



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: February 28, 2022
Time: 1:00 pm
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	1:00 PM - 1:00 PM	
2.	APPROVAL OF AGENDA	1:00 PM - 1:05 PM	
3.	TOWN HALL AND QUESTIONS	1:05 PM - 1:20 PM	
4.	COMMUNITY INFORMATION MEETING		
	None		
5.	PUBLIC HEARING		
	None		
6.	MINUTES	1:20 PM - 1:30 PM	
6.1.	Local Trust Committee Minutes Dated November 22, 2021 (for Adoption)		4 - 11
6.2.	Local Trust Committee Special Meeting Minutes Dated January 31, 2022 (for Adoption)		12 - 14
6.3.	Section 26 Resolutions-without-meeting Report Dated Feb 2022		15 - 15
6.4.	Advisory Planning Commission Minutes - October 13, 2021		16 - 22
7.	BUSINESS ARISING FROM THE MINUTES		
7.1.	Follow-up Action List Dated Feb 2022		23 - 24
8.	DELEGATIONS		
9.	CORRESPONDENCE	1:30 PM - 1:50 PM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
9.1.	Mayne Island Internet Group re Better Internet Service on Mayne Island		25 - 35
10.	APPLICATIONS AND REFERRALS	1:50 PM - 2:30 PM	

10.1.	MA-DVP-2021.8 (Quail) - Staff Report (attached)	36 - 50
10.2.	MA-RZ-2020.1 (Mayne Island Housing Society) - Staff Memo (attached)	51 - 97
10.3.	Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 521 (for response) (attached)	98 - 104
10.4.	Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 525 (for response) (attached)	105 - 111
10.5.	Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 526 (for response) (attached)	112 - 118
11.	LOCAL TRUST COMMITTEE PROJECTS	2:30 PM - 3:30 PM
11.1.	OCP and LUB Minor Amendments Project - Staff Report (attached)	119 - 129
11.2.	Flexible Housing - Staff Report (attached)	130 - 137
11.3.	Mayne Island Local Trust Committee Fees Bylaw No. 185 (for consideration)	138 - 145
12.	REPORTS	3:30 PM - 3:40 PM
12.1.	Work Program Reports (attached)	
12.1.1.	<u>Top Priorities Report Dated Feb 2022</u>	146 - 147
12.1.2.	<u>Projects List Report Dated Feb 2022</u>	148 - 149
12.2.	Applications Report Dated Feb 2022 (attached)	150 - 152
12.3.	Trustee and Local Expense Report Dated Dec 2021 (attached)	153 - 153
12.4.	Adopted Policies and Standing Resolutions (attached)	154 - 157
12.5.	Local Trust Committee Webpage	
12.6.	Chair's Report	
12.7.	Trustee Report	
12.8.	Islands Trust Conservancy Report Date November 2021	158 - 160
13.	NEW BUSINESS	3:40 PM - 3:50 PM
13.1.	Shoreline Protection Model Bylaw Report - Briefing	161 - 213
14.	UPCOMING MEETINGS	
14.1.	Next Regular Meeting Scheduled for March 28, 2022 at the Agricultural Hall, Mayne Island	
15.	TOWN HALL	3:50 PM - 4:05 PM

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1. Motion to Close Meeting

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

- *Adoption of In-Camera Meeting Minutes Dated September 27, 2021 and November 22, 2021*
- *Bylaw Enforcement*

AND that the recorder and staff attend the meeting.

16.2. Recall to Order

16.3. Rise and Report

17. ADJOURNMENT

4:05 PM - 4:05 PM



DRAFT

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

Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: November 22, 2021
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

Members Present: Dan Rogers, Chair
Jeanine Dodds, Local Trustee
David Maude, Local Trustee

Staff Present: Narissa Chadwick, Island Planner
Phil Testemale, Planner 2 via Zoom

Public Present: There were approximately (25) members of the public

1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:18 pm. He acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations

2. APPROVAL OF AGENDA

Added:
16. Closed Meeting

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

The following issues were discussed:

- It was mentioned that the Mayne Island Conservancy will be hosting William Shulba, Islands Trust Senior Freshwater Specials on Groundwater mapping work that has been done for Mayne Island .
- The president of the Association of Mayne Island Boaters (AMIB) advised that most members would support the CRD variance permit application with respect to the Anson Road dock site.
- It was reported that the hydrogeologist report on aquifers in the Southern Gulf Islands will be available by December 1st and posted on the Islands Trust Freshwater webpage. Concern was raised regarding extending the flexible housing project into the area serviced by the Surfside Estates water service. Staff provided clarification that the CRD has not yet to be contacted to discuss this option.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated September 27, 2021 (for Adoption)

The following amendments to the minutes were presented for consideration:

- **Change item 7.1**
From: Planner Chadwick reported that Mayne Island Housing Society (MIHS) housing agreement is with the lawyer who is also writing the covenant.
To: Planner Chadwick reported that Mayne Island Housing Society (MIHS) draft housing agreement is with the Islands Trust lawyer who is also writing the covenant.
- **Change item 10.4 first line of second paragraph**
From: Executive Council has approved and there is funding for a Public Engagement Process
To: Trust Council has approved and there is funding for a Public Engagement Process

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report – Dated Nov 2021

Received for information

6.3 Advisory Planning Commission Minutes Dated September 22, 2021 and October 6, 2021 (for Receipt)

Received Adopted Minutes from September 22, 2021 and October 6, 2021 and Draft Minutes and a report dated October 13, 2021.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated Oct 2021 – Received for information

- Chair Rogers provided direction for advocacy letter submissions.

8. DELEGATIONS

None

9. CORRESPONDENCE

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

9.1 Mayne Island Conservancy letter to Province re: Deer overpopulation

MA-2021-057

It was Moved and Seconded,

that the Mayne Island Local Trust Committee forward the letter of the Mayne Island Conservancy Society to the Islands Trust Council for consideration and action for the Trust Council's March agenda.

CARRIED

9.2 Joan Sutherland email re: Wooddale Drive

MA-2021-058

It was Moved and Seconded,

that staff arrange a joint meeting between Capital Regional District, Islands Trust staff, Capital Regional District Bylaw, CRD Director, and Island Trustees as soon as possible to discuss various issues with regards to Wooddale Drive.

CARRIED

- Residents of Wood Dale drive expressed concerns about the state of some of the properties and potential bylaw infractions.

9.3 Gulf Island National Park Reserve re Georgina Point Light Station

A letter from the lighthouse superintendent was received for information.

10. APPLICATIONS AND REFERRALS

10.1 MA-DVP-2021.5 (Hollingshead) - Staff Report received for information

- Planner Chadwick gave an overview of the application.

MA-2021-059

It was Moved and Seconded,

that the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2021.5 (Hollingshead).

CARRIED

10.2 MA-DVP-2021.7 (Capital Regional District) - Staff Report received for information

- Planner Testemale provided an overview of the information in the report and stated there were no responses to the notifications.
- At issue are the number of parking spaces required, topography, safe access for a pump truck and the need to maintain existing access to neighbouring properties
- It was reported that the extreme rain event resulted in a failure of one of the corners of the wall and that extensive remediation is required. A geotechnical report is underway. Drainage improvements are necessary.
- Discussed the setback incursion to allow for a dual axle truck turnaround to service the pit toilet.

- It was reported that conforming with the setback would eliminate two parking spaces.
- Discussed alternative options for further variance applications which will result in project delays.
- It was reported that the necessary repairs would probably not affect the work of putting in the docks.
- Public discussion occurred on the issues of cost increases due to delays and concerns for reduced parking.

MA-2021-060

It was Moved and Seconded,

that the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2021.7 (CRD).

CARRIED

Trustee Maude - Opposed.

10.4 MA-LTC-2021-11-22_TUP-2021.3 (HaQ) – Staff Report received for information

- Planner Testemale provided an overview.
- The application is to comply with land use bylaw regulations.
- This item was discussed at the July 19, 2021 and September 27, 2021 meetings and was referred to the Mayne Island Advisory Planning Commission and the Campbell-Bennett Bay Improvement District to consider.
- The applicant spoke on the matter stating that:
 - The rationale has been to generate income to support the space;
 - It is primarily a family retreat which is occasionally shared with friends;
 - Care and respect guided the process with regards to the neighbourhood, water conservation and the impact of land use; and
 - The property is not owned by a corporation; and, it is mainly used by artists.

MA-2021-061

It was Moved and Seconded,

that the Mayne Island Local Trust Committee amend Temporary Use Permit MA-TUP-2021.3 (HaQ) as shown as Attachment 3 to this Staff Report by the addition of the following:

- Limit the maximum number of days permitted between May 1 to September 30 in Condition 3. a) to a total of thirty (30) days.
- That a new condition be added stating that: the contact person, Short Term Vacation Rental Operator, or property owner shall confirm the water street valve is closed after the departure of each rental guest when the property is to be vacant for more than 48 hours.
- That Campbell-Bennett Bay Improvement District Bylaw No. 76 be attached to the permit as Schedule 'A', and that a new condition be added that the bylaw shall be clearly posted in the dwelling; and

- iv. That a new condition be added stating that the contact person, Short Term Vacation Rental Operator, or property owner shall post a sign with contact and permit information at the entrance to the property.

CARRIED

MA-2021-062

It was Moved and Seconded,

that the Mayne Island Local Trust Committee approve issuance of MA-TUP-2021.3 (HaQ) as amended for a period of two (2) years.

CARRIED

It was commented that there is concern regarding TUP applications for STVRs and the concentration of STVRs in the particular neighbourhood is a matter of consideration.

Planner Testemale left the meeting.

10.3 MA-RZ-2020.1 (MIHS) – Staff Report received for information

- Planner Chadwick provided an overview of the information contained in the report.
- A memo was provided to the trustees regarding the pause.

MA-2021-063

It was Moved and Seconded,

that the Mayne Island Local Trust Committee direct that application MA-RZ-2020.1 (MIHS) be placed in abeyance until such time as the family of the property owner, who currently hold Power of Attorney over the property, indicate that they would like the application to proceed or that the Local Trust Committee otherwise directs, and that staff follow up with the family members holding Power of Attorney within three months and report back to the Local Trust Committee.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Flex Housing Pilot Area Proposal - for Discussion – Staff report received for information.

- Planner Chadwick provided an overview of the information contained in the report.
- Discussed:
 - Maximum combined square footage;
 - The language regarding B&B use;
 - The process towards setting pilot areas, bylaw creation and community engagement;
 - Surfside Park Estate issues of population density, current housing problems and water leakage;
 - Pilot area to be selected by September; and

- Rainwater catchment and groundwater use.

MA-2021-064

It was Moved and Seconded,

that the Mayne Island Local Trust Committee endorse Draft Bylaw No. 184 cited as “ Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021”.

CARRIED

MA-2021-065

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to amend the Official Community Plan to enable the Land Use Bylaw amendments proposed in Draft Bylaw No. 184 cited as “ Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021”

MA-2021-066

It was Moved and Seconded,

that the Mayne Islands Local Trust Committee request staff to explore options related to expanding the flexible housing pilot area to include portions of Surfside Park Estates, lots along Fernhill Road, and the Gallagher Bay Road area outside of the Mt. Parke Estates Improvement District.

CARRIED

MA-2021-067

It was Moved and Seconded,

that the Local Trust Committee commit to not expanding density or increasing any density of Surfside Park Estates until substantial consultation with landowners and other service providers occurs in that area.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated November 2021 – Received for information

Regarding the Groundwater Sustainability Project, It was identified that the groundwater reports for the Southern Gulf Islands will be posted to the Islands Trust soon. Data related to Mayne Island would be presented through a Mayne Island Conservancy webinar. It was reported that draft amendments are anticipated to be brought forward to North Pender and Galiano at their February LTC meetings. . As discussed, the Mayne LTC will wait and see what happens for North Pender and Galiano before identifying Groundwater Sustainability Implementation as a tip priority.

12.1.2 Projects List Report Dated Oct 2021 – Received for information

12.2 Applications Report Dated Oct 2021 – Received for information

12.3 Trustee and Local Expense Report Dated August 2021 – Received for information

12.4 Adopted Policies and Standing Resolutions – Received for information

12.5 Local Trust Committee Webpage

12.6 Chair's Report

- Next Trust Council meeting in Victoria will be both in person and broadcasted with fully interactive Town Hall.
- Survey and comment period in January and February.
- Update on Trust Policy Statement.
- Governance Review nearing end with March next year for consultant report.
- Community stewardship awards will start up.
- Raincoast webinar had valid advice re water: Catch it, store it, use it sparingly.

12.7 Trustee Report

- Trustee Dodds reported that, while Mayne Island did well during the recent rain storm, there was flooding where none had occurred previously. She recommended that the community should know more about preparedness and the Emergency Program.
- Trustee Maude reported that Dawne Cressman recently passed. He stated that she was very active and enthusiastic with the LTC, much loved and will be missed.

12.8 Islands Trust Conservancy Report - None

13. NEW BUSINESS

None

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for January 31, 2022 at the Agricultural Hall

15. TOWN HALL

It was commented that:

- Newcomers might expect city infrastructure with regards to emergencies.
- The provision of water in order to obtain a permit requires flexibility.

16. CLOSED MEETING

16.1 Motion to Close Meeting

MA-2021-068

It was Moved and Seconded,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s90(1)(g) litigation or potential litigation affecting the municipality and that staff attend the meeting.

CARRIED

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:15 pm.

Dan Rogers, Chair

Certified Correct:

Lauren Edwards, Recorder



DRAFT

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

Mayne Island Local Trust Committee

Minutes of Special Meeting

Date: January 31, 2022
Location: Electronic Meeting

Members Present: Dan Rogers, Chair
Jeanine Dodds, Trustee
David Maude, Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Narissa Chadwick
Pat Todd, Recorder

Public There was one (1) member of the public present.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:07pm. 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. BUSINESS ITEMS

3.1 Mayne Island Local Trust Committee Meeting Procedure Bylaw No. 188 (for consideration)

Regional Planning Manager (RPM) Robert Kojima reviewed the draft Bylaw noting it was a meeting procedures bylaw for electronic Local Trust meetings and that it is based on a bylaw adopted in 2014. It addresses electronic meetings and stipulates a minimum of 2 in person meetings yearly to be held in accessible locations for public attendance.

Discussion included the addition of “postings, modifying language to be gender neutral and that prior to adoption there should be a Public Meeting for input on provisions.

MA-2022-001

It was Moved and Seconded,

that the Mayne Island Local Trust Committee amend Bylaw No. 188 to include “on island postings in locations accessible to the public and in Local Trust Offices”.

CARRIED

RPM Kojima informed the committee that there are 2 copies of draft in circulation and that this phrasing has been added to Section 3.

MA-2022-002

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to remove Sections 18 through 40 from draft Bylaw No. 188.

CARRIED

MA-2022-003

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 188, cited as "Mayne Island Local Trust Committee Meeting Procedure Bylaw No. 188, 2022", as amended be read a First time.

CARRIED

MA-2022-004

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 188, cited as "Mayne Island Local Trust Committee Meeting Procedure Bylaw No. 188, 2022", be read a Second time.

CARRIED

MA-2022-005

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 188, cited as "Mayne Island Local Trust Committee Meeting Procedure Bylaw No. 188, 2022", be read a Third time.

CARRIED

MA-2022-006

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 188, cited as "Mayne Island Local Trust Committee Meeting Procedures Bylaw No. 188, 2022", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

Chair Rogers informed the Committee that consideration is being given, by the Financial Planning Committee, to establishing a staff position for management of electronic meetings and that there would be two motions coming forward for Resolution Without Meeting (RWM).

NEXT MEETING February 28, 2022

4. ADJOURNMENT

By general consent the meeting was adjourned at 1:32 pm.

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder

**Resolutions Without Meetings Log****Mayne Island**

Resolution Number	Action	Date
2022-003 That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2021.9 (Mayne Island Agricultural Society and Fall Fair).	Carried	10-Feb-2022
2022-002 THAT Mayne Island Local Trust Committee adopt Bylaw No. 188, cited as "Mayne Island Local Trust Committee Meeting Procedure Bylaw No. 188, 2022".	Carried	09-Feb-2022
2022-001 THAT the Mayne Island Local Trust Committee January 31, 2022 regular scheduled business meeting be cancelled and that the Mayne Island Local Trust Committee request staff to schedule a Special Electronic Meeting for January 31, 2022 at 1:00 p.m.	Carried	17-Jan-2022

DRAFT



MAYNE ISLAND ADVISORY PLANNING COMMISSION MEETING MINUTES - DRAFT

Date: Wednesday, October 13, 2021

Location: Mayne Island Community Centre

Members Present: Stephen Cropper, Chair
Ian Birtwell, Vice Chair
Deb Foote
Liam Bender

Islands Trust Members: Jeanine Dodds
David Maude

Staff Present: Lauren Edwards, Recorder

Members of the Public: Deborah Goldman, President, and David Brown, Vice President,
Mayne Island Housing Society
There were approximately 10 members of the public present.

Regrets/Absent: Chris Roehrig
Aaron Reith
Gordon Miller
Christie Meers

1. CALL TO ORDER

The meeting was called to order at 7:00 pm.

- Chair Cropper remarked the meeting is a continuation of past Commission meetings regarding the Mayne Island Local Trust Committee's (LTC) referral of the Mayne Island Housing Society (MIHS) rezoning application and that opportunity will be provided for attendees to speak to the five topic areas or to any new information not already received by the Advisory Planning Commission (APC).

2. Approval of the Agenda

By general consent the agenda was adopted as presented.

3. Approval of the Minutes of APC Meeting October 6, 2021

It was moved and seconded,
that the Mayne Island Advisory Planning Commission minutes of October 6, 2021 be adopted as presented.

CARRIED

4. Business Arising from the Minutes - none

5. Referrals

MA-RZ-2020.1 (MIHS) Continued from October 6, 2021 meeting

Chair Cropper invited comments from the public attendees - none were received.

An overview was provided of the Commission's comprehensive review and its recommendations of the five topic areas identified in the referral concerning the MIHS rezoning application. The overview reflected information as presented in the APC report received.

It was moved and seconded,
that Mayne Island Advisory Planning Commission receive and adopt report: *APC Comments on LTC referrals of MA-RZ-2020.1 (MI Housing Society rezoning) dated Oct 13, 2021*, and forward the report and recommendations back to the Mayne Island Local Trust Committee.

CARRIED

6. Trustees Report

Trustee Dodds reported that:

- The LTC will meet on October 25th;
- She toured neighbouring and MIHS property; and
- Another site visit and meeting with neighbours should occur with the LTC and Islands Trust staff, Dan Rogers and Planner Chadwick.

7. **New Business** - none

8. **Next Meeting** - TBA

ADJOURNMENT

By unanimous consent the meeting adjourned at 7:25 p.m.

Stephen Cropper, Chair

Date

Certified Correct:

Lauren Edwards, Recorder

APC Comments on LTC referrals of MA_RZ 2020.1 (MI Housing Society rezoning). Oct 13 2021.

The APC members have reviewed the posted staff and consultant reports, the submitted comments from the public, have met with staff and undertaken site visits; and have discussed the referrals at the APC meetings of Sept 22, Oct 6 and Oct 13 including representations from the applicant and neighbours.

Text in italics is from the referral staff report, and placed here purely for reading guidance.

1. Impacts on neighbours to the west (Rebecca Ewing and Tim Maki)

The neighbours to the west of the proposed housing development have raised a number of issues that have been detailed in a number of letters that can be accessed on the website. Key concerns include: Impact on agricultural use, Privacy issues related to proximity of the development, Interests in increased setback and buffering, Impacts on forest contiguity.

- Noted that the choice of siting of the housing on the west side of proposed lot 3 is driven largely by ecological criteria, protection of critical wetland forest, remediation of wetland areas and siting of water retention ponds, and site topography.
- The Ecological report notes that the proposed development site is at the margins of the north slope of the Mt Parke/Village Bay Forest, and portions of the parent parcel and the neighbour's property were heavily logged in past 15 – 20 years, and note that the housing development area would not significantly impact the current established forest contiguity.
- It was also noted in the Ecologists report (page 7) that land clearing was currently (Sept 2020) underway on the South side of Village Bay Road adjacent the proposal.
- The neighbours stated (site visit) that the existing sporadic higher growth foliage in the area proposed for housing development is needed to provide morning shade (means less irrigation) to a portion of the fenced arable area of their property.
- Noted that the impact of removal of this shade foliage (from an area lower in elevation than the arable land above) would be marginal and would be limited to a small portion of the fenced arable land.
- That shading could be, and would be, attained through further growth and reforestation on the property to the west.
- Noted that the current location of buildings on the neighbour's property is 150-200m west, and well removed, and proximity privacy issues between residences would be minimal.
- because of past land clearing, and current water views toward Active Pass, the eastern most part of the arable site is also stated as the potential location of the neighbor's future residential improvements, obviating a need for crop shading, but possibly introducing a desire for privacy screening, both for the neighbour and the proponent.
- Noted that the interior lot line setbacks on the housing parcel are to be increased to 8m, and that the housing proponent should commit at the design stage to plant a buffer, privacy screening in this set back area.
- Recommend that the general area for housing development be identified (maybe included in covenants) at rezoning, and that the specific details of the siting and massing of buildings, the west loop portion of the driveway and the treatment of buffers and other landscape replanting be addressed through meaningful dialogue and consultation with the neighbours to the west.

- Consider design changes (move buildings east, and/or modify loop road design), to ensure that the loop road does not intrude into the increased 8m setback width, and that all or most of the 8m setback area can be planted as a buffer.

2. Impacts on neighbours to the north – *The neighbours to the north have identified concerns related to surface water runoff (see correspondence on website). The MIHS is proposing a wetland restoration approach which they believe may address some of the runoff issues.*

- The water run offs and flows experienced by the neighbours to the north are partly due to topography, being on the lower north slope of Mt Parke, run off from Village Bay Road, and reportedly severely aggravated by the adjacent properties logging in the past 20 years.
- The proponent has commissioned a wetland restoration report which recommends remediation of compacted (logging road) areas, filling of ditches to increase infiltration and reduce rapid storm run-off; planting and reforestation, and creation of wetlands and stormwater retention ponds.
- Noted by MIHS that water from a natural spring will still be running, ditch not filled, but the water run-off will be managed in lower wetlands.
- APC note that much of the hard surface runoff will be “slowed” through storage in tanks for irrigation, directed to ponds and wetlands.
- APC recommend further efforts by MIHS to reduce storm run-off through driveway swales, permeable ‘hard’ surfaces, and appropriate landscaping, and that these be incorporated into later development permitting review.
- It is understood that following the recommendations should result in a lessening of existing water run off issues on properties to the north, may manage them, but may not entirely eliminate them.
- Noted that the recommended remediations to mitigate and manage that run off and downslope drainage issues are not isolated to the proposed lot 3.
- APC recommend that the water/wetland remediation works be ensured through incorporation into the restrictive covenants for the proposed Lot 2.
- It is understood from the consultant reports and testing of wells, aquifers, water supply, and septic fields, that the proposed development will not impact on the water supply of neighbours to the north.

3. Overall environmental impact - *The Biologists report, Wetland Specialist’s report and Arborists reports all identify potential environmental impact. The MIHS’s site plan identifies how they will address/reduce impact. In addition, trustees have requested a covenant that identifies a specific building site on proposed Lot 2 and the rest of the property to be left undisturbed.*

As outlined in the Ecological Assessment Report MIHS has addressed the 12 points included in the Recommended Guidelines for Development Planning point by point.

- 1) Reduce fragmentation of forest by keeping development compact and reducing footprint of structures and surfaces. This is evidenced by the site plan dated Feb 2021
- 2) Retain and establish tree protection zones – clearly described in all development plans
Five designated veteran trees will be retained and protected during and after development and construction of the project
- 3) Three of four wildlife trees will be retained and protected during and after development and construction of the project

- 4) Minimize encroachment into moist/wet ecosystems
The building site has been designated focusing on the areas that were compacted during the most recent logging of the site.
Wetland remediation will be included in the development including decompaction and construction of retaining ponds.
- 5) Minimize disturbance of Douglas Fir/Dull Oregon Grape – EC 1-1
Appears to be largely undisturbed in renderings
- 6) Focus development in and around areas where soils heavily disturbed and compacted.
Site plan concentrated in EC 3-2 and 2-1 both identified as heavily disturbed with compacted areas and exotic species.
- 7) Minimize areas of compaction during construction and post constructions
Equipment will be constrained to building development area except where required for remediation work and wetland development.
- 8) Consult with Hydrologist to determine impacts from development and prescribe methods to mitigate on-site and downslope impacts. This has been completed, with recommendations being incorporated into site development plans, and includes significant remediation efforts to mitigate existing downslope hydrology issues.
- 9) Maintain as much forest cover and natural vegetation as possible.
This has been clearly identified in sight development plans as a high priority.
- 10) Restore areas outside of the development footprint where soil has previously compacted
Recommendation incorporated into sight development plan.
- 11) Incorporate wildlife zones where no development takes place.
MIHS has accounted for this recommendation into the site development plan
- 12) Monitor and evaluate and incorporate further mitigation as necessary during all phases of development and construction.

The APC note that the implementation of the above environmental protection measures and the proposed Wetland Restoration plan into the site development planning provides significant environmental benefits overall.

The APC recommends that the environmental remediation outlined in the Ecological Assessment Report, and the Wetland Restoration plan be ensured through restrictive covenants on both lot 2 and lot 3.

4. Contribution to the community in terms of providing affordable housing - *The MIHS is basing their proposed rates on the possibility of receiving BC Housing funding. BC Housing funding has a very specific requirement related to the breakdown of rental rates to ensure an adequate revenue stream to support the financing of the project. Questions have been raised related to whether these rates will address the housing affordability challenges being faced on Mayne.*

- Noted that the rental housing as envisaged will only proceed if the MIHS application to BC Housing is approved, and that the rents for the 10 units will be determined by following the BC Housing mixed rental model and the funding model: Details may vary slightly.
- As proposed, we understand that 9 of the 10 units will have rents based on 30% of income, for low and moderate income households. There are upper income criteria to determine eligibility.
- BC Housing model is geared to providing affordable (income based) housing for the most vulnerable and needy, and the model is being used throughout the Province.

- By definition, being directly income based, the proposed housing is affordable, and given the recent run up in Mayne Island property values, more so than ever.
- Noted that as well as affordability, the proposed housing addresses, in a small way, a Mayne Island Housing issue of availability and certainty of rental accommodation.
- The proposal, is modest, but does start to address a longstanding problem of suitable, affordable and available rental housing for lower income members of the community.

5. Traffic Impacts – *This concern has not been addressed. The LTC would like the APC to consider this given that there will be 10 units on a well traveled roadway that will also have a bike lane.*

- Members noted little comment on traffic. Given that the MT Parke entrance (100m East), serves 15 homes, with no known issues, and similarly no issues at Wood Dale Drive, with much higher volumes, there does not appear to be a traffic volume issue.
- There are no other driveways within close proximity.
- Sight lines appear to be adequate.
- It would be prudent for planners/proponents to engage with CRD engineers re the design and signage where the driveway will cross with the proposed Village-Miners Bay foot and bicycle trail.
- Noted that MIHS are stating that they will follow a recommendation to have dual lanes for the driveway at the intersection with Village Bay Road, to accommodate vehicles turning in when a vehicle is waiting to exit.



Follow Up Action Report

Mayne Island

27-Sep-2021

Activity	Responsibility	Dates	Status
1 10.4 Trust Council Policy Statement - 1. Respond after engagement process has been completed 2. Community half day workshop with IT staff available	Gillian Nicol Narrisa Chadwick	Target: 25-Feb-2022	In Progress
2 13.1 Draft new model fee bylaw	Robert Kojima	Target: 08-Oct-2021	Completed

22-Nov-2021

Activity	Responsibility	Dates	Status
1 6.1 Minutes Approved as amended (7.1 - add "draft", 10.4 change to "Trust Council has approved")	Robin Ellchuk	Target: 30-Nov-2021	Completed
2 9.1 The Mayne Island Conservancy letter be forwarded to TC for consideration and action for the March agenda	Jas Chonk Lori Foster Robin Ellchuk	Target: 20-Dec-2021	Completed
3 9.2 Staff arrange a joint meeting with the CRD, LTC, bylaw and planning staff ASAP to discuss various issues regarding Wood Dale Drive (Surfside Estates water district)	Narrisa Chadwick Robert Kojima Robin Ellchuk Warren Dingman	Target: 17-Dec-2021	In Progress
4 10.1 MA-DVP-2021.5 (Hollingshead) - DVP approved as presented	Jas Chonk Narrisa Chadwick	Target: 30-Nov-2021	Completed

Follow Up Action Report

Mayne Island

22-Nov-2021

Activity	Responsibility	Dates	Status
5 10.2 MA-DVP-2021.7 (CRD), DVP approved as presented	Jas Chonk Phil Testemale	Target: 30-Nov-2021	Completed
6 10.3 MA-RZ-2020.1 (MIHS) Application placed in abeyance. Staff to follow up with land owner before February LTC meeting.	Jas Chonk Narrisa Chadwick Robin Ellchuk	Target: 30-Nov-2021	Completed
7 10.4 MA-TUP-2021.3 (HAQ) DVP approved as amended.	Jas Chonk Phil Testemale	Target: 30-Nov-2021	Completed
8 11.1 Flex Housing - draft bylaws endorsed, support for OCP amendment. Staff to provide options for expansion of pilot area.	Narrisa Chadwick	Target: 15-Jan-2021	Completed

From: Mayne Island Internet Group <mayneislandinternet@gmail.com>

Sent: January 27, 2022 10:16 PM

To: Dan Rogers

Subject: Better Internet Service on Mayne Island is Around the Corner, But We Need Your Support

Dear Dan,

Here's a simple fact: stable, adequate internet connectivity is elusive, and even non-existent, to a large portion of Mayne Islanders. Where there is service, it is mediocre at best, largely below the federal government standard of 50 Mbps download and 10 Mbps upload. This is crippling our economic and social development – we are actually losing some residents because they cannot make a living here without decent internet.

In fact, inadequate connectivity runs counter to Islands Trust's preserve and protect mandate. As the island's population edges up, we need to attract young individuals and families capable of investing their energy and dreams in a way that preserves and protects what makes the island special. **Better connectivity would allow Mayne Island to attract professionals who rely on the internet to do their work, minimising the need for travel while supporting the local economy with a lower carbon footprint.**

The federal and provincial governments are putting money on the table to improve internet access and speeds for Canadians. That includes Mayne Island, of course. **But there is a catch:** we need to show we want it. We need to show real community support.

Dan, you are one of the island's pillars. You are respected and your voice counts. Our ask: *that you write a letter of support for this project*. We have attached a template letter to help with that. Also, we have attached an article which will appear in the next MayneLiner that explains the context in fuller details.

Dan, having the support of Islands Trust is critical to this project. Please take a few minutes to write a letter of support. Send it to mayneislandinternet@gmail.com. We will consolidate the letters and send them to all the government officials involved in the decision making, as well as our elected representatives.

Your investment of a few minutes will make a difference.
Please do it now. Time is of the essence.

Also, if this project is successful, and we fervently hope it will be, there will be a need to implement infrastructure such as optic cabling to support last mile connectivity. What is the process for getting this work authorised by Islands Trust?

Thank you, and our best regards,
Deborah Goldman
David Rea
Adam Myhill
Paul Robinson
Allister Hain
John Glover
Gordon Miller
Jean-Daniel Cusin

From: Mayne Island Internet Group <mayneislandinternet@gmail.com>
Sent: Thursday, February 17, 2022, 5:14 p.m.
To: drogers@islandtrust.bc.ca; jdodds@islandtrust.bc.ca; dmaude@islandtrust.bc.ca
Cc: nchadwick@islandtrust.bc.ca
Subject: Fwd: Request for approval of financing for Mayne Island fibre-optic connection

To: Chair Dan Rogers, Trustee Jeanine Dodds, Trustee David Maude
Sent by email

Feb.17, 2022.

Dear Mayne Island Trustees

Re: Request for a letter from the Mayne Island Local Trust Committee to support an application for infrastructure funding to provide in ground 'last mile' fibre optic cable from the Connected Coast landing site to the homes on Mayne Island.

The matter of poor internet connectivity on Mayne Island has been before the Local Trust Committee previously. I recall Capital Regional District (CRD) staff making a presentation on the broadband connectivity work being done by the CRD to support the strategic activities of the Southern Gulf Islands - Community Economic Sustainability Commission and the connectivity needs of the residents of the Southern Gulf Islands.

I note that on Sept 5, 2019, Peter Luckham, Chair of the Islands Trust Council wrote a letter of support to provincial and federal ministers on behalf of all the Gulf Islands to benefit from the Connected Coast project (letter attached).

And further, Local Trust Committees have written similar letters of support for their individual island communities.

For the past year, the CRD has continued to move this initiative forward and has become a partner with the Connected Coast /CityWest project to provide better internet services to the Southern Gulf Islands. We learned late this fall that not all Southern Gulf Islands were deemed eligible to be involved in the Connected Coast project at this time, and Mayne Island was one of the islands not included.

The Mayne Island Internet Group was formed in early January, 2022, to advocate for the inclusion of Mayne Island in the project, and for the residents of Mayne Island to not be left behind. We understand from the Connected Coast co-leads that they submitted an application on behalf of Mayne Island for last mile funding for in ground fibre optics to the home to the provincial/federal joint Broadband initiatives, that the decision will be taken shortly, and that the community could strengthen the application by demonstrating support for the project. We have been advised that Mayne Island is, in fact, eligible for Connected Coast, and will be

provided with a landing site if we could demonstrate proof of funding for the last mile to the home fibre optic infrastructure.

The Mayne Island Internet Group has engaged with elected representatives from the regional, provincial and federal governments, Adam Olsen letter attached. And we have been engaging with our community residents to encourage them to write letters of support, and provide evidence of their internet speeds. To date we have 83 letters, also attached, and 208 members have joined the social media group MI Internet.

You will find more information about the project, the poor internet situation on Mayne Island, and the opportunity is in the attached letter that we have also sent to other elected representatives and the funders to encourage support for this application.

As Chair of the Mayne Island Internet Group, I am writing to you today to request your support for Mayne Island to receive faster and more suitable internet connectivity services by providing a letter of your support that we may forward to the funders who are making this decision. As time is short on this application decision, we hope that you will consider this request at the next LTC meeting on February 28, 2022.

Thank you very much.

Regards

Deborah Goldman
Chair, Mayne Island Internet Group

cc. Narissa Chadwick, Islands Trust Planner

----- Forwarded message -----

From: **Mayne Island Internet Group** <mayneislandinternet@gmail.com>

Date: Thu, 17 Feb 2022 at 08:15

Subject: Request for approval of financing for Mayne Island fibre-optic connection

To: Minister Lisa Beare: <CITZ.Minister@gov.bc.ca>, Network BC

<ConnectedCommunitiesBC@gov.bc.ca>, Minister Pablo Rodriguez:

<hon.pablo.rodriguez@pch.gc.ca>, Minister François-Philippe Champagne: <ministerofisi-ministredeisi@ised-isde.gc.ca>, Universal Broadband Fund <get-connected@canada.ca>

Cc: adam.olsen.mla@leg.bc.ca <adam.olsen.mla@leg.bc.ca>, MP Elizabeth May

<elizabeth.may@parl.gc.ca>, David Howe <directorsgi@crd.bc.ca>, Paul Brent

<directoraltsgi@crd.bc.ca>

Improved Internet is available for Mayne Island

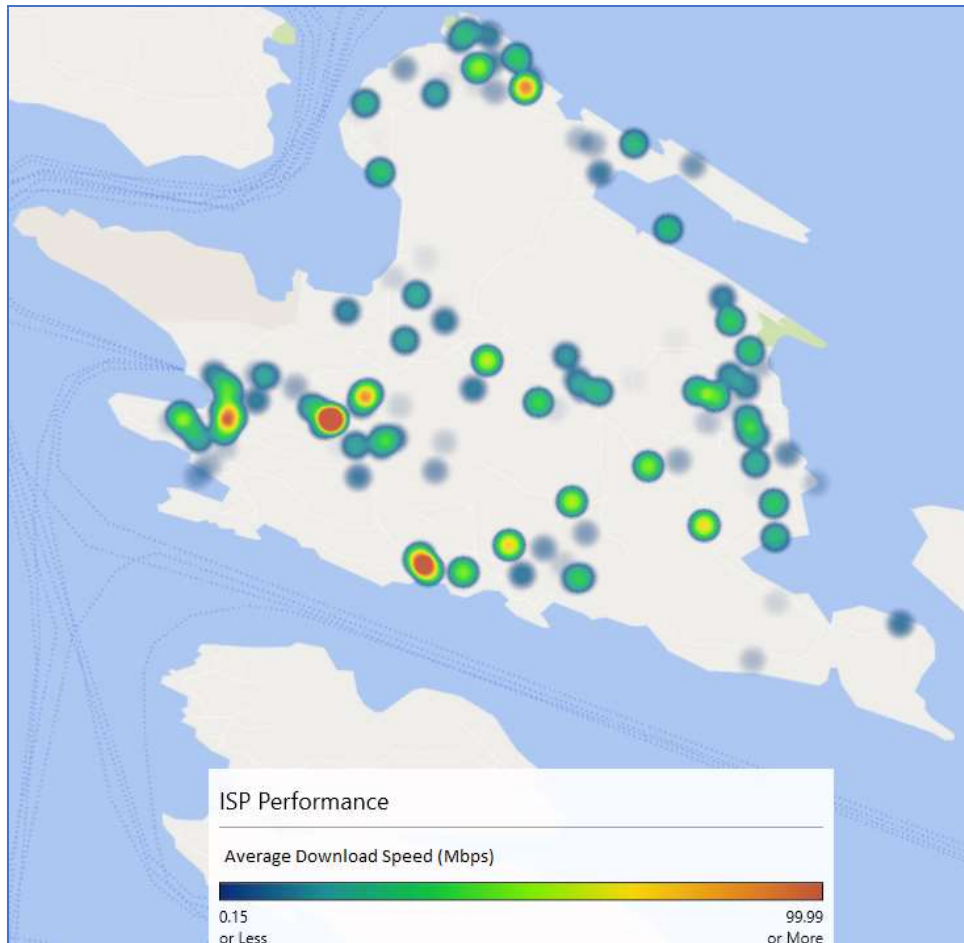
The time to act is NOW

WHAT IS THE ISSUE

Stable high speed internet connectivity has been elusive to a large portion of Mayne Island residents for many years. There currently exists a patchwork of internet providers that service different areas of the island which results in a low level of stability, a wide range of connectivity speeds, and in some cases, no internet options at all.

According to CIRA (the 'Canadian Internet Registration Authority') the current speed testing by Mayne Island residents has indicated speeds that are generally much less than the minimum federal standard of 50 Mbps down and 10 Mbps up. Current service providers simply cannot meet these present standards throughout Mayne Island nor provide upgrades for future needs.

The following graphic provides an indication of internet speeds throughout Mayne Island based on 2020-2021 CIRA data:



WHAT IS THE IMPACT

Poor internet coverage, stability, and speed have many impacts on the Mayne Island Community:

- While the situation was difficult before COVID, the pandemic has further aggravated the issues with increased demand due to more people working from home, conducting videoconference meetings, taking distance learning courses, video streaming, and a general increase in personal use.
- Travel, tourism, and the food industry continue to be impacted due to poor connectivity for their business and their customers / clients.
- Many residents have had to either shift their work to larger centres to conduct their internet-based business, quit their jobs, or move from the island.

OUR RESEARCH

The Southern Gulf Islands Community Economic Sustainability Commission (SGI-CESC) of the Capital Regional District (CRD) convened a meeting in the spring of 2019

with BC's Ministry of Citizens' Services to discuss the Connected Coast Initiative. This \$45 million initiative runs along BC's coastline to connect underserved communities.

What followed was an extensive community engagement by CRD staff to document the needs of residents and businesses of the SGI communities of Pender, Saturna, Galiano and Mayne. Tanex Engineering was engaged to provide infrastructure design. The final report was produced in April 2021. As a result of these efforts, the Southern Gulf Islands are included in the Connected Coast initiative.

Furthermore, a November 2021 announcement revealed only two Southern Gulf Islands were selected to receive landing sites in this phase of the Connected Coast initiative, and Mayne Island was not one of them as it was considered adequately served despite this not being the case.

WHAT WE ARE DOING

The Southern Gulf Islands (SGIs) have been active in community engagement since 2019 to assess the needs, the infrastructure, and through our regional government are working closely with the Connected Coast and last mile co-leads.

Mayne Islanders have now created the 'Mayne Island Internet Group' to ensure we get connected as soon as possible. This group has extensive experience with internet infrastructure, our issues, and the Connected Coast opportunity.

In recent meetings with the Connected Coast, CityWest and other government officials, it has been confirmed that Mayne Island is now in the pipeline to receive a funded landing site through the project. An application is currently before the provincial and federal governments for funding for the "last mile" connection.

Approval of "last mile" funding is required before the landing site will be provided. This funding allows for 90% of the cost of the last mile connections. The balance would be a community contribution, which for Mayne Island is calculated as \$500,000.

The CRD board has passed a resolution (attached) to facilitate the permitting for laying the last mile cable, has provided support to Citywest, and has supported in principle community funding for the Southern Gulf Islands portion of the last mile connections. The dividend arrangements available from Citywest would release the financial burden from MI residents. This means no tax increase for Mayne Island residents for the island to be connected to the Connected Coast project.

Mayne Islanders recognise that the "fibre to the home" initiative, through the Connected Coast project, is a valuable opportunity that will provide the best solution for current and future capacity requirements.

We have mobilized to demonstrate our island support for this initiative by testing our internet speeds and reporting them to CIRA and posting on Facebook. We are also encouraging residents to send a letter of support for Mayne Island's early participation in this project.

NEXT STEPS

Mayne island residents are excited to have the application for last mile funding approved and receiving an in-ground fibre-optic cable to their homes with no resulting capital costs to the homeowner. The result will be the provisioning of internet service well above the current service levels at competitive monthly rates.

We are providing the first round of letters to support the application currently before the funders for the last mile fibre to the home and encourage you to read each letter as each signatory has provided their unique impact statement. We appreciate that Connected Coast and Citywest anticipated our interest and made application for this service on our behalf, and eagerly anticipate having our internet issues resolved for many years to come.

In addition to the letters of support from Mayne Island residents, businesses and non-profit service providers, we are providing:

1. A support letter from MLA Adam Olsen addressed to Minister Lisa Beare, Minister of Citizens Services, dated January 28, 2022, in which Mr. Olsen advocates for Mayne Island to receive Connected Coast and Citywest services. Attached to Mr. Olsen's letter are the motions enacted by the Capital Regional District board, as mentioned in the text above, and
2. Support letter from Peter Luckham, Chair of the Islands Trust Council, dated September 5, 2019, addressed to Jinny Sims, then Minister of Citizens' Services of BC Government and Navdeep Bains, then Minister of Innovation, Science and Economic Development Canada.

Thank you for this opportunity to work together - We look forward to a positive decision for funding for last mile initiative on Mayne Island.

Submitted by



Deborah Goldman, Chair
The Mayne Island Internet Group

MIIG members: Jean-Daniel Cusin, John Glover, Allister Hain, Gordon Miller, Adam Myhill,
David Rea, Paul Robinson



Hon. Lisa Beare
Minister of Citizens Services
PO Box 9204 Stn Prov Govt
Victoria, BC V8W 9K1

January 28, 2022

Re: Equitable fibre optic technology on all Southern Gulf Islands

Dear Minister Beare,

Thank you for the continued effort of your Ministry to deliver high-speed fibre optic internet to underserved parts of British Columbia.

As you know we have been working on this issue for the Southern Gulf Island communities we represent for many years.

We are encouraged that you are making progress. However, we would like to raise concerns about a growing inequity in the service delivery on the Southern Gulf Islands.

We know that the Ministry has placed a high priority on community engagement. We have heard clearly from our constituents that they will not accept less than fibre optic internet connections to their homes, and that it is unacceptable to have inequity amongst the Southern Gulf Island communities.

I note that the CRD Board has passed a resolution supporting fibre optic connections.

Therefore, we are writing to you to reiterate our expectations, and those of the communities we are elected to represent.



200-1627 Fort Street, Victoria BC V8R 1H8
Telephone (250) 405-5151 Fax (250) 405-5155
Toll Free via Enquiry BC in Vancouver 604.660-2421. Elsewhere in BC
1.800.663.7867
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

September 5, 2019

File No.: 0400-20; 0400-30; 5590-30

Via email: QTZ.Minister@gov.bc.ca

Via Email: ised.minister-ministre.isde@canada.ca

The Honourable Jinny Sims
Minister of Citizens' Services
PO Box 9068, Stn Prov Govt
Victoria BC V8W 9E2

The Honourable Navdeep Bains
Minister of Innovation, Science and Economic Development Canada
235 Queen Street
Ottawa, ON K1A 0H5

Re: Internet Accessibility and Connectivity throughout the Islands Trust Area

Dear Minister Sims and Minister Bains:

I am writing on behalf of the Islands Trust to request further funding and support for the Islands Trust Area communities that have not been included in the Connect to Innovate and Connected Coast initiatives, namely Denman Island, Hornby Island, Gabriola Island, Thetis Island, Galiano Island, Mayne Island, South Pender Island, and Keats Island.

During the June 18-20, 2019 Islands Trust Council meeting, the following resolution was passed:

That Trust Council, by a letter signed by the Chair, request the appropriate agencies of Canada and the Province of British Columbia to take steps to facilitate and fund the safe and reliable improvement of internet connectivity throughout the Trust Area and in particular to encourage the provision of additional landing sites to service areas in the Trust Area that may request such service through the Connected Coast project.

Islands Trust supports the Connect to Innovate and Connected Coast initiatives and believes these programs will improve internet services to many residents within the Islands Trust Area; however, not all residents and communities are being reached. Islands Trust agrees with the underlying principles that improved, high-speed broadband internet connections for residents in rural and remote communities will in turn help to improve their quality of life. Improved connectivity can help community members to reduce their greenhouse gas emissions via reduced travel, access education and health services, participate in economic opportunities that are compatible with the conservation of island resources, and better participate in the decision-making processes of all levels of government.

Please note that we encourage a process whereby all service providers are required to prevent or lessen impacts on cultural, archaeological and sacred sites as per the Islands Trust Reconciliation Declaration.

Yours sincerely,

Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

.../2

Honourable Jinny Sims
Honourable Navdeep Bains
September 5, 2019
Page 2

Cc:

Adam Olsen, MLA – Saanich North and the Islands
Nicholas Simons, MLA – Powell River-Sunshine Coast
Scott Fraser, MLA – Mid Island-Pacific Rim
Jordan Sturdy, MLA – West Vancouver-Sea to Sky
Doug Routley, MLA – Nanaimo-North Cowichan
Elizabeth May, MP – Saanich-Gulf Islands
Paul Manly, MP – Nanaimo-Ladysmith
Alistair MacGregor, MP – Cowichan Malahat-Langford
Gord Johns, MP - Courtenay-Alberni
Pamela Goldsmith-Jones, MP – West Vancouver/Sunshine Coast
Murray Rankin, MP - Victoria
BOKEĆEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees) Nation
Lyackson First Nation
MÁLEXEL (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation

SEMYOME (Semiahmoo) First Nation
shíshálh First Nation
Snuneymuxw First Nation
Nanwakolas Council
Naut'sa mawt Tribal
Te'mexw Treaty Association
Skwxwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SṠAUTW (Tsawout) First Nation
Stz'uminus First Nation
SXIMEŁŁ (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tsleil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
W̱JOŁŁP (Tsartlip) First Nation
W̱SIŁEM (Tseycum) First Nation
xwməθkwəy̓əm Musqueam
First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Bowen Island Municipal Council
Islands Trust Council
Islands Trust website

DATE OF MEETING: February 28, 2022
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Development Variance Permit Application
Applicant: Norman Quail
Location: 700 Seaview Drive

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2021.8 (Quail).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit. The siting variances are for a proposed **accessory building** (potting shed).

RATIONALE FOR VARIANCE

Granting the variance will:

- Permit the siting of an accessory building under construction within the required setback.
- Minimize tree removal and land disturbance by siting the building in a previously cleared area.

BACKGROUND

The application was originally scheduled for consideration as part of the January 31, 2022 Local Trust Committee Regular Meeting which was canceled.

The purpose of the application is to comply with the Land Use Bylaw, (LUB) to permit the completion of a shed in its current location. The building is structurally complete and the applicant has applied for a Building Permit with issuance conditional on obtaining a variance or siting the building to conform to the setback regulation.

Specifically, the application is to vary the **interior side lot setback** provisions of the **Settlement Residential Zone** in the Mayne Land Use Bylaw No. 119, 2018 (LUB) as shown in Figure 2 and as follows:

- a) Article 5.1 (8) (b) which states that minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line is varied to permit the construction of an accessory building (shed) within 1.83 metres (6.0 ft.) of an interior side lot line.

The subject property currently contains a single family dwelling (95 m²/1027 ft²) constructed in 2015, and a small tool shed.

The subject building is 3.6 m x 3.6 m (13.4 m²/144 ft²) in size and will be used as a potting shed. It is approximately 3.9 metres (12' 11") in height and constructed using a pier block foundation (Attachment 2.5).

The shed is sited in an area that was cleared for hydro access to the dwelling. The applicants state that moving the shed (west) to conform to the setback would require the removal of two (2) mature trees and further ground disturbance with potential damage to the roots of other mature trees. Further, they report that the building has been sited on the front of the lot to provide as much solar access as possible.

The property is relatively level with open areas in the front and rear of the dwelling (Attachment 2.1 and 2.5). The applicants own the adjacent property (east/ Lot 15, Plan 16191) which is well treed and undeveloped.

If the application is denied, the owners could apply to the Board of Variance or move the building to conform to the setback.

A copy of the Notice and proposed permit are Attachments 3 & 4.

Staff visited the subject property on December 7, 2021.

Figure 1 – Subject Property

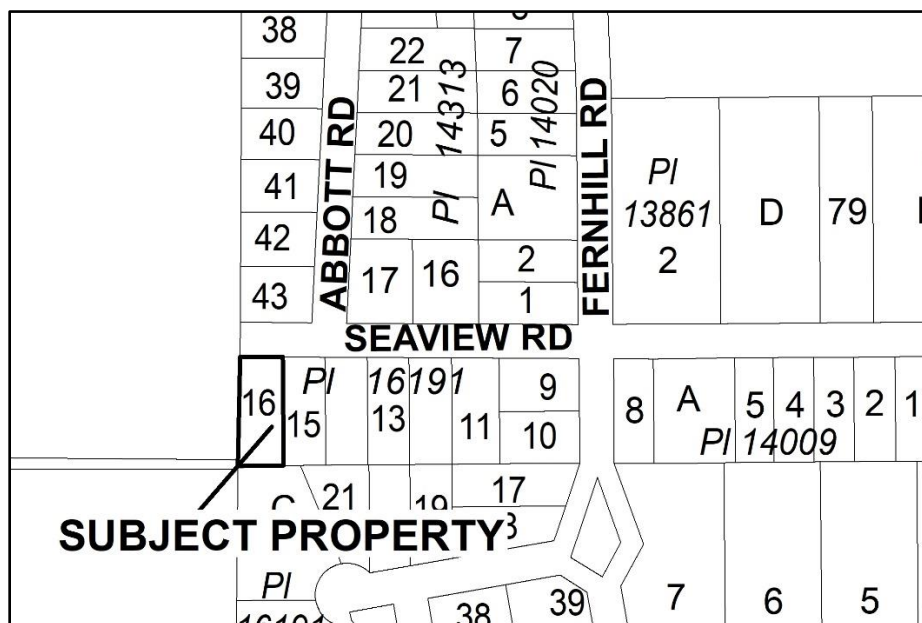
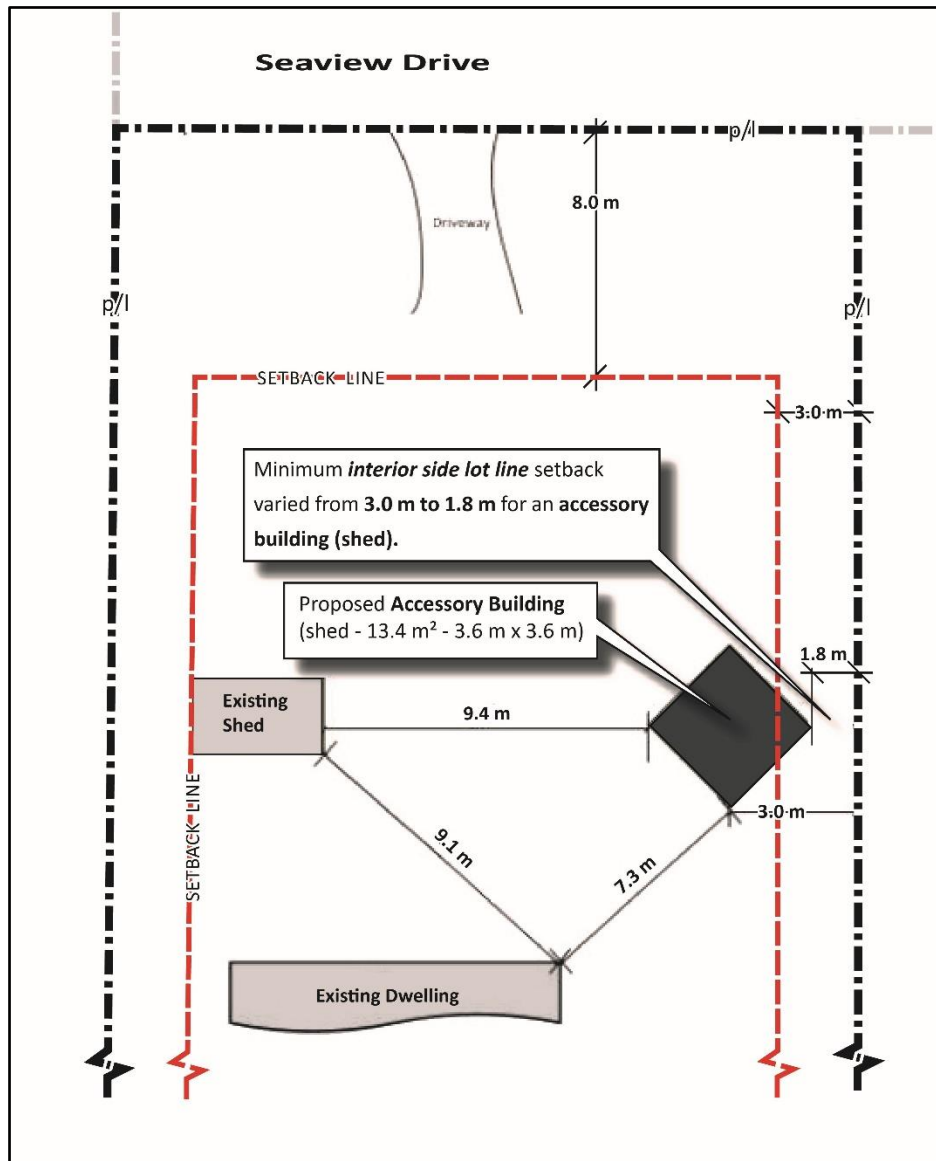


Figure 2 – Site Plan



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **Settlement Residential (SR)** in the Mayne Land Use Official Community Plan (OCP) No. 144. There are no **Development Permit Areas** designated on the property.

Land Use Bylaw:

The property is zoned **Settlement Residential (SR)** in the Mayne Land Use Bylaw No. 146.

The siting, use and density of the dwelling and other accessory building comply with the zone on the property.

Issues and Opportunities

Impact on Neighbouring Properties

The most impacted neighbour by the proposed variance would be the adjacent property to the east. As the applicants own both properties, impacts would be none or minor if the variance is granted. Impacts to other properties across Seaview Drive are minimized given the building size and screening by mature vegetation.

The Intent of the Regulation being Varied

The overall purpose of siting regulations are to minimize impacts on adjacent properties related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent height and siting regulations.

Potential Impacts of Granting the Variance

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

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on January 20, 2022.

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

First Nations

With respect to the potential for archaeological material to be found on the property during the proposed development, the Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants.

Rationale for Recommendation

Staff is recommending that the application be supported for the following reasons:

- The rationale for the variance is reasonable.
- Impacts to neighbouring properties with the granting of the variances would be minor.
- The proposed variance does not challenge the intent of the regulation.
- Notification to date has generated no response.

ALTERNATIVES

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 Mayne Island Local Trust Committee request that the applicant submit to the Islands Trust_____.

2. Deny the application

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny application MA-DVP-2021.8 (Quail)

Submitted By:	Phil Testemale, Planner 2	February 18, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	February 18, 2022

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Draft Development Variance Permit MA-DVP-2021.8

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 16, Section 9, Mayne Island, Cowichan District, Plan 16191
PID	004-027-426
Civic Address	700 Seaview Road

LAND USE

Current Land Use	Residential (Settlement Residential)
Surrounding Land Use	Settlement Residential and Rural (west)

HISTORICAL ACTIVITY

File No.	Purpose
MA-BP-2015.10	Construction of dwelling.

POLICY/REGULATORY

Official Community Plan Designations	The property is designated Settlement Residential (SR) in the Mayne Island Official Community Plan No. 144, 2007 (OCP) There are no designated Development Permit Areas (DPAs) on the subject property.
Land Use Bylaw	The property is zoned as Settlement Residential (SR) in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB).
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None listed on TAPIS
Sensitive Ecosystems	None on subject property (Attachment 2.2)
Hazard Areas	N/A
Archaeological Sites	Provincial Remote Access to Archaeological Data (RAAD) information indicate no archaeological sites are noted within the property or within 100 metres. There are, however, areas of high archaeological potential near the property. By copy of this report, the owners and applicant should be aware that there is a chance that the lot may contain previously 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.
Climate Change Adaptation and Mitigation	Given the small scale of the proposed building, the potential GHG emission changes resulting from approval would be minimal, and impacts on proposed development from anticipated or possible climate change induced hazards would also be small given the property's location and aspect.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO & ZONING



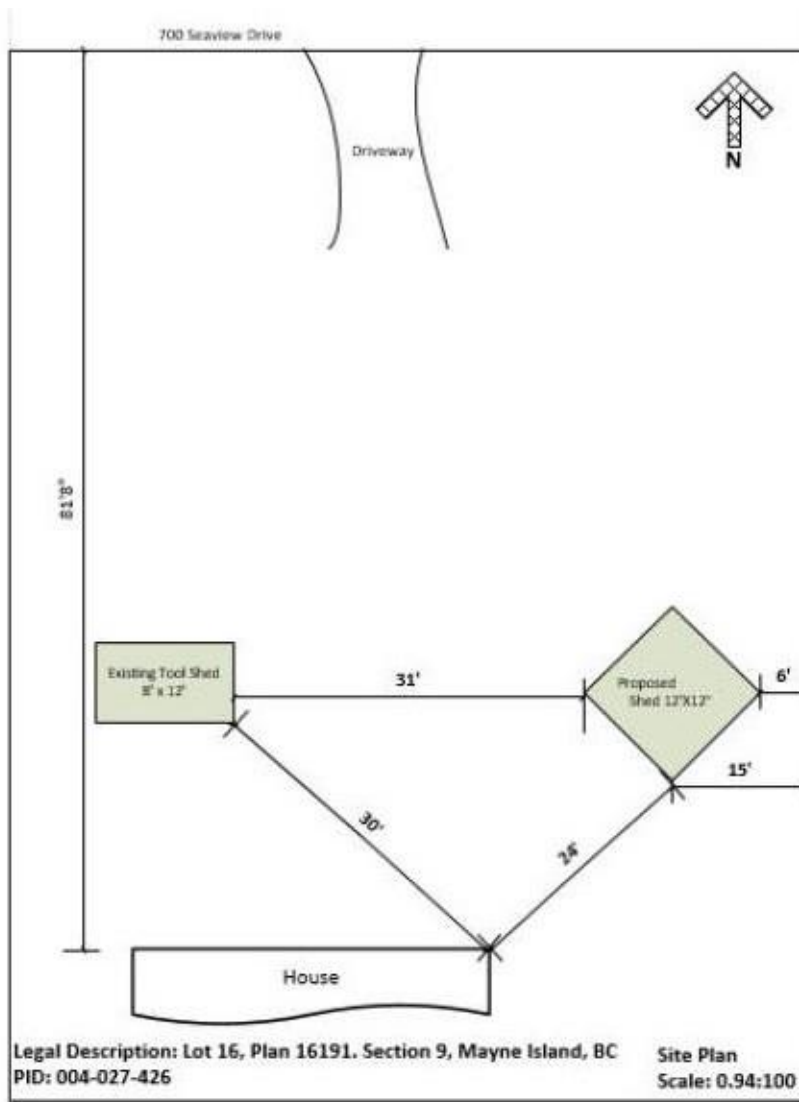
2.2 SENSITIVE ECOSYSTEM MAPPING



2.3 WATER DISTRICT

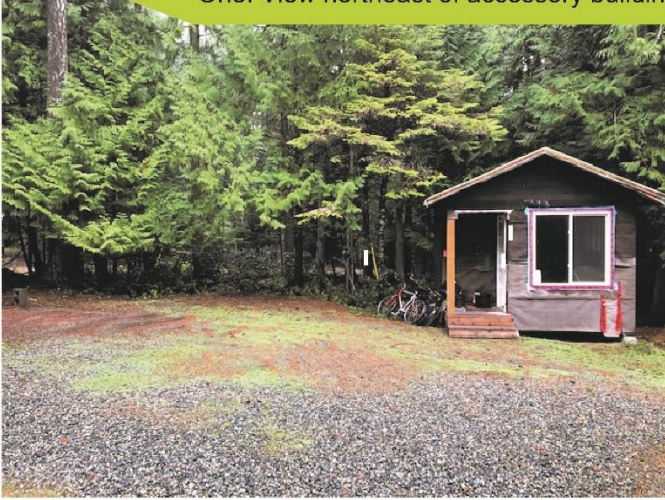


2.4 SITE PLAN (APPLICANT)



2.5 PHOTOGRAPHS

One: View northeast of accessory building (shed) - Seaview Road in background



Two: Front view of shed



Three: View south with dwelling in background



Islands Trust

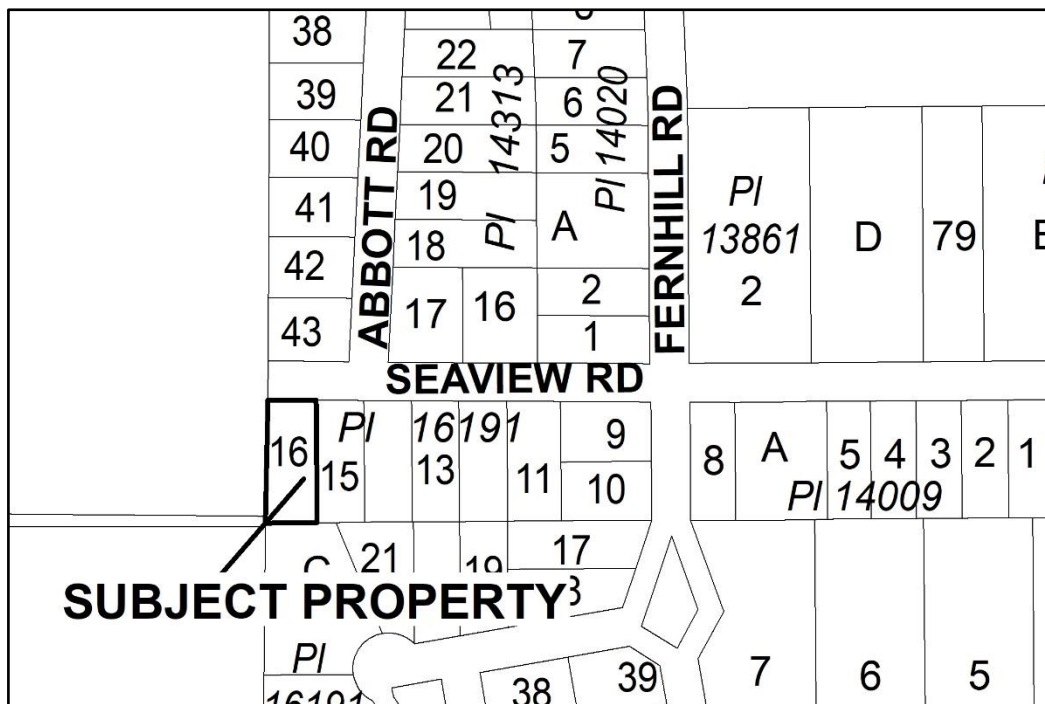
NOTICE
MA-DVP-2021.8
MAYNE ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Mayne Island Land Use Bylaw No. 146 as follows:

- A variance to reduce the interior side yard lot line setback for a proposed accessory building (shed), as shown on the attached, proposed permit.

The property is located at **700 Seaview Road** and is legally described as Lot 16, Section 9, Mayne Island, Cowichan District, Plan 16191 (PID: 004-027-426).

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 **January 10, 2022** and continuing up to and including **January 20, 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 Mayne Island.

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; by fax at (250) 405-5155; or by email to southinfo@islandstrust.bc.ca before **4:30 p.m., January 20, 2022**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:00 p.m., January 31, 2022**.

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



Islands Trust

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2021.8**

To: Norman Quail and Lynn Bremner

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

Lot 16, Section 9, Mayne Island, Cowichan District, Plan 16191
(PID: 004-027-426)

2. Mayne Island Land Use Bylaw 146, 2008 is varied as follows:

- a) Article 5.1 (8) (b) which states that minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line is varied to permit the construction of an accessory building (shed) within 1.8 metres (6.0 ft.) of an interior side lot line.

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 "Mayne Island Land Use Bylaw No. 146, 2008" 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 MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 2022.

Deputy Secretary, Islands Trust

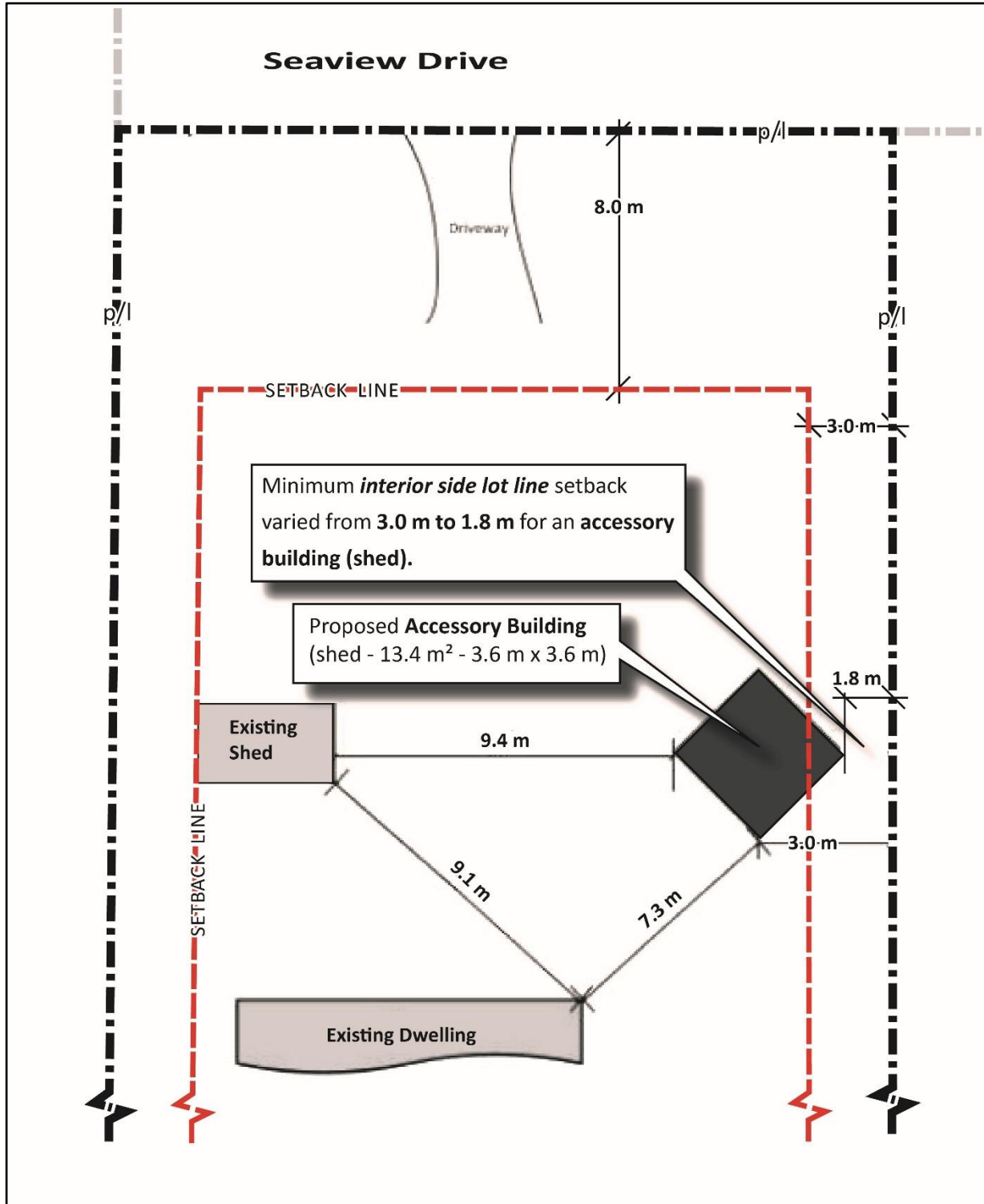
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF MONTH, 2024, THIS PERMIT AUTOMATICALLY LAPSES.

MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2021.8

SCHEDULE 'A'

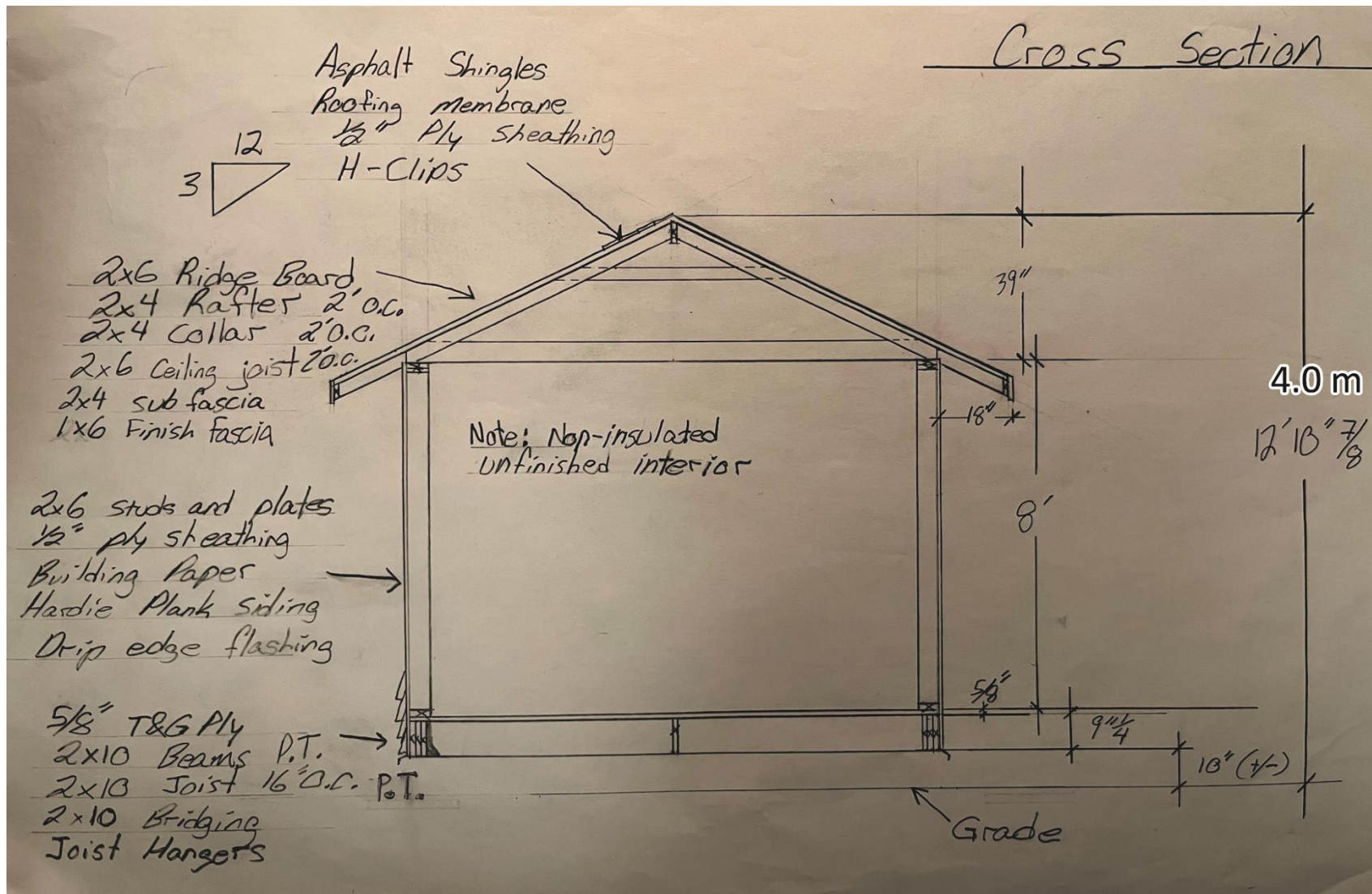
Site Plan



MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2021.8

SCHEDULE 'B'

Cross-Section



MEMORANDUM

File No.: MA-RZ-2020.1

DATE OF MEETING: February 28, 2022
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick
Southern Team
COPY: Robert Kojima
SUBJECT: MA-RZ-2020.1 (MIHS)– Reinitiating Application Processing

PURPOSE

- To update the Local Trust Committee on the status of the MIHS application
- To Identify next steps based on information received on behalf of the property owner's family and on behalf of the MIHS

UPDATE

At the November 22, 2021 LTC meeting the application was placed in abeyance following the request of the property owner's (Sean McHugh) family who at that point held power of attorney. At the time, the LTC requested an update from staff at the February 2022 LTC meeting.

On January 27, 2022 staff received an email from Alexander Lonergan, Sean McHugh's family's lawyer identifying that *"the Mayne Island Housing Society may resume engaging with the Local Trust Committee for Mayne Island with respect to the housing project on Dr. Sean McHugh's land"*.

On February 16, 2022 the Mayne LTC received a letter from the MIHS identifying that they would like the rezoning application to be taken out of abeyance and that discussion on the details of the application be deferred until the March 28, 2022 LTC regular meeting. The MIHS identifies that they will be providing additional information to the LTC related to the application prior to the March 28, 2022 LTC meeting.

Note: The application had been referred to the APC for comments. The APC reviewed the application over the course of three meetings. APC minutes have been included in previous agenda packages. The APC comments on the referral are included as an attached to this memo.

NEXT STEPS

To support the application moving out of abeyance the following resolution will need to be passed:

That the Mayne Island Local Trust Committee request staff to proceed with the application process for MA-RZ-2020.1 (MIHS)

If the resolution is supported and the LTC supports the MIHS's request to reinstate discussions related to the details of the project at the March 28, 2022 meeting the next steps are as follows:

- Staff will bring the October 25, 2021 staff report back for discussion at the March 28, 2022 LTC meeting.
- Staff will identify, in a staff report presented at the March 28, 2022 meeting, any new information that may be provided to the process.

Submitted By:	Narissa Chadwick, Island Planner	February 17, 2022
Concurrence:	Robert Kojima, Regional	Select Date.

ATTACHMENTS

1. Letter from the MIHS
2. November 22, 2021 Staff Report
3. APC Comments on LTC referral



Mayne Island Housing Society
274 Mariners Way
Mayne Island, BC
V0N 2J2
mihousingsociety@gmail.com

Local Trust Committee – Mayne Island
Chair Dan Rogers, Trustee Jeanine Dodds, Trustee David Maude

Sent via email: February 16, 2022

RE: Status of MA-RZ-2020.1 (Mayne Island Housing Society)

Dear Trustees,

I am writing today on behalf of the Mayne Island Housing Society (MIHS) regarding their rezoning application to rezone a portion of 375 Village Bay Road for the development of 10 affordable housing units. The application has been in abeyance since November 22, 2021 at the request of the Powers of Attorney for the current landowner, Dr. Sean McHugh. We understand that the Local Trust Committee (LTC) may pass a motion at the February 28 meeting to bring the project out of abeyance and a staff report will be presented.

We would like to request that the project be considered in more detail at the March LTC meeting, at which point MIHS will present additional reports and information to the LTC. For example, MIHS is in the process of completing a Water Management Plan and is working through edits to the draft Housing Agreement that may better meet the needs of both MIHS and the Islands Trust.

While we would appreciate the application moving out of abeyance, we feel that the application will be strengthened by the outstanding pieces that MIHS is working on. We also plan on providing a short presentation at the March meeting regarding a rental structure, which we hope will help guide discussions surrounding the housing agreement.

Thank you and please do not hesitate to reach out with any questions.

Thank you,

Deborah Goldman
President, MIHS

Cc: Eleni Gibson, Wiser Projects
Narissa Chadwick - Islands Trust

DATE OF MEETING: October 25, 2021
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Local Planning Services
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Report subject: MA-RZ-2020.1 (MIHS)

RECOMMENDATION

1. That the Mayne Island Local Trust Committee require that a housing agreement related to the use of Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091 with a focussed approach to identifying rental unit types be adopted prior to adoption of rezoning bylaws.
2. That the Mayne Island Local Trust Committee request that the Section 219 covenant be granted by the owners of Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091 address water treatment and monitoring, location of development on Lot 2 and 3, wetland protection, areas to be preserved, site remediation and development restrictions on Lot 2 prior to the adoption of the rezoning bylaws.
3. That the Mayne Island Local Trust Committee Bylaw No. 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” be read for a first time.
4. That the Mayne Island Local Trust Committee Bylaw No. 183, cited as as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021” be read for a first time.
5. That the Mayne Island Local Trust Committee request staff to schedule a Community Information Meeting concurrently with the Public Hearing for Bylaw No. 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” and Bylaw No. 183, cited as as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”.
6. That the Mayne Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” and Bylaw No. 183, cited as as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”.

REPORT SUMMARY

This staff report presents the draft Housing Agreement and Section 219 Covenant to the LTC. It identifies two key issues raised by the Mayne Island Housing Society related to the housing agreement and provides options related to addressing these concerns. It identifies items included in the Section 219 Covenant and provides the LTC the opportunity to suggest changes or additions to the covenant.

The report also brings back the draft bylaws for consideration of first reading and provides the opportunity for the LTC to address the MIHS's interest in having an additional Community Information prior to public hearing.

BACKGROUND AND ANALYSIS

Housing Agreement (Attachment 1)

At their November 30th, 2020 meeting the LTC passed a resolution requiring ***“that a housing agreement related to the use of Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091 be adopted prior to the adoption of the rezoning bylaws”***. At the June 21, 2021 meeting staff identified that a draft housing agreement had been sent for legal review, initial comments were received and discussed with staff and further revisions were made. The revised housing agreement was then provided to the MIHS for their review.

In their review of the Draft Housing Agreement the MIHS identified a number of issues of concern. Some of the smaller issues have been addressed in the draft housing agreement attached. Two major issues, requiring decision by the LTC, are as follows:

Housing Agreement Issue 1: Removing Sean McHugh's name as party to the agreement.

The MIHS has identified that they do not want Sean McHugh, the current property owner, to be named as party to the agreement. Given that the relevant party to the housing agreement, other than the LTC, needs to be the property owner, not having Sean McHugh's name on the agreement would require the transfer of land. The transfer of land can only happen after subdivision and rezoning.

The MIHS has proposed that they enter into an “Agreement-in-Principle” related to the registration of the housing agreement. In the “Agreement-in-Principle”, the parties would agree to register the housing agreement on title upon the completion of the rezoning and subdivision.

With the “Agreement-in-Principle” approach there is no guarantee that the lands will be subdivided to create Lot 3 unless a covenant is required prior to or immediately after zoning adoption. There is also no clear mechanism for the LTC to use to ensure the transfer of land to the MIHS or prevent the selling of Lot 3.

Options for the LTC are as follows:

Support the existing process. A housing agreement must be with the current property owner, Sean McHugh; consequently, the LTC would only be able to require that the housing agreement bylaw be adopted, and notice of the agreement be registered on title, prior to the adoption of the rezoning bylaw (as previously supported through resolution) by entering into the agreement with the current property owner. It is important to point out that while the housing agreement places restrictions on the type of housing that can be provided it does not impose any obligation on the part of the landowner to provide that housing.

Defer adoption of the housing agreement. The mechanism would be for the owner to grant a covenant to the LTC, prior to adoption of rezoning, restricting any development or registration of a subdivision until the housing agreement is adopted and notice registered on title. The housing agreement would be attached to the covenant. Another option would be to integrate a density bonus approach into the new zoning so that the density in the form of the additional two lots and the addition residential density is contingent on the housing agreement being adopted and notice registered against lot 3 in addition to the Lot 3 housing being constructed. Neither of these options guarantee that the subdivided land will be sold to the MIHS.

Recommended option:

Support existing process. Entertaining options to remove Sean McHugh's, the property owner, name as party to the housing agreement will result in additional process. The LTC would not be able to adopt the housing agreement concurrently with the rezoning bylaws leaving the process open to change prior to the transfer of ownership and potentially leaving the approval of the housing agreement to the next elected Local Trust Committee.

Housing Agreement Issue 2: Flexibility in Defining the Rental Unit Rates

The draft housing agreement currently identifies the rental unit types as per the information provided by the MIHS to staff, the LTC and the community. The MIHS has identified that funding is anticipated to be received from BC Housing. As such, rental unit types would reflect BC Housing's required mix of rental rates as follows:

- 20% of units will be Deep Subsidy Units for Deep Subsidy Income
- 50% of units will be Rent Geared to Income Units for Low Income households
- 30% of units will be Market Units for Moderate Income households

Given the possibility that BC Housing may change their requirements and/or the project may be funded by other means, the MIHS has identified that they would like a more flexible approach to defining the rental rates and type of rental units.

In a meeting held with Islands Trust staff and BC Housing staff, BC Housing staff identified that BC Housing would prefer flexibility in housing agreements between local governments and affordable housing providers to allow for a range of funding programs and affordable rent structures to be utilized. However, BC Housing also recognizes that local governments have an obligation to ensure that housing agreements reflect the conditions being proposed at the time of rezoning and consistency with OCP policies. B.C. Housing staff stressed that the key elements of a success proposal are land (secure tenure to a site), zoning and water in unserved areas. Islands Trust staff will continue to work with BC Housing staff to ensure that they are supportive of the Islands Trust approach to the development of the housing agreement.

Options for the LTC are as follow:

1. **Focussed approach supporting the draft housing agreement as written.** The mix of rental unit types is defined in the housing agreement. The mix of rental unit types is based on the current BC Housing funding formula and corresponds with information originally provided by the MIHS. If this option is chosen and the BC Housing rates change in future or a different funding option emerges the housing agreement can be amended.
2. **Flexible approach supporting the MIHS proposal.** With this approach, instead of defining the type of rental units, the LTC would default to supporting a more broad definition of "affordable rental housing". The definition proposed by the MIHS is *"a Dwelling Unit on the Lands which is available as a permanent, principal and sole residence for rent to a Qualified Renter below median market rents as determined by CMHC"*. By adopting this approach the LTC is demonstrating an openness to supporting a housing mix and rental rate ratios that can change over time based on BC Housing standards for affordability. The LTC would need to consider if this approach is consistent with OCP policies related to rural land use and amenity zoning guidelines.
3. **Alternative approach.** The LTC could choose to have the definition of rental units clearly defined but based on a different approach identified by the MIHS. As opposed to the flexible approach where the housing agreement does not include a clear indication of the type of rental units to be provided, the LTC could

request that the MIHS come back with other options that provide details related to the type of rental units to be provided.

Covenant (Attachment 2)

The Mayne Island LTC has adopted two resolutions related to items to be contained in a Section 219 Covenant. These are as follow:

November 30, 2020 - ***“that the Mayne Island Local Trust Committee request that a Section 219 covenant be granted by the owners of Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091 that would identify the location of development, require water treatment and monitoring and areas to be preserved, as condition of adoption of the bylaws”.*** Related staff report: [https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/mayne/current-applications/MA-RZ-2020.1%20\(Mayne%20Island%20Housing%20Society\)/1.%20Staff%20Reports/2020-11-30_Staff%20Report.pdf](https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/mayne/current-applications/MA-RZ-2020.1%20(Mayne%20Island%20Housing%20Society)/1.%20Staff%20Reports/2020-11-30_Staff%20Report.pdf)

June 21, 2021 – ***“that the Mayne Island Local Trust Committee request that the owner of Lot B, Plan 27091 grant to the Local Trust Committee a suitably worded Section 219 covenant which would restrict development of proposed lot 2 until the construction of rental housing on proposed Lot 3 is completed and that the S.219 covenant be registered on title as a condition of rezoning and that building site for Lot 2 should be that identified as 'A' on map dated July 15, 2020 and wetlands area is to be preserved as shown on same map”.***

Related Staff Report: [https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/mayne/current-applications/MA-RZ-2020.1%20\(Mayne%20Island%20Housing%20Society\)/1.%20Staff%20Reports/2021-06-21_Staff%20Report.pdf](https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/mayne/current-applications/MA-RZ-2020.1%20(Mayne%20Island%20Housing%20Society)/1.%20Staff%20Reports/2021-06-21_Staff%20Report.pdf)

The draft covenant addresses the following:

Water quality – To address concerns identified in the hydrogeologist’s report the draft covenant requires the design and installation of a water management system prior to occupancy or any building or structure on Lot 3.

Lot 2 building location, site remediation and ecosystem protection – To address the LTC’s interest in limiting the building footprint on Lot 2 and requiring wetland/ forest protection and remediation the draft covenant requires that *“No building or structure shall be constructed, placed or Located on Lot 2 except within the area of Lot 2 shown as “Building Zone” on the Subdivision Plan”* and that the recommendations of the *Wetland Restoration Design Report* by Robyn Annschild, be implemented on Lot 2 in the area identified as “Remediation Zone” and “Forest Protection Zone” on the Subdivision Plan (see covenant schedule A¹).

Lot 2 building restriction – To address the LTC’s interests in restricting development on Lot 2 until the rental housing has been constructed, the draft covenant states that *“The Owner of Lot 2 shall not start the construction of any building or structure on Lot 2 until the Owner of Lot 3 has completed the construction of, and received any occupancy permit required by the Capital Regional District for, at least XX units of affordable housing, on Lot 3”.*

¹ Note that there are currently two maps in covenant schedule A. Staff are still working with legal advisor to identify how maps should be presented in the covenant. It has been identified to staff that the Land Title Office may require a reference or explanatory plan prepared by a surveyor where a covenant charges to only part of a parcel. The applicants will be advised if this is identified to be necessary.

Building Footprint on Lot 3 – To ensure that the building footprint is minimized the draft covenant requires that all buildings be constructed within the location shown on the Subdivision Plan (see covenant schedule A). The covenant allows for minor alternations subject to LTC authorization .

Ecological Protection and Restoration on Lot 3 – To support LTC interests in maintaining as much of the ecological integrity of the site as possible, the draft covenant requires that the MIHS adhere to all of the recommendations made in the “*Ecological Assessment Report*” prepared by Keith Erikson and dated September 21st, 2020 and the “*Wetland Restoration Design Report*”, prepared by Robin Annschild and dated March 8, 2021;.

Questions for the LTC regarding the draft covenant:

How many units of affordable housing need to be required before building on Lot 2 can commence?

Is there anything the LTC would like to add to, change or take away from the requirements identified in the draft covenant?

Draft Bylaws 181 and 183 (Attachment 4 &3) and Process

At the November 2020 LTC meeting, the LTC requested staff prepare draft bylaws to amend Land Use Bylaw and Official Community Plan.

The draft bylaws include:

1. **An amendment to the Land Use Bylaw** which would:
 - Create a new zone (Comprehensive Development Three (CD3) Zone) to support multi-family rental housing.
 - Introduce additional definitions
 - Create a split zoned lot
 - Rezone the portion of the property being contemplated for multi-family rental from Rural (R) to Comprehensive Development Three (CD3)
 - Rezone the parent portion of the property to R(f) to enable the subdivision of the lot into two (in concurrence with amenity zoning provisions in the OCP)
 - Remove the new CD3 zone from the area permitted to have secondary suites
2. **An amendment to the Official Community Plan** which:
 - Designates the proposed multi-family rental housing portion of the parent property from Rural designation to Rural – Multi-family residential (R-MR) designation.

At the January 25th LTC meeting the LTC passed a resolution that ***the Mayne Island Local Trust Committee ask staff to amend the draft bylaws to account for a buffer zone.*** Staff revised the bylaw to include an 8 metre setback from interior side lot lines. Bylaws 181 and 183, with this amendment, were last presented to the LTC at the June 21, 2021 LTC meeting,

A Community Information Meeting (CIM) was held on April 26th 2021. A second CIM can be held concurrently with the Public Hearing.

ALTERNATIVES

RE: Approval of Housing Agreement

1. The LTC may defer the adoption of the housing agreement until after rezoning and subdivision. In this case Sean McHugh would not have to be party to the agreement. The housing agreement would be adopted once ownership is transferred. The LTC could agree to sign an “agreement-in-principal” with the MIHS to provide some certainty that the MIHS will adopt the housing agreement as drafted. This option does not guarantee that the housing agreement won’t be changed prior to transfer of ownership or that ownership will be transferred to the MIHS.

That the Mayne Island Local Trust Committee defer the adoption of the housing agreement related to the use of Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091 to after subdivision and transfer of land.

RE: Definition of Unit Types

1. The LTC may choose to support a more flexible approach to defining the type of rental units. This approach would support what has been proposed by the MIHS and will require amendments to the housing agreement as well as legal review .

That the Mayne Island Local Trust Committee require that a housing agreement related to the use of Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091 support the a flexible approach to identifying rental unit types as identified in the October 25, 2021 staff report be adopted

2. The LTC may choose to explore an alternative approach to defining type of rental. This will require the MIHS returning with another proposal related to how rental units are defined. Amendments to the housing agreement will be made and legal review will be required.

That the Mayne Island Local Trust Committee request staff work with the MIHS to identify an alternative approach to defining rental units.

RE: Covenant

1. The LTC could direct staff to add additional elements to the covenant.

That the Mayne Island Local Trust Committee request staff to add the following additional elements to the covenant:

RE: First Reading of Bylaws

1. The LTC receive the proposed bylaws for information. The LTC may choose to receive the draft bylaws and wait until the process has moved further along before suggesting changes to the bylaws.

That the Mayne Island Local Trust Committee receive for information Bylaw No. 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021”.

That the Mayne Island Local Trust Committee receive for information Bylaw No. 183, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”.

2. The LTC wait until the housing agreement has been finalized before moving to first reading.

That the Mayne Island Local Trust Committee Bylaw 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” and Mayne Island Local Trust Committee Bylaw No. 183, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”, be brought back for first reading once the housing agreement has been finalized.

3. The LTC may decide to send the housing agreement and the covenant to the APC. Due to timing of meetings the draft housing agreement and covenant have not yet been shared with the APC . The APC was provided with an overview of what the covenant contained or their October 13th meeting.

That the Mayne Island Local Trust Committee request staff to send the Section 219 covenant and the housing agreement associated with MA-RZ-2020.1 (MIHS) to the Advisory Planning Commission for review.

NEXT STEPS

- Amendments will be made to the housing agreement as required.
- Amendments will be made to the covenant as required.
- The housing agreement and covenant will be reviewed by legal counsel before adoption.
- If bylaws are read for the first time staff will schedule public hearing.

Submitted By:	Narissa Chadwick RPP, Island Planner	October 15, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	October 15, 2021

ATTACHMENTS

- 1. Housing Agreement**
- 2. Draft Covenant**
- 3. Draft Bylaw 181**
- 4. Draft Bylaw 183**

Housing Agreement and Section 219 Covenant

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

SEAN MCHUGH
375 Village Bay Road, Mayne Island, V0N 2J2

(the “Owner”);

AND

MAYNE ISLAND LOCAL TRUST COMMITTEE, a corporation under the Islands Trust Act,
having an office at 2nd floor, 1627 Fort Street, Victoria, BC, V8R 1H8

(the “Local Trust Committee”)

WHEREAS;

- A. The Owner is the registered owner of the lands situated on Mayne Island, British Columbia, and legally described as:
- PID: 002-552-256
- Lot B Plan VIP 27091 Section 7, Land District 16, Portion Mayne Island
- (the “Lands”);
- B. The Lands will be rezoned by the Local Trust Committee, with permission of the Owner, by means of Mayne Island Land Use Bylaw No. 146, 2008 Amendment No. 1, 2021, to permit the development of affordable multi-family rental housing (the “**Rezoning**”);
- C. The Mayne Island Housing Society (MIHS) intends to rent units on the Lands, by way of rental agreement, to Qualified Renters at affordable market and subsidized rates;
- D. The Local Trust Committee may pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*, enter into a housing 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 the land;
- E. 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;
- F. The Owner and 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 as housing agreement under Section 483 of the *Local Government Act*; and

- G. The Local Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement.

THIS AGREEMENT is evidence that in consideration of \$1.00 paid by the 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:

"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.
"Building" or "Buildings"	means any building located or constructed on the Lands containing a Rental Unit.
"Business Days"	means Monday to Friday inclusive except for those excluded days declared by lawful authority as holidays.
"CPI"	means the All-items Consumer Price Index for British Columbia as calculated by Statistics Canada, or its successor in function.
"Deep Subsidy Income Limit"	means the Deep Subsidy Income Limits most recently published by BC Housing, provided that: a) The Deep Subsidy Income Limit amounts shall be adjusted annually to reflect the applicable Deep Subsidy Income Limits published by BCH Housing.

- b) In the event that BC Housing ceases to publish the Deep Subsidy Income Limits but replaces the Deep Subsidy Income Limits with similar income limits or standards that are acceptable to the Local Trust Committee for the purposes of this Agreement, such replacement limits or standards shall replace the Deep Subsidy Income Limits for the purposes of this Agreement.
- c) In the event that BC Housing ceases to determine the Deep Subsidy Income Limits and the Deep Subsidy Income Limits are not replaced by similar income limits or standards published by BC Housing that are acceptable to the Local Trust Committee, then the Maximum Income for Eligible Tenants of Deep Subsidy Units shall be determined by reference to the final the Deep Subsidy Income Limits published by BC Housing and thereafter increased annually by an amount below or equal to the increase, if any, in the CPI for the period of January 1 to December 31 of the previous calendar year

“Deep Subsidy Unit”	means a Rental Housing Unit occupied and operated as a Deep Subsidy Unit in accordance with this Agreement.
“Dwelling Unit”	means a dwelling unit as defined in the Mayne Island Land Use Bylaw 146, 2008.
“Eligible Tenant”	means for a Deep Subsidy Unit, Market Unit, and RGI Unit, a Household with an Annual Household Income equal to or less than the Permitted Rent applicable to such unit as set out in this Agreement.
“Household”	means one or more individuals occupying the same Dwelling Unit.
“HILs”	Means the Housing Income Limits for Victoria published annually by BC Housing, provided that: a) The HILs shall be adjusted annually on January 1 of each calendar year to reflect the applicable Housing Income Limits for Mayne Island published by BC Housing. b) If BC Housing ceases to publish HILs but replaces HILs with a similar income limits or standards that are acceptable to the Local Trust Committee for the purposes of this Agreement, such replacement limit or standards shall replace HILs for the purposes of this Agreement. c) If BC Housing ceases to determine HILs and the HILs are not replaced by similar income limits or standards published by BC Housing that are acceptable to the Local Trust Committee, then the Maximum Income of Eligible Tenants of RGI Units shall be determined by reference to the final HILs published by BC Housing and thereafter increased annually by an amount equal to the increase, if any, in the

CPI for the period of January 1 to December 31 of the previous calendar year.

"Income Assistance"	Social assistance, social security or another form of payment that the provincial or federal government provides to people in need who don't have any other resource.
"Lands"	has the meaning ascribed in Recital A.
"Lot 3 Equivalent"	has the meaning ascribed to it in section 3.3 b).
"Market Rent"	means a rent that is generally similar to the rent of other comparable Dwelling Units in the private (non-subsidized) housing market of Victoria or the Southern Gulf Islands.
"Market Rental Unit"	means a Rental Housing Unit occupied and operated as a Market Rental Unit in accordance with this Agreement.
"Maximum Income"	means: a) for a Dwelling Unit occupied and operated as a Deep Subsidy Unit, an Annual Household Income lower than the Deep Subsidy Income Limit applicable to the relevant unit; b) for a Dwelling Unit occupied and operated as a Market Unit, an Annual Household Income lower than the Middle Income Limits applicable to the relevant unit; and c) for a Dwelling Unit occupied and operated as a RGI Unit, an Annual Household Income lower than the HILs applicable to the relevant unit.
"Middle Income Limits"	means the applicable Middle Income Limits published annually by BC Housing, provided that: a) The Middle Income Limits shall be adjusted annually on January 1 of each calendar year to reflect the applicable Middle Income Limits published by BC Housing. b) If BC Housing ceases to publish Middle Income Limits but replaces Middle Income Limits with a similar income limits or standards that are acceptable to the Local Trust Committee for the purposes of this Agreement, such replacement limit or standards shall replace Middle Income Limits for the purposes of this Agreement. c) If BC Housing ceases to determine Middle Income Limits and the Middle Income Limits are not replaced by similar income limits or standards published by BC Housing that are acceptable to the Local Trust Committee, then the Maximum Income of Eligible Tenants of

RGI Units shall be determined by reference to the final Middle Income Limits published by BC Housing and thereafter increased annually by an amount less than or equal to the increase, if any, in the CPI for the period of January 1 to December 31 of the previous calendar year.

“Permitted Housing Operator” means Mayne Island Housing Society, BC Housing, a housing society, a non-profit housing corporation, or other entity approved by the Local Trust Committee in writing.

“Permitted Rent” means:

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

“Qualified Renter” means a Household:

- a) which meets the eligibility criteria for a Tenant of a Rental Housing Unit set out in Schedule A of this Agreement, and
- b) that has an Annual Household Income equal to or less than the Maximum Income applicable to such Rental Housing Unit as outlined in this Agreement. For clarity, the Maximum Income of a Rental Housing Unit is determined based on whether the unit is Deep Subsidy Unit, a Market Rental Unit, or a RGI Unit.

“Release” has the meaning ascribed in section 3.3 b).

“Rental Housing Unit” means a Dwelling Unit on the Lands in respect of which the construction, tenure, rent and occupancy are restricted in accordance with of this

Agreement.

"Rent-Geared-to-Income Unit" or "RGI Unit" means Rental Housing Unit occupied and operated as a Rental Unit where rent is related to income earned.

"*Residential Tenancy Act*" means the *Residential Tenancy Act* of British Columbia.

"Rezoning" has the meaning ascribed in Recital B.

"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 *Land Title Act*, the *Strata Property Act* (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 *Real Estate Development Marketing Act* (British Columbia);

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

"Tenant Default" has the meaning ascribed section 2.3(g).

1.2 Interpretation

Reference in this Agreement to:

- a) A "party" is a reference to a party to this Agreement;
- b) A particular numbered "article" or "section" or to a particular lettered "schedule" is a referent to the corresponding numbered or lettered article, section, or schedule of this Agreement;
- c) An "enactment" is a reference to an enactment as defined in the *Interpretation Act* and is a reference to any revision, amendment or re-enactment of, or replacement for, that enactment;
- d) Wherever the singular or the masculine is used in this Agreement, it shall be deemed to include the plural or the feminine, or the body politic or corporate, where the context or the parties so require; 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 by a document executed by all parties.

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 building or structure will be constructed on the Lands unless as part of and concurrently with the development and construction on the Lands, the Owner also constructs and completes 10 Rental Housing Units on the Lands.
- b) No building on the portion of the Lands zoned as Comprehensive Development Three (CD3) may be occupied or used for any purpose until and unless the Rental Housing Units are constructed in accordance with subsection 2.1 a) above.
- c) Neither the Lands nor any building thereon may be Subdivided without prior approval of the Local Trust Committee.
- d) It will maintain the Rental Housing Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards, applicable to the Lands.
- e) 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

The Rental Housing Units will be designed and constructed in accordance with the following requirements:

- a) all of the Rental Housing Units will be designed and constructed to the same standard, in terms of layout, workmanship, and materials;
- b) Rental Housing Units will consist of a mix of one bedroom units, two bedroom units and

at least one three bedroom unit

2.3 Occupancy and Management of Rental Housing Units

The Owner covenants and agrees not to rent or lease any Rental Housing Units except to a Qualified Renter and in accordance with the following additional requirements:

- a) The Rental Housing Units will be occupied as follows:
 - i. two of the Rental Housing Units will be occupied as Deep Subsidy Units, with each unit having not less than one bedroom;
 - ii. five of the Rental Housing Units will be occupied as Rent Geared to Income Units,
 - iii. three of the Rental Housing Units will be occupied as Market Rental Units.
- b) The monthly rent charged for a Rental Housing Unit will not exceed the Permitted Rent applicable to the Rental Housing Unit, and the Permitted Rent applicable to a unit is determined by the class of Eligible Tenant that occupies such unit. The Owner may increase the monthly rent under an existing Tenancy Agreement 12 months after the existing rent was initially established for the existing Tenants or 12 months after the date of the last rent increase allowed under this Agreement and by the maximum rent increase amount dictated by the *Residential Tenancy Act*.
- c) The Rental Housing Unit will be used or occupied only pursuant to a Tenancy Agreement.
- d) The Rental Housing Unit will be rented on a month-to-month basis or for a fixed term of one year or less.
- e) The Rental Housing Unit will only be occupied and rented to a Qualified Tenant, who will occupy the Rental Housing Unit as their permanent, principal and sole residence.
- f) The Owner will not require any Tenant 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 cablevision, telecommunications, laundry, or gas or electricity utility fees or charges.
- g) The Tenancy Agreement shall include a clause entitling the Owner to terminate the Tenancy Agreement if any of the following occur (each of which constitutes a "Tenancy Default"):
 - i. the Tenant subleases the Rental Housing Unit or assigns the Tenancy Agreement in whole or in part, without the Owner's consent; and
 - ii. the Tenant makes the Rental Housing Unit available, use, or allows it to be used as a short-term or vacation rental.
- h) In the event of a Tenancy Default, the Owner will end the Tenancy Agreement by

providing notice to the Tenant that ends the tenancy on the earliest date possible permitted under the *Residential Tenancy Act* and will cause the Tenant to vacate by that date.

- i) The Owner will not consent to the assignment of a Tenancy Agreement or the subletting of a Rental Housing Unit.
- j) The Owner will deliver to the Local Trust Committee a true copy of every Tenancy Agreement entered into in respect of any Rental Housing Unit within 10 business days of any request to do so.

2.4 Policies/Rules and Regulations/Administration by Owner

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

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

2.5 Monitoring and Reporting to the Local Trust Committee

The Owner must deliver to the Local Trust Committee upon request, a completed statutory declaration, substantially in the form attached as **Schedule "A"**, sworn by the Owner. The Local Trust Committee may request this statutory declaration up to four times in any calendar year, and the Owner must complete and supply the completed statutory declaration within 30 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.

2.6 Owner May Request Revision of Terms

The Owner may request that the Local Trust Committee modify the terms of this Agreement, aside from section 2.1 and 2.2, in order to meet requirements imposed by an entity that has conditionally agreed to provide the funding to the Owner to construct the Rental Housing Units or operate the Rental Housing Units, or to do both, so that the terms of this Agreement do not conflict with such requirements.

Article 3 – General Terms

3.1 Demolition

The Owner will not demolish a Building or a Rental Housing Unit unless:

- (a) the Owner has obtained the written opinion of a professional engineer or architect who is at arm's length to the Owner that it is no longer reasonable or practical to repair or replace any structural component of the Building or such Rental Housing Unit without demolishing same, and the Owner has delivered to the Local Trust Committee a copy of the engineer's or architect's report; or
- (b) the Building or such Rental Housing Unit is damaged or destroyed, to the extent of 40% or more of its value above its foundations, as determined by the Local Trust Committee, in its sole discretion,

and, in each case, a demolition permit for the Building or such Rental Housing Unit has been issued by the Capital Regional District. Upon the issuance of such demolition permit, the Owner will completely demolish the Building or such Rental Housing Unit, as the case may be, under that permit.

3.2 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 Rental Housing Units and will permit the Local Trust Committee to inspect the Rental Housing Units at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*; and
- b) if the Owner is not a Permitted Housing Operator, the Owner will at all times cause a Permitted Housing Operator to administer, manage and operate the Rental Housing Units and will cause that 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.

3.3 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, Lot 2, and Lot 3.
- b) Upon subdivision of the Lands and creation of a legal parcel equivalent in size, location and configuration of the parcel shown as Lot 3 on the proposed subdivision plan attached hereto (the "Lot 3 Equivalent"), the Owner may, at its sole cost, direct its solicitor to prepare a release of this Agreement from any parcel that is not the Lot 3 Equivalent (the "Release"), and deliver it to the Local Trust Committee.

- c) Upon review of the Release, if the Local Trust Committee is satisfied that the Lot 3 Equivalent is equivalent to the Lot 3 shown on the proposed subdivision plan and that, after the Release is filed, this Agreement will remain on title and continue to bind the owner of the Lot 3 Equivalent, the Local Trust Committee will execute the Release and return it to the Owner within a reasonable time.
- d) Upon receipt of the executed Release from the Local Trust Committee, the Owner may file the Release in the LTO.

3.4 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 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.

3.5 Society Standing

If the Owner is a society, the Owner must maintain its standing as a society under the *Society Act* (British Columbia) 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.

3.6 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, as amended from time to time.

3.7 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 also advised the Owner.

3.8 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, including breaches

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

3.9 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 Land or the Housing Units which has been or at any time after the commencement of this Agreement may be given to the Owner by all or any of them. This clause will survive the termination clause of this Agreement.

3.10 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.

3.11 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.

3.12 No Waiver

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

3.13 Notice on Title

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

3.14 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.

3.15 Limitation of the Owners' Obligations

The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.

3.16 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.

3.17 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 have been 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.

3.18 Enurement

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

3.19 Remedies Cumulative

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

3.20 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.

3.21 Joint and Several

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

3.22 Further Acts

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

3.23 Governing Law

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

3.24 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.

3.25 Time of Essence

Time is of the essence in this Agreement.

3.25 Further Assurances

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

3.26 Priority

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

3.26 Deed and Contract

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

As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

WHEREAS COMPUTERSHARE TRUST COMPANY OF CANADA, Inc. No. A052313 (the “Chargeholder”) is the holder of a Mortgage (the “Charge”) encumbering the lands (the “Lands”) described in item 2 of the *Land Title Act* Form C attached hereto, which was registered in the Victoria Land Title Office under number CA2493482.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT IS EVIDENCE THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION PAID BY THE TRANSFEREE TO THE CHARGEHOLDER:

1. The Chargeholder hereby consents to the granting and registration of the Section 219 Covenant attached hereto (the “Covenant”) and the Chargeholder hereby agrees that the Covenant shall be binding upon its interest in and to the Lands.
2. The Chargeholder hereby grants to the transferee described in item 6 of the *Land Title Act* Form C attached hereto priority for the Covenant over the Chargeholder’s right, title and interest in and to the Lands, and the Chargeholder does hereby postpone the Charge and all of its right, title and interest thereunder to the Covenant as if the Covenant had been executed, delivered and registered prior to the execution, delivery and registration of the Charge.

IN WITNESS WHEREOF, the Chargeholder has executed and delivered this Consent and Priority Agreement by executing the *Land Title Act* Form C above which is attached hereto and forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

WHEREAS THE TORONTO-DOMINION BANK (the “Chargeholder”) is the holder of a Mortgage (the “Charge”) encumbering the lands (the “Lands”) described in item 2 of the *Land Title Act* Form C attached hereto, which was registered in the Victoria Land Title Office under number CA7179193.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT IS EVIDENCE THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION PAID BY THE TRANSFEREE TO THE CHARGEHOLDER:

1. The Chargeholder hereby consents to the granting and registration of the Section 219 Covenant attached hereto (the “Covenant”) and the Chargeholder hereby agrees that the Covenant shall be binding upon its interest in and to the Lands.
2. The Chargeholder hereby grants to the transferee described in item 6 of the *Land Title Act* Form C attached hereto priority for the Covenant over the Chargeholder’s right, title and interest in and to the Lands, and the Chargeholder does hereby postpone the Charge and all of its right, title and interest thereunder to the Covenant as if the Covenant had been executed, delivered and registered prior to the execution, delivery and registration of the Charge.

IN WITNESS WHEREOF, the Chargeholder has executed and delivered this Consent and Priority Agreement by executing the *Land Title Act* Form C above which is attached hereto and forms part of this Agreement.

SCHEDULE “A”

OWNER STATUTORY DECLARATION

CANADA	IN THE MATTER OF A HOUSING AGREEMENT
PROVINCE OF BRITISH COLUMBIA	WITH THE MAYNE 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 _____ [address], Mayne 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 Units were only used 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 and are listed in the attached list.
7. No subletting of the Lands has been permitted.
8. I acknowledge and agree to comply with all of the Owners’ 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 pursuant to the *Canada Evidence Act*.

DECLARED BEFORE ME at _____, British Columbia, this _____ day of _____, 20_____.

A Commissioner for taking Affidavits in
British Columbia

Signature of person making declaration

SCHEDULE “B”

Definition of a Qualified Renter

A Qualified Renter means a person aged 19 years or older who fits into at least one of the following categories, which are not listed in any particular priority order:

- 1) Has been living on Mayne Island for a minimum of one year; or
- 2) Is registered or is eligible to be a registered member of a First Nation with rights and responsibilities in and around what is known as Mayne Island, or, is considered by members of these First Nation communities to be part of the First Nation community regardless of current location of residence or work.

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

- a. Previous resident of Mayne Island who has lived away from the island for a maximum of three consecutive years; or
- b. Non-resident of Mayne Island who is hired to begin at least half-time work (20 hours per week) on Mayne Island; or
- c. A person who has been living on Mayne Island for less than a year but more than 6 months;
- d. A person with immediate family already living on Mayne Island. 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), 2), or 3), nor a., b., c., d., e., or f. who make an application to rent an available unit and the lack of applications would result in a unit being vacant for more than one month, then a Qualified Occupant may be any person permitted by the funding organization

SCHEDULE “C”

Proposed Subdivision Plan

[Attach Proposed Full Size version of Subdivision Plan]

Commented [NC1]: This may be included with the covenant instead. Still to be determined.

PART 2 - TERMS OF INSTRUMENT

SECTION 219 COVENANT (Water Supply)

This Agreement dated for reference March 9, 2021 is between:

(the “**Owner**”)

AND:

MAYNE ISLAND LOCAL TRUST COMMITTEE, a corporation under the *Island Trust Act*, R.S.B.C. 1996, c. 239, having an office at Suite 200, 1627 Fort Street, Victoria, British Columbia, V8R 1H8

(the “**Local Trust Committee**”)

GIVEN THAT:

- A. The Owner is the registered owner of land on Mayne Island more particularly described as:
(the “**Land**”).
- B. The Owner proposes to subdivide and develop the Land for residential use.
- C. The Owner wishes to grant the Local Trust Committee and the Capital Regional District a covenant under s. 219 of the *Land Title Act* (British Columbia) to regulate the use of the Land.

NOW THEREFORE, in consideration of the payment of \$2.00 by the Local Trust Committee to the Owner (the receipt and sufficiency of which is acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees with the Local Trust Committee in accordance with s. 219 of the *Land Title Act* (British Columbia) as follows:

Approvals

- 1. Where this Agreement requires the approval of the Local Trust Committee, approval may be given by the Islands Trust’s Regional Planning Manager, Southern Team and must, if given, be in writing.

Restriction on Use and Subdivision

- 2. The Owner shall not use or occupy the Land or any area into which the Land may be subdivided, for any residential or domestic purpose, unless the Owner is in full compliance with the terms of this Agreement.
- 3. The Land shall not be subdivided except to create lots having boundaries generally in accordance with the subdivision plan attached to this Agreement as Schedule A (the “**Subdivision Plan**”).
- 4. In this Agreement a reference to a numbered “Lot” is a reference to that Lot or area of the Land as shown on the Subdivision Plan, whether or not the Land has been subdivided.

Lot 3 Water Supply

5. The Owner of Lot 3 shall not start the construction or placement of any new residential building or structure on Lot 3 until the Owner has submitted to the Local Trust Committee and received the Local Trust Committee's approval of, a design for a water treatment system (the "**Water Treatment System**") for Lot 3 which is effective to make the water from any well that is proposed to supply domestic water in respect of any use of Lot 3 potable. Reference to the term "**potable**" in this Agreement shall mean that the water is safe to drink and suitable for domestic purposes and, without limiting the foregoing, meets a standard for potability no less than that specified in both the Land Use Bylaw and the Guidelines for Canadian Drinking Water Quality, as those standards may be revised from time to time. The design for the Water Treatment System shall be prepared by a certified water treatment specialist having professional qualifications acceptable to the Local Trust Committee acting reasonably (a "**Specialist**"), and shall include recommendations for ongoing maintenance to ensure the Water Treatment System continues to function as designed (the "**Maintenance Recommendations**").

6. No part of Lot 3, or any building or structure on Lot 3, shall be used or occupied for residential purposes, nor shall the Owner of Lot 3 request an occupancy permit for any building or structure on Lot 3, until the Owner of Lot 3 has installed the Water Treatment System and provided to the Local Trust Committee written confirmation from a Specialist that the Water Treatment System is operating as designed, and in particular, is capable of delivering sufficient potable water for residential uses on Lot 3.

7. The Owner of Lot 3 shall maintain the Water Treatment System in accordance with the Maintenance Recommendations and any manufacturer's instructions, and shall within 30 days of receiving a written request from the Local Trust Committee, provide written confirmation from a Specialist that the Water Treatment System has been properly maintained and is functioning as designed and intended.

Remediation and preservation of Land

8. No building, land alteration, construction or development is permitted on Lot 2 or Lot 3 except in accordance with all of the recommendations contained in the each of the following two reports (together, the "Environmental Reports"), excerpts of which are attached to this Covenant as Schedule B, and copies of which are held on file at the offices of the Local Trust Committee:

- (a) "Ecological Assessment Report for Proposed Affordable Housing Property", prepared by Keith Erickson and dated September 21st, 2020;
- (b) "Wetland Restoration Design Report", prepared by Robin Annschild and dated March 8, 2021;

except that in respect of Lot 2, the requirement to follow the recommendations of the Wetland Restoration Design Report for wetland remediation only applies to the area labelled "Wetland Remediation Zone Lot 2" on the Subdivision Plan.

9. Neither of Lot 2 or Lot 3 may be used or occupied for residential purposes until:

- (a) the Local Trust Committee has received written confirmation from a suitably qualified professional that the recommendations in the Environmental Reports have been adhered to and implemented where applicable; and
- (b) if required by the Local Trust Committee in its sole discretion, the title of Lot 2 or Lot 3 is charged with a further covenant to ensure ongoing preservation of any areas of land,

trees, or other vegetation on Lot 2 or 3 that are identified for preservation in the Environmental Reports.

Lot 3 Construction

10. No buildings shall be constructed or developed on Lot 3, except in the areas of Lot 3 where buildings are shown on the Subdivision Plan, and subject to such further minor alterations as may be authorized by the Local Trust Committee.

Lot 2 Construction

11. No building or structure shall be constructed, placed or Located on Lot 2 except within the area of Lot 2 shown as "Building Zone" on the Subdivision Plan.

12. The Owner of Lot 2 shall not start the construction of any building or structure on Lot 2 until the Owner of Lot 3 has completed the construction of, and received any occupancy permit required by the Capital Regional District for, at least XXX units of affordable housing, on Lot 3.

No Effect on Laws or Powers

13. This Agreement does not

- (a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land except as expressly set out herein;
- (b) impose on the Local Trust Committee any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement except as expressly set out herein;
- (c) affect or limit any enactment relating to the use or subdivision of the Land;
- (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

14. 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.

No Liability in Tort

15. 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

16. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owner in this Agreement constitutes a personal covenant and also a covenant granted under s. 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

17. 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

18. 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 of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Severance

19. 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

20. 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.

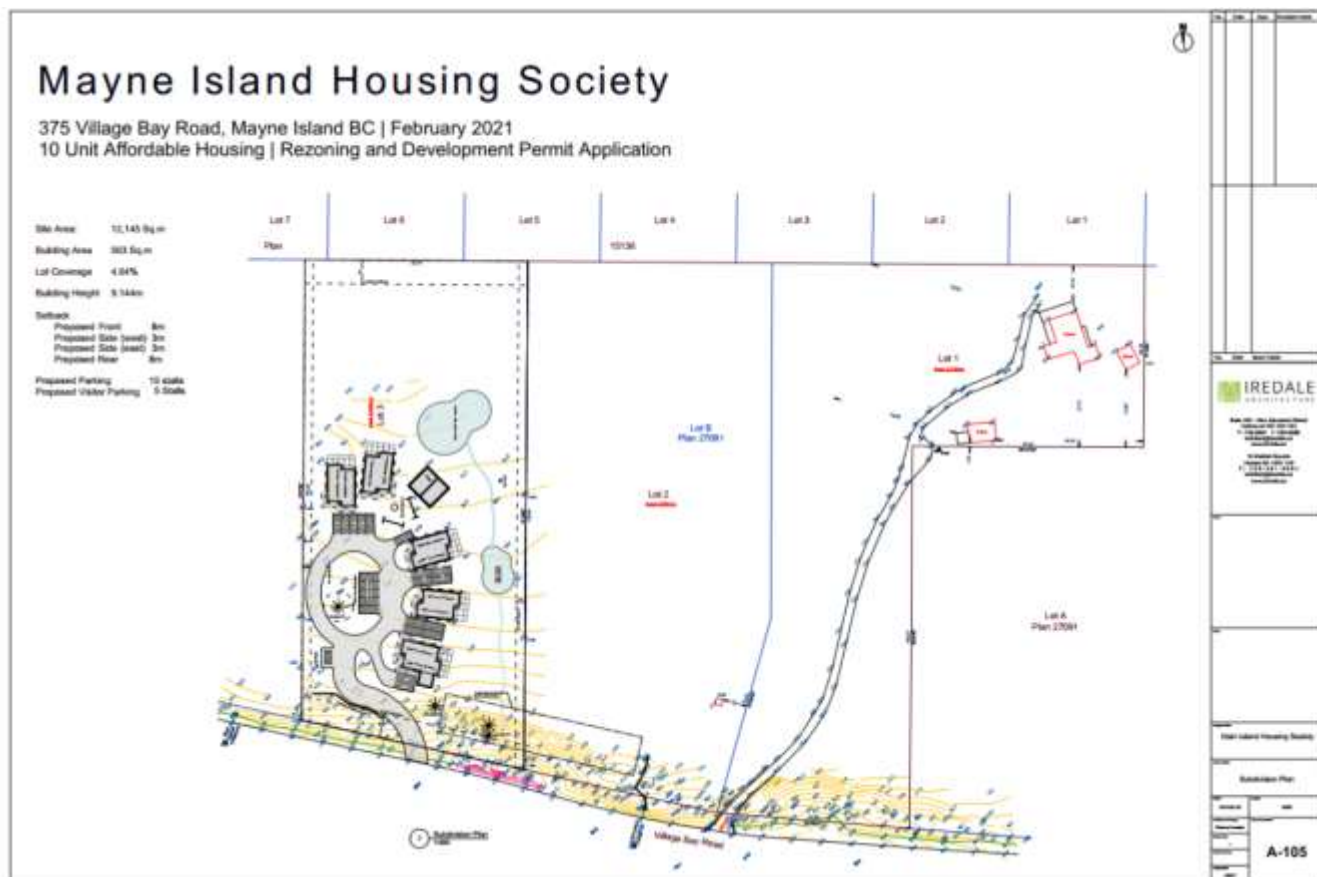
Binding of Successors

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

Execution Using Form C

22. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by executing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

SCHEDULE A – THE SUBDIVISION PLAN



Schedule B – Environmental Report Excerpts

To be completed

DRAFT

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 181

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS _____ DAY OF _____ 2021.

READ A SECOND TIME THIS _____ DAY OF _____ 2021.

READ A THIRD TIME THIS _____ DAY OF _____ 2021.

PUBLIC HEARING HELD THIS _____ DAY OF _____ 2021.

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

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING
THIS _____ DAY OF _____ 20__

ADOPTED THIS _____ DAY OF _____ 20__

Chair

Secretary

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 181**

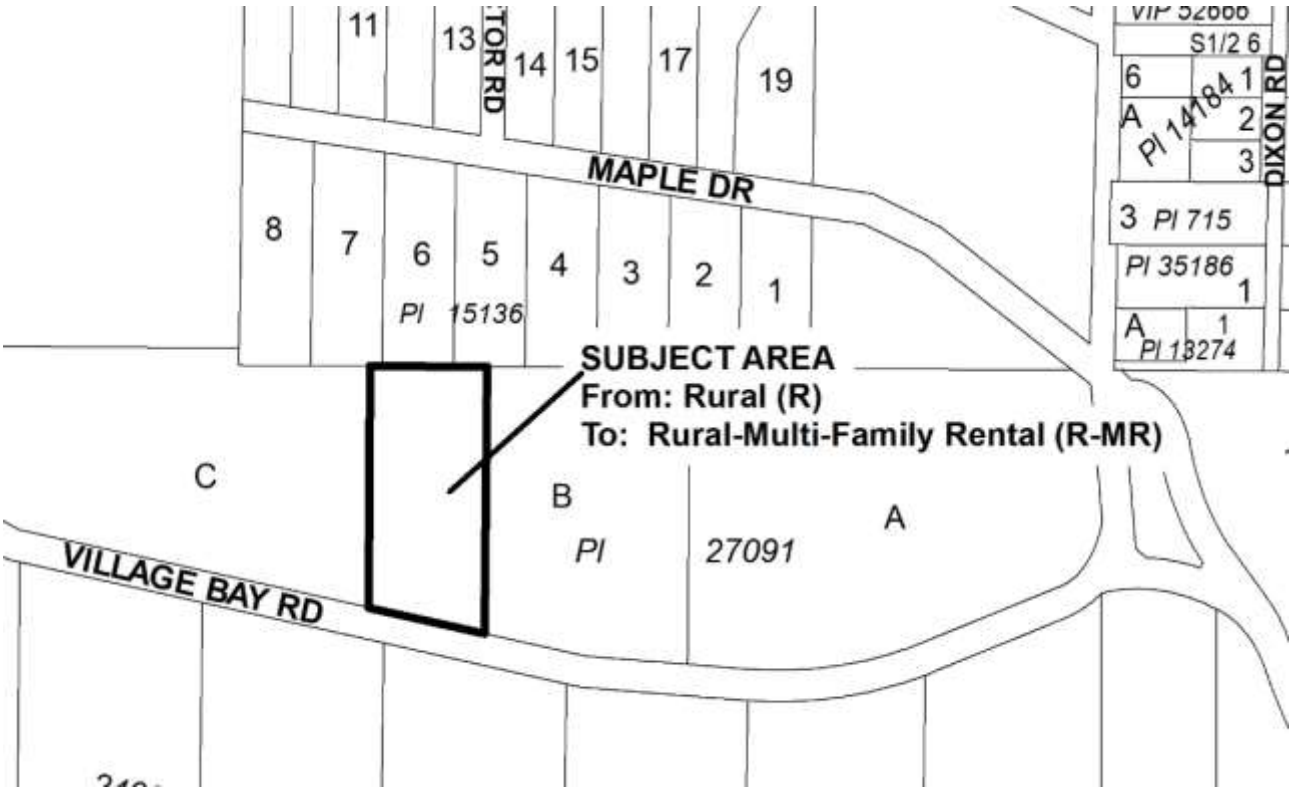
SCHEDULE 1

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

1. By amending Schedule B by changing the land use designation on a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091 from Rural (R) to Rural – Multi-Family Residential (R-MR) as shown on Plan No. 1, which is attached to and forms part of this bylaw.

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 181

Plan No.1



DRAFT

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 183

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

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”.

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

2.1 By adding to Definitions ““Multi-family rental housing” means residential use of attached dwelling units that are limited to residential rental tenure.’

2.2 By adding to the definition of Dwelling unit “multi-family housing” after “secondary suite”

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

2.4 By inserting a new row in the table in subsection to 5.5 (14) in the Rural (R) zone as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (f)	A portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091	(1) Despite 5.5(13) above the average lot area must not be less than 1.3 hectares (3.3 acres).

2.5 By adding “5.28 Comprehensive Development Three (CD3) Zone” as a new zone following subsection 5.27:

“The purpose of the Comprehensive Development Three Zone is to provide for and regulate the development of multi-family rental housing.

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

- (a) Multi-family rental housing
- (b) Accessory uses, buildings and structures

Density

- (2) The maximum number of dwelling units in the CD3 zone is 10
- (3) The maximum lot coverage is 20%.

Size and Siting

- (4) The minimum setback for any building or structure is:
 - (a) 8 metres (26 feet) from any front, rear or exterior side lot line;
 - (b) ~~8.3~~ metres (~~26.9~~ feet) from any interior side lot line;
- (5) The maximum height for any dwelling unit is 9 metres (29.5 feet).
- (6) The maximum height for any accessory building or structure is 5 metres (16.5 feet).

Subdivision Lot Area Requirements

- (7) The minimum lot area is 1.3 hectares (3.3 acres).

Form of Tenure

- (8) All dwelling units in the Comprehensive Development Three (CD3) Zone shall be limited to residential rental tenure."

- 2.6 By adding "Comprehensive Development Three CD3" to 4.1(1) (Division into Zones) following "Comprehensive Development Two CD2"
- 2.7 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091, from Rural (R) to Comprehensive Development Three (CD3) as shown on Plan No.1, which is attached to and forms part of this bylaw, and by making such alterations to Schedule "B" to Bylaw No. 146 as required to effect this change.
- 2.8 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091, from Rural (R) to (R(f) as shown on Plan No.1, which is attached to and forms part of this bylaw, and by making such alterations to Schedule "B" to Bylaw No. 146 as required to effect this change.
- 2.9 Schedule "D" – Zoning Map, is amended by removing a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091 from " areas where secondary suites are permitted" as shown on Plan No.2, which is attached to and forms part of this bylaw, and the making of such alterations to Schedule "D" to Bylaw No.146 as required to effect this change.

3. SEVERABILITY

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

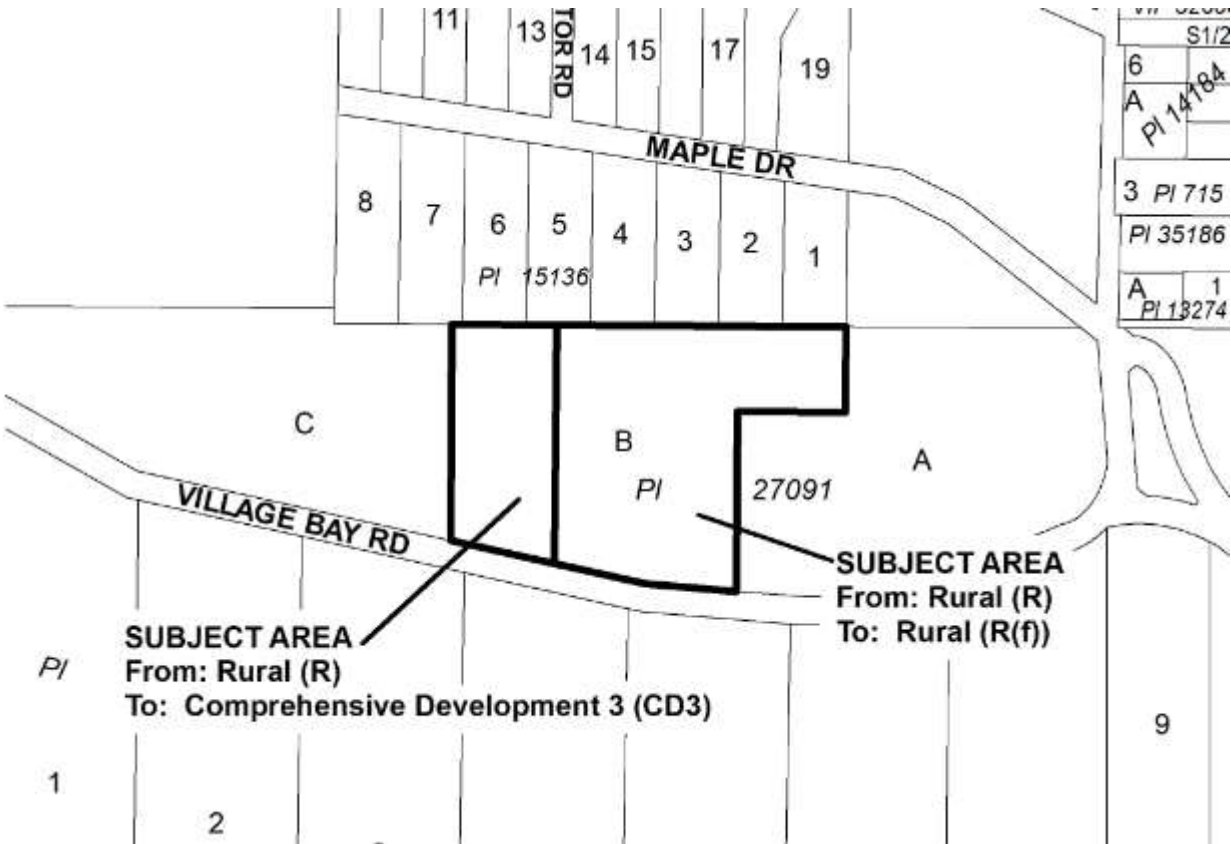
READ A FIRST TIME THIS	DAY OF	2021.
READ A SECOND TIME THIS	DAY OF	2021.
READ A THIRD TIME THIS	DAY OF	2021.
PUBLIC HEARING HELD THIS	DAY OF	2021.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	DAY OF	20__
ADOPTED THIS	DAY OF	20__

Chair

Secretary

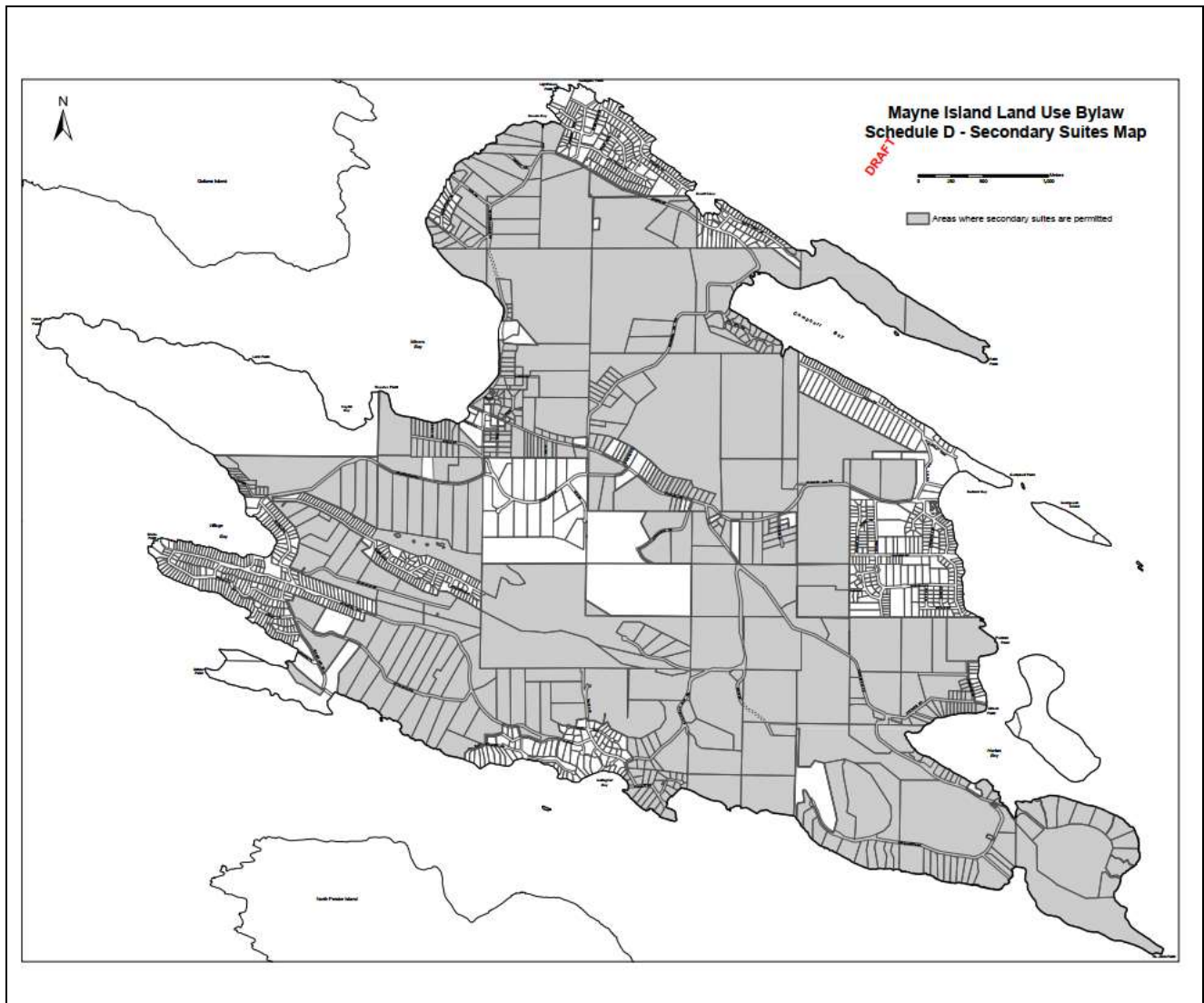
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 183

Plan No. 1



MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 183

Plan No. 2



APC Comments on LTC referrals of MA_RZ 2020.1 (MI Housing Society rezoning). Oct 13 2021.

The APC members have reviewed the posted staff and consultant reports, the submitted comments from the public, have met with staff and undertaken site visits; and have discussed the referrals at the APC meetings of Sept 22, Oct 6 and Oct 13 including representations from the applicant and neighbours.

Text in italics is from the referral staff report, and placed here purely for reading guidance.

1. Impacts on neighbours to the west (Rebecca Ewing and Tim Maki)

The neighbours to the west of the proposed housing development have raised a number of issues that have been detailed in a number of letters that can be accessed on the website. Key concerns include: Impact on agricultural use, Privacy issues related to proximity of the development, Interests in increased setback and buffering, Impacts on forest contiguity.

- Noted that the choice of siting of the housing on the west side of proposed lot 3 is driven largely by ecological criteria, protection of critical wetland forest, remediation of wetland areas and siting of water retention ponds, and site topography.
- The Ecological report notes that the proposed development site is at the margins of the north slope of the Mt Parke/Village Bay Forest, and portions of the parent parcel and the neighbour's property were heavily logged in past 15 – 20 years, and note that the housing development area would not significantly impact the current established forest contiguity.
- It was also noted in the Ecologists report (page 7) that land clearing was currently (Sept 2020) underway on the South side of Village Bay Road adjacent the proposal.
- The neighbours stated (site visit) that the existing sporadic higher growth foliage in the area proposed for housing development is needed to provide morning shade (means less irrigation) to a portion of the fenced arable area of their property.
- Noted that the impact of removal of this shade foliage (from an area lower in elevation than the arable land above) would be marginal and would be limited to a small portion of the fenced arable land.
- That shading could be, and would be, attained through further growth and reforestation on the property to the west.
- Noted that the current location of buildings on the neighbour's property is 150-200m west, and well removed, and proximity privacy issues between residences would be minimal.
- because of past land clearing, and current water views toward Active Pass, the eastern most part of the arable site is also stated as the potential location of the neighbor's future residential improvements, obviating a need for crop shading, but possibly introducing a desire for privacy screening, both for the neighbour and the proponent.
- Noted that the interior lot line setbacks on the housing parcel are to be increased to 8m, and that the housing proponent should commit at the design stage to plant a buffer, privacy screening in this set back area.
- Recommend that the general area for housing development be identified (maybe included in covenants) at rezoning, and that the specific details of the siting and massing of buildings, the west loop portion of the driveway and the treatment of buffers and other landscape replanting be addressed through meaningful dialogue and consultation with the neighbours to the west.

- Consider design changes (move buildings east, and/or modify loop road design), to ensure that the loop road does not intrude into the increased 8m setback width, and that all or most of the 8m setback area can be planted as a buffer.

2. Impacts on neighbours to the north – *The neighbours to the north have identified concerns related to surface water runoff (see correspondence on website). The MIHS is proposing a wetland restoration approach which they believe may address some of the runoff issues.*

- The water run offs and flows experienced by the neighbours to the north are partly due to topography, being on the lower north slope of Mt Parke, run off from Village Bay Road, and reportedly severely aggravated by the adjacent properties logging in the past 20 years.
- The proponent has commissioned a wetland restoration report which recommends remediation of compacted (logging road) areas, filling of ditches to increase infiltration and reduce rapid storm run-off; planting and reforestation, and creation of wetlands and stormwater retention ponds.
- Noted by MIHS that water from a natural spring will still be running, ditch not filled, but the water run-off will be managed in lower wetlands.
- APC note that much of the hard surface runoff will be “slowed” through storage in tanks for irrigation, directed to ponds and wetlands.
- APC recommend further efforts by MIHS to reduce storm run-off through driveway swales, permeable ‘hard’ surfaces, and appropriate landscaping, and that these be incorporated into later development permitting review.
- It is understood that following the recommendations should result in a lessening of existing water run off issues on properties to the north, may manage them, but may not entirely eliminate them.
- Noted that the recommended remediations to mitigate and manage that run off and downslope drainage issues are not isolated to the proposed lot 3.
- APC recommend that the water/wetland remediation works be ensured through incorporation into the restrictive covenants for the proposed Lot 2.
- It is understood from the consultant reports and testing of wells, aquifers, water supply, and septic fields, that the proposed development will not impact on the water supply of neighbours to the north.

3. Overall environmental impact - *The Biologists report, Wetland Specialist’s report and Arborists reports all identify potential environmental impact. The MIHS’s site plan identifies how they will address/reduce impact. In addition, trustees have requested a covenant that identifies a specific building site on proposed Lot 2 and the rest of the property to be left undisturbed.*

As outlined in the Ecological Assessment Report MIHS has addressed the 12 points included in the Recommended Guidelines for Development Planning point by point.

- 1) Reduce fragmentation of forest by keeping development compact and reducing footprint of structures and surfaces. This is evidenced by the site plan dated Feb 2021
- 2) Retain and establish tree protection zones – clearly described in all development plans
Five designated veteran trees will be retained and protected during and after development and construction of the project
- 3) Three of four wildlife trees will be retained and protected during and after development and construction of the project

- 4) Minimize encroachment into moist/wet ecosystems
The building site has been designated focusing on the areas that were compacted during the most recent logging of the site.
Wetland remediation will be included in the development including decompaction and construction of retaining ponds.
- 5) Minimize disturbance of Douglas Fir/Dull Oregon Grape – EC 1-1
Appears to be largely undisturbed in renderings
- 6) Focus development in and around areas where soils heavily disturbed and compacted.
Site plan concentrated in EC 3-2 and 2-1 both identified as heavily disturbed with compacted areas and exotic species.
- 7) Minimize areas of compaction during construction and post constructions
Equipment will be constrained to building development area except where required for remediation work and wetland development.
- 8) Consult with Hydrologist to determine impacts from development and prescribe methods to mitigate on-site and downslope impacts. This has been completed, with recommendations being incorporated into site development plans, and includes significant remediation efforts to mitigate existing downslope hydrology issues.
- 9) Maintain as much forest cover and natural vegetation as possible.
This has been clearly identified in sight development plans as a high priority.
- 10) Restore areas outside of the development footprint where soil has previously compacted
Recommendation incorporated into sight development plan.
- 11) Incorporate wildlife zones where no development takes place.
MIHS has accounted for this recommendation into the site development plan
- 12) Monitor and evaluate and incorporate further mitigation as necessary during all phases of development and construction.

The APC note that the implementation of the above environmental protection measures and the proposed Wetland Restoration plan into the site development planning provides significant environmental benefits overall.

The APC recommends that the environmental remediation outlined in the Ecological Assessment Report, and the Wetland Restoration plan be ensured through restrictive covenants on both lot 2 and lot 3.

4. Contribution to the community in terms of providing affordable housing - *The MIHS is basing their proposed rates on the possibility of receiving BC Housing funding. BC Housing funding has a very specific requirement related to the breakdown of rental rates to ensure an adequate revenue stream to support the financing of the project. Questions have been raised related to whether these rates will address the housing affordability challenges being faced on Mayne.*

- Noted that the rental housing as envisaged will only proceed if the MIHS application to BC Housing is approved, and that the rents for the 10 units will be determined by following the BC Housing mixed rental model and the funding model: Details may vary slightly.
- As proposed, we understand that 9 of the 10 units will have rents based on 30% of income, for low and moderate income households. There are upper income criteria to determine eligibility.
- BC Housing model is geared to providing affordable (income based) housing for the most vulnerable and needy, and the model is being used throughout the Province.

- By definition, being directly income based, the proposed housing is affordable, and given the recent run up in Mayne Island property values, more so than ever.
- Noted that as well as affordability, the proposed housing addresses, in a small way, a Mayne Island Housing issue of availability and certainty of rental accommodation.
- The proposal, is modest, but does start to address a longstanding problem of suitable, affordable and available rental housing for lower income members of the community.

5. Traffic Impacts – *This concern has not been addressed. The LTC would like the APC to consider this given that there will be 10 units on a well traveled roadway that will also have a bike lane.*

- Members noted little comment on traffic. Given that the MT Parke entrance (100m East), serves 15 homes, with no known issues, and similarly no issues at Wood Dale Drive, with much higher volumes, there does not appear to be a traffic volume issue.
- There are no other driveways within close proximity.
- Sight lines appear to be adequate.
- It would be prudent for planners/proponents to engage with CRD engineers re the design and signage where the driveway will cross with the proposed Village-Miners Bay foot and bicycle trail.
- Noted that MIHS are stating that they will follow a recommendation to have dual lanes for the driveway at the intersection with Village Bay Road, to accommodate vehicles turning in when a vehicle is waiting to exit.

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

Dear Referral Coordinator,

Happy New Year to you.

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

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

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

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

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

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

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

Thank you for your time and attention to this matter.

Yours truly,

Daniela Murphy

Daniela Murphy

Legislative Clerk/Deputy Secretary

Islands Trust, Salt Spring Island

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

Phone: 250-538-5606

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

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

Preserving Island communities, culture and environment since 1974.



Islands Trust

BYLAW REFERRAL FORM

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

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

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

APPLICANTS NAME / ADDRESS:

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

PURPOSE OF BYLAW:

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

GENERAL LOCATION:

2188 North End Rd

LEGAL DESCRIPTION:

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

SIZE OF PROPERTY AFFECTED:

2.48 Acres

ALR STATUS:

None

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural Neighbourhoods

OTHER INFORMATION:

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

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

(Signature)

Name: Georgie Gordon

Title: Planner 2

This referral has been sent to the following agencies:

Provincial Agencies

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

Regional Agencies

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

Non-Agency Referrals

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

Adjacent Local Trust Committees and Municipalities

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

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

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

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

521
(Bylaw Number)

(Title)

(Agency)

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 521

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

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

1. Citation

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

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

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

“Zone Variation – R(q)

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

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

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

And by making consequential numbering alterations to effect this change.

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

PROPOSED

SS-BL-521

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

READ A SECOND TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

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

ADOPTED THIS _____ DAY OF _____ 20____

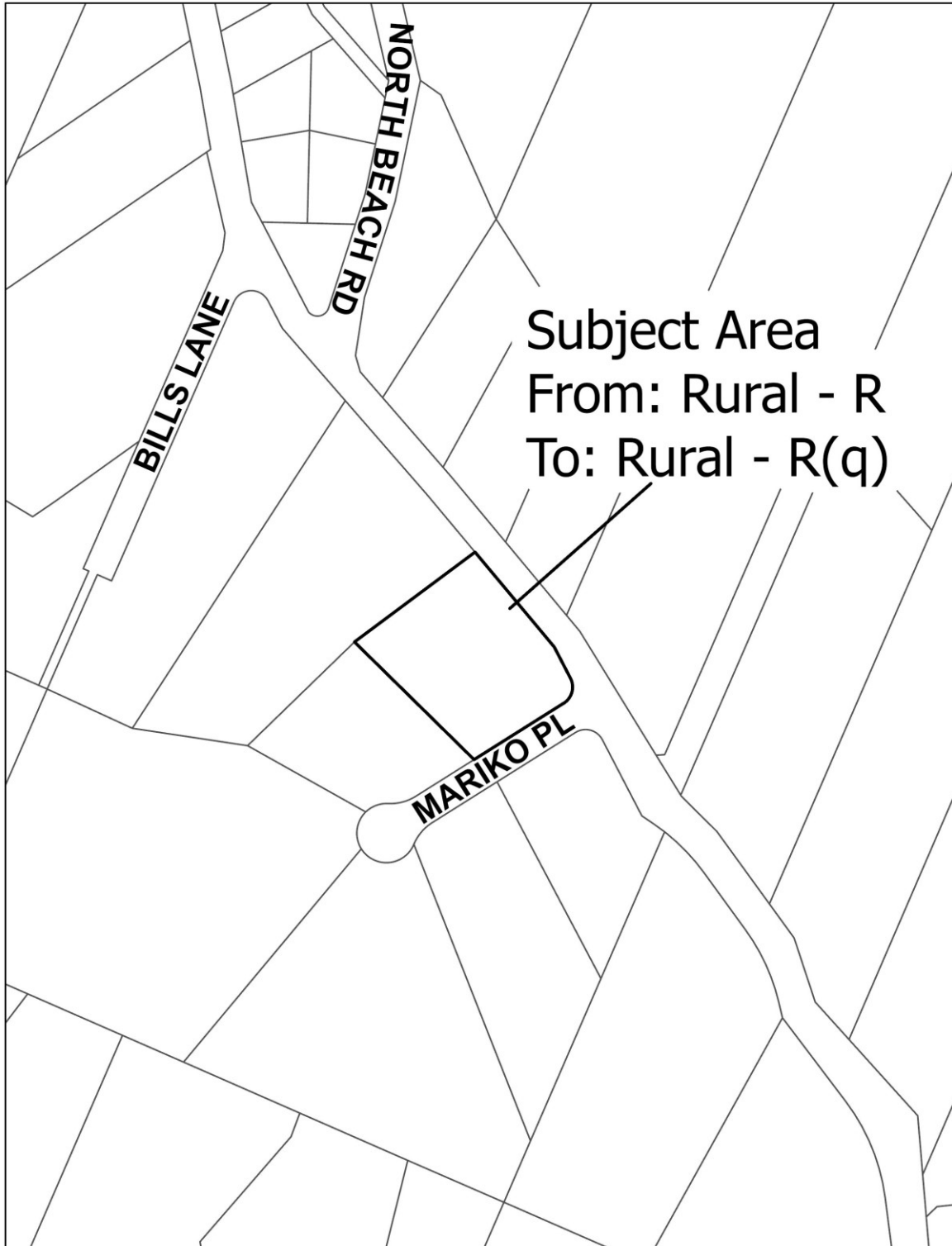
Chair

Secretary

PROPOSED

SS-BL-521

PLAN NO. 1



From: Daniela Murphy
Sent: Wednesday, November 17, 2021 11:11 AM
To: Becky McErlean; Jas Chonk; Mike Tippet; dlundy@saltspringfire.com; chris.laughlin@viha.ca; Karla Campbell; saltspring@rcmp-grc.gc.ca; Christine Condon; amanda.vanderkloof@bcas.ca; Edward.Panis@dfo-mpo.gc.ca; McIntyre, Cathie BCA:EX; Nichols, Kris MUNI:EX; Jennifer.I.moran@gov.bc.ca; FrontCounter BC FLNR:EX; diana.cooper@gov.bc.ca; Janelle.staite@gov.bc.ca
Cc: Kristine Mayes; Rob Pingle; jarnet@crd.bc.ca
Subject: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 525 - 1351 Mountain Road, SSI
Attachments: SS-BL-525_Referral Form.pdf

Dear Referral Coordinator,

The Salt Spring Island Local Trust Committee (SS LTC) has asked that its proposed bylaw: Bylaw No. 525 cited as "Salt Spring Island Official Community Plan 2008, Amendment No. 2, 2021" be referred to you for comment.

The proposed bylaw would rezone the subject property from Rural (R) to Rural variant p (R(p) to permit a maximum of one boathouse not exceeding 60 square metres in all lands zoned R(p) and establish a 15-metre setback from the natural boundary of the sea.

The staff report and information relating to the application can be found on our website, <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/> under application SS-RZ-2020.1.

A reply is respectfully requested by **Wednesday, December 22, 2021**. We understand that there are numerous demands on your time, however, we genuinely welcome any comments or questions you may have.

Should you have any questions, or require further information, please contact Planner Kristine Mayes at kmayes@islandstrust.bc.ca or 250-537-9144.

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

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

Thank you for your time and attention to this matter.

Yours truly,

Daniela Murphy

Daniela Murphy

Legislative Clerk/Deputy Secretary

Islands Trust

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

T 250-538-5606 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



Islands Trust

BYLAW REFERRAL FORM

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

Island: Salt Spring Island Trust Area **Bylaw No.:** 525 **Date:** November 16, 2021

You are requested to comment on the attached Bylaws for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaws will be held at a later date.

APPLICANTS NAME / ADDRESS:

Douglas MacAlpine / 2980 Cowichan Valley Highway, Duncan, BC V9L 6A2

PURPOSE OF BYLAW:

To permit a maximum of one boathouse not exceeding 60 square metres in all lands zoned R(p) and establish a 15-metre setback from the natural boundary of the sea.

GENERAL LOCATION:

1351 Mountain Road, Salt Spring Island, BC

LEGAL DESCRIPTION:

LOT 5, OF SECTIONS 33 AND 37, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 1812

SIZE OF PROPERTY AFFECTED:

24.69-ha / 61-acres

ALR STATUS:

Non-ALR

OFFICIAL COMMUNITY PLAN DESIGNATION:

Uplands

OTHER INFORMATION:

To review the staff report or for more information on application SS-RZ-2020.1, go to: <http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/>

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

(Signature)

Name: Kristine Mayes

Title: Planner 1

This referral has been sent to the following agencies:

Federal Agencies

Fisheries & Oceans, Canada - Pacific Region

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation
Malahat First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Semiahmoo First Nation
Tsawwassen First Nation

Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only)

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Parks and Recreation
CRD – SSI Building Inspection
CRD – Environmental Eng. Division
CRD – Parks & Community Services
Vancouver Island Health Authority
SSI Advisory Planning Commission

Non-Agency Referrals

BC Ambulance Service
RCMP
SSI Fire-Rescue

Adjacent Local Trust Committees and Municipalities

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

Provincial Agencies

BC Assessment Authority

Ministry of Municipal Affairs

Ministry of Transportation & Infrastructure

Ministry of Forest Lands, Natural Resource Operations and Rural

Development (Archaeology)

Ministry of Environment and Climate Change Strategy (BC Parks and
Conservation Officer Service Division)

Front Counter BC

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

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

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

525
(Bylaw Number)

(Title)

(Agency)

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 525

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

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

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2021”.

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

2.1 By inserting in Subsection 9.2.4 – Exceptions in Particular Locations – the following new Rural Zone Variation (p) – R(9) after Zone Variation R(o):

“Zone Variation – R(p)

(22) Despite Section 1.1 – Definition of “Boathouse” – a maximum of one *boathouse* not exceeding 60 square metres shall be located within all lands zoned R(p).

(23) Despite Subsection 4.4.2, the setback from the *natural boundary* of the sea is 15 metres.

And by making consequential numbering alterations to effect this change.

2.2 By changing the zoning classification of Lot 5, of Sections 33 and 37, South Salt Spring Island, Cowichan District, Plan 1812 from Rural – (R) to Rural Zone Variation (p) – R(p), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “A” of Bylaw No. 355 as are required to effect this change.

READ A FIRST TIME THIS 9TH DAY OF NOVEMBER 2021

READ A SECOND TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

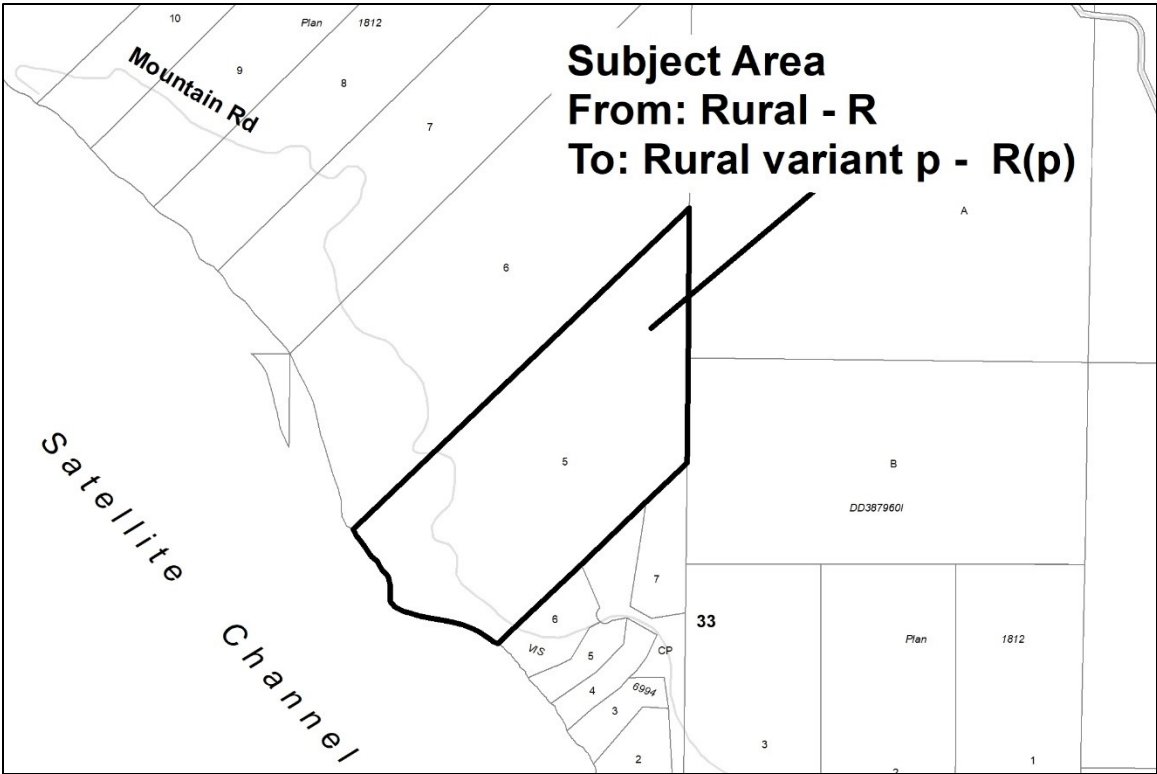
_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair Secretary

PROPOSED

Plan No. 1



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

Dear Referral Coordinator,

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

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

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

In general terms, the Bylaw is characterized as follows:

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

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

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

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

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

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

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

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

Thank you for your time and attention to this referral.

Yours truly,

Daniela Murphy

Daniela Murphy

Legislative Clerk/Deputy Secretary

Islands Trust

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

T 250-538-5606 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I am humbly thankful to live and work in the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lək' wəŋən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səlilwətaʔ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SÁÁUTW, Stz'uminus, ʔaʔamen, toq qaymíxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwxw/ʔop qaymíxʷ, and xʷməθkʷəy̓əm.



Islands Trust

BYLAW REFERRAL FORM

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

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

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

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee

PURPOSE OF BYLAW:

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

GENERAL LOCATION:

Various

LEGAL DESCRIPTION:

Various

SIZE OF PROPERTY AFFECTED:

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

ALR STATUS:

Yes & No

OFFICIAL COMMUNITY PLAN DESIGNATION:

Agriculture & Various

OTHER INFORMATION:

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

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


(Signature)

Name: Kristine Mayes

Title: Planner 1

This referral has been sent to the following agencies:

Provincial Agencies

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

Regional Agencies

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

Non-Agency Referrals

North Salt Spring Waterworks District
SSI Agricultural Alliance

Adjacent Local Trust Committees and Municipalities

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

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

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

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

526
(Bylaw Number)

(Title)

(Agency)

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 526

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

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

1. Citation

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

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

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

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

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

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

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

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

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

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

And by making consequential numbering alterations to effect this change.

READ A FIRST TIME THIS _____ DAY OF _____ 20_____

READ A SECOND TIME THIS _____ DAY OF _____ 20_____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20_____

READ A THIRD TIME THIS _____ DAY OF _____ 20_____

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

ADOPTED THIS _____ DAY OF _____ 20_____

Chair

Secretary

DATE OF MEETING: February 28, 2022
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: OCP and LUB Minor Amendments Project

RECOMMENDATION

1. That the Mayne Island Local Trust Committee request staff to prepare draft bylaw amendments in accordance with the staff report dated February 28th, 2022 staff report and any further direction from the LTC provided at the February 28th, 2022 LTC meeting.
2. That the Mayne Island Local Trust Committee remove the First Nations acknowledgement from the OCP amendments and add it to the top priority list as a separate project.
3. That the Mayne Island Local Trust Committee defer consideration of rezoning of Felix Jack Park until until further discussions with the Parks and Recreation Commission.

REPORT SUMMARY

This report provides background on the project, and presents options for amendments and questions for the LTC related to items previously supported by the LTC to be part of the OCP and LUB minor amendments project.

BACKGROUND

As indicated below in the resolutions passed by the Mayne Island Local Trust Committee, this project was identified as a priority in March 2021 and initiated in May 2021. Additional items were added to the original list of LUB and OCP minor amendments in May and September 2021.

March 29, 2021 (2021-016) that the Mayne Island Local Trust Committee request Planner Chadwick to add to the Top Priority List a project focusing on minor Land Use Bylaw and Official Community Plan amendments.

May 10, 2021 (2021-028) that the Mayne Island Local Trust Committee request staff to prepare a project charter for the Official Community Plan and Land Use Bylaws Minor Amendment project to include the amendments identified in the May 10, 2021 Staff Report and to add election sign controls and patios.

Sept 27, 2021 (2021-54) that the Mayne Island Local Trust Committee add to the Official Community Plan and the Land Use Bylaws Minor Amendments project the rezoning of the Mayne Island Brewery to allow for what is currently contained in the Temporary Use Permit issued in 2020 (MA-TUP-2020.1.)

Z:\12 Long Range Planning\08 MA\6500 LTC Work Program\20 Projects (P)\2021 OCP and LUB Minor Amendments\Staff Reports\February 28, 2022\MA-LTC-Feb 28-2022_OCP LUB minor amendments.docx.docx

The list of items identified to be addressed through the LUB and OCP Minor Amendments project are as follows:

LUB Amendments

- The rezoning of the property adjacent to the Thrift Store.
- Changes in zoning of Felix Jack park to prohibit construction of any kind.
- Changes in zoning to restrict commercial uses on Lot 10, Section 8, Mayne Island, Cowichan District, Plan 15263 (594 Fernhill Road) to indoor only.
- Changes in zoning that would permit a maximum residential density on large remainder parcels not to exceed the maximum number of lots allowed by any s.219 covenants granted to the local trust committee and registered on title.
- Changes in zoning that would allow the continued use of the Mayne Island Brewery as accessory to residential use.
- Changes to the regulations related to patios.
- Changes to regulations related to elections signs.
- Change to definition of secondary suite (recently added by staff).

OCP Amendments

- Inclusion of an acknowledgement of First Nations.
- Removal of the Parks Master Plan.
- OCP map amendment supporting new Thrift Store rezoning

ANALYSIS

OCP Amendments

Staff recommend that the inclusion of an acknowledgement of First Nations be removed from this existing project and retained on the priority project list as the consultation process will take time. The Senior Intergovernmental Policy Advisory identified that a relationship with the Tsartlip First Nation has not yet been established. This is critical to supporting meaningful engagement.

Mayne Island lands and waters are within the core treaty and territorial area of the Tsartlip First Nation, including Reserve #6 west of Miners Bay. Staff would like to reach out to the Tsartlip First Nation and begin early and meaningful engagement to ensure that any draft wording is reflective of the treaty and territorial area of the Nation and any other Coast Salish First Nations which may wish to collaborate on the development of a statement of First Nations recognition for the OCP.

At this time the Islands Trust staff are also reviewing a regional process for amending OCPs and developing important policies and initiatives to ensure the preservation and protection of Indigenous cultural heritage, cultivation areas, and landscapes. These region-wide processes have delayed the ability of staff to undertake draft wording and engagement that would meet the threshold of early and meaningful engagement with First Nations. Staff hope to begin this work over the next few months and provide draft wording to the Mayne Island LTC that has been collaboratively written with First Nations within this core territorial area.

The removal of the Parks Master Plan was requested by the Mayne Islands Parks Commission and the amendment to Schedule B, the Land Use Designation Map, to support the Thrift Store rezoning will move in step with LUB amendment process.

Land Use Bylaw Amendments

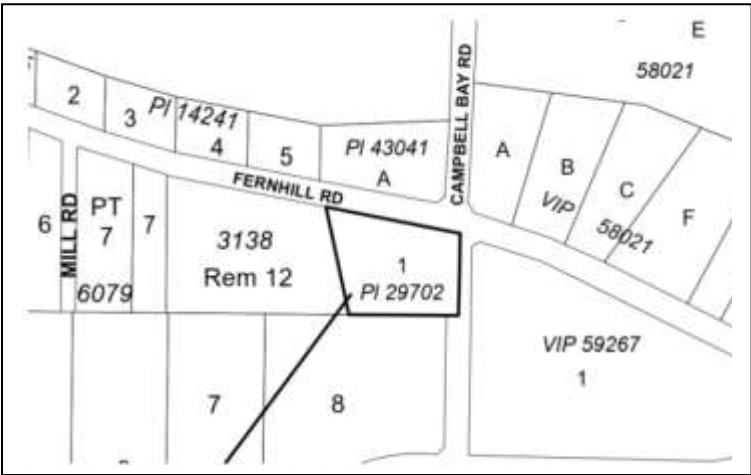
Proposed LUB amendments and questions for the LTC are identified below.

The LUB amendments fall into two categories – 1. Changes to zoning, 2. Definitions and other minor amendments.

Brewery Zoning

The amendment being proposed will create a site specific zone for 490 Fernhill Road (see Map 1 below) to allow for the continuation of the use permitted in the Temporary Use Permit which was issued in July 2020 to support the operation of the Mayne Islands Brewery, the indoor tasting room and outdoor patio.

Map 1: 490 Fernhill Road



The amendment will involve creating a site specific zone within the settlement residential zone. Provisions related to maintaining natural outdoor screening as per 3.8 in the LUB, limited outdoor space and indoor floor area will ensure that the site specific zoning adheres to OCP policies related to maintaining residential character. The property owners will also need to adhere to existing LUB parking requirements for restaurant, café or licensed premise (1 parking stall per 3 seats).

Proposed site specific zoning:

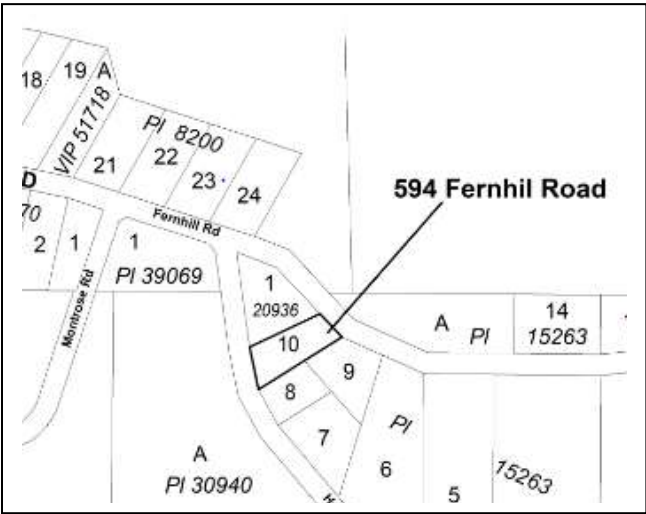
Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
SR (a)	Lot 1, Section 12, Mayne Island, Cowichan District, Plan 29702 490 Fernhill Road	(1) in addition to the uses permitted in 5.1 (1) above, an accessory brewery, tasting room and outdoor patio, and accessory food and beverage sales, are permitted in this location, subject to: (a) the maximum floor area of the combined brewing, storage, retail and interior brewery product sampling area is 150m ² (1615 ft ²) (b) the total number of seats for sampling area guests (inside + outside) shall not exceed 42 (d) the accessory brewery, tasting room and outdoor picnic area, and accessory food and beverage sales, must be screened from residential uses on adjoining lots by a landscape screen complying with section 3.8(1)(a).

Question to LTC: Are there any additional site specific restrictions that the LTC would like to include?

594 Fernhill Road restriction on commercial use to indoor only

The 594 Fernhill Road property (see Map 2) is a site specific zone within the Commercial 3 zone. Site specific regulations permit repair shops, machine shops, accessory retail sales, and accessory dwelling unit. The LTC has identified that the site specific zoning regulation should specify that these activities can only occur indoors.

Map 2: 594 Fernhill Road



The proposed amendment (identified in red) is as follows:

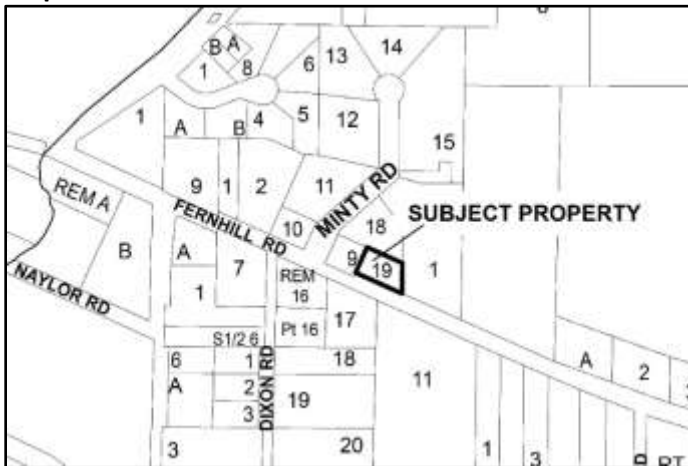
Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
C3 (a)	Lot 10, Section 8, Mayne Island, Cowichan District, Plan 15263 594 Fernhill Road	(1) Despite 5.10(1) the only permitted uses at these locations are repair shops, machine shops, accessory retail sales, and accessory dwelling unit. (2) Repair shops, machine shops and retail sales uses must be located within buildings. (3) The maximum floor area of buildings used for repair shops and machine shops is 140 m2 (1507 ft2), of which a maximum of 5 m2 (54 ft2) may be used for the retail sale of articles not used directly in the repair of vehicles and machines.

Question to LTC: Are there any additional site specific restrictions that the LTC would like to include?

Thrift Store Zoning

In 2021 the Mayne Island Agricultural Society purchased 437 Fernhill Road (see Map 3). The property is currently zoned Settlement Residential (SR). The Society applied for and, in June 2021, were granted a Temporary Use Permit (TUP) to permit the existing dwelling to be used for a Thrift Store, Archive and Museum Storage as well as for Fall Fair Activities to be permitted on the outside of the subject property. As all of these activities would be permitted as “community service uses” as currently defined in the LUB; consequently, staff recommend that the zoning on the Lot be changed from Settlement Residential (SR) to Community Service (S1) to allow for continued use of the property as identified in the TUP. This amendment can be achieved through a change to Schedule B of the Mayne Island Use Bylaw (Zoning Map). It will also require a change to Schedule B (Land Use Designations) in the Official Community Plan.

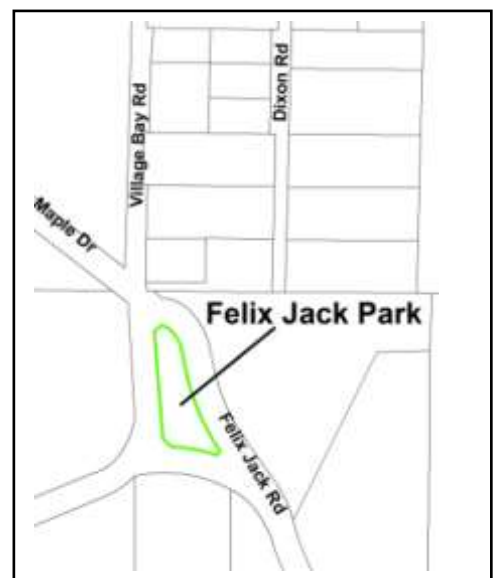
Map 3: 437 Fernhill Road



Felix Jack Park

Responding to a request that was made by John Aiken, grandson of Emma and Felix Jack, who is the steward for Felix Jack Park, the LTC has identified interest in preventing any further construction of structures in the location. The Felix Jack Park is currently zoned as Community and Regional Park (P) Zone.

The LTC has identified that they may consider that the Park be zoned for passive park use only. However, because there is already a statue and picnic tables, it would not be consistent with the definition of passive park use. A site-specific zone could permit the existing structures and limit additional structures. As Felix Jack Park is within Capital Regional District’s jurisdiction and managed by the Mayne Island Parks Commission, specific uses of the park could be more specifically managed through revisions to the CRD’s “Mayne Island Parks and Recreation Commission Master Plan 2021-2025”, or through development of a management plan specifically for this park. The Master Plan identifies features such as the statue and public art installation based on a burial cairn that are in place to



recognize and honour First Nations peoples. The Master Plan also identifies interest in “*making this important park even more beautiful with new signage and habitat restoration including a pond, improvements to the stream and reintroduction of native plants*”.

Staff discussed the options with members of the Mayne Island Parks and Recreation Commission to obtain their input. The members indicated that passive park use would not be appropriate given the existing uses and structures, and that site specific zoning would likely also limit future plans already discussed with Mr. Aitken. As identified in the letter dated January 14, 2022 sent to the LTC after staff’s discussion with the Mayne Island Parks and Recreation Commission (see Attachment 1), the Commission has requested the LTC to defer consideration of amending the zoning of the park while they consult further with Mr. Aiken.

LTC direction required: Resolution provided.

Density Restriction related to s.219 covenants

The LTC has requested an amendment that would establish a maximum residential density on large remainder parcels of land, resulting from previous subdivisions, consistent with the maximum number of lots allowed by any s.219 covenants granted to the local trust committee and registered on title. This would apply to lots where the maximum number of dwellings was not addressed in the covenant as per Section 8.3 (1) in the Land Use Bylaw:

“When a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this Bylaw, and one or more of the lots being created has an area equal to or greater than twice the applicable average lot size, the applicant must grant a covenant complying with s.2.6 of this Bylaw in respect of every such lot prohibiting further subdivision of the lot and prohibiting the construction, erection, or occupancy on the lot of more than one single family residential dwelling unit and where a cottage is a permitted use, more than one such cottage”.

This amendment could apply to the following two properties:

1. The south east 1/4 of section 2, Mayne Island, Cowichan District, Except those parts in plans 6166, 49353, 51014, VIP52279, VIP55242, VIP59475, VIP72321, VIP78014, VIP80525 AND VIP83602 (797 Beechwood Drive)
This is a 38 hectare/ 96 acre property in the Rural Zone with a Section 219 covenant registered on title at the time of the most recent subdivision which restricts further subdivision to no more than 2 lots. To conform with Section 8.3 (2) of the LUB, the covenant should also have limited density to two single family residential dwellings and two cottages (the permitted number of dwellings and cottages would be congruent with the number of lots to be created). A bylaw amendment creating a site-specific zone for this property would remedy this error. There is currently one dwelling on the property.

A subdivision application was submitted in June 2020 for a two lot subdivision of this property. This application has not proceeded to date.

Proposed Site-Specific Zone

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (f)	The south east 1/4 of section 2, Mayne Island, Cowichan District, Except those parts in plans 6166, 49353, 51014, VIP52279, VIP55242,	(1) Despite 5.5(2) and 5.5(3) the maximum density is two dwellings and two cottages.

	VIP59475, VIP72321, VIP78014, VIP80525 AND VIP83602 797 Beechwood Drive	
--	---	--

Question to LTC: Does the LTC want to expedite this amendment by separating it from the other LUB amendments?

2. Lot 1, Section 11, Mayne Island, Cowichan District, Plan 39587 (316, 327, 344 Campbell Bay Road)

This is a 30 hectare/ 76 acre property in the Rural Zone. Staff research has identified that this property has a similar history to the above with respect to an error in the Section 219 covenant registered on title at the time of subdivision. The original density permitted was 11 lots, with the number of dwellings and cottages limited to 11 of each. There were 9 lots created by strata plan in 1983, with one reminder Lot. The 219 covenant registered on title of the remainder lot allows for the property to be subdivided into only 2 lots, consistent with the bylaw provisions. However, this Section 219 covenant also failed to limit residential density on the remainder lot to two dwellings and two cottages (one dwelling and one cottage per potential lot).

The property currently has several dwellings and a recent building permit has been issued for a cottage for which there likely is demonstrated commitment to use. Given these circumstances the LTC has a number of options:

1. Site-specific zoning similar to that proposed for 797 Beechwood Drive, which would restrict dwellings to two dwellings and two cottages. All dwellings built after the first two dwellings and two cottages would be legal non-conforming and require a Board of Variance order for any future structural alternations or additions.
2. Permit the current number of dwellings and cottages, including the new cottage that has demonstrated commitment to use. No further density.
3. Make no amendments. This would allow the development of one dwelling and one cottage per 4 hectares (10 acres).

LTC direction required: How would the LTC like to proceed with respect to the 316, 327, 344 Campbell Bay Road?.

Definition of Patio

The topic of wooden patios came up with respect to the DVP application (MA-DVP-2020.6 (Beardsley)). Given that wooden platforms are considered structures under current regulations, the platform on the property in question which was in the front yard setback had to be removed. This raised questions with Trustees at the July 27, 2020 meeting related to the definition of "structure" which includes wooden platforms/patios, but excludes concrete and asphalt paving.

Staff previously recommended not amending the bylaw to exclude low level stand-alone decks from the definition of structure. This could result in this type of structure being built to any size and anywhere on a lot, potentially having negative impacts on neighbours and the environment. Currently, if a property owner wants to place a structure in a setback they can apply for a DVP if they have not exceeded the maximum number of buildings permitted or lot coverage. DVPs provide the opportunity to grant site specific permission with conditions.

If the LTC wants to introduce a definition of “patio” and regulate the siting of patios in setback areas, staff recommended a definition as follows: *“A patio is a horizontal developed area constructed directly on the ground, which can be attached or detached from a building. A patio may not exceed a maximum height of 45 cm above natural grade and may not have walls, railings or a roof.”* Adding such a provision would likely render at least some existing patios non-conforming

The previously proposed amendment to 3.3 Siting and Setback Regulations to limit the size and location of a “patio” as follows: (2) *No building or structure, except a fence, **a patio not exceeding an area of 10m²**, utility line, navigational aid, water storage tank not exceeding 3 metres (10 feet) in height, or utility shed, may be constructed, reconstructed, moved, extended or located within the setback areas established in the regulations in Part 5 of this Bylaw.*

LTC direction needed: *How would the LTC like to proceed?*

Definition of Secondary Suite

While developing draft policies related to flexible housing, staff identified a challenge with the definition of secondary suite. Secondary suites are currently defined as dwelling units in the LUB. As such, a secondary suite would be considered one of the allowed dwelling units within a maximum square footage scenario. Changing the word “dwelling unit” to “residential unit” will enable a main suite and a secondary suite to be considered one dwelling unit supporting the development of an additional detached dwelling unit(s) on smaller lots.

Proposed change: *“Secondary suite” means an accessory, **residential unit**, located within a building that otherwise contains a dwelling unit, and having a lesser floor area than the principal dwelling unit.*

Election Signs

The LTC has identified an interest in additional regulations related to election signs. The extent of regulation related to election signs currently in the LUB is as follows, permitting such signs without size or siting limits:

6.3 (3) Signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 48 hours of the date of election.

Staff have found that a number of Local Governments in BC, predominantly large urban areas such as Victoria, Abbotsford, North Vancouver and Vancouver have more extensive sign bylaws which include election signs.

Vancouver’s Election sign regulation requires a sign permit unless the sign:

- (a) is a free-standing or window sign;*
- (b) if a free-standing sign, has a sign area no greater than 3.0 m²;*
- (c) if a window sign, is limited to one sign for each address or premises with a sign area no greater than 30% of the glass surface of the window;*
- (d) in the case of a sign related to a federal or provincial election, by-election, referendum or plebiscite, is erected on or after the date when the writ for the election is issued;*
- (e) in the case of a sign related to a general local election, by-election, referendum or plebiscite, is erected no earlier than 45 days before general voting day; and*
- (f) is removed within 48 hours after the close of voting*

Question to LTC: *How would the LTC like to process with regard to LUB amendments related to election signs?*

Rationale for Recommendation

The recommendations support a process that will increase the potential for the LUB amendments to be made before the end of the LTC's term.

ALTERNATIVES

1. Request further information

The LTC may request further information on any one of the items identified above but still move forward with drafting bylaws for supported amendments.

2. Remove or add additional

The LTC may remove or add items to be addressed through this OCP and LUB review process.

NEXT STEPS

If the staff recommendations are supported:

- Staff will prepare draft bylaws.
- Staff will bring draft bylaws forward to the LTC for first reading.

Submitted By:	Narissa Chadwick, Island Planner	February 17, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	February 17, 2022

ATTACHMENTS

1. Letter from the Mayne Island Parks and Recreation Commission (MIPRC)



14 January, 2022

Mayne Island Local Trust Committee
Islands Trust
Mayne Island, BC V0N 2J1

Dear Mayne Island Local Trust Committee (LTC):

The Mayne Island Parks and Recreation Commission (MIPRC) recently received a copy of a letter written by Johnny Aitken addressed to Jeanine Dodds, Islands Trust, Mayne Island Trustee dated 25 March 2021 regarding zoning for the Emma and Felix Jack Park, Mayne Island. This park is owned by the CRD and managed by MIPRC.

The letter is asking for the, "Local Trust Committee to consider a site-specific zone for this park as *"Passive"*."

MIPRC would like to ask that the LTC put a hold on any decisions regarding this letter until the MIPRC has had an opportunity to discuss this letter at a full Commission meeting with Johnny Aitken.

The MIPRC would like to invite Johnny Aitken to a future Commission meeting so that we can discuss with him his concerns with the current zoning and how potential zoning changes could change the park and how it is used. This meeting would be an informal discussion that would help the Commission understand the issues and thinking behind the requested change. A goal of the meeting would be to understand if the vision for the park would be best addressed by MIPRC through a management plan or a set of guidelines for the park rather than in the zoning bylaw. The MIPRC will formally respond to this requested change in zoning after this meeting is held.

Please let the MIPRC know if you are in agreement with this approach and we will reach out to Johnny Aitken to see if he is amenable to joining us for a discussion. Our request that you pause consideration of any zoning changes received unanimous consent at the MIPRC meeting on January 13, 2022.

Kind regards,

Debra Bell – Chair
Michael Kilpatrick – Vice-Chair
Peter Askin
Veronica Euper
Adrian Wright
Kestutis Banelis
Jane Schneider
Commissioners of the Mayne Island Parks and Recreation Commission

cc. Justine Starke, CRD
SGI Manager Service Delivery

Robert Kojima – Regional Planning Manager
Narissa Chadwick – Island Planner
Islands Trust

STAFF REPORT

File No.: 12-MA-6500-20-2019
Housing Bylaw & Policy
Review

DATE OF MEETING: February 28, 2022
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
William Shulba, Senior Freshwater Specialist
SUBJECT: Flexible Housing Options

RECOMMENDATION

1. That the Mayne Island Local Trust Committee request staff to expand the flexible housing pilot project to include the areas identified in the staff report to be most optimal.
2. That the Mayne Island Local Trust Committee request staff to organize a Community Information Meeting to discuss the areas identified for the flexible housing pilot project.

REPORT SUMMARY

The purpose of this staff report is to identify areas most optimal for the flexible housing pilot zoning. It identifies and evaluates a number of different areas based on a set of criteria which includes proximity to amenities, uptake potential, impacts to groundwater vulnerability and saltwater intrusion potential.

BACKGROUND

At the November 22, 2021 Mayne Island Local Trust Committee Meeting (LTC) the LTC was presented with draft bylaws to support the flexible housing concept. At the time the pilot area was limited to an area that was not in a water service area and was identified to not be in a critical area with respect to groundwater vulnerability.

Trustees requested that staff discuss the option of expanding the flexible housing pilot into the Surfside Estates water service area with CRD staff. Staff indicated that further investigation into freshwater sustainability implications and consideration of other criteria could provide options for further expansion of the pilot area into other locations that are not within water service areas.

The following resolutions were passed at the November 22/2021 LTC meeting:

That the Mayne Island Local Trust Committee endorse Draft Bylaw No. 184 cited as " Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021".

That the Mayne Island Local Trust Committee request staff to amend the Official Community Plan to enable the Land Use Bylaw amendments proposed in Draft Bylaw No. 184 cited as “ Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021”.

That the Mayne Island Local Trust Committee request staff to explore options related to expanding the flexible housing pilot area to include portions of Wooddale Drive, lots along Fernhill Road, and the Gallagher Bay Road area outside of the Mt. Parke Estates Improvement District.

ANALYSIS OF PILOT AREA EXPANSION OPTIONS

In evaluating options for the expansion of the flexible housing pilot project into other areas on Mayne Island staff developed a number of criteria to evaluate the benefit and impacts. The use of this criteria allowed staff to look at areas beyond those initially identified by the LTC. The comparison chart containing the criteria below and the ratings provided to each area option can be found in Appendix 1.

BENEFIT CRITERIA:

Benefits criteria considers lot size, potential for uptake and distance to amenities. Benefit criteria is rated on a scale of 1-3 and are detailed below.

Not in water service area – As previously determined, water service areas were to be kept out of the pilot for the time being as it would require additional process to connect with each water service area to gage their support. Water districts that were engaged in earlier consultation did not support the pilot in their areas. CRD staff stated that they would not be supportive of including portions of Wooddale Drive which are in the Surfside Estates Water District due to shortages of water experienced in the summer months. Groundwater mapping confirms that this area is in a water region that is critically vulnerable. Water service areas are greyed out in the maps in Appendix 3, which identifies the areas for potential expansion of the pilot area.

Lot size – This project had originally focussed on lots under 5 acres in the Settlement Residential zone. Trustees expressed interest in expanding this to all zones allowing residential that are under 5 acres. Staff have identified some suitable subdivisions that contain lots under 5 acres as well as larger lots, expanding options evaluated to residential areas with lots up to 10 acres that are part of a subdivision that includes lots of 5 acres or less. The maps in Appendix 2 and 3 identified the lots meeting this criteria.

Potential uptake – This value is difficult to clearly determine. For the time being the value applied reflects the number of vacant lots in the area. Potential uptake could also be determined by interest that has been expressed by current owners as well as the existence of older buildings that may be torn down to build newer units. The value applied to this criteria should be considered by the Trustees based on local expectations. The Map 1 in Appendix 2 identifies vacant lots.

Close to amenities – This value is based on proximity to Miner’s Bay shopping area, the school and community centre, healthcare and the Fernhill centre. Ability to access at least 2 of these within 15 minutes by foot achieves the highest rating. Walk time has been determined using google maps. Being able to access amenities by foot and not needing a car for daily trips can be a tremendous contribution to affordability.

IMPACT CRITERIA:

Impact criteria includes saltwater intrusion potential, freshwater vulnerability and the potential impact of increased sewage on groundwater. Impact criteria are given negative values as increasing density would have a negative impact related to the evaluation conditions. Maps used to evaluate impacts are in Appendix 2.

Saltwater Intrusion potential – This value has been determined using saltwater intrusion mapping from Simon Fraser University (Allen and Klassen, 2016; see Map 3 in Appendix 2). In coastal areas, freshwater aquifers are in direct contact with the ocean and under normal conditions, fresh groundwater flows towards the ocean. In areas with risk of saltwater

intrusion seawater moves into a freshwater aquifer (Allen and Klassen, 2016). Wells proximal to the coast are at higher risk for saltwater intrusion and when it occurs one well or more wells can be impacted making water unpotable and unlawful to operate under the Groundwater Protection Regulation. . Staff do not encourage increasing density in areas have high to moderately high risk for saltwater intrusion (area covered predominantly by red on the saltwater intrusion map in Appendix 2) have not been included in the analysis unless they have been previously identified as potential options for flexible housing such as Gallagher Bay w/shore and Beechwood (lower).

Impact on groundwater availability – This value has been determined using Southern Gulf Islands Groundwater Availability Assessment project (GW Solutions 2021c) as part of the Islands Trust Groundwater Sustainability Science Program.. The groundwater availability assessments estimate the monthly potential evapotranspiration, soil moisture storage, actual evapotranspiration, soil moisture deficit, and soil moisture surplus that are computed into runoff and groundwater recharge. Using proxy data from a variety of sources, surface and groundwater use on Mayne Island was computed. Using the results from the water balance model, percentage of groundwater use relative to aquifer recharge was estimated for each groundwater region. The results reveal regional disparities in groundwater use across the southern gulf islands. Use in some areas on Mayne Island, North Pender Island and Galiano Island reaches over 10% of groundwater recharge which is a significant amount of groundwater withdrawal that has the likelihood to create stress on environmental needs and may result in water conflicts.

Two groundwater regions on Mayne are estimated to be significantly vulnerable to aquifer stress during the driest periods based on climate modelling from the Pacific Climate Impacts Consortium. . For this reason these regions have been disregarded for consideration and are shaded grey on the map in Appendix 3. This includes the groundwater region containing the Surfside Estates Water District. The groundwater regions and the corresponding availability assessments are presented in Appendix 4.

Potential Impact of Increased Sewage - This analysis is based on the likelihood of septic impacts to aquifers using intrinsic fractured media aquifer vulnerability mapping (Denny and Allen, 2007). The methodology is known as “DRASTIC”. D = Depth to water; R = Net Recharge; A = Aquifer Media; T = Topography; I = Impact of Vadose Zone (vadose zone is the area above the water table); C = Conductivity of the Aquifer (this refers to how fast the water moves) . Senior Freshwater Specialist worked with planning staff to identify how DRASTIC data could be effectively used for this project. With respect to rating, staff have focussed on areas of high vulnerability coverage with some consideration of moderately high vulnerability. For more information on DRASTIC mapping for the Gulf Islands see :

https://a100.gov.bc.ca/pub/acat/documents/r42387/DRASTIC_March2014_1396286363816_6285348741.pdf

OVERALL RATINGS

The ratings reveal areas that are Optimal (scoring > 2 points), Medium Optimal (scoring 0-1.5 points) and Less Optimal (scoring >0 points) options for pilot project locations. The detailed criteria for these ratings can be found in the chart in Attachment 1. A summary is included below. The map in Appendix 3 identifies the locations of the flex housing options that were evaluated.

Area	Rating
1 Gallagher Bay with shore	-3
2 Gallagher Bay w/out shore	0
3 Fernhill Rd 1	2.5
4 Fernhill Rd 2	1.5
5 Fernhill Rd/Horton bay Junction	0
6 Felix Jack Subdivision	2
7 Campbell Bay Rd	2
8 Glen Echo Area	1
9 Beechwood 2- elevated	0.5
10 Beechwood 2- lower	-3.5



RATIONALE FOR RECOMMENDATION

Staff have used an evidence-based approach to analyze the impacts and benefits of the potential increase in density in different areas in order to identify suitable areas. Given the introduction of new data leading to the identification of the most optimal areas staff, recommend that a community information meeting be held to enable the public to comment on the proposed pilot areas. Also, the community may have information related to criteria such as uptake potential that could influence the over all rating.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. This may delay the project timeline.

That the Mayne Island Local Trust Committee request that staff provide additional information related to.....

2. Do not request that staff schedule a Community Information Meeting

The LTC may decide not to hold a community information meeting before confirming the locations of the pilot areas and request staff return with the draft bylaw with map of pilot areas for first reading.

That the Mayne Island Local Trust Committee request staff return to the LTC with the draft bylaw, containing the map identifying pilot areas (name areas), for first reading.

3. Delay endorsement of pilot area until after community engagement

While the LTC is encouraged by staff to identify their supported option for pilot project areas so that the community has a starting point for discussion, the LTC may choose to engage the community before endorsing their preferred option for the location of the pilot project areas.

That the Mayne Island Local Trust Committee wait until after the Community Information Meeting before endorsing their preferred option for the location of the flexible housing pilot areas.

NEXT STEPS

If the LTC supports staff recommendations, the next steps are as follows:

- Staff will schedule a community information meeting.
- The information gathered at the CIM will be shared and reviewed at a future LTC meeting.
- The OCP amendments needed to support flexible housing will be presented at the March 28th meeting for endorsement.
- Once the flexible housing areas are confirmed through LTC resolution the LUB and OCP bylaw amendments will move to first reading.

Submitted By:	Narissa Chadwick, Islands Planner	February 16, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	February 16, 2022

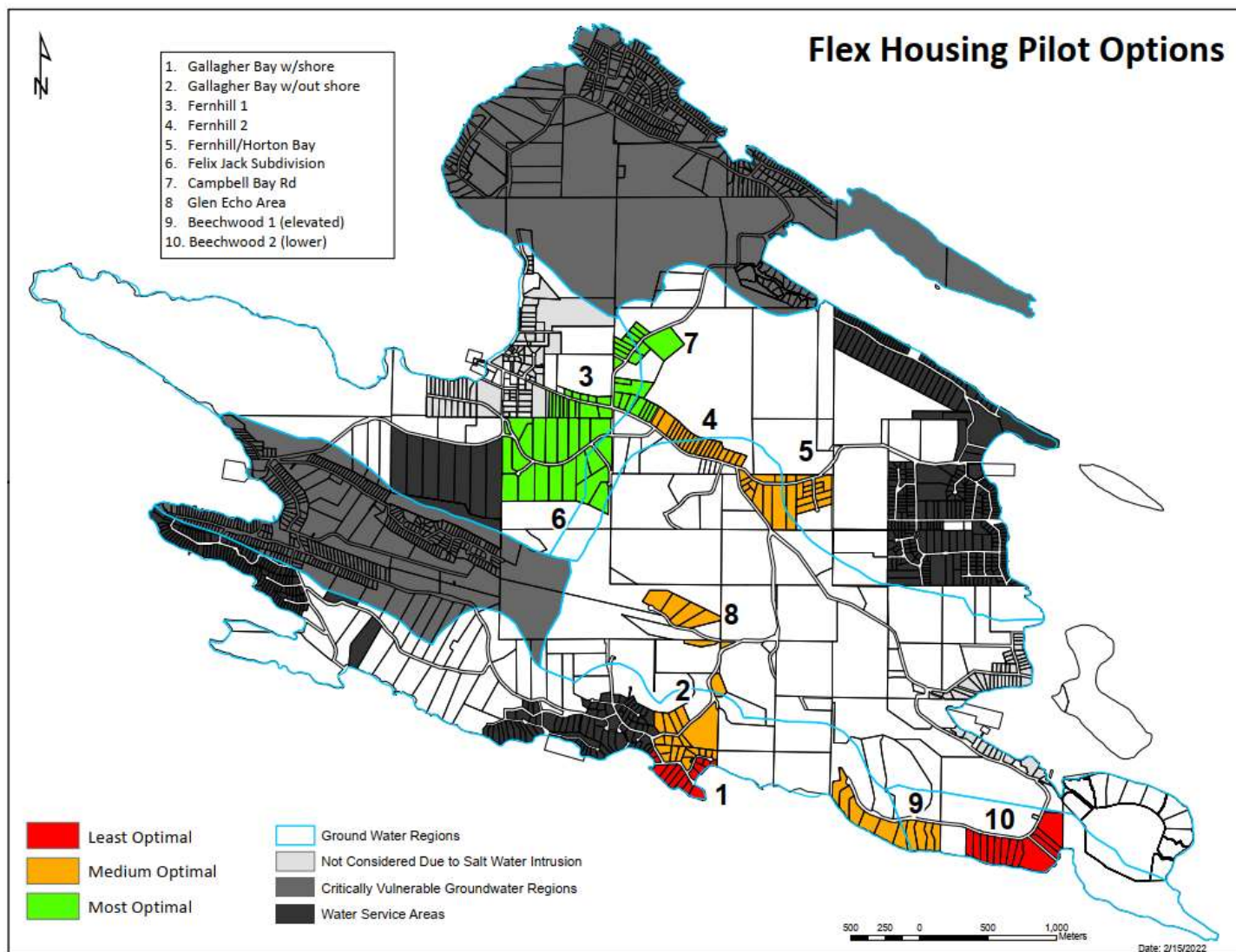
ATTACHMENTS

1. Evaluation Chart
2. Flexible Housing Criteria Layers
3. Pilot Area Options
4. Southern Gulf Islands Groundwater Availability Assessment data

APPENDIX 1 – Evaluation of Areas for Extension of Flexible Housing Pilot

	Gall Bay w/ shore	Gall Bay w/ out shore	Fernhill Road 1	Fernhill Road 2	Fernhill Rd /Horton Bay	Felix Jack Subdivision	Campbell Bay Rd	Glen Echo Area	Beech wood 1	Beech Wood 2
BENEFITS 0- very limited to no benefit, 1- limited benefit, 2- medium benefit, 3- high benefit										
Size 3 = all <5 acres 2 = 50%+ <5acres 1 = 0-50% <5acre	3	3	3	3	2	1	2	3	3	2
Uptake potential 3 = 30%+ vacant 2= 10%+ vacant 1= 1-10% vacant	1	1	3	2	1.5	2.5	2	2	1	2
Amenity/walk time 3 = 0- 15 min 2= 15-30 min 1=30-45min -1 =45-60 min -2 = 60mim +	1	1	3	3	2	3	2.5	1	-2	-2
IMPACTS 0 = no impact, -1 = limited impact, -2 = medium impact,-3 = high impact										
Saltwater intrusion -3 high coverage -2 med coverage -1 low coverage	-3	-1.5	-2	-2	-2	-1	-1	-1	0	-3
G/water availability impact - 3 higher - 2 medium - 1 low	-2	-2	-2	-2	-2	-2	-2	-2	-1	-1
Septic Impact -3 high coverage -2 med/mod -1 low coverage	-3	-1.5	-2.5	-2.5	-1.5	-1.5	-1.5	-2	-0.5	-1.5
Total	-3	0	2.5	1.5	0	2	2	1	0.5	-3.5

Appendix 3 – Flexible Housing Pilot Location Options



Mayne Island Groundwater Availability Assessments

<https://islandstrust.bc.ca/programs/freshwater-sustainability/>



Island	Groundwater Region ID	Groundwater Region Name	Groundwater Recharge-Normal (dam ³)	Groundwater Recharge-Driest (dam ³)	Groundwater Use (dam ³)	% of Use from Recharge-Normal	% of Use from Recharge-Driest	% of Use from Recharge (Normal-Driest)
Mayne Island	MAY01	Georgina Pt_HallHill_North	888	455	75	8.5%	16.5%	8-17%
	MAY02	Center1_East	909	446	31	3.4%	6.9%	3-7%
	MAY03	Center1_West	871	449	24	2.8%	5.4%	3-5%
	MAY04	Center2_East	1185	584	33	2.8%	5.6%	3-6%
	MAY05	Center2_West	439	219	35	8.1%	16.2%	8-16%
	MAY06	Navy Channel_Westside	632	321	16	2.6%	5.0%	3-5%
	MAY07	Navy Channel_Eastside	170	86	1	0.7%	1.5%	0.7-1.5%

DATE OF MEETING: January 31, 2022
TO: Mayne Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Proposed New Fee Bylaw

RECOMMENDATION

1. That the Mayne Island Local Trust Committee Bylaw No. 185, cited as “Mayne Island Local Trust Committee Fees Bylaw, 2021”, be given First Reading
2. That the Mayne Island Local Trust Committee Bylaw No. 185, cited as “Mayne Island Local Trust Committee Fees Bylaw, 2021”, be given Second Reading
3. That the Mayne Island Local Trust Committee Bylaw No. 185, cited as “Mayne Island Local Trust Committee Fees Bylaw, 2021”, be given Third Reading
4. That the Mayne Island Local Committee Bylaw No. 185, cited as “Mayne Island Local Trust Committee Fees Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee

REPORT SUMMARY

The purpose of this report is for the Mayne Island Local Trust Committee (LTC) to consider three readings of Bylaw No. 185 which would replace Bylaw No. 145 (LTC Fees Bylaw) to include:

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

BACKGROUND

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

MA-2021-055

It was **MOVED and SECONDED**,
that the Mayne Local Trust Committee

request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”

CARRIED

Rationale for Recommendation

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

Draft Bylaw No. 185 is attached. It is consistent with the model with the exception of the removal of the option for fees for Siting and Use Permits (Denman and Hornby only); and the removal of the option for TUPs for community benefit – this option was in the model to provide for flexibility to allow for reduced temporary use permits fees for community benefits as defined by a local trust committee in its official community plan. The OCP does not include policies for TUPs for community benefit; however, applicants can continue to seek sponsorship of applications from Executive Community for applications that provide a community benefit.

Submitted By:	Robert Kojima Regional Planning Manager	December 1, 2021
---------------	--	------------------

ATTACHMENTS

1. Draft Bylaw No. 185

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 185

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

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

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

Citation

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

Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the Mayne Island Local Trust Committee Development Procedures Bylaw No. 83, 1992 to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;
- 2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

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

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

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

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

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

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

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

Application Fees

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

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

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

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

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

4. Fee for After-the-Fact Application

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

5. Collection and Refund of Application Processing Fee Amounts

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

6. Extraordinary Service Costs (ESC)

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

7. Annual Fee Increases

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

8. Application Fee Sponsorship

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

9. Severability

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

10. Repeal

- 10.1 “Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

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

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

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

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

ADOPTED THIS _____ DAY OF _____, 202X

CHAIR

SECRETARY

Top Priorities Report

Mayne Island

1. Flexible Housing Regulations and Policy Review

Responsible

Dates

Narrisa Chadwick

Rec'd: 26-Nov-2018

Initial staff report prepared for Oct 28, 2019 LTC meeting

Further staff report prepared for January 27, 2020 LTC Meeting

Report brought back to July 27, 2020 LTC meeting

Report prepared for September 28, 2020 LTC meeting

Report prepared for October 26, 2020 LTC meeting

Special meeting to be scheduled for January.

Special meeting held January 18, 2021.

Additional special meetings to be scheduled for March and April 2021.

Three special meetings have been completed.

Staff to provide report to June 21, 2021 meeting.

Addition proposed at Sept 27, 2021 meeting.

Draft bylaws presented at November 22, 2021 LTC meeting. Extension of pilot area discussed.

2. OCP and LUB Minor Amendments

Responsible

Dates

Narrisa Chadwick

Rec'd: 29-Mar-2021

Target: 30-Sep-2022

To include: Felix Jack Park, removal of Parks Plan, rezoning for Agricultural Association new building purchase, addressing maximum density on lots that have covenants restricting further subdivision, First Nations acknowledgement.

Staff report including list of proposed amendments presented to May 10, 2021 LTC

Top Priorities Report

Mayne Island

Meeting.
 Patios and Signs added to list of amendments. Project Charter developed.
 Mayne Island Brewery added to list of amendments

3. *Groundwater Sustainability Project*

LTC to wait to see what comes out of Galiano and North Pender Projects.
 Senior Freshwater Specialist to present Groundwater work at Mayne Conservancy event
 in December 2021.

Responsible

Dates

Narrisa Chadwick
 William Shulba

Rec'd: 27-May-2019
 Target: 31-Mar-2021

Projects Report

Mayne Island

1. *Climate Change Adaptation*

Responsible

Date Received

Consider regulatory changes and implementation of new DPA authority

02-Mar-2009

2. *Waste Management*

Responsible

Date Received

31-Oct-2017

3. *Fallow Deer*

Responsible

Date Received

26-Mar-2018

4. *Cannabis Production - Regulating structures*

Responsible

Date Received

24-Sep-2018

5. *Review of Contractors Yards*

Responsible

Date Received

27-May-2019

6. *Paved surfaces and patios.*

Responsible

Date Received

28-Sep-2020

Projects Report

Mayne Island

7. *Groundwater Implementation*

Responsible

Date Received

Will wait until Galiano has gone through their process.

30-Nov-2020



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2021.8	Norman Quail	08-Oct-2021	700 SEAVIEW RD - application for a variance for siting of a shed in a setback.

Planner: Phil Testemale

Planning Status

Status Date: 17-Feb-2022

February 28, 2022 agenda for consideration.

Status Date: 29-Dec-2021

Sent LTC package to Mayne Island LTC and copied Jas, Maple and Robin.

Status Date: 22-Nov-2021

Received receipt from Accounts Receivable confirming Norm Quail has paid the application fee in the amount of \$715.00. SO

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2022.1	Percival, Adrian	31-Jan-2022	Demo and rebuild the mud room - enlarging it to provide an eating area. This addition is on the side considered the rear yard and the set-back is inadequate.

Planner: Phil Testemale

Planning Status

Status Date: 18-Feb-2022

March 28 LTC agenda for consideration

Status Date: 17-Feb-2022

Sent electronic link to Robert K to review and assign a planner.

Status Date: 17-Feb-2022

Sent LTC Package to Mayne Island LTC, copied Phil, Jas and Robin.



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2020.1	Mayne Island Housing Society	17-Jun-2020	375 Village Bay Road - Mayne Island Housing Society applying for a rezoning to allow for subdivision into two residential parcels and one multi-family development

Planner: Narrisa Chadwick

Planning Status

Status Date: 29-Nov-2021

LTC resolution putting application on hold, to be re-visited in February 2022

Status Date: 19-Oct-2021

Letter received from McHugh Family, holding power of attorney, requesting application be paused.

Status Date: 14-Oct-2021

Covenant drafted

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2018.1	Brent Mayenburg (Maude)	09-Apr-2018	Referral of a subdivision for 3 lots

Planner: Narrisa Chadwick

Planning Status

Status Date: 22-Apr-2020

Extension of the PLA has been requested

Status Date: 18-Sep-2019

Waiting for applicant to work through PLA conditions.

Status Date: 16-May-2019

PLA received from MoTI April 25, 2019.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2020.1	Arbutus Bay Estates Ltd.	04-Jun-2020	797 Beechwood Drive - Subdivision referral application review for two lots.

Planner: Phil Testemale

Planning Status

Status Date: 18-Sep-2020

Letter (August 31, 2020) to LTC req. waiving of req. for survey for DP on September 28, 2020 agenda.

Status Date: 13-Aug-2020

PLRS was received from MoTI Officer, Owen Page. Completion of PR pending receipt of info from applicant.

Status Date: 11-Aug-2020

Applicant is waiting for PLA prior to applying for DVP (required survey)

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

645 Mayne	Invoices posted to Month ending December 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	320.00	2.98	317.02
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,301.00	1,151.10	149.90
65210-645	LTC - Local Exp - APC Meeting Expenses	370.00	691.24	-321.24
65220-645	LTC - Local Exp - Communications	250.00	832.00	-582.00
65230-645	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>2,215.00</u>	<u>2,674.34</u>	<u>-459.34</u>
Projects				
73001-645-2005	Mayne OCP/LUB	2,000.00	0.00	2,000.00
73001-645-4100	Mayne Island Housing	2,500.00	153.75	2,346.25
TOTAL Project Expenses		<u>4,500.00</u>	<u>153.75</u>	<u>4,346.25</u>

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2021-011 (Standing) that the Mayne 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 re-appointed and also advertise for expressions of interest for new commissioners	Carried	25-Jan-2021
2020-022 (Standing) that the Mayne Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.	Carried	24-Feb-2020

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2018-049 (Standing) - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee	Carried	24-Sep-2018



Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2017-028 (Standing) That the Mayne Island Local Trust Committee adopts the following resolution in regards to Bylaw Enforcement of Unlawful Short Term Vacation Rentals (USTVR): a) Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Unlawful Short Term Vacation Rentals that have one or more of the following characteristics will be subject to proactive enforcement: i) they are advertised on the internet, newspapers or other media; ii) they are not managed by an owner of the USTVR property who lives on Mayne Island; iii) more than one dwelling on the lot is simultaneously made available for USTVR; iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers; v) there are issues related to health and safety on the property; vi) there is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the USTVR; vii) the owner of the property uses more than one property on Mayne Island as a USTVR. b) Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.	Carried	26-Jun-2017
2017-027 (Standing) That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: 1.1. There is a complaint from an immediate neighbor; or, 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. 2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.	Carried	26-Jun-2017
2016-055 (Standing) that the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner.	Carried	27-Jun-2016

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2012-000 (Standing)	Carried	01-Feb-2012
That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Mayne Island Land Use Bylaw 146, 2008 permits public assembly uses, such as halls, recreation facilities or restaurants, and where it can be determined that the organization or applicant have had 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.		
2011-044 (Standing)	Carried	02-May-2011
that Mayne Island Local Trust Committee direct staff to only include in-camera minutes on agendas where there are other reasons to close the meeting to the public.		



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

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

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

1. ORGANIZATION UPDATES/TEAM

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

2. STRATEGIC PLANNING/ADMINISTRATION

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



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

3. COVENANT AND PROPERTY ACQUISITIONS

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

4. COVENANT AND PROPERTY MANAGEMENT

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

5. COMMUNICATIONS AND OUTREACH

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

6. FUNDRAISING AND CONSERVANCY SUPPORT

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



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

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

Shortcuts of interest:

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

BRIEFING

To: Local Trust Committees **For the Meeting of:** TBA

From: David Marlbor, Director, Local Planning Services **Date Prepared:** December 15, 2021

SUBJECT: Shoreline Protection Model Bylaw Report

PURPOSE:

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

BACKGROUND:

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

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

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

ATTACHMENT(S):

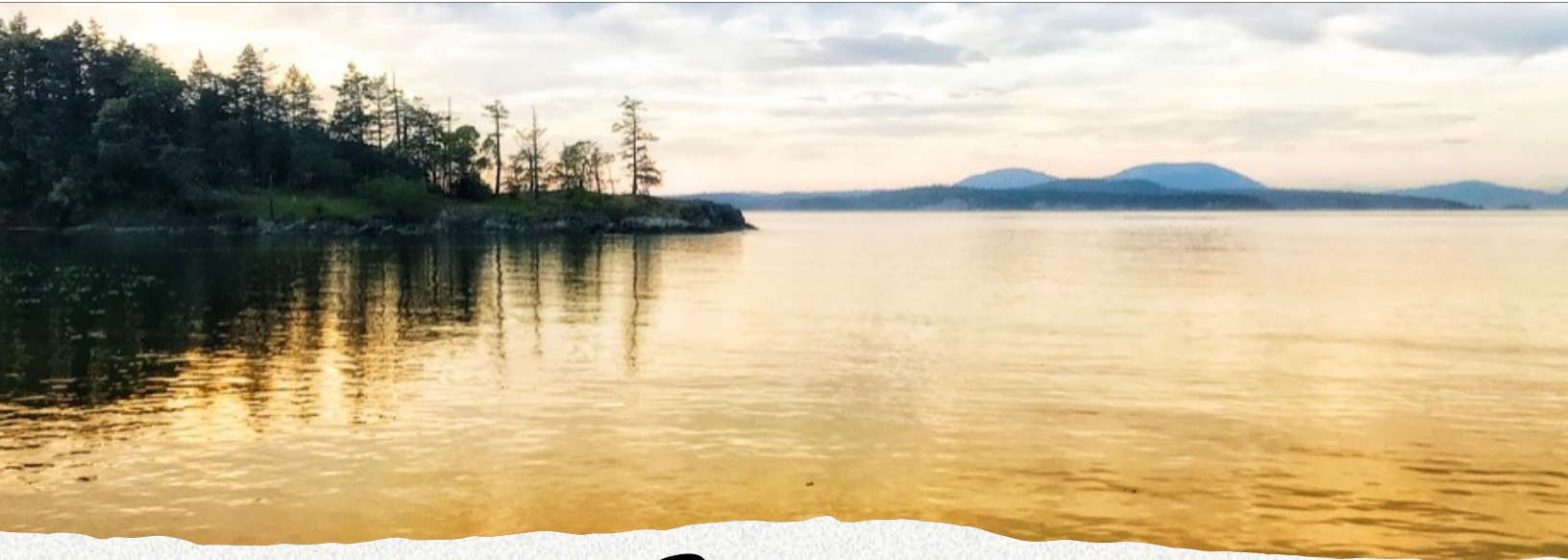
1. Shoreline Protection Model Bylaw Report

FOLLOW-UP:

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

Prepared By: David Marlbor, Director, Local Trust Committees

Reviewed By/Date:



Islands Trust

Shoreline Protection Model Bylaw Report
March 2021

ACKNOWLEDGEMENTS

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

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

Islands Trust

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

Islands Trust Staff

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

Consulting Team

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

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

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



TABLE OF CONTENTS

OVERVIEW5

HERITAGE AND CULTURAL CONSIDERATIONS7

GREEN SHORES..... 12

GUIDELINES ON MITIGATION AND ADAPTATION TO SEA LEVEL RISE 13

BC MARINE COASTAL SHORELINES JURISDICTION 15

LEGISLATIVE FRAMEWORK FOR SHORELINE PROTECTION STRATEGIES 18

RECOMMENDATIONS29

APPENDICES.....32

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

REFERENCES43

OVERVIEW

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

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

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

Project Deliverables:

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

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

HERITAGE AND CULTURAL CONSIDERATIONS

Islands Trust Initiatives:

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

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

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

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

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

The Heritage Commission may:

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

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

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

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

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

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

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

Heritage Cultural Resources Policies:

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

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

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

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

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

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

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

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

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

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

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

Provincial Archaeological Requirements:

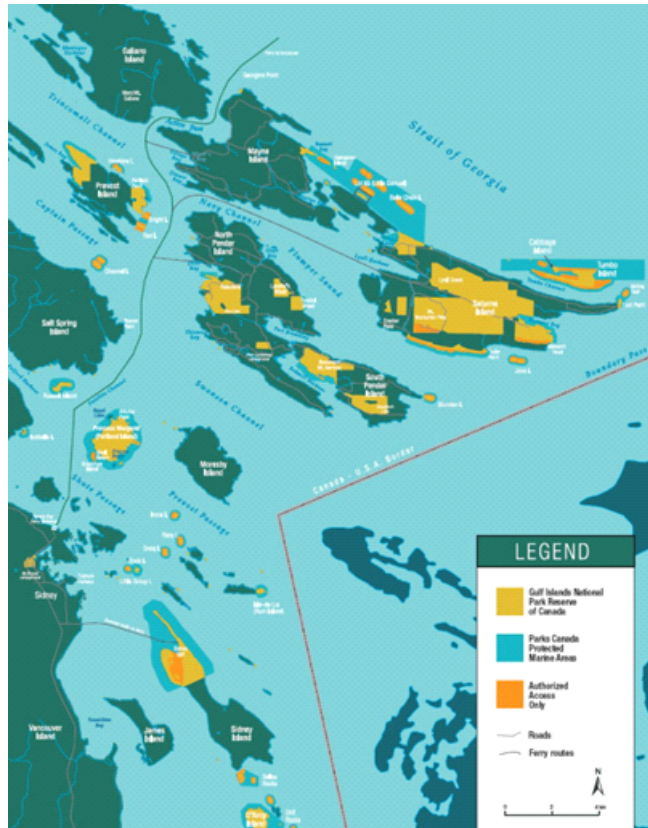
The protection of archaeological and heritage sites afforded under the Heritage Conservation Act is acknowledged by all the Local Trust Committees. The LTC recognizes that there are other buildings and landscapes of heritage value to Island residents and to the First Nations with a long and continuing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

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

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

Federal Government Initiatives:

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



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

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

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

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

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

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

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

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

Provincial Initiatives

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

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

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

Clam Garden Restoration

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

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

Eelgrass Restoration

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

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



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

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

GREEN SHORES

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

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

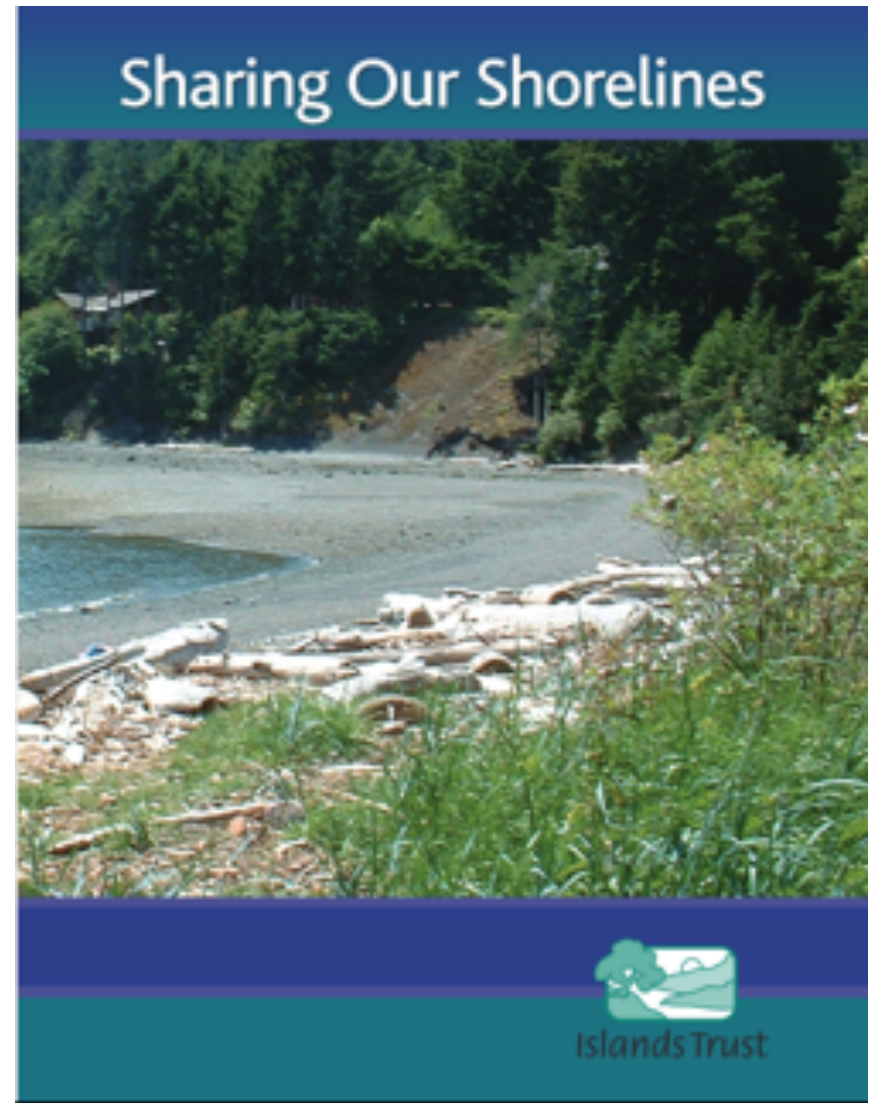
The Islands Trust promotes the Green Shores programs to the development community.

There are two programs –

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

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

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



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

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

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

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

GUIDELINES ON MITIGATION AND ADAPTATION TO SEA LEVEL RISE

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

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

Mitigations

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

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

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

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

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

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

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

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

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

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

e

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

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

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

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

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

Shoreline Environment Designations

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

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



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

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

BC MARINE COASTAL SHORELINES JURISDICTION

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

Within the Islands Trust Communities there are six types of shorelines that are shaped by complex processes that connect the land to the sea.



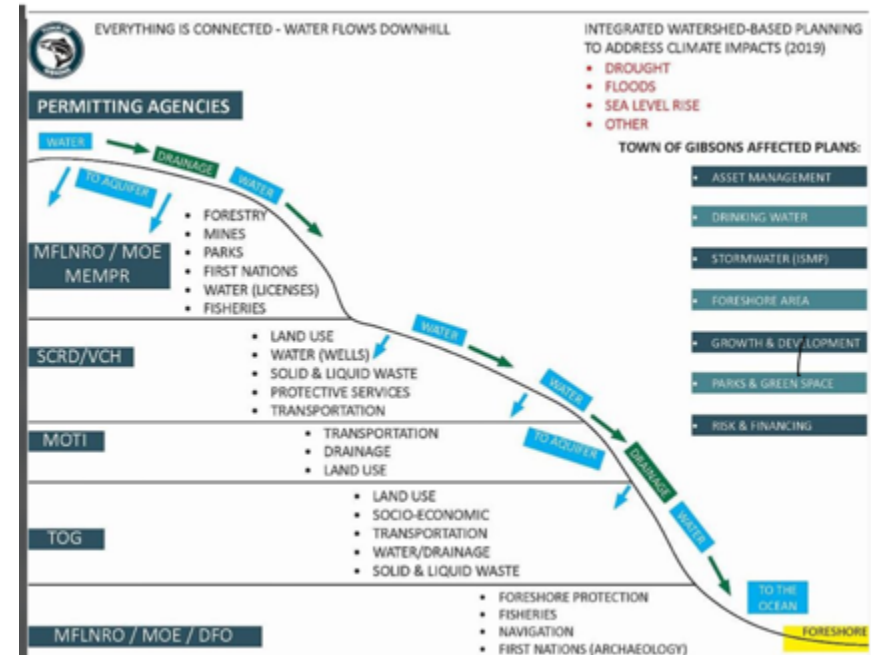
The land and surrounding environment protect the natural processes that form the shoreline. Marine and terrestrial habitat, as well as sensitive habitat and features exist, which are important to support a vibrant marine ecosystem.

The Islands Trust interactive mapping (MapIT) application is available online and provides more information about regulations. Although mapping is informative, it cannot replace observations made by walking the site and surrounding areas, particularly noticing seasonal and other changes over time.

It is important to note that while the following points refer to ownership and jurisdiction, all of B.C.'s coast is subject to aboriginal claims based on traditional use by First Nations and constitutional recognition of Aboriginal Title and Rights.

To highlight the multiple jurisdictions that regulate water the following water model in Figure 1 highlights how watershed planning can help to address climate impacts such as droughts, floods, and sea level rise.

Figure 1: Permitting Agencies | Integrated Watershed Model



Source: [2020-07-28 Gibson's Source to Sea Project.pdf \(civicweb.net\)](#)

The federal government has jurisdiction over offshore waters – from the low water mark out to 12 nautical miles along the outer coast. The Federal Department of Fisheries and Oceans (DFO) is responsible for fisheries protection provisions to prevent serious harm to commercial, recreational, and Aboriginal fisheries under the *Fisheries Act*, including shoreline "riparian" habitats, as well as for maintaining maritime safety through the Coast Guard. Transport Canada is responsible for preserving the public right of navigation under the *Navigation Protection Act* (2014) in waters listed in the schedule to that Act. The public right of navigation

will continue to be recognized in common law for navigable waters not listed in the Act. Port Authorities are also established under federal legislation to manage major harbours and facilities that are federal Crown lands, such as Victoria, Metro Vancouver, Port Alberni, Prince Rupert, and Nanaimo harbours.

On B.C.'s coast, the area between high tide and low tide (the foreshore area) is owned and controlled by the provincial government as well as the beds of inland seas such as the Strait of Georgia, Juan de Fuca Strait and Johnstone Strait. Foreshore area is never privately owned, though the Province may grant leases and licences for special uses of the foreshore – like gathering oysters or building docks and wharves. [Land Use - Private Moorage - Province of British Columbia \(gov.bc.ca\)](#)

The Land Tenure Branch (under the Ministry of Forests, Lands, Natural Resource Operations and Rural Development) administers lands in the foreshore area and issues permits, licences or leases for a wide range of uses – private and public moorage, wharves, marinas, aquaculture, and log storage to name a few. Consultation with First Nations is an important consideration with development around the coastal lands. It is part of land and resource decision-making. The following link outlines communications protocols with First Nations.

[Consulting with First Nations - Province of British Columbia \(gov.bc.ca\)](#)

The Province may also establish regional coastal zone or estuary management plans. Use of the foreshore is also subject to local

government land use regulations. *Source: Regulations Affecting BC Marine Coastal Shorelines Green Shores™ Background Report Shoreline Regulations and Permitting Processing BC 2014*

Professional Organizations Engineers have been involved in shoreline ecological restoration for some time. For example, in 2010 Jericho Beach enabled the opportunity to return the shoreline to its natural state and allowed for return of native plant habitat. Dangerous materials, such as creosote treated piles were removed.

The experience in undertaking flood plain restoration shows that a co-ordinated approach is essential and Community buy-in is required. An example of a multidisciplinary team has been the Shoreline Protection for the Town of Comox which commenced in 2011.

(Source: [Waters | Nanwakolas Council](#))

The Team included the K'omox First Nation, an archaeologist, a biologist/fisheries expert, a wave modelling/coastal engineering specialist, and a geotechnical engineer. The Foreshores dynamic nature made the Project extraordinarily complex. In addition, an archaeological site was located. *(Source: Innovation 2018 Engineers and Geoscientists BC). In 2016, the Association of Professional Engineers of BC (APEGBC) released a position paper entitled Human-Induced Climate Change which was followed in 2017 by professional practice guidelines, Flood Mapping in BC.*



1. Low Bank Beach of Jericho Beach, Vancouver, BC



Pictures 3 and 4 depict Low Bank Beaches in Comox, B.C. Rocks and logs are used as a natural approach to slow tidal flows and to prevent erosion.



2. Beach Images: Stanley Park, Vancouver, BC
Rocks placed to slow tidal action



LEGISLATIVE FRAMEWORK FOR SHORELINE PROTECTION STRATEGIES

An overarching goal of government regulation is to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and function, and public access to marine ecosystems.

The Islands Trust has policies that give local island trust committees the ability to amend Official Community plans and Land Use bylaws. Policies to manage development on shorelines through its preserve and protect mandate, is expressed through

the Islands Trust Policy Statement that reflects the values expressed by Island Trust communities.

1. Islands Trust Policy Statement

The Islands Trust policy statement guides land use planning and development through the preserve and protect mandate of the islands trust. It includes goals and policies that reflect the values and concerns for the future of the trust area. Local trust committee official community plans and land use bylaws must comply with the policy statement. There are several policies which speak broadly for shoreline protection, and more specifically for the implementation, regulation and use of foreshore development for policies in the Islands Trust. These are listed in Appendix 1: Policies in the Islands Trust. Note that the Islands Trust Mandate in Section 3.4.4 requires that Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas protection of sensitive marine areas and in Section 3.4.5 requires that Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

2. Official Community Plans

Official Community Plans allow local governments to set objectives and policies to regulate future growth and development in communities. The OCP divides the communities into residential, commercial, agricultural, institutional, industrial, and other land uses. The OCP outlines when these uses are needed and provides policy direction on how, when and where each land use will be located. Designated uses can be outlined on OCP maps.

The Official Community Plans within the Islands Trust area have included the Objectives and Mandate in a variety of ways. The following communities demonstrate how they have amended their OCP's to address shoreline protection.

The Saturna Island Official Community Plan highlights the legality of the Islands Trust Object. Over the years the provincial legislature has reaffirmed the Islands Trust object.

"The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia." (Sec.3 Islands Trust Act).

This legislated objective defines the purpose of providing authority to the Islands Trust for land use regulation. The challenge is how to employ the available planning powers of the Local Government Act to preserve, protect, and effectively maintain the rural nature, health, natural environment, and vitality of the Saturna Island community.

The strength and obligation of the Trust mandate has been more clearly defined by the Court in the Galiano Island vs. McMillan Bloedel case. The BC Court of Appeal found that when a Local Trust Committee exercises its powers "to preserve and protect" an amenity, it is not acting in bad faith, but rather carrying out its assigned duty under the Islands Trust Act. Official Community Plans and Land Use Bylaws can be explicit and either more restrictive or permissive when furthering the objectives than would be acceptable in other local governments in British Columbia. The

Court's decision affirmed the powers and obligation of each Local Trust Committee to further the object of the Islands Trust Act.

The Galiano Island Official Community Plan elaborates on Principles.

- a. This Plan advances the Object of the Islands Trust to "preserve and protect the Trust area and its unique amenities and environment" and supports the limitations the Object presents for the type and scale of development in the Galiano Island Local Trust Area.
- b. Several First Nations have traditional ties and territories on Galiano. The community supports continued and strengthened collaboration and cooperation with First Nations in planning land and resource management and protection of cultural heritage and sites.

One method of regulation is via Development Permits as established in Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. An example is Ballenas Winchelsea Official Community Plan, which elaborates on the justification of a Shoreline Development Permit area. The Plan notes that the Object of the Islands Trust to "Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia." Provincial legislation in Section 877(1)(d) of the Local Government Act says that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is subject to hazardous conditions, or that is environmentally sensitive to development. It is policy of the Islands Trust Council that protection must be given to the natural

processes, habitats, and species of the Trust Area, including those of open coastal grasslands, the vegetation of dry rocky areas, estuaries, tidal flats, saltwater marshes, drift sectors, lagoons, kelp and eel grass beds and that development activity, buildings, or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes. It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address: the protection of sensitive coastal areas; and the planning for and regulation of development in coastal regions to protect natural coastal processes.

Land Use Bylaws also regulate Shoreline uses. North Pender Island, for example has 1 Ecological Zone and 6 Water Zones.

Developments to ensure they meet the policies and objectives of the Official Community Plan (OCP) as well as the regulations of the Zoning Bylaw. The OCP specifies areas that fall under a Development Permit Area (DPA).

Local governments may designate areas of land as development permit areas to be used for one or more purposes. The eligible purposes of a development permit area are:

- Protection of:
 - The natural environment, its ecosystems and biological diversity
 - Development from hazardous conditions. Protection of development from wildfire, land slide, flooding, erosion, and other hazards
 - Farming
- Revitalization of an area in which a commercial use is permitted
- Establishment of objectives for the form and character of:

- Intensive residential development
- Commercial, industrial, or multi-family residential development
- Development in a resort region
- Promotion of:
 - Energy conservation
 - Water conservation
 - Reduction of greenhouse gas emissions

Designating a Development Permit Area

Local governments may designate a development permit area in an official community plan. The plan must describe the special conditions or objectives that justify the designation.

The local government must also specify guidelines for how proposed development in that area can address the special conditions or objectives. These guidelines may be specified by zoning bylaw.

In the Islands Trust many locations include Development Permit Areas within Official Community Plans to implement Islands Trust Policy Statements to Preserve and Protect mandate.

The promote high quality developments in terms of design, performance, and environmental protection. Most lands within jurisdictions are subject to the provisions of one or more development permit areas. Therefore, prior to commencing subdivision, construction, or the clearing or alteration of land, a development permit may be required for one or more of the following purposes:

The Island Trust Shoreline DPA (DP-3) is an example of a policy that has designated an area for which development approval

information may be required as authorized by Section 484 of the Local Government Act.

Examples of Coastal Development Permit Guidelines are included:

1. northcowichan.ca/assets/MarineWaterfront.pdf
(North Cowichan Development Permit)
2. foreshore-development-permit-area.pdf
(Campbell River)

Development Permit Areas can help local government achieve development objectives by providing guidelines on the design, appearance, and performance of a development. A development permit cannot vary the use or density of land, or a flood plain specification. The only exception is where the permit is essential to health, safety, and protection of development from hazardous conditions.

Keats Island community in conjunction with the Island Trust planners conducted a Shoreline Review Project. This action was taken in response to community concerns related to the general increase in development on Keats, and more specifically to the increase in dock development. The attached report outlines a strategy that encompasses the findings from the consultation and a review of Land Use Policies in the Islands Trust.
[gm-ltc 2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf](http://gm-ltc-2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf) (islandstrust.bc.ca)

Zoning Bylaws and Setbacks

One area of inconsistency is between zoning Bylaws and specifically setback requirements. Zoning bylaws regulate Marine Riparian setbacks, and they may differ across local governments and regional districts.

Most jurisdictions now require setbacks on lands within 15 metres upland of the highest high tide mark of the ocean, or the top of bank, whichever is the larger. This is consistent with the Provincial Guidelines as part of its strategy to address climate change impacts. When development is proposed within a specified distance from the high tide mark of the ocean, a report is required from a qualified environmental professional, to eliminate or mitigate impacts of the development on all parcels with marine shorelines.

Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. To minimize the degree to which this may happen it is preferred that natural measures are deployed to protect marine shores wherever possible. Section 524 of the Local Government Act enables local governments to develop flood hazard area bylaws. When adopting these bylaws, local governments are required to consider the Province's "Flood Hazard Area Land Use Management Guidelines" (the Provincial Guidelines).

Amended in 2018, the Provincial Guidelines incorporate sea level rise (SLR) into land use planning and future development and require that local governments adjust setbacks according to the Year 2100 Global SLR prediction of 1.0 metre, with adjustments made for regional uplift and subsidence. Using the Year 2100 SLR prediction of 1.0 metre as the minimum elevation, local governments can regulate flood construction levels (FCL) of buildings and structures, including docks.

The Provincial Guidelines requires a setback of 15 metres from the future estimated natural boundary (NB) of the sea at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100. It is noted that where sea

frontage is protected from natural bedrock formation, setback requirements may be adjusted as recommended by a qualified Professional Engineer experienced in coastal engineering. Conversely, the recommended setback may be increased based on the site-specific conditions, for example in low-lying areas or areas of known erosion hazard. The Islands Trust is no exception as can be seen from the following table.

The Capital Region District (CRD) Flood Inundation Project 2020 provides detailed information for some of the more southern Islands within the Islands Trust regarding future hazards associated with coastal flooding

related to sea level rise and tsunamis. The following map shows information for Ganges and adjacent area on Salt Spring Island. (Source: Task 2 Sea Level Rise Modelling and Mapping Report Map 2)

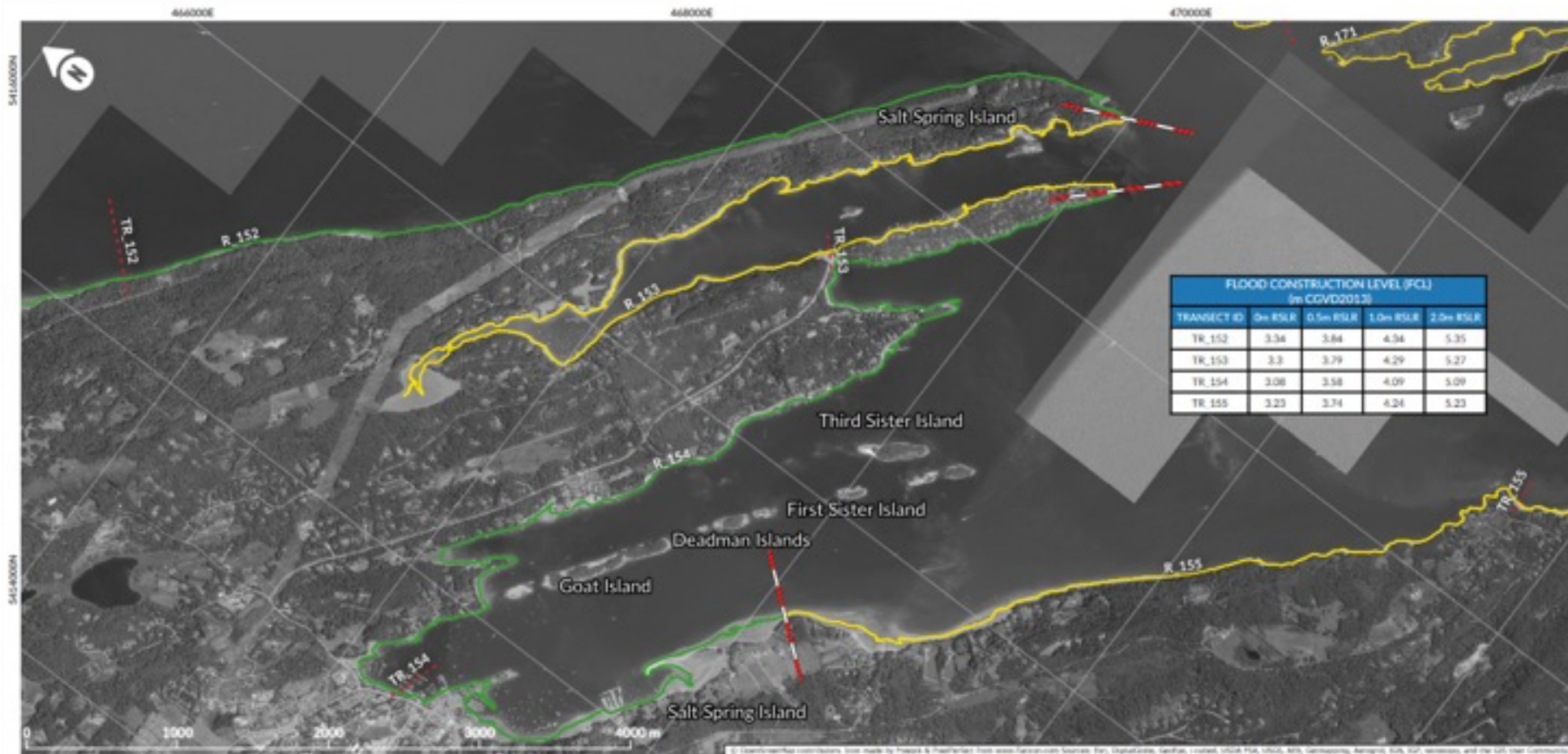


Table 1 Summary of Local Trust Committee (LTC) regulations.

Shoreline Regulation Overview Table	Private Docks permitted (zone specific)	Setback from Natural Boundary of the Sea	Permits Structures in Setback from NB	Exemptions to Setback from NB	Shoreline (or Marine) Development Permit Area
Ballenas-Winchelsea	✓	15 m	-	✓	✓
Bowyer and Passage Islands (Gambier LTA)	✓	7.6 m	Property specific min. setbacks based on historical buildings and structures	✓	-
Denman	✓	15 m	✓	-	-
Gabriola	✓	15 m**	✓	-	✓
Galiano	✓	7.5 m	✓	-	✓
Gambier	✓	15 m	✓	✓	✓
Gambier Associated Islands	✓	7.5 m	✓	-	-
Hornby	-	15 m	-	✓	-
Lasqueti	✓*	15 m**	✓	-	-
Mayne	✓	7.5 m	✓	✓	-
North Pender	✓	15 m	✓	✓	✓
North Pender Associated Islands	✓	15 m	-	-	✓
Salt Spring	✓	15 m**	✓	✓ (zone specific)	✓
Saturna	✓	7.6 m	✓	-	-
South Pender	✓	7.6 m	✓	✓	-
Thetis	✓	7.6 m	✓	✓	-
Thetis Associated Islands	✓	10 m	✓	-	-

*Docks permitted on specific lots only. Rezoning required for additional docks.

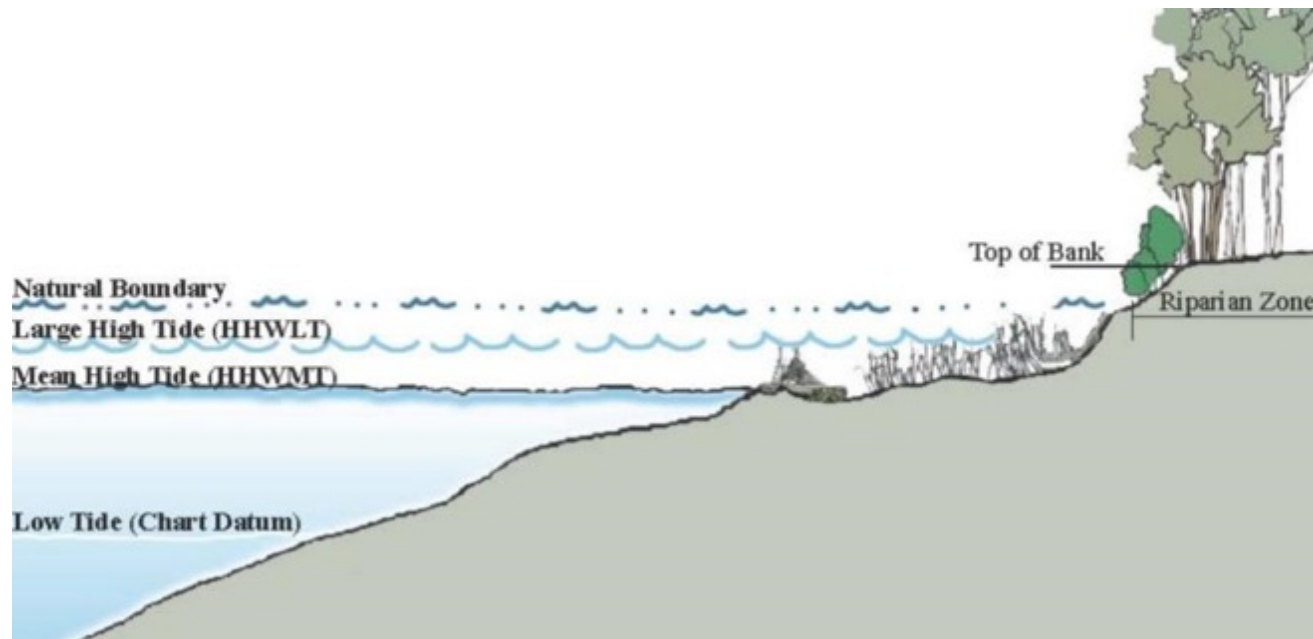
**May be reduced with engineer certification.

Natural Boundary Considerations

One of the key components of Development Permit requirements is establishing setback requirements. With regards to Shoreline protection, the establishment of the Natural Boundary is a key component as it impacts setback distances from hightide.

The 2010 BC Supreme Court case *Lawrence v. British Columbia* (Attorney General) 2010 accepted of the method of determining the natural boundary as shown in the figure below.

The Natural Boundary means the visible high-water mark of the sea, a lake, a stream, or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the ban. (The definition is defined in the BC Land Act <https://www.bclaws.gov.bc.ca/civix/document/id/91consol15/91consol15/79214#section14.>) and in the case of a lot having a surveyed high-water mark means the high-water mark. LUB should provide the following regulations for siting of buildings and structures in relation to the natural boundary of the sea:



Source: Greenshores Credits and Ratings Guide

The following features may project into a required setback area:
o steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre

(3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area;

- o balconies, decks, and sunshades, provided that they do not project more than 1.0 metre (3 feet) into the required setback area;
- o retaining walls may be located in any required setback area except the setback from the natural boundary of the sea.

Marine/Coastal Policies

- a. Develop and implement a Marine Action Strategy to identify, prioritize and resource local actions for protecting and maximizing waterfront and marine resources as important assets providing valuable ecological services, and social, cultural, and economic benefits.
- b. Continue to build partnerships and collaborate to monitor and protect waterfront and marine areas. Establish a Marine Working Group to coordinate and align efforts of all coastal stakeholders and agencies with jurisdictional authority and interests in the local marine environment.

Objectives

- a. Recognize, value, and promote ecosystem services provided by coastal and marine environments.
- b. Protect, restore, and enhance the ecological features and functions of coastal and near shore areas.
- c. The Islands Trust should continue to work collectively across each of the Gulf Islands to help sustain a healthy marine environment.
- d. Play a proactive leadership role and work with First Nations and senior governments to monitor and address marine issues such as unauthorized mooring, derelict vessels, and ship and non-point source pollution of the coastal environment.
- e. Continue to participate in initiatives and forums to enhance dialogue and collective action among First Nations, local and regional governments, marine stakeholders, and community

organizations to support the health and sustainability of the Gulf Islands.

f. Support participation and benchmarking activities in the provincially led cumulative impacts project for the Gulf Islands. Work with other agencies and groups to inventory and more closely to define environmentally sensitive areas in the marine environment.

g. Plan and design waterfront sites to minimize impacts on the marine environment, in accordance with best management practices, all federal and provincial regulations. Refer to Province's Develop with Care resource, and Island Trust's development permit guidelines. The purpose of a Development Permit Area (DPA) guidelines is to designate for the protection of the natural environment, its ecosystems and biodiversity. DPA requires applicants to provide information on the anticipated impact of development activities on the natural environment, pursuant to the Development Approvals Information requirements outlined in sec 30 of the Local Government Act.

h. Infill of marine areas to create additional upland developable area beyond the natural boundary is strongly discouraged. Where required for contaminated sites remediation and coastal flood protection, the location and shoreline alignment of structures should wherever possible follow High Water to maintain marine channel area. Wherever possible, apply 'Green Shores' principles in their planning and design for shoreline restorations projects.

i. Ensure foreshore development is undertaken in a manner that secures and enhances public shoreline access without adversely affecting aquatic habitat. Access points should be practical and universally accessible for public use and enjoyment.

j. Support opportunities for coordinated project review with senior governments and First Nations for projects proposed within the marine environment. It is strongly encouraged to contact the Archaeological Branch to prior to development along shorelines

to determine if there could be the presence of culturally significant artifacts.

For Shore line development made to the BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development for private docks and floats, these applications will only be accepted by the Islands Trust if the following criteria are met: Adherence to the Integrated Land Management Bureau (ILMB) policies regarding public notification e.g. Local First Nations and is in keeping with best management practises, planning and design standards, e.g. shared access and dock usage whenever possible.

Environmentally Sensitive Areas

a. Marine Shoreline guidelines apply to environmentally sensitive areas. These areas are mapped and included in each of the Islands Trust OCPs, and accompanying Development Permit Applications. Shoreline developments within the Islands Trust may lie within multiple development permit areas. It is advised Property owners work with a Qualified Environment Professional to meet the requirements within each DPA. In the case of guidelines for areas designated for the protection of development from hazardous conditions, development proposals which include marine or riparian areas must also be submitted to Fisheries and Oceans (Canada) for authorization and should be subject to any conditions or limitations determined necessary or appropriate by Fisheries and Oceans (Canada).

Objectives and Justification

The objectives of Development Permit Areas are to:

- i. protect areas of highest biodiversity and ecological sensitivity within the Gulf Islands including ground and surface water, shorelines, forests, wildlife habitat features and rare and endangered ecosystems and species.

- ii. ensure that ecosystem protection and enhancement values are elevated and prioritized, and to specify where and how lands are developed in and around environmentally sensitive areas.

- iii. conserve and steward the natural environment, ecosystems, and biodiversity within the community.

- iv. support the movement of various species by connecting ecosystems through undisturbed open space corridors.

- vi. restore, enhance and protect marine ecosystems; Shoreline ecosystems such as stream corridors, slopes, and nearshore beaches to preserve fish habitat, improve water quality for shellfish harvests.

- vii. minimize and mitigate the environmental and visual impacts of development.

- viii. accommodate recreational and complementary land uses, where appropriate that contribute to the above objectives.

- ix. restore and enhance sites previously degraded or denuded of vegetation.

- x. Discourage any new development in within designated ecological reserves.

b. The Islands Trust has some mapping for designated Environmental Review Areas (ERAs) that are based on Sensitive Ecosystem Mapping completed to provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area. Islands Trust Conservancy - Sensitive Ecosystems and Land Use Planning. The terrestrial ecosystems can be viewed using the Islands Trust interact mapping application MapIT and PDF versions of the maps can be downloaded.

These areas have rare or restricted distribution, high biodiversity, and habitat values, and are sensitive to disturbance and human

impacts. Within the Gulf Islands, sensitive ecosystems are not limited to Shorelines but include old forest, mature forest, woodlands, riparian areas, wetlands, and sparsely vegetated, estuarine, intertidal, fresh water and ocean areas.

c. Areas of recent disturbance or modification are not considered sensitive, and include urban and rural residential areas, industrial sites, golf course (excluding natural areas within some courses), gravel pits, roads, hydro corridors, dikes, farmland, and recently logged areas. The Gulf Islands has designated some areas as environmentally sensitive and there are several Environmental Review Areas (ERAs) based on Sensitive Ecosystem Mapping completed to Provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area.

The Islands Trust has Sensitive Ecosystem Mapping available on the Islands Trust Geographic Information System to identify Environmentally Sensitive Area (ESA) rankings (Medium or High) based on an ecosystem's sensitivity to disturbance, ecological importance, and provincial rarity according to its BC Conservation Data Centre status. Ecosystems with high percent of recent disturbance are ranked as Low (not highlighted on ESA mapping).

ERAs may not represent all sensitive ecosystems present within a given area or site. The Islands Trust relies on the most updated information, acquired through site-level bio-inventories and assessments as required for Development Permits. As new information becomes available, and buffer areas are determined by Qualified Environmental Professionals (QEPs) to maintain ESAs,

OCP's and Development Permit areas can be amended along with Geographic Information System ESA map layers, which should be referenced for detailed ESA information over time.

d. Development within and adjacent to these sensitive ecosystem areas will be reviewed against and subject to OCP environmental objectives and policies that seek to ensure ecologically sensitive development. Development should be carried out according to permits issued pursuant to these guidelines.

Conclusion:

This discussion paper is intended to identify and document existing policies and regulations related to updating LUB and policies for shoreline in LTC's and to make recommendations as to potential updates to these policies and regulations.

The options presented in this report outline initiatives underway in other communities and jurisdictions. One of the major issues impacting changes in regulations is the impacts of Climate Change on coastal communities specifically sea level rise. The goal of the Islands Trust is to support policies to improve Shoreline Protection and to include Indigenous perspectives in project planning. The report represents some potential regulations that could be enacted that response to specific concerns from the community. It is recommended that Climate Change and Indigenous reconciliation be used as the catalyst to review and update LUB's specifically to introduce Shoreline Development Permit Areas as this regulatory tool as this has the best potential for impacting the areas of concern.

RECOMMENDATIONS

First Nations

1. To recognize areas of cultural significance the Local Trust Committee could consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar the projects completed on South Pender and Saturna.
2. Through government-to-government meetings, Local Trust Committee may wish to commit to meeting regularly with Indigenous First Nations stakeholders on land use planning issues. Also, the internal referral/advisory role between Islands Trust planning staff and the Intergovernmental Liaison appears to still be in a growth phase as new processes work towards collaboration on meeting the mandate of the Islands Trust.
3. The LTC Policy Statement should be revised to incorporate UNDRIP and DRIPA & the Islands Trust Reconciliation Declaration. The goal is to support more thorough Islands Trust project work to improve Shoreline Protection from an Indigenous perspective.
4. Based on feedback from Islands Trust staff it was mentioned that the Islands Trust Staff Report template could be updated to support a requirement to consult based on the intent of UNDRIP and DRIPA and the Islands Trust Reconciliation Declaration. This would give clear direction for greater consistency in approaches toward reconciling Indigenous Rights. In addition, to the Provincial public notification process the Islands Trust could develop a referral letter and provided to property owners regarding shoreline development for docks.

5. Consider working with First Nations and the Department of Fisheries and Oceans (DFO) to establish conservation areas to protect shellfish aquaculture, traditional shellfish harvesting, water quality and the protection of the marine environment. Due to the depuration areas such as the Sooke Basin and the closures of fisheries and shellfish harvesting (mandated by the Department of Fisheries and Oceans, DFO). Applications are no longer accepted for private moorage structures. Private moorage structures are not compatible with Designated Use Areas.

Land Use Planning Documents

6. Consider the establishment of Development Permit Areas (DPA) in Official Community Plans pursuant to the Local Government Act Section 488(1)(a) for the protection of the natural environment, its ecosystems and shoreline biological diversity; and Section 488(1)(b) for the protection of development from hazardous conditions. Consider updating Land Use Bylaws to clarify under what circumstances a development permit is triggered. Also revise Zoning Bylaws in regard to regulations to setbacks on Uplands from Shorelines.
7. DP requirements need to be consistent with the intent of Shoreline/Floodplain and the Riparian areas policies. This is required to balance development with protection of the environment. Mayne Island Official Community Plan includes a section on coastal waters and foreshore in which it states the local trust committee may: a) amend its bylaws to allow erosion protection structures to be

regulated through development permits; and b) consider on a case-by-case basis.

8. Shoreline Development Permit Area could be added to Land Use Bylaws. Islands Trust Staff have suggested that all surrounding islets also be included in the DP area.
9. Consider Implementation of a Shoreline Bylaw to strengthen the Land Use Bylaws and Official Community Plans. Develop LUB using shoreline mapping for all islands and highlight unique characteristics of the shoreline within the six beach types. For example, many Islands have flat beaches, cliff bluffs, rock, clay or marsh till. This will help to focus on more site-specific regulations and better protect marine ecology and support salmon spawning grounds, eel grass, and shellfish fishery. Problem areas for habitat protection and erosion of cliffs affecting setbacks should be identified as this could be a precursor to development of bylaws. Exemptions may be necessary if a specific issue does not exist. Shoreline mapping is available on MapIT and can be leveraged for shoreline protective bylaws.

Definitions:

10. Have a consistent definition for “shoreline” and “development” on the shoreline in all Islands Trust documents in accordance with the BC Land Act definition.

Setbacks are the primary tool for regulating where buildings locate. Need to define consistent setbacks for marine shoreline s. Implement consistent requirements for measuring Natural Boundary and have surveyor confirm exact High-Water Mark. Need to define “natural boundary” and “natural grade” in relation to “shoreline” and Sea Level Rise (SLR). The table

highlights LUB setback requirements from the natural boundary of the sea for buildings and structures and requires amendments to be consistent with the Provincial Guideline of 15metres.

Rather than amending the LUB to update the setback measurement, one option would be to amend the LUB to refer to the flood protection bylaw for setbacks from the natural boundary of the sea. This would align with the existing Provincial Guidelines, and with any future amendments to the setbacks to the sea as required by the Province.

Climate Change

11. Washington State requires all local governments to develop Shoreline Management Plans: Oak Harbour. WA. U.S. Appendix A: Summary List of Recommended Actions Page 1 (washington-apa.org) is an example we have included. This may be an option for LTC. to outline how protection of marine ecology will be managed and provide Climate Change Policy Recommendations: Undertake study of sea-level rise, and floodplain regulations. The Province of BC has provided Coastal floodplain maps to identify coastal flood hazards, such as sea level rise, and to provide guidance to coastal communities in land use planning, bylaw development and sea level rise adaptation strategies. [Microsoft Word - TEXT-20110627.doc \(gov.bc.ca\)](#) These maps will help to shape future policies with regards Flood Construction Levels and Sea Level Rise.
12. The Islands Trust mapping for the 21 Islands, supplemented by BC and CRD Mapping continue to be used to provide an evidence-based approach for identification and appraisal of options for future bylaws

that deal with Sea Level Rise Management management for in the Islands Trust communities. In particular, the analysis provides the types of land use, key assets, services and indicative economic values that exist in areas at inundation risk and this evidence will help to develop the objectives for and assess the impacts of different management options.

13. The Islands Trust should continue to conduct assessments of areas where Sea Level Rise risks exist and communicate these risks to Island Trust Committees and the community. The methods and mapping data sets used should be standardized so it can be applied to all Trust Communities. It is essential to consider the value in assessing inundation risk that could occur from flooding of drainage and other water systems. Data generated from this project could be used to create maps to show where such non-connected low-lying areas are located.

Best Practices – Islands Trust

16. There has been considerable work undertaken by Island planners and with the knowledge, and thorough

research and policy analysis of work it makes the most sense to utilize this project work for proposed Development Permit Areas. There are valuable best practices and details included in the shoreline projects for Keats Island and Lasqueti which is applicable to other islands. While there are differences for each of the islands, therefore these differences such as size, transportation needs, the purpose and function of docks will vary. [gm-ltc_2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf](https://islandtrust.bc.ca/gm-ltc_2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf) (islandtrust.bc.ca)

17. Recognizing the organizational structure and directives guided by the LTCs, perhaps it is worthwhile conducting a feasibility study to determine which LTCs are interested in building off of the extensive work carried out over a 2+ year span of time for the Lasqueti Shoreline Protection project and again recently for the Keats Shoreline Protection project?

APPENDICES

REGULATIONS – ISLANDS TRUST AND OTHER EXAMPLES

Across the Islands Trust, each Local Trust Area has adopted individual Official Community Plans (OCP) and Land Use (Zoning) bylaws.

Bowen Island Municipality

Marine Resources/Foreshore: The sea provides visual, auditory, recreational, and other tangible and intangible values that can be experienced from island and off island locations, as well as providing habitat for marine life and birds. Pollution of the foreshore can preclude its use by people and by all or some forms of wildlife. Excessive building and tree clearing on the shoreline can destroy fragile plant communities and the views for residents and the boating public. Objectives are to protect the natural and scenic values of the coastline that provide the rural maritime atmosphere of the island; to protect coastline habitat areas for marine life and to identify, protect and preserve sensitive coastal vegetation. The Land Use Bylaw will set out detailed provisions related to siting, setbacks, size, configuration, width, materials, and projections for private moorage. The importance of the marine environment as a recreational resource for island residents and visitors will be affirmed through the continued maintenance of existing beach and shoreline access and establishment of new beach and shoreline access where such access does not detrimentally affect the marine environment and associated wildlife.

Denman Island Local Trust Area

A guiding objective is to protect the foreshore, coastal waters, and native marine life and to retain sufficient natural habitat to ensure the preservation of native species...The foreshore (or intertidal) area is defined as the land located between highest and lowest tides.

Gabriola Island Local Trust Area

The objectives include to manage coastal marine resources in keeping with the Islands Trust preserve and protect mandate; To preserve and protect unique, rare, or representative marine plant and animal communities in their natural habitats; To protect the natural and scenic values of the coastline; To provide opportunities for the commercial uses of the foreshore and coastal waters; To recognize the importance of the existing log storage areas in the; To promote the recreational and commercial use of the area's aquaculture resources; and To encourage the sharing of docks and wharves. Within Development Permit Areas there are policies regarding no alteration or disturbance causing a negative impact to the foreshore habitat or erosion in upland areas.

Mudge Island

Since there is no ferry service, large or bulky items such as vehicles and building materials are transported by boat or barge to and from the island. Barges use either Moonshine Cove's beach or the deeper foreshore nearby at a public access point. Davidson Bay is also used for launching and retrieving boats. Objectives are to minimize disturbance and pollution of the foreshore and the surrounding waters and conflicts between marine and foreshore users and uses.

DeCourcy Island

The Official Community Plan notes that the foreshore and the ocean are fragile and valuable components of human and marine life habitat. Interference with the natural systems and their appearance should therefore be kept to a minimum. 1) Moorage space for residents and owners should be centralized at one or more locations. 2) Private floats and docks serving only individual lots should be discouraged. 3) Houseboats should not be permitted. Water General (W-1) Zone (i) Boat and seaplane moorage associated with single family uses located on adjacent upland.

Gambier Island Local Trust Area

Marine and Foreshore Areas Policy states that zoning should allow: cooperatively owned or operated docks to provide marine access to residential areas as a means of minimizing the need for upland road links between residential communities and to limit the need for multiple dock development along the shoreline. Also, property owners are encouraged to retain natural vegetation on any land sloping towards the shoreline. The Local Trust Committee may issue development permits to protect the natural environment, its ecosystems and biological diversity for Marine and Foreshore designated areas considered to have potential fishery resource values.

Keats Island

The Official Community Plan states that the integrity of foreshore features, shoreline features, and intertidal processes should be maintained by: a) discouraging uses that disrupt natural features and processes, and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore; b) supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas; c) land use regulations should provide for waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures; d) where land use regulations provide for private docks, the use of communal or shared docks is encouraged, where feasible, to limit the need for multiple dock development along the shoreline. The location of new buildings and structures should be regulated so as to protect public access to, from and along the marine shoreline and to minimize negative impacts on sensitive coastal environments.

Gambier Associated Islands

Policies in the Official Community Plan state that the LTC should identify and consider protecting ecologically sensitive marine areas. The

LTC should permit and encourage the construction and use of common, community, or communal docks where feasible but permit individual private docks accessory to residential uses where required for access. The LTC should use bylaw provisions to protect public access to, from, and along the marine shoreline. The LTC should, through zoning, the use of setbacks and, where there is supporting mapping, the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes, without endangering structures; (d) encourage owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities. Modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, and gravel placement. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilise banks, reduce erosion and provide habitat should be retained or enhanced.

Galiano Island Local Trust Area

The Official Community Plan explains the complex geography and geology of Galiano Island and surrounding islands and waters have produced a tremendous diversity of coastal and marine habitats. Unique relationships exist between terrestrial, fresh water and marine areas; as a result, coastal ecosystems are the most diverse and productive of all ecosystems. Significant recreational, commercial, industrial, and residential activities occur within the shoreline area and this sensitive area is under intense pressure from development and human activity. The Shoreline and Marine designation incorporate as all waters beyond high tide line up to the full boundary of the Galiano Island Local Trust Area. The objectives are: 1) to protect shoreline and marine ecosystems in the local trust area, 2) to ensure public access to the foreshore, and 3) to encourage safe and considerate use of the marine environment. There is a Shoreline and Marine Development Permit Area. Shorelines within the Galiano Island Local Trust Area have high ecological function and values and may be subject to shoreline erosion in some locations. Due to their physical and biological characteristics and situation they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements or protection measures can threaten the ecological and physical integrity of the foreshore and upland. The Objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk.

5. To adapt to the anticipated effects of climate change.
6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

The DPA includes Guidelines and provides information on Shoreline Protection Measures, Guidelines for specific Shoreline Types, Guidelines for Subdivision, Guidelines for Shore Protection Measures Design, Guidelines for Beach Nourishment and Fill, and Guidelines for Shore Access and Parking. There is also a Sensitive Ecosystem Development Permit area with some policies for shorelines.

Hornby Island Local Trust Area

The objectives of the Official Community Plan include, to promote the conservation, preservation or restoration of shoreline, foreshore, and the Island's surrounding marine ecosystem. Policies include 6.7.2.1 All uses of the waters within 1000 metres of the shoreline should be regulated by zoning.

Lasqueti Island Local Trust Area

Objectives include the support conservation-based subdivision layout that protects sensitive ecosystems, heritage resources and reduces parcelization of the natural boundary of the sea and limitation of the density of waterfront parcels.

Mayne Island Local Trust Area

Official Community Plan Objectives include: to retain the public accesses to shoreline and beach areas. The coastal waters within the Mayne Island Trust Area include the surface of the water extending from the shoreline of Mayne Island out to the middle of the Georgia Strait, except where the jurisdictional boundary overlaps with another Local Trust Area when the boundary becomes a line mid-channel. The objectives of this section are to limit the impact of foreshore uses on adjacent uses and on the visual appearance of the shoreline. Private floats, docks or wharves shall be permitted by zoning only for owners of land adjacent to the shoreline of the water area subject to the zone.

North Pender Island Local Trust Area

Sensitive Ecosystem Development Permit Areas are included in the Official Community Plan. Stipulations include: Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.

Salt Spring Island

The Official Community Plan objectives include: To give particular attention to the streams, wetlands, and shorelines. The Ministry of Transportation and Infrastructure and other responsible agencies are encouraged to support efforts to create a harbour shoreline that offers access to the harbour and opportunities for walking and traditional recreational activities. Shoreline and Aquatic Use Objectives and Policies are: To protect our marine and freshwater shorelines. To protect the most significant ecological and physical processes of marine and freshwater shorelines; To identify those shoreline areas that are most uniquely suited to or traditionally used for specific purposes such as conservation, First Nations sites, public recreation, boat moorage, aquaculture, industry or transportation; To avoid conflicts between shoreline uses and uses allowed on the adjacent upland; To avoid shoreline uses that impede public access to and along the shoreline; Shoreline identified as uniquely suited to or traditionally used for a specific purpose is designated for that use. Other parts of the shoreline and areas of water are designated Marine; The Local Trust Committee could undertake an integrated coastal area management (ICAM) planning process to identify other appropriate areas where specific designations should be placed. Such planning should take place in consultation with the community, First Nations, and other levels of government; The Local Trust Committee may consider shoreline rezoning applications adjacent to marine dependent general employment zoning which may make upland uses economically viable without detriment to the shoreline/riparian habitat. Shoreline Conservation Designation Objectives are: To protect the island's most environmentally sensitive shoreline areas such as tidal flats, fish and wildlife habitat, sensitive lake ecosystems, estuaries and wetlands that is not suitable for intensive development. and Policies include: Zones created in this Designation should not result in negative impacts to sensitive natural habitat areas. The Local Trust Committee will not consider rezoning applications that would locate large new developments in or next to this Designation. Zoning should recognize the existing aquaculture operation in Walker Hook. However, zoning changes to allow expansion of the operation will not be made, unless it can be demonstrated that there will be no impacts on the area's sensitive environment or First Nation's interests. The Local Trust Committee should support the efforts of other agencies to maintain existing public accesses to the Shoreline Conservation Designation. However, if the adjacent upland is being subdivided, the Subdivision Approving Officer is encouraged to ensure that any new public accesses provide viewing areas rather than direct physical access to sensitive habitat areas. In providing referral responses to Integrated Land Management Bureau, Islands Trust staff will identify any known and identified environmentally sensitive areas or habitat that may be impacted by the proposed use.

Saturna Island Local Trust Area

The Harbours section within the Official Community Plan states that Permanent private moorage facilities, including docks, ramps, floats, and breakwaters, should be as small as practicable given the particular conditions, including shoreline topography, depth of navigable water, exposure to weather and other navigational considerations. These facilities shall be designed to facilitate public access along the foreshore.

The DPA for Lyall Creek states that i) In general, development of the foreshore should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access. ii) Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works have been demonstrated to have been exhausted should such works be considered.

South Pender Island Local Trust Area

Marine Use Objectives in the Official Community Plan are a) To allow dock and wharf development for access to and from the foreshore in locations appropriate for public transportation, commercial, park, and residential purposes. b) To allow for access to beaches suitable for recreation and maintain them free from development.

c) To retain areas of foreshore in an undeveloped state. d) To protect against impacts of mariculture operations, marine shipping, or marine based activities. e) To protect the marine areas subject to this OCP from use and development that would detract from present marine, and upland uses or conflict with existing marine life. f) To protect and maintain important foreshore and marine features and habitats. g) To provide for and support foreshore and marine waters use in a manner that does not significantly alter important natural features and habitat. Policies include: The Local Trust Committee may regulate the size and location of docks and other shoreline developments. Coastal Environment Objectives include: To preserve the aesthetic quality of the natural shoreline as viewed from the water and adjacent lands and related policies: Where development is allowed along shorelines, it shall be designed to conform to, rather than conceal, the natural contours of the land that borders the shoreline.

Thetis Island

Official Community Plan includes the entire Island and the seaward area from the shoreline of Thetis Island as identified by the natural boundary of the sea and encompasses all other islands, islets, reefs, the seabed, surface water, and air space. Policies include: Public access to the Crown land foreshore should remain unobstructed and the right to pass around shoreline structures. The integrity of foreshore features, shoreline features, and intertidal processes may be maintained by a) Discouraging uses that disrupt natural features and processes and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore. b) Supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas. c) Land use regulations should provide for upland waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures. d) Where land use regulations provide for private docks, the use of communal docks is to be encouraged where feasible and breakwaters are to be prohibited.

Thetis Associated Islands (Ruxton, Reid, Pylades, Hudson, Scott, Dayman, Tree, and Whaleboat)

Official Community Plan Policy: considers the location of future land uses so that their appearance and impact are compatible with and do not degrade or otherwise negatively impact the natural environment, community resources, and the character of existing land uses; the protection of sensitive ecosystems, ecological values and wildlife and fisheries habitats, especially in inter-tidal, estuarine, stream and riparian areas, in accordance with the current published guidelines as expressed in the Forest Practices Code, the Fish Protection Act and other guidelines published by the provincial and federal governments.

Ballenas and Winchelsea

Official Community Plan Policies include: LTC should identify and consider protecting ecologically sensitive marine areas; Zoning should permit shellfish aquaculture within existing tenures; LTC may consider rezoning applications for new leases for aquaculture, other than finfish farms; LTC should recognize and support the marine dependent nature of land uses; LTC should permit one dock adjacent to each private island in order to limit the need for multiple private dock development along the shoreline; LTC should only consider individual private docks accessory to residential uses where necessary for access. These docks should be regulated by zoning; LTC should not permit commercial marinas; LTC should use bylaw provisions to protect public access to, from and along the marine shoreline; use bylaw provisions

to limit structures within the setback from the sea to those related to permitted marine uses and those necessary for access to the foreshore; through zoning, the use of setbacks, and the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes; (d) encourage owners of shoreline properties to retain natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials. The LTC should not permit the hardening of the shoreline. LTC should not support ocean disposal applications within the Plan area. LTC should not support the creation of artificial reefs within the Plan area.

Review other Examples

- Oak Harbour SMP

Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the Comprehensive Plan, other adopted plans and this SMP. To accomplish this, shoreline segments are given an environment designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments include shorelands, surface waters, and bed lands. These environments are derived from and build on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.

- Natural Resources Canada, Land Use Planning Tools 2012

This publication describes a variety of planning tools being used across Canada to help communities prepare for climate change, increase adaptive capacity, and build resilience. It is directed to individuals and groups interested in climate change adaptation at the local level, including planners and other local government staff, elected officials, community organizations, local residents and business leaders.

Climate Change Land use planning tools for local adaptation to climate change describes seven of the most prominent land use planning tools in use across Canada and explains how communities can use them to more effectively adapt to climate change.

The land use planning processes and instruments employed to manage the use of land and the physical development of a community for the common interest includes a variety of statutory and other measures – bylaws, incentives, information and guidance, spending

programs – may be applied to control how land is used. [Land use planning tools for local adaptation to climate change \(publications.gc.ca\)](http://publications.gc.ca)

- Rural Comox Valley OCP 2014

Natural Environment: Objectives

(4) To protect, restore and enhance coastal shorelines, streams, wetlands, and the marine environment.

Climate change – policies (adaptation)

14. (1) Develop strategies to reduce the environmental, social, and economic impact of sea level rise and increasing extreme storm surge events in coastal areas through development permit area designations and conditions and submission of development approval information in accordance with policies included within this OCP.

14. (2) Work with stakeholders to complete an assessment of risk and susceptibility of the coastal areas to increasing sea level and extreme storm surge impacts.

Rural settlement areas – policies (industrial) (d) public access to the coastal waterfront, where applicable.

Coastal areas

68. Coastal areas are those lands that run parallel to the full waterfront of the CVRD, generally extending from the present natural boundary to the 30-metre bathymetric contour as illustrated on map 3. Activities are typically environmental protection, aquaculture, marine industry, and recreation. This plan seeks to protect such uses while discouraging activities both on the water and the abutting upland areas that could compromise the environmental integrity of the aquatic environment.

Coastal area - objectives

69. (1) To minimize any negative impacts of settlement on the coastal areas. (2) To steward these areas for their environmental and economic benefits. (3) To encourage appreciation of the marine environment, by providing for public access to, and enjoyment of, the shoreline and foreshore in ways that avoid negative impacts to natural systems and processes. (4) To ensure that coastal shoreline development does not alter sediment supply to the coastal environment or sediment transport within the coastal environment. (5) To reduce lighting impacts on species and ecosystems within the coastal area.

Coastal areas - policies

70. The following policies apply to the lands designated as “coastal areas” Rural Comox Valley Official Community Plan 2014 Bylaw No. 337 – Schedule ‘A’ (1) Permit industrial marine and aquaculture uses in the coastal area designation, except for areas within the K’ómoks Estuary where they are prohibited. (2) Notwithstanding above sub-section (1) sustainability and productivity of the K’ómoks Estuary is recognized as being critical for harvesting of aquaculture to K’ómoks First Nation, and it is recognized that the KFN may choose to proceed with aquaculture activities within the estuary at any time. (3) Protect coastal areas per the provisions stated in the natural environment sections of this OCP. (4) Respect the Islands Trust area of jurisdiction that includes the ocean area to the high-water mark of the eastern coast of Vancouver Island from Mud Bay to Comox Point and ensure development within the buffer

extending from the high-water mark to the 30-metre bathymetric contour considers the Islands Trust policy statement. (5) Support dock-side sales and limited on-site sales of aquaculture products that meet legislative requirements to promote economic activities. (6) Work with aquaculture industry stakeholders and small-scale aquaculture operations to support water flow into fish-bearing river systems of the Comox Valley. (7) Apply environmental best practices to all uses within the coastal designation (8) Recognize and support the need of the aquaculture industry to effectively grow seed to replenish existing oyster beds and support in principle the use of power supplies from wharfs for the growing of seed for the aquaculture industry, providing legislative requirements are met. (9) Generally, prohibit hardening of the coastal shoreline through the use of rip rap, concrete embankments and revetment walls, and other similar structural interventions that alter the ecological function and service of the coastal shoreline, disturb natural vegetation, disrupt natural coastal processes, redirect wave energy to adjacent properties, and/or destroy coastal shore habitat, including forage and spawning areas. If a qualified professional has submitted development approval information that concludes that shoreline hardening is required to protect life or a principal building on the property and that the impacts of the proposed hardening can be mitigated, the board may consider issuance of a shoreline protection device development permit. (10) Require preparation of a shore access plan by a qualified environmental professional for development proposals that include shore access and require rezoning or a development permit process to protect against sensitive environmental features and processes being disturbed. (11) Regulate by the development permit process to reduce light trespass (i.e., light that crosses property lines including the present natural boundary) and light glare (i.e., excessive illumination applied to a single area) within the coastal area to avoid disruption of natural activity patterns of coastal and marine species. (12) Assess proposed land uses or development within the K'ómoks Estuary in accordance with a completed and finalized K'ómoks Estuary management plan that has been endorsed by all affected jurisdictions.

Shoreline protection devices

Guidelines where an applicant proposes the installation, replacement, or repair of a shoreline protection device under these guidelines, the design of the device shall contribute to shoreline resiliency by following soft shore (e.g., “Green shore”) principles:

- Conserve or restore natural coastal or riparian processes (e.g., sediment transfer).
- Maintain habitat function and diversity.
- Prevent pollutants from entering the aquatic or riparian environment.
- Avoid or reduce cumulative impacts on the shoreline environment, including coastal or riparian processes. All proposals shall incorporate design elements that contribute to coastal resiliency by protecting or restoring natural coastal processes and habitat. Except when a hardened shoreline is proposed (i.e., based on the findings of a qualified professional that shoreline hardening is required to protect life and/or a principal building), shoreline protection device development permits can be approved under delegated authority. Proposals to harden a shoreline, including replacement and/or maintenance of an existing hard shoreline with similar hard design elements shall require board approval of the development permit.

- Campbell River Sustainable OCP n/a
- Sydney OCP – n/a
- Ucluelet OCP (2011)

3.4 Small Craft Harbour, Marine

The water areas of Ucluelet are generally designated as either: Small Craft Harbour (three water lots); Water Lot (majority of water lots); or Managed Water (remaining water areas not in registered water lots) In addition to these three designations, several water lots are designated in conjunction with the adjacent land-based designation (e.g. Village Square or Residential) Each registered water lot is inextricably linked to various adjacent land uses; hence the relationship between land and water requires careful consideration, which could include parking needs, water and sewer servicing and visual impacts. In conjunction with the sustainability objectives noted in the OCP, the District should consider protecting environmentally sensitive areas and shoreline habitat.

The District shall work with the Department of Fisheries and Oceans to: i. Identify environmentally sensitive areas; ii. Support marine ecology and marine education facilities within the Harbour; iii. Consider alternate long-term uses, such as residential, including a private marina, for the former BC Packers Plant; iv. Consider enhancing public access to the District owned water lot at the foot of Alder Street; v. Support transient boat moorage provided adequate sanitation facilities are located nearby; vi. Require all water lot uses to properly treat and dispose sanitary sewer waste and connect into the District's sewer collection system and access District potable water; vii. Require all structures to apply for and obtain a Building Permit, which addresses health and safety regulations; and viii. Explore ways and means of generating revenue to fund Harbour infrastructure.

2. iii. Managed Water All water areas located between the shoreline and the District boundaries, excluding all registered water lots, are designated as "Managed Water". Managed Water Policies: A comprehensive review of the area within the Managed Water designation will be carried out by the District. Until this time, no uses are permitted within the area, including boat or houseboat moorage.

+ Policies for Development Permit Areas

- Victoria OCP –

SHORELINE ECOSYSTEMS 10.9 Protect and enhance shoreline and marine habitat by: 10.9.1 Considering the establishment of Development Permit Area guidelines that consider best practices such as appropriate building setbacks, guidance for enhancing habitat values and the integration of climate change adaptation planning; 10.9.2 Establishing a Development Permit Area for the east side of the Upper Selkirk Waters to protect the unique natural features of this area; 10.9.3 Investigating the acquisition and designation of shoreline ecosystems through a Parks Acquisition Strategy; 10.9.4 Integrating restoration of natural shoreline features into the development of the Harbour Pathway, where appropriate; 10.9.5 Enhancing the Dallas Road Bluffs through the development of management zones and restoration targets; and, 10.9.6 Developing management strategies and initiatives for shoreline parklands that maintain and enhance coastal sediment processes. 10.10 Work in partnership with the Capital Regional District, the Township

of Esquimalt, the Town of View Royal, the District of Saanich, and other partners to increase coordination in the protection and restoration of Victoria Harbour and the Gorge Waterway. 10.11 Work with partners to assess the projected impacts of sea level rise on marine and shoreline ecosystems and respond to changing conditions through management strategies and development of a Climate and Energy Resiliency Plan [SEE ALSO SECTION 12 – CLIMATE CHANGE AND ENERGY].

- Powell River OCP 2014

5.5 Tidal / Saltwater Riparian Areas. The City is bounded on the west and south by Malaspina Strait. Due to exposure, topography, and historic private/industry ownership of much of the waterfront, direct community interaction, enjoyment, and exposure to the tidal water edge is limited. Increased public access to the waterfront and protection of the environmental quality of that waterfront is a priority for Powell River residents. Upland improvements to support expansion of harbour or any waterfront development must include environmentally sustainable measures.

5.5.1 Tidal/Saltwater Riparian Areas Objectives (a) Protect the shoreline along Malaspina Strait through the use of measures that take natural processes into consideration and do not detrimentally impact adjacent properties. (b) Plan for long-term climate change including sea level rise and associated storm impacts.

5.5.2 Tidal/Saltwater Riparian Areas Policies

(a) All development along the shoreline of Malaspina Strait must plan for a sea level rise of 1.0 metre and associated storm surge and coastal erosion.

(b) Except for shoreline protection measures and marine based structures such as ferry terminals, aquaculture facilities, breakwaters and moorage facilities, new buildings must be located a minimum of 15 metres from the natural boundary.

(c) Minimize the degradation of natural systems through steps such as protecting the foreshore from erosion, by retaining embankment vegetation and through construction that does not require vertical sea walls.

(d) All shoreline protection measures should include environmentally sustainable practices such as the retention and restoration of natural shoreline vegetation, and landscaping strategies that require little or no revetment and minimize erosion but augment bank stabilization, in conformance with the guidelines contained in the 2003 Federal/Provincial publication entitled Coastal Shore Stewardship: A Guide for Planners, Builders and Developers.

(e) Parking lots at or near the water's edge should consider permeable surfaces (e.g., grass, gravel, or open interlocking paving systems) to ensure bio-filtration of hydrocarbons and heavy metals from the undercarriage of vehicles from surface water drainage.

(f) It is recognized that the coastal shoreline undergoes a natural progression of accretion and erosion gradually over the long term or suddenly in severe storm events. The City shall endeavour to map and track this process as it relates to the shoreline for the purposes of land use planning.

(g) The City supports ensuring that storm water runoff from buildings and land is managed through a stormwater management system or other natural bio-filtration system where possible.

REFERENCES

General:

www.islandstrust.bc.ca/islands/island-ecosystems/caring-for-my-shoreline/greenshores-approach-your-marine-waterfront-canadian-edition-final-web-version.pdf (islandstrust.bc.ca)

[Islands Trust Conservancy](#)

[Microsoft Word - GS Jurisdiction Issue Sheet ver4 Oct09Final2.doc](#) (islandstrust.bc.ca)

[Greening Our Shores Workshop Presentations.pdf](#) (islandstrust.bc.ca)

[Critical Areas and Shoreline Monitoring & Adaptive Management Workshops](#) (washington-apa.org)

www.crd.ba.ca/docs/default-source/climate-action--pdf/sea-level-rise-planning-approaches-project-report.pdf?sfvtsn=d29757ca_0

Sea Level Rise:

[coastal-flood-inundation-mapping-project-summary.pdf](#) (crd.bc.ca)

<https://www2.gov.bc.ca/assets/gov/environment/climate-change/adaptation/resources/slr-primer.pdf>

[Coastal Floodplain Maps - Province of British Columbia](#) (gov.bc.ca)

City of Delta Sea Level Rise Strategy (2015): [119360](#) (civicweb.net)

[Sea Level - Environmental Reporting BC](#) (gov.bc.ca)

Island Ecosystems:

[Marsh Fine Sediment](#) (islandstrust.bc.ca)

Planning Tools | OCP + Development Permit Areas

District of Squamish OCP (2018): Development Permit Area guidelines: page 170

Specific Projects:

Bowen Island: [PowerPoint Presentation - Slide 1 \(civicweb.net\)](#)

] [June 2017 Attachment 2 Draft DPA Marine Shoreline Protection \[48138](#)

Lasqueti: [Shoreline Protection Project \(islandstrust.bc.ca\)June 2017 Attachment 1 Shoreline Protection OCP LUB.pdf](#)
[aug-2017-la-shoreline-mailout.pdf \(islandstrust.bc.ca\)](#)

[Sharing Our Shorelines Presentation.pdf \(islandstrust.bc.ca\)](#)

North Pender:

(brochure): [shorelinesmatterbrochure.pdf \(islandstrust.bc.ca\)](#)

Thetis:

[Thetis-Shoreline-Data-Compilation-for-workshop.pdf \(islandstrust.bc.ca\)](#)

[Summary-Report-Shoreline-Scenarios-workshop.pdf \(islandstrust.bc.ca\)](#)

[LPS Staff Report \(islandstrust.bc.ca\)](#)

[Microsoft Word - 1214420001-001-R-Rev0-Thetis Island Shoreline 24MAY 13.docx \(islandstrust.bc.ca\)](#)

Mapping:

Bowen Island: [Bowen Island Shoreline Maps - Briefing for BIM.pdf \(civicweb.net\)](#)

Lasqueti: [lasquetishorelinemapping.pdf \(islandstrust.bc.ca\)](#)

North Pender: [Map NPShorelineFeatures1.pdf \(islandstrust.bc.ca\)](#)

Forage Fish: [foragefishreport.pdf \(islandstrust.bc.ca\)](#)

South Pender: [Map.ShorelineFeatures.pdf \(islandstrust.bc.ca\)](#)

Thetis: [Review of Thetis Island Shoreline Classification and Recommendations for Shoreline Development - March 31, 2010, Archipelago Marine Research Ltd. \(islandstrust.bc.ca\)](#)

Other:

[Landowners-Guide-September-draft-revised.pdf \(islandstrust.bc.ca\)](#)

Local Updates (caorda.com)

Hul'qumi'num Heritage Law Case Study Report

KFN Marine Plan 2012.pdf (komoks.ca)

squamish.ca/assets/OCP_Coastal marine planning

Policy Compliance Checklist

Policies for Ecosystem Preservation and Protection

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

	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.
--	--------------	--

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	NO.	DIRECTIVE POLICY
	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.

	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated, and seasonal demands for water are considered and allowed for.
	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources

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

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.

	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.

	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

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

