



Galiano Island Local Trust Committee Regular Meeting Agenda

Date: February 7, 2022
Time: 12:30 pm
Location: Electronic Meeting

		Pages
1.	CALL TO ORDER	12:30 PM - 12:50 PM
2.	APPROVAL OF AGENDA	
3.	TRUSTEE REPORT	
4.	CHAIR'S REPORT	
5.	TOWN HALL AND QUESTIONS	12:50 PM - 1:10 PM
6.	COMMUNITY INFORMATION MEETING	
	None	
7.	PUBLIC HEARING	
	None	
8.	MINUTES	1:10 PM - 1:20 PM
8.1.	Local Trust Committee Minutes Dated December 6, 2021 (for Adoption)	4 - 11
8.2.	Section 26 Resolutions Without Meeting Report Dated Jan 2022	12 - 12
8.3.	Advisory Planning Commission Minutes - None	
9.	BUSINESS ARISING FROM MINUTES	
9.1.	Follow-up Action List Dated Jan 2022	13 - 14
10.	DELEGATIONS	
11.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
12.	MEETING BREAK - COMMUNITY UPDATE	

13.	APPLICATIONS AND REFERRALS	1:20 PM - 2:20 PM	
13.1.	GL-RZ-2019.1 (GIGARHS) – Staff Report (attached)		15 - 81
13.2.	GL-RZ-2021.1 (GALI) – Staff Report (attached)		82 - 113
13.3.	Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 521 (for response) (attached)		114 - 120
13.4.	Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 526 (for response) (attached)		121 - 127
14.	LOCAL TRUST COMMITTEE PROJECTS	2:20 PM - 2:50 PM	
14.1.	Galiano Island Local Trust Committee Fees Bylaw No. 281 (for consideration)		128 - 135
14.2.	DL 62, 68, 72, 87 Rezoning Project – Staff Report w Project Charter (attached)		136 - 147
15.	REPORTS	2:50 PM - 3:00 PM	
15.1.	Work Program Reports (attached)		
15.1.1.	<u>Top Priorities Report Dated Jan 2022</u>		148 - 148
15.1.2.	<u>Projects List Report Dated Jan 2022</u>		149 - 150
15.2.	Applications Report Dated Jan 2022 (attached)		151 - 155
15.3.	Trustee and Local Expense Report Dated Nov 2021 (attached)		156 - 156
15.4.	Adopted Policies and Standing Resolutions (attached)		157 - 160
15.5.	Local Trust Committee Webpage		
15.6.	Islands Trust Conservancy Report Dated November 2021		161 - 163
16.	NEW BUSINESS	3:00 PM - 3:15 PM	
16.1.	Shoreline Protection Model Bylaw Report - Briefing		164 - 216
17.	UPCOMING MEETINGS		
17.1.	Next Regular Meeting Scheduled for March 7, 2022 at the South Community Hall, Galiano Island		
18.	TOWN HALL	3:15 PM - 3:35 PM	
19.	CLOSED MEETING (Distributed Under Separate Cover)		

19.1. Motion to Close the Meeting

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

- *Adoption of In-Camera Meeting Minutes Dated April 12, 2021 and June 14, 2021*
- *Appointment of APC Members*

AND that the recorder and staff attend the meeting.

19.2. Recall to Order

19.3. Rise and Report

20. ADJOURNMENT

3:35 PM - 3:35 PM



DRAFT

Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee

Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: December 6, 2021
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

Staff Present: Brad Smith, Island Planner (via Zoom)
Phil Testemale, Planner 2 (via Zoom)
Carly Bilney, Recorder

Public Members: There were approximately 30 members of the public.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 12:41 pm. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 13.4 – GIGARHS Update;

By general consent the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee Rockafella made the following comments:

- Trust Council was recently held and included much discussion on budget; and
- Islanders are reminded to participate in public consultation related to budget.

Trustee Wolverton made the following comments:

- Discussions at the Southern Gulf Island Forum in November focused on the recent rainstorms and how they affected the islands;
- Concerns have been raised about the need for ongoing road maintenance, in addition to repairs;

- Trust Council passed a motion asking Government to end the use of scrubbers on ships that remove sulphur from air emissions and transmit it to the ocean; and
- Stewardship Awards will take place every four years, instead of annually.

4. CHAIR'S REPORT

Chair Rogers made the following comments:

- Trust Council budget discussions focused on which projects are achievable and should receive funding;
- A tour of the Galiano Green project site was recently led by representatives of the Galiano Affordable Living Initiative Society; and
- Much work is underway by the Islands Trust related to reconciliation and water projects.

5. TOWN HALL AND QUESTIONS

Town hall was held and the following comments were made:

- The Local Trust Committee (LTC) has received commentary from people who say proposed Bylaw 256 for GL-RZ-2014.1 (Crystal Mountain) should not be in the Community Facilities and Utilities section of the Galiano Official Community Plan (OCP);
- The LTC gauges public support by listening to the community through all forms of engagement, including letters, phone calls, surveys, etc.
- Support was expressed for the site-specific rezoning proposal for Crystal Mountain Society (CMS) that ensures this kind of proposal will not set precedent;
- Concern was expressed about misinformation spread related to the CMS application;
- A rezoning proposal should be about land-use not about land-users;
- Support was expressed for the CMS proposal because it provides for the protection of a majority of the land in question in perpetuity, it provides for lot coverage that will be less than two percent of the property, and it gives the benefit of Lot 9 to the community;
- Opposition to the CMS proposal was expressed because of the hooked lot configuration and because it is based on a 75/25 percent split (where 75 percent goes to the Islands Trust Conservancy) – a calculation that should not act as precedent for proposals as it was meant for saving mature forests rather than ones that had been clear-cut;
- Trustees were encouraged to put a stop to uncivil behaviour at Galiano LTC meetings that create a toxic environment;
- Questions about public consultation were raised concerning the letter sent to the LTC from Samuel Sugita, Access Networks BC, regarding Galiano Antenna Colocation on CREST tower;
- The LTC was encouraged to respond to Rogers Communications Inc.; and
- An article was shared that describes deed restrictions as a tool to preserve affordable housing (<https://www.outsideonline.com/culture/essays-culture/how-to-save-a-ski-town-west-tourism-economy/>).

Trustee Wolverton recused herself from the meeting at 1:48 pm due to conflict of interest with GL-RZ-2019.1 – Gulf Islands Galisle Affordable Rental Housing Society (GIGARHS). The following comments were made:

- The number of units in the proposed affordable housing development should be reduced to six and the location should be moved closer to the entrance of the community forest; and
- Supportive neighbours of the proposed development may be viewed positively by funding agencies;
- Neighbours of the proposed project expressed support for consultation and negotiation with the applicants; and
- Support was expressed for affordable housing in general.

Trustee Wolverton returned to the meeting at 1:57 pm.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated November 8, 2021 (for Adoption)

By general consent the Local Trust Committee meeting minutes of November 8, 2021 were adopted.

8.2 Section 26 Resolutions Without Meeting Report - None

8.3 Advisory Planning Commission Minutes - None

9. BUSINESS ARISING FROM MINUTES

9.1 Follow-up Action List Dated Nov 2021

Planner Smith provided an update on business related to the Follow-up Action List Dated November 2021. Trustees confirmed that the proposed models fee bylaw should be kept as it was drafted with no changes.

10. DELEGATIONS None

11. CORRESPONDENCE

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

12. MEETING BREAK - COMMUNITY UPDATE

Deferred until after Item 13.2.

13. APPLICATIONS AND REFERRALS

13.1 GL-DVP-2021.10 (Gathercole) - Staff Report

Planner Testemale reviewed application GL-DVP-2021.10 (Gathercole). Discussion was held and the following comments were made:

- The Ministry of Transportation and Infrastructure (MOTI) would not define a septic field a “structure” and the new system would no longer be in the right-of-way; and
- Concern was expressed about whether trees needed to be removed for the new system.

GL-2021-100

It was Moved and Seconded

that the Galiano Island Local Trust Committee approve issuance of Development Variance Permit application GL-DVP-2021.10 (Gathercole).

CARRIED

13.2 GL-RZ-2021.2 (Gaylor) Preliminary Staff Report

Planner Smith reviewed application GL -DVP-2021.2 (Gaylor). Discussion was held and the following comments were made:

- This is a very sensitive area and the Penelakut have concern about opening a road access;
- An initial step would be an early engagement letter with First Nations, particularly the Penelakut;
- The applicants are working with MOTI to identify what kind of public road is needed;
- In order to have a subdivision there must be a road going right into the property for emergency access;
- Issues related to road access must be resolved before the application can advance; and
- The application may provide an opportunity to add a stretch of shoreline to nature protection.

A motion was made to request further information from BC Parks and other provincial agencies in regards to Land Transportation Policy S, to gather information on the ecological conditions of the property, and to consult with First Nations. Discussion on the motion was held.

GL-2021-101

It was Moved and Seconded

that the Galiano Island Local Trust Committee direct staff to proceed with GL-DVP-2021.2 (Gaylor) and further investigate road and lot layout with potentially effective government agencies and First Nations, in particular considering OCP Transportation Policy S.

CARRIED

GL-2021-102

It was Moved and Seconded

that the Galiano Island Local Trust Committee ask staff to bring the 1995 Heritage Forest Bylaw Official Community Plan provisions (Bylaw 108) back to the Local Trust Committee to be reviewed for consistency.

CARRIED

GL-2021-103

It was Moved and Seconded

that the Galiano Island Local Trust Committee seek early consultation and engagement with First Nations on GL-RZ-2021.2 (Gaylor), particularly the Penelakut, regarding cultural heritage sites on DL86.

CARRIED

A break was held between 3:00 and 3:15 pm.

13.3 GL-RZ-2014.1 (Crystal Mountain) Staff Report

Planner Smith reviewed application GL-DVP-2014.1 (Crystal Mountain). Discussion was held and the following comments were made:

- The inclusion of the word “non-profit” in the amending OCP bylaw may be *ultra vires* and could potentially be legally challenged ;
- The LTC has received commentary from people who say that because the CMS application cannot be restricted to a non-profit it should not fall under the “Economic Activity” section of the OCP;
- CMS policies note that should the organization dissolve, the assets must go to an organization that has the same legal status as CMS – a registered charity; and
- A restriction on day-use would be included in the bylaw as opposed to a covenant.

GL-2021-104

It was Moved and Seconded

that the Galiano Island Local Trust Committee direct staff to draft language for Bylaw 257 to set daily visitor use at 35 subject to a once-a-year exception where notification to the community is provided in advance.

CARRIED

GL-2021-105

It was Moved and Seconded

that the Galiano Island Local Trust Committee request staff to put the definition of “retreat user” as provided and amended into Bylaw 257.

CARRIED

Discussion continued and the following comments were made:

- Challenges in maintaining at least 60 percent natural forest cover on the land include measuring a baseline coverage and monitoring over time;
- The water management plan will return to the LTC for review early in the new year; and
- The water license application is ongoing.

GL-2021-106

It was Moved and Seconded

that the Galiano Island Local Trust Committee request staff to include the 60 percent forest cover retention condition as proposed by the GL-RZ-2014.1 applicant in the Section 219 covenant.

CARRIED

13.4 GIGARHS Update

Trustee Wolverton recused herself from the meeting at 3:57 pm due to conflict of interest with application GL-RZ-2019.1 (GIGARHS).

The development consultant representing the applicants provided an updated on the application and the following comments were made:

- GIGARHS is in the process of engaging an architect to provide more detail on the site plan and building design;
- GIGARHS has concerns about the restriction on groundwater use for irrigation proposed for the Section 219 covenant; and
- GIGARHS is looking at different funding options and considering a Canada Mortgage and Housing Corporation co-investment fund.

Discussion followed and the following comments were made:

- Concerns about the Section 219 covenant as it relates to potable water have been heard;
- Islands Trust legal counsel is of the view that the covenant-condition restricting groundwater is legal and valid;
- The applicants do not think the water restriction is an appropriately legal condition and that it should not be included at all;
- A water license has been issued by the Province;
- The Province has allocated less water than GIGARHS requested; and
- The draft covenant will return to LTC for consideration.

Trustee Wolverton returned to the meeting at 4:11 pm.

13.5 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 525 (for response)

GL-2021-107

It was Moved and Seconded

that the interests of the Galiano Island Local Trust Committee are unaffected regarding the Salt Spring Island Local Trust Committee referral for Proposed Bylaw No. 525.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 DL 87 Rezoning - Staff Memo

Planner Smith reviewed the Staff Memo and discussion followed.

GL-2021-108

It was Moved and Seconded

that the Galiano Island Local Trust Committee direct staff to initiate a project charter for the rezoning of DL64, 68, 72, 87 and establish it as a priority project on the Priority Projects List.

CARRIED

15. REPORTS

15.1 Work Program Reports

15.1.1 Top Priorities Report Dated Nov 2021

15.1.2 Projects List Report Dated Nov 2021

15.2 Applications Report Dated Nov 2021

Received for information.

15.3 Trustee and Local Expense Report Dated Oct 2021

Received for information.

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage – None

15.6 Islands Trust Conservancy Report – None

16. NEW BUSINESS

16.1 Galiano Antenna Colocation on CREST Tower

Discussion was held about correspondence received by Rogers Communications Inc. regarding the Galiano Antenna Colocation on CREST Tower and the degree to which public consultation is required. The following comments were made:

- Adding equipment to an existing tower may fall within the exemptions; and
- The protocol indicates there are circumstances in which an applicant should be strongly encouraged to partake in community consultation.

GL-2021-109

It was Moved and Seconded

that Chair Rogers, in consultation with the other Trustees, will draft a letter to Mr. Samuel Sugita based on the protocol that requests more information and public consultation.

CARRIED

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for February 7, 2021 at the South Community Hall, Galiano Island

18. TOWN HALL

Town hall was held and the following comments were made:

- A suggestion was made to request that CMS provide a periodic update on forest coverage every five or ten years; and
- Other communities have been able to resist cell towers in areas they do not want them.

19. CLOSED MEETING

None

20. ADJOURNMENT

By general consent the meeting was adjourned at 4:45 pm.

Dan Rogers, Chair

Certified Correct:

Carly Bilney, Recorder



Resolutions Without Meetings Log

Galiano Island

Resolution Number	Action	Date
2022-002 THAT Galiano Island Local Trust Committee adopt Bylaw No. 282, cited as "Galiano Island Local Trust Committee Meeting Procedure Bylaw No. 282, 2022".	Carried	26-Jan-2022
2022-001 That the Galiano Island Local Trust Committee request staff to schedule a Special Electronic Meeting for Thursday, January 20, 2022 at 10:00 a.m.	Carried	17-Jan-2022

Follow Up Action Report

Galiano Island

07-Sep-2021

Activity	Responsibility	Dates	Status
1 13.1 GL-RZ-2014.1 (Crystal Mountain) Initiate a suitably worded Land Title Act Section 219 covenant that reflects the required conditions of rezoning	Brad Smith	Target: 19-Nov-2021	Completed

04-Oct-2021

Activity	Responsibility	Dates	Status
1 16.3 Model fees bylaw - LTC direct staff to develop new fees bylaw for Galiano consistent with proposed models fee bylaw for consideration of adoption including paragraphs 5 and 6 (on page 54 of agenda package) as recommended	Jas Chonk Robert Kojima	Target: 01-Dec-2021	Completed

08-Nov-2021

Activity	Responsibility	Dates	Status
1 13.4 GL-RZ-2019.2 (Gauvreau) - BL 271 given 4th reading, update TAPIS, amend base land use bylaw schedule map, close-out file	Brad Smith Jas Chonk Robin Ellchuk	Target: 29-Nov-2021	Completed

06-Dec-2021

Activity	Responsibility	Dates	Status
----------	----------------	-------	--------



Follow Up Action Report

Galiano Island

06-Dec-2021

Activity	Responsibility	Dates	Status
1 8.1 Nov 8 meeting minutes adopted as presented	Maple Hung	Target: 17-Dec-2021	Completed
2 13.1 GL-DVP-2010.1 (Gathercole) - approved as presented, issue permit, close out file	Jas Chonk Phil Testemale Robin Ellchuk	Target: 17-Dec-2021	Completed
3 13.2 GL-RZ-2021.2 (Gaylor) - Staff to initiate early engagement with First Nations re RZ proposal	Brad Smith Lisa Wilcox	Target: 21-Jan-2022	In Progress
4 13.2 GL-RZ-2021.2 (Gaylor) - Staff to initiate discussions with provincial agencies re: DL 85/86 and 87	Brad Smith	Target: 21-Jan-2022	In Progress
5 13.3 Crystal Mountain - Staff to develop draft bylaw amendment re maximum 35 people day use limit	Brad Smith	Target: 21-Jan-2022	In Progress
6 13.3 Crystal Mountain - Staff to insert definition of retreat user as amended by LTC into amending bylaw	Brad Smith Jas Chonk	Target: 17-Dec-2021	Completed
7 13.3 Crystal Mountain - Staff to include 60% forest cover protection clause in s 219 covenant	Brad Smith	Target: 17-Dec-2021	Completed
8 13.4 SSI referral BL 525 - respond that interests unaffected	Jas Chonk	Target: 17-Dec-2021	Completed
9 14.1 Initiate project charter for rezoning of DL 64, 68, 72, 87 and establish as priority project	Brad Smith	Target: 21-Jan-2022	Completed

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).

A rezoning application was submitted to the Islands Trust in September 2019 by the Gulf Islands Galisle 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).

[illegible] $\overline{2}16$

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

		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.	
	5.8.6	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.	The need for safe and affordable housing on Galiano Island is clear and well documented

Housing Agreement and Rental Structure Update

Up to now, the applicants proposal has been based on a rent structure consistent with the BC Housing Community Housing Fund (CHF) that requires a mix of deep subsidy (20% of units), rent geared to income (RGI – 50%) and affordable housing at market rate (30%) to help offset the costs of subsidized units.

Based on this very specific CHF rent formula, Islands Trust (IT) legal counsel has drafted a housing agreement with the following rental terms:

- b) The monthly rent charged for a Rental Housing Unit will not exceed the Permitted Rent applicable to the Rental Housing Unit, and the Permitted Rent applicable to a unit is determined by the class of Eligible Tenant that occupies such unit. The Owner may increase the monthly rent under an existing Tenancy Agreement 12 months after the existing rent was initially established for the existing Tenants or 12 months after the date of the last rent increase allowed under this Agreement and by the maximum rent increase amount dictated by the *Residential Tenancy Act*.

“Permitted Rent” means:

- a) for a Dwelling Unit occupied and operated as a Deep Subsidy Unit, a monthly rent equal to or less than:
 - i. the monthly “Shelter Allowance” dictated by *Employment and Assistance Regulation*, BC Reg 263/2002, or equivalent housing allowance provided to families by the provincial government that receive Income Assistance, if the Eligible Tenant, collectively, is eligible to receive such Shelter Allowance, or
 - ii. 1/12 of 30% of the Eligible Tenant’s Annual Household Income;
- b) for a Dwelling Unit occupied and operated as a Market Unit, a monthly rent equal to or less than the applicable Market Rent; and
- c) for a Dwelling Unit occupied and operated as a RGI Unit, a monthly rent equal to or less than 1/12 of 30% of the Eligible Tenant’s Annual Household Income.

The applicant has not been satisfied with this approach and has sought language to be included in a housing agreement that is broader and more enabling to a range of funding models.

To this end, the applicant has submitted a letter to the LTC, dated January 21, 2022 that provides an update to the rezoning application proposal with respect to affordability and rental structure (Attachment 2). The letter requests that the LTC consider a broader range of affordable rent structures than just the CHF formula.

The rental rate structure they are seeking is described in the draft housing agreement first provided to LTC by the applicant in November 2021 (Attachment 3):

2.3 Rental rates - The Owner covenants and agrees that it will:

- a. not charge any tenant a monthly rent, exclusive of utilities, that is greater than 30% of the gross monthly Household Income of the Qualified Renter, except in the case of an Affordable Market

In consultation with legal counsel, staff have previously concluded that the CHF rent structure is consistent with the OCP as a whole. The LTC should consider whether or not the proposed broadening of the rent structure is consistent with the intent of the OCP policy permitting increased density for affordable housing.

If the LTC decides to consider a broadening of potential rent structures in the context of the application and associated housing agreement, staff recommend that further legal advice be sought to ensure the language proposed in s. 2.3 of the applicant's draft housing agreement is also consistent with the OCP.

Section 219 covenant

As directed by LTC, staff have worked with the applicant and Islands Trust legal counsel on the drafting of a s. 219 covenant (Attachment 4) that considers the recommendations of the ecological assessment, a 30-metre tree buffer as shown on the site plan submitted by applicant, the water management plan and hydrogeological assessment recommendations, along with a site plan layout and elevation drawings.

A restriction on groundwater use for irrigation is still included in the covenant as directed by LTC. The applicant is seeking for this condition to be removed.

Otherwise, the applicant is in general agreement with the terms of the draft covenant to date.

Data Logger Water Study Report

As directed by LTC in June 2021, the applicant has completed a data logger well monitoring study for the proposed source over the 2021 low flow summer and fall aquifer recharge period. The study was conducted from July 19 to January 1, 2022. The summary report of findings is included as Attachment 5.

The report reaches four conclusions:

1. For most of the monitoring period no significant effects due to pumping of any nearby wells were observed until the seasonal holiday period from December 26, 2021 to January 1, 2022.
2. Periodic tidal effects of 1.5 to 2.0 cm on well WID 46824 were observed at times but became subdued during periods of heavy precipitation during the winter month
3. During the monitoring period the water level in well WID 46824 fluctuated over a range of 1 to 4 metres below ground. This range of fluctuation is consistent with a well situated in a regional groundwater discharge area.
4. The monitoring results obtained during the monitoring period are consistent with the observations, assumptions and results reported on the pumping test carried out on well WID 46824 in 2019.

The summary report from the hydrogeologist provides no further recommendations.

Water Management Plan

The applicant has submitted a second version of their WMP with significant updates based on detailed comments provided by staff in December 2021 (Attachment 6). Staff have not had a detailed review of this version, but the comments provided by staff are reflected, and all of the important plan components that staff have been seeking now appear in the plan.

Staff will provide further detailed comments to the applicant shortly and a further revised draft will be brought to LTC at that time, likely with specific recommendations for additional WMP requirements to be considered in a s. 219 covenant. LTC could also provide comment at this time on the current draft version.

Arborist Report

The applicant has submitted a professional arborist report (Attachment 7) that considers the recommendation in the ecological assessment report to *“consult with a certified arborist to determine the health of all old-growth or large diameter trees within the development area, to assess the impacts to these trees from the proposed development, and to provide specific recommendations for protection and establishment of the critical rooting zones.”*

The scope of the assessment includes the 16 large trees situated on or adjacent to the proposed housing development as identified in the ecological assessment report.

The report concludes that *“Most of the inspected trees by the planned housing development can be preserved provided they have sufficient root zone protection. The remaining trees have defects that can cause them or parts of them to fail, potentially striking people and property during construction and post-construction”*. Five of the 16 trees are recommended for removal, with one other tree potentially needing to be removed (see summary tables in arborist report and associated mapping).

Recommendations include:

- Trees recommended for removal must be removed before site clearing/ construction.
- Validate if it is practical to preserve questionable trees.
- Focus tree preservation on healthy young or semi-mature trees and trees in groups.
- Adhere to the TPZ for the larger trees; reducing the size will have negative consequences.
- Maintain grades to current levels around trees and avoid fill soil on the root zone.
- Tree protection fencing should be erected before construction. Fencing should stay in place until all development and construction are completed.
- Evaluate all the preserved trees once construction is complete.

Staff recommend that LTC consider directing staff to include recommendations of the arborist report as s. 219 covenant conditions where appropriate and feasible, including a tree protection zone map for the trees to be retained.

Consultation

Statutory Requirements

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

CIM

Given the complexity of the application and the significant community interest, staff recommend a second CIM be considered by the LTC prior to the holding of a public hearing.

First Nation Referral

Recently, staff have been directed to refer bylaw amendments in the Galiano Island Local Trust Area to the Snuneymuxw First Nation, resulting from a recent change to that Nation's area of interest. Staff have sent proposed Bylaw No. 276 and 277 to the Snuneymuxw First Nation.

Rationale for Recommendation

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

- Staff have reviewed the 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).

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

1. Request further information

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

Resolution:

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

2. Hold the application in abeyance

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

Resolution:

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

3. Deny the application

The LTC may deny the application.

Resolution:

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

NEXT STEPS

With direction from the LTC, staff will:

- Obtain legal review of proposed rent structure for consistency with OCP
- Provide further comments on WMP to applicant
- Initiate a new CRA and work with legal counsel on drafting of covenant conditions for arborist report

Submitted By:	Brad Smith, Island Planner	January 27, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	January 28, 2022

ATTACHMENTS

1. Islands Trust Policy Checklist
2. Letter re: rent structures
3. Draft Housing Agreement – Nov 2021
4. Draft s. 219 covenant
5. Hydrogeologist Report – Jan 2022
6. Draft Water Management Plan version 2 – Jan 2022
7. Arborist Report – Jan 2022



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

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

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:



Local Trust Committee
Islands Trust – Galiano Island Trust Area
Sent via email

January 21, 2022

RE: Affordability and Rental Structure of Georgia View Affordable Housing (Rezoning Application GL-RZ-2019.1)

Dear Trustees,

I am writing on behalf of the Gulf Islands Galiano Affordable Housing Society (GIGARHS) regarding their project and associated rezoning application for 1663 Georgia View Road. The purpose of this letter is to update the LTC on the affordable housing landscape and on GIGARHS plans for the depth of affordability for this project.

When GIGARHS first envisioned this project, and at the time of their rezoning submission, it was expected that the project would receive BC Housing funding through their Community Housing Fund (CHF). This fund has a prescriptive rental structure where 50% of the units are Rent Geared to Income (RGI), where residents pay no more than 30% of their income on rent; 20% are deep subsidy units offered at shelter rates; and 30% of the units are “Affordable Market”, which is typically rental rates set at about 10% below market. CHF funding entails a capital contribution and a mortgage through BC Housing.

However, the results of the last round of CHF funding indicates that the program is significantly over-prescribed. Proposals for over 3,000 units on Vancouver Island were submitted during the last call, and only 532 units were funded. Funding through the remaining program dollars would only allocate another 1,500 units for the whole Vancouver Island region (which includes the Gulf Islands). The funding call has become incredibly competitive and BC Housing has tended to focus on larger projects that are delivering a large number of units.

As a result, GIGARHS is in the process of exploring other funding options for the Georgia View project. Canada Mortgage and Housing Corporation (CMHC) offers funding and financing through their Co-Investment program; and the Federation of Canadian Municipalities offers funding and financing for highly energy efficient affordable homes through their Green Municipal Fund. However, securing funding before a rezoning is complete is unlikely. Below are two funding scenarios to help the LTC understand what the affordability of the units might look like, depending on the funding GIGARHS can secure.

Scenario 1: BC Housing CHF

While CHF funding remains uncertain, it may be worth applying for funding if the funding call opens this year. The further the project is in the development process, the better chances at securing funding, as BC Housing likes to fund “shovel-ready” projects. If BC Housing funding was secured, the project could move forward with a good level of affordability, with rental



Wiser Projects

Competent. Creative. Committed.

prices ranging from: \$375 for a shelter-rate 1-bedroom unit to \$1,800 for an affordable market 3-bedroom unit (although RGI and affordable market units are tied to incomes and the market rents, and are subject to change over time).

Scenario 2: CMHC Co-Investment

If the project is unsuccessful in securing BC Housing funding, it will still be eligible to apply for CMHC Co-Investment funding, as the land contribution from the Galiano Club is considered an eligible partnership.

CMHC does not have a prescriptive rental structure, but has a minimum affordability requirement to be eligible of:

- At least 30% of the units must be rented at 80% of the Median Market Rent (MMR) or less
- The average affordability of the project, across units, must be 80% of the MMR

While that is the minimum required level of affordability to apply, a project would be more likely to be approved for funding, and would receive a larger contribution, if the depth of affordability is increased. GIGARHS will be pursuing options for additional capital injections to lower the mortgage that would be required and to deepen the levels of affordability.

Scale of Housing Crisis

In ideal circumstances, GIGARHS would develop this project to offer the most affordable rental rates possible to residents of Galiano Island. However, the confluence of the housing crisis, the cost of construction, and the lack of government capital dollars are creating a situation where GIGARHS will have to balance between market and affordable units to ensure the project is viable.

The housing crisis has reached unprecedented levels in the region and across BC, with both sale prices and rental rates at all-time highs. It has reached such heights that even market rental units would be a benefit to the Galiano community because of the lack of a stable rental stock. The Georgia View project has the opportunity to fill a gap and provide desperately needed rental housing, where at least some of the units would be guaranteed to be affordable.

Implications for housing agreement

We understand that the LTC and Islands Trust want to ensure that this project is developed to be affordable rental housing and as a benefit to the community, and is seeking to reduce the risk of development that does not meet the community needs – such as condos, luxury rentals, or short-term rentals. A housing agreement is a standard way that local governments ensure that projects remain as affordable, as rentals, or as both for a specified period of time. However, the previous draft of the Housing Agreement proposed by Islands Trust staff was overly restrictive and would result in significant risk to the project and the Society. Of particular concern is the language that specifies the rental mix prescribed by CHF. This puts the project at risk because:



Wiser Projects

Competent. Creative. Committed.

- It limits funding and financing options for the project. CMHC, FCM, or private financiers may see this restrictive language as too much of a risk, or it may not fit their funding requirements. Communication with BC Housing has indicated that even they see some risk in such a restrictive housing agreement. It is also unknown if future BC Housing funding calls would require the same rental mix.
- It does not allow GIGARHS to respond to the possible changes in the rental landscape, interest rates, and operating costs that may exist in the future.
 - Operating costs fluctuate and GIGARHS must be able to respond to the rental need on the Island at any given time. While the CHF unit breakdown may be appropriate now, in 10 years the need may change.
- If the project secures funding through BC Housing or another public entity, they are likely to enter into an Operating Agreement or other legally binding agreement, committing them to protect the affordability of the units for prescribed period.

Conclusion

We understand that the LTC is seeking as much certainty as possible before rezoning the site, and some of this certainty is being sought through a Housing Agreement. However, this early in the development stage, and before a project secures funding, there is too much uncertainty for the Society to commit to a prescribed rental structure.

We would like to propose that the LTC consider the draft of the Housing Agreement that GIGARHS provided to them on November 2, 2022 (and appended to this letter). This draft has been carefully written to try to mitigate as many concerns of the LTC as possible, while giving enough flexibility to GIGARHS to respond to a range of funders and to the future needs on the Island.

We hope that this letter helps to provide some clarity on the affordable housing landscape and how this project may move forward successfully to the benefit of GIGARHS, the Islands Trust, and to the community as a whole.

Thank you,

Eleni Gibson

Eleni Gibson
Project Planner
Wiser Projects

XXX ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. XXX

A Bylaw to Authorize a Housing Agreement

WHEREAS the XXX Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the XXX 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 XXX Island Local Trust Committee wishes to enter into a Housing Agreement;

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

1. This Bylaw may be cited for all purposes as "XXX Island Housing Agreement Bylaw No. XXX, year".
2. Any one Trustee of the XXX Island Local Trust Committee are authorized to execute an agreement in the form attached to this Bylaw with [owner]

READ A FIRST TIME this X day of month, year

READ A SECOND TIME this X day of month, year

READ A THIRD TIME this X day of month, year

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this

 X day of month, year

ADOPTED this X day of month, year

SECRETARY

CHAIRPERSON

Housing Agreement and Section 219 Covenant

THIS AGREEMENT DATED FOR REFERENCE THE [day] OF [month], [year] is BETWEEN:

Gulf Islands Galisle Affordable Rental Housing Society], a society incorporated under the laws of the province of British Columbia under number [S- S0069972] and having its office at [#6-33 Manzanita Road, Galiano Island, BC, V0N 1P0]

(the “Owner”);

AND:

XX 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 “Trust Committee”)

WHEREAS:

- A. The Owner is the registered owner of the Lands situated at [address] on [Island], British Columbia and legally described as: [PID, Legal description], commonly known as [name of development], (the “Lands”);
- B. The Lands [are zoned/have been rezoned] by the [Island] Local Trust Committee by means of [Island] Land Use Bylaw [year] Amendment No. [#] to permit the development of a [development type here];
- C. The Owner intends to rent the units on the Lands, by way of a rental agreement, at an affordable rate to Qualified Renters (as defined in section 1.1);
- D. The 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;
- E. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;
- F. The Owner and the Trust Committee wish to enter into this Agreement to provide affordable 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
- G. The Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has

duly authorized the execution of this Agreement.

THIS AGREEMENT is evidence that in consideration of \$1.00 paid by the Trust Committee to the Owner (the receipt of which is acknowledged by the Owner), and in consideration of the promises exchanged below, the Trust Committee and the Owner agree, as covenants granted by the Owner to the Trust Committee under Section 219 of the *Land Title Act*, and as a housing agreement between the Owner and the 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 such as BC Housing or Canada Mortgage and Housing Corporation, that provides a grant or preferential rate loan to support the development of Affordable Housing Units on the Lands;

“Affordable Housing Unit” means a unit on the Lands secured as a rental in accordance with this Agreement.

“Affordable Market Unit” means a unit on the Lands where the rental price is linked to market conditions in Victoria or the Victoria/Southern Gulf Islands region and the rental rate is approved by an Affordable Housing Funder;

“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 its successors in function;

“Business days” means Monday to Friday inclusive except for those excluded days declared by lawful authority as holidays.

“CMHC” means Canada Mortgage and Housing Corporation or its successors in function;

“Dwelling Unit” means a dwelling unit as defined in the Galiano Land Use Bylaw [year], as amended or replaced from time to time.

“Household” means one or more individuals occupying the same Dwelling Unit.

“Housing Income Limits” means the maximum gross household income for eligibility in an affordable housing program (for each category of dwelling unit), based on figures established by CMHC, and are intended to reflect the minimum income required to afford appropriate accommodation in the private market, as published by BC Housing from time to time;

“Lands” means that parcel of land legally described as [PID and legal description from title search print].

“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.

“Qualified Renter” means a person who meets the eligibility criteria for tenancy as set out in Schedule B and who meets the eligibility criteria for a residential tenancy of a Rental Unit, as set out in Section 2.2 Affordable Rental Housing Eligibility of this Agreement.

“Residential Tenancy Act” means the *Residential Tenancy Act* (British Columbia).

“Tenancy Agreement” means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*.

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 the masculine is used in this Agreement, it shall be deemed to include the plural or the feminine, or the body politic or corporate, where the context or the parties so require;
- 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 by a document executed by all parties.

Article 2 – Affordable 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 must not be used and no building or structure may be constructed on the Lands except in accordance with any development permit or rezoning issued by the Local Trust Committee, and any building permit issued by the Capital Regional District and this Agreement;
- b. the Lands must at all times be used and occupied in compliance with all statutes, laws, regulations, orders of any authority having jurisdiction, and this Agreement; and
- c. the Owner will design, construct, and maintain the Affordable Housing Units in a satisfactory

state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Lands.

2.2 Affordable rental housing eligibility - The Owner covenants and agrees that the Affordable Housing rental units will only be occupied under all of the following criteria:

- a. the household's Annual Household Income meets the criteria specified by an Affordable Housing Funder;
- b. Affordable Housing Unit will be used or occupied only pursuant to a Tenancy Agreement;
- c. the household is composed of at least one Qualified Renter;
- d. the household will occupy the Affordable Housing Unit as its permanent, principal, and sole residence;
- e. each Tenancy Agreement will include a clause prohibiting subletting including short-term vacation rentals, a clause requiring the Qualified Renter to comply with the use and occupancy restrictions contained in this Agreement, and a provision entitling the Owner to terminate the rental agreement in accordance with the *Residential Tenancy Act* in the event of any breach of these use and occupancy clauses;
- f. each Tenancy Agreement will include a clause requiring Qualified Renters to seek prior permission of the Owner before engaging in a home occupation; any breach of this provision will entitle the Owner to terminate the rental agreement in accordance with the *Residential Tenancy Act*.
- g. the Owner will deliver to the Trust Committee a true copy of every Tenancy Agreement entered into in respect of any Affordable Housing Unit within 10 business days of any request to do so;
- h. the Owner will include in every Tenancy Agreement notice of the existence of this Agreement and the occupancy restrictions applicable to the Affordable Housing Unit, and will provide to each Qualified Renter upon their request, a copy of this Agreement; and
- i. each Tenancy Agreement will provide that if one of the individuals comprising a Qualified Renter who rents an Affordable Housing Unit dies, that individual's spouse or adult child residing in the Affordable Housing Unit at the time of the Qualified Renter's death may continue to rent the Affordable Housing Unit until the later of:
 - i. the balance of the fixed term under the Tenancy Agreement; or
 - ii. twelve (12) months on the same terms, including monthly rent, set out in the Tenancy Agreement.

2.3 Rental rates - The Owner covenants and agrees that it will:

- a. not charge any tenant a monthly rent, exclusive of utilities, that is greater than 30% of the gross monthly Household Income of the Qualified Renter, except in the case of an Affordable Market

Unit;

- b. not require any tenant under a Tenancy Agreement to pay any extra charges or fees for use of any well or septic system, or property taxes. For clarity, this limitation does not apply to parking, cablevision, telecommunications, laundry, or gas or electricity utility fees or charges.

2.4 Policies/Rules and Regulations/Administration by Owner –The Owner is authorized to make and administer rules, regulations and policies 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.

2.5 No Sublease or Assignment – Except as set out in this Agreement, the Owner will not permit the interest in an Affordable Housing Unit to be subleased or a Tenancy Agreement to be assigned.

2.6 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. The Owner irrevocably authorizes the Local Trust Committee to make reasonable inquiries it considers necessary in order to confirm compliance with this Agreement.

Article 3 – General Terms

3.1 Order to Comply - If the Owner is in default of the performance or observance of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with this Agreement within the 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 Trust Committee, within the time stated on the notice of default provided to the owner by the Trust Committee.

3.2 Management – The Owner covenants and agrees to furnish good and efficient management of the Lands and the Affordable Housing Units on the Lands. If and when the Trust Committee has reasonable grounds to believe that a continuing breach of this Agreement exists, the Trust Committee may authorize its representatives to inspect the Lands at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act* and subject to the concurrent delivery of such a notice to the Owner.

3.3 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.

3.4 Specific Performance of Agreement – The Owner agrees that the 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 Affordable Housing Unit. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Trust Committee’s Land Use Bylaw, as amended from time to time.

3.5 Assignment – The Owner acknowledges that the 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 Trust Committee shall be interpreted as a reference to that party provided that the Trust Committee has so advised the Owner.

3.6 Indemnity – The Owner shall indemnify and save harmless the 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 at law responsible, including breaches of this Agreement. This clause will survive the termination of this Agreement.

3.7 Release – The Owner releases and forever discharges the Trust Committee and each of its elected officials, officers, directors, employees, and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions, or causes of action arising out of advice or direction respecting the ownership, lease, operation or management of the Land or the Affordable Housing Units which has been or at any time after the commencement of this Agreement may be given to the Owner by all or any of them. This clause will survive the termination of this Agreement.

3.8 Trust Committee Powers Unaffected – This Agreement does not limit the discretion, rights, duties or powers of the Trust Committee under any enactment or the common law, impose on the Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision 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 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 the Trust Committee of any default under this Agreement, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the Trust Committee 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 Trust Committee.

3.11 Arbitration – Any matter in dispute between the parties under this Agreement, including any disputes as to whether a particular individual is eligible to occupy a Affordable 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 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 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.
- 3.15 Amendment and Termination** – This Agreement may not be modified or amended except by bylaw of the Trust Committee, upon an agreement in writing between the 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 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 Trust Committee may advise the others in writing in accordance with this paragraph. Notice to the 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 of the Trust Committee specified in this Agreement are cumulative and are in addition to any remedies of the Trust Committee at law or in equity. No remedy shall be deemed to be exclusive, and the Trust Committee 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 Owner 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 Trust Committee or give the Owner any authority or power to bind the 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 parties 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.

SCHEDULE "A"

OWNER STATUTORY DECLARATION

CANADA

PROVINCE OF BRITISH COLUMBIA

IN THE MATTER OF A HOUSING AGREEMENT
WITH THE XXX 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 _____, XXX Island, legally described as: _____ (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 Affordable Housing Units were used only by Qualified Renters (as defined in the Housing Agreement).
5. At no time during the last year were any of the Affordable Housing Units used as a short-term vacation rental.
6. The rental payments charged for the Affordable Housing Unit 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 this 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;
- 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 who make an application to rent an available unit and the lack of applications would result in the 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 this 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 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; or
- c. Person with immediate family already living on Galiano. Immediate family means a daughter/son/parent/sibling, 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 who make an application to rent an available unit and the lack of applications 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 this Agreement.

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference the ____ day of _____, 2021 is

AMONG:

(the “Owner”)

AND:

GALIANO ISLAND LOCAL TRUST COMMITTEE

Suite 200, 1627 Fort Street, Victoria, British Columbia, V8R 1H8

(the “Trust Committee”)

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of land more particularly described as:

PID:

Legal Description:

(the “Land”);

- B. The Owner has applied to the Trust Committee to amend the Galiano Land Use Bylaw to authorize an affordable housing development on the Land.
- C. Section 219 of the *Land Title Act* (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land;
- D. The Owner wishes to grant and the Trust Committee wishes to accept this covenant over the Land, restricting the use of the Land in the manner specified.

This Agreement is evidence that in consideration of the premises and covenants herein contained, the payment of two dollars (\$2.00) by the Trust Committee to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree pursuant to s. 219 of the *Land Title Act* as follows:

Definitions

1. In this Agreement:

- (a) “Construction” means the construction of any building or structure on the Land, and includes any land alteration or other work on the Land in preparation for the construction of any building or structure.

- (b) "Development Area" means the area of the Land proposed for buildings or structures, driveways, parking lots, gardens, and a septic field, and specifically excludes the area shown on the Site Plan as within the "33 ft setback".
- (c) "Ecological Assessment Report" means the report prepared by Keith Erickson and dated January 18, 2021 a copy of which is attached to this Agreement as Schedule A.
- (d) "Groundwater Report" means the report submitted by Hy-Geo consulting and dated December 2, 2019, a copy of which is attached to this Agreement as Schedule B.
- (e) "Project Well" means the well located on the Land, with the Well Identification number 46824.
- (f) "Site Plan" means the proposed plan for the use and development of the Land attached to this Agreement as Schedule C.
- (g) "Tree Protection Zone" means an area surrounding a tree, having a diameter of 12 centimeter for every 1 centimeter of trunk diameter at breast height (1.3 meters above the ground).
- (h) "Water Management Plan" means the report prepared by MSR Solutions and dated August 30, 2021, a copy of which is attached to this Agreement as Schedule D.

Ecological Protection Measures

2. The Owner shall not construct on or develop the Land except in accordance with the Site Plan, and in accordance with the recommendations of the Ecological Assessment Report, and in particular but without limitation the Owner shall:
 - (a) Not alter or develop the area of the Land shown on the Site Plan as lying within any of the "33 ft setback" or "30' buffer" areas, except as may be specifically authorized or directed by the Trust Committee, to ensure the ecological integrity of those areas, or their aesthetic value, or their ability to provide a visual screen between development on the Land and any adjacent lands;
 - (b) Establish a Tree Protection Zone around all trees identified as "Old-growth Douglas Fir" or "Large Diameter Arbutus" on the diagram that appears at page 15 of the Environmental Assessment Report;
 - (c) Consult with a certified arborist to determine health of trees within the development area and provide recommendations... **NOTE ARBORIST CONDITIONS STILL TO BE CONSIDERED UPON RECEIPT OF ARBORISTS REPORT FROM APPLICANT;**
 - (d) Retain as much forest cover and natural vegetation cover as practicable within the Development Area. Retain large diameter coarse woody debris and dead standing trees within undeveloped areas of the Land to provide wildlife habitat;

- (e) Use only permeable materials or surfacing for parking lots and driveways on the Land;
- (f) Minimize soil compaction outside of the Development Area during the construction phase; and,
- (g) Create bioswales along driveways and downslope from parking areas and other impervious surfaces to manage surface runoff and promote infiltration back into the groundwater system.

Construction Management, and Restoration

3. The Owner shall not start any Construction on the Land until the Owner has:
 - (a) established sturdy, high visibility fencing around every Tree Protection Zone, and around any other areas that are, in accordance with the Site Plan, to remain as natural areas;
 - (b) removed Scotch broom, holly and Himalayan blackberry from the developable area of the Land;
 - (c) established a water supply and storage system sufficient for firefighting purposes with a minimum of XX litres of storage.
4. The Owner shall not carry out any site clearing from late February through August 31st in any year, or during periods of prolonged rainfall.
5. During and throughout any Construction on the Land the Owner shall:
 - (a) Maintain all fencing around the Tree Protection Zones and around other areas required to be fenced under 3(a), above;
 - (b) Minimize impacts to vegetation, and immediately revegetate/restore any areas where temporary damage is necessary for construction purposes;
 - (c) Cover any soils exposed or deposited for a period of greater than two (2) weeks with tarps, which the Owner shall maintain in good repair throughout construction, or hydromulch the exposed soils (without seeds);
 - (d) Restrict the use of machinery and equipment to the minimum area necessary to carry out the authorized development;
 - (e) Control invasive exotic vegetation by requiring all contractors working on the Land to inspect and clean vehicle and equipment before entering or leaving the Land, and by manually removing invasive exotic vegetation on a regular basis
 - (f) Ensure all machinery and equipment used on the Land is inspected for leaks prior to operation;
 - (g) Not allow any vehicle fueling or refuelling on the Land except at a designated location with an impermeable surface, where spills can be contained;

- (h) Ensure a spill response kit is on-site whenever machinery is being operated, and ensure all operators are trained in the proper use of the spill kit.
- 6. Immediately after construction, and before any residential use or occupancy of the Land, restore any areas where soils were compacted due to construction, using the 'rough and loose' method.

Groundwater Use Restrictions and Monitoring

- 7. The Project Well must be equipped with a totalizing flow meter to monitor well usage with a water level sounding tube installed for taking periodic water level measurements in the well and the Owner must maintain records of the total amount of water produced each month. These records shall be submitted to the Trust Committee on an annual basis to ensure that no excessive water demands, particularly during extended drought periods, are being placed on the well.
- 8. Water from the Project Well shall be treated with an appropriately designed and maintained ultraviolet irradiation (UV) or chlorination treatment system.
- 9. Water quality from the Project Well shall be monitored for bacteria and chemical quality including fluoride levels on a regular basis (minimum of once a year) and as directed by the local health authority to detect any changes that might occur over time that may require any additional treatment.

Water Storage and Management

- 10. The Land must not be used or occupied for residential purposes until and unless the owner has installed all of the following:
 - (a) Dedicated water storage with a capacity of at least XX litres to meet the fire demand requirements;
 - (b) Dedicated water storage with a capacity of at least XX litres to meet balancing storage requirements;
 - (c) Dedicated water storage with a capacity of at least XX litres to meet emergency storage requirements.
- 11. NOTE: AUGUST 30, 2021 DRAFT WATER MANAGEMENT PLAN HAS BEEN REVIEWED BY ISLANDS TRUST STAFF AND COMMENTS PROVIDED TO APPLICANT NOV 5, 2021. ADDITIONAL WMP CONDITIONS STILL TO BE CONSIDERED UPON RECEIPT OF UPDATED WMP THAT CONSIDERS STAFF INPUT
- 12. No irrigation system on the Land shall be connected to, supplied with, or otherwise use, any groundwater.

Character of Buildings

- 13. All buildings on the land shall be constructed in accordance with the elevation drawings attached to this Agreement as Schedule E, subject to alterations that are reasonably contemplated by or aligned with Schedule E and any existing permits or approvals for the building.

Costs

14. The Owner covenants and agrees to perform all requirements and obligations of this Agreement at the Owner's sole cost and expense.

No Effect On Laws or Powers

15. This Agreement does not:
- (a) affect or limit the discretion, rights, duties or powers of the Trust Committee or the Capital Regional District under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Trust Committee or the Capital Regional District any duty of care or other legal duty of any kind to the Owner or to anyone else;
 - (c) oblige the Trust Committee to enforce this Agreement, which is a policy matter within the sole discretion of the Trust Committee;
 - (d) affect or limit any enactment relating to the use or subdivision of the Land;
 - (e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

16. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the requirements of any enactments or law or any order, directive, ruling or government action thereunder. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

Indemnity

17. Pursuant to section 219(6) of the Land Title Act, the Owner hereby indemnifies and saves harmless the Trust Committee and its elected and appointed officials, officers, employees and agents, from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Trust Committee may at any time suffer or incur arising out of or related to this Agreement or any breach of it.

No Liability in Tort

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

Covenant Runs With the Land

19. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the Land Title Act (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

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

Waiver

21. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Trust Committee of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

Severance

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

No Other Agreements

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

Binding of Successors

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

Further Acts

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

Deed and Contract

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

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

2 INSERT SCHEDULES

INSERT PRIORITY AGREEMENT(s) (if required)

File: 1811051

January 16, 2022

Gulf Islands Galisle Affordable Rental
Housing Society
Galiano Island

Attention: Colleen Doty

Re: Groundwater Level Monitoring, Well WID 46824 (WTN 115952) at Georgia View Road, Galiano Island

Monitoring Installation

As requested, a Diver™ datalogger Serial No. A3740 supplied by Hy-Geo Consulting was installed in the above well by Brad Lockett of Galiano Island on July 19, 2021. Well WID 46824 is a 6 inch (15 mm) diameter bedrock well drilled in September 2018 to a depth of 220 feet (67.06 m) by Red Williams Well Drilling Ltd. The recording interval was set at 10 minutes to detect any water level variations from neighbouring pumping wells and tidal effects. Brad Lockett also recorded manual water levels in the well prior to and after installation of the datalogger. The corrected water level in the well at 10:30 am on July 19, 2021 was 3.991 m below ground. A second Diver™ datalogger Serial No. A4189 was also set in the upper part of the well to record variations in barometric pressure at the same recording interval of 10 minutes synchronized with datalogger Serial No. A3740.

On October 7, 2021 data from the datalogger and barologger was downloaded on site by Alan Kohut of Hy-Gep Consulting and the instruments were re-installed in the well at that time. Manual water levels in the well prior to and after re-installation of the datalogger were also measured. The corrected water level in the well at 10:00 am on October 7, 2021 was 3.917 m below ground.

On January 1, 2022 the datalogger and barologger were removed from the well by Brad Lockett and couriered to Hy-Geo Consulting for data downloading and analysis and interpretation. The corrected water level in the well at 2:10 pm on January 1, 2022 was 3.566 m below ground.

Precipitation Data 2021-22

With the absence of a current climate station on Galiano Island, the Mayne Island climate station may be considered representative of the general longer-term (monthly) precipitation patterns on Galiano Island (Government of Canada, 2022a). The most recent (2021-22) precipitation data for the region is available for climate station 1015638 on North Pender Island (Government of Canada, 2022b).

Precipitation in 2021 as observed at climate station 1015638 on North Pender Island was well below normal from February to August as shown in Table 1. Heavy rains beginning in September through November resulted in above normal monthly precipitation. Overall precipitation in 2021 of 789.6 mm was 93.8 percent of the annual normal (842 mm) for Mayne Island.

Table 1. Monthly 2021 precipitation data for North Pender climate station (Climate ID.1015638) compared to 1981-2010 normals for Mayne Island.

Month	Precipitation in 2021 (mm)	Monthly Precipitation Normal (mm)	Percent of Normal	Cumulative Percent of Normal
January	134.1	129.9	103.2	103.2
February	63	87.7	71.8	90.6
March	15	75.4	19.9	72.4
April	17.4	55.3	31.5	65.9
May	22.4	44	50.9	64.2
June	23.9	36.9	64.8	64.3
July	0	21.2	0	61.2
August	10.6	23.8	44.5	60.4
September	66.0	28	235.7	70.2
October	91.8	79.9	114.9	76.3
November	252.1	135.4	186.2	97.0
December	93.3	124.5	74.9	93.8
Total:	789.6	842		

Data from Government of Canada (2022a and 2022b).

Monitoring Results

July 19 to October 7, 2021 Period

Given the frequent recording interval of 10 minutes chosen for the monitoring project, a large dataset of over 11,500 water level readings was generated for the above period. A separate hydrograph for this period was prepared to process the large data set and precipitation data was subsequently plotted on a separate graph for comparative purposes.

Figure 1 shows the water level below ground in Well WID 46824 from July 19 to October 7, 2021 compared with precipitation data from the North Pender Island climate station (Climate ID.1015638). Water level data shown has been corrected for barometric effects. The raw data for the July 19 to October 7, 2021 monitoring period is provided in Excel[®] spreadsheet titled “Georgia View July to October 2021.csv”.

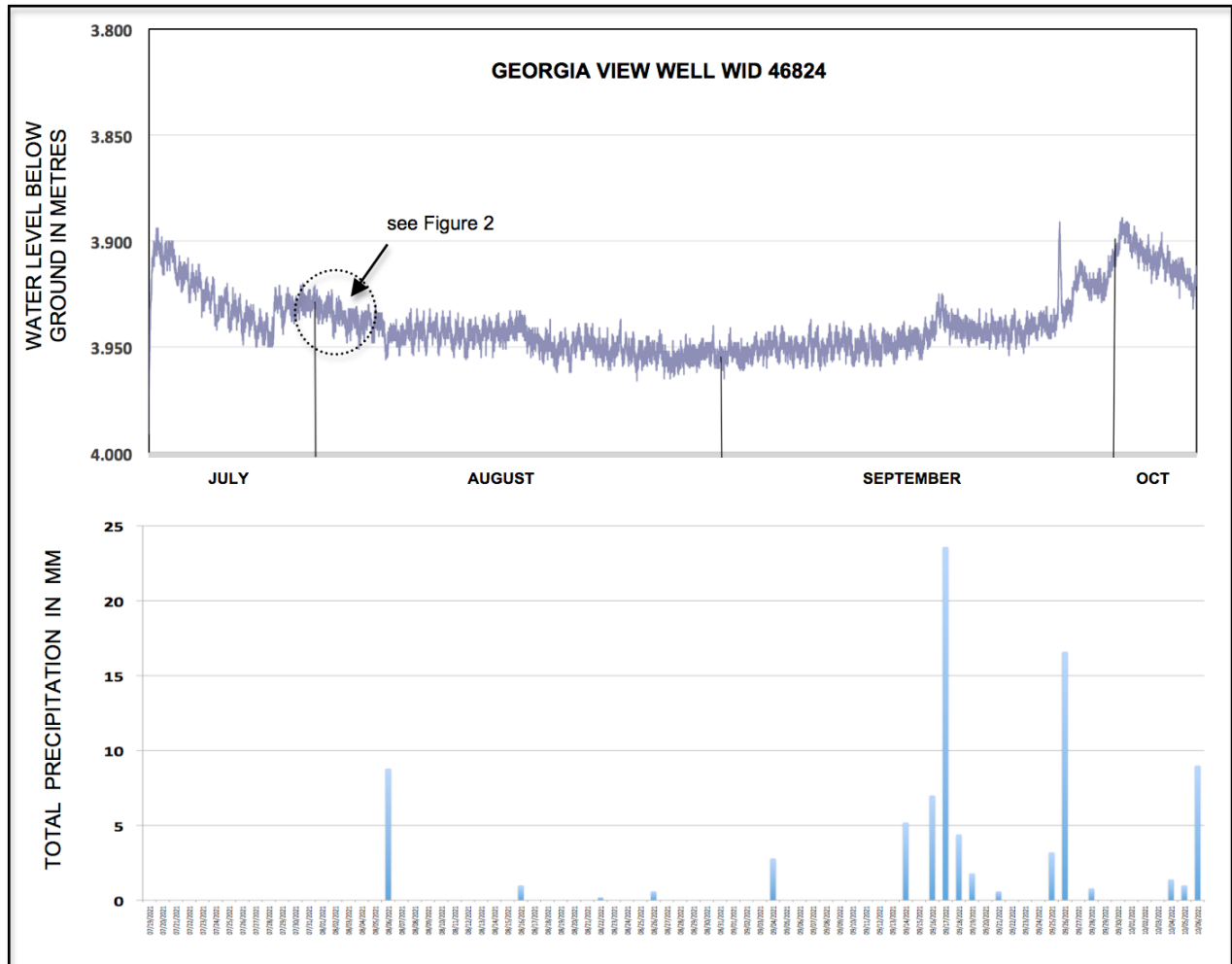


Figure 1. Water level below ground in Well WID 46824 from July 19 to October 7, 2021 compared with precipitation data from North Pender Island climate station (Climate ID.1015638)

The above hydrograph shows water levels declining approximately 5 cm from July 19 to mid September. Rain events beginning in mid September appear to result in water levels rising in late September. A detailed representative portion of the hydrograph from July 29 to August 5 is shown in Figure 2 in comparison to tidal fluctuations at Montague Harbour for the same period. Apart from minor fluctuations of about 0.05 cm that may reflect datalogger accuracy, there appears to be a reasonable daily correlation of the hydrograph fluctuations of about 1.5 to 2.0 cm with the tidal fluctuations. Tidal effects of the same magnitude were observed in well WID 46824 during previous monitoring in November-December 2018 (Kohut, 2019).

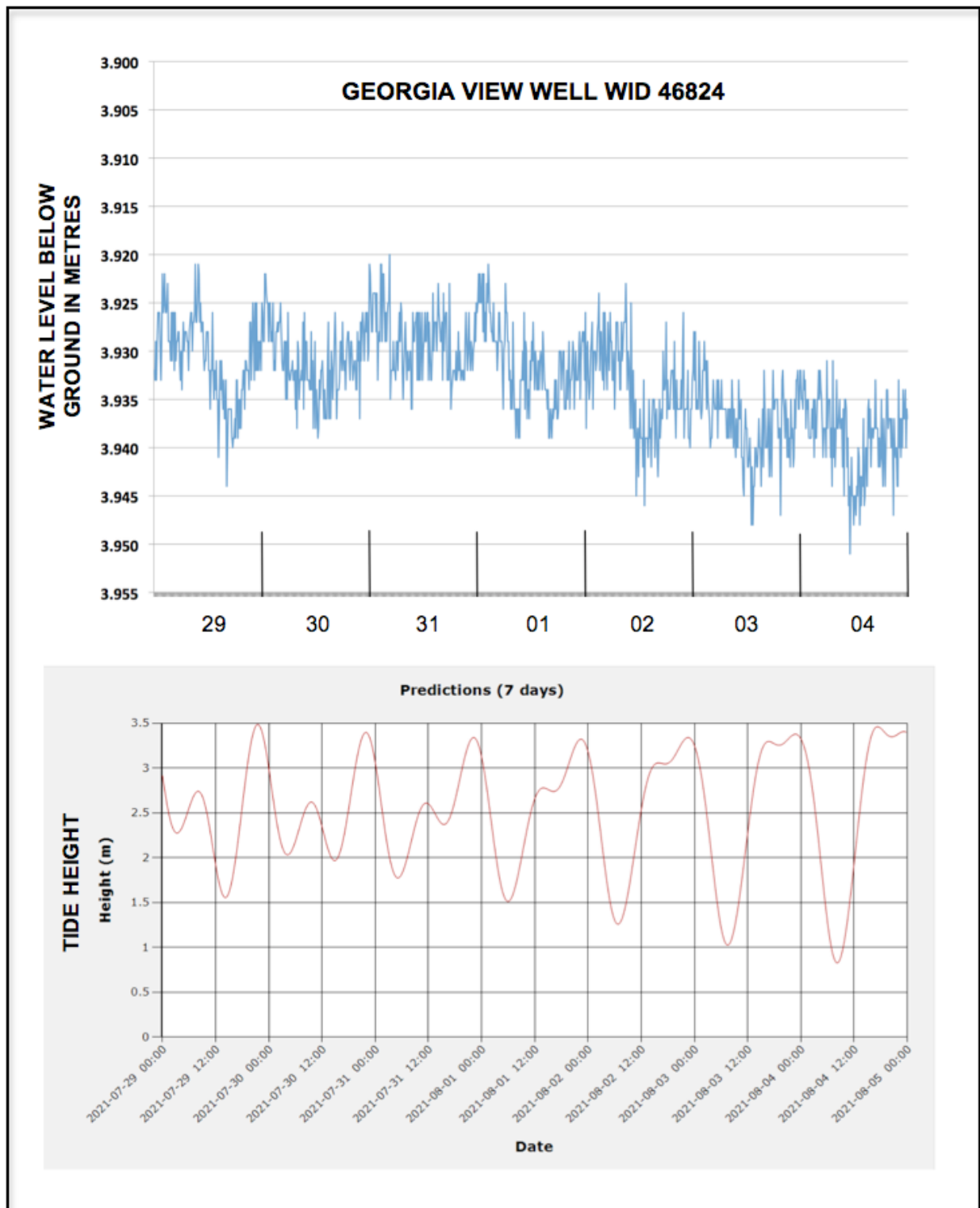


Figure 2. Comparison of water level fluctuations in Well WID 46824 from July 19 to August 5, 2021 with predicted tidal fluctuations at Montague Harbour. Tidal graph adapted from Government of Canada, 2022c.

October 7, 2021 to January 1, 2022 Period

Given the frequent recording interval of 10 minutes chosen for the monitoring project, a large dataset of over 12,400 water level readings was generated for the above period. A separate hydrograph for this period was prepared to process the large data set and precipitation data was subsequently plotted on a separate graph for comparative purposes. Figure 3 shows the water level below ground in Well WID 46824 from October 7 to January 1, 2022 compared with precipitation data from the North Pender Island climate station (Climate ID.1015638). Water level data shown has been corrected for barometric effects. The raw data for the October 7 to January 1, 2022 monitoring period is provided in Excel[®] spreadsheet titled “Georgia View October to January 2022.csv”.

The Figure 3 hydrograph shows water levels trending slightly upward during October 2021 and then rising sharply during periods of major cumulative precipitation events with water levels subsequently receding between the major precipitation events. Water level fluctuations up to 2.5 metres occurred during these events. This repetitive pattern of dramatically rising and falling water levels during cumulative precipitation events has been observed previously during the winter months in some bedrock observation wells in the region (Kohut, 1984). Tidal effects on the water levels in well WID 46824 during periods of heavy precipitation events were subdued.

During the seasonal holiday period from December 26, 2021 to January 1, 2022, interference effects of about 0.1 to 0.25 m shown in Figure 4 were likely caused by pumping of neighbouring wells during this period

The overall, non-pumping behaviour of the water level in well WID 46824 over a maximum range of about 3 metres during the July 2021 to January 2022 monitoring period is consistent with a well situated in a regional groundwater discharge area. Previous mapping by Kohut and Johanson (1998) indicates that the project well is situated within a regional groundwater discharge area where groundwater levels are relatively close to ground surface during much of the year. The monitoring results obtained above are consistent with the observations, assumptions and results reported on the pumping test carried out on well WID 46824 in 2019 (Kohut, 2019).

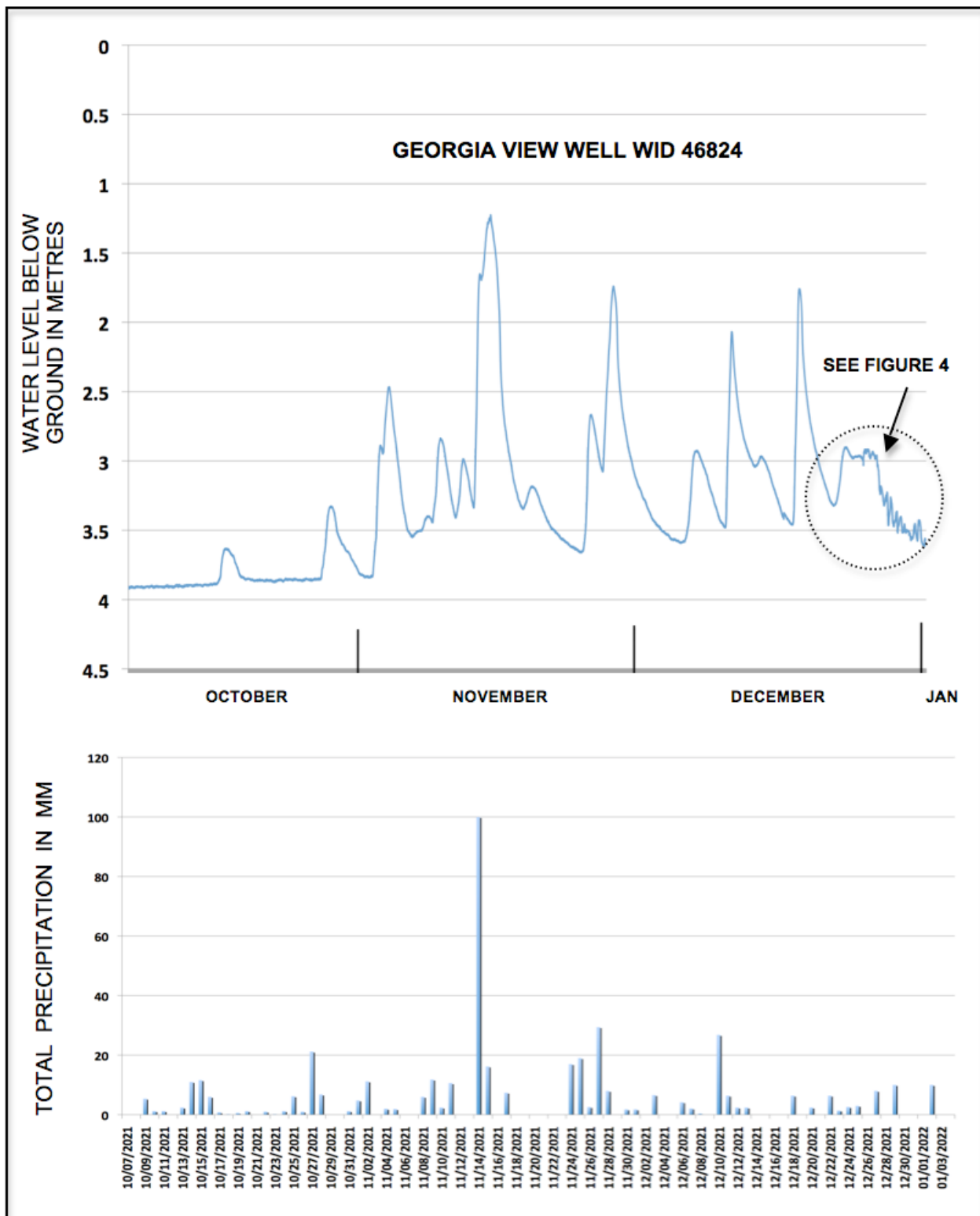


Figure 3. Water level below ground in Well WID 46824 from October 7, 2021 to January 1, 2022 compared with precipitation data from North Pender Island climate station (Climate ID.1015638).

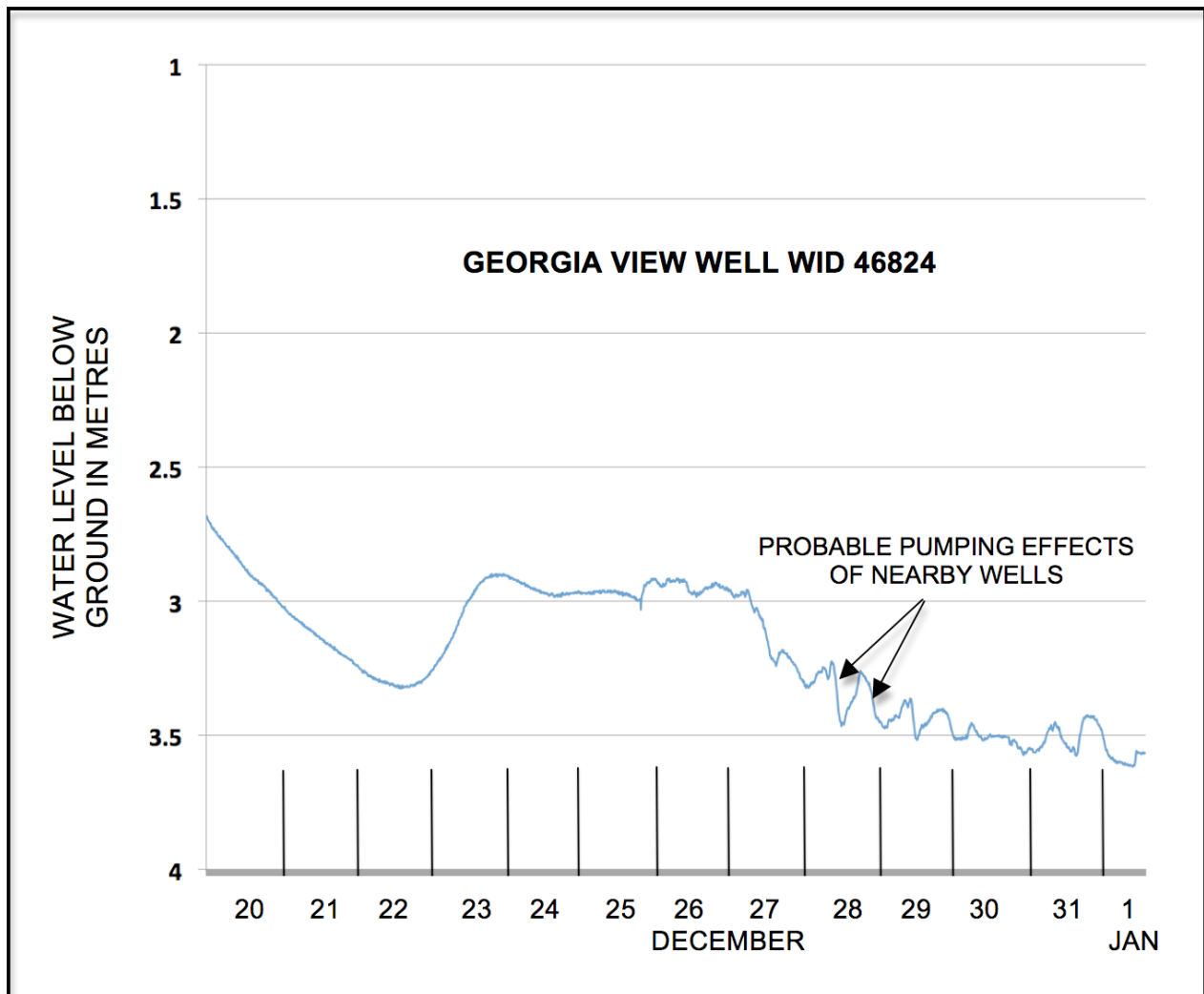


Figure 4. Water level below ground in Well WID 46824 from December 20, 2021 to January 1, 2022 showing probable pumping interference effects from neighbouring wells.

Conclusions

Based on the water level monitoring conducted on the project well WID 46824 between July 19, 2021 and January 1, 2022, the following conclusions can be made:

1. For most of the monitoring period no significant effects due to pumping of any nearby wells was observed until the seasonal holiday period from December 26, 2021 to January 1, 2022. Daily fluctuations during this latter period were in the range of 0.1 to 0.25 m.
2. Periodic tidal effects of 1.5 to 2.0 cm on well WID 46824 were observed at times but became subdued during periods of heavy precipitation during the winter months.
3. During the monitoring period the water level in well WID 46824 fluctuated over a range of 1 to 4 metres below ground. This range of fluctuation is consistent with a well situated in a regional groundwater discharge area.
4. The monitoring results obtained during the monitoring period are consistent with the observations, assumptions and results reported on the pumping test carried out on well WID 46824 in 2019.

Respectfully submitted:



Alan P. Kohut, PEng
Senior Hydrogeologist

Hy-Geo Consulting
Permit to Practice Number: 1001034

References

- Government of Canada. 2022a. *Canadian Climate Normals*. 1981-2010 Climate Normals & Averages. Internet website http://climate.weather.gc.ca/climate_normals/index_e.html
- Government of Canada. 2022b. *Historical Climate Data*. Internet website <http://climate.weather.gc.ca/>
- Government of Canada. 2022c. *7 Days Tidal Predictions*. Fisheries and Oceans Canada. Internet website <https://www.tides.gc.ca/eng/station?type=0&date=2021%2F07%2F29&sid=7420&tz=PST&pres=0>
- Kohut, A.P., Hodge, W.S., Johanson, D.A., and D. Kalyn. 1984. *Natural Seasonal Response of Groundwater Levels in Fractured Bedrock Aquifers of the Southern Coastal Region of British Columbia*. Proceedings of International Groundwater Symposium on Groundwater Utilization and Contaminant Hydrogeology, Montreal, Quebec. International Association of Hydrogeologists/Canadian National Chapter.
- 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.
- Kohut, A.P. 2019. *Report on Proposed Water Supply for Affordable Rental Housing Project, Galiano Island*. Georgia View Road, Galiano Island, Cowichan District. Report prepared for R. M, Dewinetz and G.L. Longson. Hy-Geo Consulting, Victoria, British Columbia.



January 21, 2022

RE: Water Management Plan for GL-RZ-2019.1 (GIGARHS)

Dear Trustees and Islands Trust staff,

Below you will find a summary of comments and amendments made to the Water Management Plan (WMP) prepared by MSR Solutions for 1663 Georgia View Road and associated rezoning application.

Table 1: Overview of Comments and amendments

IT staff comment	Response/amendment
Language: seeking firm commitments and "shall" language	The document has been revised to include "shall" language where appropriate. More general language has been included where current data and plans do not allow for a binding commitment at this time. Some language also refers to other jurisdictions (such as Island Health) who have authority on a given topic and appropriate approvals/requirements will be met through other mechanisms.
Lacks references	References added
Clarity needed on potable sources and purposes	Language refined to ensure clarity on water uses and sources
Technical comments re: flow amounts, risk of saltwater intrusion, water supply/average daily flow, increasing pumping rate, storage descriptions	Addressed as discussed with IT staff on November 23 rd , 2021. Language clarified, data checked.
Plan should describe volume of rainwater to be collected	Volume calculated and included in plan.
Clarity on 7-day emergency storage required	Language clarified with calculations included.
Stormwater management considerations required	Section 7 describes stormwater management planning considerations, which typically come at a later stage when more detailed design of a site is completed. The plan includes general methodology for calculating stormwater runoff and design considerations for managing runoff. It also includes a description of pre-development conditions.
Include Hy-Geo data/report references	Reference to work done by Hy-Geo Consulting added.

We believe that the changes provided above satisfy Islands Trust requirements for rezoning applications. Additional oversight for the management of water on the property is required by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (for



Wiser Projects

Competent. Creative. Committed.

water licensing) and through the *Drinking Water Protection Act* for the supply and safety of drinking water. GIGARHS has received a Conditional Water License for the proposed project.

Thank you,

Eleni Gibson

Eleni Gibson
Project Planner
Wiser Projects

Date: January 19, 2022

To: The Gulf Islands Galisle Affordable Rental Housing Society

From: MSR Solutions

Subject: Galiano Water Management Plan

1. Introduction

1663 Georgia View Road is a proposed affordable housing development on Galiano Island, BC, by the Gulf Islands Galisle Affordable Rental Housing Society (GIGARHS). The preliminary concept for the development consists of 12 residential units in two six-plexes ranging from 1 to 3 bedrooms. GIGARHS has retained MSR Solutions Inc. (MSR) to investigate water demand requirements as well as the feasibility of utilizing rainwater to supplement the water system. This report has been prepared in support of an application for Rezoning made to Islands Trust.

2. Design Basis

2.1. Water Demand

Residential water demand is attributed to the following general categories:

- **Indoor Demand** – includes all regular indoor usage of water within a residence, including from sinks, toilets, showers, wash machines, dishwashers, indoor plants, etc.
- **Outdoor Demand** – includes regular outdoor usage such as irrigation and use of outdoor hoses (e.g. for washing cars).
- **Fire Demand** – only occurs when fire suppression is required; however, a water source for fire suppression must be readily available.
- **Leakage** – losses from leakage tend to increase as systems age and with the size of the system. For a newly installed small system such as proposed for GIGARHS, leakage will be minimal.

2.2. Water Sources

Indoor water demands will be supplied by well water. The existing well on site had a 72-hour variable rate pump test performed in December of 2018¹. Tests were performed at 1.94 gpm on the first day, 3.14 gpm on the second, and 5.15 gpm on the final day. The average drawdown of the cumulative pumping was equal to 26% of the available head in the well. The Hydrogeologist has indicated that the well has a sustainable yield of at least 11 m³/d (2 USgpm).

¹ Alan P. Kohut, P.Eng. Hy-Geo Consulting *Report on Proposed Water Supply for Affordable Rental Housing Project, Galiano Island* (2019)

A conditional water licence has recently been granted, which allows for a maximum daily quantity of 11 m³/d to be diverted, and a total annual quantity of 3188 m³/year to be diverted. Given the annual quota, the average daily flow over a one-year period is to be no larger than 8.73 m³/d. The groundwater licence requires that the water volumes diverted be measured and recorded.

To ensure the safety of the water supply, all requirements of the Drinking Water Protection Act and Drinking Water Protection regulation should be followed in regards to wellhead protection. Wellhead protection will be thoroughly assessed through the regulatory approvals through Island Health that will be required for development.

The Hy-Geo consulting report noted that “no evidence of sea water intrusion or upcoming of salt water was detected” during the 72-hour pump test (Kohut, 2019, Page 17). In a February 2021 Memorandum provided by FLNRORD, it was stated 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.”² However, because the water-bearing fractures are below sea level, it recommends that best management practices³ for the prevention of saltwater intrusion be adhered to. Strategies will include well level monitoring, water conservation, detection and mitigation of leakage, setting the timing of the well pump to provide “Well sipping” (Low-volume, high frequency pumping), and the provision of adequate storage.

Well capacity was confirmed in the January 16, 2022 Hy-Geo Consulting report. Monitoring results obtained between July 19, 2021 and January 2022 confirmed that results were consistent with the observations, assumptions and results reported on the pumping test carried out on well WID 46824 in 2019.

Water demand at the development will vary depending on the occupancy of the 12 units. To balance the flow from the well against varying daily demand over a 12-16 hour period, storage and replenishment must be considered.

2.3. Population

Several sources have been considered in estimating the potential populations for the proposed development. One method, the BC Design Guidelines for Rural Residential Community Water Systems (RRCW)⁴, uses a "Bed Unit Model" for determining population and assumes two occupants per bedroom. It is unlikely this number of occupants will be present but can represent a highest possible population for calculations going forward. Using Table II- 9 from the BC Ministry of Health Sewerage System Standard Practice Manual (SPM) Version 3, a different population equivalent can be assigned to each unit type. These values fit more closely to MSR's experience. These

² Government of British Columbia Ministry of Forests, Lands, Natural Resource Operations & Rural Development, *Memorandum, File 58000-38-12/20013441 Galiano AQ320 (2021)*

³ Province of British Columbia *Best Practices for Prevention of Saltwater Intrusion (2016)*

⁴ Government of British Columbia Ministry of Forests, Lands, Natural Resource Operations & Rural Development *Design Guidelines for Rural Residential Community Water Systems (2012)*

options can be seen compared in Table 1 below. In the preliminary concept design, each six-plex will have two 1-bedroom, two 2-bedroom, and two 3-bedroom units, for a total of four of each unit type.

Table 1: Occupancy Equivalents

Units	RRCW Bed Unit Model Occupancy per Unit	SPM Occupancy per Unit
1 Bedroom (x4)	2	2
2 Bedrooms (x4)	4	3
3 Bedrooms (x4)	6	3.75
Total	48	35

GIGARHS estimates occupancy between 32 and 48 persons. It was also requested that the water management plan account for a maximum number of occupants. Therefore, estimated water use was done using an anticipated population of 35 persons (SPM values) and a maximum population of 48 persons (RRCW and theoretical max by GIGARHS).

2.4. Indoor Water Demand for Anticipated Use

Using the maximum and minimum population buildouts and projected flows, the total water demand can be calculated. The RRCW uses an Average Daily Demand (ADD) of 230 L/person/day. These guidelines are generally over-estimations of actual use in small systems built with modern low-flow fixtures. For a user based average flow we can use the Capital Regional Districts (CRD) data of 232 L/p/d along with an estimate of indoor usage percentage (72%) to come to an average of 167 L/p/d for indoor use. Based on a previous assessment by Hy-Geo (2019), GIGARHS has worked with an estimated 182 L/p/d which comes from user data from a similar development on Mayne Island, BC (Kohut, 2019, Appendix A). All three values were used as a comparison with the chosen maximum and minimum populations, to show a range of potential water demands. Results can be seen in Table 2.

Table 2: Average Daily Demand using RRCW, CRD, and Experience flows

	RRCW		CRD		MSR Experience	
Population (persons)	35	48	35	48	35	48
Flow (L/person/day)	230	230	167	167	182	182
Total (L/day)	8,050	11,040	5,845	8,016	6,370	8,736

The total demand in the highest case scenario (48 people @ 230 L/p/d) equals the maximum daily flow specified in the conditional water license application. This represents a maximum value of indoor usage for the development.

Water conservation measures are mandated by the current BC Plumbing Code, which requires low flow fixtures. For example, toilets must now use no more than 6 L per flush, whereas older toilets typically use 18+ L per flush. Generic guidance documents such as the RRCW still factor in older homes, thereby providing daily flows that are higher than anticipated for homes built to the current code. It can then be assumed that estimated water consumption will be less than the usage numbers provided in the RRCW. Actual flow data from the CRD and Mayne Island will provide a better estimation for required storage, with the max population of 48 residents already an overestimation and providing a factor of safety. Having storage of potable water also ensures an adequate buffer for peak events, maintenance or incidents such as a water leak that may take the treatment plant offline.

2.4.1. Emergency Conditions

Should demand become greater than the designed storage and water runs low or out, GIGARHS would have to consider the following options:

1. Contact plumber to identify potential leaks or bursts in the system
2. Notify residents that water is scarce and additional conservation efforts need to be taken on a temporary basis
3. Truck in potable water to replenish the storage (Last resort, not anticipated)

The water distribution network will include valving so that the network can be isolated into smaller zones to facilitate leak detection. Detailed record drawings will provide accurate locations of all water piping and fittings to assist in locating and repairing any leaks. A regular log of a flow totalizer from the well will be maintained, allowing for the operator to spot trends in increased usage that may be due to leakage.

2.5. Rainwater

Rainwater collection will be used for the irrigation of garden areas. Rainwater availability for irrigation can be determined by the collection surface area and rainfall data. Using the average rainfall data from 1981-2010 from the Mayne Island Climate Station, in a typical year Galiano Island will see 810 mm of rain. Allowing for 20% losses in collection, a conservative estimation of 650 L/m² of available rainwater can be collected. Using preliminary unit designs, an estimate of 878 m² of roof area can be used for a collection surface for a total of 570 m³ of available water in a typical year.

The distribution of rainfall events on Galiano Island are seasonal in nature, with most of the rainfall occurring between October and April, and prolonged dry periods common during summer months. Total monthly rainfall available for collection (after losses) is shown in Figure 3. Storage tanks sizing will depend on expected irrigation levels.

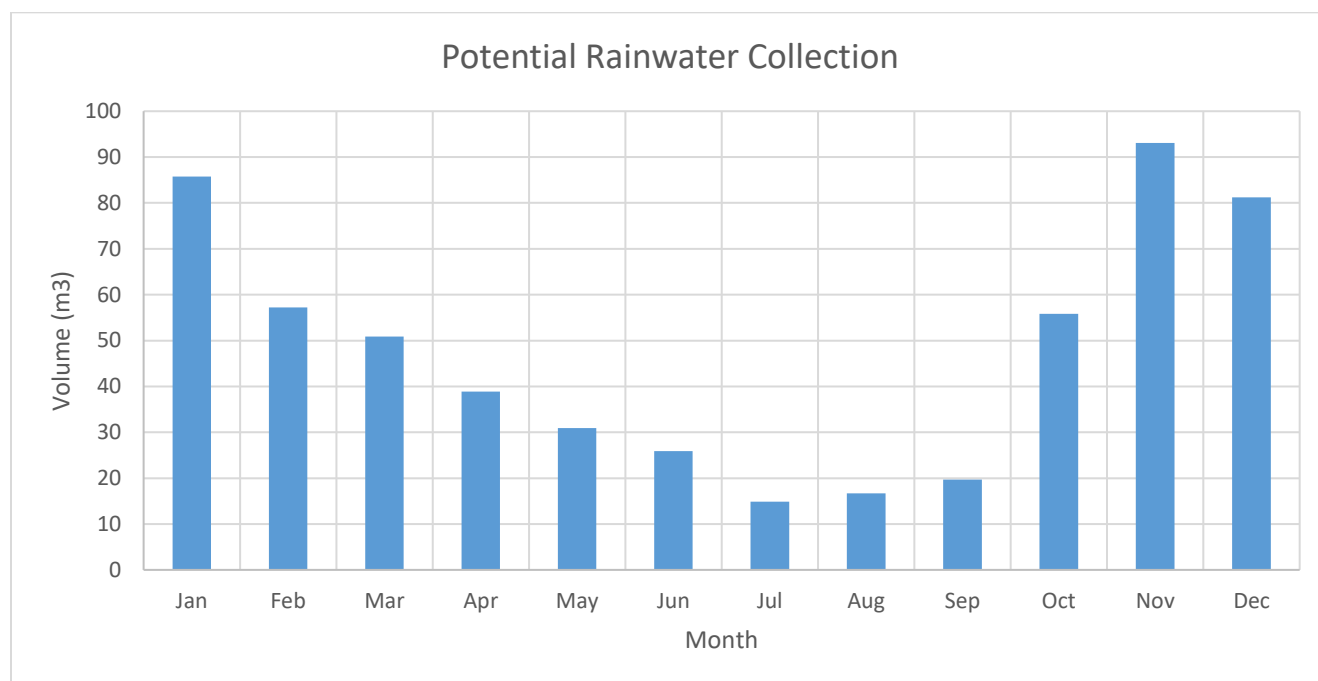


Figure 1: Potential Rainwater Collected

3. Treatment

Based on the Hy-Geo (2019) report, the water quality samples obtained in 2018 showed a generally clean source, with only a few parameters of concern. The Manganese levels at 20.8 µg/L slightly exceeded the new Aesthetic Objectives from the Canadian Drinking Water Guidelines. If required, based on a construction permit application with Island Health, Manganese can be removed with a media filter. Chlorine will act as an oxidant that will also

reduce levels. A small amount of Total Coliform bacteria was present, along with Iron Reducing bacteria. Given the positive results for bacteria, it is anticipated that Island Health will be looking to ensure the water system is following the multiple barrier approach, which negates concerns about the well potentially being directly influenced by surface water (GUDI) or Generally at Risk to Pathogens (GARP).

An appropriately designed treatment system for the well water consisting of filtration, UV disinfection, and residual chlorination will meet Island Health requirements and ensure water is safe even after several days in the storage tanks. Filtration will be provided in 4" x 20" filter cannisters with a 5 micron and 1 micron filter, which is easily maintained by opening the cannister and replacing the cartridge. The UV systems will either be simple for a typical cleaning required every 2-3 months, or a more expensive model, which will have a built-in wiper, requiring only annual maintenance. Both UV options require annual bulb changes.

Chlorine disinfection may be kept at a residual of 0.5 mg/L to minimize concerns for odour and taste. This will also mitigate regrowth within the distribution systems, thereby reducing the frequency of line flushing. Treated water will need to be stored to meet required chlorine contact times. A minimum of 117,000 L (31,000 US gal) of storage will be required to meet the demand. Treatment components (except the storage tank) will need to be installed inside a secure, watertight building. If a dedicated water treatment building is required, keeping the building under 10 m² will prevent the need for additional permits and should be sufficient for the required treatment equipment.

4. Reservoir Storage

Using *Section 4.7 – Distribution Storage Reservoirs* from of the Design Guidelines for Rural Residential Community Water Systems (2012), the storage reservoir can be designed using the following:

- **Balancing Storage:** To balance the fluctuations in domestic demands and allow for reasonable on/off frequencies of the supply pumps;
- **Fire Storage:** To provide sufficient water for the critical fire flow/duration demands in the system;
- **Emergency Storage:** To provide water in case of power outages and restriction in source supply.

4.1. Balancing Storage

Section 4.7.1 – *Balancing Storage* states that the balancing storage required is the difference between instantaneous demands and the average demands should be minimum 25% of the MDD. As such, the volume required for balancing storage is 2,750L (605 iGal), based on a MDD of 11m³/day.

4.2. Fire Storage

The local fire department, Galiano Fire Department has estimated a fire storage of 90,850L (24,000 USGal). This requirement shall supersede the *NFPA 1142-Standard on Water Supplies for Suburban and Rural Fire Fighting* requirement.

4.3. Emergency Storage

Section 4.7.3 – *Emergency Storage* states that emergency storage provides water during events such as natural disasters, pump failure, source failure, or watermain breaks.

The emergency storage is calculated using:

$$\text{Emergency Storage} = 0.25 \times (\text{Balancing Storage} + \text{Fire Storage})$$

As such,

$$\text{Emergency Storage} = 0.25 \times (2,750 \text{ L} + 90,850 \text{ L})$$

$$\text{Emergency Storage} = 23,400 \text{ L}$$

Another method to calculate the Emergency Storage is using the Essential Household Use as part of the British Columbia Water Sustainability Act (WSA). From the act, *Essential Household Use* (ESU) allows a maximum of 250 L/day for drinking water, food preparation, sanitation and domestic purposes for a private dwelling. The Essential Household Use shall be delivered for a one-week period.

This method is calculated using:

$$\text{Emergency Storage} = \text{Total Number of Dwellings} \times \text{ESU} \times \text{Buffer Period}$$

As such,

$$\text{Emergency Storage} = 12 \text{ dwellings} \times \frac{250 \left(\frac{\text{L}}{\text{dwelling}} \right)}{\text{day}} \times 7 \text{ days}$$

$$\text{Emergency Storage} = 21,000 \text{ L}$$

The Emergency Storage of 23,400 L calculated using the *Design Guideline for Rural Residential Community Water Systems* is slightly larger and more conservative and will be used for design.

4.4. Total Reservoir Storage

Total reservoir storage is found using the following:

$$\text{Total Storage} = \text{Balancing Storage} + \text{Fire Storage} + \text{Emergency Storage}$$

The total storage summary is shown in Table 3.

Table 3: Total Reservoir Storage Summary

Balancing Storage (0.25 x MDD)	2,750 L
Fire Storage	90,850 L
Emergency Storage	23,400 L
Total Reservoir Storage	117,000 L

A minimum reservoir storage of 117,000 L is required. The design shall follow the most recent version of the British Columbia Building Code (BCBC), National Building Codes and AWWA D-103-09 specifications.

4.5. Rainwater Storage

Due to the highest demand period for irrigation being during the driest months of the year, the storing of rainwater through the winter months will be necessary. Demand will be about 0.2 m³/day or about 6 m³ per month for every 100 m² of garden space. It is recommended that a landscape consultant be contacted at the time of construction, and storage is built to suit cost and minimal needs.

A Premier Plastics polyethylene underground storage cistern is advised by the Mayne Island Integrated Water Systems Society for rainwater storage. The cisterns will be designed completely in the Building Permit Stage. The cisterns will be confirmed by a Landscape Architect or a British Columbia Certified Irrigation Design Professional at the building permit or construction stage.

5. Wellhead and Protection

Protection of the well is critical to ensure water contamination is mitigated. Wellhead protection will be in accordance with the Drinking Water Protection Regulation and the Groundwater Protection Regulation (GPR). The well was properly installed by Red Williams Drilling with a bentonite surface seal and steel casing 3 metres into the shale rock; and vermin proof well cap, with appropriate stick up. Any works required to modify the well shall include well head protection as per the GPR.

The September static water level in 2018 was noted to be about 11.6 m below the top of the casing. This can be anticipated to reasonably be the low ground water level compared to the level of 1.7 m at the time of the pump testing in December 2018. At a pumping rate of just over 3 gpm, the draw down was 6.8 m below casing, suggesting a reasonable late summer draw down of about 18 m below the top of casing, or at an approximate geodetic elevation of about 30 m above sea level, and approximately 430 m from the shoreline.

Salt water intrusion in this well is not anticipated to be an issue, as the well pump will also be located above sea level (HyGeo Consulting). However in support of downstream users, best practices from *Best Practices for Prevention of Saltwater Intrusion* will be utilized including the following:

- Large water storage tanks for times with peak demand;
- Low water use appliances and irrigation systems will be implemented;
- Leaks will be monitored and rectified as soon as possible;

6. Monitoring and Reporting

Due to water availability concerns on the Gulf Islands, equipment to regularly monitor and record usage will be installed. Volume totals will be tracked from a flow meter either at the well head or located inside the treatment building. This will ensure usage is staying within the allowable limits from the license and assist with any future works by providing site-specific per capita water use data.

A well data logger will be installed for water level monitoring. Data is downloaded from the probe at the well head in digital form.

When an operating permit is issued by Island Health further reporting requirements will be laid out. Regular sampling of the treated water for quality will be required. Bacteriological sampling will be required to be submitted to Island Health, likely on a monthly basis. Any other reporting will be done as needed to the appropriate governing bodies.

7. Stormwater Management

New developments often prepare a stormwater management plan once the site design is confirmed. The plan requires the area and location of all impermeable surfaces before you can properly calculate the required runoff control. The objective generally is to minimize erosion and to keep stormwater runoff equivalent to pre-construction flows. Rainwater collection is planned for the development and can be used as a means of attenuating the stormwater from the roofs. As the designs are in the preliminary phase an accurate plan cannot be created, but considerations should be made for the storage of stormwater and a means for a controlled release of the water. GIGARHS has already considered bioswales as part of the stormwater management for roadways and parking lots, as per their Ecological Impact Report⁵.

Upon completion of the final design, peak discharge and runoff volumes can be calculated. The soil properties will be obtained using a permeator test at the Building Permit Stage. Using the final design, soil conditions and models predicting future stormwater conditions, a stormwater design will be developed to ensure there is storage to

⁵ Keith Erickson R.P. Bio (#2132) *Ecological Assessment Report For Proposed Affordable Housing Property in the Galiano Community Forest*, Galiano Island (2021)

accommodate the difference in run off from post-development and pre-development for a 15-minute storm event.

The design will include the following:

- Rainwater cisterns – installed adjacent to buildings complete with first flush diverters and filters;
- Swales – installed adjacent to driveways, conveys storm water to the site drainage system;
- Lawn basins – complete with sump, permitting the settling of sediment;

In addition to the stormwater collection, the grading plan will ensure drainage away from the structures towards swales and central roadways.

7.1. Pre-Development Condition

The property is situated between elevations of 40 to 60 meters above sea level, along a relatively uniform northeast facing slope that rises to elevations of over 180 meters to the south. Overland surface drainage is conveyed by drainage ditches along Georgia View Road towards the southwest and culverts towards the northeast. There are no significant surface streams on the property. Galiano Island Land Use Bylaws do not include stormwater management design methodology.

The pre-development discharge can be calculated using the following:

Pre development discharge

= Pre – development surface water runoff coefficient x Storm event duration x Rainfall intensity

Where:

Pre-Development Surface Water Runoff Coefficient (C0) = 0.2 (Forested Area)⁶

Storm Event Duration = 15 min (As per BCBC)⁷

Rainfall Intensity = 34 mm/hr x 130% = 44.2 mm/hr (30% additional to account for climate change)

Total Lot Area = 2.023 ha

Therefore,

Pre development discharge = 17.88 m³/s

⁶ American Society of Civil Engineers and Water Pollution Control Federation, 1969. *Design and Construction of Sanitary Storm Sewers. ASCE Manuals and Reports on Engineering Practice no. 37 and WPCF Manual of Practice no. 9.*

⁷ Province of British Columbia Municipal Affairs and Housing *British Columbia Building Code* (2018)

Once the final design is complete, the post-development discharge rate can be calculated. Storage will be installed to contain the difference between pre and post development discharge.

8. Summary

The following points are addressed within the report, or as noted below:

Issue	Comment
Water Source	- Well licence application for 11 m³/day (8.7 m³/day avg annual) - Pumping up to 2 USgpm will be sufficient for demand while not stressing well
Water Demand	- Demand at the highest case will be 11,040 L/day - Expected demand around 6,500 to 8,500 L/day
Managing Water Demand	- Low flow fixtures required as per BC Plumbing Code - Install recording water meter at well head for comparison to user consumption flows - There will be ongoing education to residents about water conservation measures
Storage	- A minimum of 117,000 L for potable water will meet balancing, fire and emergency demand while maintaining a safe residual - Rainwater to be discussed to suit cost and demand of irrigation
Treatment	- Filtration, chlorine, and UV will meet 4-log removal guidelines - Equipment to be stored in secure building
Grey Water Recycling	Not proposed due to additional operating costs and complexity in system impacting affordability
Wellhead Protection	- Completed in accordance with the Groundwater Protection Regulation. - Location of well pump to be above sea level
Saltwater Intrusion	- Water conservation practices are in effect for the development - The pump location is setback from the ocean and the pump zone will be set below the 120 day average draw down (plus NPSH) - Pumping will be by low volume – high frequency
Monitoring and Documentation	- Recording flow meters and dataloggers will be installed. - Data will be stored for upwards of 6 months to allow retrieval of information and reporting as required.

Stormwater Management	To be addressed in detailed design to directed impervious areas back to ground through bioswales and retention
-----------------------	--

9. Conclusion

1663 Georgia View Road can treat and distribute water to meet indoor demands for its desired population when relying on well capacity with adequate storage. A multi-barrier treatment system (filtration, UV disinfection and residual chlorination) is required to treat the well water to meet health standards. Rainwater can be harvested for irrigation demands.

117 m³ of water storage will be installed to accommodate balancing storage, fire storage, and emergency storage.

10. Recommendations

A well treatment system with filtration, UV disinfection, and residual chlorination will meet Island Health requirements and ensure well water is safe to consume. The treatment equipment will need to be housed indoors. If space is not available in an existing building a small treatment shed will need to be constructed. Redundancies will be put in place to ensure water is always available. Storing spare pumps and other equipment will prevent shutdowns from malfunctioning equipment. Providing backup power generation for the treatment plant will also prevent prolonged shutdowns of the potable water system from a power disruption.

117,000 Litres of potable water storage is adequate for the development. It will meet the maximum month condition for reasonably assumed flows and can be supported in an application for a construction permit to Island Health, as it will provide 182 L/person/day (1.1x CRD average indoor usage) at a population of 48 people (Likely greater than anticipated amount). This volume will also support demand for the max population for over 7 days for responses and fixes to any emergencies, fires or other problems.

A rainwater collection system will provide a means of additional water source to help assist in irrigation demands. Because there is no requirement to treat rainwater to potable standards before irrigation it is a very cost-effective means for providing the water needed to irrigate.

Prepared by:



Jeff Brett, EIT
Project Engineer

Approved by:



2022-01-20

Karl Williaume, P.Eng.
Project Engineer

BEECHWOOD

Consultancy & Tree service

4300 Riverside Road

Duncan BC V9L 6M8

Ph: 250-715-7910

Email: jens@beechwoodtrees.com



January 20, 2022

Eleni Gibson
Gulf Island Galisle Affordable
Rental Housing Society
1663 Georgia View Road
Galiano Island BC

Re: Health and structural integrity of 16 larger trees at or near the planned housing development

Dear Eleni Gibson,

I have inspected and assessed the 16 large trees situated on or adjacent to the proposed housing development at 1663 Georgia View Road. The concern is tree health and if they will pose a risk to people and property during construction and post-development. The attached maps shows their location and table details each tree.

My assessment and evaluation skills include 19 years of education, experience, and training in arboriculture and urban forestry. The tools I use are limited to visual and external means and can include diameter tape, binoculars, and a rubber mallet for sounding. I do not implement invasive techniques such as drilling or coring unless I deem it necessary to determine the presence and extent of internal defects.

Background

The planned housing development is a two-hectare area within a 7.5-hectare property. The planned housing site consists mainly of native shrubs and younger trees. There are some larger trees scattered throughout and adjacent to the site; these were assessed and are detailed in this report

Observations and Discussion on trees by planned housing

The assessed trees are 11 *Arbutus (Arbutus menziesii)* and five Douglas firs (*Pseudotsuga menziesii*). Their health varies from poor to average. Most of the *Arbutus* trees can be preserved with proper tree protection; a few need to be removed due to defects. Three of the five Douglas firs need to be removed due to major defects; the remaining two can be preserved with the recommended tree protection setbacks. There are three moderate-sized Western redcedars (*Thuja plicata*) adjacent to tree number two; these can potentially be preserved.

The tables at the end detail each tree with specifics on health, defects, construction setbacks for tree preservation and if they can be retained or not. Following are details on tree preservation during and after the development and construction of the housing project.

Tree preservation

Preserving trees adjacent to excavation, construction and installation of services or infrastructure is challenging. Larger trees need a proportionally greater tree protection zone (TPZ) than younger trees. Trees in poor or fair health need a larger TPZ than trees in average or better health. The TPZ also varies in size depending on tree species. In the planning stage, it is crucial to decide and be realistic as to which trees can be preserved and which can not. The attached map shows the TPZ for trees that can be retained.

Preserving tree health and preventing failures.

The most important factor in protecting trees on a development site is preserving a large enough root zone for each tree to ensure it survives and thrives post-development. It is essential to plot the location of buildings, parking lots and driveways in the planning stage. Underground utilities (power, water, sewer, drainage and irrigation) are often overlooked. Prior to construction, temporary solid fencing should be erected along the TPZ; rebar and flagging tape do not work. The fencing has to stop people and equipment from entering the TPZ.

Excavation inside the TPZ should be avoided. It majorly impacts tree health and can make the tree unstable and cause it to fail (fall over); the table gives details for excavation proximity. Tree roots are close to the surface as they need oxygen to survive. Excavating to a depth of 20 centimeters removes nearly all the tree's absorbing roots. If you dig to a depth of 50 centimeters, nearly all roots are cut, including anchoring roots. If excavation is required inside the TPZ, it should be supervised by a Certified Arborist to minimize damage to tree roots. Keep in mind that even with the recommended tree protection setbacks, roots are still severed as tree roots extend well beyond the TPZ.

The timing of construction should be considered. Construction in the fall and winter is preferable as new roots can develop before the spring and summer. Construction in the spring gives less time for new roots to develop; roots are the last parts of the tree to start growing in the spring. Construction during the summer is not recommended as the loss of roots impacts the tree's ability to obtain water and nutrients. If summer construction is the only option, preserved trees should receive supplementary irrigation.

Grade changes and compaction

Grade changes affect soil moisture availability to trees. Raising the grade can result in saturated soils in the tree root zone, causing decline or death of trees; Douglas firs and Western redcedars are vulnerable to this. Saturated soils also have less holding capacity on roots increasing the likelihood of tree failures; roots basically pull out of the muddy soil. Lowering the grade reduces water availability for tree roots, resulting in drought conditions and potentially causing the decline, loss of vigour, or death.

Driving heavy equipment, trucks or excavators on the tree root zone can damage or compromise tree roots. It also compacts the soil reducing oxygen and carbon dioxide exchange between the roots and the atmosphere; all negatively impact tree health.

Arbutus trees have a poor tolerance to soil disturbance and consequently need a large TPZ to ensure they survive and thrive following construction. The recommended setbacks are in the tables and shown on the map.

Selecting trees for preservation

Healthy and vigorous young or semi-mature trees are ideal for preserving; they need a smaller TPZ, compensate for root loss faster and adapt to increased wind exposure quicker.

Mature trees, trees with defects or trees in poor health are difficult to preserve. They need a very large TPZ and need more post-construction care, such as regular evaluation and ongoing pruning to maintain health and structural strength. If they decline, develop major defects or die, they are more challenging and costly to remove than before construction.

Groups of trees are easier to preserve than single trees. Trees in groups have interwoven or grafted root systems adding structural support during wind events. Their canopies buffer each other during winds, reducing structural stress on the trunks and anchoring roots.

Single trees rely solely on their root system for support during windstorms. They are often exposed to stronger winds or from different directions post-construction. The likelihood of failure is greater for single trees than trees in groupings.

Recommendations for trees by planned housing development

Most of the assessed trees can be left based on my inspection and assessment. Proper setbacks are required to ensure tree health, vigour and stability. My recommendations are:

- Trees recommended for removal must be removed before site clearing/ construction.
- Validate if it is practical to preserve questionable trees.
- Focus tree preservation on healthy young or semi-mature trees and trees in groups.
- Adhere to the TPZ for the larger trees; reducing the size will have negative consequences.
- Maintain grades to current levels around trees and avoid fill soil on the root zone.
- Evaluate all the preserved trees once construction is complete.

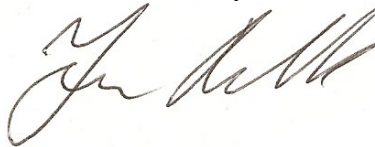
Conclusion

Most of the inspected trees by the planned housing development can be preserved provided they have sufficient root zone protection. The remaining trees have defects that can cause them or parts of them to fail, potentially striking people and property during construction and post-construction

In addition to preserving the larger assessed trees, I recommend preserving groups of healthy young or semi-mature trees. They are easier to preserve, less affected by construction, and will probably live longer than older trees.

Tree protection fencing should be erected before construction. Fencing should stay in place until all development and construction are completed. All the preserved trees should be evaluated post-construction and one year following. I recommend instructing future owners on the care and maintenance of the preserved trees.

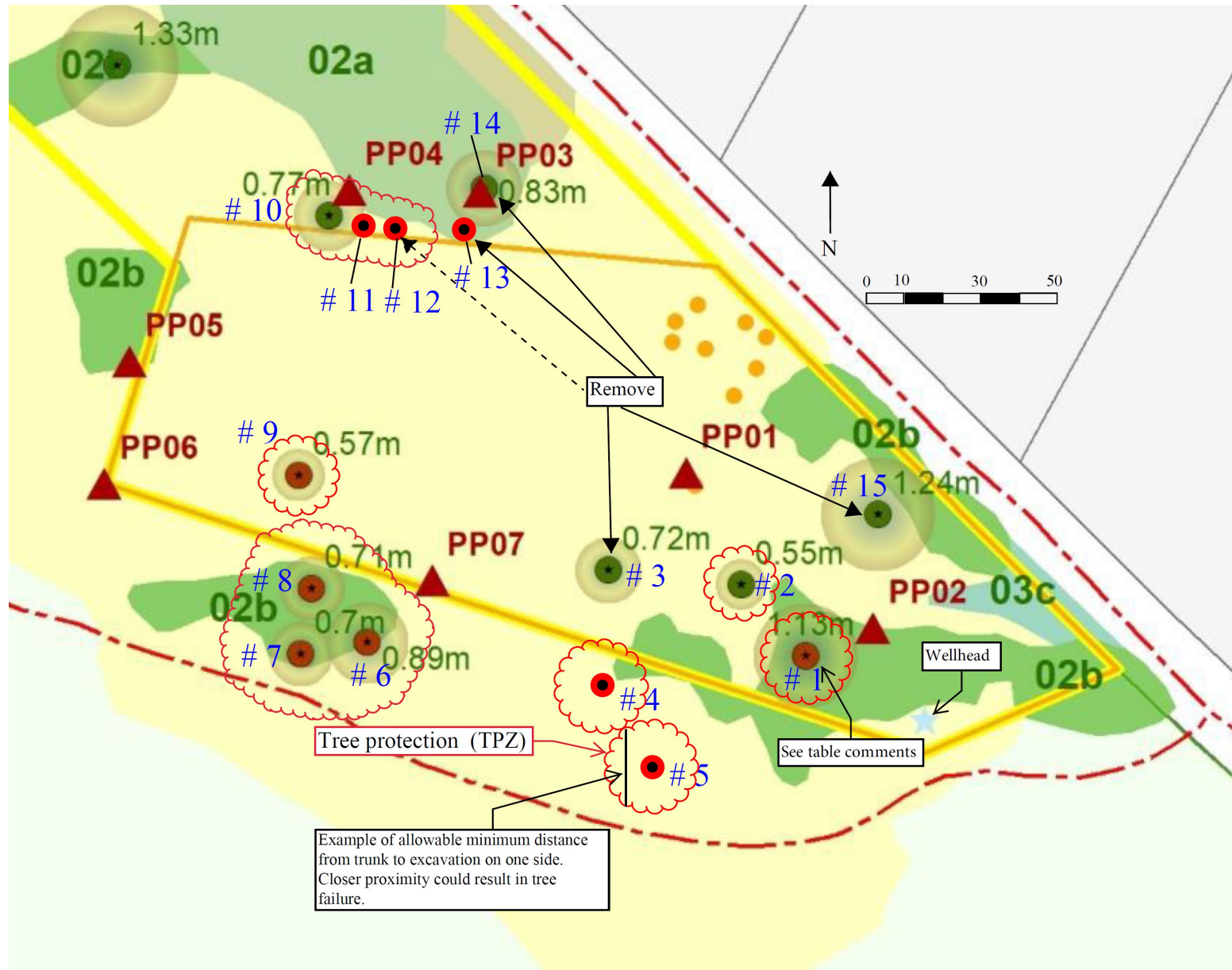
Sincerely,



Jens Barsballe

Registered Consulting Arborist #570
ISA Board Certified Master Arborist PN-2741B
ISA Tree Risk Assessment Qualified
Wildlife Danger Tree Assessor P2370

Partial site map with trees and protection setbacks



Tree Risk Assessment table with preservation information

Tree #	Species	DBH ¹ (cm)	Health	Defects/ comments	Tree protection zone ² Radius in meters from tree trunk	Absolute minimum distance that excavation can occur from tree ³ (in meters)	Preservation information
1	Arbutus	72/62	Average	Double trunked tree bifurcating one meter above ground. The smaller trunk has major lean toward the north with major structural defects in the lower trunk; major concerns. The largest trunk leans toward the east, has a small cavity on the lower northwest side of trunk; both minor concerns.	10.8	8.5	Remove the smaller trunk and preserve the larger one.
1a	Arbutus	50	Poor	Is situated one meter from tree # 1. Upper canopy is dead, there is only live foliage is on the lower trunk	N/A	N/A	Remove , not likely to survive.
2	Douglas fir	65	Average	No major defects. The three Redcedars adjacent to this tree than can be preserved if setbacks are expanded slightly.	7.8	4.0	Retain tree and the adjacent Redcedars if possible
3	Douglas fir	74	Fair	Has a 10° lean toward the north with some dieback in upper canopy. Showed signs of internal trunk decay. I drilled the lower trunk area with a Rinntech Resistograph ⁴ . I found extensive internal decay in the lower trunk; impact on structural integrity is major	N/A	N/A	Remove as tree is likely to fail (fall over). It would fall in the direction of the lean across the development site
4	Arbutus	68	Fair	It has a large cavity in the lower trunk on the northwest side, impact on structural integrity of lower trunk is moderate. Upper canopy leans toward the west.	10.2	8.2	Retain tree. If tree failed it would fall toward the west, away from planned development.
5	Arbutus	71	Fair	Some dead and dying branches in upper canopy; small wound on lower southwest side of trunk; both minor concerns.	10.6	8.5	Retain tree.
6	Arbutus	90	Average	No major defects	13.5	10.8	Retain tree
7	Arbutus	72/52	Fair	The larger trunk has a one-meter-long vertical-cavity on the east side of the lower trunk, tree has compensated by adding wound-wood ⁵ around the defects, a minor concern. The smaller trunk has a cavity with internal decay on the southeast side of the trunk, moderate concern	15.0	12.0	Retain tree. Tree is 30 meters from the property line. If it, or parts of it fail it would fall in the area between the trail and the planned development.

1: Is the tree trunk diameter measured at breast height (1.3 meters above ground)

2: This is the minimum for tree survival. The area should be fenced, so no activity occurs within this zone during development and construction.

3: All excavation inside the protected root zone needs to be supervised by a certified arborist. Excavation to the absolute minimum distance can result in tree failure and/ or death

4: The Resistograph drills into the wood while recording (graphing) the wood density

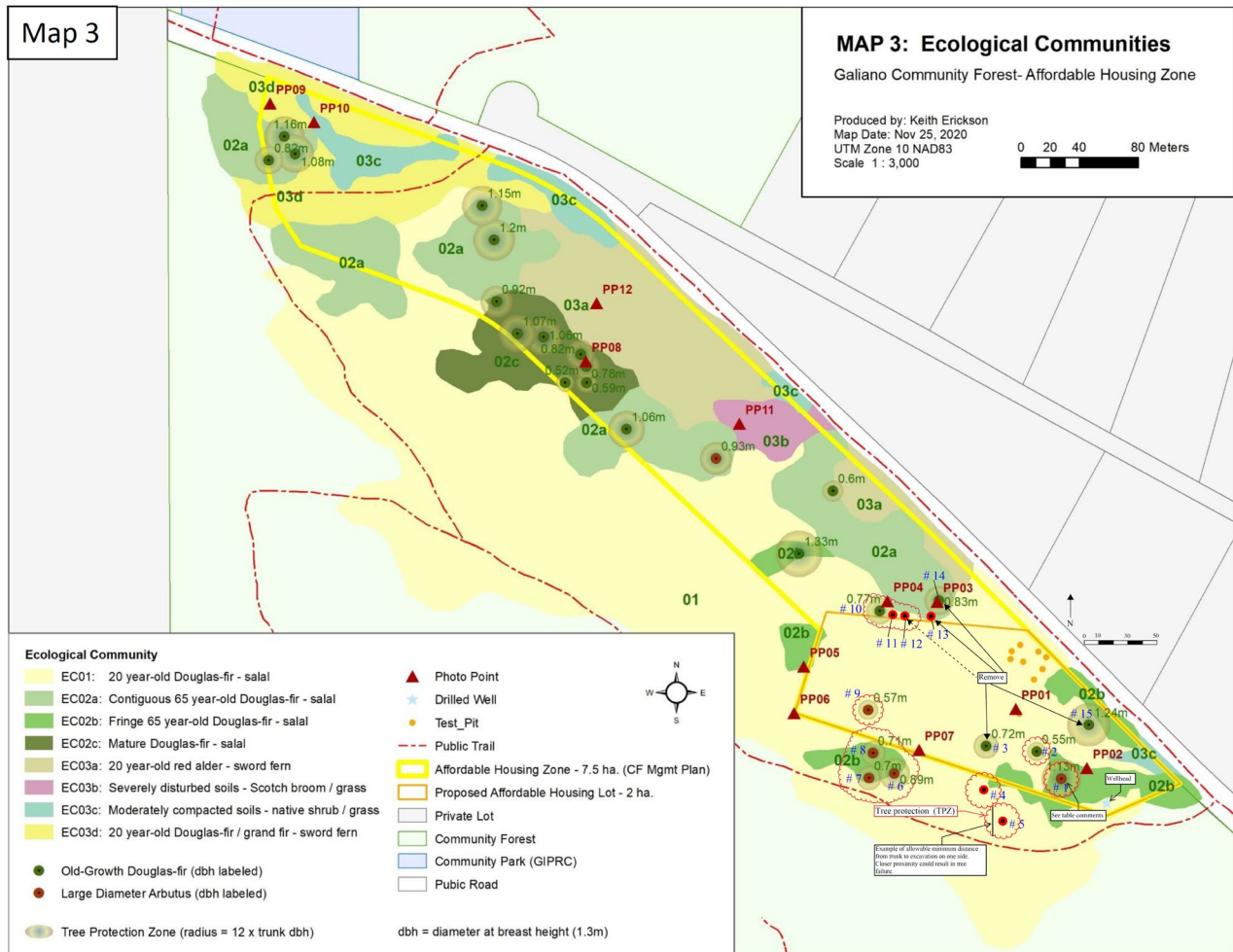
5: Lignified, differentiated tissues produced on woody plants as a response to wounding (also know as callus tissue), often strong than "normal" wood

Tree Risk Assessment table with preservation information

Tree #	Species	DBH ¹ (cm)	Health	Defects/ comments	Tree protection zone ² Radius in meters from tree trunk	Absolute minimum distance that excavation can occur from tree ³ (in meters)	Preservation information
8	Arbutus	77/72/44	Fair	Tripled trunked tree. Has a couple of smaller cavities in the lower trunk, a minor concern. Tree has compensated by adding wound-wood around the defects.	16.0	12.0	Retain tree
9	Arbutus	57	Fair	Some dead and dying twigs and smaller branches throughout the canopy. Two large dead limbs 10 meters up.	8.5	6.8	Retain tree. Remove dead limbs and branches with a bucket truck or using spurless climbing ⁶ techniques The two smaller arbutus trees adjacent to this tree should be removed due to major defects
10	Douglas fir	77	Fair	Has a slight lean toward the northeast. A few superficial woodpecker holes in lower trunk. Drilled the lower trunk and found no signs of internal decay	9.0	4.8	Retain tree
11	Arbutus	37	Fair	Has a major lean toward the southwest, overhangs planned development site. Has a smaller defect in lower trunk	5.5	4.4	Retain tree if the area below leaning canopy will be a low use area. Remove tree if area below canopies will be a high use area; permanent structures, parking etc.
12	Arbutus	51	Fair	No major defects, is leaning toward the south,	7.5	6.0	
13	Arbutus	51	Average	Is majorly leaning toward the south. Has a very large cavity with decay in the lower trunk and buttress roots on the northwest side significantly compromising structural integrity.	N/A	N/A	Remove tree as it will likely fail (fall over) due to the major defect
14	Douglas fir	86	Fair	Is leaning toward the west, I found signs of recent shifting. Drilled lower trunk and found major internal decay, the impact on structural integrity is significant.	N/A	N/A	Remove tree as it can potentially fall onto the planned development site
15	Douglas fir	125	Fair	Has a large and deep cavity at ground level on the southwest side of trunk. Drilling of the lower trunk showed major internal decay, impact on structural integrity is major. Tree is leaning toward the southeast.	N/A	N/A	Remove tree as it will likely fail (fall over). The consequence of failure could be severe as it will fall across the housing site

6: Spurless climbing, using ropes to enter and working in a tree without the use of spurs/ gaffs.

Entire site map



Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character.
2. All existing liens, encumbrances, and assessments, if any, have been disregarded (unless otherwise noted), and the tree(s) are evaluated as though free and clear, under responsible ownership and competent management. It is assumed that no violations of applicable governmental regulations have occurred.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, Beechwood Consultancy & Tree Service can neither guarantee nor be responsible for the accuracy of information.
4. Beechwood Consultancy & Tree Service shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in our fee schedule and contract of engagement.
5. Loss or alteration of any part of this report invalidates the entire report.
6. This report shall be used for its intended purpose only and by the parties to whom it is addressed. Possession of this report does not include the right of publication.
7. Neither all nor any part of the contents of this report, nor a copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales, or other media, without the prior expressed written or verbal consent of Beechwood Consultancy & Tree Service.
8. This report and any values expressed herein represent the opinion of Beechwood Consultancy & Tree Service. Our fee is in no way contingent upon any specified value, a result or occurrence of a subsequent event, nor upon any finding to be reported.
9. Sketches, diagrams, graphs, and photographs in this report, is intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys.
10. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection, and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring.
11. There is no warranty or guarantee expressed or implied that problems or deficiencies of the tree or other plant or property in question may not arise in the future.
12. The right is reserved to adjust tree valuations if additional relevant information is made available.

Certificate of Performance

I, Jens Barsballe, certify that:

- I have personally inspected the subject trees in this report, and I have stated my findings accurately.
- I have no current or prospective interest in the trees or properties that is the subject of this report and have no personal interest or bias with respect to the parties involved.
- That the analysis, opinions, and conclusions stated herein are my own and based on current scientific procedures and facts.
- The analysis, opinions and conclusions were developed, and this report has been prepared according to commonly accepted arboricultural practices and standards.
- No one provided significant professional assistance to the author unless specified herein.
- My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party nor upon the results of the assessment, the attainment of stipulated results or the occurrence of any subsequent events.

I further certify that I am a member of good standing of the American Society of Consulting Arborists (ASCA) and the International Society of Arboriculture (ISA).

I have been an ISA Certified Arborist since 2002, and an ISA Board Certified Master Arborist since 2012. A Registered Consulting Arborist since the beginning of 2015. Also, ISA Tree Risk Assessment Qualified since 2005 and Wildlife Danger Tree Assessment Qualified since 2017. I have been involved in the practice of arboriculture and the study of trees for over 18 years.



Jens Barsballe

ISA Board Certified Master Arborist PN-2741B

ASCA Registered Consulting Arborist #570

ISA Tree Risk Assessment Qualified

BC Wildlife Danger Tree Assessment Qualified P2370

January 20, 2022

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-2021.1 – Affordable Housing Bylaw

Applicant: Galiano Affordable Living Initiative (GALI) Society

Location: 409 Porlier Pass Road, Galiano Island

RECOMMENDATIONS

1. That the Galiano Island Local Trust Committee Bylaw No. 280, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2021”, be read a first time.
2. That the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directive Policies Checklist and determined that draft Bylaw No. 280 is not contrary to or at variance with the Islands Trust Policy Statement.
3. 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.

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-2021.1 (GALI), and to seek direction from LTC on draft Bylaw No. 280 with respect to consideration of First Reading.

The above recommendations are supported as:

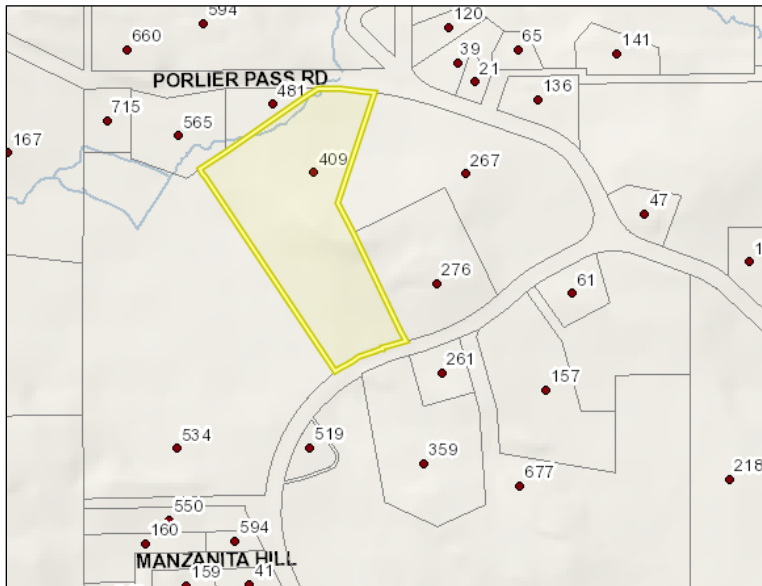
- Draft Bylaw No. 280 has undergone agency and First Nation referrals and has been presented at a Community Information Meeting (CIM) and is now ready to be considered for First Reading;
- Staff have reviewed the Islands Trust Policy Statement Directive Policies (ITPS) checklist and determined that proposed Bylaw No. 280 is not contrary to or at variance with the ITPS; and,
- 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.

BACKGROUND

A rezoning application for the subject property located at 409 Porlier Pass Road was submitted to the Islands Trust in February 2021 by the property owner, the Galiano Affordable Living Initiative (GALI) Society. The intent

of the rezoning proposal is to allow for the development of up to 20 units of affordable housing on the subject property, along with associated infrastructure to service the 20 units.

Figure 1 – Location of Subject Property



LTC gave direction to draft an amending bylaw for the proposed rezoning at the June 1, 2021 meeting.

Draft bylaw No. 280 was received by LTC at the November 2, 2021 meeting for information. At that meeting, LTC did not consider the Islands Trust Policy Statement (ITPS) checklist as there was no accompanying recommendation from staff for the LTC to consider First Reading. Staff are now recommending LTC consider First Reading, and the ITPS checklist is included for LTC's consideration.

Staff have also engaged with the applicant on a number of outstanding items related to their proposal including:

- An update to the proposed rent structures for the project;
- Completion of an arborist's assessment as directed by LTC; and,
- Completion of a source well datalogger study as requested by LTC; and

All of these items are discussed in this staff report. Background information, including staff reports, professional reports, draft Bylaw No. 280 and correspondence for the application can be found here:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications/current-application-documents/>

ANALYSIS

Bylaw No. 280

If approved as written, draft Bylaw No. 280 (Attachment 1) would result in the following changes to the current Community Housing 1 (CH1) zoning in Section 8.6 of the Galiano Island Land Use Bylaw No. 127 (LUB):

- Amending 8.6.2 to increase permitted density from 1 dwelling to 20 dwellings per lot;
- Amending 8.6.3 to provide individual maximum floor areas for all proposed unit types;

- Deleting 8.6.4 to remove the allowance of an accessory building per dwelling;
- Amending 8.6.5 to permit only one communal accessory building with a maximum floor area of 70 m²;
- Deleting 8.6.7.1 in respect of bare lot strata setbacks;
- Amending 8.6.9 to remove subdivision potential
- Inserting a provision for maximum lot coverage; and,
- Inserting a provision requiring 100% residential rental tenure.

Draft Bylaw No. 280 has undergone agency and First Nation referrals and has been presented at a Community Information Meeting (CIM). No required amendments have been identified through those processes. Staff are now recommending LTC give First Reading to Bylaw No. 280, and endorse the associated ITPS checklist.

Islands Trust Policy Statement Checklist

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 2.

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 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 adequate water supply through professional assessments and will be required to demonstrate proof of septic prior to final rezoning
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 technical review of available water analysis information has been completed by provincial experts who ascertain there is adequate water supply from proposed source well for water license approval; a professionally developed water management plan provides additional water storage, use monitoring and other management measures; s. 219 covenant provides further protections
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
Transportation and Utilities	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	Site location is central to community services

		other local and inter-community transportation systems that reduce dependency on private automobile use.	
	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.	The need for safe and affordable housing on Galiano Island is clear and well documented

Housing Agreement and Rental Structure Update

Up to now, the applicant's proposal has been based on a rent structure consistent with the BC Housing Community Housing Fund (CHF) that requires a mix of deep subsidy (20% of units), rent geared to income (RGI – 50%) and affordable housing at market rate (30%) to help offset the costs of subsidized units.

The applicant has now submitted a revised project rationale document to the LTC, dated January 14, 2022, that provides an update to the rezoning application proposal with respect to potential funders and rental structure.

The applicant is asking the LTC consider this broader range of affordable rent structures than just the CHF formula in the context of their rezoning application. The broader range of rental structures they are proposing is described in the project rationale document included as Attachment 3, and as below:

It should be noted that Galiano Affordable Living Initiative (GALI) Society has put significant consideration into the form and character of the proposed buildings for the best integration into the community. The rent profile of the proposed housing will follow a mixed income approach with a portion of the units designated as affordable housing units with below market rents. The number of affordable units and their respective affordable rent levels will be determined subject to the programmatic requirements of project funders (e.g., Building BC: Community Housing Fund, CMHC National Housing Co- Investment Fund or other). The rent profiles and minimum affordability levels for the project would be consistent with one or more of the following:

- Building BC: Community Housing Fund – supports a mixed-income approach consisting of 20% Deep Subsidy units, 50% Rent Geared to Income units, and 30% Affordable Market units (per BC Housing definition of Deep Subsidy, RGI and Affordable Market).
- CMHC National Housing Co-Investment Fund – supports a mixed-income approach consisting of a minimum of 30% of units with rents set below 80% of CMHC's published Median Market Rents for the area or closest area for which rental data is available (e.g., Victoria BC).
- 30% of Representative Median Household Income – units will, on average, have rents set at or below 30% of the before tax Median Household Income for the Southern Gulf Islands Electoral Area as reported by Statistics Canada for representative household types.

In consultation with legal counsel, staff have previously concluded that the CHF rent structure is consistent with the OCP as a whole. The LTC should consider whether or not the proposed broadening of the rent structure is consistent with the intent of the OCP policy permitting increased density for affordable housing.

If the LTC decides to consider a broadening of potential rent structures in the context of the application and associated housing agreement, staff recommend that further legal advice be sought to ensure the language proposed in the applicant's updated project rationale is also consistent with the OCP.

LTC have already authorized staff to enter into a cost recovery agreement, if necessary, with the applicant allowing Islands Trust legal counsel to prepare a draft housing agreement for the application. If LTC decides to

proceed with consideration of the new rent structures, and they are deemed consistent with the OCP, staff would then initiate work on development of a draft housing agreement as a next step in the rezoning process.

Section 219 covenant Update

Staff have been working on compiling all recommendations from professional reports associated with the application in consideration of the potential need for a *Land Title Act* s. 219 covenant. Staff will present recommendations to LTC including proposed covenant conditions in a future staff report.

If LTC decides to proceed with drafting a s. 219 covenant, staff will also seek direction on entering a cost recovery agreement with the applicant for the associated legal work.

Data Logger Water Study Report

As directed by LTC, the applicant has completed a data logger well monitoring study for the proposed source well over the 2021 low flow summer and fall aquifer recharge period. The study was conducted from June 24 to January 13, 2022. The summary report of findings is included as Attachment 4.

The report reaches five conclusions:

1. For all of the monitoring period, minor interference effects of about 0.6 m from the neighbouring well WID 12920 (WTN 59275) at the Galiano Housing Society are evident in the hydrograph data from Well WID 23204..
2. More significant well interference effects up to 2.5 m are also observed periodically in well WID 23204. These effects are likely due to a nearby well filling storage tanks. This was observed during previous monitoring periods in 2020.
3. A clear tidal influence on water levels is not indicated from the monitoring data obtained at this well site.
4. During the monitoring period the water level in well WID 23204 fluctuated over a maximum range of 4 to 5 metres below ground.
5. The monitoring results obtained during the monitoring period are consistent with the observations, assumptions and results reported on the pumping test carried out on well WID 23204 in 2020.

The summary report from the hydrogeologist provides no further recommendations.

Arborist Report

The applicant has submitted a professional arborist report (Attachment 5) as directed by the LTC “to undertake a tree impact assessment in respect of the proposed affordable housing development on the subject property”.

The scope of the assessment includes the 12 large trees situated on or adjacent to the proposed housing development as identified in the ecological assessment report.

The report concludes that “Most of the inspected trees by the planned housing development can be preserved provided they have sufficient root zone protection. The remaining trees either have defects or are too close to the planned development; they should be removed before construction.”

General recommendations include:

- Remove trees that cannot be preserved before construction
- Validate if it is practical to preserve questionable trees.
- Focus tree preservation on healthy young or semi-mature trees and trees in groups.
- Large and mature trees can be preserved but need a large root zone protection area. Maintain grades to current levels around trees and avoid fill soil on the root zone.

- Tree protection fencing should be erected before construction. Fencing should stay in place until all development and construction are completed.
- Evaluate all the preserved trees once construction is complete.

Specific recommendations are also provided for tree removal. A majority of the trees can be retained (with adequate protections), a few trees will need to be removed. The table below summarizes tree removal recommendations from the arborist and includes comments in red by the applicant where design decisions that may affect specific tree preservation are still being considered.

Table 2. Tree Protection Recommendations

Details on large trees by planned housing development

Tree #	Species	DBH (cm)	Defects and issues	Tree protection zone ¹ Radius in meters from tree trunk	Absolute minimum distance that excavation can occur from tree ² (in meters)	Preservation Information
1	Redcedar	90	In poor and declining health, foliage is sparse. I found visual indications of internal decay in the lower trunk. Drilling with a Rintech Resistograph® ³ showed major internal decay; the impact on structural integrity is moderate.	N/A	N/A	I recommend removing this tree due to structural defects. The tree will likely continue to decline and eventually die. Any construction close to the tree will hasten the progression.
2	Douglas fir	75/75	Double trunked tree in average health. It has a slight lean toward the road; there are no indications that it shifted recently. Drilling showed no internal decay.	8.0	4.0	It can be preserved with the recommended setbacks.
3	3 Douglas firs	50-60	Grouping of three Douglas firs situated upon a small mound. They shifted in the past and recently increasing their lean toward the road	N/A	N/A	Remove trees as they are likely to fail (fall over) once exposed to stronger winds when the site is cleared for the planned development
4	Cedar	100	In fair health with sparse foliage in the upper canopy. I found moderate levels of decay in the lower trunk when I drilled it; the impact on structural integrity is minor.	15.0	6.0	It can be preserved. The tree protection zone can be less than the recommended on the side that is being developed. Do not add fill soil on the protected rootzone. <i>Will look into potentially rotating the building to accommodate the root preservation. Due to the required setbacks on the west PL and the site grading building orientation is limited.</i>
5	Fir	110	No major defects	12.0	6.0	Can be preserved with recommended setbacks
6	Douglas fir	85	No major defects	10.2	5.0	It can be preserved. The road will need to be moved 5.0 meters out and away from the tree.
7	Douglas fir	70	No major defects	6.3	4.0	It can be preserved with recommended setbacks. <i>Depending on the road design and the required width, this tree may have to be removed in order to preserve trees #6 and #9. Moving the road for 5m to preserve mentioned trees may interfere with the root preservation for tree #7.</i>
8	Redcedar	115	In fair health with sparse foliage in the upper canopy. I found moderate levels of decay in the lower trunk when I drilled it; the impact on structural integrity is minor. It has a slight lean away from planned construction, a minor concern	15.0	7.0	It can be preserved. Construction can encroach within 7.0 meters on the uphill side. Do not add fill soil on the protected root zone.
9	Douglas fir	105	No major defects	12.6	5.0	They can be preserved. The road will need to be moved 5.0 meters out and away from these trees.
10	Douglas fir	70		8.4	4.2	
11	Douglas fir	105		12.6	5.5	It will need to be removed in order to preserve trees # 9 & 10.
12	Douglas fir	90	No major defects.	10.8	5.4	It can be preserved with recommended setbacks.

1: This is the minimum for tree survival. The area should be fenced, so no activity occurs within this zone during development and construction. 2: This is the minimum distance from the tree trunk (in meters) that excavation is permitted without majorly affecting tree stability or tree health. 3: The resistograph drills into the trunk while recording and graphing wood resistance.

Staff will include the arborist report and associated recommendations when considering potential s. 219 covenant conditions.

Septic Design Update

The ecological assessment ruled out the *upper bench* area of the property for use in effluent dispersal. As a result, the applicant has sought further assessment of the *lower bench* area. Given a number of unforeseen delays, this assessment is still underway. Staff will provide an updated professional report to LTC when ready.

Consultation

Statutory Requirements

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

CIM

Given the complexity of the application and the significant community interest, staff recommend a second CIM be considered by the LTC prior to the holding of a public hearing.

First Nation Referral

Recently, staff have been directed to refer bylaw amendments in the Galiano Island Local Trust Area to the Snuneymuxw First Nation, resulting from a recent change to that Nation's area of interest. Staff have sent proposed Bylaw No. 276 and 277 to the Snuneymuxw First Nation.

Rationale for Recommendation

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

- Draft Bylaw No. 280 has undergone agency and First Nation referrals and has been presented at a Community Information Meeting (CIM) and is now ready to be considered for First Reading;
- Staff have reviewed the ITPS checklist and determined that proposed Bylaw No. 280 is not contrary to or at variance with the ITPS; and,
- 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 LTC may consider the following alternatives to the staff recommendations:

1. Request further information

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

Resolution:

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

2. Request additional amendments to draft Bylaw No. 280 prior to consideration of next steps.

The LTC may request that additional amendments be made to the existing draft bylaws.

Resolution:

That the Galiano Island Local Trust Committee direct staff to make the following amendments to draft Bylaw No. 280 _____.

3. Hold the application in abeyance

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

Resolution:

That the Galiano Island Local Trust Committee hold application GL-RZ-2021.1 (GALI) in abeyance.

4. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2021.1 (GALI).

NEXT STEPS

With direction from the LTC, staff will:

- Obtain legal review of proposed rent structure for consistency with OCP
- Initiate work on drafting of housing agreement and continue development of s. 219 covenant conditions

Submitted By:	Brad Smith, Island Planner	January 27, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	January 31, 2022

ATTACHMENTS

1. Draft Bylaw No. 280
2. Islands Trust Policy Statement Checklist
3. Updated Project Rationale
4. Hydrogeologist Report – Jan 2022
5. Arborist Report – Jan 2022

DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 280

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

The Galiano Island Local Trust Committee, being the Local 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. 3, 2021”.

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

2.1. Section 8.6 – Community Housing 1 Zone (CH1), Subsection 8.6.2 is amended by deleting “one dwelling is” and replacing it with “twenty dwellings are” such that it reads “Twenty dwellings are permitted on each lot.”

2.2. Section 8.6 – Community Housing 1 Zone (CH1), Subsection 8.6.3 is amended by deleting the Subsection in its entirety and replacing with a new Subsection 8.6.3 and four new Articles such that it reads

“8.6.3 Maximum floor area of a dwelling must not exceed

8.6.3.1	34 square metres for a studio unit
8.6.3.2	67 square metres for a 1 bedroom unit
8.6.3.3	96 square metres for a 2 bedroom unit
8.6.3.4	115 square metres for a 3 bedroom unit”

2.3. Section 8.6 – Community Housing 1 Zone (CH1) subsection 8.6.4 is amended by deleting “One accessory building not exceeding a floor area of 10 square metres is permitted in respect of each permitted dwelling” and replacing it with “Lot coverage must not exceed 8.65 % for any lot.”

2.4. Section 8.6 – Community Housing 1 Zone (CH1), Subsection 8.6.5 is amended by deleting “Two communal accessory buildings not exceeding a total combined floor area of 278 square metres.” and replacing it with “One communal accessory building not exceeding a floor area of 70 square meters.”

2.5. Section 8.6 – Community Housing 1 Zone (CH1), Subsection 8.6.7 (Minimum Setbacks) is amended by:

- (i) deleting Article 8.6.7.1 in its entirety
- (ii) renumbering subsequent Subsection 8.6.7 Articles accordingly
- (iii) Deleting “other” from Article 8.6.7.2 such that it reads “at least 7.5 metres from any lot line.”

2.6. Section 8.6 – Community Housing 1 Zone (CH1), Subsection 8.6.9 (Average Lot Size) is amended by deleting “0.19 hectares” and replacing it with “4 hectares” such that it reads “No subdivision may be approved unless the lots created by subdivision have an average area of at least 4 hectares.”

2.7. Section 8.6 – Community Housing 1 Zone (CH1), amended by inserting a new Subsection 8.6.10 as follows:

“Form of Tenure

8.6.10 100% of the dwelling units in the Community Housing 1 zone shall be limited to residential rental tenure.”

2.8. Section 17.1 is amended by adding the following definition:

“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.

3. SEVERABILITY

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

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

Chair

Secretary



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 280 (LUB)
GL-RZ-2021.1 (GALI)
LTC Endorsement:

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
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.

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
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
✓	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
✓	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:

3 Project Rationale

Galiano Affordable Living Initiative (GALI) Society has partnered with New Commons Developments' Small Communities Initiative (NCD's SCI) to redevelop a property located at 409 Porlier Pass Road, Galiano and known as Galiano Green (the Property). The property is approximately 4 hectares (10 acres). The property fronts two roads. There are 67 metres of frontage on Porlier Pass Road to the north and 93 metres of frontage on Georgeson Bay Road to the south. The property is currently vacant.

The site is located within Galiano Island's residential area within walking distance to commercial, government and institutional services. The development itself will include an outdoor gazebo incorporated within the landscape design as well as a common building (shared laundry and storage space) for residents' use. The Society plans to host neighbourhood events to maintain ongoing relationships with the broader community.

Given its location within a larger 10-acre parcel predominantly covered with mature second growth forest, the site also offers residents a tremendous natural outdoor shared amenity area perfect for children's play and residents' peaceful enjoyment.

It should be noted that Galiano Affordable Living Initiative (GALI) Society has put significant consideration into the form and character of the proposed buildings for the best integration into the community. The rent profile of the proposed housing will follow a mixed income approach with a portion of the units designated as affordable housing units with below market rents. The number of affordable units and their respective affordable rent levels will be determined subject to the programmatic requirements of project funders (e.g., Building BC: Community Housing Fund, CMHC National Housing Co- Investment Fund or other). The rent profiles and minimum affordability levels for the project would be consistent with one or more of the following:

- Building BC: Community Housing Fund – supports a mixed-income approach consisting of 20% Deep Subsidy units, 50% Rent Geared to Income units, and 30% Affordable Market units (per BC Housing definition of Deep Subsidy, RGI and Affordable Market).
- CMHC National Housing Co-Investment Fund – supports a mixed-income approach consisting of a minimum of 30% of units with rents set below 80% of CMHC's published Median Market Rents for the area or closest area for which rental data is available (e.g., Victoria BC).
- 30% of Representative Median Household Income – units will, on average, have rents set at or below 30% of the before tax Median Household Income for the Southern Gulf Islands Electoral Area as reported by Statistics Canada for representative household types.

A minimum of twenty per cent of the units will be designed for accessibility.

The Galiano Green project supports the improvement of the current shortage of affordable rental housing, and also, creation of an inclusive community that will be sustainable and will contribute to strengthening the overall island community.

Development goals are:

1. Housing goals:

Relieve poverty by building and managing affordable rental housing for low and moderate income residents of Galiano Island.

Create a project that is financially feasible to construct and operate, that maximizes the development potential for residency, including low- and moderate-income rental housing.

Create a diverse unit mix from studio to 3-bedroom units that addresses a range of housing needs for target household types including single individual households (including seniors), couples living without children (including seniors), and families (single or dual parent households).

Create secure rental rates for tenants, with Galiano residents taking rental priority.

2. Sustainable operation and development goals:

Create energy-efficient, water wise, practical and well-designed building(s) that are low-cost to operate and maintain. This potentially includes rainwater harvesting for outdoor or non-potable uses, use of water and energy efficient fixtures and controls, electric vehicle charging facilities, Net Zero Energy "ready" or Passive House consideration, solar panel installation or solar "readiness".

Create a project that minimizes the development footprint on the site and preserves existing riparian and wetland areas.

Create a project that achieves Fire Smart certification.

Create a project that supports and aligns with the Galiano Island OCP and minimizes the potential for nuisance to neighbours.

3. Community inclusivity and liveability goals:

Create an inclusive, safe community that meets accessibility needs by ensuring unit design is adaptable to future needs, providing four fully accessible one-bedroom units.

Create affordable common spaces and features for residents that enhance liveability and resilience.

This potentially includes shared laundry facilities, storage facilities, secure bike storage, common garden areas, common facilities for management of refuse, recyclables and organic waste, play spaces for children.

Support the creation of a community park in the riparian setback area.

File: 2006161

January 18, 2022

Aida Kudic
Development Manager
New Commons Development

Attention: Dion Whyte

Re: Groundwater Level Monitoring, Well WID 23204 (WTN 91453) at 409 Porlier Pass Road, Galiano Island

Monitoring Installation

As requested, a Diver™ datalogger Serial No. A3664 was installed in the above well on June 24 2021 by Hy-Geo Consulting. Well WID 23204 is a 6 inch (15 mm) diameter bedrock well drilled originally drilled in 1993 to a depth of 244 ft (74.37 m) and altered in 2012 to 247 ft (75.29 m). The recording interval was set at 10 minutes to detect any water level variations from neighbouring pumping wells and tidal effects. The corrected water level in the well at 8:00 am on June 24, 2021 was 34.518 m below ground. A second Diver™ datalogger Serial No. A1440 was also set near the well to record variations in barometric pressure at the same recording interval of 10 minutes synchronized with datalogger Serial No. A3664.

On October 7, 2021 data from the datalogger and barologger were downloaded on site by Alan Kohut of Hy-Geo Consulting and the instruments were re-installed in the well at that time. Manual water levels in the well prior to and after re-installation of the datalogger were also measured. The corrected water level in the well at 11:10 am on October 7, 2021 was 33.700 m below ground.

On January 13, 2022 data from the datalogger and barologger were downloaded by Hy-Geo Consulting and instruments redeployed at the site. The corrected water level in the well at 8:10 am on January 13, 2022 was 31.610 m below ground and 31.423 at 9:00 am.

Precipitation Data 2021-22

With the absence of a current climate station on Galiano Island, the Mayne Island climate station may be considered representative of the general longer-term (monthly) precipitation patterns on Galiano Island (Government of Canada, 2022a). The most recent (2021-22) precipitation data for the region is available for climate station 1015638 on North Pender Island (Government of Canada, 2022b).

Precipitation in 2021 as observed at climate station 1015638 on North Pender Island was well below normal from February to August as shown in Table 1. Heavy rains beginning in September through November resulted in above normal monthly precipitation. Overall precipitation in 2021 of 789.6 mm was 93.8 percent of the annual normal (842 mm) for Mayne Island.

Table 1. Monthly 2021 precipitation data for North Pender climate station (Climate ID.1015638) compared to 1981-2010 normals for Mayne Island.

Month	Precipitation in 2021 (mm)	Monthly Precipitation Normal (mm)	Percent of Normal	Cumulative Percent of Normal
January	134.1	129.9	103.2	103.2
February	63	87.7	71.8	90.6
March	15	75.4	19.9	72.4
April	17.4	55.3	31.5	65.9
May	22.4	44	50.9	64.2
June	23.9	36.9	64.8	64.3
July	0	21.2	0	61.2
August	10.6	23.8	44.5	60.4
September	66.0	28	235.7	70.2
October	91.8	79.9	114.9	76.3
November	252.1	135.4	186.2	97.0
December	93.3	124.5	74.9	93.8
Total:	789.6	842		

Data from Government of Canada (2022a and 2022b).

Monitoring Results

June 24 to October 7, 2021 Period

Given the frequent recording interval of 10 minutes chosen for the monitoring project, a large dataset of over 15,100 water level readings was generated for the above period. A separate hydrograph for this period was prepared to process the large data set and precipitation data was subsequently plotted on a separate graph for comparative purposes.

Figure 1 shows the water level below ground in Well WID 23204 from June 24 to October 7, 2021 compared with precipitation data from the North Pender Island climate station (Climate ID.1015638). Water level data shown has been corrected for barometric effects. The raw data for the June 24 to October 7, 2021 monitoring period is provided in Excel[®] spreadsheet titled “Porlier Pass June to October 2021.csv”.

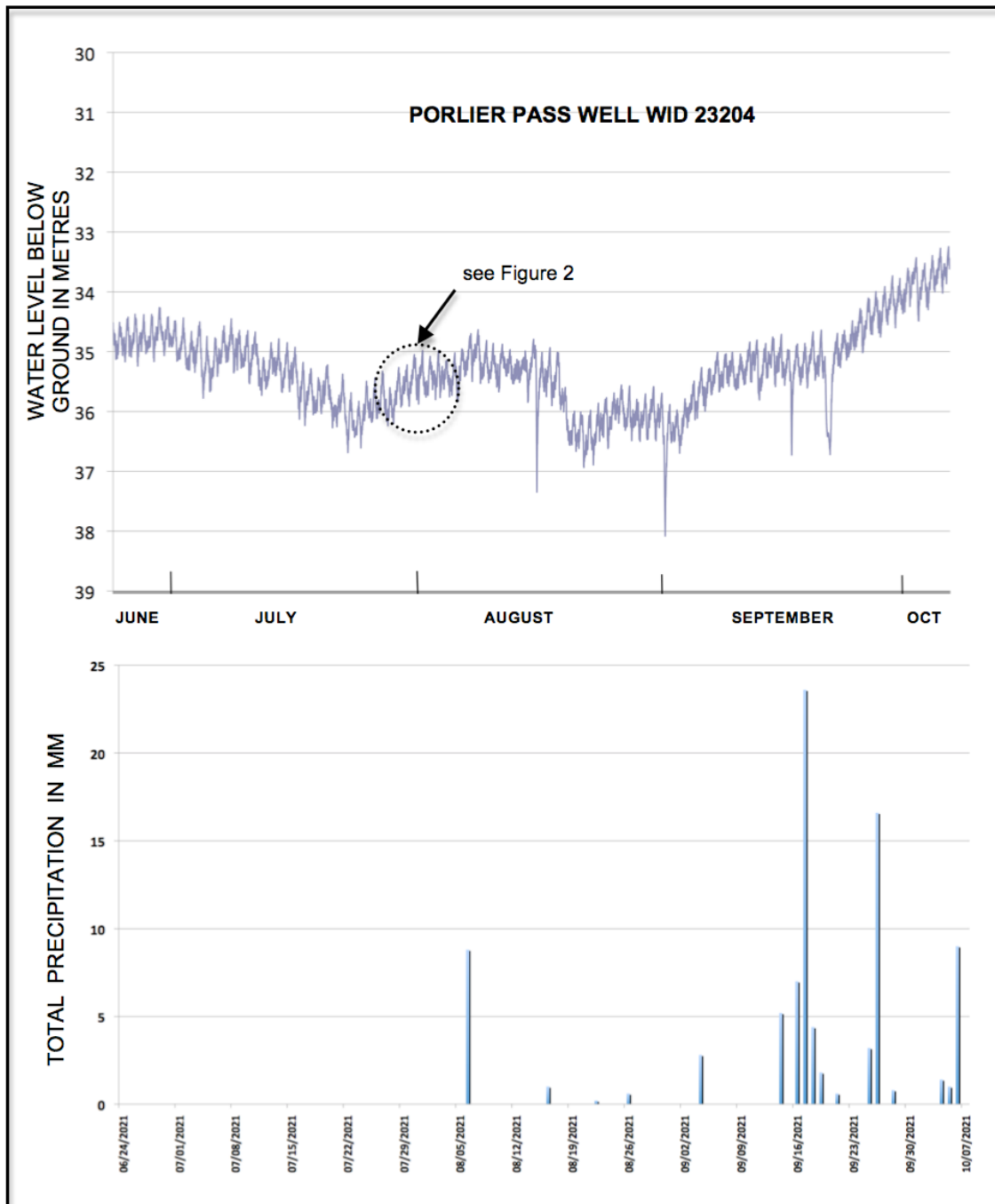


Figure 1. Water level below ground in Well WID 23204 from June 24 to October 7, 2021 compared with precipitation data from North Pender Island climate station (Climate ID.1015638).

The hydrograph shows water levels declining about 1.5 m from late June through to late July 2021, rising thereafter to mid-August and then declining in late August before starting a rising trend from September through to October 7. Major rain events beginning in mid September appear to result in water levels rising in late September and early October. Four significant well interference events of up to 2 m from a neighbouring pumping well were recorded during this monitoring period. Frequent daily interference effects of about 0.6 m from the neighbouring well WID 12920 (WTN 59275) at the *Galiano Housing Society* are also evident in the hydrograph. These interference effects were also reported during previous monitoring periods (Kohut, 2020a).

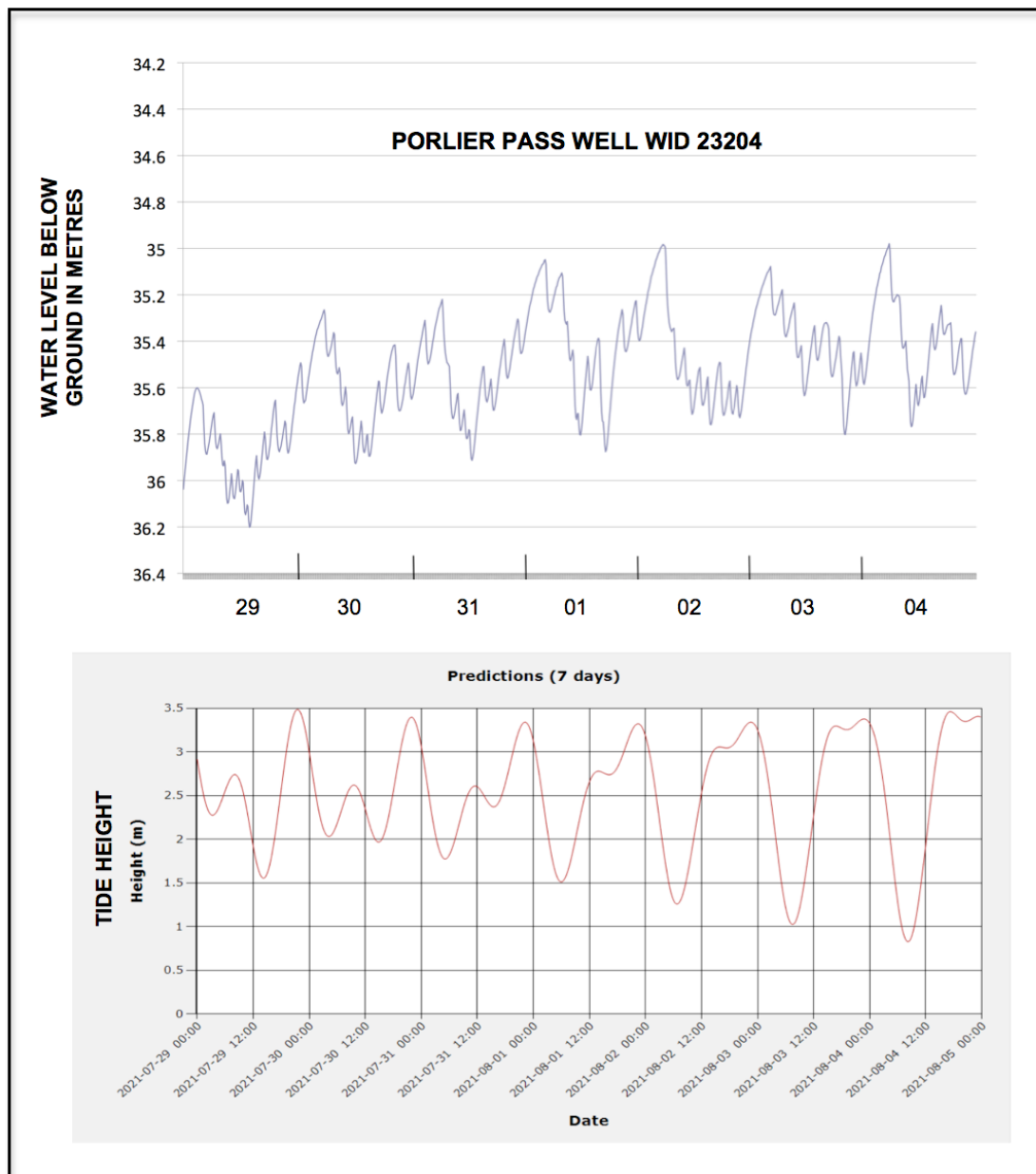


Figure 2. Comparison of water level fluctuations in Well WID 23204 from July 19 to August 5, 2021 with predicted tidal fluctuations at Montague Harbour. Tidal graph adapted from Government of Canada, 2022c.

A detailed representative portion of the hydrograph from July 29 to August 5 is shown in Figure 2 in comparison to tidal fluctuations at Montague Harbour for the same period. While there appears to be some overall correspondence between the tidal fluctuations and the water levels, the water level peaks lag behind the tidal peaks. The overall water level trend is also upward for the period examined while the tidal fluctuation trend is downward. A clear tidal influence on water levels is not indicated.

October 7, 2021 to January 13, 2022 Period

Given the frequent recording interval of 10 minutes chosen for the monitoring project, a large dataset of over 14,100 water level readings was generated for the above period. A separate hydrograph for this period was prepared to process the large data set and precipitation data was subsequently plotted on a separate graph for comparative purposes. Figure 3 shows the water level below ground in Well WID 23204 from October 7 to January 13, 2022 compared with available precipitation data from the North Pender Island climate station (Climate ID.1015638). Water level data shown has been corrected for barometric effects. The raw water level data for the October 7 to January 13, 2022 monitoring period is provided in Excel[®] spreadsheet titled “Porlier Pass October to January 2022.csv”.

The Figure 3 hydrograph shows water levels continuing to trend upwards a further 3 m during October and November before remaining relatively static at around 32 m below ground. During this period at least 4 significant interference events of up to 2.5 m from a neighbouring pumping well were recorded. These events may be due to the extended filling of storage tanks during these intervals.

It is interesting to note that although significant rain events occurred in December and January, water levels remained relatively stable at around 32 m below ground. This may reflect the limited storage capacity of the fractured bedrock system with groundwater inflows relatively balanced by groundwater outflows during this period.

The overall, non-pumping behaviour of the water level in well WID 23204 over a maximum range of about 4 to 5 metres during the July 2021 to January 2022 monitoring period is consistent with previous monitoring at this well site (Kohut, 2020a). The monitoring results obtained above are also consistent with the observations, assumptions and results reported on the pumping test carried out on well WID 23204 in 2019 (Kohut, 2020b).

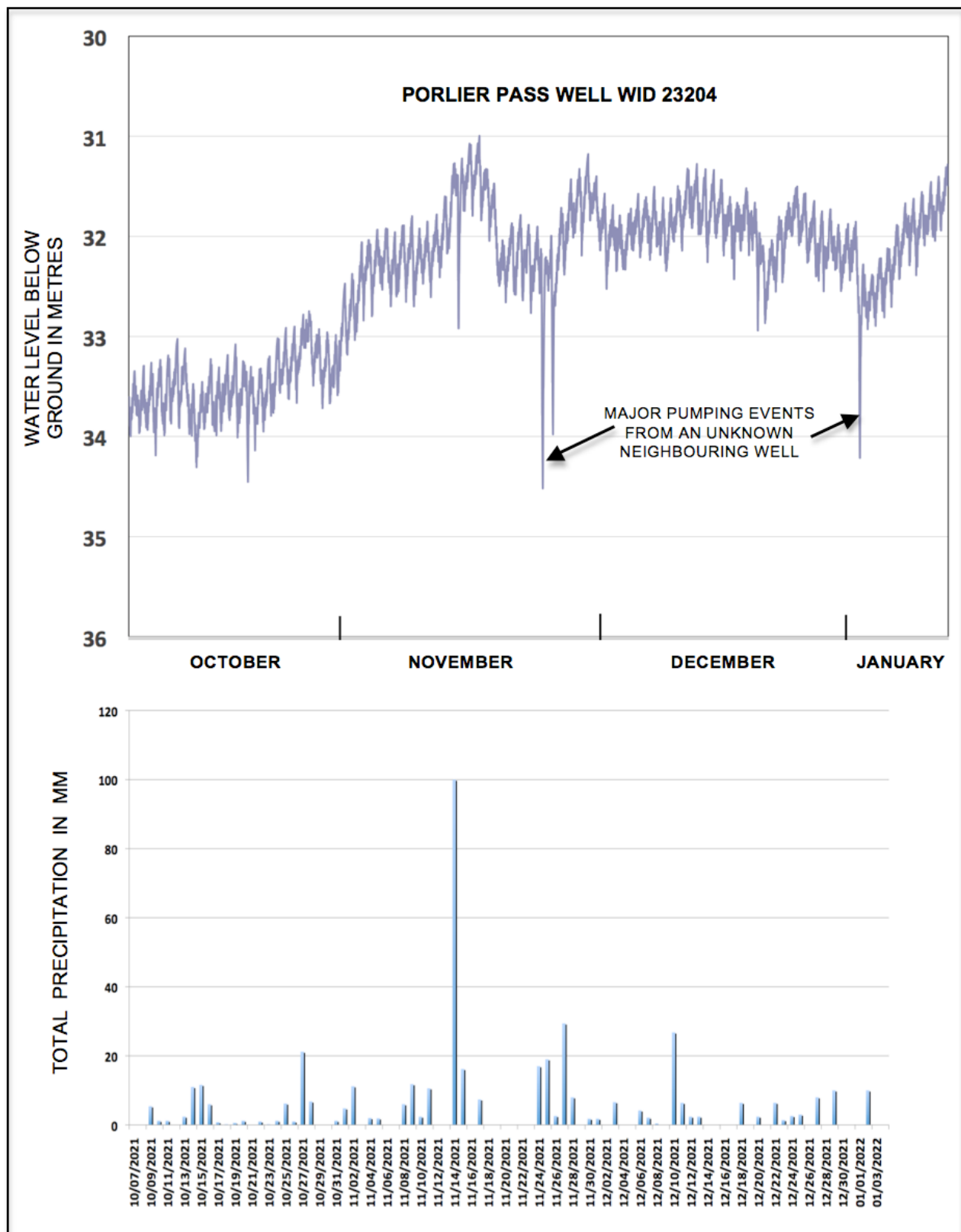


Figure 3. Water level below ground in Well WID 23204 from October 7, 2021 to January 13, 2022 compared with available precipitation data from North Pender Island climate station (Climate ID.1015638).

Conclusions

Based on the water level monitoring conducted on the project well WID 23204 between June 24, 2021 and January 13, 2022, the following conclusions can be made:

1. For all of the monitoring period, minor interference effects of about 0.6 m from the neighbouring well WID 12920 (WTN 59275) at the *Galiano Housing Society* are evident in the hydrograph data from Well WID 23204..
2. More significant well interference effects up to 2.5 m are also observed periodically in well WID 23204. These effects are likely due to a nearby well filling storage tanks. This was observed during previous monitoring periods in 2020.
3. A clear tidal influence on water levels is not indicated from the monitoring data obtained at this well site.
4. During the monitoring period the water level in well WID 23204 fluctuated over a maximum range of 4 to 5 metres below ground.
5. The monitoring results obtained during the monitoring period are consistent with the observations, assumptions and results reported on the pumping test carried out on well WID 23204 in 2020.

Respectfully submitted:



A.P. Kohut
Jan. 18/22

Alan P. Kohut, PEng
Senior Hydrogeologist

Hy-Geo Consulting
Permit to Practice Number: 1001034

References

- Government of Canada. 2022a. *Canadian Climate Normals*. 1981-2010 Climate Normals & Averages. Internet website http://climate.weather.gc.ca/climate_normals/index_e.html
- Government of Canada. 2022b. *Historical Climate Data*. Internet website <http://climate.weather.gc.ca/>
- Government of Canada. 2022c. *7 Days Tidal Predictions*. Fisheries and Oceans Canada. Internet website <https://www.tides.gc.ca/eng/station?type=0&date=2021%2F07%2F29&sid=7420&tz=PST&pres=0>
- Kohut, A.P. 2020a. *Groundwater Level Monitoring, Well WID 23204 (WTN 91453) at 409 Porlier Pass Road, Galiano Island*. Letter report submitted to D. Whyte, October 12. File 2006161. Hy-Geo Consulting, Victoria, British Columbia.
- Kohut, A.P. 2020b. *Results of 2020 Pump Testing of Bedrock Well WID 23204 (WTN 91453) at 409 Porlier Pass Road, Galiano Island*. Letter report submitted to D. Whyte, December 9. File 2006161. Hy-Geo Consulting, Victoria, British Columbia.

BEECHWOOD

Consultancy & Tree service

4300 Riverside Road

Duncan BC V9L 6M8

Ph: 250-715-7910

Email: jens@beechwoodtrees.com



December 21, 2021

Aida Kudic
New Commons Development
304-134 Abbots Street
Vancouver BC V6B 2K4

Re: Health and structural integrity of larger trees at Galiano Green, 409 Porlier Pass Rd.

Dear Aida Kudic,

I have inspected and evaluated 12 large trees adjacent to the planned housing development at the southeast end of 409 Porlier Pass Road. I also inspected trees at the northwest end to determine if they pose a risk to the adjacent property owner. The attached map shows tree locations, and the table details each assessed tree at the southeast corner.

My assessment and evaluation skills include 19 years of education, experience, and arboriculture and urban forestry training. The tools I use are limited to visual and external means and can include diameter tape, binoculars, and a rubber mallet for sounding. I do not implement invasive techniques such as drilling or coring unless I deem it necessary to determine the presence and extent of internal defects.

Background

Most of the assessed trees by the planned housing development can be preserved with proper setbacks from trees and their root zones. The rest will need removal as they are in or too close to the planned construction.

Three trees recently fell along the northwest property line; the concern is if the remaining trees pose a risk to the adjacent property owner. This area is a riparian zone, and tree removal is only possible if they pose a significant risk to people and property. They are discussed at the end of this report.

Observations and Discussion on trees by planned housing

The assessed trees by the planned housing development are predominantly Douglas firs (*Pseudotsuga menziesii*), there are a few Western redcedars (*Thuja plicata*) and one Fir (*Abies* spp.). Their health varies from poor to average. The Western redcedars have suffered from the last few years of hot and dry summers; they are in poor health.

Tree preservation

Preserving trees adjacent to excavation, construction and installation of services or infrastructure is challenging. Larger trees need a proportionally greater tree protection zone (TPZ) than younger trees. Trees in poor or fair health need a larger TPZ than trees in average or better health. The TPZ also varies in size depending on the tree species. In the planning stage, it is crucial to decide and be realistic as to which trees can be preserved and which can not. The attached map shows the TPZ for the assessed trees.

Preserving tree health and preventing failures.

The most important factor in protecting trees on a development site is preserving a large enough root zone for each tree, so it survives and thrives post-development. It is essential to plot the location of buildings, parking lots and driveways in the planning stage. Underground utilities (power, water, sewer, drainage and irrigation) are often overlooked. Prior to construction, temporary solid fencing should be erected along the TPZ; rebar and flagging tape do not work. The fencing has to stop people and equipment from entering the TPZ.

Excavation inside the TPZ should be avoided. It majorly impacts tree health and can make the tree unstable and cause it to fail (fall over); the table gives details for excavation proximity. Tree roots are close to the surface as they need oxygen to survive. Excavating to a depth of 20 centimetres removes nearly all the tree's absorbing roots. If you dig to a depth of 50 centimetres, nearly all roots are cut, including anchoring roots. If excavation is required inside the TPZ, it should be supervised by a Certified Arborist to minimize damage to the tree root zone.

The timing of construction should also be considered. Construction in the fall and winter is preferable as new roots can develop before the spring and summer. Construction in the spring gives little time for new roots to develop; roots are the last parts of the tree to start growing in the spring. Construction during the summer is not recommended as the loss of roots impacts the tree's ability to obtain water and nutrients. If summer construction is the only option, preserved trees should receive supplementary irrigation.

Grade changes and compaction

Grade changes affect soil moisture availability to trees. Raising the grade can result in saturated soils in the tree root zone, causing decline or death of trees; Douglas firs and Western redcedars are vulnerable to this. Saturated soils have less holding capacity on roots increasing the likelihood of tree failures; roots basically pull out of the muddy soil. Lowering the grade reduces the water availability for roots, resulting in drought conditions for the tree, potentially causing the decline, loss of vigour, and death.

Fill soil on the tree root zone is an issue as roots need oxygen; fill soil can cut or reduce oxygen supply, effectively killing the tree. Western Redcedars are the most sensitive trees; as little as 10 centimetres of fill soil on their root system can kill a mature tree within one year. The other species are more tolerant of filling soil on roots

Driving heavy equipment, trucks or excavators on the tree root zone can damage or compromise tree roots. It also compacts the soil reducing oxygen and carbon dioxide exchange between the roots and the atmosphere; all negatively impact tree health.

Selecting trees for preservation

Healthy and vigorous young or semi-mature trees are ideal for preserving; they need a smaller TPZ, compensate for root loss faster and adapt to increased wind exposure quicker.

Mature trees, trees with defects or trees in poor health are difficult to preserve. They need a very large TPZ and need more post-construction care, such as regular evaluation and ongoing pruning to maintain health and structural strength. If they decline, develop major defects or die, they are more challenging and costly to remove than before construction.

Groups of trees are easier to preserve than single trees. Trees in groups have interwoven or grafted root systems adding structural support during wind events. Their canopies buffer each other during winds, reducing structural stress on the trunks and anchoring roots.

Single trees rely solely on their root system for support during windstorms. They are often exposed to stronger winds or from different directions post-construction. The likelihood of failure is greater for single trees than trees in groupings.

Falling branches

Branch failures are common on trees, even healthy trees, during a wind or a snow event. Removal of trees for construction exposes the remaining trees to stronger winds or winds from different directions, increasing the likelihood of branch failures.

The greatest concern is with large trees as branches on these are larger and heavier and often fall from greater heights; this increases the degree of injury or damage to people and property below—another argument for preserving younger trees. The Douglas firs on this site are more likely to shed branches than the other tree species.

Recommendations for trees by planned housing

Based on my inspection and assessment, most of the assessed trees can be left. Proper setbacks are required to ensure tree health, vigour and stability. My recommendations are:

- Remove trees that cannot be preserved before construction.
- Validate if it is practical to preserve questionable trees.
- Focus tree preservation on healthy young or semi-mature trees and trees in groups.
- Large and mature trees can be preserved but need a large root zone protection area.
- Maintain grades to current levels around trees.
- Evaluate all the preserved trees once construction is complete.

Trees in the riparian area along the northeast property line

The trees adjacent to the creek along the property line are a mixture of Western redcedars and Red alders (*Rubus alnus*). The redcedars are in poor and declining health, most likely caused by the last few years of summer drought. The Alders are in fair to average health.

Three trees, one Alder and two Cedars, recently fell (see map). They fell onto the adjacent property to the northwest. The Alder failed due to a major defect; a large bow in the lower trunk that was structurally weak. The two Cedars were situated at the edge of the creek; they failed due to saturated soils when the creek water level was high. The tree roots pulled out of the muddy soil; I found no indications of root rot in these.

I found no major defects that could contribute to failures (falling over) in the remaining trees in this area. If they fail, they cannot reach the house to the north on the adjacent property. The declining cedars will likely continue to decline and eventually die; they are great wildlife trees and will continue to be once they die.

I recommend evaluating the trees in this area every three years to determine their health, stability and structural integrity.

Conclusion

Most of the inspected trees by the planned housing development can be preserved provided they have sufficient root zone protection. The remaining trees either have defects or are too close to the planned development; they should be removed before construction.

Tree selection for preservation should focus on healthy young or semi-mature trees and trees in groups. Selecting these will ensure that trees thrive and will be a part of this development for decades

Tree protection fencing should be erected before construction starts. Once a tree, or its parts, are damaged, there is no remedy to correct it. Fencing should stay in place until all development is completed. Trees adjacent to the housing development should be evaluated once construction is finished. I recommend that future owners be instructed on caring for the preserved trees.

The trees in the riparian area by the creek at the northwest property line can be left in place as they are unlikely to fall over. If they fail, they cannot reach the house to the north of them. I recommend evaluating them every three years.

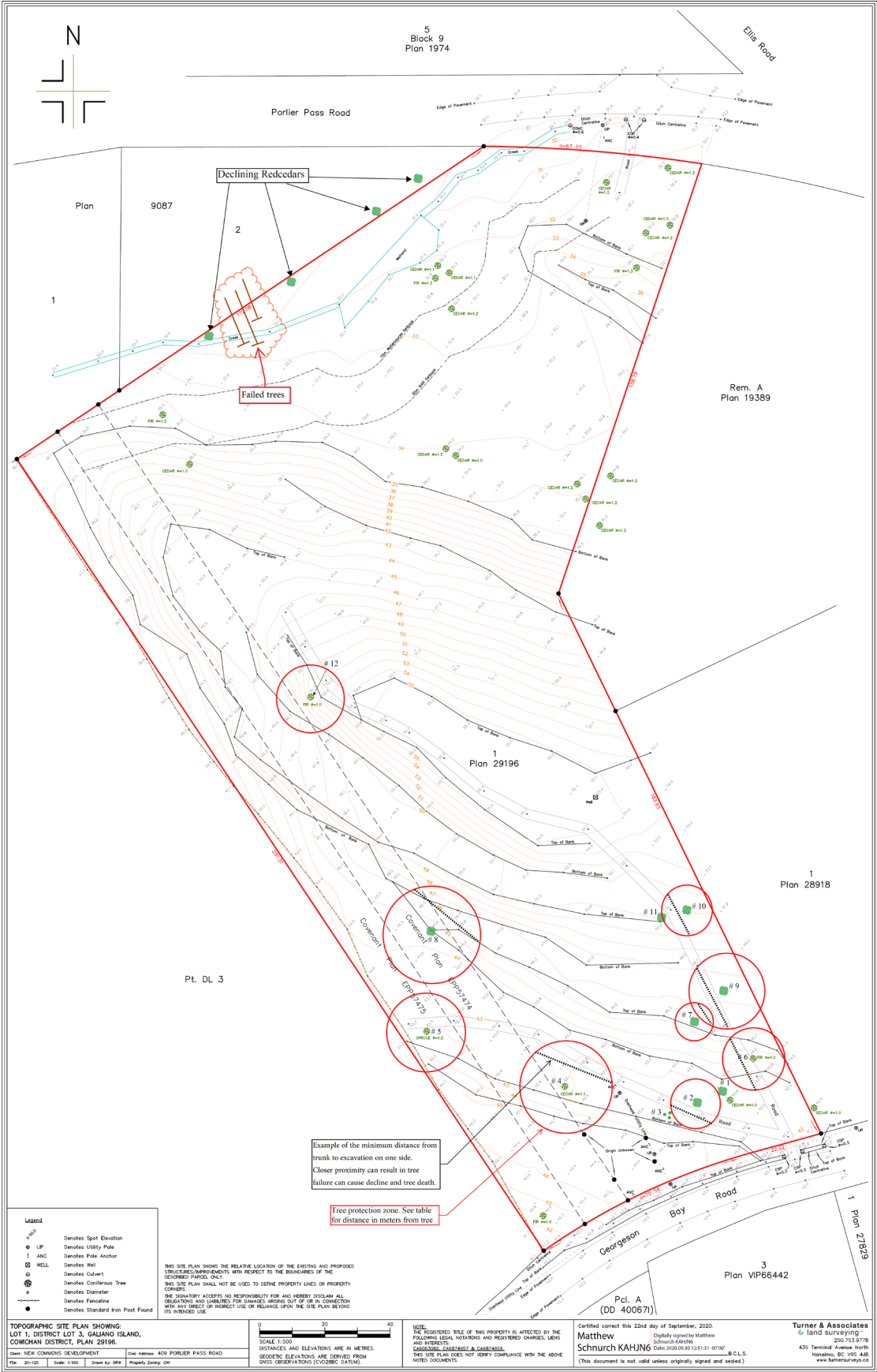
Sincerely,

A handwritten signature in dark ink, appearing to read 'Jens Barsballe', with a stylized, cursive script.

Jens Barsballe

Registered Consulting Arborist #570
ISA Board Certified Master Arborist PN-2741B
ISA Tree Risk Assessment Qualified
Wildlife Danger Tree Assessor P2370

Site map



Details on large trees by planned housing development

Tree #	Species	DBH (cm)	Defects and issues	Tree protection zone ¹ Radius in meters from tree trunk	Absolute minimum distance that excavation can occur from tree ² (in meters)	Preservation Information
1	Redcedar	90	In poor and declining health, foliage is sparse. I found visual indications of internal decay in the lower trunk. Drilling with a Rinntech Resistograph® ³ showed major internal decay; the impact on structural integrity is moderate.	N/A	N/A	I recommend removing this tree due to structural defects. The tree will likely continue to decline and eventually die. Any construction close to the tree will hasten the progression.
2	Douglas fir	75/75	Double trunked tree in average health. It has a slight lean toward the road; there are no indications that it shifted recently. Drilling showed no internal decay.	8.0	4.0	It can be preserved with the recommended setbacks.
3	3 Douglas firs	50-60	Grouping of three Douglas firs situated upon a small mound. They shifted in the past and recently increasing their lean toward the road	N/A	N/A	Remove trees as they are likely to fail (fall over) once exposed to stronger winds when the site is cleared for the planned development
4	Cedar	100	In fair health with sparse foliage in the upper canopy. I found moderate levels of decay in the lower trunk when I drilled it; the impact on structural integrity is minor.	15.0	6.0	It can be preserved. The tree protection zone can be less than the recommended on the side that is being developed. Do not add fill soil on the protected root zone.
5	Fir	110	No major defects	12.0	6.0	Can be preserved with recommended setbacks
6	Douglas fir	85	No major defects	10.2	5.0	It can be preserved. The road will need to be moved 5.0 meters out and away from the tree.
7	Douglas fir	70	No major defects	6.3	4.0	It can be preserved with recommended setbacks.
8	Redcedar	115	In fair health with sparse foliage in the upper canopy. I found moderate levels of decay in the lower trunk when I drilled it; the impact on structural integrity is minor. It has a slight lean away from planned construction, a minor concern	15.0	7.0	It can be preserved. Construction can encroach within 7.0 meters on the uphill side. Do not add fill soil on the protected root zone.
9	Douglas fir	105	No major defects	12.6	5.0	They can be preserved. The road will need to be moved 5.0 meters out and away from these trees.
10	Douglas fir	70		8.4	4.2	
11	Douglas fir	105		12.6	5.5	It will need to be removed in order to preserve trees # 9 & 10.
12	Douglas fir	90	No major defects.	10.8	5.4	It can be preserved with recommended setbacks.

1: This is the minimum for tree survival. The area should be fenced, so no activity occurs within this zone during development and construction.

2: This is the minimum distance from the tree trunk (in meters) that excavation is permitted without majorly affecting tree stability or tree health.

3: The resistograph drills into the trunk while recording and graphing wood resistance.

Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character.
2. All existing liens, encumbrances, and assessments, if any, have been disregarded (unless otherwise noted), and the tree(s) are evaluated as though free and clear, under responsible ownership and competent management. It is assumed that no violations of applicable governmental regulations have occurred.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, Beechwood Consultancy & Tree Service can neither guarantee nor be responsible for the accuracy of information.
4. Beechwood Consultancy & Tree Service shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in our fee schedule and contract of engagement.
5. Loss or alteration of any part of this report invalidates the entire report.
6. This report shall be used for its intended purpose only and by the parties to whom it is addressed. Possession of this report does not include the right of publication.
7. Neither all nor any part of the contents of this report, nor a copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales, or other media, without the prior expressed written or verbal consent of Beechwood Consultancy & Tree Service.
8. This report and any values expressed herein represent the opinion of Beechwood Consultancy & Tree Service. Our fee is in no way contingent upon any specified value, a result or occurrence of a subsequent event, nor upon any finding to be reported.
9. Sketches, diagrams, graphs, and photographs in this report, is intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys.
10. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection, and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring.
11. There is no warranty or guarantee expressed or implied that problems or deficiencies of the tree or other plant or property in question may not arise in the future.
12. The right is reserved to adjust tree valuations if additional relevant information is made available.

Certificate of Performance

I, Jens Barsballe, certify that:

- I have personally inspected the subject trees in this report, and I have stated my findings accurately.
- I have no current or prospective interest in the trees or properties that is the subject of this report and have no personal interest or bias with respect to the parties involved.
- That the analysis, opinions, and conclusions stated herein are my own and based on current scientific procedures and facts.
- The analysis, opinions and conclusions were developed, and this report has been prepared according to commonly accepted arboricultural practices and standards.
- No one provided significant professional assistance to the author unless specified herein.
- My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party nor upon the results of the assessment, the attainment of stipulated results or the occurrence of any subsequent events.

I further certify that I am a member of good standing of the American Society of Consulting Arborists (ASCA) and the International Society of Arboriculture (ISA).

I have been an ISA Certified Arborist since 2002, and an ISA Board Certified Master Arborist since 2012. A Registered Consulting Arborist since the beginning of 2015. Also, ISA Tree Risk Assessment Qualified since 2005 and Wildlife Danger Tree Assessment Qualified since 2017. I have been involved in the practice of arboriculture and the study of trees for over 18 years.



Jens Barsballe

ISA Board Certified Master Arborist PN-2741B

ASCA Registered Consulting Arborist #570

ISA Tree Risk Assessment Qualified

BC Wildlife Danger Tree Assessment Qualified P2370

December 21, 2021

From: Daniela Murphy
Sent: Tuesday, January 4, 2022 9:43 AM
To: 'Karla Campbell'; 'jarnet@crd.bc.ca'; 'chris.laughlin@viha.ca'; Warren Dingman; Becky McErlean; Jas Chonk; 'Mike Tippett'; 'info@nsswaterworks.ca'; 'dlundy@saltspringfire.com'; 'amanda.vanderkloof@bcas.ca'; 'McIntyre, Cathie BCA:EX'; 'Leech, Haley TRAN:EX'; 'FrontCounter BC FLNR:EX'; 'saltspring@rcmp-grc.gc.ca'; 'developmentreferrals@BCTransit.com'; 'ron.burleson@gov.bc.ca'; 'Rudi.Mayser@gov.bc.ca'
Cc: Geordie Gordon
Subject: Salt Spring Island Proposed Bylaw No. 521 - 2188 North End Road, SSI
Attachments: SS-BL-521_1st Reading.pdf; SS-BL-521_Agency Referral_Form.pdf

Dear Referral Coordinator,

Happy New Year to you.

The Salt Spring Island Local Trust Committee (SS LTC) has asked that its proposed bylaw, Bylaw No. 521 cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 4, 2019" be referred to you for comment. Please find the proposed bylaw attached to this email.

The proposed bylaw would rezone the subject property from Rural (R) to Rural variant q (R(q)) to permit an affordable dwelling unit with a floor area not exceeding 70m². The dwelling unit is already built and has been used in contravention of the Land Use Bylaw since 1992. This rezoning would bring the property into compliance.

The staff report and information relating to the application can be found on our website, <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/> under **SS-RZ-2017.3**

A reply is respectfully requested by **Friday, February 4, 2022**. We understand that there are numerous demands on your time, however, we genuinely welcome any comments or questions you may have.

Should you have any questions, or require further information, please contact Planner Geordie Gordon at ggordon@islandstrust.bc.ca or 250-537-9144.

Please direct referral responses to ssiinfo@islandstrust.bc.ca

Or by mail to: Islands Trust, 1 – 500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8

Thank you for your time and attention to this matter.

Yours truly,

Daniela Murphy

Daniela Murphy

Legislative Clerk/Deputy Secretary

Islands Trust, Salt Spring Island

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

Phone: 250-538-5606

Enquiry BC Toll-free call 1-800-663-7867

Websites: www.islandtrust.bc.ca | www.islandtrustconservancy.ca

Preserving Island communities, culture and environment since 1974.



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 521 Date: January 4, 2022

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

APPLICANTS NAME / ADDRESS:

Jamie Colligan / 2188 North End Road Salt Spring Island, BC V8K 1E1

PURPOSE OF BYLAW:

Rezoning property from Rural (R) to Rural variant q (R(q)) to permit an affordable dwelling unit with a floor area not exceeding 70m2.

GENERAL LOCATION:

2188 North End Rd

LEGAL DESCRIPTION:

PID: 000-276-901 - LOT 3, SECTION 7, RANGE 1 NORTH, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT PLAN 34166

SIZE OF PROPERTY AFFECTED:

2.48 Acres

ALR STATUS:

None

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural Neighbourhoods

OTHER INFORMATION:

All staff reports for SS-RZ-2017.3 can be found here: <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/>

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

(Signature)

Name: Georgie Gordon

Title: Planner 2

This referral has been sent to the following agencies:

Provincial Agencies

BC Assessment Authority
Ministry of Municipal Affairs
Ministry of Transportation & Infrastructure
Ministry of Forest Lands, Natural Resource Operations and Rural Development (Water Authorizations)
BC Transit
Front Counter BC

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Building Inspection
CRD – Housing Secretariat
Vancouver Island Health Authority
Islands Trust Bylaw Enforcement and Compliance

Non-Agency Referrals

BC Ambulance Service
North Salt Spring Waterworks District
RCMP
SSI Fire-Rescue

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

521
(Bylaw Number)

(Title)

(Agency)

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 521

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW, 1999

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

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2019”.

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999,” is amended as follows:

- 2.1 By inserting in Subsection 9.10.4 - Exceptions in Particular Locations - the following new Rural Zone Variation (q) - R(q) after Zone Variation R(p):

“Zone Variation – R(q)

- (24) In addition to the regulations of Section 9.10.1, on lands zoned R(q), the following use is allowed:

1 *affordable dwelling unit* with a *floor area* not exceeding 70 m² is permitted as an *accessory* use:

- (25) Despite the provisions of Section 3.13, on lands zoned R(q), *bed and breakfast* operations are not permitted within an *affordable dwelling unit*.”

And by making consequential numbering alterations to effect this change.

- 2.2 By changing the zoning classification of Lot 3, Section 7, Range 1, North Salt Spring Island, Cowichan District, Plan 34166 from Rural (R) to Rural (q), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “A” of Bylaw No. 355 as are required to effect this change.

PROPOSED

SS-BL-521

READ A FIRST TIME THIS 14TH DAY OF DECEMBER, 2021

READ A SECOND TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

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

ADOPTED THIS _____ DAY OF _____ 20____

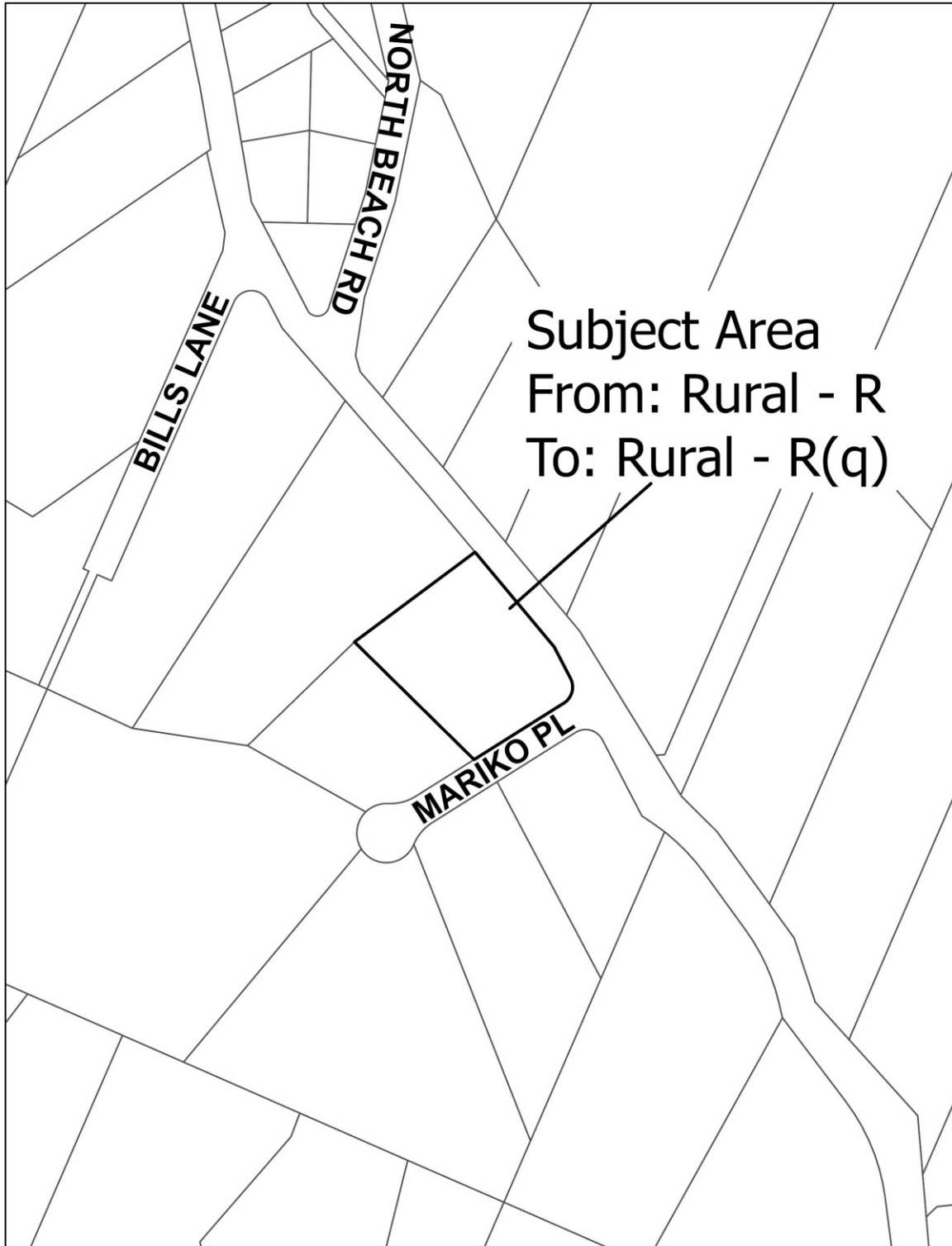
Chair

Secretary

PROPOSED

SS-BL-521

PLAN NO. 1



From: Daniela Murphy
Sent: Wednesday, December 1, 2021 10:37 AM
To: Becky McErlean; Jas Chonk; Mike Tippet; jarnet@crd.bc.ca; Karla Campbell; chris.laughlin@viha.ca; Warren Dingman; info@nsswaterworks.ca; plan2farm@gmail.com; reed.bailey@gov.bc.ca; Martin.Collins@gov.bc.ca; 'FrontCounter BC FLNR:EX'
Cc: Rob Pingle; Kristine Mayes; doug.pepper@gov.bc.ca; willow.minaker@gov.bc.ca; 'McIntyre, Cathie BCA:EX'; Shannon.lambie@gov.bc.ca
Subject: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 526 - Farm Housing
Attachments: SS-BL-526_Referral Form.pdf; SS-BL-526_DRAFT Amended.pdf

Dear Referral Coordinator,

Please find attached to this email, referral information concerning Draft Land Use Bylaw Amendment No. 526 for the Salt Spring Island Local Trust Committee's (SS LTC) "Farm Housing" project. The Farm Housing project was established in response to amendments to the Agricultural Land Reserve (ALR) Use Regulation for residential flexibility and calls from the Salt Spring agricultural community for farmworker housing.

Draft Bylaw No. 526 proposes to amend [Salt Spring Island Land Use Bylaw No. 355](#):

- to expand residential flexibility on agricultural zoned properties;
- to update campground regulations; and,
- to permit the use of subdivision potential for farmworker housing outside agricultural zoned properties for land classified as a farm under the Assessment Act. Section 3.17 of the Land Use Bylaw would be amended to reflect this change.

In general terms, the Bylaw is characterized as follows:

- Amends the "one additional dwelling unit" under Accessory Uses to include six types of dwelling units. Note: only one additional dwelling unit is still permitted.
- Limits commercial guest accommodation in a campground on Agriculture 1 zoned lands to land classified as a farm under the Assessment Act.
- Removes seasonal cottages as a permitted accessory use.
- Amends the maximum number of campsites per hectare in a campground and maximum number bedrooms/campsites on a lot 10 in accordance with Section 33 and Section 34 of the ALR Use Regulation.
- Amends Section 3.17 to permit additional farmworkers' dwellings corresponding to subdivision potential for lots not in an agricultural zone but classified as a farm under the Assessment Act if the owner grants a covenant to the Salt Spring Island Local Trust Committee restricting the use of the farmworkers' dwelling unit and prohibiting further subdivision of the lot.

Three staff reports and Draft Bylaw No. 526 regarding the project can be found at:

<https://islandstrust.bc.ca/island-planning/salt-spring/projects/> >> Housing Action Program >> (Folder 7) Farm Housing

We understand that there are numerous demands on your time, however, we genuinely welcome any comments you may have, whether they are site-specific or more strategic and high level.

A reply is respectfully requested by **Monday, January 17, 2022**.

Should you have any questions, please do not hesitate to contact Planner Kristine Mayes or Planner Georgie Gordon at ssiinfo@islandstrust.bc.ca or 250-537-9144.

Referral responses should be addressed to ssiinfo@islandstrust.bc.ca or by mail to:

Islands Trust
1 – 500 Lower Ganges Road
SSI, BC V8K 2N8.

Thank you for your time and attention to this referral.

Yours truly,

Daniela Murphy

Daniela Murphy

Legislative Clerk/Deputy Secretary

Islands Trust

1-500 Lower Ganges Road | Salt Spring Island BC V8K 2N8

T 250-538-5606 | 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 BOKÉĆEN, K'ómoks, Lək' wəŋən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səlilwətaʔ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SÁÁUTW, Stz'uminus, ʔaʔəmen, toq qaymɪxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwxu/ʔop qaymɪxʷ, and xʷməθkʷəy̓əm.



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 526 Date: November 26, 2021

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee

PURPOSE OF BYLAW:

Draft Bylaw No. 526 proposed to rezone Agricultural zoned properties to expand residential flexibility in accordance with [Order in Council No. 438](#) amending the Agricultural Land Reserve Use Regulation, B.C. Reg. 30/2019 on December 31, 2021. This includes the amendment and addition of dwelling configurations up to 90m2 for lots under 40-ha or dwelling unit up to 186m2 for lots exceeding 40-ha. Also included are updates specific to campground regulations. Additionally, the draft Bylaw No. 526 proposed to amend Section 3.17 of [Salt Spring Island Land Use Bylaw No. 355](#) to permit the use of subdivision potential for farmworker housing outside agricultural zoned properties for land classified as a farm under the Assessment Act.

GENERAL LOCATION:

Various

LEGAL DESCRIPTION:

Various

SIZE OF PROPERTY AFFECTED:

Agricultural zoned lots & land classified as a farm under the Assessment Act

ALR STATUS:

Yes & No

OFFICIAL COMMUNITY PLAN DESIGNATION:

Agriculture & Various

OTHER INFORMATION:

<https://islandstrust.bc.ca/island-planning/salt-spring/projects/> >> Housing Action Program >> (Folder 7) Farm Housing

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


(Signature)

Name: Kristine Mayes

Title: Planner 1

This referral has been sent to the following agencies:

Provincial Agencies

Agricultural Land Commission
Ministry of Agriculture
BC Assessment Authority
Front Counter BC

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Building Inspection
CRD – Housing Secretariat
Vancouver Island Health Authority
Islands Trust Bylaw Enforcement and Compliance
SSI Agricultural Advisory Planning Commission

Non-Agency Referrals

North Salt Spring Waterworks District
SSI Agricultural Alliance

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

526
(Bylaw Number)

(Title)

(Agency)

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 526

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW NO. 355, 1999

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

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 3, 2021”.

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999,” is amended as follows:

2.1 By replacing the table under Subsection 9.1.1 – Permitted Uses of Land, Buildings and Structures – with the following:

	A1	A2
Principal Uses, Buildings and Structures		
<i>Agriculture, farm buildings and structures</i> <i>Information Note: By definition, “agriculture” includes the processing, storage, sale of farm products produced on the same lot, or on another lot that is part of the same farm business.</i>	♦	♦
<i>Single-family dwellings</i>	♦	♦
Accessory Uses		
One additional <i>dwelling unit</i> , provided that the existing <i>single-family dwelling</i> is 500 square metres in <i>floor area</i> or less and is consistent with Agricultural Land Reserve Use Regulation, B.C. Reg. 30/2019 or any legislation which may be enacted in substitution, that is: a) a pre-existing <i>dwelling unit</i> constructed before February 22, 2019, or b) a <i>mobile home</i> for immediate family constructed between July 4, 2019 and December 31, 2021, or c) a <i>farmworkers’ dwelling unit</i> not exceeding 90 square metres in <i>floor area</i> on agricultural land classified as a farm under the <u>Assessment Act</u> , or d) a <i>full-time rental cottage</i> subject to Section 3.15, or e) a <i>secondary suite</i> subject to Section 3.16, or f) on a lot greater than 40 hectares in area, a <i>dwelling unit</i> not exceeding 186 square metres in <i>floor area</i> . <i>Information Note: For lots 40 hectares or less in area where the single-family dwelling exceeds 500 square metres in floor area, permission to construct an additional dwelling unit for farm use must be applied for and approved in writing by the Agricultural Land Commission.</i>	♦	♦

Processing of the <i>farm products</i> of another farm located within the Salt Spring Island Local Trust Area. <i>Information Note: This use requires the written permission of the Agricultural Land Commission.</i>	♦	♦
Sale of the <i>farm products</i> of another farm, provided that the <i>floor area</i> used for the storage and display of the products from another farm may not exceed 5 square metres or one third of the total <i>floor area</i> on a <i>lot</i> that is occupied by <i>farm product</i> storage and display.	♦	♦
<i>Home-based business use</i> subject to Section 3.13	♦	♦
<i>Commercial guest accommodation</i> in a <i>campground</i> on agricultural land classified as a farm under the <u>Assessment Act</u> , subject to Schedule "F".	♦	

- 2.2 By replacing the table under Subsection 9.1.2 – Siting and Density of Permitted Uses, Buildings and Structures – with the following:

	A1	A2
Lot Coverage		
Maximum combined <i>lot coverage</i> of all <i>buildings</i> and <i>structures</i> , excluding greenhouses (per cent)	35	35
Maximum combined <i>lot coverage</i> of all <i>buildings</i> and <i>structures</i> , including greenhouses (per cent)	75	75
Maximum <i>lot coverage</i> of all <i>campsites</i> , <i>buildings</i> and <i>structures</i> in a <i>campground</i> (per cent)	5	N/A
Number of Units and Site Areas		
Maximum number of <i>campsites</i> per ha in a <i>campground</i> on any <i>lot</i>	10	N/A
Maximum number of bedrooms used in a <i>bed and breakfast home-based business</i> and <i>campsites</i> on any <i>lot</i>	10	N/A
Setbacks		
Despite Article 4.3.1(2), the following <i>lot line</i> setbacks apply in the zone indicated:		
Minimum <i>rear lot line</i> setback (metres) for <i>buildings</i> , <i>structures</i> and <i>uses</i> that are not listed in Subsections 4.3.4 through 4.3.9	4.5m	4.5m

- 2.3 “By replacing Section 3.17 – Dwellings on Large Farms – with the following:

3.17 Despite other provisions of this bylaw, where *agriculture* is a permitted *principal use* on a *lot* not in an *Agricultural zone*, and complies with Section 3.5 and the Subdivision and Servicing Requirements of Part 9 of this Bylaw, additional *farmworkers’ dwelling units* not exceeding 186 square meters corresponding to the *subdivision* potential of a *lot* may be constructed and occupied where a lot is classified as a farm under the Assessment Act if the owner grants to the Salt Spring Island Local Trust Committee a covenant under the Land Title Act restricting *use* of the *farmworkers’ dwelling units* and prohibiting further *subdivision* of the *lot*.

Information Note: Applications should be consistent with the guidelines in H.2.1.3 of the Salt Spring Island Official Community Plan.”

And by making consequential numbering alterations to effect this change.

READ A FIRST TIME THIS _____ DAY OF _____ 20_____

READ A SECOND TIME THIS _____ DAY OF _____ 20_____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20_____

READ A THIRD TIME THIS _____ DAY OF _____ 20_____

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

ADOPTED THIS _____ DAY OF _____ 20_____

Chair

Secretary

DATE OF MEETING: February 7, 2022
TO: Galiano Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Proposed New Fee Bylaw

RECOMMENDATION

1. That the Galiano Island Local Trust Committee Bylaw No. 281, cited as “Galiano Island Local Trust Committee Fees Bylaw, 2021”, be given First Reading
2. That the Galiano Island Local Trust Committee Bylaw No. 281, cited as “Galiano Island Local Trust Committee Fees Bylaw, 2021”, be given Second Reading
3. That the Galiano Island Local Trust Committee Bylaw No. 281, cited as “Galiano Island Local Trust Committee Fees Bylaw, 2021”, be given Third Reading
4. That the Galiano Island Local Committee Bylaw No. 281, cited as “Galiano Island Local Trust Committee Fees Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee

REPORT SUMMARY

The purpose of this report is for the Galiano Island Local Trust Committee (LTC) to consider three readings of Bylaw No. 281 which would replace Bylaw No. 196 (LTC Fees Bylaw) to include:

- An expanded Interpretation section.
- Fee increases for the various applications.
- Fees for applications received though work or activity is already undertaken or in operation.
- Clarification of collection of fees and refunds.
- A new section to address Extraordinary Service Costs (ESC)
- A new section to address Annual Fee Increases.

BACKGROUND

At the September 2021 regular business meeting, the LTC passed the following resolution:

GL-2021-085

It was **MOVED and SECONDED**,

that the Galiano Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services” and to include paragraphs 5 and 6 as written.

CARRIED

The resolution references “paragraphs 5 and 6 as written.” At the meeting of December 6th, the LTC clarified that the intention is to proceed with the model fees bylaw as drafted, and that any applications that may have community benefits would have the opportunity to apply for sponsorship.

Rationale for Recommendation

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. At the same meeting, Trust Council recommended that local trust committees adopt new fees bylaws based on the model. In September, the LTC requested staff to draft a new Fee Bylaw based on the model fee bylaw.

Draft Bylaw No. 281 is attached. It is consistent with the model with the exception of the removal of the option for fees for Siting and Use Permits (Denman and Hornby only), and the removal of the option for TUPs for community benefit – this option was in the model to provide for flexibility to allow for reduced temporary use permits fees for community benefits as defined by a local trust committee in its official community plan. The OCP does not include policies for TUPs for community benefit; however, applicants can continue to seek sponsorship of applications from Executive Community for applications that provide a community benefit.

Submitted By:	Robert Kojima Regional Planning Manager	December 6, 2021
---------------	--	------------------

ATTACHMENTS

1. Draft Bylaw No. 281

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 281

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

NOW THEREFORE the Galiano Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Galiano Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "Galiano Island Local Trust Committee Fees Bylaw, 2021".

Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the Galiano Island Local Trust Committee Development Procedures Bylaw No. 100, 1992 to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;
- 2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw	
Column 1: Type of Application	Column 2: Fee
Major (e.g. change to density or OCP)	\$7,800
Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000
Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit Renewal	\$700
Other Permits	
13. Heritage Alteration Permit	\$1,700
Combination Applications	
14. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
15. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,000
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rate in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenants at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The Galiano Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 “Galiano Island Local Trust Committee Fees Bylaw No. 196, 2007” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME THIS _____ DAY OF _____, 202X

READ A SECOND TIME THIS _____ DAY OF _____, 202X

READ A THIRD TIME THIS _____ DAY OF _____, 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____, 202X

ADOPTED THIS _____ DAY OF _____, 202X

CHAIR

SECRETARY



File No.: 6500-20
DL 64, 68, 72 and 87
Rezoning Project

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: District Lot (DL) 64, 68, 72 and 87 Rezoning Project

RECOMMENDATION

1. That the Galiano Island Local Trust Committee:

- a) Endorse the attached District Lot (DL) 64, 68, 72 and 87 rezoning project charter and associated scope of work, timelines and budget
- b) Direct staff to begin working on District Lot (DL) 64, 68, 72 and 87 rezoning project deliverables

REPORT SUMMARY

The purpose of this report is to introduce the District Lot (DL) 64, 68, 72 and 87 rezoning project charter (Attachment 1) for Galiano Island Local Trust Committee (LTC) endorsement and to recommend an associated scope of work, timelines and budget.

The recommendations above are supported as:

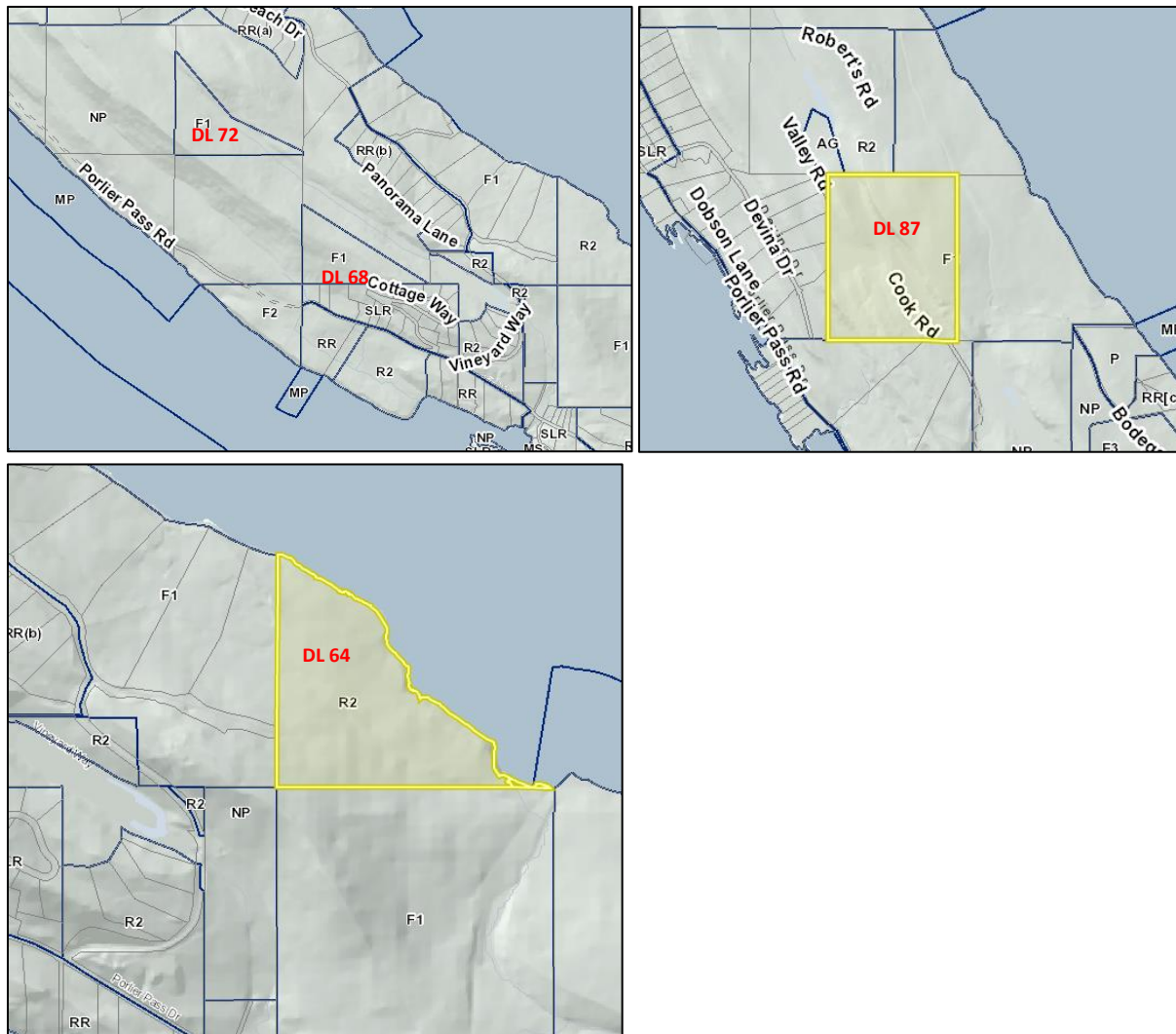
- Rezoning the four subject properties will provide greater consistency between the land use zoning/designations and the actual use and ownership of the land;
- The three Crown owned lots were originally put forward for rezoning to Nature Protection (NP) in 2011 via proposed Bylaw 231 and 232, these bylaws are currently in abeyance (at first reading) and could be revisited by LTC; and,
- The Galiano Conservancy has requested the inclusion of recently acquired DL 64 in the project scope.

BACKGROUND

Portions of DLs 68, 72 and all of DL 87 are owned by the provincial Crown and are currently zoned Forest 1 (F1). They were proposed to be rezoned from F1 to NP in 2011 via Bylaws 231 and 232 but the amendments were never finalized (see Attachments 2 and 3). Additional historical context is provided in the December 6, 2021 [staff memo](#) (starting on p 91 of agenda package).

The Galiano Conservancy has recently acquired District Lot 64. It is currently zoned Rural 2 (R2) and they are seeking to rezone the property to NP. Figure 1 shows the location of the four subject properties.

Figure 1 – Subject Properties



On December 6, 2021, the following resolution was passed by the LTC:

GL-2021-108

It was Moved and Seconded

that the Galiano Island Local Trust Committee direct staff to initiate a project charter for the rezoning of DL 64, 68, 72, 87 and establish it as a priority project on the Priority Projects List.

CARRIED

As requested, a draft project charter is included as Attachment 1. A project budget of \$2,000 has been proposed for the 2022/23 fiscal year. It is anticipated the project will be completed by the end of the LTC's current term.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

The rezoning proposal would be consistent with the policies of the Islands Trust Policy Statement (ITPS). If LTC decides to proceed, an ITPS checklist will be presented to LTC when proposed bylaws 231 and 232 are re-introduced for consideration of first reading.

Official Community Plan Amendments– BL 231

Proposed Bylaw 231 considers OCP amendments to the land use designation for the three Crown owned lots (i.e. DLs 68, 72, 87) from F1 to NP. No changes would be required to these sections of the proposed bylaw as currently written (except for base map updates to reflect current designation of adjacent properties), however, another schedule map would be required to be added to include DL 64 in the bylaw.

As OCP amendments are required, provincial approval would be needed for BL 231 after third reading (and Executive Committee approval) and prior to final adoption.

Land Use Bylaw Amendments – BL 232

Proposed Bylaw 232 considers LUB amendments to the zoning for the three Crown owned lots (i.e. DLs 68, 72, 87) from F1 to NP. No changes would be required to these sections of the proposed bylaw as currently written (except for base map updates to reflect current zoning of adjacent properties), however, another schedule map would be required to be added to include DL 64 in the bylaw.

Consultation

As a first step, staff will initiate discussion with provincial staff (likely BC Parks) with respect to the rezoning of the three Crown land parcels.

Bylaw referrals will also be completed as part of the process. A list of proposed First Nations and referral agencies will be included in a future staff report for consideration by LTC.

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold a Community Information Meeting (CIM) prior to that. With direction from LTC, these would be scheduled either separately or concurrently after the updated bylaws have been received by LTC and agency and First Nation referrals are completed.

Public hearing notice would be posted as per statutory and bylaw requirements in advance of a public hearing.

Rationale for Recommendation

The recommendations on page 1 are supported as:

- Rezoning the four subject properties will provide greater consistency between the land use zoning/designations and the actual use and ownership of the land;
- The three Crown owned lots were originally put forward for rezoning to Nature Protection (NP) in 2011 via proposed Bylaw 231 and 232, these bylaws are currently in abeyance at (First Reading) and could be revisited by LTC; and,
- The Galiano Conservancy has requested the inclusion of recently acquired DL 64 in the project scope.

ALTERNATIVES

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

1. Request further information

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

That the Galiano Island Local Trust Committee request that the staff provide further information regarding...

2. Request revisions to the draft project charter

The LTC may request revisions to the draft project charter prior to making a decision. Staff advise that the implications of this alternative are potential delays to commencing and completing the project. If selecting this alternative, the LTC should describe the specific revisions needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee request that the staff make the following revisions to the draft DL 64, 68, 72 87 rezoning project charter ... (list revisions)

3. Reconsider pursuing the rezoning of DLs 64, 68, 72 and 87.

The LTC may choose to focus on different priorities. If selecting this alternative, recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee not pursue the rezoning of District Lots 64, 68, 72 and 87 as a priority project.

4. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Next steps include:

- Finalize project charter and update project webpage
- Make proposed revisions to proposed BLs 231 and 232 for LTC consideration

Submitted By:	Brad Smith Island Planner	January 26, 2022
Concurrence:	Robert Kojima Regional Planning Manager	January 27, 2022

ATTACHMENTS

1. Project Charter
2. BL 231
3. BL 232

DL 64, 68, 72, 87 Rezoning Project - Charter Final v1

Galiano Island Local Trust Committee (LTC)

Date: January 26, 2022

Purpose: The purpose of this project is to rezone and redesignate portions of District Lot (DL) 68, 72 and all of DLs 64 and 87 to Nature Protection (NP) in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) and Official Community Plan No. 108, 1995 (OCP) by amending draft Bylaws 231 and 232.

Background: Portions of District Lots (DL) 68, 72 and all of District Lot 87 are owned by the provincial Crown and are currently zoned Forest 1 (F1). They were proposed to be rezoned from F1 to NP in 2011 via Bylaws 231 and 232 but the amendments were never finalized. The Galiano Conservancy has recently acquired District Lot 64. It is currently zoned R2 - Residential and they are seeking to rezone the property to NP - Nature Protection.

Objectives	In Scope	Out of Scope
To rezone and designate subject properties to Nature Protection (NP) to more accurately reflect better reflect current land use and ownership	- Engagement with property owners - Drafting of bylaw amendments - First Nations Consultation - Bylaw referrals to agencies - Public and stakeholder engagement - Legislative process - Provincial approval of proposed OCP amendments	- Rezoning of any other District Lots or land parcels - Other regulatory or policy amendments

Workplan Overview

Deliverable/Milestone	Date
Engagement with property owners (i.e. Galiano Conservancy and BC Crown)	Feb 2022
Draft bylaw amendments to BLs 231 and 232 for LTC consideration of First Reading	Mar 2022
Complete bylaw referrals and First Nations consultation	Mar-May 2022
Complete public consultation including Community Information Meeting (CIM) and Public Hearing	Jul 2022
Legislative process including Executive Committee and provincial approvals	Jul-Oct 2022

Project Team		Budget		
Brad Smith	Project Manager	Budget Sources:		
Robin Ellchuk	Admin Assistance	Fiscal	Item	Cost (\$)
Jas Chonk	Legislative Clerk	2022/23	Public Hearing	1,500
Jackie O'Neil	GIS/Mapping Support		Contingency	500
RPM Approval: Robert Kojima Date: Jan 27, 2022	LTC Endorsement: Resolution #: XX Date: February 7, 2022		Total	\$2,000

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

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 29 of the *Islands Trust Act* gives the Galiano Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Galiano Island Local Trust Committee wishes to amend the Galiano Island Official Community Plan Bylaw No. 108, 1995;

AND WHEREAS the Galiano Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE 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. 14, 2011.”

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 8th day of August , 2011.

PUBLIC HEARING HELD this day of , 20.

READ A SECOND TIME this day of , 20.

READ A THIRD TIME this day of , 20.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this day of , 20.

ADOPTED this day of , 20.

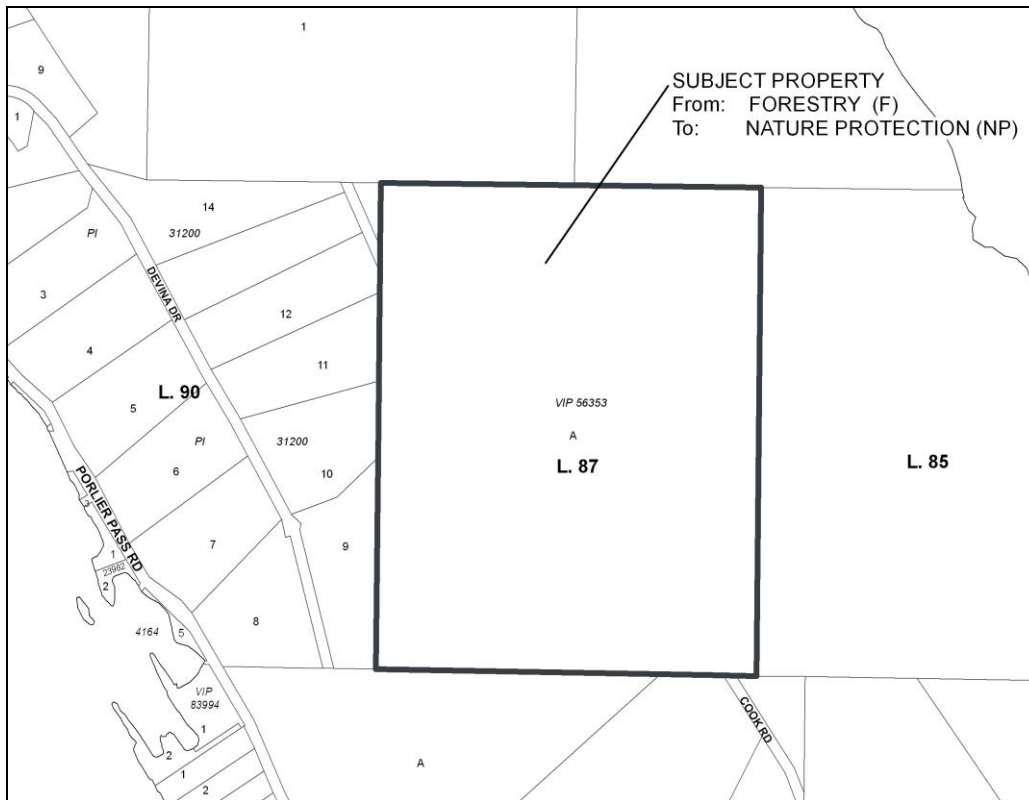
SECRETARY

CHAIRPERSON

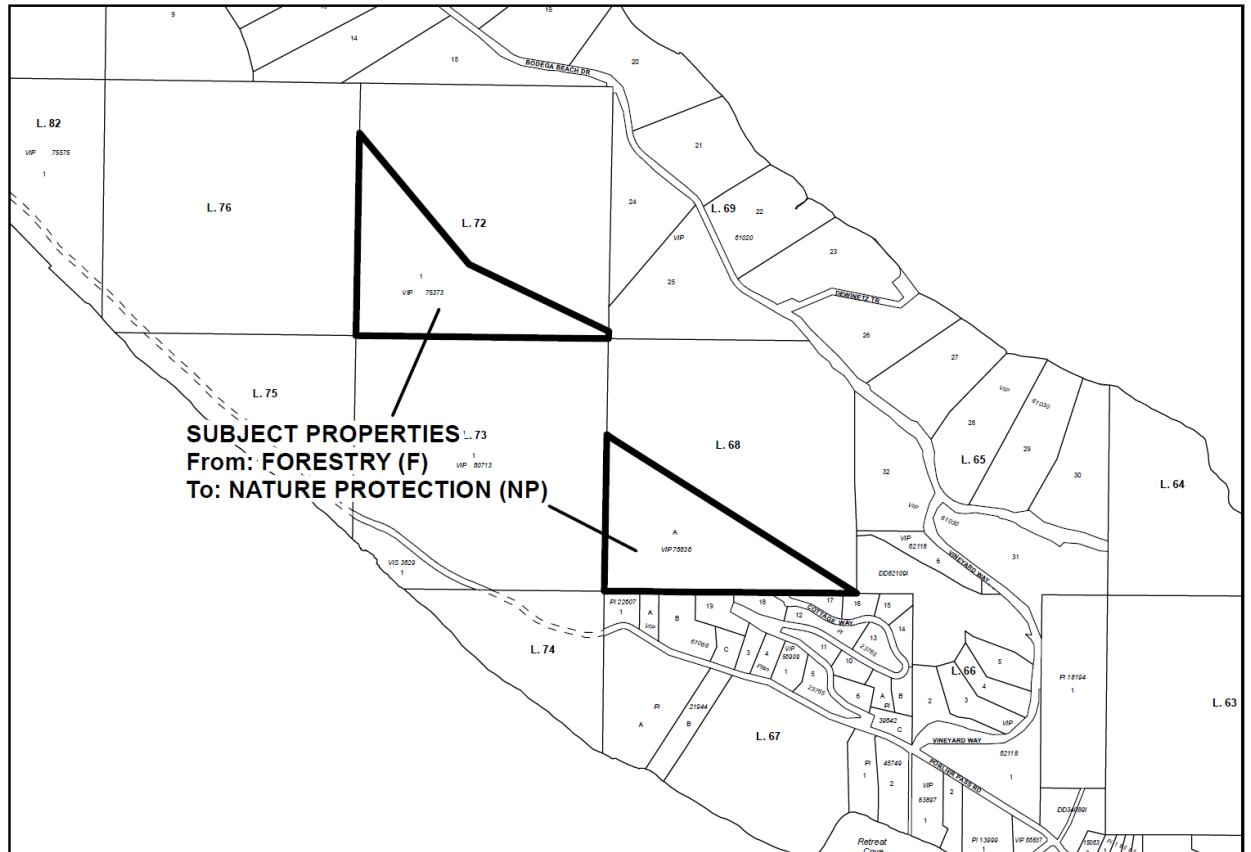
GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 231
SCHEDULE 1

Schedule B (Land Use Designation) is amended by changing the land use designations on the lands legally described as follows:

1. Lot A, Plan VIP56353, District Lot 87, Galiano Island, Cowichan District, except part in Plan VIP61539 from the Forestry (F) Land Use Designation to the Nature Protection (NP) Land Use Designation, in accordance with the map below.



2. Lot A, Plan VIP76636, District Lot 68, Galiano Island, Cowichan District; and Lot 1, Plan VIP75373, District Lot 72, Galiano Island, Cowichan District from the Forestry (F) Land Use Designation to the Nature Protection (NP) Land Use Designation in accordance with the map below.



BYLAW NO. 232

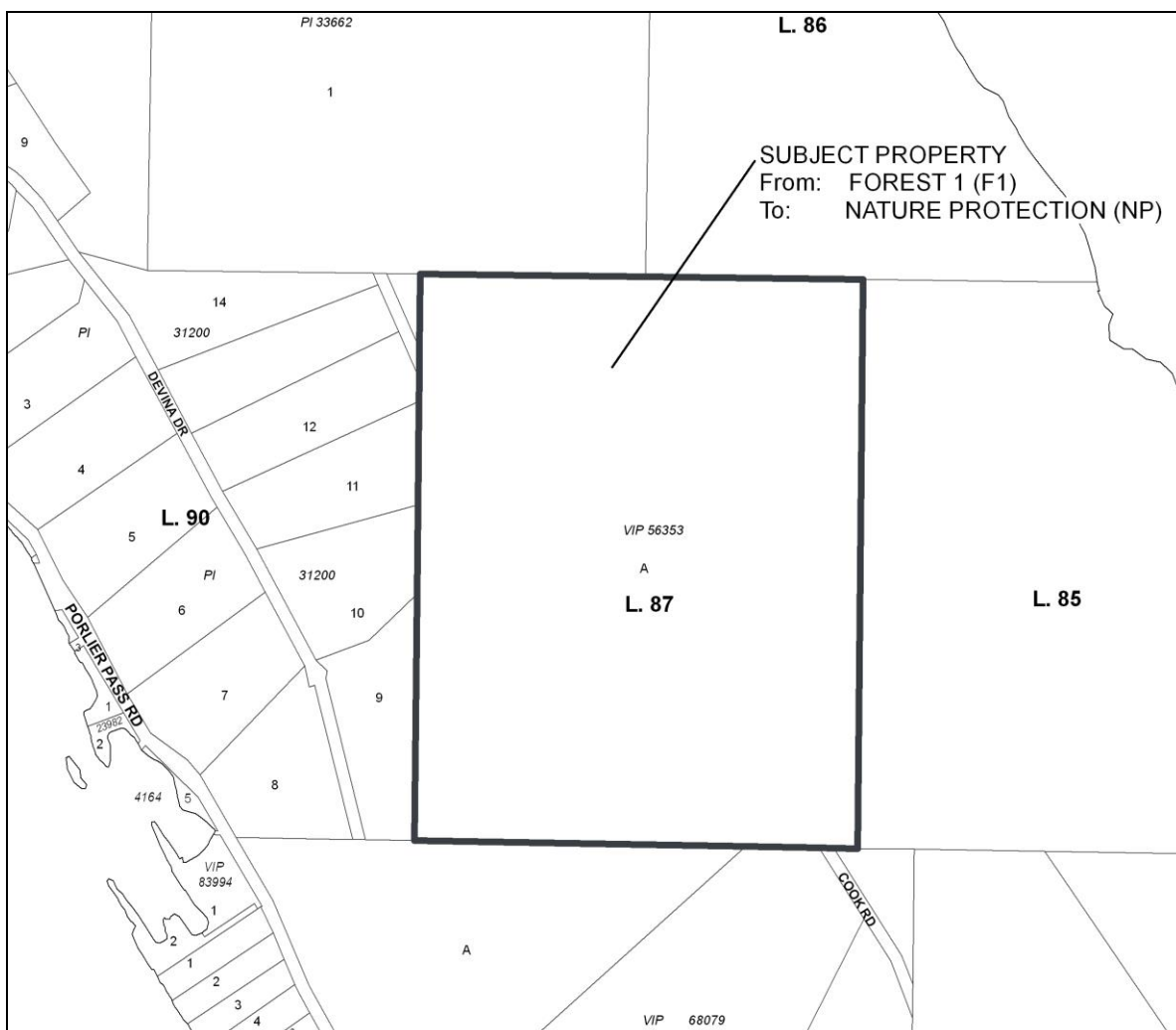
[illegible]

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

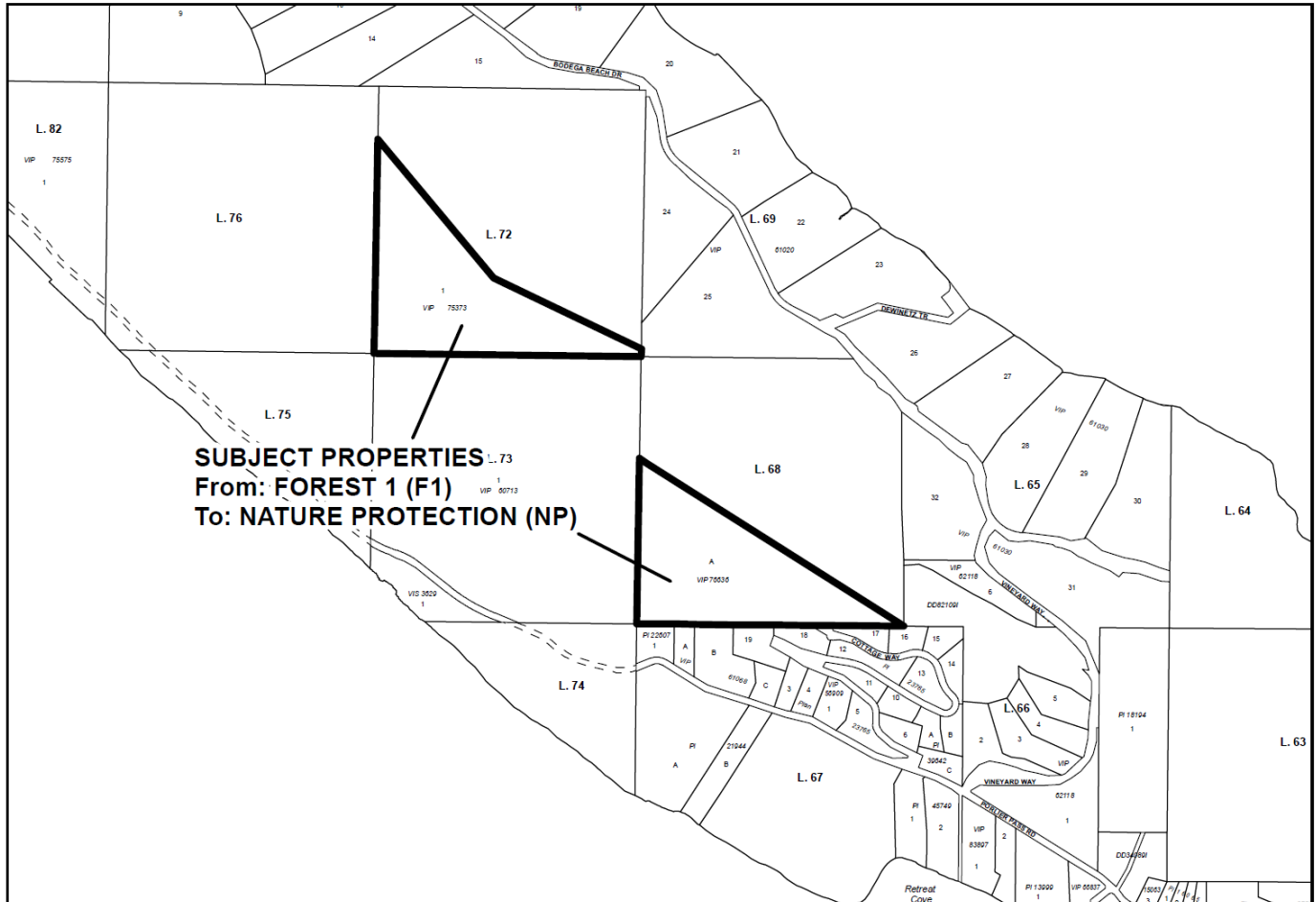
[illegible]

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

- A.** Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
- 1.** Lot A, Plan VIP56353, District Lot 87, Galiano Island, Cowichan District, except part in Plan VIP61539 from the Forest 1 (F1) zone to the Nature Protection (NP) zone, in accordance with the map below.



2. Lot A, Plan VIP76636, District Lot 68, Galiano Island, Cowichan District; and Lot 1, Plan VIP75373, District Lot 72, Galiano Island, Cowichan District from the Forest 1 (F1) zone to the Nature Protection (NP) zone, in accordance with the map below.



- B. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.3, 2011”.

READ A FIRST TIME THIS 8th DAY OF August 2011

PUBLIC HEARING HELD THIS DAY OF 201_

READ A SECOND TIME THIS DAY OF 201_

READ A THIRD TIME THIS DAY OF 201_

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
DAY OF 201_

ADOPTED THIS DAY OF 201_

DEPUTY SECRETARY

CHAIRPERSON

Top Priorities Report

Galiano Island

1. *Groundwater Sustainability*

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

Responsible

Narrisa Chadwick
William Shulba

Dates

Rec'd: 02-Apr-2019
Target: 30-Sep-2022

2. *Rezoning of DL 64, 68, 72, 87*

Responsible

Brad Smith

Dates

Rec'd: 06-Dec-2021
Target: 30-Nov-2022



Projects Report

Galiano Island

1. *Parking Issues*

Responsible

Date Received

Issue for discussion with MoTI and public parking issues generated from associated islands.

23-Jul-2012

(see correspondence from P. Midgely on agenda of Apr/12)

2. *Light Industrial Zoning*

Responsible

Date Received

A review and inventory assessment of existing and potential light industrial zones.

18-Nov-2013

3. *Coastal Douglas-Fir Protection*

Responsible

Date Received

Review 'Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)' and provide recommendations from toolkit.

04-Feb-2019

- LPC is intending to develop a model bylaw in 2021-22.

Include review the Contiguous Forest Mapping in the Islands Trust Area Report.

4. *Cannabis Retail and production*

Responsible

Date Received

Consider review of policies and regulations to address cannabis retail sales and production

05-Mar-2019

5. *Dock review*

Responsible

Date Received

To review policies and regulations relating to private moorage, including suitable locations, siting and size, and incorporating First Nations sites

02-Apr-2019



Projects Report

Galiano Island

6. *Emergency Access Planning*

Responsible

Date Received

Follow-up from CRD emergency planning process - include consideration of developing driveway guidelines for emergency access within land use bylaw

02-Apr-2019

7. *Review of forestry land designations, policies and community benefit approaches*

Responsible

Date Received

Project represents a consolidation of a number of previously identified projects with a similar theme related to forestry zoning on Galiano Island. Project scope within previous projects included: current and potential future approaches to community benefit agreements, use of split zoning, F1 forest lot issues, issues regarding lands without managed forest status, amendments to re-designate and rezone crown owned Forest lots (Bylaws 231, 232 at First Reading)

03-Feb-2020

8. *Review of Road Network Plan*

Responsible

Date Received

Review of Road Network Plan - include December 11th APC memo in review process - meet with MOTI

02-Mar-2020

9. *Review of LUB tiny home/trailer regulations, maximum house sizes and lot coverage*

Responsible

Date Received

01-Jun-2021

10. *Review of LUB water management and cistern regulations*

Responsible

Date Received

02-Nov-2020



Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2021.5	Neave O'Shaughnessy	17-Aug-2021	835 STURDIES BAY RD - application for a DP for development in a sensitive ecosystem DPA

Planner: Phil Testemale

Planning Status

Status Date: 19-Jan-2022

E-mail to applicant requiring Geotechnical assessment.

Status Date: 14-Jan-2022

Report from QEP rec'd.

Status Date: 26-Nov-2021

QEP in discussion with staff and MoTI with recent land slip and damage (Geotechnical)

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2021.11	Mommsen-Smith, Anik	15-Dec-2021	Renovation of existing building and replacement of septic system. (Note: Stephen Baugh has placed the Building Permit Application in abeyance (GL-BP-2021.30) as a DVP is required.

Planner: Phil Testemale

Planning Status

Status Date: 07-Jan-2022

Sent LTC package to Galiano LTC and copied Jas and Robin.

Status Date: 07-Jan-2022

Sent email to applicants and advised them that their file has been assigned to Planner Phil Testemale.

Status Date: 06-Jan-2022

Anik Mommsen-Smith, one of the applicants, sent an email and stated that there was a typo, and that they are not within 15 metres of the natural boundary of the sea. She discussed it with their engineer, and she sent us a revised copy of the Partial Site Plan. She will send an approved copy from Island Health, when she receives it from them.

**Applications****Rezoning**

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

Planner: Brad Smith**Planning Status****Status Date:** 14-Jan-2022

Staff have developed list of covenant conditions with applicant and finalized cost recovery agreement for legal work

Status Date: 25-Nov-2021

Staff memo On December 6 LTC agenda

Status Date: 27-Sep-2021

Planner working on covenant, applicant working on installing data logger

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2019.1	GIGARHS	11-Sep-2019	Georgia View Rd: rezoning application for to amend the OCP and LUB to permit an affordable housing development - Bylaws 276, (OCP), 277 (LUB), 274 (Housing Agreement)

Planner: Brad Smith**Planning Status****Status Date:** 31-Jan-2022

Staff report on Feb 7 agenda

Status Date: 14-Jan-2022

Updated rent structure proposal received from applicant

Status Date: 15-Dec-2021

Draft covenant received from lawyer and sent to applicant



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2020.1	KING, FRED & DEBBIE	27-Oct-2020	51 Galiano Way - Application for rezoning to amend the OCP to permit residential use - Bylaw 279 (LUB)

Planner: Brad Smith

Planning Status

Status Date: 28-Oct-2021

Applicant working on DAI TOR items

Status Date: 31-Aug-2021

Planner to contact applicant for status update

Status Date: 22-Jun-2021

Applicant working on TOR items - no clear timeline for coming back to LTC

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2021.1	New Commons Development	08-Mar-2021	409 Porlier Pass Road - Application for rezoning to amend the LUB to permit an affordable housing development with a total of 20 units (within 4 buildings). Bylaw 280 (LUB)

Planner: Brad Smith

Planning Status

Status Date: 31-Jan-2022

Staff report on Feb 7 agenda

Status Date: 14-Jan-2022

Spreadsheet of proposed covenant conditions reviewed with applicant

Status Date: 12-Jan-2022

Data logger water report received



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2021.2	Andy Gaylor of McElhanney Ltd.	16-Aug-2021	COOK RD - application for rezoning to emend the OCP and LUB to permit a rezoning from F1 to create an F3 zoned parcel, two 2.0 hectare Rural Residential-zoned parcels, and 12+ ha of parkland and road dedication. And to allow a small enclosed sawmill in proposed F3 zoned area.

Planner: Brad Smith

Planning Status

Status Date: 25-Nov-2021

Preliminary report on Dec 6, 2021 agenda

Status Date: 28-Oct-2021

Preliminary staff report planned to be on Dec 6, 2021 agenda

Status Date: 10-Sep-2021

DAI TOR provided to applicant

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2020.1	Mitchell, Glen	19-Dec-2019	GIGHARS - Proposed two lot conventional subdivision referral of Lot 1 District Lots 30 and 31

Planner: Brad Smith

Planning Status

Status Date: 18-May-2021

Applicant has received preliminary conditions approval letter from MOTI - subdivision subject to successful rezoning

Status Date: 19-Feb-2021

Applicant working on referral report items

Status Date: 15-Dec-2020

Referral report reviewed with applicant

**Applications****Subdivision**

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2021.1	Lawrence Waterfall	09-Jul-2021	350 MARY ANN POINT RD - Referral of a subdivision application for 3 new lots

Planner: Phil Testemale

Planning Status

Status Date: 01-Dec-2021

New subdivision layout plan rec'd

Status Date: 17-Sep-2021

Terms of Reference for Hydrogeologist's proof of potable water sent to applicant.

Status Date: 10-Sep-2021

Revised response for updated plan (park dedication removed - 2021-08-08) sent to MoTI. cc'd to LTC, CRD, GIPRC and Freshwater Specialist

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2022.1	Okuda Andersen, Kadek	13-Jan-2022	The subdivision of two lots zoned rural residential into three lots with the same zoning. One of these proposed lots has already been developed and the other two proposed are vacant. The subdivision will not increase density. There are no covenants, easements, rights-of-way, or other charges registered against either title.

Planner: Brad Smith

Planning Status

Status Date: 26-Jan-2022

E-transfer of \$1,210.00 confirmed by Accounts Receivable.

Status Date: 26-Jan-2022

Robert Kojima assigned the file to Brad Smith.

Status Date: 14-Jan-2022

Sent the electronic link to EDM to Robert Kojima for his review.

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending November 2021

625 Galiano	Invoices posted to Month ending November 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	331.00	271.70	59.30
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	4,771.00	2,811.81	1,959.19
65210-625	LTC - Local Exp - APC Meeting Expenses	370.00	1,027.33	-657.33
65220-625	LTC - Local Exp - Communications	250.00	2,249.97	-1,999.97
65230-625	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>5,685.00</u>	<u>6,089.11</u>	<u>-404.11</u>
Projects				
73001-625-2002	Galiano OCP/LUB	1,500.00	1,106.97	393.03
73001-625-4114	Galiano Groundwater Strategy Implementation	2,500.00	129.15	2,370.85
73001-625-4121	Galiano Healthy Watersheds Initiative	20,000.00	137.27	19,862.73
TOTAL Project Expenses		<u>24,000.00</u>	<u>1,373.39</u>	<u>22,626.61</u>

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2020-042 (Standing)	Carried	08-Sep-2020
That the Galiano Island Local Trust Committee request that development permit applications where a variance is requested be processed as a combined application with both a development permit and a development variance permit.		
2020-041 (Standing)	Carried	06-Jul-2020
that the Galiano Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and that staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee; bylaw enforcement actions, including the issuing of notices, will continue. d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.		



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2020-013 (Standing)	Carried	03-Feb-2020
that the Galiano Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.		
2019-053 (Standing)	Carried	03-Jun-2019
that the Local Trust Committee seek to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:		
a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;		
b) For various Local Trust Committee meetings, invite First Nations to attend meetings; as well as, provide a traditional welcome to their territory if they would like;		
c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;		
d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;		
e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.		



Standing Resolutions Log

Galiano Island

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



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
2014-000 (Standing)	Carried	03-Feb-2014
On properties where there is an open bylaw enforcement file, planning staff should refer planning applications to the Bylaw Enforcement Manager for comment where one or more of the following circumstances exist: 1. There have been significant delays or longer than typical timelines in the enforcement process 2. The LTC is considering on-going, relevant policy or regulatory changes that could impact enforcement 3. Litigation has been recommended 4. Legal counsel has been involved (beyond providing a basic interpretation) 5. There has been enforcement action beyond seeking voluntary compliance (e.g. a BEN warning or ticket, adjudication, a compliance agreement negotiated, etc.) 6. There has been, or is an expectation of, joint enforcement with other jurisdictions 7. There is potential for impact on other related enforcement files.		
2011-205 (Standing)	Carried	17-Oct-2011
That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property on which Galiano Island Land Use Bylaw No. 127, 1999 permits public assembly uses, such as restaurants or community halls, and where there have been no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.		
2010-115 (Standing)	Carried	18-Oct-2010
That the Galiano Island Local Trust Committee will advertise Public Hearing Notices in the Active Page Magazine in addition to the legally required advertising in the Driftwood Newspaper.		
2009-085 (Standing)	Carried	11-May-2009
That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment		



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

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY NOVEMBER 23, 2021 BOARD SPECIAL MEETING (OPEN PORTION)

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

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) Manager welcomed Carmen Smith as the new acting Communications Specialist, noting she was not able to make this meeting, but will be introduced at the January 25, 2022 meeting.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Ecosystem Protection Specialist presented the revised Climate Change project charter. Board members discussed contributions, mitigation and adaptation to climate change, criteria for projects, costs, and staff time. Purpose statement for the program was revised to: *'To conduct a pilot analysis of climate change impacts, including the opportunities for ITC properties to contribute to climate change mitigation and adaptation where possible, for 2—3 ITC Nature Reserves, as a first step in adapting ITC's work to best protect local species and ecosystems through climate futures.'*
- The Species at Risk Project Coordinator presented the Species at Risk project charter which was approved as is.
- The ITC Manager provided an overview to Board members of current staff workloads, and changes over the last three years, and commented that there have been several changes in Islands Trust and ITC administrative systems. ITC staff plan to bring suggestions to the Board in January on how to prioritize work items and manage staff workload, to prevent staff burnout and best meet the goals of the ITC Board.
- ITC Meeting Procedure and Bylaw Amendment decision request was deferred to the January 25, 2022 ITC Board Meeting.
- The Islands Trust Conservancy Board (ITCB) directed staff to schedule the 2022 ITCB meeting dates of March 15th, May 24th, October 4th, and November 22nd, 2022 as electronic meetings, and list the Victoria office boardroom as the public meeting location.
- The ITCB approved the attendance for Trustees Fast, Fenton, Stamford and Smith to attend the Salish Sea Ecosystem Conference, and allocated up to \$200 for registration.



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

3. COVENANT AND PROPERTY ACQUISITIONS

- The Ecosystems Protection Specialist reported both the Moss Mountain (Salt Spring) Pare-Baile (North Pender) NAPTEP covenants were successfully signed and registered in October and the tax exemption certificates were issued.
- The Ecosystem Protection Specialist presented a conservation proposal to expand the Nighthawk Hill NAPTEP covenant (North Pender) to Board members; noted this was an extension of the current covenant.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Property Management Specialist presented the 2021 Nature Reserves monitoring report to the board. Report was accepted as is.
- The ITC Covenant Management and Outreach Specialist presented the 2021 Covenant monitoring report to the board. The report was accepted as is, and staff were directed to address issues identified in the report.
- The ITC Manager presented a development variance permit (DVP) referral for a Hornby DVP application adjacent to an ITC conservation covenant. The Board moved that ITC staff respond to the Hornby Island Local Trust Committee recommending that the development variance permit be declined because of insufficient setback distance from the ITC Covenant and the protected prairie oak (Garry oak) habitat and that the landowner be encouraged to cancel their plans for the construction of a pool in Garry oak habitat. The Board also recommended actions to protect the covenant should the Hornby Island Local Trust Committee approve the application.

5. COMMUNICATIONS AND OUTREACH

- The Ecosystem Protection Specialist briefed board members on bull kelp mapping for the Islands Trust area. Board members suggested making the mapping public and available to researchers, and keeping track of data requests.
- The ITCB accepted the Public Acquisitions Report and the Public Covenants Report (for information)
- Correspondence was received from Margaret Taylor, a Gabriola Island resident. Her letter raised concerns of development on Gabriola. The ITC Board directed staff to forward the letter to the Gabriola Island Local Trust Committee and requested that the Chair respond to Ms. Taylor.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Manager provided the 2022-23 budget request to the Board for information, including the updated business case for a Strategic Fundraising position. The budget request was approved at the October ITCB meeting.



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

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)

BRIEFING

To:	Local Trust Committees	For the Meeting of:	TBA
From:	David Marlor, Director, Local Planning Services	Date Prepared:	December 15, 2021
SUBJECT:	Shoreline Protection Model Bylaw Report		

PURPOSE:

The purpose of this briefing is to provide the subject report to each local trust committee.

BACKGROUND:

Trust Council passed a resolution in September, 2021 requesting that Staff forward the Shoreline Protection Model Bylaw Report dated March 2021 to local trust committees and Bowen Island Municipality for information.

This report was undertaken by the Regional Planning Committee in accordance with Islands Trust Strategic Plan Item 2.3. "Undertake a review of Local Trust Committee- Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore."

This report undertakes a review of official community plan and land use bylaw provisions for shoreline protection in the Islands Trust Area as well as examples from outside the Islands Trust Area, and provides recommendations for local trust committees and Bowen Island Municipality to consider when developing new, or updating existing shoreline policies and regulations.

ATTACHMENT(S):

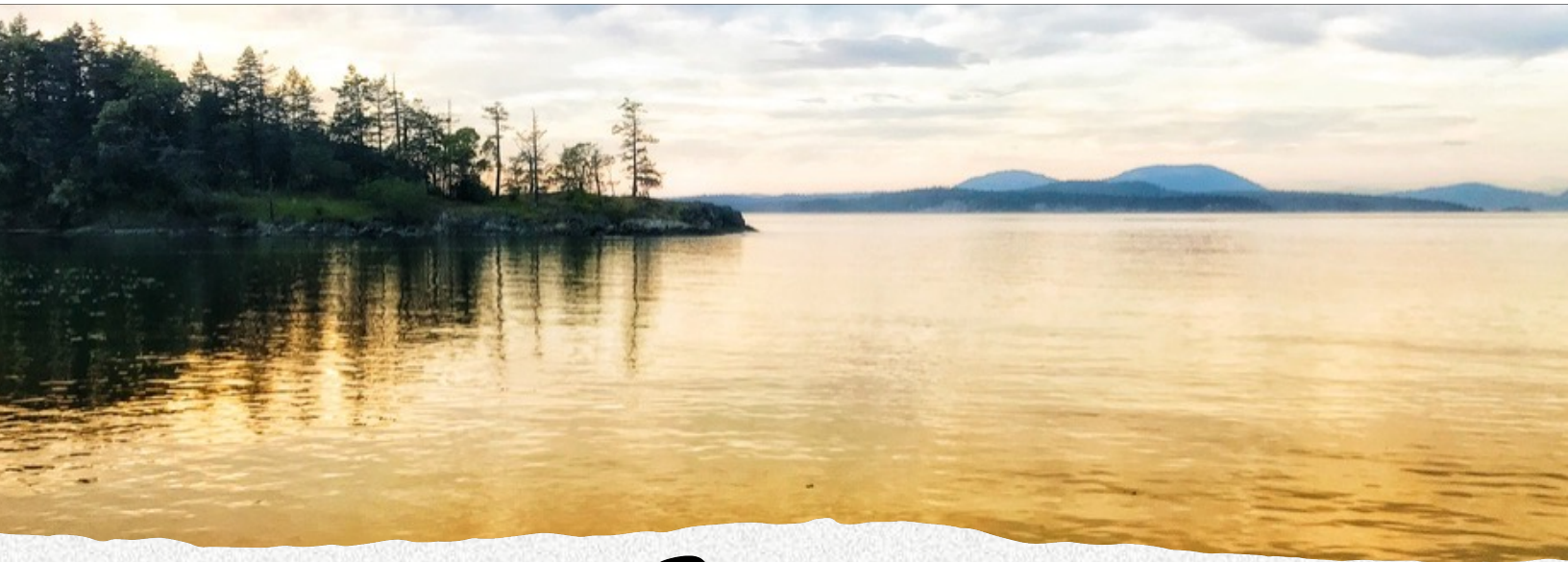
1. Shoreline Protection Model Bylaw Report

FOLLOW-UP:

A requested by the local trust committee. Note that any work on shoreline would be a project of the local trust committee with relevant consideration of staff and budget resources.

Prepared By: David Marlor, Director, Local Trust Committees

Reviewed By/Date:



Islands Trust

Shoreline Protection Model Bylaw Report
March 2021

ACKNOWLEDGEMENTS

This Report is possible through the financial support of the Islands Trust.

We would like to thank all those who participated in the Islands Trust Shoreline Review Model Bylaw Project.

Islands Trust

Laura Busheikin
Denman Island Local Trustee
Chair, Islands Trust Council Regional Planning Committee

Islands Trust Staff

David Marlor, MCIP RPP, Director of Local Planning Services
Lisa Wilcox, kwakwemtenaat, Senior Intergovernmental Policy Advisor
Robert Kojima, Regional Planning Manager, Southern Team
Heather Kauer, RPP, MCIP, AICP, Regional Planning Manager, Northern Team
Sonja Zupanec, RPP, MCIP, Island Planner, Northern Team
Jaime Dubyna, MSc.Pl., Planner 2, Northern Office
Kristine Mayes, Planner 1, Salt Spring Island

Consulting Team

Jean Porteous, MCIP RPP Fraser Simpson Consulting Inc.
Serena Klaver, MCIP Klaver Strategic Planning
Sharon Horsburgh, MCIP RPP Bayshore Planning Inc.

It is a privilege to write this guide and we acknowledge the lands described in this report are within the ancestral territory of the Coast Salish people and as a reminder we are all connected.

We are in a sacred relationship with all things in the natural world – the land, waters, and air, and all of the plants and animals we live with. Respect for the spirit and life in each of these, and the intricate relationships and interconnectedness we are all in together is a key value and principle of our culture.



TABLE OF CONTENTS

OVERVIEW5

HERITAGE AND CULTURAL CONSIDERATIONS7

GREEN SHORES..... 12

GUIDELINES ON MITIGATION AND ADAPTATION TO SEA LEVEL RISE 13

BC MARINE COASTAL SHORELINES JURISDICTION 15

LEGISLATIVE FRAMEWORK FOR SHORELINE PROTECTION STRATEGIES 18

RECOMMENDATIONS29

APPENDICES.....32

REGULATIONS – ISLANDS TRUST AND OTHER EXAMPLES.....32

REFERENCES43

OVERVIEW

Located in the islands and waters of the Salish Sea, between the British Columbia mainland and southern Vancouver Island, the Islands Trust encompasses 13 major and more than 450 smaller islands, covering 5,200 square kilometers. The area is home to the highest density of species at risk in Canada and some of the most diverse and sensitive marine ecosystems in the world. The region's rich forests, soils, wetlands, and ocean vegetation act as important carbon sinks, mitigating greenhouse gas emissions and buffering communities against the impacts of climate change. The ecological significance and sensitivity of the region, and the need for protective measures, were internationally recognized in 1973.

The Islands Trust Area is located within the Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. In 2019, Islands Trust Council passed a Reconciliation Declaration and committed to a Reconciliation Action Plan as per the Truth and Reconciliation Commission (TRC) Calls to Action. Islands Trust is committed to building meaningful relationships with First Nations in the Trust Area, protecting cultural heritage, and upholding the principles embodied within the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the BC Declaration on the Rights of Indigenous Peoples Act (DRIPA); the Truth and Reconciliation Commission (TRC) Calls to Action; and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice. Islands Trust Council recognizes that the work of reconciliation is key to preserving and protecting this place for generations to come.

The Islands Trust Council adopted a Strategic Plan for the 2018-2022 term. Item six of the Strategic Plan is to: Undertake a review of Local Trust Committees and Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore. This is a community planning project that is being advanced by Islands Trust Council Regional Planning Committee. The work will be consolidated into a template of standard bylaws that will be available for local trust committees and Bowen Island Municipality to use when developing policy and regulation along the shoreline.

Project Deliverables:

- Review all 21 existing Official Community Plans and 21 Land Use Bylaws in the Islands Trust Area on foreshore and nearshore policies and regulations, and a selection of other BC coastal jurisdictions and San Juan County. Selection should have relevance to the Trust Area with similar shorelines and upland uses.
- Discussion with Islands Trust Senior Intergovernmental Policy Advisor on consideration of First Nations interests in the options and recommendations.
- Review Provincial guidelines on mitigation and adaptation to sea level rise.
- Review Islands Trust Policy Statement for compliance of any proposed policies and regulations.

- Develop options and make recommendations on model official community plan policy and land use bylaw regulations to protect foreshore and nearshore,

HERITAGE AND CULTURAL CONSIDERATIONS

Islands Trust Initiatives:

The Islands Trust acknowledges the value of Indigenous traditional knowledge and perspectives as part of its decision-making processes.

Some of the recent Official Community Plans (OCP) reviews included references to Heritage and Archaeological Resources. To guide development the Saturna, South Pender and Thetis Island OCPs include the following objectives:

1. To encourage the identification, protection, and conservation of archaeological sites, buildings and sites associated with early settlement, and natural heritage features.
2. To protect archaeological sites from damage due to development, land alteration or human use.
3. To increase public awareness of the Island's heritage resources.
4. To recognize first nations past and current presence on Thetis Island, its foreshore, and surrounding waters, and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

The Saturna Island OCP also includes a Heritage designation which identifies known heritage sites and areas of historical or cultural significance. The objective is to preserve places of historical or cultural significance from destruction. These places are to be identified and means for their preservation should be sought. Furthermore, the Saturna Island Local Trust Committee

may create a Heritage Commission to study and recommend sites, areas, landmarks, buildings, roads, trails, and other features of historical or cultural significance for inclusion together with sites that are on a registry in a Heritage designation under the Local Government Act and archeological sites protected under section 13 of the Heritage Conservation Act.

The Heritage Commission may:

- a) develop a Community Heritage Registry to identify island heritage buildings or other heritage and archaeological sites and features;
- b) develop heritage conservation areas for inclusion in the plan;
- c) require heritage alteration permits for heritage features identified in the Community Heritage Registry and heritage conservation areas;
- d) require heritage impact assessments for designated heritage features and archaeological sites protected under section 13 of the Heritage Conservation Act.;
- e) encourage heritage conservation covenants to protect heritage features; and
- f) encourage dedication or donation of heritage features for long-term protection.

Furthermore, the Saturna Island Local Trust Committee shall encourage and support creation of a community heritage museum on Saturna Island to maintain and display heritage artifacts originally located within the Area.

South Pender Island heritage cultural resources include the archaeological evidence of First Nations use and buildings

associated with the island's more recent settlement. There are registered archaeological sites on South Pender Island, mostly midden deposits, and these are afforded protection from disturbance under the provisions of the Heritage Conservation Act.

South Pender Island OCP Heritage Cultural Resources Objectives include: a) To increase awareness and appreciation of the island's ancient and recent cultural heritage.

b) To encourage and support measures that identify, inventory, and protect heritage cultural resources.

c) To recognize First Nations presence on South Pender Island and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

Heritage Cultural Resources Policies:

a) The Local Trust Committee is to encourage the formation of a Community Heritage Commission to provide it and the community with advice and assistance regarding:

i) criteria for determining community heritage values, e.g., archeological evidence, historical significance, socio-cultural context, and architectural relevance;

ii) identification, inventory, and information compilation regarding sites, artifacts, structures, buildings, and persons of interest;

iii) measures to increase general awareness and appreciation of the island's cultural heritage; and

iv) methods of securing protection for the island's cultural heritage resources.

b) Roads or portions thereof identified as Scenic/Heritage Road are not to be altered without consultation,

c) All development applications shall be reviewed for the presence of known and recorded archaeological sites. Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.

d) The Local Trust Committee should not approve applications that would result in disturbance to an archaeological site unless there are unavoidable conflicts with significant archaeological sites or other known First Nations cultural sites. If this is the case, the LTC should require measures to manage the impacts.

e) Recognizing the inter-relationship of community interests and services between North and South Pender Islands, the Local Trust Committee is to encourage opportunities for mutually beneficial co-operative efforts relating to heritage cultural resources.

f) The Local Trust Committee may consider designation of a Heritage Conservation Area or adoption of Heritage Bylaws to protect heritage cultural resources.

The Salt Spring Island Official Community Plan includes a General Community Objective designed to "identify and protect important components of our island's heritage, including archaeological and First Nations cultural sites, whether they are reminders of past or present lifestyles." (*Source: SSI OCP Volume 1 Section A4 Objective 15*)

Provincial Archaeological Requirements:

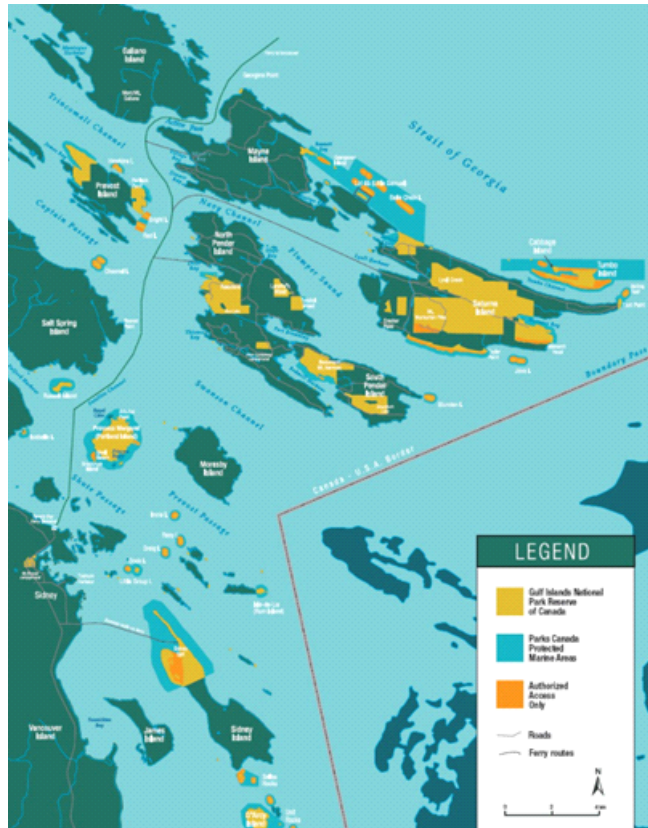
The protection of archaeological and heritage sites afforded under the Heritage Conservation Act is acknowledged by all the Local Trust Committees. The LTC recognizes that there are other buildings and landscapes of heritage value to Island residents and to the First Nations with a long and continuing history of life on the island. <http://www.islandstrust.bc.ca/trust-council/first-nations-reconciliation/>

This recognizes that marine shorelines were well used by First Nations people and as a result it is not uncommon for these areas to contain significant cultural sites and remnants. Any development activity along the marine shoreline must understand that there is a strong potential that these cultural remnants could exist on or below the surface. The BC Heritage Conservation Act governs the processes by which any development activity can occur in and around archeological sites and any indication of archeological artifacts requires adherence to this legislation.

It should be noted that information pertaining to archaeological sites is not available publicly, and Islands Trust planning staff are not authorized to share this information. Individual property owners can petition the BC Archaeology Branch for information regarding archaeological sites on their property, as the Archaeology Branch is responsible for maintaining and distributing archaeological information; however, the Archaeology Branch may not release data that could potentially damage archaeological sites. Property owners are encouraged to contact the Archaeology Branch for more information.

Federal Government Initiatives:

The Federal Government's Gulf Islands National Park Reserve (GINPR) comprises approximately 31 square kilometers of land and intertidal areas scattered over 15 of the southernmost Islands. The following map provides an overview of the national parks in the Gulf Islands.



(Source: [Camping - Gulf Islands National Park Reserve \(pc.gc.ca\)](http://Camping - Gulf Islands National Park Reserve (pc.gc.ca)))

Parks Canada is responsible for the management of about six square kilometers of marine area located offshore of waterfront portions and around islets of the national park reserve.

The southern Gulf Islands embody a rich human history stretching from thousands of years ago to the present. Coast Salish people have occupied the region since time immemorial and continue to live and use these islands.

These parklands help maintain a deep spiritual connection to the area and traditional use continues today. First Nations

archaeological sites as well as historical features from other groups provide tangible evidence of the history of the region's inhabitants who lived out their lives in this ecologically diverse landscape.

GINPR lies within the Dry Coastal Douglas-fir ecosystem—one of Canada's most at risk ecosystems. Although the national park reserve contains examples of many of the various components found within the Coastal Douglas-fir ecosystem, younger forest ecosystems make up the majority of the reserve, with significantly smaller amounts of mature forest and Garry Oak and associated ecosystems. To protect these ecosystems the Federal Government implemented the legislation to protect Species at Risk.

The Species at Risk Act (SARA) prohibits individuals and applies to species listed. All critical habitat in national parks and national historic sites must be legally protected within 180 days of being identified.

Recovery measures for species at risk will be integrated within the framework of Parks Canada's ongoing ecological integrity and management programs. The species-directed measures outlined in this plan will contribute to maintaining and improving ecological integrity of GINPR by improving the conservation status of native species and their habitat and maintaining biodiversity.

Provincial Initiatives

There are a number of Provincial recovery strategies and plans that complement the GINPR and provide guidance for the recovery of individual species, including strategic directions, recovery objectives, critical habitat, and threats. Multi agency cooperation links strategies and plans for more successful outcomes.

The measures presented in the action plan for GINPR could result in positive impacts on biodiversity and the value individuals place on preserving biodiversity (Federal, Provincial, Territorial Governments of Canada, 2014).

Intergovernmental collaboration and support will benefit park reserve visitors, local residents and Coast Salish groups. Voluntary stewardship opportunities will help build community knowledge which is an important consideration for species at risk management in GINPR. Some activities may create opportunities for local residents to become involved in the recovery of species at risk and for community partnerships to enhance recovery for Species at Risk. Benefits should be relatively evenly distributed across individuals in local communities. These include opportunities to learn about and take part in the recovery of culturally important species at risk, opportunities for integration of Coast Salish traditional knowledge into conservation issues in GINPR, and greater awareness of Coast Salish values and culture among local residents and visitors to the park reserve. Clam food harvesting brings communities together. This activity crosses cultural boundaries and is vital to BC coastal communities to have access to healthy Shell-Fish harvests.

Clam Garden Restoration

First Nations governance and inter-generational knowledge sharing helps to deepen knowledge. The Clam Garden Network is a group of First Nations, academics, researchers, and resource managers from coastal British Columbia, Washington State, and Alaska. Through collaborations across communities and disciplines participants explore the cultural and ecological

importance of traditional clam management practices and features to enhance regeneration of clam gardens.

Eelgrass Restoration

The Sea Change Society based in Brentwood Bay, Victoria, BC initiated coast-wide eelgrass mapping, restoration, and monitoring. Sea Change Society works with First Nations communities on Southern Vancouver Island including the Gulf Islands. Their strategy is to locate and restore sites that historically supported eelgrass. Sea Change transplants between 500 and 1000 eelgrass shoots into a test plot. If restoration is successful, the transplant areas are expanded with additional eelgrass shoots.

Source: [Home - SeaChange Marine Conservation Society \(seachangesociety.com\)](http://seachangesociety.com)



Source: Mapping in the Salish Sea (islandstrustconservancy.ca)

Local organizations such as Green Shores use ecological methods to protect shorelines from erosion and to address the impacts of climate change. The use of Eelgrass mapping as a planning tool is proving to be an effective method to consider erosion control.

GREEN SHORES

Green Shores is a program of the Stewardship Centre for British Columbia that promotes sustainable shoreline ecosystems for commercial, residential, institutional and park properties. It supports a broader vision for Canada's waterfront communities to increase capacity to minimize impacts of shoreline development and climate change while preserving or enhancing shoreline ecology and ecosystem services. Climate change is expected to impact the rate and nature of change across Canada's shorelines and affect its ecosystems. Green Shores incentivizes and provides a guideline for climate change adaptation and incorporates the most recent estimates of sea level rise to increase shoreline resilience for both ecosystems and property developments. The Green Shores guiding principles are to:

1. Preserve the integrity and connectivity of shoreline processes;
2. Maintain and enhance shoreline habitat diversity and function;
3. Minimize and reduce pollutants to the shoreline environment;
4. Reduce and reverse cumulative impacts to shoreline systems.

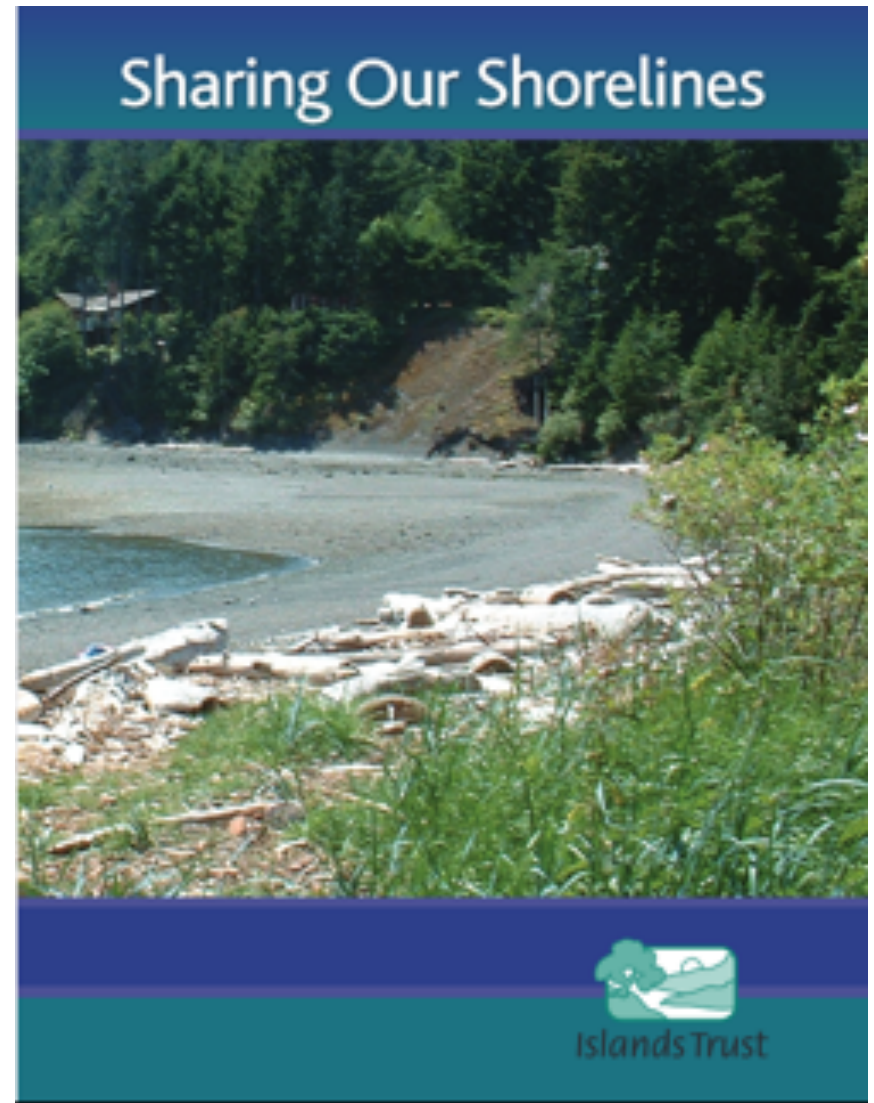
The Islands Trust promotes the Green Shores programs to the development community.

There are two programs –

Green Shores for Development provides a Credit and Ratings Guide for commercial, multi-family residential, subdivision, park, and institutional waterfront development.

Green Shores for Homes Program which is based on the four guiding principles:

1. Preserve or restore physical processes—the natural actions of water and sediment movement that maintain healthy shorelines.



2. Maintain or enhance habitat function and diversity along the shoreline.
3. Prevent or reduce pollutants entering the aquatic environment.
4. Avoid or reduce cumulative impacts—small individual effects that add up to large impacts on shoreline environments. (Source:

Green Shores for Homes - Stewardship Centre for BC (stewardshipcentrebc.ca) and Care for my Shoreline (islandstrust.bc.ca))

Examples of related policies include Salt Spring Island Official Community Plan B.9.2. shoreline conservation designation policy which states: shoreline conservation designation is encouraged to

help owners to implement best practices for shoreline development, such as green shores.

GUIDELINES ON MITIGATION AND ADAPTATION TO SEA LEVEL RISE

B.C.'s climate is changing, and climate scientists are projecting further changes over the next decades. Climate change mitigation and adaptation involves preparing for these changes and the impacts they will have on natural systems and communities. Communities are experiencing the impacts of climate change including more frequent and intense storms, increasing temperatures, drought, wildfire, sea level rise and flooding.

- Mitigations deal with how we can reduce the greenhouse gases that are the root cause of human caused climate changes.
- Adaptations are behavioral. Physical changes we make in our use of natural resources deal with the results of changing climate.

Mitigations

Mitigations in climate change can be undertaken by the Islands Trust by either reducing carbon dioxide emissions or increasing carbon sequestration (the amount of atmospheric carbon fixed into plants or other solid materials). Energy use is a key issue around reducing emissions. Maintaining forest cover is important for carbon sequestration. Several resources are available to help us with mitigation efforts such as:

- Plug in BC - <https://pluginbc.ca/>
- Climate Action to Go Kits -

<https://www.crd.bc.ca/education/climate-action/at-home/climate-action-to-go-kits>

- Efficiency BC - <https://betterhomesbc.ca/> to carbon sequestration by island, Here's a link <http://www.islandstrust.bc.ca/media/346674/cdf-toolkit-final-web.pdf>

The Islands Trust is committed to becoming a carbon neutral organization with no net increase in greenhouse gas emissions from its operations. Carbon neutrality has been achieved since 2012 through these steps:

- Performing an emissions inventory of our operations.
- Implementing an action plan to reduce emissions;
- Purchasing carbon offsets to counteract emissions that cannot be readily reduced.
- Improving transportation networks that are low carbon such as bike paths or other trail networks or installing EV stations.
- All Local Trust Committee Official Community Plans contain targets and policies related to Green House Gas (GHG) emission reduction.

Local Trust Committees have the following tools available for addressing climate change mitigation efforts:

- GHG Reduction Targets- Section 473 of the Local Government Act – required content for official community plans, inclusion of targets and policies with respect to reducing greenhouse gas emissions.
- Zoning Authority – Section 479 of the Local Government Act could cluster development, protect areas for conservation, limit extent of development, establish building size limits, and prohibit uses that contribute the most to GHG production.
- Development Permit Area to Promote Energy Conservation– Section 488(1)(h) of the Local Government Act can be used to reduce heating and cooling requirements through building siting, systems, and landscaping.
- Development Permit Area to Promote the Reduction of Greenhouse Gas Emissions - Section 488(1)(j) of the Local Government Act.
- Off-street Parking and Loading Regulations - Section 525 of the Local Government Act – establish parking requirements, electric vehicle and active transportation parking, surfacing and landscaping of parking areas.
- Impacts of climate change include sea level rise, possible saltwater intrusion into groundwater aquifer, warmer winters and summers, dryer summers, more intense storm events, and wildfire potential. Adaptations to changes resulting from climate warming include a wide variety of options. Such adaptations could be behavioural (e.g., Educating people to reduce food waste and drive less) or structural measures (e.g., Requiring water storage for household and fire suppression use).

The Province of B.C. has developed a Climate Change Secretariat to address climate change adaptations and has begun to produce numerous resources for communities to deal with climate change adaptations. These include:

- The site of climate change resources - <https://www2.gov.bc.ca/gov/content/environment/climatechang>

e

- The climate action toolkit - <https://www.toolkit.bc.ca/taking-action/community-wide> Local Trust Committees are being supported in understanding potential adaptations through staff reports.

A review of Islands Trust policies revealed a commitment to addressing climate change demonstrated by the islands of North Pender, South Pender, Galiano, Mayne and Saturna that are collaborating on a project to assess groundwater and establish water budgets.

Tools to support Local Trust Committees in understanding possible adaptations include:

- Zoning Authority - Section 479 of the Local Government Act require setback from the sea and water bodies, building location and size, appropriate uses, and density.
- Runoff Control Bylaw - Section 523 of the Local Government Act Regulations to address increased rain events.
- Development Permit Area to Protect Development from Hazardous Conditions – Section 488(1)(b) of the Local Government Act. Flood plain regulations along foreshore, rivers, and lakes. Tree and vegetation retention in areas prone to land slip.
- Development Permit Area to Promote Energy Conservation- Section 488(1)(h) of the Local Government Act. Siting, landscaping, and flooding.

Shoreline Management Plans: Oak Harbour. WA. U.S. Oak Harbour SMP

Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the

Comprehensive Plan, other adopted plans and the Shoreline Management Plan. To accomplish this, shoreline segments are given an environmental designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments shall include the shorelines of the City of Oak Harbor, including shorelands, surface waters, and bed lands. These environments are derived from and based on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.



Storm surge flooding, Victoria. Photo: B.C. Ministry of Environment

The Summary List of Recommended Actions [Appendix A: Summary List of Recommended Actions Page 1 \(washington-apa.org\)](#) includes a number of options that LTC could use to outline how protection of marine ecology will be managed.

BC MARINE COASTAL SHORELINES JURISDICTION

Jurisdiction over coastal areas in B.C. is split among federal, provincial, and local governments, depending on the location along the coast and the relationship to the shore.

Within the Islands Trust Communities there are six types of shorelines that are shaped by complex processes that connect the land to the sea.



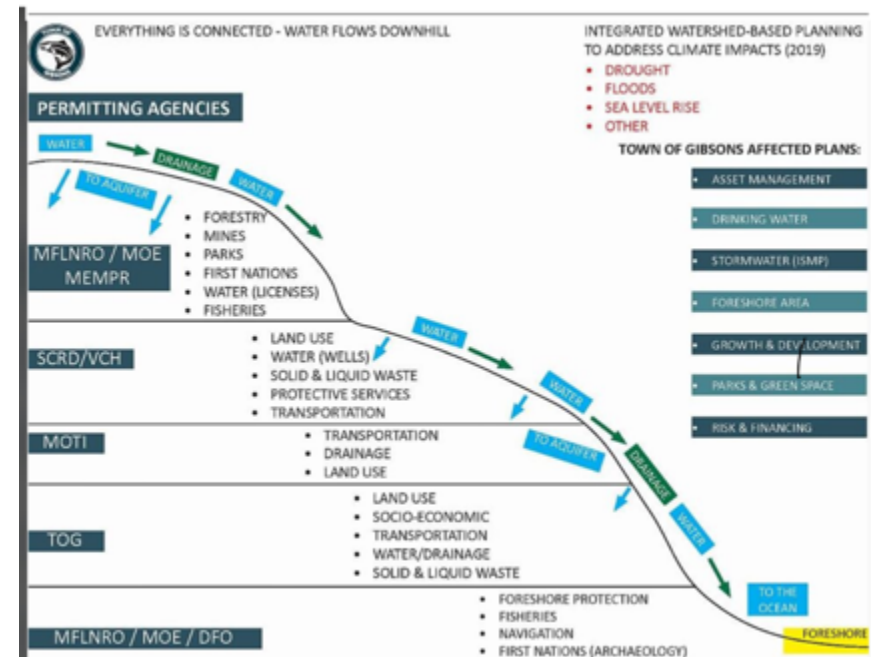
The land and surrounding environment protect the natural processes that form the shoreline. Marine and terrestrial habitat, as well as sensitive habitat and features exist, which are important to support a vibrant marine ecosystem.

The Islands Trust interactive mapping (MapIT) application is available online and provides more information about regulations. Although mapping is informative, it cannot replace observations made by walking the site and surrounding areas, particularly noticing seasonal and other changes over time.

It is important to note that while the following points refer to ownership and jurisdiction, all of B.C.'s coast is subject to aboriginal claims based on traditional use by First Nations and constitutional recognition of Aboriginal Title and Rights.

To highlight the multiple jurisdictions that regulate water the following water model in Figure 1 highlights how watershed planning can help to address climate impacts such as droughts, floods, and sea level rise.

Figure 1: Permitting Agencies | Integrated Watershed Model



Source: [2020-07-28 Gibson's Source to Sea Project.pdf \(civicweb.net\)](#)

The federal government has jurisdiction over offshore waters – from the low water mark out to 12 nautical miles along the outer coast. The Federal Department of Fisheries and Oceans (DFO) is responsible for fisheries protection provisions to prevent serious harm to commercial, recreational, and Aboriginal fisheries under the *Fisheries Act*, including shoreline "riparian" habitats, as well as for maintaining maritime safety through the Coast Guard. Transport Canada is responsible for preserving the public right of navigation under the *Navigation Protection Act* (2014) in waters listed in the schedule to that Act. The public right of navigation

will continue to be recognized in common law for navigable waters not listed in the Act. Port Authorities are also established under federal legislation to manage major harbours and facilities that are federal Crown lands, such as Victoria, Metro Vancouver, Port Alberni, Prince Rupert, and Nanaimo harbours.

On B.C.'s coast, the area between high tide and low tide (the foreshore area) is owned and controlled by the provincial government as well as the beds of inland seas such as the Strait of Georgia, Juan de Fuca Strait and Johnstone Strait. Foreshore area is never privately owned, though the Province may grant leases and licences for special uses of the foreshore – like gathering oysters or building docks and wharves. [Land Use - Private Moorage - Province of British Columbia \(gov.bc.ca\)](#)

The Land Tenure Branch (under the Ministry of Forests, Lands, Natural Resource Operations and Rural Development) administers lands in the foreshore area and issues permits, licences or leases for a wide range of uses – private and public moorage, wharves, marinas, aquaculture, and log storage to name a few. Consultation with First Nations is an important consideration with development around the coastal lands. It is part of land and resource decision-making. The following link outlines communications protocols with First Nations.

[Consulting with First Nations - Province of British Columbia \(gov.bc.ca\)](#)

The Province may also establish regional coastal zone or estuary management plans. Use of the foreshore is also subject to local

government land use regulations. *Source: Regulations Affecting BC Marine Coastal Shorelines Green Shores™ Background Report Shoreline Regulations and Permitting Processing BC 2014*

Professional Organizations Engineers have been involved in shoreline ecological restoration for some time. For example, in 2010 Jericho Beach enabled the opportunity to return the shoreline to its natural state and allowed for return of native plant habitat. Dangerous materials, such as creosote treated piles were removed.

The experience in undertaking flood plain restoration shows that a co-ordinated approach is essential and Community buy-in is required. An example of a multidisciplinary team has been the Shoreline Protection for the Town of Comox which commenced in 2011.

(Source: [Waters | Nanwakolas Council](#))

The Team included the K'omox First Nation, an archaeologist, a biologist/fisheries expert, a wave modelling/coastal engineering specialist, and a geotechnical engineer. The Foreshores dynamic nature made the Project extraordinarily complex. In addition, an archaeological site was located. *(Source: Innovation 2018 Engineers and Geoscientists BC). In 2016, the Association of Professional Engineers of BC (APEGBC) released a position paper entitled Human-Induced Climate Change which was followed in 2017 by professional practice guidelines, Flood Mapping in BC.*



1. Low Bank Beach of Jericho Beach, Vancouver, BC



Pictures 3 and 4 depict Low Bank Beaches in Comox, B.C. Rocks and logs are used as a natural approach to slow tidal flows and to prevent erosion.



2. Beach Images: Stanley Park, Vancouver, BC
Rocks placed to slow tidal action



LEGISLATIVE FRAMEWORK FOR SHORELINE PROTECTION STRATEGIES

An overarching goal of government regulation is to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and function, and public access to marine ecosystems.

The Islands Trust has policies that give local island trust committees the ability to amend Official Community plans and Land Use bylaws. Policies to manage development on shorelines through its preserve and protect mandate, is expressed through

the Islands Trust Policy Statement that reflects the values expressed by Island Trust communities.

1. Islands Trust Policy Statement

The Islands Trust policy statement guides land use planning and development through the preserve and protect mandate of the islands trust. It includes goals and policies that reflect the values and concerns for the future of the trust area. Local trust committee official community plans and land use bylaws must comply with the policy statement. There are several policies which speak broadly for shoreline protection, and more specifically for the implementation, regulation and use of foreshore development for policies in the Islands Trust. These are listed in Appendix 1: Policies in the Islands Trust. Note that the Islands Trust Mandate in Section 3.4.4 requires that Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas protection of sensitive marine areas and in Section 3.4.5 requires that 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.

2. Official Community Plans

Official Community Plans allow local governments to set objectives and policies to regulate future growth and development in communities. The OCP divides the communities into residential, commercial, agricultural, institutional, industrial, and other land uses. The OCP outlines when these uses are needed and provides policy direction on how, when and where each land use will be located. Designated uses can be outlined on OCP maps.

The Official Community Plans within the Islands Trust area have included the Objectives and Mandate in a variety of ways. The following communities demonstrate how they have amended their OCP's to address shoreline protection.

The Saturna Island Official Community Plan highlights the legality of the Islands Trust Object. Over the years the provincial legislature has reaffirmed the Islands Trust object.

"The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia." (Sec.3 Islands Trust Act).

This legislated objective defines the purpose of providing authority to the Islands Trust for land use regulation. The challenge is how to employ the available planning powers of the Local Government Act to preserve, protect, and effectively maintain the rural nature, health, natural environment, and vitality of the Saturna Island community.

The strength and obligation of the Trust mandate has been more clearly defined by the Court in the Galiano Island vs. McMillan Bloedel case. The BC Court of Appeal found that when a Local Trust Committee exercises its powers "to preserve and protect" an amenity, it is not acting in bad faith, but rather carrying out its assigned duty under the Islands Trust Act. Official Community Plans and Land Use Bylaws can be explicit and either more restrictive or permissive when furthering the objectives than would be acceptable in other local governments in British Columbia. The

Court's decision affirmed the powers and obligation of each Local Trust Committee to further the object of the Islands Trust Act.

The Galiano Island Official Community Plan elaborates on Principles.

- a. This Plan advances the Object of the Islands Trust to "preserve and protect the Trust area and its unique amenities and environment" and supports the limitations the Object presents for the type and scale of development in the Galiano Island Local Trust Area.
- b. Several First Nations have traditional ties and territories on Galiano. The community supports continued and strengthened collaboration and cooperation with First Nations in planning land and resource management and protection of cultural heritage and sites.

One method of regulation is via Development Permits as established in Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. An example is Ballenas Winchelsea Official Community Plan, which elaborates on the justification of a Shoreline Development Permit area. The Plan notes that the Object of the Islands Trust to "Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia." Provincial legislation in Section 877(1)(d) of the Local Government Act says that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is subject to hazardous conditions, or that is environmentally sensitive to development. It is policy of the Islands Trust Council that protection must be given to the natural

processes, habitats, and species of the Trust Area, including those of open coastal grasslands, the vegetation of dry rocky areas, estuaries, tidal flats, saltwater marshes, drift sectors, lagoons, kelp and eel grass beds and that development activity, buildings, or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes. It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address: the protection of sensitive coastal areas; and the planning for and regulation of development in coastal regions to protect natural coastal processes.

Land Use Bylaws also regulate Shoreline uses. North Pender Island, for example has 1 Ecological Zone and 6 Water Zones.

Developments to ensure they meet the policies and objectives of the Official Community Plan (OCP) as well as the regulations of the Zoning Bylaw. The OCP specifies areas that fall under a Development Permit Area (DPA).

Local governments may designate areas of land as development permit areas to be used for one or more purposes. The eligible purposes of a development permit area are:

- Protection of:
 - The natural environment, its ecosystems and biological diversity
 - Development from hazardous conditions. Protection of development from wildfire, land slide, flooding, erosion, and other hazards
 - Farming
- Revitalization of an area in which a commercial use is permitted
- Establishment of objectives for the form and character of:

- Intensive residential development
- Commercial, industrial, or multi-family residential development
- Development in a resort region
- Promotion of:
 - Energy conservation
 - Water conservation
 - Reduction of greenhouse gas emissions

Designating a Development Permit Area

Local governments may designate a development permit area in an official community plan. The plan must describe the special conditions or objectives that justify the designation.

The local government must also specify guidelines for how proposed development in that area can address the special conditions or objectives. These guidelines may be specified by zoning bylaw.

In the Islands Trust many locations include Development Permit Areas within Official Community Plans to implement Islands Trust Policy Statements to Preserve and Protect mandate.

The promote high quality developments in terms of design, performance, and environmental protection. Most lands within jurisdictions are subject to the provisions of one or more development permit areas. Therefore, prior to commencing subdivision, construction, or the clearing or alteration of land, a development permit may be required for one or more of the following purposes:

The Island Trust Shoreline DPA (DP-3) is an example of a policy that has designated an area for which development approval

information may be required as authorized by Section 484 of the Local Government Act.

Examples of Coastal Development Permit Guidelines are included:

1. northcowichan.ca/assets/MarineWaterfront.pdf
(North Cowichan Development Permit)
2. foreshore-development-permit-area.pdf
(Campbell River)

Development Permit Areas can help local government achieve development objectives by providing guidelines on the design, appearance, and performance of a development. A development permit cannot vary the use or density of land, or a flood plain specification. The only exception is where the permit is essential to health, safety, and protection of development from hazardous conditions.

Keats Island community in conjunction with the Island Trust planners conducted a Shoreline Review Project. This action was taken in response to community concerns related to the general increase in development on Keats, and more specifically to the increase in dock development. The attached report outlines a strategy that encompasses the findings from the consultation and a review of Land Use Policies in the Islands Trust.
[gm-ltc 2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf](http://gm-ltc-2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf) (islandstrust.bc.ca)

Zoning Bylaws and Setbacks

One area of inconsistency is between zoning Bylaws and specifically setback requirements. Zoning bylaws regulate Marine Riparian setbacks, and they may differ across local governments and regional districts.

Most jurisdictions now require setbacks on lands within 15 metres upland of the highest high tide mark of the ocean, or the top of bank, whichever is the larger. This is consistent with the Provincial Guidelines as part of its strategy to address climate change impacts. When development is proposed within a specified distance from the high tide mark of the ocean, a report is required from a qualified environmental professional, to eliminate or mitigate impacts of the development on all parcels with marine shorelines.

Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. To minimize the degree to which this may happen it is preferred that natural measures are deployed to protect marine shores wherever possible. Section 524 of the Local Government Act enables local governments to develop flood hazard area bylaws. When adopting these bylaws, local governments are required to consider the Province's "Flood Hazard Area Land Use Management Guidelines" (the Provincial Guidelines).

Amended in 2018, the Provincial Guidelines incorporate sea level rise (SLR) into land use planning and future development and require that local governments adjust setbacks according to the Year 2100 Global SLR prediction of 1.0 metre, with adjustments made for regional uplift and subsidence. Using the Year 2100 SLR prediction of 1.0 metre as the minimum elevation, local governments can regulate flood construction levels (FCL) of buildings and structures, including docks.

The Provincial Guidelines requires a setback of 15 metres from the future estimated natural boundary (NB) of the sea at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100. It is noted that where sea

frontage is protected from natural bedrock formation, setback requirements may be adjusted as recommended by a qualified Professional Engineer experienced in coastal engineering. Conversely, the recommended setback may be increased based on the site-specific conditions, for example in low-lying areas or areas of known erosion hazard. The Islands Trust is no exception as can be seen from the following table.

The Capital Region District (CRD) Flood Inundation Project 2020 provides detailed information for some of the more southern Islands within the Islands Trust regarding future hazards associated with coastal flooding

related to sea level rise and tsunamis. The following map shows information for Ganges and adjacent area on Salt Spring Island. (Source: Task 2 Sea Level Rise Modelling and Mapping Report Map 2)

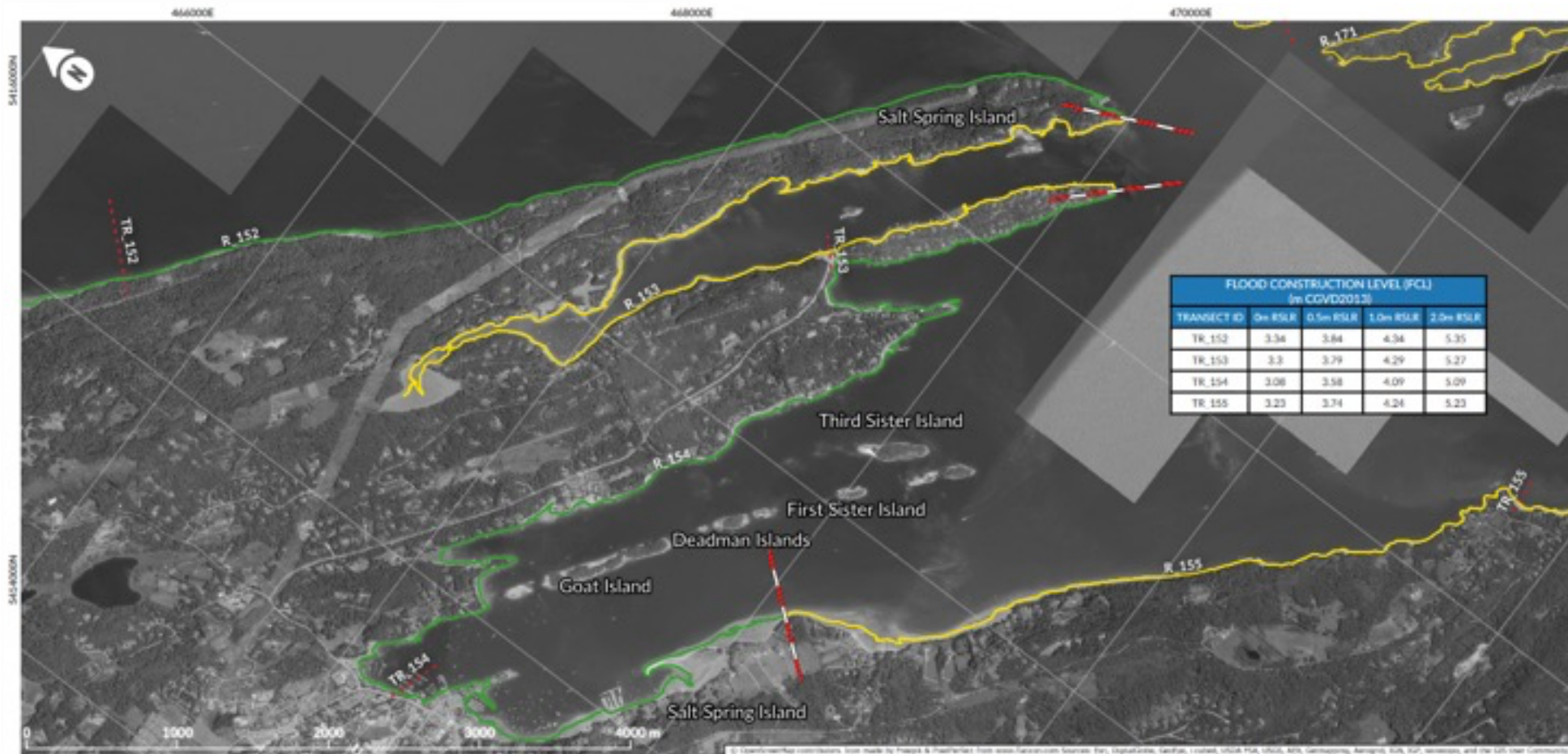


Table 1 Summary of Local Trust Committee (LTC) regulations.

Shoreline Regulation Overview Table	Private Docks permitted (zone specific)	Setback from Natural Boundary of the Sea	Permits Structures in Setback from NB	Exemptions to Setback from NB	Shoreline (or Marine) Development Permit Area
Ballenas-Winchelsea	✓	15 m	-	✓	✓
Bowyer and Passage Islands (Gambier LTA)	✓	7.6 m	Property specific min. setbacks based on historical buildings and structures	✓	-
Denman	✓	15 m	✓	-	-
Gabriola	✓	15 m**	✓	-	✓
Galiano	✓	7.5 m	✓	-	✓
Gambier	✓	15 m	✓	✓	✓
Gambier Associated Islands	✓	7.5 m	✓	-	-
Hornby	-	15 m	-	✓	-
Lasqueti	✓*	15 m**	✓	-	-
Mayne	✓	7.5 m	✓	✓	-
North Pender	✓	15 m	✓	✓	✓
North Pender Associated Islands	✓	15 m	-	-	✓
Salt Spring	✓	15 m**	✓	✓ (zone specific)	✓
Saturna	✓	7.6 m	✓	-	-
South Pender	✓	7.6 m	✓	✓	-
Thetis	✓	7.6 m	✓	✓	-
Thetis Associated Islands	✓	10 m	✓	-	-

*Docks permitted on specific lots only. Rezoning required for additional docks.

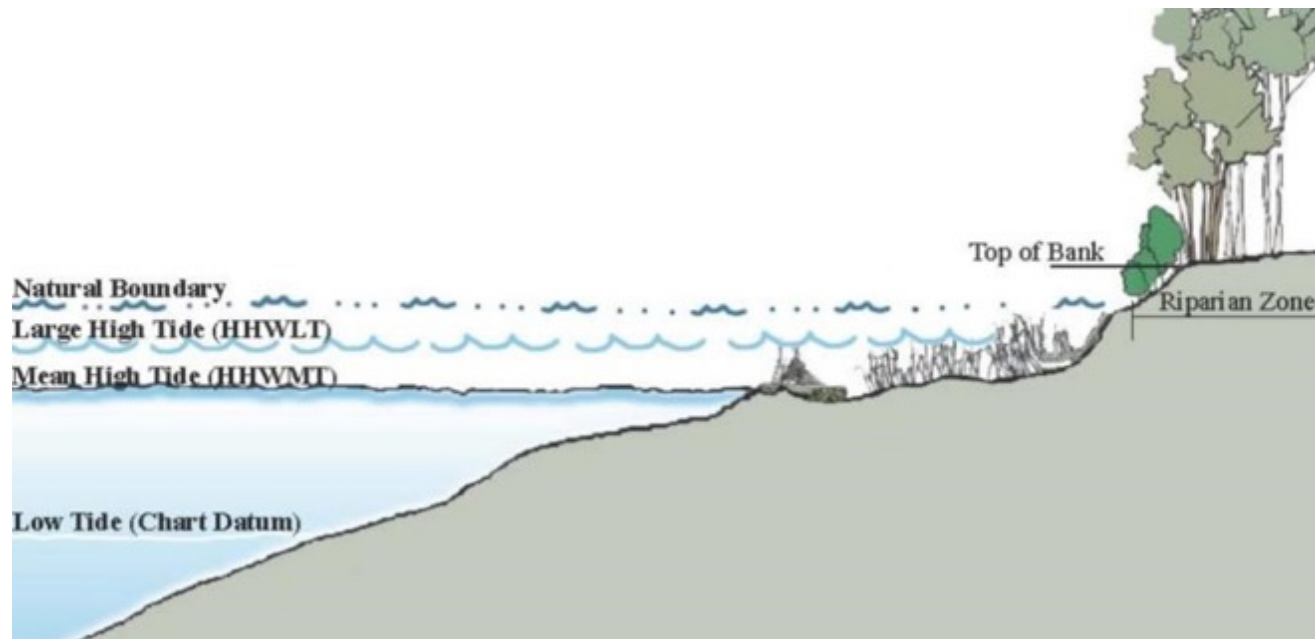
**May be reduced with engineer certification.

Natural Boundary Considerations

One of the key components of Development Permit requirements is establishing setback requirements. With regards to Shoreline protection, the establishment of the Natural Boundary is a key component as it impacts setback distances from hightide.

The 2010 BC Supreme Court case *Lawrence v. British Columbia* (Attorney General) 2010 accepted of the method of determining the natural boundary as shown in the figure below.

The Natural Boundary means the visible high-water mark of the sea, a lake, a stream, or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the ban. (The definition is defined in the BC Land Act <https://www.bclaws.gov.bc.ca/civix/document/id/91consol15/91consol15/79214#section14.>) and in the case of a lot having a surveyed high-water mark means the high-water mark. LUB should provide the following regulations for siting of buildings and structures in relation to the natural boundary of the sea:



Source: *Greenshores Credits and Ratings Guide*

The following features may project into a required setback area:
o steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre

(3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area;

- o balconies, decks, and sunshades, provided that they do not project more than 1.0 metre (3 feet) into the required setback area;
- o retaining walls may be located in any required setback area except the setback from the natural boundary of the sea.

Marine/Coastal Policies

- a. Develop and implement a Marine Action Strategy to identify, prioritize and resource local actions for protecting and maximizing waterfront and marine resources as important assets providing valuable ecological services, and social, cultural, and economic benefits.
- b. Continue to build partnerships and collaborate to monitor and protect waterfront and marine areas. Establish a Marine Working Group to coordinate and align efforts of all coastal stakeholders and agencies with jurisdictional authority and interests in the local marine environment.

Objectives

- a. Recognize, value, and promote ecosystem services provided by coastal and marine environments.
- b. Protect, restore, and enhance the ecological features and functions of coastal and near shore areas.
- c. The Islands Trust should continue to work collectively across each of the Gulf Islands to help sustain a healthy marine environment.
- d. Play a proactive leadership role and work with First Nations and senior governments to monitor and address marine issues such as unauthorized mooring, derelict vessels, and ship and non-point source pollution of the coastal environment.
- e. Continue to participate in initiatives and forums to enhance dialogue and collective action among First Nations, local and regional governments, marine stakeholders, and community

organizations to support the health and sustainability of the Gulf Islands.

f. Support participation and benchmarking activities in the provincially led cumulative impacts project for the Gulf Islands. Work with other agencies and groups to inventory and more closely to define environmentally sensitive areas in the marine environment.

g. Plan and design waterfront sites to minimize impacts on the marine environment, in accordance with best management practices, all federal and provincial regulations. Refer to Province's Develop with Care resource, and Island Trust's development permit guidelines. The purpose of a Development Permit Area (DPA) guidelines is to designate for the protection of the natural environment, its ecosystems and biodiversity. DPA requires applicants to provide information on the anticipated impact of development activities on the natural environment, pursuant to the Development Approvals Information requirements outlined in sec 30 of the Local Government Act.

h. Infill of marine areas to create additional upland developable area beyond the natural boundary is strongly discouraged. Where required for contaminated sites remediation and coastal flood protection, the location and shoreline alignment of structures should wherever possible follow High Water to maintain marine channel area. Wherever possible, apply 'Green Shores' principles in their planning and design for shoreline restorations projects.

i. Ensure foreshore development is undertaken in a manner that secures and enhances public shoreline access without adversely affecting aquatic habitat. Access points should be practical and universally accessible for public use and enjoyment.

j. Support opportunities for coordinated project review with senior governments and First Nations for projects proposed within the marine environment. It is strongly encouraged to contact the Archaeological Branch to prior to development along shorelines

to determine if there could be the presence of culturally significant artifacts.

For Shore line development made to the BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development for private docks and floats, these applications will only be accepted by the Islands Trust if the following criteria are met: Adherence to the Integrated Land Management Bureau (ILMB) policies regarding public notification e.g. Local First Nations and is in keeping with best management practises, planning and design standards, e.g. shared access and dock usage whenever possible.

Environmentally Sensitive Areas

a. Marine Shoreline guidelines apply to environmentally sensitive areas. These areas are mapped and included in each of the Islands Trust OCPs, and accompanying Development Permit Applications. Shoreline developments within the Islands Trust may lie within multiple development permit areas. It is advised Property owners work with a Qualified Environment Professional to meet the requirements within each DPA. In the case of guidelines for areas designated for the protection of development from hazardous conditions, development proposals which include marine or riparian areas must also be submitted to Fisheries and Oceans (Canada) for authorization and should be subject to any conditions or limitations determined necessary or appropriate by Fisheries and Oceans (Canada).

Objectives and Justification

The objectives of Development Permit Areas are to:

- i. protect areas of highest biodiversity and ecological sensitivity within the Gulf Islands including ground and surface water, shorelines, forests, wildlife habitat features and rare and endangered ecosystems and species.

- ii. ensure that ecosystem protection and enhancement values are elevated and prioritized, and to specify where and how lands are developed in and around environmentally sensitive areas.

- iii. conserve and steward the natural environment, ecosystems, and biodiversity within the community.

- iv. support the movement of various species by connecting ecosystems through undisturbed open space corridors.

- vi. restore, enhance and protect marine ecosystems; Shoreline ecosystems such as stream corridors, slopes, and nearshore beaches to preserve fish habitat, improve water quality for shellfish harvests.

- vii. minimize and mitigate the environmental and visual impacts of development.

- viii. accommodate recreational and complementary land uses, where appropriate that contribute to the above objectives.

- ix. restore and enhance sites previously degraded or denuded of vegetation.

- x. Discourage any new development in within designated ecological reserves.

b. The Islands Trust has some mapping for designated Environmental Review Areas (ERAs) that are based on Sensitive Ecosystem Mapping completed to provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area. Islands Trust Conservancy - Sensitive Ecosystems and Land Use Planning. The terrestrial ecosystems can be viewed using the Islands Trust interact mapping application MapIT and PDF versions of the maps can be downloaded.

These areas have rare or restricted distribution, high biodiversity, and habitat values, and are sensitive to disturbance and human

impacts. Within the Gulf Islands, sensitive ecosystems are not limited to Shorelines but include old forest, mature forest, woodlands, riparian areas, wetlands, and sparsely vegetated, estuarine, intertidal, fresh water and ocean areas.

c. Areas of recent disturbance or modification are not considered sensitive, and include urban and rural residential areas, industrial sites, golf course (excluding natural areas within some courses), gravel pits, roads, hydro corridors, dikes, farmland, and recently logged areas. The Gulf Islands has designated some areas as environmentally sensitive and there are several Environmental Review Areas (ERAs) based on Sensitive Ecosystem Mapping completed to Provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area.

The Islands Trust has Sensitive Ecosystem Mapping available on the Islands Trust Geographic Information System to identify Environmentally Sensitive Area (ESA) rankings (Medium or High) based on an ecosystem's sensitivity to disturbance, ecological importance, and provincial rarity according to its BC Conservation Data Centre status. Ecosystems with high percent of recent disturbance are ranked as Low (not highlighted on ESA mapping).

ERAs may not represent all sensitive ecosystems present within a given area or site. The Islands Trust relies on the most updated information, acquired through site-level bio-inventories and assessments as required for Development Permits. As new information becomes available, and buffer areas are determined by Qualified Environmental Professionals (QEPs) to maintain ESAs,

OCP's and Development Permit areas can be amended along with Geographic Information System ESA map layers, which should be referenced for detailed ESA information over time.

d. Development within and adjacent to these sensitive ecosystem areas will be reviewed against and subject to OCP environmental objectives and policies that seek to ensure ecologically sensitive development. Development should be carried out according to permits issued pursuant to these guidelines.

Conclusion:

This discussion paper is intended to identify and document existing policies and regulations related to updating LUB and policies for shoreline in LTC's and to make recommendations as to potential updates to these policies and regulations.

The options presented in this report outline initiatives underway in other communities and jurisdictions. One of the major issues impacting changes in regulations is the impacts of Climate Change on coastal communities specifically sea level rise. The goal of the Islands Trust is to support policies to improve Shoreline Protection and to include Indigenous perspectives in project planning. The report represents some potential regulations that could be enacted that response to specific concerns from the community. It is recommended that Climate Change and Indigenous reconciliation be used as the catalyst to review and update LUB's specifically to introduce Shoreline Development Permit Areas as this regulatory tool as this has the best potential for impacting the areas of concern.

RECOMMENDATIONS

First Nations

1. To recognize areas of cultural significance the Local Trust Committee could consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar the projects completed on South Pender and Saturna.
2. Through government-to-government meetings, Local Trust Committee may wish to commit to meeting regularly with Indigenous First Nations stakeholders on land use planning issues. Also, the internal referral/advisory role between Islands Trust planning staff and the Intergovernmental Liaison appears to still be in a growth phase as new processes work towards collaboration on meeting the mandate of the Islands Trust.
3. The LTC Policy Statement should be revised to incorporate UNDRIP and DRIPA & the Islands Trust Reconciliation Declaration. The goal is to support more thorough Islands Trust project work to improve Shoreline Protection from an Indigenous perspective.
4. Based on feedback from Islands Trust staff it was mentioned that the Islands Trust Staff Report template could be updated to support a requirement to consult based on the intent of UNDRIP and DRIPA and the Islands Trust Reconciliation Declaration. This would give clear direction for greater consistency in approaches toward reconciling Indigenous Rights. In addition, to the Provincial public notification process the Islands Trust could develop a referral letter and provided to property owners regarding shoreline development for docks.

5. Consider working with First Nations and the Department of Fisheries and Oceans (DFO) to establish conservation areas to protect shellfish aquaculture, traditional shellfish harvesting, water quality and the protection of the marine environment. Due to the depuration areas such as the Sooke Basin and the closures of fisheries and shellfish harvesting (mandated by the Department of Fisheries and Oceans, DFO). Applications are no longer accepted for private moorage structures. Private moorage structures are not compatible with Designated Use Areas.

Land Use Planning Documents

6. Consider the establishment of Development Permit Areas (DPA) in Official Community Plans pursuant to the Local Government Act Section 488(1)(a) for the protection of the natural environment, its ecosystems and shoreline biological diversity; and Section 488(1)(b) for the protection of development from hazardous conditions. Consider updating Land Use Bylaws to clarify under what circumstances a development permit is triggered. Also revise Zoning Bylaws in regard to regulations to setbacks on Uplands from Shorelines.
7. DP requirements need to be consistent with the intent of Shoreline/Floodplain and the Riparian areas policies. This is required to balance development with protection of the environment. Mayne Island Official Community Plan includes a section on coastal waters and foreshore in which it states the local trust committee may: a) amend its bylaws to allow erosion protection structures to be

regulated through development permits; and b) consider on a case-by-case basis.

8. Shoreline Development Permit Area could be added to Land Use Bylaws. Islands Trust Staff have suggested that all surrounding islets also be included in the DP area.
9. Consider Implementation of a Shoreline Bylaw to strengthen the Land Use Bylaws and Official Community Plans. Develop LUB using shoreline mapping for all islands and highlight unique characteristics of the shoreline within the six beach types. For example, many Islands have flat beaches, cliff bluffs, rock, clay or marsh till. This will help to focus on more site-specific regulations and better protect marine ecology and support salmon spawning grounds, eel grass, and shellfish fishery. Problem areas for habitat protection and erosion of cliffs affecting setbacks should be identified as this could be a precursor to development of bylaws. Exemptions may be necessary if a specific issue does not exist. Shoreline mapping is available on MapIT and can be leveraged for shoreline protective bylaws.

Definitions:

10. Have a consistent definition for “shoreline” and “development” on the shoreline in all Islands Trust documents in accordance with the BC Land Act definition.

Setbacks are the primary tool for regulating where buildings locate. Need to define consistent setbacks for marine shoreline s. Implement consistent requirements for measuring Natural Boundary and have surveyor confirm exact High-Water Mark. Need to define “natural boundary” and “natural grade” in relation to “shoreline” and Sea Level Rise (SLR). The table

highlights LUB setback requirements from the natural boundary of the sea for buildings and structures and requires amendments to be consistent with the Provincial Guideline of 15metres.

Rather than amending the LUB to update the setback measurement, one option would be to amend the LUB to refer to the flood protection bylaw for setbacks from the natural boundary of the sea. This would align with the existing Provincial Guidelines, and with any future amendments to the setbacks to the sea as required by the Province.

Climate Change

11. Washington State requires all local governments to develop Shoreline Management Plans: Oak Harbour. WA. U.S. Appendix A: Summary List of Recommended Actions Page 1 (washington-apa.org) is an example we have included. This may be an option for LTC. to outline how protection of marine ecology will be managed and provide Climate Change Policy Recommendations: Undertake study of sea-level rise, and floodplain regulations. The Province of BC has provided Coastal floodplain maps to identify coastal flood hazards, such as sea level rise, and to provide guidance to coastal communities in land use planning, bylaw development and sea level rise adaptation strategies. [Microsoft Word - TEXT-20110627.doc \(gov.bc.ca\)](#) These maps will help to shape future policies with regards Flood Construction Levels and Sea Level Rise.
12. The Islands Trust mapping for the 21 Islands, supplemented by BC and CRD Mapping continue to be used to provide an evidence-based approach for identification and appraisal of options for future bylaws

that deal with Sea Level Rise Management management for in the Islands Trust communities. In particular, the analysis provides the types of land use, key assets, services and indicative economic values that exist in areas at inundation risk and this evidence will help to develop the objectives for and assess the impacts of different management options.

13. The Islands Trust should continue to conduct assessments of areas where Sea Level Rise risks exist and communicate these risks to Island Trust Committees and the community. The methods and mapping data sets used should be standardized so it can be applied to all Trust Communities. It is essential to consider the value in assessing inundation risk that could occur from flooding of drainage and other water systems. Data generated from this project could be used to create maps to show where such non-connected low-lying areas are located.

Best Practices – Islands Trust

16. There has been considerable work undertaken by Island planners and with the knowledge, and thorough

research and policy analysis of work it makes the most sense to utilize this project work for proposed Development Permit Areas. There are valuable best practices and details included in the shoreline projects for Keats Island and Lasqueti which is applicable to other islands. While there are differences for each of the islands, therefore these differences such as size, transportation needs, the purpose and function of docks will vary. [gm-ltc_2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf](#) (islandstrust.bc.ca)

17. Recognizing the organizational structure and directives guided by the LTCs, perhaps it is worthwhile conducting a feasibility study to determine which LTCs are interested in building off of the extensive work carried out over a 2+ year span of time for the Lasqueti Shoreline Protection project and again recently for the Keats Shoreline Protection project?

APPENDICES

REGULATIONS – ISLANDS TRUST AND OTHER EXAMPLES

Across the Islands Trust, each Local Trust Area has adopted individual Official Community Plans (OCP) and Land Use (Zoning) bylaws.

Bowen Island Municipality

Marine Resources/Foreshore: The sea provides visual, auditory, recreational, and other tangible and intangible values that can be experienced from island and off island locations, as well as providing habitat for marine life and birds. Pollution of the foreshore can preclude its use by people and by all or some forms of wildlife. Excessive building and tree clearing on the shoreline can destroy fragile plant communities and the views for residents and the boating public. Objectives are to protect the natural and scenic values of the coastline that provide the rural maritime atmosphere of the island; to protect coastline habitat areas for marine life and to identify, protect and preserve sensitive coastal vegetation. The Land Use Bylaw will set out detailed provisions related to siting, setbacks, size, configuration, width, materials, and projections for private moorage. The importance of the marine environment as a recreational resource for island residents and visitors will be affirmed through the continued maintenance of existing beach and shoreline access and establishment of new beach and shoreline access where such access does not detrimentally affect the marine environment and associated wildlife.

Denman Island Local Trust Area

A guiding objective is to protect the foreshore, coastal waters, and native marine life and to retain sufficient natural habitat to ensure the preservation of native species...The foreshore (or intertidal) area is defined as the land located between highest and lowest tides.

Gabriola Island Local Trust Area

The objectives include to manage coastal marine resources in keeping with the Islands Trust preserve and protect mandate; To preserve and protect unique, rare, or representative marine plant and animal communities in their natural habitats; To protect the natural and scenic values of the coastline; To provide opportunities for the commercial uses of the foreshore and coastal waters; To recognize the importance of the existing log storage areas in the; To promote the recreational and commercial use of the area's aquaculture resources; and To encourage the sharing of docks and wharves. Within Development Permit Areas there are policies regarding no alteration or disturbance causing a negative impact to the foreshore habitat or erosion in upland areas.

Mudge Island

Since there is no ferry service, large or bulky items such as vehicles and building materials are transported by boat or barge to and from the island. Barges use either Moonshine Cove's beach or the deeper foreshore nearby at a public access point. Davidson Bay is also used for launching and retrieving boats. Objectives are to minimize disturbance and pollution of the foreshore and the surrounding waters and conflicts between marine and foreshore users and uses.

DeCourcy Island

The Official Community Plan notes that the foreshore and the ocean are fragile and valuable components of human and marine life habitat. Interference with the natural systems and their appearance should therefore be kept to a minimum. 1) Moorage space for residents and owners should be centralized at one or more locations. 2) Private floats and docks serving only individual lots should be discouraged. 3) Houseboats should not be permitted. Water General (W-1) Zone (i) Boat and seaplane moorage associated with single family uses located on adjacent upland.

Gambier Island Local Trust Area

Marine and Foreshore Areas Policy states that zoning should allow: cooperatively owned or operated docks to provide marine access to residential areas as a means of minimizing the need for upland road links between residential communities and to limit the need for multiple dock development along the shoreline. Also, property owners are encouraged to retain natural vegetation on any land sloping towards the shoreline. The Local Trust Committee may issue development permits to protect the natural environment, its ecosystems and biological diversity for Marine and Foreshore designated areas considered to have potential fishery resource values.

Keats Island

The Official Community Plan states that the integrity of foreshore features, shoreline features, and intertidal processes should be maintained by: a) discouraging uses that disrupt natural features and processes, and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore; b) supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas; c) land use regulations should provide for waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures; d) where land use regulations provide for private docks, the use of communal or shared docks is encouraged, where feasible, to limit the need for multiple dock development along the shoreline. The location of new buildings and structures should be regulated so as to protect public access to, from and along the marine shoreline and to minimize negative impacts on sensitive coastal environments.

Gambier Associated Islands

Policies in the Official Community Plan state that the LTC should identify and consider protecting ecologically sensitive marine areas. The

LTC should permit and encourage the construction and use of common, community, or communal docks where feasible but permit individual private docks accessory to residential uses where required for access. The LTC should use bylaw provisions to protect public access to, from, and along the marine shoreline. The LTC should, through zoning, the use of setbacks and, where there is supporting mapping, the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes, without endangering structures; (d) encourage owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities. Modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, and gravel placement. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilise banks, reduce erosion and provide habitat should be retained or enhanced.

Galiano Island Local Trust Area

The Official Community Plan explains the complex geography and geology of Galiano Island and surrounding islands and waters have produced a tremendous diversity of coastal and marine habitats. Unique relationships exist between terrestrial, fresh water and marine areas; as a result, coastal ecosystems are the most diverse and productive of all ecosystems. Significant recreational, commercial, industrial, and residential activities occur within the shoreline area and this sensitive area is under intense pressure from development and human activity. The Shoreline and Marine designation incorporate as all waters beyond high tide line up to the full boundary of the Galiano Island Local Trust Area. The objectives are: 1) to protect shoreline and marine ecosystems in the local trust area, 2) to ensure public access to the foreshore, and 3) to encourage safe and considerate use of the marine environment. There is a Shoreline and Marine Development Permit Area. Shorelines within the Galiano Island Local Trust Area have high ecological function and values and may be subject to shoreline erosion in some locations. Due to their physical and biological characteristics and situation they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements or protection measures can threaten the ecological and physical integrity of the foreshore and upland. The Objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk.

5. To adapt to the anticipated effects of climate change.
6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

The DPA includes Guidelines and provides information on Shoreline Protection Measures, Guidelines for specific Shoreline Types, Guidelines for Subdivision, Guidelines for Shore Protection Measures Design, Guidelines for Beach Nourishment and Fill, and Guidelines for Shore Access and Parking. There is also a Sensitive Ecosystem Development Permit area with some policies for shorelines.

Hornby Island Local Trust Area

The objectives of the Official Community Plan include, to promote the conservation, preservation or restoration of shoreline, foreshore, and the Island's surrounding marine ecosystem. Policies include 6.7.2.1 All uses of the waters within 1000 metres of the shoreline should be regulated by zoning.

Lasqueti Island Local Trust Area

Objectives include the support conservation-based subdivision layout that protects sensitive ecosystems, heritage resources and reduces parcelization of the natural boundary of the sea and limitation of the density of waterfront parcels.

Mayne Island Local Trust Area

Official Community Plan Objectives include: to retain the public accesses to shoreline and beach areas. The coastal waters within the Mayne Island Trust Area include the surface of the water extending from the shoreline of Mayne Island out to the middle of the Georgia Strait, except where the jurisdictional boundary overlaps with another Local Trust Area when the boundary becomes a line mid-channel. The objectives of this section are to limit the impact of foreshore uses on adjacent uses and on the visual appearance of the shoreline. Private floats, docks or wharves shall be permitted by zoning only for owners of land adjacent to the shoreline of the water area subject to the zone.

North Pender Island Local Trust Area

Sensitive Ecosystem Development Permit Areas are included in the Official Community Plan. Stipulations include: Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.

Salt Spring Island

The Official Community Plan objectives include: To give particular attention to the streams, wetlands, and shorelines. The Ministry of Transportation and Infrastructure and other responsible agencies are encouraged to support efforts to create a harbour shoreline that offers access to the harbour and opportunities for walking and traditional recreational activities. Shoreline and Aquatic Use Objectives and Policies are: To protect our marine and freshwater shorelines. To protect the most significant ecological and physical processes of marine and freshwater shorelines; To identify those shoreline areas that are most uniquely suited to or traditionally used for specific purposes such as conservation, First Nations sites, public recreation, boat moorage, aquaculture, industry or transportation; To avoid conflicts between shoreline uses and uses allowed on the adjacent upland; To avoid shoreline uses that impede public access to and along the shoreline; Shoreline identified as uniquely suited to or traditionally used for a specific purpose is designated for that use. Other parts of the shoreline and areas of water are designated Marine; The Local Trust Committee could undertake an integrated coastal area management (ICAM) planning process to identify other appropriate areas where specific designations should be placed. Such planning should take place in consultation with the community, First Nations, and other levels of government; The Local Trust Committee may consider shoreline rezoning applications adjacent to marine dependent general employment zoning which may make upland uses economically viable without detriment to the shoreline/riparian habitat. Shoreline Conservation Designation Objectives are: To protect the island's most environmentally sensitive shoreline areas such as tidal flats, fish and wildlife habitat, sensitive lake ecosystems, estuaries and wetlands that is not suitable for intensive development. and Policies include: Zones created in this Designation should not result in negative impacts to sensitive natural habitat areas. The Local Trust Committee will not consider rezoning applications that would locate large new developments in or next to this Designation. Zoning should recognize the existing aquaculture operation in Walker Hook. However, zoning changes to allow expansion of the operation will not be made, unless it can be demonstrated that there will be no impacts on the area's sensitive environment or First Nation's interests. The Local Trust Committee should support the efforts of other agencies to maintain existing public accesses to the Shoreline Conservation Designation. However, if the adjacent upland is being subdivided, the Subdivision Approving Officer is encouraged to ensure that any new public accesses provide viewing areas rather than direct physical access to sensitive habitat areas. In providing referral responses to Integrated Land Management Bureau, Islands Trust staff will identify any known and identified environmentally sensitive areas or habitat that may be impacted by the proposed use.

Saturna Island Local Trust Area

The Harbours section within the Official Community Plan states that Permanent private moorage facilities, including docks, ramps, floats, and breakwaters, should be as small as practicable given the particular conditions, including shoreline topography, depth of navigable water, exposure to weather and other navigational considerations. These facilities shall be designed to facilitate public access along the foreshore.

The DPA for Lyall Creek states that i) In general, development of the foreshore should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access. ii) Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works have been demonstrated to have been exhausted should such works be considered.

South Pender Island Local Trust Area

Marine Use Objectives in the Official Community Plan are a) To allow dock and wharf development for access to and from the foreshore in locations appropriate for public transportation, commercial, park, and residential purposes. b) To allow for access to beaches suitable for recreation and maintain them free from development.

c) To retain areas of foreshore in an undeveloped state. d) To protect against impacts of mariculture operations, marine shipping, or marine based activities. e) To protect the marine areas subject to this OCP from use and development that would detract from present marine, and upland uses or conflict with existing marine life. f) To protect and maintain important foreshore and marine features and habitats. g) To provide for and support foreshore and marine waters use in a manner that does not significantly alter important natural features and habitat. Policies include: The Local Trust Committee may regulate the size and location of docks and other shoreline developments. Coastal Environment Objectives include: To preserve the aesthetic quality of the natural shoreline as viewed from the water and adjacent lands and related policies: Where development is allowed along shorelines, it shall be designed to conform to, rather than conceal, the natural contours of the land that borders the shoreline.

Thetis Island

Official Community Plan includes the entire Island and the seaward area from the shoreline of Thetis Island as identified by the natural boundary of the sea and encompasses all other islands, islets, reefs, the seabed, surface water, and air space. Policies include: Public access to the Crown land foreshore should remain unobstructed and the right to pass around shoreline structures. The integrity of foreshore features, shoreline features, and intertidal processes may be maintained by a) Discouraging uses that disrupt natural features and processes and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore. b) Supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas. c) Land use regulations should provide for upland waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures. d) Where land use regulations provide for private docks, the use of communal docks is to be encouraged where feasible and breakwaters are to be prohibited.

Thetis Associated Islands (Ruxton, Reid, Pylades, Hudson, Scott, Dayman, Tree, and Whaleboat)

Official Community Plan Policy: considers the location of future land uses so that their appearance and impact are compatible with and do not degrade or otherwise negatively impact the natural environment, community resources, and the character of existing land uses; the protection of sensitive ecosystems, ecological values and wildlife and fisheries habitats, especially in inter-tidal, estuarine, stream and riparian areas, in accordance with the current published guidelines as expressed in the Forest Practices Code, the Fish Protection Act and other guidelines published by the provincial and federal governments.

Ballenas and Winchelsea

Official Community Plan Policies include: LTC should identify and consider protecting ecologically sensitive marine areas; Zoning should permit shellfish aquaculture within existing tenures; LTC may consider rezoning applications for new leases for aquaculture, other than finfish farms; LTC should recognize and support the marine dependent nature of land uses; LTC should permit one dock adjacent to each private island in order to limit the need for multiple private dock development along the shoreline; LTC should only consider individual private docks accessory to residential uses where necessary for access. These docks should be regulated by zoning; LTC should not permit commercial marinas; LTC should use bylaw provisions to protect public access to, from and along the marine shoreline; use bylaw provisions

to limit structures within the setback from the sea to those related to permitted marine uses and those necessary for access to the foreshore; through zoning, the use of setbacks, and the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes; (d) encourage owners of shoreline properties to retain natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials. The LTC should not permit the hardening of the shoreline. LTC should not support ocean disposal applications within the Plan area. LTC should not support the creation of artificial reefs within the Plan area.

Review other Examples

- Oak Harbour SMP

Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the Comprehensive Plan, other adopted plans and this SMP. To accomplish this, shoreline segments are given an environment designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments include shorelands, surface waters, and bed lands. These environments are derived from and build on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.

- Natural Resources Canada, Land Use Planning Tools 2012

This publication describes a variety of planning tools being used across Canada to help communities prepare for climate change, increase adaptive capacity, and build resilience. It is directed to individuals and groups interested in climate change adaptation at the local level, including planners and other local government staff, elected officials, community organizations, local residents and business leaders.

Climate Change Land use planning tools for local adaptation to climate change describes seven of the most prominent land use planning tools in use across Canada and explains how communities can use them to more effectively adapt to climate change.

The land use planning processes and instruments employed to manage the use of land and the physical development of a community for the common interest includes a variety of statutory and other measures – bylaws, incentives, information and guidance, spending

programs – may be applied to control how land is used. [Land use planning tools for local adaptation to climate change \(publications.gc.ca\)](http://publications.gc.ca)

- Rural Comox Valley OCP 2014

Natural Environment: Objectives

(4) To protect, restore and enhance coastal shorelines, streams, wetlands, and the marine environment.

Climate change – policies (adaptation)

14. (1) Develop strategies to reduce the environmental, social, and economic impact of sea level rise and increasing extreme storm surge events in coastal areas through development permit area designations and conditions and submission of development approval information in accordance with policies included within this OCP.

14. (2) Work with stakeholders to complete an assessment of risk and susceptibility of the coastal areas to increasing sea level and extreme storm surge impacts.

Rural settlement areas – policies (industrial) (d) public access to the coastal waterfront, where applicable.

Coastal areas

68. Coastal areas are those lands that run parallel to the full waterfront of the CVRD, generally extending from the present natural boundary to the 30-metre bathymetric contour as illustrated on map 3. Activities are typically environmental protection, aquaculture, marine industry, and recreation. This plan seeks to protect such uses while discouraging activities both on the water and the abutting upland areas that could compromise the environmental integrity of the aquatic environment.

Coastal area - objectives

69. (1) To minimize any negative impacts of settlement on the coastal areas. (2) To steward these areas for their environmental and economic benefits. (3) To encourage appreciation of the marine environment, by providing for public access to, and enjoyment of, the shoreline and foreshore in ways that avoid negative impacts to natural systems and processes. (4) To ensure that coastal shoreline development does not alter sediment supply to the coastal environment or sediment transport within the coastal environment. (5) To reduce lighting impacts on species and ecosystems within the coastal area.

Coastal areas - policies

70. The following policies apply to the lands designated as “coastal areas” Rural Comox Valley Official Community Plan 2014 Bylaw No. 337 – Schedule ‘A’ (1) Permit industrial marine and aquaculture uses in the coastal area designation, except for areas within the K’ómoks Estuary where they are prohibited. (2) Notwithstanding above sub-section (1) sustainability and productivity of the K’ómoks Estuary is recognized as being critical for harvesting of aquaculture to K’ómoks First Nation, and it is recognized that the KFN may choose to proceed with aquaculture activities within the estuary at any time. (3) Protect coastal areas per the provisions stated in the natural environment sections of this OCP. (4) Respect the Islands Trust area of jurisdiction that includes the ocean area to the high-water mark of the eastern coast of Vancouver Island from Mud Bay to Comox Point and ensure development within the buffer

extending from the high-water mark to the 30-metre bathymetric contour considers the Islands Trust policy statement. (5) Support dock-side sales and limited on-site sales of aquaculture products that meet legislative requirements to promote economic activities. (6) Work with aquaculture industry stakeholders and small-scale aquaculture operations to support water flow into fish-bearing river systems of the Comox Valley. (7) Apply environmental best practices to all uses within the coastal designation (8) Recognize and support the need of the aquaculture industry to effectively grow seed to replenish existing oyster beds and support in principle the use of power supplies from wharfs for the growing of seed for the aquaculture industry, providing legislative requirements are met. (9) Generally, prohibit hardening of the coastal shoreline through the use of rip rap, concrete embankments and revetment walls, and other similar structural interventions that alter the ecological function and service of the coastal shoreline, disturb natural vegetation, disrupt natural coastal processes, redirect wave energy to adjacent properties, and/or destroy coastal shore habitat, including forage and spawning areas. If a qualified professional has submitted development approval information that concludes that shoreline hardening is required to protect life or a principal building on the property and that the impacts of the proposed hardening can be mitigated, the board may consider issuance of a shoreline protection device development permit. (10) Require preparation of a shore access plan by a qualified environmental professional for development proposals that include shore access and require rezoning or a development permit process to protect against sensitive environmental features and processes being disturbed. (11) Regulate by the development permit process to reduce light trespass (i.e., light that crosses property lines including the present natural boundary) and light glare (i.e., excessive illumination applied to a single area) within the coastal area to avoid disruption of natural activity patterns of coastal and marine species. (12) Assess proposed land uses or development within the K'ómoks Estuary in accordance with a completed and finalized K'ómoks Estuary management plan that has been endorsed by all affected jurisdictions.

Shoreline protection devices

Guidelines where an applicant proposes the installation, replacement, or repair of a shoreline protection device under these guidelines, the design of the device shall contribute to shoreline resiliency by following soft shore (e.g., “Green shore”) principles:

- Conserve or restore natural coastal or riparian processes (e.g., sediment transfer).
- Maintain habitat function and diversity.
- Prevent pollutants from entering the aquatic or riparian environment.
- Avoid or reduce cumulative impacts on the shoreline environment, including coastal or riparian processes. All proposals shall incorporate design elements that contribute to coastal resiliency by protecting or restoring natural coastal processes and habitat. Except when a hardened shoreline is proposed (i.e., based on the findings of a qualified professional that shoreline hardening is required to protect life and/or a principal building), shoreline protection device development permits can be approved under delegated authority. Proposals to harden a shoreline, including replacement and/or maintenance of an existing hard shoreline with similar hard design elements shall require board approval of the development permit.

- Campbell River Sustainable OCP n/a
- Sydney OCP – n/a
- Ucluelet OCP (2011)

3.4 Small Craft Harbour, Marine

The water areas of Ucluelet are generally designated as either: Small Craft Harbour (three water lots); Water Lot (majority of water lots); or Managed Water (remaining water areas not in registered water lots) In addition to these three designations, several water lots are designated in conjunction with the adjacent land-based designation (e.g. Village Square or Residential) Each registered water lot is inextricably linked to various adjacent land uses; hence the relationship between land and water requires careful consideration, which could include parking needs, water and sewer servicing and visual impacts. In conjunction with the sustainability objectives noted in the OCP, the District should consider protecting environmentally sensitive areas and shoreline habitat.

The District shall work with the Department of Fisheries and Oceans to: i. Identify environmentally sensitive areas; ii. Support marine ecology and marine education facilities within the Harbour; iii. Consider alternate long-term uses, such as residential, including a private marina, for the former BC Packers Plant; iv. Consider enhancing public access to the District owned water lot at the foot of Alder Street; v. Support transient boat moorage provided adequate sanitation facilities are located nearby; vi. Require all water lot uses to properly treat and dispose sanitary sewer waste and connect into the District's sewer collection system and access District potable water; vii. Require all structures to apply for and obtain a Building Permit, which addresses health and safety regulations; and viii. Explore ways and means of generating revenue to fund Harbour infrastructure.

2. iii. Managed Water All water areas located between the shoreline and the District boundaries, excluding all registered water lots, are designated as "Managed Water". Managed Water Policies: A comprehensive review of the area within the Managed Water designation will be carried out by the District. Until this time, no uses are permitted within the area, including boat or houseboat moorage.

+ Policies for Development Permit Areas

- Victoria OCP –

SHORELINE ECOSYSTEMS 10.9 Protect and enhance shoreline and marine habitat by: 10.9.1 Considering the establishment of Development Permit Area guidelines that consider best practices such as appropriate building setbacks, guidance for enhancing habitat values and the integration of climate change adaptation planning; 10.9.2 Establishing a Development Permit Area for the east side of the Upper Selkirk Waters to protect the unique natural features of this area; 10.9.3 Investigating the acquisition and designation of shoreline ecosystems through a Parks Acquisition Strategy; 10.9.4 Integrating restoration of natural shoreline features into the development of the Harbour Pathway, where appropriate; 10.9.5 Enhancing the Dallas Road Bluffs through the development of management zones and restoration targets; and, 10.9.6 Developing management strategies and initiatives for shoreline parklands that maintain and enhance coastal sediment processes. 10.10 Work in partnership with the Capital Regional District, the Township

of Esquimalt, the Town of View Royal, the District of Saanich, and other partners to increase coordination in the protection and restoration of Victoria Harbour and the Gorge Waterway. 10.11 Work with partners to assess the projected impacts of sea level rise on marine and shoreline ecosystems and respond to changing conditions through management strategies and development of a Climate and Energy Resiliency Plan [SEE ALSO SECTION 12 – CLIMATE CHANGE AND ENERGY].

- Powell River OCP 2014

5.5 Tidal / Saltwater Riparian Areas. The City is bounded on the west and south by Malaspina Strait. Due to exposure, topography, and historic private/industry ownership of much of the waterfront, direct community interaction, enjoyment, and exposure to the tidal water edge is limited. Increased public access to the waterfront and protection of the environmental quality of that waterfront is a priority for Powell River residents. Upland improvements to support expansion of harbour or any waterfront development must include environmentally sustainable measures.

5.5.1 Tidal/Saltwater Riparian Areas Objectives (a) Protect the shoreline along Malaspina Strait through the use of measures that take natural processes into consideration and do not detrimentally impact adjacent properties. (b) Plan for long-term climate change including sea level rise and associated storm impacts.

5.5.2 Tidal/Saltwater Riparian Areas Policies

(a) All development along the shoreline of Malaspina Strait must plan for a sea level rise of 1.0 metre and associated storm surge and coastal erosion.

(b) Except for shoreline protection measures and marine based structures such as ferry terminals, aquaculture facilities, breakwaters and moorage facilities, new buildings must be located a minimum of 15 metres from the natural boundary.

(c) Minimize the degradation of natural systems through steps such as protecting the foreshore from erosion, by retaining embankment vegetation and through construction that does not require vertical sea walls.

(d) All shoreline protection measures should include environmentally sustainable practices such as the retention and restoration of natural shoreline vegetation, and landscaping strategies that require little or no revetment and minimize erosion but augment bank stabilization, in conformance with the guidelines contained in the 2003 Federal/Provincial publication entitled Coastal Shore Stewardship: A Guide for Planners, Builders and Developers.

(e) Parking lots at or near the water's edge should consider permeable surfaces (e.g., grass, gravel, or open interlocking paving systems) to ensure bio-filtration of hydrocarbons and heavy metals from the undercarriage of vehicles from surface water drainage.

(f) It is recognized that the coastal shoreline undergoes a natural progression of accretion and erosion gradually over the long term or suddenly in severe storm events. The City shall endeavour to map and track this process as it relates to the shoreline for the purposes of land use planning.

(g) The City supports ensuring that storm water runoff from buildings and land is managed through a stormwater management system or other natural bio-filtration system where possible.

REFERENCES

General:

www.islandtrust.bc.ca/islands/island-ecosystems/caring-for-my-shoreline/greenshores-approach-your-marine-waterfront-canadian-edition-final-web-version.pdf (islandtrust.bc.ca)

[Islands Trust Conservancy](#)

[Microsoft Word - GS Jurisdiction Issue Sheet ver4 Oct09Final2.doc](#) (islandtrust.bc.ca)

[Greening Our Shores Workshop Presentations.pdf](#) (islandtrust.bc.ca)

[Critical Areas and Shoreline Monitoring & Adaptive Management Workshops](#) (washington-apa.org)

www.crd.ba.ca/docs/default-source/climate-action--pdf/sea-level-rise-planning-approaches-project-report.pdf?sfvtsn=d29757ca_0

Sea Level Rise:

[coastal-flood-inundation-mapping-project-summary.pdf](#) (crd.bc.ca)

<https://www2.gov.bc.ca/assets/gov/environment/climate-change/adaptation/resources/slr-primer.pdf>

[Coastal Floodplain Maps - Province of British Columbia](#) (gov.bc.ca)

City of Delta Sea Level Rise Strategy (2015): [119360](#) (civicweb.net)

[Sea Level - Environmental Reporting BC](#) (gov.bc.ca)

Island Ecosystems:

[Marsh Fine Sediment](#) (islandtrust.bc.ca)

Planning Tools | OCP + Development Permit Areas

District of Squamish OCP (2018): Development Permit Area guidelines: page 170

Specific Projects:

Bowen Island: [PowerPoint Presentation - Slide 1 \(civicweb.net\)](#)

] [June 2017 Attachment 2 Draft DPA Marine Shoreline Protection \[48138](#)

Lasqueti: [Shoreline Protection Project \(islandstrust.bc.ca\)June 2017 Attachment 1 Shoreline Protection OCP LUB.pdf](#)
[aug-2017-la-shoreline-mailout.pdf \(islandstrust.bc.ca\)](#)

[Sharing Our Shorelines Presentation.pdf \(islandstrust.bc.ca\)](#)

North Pender:

(brochure): [shorelinesmatterbrochure.pdf \(islandstrust.bc.ca\)](#)

Thetis:

[Thetis-Shoreline-Data-Compilation-for-workshop.pdf \(islandstrust.bc.ca\)](#)

[Summary-Report-Shoreline-Scenarios-workshop.pdf \(islandstrust.bc.ca\)](#)

[LPS Staff Report \(islandstrust.bc.ca\)](#)

[Microsoft Word - 1214420001-001-R-Rev0-Thetis Island Shoreline 24MAY 13.docx \(islandstrust.bc.ca\)](#)

Mapping:

Bowen Island: [Bowen Island Shoreline Maps - Briefing for BIM.pdf \(civicweb.net\)](#)

Lasqueti: [lasquetishorelinemapping.pdf \(islandstrust.bc.ca\)](#)

North Pender: [Map NPShorelineFeatures1.pdf \(islandstrust.bc.ca\)](#)

Forage Fish: [foragefishreport.pdf \(islandstrust.bc.ca\)](#)

South Pender: [Map.ShorelineFeatures.pdf \(islandstrust.bc.ca\)](#)

Thetis: [Review of Thetis Island Shoreline Classification and Recommendations for Shoreline Development - March 31, 2010, Archipelago Marine Research Ltd. \(islandstrust.bc.ca\)](#)

Other:

[Landowners-Guide-September-draft-revised.pdf \(islandstrust.bc.ca\)](#)

[Local Updates \(caorda.com\)](#)

[Hul'qumi'num Heritage Law Case Study Report](#)

[KFN Marine Plan 2012.pdf \(komoks.ca\)](#)

[squamish.ca/assets/OCP_Coastal_marine_planning](#)

Policy Compliance Checklist

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.
	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
	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.

	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.
--	--------------	--

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
	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.
	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.
	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
	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
	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.
	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.

	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.
	4.3	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.
	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
	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.
	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.
	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.
	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

	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.
	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.
	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
	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.
	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
	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
	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.
	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.
	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.

	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
	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.
	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
	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:

