OF JULY 2022.

READ A SECOND TIME THIS 16TH DAY OF JULY 2022.

READ A THIRD TIME THIS 16TH DAY OF JULY 2022.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ 20____

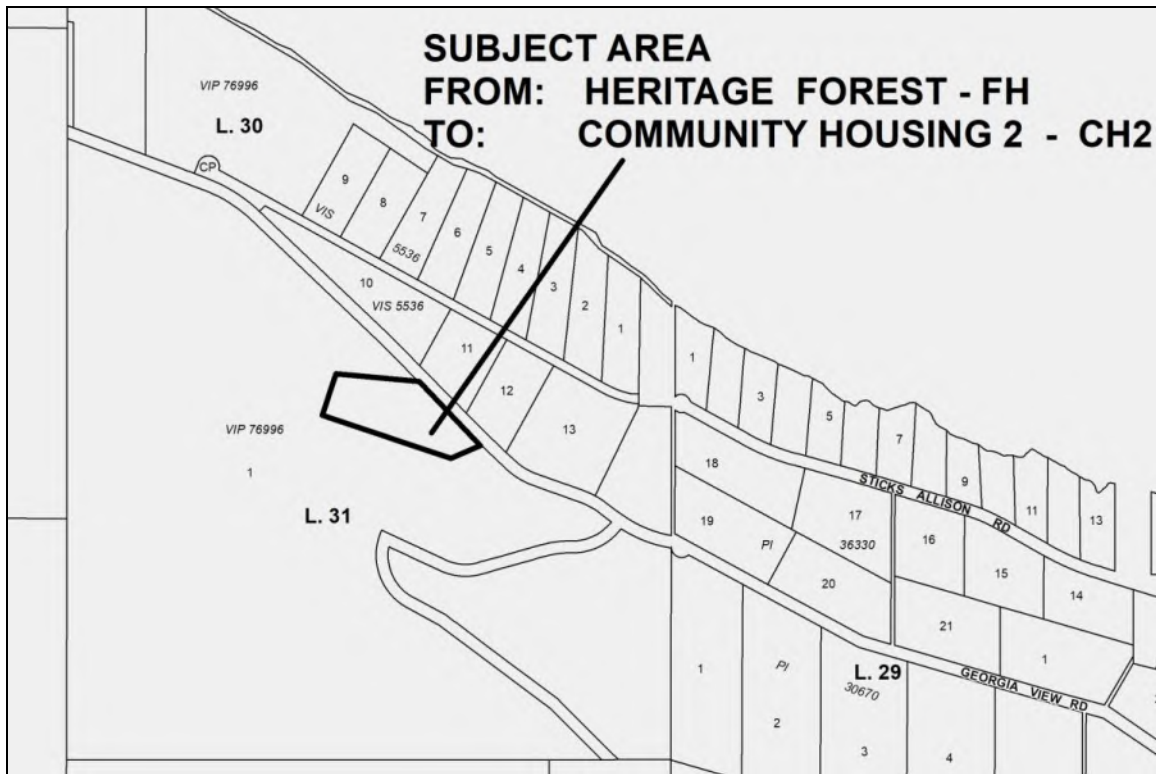
ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 277**

Plan No. 1



GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 274

A Bylaw to Authorize a Housing Agreement

WHEREAS the Galiano Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Galiano Island Local Trust Area, pursuant to the *Islands Trust Act*;

AND WHEREAS Section 483 of the *Local Government Act* and Section 29 of the *Islands Trust Act* permit the Local Trust Committee to enter into a housing agreement;

AND WHEREAS the Galiano Island Local Trust Committee wishes to enter into a Housing Agreement;

NOW THEREFORE the Galiano Island Local Trust Committee enacts in open meeting assembled as follows:

1. This Bylaw may be cited for all purposes as “Galiano Island Housing Agreement Bylaw No. 274, 2019”.
2. Any one Trustee of the Galiano Island Local Trust Committee are authorized to execute an agreement in the form attached to this Bylaw with the ‘owner’ and the ‘society’.

READ A FIRST TIME THIS 16TH DAY OF JULY 2022.

READ A SECOND TIME THIS 16TH DAY OF JULY 2022.

READ A THIRD TIME THIS 16TH DAY OF JULY 2022.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF 20__

ADOPTED THIS

DAY OF 20__

SECRETARY

CHAIRPERSON

Housing Agreement and Section 219 Covenant

THIS AGREEMENT DATED FOR REFERENCE THE _____ DAY OF, 20____, IS BETWEEN:

THE GALIANO CLUB, a society incorporated under the laws of the province of British Columbia with number S0001400 and having its office at #141 Sturdies Bay Rd, PO Box 219, Galiano Island, BC V0N 1P0

(the "Owner")

GULF ISLANDS GALISLE AFFORDABLE RENTAL HOUSING SOCIETY, a society incorporated under the laws of the province of British Columbia with number S0069972 and having its office at #6-33 Manzanita Road, Galiano Island, BC, V0N 1P0

(the "Society");

AND:

GALIANO ISLAND LOCAL TRUST COMMITTEE, a corporation under the *Islands Trust Act*, having an office at 2nd Floor, 1627 Fort Street, Victoria, B.C., V8R 1H8

(the "Local Trust Committee")

WHEREAS:

- A. The Owner is the registered owner of the Lands situated at on Galiano Island, British Columbia, and legally described as:

PID: 025-936-107

Lot 1 District Lots 30 And 31 Galiano Island Cowichan District Plan Vip76996 Except That Part In Plan Vip76997

(the "Lands");

- B. The Local Trust Committee is considering the adoption of Galiano Island Land Use Bylaw 127, 1999 Amendment No. 1, 2020, to permit the development of affordable multi-family rental housing (the "Rezoning");
- C. Following the Rezoning, the Owner intends to subdivide the Lands and to the transfer the Lot B Equivalent to the Society for the development and construction of affordable multi-family rental housing;

- D. The Society intends to rent units on Lot B Equivalent, by way of rental agreement, to Qualified Renters at affordable rates;
- E. The Local Trust Committee may pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands;
- F. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the Local Trust Committee in respect of the use of land or construction on land;
- G. The Owner and the Local Trust Committee wish to enter into this Agreement to provide rental housing on the Lands on the terms and conditions of this Agreement to have effect as both a covenant under section 219 of the *Land Title Act* and a housing agreement under section 483 of the *Local Government Act*; and
- H. The Local Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement, and the Society has specifically endorsed this Agreement in anticipation of the Society becoming the registered owner of the Lot B equivalent, and developing and operating affordable rental housing in accordance with the terms of this Agreement.

THIS AGREEMENT is evidence that in consideration of \$1.00 paid by the Local Trust Committee to the Owner (the receipt of which is acknowledged by the Owner), and in consideration of the promises exchanged below, the Local Trust Committee and the Owner agree, as covenants granted by the Owner to the Local Trust Committee under Section 219 of the *Land Title Act*, and as a housing agreement between the Owner and the Local Trust Committee under Section 483 of the *Local Government Act*, as follows:

Article 1: Definitions and Interpretation

1.1 Definitions – In this Agreement:

“Affordable Housing Funder”	means an entity with a mandate to create and promote affordable housing, such as BC Housing or CMHC, that provides a grant or preferential rate loan to support the development of Rental Housing Units on the Lands.
“Annual Household Income”	means the combined gross income of all adult members of a Household, as shown on line 150 of the preceding year’s T1 General Income Tax and Benefit return.
“BC Housing”	means the British Columbia Housing Management Commission or BC Housings’ successor in function. For clarity, a “successor in function” of BC Housing will be a Crown Corporation, governmental department or other entity with a mandate from the provincial government to provide British Columbians with access to affordable, safe and appropriate housing that is accountable to the provinces’ Minister responsible for Housing or their successor.
“Business Days”	means Monday to Friday inclusive except for those excluded days declared by lawful authority as holidays.

"Census Profile"	means the most recently available census profile published by Statistics Canada for the Southern Gulf Islands, regional district electoral area census subdivision or, in the event that Southern Gulf Islands, regional district electoral area census subdivision is amended, eliminated or replaced, a successor census subdivision which includes Galiano Island;
"CMHC"	means Canada Mortgage and Housing Corporation or its successors in function.
"Dwelling"	means a dwelling as defined in the Galiano Island Land Use Bylaw 127, 1999.
"Household"	means one or more individuals occupying the same Dwelling.
Income of Couples with Children	means the median total income of couple economic families with children as determined by Statistics Canada in the Census Profile.
Income of Couples without Children	means the median total income of couple economic families without children or other relatives as determined by Statistics Canada in the Census Profile.
Income of Lone-Parent Families	means the median total income of lone-parent economic families as determined by Statistics Canada in the Census Profile.
Income of One-Person Households	means the median total income of one-person households as determined by Statistics Canada in the Census Profile.
"Lands"	has the meaning ascribed in Recital A.
"Lot B Equivalent"	has the meaning ascribed to it in section 3.2(b).
"Low and Moderate Income Limits"	means, as determined by BC Housing from time to time, a) for residential units with less than two (2) bedrooms, an Annual Household Income that does not exceed the median income for couples without children in British Columbia, as an example, for 2022 this figure is \$77,430; and b) for residential units with two (2) or more bedrooms, an Annual Household Income that does not exceed the median income for families with children in British Columbia, and as an example, for 2022 this figure is \$120,990.
"Operating Agreement"	means an agreement that sets out the amount, duration, and conditions of the subsidy provided by the provincial and/or federal governments, or an Affordable Housing Funder for the construction and/or operation of Rental Housing Units.
"Owner"	means the registered owner of the Lands, provided however that upon the execution and filing of the Release with the Land Title Office, it means the registered owner of the Lot B Equivalent only.
"Permitted"	means the Gulf Islands Galisle Affordable Rental Housing Society, BC Housing, CMHC, a housing society, a non-profit housing corporation, or other entity

Housing Operator”	approved by the Local Trust Committee in writing.
“Qualified Renter”	means a person who meets the eligibility criteria for tenancy as set out in Schedule B and who meets the occupancy criteria set out in Section 2.3 of this Agreement and the Operating Agreement, if any.
“Release”	has the meaning ascribed in section 3.2(b).
“Rental Housing Unit”	means a Dwelling on the Lands in respect of which the construction, tenure, rent, and occupancy are restricted in accordance with this Agreement.
“Residential Tenancy Act”	means the <i>Residential Tenancy Act</i> (British Columbia).
“Rezoning”	has the meaning ascribed in Recital B.
“Statistics Canada”	means the national statistics office or Statistics Canada’s successor in function.
“Subdivide”	means to divide, apportion, consolidate or subdivide the Lands or any building on the Lands, or the ownership or right to possession or occupation of the Lands or any building on the Lands, into two or more lots, strata lots, parcels, parts, portions or shares, whether by plan, descriptive words or otherwise, under the <i>Land Title Act</i> , the <i>Strata Property Act</i> (British Columbia), or otherwise, and includes the creation, conversion, organization or development of “cooperative interests” or a “shared interest in land” as defined in the <i>Real Estate Development Marketing Act</i> (British Columbia).
“Tenancy Agreement”	means a written tenancy agreement as defined in, and subject to, the Residential Tenancy Act.
“Tenant Default”	has the meaning ascribed in section 2.3(d)(v).

1.2 Interpretation –

Reference in this Agreement to:

- a) A “party” is a reference to a party in this Agreement;
- b) A particular numbered “article” or “section” or to a particular lettered “schedule” is a reference to the corresponding numbered or lettered article, section, or schedule of this Agreement;
- c) An “enactment” is a reference to an enactment as defined in the *Interpretation Act* and is a reference to any revision, amendment or re-enactment of, or replacement for, that enactment;
- d) Wherever the singular or gendered language is used in this Agreement, it shall be deemed to include the plural or all genders, or the body politic or corporate, where the context or the

parties so require; and

- e) The Local Trust Committee includes a reference to its successors in function, including a municipality.

1.3 Headings

The division of this Agreement into articles, sections and schedules is for convenience of reference only and does not affect its interpretation. The article and section headings used in this Agreement are for convenience of reference only and do not affect the interpretation of this Agreement.

1.4 Entire Agreement

This is the entire agreement among the parties concerning its subject and may be amended only in accordance with section 3.16.

Article 2 – Rental Housing

2.1 Agreement over the Lands

Pursuant to section 219 of the *Land Title Act* and section 483 of the *Local Government Act*, the Owner covenants and agrees that:

- a) The Lands will not be developed, and no new building or structure will be constructed on the Lands unless the Owner constructs Rental Housing Units in accordance with this Agreement, any development permit or rezoning issued by the Local Trust Committee, and any building permit issued by the Capital Regional District.
- b) It will design, construct, and maintain the Rental Housing Units in a satisfactory state of repair and fit for habitation and will comply with this Agreement and all laws, including health and safety standards applicable to the Lands.
- c) If a building is demolished or is otherwise replaced, this Agreement shall continue to apply to the Lands and the construction on the Lands shall be subject to the requirements of this Agreement.

2.2 Minimum Construction Requirements

All the Rental Housing Units will be designed and constructed to the same standard in terms of layout, skill, and materials.

2.3 Occupancy of Rental Housing Units

The Owner covenants and agrees that Rental Housing Units will only be occupied when all of the following criteria are met:

- a) the Household's Annual Household Income does not exceed the Low and Moderate Income Limits for the specified unit type at the time of application and initial occupancy;

- b) the Household is composed of at least one Qualified Renter;
- c) the Qualified Renter will occupy the Rental Housing Unit as its permanent, principal, and sole residence;
- d) the Qualified Renter has signed a Tenancy Agreement with the Owner, and the Tenancy Agreement includes;
 - i. a clause prohibiting subletting for short-term vacation rentals and in all other circumstances prohibiting subletting without obtaining prior Owner consent in accordance with section 2.7;
 - ii. notice of the existence of this Agreement and the occupancy restrictions applicable to the Rental Housing Unit, and notice that the Owner will provide to each Qualified Renter upon their request, a copy of this Agreement;
 - iii. a clause requiring the Qualified Renter to comply with the use and occupancy restrictions contained in this Agreement;
 - iv. a clause requiring Qualified Renters to seek prior permission of the Owner before engaging in a home business based out of the Rental Housing Unit; and
 - v. a clause confirming that a breach by the Qualified Renter of any of the provisions set out in 2.3(d)(i), 2.3(d)(iii) or 2.3(d)(iv) (each of which constitutes a “Tenancy Default”) will entitle the Owner to end the tenancy for cause, in accordance with the Residential Tenancy Act, as a failure to comply with a material term

2.4 Amount of Rent Payable for Rental Housing Units

The Owner covenants and agrees that:

- a) Rent for 1-bedroom Rental Housing Units in a calendar year will on average be at or below 30% of the average of:
 - a. Income of One-Person Households; and
 - b. Income of Couples without Children.
- b) Rent for 2-bedroom Rental Housing Units in a calendar year will on average be at or below 30% of the average of:
 - a. Income of Couples with Children; and
 - b. Income of Lone-Parent Families.
- c) Rent for 3-bedroom Rental Housing Units in a calendar year will on average be at or below 30% of the Income of Couples with Children.
- d) It will not require any Qualified Renter under a Tenancy Agreement to pay any extra charges or fees for use of any common area or amenity, or for sanitary sewer, storm sewer, water utilities, property taxes and similar services. For clarity, this limitation does not apply to parking, cablevision, telecommunications, laundry, or gas or electricity utility fees or charges.

2.5 Policies/Rules and Regulations/Administration by Owner

The Owner is authorized to make and administer rules, regulations and policies as reasonably necessary to fully implement and achieve the policy goals set out in this Agreement. Such rules, regulations and policies may include, but are not limited to, the following:

- a) Establishing and maintaining a wait list of potential Qualified Renters; and
- b) Establishing, administering and enforcing a rental policy applicable to the terms of this Agreement and in accordance with the *Residential Tenancy Act*.

2.6 No Sublease of Rental Housing Unit Unless Requirements Met

The Owner will not consent to the sublease of a Tenancy Agreement, except in accordance with this Agreement, the Residential Tenancy Act, and the Owner's rules, regulations and policies. For greater clarity, the Owner will not consent to a sublease for the purposes of a short-term vacation rental, and the Owner will not otherwise consent to a sublease unless the sublessee meets the requirements set out in section 2.3.

2.7 Monitoring and Reporting to the Local Trust Committee

The Owner must deliver to the Local Trust Committee once each year on or before July 1, a completed statutory declaration, substantially in the form attached as Schedule "A", sworn by the Owner. Additionally, the Local Trust Committee may request this statutory declaration up to one additional time in any calendar year, and the Owner must complete and supply the completed statutory declaration within 10 Business Days of receiving a request from the Local Trust Committee. The Owner irrevocably authorizes the Local Trust Committee to make reasonable inquiries it considers necessary in order to confirm compliance with this Agreement.

2.8 Operating Agreement Prevails

The provisions in section 2.3 and 2.4 apply except if the Rental Housing Units are subject to an Operating Agreement which conflicts with all or any of them, in which case the Operating Agreement prevails to the extent of the conflict only.

Prior to execution of an Operating Agreement that the Owner expects to conflict with the provisions in sections 2.3 and 2.4 of this Agreement, the Owner shall provide the draft Operating Agreement to the Local Trust Committee. The Local Trust Committee may request that Affordable Housing Funder modify the terms of the Operating Agreement so that its terms do not conflict with sections 2.3 and 2.4 of this Agreement.

Article 3 – General Terms

3.1 Management

The Owner covenants and agrees that:

- a) it will furnish, or cause a Permitted Housing Operator to furnish, good and efficient management of the Lands and the Rental Housing Units on the Lands;
- b) if and when the Local Trust Committee has reasonable grounds to believe that a continuing breach of this Agreement exists, it will permit the Local Trust Committee to inspect the Lands and any buildings at any reasonable time with reasonable notice, subject to the notice provisions of the Residential Tenancy Act; and
- c) if the Owner is not the Permitted Housing Operator, the Owner will at all times cause the Permitted Housing Operator to administer, manage and operate the Rental Housing Units and will cause the Permitted Housing Operator to administer, manage and operate the Rental Housing Units in accordance with all of the restrictions and requirements of this Agreement, and the Owner's obligations under this Agreement. For clarity, the Owner's engagement of a Permitted Housing Operator pursuant to this Agreement will not relieve the Owner from any of the Owner's obligations under this Agreement or any of the restrictions or requirements of this Agreement.

3.2 Discharge

- a) After the Rezoning, the Owner intends to subdivide the Lands as shown on the proposed subdivision plan attached hereto as Schedule "C" to create parcels equivalent in size and configuration to those labelled Lot 1 and Lot B.
- b) Upon Subdivision of the Lands and creation of a legal parcel equivalent in size, location and configuration of the parcel shown as Lot B on the proposed subdivision plan attached hereto (the "Lot B Equivalent"), if the Local Trust Committee, acting reasonably, is satisfied that the Lot B Equivalent is reasonably equivalent to the Lot B shown on the proposed subdivision plan and that, after a release is filed, this Agreement will remain on title and continue to bind the owner of the Lot B Equivalent, the Local Trust Committee will prepare and execute a release of this Agreement on any parcel that is not the Lot B Equivalent as soon as practicable (the "Release").
- c) Upon receipt of the executed Release from the Local Trust Committee, the owner of any parcel that is not the Lot B Equivalent may file the Release in the Land Title Office.
- d) Once the Release has been executed and filed, any reference to Lands in this Agreement shall be construed as a reference to the Lot B Equivalent and not any parcel that is not the Lot B Equivalent.

3.3 Order to Comply

If the Owner is in default of the performance or observance of this Agreement, the Local Trust Committee may give the Owner a notice of default requiring the Owner to comply with this Agreement within the reasonable time stated in the notice. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Local Trust Committee, within the time stated on the notice of default provided to the Owner by the Local Trust Committee.

3.4 Society Standing

If the Owner is a society, the Owner must maintain its standing as a society under the *Society Act* and must not amend its Constitution in any manner that would prevent, or adversely affect, the ability of the Society to perform its obligations under this Agreement.

3.5 Specific Performance of Agreement

The Owner agrees that the Local Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement, in view of the public interest in restricting the occupancy of the Rental Housing Units. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Local Trust Committee's Land Use Bylaw.

3.6 Assignment

The Owner acknowledges that the Local Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and, in that event, any reference in this Agreement to the Local Trust Committee shall be interpreted as a reference to that party provided that the Local Trust Committee has so advised the Owner.

3.7 Indemnity

The Owner shall indemnify and save harmless the Local Trust Committee and each of its elected officials, officers, directors, employees, and agents from and against all claims, demands, actions, loss, damage, costs, and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is by law responsible in relation to this Agreement, unless resulting from the respective gross negligence or unlawful acts of the Local Trust Committee or its elected officials, officers, directors, employees, and agents.

The Local Trust Committee shall indemnify and save harmless the Owner and each of its officers, directors, employees, agents or contractors or any other person for whom the Owner is by law responsible in relation to this Agreement, from and against all claims, demands, actions, loss, damage, costs and liabilities for which any of them may be liable by reason of any act or omission of the Local Trust Committee or its elected officials, officers, directors, employees, or agents, unless resulting from the respective gross negligence or unlawful acts of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is by law responsible in relation to this Agreement.

This clause will survive the termination of this Agreement.

3.8 Local Trust Committee Powers Unaffected

This Agreement does not limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or the common law, impose on the Local Trust Committee any duty or obligation, affect or limit any enactment relating to the use of the Lands, or relieve the Owner from complying with any enactment.

3.9 No Public Law Duty

Wherever in this Agreement an act, determination, consent, approval or agreement of the Local Trust Committee is provided for, such act, determination, consent, approval or agreement may be done or made in accordance with the terms of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice shall have any application.

3.10 No Waiver

No condoning, excusing or overlooking by a party of any default under this Agreement of the other party, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the non-defaulting party of any subsequent default or of the necessity for further consent, approval or agreement in respect of a subsequent matter requiring it under this Agreement, or in any way to defeat or affect the rights or remedies of the non-defaulting party.

3.11 Dispute Resolution

Any matter in dispute between the parties under this Agreement, including any disputes as to whether a particular individual is eligible to occupy a Rental Housing Unit, must be referred to a single arbitrator if the parties can agree on one, and otherwise to three arbitrators, one to be appointed by each of the parties and the third by those two so appointed, and the matter must be resolved in accordance with the provisions of the *Arbitration Act* (British Columbia).

3.12 Notice on Title

The Owner acknowledges and agrees that this Agreement constitutes both a covenant under Section 219 of the *Land Title Act* and a housing agreement under Section 483 of the *Local Government Act*, the Local Trust Committee is required to file a notice of housing agreement in the Land Title Office against title to the Lands, and once such a notice is filed, this Agreement binds all persons who acquire an interest in the Lands as a housing agreement under Section 483 of the *Local Government Act*.

3.13 Covenant Runs with the Land

Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the Local Trust Committee in accordance with section 219 of the *Land Title Act* in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including, by subdivision or by strata plan.

3.14 Limitation on Owner's Obligations

The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands, provided that once the Release has been executed and filed in accordance with section 3.2, the Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lot B Equivalent.

3.15 Amendment and Termination

This Agreement may not be modified or amended except by bylaw of the Local Trust Committee, upon an agreement in writing between the Local Trust Committee and the Owner.

3.16 Notices

Any notice required to be given pursuant to this Agreement shall be in writing and shall be given to the Owner or the Local Trust Committee, as the case may be, at the address first above written, or to any other address of which either the Owner or the Local Trust Committee may advise the others in writing in accordance with this paragraph. Notice to the Local Trust Committee must be addressed to the Secretary of the Islands Trust. If given in person or by facsimile transmission, such notice will be deemed to be received when delivered and, if mailed, such notice will be deemed to be received only when actually received by the party to whom it is addressed.

3.17 Enurement

This Agreement is binding upon and enures to the benefit of the parties and their respective successors and permitted assigns.

3.18 Remedies Cumulative

The remedies specified in this Agreement are cumulative and are in addition to any remedies of the parties at law or in equity. No remedy shall be deemed to be exclusive, and a party may from time to time have recourse to one or more or all of the available remedies specified herein or at law or in equity.

3.19 Severability

If any term or provision of this Agreement, or its application to any person or circumstance shall to any extent be found to be invalid and unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

3.20 Joint and Several

In the case of more than one Owner, the grants, covenants, conditions, provisions, agreements, rights, powers, privileges and liabilities of the Owner shall be construed and held to be several as well as joint.

3.21 Further Acts

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

3.22 Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the province of British Columbia.

3.23 Joint Venture

Nothing in this Agreement shall constitute the Owner as an agent, joint venture or partner of the Local Trust Committee or give the Owner any authority or power to bind the Local Trust Committee in any way.

3.24 Time of Essence

Time is of the essence in this Agreement.

3.25 Further Assurances

The parties shall execute and do all such further deeds, acts, things and assurances as they reasonably require to carry out the intent of this Agreement.

3.26 Priority

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

3.27 Deed and Contract

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

As evidence of their agreement to be bound by the above terms, the owner and the Local Trust Committee each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement, and the authorized signatory(ies) of the Society has executed these terms of instrument.

SCHEDULE "A"

**OWNER STATUTORY
DECLARATION**

CANADA

PROVINCE OF BRITISH COLUMBIA

IN THE MATTER OF A HOUSING AGREEMENT
WITH THE GALIANO ISLAND LOCAL TRUST
COMMITTEE ("Housing Agreement")

I, _____

declare that:

1. I am the _____ [director, officer, employee] of the [Owner's], the owner of the land known as _____, Galiano Island, legally described as Parcel Identifier: _____
Legal Description: _____
(the "Lands")
2. I make this declaration to the best of my personal knowledge.
3. This declaration is made pursuant to the Housing Agreement registered against the Lands.
4. For the period from _____ to _____, the Rental Housing Unit were used only by Qualified Renters (as defined in the Housing Agreement).
5. At no time during the last year were any of the Rental Housing Units used as a short-term vacation rental.
6. The rental payments charged for the Rental Housing Units were in compliance with the Housing Agreement.
7. No subletting of the Lands has been permitted.
8. I acknowledge and agree to comply with all of the Owner's obligations under the Housing Agreement, and other charges registered against the Lands and confirm that the Owner has complied with all of its obligations under these Agreements.
9. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

DECLARED BEFORE ME at _____, British Columbia, this ____ day of _____.

A Commissioner for taking Affidavits
in British Columbia

Signature of person making declaration

SCHEDULE “B”

Eligibility Criteria for Tenancy

A Qualified Renter means a person aged 19 years or older who meets the financial and other requirements of the Housing Agreement (the “Agreement”) and fits into at least one of the following categories, subject to the Operating Agreement, and which are not listed in any particular priority order:

- 1) Residents of Galiano Island;
- 2) Indigenous peoples with rights and responsibilities in and around what is known as Galiano Island, or, is considered by members of these First Nation communities to be part of the First Nation community.

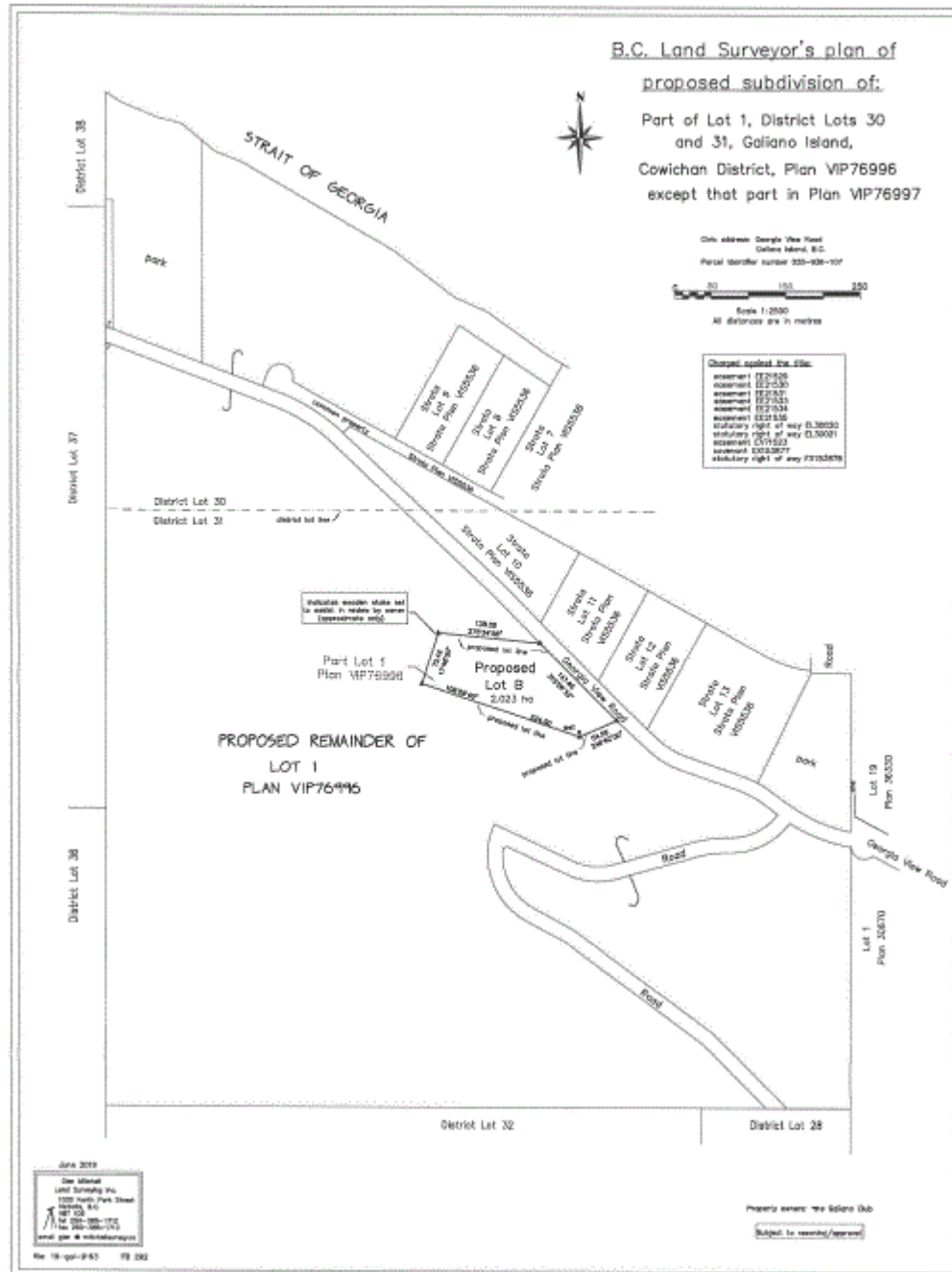
Except that where there are no persons meeting the categories specified in clause 1 or 2 above, who make an application to rent an available unit and the lack of applications from the categories specified above would result in a unit being vacant for more than one month, then a Qualified Renter may be a person aged 19 years or older who meets the financial and other requirements of the Agreement and fits into at least one of the following categories, which are not listed in any particular priority order:

- a. Previous resident of Galiano Island who has lived away from the island for a maximum of three consecutive years; or
- b. Non-resident who is hired to begin at least half-time work (20 hours per week) on Galiano Island; or
- c. Person with immediate family already living on Galiano Island. For greater clarity, immediate family means an individual to whom the person is related by blood, or by marriage, or common-law relationship, or by adoption..

Except that where there are no persons meeting the categories specified in clause 1 or 2, nor a, b, or c above, who make an application to rent an available unit and the lack of applications from the categories specified above would result in a unit being vacant for more than one month, then a Qualified Renter may be any person permitted by the Operating Agreement who meets the financial and other requirements of the Agreement.

SCHEDULE "C"

Proposed Subdivision Plan



First Nation Engagement

Referral of: Galiano Bylaws No. 276 & 277 (OCP & LUB Amendments)

Re: GL-RZ-2019.1 (GIGARHS)

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
Jan 21, 2021	Sent Referral	MH
Feb 11, 2021	Could not get through by calling, resent email referral.	MH
Feb 17, 2021	From the FN Coordinator - Based on data from our traditional use database the area proposed for rezoning is in the vicinity of a traditional Cowichan hunting area and traditional travel/trail route. The applicant should be advised of heightened archaeological potential in the area. Other than the foregoing Cowichan Tribes has no further comment on the two proposed bylaws at this time.	MH
June 24, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Halalt

Date	Comment/Action	Initial
Jan 21, 2021	Sent Referral	MH
Feb 9, 2021	Halalt First Nation has no comment.	MH
June 24, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Lake Cowichan

Date	Comment/Action	Initial
Jan 21, 2021	Sent Referral	MH
Feb 11, 2021	Checked Portal, no response. Resent email referral.	MH
June 24, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Lyackson

Date	Comment/Action	Initial
Jan 21, 2021	Sent Referral	MH
Feb 11, 2021	Left a detailed voice message, Resent referral by email.	MH
March 4, 2021	Lyackson First Nation recognizes this referral as being in the Hul'qumi'num Treaty Group's Marine Statement of Intent area. Lyackson First Nation had primary and secondary, fishing and marine harvesting rights/practices in this area, but not necessarily title and governing authority. As this referral is in close proximity to other First Nations' territorial lands and marine areas, Lyackson First Nation defers to (Penealkut Tribe) those First Nations' whose title and governing authorities are directly affected. By deferring this referral to another First Nation, Lyackson First Nation in no way surrenders its current rights and title claims. This decision is based on knowledge available at this time.	MH

	Should Lyackson First Nation identify greater interests in the future we retain the right to revise this assessment.	
June 24, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Malahat

Date	Comment/Action	Initial
Feb 2, 2022	Sent Referral	JC
Mar 2, 2022	Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding this draft bylaw.	JC
June 24, 2022	Sent Follow-up Email in regards to Public Hearing	JC

First Nation: Musqueam Indian Band

Date	Comment/Action	Initial
Jan 21, 2021	Sent Referral	MH
Feb 11, 2021	Resent referral by email.	MH
June 24, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Pauquachin First Nation

Date	Comment/Action	Initial
Jan 21, 2021	Sent Referral	MH
Feb 11, 2021	Left a detailed voice message, Resent referral by email.	MH
June 24, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
Jan 21, 2021	Sent Referral	MH
Feb 11, 2021	Left a detailed voice message, Resent referral by email.	MH
June 24, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Semiahmoo

Date	Comment/Action	Initial
Jan 21, 2021	Sent Referral	MH
Feb 11, 2021	Left a detailed voice message, Resent referral by email.	MH
June 24, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Snuneymuxw

Date	Comment/Action	Initial
Feb 2, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Stz'uminus

Date	Comment/Action	Initial
Jan 21, 2021	Sent Referral	MH
Feb 11, 2021	No Comments. Resent referral by email	MH
June 24, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Tsartlip First Nation

Date	Comment/Action	Initial
Jan 21, 2021	Sent Referral	MH
Feb 11, 2021	Left Detailed Voicemail and resent referral by email.	MH
June 24, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Tsawwassen First Nation

Date	Comment/Action	Initial
Jan 21, 2021	Sent Referral	MH
Feb 11, 2021	Left Detailed Voicemail and resent referral by email.	MH
June 24, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Tsawout First Nation

Date	Comment/Action	Initial
Jan 21, 2021	Sent Referral	MH
Jan 22, 2021	Tsawout First Nation has no concerns at this time with the proposed changes to zoning. However, Tsawout First Nation is requesting that at time of development of proposed housing, that a Tsawout Cultural Monitor be present for any digging involved, at the cost of the proponent.	MH
June 24, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Tseycum First Nation

Date	Comment/Action	Initial
Jan 21, 2021	Sent Referral	MH
Feb 11, 2021	Resent referral by email.	MH
June 24, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: WSANEC Leadership Council

Date	Comment/Action	Initial
Jan 21, 2021	Sent Referral	MH
Feb 11, 2021	Resent referral by email.	MH
June 24, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: 3900-04-08;
MA-6500-20 (2019 Flexible
Housing)

DATE OF MEETING: August 3, 2022
TO: Islands Trust Executive Committee
FROM: Narissa Chadwick, Island Planning
SUBJECT: Mayne Island Local Trust Committee – Bylaws 184 and 189

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 184, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021” in accordance with Section 27 of the *Islands Trust Act*.**
2. **THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 189, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022” in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Mayne Island Local Trust Committee has referred Bylaws 184 and 189 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaws as they are not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational

There are no notable organizational changes as a result of the recommendation.

Financial

There are no notable financial impacts related to these bylaw amendments.

Policy

The proposed bylaw amendments do not conflict with Islands Trust policies. The OCP amendments were made to ensure consistency with the proposed LUB amendments.

Implementation/Communications

Communication to **Mayne Island Local Trust Committee** regarding the Executive Committee decision by **August 3, 2022**.

Other

None

PURPOSE

Mayne Island Local Trust Committee Bylaw No. 184, by amending the Mayne Island Local Trust Committee Land Use Bylaw will enable the introduction of what the Mayne Local Trust Committee has termed “flexible housing”. Flexible Housing zoning allows for the development of dwelling units, additional to what is permitted in existing zoning, within a maximum combined floor area for all dwellings. Flexible zoning is proposed to be implemented in a pilot area identified in Bylaw No. 184. The Bylaw also increases the maximum floor area of secondary suites and cottages to 95m² (1001 ft²) in all zones where secondary suites and cottages are allowed.

Bylaw No. 189 introduces amendments to the Mayne Island Local Trust Committee Official Community Plan to support what is being proposed in Bylaw No. 184.

BACKGROUND

Mayne Island Local Trust Committee Bylaws 184 and 189

This project was initiated in May of 2019. The initial phase of the project focused on understanding the issues and engaging the community in discussions related to the idea of permitting dwelling units, in addition to what is permitted, within a maximum combined floor area for all units. Permitting larger cottages and secondary suites was also included in the project. Three community information meetings were held (January 18th, March 29th, May 28th 2021).

Staff drafted amendments to the OCP and LUB and proposed a pilot area. Questions from community members regarding the possibility of expanding the pilot area as well as the finalization of groundwater vulnerability data led staff to develop a larger set of criteria upon which to base decisions regarding the location of the pilot area. This criteria included groundwater vulnerability and distance to amenities. This evaluation contributed to an expansion of the pilot area.

March 28th, 2022 - Bylaws were read for the first time

June 27th, 2022 – First reading rescinded, pilot area updated, bylaw read for first time

July 25, 2022 – Public Hearing, bylaw read for second and third time. There were no concerns raised at the public hearing.

Issues Relating To Provincial Interest

The Proposed Bylaws were referred to Ministry of Municipal Affairs, no response was received.

Issues Relating To First Nation Interest

The Proposed Bylaws were also referred to Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Malahat First Nation, Pauquachin First Nation, Penelakut Tribe, Semiahmoo First Nation, Snuneymuxw First Nation, Stz’uminus First Nation, Tsartlip First Nation, Tsawout First Nation, Tsawwassen First Nation, Tseycum First Nation and WSANEC Leadership Council for comment.

Response was received from the Lyackson First Nations requesting Islands Trust housing policies work to facilitate the provision of affordable housing for local Indigenous peoples. Staff note that a similar response was received from the Lyackson related to a referral for a housing project on Galiano Island. Senior staff have been engaging with the Lyackson on this issue.

The Malahat Nation indicated that the proposed activity falls outside of core Malahat traditional territory.

Issues Relating To Resources and Enforcement

The introduction of flexible housing zoning may lead to an increase in building permits.

Public Comments

No public comments to the Executive Committee on this bylaw have been received.

Staff Comments

The Executive is requested to approve Mayne Island Local Trust Committee Bylaw No. 184, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021” and Mayne Island Local Trust Committee Bylaw No. 189, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022” .

Staff recommend the Executive approve Bylaw 186 and 187 as they are not contrary or at variance with the Islands Trust Policy Statement.

KEY ISSUES/CONCEPTS

- Flexible housing supports the development of additional dwelling units while limiting the combined floor area of all buildings on a residential lot.
- The flexible housing pilot area considers groundwater vulnerability as well as proximity to amenities.
- The flexible housing pilot can be expanded over time.
- Flexible housing is one tool in a suite of tools to address housing need on Mayne Island.
- The increased size of cottages and secondary suites will support development of more spaces on the island that are livable for families.

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- Islands Trust Policy 1.3.i [Policy Statement Implementation Policy]

ALTERNATIVE

1. Determine that the bylaw is contrary to the Islands Trust Policy Statement:

THAT the Executive Committee request that staff advise Mayne Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 184, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021” and Bylaw No. 189, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021” is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Mayne Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Narissa Chadwick, Island Planner	July 26, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	July 27, 2022

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaw No. 184
7. Bylaw No. 189
8. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Mayne Island Local Trust Committee

Bylaw No.: MA-184

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 25-Jul-2022

- ☒ Bylaw Submission Checklist attached
- ☒ Policy Statement Checklist attached*
* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Mayne Island Local Trust Committee

Bylaw No.: MA-189

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 25-Jul-2022

- ☒ Bylaw Submission Checklist attached
- ☒ Policy Statement Checklist attached*
* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: MA-184

Trust Area: Mayne Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: MA-184
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 27-Jun-2022

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 01-Apr-2022

Resolutions:

Resolution Waiving Public Hearing: No
Resolution Authorizing Public Hearing: Yes
Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: Chonk, Jas

Date: 08-Jul-2022

File complete and ready for Public review: Yes

Public Hearings:

Location: Mayne Island Agricultural Hall
Proofread By: Chonk, Jas

Legal Paper: Gulf Island Driftwood
First Publish Date: 13-Jul-2022

Second Publish Date: 20-Jul-2022

Alternate Paper: The Mayneliner/Alea Printers
First Publish Date: 01-Jul-2022

Second Publish Date:

Mailout Date:
Second Reading Date: 25-Jul-2022

Delivery Notices:
Date Public Hearing Held: 25-Jul-2022
Third Reading Date: 25-Jul-2022

Bylaw: MA-189

Trust Area: Mayne Island Local Trust Committee
Type: Official Community Plan Bylaw
Bylaw No.: MA-189
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 27-Jun-2022

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 01-Apr-2022

Resolutions:

Resolution Waiving Public Hearing: No
Resolution Authorizing Public Hearing: Yes
Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: Chonk, Jas

Date: 08-Jul-2022

File complete and ready for Public review: No

Public Hearings:

Location: Mayne Island Agricultural Hall
Proofread By: Chonk, Jas

Legal Paper: Gulf Island Driftwood
First Publish Date: 13-Jul-2022

Second Publish Date: 20-Jul-2022

Alternate Paper: The Mayneliner/Alea Printers
First Publish Date: 01-Jul-2022

Second Publish Date:

Mailout Date:
Second Reading Date: 25-Jul-2022

Delivery Notices:
Date Public Hearing Held: 25-Jul-2022
Third Reading Date: 25-Jul-2022

Referrals: Bylaw MA-184

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	01-Apr-2022	
Bylaw Enforcement <i>Islands Trust: Warren Dingman</i>	01-Apr-2022	
Capital Regional District - All Referrals Aggie Chan and Jessica Arnet <i>625 Fisgard Street: Aggie Chan</i> <i>Comment: Approval recommended subject to conditions: The Southern Gulf Islands Community Economic Sustainability Commission considered this referral at its meeting of April 19, 2022 and passed the following resolution: 1. That the Southern Gulf Islands Community Economic Sustainability Commission supports MA LTC Proposed Bylaws 184 & 189 subject to following conditions: a. That the Mayne Island Local Trust Committee consider expanding the pilot within a prescribed time frame of no more than 5 years. b. That the Mayne Island Local Trust Committee further develop its impact/benefits metric to account for social benefits. For example, the project may address needs identified in the SGI Housing Needs Assessment, and support housing for workers, one or more seniors, or single parent families, and this should be considered an indicator of benefit. c. That the Mayne Island Local Trust Committee recognize the Mayne Island Community Bus Route as an indicator of benefit in reducing dependency on single occupant vehicles. d. That the Mayne Island Local Trust Committee recognize the proximity to the ferry terminal as an indicator of benefit for enabling islanders to commute to other communities for work. e. That the Mayne Island Local Trust Committee remove the upper land area limit from the proposed bylaw. f. That the Mayne Island Local Trust Committee consider assuring additional units have affordability controls to meet the need identified in the CRD SGI Housing Needs Assessment (2018) and the CRD SGI Market Assessment (2022). The Southern Gulf Islands Community Economic Sustainability Commission supports the Mayne Island Local Trust Committee's flexible housing program and is interested opportunities for coordination between Islands Trust and CRD, especially as they may relate to the administrative implications of ensuring the affordability of flexible housing zones. Two of the lots included in the proposed OCP amendment area (PID 024107441 and PID 024107492) are directly adjacent to Mount Park Regional Park. If these two lots were to be developed to accommodate flexible housing, we would like to provide comments on the referral to ensure that regional parks interests are considered in the application process.</i>	01-Apr-2022	29-Apr-2022
Cowichan Tribes <i>5760 Allenby Rd: Tracey Flemming</i> <i>Comment: No Comment Received</i>	01-Apr-2022	
Galiano Island Local Trust Committee <i>200 - 1627 Fort Street: Jas Chonk</i> <i>Comment: Interests Unaffected by Bylaw.</i>	01-Apr-2022	02-May-2022
Halalt First Nation	01-Apr-2022	

Referrals: Bylaw MA-184

Agency	Sent	Received
7973 Chemainus Rd: Raven August <i>Comment:</i> No Comment Received		
Lake Cowichan First Nation 313B Deer Road: Carole Livingstone <i>Comment:</i> No Comment Received	01-Apr-2022	
Lyackson First Nation 8017 Chemainus Road: Linda Aidnell <i>Comment:</i> Over the past decades, Lyackson First Nation has identified concerns with the Islands Trust's approach to referrals, including, among others, the adverse effects of your policies on our interests; the environmental, cultural and historical impacts to Lyackson's rights and interests related to development decisions; the lack of funding to support site visits, impact assessments and meaningful consultation on projects; our historical exclusion from our traditional territories (including in your decision-making and governance structures); and, the lack of cumulative effects assessment related to environmental, cultural, socioeconomic and historical values. This list is not exhaustive. As the Islands Trust is well aware, the Quw'utsun Nation member communities have a deep, rich and ongoing connection to the lands and waters of Mayne Island to which our Nation retains unceded Aboriginal rights and title. Given Island Trust's acknowledgement of the forcible dispossession of Indigenous peoples of these lands and their desire to return home to them, Islands Trust housing policies should work to facilitate that process where appropriate (i.e., working with housing developers to dedicate units to affordable housing for local Indigenous peoples). We would like to understand how the proposed bylaws specifically consider and support the housing needs of local Indigenous peoples. We would also like to remind you that meaningful engagement and consultation require ongoing dialogue and shared decision-making, not simply letter writing. First Nations should be included at the management level (problem identification, concept and solution design) as opposed to as in a mere advisory group capacity.	01-Apr-2022	16-May-2022
Malahat First Nation 110 Thunder Road, RR4: Heather Adams <i>Comment:</i> Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding the proposed bylaws.	01-Apr-2022	30-May-2022
Ministry of Municipal Affairs and Housing Planning and Land Use Management: Ron Burleson	01-Apr-2022	
North Pender Island Local Trust Committee Islands Trust: Jas Chonk <i>Comment:</i> Interests Unaffected by Bylaw.	01-Apr-2022	28-Apr-2022
Pauquachin First Nation	01-Apr-2022	

Referrals: Bylaw MA-184

Agency	Sent	Received
9010 West Saanich Road: Darlene Henry <i>Comment: No Comment Received</i>		
Penelakut Tribe Box 360: Denise James <i>Comment: No Comment Received</i>	01-Apr-2022	
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Peter Luckham <i>Comment: Interests Unaffected by Bylaw.</i>	01-Apr-2022	19-Apr-2022
Saturna Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk	01-Apr-2022	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment: No Comment Received</i>	01-Apr-2022	
Snuneymuxw First Nation 668 Centre Street: Desiree Thomas	01-Apr-2022	
South Pender Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk <i>Comment: Interests Unaffected by Bylaw.</i>	01-Apr-2022	06-May-2022
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	01-Apr-2022	
Tsartlip First Nation PO Box 70: Karen Harry <i>Comment: No Comment Received</i>	01-Apr-2022	
Tsawout First Nation Box 121: Cathy Webster <i>Comment: No Comment Received</i>	01-Apr-2022	
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams <i>Comment: No Comment Received</i>	01-Apr-2022	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy <i>Comment: No Comment Received</i>	01-Apr-2022	
WSANEC WSANEC Leadership Council Society: Justin Fritz	01-Apr-2022	



Print Date: July 26, 2022

Referrals: Bylaw MA-184

Agency	Sent	Received
--------	------	----------

Referrals: Bylaw MA-189

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	01-Apr-2022	
Bylaw Enforcement <i>Islands Trust: Warren Dingman</i>	01-Apr-2022	
Capital Regional District - All Referrals Aggie Chan and Jessica Arnet <i>625 Fisgard Street: Aggie Chan</i> <i>Comment: Approval recommended subject to conditions: The Southern Gulf Islands Community Economic Sustainability Commission considered this referral at its meeting of April 19, 2022 and passed the following resolution: 1. That the Southern Gulf Islands Community Economic Sustainability Commission supports MA LTC Proposed Bylaws 184 & 189 subject to following conditions: a. That the Mayne Island Local Trust Committee consider expanding the pilot within a prescribed time frame of no more than 5 years. b. That the Mayne Island Local Trust Committee further develop its impact/benefits metric to account for social benefits. For example, the project may address needs identified in the SGI Housing Needs Assessment, and support housing for workers, one or more seniors, or single parent families, and this should be considered an indicator of benefit. c. That the Mayne Island Local Trust Committee recognize the Mayne Island Community Bus Route as an indicator of benefit in reducing dependency on single occupant vehicles. d. That the Mayne Island Local Trust Committee recognize the proximity to the ferry terminal as an indicator of benefit for enabling islanders to commute to other communities for work. e. That the Mayne Island Local Trust Committee remove the upper land area limit from the proposed bylaw. f. That the Mayne Island Local Trust Committee consider assuring additional units have affordability controls to meet the need identified in the CRD SGI Housing Needs Assessment (2018) and the CRD SGI Market Assessment (2022). The Southern Gulf Islands Community Economic Sustainability Commission supports the Mayne Island Local Trust Committee's flexible housing program and is interested opportunities for coordination between Islands Trust and CRD, especially as they may relate to the administrative implications of ensuring the affordability of flexible housing zones. Two of the lots included in the proposed OCP amendment area (PID 024107441 and PID 024107492) are directly adjacent to Mount Park Regional Park. If these two lots were to be developed to accommodate flexible housing, we would like to provide comments on the referral to ensure that regional parks interests are considered in the application process.</i>	01-Apr-2022	29-Apr-2022
Cowichan Tribes <i>5760 Allenby Rd: Tracey Flemming</i> <i>Comment: No Comment Received</i>	01-Apr-2022	
Galiano Island Local Trust Committee <i>200 - 1627 Fort Street: Jas Chonk</i> <i>Comment: Interests Unaffected by Bylaw.</i>	01-Apr-2022	02-May-2022
Halalt First Nation	01-Apr-2022	

Referrals: Bylaw MA-189

Agency	Sent	Received
7973 Chemainus Rd: Raven August <i>Comment:</i> No Comment Received		
Lake Cowichan First Nation 313B Deer Road: Carole Livingstone <i>Comment:</i> No Comment Received	01-Apr-2022	
Lyackson First Nation 8017 Chemainus Road: Linda Aidnell <i>Comment:</i> Over the past decades, Lyackson First Nation has identified concerns with the Islands Trust's approach to referrals, including, among others, the adverse effects of your policies on our interests; the environmental, cultural and historical impacts to Lyackson's rights and interests related to development decisions; the lack of funding to support site visits, impact assessments and meaningful consultation on projects; our historical exclusion from our traditional territories (including in your decision-making and governance structures); and, the lack of cumulative effects assessment related to environmental, cultural, socioeconomic and historical values. This list is not exhaustive. As the Islands Trust is well aware, the Quw'utsun Nation member communities have a deep, rich and ongoing connection to the lands and waters of Mayne Island to which our Nation retains unceded Aboriginal rights and title. Given Island Trust's acknowledgement of the forcible dispossession of Indigenous peoples of these lands and their desire to return home to them, Islands Trust housing policies should work to facilitate that process where appropriate (i.e., working with housing developers to dedicate units to affordable housing for local Indigenous peoples). We would like to understand how the proposed bylaws specifically consider and support the housing needs of local Indigenous peoples. We would also like to remind you that meaningful engagement and consultation require ongoing dialogue and shared decision-making, not simply letter writing. First Nations should be included at the management level (problem identification, concept and solution design) as opposed to as in a mere advisory group capacity.	01-Apr-2022	16-May-2022
Malahat First Nation 110 Thunder Road, RR4: Heather Adams <i>Comment:</i> Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding the proposed bylaws.	01-Apr-2022	30-May-2022
Ministry of Municipal Affairs and Housing Planning and Land Use Management: Ron Burleson	01-Apr-2022	
North Pender Island Local Trust Committee Islands Trust: Jas Chonk <i>Comment:</i> Interests Unaffected by Bylaw.	01-Apr-2022	28-Apr-2022
Pauquachin First Nation	01-Apr-2022	

Referrals: Bylaw MA-189

Agency	Sent	Received
9010 West Saanich Road: Darlene Henry <i>Comment: No Comment Received</i>		
Penelakut Tribe Box 360: Denise James <i>Comment: No Comment Received</i>	01-Apr-2022	
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Peter Luckham <i>Comment: Interests Unaffected by Bylaw.</i>	01-Apr-2022	19-Apr-2022
Saturna Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk	01-Apr-2022	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment: No Comment Received</i>	01-Apr-2022	
Snuneymuxw First Nation 668 Centre Street: Desiree Thomas	01-Apr-2022	
South Pender Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk <i>Comment: Interests Unaffected by Bylaw.</i>	01-Apr-2022	06-May-2022
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	01-Apr-2022	
Tsartlip First Nation PO Box 70: Karen Harry <i>Comment: No Comment Received</i>	01-Apr-2022	
Tsawout First Nation Box 121: Cathy Webster <i>Comment: No Comment Received</i>	01-Apr-2022	
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams <i>Comment: No Comment Received</i>	01-Apr-2022	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy <i>Comment: No Comment Received</i>	01-Apr-2022	
WSANEC WSANEC Leadership Council Society: Justin Fritz	01-Apr-2022	



Referrals: Bylaw MA-189

Agency	Sent	Received
--------	------	----------

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File Name: 2019 Housing Bylaw & Policy
Review (Flexible Housing)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	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.
N/A	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.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.2	Forests
	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.2	Forests

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	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.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

Executive Committee

Policy Checklist

Checklist Key:

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Executive Committee Legislative Role Policy (2.4)

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By: Jas Chonk

Status

Date Resolution Referred to Exective Committee: 25-Jul-2022

Reading:

Executive Committee

Policy Checklist

Checklist Key:

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Executive Committee Legislative Role Policy (2.4)

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By: Jas Chonk

Status

Date Resolution Referred to Exective Committee: 25-Jul-2022

Reading:

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 184

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

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021”.

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

2.1 By attaching Plan 1, attached to and forming part of this Bylaw, as Schedule “E” – Flexible Housing Map.

2.2 Section 1.1 – Definitions, is amended by deleting the definition of “Recreational vehicle” and replacing it with ““Recreational vehicle” means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, including a tiny home on wheels that meets the Canadian Standards Association Standard for Recreational Vehicles, but does not include a mobile home or, manufactured home”.

2.3 Section 1.1 – Definitions, is amended by adding ““Tiny home on wheels” means– a dwelling unit on a wheeled chassis designed to be used as a full-time residence”.

2.4 Subsection 3.13 (3) – Secondary Suites, is amended by inserting “in areas outside the shaded area in Schedule “E” following “constructed” in both instances.

2.5 Subsection 3.13 (8) – Secondary Suites, is amended by replacing “60” with “93”, replacing “646” with “1001” and replacing “40” with “50”.

2.6 Subsection 5.1 (2) –Settlement Residential (SR) Zone, is amended by inserting “unit” after the first instance of “dwelling” and before “per lot”

2.7 Section 5.1 – Settlement Residential (SR) Zone is amended by inserting a new subsection (3.1) following subsection (3):

“(3.1) Despite 5.1(2) and (3), on lots shown on Schedule E, the following density is permitted:

- (a) On lots having an area less than 0.6 ha (1.5 acres) hectares, one additional dwelling is permitted if the total combined floor area of all dwellings does not exceed 232 m² (2500 square feet).

- (b) On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwellings and a cottage are permitted if the total combined floor area of all dwellings and cottages does not exceed 325m² (3500 square feet).
 - (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 5 hectares (12.355 acres), three dwellings and a cottage are permitted if the total combined floor area of all dwellings and cottages does not exceed 436 m² (4750 square feet).
 - (d) A building permit shall not be issued for any dwelling additional to one dwelling and a cottage on a lot within the shaded area on Schedule “E”, unless the additional dwelling is equipped with a water catchment system and cisterns for the storage of freshwater with a minimum cistern capacity of 13640 litres (3000 gallons) for each additional dwelling.
 - (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings or cottages for the purposes of this subsection.
 - (f) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
 - (g) No dwellings may be used for short term vacation rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term vacation rental, consistent with Section 3.6.”
- 2.8 Subsection 5.1 (7) – Settlement Residential (SR) Zone is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”
- 2.9 Subsection 5.2 (5) – Rural Residential One, is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”
- 2.10 Subsection 5.4 (6) – Miners Bay Rural Comprehensive (MBRC) Zone, is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”
- 2.11 Section 5.5 – Rural (R) Zone is amended by inserting a new subsection (3.1) following subsection (3):
- “3.1) Despite 5.5 (2) and (3), on lots shown on Schedule E, the following density is permitted:
- (a) On lots having an area less than 0.6 ha (1.5 acres) hectares, one additional dwelling is permitted if the total combined floor area of all dwellings does not exceed 232 m² (2500 square feet).
 - (b) On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwellings and a cottage are permitted if the total combined floor area of all dwellings and cottages does not exceed 325m² (3500 square feet).

- (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 5 hectares (12.355 acres), three dwellings and a cottage are permitted if the total combined floor area of all dwellings and cottages does not exceed 436 m² (4750 square feet).
- (d) A building permit shall not be issued for any dwelling additional to one dwelling and a cottage on a lot within the shaded area on Schedule "E", unless the additional dwelling is equipped with a freshwater catchment system and cisterns for the storage of rainwater with a minimum cistern capacity of 13640 litres (3000 gallons) for each additional dwelling.
- (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings or cottages for the purposes of this subsection.
- (f) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
- (g) No dwellings may be used for short term vacation rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term vacation rental, consistent with Section 3.6."

2.12 Section 5.5 (7) – Rural (R) Zone is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."

2.13 Section 5.6 (7) – Upland (UP) Zone is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."

3. SEVERABILITY

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

READ A FIRST TIME THIS	27 TH	DAY OF	JUNE	2022.
PUBLIC HEARING HELD THIS	25 TH	DAY OF	JULY	2022.
READ A SECOND TIME THIS	25 TH	DAY OF	JULY	2022.
READ A THIRD TIME THIS	25 TH	DAY OF	JULY	2022.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

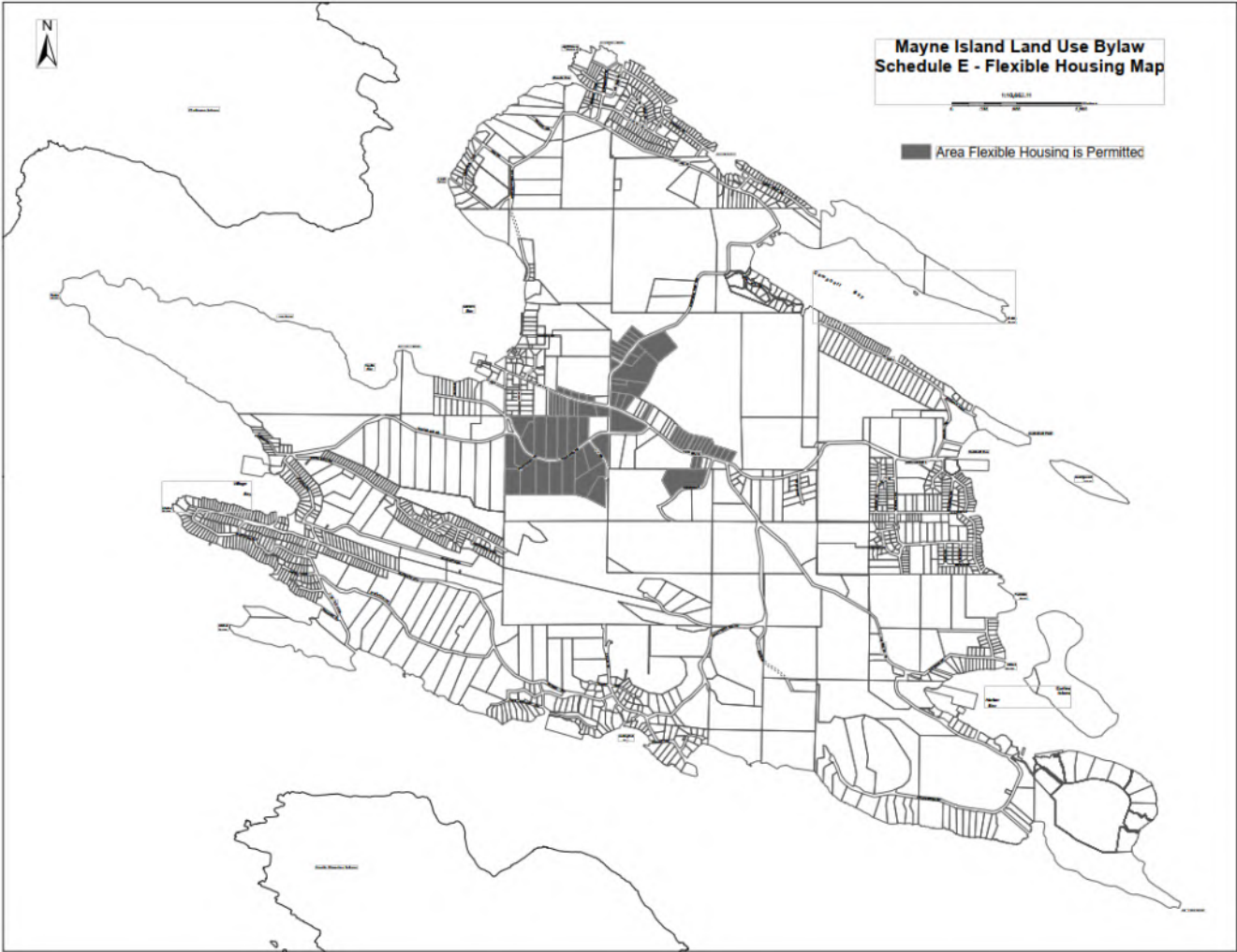
CHAIR

SECRETARY

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 184

Plan 1

Schedule E (Flexible Housing Areas Map)



PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 189

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS	28 TH	DAY OF	MARCH	2022.
PUBLIC HEARING HELD THIS	25 TH	DAY OF	JULY	2022.
READ A SECOND TIME THIS	25 TH	DAY OF	JULY	2022.
READ A THIRD TIME THIS	25 TH	DAY OF	JULY	2022.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 189**

SCHEDULE 1

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

1. Section 1.2 Broad Community Objectives is amended by adding to Objective 5) "and flexible" after "effective" and before "housing".
2. Section 2.1.1 Settlement Residential Objectives is amended by adding: "4) to support flexible options for housing while preserving and protecting rural character and freshwater sustainability."
3. Settlement Residential policy 2.1.1.2 is amended by deleting the first instance of "One" and replacing it with "In general, one" and by inserting "except where regulations permit additional dwelling units while limiting floor areas" after "or larger" and before ".".
4. Settlement Residential policy 2.1.1.3 is amended by deleting "On" and replacing it with "In general, on" and by inserting "except where regulations permit additional dwelling units while limiting floor areas" after "of lot area" and before ".".
5. Settlement Residential policy 2.1.1.10 is amended by deleting the first instance of "On" and replacing it with "Except where regulations permit additional dwelling units while limiting floor area, on".
6. Section 2.1.4 Rural Objectives is amended by adding "3) to support flexible approaches housing while preserving and protecting rural character and freshwater sustainability".
7. Rural policy 2.1.4.2 is amended by deleting the first instance of "One" and replacing it with "In general, one" and by inserting "except where regulations permit additional dwelling units while limiting floor area" after "of parcel area".
8. Rural policy 2.1.4.3 is amended by inserting "primary" after second instance of "permitted" and before "dwelling unit".
9. Rural policy 2.1.4.12 is amended by deleting the first instance of "On" and replacing it with "Except where regulations permit additional dwelling units while limiting floor area, on".

First Nation Engagement

Referral of: Mayne Island Bylaws 184 and 189

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Halalt

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Lake Cowichan

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Lyackson

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
May 16, 2022	Over the past decades, Lyackson First Nation has identified concerns with the Islands Trust's approach to referrals, including, among others, the adverse effects of your policies on our interests; the environmental, cultural and historical impacts to Lyackson's rights and interests related to development decisions; the lack of funding to support site visits, impact assessments and meaningful consultation on projects; our historical exclusion from our traditional territories (including in your decision-making and governance structures); and, the lack of cumulative effects assessment related to environmental, cultural, socioeconomic and historical values. This list is not exhaustive. As the Islands Trust is well aware, the Quw'utsun Nation member communities have a deep, rich and ongoing connection to the lands and waters of Mayne Island to which our Nation retains unceded Aboriginal rights and title. Given Island Trust's acknowledgement of the forcible dispossession of Indigenous peoples of these lands and their desire to return home to them, Islands Trust housing policies should work to facilitate that process where appropriate (i.e., working with housing developers to dedicate units to affordable housing for local Indigenous peoples). We would like to understand how the proposed bylaws specifically consider and support the housing needs of local Indigenous peoples. We would also like to remind you that meaningful engagement and consultation require ongoing dialogue and shared decision-making, not simply letter writing. First Nations should be included at the management	

	level (problem identification, concept and solution design) as opposed to as in a mere advisory group capacity.	
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Malahat

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
May 30, 2022	Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding the proposed bylaws.	JC
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Pauquachin

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Semiahmoo

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Snuneymuxw

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Stzuminus

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Tsartlip

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Tsawout

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Tsawwassen

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Tseycum

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: WSANEC

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
July 13, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: 3900-04-08;
MA-6500-20 (2021 OCP and
LUB Minor)

DATE OF MEETING: August 3, 2022
TO: Islands Trust Executive Committee
FROM: Narissa Chadwick, Island Planner
SUBJECT: Mayne Island Local Trust Committee – Bylaws 186 and 187

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 186, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2021” in accordance with Section 27 of the *Islands Trust Act*.**
2. **THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 187, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021” in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Mayne Island Local Trust Committee has referred Bylaws 186 and 187 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaws as they are not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational

These bylaw amendments are minor in nature. The only impact of note is the reduction in administrative time to process TUP renewals for the two properties that currently have TUPs and are being rezoned to accommodate that temporary use permanently.

Financial

There are no notable financial impacts related to these bylaw amendments.

Policy

As the attached Trust Policy Statement checklist identifies, the bylaw amendments are not contrary or at variance with the Trust Policy Statement. The required changes to the OCP were made in Bylaw No. 186 in order for the amendments introduced to the LUB in Bylaw 187 to conform with the OCP.

Implementation/Communications

Communication to Mayne Island Local Trust Committee regarding the Executive Committee decision by August 5, 2022.

Other

None

PURPOSE

The purpose of Mayne Island Local Trust Committee Bylaw No. 186, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2021” (Attachment 6) is to amend the Mayne Island Official Community Plan by removing the Parks Master Plan (as requested by the Mayne Island Parks and Recreation Commission) and changing the land use designation on 437 Fernhill Road to conform with the zoning change proposed in Bylaw No. 187.

Mayne Island Local Trust Committee Bylaw No. 187, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021” (Attachment 7), if adopted, proposes amendments to the Mayne Island Land Use Bylaw that: support land uses currently existing under Temporary Use Permit and addresses other community interests and concerns. Amendments to zoning are proposed for the following properties:

490 Fernhill Road – Creation of a site specific zone to allow for the continuation of the use permitted in the Temporary Use Permit which was issued in July 2020 to support the operation of the Mayne Island Brewery including the indoor tasting room and outdoor patio.

437 Fernhill Road – Zoning changed from Settlement Residential (SR) to Community Service (S1) to allow for continued use of the property as Thrift Store, Archive, Museum Storage and Fall Fair Activities as currently permitted by Temporary Use Permit.

594 Fernhill Road - Correcting zoning language to permit commercial activities to occur indoors only.

797 Beechwood Drive - Corrects a mistake made in a covenant which should have limited density to two single family residential dwellings and two cottages. The covenant was registered on a large remaining parcel of land resulting from a previous subdivision. The LTC responded to property owner’s request to permit three dwellings and one cottage, while limiting the size of the third dwelling.

Emma and Felix Jack Park – Site specific zoning that prohibits additional structures in response to i community request for passive park use.

Proposed Bylaw No. 187 also includes a new definition of patio, allowing patios in setbacks, and places limits on election sign posting.

BACKGROUND

Mayne Island Local Trust Committee Bylaws 186 and 187

May 10, 2021 – The LTC requested staff prepare a project charter for the Official Community Plan and Land Use Bylaws Minor Amendments project.

March 28, 2022 – First Reading

June 27, 2022 – Public Hearing, Second and Third Reading. There were no public hearing submission. There was general support for the amendments.

The LTC has considered and determined that the bylaws are not contrary to or at variance with the Islands Trust Policy Statement (Attachment 8).

Issues Relating To Provincial Interest

The Proposed Bylaws were referred to Ministry of Municipal Affairs, no response was received.

Issues Relating To First Nation Interest

The Proposed Bylaws were also referred to Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Malahat First Nation, Pauquachin First Nation, Penelakut Tribe, Semiahmoo First Nation, Snuneymuxw First Nation, Stz'uminus First Nation, Tsartlip First Nation, Tsawout First Nation, Tsawwassen First Nation, Tseycum First Nation and WSANEC Leadership Council for comment. No comments directly related to the Bylaws were received.

Issues Relating To Resources and Enforcement

The limit on election signs on properties to one per property may lead to bylaw violations.

Public Comments

No public comments to the Executive Committee have been received.

Staff Comments

The Executive is requested to approve Mayne Island Local Trust Committee Bylaw No. 186, cited as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2021" and Mayne Island Local Trust Committee Bylaw No. 187, cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021" .

Staff recommend the Executive Committee approve Bylaw 186 and 187 as they are not contrary or at variance with the Islands Trust Policy Statement.

KEY ISSUES/CONCEPTS

- Rezoning to allow continued use of two properties as currently permitted through TUP.
- Rezoning to support previously intended use of two properties.
- Rezoning to support passive use of a park.
- New definition of patios. Allowing patios in setbacks (excluding setback from the sea).
- Revised regulations for election signs restricting signs to one per property.

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- Islands Trust Policy 1.3.i [Policy Statement Implementation Policy]

ALTERNATIVE

1. Determine that the bylaw is contrary to the Islands Trust Policy Statement:

THAT the Executive Committee request that staff advise Mayne Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 186, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2021” and Bylaw No. 187, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021” is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Mayne Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Narissa Chadwick, Island Planner	July 20, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	July 21, 2022

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaw No. 186
7. Bylaw No. 187
8. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Mayne Island Local Trust Committee

Bylaw No.: MA-186

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 27-Jun-2022

- ☒ Bylaw Submission Checklist attached
- ☒ Policy Statement Checklist attached*
* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Mayne Island Local Trust Committee

Bylaw No.: MA-187

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 27-Jun-2022

- ☒ Bylaw Submission Checklist attached
- ☒ Policy Statement Checklist attached*
* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: MA-186

Trust Area: Mayne Island Local Trust Committee
Type: Official Community Plan Bylaw
Bylaw No.: MA-186
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 28-Mar-2022

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 01-Apr-2022

Resolutions:

Resolution Waiving Public Hearing: No
Resolution Authorizing Public Hearing: Yes
Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: Chonk, Jas

Date: 13-Jun-2022

File complete and ready for Public review: No

Public Hearings:

Location: Mayne Island Agricultural Hall
Proofread By: Chonk, Jas

Legal Paper: Gulf Island Driftwood
First Publish Date: 15-Jun-2022

Second Publish Date: 22-Jun-2022

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date: 08-Jun-2022
Second Reading Date: 27-Jun-2022

Delivery Notices: 10-Jun-2022
Date Public Hearing Held: 27-Jun-2022
Third Reading Date: 27-Jun-2022

Bylaw: MA-187

Trust Area: Mayne Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: MA-187
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 28-Mar-2022

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 01-Apr-2022

Resolutions:

Resolution Waiving Public Hearing: No
Resolution Authorizing Public Hearing: Yes
Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: Chonk, Jas

Date: 13-Jun-2022

File complete and ready for Public review: Yes

Public Hearings:

Location: Mayne Island Agricultural Hall
Proofread By: Chonk, Jas

Legal Paper: Gulf Island Driftwood
First Publish Date: 15-Jun-2022

Second Publish Date: 22-Jun-2022

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date:
Second Reading Date: 27-Jun-2022

Delivery Notices:
Date Public Hearing Held:
Third Reading Date: 27-Jun-2022

Referrals: Bylaw MA-186

Agency	Sent	Received
Capital Regional District - All Referrals Aggie Chan and Jessica Arnet 625 Fisgard Street: Aggie Chan <i>Comment:</i> See EDM folder for response.	01-Apr-2022	02-May-2022
Cowichan Tribes 5760 Allenby Rd: Tracey Flemming <i>Comment:</i> No Comment Received	01-Apr-2022	
Galiano Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk <i>Comment:</i> Interests Unaffected by Bylaw.	01-Apr-2022	02-May-2022
Halalt First Nation 7973 Chemainus Rd: Raven August <i>Comment:</i> No Comment Received	01-Apr-2022	
Lake Cowichan First Nation 313B Deer Road: Carole Livingstone <i>Comment:</i> No Comment Received	01-Apr-2022	
Lyackson First Nation 8017 Chemainus Road: Linda Aidnell <i>Comment:</i> No Comment Received	01-Apr-2022	
Malahat First Nation 110 Thunder Road, RR4: Heather Adams <i>Comment:</i> Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding the proposed bylaws.	01-Apr-2022	30-May-2022
Mayne Island Parks and Recreation Commission 610 Waugh Road: Debra Bell	01-Apr-2022	
Ministry of Municipal Affairs and Housing <i>Planning and Land Use Management:</i> Ron Burleson	01-Apr-2022	
North Pender Island Local Trust Committee <i>Islands Trust:</i> Jas Chonk <i>Comment:</i> Interests Unaffected by Bylaw.	01-Apr-2022	28-Apr-2022
Pauquachin First Nation 9010 West Saanich Road: Darlene Henry <i>Comment:</i> No Comment Received	01-Apr-2022	

Referrals: Bylaw MA-186

Agency	Sent	Received
Penelakut Tribe Box 360: Denise James Comment: No Comment Received	01-Apr-2022	
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Peter Luckham Comment: Interests Unaffected by Bylaw.	01-Apr-2022	19-Apr-2022
Saturna Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk	01-Apr-2022	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council Comment: No Comment Received	01-Apr-2022	
Snuneymuxw First Nation 668 Centre Street: Desiree Thomas	01-Apr-2022	
South Pender Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk Comment: Interests Unaffected by Bylaw.	01-Apr-2022	06-May-2022
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	01-Apr-2022	
Tsartlip First Nation PO Box 70: Karen Harry Comment: No Comment Received	01-Apr-2022	
Tsawout First Nation Box 121: Cathy Webster Comment: No Comment Received	01-Apr-2022	
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams Comment: No Comment Received	01-Apr-2022	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy Comment: No Comment Received	01-Apr-2022	
WSANEC WSANEC Leadership Council Society: Justin Fritz	01-Apr-2022	

Referrals: Bylaw MA-187

Agency	Sent	Received
Capital Regional District - All Referrals Aggie Chan and Jessica Arnet 625 Fisgard Street: Aggie Chan <i>Comment:</i> See EDM folder for response.	01-Apr-2022	02-May-2022
Cowichan Tribes 5760 Allenby Rd: Tracey Flemming <i>Comment:</i> No Comment Received	01-Apr-2022	
Galiano Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk <i>Comment:</i> Interests Unaffected by Bylaw.	01-Apr-2022	02-May-2022
Halalt First Nation 7973 Chemainus Rd: Raven August <i>Comment:</i> No Comment Received	01-Apr-2022	
Lake Cowichan First Nation 313B Deer Road: Carole Livingstone <i>Comment:</i> No Comment Received	01-Apr-2022	
Lyackson First Nation 8017 Chemainus Road: Linda Aidnell <i>Comment:</i> No Comment Received	01-Apr-2022	
Malahat First Nation 110 Thunder Road, RR4: Heather Adams <i>Comment:</i> Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding the proposed bylaws.	01-Apr-2022	30-May-2022
Mayne Island Parks and Recreation Commission 610 Waugh Road: Debra Bell	01-Apr-2022	
Ministry of Municipal Affairs and Housing <i>Planning and Land Use Management:</i> Ron Burleson	01-Apr-2022	
North Pender Island Local Trust Committee Islands Trust: Jas Chonk <i>Comment:</i> Interests Unaffected by Bylaw.	01-Apr-2022	28-Apr-2022
Pauquachin First Nation 9010 West Saanich Road: Darlene Henry <i>Comment:</i> No Comment Received	01-Apr-2022	

Referrals: Bylaw MA-187

Agency	Sent	Received
Penelakut Tribe Box 360: Denise James Comment: No Comment Received	01-Apr-2022	
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Peter Luckham Comment: Interests Unaffected by Bylaw.	01-Apr-2022	19-Apr-2022
Saturna Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk	01-Apr-2022	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council Comment: No Comment Received	01-Apr-2022	
Snuneymuxw First Nation 668 Centre Street: Desiree Thomas	01-Apr-2022	
South Pender Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk Comment: Interests Unaffected by Bylaw.	01-Apr-2022	06-May-2022
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	01-Apr-2022	
Tsartlip First Nation PO Box 70: Karen Harry Comment: No Comment Received	01-Apr-2022	
Tsawout First Nation Box 121: Cathy Webster Comment: No Comment Received	01-Apr-2022	
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams Comment: No Comment Received	01-Apr-2022	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy Comment: No Comment Received	01-Apr-2022	
WSANEC WSANEC Leadership Council Society: Justin Fritz	01-Apr-2022	

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File Name: 2021 OCP & LUB Minor
Amendments

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	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.
N/A	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.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.2	Forests
	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.2	Forests

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	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.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

Executive Committee

Policy Checklist

Checklist Key:

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Executive Committee Legislative Role Policy (2.4)

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By: Jas Chonk

Status

Date Resolution Referred to Exective Committee: 27-Jun-2022

Reading:

Executive Committee

Policy Checklist

Checklist Key:

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Executive Committee Legislative Role Policy (2.4)

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By: Jas Chonk

Status

Date Resolution Referred to Exective Committee: 27-Jun-2022

Reading:

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 186

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2021”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS	28 TH	DAY OF	MARCH	2022.
PUBLIC HEARING HELD THIS	27 TH	DAY OF	JUNE	2022.
READ A SECOND TIME THIS	27 TH	DAY OF	JUNE	2022.
READ A THIRD TIME THIS	27 TH	DAY OF	JUNE	2022.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 186**

SCHEDULE 1

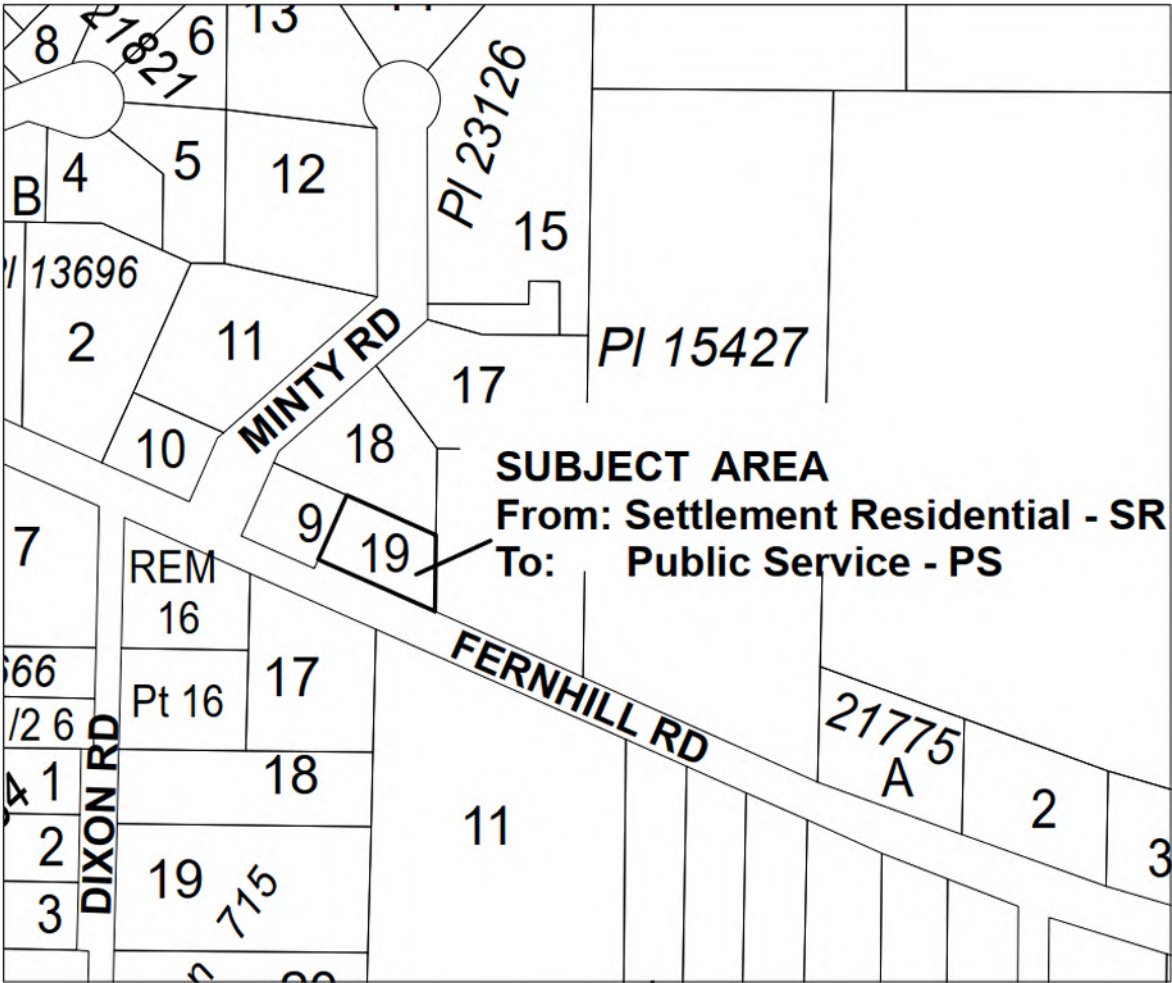
The Mayne Island Official Community Plan Bylaw No. 144, 2007, is amended as follows:

1. Schedule “H” Mayne Island Parks and Recreation Commission Parks Master Plan is removed.
2. Schedule “B” Land Use Designations is amended by changing the designation of Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126, 437 Fernhill Rd from Settlement Residential (SR) to Public Service (PS), as shown on Plan No. 1 attached and forming part of this bylaw.

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 186

Plan No. 1



PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 187

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

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021”.

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

2.1 Section 1.1. Definitions is amended by adding “ “Patio” means a horizontal developed area constructed directly on the ground, which can be attached or detached from a building. A patio may not exceed a maximum height of 45 cm above natural grade and may not have walls, railings or a roof.”

2.2 Section 1.1 Definitions is amended by removing from the definition of “Secondary suite” the words “self-contained dwelling unit” and replacing them with “residential unit”.

2.3 Section 3.3 (2) Siting and Setback Regulation is amended by adding “a patio” after “a fence” and before “, utility line”.

2.4 Section 5.1 – Settlement Residential (SR) Zone is amended by adding the following as a new subsection (13) under the new heading “Site Specific Regulations”:

“The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
SR (a)	Lot 1, Section 12, Mayne Island, Cowichan District, Plan 29702 490 Fernhill Road	(1) in addition to the uses permitted in 5.1 (1) above, an accessory brewery, tasting room and outdoor patio, and accessory food and beverage sales, are permitted in this location, subject to: (a) the maximum floor area of the combined brewing, storage, retail and interior brewery product sampling area is 150m ² (1615 ft ²)

		(b) the total number of seats for sampling area guests (inside + outside) shall not exceed 46 (c) the accessory brewery, tasting room and outdoor picnic area, and accessory food and beverage sales, must be screened from residential uses on adjoining lots by a landscape screen complying with section 3.8(1)(a).
--	--	--

- 2.5 Section 5.5(14) Rural (R) Zone is amended by adding the following as a new row to the table:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (f)	The south east 1/4 of section 2, Mayne Island, Cowichan District, Except those parts in plans 6166, 49353, 51014, VIP52279, VIP55242, VIP59475, VIP72321, VIP78014, VIP80525 AND VIP83602 797 Beechwood Drive	(1) Despite 5.5(2) and 5.5(3) the maximum density is three dwellings, one cottage and the floor area of one of the dwellings does not exceed 372m² (4000 square feet).

- 2.6 Section 5.10 (13) – Commercial 3 (C3) Zone Site Specific Regulations is amended by adding “(3) Repair shops, machine shops and retail sales uses must be located within buildings.” in column three.
- 2.7 Section 5.17(6) – Community and Regional Park (P) Zone Site Specific Regulations is amended by adding the following as a new row to the table:

Site-Specific Zone	Land Description	Site Specific Regulation
P (c)	Emma and Felix Jack Park	Despite 5.17 (1)(b) no buildings or structures are permitted except: - an honouring figure - vegetation protection fencing

- 2.8 Section 6.2 Permitted Signs is amended by adding “except signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 48 hours of the date of election” after “Third party signs are prohibited” and before “.”
- 2.9 Section 6.3 is amended by removing “(3) Signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 48 hours of the date of election.”

Map Amendments

- 2.10 Schedule "B" – Zoning Map is amended by changing the zoning classification of Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126, (437 Fernhill Rd) from Settlement Residential (SR) to Community Service (S1), as shown on Plan No. 1 attached and forming part of this bylaw, and making such alternations to Schedule "B" to Bylaw 146 as required to effect this change.
- 2.11 Schedule "B" - Zoning Map is amended by changing the zoning classification of Lot 1, Section 12, Mayne Island, Cowichan District, Plan 29702, (490 Fernhill Road) from Settlement Residential SR to Settlement Residential SR(a) as shown on Plan No. 2 attached and forming part of this bylaw, and making such alternations to Schedule "B" to Bylaw 146 as required to effect this change.
- 2.12 Schedule "B" - Zoning Map is amended by changing the zoning classification of the south east 1/4 of section 2, Mayne Island, Cowichan District, Except those parts in plans 6166, 49353, 51014, VIP52279, VIP55242, VIP59475, VIP72321, VIP78014, VIP80525 AND VIP83602 (797 Beechwood Drive) from Rural R to Rural R(f) as shown on Plan No.3 attached and forming part of this bylaw, and making such alternations to Schedule "B" to Bylaw 146 as required to effect this change.
- 2.13 Schedule "B" - Zoning Map is amended by changing the zoning classification of Felix Jack Park from Park (P) to Park P(c) as shown on Plan No. 4 attached and forming part of this bylaw, and making such alternations to Schedule "B" to Bylaw 146 as required to effect this change.

3. SEVERABILITY

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

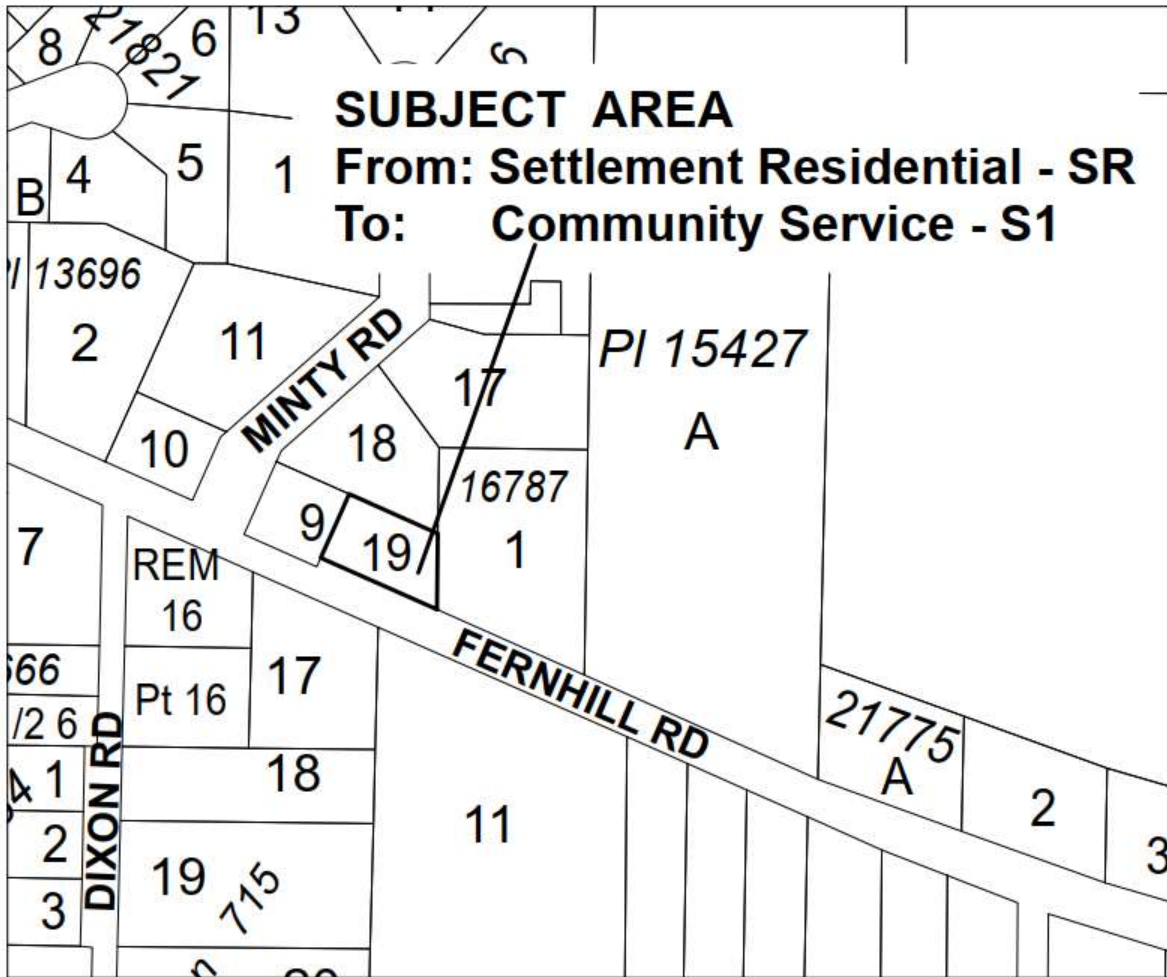
READ A FIRST TIME THIS	28 TH	DAY OF	MARCH	2022.
PUBLIC HEARING HELD THIS	27 TH	DAY OF	JUNE	2022.
READ A SECOND TIME THIS	27 TH	DAY OF	JUNE	2022.
READ A THIRD TIME THIS	27 TH	DAY OF	JUNE	2022.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

 CHAIR

 SECRETARY

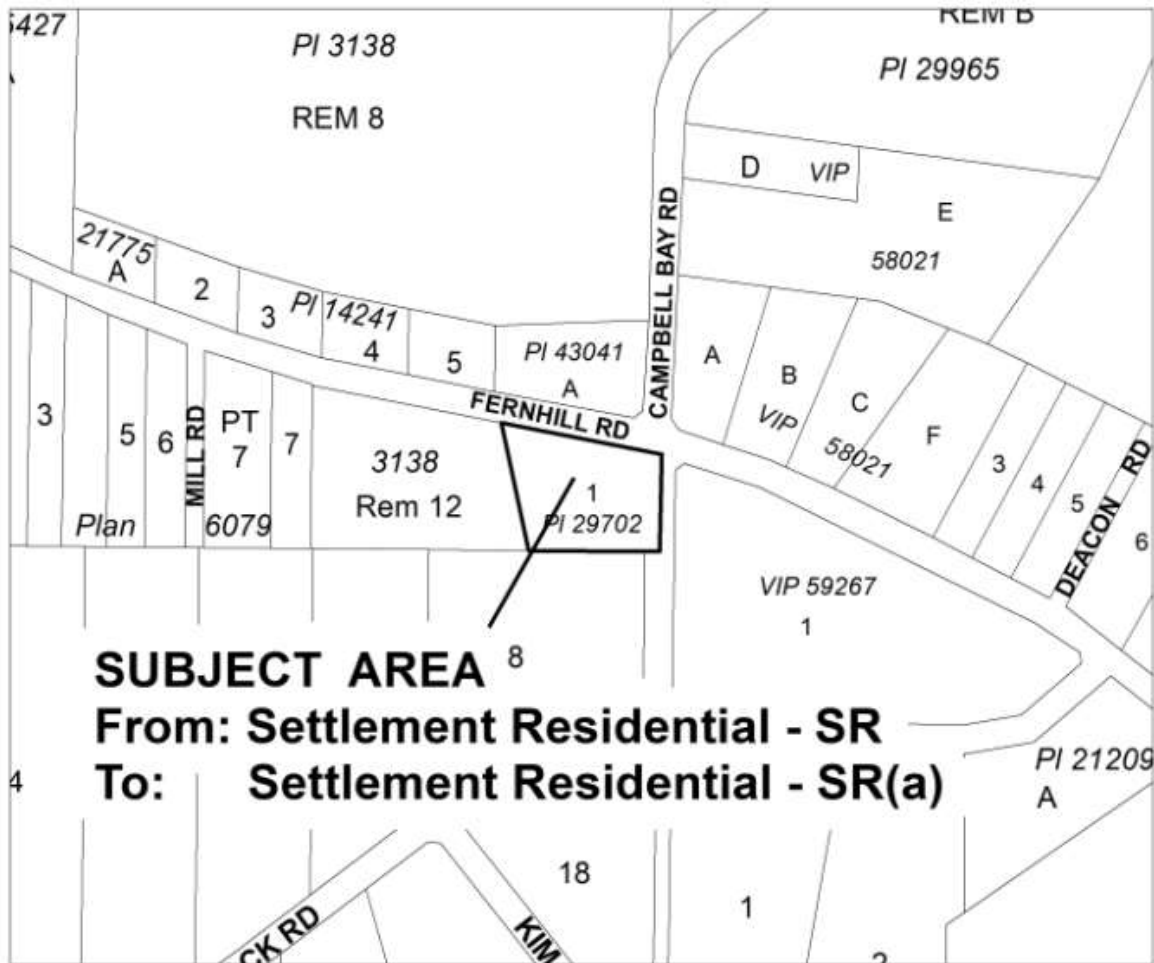
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 187

Plan No. 1



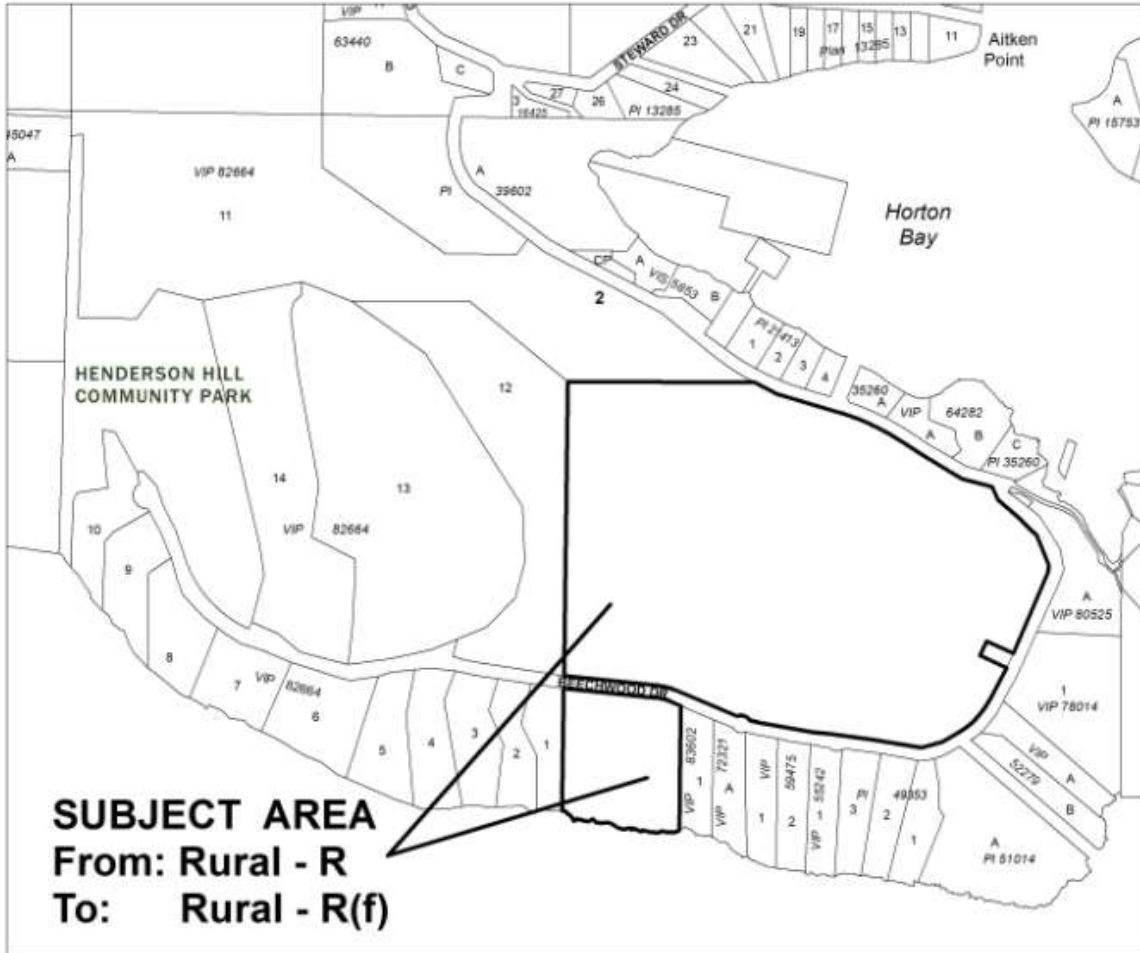
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 187

Plan No. 2



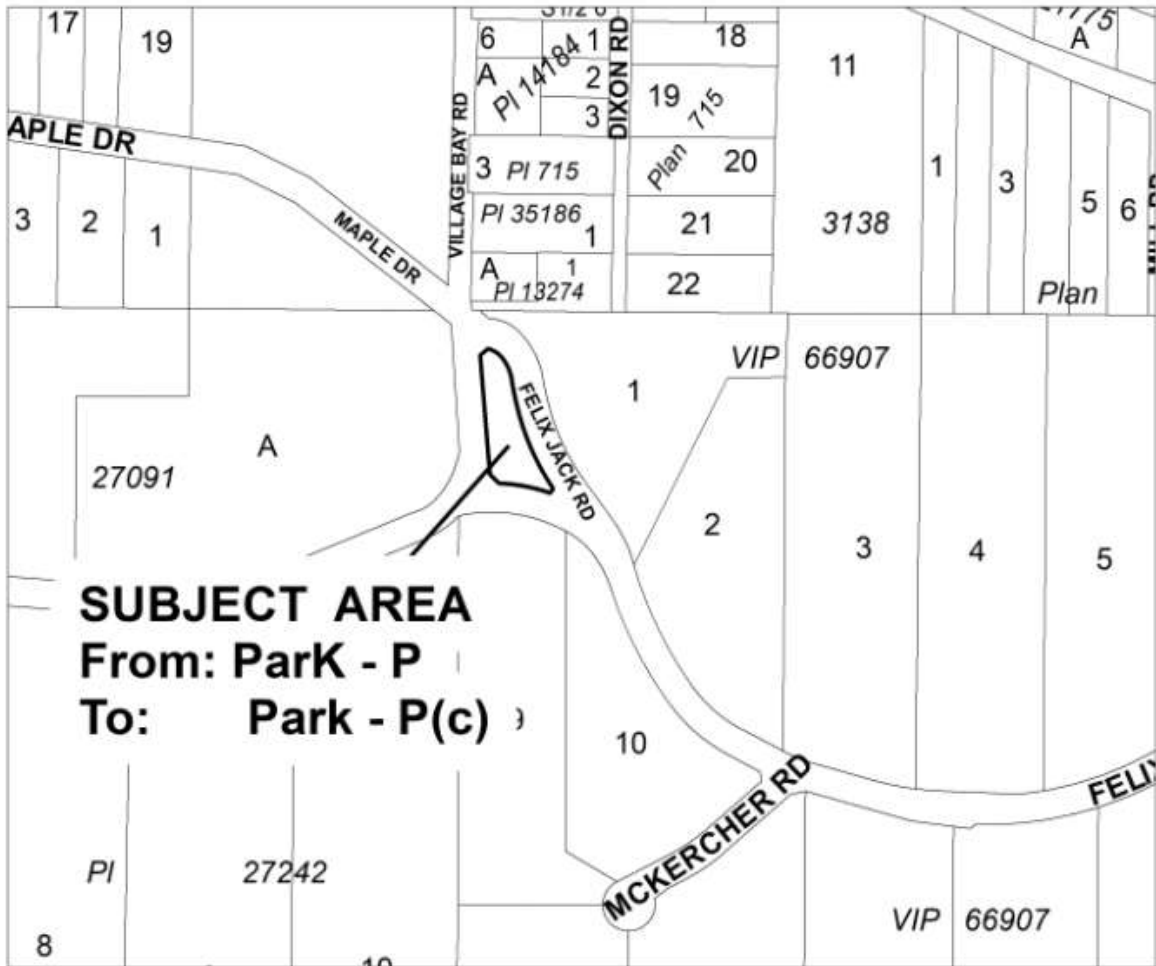
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 187

Plan No. 3



MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 187

Plan No. 4



First Nation Engagement

Referral of: Mayne Island Bylaws 186 and 187

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Halalt

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Lake Cowichan

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Lyackson

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Malahat

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
May 30, 2022	Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding the proposed bylaws.	JC

First Nation: Pauquachin

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Semiahmoo

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Snuneymuxw

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Stzuminius

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Tsartlip

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Tsawout

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Tsawwassen

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Tseycum

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: WSANEC

Date	Comment/Action	Initial
April 1, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: 3900-04-10;
SA-6500-20 (2021 OCP and LUB
Minor Review Project)

DATE OF MEETING: August 3, 2022
TO: Islands Trust Executive Committee
FROM: Brad Smith, Island Planner
SUBJECT: Saturna Island Local Trust Committee – Bylaws 133 and 134

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Saturna Island Local Trust Committee Bylaw No. 133, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2021” in accordance with Section 27 of the *Islands Trust Act*.**
2. **THAT the Islands Trust Executive Committee approve Saturna Island Local Trust Committee Bylaw No. 134, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2021” in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Saturna Island Local Trust Committee has referred Bylaws 133 and 134 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational

None.

Financial

None.

Policy

None.

Implementation/Communications

Communication to **Saturna Island Local Trust Committee** regarding the Executive Committee decision by **August 5, 2022**.

Other

None.

PURPOSE

Saturna Island Local Trust Committee Bylaw No. 133, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2021” (Attachment 6) and Bylaw No. 134, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2021” (Attachment 7) will amend the Saturna Island Official Community Plan Bylaw No. 70 and Saturna Island Land Use Bylaw No. 119 by making minor amendments that will improve clarity of the bylaws and address some longstanding inconsistencies with respect to zoning and land use designations. In summary the amendments would:

- Correct the land use designation and zoning of King Islet
- Clarify the definition of pumphouses
- Correct zoning of a school property
- Amend subdivision regulations to exclude panhandles from depth to width regulation
- Rezone and re-designate Money Lake Park
- Permit hydrophone research in the open water zone

BACKGROUND

Saturna Island Local Trust Committee Bylaws 133 and 134

At the July 22, 2021 regular meeting the LTC endorsed the Land Use Bylaws Minor Amendments project charter and associated scope of work, timelines and budget, and directed staff to proceed with drafting amending bylaws.

The LTC gave first reading of proposed Bylaws No. 133 and No. 134 at the February 17, 2022 regular meeting and second reading at the May 17, 2022 meeting. Also at the May 17, 2022 regular meeting, the LTC directed staff to schedule a Community information Meeting (CIM) and a public hearing. A CIM and public hearing were held on July 21, 2022.

Following the completion of the public hearing, the LTC gave proposed Bylaw No. 133 and No. 134 third reading at the July 21, 2022 meeting.

The LTC considered and determined that proposed bylaw No. 133 and No. 134 are not contrary to or at variance with the Islands Trust Policy Statement at the February 17, 2022 regular meeting (Attachment 4).

Issues Relating To Provincial Interest

The Proposed Bylaws were referred to Saturna Island Parks and Recreation Commission, Capital Regional District – Building Inspection and Capital Regional District – Regional Parks and Community Services, and Mayne, North and South Pender Local Trust Committees for comment. No responses were received.

Issues Relating To First Nation Interest

The Proposed Bylaws were referred to Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Malahat First Nation, Pauquachin First Nation, Penelakut Tribe, Semiahmoo First Nation, Snuneymuxw First Nation, Stz’uminus First Nation, Tsartlip First Nation, Tsawout First Nation, Tsawwassen First

Nation, Tseycum First Nation and WSA NEC Leadership Council for comment. Tsawout First Nation responded with no concerns. No other responses were received.

Issues Relating To Resources and Enforcement

None.

Public Comments

None at time of finalizing staff report.

Staff Comments

The Executive Committee is being asked to approve Saturna Island Bylaw No. 133, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2021” and Bylaw No. 134, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2021” in accordance with Section 27 of the *Islands Trust Act*.

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

- The proposed bylaws have been determined to be consistent with the ITPS by the LTC;
- First Nation referrals were completed and no concerns were raised;
- Agency referrals were completed and no concerns were raised;
- Statutory processes have been completed including the statutory notification and holding of a public hearing prior to third reading of the bylaw.

KEY ISSUES/CONCEPTS

- The proposed amendments will improve clarity of the bylaws and address some longstanding inconsistencies with respect to zoning and land use designations.

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- Islands Trust Policy 1.3.i [Policy Statement Implementation Policy]

ALTERNATIVE

1. Determine that the bylaw is contrary to the Islands Trust Policy Statement:

THAT the Executive Committee request that staff advise Saturna Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 133 cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2021” and Bylaw No. 134, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2021” is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Saturna Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Brad Smith, Island Planner	July 21, 2022
---------------	----------------------------	---------------

Concurrence:	Robert Kojima, Regional Planning Manager	July 22, 2022
--------------	--	---------------

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaw No. 133
7. Bylaw No. 134
8. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Saturna Island Local Trust Committee

Bylaw No.: SA-133

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 21-Jul-2022

- ☒ Bylaw Submission Checklist attached
- ☒ Policy Statement Checklist attached*
* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Saturna Island Local Trust Committee

Bylaw No.: SA-134

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 21-Jul-2022

- ☒ Bylaw Submission Checklist attached
- ☒ Policy Statement Checklist attached*
* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: SA-133

Trust Area: Saturna Island Local Trust Committee
Type: Official Community Plan Bylaw
Bylaw No.: SA-133
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 17-Feb-2022

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 25-Mar-2022

Resolutions:

Resolution Waiving Public Hearing: No
Resolution Authorizing Public Hearing: No
Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: Chonk, Jas

Date: 30-Jun-2022

File complete and ready for Public review: Yes

Public Hearings:

Location: Saturna Recreation and Cultural Centre
Proofread By: Chonk, Jas

Legal Paper: Gulf Island Driftwood
First Publish Date: 06-Jul-2022

Second Publish Date: 13-Jul-2022

Alternate Paper: Saturna Scribbler
First Publish Date: 01-Jul-2022

Second Publish Date:

Mailout Date: 04-Jul-2022
Second Reading Date: 19-May-2022

Delivery Notices: 07-Jul-2022
Date Public Hearing Held: 21-Jul-2022
Third Reading Date: 21-Jul-2022

Bylaw: SA-134

Trust Area: Saturna Island Local Trust Committee

Type: Land Use Bylaw

Bylaw No.: SA-134

Application No.:

Trust Initiated: Yes

Proofread By:

Clerk: Yes

Technical Staff: No

Planner: Yes

First Reading Date: 17-Feb-2022

Bylaw Sent to Referrals: Yes

Date Proposed Bylaw to Web: 25-Mar-2022

Resolutions:

Resolution Waiving Public Hearing: No

Resolution Authorizing Public Hearing: Yes

Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: Chonk, Jas

Date: 30-Jun-2022

File complete and ready for Public review: No

Public Hearings:

Location: Saturna Recreation and Cultural Centre

Proofread By: Chonk, Jas

Legal Paper: Gulf Island Driftwood

First Publish Date: 06-Jul-2022

Second Publish Date: 13-Jul-2022

Alternate Paper: Saturna Scribbler

First Publish Date: 01-Jul-2022

Second Publish Date:

Mailout Date: 04-Jul-2022

Delivery Notices: 07-Jul-2022

Date Public Hearing Held: 21-Jul-2022

Second Reading Date: 19-May-2022

Third Reading Date: 21-Jul-2022

Referrals: Bylaw SA-133

Agency	Sent	Received
Capital Regional District - All Referrals Aggie Chan and Jessica Arnet 625 Fisgard Street: Referrals Coordinator <i>Comment:</i> The property proposed to be changed from Watershed to Open Space land use and Watershed to Community Park zoning designation is part of the watershed for Money Lake which is the raw drinking water source for the Lyall Harbour Boot Cove Water Service. CRD Integrated Water Services does not object to the changes as long as the protection of the watershed for the supply of raw drinking water is not compromised.	25-Mar-2022	25-Apr-2022
Cowichan Tribes 5760 Allenby Rd: Tracey Flemming <i>Comment:</i> No Comment Received	25-Mar-2022	
Halalt First Nation 7973 Chemainus Rd: Raven August <i>Comment:</i> No Comment Received	25-Mar-2022	
Lake Cowichan First Nation 313B Deer Road: Carole Livingstone <i>Comment:</i> No Comment Received	25-Mar-2022	
Lyackson First Nation 8017 Chemainus Road: Linda Aidnell <i>Comment:</i> No Comment Received	25-Mar-2022	
Malahat First Nation 110 Thunder Road, RR4: Heather Adams <i>Comment:</i> No Comment Received	25-Mar-2022	
Mayne Island Local Trust Committee Islands Trust: Jas Chonk	25-Mar-2022	
North Pender Island Local Trust Committee Islands Trust: Jas Chonk <i>Comment:</i> Interests Unaffected by Bylaw.	25-Mar-2022	28-Apr-2022
Pauquachin First Nation 9010 West Saanich Road: Darlene Henry <i>Comment:</i> No Comment Received	25-Mar-2022	
Penelakut Tribe Box 360: Denise James <i>Comment:</i> No Comment Received	25-Mar-2022	
Saturna Island Parks Commission 145 Winter Cove: Michel Bourassa	25-Mar-2022	

Referrals: Bylaw SA-133

Agency	Sent	Received
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment:</i> No Comment Received	25-Mar-2022	
Snuneymuxw First Nation 668 Centre Street: Desiree Thomas	25-Mar-2022	
South Pender Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk <i>Comment:</i> Interests Unaffected by Bylaw.	25-Mar-2022	06-May-2022
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	25-Mar-2022	
Tsartlip First Nation PO Box 70: Karen Harry <i>Comment:</i> No Comment Received	25-Mar-2022	
Tsawout First Nation Box 121: Cathy Webster <i>Comment:</i> Tsawout First Nation has reviewed the Saturna Island Local Trust Committee Proposed Bylaws 133 and 134, and does not have any concerns with the amendments at this time.	25-Mar-2022	01-Jun-2022
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams <i>Comment:</i> No Comment Received	25-Mar-2022	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy <i>Comment:</i> No Comment Received	25-Mar-2022	
WSANEC WSANEC Leadership Council Society: Justin Fritz	25-Mar-2022	

Referrals: Bylaw SA-134

Agency	Sent	Received
Capital Regional District - All Referrals Aggie Chan and Jessica Arnet 625 Fisgard Street: Aggie Chan <i>Comment:</i> The property proposed to be changed from Watershed to Open Space land use and Watershed to Community Park zoning designation is part of the watershed for Money Lake which is the raw drinking water source for the Lyall Harbour Boot Cove Water Service. CRD Integrated Water Services does not object to the changes as long as the protection of the watershed for the supply of raw drinking water is not compromised.	25-Mar-2022	25-Apr-2022
Cowichan Tribes 5760 Allenby Rd: Tracey Flemming <i>Comment:</i> No Comment Received	25-Mar-2022	
Halalt First Nation 7973 Chemainus Rd: Raven August <i>Comment:</i> No Comment Received	25-Mar-2022	
Lake Cowichan First Nation 313B Deer Road: Carole Livingstone <i>Comment:</i> No Comment Received	25-Mar-2022	
Lyackson First Nation 8017 Chemainus Road: Linda Aidnell <i>Comment:</i> No Comment Received	25-Mar-2022	
Malahat First Nation 110 Thunder Road, RR4: Heather Adams <i>Comment:</i> No Comment Received	25-Mar-2022	
Mayne Island Local Trust Committee Islands Trust: Jas Chonk	25-Mar-2022	
North Pender Island Local Trust Committee Islands Trust: Jas Chonk <i>Comment:</i> Interests Unaffected by Bylaw.	25-Mar-2022	28-Apr-2022
Pauquachin First Nation 9010 West Saanich Road: Darlene Henry <i>Comment:</i> No Comment Received	25-Mar-2022	
Penelakut Tribe Box 360: Denise James <i>Comment:</i> No Comment Received	25-Mar-2022	
Saturna Island Parks Commission 145 Winter Cove: Michel Bourassa	25-Mar-2022	

Referrals: Bylaw SA-134

Agency	Sent	Received
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment:</i> No Comment Received	25-Mar-2022	
Snuneymuxw First Nation 668 Centre Street: Desiree Thomas	25-Mar-2022	
South Pender Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk <i>Comment:</i> Interests Unaffected by Bylaw.	25-Mar-2022	06-May-2022
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	25-Mar-2022	
Tsartlip First Nation PO Box 70: Karen Harry <i>Comment:</i> No Comment Received	25-Mar-2022	
Tsawout First Nation Box 121: Cathy Webster <i>Comment:</i> Tsawout First Nation has reviewed the Saturna Island Local Trust Committee Proposed Bylaws 133 and 134, and does not have any concerns with the amendments at this time.	25-Mar-2022	01-Jun-2022
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams <i>Comment:</i> No Comment Received	25-Mar-2022	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy <i>Comment:</i> No Comment Received	25-Mar-2022	
WSANEC WSANEC Leadership Council Society: Justin Fritz	25-Mar-2022	



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 133 (LUB) 134 (OCP)

SA-6500-20 LUB Technical Amendments

LTC Endorsement: February 17, 2022 resolution 2022-004

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	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.
N/A	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.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	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.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
✓	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.

N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

Executive Committee

Policy Checklist

Checklist Key:

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Executive Committee Legislative Role Policy (2.4)

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By: Jas Chonk

Status

Date Resolution Referred to Exective Committee: 21-Jul-2022

Reading:

Executive Committee

Policy Checklist

Checklist Key:

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Executive Committee Legislative Role Policy (2.4)

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By: Jas Chonk

Status

Date Resolution Referred to Exective Committee: 21-Jul-2022

Reading:

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 133

A BYLAW TO AMEND SATURNA ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 70, 2000

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

1. CITATION

This Bylaw may be cited for all purposes as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2021".

2. SCHEDULES

Saturna Island Official Community Plan No. 70, 2000 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS	17 TH	DAY OF	FEBRUARY	2022.
READ A SECOND TIME THIS	19 TH	DAY OF	MAY	2022.
PUBLIC HEARING HELD THIS	21 ST	DAY OF	JULY	2022.
READ A THIRD TIME THIS	21 ST	DAY OF	JULY	2022.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 133**

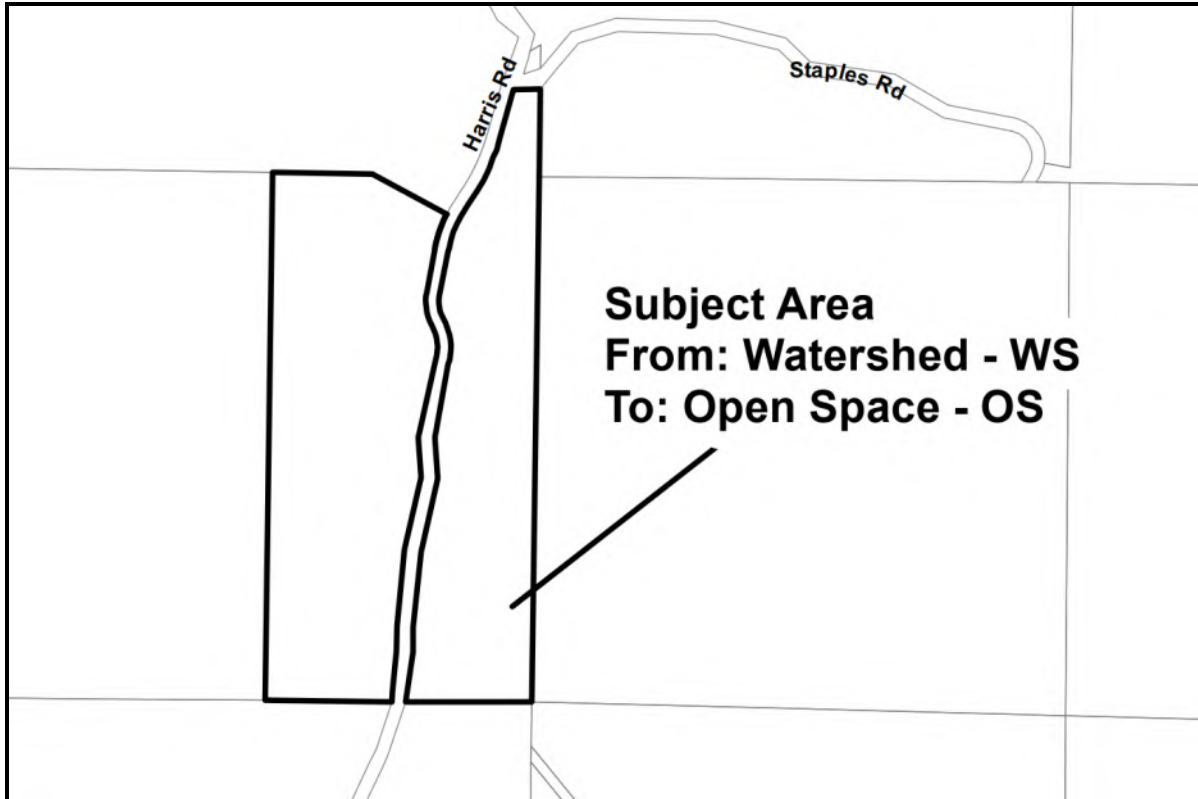
SCHEDULE 1

The Saturna Island Official Community Plan No. 70, 2000, is amended as follows:

1. Schedule "B" – Land Use Designation Map, is amended by changing the land use designation of the land parcel legally described as *Fractional Section 8 Saturna Island Cowichan District Except, 1) West 1/2 Of The Se 1/4 Thereof, 2) Sw 1/4 Thereof, and 3) Those Parts in Plans 2755, 8220, 15123, 18277, 18592, 19557, 19752, 21813, 32473, 40064, 44888, VIP67333, VIP84109, EPP34443 and EPP70279* from Watershed (WS) to Open Space (OS), as shown on Plan No. 3 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 70 as are required to effect this change.
2. Schedule "B" – Land Use Designation Map, is amended by changing the land use designation of the land parcel legally described as *Lot 52, Cowichan District, Containing 1.16 Acres, More Or Less* from Wilderness Reserve (WR) to Rural (R), as shown on Plan No. 3 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 70 as are required to effect this change.

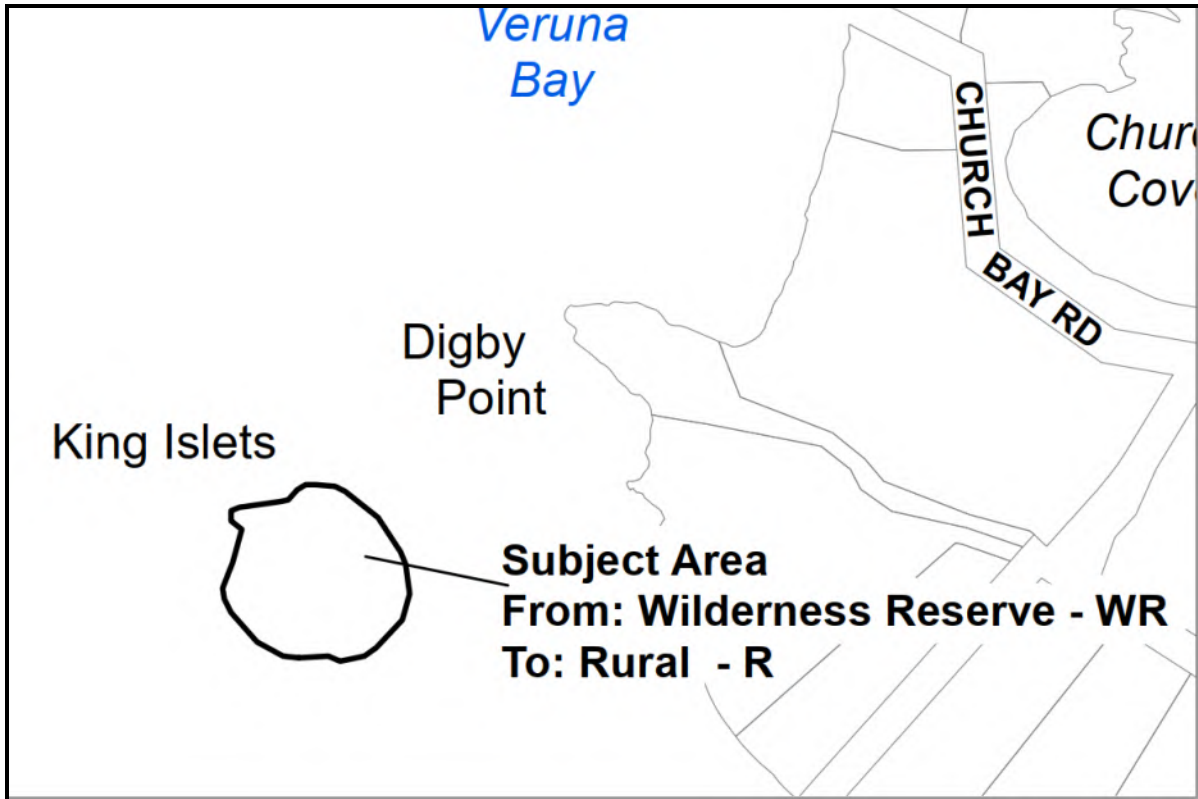
SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 133

Plan No. 1



SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 133

Plan No. 2



PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 134

A BYLAW TO AMEND SATURNA ISLAND LAND USE BYLAW NO. 119, 2018

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

1. Citation

This bylaw may be cited for all purposes as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2021”.

2. Saturna Island Local Trust Committee Bylaw No. 119, cited as “Saturna Island Land Use Bylaw No. 119, 2018,” is amended as follows:

2.1. Part 2 (General Regulations) Section 2.14 (Measurements of Setbacks) Subsection 2.14.2 is amended by replacing “less than 3 metres in width” with “3 metres or less in width” such that it reads “2.14.2 Steps, eaves, gutters, cornices, sills, chimneys, or other similar features, may project up to 1 metre into the setback area or 0.5 metres in the case of a side yard setback area 3 metres or less in width; and balconies, decks and sun shades, may project up to 1 metre into the required setback area.”

2.2. Part 11 (Water Zoning Regulations) Section 11.5 (Open Waters Zone), Subsection 11.5.1 (Permitted Uses) is amended by inserting a new Article 11.5.1(6) that reads “Hydrophone research facilities” immediately following Article 11.5.1(5).

2.3. Part 12 (Subdivision Regulations) Section 12.7 (Lot Width) is amended by inserting “exclusive of any panhandle access strip” such that it reads “No lot may have a width less than one third of its depth exclusive of any panhandle access strip.”

2.4. Section 15.1 (Interpretation) Subsection 15.1.34 is amended by inserting “excluding cisterns and other associated water storage infrastructure uses except for pumps and necessary pipes.” such that it reads “ “pumphouse” means a subordinate building or structure not exceeding 9.3 square metres (100 sq. ft.) in area, separated from and located on the same parcel as the main building, that is used for water or sewage pumping facilities excluding cisterns and other water storage infrastructure uses except for pumps and necessary pipes.”

2.5. Section 15.1 (Interpretation) Subsection 15.1.33 is amended by deleting “solid waste disposal,” such that it reads “ “public service uses” means a use providing for the essential servicing of Saturna Island with water, sewer, electricity, telephone, cablevision, and similar services.”

2.6. Section 15.1 (Interpretation) Subsection 15.1.38 is amended by replacing the reference to “2.16” in the last sentence of the definition with “2.15” such that it reads “For this purpose, a cottage used as short term vacation rental shall be considered an accessory home occupation subject to the regulations established in section 2.15.”

- 2.7. Schedule "B" – Zoning Map, is amended by changing the zoning classification of the land parcel legally described as *Lot 30, Section 17, Saturna Island, Cowichan District, Plan 7360* from Rural General (RG) to Community Services (CS), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 119 as are required to effect this change.
- 2.8. Schedule "B" – Zoning Map, is amended by changing the zoning classification of the land parcel legally described as *Fractional Section 8 Saturna Island Cowichan District Except, 1) West 1/2 Of The Se 1/4 Thereof, 2) Sw 1/4 Thereof, and 3) Those Parts in Plans 2755, 8220, 15123, 18277, 18592, 19557, 19752, 21813, 32473, 40064, 44888, VIP67333, VIP84109, EPP34443 and EPP70279* from Watershed (W) to Community Park (CP), as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 119 as are required to effect this change.
- 2.9. Schedule "B" – Zoning Map, is amended by changing the zoning classification of the land parcel legally described as *Lot 52, Cowichan District, Containing 1.16 Acres, More Or Less* from Wilderness Reserve (WR) to Rural Residential (RR), as shown on Plan No. 3 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 119 as are required to effect this change.

3. SEVERABILITY

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

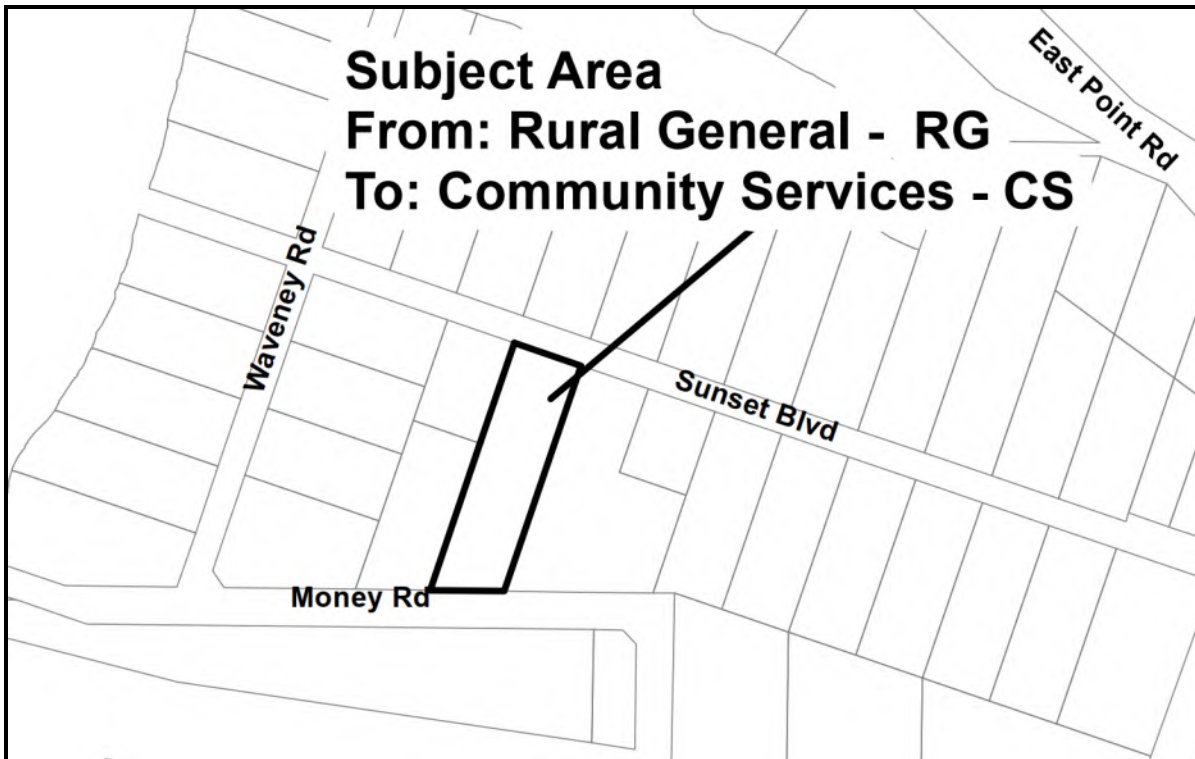
READ A FIRST TIME THIS	17 TH	DAY OF	FEBRUARY	2022.
READ A SECOND TIME THIS	21 ST	DAY OF	JULY	2022.
PUBLIC HEARING HELD THIS	21 ST	DAY OF	JULY	2022.
READ A THIRD TIME THIS	21 ST	DAY OF	JULY	2022.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

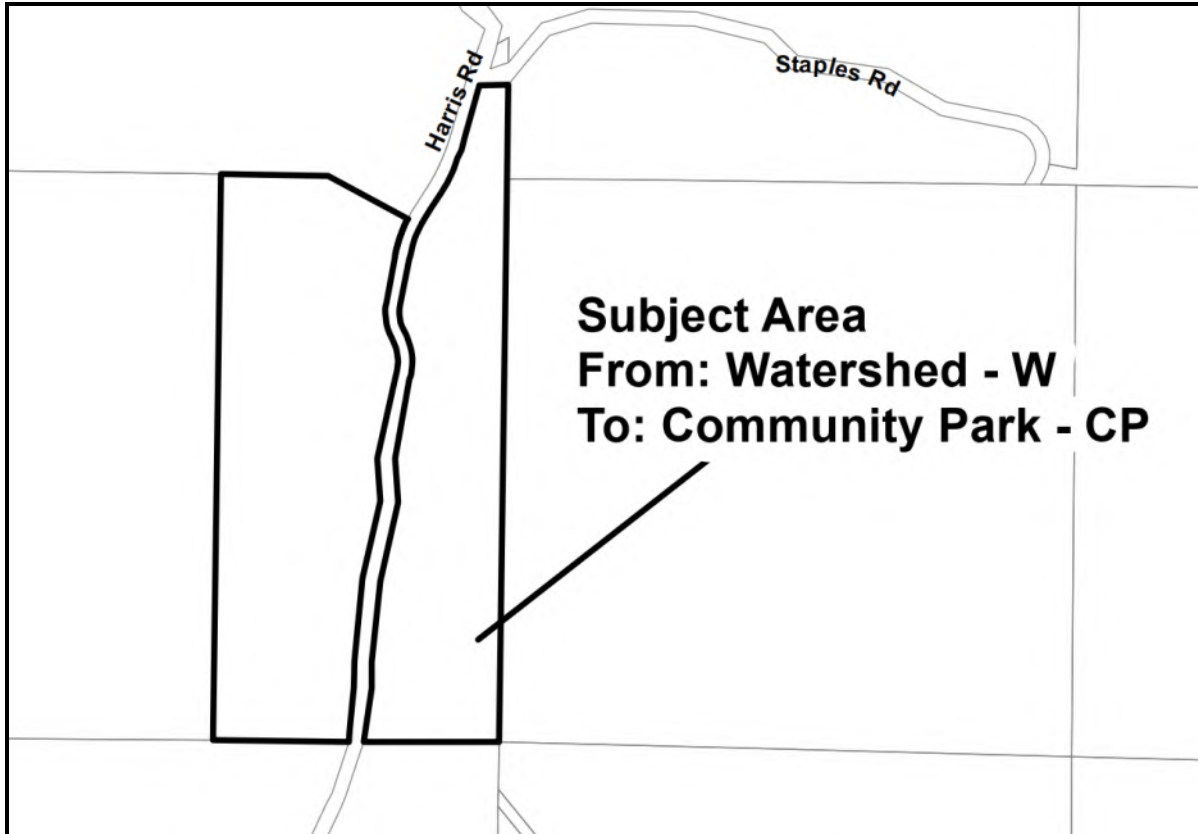
SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 134

Plan No. 1



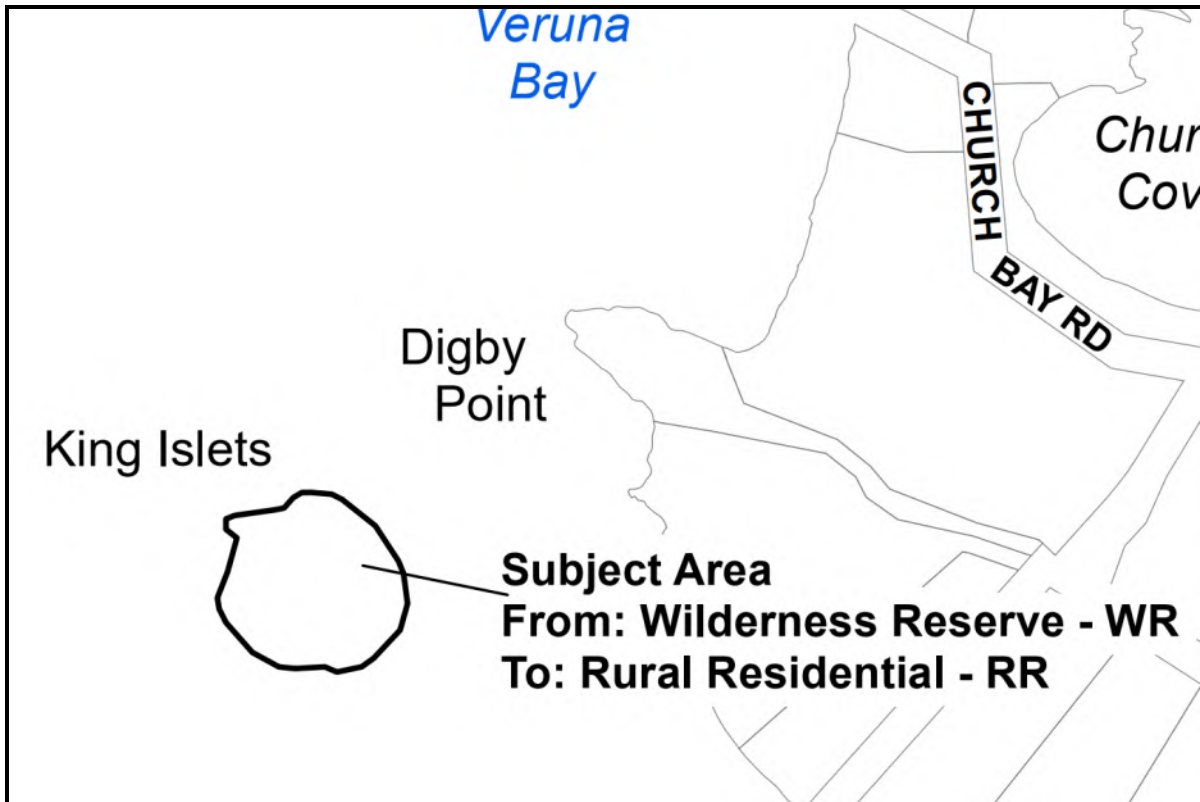
SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 134

Plan No. 2



SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 134

Plan No. 3



First Nation Engagement

Referral of: Saturna Island Bylaws 133 and 134

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Halalt

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Lake Cowichan

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Lyackson

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Malahat

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Pauquachin

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Semiahmoo

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Snuneymuxw

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Stzuminus

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Tsartlip

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 1, 2022	Tsawout First Nation has reviewed the Saturna Island Local Trust Committee Proposed Bylaws 133 and 134, and does not have any concerns with the amendments at this time	JC

First Nation: Tsawout

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Tsawwassen

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: Tseycum

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

First Nation: WSANEC

Date	Comment/Action	Initial
March 25, 2022	Sent Referral	JC
June 24, 2022	Sent Follow-up Email.	JC

REQUEST FOR DECISION

ISLAND MUNICIPALITY BYLAW SUBMISSION

File No.: 08-3020-20-01 BIM_BL_580

DATE OF MEETING: August 3, 2022
TO: Islands Trust Executive Committee
FROM: David Marlor, MCIP, RPP
Acting Director, Local Planning Services
SUBJECT: Bowen Island Municipality – LUB Amendment Bylaw No. 580

RECOMMENDATION

1. **THAT the Executive Committee advise Bowen Island Municipality that Bylaw No. 580 cited as “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 580, 2022” is not contrary to or at variance with the Islands Trust Policy Statement.**

IMPLICATIONS OF RECOMMENDATION

Organizational - None

Financial - None

Policy - None

Implementation/Communications - Communication to Bowen Island Municipality regarding the Executive Committee decision by August 19, 2022.

Other - None

PURPOSE

Bowen Island Municipality Bylaw No. 580 (Addendum 1) is an amendment to the Bowen Island Municipality Land Use Bylaw (LUB) No. 57, 2002 in order to rezone a strip of a lot owned by the municipality from Village Commercial 1 to the site specific Village Commercial 1(b) in order to facilitate a boundary adjustment subdivision. The bylaw does not permit any increase in existing floor area currently permitted.

BACKGROUND

The purpose of the rezoning, and subsequent boundary adjustment, is to exchange a portion of land in Lot ‘B’ with the owners of ‘1011 Miller Road’ in order for the Municipality to obtain an equivalent strip of land from the owners to be dedicated as highway for the purpose of constructing a Multi-user path.

Council has provided notice under [s467 of the Local Government Act \(LGA\)](#) that it will not be holding a public hearing for this bylaw. Proposed Bylaw No. 580 received First Reading on June 27, 2022. Additional background is available in the Staff Report to Bowen Council dated June 16, 2022 (Addendum 1).

Bowen Island Municipality staff reviewed the Islands Trust Policy Statement (ITPS) Directive Policies (included with Addendum 1) and have identified the following ITPS Directive policy as relevant:

5.3.7 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use

5.5.7 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.

In review of the staff reports and bylaw, staff concurs with Bowen Island Municipality staff that the remaining ITPS policies do not apply, and that the proposal is not contrary to or at variance with the Island Trust Policy Statement Directive Policies.

Issues Relating To First Nation Interest

The Bowen island staff report does not indicate that any First Nations engagement occurred. The Islands Trust Policy Statement does not contain directive policies about First Nations.

Public Comments

As of the date of this Request for Decision (RFD), Islands Trust Staff have not received any public comments.

Staff Comments

The purpose of the staff report is to advise if the proposed bylaws are or are not contrary to or at variance with the Islands Trust Policy Statement (ITPS). Bowen Island Municipality has considered the Islands Trust Policy Statement Directives Policies Checklist and has indicated if the Municipality has addressed relevant policies (see Addendum 1 at end of report).

Based on a review of the proposed Bylaw No. 580, the Bowen Island staff reports, and the ITPS Checklist, Islands Trust staff concludes that the Bylaw No. 580 is not contrary to or at variance with the Islands Trust Policy Statement.

KEY ISSUES/CONCEPTS

- Referral of Land Use Bylaw No. 580 under s.15 of the Letters Patent
- Written response to Bowen Island Municipality required by August 19, 2021² (45 days after date of receipt of the referral on July 4, 2022).
- Comments from Executive Committee limited to whether or not Bylaw No. 580 is contrary to or at variance with the Islands Trust Policy Statement.

- Staff considers that Bylaw No. 580 is not contrary to or at variance with the Islands Trust Policy Statement.

RELEVANT POLICY

- Islands Trust Policy Statement Directive Policies
- [Islands Trust Policy 1.3.1](#) [Policy Statement Implementation]
- [Bowen Island Municipality Letters Patent](#)

ADDENDUM

1. BIM Staff Report dated June 16, 2022 (with proposed Bylaw 580 and Islands Trust Policy Statement Checklist attached to the report)

ALTERNATIVE

2. Determine that the bylaw(s) is/are contrary to the Islands Trust Policy Statement:

THAT the Executive Committee request that staff advise Bowen Island Municipality in writing that the Executive Committee considers that Bylaw No. 580 cited as "Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 580, 2022" is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], triggering notification of the Minister.

Submitted By:	David Marlor, Acting Director of Local Planning Services	July 28, 2022
Concurrence:	CAO	July 28, 2022



To: Mayor Ander and Council

From: Daniel Martin, Manager of Planning and Development

Date: June 16, 2022 Meeting Date: June 27, 2022

Subject: **Bylaw No. 580, 2022**
Lot B - DISTRICT LOT 490 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP20428
Bowen Island Municipality
File No. RZ-01-2022

RECOMMENDATION

That Bylaw No. 580, 2022 cited as "Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 580, 2022" be read a first time; and

That Bylaw No. 580, 2022 be referred to the Islands Trust.

PURPOSE

The purpose of this report is to present a bylaw to rezone a portion of municipally owned "Lot B", for First Reading and referral to the Islands Trust.

BACKGROUND

This application was introduced at the May 24, 2022 meeting of Council. Background information on the application can be found in [the report](#) from that meeting. At that meeting Council adopted the following motion:

RES#22-352

It was Moved and Seconded

That Council refer Bylaw No. 580, 2022 to the June 27th Regular Council meeting for consideration of First Reading; That Council direct staff to provide notice for Bylaw No. 580, 2022 under section 467 of the Local Government Act; and

That Council authorize staff to submit a subdivision application for a parcel line adjustment for Lot B, legally described as LOT B DISTRICT LOT 490 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP20428; and That Council waive the associated fee for a parcel line adjustment for Lot B, legally described as LOT B DISTRICT LOT 490 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP20428.

CARRIED UNANIMOUSLY

DETAILS OF APPLICATION

Subject Property:

The two properties included in this application are 1101 Miller Road, and the adjacent BIM owned property without a civic address but known as "Lot B." 1101 Miller Road is approximately 1,425 sq.

m. in area, while Lot B is approximately 1,954 sq. m. in area. 1101 Miller is the former site of a gas station, and currently houses a small commercial building. Lot B is a vacant undeveloped lot.

Official Community Plan (OCP):

Both properties are within the VC - Village Commercial land use designation. Section 3.5.1 of the OCP outlines policies for Snug Cove Commercial Lane Use. Policy 175 identifies, among other areas, “the northern corners of the Miller Road/Bowen Island Trunk Road intersection” as “new areas within the Village Commercial area that will be considered for future commercial development.”

The OCP contains further objectives and policies supporting walking and bicycle infrastructure, especially near the ferry terminal. A selection of those objectives and policies are as follows:

Objective 111

To encourage safe bicycle and walking/hiking use across the island.

Policy 251

Safe bicycle shoulders or lanes will be encouraged particularly in areas of traffic near the ferry terminal and main rural roads.

Policy 257

The Municipality will provide a shared-use trail network for pedestrians, bicycles and equestrians that connects neighbourhoods and facilitates access to parks and public facilities.

Existing Zoning:

Lot B is zoned Village Commercial 1 (VC 1), which permits a number of principal uses, including retail, restaurant, and dwelling. Commercial Guest Accommodation and Home Occupation use are permitted accessory uses. The VC 1 further permits a maximum lot coverage of 75%, a maximum Floor Space Ratio of 1.6, a maximum height of 9 metres, a 0 metre setback from all lot lines, or 1.5 metre setback from lot lines of a non-VC zoned lot.

1101 Miller Road is in a zone variation of the Village Commercial 1 zone, labelled Village Commercial 1 (b). The zone variation has the following items:

(2) Zone Variation – VC 1 (b)

- (a) *Service station use and gas station use are permitted uses.***
- (b) *Commercial guest accommodation is not a permitted use.***
- (c) *Bed and breakfast use is not permitted as a home occupation.***
- (d) *No building or structure shall be sited within 1.5 metres of any lot line.***
- (e) *No gasoline pump shall be sited within 4.5 metres of any lot line.***

PROPOSED DEVELOPMENT

BIM entered into an agreement with the property owners of 1101 Miller Road to permit BIM to construct the Multi-Use Path. The work on the MUP has largely been completed. Remaining work involves paving of the MUP, which is to occur following repair work to the Snug Cove Stormwater system.

As the two properties are in different zones, an amendment is required to facilitate the parcel line adjustment.

PROPOSED BYLAW NO. 580

The proposed Bylaw to enact the changes described would simply take a portion of Lot B and place it into the VC1(b) zone. Following completion of the associate lot line adjustment, then all of 1101 Miller would be within the VC 1(b) zone and all of Lot B would remain in the VC 1 zone.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with the rezoning application for Lot B. For the parcel line adjustment, the owners of 1101 Miller Road had completed a full remediation report in 2002, and a Certificate of Compliance was issued for that work.

FINANCIAL IMPLICATIONS

100% of Capital funding for the MUP has been provided through a grant from the *COVID-19 Resilience Infrastructure Stream* of the *Investing in Canada Infrastructure Program*.

This rezoning application is not anticipated to have significant financial implications for the municipality. Minor costs associated with the application may include mailing costs and will come from the Planning Department's operating budget.

A parcel line adjustment application fee is \$400. As part of the subdivision application some legal and survey work will be required. These costs will come from the MUP capital budget.

COMMUNICATION STRATEGY

Section 464 (2) of the *Local Government Act (LGA)* states that:

464 (2) A local government is not required to hold a public hearing on a proposed zoning bylaw if
(a) an official community plan is in effect for the area that is the subject of the zoning bylaw,
and
(b) the bylaw is consistent with the official community plan.

As described in the report above, a OCP is in effect for this property, and the proposed bylaw is consistent with the OCP. Further, the proposed bylaw change is minor in area and scope (effecting less than 100 sq. m. of land, and a change from a Village Commercial 2 Zone to a zone variation with largely matching uses).

Therefore, at their May 24, 2022 meeting Council directed staff to provide alternative notice, as required in Section 46 of the LGA. Accordingly, staff posted notice in the newspaper, posted notice on site, and mailed notice to neighbours of the property in advance of Council's consideration of First Reading at this meeting. As of time of writing no letters have been received regarding Bylaw No 580.

Given the minor scale of the amendment, staff advise that referral to the Advisory Planning Commission is not required. Referral to the Islands Trust is required under BIM's letters patent.

SUMMARY

Staff recommend Council proceed with the rezoning and associated lot line adjustment associated with Lot 'B' and neighbouring 1101 Miller Road and the Multi-use Path.

ALTERNATIVES

Council has the following options available:

1. That Council seek further information before giving the bylaw first reading;
2. That Council direct staff to not pursue the proposal any further. Not proceeding with the amendment bylaw and associated subdivision will result in BIM needing to fulfill the alternate provisions of the agreement , resulting in additional costs for BIM; or
3. Other options as determined by Council.

SUBMITTED BY:

Daniel Martin
Manager of Planning and Development

Attachments

- Attachment 1 – Bylaw No. 580, 2022
Attachment 2 - Islands Trust Policy Statement Checklist
Attachment 3 – Notice Board
Attachment 4 – [Staff Report, May 24, 2022 Meeting](#)

Bowen Island Municipality
Bylaw No.580 2022

A bylaw to amend Land Use Bylaw No. 57, 2002

WHEREAS, “Bowen Island Land Use Bylaw No. 57, 2002” establishes zoning classifications and regulations for land within the municipality, and

AND WHEREAS, Council wishes to amend “Bowen Island Land Use Bylaw No. 57, 2002” to amend existing regulations on the property legally described as:

LOT B DISTRICT LOT 490 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP20428

THEREFORE be it resolved that the Council for Bowen Island Municipality in open meeting assembly enacts as follows”

1. Citation

- 1.1 This bylaw may be cited for all purposes as “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No.580, 2022”.

2. Amendments

- 2.1 Schedule “B” to “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended by changing the description of the lands labelled “A” on Schedule “A” to this Bylaw from Village Commercial 1 to Village Commercial 1 (b)

READ A FIRST TIME this ____ day of _____ , _____;

READ A SECOND TIME this ____ day of _____ , _____;

READ A THIRD TIME this ____ day of _____ , _____;

FINALLY ADOPTED this ____ day of _____ , _____;

Gary Ander
Mayor

Hope Dallas
Corporate Officer

Bowen Island Municipality Land Use Bylaw No. 57, 2002

Amendment Bylaw No. 580, 2022 – Schedule A





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw No. 580, 2022– File: BIM Lot B

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	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.
N/A	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.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources

N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.
------------	-------	--

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	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.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
✓	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
-------------------	------------	-------------------------

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
✓	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

Notice of First Reading Bylaw No. 580, 2022

Attachment 3.

Bowen Island Municipality is seeking your input.

Council will be considering a First Reading at it's Regular Council Meeting held at 6:15 pm on Monday June 27, 2022 to consider Amendment Bylaw No. 580, 2022

This hearing will be held at the Municipal Hall and online via Zoom.

What is this amendment about?

Proposed Land Use Bylaw Amendment Bylaw No. 580, 2022 would rezone a 87 sq. m. portion of Lot "B," owned by the Bowen Island Municipality located on Bowen Island Trunk Road, from Village Commercial 1 to a zone variation Village Commercial 1 (b) to facilitate a lot line adjustment to include that portion within neighbouring 1011 Miller Road. This zone variation permits "service station" use and governs setbacks for that use.

The Municipality then intends to exchange that portion of Lot B with an equivalent area of land from 1011 Miller Road along Bowen Island Trunk Road to contain the Multi-Use Path.

Full application details may be viewed at
www.bowenislandmunicipality.ca/planning.

Ways to Have Your Say:

• Speak at the Council Meeting: June 27, 2022 at 6:15 pm:

1. E-mail the Corporate Officer (hdallas@bimbc.ca) up to 4:00 PM to pre-register for the speakers list.

Subject line: "Bylaw No. 580 - Verbal Submission"

Your full name, address and phone number

2. Or attend in person or join via Zoom and wait for your name to be called out.

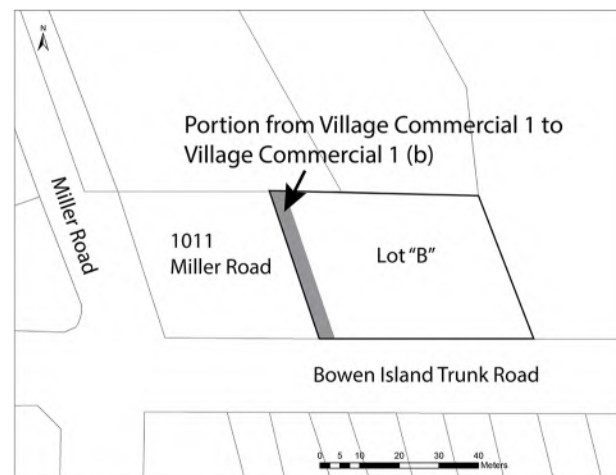
Visit <https://www.bowenislandmunicipality.ca/council-meetings> for login information, or come to the Municipal Hall, 981 Artisan Lane

• Write to the attention of Mayor and Council:

1. Email: mayorandcouncil@bimbc.ca

2. Mail: 981 Artisan Lane, Bowen Island, BC, V0N 1G

What Property does this affect?



BRIEFING

To:	Executive Committee	For the Meeting of:	August 3, 2022
From:	CAO	Date Prepared:	July 28, 2022
SUBJECT:	2022-2026 Trust Council Orientation Overview		

PURPOSE: To review key deliverables associated with the delivery of an orientation for trustees for the 2022-2026 term.

BACKGROUND: Staff are in the process of developing and refining the orientation process for the incoming Trust Council. To that end, we have reviewed the materials from the previous orientation process as well as the schedule of training that was implemented in 2018/19. Trustee education and orientation is a governance responsibility of the Executive Committee (EC). This report is an overview of the suggested approach. It will be supplemented over the next 6 weeks into final form for EC concurrence. This allows other trustees, who have not commented yet, a chance to participate and also gives the Governance Committee an opportunity for suggestion as well.

1. Orientation in 2018: What was delivered to trustees?

- Inaugural meeting in December 2018
 - 12 sessions of approximately 1 hour each.
 - “The Big Picture
 - Trust Area Services review
 - Islands Trust Conservancy
 - Council Roundtable: What is important?
 - Administrative Services
 - Human Resources
 - Closed Sessions
 - Staying out of Trouble: Conflict, Bias, Freedom of Information (FOI)
 - Making Fair Decisions
 - Local Planning Session
 - Executive Committee (EC) candidate presentations and questions
 - Elections for EC and Islands Trust Conservancy Board
 - Associated staff/directors were the presenters for their subject area, with the Chief Administrative Officer (CAO) delivering a general information session.
- Supplemental training (8 sessions) at the January 2019 meeting.
 - Local Trust Committee (LTC) planning and meetings
 - Trust Area Services
 - Islands Trust Conservancy
 - Budget 2019-2020
 - First Nations engagement and Reconciliation
 - Strategic Planning
 - Budget amendments
 - Standards of Conduct
- EC training was held subsequent to the January meeting with an external consultant.
- 3 separate local planning sessions were held on a regional office basis that focused upon LTC meeting procedures.

- Development of a Starter Kit for each trustee that summarized all training and provided a reference guide for governance. This Starter Kit was installed on each trustee's new computer for ease of access over the term, or made available over WebDAV.
- 2. What worked?**
- Comprehensive: the material was appropriate and comprehensive, covering the broad areas of responsibility for local officials and trustees.
 - Preparation for budgeting was effective given the narrow timeline.
 - Feedback was generally positive from trustees on presentations and quality of information.
 - The Starter Kit was initially a success.
- 3. What didn't work?**
- Trustees indicated that it was too much information at once, hard to digest all of the material and difficult to sit in session for extended periods. There was not enough time to get to know other trustees.
 - Subsequently, a number of trustees, though understanding the material, did not abide by the orientation materials in conducting their work over the term calling into question the effectiveness of orientation training.
 - The Governance Report of 2022 claimed that most trustees do not remember getting orientation or training for their roles, so as a consequence, the training was not effective.
- 4. New and key elements of upcoming Orientation**
- Given the previous orientation and lessons learned, as well as comments from current trustees, it is proposed that the approach for the upcoming term will include the following:
- **Update the Starter Kits:** Reimagine the starter kits to refresh and excite trustees, include acronyms that are used at the Trust, discussion of strategic planning and integration with work planning, e.g. What is a project charter and how to use effectively, First Nations update, and dealing with the public. Final copies will be provided electronically and in binder form.
 - To lighten the number of sessions and 'time at the table' we will **develop a series of webinar sessions on specific topics**, focused upon land use planning and local trust committee meeting management. Trustees will attend these sessions outside the Trust Council meetings in November and December.
 - We will attempt to create **more time for discussion** and issue identification at the two initial Trust Council meetings.
 - The use of more examples in training.
 - Development of a **"Rookie Class"** to introduce common/basic concepts to new trustees. To be delivered electronically.
 - A more limited, but more in depth, group of live sessions to focus on:
 - A. Governance: what are our expectations of each other?**
 - *Attendance at Trust Council*
 - *Preparing for Trust Council*
 - *Participation on one of the Trust's Standing Committees*
 - *A minimum number of LTC Meetings*
 - *Preparing for LTC Meetings*
 - *A minimum number of "office/public hours" for constituents*
 - *Dealing with correspondence*

- *How to get the most out of a meeting?*

B. Governance/staff relations:

- *How to work with staff*
- *How to deal with staff in public?*
- *What if things go wrong?*
- *Who does what?*

C. First Nations and Reconciliation: Review of Islands Trust Reconciliation Declaration, discussion on how to adapt work to better include First Nation interests, protocol agreements and protocols. This session to be delivered by external contractor, Elder or knowledge holder with staff support.

D. Council Committee System, Trust Area Services

E. Decision making, voting and meeting best practices

F. Conflict of interest, Freedom of Information, Confidentiality

G. Inclusion and Diversity

H. Budget and Finance

Schedule

There are two Trust Council meetings (scheduled in November and December) to provide trustee orientation. It is proposed that the first meeting is necessarily about big picture processes, collegiality, the protocol of office, taking of the oath and elections. The second session in December will have a more detailed approach and of course a focus upon the budget process and outcomes for March 2023.

ATTACHMENT(S):

1. 2018-2019 Schedule of Orientation

FOLLOW-UP: Update at next Executive Committee meeting.

Prepared By: R Hotsenpiller

Reviewed By/Date:

Islands Trust Council Meeting Schedule

November 6 – 8, 2018

[Attachment 1. 2018 Orientation Schedule](#)

Location: Parkside Hotel and Spa, 810 Humboldt Street, Victoria BC

TUESDAY, NOVEMBER 6		WEDNESDAY, NOVEMBER 7		THURSDAY NOVEMBER 8	
		7:30	BREAKFAST Location: City Club Lounge 8 th Floor Tower B	7:30	BREAKFAST Location: City Club Lounge 8 th Floor Tower B
		8:30	Chair’s Welcome Remarks and Introductions Location: The Urban Ball Room - Main Floor	8:30	Budgeting The Urban Ball Room - Main Floor
		9:00	The Big Picture: An Overview of the Islands Trust	9:00	Local Planning Services Session Meeting procedures review, policy statement brief
1:00	VICTORIA OFFICE OPEN HOUSE Location: Suite 200 1627 Fort Street (2 nd floor)	10:00	BREAK	10:00	BREAK
Trustees pick up personalized computer and attend orientation session ½ hour drop in sessions (9 person capacity): 1:30 – 2:00 2:30 – 3:00 3:30 – 4:00		10:15	Notice of Elections & Intent For Executive Committee & Islands Trust Conservancy	10:15	Elections Executive Committee and Islands Trust Conservancy
		10:45	Governance and Getting Things Done	11:00	Business Decision Items
5:00	SONGHEES NATION ADDRESS	12:00	LUNCH Location: City Club Lounge 8 th Floor Tower B	12:00	LUNCH Location: City Club Lounge 8 th Floor Tower B
Location: Urban Ball Room – Main Floor Parkside Hotel & Spa, 810 Humboldt Street		1:15	Council Roundtable – What’s Important	1:00	Town Hall Location: Urban Ball Room – Main Floor
5:30	SWEARING IN CEREMONY FOR TRUSTEES Location: Urban Ball Room – Main Floor	3:15	BREAK	1:30	ADJOURNMENT
6:00	Reception and Photos Location: Urban Ball Room – Main Floor Trust Council group photo and individual photos for website - Refreshments and appetizers	3:30	Trustee Questions & Answers	1:45	Executive Committee Meeting Location: Executive Boardroom Mezzanine Tower A
		4:00	Candidate Presentations and Questions from Trustees For Executive Committee and Islands Trust Conservancy		
		5:00	ADJOURNMENT		



Islands Trust Council Meeting Schedule [Attachment 1. 2019 Orientation Schedule](#) January 15 – 16, 2019

Location: Bastion Coast Hotel – Ballroom Lobby Level
11 Bastion Street, Nanaimo

Tuesday, January 15		Wednesday, January 16	
7:30	Breakfast	7:30	Breakfast
8:30	Executive Committee Meeting	8:30	Strategic Planning Session
9:00	Chair's Welcome		
9:15	Local Planning Services Session		
10:15	Break	10:00	Break
10:30	Trust Area Services Session	10:15	continued
11:30	Islands Trust Conservancy Session	11:00	Budget Amendments
		11:55	Staff Awards
12:30	Lunch	12:00	Lunch
1:30	Budget 2019-2020 Session	1:00	Business Decision Items and Town Hall
		2:00	Closed Meeting
3:00	Break	3:00	Break
3:15	Standards of Conduct / Conflict of Interest / Freedom of Information Session	3:15	Local Trust Committee Review Session
4:00	First Nations Session		
5:30	Adjournment	5:00	Adjournment

REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** August 3, 2022

From: Executive Committee **Date Prepared:** July 25, 2022

SUBJECT: Amendments to History, Heritage, and Conservation Grants-in-Aid Policy 2.1.14

RECOMMENDATION: That Trust Council amend the History, Heritage, and Conservation Grants-in-Aid Policy 2.1.14 dated September 15, 2020, with the revised History, Heritage, and Conservation Grants-in-Aid Policy 2.1.14 dated August 3, 2022.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: The proposed policy changes respond to administrative issues that have arisen during recent delivery of the program and include relevant definitions of terms.

1. **PURPOSE:** To provide Trust Council with recommended amendments to the History, Heritage, and Conservation Grants-in-Aid Policy 2.1.14.
2. **BACKGROUND:** On March 13, 2018, Trust Council approved the History, Heritage, and Conservation Grants In-Aid Policy 2.1.14 to provide grants-in-aid to organizations, agencies, or First Nations, engaging in activities to preserve, protect, and conserve history and heritage in the Islands Trust Area, including Indigenous cultural heritage. On September 15, 2020, Policy 2.1.14 was amended to align with Trust Council's Reconciliation Declaration and the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA).

Further amendments to Policy 2.1.14 are now being recommended to include:

- an intake period for each fiscal year (all applications will be due by April 30 each year);
- a specific period when EC will review all applications and allocated grants (each May);
- a maximum amount of financial assistance that can be requested per application (\$5,000)
- information on groups not eligible for funding
- removal of "individuals" as eligible applicants (individuals must apply through an organization, agency, or First Nation)
- a requirement that funds be spent by the end of the fiscal year;
- a requirement that a final report summarizing the outcomes of the project be submitted to Islands Trust by March 31;
- definitions of key terms: 'heritage', 'heritage conservation', and 'Indigenous cultural heritage'; and
- editorial corrections.

Since the March 2018 Trust Council decision to begin providing grant-in-aid, the Executive Committee has approved five grants:

2022/2023:

1. \$2,000 to siyēye nii 'u tthu sut'ku'luts | siyēye tun'i 'utl sqwun'u to support 'The Water We Call Home' digital and physical exhibition opening on Galiano Island
2. \$2,000 to MakeWay Charitable Society – Atl' ka7tsem/Howe Sound Marine Stewards to support ocean-based cultural research and education activities that will be conducted in partnership with the Skwxwú7mesh Úxwumixw (Squamish Nation).
3. \$2,000 to Stqeeye' Learning Society to support the development of an Indigenous-focused land-based curriculum that will be available to Indigenous students from other school districts.

2019/2020

4. \$4,500 to Drama Camp Productions to host screenings of the movie Dust n Bones and reconciliation discussions on Salt Spring, Denman and Gabriola Islands, subject to the support of local trustees and affected local trust committees. (SSI and Gabriola ones delayed due to COVID-19 restrictions)

2018/2019

5. \$500 to the Saturnina Foundation to hold an event with First Nations on Saturna Island celebrating the new SENĆOŦEN Dictionary

3. IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: Adopting the proposed amendments to the History, Heritage, and Conservation Grants-in-Aid Policy 2.1.14 and application form will address current challenges in the administration of this grants-in-aid program and will provide greater clarity to applicants.

FINANCIAL: No financial implications.

POLICY: The recommendation will amend Trust Council's History, Heritage, and Conservation Grants-in-Aid Policy 2.1.14.

IMPLEMENTATION/COMMUNICATIONS: The revised policy will be circulated to holders of the Islands Trust Policy Manual and placed on the Islands Trust website. It will also be reviewed with all staff who are responsible for administering the History, Heritage, and Conservation Grants-in-Aid program. Staff will prepare a History, Heritage, and Conservation Grants-in-Aid staff procedure for the Operations Manual. Communication of the changes will be publicized through a News Release no later than January 2023, highlighting the new annual application deadline of April 1. Staff will also prepare social media posts and include it in the annual social media editorial calendar.

FIRST NATIONS: Policy 2.1.14 was updated in September 2020 to align with Trust Council's Reconciliation Declaration and DRIPA. Adding in a definition of "Indigenous cultural heritage" in this round of amendments could support greater understanding of the importance of preserving and protecting Indigenous cultural heritage in the Islands Trust Area.

OTHER: None.

4. RELEVANT POLICY(S): None.

5. ATTACHMENT(S):

1. Draft amended History, Heritage, and Conservation Grants-in-Aid Policy 2.1.14 (track changes version)
2. Draft amended History, Heritage, and Conservation Grants-in-Aid Policy 2.1.14 (clean version)

RESPONSE OPTIONS

Recommendation: That Trust Council amend the History, Heritage, and Conservation Grants-in-Aid Policy 2.1.14 dated September 15, 2020, with the revised History, Heritage, and Conservation Grants-in-Aid Policy 2.1.14 dated August 3, 2022.

Alternatives:

1. That different revisions to the History, Heritage, and Conservation Grants-in-Aid Policy 2.1.14 be adopted.
2. That History, Heritage, and Conservation Grants-in-Aid Policy 2.1.14 not be amended at this time.

Prepared By: Dilani Hippola, Senior Policy Advisor, Trust Area Services

Reviewed By: Clare Frater, Director, Trust Area Services / July 27, 2022
Russ Hotsenpiller, CAO / July 28, 2022



Policy:	2.1.14
Approved By:	Trust Council
Approval Date:	March 13, 2018
Amendment Date(s):	September 15, 2020 August 3, 2022
Policy Holder:	Director of Trust Area Services

HISTORY, HERITAGE, AND CONSERVATION GRANTS-IN-AID

Purpose

1. To provide ~~support and give~~ modest financial assistance to ~~individuals, groups, organizations, agencies, or~~ First Nations ~~communities or members, or agencies~~ engaging in activities to ~~gain knowledge about~~ increase public awareness, understanding and appreciation of the history and heritage of the Islands Trust Area, ~~and to increase public awareness, understanding and appreciation of that history and heritage~~ including ~~cultural heritage and/or contribute to understanding of Indigenous Peoples on the islands~~ the history and cultural heritage of Indigenous Peoples on the islands.
2. To provide ~~support and give~~ modest financial assistance to ~~individuals, groups, organizations, agencies, or~~ First Nations ~~communities or members, or agencies~~ engaging in the conservation of ~~conserving~~ heritage property, cultural heritage areas, or ~~preserve and protect~~ archaeological ~~are~~ sites in the Islands Trust Area. ~~or locations~~

Background

1. Section 8(2) of the *Islands Trust Act* establishes the discretionary powers of Trust Council. Under Section 8(2)(f) Trust Council may “engage in activities to gain knowledge about the history and heritage of the Trust Area and to increase public awareness, understanding and appreciation of that history and heritage”. Under Section 8(2)(g) Trust Council may conserve heritage property.
2. Section 8(2)(h) of the *Islands Trust Act* allows Council to support and give financial assistance to activities referred to under Section 8(2)(f) and 8(2)(g) that are undertaken by others in the Islands Trust Area.

A. Definitions

~~N/A~~

“Heritage”: a place, feature or event of historical, cultural, aesthetic, educational, or scientific significance.

“Heritage Conservation”: includes any activity undertaken to protect, preserve, or enhance the heritage value of heritage property.

“Indigenous Cultural Heritage”: Indigenous Peoples understand and describe “heritage” according to their own perspectives, traditions and languages. A general definition for Indigenous heritage would include ideas, experiences, worldviews, objects, forms of expressions, practices, knowledge, spirituality, kinship ties and places valued by Indigenous Peoples. Indigenous heritage is intrinsic to Indigenous well-being and held for all generations.

B. Policy

1. Granting Funds to Others

- 1.1 Funding applications for history, heritage, and conservation grants-in aid will be considered by Executive Committee once a year in May. on request by individuals, groups, organizations, First Nations communities or members, or agencies. Approved grants will be considered at the next available Executive Committee meeting taking place a minimum of three weeks after receipt of the application.
- 1.2 Any ~~individual, group, organization, agency, or~~ First Nation, ~~community or member, or agency~~ excepting those listed in section 1.3 of this policy, is-is eligible to receive up to \$5,000 of funding (most grants expected to be in the \$1,000 to \$2,000 range) - to:
- 1.2.1 ~~undertake activities to gain knowledge about the history and heritage of the Trust Area, including undertaking activities that increase the understanding of Indigenous Peoples on the islands; and/or~~
- 1.2.2 ~~u~~undertake activities that increase public awareness, understanding and appreciation of the history and heritage of the Islands Trust Area; and/or
- 1.2.32 ~~conserve heritage property, including conserving cultural heritage areas, or and preserve and protect archaeological areassites in the Islands Trust Area or locations.~~
- 1.3 The following individuals/groups are not eligible to apply for funding:
- 1.3.1 Islands Trust trustees, staff, or contractors
- 1.3.2 organizations subject to an open bylaw enforcement action on a confirmed land use bylaw violation for which Islands Trust is seeking compliance
- 1.34 To receive funding, ~~individuals, groups, organizations, agencies, or~~ First Nations ~~communities or members, or agencies~~ must make their requests for funding to the Islands Trust Executive Committee on the prescribed form (Attachment 1) no later than April 30. The request must include the following:
- 1.34.1 the name of the ~~individual, group, organization, agency, or~~ First Nation ~~membership or self identity, or agency~~ making the request;
- 1.34.2 the dollar amount of ~~the~~ funding being requested;
- 1.34.3 specifics about the nature of the activities as they relates to 2.2 of this policy;
- 1.34.4 for research activities, an outline of the methodology, and/or description of the cultural knowledge or traditional ecological knowledge framework; and,
- 1.34.5 for publications, an outline of the messaging, medium of the publication and intended audience.
- 1.45 The Executive Committee will review ~~each application~~ applications at the earliest opportunity in May of each year. In undertaking this work, the Executive Committee will consider the merits of the activities in the funding request and how they align with:
- 1.45.1 the Object of the Islands Trust;

1.5.2 the Islands Trust Policy Statement;

1.45.23 Trust Council's Strategic Plan;

1.5.4 the Islands Trust Reconciliation Declaration; and

1.45.35 available funds.

2. Conditions of Funding Approval

2.1 For research projects, Islands Trust staff review and approve the methodology.

2.2 For publications, Islands Trust staff review and ensure that the publication meets Islands Trust visual identity guidelines.

2.3 The ~~individuals, groups,~~ organizations, agencies, or First Nations who receive funding communities or members, or agencies must acknowledge support of Islands Trust in all printed and publication material related to the project, event or program.

2.4 The organizations, agencies, or First Nations must spend all funds and submit a final report summarizing the project outcomes by the end of the fiscal year.

2.45 In the event a project is not complete by the end of the fiscal year, the ~~individuals, groups,~~ organizations, agencies, or First Nations ~~community or members, or agencies~~ must notify ~~the~~ Islands Trust as soon as practical and refund any ~~remaining~~ grant funds provided for project work that has not been done or completed.

2.56 ~~With the approval of Staff will provide the relevant affected local trust committees or island municipality local trustees an opportunity to provide feedback on each funding application prior to Executive Committee's review in May.~~

2.67 All applications ~~must comply with and must not incur adverse~~ have no impacts to registered archaeological sites or potential sites.

3. Funding Source

3.1 For each fiscal year, Trust Council will establish a History, Heritage, and Conservation Grant-in-~~aid~~ Aid budget.

C. Legislated References

Islands Trust Act – Section 8(2)(h).

Islands Trust Council Policy 6.5.3 Procurement Policy (B.5 Financial Assistance to Community Organizations and Other Groups or Individuals).

~~Islands Trust Council 2014-2018 Strategic Plan—9.2 Improve communications about the Islands Trust Object and history.~~

Policy 6.1.1 First Nations Engagement Principles.

Declaration on the Rights of Indigenous Peoples Act (DRIPA)

D. Attachment

Attachment 1 – Application Form

HISTORY, HERITAGE, AND CONSERVATION – GRANTS-IN-AID APPLICATION FORM

Name of Person or Organization, <u>Agency, or First Nation</u> :	
Address of Person or Organization:	
Full Mailing Address:	
Telephone Number:	
Email <u>A</u> address:	
Contact Person:	
First Nation membership or self-identity	
Primary purpose of organization:	
Service you provide to the community:	
Number of clients or people that use your service:	
Cultural Knowledge Holder or Traditional Ecological Knowledge: <u>Indigenous Knowledge Holder(s) involved in project:</u>	
Amount of g Grant-in-aid Requested <u>requested</u> (up to \$2,000):	
Purpose of the g grant-in-aid:	Conservation History <u>Heritage</u> <u>Heritage Conservation</u>
Describe how the grant-in-aid will be used:	
Describe how the grant-in-aid will support the object of the Islands Trust <u>Object, the Islands Trust Policy Statement, or an Islands Trust Strategic Plan, and/or Islands Trust Reconciliation Declaration:</u> item:	
Have you received a previous grant-in-aid from the Islands Trust:	Yes <u>No</u> (if yes, please list grants received)
<u>Do you agree to use all funds and submit a final report summarizing the project outcomes by the end of the fiscal year (March 31st)?</u>	<u>Yes</u> <u>No</u>
Applicant Signature	
Date of Signature	

Internal Use Only:

Date of EC Resolution:

Amount Approved:

Collection Notice: Personal information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes associated with the 2017 Community Stewardship Awards program. Enquiries about the collection or use of information in this form can be directed to Carmen Thiel, Legislative Services Manager at 250-405-5188.



Policy:	2.1.14
Approved By:	Trust Council
Approval Date:	March 13, 2018
Amendment Date(s):	August 3, 2022
Policy Holder:	Director of Trust Area Services

HISTORY, HERITAGE, AND CONSERVATION GRANTS-IN-AID

Purpose

1. To provide modest financial assistance to organizations, agencies, or First Nations engaging in activities to increase public awareness, understanding and appreciation of the history and heritage of the Islands Trust Area, including the history and cultural heritage of Indigenous Peoples on the islands.
2. To provide modest financial assistance to organizations, agencies, or First Nations engaging in the conservation of heritage property, cultural heritage areas, or archaeological sites in the Islands Trust Area.

Background

1. Section 8(2) of the *Islands Trust Act* establishes the discretionary powers of Trust Council. Under Section 8(2)(f) Trust Council may “engage in activities to gain knowledge about the history and heritage of the Trust Area and to increase public awareness, understanding and appreciation of that history and heritage”. Under Section 8(2)(g) Trust Council may conserve heritage property.
2. Section 8(2)(h) of the *Islands Trust Act* allows Council to support and give financial assistance to activities referred to under Section 8(2)(f) and 8(2)(g) that are undertaken by others in the Islands Trust Area.

A. Definitions

“Heritage”: a place, feature or event of historical, cultural, aesthetic, educational, or scientific significance.

“Heritage Conservation”: includes any activity undertaken to protect, preserve, or enhance the heritage value of heritage property.

“Indigenous Cultural Heritage”: Indigenous Peoples understand and describe “heritage” according to their own perspectives, traditions and languages. A general definition for Indigenous heritage would include ideas, experiences, worldviews, objects, forms of expressions, practices, knowledge, spirituality, kinship ties and places valued by Indigenous Peoples. Indigenous heritage is intrinsic to Indigenous well-being and held for all generations.

B. Policy

1. Granting Funds to Others

- 1.1 Funding applications for history, heritage, and conservation grants-in aid will be considered by Executive Committee once a year in May.

- 1.2 Any organization, agency, or First Nation, excepting those listed in section 1.3 of this policy, is eligible to receive up to \$5,000 of funding (most grants expected to be in the \$1,000 to \$2,000 range) to:
 - 1.2.1 undertake activities that increase public awareness, understanding and appreciation of the history and heritage of the Islands Trust Area; and/or
 - 1.2.2 conserve heritage property, including cultural heritage areas and archaeological sites in the Islands Trust Area.
- 1.3 The following individuals/groups are not eligible to apply for funding:
 - 1.3.1 Islands Trust trustees, staff, or contractors
 - 1.3.2 organizations subject to an open bylaw enforcement action on a confirmed land use bylaw violation for which Islands Trust is seeking compliance
- 1.4 To receive funding, organizations, agencies, or First Nations must make their requests for funding to the Islands Trust Executive Committee on the prescribed form (Attachment 1) no later than April 30. The request must include the following:
 - 1.4.1 the name of the organization, agency, or First Nation making the request;
 - 1.4.2 the dollar amount of funding being requested;
 - 1.4.3 specifics about the nature of the activities as they relate to 2.2 of this policy;
 - 1.4.4 for research activities, an outline of the methodology, and/or description of the cultural knowledge or traditional ecological knowledge framework; and,
 - 1.4.5 for publications, an outline of the messaging, medium of the publication and intended audience.
- 1.5 The Executive Committee will review applications in May of each year. In undertaking this work, the Executive Committee will consider the merits of the activities in the funding request and how they align with:
 - 1.5.1 the Object of the Islands Trust;
 - 1.5.2 the Islands Trust Policy Statement;
 - 1.5.3 Trust Council's Strategic Plan;
 - 1.5.4 the Islands Trust Reconciliation Declaration; and
 - 1.5.5 available funds.

2. Conditions of Funding Approval

- 2.1 For research projects, Islands Trust staff review and approve the methodology.
- 2.2 For publications, Islands Trust staff review and ensure that the publication meets Islands Trust visual identity guidelines.

- 2.3 The organizations, agencies, or First Nations who receive funding must acknowledge support of Islands Trust in all printed and publication material related to the project, event or program.
- 2.4 The organizations, agencies, or First Nations must spend all funds and submit a final report summarizing the project outcomes by the end of the fiscal year.
- 2.5 In the event a project is not complete by the end of the fiscal year, the organizations, agencies, or First Nations must notify Islands Trust as soon as practical and refund any grant funds provided for project work that has not been completed.
- 2.6 Staff will provide the relevant local trustees an opportunity to provide feedback on each funding application prior to Executive Committee's review in May.
- 2.7 All applications must not incur adverse impacts to registered archaeological sites or potential sites.

3. Funding Source

- 3.1 For each fiscal year, Trust Council will establish a History, Heritage, and Conservation Grant-in-Aid budget.

C. Legislated References

Islands Trust Act – Section 8(2)(h).

Islands Trust Council Policy 6.5.3 Procurement Policy (B.5 Financial Assistance to Community Organizations and Other Groups or Individuals).

Policy 6.1.1 First Nations Engagement Principles.

Declaration on the Rights of Indigenous Peoples Act (DRIPA)

D. Attachment

Attachment 1 – Application Form



ATTACHMENT 1

ISLANDS TRUST

HISTORY, HERITAGE, AND CONSERVATION – GRANTS-IN-AID APPLICATION FORM

Name of Organization, Agency, or First Nation:	
Full Mailing Address:	
Telephone Number:	
Email Address:	
Contact Person:	
Primary purpose of organization:	
Service you provide to the community:	
Number of clients or people that use your service:	
Indigenous Knowledge Holder(s) involved in project:	
Amount of grant-in-aid requested (up to \$2,000):	
Purpose of the grant-in-aid:	History Heritage Heritage Conservation
Describe how the grant-in-aid will be used:	
Describe how the grant-in-aid will support the Islands Trust Object, Policy Statement, Strategic Plan, and/or Reconciliation Declaration:	
Have you received a previous grant-in-aid from Islands Trust:	Yes No (if yes, please list grants received)
Do you agree to use all funds and submit a final report summarizing the project outcomes by the end of the fiscal year (March 31 st)?	Yes No
Applicant Signature	
Date of Signature	

Internal Use Only:

Date of EC Resolution:

Amount Approved:

Collection Notice: Personal information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes associated with the 2017 Community Stewardship Awards program. Enquiries about the collection or use of information in this form can be directed to Carmen Thiel, Legislative Services Manager at 250-405-5188.

BRIEFING

To: Executive Committee **For the Meeting of:** August 2, 2022

From: Trust Area Services **Date Prepared:** July 28, 2022

SUBJECT: Advocacy summary (2018-2022 term)

PURPOSE: To provide Executive Committee with background regarding advocacy undertaken in the 2018-2022 term to inform any requests for evaluation of advocacy.

BACKGROUND:

[Advocacy Policy 6.10.3](#) at Section (G. 2.) states: *In the last year of every Islands Trust Council term, the Executive Committee will review and evaluate the effectiveness of the advocacy work undertaken during that term, considering the general policies in Section B.*

At the July 7, 2022 meeting the Executive Committee discussed Trust Council Policy 6.10.3 Advocacy with regards to end of term evaluation, staff resources, and depth of analysis, and passed the following resolution:

EC-2022-096

It was Moved and Seconded,

That Executive Committee defer the discussion on this issue (advocacy evaluation) to the next Executive Committee meeting.

CARRIED

As the Executive Committee considers any request for advocacy evaluation it may wish to consider the following:

- 1) The Great Northern Governance review report noted: "In respect of advocacy, an initial review indicated that the current advocacy function at the Trust does not lend itself to cost/benefit analysis or objective measurement of effectiveness, as called for in the RFP. The mandate was modified accordingly."
- 2) Limited staff time available due to scheduled vacations and previously assigned work to undertake work for the September Trust Council agenda which staff send to the Executive Committee on September 2, 2022.
- 3) There is no advocacy budget but funds could be used from the communications budget for this purpose.

ATTACHMENT(S):

1. Trust Council Advocacy Summary (2018-2022)
2. Local Trust Committee Advocacy Summary (2018-2022)

FOLLOW-UP: Staff will follow up as directed.

Prepared By: Clare Frater, Director, Trust Area Services

Reviewed By/Date: Russ Hotsenpiller, CAO/July 28, 2022

Trust Council/Executive Committee Advocacy Summary (2018-2022)

Islands Trust Council's [advocacy program](#) is guided by the Islands Trust Policy Statement, which currently states: *to achieve its object, the Islands Trust must be an educator, co-ordinator, and initiator guiding individuals, organizations, and other agencies in support of the object. While Islands Trust can provide the necessary leadership, responsibility for stewardship of the Islands Trust Area rests with many. Individuals, other government agencies, organizations, and the Province itself all have important roles to play. Cooperative actions are required of other agencies, organizations, and individuals to ensure that activities are carried out in a manner that is sensitive to the needs of Trust Area ecosystems and island communities.*

Advocacy is the act of influencing and seeking cooperation with other agencies and decision-makers. Most of Islands Trust's advocacy work is overseen and implemented by Islands Trust Council's Executive Committee and is guided by the Advocacy Policy (Policy 6.10.iii). During the 2018-2022 term, Islands Trust has advocated on a wide variety of topics including agriculture, aquaculture, anchorages, climate change, economic sustainability, forest protection, freshwater sustainability, governance, herring fishery, housing affordability, marine protection, oil spills and shipping, reconciliation, and transportation.

Islands Trust Council's advocacy methods include:

- Writing letters to decision-makers from a designated spokesperson, usually the Chair
- Meeting with ministers and other decision-makers
- Entering agreements
- Hosting forums and multi-stakeholder meetings
- Sponsoring resolutions and/or suggesting presentations at the annual conventions of the Association of Vancouver Island and Coastal Communities (AVICC) and the Union of British Columbia Municipalities (UBCM).

The following is a summary of advocacy letters and AVICC/UBCM resolutions for the 2018-2022 term. The full letters/submissions have been posted to the Islands Trust website at:

<https://islandstrust.bc.ca/programs/advocacy/>

2018/19 Advocacy

Marine shipping safety and oil spill preparedness and response

In April 2018, the Chair wrote to the Honourable George Heyman, Minister of Environment and Climate Change Strategy, regarding Phase Two Enhancements to Spills Management regarding how British Columbia plans to enhance the way the province prepares for, responds to, and recovers from environmental emergencies. The Minister responded on August 3, 2019.

In May 2018, the Chair wrote jointly with the Chair of San Juan County to the Honourable Marc Garneau, Minister of Transport, requesting that a standby tug be located in Sidney, British Columbia and available to Turn Point, off Stuart Island because there is insufficient emergency towing capacity in the Salish Sea for current and future risks. The Minister responded on June 21, 2018. The Assistant Commissioner, Western Region of the Canadian Coast Guard responded on July 10, 2018.

In May 2018, Vice-Chair Grams represented the Islands Trust at an exercise of the Canada – US Joint Marine Pollution Contingency Plan – Pacific Coast (CANUSPAC) in Port Angeles, Washington State.

In July 2018, the Chair wrote to the Honourable Marc Garneau, Minister of Transport Canada requesting a three month extension of the Interim Anchorage Protocol to ensure sufficient and reliable data is collected.

In September 2018, Islands Trust trustees wrote jointly with San Juan County Councillors to the Right Honourable Justin Trudeau, Prime Minister of Canada, expressing disappointment at the Canadian government's decision to purchase the Trans Mountain pipeline and proceed with trying to expand it. The Office of the Prime Minister responded on September 20, 2018.

In September 2018, the Chair presented on a panel at Washington State's Salish Sea Shared Waters Forum in Bellingham, Washington with a Councillor of San Juan County and the Mayor of Bellingham.

In September 2018, the Chair wrote to the Honourable Marc Garneau, Minister of Transport Canada, regarding concerns of the Interim Protocol for the Use of Southern B.C. Anchorages and the lack of community engagement and consultation processes.

In September 2018, the Chair wrote to the Right Honourable Justin Trudeau, Prime Minister of Canada; the Honourable John Horgan, Premier of British Columbia; the Honourable Marc Garneau, Minister of Transport; the Honourable Jonathan Wilkinson, Minister of Fisheries and Oceans and the Canadian Coast Guard; the Honourable Catherine McKenna, Minister of Environment and Climate Change; the Honourable Claire Trevena, BC Minister of Transportation and Infrastructure; and the Honourable George Heyman, BC Minister of Environment and Climate Change Strategy conveying Islands Trust Council's request that the federal government work towards eliminating the use of 33 commercial freighter anchorages throughout the Southern Gulf Islands, an area Transport Canada refers to as the South Coast of British Columbia.

In October 2018, the Chair wrote to Transport Canada regarding the *Strengthening Marine Environmental Protection and Response Potential Legislative Amendments Discussion Paper* supporting a focus on preventing oil spills.

In October 2018, the Chair wrote to Transport Canada regarding the *Proactive Vessel Management Discussion Paper* which addressed vessel traffic issues in local waterways and opportunities to reduce the impacts of shipping in the short and long term.

In October 2018, the Chair wrote to the National Energy Board regarding the scope of a planned Trans Mountain Pipeline Reconsideration hearing submitting a list of issues and respectfully suggesting that the National Energy Board require additional evidence about the environmental effects of the project related to marine shipping, the design of the hearing process, and suggesting government departments that could provide additional relevant information.

In November 2018, the Chair wrote to the National Energy Board's Trans Mountain Pipeline Reconsideration hearing expressing opposition to the Trans Mountain Pipeline Expansion Project and expressing concern that an oil spill resulting from the Project or an oil tanker collision or malfunction could have a negative impact on the Island Trust Area's unique amenities and environment, directly affecting the advancement of the Islands Trust's provincial object.

In December 2018, the Chair wrote to Transport Canada regarding its *Port Modernization Review Discussion Paper* expressing hope that Transport Canada will promote the changes that lead to greener, low carbon transportations systems and world class response and monitoring systems that are inclusive of community and Indigenous knowledge.

In March 2019, the Chair wrote to the Honourable Marc Garneau, Minister of Transport Canada thanking him to take the time to meet on short notice to discuss their shared interest in the islands and waters between the British Columbia mainland, the southern Vancouver Island, and the Anchorage Initiative in the Ocean Protections Plan.

Marine contamination

In July 2018, the Chair wrote to the Honourable Catherine McKenna, Minister of Environment and Climate Change, and the Honourable Dominic LeBlanc, Minister of Fisheries and Oceans Canada requesting the House of Commons support Parliamentary Motion M-151 made by MP Gord Johns, that Environment Canada and Fisheries and Ocean Canada take positive actions to reduce the influx of plastics and micro plastics into Canadian Waters.

In October 2018, the Chair wrote to Capt. Hardeep Grewal Marine Superintendent, North Coast Fleet Operations, requesting that BC Ferries reminds its subcontractors to adhere to Transport Canada regulations with respects to sewage dumping.

In November 2018, the Chair wrote to the Tanker Safety Panel Secretariat regarding improving how Canada prepares for and responds to releases of hazardous and noxious substances from ships.

Geoduck aquaculture

In September 2019, the Union of British Columbia Municipalities (UBCM) endorsed an Islands Trust resolution requesting that the DFO conduct an ecosystem-based study of potential and cumulative impacts of increased geoduck clam aquaculture and consider increased monitoring and enforcement.

Agriculture

In April 2018, the Chair wrote to the Chair of the Agricultural Land Commission supporting the preservation of the Agricultural Land Reserve and its management by an independent and adequately funded Agricultural Land Commission.

In May 2018, the Chair congratulated Jennifer Dyson on her appointment as Chair of the Agricultural Land Commission and shared that the Islands Trust Council is working with other governments and agencies to protect farm land and enhance sustainable agricultural activity on the islands.

Sustainable communities

In March 2018, the Chair wrote to Western Economic Development Canada, supporting the Salt Spring Island Economic Development Commission's Rural Islands Economic Summit project.

In July 2018, the Chair wrote to the Honourable Navdeep Bains, Minister of Innovation, Science and Economic Development, requesting that the Minister designate all islands in the Islands Trust Area as eligible for Community Futures funding and other granting programs for rural communities.

In July 2018, the Chair wrote to the Honourable John Horgan, Premier of British Columbia requesting that the Province designate all islands in the Islands Trust Area as permanently eligible for Rural Dividend Program funding and other granting programs for rural communities, including the Island Coastal Economic Trust. The Assistant Deputy Minister responded on August 9, 2018.

In July 2018, the Chair wrote to the Honourable Selina Robinson, Minister of Municipal Affairs and Housing, regarding Housing Needs Assessment reports completed for the northern islands and are underway for the southern islands. The reports are publicly available on the Islands Trust website.

In October 2018, the Chair wrote to BC Hydro regarding their Net Metering Program which is curbing the amount of energy net-metered customers can sell to BC Hydro.
BC Hydro responded on October, 11, 2018.

Islands Trust Act amendments

In December 2018, the Chair wrote to the Honourable Selina Robinson, Minister of Municipal Affairs and Housing, requesting potential legislative changes to the *Islands Trust Act* and other relevant legislation. The proposed legislative changes are grouped into three broad themes: Enforcement and Administration, Modernization, and Advancing the Mission of the Islands Trust.
The Minister responded on February 6, 2019.

In June 2018, the Chair wrote to the Honourable Selina Robinson, Minister of Municipal Affairs and Housing, thanking her for introducing amendments to the *Islands Trust Act* that changed the name of the Islands Trust Fund to the Islands Conservancy.

2019/20 Advocacy

Land Stewardship

In July 2019, the Chair wrote to The Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development, in response to the call for comments on the Private Managed Forest Lands Act, to request that amendments be made to require forest practice standards equivalent to Crown forest lands, and allow local governments to regulate some forestry related activities. (The PMFLA Review Team responded on November 5, 2019.)

Marine Shipping Safety and Oil Spill Preparedness and Response

In April 2019, the Chair wrote to the Review Panel Secretariat for the Roberts Bank Terminal 2 Project to provide comments on the marine shipping components of the proposed project and later spoke at the public hearing in Victoria.

In June 2019, the Chair wrote to the Oceans Protection Plan, led by the Canadian Coast Guard, with detailed feedback on the draft West Coast Emergency Towing Needs Assessment Report.

In July 2019, the Chair wrote to The Honourable Marc Garneau, Minister of Transport Canada, reiterating the need for an Anchorages Initiative regarding vessels continuing to anchor in the Trust Area and the need to address residents' concerns regarding environmental and health impacts.

In July 2019, the Chair wrote to Transport Canada in response to its request for feedback on extending the Interim Protocol for the Use of Southern B.C. Anchorages (Interim Protocol). Islands Trust expressed concern at Transport Canada's request for a further extension, and called upon them to work towards eliminating the use of 33 commercial freighter anchorages throughout the Southern Gulf Islands, to prohibit any dumping of potential contaminants overboard, and to stop conducting maintenance that generates bright lights and loud

and constant noise throughout the day and night. (Transport Canada responded on July 10, 2019.)

In September 2019, the Chair wrote to Transport Canada expressing support for the collaborative approach that Transport Canada is proposing to address vessel traffic issues in local waterways to reduce the impacts of shipping and expressing expectations and matters for consideration. A \$1,350 Ocean Protection Plan grant was applied for and received to support this work.

Marine Ecosystems Protection

In May 2019, the Union of BC Municipalities (UBCM) endorsed an Islands Trust resolution requesting the provincial government to prioritize the approval of key marine cumulative effects values for long-term monitoring and cumulative effects assessments in coastal regions. (The resolution and provincial response are included in this report –Section B155.)

In July 2019, the Chair wrote to Islands Trust Area First Nations with an invitation to be a joint signatory on the Chair’s letter to the Minister of Fisheries and Oceans calling for a moratorium on the Pacific herring fishery in the Salish Sea until an ecosystem-based management plan was in place. In Aug 2019, the Chair wrote to all regional districts in the Trust Area and municipalities in the Salish Sea Area calling for regional cooperation on the call for a moratorium. In October 2019, the Chair wrote to the Honourable Jonathan Wilkinson, Minister of Fisheries, Oceans, and the Canadian Coast Guard, a letter sent jointly with the Mayor of Bowen Island Municipality requesting that the federal government place “a moratorium on the herring fishery in the Salish Sea until an ecosystem-based management plan is in place that considers the current and future effects of climate change and the potential impacts of the fishery on predator species, in particular, Chinook Salmon and Southern Resident Killer Whales.”

In December 2019, the Chair wrote to the Honourable Bernadette Jordan, Minister of Fisheries and Oceans, and the Canadian Coast Guard, requesting that more resources be dedicated to enforcement of aquaculture regulations with the aim of reducing the amount of aquaculture refuse in the marine environment and clearly marking tenure boundaries. (Minister Jordan responded on January 28, 2020.) In December 2019, the Chair also wrote to the Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development, requesting that more resources be allocated to ensuring that aquaculture tenure requirements can be enforced effectively.

In December 2019, the Chair wrote to the Chair of the Howe Sound Biosphere Region Initiative in support of AtI’ka7tsem/Howe Sound becoming a United Nations Educational, Scientific and Cultural Organization (UNESCO) Biosphere Reserve.

In February 2020, the Chair wrote to the Department of Fisheries and Oceans Canada, supporting the Dead Boats Disposal Society’s application for funding to locate and remove ghost gear from sensitive marine environments within the Trust Area, underscoring the importance of these efforts to the conservation, protection and restoration of fish stocks and ecosystems, as well as species-at-risk, in the Salish Sea.

In February 2020, Islands Trust submitted a resolution to the Association of Vancouver Island and Coastal Communities (AVICC) and Union of British Columbia Municipalities (UBCM), requesting that the Province of British Columbia work with First Nations, and federal, provincial, and local government stakeholders, to develop a coordinated strategy to study and address the environmental and social impacts associated with liveaboards on the British Columbia coastline.

Climate Change

In May 2019, the Chair wrote to First Nations and Regional Districts in the Islands Trust Area, highlighting the Islands Trust Climate Change Emergency Declaration announced in March 2019 and requesting collaboration on climate change efforts in the Trust Area. (The First Nations Leadership Council responded on June 27, 2019.)

In May 2019, the Chair wrote to The Honourable Catherine McKenna, Minister of Environment and Climate Change, expressing Islands Trust's support for the National Determined Contributions Target (reduction in greenhouse gas emissions) made by Canada under the UNFCCC Paris Agreement and requesting federal government support for local governments to accomplish the important work of combatting climate change.

In May 2019, the Chair wrote to The Honourable George Heyman, Minister of Environment and Climate Change Strategy, expressing Islands Trust's support of the development of a new strategy that will better prepare B.C. communities for the impacts of climate change. In January 2020, the Chair wrote again with more detailed feedback to be considered in the development of this provincial strategy.

In September 2019, the Chair wrote to regional districts in the Islands Trust Area inviting them to co-sign a letter to the Minister of Energy, Mines and Petroleum Resources requesting greater support for solar energy in rural and remote communities. In November 2019, the Chair then wrote to the Honourable Michelle Mungall, Minister of Energy, Mines and Petroleum Resources, requesting a financial incentive program for hybrid solar photovoltaic systems with batteries for community buildings in rural and remote communities.

In August 2019, the Chair wrote to The Honourable Claire Trevena, Minister of Transportation and Infrastructure, to urgently request that current upgrades to roads on Gabriola Island be reconsidered to include active transportation lanes and that the Official Community Plan and 1992 Letter of Agreement be consulted. (Minister Trevena responded on October 10, 2019). In January 2020, the Chair wrote to the Honourable Claire Trevena, Minister of Transportation and Infrastructure, to request that the Province integrate British Columbia's Active Transportation Strategy and ferry electrification in its planning for BC Ferries.

Community and Communication

In September 2019, the Chair wrote to The Honourable Jinny Sims, Minister of Citizens' Services, and The Honourable Navdeep Bains, Minister of Innovation, Science and Economic Development Canada, requesting funding and support for the Islands Trust Area communities that have not been included in the Connect to Innovate and Connected Coast initiatives, namely Denman Island, Hornby Island, Gabriola Island, Thetis Island, Galiano Island, Mayne Island, South Pender Island, and Keats Island. (The Ministry of Citizens' Services responded on December 3, 2019.)

Reconciliation & Engagement

In July 2019, the Chair wrote to The Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation, seeking funding and guidance from the Ministry to assist in the implementation of the Islands Trust Reconciliation Action Plan 2019-2022 to foster dialogue, work collaboratively, and to meaningfully engage with First Nations and community within the Islands Trust Area. In December 2019, following a meeting with Minister Fraser and his staff, the Chair wrote again to the Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation, requesting his Ministry's support in fostering meaningful engagement with First Nations governments on the Policy Statement review currently underway.

Governance

In May 2019, the Union of BC Municipalities endorsed an Islands Trust resolution requesting the provincial government to improve the enforceability of development permit area requirements by enabling local governments to enforce violations by way of prosecution, ticket or bylaw notices. (The resolution and provincial response are included in this report –Section B53.)

In October 2019, the Chair wrote to the Honourable Selina Robinson, Minister of Municipal Affairs and Housing, advising that Trust Council passed a motion “to add the Islands Trust to the Auditor General Act, allowing for review of the Trust by the Auditor General for Local Government.” (Minister Robinson responded on January 17, 2020, and the Chair followed up on February 18, 2020).

2020/21 Advocacy

Aquaculture

In January 2021, the Islands Trust Chair wrote in response to the request for input on the new Federal Aquaculture Act and DFO Discussion Paper: A Canadian Aquaculture Act, the Trust Council Chair wrote to the Aquaculture Management Directorate of Fisheries and Oceans Canada (DFO). The letter from the Chair highlighted some priority areas of concern with regards to reconciliation, environmental protection and enforcement.

Anchorage

In January 2021, the Trust Council Chair wrote a letter to the Honourable Omar Alghabra, Minister of Transport, expressing dismay over the lack of federal government action to address the serious issue of freighter anchorages in the Southern Gulf Islands and to request leadership on the issue.

In April 2020, the Trust Council Chair wrote a letter to the Honourable Marc Garneau, Minister of Transport, calling for a Transportation Safety Board investigation into the March 30, 2020 freighter collision in Plumper Sound. The letter reiterated Islands Trust’s longstanding request that the federal government take all measures possible to reduce, and ultimately eliminate, the use of the 33 commercial freighter anchorage sites throughout the Southern Gulf Islands. The Islands Trust also worked to draw media attention to the incident. The Transportation Safety Board report was released in February 2021.

Forest Protection

In November 2020, the Trust Council Chair wrote to request the Province enhance the Trust’s jurisdiction over tree-cutting bylaws to make Islands Trust’s jurisdiction equal to that of municipalities under section 8 of the Community Charter.

In July 2020, the Trust Council Chair wrote a letter to The Honourable Doug Donaldson, B.C. Minister of Forests, Lands, Natural Resource Operations and Rural Development; The Honourable Selina Robinson, Minister of Municipal Affairs and Housing; and The Honourable Scott Fraser Minister of Indigenous Relations and Reconciliation following up on a meeting at Union of B.C. Municipalities. The letter reiterated concerns that the current provincial Private Managed Forest Land Act is restricting Islands Trust from fulfilling its legislative mandate to preserve and protect the environment of the Trust Area. The letter included a legal opinion from

Young Anderson regarding possible amendments to the PMFLA. The Ministry of Forests, Lands, Natural Resource Operations and Rural Development responded on October 19, 2020 and responded again on April 23, 2021.

Governance

In February 2021, the Islands Trust Corporate Secretary wrote to the Association of Vancouver Island and Coastal Communities to provide notice that a resolution and backgrounder was being submitted for consideration at the 2021 Association of Vancouver Island and Coastal Communities (AVICC) and Union of B.C. Municipalities (UBCM) convention.

The resolution requests the Ministry of Municipal Affairs update the Local Government Act to allow temporary use permits and public hearing notifications to be provided electronically.

Marine Protection

In November 2020, the Trust Council Chair wrote to The Honourable John Horgan Premier of British Columbia; The Honourable Katrine Conroy Minister of Forests, Lands, Natural Resource Operations and Rural Development; The Honourable George Heyman Minister of Environment and Climate Change Strategy; The Honourable Rob Fleming Minister of Transportation and Infrastructure; and The Honourable Josie Osborne Minister of Municipal Affairs to request that the B.C. Government develop and enact a Coastal Strategy and law. The intent would be to leverage and coordinate the work of provincial ministries, First Nations, local communities, and stakeholder groups to:

- Preserve coastal and ocean health
- Halt coastal habitat loss
- Accelerate the completion of a network of marine protected areas to benefit fisheries, biodiversity and the economy
- Set marine environmental quality objectives from upland activities, and help communities adopt ecosystem-based approaches to manage risks from flooding due to extreme weather events, sea-level rise, climate change, and ocean acidification

In March 2021, the Trust Council Chair wrote to the B.C. Environmental Assessment Office via an online portal to communicate opposition to the Trans Mountain Pipeline Expansion Project. In the letter, the Chair explained that Islands Trust believes the plan to transform the waters of the Salish Sea into an export corridor for nearly a million barrels of toxic bitumen per day for the next 50 or more years exposes the Trust Area to unacceptable levels of risk. The Chair also requested that Islands Trust be added to the list of groups consulted and or involved in developing and reporting research regarding diluted bitumen.

Reconciliation

In November 2021, the Trust Council Chair wrote to the Union of British Columbia Municipalities Executive Board about six resolutions adopted by the Islands Trust Executive Committee that help integrate the National Inquiry into Murdered and Missing Indigenous Women and Girls Calls for Justice into the work of Islands Trust. The Chair also reaffirmed Trust's continued commitment to reconciliation and relationship building.

Transportation

In January 2021, the Trust Council Chair wrote to the Prime Minister of Canada to communicate Islands Trust support for the BC Ferries Island Class Electrification Project. The Chair urged the federal government to provide financial funding for this critical project, which would enable the conversion of Island-class ferries from hybrid-powered to all-electric vessels by allowing them to seamlessly recharge their batteries during the embarkation and disembarkation of passengers.

In October 2020, the Trust Council Chair wrote a letter to The Honourable Claire Trevena, B.C. Minister of Transportation and Infrastructure and The Honourable Federal Minister of Transport, Marc Garneau, requesting that the Province of B.C. or Transport Canada acquire the New Brighton Dock from the Squamish Nation and or assist in the acquisition of the dock by a public entity. The letter stressed that the dock be preserved as a critical public port facility for the Gambier Island community. The Deputy Minister of the B.C. Ministry of Transportation and Infrastructure responded.

In July 2020, the Trust Council Chair wrote to The Honourable Claire Trevena Minister of Transportation and Infrastructure to urge the Province to put in place measures that ensure current service levels are maintained or improved to continue to meet local demand, irrespective of the financial uncertainties of BC Ferries. The Chair also requested that priority be placed on the involvement of Ferry Advisory Committees in all aspects of decision-making to ensure that the needs of communities are well understood and protected. The Honourable Claire Trevena Minister of Transportation and Infrastructure, responded.

2021/22 Advocacy

Agriculture

In April 2021, the Trust Council Chair wrote a letter to the Institute for Sustainable Food Systems endorsing the Kwantlen Polytechnic University's Institute for Sustainable Food Systems' development and implementation of an organic agriculture and food system extension service in British Columbia.

Climate Change

In January 2022, Islands Trust submitted a resolution to the Association of Vancouver Island and Coastal Communities (AVICC) and Union of British Columbia Municipalities (UBCM), requesting that the Province fund and support the development and integration of climate risk and vulnerability assessments into Official Community Plan review processes.

Freshwater Sustainability

In March 2022, the Trust Council Chair wrote a letter to the Water Protection and Sustainability Branch Ministry of Environment and Climate Change Strategy, providing support and feedback regarding the Watershed Security Strategy and Fund Discussion Paper. The letter requested that the Province consider early collaboration with Trust Council and Islands Trust staff in the development of the strategy to facilitate harmonization with the Islands Trust Freshwater Sustainability Strategy and the Islands Trust Object.

Housing

In January 2022, Islands Trust submitted a resolution with backgrounder for consideration at the 2022 Association of Vancouver Island and Coastal Communities (AVICC) and Union of BC Municipalities (UBCM) conventions, requesting that the Province provide funding and support to local governments (and Islands Trust) to facilitate affordable housing projects in rural areas in British Columbia.

Marine Protection

In January 2022, Islands Trust and San Juan County co-wrote a letter to the federal Minister of Fisheries, Oceans, and the Canadian Coast Guard, and the Minister of Transport, to request an Emergency Towing Vessel in Sidney.

The letter highlighted that recent studies by Canadian interests, San Juan County, and the Washington Department of Ecology demonstrate the need for and feasibility of an Emergency Towing Vessel for oil spill prevention in the Southern Strait of Georgia, Boundary Pass, Turn Point off of Stuart Island, Haro Strait, and the Strait of Juan de Fuca.

In February 2022, the Trust Council Chair wrote a letter to the federal Minister of Fisheries, Oceans, and the Canadian Coast Guard, expressing thanks for the December 2021 announcement that, for most commercial fisheries, the herring quota would be reduced to a 10% harvest rate. In 2018 and 2019, Islands Trust had advocated to the Minister and ministry staff on the topic of herring protection. The reduction in the harvest rate will contribute positively to preserving and protecting marine ecosystems and species at risk in the Trust Area.

In March 2022, the Trust Council Chair wrote to the federal Minister of Transport to request that Transport Canada take further action on air pollution and dumping from marine vessels, including stopping the use of exhaust gas cleaning systems (scrubbers) and mandating a stricter fuel standard in Canadian waters. This would prevent ships from using the current workaround of using scrubbers on marine exhaust systems, which result in large discharges of acidic waste and toxic pollutants into the water column instead of the atmosphere.

Forest Protection

In March 2022, the Trust Council Chair wrote to the Minister of Forests and the Minister of Land, Water, and Resource Stewardship and submitted a resolution for consideration at the 2022 Union of BC Municipalities (UBCM) meeting to request that the Province of British Columbia, in partnership with Indigenous leadership, develop and communicate in a timely way the process and timelines through which they plan to develop new legislation to protect and restore biological diversity and ecosystem health, in a manner consistent with the Declaration on the Rights of Indigenous Peoples Act, and with the involvement of Islands Trust, local governments, civil society groups, Indigenous Knowledge Holders, scientists, and members of the public.

Other

In April 2021, in response to a delegation to Trust Council by Rodenticide Free BC, the Trust Council Chair wrote to the Minister of Environment and Climate Change, to request that the Province of British Columbia introduce a Province-wide ban on the use of rodenticides which are known to move through the food chain endangering wildlife. In April 2021, the Minister replied, expressing the same concerns and reporting that he has directed ministry staff to develop options for improvements to how rodenticides are regulated in B.C., including consideration of bans.

2022/23 Advocacy

Agriculture

In June 2022, the Trust Council Chair wrote a letter to the Minister of Agriculture and Food requesting provincial action to address invasive fallow deer in the Southern Gulf Islands. The letter highlighted that the issues began due to deer escaping from a fallow deer farm on Mayne Island in the 1980s and 1990s, a farm that was under the jurisdiction of the Ministry of Agriculture.

Governance

In July 2022, the Trust Council Chair wrote a letter to the Minister of Municipal Affairs to request that the Province of British Columbia conduct a review of Islands Trust's mandate, governance, and structure, and that this request be brought to the attention of the Lieutenant-Governor-in-Council (Cabinet).

Forest Protection

In June 2022, the Trust Council Chair wrote a letter to the Minister of Municipal Affairs, following up on their in-person meeting, to underscore Trust Council's concerns and interests relating to forest management, private logging, and tree-cutting in the Islands Trust Area, and the impacts of these activities on the Islands Trust Object.

Other

In June 2022, in response to a delegation to Trust Council, the Trust Council Chair wrote to the Prime Minister, Minister of Mental Health and Addictions, Minister of Health, and Minister of Justice and Attorney General of Canada, supporting Bill C-216 "An Act to Amend the Controlled Drugs and Substances Act and to Enact the Expungement of Certain Drugs-related Convictions Act and the National Strategy on Substance Use Act."

Local Trust Committee Advocacy Summary (2018-2022)¹

Islands Trust Council's Advocacy Policy includes policies specific to local trust committee advocacy which include the following:

- Local trust committees conduct advocacy based on the Islands Trust Object, the Islands Trust Policy Statement and their Official Community Plan(s).
- Local trust committees may, by resolution, undertake advocacy on land use issues specific to their local trust area and consistent with the official community plan after considering whether the position may fetter their discretion on current or future land use planning decisions.
- Where the Islands Trust Council has adopted a bylaw, pursuant to Section 10 of the Islands Trust Act, that delegates powers under Section 8(2)(b),(c), (d) or (e) of the Islands Trust Act to a local trust committee, the local trust committee may, by resolution, undertake related advocacy, subject to any restrictions or conditions specified in the bylaw.
- The duties of elected office to make unbiased decisions about land use planning will take precedence when an advocacy topic overlaps with those duties.
- When a local trust committee adopts an advocacy position, it will inform the Executive Committee, and will consider how the item relates to the staff work program.
- If a local trust committee wishes to advocate on an issue not related to land use planning or not consistent with its Official Community Plan, the local trust committee chair will seek approval from the Executive Committee to allocate staff time to the project.
- If a local trust committee wishes to advocate on an issue overlapping with the jurisdiction of another Islands Trust body or island municipality, it will consult with the affected body. After considering the advice from that body, it may take an independent position that is consistent with the object of the Islands Trust and the Islands Trust Policy Statement, and will inform that body of the position.

Local Trust Committee advocacy work is undertaken by Trust Area Services staff, approved by the Local Trust Committee Chair, and issued by Local Planning Services administrative staff. Letters are posted to the Advocacy Letters page on the website and at the request of local trust committee may be posted to the relevant local trustee corner page and may be featured in a What's New blog on the local trust area landing page.

Letters sent:

Denman

1. Minister of Health - Feasibility study regarding creation of housing service for Denman Island
2. Fisheries and Oceans Canada - Shellfish Aquaculture in Baynes Sound
3. Ministers of Citizen Services & Municipal Affairs, SRD, CVRD - Support for Connected Coast project
4. Minister of Health - Support for BC Farmers Market Nutrition Coupon Program

¹ Does not include non-advocacy correspondence such as letters of support for community initiatives.

Gabriola

5. Regional District of Nanaimo - Nanaimo Regional Growth Strategy - Nanaimo Airport Lands
6. Baylinks Network - Support for Connected Coast project
7. Minister of Health - Support for BC Farmers Market Nutrition Coupon Program

Galiano

8. Access Networks BC - Cellular service enhancement
9. Ministry of Forests, Lands and Natural Resource Operations and Rural Development - Private Managed Forest Land Act (PMFLA) Consultation Feedback from Galiano Island Local Trust Committee
Dept. of Mines - Regarding : Application for Mines Act Permit
10. Rogers Communications Inc. - Cell Tower

Gambier

11. Sunshine Coast Regional District - New Brighton Dock
12. Prov. & Fed Ministers of Transportation - New Brighton Dock
13. Sunshine Coast Regional District - New Brighton Dock
14. Ministry of Transportation and Infrastructure - Reconciliation regarding a subdivision
15. Vancouver Coastal Health - Request for more Marine water testing in the Sunshine Coast Regional District islands
16. Sunshine Coast Regional District - Grant-in-Aid policy: Fire Suppression and life or Emergency Safety Equipment
17. Vancouver Coastal Health - Marine water testing in the Sunshine Coast Regional District Islands
18. Sunshine Coast Regional District - Renaming Halkett Bay Dock - emergency response issue

Hornby

19. Ministers of Citizen Services & Municipal Affairs, SRD, CVRD - Support for Connected Coast project

Mayne

20. Capital Regional District - Mayne Island – St. John Point
21. Capital Regional District - Garbage Services
22. Capital Regional District - Mayne Island – St. John Point (2)
23. Capital Regional District - Mayne Island – Anson Road Dock
24. Capital Regional District - St. John Point (3)
25. Capital Regional District - Request for an Electric Vehicle (EV) Charging Station
26. Islands Trust Conservancy – Mayne Island Fallow Deer

North Pender

27. Capital Regional District - Halting work on modifying Gardom Pond
28. Capital Regional District - Halting work on modifying Gardom Pond (2)
29. Capital Regional District - Mayne Island – Pathways from Miners Bay to Village Bay
30. Federal Minister of Transport - Aeronautical navigation in the Islands Trust Area

31. Magic Lake Estates Sewer and Water Committee – Education Initiative, potential impacts of development and other activities on riparian areas
32. Capital Regional District - Pender Island Cycling and Pedestrian Infrastructure
33. Ministry of Transportation and Infrastructure - Pender Island Cycling and Pedestrian Infrastructure

Salt Spring

34. Ministry of Transportation and Infrastructure- Ferry Terminal Road Congestion; 2) Salish Sea Trail Network and; 3) South Island Transportation Strategy

Thetis

35. Ministers of Citizen Services & Municipal Affairs, CVRD - Support for Connected Coast project



BRIEFING

To: Executive Committee **For the Meeting of:** August 3, 2022

From: Heather Kauer,
Regional Planning Manager **Date Prepared:** July 27, 2022

SUBJECT: Amendments to Trust Council Policies 6.2.1 and 6.7.1

PURPOSE: *For the Executive Committee to consider staff recommendations for additional changes to Trust Council policies 6.2.1 and 6.7.1 to implement changes to how project work is identified and to reduce the gap between planning resources and LTC/Committee project requests.*

BACKGROUND:

1. Trust Council adopted amendments to Trust Council Policy 5.9.1 at their June, 2022 meeting. These amendments had the effect of:
 - a. Establishing Minor, Major, and Extraordinary project categories;
 - b. Establishing a Regional Planning Team dedicated to Major and Extraordinary Project work;
 - c. Establishing that Local Planning Teams will resource Minor projects and process development applications.
2. Staff have noted additional amendments to Trust Council policies are needed to further manage the work done by the Regional and Local planning teams. The list of policies include:

Policy	Amendment Needed / Reason
a. 6.2.1 Priority Setting / Review Guidelines	Reduce the number of projects allocated to each committee to move towards a project model that prioritizes regional and LTC project cooperation and overlap; rename the “projects” list
b. 6.7.1 Work Program, Follow Up Action Lists, and Priority Charts	
c. 6.3.1 Budget Process Policy	Amendments needed to recognize the role of the RPC in the annual budget process recommending a list of planning projects to be prioritized for the next fiscal as well as the need for business cases for projects over \$5,000
d. 6.3.2 Special Tax Requisition	
e. 6.5.1 Reserves and Surplus	
f. 6.5.2 Budget Controls and Adjustment	
g. 6.5.3 Procurement	

3. Amendments to Budget related policies (c through g) are recommended but are not time sensitive in the short term to implement the Regional Planning Team. In addition, staff recognize that the Administrative Services Director may want to make additional amendments to these policies upon her return to leave so recommend that amendments be postponed until all of them can be done at once.
4. Staff are recommending consideration of amendments to policies 6.2.1 and 6.7.1 in the short term to ensure that in-coming Trustees are clear on resourcing around planning work programs starting in the new term.
5. The key elements of the changes are these:
 - a. Removal of a specific number of projects for EC/Council Committees. The number of these projects would be determined by i) Trust Council direction and/or budget and ii) resources, both financial and staff, under the control of the Committee.
 - b. For LTCs, a change from 3 projects each to:
 - i. up to one minor project per Local Trust Committee at a time; and
 - ii. a list of major and extraordinary projects identified through the Trust Council budget process. This list would generally reflect rotational OCP amendment projects for LTCs so that the Islands Trust can begin to update all of its long range planning documents.
 - iii. It is recommended that the Salt Spring LTC be allotted up to 3 projects, as an ongoing exception, in support of its large population base and more complex planning environment. This change is not reflected in the amended policies at this time, but would be included if supported by Executive Committee.

ATTACHMENT(S):

1. **Track Changes version of staff recommended changes to TC Policy 6.2.1**
2. **Track Changes version of staff recommended changes to TC Policy 6.7.1**

FOLLOW-UP: as requested by Executive Committee.

Prepared By: Heather Kauer, Regional Planning Manager, Northern Office

Reviewed By/Date: R Hotsenpiller, July 28, 2022



Policy:	6.2.1
Approved By:	Trust Council
Approval Date:	June 6, 1992
Amendment Date(s):	June 10, 2004
Policy Holder:	Chief Administrative Officer

PRIORITY SETTING/REVIEW GUIDELINES

Purpose

1. To outline priority setting and review, within the Islands Trust's strategic planning function.
2. To focus political and administrative attention, in a results-oriented fashion, to the realistic pursuit and achievement of the Trust's policies and organizational strategic plans, long term goals, objectives and current issues/opportunities.
3. To provide a basis for budgeting, resource allocation and work programming decisions by the Trust's political bodies and management.
4. To monitor, adjust and evaluate the Trust's progress toward and achievement of performance targets.

A. Definitions

Action Plan - an outline of activities, considerations and resource requirements to implement a specific strategy.

Organizational Units - the following specific bodies of the Islands Trust which have some form of direction-setting authority including political units: Trust Council, Local Trust Committees (13), Council Committees (3), and Executive Committee; and the Management Unit: Directors and the Chief Administrative Officer.

Priorities - matters which have been assessed as being of key importance for response.

Priorities/Strategies Matrix Report - the summary document of ~~Trust Council~~ the Islands Trust's structural units' endorsed strategies to respond to key priority areas in pursuit of the Trust's identified policy statements, policies, goals, objectives and current issues/opportunities.

Strategy - a preferred course of action among alternative responses to respond to and/or implement a priority.

Work Programs - the working document of specific organizational units of the Trust outlining their key priorities and listing of future topics to be considered.

B. Policy

1. Priorities/Strategies ~~Matrix~~Report

- 1.1 The priorities/strategies ~~matrix-report~~ summarizes the top priorities of the Islands Trust's various structural units work programs:
 - 1.1.1 ~~3 from~~ the Executive Committee;
 - 1.1.2 ~~3 from~~ each of Trust Council's 3 committees;
 - 1.1.3 ~~3 from each of~~ the Islands Trust's 13 local trust committees as follows:
 - a. up to one minor project per Local Trust Committee; and
 - b. a list of major and extraordinary projects identified through the Trust Council budget process
 - 1.1.4 ~~3 from~~ the Islands Trust Conservancy Board.
- 1.2 The top priorities of an organizational unit must be those of the Trust Council's top priorities that fall within their terms of reference.
- 1.3 At each quarterly Trust Council meeting, the Trust Council will review and update the ~~matrix-report~~ based on recommendations from the above organizational units via the Executive Committee in consideration of management's advice.
- 1.4 The Chief Administrative Officer is responsible for coordinating the priority setting/review process.
- 1.5 The Executive Committee is responsible for monitoring and reviewing the priority setting/review process.

2. Work Programs

- 2.1 Each of the Trust's organizational units is required to develop and maintain a work program to reflect:
 - 2.1.1 those items which it has identified;
 - 2.1.2 items referred to it by Trust Council;
 - 2.1.3 those of Trust Council's top priorities that fall within its terms of reference.
- 2.2 Work program priorities of each organizational unit including activities, responsibilities, targets and status must be reported to Council on a quarterly basis.
- 2.3 Work program processes are coordinated by designated staff in consultation with the appropriate chair.

2.4 Concerns regarding local planning team work programs are to be addressed first by the regional planning manager, the Director of Local Planning Services and then by the Regional Planning Committee, if required.

2.5 Concerns regarding all other work programs are to be addressed by the Chief Administrative Officer and then the Executive Committee, if required.

3. Action Plans

3.1 Action plans for the implementation of specific strategies may be prepared and/or requested, as necessary, to enhance decision-making.

4. The Process

4.1 On a quarterly basis, all organizational units are required to submit to the Chief Administrative Officer their current work programs with their top priorities provided on page 1 of this document.

4.2 The Chief Administrative Officer will consolidate the top priorities of each organizational unit into the Priorities/Strategies ~~Matrix~~ Report for review by the Executive Committee.

4.3 The Executive Committee will present a Priorities/Strategies ~~Matrix~~ Report; a consolidation of each operational unit's priorities with a recommendation at each quarterly Trust Council meeting.

4.4 At the September quarterly Trust Council meeting, Council will conduct a major review of the Priorities/Strategies ~~Matrix~~ Report, in particular its top priorities, as the basis for the annual budget process.

4.5 Any organizational unit may, at any time, make a recommendation to Trust Council at its quarterly meeting, via the Executive Committee, for reconsideration and/or change to Trust Council's top three priorities.

C. Legislated References

Islands Trust Policy 6.7.1 *Work Program, Follow-up Action Lists and Priorities Chart*

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

n/a



Policy:	6.7.1
Approved By:	Management Group
Approval Date:	December 17, 1992
Amendment Date(s):	
Policy Holder:	Chief Administrative Officer

WORK PROGRAM, FOLLOW-UP ACTION LIST AND PRIORITIES ~~MATRIX~~REPORT

Purpose

To provide guidelines for the use of Work Program, Follow-up Action List and Priorities ~~Matrix~~Report formats as tools to allocate resources to tasks and projects, to prioritize work activities relative to available resources and to focus on the achievement of specific results.

A. Definitions

1. The Islands Trust's work program system is comprised of three working documents which are linked to the Trust's annual budget and organizational strategic planning process in terms of day-to-day and/or short range activity projections.
 - 1.1 The **Follow-up Action List** is designed to deal with matters to be dealt with during the next three months that arise from meetings, to highlight matters arising from day-to-day activities, and to define specific tasks associated with work program items.
 - 1.2 The **Work Program** is designed to identify a long list of specific projects or activities that are not items for the Follow-up Action List, for potential future work, to identify the top priority ~~items-projects for attention~~approved for current work, and to define specific tasks to be accomplished for the top ~~three~~-priority items.
 - 1.3 The **Priorities ~~Matrix~~Report** is designed to highlight the specific activities to be pursued for the organizational unit's top priorities that are consistent with available resources for endorsement by Trust Council at its quarterly meetings.
 - 1.4 The **Organizational Unit** includes any political or staff entity identified on the Priorities Matrix.

B. Policy

1. Follow Up Action List

- 1.1 The Follow-up Action List (FUAL) should only include specific tasks that can be reasonably accomplished over the next three months.
- 1.2 The FUAL entry should include only the key words required to prompt recall of the item and/or a reference (i.e. report, resolution number or minutes) as to where to obtain information that is more detailed.

- 1.3 FUAL entry notations should only be completed - key words, responsibility assignment, target date and time budget estimates - upon agreement between the person responsible to complete the task, and the person(s) or entity responsible for reviewing the task to ensure it has been completed.
- 1.4 Whenever possible, FUAL entries should note the expected ~~time date~~ to complete the task in the responsibility assignment column ~~as [1 hour or 2 days] and/or actual time to complete the task in the Target/Status column as [1 hour or 2 days]~~.
- 1.5 The FUAL should be updated on a continual basis, distributed on a regular basis as determined by the relevant organizational unit, and reviewed at regular meetings of the relevant organizational unit.
- 1.6 FUAL entries should not be ~~deleted~~ archived as complete or no longer required, and/or transferred to the work program, ~~unless so decided~~ until received by the organizational unit (not an individual).
- 1.7 FUAL entries should be separated chronologically according to the organizational unit's regular or ~~bi-weekly~~ special meetings, to easily track when they were identified.

2. Work Program

- 2.1 The Work Program is comprised of two components - top ~~priorities~~ priority and ~~long future projects~~ list.
- 2.2 The ~~long future projects~~ list may be categorized by broad topic areas for the convenient indexing of specific potential work program topics.
- 2.3 Any potential project or future discussion topic may be included in the ~~long future projects~~ list for the purposes of maintaining a record of topics raised.
- 2.4 Action on the ~~long top priority or future projects~~ list items is subject to the organizational unit's assignment of its available time and/or assigned resources.
- 2.5 The Work Program's top ~~three~~ priorityies should be identified within the ~~long future project~~ list and then listed on the top page of the Work Program.
- 2.6 Specific activities that are to be pursued over the next 3-6 months to complete an element of a priority should be highlighted for the top ~~three priority~~ies ~~on in page 1 of~~ the Work Program.
- 2.7 Implementation of activities for top priorities is subject to available staff resources and assigned fiscal resources through the annual budget.
- 2.8 A Work Program should be forwarded by the organizational unit's designated staff person to the ~~Administrative Secretary~~ administrative staff when it is updated.

3. Priorities Matrix

- 3.1 Each organizational unit ~~is assigned~~identifies a number of ~~three~~ priorities ~~(Trust Council and Islands Trust Conservancy Board have five)~~ which it may present on a quarterly basis for Trust Council's input and endorsement.
- 3.2 The top priorities of each organizational unit are extracted from the top page of the organizational unit's current Work Program.
- 3.3 An organizational unit may update its portion of the Priorities Matrix Report at any time ~~through the Administrative Secretary~~.
- 3.4 The Executive Committee will review the current Priorities Matrix Report prior to presentation to quarterly Trust Council meetings for its recommendations relative to the listed priorities' compatibility with available resources.
- ~~3.5 — The Accomplishments Matrix is intended to document the accomplishments of priorities previously listed on the Priorities Matrix.~~

C. Legislated References

Policy and Procedures Manual: Priority Setting/Review Guidelines (6.2.1)

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

n/a

From: Robert Kojima
Sent: Wednesday, July 27, 2022 2:58 PM
To: 'Jennifer Margison' <[REDACTED]>
Cc: Brad Smith <bsmith@islandstrust.bc.ca>; Lori Foster <lfoster@islandstrust.bc.ca>
Subject: Correspondence re Trust Policy Directives and Implementation

Ms. Margison,

Executive Committee has requested that I respond to your correspondence regarding the application of directive policies in the Islands Trust Policy Statement, specifically policy 4.4.2 (attached)

Your first question is whether the Galiano Island OCP (Bylaw 108) is in fact consistent with Islands Trust Policy Statement Directive Policy 4.4.2, specifically you assert that the OCP “contains no policies requiring consideration of already occurring water problems or anticipated and seasonal demands”. An OCP’s consistency with the Policy Statement must be interpreted in accordance with its overall text, context and purpose, not by examining the wording of specific policies in isolation. As you point out, the OCP contains a number of policies and objectives that “stress the critical importance of water...in land use decision making.” In addition to the various policies and objectives you cited, there are also policies stating:

- “the need to protect areas identified as important for the maintenance of the groundwater resources”
- “An adequate supply of potable water, as specified in regulation, must be proven for each new lot created by subdivision.”
- “The Approving Officer shall be requested to ensure that before a subdivision is approved, it must be demonstrated that withdrawal of groundwater for new lots will not adversely affect the supply to existing and potential water users.”

So in its consideration of whether the Galiano Island OCP is not contrary or at variance with the Islands Trust Policy Statement, the Executive Committee of the day would have considered the OCP as a whole; and evidenced by the fact that EC approved the bylaw and all the amendments to it, EC considered that the OCP is not contrary or at variance with the Islands Trust Policy Statement, including policy 4.4.2.

Second, you question whether staff were correct in recommending that Bylaws 276 and 277 (GIGARHS) were not contrary to or at variance with the Islands Trust Policy Statement, specifically policy 4.4.2, and question the correctness of the LTC in passing a resolution stating that the bylaws were not contrary or at variance with Policy Statement. In providing the recommendation, staff relied not only several professional reports and the advice of the Islands Trust Freshwater Specialist, but also on the measures proposed to minimize groundwater impacts, including a proposed s. 219 covenant and a Water Management Plan. As just one example, a professional report (February 16, 2021) concluded: “It is evident that the well is capable of meeting a demand of 2 US gpm on a sustainable basis and use of the well should not have any significant or detrimental quantity or quality effect on any of the other wells in the region.” The LTC has had the benefit of considering this report, along with the other professional reports, and also has considered the measures that it would be requiring to implement the various recommendations.

In summary, in determining that it considered that the bylaws would not be contrary to or at variance with the Policy Statement, the LTC would have examined the application as a whole, in conjunction with all the information it has received, and the measures it will be requiring as conditions of approval.

Robert Kojima

Regional Planning Manager, Southern Team

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5159 | www.islandstrust.bc.ca

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

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

I am humbly thankful to live and work in the treaty lands and territories of the BOKEĆEN, K'ómoks, Lək'wəŋən, Lyackson, MÁLEXEŁ, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səlilwətaʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SḶÁUTW, Stz'uminus, ʔaʔəmen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLEŁP, WSIKEM, Xeláltxw, Xwémalhkwx/ʔop qaymıxʷ, and xʷməθkʷəy̓əm.

July 25, 2022

To: Trust Executive Committee

Re: Objection to Bylaws #276 and #277 GL-RZ-2019.1 (GIGARHS)

We are submitting this letter as a formal objection to Bylaws #276 and #277 in the matter of **GL-RZ-2019.1 (GIGARHS)**. Our objection is specifically in regard to the protection of freshwater resources.

We request that the Trust Executive Committee not approve these bylaws on the grounds that the Galiano LTC and Planner failed to exercise a common law duty of care equitably to both the rezoning applicant and the residents in proximity who are sharing the same aquifer of the land in question. We submit that the Galiano LTC and Planner did not, in their consideration of this rezoning application, adequately consider and protect the interests of the residents adjacent to the land that is the subject of a high-density rezoning application, as required by the Galiano OCP.

Our objections are based on:

1. Failure to address conclusions and implement recommendations in the Waterline Peer Review Report - See Section 1
2. Failure to demonstrate compliance with Directive 4.4.2 by acknowledging and investigating specific freshwater resources issues identified in the Directive and brought to the LTC's attention in numerous letters since the rezoning application first came before them in September 2019 - See Section 2
3. Inadequacy of applicant's hydrogeology report and the subsequent FLNRO's Commercial Water Licence "desktop assessment" of the report - See Section 3
4. FLNRO's acknowledgment that "First in Time and First in Right" provisions in the Water Sustainability Report offer little protection for potentially affected residents - See Section 4.
5. Failure to consider the compliance of the Galiano OCP and Land Use Bylaws with the TPS Directive 4.4.2 - See Section 5

In the Islands Trust Act, given S. 3 'Object of trust', trustee deliberations and decisions must, consistent with S.4 'Organization of trust', be understood to preserve and protect the "environment". It is Trust Council's responsibility to give force and effect to that responsibility in the Trust Policy Statement.

It is reasonable to hold that the "environment" is the sum of its natural environment and built environment parts. Consistent with the TPS Freshwater Resources Directive, preservation and protection of year-round groundwater quantity and quality are fundamental to preservation and protection of the "environment".

The Galiano LTC Corporation has, under S. 4 of the Act, a positive duty to ensure that the proposed built environment will not overwhelm the natural environment.

Please see Appendices for supporting documentation for each objection as specified above and attachments for full reports referred to in the appendices.

Sincerely,

Joan Bartley
850 Georgia View Road

Jennifer Brunner and Karl Brunner
105 Sticks Allison Road

Michael Doebeli
1528 Sticks Allison Road

Marianne Mikkelsen
1417 Sticks Allison Road

Patricia Dusting and Steve Wright
105 Sticks Allison Road

Jan Fenby
273 Sticks Allison Road

Sandi Harting
930 Georgia View Road

Donna and Werner Heinrich
1080 Sticks Allison Road

Jim Henshall and Jennifer Margison
1417 Sticks Allison Road

Craig Keating and Joanne Young
1541 Sticks Allison Road

Doug and Margaret Knight
327 Sticks Allison Road

Margaret Stember
1497 Sticks Allison Road

George and Carmita Menyhart
219 Sticks Allison Road

Michael and Kirstine Knight
163 Sticks Allison Road

Alf Wall
1656 Sticks Allison Rd.

John Zickmantel and Veronika Florianova
1724 Sticks Allison Road

Katherine Rozell
930 Georgia View Road

Nick Rebalski and Gilian Dusting
850 Georgia View Road

Doug and Margaret Knight
327 Sticks Allison Road E.

Appendices:

Section 1 - Failure to address conclusions and implement recommendations in the Waterline Peer Review Report

Appendix 1 a. Waterline Peer Review Report

Appendix 1. b. Guidance for Technical Assessment Requirements in Support of an Application for Groundwater Use in British Columbia

Section 2 - Failure to demonstrate compliance with Directive 4.4.2 by acknowledging and investigating specific freshwater resources issues identified in the Directive and brought to the LTC's attention in numerous letters since the rezoning application first came before them in September 2019

Appendix 2 a. Staff Report - February 7, 2022

Appendix 2 b. - List of Letters re: water problems and build-out

Appendix 2 c. Domestic Well #117791 Monitor - June 12/2021 - January 19, 2022

Section 3 - Inadequacy of applicant's hydrogeology report and the subsequent FLNRO's Commercial Water Licence "desktop assessment" of the report

Appendix 3 a. Hy-Geo Report

Appendix 3 b. FLNRO Commercial Water Licence Report

Section 4 - FLNRO's acknowledgment that "First in Time and First in Right" provisions in the Water Sustainability Report offer little protection to affected residents

Appendix 4 a. Emailed Response from Tanya Dunlop, Authorizations Specialist - Water, West Coast Region, Ministry of Forests, Lands, Natural Resources Operations and Rural Development

Section 5 - Failure to consider the compliance of the Galiano OCP and Land Use Bylaws with the TPS Directive 4.4.2

Appendix 5 Response from Robert Kojima, Regional Planning Manager to April 12th, 2022 Letter to the Trust Executive Committee sent by Jennifer Margison

Section 1 - Failure to address conclusions and implement recommendations in the Waterline Peer Review Report

We are requesting that the Executive Committee refer Bylaws #276 and #277 back to the LTC with a requirement that a pump down test of the project well at the end of the dry season and monitoring of all wells within 1 km of the project well be undertaken as recommended by the "Peer Review of Technical Documents" for the proposed GIGARHS residential development (March 2020), commissioned by Strata VIS5536, a 13-lot subdivision adjacent to the land being considered for rezoning. To not do so would represent a failure on the part of the Executive Committee to exercise their duty of care to the natural environment and to the residents living near the land subject to this rezoning.

Though the Waterline Report has been cited by both the applicants and by the LTC and Planner as supporting the applicant's sufficiency of water assertions, important aspects of this report, in its observations, conclusions and recommendations for further water sustainability assessment work have been ignored.

The Hy-Geo work was to meet the water supply requirements for a rezoning application and assessed the water supply needs of the project. It did not adequately assess the sustainability of the water resources for **both the project and for the adjacent residents**.

The Waterline Report states that the Hy-Geo report did not assess the aquifer response from pumping during the dry season (mid-March to early September and did not does not address the aquifer sensitivity to groundwater levels during low recharge periods. In fact, the only pump test was carried out during an extreme precipitation event in December 2018. The Waterline Report states that, 'Based on historical data, the static water level in the aquifer could be 12 m lower during the dry season, decreasing the available drawdown considerably and reducing the safety factor from 92% to possibly as low as the 30% threshold limit.' No aquifer test has been completed during the dry season, as recommended by the Waterline Report.

After repeated requests, a data logger was only installed in the project well in June 2021 to January 2022. Requests for monitoring of adjacent wells - there are three within 225 m and a number of others within 500 m of the project well - as recommended by the Waterline Report were ignored.

From the Waterline Peer Review Report:

4.0 RESULTS OF TECHNICAL DCOUMENT REVIEW - Page 6

2. Section 4.1 (Todd et.al, 2016) and Section 13.25 (Bylaw, 2019) - A 72-hour constant rate pump test was completed at Well 115952 in December 2018 which was a wet period where groundwater recharge could affect the surrounding water levels and over-estimate the sustainability of the supply during the drier summer months of the year.

5.0 CONCLUSIONS - - Pages 9 and 10

Based on our review, Waterline provides the following conclusions:

1. **It should be noted that the scope of the Hy-Geo work was to meet the water supply requirements for a rezoning application and was not specifically for licensing the water supply well under the WSA.** In this regard, the Hy-Geo report demonstrates that sufficient water supply likely exists to meet the anticipated demand for the Project. Although the test work did not completely follow the recommended WSA guidance (conduct a constant rate test in dry season; Todd et.al, 2016), the aquifer test rate was more than 5 times the demand and provides a conservative assessment of the long-term yield of the aquifer for that time of year.

2. The Hy-Geo report (2019) indicates that Well 115952 will be operated with a 92% safety factor to accommodate for low precipitation and recharge conditions. **Even if the proposed water demand is less than the expected long-term yield, the aquifer response from pumping during the dry season (middle of March till early September) has not been assessed and does not address the aquifer sensitivity to groundwater levels during low recharge periods.** Based on historical data collected from OW 258, the static water level in Aquifer #320 could be 12 m lower during the dry season, resulting in a change of static water level from 11.5 mbgl to 23.5 mbgl for Well 115952. This lower water level would decrease the available drawdown (distance from the main water bearing fracture [63 masl] to the static water table) by 20%, accentuating any drawdown from pumping and reducing the safety factor from 92% to 72%, and closer to the 30% threshold limit.

6.0 RECOMMENDATIONS

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

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

The conclusions and recommendations in the Waterline Peer Review report are supported by comments made by the Trust's Senior Freshwater Specialist, William Shulba at the June 1, 2021 Galiano Local Trust Committee Meeting:

<https://collaboratevideo.net/MaxPlayer/default.aspx?cid=isthost&pid=vod&vid=210601B&bw=720p&webcastID=IST-210601B>

Time: 4:14.55 - in reference to groundwater supply for GIGARHS proposed development
(in answer to a question from the applicant about continuous data loggers)

- "Yes, there is value (in long term monitoring) As well, it can provide value to the Islands Trust. I can be here all afternoon trying to assure that monitoring of the most precious resource on the site in the process of creating a sustainable water supply is paramount."
- "Can provide insight into any well interference from other wells as it relates to other wells in the area."
- "Having that water budget (for all Southern Gulf Islands) supported by water table fluctuations calibrates the whole model and actually creates the model, encourage you to take that advice from a professional hydrogeologist (Kohut) and myself that it is more than valuable information, it is the crux of knowledge and so that can facilitate a lot of questions..."

- "...will determine the timing of recharge and will also show the lower water level that will occur just from the movement of recharge through the system. It will help to determine where to place the pump and it can also provide insight to any potential well interference with the wells. It could also be helpful not only to the significance of interference, and also if there is interference will be able to give insight on the well behavior to other wells....Monitoring the static level before this well is put in production."

(in answer to the applicant who said there was no interference with other wells)

"It was only a moment in time when the well was pumped. If you look at the water level after 72 hours, there are indeed interference marks, that can be from tidal interference, for a number of reasons, perhaps the tidal effects are greater than the interference itself. It could be that in December everything is completely saturated and water levels are higher and you will not see interference. Interference is felt mostly in the lower period, which is August, September, October and so when the test (occurred) the whole thing was recharged to the max in December. So whether or not it was interference noticed in December is besides my reasoning for a long monitoring."

- "Also, in my view while we have historical seasonal patterns, we are in such a state of global change that those historical patterns many render themselves not useful in the future."

Appendix 1 a. Waterline Peer Review Report

Appendix 1. b. Guidance for Technical assessment Requirements in Support of an Application for Groundwater Use in British Columbia

Section 2 - Failure to demonstrate compliance with Directive 4.4.2 by acknowledging and investigating specific freshwater resources issues identified in the Directive and brought to the LTC's attention in numerous letters since the rezoning application first came before them in September 2019

The rezoning application was given first reading March 1, 2021 without the TPS Directives Checklist being presented. The Policy Directives Checklist was only included in February 7, 2022 Staff Report though we had asked about it many times, in the belief that it would require consideration of already occurring water problems in the area and anticipated demand - build-out. It has not done so.

In the February 7, 2022 LTC meeting, the following motion was passed:

It was Moved and Seconded, that the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directive Policies Checklist and determined that proposed Bylaw No. 276 and 277 are not contrary to or at variance with the Islands Trust Policy Statement. CARRIED

We question the correctness of the Staff Report recommendation of February 7, 2022 as stated: "Staff have reviewed the Island Trust Policy Statement Directive Policies (ITPS) checklist and determined that proposed bylaw No. 276 and 277 are not contrary to or at variance with the ITPS."

This recommendation is supported by the analysis as to how staff reached this conclusion in regard to Directive 4.4.2 (page 3 of the Staff Report):

"The applicant has provided well pump test data and data logger study results from a qualified professional that conclude water supply from the source well is adequate with the application of a safety factor that exceeds provincial standards; A conditional water license has been issued by the province after substantive review by experts; a professionally developed water management plan provides additional water storage, use monitoring and other management measures; s. 219 covenant provides further protections."

This comment speaks only to the adequacy of the water supply for the proposed development; not the potential for collateral damage to the water supply for nearby properties in the area, though the Galiano OCP contains statements that indicate that the intent is to provide protection to existing water users. The review by experts and the water management plan did not include "known water problems in the area", neither are anticipated demands for water considered.

"...neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for."

The reports submitted by the applicant that include a pump test, a data logger study, a water management plan as well as a conditional commercial water licence approval may meet the minimal standards for the province but do not reference a specific consideration in TPS Policy Directive 4.4.2, namely existing water problems "with the quantity of the supply of freshwater" in the area, as documented by many letters to the LTC since October 2019 and supported by a Well Monitoring Report on domestic well #117791, the well closest to the proposed development and one of the adjacent wells likely to be most affected by the high density development. In spite of requests by neighbours, Staff or the LTC has not asked for any investigation of the water problems in the area. Since known water problems have not been reviewed at any time, the known water problems in the area stand as an unacknowledged, unresolved constraint.

There is also no indication that Staff Reports or the LTC have considered "existing, anticipated and seasonal demands for water" in their recommendations, deliberations and eventual decision making, in spite of repeated written and verbal requests, the provision of a neighbourhood buildout survey (the adjacent strata only 33% built out and the neighbourhood under 50% built out) has been provided to the Planner and LTC and a suggestion by the Trust's Freshwater Specialist that water availability assessment modelling could be done for "anticipated" demand. Neither have the FLNRO Commercial Water Authorization staff addressed this. See Cali Melnechenko M.Sc. P.Ag., Water Authorization Section Head, Ministry of Forests response to this question in Section 4.

William Shulba, at an LTC meeting, when asked why build-out is not addressed said, *"There is the issue of wells that have deemed righ of 2000 litres per day because they are subdivided but they are not yet developed, so that leads to a difficult process because pump testing is trying to mimic what would be typical use. So if typical use in that area won't be realized until the next decade for people building out, then the only way to do it is a modelling exercise which has not been done."*

Verbal Comments from Trustees and Planner on TPS Directive 4.4.2 Compliance at Feb. 7, 2022 LTC Meeting

Planner Smith

1:55:22 - "Interpreting the Policy Statement it is one of the most difficult tasks in this job."

"I am sure there many other opinions."

"The Trustees moved forward first reading with no recommendation by Staff."

Re: checklist: "The comments provide some rational why it could be consistent."

"It is for the Trustees to consider; I am sure there are many opinions out there as to other aspects that may not be consistent. It is the time for the LTC to have that discussion."

Chair Rogers re: the TPS Directives Checklist:

3:11:07 We did first reading without indication to the staff, that's how they didn't do the analysis."

3:11:47- **Trustee Rockafella** made the motion, only stating that the checklist "has been reviewed carefully by Planner Smith and I appreciate that." Chair Rogers seconded.

Chair Rogers

3:13:20 "There were a lot of submissions from folks. It is a challenging section because I don't know what it means by area. It is the piece of land in question? The island? The neighborhood? So I don't know how much to take into account."

3:13:44:"I hear that we are not taking in account the build-out in the area, we don't know what the demand is going to be, it can take 40 years, and nothing can happen, or it can develop. I

don't know. In the meantime, potentially an affordable housing project doesn't get built because some private landowner may or may not built a house and drill a well."

"To stop a project like this and if it wasn't an affordable housing project, I could have a different content."

"What the whole registration process is about. They will get their first in line in time, first in right, they are going to get their priority." See comments of Tanya Dunlop, Water Authorizations specialist, FLNRO in Section 5 regarding this.

"The application has been supported by their professional, by the other - it was not very different - by the province (at least twice) and by the freshwater specialist of the Trust."

"I am not sure what else the applicant can might do that meet the criteria of the OCP."

"I am satisfied the 4.4.2 have been met. I am going to vote in favor."

Chair Rogers' comments on TPS Directive 4.4.2 did not address anything substantive or specific to the GIGARHS' application but instead can be seen as calling into question the entire efficacy and intent of Policy Directive 4.4.2, something that we maintain does not uphold the Object of the Trust through the regulations provided for in the TPS Directives. It is our opinion that a dangerous precedent is set when, in this case the Chair of Galiano LTC and Vice Chair of the Executive Committee questions the intent of a Policy Directive. It provides a valid excuse for residents of the Gulf Islands to act contrary to the intent of the TPS and Directives.

Chair Rogers made additional comments at the recent July 16th Public Hearing on the bylaws. 2:33:32: "What about future development? My questions have always been, why people that live off, likely live off the island but own property, they take precedence over Galiano that need a home?"

Future development is not just for people who live off Galiano. Full time or part time residents on Sticks Allison Road, Galiano Way and Georgia View Road may be building or planning to build a house or a cottage and such a comment is unfair, divisive and did not add anything to a reasoned discussion of anticipated water demands.

Neither the Planner nor the Trustees presented enough evidence to approve the motion that "proposed Bylaw No. 276 and 277 are not contrary to or at variance with the Islands Trust Policy Statement". We submit to you that Bylaw No.276 and 277 are contrary and at variance with the Islands Trust Policy Statement in respect to the Policy Directive 4.2.2. included in the Checklist.

We believe that the Staff Report recommendation and the approved motion from the February 7, 2022 LTC meeting should be withdrawn for rezoning application GL-RZ-2019.1 GIGARHS. We request the attention of the Executive to this specific situation where the preserve and protect mandate and the precautionary principle are being ignored contrary to intention and public understanding of Trust Policy Directive 4.4.2.

Appendix 2 a. Staff Report - February 7, 2022

Appendix 2 b. - List of Letters re: water problems and build-out

Appendix 2 c. Domestic Well #117791 Monitor - June 12/2021-January 19/2022

Section 3 - Inadequacy of applicant's hydrogeology report and the subsequent FLNRO's Commercial Water Licence "desktop assessment" of the report

The Hy-Geo work was to meet the water supply requirements for a rezoning application and assessed the water supply needs of the project. It did not adequately assess the sustainability of the water resources for both the project and for the adjacent residents, though adequate well pumping, assessment of water problems in the area and anticipated demand in order to ensure water sustainability for all.

Testing

As stated in Appendix 3, the Hy-Geo report did not assess the aquifer response from pumping during the dry season (mid-March to early September) and did not does not address the aquifer sensitivity to groundwater levels during low recharge periods. In fact, the only pump test was carried out during an extreme precipitation event in December 2018.

The document 'Guidance for Technical Assessment Requirements in Support of an Application for Groundwater Use in British Columbia', that "provides guidance to the applicant and the professional acting on behalf of the applicant about the requirements of a technical assessment to support their application for an authorization to divert and use groundwater" states that as a "key aspect of a pumping test", *"Conduct the pumping test during a period of the year when precipitation events do not affect the drawdown of groundwater during the test. Some aquifers are sensitive to seasonal groundwater elevation fluctuations and/or precipitation events (e.g. shallow unconfined aquifers, fractured bedrock) because these aquifers are often very responsive to precipitation events. Precipitation events affecting the pumping test may lead to well capacity being over estimated and impacts being under-estimated and may not be acceptable by the SDM as adequate."* P. 5

Again from the Waterline Report, "Based on historical data, the static water level in the aquifer could be 12 m lower during the dry season, decreasing the available drawdown considerably and reducing the safety factor from 92% to possibly as low as the 30% threshold limit. No aquifer test has been completed during the dry season, as recommended by the Waterline Report."

After repeated requests by residents in the area, a data logger was only installed in the project well in June 2021 to January 2022. Requests for monitoring of adjacent wells as recommended by the Waterline Report were ignored. A well monitor report on the only nearby well monitored during the only pump test (December 2018), submitted for the same period of time as the project's data logger report (June 2021-Jan 2022), showed dramatically declining well levels in the dry season but has never been discussed by Hy-Geo, the applicant, the LTC or the Trust's Senior Freshwater Specialist.

Water Problems in the Area

In spite of over 25 letters from residents in the area, citing water problems, the Hy-Geo and the Commercial Water Licence reports did not take this into account.

Anticipated Demand

Neither was anticipated demand - already zoned yet-to-occur build-out in the area - considered by either the Hy-Geo report or the Water Authorization Specialists. Yet the LTC maintained when asked at the Public Hearing that this was factored into the Commercial Water Authorization report for the project. We dispute this assertion as we received the following information from Cali Melnechenko M.Sc. P.Ag., Water Authorization Section Head, Ministry of Forests, who signed the GIGARHS' Commercial Water Licence Approval letter and the Conditional Water Licence that:

"Water licencing decisions cannot take into consideration "anticipated demand" unless it is already licenced....If the water for future buildout isn't licenced it will not be considered in water availability to support a licence application."

So we know that the commercial water licence approval does not offer any protection regarding this aspect of Policy Directive 4.4.2, the anticipated demand, as domestic wells are not licenced. The only licenced well in the area is the Sticks Allison Community Water System, serving approximately 37 households. Critical low levels that will have also not been referenced in either the Hy-Geo or the FLNRO reports.

Appendix 3 a. Hy-Geo Report

Appendix 3 b. FLNRO Commercial Water Licence Report

Section 4 - FLNRO's acknowledgment that "First in Time and First in Right" provisions in the Water Sustainability Report offer little protection for potentially affected residents

The 2016 Water Sustainability Act in Section 22(8) theoretically provides protection for domestic groundwater users according to the date water from their well was first used. Called 'First in Time, First in Right' or FITFIR, this has been often cited by the LTC as providing assurances that the GIGARHS development (a junior user) would have to curtail their use if water problems were experienced by "senior" users.

The following information was received on June 10, 2021 from Tanya Dunlop, Authorizations Specialist - Water, West Coast Region, Ministry of Forests, Lands, Natural Resources Operations and Rural Development, in response to the question:

- *Once the proposed development is operational, what happens if neighbouring wells experience problems with water quantity or quality?*

Precedence of rights, or "first in time, first in right (FITFIR)" as it pertains to domestic groundwater users who have deemed rights under Section 22(8) of the Water Sustainability Act (WSA), gives priority for diversion and use of water from the source (aquifer) according to the date that water was first used. In other words, in times of water scarcity, FITFIR provides a means to give seniority rights to water users with the older dates of precedence before those who are more junior users. Sections 86-88 of the WSA provides the ability for the province to invoke Temporary Protection Orders to curtail water use, beginning with those most junior users on a water source.

In practice, enforcement of FITFIR is challenging, since there are variables that can influence water availability, such as the adequacy and maintenance status of any property owner's particular works and pumping interference from other neighbouring wells.

- *How do you determine the cause and responsibility?*

The onus of the burden of proof is borne by the person whose well is claimed to be dry. This would typically need to be accompanied by a consulting professional's report that can clearly demonstrate that the reason for a dry well was due to pumping from a specific neighbouring well. This is why we use a precautionary approach in our analysis at the time of application and rely on the subject matter expertise of our Regional Hydrogeologist to help us determine the likelihood of any such impacts, thereby reducing the potential need for future enforcement of FITFIR.

Property owners with wells in the area of this proposed high-density development, all sharing the same fractured bedrock aquifer will in reality, according to the information received, have little recourse or will have to bear significant expense to try and prove that the reason for a dry well was due to pumping from a specific neighbouring well. Further, we are in a complete "Catch 22" situation, as the water problems we are already experiencing and have reported both to the FLNRO staff and the LTC, but which have been uninvestigated, would impair our ability to prove that our water problems were definitively caused by the water use of the GIGARHS housing. In reality, adjacent property owners have no protection from the provisions in the Water Sustainability Act.

Appendix 4. Emailed Response from Tanya Dunlop, Authorizations Specialist - Water, West Coast Region, Ministry of Forests, Lands, Natural Resources Operations and Rural Development

Section 5 - Failure to consider the compliance of the Galiano OCP and Land Use Bylaws with the TPS Directive 4.4.2

Below is a letter sent by Jennifer Margison on April 12, 2022 to which a response was only received on July 27th from Robert Kojima, Regional Planning Manager, Islands Trust. In response to Mr. Kojima's reply (Appendix 1), we submit that the Planner and LTC did not adequately address Policy Directive 4.4.2 in that water problems in the area and anticipated demand as specified in the Directive were ignored in the Staff comments in the Directive Checklist presented to the LTC in February 2022 and in any LTC discussion at the time or since.

April 12, 2022

To: Trust Executive Committee: Chair Peter Luckham, Dan Rogers, Sue Ellen Fast, Laura Patrick; Ross Hotsenpiller, Trust CEO; Robert Kojima, Regional Planning Director; Islands 2050 c.c. Dan Rogers, Chair Galiano LTC; Tahirih Rockafella, Galiano Trustee; Brad Smith, Galiano Planner::

Re: Trust Policy Directive 4.4.2 and the Galiano OCP in Rezoning Application GL-RZ-2019.1 GIGARHS and Bylaws 276 and 277

I would like to bring to your attention the failure of staff advice givers and LTC decision makers to recognize that the Galiano OCP does not address an essential part of the policy component of TPS Directive Policy 4.4.2.

This failure is germane to the LTC deliberation and decision process of February 7, 2022 for rezoning application GL-RZ-2019.1 GIGARHS.

1. Failure to Address TPS Directive 4.4.2 in the Galiano OCP

1. Islands Trust Policy 1.3.1 Policy Statement Implementation 1.4 repeats the instruction in the TPS bylaw for implementation of Directive Policies and states:

The Islands Trust Policy Statement requires local trust committees in their official community plans and regulatory bylaws, and island municipalities under Section 38(1) of the Islands Trust Act, to address certain matters from the Policy Statement, or give explicit reasons and justifications for not doing so. A bylaw will not be contrary to or at variance with the Policy Statement if it fails to include a particular policy or regulation, so long as the bylaw contains sufficient reason or justification for not doing so.

2. Trust Policy Statement Directive 4.4.2 states:

Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.

3. Each TPS directive policy begins with a procedural preamble. Supporters of the Islands Trust mandate (S.3 of the Act) may believe that it is the policy component of Directive 4.4.2 that must be adhered to in staff advice to decision makers and in the reasons for decisions. However, the procedural preamble for each Directive Policy appears clear. I understand that it is in fact the preamble to each Directive Policy - that the policy component be addressed in i) official community plan policy and ii) regulatory bylaws which determines collision - or not - with the TPS. Therefore, at the least, the Galiano OCP Bylaw 108 should be examined to see if the policy component of Directive Policy 4.4.2 has been addressed.

Galiano OCP Bylaw 108 includes a number of objectives and policies that stress the critical importance of water to life on Galiano and in land use decision making:

- The Galiano OCP Bylaw 108 in Water Supply Objectives 2. (p.33) states:

1. "to ensure an adequate supply of water to all users" and
3. "to ensure that the local trust area develops only in a manner that utilizes the precautionary principle and the best information available regarding water resources, so that the resources will be preserved for current and future use."
5. to address the impacts of climate change on groundwater supply and quality."

- The Galiano OCP Bylaw 108 in Water Supply Policies (p.35) states:

e) "Any rezoning application involving an increase in density of intensity of use should be required to provide an assessment of the availability of sustainable, long-term groundwater. Any additional density or intensity of use that would negatively affect the quality or quantity of groundwater should not be permitted in critical groundwater areas."

- The Galiano OCP Bylaw 108 in Fresh Water 1 (p.38) states:

1. "Water supply shortages are common in areas of small lot subdivisions. Deteriorating water quality is evident in the Galiano Local Trust Area generally and the demands on groundwater resources continue to increase.

4. However the Galiano OCP Bylaw 108 does not address the most important part of Directive 4.4.2, nor does it set out the reasons and justifications for not doing so.

Directive 4.4.2 requires the OCP to:

address measures that ensure neither the density nor intensity of land use is increased in areas which are in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.

The Galiano Official Community Plan Bylaw 108 contains no policies requiring consideration of already occurring water problems or "anticipated and seasonal demands" i.e. buildout and seasonal drought now potentially worsened by climate change.

Therefore, the crucial protection of Directive 4.4.2 is not available in the OCP to decision makers or to concerned community members.

2. Rezoning Application GL-RZ-2019.1 GIGARHS and Bylaws 276 and 277

I would now like to present a specific example of the failure of Directive 4.4.2 to inform the Galiano Local Trust Committee in a rezoning application currently before them, namely the February 7, 2022 Staff Report and LTC motion to approve two bylaws.

Staff Report

1. I question the correctness of the Staff Report recommendation of February 7, 2022 as stated:

"Staff have reviewed the Island Trust Policy Statement Directive Policies (ITPS) checklist and determined that proposed bylaw No. 276 and 277 are not contrary to or at variance with the ITPS."

On page 3 of the Staff Report is the Analysis as to how staff reached this conclusion in regard to Directive 4.4.2:

"The applicant has provided well pump test data and data logger study results from a qualified professional that conclude water supply from the source well is adequate with the application of a safety factor that exceeds provincial standards; A conditional water license has been issued by the province after substantive review by experts; a professionally developed water management plan provides additional water storage, use monitoring and other management measures; s. 219 covenant provides further protections."

Staff do not disclose that the Galiano OCP does not address the essence of the policy component of Directive Policy 4.4.2; namely that:

"...neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for."

Further, residents in the area adjacent to the proposed development of the rezoning application maintain that the Staff Report only deals with the adequacy of the water supply for the proposed development; not the potential for collateral damage to the water supply for nearby properties in the area, though the Galiano OCP contains statements that indicate that the intent is to provide protection to existing water users.

The reports submitted by the applicant that include a pump test, a data logger study, a water management plan as well as a conditional commercial water licence approval may meet the minimal standards for the province but do not reference a specific consideration in TPS Policy Directive 4.4.2, namely existing water problems "with the quantity of the supply of freshwater" in

the area, as documented by 25 letters to the LTC since October 2019 and supported by a Well Monitoring Report on domestic well #117791, the well closest to the proposed development and one of the adjacent wells likely to be most affected by the high density development. In spite of requests by neighbours, the LTC has not asked for any investigation of the water problems in the area.

It is important to note that:

- a) #117791 is the only well that was monitored during the only flow test on the applicant's well in December 2019;
- b) a Well Monitoring Report on this same well (attached), submitted for the same time period (June 2021-January 2022) as the applicant's data logger report, shows extremely low to non-existent well levels during the dry season and well interference with other properties;
- c) the commercial water licence report categorized the aquifer in the area as 'low productivity';
- d) the recently released maps of the Galiano Groundwater Sustainability Project show wells in this area to be at high risk for saltwater intrusion and contamination

Negative Impact on Neighbouring Wells is Reasonably Anticipated.

There is also no indication that Staff Reports or the LTC have considered "existing, anticipated and seasonal demands for water" in their recommendations, deliberations and eventual decision making, in spite of repeated written and verbal requests, the provision of a neighbourhood buildout survey (the adjacent strata only 33% built out and the neighbourhood under 50% built out) has been provided to the Planner and LTC and a suggestion by the Trust's Freshwater Specialist that water availability assessment modelling could be done for "anticipated" demand.

We also have been informed in correspondence from Cali Melnechenko M.Sc. P.Ag., Water Authorization Section Head, Ministry of Forests that "Water licencing decisions cannot take into consideration "anticipated demand" unless it is already licenced....If the water for future buildout isn't licenced it will not be considered in water availability to support a licence application." So we know that the commercial water licence approval does not offer any protection regarding this aspect of Policy Directive 4.4.2 as domestic wells are not licenced. We also have it in writing from the Ministry that the "First in Time, First in Right" provision in the Water Sustainability Act, a provision that is frequently mentioned as offering protection to "senior" water users from new users is "challenging...the onus of the burden of proof is borne by the person whose well is claimed to be dry" and of course there would be significant costs attached to this.

LTC Motion, Draft Bylaws Not Contrary to or at Variance with the TPS

2. Therefore I do not believe the LTC motion of February 7, 2022 should have been approved:

"That the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directive Policy Statement Directive Checklist and determined that proposed bylaw No. 276 and 277 are not contrary to or at variance with the Islands Trust Policy Statement."

The Galiano OCP bylaw does not address the most important part of TPS Directive Policy 4.4.2.

"...neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for."

I believe that the Staff Report recommendation and the approved motion from the February LTC meeting should be withdrawn for rezoning application GL-RZ-2019.1 GIGARHS. I request the attention of the Executive to this specific situation where the preserve and protect mandate and the precautionary principle are being ignored contrary to intention and public understanding of Trust Policy Directive 4.4.2.

This Galiano rezoning example demonstrates a failure mechanism for the efficacy of TPS Directive Policies for which a remedy exists. Once the procedural preamble in the structure of TPS Directive Policies is deleted, the essential policy component remains. Council then would be directly responsible for implementation of Trust Areas policies as the Act intends. Direction to staff advice givers and LTC decision makers would be clear and not subverted as I have described in the example of GL-RZ-2019.1 GIGARHS, Bylaws 276 and 277.

Thank you for your attention to this. I look forward to your response to my letter at your earliest convenience.

Respectfully,

Jennifer Margison, 1417 Sticks Allison Rod. Galiano Island, BC

Appendix 5 Response from Robert Kojima, Regional Planning Manager to April 12th, 2022 Letter to the Trust Executive Committee sent by Jennifer Margison



2430 Jingle Pot Road
Nanaimo, British Columbia
Canada V9R 6W2
Tel: 250.585.0800
Toll Free: 1.844.585.0800
www.waterlineresources.com

October 22, 2020
3239-20-001

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

Attention: President of 13-lot Subdivision, Jennifer Margison

Dear Ms. Margison,

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

1.0 INTRODUCTION

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

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

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

1.1 Objective and Scope of work

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

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

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

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

1.2 Regulatory Standards

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

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

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

Table 1: Concordance Table of Relevant Regulatory Requirements

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

2.0 METHODS

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

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

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

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

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

3.0 SETTING

3.1 Physiography and Drainage

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

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

3.2 Hydrogeology

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

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

3.2.1 Groundwater Levels

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

3.2.2 Aquifer Characteristics and Parameters

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

3.2.3 Local Groundwater Users

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

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

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

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

4.0 RESULTS OF TECHNICAL DOCUMENT REVIEW

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

4.1 Assessment of Groundwater Quantity:

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

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

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

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

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

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

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

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

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

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

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

4.2 Assessment of Groundwater Quality:

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

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

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

5.0 CONCLUSIONS

Based on our review, Waterline provides the following conclusions:

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

6.0 RECOMMENDATIONS

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

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

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

7.0 CERTIFICATION

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

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

Respectfully submitted,

Waterline Resources Inc.

Original signed and stamped

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

Original signed

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

8.0 REFERENCES

- (Bylaw, 2019) Islands Trust, 1995. Galiano Island Local Trust Committee – Land Use Bylaw 127, 1999, as amended by Galiano Island Local Trust Committee on February 4, 2019.
- (CRD, 2018) Capital Regional District, Integrated Water Services. Sticks Allison Water System, 2018 Annual Report for Drinking Water. <https://www.crd.bc.ca/about/document-library/Documents/plans-reports/local-systems/2018-reports>. Accessed February 2020.
- Environment and Climate Change Canada, 2019. The Meteorological Service of Canada and Pacific Climate Impacts Consortium - Climate Station # 1017101, Saturna Island.
- (GeoBC, 2011) BC Ministry of Forests, Lands and Natural Resource Operations - Freshwater Atlas Stream Network, <https://catalogue.data.gov.bc.ca/dataset/freshwater-atlas-stream-network>. Accessed September 2017
- (Government of BC, 2016a) Water Sustainability Act – Groundwater Protection Regulation, deposited February 29, 2016. Includes amendments up to B.C. Reg. 152/2016, June 10, 2016.
- (Government of BC, 2016b) Water Sustainability Act – Water Sustainability Regulation, deposited February 29, 2016. Includes amendments up to B.C. Reg. 278/2019, December 17, 2019.
- (GWELLS, 2017) Ministry of Environment Water Protection and Sustainability - Ground Water Aquifers Database. <https://catalogue.data.gov.bc.ca/dataset/ground-water-aquifers>. Accessed January 2019.
- (GWELLS, 2019) Ministry of Environment. Water Protection and Sustainability - Ground Water Wells Database. <https://catalogue.data.gov.bc.ca/dataset/e4731a85-ffca-4112-8caf-cb0a96905778>. Accessed January 2019.
- (Health Canada, 2019) Guidelines for Canadian Drinking Water Quality - Summary Table, 2019. Water and Air Quality Bureau, Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.
- (HFMC, 2008) Heritage Forest Management Committee, 2008. The Heritage Forest Management Plan District Lots 30, 31, 32 Galiano Island, BC. Prepared for Keith Erickson Galiano Conservancy Association. February 2008.
- Kohut, A.P., and D.A. Johanson. 1998. Assessment of Groundwater Availability and Quality, Galiano Island, British Columbia. British Columbia Ministry of Environment, Victoria, British Columbia.
- (Hy-Geo, 2019) Hy-Geo Consulting, 2019. Report on Proposed Water Supply for the Affordable Rental Housing Project, Galiano Island. Prepared for R.W Dewinetz and G.L. Longson. December 2019.

- (MOE, 1999) Ministry of Environment, 1999. Water Protection and Sustainability - Evaluating Long-term Well Capacity for a Certificate of Public Convenience and Necessity.
- (MOE, 2013) Ministry of Environment, 2013. Knowledge Management - Terrain Inventory Mapping (TIM) Detailed Polygons with Short Attribute Table Spatial View. <https://catalogue.data.gov.bc.ca/dataset/terrain-inventory-mapping-tim-detailed-polygons-with-short-attribute-table-spatial-view>. Accessed May 2013.
- (MOE, 2016) Ministry of Environment, 2016. Best Practice for Prevention of Saltwater Intrusion, March 2016.
- (OCP, 2019) Islands Trust, 1995. Galiano Island Local Trust Committee – Official Community Plan Bylaw No. 108, 1995, as amended by Galiano Island Local Trust Committee on February 4, 2019.
- (Subdivision Standards, 2013) Vancouver Island Health Authority, 2013. Island Health Subdivision Standards. Published in July 2013.
- (Todd et.al, 2016) Todd, J., M. Wei, M. Lepitre, 2016. Guidance for Technical Assessment Requirements in Support of an Application for Groundwater Use in British Columbia. Water Science Series, WSS2016-08. Prov. B.C., Victoria B.C.

FIGURES

Figure 1: Project Location Map

Figure 2: Project Setting

Figure 3: Cook Cove Watershed Area and Surface Water Drainage

Figure 4: Surficial Geology Map

Figure 5: Bedrock Aquifer and Groundwater Well Location Map

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

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

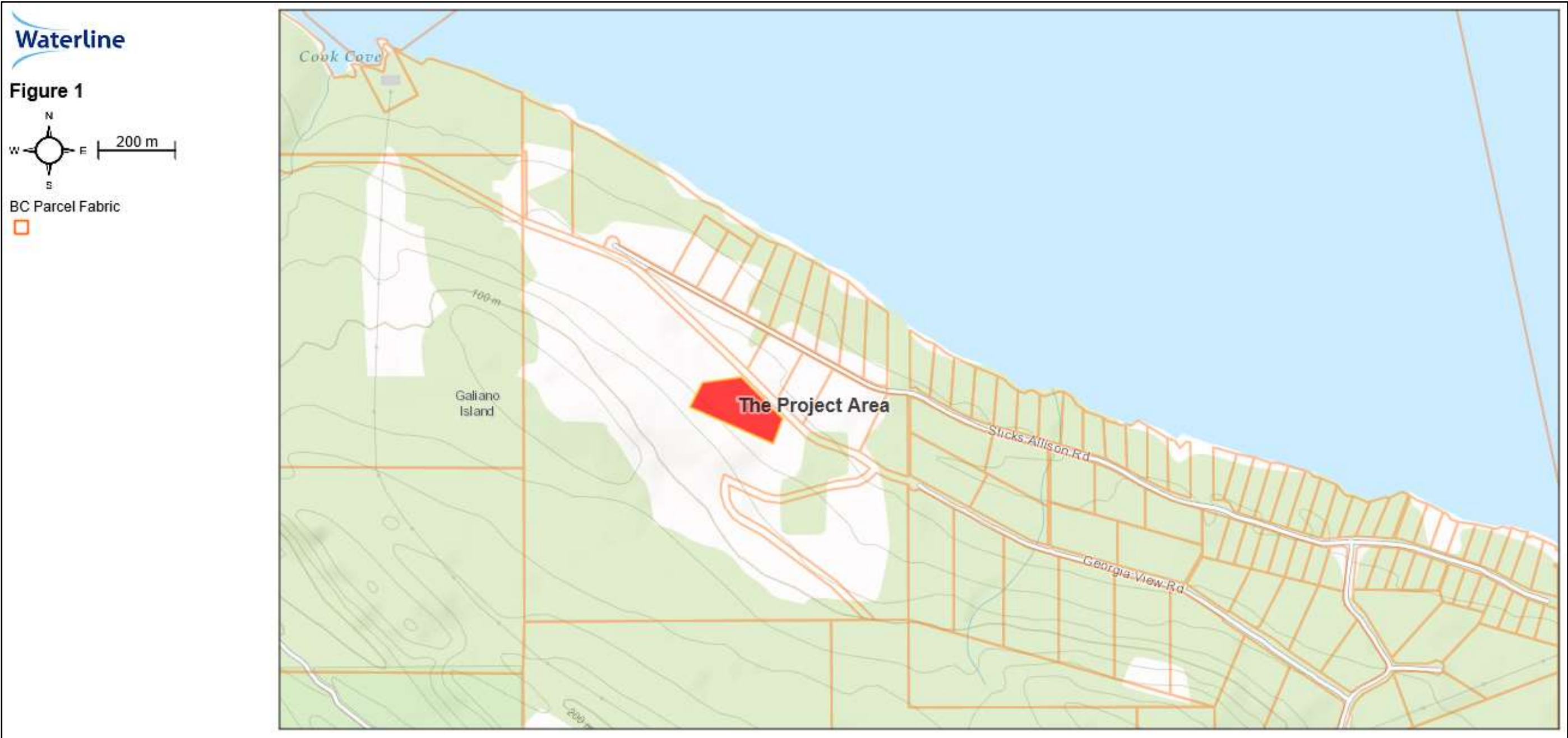


Figure 1: Project Location Map

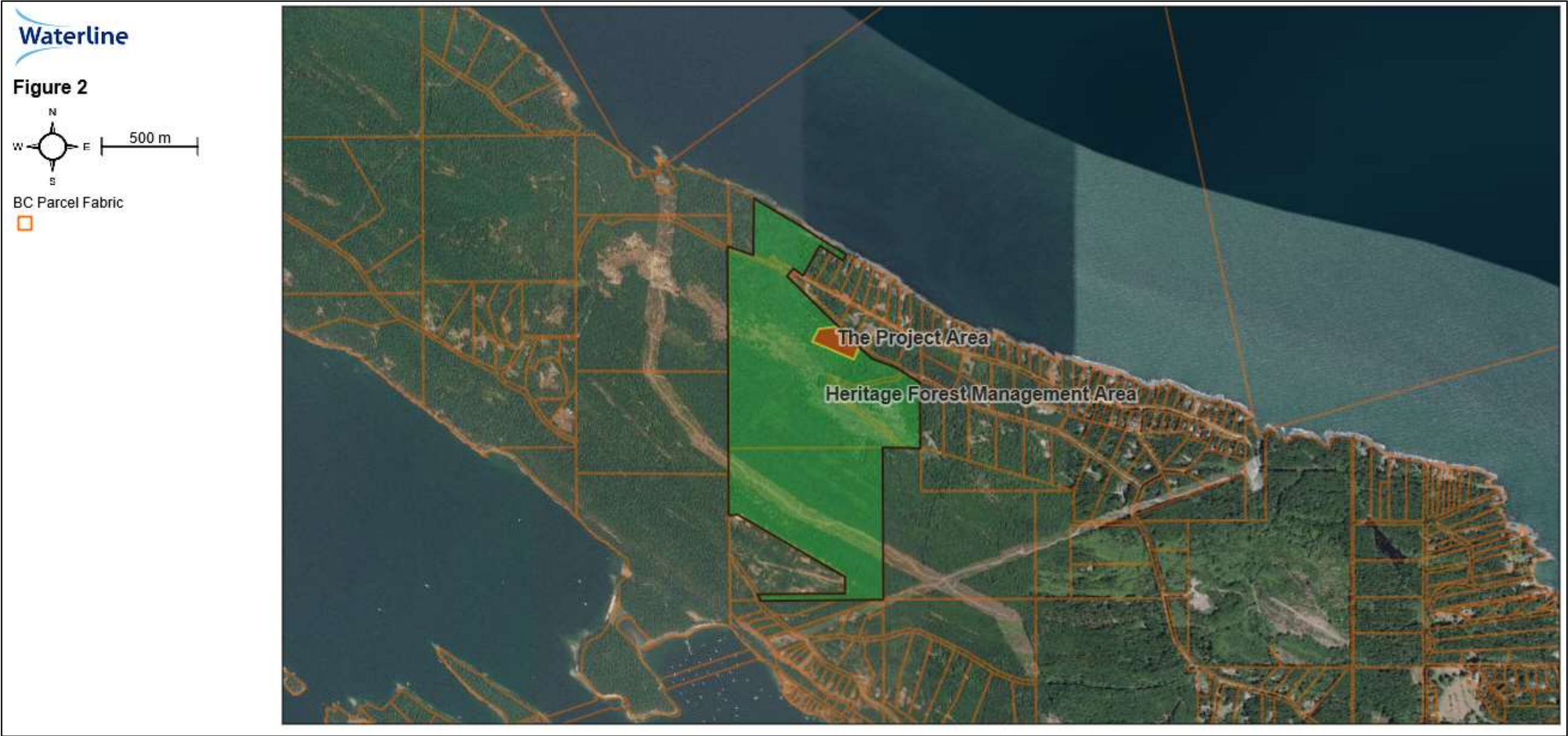


Figure 2: Project Setting

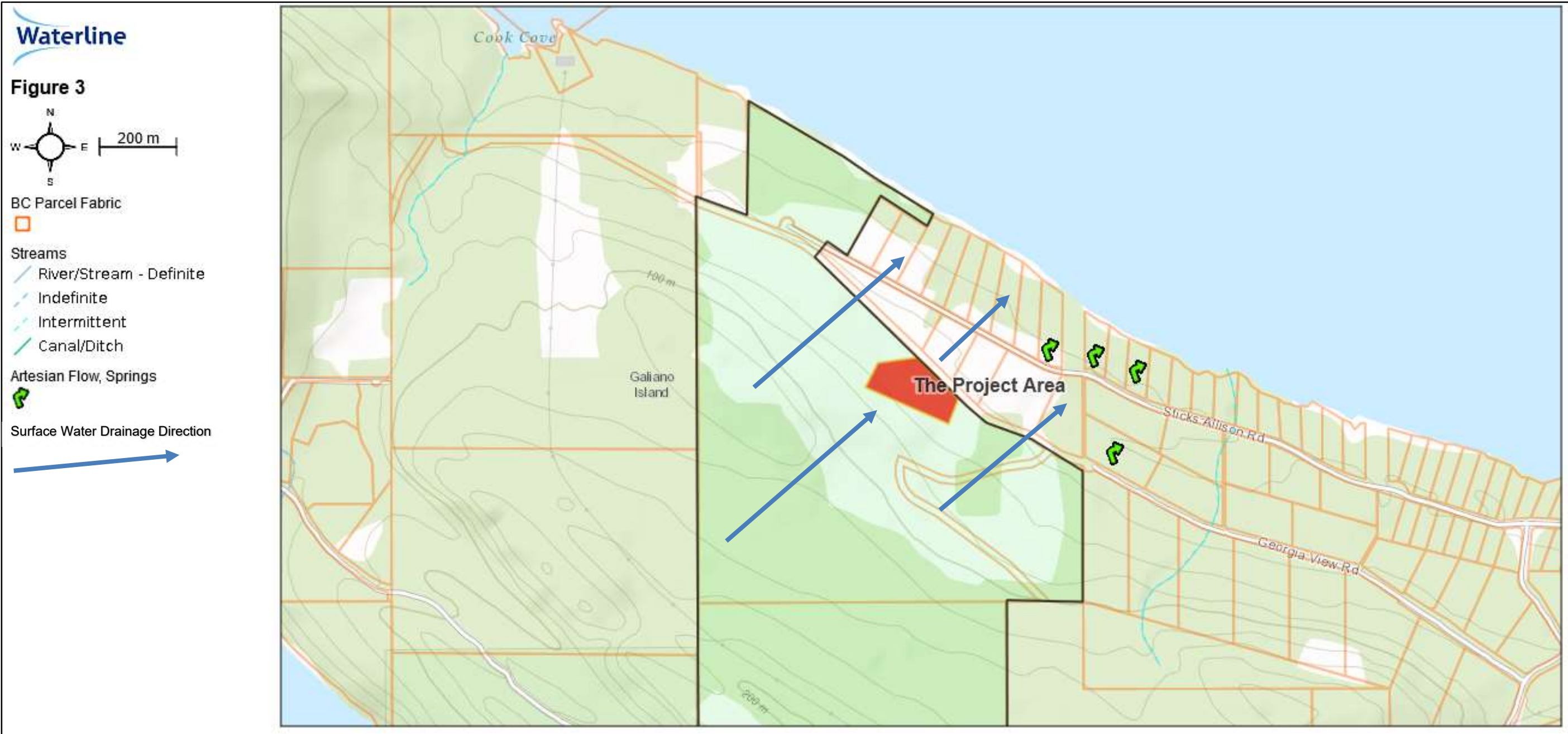


Figure 3: Cook Cove Watershed Area and Surface Water Drainage



Figure 4: Surficial Geology Map

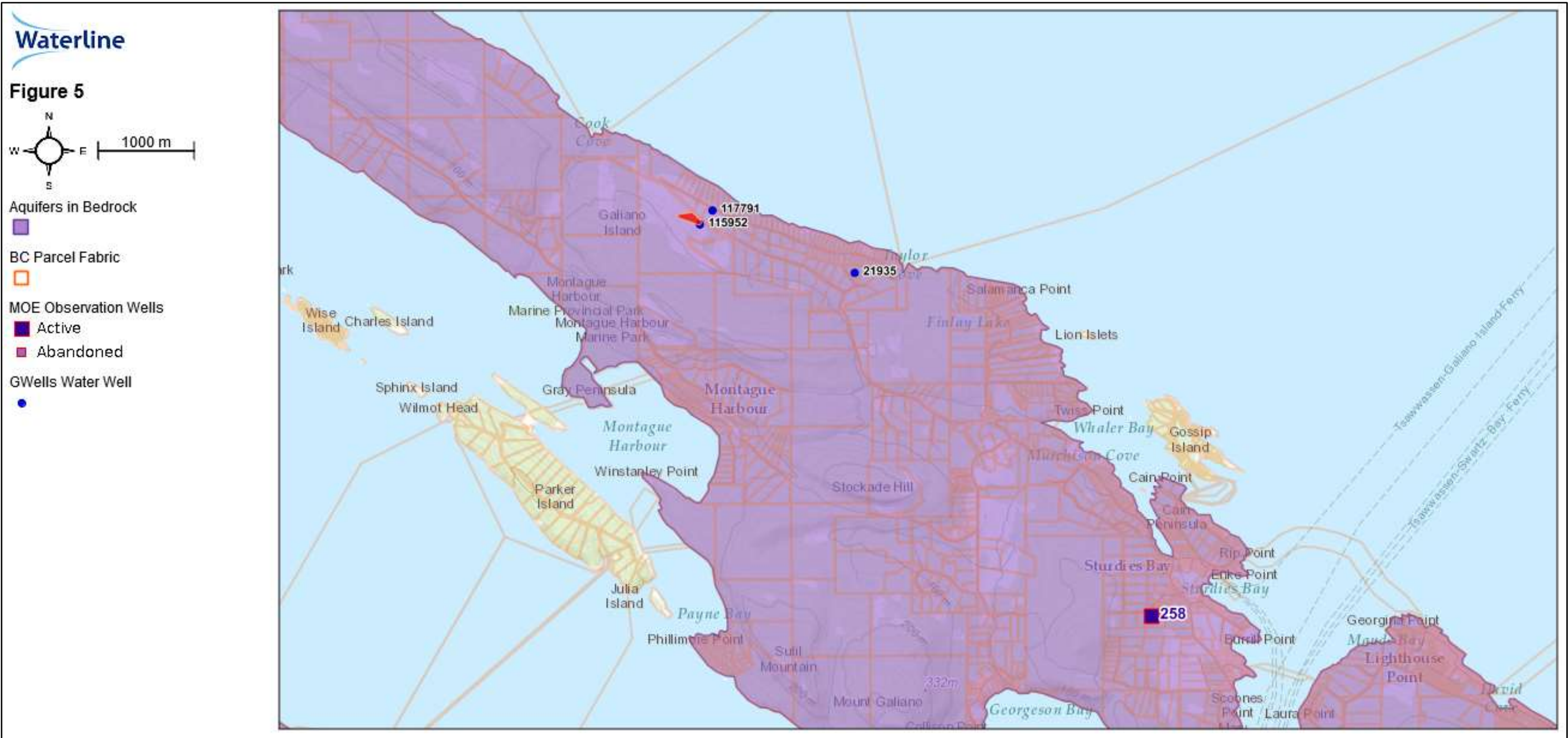


Figure 5: Bedrock Aquifer and Groundwater Well Location Map

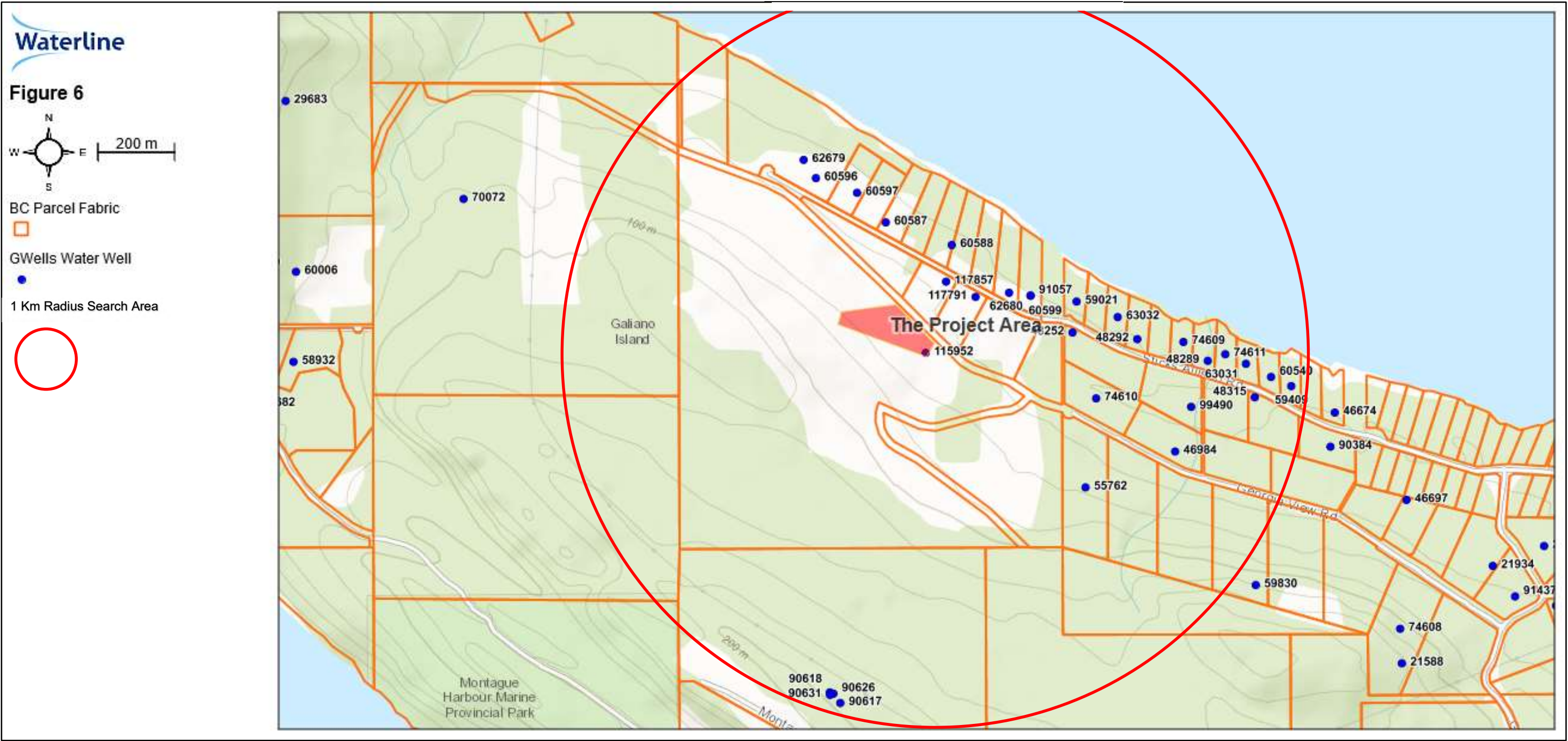


Figure 6: Registered Groundwater Wells and Land Parcels within a 1 km Radius of Well 115952 (Project Well)

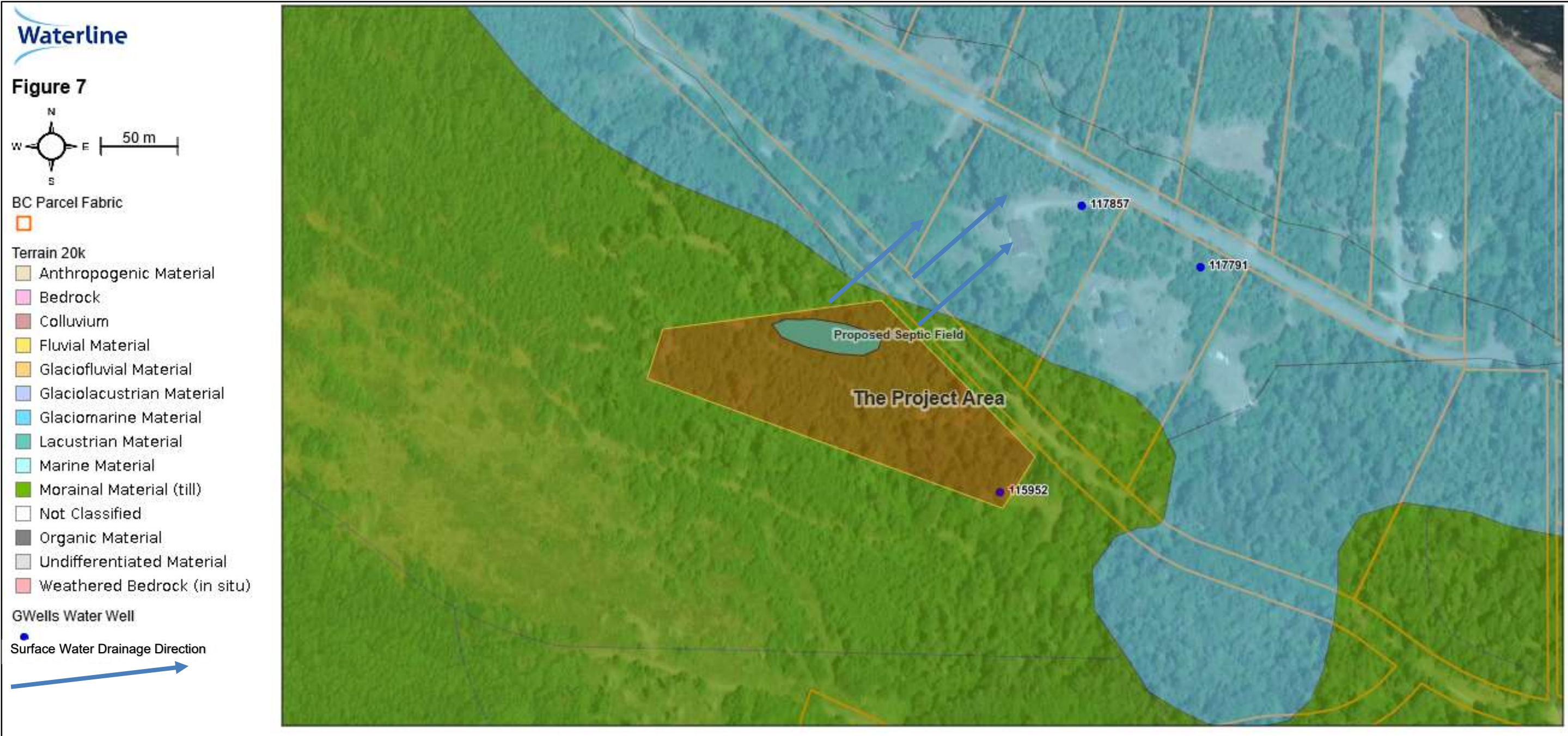
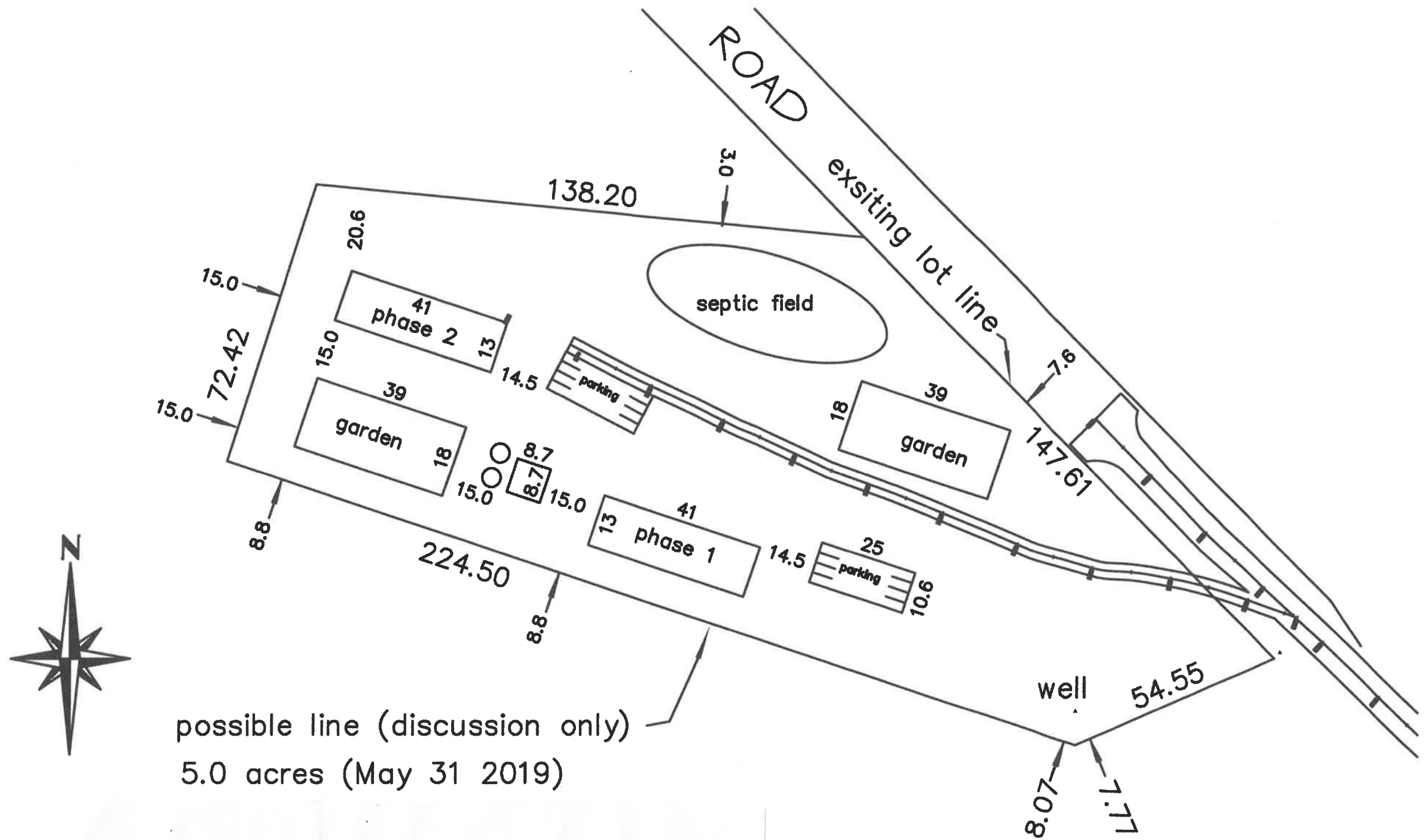


Figure 7: Location of the Proposed Septic Field and Groundwater Wells

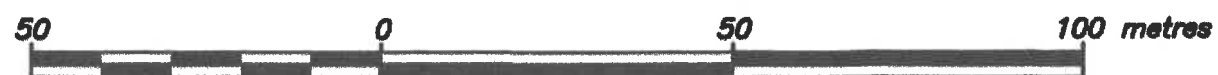
APPENDIX A – SITE PLAN

263



possible line (discussion only)
5.0 acres (May 31 2019)

Scale 1:2000



APPENDIX B – WELL REPORTS



Groundwater Wells and Aquifers

Well Summary

Well Tag Number: 115952

Well Identification Plate Number: 46824

Owner Name: Gulf Island Galisle Affordable Rental Housing Society

Intended Water Use: Private Domestic

Well Status: New

Well Class: Water Supply

Well Subclass: Domestic

Aquifer Number: 320

Observation Well Number:

Observation Well Status:

Environmental Monitoring System (EMS) ID:

Alternative specs submitted: No

Licensing Information

Licensed Status: Unlicensed

Licence Number:

Location Information

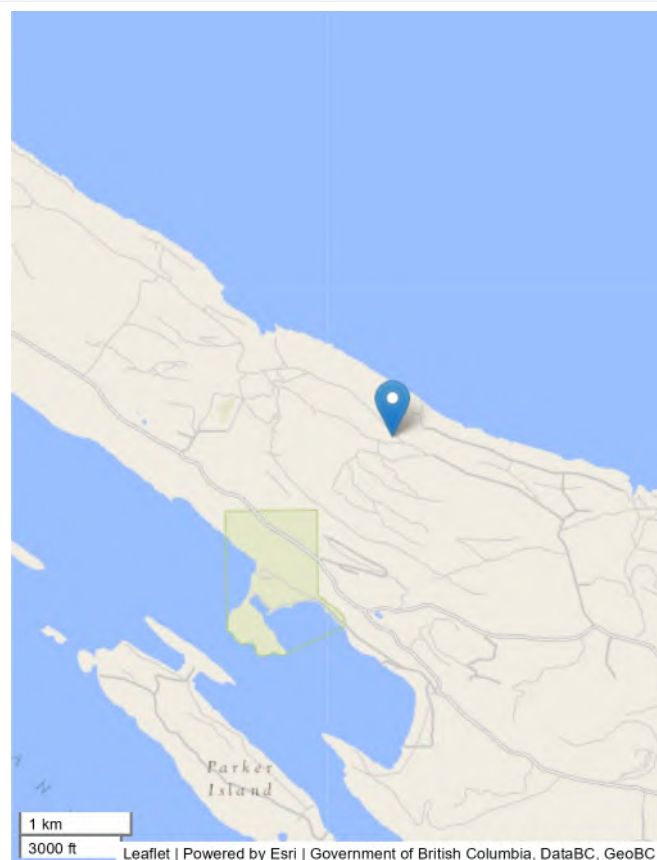
Street Address: 1751 Georgia View Road

Town/City: Galiano Island

Legal Description:

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

Description of Well Location: Within property boundaries.



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

Latitude: 48.91072

Longitude: -123.39073

UTM Easting: 471370

UTM Northing: 5417605

Zone: 10

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

Well Activity

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

Well Work Dates

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

Well Completion Data

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

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

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

Lithology

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

Casing Details

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

Surface Seal and Backfill Details

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

Backfill Material Above Surface Seal:
 Backfill Depth:

Liner Details

Liner Material:
 Liner Diameter:
 Liner from:

Liner Thickness:
 Liner to:

Liner perforations

From

To

There are no records to show

Screen Details

Intake Method:
 Type:
 Material:
 Opening:
 Bottom:

Installed Screens

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

Well Development

Developed by:

Development Total Duration: 1.00 hours

Well Yield

No well yield data available.

Well Decommission Information

Reason for Decommission:

Method of Decommission:

Sealant Material:

Backfill Material:

Decommission Details:

Comments

No comments submitted

Alternative Specs Submitted: No

Documents

No additional documentation available for this well.

Disclaimer

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



Groundwater Wells and Aquifers

Well Summary

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

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

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

Licensing Information

Licensed Status: Unlicensed

Licence Number:

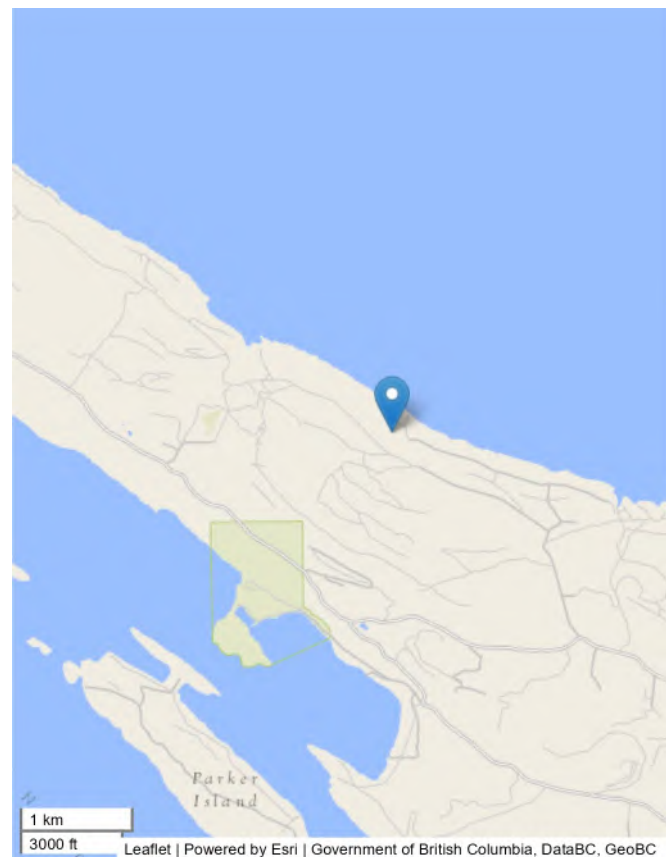
Location Information

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

Legal Description:

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

Description of Well Location: 5 METERS FROM DRIVEWAY



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

Latitude: 48.91204

Longitude: -123.38894

UTM Easting: 471502

UTM Northing: 5417751

Zone: 10

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

Well Activity

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

Well Work Dates

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

Well Completion Data

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

Lithology

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

Casing Details

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

Surface Seal and Backfill Details

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

Liner Details

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

Screen Details

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

Well Development

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

Well Yield

No well yield data available.

Well Decommission Information

Reason for Decommission:

Method of Decommission:

Sealant Material:

Backfill Material:

Decommission Details:

Comments

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

Alternative Specs Submitted: No

Documents

No additional documentation available for this well.

Disclaimer

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



Groundwater Wells and Aquifers

Well Summary

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

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

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

Intended Water Use: Water Supply System

Aquifer Number: 320

Licensing Information

Licensed Status: Unlicensed

Licence Number:

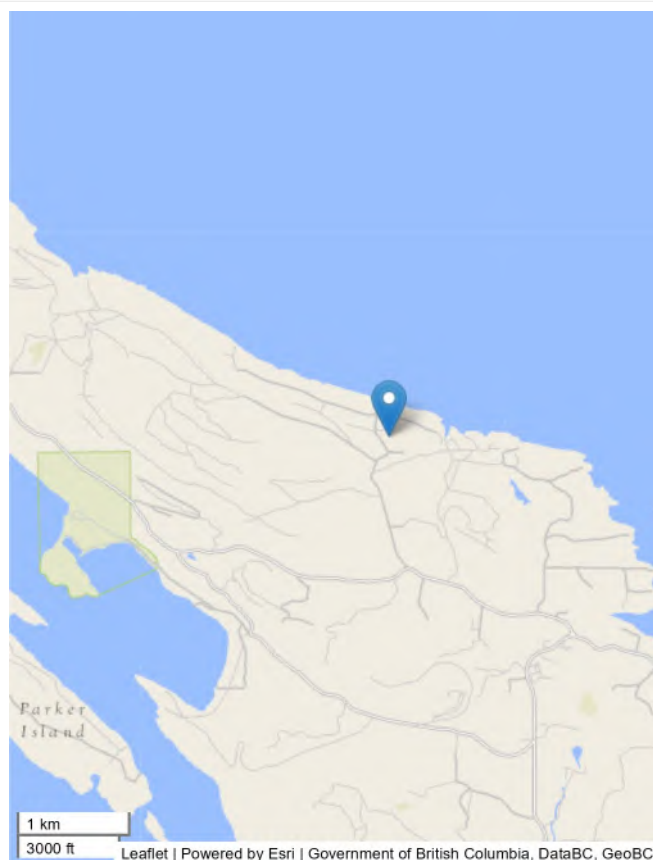
Location Information

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

Legal Description:

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

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



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

Latitude: 48.90617

Longitude: -123.36856

UTM Easting: 472992

UTM Northing: 5417091

Zone: 10

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

Well Activity

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

Well Work Dates

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

Well Completion Data

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

Lithology

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

Casing Details

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

Surface Seal and Backfill Details

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

Liner Details

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

Screen Details

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

Well Development

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

Well Yield

No well yield data available.

Well Decommission Information

Reason for Decommission:

Method of Decommission:

Sealant Material:

Backfill Material:

Decommission Details:

Comments

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

Alternative Specs Submitted: No

Documents

No additional documentation available for this well.

Disclaimer

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



Groundwater Wells and Aquifers

Well Summary

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

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

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

Licensing Information

Licensed Status: Unlicensed

Licence Number:

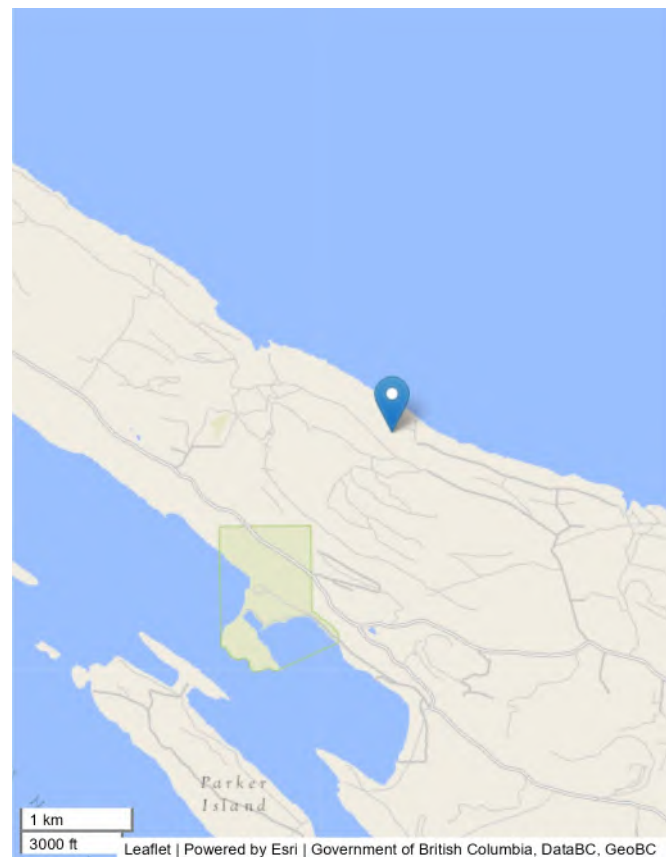
Location Information

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

Legal Description:

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

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



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

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

Well Activity

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

Well Work Dates

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

Well Completion Data

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

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

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

Lithology

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

Casing Details

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

Surface Seal and Backfill Details

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

Backfill Material Above Surface Seal:
 Backfill Depth:

Liner Details

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

Screen Details

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

Well Development

Developed by: Development Total Duration:

Well Yield

No well yield data available.

Well Decommission Information

Reason for Decommission:

Method of Decommission:

Sealant Material:

Backfill Material:

Decommission Details:

Comments

WELL YIELD=4 GPM; CONSTRUCTION DATE=UNKNOWN

Alternative Specs Submitted: No

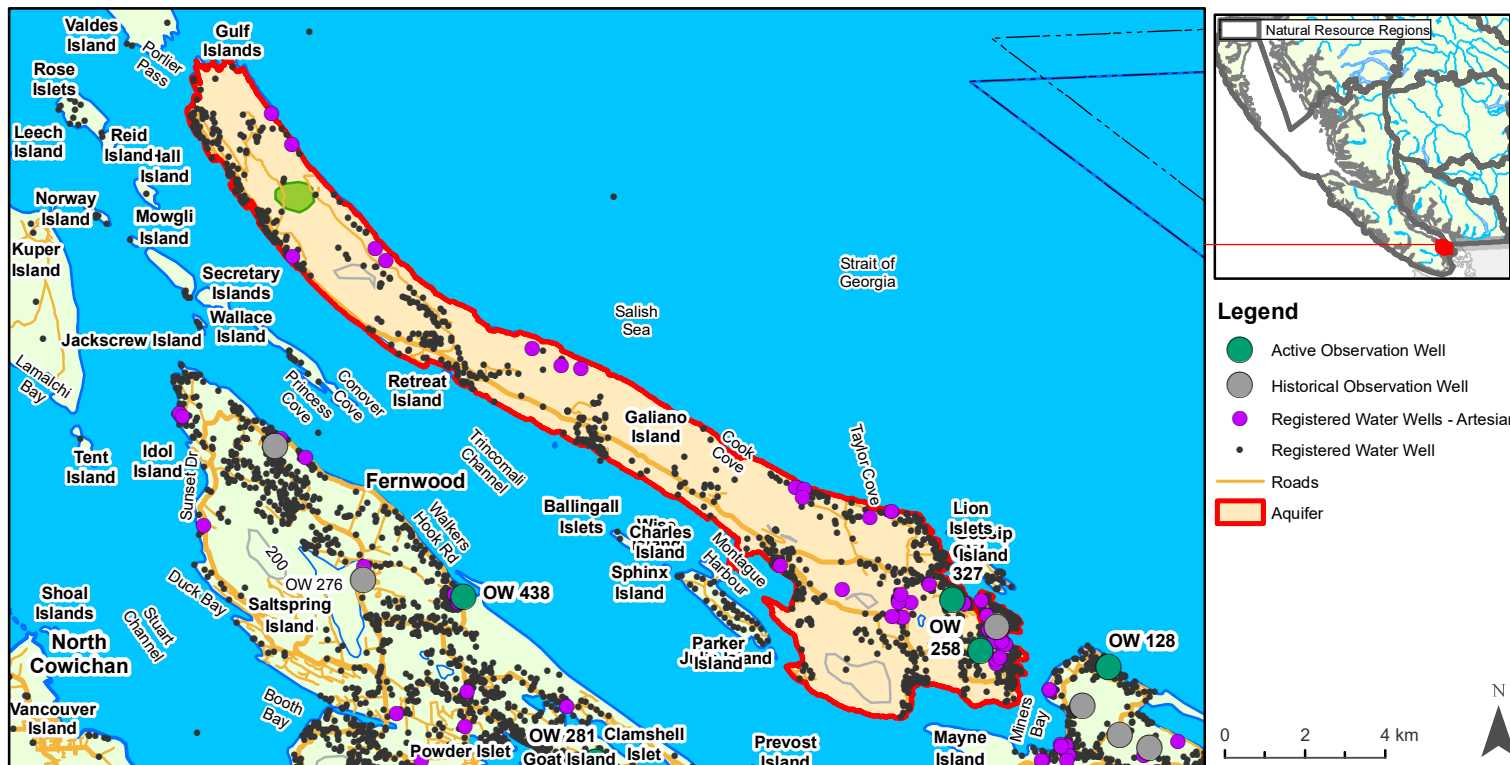
Documents

No additional documentation available for this well.

Disclaimer

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

APPENDIX C – AQUIFER #320 FACT SHEET



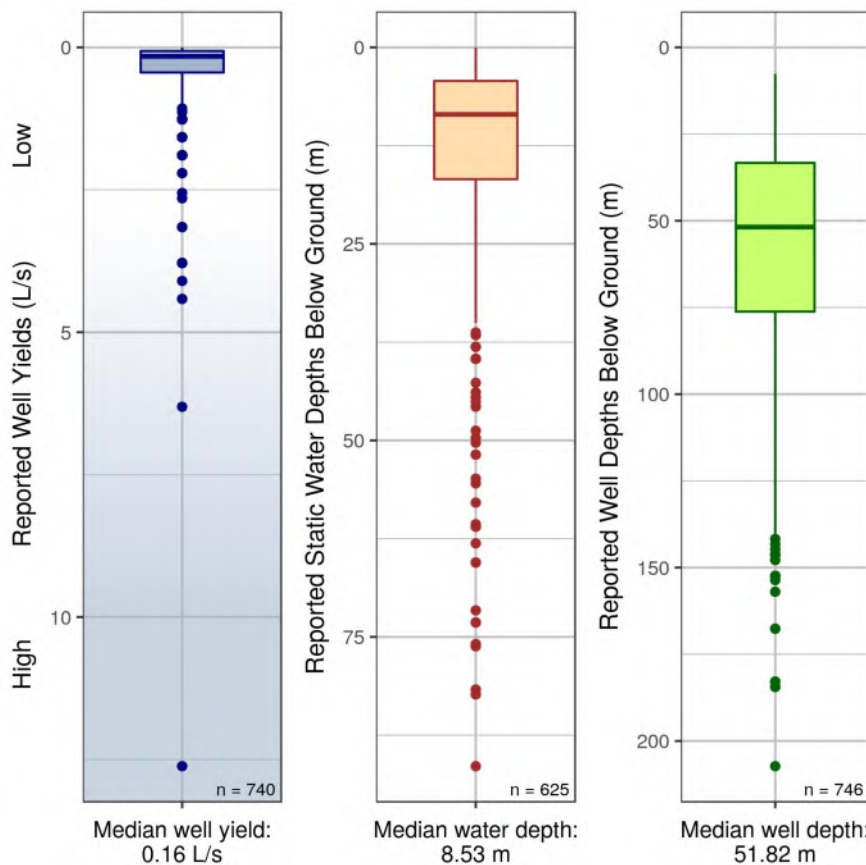
Aquifer Description (Mapping Report):

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

Aquifer Details

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

¹ Based on broad regional assessment



Disclaimer:

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

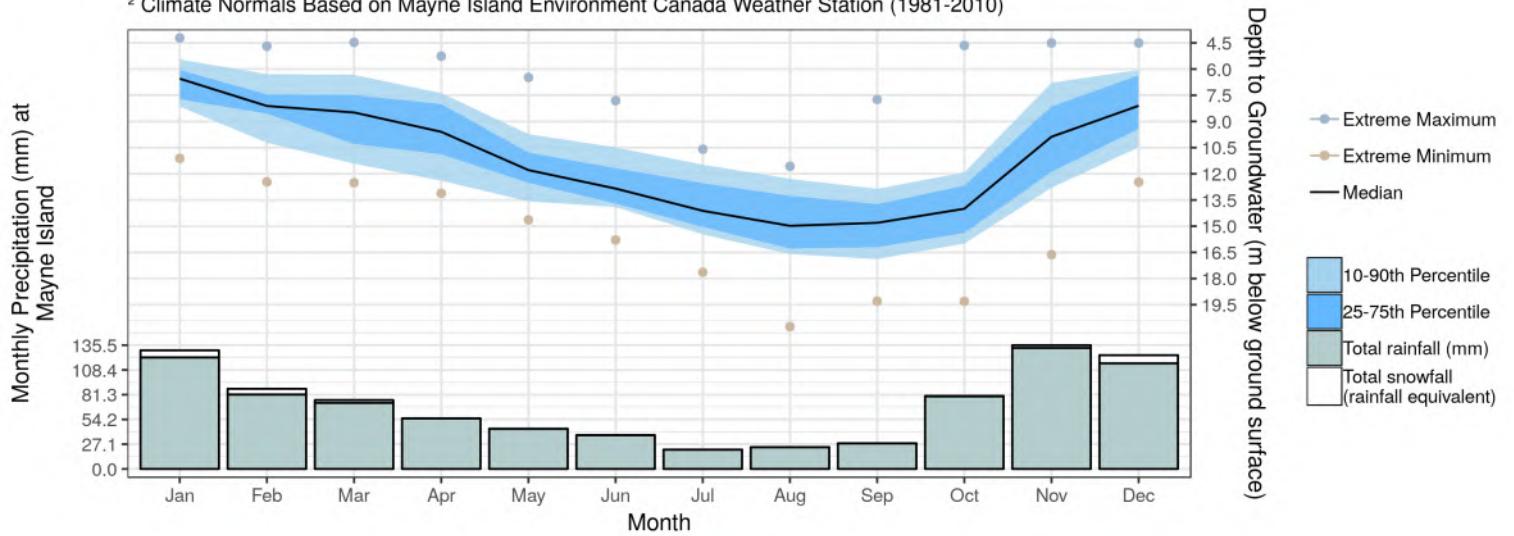
Detailed methods for all figures are described in the companion document (Aquifer Factsheet - Companion Document.pdf).

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

Monthly Groundwater Level¹ with Precipitation from Climate Normals²

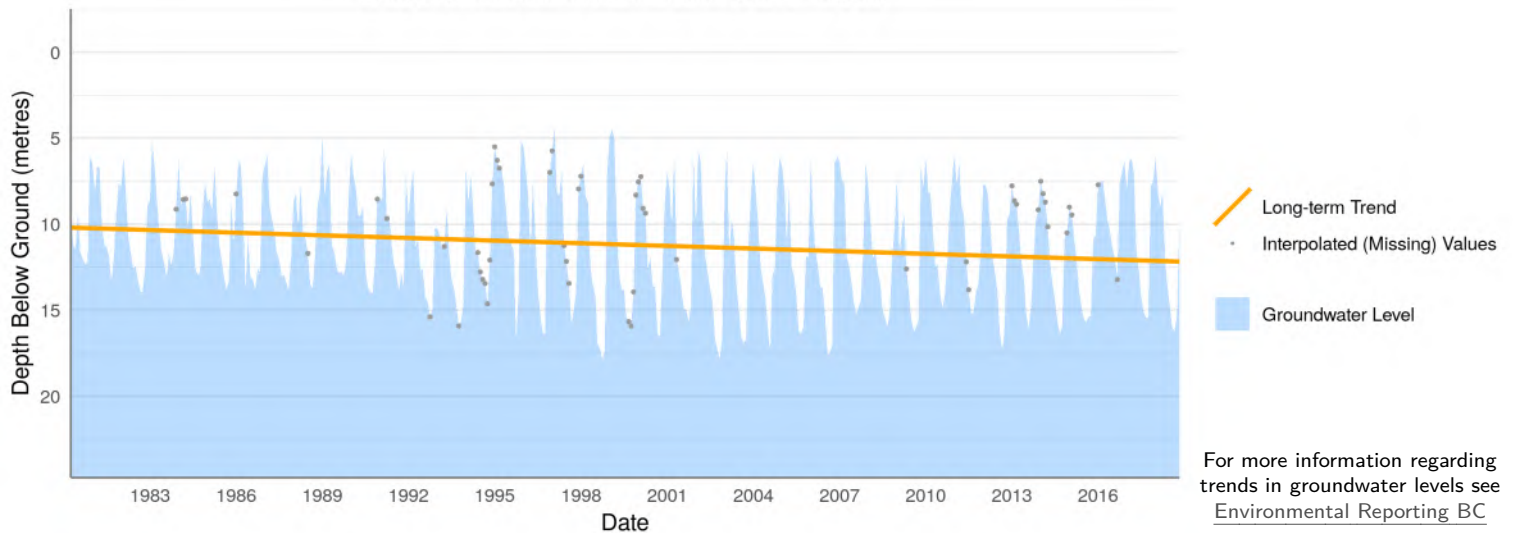
¹ Full Monthly Water Level Summary (38 years of data; 1980-2018)

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

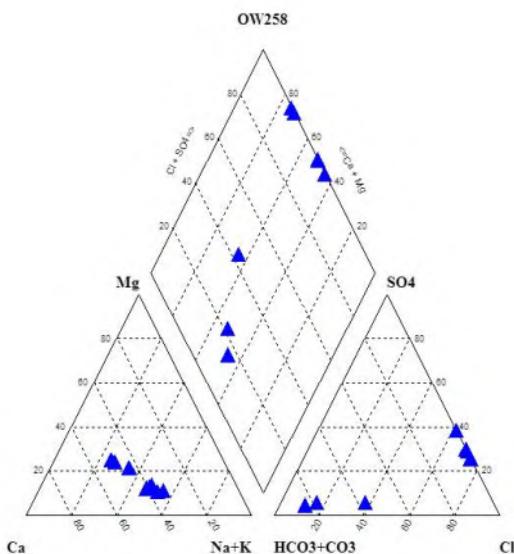


Groundwater Levels and Long-term Trend

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



Piper Plot

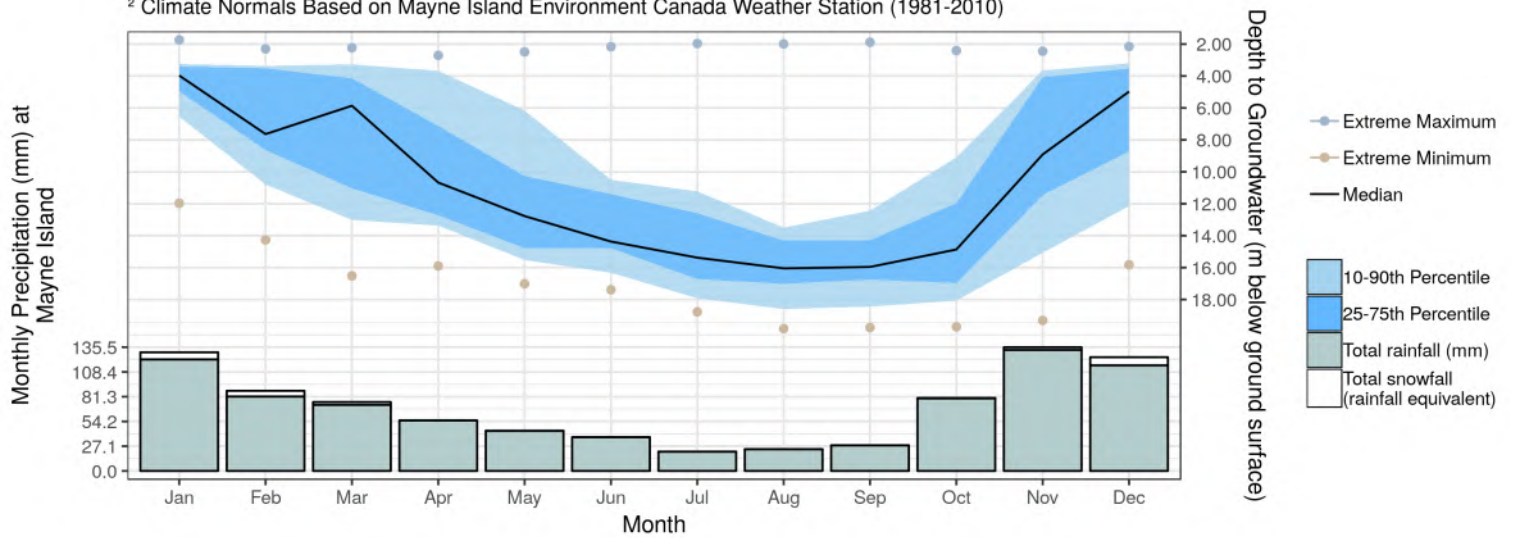


The groundwater samples are typically of the Ca-Mg-HCO₃ & Ca-Mg-HCO₃- Cl type. Ca and Mg are the dominant cations, which indicate a less evolved/short flow path recharge area type of groundwater. HCO₃ is the dominant anion followed by Cl. The fact that HCO₃ is the dominant anion shows the source is primarily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

Monthly Groundwater Level¹ with Precipitation from Climate Normals²

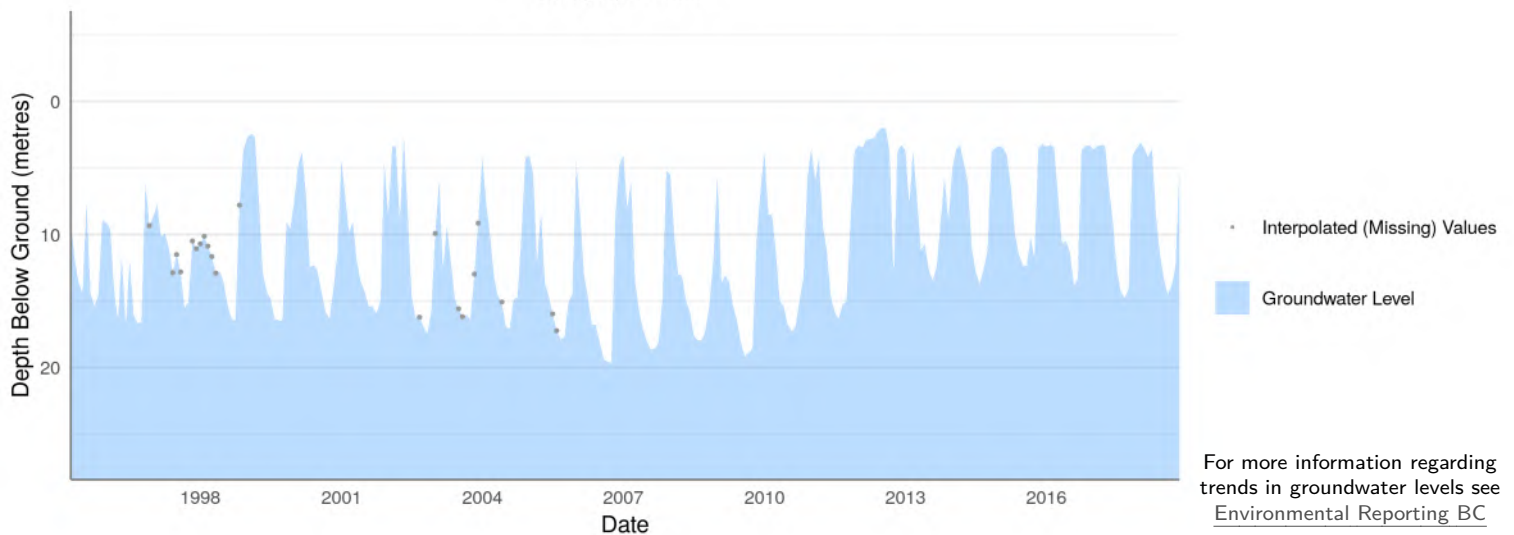
¹ Full Monthly Water Level Summary (23 years of data; 1995-2018)

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



Groundwater Levels and Long-term Trend

Category: Stable



Piper Plot

No summary at this point

Graph not available
(insufficient chemistry data)

APPENDIX D – LAND USE REPORT

GEORGIA HILLS NEIGHBOURHOOD PROPERTY USE

DRAFT

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

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

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

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

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

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

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

DATE OF MEETING: February 7, 2022
TO: Galiano Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Rezoning Application GL-RZ-2019.1 – Affordable Housing Bylaws
Applicant: Gulf Islands Galisle Affordable Rental Housing Society (GIGARHS)
Location: District Lots 30/31 (Community Forest), Galiano Island

RECOMMENDATIONS

1. That the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directive Policies Checklist and determined that proposed Bylaw No. 276 and 277 are not contrary to or at variance with the Islands Trust Policy Statement.
2. That the Galiano Island Local Trust Committee direct staff to seek a legal opinion on the updated rent structure proposal as provided by the applicant for consistency with the Galiano Island Official Community Plan No. 108, 1995.
3. That the Galiano Island Local Trust Committee direct staff to enter a new cost recovery agreement with the applicant for the legal costs to review and complete the section 219 covenant and housing agreement for application GL-RZ-2019.1 (GIGARHS).
4. That the Galiano Island Local Trust Committee direct staff to include recommendations of the professional arborist report in the section 219 covenant for application GL-RZ-2019.1 (GIGARHS).

REPORT SUMMARY

The purpose of this staff report is to provide an update on to the Galiano Island Local Trust Committee (LTC) on a number of outstanding deliverables for application GL-RZ-2019.1 (GIGARHS), and to seek direction on next steps.

The above recommendations are supported as:

- Staff have reviewed the Islands Trust Policy Statement Directive Policies (ITPS) checklist and determined that proposed Bylaw No. 276 and 277 are not contrary to or at variance with the ITPS;
- A new 'affordable' rent structure proposal has been submitted by the applicant that should have a legal review with respect to consistency with the OCP;
- The existing cost recovery agreement is fully expended and there is still legal work outstanding; and,
- The arborists report was required as part of ecological assessment recommendations that LTC have already directed to include in a *Land Title Act* Section 219 covenant (s. 219).





DATE OF MEETING: February 7, 2022
TO: Galiano Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Rezoning Application GL-RZ-2019.1 – Affordable Housing Bylaws
Applicant: Gulf Islands Galiste Affordable Rental Housing Society (GIGARHS)
Location: District Lots 30/31 (Community Forest), Galiano Island

RECOMMENDATIONS

1. That the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directive Policies Checklist and determined that proposed Bylaw No. 276 and 277 are not contrary to or at variance with the Islands Trust Policy Statement.
2. That the Galiano Island Local Trust Committee direct staff to seek a legal opinion on the updated rent structure proposal as provided by the applicant for consistency with the Galiano Island Official Community Plan No. 108, 1995.
3. That the Galiano Island Local Trust Committee direct staff to enter a new cost recovery agreement with the applicant for the legal costs to review and complete the section 219 covenant and housing agreement for application GL-RZ-2019.1 (GIGARHS).
4. That the Galiano Island Local Trust Committee direct staff to include recommendations of the professional arborist report in the section 219 covenant for application GL-RZ-2019.1 (GIGARHS).

REPORT SUMMARY

The purpose of this staff report is to provide an update on to the Galiano Island Local Trust Committee (LTC) on a number of outstanding deliverables for application GL-RZ-2019.1 (GIGARHS), and to seek direction on next steps.

The above recommendations are supported as:

- Staff have reviewed the Islands Trust Policy Statement Directive Policies (ITPS) checklist and determined that proposed Bylaw No. 276 and 277 are not contrary to or at variance with the ITPS;
- A new 'affordable' rent structure proposal has been submitted by the applicant that should have a legal review with respect to consistency with the OCP;
- The existing cost recovery agreement is fully expended and there is still legal work outstanding; and,
- The arborist report was required as part of ecological assessment recommendations that LTC have already directed to include in a *Land Title Act* Section 219 covenant (s. 219).

BACKGROUND

A rezoning application was submitted to the Islands Trust in September 2019 by the Gulf Islands Galisla Affordable Rental Housing Society (GIGARHS). The intent of this rezoning application is to allow for the development of up to 12 units of affordable housing in the community forest property located at the terminus of Georgia View Road (Figure 1).

Figure 1 – Proposed Location of Subject Property in Community Forest



After a period of application abeyance, the LTC reconsidered the application at the September 8, 2020 LTC meeting and directed staff to proceed with drafting OCP and LUB bylaw amendments.

Draft bylaws No. 276 and 277 were received by LTC at the November 2, 2020 meeting, and subsequently the draft bylaws were presented at the November 28, 2020 Community Information Meeting (CIM).

LTC gave first reading to draft Bylaw No. 276 and 277 at the March 1, 2021 LTC meeting. At that meeting, LTC did not consider the Islands Trust Policy Statement (ITPS) checklist as the bylaws were given first reading without a recommendation from planning staff. The ITPS checklist is now provided for LTC's consideration.

Staff have also engaged with the applicant on a number of outstanding items related to their proposal including:

- Drafting of a section 219 covenant with legal counsel;
- Drafting of a housing agreement with legal counsel;
- An update to the proposed rent structures for the project to also consider a CMHC funding model;
- Completion of an arborist's assessment as recommended in ecological assessment report;
- Completion of a source well datalogger study as requested by LTC; and
- Development of a water management plan.

All of these items are discussed in this staff report. Background information, including staff reports, professional reports, proposed BLs 276/277 and correspondence for the application can be found here:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/galisla/current-applications/current-application-documents/>

ANALYSIS

Islands Trust Policy Statement

Staff deem the application to be consistent with or not at variance to the policies of the ITPS. The table below captures policies where staff consider there is relevance to the rezoning application, including comments as to why staff have reached their conclusions. A complete ITPS checklist is included as Attachment 1.

Table 1. ITPS Checklist Policies of Relevance and Staff Comments

Topic	No.	ITPS Policy	Staff comments
Ecosystems	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.	Site selection within allowable area for affordable housing seeks to minimize impacts and avoid sensitive areas, and is based on professional biologist and arborist assessments; s. 219 covenant will provide further protections
	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.	Applicant has demonstrated septic viability/adequate water supply through professional assessments
Forest Ecosystems	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.	While the development is proposed in the community forest, the site selected is adjacent to existing road and site layout seeks to minimize tree removal and other impacts; s. 219 covenant will provide further protections
Forest	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.	Site is on fringe of large protected forest parcel adjacent to existing road and seeks to minimize impacts, remainder of forest remains intact
Freshwater Resources	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for	The applicant has provided well pump test data and data logger study results from a qualified professional that conclude water supply from the source well is adequate with the application of a safety factor that exceeds provincial standards; A conditional water license has been issued by province after substantive review by experts; a professionally developed water management plan provides additional water storage, use monitoring and other management measures; s. 219 covenant provides further protections
Aesthetic Qualities	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.	Proposed site layout requires a 30 m tree buffer to limit view of structures from roadway, this will be in s. 219 covenant
Growth and Development	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.	Project design, layout and use of buffers minimizes aesthetic impacts; environmental impacts well researched and mitigated as much as possible in project siting; Social benefit and need for affordable housing is demonstrated
	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.	OCP Community Housing policies consider increasing density for the provision of affordable housing
	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory	Proposal consider alternative forms of transportation including electric bike and car shares

Appendix 2 b. Letters Written about Water Problems/Concerns

Oct.16/2019 Jennifer Margison to Brad Smith(Sticks Allison Water System, CRD warning-aquifer at historic low levels)

Oct.21/2019 Zoe Port to Mr. Rorison, Mr. Smith (Sticks Alllison Water System “historically low aquifer levels”

Oct.24/2019 Craig Keating and Joanne Young to Dan Rogers (water restrictions warning on Sticks Allison Road)

Nov.4/2019 Liz and Scott Purvis- to T.Rockafella, Dan Rogers, the Habitat, Galiano Conservancy (CRD notice - aquifer at historically low levels - serious conservation measures)

Nov.5/2019 Graham Ramsay to T.Rockafella, cc: Dan Rogers, Brad Smith, Robert Kojima, the Habitat Acquisition Trust, the Galiano Conservancy (water levels at historic lows in the Sticks Allison aquifer)

Nov.9/2019 Jennifer Margison (Strata Council President) to Brad Smith cc: Dan Rogers, T.Rockafella, R. Kojima, W. Shulba, S.Rorison, Judy Hayes, the Habitat Acquisition Trust, the Galiano Conservancy (Sticks Allison Water System reaching critical levels due to historical low aquifer levels)

Nov.11/2019 Joan Bartley to Dan Rogers, T.Rockafella, S.Rorison cc: Willian Shulba, (Sticks Allison, Galiano Way, Georgia View Road neighborhood well - water shortages)

Nov.2019 Michael Doebeli to Brad Smith cc: Dan Rogers, T. Rockafella, R. Kojima the Galiano Conservancy, the Habitat Acquisition Trust (Sticks Allison neighborhood is already facing very significant water problems)

Nov. 12/2019 Carmita de Menyhart to Mr. R.Dewinetz (GIGARHS) cc: Brad Smith, T. Rockafella, Dan Rogers, S.Rorison (Sticks Allison Water System Level 3 Water Conservation Notice - historically low aquifer levels)

Nov. 14/2019 Carmita de Menyart to W.Shulba cc: R.Kojima, B. Smith, Dan Rogers, T. Rockafella (CRD monitoring - Level 3 Water Conservation Notice-August 27/19 - historically low aquifer levels)

Nov.17/2019 Dr. Barbara Romanowski and Eva Wilson to Brad Smith cc: R. Kojima, T.Rockafella, Dan Rogers, S.Rorison ((August 22/2019 CRD issued a Water Conservation notice to the Community Water System stating that the Sticks Allison Water System is reaching critical levels due to historically low aquifer levels.)

Nov.20/2019 Gillian Dustin and Nick Rebalski to Brad Smith cc: R. Kojima, T. Rockafella, Dan Rogers, S.Rorison, Judy Hayes, the Habitat Acquisition Trust, the Galiano Conservancy (Sticks Allison Water System reached historically low aquifer levels)

Dec. 30/2019 Cheryl Bastedo and James Boyle to B.Smith, R. Kojima, Dan Rogers, T. Rockafella, W. Shulba, S. Rorison (our neighborhood has experienced severe water shortages several years in a row when is at less than 50% buildout)

December/2019 Jan Fenby to B. Smith, W. Shulba (late July we were cautioned with a level 3 water conservation notice as the static level of our well reached a historic low level)

Sept.6/2020 Margaret Stember to Brad Smith (dry wells)

Sept.6/2020 Jennifer Margison to Dan Rogers, T. Rockafella, Brad Smith and Robert Kojima (dry wells) and low water levels (1417 Sticks Allison)

Sept.7/2020 Greg Tarry to R.Rockafella, Dan Rogers, Brad Smith (1452 Sticks Allison West-lower water level from1994)

Sept. 7/2020 Gillian Dusting to T.Rockafella, Dan Rogers, cc: Robert Kojima, Brad Smith- (dry wells)

Sept. 2020- Colin Richardson to T.Rockafella, Dan Rogers cc: Brad Smith (well low flow)

Sept.4/2020 Jennifer Margison to George Harris, Joanne Randle (GIGARHS) cc: B.Smith, Dan Rogers, P. Ramsay, T. Rockafella, W. Shulba (two properties' wells directly below the proposed housing development site have no water)

Sept.6/2020 Jennifer Margison and Margaret Stember to T.Rockafella, Dan Rogers, Rober Kojima, Brad Smith (dry wells-1471 Sticks Allison is extremely slow to recharge, 1497 Sticks Allison has some water coming back)

Dec.8/2020 Letter to Mr. Kohut from Carmita de Menyhart c.c: Trustee Rockafella, Chair Dan Rogers, Brad Smith, William Shulba.

January 14th/2021Fred MacLean to Bran Smith (wells have run dry in the last two summers)

February 23/ 2021 from Dan Zinter (Sticks Allison Road West)- to Dan Rogers, T.Rockafella, Brad Smith, Robert Kojima, Willian Shulba, Malcolm McNaughton (water shortages in strata wells)

January 27th/2022 Jim Henshall, Jennifer Margison (Record of Well Monitoring for domestic well on their property)

Letters re: Build-out

Dec.6/2019 Cheryl Bastedo and James Boyle to Planner Smith cc. Kojima, Chair D.Rogers, Trustee T.Rockafella, W.Shulba, S.Rorrison

Dec. 30/2019 Cheryl Bastedo and James Boyle to LTC

Sept.4/2020 Jennifer Margison and Jim Hensall to Chair D.Rogers, Planner Smith, W. Shuba (Georgia Hills Neighborhood build-out analysis)

Oct. 23/2020 Jennifer Margison and Jim Hensall to Chair D. Rogers (List of question for Sep.8 LTC meeting)

Domestic Well #117791 Monitor - 145' Drilled Well - June 12/21 - Jan. 19/22
Submitted January 27, 2022 by Jennifer Margison and Jim Henshall

Our well, one of the wells closest to the GIGARHS test well for the proposed housing development in the Community/Heritage Forest, is able to be manually measured with a plumb bob up to 100' from the surface of the water in the well to ground level. Measurement was usually done early in the morning. When the measurement from the ground level to the surface of the water in the well is 100' or more as was the case in early September, we regard the well is essentially "dry" and no pumping from the well occurs. We instead rely water from the storage tank which the well normally trickle-fills, and pumps from there into the house and cottage. This tank provides us with stored potable water when the well is at a very low level.

Normally, on our property, there are 3 people in full-time residence, two in the house and one in the cottage. It is of interest to note how the well level significantly fell when guests were staying in the house and cottage AND when the adjacent property owners' and their family were on their property for 2 weeks, even though they were staying in their RVs & were likely using much less water than if they had a house on the property (no laundry, etc.). They also have no garden to water.

June 2021 through August saw a steady decline in our well to a maximum low in early September (highlighted in red). This extreme low may have resulted from excessive water use on an adjacent property that has in the past appeared to affect our well and at least two other neighbouring wells - evidence of well interference in our fractured aquifer system. The well recharge began to increase through the fall but only attaining its normal wet season level in November. January 19, 2022, the last monitored date saw a recharge level of 13' from the ground surface.

We hope this Well Monitor record of our well will illustrate how the recharge in our well is affected through the dry season by lack of precipitation (an escalating concern with climate change), by seasonal water use for some garden irrigation and by a few additional people on our property and on adjacent properties during this time (highlighted in yellow).

As the strata in which our property is located is only 33% built-out and each property was zoned many years ago for both a house and a cottage, we are very concerned about the sustainability of water resources in this immediate neighbourhood. This is a concern even without the proposed GIGARHS development directly upslope of our strata in the recharge area for the aquifer, a development that would add potentially 48 additional water users with additional water consumption for garden irrigation and other purposes.

Though a data logger was finally installed in the GIGARHS test well on the proposed development site in June 2021 at the request of the LTC, we believe it is regrettable and short-sighted that no official monitoring of domestic wells closest to the GIGARHS well was also required. Therefore, we submit this record to add to your consideration of water sustainability related to this proposed development's rezoning application.

Jennifer Margison and Jim Henshall, 1417 Stick Allison Road, Galiano Island

Date	Water Level Below Ground *the HIGHER the number, the LESS water in the well•	Notes
June		
12	34'4"	
19	41'	
26	41.9"	
July		
10	51'0"	Owners' of adjacent
17	58'10"	property in residence 2 wks
24	50'0"	Guests in cottage
31	94'	Guests in house
August		
1	53'7"	
7	57'0"	Guests in house
11	97'	Guests in cottage
12	88'	
14	57'	
17	57'	
20	58'	Guests in house
23	84'	Guests in house
24	69'	Guests in house
25	57'	
26	55'	
28	56'	
30	67'	
September		
1	100' +	Residents away/no irrigation
2	100' +	No irrigation
3	100' +	No irrigation
4	65'	
5	55'	
6	54'	
8	53'	
9	51'	
10	55'	
11	50'	
12	49'	
13	53'	
14	54'	
15	48'	
16	47'	

17	56'	
18	47'	
23	44'	
24	42'	
25	44'	
26	41'	
27	41'	
28	40'	
29	40'	
October		
1	39'	
3	39'	
4	43'	
6	36'	
8	34'	
9	36'	
12	33'	
14	33'	
16	33'	
18	29'	
20	29'	
22	26'	
25	25'	
27	24'	
29	23'	
31	22'	
November		
2	20'	
4	19'	
6	17'	
8	16'	
10	15'	
12	14'	
14	12'	
16	10'	
18	11'	
20	13'	
24	14'	
27	16'	
30	13'	
December		
3	15'	
6	14'	
January		
19	13'	

File: 1811051

October 3, 2019

Islands Trust Local Planning Services
200-1627 Fort Street
Victoria, BC V8R 1H8

Attention: David Marlor, Director

Re: Proof of water for subdivision in the southern Gulf Islands using occupancy daily demand volumes.

The following information and evidence provides a rationale for estimating reasonable estimates of anticipated water supply demands for rental housing projects in the Gulf Islands of southern British Columbia. This material has been prepared to support proposed applications for affordable housing projects on Galiano Island. The case of the current proposed project on Georgia View Road is provided for consideration. Table 1 provides a summary and comparison of the various water supply figures referred to in this brief document.

Background

Currently, proof of water requirements for subdivision on Galiano Island are outlined in *Standards for Potable Water Supply*, Sections 13.22 to 13.28 under the *Subdivision and Development Regulations of Land Use Bylaw No. 127, 1999* (Galiano Island Local Trust Committee, 2019). The specific volume required on each lot for residential use including a cottage is 2275 litres per day (i.e. 2275 L/day per residential lot). This volume is deemed to be reasonable for subdivision purposes to meet the anticipated water demands for a residence and cottage in a rural setting. While this figure does not specify the number of occupants that may be served, one could safely suggest that it would be enough water to meet the needs of 2 to 3 residents including a small garden and perhaps 1 or 2 pets or farm animals.

Residential water use under *Bylaw No. 127* may be equated with “domestic purpose” as defined under the *Water Sustainability Act* of British Columbia wherein “**domestic purpose**, means the use of water for household purposes by the occupants of, subject to the regulations, one or more private dwellings, other than multi-family apartment buildings, including, without limitation, hotels and strata titled or cooperative buildings, located on a single parcel, including, without limitation, the following uses:

- (a) drinking water, food preparation and sanitation;
- (b) fire prevention;
- (c) providing water to animals or poultry kept
 - (i) for household use, or
 - (ii) as pets;
- (d) irrigation of a garden not exceeding 1 000 m² that is adjoining and occupied with a dwelling;”

In Section 22.8 under **Section 22 Precedence of rights**, the *Water Sustainability Act* recognizes the date of first use and right to use **2000 litres of water per day for each private dwelling** on a parcel or the amount of water the engineer is satisfied the person has been using for domestic purposes.

Also In Section 22.10 and 22.11 in situations where precedence of water use is being enforced, the occupants of one private dwelling are not prohibited from diverting water for essential household use where "**essential household use** means the use by the occupants of one private dwelling of not more than **250 litres of water per day** for

- (a) drinking water, food preparation and sanitation, and
- (b) providing water to animals or poultry that are kept
 - (i) for household use, or
 - (ii) as pets.”

It should be noted that all of the figures reported above refer to water use for a residential lot, household, or dwelling(s) and not water use per occupant.

Anticipated Water Demands

In a report to the Islands Trust entitled, *Galiano Groundwater Regulation Review*, Waterline Resources (2012) advises that while the volumes provided in *Land Use Bylaw No. 127*, may be reasonable in certain situations, they recommend that “a more quantitative approach be taken to assess the water supply demand on a site specific basis (lot by lot and/or subdivision by subdivision). In this manner, more realistic water demand volumes are considered at the subdivision application stage.” Waterline Resources (2012) further recommends that, “As part of the subdivision application, the applicant shall attempt to assess actual water supply demand based on reasonable estimates given the proposed subdivision plan.”

Indoor water use for conventional water systems, based on the *Design Guidelines for Rural Residential Community Systems* (Ministry of Forests, Lands & Natural Resource Operations, 2012) suggests that a minimum of 230 L/capita/day or 50.6 Imperial gallons/capita/day be considered for a water system design. Government of Canada (2018) reports a similar water use figure of 251 L/day per capita for metered urban household water systems monitored across Canada in 2011. Maximum day demand (MDD) or the single highest total 24 hour daily water consumption occurring over a one year period would normally include indoor usage, water loss allowance and irrigation demand components.

Based on a comprehensive report by Dieter *et al.*, for the United States, the national average consumption for public-supplied domestic water use in 2015 was 82 USgals/day/capita (310.4 L/day/capita) with a range of 35 to 186 USgals/day/capita (132.5 to 704.1 L/day/capita), depending upon the particular State.

Metered Water System Use

Metered water systems in the Gulf Islands provide some direct evidence of realistic water demand volumes where groundwater use has been metered for several years. Some examples are as follows:

Mayne Island

In 2015, Hy-Geo Consulting examined metered water data from 2012 to 2015 for 6 water systems on Mayne Island involving a total of 620 residential connections (Ministry of Environment, 2015). The results of that analysis are summarized in Table 2. The average daily water use per connection for all systems ranged from 28 to 105 USgals/day (106.0 to 397.5 L/day) with a combined total average ranging from 45 to 56 USgals/day/connection (170.3 to 212.0 L/day/connection).

Sticks Allison Water System, Galiano Island

The 2016 Annual Report of the Sticks Allison Water System (CRD, 2019) indicates that that annual metered water use for 34 residential connections ranged from 396.0 to 538.4 L/day/connection during the 5 year period from 2012 to 2017. These figures also include water system leaks, water system maintenance and operational use (e.g. water main flushing, filter system backwashing), potential unauthorized use and fire-fighting use. The Sticks Allison Water System obtains its drinking water from a deep well situated approximately 1500 m east of the proposed housing project on Georgia View Road. The water service area is relatively extensive compared to an affordable housing facility.

Trincomali Improvement District, Pender Island

As an example of domestic water use on Pender Island, Henderson (1997) reported some metered 1993-1994 water use figures for 18 residential property owners of the Trincomali Improvement District. At the time the District had 79 out of 104 property owners connected to the water system and metered. Water use figures ranged from 6 to 110 lgal/day/connection (27.3 to 500.1 L/day/connection) during the February-March period, averaging 58.7 lgal/day/connection (266.9 L/day/connection). These figures, however, reflect winter use which would be significantly lower than summer use.

Galiano View Road Project

Water supply for the proposed development has been reported by Hy-Geo Consulting (2019). The project is to include:

- 12 residential units in two six-plexes, with each six-plex having
 - 2, one bedroom units with one bathroom,
 - 2, two bedroom units with one bathroom, and
 - 2, three bedroom units with one bathroom plus one half bath.

Residential demand would be supplied by one bedrock well designated WID 46824.

It is anticipated that residents of the proposed development will practice water conservation measures and water-saving appliances will be incorporated in all of the units including dual-flush toilets, low flow fixtures, water efficient appliances and faucet aerators to reduce water consumption. The water loss allowance for system leaks for a new water system would be minimal. It is also proposed that irrigation/community garden watering demands for the proposed development would be met by a rainwater catchment system to be developed.

Overall, water maximum day demand (MDD) therefore, could be effectively reduced to about 40 Imperial gallons/day/capita (181.84 L/day/capita). Table 3 summarizes the overall water supply demand for the 12 units with 32 persons based on the maximum day demand (MDD) of 40 Imperial gallons/day/capita. Total daily water demand of the facility is estimated to be 5819 L/day, equivalent to a continuous well pumping rate of 4.041 L/min (0.89 Imp gals/minute or 1.07 US gals/minute). In terms of residential units the average water use is estimated at 484.9 L/day/connection. This figure is close to and within the annual water use figures reported for the metered Sticks Allison Water System on Galiano.

Summary

The proposed occupancy density for the planned affordable housing development on Georgia View Road will be 32 persons in 12 units. Given the rural setting, contained water system and water conservation measures proposed, the maximum day demand (MDD) per person is estimated at 40 Imperial gallons/day/capita or approximately 182 L/day/capita. In terms of 12 residential units for the planned affordable housing development, the average water use is estimated at 484.9 L/day/connection.

This figure, is more than twice the average range of 45 to 56 USgals/day/connection (170.3 to 212.0 L/day/connection) recorded from 6 metered water systems on Mayne Island over a three year period from 2012 to 2015. For comparative purposes the estimated average water use figure of 484.9 L/day/connection for the proposed development is close to and within the annual water use figures reported for the metered Sticks Allison Water System on Galiano Island. The latter however, has a large service area and water use also includes water system leaks, water system maintenance and operational use (e.g. water main flushing, filter system backwashing), potential unauthorized use and fire-fighting use.

Respectfully submitted,



Alan P. Kohut PEng
Principal and Senior Hydrogeologist

HY-GEO CONSULTING

cc: Robert Kojima – Regional Planning Manager
cc: William Shulba – Senior Freshwater Specialist
cc: R. M. Dewinetz

References

CRD. 2019. *Sticks Allison Water System Annual Report 2016*. Drinking Water Systems, Capital Regional District, Victoria, British Columbia. Internet website: <https://www.crd.bc.ca/service/drinking-water/systems>

Dieter, C.A., Maupin, M.A., Caldwell, R.R., Harris, M.A., Ivahnenko, T.I., Lovelace, J.K., Barber, N.L., and K.S. Linsey. 2018. *Estimated Use of Water in the United States in 2015*. U.S. Geological Survey Circular 1441, 65 p., <https://doi.org/10.3133/cir1441>.

Galiano Island Local Trust Committee. 2019. *Land Use Bylaw 127, 1999*. (with amendments to 2019). Internet website http://www.islandstrust.bc.ca/media/347223/bylaw-no-127_lub_consolidated_feb-7-19.pdf

Government of Canada. 2018. *Residential Water Use in Canada*. Internet website <https://www.canada.ca/en/environment-climate-change/services/environmental-indicators/residential-water-use.html>

Henderson, J.D. 1997. *An Ecosystem Approach to Groundwater Management in the Gulf Islands*. MSc. Thesis, University of Calgary, Faculty of Environmental Design. 152p.

Hy-Geo Consulting. 2019. *Report of Proposed Water Supply for Affordable Rental Housing Project, Galiano Island*. Georgia View Road, Galiano Island, Cowichan District. Victoria, British Columbia.

Ministry of Environment. 2015. Development of *Preliminary Water Budgets for Two Aquifer Areas in British Columbia*. Report prepared by Hy-Geo Consulting, Victoria, British Columbia. Available on line at EcoCat
<http://www.env.gov.bc.ca/ecocat/>

Ministry of Forests, Lands & Natural Resource Operations. 2012. *Design Guidelines for Rural Residential Community Water Systems*. Utility Regulation Section, Water Management Branch, Government of British Columbia.

Waterline Resources. 2012. *Galiano Groundwater Regulation Review*. Report submitted to Islands Trust. Waterline Resources Inc. Nanaimo, BC. File 1755-12-001.

Table 1. Summary and comparison of the various water supply figures referred to in this brief document.

Reference Source	Requirements or Allocation (per lot or per dwelling)	Requirements (per capita or per occupant)	Reported Average Water Use (per capita or per occupant)	Reported Average Water Use (per connection)
Galiano Land Use Bylaw No. 127	2275 L/day per residential lot			
WSA Section 22.8 Precedence of rights	2000 L/day per private dwelling			
WSA Sections 22.10 and 22.11 Precedence of rights	250 L/day per private dwelling			
<i>Design Guidelines for Rural Residential Community Systems</i> (British Columbia)		230 L/day/capita		
Government of Canada (2018)			251 L/day/capita	
Dieter <i>et al.</i> , (2018) for United States			310 L/day/capita	
Mayne Island Water Systems (Ministry of Environment, 2015)				170 to 212 L/day/connection
Sticks Allison Water System (CRD, 2019)				396 to 538 L/day/connection
Trincomali Improvement District (Henderson, 1997)				266.9 L/day/connection

WSA, Water Sustainability Act
CRD, Capital Regional District

Table 2. Metered water use for Mayne Island water systems, from Ministry of Environment (2015).

Mayne Island Water Systems	# of Connections	Total Annual Water Use (USgals)			Average Daily Water Use per connection (USgals/day)		
		2012	2013	2014	2012	2013	2014
Bennett Bay ¹ Waterworks District	133	1495790	1429233	1445850	31	29	30
Lighthouse Point ¹ Waterworks	99	1013800	1002500	1012300	28	28	28
Skana ² Water Service	38	981392	907424	NA	71	65	NA
Surfside ³ Park Estates	64	2448856	2112039	NA	105	90	NA
Village Point ¹ Improvement District	221	5733000	5341000	4899360	71	66	61
Unnamed Water Service	65	982929	1133746	1121486	41	48	47
Totals:	620	12655767	11925943	8478996			
Averages:					56	53	45*

1 pers. comm., Bill Warning MIISS

2 <https://www.crd.bc.ca/docs/default-source/crd-document-library/committeedocuments/skanawaterservicecommittee/20140514/skana2014agm.pdf?sfvrsn=2>

3 <https://www.crd.bc.ca/docs/default-source/crd-document-library/committeedocuments/surfsideparkestateswaterservicecommittee/20140514/surfsideagm2014.pdf?sfvrsn=2>

NA = not available

* based on 518 connections

Note: Some figures may be rounded off.

Table 3. Estimated potable water supply demand for Georgia View Road Project, from Hy-Geo Consulting (2019).

Unit	Description	Estimated Full Time Occupancy # persons	Maximum Daily Demand (MDD) L/unit/day ¹	Maximum Daily Demand (MDD) IMPgals/unit/day ²	Maximum Annual Demand IMPgals/unit /year
1	Single Residence	1	181.84	40	14600
2	Single Residence	1	181.84	40	14600
3	Single Residence	1	181.84	40	14600
4	Single Residence	1	181.84	40	14600
5	Family Residence	3	545.52	120	43800
6	Family Residence	3	545.52	120	43800
7	Family Residence	3	545.52	120	43800
8	Family Residence	3	545.52	120	43800
9	Family Residence	4	727.36	160	58400
10	Family Residence	4	727.36	160	58400
11	Family Residence	4	727.36	160	58400
12	Family Residence	4	727.36	160	58400
Totals	All Units	32	5818.88 L/day	1280 IMPgals/day	467200 IMP gals/year

¹ Based on 181.84 L/capita/day

² Based on 40 Imp gals/capita/day



Memorandum

Ministry of Forests, Lands,
Natural Resource Operations and Rural
Development
Water Protection, Nanaimo

February 22, 2021

To: Tanya Dunlop, Authorizations Specialist

File: 58000-38-12/20013441 Galiano AQ320

On request, a review was completed of the hydrogeologic assessments and data submitted in support of the application for a groundwater licence for a water supply system for an affordable housing project on Georgia View Road, Galiano Island.

The review consisted of evaluating available documentation related to this application (File 20013341) and the subject aquifer (AQ320) and undertaking additional analysis to assess the primary aspects of concern including: long-term well capacity, potential adverse impacts to adjacent groundwater users, potential hydraulic connection between the aquifer and adjacent surface water bodies in the area of the subject well(s), and well susceptibility to intrusion of saline water or sea water. No field assessment component was completed.

The following information was provided:

- Average daily volume (4015 m³/year, average 11 m³/day); and
- Purpose use (waterworks for 12-unit rental housing complex, 7.5 ha land area);
- Period of use (year-round);
- Well Tag Number (WTN) of the primary production well (WTN 115952; ID 46924).

To formulate my recommendations, I reviewed:

- Available information regarding the application, including technical assessments completed by the applicant's hydrogeologic consultant (listed at the end of this document);
- Hydrogeologic data for the area from Groundwater Wells and Aquifers (GWELLS) database;
- DataBC spatial files in ArcGIS including: Wells, Aquifers, Stream Networks, Water Allocation Restrictions, and Water Rights;
- Analyses completed by Tanya Dunlop, including inventory of adjacent wells, cross-sections, and distance-drawdown estimates; and
- Literature including hydrogeologic studies completed for the subject area, aquifer characterization reports and third-party review.

1. Site description

The subject property is located on Georgia View Road, PID 025-936-107 (Lot 1 DL 30 and 31 Galiano Island, Cowichan District, Plan VIP76996 except that part in plan VIP76997). The 7.5 ha (18.5 acre) property is within an area of rural residential land use on the east side of Galiano Island, where each lot is supplied by an individual well. A map of the subject site and elements discussed in this review is included in Figure 1.

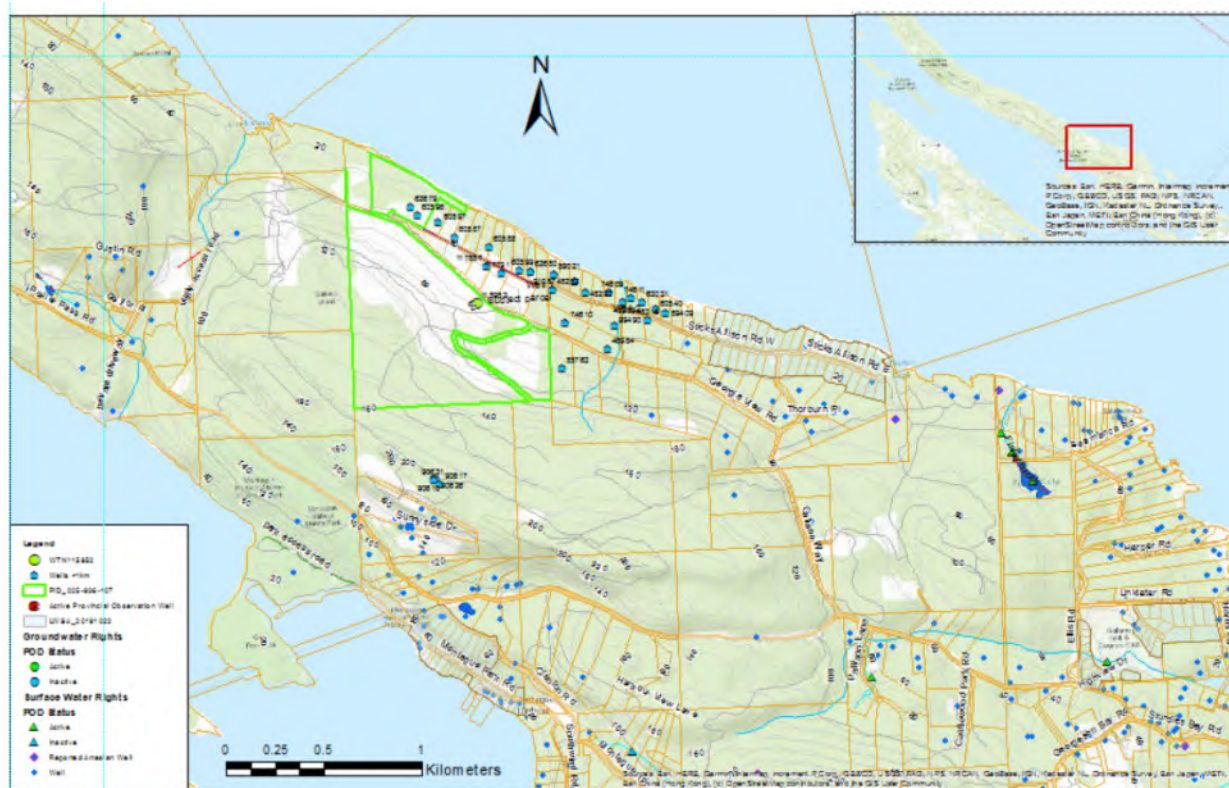


Figure 1: Map of subject area

2. Well and aquifer description

Water supply for the housing complex is to be obtained from production well WTN 115952 (ID46824). The well is constructed in layered sandstone and siltstone/shale seams to a total depth of 67.06 m bgs, and the principal water-bearing fracture is at 63.70 meters below ground surface (mbgs) estimated on the driller record as producing approximately 5 USgpm.

WTN 115952 is constructed in Aquifer 320 (AQ320), a fractured sedimentary bedrock (5a) aquifer composed of sandstone, shale and conglomerate of the Nanaimo Group, with a total mapped areal extent of 58.2 km² (Province of B.C., 2020). The aquifer productivity is considered low, soil and sedimentary overburden range in thickness from exposed bedrock to depth up to 46 m thick, and the aquifer has a moderate vulnerability to infiltration of contaminants from the land surface (Province of B.C., 1999). The site is located within the Cook Cove groundwater region, a sub-unit of AQ320 defined according to topography, physiographic and geologic features such as major faults, and drainage characteristics (i.e. watershed boundaries), within the bedrock of Nanaimo Group, Gabriola Formation (predominantly sandstone) (Kohut & Johanson, 1998; Waterline Resources Inc., 2011). T

Within a 1 km radius of the subject well, there are approximately 37 wells (including 7 unregistered wells identified by the field review conducted by Hy-Geo), equivalent to a density of 12 wells/km², which corresponds to a moderate level of development based on the B.C. aquifer classification system (Berardinucci & Ronneseth, 2002). Several parcels within 1 km have no identified water source but if occupied may have a well. The land area upslope of the subject property is largely undeveloped, and most adjacent wells are sited to the northeast, on Sticks Allison Road, along the coast of the Strait of Georgia (Salish Sea).

The closest observation well to the subject property is OW 327 Galiano Island (Community School) on Sturdies Bay Road, 5 km southeast of the subject well. Annual groundwater levels in OW327 fluctuate approximately 12 m between winter and summer conditions (from ~3 m bgs to 15 m bgs), and current levels are considered stable (Province of B.C., 2020; Environmental Reporting B.C., 2019). Because the observation well is within a different watershed and groundwater drainage area, conditions within AQ320 at the observation well may not reflect aquifer levels at the subject site. Groundwater levels in OW258 Galiano (Shopland Road) also show similar annual fluctuation of approximately 10 to 14 m range between winter and summer conditions (Province of B.C., 2020).

3. Long-term well capacity

Assessment of WTN 115952 included completion of a 72-hour variable rate (three-step) pumping test from December 9-12, 2018. Samples were collected from the pumping well for analysis of geochemical and bacteriological near the end of the 72-hour test. Groundwater levels in pumping well WTN 115952 (reproduced from Hy-Geo, 2019, and focusing on the mid- to late-test period) are shown in Figure 2. Groundwater levels in the pumping well stabilized at each stage of the pumping test, and Hy-Geo projected the drawdown to 100 days as equivalent to the stabilized pumping level. During the phase of the pumping test (discharge rate 28.1 m³/d, or 5.15 USgpm) the reported fluctuations in the drawdown may be indicative of variations in the pumping rate, and/or fracture dewatering.

I independently calculated the weighted average pumping test rate, safe available drawdown, and long-term well capacity, using projected drawdown to 180 days to account for a longer-duration dry season, and obtained results that were consistent with values reported by Hy-Geo, 2019 and Hy-Geo, 2021. The well capacity assessment for WTN 115952 is summarized in Table 1 below.

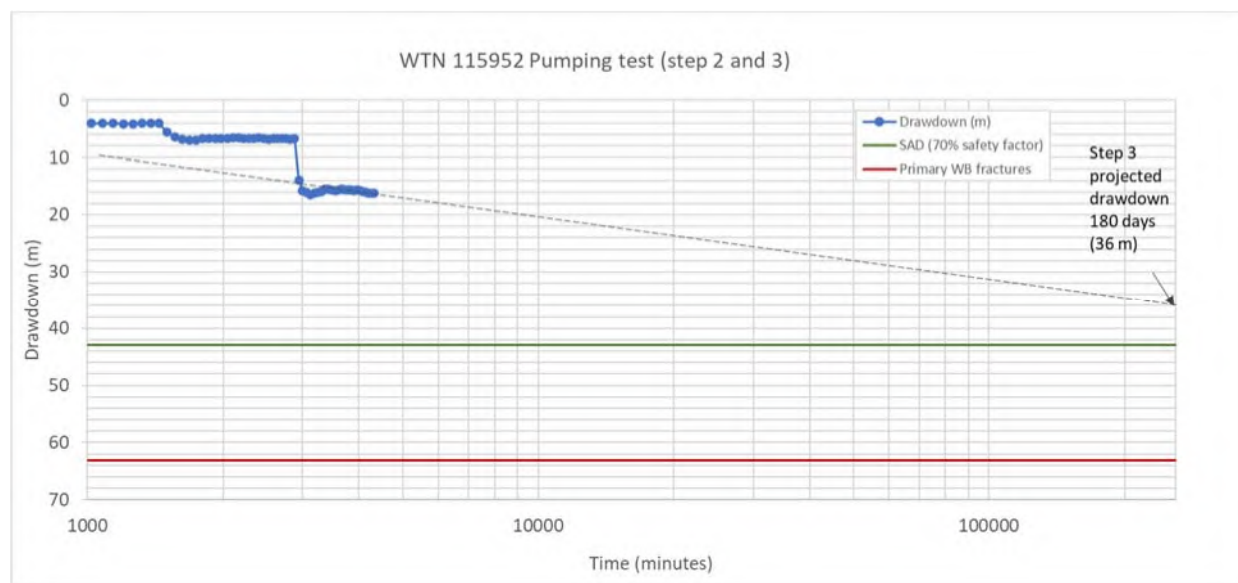


Figure 2: WTN 115952 pumping test drawdown during Step 2 and 3.

Table 1: Long-term well capacity rating for WTN 115952

Well Tag Number	Time	Pumping rate (L/min) ¹	Drawdown (m)	Specific capacity (L/min/m)	Specific capacity (USgpm/ft)	Available drawdown (m)	Long-term well capacity*, Q			
								L/min	USgpm	m ³ /d
115952	72 hours	12.9	16	0.798	0.064	43				
115952	180 days	12.9	36	0.359	0.029	43	Q _{calc} (180 d)	10.8	2.8	15.5
¹ Pumping rate at Step 3							Q _{pump}	12.9	3.4	18.6
							Q _{app}	7.6	2.0	11.0

During the test, drawdown was measured in the pumping well (WTN115952), and an additional observation well at 1417 Sticks Allison Road, 200 m away from the pumping well.; the observation well is not registered in GWELLS but was reported as being constructed in sedimentary bedrock to a total depth of 60.96 m, with a water-bearing fractures at 53.34 mbgs. The observation well which is used for domestic supply, was in use during the test, and drawdown interference was not discernable.

The characteristics of the completed technical assessment were compared to the Guidance for Technical Assessments in Support of an Application for Groundwater Use in British Columbia V.2. (Todd, et al., 2020). It is noted that the test was not completed at a constant rate for the 72-hour duration but varied from 1 to 2.5 the magnitude of the proposed license volume compared to the revised diversion rate assessed in Hy-Geo (2021). The test was completed during the winter period, therefore may not reflect well and aquifer response during the summer/dry season. Accounting for up to a 10 m reduction in available drawdown and considering equivalent specific capacity based on the average pumping rate during the test, the long-term well yield is estimated as 11.9 m³/d (2.2 USgpm) which is adequate to supply the proposed volume.

Based on my review, I concur with the conclusions by Hy-Geo (2019, 2021) that WTN 115952 has sufficient capacity for the proposed application, including allowance for potential seasonal fluctuations in groundwater level in the aquifer. The applicant intends to include measures such as installing water efficient fixtures and using rainwater catchment in storage for outdoor irrigation which will theoretically reduce groundwater demand.

4. Groundwater availability and potential impacts to adjacent groundwater users

Groundwater level drawdown at variable distances from the pumping wells was estimated using an internal Distance - Drawdown and Streamflow Depletion Calculator (Lepitre & Beebe, 2019) The results of the drawdown estimation tool are based on a Theis model for a confined, unconsolidated aquifer; when applied to a bedrock aquifer, the fractured rock is characterized as equivalent porous media. The magnitude and direction of interference in bedrock may vary from the model, and exhibit directionality, dependent on orientation and interconnectivity of heterogeneous fracture networks (Allen D. A., 1999).

Figure 3 illustrates modelled drawdown at distance from the pumping well, using empirical properties for the Nanaimo Group Gabriola formation $T=1.2 \text{ m}^2/\text{d}$ and storativity, $S=10^{-2}$, based on multiple pumping tests in the Gulf Islands (Allen, Liteanu, Bishop, & Mackie, 2003). Several iterations of the distance drawdown estimates results were compared, including using median transmissivity from the results of the analysis of results from the pumping test of WTN115952 in Aqtesolv V.4.5 (industry standards software for hydrogeologic data analysis), $T=1.0 \text{ m}^2/\text{d}$, and

storativity $S=10^{-3}$ for confined aquifers is on published values from Freeze and Cherry (1979)(note: the observation well data during the test were not usable to determine storativity, and storativity calculated using results from the pumping well is not valid). At the application pumping rate (11 m^3/d) after 180 days (estimated maximum duration of dry season), drawdown interference is projected to be less than 1 m, at distances greater than 300 m from the pumping well. Based on this assessment, impacts to water availability for adjacent users are not anticipated.

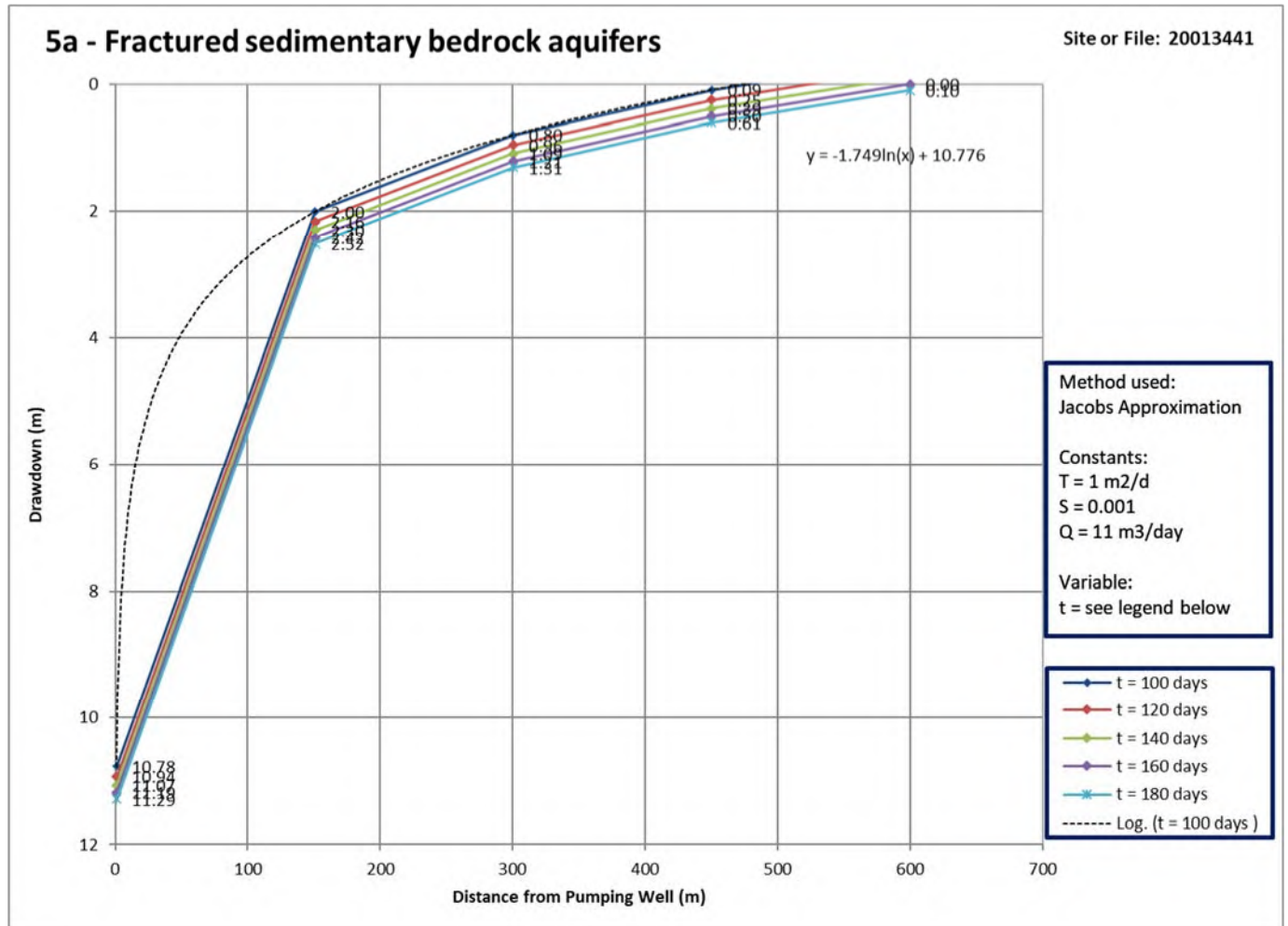


Figure 3a: Modelled drawdown at distance from WTN 115952, AQ320, $T=1 \text{ m}^2/\text{d}$, $S=10^{-3}$

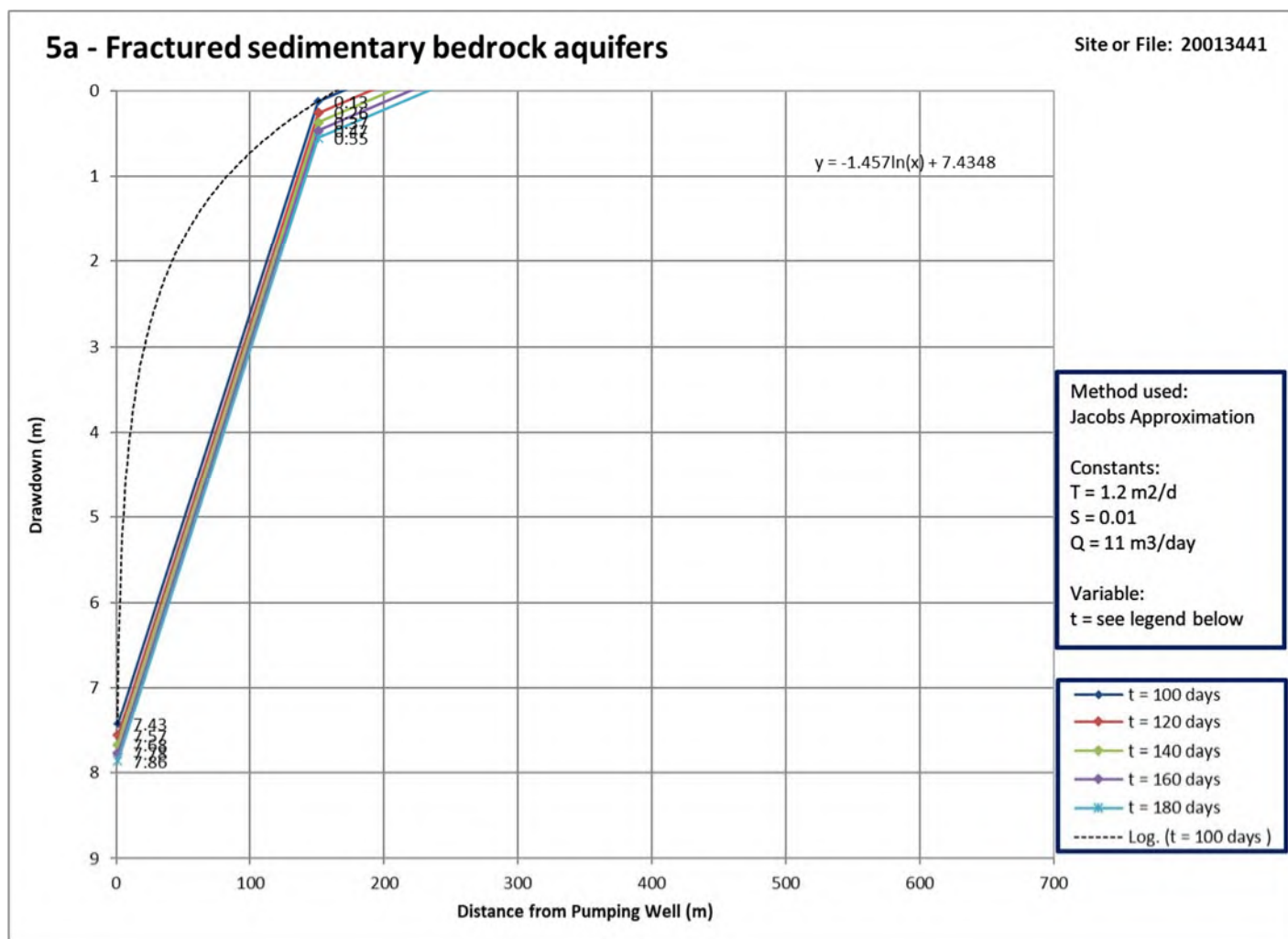


Figure 3b: Modelled drawdown at distance from WTN 115952, AQ320, $T=1.2 \text{ m}^2/\text{d}$, $S=10^{-2}$

5. Hydraulic connection to surface water bodies

Hydraulic connection of the subject well to surface water sources is considered unlikely. There are no mapped or reported surface bodies on the subject parcel. The closest streams to the subject well are:

- A small (first-order) unnamed tributary (“Sticks Allison Creek”), ~745 m southeast of the subject well that flows northeast into the Strait of Georgia. This stream is reported as being seasonal (ephemeral) and the source of discharge is from several surficially expressed groundwater springs (Waterline, 2020); and
- A small (first-order) unnamed tributary that drains into Cook Cove, ~1.4 km to the northwest of the subject well.

6. Groundwater quality and assessment of saltwater intrusion risk

The vulnerability of the well to intrusion of saltwater was assessed based on criteria including well siting, construction, and hydraulic properties, as summarized in Appendix A, Table A1.

The assessment of saltwater intrusion vulnerability criteria indicates that the subject well is fresh, located in a discharge zone and with a moderate to high topographic gradient that is likely to reduce the intrinsic susceptibility to saltwater intrusion. Because the water-bearing fractures and bottom of the well are below sea level, and there is tidal influence in the hydrograph it is recommended that best practices for prevention of saltwater intrusion be employed including periodic well sampling (annual or biennial during the dry season), water supply system design that allows for prevention and early detection of water leaks, and notification to the Ministry if saltwater intrusion water quality operational thresholds (chloride 150 mg/L, TDS 700 mg/L, or electrical conductivity 1000 µS/cm) are exceeded at any time. The applicant can be provided with the link and descriptions from Best Management Practices for the Prevention of Saltwater Intrusion publication.

Closure and recommendations

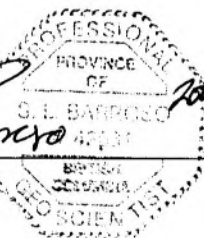
A review has been completed related to the application for WTN 115952 to provide water for the Galiano Club affordable housing project. Based on the completed hydrogeologic assessment, including pumping test and geochemical sampling, the well was found to produce an adequate quantity for the application. No concerns with respect to impacts on adjacent users are anticipated. It is recommended that the applicant employ best practices for prevention of saltwater intrusion due to moderate susceptibility of the location to saltwater intrusion impacts.

If possible, the GWELLS database may be updated to include additional wells in this area, identified in the field by Hy-Geo (2019).

Respectfully submitted,

Prepared by:

Sylvia Barroso MSc PGeo
Regional hydrogeologist



Reviewed by:

Jessica Doyle MSc PGeo
Section Head, Water Protection Section

Reviewed technical assessments:

Hy-Geo Consulting. December 2, 2019. Report on proposed water supply for affordable rental housing project, Galiano Island, Georgia View Road, Galiano Island, Cowichan District.

Hy-Geo Consulting. February 16, 2021. Gulf Islands Affordable Rental Housing Society Galiano Island. Letter Re: Long-term capacity of Well ID 46824 WTN 115952 Georgia View Road, Galiano Island.

Waterline Resources Inc. October 22, 2020. Peer review of technical documents for the proposed GIGARHS residential development Georgia View Road, Galiano Island, B.C.

References cited:

Allen, D. A. (1999). *An assessment of the methodologies used for analyzing hydraulic test data from bedrock wells in British Columbia. Prepared for B.C. Ministry of Environment, Lands and Parks, Groundwater Section.* Burnaby, B.C.: Simon Fraser University, Earth Sciences.

- Allen, D. M., Liteanu, E., Bishop, T. W., & Mackie, D. C. (2003). *Determining the hydraulic properties of fractured bedrock aquifers of the Gulf Islands, B.C. Prepared for B.C. Ministry of Water, Land and Air Protection*. Burnaby, B.C.: Simon Fraser University, Department of Earth Sciences.
- Berardinucci, J., & Ronneseth, K. (2002). *Guide to using the B.C. aquifer classification maps for the protection and management of groundwater*. Victoria, B.C.: Province of British Columbia. Retrieved from http://www.env.gov.bc.ca/wsd/plan_protect_sustain/groundwater/aquifers/reports/aquifer_maps.pdf
- Environmental Reporting B.C. (2019). *Long-term trend in groundwater levels in B.C.* Victoria, B.C.: Ministry of Environment and Climate Change Strategy. Retrieved Feb 2021, from <http://www.env.gov.bc.ca/soe/indicators/water/groundwater-levels.html>
- Freeze, R. A., & Cherry, J. A. (1979). *Groundwater*. Upper Saddle River, NJ: Prentice Hall, Inc.
- Klassen, J., & Allen, D. M. (2016). *Risk of saltwater intrusion in coastal bedrock aquifers: Gulf Islands, B.C.* Burnaby, B.C.: Simon Fraser University.
- Kohut, A. P., & Johanson, D. A. (1998). *Assessment of groundwater availability and quality, Galiano Island, B.C.* Victoria, B.C.: Ministry of Environment, Lands and Parks, Groundwater Section. Retrieved from https://a100.gov.bc.ca/pub/acat/documents/r6457/776_1143682105055_8b7182b483ed458aad9da29ff7cef555.pdf
- Lepitre, M., & Beebe, C. (2019). Distance Drawdown and Streamflow Depletion Calculator, V 3.2. Victoria, B.C.: (Unpublished.).
- Province of B.C. (1999). *Aquifer Mapping Report (Classification Worksheet) AQ320 Galiano Island*. Retrieved Feb 2021, from Groundwater Wells and Aquifers: https://s3.ca-central-1.amazonaws.com/aquifer-docs/00300/AQ_00320_Aquifer_Mapping_Report.pdf
- Province of B.C. (2014, Apr 29). Water Sustainability Act. Victoria, BC: Queens Printer. Retrieved Aug 06, 2015, from www.leg.bc.ca/Pages/BCLASS-Legacy.aspx#%2Fcontent%2Flegacy%2Fweb%2F40th2nd%2F3rd_read%2Fgov18-3.htm
- Province of B.C. (2017). *Best practices for prevention of saltwater intrusion*. Retrieved from Ministry of Environment, Aquifer and Watershed Science: https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-wells/saltwaterintrusion_factsheet_flnro_web.pdf
- Province of B.C. (2020). *Aquifer 320 Factsheet*. Retrieved Feb 2021, from Groundwater Wells and Aquifers: <https://apps.nrs.gov.bc.ca/gwells/aquifers/320>
- Province of B.C. (2020). *Groundwater Level Interactive Map*. Retrieved from <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/groundwater-wells-aquifers/groundwater-observation-well-network/groundwater-level-data-interactive-map>
- Todd, J., Lepitre, M., Thomson, D., Ishikawa, J.-A., Wade, M., & Beebe, C. (2020). *Guidance for Technical Assesments in Support of an Application for Groundwater Use in British Columbia V-2. WSS 2020-01*. Victoria, B.C.: Province of B.C. Retrieved from http://a100.gov.bc.ca/appdata/acat/documents/r50847/GW_TAG_Aug2020_1605220217068_5216198940.pdf
- United States Environmental Protection Agency. (1992). *Seawater Intrusion Control in Coastal Washington Department of Ecology and Practice*. Seattle, Washington: EPA.
- Waterline Resources Inc. (2011). *Galiano Groundwater Study*. Victoria, B.C.: Prepared for: Islands Trust.
- Werner, A. D., Bakker, M., Post, V. E., Vandenbohede, A., Lu, C., Ataie-Ashtiani, B., . . . Barry, D. A. (2013). Seawater intrusion processes, investigation and management: Recent advances and future challenges. *Advances in Water Research*, 3-26.

Appendix A: Saltwater intrusion vulnerability assessment

Table A1: Saltwater intrusion vulnerability assessment criteria (WTN115952)

Assessment criteria	Characteristics associated with increased saltwater intrusion hazard	WTN 115952 characteristics	Observations
A. Well construction and siting			
Well depth (mbgs)	Deeper well that is close to drill into fresh-saltwater transition zone, or saline zone	67.1	
Well head elevation (masl)		54	Estimated from Water Allocation (WALLY) Tool Version: v1.1.5
Bottom of well (masl)	Wells drilled below sea level, with static or pumping water level below sea level	-13.1	Bottom of hole below sea level
Static water level (lowest reported) (masl)	Static water level at or below sea level	52.1	Static water level above sea level (December 2018)
Elevation of principal fracture (masl)	Elevation of principal fracture at or below sea level	-9.7	Principal fracture below sea level
Distance of well from coast (m)	Wells within <1 km from the coast (close proximity to coast)	415	Less than 500 m from shore in fractured rock aquifer
B. Aquifer and physiographic criteria			
Aquifer lithology (subtype)	Properties of aquifer influence potential mechanism of intrusion, e.g. through upconing or inland migration of seawater-freshwater interface during well pumping, or interception of well with and mixing of water from saline fractures	sedimentary bedrock (5a)	Sandstone and siltstone/shale
Hydraulic connection between aquifer and marine coast	Water levels can be tidally influenced, indicating likelihood of hydraulic connection between aquifer and sea	Yes	Tidal fluctuation noted in hydrograph monitoring before and after pumping test
Physiographic indicators	Areas of low topographic gradient, peninsulas, small islands have greater intrinsic susceptibility	No	Located in mid-slope discharge zone; artesian conditions identified (downslope wells) suggesting higher hydraulic gradient

Assessment criteria	Characteristics associated with increased saltwater intrusion hazard	WTN 115952 characteristics	Observations
			from upslope recharge (elevations up to ~190 masl). Average site elevational gradient 0.13.
Aquifer vulnerability to saltwater intrusion (risk class)	Hazard rating moderately high to high (in mapped areas)	Moderate	Based on 2016 SWI vulnerability mapping (pumping hazard) (Klassen and Allen, 2016)
Other comments			
C. Water quality criteria compared to operational threshold [OT]*	Water quality during well operation in comparison to operational thresholds		
Chloride (mg/L)[150 mg/L]		10	Below operational threshold
Electrical conductivity ($\mu\text{S}/\text{cm}$) (1000 $\mu\text{S}/\text{cm}$)		223	Field measurements of electrical conductivity ranged from ~270 $\mu\text{S}/\text{cm}$ to 230 $\mu\text{S}/\text{cm}$ during test
Total dissolved solids, TDS (mg/L)(700 mg/L)		148	Below operational threshold
Change in water quality during well operation	Increase in salinity during pumping (correlated to increase in pumping rate, or increased duration of pumping)	Not observed	Variable. Freshened with pumping, and declined overall during test
Change in water quality long-term	Increase in salinity over long-term	Not assessed	Well has not been put into use
Comparison of water quality to marine source (Piper-plot analysis)	Water quality on piper plot in the range of values for marine source, or mix of marine with other (fresh or mature) groundwater source	Not assessed	Fresh groundwater, based on low values of Cl, TDS and EC compared to thresholds
Water quality general observations	Comments related to when and how well sampling was completed, other observations		Samples collected at end of 72 hour pumping test
*Water quality from sample collected near end of pumping test on December 9, 2018, values from laboratory results. See also field parameters comparison.			

References: (Province of B.C., 2017; Klassen & Allen, 2016; Werner, et al., 2013; United States Environmental Protection Agency, 1992).

Dunlop, Tanya FLNR:EX <Tanya.Dunlop@gov.bc.ca>

Thu, Jun 10, 2021 at 4:01 PM

To: Gilian Dusting <gilian.dusting@shaw.ca>

Cc: Jennifer Margison <jkmargison@gmail.com>, Carmita <mjmenyhart@telus.net>, "Robinson, David FLNR:EX" <David.Robinson@gov.bc.ca>

Hi Gillian,

Thank you for meeting with us over the phone May 25 and further articulating your concerns here. To answer your "what if" questions:

- *Once the proposed development is operational, what happens if neighbouring wells experience problems with water quantity or quality?*

Precedence of rights, or "first in time, first in right (FITFIR)" as it pertains to domestic groundwater users who have deemed rights under Section 22(8) of the Water Sustainability Act (WSA), gives priority for diversion and use of water from the source (aquifer) according to the date that water was first used. In other words, in times of water scarcity, FITFIR provides a means to give seniority rights to water users with the older dates of precedence before those who are more junior users. Sections 86-88 of the WSA provides the ability for the province to invoke Temporary Protection Orders to curtail water use, beginning with those most junior users on a water source.

In practice, enforcement of FITFIR is challenging, since there are variables that can influence water availability, such as the adequacy and maintenance status of any property owner's particular works and pumping interference from other neighbouring wells.

- *How do you determine the cause and responsibility?*

The onus of the burden of proof is borne by the person whose well is claimed to be dry. This would typically need to be accompanied by a consulting professional's report that can clearly demonstrate that the reason for a dry well was due to pumping from a specific neighbouring well. This is why we use a precautionary approach in our analysis at the time of application and rely on the subject matter expertise of our Regional Hydrogeologist to help us determine the likelihood of any such impacts, thereby reducing the potential need for future enforcement of FITFIR.

- *Who is deemed responsible if strata properties with registered wells are expanded (main dwellings or cottages added, as the zoning allows) after the proposed development is operational and water issues begin to become evident?*

Since deemed rights are considered from the date of first use of water (Section 22 (8) WSA), if groundwater is not yet being used on those lots then no deemed rights exist. However, in terms of assessing water availability to inform a recommendation for a decision on this application, FLNRORD does consider the proposed (relatively small) volume in this application in the context of expected overall availability. In the [Assessment of Groundwater Availability and Quality report](#) (Kohut and Johanson, 1998), the groundwater region that this application is in was identified to have a low demand/storage ratio and well density. Hy-Geo (2019) confirms that considering the increased well density, the groundwater region still falls within this range. Overall water availability is not considered a concern for this application.

Therefore, before granting a commercial water license, I urge you, at the very least, to request two precautionary tests that have been done for the other proposed affordable housing development on Galiano that is currently before the Trust:

- 1. Monitoring of the development well along with two adjacent wells for an appropriate time so that any deviations (due to precipitation) in the current test result have an opportunity to be measured, and*
- 2. a pump test of the proposed development well in the driest period of the year.*

While a decision maker under the *Water Sustainability Act* could request that the static water level be monitored in the application well to provide additional information prior to a decision, it has not been deemed necessary. The [Guidance for Technical Assessments in Support of an Application for Groundwater Use in British Columbia V2](#) was considered for whether additional testing and professional hydrogeological review would be required. Using table 1 as a guide, this application falls just within Level 2, which recommends a preliminary desktop assessment by a professional. Although the pumping test provided was not ideal in that it was completed in December and was a step test rather than a constant rate test, it was deemed by the Regional Hydrogeologist that the pumping test and technical assessment provided adequately addresses concerns. If there were concerns that were not addressed adequately by the pumping test and technical assessment, additional testing would be required of the applicant.

Lastly, I agree with you that water disputes can lead to undesirable tension within a community, and this is certainly something that our ministry hopes to avoid by making sound decisions using the best information available to us. We rely on expert advice to help us make those decisions, and trust that those experts will let us know (as does occur on many files) when there is reason to seek out further information to address potential concerns prior to making a decision.

Sincerely,

Tanya Dunlop

Authorizations Specialist – Water

West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

103-2100 Labieux Rd., Nanaimo, BC V9T 6E9 | Tel: 250 739-8391 *NEW

tanya.dunlop@gov.bc.ca please consider the environment before printing this email

Appendix 5

Correspondence re Trust Policy Directives and Implementation



Robert Kojima 2:58 PM (5 hours ago)

to me, Brad, Lori

Ms. Margison,

Executive Committee has requested that I respond to your correspondence regarding the application of directive policies in the Islands Trust Policy Statement, specifically policy 4.4.2 (attached)

Your first question is whether the Galiano Island OCP (Bylaw 108) is in fact consistent with Islands Trust Policy Statement Directive Policy 4.4.2, specifically you assert that the OCP “contains no policies requiring consideration of already occurring water problems or anticipated and seasonal demands”. An OCP’s consistency with the Policy Statement must be interpreted in accordance with its overall text, context and purpose, not by examining the wording of specific policies in isolation. As you point out, the OCP contains a number of policies and objectives that “stress the critical importance of water...in land use decision making.” In addition to the various policies and objectives you cited, there are also policies stating:

- “the need to protect areas identified as important for the maintenance of the groundwater resources”
- “An adequate supply of potable water, as specified in regulation, must be proven for each new lot created by subdivision.”
- “The Approving Officer shall be requested to ensure that before a subdivision is approved, it must be demonstrated that withdrawal of groundwater for new lots will not adversely affect the supply to existing and potential water users.”

So in its consideration of whether the Galiano Island OCP is not contrary or at variance with the Islands Trust Policy Statement, the Executive Committee of the day would have considered the OCP as a whole; and evidenced by the fact that EC approved the bylaw and all the amendments to it, EC considered that the OCP is not contrary or at variance with the Islands Trust Policy Statement, including policy 4.4.2.

Second, you question whether staff were correct in recommending that Bylaws 276 and 277 (GIGARHS) were not contrary to or at variance with the Islands Trust Policy Statement, specifically policy 4.4.2, and question the correctness of the LTC in passing a resolution stating that the bylaws were not contrary or at variance with Policy Statement. In providing the recommendation, staff relied not only several professional reports and the advice of the Islands Trust Freshwater Specialist, but also on the measures proposed to minimize groundwater impacts, including a proposed s. 219 covenant and a Water Management Plan. As just one example, a professional report (February 16, 2021) concluded: “It is evident that the well is capable of meeting a demand of 2 US gpm on a sustainable basis and use of the well should not have any significant or detrimental quantity or quality effect on any of the other wells in the region.” The LTC has had the benefit of considering this report, along with the other professional reports, and also has considered the measures that it would be requiring to implement the various recommendations.

In summary, in determining that it considered that the bylaws would not be contrary to or at variance with the Policy Statement, the LTC would have examined the application as a whole, in conjunction with all the information it has received, and the measures it will be requiring as conditions of approval.

Robert Kojima

Regional Planning Manager, Southern Team

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5159 | www.islandstrust.bc.ca

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

June 27, 2022

To the Islands Trust Executive Committee Members,

I request that the Islands Trust Executive Committee administrative not approve Bylaw #274, Bylaw #276 and Bylaw #277.

The reasons for this request are:

1) Bylaw #274

Not in Compliance with Policy Statement Requirements - Procedural Irregularity

Background:

GIGARHS Public Hearing - July 16/2022

Staff Report- File No: GL-RZ-2019.1 (GIGARHS) Date of Meeting: July 16/2022

5. That the Galiano Island Local Trust Committee proposed Bylaw No. 274, cited as "Galiano Island Housing Agreement Bylaw No. 274, 2019", be read a first time.

6. That the Galiano Island Local Trust Committee proposed Bylaw No. 274, cited as "Galiano Island Housing Agreement Bylaw No. 274, 2019", be read a second time.

7. That the Galiano Island Local Trust Committee proposed Bylaw No. 274, cited as "Galiano Island Housing Agreement Bylaw No. 274, 2019", be read a third time

A motion with respect to the Bylaw 274 and the Policy Statement was not on the agenda but was added at the meeting.

Chair Rogers and Planner Smith comments. Chair Rogers and Trustee Rockafella did not seem to have on their computer what Planner Smith was looking at and it was difficult to hear what was being said.

(transcript)

2:42:21 - Chair Rogers asked Planner Smith - *"When we get to 274, do we need to do your motion related to the Trust Policy Statement and 274 before we start getting the readings?"*

Planner Smith - *"It is most appropriate."*

Chair Rogers - *"And we don't have, and I was saying...The Policy Statement checklist, if they were all checked up for 276 and 277? It all would have been the same for the Housing Agreement, correct? That's your sense."*

Planner Smith - *"I just want to make sure that there are not some specific housings that should be checked instead of N/A ...but I think that..."*

Chair Rogers - *"It ought to be a specific section on housing."*

Planner Smith - *"Maybe, perhaps about health and well being.....and is checked"*

Chair Rogers - *"That's already checked so will it be the same Trust Policy."*

Planner Smith - *"The same Policy StatementI will just make it fit the top..."*

2:43:40 Chair Rogers - *"Then let's have the motion."*

Trustee Rockafella read the motion:

That the Galiano Island Trust Committee review Islands Trust Policy Statement directives,.....checklist administrativeBylaw #274 is not contrary to or at variance with Islands Trust Policy Statement.

(the recording was not clear when Trustee Rockafella spoke)

Seconded by Chair Rogers, vote was in favour.

Trustee Rockafella, Chair Rogers and Planner Smith did not approve this motion according to POLICY – 5.4.2 Procedural Fairness in Rezoning

3. Evidence-based Decision Making

o avoid making motions to add significant decisions about rezoning applications as 'late' items on an LTC agenda.

The motion, not on the agenda and added at the meeting was not an unimportant one. On the contrary it was a significant decision. This motion was in relation to the Islands Trust Policy Statement that requires that a bylaw, in this case Bylaw #274, is not contrary or at variance with the Islands Trust Policy Statement. This bylaw is the first Housing Agreement bylaw on Galiano and the Trustees passed this motion without even seeing the TPS Directives checklist.

First, second and third reading were given a few minutes apart.

There was no opportunity for input from anybody present at the meeting with respect Bylaw #274. The Public Hearing on June 16th was about Bylaws #276 and #277, not Bylaw #274.

Several letters were sent to the Trustees in advance asking that the Housing Agreement not be included in the Public Hearing. The reason for the requests were to make sure that people could provide their input. People in the audience were not able to say a word about this breach of procedure.

I submit to you that the approval of Bylaw #274 was contrary to the intent of the Public Statement and Procedural Fairness in Procedure.

2) Policy Directive 5.2.6 - Policy for Sustainable Communities

Not in compliance with Policy Statement Requirements

The Policy Statement Directives Checklist for Bylaw #276 and Bylaw #277 did not include Policy Directive 5.2.6 (February 7th/2022 Galiano Local Trust Committee meeting).

5.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

The Galiano OCP, under Section II: Land Use says: land use decisions for all zones shall be directed by the following criteria where relevant:

XI) the need to protect life and property from the threat of fire

XIII) the protection of development from hazardous conditions

Policy Directive 5.2.6 is relevant to the GIGARHS application. The housing project is in the Heritage/Community Forest, a hazardous area for development due to high risk of wildfire. In 2006 Galiano Island experienced the largest wildfire in modern history on the Gulf Islands. Sixty-one hectares of the 126 ha Heritage/Community Forest were burnt. Many people were evacuated; at one time there was talk of evacuating the entire island.

Neighbors close to the Community Forest have written letters to the Local Island Trust presenting the fire risk of this forest and requesting a Wildfire Hazard Assessment by a qualified forester.

These requests were based in information from the Community Forest 2020 Management Plan written by Keith Erickson (R.P.Bio) that states:

In general, rising temperatures, changes to seasonal precipitation patterns and more extreme weather events are already affecting the Islands Trust Area, and we can continue to expect: • Warmer summer temperatures, with hotter and more extreme heat days in summer. • Warmer nights and a longer growing season. • Warmer winter and summer temperatures. • Less rain and longer droughts in the summer months.

3.2.1 Wildfire In the summer of 2006, a wildfire originating on a neighboring property swept through the Community Forest Lands, burning approximately 27 hectares of the Properties and about 32 hectares in total (Fire perimeter is shown on Map 1). The fire was classified as a rank 3-4 according to Ministry of Forests Fire Intensity Ranks and was characterized by vigorous surface fire and frequent crowning.

6.5 Fire There is a high risk of fire within the Properties during months of low precipitation and warm temperatures. The risk is at its greatest in late July, August, and early September, before the autumn rains. Fuel loads within regenerating plantation and recently clear-cut areas of the Properties are high and are symptomatic of high intensity wildfire conditions. Similar conditions exist on adjacent Properties. The potential consequence of wildfire within the Properties is extremely high due to the presence of Hydro Transmission Lines that service Southern Vancouver Island. Wildfire originating

from or spreading through the Properties would also pose a threat to neighbouring lands.

Potential impacts to the property stemming from climate change could include: • The presence of some species (e.g. Western redcedar, grand fir) to decline and the presence of other species (e.g. Garry oak) to increase. • The introduction of new species that are extending or shifting their ranges. • Longer and more intense drought periods, which in turn may lead to an increased frequency of wildfires, stress on vegetation growth and shifts in ecological function.

The Galiano Community Wildfire Protection Plan (2009) states: "A pre-development 'Fuels Hazard and Fire Risk Assessment' report should be completed, by a qualified professional forester, as a requirement of the development application process."

The local volunteer Fire Department has commented on the project by stating that Fire Smart principles are recommended for the housing site. Yet the Galiano Community Wildfire Protection Plan states: "The FireSmart guidelines should be considered as the minimum standard any development must adhere to." And FireSmart measures would only be implemented on the actual 2 ha housing site that is in the middle of 126 ha of "high intensity wildfire conditions."

The Galiano Community Wildfire Protection Plan also states: "A responsible development plan should consider prevention of two types of wildfire interface scenarios. The first is that of a wildfire starting in the forest and spreading into the interface community, the second is that of a fire starting from human activity in the urban environment and spreading into the adjacent forest."

A neighboring property owner, who has battled numerous forest fires as well as being a certified arborist and a journeyman powerline technician wrote, "The Community Forest is what woodland firefighters call a "Jackpot". Most of the area is thickly covered with dead cedars, grass, mature Scotch Broom, and dense third-growth conifers. There is also a heavy ground fuel load that combines with the layered brush canopy to create a volatile mix that would encourage several distinct types of fire behavior. The grass creates a ground fire, the piles of dead cedar create durable fuel loads, and the dense conifers can create crown fires, which are fast moving and extremely dangerous. Besides the Fire Danger Rating, two other major factors are slope and wind. The Community Forest is on a substantial slope. Making the matter worse is that sunny and hot weather in this micro-climate is often associated with outflow winds, which are generally from the northeast and almost directly uphill. Dense vegetation, slope, and confluent wind conditions create the perfect conditions for extreme fire behavior".

and

"Building numerous housing units in the middle of this "Jackpot" would add an undue amount of risk to an already tenuous situation."

However, the Galiano Local Trust Committee based their decision of not requesting from the applicant a wildfire assessment on only one source, a letter from South Fire Chief Scott Sugden (South Island GVFD). This letter can not be found under Professional Reports or Submissions by the Applicants on the Current Applications website (Galiano Island Trust - GIGHARS application).

According to a response from Planner Smith (March 17/2021), the referral from the South Island GVFD came back with a recommendation to approve the bylaw subject to conditions. The actual wording of the response to the referral was this:

The proposed development will require water storage for firefighting purposes. It is my recommendation that this water supply be established prior to construction.

Up to 48 future tenants could be in danger, this project could go up in flames, adjacent properties could be destroyed, and great ecological damage could be done.

I submit to you that Policy Directive 5.2.6 should be added to the Bylaw #276 and #277 checklists; that Bylaws #276 and #277 that will enable the GIGHARS application are contrary and at variance with the Policy Directive 5.2.6; that the Galiano Local Trust Committee ignored the risk for the potential residents of the housing development and the neighbours in proximity to the Community Forest by not considering the Precautionary Principle in their decision to not requiring from the applicant a wildfire assessment by a qualified forester.

I hope that in this case, the members of the Islands Trust Executive Committee will take seriously the Importance of protecting life and property from the threat of fire. Not all Galiano properties have the same level of wildfire risk. To say so is a very simplistic way of ignoring areas with very extreme risk of wildfire like the Community Forest. To ask for a current wildfire assessment of the Community Forest in this time of climate emergency is not to ask for the moon, it is a very logical and responsible request.

I will finish this submission by reiterating my request, based in the evidence presented, that the Islands Trust not approve Bylaws #276 and Bylaws #277 because they are not in compliance with the Trust Policy Statement and the Trust Object.

Maria del Carmen (Carmita) de Menyhart

[REDACTED]

Galiano Island

To: The Executive Committee, Islands Trust

July 25, 2022

Re: Galiano Island Proposed Bylaws #276 & #277

I am asking you as a committee not to approve Bylaws #276 and #277 for the rezoning of the Heritage Forest as written.

Attached are my Public Hearing submissions: July 15 & 16, 2022. As a past Trustee, I am requesting that you to take the time to read and consider them carefully. Planning for a six-thousand-acre forest zone on Galiano Island as was envisioned by the LTC of the time, required a thorough knowledge of the Islands Trust Act, the Local Government Act and the Municipal Act.

I was part of the Local Trust Committee: Griffiths, Holmes, and Borrowman (2000) that wrote the foundation Bylaws, Covenants and Deeds of Trust that created the Heritage Forest (FH), the documents that allowed for 1 % of the FH lands of 200 ha or more, designated as Heritage Forest to be subdivided for affordable housing at a density of 4 dwellings per 2 ha maximum.

In my role as a Trustee, I was successful in negotiating with the Forest Lot Owners of DL 30 & 31, resulting in them giving up title to 150 acres/77.6 ha of their land in exchange for permission to subdivide for a strata lot development on 1/3 of their lands, using their desire to extricate themselves from forest lot stalemate on Galiano as a lever.

Even in the year 2000, 150 acres of land on Galiano was worth something. They gave this land up to a public NGO, the Galiano Club because there was a Covenant and a Deed of Trust registered on title that would restrict the development of the Heritage Forest for affordable housing to 4 dwellings on 2 ha. The new purchasers of the strata lots were asked to sign a Disclosure Statement which contained the Covenant.

It appears that I, as a Trustee misled the owners of DL 30 & 31 GIE Estates. If I knew then how the beneficiary of the Heritage Forest (the Galiano Club) would willfully manipulate the Covenant Holders, the Deed of Trust and the Bylaws on which the Heritage Forest was created to create density adjacent to the strata subdivision that triples what was in the Bylaws, Covenant and Deed of Trust to 12 dwellings instead of 4 dwellings for affordable housing. I would not have approved the initial Heritage Forest Bylaws nor the GIE Estates application. The owners of DL 30 & 31 placed their Trust in the Local Trust Committee and the Islands Trust Corporation.

The Heritage Forest is worse than a failed experiment, it is a robbery. As past Trustee I feel like I am at the center of the heist. Alf Wall, principal and accountant for GIE Estates, the company that gave up their 150 acres of Forest land spoke at the recent public hearing on the GIGARHS rezoning on July 16th saying GIE Estates would not have given their forest land if the density for affordable housing was going to be what is in proposed Bylaws #276 and #277.

The Chair of the Local Trust Committee, after he closed the public hearing, read out a very long statement (more than eight pages) with his reasons for approving the proposed bylaws. He could not have had the time to consider my submission July 15th, nor fully understand the implications

of passing the bylaws that I made in two other submission letters to the public hearing on July 16th, letters, that I had to condense to squeeze onto the four and then two minute speakers' time slots allowed.

In her closing remarks, Trustee Rockafella made a three-sentence statement where she asked Staff about a mechanism for getting assurance that DL 30 & 31 would not be eligible for more affordable housing development. There was also discussion with Staff about affordable housing development potential in the Heritage Forest on DL 32. DL 32 remains available to repeat the whole scheme that the owners, the Galiano Club are enabling on DL 30 & 31. Staff responded that they would have to ask the Galiano Club to consider putting a covenant on future development. That should have been a requirement, not a request of passing proposed Bylaws #276 and #277.

I ask that the Executive Committee not approve Bylaws #276 and #277. To do so would make a mockery the endurability of protective land covenants, good faith negotiations between previous LTCs and Forest lot owners, the understanding that subsequent purchasers of the strata lots had about density in the Heritage Forest lands and the Trusts' "preserve and protect" mandate.

Sincerely,

Debbie Holmes (Trustee 1996 – 2002)

 Galiano

Attached:

Public Hearing submission #1 July 15th

Public Hearing submission letters #2 & #3 July 16th

July 15, 2022

To Islands Trust Local Trustees:

Tahirih Rockafella & Dan Rogers (Chair)

(Third member of LTC Jane Wolverton recused due to Conflict of Interest)

Islands Trust Planner – Brad Smith

Regional Planning Coordinator - Robert Kojima

Member of Parliament - Elizabeth May

I would like to state my reasons for opposing Bylaws # 276 and # 277.

I was Trustee 1996 – 2002 with Margaret Griffiths (a 5 term Trustee) during which time amendments were made to the Official Community Plan that created the Forest zone bylaws, including the Heritage Forest.

In my submission to you, I will explain that the Heritage Forest covenants on DL 30 and 31 and the separate covenant that exists on DL 32 identified **conditions precedent upon the OCP and LUB bylaws of the day** (March 2000). **The covenants are part of OCP Forest Policy d) iii.** The covenants had to be in place before the Local Trust Committee (December 2005) could sign off on the rezoning bylaws for DL 30,31 & 32 and enable transfer title of the Heritage Forest from the Forest Lot Owners to a non-profit organization. The covenants cannot be separated or treated as distinct by this Local Trust committee, from the OCP and LUB bylaws of the day.

To do so is a serious breach of the covenants: 1. by the Galiano Club who has brought this application forward to the LTC, 2. by the LTC for allowing this application process to continue in spite of this breach and 3. by the covenant holders, the Galiano Conservancy Association and the Habitat Acquisition Trust for not objecting to a breach of the covenant but in fact agreeing to amend the covenant on DL 30 and 31 to supposedly come into compliance with the rezoning application.

Condition 1. Land Size: The covenants that govern Heritage Forest land require a minimum land base in order to trigger the provision that could allow for affordable, seniors or special needs housing if deemed suitable by the LTC. That land base requirement is **200 or more ha** to allow for 1% of the Heritage Forest to be developed and that a parcel is not to be less than 2 ha. It is simple math. A land base of 200 ha could provide 2 ha or 1% for possible affordable housing development if deemed suitable by the LTC. In the case of the GIGARHS rezoning, that land base requirement has not been met: not even close if it is only the covenant on DL 30 and 31 that will be amended as it appears, according to the December 5, 2019 letter from the two covenant holders to Judy Hayes, President of the owners of the land, the Galiano Club. DL 30 and DL 31 total a land base of only 77.46 ha, less than 40% of the land needed under the terms of the covenant. DL 32 totaling 48.6 ha has not been referenced in the covenant amendment letter but if that is added, it is still only 126.6 ha, far short of the required 200 ha.

Condition 2. OCP and LUB Bylaws The covenants also identified other conditions precedent upon the OCP and LUB bylaws of the day. They required that if the affordable housing provision could be triggered by a sufficient land base - 200 ha or more - the rezoning considered would be under **Community Facilities with a very specific density restriction in the LUB** that remains in the LUB today under 8.2.3 - *the density of affordable and special needs housing must not exceed 2 dwellings per ha*. Yet we are faced with a rezoning under another zone, Community Housing, that does not have any density limitation as does Community Facilities. This rezoning application is for 6 dwellings per ha, for a total of 12 - three times what Community Facilities allows and what was intended by the OCP, LUB the covenants and the Trustees of the day. Why? This is a serious breach and a willful misunderstanding of the work that was done by the Local Trust Committee (March 2000) to protect the Heritage Forest. The LTC and legal council determined that a low density of this type permitted under Community Facility on a very large piece of land - 200 ha or more - would not impact the environment unduly - the very objective of the covenants, the Declaration of Trust and the clear intent of the Trustees Griffiths, Holmes, and Borrowman who took their preserve and protect roles very seriously.

“The Islands Trust Mandate is no mere piety” Justice Southin (McMillan Bloedel v Galiano Island Local Trust Committee). The Islands Trust Corporation must be vigilant in its administration of its Bylaws.

I provide further evidence for this in my letter.

The Heritage Forest legislation.

OCP Bylaw No. 108 Forest Policies d)

Lands zoned F1 on the date of adoption of this policy may despite the minimum lot area specified in F1 zoning regulation be rezoned to RR (Rural Residential) and FH (Heritage Forest) to permit one dwelling per 8 hectares (19.76 acres) of F1 zoned land, if the owner

- i) complies with land Transportation Policy 0);*
- ii) submits development approval information that recommends a preferred location and layout for such dwellings minimizing their impact, and that of related services, on the forest ecosystem of adjoining lands that will retain Forest zoning, with the area proposed to be rezoned to RR occupying not more than one-third of any waterfront boundary of any lot proposed to be rezoned; and*
- iii) transfer any lands in excess of 2 hectares (4.94 acres) per 8 hectares (19.76 acres) of F1 land being rezoned, which excess lands must be rezoned FH (Heritage Forest) to permit forestry and associated educational uses only, to an incorporated Galiano Island organization of at least 30 years standing that has as one of its objects the stewardship of forest land. The owner must prior to the transfer grant to the Silva Forest Foundation and the Local Trust Committee or any other covenantee satisfactory to the Local Trust Committee a covenant to manage the Land in accordance with sustainable forest practices and prohibiting subdivision of the Land.*

Owners are encouraged to plan the development of their lands co-operatively, as such co-operative planning may increase the likelihood of residential sites being selected that will have the least possible impact on forest ecosystems. The Galiano Island Local Trust Committee may accept applications made within two years of the adoption of this policy. In considering

development proposals the Local Trust Committee must be mindful of the benefits to be achieved if the use of the lands involved in any application were to be planned together with the use of other F1 lands, and rezoning applications formulated co-operatively.

This policy is intended to deal with the extraordinary circumstances that have been created by the private acquisition for residential and development purposes, at a time when the zoning status of the lands was before the courts, of forest lands whose suitability for subdivision and residential development has never been systematically evaluated.

A breach of the Heritage Forest Covenant happened when in the Rezoning Application Form GL-RZ-2019.1 under proposing rezoning was written Community Housing 2, instead of Community Facility.

The Galiano Club Constitution under “The objects of The Club shall be: (d) to hold and administer heritage forest lands (zone FH) in accordance with heritage forest covenants on such lands.” Covenant # EX 153877 & # EX 153879. The Covenant recognizes the lands are held under a Declaration of Trust registered on December 1, 2005 # EX 153876.

I would like you to note a discrepancy between the Rezoning Bylaw Application form GL-RZ-2019.1 Sept 10, 2019, and the Heritage Forest Covenant and Declaration of Trust.

The Rezoning Bylaw Application Form states in Section 2: Owner information Judy Hayes President and in Section 3: Applicant information, Gulf Islands Galisle Affordable Rental Housing Society, GIGARHS c/o Richard Dewinetz – president. In Section 11 under Owner’s Consent and Authorization there is a signature with a date – signature redacted (attachment).

Page 2 of the Rezoning Application Form, under Section 4: Plan Designation or Zone Changes, contains the following information:

Current Zoning FH-Heritage Forest

Proposed Zoning – CH-2- Community Housing-Two

The Rezoning Bylaw Application Form, on page 56 includes the Covenant # 2- Dec 2005,14.

The Covenant page 20, Section 28.2 states:

“Without limiting the generality of Section 28.1 the following rights are expressly reserved to the Owner:

- a) To subdivide the Land in accordance with section 4.1(g) of the OCP which states:
In connection with the implementation of Forest policy (d) an area comprising 1 % of the area of F1 lands being rezoned to RR and FH may, if the area is deemed suitable for the purpose by the Local Trust Committee, instead be rezoned to CF (Community Facility) to permit affordable housing, including housing for senior citizens and the land required to be simultaneously transferred to an incorporated non-profit society having as one of its objects the development and operation of affordable or seniors housing or alternatively an option to purchase the land for nominal consideration granted to such a society. This policy must not be used to create CF parcels with areas less than 2 ha”*

The Declaration of Trust registered on Title states:

f) To prevent the subdivision, residential occupation or use of the Land for non-forest uses, except for the purpose of providing affordable housing, including for senior citizens in accordance with Section II, Part 4, Community Facilities and Utilities, Community Facilities Policy 4.1 g) of the Galiano Island Official Community Plan Bylaw No. 108;

OCP Bylaw No. 108 4.1 g) Community Facilities Policies

“In connection with the implementation of Forest policy d), an area comprising 1 % of the area of F1 lands being rezoned to RR and FH may, if the area is deemed suitable for the purpose by the Local Trust Committee, instead be rezoned to CF (Community Facility) to permit affordable housing, including housing for senior citizens, and the land required to be simultaneously transferred to an incorporated non-profit society having as one of its objects the development and operation of affordable or seniors’ housing, or alternatively an option to purchase the land for nominal consideration granted to such a society. This policy must not be used to create CF parcels with an area less than 2 ha.”

Land Use Bylaw No. 127 8.2 Community Facility Zone CF

Permitted Uses

8.2.1.4 affordable and special needs housing

Permitted Density

8.2.2 “The density of affordable and special needs housing must not exceed 2 dwellings per hectare.”

Land Use Bylaw No. 127 Interpretation

17.1.11 “dwelling” means a building that is used as a residence for a single household containing eating, sleeping and living facilities and a single set of facilities for food preparation.

In summary:

A breach of the Heritage Forest Covenant happened when in the Rezoning Application Form under proposed rezoning was written Community Housing 2, instead of Community Facility as stated to permit rezoning for affordable housing as prescribed in Section 28.2 of the Covenant and Section f) of the Declaration of Trust.

Community Facility (Land use Bylaw # 127) permits a density of 2 dwellings per hectare. The proposed application is for 12 units – 6 dwellings per hectare. A housing project under Community Facility would have a small footprint on the land, much less consumption of water and produce less volume of waste.

Requirement of the Covenant by the Local Trust Committee.

Official Community Plan Bylaw 108 Forest Policies

d) iii) transfer any lands in excess of 2 hectares (4.94 acres) per 8 hectares (19.76 acres) of F1 land being rezoned, which excess lands must be rezoned FH (Heritage Forest) to permit forestry and associated educational uses only, to an incorporated Galiano Island organization of at least 30 years standing that has as one of its objects the stewardship of forest land. The owner must prior to the transfer grant to the Silva Forest Foundation and the Local Trust Committee or any other covenantee satisfactory to the Local Trust Committee a covenant to manage the Land in accordance with sustainable forest practices and prohibiting subdivision of the Land.

Owners are encouraged to plan the development of their lands co-operatively, as such co-operative planning may increase the likelihood of residential sites being selected that will have the least possible impact on forest ecosystems."

The Covenant was a condition precedent to approving the rezoning application. The covenant was a Bylaw requirement, it was a prerequisite to the transfer of title, it was binding on the LTC.

Trustees Louise Decario and Sheila Anderson – letter to Galiano Club Heritage Forest Committee June 19 2005 (attached)

"We recognize with great respect how hard your committee has worked for years to ensure this covenant gets done.

At present we see the heritage forest parcels of DL 30,31 and 32 legally separated from the RR zoned portions of these same DLs as a result of landowners applying for and receiving first the RR/HF zoning and then subdivision from MoT. To enact the option. During the subdivision new public road dedications for the future have been created across these parcels. New public shore access and community parks have been set aside. The Heritage Forest however remains in limbo: signed transfer papers are in the hands of the Galiano Club lawyer but cannot be registered until the covenant is signed and ready to be registered on title. Until transfer occurs the land remains owned by the developers who are already receiving benefits of rezoning. Meanwhile there is no protection on the land from further extraction of resources, or misuse of any sort. This is reason for quickly and correctly getting covenant and title in place. The RR lots on DL 30 and 31 have almost all been sold, homes are going up, and the new owners have the expectation that the adjoining Heritage Forest will be protected by Covenant and held in Trust by the Galiano Club. Many of them will perhaps be eager to assist the Galiano Club as volunteers in day-to-day care of the land. But of course, the Club cannot take this on until they own the land.

*Please reflect on the important role this covenant will play in the protection of the land and its future community owned forest. While our OCP and LUB have created the Heritage Forest and its permitted uses, they are living documents that can and will change under the direction of future Trust Committee decisions and/or Provincial legislation. **Although our present OCP and LUB show intent that Heritage Forest is to be sustained, it is the required covenant that will increase the chances of the land remaining community forest for the long term, even if there is someday a change to the OCP or LUB.** The covenant sought is an agreement between four non-governmental organizations that share goals appropriate to protection and tenure of the Heritage Forest designated lands. The organizations chosen to be covenant holders are all*

approved as such by the Province. These organizations must keep up to date on the latest aspects of covenants if they are to protect their ability to maintain the commitments of holding a covenant in perpetuity. The commitments made by the Galiano Club to be title holder and by HAT, SILVA, and GCA to be covenant holders are all significant contributors of foresight. It is clear that the most important thing is to complete the process thus ensuring that the land is protected and cared for without risking the long-term viability of the Galiano Club or the Covenant holders.

In the interest of getting a covenant signed and registered we urge that your committee, the covenant holders and Trustees meet again in a spirit of cooperation and trust to iron out remaining differences. We believe a conclusion can be reached; we know the benefits will be very great.

Calculating the Heritage Forest Land Base

Islands Trust Bylaw Amendment Application Form GL-RZ-2019.1

Section 1 Description of Property lists District Lots 30 & 31 – there is no mention of the Heritage Forest DL 32 in the application for a Bylaw Amendment. How does the Local Trust Committee calculate 1% of the Heritage Forest Land Base as outlined in the OCP, Covenant and Deed of Trust when the Bylaw Amendment Application Form is only for DL 30 & 31?

OCP Bylaw No. 108 4.1 g) Community Facilities Policies

“In connection with the implementation of Forest policy d), an area comprising 1 % of the area of F1 lands being rezoned to RR and FH may, if the area is deemed suitable for the purpose by the Local Trust Committee, instead be rezoned to CF (Community Facility) to permit affordable housing, including housing for senior citizens, and the land required to be simultaneously transferred to an incorporated non-profit society having as one of its objects the development and operation of affordable or seniors’ housing, or alternatively an option to purchase the land for nominal consideration granted to such a society. This policy must not be used to create CF parcels with an area less than 2 ha.”

I ask that you request your legal council, specifically Bill Buholzer (who wrote the Forestry Bylaws) to assess the broad consequences of approving the proposed rezoning application. Bill Buholzer also needs to assess if the percentage of Heritage Forest land base that is eligible to create a site for Community Facilities affordable housing in connection with implementing Forest policy d).

Where things went wrong:

A breach of the Heritage Forest Covenant happened when in the Rezoning Application Form under proposing rezoning was written Community Housing 2, instead of Community Facility as stated in the OCP, LUB, Covenant and Deed of Trust.

The Planning Department of the Islands Trust apparently did not see or object to the change from Community Facility to Community Housing 2. The staff must have taken the information provided to them by the applicant acting as agent for the Owner in Trust of the land, without knowing that this information was contrary to the Heritage Forest Covenant and the Declaration in Trust.

It is incumbent upon the Planning Staff to correct the error in this application. Failing that I call upon the Islands Trust Corporation to hold the covenant holders in breach.

I ask that the two voting members of the Local Trust Committee not breach the Covenant by approving proposed Bylaws # 276 and # 277.

Proposed Bylaws # 276 and # 277 if approved will change not only the Covenant but provide the catalyst to change residential density of the Forest land base on Galiano; coming soon (Letter to The Galiano Community : Proposed plan for our 13 forest lots on Galiano Richard and Evelyn Dewinetz March 21, 2021) will be multiple applications for a residence to twenty acres throughout the 5600-acre Forest zone **with absolutely no provision for affordable housing.** The concept of this level of residential density has been a long-held goal of the Forest Lot Owners. Since 1993, in all Forest 1 lots in the Forest zone lot lines have been surveyed to 8 ha. (19.76 acres) and the PLAs in place awaiting this moment in time, awaiting a Trust Committee willing to breach the Heritage Forest Covenant.

*“Date: **March 21, 2021***

*Letter To: **THE GALIANO COMMUNITY***

*From: **Richard and Evelyn Dewinetz***

*Subject: **Proposed plan for our 13 forest lots on Galiano.***

Introduction:

As many of you know, we worked successfully with the Galiano Local Trustees several years ago to rezone a large portion of our privately owned forest lots to create 12 residential lots. As part of this rezoning, we donated approximately 160 acres to BC Parks to expand Bodega Ridge Park. From the proceeds of selling the residential lots, we made donations of \$ 130,000.00 to the Galiano Museum Society, \$35,000.00 to the Health Care Society, \$50,000.00 to the new North End Fire Hall and just over \$ 108,000.00 to Page Drive. Total donations for this rezoning: \$323,000.00.

Rezoning:

*We still own 13 forest lots, (Lot # **1,2,11,13,14,16,17,18,19,22,29,30**) and have owned them since the early 1990’s. We are requesting that **8 of our 13** lots be **rezoned to F3** which allows a single residence per lot.*

Each of these 8 lots, when built on, would be required to conform to local Galiano requirements, including required setbacks from the ocean, from property lines, and conform to the size and height limits as set out in the Galiano OCP.

Our Offers:

We offer the following benefits to the Galiano Community.

Community Park:

We will donate five of our waterfront lots (# 16,17,18,19 &22), comprising 100 acres, to BC Parks. When added to BCPark’s lots #20&21 (40 acres), which we donated to them several years ago. Galiano could gain a 140-acre waterfront park, with almost two kilometers of waterfront and 2 eagle nesting trees.

Community Donations:

Of the eight rezoned lots, Lot # 11, one of our 20-acre upland lots, when sold, the net proceeds will be donated to the Galiano Club. They could then use the funds to complete the restoration of their Community Forest. This part of our plan could provide an expected \$ 200,000.00.

Additionally, when each of our seven remaining 20 acre lots are sold, we will donate \$25,000.00 to the Affordable Housing Society (GIGARHS) on Galiano: for a total donation of \$175,000.00

And when lot 4 (the lot with the home is sold, a further \$ 50,000.00 will ne donated to the Health Care Centre.

This would bring the total donations to \$425,000.00 .

Forest Protection

All eight lots would remain in the provincial Managed Forest category, because the Managed Forest Act includes the following benefits/protections to the community:

The federal fisheries act

Forest management regulations

Water sustainability act

Fish protection act

Managed forest regulations

Wildlife act

Species at risk act

Soil conservation act

Our addition – no clearcutting

Covenants:

We offer a clear, one page covenant with the LTC or other acceptable covenant holder such as The Land Conservancy, that prohibits any clearcutting and limits any harvest to what is clearly spelled out in the managed forest regulations.

Note: There are no old growth trees on any of our properties.

Important Note:

Our offer, any of its proposed community benefits, will not be a condition of any rezoning for any other F1 lots on Galiano. Most of these owners only want the simple right to build a family home on their property.

Why Now?

You may wonder why I am making this offer at this time in my life. Simply put, I am now 80 years old. Evelyn and I have lived almost full time on Galiano for over 12 years and we have made many good friends here, we have become involved in several aspects of this community, supporting many non-profits and societies. I have had a successful business career, and now I want to spend my remaining retired years here on Galiano and leave a legacy for the present and future community.

We believe that this proposal is a win, win for all of Galiano.

We are asking for your support, if you agree with our proposal, please let our Trustees Jane and Tahirih know your thoughts.

Please feel free to call Richard at home on Galiano if you have any questions or ideas.

Cell # 604-992-8700" (attachment)

Richard Dewinetz as agent in the rezoning application and primary contact for the Galiano Club.

Have the Local Trustees examined the integrity of the proposed bylaw amendment? Has anyone looked at the possible question of Conflict of Interest or bias?

Islands Trust Bylaw Amendment Application Form GL-RZ-2019.1 District Lots 30 & 31 September 10 2019

Applicant Information (If different from the Owner)

Gulf Islands Galisle Affordable Rental Housing Society GIGARHS c/o Richard Dewinetz – President

Primary Contact: Richard Dewinetz – President

Richard Dewinetz, the agent and primary contact (on behalf of the Owner the Galiano Club) for the proposed rezoning GL-RZ-2019.1 says in his:

“Letter to The Galiano Community: Proposed plan for our 13 forest lots on Galiano Richard and Evelyn Dewinetz March 21, 2021”

“Community Donations:

“Of the eight rezoned lots, Lot 11, one of our 20-acre upland lots, when sold, the net proceeds will be donated to the Galiano Club. They could use the funds to complete the restoration of the Community Forest. This part of our plan could provide an expected \$ 200,000.00.”

A recognized - Conflict of Interest – Non-Fiduciary - Trustee Wolverton

Development Application Fee Section 1 Applicant Information Organization Name: August 29, 2019

Gulf Islands Galisle Affordable Rental Housing Society GIGARHS Primary Contact: Richard Dewinetz – President

Board Members (Name, Position): ... Jane Wolverton...

At the November 4th, 2019, Local Trust Committee Meeting Trustee Wolverton officially recused herself from the Galiano Club rezoning application. In her statement she said: “New Policy to increase the percentage of land for affordable housing from 1 % was in the Public Interest.”

It was explained to her that what was in the public interest was that Trustee Wolverton needed to keep an open mind and therefore could not be eligible as a voting member of the LTC in the proposed Bylaws # 276 and # 277 as she had already made up her mind on how she would vote on the proposed bylaws by being a named applicant for a rezoning change.

But Conflict of Interest and being recused really made no difference to Jane Wolverton who had set the wheels in motion to breach the Heritage Forest Covenant by being one of the signatories to the proposed rezoning application. Jane Wolverton, past President of the Galiano Club for more than 10 years

To my knowledge the Heritage Forest Covenant has not been changed. Only the Local Trust Committee has the legislative power to change use and density. There may be a Letter of Understanding waiting in the wings but that can't be acted upon unless the LTC approve the proposed bylaws. It is the LTC whose actions determine if the Covenant is going to be breached.

Trustee Rockafella this is your community – this is your decision- not proceeding with the proposed application doesn't mean the affordable housing component of the Heritage Forest will be removed it only means that the density will remain as it was carefully planned. Had all the Forest Lots applied for the Heritage Forest option the potential for creating zoning for affordable housing was 60 dwellings – it still is. There is no other provision for acquiring land for affordable housing out of the sure to come development of the Forest lots. What appears a generous "Offer" by Richard and Evelyn Dewinetz does not identify gifting forest land for affordable housing. At the density in this proposed bylaw GL-RZ-2019.1 a twenty acre gifted forest lot would provide a potential of 48 dwellings for affordable housing.

I am asking you, Trustees Rockafella and Rogers, to please have regard for previous Trustees work that placed environmental safeguards on use and density in the largest planning zone in the OCP – The Forest Zone - through Bylaws, Conservation Covenants and Deeds of Trust all of which need to be broken to make this proposed rezoning application possible.

I ask that you not approve proposed Bylaws # 276 and # 277.

Sincerely,

Debbie Holmes Trustee 1996 – 2002

Attachments:

Letter to the Galiano Club Heritage Forest Committee Trustees Louise Decario and Sheila Anderson June 19, 2005

Letter to The Galiano Community: "Proposed plan for our 13 forest lots on Galiano Richard and Evelyn Dewinetz March 21, 2021"

Islands Trust Bylaw Amendment Application Form GL-RZ-2019.1 District Lots 30 & 31 September 10 2019 Development Application Fee Section 1 Applicant Information Organization Name August 29, 2019

July 16 2022

To the Galiano Island Local Trust Committee:

Re: Proposed Bylaws # 276 and # 277

Yesterday July 15th you received a letter stating part my reasons for opposing proposed # 276 and # 277.

Now, I would like to speak to the Domino effect of approving proposed bylaws # 276 and # 277.

In the proposed rezoning application form **GL-RZ-2019.1** the Owner applicants stated in “**Section 6: Describe the current uses of the land and buildings on the property: When the 126 ha was dedicated to the Galiano Club designated 7.5 ha (18.6 acres) for affordable rental housing**”. (Sentence reads as written – this is not a typo)

At present using the existing Bylaws, Covenants and Deed of Trust that affect the Heritage Forest there is no where near 7.5 ha. (18.6) acres) that is stated in the application form by the Owner/ applicant for affordable rental housing.

But given that figure 7.5 ha (18.6 acres) is what is written in the proposed application that must mean that is what the Owner/applicant are hoping to develop.

The application form states 126 ha was dedicated – yes- but of that number 77.46 ha was DL 30 and 31 the land requested to be rezoned. DL 32 (48.6 ha) is not included in the rezoning application. Using DL 30,31 &32 there is a total of 1.26 ha – of the required 2. 0 ha.

The proposed bylaw application is for DL 30 & 31 (**77.46 ha**) the application does not include amending the Heritage Forest covenant on DL 32 (**48.6 ha**) but the proposed rezoning application if approved will affect the covenant on DL 32.

The precedent made if the proposed bylaws are approved leaves the same Owner/applicant of the Heritage Forest DL 32 the ability to make another application to subdivide land for affordable housing at a density set out in proposed Bylaws # 276 & # 277 – 12 dwellings on 2 ha.

So really the proposed rezoning application before you is silently set up to create 24 or more dwellings.

I say more because the Owner/applicant states in the application “**designated 7.5 ha (18.6 acres) for affordable rental housing.**” **This would be a further** 3.5 ha more Heritage Forest land removed from the covenant unexplained– this error needs explanation.

I have not seen a staff report that outlines what is still available for development for affordable housing if the covenant on DL 32 - not part of this rezoning package - remains unamended or how the Owner/applicant designated **7.5 ha (18.6 acres) for affordable rental housing.**

I ask that you The Galiano Island Local Trust Committee not approve proposed bylaws # 276 and # 277.

Sincerely,

Debbie Holmes

(Trustee 1996 – 2002)

July 16 2022

To the Galiano Island Local Trust Committee:

Re: Proposed Bylaws # 276 and # 277

Thank you for the opportunity to speak to proposed bylaws # 276 and # 277.

The LTC has received from the Forest Lot Owners separately both “an offer” from Richard Dewineitz and also an application for residential development of Forest 1 lands neither offer or application includes a provision for gifting land for affordable housing.

The “offer” is silent on gifting land for affordable housing.

The “application” is dependent on a land use mechanism called amenity zoning.

Let me explain, for an LTC to introduce Amenity Zoning the Local Government Act mandates there be a base zoning of a residence to a lot already in place. For this reason, we as the LTC that created the Forest Zone Bylaws (March 2000) did not chose to follow the amenity zoning model of land use planning but created the Heritage Forest option instead; an option that required gifting of land as a concession/condition to residential density by keeping the Forest 1 zone with no residential use unless rezoned.

We understood that if we followed the amenity zoning model and gave the F1 a residence to 8 ha (19.76 acres) as the Forest Lot Owners demonstrated they wanted in their surveyed lot lines and PLAs there would be no incentive for the FLOs to re-apply for amenity zoning for affordable housing and Community Facilities. Let me be precise; the incentive is there but many years away when the Forest Lot owners eventually want a density even greater than a residence to 8 ha (19.76 acres) bringing more residential development of the Forest land as community pressure builds for increased affordable housing and other community facility needs and wants. Introducing Amenity Zoning would create immediate residential density on a massive scale in the largest land use zone in the OCP before any application was received for affordable housing.

I ask that you The Galiano Island Local Trust Committee reflect on the existing planning to preserve a forest land base under the Islands Trust Act.

I ask that you not approve proposed bylaws # 276 and # 277.

Sincerely,

Debbie Holmes

(Trustee 1996 – 2002)

July 28, 2022

Re: Galiano Island Proposed Bylaws #276 & #277

Dear Islands Trust Executive:

I trust that when the Galiano Island Proposed Bylaws #276 and #277 come before you, it is not to provide a rubber stamp. Instead I trust that you are there to provide careful executive oversight and the benefit of sober second thought that could prevent unforeseen negative consequences of this rezoning.

I understand the pressing need for more rental housing on our island and throughout the Province. But as trustee Rogers said, "This is not just any land."

I, along with many other islanders, value the Community/Heritage Forest. I don't believe that rental housing development on Galiano should be at the expense of the Heritage Forest that was won for the people of Galiano through careful negotiations by former trustees. Contrary to popular messaging on the island, the Heritage Forest lands were not "earmarked" for affordable housing. A number of conditions had to be met before affordable housing development would be considered. Two protective covenants and a Declaration of Trust were secured to ensure that the initial Heritage Forest land acquisition would be protected from inappropriate development. The goal was to secure enough Heritage Forest land (200 ha or more) through future subdivision negotiations to allow a low density "Community Facility" that would not impact the environment unduly.

I appreciate all the hours and effort that Trustees Rogers and Rockafella have invested in considering this rezoning proposal, however I disagree with Chair Rogers when he says the history of the Forest lands is not pertinent to their consideration of the rezoning. I also disagree with his position that the trustees did not need to know the project budget or have any idea of its financial feasibility.

Over the past two years, we have seen how easy it is to strip away the good intentions and safeguards of past trustees. I am sure you also have good intentions but once you rezone the Community/Heritage Forest to allow development, you will have opened the door for future trustees to pursue further development if it meets their goals.

My own sober second thought has me wondering what will happen to this rezoned land if the new "owner" – a newly formed non-profit society with no track record in building or managing rental housing – finds that it cannot raise the funds to build the project. Could they sell it? Or could this new "owner" of what was a public asset, choose to begin developing the land before their project is fully funded? Could this result in trees down and five acres of the forest cleared before funding is in place? I was interested to see at the recent CIM about the Islands Trust Water Sustainability Science Project that the Heritage Forest parcel that is identified for housing development is a recharge area.

So, as you give these proposed bylaws careful consideration, I ask that you be guided by your "To Preserve and Protect" object/mandate. I ask that you seek ways to prevent potential negative consequences of this proposed rezoning. For instance, restricting development of the land until the project is funded or placing a time limit on the rezoning approval that is linked to proven project feasibility.

With respect,

Gilian Disting


Galiano Island

----- Forwarded Message -----

Subject: Oceans Protection Plan newsletter (Special edition - July 20, 2022) / Bulletin électronique sur le Plan de protection des océans (Édition spéciale - 20 juillet 2022)

Date: Wed, 20 Jul 2022 10:55:04 -0400

From: Oceans Protection Plan Newsletter / Bulletin d'information Plan de protection des océans [<oppnews-nouvellesppo@TC.GC.CA>](mailto:oppnews-nouvellesppo@TC.GC.CA)

Reply-To: Oceans Protection Plan Newsletter [<L_OPP@APPS2.TC.GC.CA>](mailto:L_OPP@APPS2.TC.GC.CA)

To: L_OPP@APPS2.TC.GC.CA

[\(le français suit l'anglais\)](#)

Protecting our coasts
Oceans Protection Plan

[View this email on our website](#)



Dear partners of the Oceans Protection Plan,
We have some great news to share with you!

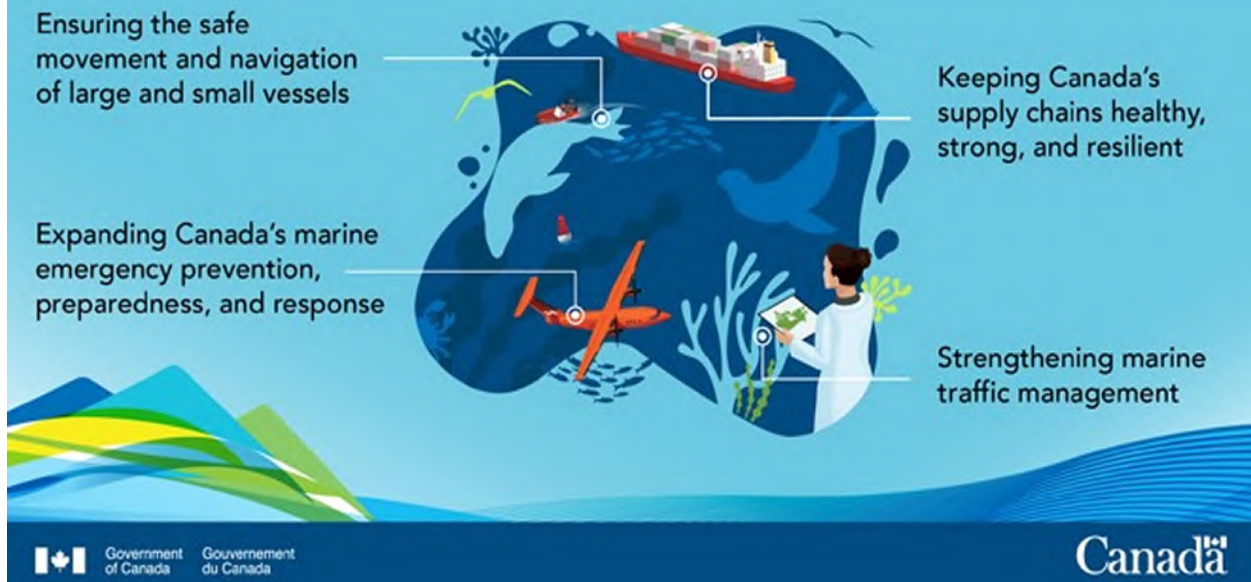
Delivering clean oceans and healthy coasts with an expanded Oceans Protection Plan

Canadians are proud of our oceans. With the longest coastline in the world, marine and coastal areas are essential to our livelihoods and our economy right across the country. Since it was launched in 2016, the Oceans Protection Plan has strengthened protections for our coasts and wildlife, improved marine traffic and incident management, and advanced partnerships with Indigenous communities.

The Prime Minister, Justin Trudeau, announced the next phase of Canada's Oceans Protection Plan. With the new investment of \$2 billion over nine years, announced in Budget 2022, Canada will establish 15 new measures to expand ocean protection initiatives to more regions and better proactively combat emerging threats to marine safety, while continuing or expanding 39 existing initiatives. This new funding is in addition to the \$1.5 billion initially announced in 2016 and brings the total invested in support of the plan to \$3.5 billion.



INVESTING \$2 BILLION OVER NINE YEARS TO PROTECT OUR OCEANS AND WATERWAYS



Infographic displaying priorities for the renewed Oceans Protection Plan

New Oceans Protection Plan website



The [new Oceans Protection Plan website](#) is now live. Check it out to learn about initiatives and projects, watch the latest videos, or see what's been achieved in the last five years.

More about the Oceans Protection Plan

- **Social Media Hashtag:** #OceansProtectionPlan, #PlanDeProtectionDesOcéans
- [Let's Talk Oceans Protection Plan](#) (share your feedback)
- [OPP by the numbers](#) (infographics)
- [OPP Videos](#)

Note: To subscribe or change your subscription to this newsletter, please visit the [Oceans Protection Plan newsletter](#) page on our website.

Protégeons nos côtes
Plan de protection des océans

[Voir cet courriel sur notre site web](#)



Chers partenaires du Plan de protection des océans,
Nous avons d'excellentes nouvelles à vous communiquer!

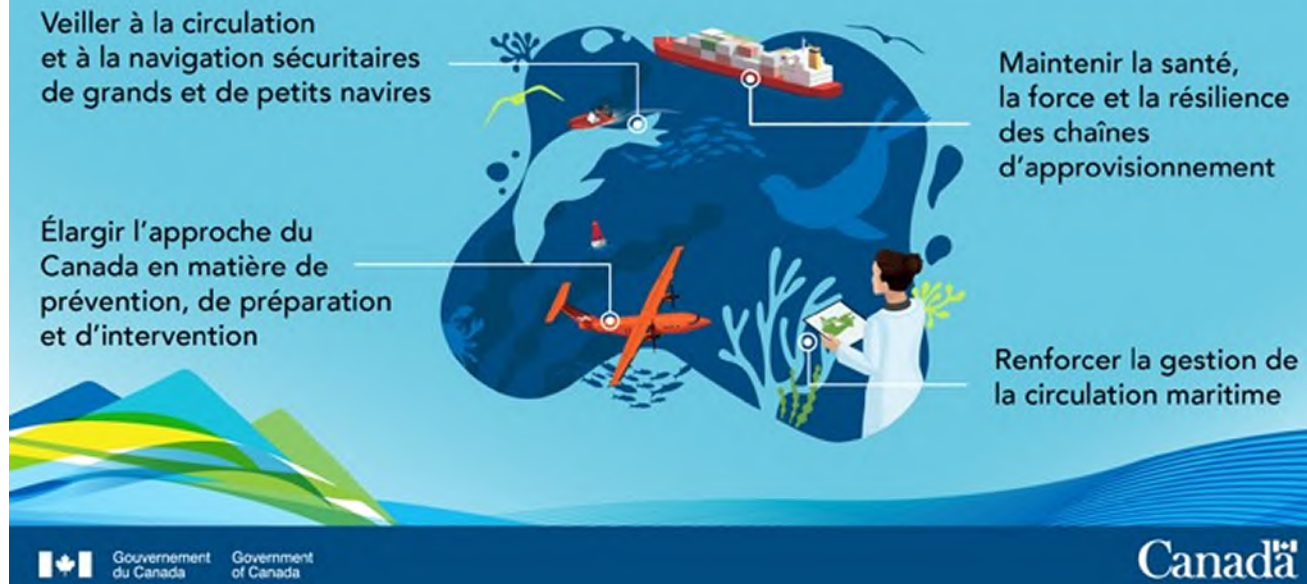
Assurer la propreté de nos océans et la santé de nos côtes grâce à l'élargissement du Plan de protection des océans

Les Canadiens sont fiers de leurs océans. Comme nous possédons le plus long littoral au monde, les zones marines et côtières sont essentielles à nos moyens de subsistance et à l'économie de tout le pays. Depuis son lancement en 2016, le Plan de protection des océans a permis de renforcer la protection de nos côtes et de notre faune, d'améliorer la gestion du trafic et des incidents maritimes et de faire progresser les partenariats avec les communautés autochtones.

Le premier ministre Justin Trudeau a annoncé la prochaine phase du Plan de protection des océans du Canada. Grâce au nouvel investissement de 2 milliards de dollars sur neuf ans annoncé dans le Budget 2022, le Canada instaurera 15 nouvelles mesures pour mettre en œuvre des initiatives de protection des océans dans un plus grand nombre de régions et mieux combattre de façon proactive les nouvelles menaces pour la sécurité maritime, tout en poursuivant ou en élargissant les 39 initiatives en cours. Ce nouveau financement s'ajoute à celui de 1,5 milliard de dollars annoncé initialement en 2016 et porte à 3,5 milliards de dollars le total des investissements effectués à l'appui du Plan.

[En savoir plus sur le Plan de protection des océans](#)

INVESTIR 2 MILLIARDS DE DOLLARS SUR NEUF ANS POUR PROTÉGER NOS OCÉANS ET NOS VOIES NAVIGABLES



Infographie montrant les priorités du Plan de protection des océans reconduit

Nouveau site Web du Plan de protection des océans



Le [nouveau site Web du Plan de protection des océans](#) est maintenant en ligne. Jetez-y un coup d'œil pour en savoir plus sur les initiatives et les projets, visionnez les plus récentes vidéos ou voyez ce qui a été accompli au cours des cinq dernières années.

Pour en savoir plus sur le Plan de protection des océans

- **Mot-clic pour les médias sociaux :** #OceansProtectionPlan, #PlanDeProtectionDesOcéans
- [Parlons Plan de protection des océans](#) (faites-nous part de vos commentaires)
- [Le PPO en chiffres](#) (infographie)
- [Vidéos du PPO](#)

Note : Pour vous inscrire ou modifier votre abonnement à ce bulletin, veuillez visiter la page de [Bulletin électronique sur le Plan de protection des océans](#) sur notre site Web.



Top Priorities Report

Executive Committee

1. *Islands Trust Act Amendments*

Current requests by Trust Council to seek legislative change have substantially occurred.

Responsible

Russ Hotsenpiller

Dates

Rec'd: 26-Oct-2016

2. *Update Islands Trust Policy Statement*

With involvement from Trust Programs Committee as appropriate, co-ordinate a review of the Policy Statement including a First Nations and public engagement process. Project charter approved February 26, 2020. (Strategic Plan 3.1, 4.4 , 5.6, 5.7)

Responsible

Clare Frater

Dates

Target: 15-Sep-2022

3. *Climate Change Emergency*

Matters pertaining to Islands Trust mitigation and adaptation to climate change impacts. (Strategic Plan 3.1)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 05-Jun-2019

4. *Business Response to COVID-19*

As conditions associated with the COVID 19 pandemic have changed, business practice has been amended. As of May 2022, the Safety Plan is no longer in effect, having been replaced by a Communicable Disease Prevention Plan. Also, staff have either returned to the workplace full time or made alternate arrangements via telework agreement.

Responsible

Russ Hotsenpiller

Dates

Rec'd: 15-Apr-2020

Top Priorities Report

Executive Committee

5. *First Nations Reconciliation*

Implementation of the Reconciliation Action Plan. (Strategic Plan Items 4.5 & 4.6)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 02-Sep-2020

5. *Preserve and protect marine ecosystems*

Continue advocacy re: Freighter Anchorages, Trust Council added freighter anchorages to the list of Executive Committee list of top priorities. (Strategic Plan Item 2.1)

Responsible

Clare Frater

Dates

Rec'd: 11-Mar-2021

Projects Report

Executive Committee

1. *Development of an Islands Trust Communications Strategy*

Including development of a new website. (Strategic Plan Item 4.2)

Responsible

Clare Frater

Date Received

30-Aug-2017

2. *Marine Advocacy*

Associated with i.) impact of commercial activities on Southern Resident Killer Whales SRKW (Strat Plan Item 2.1), ii.) oil spills and iii.) anchorages.

Responsible

Clare Frater

Date Received

02-Sep-2020

3. *Broadcast Public Meetings*

Develop the capacity to broadcast public meetings of Local Trust Committees, Council Committees and Trust Council. (Strategic Plan Item 4.1)

Responsible

Clare Frater
Julia Mobbs
Russ Hotsenpiller

Date Received

02-Sep-2020

4. *Improve Communications about the Islands Trust*

Related to Strategic Plan Items 4.1 & 4.2

Responsible

Clare Frater

Date Received

30-Aug-2017

5. *NAPTEP regulation changes to increase the percentage of tax exemption*

Strategic Plan Item 1.3

Responsible

Clare Frater
Kate Emmings

Date Received

02-Sep-2020

Projects Report

Executive Committee

6. *Advocate to reduce negative impacts of shellfish aquaculture practices*

Responsible

Date Received

Develop project charter and budget requests to build organizational capacity (knowledge and time) related to shellfish aquaculture advocacy.

16-Aug-2017

7. *Strengthen relations with First Nations*

Responsible

Date Received

MMIWG Calls for Justice Resolutions (Strategic Plan Item 4.6)

21-Oct-2020

1. All staff required to take training related to cultural safety in keeping with the Missing and Murdered Indigenous Women and Girls Calls for Justice.

2. That staff plan education on the Missing and Murdered Indigenous Women and Girls Calls for Justice for trustees and senior staff.

4. Staff to include information about the Missing and Murdered Indigenous Women and Girls Calls for Justice and cultural safety in staff and trustee orientation materials.

5. Draft amendments to the Communications Policy and the Advocacy Policy to address the Missing and Murdered Indigenous Women and Girls Calls for Justice.

8. *Strengthen relations with First Nations*

Responsible

Date Received

Develop a policy regarding referral responses where there is a known archeological site. (Strategic Plan Item 4.7)

26-May-2021

Projects Report

Executive Committee

9. <i>Governance</i>	Responsible	Date Received
Related to Section 5 of the Strategic Plan The possibility of utilizing Section 8(2)(e) of the Islands Trust Act. Responsibilities of trust council: 8(2)For the purpose of carrying out the object of the trust, the trust council may (e) make recommendations to the Lieutenant Governor in Council respecting the determination, implementation and carrying out of policies for the preservation and protection of the trust area and its unique amenities and environment -		21-Jul-2021