



## Galiano Island Local Trust Committee Regular Meeting Agenda

Date: July 4, 2022  
Time: 12:30 pm  
Location: Galiano South Community Hall  
141 Sturdies Bay Road, Galiano Island, BC

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|                                                                                                         |                                                                 |                     | 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 June 6, 2022 (for Adoption) |                     | 4 - 12  |
| 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 June 2022                           |                     | 13 - 15 |
| 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 - 3:00 PM |
| 13.1.   | GL-DP-2022.1 and GL-DVP-2022.2 (Fox) - Staff Report (attached)                                                                                            | 16 - 49           |
| 13.2.   | GL-RZ-2019.1 (GIGARHS) - Staff Memo (attached)                                                                                                            | 50 - 89           |
| 13.3.   | GL-RZ-2014.1 (Crystal Mountain) - Staff Report (attached)                                                                                                 | 90 - 113          |
| 13.4.   | GL-RZ-2022.1 (Gaylor) - Preliminary Staff Report (attached)                                                                                               | 114 - 129         |
| 14.     | LOCAL TRUST COMMITTEE PROJECTS                                                                                                                            | 3:00 PM - 3:30 PM |
| 14.1.   | DL 64, 68, 72, 87 Rezoning Project - Staff Report (attached)                                                                                              | 130 - 139         |
| 15.     | REPORTS                                                                                                                                                   | 3:30 PM - 3:40 PM |
| 15.1.   | Work Program Reports (attached)                                                                                                                           |                   |
| 15.1.1. | <u>Top Priorities Report Dated June 2022</u>                                                                                                              | 140 - 140         |
| 15.1.2. | <u>Projects List Report Dated June 2022</u>                                                                                                               | 141 - 142         |
| 15.2.   | Applications Report Dated June 2022 (attached)                                                                                                            | 143 - 149         |
| 15.2.1. | <u>Setting Dates for Galiano Affordable Living Initiative Society (GALI)</u>                                                                              |                   |
| 15.3.   | Trustee and Local Expense Report Dated May 2022 (attached)                                                                                                | 150 - 150         |
| 15.4.   | Adopted Policies and Standing Resolutions (attached)                                                                                                      | 151 - 154         |
| 15.5.   | Local Trust Committee Webpage                                                                                                                             |                   |
| 15.6.   | Islands Trust Conservancy Report Dated May 2022                                                                                                           | 155 - 157         |
| 16.     | NEW BUSINESS                                                                                                                                              |                   |
| 17.     | UPCOMING MEETINGS                                                                                                                                         | 3:40 PM - 3:45 PM |
| 17.1.   | Community Information Meeting re GL-RZ-2019.1 (Gulf Islands Galise Affordable Rental Housing Society) (GIGARHS) - Monday, July 4, 2022 (6 - 8 pm)         |                   |
| 17.2.   | Special Meeting and Public Hearing re GL-RZ-2019.1 (Gulf Islands Galise Affordable Rental Housing Society) (GIGARHS) - Saturday, July 16, 2022 (12:30 pm) |                   |
| 17.3.   | Next Regular Meeting Scheduled for Tuesday, September 6, 2022 at South Community Hall, Galiano Island                                                     |                   |
| 18.     | TOWN HALL                                                                                                                                                 | 3:45 PM - 4:00 PM |

**19. CLOSED MEETING**

None

**20. ADJOURNMENT**

4:00 PM - 4:00 PM



## Galiano Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** June 6, 2022  
**Location:** Galiano South Community Hall  
141 Sturdies Bay Road, Galiano Island, BC

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

**Staff Present:** Brad Smith, Island Planner  
William Shulba, Senior Freshwater Specialist  
Narissa Chadwick, Island Planner  
Carly Bilney, Recorder

**Public Present:** There were approximately 22 members of the public present.

#### 1. CALL TO ORDER

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

#### 2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

#### 3. TRUSTEE REPORT

Trustee Rockafella reported on the upcoming Trust Council meeting and expressed support for the adoption of recommendations from the Province's Old Growth Strategic Review.

Trustee Wolverton made the following comments in her report:

- A recent discussion was held with concerned islanders about the protocol the Local Trust Committee (LTC) takes with regards to cell towers;
- A meeting of the Southern Gulf Islands Forum is scheduled for July to continue discussion of anchorages;
- The One Island, One Earth Ecological Footprint report was released by the Galiano Conservancy Association (GCA) and provides ten recommendations to balance the natural resources provided by Galiano Island with the demand humans put on the island's ecosystems; and

- The proposed subdivision application on James Island has been rejected by the provincial approving officer.

#### **4. CHAIR'S REPORT**

Chair Rogers reported:

- Information is available online for the fully electronic June 21-23 Trust Council meeting;
- A resolution was passed to have two fully electronic Trust Council meetings per year and two in-person meetings per year (the latter will also be broadcast); and
- The results of the public community consultation related to the Trust Policy Statement are included in the agenda package of the upcoming Executive Committee meeting.

#### **5. TOWN HALL AND QUESTIONS**

Town hall was held and the following comments were made:

- With regards to groundwater sustainability, recharge areas need not be described as critical if people will not be affected by them and Development Permit Areas (DPAs) should not be introduced in unnecessary areas (e.g. park land and forest zones where residential density is low);
- A Housing Needs Assessment has been completed for the Southern Gulf Islands, and there is likely significant demand for affordable housing;
- Deep subsidy units must be included in the housing agreements of both proposed affordable housing developments;
- The LTC should lobby BC Hydro and Telus to bury their telephone lines so islanders are not at risk of fire and do not lose communication in emergency situations;
- Support was expressed for the addition to the Rogers CREST tower due to a need for improved communications during emergency situations;
- The LTC should limit speakers to 2.5 minutes each during Town Hall;
- Each speaker should be given 5 minutes to address the LTC during Town Hall;
- Trustees cannot easily respond to questions during town hall about how the LTC, as a whole, will decide various matters until the LTC has had an opportunity to discuss them;
- Aquifer discharge is greater than recharge and may be attributed to the accumulated impacts of climate change, well density, and development, and we do not know how much water we are using;
- The Islands Trust is in discussion with the Province about how co-management can be achieved with First Nations;
- The LTC does not have authority to establish a business licensing system for Short-Term Vacation Rentals (STVR) and islands have lobbied the Capital Regional District (CRD) to establish one; and
- STVR hosts need a water license to operate their commercial businesses.

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

- The Galiano Official Community Plan (OCP) stipulates that proof of sufficient water quantity and quality are required for development to proceed;
- The CMS application should not be considered in the upper ridge area of the property when there is no proof of water;
- If the LTC were to approve the CMS application, development in the upper ridge would be subject to a covenant condition that would require proof of water;
- Opposition was expressed to the CMS proposal due to a lack of consultation with First Nations and concerns that have been raised;
- The One Island, One Earth report from the GCA noted Galiano greets over 80,000 tourists each year;
- The wastewater plan needs to be reviewed and a contingency plan needs to be developed in the event of a power failure;
- The CMS proposal lacks consistency with the community vision expressed in the OCP and the application should not proceed until the applicants provide the recommended standards for groundwater use;
- Rainwater collection amounts should be calculated to ensure there will be enough for non-potable use for the caretaker's residence;
- The water management plan should use daily water use estimates outlined by the Province in the Small Water System Guidebook;
- The proposal is not ready to go to a Community Information Meeting (CIM) and does not comply with the list of Islands Trust Policy Directives – particularly regarding water and forest fragmentation;
- The precautionary principle should apply to all land-use decisions on Galiano Island and throughout the Trust area to address the climate emergency;
- The precautionary principle could be applied to the CMS application by removing the caretaker's residence, not adding infrastructure to the upper ridge and redesigning buildings to maximize rainwater catchment;
- A request was made that when a CIM is called it will be held at the north end of the island and information will be made available that addresses questions raised;
- A CIM will provide information to the community so that the LTC can make a decision;
- Support was expressed for the CMS application; and
- A spiritual retreat centre in the forest is a unique amenity that should be treasured.

Trustee Wolverton recused herself from the meeting at 1:45 p.m. due to conflict of interest with GL-RZ-2019.1 (GIGARHS). Town hall continued and the following comments were made:

- More time is needed before a meaningful CIM may occur;
- An updated water management plan is needed that applies the precautionary principle and includes conservation measures such as the use of rainwater catchment for greywater;
- Trustees were encouraged to move forward with the CIM; and
- Support was expressed for the proposed project.

Trustee Wolverton returned to the meeting at 1:52 p.m. A break was held from 1:52 – 2:05 p.m.

**6. COMMUNITY INFORMATION MEETING – None**

**7. PUBLIC HEARING**

None

**8. MINUTES**

**8.1 Local Trust Committee Minutes Dated May 2, 2022 (for Adoption)**

The following amendments to the minutes were presented for consideration:

- On page 4 of the agenda package, (page 2 of the May 2, 2022 Minutes), the Chair's report should note that the "Community Stewardship Awards will now be awarded once per *term*..."

**By general consent** the Local Trust Committee meeting minutes of May 2, 2022 were adopted as amended.

**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 May 2022**

Received for information.

**10. DELEGATIONS – None**

**11. CORRESPONDENCE**

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

**11.1 Rogers Communications re Galiano Island CREST Site 1228 Montague Road**

An update was provided on correspondence regarding Rogers Communications and the CREST Site. It was noted that the federal government has authority over cell phone towers and the role of the LTC is to assist with community consultation.

**11.2 Advisory Planning Commission re Cellular Discussion Working Group Presentation**

Received for information.

**12. MEETING BREAK – COMMUNITY UPDATE – None**

### 13. APPLICATIONS AND REFERRALS

#### 13.1 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw 530 (for response)

##### **GL-2022-52**

##### **It was Moved and Seconded,**

that the Galiano Island Local Trust Committee moves that its interests are unaffected.

**CARRIED**

#### 13.2 GL-RZ-2019.1 (GIGARHS) – Staff Report

Trustee Wolverton recused herself from the meeting at 2:14 p.m. due to conflict of interest with GL-RZ-2019.1 (GIGARHS). Planner Smith reviewed the Staff Report and highlighted the rent structure component in the housing agreement, the revised covenant and additional water management and arborist conditions, and minor changes made to the draft water management plan.

Discussion was held and the following comments were made:

- The Section 219 covenant could include regulations on intensive uses of exterior water such as irrigation and pressure washing;
- Residents may desire small amounts of exterior potable water use (e.g. toddler pools and washing pets);
- The provincial water license restricts water use to a certain amount on an annual basis and exceeding this amount would lead to enforcement measures;
- Systems that use rainwater for non-potable uses (e.g. toilets) can be cost-prohibitive and BC Housing advised the applicants to keep their proposed development affordable; and
- Covenants are not finalized until rezoning is approved.

##### **GL-2022-53**

##### **It was Moved and Seconded,**

that the Galiano Island Local Trust Committee ask staff to explore additional restrictions in Article 15 of the Section 219 covenant for GL-RZ-2019.1 (GIGARHS) to include intensive exterior uses.

**CARRIED**

Discussion continued about whether the Galiano Club would act as signatory on the agreement depending on the timing of rezoning and subdivision approvals.

**GL-2022-54**

**It was Moved and Seconded,**

that the Galiano Island Local Trust Committee request staff to clarify how Release in Section 3.8 of the housing agreement for GL-RZ-2019.1 (GIGARHS) impacts the earlier commitments of the owner in the housing agreement.

**CARRIED**

Discussion continued about the timing and format of the CIM and Public Hearing (PH).

**GL-2022-55**

**It was Moved and Seconded,**

that the Galiano Island Local Trust Committee direct staff to schedule a Community Information Meeting on application GL-RZ-2019.1 for July 4, 2022.

**CARRIED**

**GL-2022-56**

**It was Moved and Seconded,**

that the Galiano Island Local Trust Committee direct staff to schedule a Public Hearing on application GL-RZ-2019.1 to be held on Saturday July 16, 2022.

**CARRIED**

Trustee Wolverton returned to the meeting at 3:08 p.m.

**13.3 GL-RZ-2014.1 (Crystal Mountain) – Staff Report and Staff Memo**

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

- A covenant requirement could be established that allows for a phased approach to ensure the sustainable yield of the well;
- A phased approach would make sure the build-out was within the combined water use of the sustainable yield – with data monitored and reported – to determine whether more phased development may be permitted;
- Alternatively, the number of retreat participants or huts could be reduced until the well is shown to produce excess capacity;
- A phased approach would be complex, but possible to devise – the applicant would need to have the capacity to create a build-out schedule to which they could adhere;

- A phased approach would include the transfer of 75% of the land to the Islands Trust Conservancy for conservation in perpetuity;
- The caretaker's estimated daily water use is lower than the estimated amount for average households because it would not be a regular residence (e.g. no garden);
- A 12-hour pump test is a typical length of pump testing that has been done across the Trust area historically;
- Staff determined that monitoring of the well would be more beneficial than undertaking another pump test;
- The water license is currently being adjudicated and it is at the discretion of the Province to ask for more information if necessary;
- Any development (e.g. creation of infrastructure, roads, and power, logging or clearing) will result in habitat loss that can be related to forest fragmentation;
- Development that could occur under the existing zoning would result in habitat loss and forest fragmentation including tree removal on the forest zoned lot and residential development on the residential zoned lot;
- Rezoning is not recommended until the water license has been granted;
- Rezoning bylaws could be made conditional upon issuance of a provincial water license and the covenant would be signed off at the final adoption of rezoning bylaws;
- A provision could be included that restricts summer attendance and allows higher attendance during the winter; and
- A water license likely will take a minimum of a year to be adjudicated.

It was Moved and Seconded, that the Galiano Island Local Trust Committee direct staff to investigate possible amendments to the Section 219 covenant to place restrictions on water use based on the request of the province based on the maximum daily demand. The following comments were made in discussion on the motion which was subsequently defeated:

- There will be a water meter on the well and water catchment use, potable use and total use will be monitored, recorded daily, and correlated to number of users; and
- The covenant may be used to regulate water by reducing the number of users.

**GL-2022-57**

**It was Moved and Seconded,**

that the Galiano Island Local Trust Committee direct staff to explore options for ensuring groundwater use is consistent with proposed water license capacity including a Section 219 covenant approach and further restriction of use.

**CARRIED**

## **14. LOCAL TRUST COMMITTEE PROJECTS**

### **14.1 Groundwater Sustainability Implementation – Staff Report**

Senior Freshwater Specialist Shulba briefly reviewed the Staff Report related to the Groundwater Sustainability Implementation project noting the goal of the initiative is to protect the water resources of Galiano and ecosystems that rely on groundwater. Discussion was held and comments were made about the timeliness of the report and the utility of an early CIM to engage the community.

#### **GL-2022-58**

##### **It was Moved and Seconded,**

that the Galiano Island Local Trust Committee endorse the methodology to determine Groundwater Recharge Protection Development Permit Area boundaries as presented at the June 6, 2022 LTC meeting.

**CARRIED**

#### **GL-2022-59**

##### **It was Moved and Seconded,**

that the Galiano Island Local Trust Committee request staff include in draft Bylaw No. 283 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” a map of the Groundwater Recharge Protection Development Permit Area boundaries based on 2, 5 and 10 hectares of lot coverage.

**CARRIED**

## **15. REPORTS**

### **15.1 Work Program Reports**

#### **15.1.1 Top Priorities Report Dated May 2022**

Received for information.

#### **15.1.2 Projects List Report Dated May 2022**

Received for information.

### **15.2 Applications Report Dated May 2022**

Received for information.

### **15.3 Trustee and Local Expense Report Dated March 2022**

Received for information.

### **15.4 Adopted Policies and Standing Resolutions**

Received for information.

**15.5 Local Trust Committee Webpage**

**15.6 Islands Trust Conservancy Report Dated March 2022**

Received for information.

**16. NEW BUSINESS – None**

**17. UPCOMING MEETINGS**

**17.1 Next Regular Meeting Scheduled for July 4, 2022 at the South Community Hall, Galiano Island**

**18. TOWN HALL**

Trustee Wolverton left the meeting at 4:53 p.m. Town Hall was held and the following comments were made:

- Funders generally stipulate that deep subsidy units are included in affordable housing projects;
- The Rogers CREST tower does not serve Galiano well and adding to the infrastructure will not improve communication;
- The LTC should respond to Rogers and note that receiving more information and dialogue on future installations to their systems would be appreciated; and
- Concern was expressed that build-out plans are not included in the CMS or GIGARHS proposals.

**19. CLOSED MEETING – None**

**20. ADJOURNMENT**

**By general consent** the meeting was adjourned at 5:00 p.m.

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Dan Rogers, Chair

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Certified Correct:

Carly Bilney, Recorder



## Follow Up Action Report

### Galiano Island

#### 06-Dec-2021

| Activity                                                                                            | Responsibility            | Dates               | Status      |
|-----------------------------------------------------------------------------------------------------|---------------------------|---------------------|-------------|
| 1 13.2 GL-RZ-2021.2 (Gaylor) - Staff to initiate early engagement with First Nations re RZ proposal | Brad Smith<br>Lisa Wilcox | Target: 21-Jan-2022 | In Progress |

#### 07-Feb-2022

| Activity                                                              | Responsibility | Dates               | Status      |
|-----------------------------------------------------------------------|----------------|---------------------|-------------|
| 1 13.1 GALI - Establish CRA for HA and s. 219 covenant with applicant | Brad Smith     | Target: 25-Feb-2022 | In Progress |

#### 07-Mar-2022

| Activity                                                                                                                                                                            | Responsibility                     | Dates               | Status      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------|-------------|
| 1 13.1 GL-RZ-2021.1 (GALI) - staff and legal counsel to draft a Housing Agreement based on the proposed Option 2 "rent structure" as described in the March 7, 2022 staff report    | Brad Smith                         | Target: 15-Apr-2022 | In Progress |
| 2 13.1 GL-RZ-2021.1 (GALI) - staff and legal counsel to draft a Land Title Act s. 219 covenant based on the staff recommendations in Attachment 1 of the March 7, 2022 staff report | Brad Smith                         | Target: 22-Apr-2022 | In Progress |
| 3 14.1 GW sustainability project - staff to identify options for changes to zoning regulations informed by GW Solutions (2021) groundwater availability assessment data.            | Narrisa Chadwick<br>William Shulba | Target: 22-Apr-2022 | In Progress |

## Follow Up Action Report

### Galiano Island

06-Jun-2022

| Activity                                                                                                                                                                                                          | Responsibility                           | Dates               | Status      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|---------------------|-------------|
| 1 8.1 May 2, 2022 meeting minutes adopted as presented                                                                                                                                                            | Robin Ellchuk                            | Target: 17-Jun-2022 | Completed   |
| 2 13.2 GL-RZ-2019.1 (GIGARHS) Staff to explore language in part 15 of s. 219 covenant to expand external groundwater restrictions to include 'intensive' water uses such as maintenance                           | Brad Smith                               | Target: 24-Jun-2022 | Completed   |
| 3 13.2 GL-RZ-2019.1 (GIGARHS) Staff to clarify wording in section 3.8 of housing agreement and how it impacts earlier commitments in the housing agreement terms                                                  | Brad Smith                               | Target: 24-Jun-2022 | Completed   |
| 4 13.2 - GL-RZ-2019.1 (GIGARHS) Staff to schedule in-person CIM for evening of July 4, 2022 following regular public meeting (at South Community Hall if available) and place notice in Active Page               | Brad Smith<br>Jas Chonk<br>Robin Ellchuk | Target: 14-Jun-2022 | Completed   |
| 5 13.2 - GL-RZ-2019.1 (GIGARHS) Staff to schedule public hearing for afternoon of July 16 2022 (at South Community Hall if available) and complete statutory notification including placing notice in Active Page | Brad Smith<br>Jas Chonk<br>Robin Ellchuk | Target: 14-Jun-2022 | Completed   |
| 6 13.3 - Explore options for ensuring groundwater use is limited to water license allocation including s. 219 covenant approaches and further restrictions in land use.                                           | Brad Smith                               | Target: 24-Jun-2022 | Completed   |
| 7 14.1 GW sustainability - staff to include in draft Bylaw No. 283 a map of the Groundwater Recharge Protection Development Permit Area boundaries based on 2, 5 and 10 hectares of lot coverage.                 | Narrisa Chadwick<br>William Shulba       | Target: 24-Jun-2022 | In Progress |

## Follow Up Action Report

### Galiano Island

06-Jun-2022

| Activity                                                    | Responsibility                     | Dates               | Status    |
|-------------------------------------------------------------|------------------------------------|---------------------|-----------|
| 8 14.1 Staff to schedule CIM for groundwater project review | Narrisa Chadwick<br>William Shulba | Target: 24-Jun-2022 | Completed |

File No.: GL-DVP-2022.2 (Fox)

GL-DP-2022.1 (Fox)

DATE OF MEETING: July 4, 2022

TO: Galiano Island Local Trust Committee

FROM: Phil Testemale  
Southern Team

COPY: Brad Smith, Island Planner

SUBJECT: Combined Development Permit & Development Variance Permit Application  
Applicant: Dan and Tina Fox  
Location: 342 Gossip Road, Gossip Island

## RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Development Permit GL-DP-2022.1 (Fox); and,
2. That the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2022.2 (Fox).

## REPORT SUMMARY

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

The purpose of the **DP application** is for measures for the protection of the sensitive marine ecosystem and (construction management) for the proposed construction of private dock within **Development Permit Area (DPA) 2 – Shoreline and Marine (DPA)**.

The **DVP application** is to consider a siting variance for an upland concrete abutment (landing) for the dock on the subject property to conform to the Galiano Island Land Use Bylaw (LUB).

## BACKGROUND

The combined DP-DVP application was submitted to the Islands Trust in advance of the construction of a new private dock facility on the property and the adjacent foreshore/water area.

Private dock facilities are an allowable use in the **Marine (M) Zone** of the Galiano Land Use Bylaw (LUB). However the upland abutment requires a variance from the LUB setback regulation to the natural boundary of the sea, and a DP is required for the entire dock facility.

The proposed new dock will replace an existing 50 year old dock in the approximate same location. The existing dock has been unusable since 1994, and currently only small remnants, including pilings and very limited decking, remain, all of which will be removed.

Gossip Island does not have road or public ferry access and the new dock is necessary for the year round use and safe access to subject property as well as for the two adjacent properties (Lots 7 and 9 – Figure 1) which are owned by the applicant (Lot 9) and other members of the family (Lot 7). The island does have a membership based, semi-public community dock ('Gossip Island Docking Society'), however, according to the applicant, moorage space is over committed and cannot be fully relied upon.

Further details and background on the proposal are provided in a copy of the 'Management Plan' submitted to Crown Lands as part of their tenure application and posted under professional reports on the [Galiano Island Current Applications](#) page. The tenure application predates the current provincial moratorium on new private docks. Notwithstanding as the property is considered water access only, it is exempt.

The contractor for the dock construction is 'Georgeson Tug Ltd.' an indigenous owned and operated company.

Referencing Figure 2, the extent of the proposed development proposed is as follows:

- i. A concrete landing abutment on the upland property within 0.0 m of the present natural boundary of the sea (1.2 m [w] x 2.0 m [l] x 2.0 m [h]);
- ii. a walkway constructed with materials to maximize light penetration (1.2 m [w] x 17.0 m [56 ft.]);
- iii. three (3) piling and beam support structures for the walkway on concrete footings;
- iv. a ramp constructed of aluminum with an aluminum 'drilled' deck for light penetration (1.2 m [w] x 12.2 m [l]);
- v. a 27 m<sup>2</sup> (290 ft<sup>2</sup>) constructed with light penetrating materials (i.e. 'mini mesh'), and anchored with a minimum clearance of 2.0 m above the seabed; and,
- vi. anchoring system for the float consisting with four (4) precast concrete anchors and chain connections.

The upland property is 0.5 ha (1.25 ac) in size. Currently the property has a single family dwelling (150 m<sup>2</sup> [1600 ft<sup>2</sup> - approx.]); a pumphouse (23 m<sup>2</sup> [250 ft<sup>2</sup> - approx.]); and, a shed – (2.3 m<sup>2</sup> [24 ft<sup>2</sup>]). The proposed tenure area over the water is 0.15 ha (0.37 ac) in size (Figure 2). The immediate areas of the backshore and marine environment are described in detail with the submitted professional reporting and in Attachment 1.

Adjacent properties to the west and east along the southwest shore of Gossip Island have private dock facilities of a similar size to that proposed, and the community dock is at the public access point three (3) properties to the west (Attachment 1).

Given the location and access, staff have not conducted a site visit to the property.

## Development Permit

Overall, the primary objective of the DPA 2 is to

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

More specifically, the shorelines area is recognized as having:

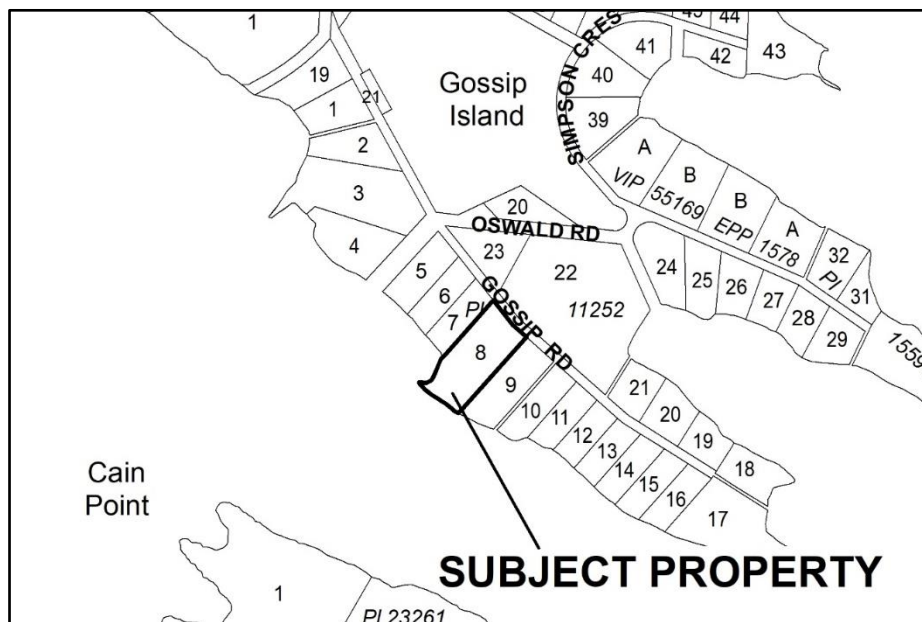
*... a high ecological function and values and may be subject to shoreline erosion in some locations. Due to their physical and biological characteristics and situation they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements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

As required, the owners retained Caurinus Environmental to undertake an environmental inventory and impact assessment for the proposed development with recommendations for mitigation in accordance with DPA Guidelines. The report, “Baseline Marine Habitat Assessment for Proposed Moorage System...342 Gossip Road” (Dan Baxter, R.P. Bio. and Erin O’Brien, Ph.D., January 4, 2022 – ‘BMHA Report’) is posted online at the ‘Current Applications’ webpage (as above), and is discussed further in ‘Issues and Opportunities’ (below).

A geotechnical assessment report was requested and submitted which assesses the geotechnical conditions for the proposed dock by Ryzuk Geotechnical. The report “Geotechnical Assessment - 342 (Lot 8) Gossip Rd – Gossip Island, BC” (Laura Lessingham P.Geo. and Matt Holbrook, EIT, June 13, 2022 ‘Geotechnical Assessment’) is also posted online and discussed below.

A completed DPA Checklist and the proposed DP are Attachments 3 and 5 .

**Figure 1 – Subject Property**



### ***Development Variance Permit***

The proposed siting of the concrete landing abutment requires a variance to the 'General Regulations' of the LUB specifically as follows:

- a) Section 2.14 which states that buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea is varied to permit a structure (a concrete abutment for a dock walkway) within 0.0 metres of the natural boundary of the sea.

A copy of the proposed DVP is Attachment 6.

### **ANALYSIS**

#### **Policy/Regulatory**

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

The property is designated as **SLR- Small Lot Residential** and the adjacent water area **M- Marine** in the Galiano Island Official Community Plan (OCP) Bylaw 108. Relevant OCP Policy:

##### ***Shoreline and Marine Policies***

- c) The Local Trust Committee may consider amending the existing Marine zone to not permit new individual private docks. Applications for rezoning for shared docks should be considered.

##### ***Development Permit Areas:***

**Development Permit Area 2 – Marine and Shoreline and DPA 7 – Steep Slope (Moderate Hazard)** are designated on the property and adjacent water area (Attachment 1). The proposed development is exempt from DPA 7.

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

The property is zoned as **Small Lot Residential (SLR)** and the adjacent water area **Marine (M)** in the Galiano Island LUB. The residential use and the proposed private dock over the Crown water area conforms to zoning.

#### **Issues and Opportunities**

##### **General**

The OCP policy cited above indicates that in future the LTC may only permit new private dock facilities by rezoning, and favour community dock facilities. That is based on the environmental, visual and access impacts, in addition to support for First Nations objections to further private dock development. The particulars of this proposal present exceptions, in addition to being permitted by zoning, Gossip Island is water access only and the common dock is oversubscribed according to the applicants (Management Plan, p.6). Further, the applicants have initiated consultation with First Nations (below).

The applicants propose the shared use of the dock by the adjacent two, family-owned properties. However, the provision of secure legal access through easement agreements is not part of the proposal, and, as such, there is no certainty of future access for Lots 7 and 9 should any of the properties sell in the future. That could

potentially result in future dock applications for those two properties. The applicants have provided a written statement on future access and ownership that is Attachment 3.

The nature of the development at current sea level would be subject to ongoing impacts from tidal and wave action, storm surge and the effects of climate change from rising sea level and more intense storms, although the south west aspect of shoreline would reduce some impacts.

## **Development Permit**

### ***BMHA Report***

The BMHA Report provides biophysical survey, inventory and background separately for the foreshore and subtidal areas of the proposed tenure area, and the immediate, terrestrial 'backshore' area of the DPA. Additionally, it provides impact assessments for the proposal and recommendations for mitigation measures and best management practices (BMPs) to minimize the impacts of the proposed development on the sensitive ecosystems (pages 30-31).

### **Marine**

The inventory and analysis of the nearshore and subtidal biophysical conditions focused particularly on the possible presence of bull kelp in the proposed tenure area given the sensitivity of those ecosystems to development impacts.

The impact assessment for these areas on pages 27 to 29 addresses potential temporary and long term impacts from dock construction including direct and indirect impacts from construction processes, ongoing usage, and the particular issue of shading on macro algae and kelp, noting that the proposal does not overlap with any existing kelp bed.

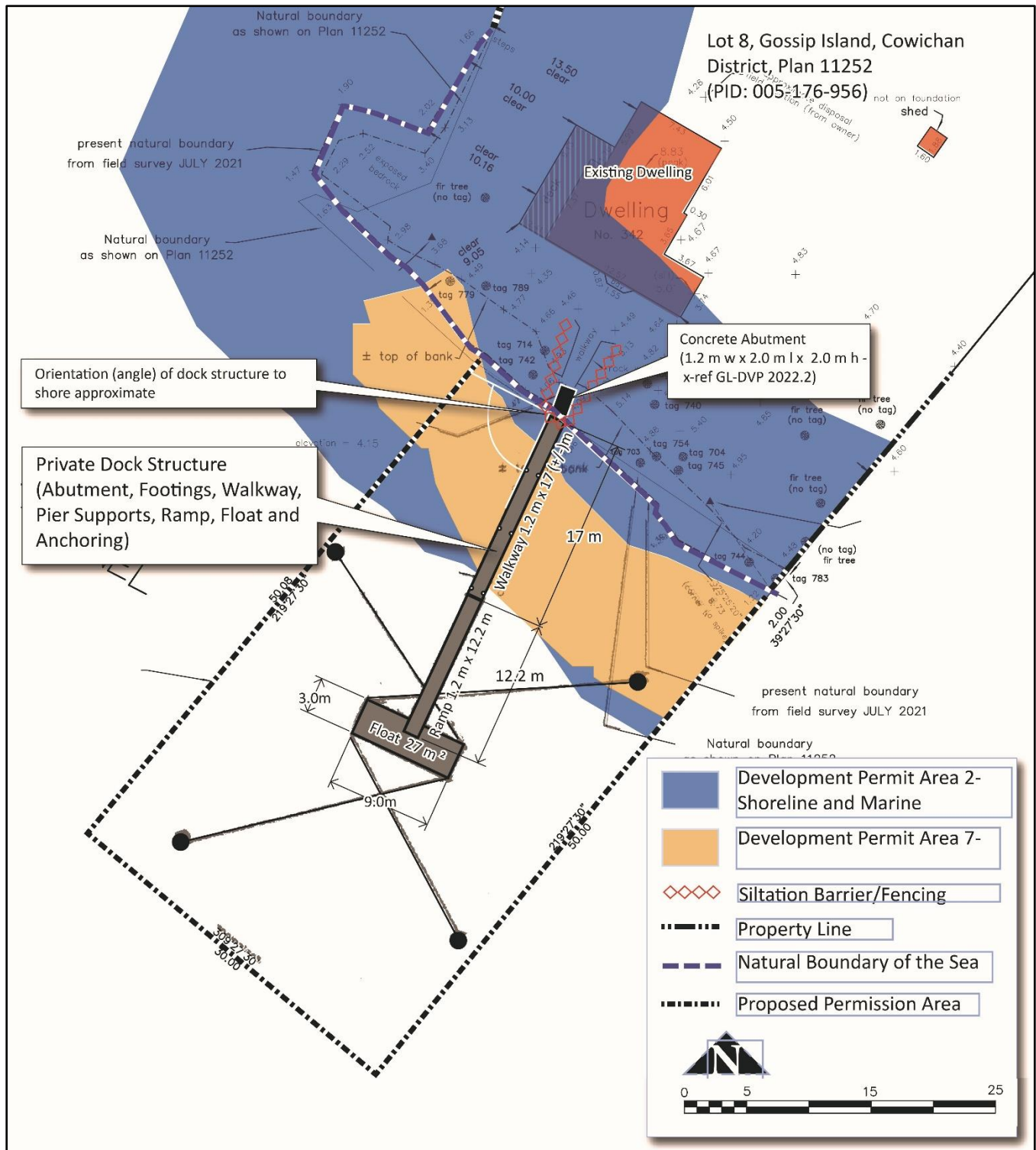
### **Terrestrial (Backshore)**

A detailed site inventory of the shoreline geology, terrestrial ecosystems and species. That environment has been altered by historic construction and tree removal and is now dominated by a grassy lawn, with the shoreline edge delineated by mature trees including Garry oak, arbutus and Douglas fir (p. 23). It notes ongoing erosion is in part likely as a result of that altered environment, however defers to a geotechnical assessment with the exception of making planting recommendations to help stabilize soils. No plant or animal species at risk were detected.

The relevant DPA guidelines are addressed and the required DPA checklist completed by the R.P.Bio is attached to the BPMA Report.

A summary statement in part concludes that "...the design and installation as outlined in the Management Plan Supplemental...generally minimizes environmental impacts on the marine environment."(p 34)

Figure 2 – Site Plan



### ***Geotechnical Assessment Report***

The geotechnical assessment reviews the geotechnical conditions for the shoreline slope, foreshore and immediate surrounding areas where the dock is proposed and provides mitigation recommendations, including structural design and construction management. All recommendations from the Geotechnical Assessment have been incorporated into the proposed DP. The conclusion from page 4 is as follows:

*“...provided that foundation elements upon the (shoreline) slope bear atop intact bedrock, we expect that the proposed works can be completed with adequate foundation support and without causing undue instability to the slope. Further, we expect that the construction of the foundation elements on the foreshore can be completed without significant long term negative effects on the adjacent marine foreshore or adjacent properties.”*

### ***DPA Conditions***

The conditions in the proposed DP incorporate all recommendations and measures provided by the foregoing professional reporting DP, in addition to other conditions consistent with the DPA guidelines. The DPA Checklist confirms that all relevant DPA guidelines have been met (Attachment 2).

## **Development Variance Permit**

### ***Rationale for the Variance***

The rationale provided by the owners is to facilitate dock construction to provide year-round, safe access to the subject and adjacent properties (Lots 7 and 9) where there is no road access and limited public moorage opportunities. The lack of readily available moorage space and the proposed shared use provide a reasonable argument in favour of the specific variance and the project in general. As above, as there is no secure access proposed, and therefore no legal certainty for continued access for the two properties.

On balance, staff is of the opinion that the rationale is supportable.

### ***Impact on Neighbouring Properties and Ecosystems***

The location and size of the replacement dock structure will not impact the use and enjoyment of the directly adjacent properties (given current ownership) and the context further west and east along that shoreline of Gossip Island indicates similar sized dock structures.

The density and nature of private moorage facilities presents wide-ranging environmental, social, access and visual impacts and issues. These are pivotal issues for the Galiano Trust Area, the Trust Area as a whole and particularly for First Nations. However, in the absence of readily available alternatives, the management plan and companion proposed DP would minimize those impacts if approved with the proposed variance.

### ***Intent of the Regulations being Varied***

The overall purpose of the setback from the Natural Boundary of the Sea (NBS) is for the:

- Protection of the natural shoreline environment and sensitive ecosystems.

- Protection of development from natural hazards, particularly with sea level rise and increased storm surges.
- Limiting the visual impact of development on adjacent properties.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining privacy.
- Establishing a consistent development pattern within a local area.
- Public Access
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations. The proposed variance does not challenge the intent of the bylaw regulations.

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

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

### **Consultation**

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

DVP Notices were circulated to surrounding property owners and residents (Attachment 5). The notification period ended at 4:30 p.m. on June 27, 2022.

At the time of writing, staff have not received any submissions in response to notification. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

### ***First Nations***

With respect to the potential for archaeological material to be found on the property during the proposed additions, Islands Trust reviews all applications/permits using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Staff have provided the Islands Trust Chance Find Protocol and the Provincial Archaeological Branch guidelines on *Heritage Act* and other guidance itemized in Attachment 1.

As part of their application to Crown Lands, the applicants have acknowledged the important need to consult First Nations on their concerns and interests and to build relationships. Accordingly, they have consulted with the Coast Salish Peoples Society of Galiano Island and thirteen First Nations by sharing the proposal, management plan and inviting feedback and dialogue (Management Plan, p.4-5).

### **Rationale for Recommendation**

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

- the objectives and specific guidelines of the DPA have been met;

- all relevant recommendations of a professional reporting have been incorporated into the conditions of the proposed DP; and,
- conditions in the draft DP in addition to senior government requirements will ensure the protection of the terrestrial shoreline and marine ecosystems.

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

- The variance is minor given the size and of the proposed abutment structure which has been minimized as much as feasible;
- the siting is necessary for the proposed dock and in the previously disturbed location of the previous landing for the old dock;
- the potential impacts from granting the variances are minor;
- notification to surrounding neighbours has generated no response; and,
- the variance do not challenge the intent of the bylaw provision.

## ALTERNATIVES

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

### Development Permit

#### 1. Request further information

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

*That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust \_\_\_\_\_.*

#### 2. Determine that the DPA guidelines are not being met

The LTC may determine that the application as presented does not meet one or more guidelines of DPA-2. If this is the case, the LTC may request that the applicant amend the proposal to more closely align with DPA guidelines. The LTC should indicate which guidelines are not being met and the reasons for this. Recommended wording for the resolution is as follows:

*That the **Galiano Island Local Trust Committee** has determined that application GL-DP-2022.1 (Fox) as presented on July 4, 2022 does not meet guideline(s) \_\_\_\_\_ for the following reasons: \_\_\_\_\_*

### Development Variance Permit

#### 1. Amend the permit and approve the permit as amended

The LTC may opt to make amendments to the permit as circulated. Recommended wording for the resolution is as follows:

*That the Galiano Island Local Trust Committee amend GL-DVP-2022.2 (Fox) by\_\_\_\_; and,*

*That the Galiano Island Local Trust Committee approve issuance of GL-DVP-2022.2 (Fox) as amended.*

## 2. Request further information

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

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

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## 3. Deny the application

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

*That the Galiano Island Local Trust Committee deny application GL-DVP-2022.2 (Fox).*

|               |                                          |               |
|---------------|------------------------------------------|---------------|
| Submitted By: | Phil Testemale, Planner 2                | June 23, 2022 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | June 23, 2022 |

## ATTACHMENTS

1. Site Context
2. DPA Guideline Checklist
3. Applicant's Statement on Future Use and Access
4. Draft Development Permit
5. DVP Notice
6. Draft Development Variance Permit

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

|                   |                                                     |
|-------------------|-----------------------------------------------------|
| Legal Description | Lot 8, Gossip Island, Cowichan District, Plan 11252 |
| PID               | 005-176-956                                         |
| Civic Address     | 342 Gossip Road                                     |
| Lot Size          | 0.51 ha (1.25 ac)                                   |

### LAND USE

|                      |                                         |
|----------------------|-----------------------------------------|
| Current Land Use     | Small Lot Residential (SLR)             |
| Surrounding Land Use | Small Lot Residential (SLR), Marine (M) |

Cain Point

Orthophoto

### HISTORICAL ACTIVITY

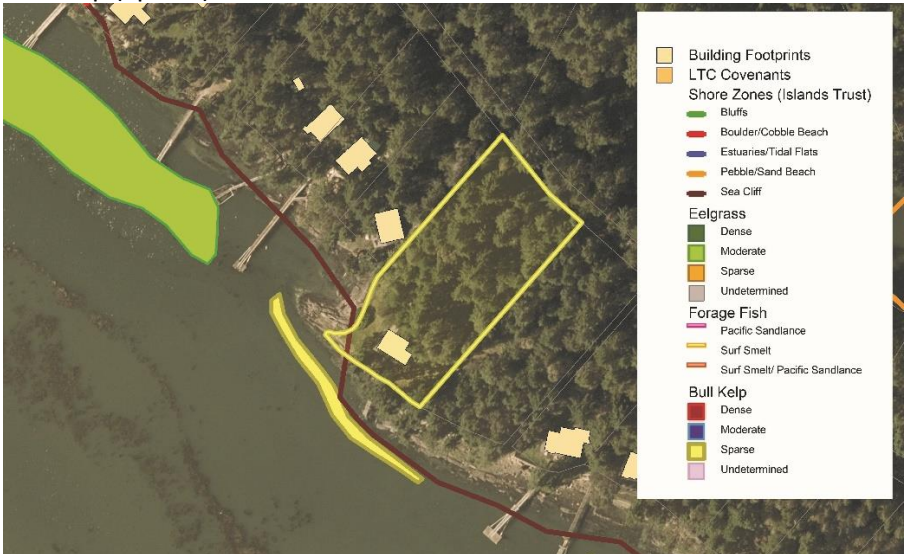
| File No. | Purpose |
|----------|---------|
| N/A      |         |

## POLICY/REGULATORY

|                                             |                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Official Community Plan Designations</p> | <p>Galiano Island OCP No. 108, 1995 Designations: <b>SLR – Small Lot Residential;</b></p> <p><b>Development Permit Areas:</b></p>  <p><i>Development Permit Areas Mapping</i></p>                                    |
| <p>Land Use Bylaw</p>                       | <p>Galiano Island LUB No. 127, 1999: <b>Small Lot Residential Zone (SLR); Marine Zone (M)</b></p>  <p><i>Zoning</i></p>                                                                                            |
| <p>Other Regulations</p>                    | <p>Crown Lands (water area) - application for tenure made in July 2021 to Crown Lands before the moratorium was imposed. Notwithstanding, the property is exempt from moratorium as it is water access only.</p> <p>Requirements to comply with DFO, Transport Canada and LWRS regulations and BMP</p> |
| <p>Covenants</p>                            | <p>None</p>                                                                                                                                                                                                                                                                                            |
| <p>Bylaw Enforcement</p>                    | <p>None</p>                                                                                                                                                                                                                                                                                            |

## SITE INFLUENCES

|                                |                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Islands Trust Conservancy      | There are no Conservancy covenants or properties in the direct area; therefore The proposal does not impact the ITC and no referral has been made.                                                                                                                                                                                                                     |
| Regional Conservation Strategy | The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.                                                                                                                                                                                                                                                |
| Species at Risk                | None on TAPIS, nor identified in BMHA Report.                                                                                                                                                                                                                                                                                                                          |
| Sensitive Ecosystems           |  <p><i>Sensitive Ecosystem Mapping</i></p>                                                                                                                                                                                                                                          |
| Hazard Areas                   | <p>Moderate slope hazard</p>  <p><i>Steep Slope Hazard Mapping</i></p>                                                                                                                                                                                                             |
| Archaeological Sites           | Remote Access to Archaeological Data (RAAD) information indicates there are no archaeological sites on the property. However, there are areas of high archaeological potential mapped on the property and as therefore the applicant has been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological sites. By copy of this report, the |

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          | owners and applicant should be aware that there unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. The applicant has also been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological site |
| Climate Change Adaptation and Mitigation | The development proposal would have nominal impacts on GHG emissions. The nature of the development at current sea level exposes it to the impacts of climate change (storm surge and rising sea level), although aspect of shoreline reduces seasonal impacts.                                                                                                                                                                                                                                                                                                                                 |
| Shoreline Classification                 | Rock Shoreline - Low Rock/Boulder                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Shoreline Data in TAPIS                  | <p>Bull Kelp (Sparse):</p>  <p><i>Marine Ecosystem Mapping and Shoreline Zones</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                       |

**PHOTOGRAPHS:** STAFF HAVE NOT CONDUCTED A SITE VISIT DUE TO ACCESS AND LOCATION. PHOTOS ARE CONTAINED IN THE PROFESSIONAL REPORTING: [Galiano Island Current Applications](#).

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

| Guideline                                                                                                                                                                                                                                                                                                                                                       | Complies                            |                          |                                     | Comments                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                 | Yes                                 | No                       | N/A                                 |                                                                                                                          |
| 1. In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access.                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Design of landing abutment on land and dock facility has been minimized. Public access across foreshore 2.0 m clearance. |
| 2. Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works are exhausted should such works be considered. | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                                                          |
| 3. Sea level rise, storm surges, and other anticipated effects of climate change should be addressed in all applications.                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Potential impacts to development assessed in Geotechnical Assessment.                                                    |
| 4. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Combined application with DVP-2022.2 (variance not in DP),                                                               |
| 5. New upland structures or additions to existing structures should be located and designed to avoid the need for shore protection works.                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                                                          |
| 6. When required, shore protection measures should:                                                                                                                                                                                                                                                                                                             |                                     |                          |                                     |                                                                                                                          |
| a. Apply the 'softest' possible shore protection measure that will still provide satisfactory protection; and                                                                                                                                                                                                                                                   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                                                          |
| b. Limit the size of shore protection works to the minimum necessary.                                                                                                                                                                                                                                                                                           | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                                                          |
| 7. 'Hard' structural shore protection measures (e.g. concrete walls, lock block, stacked rock) may be considered in support of existing development only when a geotechnical and biophysical analysis demonstrates that:                                                                                                                                        |                                     |                          |                                     |                                                                                                                          |
| a. an existing structure is at immediate risk from shoreline erosion caused by tidal action, currents, or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;                                                                    | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                                                          |
| b. the erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage. The geotechnical analysis should evaluate on-site drainage problems and investigate drainage solutions away from the shoreline edge before considering structural shoreline stabilization;                                                   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                                                          |
| c. non-structural measures, such as locating new buildings and structures further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or sufficient to address the stabilization issues; and                                                                                                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                                                          |

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

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

| Guideline                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Complies                            |                                     |                          | Comments                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Yes                                 | No                                  | N/A                      |                                                                          |
| 21. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.                                                                                                                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | Conditions in draft DP                                                   |
| 22. Existing trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.                                                                                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | Conditions in draft DP                                                   |
| 23. If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.                                                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | Restoration/replanting conditions in draft DP.                           |
| 24. Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or fish and wildlife habitat values as needed. Suitably adapted, non-invasive, non-native vegetation may also be considered acceptable.                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | Conditions in draft DP                                                   |
| 25. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit. | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | Condition in draft DP                                                    |
| <b>Guidelines for the Construction and Replacement of Docks and Boat Launch Facilities:</b>                                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                                     |                          |                                                                          |
| 26. For residential properties, preference is to be given to the placement of mooring buoys and floats instead of docks.                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Moorage buoys would not provide the required accessibility to the island |
| 27. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | Condition in draft DP (minimum 2.0 m clearance at high high tide)        |
| 28. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.                                                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | Conditions in draft DP                                                   |
| 29. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.                                                                                                                                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |                                                                          |
| 30. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | Condition in draft DP (minimum 2.0 m at low low tide)                    |
| 31. Piers and pilings and floating docks are preferred over solid-core piers.                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |                                                                          |
| 32. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | Conditions in draft DP                                                   |

| Guideline                                                                                                                                                                                                                                                                                                                                                                                                                                               | Complies                            |                          |                                     | Comments               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|-------------------------------------|------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Yes                                 | No                       | N/A                                 |                        |
| 33. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes.                                                                                                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                        |
| 34. Construction of a private ramp on an individual residential lot or parcel is discouraged. Owners are urged to seek opportunities to use public ramps or to share existing private ramps.                                                                                                                                                                                                                                                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                        |
| 35. Residential docks should be located and designed to avoid the need for shore defence works or breakwaters.                                                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |                        |
| 36. Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not be designed to accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area unless more than two parcels have legal access to the dock, in which case permitted total surface area should be a multiple of the number of lots the dock serves. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Conditions in draft DP |

## Attachment 3

Hello Phil,

Thank-you so much for supporting our project, and for recognizing that we are motivated to act lawfully and in compliance with the terms of the proposed permits. As previously stated, we have a long and committed relationship with these properties, and the islands in general, and we understand and support the work of Islands Trust in preserving and protecting these lands. Your guidance and assistance are so much appreciated.

With respect to the statements that you disclosed below, and will be including in your report, we feel that there may be additional information that we can provide, which may offer clarity for the LTC in understanding where Tina and I are coming from in respect of this project, and the family properties, in general. We are at your disposal as to what you feel is worthy of inclusion, but here are some points that we think may add clarity:

- As you note, due to the absence of a legal easement agreement for lots 7 and 9, there could be additional applications made in the future for private dock construction; however, we think it is worth noting that because of our informal agreement to accommodate lots 7 and 9 as users of the new dock, we will also be pre-empting the probability of private dock construction applications from lots 7 and 9 for the foreseeable future (for hopefully as long as 25 years, before we pass). We believe that this is a significant factor which tends to mitigate the potential future risk that you describe in your comments.
- We feel that it might be worth noting that Tina and I own lot 9 (and 8), as it may not be clearly understood by the LTC. Lot 9 is completely forested and natural, and we bought it solely to protect ourselves, and to provide a buffer, from our neighbours (who are excellent by the way). We have no planned intention of changing anything to do with this lot in our lifetimes.
- Our family history with these properties goes back to the 1950's (approximately 66 years) and the properties have thus far only changed hands (purchased) to subsequent generations of the Fox family. Although we prefer not to get into the specifics of estate planning, we believe that there is a demonstrable history, and a pattern of behaviour, that the LTC should be aware of. There has never been any plan other than for these properties to end up in the hands of subsequent generations of the Fox family. We recognize that things can change, as life's circumstances may also change, but we would suggest that we pose a very low risk, on the balance of probabilities, as it relates to changing the terms of the informal usage agreement that we are entering into with Lots 7 and 9. We are not property speculators, and our plan is to keep our properties until we pass. When the properties go to our beneficiaries (with conditions), there will be a low likelihood of these properties not being maintained as family properties – hence, it is probable that the informal dock usage agreement will be maintained (that's how our family works).
- Tina and I are solely financing this project, at an estimated cost of \$150,000 to \$200,000. There will be no contribution from lot 7, and we will not be renting spaces to family or others – in other words, this is not a commercial enterprise for us. This project is simply being built to ensure that Tina and I (and my Dad – Lot 7) can continue to use our properties as we age. Dad will be turning 80 in a few months, and has had both hips replaced, and we are all having increasing difficulty and issues with loading and unloading on the beach - often at low tides, because B.C. Ferry schedules don't consider the tidal charts that often impact adversely on us.

- We believe that the future risk that you have described, and which we acknowledge exists, will be reasonably deferred for about 25 years before Tina and I are no longer part of the picture.

Phil, the bottom line is that Tina and I do not want to create a legal encumbrance for ourselves, as we believe that it could potentially be disadvantageous to the enjoyment of our property, our privacy, and to the fact that we are solely financing this very expensive piece of infrastructure, and its ongoing maintenance. As you allude to, the future is unpredictable, and should lot 7 change hands to a non-family member in the future, however unlikely that may actually be, it would be a tremendous imposition to have third parties continually accessing our property for loading and unloading, and whatever else they feel that they may want to use the dock for - with family, it is much easier to have cooperation in these circumstances.

We hope this all makes sense, and we also hope that you see the value in personalizing our story so that the LTC can better understand who we are and what we are trying to achieve.

Thank-you again for all your help.

Sincerely, Dan and Tina Fox



**GALIANO ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT GL-DP-2022.1**

To: Daniel and Tina Fox

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

Lot 8, Gossip Island, Cowichan District, Plan 11252  
(PID: 005-176-956)

2. This Development Permit GL-DP-2022.1 authorizes the construction of a private dock including an upland concrete abutment, walkway, pier supports, ramp, float, and anchoring systems within **Development Permit Area (DPA) 2 – Shoreline and Marine DPA** subject to the following requirements and conditions:

***General***

- a. All construction shall be substantively consistent with Schedules 'A', 'B' 'C' and 'D', attached to and forming part of this permit.
- b. With the exception of the development permitted herein, there shall be no land alteration (clearing or disturbance) of native plants and trees and all construction shall minimize disturbance and maintain any undeveloped terrestrial and marine habitat in as natural a state as possible.
- c. All development shall conform to Department of Fisheries and Oceans Canada (DFO), and Ministry of Lands, Waters and Resource Stewardship (LWRS) and Transportation Canada codes of practice, best management practices (BMPs), regulations and standards for private dock facilities.
- d. All contractors and construction personnel are to be notified of the location of the DPA and the conditions of this Development Permit.
- e. Contractors shall inspect their machinery, equipment and vehicles for leaks prior to operation and to ensure they are in good working order and do not transport invasive plant species seeds onto or off the property.
- f. Machinery and equipment shall only be refuelled at a designated location that is a minimum 15 metres distant landward and isolated from the natural boundary of the sea.
- g. A spill response kit shall be on site during all periods when machinery is being operated and all operators are to be trained in the use of the spill kit.

***Upland Construction – Abutment/Landing***

***Sediment and Erosion Control***

- h. All necessary measures to protect the sensitive shoreline and marine ecosystem shall be used by the property owners and contractors through the construction process, specifically:

- i. Construction and landscaping shall be undertaken during dry weather and not during periods of prolonged rainfall deposition, and be suspended during high tide events.
- ii. Prior to commencing construction a "Siltation Barrier/Fencing" shall be installed in the approximate location shown in Schedule 'A', and in accordance with the specifications as shown in Schedule 'C'.
- iii. The Siltation Barrier/Fencing shall be installed as close as possible to the abutment construction area and ensure no machinery and/or equipment associated with the upland development crosses the barrier.
- iv. Any shoreline or bank area disturbed by the construction shall immediately be stabilized with the installation of additional Silt Barrier to prevent erosion and siltation, and subsequently replanted with native vegetation suitable to the site.
- v. Any soils, construction equipment and machinery shall be placed and/or stored on the existing upland walkway or lawn area.
- vi. Any soils exposed or deposited for a period of greater than two (2) weeks shall be covered and maintained by means of tarps in good repair and/or hydromulch (without seeds).

***Protection of Root Systems - Mature Trees***

- i. All necessary measures shall be taken to protect the roots of mature trees within the DPA in the area of construction.
- j. Excavation for the concrete abutment shall minimize excavation depth, utilize the lightest possible machinery and equipment practical and shall avoid cutting or damaging large lateral anchoring tree roots.

***Restoration Planting and Protection from Introduction of Non-Native Flora***

- k. All native plant materials removed from the area for construction of the abutment shall be stored with the roots systems covered, maintained by watering daily and replanted in the specified area, and once replanted, watered regularly until re-established.
- l. To further stabilize the shoreline bank from future erosion from shoreline processes and ocean influences, and to restore the ecological integrity of the DPA on the property, the following measures shall be undertaken:
  - i. The planting of drought resistant native trees and shrubs under the supervision of the monitoring Qualified Environmental Professional (QEP) in the immediate backshore area shall be selected to suit the soil, light and groundwater conditions of the site and for erosion control and/or fish and wildlife habitat values substantively in accordance with the species list that is Schedule 'D'.
  - ii. Planting shall occur in the spring (February to March) to allow for plant root establishment and soil stabilization before being exposed to winter precipitation
  - iii. All new plantings shall be protected from foraging by wildlife by the use of exclusion fencing (cages and/or mesh) and shall be maintained by periodic watering during the summer drought season and the removal of non-native and invasive weeds and shrubs for a minimum of two (2) years from the date of completion of the planting to ensure survival.
  - iv. Unhealthy, dying or dead stock shall be replaced next regular planting season.
  - v. Replanting with drought resistant trees and shrubs within the balance of the DPA and the property in general is encouraged.
  - vi. The removal of non-native and invasive species such as Scotch broom, Himalayan blackberry, English ivy and non-native rose is encouraged with the exception of any individual plants growing in the steep sloped portion of the

DPA, as they are important for stabilizing the bank. Keeping the Scotch broom and Himalayan blackberry trimmed before flowering will help reduce the spread of seed in the area.

- vii. The retention of dead or declining trees, downed logs, snags and leaf litter within the DPA upland portion of the DPA is encouraged.

### ***Geotechnical***

- m. All foundations, including the upland abutment/landing, must bear on clean, intact bedrock with any loose rock removed such as mobile beach deposit.
- n. Dowelling to prevent sliding resistance shall be used on any sloping bedrock to be used for bearing foundations.

### ***Marine Foreshore and Subtidal Area - Dock Construction***

#### ***General***

- o. The construction of the dock structure including a walkway, ramp, float, pilings and anchoring systems over the marine area shall be substantively constructed to the size specifications and in the location shown on Schedule 'A' and 'B'.
- p. Public access along the shore shall be maintained with the elevation of the dock walkway constructed with a minimum 2.0 m clearance above the higher high water mark.
- q. The location of the dock structure shall be located to avoid significant biota aggregations, and avoid locating floating structures over significant marine or intertidal vegetation, particularly eelgrass and bull kelp beds.
- r. To further minimize shading of the foreshore and seabed:
  - i. the walkway shall be constructed with a maximum width including guards of 1.2 m (4.0 ft.) and 17.0 m (56 ft.) metres in length and shall incorporate 'mini mesh' or similar surfacing, and/or maximum board spacing for light penetration;
  - ii. the ramp shall be a maximum width of 1.2 m (4.0 ft.) and 12.2 m in length and shall be constructed of aluminum with an aluminum 'drilled' deck for light penetration; and,
  - iii. the float portion shall not exceed 27 m<sup>2</sup> (290 ft<sup>2</sup>) in area with a maximum width of 3.0 m (10 ft.) and 9.0 m (29 ft.) in length incorporating the use of 'mini mesh' or similar surfacing for light penetration where possible.
- s. With the exception of piling footings for the walkway and precast anchors, no portion of the dock facility shall rest on the seabed at any time, and the construction and siting of the floating dock shall incorporate a minimum clearance below the floats of 2.0 metres at the lowest low tide to prevent disturbance of the seabed.
- t. Any disruption or alteration to the natural seabed and foreshore banks shall be restored to their original contour and gradient, and if necessary to a stable gradient that does not obstruct fish passage.
- u. There shall be no removal of natural woody debris, rocks, sand or other materials from the shoreline below the high water mark. If material is removed, it should be set aside and returned to the original location once construction activities are complete.

#### ***Construction Materials and Handling***

- v. All support pilings shall be steel or precast concrete construction and shall be the minimal diameter required.
- w. All concrete work shall be limited to low tides during the DFO window for working near water (July 1 to October 1).

- x. There shall be no release of uncured cement products including wash and additives into the marine environment.
- y. Timber pillars, support beams, decking and railings used for the construction of the walkway and float shall either be untreated lumber or Chemonite ACZA Pressure Treated Wood with the exception of any areas that incorporate surfacing for light penetration.
- z. There shall be no use of creosote treated wood or application of creosote on any portion of the dock structure or float.
- aa. Floatation billets for shall be Cellaphome Permafloat Dock Floatation, or equivalent, and shall in no case shall unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time be used.

***Construction Mitigation and Timing***

- bb. The project works shall coincide with the least risk timing windows as prescribed by the Department of Fisheries and Oceans for the project site to reduce the risk of harm to fish and fish habitat, specifically December 1 to February 15 (winter window) and July 1 to October 1 (summer window).
- cc. There shall be no depositing or storage of any construction materials or construction waste on or in the foreshore and subtidal areas.
- dd. All construction materials and waste shall be removed from the foreshore and subtidal area upon completion of construction.

***Monitoring***

- ee. The property owner is required to obtain at their expense a Qualified Environmental Professional (QEP) to supervise and monitor the conditions of this permit herein periodically and for the duration of the permitted development.
  - ff. The supervision and monitoring specified in 2. ee. (above) can be undertaken either by electronic means or attendance in person at the discretion of the monitoring QEP.
  - gg. Upon completion of construction, the monitoring R.P. Bio. shall provide written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.
- 3. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
  - 4. Any further development within designated Development Permit Area will require a new Development Permit, or a Development Permit Amendment.
  - 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Galiano Island Land Use Bylaw No. 127, 1999 and/or Galiano Island Official Community No. 108, 1995 and to obtain other approvals necessary for the lawful completion of the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE, THIS #<sup>TH</sup> DAY OF MONTH, 202#.**

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Deputy Secretary, Islands Trust

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Date of Issuance

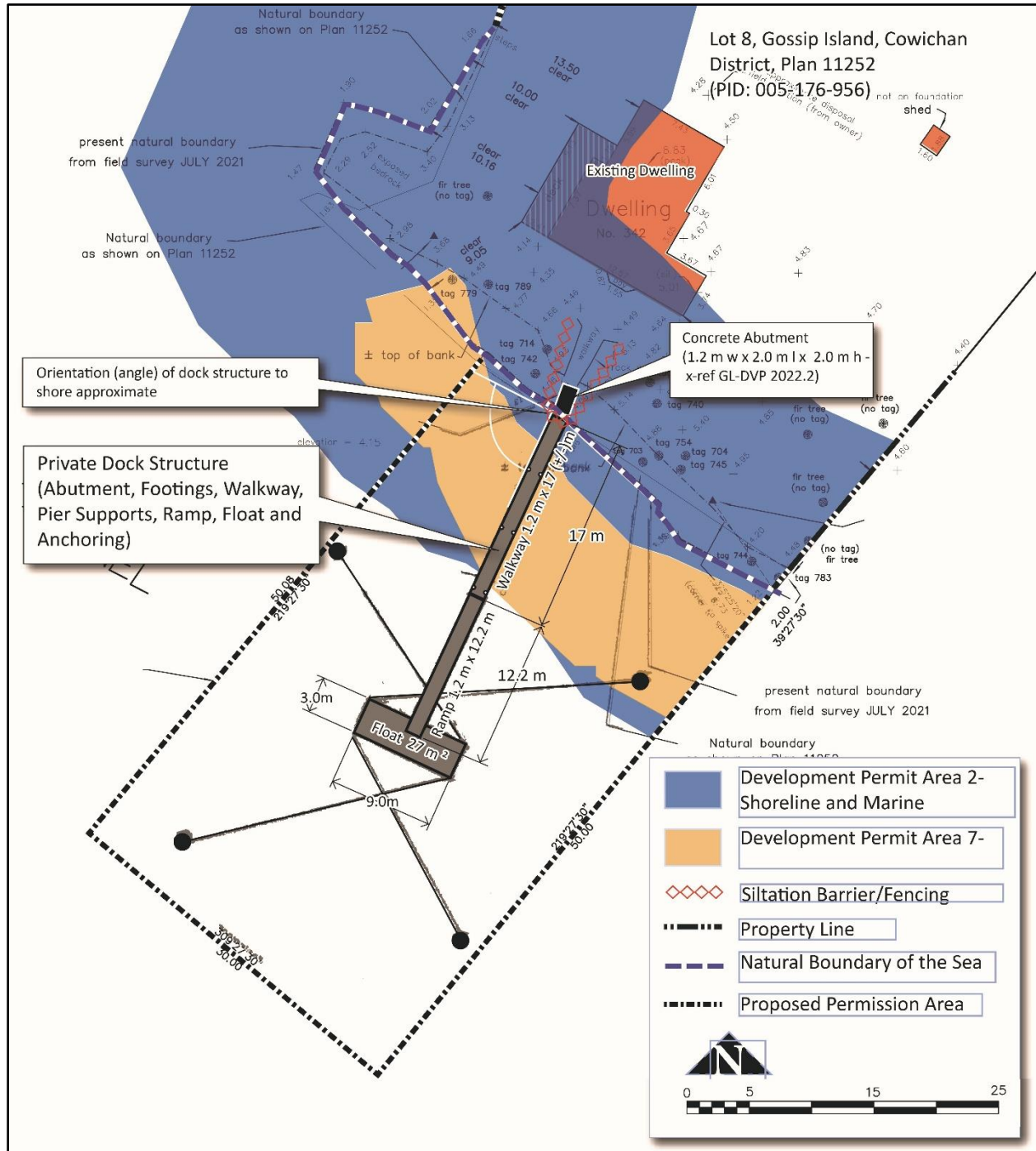
**IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE #<sup>TH</sup> DAY OF MONTH, 202#, THIS PERMIT  
AUTOMATICALLY LAPSES.**

# GALIANO ISLAND LOCAL TRUST COMMITTEE

## DEVELOPMENT PERMIT GL-DP-2022.1

### Schedule "A"

#### Site Plan

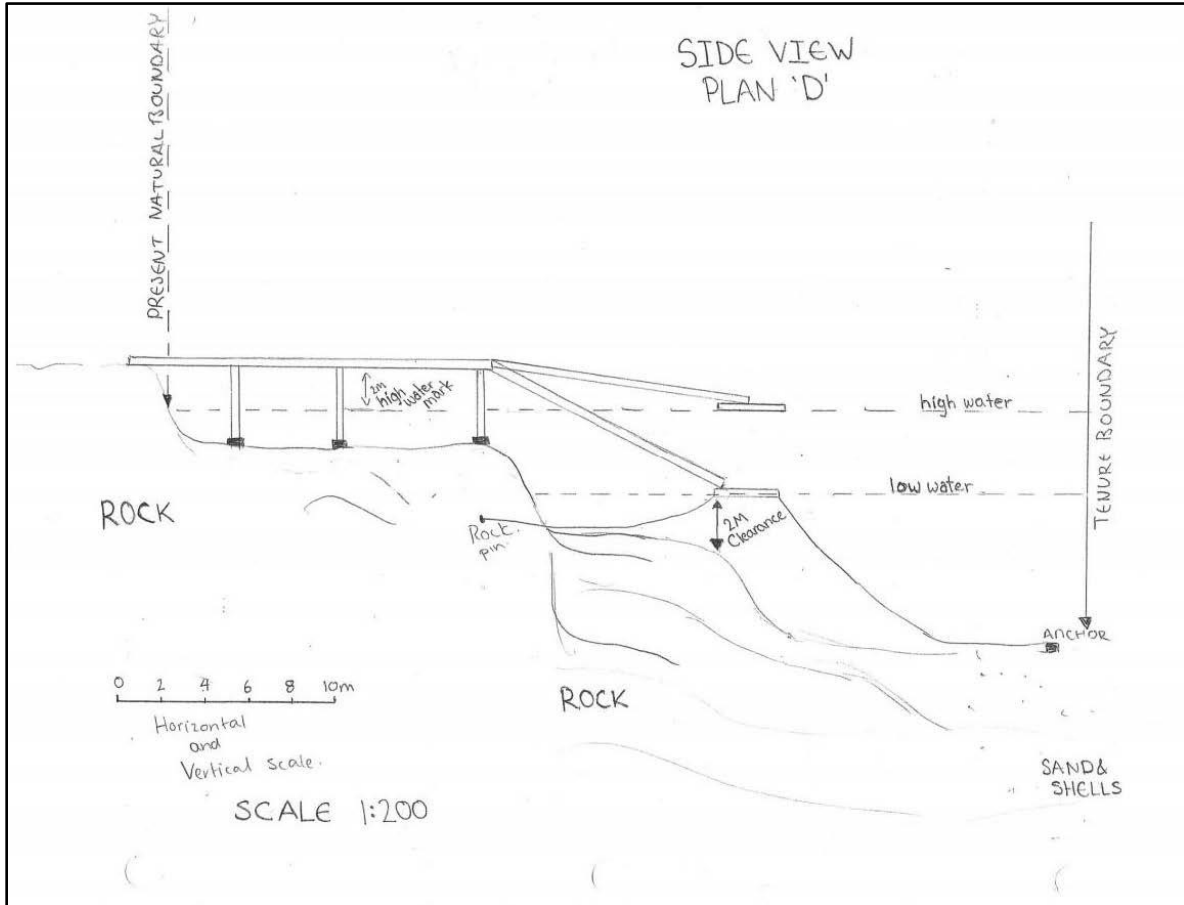


GALIANO ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT GL-DP-2022.1

Schedule "B"

Elevation Plan



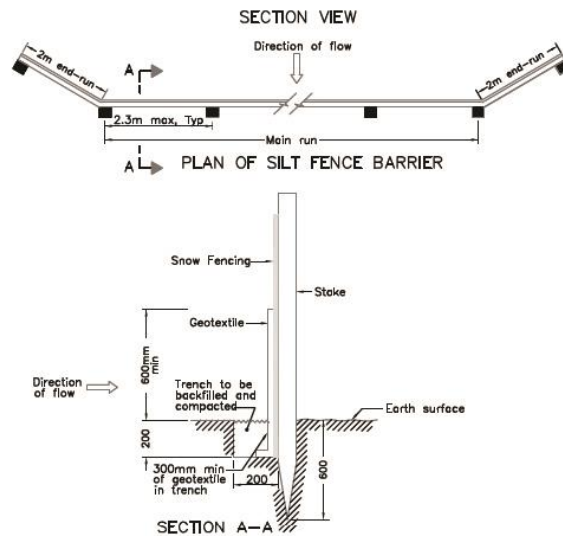
## GALIANO ISLAND LOCAL TRUST COMMITTEE

### DEVELOPMENT PERMIT GL-DP-2022.1 Schedule "C"

#### Erosion and Sedimentation Control Measures

##### EROSION AND SEDIMENTATION

- 1) PRE-STAKED SILT FENCE TO BE INSTALLED AS SHOWN PRIOR TO CONSTRUCTION AS DIRECTED BY THE ENGINEER.
- 2) TOPSOIL STRIPPED FOR REUSE TO BE STOCKPILED AWAY FROM WATER COURSES, DRAINAGE PATHS AND PROPERTY AND SHALL BE COVERED AND / OR SEEDED TO REDUCE EROSION.
- 3) ALL DISTURBED AREAS TO BE RESTORED AND LANDSCAPED AS SOON AS POSSIBLE FOLLOWING CONSTRUCTION.
- 4) ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED ON A REGULAR BASIS THROUGHOUT THE COURSE OF CONSTRUCTION BY THE CONTRACTOR. THE QUALIFIED ENVIRONMENTAL MONITOR (QEM) JOHN GRODS SHALL HALT PROGRESS OF ANY AND ALL WORK AND SHALL DIRECT CONTRACTOR TO REPAIR / ALTER CONSTRUCTION MITIGATION MEASURES IF THEY ARE NOT PERFORMING ADEQUATELY.



##### NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

##### SILT FENCE WITH SNOW FENCE DETAIL

NTS

## GALIANO ISLAND LOCAL TRUST COMMITTEE

### DEVELOPMENT PERMIT GL-DP-2022.1

#### Schedule "D"

#### Native Plant Species

The following species list is an example of the type of plants that could be planted on the site. Plants that are saline tolerant, deep rooted and/or drought tolerant would be ideal for restoration.

Ocean spray - *Holodiscus discolor*  
Red Osier Dogwood - *Cornus stolonifera*  
Saskatoon - *Amelanchier alnifolia*  
Red Elderberry - *Sambucus racemosa*  
Twinberry - *Lonicera involucrata*  
Sweet Gale - *Myrica gale*  
Hardhack - *Spirea douglasii*  
Nootka Rose - *Rosa nutkana*  
Red Flowering Currant - *Ribes sanguineum*  
Stink Currant - *Ribes bracteosum*  
Salmonberry - *Rubus spectabilis*  
Thimbleberry - *Rubus parviflorus*  
Pacific Ninebark - *Physocarpus capitatus*  
Highbush Cranberry - *Viburnum edule*  
Mock Orange - *Philadelphus lewisii*  
Snowberry - *Symphoricarpos albus*  
Salal – *Gaultheria shallon*  
Sword fern - *Polystichum munitum*  
Evergreen Huckleberry - *Vaccinium ovatum*  
Nodding onion - *Allium cernuum*

To assist with the identification of appropriate native plants, below are links to local providers in the area:

[http://www.goert.ca/gardeners\\_restoration/buying\\_native\\_plants.php](http://www.goert.ca/gardeners_restoration/buying_native_plants.php)

<http://galianoconservancy.ca/grow-native-plants/>



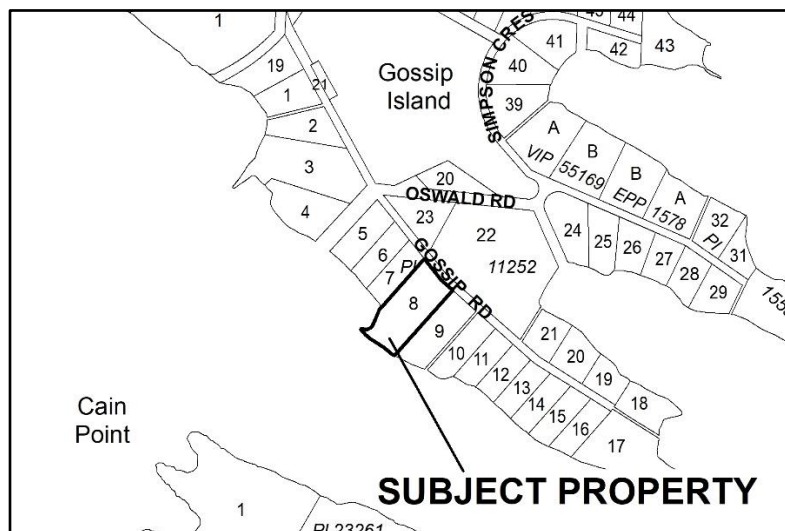
**NOTICE**  
**GL-DVP-2022.2**  
**GALIANO ISLAND LOCAL TRUST COMMITTEE**

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

- A variance to the setback from the natural boundary of the sea for the siting of a landing abutment structure for a private dock as shown on the proposed permit.

The property is located at **342 Gossip Road** and is legally described as Lot 8, Gossip Island, Cowichan District, Plan 11252 (PID: 005-176-956).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **June 16, 2022** and continuing up to and including **June 27, 2022**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, BC, commencing **June 16, 2022**.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca) before 4:30 pm, **June 27, 2022**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., July 4, 2022**.

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

Jas Chonk, Deputy Secretary



**Islands Trust**

**GALIANO ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT VARIANCE PERMIT  
GL-DVP-2022.2**

To: Daniel and Tina Fox

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

Lot 8, Gossip Island, Cowichan District, Plan 11252  
(PID: 005-176-956)

2. Galiano Island Land Use Bylaw 127, 1999 is varied to allow for the siting of the following:

- a) Section 2.14 which states that buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea is varied to permit a structure (a concrete abutment for a dock walkway) within 0.0 metres of the natural boundary of the sea.

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

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

**AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS #<sup>TH</sup> DAY OF MONTH, 2022.**

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

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

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##<sup>TH</sup> DAY OF MONTH, 202#, THIS PERMIT AUTOMATICALLY LAPSES.**



GALIANO ISLAND LOCAL TRUST COMMITTEE  
GL-DVP-2022.2  
SCHEDULE 'B'

Detail Image of Abutment Structure





Date: July 6, 2022

File Number:  
GL-RZ-2019.1  
(GIGARHS)

To: Galiano Island Local Trust Committee

From: Brad Smith, Island Planner  
Southern Team

CC: Robert Kojima, Regional Planning Manager

Re GL-RZ-2019.1 (GIGARHS) – Covenant, Housing Agreement and WMP updates

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## Purpose

The purpose of this staff memo is to provide a further information to the Galiano Island Local Trust Committee (LTC) on the s. 219 covenant, housing agreement and water management plan (WMP) for application GL-RZ-2019.1 (GIGARHS).

## S. 219 Groundwater Restriction

At the June 6, 2022 meeting, the LTC passed the following resolution:

**GL-2022-53**

**It was Moved and Seconded,**

that the Galiano Island Local Trust Committee ask staff to explore additional restrictions in article 15 of the Section 219 covenant to include intensive exterior uses.

**CARRIED**

Islands Trust Legal counsel has provided the following covenant wording for consideration by the LTC:

None of the following uses of the Land shall be connected to, supplied with or otherwise use any groundwater

- a) Any irrigation system or any use requiring irrigation;
- b) Exterior maintenance of buildings, structures or landscaping, including any hard surfaces;
- c) Vehicle washing;

d) Any other water-intensive exterior uses, but not including emergency uses or occasional recreational uses such as small wading pools or children's play.

The applicant is requesting that the LTC consider a seasonal restriction instead of a complete restriction for all of these uses except irrigation, which would still apply throughout the entire year. If the LTC decides to consider this request, legal counsel suggests this wording instead:

No irrigation system on the Land, or any use requiring irrigation, shall be connected to, supplied with or use any groundwater, and during the months of May through September, inclusive, none of the following uses of the Land shall be connected to, supplied with or otherwise use any groundwater:

- a) Exterior maintenance of buildings, structures or landscaping, including any hard surfaces;
- b) Vehicle washing;
- c) Any other water-intensive exterior uses, but not including emergency uses or occasional recreational uses such as small wading pools or children's play.

The wording in the most current draft covenant is as follows:

No irrigation system on the Land shall be connected to, supplied with, or otherwise use, any groundwater.

It is up to the LTC to decide if this covenant condition will be expanded to include the additional intensive uses listed above, and if a seasonal approach is to be applied as requested by the applicant.

### **Housing Agreement**

At the June 6, 2022 meeting, the LTC passed the following resolution:

**GL-2022-53**  
**It was Moved and Seconded,**  
that the Galiano Island Local Trust Committee ask staff to explore additional restrictions in article 15 of the Section 219 covenant to include intensive exterior uses.

**CARRIED**

Islands Trust Legal counsel has provided the following comments in response:

*On the reciprocal indemnity it is unlikely that it contradicts 3.3 or 3.5, nor does it harm the LTC to agree to the indemnity being reciprocal rather than only in favour of the LTC. It is difficult to imagine a circumstance in which an Owner would rely on the indemnity, which means it is likely fine to include the reciprocal indemnity rather than resisting it being included, because it doesn't really affect the LTC's interests.*

*The release clause in 3.8 could be deleted altogether. It appears it might have been included based on a template that doesn't necessarily fit the particular circumstances of this agreement. It is a release from claims arising out of "advice or direction respecting the ownership, lease, operation or management of the Lands or the Rental Housing Units". It is difficult to imagine what kind of advice or direction the parties might be giving one another, and what kind of claims might arise from that, and as such it seems very unlikely any release is necessary.*

Based on this advice, in the attached draft housing agreement staff have left the reciprocal indemnity clauses as is, and have struck out the release clause as recommended by legal counsel.

Two additional questions were posed to the LTC.

- 1) The property is currently owned a by a third party entity, the Galiano Club, who are donating the 2 hectare portion subject to rezoning/subdivision. As such, if final rezoning is approved and BLs adopted not subject to successful subdivision approval (which seems to be the intent of the LTC) should Galiano Club be added as a signatory to the front of the agreement and if so should any other modifications to wording regarding definition and use of the term “owner” be made to adjust for this (or any other necessary modifications)?

Legal counsel provided the following response:

*Based on section 3.2 (Discharge), this is set up to be registered on the whole parcel, before rezoning, and then released from everything other than the affordable housing Lot B after subdivision. In that scenario this should be an agreement between the current owner and the Local Trust Committee.*

*Prior to final adoption of rezoning, the housing agreement would be placed on title of the subject property (ie. the current parcel owned by the Galiano Club), and when subdivision occurs it would appear on title of both the new Lot B and the remainder as it would applied to the ‘lands’ at time of rezoning, not to the specific owner.*

*At that time, the Galiano Club could seek to discharge the housing agreement covenant from the remainder parcel, and the housing agreement would apply to the newly created Lot B in perpetuity.*

*Although not legally required as title transfers with the lands not the owner, the housing agreement also names GIGARHS as the “society” and as such they will also be a signatory to ensure transparency of the agreement is maintained.*

- 2) Does the clause in section 2.1(b) impact the interests of the LTC, and should it be removed? The clause states as follows:

b) Neither the Lands nor any building thereon may be subdivided without prior approval of the Local Trust Committee, such approval not to be unreasonably withheld.

*This clause does not assist the LTC or protect the interests of the LTC. Any future use for affordable housing or any other purposes of the lands other than the current zoning would require a new rezoning process where the LTC would have full discretion and subdivision where the LTC would have a role in determining conditions for approval by the provincial approving officer. As such, it was agreed the clause should be removed.*

### **Water Management Plan**

A final draft water management plan is attached. Staff provided additional comments to a previous draft version following the Feb 7, 2022 meeting. The comments were minor and have been implemented in the attached draft.

Those changes include:

- 2.2 – Sentence amended to read “To ensure the safety of the water supply, all requirements of the Drinking Water Protection Act and Drinking Water Protection regulation ~~should~~ will be followed in regards to wellhead protection”.
- 2.4.1 – list of options framed as ‘Will’ do ,not ‘should’ do

- 2.4.1 – line added that states that an up to date list of on island emergency contacts will be maintained in case of emergency with water supply
- Domestic water monitors to be connected to each unit
- S. 7 amended to read ‘will’

## 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 Report<sup>3</sup>.

## Next Steps

With direction from the LTC, staff will finalize the draft s.219 covenant, housing agreement and WMP for inclusion in the July 16, 2022 public hearing binder.

## Attachments:

1. S. 219 covenant with changes in track changes
2. Housing Agreement with changes in track changes
3. Water Management Plan, draft final,

## 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.

1. 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

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, a copy of which is 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 in writing by the Trust Committee, in its sole discretion, 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) Retain as much forest cover and natural vegetation cover as practicable within the Development Area;
- (d) 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) 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

The Owner shall not start any Construction on the Land until the Owner has:

- 3.
  - (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) removed trees that cannot be preserved;
  - (d) established a water supply and storage system sufficient for firefighting purposes with a minimum of 90,850 litres of storage.

- 4. The Owner shall not carry out any site clearing from late February through August 31<sup>st</sup> in any year, or during periods of prolonged rainfall.

- 5. The Owner shall avoid any construction between July 1 – September 15 or, if construction during this period is the only option, irrigate all preserved trees using a drip method irrigation system or by hand with enough water supplied at regular intervals to encourage tree survival.

- 6. 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) Avoid depositing soil or other fill in any Tree Protection Zone;
- (d) Avoid excavation inside any Tree Protection Zone and, if excavation is required inside a Tree Protection Zone, it must only be carried out under the supervision of and as directed by a certified arborist, who shall be retained for the express purpose of providing recommendations and direction to minimize damage to the tree protection zone;
- (e) Minimize soil compaction outside of the Development Area;
- (f) 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);

- (g) Restrict the use of machinery and equipment to the minimum area necessary to carry out the authorized development;
- (h) 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
- (i) Ensure all machinery and equipment used on the Land is inspected for leaks prior to operation;
- (j) Not allow any vehicle fueling or refuelling on the Land except at a designated location with an impermeable surface, where spills can be contained;
- (k) 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.

7. The Owner shall retain a qualified environmental monitor to evaluate, and if necessary, prescribe further mitigation measures during all phases of the development and construction process. The monitor should verify that recommendations are implemented and provide a signed letter of confirmation to the Local Trust Committee.

8. Immediately after construction, and before any residential use or occupancy of the Land, the Owner shall:

- (a) restore any areas where soils were compacted due to construction, using the 'rough and loose' method; and,
- (b) retain a certified arborist to evaluate all preserved trees and provide a report to the Owner that summarizes findings including further mitigation measures if necessary, and the Owner shall implement those measures.

#### 9. Groundwater Use Restrictions and Monitoring

10. 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.

11.

Water from the Project Well shall be treated with an appropriately designed and maintained ultraviolet irradiation (UV) or chlorination treatment system.

12.

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.

None of the following uses of the Land shall be connected to, supplied with or otherwise use any groundwater

- a) Any irrigation system or any use requiring irrigation;
- b) Exterior maintenance of buildings, structures or landscaping, including any hard surfaces;
- c) Vehicle washing;
- d) Any other water-intensive exterior uses, but not including emergency uses or occasional recreational uses such as small wading pools or children's play.

#### Water Storage and Management

The Land must not be used or occupied for residential purposes until and unless the owner has installed all of the following:

- ~~11,13.~~ (a) Dedicated water storage with a capacity of at least 90,850 litres to meet the fire demand requirements;
- (b) Dedicated water storage with a capacity of at least 2,750 litres to meet balancing storage requirements;
- (c) Dedicated water storage with a capacity of at least 23,400 litres to meet emergency storage requirements.

~~12,14.~~ The Owner shall install domestic water meters for all dwelling units on the Land, and no dwelling unit shall be occupied until its water meter has been installed and is functioning properly.

~~15.~~ The Owner shall apply the stormwater design criteria set out in section 7 of the Water Management Plan, to any development or construction on the Land.

~~14.~~

~~No irrigation system on the Land shall be connected to, supplied with, or otherwise use, any groundwater.~~

~~15,16.~~

#### Character of Buildings

~~16,17.~~ 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

~~17,18.~~ 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

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

~~18,19.~~

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

~~19,20.~~

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.

#### ~~20,21.~~ No Liability in Tort

~~21,22.~~

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

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

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

~~22,23.~~

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.

#### ~~23,24.~~ Severance

~~24,25.~~

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

~~25,26.~~

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

~~26,27.~~

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

#### Further Acts

~~27,28.~~

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

~~28,29.~~

#### Deed and Contract

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)**

XXX ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. XXX

\*\*\*\*\*

**A Bylaw to Authorize a Housing Agreement**

\*\*\*\*\*

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

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

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

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

1. This Bylaw may be cited for all purposes as "Galiano Island Housing Agreement Bylaw No. XXX, year".
2. Any one Trustee of the Galiano Island Local Trust Committee are authorized to execute an agreement in the form attached to this Bylaw with [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, 20\_\_\_\_, IS BETWEEN:

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

(the “Owner”);

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

(the “~~Owner~~Society”);

AND:

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

(the “Local Trust Committee”)

WHEREAS:

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

PID: 025-936-107

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

(the “Lands”);

- B. ~~The Lands will be rezoned by the~~ Local Trust Committee, ~~with permission of the Owner by means of is considering the adoption of~~ Galiano Island Land Use Bylaw 127, 1999 Amendment No. 1, 2020, to permit the development of affordable multi-family rental housing (the “Rezoning”);
- C. ~~Following the Rezoning, The Lands will be subdivided, with permission of the~~ Owner ~~intends to subdivide the Lands and to, to permit~~ the transfer ~~of the~~ Lot B Equivalent to the ~~Gulf Islands Galisle Affordable Rental Housing~~ Society for the development and construction of affordable multi-family rental housing ~~(the “Subdivision”)~~;

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

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

## Article 1: Definitions and Interpretation

### 1.1 Definitions – In this Agreement:

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

|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                    | lawful authority as holidays.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| "Census Profile"                   | means the most recently available census profile published by Statistics Canada for the Southern Gulf Islands, regional district electoral area census subdivision or, in the event that Southern Gulf Islands, regional district electoral area census subdivision is amended, eliminated or replaced, a successor census subdivision which includes Galiano Island;                                                                                                                                                                                                                      |
| "CMHC"                             | means Canada Mortgage and Housing Corporation or its successors in function.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| "Dwelling"                         | means a dwelling as defined in the Galiano Island Land Use Bylaw 127, 1999.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| "Household"                        | means one or more individuals occupying the same Dwelling.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Income of Couples with Children    | means the median total income of couple economic families with children as determined by Statistics Canada in the Census Profile.                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Income of Couples without Children | means the median total income of couple economic families without children or other relatives as determined by Statistics Canada in the Census Profile.                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Income of Lone-Parent Families     | means the median total income of lone-parent economic families as determined by Statistics Canada in the Census Profile.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Income of One-Person Households    | means the median total income of one-person households as determined by Statistics Canada in the Census Profile.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| "Lands"                            | has the meaning ascribed in Recital A.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| "Lot B Equivalent"                 | has the meaning ascribed to it in section 3.2(b).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| "Low and Moderate Income Limits"   | <p>means, as determined by BC Housing from time to time,</p> <ul style="list-style-type: none"> <li>a) for residential units with less than two (2) bedrooms, an Annual Household Income that does not exceed the median income for couples without children in British Columbia, as an example, for 2022 this figure is \$77,430; and</li> <li>b) for residential units with two (2) or more bedrooms, an Annual Household Income that does not exceed the median income for families with children in British Columbia, and as an example, for 2022 this figure is \$120,990.</li> </ul> |
| "Operating Agreement"              | means an agreement that sets out the amount, duration, and conditions of the subsidy provided by the provincial and/or federal governments, or an Affordable Housing Funder for the construction and/or operation of Rental Housing Units.                                                                                                                                                                                                                                                                                                                                                 |
| "Owner"                            | means the registered owner of the Lands, provided however that upon the execution and filing of the Release with the Land Title Office, it means the registered owner of the Lot B Equivalent only.                                                                                                                                                                                                                                                                                                                                                                                        |

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

## 1.2 Interpretation –

Reference in this Agreement to:

- a) A “party” is a reference to a party in this Agreement;
- b) A particular numbered “article” or “section” or to a particular lettered “schedule” is a reference to the corresponding numbered or lettered article, section, or schedule of this Agreement;
- c) An “enactment” is a reference to an enactment as defined in the *Interpretation Act* and is a reference to any revision, amendment or re-enactment of, or replacement for, that enactment;

- d) Wherever the singular or gendered language is used in this Agreement, it shall be deemed to include the plural or all genders, or the body politic or corporate, where the context or the parties so require; and
- e) The Local Trust Committee includes a reference to its successors in function, including a municipality.

### 1.3 Headings

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

### 1.4 Entire Agreement

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

## Article 2 – Rental Housing

### 2.1 Agreement over the Lands

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

- a) The Lands will not be developed, and no new building or structure will be constructed on the Lands unless the Owner constructs Rental Housing Units in accordance with this Agreement, any development permit or rezoning issued by the Local Trust Committee, and any building permit issued by the Capital Regional District.
- ~~b) Neither the Lands nor any building thereon may be subdivided without prior approval of the Local Trust Committee, such approval not to be unreasonably withheld.~~
- ~~c) It will design, construct, and maintain the Rental Housing Units in a satisfactory state of repair and fit for habitation and will comply with this Agreement and all laws, including health and safety standards applicable to the Lands.~~
- ~~d) If a building is demolished or is otherwise replaced, this Agreement shall continue to apply to the Lands and the construction on the Lands shall be subject to the requirements of this Agreement.~~

### 2.2 Minimum Construction Requirements

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

### 2.3 Occupancy of Rental Housing Units

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

- a) the Household's Annual Household Income does not exceed the Low and Moderate Income Limits for the specified unit type at the time of application and initial occupancy;
- b) the Household is composed of at least one Qualified Renter;
- c) the Qualified Renter will occupy the Rental Housing Unit as its permanent, principal, and sole residence;
- d) the Qualified Renter has signed a Tenancy Agreement with the Owner, and the Tenancy Agreement includes;
  - i. a clause prohibiting subletting for short-term vacation rentals and in all other circumstances prohibiting subletting without obtaining prior Owner consent in accordance with section 2.7;
  - ii. notice of the existence of this Agreement and the occupancy restrictions applicable to the Rental Housing Unit, and notice that the Owner will provide to each Qualified Renter upon their request, a copy of this Agreement;
  - iii. a clause requiring the Qualified Renter to comply with the use and occupancy restrictions contained in this Agreement;
  - iv. a clause requiring Qualified Renters to seek prior permission of the Owner before engaging in a home business based out of the Rental Housing Unit; and
  - v. a clause confirming that a breach by the Qualified Renter of any of the provisions set out in 2.3(d)(i), 2.3(d)(iii) or 2.3(d)(iv) (each of which constitutes a "Tenancy Default") will entitle the Owner to end the tenancy for cause, in accordance with the Residential Tenancy Act, as a failure to comply with a material term

## **2.4 Amount of Rent Payable for Rental Housing Units**

The Owner covenants and agrees that:

- a) Rent for 1-bedroom Rental Housing Units in a calendar year will on average be at or below 30% of the average of:
  - a. Income of One-Person Households; and
  - b. Income of Couples without Children.
- b) Rent for 2-bedroom Rental Housing Units in a calendar year will on average be at or below 30% of the average of:
  - a. Income of Couples with Children; and
  - b. Income of Lone-Parent Families.
- c) Rent for 3-bedroom Rental Housing Units in a calendar year will on average be at or below 30% of the Income of Couples with Children.
- d) It will not require any Qualified Renter under a Tenancy Agreement to pay any extra charges or

fees for use of any common area or amenity, or for sanitary sewer, storm sewer, water utilities, property taxes and similar services. For clarity, this limitation does not apply to parking, cablevision, telecommunications, laundry, or gas or electricity utility fees or charges.

## **2.6 Policies/Rules and Regulations/Administration by Owner**

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

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

## **2.7 No Sublease of Rental Housing Unit Unless Requirements Met**

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

## **2.8 Monitoring and Reporting to the Local Trust Committee**

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

## **2.9 Operating Agreement Prevails**

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

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

## **Article 3 – General Terms**

### **3.1 Management**

The Owner covenants and agrees that:

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

### **3.2 Discharge**

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

### **3.3 Order to Comply**

If the Owner is in default of the performance or observance of this Agreement, the Local Trust Committee may give the Owner a notice of default requiring the Owner to comply with this Agreement within the reasonable time stated in the notice. The Owner agrees that any breach or default in the

performance of this Agreement on its part must be corrected, to the satisfaction of the Local Trust Committee, within the time stated on the notice of default provided to the Owner by the Local Trust Committee.

### **3.4 Society Standing**

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

### **3.5 Specific Performance of Agreement**

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

### **3.6 Assignment**

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

### **3.7 Indemnity**

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

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

This clause will survive the termination of this Agreement.

### **~~3.8 Release~~**

~~The Owner releases and forever discharges the Local 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 Lands or the Rental 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, unless resulting from the respective gross negligence or unlawful acts of the Local Trust Committee or its elected officials, officers, directors, employees, and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns.~~

~~The Local Trust Committee releases and forever discharges the Owner and each of its officers, directors, employees, agents and contractors, and any other person for whom the Owner is by law responsible in relation to this Agreement 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 Lands or the Rental Housing Units which has been or at any time after the commencement of this Agreement may be given to the Local Trust Committee by all or any of them, unless resulting from the respective gross negligence or unlawful acts of the Owner or its officers, directors, employees, agents and contractors, and any other person for whom the Owner is by law responsible in relation to this Agreement and each of their heirs, executors, administrators, personal representatives, successors and assigns.~~

~~This clause will survive the termination of this Agreement.~~

### **3.93.8 Local Trust Committee Powers Unaffected**

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

### **3.103.9 No Public Law Duty**

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

### **3.113.10 No Waiver**

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

### **3.123.11 Dispute Resolution**

Any matter in dispute between the parties under this Agreement, including any disputes as to whether a particular individual is eligible to occupy a Rental Housing Unit, must be referred to a single arbitrator

if the parties can agree on one, and otherwise to three arbitrators, one to be appointed by each of the parties and the third by those two so appointed, and the matter must be resolved in accordance with the provisions of the *Arbitration Act* (British Columbia).

### **3.133.12 Notice on Title**

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

### **3.143.13 Covenant Runs with the Land**

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

### **3.153.14 Limitation on Owner's Obligations**

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

### **3.163.15 Amendment and Termination**

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

### **3.173.16 Notices**

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

### **3.183.17 Enurement**

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

### **3.193.18 Remedies Cumulative**

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

### **3.203.19 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.

### **3.213.20 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.

### **3.223.21 Further Acts**

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

### **3.233.22 Governing Law**

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

### **3.243.23 Joint Venture**

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

### **3.253.24 Time of Essence**

Time is of the essence in this Agreement.

### **3.263.25 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.

### **3.273.26 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.

### **3.283.27** 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-owner and the Local Trust Committee~~ each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement, and the authorized signatory(ies) of the Society has executed these terms of instrument.

**SCHEDULE "A"**

**OWNER STATUTORY  
DECLARATION**

CANADA

PROVINCE OF BRITISH COLUMBIA

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

I, \_\_\_\_\_

declare that:

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

DECLARED BEFORE ME at \_\_\_\_\_, British Columbia, this \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
A Commissioner for taking Affidavits  
in British Columbia

\_\_\_\_\_  
Signature of person making declaration

## **SCHEDULE “B”**

### **Eligibility Criteria for Tenancy**

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

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

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

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

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

## **SCHEDULE "C"**

Proposed Subdivision Plan

[Attached proposed full-size version of Subdivision Plan]

Date: March 15, 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 2018<sup>1</sup>. 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 m<sup>3</sup>/d (2 USgpm).

<sup>1</sup> 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 m<sup>3</sup>/d to be diverted, and a total annual quantity of 3188 m<sup>3</sup>/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 m<sup>3</sup>/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 will 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.”<sup>2</sup> However, because the water-bearing fractures are below sea level, it recommends that best management practices<sup>3</sup> 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)<sup>4</sup>, 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

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

<sup>3</sup> Province of British Columbia *Best Practices for Prevention of Saltwater Intrusion (2016)*

<sup>4</sup> 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 are 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 will initiate 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)
4. An up to date list of on island emergency contacts will be maintained in case of emergency with water supply

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/m<sup>2</sup> of available rainwater can be collected. Using preliminary unit designs, an estimate of 878 m<sup>2</sup> of roof area can be used for a collection surface for a total of 570 m<sup>3</sup> 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.

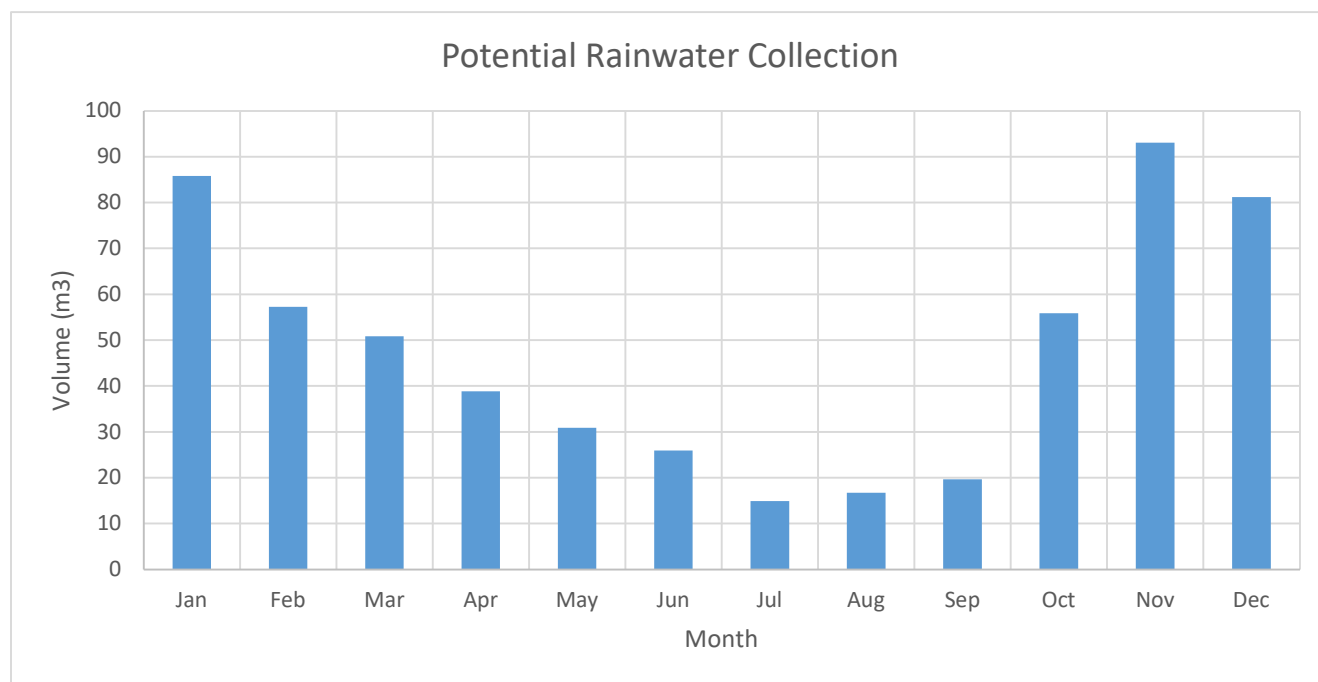


Figure 1: Potential Rainwater Collected

### 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 m<sup>2</sup> 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 11m<sup>3</sup>/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 m<sup>3</sup>/day or about 6 m<sup>3</sup> per month for every 100 m<sup>2</sup> 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. Units will also be provided with domestic water meters.

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 will 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 Report<sup>5</sup>.

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 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.

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

## 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) <sup>6</sup>

Storm Event Duration = 15 min (As per BCBC) <sup>7</sup>

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 m<sup>3</sup>/s*

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 | <ul style="list-style-type: none"> <li>Well licence application for 11 m<sup>3</sup>/day (8.7 m<sup>3</sup>/day avg annual)</li> <li>Pumping up to 2 USgpm will be sufficient for demand while not stressing well</li> </ul> |
| Water Demand | <ul style="list-style-type: none"> <li>Demand at the highest case will be 11,040 L/day</li> <li>Expected demand around 6,500 to 8,500 L/day</li> </ul>                                                                       |

<sup>6</sup> 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.*

<sup>7</sup> Province of British Columbia Municipal Affairs and Housing *British Columbia Building Code* (2018)

|                              |                                                                                                                                                                                                                                                                                                                   |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Managing Water Demand        | <ul style="list-style-type: none"> <li>• Low flow fixtures required as per BC Plumbing Code</li> <li>• Install recording water meter at well head for comparison to user consumption flows</li> <li>• There will be ongoing education to residents about water conservation measures</li> </ul>                   |
| Storage                      | <ul style="list-style-type: none"> <li>• A minimum of 117,000 L for potable water will meet balancing, fire and emergency demand while maintaining a safe residual</li> <li>• Rainwater to be discussed to suit cost and demand of irrigation</li> </ul>                                                          |
| Treatment                    | <ul style="list-style-type: none"> <li>• Filtration, chlorine, and UV will meet 4-log removal guidelines</li> <li>• Equipment to be stored in secure building</li> </ul>                                                                                                                                          |
| Grey Water Recycling         | <ul style="list-style-type: none"> <li>• Not proposed due to additional operating costs and complexity in system impacting affordability</li> </ul>                                                                                                                                                               |
| Wellhead Protection          | <ul style="list-style-type: none"> <li>• Completed in accordance with the Groundwater Protection Regulation.</li> <li>• Location of well pump to be above sea level</li> </ul>                                                                                                                                    |
| Saltwater Intrusion          | <ul style="list-style-type: none"> <li>• Water conservation practices are in effect for the development</li> <li>• The pump location is setback from the ocean and the pump zone will be set below the 120 day average draw down (plus NPSH)</li> <li>• Pumping will be by low volume – high frequency</li> </ul> |
| Monitoring and Documentation | <ul style="list-style-type: none"> <li>• Recording flow meters and dataloggers will be installed.</li> <li>• Data will be stored for upwards of 6 months to allow retrieval of information and reporting as required.</li> </ul>                                                                                  |
| Stormwater Management        | <ul style="list-style-type: none"> <li>• To be addressed in detailed design, direct impervious areas back to ground through bioswales and retention</li> </ul>                                                                                                                                                    |

## 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 m<sup>3</sup> 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.

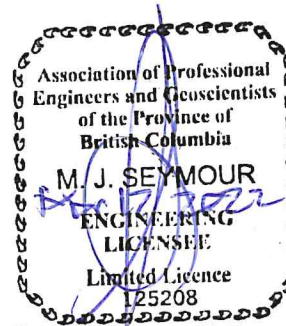
A rainwater collection system will provide a means of additional water source to help assist in irrigation demands. Because there is no requirement to treat rainwater to potable standards before irrigation it is a very cost-effective means for providing the water needed to irrigate.

**Prepared by:**



**Jeff Brett, EIT**  
Project Engineer

**Approved by:**



*Rrr*

**Karl Williaume, P.Eng.**  
Project Engineer

File No.: GL-RZ-2014.1 (Crystal Mountain)

DATE OF MEETING: July 4, 2022

TO: Galiano Island Local Trust Committee

FROM: Brad Smith, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Crystal Mountain Rezoning Application – Bylaws No. 256 and 257

Applicant: Crystal Mountain Society (CMS)

Location: District Lot (DL) Lot 90 Lot 9 and DL 88 & 89 Lot A, North Galiano Island

## RECOMMENDATION

1. That the Galiano Island Local Trust Committee rescind first reading of Bylaw No. 257.
2. That the Galiano Island Local Trust Committee amend proposed Bylaw No. 257 to establish cumulative daily use limits of 27 persons in Area A and 3 persons in Area B including retreat users, to reduce the maximum number of tent platforms in Area A from five to three, and to reduce the maximum number of overnight retreat users in both Area A and B combined from 22 to 20.
3. That the Galiano Island Local Trust Committee give first reading of Bylaw No. 257, as amended.
4. That the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directive Policies Checklist and determined that proposed Bylaw No. 256 and 257 are not contrary to or at variance with the Islands Trust Policy Statement.
5. That the Galiano Island Local Trust Committee direct staff to schedule a Community Information Meeting on application GL-RZ-2014.1 (Crystal Mountain).

## REPORT SUMMARY

The purpose of this report is to provide a further update to the Galiano Island Local Trust Committee (LTC) on application GL-RZ-2014.1 (Crystal Mountain) with respect to daily use limits and resulting potential groundwater use estimates, and to seek direction from the LTC regarding next steps for proposed Bylaws No. 256 and 257.

The above recommendations are supported as:

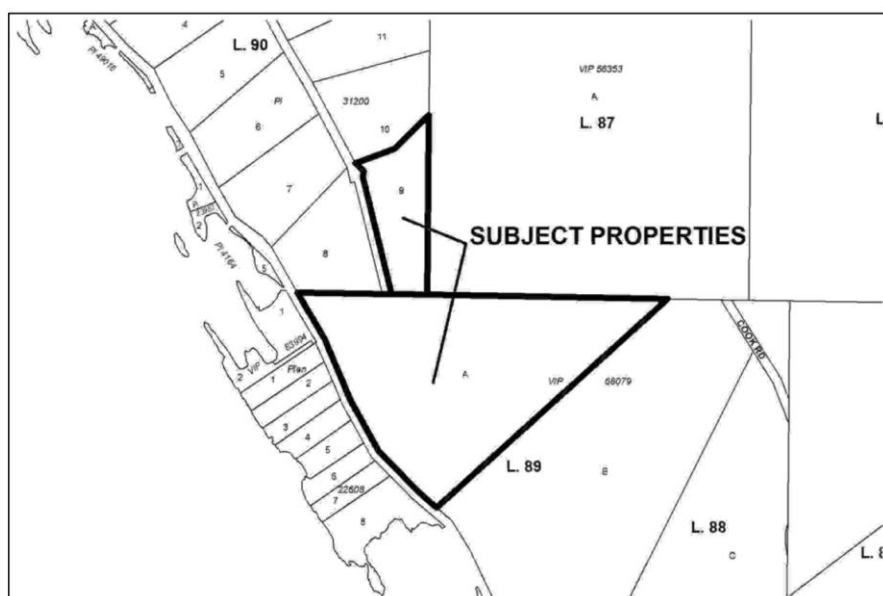
- The applicant has amended their proposal to reduce the number of daily users in Area A from 35 to 27 in consideration of concerns expressed by the LTC regarding groundwater use and sustainable yield;
- The applicant has completed additional groundwater data logger analysis as requested by the LTC with results found to be consistent with previous pump testing and has developed a Water Management Plan (WMP) that effectively minimizes the impacts of groundwater withdrawal;

- The applicant has now reached agreement with the Capital Regional District (CRD) on terms for a Statutory Right of Way (SRoW) for emergency access;
- The application has been in process for several years and from a staff perspective all information requested from the applicant to date has been provided in a satisfactory manner; and,
- Proceeding to a Community Information Meeting (CIM) will allow for application information to be presented to the community and discussed fulsomely prior to potential consideration of scheduling a public hearing.

## BACKGROUND

This application is to rezone two subject properties (DL Lot 90 Lot 9 and DL 88 & 89 Lot A) on the north end of Galiano Island in order to permit a *spiritual education* land use (Figure 1). Lot 9 is currently zoned Rural 2 (R2) and Lot A is zoned Forest 1 (F1). The rezoning application has been open since 2014.

**Figure 1. Subject property map**



Further background to this application, including previous staff reports, proposed bylaws, professional reports and correspondence, is available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications/current-application-documents/>

## ANALYSIS

### ***Water Analysis Review***

At the June 6, 2022 meeting, the LTC expressed concerns that the applicant's water management plan (WMP) proposal for water use in Area A exceeded available sustainable yield for groundwater in the potential absence of adequate available rainwater storage and passed the following resolution:

**GL-2022-57****It was Moved and Seconded,**

that the Galiano Island Local Trust Committee direct staff to explore options for ensuring groundwater use is consistent with proposed water license capacity including a Section 219 covenant approach and further restriction of use.

**CARRIED**

The applicant has proposed to reduce their daily maximum use and associated groundwater demand in Area A to address these concerns. A letter describing those proposed changes is included as Attachment 1.

The applicant requests that the reduction in daily users for Area A be reflected in the proposed bylaws through the following adjustments:

1. Reduce number of tent pads in Area 1 from 5 to 3.
2. Reduce number of total participants permitted in Area 1 from 35 to 27 (+3 in Area 2).

These changes are further summarized below:

Current Total Area 1 MDD: 4801 L/day (3303 L/day pot. / 1408 L/day non-pot.)  
 Central Well Sustainable Yield: 4069 L/day (Kohut, 2015).  
 Reduction Target: **732 L/day**

**CMS suggests the following revision to its MDD calculation for Area 1:**

| Participant Type   | From            | To              | MDD per user (L/day) | Total Reduction (L/day) |
|--------------------|-----------------|-----------------|----------------------|-------------------------|
| Overnight          | 19              | 17              | 2 @ 190.8            | -381.6                  |
| Caretaker          | 2               | 2               | 0 @ 158.8            | 0                       |
| Day use            | 14              | 8               | 6 @ 60.3             | -361.8                  |
| Total Participants | 35 <sup>1</sup> | 27 <sup>2</sup> |                      | <b>-743.4</b>           |

If the LTC is not satisfied with this approach, they could still seek a phased approach for development through a s. 219 covenant. If that was the case, more effort would be required to develop that covenant language.

***Restrictions on Maximum Day Use***

At the March 7, 2022 meeting, staff provided a potential bylaw amendment that considered the inclusion of a cumulative daily use limit of 35 persons. This was requested of staff by the LTC at the December 2, 2021 meeting. The LTC deferred a decision on this potential amendment both at the March 7, 2022 meeting and the June 6, 2022 meeting.

As described above, the applicant is now proposing a maximum cumulative daily use limit of 27 persons in Area A, and 3 persons in Area B (Note: Area B would not be able to be developed until proof of water is demonstrated as per proposed s. 219 covenant condition).

If the LTC is prepared to proceed on this basis, staff are recommending the LTC amend Bylaw 257 to include these daily use limits. The proposed bylaw amendments are as follows (in red):

#### Permitted Density

- 8.7.4 Permanent structures are not to exceed a total area of 1063 m<sup>2</sup>
- 8.7.5 Total lot coverage is not to exceed 1.55 %.
- 8.7.6 Overnight accommodation for retreat users is not to exceed 17 sleeping huts and 35 tent platforms, nor exceed a total of 202 persons.
- 8.7.7 Cumulative daily use is not to exceed 27 persons in Area A on Schedule D – Plan 6, including retreat users.
- 8.7.8 Cumulative daily use is not to exceed 3 persons in Area B on Schedule D – Plan 6, including retreat users.
- 8.7.97 Not more than one accessory dwelling is permitted with a maximum floor area of 80 m<sup>2</sup>.

Article 8.7.2.9 would also be amended as follows:

- |         |                                                                                           |
|---------|-------------------------------------------------------------------------------------------|
| 8.7.2.9 | <del>five-three</del> tent platforms, each with a maximum floor area of 14 square metres. |
|---------|-------------------------------------------------------------------------------------------|

The applicant is asking the LTC to consider an increased daily use person limit of 60 persons instead of 27 up to a maximum of four days per year.

If the LTC is willing to consider this request, staff suggest the following bylaw amendment to replace the one above:

8.7.7 Cumulative daily use is not to exceed 27 persons in Area A on Schedule D – Plan 6, including retreat users, subject to a four time per calendar-year exception where cumulative daily use is not to exceed 60 persons, including retreat users, and where on those days written notification to the Local Trust Committee is provided at least two weeks in advance.

If the LTC decides to proceed with a clause allowing a higher use limit up to four days per year, but wants to include a public/property owner notification process instead of just notification to the LTC, more effort would be required to develop that language in consideration of criteria such as notification process, notice content, timing, and who receives that notice. Staff do not recommend this approach for notification, as it would be complex to manage and enforce.

#### ***Islands Trust Policy Statement Checklist***

The Islands Trust Policy Statement Checklist was presented to LTC with a staff recommendation for endorsement at the September 7, 2021 and June 6, 2022 LTC meetings. At that time, the LTC decided to hold off on endorsing the checklist, citing questions remaining, in particular with respect to policy 4.4.2.

Staff include the ITPS checklist again in this staff report with a recommendation for endorsement.

#### ***Statutory Requirements***

In accordance with regular statutory requirements, a public hearing would be required as part of the bylaw amendment process.

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

#### ***Community Information Meeting***

Given the complexity of the application and the significant community interest, staff recommend that a CIM be held prior to the scheduling of a public hearing. Staff are proposing a CIM be held on September 15, 2022.

### **Rationale for Recommendation**

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

- The applicant has amended their proposal to reduce the number of daily users in Area A from 35 to 27 in consideration of concerns expressed by the LTC regarding groundwater use and sustainable yield;
- The applicant has completed additional groundwater data logger analysis as requested by the LTC with results found to be consistent with previous pump testing and has developed a Water Management Plan (WMP) that effectively minimizes the impacts of groundwater withdrawal;
- The applicant has now reached agreement with the Capital Regional District (CRD) on terms for a Statutory Right of Way (SRoW) for emergency access;
- The application has been in process for several years and from a staff perspective all information requested from the applicant to date has been provided in a satisfactory manner; and,
- Proceeding to a Community Information Meeting (CIM) will allow for application information to be presented to the community and discussed fulsomely prior to potential consideration of scheduling a public hearing.

### **ALTERNATIVES**

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

#### **1. Request further information**

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

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. 256/257 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 Bylaws No. 256 and 257 \_\_\_\_\_.*

#### **3. Request changes to proposal in consideration of a phased approach to development**

The LTC may request that the applicant submit a revised proposal that considers a phased approach to development prior to the undertaking of a CIM.

Resolution:

*That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust a revised proposal that considers a phased development approach.*

#### **4. Hold the application in abeyance**

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

Resolution:

*That the Galiano Island Local Trust Committee hold application GL-RZ-2014.1 (Crystal Mountain) in abeyance.*

#### **5. Deny the application**

The LTC may deny the application.

Resolution:

*That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2014.1 (Crystal Mountain).*

### **NEXT STEPS**

With direction from LTC, staff will:

- schedule a CIM for September 15, 2022 and complete advertising
- engage with applicant to update the WMP to reflect adjusted daily use limits in Area A and the s. 219 covenant to include any additional WMP related conditions

|               |                            |               |
|---------------|----------------------------|---------------|
| Submitted By: | Brad Smith, Island Planner | June 20, 2022 |
| Concurrence:  | Robert Kojima, RPM         | June 21, 2022 |

### **ATTACHMENTS**

Attachment 1. Applicant letter dated June 15, 2022

Attachment 2. Islands Trust Policy Statement Checklist

Attachment 3. Proposed Bylaw No. 256

Attachment 4. Proposed Bylaw No. 257 with recommended amendments



Crystal Mountain – A Society for  
Eastern and Western Studies  
c/o 300B - 2555 Cook Rd,  
Galiano Island, BC V0N 1P0

June 15<sup>th</sup>, 2022

Galiano Island Local Trust Committee  
c/o Brad Smith  
Island Planner, Southern Team  
200 – 1627 Fort Street, Victoria, BC, V8R 1H8

Re: Crystal Mountain Society Rezoning Application (GL-RZ-2014.1)

Dear Trustees,

Crystal Mountain Society (CMS) is writing this letter to address outstanding issues with our application identified during the June 6<sup>th</sup>, 2022 Galiano Island Local Trust Committee meeting.

A resolution was passed directing CMS and Planner Smith to determine a mechanism for ensuring that the total maximum daily water demand (MDD) in Area 1 (lower area) does not exceed the sustainable yield of the Central Well. While options for a phased approach to development, restricted by the Section 219 Covenant were identified by Trust staff, CMS has elected to move forward with a simpler approach that provides certainty for all stakeholders. We seek to amend the proposed bylaw to reflect a reduction in the number of participants (users) permitted on the land, thereby bringing the total Area 1 MDD calculation within the limits of the well's sustainable yield.

|                                 |                                                    |
|---------------------------------|----------------------------------------------------|
| Current Total Area 1 MDD:       | 4801 L/day (3303 L/day pot. / 1408 L/day non-pot.) |
| Central Well Sustainable Yield: | 4069 L/day (Kohut, 2015).                          |
| Reduction Target:               | <b>732 L/day</b>                                   |

**CMS suggests the following revision to its MDD calculation for Area 1:**

| Participant Type   | From            | To              | MDD per user (L/day) | Total Reduction (L/day) |
|--------------------|-----------------|-----------------|----------------------|-------------------------|
| Overnight          | 19              | 17              | 2 @ 190.8            | -381.6                  |
| Caretaker          | 2               | 2               | 0 @ 158.8            | 0                       |
| Day use            | 14              | 8               | 6 @ 60.3             | -361.8                  |
| Total Participants | 35 <sup>1</sup> | 27 <sup>2</sup> |                      | <b>-743.4</b>           |

<sup>1</sup> The MDD calculation used for the CMS Water Management Plan (V1.3, April 29<sup>th</sup> 2022) accounted for the possibility that Area 2 may not be developed, and that all 35 permitted users on the Land may be in Area 1.

<sup>2</sup> Moving forward, the MDD calculation will assume that only 27 users will be permitted in Area 1, regardless of the development status of Area 2, and that 3 additional users may be permitted in Area 2 if/when it is developed.

CMS requests that the reduction in participants be reflected in the proposed bylaws through the following adjustments:

1. Reduce number of tent pads in Area 1 from 5 to 3.
2. Reduce number of total participants permitted in Area 1 to 27 (+3 in Area 2).

CMS remains committed to the use of a hybrid water system that relies on groundwater to supply potable needs and rainwater catchment to supply non-potable needs. The Water Management Plan will remain substantively the same, only updated to reflect the reduced demand and resulting adjusted requirements for water storage.

It is worth noting, that with the proposed reduction in participants and the continued commitment to a rainwater catchment system, the demand on groundwater will be slightly less than the original MDD (2839 L/day) used by Al Kohut in the 2015 Groundwater Assessment, where he determined the efficacy of the Central Well with a 70% safety factor on the sustainable yield calculation and noted that the sustainable supply exceeds maximum demand by 43%.

Planner Smith has brought to our attention that the current iteration of the proposed Land-use Bylaw reflects neither the limitation to the number of people on the land, nor the allowance for “special event use” where that limit may be exceeded. If the Local Trust Committee wishes to move forward with these restrictions, CMS requests that staff be directed to amend the proposed bylaws accordingly at the July 4<sup>th</sup> Galiano LTC meeting.

CMS requests consideration of user limits of 27 for Area 1 and 3 for Area 2, totalling 30 on the land.

CMS requests consideration of allowance for up to 4 special event days per year, where the number of allowed day users may be increased, and the total number of users may not exceed 60.

For clarity, the following table provides a summary of the restrictions outlined in this letter:

| <b>Restriction</b>               | <b>Area 1</b> | <b>Area 2</b> | <b>Total for CMS Parcel</b> |
|----------------------------------|---------------|---------------|-----------------------------|
| # of users                       | 27            | 3             | 30                          |
| # overnight users                | 17            | 3             | 20                          |
| <i># sleeping huts (15m2)</i>    | <i>12</i>     | <i>0</i>      | <i>12</i>                   |
| <i># sleeping huts (21m2)</i>    | <i>2</i>      | <i>3</i>      | <i>5</i>                    |
| <i># tent pads</i>               | <i>3</i>      | <i>0</i>      | <i>3</i>                    |
| # additional day users           | 8             | 0             | 8                           |
| # caretakers                     | 2             | 0             | 2                           |
| # special event days per year    | 4             | 0             | 4                           |
| # special event users (all inc.) | 60            | 0             | 60                          |

CMS also requests that a Community Information Meeting and Public Hearing be scheduled in a timely manner that allows for the possibility, at the discretion of the LTC, for further readings of the proposed Bylaws prior to the end of their current elected term.

Sincerely,

Libby McClelland, Janice Oakley, Leslie Cain  
Crystal Mountain Rezoning Committee



Islands Trust

## **POLICY STATEMENT DIRECTIVES ONLY CHECK LIST**

**Bylaw and File No: 278 (LUB)**  
**SA-6500-20 LUB Technical Amendments**  
**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                                                                                                                                                                                                                                                                                                  |
|------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>3.1</b>   | <b>Ecosystems</b>                                                                                                                                                                                                                                                                                                 |
| ✓          | <b>3.1.3</b> | 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.                                   |
| ✓          | <b>3.1.4</b> | 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. |
| ✓          | <b>3.1.5</b> | 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.                                                |
|            | <b>3.2</b>   | <b>Forest Ecosystems</b>                                                                                                                                                                                                                                                                                          |
| ✓          | <b>3.2.2</b> | 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.                                |
|            | <b>3.3</b>   | <b>Freshwater and Wetland Ecosystems and Riparian Zones</b>                                                                                                                                                                                                                                                       |
| ✓          | <b>3.3.2</b> | 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.                                          |
|            | <b>3.4</b>   | <b>Coastal and Marine Ecosystems</b>                                                                                                                                                                                                                                                                              |
| N/A        | <b>3.4.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.                                                                                                                                               |
| N/A        | <b>3.4.5</b> | 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                                                                                                                                                                                                                                                        |
|------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>4.1</b>   | <b>Agricultural Land</b>                                                                                                                                                                                                                                                |
| N/A        | <b>4.1.4</b> | 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        | <b>4.1.5</b> | 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        | <b>4.1.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.                                                           |

| CONSISTENT | NO.    | DIRECTIVE POLICY                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| N/A        | 4.1.7  | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture                                                     |
| N/A        | 4.1.8  | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.                                                                                                                                                                |
| N/A        | 4.1.9  | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.                                                                                                                                                                                                                                                            |
|            | 4.2    | <b>Forests</b>                                                                                                                                                                                                                                                                                                                                                                                                                      |
| ✓          | 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.                                                                                          |
| 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    | <b>Wildlife and Vegetation</b>                                                                                                                                                                                                                                                                                                                                                                                                      |
|            | 4.4    | <b>Freshwater Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                         |
| ✓          | 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    | <b>Coastal Areas and Marine Shorelands</b>                                                                                                                                                                                                                                                                                                                                                                                          |
| 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    | <b>Soils and Other Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                    |
| 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                                                                                                                                                                                                                                                                                                                           |
|------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>5.1</b>   | <b>Aesthetic Qualities</b>                                                                                                                                                                                                                                                                                                                 |
| ✓          | <b>5.1.3</b> | 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.                                                                     |
|            | <b>5.2</b>   | <b>Growth and Development</b>                                                                                                                                                                                                                                                                                                              |
| ✓          | <b>5.2.3</b> | 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.                                                                                                                               |
| ✓          | <b>5.2.4</b> | 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. |
| ✓          | <b>5.2.5</b> | 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.                                                                                |
| ✓          | <b>5.2.6</b> | 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.                             |
|            | <b>5.3</b>   | <b>Transportation and Utilities</b>                                                                                                                                                                                                                                                                                                        |
| N/A        | <b>5.3.4</b> | 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.                                                  |
| ✓          | <b>5.3.5</b> | 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        | <b>5.3.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.                                                                                                                                                |
| N/A        | <b>5.3.7</b> | 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.                   |
|            | <b>5.4</b>   | <b>Disposal of Waste</b>                                                                                                                                                                                                                                                                                                                   |
| N/A        | <b>5.4.4</b> | 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                                                                                                                                                                                                      |
|------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>5.5</b>   | <b>Recreation</b>                                                                                                                                                                                                     |
| N/A        | <b>5.5.3</b> | 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   | <b>Cultural and Natural Heritage</b>                                                                                                                                                                                                                                                                                                                                      |
| 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   | <b>Economic Opportunities</b>                                                                                                                                                                                                                                                                                                                                             |
| ✓   | 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   | <b>Health and Well-being</b>                                                                                                                                                                                                                                                                                                                                              |
| ✓   | 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: |

# PROPOSED

## GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 256

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### 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 14, except sections 558 to 570 and 507 to 508, 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. 1, 2016”.

#### 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                      7<sup>TH</sup>                      DAY OF                      SEPTEMBER                      , 2021.

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 MUNICIPAL AFFAIRS AND HOUSING THIS  
DAY OF                      , 20\_\_

ADOPTED THIS                      DAY OF                      , 20\_\_

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SECRETARY

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CHAIRPERSON

**GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 256  
SCHEDULE 1**

A. Bylaw No. 108, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995” is amended as follows:

1. A new subsection 4.4 is inserted as follows in Section II (Community Facilities and Utilities), after Subsection 4.3 (Health and Wellness Facilities) and preceding Subsection 5 (Economic Activity).

“4.4 Spiritual Education

Spiritual Education Objective

The objective of this subsection is:

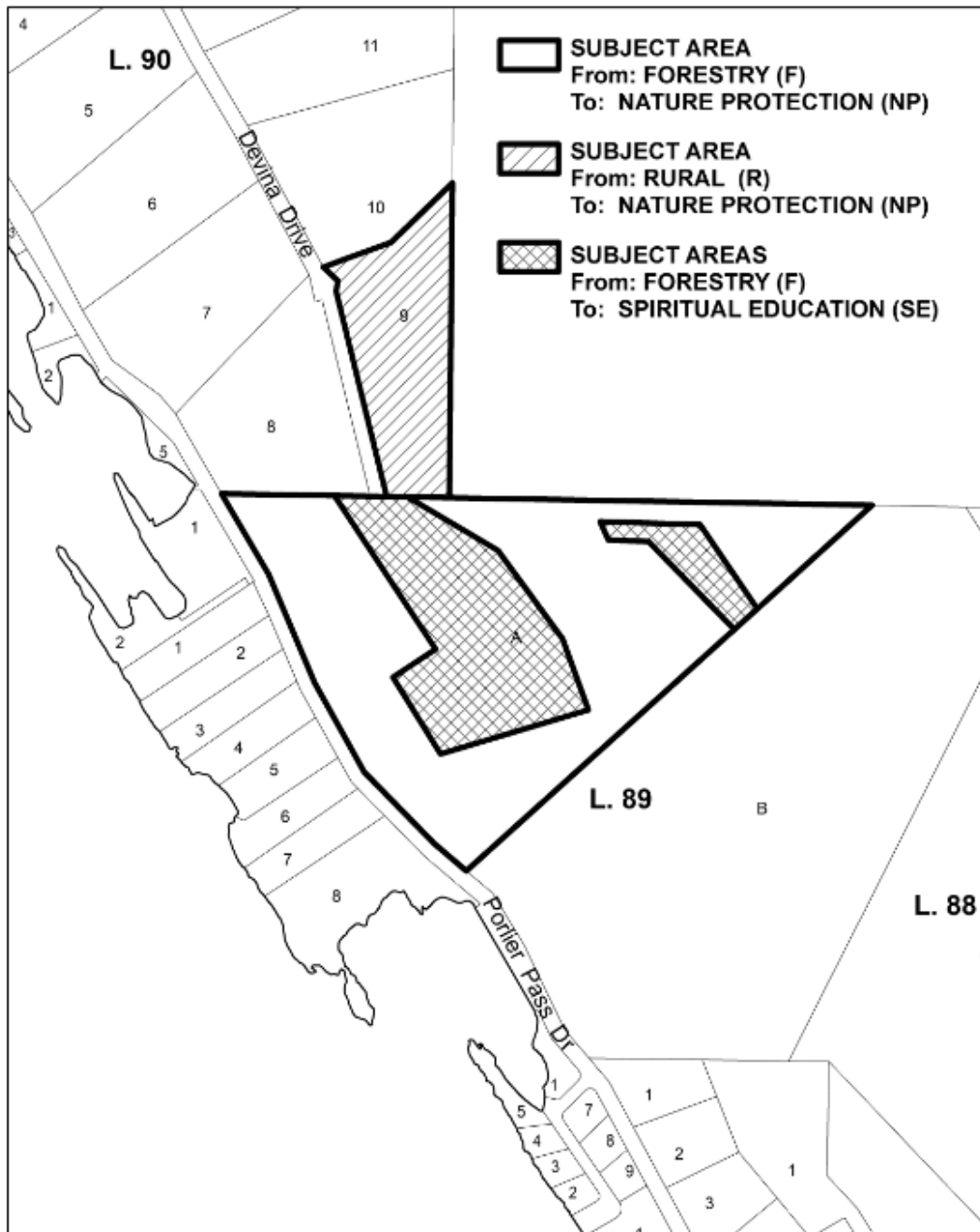
- 1) to allow for spiritual education facilities that enhance the knowledge and wellbeing of retreat users and visitors and that do not adversely affect the natural environment.

Spiritual Education Policies

- a. The principal use shall be spiritual education including spiritual education retreat use.
  - b. Zoning for any spiritual education use, including a spiritual education retreat, shall be considered on a site-specific basis.
  - c. Zoning for spiritual education retreat use:
    - i) shall not support, provide, or permit any commercial tourism-oriented use, including nature related tourism or visitor accommodation.
    - ii) shall restrict the number of buildings and structures and maximum floor area to minimize their impact on sensitive ecosystems.
  - d. Spiritual education retreat use programs should be delivered on a non-profit basis.
2. Schedule B (Land Use Designations) is amended for the lands legally described as Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200 and Lot A, District Lots 88 and 89, Galiano Island, Cowichan District, Plan VIP68079 as depicted in Plan 1 below.

**GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 256**

**PLAN 1**



# PROPOSED

## GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 257

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### A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW 127, 1999

---

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

1. Citation

This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw 127, 1999, Amendment No. 1, 2016”.

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

2.1 Part 4 (Creation and Extension of Zones) Section 4.1 is amended by:

- 1) inserting a new zone in Column 1 named “Crystal Mountain Spiritual Education Retreat” directly below ‘Community Housing 1’ and directly above ‘Utility Service’
- 2) Inserting a new zone abbreviation in Column 2 named “(SE1)” directly below ‘(CH1)’ and directly above ‘(U)’

2.2 The following is inserted after section 8.6, as a new Section 8.7:

“8.7 Crystal Mountain Spiritual Education (SE1) Zone

Permitted Uses

8.7.1 The following uses and no others are permitted in the SE1 Zone:

- 8.7.1.1 contemplative, spiritual or meditative education retreat uses
- 8.7.1.2 contemplative, spiritual or meditative educational activities and facilities with accessory overnight accommodation and camping
- 8.7.1.3 accessory dwelling unit for a person or persons acting as a caretaker for the spiritual education retreat.

Buildings and Structures

8.7.2 The following buildings and structures and no others are permitted in Area A on Schedule D – Plan 6:

- 8.7.2.1 2 sleeping huts, each with a maximum floor area of 21 square metres;
- 8.7.2.2 12 sleeping huts, each with a maximum floor area of 15 square metres;
- 8.7.2.3 one meditation hall restricted to contemplative, spiritual or meditative education uses only with a maximum floor area of 125 square metres;

- 8.7.2.4 one dining/kitchen building with a maximum floor area of 125 square metres;
  - 8.7.2.5 one communal bathroom and laundry building with a maximum floor area of 70 square metres;
  - 8.7.2.6 one storage/workshop structure with a maximum floor area of 80 square metres;
  - 8.7.2.7 one office with a maximum floor area of 70 square metres;
  - 8.7.2.8 one accessory dwelling unit with a maximum floor area of 80 square metres, and
  - 8.7.2.9 ~~five~~three tent platforms, each with a maximum floor area of 14 square metres.
- 8.7.3 The following buildings and structures and no others are permitted in Area B on Schedule D – Plan 6:
- 8.7.3.1 three sleeping huts, each with a maximum floor area of 21 square metres;
  - 8.7.3.2 one communal kitchen/bathroom/laundry building with a maximum floor area of 36 square metres; and
  - 8.7.3.3 one storage building with a maximum floor area of 10 square metres.

#### Permitted Density

- 8.7.4 Permanent structures are not to exceed a total area of 1063 m<sup>2</sup>
- 8.7.5 Total lot coverage is not to exceed 1.55 %.
- 8.7.6 Overnight accommodation for retreat users is not to exceed 17 sleeping huts and ~~35~~ tent platforms, nor exceed a total of ~~202~~ persons.
- 8.7.7 Cumulative daily use is not to exceed 27 persons in Area A on Schedule D – Plan 6, including retreat users.
- 8.7.8 Cumulative daily use is not to exceed 3 persons in Area B on Schedule D – Plan 6, including retreat users.
- ~~8.7.97~~ Not more than one accessory dwelling is permitted with a maximum floor area of 80 m<sup>2</sup>.

#### Permitted Height

- ~~8.7.108~~ The maximum height of an accessory dwelling unit is 9 metres.
- ~~8.7.119~~ The maximum height of a sleeping hut, or a building or structure other than an accessory dwelling unit, is 5 metres in height.

#### Minimum Setbacks

- ~~8.7.120~~ All buildings and structures must be sited
  - ~~8.7.120.1~~ at least 7.5 metres from front and rear lot lines; and
  - ~~8.7.120.2~~ at least 6.0 metres from interior and exterior side lot lines.

## Minimum Lot Size

8.7.1~~31~~ No lot having an area less than 6.1 hectares may be created by subdivision.

## Parking

8.7.1~~42~~ Despite Section 14.1, the minimum number of off-street parking spaces is as follows:

- 8.7.1~~42~~.1 1 parking space per sleeping hut or tent platform; and
- 8.7.1~~42~~.2 2 parking spaces per accessory dwelling unit."

- 2.2 Section 17 (Definitions) is amended by inserting the following as new definitions in alphabetical order and re-numbering subsequent subsections accordingly:

"retreat user" means a person that is a registered participant in a contemplative, spiritual or meditative educational program at a spiritual education retreat who typically stays at the facility for a period of at least 3 days, but in no case for more than 6 months, and is accommodated in a sleeping hut or tent platform.

"spiritual education retreat" means a facility that provides contemplative, spiritual or meditative educational opportunities for retreat users who typically stay at the facility for a period of at least 3 days, but in no case for more than 6 months, and are accommodated in sleeping huts or tent platforms, but does not include, offer, or provide any form of commercial short term or temporary accommodation for the travelling public, or any restaurant or other forms of food service to the general public.

"sleeping hut" means a single-occupancy hut with a maximum floor area of 21 square metres for sleeping, shelter and the practice of contemplative, spiritual or meditative educational activities, but does not include a kitchen or any cooking or food preparation facilities, or any plumbing fixtures.

"tent platform" means a single-occupancy platform with a maximum floor area of 14 square metres for the erecting of a tent for sleeping, shelter and the practice of contemplative, spiritual or meditative educational activities, but does not include a kitchen or any cooking or food preparation facilities, or any plumbing fixtures, or any semi-permanent or permanent walls and roof coverings.

- 2.3 Schedule "A" – Zoning Map, is amended by changing the zoning classification of Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200 from Rural 2 (R2) to Nature Protection (NP), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "A" to Bylaw No. 127 as are required to effect this change.

- 2.4 Schedule "A" – Zoning Map, is amended by changing the zoning classification of Lot A, Districts Lots 88 and 89, Galiano Island, Plan VIP68079 from Forest 1 (F1) to Crystal Mountain Spiritual Education Retreat (SE1) and to Nature Protection (NP), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "A" to Bylaw No. 127 as are required to effect this change.

- 2.5 Schedule D is amended by inserting the plan attached to and forming part of this bylaw as Plan No. 2 as a new "Plan 6".

### 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 7<sup>TH</sup> DAY OF SEPTEMBER 2021.

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\_\_\_\_

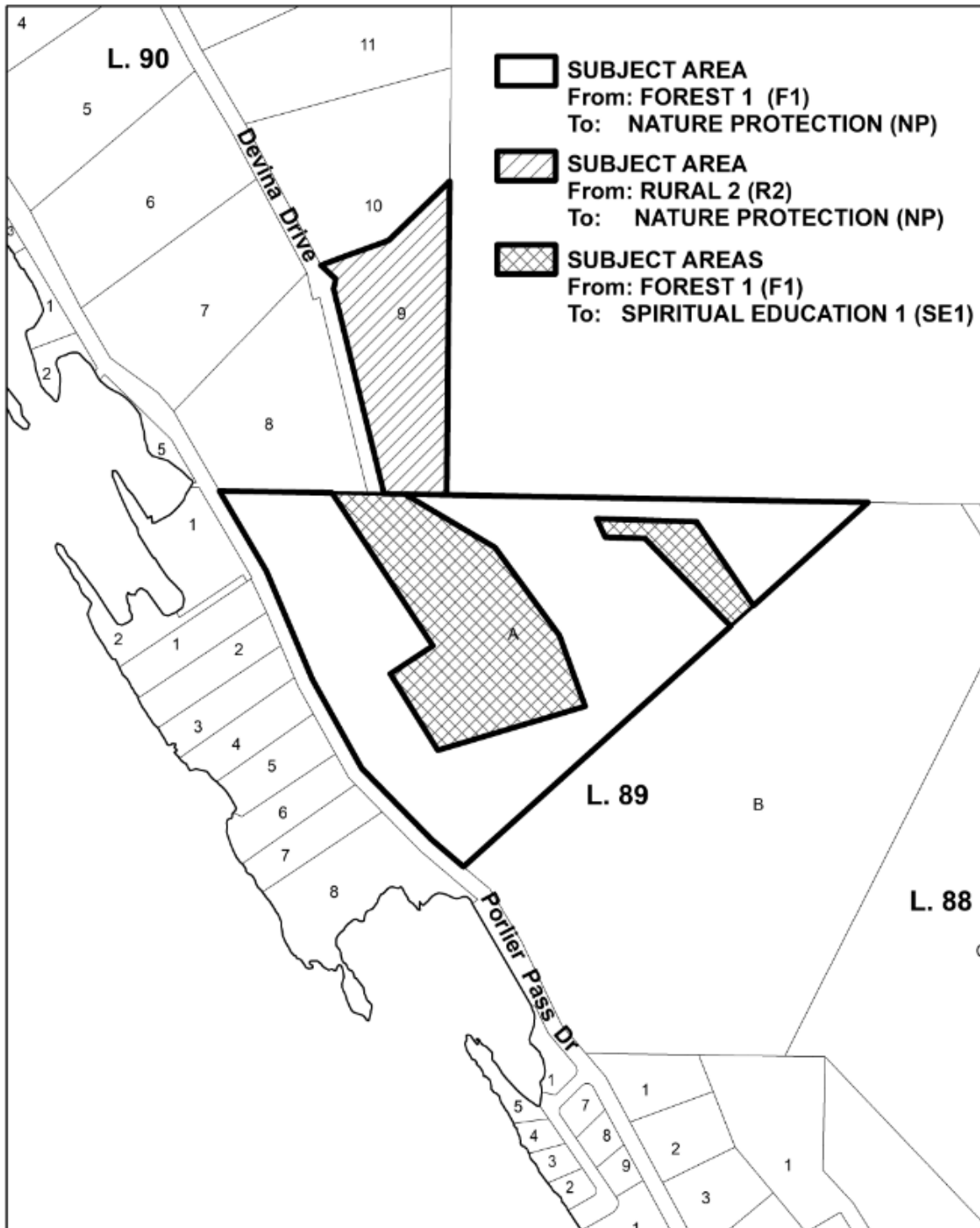
ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

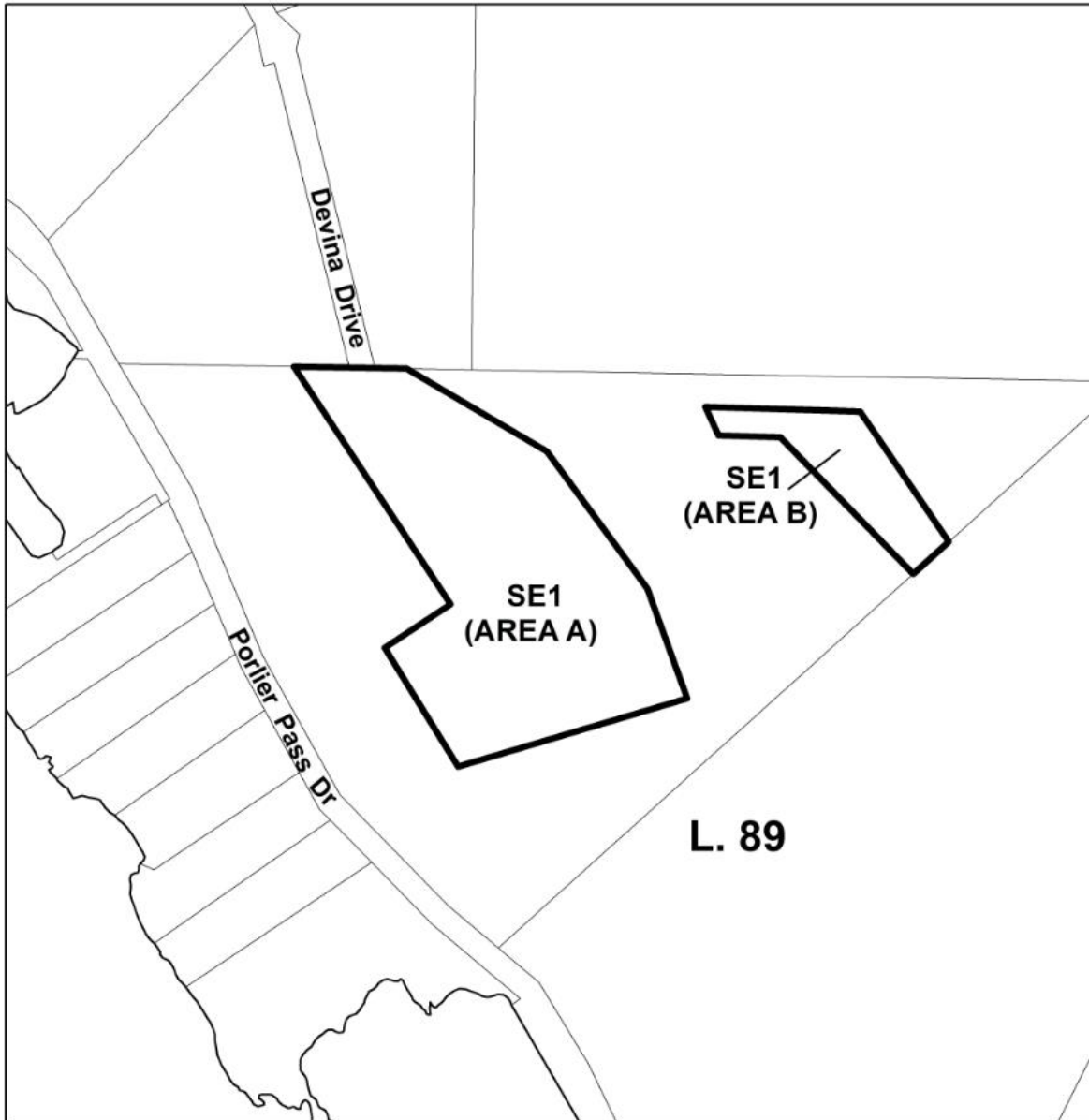
**GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 257**

Plan No. 1



**GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 257**

**Plan No. 2**



DATE OF MEETING: July 4, 2022

TO: Galiano Island Local Trust Committee

FROM: Brad Smith, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: District Lot 85 Rezoning Application – Preliminary Report

Applicant: Andy Gaylor (McElhanney Ltd.) on behalf of DL 85 property owners

Location: District Lot 85 Galiano Island Cowichan District

## RECOMMENDATION

1. **That the Galiano Island Local Trust Committee direct staff to proceed with application GL-RZ-2022.1 (Gaylor) including preliminary engagement with First Nations.**

## REPORT SUMMARY

The purpose of this preliminary report is to provide information regarding rezoning application GL-RZ-2022.1 (Gaylor) and to seek direction from the Galiano Island Local Trust Committee (LTC) to proceed, or not proceed, with the application, including initiating preliminary engagement with First Nations.

The application as submitted would amend the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) by rezoning the subject property from **Forest 1 (F1)** to a combination of **Forest 3 (F3)**, **Rural Residential (RR)** and **Nature Protection (NP)**. The proposal would also require an OCP amendment for changes to land use designations and subdivision to create the newly proposed lots.

The above recommendation is supported as:

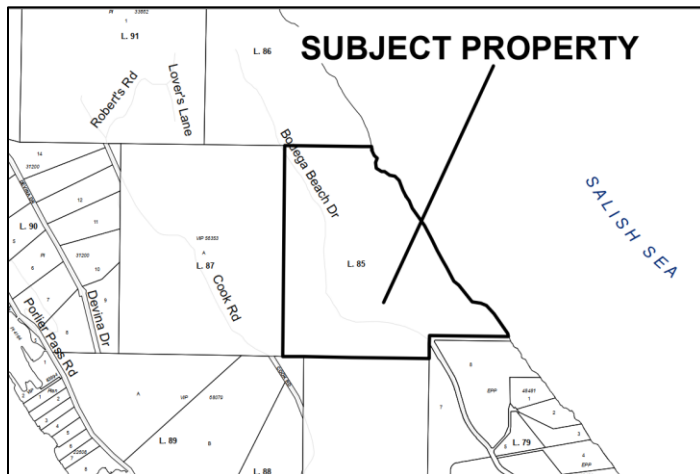
- The proposal as submitted is consistent with Galiano Island Official Community Plan No. 108 (OCP) forest, rural residential and parks and recreation policies and approaches taken in other F1 rezonings;
- Directing staff to proceed with the application will enable staff to begin preliminary engagement with First Nations as a first step to determining the viability of the proposal or other potential options.

## BACKGROUND

A rezoning application for the approximately 59.6 hectare subject property was received on March 24, 2022. The property owners are seeking to rezone the property from **Forest 1 (F1)** to a combination of **Forest 3 (F3)**, **Rural Residential (RR)** and **Nature Protection (NP)**.

The subject property is located at the north end of Galiano Island (Figure 1). Adjacent land uses include forest zoned lands (DL 86), CRD Park and Crown lots. DL 84 to the south is Crown owned and zoned Nature Protection. Crown owned DL 87 is currently proposed for rezoning to Nature Protection.

**Figure 1. Location of Subject Property**



DL 85 is currently subject to bylaw enforcement file GL-BE-2019.6 for non-permitted uses on an F1 lot including illegal dwellings and seasonal use of travel trailers, storage of travel trailers, and existence of non-forestry accessory buildings.

Attachment 1 provides additional site context. Attachment 2 provides relevant maps and ortho-photos. Staff conducted an initial site visit to the property in November 30, 2021 in combination with a site visit to DL 86, which is also the subject of the rezoning application proposal (GL-RZ-2021.2).

## **ANALYSIS**

### ***Application Proposal***

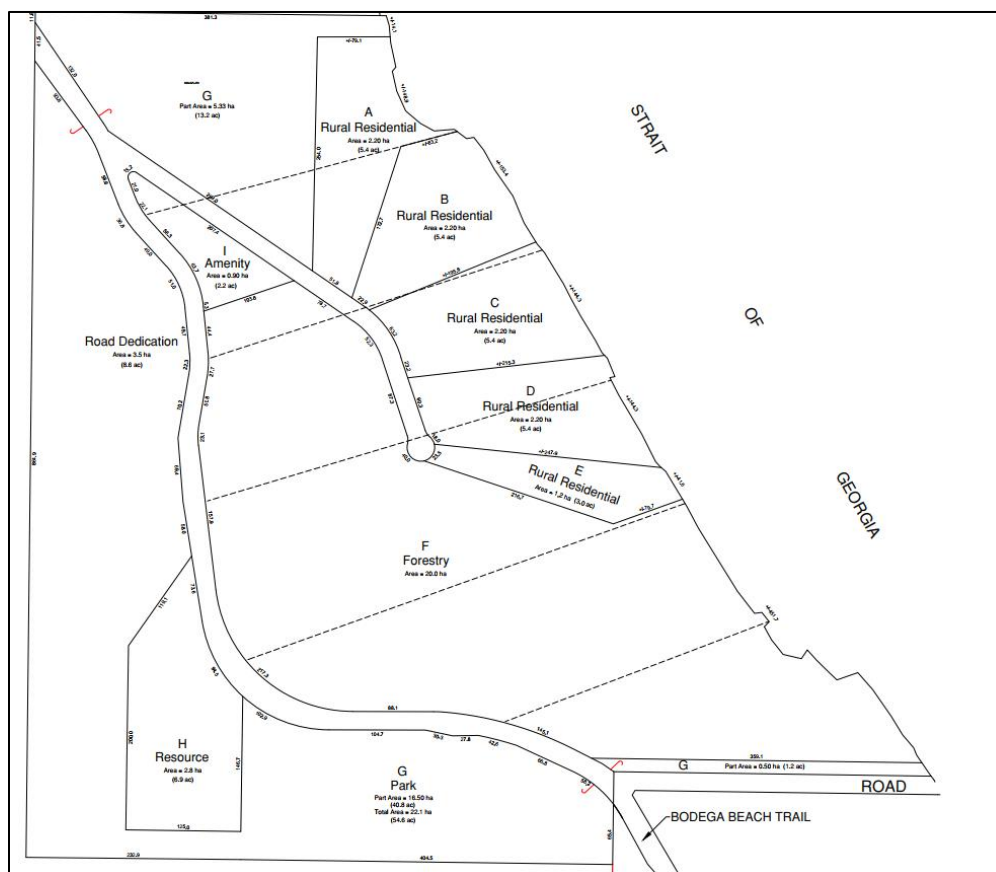
The applicant is proposing the creation of five new Rural Residential (RR) zoned properties, averaging 2.0 hectares, with the remainder of the subject property being dedicated as parkland zoned Nature Protection and public roads. The proposal also includes a 0.9 hectare amenity lot and a 2.3 hectare resource lot (ie. An existing gravel quarry). Figure 2, as provided by the applicant, provides a breakdown of the approximate total area of land proposed to be included.

**Figure 2. Approximate Total Area Proposed per Zone Type (from applicant)**

| Proposed Zone     | Area (ha / acres)*           | % of gross total land base |
|-------------------|------------------------------|----------------------------|
| Forest 3          | 20.0 ha                      | 34%                        |
| Rural Residential | 10.0 ha                      | 17%                        |
| Parkland          | 22.3 ha                      | 37%                        |
| Road Dedication   | 3.6 ha                       | 2%                         |
| Resource          | 2.8 ha                       | 4%                         |
| Amenity           | 0.9 ha                       | 2%                         |
| <b>Total</b>      | <b>59.6 ha (147.3 acres)</b> | <b>100%</b>                |

The lot layout for the rezoning proposal is shown in Figure 3. A cover letter provided by the applicant is included as Attachment 3. It provides additional information and rationale for the rezoning as proposed by the applicant.

**Figure 3. Preliminary Layout Plan**



### ***First Nations Considerations***

Staff have engaged with BC Parks to discuss the potential transfer of lands to BC Parks to expand Dionisio Park and to provide public road access to the park, which is currently designated a marine access only park.

At this time, BC Parks is reluctant to consider a land transfer given concerns expressed by First Nations. Further engagement with First Nations is required before any rezoning proposal can be further contemplated that would include a land transfer to BC Parks. It is also unlikely that another organization would be willing or able to receive title to these unless First Nations concerns are resolved, or that staff would be supportive of this approach. As such, a first step is for Islands Trust to engage with First Nations to discuss their concerns and determine if there is a viable pathway forward, including the concept of a potential land transfer to a First Nation entity in exchange for rezoning of the remainder to allow for residential uses.

### ***Terms of Reference***

Should the LTC decide to proceed with the application, a terms of reference will be issued to the applicant from staff that provides specific guidance on application requirements that is consistent with the Galiano Island Development Approval Information Bylaw No. 148 (DAI Bylaw).

### ***Policy/Regulatory***

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

As presented, the proposal appears consistent with Islands Trust Policy Statement (ITPS) policies, in particular with respect to policies related to Forest Ecosystems (s.3.2) Freshwater (s.3.3), Forests (s.4.2), and Growth and Development (s.5.2). Hydrogeological reports from the applicant will help to determine consistency with Policy 4.4.2 (Freshwater Resources).

If LTC decides to proceed with drafting bylaws, the ITPS policy checklist would be presented to LTC for review and consideration in a future staff report if at such time draft bylaws are presented for 1<sup>st</sup> reading.

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

The OCP land use designation for the subject-property is currently **Forestry**. Rezoning as proposed would result in the following changes to the OCP schedule B for the newly configured lots (Figure 4).

**Figure 4. OCP Designations for New Lots**

| <b>LUB Zoning</b>                                                   | <b>OCP Designation/Location</b>                                                      | <b># Lots</b>                         |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------|
| Rural Residential                                                   | Rural Residential (Section II, Article 1.2)                                          | 5                                     |
| Forest 3                                                            | Forestry (Section II, Subsection 3)                                                  | 1                                     |
| Nature Protection or Other (including amenity lot and resource lot) | Nature Protection (Section II, Subsection 7)<br><br>Amenity lot and resource lot TBD | 2-3 if resource lot separated from NP |

### Lot 1 - Forest 1 to Forest 3 Rezoning

The applicant is proposing to create one 20 hectare F3 zoned lot. OCP Forest Policy b)ii) states that:

*Land whose owner grants to the Silva Forest Foundation and the Local Trust Committee or any other covenantee satisfactory to the Local Trust Committee a covenant to manage the land in accordance with sustainable forest practices and prohibiting subdivision of the land into lots less than 20 hectares (49.4 acres), may be rezoned to permit one accessory dwelling per 20 hectares (49.4 acres) if the lot complies with Land Transportation Policy o). The location of the dwelling and any accessory buildings or structures must be selected to minimize their impact and the impact of related services on the forest, and the land use bylaw amendment must specify the location of the buildings.*

As proposed, the application is consistent with this Forestry policy, including compliance with Land Transportation Policy o). The applicant would be required to establish a **developable area** on the F3 lot with the location selected to minimize impact.

The property owner has indicated a willingness to enter into a sustainable forestry covenant with the LTC and a 3<sup>rd</sup> party covenant holder. The covenant would restrict forest activities based on a Sustainable Forestry Management Plan that includes consideration of sensitive species and habitats identified in a baseline report.

Further discussions with First Nations and provincial agencies are required before any decisions should be made on the feasibility of the creation of an F3 lot and the final lot layout.

### Forest 1 to Rural Residential and Nature Protection Lots

Although there are no specific OCP forestry policies with respect to the transfer of at least 75% of land in exchange for the remaining 25% to be rezoned to **RR** with a minimum average 2.0 hectare lot size, there are site specific instances in the OCP rural residential policies where LTC has approved rezoning under these terms (RR OCP Policies 1.4 e, f and g).

As presented, the proposed land transfer would be approximately 29.6 hectares (equalling 75% of the remaining lands once the F3 lot is removed), with the other 10.0 hectares used to create the five RR zoned lots. The lands proposed for transfer contain a mix of parkland, road dedication, an existing gravel quarry and an amenity lot.

As above, further discussions with First Nations and provincial agencies are required before any decisions should be made on the feasibility of a land transfer for the creation of RR lots and the final lot layout.

If the application proceeds, the applicant would be required to establish developable areas on the five RR lots with locations selected to minimize impact.

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

The subject property is currently zoned **F1** in the LUB. The Permitted uses in this zone are:

- timber production and harvesting;
- accessory forestry uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries

Rezoning a portion of the lot to **F3** would permit:

- timber production and harvesting;
- dwellings accessory to timber production and harvesting uses and home occupations, on lots having an area of 20 hectares and more and highway access as defined in subsection 17.1.16;
- accessory forestry uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries.

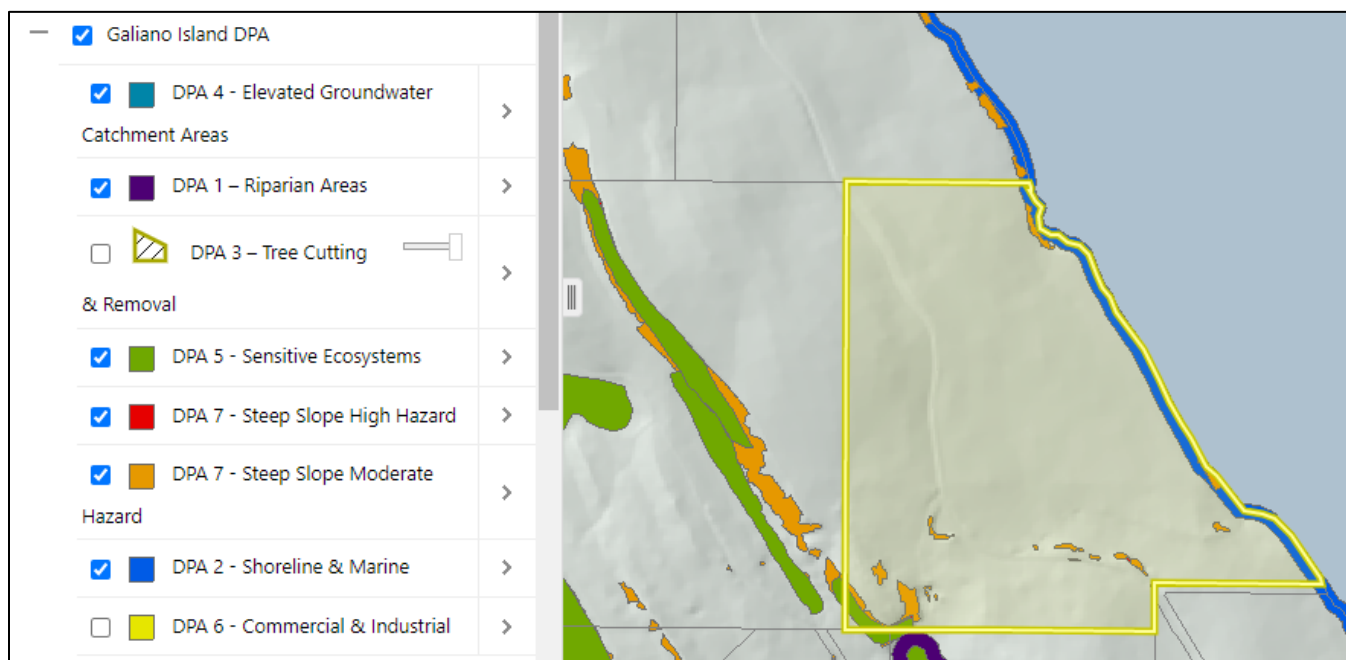
Rezoning to a portion to **RR** would permit on each new lot:

- one dwelling (with no maximum floor area) and one accessory cottage with a maximum floor area of 80 m<sup>2</sup> (to be located within pre-defined **developable areas** determined at time of rezoning);
- home occupations;
- a secondary suite (if no accessory cottage is already built on the lot).

### **Development Permit Areas**

Figure 5 shows the *DPA 2 – Shoreline and Marine* (DPA 2 - Blue), *DPA 5 – Sensitive Ecosystem* and *DPA 7 Steep Slope –moderate* (DPA 7 – Orange) on the subject property.

**Figure 5. DPA 2 – Shoreline and Marine (Blue) and DPA 7 Steep Slope Moderate (Orange)**



DPA 2 includes all land 15 m upland of the natural boundary of the sea. The OCP states that a development permit is required for all subdivision of land where DPA 2 is present.

### **DPA 3 – Tree Cutting and Removal**

The entire Galiano Island local trust area is designated as a development permit area for the purpose of cutting and removal of trees. A DPA 3 development permit is not required for the subdivision of land. However, the

applicant should be aware a DPA 3 development permit may be required for future residential development on the five proposed lots if removal of greater than 12 m<sup>3</sup> of timber per hectare occurs over a 3 year period.

The DPA 3 guidelines also state that “activities permitted by the Land Use Bylaw and necessitating the removal of trees should be conducted at those locations on the lot that will involve removal of the fewest trees and the removal of no Garry Oak trees.”

For the proposed F3 lot, the DPA 3 guidelines provide the following exception to requiring a permit on the areas of land restricted to forest use only (i.e. areas outside of the **developable area**):

- *the cutting or removal of any tree from the Agricultural Land Reserve or from any area charged by a covenant granted pursuant to Forest policy b)ii) of this Plan that restricts the use of the area to forest uses exclusively.*

### **Archaeological Material**

Islands Trust reviews all applications/permits using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Further to that review, staff have directed the applicant to the following guidelines:

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

### **Consultation**

#### **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 draft bylaws are complete, reviewed and have received at least First Reading, should the application proceed to that stage.

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

#### **First Nations**

Staff have identified the following First Nations for early engagement and referral:

- Stz'uminus First Nation
- Lake Cowichan First Nation
- Halalt First Nation

- Lyackson First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Pauquachin First Nation
- Tsartlip First Nation
- Tseycum First Nation
- Cowichan Tribes
- Tsawwassen First Nation
- Tsawout First Nation
- Musqueam Indian Band
- Malahat First Nation
- Snuneymuxw First Nation
- WSANEC Leadership Council

If the LTC decides to proceed, as a first step staff would send a letter to these First Nations seeking further dialogue and input.

### ***Agencies***

Staff have identified the following agencies for bylaw referral should the application proceed to that stage; the LTC may direct staff to include other agencies not listed. The LTC may also choose to refer the proposal to the Galiano Island Advisory Planning Commission.

- Ministry of Transportation and Infrastructure
- BC Parks
- Island Health
- CRD, Building Inspection Services
- CRD, Galiano Island Parks and Recreation Commission
- Galiano Trails Society
- Galiano Island Fire Rescue – North Department
- Mayne Island Local Trust Committee
- Thetis Island Local Trust Committee
- Salt Spring Island Local Trust Committee

### **Rationale for Recommendation**

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

- The proposal as written is consistent with Galiano Island Official Community Plan No. 108 (OCP) forest, rural residential and parks and recreation policies;
- Directing staff to proceed with the application will enable staff to begin preliminary engagement with First Nations as a first step to determining the viability of the proposal or other potential options.

## ALTERNATIVES

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

### 1. Request further information

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

Resolution:

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

### 2. Deny the application

The LTC may deny the application.

Resolution:

*That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2022.1 (Gaylor).*

### 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-2022.1 (Gaylor) in abeyance.*

## NEXT STEPS

With direction from the LTC, Staff will:

- Draft letter for preliminary engagement with First Nations
- Issue a TOR to applicant

|               |                                          |               |
|---------------|------------------------------------------|---------------|
| Submitted By: | Brad Smith, Island Planner               | June 22, 2022 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | June 22, 2022 |

## ATTACHMENTS

1. Site Context
2. Maps, Plans, Ortho-photos
3. Cover Letter from applicant

## ATTACHMENT 1 – SITE CONTEXT

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### LOCATION

|                   |                                                    |
|-------------------|----------------------------------------------------|
| Legal Description | District Lot 85, Galiano Island, Cowichan District |
| PID               | 009-625-259                                        |
| Civic Address     | 5500 Bodega Beach Drive, Galiano Island            |
| Lot Size          | 59.6 hectares (149.33 acres)                       |

### LAND USE

|                      |                                           |
|----------------------|-------------------------------------------|
| Current Land Use     | Forest 1                                  |
| Surrounding Land Use | Forest 1, Park, Marine, Nature Protection |

### HISTORICAL ACTIVITY

| File No.      | Purpose                                                                                                                                                                                                                     |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GL-RZ-2008.1  | Rezoning to amend OCP and to rezone properties to RR and FH with policy amendment to consider BC Parks as eligible to hold FH zoned land as Park. DLs 79, 85, 86 and 87. LTC directed to proceed no further in March, 2009. |
| GL-SUB-1994.1 | Subdivision to residential – did not proceed                                                                                                                                                                                |

### POLICY/REGULATORY

|                                      |                                                                                                                                                                                                |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Official Community Plan Designations | Galiano Island OCP No. 108, 1995 Designations: Forest (F)                                                                                                                                      |
| Land Use Bylaw                       | Galiano Island LUB No. 127, 1999: Forest 1                                                                                                                                                     |
| Other Regulations                    | None                                                                                                                                                                                           |
| Covenants                            | None                                                                                                                                                                                           |
| Bylaw Enforcement                    | GL-BE-2019.6 – non-permitted uses on an F1 lot including illegal dwellings and seasonal use of travel trailers, storage of travel trailers, and existence of non-forestry accessory buildings. |

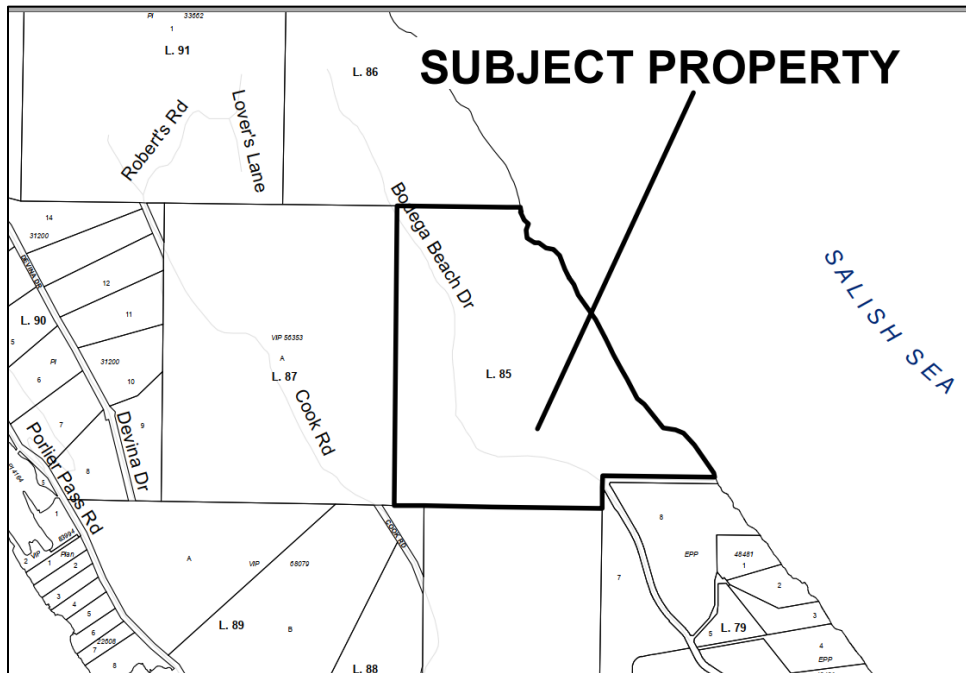
### SITE INFLUENCES

|                                |                                                                                                                                                                                                  |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Islands Trust Conservancy      | There are no Islands Trust Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.                                                             |
| Regional Conservation Strategy | The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.                                                                          |
| Species at Risk                | SAR masked secure zone across entire property and numerous others in a large polygon surrounding majority of island; sea bird colony identified in marine zone adjacent to southern lot boundary |
| Sensitive Ecosystems           | Portions of mixed woodland.                                                                                                                                                                      |
| Hazard Areas                   | There are portions of the property identified as Steep Slope Moderate Risk                                                                                                                       |

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Archaeological Sites                     | <p>There is potential for the presence of archaeological material. Staff have directed the applicant to the following guidelines:</p> <ul style="list-style-type: none"> <li>• All archaeological and cultural heritage is protected under the <i>Heritage Conservation Act</i> and areas of archaeological potential may contain undocumented archaeological sites which would be automatically protected under the <i>Heritage Conservation Act</i> (including all intact or disturbed sites) and require a permit from the BC Archaeology Branch. Further information regarding permits: <a href="https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits">https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits</a>.</li> <li>• In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or <a href="mailto:archaeology@gov.bc.ca">archaeology@gov.bc.ca</a>.</li> <li>• Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork.</li> <li>• For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: <a href="http://www.archdatarequest.nrs.gov.bc.ca">www.archdatarequest.nrs.gov.bc.ca</a>, or contact Islands Trust to access mapping of the subject property.</li> </ul> |
| Climate Change Adaptation and Mitigation | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Shoreline Classification                 | Low Rock/Boulder                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Shoreline Data in TAPIS                  | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

## ATTACHMENT 2 – MAPS, PLANS, ORTHO-PHOTOS

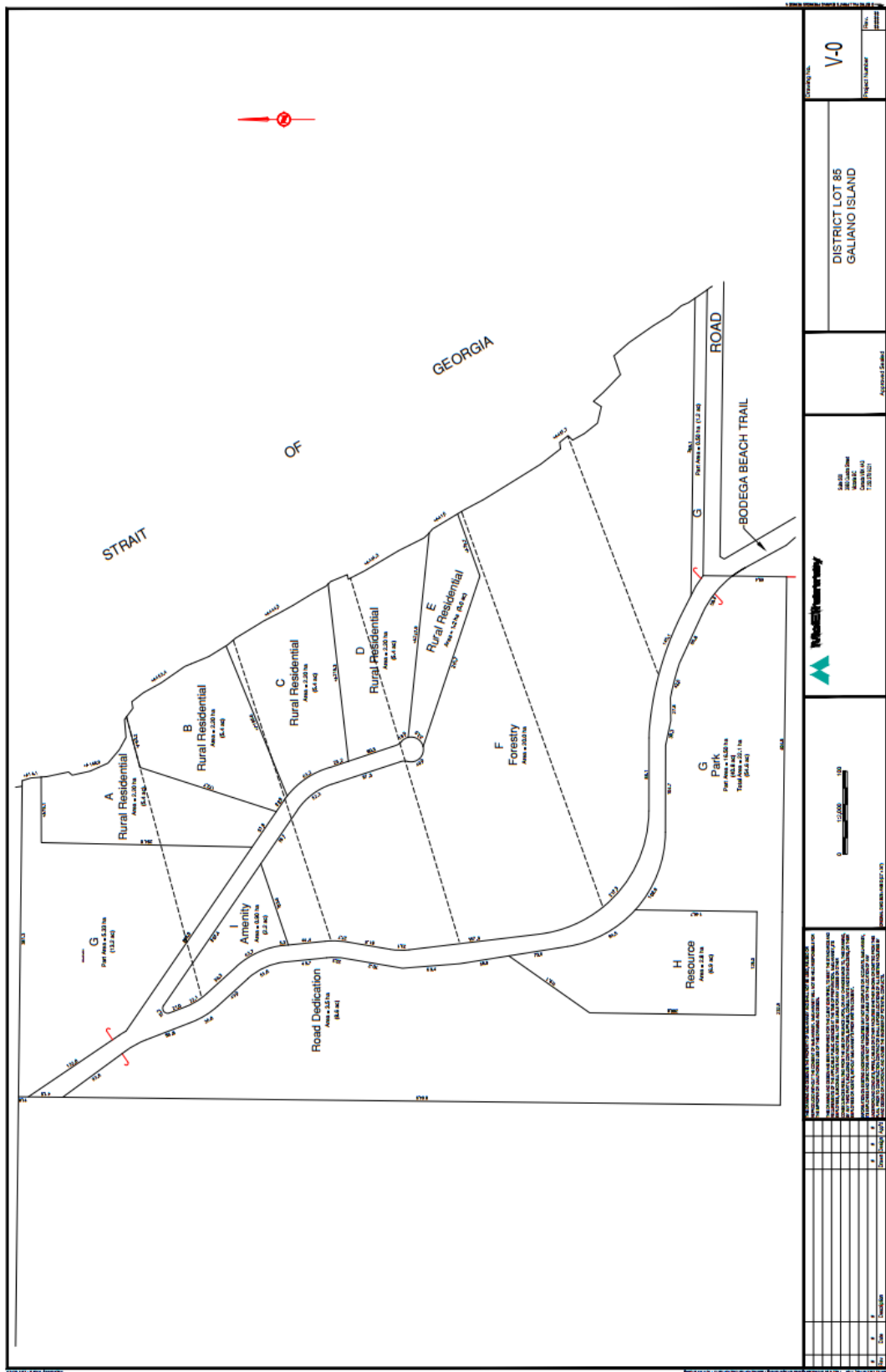
### 2.1 SUBJECT PROPERTY MAP



### 2.2 ZONING AND ORTHO

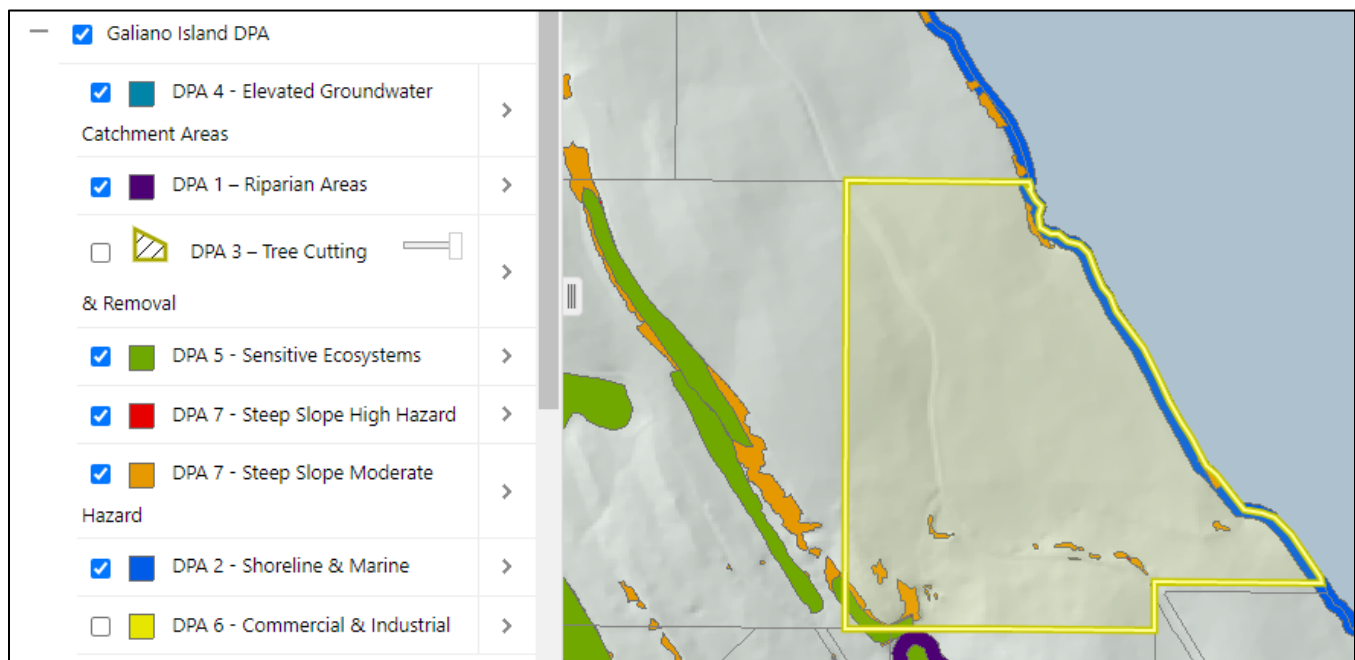


# 2.3 PRELIMINARY SITE PLAN RENDERING

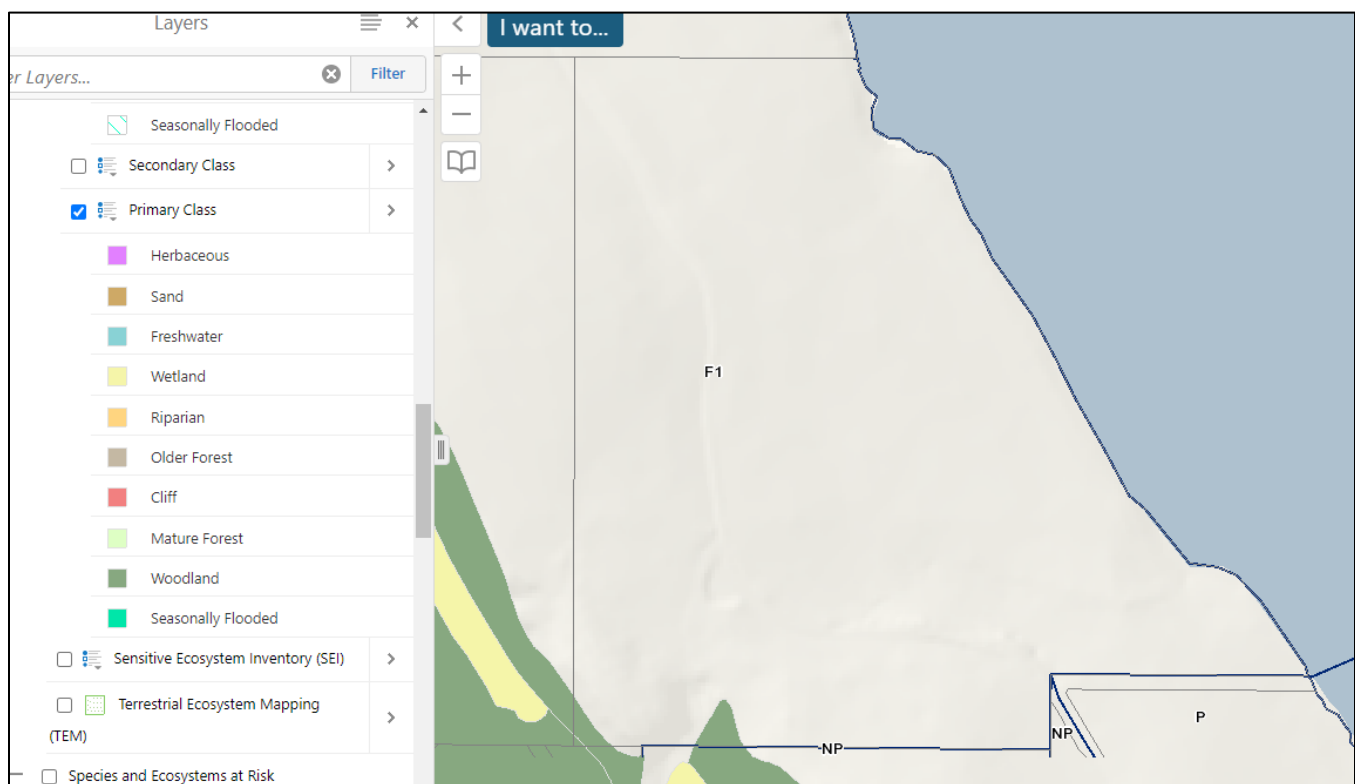


## 2.4 DEVELOPMENT PERMIT AREAS

DPA 2 (Shoreline and Marine), DPA 5 Sensitive Ecosystem and DPA 7 (Steep Slope Moderate)



## 2.5 SENSITIVE ECOSYSTEM MAPPING



Our File: 2243-18015

March 22, 2022

Islands Trust (Southern Office)  
200 – 1627 Fort Street  
Victoria, BC  
V8R1H8

Attention: Brad Smith, PAg, Island Planner

## Application to Rezone – D.L. 85 (Galiano Island)

On behalf of my clients, I am pleased to submit this application to rezone the 59.6 ha subject property, D.L.85, on Galiano Island. The purpose of this rezoning application is to rezone the lands from their current Forest 1 (F1) Zone to the following:

| Proposed Zone     | Area (ha / acres)*    | % of gross total land base |
|-------------------|-----------------------|----------------------------|
| Forest 3          | 20.0 ha               | 34%                        |
| Rural Residential | 10.0 ha               | 17%                        |
| Parkland          | 22.3 ha               | 37%                        |
| Road Dedication   | 3.6 ha                | 2%                         |
| Resource          | 2.8 ha                | 4%                         |
| Amenity           | 0.9 ha                | 2%                         |
| Total             | 59.6 ha (147.3 acres) | 100%                       |

\*These figures are approximate, with further refinement to occur at later stages of development.

The purpose of this application is to recognize the role that forestry and timber harvesting has played in the evolution of Galiano Island while allowing the creation of five (5) Rural Residential Zoned properties. Rezoning the majority (71%) of the subject lands to a combination of Forest 3 (34%) and Parkland (37%)

### McElhanney

1211 Ryan Road, Courtenay BC Canada V9N 3R6  
Tel. 250-338-5495 | Fax. 1-855-407-3895 | [www.mcelhanney.com](http://www.mcelhanney.com)

Page 1

will ensure that forestry remains the primary use of the subject lands. We have engaged the services of both a Qualified Environmental Professional (QEP) and Professional Forester to prepare a Forest Management Plan and we are fully committed to working with a third-party conservation group and register a Sustainable Forestry Covenant on property title as a condition of zoning approval.

Following similar precedents set in areas near the subject property, it is proposed that 5, Rural Residential properties, averaging 2.0 in parcel size, parcels be permitted, with the remainder of the subject property being dedicated as both parkland and public roads. Establishing a 20.0m road right-of-way through the subject property is in recognition of the fact that the current and only access into Dionisio Point Park is via an easement road not accessible to the public. It should be noted that full public access to the Park will be conveyed should both this rezoning application and the concurrent proposed rezoning of DL86 be adopted. Related, as shown on the submitted concept plan, proposed parkland both at the north and south ends of the site will allow public access to the foreshore.

The proposed concept has been developed to align with the “Forest” objectives contained within Galiano’s Official Community Plan. For example, the proposal “*preserves the forest land base*” by ensuring that 72% of the property area will be used for sustainable forestry practices and parkland. Registration of a sustainable forestry covenant and parkland dedication will also ensure that the forest’s “*biodiversity, integrity and ecological services*” remain protected.

Recognizing that Islands Trust planning staff will provide detailed project terms of reference outlining the required development approval information in order for this rezoning application to move forward, this submission also includes submission of a preliminary sewerage and water report indicating that potable water can likely be provided, and soils are generally conducive for septic disposal.

In short, we believe that this proposal successfully balances the OCP’s goal of promoting sustainable forestry with providing additional public parkland opportunities, access to Dionisio Point Park, alongside some limited residential uses.

Thank you for considering our application and we look forward to working with you.

Sincerely,  
McElhanney Ltd.



Andy Gaylor, MPA, MCIP, RPP  
[agaylor@mcelhanney.com](mailto:agaylor@mcelhanney.com) 250-718-7274

cc: Fleming Larsen, Client





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

DATE OF MEETING: July 4, 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

## RECOMMENDATIONS

1. That the Galiano Island Local Trust Committee Bylaw No. 231, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 14, 2011”, be given second reading.
2. That the Galiano Island Local Trust Committee Bylaw No. 232, cited as “Galiano Island Land Use Bylaw 127, 1999 Amendment No. 3, 2011” ” be given second reading.
3. That the Galiano Island Local Trust Committee direct staff to schedule a public hearing for proposed Bylaws No. 231 and No. 232 to be held on September 6, 2022.
4. That the Galiano Island Local Trust Committee direct staff to schedule a community information meeting in conjunction with the public hearing for proposed Bylaws No. 231 and No. 232.

## REPORT SUMMARY

The purpose of this report is to seek direction from the Galiano Island Local Trust Committee (LTC) on next steps for proposed Bylaws No. 231 and 232 in respect of the District Lot (DL) 64, 68, 72 and 87 rezoning project.

The recommendations above are supported as:

- Rezoning and re-designating the four subject properties will provide greater consistency between the land use zoning/ designations and the actual use and ownership of the land;
- Agency and First Nation referrals have been completed and no concerns were raised;
- There are no further expected changes or amendments to the proposed bylaws so proceeding to second reading is appropriate; and,
- Given the amendments are relatively minor and there have been no issues raised by the public, it is reasonable to hold a Community Information Meeting (CIM) in conjunction with a public hearing.

## BACKGROUND

Portions of DLs 68, 72 and all of DL 87 are owned by the provincial Crown and are currently designated Forest and zoned Forest 1 (F1). They were proposed to be re-designated and rezoned from F1 to Nature Protection

(NP) with Bylaw No. 231 and 232 given first reading in August 2011, but the amending bylaws were not advanced beyond this stage and sat at first reading for several years.

The Galiano Conservancy has recently acquired District Lot 64. It is currently designated Rural and zoned Rural 2 (R2) and they are seeking to re-designate and rezone the property to NP.

At the February 7, 2022 meeting the LTC directed staff to re-introduce these bylaws with the inclusion of DL 64. The LTC gave first reading to proposed Bylaws No. 231 and 232, as amended to include DL 64, at the April 4, 2022 meeting. Staff have now completed agency and First Nation bylaw referrals and are seeking direction on next steps. Additional information, including previous staff reports, is located [here](#).

## **ANALYSIS**

### **Policy/Regulatory**

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

The LTC passed a resolution at the April 4, 2022 meeting that the rezoning proposal is not contrary to the policies of the Islands Trust Policy Statement.

### **Consultation**

#### ***Agency Referrals***

Bylaw referrals were sent to the following agencies:

Ministry of Environment – BC Parks and MOE Land Acquisitions  
Ministry of Indigenous Relations and Reconciliation  
Galiano Island Trails Society  
Galiano Island Parks Commission  
Capital Regional District – Regional Parks and Community Services  
Mayne Island Local Trust Committee  
Salt Spring Island Local Trust Committee  
Thetis Island Local Trust Area

The CRD responded that their interests are unaffected from Parks and Environmental Services and approval was recommended from Planning and Protective Services.

The Galiano Island Trails Society responded recommending bylaw approval. BC Parks and Salt Spring Island LTC responded that their interests are unaffected.

Staff also followed up directly with Ministry of Indigenous Relations and Reconciliation staff and no concerns were raised.

#### ***First Nation Referrals***

First Nation referrals were completed to the standardized list of First Nations maintained by staff for the Galiano Island Local Trust Area. No responses were received.

#### ***Public Hearing and CIM***

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold a CIM prior to that. In this case, staff are recommending a CIM to be held in conjunction with a public hearing, both proposed to be held on September 6, 2022.

Notifications would be completed as per statutory requirements in advance of a public hearing. An Active Page ad will also be completed, as per the LTC's standing resolution for all public hearings.

### Rationale for Recommendation

The recommendations on page 1 are supported as:

- Rezoning and re-designating the four subject properties will provide greater consistency between the land use zoning/ designations and the actual use and ownership of the land;
- Agency and First Nation referrals have been completed and no concerns were raised;
- There are no further expected changes or amendments to the proposed bylaws so proceeding to second reading is appropriate; and,
- Given the amendments are relatively minor and there have been no issues raised by the public, it is reasonable to hold a Community Information meeting (CIM) in conjunction with a public hearing.

### ALTERNATIVES

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

#### 1. Request further information

The LTC may request further information. Recommended wording for the resolution is as follows:

*That the Galiano Island Local Trust Committee direct staff to provide further information regarding...*

#### 2. Request revisions to draft BL 231 and or/232

The LTC may request further amendments. Recommended wording for the resolution is as follows:

*That the Galiano Island Local Trust Committee direct staff to make the following amendments to Bylaw No. 231/232...*

#### 3. Receive for information

The LTC may receive the report for information.

### NEXT STEPS

- With LTC's direction, staff will schedule a public hearing and CIM and initiate statutory notifications.

|               |                                            |               |
|---------------|--------------------------------------------|---------------|
| Submitted By: | Brad Smith<br>Island Planner               | June 17, 2022 |
| Concurrence:  | Robert Kojima<br>Regional Planning Manager | June 17, 2022 |

### ATTACHMENTS

1. Proposed BL 231
2. Proposed BL 232

# PROPOSED

## GALIANO ISLAND LOCAL TRUST COMMITTEE

### BYLAW NO. 231

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

---

The Galiano Island Local Trust Committee in open meeting assembled enacts 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 Bylaw 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 4<sup>TH</sup> DAY OF APRIL , 2022.

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 MUNICIPAL AFFAIRS THIS  
DAY OF , 20\_\_.

ADOPTED THIS DAY OF , 20\_\_.

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CHAIR

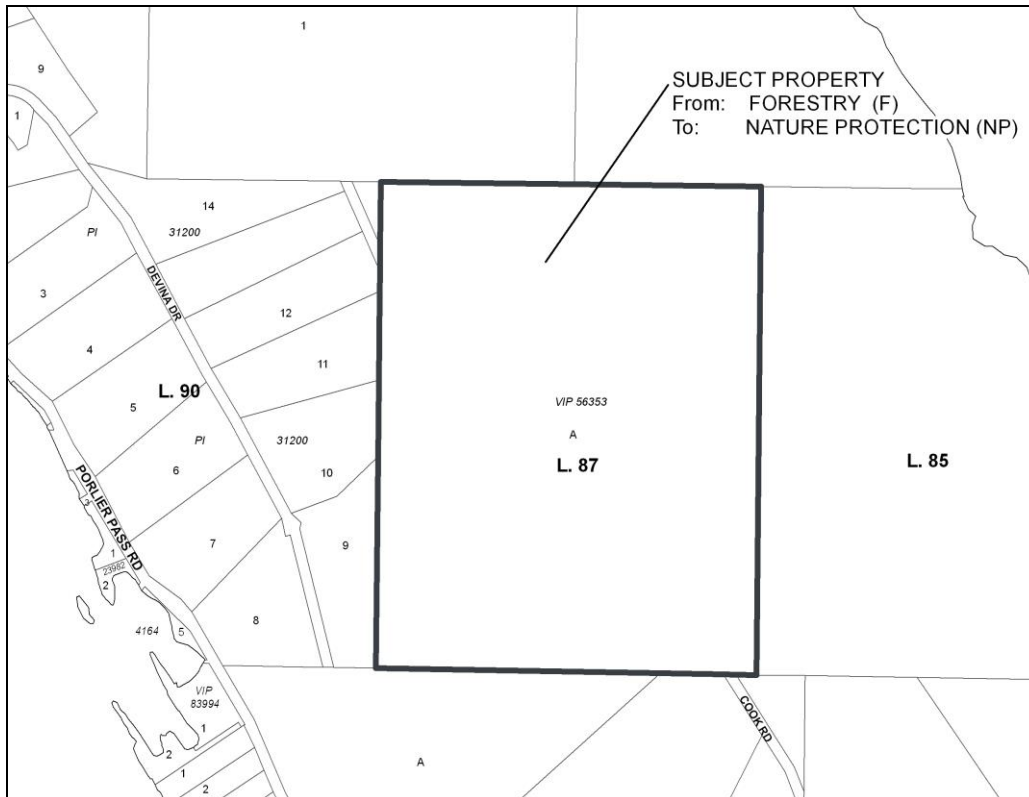
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SECRETARY

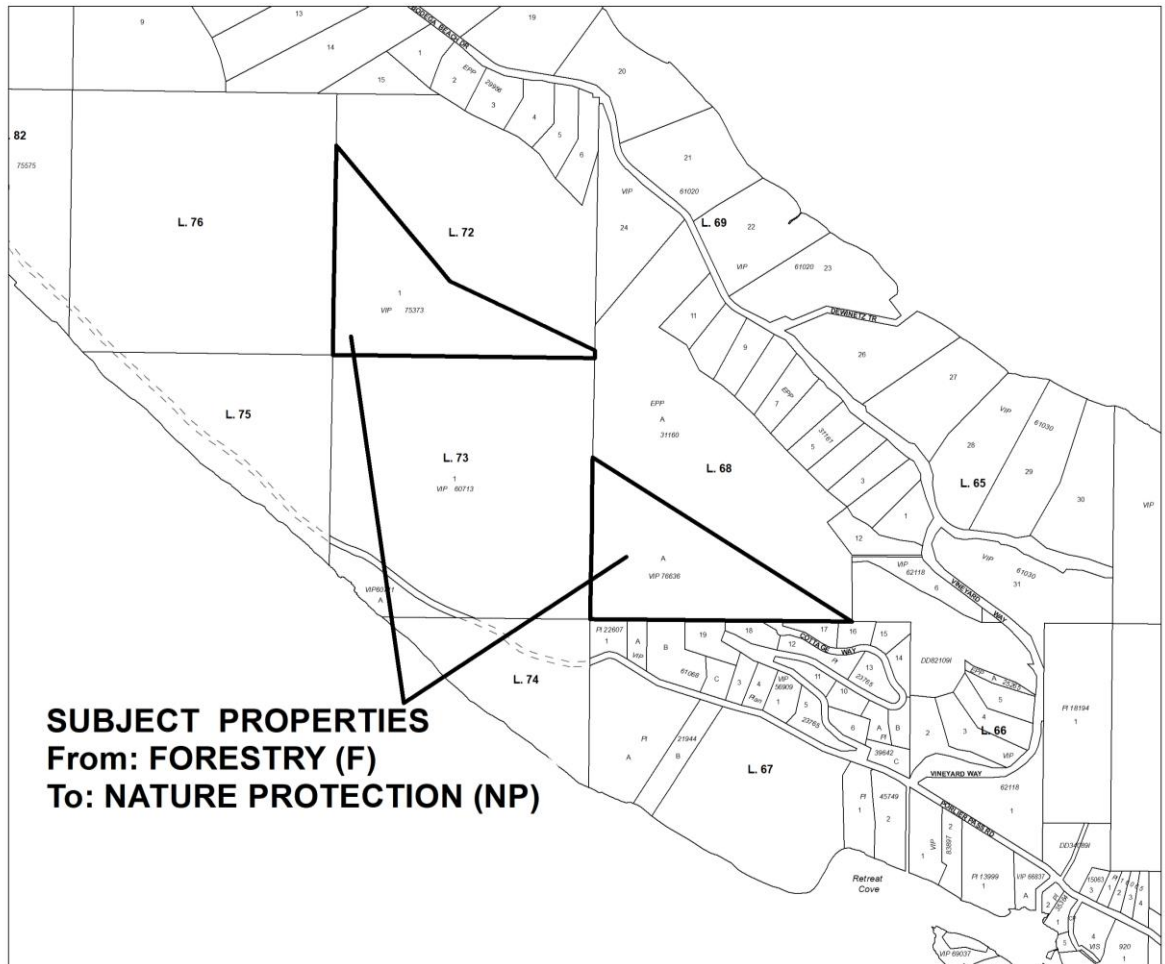
**GALIANO ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 231  
SCHEDULE 1**

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

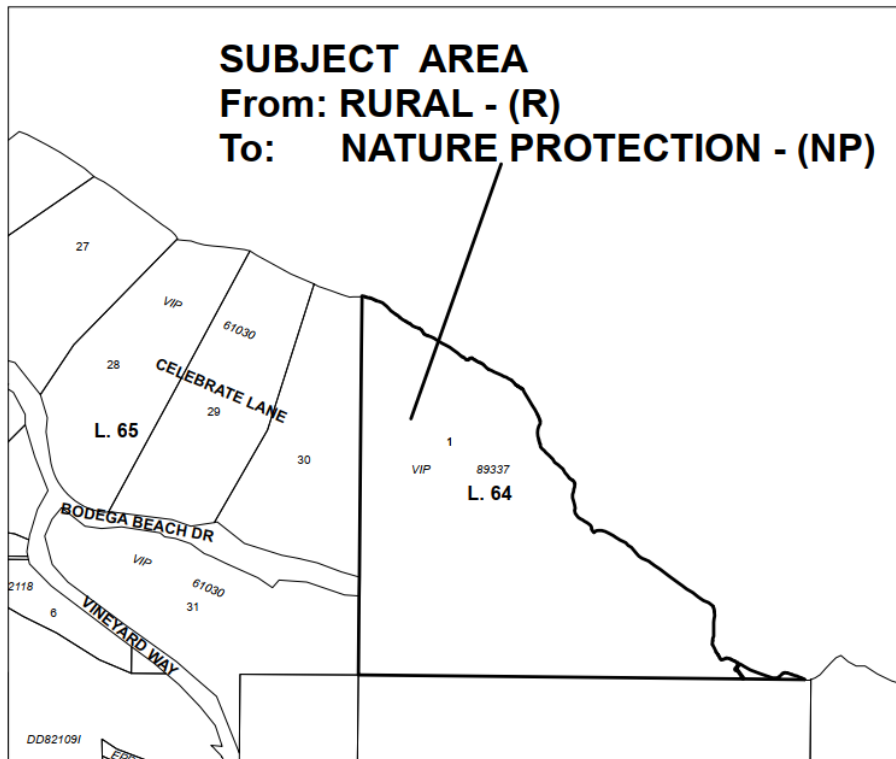
1. Lot A, Plan VIP56353, District Lot 87, Galiano Island, Cowichan District, except part in Plan VIP61539 from the Forestry (F) Land Use Designation to the Nature Protection (NP) Land Use Designation, in accordance with the map below.



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.



3. Lot 1 District Lot 64 Galiano Island Cowichan District Plan VIP89337 from the Rural (R) Land Use Designation to the Nature Protection (NP) Land Use Designation in accordance with the map below.



# PROPOSED

## GALIANO ISLAND LOCAL TRUST COMMITTEE

### BYLAW NO. 232

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

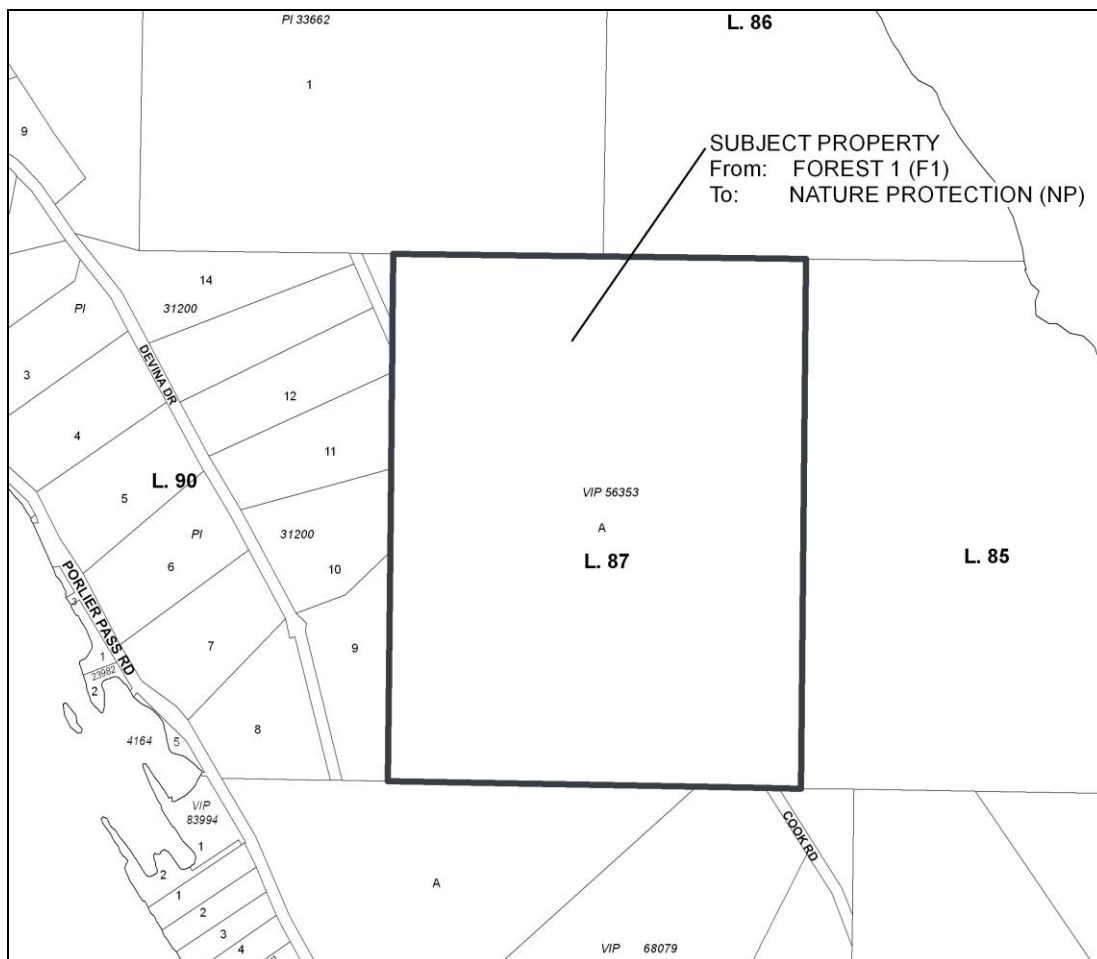
The Galiano Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Galiano Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

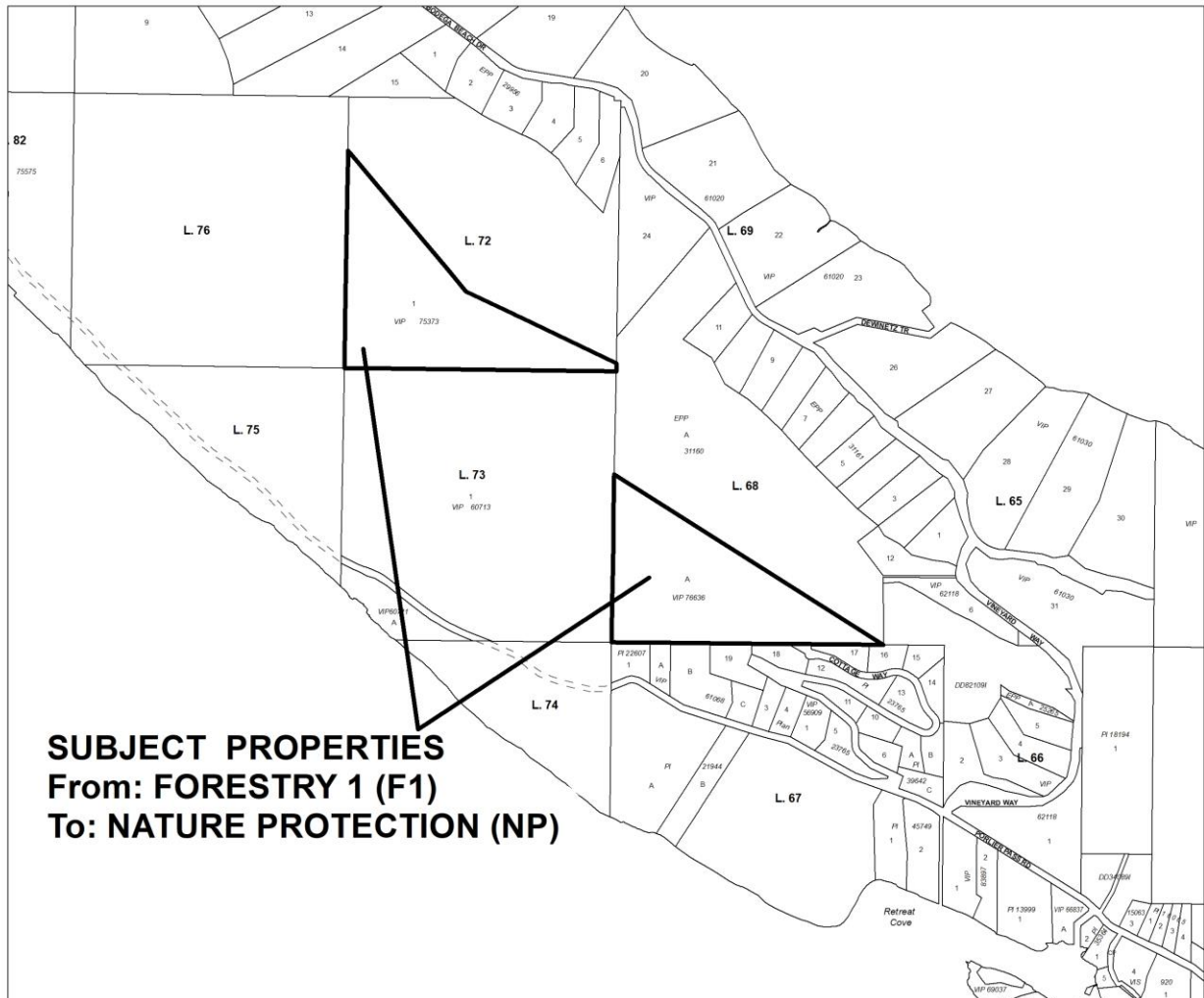
This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2011”.

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

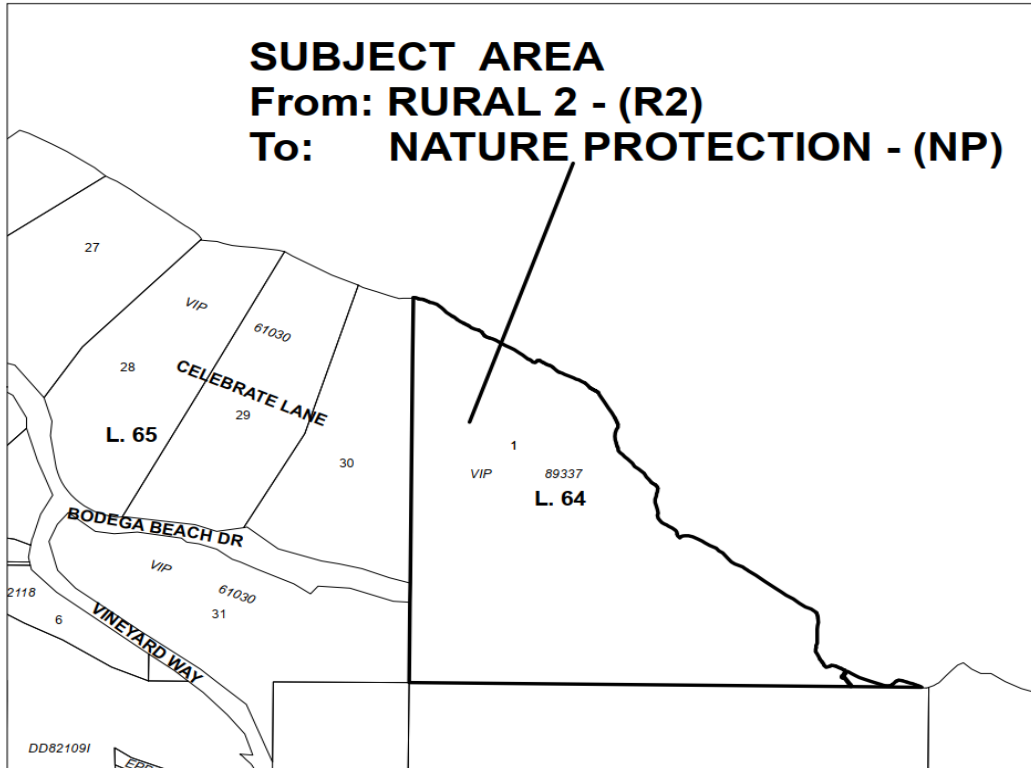
- 2.1 Lot A, Plan VIP56353, District Lot 87, Galiano Island, Cowichan District, except part in Plan VIP61539 from the Forest 1 (F1) zone to the Nature Protection (NP) zone, in accordance with the map below.



- 2.2 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.



- 2.3 Lot 1 District Lot 64 Galiano Island Cowichan District Plan VIP89337 from the Rural 2 (R2) zone to the Nature Protection (NP) zone in accordance with the map below.



### 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                                        | 4 <sup>TH</sup> | DAY OF | APRIL | , 2022. |
| 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

## 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



## Applications

### 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:** 23-Jun-2022

September 6 agenda for consideration pending receipt of geotechnical assessment

**Status Date:** 19-Apr-2022

Applicant has hired Ryzuk Geotechnical. Initial meeting with Ryzuk staff and applicant. Awaiting Assessment Report to proceed.

**Status Date:** 06-Apr-2022

Met with MoTI DM and Geotech. Eng.

| File Number  | Applicant Name    | Date Received | Purpose                                                                                       |
|--------------|-------------------|---------------|-----------------------------------------------------------------------------------------------|
| GL-DP-2022.1 | Fox, Dan and Tina | 28-Feb-2022   | Build a dock attached to the property on Gossip Island, in order to facilitate marine access. |

**Planner:** Phil Testemale

#### Planning Status

**Status Date:** 23-Jun-2022

July 4 agenda for consideration

**Status Date:** 11-Apr-2022

Applicant in process of contracting a geotechnical engineer.

**Status Date:** 01-Apr-2022

Further information (geotechnical) required and requested. Moved consideration date to June 6, regular meeting.



### Development Variance Permit

| File Number   | Applicant Name    | Date Received | Purpose                                                                                          |
|---------------|-------------------|---------------|--------------------------------------------------------------------------------------------------|
| GL-DVP-2022.2 | Fox, Dan and Tina | 28-Feb-2022   | To build a dock attached to our property on Gossip Island, in order to facilitate marine access. |

**Planner:** Phil Testemale

#### Planning Status

---

**Status Date:** 23-Jun-2022

July 4 agenda for consideration

**Status Date:** 13-Apr-2022

Applicant in process of contracting a geotechnical engineer.

**Status Date:** 01-Apr-2022

Further information (geotechnical) required and requested. Moved consideration date to June 6, regular meeting.

| File Number   | Applicant Name | Date Received | Purpose                                    |
|---------------|----------------|---------------|--------------------------------------------|
| GL-DVP-2022.4 | Carrick, Ian   | 31-May-2022   | Address specific concerns of Islands Trust |

**Planner:** Phil Testemale

#### Planning Status

---

**Status Date:** 22-Jun-2022

E-mail sent to applicants requesting information to determine requirement for DP.

**Status Date:** 03-Jun-2022

Robert K. assigned file to Phil.

**Status Date:** 03-Jun-2022

Sent electronic link to Phil for his review.

**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) |
| <b>Planner:</b> Brad Smith                                                                                               |                          |               |                                                                                                                                                |
| <b>Planning Status</b>                                                                                                   |                          |               |                                                                                                                                                |
| <b>Status Date:</b> 27-Jun-2022<br>Staff report on Jul4 agenda                                                           |                          |               |                                                                                                                                                |
| <b>Status Date:</b> 17-Jun-2022<br>Applicant submitted revised proposal reducing maximum capacity                        |                          |               |                                                                                                                                                |
| <b>Status Date:</b> 06-Jun-2022<br>LTC seeking amended proposal to ensure groundwater sustainable yield is not surpassed |                          |               |                                                                                                                                                |

| 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) |
| <b>Planner:</b> Brad Smith                                                                                     |                |               |                                                                                                                                                                        |
| <b>Planning Status</b>                                                                                         |                |               |                                                                                                                                                                        |
| <b>Status Date:</b> 27-Jun-2022<br>Housing agreement and s 219 covenant on July agenda                         |                |               |                                                                                                                                                                        |
| <b>Status Date:</b> 06-Jun-2022<br>CIM scheduled for July 4, PH for July 16                                    |                |               |                                                                                                                                                                        |
| <b>Status Date:</b> 30-May-2022<br>Staff report with draft housing agreement and covenant on June 6 LTC agenda |                |               |                                                                                                                                                                        |



## Applications

### Rezoning

| File Number  | Applicant Name         | Date Received | Purpose                                                                                                |
|--------------|------------------------|---------------|--------------------------------------------------------------------------------------------------------|
| GL-RZ-2020.1 | KING, FRED &<br>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<br>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:** 27-Jun-2022

Staff initiating legal review of HA and covenant

**Status Date:** 13-Jun-2022

Applicant sent updated HA and covenant to staff

**Status Date:** 19-May-2022

Staff reviewed draft HA and covenant with applicant



## 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:** 12-May-2022

Staff met with MIRR/MOE staff on April 28

**Status Date:** 25-Apr-2022

Staff scheduled to meet with provincial Ministry of Indigenous Relations and Reconciliation (MIRR) staff Thursday April 28 re DL 85/86

**Status Date:** 03-Feb-2022

Staff met with BC parks staff to discuss proposal

| File Number  | Applicant Name  | Date Received | Purpose                                                                |
|--------------|-----------------|---------------|------------------------------------------------------------------------|
| GL-RZ-2022.1 | McElhanney Ltd. | 24-Mar-2022   | Rezoning to amend the Forest One (F-1) Zoning of the subject property. |

**Planner:** Brad Smith

#### Planning Status

---

**Status Date:** 27-Jun-2022

Preliminary staff report on July 4 agenda

**Status Date:** 25-Apr-2022

Staff to review file and issue ToR

**Status Date:** 22-Apr-2022

Robert K. assigned file to Brad Smith.



## Applications

### Subdivision

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

**Planner:** Brad Smith

#### Planning Status

---

**Status Date:** 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

| 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:** 23-Jun-2022

Applicant hiring environmental professional for required DP application.

**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.



## Applications

### Subdivision

| File Number   | Applicant Name           | Date Received | Purpose                                                                                                                                                                                                                                                                                                                               |
|---------------|--------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GL-SUB-2022.1 | Okuda Andersen,<br>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:** 10-Mar-2022

Review completed -response sent to MOTI

**Status Date:** 28-Feb-2022

Staff to initiate review in early March and response to MOTI

**Status Date:** 31-Jan-2022

Requested 'Subject Property' map from GIS Helpdesk.

***Islands Trust***  
LTC EXP SUMMARY REPORT F2023  
Invoices posted to Month ending May 2022

| 625 Galiano             | Invoices posted to Month ending May 2022    | <u>Budget</u>   | <u>Spent</u>    | <u>Balance</u>  |
|-------------------------|---------------------------------------------|-----------------|-----------------|-----------------|
| 65000-625               | LTC "Trustee Expenses"                      | 302.00          | 0.00            | 302.00          |
| LTC Local               |                                             |                 |                 |                 |
| 65050-625               | LTC "Executive Expense on LTC's"            | 805.00          | 0.00            | 805.00          |
| 65200-625               | LTC - Local Exp - LTC Meeting Expenses      | 4,294.00        | 788.61          | 3,505.39        |
| 65210-625               | LTC - Local Exp - APC Meeting Expenses      | 333.00          | 277.69          | 55.31           |
| 65220-625               | LTC - Local Exp - Communications            | 250.00          | 451.68          | -201.68         |
| 65230-625               | LTC - Local Exp - Special Projects          | 279.00          | 0.00            | 279.00          |
| TOTAL LTC Local Expense |                                             | <u>5,961.00</u> | <u>1,517.98</u> | <u>4,443.02</u> |
| Projects                |                                             |                 |                 |                 |
| 73001-625-4114          | Galiano Groundwater Strategy Implementation | 2,000.00        | 0.00            | 2,000.00        |
| 73001-625-4125          | Galiano Crown Lot Rezoning                  | 1,000.00        | 0.00            | 1,000.00        |
| TOTAL Project Expenses  |                                             | <u>3,000.00</u> | <u>0.00</u>     | <u>3,000.00</u> |

## Standing Resolutions Log

### Galiano Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Action         | Date               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|
| <b>2020-042 (Standing)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Carried</b> | <b>08-Sep-2020</b> |
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                |                    |
| <b>2020-041 (Standing)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Carried</b> | <b>06-Jul-2020</b> |
| <p>that the Galiano Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> |                |                    |



## Standing Resolutions Log

### Galiano Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Action  | Date        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <b>2020-013 (Standing)</b><br><br>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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Carried | 03-Feb-2020 |
| <b>2019-053 (Standing)</b><br><br>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: <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>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.</li> </ul> | Carried | 03-Jun-2019 |



## Standing Resolutions Log

### Galiano Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Action  | Date        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <b>2019-014 (Standing)</b><br><br>that the Galiano Local Trust Committee adopt the following standing resolution with respect to the processing of non-medicinal cannabis retail license applications: <ul style="list-style-type: none"> <li>- Proposed or amended licenses for non-medicinal cannabis retail establishments require an application to the local trust committee.</li> <li>- 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.</li> <li>- The public consultation process shall be determined by the local trust committee after initial review of the proposal.</li> <li>- 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:               <ul style="list-style-type: none"> <li>o Name of the applicant and a description of the proposal in general terms</li> <li>o The location of the proposed establishment and the subject site</li> <li>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.</li> <li>o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application</li> <li>o How public comments may be submitted to the local trust committee.</li> </ul> </li> </ul> | Carried | 04-Mar-2019 |
| <b>2018-064 (Standing)</b><br><br>that the Galiano Island Local Trust Committee endorses the Telecommunication strategy Project Charter dated June 22, 2016                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Carried | 04-Jun-2018 |
| <b>2014-029 (Standing)</b><br><br>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        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <b>2014-000 (Standing)</b><br><p>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:</p> <ol style="list-style-type: none"> <li>1. There have been significant delays or longer than typical timelines in the enforcement process</li> <li>2. The LTC is considering on-going, relevant policy or regulatory changes that could impact enforcement</li> <li>3. Litigation has been recommended</li> <li>4. Legal counsel has been involved (beyond providing a basic interpretation)</li> <li>5. There has been enforcement action beyond seeking voluntary compliance (e.g. a BEN warning or ticket, adjudication, a compliance agreement negotiated, etc.)</li> <li>6. There has been, or is an expectation of, joint enforcement with other jurisdictions</li> <li>7. There is potential for impact on other related enforcement files.</li> </ol> | Carried | 03-Feb-2014 |
| <b>2011-205 (Standing)</b><br><p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                      | Carried | 17-Oct-2011 |
| <b>2010-115 (Standing)</b><br><p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Carried | 18-Oct-2010 |
| <b>2009-085 (Standing)</b><br><p>That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Carried | 11-May-2009 |



**HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MAY 24, 2022 BOARD 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) continues to have a vacancy for one Ministerial appointment to the ITC Board. The [Crown Agencies and Board Resourcing Office](#) is responsible for posting the position.
- ITC Board welcomed Aislyn King as the summer Co-op Student to the ITC team. She will be working as the GIS & Conservation Technician over the summer.
- ITC Board received verbal updates from the ITC Chair and Vice Chair about the Islands Trust Governance Review, the final 2022/23 Islands Trust Budget and the Policy Statement Review Process.
- ITC Board approved audited financial statements for 2021/22.

**2. STRATEGIC PLANNING/ADMINISTRATION**

- The ITC Manager presented the request for decision regarding the ITC Plan Review to Board members, advising the plan will have a shorter timeline than previous plans (three years instead of five years), and noted the timelines for internal and First Nations referrals processes. The intent is to move towards a more robust engagement of First Nations over the next two to three years in preparation for the next ITC Plan. ITC Board approved the draft ITC Three-Year Plan and directed staff to refer it to local trust committees, the Bowen Island Municipality, Trust Council and First Nations and to bring a final draft to the Board for approval at its November 2022 meeting.
- ITC Board directed staff to prepare a Project Charter for the next ITC Five-Year Plan (2026-2030) with an emphasis on First Nations engagement.
- ITC Board provided input for the draft, July 13, 2022, ITC/Executive Committee liaison meeting. The liaison meeting provides an opportunity for ITC to liaise with Executive Committee regarding overlapping Trust Council and ITC work priorities.
- ITC Board reviewed correspondence received since the last meeting.

**3. COVENANT AND PROPERTY ACQUISITIONS**

- The ITC Manager presented the Sandy Beach Nature Reserve Management Plan to Board members. Board members discussed adding climate solutions to future management plans including planting of niche species adaptive to climate change. Staff noted that the current



Climate Change Project is examining mitigation and adaptation actions for ITC managed lands. ITC Board approved the plan as amended.

#### 4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board discussed the referral of Proposed Bylaw 526 - Farm Housing Project (Salt Spring). ITC Board recommended approval of Salt Spring Island Local Trust Committee Bylaw 526, subject to the following conditions:
  - Increase of setbacks for any new uses from all lot lines adjacent to the McFadden Creek Nature Sanctuary of 200m, due to potential heron nesting areas (a blue listed species at risk); and
  - Increase of setbacks for any new uses from all lot lines adjacent to other ITC conservation areas to 30 m.

ITC Board also requested the Salt Spring Island Local Trust Committee consider the development of other protections for conservation areas on Salt Spring Island, such as:

- Restrictions on timing of construction to September 15 – January 15 for lots adjacent to ITC and other conservation areas;
- Implementation of erosion controls and soil compaction controls during construction for lots adjacent to ITC and other conservation areas; and
- Increase of setbacks for all lots adjacent to and/or near sensitive ecosystems.
- ITC Board approved placement of a Memorial Bench in the McRae NAPTEP Covenant (Gabriola) noting the bench is in memory of the late Stanley and Maxine McRae..
- ITC Board received a Fallow Deer briefing for Mayne Island and passed a resolution encouraging Trust Council to strongly advocate to the Province for the implementation of sustained, evidence based solutions to invasive Fallow Deer populations on Mayne Island, as requested by the Mayne Island Conservancy Society, to prevent Fallow Deer invasions to other islands.

#### 5. COMMUNICATIONS AND OUTREACH

- ITC Board were presented with the draft 2021/22 Annual Report for approval. Minor edits were noted and the text was approved (as amended) for approval by Trust Council. Communications Specialist noted that this Annual Report was designed to compliment the ITC [Impact Report](#) that is now available on the website.
- The Species at Risk Coordinator briefed Board members on the results of the Gathering for Species at Risk workshop (held March 17, 2022) and [highlighted outcomes of workshop](#).
- The ITC Ecosystem Protection Specialist briefed Board members on the recent Bull Kelp polygon mapping. The [mapping has been uploaded into Map IT and TAPIS mapping](#).

#### 6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC Board approved the following Opportunity Fund Grants:



ISLANDS TRUST CONSERVANCY

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

- \$6,000 to Gabriola Land and Trails Trust in support of their Nature Stewards program;
  - \$4,950 to the Galiano Conservancy Association for items noted in their application;
  - \$5,000 to help Raincoast Conservation Foundation and the Pender Islands Conservancy Association protect 18 hectares (44.5 acres) of land known as KELÁ\_EKE Kingfisher Forest on North Pender Island. Thanks to the generosity of an anonymous donor and the Sitka Foundation this donation will be matched, making it a \$10,000 contribution towards the protection of this forest. See our [News Release for further details](#).
- ITC Board received a Species at Risk Program update, including information about extension of funding from Environment and Climate Change Canada. ITC Board directed staff to draft and sign an amended contribution agreement with Environment and Climate Change Canada (ECCC), extending the existing Species at Risk Program funding until March 31, 2026, including a budget increase for the 2022/23 fiscal year of \$25,000 and the addition of \$220,000/year in funding for the next three fiscal years (2023/24 through 2025/26).

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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)